

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

Dated: May 3, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

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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: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) matt.miller@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 Acting Executive Associate Director, Mitigation Directorate, 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)
ILLINOIS	
LaSalle (City), LaSalle County (FEMA Docket No. 7307)	
<i>Illinois River:</i>	
Approximately 0.82 mile downstream of State Route 351	*463
Approximately 0.95 mile upstream of Illinois Central Railroad	*465
Maps available for inspection at the LaSalle City Hall, 745 Second Street, LaSalle, Illinois.	
LaSalle County (Unincorporated Areas) (FEMA Docket No. 7307)	
<i>Goose Creek:</i>	
At downstream corporate limits	*509
At upstream corporate limits	*516
<i>Illinois River:</i>	
Approximately 2.5 miles downstream of State Route 251	*462
Approximately 1.1 miles upstream of South Main Street (State Route 170)	*497
<i>Fox River:</i>	
At the confluence with the Illinois River	*472
Approximately 850 feet downstream of confluence of Clear Creek	*554
<i>Prairie Creek:</i>	
At the confluence with the Vermilion River	*573
A point approximately 2,850 feet upstream of Otter Creek Road ...	*628
<i>Vermilion River:</i>	
Upstream of Oakley Road	*567
Approximately 0.77 mile upstream of Bridge Street	*580
<i>Clark Run Creek:</i>	
At confluence with Illinois River	*466
Approximately 625 feet upstream of abandoned Illinois and Michigan Canal	*473
<i>Coal Run Creek:</i>	
Approximately 50 feet upstream of South Otter Creek Road	*614
Approximately 585 feet upstream of South Otter Creek Road	*615
<i>Rat Run:</i>	
At the confluence with the Illinois River	*494
At the Missouri, Kansas, Texas Railroad	*501
<i>Lake Holiday:</i>	
Entire shoreline within community	*644
<i>First Creek:</i>	
Approximately 970 feet upstream of confluence with Little Vermilion River	*715
Approximately 250 feet upstream of 6th Street	*719

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<i>First Creek Tributary:</i> Approximately 350 feet upstream of 17th Street At 17th Street <i>South Branch Coal Run Creek:</i> Downstream side of South Otter Creek Street Approximately 425 feet upstream of South Otter Creek Street <i>Ponding Area:</i> Approximately 1,800 feet northwest of intersection of West Church Street and Johnson Street	*740 *740 *614 *615 #1	Approximately 4,400 feet upstream of confluence of Fox River <i>Fox River:</i> Approximately 500 feet upstream of confluence with the Illinois River Approximately 0.98 mile upstream of confluence of Goose Creek Maps available for inspection at the Ottawa City Hall, 301 West Madison Street, Ottawa, Illinois. Peru (City), LaSalle County (FEMA Docket No. 7007) <i>Illinois River:</i> Approximately 7,350 feet downstream of State Route 251 A point approximately 2,600 feet upstream of State Route 251	*473 *472 *474 *462 *463	Maps available for inspection at the Decatur County Area Planning Commission Office, 150 Court-house Square, Greensburg, Indiana. MAINE Wilton (Town), Franklin County (FEMA Docket No. D-7506) <i>Butterfield Brook:</i> At U.S. Route 2/State Route 17 Approximately 0.64 mile upstream of Butterfield Road <i>Cram Brook:</i> At confluence with Sevenmile Stream At confluence of Ice Pond Brook ... <i>Ice Pond Brook:</i> At confluence with Cram Brook Approximately 230 feet upstream of Gordon Road <i>Pine Brook:</i> At confluence with Wilson Stream Approximately 85 feet upstream of State Route 156 (Weld Road) <i>Potash Brook:</i> At U.S. Route 2/State Route 17 Approximately 120 feet upstream of Cemetery Road <i>Sevenmile Stream:</i> At downstream U.S. Route 2/State Route 17 crossing At upstream corporate limits <i>Temple Brook:</i> At confluence with Wilson Stream Approximately 0.95 mile upstream of State Road 156 (Weld Road) <i>Wilson Stream:</i> At confluence with Wilson Pond Approximately 0.7 mile upstream of Tobin Flats Road <i>Varnum Pond:</i> Approximately 1,250 feet west of the intersection of Rupert Road and Walker Hill Road Maps available for inspection at the Wilton Town Hall, Code Enforcement Office, 158 Weld Road, Wilton, Maine.	*477 *727 *611 *617 *617 *638 *581 *592 *488 *515 *520 *633 *635 *775 *576 *726 *758
Marseilles (City), LaSalle County (FEMA Docket No. 7307) <i>Illinois River:</i> Approximately 4,200 feet downstream of Main Street Approximately 15,500 feet upstream of Main Street Maps available for inspection at the Marseilles City Hall, 209 Lincoln Street, Marseilles, Illinois. Millington (Village), LaSalle County (FEMA Docket No. 7307) <i>Fox River:</i> Approximately 1.6 miles upstream of Interstate 80 Approximately 400 feet upstream of confluence of Clear Creek <i>Clear Creek:</i> At confluence with the Fox River ... At the Burlington Northern Railroad	*479 *492 *553 *555 *555 *556	Seneca (Village), LaSalle County (FEMA Docket No. 7307) <i>Illinois River:</i> Approximately 1.1 miles downstream of South Main Street (State Route 170) Approximately 400 feet upstream of upstream county boundary <i>Rat Run:</i> Approximately 2,750 feet downstream of Main Street (State Route 170) Approximately 1,000 feet downstream of Main Street (State Route 170) Maps available for inspection at the Seneca Village Hall, 116 West Williams Street, Seneca, Illinois. Sheridan (Village), LaSalle County (FEMA Docket No. 7307) <i>Fox River:</i> At the most downstream corporate limits Approximately 1,725 feet upstream of North 41st Road Maps available for inspection at the Sheridan Village Hall, Engineer's Office, Robinson Street, Sheridan, Illinois.	*494 *497 *494 *494	NEW HAMPSHIRE Durham (Town), Strafford County (FEMA Docket No. D-7502) <i>Pettee Brook:</i> At confluence with Beard's Creek .. A point approximately 20 feet upstream of Durham Reservoir Spillway <i>College Brook:</i> Approximately 40 feet upstream of the confluence with Oyster River At Concord Road <i>Oyster River:</i> Approximately 1,500 feet upstream of Mill Pond Dam A point approximately 15 feet upstream of State Route 155A <i>Lamprey River:</i> Approximately 40 feet upstream of Wiswall Road At upstream corporate limits <i>Hamel Brook:</i> At the confluence with Oyster River Approximately 1,600 feet upstream of the confluence with Oyster River	*8 *84 *15 *69 *15 *68 *63 *64 *15 *15
North Utica (Village), LaSalle County (FEMA Docket No. 7307) <i>Clark Run Creek:</i> Approximately 0.46 mile downstream of crossing of the abandoned Illinois and Michigan Canal Approximately 700 feet downstream of confluence of the abandoned Illinois and Michigan Canal <i>Illinois River:</i> Approximately 0.38 mile downstream of State Route 178 Approximately 0.55 mile upstream of State Route 178 Maps available for inspection at the North Utica Village Hall, 245 Mill Street, Utica, Illinois. Ottawa (City), LaSalle County (FEMA Docket No. 7307) <i>Goose Creek:</i> Approximately 400 feet downstream of Champlain Street Approximately 150 feet upstream of Champlain Street <i>Illinois River:</i> Approximately 0.4 mile downstream of Burlington Northern Railroad	*466 *466 *466 *466 *472 *475 *471	Decatur County (Unincorporated Areas) (FEMA Docket No. D-7502) <i>Righthand Fork:</i> At confluence with Lake Santee Approximately 1,850 feet upstream of the confluence of Righthand Fork Tributary <i>Righthand Fork Tributary:</i> At confluence with Righthand Fork Approximately 1,003 feet upstream of the confluence with Righthand Fork <i>Lake Santee:</i> For its entire shoreline within the community	*997 *1,025 *1,017 *1,023 *997		

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Durham Town Hall, 15 New Market Road, Durham, New Hampshire.		Approximately 275 feet downstream from I-87 bridge	*130	Approximately 2,300 feet upstream of Oak Street	*694
NEW JERSEY		Maps available for inspection at the Champlain Town Hall, 729 Rount 9, Champlain, New York.		<i>Sunday Creek:</i> Approximately 2,960 feet downstream of Oak Street	*684
Chatham (Borough), Morris County (FEMA Docket No. D-7500)		Champlain (Village), Clinton County (FEMA Docket No. D-7502)		Downstream side of State Route 78	*691
<i>Passaic River:</i> Approximately 125 feet downstream of Main Street	*180	<i>Great Chazy River:</i> Approximately 3,580 feet downstream of Elm Street bridge	*103	<i>West Branch Sunday Creek:</i> Confluence with Sunday Creek	*687
Approximately 300 feet upstream of Stanley Avenue	*205	Approximately 3,300 feet upstream of U.S. Route 9 bridge	*127	Approximately 2,200 feet upstream of Embrey Street	*687
Maps available for inspection at the Chatham Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.		Maps available for inspection at the Champlain Village Hall, 1104 Route 9 Main Street, Champlain, New York.		Maps available for inspection at the Glouster Village Hall, 16 1/2 Front Street, Glouster, Ohio.	
Chatham (Township), Morris County (FEMA Docket No. D-7500)		North Elba (Town), Essex County (FEMA Docket No. D-7502)		Independence (City), Cuyahoga County (FEMA Docket No. D-7502)	
<i>Passaic River:</i> Approximately 0.38 mile downstream of Mount Vernon Avenue	*205	<i>West Branch Ausable River:</i> Approximately 50 feet downstream of State Route 86	*1,644	<i>Cuyahoga River:</i> At downstream corporate limits	*602
Approximately 1,520 feet upstream of Snyder Avenue	*212	Approximately 170 feet upstream of State Route 73	*1,680	At Pleasant Valley Road	*620
Maps available for inspection at the Chatham Township Hall, 58 Meyersville Road, Chatham, New Jersey.		<i>Chubb River, Reach 1:</i> At the confluence with West Branch Ausable River	*1,664	Maps available for inspection at the City of Independence Building Department, 6335 Selig Drive, Independence, Ohio.	
Frenchtown (Borough), Hunterdon County (FEMA Docket No. D-7504)		Approximately 0.76 mile upstream of confluence with West Branch Ausable	*1,668	VIRGINIA	
<i>Delaware River:</i> At downstream corporate limit	*124	<i>Chubb River, Reach 2:</i> Approximately 20 feet downstream of CONRAIL	*1,727	Danville (City), Pittsylvania County (FEMA Docket No. 7307)	
At upstream corporate limit	*127	Approximately 0.46 mile upstream of Old Military Road	*1,738	<i>Apple Branch:</i> At confluence with Dan River	*418
<i>Nishisakawick Creek:</i> At confluence with Delaware River	*125	Maps available for inspection at the North Elba Town Clerk's Office, 301 Main Street, Lake Placid, New York.		Approximately 25 feet upstream of Northmont Boulevard	*535
A point approximately 450 feet upstream of Kingswood Avenue (State Route 12)	*126	OHIO		<i>Dan River:</i> At downstream corporate limits	*396
<i>Little Nishisakawick Creek:</i> At confluence with Delaware River	*125	Brooklyn Heights (Village), Cuyahoga County (FEMA Docket No. D-7502)		Approximately 970 feet downstream of upstream corporate limits	*458
Approximately 760 feet upstream of State Route 29 (Trenton Avenue)	*126	<i>Cuyahoga River:</i> At downstream corporate limit	*597	<i>Sandy Creek:</i> At confluence with Dan River	*424
Maps available for inspection at the Frenchtown Borough Hall, 29 Second Street, Frenchtown, New Jersey.		At upstream corporate limit	*602	At downstream side of U.S. Route 58	*424
Phillipsburg (Town), Warren County (FEMA Docket No. D-7504)		Maps available for inspection at the Western Reserve Engineering Company, 5605 Valley Belt Road, Independence, Ohio.		<i>Sandy River:</i> At confluence with Dan River	*427
<i>Delaware River:</i> At downstream corporate limits	*183	Cuyahoga Heights (Village), Cuyahoga County (FEMA Docket No. D-7502)		Just downstream of old U.S. Route 58	*427
Approximately 50 feet upstream of U.S. Route 22/Memorial Parkway	*196	<i>Cuyahoga River:</i> Approximately 800 feet downstream side of Harvard Denison Bridge	*588	<i>Pumpkin Creek:</i> At confluence with Dan River	*401
<i>Lopatcong Creek:</i> At confluence with Delaware River	*188	Approximately 1,700 feet upstream side of Interstate 77	*606	750 feet upstream of State Route 265	*401
Approximately 1,600 feet upstream of CONRAIL	*188	Maps available for inspection at the Cuyahoga Heights Village Hall, 4863 East 71st Street, Cuyahoga Heights, Ohio.		<i>Jackson Branch:</i> At confluence with Dan River	*403
Maps available for inspection at the Phillipsburg Town Hall, 675 Corliss Avenue, Phillipsburg, New Jersey.		Glouster (Village), Athens County (FEMA Docket No. D-7504)		Approximately 1,725 feet upstream of Goodyear Boulevard (Whitmell Street)	*403
NEW YORK		<i>Mud Fork:</i> Confluence with West Branch Sunday Creek	*687	<i>Fall Creek:</i> At confluence with Dan River	*404
Champlain (Town), Clinton County (FEMA Docket No. D-7502)				100 feet downstream of Halifax Street	*404
<i>Great Chazy River:</i> Confluence with Lake Champlain ...	*102			Maps available for inspection at the Department of Community Development, 427 Patton Street, Danville, Virginia.	
				Pittsylvania County (Unincorporated Areas) (FEMA docket No. D-7502)	
				<i>Dan River:</i> At State boundary	*396
				Approximately 3.0 miles downstream of Southern Railway	458
				Maps available for inspection at the Pittsylvania County Zoning Officer, 53 North Main Street, Chat-ham, Virginia.	

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Dated: May 3, 2001.

Margaret E. Lawless,

Acting Executive Associate, Director for Mitigation.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 010409084-1084-01; I.D. 030601A]

RIN 0648-AP16

Sea Turtle Conservation; Shrimp Trawling Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) issues an interim final rule to add the double cover flap Turtle Excluder Device (TED) to the list of hard TEDs approved for use by shrimp trawlers operating in the Atlantic Ocean off the southeastern United States and in the Gulf of Mexico and as a TED approved for use without modification in a closed portion of the leatherback conservation zone. NMFS is adding this TED to these lists because upon completion of the testing protocols the TED has been found to meet all criteria for approval. The intent of this rule is to provide an additional option by which fishermen can comply with the requirement that all nets rigged for fishing in the Atlantic or Gulf Areas have an approved TED installed for use.

DATES: This interim final rule is effective May 14, 2001. Comments on this interim final rule are requested, and must be received by June 13, 2001. Comments sent by email or the internet will not be accepted.

ADDRESSES: Comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert Hoffman, 727-570-5312.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or

threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. The loggerhead (*Caretta caretta*) and green turtle (*Chelonia mydas*) are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

The incidental take and mortality of sea turtles as a result of trawling activities has been documented in the Gulf of Mexico and along the Atlantic seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions identified in 50 CFR 223.206. The incidental taking of turtles during shrimp or summer flounder trawling is exempted from the taking prohibition of section 9 of the ESA if the conservation measures specified in the sea turtle conservation regulations (50 CFR part 223) are followed. The regulations require most shrimp trawlers and summer flounder trawlers operating in the southeastern United States (Atlantic Area, Gulf Area, and summer flounder sea turtle protection area) to have a NMFS-approved TED installed in each net that is rigged for fishing to provide for the escape of sea turtles. TEDs currently approved by NMFS include single-grid hard TEDs and hooped hard TEDs conforming to a generic description, two types of special hard TEDs (the flounder TED and the Jones TED), and one type of soft TED—the Parker soft TED.

TEDs incorporate an escape opening, usually covered by a webbing flap, that allows sea turtles to escape from trawl nets. To be approved by NMFS, a TED design must be shown to be 97 percent effective in excluding sea turtles during experimental TED testing. Most approved hard TEDs are described in the regulations (50 CFR 223.207(a)) according to generic criteria based upon certain parameters of TED design, configuration, and installation, including height and width dimensions of the TED opening through which the turtles escape. In the Atlantic Area, the opening must be at least 35 inches (89 cm) in width and 12 inches (30 cm) in height. In the Gulf Area, the opening must be at least 32 inches (81 cm) in width and 10 inches (25 cm) in height.

Leatherback Contingency Plan

NMFS, in cooperation with the U.S. Fish and Wildlife Service, South Carolina Wildlife & Marine Resources Department, Georgia Department of Natural Resources, and Florida

Department of Environmental Protection developed the Leatherback Contingency Plan to reduce leatherback mortality in shrimp trawls and, in 1995, NMFS established the leatherback conservation zone regulations to implement the Leatherback Contingency Plan (60 FR 25620, May 12, 1995). Leatherback turtles are too large to fit through the standard size TED opening; when mature they can weigh between 600 and 1300 pounds (273 and 591 kg). The Leatherback Contingency Plan includes procedures to identify when and where TEDs with larger escape openings should be used to protect leatherbacks during their annual, spring migration along the Atlantic seaboard. The leatherback conservation zone is the waters north of Cape Canaveral, FL, to the North Carolina-Virginia border. Within this zone, weekly aerial surveys for leatherback sightings are conducted from January 1 through June 30 of each year. If sightings, in replicate surveys, exceed 10 leatherback turtles per 50 nautical miles (nm) (92.6 km) of trackline, NMFS closes, for a 2-week period, waters within 1° lat. of the trackline to shrimp trawlers unless they use a TED modified with the leatherback exit opening. There is currently one approved leatherback modification for hard TEDs and one for the Parker soft TED.

Double Cover Flap TED

In June 2000 NMFS tested the new double cover flap TED design. This design includes the use of a split flap. This TED has an escape opening with a width of 56 inches (142 cm), covered with a split flap composed of two equal size rectangular panels. Each panel must be no less than 58 inches (147 cm) wide and must not overlap each other by more than 15 inches (38 cm). The panels may only be sewn together along the leading edge of the cut. The edge of the panels may be attached 6 inches (15 cm) behind the posterior edge of grid, and the end of each panel must not extend more than 6 inches (15 cm) past the center of the bottom of the grid.

Double Cover Flap TED Testing

A total of ten turtles were exposed to a double cover flap TED in the bottom opening configuration. Five of these turtles were exposed to a double cover flap TED with the flap extending 24 inches (61 cm) past the grid and the other five were exposed to a TED with the flap extending 3 inches (8 cm) past the grid frame. All ten turtles escaped, but escape from the short flap TED was faster by an average of 33 seconds. The long flap in this configuration also had trouble maintaining its integrity during