

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 64**

[Docket ID FEMA-2019-0003; Internal Agency Docket No. FEMA-8607]

**Suspension of Community Eligibility**

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <https://www.fema.gov/national-flood-insurance-program-community-status-book>.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212-3966.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction

from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension

date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

*Regulatory Flexibility Act.* The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

*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 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.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for Part 64 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.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region IV</b>				
North Carolina:				
Atkinson, Town of, Pender County .....	370542	N/A, Emerg; September 22, 2010, Reg; December 6, 2019, Susp.	December 6, 2019	December 6, 2019.
Brunswick County, Unincorporated Areas .....	370295	July 7, 1975, Emerg; May 15, 1986, Reg; December 6, 2019, Susp.	.....do .....	Do.
Columbus County, Unincorporated Areas .....	370305	July 6, 1979, Emerg; June 3, 1991, Reg; December 6, 2019, Susp.	.....do .....	Do.
Durham County, Unincorporated Areas .....	370085	March 16, 1973, Emerg; February 15, 1979, Reg; December 6, 2019, Susp.	.....do .....	Do.
Northwest, City of, Brunswick County .....	370513	N/A, Emerg; November 12, 1998, Reg; December 6, 2019, Susp.	.....do .....	Do.
Pembroke, Town of, Robeson County .....	370597	N/A, Emerg; August 24, 2007, Reg; December 6, 2019, Susp.	.....do .....	Do.
Pender County, Unincorporated Areas .....	370344	June 28, 1977, Emerg; February 15, 1985, Reg; December 6, 2019, Susp.	.....do .....	Do.
Robeson County, Unincorporated Areas .....	370202	June 17, 1975, Emerg; February 17, 1989, Reg; December 6, 2019, Susp.	.....do .....	Do.
Roxboro, City of, Person County .....	370347	N/A, Emerg; March 25, 1991, Reg; December 6, 2019, Susp.	.....do .....	Do.
Tabor City, Town of, Columbus County .....	370070	January 29, 1975, Emerg; July 17, 1986, Reg; December 6, 2019, Susp.	December 6, 2019	December 6, 2019.

\* .....do = Ditto.  
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: November 22, 2019.

**Eric Letvin,**  
*Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 191125–0091]

**RIN 0648–BI67**

**Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures for the 2019 Tribal and Non-Tribal Fisheries for Pacific Whiting, and Requirement To Consider Chinook Salmon Bycatch Before Reapportioning Tribal Whiting; Correction**

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This action contains a correction to the final rule published on May 10, 2019, to establish the harvest specifications and management measures for the 2019 Pacific whiting

fishery under the authority of the Pacific Coast Groundfish Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, and the Pacific Whiting Act of 2006. This action restores language inadvertently omitted from the final rule that explains that NMFS will consider Chinook salmon bycatch and bycatch rates prior to reapportionment of the tribal Pacific whiting allocation. These corrections are necessary to restore this language so that the regulations accurately implement the National Marine Fisheries Service’s intent, as described in the preamble to the final rule.

**DATES:** Effective December 2, 2019.

**FOR FURTHER INFORMATION CONTACT:** Stacey Miller (West Coast Region, NMFS), phone: 503–231–6290, and email: *Stacey.Miller@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** NMFS published a final rule on May 10, 2019 (84 FR 20578), that implemented the 2019 harvest specifications and management measures for Pacific whiting harvested in the U.S. exclusive economic zone off the coasts of Washington, Oregon and California. The final rule inadvertently omitted regulatory language explaining that NMFS will consider the level of Chinook bycatch and bycatch rates prior to determining reapportionment of the treaty tribes’ whiting to the non-treaty sectors. This action is required under Terms of Conditions 2.c. of the 2017 ESA section 7(a)(2) biological opinion on the effects of the Pacific Coast Groundfish Fishery Management Plan on salmonids. The proposed rule (84 FR 9471) published on March 15, 2019,

contained this language and the preamble and response to comment in the final rule discussed the reconsideration in detail. This correction action restores the inadvertently omitted regulatory text.

This correction is consistent with NMFS action for the 2019 Pacific whiting harvest specifications and is a minor correction to correctly implement NMFS intent in their final action taken in May 2019.

**Classification**

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for additional public comment on this action, as notice and comment would be unnecessary and contrary to public interest. Providing prior notice and the opportunity for additional public comment is unnecessary because the public received notice and an opportunity to comment on the proposed rule (84 FR 9471), including this regulatory text. This correcting amendment reinstates the regulatory text that was inadvertently omitted from the final rule that published on May 10, 2019 (84 FR 20578). If the rule was delayed to allow for prior notice and an additional opportunity for public comment, it would cause confusion because the public and fishery participants believe that the omitted text is already included in the regulations. Additionally, public comment and notice would be contrary to the public interest because immediate correction of the error is necessary to manage the Pacific whiting stock to optimal yield,