

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Sarasota ..	City of Sarasota (04-04-A194P).	July 15, 2004, July 22, 2004, <i>Sarasota Herald-Tribune</i> .	Mr. Michael A. McNees, City Manager, City of Sarasota, 1565 First Street, Sarasota, Florida 34236.	June 24, 2004 .....	125150
Idaho: Ada .....	Unincorporated Areas (04-10-0213P).	Aug. 19, 2004, Aug. 26, 2004, <i>Idaho Statesman</i> .	The Honorable Judy Peavey-Derr, Chairman, Ada County Board of Commissioners, County Courthouse, 200 West Front Street, Boise, Idaho 83702.	Nov. 26, 2004 .....	160001
Ada .....	Unincorporated Areas (04-10-0379P).	Sept. 2, 2004, Sept. 9, 2004, <i>Idaho Statesman</i> .	The Honorable Judy Peavey-Derr, Chairman, Ada County Board of Commissioners, County Courthouse, 200 West Front Street, Boise, Idaho 83702.	Dec. 9, 2004 .....	160001
Montana: Missoula .....	City of Missoula (04-08-0371P).	Aug. 26, 2004, Sept. 2, 2004, <i>The Missoulian</i> .	The Honorable Mike Kadas, Mayor, City of Missoula, 435 Ryman Street, Missoula, Montana 59802.	July 23, 2004 .....	300049
Missoula .....	Unincorporated Areas (04-08-0371P).	August 26, 2004, September 2, 2004, <i>The Missoulian</i> .	The Honorable Barbara Evans, Chairman, Missoula County Board of Commissioners, 200 West Broadway, Missoula, Montana 59802.	July 23, 2004 .....	300048
Nevada: Elko .....	City of Elko (02-09-1203P).	July 22, 2004, July 29, 2004, <i>Elko Daily Free Press</i> .	The Honorable Michael J. Franzosa, Mayor, City of Elko, 1751 College Avenue, Elko, Nevada 89801.	Oct. 28, 2004 .....	320010
Utah: Salt Lake .....	City of South Jordan (04-08-0379P).	Sept. 2, 2004, Sept. 9, 2004, <i>Salt Lake Tribune</i> .	The Honorable W. Kent Money, Mayor, City of South Jordan, 1600 West Towne Center Drive, South Jordan, Utah 84095.	Dec. 9, 2004 .....	490107

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

Dated: December 1, 2004.

**David I. Maurstad,**

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

[FR Doc. 04-27132 Filed 12-9-04; 8:45 am]

**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 (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**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:** *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 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:** FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The

proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

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 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 final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, 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 proposed 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 recordkeeping 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:

Source of flooding and location	*Elevation in feet (NGVD)	Communities affected
<b>NORTH DAKOTA</b> <b>Morton County (FEMA Docket No. B-7439)</b>		
Missouri River:		City of Mandan.
Approximately 1.1 miles downstream of Bismarck Expressway bridge .....	*1,635	
Approximately 2.8 miles upstream of Interstate Highway 94 .....	*1,639	
At confluence of Apple Creek .....	*1,628	Morton County (Uninc. Areas).
Approximately 5.7 miles upstream of confluence of Square Butte Creek .....	*1,644	

#### ADDRESSES:

##### Unincorporated Areas Morton County

Maps are available for inspection at the County Courthouse, 210 Second Avenue, Northwest, Mandan, North Dakota.

##### City of Mandan

Maps are available for inspection at City Hall, 205 Second Avenue, Northwest, Mandan, North Dakota.

#### WASHINGTON

##### King County (FEMA Docket No. B-7435)

Issaquah Creek:		King County (Uninc. Areas) and City of Issaquah.
Approximately 1,700 feet downstream of Southeast 56th Street .....	*45	
Approximately 3,200 feet upstream of Sycamore Drive .....	*140	
East Fork Issaquah Creek:		City of Issaquah.
At confluence with Issaquah Creek .....	*75	
Just downstream of Interstate Highway 90 .....	*153	
Gilman Boulevard Overflow Issaquah Creek:		City of Issaquah.
Approximately 640 feet downstream of 10th Avenue Northwest .....	*56	
Approximately 1,000 feet upstream of 7th Avenue Northwest .....	*64	

#### ADDRESSES:

##### Unincorporated Areas King County

Maps are available for inspection at the Water and Land Department Flood Hazard Division, 201 South Jackson Street, Suite 600, Seattle, Washington.

##### City of Issaquah

Maps are available for inspection at the City Hall Department of Public Works, 1775 12th Avenue NW., Issaquah, Washington.

##### King County (FEMA Docket No. B-7439)

Snoqualmie River:		King County (Uninc. Areas) and City of Snoqualmie.
Approximately 2,000 feet downstream of confluence of Middle Fork and South Fork Snoqualmie River.	*424	
South Fork Snoqualmie River:		King County (Uninc. Areas) City of Snoqualmie, and City of North Bend.
At confluence with Middle Fork Snoqualmie River .....	*425	
Approximately 700 feet upstream of Eastbound I-90 bridge .....	*475	
Middle Fork Snoqualmie River:		King County (Uninc. Areas) and City of Snoqualmie.
At confluence of North Fork Snoqualmie River .....	*426	
Approximately 260 feet downstream of Southeast Mount SI Road .....	*478	
Lower Overflow:		King County (Uninc. Areas) and City of North Bend.
At Southeast 100th Street .....	*428	
Approximately 1,400 feet upstream of North Pickett Avenue .....	*449	
Middle Overflow:		King County (Uninc. Areas) and City of North Bend.

Source of flooding and location	*Elevation in feet (NGVD)	Communities affected
Just upstream of Northeast 420th Avenue .....	*432	King County (Uninc. Areas) and City of North Bend.
At Borst Avenue Northeast .....	*441	
Upper South Overflow:		
Approximately 400 feet downstream of Ballarat Avenue North .....	*437	King County (Uninc. Areas) and City of North Bend.
At divergence from Middle Fork Snoqualmie River .....	*467	
Upper North Overflow:		
Approximately 150 feet downstream of Ogle Avenue Northeast .....	*441	King County (Uninc. Areas) and City of North Bend.
Approximately 400 feet downstream of 120th Street .....	*457	
Gardiner Creek:		
At Bolch Avenue Northwest .....	*429	King County (Uninc. Areas) and City of North Bend.
Upstream of Northwest Eighth Street .....	*435	

**ADDRESSES****Unincorporated Areas King County**

Maps are available for inspection at the King DDES, Black River Corp. Park, 900 Oaksdale Avenue Southwest, Suite 100, Renton, Washington.

**City of North Bend**

Maps are available for inspection at 1155 East North Bend Way, North Bend, Washington.

**City of Snoqualmie**

Maps are available for inspection at the Planning Directors Office, 8020 Railroad Avenue Southeast, Snoqualmie, Washington.

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

Dated: December 1, 2004.

**David I. Maurstad,**

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

[FR Doc. 04-27133 Filed 12-9-04; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

**RIN 1018-AT64**

**Endangered Species Act Incidental Take Permit Revocation Regulations**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule describes circumstances in which the U.S. Fish and Wildlife Service may revoke incidental take permits issued under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. On December 11, 2003, the U.S. District Court for the District of Columbia in *Spirit of the Sage Council v. Norton*, Civil Action No. 98-1873 (D. D.C.), invalidated 50 CFR 17.22(b)(8) and 17.32(b)(8), the regulations addressing Service authority to revoke incidental take permits under certain circumstances. The court ruled that we had adopted those regulations without adequately complying with the public

notice and comment procedures required by the Administrative Procedure Act (APA) and remanded the regulations to us for further proceedings consistent with the APA. On May 25, 2004, we published in the **Federal Register** a final rule withdrawing the permit revocation regulations vacated by the court's order (69 FR 29669). On that same date we requested public comment on our proposal to reestablish the permit revocation regulations (69 FR 29681).

**DATES:** This rule is effective January 10, 2005.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** Rick Sayers, Chief, Branch of Consultation and Habitat Conservation Planning, at the above address (Telephone 703/358-2106, Facsimile 703/358-1735).

**SUPPLEMENTARY INFORMATION:** This notice of rulemaking applies to the U.S. Fish and Wildlife Service only. Therefore, the use of the terms "Service" and "we" in this notice refers exclusively to the U.S. Fish and Wildlife Service.

This rule applies only to 50 CFR 17.22(b) and 17.32(b), which pertain to incidental take permits. Regulations in 50 CFR 17.22(c) and 17.32(c), which pertain to Safe Harbor Agreements (SHAs), and in 50 CFR 17.22(d) and

17.32(d), which pertain to Candidate Conservation Agreements with Assurances (CCAAs), are not affected by this rule.

**Background***Promulgation of the "Permit Revocation Rule"*

The Service administers a variety of conservation laws that authorize the issuance of permits for otherwise prohibited activities. In 1974, we published 50 CFR part 13 to consolidate the administration of various permitting programs. Part 13 established a uniform framework of general administrative conditions and procedures that would govern the application, processing, and issuance of all Service permits. We intended the general part 13 permitting provisions to be in addition to, and not in lieu of, other more specific permitting requirements of Federal wildlife laws.

We subsequently added many wildlife regulatory programs to title 50 of the CFR. For example, we added part 18 in 1974 to implement the Marine Mammal Protection Act; modified and expanded part 17 in 1975 to implement the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*); and added part 23 in 1977 to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The regulations in these parts contain their own specific permitting requirements that supplement the general permitting provisions of part 13.

With respect to the ESA, the combination of the general permitting