

Dated: November 4, 2003.
(Catalogue of Federal Domestic Assistance
No. 83.100, "Flood Insurance.")
Anthony S. Lowe,
*Mitigation Division Director, Emergency
Preparedness and Response Directorate.*
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency
Management Agency, Emergency
Preparedness and Response Directorate,
Department of Homeland Security.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-
chance) Flood Elevations (BFEs) are
finalized for the communities listed
below. These modified elevations will
be used to calculate flood insurance
premium rates for new buildings and
their contents.

EFFECTIVE DATES: The effective dates for
these modified BFEs are indicated on
the table below and revise the Flood
Insurance Rate Maps ((FIRMs) in effect
for the listed communities prior to this
date.

ADDRESSES: The modified 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, P.E., Hazard
Identification Section, Emergency
Preparedness and Response Directorate,
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 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 Mitigation Division
Director of the Emergency Preparedness
and Response Directorate has resolved
any appeals resulting from this
notification.

The modified BFEs are not listed for
each community in this notice.
However, this rule includes the address
of the Chief Executive Officer of the
community where the modified BFE
determinations are available for
inspection.

The modifications are made pursuant
to Section 206 of the Flood Disaster
Protection Act of 1973, 42 U.S.C. 4105,
and are in accordance with the National
Flood Insurance Act of 1968, 42 U.S.C.
4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently
effective community number is shown
and must be used for all new policies
and renewals.

The modified BFEs are the basis for
the floodplain management measures
that the community is required to either
adopt or to show evidence of being
already in effect in order to qualify or
to remain qualified for participation in
the National Flood Insurance Program
(NFIP).

These 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 modified BFEs 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.

The changes in BFEs are in
accordance with 44 CFR 65.4.

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
modified base flood elevations are
required by the Flood Disaster
Protection Act of 1973, 42 U.S.C. 4105,
and are required to 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 65

Flood insurance, Floodplains,
Reporting and recordkeeping
requirements.

■ Accordingly, 44 CFR Part 65 is
amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for Part 65
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.

§ 65.4 [Amended]

■ 2. The tables published under the
authority of § 65.4 are amended as
follows:

State and county	Location	Dates and name of news- paper where notice was published	Chief executive officer of community	Effective date of modi- fication	Community No.
California: Alameda (Case No. 02-09-542P) (FEMA Docket No. P7624).	City of Hayward ..	Feb. 21, 2003, Feb. 28, 2003; <i>The Daily Review</i> .	The Hon. Roberta Cooper, Mayor, City of Hayward, 777 B Street, Hayward, CA 94541.	Feb. 10, 2003	065033
Illinois: Will (Case No. 02-05- 3078P) (FEMA Docket No. P7624).	Village of Bolingbrook.	Apr. 10, 2003, Apr. 17, 2003; <i>The Bolingbrook Sun</i> .	The Honorable Roger Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	July 17, 2003	170812