

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 modified base flood elevations are required by the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4105, 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 record keeping 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:

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) modified ◆Elevation in feet (NAVD) modified |
|----------|--|---------------------------------|--|--|
| AR | Cherokee Village (City) Sharp and Fulton Counties (FEMA Docket No. P7627). | Big Otter Creek | At confluence with South Fork Spring River. | *386 |
| | | | Approximately 0.25 miles downstream of the primary Spillway of Lake Thunderbird. | *393 |
| | | Big Otter Creek Tributary | Approximately 74.0 feet upstream of confluence with Big Otter Creek. | *485 |
| | | | Approximately 400 feet downstream of the dam at Lake Navajo. | *561 |
| | | Little Otter Creek | Approximately 0.8 mile upstream of the primary spillway of Lake Sequoyah. | *484 |
| | | | Approximately 600 feet upstream of Lakeshore Drive. | *493 |
| | | Short Draft Branch | Approximately 1.7 miles upstream of South Fork Spring River. | *509 |
| | | | Approximately 0.1 mile downstream of the primary spillway of Lake Chanute. | *516 |
| | | South Fork Spring River | Just downstream of Griffin Road | *371 |
| | | | Approximately 5700 feet upstream of Cherokee Road. | *410 |

Maps are available for inspection at the City of Cherokee Village, 2 Santee Drive, Cherokee Village, Arkansas.

Dated: December 9, 2003.

(Catalog 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 COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket 020626160-3217-04; I.D. 070203F]

RIN 0648-AQ13

Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule and technical correction.

SUMMARY: NMFS is issuing a final rule to prohibit fishing with drift gillnets in the California/Oregon (CA/OR) thresher shark/swordfish drift gillnet fishery in U.S. waters off southern California in waters east of the 120°W., for the months of June, July, and August, when the Assistant Administrator for Fisheries (AA) publishes a notice that El Nino conditions are forecasted or present off southern California. NMFS