

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-7715]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs 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., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151.

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.

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.

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 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) +Elevation in feet (NAVD)	
				Existing	Modified
City of Lynchburg, Virginia					
Virginia	City of Lynchburg ..	Burton Creek	Confluence with Blackwater Creek	*660 None	+660 +758
		Burton Creek Tributary No. 1.	Approximately 1800 feet upstream of Wards Ferry Road. Confluence with Burton Creek	None	+758
		Burton Creek Tributary No. 2.	Approximately 1.0 mile upstream of confluence with Burton Creek. Confluence with Burton Creek Tributary No. 1.	None	+870 +767
		Burton Creek Tributary No. 3.	Approximately 950 feet upstream of Wade Lane. Confluence with Burton Creek	None	+844 +758
		Burton Creek Tributary No. 4.	Approximately 2300 feet upstream of confluence with Burton Creek. Confluence with Burton Creek	None	+841 +755
			Approximately 0.5 mile upstream of Wards Ferry Road.	None	+836

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) +Elevation in feet (NAVD)	
				Existing	Modified
		Burton Creek Tributary No. 5.	Confluence with Burton Creek	None	+755
			Approximately 850 feet upstream of confluence with Burton Creek.	None	+768
		Burton Creek Tributary No. 6.	Confluence with Burton Creek	None	+720
			Approximately 1250 feet upstream of confluence with Burton Creek.	None	+757
		Rock Castle Creek	Confluence with Burton Creek	*722	+740
			Just upstream of Wards Ferry Road	*814	+810
		Rock Castle Creek Tributary No. 4.	Confluence with Rock Castle Creek	None	+758
			Approximately 1500 feet upstream of railroad spur.	None	+843
		Rock Castle Creek Tributary No. 5.	Confluence with Rock Castle Creek	None	+740
			Approximately 200 feet upstream of Lynchburg Expressway.	None	+783
		Rock Castle Creek Tributary No. 6.	Confluence with Rock Castle Creek	None	+740
			Approximately 800 feet upstream of Edgewood Drive.	None	+804

*National Geodetic Vertical Datum.
#Depth in feet above ground.
+North American Vertical Datum.

ADDRESSES

City of Lynchburg

Maps are available for inspection at 900 Church Street, 2nd Floor Planning Division, Lynchburg, VA 24504.
Send comments to The Honorable Joan Foster, Mayor, 900 Church Street, Lynchburg, VA 24504.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Hancock County, Kentucky, and Incorporated Areas				
Ohio River	Daviess County Line	None	+392	City of Hawesville. City of Lewisport, Hancock County (Unincorporated Areas).
	Breckinridge County Line	None	+407	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
Depth in feet above ground.

ADDRESSES

City of Hawesville

Maps are available for inspection at 385 Main Street, Hawesville, KY 42348.
Send comments to The Honorable Charles King, Mayor, City of Hawesville, 395 Main Street, P.O. Box 157, Hawesville, KY 42348.

City of Lewisport

Maps are available for inspection at 590 Old Mill Road, Lewisport, KY 42351.
Send comments to The Honorable Chad Gregory, Mayor, City of Lewisport, 1010 Market Street, Lewisport, KY 42351.

Hancock County (Unincorporated Areas)

Maps are available for inspection at 385 Main Street, Hawesville, KY 42348.
Send comments to The Honorable Jack McCaslin, Hancock County, P.O. Box 580, Hawesville, KY 42348.

Waukesha County, Wisconsin, and Incorporated Areas				
Ashippun River	At Pennsylvania Avenue	None	*854	Waukesha County (Unincorporated Areas).
	Ashippun Lake	None	*871	
	At Norwegian Road	None	*915	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Bark River	Drumlin Trail	None	*848	Waukesha County (Unincorporated Areas). City of Delafield, Village of Dousman, Village of Hartland, Village of Merton.
	At North Road	None	*973	
Butler Ditch	Hampton Road	*752	*750	City of Brookfield.
	Lilly Road	*759	*757	
Deer Creek	Pinehurst Drive	*838	*837	City of New Berlin, City of Brookfield.
	Harcove Drive	*871	*870	
Dousman Ditch	Gebhardt Road	*828	*825	City of Brookfield.
	Lake Road	*830	*831	
Fox River	River Road	*826	*827	Village of Menomonee Falls, City of Brookfield.
	Lannon Road	*887	*886	
Lake Nagawicka	Lake Nagawicka	*891	*893	City of Delafield.
Mukwonago River	South Rochester Street	*784	*786	Waukesha County (Unincorporated Areas), Village of Mukwonago.
	Eagle Springs Lake	None	*822	
Pewaukee Lake	Pewaukee Lake	*855	*854	Village of Pewaukee.
Quietwood Creek	Woods Road	None	*781	City of Muskego.
	Janesville Road	None	*800	
Rosenow Creek	Lake Street	None	*861	Waukesha County (Unincorporated Areas), City of Oconomowoc.
	Brown Street	None	*873	
South Branch	Bugline Trail	*938	*941	Waukesha County (Unincorporated Areas). Village of Sussex.
Sussex Creek	Mary Hill Road	None	*955	
South Branch Underwood Creek.	At Interstate I-94	*722	*723	City of Brookfield.
Sussex Creek	Duplainville Road	*838	*835	Village of Sussex. City of Pewaukee.
	Main Street	*922	*924	
Sussex Creek	Weyer Road	None	*845	Waukesha County (Unincorporated Areas). Waukesha County (Unincorporated Areas).
	Tributary 1	None	*859	
Underwood Creek	UPS Service Road	*725	*724	City of Brookfield, Village of Elm Grove.
	Pilgrim Road	*821	*819	
Upper Namahbin Lake	Upper Namahbin Lake	*872	*874	Waukesha County (Unincorporated Areas).
Upper/Lower Phantom Lake	Upper/Lower Phantom Lake	*792	*794	Waukesha County (Unincorporated Areas).

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.

ADDRESSES

City of Brookfield

Maps are available for inspection at 2000 N. Calhoun Road, Brookfield, WI 53005.
 Send comments to Mr. Mike Theis, Community Development Director, 2000 N. Calhoun Road, Brookfield, WI 53005.

City of Delafield

Maps are available for inspection at 500 Genesee Street, Delafield, WI 53018.
 Send comments to Mr. Matt Carlson, Administrator, 500 Genesee Street, Delafield, WI 53018.

City of Muskego

Maps are available for inspection at W182 S8200 Racine Avenue, Muskego, WI 53150-0749.
 Send comments to Mr. Jeff Muenkel, Planning Director, PO Box 0749, Muskego, WI 53150-0749.

City of New Berlin

Maps are available for inspection at 3805 South Casper Drive, New Berlin, WI 53151.
 Send comments to Mr. Greg Kessler, Community Development Director, 3805 South Casper Drive, New Berlin, WI 53151.

City of Oconomowoc

Maps are available for inspection at 174 E. Wisconsin Avenue, Oconomowoc, WI 53066.
 Send comments to Mr. Jason Gallo, Planning Director, PO Box 27, Oconomowoc, WI 53066.

City of Pewaukee

Maps are available for inspection at W240N3065 Pewaukee Road, Pewaukee, WI 53072.
 Send comments to Mr. Harland Clinkenbeard, Planning Director, W240N3065 Pewaukee Road, Pewaukee, WI 53072.

Waukesha County (Unincorporated Areas)

Maps are available for inspection at 515 W. Moorland Blvd., Waukesha, WI 53188.
 Send comments to Mr. Dick Mace, Planning and Zoning Manager, 1320 Pewaukee Road, Waukesha, WI 53188.

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

Village of Dousman

Maps are available for inspection at 118 S. Main Street, Dousman, WI 53118.

Send comments to Mr. Bruce Kaniewski, Zoning Administrator, 118 S. Main Street, Dousman, WI 53118.

Village of Elm Grove

Maps are available for inspection at 13600 Juneau Blvd., Elm Grove, WI 53122.

Send comments to Mr. Austin Eich, Zoning and Planning Administrator, 13600 Juneau Blvd., Elm Grove, WI 53122.

Village of Hartland

Maps are available for inspection at 210 Cottonwood Avenue, Hartland, WI 53029.

Send comments to Mr. Scott Hussinger, Zoning Administrator, 210 Cottonwood Avenue, Hartland, WI 53029.

Village of Menomonee Falls

Maps are available for inspection at W156 N8480 Pilgrim Road, Menomonee Falls, WI 53051-3140.

Send comments to Mr. William Freislenben, Director of Community Development, W156 N8480 Pilgrim Road, Menomonee Falls, WI 53051-3140.

Village of Merton

Maps are available for inspection at 28343 Sussex Road, Merton, WI 53056.

Send comments to Mr. Thomas Nelson, Administrator, 28343 Sussex Road, PO Box 13, Merton, WI 53056.

Village of Mukwonago

Maps are available for inspection at 440 River Crest Court, Mukwonago, WI 53149.

Send comments to Mr. Joseph J Hankovich, Zoning Administrator, 440 River Crest Court, PO Box 206, Mukwonago, WI 53149.

Village of Pewaukee

Maps are available for inspection at 235 Hickory Street, Pewaukee, WI 53072.

Send comments to Mr. Scott Gosse, Village Administrator, 235 Hickory Street, Pewaukee, WI 53072.

Village of Sussex

Maps are available for inspection at N64 W23760 Main Street, Sussex, WI 53089.

Send comments to Mr. Evan Teich, Administrator, N64 W23760 Main Street, Sussex, WI 53089.

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

Dated: April 16, 2007.

David I. Maurstad,

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

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