



Billing Code 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

**Docket ID FEMA-2019-0003**

**[Internal Agency Docket No. FEMA-8579]**

**Suspension of Community Eligibility**

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

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the Federal Register on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <https://www.fema.gov/national-flood-insurance-program-community-status-book>.

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

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 212-3966.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the Federal Register.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if

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

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

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance

coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

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

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

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

#### **PART 64--[AMENDED]**

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### **§ 64.6 [Amended]**

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

<b>State and Location</b>	<b>Community No.</b>	<b>Effective date authorization/cancellation of sale of flood insurance in community</b>	<b>Current Effective Map Date</b>	<b>Date Certain Federal assistance no longer available in SFHAs</b>
<b>Region V</b>				
Illinois: Beardstown, City of, Cass County.	170022	May 9, 1975, Emerg; May 2, 1980, Reg; May 16, 2019, Susp.	May 16, 2019	May 16, 2019.
Cass County, Unincorporated Areas.	170810	June 10, 1974, Emerg; November 15, 1985, Reg; May 16, 2019, Susp.	-do-*	-do-
Michigan: Bay, Township of, Charlevoix County.	260796	April 8, 1987, Emerg; September 18, 1987, Reg; May 16, 2019, Susp.	-do-	-do-
Charlevoix, City of, Charlevoix County.	260057	December 13, 1974, Emerg; February 11, 1983, Reg; May 16, 2019, Susp.	-do-	-do-
Charlevoix, Township of, Charlevoix County.	260790	January 9, 1987, Emerg; September 18, 1987, Reg; May 16, 2019, Susp.	-do-	-do-
Eveline, Township of, Charlevoix County.	260773	September 8, 1986, Emerg; September 18, 1987, Reg; May 16, 2019, Susp.	-do-	-do-
Marion, Township of, Charlevoix County.	260808	September 15, 1987, Emerg; April 15, 1988, Reg; May 16, 2019, Susp.	-do-	-do-
South Arm, Township of, Charlevoix County.	260761	May 14, 1986, Emerg; March 18, 1987, Reg; May 16, 2019, Susp.	-do-	-do-
<b>Region VI</b>				
Arkansas: Clarksville, City of, Johnson County.	050112	June 26, 1975, Emerg; September 30, 1982, Reg; May 16, 2019, Susp.	-do-	-do-
Coal Hill, City of, Johnson County.	050315	August 6, 1975, Emerg; May 4, 1982, Reg; May 16, 2019, Susp.	-do-	-do-
Hartman, City of, Johnson County.	050251	November 10, 2009, Emerg; November 26, 2010, Reg; May 16, 2019, Susp.	-do-	-do-
Johnson County, Unincorporated Areas.	050441	June 28, 2005, Emerg; August 1, 2008, Reg; May 16, 2019, Susp.	-do-	-do-
Oklahoma: Bethel Acres, Town of, Pottawatomie County.	400346	June 16, 1989, Emerg; December 1, 1989, Reg; May 16, 2019, Susp.	-do-	-do-
Calvin, Town of, Hughes County.	400269	September 7, 1976, Emerg; March 1, 1987, Reg; May 16, 2019, Susp.	-do-	-do-
Checotah, City of, McIntosh County.	400238	August 12, 1977, Emerg; June 19, 1985, Reg; May 16, 2019, Susp.	-do-	-do-

<b>State and Location</b>	<b>Community No.</b>	<b>Effective date authorization/cancellation of sale of flood insurance in community</b>	<b>Current Effective Map Date</b>	<b>Date Certain Federal assistance no longer available in SFHAs</b>
Citizen Potawatomi Nation, Pottawatomie County.	400553	December 1, 2000, Emerg; September 3, 2010, Reg; May 16, 2019, Susp.	May 16, 2019	May 16, 2019.
Dustin, Town of, Hughes County.	400371	July 9, 1976, Emerg; June 28, 1977, Reg; May 16, 2019, Susp.	-do-	-do-
Eufaula, City of, McIntosh County.	400376	February 14, 1977, Emerg; September 1, 1981, Reg; May 16, 2019, Susp.	-do-	-do-
Holdenville, City of, Hughes County.	400244	November 29, 1976, Emerg; August 15, 1978, Reg; May 16, 2019, Susp.	-do-	-do-
Hughes County, Unincorporated Areas.	400467	August 6, 1988, Emerg; December 1, 1989, Reg; May 16, 2019, Susp.	-do-	-do-
Kickapoo Tribe of Oklahoma, Lincoln, Oklahoma and Pottawatomie Counties.	400563	February 26, 2002, Emerg; August 19, 2010, Reg; May 16, 2019, Susp.	-do-	-do-
Lincoln County, Unincorporated Areas.	400457	September 28, 1990, Emerg; February 3, 1993, Reg; May 16, 2019, Susp.	-do-	-do-
McIntosh County, Unincorporated Areas.	400166	January 24, 2011, Emerg; N/A, Reg; May 16, 2019, Susp.	-do-	-do-
McLoud, City of, Pottawatomie County.	400398	December 27, 1977, Emerg; October 16, 1987, Reg; May 16, 2019, Susp.	-do-	-do-
Oklahoma City, City of, Canadian, Cleveland, McClain, Oklahoma and Pottawatomie Counties.	405378	March 19, 1971, Emerg; July 14, 1972, Reg; May 16, 2019, Susp.	-do-	-do-
Pottawatomie County, Unincorporated Areas.	400496	March 26, 1984, Emerg; June 1, 1988, Reg; May 16, 2019, Susp.	-do-	-do-
Shawnee, City of, Pottawatomie County.	400178	April 2, 1975, Emerg; July 2, 1980, Reg; May 16, 2019, Susp.	-do-	-do-
Tecumseh, City of, Pottawatomie County.	400179	February 10, 1975, Emerg; July 16, 1980, Reg; May 16, 2019, Susp.	-do-	-do-

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date Certain Federal assistance no longer available in SFHAs
Wetumka, City of, Hughes County.	400453	December 5, 1977, Emerg; January 3, 1986, Reg; May 16, 2019, Susp.	May 16, 2019	May 16, 2019.

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

Dated: May 2, 2019.

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**Katherine B. Fox,**

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