

New York State regulation	State effective date	Latest EPA approval date	Comments
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-P-7640]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.
ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director of the Emergency Preparedness and Response Directorate reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified 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: Doug Bellomo, P.E., Hazard

Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No

environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim 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 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and record keeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 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.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Washington (Case No.: 04-06-1740P).	City of Fayetteville	Nov. 23, 2004, Nov. 30, 2004, <i>Northwest Arkansas Times</i> .	The Honorable Dan Coody, Mayor, City of Fayetteville, 113 W. Mountain, Fayetteville, AR 72701.	Nov. 12, 2004	050216
Illinois: McClean (Case No.: 04-05-0891P).	City of Bloomington.	Nov. 12, 2004, Nov. 19, 2004, <i>The Pantagraph</i> .	The Honorable Judy Markowitz, Mayor, City of Bloomington, 109 East Olive Street, Suite 200, Bloomington, IL 61701.	Feb. 18, 2005	170490
Cook (Case No.: 03-05-5180P).	Unincorporated Areas.	Oct. 21, 2004, Oct. 28, 2004, <i>Orland Township Messenger</i> .	The Honorable John H. Stroger, Jr., President, Cook County, Board of Commissioners, 69 West Washington, Suite 2830, Chicago, IL 60602-3169.	Jan. 27, 2004	170054
Cook (Case No.: 04-05-4062P).	Unincorporated Areas.	Oct. 13, 2004, Oct. 20, 2004, <i>The Chicago Tribune</i> .	The Honorable John H. Stroger, Jr., President, Cook County, Board of Commissioners, 118 North Clark Street, Room 537, Chicago, IL 60602.	Oct. 1, 2004	170054
Kane (Case No.: 04-05-2895P).	Unincorporated Areas.	Nov. 10, 2004, Nov. 17, 2004, <i>Kane County Chronicle</i> .	The Honorable Michael McCoy Chairman, Kane County Board, Kane County Government Center, 719 South Batavia Avenue, Bldg. A, Geneva, IL 60134.	Feb. 16, 2005	170896
Kane (Case No.: 04-05-2895P).	Unincorporated Areas.	Nov. 10, 2004, Nov. 17, 2004, <i>Kane County Chronicle</i> .	The Honorable Michael McCoy, Chairman, Kane County Board, Kane County Government Center, 719 South Batavia Avenue, Bldg. A, Geneva, IL 60134.	Feb. 16, 2005	170896
Kane and Kendall (Case No.: 04-05-0087P).	Village of Montgomery.	Nov. 17, 2004, Nov. 24, 2004, <i>Aurora Beacon News</i> .	The Honorable Marilyn Michelini, President, Village of Montgomery, 1300 South Broadway, Montgomery, IL 60538.	Nov. 8, 2004	170328
Cook (Case No.: 03-05-5180P).	Village of Orland Park.	Oct. 21, 2004, Oct. 28, 2004, <i>Orland Township Messenger</i> .	The Honorable Daniel McLaughlin, Mayor, Village of Orland Park, 14700 S. Ravinia Avenue, Orland Park, IL 60462.	Jan. 27, 2004	170140
Will County (Case No.: 04-05-3541P).	Unincorporated Areas.	Nov. 12, 2004, Nov. 19, 2004, <i>The Herald News</i> .	The Honorable Joseph L. Mikan, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	Oct. 19, 2004	170695
Indiana: Marion (Case No.: 04-05-0895P).	City of Indianapolis	Nov. 12, 2004, Nov. 19, 2004, <i>The Indianapolis Star</i> .	The Honorable Bart Peterson, Mayor, City of Indianapolis, 2501 City-County Building, 200 E. Washington Street, Indianapolis, IN 46204.	Feb. 18, 2005	180159
Iowa: Johnson (Case No.: 04-07-047P).	City of North Liberty.	Oct. 20, 2004, Oct. 27, 2004, <i>North Liberty Leader</i> .	The Honorable Clair Mekota, Mayor, City of North Liberty, 35 Vixen Lane, North Liberty, IA 52317.	Oct. 5, 2004	190630
New Mexico: Torrance (Case No.: 04-06-674P).	City of Moriarty	Oct. 14, 2004, Oct. 21, 2004, <i>Mountain View Telegraph</i> .	The Honorable Adan M. Encinias, Mayor, City of Moriarty, P.O. Drawer 130, Moriarty, NM 87035.	Jan. 20, 2005	350083
Ohio: Greene (Case No.: 03-05-3977P).	City of Beaver Creek.	Oct. 22, 2004, Oct. 29, 2004, <i>Beavercreek News-Current</i> .	The Honorable Robert Glaser, Mayor, City of Beaver Creek, 1368 Research Park Drive, Beavercreek, OH 45432.	Jan. 28, 2005	390876
Butler (Case No.: 03-05-5177P).	Unincorporated Areas.	Oct. 21, 2004 Oct. 28, 2004, <i>The Journal-News</i> .	The Honorable Charles R. Furmon, President, Butler County, Board of Commissioners, 315 High Street, 4th Floor, Government Services Center, Hamilton, OH 45011.	Jan. 27, 2004	390037
Greene (Case No.: 03-05-3977P).	Unincorporated Areas.	Oct. 22, 2004, Oct. 29, 2004, <i>Xenia Daily Gazette</i> .	The Honorable Jeff Gilbert, Chairman, Green County Board, County Courthouse, 519 North Main Street, Carrollton, OH 62016.	Jan. 28, 2005	390193
Summit (Case No.: 04-05-0770P).	Village of Hudson	Oct. 20, 2004, Oct. 27, 2004, <i>Hudson Hub-Times</i> .	The Honorable William A. Currin, Mayor, Village of Hudson, 27 East Main Street, Hudson, OH 44236-3099.	Jan. 26, 2005	390660

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Lucas (Case No.: 04-05-4066P).	Unincorporated Areas.	Oct. 19, 2004, Oct. 26, 2004, <i>Farmland News</i> .	The Honorable Harry Barlos, President, Lucas County, Board of Commissioners, One Government Center, Suite 800, Toledo, OH 43604.	Sept. 30, 2004	390539
Oklahoma: Cleveland (Case No.: 04-06-1915P).	City of Moore	Nov. 23, 2004, Nov. 30, 2004, <i>The Moore American</i> .	The Honorable Glenn Lewis, Mayor, City of Moore, 301 North Broadway, Moore, OK 73160.	Nov. 9, 2004	400044
Texas: Tarrant (Case No.: 04-06-1903P).	City of Arlington ...	Nov. 12, 2004, Nov. 19, 2004, <i>Northeast Tarrant County Morning News</i> .	The Honorable Dr. Robert Cluck, Mayor, City of Arlington, 101 W. Abram Street, Arlington, TX 76004-0231.	Oct. 29, 2004	485454
Brazos (Case No.: 04-06-1025P).	City of Bryan	Oct. 5, 2004, Oct. 12, 2004, <i>The Eagle</i> .	The Honorable Ernie Wentreck, Mayor, City of Bryan, P.O. Box 1000, Bryan, TX 77805.	Jan. 11, 2005	480082
Collin (Case No.: 04-06-1470P).	Unincorporated Areas.	Oct. 20, 2004, Oct. 27, 2004, <i>Plano Star Courier</i> .	The Honorable Ron Harris, Judge, Collin County, 210 South McDonald Street, #626, Wylie, TX 75098.	Jan. 26, 2005	480130
Denton (Case No.: 04-06-1464P).	Town of Double Oak.	Nov. 23, 2004, Nov. 30, 2004, <i>Denton Record Chronicle</i> .	The Honorable Richard P. Cook, Mayor, Town of Double Oak, 320 Waketon Road, Double Oak, TX 75077.	Mar. 1, 2005	481516
El Paso (Case No.: 04-06-1606P).	City of El Paso	Nov. 12, 2004, Nov. 19, 2004, <i>El Paso Times</i> .	The Honorable Joe Wardy, Mayor, City of El Paso, 2 Civic Center Plaza, El Paso, TX 79901-1196.	Oct. 29, 2004	480214
Fort Bend (Case No.: 04-06-2155P).	Unincorporated Areas.	Oct. 20, 2004, Oct. 27, 2004, <i>Fort Bend Star</i> .	The Honorable Robert E. Hebert, Judge, Fort Bend County, 301 Jackson Street, Richmond, TX 77469.	Jan. 27, 2005	480228
Tarrant (Case No.: 04-06-1741P).	City of Fort Worth	Oct. 6, 2004, Oct. 13, 2004, <i>The Star Telegram</i> .	The Honorable Michael Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Sept. 20, 2004	480596
Tarrant (Case No.: 04-06-858P).	City of Hurst	Oct. 1, 2004, October 8, 2004, <i>The Star Telegram</i> .	The Honorable Richard Ward, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, TX 76054.	Oct. 7, 2004,	480601
Collin (Case No.: 04-06-1002P).	City of McKinney ..	Oct. 7, 2004, Oct. 14, 2004, <i>McKinney Courier-Gazette</i> .	The Honorable Bill Whitfield, Mayor, City of McKinney, 222 N. Tennessee Avenue, McKinney, TX 75069.	Jan. 13, 2005	480135
Fort Bend (Case No.: 04-06-2155P).	City of Missouri City.	Oct. 21, 2004, Oct. 28, 2004, <i>Fort Bend Mirror</i> .	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	Jan. 27, 2005	480304
Denton (Case No.: 04-06-1180P).	City of Oak Point ..	Nov. 23, 2004, Nov. 30, 2004, <i>Denton Record Chronicle</i> .	The Honorable Duane E. Olson, Mayor, City of Oak Point, 100 Naylor Road, Oak Point, TX 75068.	Nov. 9, 2004	481639
Williamson (Case No.: 03-06-1540P).	City of Round Rock.	Oct. 12, 2004, Oct. 19, 2004, <i>Round Rock Leader</i> .	The honorable Nyle Maxwell, Mayor, City of Round Rock, 221 East Main, Round Rock, TX 78664.	Jan. 19, 2005	481048
Williamson (Case No.: 03-06-1540P).	Williamson County	Oct. 13, 2004, Oct. 20, 2004, <i>Williamson County Sun</i> .	The Honorable John C. Doerfler, Judge, Williamson County, 710 Main Street, Suite 201, Georgetown, TX 78626.	Jan. 19, 2005	481079
Collin (Case No.: 04-06-1470P).	City of Wylie	Oct. 20, 2004, Oct. 27, 2004, <i>The Wylie News</i> .	The Honorable John Mondy, Mayor, City of Wylie, 2000 State Highway 78 North, Wylie, TX 75098.	Jan. 26, 2005	480759
Wisconsin: Waupaca (Case No.: 04-05-4068P).	City of Clintonville	Sept. 23, 2004, Sept. 30, 2004 <i>Tribune Gazette</i> .	The Honorable Richard K. Beggs, Mayor, City of Clintonville, 50 10th Street, Clintonville, WI 54929.	Sept. 17, 2004	550494

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: December 7, 2004.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations and modified Base Flood Elevations (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).

EFFECTIVE DATE: 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 FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final base flood elevations 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:

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the BFEs and 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 the Emergency Preparedness and Response Directorate 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. 4105, and 44 CFR Part 67.

The Federal Emergency Management Agency 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 rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and

Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and record keeping requirements.

■ Accordingly, 44 CFR Part 67 is amended to read 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) modified. ♦Elevation in feet (NAVD) modified
Arkansas	Arkadelphia (City) Clark County (FEMA Docket No. P7649).	Mill Creek	Approximately 1,820 feet downstream of North Eighth Street.	*193
			Approximately 2,800 feet upstream of 26th Street.	*245
	(FEMA Docket No. P7649)	Maddox Branch	Approximately 25 feet downstream of Union Pacific Railroad.	*186