

PART 65—[AMENDED]

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]

■ 1. The authority citation for part 65 continues to read as follows:

■ 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 No.
Connecticut: Litchfield	Town of Harwinton.	September 6, 2005, September 13, 2005, <i>The Register Citizen</i> .	Ms. Marie Knudsen, Town of Harwinton First Selectman, Harwinton Town Hall, 100 Bentley Drive, Harwinton, Connecticut 06791.	Dec. 13, 2005	090147 B
Litchfield	Town of Litchfield	September 6, 2005, September 13, 2005, <i>The Register Citizen</i> .	Mr. Leo Paul, Town of Litchfield First Selectman, Town Offices, 74 West Street, P.O. Box 488, Litchfield, Connecticut 06759.	Dec. 13, 2005	090047 B
Litchfield	City of Torrington	September 6, 2005, September 13, 2005, <i>The Register Citizen</i> .	The Honorable Owen J. Quinn, Mayor of the City of Torrington, Municipal Building, 140 Main Street, Torrington, Connecticut 06790.	Dec. 13, 2005	095081 B
Pennsylvania: Chester	Township of Atglen.	August 11, 2005, August 18, 2005, <i>Daily Local News</i> .	The Honorable Wesley Vincent, Mayor of the Borough of Atglen, P.O. Box 250, Atglen, Pennsylvania 19310.	Nov. 17, 2005	420273 D
Lancaster	Township of Sadsbury.	August 11, 2005, August 18, 2005, <i>Parkesburg Post Ledger</i> .	Mr. N. Eugene Lammey, Chairman of the Township of Sadsbury Board of Supervisors, 7182 White Oak Road, Christiana, Pennsylvania 17509.	Nov. 17, 2005	421782 E
Chester	Township of West Sadsbury.	August 11, 2005, August 18, 2005, <i>Parkesburg Post Ledger</i> .	Mr. James Landis, Chairman of the Township of West Sadsbury Board of Supervisors, 6400 N. Moscow Road, Parkesburg, Pennsylvania 19365.	Nov. 17, 2005	422281 D

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

Dated: September 14, 2005.

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 65

Changes in Flood Elevation Determinations

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

ACTION: Final rule.

SUMMARY: Modified Base (1% annual chance) Flood Elevations (BFEs) are

finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

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

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of 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.

The modified BFEs are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 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 elevations, 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.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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 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 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 follows:

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:					
Jefferson (FEMA Docket No. D-7571).	City of Homewood	March 21, 2005; March 28, 2005; <i>The Birmingham News</i> .	The Honorable Barry R. McCulley, Mayor of the City of Homewood, 1903 29th Avenue South, Homewood, Alabama 35209.	April 14, 2005	015006 E
Colbert (FEMA Docket No. D-7571).	City of Muscle Shoals.	March 25, 2005; April 1, 2005; <i>Times Daily</i> .	The Honorable David H. Bradford, Mayor of the City of Muscle Shoals, P.O. Box 2624, Muscle Shoals, Alabama 35662.	April 18, 2005	010047 C
Connecticut: New Haven (FEMA Docket No. D-7573).	City of Meriden	February 22, 2005; March 1, 2005; <i>Record-Journal</i> .	The Honorable Mark Benigni, Mayor of the City of Meriden, 1242 East Main Street, City Hall, Meriden, Connecticut 06450.	February 15, 2005	090081 C
Florida:					
Duval (FEMA Docket No. D-7571).	City of Jacksonville.	March 24, 2005; March 31, 2005; <i>The Florida Times-Union</i> .	The Honorable John Peyton, Mayor of the City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, Florida 32202.	June 30, 2005	120077 E
Duval (FEMA Docket No. D-7571).	City of Jacksonville.	April 6, 2005; April 13, 2005; <i>The Florida Times-Union</i> .	The Honorable John Peyton, Mayor of the City of Jacksonville, 4th Floor, City Hall at St. James, 117 West Duval Street, Suite 400, Jacksonville, Florida 32202.	April 29, 2005	120077 E
Georgia: DeKalb (FEMA Docket No. D-7571).	City of Decatur	March 24, 2005; March 31, 2005; <i>The Champion</i> .	The Honorable Bill Floyd, Mayor of the City of Decatur, P.O. Box 220, Decatur, Georgia 30031.	March 18, 2005	135159 H
Pennsylvania:					
Northampton (FEMA Docket No. D-7571).	City of Bethlehem	April 8, 2005; April 15, 2005; <i>The Morning Call</i> .	The Honorable John B. Callahan, Mayor of the City of Bethlehem, 10 East Church Street, Bethlehem, Pennsylvania 18018.	July 15, 2005	420718 D
Lycoming (FEMA Docket No. D-7573).	Township of McIntyre.	April 22, 2005; April 29, 2005; <i>Williamsport Sun Gazette</i> .	Mr. Albert Boyer, Chairman of the Township of McIntyre Board of Supervisors, 12886 Route 14, Roaring Branch, Pennsylvania 17765.	July 29, 2005	420645 E
Adams (FEMA Docket No. D-7569).	Township of Oxford.	March 10, 2005; March 17, 2005; <i>The Gettysburg Times</i> and <i>The Hanover Evening Sun</i> .	Mr. Donald F. Poist, Supervisor of the Township of Oxford, Municipal Building, P.O. Box 86, New Oxford, Pennsylvania 17350.	June 16, 2005	420003 B

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Bucks (FEMA Docket No. D-7571).	Township of Wrightstown.	April 8, 2005; April 15, 2005; <i>Bucks County Courier Times</i> .	Mr. Chester S. Pogonowski, Chairman of the Township of Wrightstown Board of Supervisors, 738 Penns Park Road, Wrightstown, Pennsylvania 18940.	July 15, 2005	421045 F
West Virginia: Wyoming (FEMA Docket No. D-7569).	Unincorporated Areas.	February 16, 2005; February 23, 2005; <i>The Independent Herald</i> .	Mr. Herman R. Davis, President of the Wyoming County Commission, P.O. Box 309, Pineville, West Virginia 24874-0309.	May 25, 2005	540217 B

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

Dated: September 14, 2005.

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 (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: 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)
NORTH CAROLINA	
Duplin County (FEMA Docket Nos. D-7620 and D-7628)	
<i>Angola Creek:</i>	
At the confluence with Cypress Creek	•49
Approximately 0.3 mile upstream of Lightwood Bridge Road	•51
Duplin County (Unincorporated Areas)	
<i>Back Swamp:</i>	
At the confluence with Cypress Creek	•52
At the Duplin/Onslow County boundary	•58