

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

## ADDRESSES

## Unincorporated Areas of Val Verde County

Maps are available for inspection at the Del Rio City Hall, 109 West Broadway Street, Del Rio, TX 78840.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 14, 2009.

**Deborah S. Ingram,**

*Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E9-12101 Filed 5-22-09; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

## Federal Emergency Management Agency

## 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1047]

## Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before August 24, 2009.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1047, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:**

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (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.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

*National Environmental Policy Act.*

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Executive Order 12866, Regulatory Planning and Review.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

*Executive Order 12988, Civil Justice Reform.* This proposed 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:

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Harvey County, Kansas, and Incorporated Areas				
Sand Creek .....	Approximately 865 feet upstream of Northeast 24th Street.	+1436	+1434	City of North Newton.
	Approximately 1,590 feet upstream of Northeast 24th Street.	+1437	+1435	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of North Newton

Maps are available for inspection at 2601 North Main Street, North Newton, KS 67117.

<b>Dukes County, Massachusetts, and Incorporated Areas</b>				
Atlantic Ocean .....	Along the shoreline of the Atlantic Ocean between Gilberts Cove and Quenames Cove.	+7	+11	Town of Chilmark.
Atlantic Ocean .....	Along the shoreline of the Atlantic Ocean between Paqua Pond and Jobs Neck Pond.	None	+9	Town of Edgartown.
Atlantic Ocean .....	Along the shoreline of the Atlantic Ocean between Long Cove and Homer Road.	None	+9	Town of West Tisbury.
Vineyard Sound .....	Along the shoreline of Vineyard Sound approximately 300 feet East of the intersection of Lobsterville Road and West Basin Road.	+8	+9	Town of Aquinnah.
Vineyard Sound .....	Along the shoreline of Vineyard Sound between Farm Pond and Hamlin Pond.	None	+12	Town of Oak Bluffs.
Vineyard Sound .....	Along the shoreline of Vineyard Sound between Algonquin Avenue to Yacht Club Lane.	None	+12	Town of Tisbury.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Town of Aquinnah

Maps are available for inspection at the Town Hall, 65 State Road, Aquinnah, MA 02535.

##### Town of Chilmark

Maps are available for inspection at the Town Hall, 401 Middle Road, Chilmark, MA 02535.

##### Town of Edgartown

Maps are available for inspection at the Town Hall, 70 Main Street, Edgartown, MA 02539.

##### Town of Oak Bluffs

Maps are available for inspection at the Town Hall, 56 School Street, Oak Bluffs, MA 02557.

##### Town of Tisbury

Maps are available for inspection at the Town Hall, 51 Spring Street, Vineyard Haven, MA 02568.

##### Town of West Tisbury

Maps are available for inspection at the Town Hall, 1059 State Road, West Tisbury, MA 02575.

<b>Kennebec County, Maine, and Incorporated Areas</b>				
China Lake .....	Along the entire shoreline .....	None	+199	Town of Albion.
China Lake .....	Along the entire shoreline .....	None	+199	Town of Vassalboro.
Kezar Brook .....	At the mouth of Cobboseecontee Lake .....	None	+169	Town of Winthrop.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Just downstream of South Road .....	None	+169	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Town of Albion

Maps are available for inspection at the Town Office, 22 Main Street, Albion, ME 04910.

##### Town of Vassalboro

Maps are available for inspection at the Town Hall, 682 Main Street, North Vassalboro, ME 04989.

##### Town of Winthrop

Maps are available for inspection at the Town Hall, 17 Highland Avenue, Winthrop, ME 04364.

#### Pike County, Mississippi, and Incorporated Areas

Tangipahoa River .....	Approximately 0.68 miles downstream of Highway 575.	None	+233	Town of Osyka.
	Approximately 1,100 feet downstream of Highway 575	None	+236	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Town of Osyka

Maps are available for inspection at 215 West Liberty Street, Osyka, MS 39648.

#### Muskingum County, Ohio, and Incorporated Areas

Moxahala Creek .....	Approximately 1,300 feet downstream of Ransbottom Road.	None	+734	Unincorporated Areas of Muskingum County.
	Approximately 500 feet downstream of East 1st Street	None	+735	
Muskingum River .....	Approximately 0.4 mile downstream of E Muskingum Avenue (State Route 208).	+714	+718	Village of Dresden.
	At confluence with Wakatomika Creek .....	+716	+720	
Muskingum River .....	Approximately 0.6 mile downstream of confluence with Salt Creek.	None	+683	Village of Philo.
	Approximately 0.5 mile upstream of confluence with Salt Creek.	None	+685	
Wakatomika Creek .....	Approximately 0.5 mile downstream of Main Street ....	+719	+720	Unincorporated Areas of Muskingum County.
	Approximately 1,400 feet downstream of Frazeyburg Road.	+719	+725	
Wakatomika Creek .....	Approximately 0.6 mile downstream of Shannon Road	None	+745	Unincorporated Areas of Muskingum County, Village of Frazeyburg.
Wakatomika Creek .....	Just downstream of Canal Road .....	None	+751	Village of Dresden.
	Approximately 0.5 mile downstream of Main Street ....	None	+720	
	Approximately 0.4 mile downstream of Frazeyburg Road.	None	+725	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

\*\*BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Unincorporated Areas of Muskingum County

Maps are available for inspection at 401 Main Street, Zanesville, OH 43701.

##### Village of Dresden

Maps are available for inspection at 904 Chestnut Street, Dresden, OH 43821.

##### Village of Fazeysburg

Maps are available for inspection at 7 West Second Street, Fazeysburg, OH 43822.

##### Village of Philo

Maps are available for inspection at 300 Main Street, Philo, OH 43771.

#### Macon County, Tennessee, and Incorporated Areas

Salt Lick Creek .....	Approximately 1,965 feet upstream of State Highway 151.	None	+778	Unincorporated Areas of Macon County.
	Approximately 1,624 feet upstream of State Highway 151.	None	+778	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\*BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Unincorporated Areas of Macon County

Maps are available for inspection at 201 County Courthouse, Lafayette, TN 37083.

#### Ector County, Texas, and Incorporated Areas

Flooding Effects of Eastside Channel and its Split Flow.	Just downstream of the Pacific Union Railroad .....	None	+2887	Unincorporated Areas of Ector County, City of Odessa.
	Just downstream of Pueblo Avenue .....	None	+2906	
	Approximately 200 feet upstream of the intersection of Custer Avenue and Eastside Channel.	None	+2912	
Flooding Effects of Monahans Draw.	Just upstream of Grandview Road .....	None	+2842	Unincorporated Areas of Ector County.
	Just upstream of South Crane Avenue .....	None	+2878	
	Just upstream of West County Road .....	None	+2884	
	Just upstream of Westcliff Drive .....	None	+3009	
	Just upstream of State Highway 866 .....	None	+3043	
Flooding effects of Far East Channel and its subsidiary channels.	At the confluence of East Side Channel .....	None	+2857	Unincorporated Areas of Ector County, City of Odessa.
	Approximately 450 feet upstream of the intersection of Caliche Road.	None	+2899	
Flooding effects of West Side Drainage Channel.	Just upstream of Maple Avenue .....	None	+2907	City of Odessa.
	At the confluence of Monahans Draw .....	None	+2896	
	Just upstream of West 16th Street .....	None	+2909	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\*BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Odessa

Maps are available for inspection at 411 West 8th Street, Odessa, TX 79761.

##### Unincorporated Areas of Ector County

Maps are available for inspection at 521 North Texas Street, Odessa, TX 79761.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 14, 2009.

**Deborah S. Ingram,**

*Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E9-12105 Filed 5-22-09; 8:45 am]

BILLING CODE 9110-12-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

##### RIN 0648-AX71

##### Fisheries of the United States Exclusive Economic Zone Off Alaska; Fisheries of the Arctic Management Area; Bering Sea Subarea

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

**ACTION:** Availability of a fishery management plan and fishery management plan amendment; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council has submitted the Fishery Management Plan for Fish Resources of the Arctic Management Area (Arctic FMP) and Amendment 29 to the FMP for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP). The Arctic FMP and Amendment 29 to the Crab FMP, if approved, would establish sustainable management of commercial fishing in the Arctic Management Area and limit the management area of crab species under the Crab FMP to waters of the U.S. Exclusive Economic Zone (EEZ) south of Bering Strait. This action is necessary to establish a management framework for commercial fishing of nearly all fish

species occurring in the Arctic Management Area before the potential onset of unregulated commercial fishing in the Arctic Management Area. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable laws. Comments from the public are encouraged.

**DATES:** Written comments on the Arctic FMP and Crab FMP amendment must be received by 1700 hours, A.D.T. on July 27, 2009.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified for this action by 0648-AX71 (NOA), by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- Mail: P.O. Box 21668, Juneau, AK 99802.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.
- Fax: 907-586-7557.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of the Arctic FMP, Amendment 29 to the Crab FMP, maps of the action area and essential fish habitat, and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this action may be obtained from the Alaska Region address above or from the Alaska Region website at <http://www.alaskafisheries.noaa.gov>.

##### FOR FURTHER INFORMATION CONTACT:

Melanie Brown, 907-586-7228.

##### SUPPLEMENTARY INFORMATION:

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that the North Pacific Fishery Management Council (Council) submit any FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, immediately publish a notice in the **Federal Register** that the FMP or FMP amendment is available for public review and comment.

If approved by the Secretary, the Arctic FMP and Amendment 29 to the Crab FMP would establish sustainable management of commercial fishing in the Arctic Management Area and remove management authority within the Arctic Management Area from the Crab FMP. The Arctic FMP would establish a management framework to sustainably manage future commercial fishing in the Arctic Management Area and would initially prohibit commercial fishing until new information regarding Arctic fish resources allows for authorization of a sustainable commercial fishery in the Arctic Management Area. Amendment 29 to the Crab FMP would ensure consistent management of all crab species in the Arctic Management Area under one FMP.