

**§ 447.82 Restrictions on payments to providers.**

The plan must provide that the agency reduces the payment it makes to any provider by the amount of a recipient's cost sharing obligation, regardless of whether the provider successfully collects the cost sharing.

**PART 457—ALLOTMENTS AND GRANTS TO STATES**

5. The authority citation for part 457 continues to read as follows:

**Authority:** Section 1102 of the Social Security Act (42 U.S.C. 1302).

6. Section 457.555 is amended by—  
a. Republishing paragraph (a) introductory text.

b. Revising paragraphs (a)(1), (a)(2), and (a)(4).

c. Revising paragraph (c).

d. Revising paragraph (d).

The republication and revisions read as follows:

**§ 457.555 Maximum allowable cost sharing charges on targeted low-income children in families with income from 101 to 150 percent of the FPL.**

(a) *Non-institutional services.* For targeted low-income children whose family income is from 101 to 150 percent of the FPL, the State plan must provide that for non-institutional services, including emergency services, the following requirements must be met:

(1)(i) For Federal Fiscal Year 2007, any copayment or similar charge the State imposes under a fee-for-service delivery system may not exceed the following amounts:

Total cost	Maximum amount
\$15.00 or less .....	\$1.10
\$15.01 to \$40 .....	2.10
\$40.01 to \$80 .....	3.20
\$80.01 or more .....	5.20

(ii) Thereafter, any copayments may not exceed these amounts as updated each October 1 by the percentage increase in the medical care component of the CPI-U for the period of September to September ending in the preceding calendar year and then rounded to the next higher 10-cent increment.

(2) For Federal Fiscal Year 2007, any copayment that the State imposes for services provided by a managed care organization may not exceed \$5.20 per visit. Thereafter, any copayment may not exceed this amount as updated each October 1 by the percentage increase in the medical care component of the CPI-U for the period of September to September ending in the preceding

calendar year and then rounded to the next higher 10-cent increment.

\* \* \* \* \*

(4) For Federal Fiscal Year 2007, any deductible the State imposes may not exceed \$3.20 per month, per family for each period of eligibility. Thereafter, any deductible may not exceed this amount as updated each October 1 by the percentage increase in the medical care component of the CPI-U for the period of September to September ending in the preceding calendar year and then rounded to the next higher 10-cent increment.

\* \* \* \* \*

(c) *Institutional emergency services.* For Federal Fiscal Year 2007, any copayment that the State imposes on emergency services provided by an institution may not exceed \$5.20. Thereafter, any copayment may not exceed this amount as updated each October 1 by the percentage increase in the medical care component of the CPI-U for the period of September to September ending in the preceding calendar year and then rounded to the next higher 10-cent increment.

(d) *Non-emergency use of the emergency room.* For Federal Fiscal Year 2007, for targeted low-income children whose family income is from 101 to 150 percent of the FPL, the State may charge up to twice the charge for non-institutional services, up to a maximum amount of \$10.40, for services furnished in a hospital emergency room if those services are not emergency services as defined in § 457.10. Thereafter, any charge may not exceed this amount as updated each October 1 by the percentage increase in the medical care component of the CPI-U for the period of September to September ending in the preceding calendar year and then rounded to the next higher 10-cent increment.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: October 5, 2007.

**Kerry Weems,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

Approved: November 1, 2007.

**Michael O. Leavitt,**

*Secretary.*

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**BILLING CODE 4120-01-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-B-7763]

**Proposed Flood Elevation Determinations**

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

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1 percent 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 May 22, 2008.

**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-7763, 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.

**Administrative Procedure Act Statement.** This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001, *et seq.*, and do not fall under the APA.

**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		Communities affected
		Effective	Modified	
<b>Alameda County, California, and Incorporated Areas</b>				
Arroyo Las Positas .....	Approximately 1,155 feet downstream of North Livermore Avenue.	None	+444	City of Livermore.
	Approximately 1,040 feet downstream of North Livermore Avenue.	None	+445	
Arroyo Las Positas (Shallow Flooding).	Approximately 530 feet east of the intersection of Airway Boulevard and Terminal Court.	#1.5	#2	City of Livermore.
Arroyo del Valle .....	Approximately 0.7 mile downstream of Arroyo Road ..	None	+514	Unincorporated Areas of Alameda County.
	Approximately 1,700 feet downstream of Arroyo Road	None	+531	
Dublin Creek .....	Approximately 60 feet upstream of the confluence with Line J-1.	None	+332	City of Pleasanton.
	Approximately 255 feet upstream of San Ramon Road.	None	+369	
Line B .....	At the confluence of Line B and Line D .....	+13	+11	City of Newark.
	At the crossing of Line B and Mowry Avenue .....	+13	+11	
San Francisco Bay .....	Along Oakland Inner Harbor, Alameda Harbor, Brooklyn Basin, Alaska Basin, Fartmann Basin, Tidal Canal, San Leandro Bay, and San Leandro Channel.	None	+9	City of Alameda.
San Francisco Bay .....	Area approximately 350 feet south of Neil Armstrong Way and Edward White Way.	+9	+10	City of Oakland.
San Francisco Bay .....	Approximately 1,600 feet northwest of Marshlands Road and Thornton Avenue.	None	+11	City of Fremont.
	Approximately 400 feet east of Quarry Road and SH 84.	None	+11	
San Lorenzo Creek (Shallow Flooding).	Shallow flooding areas between the San Francisco Bay and Center Street.	None	#1	City of San Leandro, City of Hayward, Unincorporated Areas of Alameda County.
Tassajara Creek (Zone 7) .....	Approximately 450 feet southwest of Tassajara Road and Shadow Hill Drive.	None	+404	Unincorporated Areas of Alameda County.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 320 feet southwest of Tassajara Road and Shadow Hill Drive.	None	+406	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* 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 Alameda**

Maps are available for inspection at City of Alameda Public Works Department, 950 West Mall Square, Room 110, Alameda, CA.

**City of Fremont**

Maps are available for inspection at City of Fremont Development and Environmental Services Department, Engineering Division, 39550 Liberty Street, Fremont, CA.

**City of Hayward**

Maps are available for inspection at City of Hayward Engineering and Transportation Division, 777 B Street, Hayward, CA.

**City of Livermore**

Maps are available for inspection at City of Livermore Community Development Department, 1052 South Livermore Avenue, Livermore, CA.

**City of Newark**

Maps are available for inspection at City of Newark Administration Building, Building Inspection Division, 37101 Newark Boulevard, Newark, CA.

**City of Oakland**

Maps are available for inspection at City of Oakland Community and Economic Development Department, One Frank Ogawa Plaza, Oakland, CA.

**City of Pleasanton**

Maps are available for inspection at Pleasanton City Hall, 123 Main Street, Pleasanton, CA.

**City of San Leandro**

Maps are available for inspection at City of San Leandro Building Department, 835 East 14th Street, San Leandro, CA.

**Unincorporated Areas of Alameda County**

Maps are available for inspection at Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA.

**Monterey County, California, and Incorporated Areas**

Calera Creek .....	At the confluence with El Toro Creek .....	+231	+236	Unincorporated Areas of Monterey County.
	Approximately 1.2 miles upstream of Robley Road .....	None	+469	
Carmel River .....	Approximately 500 feet west of the intersection of Robley Road and Corral de Tierra.	None	#1	Unincorporated Areas of Monterey County.
	Approximately 370 feet above the mouth of the river ..	+12	+16	
Carmel River Garland Ranch Overbank.	Approximately 170 feet downstream of San Clemente Dam.	None	+470	Unincorporated Areas of Monterey County.
	At the convergence with Carmel River main channel ..	None	+180	
Carmel River Hacienda Overbank.	At the divergence from Carmel River main channel ....	None	+194	Unincorporated Areas of Monterey County.
	At the convergence with Carmel River main channel ..	None	+49	
Carmel River North Highway 1 Overbank.	At the divergence from Carmel River main channel ....	None	+59	Unincorporated Areas of Monterey County, City of Carmel By The Sea.
	Approximately 600 feet downstream of State Highway 1.	+28	+25	
Carmel River Schulte Overbank.	At the divergence from Carmel River main channel ....	+40	+39	Unincorporated Areas of Monterey County.
	At the convergence with Carmel River main channel ..	None	+90	
Carmel River South Highway 1 Overbank.	At the divergence from Carmel River main channel ....	None	+102	Unincorporated Areas of Monterey County.
	Approximately 1,100 feet upstream of confluence with Carmel River main channel.	+17	+16	
El Toro Creek .....	Approximately 500 feet downstream of divergence from Carmel River main channel.	+36	+38	Unincorporated Areas of Monterey County.
	Approximately 650 feet downstream of Highway 68 ...	+221	+222	
Harper Creek .....	Approximately 300 feet upstream of Highway 68 .....	+231	+236	Unincorporated Areas of Monterey County.
	At the confluence with San Benancio Gulch .....	None	+371	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Pacific Ocean .....	Approximately 0.6 mile upstream of Rimrock Canyon Road.	None	+605	Unincorporated Areas of Monterey County, City of Monterey.
	Approximately 400 feet north of the intersection of Camino Aguajito and Del Monte Avenue.	None	+22	
San Benancio Gulch .....	At the confluence with El Toro Creek .....	+231	+236	Unincorporated Areas of Monterey County.
Watson Creek .....	Approximately 0.7 mile upstream of Ridge Back Road	None	+839	Unincorporated Areas of Monterey County.
	At the confluence with Calera Creek .....	+406	+408	
	Approximately 1.1 miles upstream of Calle Viejo .....	None	+886	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**City of Carmel By The Sea**

Maps are available for inspection at Carmel-by-the-Sea City Hall, East Side of Monte Verde between Ocean and 7th Avenues, Carmel-by-the-Sea, CA.

**City of Monterey**

Maps are available for inspection at City of Monterey Building and Safety Division, 580 Pacific Street, Monterey, CA.

**Unincorporated Areas of Monterey County**

Maps are available for inspection at Monterey County Water Resources Agency, 893 Blanco Circle, Salinas, CA.

**Tulare County, California, and Incorporated Areas**

Kaweah River .....	At Mill Creek/Packwood Creek Split .....	None	+363	Unincorporated Areas of Tulare County.
Shallow Flooding (extensive area covering 19 map panels).	At downstream side of Southern Pacific Railroad .....	None	+390	Unincorporated Areas of Tulare County, City of Farmersville, City of Visalia.
	Approximately 1,000 feet southeast of intersection of State Highway 99 and Goshen Avenue.	None	+282	
St. Johns River .....	Approximately 350 feet southwest of intersection of Lort Drive and Railroad.	#2	+391	Unincorporated Areas of Tulare County, City of Visalia.
	Approximately 0.5 mile upstream of Avenue 328 Bridge.	None	+317	
	Approximately 220 feet downstream of Southern Pacific Railroad.	None	+378	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**City of Farmersville**

Maps are available for inspection at Farmersville City Hall, 909 West Visalia Road, Farmersville, CA.

**City of Visalia**

Maps are available for inspection at Visalia City Hall East, 315 East Acequia, Visalia, CA.

**Unincorporated Areas of Tulare County**

Maps are available for inspection at Tulare County Resource Management Agency, 5961 South Mooney Boulevard, Visalia, CA.

**Avery County, North Carolina, and Incorporated Areas**

Linville River (upstream) .....	Approximately 50 feet downstream of Highland Mist Road.	None	+3695	Grandfather Village, Unincorporated Areas of Avery County.
	At the confluence of Big Grassy Creek .....	None	+3834	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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

# Depth in feet above ground.

\*\*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.

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**ADDRESSES**

**Grandfather Village**

Maps are available for inspection at Village of Grandfather Village, 2120 Highway 105, Linville, NC.

**Unincorporated Areas of Avery County**

Maps are available for inspection at Avery County Courthouse, 200 Montezuma Street, Newland, NC.

**Wilkes County, North Carolina, and Incorporated Areas**

Beaver Creek .....	At the confluence with Yadkin River .....	None	+1079	Unincorporated Areas of Wilkes County.
	Approximately 750 feet upstream of Caldwell/Wilkes County boundary.	None	+1228	
Beaver Creek Tributary 1 .....	At the confluence with Beaver Creek .....	None	+1084	Unincorporated Areas of Wilkes County.
	Approximately 0.7 mile upstream of the confluence with Beaver Creek.	None	+1100	
Beaver Creek Tributary 2 .....	At the confluence with Beaver Creek .....	None	+1153	Unincorporated Areas of Wilkes County.
	Approximately 590 feet upstream of Livingston Road (State Road 1130).	None	+1169	
Beaver Creek Tributary 3 .....	At the confluence with Beaver Creek .....	None	+1159	Unincorporated Areas of Wilkes County.
	Approximately 0.7 mile upstream of the confluence with Beaver Creek.	None	+1190	
Big Branch .....	At the confluence with Middle Prong Roaring River .....	None	+1300	Unincorporated Areas of Wilkes County.
	Approximately 1,080 feet upstream of Moxley Road (State Road 1735).	None	+1350	
Big Bugaboo Creek .....	At the confluence with Yadkin River .....	None	+926	Unincorporated Areas of Wilkes County.
	Approximately 0.9 mile upstream of the confluence of Big Bugaboo Creek Tributary 1.	None	+1213	
Big Bugaboo Creek Tributary 1.	At the confluence with Big Bugaboo Creek .....	None	+1183	Unincorporated Areas of Wilkes County.
	Approximately 2,000 feet upstream of the confluence with Big Bugaboo Creek.	None	+1207	
Big Sandy Creek .....	At the confluence with East Prong Roaring River .....	None	+1226	Unincorporated Areas of Wilkes County.
	Approximately 1,270 feet upstream of Traphill-Brown Road (State Road 1741).	None	+1323	
Big Warrior Creek .....	At the confluence with Warrior Creek .....	None	+1085	Unincorporated Areas of Wilkes County.
	Approximately 1.8 miles upstream of the confluence of Big Warrior Creek Tributary 1.	None	+1275	
Big Warrior Creek Tributary 1	At the confluence with Big Warrior Creek .....	None	+1128	Unincorporated Areas of Wilkes County.
	Approximately 0.8 mile upstream of the confluence with Big Warrior Creek.	None	+1237	
Blood Creek .....	At the confluence with Warrior Creek .....	None	+1075	Unincorporated Areas of Wilkes County.
	Approximately 1,990 feet upstream of Walsh Town Road (State Road 1119).	None	+1081	
Brier Creek .....	At the confluence with Yadkin River .....	None	+933	Unincorporated Areas of Wilkes County.
	Approximately 1,370 feet upstream of Rance Staley Road (State Road 2325).	None	+1039	
Brier Creek Tributary 1 .....	At the confluence with Brier Creek .....	None	+933	Unincorporated Areas of Wilkes County.
	Approximately 1.1 miles upstream of Red White & Blue Road (State Road 2324).	None	+981	
Brushy Creek .....	Approximately 300 feet downstream of the Iredell/Wilkes County boundary.	None	+905	Unincorporated Areas of Wilkes County.
	Approximately 100 feet upstream of the Iredell/Wilkes County boundary.	None	+908	

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Cane Creek .....	At the confluence with West Prong Roaring River .....	None	+1173	Unincorporated Areas of Wilkes County.
	Approximately 1.7 miles upstream of Dehart Church Road (State Road 1715).	None	+1325	
Cub Creek .....	At the confluence with Yadkin River .....	+962	+963	Unincorporated Areas of Wilkes County, Town of Wilkesboro.
	Approximately 0.6 mile upstream of Pennell Road (State Road 2493).	None	+1084	
Darnell Creek .....	At the confluence with North Fork Reddies River .....	None	+1290	Unincorporated Areas of Wilkes County.
	Approximately 1.2 miles upstream of State Road 1567.	None	+1413	
Double Creek .....	At the confluence with Middle Prong Roaring River ....	None	+1293	Unincorporated Areas of Wilkes County.
	Approximately 100 feet upstream of confluence of Double Creek Tributary 1.	None	+1371	
Double Creek Tributary 1 .....	The confluence with Double Creek .....	None	+1370	Unincorporated Areas of Wilkes County.
	Approximately 0.5 mile upstream of confluence with Double Creek.	None	+1396	
Dugger Creek .....	At the confluence with Elk Creek .....	None	+1278	Unincorporated Areas of Wilkes County.
	Approximately 1,170 feet upstream of Elk Creek Darby Road (State Road 1162).	None	+1323	
East Prong Roaring River .....	At the confluence with Roaring River .....	None	+1009	Unincorporated Areas of Wilkes County.
	Approximately 2.8 miles upstream of Longbottom Road (State Road 1737).	None	+1389	
East Swan Creek .....	At the confluence with Swan Creek .....	None	+911	Unincorporated Areas of Wilkes County.
	Approximately 0.9 mile upstream of the confluence with Swan Creek.	None	+927	
Elk Creek .....	At the confluence with Yadkin River .....	None	+1090	Unincorporated Areas of Wilkes County.
	At the Watauga/Wilkes County boundary .....	None	+1349	
Elk Creek Tributary 1 .....	At the confluence with Elk Creek .....	None	+1235	Unincorporated Areas of Wilkes County.
	Approximately 0.8 mile upstream of Elk Creek Darby Road (State Road 1162).	None	+1626	
Elk Creek Tributary 2 .....	At the confluence with Elk Creek .....	None	+1237	Unincorporated Areas of Wilkes County.
	Approximately 1,030 feet upstream of Meadow Road	None	+1358	
Elkin Creek .....	Approximately 1,700 feet downstream of the Wilkes/Surry County boundary.	None	+938	Unincorporated Areas of Wilkes County.
	Approximately 700 feet upstream of Union Community Road (State Road 1919).	None	+1293	
Elkin Creek Tributary 1 .....	At the confluence with Elkin Creek .....	None	+1185	Unincorporated Areas of Wilkes County.
	Approximately 0.7 mile upstream of State Road 1910	None	+1213	
Fishing Creek .....	At the confluence with Yadkin River .....	None	+942	Unincorporated Areas of Wilkes County.
	Approximately 100 feet downstream of Speedway Road (State Road 2355).	None	+1063	
Fishing Creek Tributary 1 .....	At the confluence with Fishing Creek .....	None	+945	Unincorporated Areas of Wilkes County.
	Approximately 1.9 miles upstream of Old NC 60 Highway (State Road 2318).	None	+997	
Fishing Creek Tributary 2 .....	At the confluence with Fishing Creek .....	None	+1023	Unincorporated Areas of Wilkes County.
	Approximately 250 feet downstream of U.S. Highway 421.	None	+1129	
Fishing Creek Tributary 2A ...	At the confluence with Fishing Creek Tributary 2 .....	None	+1119	Unincorporated Areas of Wilkes County.
	Approximately 0.5 mile upstream of the confluence with Fishing Creek Tributary 2.	None	+1153	
Fletcher Creek .....	At the confluence with South Prong Lewis Fork .....	None	+1399	Unincorporated Areas of Wilkes County.
	Approximately 0.4 mile upstream of Shady Walk Lane	None	+1517	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Gambill Creek .....	At the confluence with West Prong Roaring River .....	None	+1343	Unincorporated Areas of Wilkes County.
	Approximately 0.6 mile upstream of the confluence with West Prong Roaring River.	None	+1401	
Gladys Fork .....	At the confluence with Stony Fork .....	None	+1092	Unincorporated Areas of Wilkes County.
	Approximately 0.5 mile upstream of Mount Pleasant Road (State Road 1135).	None	+1141	
Grassy Creek West .....	At the confluence with Elkin Creek .....	None	+980	Unincorporated Areas of Wilkes County.
	At Wilkes/Surry County boundary .....	None	+987	
Grassy Fork .....	At the confluence with Elkin Creek .....	None	+1112	Unincorporated Areas of Wilkes County.
	Approximately 1,990 feet upstream of the confluence with Elkin Creek.	None	+1119	
Grays Creek .....	At the confluence with the Yadkin River .....	None	+921	Unincorporated Areas of Wilkes County.
	Approximately 0.9 mile upstream of State Road 2321	None	+929	
Harris Creek .....	At the confluence with Double Creek .....	None	+1318	Unincorporated Areas of Wilkes County.
	Approximately 0.6 mile upstream of Longbottom Road (State Road 1730).	None	+1425	
Hoopers Branch .....	At the confluence with Reddies River .....	None	+997	Unincorporated Areas of Wilkes County, Town of North Wilkesboro.
	Approximately 1,580 feet upstream of Hackett Street	None	+1088	
Huffman Branch .....	At the confluence with North Prong Lewis Fork .....	None	+1278	Unincorporated Areas of Wilkes County.
	Approximately 0.6 mile upstream of Parsonville Road (State Road 1300).	None	+1324	
Hunting Creek .....	Approximately 100 feet downstream of the Wilkes/Iredell County boundary.	None	+895	Unincorporated Areas of Wilkes County.
	Approximately 1.4 miles upstream of Balls Mill Road (State Road 2474).	None	+1176	
Joshua Creek .....	At the confluence with Mulberry Creek .....	None	+1453	Unincorporated Areas of Wilkes County.
	Approximately 890 feet upstream of Longbottom Road (State Road 1728).	None	+1528	
Left Prong Stony Fork .....	At the confluence with Stony Fork .....	None	+1332	Unincorporated Areas of Wilkes County.
	At the Watauga/Wilkes County boundary .....	None	+1639	
Lewis Fork .....	At the confluence with Yadkin River .....	None	+1075	Unincorporated Areas of Wilkes County.
	At the confluence of North Prong Lewis Fork and South Prong Lewis Fork.	None	+1077	
Little Bugaboo Creek .....	At the confluence with Big Bugaboo Creek .....	None	+1035	Unincorporated Areas of Wilkes County.
	Approximately 620 feet upstream of Hoots Road (State Road 2014).	None	+1074	
Little Elkin Creek .....	The confluence with Yadkin River .....	None	+905	Unincorporated Areas of Wilkes County.
	Approximately 0.6 mile upstream of Greenhorn Road (State Road 1931).	None	+1177	
Little Fork Creek .....	At the confluence with North Prong Lewis Fork .....	None	+1304	Unincorporated Areas of Wilkes County.
	Approximately 1.4 miles upstream of Benny Parsons Road (State Road 1359).	None	+1664	
Little Hunting Creek .....	At the confluence with Hunting Creek .....	None	+915	Unincorporated Areas of Wilkes County.
	Approximately 2.0 miles upstream of Mountain View Church Road (State Road 2503).	None	+1281	
Little Sandy Creek .....	At the confluence with East Prong Roaring River .....	None	+1084	Unincorporated Areas of Wilkes County.
	Approximately 0.5 mile upstream of Longbottom Road (State Road 1737).	None	+1280	
Little Warrior Creek .....	At the confluence with Warrior Creek .....	None	+1075	Unincorporated Areas of Wilkes County.
	Approximately 0.6 mile upstream of Thankful Church Road (State Road 1125).	None	+1170	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Long Branch North .....	At the Wilkes/Yadkin County boundary .....	None	+1075	Unincorporated Areas of Wilkes County.
	Approximately 50 feet upstream of the Wilkes/Yadkin County boundary.	None	+1075	
Middle Fork Reddies River ...	At the confluence with Reddies River .....	None	+1202	Unincorporated Areas of Wilkes County.
Middle Prong Roaring River	Approximately 0.7 mile upstream of State Road 1580	None	+1326	Unincorporated Areas of Wilkes County.
	At the confluence with Roaring River .....	None	+1009	
Mill Creek .....	Approximately 2.1 miles upstream of Moxley Road (State Road 1735).	None	+1442	Unincorporated Areas of Wilkes County, Town of Wilkesboro.
	At the confluence with Cub Creek .....	None	+964	
Mill Creek North .....	Approximately 1,000 feet downstream of Country Club Road (State Road 2462).	None	+1052	Unincorporated Areas of Wilkes County.
	At the confluence with North Fork Reddies River .....	None	+1258	
Moravian Creek .....	Approximately 0.6 mile upstream of Mertie Road (State Road 1570).	None	+2115	Unincorporated Areas of Wilkes County, Town of Wilkesboro.
	At the confluence with Yadkin River .....	+969	+968	
Moravian Creek Tributary 1 ..	At the confluence of Moravian Creek Tributary 1 .....	None	+1233	Unincorporated Areas of Wilkes County.
	At the confluence with Moravian Creek .....	None	+1233	
Mulberry Creek .....	Approximately 0.5 mile upstream of Lowe Creek Road (State Road 2488).	None	+1311	Unincorporated Areas of Wilkes County, Town of North Wilkesboro.
	At the confluence with Yadkin River .....	+955	+952	
Mulberry Creek Tributary 1 ...	At the confluence of Joshua Creek .....	None	+1453	Unincorporated Areas of Wilkes County.
	At the confluence with Mulberry Creek .....	None	+1294	
Naked Creek .....	Approximately 0.6 mile upstream of Sparta Road/NC Highway 18.	None	+1405	Unincorporated Areas of Wilkes County.
	At the confluence with Lewis Fork .....	None	+1075	
North Fork Reddies River .....	Approximately 110 feet downstream of Dr. Miles Road (State Road 1152).	None	+1172	Unincorporated Areas of Wilkes County.
	At the confluence with Reddies River .....	None	+1167	
North Little Hunting Creek ....	Approximately 200 feet downstream of Vannoy Road (State Road 1575).	None	+1460	Unincorporated Areas of Wilkes County.
	At the Wilkes/Yadkin County boundary .....	None	+1024	
North Little Hunting Creek Tributary 3.	Approximately 1,410 feet upstream of Somers Road (State Road 2400).	None	+1119	Unincorporated Areas of Wilkes County.
	At the confluence with North Little Hunting Creek .....	None	+1039	
North Little Hunting Creek Tributary 4.	Approximately 610 feet upstream of the U.S. Highway 421 East ramp.	None	+1069	Unincorporated Areas of Wilkes County.
	At the confluence with North Little Hunting Creek .....	None	+1069	
North Prong Lewis Fork .....	Approximately 410 feet upstream of Somers Road (State Road 2400).	None	+1098	Unincorporated Areas of Wilkes County.
	At the confluence with Lewis Fork .....	None	+1077	
Osborn Creek .....	Approximately 2.0 miles upstream of Big Ivy Road (State Road 1360).	None	+1698	Unincorporated Areas of Wilkes County.
	At the confluence with Hunting Creek .....	None	+895	
Pumpkin Creek .....	Approximately 1.1 miles upstream of Hunting Creek Road (State Road 2412).	None	+1044	Unincorporated Areas of Wilkes County.
	At the confluence with Warrior Creek .....	None	+1075	
	Approximately 0.4 mile upstream of Pumpkin Creek Road (State Road 1303).	None	+1163	



Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Pumpkin Run .....	At the confluence with South Prong Lewis Fork .....	None	+1298	Unincorporated Areas of Wilkes County.
	Approximately 1.0 mile upstream of Pumpkin Run Road (State Road 1303).	None	+1400	
Reddies River .....	At the confluence with Yadkin River .....	+963	+964	Unincorporated Areas of Wilkes County, Town of North Wilkesboro.
	At the confluence of Middle Fork Reddies River and South Fork Reddies River.	None	+1202	
Roaring River .....	At the confluence with Yadkin River .....	None	+936	Unincorporated Areas of Wilkes County.
Rocky Creek .....	At the confluence of East Prong Roaring River .....	None	+1009	Unincorporated Areas of Wilkes County.
	At the Wilkes/Alexander County boundary .....	None	+1192	
Rocky Creek Tributary 1 .....	Approximately 1.0 mile upstream of the confluence of Rocky Creek Tributary 1.	None	+1287	Unincorporated Areas of Wilkes County.
	At the confluence with Rocky Creek .....	None	+1255	
Shell Creek .....	Approximately 1,500 feet upstream of the confluence with Rocky Creek.	None	+1263	Unincorporated Areas of Wilkes County.
	At the confluence with Stony Fork .....	None	+1164	
South Fork Reddies River ....	Approximately 870 feet upstream of Mt. Zion Road (State Road 1155).	None	+1197	Unincorporated Areas of Wilkes County.
	At the confluence with Reddies River .....	None	+1202	
South Prong Lewis Fork .....	Approximately 50 feet upstream of White Oak Road (State Road 1355).	None	+1388	Unincorporated Areas of Wilkes County.
	At the confluence with Lewis Fork .....	None	+1077	
South Prong Lewis Fork Tributary 1.	Approximately 1.2 miles upstream of the confluence of Fletcher Creek.	None	+1478	Unincorporated Areas of Wilkes County.
	At the confluence with South Prong Lewis Fork .....	None	+1195	
Sparks Creek .....	Approximately 2.4 miles upstream of the confluence with South Prong Lewis Fork.	None	+1536	Unincorporated Areas of Wilkes County.
	At the confluence with Little Sandy Creek .....	None	+1108	
Stony Fork .....	Approximately 800 feet downstream of Cook-Lyon Road.	None	+1200	Unincorporated Areas of Wilkes County.
	At the confluence with Yadkin River .....	None	+1078	
Swan Creek .....	At the Watauga/Wilkes County boundary .....	None	+1975	Unincorporated Areas of Wilkes County.
	At the confluence with Yadkin River .....	None	+911	
Tributary M-1-1 .....	At the confluence of East Swan Creek and West Swan Creek.	None	+911	Unincorporated Areas of Wilkes County, Town of North Wilkesboro.
	Approximately 50 feet upstream of the confluence with Tributary M-1.	None	+1071	
Tributary R-1 .....	Approximately 0.5 mile upstream of Elkin Highway/NC Highway 268.	None	+1160	Town of North Wilkesboro.
	Approximately 1,360 feet upstream of Finley Street ....	None	+1090	
Tributary R-1-1 .....	Approximately 0.4 mile upstream of Finley Street .....	None	+1126	Town of North Wilkesboro.
	Approximately 100 feet upstream of the confluence with Tributary R-1.	None	+1047	
Tributary Y-1 .....	Approximately 0.4 mile upstream of the confluence with Tributary R-1.	None	+1153	Town of North Wilkesboro.
	At the confluence with Yadkin River .....	+959	+957	
Tributary Y-1-1 .....	Approximately 0.6 mile upstream of the confluence of Tributary Y-1-1.	None	+1088	Town of North Wilkesboro.
	At the confluence with Tributary Y-1 .....	None	+959	
Tributary Y-2 .....	Approximately 0.4 mile upstream of the confluence with Tributary Y-1.	None	+1072	Town of North Wilkesboro.
	At the confluence with Yadkin River .....	+960	+962	
Tributary Y-3 .....	Approximately 0.7 mile upstream of 2nd Street/U.S. Highway 421.	None	+1078	Town of North Wilkesboro.
	At the confluence with Yadkin River .....	+960	+963	
	Approximately 100 feet downstream of D Street .....	+991	+996	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Warrior Creek .....	At the confluence with Yadkin River .....	None	+1075	Unincorporated Areas of Wilkes County.
West Prong Moravian Creek	Approximately 830 feet upstream of NC Highway 18 ..	None	+1107	Unincorporated Areas of Wilkes County.
	At the confluence with Moravian Creek .....	None	+1068	
West Prong Moravian Creek Tributary 1.	Approximately 1.3 miles upstream of Falls Road (State Road 1108).	None	+1184	Unincorporated Areas of Wilkes County.
	At the confluence with West Prong Moravian Creek ...	None	+1075	
West Prong Roaring River ....	Approximately 510 feet downstream of Falls Road (State Road 1108).	None	+1100	Unincorporated Areas of Wilkes County.
	At the confluence with Middle Prong Roaring River ....	None	+1091	
West Swan Creek .....	Approximately 2.4 miles upstream of State Road 1731.	None	+1561	Unincorporated Areas of Wilkes County.
	At the confluence with Swan Creek .....	None	+911	
Whites Creek .....	Approximately 0.8 mile upstream of Bethel Road .....	None	+944	Unincorporated Areas of Wilkes County.
	At the confluence with Yadkin River .....	None	+1075	
Yadkin River .....	Approximately 1.1 miles upstream of NC Highway 268.	None	+1094	Unincorporated Areas of Wilkes County, Town of North Wilkesboro, Town of Ronda, Town of Wilkesboro.
	Approximately 200 feet downstream of the Yadkin/Wilkes County boundary.	None	+903	
Yadkin River Tributary 14 .....	At the Caldwell/Wilkes County boundary .....	None	+1090	Unincorporated Areas of Wilkes County.
	At the confluence with Yadkin River .....	None	+903	
Yadkin River Tributary 15 .....	Approximately 0.9 mile upstream of State Road 2306	None	+917	Unincorporated Areas of Wilkes County.
	At the confluence with Yadkin River .....	None	+919	
	Approximately 1.7 miles upstream of the confluence with Yadkin River.	None	+942	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* 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 North Wilkesboro

Maps are available for inspection at North Wilkesboro Town Hall, 832 Main Street, North Wilkesboro, NC.

##### Town of Ronda

Maps are available for inspection at Ronda Town Hall, 123 Chatham Street, Ronda, NC.

##### Town of Wilkesboro

Maps are available for inspection at Wilkesboro Town Hall, 203 West Main Street, Wilkesboro, NC.

##### Unincorporated Areas of Wilkes County

Maps are available for inspection at Wilkes County Office Building, 110 North Street, Wilkesboro, NC.

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

Dated: February 12, 2008.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-3362 Filed 2-21-08; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7762]

#### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1 percent 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 May 22, 2008.

**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-7762, 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.

*Administrative Procedure Act Statement.* This matter is not a

rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

*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: