

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD) modified ♦ Elevation in feet (NAVD) modified
Approximately 0.85 mile upstream of the Union Pacific Railroad .....	♦ 220
<i>Red Cut Slough Tributary:</i>	
Approximately 0.48 mile downstream of U.S. Highway 67 .....	♦ 224
At West Mississippi Street ....	♦ 235
<i>Red Cut Slough Tributary A:</i>	
Approximately 1,450 feet downstream of the Union Pacific Railroad .....	♦ 220
Approximately 140 feet upstream of California Street	♦ 229
<i>Red Cut Slough Tributary No. 2:</i>	
Approximately 0.41 mile upstream of the confluence with Red Cut Slough .....	♦ 220
Approximately 1.40 miles upstream of the confluence with Red Cut Slough .....	♦ 230
<b>Maps are available for inspection</b> at City Hall, 321 North Elm Street, Beebe, Arkansas.	

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

Dated: November 17, 2004.

**David I. Maurstad,**

*Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.*

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**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations and modified Base Flood Elevations (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).

**DATES: 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 base flood elevations 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:** The Federal Emergency Management Agency makes the final determinations listed below for the BFEs and modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and 44 CFR part 67.

The Federal Emergency Management Agency 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 modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, 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 of referenced elevation	* Elevation in feet (NGVD) modified ◆ Elevation in feet (NAVD) modified	Communities affected
<b>FEMA Docket No. P7657</b>		
Lateral 1–B/Tributary No. 11: Approximately 50 feet upstream of the confluence with Yocona-Spybuck Drainage Canal ... Approximately 2,275 feet upstream of Union Pacific Railroad .....	*205 263	City of Forrest City. St. Francis County (Unincorporated Areas).
Spybuck Drainage Canal: Approximately 1,165 feet downstream of Woodroe Holeman Road .....	*216	City of Forrest City.
Approximately 2,300 feet upstream of Commerce Drive .....	*238	St. Francis County (Unincorporated Areas).
Tributary No. 1: Approximately 975 feet downstream of Woodroe Holeman Road .....	*216	City of Forrest City.
Approximately 2,470 feet upstream of County Highway 213 .....	*238	St. Francis County (Unincorporated Areas).
Tributary No. 4: At the confluence with Tributary No. 5 .....	*222	City of Forrest City.
Approximately 60 feet upstream of Dawson Road .....	*243	St. Francis County (Unincorporated Areas).
Tributary No. 5: Approximately 2,090 feet downstream of County Highway 231 .....	*218	City of Forrest City.
Approximately 350 feet upstream of Entergy Drive .....	*239	St. Francis County (Unincorporated Areas).
Tributary No. 6: Approximately 1,000 feet downstream of County Highway 205 .....	*221	City of Forrest City.
Approximately 5,330 feet upstream of County Highway 205 .....	*239	St. Francis County (Unincorporated Areas).
Tributary No. 7: Approximately 1,000 feet downstream of County Highway 205 .....	*221	City of Forrest City.
Approximately 1,075 feet upstream of Turner Circle .....	*229	St. Francis County (Unincorporated Areas).
Tributary No. 10: At the confluence with Yocono-Spybuck Drainage Canal (MD–1) .....	*217	City of Forrest City.
Approximately 5,010 feet upstream of County Highway 202/Union Pacific Railroad .....	*221	St. Francis County (Unincorporated Areas).
Tributary No. 12: At the confluence with Lateral 1–B (Tributary No. 11) .....	*213	St. Francis County (Unincorporated Areas).
Approximately 4,035 feet upstream of County Highway 808 .....	*221	
Tributary No. 13: At the confluence with Tributary No. 12 .....	*214	City of Forrest City.
Approximately 4,500 feet upstream of the confluence with Tributary No. 12 .....	*222	St. Francis County (Unincorporated Areas).
Tributary No. 14: At the confluence with Tributary No. 12 .....	*215	City of Forrest City.
Approximately 100 feet upstream of Yocona Road .....	*216	St. Francis County (Unincorporated Areas).
Tributary No. 16: At the confluence with Tributary No. 12 .....	*217	City of Forrest City.
Approximately 2,920 feet upstream of Yocona Road .....	*224	St. Francis County (Unincorporated Areas).
Tributary No. 17: Approximately 260 feet downstream of the confluence of Tributary No. 18 .....	*219	St. Francis County (Unincorporated Areas).
<b>FEMA Docket No. P7657</b>		
Approximately 4,150 feet upstream of County Highway 814 .....	*229	
Tributary No. 18: At the confluence with Tributary No. 17 .....	*220	St. Francis County (Unincorporated Areas).
Approximately 2,850 feet upstream of the confluence with Tributary No. 17 .....	*225	
Tributary No. 19: At the confluence with Tributary No. 17 .....	*223	St. Francis County (Unincorporated Areas).
Approximately 2,390 feet upstream of the confluence with Tributary No. 17 .....	*226	

## ADDRESSES

**City of Forrest City**

Maps are available for inspection at City Hall, 224 North Rosser, Forrest City, Arkansas.

**St. Francis County (Unincorporated Areas)**

Source of flooding and location of referenced elevation	* Elevation in feet (NGVD) modified ◆ Elevation in feet (NAVD) modified	Communities affected
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Maps are available for inspection at County Courthouse, 313 South IZard Street, Forrest City, Arkansas.

<b>FEMA Docket No. P 7649</b>		
West Nishnabotna River:		
At U.S. Highway 6 .....	◆ 1,077	City of Council Bluffs, City of Oakland, Pottawattamie County (Unincorporated Areas).
Approximately 4,850 feet upstream of Honeysuckle Road/County Highway G42 .....	◆ 1,088	
Mosquito Creek:		
Approximately 5,785 feet downstream of Interstate 29 .....	◆ 980	Pottawattamie County (Unincorporated Areas).
Approximately 1,760 feet downstream of Interstate 29 .....	◆ 983	
Mosquito Creek:		
Intersection of E. South Omaha Bridge and 192nd Street .....	#1	Pottawattamie County (Unincorporated Areas).
Intersection of Basswood Road and 192nd Street .....	#1	
Missouri River:		
Approximately 5,250 feet upstream of Interstate 480 .....	◆ 985	City of Carter Lake.
Approximately 8,925 feet upstream of Interstate 480 .....	◆ 985	

**ADDRESSES**

**City of Carter Lake**

Maps are available for inspection at City Hall, 950 Locust Street, Carter Lake, Iowa.

**City of Council Bluffs**

Maps are available for inspection at the Community Development Office, 403 Willow Street, Council Bluffs, Iowa.

**City of Oakland**

Maps are available for inspection at City Hall, 101 North Main Street, Oakland, Iowa.

**Pottawattamie County (Unincorporated Areas)**

Maps are available for inspection at the County Courthouse, 227 South 6th Street, Council Bluffs, Iowa.

<b>FEMA Docket No. P 7611</b>		
Elkhorn River:		
Approximately 4,800 feet downstream of 558th Avenue .....	*1,498	Madison County (Unincorporated Areas). City of Tilden, Village of Meadow Grove. City of Norfolk, Village of Battle Creek.
Approximately 300 feet upstream of Center Street/534th Avenue .....	*1,657	
Union Creek:		
Approximately 1.9 miles upstream of 3rd Street .....	*1,589	Madison County (Unincorporated Areas).
Approximately 1.7 miles upstream of 3rd Street .....	*1,588	

**ADDRESSES**

**City of Battle Creek**

Maps are available for inspection at 102 South Second Street, Battle Creek, Nebraska.

**Madison County (Unincorporated Areas)**

Maps are available for inspection at Zoning Administration, 1112 Bonita Drive, Norfolk, Nebraska.

**Village of Meadow Grove**

Maps are available for inspection at 208 Main Street, Meadow Grove, Nebraska.

Maps are available for inspection at 701 Koenigstein Avenue, Norfolk, Nebraska.

**City of Tilden**

Maps are available for inspection at City Clerk, 202 South Center, Tilden, Nebraska.

<b>FEMA Docket No. P 7643</b>		
Bear Creek:		
Mouth at Great Miami River .....	*704	Village of New Lebanon, City of Miamisburg. City of Moraine, Montgomery County (Unincorporated Areas).
At the confluence of Diehl Run (Approximately 5,600 feet upstream of U.S. Highway 35) .....	*881	

Source of flooding and location of referenced elevation	* Elevation in feet (NGVD) modified ◆ Elevation in feet (NAVD) modified	Communities affected
Diehl Run:		
Confluence at Bear Creek .....	*881	Village of New Lebanon, Montgomery County (Unincorporated Areas).
Approximately 35 feet downstream of North Johnsonville Road .....	*960	
Dry Run:		
Just upstream of Free Pike .....	*804	City of Clayton, City of Dayton, City of Trotwood, Montgomery County (Unincorporated Areas).
Approximately 710 feet upstream of Union Road .....	*943	
Garber Run:		
Mouth at Bear Creek .....	*856	Montgomery County (Unincorporated Areas).
Approximately 6,200 feet upstream of Old Dayton Road .....	*934	
Holes Creek:		
Just upstream of CSX Railroad .....	*722	City of Centerville, City of Moraine, City of West Carrollton, Montgomery County (Unincorporated Areas).
Approximately 200 feet upstream of Silverlake Drive .....	*914	
Little Bear Creek:		
Confluence at Bear Creek .....	*775	Montgomery County (Unincorporated Areas).
Approximately 2,870 feet upstream of Old Dayton Road .....	*935	
North Branch Wolf Creek:		
Just upstream of Oakes Road .....	*860	City of Clayton, City of Trotwood, Montgomery County (Unincorporated Areas).
Just downstream of Interstate 70/U.S. Highway 49 .....	*944	
Poplar Creek:		
Approximately 250 feet downstream of East Stonequarry Road .....	*865	City of Vandalia.
Approximately 580 feet upstream of East Stonequarry Road .....	*875	
Spring Run:		
Confluence at Little Bear Creek .....	*819	Montgomery County (Unincorporated Areas).
Approximately 2,000 feet upstream of North Snyder Road .....	*916	

**ADDRESSES****City of Centerville**

Maps are available for inspection at Municipal Government Center, 100 West Spring Valley Road, Centerville, Ohio.

**City of Clayton**

Maps are available for inspection at City Administration Building, 6996 Taywood Road, Englewood, Ohio.

**City of Dayton**

Maps are available for inspection at Planning and Community Development Office, 101 West Third Street, Dayton, Ohio.

**City of Miamisburg**

Maps are available for inspection at City Annex Building, 10 North First Street, Miamisburg, Ohio.

**City of Moraine**

Maps are available for inspection at Community Development Department, Municipal Building, 4200 Dryden Road, Moraine, Ohio.

**Village of New Lebanon**

Maps are available for inspection at Municipality of New Lebanon Village Offices, 198 South Clayton Road, New Lebanon, Ohio.

**City of Trotwood**

Maps are available for inspection at Department of Public Works, Trotwood Government Center, 4 Strader Drive, Trotwood, Ohio.

**City of Vandalia**

Maps are available for inspection at City of Vandalia City Building, 333 James E. Bohanan Memorial Drive, Vandalia, Ohio 45377.

**City of West Carrollton**

Maps are available for inspection at City of West Carrollton Civic Center, 300 East Central Avenue, West Carrollton, Ohio.

**Montgomery County**

Maps are available for inspection at Montgomery County Administration Building, 451 West Third Street, Room 800, Dayton, Ohio.

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

Dated: November 17, 2004.

**David I. Maurstad,**

*Acting Director, Mitigation Division,  
Emergency Preparedness and Response  
Directorate.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 112604A]

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Fall Commercial Red Snapper Component**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the fall portion of the annual commercial quota for red snapper will be reached on December 15, 2004. This closure is necessary to protect the red snapper resource.

**DATES:** Closure is effective noon, local time, December 15, 2004, until noon, local time, on February 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Phil Steele, telephone 727-570-5305, fax 727-570-5583, e-mail [Phil.Steele@noaa.gov](mailto:Phil.Steele@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP).

The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 4.65 million lb (2.11 million kg) for the current fishing year, January 1 through December 31, 2004. The red snapper commercial fishing season is split into two time periods, the first commencing at noon on February 1 with two-thirds of the annual quota (3.10 million lb (1.41 million kg)) available, and the second commencing at noon on October 1 with the remainder of the annual quota available. During the commercial season, the red snapper commercial fishery opens at noon on the first of each month and closes at noon on the 10th of each month, until the applicable commercial quotas are reached.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available fall commercial quota of 1.60 million lb (0.73 million kg) for red snapper will be reached when the fishery closes at noon on December 15, 2004. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper will remain closed until noon, local time, on February 1, 2005. The operator of a vessel with a valid reef fish permit having red snapper aboard must have landed and bartered, traded, or sold such red snapper prior to noon, local time, December 15, 2004.

During the closure, a person aboard a vessel for which a commercial permit for Gulf reef fish has been issued may not harvest or possess red snapper from the Gulf of Mexico, and the sale or purchase of red snapper taken from the EEZ is prohibited. The prohibition on

sale or purchase does not apply to sale or purchase of red snapper that were harvested, landed ashore, and sold prior to noon, local time, December 15, 2004, and were held in cold storage by a dealer or processor.

#### **Classification**

This action is required by 50 CFR 622.43(a) and is exempt from review under Executive Order 12866. This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds the need to immediately implement this action to close the fishery constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(3)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because it requires time during which harvest would likely exceed the quota. Similarly, NMFS finds good cause that the implementation of this action cannot be delayed for 30 days. Any delay in implementing this action would be impractical and contrary to the Magnuson-Stevens Act, the FMP, and the public interest. Given the capacity of the fishing fleet to exceed the quota quickly, there is a need to implement this measure in a timely fashion to prevent an overage of the commercial quota of Gulf red snapper. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 29, 2004.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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