



# Federal Emergency Management Agency

Washington, D.C. 20472

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August 3, 2009

ADMINISTRATION

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IN REPLY REFER TO:  
101/155

Linda Burt  
Chairperson, Board of Selectmen  
Town of Eastham  
Town Hall  
2500 State Highway  
Eastham, Massachusetts 02642

Community: Town of Eastham,  
Barnstable County, Massachusetts  
Community No.: 250006

Dear Ms. Burt:

On May 12, 2009, 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 jurisdictions, 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 Town of Eastham, Barnstable County, Massachusetts (All Jurisdictions). 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/fhm/bfe> will be given in *The Banner*, *The Register*, and *The Cape Cod Chronicle* on or about August 13, 2009, and August 20, 2009; *The Barnstable Patriot*, *The Cape Codder*, *The Falmouth Enterprise*, and *The Sandwich Enterprise* on or about August 14, 2009, and August 21, 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*, on August 3, 2009 at Part 67, Volume 74, Page 38387 and 38388 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 following individual:

Timothy S. Hillier, P.E., CFM  
50 Hampshire Street  
Cambridge, Massachusetts 02139

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 revised FIRM becomes effective,

flood insurance available within your community shall continue to be available in accordance with the effective FIRM dated July 2, 1992.

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 Barnstable County, Massachusetts (All Jurisdictions) 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 Timothy S. Hillier, P.E., CFM, 50 Hampshire Street, Cambridge, Massachusetts 02139, the designated mapping partner for preparing digital mapping files. 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
- 4) Federal Register Publication

cc: Community Map Repository  
Frank DeFelice, Building Inspector, Town of Eastham

**DEPARTMENT OF HOMELAND SECURITY**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**Proposed Base Flood Elevation Determination for the Town of Barnstable, Town of Brewster, Town of Chatham, Town of Dennis, Town of Eastham, Town of Falmouth, Town of Harwich, Town of Orleans, Town of Provincetown, Town of Sandwich, Town of Truro, Town of Wellfleet, Town of Yarmouth, Barnstable County, Maine (All Jurisdictions).** 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](https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp), or call the FEMA Map Assistance Center toll free at 1-877-FEMA MAP.



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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA, Department of Homeland Security)

**SUMMARY:** Technical information or comments are solicited on the proposed and proposed modified Base (1-percent-annual-chance) Flood Elevations (BFEs) shown on the Preliminary revised Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for your community. Comments on any aspect of the FIS and FIRM, other than the proposed BFEs, will also be considered. These BFEs and modified 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). In addition these BFEs, once finalized, will be used by insurance agents, and others to calculate the appropriate flood insurance premium rates for new buildings and the contents in these buildings.

**DATES & SUBMISSION:** The appeal period begins following the second publication of the Notice of this proposed BFE determination in a newspaper of local circulation in your community and ends 90 days thereafter. All comments and/or appeals must be submitted no later than 90 days after the second publication of the Notice in the local newspaper to:

**Town of Barnstable:** Janet Joakin, Chairperson, Town Council, Town Hall, 367 Main Street, Hyannis, MA 02649

**Town of Brewster :** Peter G. Norton, Chairperson, Board of Selectmen, Town Hall, 2198 Main Street, Brewster, MA 02631

**Town of Chatham:** Sean D. Summers, Chairperson, Board of Selectmen, Town Hall, 549 Main Street, Chatham, MA 02633

**Town of Dennis:** Sheryl A. McMahon, Chairperson, Board of Selectmen, Town Hall, 485 Main Street, South Dennis, MA 02660

**Town of Eastham:** Linda Burt, Chairperson, Board of Selectmen, Town Hall, 2500 State Highway, Eastham, MA 02642

**Town of Falmouth:** Ahmed Mustafa, Chairperson, Board of Selectmen, Town Hall, 59 Town Hall Square, Falmouth, MA 02540

**Town of Harwich:** Robin Wilkins, Chairperson, Board of Selectmen, Town Hall, 732 Main Street, Harwich, MA 02645

**Town of Orleans:** David Dunsford, Chairperson, Board of Selectmen, Town Hall, 19 School Road, Orleans, MA 02653

**Town of Provincetown:** Michelle Couture, Chairperson, Board of Selectmen, Town Hall, 260 Commercial Street, Provincetown, MA 02657

**Town of Sandwich:** Linnell Grundman, Chairperson, Board of Selectmen, Town Hall, 130 Main Street, Sandwich, MA 02563

**Town of Truro:** Gary Palmer, Chairperson, Board of Selectmen, Town Hall, 24 Town Hall Road, Truro, MA 02666

**Town of Wellfleet:** Jacqui Beebe, Chairperson, Board of Selectmen, Town Hall, 300 Main Street, Wellfleet, MA 02667

**Town of Yarmouth:** Suzanne McAuliffe, Chairperson, Board of Selectmen, Town Hall, 1146 Route 28, South Yarmouth, MA 02664

**ADDRESSES:** The FIS and FIRM showing the proposed and proposed modified BFEs can be viewed at:

**Town of Barnstable:** Town Hall, 367 Main Street, Hyannis, MA 02649

**Town of Brewster :** Town Hall, 2198 Main Street, Brewster, MA 02631

**Town of Chatham:** Town Hall, 549 Main Street, Chatham, MA 02633

**Town of Dennis:** Town Hall, 485 Main Street, South Dennis, MA 02660

**Town of Eastham:** Town Hall, 2500 State Highway, Eastham, MA 02642

**Town of Falmouth:** Town Hall, 59 Town Hall Square, Falmouth, MA 02540

**Town of Harwich:** Town Hall, 732 Main Street, Harwich, MA 02645

**Town of Orleans:** Town Hall, 19 School Road, Orleans, MA 02653

**Town of Provincetown:** Town Hall, 260 Commercial Street, Provincetown, MA 02657

**Town of Sandwich:** Town Hall, 130 Main Street, Sandwich, MA 02563

**Town of Truro:** Town Hall, 24 Town Hall Road, Truro, MA 02666

**Town of Wellfleet:** Town Hall, 300 Main Street, Wellfleet, MA 02667

**Town of Yarmouth:** Town Hall, 1146 Route 28, South Yarmouth, MA 02664

Lessees and owners of real property are encouraged to review the FIS report, FIRM, and related materials.

**FOR ADDITIONAL INFORMATION CONTACT:** William R. Blanton, Jr., CFM, Chief Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, Department of Homeland Security, 500 C Street SW, Washington, DC 20472. Telephone number (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** FEMA gives notice of the proposed determinations of BFEs and modified BFEs 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 BFEs, with the floodplain management measures required by 44 CFR 60.3, are the minimum measures that are required. It should not be construed to mean your community must change any existing ordinances that are more stringent in its floodplain management requirements. Your community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed and proposed modified BFEs 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 the BFEs are finalized, and for the contents in those buildings.

Pursuant to the provisions of 5 U.S.C. 605(b), the Director for Mitigation, to whom authority has been delegated by the Director of FEMA, hereby certifies that the proposed BFE determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A BFE determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a community, will govern future construction within the floodplain area. By themselves, the BFE determinations impose no restriction unless and until the community voluntarily adopts floodplain ordinances in accord with these BFEs. Even if ordinances are adopted in compliance with Federal standards, the BFEs only prescribe building height in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; by itself, it has no economic impact.

Appellants must itemize each issue as an appeal or a comment. Appellants must identify themselves as the owner or lessee of property within the community, indicate how they heard about the proposed map change; describe how they believe their property rights have been adversely impacted within areas where new BFEs are proposed, and specify how the requirements of 44 CFR 67.6 have been met. Appellants should provide all other information they believe is helpful to the process that does not meet the conditions of being a formal appeal. Such information is considered a comment. Comments that are submitted within the appeal period that object to information on the FIRM or in the FIS report are called Protests. The issues raised (appeals and, comments) will be reviewed in aggregate and not addressed individually. Information must be sent directly to the community CEO. Any information submitted directly to FEMA without evidence that it was sent to the CEO within 90 days of the second publication in the local newspaper will be considered a comment.

During the formal appeal period, a community official or individual property owner may want to object to information shown on the FIRM, FBFM or FIS report. If the objection does not involve the proposed BFEs, it does not, in accordance with 44 CFR 67 constitute an appeal. Such objections are called protests, and protests should be sent directly to the community CEO and not to FEMA.

Individuals providing information and comments who have been determined by FEMA to meet the criteria of "appellant" as articulated in 44 CFR 67.5 will be sent a copy of the CEO letter, which name them as appellants. This letter will be issued within 180 days of the second publication in the local newspaper. Individuals who only provide comments and protests will not be notified. However, the information they submit will be considered in finalizing the BFEs. The resolution of the appeal will be sent to the CEO and a copy sent to the appellants.

**PROPOSED AND MODIFIED BASE FLOOD ELEVATIONS**

The new elevations being proposed are given in the table below for the upstream and downstream limits of the flooding sources.

Community	Flooding Source	Location	Lat/Long Coordinates	* Elevation in feet (NGVD) <sup>1</sup> + Elevation in feet (NAVD) <sup>2</sup> # Depth in feet above ground <sup>3</sup>
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				^ Elevation in meters (MSL) <sup>4</sup>	
				Existing	Modified
Town of Chatham Town of Eastham Town of Orleans Town of Provincetown Town of Truro	Atlantic Ocean	Along the shoreline, approximately 1,200 feet south of the projection of Beach Road	41° 47' 06.068" -69° 56' 12.396"	+ 12	+ 14
		Along the shoreline at the south end of Ocean View Drive	41° 50' 33.101" -69° 56' 52.425"	+ 9	+ 14
Town of Falmouth	Buzzards Bay	Along the shoreline, approximately 130 feet west of the intersection of County Road and Pine Bank Road	41° 39' 19.673" -70° 37' 27.190"	+ 18	+ 21
Town of Provincetown Town of Barnstable Town of Brewster Town of Sandwich Town of Truro Town of Wellfleet	Cape Cod Bay	Along the shoreline at the intersection of Commercial Street and Conway Street	42° 03' 36.150" -70° 10' 11.173"	None	+ 9
		Along the shoreline at the intersection of Ellis Landing Road and Captain Dunbar Road	41° 46' 31.617" -70° 03' 17.220"	None	+ 17
Town of Barnstable Town of Chatham Town of Dennis Town of Harwich Town of Yarmouth	Nantucket Sound	Along the shoreline approximately 550 feet south of the intersection of Chase Avenue and Belmont Road	41° 39' 20.007" -70° 07' 03.690"	+ 10	+ 14
		Along the shoreline, approximately 750 feet west of the Parker's River western jetty	41° 38' 09.226" -70° 13' 26.813"	None	+ 15

All elevations referenced to the North American Vertical Datum of 1988 (NAVD).

<sup>1</sup>National Geodetic Vertical Datum of 1929, rounded to nearest whole foot

<sup>2</sup>North American Vertical Datum of 1988, rounded to nearest whole foot

<sup>3</sup>Depth in feet above ground, rounded to nearest whole foot

<sup>4</sup>Mean Sea Level, rounded to the nearest 0.1 meter

*Last Updated: Wednesday, July 22, 2009*

FEMA 500 C Street, SW Washington, D.C. 20472 Phone: (202) 566-1600

identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Division of Air Quality, 601 57th Street, SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** James B. Topsale, P.E., at (215) 814-2190, or by e-mail at [topsale.jim@epa.gov](mailto:topsale.jim@epa.gov). Please note that while questions may be posed via phone and e-mail, formal comments must be submitted in writing, as indicated in the **ADDRESSES** section of this document.

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: July 21, 2009.

**William C. Early,**

*Acting Regional Administrator, EPA Region III.*

[FR Doc. E9-18481 Filed 7-31-09; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1058]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before November 2, 2009.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1058, to 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](mailto:bill.blanton@dhs.gov).

**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](mailto:bill.blanton@dhs.gov).

**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.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

**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.

**Executive Order 12866, Regulatory Planning and Review.** This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

**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:

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
<b>Barnstable County, Massachusetts (All Jurisdictions)</b>				
Atlantic Ocean .....	Along the shoreline at the south end of Ocean View Drive.	+9	+14	Town of Chatham, Town of Eastham, Town of Orleans, Town of Provincetown, Town of Truro.
Buzzards Bay .....	Along the shoreline, approximately 1,200 feet south of the projection of Beach Road. Along the shoreline, approximately 130 feet west of the intersection of County Road and Pine Bank Road.	+12 +18	+14 +21	Town of Falmouth.
Cape Cod Bay .....	Along the shoreline at the intersection of Commercial Street and Conway Street.	None	+9	Town of Provincetown, Town of Barnstable, Town of Brewster, Town of Sandwich, Town of Truro, Town of Wellfleet.
Nantucket Sound .....	Along the shoreline at the intersection of Ellis Landing Road and Captain Dunbar Road. Along the shoreline approximately 550 feet south of the intersection of Chase Avenue and Belmont Road. Along the shoreline, approximately 750 feet west of the Parker's River western jetty.	None +10 None	+17 +14 +15	Town of Barnstable, Town of Chatham, Town of Dennis, Town of Harwich, Town of Yarmouth.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* 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****Town of Barnstable**

Maps are available for inspection at the Town Hall, 367 Main Street, Hyannis, MA 02649.

**Town of Brewster**

Maps are available for inspection at the Town Hall, 2198 Main Street, Brewster, MA 02631.

**Town of Chatham**

Maps are available for inspection at the Town Hall, 549 Main Street, Chatham, MA 02633.

**Town of Dennis**

Maps are available for inspection at the Town Hall, 485 Main Street, South Dennis, MA 02660.

**Town of Eastham**

Maps are available for inspection at the Town Hall, 2500 State Highway, Eastham, MA 02642.

**Town of Falmouth**

Maps are available for inspection at the Town Hall, 59 Town Hall Square, Falmouth, MA 02540.

**Town of Harwich**

Maps are available for inspection at the Town Hall, 732 Main Street, Harwich, MA 02645.

**Town of Orleans**

Maps are available for inspection at the Town Hall, 19 School Road, Orleans, MA 02653.

**Town of Provincetown**

Maps are available for inspection at the Town Hall, 260 Commercial Street, Provincetown, MA 02657.

**Town of Sandwich**

Maps are available for inspection at the Town Hall, 130 Main Street, Sandwich, MA 02563.

**Town of Truro**

Maps are available for inspection at the Town Hall, 24 Town Hall Road, Truro, MA 02666.

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

**Town of Wellfleet**

Maps are available for inspection at the Town Hall, 300 Main Street, Wellfleet, MA 02667.

**Town of Yarmouth**

Maps are available for inspection at the Town Hall, 1146 Route 28, South Yarmouth, MA 02664.

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

Dated: July 23, 2009.

**Deborah S. Ingram,**

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

[FR Doc. E9-18407 Filed 7-31-09; 8:45 am]

BILLING CODE 9110-12-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09-1576; MB Docket No. 09-129; RM-11549]

#### Television Broadcasting Services; Hutchinson and Wichita, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by Sunflower Broadcasting, Inc. ("Sunflower"), the licensee of stations KWCH-DT, Hutchinson, Kansas, DTV channel 12, and KSCW-DT, Wichita, Kansas, DTV channel 19. Sunflower requests the substitution of DTV channel 19 for KWCH-DT's assigned DTV channel 12 at Hutchinson and the substitution of DTV channel 12 for KSCW-DT's assigned DTV channel 19 at Wichita.

**DATES:** Comments must be filed on or before August 18, 2009, and reply comments on or before August 28, 2009.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Wilmer Cutler Pickering, Hale and Dorr LLP, 1875 Pennsylvania Avenue, NW., Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:**

Adrienne Y. Denysyk,

*adrienne.denysyk@fcc.gov*, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09-129, adopted July 20, 2009, and released July 22, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel

allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.622 [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Kansas is amended by adding DTV channel 19 and removing DTV channel 12 at Hutchinson and by adding DTV channel 12 and removing DTV channel 19 at Wichita.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09-1595; MB Docket No. 09-132; RM-11550]

#### Television Broadcasting Services; Fort Worth, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by CBS Stations Group of Texas, L.P. ("CBS

# National Flood Insurance Program (NFIP)'s Regulations

Revised Oct. 21, 2002



FEMA

Regulations available  
for viewing in  
Planning Department  
Town Hall  
2500 State Highway  
Eastham, MA 02642