

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA-2011-0002; Docket No. FEMA-B-7755]

**Proposed Flood Elevation Determinations**

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** On December 28, 2007, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 72 FR 73732. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Racine County, Wisconsin, and Incorporated Areas. Specifically, it addresses the following flooding sources: Bartlett Branch, Chicory Creek, East/West Canal, Fonk's Tributary, Kilbourn Road Ditch, Lamparek Creek, Nelson Creek, North Cape Lateral, Pike River, Root River, Sorenson Creek, Union Grove Industrial Tributary, Unnamed Tributary No. 18 to Kilbourn Road Ditch, Unnamed Tributary No. 2 to West Branch Root River Canal, Unnamed Tributary No. 37 to Des Plaines River, Unnamed Tributary No. 38 to Des Plaines River, Unnamed Tributary No. 39 to Des Plaines River, Unnamed Tributary to Unnamed Tributary No. 2 to West Branch Root River Canal, and Waxdale Creek.

**DATES:** Comments are to be submitted on or before July 18, 2011.  
**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-7755, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064 or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@dhs.gov).  
**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064 or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), 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 minimum requirements. 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 also are

used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

**Correction**

In the proposed rule published at 72 FR 73732, in the December 28, 2007, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Racine County, Wisconsin, and Incorporated Areas" addressed the following flooding sources: Bartlett Branch, Chicory Creek, East/West Canal, Fonk's Tributary, Kilbourn Road Ditch, Lamparek Creek, Nelson Creek, North Cape Lateral, Pike River, Root River, Sorenson Creek, Union Grove Industrial Tributary, Unnamed Tributary No. 18 to Kilbourn Road Ditch, Unnamed Tributary No. 2 to West Branch Root River Canal, Unnamed Tributary No. 37 to Des Plaines River, Unnamed Tributary No. 38 to Des Plaines River, Unnamed Tributary No. 39 to Des Plaines River, Unnamed Tributary to Unnamed Tributary No. 2 to West Branch Root River Canal, and Waxdale Creek. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, and/or communities affected for the following flooding sources: Bartlett Branch, Chicory Creek, Kilbourn Road Ditch, Lamparek Creek, Nelson Creek, Pike River, Sorenson Creek, Unnamed Tributary No. 18 to Kilbourn Road Ditch, and Waxdale Creek. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

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

**Racine County, Wisconsin, and Incorporated Areas**

Bartlett Branch .....	At the Pike River confluence ..... Approximately 70 feet downstream of County Highway C.	+682 None	+686 +693	Village of Mount Pleasant.
Chicory Creek .....	Approximately 570 feet upstream of the Pike River confluence.	+669	+668	Village of Mount Pleasant, Village of Sturtevant.
East/West Canal .....	At the downstream side of 105th Street ..... At the North Cape Lateral confluence .....	+723 None	+722 +788	Unincorporated Areas of Racine County.
Fonk's Tributary .....	Approximately 40 feet downstream of U.S. Route 45 Approximately 200 feet upstream of the Union Grove Industrial Tributary confluence.	None None	+788 +746	Unincorporated Areas of Racine County.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 4,880 feet upstream of the Union Grove Industrial Tributary confluence.	None	+781	
Kilbourn Road Ditch .....	At County Line Road .....	+729	+726	Village of Mount Pleasant.
Lamparek Creek .....	Approximately 2,400 feet downstream of I-94 .....	None	+734	
	At the Pike River confluence .....	+661	+660	Village of Mount Pleasant.
	At the downstream side of 105th Street .....	+714	+713	
Nelson Creek .....	At County Line Road .....	None	+619	Village of Mount Pleasant.
	At the downstream side of Garden Drive .....	None	+642	
North Cape Lateral .....	Approximately 30 feet upstream of Britton Road .....	None	+774	Unincorporated Areas of Racine County.
	Approximately 2,350 feet upstream of the East/West Canal confluence.	None	+789	
Pike River .....	At County Line Road .....	+657	+658	City of Racine, Village of Mount Pleasant.
	Approximately 80 feet downstream of Spring Street ...	None	+688	
Root River .....	At mouth at Lake Michigan .....	+583	+584	City of Racine.
	Approximately 825 feet upstream of Memorial Drive ...	+586	+587	
Sorenson Creek .....	At County Line Road .....	+614	+617	Village of Mount Pleasant, City of Racine.
	Approximately 75 feet downstream of Meachem Road	None	+654	
Union Grove Industrial Tributary.	At County Line Road .....	+738	+743	Unincorporated Areas of Racine County, Village of Union Grove.
	Approximately 30 feet downstream of Durand Avenue (State Highway 11).	None	+771	
Unnamed Tributary No. 18 to Kilbourn Road Ditch.	Approximately 1,110 feet downstream of I-94 .....	+732	+733	Unincorporated Areas of Racine County, Village of Mount Pleasant.
	At the upstream side of I-94 .....	None	+742	
Unnamed Tributary No. 2 to West Branch Root River Canal.	Approximately 30 feet upstream of Raymond Avenue	+704	+705	Unincorporated Areas of Racine County.
	Approximately 3,300 feet downstream of 65th Drive ...	None	+751	
Unnamed Tributary No. 37 to Des Plaines River.	Approximately 2,675 feet downstream of 69th Street ..	+713	+712	Unincorporated Areas of Racine County.
	Approximately 70 feet downstream of 69th Street .....	None	+730	
Unnamed Tributary No. 38 to Des Plaines River.	At the confluence with the Des Plaines River .....	None	+710	Unincorporated Areas of Racine County.
	Approximately 2,750 feet upstream of Durand Avenue (State Highway 11).	None	+762	
Unnamed Tributary No. 39 to Des Plaines River.	At the confluence with the Des Plaines River .....	None	+710	Unincorporated Areas of Racine County.
	Approximately 170 feet downstream of County Line Road.	None	+746	
Unnamed Tributary to Unnamed Tributary No. 2 to West Branch Root River Canal.	Approximately 250 feet upstream of 65th Drive .....	None	+720	Unincorporated Areas of Racine County.
	Approximately 125 feet downstream of Colony Avenue.	None	+746	
Waxdale Creek .....	At the Pike River confluence .....	+670	+671	Village of Mount Pleasant, Village of Sturtevant.
	Approximately 70 feet downstream of West Road .....	+736	+735	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* 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 Luis Rodriguez, Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Racine**

Maps are available for inspection at City Hall, 730 Washington Avenue, Racine, Wisconsin 53403.

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

#### Unincorporated Areas of Racine County

Maps are available for inspection at the Racine County Planning and Development Department, 14200 Washington Avenue, Sturtevant, Wisconsin 53177.

#### Village of Mount Pleasant

Maps are available for inspection at the Mount Pleasant Village Hall, 6126 Durand Avenue, Racine, Wisconsin 53406.

#### Village of Sturtevant

Maps are available for inspection at the Village Hall, 2801 89th Street, Sturtevant, Wisconsin 53177.

#### Village of Union Grove

Maps are available for inspection at the Village Hall, 925 15th Avenue, Union Grove, Wisconsin 53182.

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

Dated: April 8, 2011.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2011-9343 Filed 4-15-11; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-B-1189]

#### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this proposed rule 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 to 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 July 18, 2011.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is 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-1189, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@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 also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those 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.

*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: