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

[Docket No. FEMA-8027]

**Suspension of Community Eligibility****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

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

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood

Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

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

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

met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

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

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

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

**Executive Order 12988, Civil Justice Reform.** This rule meets the applicable standards of Executive Order 12988.

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

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

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region II</b>				
New York: Jewett, Town of, Greene County	361114	May 13, 1980, Emerg; April 4, 1983, Reg; May 16, 2008, Susp.	May 16, 2008 ...	May 16, 2008.
<b>Region IV</b>				
Florida: MacClenny, City of, Baker County	120590	June 20, 1980, Emerg; February 1, 1987, Reg; June 17, 2008, Susp.	June 17, 2008 ..	June 17, 2008.
<b>Region V</b>				
Ohio:				
Bexley, City of, Franklin County .....	390168	November 21, 1973, Emerg; November 15, 1978, Reg; June 17, 2008, Susp.	.....do* .....	Do.
Columbus, City of, Franklin County .....	390170	May 21, 1971, Emerg; July 5, 1983, Reg; June 17, 2008, Susp.	.....do .....	Do.
Dublin, City of, Franklin County .....	390673	June 21, 1974, Emerg; June 4, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Gahanna, City of, Franklin County .....	390171	May 17, 1973, Emerg; August 1, 1983, Reg; June 17, 2008, Susp.	.....do .....	Do.
Grandview Heights, City of, Franklin County.	390172	June 6, 1975, Emerg; August 15, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Grove City, City of, Franklin County .....	390173	October 15, 1974, Emerg; May 1, 1984, Reg; June 17, 2008, Susp.	.....do .....	Do.
Hilliard, City of, Franklin County .....	390175	April 10, 1974, Emerg; August 1, 1979, Reg; June 17, 2008, Susp.	.....do .....	Do.
Lockbourne, Village of, Franklin County	390691	September 12, 1978, Emerg; May 1, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Marble Cliff, Village of, Franklin County	390896	—, Emerg; August 2, 1995, Reg; June 17, 2008, Susp.	.....do .....	Do.
Minerva Park, Village of, Franklin County.	390791	March 21, 1975, Emerg; June 15, 1979, Reg; June 17, 2008, Susp.	.....do .....	Do.
Riverlea, Village of, Franklin County .....	390692	—, Emerg; June 9, 1999, Reg; June 17, 2008, Susp.	.....do .....	Do.
Upper Arlington, City of, Franklin County.	390178	August 8, 1973, Emerg; April 15, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Valleyview, Village of, Franklin County	390669	April 17, 1974, Emerg; June 15, 1979, Reg; June 17, 2008, Susp.	.....do .....	Do.
Westerville, City of, Franklin County .....	390179	March 30, 1973, Emerg; September 29, 1978, Reg; June 17, 2008, Susp.	.....do .....	Do.
Whitehall, City of, Franklin County .....	390180	October 7, 1974, Emerg; July 18, 1985, Reg; June 17, 2008, Susp.	.....do .....	Do.
Worthington, City of, Franklin County ...	390181	February 2, 1973, Emerg; August 1, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Wisconsin:				
Adams County, Unincorporated Areas ..	550001	May 31, 1974, Emerg; November 16, 1990, Reg; June 17, 2008, Susp.	.....do .....	Do.
Friendship, Village of, Adams County ...	550003	April 17, 1975, Emerg; November 16, 1990, Reg; June 17, 2008, Susp.	.....do .....	Do.
<b>Region VI</b>				
New Mexico:				
Espanola, City of, Santa Fe County .....	350052	April 4, 1975, Emerg; February 19, 1986, Reg; June 17, 2008, Susp.	.....do .....	Do.
Santa Fe, City of, Santa Fe County .....	350070	February 13, 1975, Emerg; July 2, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Santa Fe County, Unincorporated Areas.	350069	March 25, 1976, Emerg; November 4, 1988, Reg; June 17, 2008, Susp.	.....do .....	Do.
<b>Region VII</b>				
Nebraska: Taylor, Village of, Loup County	310325	October 8, 1976, Emerg; July 1, 1987, Reg; May 16, 2008, Susp.	May 12, 2008 ...	May 16, 2008.
<b>Region X</b>				
Oregon:				
Barlow, City of, Clackamas County .....	410013	February 10, 1976, Emerg; May 5, 1981, Reg; June 17, 2008, Susp.	June 17, 2008 ..	June 17, 2008.
Canby, City of, Clackamas County .....	410014	May 27, 1975, Emerg; June 15, 1984, Reg; June 17, 2008, Susp.	.....do .....	Do.
Clackamas County, Unincorporated Areas.	415588	April 2, 1971, Emerg; March 1, 1978, Reg; June 17, 2008, Susp.	.....do .....	Do.
Damascus, City of, Clackamas County	410006	—, Emerg; May 10, 2007, Reg; June 17, 2008, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Gladstone, City of, Clackamas County	410017	June 2, 1972, Emerg; March 15, 1977, Reg; June 17, 2008, Susp.	.....do .....	Do.
Happy Valley, City of, Clackamas County.	410026	May 28, 1975, Emerg; December 4, 1979, Reg; June 17, 2008, Susp.	.....do .....	Do.
Lake Oswego, City of, Clackamas County.	410018	March 19, 1974, Emerg; August 4, 1987, Reg; June 17, 2008, Susp.	.....do .....	Do.
Milwaukie, City of, Clackamas County ..	410019	May 19, 1972, Emerg; June 18, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Oregon City, City of, Clackamas County	410021	June 13, 1974, Emerg; February 15, 1980, Reg; June 17, 2008, Susp.	.....do .....	Do.
Rivergrove, City of, Clackamas County	410022	March 3, 1975, Emerg; August 4, 1987, Reg; June 17, 2008, Susp.	.....do .....	Do.
Sandy City, City of, Clackamas County	410023	June 25, 1974, Emerg; December 11, 1979, Reg; June 17, 2008, Susp.	.....do .....	Do.
West Linn, City of, Clackamas County	410024	October 20, 1972, Emerg; March 15, 1977, Reg; June 17, 2008, Susp.	.....do .....	Do.
Wilsonville, City of, Clackamas County	410025	April 30, 1975, Emerg; January 6, 1982, Reg; June 17, 2008, Susp.	.....do .....	Do.

\*do=Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: June 6, 2008.

**David I. Maurstad,**

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

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**DEPARTMENT OF HOMELAND  
SECURITY**

**Federal Emergency Management  
Agency**

**44 CFR Part 65**

[Docket No. FEMA—B-7785]

**Changes in Flood Elevation  
Determinations**

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

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to

request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified 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 modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or

to remain qualified for participation in the National Flood Insurance Program (NFIP).

These 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 the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This interim rule meets the