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

Dated: October 29, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–28224 Filed 11–8–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1155]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% 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 to 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 February 7, 2011.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is 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–1155, to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *roy.e.wright@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *roy.e.wright@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 also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those 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.

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 ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Gilmer County, Georgia, and Incorporated Areas				
Cartecay River	Approximately 0.24 mile upstream of the confluence with Owltown Creek.	+1291	+1290	Unincorporated Areas of Gilmer County.
	Approximately 1.12 miles upstream of Holt Bridge Road.	None	+1519	

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

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** 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 Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Gilmer County

Maps are available for inspection at the Gilmer County Courthouse, 1 Broad Street, Ellijay, GA 30540.

La Porte County, Indiana, and Incorporated Areas

Lake Michigan	Entire shoreline within community	None	+585	City of Michiana Shores, Unincorporated Areas of La Porte County.
Lake Michigan	Entire shoreline within community	+587	+585	Town of Long Beach.
Lake Michigan	Entire shoreline within community	+584	+585	City of Michigan City.
Otter Creek	At the confluence with Trail Creek	None	+592	Town of Pottawattamie Park.
	Approximately 1,000 feet downstream of Karwick Road.	None	+598	
Trail Creek	At the confluence with Lake Michigan	+584	+585	City of Michigan City.
	Approximately 1,100 feet upstream of E Street	+584	+585	
Trail Creek	Approximately 1,100 feet upstream of Liberty Trail Road.	None	+591	Town of Pottawattamie Park.
	At the confluence with Otter Creek	None	+592	
White Ditch	Approximately 160 feet downstream of Michiana Drive	None	+604	City of Michiana Shores, City of Michigan City, Unincorporated Areas of La Porte County.
	Approximately 1,840 feet upstream of Oakdale Drive	None	+607	

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ADDRESSES

City of Michiana Shores

Maps are available for inspection at City Hall, 601 El Portal South Drive, Michiana Shores, IN 46360.

City of Michigan City

Maps are available for inspection at City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360.

Town of Long Beach

Maps are available for inspection at the Town Hall, 2400 Oriole Trail, Long Beach, IN 46360.

Town of Pottawattamie Park

Maps are available for inspection at the La Porte County Government Complex, 809 State Street, Suite 503A, La Porte, IN 46350.

Unincorporated Areas of La Porte County

Maps are available for inspection at the La Porte County Government Complex, 809 State Street, Suite 503A, La Porte, IN 46350.

Butte County, South Dakota, and Incorporated Areas

Belle Fourche River	Just upstream of U.S. Route 212	+3012	+3008	City of Belle Fourche, Unincorporated Areas of Butte County.
	Approximately 0.7 mile upstream of Fairground Road	+3017	+3019	
Hay Creek	Approximately 500 feet downstream of U.S. Route 85	+3041	+3042	City of Belle Fourche, Unincorporated Areas of Butte County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 0.9 mile downstream of Black Angus Lane.	None	+3089	
Redwater River	Approximately 1,200 feet downstream of U.S. Route 212 Business.	+3018	+3016	City of Belle Fourche, Unincorporated Areas of Butte County.
	Approximately 700 feet upstream of U.S. Route 212 Business.	+3024	+3023	
Willow Creek	Approximately 0.5 mile downstream of Snoma Street	None	+3022	City of Belle Fourche, Unincorporated Areas of Butte County.
	Approximately 1,650 feet downstream of West Wood Road.	None	+3183	

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ADDRESSES

City of Belle Fourche

Maps are available for inspection at 511 6th Avenue, Belle Fourche, SD 57717.

Unincorporated Areas of Butte County

Maps are available for inspection at 830 6th Avenue, Belle Fourche, SD 57717.

Custer County, South Dakota, and Incorporated Areas

Battle Creek	Approximately 1.6 miles downstream of Chicago and Northwest Railroad.	None	+3262	Town of Hermosa, Unincorporated Areas of Custer County.
	Approximately 600 feet upstream of Paradise Road	+3390	+3388	
Ferguson Split Flow—Battle Creek.	Approximately 0.5 mile downstream of Fairgrounds Place.	None	+3260	Town of Hermosa, Unincorporated Areas of Custer County.
	Approximately 130 feet upstream of Donna Street	+3290	+3292	
Grace Coolidge Creek	Approximately 180 feet downstream of the divergence from Battle Creek.	+3345	+3341	Unincorporated Areas of Custer County.
	Approximately 3.1 miles upstream of State Highway 36.	None	+3473	
Railroad Spill Flow—Battle Creek.	Just upstream of the confluence with Battle Creek	None	+3290	Town of Hermosa, Unincorporated Areas of Custer County.
	Just downstream of the divergence from Battle Creek	None	+3294	
South Bank Split Flow—Battle Creek.	Approximately 1,200 feet upstream of the confluence with Battle Creek.	None	+3310	Unincorporated Areas of Custer County.
	Approximately 870 feet upstream of Yellow Oak Road	None	+3325	

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ADDRESSES

Town of Hermosa

Maps are available for inspection at 420 Mount Rushmore Road, Custer, SD 57730.

Unincorporated Areas of Custer County

Maps are available for inspection at 420 Mount Rushmore Road, Custer, SD 57730.

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		Effective	Modified	
Forest County, Wisconsin, and Incorporated Areas				
Metonga Lake	Entire Shoreline within community	None	+1599	Unincorporated Areas of Forest County.
Peshtigo Lake	Entire Shoreline within community	None	+1591	Unincorporated Areas of Forest County.
Roberts Lake	Entire Shoreline within community	None	+1594	Unincorporated Areas of Forest County.

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ADDRESSES

Unincorporated Areas of Forest County

Maps are available for inspection at 200 East Madison Avenue, Crandon, WI 54520.

La Crosse County, Wisconsin, and Incorporated Areas				
Black River	Approximately 0.5 mile downstream of the confluence with Davis Creek.	None	+694	Unincorporated Areas of La Crosse County.
	Approximately 3.36 miles upstream of the confluence with Hardies Creek.	None	+706	
Ebner Coulee Main Channel	Approximately 1,584 feet downstream of 29th Street	None	+659	City of La Crosse, Unincorporated Areas of La Crosse County.
	Approximately 1,584 feet upstream of 29th Street	None	+697	
Ebner Coulee Southeast Bank.	Approximately 52.8 feet upstream of 29th Street	None	+665	City of La Crosse.
	Approximately 528 feet upstream of 29th Street	None	+673	

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ADDRESSES

City of La Crosse

Maps are available for inspection at City Hall, 400 La Crosse Street, La Crosse, WI 54601.

Unincorporated Areas of La Crosse County

Maps are available for inspection at 400 4th Street North, La Crosse, WI 54601.

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

Dated: October 29, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–28225 Filed 11–8–10; 8:45 am]

BILLING CODE 9110–12–P