

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 67****Final Flood Elevation Determinations**

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each 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 date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final 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 Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Assistant Administrator of the Mitigation Directorate has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final 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.

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 final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final 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 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Henderson County, North Carolina, and Incorporated Areas Docket No.: FEMA-D-7808			
Allen Branch	At the confluence with Clear Creek	+2,081	Unincorporated Areas of Henderson County, City of Hendersonville.
Bat Fork Creek	Approximately 200 feet upstream of Luther Capell Lane ...	+2,183	Unincorporated Areas of Henderson County, City of Hendersonville.
	At the confluence with Mud Creek	+2,082	
Battle Creek	Approximately 200 feet upstream of U.S. 176	+2,159	Unincorporated Areas of Henderson County.
	At the downstream side of U.S. 64	+2,069	
Big Willow Creek	Approximately 0.4 mile upstream of Battle Creek Road (State Road 1211).	+2,082	Unincorporated Areas of Henderson County.
	Approximately 0.4 mile upstream of the confluence with French Broad River.	+2,081	
	At the confluence of South Fork Big Willow Creek and North Fork Big Willow Creek.	+2,081	
Big Willow Creek Tributary 1	Approximately 1,200 feet upstream of the confluence with Big Willow Creek.	+2,104	Unincorporated Areas of Henderson County.
Boylston Creek	Approximately 40 feet upstream of Lakeshore Drive	+2,109	Town of Mills River.
	Approximately 50 feet downstream of Banner Farm Road	+2,072	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Boylston Creek Tributary 7	Approximately 230 feet upstream of Turkey Pen Gap Road. At the confluence with Boylston Creek	+2,190 +2,103	Unincorporated Areas of Henderson County, Town of Mills River.
Britton Creek	Approximately 1,090 feet upstream of Cross Creek Court At the confluence with Mud Creek	+2,128 +2,081	Unincorporated Areas of Henderson County, City of Hendersonville.
Britton Creek Tributary 2	Approximately 90 feet upstream of Mistletoe Trail	+2,284	Unincorporated Areas of Henderson County, City of Hendersonville.
	At the confluence with Britton Creek	+2,082	
Broad River	Approximately 150 feet upstream of Stonebrook Drive (State Road 2050). At the Henderson/Rutherford County boundary	+2,154 +1,411	Unincorporated Areas of Henderson County.
Cane Creek	At the Buncombe/Henderson County boundary	+1,719	Unincorporated Areas of Henderson County, Town of Fletcher.
	Approximately 100 feet upstream of I-26	+2,062	
Clear Creek	Approximately 800 feet upstream of the Henderson/Buncombe County boundary. At the confluence with Mud Creek	+2,094 +2,078	Unincorporated Areas of Henderson County.
Devils Fork	Approximately 1.0 mile upstream of Apple Valley Road (State Road 1572). At the confluence with Bat Fork Creek	+2,171 +2,083	Unincorporated Areas of Henderson County, City of Hendersonville.
Dunn Creek	At Old Dana Road (State Road 1738)	+2,135	Unincorporated Areas of Henderson County, City of Hendersonville.
	At the confluence with Bat Fork Creek	+2,099	
Featherstone Creek	Approximately 570 feet upstream of Howard Gap Road (State Road 1006). At the confluence with Mud Creek	+2,144 +2,069	Unincorporated Areas of Henderson County.
Finley Creek	Approximately 240 feet upstream of Locust Grove Road (State Road 1528). At the confluence with Shepherd Creek	+2,253 +2,131	Unincorporated Areas of Henderson County.
Gash Creek	Approximately 1,980 feet upstream of Old Kanuga Road (State Road 1138). Approximately 400 feet downstream of Etowah School Road (State Road 1205).	+2,146 +2,081	Unincorporated Areas of Henderson County.
Green River	Approximately 1,250 feet upstream of U.S. 64	+2,101	Unincorporated Areas of Henderson County.
	At the Henderson/Polk County boundary	+1,442	
Henderson Creek	Approximately 300 feet upstream of Bear Paw Ridge Road. At the confluence with Clear Creek	+2,166 +2,118	Unincorporated Areas of Henderson County.
Hickory Creek (near Gerton) ...	Approximately 1,240 feet upstream of Pace Road (State Road 1726). At the confluence with Broad River	+2,146 +1,483	Unincorporated Areas of Henderson County.
Higgins Branch	Approximately 320 feet upstream of Boulder Lane	+3,652	Town of Fletcher.
	At the confluence with Kimsey Creek	+2,062	
Hoopers Creek	Approximately 1,820 feet upstream of Birkshire Way	+2,178	Unincorporated Areas of Henderson County, Town of Fletcher.
	At the confluence with Cane Creek	+2,074	
Kimsey Creek	Approximately 30 feet downstream of Lindsey Loop Road (State Road 1571). Approximately 50 feet upstream of U.S. 74	+2,181 +2,062	Unincorporated Areas of Henderson County, Town of Fletcher.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
King Creek	Approximately 1,880 feet upstream of Kimzey Creek Drive At the confluence with Bat Fork Creek	+2,155 +2,084	Unincorporated Areas of Henderson County, City of Hendersonville, Village of Flat Rock.
King Creek Tributary 3	Approximately 0.5 mile upstream of West Blue Ridge Road (State Road 1812). At the confluence with King Creek	+2,178 +2,099	Unincorporated Areas of Henderson County, City of Hendersonville, Village of Flat Rock.
Kyles Creek	Approximately 210 feet upstream of Rutledge Drive (State Road 1166). At the confluence with Clear Creek	+2,171 +2,118	Unincorporated Areas of Henderson County.
Lanning Mill Creek	Approximately 140 feet downstream of Terrys Gap Road (State Road 1565). At the confluence with Kyles Creek	+2,187 +2,176	Unincorporated Areas of Henderson County.
Lewis Creek	Approximately 800 feet upstream of the confluence with Kyles Creek. At the confluence with Clear Creek	+2,187 +2,126	Unincorporated Areas of Henderson County.
Little Willow Creek	Approximately 80 feet downstream of Pilot Mountain Road (State Road 1783). At Pleasant Grove Road (State Road 1191)	+2,169 +2,083	Unincorporated Areas of Henderson County.
Mill Pond Creek	Approximately 1.6 miles upstream of the confluence with French Broad River. Approximately 175 feet upstream of Hysong Lane	+2,113 +2,075	Unincorporated Areas of Henderson County.
Mills River	Approximately 0.4 mile upstream of Mountain Road (State Road 1381). Approximately 0.6 mile upstream of Hooper Lane (State Road 1353). At the confluence of North Fork Mills River and South Fork Mills River.	+2,202 +2,063 +2,119	Town of Mills River.
Mud Creek	Approximately 1.4 miles upstream of the confluence with French Broad River.	+2,062	Unincorporated Areas of Henderson County, City of Hendersonville, Town of Fletcher, Village of Flat Rock.
North Fork Big Willow Creek	Approximately 300 feet upstream of Walnut Cove Road (State Road 1125). At the confluence with Big Willow Creek	+2,161 +2,081	Unincorporated Areas of Henderson County.
North Fork Mills River	Approximately 0.5 mile upstream of the confluence with Big Willow Creek. At the confluence with Mills River	+2,099 +2,119	Unincorporated Areas of Henderson County, Town of Mills River.
Perry Creek	Approximately 1.3 miles upstream of Rush Branch Road .. At the confluence with Shepherd Creek	+2,259 +2,131	Unincorporated Areas of Henderson County.
Piney Branch	Approximately 1,530 feet upstream of Price Road (State Road 1137). At the confluence with South Fork Big Willow Creek	+2,147 +2,082	Unincorporated Areas of Henderson County.
Reedypatch Creek	Approximately 0.8 mile upstream of Big Willow Road (State Road 1191). At the confluence with Broad River	+2,218 +1,461	Unincorporated Areas of Henderson County.
Rock Creek (into Green River)	Approximately 540 feet upstream of Bald Rock Road (State Road 1710). At the confluence with Green River	+2,176 +2,067	Unincorporated Areas of Henderson County.
	Approximately 0.5 mile upstream of Green River Road (State Road 1106).	+2,103	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Shaw Creek	At the downstream side of U.S. 64	+2,069	Unincorporated Areas of Henderson County.
	Approximately 1,400 feet upstream of Turley Falls Road (State Road 1215).	+2,122	
Shepherd Creek	At South Lakeside Drive (State Road 1148)	+2,126	Unincorporated Areas of Henderson County.
	At the confluence of Perry Creek and Finley Creek	+2,131	
South Fork Big Willow Creek ...	At the confluence with Big Willow Creek	+2,081	Unincorporated Areas of Henderson County.
	Approximately 1,810 feet upstream of Patterson Road (State Road 1194).	+2,103	
South Fork Mills River	At the confluence with Mills River	+2,119	Unincorporated Areas of Henderson County, Town of Mills River.
	Approximately 3.2 miles upstream of Dalton Road (State Road 1340).	+2,258	
South Wash Creek	At the confluence with Wash Creek	+2,153	Town of Laurel Park.
	Approximately 50 feet downstream of Lake Drive	+2,217	
Tonys Creek	At the confluence with Shepherd Creek	+2,126	Unincorporated Areas of Henderson County, Town of Laurel Park.
	Approximately 0.5 mile upstream of Willow Road (State Road 1171).	+2,201	
Wash Creek	Approximately 400 feet upstream of the confluence with Mud Creek.	+2,091	Unincorporated Areas of Henderson County, City of Hendersonville, Town of Laurel Park.
	Approximately 330 feet upstream of Railroad	+2,202	
Wolfpen Creek	Approximately 500 feet upstream of the confluence with Clear Creek.	+2,091	Unincorporated Areas of Henderson County, City of Hendersonville.
	Approximately 90 feet upstream of Chestnut Gap Road (State Road 1742).	+2,130	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

City of Hendersonville

Maps are available for inspection at Hendersonville City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina.

Town of Fletcher

Maps are available for inspection at Fletcher Town Hall, 4005 Hendersonville Road, Fletcher, North Carolina.

Town of Laurel Park

Maps are available for inspection at Laurel Park Town Hall, 441 White Pine Drive, Laurel Park, North Carolina.

Town of Mills River

Maps are available for inspection at Mills River Town Hall, 5046 Boylston Highway, Suite 3, Mills River, North Carolina.

Unincorporated Areas of Henderson County

Maps are available for inspection at Henderson County Administration Building, 100 North King Street, Hendersonville, North Carolina.

Village of Flat Rock

Maps are available for inspection at Flat Rock Village Hall, 110 Village Center Drive, Flat Rock, North Carolina.

McDowell County, North Carolina, and Incorporated Areas

Docket No.: FEMA-D-7668

Alexander Branch	At the confluence with South Muddy Creek	+1,137	Unincorporated Areas of McDowell County.
	Approximately 0.8 mile upstream of the confluence with South Muddy Creek.	+1,174	
Armstrong Creek	At the confluence with North Fork Catawba River	+1,382	Unincorporated Areas of McDowell County.
	At the confluence of House Branch	+1,959	
Bakers Creek	At the confluence with Second Broad River	+1,026	Unincorporated Areas of McDowell County.
	Approximately 1.3 miles upstream of the Railroad	+1,153	
Beaverdam Branch	At the confluence with Second Broad River	+1,270	Unincorporated Areas of McDowell County.
	Approximately 0.5 mile upstream of State Route 1148	+1,311	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Betsy Creek	At the confluence with Tom Creek	+1,442	Unincorporated Areas of McDowell County.
Big Camp Creek	Approximately 300 feet upstream of State Route 1434	+1,461	
	At the confluence with North Muddy Creek	+1,134	Unincorporated Areas of McDowell County.
Bobs Creek	Approximately 370 feet downstream of Interstate 40	+1,197	
	At the confluence with North Muddy Creek	+1,206	Unincorporated Areas of McDowell County.
Boney Creek	Approximately 1,050 feet upstream of State Route 1796 ..	+1,219	
	At the confluence with Cove Creek	+1,137	Unincorporated Areas of McDowell County.
Bradley Creek	Approximately 0.5 mile upstream of State Route 1143	+1,170	
	At the confluence with Loom Branch	+1,420	Unincorporated Areas of McDowell County.
Brevard Creek	Approximately 850 feet upstream of State Route 1133	+1,488	
	At the confluence with Catawba River	+1,342	Unincorporated Areas of McDowell County.
Buck Creek	Approximately 1.4 miles upstream of State Route 1241	+1,472	
	At the confluence with Catawba River	+1,246	Unincorporated Areas of McDowell County.
Caleb Branch	Approximately 0.5 mile upstream of Sugar Cove Road	+1,883	
	At the confluence with North Muddy Creek	+1,163	Unincorporated Areas of McDowell County.
Camp Creek	Approximately 0.6 mile upstream of State Route 1760	+1,224	
	At the confluence with Crooked Creek	+1,441	Unincorporated Areas of McDowell County.
Cane Creek (near Dysartsville)	Approximately 0.6 mile upstream of State Route 1131	+1,535	
	At the McDowell/Rutherford County boundary	+975	Unincorporated Areas of McDowell County.
	Approximately 0.4 mile upstream of the confluence of Shoal Creek.	+1,044	
Cane Creek (near Greenlee)	Approximately 500 feet upstream of the confluence with Catawba River.	+1,292	Unincorporated Areas of McDowell County.
	Approximately 250 feet upstream of U.S. Highway 70	+1,454	
Cane Creek Tributary 1 (near Dysartsville).	At the confluence with Cane Creek (near Dysartsville)	+1,037	Unincorporated Areas of McDowell County.
	Approximately 1,680 feet upstream of the confluence with Cane Creek (near Dysartsville).	+1,064	
Cane Creek Tributary 1 (near Greenlee).	At the confluence with Cane Creek (near Greenlee)	+1,332	Unincorporated Areas of McDowell County.
	Approximately 1,600 feet upstream of State Route 1230 ..	+1,359	
Cane Creek Tributary 2 (near Greenlee).	At the confluence with Cane Creek (near Greenlee)	+1,418	Unincorporated Areas of McDowell County.
	Approximately 0.3 mile upstream of the confluence with Cane Creek (near Greenlee).	+1,458	
Catawba River	At the Burke/McDowell County boundary	+1,206	Unincorporated Areas of McDowell County, City of Marion, Town of Old Fort.
	Approximately 1.6 miles upstream of the confluence of Left Prong Catawba River.	+1,832	
Catawba River Tributary 3	At the confluence with Catawba River	+1,269	Unincorporated Areas of McDowell County.
	Approximately 0.4 mile upstream of the confluence with Catawba River.	+1,281	
Clarks Branch	At the confluence with Little Crooked Creek	+1,476	Unincorporated Areas of McDowell County.
	Approximately 0.4 mile upstream of State Route 1106	+1,504	
Clear Creek	At the confluence with Catawba River	+1,267	Unincorporated Areas of McDowell County.
	Approximately 0.6 mile upstream of the confluence with Catawba River.	+1,285	
Conley Branch	At the confluence with North Fork Catawba River	+1,402	Unincorporated Areas of McDowell County.
	Approximately 1,850 feet upstream of the confluence with Conley Branch Tributary 1.	+1,441	
Conley Branch Tributary 1	At the confluence with Conley Branch	+1,419	Unincorporated Areas of McDowell County.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
	Approximately 0.4 mile upstream of the confluence with Conley Branch.	+1,443	
Cove Creek	Approximately 400 feet downstream of McDowell/Rutherford County boundary.	+1,128	Unincorporated Areas of McDowell County.
	At the confluences of West Fork Cove Creek and Morgan Creek (near Sugar Hill).	+1,196	
Cox Creek	At the confluence with Armstrong Creek	+1,418	Unincorporated Areas of McDowell County.
	Approximately 250 feet upstream of the confluence of Rag Creek.	+1,528	
Crooked Creek	At the confluence with Catawba River	+1,321	Unincorporated Areas of McDowell County.
	Approximately 620 feet upstream of State Route 1100	+1,845	
Curtis Creek	At the confluence with Catawba River	+1,375	Unincorporated Areas of McDowell County, Town of Old Fort.
	Approximately 1,850 feet upstream of the confluence of Hickory Branch.	+1,926	
Dales Creek	At the confluence with Catawba River/Lake James	+1,206	Unincorporated Areas of McDowell County.
	Approximately 1.0 mile upstream of State Route 1552	+1,386	
Frasheur Creek	At the McDowell/Rutherford County boundary	+1,152	Unincorporated Areas of McDowell County.
	Approximately 0.7 mile upstream of State Route 1140	+1,223	
Glades Creek	At the confluence with Catawba River	+1,300	Unincorporated Areas of McDowell County.
	Approximately 400 feet upstream of State Route 1161	+1,450	
Goose Creek	At the confluence with North Muddy Creek	+1,227	Unincorporated Areas of McDowell County.
	Approximately 0.6 mile upstream of State Route 147	+1,306	
Greasy Creek	Approximately 400 feet downstream of County boundary ..	+1,148	Unincorporated Areas of McDowell County.
	Approximately 0.5 mile upstream of State Route 1142	+1,198	
Harris Creek (near Sugar Hill) ..	At the confluence with Cove Creek	+1,132	Unincorporated Areas of McDowell County.
	Approximately 1,400 feet upstream of State Route 1140 ..	+1,168	
Harris Creek (near Woodlawn)	At the confluence with Tom Creek	+1,606	Unincorporated Areas of McDowell County.
	Approximately 850 feet upstream of the confluence with Tom Creek.	+1,636	
Haw Branch	At the confluence with Crooked Creek	+1,379	Unincorporated Areas of McDowell County.
	Approximately 1,600 feet upstream of State Route 1135 ..	+1,432	
Hicks Branch	At the confluence with North Muddy Creek	+1,254	Unincorporated Areas of McDowell County.
	Approximately 1,800 feet upstream of State Route 1168 ..	+1,322	
High Shoals Creek	At the confluence with South Muddy Creek	+1,218	Unincorporated Areas of McDowell County.
	Approximately 200 feet upstream of the confluence of Barnes Branch.	+1,225	
Honeycutt Creek	At the confluence with North Fork Catawba River	+1,487	Unincorporated Areas of McDowell County.
	Approximately 340 feet downstream of the Railroad	+1,854	
Hoppers Creek	At the confluence with South Muddy Creek	+1,118	Unincorporated Areas of McDowell County.
	Approximately 1.7 miles upstream of State Highway 226 ..	+1,201	
Jackson Creek	At the confluence with Lytle Branch	+1,492	Unincorporated Areas of McDowell County.
	Approximately 0.4 mile upstream of the confluence with Lytle Branch.	+1,534	
Jake Creek	At the upstream side of the Railroad	+1,283	Unincorporated Areas of McDowell County.
	Approximately 0.5 mile upstream of State Route 1247	+1,346	
Jarrett Creek	At the confluence with Mill Creek	+1,474	Unincorporated Areas of McDowell County.
	Approximately 2.6 miles upstream of the confluence with Mill Creek.	+1,791	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Johns Creek	At the confluence with Catawba River	+1,214	Unincorporated Areas of McDowell County.
Katy Creek	Approximately 1,600 feet upstream of State Route 1501 .. At the confluence with South Muddy Creek	+1,228 +1,150	Unincorporated Areas of McDowell County.
Left Prong Catawba River	Approximately 1,100 feet upstream of State Route 1798 .. At the confluence with Catawba River	+1,252 +1,527	Unincorporated Areas of McDowell County.
Licklog Creek	Approximately 2.0 miles upstream of the confluence with Catawba River. At the confluence with Buck Creek	+1,739 +1,777	Unincorporated Areas of McDowell County.
Little Buck Creek	Approximately 1.3 miles upstream of the confluence with Buck Creek. At the confluence with Buck Creek/Lake Tahoma	+2,064 +1,407	Unincorporated Areas of McDowell County.
Little Crooked Creek	Approximately 200 feet downstream of the confluence of Long Branch. At the confluence with Crooked Creek	+1,512 +1,450	Unincorporated Areas of McDowell County.
Little Crooked Creek Tributary 1	Approximately 100 feet downstream of State Route 1106 At the confluence with Little Crooked Creek	+1,536 +1,461	Unincorporated Areas of McDowell County.
Little Toe River	Approximately 1,470 feet upstream of the confluence with Little Crooked Creek. At the confluence with Crooked Creek	+1,469 +1,388	Unincorporated Areas of McDowell County.
Lonan Branch	Approximately 25 feet upstream of State Route 1240	+1,478	Unincorporated Areas of McDowell County.
Long Branch	At the confluence with Pepper Creek	+1,536	Unincorporated Areas of McDowell County.
Loom Branch	Approximately 1,500 feet upstream of the confluence with Pepper Creek. At the confluence with Mill Creek	+1,581 +1,816	Unincorporated Areas of McDowell County.
Lytle Branch	Approximately 0.4 mile upstream of the Railroad	+1,953	Unincorporated Areas of McDowell County.
Mackey Creek	At the confluence with Crooked Creek	+1,415	Unincorporated Areas of McDowell County.
Magazine Branch	Approximately 0.8 mile upstream of the confluence of Bradley Creek. At the confluence with Crooked Creek	+1,488 +1,487	Unincorporated Areas of McDowell County.
Martin Branch	Approximately 1,100 feet upstream of State Route 1103 .. At the confluence with the Catawba River	+1,525 +1,284	Unincorporated Areas of McDowell County.
Mill Creek	Approximately 2.8 miles upstream of U.S. Highway 70	+1,721	Unincorporated Areas of McDowell County.
Mollys Branch	At the confluence with Hoppers Creek	+1,145	Unincorporated Areas of McDowell County.
Morgan Creek (near Ledbetter Mountain).	Approximately 200 feet downstream of State Route 1771 At the confluence with North Fork Catawba River	+1,162 +1,435	Unincorporated Areas of McDowell County.
Morgan Creek (near Sugar Hill)	Approximately 350 feet upstream of State Route 1564	+1,469	Unincorporated Areas of McDowell County, Town of Old Fort.
Muddy Creek	Approximately 200 feet upstream of the confluence with Catawba River. Approximately 300 feet downstream of State Route 1408 At the confluence with Hoppers Creek	+1,410 +1,874 +1,129	Unincorporated Areas of McDowell County.
	Approximately 0.6 mile upstream of State Route 1769	+1,170	Unincorporated Areas of McDowell County.
	At the confluence with Cove Creek	+1,173	Unincorporated Areas of McDowell County.
	Approximately 1,270 feet upstream of the confluence with Cove Creek.	+1,180	Unincorporated Areas of McDowell County.
	At the confluence with Cove Creek and West Fork Cove Creek.	+1,196	Unincorporated Areas of McDowell County.
	Approximately 0.8 mile upstream of the confluence with Cove Creek and West Fork Cove Creek.	+1,217	Unincorporated Areas of McDowell County.
	Approximately 400 feet downstream of the Burke/McDowell County boundary.	+1,087	Unincorporated Areas of McDowell County.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Newberry Creek	At the confluences of North Muddy Creek and South Muddy Creek. At the confluence with Curtis Creek	+1,089 +1,670	Unincorporated Areas of McDowell County.
Nicks Creek	Approximately 1.3 miles upstream of the confluence with Curtis Creek. At the confluence with Catawba River	+1,923 +1,240	Unincorporated Areas of McDowell County, City of Marion.
North Fork Catawba River	Approximately 0.5 mile upstream of State Route 1250 At the confluence with Catawba River/Lake James	+1,447 +1,206	Unincorporated Areas of McDowell County.
North Muddy Creek	Approximately 1.9 miles upstream of State Route 1571 At the confluence with Muddy Creek and South Muddy Creek.	+2,506 +1,089	Unincorporated Areas of McDowell County.
North Muddy Creek Tributary 2	Approximately 1.1 miles upstream of the confluence of North Muddy Creek Tributary 2. At the confluence with North Muddy Creek	+1,326 +1,297	Unincorporated Areas of McDowell County.
North Muddy Creek Tributary 1	Approximately 1.0 mile upstream of State Route 1168 At the confluence with North Muddy Creek	+1,327 +1,094	Unincorporated Areas of McDowell County.
Old Catawba River	Approximately 1,000 feet upstream of State Route 1763 .. At the confluence of Shadrick Creek	+1,132 +1,091	Unincorporated Areas of McDowell County.
Patten Branch	Approximately 500 feet upstream of the confluence of Shadrick Creek. At the confluence with South Muddy Creek	+1,091 +1,101	Unincorporated Areas of McDowell County.
Pepper Creek	Approximately 0.6 mile upstream of State Route 1763 At the confluence with North Fork Catawba River	+1,142 +1,446	Unincorporated Areas of McDowell County.
Rock Creek	Approximately 0.6 mile upstream of State Route 1566 At the confluence with Second Broad River	+1,674 +1,290	Unincorporated Areas of McDowell County.
Second Broad River	At the downstream side of State Route 1145	+1,365	Unincorporated Areas of McDowell County.
Shadrick Creek	At the McDowell/Rutherford County boundary	+990	
Shoal Creek	Approximately 0.8 mile upstream of State Route 1001 At the confluence with Old Catawba River	+1,369 +1,091	Unincorporated Areas of McDowell County.
South Fork Tom Creek	Approximately 2.1 miles upstream of the Railroad	+1,194	Unincorporated Areas of McDowell County.
	At the confluence with Cane Creek (near Dysartsville)	+1,028	
South Muddy Creek	Approximately 1.2 miles upstream of State Route 1775 At the confluence with Tom Creek	+1,345 +1,456	Unincorporated Areas of McDowell County.
South Muddy Creek Tributary 1	Approximately 0.3 mile upstream of the confluence with Tom Creek. At the confluence with Muddy Creek and North Muddy Creek.	+1,489 +1,089	Unincorporated Areas of McDowell County.
South Muddy Creek Tributary 2	Approximately 0.7 mile upstream of State Route 1780 At the confluence with South Muddy Creek	+1,331 +1,107	Unincorporated Areas of McDowell County.
Stanfords Creek	At the Burke/McDowell County boundary	+1,124	Unincorporated Areas of McDowell County.
	At the confluence with South Muddy Creek	+1,123	
Swannanoa Creek	Approximately 600 feet upstream of State Route 1767 At the confluence with Goose Creek	+1,143 +1,239	Unincorporated Areas of McDowell County.
Thompsons Fork	Approximately 2.1 miles upstream of the confluence with Goose Creek. At the confluence with Mill Creek	+1,346 +1,603	Unincorporated Areas of McDowell County.
	Approximately 0.7 mile upstream of the confluence with Mill Creek. At the confluence with North Muddy Creek	+1,702 +1,101	Unincorporated Areas of McDowell County.
	Approximately 200 feet downstream of State Route 1747	+1,181	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Tom Creek	At the confluence with Catawba River	+1,229	Unincorporated Areas of McDowell County.
Tom Creek Tributary 1	Approximately 280 feet upstream of State Route 1440 At the confluence with Tom Creek	+1,637 +1,418	Unincorporated Areas of McDowell County.
Walton Crowley Branch	Approximately 1,300 feet upstream of State Route 1433 .. At the confluence with North Muddy Creek	+1,488 +1,119	Unincorporated Areas of McDowell County.
West Fork Cove Creek	Approximately 1,230 feet upstream of State Route 1760 .. At the confluence with Cove Creek and Morgan Creek (near Sugar Hill).	+1,139 +1,197	Unincorporated Areas of McDowell County.
Youngs Fork	Approximately 1.3 miles upstream of State Route 1001 At the confluence with North Muddy Creek	+1,259 +1,205	Unincorporated Areas of McDowell County, City of Marion.
	Approximately 125 feet downstream of Glenview Street	+1,327 HELP	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

City of Marion

Maps available for inspection at the Marion City Hall, 194 North Main Street, Marion, North Carolina.

Town of Old Fort

Maps available for inspection at the Old Fort Town Hall, 38 South Catawba Avenue, Old Fort, North Carolina.

Unincorporated Areas of McDowell County

Maps available for inspection at the McDowell County Administration Building, 60 East Court Street, Marion, North Carolina.

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

Dated: April 18, 2008.

David I. Maurstad,

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

[FR Doc. E8-9225 Filed 4-28-08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 071030625-7696-02]

RIN 0648-XH32

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; inseason quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring

28,045 lb (12,721 kg) of commercial summer flounder quota to the Commonwealth of Virginia from its 2008 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

DATES: Effective April 24, 2008, through December 31, 2008.

FOR FURTHER INFORMATION CONTACT:

Emily Bryant, Fishery Management Specialist, (978) 281-9244, FAX (978) 281-9135.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator,

Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 28,045 lb (12,721 kg) of its 2008 commercial quota to Virginia to cover the summer flounder landings of four North Carolina vessels granted safe harbor in Virginia due to winter storm conditions between January 3 and March 31, 2008. The Regional Administrator has determined that the criteria set forth in § 648.100(d)(3) have been met. The revised quotas for calendar year 2008 are: North Carolina, 2,530,479 lb (1,147,806 kg); and Virginia, 2,015,211 lb (914,084 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*