

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

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).

EFFECTIVE DATE: 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 FIRM is available for inspection as indicated in 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: Doug Bellomo, P.E. Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

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 rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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 to read 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:

Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD)
CALIFORNIA	
Goleta (City), Santa Barbara County, (FEMA Docket No.# B-7439)	
<i>Maria Ygnacia Creek:</i> Approximately 900 feet downstream of Hollister Avenue	* 36
Approximately 80 feet downstream of confluence of San Antonio Creek	* 64
Maps are available for inspection at City Hall, 6500 Hollister Avenue, Goleta, California.	
Santa Barbara County, (FEMA Docket No.# B-7435)	
<i>Atascadero Creek:</i> Approximately 4,400 feet downstream of Patterson Avenue	* 14
Approximately 2,850 feet upstream of Arroyo Road	* 83
<i>Maria Ygnacia Creek:</i> At confluence with Atascadero Creek	* 27
Approximately 1,400 feet upstream of San Marcos Road	* 158
<i>East Fork Maria Ygnacia Creek:</i> At confluence with Maria Ygnacia Creek	* 154
Approximately 1,450 feet upstream of a private bridge	* 250
<i>San Antonio Creek:</i> At confluence with Maria Ygnacia Creek	* 68
Approximately 500 feet upstream of Cathedral Oaks Road	* 165
Maps are available for inspection at the Flood Control District Office, 123 Anapamu Street, Santa Barbara, California.	
SOUTH DAKOTA	
Cheyenne River Sioux Tribe, Dewey and Ziebach Counties, (FEMA Docket No.# B-7439)	
<i>Bear Creek:</i> Approximately 5,800 feet upstream of State Route 65 ..	+2,345
Approximately 1,200 feet upstream of U.S. Route 212	+2,365
<i>Cherry Creek:</i> At confluence with Cheyenne River	+1,723
Approximately 7,000 feet upstream of Main Street	+1,735
<i>Cheyenne River:</i> Approximately 6,200 feet upstream of confluence of Plum Creek	+1,714
Approximately 17,300 feet upstream of confluence of Cherry Creek	+1,728
<i>Virgin Creek:</i> Approximately 5,800 feet downstream of U.S. Route 212	+1,896

Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 3 miles upstream of U.S. Route 212	+1,950	Maps are available for inspection at the Economic Development Center, Eagle Butte, South Dakota.	

Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD) +Elevation in feet (NAVD).	Communities affected
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SOUTH DAKOTA
Hughes County (FEMA Docket No.# B-7435)

<i>Missouri River:</i> Approximately 8 miles downstream from the confluence with Higers Gulch	+1,425	Hughes County (Uninc. Areas), and City of Pierre
Approximately 3 miles upstream of the confluence with the Whisky Gulch	+1,431	

ADDRESSES

Unincorporated Areas Hughes County

Maps are available for inspection at City Hall, 222 East Dakota Avenue, Pierre, South Dakota.

City of Pierre

Maps are available for inspection at City Hall, 222 East Dakota Avenue, Pierre, South Dakota.

Stanley County (FEMA Docket No.# B-7435)

<i>Missouri River:</i> Approximately 8 miles downstream from the confluence with the Bad River	+1,425	Stanley County (Uninc. Areas), and City of Fort Pierre
Approximately 4 miles upstream of the confluence with the Bad River	+1,431	

ADDRESSES

Unincorporated Areas Stanley County

Maps are available for inspection at 8 East Second Avenue, Fort Pierre, South Dakota.

City of Fort Pierre

Maps are available for inspection at 8 East Second Avenue, Fort Pierre, South Dakota.

Charles Mix County (FEMA Docket No.# B-7439)

<i>Unnamed Creek (near Wagner):</i> Approximately 400 feet upstream of 396th Avenue	* 1,413	Yankton Sioux Tribe and City of Wagner
Approximately 600 feet downstream of 394th Avenue	* 1,458	
<i>Left Bank Tributary of Mosquito Creek (near Marty):</i> Approximately 1,400 feet downstream of 303rd Street	* 1,434	Yankton Sioux Tribe
Approximately 1,950 feet upstream of 303rd Street	* 1,458	

ADDRESSES

Yankton Sioux Tribe

Maps are available for inspection at 100 North Main Street, Marty, South Dakota.

City of Wagner:

Maps are available for inspection at City Hall, 106 Sheridan Avenue, Southeast, Wagner, South Dakota.

Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD) +Elevation in feet (NAVD).	Communities affected
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NORTH DAKOTA AND SOUTH DAKOTA
Standing Rock Indian Reservation (FEMA Docket No.# B-7441)

Cannonball River:

Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD) +Elevation in feet (NAVD).	Communities affected
Approximately 4,300 feet downstream of Rice Street	+1,658	Standing Rock Indian Reservation, ND and City of Solen
Approximately 7,700 feet upstream of Rice Street	+1,668	
<i>Grand River (at Bullhead):</i>		
Approximately 4,000 feet downstream of confluence of Rock Creek	+1,759	Standing Rock Indian Reservation, SD
Approximately 4,600 feet upstream of confluence of Stink Creek	+1,774	
<i>Grand River (at Little Eagle):</i>		
Approximately 3.4 miles downstream of the State Route 63	+1,638	Standing Rock Indian Reservation, SD
Approximately 2,000 feet upstream of Old Irrigation Dam	+1,651	
<i>Oak Creek:</i>		
Approximately 7,500 feet downstream of Sewage Lagoons	+1,622	Standing Rock Indian Reservation, SD
Approximately 2,900 feet upstream of Old Irrigation Dam	+1,646	
<i>Rock Creek:</i>		
At confluence with Grand River (at Bullhead)	+1,761	Standing Rock Indian Reservation, SD
Approximately 7,500 feet upstream of Bullhead Road	+1,793	

ADDRESSES

Standing Rock Indian Reservation, ND and SD

Maps are available for inspection at the Department of Tribal Land Management, South River Road, Fort Yates, North Dakota.

City of Solen

Maps are available for inspection at the Engineering Department, 306 Leach Street, Solen, North Dakota.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: December 24, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 04-166 Filed 1-5-04; 8:45 am]

BILLING CODE 6718-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 12

[USCG-2003-14500]

RIN 1625-AA81

Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs)

AGENCY: Coast Guard, DHS.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule describes enhancements to the application procedures for the Merchant Mariner Licensing and Documentation program. These are necessary to improve maritime safety and promote the national security interests of the United States. The enhancements should serve these ends.

DATES: Effective Date: This interim rule is effective January 6, 2004.

Comments: Comments and related material must reach the Docket Management Facility on or before April 5, 2004.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG-2003-14500 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

- (1) Web Site: <http://dms.dot.gov>.
- (2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.
- (3) Fax: 202-493-2251.
- (4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.
- (5) Federal rulemaking Portal: <http://www.regulations.gov>.

Documents mentioned in this preamble as being available in the docket, are part of docket USCG-2003-14500 and will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call

Commander Dave Dolloff, Project Manager, National Maritime Center (NMC), Coast Guard, telephone 202-493-1021. If you have questions on viewing the docket, call Ms. Angela M. Jenkins, Program Manager, Docket Operations, Department of Transportation, telephone 202-366-0271.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://dms.dot.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this rulemaking (USCG-2003-14500), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8 1/2 by