

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

Dated: August 8, 2003.

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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, 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).

**EFFECTIVE DATE:** 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 FIRM is available for inspection as indicated in 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, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs 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 BFEs and proposed modified

BFEs 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.

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 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 proposed 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 to read 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)
<b>California</b>	
<b>Contra Costa County, (FEMA Docket No.# B-7416)</b>	
<i>Murderer's Creek:</i>	
At Pleasant Hill Road .....	*145
Approximately 210 feet upstream of Withers Avenue .....	*148
<b>Maps are available for inspection</b> at the Public Works Department, 255 Glacier Drive, Martinez, California.	
<b>Pleasant Hill (City), Contra Costa County, (FEMA Docket No.# B-7416)</b>	
<i>East Fork Grayson Lane:</i>	
At Gregory Creek .....	*51
Just upstream of Oak Park Boulevard .....	*72
<i>Murderer's Creek:</i>	
At confluence with East Fork Grayson Creek .....	*51
Approximately 3,000 feet upstream of Frontage Road ..	*135
<b>Maps are available for inspection</b> at the Public Works Department, 100 Gregory Lane, Pleasant Hill, California.	
<b>Missouri</b>	
<b>Gasconade County, (FEMA Docket No.# B-7425)</b>	
<i>Frene Creek:</i>	
At the confluence with the Missouri River .....	*518
Approximately 3,400 feet upstream of High School Driveway .....	*5530
<b>Maps are available for inspection</b> at City Hall, 207 Schiller Street, Hermann, Missouri.	
<b>Hermann (City), Gasconade County, (FEMA Docket No.# B-7425)</b>	
<i>Frene Creek:</i>	
Approximately 2,100 feet upstream of High School Driveway .....	*527
Approximately 3,500 feet upstream of High School Driveway .....	*531
<b>Maps are available for inspection</b> at 119 East First Street, Hermann Missouri.	

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