

September 4, 2003 (attaching a June 17, 2002 letter), March 27, 2001, July 19, 1999, March 13, 1995, March 16, 1994, November 4, 1992, July 14, 1989, and April 13, 1989, and letters submitted as part of the Fort Peck Tribes' application.

(d) *Program Description.* The Program Description submitted as part of the Fort Peck Tribes' application, and any other materials submitted as part of the application or as a supplement to it.

[FR Doc. E8-25317 Filed 10-24-08; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

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

**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:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (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 Assistant Administrator of the Mitigation 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. 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 final 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.

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

*Executive Order 12988, Civil Justice Reform.* This final 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 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:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified
<b>City of Richmond, Virginia FEMA Docket No.: B-7768</b>				
Virginia .....	City of Richmond .....	Bacons Quarter Branch ....	Approximately at the confluence with Shockoe Creek.	+67
			Approximately 1,400 feet upstream of Hermitage road.	+184
Virginia .....	City of Richmond .....	Battery Park Ponding Area	Approximately 2,250 feet south of Overbrook Road.	+136
			Approximately 850 feet north of Overbrook Road.	+139
Virginia .....	City of Richmond .....	Cannons Creek Branch ....	Approximately at the confluence with Bacons Quarter Branch.	+74
			Approximately 200 feet downstream of Vale Street.	+96
Virginia .....	City of Richmond .....	Jordans Branch .....	Approximately 35 feet north of Route 64 near the Henrico County line.	+164

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified
Virginia .....	City of Richmond .....	Pocoshock .....	Approximately 120 feet north of Route 64 near the Henrico County line.	+164
			Approximately at the Chesterfield County line.	+133
			Approximately at the confluence with Pocosham Creek.	+133
Virginia .....	City of Richmond .....	Shockoe Creek .....	Approximately at East Franklin Street .....	+23
			Approximately 2,700 feet upstream of Magnolia Street.	+129

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

## ADDRESSES

## City of Richmond

Maps are available for inspection at City Hall, 900 East Broad Street, Room 600, Richmond, VA 23219.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
<b>Monterey County, California and Incorporated Areas</b> <b>Docket No.: FEMA-B-7763</b>			
Calera Creek .....	At the confluence with El Toro Creek .....	+236	Unincorporated Areas of Monterey County.
	Approximately 1.2 miles upstream of Robley Road .....	+469	
	Approximately 500 feet west of the intersection of Robley Road and Corral de Tierra.	#1	
Carmel River .....	Approximately 370 feet above the mouth of the river .....	+16	Unincorporated Areas of Monterey County.
	Approximately 170 feet downstream of San Clemente Dam	+470	
Carmel River Garland Ranch Overbank.	At the convergence with Carmel River main channel .....	+180	Unincorporated Areas of Monterey County.
	At the divergence from Carmel River main channel .....	+194	
Carmel River Hacienda Overbank.	At the convergence with Carmel River main channel .....	+49	Unincorporated Areas of Monterey County.
	At the divergence from Carmel River main channel .....	+59	
Carmel River North Highway 1 Overbank.	Approximately 600 feet downstream of State Highway 1 .....	+25	Unincorporated Areas of Monterey County, City of Carmel By The Sea.
	At the divergence from Carmel River main channel .....	+39	
Carmel River Schulte Overbank.	At the convergence with Carmel River main channel .....	+90	Unincorporated Areas of Monterey County.
	At the divergence from Carmel River main channel .....	+102	
Carmel River South Highway 1 Overbank.	Approximately 1,100 feet upstream of confluence with Carmel River main channel.	+16	Unincorporated Areas of Monterey County.
	Approximately 500 feet downstream of divergence from Carmel River main channel.	+38	
El Toro Creek .....	Approximately 650 feet downstream of Highway 68 .....	+222	Unincorporated Areas of Monterey County.
	Approximately 300 feet upstream of Highway 68 .....	+236	
Harper Creek .....	At the confluence with San Benancio Gulch .....	+371	Unincorporated Areas of Monterey County.
	Approximately 0.6 mile upstream of Rimrock Canyon Road	+605	
Pacific Ocean .....	Approximately 400 feet north of the intersection of Camino Aguajito and Del Monte Avenue.	+22	Unincorporated Areas of Monterey County, City of Monterey.
San Benancio Gulch .....	At the confluence with El Toro Creek .....	+236	Unincorporated Areas of Monterey County.
	Approximately 0.7 mile upstream of Ridge Back Road .....	+839	
Watson Creek .....	At the confluence with Calera Creek .....	+408	Unincorporated Areas of Monterey County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 1.1 miles upstream of Calle Viejo .....	+886	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Carmel by the Sea

Maps are available for inspection at Carmel-by-the-Sea City Hall, East Side of Monte Verde between Ocean and 7th Avenues, Carmel-by-the-Sea, California.

##### City of Monterey

Maps are available for inspection at City of Monterey Building and Safety Division, 580 Pacific Street, Monterey, California.

##### Unincorporated Areas of Monterey County

Maps are available for inspection at Monterey County Water Resources Agency, 893 Blanco Circle, Salinas, California.

#### Jersey County, Illinois, and Incorporated Areas FEMA Docket No.: B-7769

Elsah Creek .....	At the mouth of the Mississippi River .....	+438	Village of Elsah.
	Approximately 500 feet upstream of Maple Street .....	+438	
Illinois River .....	At the mouth of the Mississippi River in Jersey County .....	+439	Unincorporated Areas of Jersey County, City of Grafton.
	Approximately 1,500 feet upstream of the Illinois River Road Ferry Crossing.	+439	
Mississippi River .....	Approximately 0.5 miles downstream of the confluence of Piasa Creek.	+437	Unincorporated Areas of Jersey County, City of Grafton, Village of Elsah.
	At river mile 223.1 at the downstream tip of Iowa Island .....	+440	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Grafton

Maps are available for inspection at Grafton City Hall, 118 East Main Street, Grafton, IL 62037.

##### Unincorporated Areas of Jersey County

Maps are available for inspection at Jersey County Government Building, 200 North Lafayette St., Jerseyville, IL 62052.

##### Village of Elsah

Maps are available for inspection at 51 North Street, P.O. Box 28, Elsah, IL 62028.

#### Lincoln Parish, Louisiana, and Incorporated Areas FEMA Docket No.: B-7726

Choudrant Creek .....	Confluence with Choudrant Creek Trib. 3 .....	+136	Unincorporated Areas of Lincoln Parish.
	Approximately 1,550 feet from upstream of confluence with Choudrant Creek Trib. 6.	+185	
Choudrant Creek Tributary 6	Confluence with Choudrant Creek .....	+185	Unincorporated Areas of Lincoln Parish.
	Approximately 1,250 feet upstream of confluence with Choudrant Creek Trib. 6.1.	+215	
Colvin Creek .....	Confluence with Cypress Creek .....	+120	Unincorporated Areas of Lincoln Parish, Town of Vienna.
	Approximately 2,080 feet upstream of confluence with Colvin Creek Tributary 3.	+182	
Colvin Creek Tributary 2 .....	Confluence with Colvin Creek .....	+167	Unincorporated Areas of Lincoln Parish.
	Approximately 905 feet upstream of Frazier Road .....	+188	
Cypress Creek .....	Confluence with Cypress Creek Tributary 8 .....	+161	Unincorporated Areas of Lincoln Parish, Town of Vienna.
	Confluence with Cypress Creek Tributary 15 .....	+206	
Madden Creek Tributary 5 ....	Approximately 320 Feet Upstream of 2nd Street .....	+286	Village of Simsboro.
	Confluence with Madden Creek .....	+301	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Redwine Creek .....	Approximately 4,410 feet upstream of Facilities/Agriculture Drive.	+231	Village of Grambling, Unincorporated Areas of Lincoln Parish.
Redwine Creek Tributary 6 ...	Confluence with Redwine Creek Tributary 6 .....	+286	Village of Grambling.
	Confluence with Redwine Creek .....	+286	
	Approximately 1,100 feet upstream of Cornwell Dr .....	+311	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****Town of Vienna**

Maps are available for inspection at 5168 Highway 167, Ruston, LA 71270.

**Lincoln Parish (Unincorporated Areas)**

Maps are available for inspection at 100 West Texas Avenue, Ruston, LA 71270.

**Village of Grambling**

Maps are available for inspection at 2045 Martin Luther King Jr. Ave., Grambling, LA 71245.

**Village of Simsboro**

Maps are available for inspection at 2742 Martha St., Simsboro, LA 71275.

**Grand County, Utah, and Incorporated Areas  
FEMA Docket No.: B-7721**

Pack Creek .....	At the confluence with Mill Creek 160 feet upstream of Mill Creek.	+4030	Unincorporated Areas of Grand County City of Moab.
	160 feet upstream of Mill Creek Drive .....	+4199	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Moab**

Maps are available for inspection at 217 East Center Street, Moab, UT 84532.

**Grand County (Unincorporated Areas)**

Maps are available for inspection at Grand County Courthouse, Moab, UT 84532.

**Washington County, Utah, and Incorporated Areas  
FEMA Docket No.: B-7735**

Ash Creek .....	Just upstream of the confluence with Virgin River .....	+3001	City of Toquerville, City of Laverkin.
Cottonwood Spring Wash .....	Approximately 2,682 feet upstream of State Street .....	+3425	Unincorporated Areas of Washington County, City of Enterprise.
	Just upstream of the confluence with Shoal Creek .....	+5309	
Cottowood Wash .....	Approximately 16 feet downstream of SR-18 .....	+5369	City of Washington.
	Just upstream of the confluence with Grapevine Pass Wash.	+2681	
Coyote Wash .....	Approximately 361 feet downstream of State Street .....	+3086	Unincorporated Areas of Washington County, Town of Ivins.
	Approximately 105 feet upstream of Kayenta Dr .....	+2976	
Fort Pierce Wash .....	Just upstream of the confluence with Santa Clara River .....	+3388	Unincorporated Areas of Washington County, City of St. George.
	At River Road .....	+2616	
Gould Wash .....	Approximately 6.3 miles upstream of River Road .....	+2772	Unincorporated Areas of Washington County, City of Hurricane.
	Just upstream of the confluence with Virgin River .....	+2898	
Grapevine Pass Wash .....	Approximately 2,024 feet upstream of 180 West Street .....	+3290	City of Washington.
	Just upstream of the confluence with Virgin River .....	+2641	
	Approximately 3,165 feet downstream of I-15 .....	+2962	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Kayenta Wash .....	Just upstream of the confluence with Santa Clara River .....	+2962	Unincorporated Areas of Washington County, Town of Ivins.
Lava Flow Wash .....	Approximately 21 feet downstream of Taviawk Drive .....	+3237	
	Just upstream of the confluence with Tuacahn Wash .....	+2848	City of Santa Clara.
	Approximately 1,100 feet upstream of Rachel Dr .....	+2918	
Middleton Wash .....	Just upstream of the confluence with Virgin River .....	+2583	City of St. George.
	Approximately 3,155 feet upstream of I-15 .....	+2910	
Mill Creek .....	Just upstream of the confluence with Virgin River .....	+2629	City of Washington, City of St. George.
	Approximately 3,622 feet upstream of Buena Vista Boulevard.	+2866	
North Fork Virgin River .....	Just upstream of the confluence with East Fork Virgin River	+3774	Town of Springdale.
	Approximately 3.75 miles upstream of the confluence with East Fork Virgin River.	+3921	
Sand Hollow Wash .....	At the confluence of Halfway Wash .....	+2690	City of Santa Clara, City of St. George.
	Approximately 2,449 feet upstream of Tuacahn Parkway ....	+2956	
Santa Clara River .....	Just upstream of the confluence with Virgin River .....	+2538	Unincorporated Areas of Washington County, City of Santa Clara, City of St. George.
	Approximately 1.2 miles upstream of Summerwood Circle ..	+2785	
Shoal Creek .....	Approximately 2,893 feet upstream of Center Street .....	+5308	Unincorporated Areas of Washington County, City of Enterprise.
	Approximately 1,838 feet downstream of Center Street .....	+5321	
Spring Creek .....	Just upstream of the confluence with Shoal Creek .....	+5321	Unincorporated Areas of Washington County, City of Enterprise.
	Approximately 2,314 feet upstream 100 S ST .....	+5346	
Tuacahn Wash .....	Approximately 492 feet downstream of Little League Drive	+2782	City of Santa Clara, Town of Ivins.
	Approximately 1,765 feet upstream of Tuacahn Drive .....	+3078	
Unnamed Wash 1 to Cottonwood Wash.	Just upstream of the confluence with Cottonwood Wash .....	+2930	City of Washington.
	310 feet downstream of State Street .....	+3074	
Virgin River .....	Approximately 3,303 feet downstream of confluence with Big Valley Wash.	+2467	Unincorporated Areas of Washington County, City of St. George, City of Washington.
	Approximately 1.78 miles upstream of the confluence with Grapevine Pass Wash.	+2664	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Enterprise**

Maps are available for inspection at 375 S 300 E, Enterprise, UT 84725.

**City of Hurricane**

Maps are available for inspection at 147 N 870 W, Hurricane, UT 84737.

**City of Laverkin**

Maps are available for inspection at 435 N Main, Laverkin, UT 84745.

**City of Santa Clara**

Maps are available for inspection at 2721 Santa Clara Dr, Santa Clara, UT 84765.

**City of St. George**

Maps are available for inspection at 175 E 200 N, St. George, UT 84770.

**City of Toquerville**

Maps are available for inspection at 212 Toquer Blvd, Toquerville, UT 84774.

**City of Washington**

Maps are available for inspection at 111 N 100 E, Washington, UT 84780.

**Town of Ivins**

Maps are available for inspection at 55 N Main, Ivins, UT 84738.

**Town of Springdale**

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
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Maps are available for inspection at 197 E Tabernacle St, St. George, UT 84770.

**Unincorporated Areas of Washington County**

Maps are available for inspection at 197 E Tabernacle St, St. George, UT 84770.

**Sheboygan County, Wisconsin, and Incorporated Areas  
FEMA Docket No.: D-7800**

East Branch Milwaukee River	Just upstream of Division Road .....	+1012	Unincorporated Areas of Sheboygan County.
Sheboygan River .....	At intersection between Division Road and Scenic Drive ..... Approximately 4,700 feet upstream of County Highway JM	+1012 +770	Unincorporated Areas of Sheboygan County.
	Approximately 1,500 feet upstream of County Highway A ...	+798	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Sheboygan County (Unincorporated Areas)**

Maps are available for inspection at Administration Building, 508 New York Avenue, Sheboygan, WI 53081-4126.

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

Dated: October 16, 2008.

**Edward L. Connor,**

*Acting Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-25257 Filed 10-24-08; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 08-2275; MB Docket No. 07-124; RM-11378]

**Radio Broadcasting Services; Waldport, OR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Radio Beam, LLC, allots FM Channel 229C2 at Waldport, Oregon, as a second local service. Channel 229C2 can be allotted at Waldport, Oregon, in compliance with the Commission's minimum distance separation requirements without site restriction at the center city reference coordinates: 44-25-37 North Latitude and 124-04-02 West Longitude.

**DATES:** Effective November 24, 2008.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Deborah Dupont, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 07-124, adopted October 8, 2008, and released October 10, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Waldport, Channel 229C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E8-25456 Filed 10-24-08; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 0401120010-4114-02]

**RIN 0648-XL40**

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area**

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

**ACTION:** Temporary rule; reduction of landing limit.

**SUMMARY:** This action decreases the Georges Bank (GB) yellowtail flounder trip limit to 2,500 lb (1,134 kg) for NE multispecies days-at-sea (DAS) vessels