



Billing Code 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2019-0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbbit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street

SW, Washington, DC 20472, (202) 646-7659, or (e-mail) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. FEMA included flood hazard mapping data dissemination determinations as part of the NFIP Nationwide Programmatic Environmental Impact Statement, published on November 3, 2017, and completed in accordance with the Council on Environmental Quality's National Environmental Policy Act implementing regulations in 40 CFR 1500 – 1508 and therefore has determined that this action will not have a significant effect on the human environment.

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.

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 final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final 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.

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation,

Department of Homeland Security,

Federal Emergency Management Agency.

Accordingly, 44 CFR part 67 is 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.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Erie County, New York (All Jurisdictions)			
Docket No.: FEMA-B-1128			
Flooding Source(s)	Location of Referenced Elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) Modified	Communities Affected
Berricks Creek	Approximately 45 feet upstream of the I-90 culvert (upstream face).	+753	Town of Hamburg
	Approximately 230 feet upstream of the I-90 culvert (upstream face).	+753	
Big Sister Creek	Approximately 5,475 feet downstream of Cain Road/Evans/Eden town boundary.	+732	Town of Eden
	Approximately 1,875 feet downstream of Cain Road/Evans/Eden town boundary.	+735	
Buffalo River	At the confluence with Lake Erie.	+581	City of Buffalo
	At the upstream face of the railroad bridge.	+581	
Cayuga Creek	Approximately 80 feet upstream of Clinton Street.	+593	Town of Cheektowaga, Town of Lancaster, Town of West Seneca, Village of Depew, Village of Lancaster
	At the Lancaster/Alden town boundary.	+742	
Cazenovia Creek	At the confluence with the Buffalo River.	+583	City of Buffalo
	At the downstream face of Southside Parkway.	+583	
Cazenovia Creek East Branch	Approximately 500 feet downstream of Center Street.	+874	Village of East Aurora

	Approximately 10 feet downstream of Center Street (at the Town of Aurora/Village of East Aurora boundary).	+874	
Cazenovia Creek East Branch	Approximately 565 feet upstream of North Main Street (State Route 16).	+1,063	Town of Holland
	Approximately 1,930 feet upstream of North Main Street (State Route 16).	+1,076	
Eighteenmile Creek	Approximately 230 feet upstream of the confluence with Eighteenmile Creek South Branch Tributary.	+650	Town of Hamburg
	Approximately 425 feet downstream of South Creek Road.	+714	
Eighteenmile Creek	Approximately 5,280 feet upstream of U.S. Route 62 (Pierce Avenue).	+766	Village of Hamburg
	Approximately 5,750 feet upstream of U.S. Route 62 (Pierce Avenue).	+767	
Ellicott Creek	Approximately 1,035 feet upstream of Colvin Boulevard.	+572	Town of Amherst,
	Approximately 1,435 feet northeast of the intersection of Lawrence Bell Drive and Cartwright Drive.	+695	Town of Tonawanda
Ellicott Creek	At the downstream Town of Alden/Village of Alden boundary.	+810	Village of Alden
	At the upstream Town of Alden/Village of Alden boundary.	+815	
Ellicott Creek	At Lynbrook Drive.	+572	City of Tonawanda,
	Approximately 150 feet west of the intersection of Willow Grove Street and Parker Boulevard.	+572	Town of Tonawanda
Lake Erie	At the southern corporate limits of the Town of Brant.	+579	City of Buffalo,
	At the confluence with Black Rock Canal.	+581	City of Lackawanna, Town of Brant.
Little Buffalo Creek	At the confluence with Cayuga Creek.	+686	Town of Lancaster
	At the downstream face of the dam, upstream of Bowen Road.	+688	
Ransom Creek	At the upstream face of the Glen Oak Drive culvert.	+582	Town of Amherst,
	Approximately 115 feet upstream of Kraus Road.	+652	Town of Clarence
Scajaquada Creek	Approximately 15 feet downstream of the I-190 exit ramp.	+579	City of Buffalo
	At the downstream face of the Private Road culvert (downstream of Main Street).	+610	
Slate Bottom Creek	At the confluence with Cayuga Creek.	+600	Town of Cheektowaga,
	Approximately 175 feet upstream of Brunk Road.	+715	Town of Elma,
			Town of Lancaster

Smokes Creek	At the confluence with Lake Erie.	+581	City of Lackawanna
	Approximately 550 feet upstream of the Bethlehem Steel Vehicular Bridge.	+581	
Smokes Creek Northwest Branch	Approximately 1,475 feet downstream of Berg Road.	+662	Town of West Seneca
	Approximately 2,950 feet upstream of Berg Road.	+706	
Smokes Creek Northwest Branch	Approximately 380 feet upstream of Highland Avenue.	+870	Village of Orchard Park
	Approximately 1,615 feet upstream of Highland Avenue	+872	
Smokes Creek Overland Flow	At the upstream face of the Lake Shore Road culvert.	+581	Town of Hamburg, Village of Blasdell
	At the upstream Village of Blasdell/City of Lackawanna boundary.	+591	
Smokes Creek South Branch	Approximately 115 feet upstream of Recreational Park Access Drive/Town of Orchard Park corporate limits.	+813	Town of Orchard Park
	Approximately 630 feet north of the intersection of Elmhurst Drive and Woodland Drive/Town of Orchard Park corporate limits.	+845	
Tannery Brook	Approximately 195 feet upstream of Fillmore Avenue/Town of Aurora downstream corporate limits.	+935	Town of Aurora
	Approximately 170 feet downstream of Brooklea Drive/Town of Aurora upstream corporate limits.	+936	
Tonawanda Creek	At Mary Vista Court extended.	+572	Town of Amherst,
	At the downstream face of the footbridge near the intersection of Creekside Road and Niagara Falls Boulevard.	+574	Town of Tonawanda
Unnamed Tributary to Slate Bottom Creek	At the confluence with Slate Bottom Creek.	+609	Town of Cheektowaga
	Approximately 450 feet upstream of Towers Boulevard.	+609	

ADDRESSES:

City of Buffalo:

Maps are available for inspection at Buffalo City Hall, 65 Niagara Square, Buffalo, NY 14202.

City of Lackawanna:

Maps are available for inspection at City Hall, 714 Ridge Road, Lackawanna, NY 14218.

City of Tonawanda:

Maps are available for inspection at Tonawanda City Hall, 200 Niagara Street, Tonawanda, NY 14150.

Town of Amherst:

Maps are available for inspection at the Amherst Town Hall, 5583 Main Street, Williamsville, NY 14221.

Town of Aurora:

Maps are available for inspection at the Aurora Town Hall, 5 South Grove Street, East Aurora, NY 14052.

Town of Brant:

Maps are available for inspection at the Town Hall, 1294 Brant-North Collins Road, Brant, NY 14027.

Town of Cheektowaga:

Maps are available for inspection at the Town Hall, 3301 Broadway, Cheektowaga, NY 14227.

Town of Clarence:

Maps are available for inspection at the Town Hall, 1 Town Place, Clarence, NY 14031.

Town of Eden:

Maps are available for inspection at the Town Hall, 2795 East Church Street, Eden, NY 14057.

Town of Elma:

Maps are available for inspection at the Town Hall, 1600 Bowen Road, Elma, NY 14059.

Town of Hamburg:

Maps are available for inspection at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY 14075.

Town of Holland:

Maps are available for inspection at the Town Hall, 47 Pearl Street, Holland, NY 14080.

Town of Lancaster:

Maps are available for inspection at the Lancaster Town Hall, 21 Central Avenue, Lancaster, NY 14086.

Town of Orchard Park:

Maps are available for inspection at the Town Hall, 4295 South Buffalo Road, Orchard Park, NY 14127.

Town of Tonawanda:

Maps are available for inspection at the Tonawanda Town Hall, 2919 Delaware Avenue, Tonawanda, NY 14217.

Town of West Seneca:

Maps are available for inspection at the Town Hall, 1250 Union Road, West Seneca, NY 14224.

Village of Alden:

Maps are available for inspection at the Village Hall, 13336 Broadway, Alden, NY 14004.

Village of Blasdell:

Maps are available for inspection at the Village Hall, 121 Miriam Avenue, Blasdell, NY 14219.

Village of Depew:

Maps are available for inspection at the Village Hall, 85 Manitou Street, Depew, NY 14043.

Village of East Aurora:

Maps are available for inspection at the Village Hall, 571 Main Street, East Aurora, NY 14052.

Village of Hamburg:

Maps are available for inspection at the Hamburg Village Hall, 100 Main Street, Hamburg, NY 14075.

Village of Lancaster:

Maps are available for inspection at the Lancaster Village Hall, 5423 Broadway, Lancaster, NY 14086.

Village of Orchard Park:

Maps are available for inspection at the Orchard Park Village Hall, 4295 South Buffalo Road, Orchard Park, NY 14127.