

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7809]

#### Suspension of Community Eligibility

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

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Mike Grimm, Mitigation Division, 500 C Street, SW.; Room 435, Washington, DC 20472, (202) 646-3443.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that

statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

#### National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No

environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

#### 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.

#### Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

■ 1. The authority citation for part 64 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.

#### § 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and local jurisdiction	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region II</b>				
New York: Plattsburgh, City of, Clinton County.	360168	April 12, 1973, Emerg.; April 17, 1978, Reg.; June 3, 2003, Susp.	June 3, 2003. ....	June 3, 2003.
Plattsburgh, Town of, Clinton County ...	360169	May 25, 1973, Emerg.; September 28, 1979, Reg.; June 3, 2003, Susp.	.....do* .....	Do.
<b>Region IV</b>				
North Carolina: Laurinburg, City of, Scotland County.	370222	February 14, 1975, Emerg.; January 3, 1986, Reg.; June 17, 2003, Susp.	June 17, 2003 .....	June 17, 2003.
Scotland County, Unincorporated Areas.	370316	July 30, 1975, Emerg.; December 16, 1988, Reg.; June 17, 2003, Susp.	.....do .....	Do.
<b>Region V</b>				
Wisconsin: Belleville, Village of, Dane County.	550159	July 15, 1975, Emerg.; November 19, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Black Earth, Village of, Dane County ...	550079	August 7, 1975, Emerg.; January 2, 1981, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Cambridge, Village of, Dane County ....	550080	November 28, 1975, Emerg.; June 4, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Cottage Grove, Village of, Dane County.	550617	July 11, 2000, Emerg.; June 17, 2003, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Cross Plains, Village of, Dane County	550081	June 16, 1975, Emerg.; February 16, 1983, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Dane County, Unincorporated Areas ...	550077	October 20, 1972, Emerg.; September 29, 1978, Reg.; June 17, 2003, Susp.	.....do .....	Do.
De Forest, Village of, Dane County .....	550082	April 16, 1975, Emerg.; September 1, 1978, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Fitchburg, City of, Dane County .....	550610	August 23, 2001, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Madison, City of, Dane County .....	550083	July 17, 1975, Emerg.; September 30, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Marshall, Village of, Dane County .....	550084	July 15, 1975, Emerg.; December 16, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Mazomanie, Village of, Dane County ...	550085	July 29, 1975, Emerg.; December 1, 1981, Reg.; June 17, 2003, Susp.	.....do .....	Do.
McFarland, Village of, Dane County ....	550086	April 17, 1975, Emerg.; June 15, 1978, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Middleton, City of, Dane County .....	550087	June 27, 1974, Emerg.; May 1, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Monona, City of, Dane County .....	550088	March 25, 1975, Emerg.; June 15, 1978, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Oregon, Village of, Dane County .....	550089	May 28, 1974, Emerg.; September 30, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Stoughton, City of, Dane County .....	550091	April 15, 1975, Emerg.; June 15, 1978, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Sun Prairie, City of, Dane County .....	550573	December 11, 1995, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Verona, City of, Dane County .....	550092	June 24, 1975, Emerg.; August 1, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Waunakee, Village of, Dane County ....	550093	May 29, 1975, Emerg.; May 1, 1978, Reg.; June 17, 2003, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado: Wheat Ridge, City of, Jefferson County.	085079	April 16, 1971, Emerg.; May 26, 1972, Reg.; June 17, 2003, Susp.	.....do .....	Do.
Wyoming: Lincoln County, Unincorporated Areas.	560032	June 23, 1978, Emerg.; February 15, 1980, Reg.; June 17, 2003, Susp.	.....do .....	Do.

\* do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

**Anthony S. Lowe,**  
 Mitigation Division Director, Emergency  
 Preparedness and Response Directorate.  
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 BILLING CODE 6718-05-P

**DEPARTMENT OF HOMELAND  
 SECURITY**

**Federal Emergency Management  
 Agency**

**44 CFR Part 65**

**Changes in Flood Elevation  
 Determinations**

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

**ACTION:** Final rule.

**SUMMARY:** Modified base (1% annual  
 chance) flood elevations are finalized for  
 the communities listed below. These  
 modified elevations will be used to  
 calculate flood insurance premium rates  
 for new buildings and their contents.

**EFFECTIVE DATES:** The effective dates for  
 these modified base flood elevations are  
 indicated on the following table and  
 revise the Flood Insurance Rate Map(s)  
 (FIRMs) in effect for each listed  
 community prior to this date.

**ADDRESSES:** The modified 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 following table.

**FOR FURTHER INFORMATION CONTACT:**  
 Mary Jean Pajak, P.E., FEMA, 500 C  
 Street SW., Washington, DC 20472,  
 (202) 646-2831.

**SUPPLEMENTARY INFORMATION:** The  
 Federal Emergency Management Agency  
 makes the final determinations listed  
 below of modified base flood elevations  
 for each community listed. These  
 modified elevations have been  
 published in newspapers of local 2  
 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.

The modified base flood elevations  
 are not listed for each community in  
 this notice. However, this rule includes  
 the address of the Chief Executive  
 Officer of the community where the  
 modified base flood elevation  
 determinations are available for  
 inspection.

The modifications are made pursuant  
 to Section 206 of the Flood Disaster  
 Protection Act of 1973, 42 U.S.C. 4105,  
 and are in accordance with the National  
 Flood Insurance Act of 1968, 42 U.S.C.  
 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently  
 effective community number is shown  
 and must be used for all new policies  
 and renewals.

The modified base flood elevations  
 are the basis for the floodplain  
 management measures that the  
 community is required to either adopt  
 or to show evidence of being already in  
 effect in order to qualify or to remain  
 qualified for participation in the  
 National Flood Insurance Program  
 (NFIP).

These modified elevations, 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 modified 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.

The changes in base flood elevations  
 are in accordance with 44 CFR 65.4.

**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 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 65**

Flood insurance, floodplains,  
 reporting and recordkeeping  
 requirements.

■ Accordingly, 44 CFR Part 65 is  
 amended to read as follows:

**PART 65—[AMENDED]**

■ 1. The authority citation for Part 65  
 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.

**§ 65.4 [Amended]**

■ 2. The tables published under the  
 authority of § 65.4 are amended as  
 follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Connecticut: New Haven (FEMA Docket No. D- 7531).	City of Milford .....	Oct. 9, 2002, Oct. 16, 2002, <i>New Haven Register.</i>	The Honorable James L. Richetelli, Mayor of the City of Milford, City Hall, 110 River Street, Milford, Connecticut 06460.	Jan. 15, 2003 .....	090082 F