

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-208270-86]

RIN 1545-AM12

#### Income and Currency Gain or Loss With Respect to a Section 987 QBU; Hearing Cancellation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document cancels a public hearing on proposed regulations concerning the determination of the items of income or loss of a taxpayer with respect to a section 987 qualified business unit, as well as the timing, amount, character and source of any section 987 gain or loss.

**DATES:** The public hearing, originally scheduled for November 21, 2006, at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Kelly Banks of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622-0392 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the *Federal Register* on Thursday, September 7, 2006 (71 FR 52876), announced that a public hearing was scheduled for November 21, 2006, at 10 a.m. in the IRS Auditorium, New Carrollton Federal Building, 5000 Ellin Road, Lanham, MD 20706. The subject of the public hearing is under section 987 of the Internal Revenue Code.

The public comment period expires on December 6, 2006. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of

Wednesday, November 1, 2006, no one has requested to speak. Therefore, the public hearing scheduled for November 21, 2006, is cancelled.

**Cynthia Grigsby,**

*Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. E6-19138 Filed 11-13-06; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-D-7682]

#### 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 BFEs 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., 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.* 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.

*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]**

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]**

1. The authority citation for part 67 continues to read as follows:

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		Communities affected
		Effective	Modified	
<b>Caswell County, North Carolina and Incorporated Areas</b>				
Bear Branch .....	At the confluence with Moon Creek .....	None .....	+426	Caswell County (Unincorporated Areas).
	Approximately 2.6 miles upstream of the confluence with Moon Creek.	None .....	+469	
Tributary 1 .....	At the confluence with Bear Branch .....	None .....	+432	Caswell County (Unincorporated Areas).
	Approximately 900 feet upstream of the confluence with Bear Branch.	None .....	+432	
Tributary 2 .....	At the confluence with Bear Branch .....	None .....	+457	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Bear Branch.	None .....	+480	
Benaja Creek .....	At the confluence with South Country Line Creek .....	None .....	+430	Caswell County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with South Country Line Creek.	None .....	+437	
Burkes Creek .....	At the confluence with Penson Creek .....	None .....	+462	Caswell County (Unincorporated Areas).
	Approximately 150 feet upstream of Oakview Loop Road (SR 1156).	None .....	+570	
Burlington Reservoir .....	Backwater area approximately 0.8 mile west along Caswell/Alamance County boundary from Tom's Creek Crossing County boundary.	None .....	+579	Caswell County (Unincorporated Areas).
Byrds Creek .....	At the confluence with South Country Line Creek .....	None .....	+457	Caswell County (Unincorporated Areas).
	Approximately 2.6 miles upstream of Fitch Road (SR 1751).	None .....	+581	
Cane Creek .....	At the confluence with Dan River .....	None .....	+384	Caswell County (Unincorporated Areas).
	Approximately 250 feet upstream of Mountain Hill Road (SR 1527).	None .....	+384	
Cobbs Creek .....	At the Caswell/Person County boundary .....	None .....	+422	Caswell County (Unincorporated Areas).
	Approximately 75 feet upstream of Old Durham Road (SR 1700).	None .....	+536	
Tributary 1 .....	At the confluence with Cobbs Creek .....	None .....	+436	Caswell County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Cobbs Creek.	None .....	+495	
Country Line Creek .....	Approximately 0.6 mile downstream of Broad Street .....	None .....	+377	Caswell County (Unincorporated Areas), Town of Milton, Town of Yanceyville.
	Approximately 1.4 miles upstream of Camp Springs Road (SR 1146).	None .....	+603	
Tributary 1 .....	At the confluence with Country Line Creek .....	None .....	+377	Caswell County (Unincorporated Areas), Town of Milton.
	Approximately 0.5 mile upstream of Doll Branch Road (SR 1538).	None .....	+461	
Tributary 10 .....	At the confluence with Country Line Creek .....	None .....	+426	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Country Line Creek.	None .....	+447	
Tributary 11 .....	At the confluence with Country Line Creek .....	None .....	+431	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of NC Highway 62 ...	None .....	+504	
Tributary 12 .....	At the confluence with Country Line Creek .....	None .....	+499	Caswell County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 13 .....	Approximately 0.8 mile upstream of the confluence with Country Line Creek.	None .....	+499	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+499	
Tributary 14 .....	Approximately 1.8 miles upstream of the confluence with Country Line Creek.	None .....	+537	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+500	
Tributary 15 .....	Approximately 1.7 miles upstream of the confluence with Country Line Creek.	None .....	+557	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+500	
Tributary 16 .....	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	None .....	+529	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+511	
Tributary 16A .....	Approximately 2.1 miles upstream of the confluence with Country Line Creek.	None .....	+586	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek Tributary 16	None .....	+518	
Tributary 17 .....	Approximately 0.7 mile upstream of the confluence with Country Line Creek Tributary 16.	None .....	+548	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+531	
Tributary 18 .....	Approximately 0.7 mile upstream of the confluence with Country Line Creek.	None .....	+559	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+538	
Tributary 19 .....	Approximately 0.6 mile upstream of the confluence with Country Line Creek.	None .....	+561	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+542	
Tributary 19A .....	Approximately 1.1 miles upstream of the confluence with Country Line Creek.	None .....	+591	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek Tributary 19	None .....	+550	
Tributary 2 .....	Approximately 1.3 miles upstream of the confluence with Country Line Creek Tributary 19.	None .....	+605	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+377	
Tributary 3 .....	Approximately 0.5 mile upstream of the confluence with Country Line Creek.	None .....	+378	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+390	
Tributary 4 .....	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	None .....	+414	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+392	
Tributary 5 .....	Approximately 1.2 miles upstream of the confluence with Country Line Creek.	None .....	+409	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+395	
Tributary 6 .....	Approximately 0.7 mile upstream of the confluence with Country Line Creek.	None .....	+401	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+407	
Tributary 7 .....	Approximately 0.5 mile upstream of the confluence with Country Line Creek.	None .....	+409	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+408	
Tributary 8 .....	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	None .....	+456	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+412	
	Approximately 0.9 mile upstream of the confluence with Country Line Creek.	None .....	+432	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 9 .....	At the confluence with Country Line Creek .....	None .....	+417	Caswell County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	None .....	+451	
Coy Creek .....	At the confluence with Dan River .....	None .....	+388	Caswell County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Dan River.	None .....	+392	
Dan River (downstream reach).	Approximately 250 feet downstream of North Broad Street (SR 57).	None .....	+378	Caswell County (Unincorporated Areas), Town of Milton.
	Approximately 1.0 mile upstream of the confluence of Hogans Creek.	None .....	+395	
Dan River (near Williamson Creek).	At the NC/VA State boundary .....	None .....	+466	Caswell County (Unincorporated Areas).
	At the Caswell/Rockingham County boundary .....	None .....	+470	
Dan River Tributary 1 .....	At the North Carolina/Virginia State boundary .....	None .....	+466	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the North Carolina/Virginia State boundary.	None .....	+479	
East Prong Moon Creek .....	At the confluence with Moon Creek .....	None .....	+432	Caswell County (Unincorporated Areas).
	Approximately 2.7 miles upstream of Hodges Dairy Road.	None .....	+547	
Tributary 1 .....	At the confluence with East Prong Moon Creek .....	None .....	+498	Caswell County (Unincorporated Areas).
	Approximately 400 feet upstream of James Foster Road (SR 1312).	None .....	+517	
Tributary 2 .....	At the confluence with East Prong Moon Creek .....	None .....	+501	Caswell County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with East Prong Moon Creek.	None .....	+528	
Tributary 3 .....	At the confluence with East Prong Moon Creek .....	None .....	+503	Caswell County (Unincorporated Areas).
	Approximately 2.4 miles upstream of the confluence with East Prong Moon Creek.	None .....	+570	
Glasby Branch .....	At the confluence with Cane Creek .....	None .....	+384	Caswell County (Unincorporated Areas).
	At the Caswell County, NC/Pittsylvania County, VA State boundary.	None .....	+408	
Grays Branch .....	At the confluence with Stony Creek .....	None .....	+619	Caswell County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Shaw Road .....	None .....	+738	
Hyco Creek Tributary 1 .....	At the confluence with Hyco Creek .....	None .....	+522	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence with Hyco Creek.	None .....	+586	
Hogans Creek .....	At the confluence with Dan River .....	None .....	+393	Caswell County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the Rockingham/Caswell County boundary.	None .....	+476	
Hogans Creek Tributary 1 ..	At the confluence with Hogans Creek .....	None .....	+397	Caswell County (Unincorporated Areas).
	Approximately 120 feet downstream of NC Highway 86	None .....	+418	
Tributary 1A .....	At the confluence with Hogans Creek Tributary 1 .....	None .....	+399	Caswell County (Unincorporated Areas).
	Approximately 740 feet upstream of the confluence with Hogans Creek Tributary 1.	None .....	+404	
Tributary 2 .....	At the confluence with Hogans Creek .....	None .....	+400	Caswell County (Unincorporated Areas).
	Approximately 0.4 mile upstream of NC Highway 86 .....	None .....	+417	
Tributary 3 .....	At the confluence with Hogans Creek .....	None .....	+420	Caswell County (Unincorporated Areas).
	Approximately 200 feet downstream of Chigger Ridge Road.	None .....	+420	
Tributary 4 .....	At the Rockingham/Caswell County boundary .....	None .....	+476	Caswell County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Hostler Branch .....	Approximately 1,500 feet upstream of the Rockingham/Caswell County boundary.	None .....	+479	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+507	
Tributary 1 .....	Approximately 4.9 miles upstream of NC Highway 150	None .....	+637	Caswell County (Unincorporated Areas).
	At the confluence with Hostler Branch .....	None .....	+531	
Hyco Creek .....	Approximately 0.7 mile upstream of the confluence with Hostler Branch.	None .....	+556	Caswell County (Unincorporated Areas).
	Approximately 1.9 miles downstream of the confluence with Kilgore Creek (into Hyco Creek).	None .....	+413	
Hyco Lake .....	Approximately 2.0 miles upstream of Gunn Poole Road (SR 1767).	None .....	+572	Caswell County (Unincorporated Areas).
	Entire shoreline within Caswell County .....	None .....	+413	
Kilgore Creek (into Country Line Creek).	At the confluence with Country Line Creek .....	None .....	+386	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Jack Pointer Road (SR 1557).	None .....	+430	
Kilgore Creek (into Hyco Creek).	At the confluence with Hyco Creek .....	None .....	+427	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of U.S. 158 .....	None .....	+562	
Little Wolf Island Creek .....	At the confluence with Wolf Island Creek .....	None .....	+472	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Wolf Island Creek.	None .....	+475	
Lick Fork Creek .....	At the confluence with Hogans Creek .....	None .....	+470	Caswell County (Unincorporated Areas).
	At the Rockingham/Caswell County boundary .....	None .....	+470	
Little Rattlesnake Creek .....	At the confluence with Dan River .....	None .....	+383	Caswell County (Unincorporated Areas).
	Approximately 1,500 feet upstream of Old Saterfield Road (SR 1534).	None .....	+459	
Lynch Creek .....	At the confluence with Hyco Creek .....	None .....	+477	Caswell County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Dave Smith Road (SR 1771).	None .....	+565	
Tributary 1 .....	At the confluence with Lynch Creek .....	None .....	+512	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of the confluence with Lynch Creek.	None .....	+606	
Tributary 2 .....	At the confluence with Lynch Creek .....	None .....	+536	Caswell County (Unincorporated Areas).
	At the Caswell/Alamance County boundary .....	None .....	+617	
Moon Creek .....	At the confluence with Dan River .....	None .....	+391	Caswell County (Unincorporated Areas).
	Approximately 700 feet upstream of Big Oak Farm Road (SR 1303).	None .....	+504	
Tributary 1 .....	At the confluence with Moon Creek .....	None .....	+391	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence with Moon Creek.	None .....	+514	
Tributary 2 .....	At the confluence with Moon Creek .....	None .....	+393	Caswell County (Unincorporated Areas).
	Approximately 1,800 feet upstream of the confluence with Moon Creek.	None .....	+395	
Tributary 3 .....	At the confluence with Moon Creek .....	None .....	+401	Caswell County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Moon Creek.	None .....	+436	
Tributary 4 .....	At the confluence with Moon Creek .....	None .....	+403	Caswell County (Unincorporated Areas).
	Approximately 1,400 feet upstream of the confluence with Moon Creek.	None .....	+408	
Tributary 5 .....	At the confluence with Moon Creek .....	None .....	+414	Caswell County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 6 .....	Approximately 0.6 mile upstream of the confluence with Moon Creek.	None .....	+435	Caswell County (Unincorporated Areas).
	At the confluence with Moon Creek .....	None .....	+415	
Nats Fork .....	Approximately 1,350 feet upstream of the confluence with Moon Creek.	None .....	+425	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+500	
Negro Creek .....	Approximately 0.8 mile upstream of the confluence with Country Line Creek.	None .....	+503	Caswell County (Unincorporated Areas).
	At the confluence with Hyco Creek .....	None .....	+489	
Tributary 1 .....	Approximately 0.8 mile upstream of the confluence of Negro Creek Tributary 2.	None .....	+617	Caswell County (Unincorporated Areas).
	At the confluence with Negro Creek .....	None .....	+499	
Tributary 2 .....	Approximately 1.3 miles upstream of Gunn Poole Road (SR 1767).	None .....	+635	Caswell County (Unincorporated Areas).
	At the confluence with Negro Creek .....	None .....	+592	
North Fork Rattlesnake Creek.	Approximately 0.8 mile upstream of the confluence with Negro Creek.	None .....	+643	Caswell County (Unincorporated Areas).
	At the confluence with Rattlesnake Creek .....	None .....	+389	
Panthers Branch .....	Approximately 3.2 miles upstream of Slade Road .....	None .....	+543	Caswell County (Unincorporated Areas).
	At the confluence with Hyco Creek .....	None .....	+475	
Tributary 1 .....	Approximately 1.7 miles upstream of Barnwell Road (SR 1774).	None .....	+634	Caswell County (Unincorporated Areas).
	At the confluence with Panthers Branch .....	None .....	+500	
Penson Creek .....	Approximately 2.4 miles upstream of the confluence with Negro Creek.	None .....	+620	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek .....	None .....	+452	
Pumpkin Creek .....	Approximately 0.9 mile upstream of Badgett Sisters Parkway (SR 1156).	None .....	+593	Caswell County (Unincorporated Areas).
	At the North Carolina/Virginia State boundary .....	None .....	+443	
Rattlesnake Creek .....	Approximately 1.3 miles upstream of the North Carolina/Virginia State boundary.	None .....	+472	Caswell County (Unincorporated Areas).
	At the confluence with Dan River .....	None .....	+389	
Tributary 1 .....	At the confluence of North Fork and South Fork Rattlesnake Creeks.	None .....	+389	Caswell County (Unincorporated Areas).
	At the confluence with Rattlesnake Creek .....	None .....	+389	
Tributary 2 .....	Approximately 0.7 mile upstream of the confluence with Rattlesnake Creek.	None .....	+396	Caswell County (Unincorporated Areas).
	At the confluence with Rattlesnake Creek .....	None .....	+389	
Tributary 2A .....	Approximately 1.9 miles upstream of the confluence with Rattlesnake Creek.	None .....	+436	Caswell County (Unincorporated Areas).
	At the confluence with Rattlesnake Creek Tributary 2 ...	None .....	+389	
Reedy Fork Creek .....	Approximately 1.6 miles upstream of the confluence with Rattlesnake Creek Tributary 2.	None .....	+470	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles downstream of the confluence with Reedy Fork Creek Tributary 1.	None .....	+413	
Tributary 1 .....	Approximately 4.9 miles upstream of U.S. 158 .....	None .....	+550	Caswell County (Unincorporated Areas).
	At the confluence with Reedy Fork Creek .....	None .....	+426	
Tributary 2 .....	Approximately 0.7 mile upstream of the confluence with Reedy Fork Creek.	None .....	+451	Caswell County (Unincorporated Areas).
	At the confluence with Reedy Fork Creek .....	None .....	+437	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
South Country Line Creek ..	Approximately 0.7 mile upstream of the confluence with Reedy Fork Creek.	None .....	+453	Caswell County (Unincorporated Areas).
	At the confluence with Country Line Creek .....	None .....	+426	
Tributary 1 .....	Approximately 3.7 miles upstream of Rascoe Dameron Road (SR 1759).	None .....	+594	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek .....	None .....	+446	
Tributary 2 .....	Approximately 875 feet upstream of the confluence with South Country Line Creek.	None .....	+446	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek .....	None .....	+450	
Tributary 2A .....	Approximately 2.9 miles upstream of the confluence with South Country Line Creek.	None .....	+552	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek Tributary 2.	None .....	+463	
Tributary 2A1 .....	Approximately 1.8 miles upstream of the confluence with South Country Line Creek Tributary 2.	None .....	+536	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek Tributary 2A.	None .....	+476	
Tributary 3 .....	Approximately 0.4 mile upstream of the confluence with South Country Line Creek Tributary 2A.	None .....	+506	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek .....	None .....	+486	
Tributary 4 .....	Approximately 0.9 mile upstream of the confluence with South Country Line Creek.	None .....	+532	Caswell County (Unincorporated Areas).
	At the confluence with South Country Line Creek .....	None .....	+518	
South Fork Rattlesnake Creek.	Approximately 1.4 miles upstream of the confluence with South Country Line Creek.	None .....	+574	Caswell County (Unincorporated Areas), Town of Yanceyville.
	At the confluence with Rattlesnake Creek .....	None .....	+389	
South Hyco Creek .....	Approximately 600 feet downstream of Fire Tower Road.	None .....	+536	Caswell County (Unincorporated Areas).
	Approximately 1,300 feet downstream from the toe of South Hyco Dam.	None .....	+445	
Tributary 2 .....	At the Caswell/Orange County boundary .....	None .....	+590	Caswell County (Unincorporated Areas).
	At the Caswell/Person County boundary .....	None .....	+553	
Sugartree Creek .....	Approximately 700 feet upstream of the Caswell/Person County boundary.	None .....	+572	Caswell County (Unincorporated Areas).
	At the confluence with South Hyco Creek .....	None .....	+486	
Tardy Branch .....	Approximately 2.5 miles upstream of Wrenn Road .....	None .....	+599	Caswell County (Unincorporated Areas).
	At the confluence with Wolf Island Creek .....	None .....	+468	
Toms Creek .....	Approximately 0.9 mile upstream of the confluence with Wolf Island Creek.	None .....	+480	Caswell County (Unincorporated Areas).
	Approximately 50 feet downstream of the Alamance/Caswell County boundary.	None .....	+596	
West Prong Moon Creek ....	Approximately 0.6 mile upstream of Kerr's Chapel Road	None .....	+637	Caswell County (Unincorporated Areas).
	At the confluence with East Prong Moon Creek .....	None .....	+478	
Wolf Island Creek .....	Approximately 250 feet upstream of Jones Road (SR 1315).	None .....	+531	Caswell County (Unincorporated Areas).
	At the confluence with Dan River .....	None .....	+468	
	At the Caswell/Rockingham County boundary .....	None .....	+484	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES****Caswell County (Unincorporated Areas)**

Maps are available for inspection at The Caswell County Planning Department, 144 Main Street, Yanceyville, North Carolina.

Send comments to Mr. Nathaniel Hall, Caswell County Commissioners Chairman, P.O. Box 98, Yanceyville, North Carolina 27379.

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

**Town of Milton**

Maps are available for inspection at The Caswell County Planning Department, 144 Main Street, Yanceyville, North Carolina. Send comments to The Honorable Walter L. Thomas, IV, Mayor of the Town of Milton, P.O. Box 248, Milton, North Carolina 27305.

**Town of Yanceyville**

Maps are available for inspection at the City of Yanceyville Planning Office, 200 East Church Street, Yanceyville, North Carolina. Send comments to The Honorable Daniel Printz, Mayor of the City of Yanceyville, P.O. Box 918, Yanceyville, North Carolina 27379.

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

Dated: November 6, 2006.

**David I. Maurstad,**

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

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List the Island Marble Butterfly (*Euchloe ausonides insulanus*) as Threatened or Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the island marble butterfly (*Euchloe ausonides insulanus*) under the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information, we find that the petitioned action is not warranted. Furthermore, the Service and the National Park Service (NPS) have entered into a Conservation Agreement that implements conservation measures specifically addressing the needs of the island marble butterfly. We request that you submit any new information concerning the status of and threats to this subspecies whenever it becomes available. We will continue to collaborate with our partners to expand the conservation efforts that have been instituted by several landowners on currently occupied habitat.

**DATES:** The finding announced in this document was made on November 14, 2006.

**ADDRESSES:** You may send data, information, comments, or questions concerning this finding to Ken Berg, Attn: Island Marble Butterfly, Western Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service, 510 Desmond Drive, SE., Suite 102, Lacey, WA 98503; or via fax to 360-753-9008. You may inspect the petition, administrative records, supporting information, and comments received by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ted Thomas or Jodi Bush at the Western Washington Fish and Wildlife Office (see **ADDRESSES**); or by telephone at 360-753-9440; or by fax at 360-753-9008; or by electronic mail at [islandmarble@fws.gov](mailto:islandmarble@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 11, 2002, we received a petition dated December 10, 2002, requesting that we emergency list the island marble butterfly (*Euchloe ausonides insulanus*) as an endangered species, and that we designate critical habitat concurrently with the listing. The petition, submitted by the Xerces Society, Center for Biological Diversity, Friends of the San Juan, and Northwest Ecosystem Alliance, was clearly identified as a petition for a listing rule and contained the names, signatures, and addresses of the requesting parties. Included in the petition was supporting information regarding the species' taxonomy and ecology, historical and current distribution, present status, active imminent threats, and potential causes of decline.

Section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*) requires that, for any petition to revise the Lists of Threatened and Endangered Wildlife and Plants that contains substantial scientific and commercial information

that listing may be warranted, we make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) Not warranted, (b) warranted, or (c) warranted, but the immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether any species is threatened or endangered, and expeditious progress is being made to add or remove qualified species from the Lists of Endangered and Threatened Wildlife and Plants. Section 4(b)(3)(C) of the Act requires that a petition for which the requested action is found to be warranted but precluded be treated as though resubmitted on the date of such finding, i.e., requiring a subsequent finding to be made within 12 months. Each subsequent 12-month finding will be published in the **Federal Register**.

**Previous Federal Action**

On January 22, 2003, we sent a letter acknowledging receipt of the petition to Scott Hoffman Black, Executive Director of the Xerces Society. In our response, we advised the petitioners that we had insufficient funds to respond to the petition at that time and that we would not be able to begin processing the petition in a timely manner.

On April 5, 2004, we received a 60-day notice of intent to sue for three butterfly species, the Taylor's checkerspot (*Euphydryas editha taylori*), the mardon skipper (*Polites mardon*), and the island marble butterfly. On October 18, 2004, plaintiffs filed a complaint for declaratory and injunctive relief, which specifically addressed conservation actions needed for the island marble butterfly. Taylor's checkerspot and mardon skipper butterflies were not addressed in that complaint and are not assessed in this petition finding. We negotiated a stipulated settlement agreement for the island marble butterfly, dated February 28, 2005, in which we agreed to work cooperatively with our conservation