



Federal Emergency Management Agency

Washington, D.C. 20472

April 9, 2009

received
4/14/09

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
101/155

Peter Adler
Chairperson, Pepin County
Board of Supervisors
Pepin County Government Center
Post Office Box 39
Durand, Wisconsin 54736

Community: Pepin County, Wisconsin
(Unincorporated Areas)
Community No.: 555570

Dear Mr. Adler:

On September 2, 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 Unincorporated Areas of Pepin County, Wisconsin. 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 *Courier-Wedge* on or about April 16, 2009, and April 23, 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 October 23, 2008 at Part 67, Volume 73, pages 63126 and 63127, 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 individuals:

Ken Hinterlong
Federal Emergency Management Agency
Region V
536 South Clark Street, 6th Floor
Chicago, Illinois 60605-1509

and Jaspreet Randhawa
CDM
125 South Wacker Drive, Suite 600
Chicago, Illinois 60606

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 January 2, 1976.

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 Pepin County, Wisconsin, 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 Onur Celik, CDM, 125 South Wacker Drive, Suite 600, Chicago, Illinois 60606, 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

cc: Community Map Repository

John Egli, Zoning Director/Land Management Records/Emergency Government/Environmental Health Officer

Gary Heinrichs, State NFIP Coordinator

Amanda Schwoegler, Wisconsin DNR Project Manager

Julia McCarthy, Consultation Coordination Officer, FEMA Region V

Ken Hinterlong, Engineering Services Team Lead, FEMA Region V

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

Maps are available for inspection at Municipal Building, 245 East 10th Street, Buffalo City, WI 54622.

City of Fountain City

Maps are available for inspection at City Hall, 42 North Main Street, Fountain City, WI 54629.

Unincorporated Areas of Buffalo County

Maps are available for inspection at Buffalo County Courthouse, 407 South 2nd Street, Alma, WI 54610.

Village of Cochrane

Maps are available for inspection at Village Hall, 102 East 5th Street, Cochrane, WI 54622.

Village of Nelson

Maps are available for inspection at Village Hall, 105 South Main Street, Nelson, WI 54756.

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

Dated: October 10, 2008.

Michael K. Buckley,

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

[FR Doc. E8-25264 Filed 10-22-08; 8:45 am]

BILLING CODE #110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-1012]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1 percent 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 January 21, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are 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-1012, 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.

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) 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.

Administrative Procedure Act Statement. This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

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.

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

Village of Fairfax

Maps are available for inspection at Fairfax Municipal Building, 5903 Hawthorne Avenue, Fairfax, OH 45227.

Village of Mariemont

Maps are available for inspection at Mariemont Municipal Building, 6907 Wooster Pike, Mariemont, OH 45227.

Claiborne County, Tennessee, and Incorporated Areas

Clinch River/Norris Lake	Approximately 2.3 miles downstream of the confluence of Big Barren Creek.	None	+1055	Unincorporated Areas of Claiborne County.
	Approximately 3.3 miles upstream of U.S. Highway 25	None	+1055	

* 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

Unincorporated Areas of Claiborne County

Maps are available for inspection at County Courthouse, 1740 Main Street, Tazewell, TN 37879.

Montgomery County, Virginia, and Incorporated Areas

Plum Creek	Approximately 900 ft upstream of U.S. Highway 11	+1754	+1755	Unincorporated Areas of Montgomery County.
	Approximately at the intersection of Gate Road and Plum Creek Road.	None	+1918	

* 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

Unincorporated Areas of Montgomery County

Maps are available for inspection at Planning and GIS Services, 755 Roanoke Street, Christiansburg, VA 24073.

Pepin County, Wisconsin, and Incorporated Areas

Chippewa River	Approximately 7,000 feet downstream of the new U.S. Highway 10 Bridge.	None	+712	City of Durand, Unincorporated Areas of Pepin County.
	Approximately 6,000 feet upstream of the confluence of Bear Creek.	None	+717	
Mississippi River	Approximately at the intersection of Lakeport Road and State Highway 35.	+682	+681	Village of Stockholm, Unincorporated Areas of Pepin County.
	At the county boundary with Pierce County.	+682	+681	

* 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 Durand

Maps are available for inspection at City Hall, 104 East Main Street, Durand, WI 54736.

Unincorporated Areas of Pepin County

Maps are available for inspection at Pepin County Government Center, 740 7th Avenue West, Pepin, WI 54736.

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

Village of Stockholm
Maps are available for inspection at Village Hall, 2041 Spring Street, Stockholm, WI 54769.

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

Dated: October 9, 2008.

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

[FR Doc. E8-25263 Filed 10-22-08; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[DA 08-2278; RM No. 11497]

Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: In this document, comment is sought on a May 20, 2008 petition for rulemaking (Petition) filed by Rural Cellular Association (RCA) (Petitioner). The Petitioner asks the Federal Communications Commission to initiate a rulemaking to investigate the widespread use and anticompetitive effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest.

DATES: Interested parties may file comments on or before December 2, 2008, and reply comments on or before December 22, 2008.

ADDRESSES: You may submit comments, identified by RM No. 11497, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Federal Communications Commission's Web Site:** <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- **Mail:** Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **People with Disabilities:** Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Monica DeLong, Wireless Telecommunications Bureau at (202) 418-1337 or Monica.DeLong@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's public notice released on October 10, 2008. The full text of the public notice is available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; the contractor's Web site, <http://www.bcpweb.com>; or by calling (800) 378-3160, facsimile (202) 488-5563, or e-mail FCC@BCPIWEB.com. Copies of the public notice also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, RM No. 11497. Additionally, the complete item is available on the Federal Communications Commission's Web site at <http://www.fcc.gov>.

On May 20, 2008, RCA filed a petition for rulemaking.¹ "Pursuant to Sections

¹ In the Matter of Rural Cellular Association Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, filed May, 20, 2008 (Petition).

1, 4(i), 201(b), 202(a), 303(r), and 307(b) of the Communications Act, and Section 1.401 of the Commission's rules,"² the Petitioner asks the Commission to "initiate a rulemaking to investigate the widespread use and anticompetitive effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest."³ The Wireless Telecommunications Bureau seeks comment on the Petition.

Procedural Matters

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (May 1, 1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web site for submitting comments.

- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

² Petition at 1, citing 47 U.S.C. 151, 154(i), 201(b), 202(a), 303(r), and 307(b); 47 CFR 1.401.

³ *Id.*

FEMA.gov

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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:

City of Durand: The Honorable Gerald M. Bauer, Mayor, City of Durand, City Hall, 104 East Main Street, Durand, WI 54736

Unincorporated Areas of Pepin County : Mr. Peter Adler, Chairperson, Pepin County Board of Supervisors, Pepin County Government Center, 740 7th Avenue West, Pepin, WI 54736

Village of Stockholm: Mr. Dayle Royer, Village President, Village Hall, 2041 Spring Street, Stockholm, WI 54769

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

City of Durand: City Hall, 104 East Main Street, Durand, WI 54736

Unincorporated Areas of Pepin County : Pepin County Government Center, 740 7th Avenue West, Pepin, WI 54736

Village of Stockholm: Village Hall, 2041 Spring Street, Stockholm, WI 54769

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) ¹ + Elevation in feet (NAVD) ² # Depth in feet above ground ³ ^ Elevation in meters (MSL) ⁴	
				Existing	Modified
City of Durand Unincorporated Areas of Pepin County	Chippewa River	Approximately 7,000 feet downstream of the new U.S. Highway 10 Bridge.	44° 37' 2.397" -91° 59' 10.912"	None	+ 712
		Approximately 6,000 feet upstream of the confluence of Bear Creek.	44° 39' 50.605" -91° 57' 50.247"	None	+ 717
Village of Stockholm Unincorporated Areas of Pepin County	Mississippi River	Approximately at the intersection of Lakeport Road and State Highway 35.	44° 25' 36.865" -92° 11' 36.289"	+ 682	+ 681
		At the county boundary with Pierce County.	44° 32' 29.679" -92° 20' 29.819"	+ 682	+ 681

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

¹National Geodetic Vertical Datum of 1929, rounded to nearest whole foot

²North American Vertical Datum of 1988, rounded to nearest whole foot

³Depth in feet above ground, rounded to nearest whole foot

⁴Mean Sea Level, rounded to the nearest 0.1 meter

Last Updated: Thursday, April 9, 2009

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