

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")
Dated: June 5, 2006.

David I. Maurstad,

Director, Mitigation Division, Federal
Emergency Management Agency, Department
of Homeland Security.

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**DEPARTMENT OF HOMELAND
SECURITY**

**Federal Emergency Management
Agency**

44 CFR Part 67

[Docket No. FEMA-D-7662]

**Proposed Flood Elevation
Determinations**

AGENCY: Federal Emergency
Management Agency (FEMA),
Department of Homeland Security,
Mitigation Division.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are requested on the
proposed Base (1% annual chance)
Flood Elevations (BFEs) and proposed
BFE modifications for the communities
listed below. The BFEs are the basis for
the floodplain management measures
that the 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).

DATES: The comment period is ninety
(90) days following the second
publication of this proposed rule in a
newspaper of local circulation in each
community.

ADDRESSES: The proposed 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:
William R. Blanton, Jr. CFM, Acting
Section Chief, Engineering Management
Section, Mitigation Division, 500 C
Street, SW., Washington, DC 20472,
(202) 646-3151.

SUPPLEMENTARY INFORMATION: FEMA
proposes to make determinations of
BFEs and modified BFEs for each
community listed below, in accordance
with Section 110 of the Flood Disaster
Protection Act of 1973, 42 U.S.C. 4104,
and 44 CFR 67.4(a).

These proposed BFEs and 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
proposed elevations 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.

National Environmental Policy Act.
This proposed 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 certifies
that this proposed rule is exempt from
the requirements of the Regulatory
Flexibility Act because proposed 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. As a result, a
regulatory flexibility analysis has not
been prepared.

Regulatory Classification. This
proposed 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 13132, Federalism.
This rule involves no policies that have
federalism implications under Executive
Order 13132.

*Executive Order 12988, Civil Justice
Reform.* This rule meets the applicable
standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and
procedure, flood insurance, reporting
and recordkeeping requirements.

Accordingly, 44 CFR part 67 is
proposed to be 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.

§ 67.4 [Amended]

2. The tables published under the
authority of § 67.4 are proposed to be
amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Massachusetts	Plymouth (Town), .. Plymouth County ...	Plymouth Harbor/Plymouth Bay	At Clarks Island Approximately 500 feet north of the inter- section of State Route 3A and Clifford Road.	•12 •18	•10 •29
Maps available for inspection at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts. Send comments to Mr. Mark Sylvia, Plymouth Town Manager, 11 Lincoln Street, Plymouth, Massachusetts 02360.					
North Carolina	Atkinson (Town), Pender County.	Mill Branch (of Moores Creek).	Approximately 0.7 mile downstream of NC Highway 53. At Church Street (NC Highway 53)	None None	•43 •64

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Maps available for inspection at the Atkinson Town Hall, 200 North Town Hall Avenue, Atkinson, North Carolina. Send comments to The Honorable George Stalker, Mayor of the Town of Atkinson, 200 North Town Hall Avenue, Atkinson, North Carolina 28421.					
North Carolina	Orange County (Unincorporated Areas).	Haw River	At the Orange/Chatham County boundary	None	•415
			Approximately 1.2 miles upstream of East Greensboro-Chapel Hill Road	None	•429

Maps available for inspection at the Orange County Planning and Inspections Department, 306F Revere Road, Hillsborough, North Carolina.
Send comments to Mr. John M. Link, Jr., Orange County Manager, 200 South Cameron Street, Hillsborough, North Carolina 27278.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AU48

Endangered and Threatened Wildlife and Plants; Amended Designation of Critical Habitat for the Wintering Population of the Piping Plover

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to amend critical habitat for the wintering population of the piping plover (*Charadrius melodus*) in North Carolina under the Endangered Species Act of 1973, as amended (Act). In total, approximately 1,827 acres (ac) (739 hectares (ha)) fall within the boundaries of the proposed amended critical habitat designation, located in Dare and Hyde counties, North Carolina.

DATES: We will accept comments from all interested parties until August 11, 2006. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by July 27, 2006.

ADDRESSES: If you wish to comment, you may submit your comments and materials concerning this proposal by any one of the following methods:

1. You may submit written comments and information to Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Fish and Wildlife Office, P. O. Box 33726, Raleigh, North Carolina 27636-3726.

2. You may hand-deliver written comments to our office, at Raleigh Field Office, 551-F Pylon Drive, Raleigh, North Carolina 27606.

3. You may send comments by electronic mail (e-mail) to ncplovercomments@fws.gov. Please see the "Public Comments Solicited" section under **SUPPLEMENTARY INFORMATION** for file format and other information about electronic filing.

4. You may fax your comments to 919-856-4556.

5. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the Raleigh Fish and Wildlife Office, 551-F Pylon Drive, Raleigh, North Carolina 27606 (telephone 919-856-4520).

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, Raleigh Fish and Wildlife Office, telephone 919-856-4520, facsimile 919-856-4556.

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. We particularly seek comments concerning:

(1) The reasons any habitat should or should not be determined to be critical

habitat as provided by section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation will outweigh any threats to the species due to designation;

(2) Specific information on the amount and distribution of wintering piping plover habitat in North Carolina, and what areas should be included in the designation that were occupied at the time of listing that contain the features that are essential for the conservation of the species and why, and what areas were not occupied at the listing is essential to the conservation of the species and why;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments;

(6) Whether our determination that areas identified as not being in need of special management is accurate; and

(7) Information to assist the Secretary of the Interior in evaluating habitat with physical and biological features essential to the conservation of the piping plover on Cape Hatteras National Seashore, administered by the National Park Service, based on any benefit provided by the Interim Protected Species Management Strategy/Environmental Assessment (Interim Strategy) to the conservation of the wintering piping plover.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of