

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

Dated: December 31, 2002.

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Administrator, Federal Insurance and  
Mitigation Administration.

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

#### Final Flood Elevation Determinations

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations 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 base flood elevations and modified base flood elevations 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 base flood elevations 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:** Michael M. Grimm, Acting Chief, Hazard Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) [mike.grimm@fema.gov](mailto:mike.grimm@fema.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed

determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

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 Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations 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 Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations 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)
<b>DELAWARE</b>	
<b>Kent County (Unincorporated Areas) (FEMA Docket No. D-7536)</b>	
<i>Andrews Lake:</i>	
Approximately 1,525 feet downstream of Andrews Lake Road .....	*9
Approximately 1.25 miles upstream of Andrews Lake Road .....	*22
<b>Kent County (Unincorporated Areas)</b>	
<i>Beaverdam Ditch:</i>	
At confluence with Tidy Island Creek .....	*46
Approximately 90 feet upstream of Taraila Road .....	*57
<b>Kent County (Unincorporated Areas)</b>	
<i>Browns Branch North:</i>	
At the downstream side of the northbound lane of U.S. Route 13 .....	*42
At the downstream side of the southbound lane of U.S. Route 13 .....	*43
<b>Kent County (Unincorporated Areas)</b>	
<i>Browns Branch South:</i>	
At Route 431 .....	*41
Approximately 1.04 miles upstream of Route 431 .....	*48
<b>Kent County (Unincorporated Areas), City of Dover</b>	
<i>Cahoon Branch:</i>	
At confluence with Maidstone Branch .....	*32
Approximately 50 feet downstream of Navit Road .....	*58
<b>Kent County (Unincorporated Areas)</b>	
<i>Choptank River:</i>	
Approximately 1.33 miles downstream of Still Road ..	*22
Approximately 0.5 mile upstream of confluence of Culbreth Marsh Ditch .....	*37
<b>Kent County (Unincorporated Areas)</b>	
<i>Coursey Pond:</i>	
Approximately 1,030 feet downstream of Canterbury Road .....	*9
Approximately 1.3 miles upstream of Canterbury Road .....	*13
<b>Kent County (Unincorporated Areas)</b>	
<i>Cow Marsh Creek:</i>	
At confluence with Choptank River .....	*26