

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

#### Unincorporated Areas of Grant County

Maps are available for inspection at Grant County Courthouse, 210 East 5th Avenue, Milbank, SD.

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

Dated: September 4, 2008.

**Michael K. Buckley,**

*Deputy Assistant Administrator for Mitigation, 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

[Docket No. FEMA-B-1006]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before December 16, 2008.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection

at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1006, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151, or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

#### FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151 or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and 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. These proposed 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.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

*Administrative Procedure Act Statement.* This matter is not a

rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

*National Environmental Policy Act.*

This proposed 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.

*Executive Order 12866, Regulatory Planning and Review.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

*Executive Order 12988, Civil Justice Reform.* This proposed 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 proposed to be 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.

#### § 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Athens County, Ohio, and Incorporated Areas				
Hocking River .....	Approximately 3,200 feet downstream of State Route 144	None	+602	Village of Coolville.
	Just downstream of State Route 144 .....	None	+602	
Hocking River .....	Approximately 16,000 feet upstream of Highway 50 .....	None	+625	Unincorporated Areas of Athens County.
	Approximately 100 feet upstream of S. Canaan Road .....	+631	+629	
	At Chessie System Railroad .....	+650	+649	
	Approximately 1,500 feet upstream of Chessie System Railroad.	+650	+649	
Hocking River .....	At confluence with Sunday Creek .....	+660	+661	Village of Chauncey.
	Approximately 150 feet upstream of Conrail Railroad .....	+660	+661	
Margaret Creek .....	Approximately 500 feet upstream of State Highway 682 ..	None	+649	Unincorporated Areas of Athens County, City of Athens.
	Approximately 550 feet downstream of State Highway 56	None	+649	
Sunday Creek .....	Approximately 240 feet downstream of Railroad at Village of Trimble/Athens County Unincorporated Areas Boundary.	None	+679	Unincorporated Areas of Athens County.
	Just upstream of Railroad at Village of Trimble/Athens County Unincorporated Areas Boundary.	None	+680	
Sunday Creek .....	At State Highway 13 .....	+660	+661	Village of Chauncey.
	Approximately 4,600 feet upstream of State Highway 13	+660	+661	
Sunday Creek .....	Approximately 240 feet downstream of Railroad at Village of Trimble/Athens County Unincorporated Areas Boundary.	None	+679	Village of Jacksonville.
	Just upstream of Railroad at Village of Trimble/Athens County Unincorporated Areas Boundary.	None	+680	
Sunday Creek .....	Just upstream of Railroad at Village of Trimble/Athens County Unincorporated Areas Boundary.	None	+680	Village of Trimble.
	Approximately 850 feet Upstream of Center Street .....	None	+682	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

#### ADDRESSES

##### City of Athens

Maps are available for inspection at 28 Curran Drive, Athens, OH 45701.

##### Unincorporated Areas of Athens County

Maps are available for inspection at 28 Curran Drive, Athens, OH 45701.

##### Village of Chauncey

Maps are available for inspection at 28 Curran Drive, Athens, OH 45701.

##### Village of Coolville

Maps are available for inspection at 28 Curran Drive, Athens, OH 45701.

##### Village of Jacksonville

Maps are available for inspection at 28 Curran Drive, Athens, OH 45701.

##### Village of Trimble

Maps are available for inspection at 15 Congress Street, Trimble, OH 45782.

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

Dated: September 8, 2008.

**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 679

#### RIN 0648-AU20

### Fisheries of the Exclusive Economic Zone Off Alaska; Revised Management Authority for Dark Rockfish in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska

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

**ACTION:** Availability of a proposed amendment to a fishery management plan; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council has submitted Amendment 73 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 77 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (collectively, Amendments 73/77) for Secretarial (Commerce) approval. If approved, Amendments 73/77 would remove dark rockfish (*Sebastes ciliatus*) from both fishery management plans (FMPs). Consequently, the State of Alaska would then assume management of dark rockfish in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska. This action is necessary to allow the State of Alaska to implement more responsive, regionally based management of dark rockfish than is currently possible under the FMPs. This action would improve conservation and management of dark rockfish and is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable laws.

**DATES:** Comments on the proposed amendments must be received on or before November 17, 2008.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by RIN 0648-AU20 by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.

- Mail: P. O. Box 21668, Juneau, AK 99802.

- Fax: (907) 586-7557.

- Hand delivery to the Federal Building: 709 West 9<sup>th</sup> Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of Amendments 73/77 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action are available from the Alaska Region NMFS at the address above or from the Alaska Region NMFS website at <http://alaskafisheries.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan (FMP) amendment it prepares to the Secretary for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** that the amendment is available for public review and comment. This action constitutes such notice for Amendments 73/77 to the FMPs.

Amendments 73/77 were unanimously adopted by the North Pacific Fishery Management Council (Council) in April 2007. If approved by

the Secretary, these amendments would remove dark rockfish (*Sebastes ciliatus*) from the FMPs and would thereby allow the State of Alaska (State) to extend its management authority for dark rockfish into Federal waters off the State.

The Council recommended Amendments 73/77 because dark rockfish are a nearshore, shallow-water species which are rarely caught in offshore Federal waters. Dark rockfish currently are contained in the pelagic shelf rockfish (PSR) complex in the Gulf of Alaska. The overfishing limit and acceptable biological catch limit for PSR are based primarily on the stock assessment for dusky rockfish. Dusky rockfish comprise the majority of the total exploitable biomass estimate for the PSR complex. In the Bering Sea and Aleutian Islands management area, dark rockfish are contained within the "other rockfish" complex, the biomass of which is largely comprised of dusky rockfish and thornyhead rockfish. Under Amendments 73/77, the State could implement more responsive, regionally based management of dark rockfish than is possible under the FMPs. State management would reduce the possibility of overexploitation and localized depletion of dark rockfish that could occur if it is continued to be managed within the larger PSR and "other rockfish" complexes under the FMPs.

NMFS is soliciting public comments on Amendments 73/77 through November 17, 2008. A proposed rule that would implement Amendments 73/77 will be published in the **Federal Register** for public comment at a later date, following NMFS' evaluation under the Magnuson-Stevens Act procedures.

Comments received by November 17, 2008, whether specifically directed to the amendments or the proposed rule will be considered in the approval/disapproval decision on Amendments 73/77. Comments received after that date will not be considered in the FMP amendment approval/disapproval decision. All comments received on Amendments 73/77 or on the proposed rule during their respective comment periods will be addressed in the final rule.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 11, 2008.

**James P. Burgess**

*Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.*  
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