



Federal Emergency Management Agency

Washington, D.C. 20472

APR 06 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
101/155

The Honorable Chris Beutler
Mayor, City of Lincoln
City Hall
555 South 10th Street
Lincoln, Nebraska 68508

Community: City of Lincoln, NE
Community No.: 315273

RECEIVED

APR 06 2009

MAYORS OFFICE

Dear Mayor Beutler:

On September 30, 2008, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). The FIS report and FIRM for your community were prepared in our countywide format, which means that flood hazard information for the entire geographic area of the county, including your community and all incorporated areas, was presented. This information makes it appropriate to modify the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) for certain locations in the City of Lincoln, Lancaster County, Nebraska. Public notification by way of a Standard Newspaper Notice that the proposed modifications in Base Flood Elevations (BFEs) are posted in the BFE Notice for Studies on the FEMA Website <http://www.fema.gov/plan/prevent/flm/bfe> will be given in the *Lincoln Journal Star* on or about April 9, 2009 and April 16, 2009, and *The News-Waverly* on or about April 9, 2009 and April 16, 2009. The BFEs for the flooding sources are listed in the table at the end of the BFE Notice for Studies. Also, the proposed BFE determinations can be obtained by calling the FEMA Map Assistance Center toll free at 1-877-FEMA MAP (1-877-336-2627). A copy of the Standard Newspaper Notice and a copy of the Notice of Proposed Flood Elevation Determinations published in the *Federal Register*, Volume 74, Pages 12826 through 12830 on March 25, 2009, are enclosed for your information.

These proposed BFEs, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any revised BFEs are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed BFEs.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of BFE determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the BFE determinations final. The appeal procedure is outlined below for your information. The regulations FEMA developed to implement Section 110 are listed in Title 44, Chapter I, Part 67, Code of Federal Regulations. A copy of the NFIP regulations is enclosed.

During the 90-day appeal period following the second publication in the referenced newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the BFE determinations may appeal to you, or to an agency that you publicly designate. You must send copies of the individual appeals to the FEMA Region as soon as you receive them. Note that the 90-day appeal period is statutory and cannot be extended or shortened for any reason. It is important to know, however, that the sole basis for the appeals is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective.

During the appeal period, private citizens who want to appeal should present to you the scientific or technical data intended to negate or contradict FEMA's findings in any form, as you specify. FEMA requests that you review and consolidate all appeals by private persons, and issue a written opinion stating whether the evidence presented is sufficient to justify an official appeal by your community on behalf of such persons. Your decision on whether an appeal by the community in its own name will be made must be sent to this office within the 90-day appeal period and at the same time a copy must be sent to the FEMA Region VII, 9221 Ward Parkway, Suite 300, Kansas City, Missouri 64114.

Any documents submitted to you without evidence that they were sent within 90 days of the second publication in the local newspaper will be considered comments. Your community may find it appropriate to call further attention to the proposed BFE determinations and to the appeal procedure by using a press release or other public notice.

If the FEMA Region does not receive an appeal from your community on behalf of individuals within the 90 days provided, FEMA shall consolidate and review on their own merits the individual appeals, which you have on file and forwarded to us. FEMA's final decision will be in writing, and copies will be sent to each individual appellant and the State coordinating agency.

The appeal resolution process will consider any scientific or technical data submitted by your community intended to negate or contradict the information upon which the proposed BFE determinations are based. The appeal will be resolved by consultation with officials of the local government involved, an administrative hearing, or submission of the conflicting data to an independent scientific body or appropriate Federal agency for a determination. FEMA will determine the method for resolution.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time as specified in Part 65 of the NFIP Regulations. If warranted, FEMA will revise the FIRM again after the effective date.

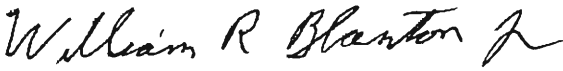
The reports and other information used for the final determination will be made available for public inspection. Until the conflict of data is resolved and the FIRM becomes effective, flood insurance available within your community shall continue to be available in accordance with the effective FIRM dated September 21, 2001.

If warranted by substantive changes, during the appeal period, FEMA will send to you revised copies of the FIS report and FIRM. At the end of the 90-day appeal period and following the resolution of any appeals, FEMA will send you a letter of final BFE determinations.

The FIRM panels for Lancaster County, Nebraska and Incorporated Areas have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. In the mean time, if you have any questions about the digital files please contact the Regional Management Center. These files can be used in conjunction with other thematic data for purposes of floodplain management, insurance determinations, and many other planning applications. In addition, your community may be eligible for additional credits under the NFIP Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the proposed BFE determinations, revised FIS report, or revised FIRM for your community, please contact the FEMA Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

Enclosures:

- 1) Newspaper Notice
- 2) BFE Determination Notice to be published on FEMA's Web site
- 3) National Flood Insurance Program Regulations

cc: Community Map Repository
Mike Werwick, Community Floodplain Administrator

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Base Flood Elevation Determination for Lancaster County, Nebraska and

Incorporated Areas The Department of Homeland Security's Federal Emergency Management Agency solicits technical information or comments on the proposed Base (1-percent-annual-chance) Flood Elevations (BFEs) shown in the Preliminary Flood Insurance Study (FIS) and on the Preliminary Flood Insurance Rate Map (FIRM) for your community. These proposed BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). For a detailed listing of the proposed BFEs and information on the statutory period provided for appeals, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp, or call the FEMA Map Assistance Center toll free at 1-877-FEMA MAP.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Yarborough Creek	West Lakewood Street	None	+1,187	City of Springfield, Unincorporated Areas of Greene County.
	East Buena Vista Street	+1,208	+1,207	
	Just upstream (west of) and adjacent to South Campbell Avenue/Highway 100.	+1,233	+1,212	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Springfield

Maps are available for inspection at 840 Boonville Avenue, Springfield, MO 65801.

Unincorporated Areas of Greene County

Maps are available for inspection at 940 Boonville Street, Springfield, MO 65802.

Platte County, Nebraska, and Incorporated Areas

Loup River	Approximately 1.4 miles upstream of the confluence with Platte River.	None	+1,432	City of Columbus.
Platte River	United States Highway 81	None	+1,447	City of Columbus, Unincorporated Areas of Platte County.
	At the Platte/Coffax county boundary	None	+1,411	
	Approximately 4.1 miles upstream of the Platte/Coffax county boundary.	None	+1,430	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Columbus

Maps are available for inspection at City Hall, 2424 14th Street, Columbus, NE 68602.

Unincorporated Areas of Platte County

Maps are available for inspection at Courthouse, 2610 14th Street, Columbus, NE 68601.

Lancaster County, Nebraska, and Incorporated Areas

Beal Slough	Approximately 463 feet downstream of South 70th Street.	None	+1,295	City of Lincoln.
Cardwell Branch	Approximately 170 feet upstream of South 84th Street	None	+1,376	City of Lincoln.
	Approximately 3,700 feet upstream of SW 27th Street	None	+1,209	
	Approximately 2,670 feet upstream of SW 40th Street	None	+1,221	
Cardwell Branch Tributary	Approximately 84 feet upstream of West Cardwell Road.	None	+1,203	City of Lincoln., Unincorporated Areas of Lancaster County.
Colonial Heights Tributary	Approximately 1,890 feet upstream of Saltillo Road	None	+1,313	City of Lincoln.
	At the confluence with Beal Slough	None	+1,230	
	Approximately 2,050 feet upstream of the confluence with Beal Slough.	None	+1,245	
End Run	At the confluence with Ash Hollow Ditch	None	+1,119	City of Waverly.
Little Salt Creek	Approximately 1,062 feet upstream of Amberly Road	None	+1,130	City of Lincoln.
	Approximately 1,040 feet upstream of the confluence with Salt Creek.	None	+1,139	
	Approximately 656 feet upstream of Arbor Road	None	+1,139	
Northeast Tributary to Southeast Upper Salt Creek.	At the confluence with Southeast Upper Salt Creek ...	None	+1,231	City of Lincoln.
	Approximately 559 feet upstream of Rebel Drive	None	+1,294	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Pine Lake Tributary	At the confluence with Beal Slough	None	+1,276	City of Lincoln.
	Approximately 822 feet upstream of Ashbrook Drive ..	None	+1,313	
Salt Creek	Approximately 5,010 feet upstream of Warlick Boulevard.	None	+1,175	City of Lincoln.
	Approximately 3,709 feet upstream of Saltillo Road	None	+1,199	
South Branch	At the confluence with Beal Slough	None	+1,299	City of Lincoln.
	Approximately 3,900 feet upstream of Yankee Hill Road.	None	+1,332	
South Tributary to Southeast Upper Salt Creek.	At the confluence with Southeast Upper Salt Creek ...	None	+1,195	City of Lincoln.
	Approximately 4,278 feet upstream of South 38th Street.	None	+1,257	
Southeast Upper Salt Creek Tributary to Salt Creek.	Confluence with Salt Creek	None	+1,192	City of Lincoln.
	Approximately 785 feet upstream of South 66th Street	None	+1,321	
Stevens Creek	Approximately 1,400 feet downstream of Yankee Hill Road.	None	+1,289	City of Lincoln.
	Approximately 1,313 feet upstream of State Highway 2.	None	+1,363	
Stevens Creek Tributary 105	At the confluence with Stevens Creek Tributary 5	None	+1,140	City of Lincoln.
	Approximately 2,445 feet upstream of Havelock Road	None	+1,191	
Stevens Creek Tributary 110	At the confluence with Stevens Creek Tributary 10	None	+1,162	City of Lincoln.
	Approximately 362 feet upstream of Leighton Avenue	None	+1,192	
Stevens Creek Tributary 1,150.	At the confluence with Stevens Creek Tributary 150 ..	None	+1,219	City of Lincoln.
	Approximately 2,875 feet upstream of the onfluence with Stevens Creek Tributary 150.	None	+1,246	
Stevens Creek Tributary 1270.	Approximately 2,879 feet upstream of County Road ...	None	+1,237	Unincorporated Areas of Lancaster County.
	Approximately 2,879 feet upstream of County Road ...	None	+1,304	
Stevens Creek Tributary 130	At the confluence with Stevens Creek Tributary 30	None	+1,201	City of Lincoln.
	Approximately 1,025 feet upstream of North 98th Street.	None	+1,213	
Stevens Creek Tributary 135	At the confluence with Stevens Creek Tributary 35	None	+1,176	City of Lincoln.
	Approximately 3,325 feet upstream of the confluence with Stevens Creek Tributary 35.	None	+1,220	
Stevens Creek Tributary 145	At the confluence with Stevens Creek Tributary 45	None	+1,188	City of Lincoln.
	Approximately 2,050 feet upstream of the confluence with Stevens Creek Tributary 45.	None	+1,207	
Stevens Creek Tributary 15 ..	At the confluence with Stevens Creek	None	+1,152	City of Lincoln.
	Approximately 3,155 feet upstream of North 102nd Street.	None	+1,183	
Stevens Creek Tributary 150	At the confluence with Stevens Creek Tributary 50	None	+1,190	Unincorporated Areas of Lancaster County.
	Approximately 1.4 miles upstream of the confluence with Stevens Creek Tributary 2150.	None	+1,293	
Stevens Creek Tributary 160	At the confluence with Stevens Creek Tributary 60	None	+1,224	City of Lincoln.
	Approximately 1,686 feet upstream of South 112th Street.	None	+1,286	
Stevens Creek Tributary 170	At the confluence with Stevens Creek Tributary 70	None	+1,217	Unincorporated Areas of Lancaster County.
	Approximately 1,221 feet upstream of Van Dorn Street.	None	+1,239	
Stevens Creek Tributary 185	At the confluence with Stevens Creek Tributary 85	None	+1,252	Unincorporated Areas of Lancaster County.
	Approximately 3,100 feet upstrea of the confluence with Stevens Creek Tributary 85.	None	+1,282	
Stevens Creek Tributary 196	At the confluence with Stevens Creek Tributary 96	None	+1,278	City of Lincoln.
	Approximately 4,350 feet upstream of the confluence with Stevens Creek Tributary 96.	None	+1,324	
Stevens Creek Tributary 20 ..	At the confluence with Stevens Creek	None	+1,156	City of Lincoln.
	Approximately 4,300 feet upstream of North 112th Street.	None	+1,216	
Stevens Creek Tributary 2150.	At the confluence with Stevens Creek Tributary 150 ..	None	+1,246	Unincorporated Areas of Lancaster County.
	Approximately 2,625 feet upstream of O Street	None	+1,307	
Stevens Creek Tributary 2270.	At the confluence with Stevens Creek Tributary 270 ..	None	+1,263	Unincorporated Areas of Lancaster County.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 3,500 feet upstream of the confluence with Stevens Creek Tributary 270.	None	+1,297	
Stevens Creek Tributary 245	At the confluence with Stevens Creek Tributary	None	+1,205	City of Lincoln.
	Approximately 1,486 feet upstream of South 112th Street.	None	+1,224	
Stevens Creek Tributary 25 ..	At the confluence with Stevens Creek	None	+1165	City of Lincoln.
	Approximately 2,947 feet upstream of South 112th Street.	None	+1,207	
Stevens Creek Tributary 250	At the confluence with Stevens Creek Tributary 50	None	+1,202	City of Lincoln.
	Approximately 2,077 feet upstream of Holdrege Street	None	+1,272	
Stevens Creek Tributary 260	At the confluence with Stevens Creek Tributary 60	None	+1,241	City of Lincoln.
	Approximately 218 feet upstream of Old Cheney Road.	None	+1,288	
Stevens Creek Tributary 270	At the confluence with Stevens Creek Tributary 70	None	+1,233	Unincorporated Areas of Lancaster County.
	Approximately 4,300 feet upstream of the confluence with Stevens Creek Tributary 2270.	None	+1,302	
Stevens Creek Tributary 296	At the confluence with Stevens Creek Tributary 96	None	+1,323	City of Lincoln.
	Approximately 4,000 feet upstream of the confluence with Stevens Creek Tributary 96.	None	+1,343	
Stevens Creek Tributary 30 ..	Approximately 900 feet upstream of the confluence with Stevens Creek.	None	+1,160	City of Lincoln.
	Approximately 419 feet upstream of Anthony Lane	None	+1,233	
Stevens Creek Tributary 345	At the confluence with Stevens Creek Tributary 45	None	+1,216	City of Lincoln.
	Approximately 2,450 feet upstream of the confluence with Stevens Creek Tributary 45.	None	+1,225	
Stevens Creek Tributary 35 ..	At the confluence with Stevens Creek	None	+1,175	City of Lincoln.
	Approximately 1.0 miles upstream of Holdrege Street	None	+1,249	
Stevens Creek Tributary 350	At the confluence with Stevens Creek Tributary 50	None	+1,251	Unincorporated Areas of Lancaster County.
	Approximately 2,700 feet upstream of the confluence with Stevens Creek Tributary 50.	None	+1,281	
Stevens Creek Tributary 360	At the confluence with Stevens Creek Tributary 60	None	+1,252	City of Lincoln.
	Approximately 1,893 feet upstream of South 112th Street.	None	+1,297	
Stevens Creek Tributary 396	At the confluence with Stevens Creek Tributary 96	None	+1,337	City of Lincoln.
	Approximately 2,000 feet upstream of the confluence with Stevens Creek Tributary 96.	None	+1,362	
Stevens Creek Tributary 40 ..	At the confluence with Stevens Creek	None	+1,179	City of Lincoln.
	Approximately 1,491 feet upstream of South 112th Street.	None	+1,203	
Stevens Creek Tributary 40A	At the confluence with Stevens Creek Tributary 40	None	+1,178	City of Lincoln.
	Divergence from Stevens Creek Tributary 40	None	+1,185	
Stevens Creek Tributary 445	At the confluence with Stevens Creek Tributary 45	None	+1,220	City of Lincoln.
	Approximately 2,425 feet upstream of 84th Street	None	+1,284	
Stevens Creek Tributary 45 ..	Just upstream of Van Dorn Street	None	+1,247	City of Lincoln.
	Approximately 820 feet upstream of South 98th Street	None	+1,286	
Stevens Creek Tributary 460	At the confluence with Stevens Creek Tributary 60	None	+1,268	City of Lincoln.
	Approximately 1.0 miles upstream of the confluence with Stevens Creek Tributary 60.	None	+1,322	
Stevens Creek Tributary 5	At the confluence with Stevens Creek Main Channel	None	+1,131	City of Lincoln.
	Approximately 1.0 miles upstream of Havelock Avenue.	None	+1,208	
Stevens Creek Tributary 50 ..	At the confluence with Stevens Creek	None	+1,185	City of Lincoln, Unincorporated Areas of Lancaster County.
	Approximately 3,700 feet upstream of Holdrege Street	None	+1,295	
Stevens Creek Tributary 545	At the confluence with Stevens Creek Tributary 45	None	+1,236	City of Lincoln.
	Approximately 3,750 feet upstream of South 98th Street.	None	+1,276	
Stevens Creek Tributary 55 ..	At the confluence with Stevens Creek	None	+1,194	City of Lincoln.
	Approximately 1,825 feet upstream of South 134th Street.	None	+1,234	
Stevens Creek Tributary 60 ..	At the confluence with Stevens Creek	None	+1,196	City of Lincoln.
	Approximately 1.8 miles upstream of Old Cheney Road.	None	+1,321	
Stevens Creek Tributary 65 ..	At the confluence with Stevens Creek	None	+1,204	City of Lincoln.
	Approximately 2,075 feet upstream of South 134th Street.	None	+1,233	
Stevens Creek Tributary 7	At the confluence with Stevens Creek	None	+1,141	City of Lincoln.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Stevens Creek Tributary 70 ..	Approximately 1,875 feet upstream of the confluence with Stevens Creek.	None	+1,158	Unincorporated Areas of Lancaster County , City of Lincoln.
	At the confluence with Stevens Creek	None	+1,208	
Stevens Creek Tributary 75 ..	Approximately 1.7 miles upstream of Van Dorn Street	None	+1,300	City of Lincoln, Unincorporated Areas of Lancaster County.
	At the confluence with Stevens Creek	None	+1,217	
Stevens Creek Tributary 80 ..	Approximately 140 feet upstream of Pioneers Boulevard.	None	+1,264	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,223	
Stevens Creek Tributary 85 ..	Approximately 2,750 feet upstream of the confluence with Stevens Creek.	None	+1,261	City of Lincoln, Unincorporated Areas of Lancaster County.
	At the confluence with Stevens Creek	None	+1,226	
Stevens Creek Tributary 88 ..	Approximately 1.0 miles upstream of Old Cheney Road.	None	+1,300	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,229	
Stevens Creek Tributary 90 ..	Approximately 50 feet upstream of Old Cheney Road	None	+1,243	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,241	
Stevens Creek Tributary 92 ..	Approximately 3,550 feet upstream of the confluence with Stevens Creek.	None	+1,277	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,245	
Stevens Creek Tributary 94 ..	Approximately 1,400 feet upstream of Pleasant Hill Road.	None	+1,273	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,264	
Stevens Creek Tributary 96 ..	Approximately 2,000 feet upstream of Yankee Hill Road.	None	+1,318	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,272	
Stevens Creek Tributary 98 ..	Approximately 3,150 feet upstream of Yankee Hill Road.	None	+1,378	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,295	
Stevens Creek Overflow Tributary 5.	Approximately 3,900 feet upstream of Yankee Hill Road.	None	+1,333	City of Lincoln.
	At the confluence with Stevens Creek Overflow	None	+1,138	
Stevens Creek Tributary 10 ..	Approximately 3,500 feet upstream of the confluence with Stevens Creek Overflow.	None	+1,157	City of Lincoln.
	At the confluence with Stevens Creek	None	+1,151	
Tierra Branch/Cripple Creek Tributary 1 to Southeast Upper Salt Creek.	Approximately 2,552 feet upstream of Leighton Avenue.	None	+1,224	City of Lincoln.
	At the confluence with Beal Slough	None	+1,195	
Tributary 2 to Southeast Upper Salt Creek.	Approximately 970 feet upstream of Fir Hollow Lane ..	None	+1,272	City of Lincoln.
	At the confluence with Southeast Upper Salt Creek ...	None	+1,225	
Tributary 3 to Southeast Upper Salt Creek.	Approximately 500 feet upstream of South 40th Street	None	+1,235	City of Lincoln.
	At the confluence with Southeast Upper Salt Creek ...	None	+1,261	
Tributary 4 to South Tributary to Southeast Upper Salt Creek.	Approximately 2,180 feet upstream of Newcastle Road.	None	+1,283	City of Lincoln.
	At the confluence with Southeast Upper Salt Creek ...	None	+1,290	
Unnamed Tributary 2	Approximately 1,530 feet upstream of Rokeby Road ...	None	+1,309	City of Lincoln.
	At the confluence with South Tributary to Southeast Upper Salt Creek.	None	+1,199	
Wilderness Hills Tributary to Southeast Upper Salt Creek.	Approximately 420 feet upstream of South 38th Street	None	+1,225	City of Waverly.
	At the confluence with Salt Creek	None	+1,110	
Williamsburg Tributary	Approximately 540 feet upstream of North 148th Street.	None	+1,118	City of Lincoln.
	At the confluence with Southeast Upper Salt Creek ...	None	+1,208	
Williamsburg Tributary	Approximately 1,10 feet upstream of the confluence with Southeast Upper Salt Creek.	None	+1,219	City of Lincoln.
	At the confluence with Tiera Branch	None	+1,219	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 700 feet upstream of Williamsburg Drive.	None	+1,238	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Lincoln

Maps are available for inspection at Building & Safety Department, 555 South 10th Street, Lincoln, NE 68508.

City of Waverly

Maps are available for inspection at City Hall, 14130 Lancashire Street, Waverly, NE 68462.

Unincorporated Areas of Lancaster County

Maps are available for inspection at Building & Safety Department, 555 South 10th Street, Lincoln, NE 68508.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: January 8, 2009.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-6642 Filed 3-24-09; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1016]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On November 5, 2008, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 73 FR 65811. The table provided here

represents the flooding source, location of referenced elevation, effective and modified elevation, and communities affected for Kankakee County, Illinois and Incorporated Areas. Specifically, it addresses flooding source South Branch Rock Creek.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151 or (e-mail) bill.blanton@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), 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.

Correction

In the proposed rule published at 73 FR 65811, in the November 5, 2008 issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Kankakee County, Illinois and Incorporated Areas" addressed flooding source South Branch Rock Creek. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, or communities affected for these flooding sources. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Sec.

67.1 Purpose of part.

67.2 Definitions.

67.3 Establishment and maintenance of a flood elevation determination docket (FEDD).

67.4 Proposed flood elevation determination.

67.5 Right of appeal.

67.6 Basis of appeal.

67.7 Collection of appeal data.

67.8 Appeal procedure.

67.9 Final determination in the absence of an appeal by the community.

67.10 Rates during pendency of final determination.

67.11 Notice of final determination.

67.12 Appeal to District Court.

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.

SOURCE: 41 FR 46989, Oct. 26, 1976, unless otherwise noted. Redesignated at 44 FR 31177, May 31, 1979.

§ 67.1 Purpose of part.

The purpose of this part is to establish procedures implementing the provisions of section 110 of Flood Disaster Protection Act of 1973.

§ 67.2 Definitions.

The definitions set forth in part 59 of this subchapter are applicable to this part.

§ 67.3 Establishment and maintenance of a flood elevation determination docket (FEDD).

The Administrator shall establish a docket of all matters pertaining to flood elevation determinations. The docket files shall contain the following information:

(a) The name of the community subject to the flood elevation determination;

(b) A copy of the notice of the proposed flood elevation determination to the Chief Executive Officer (CEO) of the Community;

(c) A copy of the notice of the proposed flood elevation determination published in a prominent local newspaper of the community;

(d) A copy of the notice of the proposed flood elevation determination published in the FEDERAL REGISTER;

(e) Copies of all appeals by private persons received by the Administrator from the CEO;

(f) Copies of all comments received by the Administrator on the notice of the proposed flood elevation determination published in the FEDERAL REGISTER.

(g) A copy of the community's appeal or a copy of its decision not to appeal the proposed flood elevation determination;

(h) A copy of the flood insurance study for the community;

(i) A copy of the FIRM for the community;

(j) Copies of all materials maintained in the flood elevation study consultation docket; and

(k) A copy of the final determination with supporting documents.

[41 FR 46989, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 67.4 Proposed flood elevation determination.

The Administrator shall propose flood elevation determinations in the following manner:

(a) Publication of the proposed flood elevation determination for comment in the FEDERAL REGISTER;

(b) Notification by certified mail, return receipt requested, of the proposed flood elevation determination to the CEO; and

(c) Publication of the proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO.

[41 FR 46989, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

EDITORIAL NOTE: For references to FR pages showing lists of flood elevation determinations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 67.5 Right of appeal.

(a) Any owner or lessee of real property, within a community where a proposed flood elevation determination

the evidence presented is sufficient to justify an appeal on behalf of such persons by the community in its own name.

(d) The decision issued by the CEO on the basis of his review, on whether an appeal by the community in its own name shall be made, shall be filed with the Administrator not later than ninety days after the date of the second newspaper publication of the Administrator's proposed flood elevation determination and shall be placed in the FEDD.

[41 FR 46989, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 67.8 Appeal procedure.

(a) If a community appeals the proposed flood elevation determination, the Administrator shall review and take fully into account any technical or scientific data submitted by the community that tend to negate or contradict the information upon which his/her proposed determination is based.

(b) The Administrator shall resolve such appeal by consultation with officials of the local government, or by administrative hearings under the procedures set forth in part 68 of this subchapter, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice.

(c) The final determination by the Administrator where an appeal is filed shall be made within a reasonable time.

(d) Nothing in this section shall be considered to compromise an appellant's rights granted under § 67.12.

(e) The Administrator shall make available for public inspection the reports and other information used in making the final determination. This material shall be admissible in a court of law in the event the community seeks judicial review in accordance with § 67.12.

[41 FR 46989, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 67.9 Final determination in the absence of an appeal by the community.

(a) If the Administrator does not receive an appeal from the community within the ninety days provided, he shall consolidate and review on their own merits the individual appeals which, in accordance with § 67.7 are filed within the community and forwarded by the CEO.

(b) The final determination shall be made pursuant to the procedures in § 67.8 and, modifications shall be made of his proposed determination as may be appropriate, taking into account the written opinion, if any, issued by the community in not supporting such appeals.

[41 FR 46989, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 67.10 Rates during pendency of final determination.

(a) Until such time as a final determination is made and proper notice is given, no person within a participating community shall be denied the right to purchase flood insurance at the subsidized rate.

(b) After the final determination and upon the effective date of a FIRM, risk premium rates will be charged for new construction and substantial improvements. The effective date of a FIRM shall begin not later than six months after the final flood elevation determination.

§ 67.11 Notice of final determination.

The Administrator's notice of the final flood elevation determination for a community shall be in written form and published in the FEDERAL REGISTER, and copies shall be sent to the CEO, all individual appellants and the State Coordinating Agency.

[41 FR 46989, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

EDITORIAL NOTE: For the list of communities issued under this section, and not carried in the CFR, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.