

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 BFEs 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 recordkeeping 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 shown below:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	community number
Alabama: Houston	City of Dothan ....	Jan. 28, 2004, Feb. 4, 2004, The Dothan Eagle.	The Honorable Chester L. Sowell, III, Mayor of the City of Dothan, P.O. Box 2128, Dothan, Alabama 36302.	May 5, 2004 .....	010404 E
Florida: Orange .....	Unincorporated Areas.	Jan. 28, 2004, Feb. 4, 2004, The Orlando Sentinel.	Dr. M. Krishnamurthy, P.E., Manager of the Orange County Stormwater Management Division, 4200 South John Young Parkway, Orlando, Florida 32839.	May 5, 2004 .....	120179 E
Walton .....	Unincorporated Areas.	Jan. 1, 2004, Jan. 8, 2004, Defuniak Springs Herald-Breeze.	Mr. Larry Jones, Chairman of the Walton County Board of Commissioners, P.O. Drawer 1355, Defuniak Springs, Florida 32435.	April 8, 2004 .....	120317 F
Maryland: Howard	Unincorporated Areas.	Jan. 15, 2004, Jan. 22, 2004, The Howard County Times.	Mr. James N. Robey, Howard County Executive, 3430 Courthouse Drive, Ellicott City, Maryland 21043.	April 22, 2004 .....	240044 B
Mississippi: DeSoto.	City of Southaven	Jan. 1, 2004, Jan. 8, 2004, The DeSoto County Tribune.	The Honorable Charles G. Davis, Mayor of the City of Southaven, 8710 Northwest Drive, Southaven, Mississippi 38671.	April 8, 2004 .....	280331 F
Pennsylvania: Lehigh.	Township of South Whitehall.	Feb. 9, 2004, Feb. 16, 2004, The Morning Call.	Mr. Gerald Gasda, Township of South Whitehall Manager, 4444 Walbert Avenue, Allentown, Pennsylvania 18104.	Jan. 28, 2004 .....	420593 D
Puerto Rico .....	Commonwealth ..	Jan. 20, 2004, Jan. 27, 2004, The San Juan Star.	The Honorable Sila M. Calderon, Government of the Commonwealth of Puerto Rico, Office of the Governor, P.O. Box 9020082, San Juan, Puerto Rico 00902-0082.	April 27, 2004 .....	720000 C

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

Dated: March 3, 2004.

**Anthony S. Lowe,**

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

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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 (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).

**EFFECTIVE 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:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** 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 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. 4104, and 44 CFR part 67.

The 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 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 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 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	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD) ♦Elevation in feet (BCD)
<b>MARYLAND</b>	
<b>Baltimore County (Unincorporated Areas) (FEMA Docket No. D-7578)</b>	
<i>Herbert Run:</i>	
Approximately 350 feet upstream of confluence with Patapsco River .....	♦ 25
At confluence of East and West Branch Herbert Run	♦ 39
Baltimore County (Unincorporated Areas)	
<i>East Branch Herbert Run:</i>	
At confluence with Herbert Run .....	♦ 39
Approximately 850 feet upstream of Wilkens Avenue	♦ 159

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD) ♦Elevation in feet (BCD)
<b>Baltimore County (Unincorporated Areas)</b>	
<i>West Branch Herbert Run:</i>	
At confluence with Herbert Run .....	♦ 39
Approximately 0.64 mile upstream of Sulphur Spring Road .....	♦ 119
Baltimore County (Unincorporated Areas)	
<i>Arbutus Run:</i>	
At confluence with East Branch Herbert Run .....	♦ 79
Just downstream of Interstate 695 .....	♦ 131
Baltimore County (Unincorporated Areas)	
<b>Baltimore County (Unincorporated Areas)</b>	
Maps available for inspection at the Baltimore County Office Building, Room 307, 111 West Chesapeake Avenue, Towson, Maryland.	
<b>PENNSYLVANIA</b>	
<b>Lycoming County (FEMA Docket Nos. D-7562 and D-7574)</b>	
<i>Dougherty Run:</i>	
At the confluence with Lycoming Creek .....	*644
Approximately 185 feet upstream of confluence with Lycoming Creek .....	*644
Township of Lewis	
<i>Grays Run:</i>	
At the confluence with Lycoming Creek .....	*719
Approximately 5 feet upstream of the abandoned railroad bridge .....	*719
Township of Lewis	
<i>Gregs Run:</i>	
Approximately 523 feet upstream of the confluence with Sugar Run .....	*560
Approximately 75 feet downstream of Gregs Run Road (Township Route 270) .....	*574
Township of Wolf	
<i>Mill Creek No. 2:</i>	
Approximately 150 feet upstream of State Route 87 ..	*543
Approximately 1,750 feet upstream of State Route 87 ..	*549
Township of Fairfield	
<i>Hoagland Run:</i>	
At the confluence with Lycoming Creek .....	*603
Approximately 1,250 feet upstream of confluence with Lycoming Creek .....	*603
Township of Lycoming	
<i>Little Muncy Creek:</i>	
At the confluence with Muncy Creek .....	*512
Approximately 1.1 miles upstream of Tome Road .....	*712

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD) ◆ Elevation in feet (BCD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD) ◆ Elevation in feet (BCD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD) ◆ Elevation in feet (BCD)
Townships of Franklin and Muncy Creek		At the confluence with Muncy Creek .....	*542	Maps available for inspection at the Duboistown Borough Office, 2651 Euclid Avenue, Duboistown, Pennsylvania.	
<i>Loyalsock Creek:</i>		Approximately 125 feet downstream of confluence of Gregs Run .....	*559	<b>Township of Eldred</b>	
Approximately 30 feet upstream of CONRAIL .....	*524	Township of Wolf		Maps available for inspection at the Eldred Township Fire Department, 5556 Warrensville Road, Montoursville, Pennsylvania.	
Approximately 0.56 mile upstream of Dunwoody Road	*747	<i>Trout Run:</i>		<b>Township of Fairfield</b>	
Townships of Gamble, Eldred, Fairfield, Montoursville, Loyalsock and Upper Fairfield, Borough of Montoursville		At the confluence with Lycoming Creek .....	*674	Maps available for inspection at the Fairfield Township Office, 238 Fairfield Church Road, Montoursville, Pennsylvania.	
<i>Lycoming Creek:</i>		Approximately 425 feet downstream of State Route 14 .....	*674	<b>Township of Franklin</b>	
At upstream side of Memorial Avenue .....	*534	Township of Lewis		Maps available for inspection at the Franklin Township Office, 61 School Lane, Lairdsville, Pennsylvania.	
Approximately 100 feet downstream of County boundary .....	*644	<i>Wallis Run:</i>		<b>Township of Gamble</b>	
Townships of Hepburn, Lewis, Loyalsock, Lycoming, McIntyre, McNette and Old Lycoming, City of Williamsport		At the confluence with Loyalsock Creek .....	*635	Maps available for inspection at the Gamble Township Office, 7670 Wallis Run Road, Trout Run, Pennsylvania.	
<i>Mill Creek No. 1:</i>		Approximately 3.6 miles upstream of Wallis Run Road	*639	<b>Township of Hepburn</b>	
At the confluence with Lycoming Creek .....	*576	Townships of Gamble and Cascade		Maps available for inspection at the Hepburn Township Office, 615 Route 973 East, Cogan Station, Pennsylvania.	
Approximately 1,100 feet upstream of confluence with Lycoming Creek .....	*576	<i>Wolf Run No. 1:</i>		<b>Borough of Hughesville</b>	
Township of Hepburn		Approximately 1,710 feet upstream of John Brady Drive .....	*505	Maps available for inspection at the Hughesville Borough Office, 147 South Fifth Street, Hughesville, Pennsylvania.	
<i>Mosquito Creek:</i>		Approximately 1,760 feet upstream of John Brady Drive .....	*505	<b>Borough of Jersey Shore</b>	
Approximately 25 feet downstream of Edgewood Avenue .....	*568	Township of Muncy		Maps available for inspection at the Jersey Shore Borough Office, 232 Smith Street, Jersey Shore, Pennsylvania.	
Approximately 300 feet upstream of Edgewood Avenue .....	*574	<i>Wolf Run No. 2:</i>		<b>Township of Lewis</b>	
Borough of Duboistown		At the confluence with Lycoming Creek .....	*657	Maps available for inspection at the Lewis Township Office, 69 Main Street, Trout Run, Pennsylvania.	
<i>Muncy Creek:</i>		Approximately 15 feet downstream of abandoned railroad bridge .....	*663	<b>Township of Loyalsock</b>	
At the confluence with West Branch Susquehanna River .....	*505	Township of Lewis		Maps available for inspection at the Loyalsock Township Building, 2501 East Third Street, Williamsport, Pennsylvania.	
Approximately 1.6 miles upstream of Boston Road .....	*680	<i>Pine Creek:</i>		<b>Township of Lycoming</b>	
Townships of Muncy Creek, Penn, Shrewsbury, and Wolf, Boroughs of Hughesville and Picture Rocks		Approximately 1.66 miles upstream of confluence with West Branch Susquehanna River .....	*554	Maps available for inspection at the Lycoming Township Office, 328 Dauber Road, Cogan Station, Pennsylvania.	
<i>Rock Run:</i>		Approximately 1,950 feet upstream of State Route 44 ..	*628	<b>Township of McIntyre</b>	
At the confluence with Lycoming Creek .....	*849	Townships of Cummings, Porter, and Watson		Maps available for inspection at the McIntyre Township Office, 47 Thompson Street, Roaring Branch, Pennsylvania.	
Approximately 600 feet upstream of the confluence with Lycoming Creek .....	*849	<i>Nichols Run:</i>		<b>Township of McNett</b>	
Township of McIntyre		At the confluence with Pine Creek .....	*555	Maps available for inspection at the McNett Township Office, 385 Yorktown Road, Roaring Branch, Pennsylvania.	
<i>Shoemaker Run:</i>		Approximately 1,510 feet upstream of Algonquin Trail ..	*557		
At the confluence with Lycoming Creek .....	*740	Township of Porter, Borough of Jersey Shore			
At Bodines Road .....	*740	<i>Little Pine Creek:</i>			
Township of Lewis		At the confluence with Pine Creek .....	*622		
<i>Stroehmann Overland Flow:</i>		Approximately 2,450 feet upstream of confluence with Pine Creek .....	*622		
At the confluence with Lycoming Creek .....	*568	Township of Cummings			
Approximately 325 feet upstream of Pleasant Hill Road .....	*584	<b>Township of Cascade</b>			
Townships of Lycoming and Old Lycoming		Maps available for inspection at the Cascade Township Office, 33 Kelly Road, Trout Run, Pennsylvania.			
<i>Sugar Run:</i>		<b>Township of Cummings</b>			
		Maps available for inspection at the Cummings Township Office, 10978 North Route 44 Highway, Waterville, Pennsylvania.			
		<b>Borough of Duboistown</b>			

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD) ♦ Elevation in feet (BCD)
<b>Borough of Montoursville</b> Maps available for inspection at the Montoursville Borough Office, 617 North Loyalsock Avenue, Montoursville, Pennsylvania.	
<b>Township of Muncy</b> Maps available for inspection at the Muncy Township Office, 1922 Pond Road, Pennsdale, Pennsylvania.	
<b>Township of Muncy Creek</b> Maps available for inspection at the Muncy Creek Township Office, 575 Route 442 Highway, Muncy, Pennsylvania.	
<b>Township of Old Lycoming</b> Maps available for inspection at the Old Lycoming Township Office, 1951 Green Avenue, Williamsport, Pennsylvania.	
<b>Township of Penn</b> Maps available for inspection at the Penn Township Office, 4600 Beaver Lake Road, Hughesville, Pennsylvania.	
<b>Borough of Picture Rocks</b> Maps available for inspection at the Picture Rocks Borough Office, 113 Main Street, Picture Rocks, Pennsylvania.	
<b>Township of Plunketts Creek</b> Maps available for inspection at the Plunketts Creek Township Office, 179 Dunwoody Road, Williamsport, Pennsylvania.	
<b>Township of Porter</b> Maps available for inspection at the Porter Township Office, 5 Shaffer Lane, Jersey Shore, Pennsylvania.	
<b>Township of Shrewsbury</b> Maps available for inspection at the Shrewsbury Township Office, 143 Point Bethel Road, Hughesville, Pennsylvania.	
<b>Township of Upper Fairfield</b> Maps available for inspection at the Upper Fairfield Township Building, 4090 Route 87 Highway, Montoursville, Pennsylvania.	
<b>Township of Watson</b> Maps available for inspection at the Watson Township Office, 1710 Ridge Road, Jersey Shore, Pennsylvania.	
<b>City of Williamsport</b> Maps available for inspection at the Williamsport City Office, 245 West Fourth Street, Williamsport, Pennsylvania.	
<b>Township of Wolf</b>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD) ♦ Elevation in feet (BCD)
Maps available for inspection at the Wolf Township Office, 695 Route 405 Highway, Hughesville, Pennsylvania.	

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

Dated: March 3, 2004.

**Anthony S. Lowe,**

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

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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 (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).

**EFFECTIVE 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:** Doug Bellomo, P.E., Hazard Identification Section, Emergency

Preparedness and Response Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** 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 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. 4104, and 44 CFR part 67.

The 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 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.