

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")
 Dated: June 5, 2006.

David I. Maurstad,
 Director, Mitigation Division, Federal
 Emergency Management Agency, Department
 of Homeland Security.
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**DEPARTMENT OF HOMELAND
 SECURITY**

**Federal Emergency Management
 Agency**

44 CFR Part 67

[Docket No. FEMA-D-7662]

**Proposed Flood Elevation
 Determinations**

AGENCY: Federal Emergency
 Management Agency (FEMA),
 Department of Homeland Security,
 Mitigation Division.

ACTION: Proposed rule.

SUMMARY: Technical information or
 comments are requested on the
 proposed Base (1% annual chance)
 Flood Elevations (BFEs) and proposed
 BFE modifications for the communities
 listed below. The BFEs are the basis for
 the floodplain management measures
 that the 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 comment period is ninety
 (90) days following the second
 publication of this proposed rule in a
 newspaper of local circulation in each
 community.

ADDRESSES: The proposed 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. CFM, Acting
 Section Chief, Engineering Management
 Section, Mitigation Division, 500 C
 Street, SW., Washington, DC 20472,
 (202) 646-3151.

SUPPLEMENTARY INFORMATION: 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.

National Environmental Policy Act.
 This proposed 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 certifies
 that this proposed rule is exempt from
 the requirements of the Regulatory
 Flexibility Act because proposed 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. As a result, a
 regulatory flexibility analysis has not
 been prepared.

Regulatory Classification. This
 proposed 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.

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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Massachusetts	Plymouth (Town), .. Plymouth County ...	Plymouth Harbor/Plymouth Bay	At Clarks Island Approximately 500 feet north of the inter- section of State Route 3A and Clifford Road.	•12 •18	•10 •29
Maps available for inspection at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts. Send comments to Mr. Mark Sylvia, Plymouth Town Manager, 11 Lincoln Street, Plymouth, Massachusetts 02360.					
North Carolina	Atkinson (Town), Pender County.	Mill Branch (of Moores Creek).	Approximately 0.7 mile downstream of NC Highway 53. At Church Street (NC Highway 53)	None None	•43 •64

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified

Maps available for inspection at the Atkinson Town Hall, 200 North Town Hall Avenue, Atkinson, North Carolina.
Send comments to The Honorable George Stalker, Mayor of the Town of Atkinson, 200 North Town Hall Avenue, Atkinson, North Carolina 28421.

North Carolina	Orange County (Unincorporated Areas).	Haw River	At the Orange/Chatham County boundary	None	•415
			Approximately 1.2 miles upstream of East Greensboro-Chapel Hill Road.	None	•429

Maps available for inspection at the Orange County Planning and Inspections Department, 306F Revere Road, Hillsborough, North Carolina.
Send comments to Mr. John M. Link, Jr., Orange County Manager, 200 South Cameron Street, Hillsborough, North Carolina 27278.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AU48

Endangered and Threatened Wildlife and Plants; Amended Designation of Critical Habitat for the Wintering Population of the Piping Plover

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to amend critical habitat for the wintering population of the piping plover (*Charadrius melodus*) in North Carolina under the Endangered Species Act of 1973, as amended (Act). In total, approximately 1,827 acres (ac) (739 hectares (ha)) fall within the boundaries of the proposed amended critical habitat designation, located in Dare and Hyde counties, North Carolina.

DATES: We will accept comments from all interested parties until August 11, 2006. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by July 27, 2006.

ADDRESSES: If you wish to comment, you may submit your comments and materials concerning this proposal by any one of the following methods:

1. You may submit written comments and information to Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Fish and Wildlife Office, P. O. Box 33726, Raleigh, North Carolina 27636-3726.

2. You may hand-deliver written comments to our office, at Raleigh Field Office, 551-F Pylon Drive, Raleigh, North Carolina 27606.

3. You may send comments by electronic mail (e-mail) to ncplovercomments@fws.gov. Please see the "Public Comments Solicited" section under **SUPPLEMENTARY INFORMATION** for file format and other information about electronic filing.

4. You may fax your comments to 919-856-4556.

5. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the Raleigh Fish and Wildlife Office, 551-F Pylon Drive, Raleigh, North Carolina 27606 (telephone 919-856-4520).

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, Raleigh Fish and Wildlife Office, telephone 919-856-4520, facsimile 919-856-4556.

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. We particularly seek comments concerning:

(1) The reasons any habitat should or should not be determined to be critical

habitat as provided by section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation will outweigh any threats to the species due to designation;

(2) Specific information on the amount and distribution of wintering piping plover habitat in North Carolina, and what areas should be included in the designation that were occupied at the time of listing that contain the features that are essential for the conservation of the species and why, and what areas were not occupied at the listing is essential to the conservation of the species and why;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments;

(6) Whether our determination that areas identified as not being in need of special management is accurate; and

(7) Information to assist the Secretary of the Interior in evaluating habitat with physical and biological features essential to the conservation of the piping plover on Cape Hatteras National Seashore, administered by the National Park Service, based on any benefit provided by the Interim Protected Species Management Strategy/ Environmental Assessment (Interim Strategy) to the conservation of the wintering piping plover.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of