

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: June 29, 2009.

Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

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BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps

are available for inspection as indicated on the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part

10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD) + Elevation in feet (NAVD) Modified
Town of North Canaan, Connecticut Docket No.: FEMA-B-7472				
Connecticut	Town of North Canaan	Blackberry River	Approximately 700 feet downstream of Route 44.	+656
			Approximately 1,050 feet upstream of Route 7.	+672

Depth in feet above ground.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

ADDRESSES

Maps are available for inspection at Town Hall, 100 Pease Street, Canaan, Connecticut 06018.

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified
Town of Van Buren, Maine Docket No.: FEMA-B-7708				
Maine	Town of Van Buren	Violette Brook	At confluence of Violette Stream	+468
			Just upstream of Castonguay Road	+530
			Approximately 2,500 feet upstream of private road at the Corporate Limits.	+608
Maine	Town of Van Buren	Violette Stream	At Bangor and Aroostook Railroad	+451
			At confluence of Violette Brook	+468
			Approximately 1,000 feet upstream of Champlain Street.	+483

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**Town of Van Buren**

Maps are available for inspection at 51 Main Street, Suite 101, Van Buren, ME 04785.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Village of Cambridge, New York Docket No.: FEMA-B-7711			
Cambridge Creek	Confluence with Owl Kill	+477	Village of Cambridge.
	Approximately 3,000 feet upstream of State Route 372	+508	
Owl Kill	Approximately 850 feet upstream of County Route 71	+466	Village of Cambridge.
	Approximately 1,000 feet upstream of N. Park Street	+493	
White Creek	Corporate limits of Village of Cambridge	+493	Village of Cambridge.
	Approximately 150 feet downstream of corporate limits of Village of Cambridge.	+523	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**Village of Cambridge**

Maps are available for inspection at 23 West Main Street, Cambridge, NY 12819.

Grand County, Colorado and Incorporated Areas Docket No.: FEMA-B-7705			
Fraser River	Approximately 1,700 ft upstream of the intersection with State Highway 8.	+8550	Town of Fraser, Grand County, (Unincorporated Areas).
	Approximately 2,445 ft downstream of the confluence with Leland Creek.	+8628	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**Town of Fraser**

Maps are available for inspection at 153 Fraser Avenue, Fraser, CO 80442.

Grand County (Unincorporated Areas)

Maps are available for inspection at 308 Byers Avenue, Hot Sulphur Springs, CO 80451.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Edwards County, Kansas and Incorporated Areas Docket No.: FEMA-B-7705			
Arkansas River	At U.S. Highway 50	+2160	Edwards County (Unincorporated Areas). Edwards County (Unincorporated Areas), City of Kinsley.
	Approximately 2 miles upstream of Old U.S. Highway 183	+2187	
Big Coon Creek	At U.S. Highway 50	+2164	
	At Colony Avenue	+2172	Edwards County (Unincorporated Areas).
	Approximately 1 mile upstream of Winchester Avenue	+2179	
Little Coon Creek	At Winchester Avenue	+2169	
	Approximately 2 miles upstream of County Road 13	+2183	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**Edwards County (Unincorporated Areas)**

Maps are available for inspection at the County Clerk's Office, 312 Massachusetts Avenue, Kinsley, KS 67547.

City of Kinsley

Maps are available for inspection at City Hall, 721 Marsh, Kinsley, KS 67547.

Dodge County, Nebraska and Incorporated Areas Docket No.: FEMA-B-7705			
Platte River (levee failure)	At Downing Street, south of Union Pacific Railroad	+1188	City of Fremont, City of Inglewood, City of North Bend, Unincorporated Areas of Dodge County.
	At U.S. Highway 77	+1197	
	Approximately 1 mile downstream of State Highway 79	+1268	
	South of U.S. Highway 30 at County Road 5	1279	City of Fremont, City of Inglewood, City of North Bend, Dodge County (Unincorporated Areas).
Platte River (levee)	Approximately 1/2 mile downstream of Burlington Northern Railroad.	+1287	
	At U.S. Highway 77	+1195	
	At County Road 19, south of Union Pacific Railroad	+1201	
	Approximately 1 mile downstream of State Highway 79	+1216	City of Fremont, City of Inglewood, City of North Bend, Dodge County (Unincorporated Areas).
	Approximately 1 mile upstream of State Highway 79	+1272	
	South of Union Pacific Railroad, just upstream of County Road 3.	+1285	
Platte River Overflow	Just north of 23rd Street, west of Burlington Northern Railroad.	+1300	
	At the intersection of County Road 5 and County Road S	#2	
	Between U.S. Highway 275 and Old Highway 8	#2	
	East of Burlington Northern Railroad and north of U.S. Highway 30/Highway 275.	#2	
	Between U.S. Highway 30 and Burlington Northern Railroad, north of Rawhide Creek.	#2	
	U.S. Highway 77, north of U.S. Highway 30/Highway 275	+1197	
	At County Road 19, north of U.S. Highway 30	+1212	
	At the intersection of County Road 17 and County Road T	+1222	
	At County Road 11, north of U.S. Highway 30	+1255	
	At Cottonwood Street, north of U.S. Highway 30	+1276	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**City of Inglewood**

Maps are available for inspection at the Inglewood Village Office, 445 Boulevard Street, Fremont, NE 68025.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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City of North Bend

Maps are available for inspection at City Hall, North Bend, NE 68649.

Dodge County (Unincorporated Areas)

Maps are available for inspection at Dodge County Zoning Office, 435 N. Park, Fremont, NE 68025.

**Cooke County, Texas and Incorporated Areas
Docket No.: FEMA-B-7705**

Indian Creek East Lower Reach	At confluence with Lake Ray Roberts	+645	Cooke County (Unincorporated Areas).
	At Lake Kiowa Dam	+705	
Indian Creek East Tributary 1 ..	At the confluence with Indian Creek East	+645	Cooke County (Unincorporated Areas).
	Approximately 1,000 feet upstream	+693	
Indian Creek East Tributary 2 ..	At the confluence with Indian Creek East Lower Reach	+663	Cook County (Unincorporated Areas).
	Approximately 1,000 feet downstream from FM Road 3496.	+724	
Indian Creek Upper Reach	At confluence with Lake Kiowa	+705	Cooke County (Unincorporated Areas).
	Approximately 2500 feet upstream from confluence with Lake Kiowa.	+718	
Lake Kiowa	Lake Kiowa	+705	Cooke County (Unincorporated Areas).
Lake Ray Roberts	Lake Ray Roberts	+645	Cooke County. (Unincorporated Areas).
Pecan Creek North	Approximately 4,000 feet downstream from FM Road 2071.	+703	Cooke County (Unincorporated Areas).
	Approximately 2,000 feet upstream from I-35	+783	
Pecan Creek South	At the Confluence with Lake Ray Roberts	+645	City of Valley View, Cooke County (Unincorporated Areas).
	Approximately 750 feet upstream from FM Road 922	+712	
Pecan Creet South Tributary 1	At the Confluence with Pecan Creek South	+646	Cooke County (Unincorporated Areas).
	At intersection with FM Road 922	+687	
Persimmon Creek	At confluence with Elm Fork Trinity River	+645	Cooke County (Unincorporated Areas).
	Approximately 2,000 feet upstream from North Shore Drive.	+700	
Persimmon Creek Tributary 1 ..	At confluence with Persimmon Creek (Pioneer Valley Lake).	+664	Cooke County (Unincorporated Areas).
	Approximately 2,000 feet upstream from confluence with Persimmon Creek (Pioneer Valley Lake).	+689	
Persimmon Creek Tributary 2 ..	Confluence with Persimmon Creek (Pioneer Valley Lake)	+664	Cooke County (Unincorporated Areas).
	Approximately 1,500 feet upstream from confluence with Persimmon Creek (Pioneer Valley Lake).	+667	
Persimmon Creek Tributary 3 ..	At confluence with Persimmon Creek	+678	Cooke County (Unincorporated Areas).
	Approximately 1,500 feet upstream from the confluence with Persimmon Creek.	+697	
Pond Creek	Approximately 1,000 feet downstream from confluence with Pond Creek Tributary 2 (County Border).	+646	Cooke County (Unincorporated Areas).
	Approximately 1,000 feet downstream from Rail Road (County Border).	+674	
Pond Creek Tributary 1	At the confluence with Pond Creek	+646	Cooke County (Unincorporated Areas).
	Approximately 1,200 feet upstream from I-35	+705	
Pond Creek Tributary 2	At the confluence with Pond Creek Tributary	+675	Cooke County (Unincorporated Areas).
	Approximately 1,000 feet upsteam from I-35	+702	
Tributary Kiowa 1	Confluence with Lake Kiowa	+705	Cooke County (Unincorporated Areas).
	Approximately 1,200 feet upstream from confluence with Lake Kiowa.	+713	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Tributary Kiowa	At confluence with Lake Kiowa	+705	Cooke County (Unincorporated Areas).
	Approximately 2,500 feet upstream from confluence with Lake Kiowa.	+723	
Wolf Creek	At the confluence with Lake Ray Roberts	+645	Cooke County (Unincorporated Areas).
	Approximately 1,000 feet upstream from FM 295	+746	
Wolf Creek Tributary 1	At the confluence with Wolf Creek	+681	Cooke County (Unincorporated Areas).
	Approximately 2,700 feet upstream from confluence with Wolf Creek.	+709	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

City of Valley View

Maps are available for inspection at 100 South Dixon, Gainesville, TX 76240.

Cooke County (Unincorporated Areas)

Maps are available for inspection at 100 South Dixon, Gainesville, TX 76240.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: June 29, 2009.

David I. Maurstad,

Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 071106669-81372-03]

RIN 0648-AU26

Fisheries Off West Coast States; Coastal Pelagic Species Fishery; Amendment 12 to the Coastal Pelagic Species Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule

SUMMARY: NMFS issues this final rule to implement Amendment 12 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) which would provide protection for all species of krill off the West Coast (i.e., California,

Oregon and Washington). This rule would prohibit the harvest of all species of krill by any fishing vessel operating in the Exclusive Economic Zone (EEZ) off the West Coast, and would also deny the use of exempted fishing permits to allow krill fishing.

DATES: Effective August 12, 2009.

ADDRESSES: Copies of Amendment 12, which includes an Environmental Assessment/Initial Regulatory Flexibility Analysis/Regulatory Impact Review, are available from Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT:

Joshua B. Lindsay, Sustainable Fisheries Division, NMFS, at 562-980-4034 or Mike Burner, Pacific Fishery Management Council, at 503-820-2280.

SUPPLEMENTARY INFORMATION: The CPS fishery in the EEZ off the West Coast is managed under the CPS FMP, which was developed by the Pacific Fishery Management Council (Council) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The CPS FMP was approved by the Secretary of Commerce on June 10, 1999, and was implemented by a final rule (64 FR 69888, December 15, 1999) that was codified at 50 CFR part 660, subpart I.

Amendment 12, which was approved by the Secretary of Commerce on May 25, 2007, added all species of krill as a

management unit species under the CPS FMP and placed krill under a newly established "prohibited harvest species" category. This new category differs from the existing "prohibited species" definition in the FMP because "prohibited harvest species" may not be taken by any fishery or gear type in the U.S. EEZ. In contrast, "prohibited species" may not be taken and retained incidentally by CPS fishery participants, but are legally harvested under provisions in Federal regulations implementing other Council FMPs.

As the principal food source for many fish and non-fish species, krill are a critical component of the marine ecosystem. Off the West Coast krill are important prey for a variety of fish species, including several overfished groundfish species, salmon and Pacific whiting. Krill are also a principal food source for many species of marine mammals and seabirds, some of which are listed as threatened or endangered under the Endangered Species Act and warrant special efforts for protection and recovery. Although there is no indication that the status of the krill resource has contributed to the overfished, endangered, or threatened status of these species, protecting krill will help to maintain these important ecological relationships and to ensure the long-term health and productivity of the West Coast ecosystem. Amendment 12 incorporates ecosystem conservation principles into fishery management programs by protecting, to the extent