

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 67****[Docket No. FEMA-B-7792]****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 October 21, 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-7792, 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.

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.

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	
Walton County, Florida, and Incorporated Areas				
Bay Branch	At the confluence with Bruce Creek	None	+106	Unincorporated Areas of Walton County, City of Defuniak Springs.
Black Creek	Approximately 900 feet upstream of U.S. Highway 331	None	+125	
	At County Highway 3280	None	+7	Unincorporated Areas of Walton County.
	Approximately 1,570 feet upstream of County Highway 3280	None	+7	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Bruce Creek	Approximately 1,100 feet downstream of the confluence with Mill Creek.	None	+72	Unincorporated Areas of Walton County, City of Defuniak Springs.
	Approximately 6,700 feet upstream of the confluence with Bay Branch.	None	+114	
Camp Creek	Approximately 5,400 feet upstream of the confluence with Black Creek.	None	+7	Unincorporated Areas of Walton County.
	At the confluence with Black Creek	None	+7	Unincorporated Areas of Walton County.
Gum Creek	At the confluence with the Shoal River	None	+150	
	Approximately 12,700 feet upstream of the confluence with the Shoal River.	None	+156	Unincorporated Areas of Walton County, City of Freeport.
Lafayette Creek	At State Highway 20	None	+10	
	Approximately 4,000 feet upstream of J.W. Hollington Road.	None	+58	
Mill Creek	At the confluence with Bruce Creek	None	+73	Unincorporated Areas of Walton County.
	Approximately 75 feet upstream of Edgewood Circle ...	None	+146	Unincorporated Areas of Walton County.
Mill Creek Unnamed Tributary.	At the confluence with Mill Creek	None	+124	
	Approximately 200 feet upstream of Edgewood Circle	None	+175	Unincorporated Areas of Walton County.
Pate Branch	At the confluence with Camp Creek	None	+7	
	Approximately 3,900 feet upstream of the confluence with Camp Creek.	None	+7	Unincorporated Areas of Walton County.
Shoal River	At the Okaloosa/Walton County boundary	None	+111	
	At the confluence with Gum Creek	None	+150	

* 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 Defuniak Springs

Maps are available for inspection at Defuniak Springs City Hall, 71 U.S. Highway 90 West, Defuniak Springs, FL.

City of Freeport

Maps are available for inspection at Town of Freeport Planning and Zoning Department, 112 Highway 20 West, Freeport, FL.

Unincorporated Areas of Walton County

Maps are available for inspection at Walton County Planning and Development Department, South Walton County Courthouse Annex, 31 Coastal Centre Boulevard, Santa Rosa Beach, FL.

Catoosa County, Georgia, and Incorporated Areas

Hurricane Creek	Approximately 660 feet downstream of Cherokee Valley Road.	None	+824	Unincorporated Areas of Catoosa County.
	At confluence of Johnson Branch	None	+825	
Johnson Branch	At confluence with Hurricane Creek	None	+825	Unincorporated Areas of Catoosa County.
	Approximately 840 feet upstream of confluence with Hurricane Creek.	None	+827	
Tributary No. 1 to Black Branch.	Approximately 600 feet upstream of Elaine Circle	None	+715	City of Fort Oglethorpe.
	Approximately 750 feet upstream of Elaine Circle	None	+716	

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ADDRESSES

City of Fort Oglethorpe

Maps are available for inspection at City Hall, 500 City Hall Drive, Fort Oglethorpe, GA 30747.

Unincorporated Areas of Catoosa County

Maps are available for inspection at 800 Lafayette Street, Ringgold, GA 30736.

Delaware County, Iowa, and Incorporated Areas

Maquoketa River	Approximately 750 feet downstream of U.S. Highway 20.	None	+919	Unincorporated Areas of Delaware County.
	Approximately 525 feet upstream of U.S. Highway 20 ..	None	+920	
	Approximately 0.89 mile upstream of West Main Street	None	+935	
	Approximately 1.55 miles upstream of West Main Street.	None	+936	

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ADDRESSES

Unincorporated Areas of Delaware County

Maps are available for inspection at 301 East Main Street, Manchester, IA 52057.

Gates County, North Carolina, and Incorporated Areas

Acorn Hill Millpond	Approximately 0.5 mile downstream of U.S. Highway 158.	None	+20	Unincorporated Areas of Gates County.
	Approximately 1.0 mile upstream of the confluence with Acorn Hill Millpond Tributary 1.	None	+32	
Beaverdam Creek	Approximately 0.8 mile downstream of confluence of Beaverdam Creek Tributary 1.	None	+12	Unincorporated Areas of Gates County.
	Approximately 1.4 miles upstream of Saunders Road (State Road 1208).	None	+44	
Beaverdam Creek Tributary 1.	At the confluence with Beaverdam Creek	None	+19	Unincorporated Areas of Gates County.
	Approximately 500 feet downstream of Saunders Road (State Road 1208).	None	+24	
Beaverdam Creek Tributary 2.	At the confluence with Beaverdam Creek	None	+28	Unincorporated Areas of Gates County.
	Approximately 0.7 mile upstream of the confluence with Beaverdam Creek.	None	+34	
Beaverdam Creek Tributary 3.	At the confluence with Beaverdam Creek	None	+31	Unincorporated Areas of Gates County.
	Approximately 0.9 mile upstream of the confluence of Beaverdam Creek.	None	+38	
Bennetts Creek	Approximately 3.0 miles upstream of the confluence with Chowan River.	None	+7	Unincorporated Areas of Gates County, Town of Gatesville.
	At the confluence of Harrell Swamp and Raynor Swamp.	+26	+19	
Bennetts Creek Tributary 1	At the confluence with Bennetts Creek	None	+7	Unincorporated Areas of Gates County.
	Approximately 1.5 miles upstream of the confluence with Bennetts Creek Tributary 1A.	None	+12	
Bennetts Creek Tributary 10.	At the confluence with Bennetts Creek	None	+19	Unincorporated Areas of Gates County.
	Approximately 0.6 mile upstream of Gatlin Road (State Road 1407).	None	+37	
Bennetts Creek Tributary 1A.	At the confluence with Bennetts Creek Tributary 1	None	+7	Unincorporated Areas of Gates County.
	Approximately 1.2 miles upstream of the confluence with Bennetts Creek Tributary 1A1.	None	+16	

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		Effective	Modified	
Bennetts Creek Tributary 1A1.	At the confluence with Bennetts Creek Tributary 1A	None	+7	Unincorporated Areas of Gates County.
	Approximately 60 feet downstream of Horace Carter Road (State Road 1106).	None	+11	
Bennetts Creek Tributary 2	At the confluence with Bennetts Creek	None	+8	Unincorporated Areas of Gates County.
	Approximately 1.1 miles upstream of the confluence with Bennetts Creek.	None	+12	
Bennetts Creek Tributary 3	At the confluence with Bennetts Creek	None	+12	Unincorporated Areas of Gates County.
	Approximately 0.7 mile upstream of the confluence with Bennetts Creek.	None	+36	
Bennetts Creek Tributary 4	At the confluence with Bennetts Creek	None	+12	Unincorporated Areas of Gates County.
	Approximately 1.3 miles upstream of U.S. Highway 158.	None	+24	
Bennetts Creek Tributary 4A.	At the confluence with Bennetts Creek Tributary 4	None	+12	Unincorporated Areas of Gates County.
Bennetts Creek Tributary 4B.	Approximately 180 feet upstream of U.S. Highway 158	None	+31	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek Tributary 4	None	+12	
Bennetts Creek Tributary 5	Approximately 1,750 feet upstream of the confluence with Bennetts Creek Tributary 4.	None	+15	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek	None	+12	
Bennetts Creek Tributary 5A.	Approximately 0.5 mile upstream of Silver Spring Road (State Road 1404).	None	+31	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek Tributary 5	None	+12	
Bennetts Creek Tributary 6	Approximately 0.8 mile upstream of the confluence with Bennetts Creek Tributary 5.	None	+30	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek	None	+13	
Bennetts Creek Tributary 7	Approximately 75 feet downstream of U.S. Highway 158.	None	+33	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek	None	+15	
Bennetts Creek Tributary 8	Approximately 900 feet upstream of Silver Spring Road (State Road 1404).	None	+20	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek	None	+15	
Bennetts Creek Tributary 9	Approximately 650 feet downstream of Silver Spring Road (State Road 1404).	None	+21	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek	None	+15	
Blackwater River	Approximately 600 feet upstream of Gatlin Road (State Road 1407).	None	+23	Unincorporated Areas of Gates County.
	At the confluence with Chowan River	None	+13	
Buckland Mill Branch	Approximately 0.6 mile upstream of the confluence with Chowan River.	None	+13	Unincorporated Areas of Gates County.
	At the confluence with Cole Creek And Hackley Swamp.	None	+23	
Buckland Mill Branch Tributary 1.	Approximately 1,600 feet upstream of Gates Bank Road (State Road 1302).	None	+39	Unincorporated Areas of Gates County.
	At the confluence with Buckland Mill Branch	None	+28	
Buckland Mill Branch Tributary 2.	Approximately 0.6 mile upstream of Willetown Road (State Road 1304).	None	+31	Unincorporated Areas of Gates County.
	At the confluence with Buckland Mill Branch	None	+29	
Chowan River	Approximately 0.4 mile upstream of the confluence with Buckland Mill Branch.	None	+40	Unincorporated Areas of Gates County.
	Approximately 0.5 mile upstream of the confluence with Chowan River Tributary 1.	None	+7	
	At the confluence of Blackwater River and Nottoway River.	None	+13	Unincorporated Areas of Gates County, Town of Gatesville.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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Cole Creek	At the confluence with Sarem Creek	None	+7	Unincorporated Areas of Gates County.
	At the confluence of Buckland Mill Branch and Hackley Swamp.	None	+23	
Cole Creek Tributary 1	At the confluence with Cole Creek	None	+7	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of Turner Road (State Road 1114).	None	+25	
Cole Creek Tributary 2	At the confluence with Cole Creek	None	+8	Unincorporated Areas of Gates County.
	Approximately 780 feet upstream of U.S. Highway Business 158.	None	+30	
Cole Creek Tributary 3	At the confluence with Cole Creek	None	+9	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of the confluence with Cole Creek.	None	+17	
Cole Creek Tributary 4	At the confluence with Cole Creek	None	+11	Unincorporated Areas of Gates County.
	Approximately 0.6 mile upstream of the confluence with Cole Creek.	None	+16	
Cole Creek Tributary 5	At the confluence with Cole Creek	None	+12	Unincorporated Areas of Gates County.
	Approximately 550 feet upstream of U.S. Highway 158	None	+33	
Cole Creek Tributary 6	At the confluence with Cole Creek	None	+18	Unincorporated Areas of Gates County.
	Approximately 375 feet downstream of Cotton Gin Road (State Road 1315).	None	+24	
Corapeake Swamp	Approximately 500 feet downstream of Daniels Road (State Road 1332).	None	+22	Unincorporated Areas of Gates County.
	At the confluence of Corapeake Swamp Tributary 1	None	+33	
Corapeake Swamp Tributary 1.	At the confluence with Corapeake Swamp	None	+33	Unincorporated Areas of Gates County.
	Approximately 0.9 mile upstream of the confluence with Corapeake Swamp.	None	+35	
Cypress Swamp	Just upstream of NC Highway 137	None	+16	Unincorporated Areas of Gates County.
	Approximately 0.6 mile upstream of NC Highway 137 ..	None	+16	
Duke Swamp	At the confluence with Harrell Swamp	+26	+21	Unincorporated Areas of Gates County.
	Approximately 1.5 miles upstream of the confluence with Duke Swamp Tributary 5.	None	+47	
Duke Swamp Tributary 1 ...	At the confluence with Duke Swamp	None	+23	Unincorporated Areas of Gates County.
	Approximately 0.6 mile upstream of the confluence with Duke Swamp.	None	+33	
Duke Swamp Tributary 2 ...	At the confluence with Duke Swamp	None	+24	Unincorporated Areas of Gates County.
	Approximately 240 feet downstream of NC Highway 32	None	+37	
Duke Swamp Tributary 3 ...	At the confluence with Duke Swamp	None	+25	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of the confluence with Duke Swamp.	None	+28	
Duke Swamp Tributary 4 ...	At the confluence with Duke Swamp	None	+27	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of Union Branch Road (State Road 1305).	None	+31	
Duke Swamp Tributary 5 ...	At the confluence with Duke Swamp	None	+37	Unincorporated Areas of Gates County.
	Approximately 1,000 feet upstream of Drum Hill Road (State Road 1308).	None	+49	
Ellis Swamp	At the confluence with Jady Branch	None	+22	Unincorporated Areas of Gates County.
	Approximately 300 feet upstream of Corner High Road (State Road 1126).	None	+22	
Ellis Swamp Tributary 1	At the confluence with Ellis Swamp	None	+22	Unincorporated Areas of Gates County.
	Approximately 1.3 miles upstream of the confluence with Ellis Swamp.	None	+24	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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Flat Branch	At the confluence with Hackley Swamp	None	+24	Unincorporated Areas of Gates County.
	Approximately 150 feet downstream of U.S. Highway 13.	None	+34	
Folly Swamp	Approximately 1.5 miles downstream of NC Highway 32.	None	+26	Unincorporated Areas of Gates County.
	Approximately 1.9 miles upstream of the confluence with Folly Swamp Tributary 1.	None	+38	
Folly Swamp Tributary 1	At the confluence with Folly Swamp	None	+31	Unincorporated Areas of Gates County.
	Approximately 1,750 feet upstream of Maryland Lane ..	None	+38	
Goodman Swamp	At the confluence with Duke Swamp	None	+31	Unincorporated Areas of Gates County.
	Approximately 1.3 miles upstream of the confluence of Goodman Swamp Tributary 2.	None	+47	
Goodman Swamp Tributary 1.	At the confluence with Goodman Swamp	None	+34	Unincorporated Areas of Gates County.
	Approximately 0.7 mile upstream of Union Branch Road (State Road 1305).	None	+41	
Goodman Swamp Tributary 2.	At the confluence with Goodman Swamp	None	+36	Unincorporated Areas of Gates County.
	Approximately 1.0 mile upstream of Union Branch Road (State Road 1305).	None	+48	
Goose Creek	Approximately 0.7 mile downstream of Folly Road (State Road 1002).	None	+25	Unincorporated Areas of Gates County.
	Approximately 1.3 miles upstream of the confluence of Goose Creek Tributary 1.	None	+36	
Goose Creek Tributary 1	At the confluence with Goose Creek	None	+33	Unincorporated Areas of Gates County.
	Approximately 0.9 mile upstream of the confluence with Goose Creek.	None	+40	
Gum Branch	Approximately 500 feet upstream of the confluence with Jady Branch.	None	+11	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of Taylor Mill Road (State Road 1118).	None	+24	
Hackley Swamp	At the confluence with Cole Creek and Buckland Mill Branch.	None	+23	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of Gates School Road (State Road 1202).	None	+39	
Hackley Swamp Tributary 1	At the confluence with Hackley Swamp	None	+26	Unincorporated Areas of Gates County.
	Approximately 0.5 mile upstream of Sarem Road (State Road 1219).	None	+33	
Harrell Swamp	At the confluence with Bennetts Creek and Raynor Swamp.	+26	+19	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of the confluence of Duke Swamp.	+26	+25	
Jady Branch	Just upstream of NC Highway 137	None	+19	Unincorporated Areas of Gates County.
	Approximately 0.5 mile upstream of Hill Lane Road (State Road 1122).	None	+24	
Jernigan Branch	At the confluence with Somerton Creek	None	+12	Unincorporated Areas of Gates County.
	Approximately 3.1 miles upstream of Gatlington Road (State Road 1302).	None	+31	
Licking Branch	At the confluence with Jady Branch	None	+19	Unincorporated Areas of Gates County.
	Approximately 0.5 mile upstream of Hill Lane Road (State Road 1122).	None	+26	
Middle Swamp	At the confluence with Duke Swamp	None	+27	Unincorporated Areas of Gates County.
	Approximately 0.5 mile upstream of Black Mingle Road (State Road 1312).	None	+32	
Mill Branch	At the confluence with Buckland Mill Branch	None	+35	Unincorporated Areas of Gates County.
	Approximately 500 feet upstream of Paige Riddick Road (State Road 1330).	None	+47	
Mill Swamp	Approximately 2.0 miles downstream of U.S. Highway 13.	None	+28	Unincorporated Areas of Gates County.

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Mill Swamp Tributary 1	Approximately 400 feet upstream of Drum Hill Road (State Road 1308).	None	+48	Unincorporated Areas of Gates County.
	At the North Carolina/Virginia boundary	None	+25	
Mill Swamp Tributary 2	Approximately 0.5 mile upstream of North Carolina/Virginia boundary.	None	+39	Unincorporated Areas of Gates County.
	At the confluence with Mill Swamp	None	+40	
Mill Swamp Tributary 2A	Approximately 1.3 miles upstream of the confluence with Mill Swamp Tributary 2A.	None	+49	Unincorporated Areas of Gates County.
	At the confluence with Mill Swamp Tributary 2	None	+40	
Mill Swamp Tributary 3	Approximately 800 feet downstream of Paige Riddick Road (State Road 1330).	None	+42	Unincorporated Areas of Gates County.
	At the confluence with Mill Swamp	None	+41	
Perquimans River	Approximately 950 feet upstream of Mallory Buck Road (State Road 1309).	None	+52	Unincorporated Areas of Gates County.
	Approximately 0.7 mile downstream of the Gates/Perquimans County boundary.	None	+11	
Raynor Swamp	Approximately 390 feet upstream of the Gates/Perquimans County boundary.	None	+11	Unincorporated Areas of Gates County.
	At the confluence with Bennetts Creek and Harrell Swamp.	+26	+19	
Raynor Swamp Tributary 1	Approximately 0.4 mile upstream of the confluence with Raynor Swamp Tributary 6.	None	+39	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp	None	+19	
Raynor Swamp Tributary 2	Approximately 0.6 mile upstream of Silver Spring Lane (State Road 1404).	None	+36	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp	None	+24	
Raynor Swamp Tributary 2A.	Approximately 865 feet upstream of St. Paul Road (State Road 1338).	None	+35	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp Tributary 2	None	+28	
Raynor Swamp Tributary 3	Approximately 1.1 miles upstream of the confluence with Raynor Swamp Tributary 2.	None	+38	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp	None	+27	
Raynor Swamp Tributary 4	Approximately 0.7 mile upstream of Sugar Run Road (State Road 1429).	None	+36	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp	None	+28	
Raynor Swamp Tributary 5	Approximately 0.7 mile upstream of the confluence with Raynor Swamp.	None	+31	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp	None	+31	
Raynor Swamp Tributary 6	Approximately 1,360 feet upstream of Kees Cross Road (State Road 1427).	None	+35	Unincorporated Areas of Gates County.
	At the confluence with Raynor Swamp	None	+37	
Sarem Creek	Approximately 0.5 mile upstream of the confluence with Raynor Swamp.	None	+41	Unincorporated Areas of Gates County.
	At the confluence with Chowan River	None	+7	
Somerton Creek	At the confluence with Jady Branch	None	+10	Unincorporated Areas of Gates County.
	At the confluence with Chowan River	None	+12	
Taylor Mill Pond	Approximately 1.8 miles upstream of the confluence of Jernigan Branch.	None	+12	Unincorporated Areas of Gates County.
	At the confluence with Jady Branch	None	+22	
Taylor Swamp	Approximately 50 feet downstream of Hill Lane Road (State Road 1122).	None	+22	Unincorporated Areas of Gates County.
	At the confluence with Corapeake Swamp	None	+29	
	Approximately 1,130 feet upstream of Brinkley Road (State Road 1307).	None	+39	

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Taylor Swamp Tributary 1 ..	At the confluence with Taylor Swamp	None	+30	Unincorporated Areas of Gates County.
	Approximately 1.0 mile upstream of the confluence with Taylor Swamp.	None	+34	
Trotman Creek	Approximately 350 feet downstream of Carters Road (State Road 1100).	None	+7	Unincorporated Areas of Gates County.
	Approximately 0.5 mile upstream of Hobbsville Road (State Road 1414).	None	+33	
Trotman Creek Tributary	At the confluence with Trotman Creek	None	+10	Unincorporated Areas of Gates County.
	Approximately 0.4 mile upstream from the confluence with Trotman Creek.	None	+13	
Walton Pond	At the confluence with Trotman Creek	None	+8	Unincorporated Areas of Gates County.
	Approximately 0.8 mile upstream of NC Highway 37	None	+22	

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ADDRESSES

Town of Gatesville

Maps are available for inspection at Gatesville Town Hall, 127 Main Street, Gatesville, NC.

Unincorporated Areas of Gates County

Maps are available for inspection at Gates County Building Inspection Office, 105 New Ferry Road, Gatesville, NC.

Transylvania County, North Carolina, and Incorporated Areas

Horsepasture River	Approximately 200 feet downstream of the Jackson/Transylvania County boundary.	None	+2968	Unincorporated Areas of Transylvania County.
	At the Jackson/Transylvania County boundary	None	+2989	

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ADDRESSES

Unincorporated Areas of Transylvania County

Maps are available for inspection at Transylvania County Inspections Department, 98 East Morgan Street, Brevard, NC.

Oconee County, South Carolina, and Incorporated Areas

Barton Creek	At the confluence with Tugaloo River	None	+670	Unincorporated Areas of Oconee County.
	Approximately 1,540 feet upstream of Barton Creek Road.	None	+708	
Beaverdam Creek	At Oconee/Pickens County boundary	None	+672	Unincorporated Areas of Oconee County.
	Approximately 5,500 feet upstream of State Highway 59.	None	+808	
Beaverdam Creek Tributary 3.	At the confluence with Beaverdam Creek	None	+677	Unincorporated Areas of Oconee County.
	Approximately 5,500 feet upstream of the confluence with Beaverdam Creek.	None	+700	
Cane Creek	Approximately 1,100 feet upstream of the confluence with Little Cane Creek.	None	+804	Unincorporated Areas of Oconee County, Town of Walhalla, Town of West Union.

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 2,460 feet upstream of Rocky Knoll Road.	None	+966	
Choestoea Creek	At the confluence with Tugaloo River	None	+666	Unincorporated Areas of Oconee County.
	Approximately 4,370 feet upstream of the confluence with Choestoea Creek Tributary 9.	None	+744	
Cleveland Creek	At the confluence with Beaverdam Creek	None	+676	Unincorporated Areas of Oconee County.
	Approximately 1.5 miles upstream of Feltman Road	None	+740	
Colonels Fork Creek	At the confluence with Conecross Creek	None	+772	Unincorporated Areas of Oconee County.
	Approximately 1,670 feet upstream of Bennett Road	None	+813	
Conecross Creek	Approximately 2.2 miles downstream of Tokeena Road	None	+678	Unincorporated Areas of Oconee County, City of Seneca.
	Approximately 2,630 feet upstream of Conecross Farm Road.	None	+708	
Conecross Tributary 1	Approximately 2.7 miles upstream of the Oconee/Anderson County boundary.	None	+665	Unincorporated Areas of Oconee County.
	Approximately 3.4 miles upstream of the Oconee/Anderson County boundary.	None	+708	
Conecross Tributary 2	At the confluence with Conecross Creek	None	+784	Unincorporated Areas of Oconee County, Town of Walhalla.
	Approximately 2,420 feet upstream of Bear Swamp Road.	None	+833	
Conecross Tributary 3	At the confluence with Conecross Creek	None	+756	Unincorporated Areas of Oconee County.
	Approximately 850 feet upstream of State Highway 11	None	+780	
Cornhouse Creek	Approximately 1,610 feet downstream of Stamp Creek Road.	None	+813	Unincorporated Areas of Oconee County.
	Approximately 2,195 feet upstream of Stamp Creek Road.	None	+819	
Fair Play Creek	At the confluence with Tugaloo River	None	+665	Unincorporated Areas of Oconee County.
	Approximately 3,200 feet downstream of Rock Creek Road.	None	+665	
Fall Creek	Approximately 1,830 feet downstream of Cliffs South Parkway.	None	+795	Unincorporated Areas of Oconee County.
	Approximately 935 feet downstream of Cliffs Cart Path Drive.	None	+858	
Hartwell Lake Tributary 1 ...	Approximately 360 feet downstream of Martin Creek Road.	None	+665	Unincorporated Areas of Oconee County.
	Approximately 1,850 feet upstream of Martin Creek Road.	None	+672	
Hartwell Lake Tributary 2 ...	At the confluence with Hartwell Lake	None	+665	Unincorporated Areas of Oconee County.
	Approximately 140 feet downstream of Sunshine Road	None	+827	
Hartwell Lake Tributary 3 ...	At the confluence with Hartwell Lake	None	+665	Unincorporated Areas of Oconee County.
	Approximately 185 feet upstream of Rays Road	None	+859	
Keowee River 2 Tributary 7	Approximately 1,295 feet downstream of Maple Avenue.	None	+810	City of Seneca.
	Approximately 2,090 feet upstream of Maple Avenue ...	None	+877	
Keowee River 2 Tributary 7, Tributary 1.	At the confluence with Lake Keowee	None	+800	City of Seneca.
	Approximately 2,310 feet upstream of Seneca Drive	None	+827	
Keowee River 2 Tributary 7, Tributary 1.	At the confluence with Lake Keowee	None	+800	City of Seneca.
	Approximately 65 feet upstream of North Pine Square	None	+870	
Keowee River 2 Tributary 7, Tributary 1.	At the confluence with Lake Keowee	None	+800	Unincorporated Areas of Oconee County.
	Approximately 1.5 mile upstream of the confluence with Lake Keowee.	None	+824	
Tributary 2	At the Oconee/Pickens County boundary	None	+692	Unincorporated Areas of Oconee County.
Little Beaverdam Creek	Approximately 260 feet upstream of Donald Road	None	+771	
Little Beaverdam Creek Tributary 1.	At the Oconee/Pickens County boundary	None	+695	Unincorporated Areas of Oconee 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 3,550 feet upstream of the Oconee/Pickens County boundary.	None	+708	
Little Cane Creek	Approximately 5,000 feet downstream of Pickens Highway.	None	+805	Unincorporated Areas of Oconee County.
	Approximately 1,240 feet upstream of Pickens Highway.	None	+902	
Little Choestoea Creek	Approximately 1 mile downstream of Little Choestoea Road.	None	+670	Unincorporated Areas of Oconee County.
	Approximately 1,570 feet downstream of Mount Pleasant Road.	None	+706	
Martin Creek	Approximately 4,920 feet downstream of the confluence with Martin Creek Tributary 3.	None	+666	City of Seneca, Unincorporated Areas of Oconee County.
	Approximately 2,560 feet upstream of South 6th Square.	None	+891	
Martin Creek Tributary 1	At the confluence with Martin Creek	None	+822	City of Seneca, Unincorporated Areas of Oconee County.
	Approximately 140 feet upstream of South 6th Square	None	+906	
Martin Creek Tributary 2	At the confluence with Martin Creek	None	+717	Unincorporated Areas of Oconee County.
	Approximately 1,125 feet upstream of Owens Road	None	+875	
Martin Creek Tributary 3	At the confluence with Martin Creek	None	+715	Unincorporated Areas of Oconee County.
	Approximately 2,690 feet upstream of Martin Creek Tributary 6.	None	+832	
Martin Creek Tributary 6	At the confluence with Martin Creek Tributary 3	None	+740	Unincorporated Areas of Oconee County.
	Approximately 2,320 feet upstream of Blue Sky Boulevard.	None	+864	
McKinneys Creek	At the confluence with Keowee River	None	+800	Unincorporated Areas of Oconee County.
	Approximately 1.9 mile upstream from the confluence of Keowee River.	None	+809	
Mud Creek	At the confluence with Beaverdam Creek	None	+695	Unincorporated Areas of Oconee County.
	Approximately 1.2 miles upstream of Cedar Lane Road	None	+846	
Mud Creek Tributary 1	At the confluence of Mud Creek	None	+695	Unincorporated Areas of Oconee County.
	Approximately 630 feet upstream of Cody Road	None	+728	
Perkins Creek Tributary 1 ..	At the confluence of Perkins Creek Tributary	None	+833	City of Seneca, Unincorporated Areas of Oconee County.
	Approximately 1,715 feet upstream of Rolling Hills Drive.	None	+889	
Tributary 1	At the confluence of Perkins Creek Tributary 1	None	+786	Unincorporated Areas of Oconee County, City of Seneca.
Perkins Creek Tributary 1 ..				
	Approximately 2,130 feet upstream of Dalton Road	None	+847	
Tributary 2	At the confluence with Perkins Creek Tributary 1, Tributary 2.	None	+812	City of Seneca.
Perkins Creek Tributary 1, Tributary 2.				
	Just downstream of W. South 6th Square	None	+897	
Tributary 1	At the confluence of Perkins Creek Tributary 1	None	+801	City of Seneca, Unincorporated Areas of Oconee County.
Perkins Creek Tributary 1, Tributary 3.				
	Approximately 450 feet upstream of Emerald Road	None	+878	
Richland Creek	At the confluence of Conecross Creek	None	+758	Unincorporated Areas of Oconee County.
	Approximately 3,400 feet upstream of Bountyland Road.	None	+824	
Seneca Creek	Just upstream of Davis Creek Road	None	+665	Unincorporated Areas of Oconee County, City of Seneca.
	Approximately 3,100 feet upstream of Meadowbrook Drive.	None	+878	
Seneca Creek Tributary 1 ..	At the confluence of Seneca Creek	None	+667	Unincorporated Areas of Oconee County.
	Approximately 1.1 miles upstream of the confluence of Seneca Creek.	None	+745	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Shiloh Branch	Approximately 980 feet upstream of Seneca Creek Road.	None	+665	Unincorporated Areas of Oconee County.
	Approximately 1.5 miles upstream of Seneca Creek Road.	None	+687	
Snow Creek	Approximately 690 feet downstream of Sitton Shoals Road.	None	+665	Unincorporated Areas of Oconee County.
Speeds Creek	Approximately 290 feet upstream of Snow Creek Road	None	+789	Unincorporated Areas of Oconee County.
	At the confluence of Lake Hartwell	None	+665	
Tugaloo River	Approximately 3,630 feet upstream of Wells Highway ..	None	+831	Unincorporated Areas of Oconee County.
	Approximately 2.4 miles downstream of Interstate 85 ...	None	+665	
	Approximately 3,550 feet upstream of the confluence of Battle Creek.	None	+896	

* 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 Seneca

Maps are available for inspection at Seneca City Administrator, 221 East North First Street, Seneca, SC 29679.

Town of Walhalla

Maps are available for inspection at City of Walhalla City Administrator, 206 North Church Street, Walhalla, SC 29679.

Town of West Union

Maps are available for inspection at 1442 West Main Street, West Union, SC 29696.

Unincorporated Areas of Oconee County

Maps are available for inspection at Oconee County County Administrator, 415 South Pine Street, Walhalla, SC 29691.

Madison County, Tennessee, and Incorporated Areas

Cane Creek	At Hicks Avenue	+356	+355	City of Jackson, Unincorporated Areas of Madison County.
Dyer Creek	Approximately 1.5 miles upstream of Riverside Drive ...	+437	+434	City of Jackson, Unincorporated Areas of Madison County.
	Approximately 1,000 feet upstream of the confluence with Middle Fork of Forked Deer River.	+357	+356	
Middle Fork of Forked Deer River.	Just downstream of North Royal Street	+444	+441	City of Three Way.
	Approximately 2,160 feet upstream of the confluence of Moize Creek.	None	+351	
Turkey Creek	Approximately 650 feet downstream of U.S. Route 45	None	+356	City of Three Way.
	Approximately 3,070 feet above the confluence of Middle Fork of Forked Deer River.	None	+356	
	Approximately 3,470 feet upstream of Mason Road	None	+367	

* 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 Jackson

Maps are available for inspection at Planning Department, 111 East Main Street, Suite 201, Jackson, TN 38301.

City of Three Way

Maps are available for inspection at Office of the Mayor, 136 Green Road, Three Way, TN 38343.

Unincorporated Areas of Madison County

Maps are available for inspection at Madison County Commissioner's Office Building, 100 East Main Street, Jackson, TN 38301.

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

Dated: July 14, 2008.

David I. Maurstad,

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

[FR Doc. E8-16811 Filed 7-22-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-7795]

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 October 21, 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-7795, 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.

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.

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: