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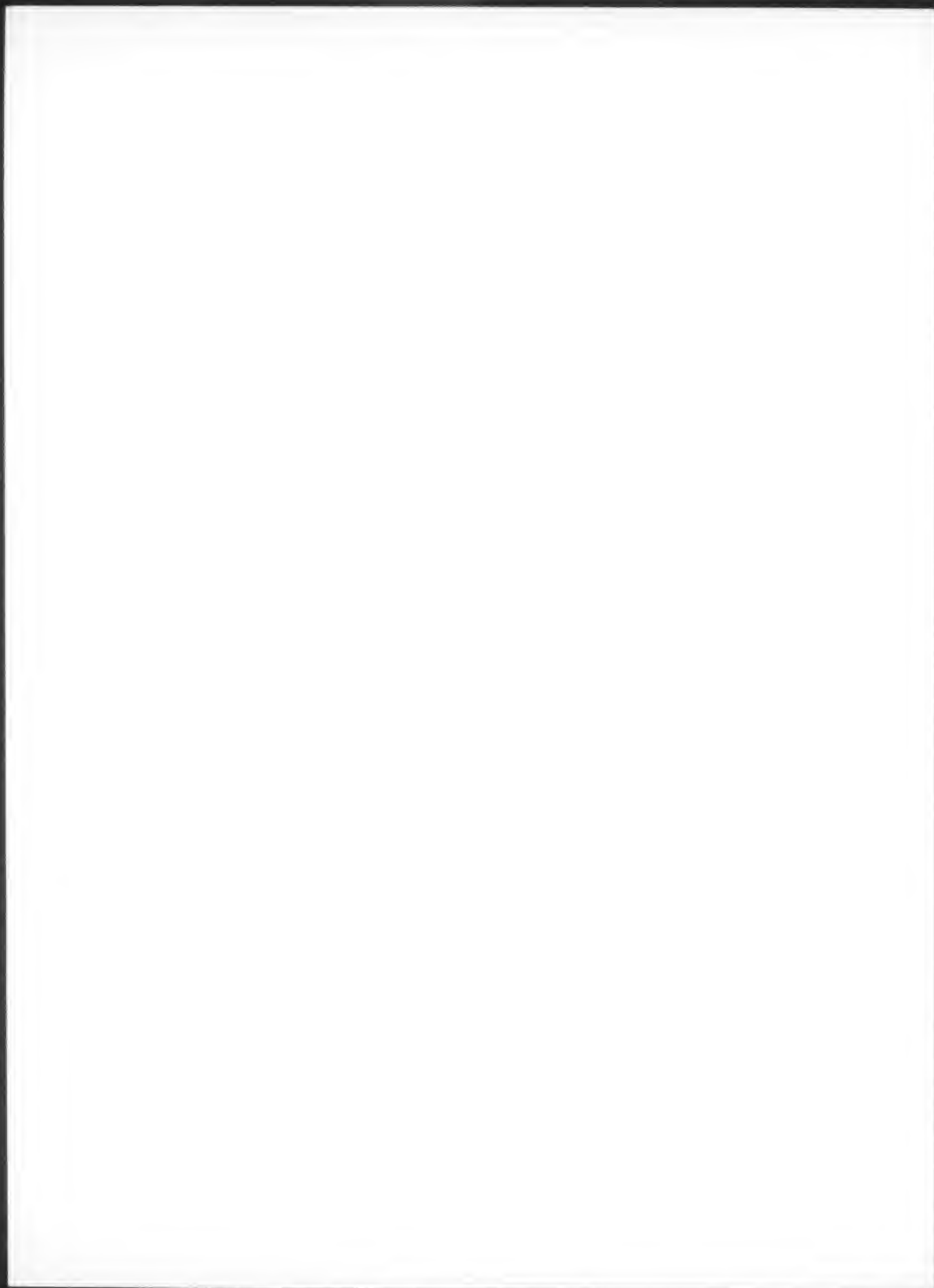
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0584; Directorate Identifier 2007-NM-315-AD; Amendment 39-15639; AD 2008-17-01]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all AvCraft Dornier Model 328-100 airplanes. That AD currently requires modifying the electrical wiring of the fuel pumps; installing insulation at the hand flow control and shut-off valves, and other components of the environmental control system; and installing markings at fuel wiring harnesses. The existing AD also requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new inspections of the fuel tank system. This new AD replaces the flight-hour-based threshold for conducting certain initial inspections, with an 8-year threshold. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: This AD becomes effective September 17, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 17, 2008.

On July 29, 2005 (70 FR 36470, June 24, 2005), the Director of the Federal Register approved the incorporation by reference of AvCraft Service Bulletin SB-328-00-445, including Price Information Sheet, dated August 23, 2004; and Dornier Temporary Revision ALD-080, dated October 15, 2003.

ADDRESSES: For service information identified in this AD, contact 328 Support Services GmbH, P.O. Box 1252, D-82231 Wessling, Federal Republic of Germany.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1503; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2005-13-24, amendment 39-14161 (70 FR 36470, June 24, 2005). The existing AD applies to all AvCraft Dornier Model 328-100 airplanes. That NPRM was published in the *Federal Register* on May 22, 2008 (73 FR 29720). That NPRM proposed to continue to require modifying the electrical wiring of the fuel pumps; installing insulation at the hand flow control and shut-off valves, and other components of the environmental control system; and installing markings at fuel wiring harnesses. That NPRM also proposed to continue to require revising the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness to incorporate new

inspections of the fuel tank system. That NPRM also proposed to replace the flight-hour-based threshold for conducting certain initial inspections, with an 8-year threshold.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been received on the NPRM or on the determination of the cost to the public.

Change to "Later Revisions of the ALD" Paragraph of the NPRM

We removed all references to the use of "later revisions" of the applicable service information from this AD to be consistent with FAA policy. This change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since we may consider approving the use of later revisions of the service bulletin as an alternative method of compliance with this AD, as provided by paragraph (j) of this AD.

Conclusion

We have carefully reviewed the available data, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 16 airplanes of U.S. registry. The actions that are required by AD 2005-13-24 and retained in this AD take about 70 work hours per airplane, at an average labor rate of \$80 per work hour. Required parts cost about \$14,118 per airplane. Based on these figures, the estimated cost of the currently required actions is \$315,488, or \$19,718 per airplane.

The new required action to revise the ALS takes about 1 work hour per airplane. Based on these figures, the estimated cost of the new actions specified in this AD for U.S. operators is \$1,280, or \$80 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of

the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the ADDRESSES section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39-14161 (70 FR 36470, June 24, 2005) and by adding the following new airworthiness directive (AD):

2008-17-01 328 Support Services GmbH (Formerly Avcraft Aerospace GmbH): Amendment 39-15639. Docket No. FAA-2008-0584; Directorate Identifier 2007-NM-315-AD.

Effective Date

(a) This AD becomes effective September 17, 2008.

Affected ADs

(b) This AD supersedes AD 2005-13-24.

Applicability

(c) This AD applies to all Dornier Model 328-100 airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Note 1: This AD requires revisions to certain operator maintenance documents to include inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Restatement of the Requirements of AD 2005-13-24

Modification and Installations

(f) Within 12 months after the July 29, 2005 (the effective date of AD 2005-13-24), do the actions in Table 1 of this AD in accordance with the Accomplishment Instructions of AvCraft Service Bulletin SB-328-00-445, dated August 23, 2004; or Revision 1, dated June 17, 2005.

TABLE 1—REQUIREMENTS

Do the following actions—	By accomplishing all the actions specified in—
(1) Modify the electrical wiring of the left-hand and right-hand fuel pumps	Paragraph 2.B(1) of the service bulletin.
(2) Install insulation at the left-hand and right-hand flow control and shut-off valves, and other components of the environmental control system.	Paragraph 2.B(2) of the service bulletin.
(3) Install markings at fuel wiring harnesses	Paragraph 2.B(3) of the service bulletin.

Revision to Airworthiness Limitations

(g) Within 12 months after July 29, 2005, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by inserting a copy of Dornier Temporary Revision ALD-080, dated October 15, 2003, into the Dornier 328 Airworthiness Limitations Document. Thereafter, except as provided in paragraphs (i) and (j) of this AD, no alternative inspection intervals may be approved for this fuel tank system.

New Requirements of This AD

Revised Initial Compliance Time

(h) For Tasks 28-00-00-02 and 28-00-00-03 ("Detailed Inspection of Outer Fuel Tank

harness internal, LH/RH," and "Detailed Inspection of Inner Fuel Tank harness internal, LH/RH"), as identified in Dornier Temporary Revision ALD-080, dated October 15, 2003, or Section F, "Fuel Tank System Limitations," of the Dornier 328 Airworthiness Limitations Document (ALD), Revision 15, dated January 15, 2005; the initial compliance time is within 8 years after the effective date of this AD. Thereafter, except as provided by paragraphs (i) and (j) of this AD, these tasks must be accomplished at the repetitive interval specified in Section F, "Fuel Tank System Limitations," of the Dornier 328 ALD, Revision 15, dated January 15, 2005.

No Alternative Inspections, Inspection Intervals, or CDCCLs

(i) After accomplishing the actions specified in paragraphs (g) and (h) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used unless the inspections, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(j) The Manager, ANM-116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this

AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Groves, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1503; fax (425) 425-1149. Before using any approved AMOC on any airplane to which the AMOC applies,

notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(k) EASA airworthiness directive 2006-0197 [Corrected], dated July 11, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use the service information specified in Table 2 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

TABLE 2—MATERIAL INCORPORATED BY REFERENCE

Service information	Revision level	Date
AvCraft Service Bulletin SB-328-00-445, including Price Information Sheet	Original	August 23, 2004.
AvCraft Service Bulletin SB-328-00-445	1	June 17, 2005.
Dornier Temporary Revision ALD-080	Original	October 15, 2003.
Section F, "Fuel Tank System Limitations," of Dornier 328 Airworthiness Limitations Document	15	January 15, 2005.

(1) The Director of the Federal Register approved the incorporation by reference of AvCraft Service Bulletin SB-328-00-445, Revision 1, dated June 17, 2005; and Section F, "Fuel Tank System Limitations," of Dornier 328 Airworthiness Limitations Document, Revision 15, dated January 15, 2005; in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On July 29, 2005 (70 FR 36470, June 24, 2005), the Director of the Federal Register approved the incorporation by reference of AvCraft Service Bulletin SB-328-00-445, including Price Information Sheet, dated August 23, 2004; and Dornier Temporary Revision ALD-080, dated October 15, 2003.

(3) Contact 328 Support Services GmbH, P.O. Box 1252, D-82231 Wessling, Federal Republic of Germany, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on July 29, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-18425 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0179; Directorate Identifier 2007-NM-367-AD; Amendment 39-15572; AD 2008-13-09]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Bombardier Aerospace has completed a system safety review of the aircraft fuel system against fuel tank safety standards * * *

[A]ssessment showed that supplemental maintenance tasks [inspections of fuel tank bonding jumpers, wiring harnesses, and drain valve components, among other items and actions; and applicable corrective actions] are required to prevent potential ignition sources within the fuel system, which could result in a fuel tank explosion. * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective September 17, 2008.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in this AD as of September 17, 2008.

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rocco Viselli, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7331; fax (516) 794-5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That supplemental NPRM was published in the **Federal Register** on May 1, 2008 (73 FR 23995). That supplemental NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Bombardier Aerospace has completed a system safety review of the aircraft fuel system against fuel tank safety standards introduced in Chapter 525 of the Airworthiness Manual through Notice of Proposed Amendment (NPA) 2002-043. The identified non-compliances were then assessed using Transport Canada Policy Letter No. 525-001, to determine if mandatory corrective action is required.

The assessment showed that supplemental maintenance tasks [inspections of fuel tank bonding jumpers, wiring harnesses, and drain valve components, among other items and actions; and applicable corrective actions] are required to prevent potential ignition sources within the fuel system, which could result in a fuel tank explosion. Revisions have been made to Part 2 "Airworthiness Limitations List" of the

DHC-8 Maintenance Program Manuals to introduce the required maintenance tasks.

The corrective action is revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Clarification of Identity of Model DHC-8-201 Airplanes

We have clarified the identity of certain airplanes as listed in the supplemental NPRM by correctly identifying them throughout this AD as Model DHC-8-201 airplanes.

Removal of Reference to "a Later Revision" of Certain Maintenance Program Manuals (MPMs)

We removed the reference to "a later revision of Part 2 'Airworthiness Limitations List' of the applicable de Havilland Dash 8 Series MPM" from paragraph (f)(4) of this AD and removed Table 3 of the NPRM, which listed the MPMs (and renumbered the subsequent table accordingly). We removed the reference to the use of "later revisions" of the applicable service information from this AD to be consistent with FAA policy. This change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since operators may request approval to use a later revision of the referenced service information as an alternative method of compliance, under the provisions of paragraph (g) of this AD.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information

provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect about 122 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$9,760, or \$80 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, part A, subpart III, section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new AD:

2008-13-09 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39-15572.
Docket No. FAA-2008-0179; Directorate Identifier 2007-NM-367-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective September 17, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 airplanes, certificated in any category, all serial numbers.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (g) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Bombardier Aerospace has completed a system safety review of the aircraft fuel system against fuel tank safety standards introduced in Chapter 525 of the Airworthiness Manual through Notice of Proposed Amendment (NPA) 2002-043. The identified non-compliances were then assessed using Transport Canada Policy Letter No. 525-001 to determine if mandatory corrective action is required. The assessment showed that supplemental maintenance tasks [inspections of fuel tank

bonding jumpers, wiring harnesses, and drain valve components, among other items and actions; and applicable corrective actions] are required to prevent potential ignition sources within the fuel system, which could result in a fuel tank explosion. Revisions have been made to Part 2 "Airworthiness Limitations List" of the DHC-8 Maintenance Program Manuals to introduce the required maintenance tasks. The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 60 days after the effective date of this AD, or before December 16, 2008, whichever occurs first, revise the ALS of the Instructions for Continued Airworthiness to incorporate the fuel system limitations tasks identified in the de Havilland temporary revisions (TRs) to Part 2, "Airworthiness Limitations List," of the Dash 8 Series Maintenance Program Manuals ("the MPMs"). The TRs are listed in Table 1 of this AD. For the tasks identified in the TRs, the initial compliance times start at the later of the applicable "Threshold" and "Grace Period" times specified in Table 2 of this AD, and the repetitive limitation tasks must be accomplished thereafter at the interval specified in the TRs, except as provided by paragraphs (f)(2), (f)(3), (f)(4), and (g)(1) of this AD.

TABLE 1—TEMPORARY REVISIONS

Model	de Havilland TR	MPM
DHC-8-102, DHC-8-103, and DHC-8-106 airplanes.	AWL-110, dated August 31, 2007	Dash 8 Series 100 MPM, Product Support Manual (PSM) 1-8-7, Part 2, "Airworthiness Limitations List".
DHC-8-201, and DHC-8-202 airplanes	AWL 2-43, dated August 31, 2007	Dash 8 Series 200 MPM, PSM 1-82-7, Part 2, "Airworthiness Limitations List".
DHC-8-301, DHC-8-311, and DHC-8-315 airplanes.	AWL 3-109, dated August 31, 2007	Dash 8 Series 300 MPM, PSM 1-83-7, Part 2, "Airworthiness Limitations List".

TABLE 2—INITIAL INSPECTIONS

Description	Compliance time (whichever occurs later)	
	Threshold	Grace period
Tasks with 6,000 flight hours/36 month intervals	Before the accumulation of 6,000 total flight hours, or within 36 months since new, whichever occurs first.	Within 2,000 flight hours or 12 months after the effective date of this AD, whichever occurs first.
Tasks with 18,000 flight hours/108 month intervals.	Before the accumulation of 18,000 total flight hours, or within 108 months since new, whichever occurs first.	Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first.
Tasks with 72,000 flight hours/36 year intervals	Before the accumulation of 72,000 total flight hours, or within 36 years since new, whichever occurs first.	Within 600 flight hours or 3 months after the effective date of this AD, whichever occurs first.

Note 2: The actions required by paragraph (f)(1) of this AD may be done by inserting a copy of the applicable TR listed in Table 1 of this AD into the ALS of the applicable MPM listed in Table 1 of this AD. When the applicable TR has been included in general revisions of the applicable MPM, the general revisions may be inserted in the MPM, provided the relevant information in the general revision is identical to that in the applicable TR.

(2) For those tasks with 6,000 flight hours/36 month limitation task intervals: For airplanes that have accumulated 4,000 total flight hours or more, or 24 months or more since new, as of the effective date of this AD, do the initial limitation tasks within 2,000 flight hours or 12 months after the effective date of this AD, whichever occurs first. Thereafter, repeat the limitation tasks at intervals not to exceed 6,000 flight hours or 36 months, whichever occurs first.

(3) For those tasks with 18,000 flight hours/108 month limitation task intervals:

For airplanes that have accumulated 12,000 total flight hours or more, or 72 months or more since new, as of the effective date of this AD, do the initial limitation tasks within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first. Thereafter, repeat the limitation tasks at intervals not to exceed 18,000 flight hours or 108 months, whichever occurs first.

(4) After accomplishing the actions specified in paragraphs (f)(1), (f)(2), and (f)(3) of this AD, no alternative inspections/limitation tasks or inspection/limitation task intervals may be used unless the inspections/limitation tasks or inspection/limitation task intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (g)(1) of this AD.

FAA AD Differences

Note 3: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Rocco Viselli, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7331; fax (516) 794-5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they

are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF-2007-32, dated December 17,

2007, and the de Havilland temporary revisions listed in Table 1 of this AD.

Material Incorporated by Reference

(i) You must use the applicable service information specified in Table 3 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Bombardier, Inc., Bombardier Regional Aircraft Division, 123

Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

TABLE 3—MATERIAL INCORPORATED BY REFERENCE

De Havilland temporary revision—	Dated—	To the—
AWL-110	August 31, 2007	Dash 8 Series 100 Maintenance Program Manual, Product Support Manual 1-8-7, Part 2, "Airworthiness Limitations List".
AWL 2-43	August 31, 2007	Dash 8 Series 200 Maintenance Program Manual, Product Support Manual 1-82-7, Part 2, "Airworthiness Limitations List".
AWL 3-109	August 31, 2007	Dash 8 Series 300 Maintenance Program Manual, Product Support Manual 1-83-7, Part 2, "Airworthiness Limitations List".

Issued in Renton, Washington, on July 31, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-18430 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0406; Directorate Identifier 2007-NM-196-AD; Amendment 39-15640; AD 2008-17-02]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A310 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

During routine visual inspection, a crack has been found in the wing MLG (main landing gear) rib 5 forward attachment lug on two A310 in-service aircraft. Laboratory examination of one of the cracked ribs confirmed that the crack is due to the

presence of pitting corrosion in the forward lug holes. Also on both aircraft medium to heavy corrosion was found in the forward lugs on the opposite wing after removal of the bushes. This situation if not detected, could affect the structural integrity of the MLG attachment. * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective September 17, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 17, 2008.

The Director of the Federal Register previously approved the incorporation by reference of Airbus Service Bulletin A310-57A2088, excluding Appendix 01, dated November 6, 2006, listed in this AD, as of February 6, 2007 (72 FR 2612, January 22, 2007).

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 7, 2008 (73 FR 18722). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

During routine visual inspection, a crack has been found in the wing MLG (main landing gear) rib 5 forward attachment lug on two A310 in-service aircraft. Laboratory examination of one of the cracked ribs confirmed that the crack is due to the presence of pitting corrosion in the forward lug holes. Also on both aircraft medium to heavy corrosion was found in the forward lugs on the opposite wing after removal of the bushes. This situation if not detected, could affect the structural integrity of the MLG attachment. As an interim measure, Airbus published Alert Service Bulletin (ASB) A310-57A2088 to introduce a repetitive detailed visual inspection (DVI) of the forward attachment lug of MLG Rib 5. EASA issued Emergency Airworthiness Directive (EAD) 2006-0335-E [which corresponds to FAA AD 2007-02-09] to require the accomplishment of this repetitive DVI.

In order to ensure the detection of any crack at an early stage in the forward lug of the RH (right-hand) and LH (left-hand) MLG Rib 5 aft bearing attachment, the Type Certificate holder has developed a new inspection by means of ultrasonic method. For the reasons described above, this new inspection program is rendered mandatory by this AD, which cancels and replaces the requirement of EAD 2006-0335-E.

The corrective action includes repairing or replacing MLG Rib 5, as

applicable. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Clarification of Certain Requirements

Airbus asks that we revise paragraph (g)(2) of the NPRM to clarify the intent of Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007. Airbus states that paragraph (g)(2) of the NPRM refers to that service bulletin for replacement of the MLG Rib 5. However, Airbus clarifies that the intent of Service Bulletin A310-57-2090 is not to provide instructions for the MLG Rib 5 replacement, but to introduce new bushes with increased interference fit into the aft bearing forward lug of MLG Rib 5. Airbus asks that paragraph (g)(2) of the NPRM be changed as follows, for clarification: "Replacement of the MLG Rib 5 bushes with high interference fit in accordance with the instructions defined in Airbus Service Bulletin A310-57-2090. * * *"

We agree that paragraph (g)(2) of this AD should be further clarified to address the commenter's suggestion; therefore, we have changed that paragraph accordingly.

Airbus also asks that the last sentence of paragraphs (g)(3) and (g)(4)(ii) of the NPRM be changed to remove the reference to Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007, when the MLG Rib 5 replacement is in question. Airbus asks that paragraphs (g)(3) and (g)(4)(ii) of the NPRM be changed as follows, for clarification: "After MLG Rib 5 replacement, whether Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007 is not accomplished: * * *"

We agree that paragraphs (g)(3) and (g)(4)(ii) of this AD should be further clarified to capture the commenter's intent; therefore, we have changed those paragraphs accordingly.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect 68 products of U.S. registry. We also estimate that it will take about 5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$27,200, or \$400 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, part A, subpart III, section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39-14896 (72 FR 2612, January 22, 2007) and adding the following new AD:

2008-17-02 Airbus: Amendment 39-15640. Docket No. FAA-2008-0406; Directorate Identifier 2007-NM-196-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective September 17, 2008.

Affected ADs

(b) The AD supersedes AD 2007-02-09, Amendment 39-14896.

Applicability

(c) This AD applies to Airbus Model A310 airplanes, certificated in any category, all certified models, all serial numbers; except for those where LH (left-hand) and RH (right-hand) wing MLG (main landing gear) rib 5 forward lugs have been repaired by installation of oversized interference fit bushes as per Airbus A310 Repair Instruction

R572-49121, or which have had Airbus Service Bulletin A310-57-2090 (Airbus modification 13329) embodied in service.

Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

During routine visual inspection, a crack has been found in the wing MLG (main landing gear) rib 5 forward attachment lug on two A310 in-service aircraft. Laboratory examination of one of the cracked ribs confirmed that the crack is due to the presence of pitting corrosion in the forward lug holes. Also on both aircraft medium to heavy corrosion was found in the forward lugs on the opposite wing after removal of the bushes. This situation if not detected, could affect the structural integrity of the MLG attachment. As an interim measure, Airbus published Alert Service Bulletin (ASB) A310-57A2088 to introduce a repetitive detailed visual inspection (DVI) of the forward attachment lug of MLG Rib 5. EASA issued Emergency Airworthiness Directive (EAD) 2006-0335-E [which corresponds to FAA AD 2007-02-09] to require the accomplishment of this repetitive DVI.

In order to ensure the detection of any crack at an early stage in the forward lug of the RH (right-hand) and LH (left-hand) MLG Rib 5 aft bearing attachment, the Type Certificate holder has developed a new inspection by means of ultrasonic method. For the reasons described above, this new inspection program is rendered mandatory by this AD, which cancels and replaces the requirement of EAD 2006-0335-E. The corrective action includes repairing or replacing MLG Rib 5, as applicable.

Restatement of Requirements of AD 2007-02-09

(f) Unless already done, do the following actions specified in paragraphs (f)(1), (f)(2), and (f)(3) of this AD in accordance with the instructions defined in Airbus Service Bulletin A310-57A2088, dated November 6, 2006.

(1) Before the accumulation of 12,000 total flight cycles, or within 14 days after February 6, 2007 (the effective date of AD 2007-02-09), whichever occurs later: Perform a detailed visual inspection of the LH and RH wing MLG Rib 5 aft bearing forward lugs.

(2) If any crack is detected at LH and/or RH aft bearing forward lug, contact Airbus and proceed with the replacement before next flight.

(3) Repeat the inspection at intervals not exceeding 100 flight cycles.

New Requirements of This AD: Actions and Compliance

(g) Unless already done, before the accumulation of 12,000 total flight cycles or before the accumulation of 12,000 flight cycles on MLG Rib 5, or within 14 days after the effective date of this AD, whichever occurs latest: Perform either a detailed visual

inspection (DVI) or an ultrasonic inspection of the LH and RH MLG Rib 5 aft bearing forward lug for cracks, in accordance with the instructions defined in Airbus Service Bulletin A310-57-2091, excluding Appendix 01, dated May 22, 2007. If a MLG Rib 5 has been replaced on one side only, then the RH and LH must be considered separately. Doing this inspection ends the requirements of paragraph (f) for that MLG Rib 5 only.

Note 1: The ultrasonic inspection will detect any crack at an early stage and will limit the risk of extensive repairs. This earlier crack detection is not possible with the DVI.

(1) If no crack is detected during any inspection required by paragraph (g) of this AD: Repeat the applicable inspection at the time specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD.

(i) Repeat the DVI thereafter at intervals not to exceed 100 flight cycles.

(ii) Repeat the ultrasonic inspection thereafter at intervals not to exceed 825 flight cycles.

(2) Replacement of the MLG Rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG Rib 5, in accordance with the instructions defined in Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007, ends the repetitive inspections required by paragraph (g)(1) of this AD for that MLG Rib 5 only.

(3) If any crack is detected during the DVI required by paragraph (g) of this AD: Before further flight, contact Airbus for replacement instructions and replace the MLG Rib 5 bushes before further flight. Repeat the applicable inspection in paragraph (g) of this AD at the time specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD. Accomplishing the replacement of the MLG Rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG Rib 5, in accordance with the instructions defined in Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007, ends the repetitive inspections required by paragraph (g)(1) of this AD for that MLG Rib 5 only.

(4) If any crack is detected during the ultrasonic inspection required by paragraph (g) of this AD, before further flight, accomplish the actions specified in paragraph (g)(4)(i) or (g)(4)(ii) of this AD, as applicable.

(i) If any crack is not visible on MLG Rib 5: Before further flight, repair MLG Rib 5 using Airbus A310 Repair Instruction R572-49121, Issue C, dated May 2007. After embodiment of the repair instruction, no further actions are necessary as required by this AD and specified in Airbus Service Bulletin A310-57-2091, excluding Appendix 01, dated May 22, 2007, for that MLG Rib 5 only.

(ii) If any crack is visible on MLG Rib 5: Before further flight, contact Airbus for rib replacement instructions, and replace before further flight. Repeat the applicable inspection in paragraph (g) of this AD at the time specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD. Accomplishing the replacement of the MLG Rib 5 bushes with

new bushes with high interference fit in the aft bearing forward lugs of MLG Rib 5, in accordance with the instructions defined in Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007, ends the repetitive inspections required by paragraph (g) of this AD for that MLG Rib 5 only.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows:

(1) Although the MCAI or service information allows flight with cracks on aft bearing forward lugs for a certain period of time, this AD requires replacing MLG Rib 5 before further flight if any crack is found.

(2) Although the MCAI or service information specifies submitting an inspection report sheet to Airbus, this AD would not require that action.

Other FAA AD Provisions

(h) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(i) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2007-0195, dated July 19, 2007; and Airbus Service Bulletins A310-57-2090, Revision 01, dated December 19, 2007; and A310-57-2091, including Appendix 01, dated May 22, 2007; for related information.

Material Incorporated by Reference

(j) You must use the applicable service information specified in Table 1 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 1—ALL MATERIAL INCORPORATED BY REFERENCE

Airbus service information	Revision/issue level	Date
Service Bulletin A310-57A2088, excluding Appendix 01	Original	November 6, 2006.
Service Bulletin A310-57-2090	01	December 19, 2007.
Service Bulletin A310-57-2091, excluding Appendix 01	Original	May 22, 2007.
A310 Repair Instruction R572-49121	C	May 2007.

(1) The Director of the Federal Register approved the incorporation by reference of the service information specified in Table 2 of this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 2—NEW MATERIAL INCORPORATED BY REFERENCE

Airbus service information	Revision/issue level	Date
Service Bulletin A310-57-2090	01	December 19, 2007.
Service Bulletin A310-57-2091, excluding Appendix 01	Original	May 22, 2007.
A310 Repair Instruction R572-49121	C	May 2007.

(2) The Director of the Federal Register previously approved the incorporation by reference of Airbus Service Bulletin A310-57A2088, excluding Appendix 01, dated November 6, 2006, on February 6, 2007 (72 FR 2612, January 22, 2007).

(3) For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

(4) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on July 31, 2008.

Ali Bahrami,
 Manager, Transport Airplane Directorate,
 Aircraft Certification Service.
 [FR Doc. E8-18561 Filed 8-12-08; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-0043; Directorate Identifier 2007-NM-058-AD; Amendment 39-15632; AD 2008-16-14]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 747 series airplanes. That AD currently requires inspecting to detect cracking in certain lower lobe fuselage skin lap joints, doing repetitive inspections for cracking at certain fastener locations having countersunk fasteners, and replacing countersunk fasteners with protruding head fasteners at certain fastener locations. This new AD requires replacing a previous high-frequency eddy current (HFEC) inspection method with a new HFEC inspection method, adding a one-time inspection for cracking of certain airplanes, and terminating the adjustment factor for the inspection compliance times based on cabin differential pressure. This AD also requires inspecting additional lap joints. This AD results from reports of fuselage skin cracks found at certain countersunk fastener locations in the upper row of lap joints near the wing-to-body fairings, and from a report that the presence of Alodine-coated rivets could cause faulty results during the required inspections using the optional sliding probe HFEC inspection method specified in the existing AD. We are issuing this AD to prevent reduced structural integrity of the fuselage.

DATES: This AD becomes effective September 17, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of September 17, 2008.

On August 24, 1994 (59 FR 37659, July 25, 1994), the Director of the Federal Register approved the incorporation by reference of Boeing Service Bulletin 747-53A2312, including the "Addendum," Revision 2, dated October 8, 1992.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6437; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 94-15-06, amendment 39-8977 (59 FR 37659, July 25, 1994). The existing AD applies to certain Boeing Model 747 series airplanes. That supplemental NPRM was published in the **Federal Register** on May 7, 2008 (73 FR 25601). That supplemental NPRM proposed to continue to require inspecting to detect cracking in certain lower lobe fuselage skin lap joints, doing repetitive

inspections for cracking at certain fastener locations having countersunk fasteners, and replacing countersunk fasteners with protruding head fasteners at certain fastener locations. That supplemental NPRM also proposed to require replacing a previous high-frequency eddy current (HFEC) inspection method with a new HFEC inspection method, adding a one-time inspection for cracking of certain airplanes, and terminating the adjustment factor for the inspection compliance times based on cabin differential pressure. That supplemental

NPRM also proposed to require inspecting additional lap joints.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the single comment that has been received on the supplemental NPRM. The commenter, Boeing, supports the NPRM.

Conclusion

We have carefully reviewed the available data, including the comment that has been received, and determined

that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

There are about 348 airplanes in the worldwide fleet. We estimate that this AD affects 90 airplanes of U.S. registry. The issue associated with Alodine-coated aluminum rivets occurs on 162 airplanes in the worldwide fleet and affects 24 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD. The average labor rate is \$80 per work hour.

ESTIMATED COSTS

Action	Work hours	Parts	Number of affected airplanes	Cost per airplane	Fleet cost
Inspections (required by AD 94-15-06 and retained in this AD).	14	\$0	90	\$1,120, per inspection cycle	\$100,800, per inspection cycle.
Inspections (required by AD 94-15-06 and retained in this AD).	82	0	90	\$6,560, per inspection cycle	\$590,400, per inspection cycle.
Modification (required by AD 94-15-06 and retained in this AD).	124	(¹)	90	\$9,920	\$892,800.
One-time inspection (new action).	4	0	24	\$320	\$7,680.

¹ Minimal.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the ADDRESSES section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39-8977 (59 FR 37659, July 25, 1994) and by adding the following new airworthiness directive (AD):

2008-16-14 Boeing: Amendment 39-15632. Docket No. FAA-2007-0043; Directorate Identifier 2007-NM-058-AD.

Effective Date

(a) This AD becomes effective September 17, 2008.

Affected ADs

(b) This AD supersedes AD 94-15-06.

Applicability

(c) This AD applies to Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007.

Unsafe Condition

(d) This AD results from reports of fuselage skin cracks found at certain countersunk fastener locations in the upper row of lap joints near the wing-to-body fairings, and from a report that the presence of Alodine-coated rivets could cause faulty results during the required inspections using the optional sliding probe high frequency eddy current (HFEC) inspection method specified in AD 94-15-06. We are issuing this AD to prevent reduced structural integrity of the fuselage.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Requirements of AD 94-15-06 With Revised Body Station and Stringer Locations**Inspections for Airplanes Having Line Numbers 201 Through 765 Inclusive**

(f) For airplanes having line numbers 201 through 765 inclusive: Conduct an HFEC inspection to detect cracking of the lower lobe lap joints in the vicinity of the wing-to-body fairings, in accordance with Boeing Alert Service Bulletin 747-53A2312, dated June 12, 1989; Revision 1, dated March 29, 1990; Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD; at the time specified in paragraph (f)(1), (f)(2), (f)(3), or (f)(4) of this AD, as applicable. As of the effective date of this AD, only Revision 3 shall be used. Repeat this inspection thereafter at intervals not to exceed 4,000 landings until the inspection required by paragraph (j) of this AD is accomplished.

(1) For airplanes that have accumulated less than 11,200 total landings as of February 5, 1990 (the effective date of AD 90-01-07, amendment 39-6440, which was superseded by AD 94-15-06); Prior to the accumulation of 11,000 total landings, or within the next 1,000 landings after February 5, 1990, whichever occurs later.

(2) For airplanes that have accumulated 11,200 or more total landings but less than 15,201 total landings as of February 5, 1990: Within the next 1,000 landings after February 5, 1990, or prior to the accumulation of 15,500 total landings, whichever occurs earlier.

(3) For airplanes that have accumulated 15,201 or more total landings but less than 18,200 total landings as of February 5, 1990: Within the next 300 landings after February 5, 1990, or prior to the accumulation of 18,250 total landings, whichever occurs earlier.

(4) For airplanes that have accumulated 18,200 or more landings as of February 5, 1990: Within the next 50 landings after February 5, 1990.

Repair and Modification for Airplanes Having Line Numbers 201 Through 765 Inclusive

(g) For airplanes having line numbers 201 through 765 inclusive: Accomplish the requirements of paragraphs (g)(1) and (g)(2) of this AD.

(1) If any cracking is detected during the inspections required by paragraph (f) of this AD, prior to further flight, repair in accordance with Boeing Alert Service Bulletin 747-53A2312, dated June 12, 1989; Revision 1, dated March 29, 1990; Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

(2) Prior to the accumulation of 20,000 total landings, or within the next 3,000 landings after February 5, 1990 (the effective date of AD 90-01-07), whichever occurs later, modify the airplane by replacing countersunk fasteners in the upper row of the lower lobe lap joints in the vicinity of the wing-to-body fairings with protruding head fasteners, in accordance with the procedures described in Boeing Alert Service Bulletin 747-53A2312, dated June 12, 1989; Revision 1, dated March 29, 1990; Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

Adjustments for Cabin Differential Pressure for Airplanes Having Line Numbers 201 Through 765 Inclusive

(h) For airplanes having line numbers 201 through 765 inclusive: Before the effective date of this AD, for purposes of complying with paragraphs (f) and (g) of this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 2.0 psi.

(i) For airplanes having line numbers 201 through 765 inclusive: Before the effective date of this AD, for Model 747SR series airplanes only, based on continued mixed operation of lower cabin differentials, the inspection and modification compliance times specified in paragraphs (f) and (g) of this AD may be multiplied by a 1.2 adjustment factor.

General Visual Inspection for Countersunk Fasteners for All Airplanes

(j) For all airplanes: Prior to the accumulation of 11,000 total landings, or within 1,000 landings after August 24, 1994 (the effective date of AD 94-15-06), whichever occurs later, conduct a general visual inspection, unless previously accomplished within the last 3,000 landings prior to August 24, 1994, to determine if countersunk fasteners have been installed in the lap joints listed in paragraph (j)(1) or (j)(2) of this AD, as applicable, in accordance with the procedures described in Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. Accomplishment of this inspection terminates the inspection requirements of paragraph (f) of this AD.

(1) For Model 747-100, -200, -300, -400, and 747SR series airplanes: From body stations (BS) 741 to 1000 at stringers (S)-34L, S-34R, S-39L, S-39R, S-44L, and S-44R,

and from BS 1480 to 1741 at S-34L, S-34R, S-40L, and S-40R.

(2) For Model 747SP series airplanes: From BS 560 to 800 at S-34L, S-34R, S-39L, S-39R, S-44L, and S-44R, and from BS 1640 to 1741 at S-34L, S-34R, S-40L, and S-40R.

Corrective Action for Countersunk Fasteners for All Airplanes

(k) For all airplanes: If no countersunk fastener is found in the upper row of a lap joint during the inspection required by paragraph (j) of this AD, no further action is required by this AD for that lap joint.

(l) For all airplanes: If any countersunk fastener is found in the upper row of a lap joint during the inspection required by paragraph (j) of this AD, prior to further flight, perform an HFEC inspection to detect cracking at all fastener locations in the lap joint where a countersunk fastener was found during the inspection required by paragraph (j) of this AD, in accordance with the procedures described in Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

Repetitive Inspections

(m) If no cracking is detected during any inspection required by paragraphs (l) and (q) of this AD, at any fastener location where a countersunk fastener was found during the inspection required by paragraph (j) or (q)(1) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 4,000 landings, in accordance with the procedures described in Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. As an alternative to the HFEC inspection, operators may perform a detailed inspection to detect cracking at any fastener location where a countersunk fastener was found, in accordance with the procedures described in Boeing Service Alert Bulletin 747-53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. Perform the detailed inspection within the next 4,000 landings after the HFEC inspection required by paragraph (l) of this AD, and repeat the inspection thereafter at intervals not to exceed 500 landings. At any of the subsequent inspection cycles, operators may use either inspection method provided that the corresponding inspection interval is used to determine the compliance time of the next inspection.

(n) If cracking is detected during any inspection required by paragraph (l), (m), (p), or (q) of this AD, at any fastener location where a countersunk fastener was found during the inspection required by paragraph (j) or (q)(1) of this AD, prior to further flight, repair and modify that lap joint in accordance with Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. Accomplishment of

this repair and modification terminates the repetitive inspections required by paragraph (m) of this AD for that lap joint.

Modification of Countersunk Fasteners for All Airplanes

(o) For all airplanes: Prior to the accumulation of 20,000 total landings or within 1,000 landings after August 24, 1994, whichever occurs later, modify all fastener locations where a countersunk fastener was found during the inspections required by paragraph (j) of this AD, in accordance with the procedures described in Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. For purposes of complying with the requirements of this paragraph, fastener locations that were previously modified in accordance with paragraph (g) or (n) of this AD do not need to be modified again. Accomplishment of this modification terminates the repetitive inspections required by paragraph (m) of this AD for the modified fastener locations.

Post-Modification Inspections for All Airplanes

(p) For all airplanes: Prior to the accumulation of 10,000 total landings following the modification required by paragraph (g), (n), (o), (q) or (s) of this AD, perform an HFEC inspection to detect cracking at all fastener locations where a countersunk fastener was found during the inspection required by paragraph (j) or (q)(1) of this AD, and repeat this inspection thereafter at intervals not to exceed 4,000 landings, in accordance with the procedures described in Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

New Requirements of This AD

General Visual Inspection for Countersunk Fasteners and Modification for Model 747SP Airplanes at Stringers S-34L, S-34R, S-40L, S-40R, and S-46L

(q) For Model 747SP series airplanes having line numbers 201 through 814 inclusive, do the actions in paragraphs (q)(1) and (q)(2) of this AD at the times specified in those paragraphs.

(1) Prior to the accumulation of 11,000 total landings, or within 1,000 landings as of the effective date of this AD, whichever occurs later, unless previously accomplished within the last 3,000 landings prior to the effective date of this AD, conduct a general visual inspection of the lap joint from BS 1640 to 1901 at S-46L, and from BS 1741 to 1901 at S-34L, S-34R, S-40L, and S-40R, to determine if countersunk fasteners have been installed in the specified area, in accordance with the procedures described in Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD.

(i) If no countersunk fastener is found in the upper row of the lap joint during the

inspection, no further action is required by this AD for the lap joint.

(ii) If any countersunk fastener is found in the upper row of the lap joint, prior to further flight, perform an HFEC inspection to detect cracking at all fastener locations where a countersunk fastener was found, in accordance with the procedures described in Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD.

(A) If no cracking is found, repeat the inspection thereafter in accordance with the requirements of paragraph (m) of this AD.

(B) If any cracking is found, prior to further flight, repair and modify the lap joint as required by paragraph (n) of this AD.

(2) Prior to the accumulation of 20,000 total landings, or within 1,000 landings as of the effective date of this AD, whichever occurs later, modify all fastener locations where a countersunk fastener was found, during the inspection required by paragraph (q)(1) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. For purposes of complying with the requirements of this AD, fastener locations that were previously modified in accordance with paragraph (n) of this AD do not need to be modified again. Accomplishment of this modification terminates the repetitive inspections required by paragraph (m) of this AD for the modified fastener locations.

Adjustments to Compliance Time: Cabin Differential Pressure

(r) For the purposes of calculating the compliance threshold and repetitive intervals for actions required by paragraphs (f) and (g) of this AD, as of the effective date of this AD: All flight cycles, including the number of flight cycles in which cabin differential pressure is at 2.0 psi or less, must be counted when determining the number of flight cycles that have occurred on the airplane, and a 1.2 adjustment factor may not be used. However, for airplanes on which the repetitive intervals for the actions required by paragraph (f) of this AD have been calculated in accordance with paragraphs (h) and/or (i) of this AD by excluding the number of flight cycles in which cabin differential pressure is at 2.0 pounds psi or less, and/or by using a 1.2 adjustment factor: Continue to adjust the repetitive intervals in accordance with paragraphs (h) and/or (i) of this AD until the next inspection required by paragraph (f) of this AD is accomplished. Thereafter, no adjustment to compliance times based on paragraphs (h) and/or (i) of this AD is allowed.

Special One-Time Inspection for Cracking of Certain Airplanes

(s) For airplanes with line numbers 630 through 814 inclusive that meet the conditions specified in paragraphs (s)(1) and (s)(2) of this AD: Within 300 flight cycles after the effective date of this AD, or within 500 flight cycles after the most recent sliding probe inspection done in accordance with Boeing Alert Service Bulletin 747-53A2312, Revision 1, dated March 29, 1990; or

Revision 2, dated October 8, 1992; whichever occurs later, do a special one-time HFEC inspection or a special one-time detailed inspection for cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007. If any cracking is found in a lap joint, before further flight, repair and modify that lap joint in accordance with Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. Accomplishment of this repair and modification terminates the repetitive inspections required by paragraph (m) of this AD for that lap joint. This special one-time inspection is not required for lap joints that have been modified in accordance with paragraph (g), (n), (o), or (q) of this AD.

(1) Airplanes that have not been modified in accordance with paragraph (g) or (o) of this AD.

(2) Airplanes on which the sliding probe HFEC inspection method specified in Boeing Alert Service Bulletin 747-53A2312, Revision 1, dated March 29, 1990; or Revision 2, dated October 8, 1992; was used during the last skin inspection required by paragraph (f), (l), or (m) of this AD.

Actions After the Special One-time Inspection if No Cracking Is Found

(t) For airplanes specified in paragraph (s) of this AD on which no cracking is found during the special one-time inspection, do the applicable repetitive inspections specified in paragraph (t)(1) or (t)(2) of this AD.

(1) If the special one-time inspection was done using the HFEC inspection method in accordance with paragraph (s) of this AD, perform the next inspection required by paragraph (m) of this AD within the next 4,000 flight cycles after doing the inspection required by paragraph (s) of this AD, and repeat the inspection thereafter in accordance with paragraph (m) of this AD.

(2) If the special one-time inspection was done using the detailed inspection method in accordance with paragraph (s) of this AD, perform the next inspection required by paragraph (m) of this AD within the next 500 flight cycles after doing the inspection required by paragraph (s) of this AD, and repeat the inspection thereafter in accordance with paragraph (m) of this AD.

Contacting the Manufacturer

(u) Where Boeing Alert Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007, specifies to contact Boeing for appropriate action for a repair or inspection, before further flight, do the applicable action in paragraph (u)(1) or (u)(2) of this AD.

(1) Do the repair using a method approved in accordance with the procedures specified in paragraph (v) of this AD.

(2) Do the inspection using a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

Alternative Methods of Compliance (AMOCs)

(v)(1) The Manager, Seattle ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(3) An AMOC that provides an acceptable level of safety shall be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously in accordance with AD 94-15-06 for airplane line numbers 630 through 814 inclusive are approved as AMOCs for the corresponding provisions of this AD if the AMOC does not involve using the existing sliding probe HFEC skin inspection method specified in Boeing Service Bulletin 747-53A2312, Revision 2, dated October 8, 1992, or an earlier version. In addition, the provisions of paragraph (r) of this AD must be applied to AMOCs approved previously in accordance with AD 94-15-06, where applicable.

(5) AMOCs approved previously in accordance with AD 94-15-06 for airplane line numbers 201 through 629 inclusive are approved as AMOCs for the corresponding provisions of this AD. In addition, the provisions of paragraph (r) of this AD must be applied to AMOCs approved previously in accordance with AD 94-15-06, where applicable.

Material Incorporated by Reference

(w) You must use Boeing Alert Service Bulletin 747-53A2312, dated June 12, 1989; Boeing Service Bulletin 747-53A2312, Revision 1, including "Addendum," dated March 29, 1990; Boeing Service Bulletin 747-53A2312, including the "Addendum," Revision 2, dated October 8, 1992; or Boeing Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. (The document number and date of Boeing Alert Service Bulletin 747-53A2312, dated June 12, 1989, are identified only on the first page of the document; no other page of the document contains this information.)

(1) The Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747-53A2312, dated June 12, 1989; Boeing Service Bulletin 747-53A2312, Revision 1, including "Addendum," dated March 29, 1990; and Boeing Service Bulletin 747-53A2312, Revision 3, dated February 8, 2007; in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On August 24, 1994 (59 FR 37659, July 25, 1994), the Director of the Federal Register approved the incorporation by reference of Boeing Service Bulletin 747-53A2312, including the "Addendum," Revision 2, dated October 8, 1992.

(3) Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on July 23, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-17776 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2008-0626 Directorate Identifier 2008-CE-035-AD; Amendment 39-15637; AD 2008-16-19]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-6 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

This Airworthiness Directive (AD) is prompted due to the discovery of loose self-locking stop nuts Part Number (P/N) 938.07.65.105 in the tail landing gear fastener assemblies of some PC-6 aircraft.

It is believed that this occurrence could also exist in other fastener assemblies using nuts P/N 938.07.65.105 at various identified locations in the aircraft.

If left uncorrected, the identified assemblies may become loose and not function as designed and could lead to hazardous situations.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective September 17, 2008.

On September 17, 2008, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the *Federal Register* on June 9, 2008 (73 FR 32497). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) is prompted due to the discovery of loose self-locking stop nuts Part Number (P/N) 938.07.65.105 in the tail landing gear fastener assemblies of some PC-6 aircraft.

It is believed that this occurrence could also exist in other fastener assemblies using nuts P/N 938.07.65.105 at various identified locations in the aircraft.

If left uncorrected, the identified assemblies may become loose and not function as designed and could lead to hazardous situations.

In order to prevent those conditions, the present AD requires you to replace self-locking stop nuts P/N 938.07.65.105 from the Tail Landing Gear Assembly, the Parachute Cable Assembly, the Water Tank Assembly, the Cable Tensioner Assembly, the Fuel Filter Assembly, the Hydraulic Pump Assembly and the Engine Mounts Assembly in accordance with Pilatus PC-6 Service Bulletin No. 53-002 Revision 2.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantially from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

Based on the service information, we estimate that this AD will affect 50 products of U.S. registry. We also estimate that it will take about 7 work-hours per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$310 per product.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$43,500, or \$870 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, part A, subpart III, section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD Docket.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

- Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new AD:

2008-16-19 Pilatus Aircraft Ltd.:

Amendment 39-15637; Docket No. FAA-2008-0626; Directorate Identifier 2008-CE-035-AD.

Effective Date

- (a) This airworthiness directive (AD) becomes effective September 17, 2008.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to PC-6, PC-6/H1, PC-6/H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 airplanes,

manufacturer serial numbers (MSN) MSN 101 through MSN 949 and MSN 2001 through MSN 2092, certificated in any category.

Note 1: These airplanes may also be identified as Fairchild Republic Company PC-6 airplanes, Fairchild Heli Porter PC-6 airplanes, or Fairchild-Hiller Corporation PC-6 airplanes.

Subject

- (d) Air Transport Association of America (ATA) Code 53: Fuselage.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

This Airworthiness Directive (AD) is prompted due to the discovery of loose self-locking stop nuts Part Number (P/N) 938.07.65.105 in the tail landing gear fastener assemblies of some PC-6 aircraft.

It is believed that this occurrence could also exist in other fastener assemblies using nuts P/N 938.07.65.105 at various identified locations in the aircraft.

If left uncorrected, the identified assemblies may become loose and not function as designed and could lead to hazardous situations.

In order to prevent those conditions, the present AD requires you replace self-locking stop nuts P/N 938.07.65.105 from the Tail Landing Gear Assembly, the Parachute Cable Assembly, the Water Tank Assembly, the Cable Tensioner Assembly, the Fuel Filter Assembly, the Hydraulic Pump Assembly and the Engine Mounts Assembly in accordance with Pilatus PC-6 Service Bulletin No. 53-002 Revision 2.

Actions and Compliance

- (f) Unless already done, do the following actions:

- (1) Within the next 12 months after September 17, 2008 (the effective date of this AD), inspect and modify the fastener assemblies as instructed in paragraph 3 of Pilatus Aircraft Ltd. Pilatus PC-6 Service Bulletin No. 53-002, Revision No. 2, dated September 24, 2007.

- (2) As of September 17, 2008 (the effective date of this AD), no person shall install on any PC-6 series aircraft, water tank assemblies and hydraulic pump assemblies, unless they have been previously modified following paragraph 4 of Pilatus Aircraft Ltd. Pilatus PC-6 Service Bulletin No. 53-002, Revision No. 2, dated September 24, 2007.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

- (g) The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106;

telephone: (816) 329-4059; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements*: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency EASA AD No.: 2008-0083, dated May 5, 2008; and Pilatus Aircraft Ltd. Pilatus PC-6 Service Bulletin No. 53-002, Revision No. 2, dated September 24, 2007, for related information.

Material Incorporated by Reference

(i) You must use Pilatus Aircraft Ltd. Pilatus PC-6 Service Bulletin No. 53-002, Revision No. 2, dated September 24, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 STANS, Switzerland; telephone: +41 41 619 65 80; fax: +41 41 619 65 76; e-mail: fodermatt@pilatus-aircraft.com.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on August 1, 2008.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-18236 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0685 Directorate Identifier 2008-CE-037-AD; Amendment 39-15638; AD 2008-16-20]

RIN 2120-AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

The original designed bellcrank for the aileron control system in the wing needed to be installed with slightly bent rod ends during production of the aircraft to avoid friction and possible chafing. In addition to being a nonpreferable production practice, this creates the risk of replacement parts being installed during subsequent in-service maintenance without being bent or not being bent correctly. This condition, if not detected and corrected, could lead to chafing damage of the aileron control system and consequent loss of control of the aircraft.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective September 17, 2008.

On September 17, 2008, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the *Federal Register* on June 23, 2008 (73 FR 35361). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

The original designed bellcrank for the aileron control system in the wing needed to be installed with slightly bent rod ends during production of the aircraft to avoid friction and possible chafing. In addition to being a nonpreferable production practice, this creates the risk of replacement parts being installed during subsequent in-service maintenance without being bent or not being bent correctly. This condition, if not detected and corrected, could lead to chafing damage of the aileron control system and consequent loss of control of the aircraft.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

Based on the service information, we estimate that this AD will affect 156 products of U.S. registry. We also estimate that it will take about 3 work-hours per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$0 per product (warranty credit given by manufacturer) per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no

charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the AD on U.S. operators to be \$0, or \$0 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, part A, subpart III, section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD Docket.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The

street address for the Docket Office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2008-16-20 - Diamond Aircraft Industries GmbH: Amendment 39-15638; Docket No. FAA-2008-0685; Directorate Identifier 2008-CE-037-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective September 17, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model DA 42 airplanes, all serial numbers, with aileron bellcranks part number (P/N) DA4-2717-50-00 installed, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

The original designed bellcrank for the aileron control system in the wing needed to be installed with slightly bent rod ends during production of the aircraft to avoid friction and possible chafing. In addition to being a nonpreferable production practice, this creates the risk of replacement parts being installed during subsequent in-service maintenance without being bent or not being bent correctly. This condition, if not detected and corrected, could lead to chafing damage of the aileron control system and consequent loss of control of the aircraft. Diamond Aircraft Industries GmbH has now developed a new aileron bellcrank that allows for additional angular movement of the push rod, thereby eliminating the chafing risk without using bent rod ends.

For the reasons described above, this EASA Airworthiness Directive (AD) requires the replacement of the aileron bellcrank with an

improved part and the replacement of any bent rod ends P/N DAI-9027-00-01. In addition, this AD prohibits the reinstallation of P/N DA4-2717-50-00 aileron bellcranks and bent rod ends P/N DAI-9027-00-01 as replacement in the future.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within the next 200 hours time-in-service (TIS) after September 17, 2008 (the effective date of this AD), replace the aileron bellcrank, P/N DA4-2717-50-00, with the improved design aileron bellcrank, P/N DA4-2717-50-00-01, and replace any bent rod ends, P/N DAI-9027-00-01, with straight rod ends, following Mandatory Service Bulletin No. MSB-42-043/1, dated April 3, 2008; Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-043, dated February 4, 2008; and Diamond Aircraft Industries GmbH Drawing Number D60-2717-00-00, dated January 24, 2008.

(2) As of September 17, 2008 (the effective date of this AD), do not install any aileron bellcrank, P/N DA4-2717-50-00, or bent rod ends, P/N DAI-9027-00-01.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements*: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2008-0086, dated May 13, 2008; Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB-42-043/1, dated April 3, 2008;

Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-043, dated February 4, 2008; and Diamond Aircraft Industries GmbH Drawing Number D60-2717-00-00, dated January 24, 2008, for related information.

Material Incorporated by Reference

(i) You must use Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB-42-043/1, dated April 3, 2008; Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-043, dated February 4, 2008; and Diamond Aircraft Industries GmbH Drawing Number D60-2717-00-00, dated January 24, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Diamond Aircraft Industries GmbH, N.A. Otto-Straße 5, A-2700 Wiener Neustadt; telephone: +43 2622 26700; fax: +43 2622 26780; e-mail: office@diamond-air.at.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on August 1, 2008.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-18205 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0497; Directorate Identifier 2007-NM-096-AD; Amendment 39-15629; AD 2008-16-11]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F airplanes. For certain airplanes, this AD requires non-destructive testing (NDT) to detect

cracks of the door jamb corners of the forward and aft service doors, and doing applicable related investigative and corrective actions. For certain other airplanes, this AD requires inspecting and repairing if necessary or replacing previously repaired door jamb corners with an applicable repair. This AD results from reports of numerous cases of cracks in the skin at the door jamb corners of the forward and aft service doors. We are issuing this AD to detect and correct fatigue cracking of door jamb corners of the forward and aft service doors, which could adversely affect the structural integrity of the airplane.

DATES: This AD is effective September 17, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 17, 2008.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024)

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jon Mowery, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5322; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F airplanes. That NPRM was published in the **Federal Register** on May 6, 2008 (73 FR 24887). For certain airplanes, that

NPRM proposed to require non-destructive testing (NDT) to detect cracks of the door jamb corners of the forward and aft service doors, and doing applicable related investigative and corrective actions. For certain other airplanes, that NPRM proposed to require inspecting and repairing if necessary or replacing previously repaired door jamb corners with an applicable repair.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

There are about 299 airplanes of the affected design in the worldwide fleet. This AD affects about 55 airplanes of U.S. registry. The testing takes about 1 work hour per airplane, at an average labor rate of \$80 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is \$4,400, or \$80 per airplane, per testing cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

2008-16-11 McDonnell Douglas:
Amendment 39-15629. Docket No.
FAA-2008-0497; Directorate Identifier
2007-NM-096-AD.

Effective Date

(a) This airworthiness directive (AD) is effective September 17, 2008.

Affected ADs

(b) As specified in paragraph (g) of this AD, this AD affects certain requirements of AD 93-01-15, amendment 39-8469.

Applicability

(c) This AD applies to McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin DC8-53A082, dated February 6, 2007.

Unsafe Condition

(d) This AD results from reports of numerous cases of cracks in the skin at the door jamb corners of forward and aft service doors. We are issuing this AD to detect and correct fatigue cracking of door jamb corners of the forward and aft service doors, which could adversely affect the structural integrity of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Testing, Inspecting, Repairing, and Related Investigative and Corrective Actions

(f) At the applicable compliance time and repeat intervals listed in Tables 1 through 5 inclusive of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin DC8-53A082, dated February 6, 2007; except where "the service bulletin" specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD: Do the actions specified in paragraph (f)(1), (f)(2), or (f)(3) of this AD, as applicable.

(1) For airplanes identified as Group 1, Configurations 1 and 2, in the service bulletin: Do the testing and related investigative and corrective actions by accomplishing all the applicable actions specified in the Accomplishment Instructions of the service bulletin.

(2) For airplanes identified as Group 1, Configuration 3, in the service bulletin: Inspect and repair discrepancies in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

(3) For airplanes identified as Group 1, Configuration 4, in the service bulletin: Do the actions specified in paragraph (f)(3)(i) or (f)(3)(ii) of this AD.

(i) Repair door jamb corners of the service door using a method approved in accordance with the procedures specified in paragraph (h) of this AD.

(ii) Replace the previously repaired door jamb corners with an applicable repair in accordance with the Accomplishment Instructions of the service bulletin.

Compliance With Certain Requirements of AD 93-01-15

(g) Accomplishment of the applicable actions required by paragraph (f) of this AD constitutes compliance with certain requirements of AD 93-01-15, as it pertains to the affected areas of principal structural elements 53.08.039 and 53.08.040 of McDonnell Douglas Report No. L26-011, "DC-8 Supplemental Inspection Document (SID)," dated December 1985.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, Los Angeles ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an

Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

Material Incorporated by Reference

(i) You must use Boeing Alert Service Bulletin DC8-53A082, dated February 6, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024).

(3) You may review copies of the service information incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on July 23, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E8-17743 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-P

RAILROAD RETIREMENT BOARD

20 CFR Part 295

RIN 3220-AB61

Payments Pursuant to Court Decree or Court-Approved Property Settlement

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends its regulations concerning partition of annuities pursuant to a court decree or court-approved property settlement in order to incorporate provisions of the Pension Protection Act of 2006, to make corrections in the existing regulation, and to update the regulation to reflect changes in titles within the agency.

DATES: This rule will be effective August 13, 2008.

ADDRESSES: Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092.

FOR FURTHER INFORMATION CONTACT:
Marguerite P. Dadabo, Assistant General Counsel, (312) 751-4945, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION:
Retirement and disability annuities under the Railroad Retirement Act are composed of independently calculated segments known as tiers. The tier I amount combines both railroad and non-railroad earnings, and is calculated using social security benefit formulas. The tier II amount is calculated under different formulas, generally representing railroad earnings alone. In addition, some annuitants receive a dual benefit component based on non-railroad wages earned through December 1974, or in some cases, through an earlier date. Finally, career railroad employees may receive a supplemental annuity ranging from \$23 to \$43 per month.

Under section 14(b) of the Railroad Retirement Act, the non-tier I portion of a railroad retirement annuity may be characterized as property subject to partition in a proceeding for divorce, annulment, or legal separation. Prior to August 17, 2007, the effective date of the Pension Protection Act of 2006, Public Law 109-280, a partition payment would terminate upon the death of either the railroad employee or the former spouse, whichever occurred first, unless the court order provided for termination at an earlier date. Section 1003 of Public Law 109-280 amended the Railroad Retirement Act to provide that a partition payment will only terminate upon the employee's death when the court order requires such termination. Consequently, unless the court order requires termination of payments upon the employee's death, tier II partition payments to divorced spouses may now continue beyond the employee's death. While the change in law does not allow for the reinstatement of payments terminated prior to August 17, 2007, due to the death of the employee prior to that date, the change does mean that any divorced spouse who was getting a partition payment as of that date may continue to be paid a tier II partition amount.

The Board amends Part 295 of its regulations to reflect the changes made by Public Law 109-280, to reflect changes in certain titles of agency employees, and to correct or clarify certain references. Specifically, the Board amends section 295.1, which explains the purpose of Part 295, to incorporate a reference to Public Law 109-280. Section 295.1(b)(3) is modified to clarify references to certain annuity

increases under section 3(f) of the Railroad Retirement Act.

Section 295.2 is amended to include a separate new definition of former spouse and a revised separate definition of spouse.

Section 295.4(a) is amended by the addition of a new subparagraph (4) to specify that unless a court order expressly provides otherwise, a partition order will be applied to any annuity paid to an employee, whether the employee has retired based on age or based on disability.

The phrase "pertaining to the employee" is added to the end of the second sentence of section 295.4(c) and to the end of the first sentence in section 295.4(d)(2) in order to clarify that the Board's records concerning the railroad employee will be reviewed to determine the most current address for each party to a partition order.

A new subparagraph (4) is added to section 295.5(f) to reflect the amendment made by Public Law 109-280 that allows continued payment of a partition tier II to a former spouse if the railroad employee dies on or after August 17, 2007. Paragraphs 295.5(a) and 295.5(f) are amended to include a reference to the new subparagraph (4).

A new subparagraph (2) is added to section 295.7(e) to clarify that an erroneous payment to the employee may occur if the Board has all required documentation and due to clerical oversight fails to withhold the amount awarded by a court partition order.

Finally, references to "Deputy General Counsel" and to the "Associate Executive Director for Retirement Claims" throughout Part 295 are changed to "General Counsel" and "Director of Retirement Benefits" respectively in order to reflect title changes within the agency. Several minor corrections of capitalization and grammar are also made.

The Board published the proposed rule on March 6, 2008 (73 FR 12037) and invited comments by May 5, 2008. No comments were received. Accordingly, the proposed rule is being published as a final rule without change.

The proposed rule was determined to be a significant regulatory action and was reviewed by the Office of Management and Budget prior to its publication in the *Federal Register*. There are no changes to the information collections associated with Part 295.

List of Subjects in 20 CFR Part 295

Railroad employees, Railroad retirement.

■ For the reasons set out in the preamble, the Railroad Retirement

Board amends title 20, chapter II, subchapter B, part 295 of the Code of Federal Regulations as follows:

PART 295—PAYMENTS PURSUANT TO COURT DECREE OR COURT-APPROVED PROPERTY SETTLEMENT

■ 1. The authority citation for part 295 continues to read as follows:

Authority: 45 U.S.C. 231f; 45 U.S.C. 231m.

■ 2. Section 295.1 is amended by revising paragraph (a), the introductory text of paragraph (b), and paragraph (b)(3) to read as follows:

§ 295.1 Introduction.

(a) *Purpose.* This part implements section 419 of Public Law 98-76 (97 Stat. 438), which amended section 14 of the Railroad Retirement Act to provide that, with respect to annuity amounts payable for months beginning with September 1983, the Board must comply with a court decree of divorce, annulment or legal separation, or with the terms of any court-approved property settlement incident to any such decree, which characterizes specified benefits as property subject to distribution. This part also implements section 1003 of Public Law 109-280 (120 Stat. 1053), which amended section 5 of the Railroad Retirement Act to allow the payment of an employee's tier II benefit component awarded to a former spouse as part of a property distribution incident to a decree of divorce, annulment, or legal separation to continue after the employee's death. Garnishment of benefits for alimony or child support is dealt with in part 350 of this chapter.

(b) *Benefits subject to this part.* Only the following benefits or portions of benefits under the Railroad Retirement Act are subject to this part:

* * * * *

(3) Employee annuity increase as provided under section 3(f) of the Act; and

* * * * *

■ 3. Section 295.2 is amended by adding a new definition of "Former spouse" and by revising the definition of "spouse" to read as follows:

§ 295.2 Definitions.

* * * * *

Former spouse means the former husband or wife of an employee who, on or before the date of a court order, was married to the employee and that marriage has ended by final decree of divorce, dissolution, or annulment.

* * * * *

Spouse means the husband or wife of an employee who, on or before the date

of a court order, was married to the employee and that marriage has not ended by final decree of divorce, dissolution, or annulment.

§ 295.3 [Amended]

- 4. Section 295.3, paragraph (d) is amended by removing all references to "Deputy General Counsel" and adding in their place references to "General Counsel".
- 5. Section 295.4 is amended as follows:
 - a. By removing wherever they appear all references to "Deputy General Counsel" and adding in their place references to "General Counsel".
 - b. By removing all references to the "Associate Executive Director for Retirement Claims" and adding in their place references to the "Director of Retirement Benefits".
 - c. By removing "bs" and adding in its place "be" in the second to last sentence of paragraph (b)(2)(ii).
 - d. By adding the phrase "pertaining to the employee" at the end of the second sentence of the introductory paragraph of paragraph (c).
 - e. By adding the phrase "pertaining to the employee" at the end of the first sentence of paragraph (d)(2).
 - f. By capitalizing the word "Board" at the end of the last sentence in paragraph (d)(2).
 - g. By capitalizing the word "Board" in the last sentence of paragraph (d)(4).
 - h. By adding the following new paragraph (b)(4) to read as follows:

§ 295.4 Review of documentation.

(b) (4) Unless the order expressly provides otherwise, the Board will deduct the amount specified by the order from any annuity paid to the employee, whether the employee has retired based on age or on disability.

- 6. Section 295.5 is amended as follows:
 - a. By adding in paragraph (a) the phrase ", except as provided in paragraph (f)(4) of this section," in the second sentence between the words "and" and "shall".
 - b. By removing the phrase "in behalf" and adding in its place the phrase "on behalf" in the first sentence of paragraph (d).
 - c. By adding the phrase "Except as provided in paragraph (f)(4) of this section" to the beginning of the first sentence of the introductory text to paragraph (f).
 - d. By removing references to "Deputy General Counsel" and adding in their

place references to "General Counsel" in paragraph (g) and

- e. By adding a new paragraph (f)(4) to read as follows:

§ 295.5 Limitations.

(f) (4) If the employee dies on or after August 17, 2007, a former spouse who is receiving a portion of the employee's annuity pursuant to a court decree or property settlement compliant with this part may continue to receive a portion of the employee's tier II benefit component unless the court decree or property settlement requires such payment to terminate upon the death of the employee.

§ 295.6 [Amended]

- 7. Section 295.6 is amended as follows:
 - a. In paragraph (b) by removing "Deputy General Counsel" and adding in its place "General Counsel", and by removing all references to the "Associate Executive Director for Retirement Claims" and adding in their place references to "Director of Retirement Benefits".
 - b. By adding the word "a" to the first sentence of paragraph (b) before the word "request".
 - c. By adding the word "a" to the first sentence of paragraph (c) before the word "signed".
- 8. Section 295.7 is amended by redesignating paragraph (e) as paragraph (e)(1) and adding a new paragraph (e)(2) to read as follows:

§ 295.7 Miscellaneous.

(2) Where all documentation required by this part is in the Board's records pertaining to the employee prior to the time the employee annuity is awarded, but where the Board due to clerical oversight fails to withhold the amount awarded by the court order, then the Board shall begin deduction from the employee annuity with the month the error is discovered, and shall pay the amount which should have been withheld pursuant to this part to the spouse or former spouse. The amount paid to the spouse or former spouse representing months for which the amount under the order was not timely withheld shall be an erroneous payment to the employee within the meaning of section 10 of the Railroad Retirement Act. This section shall not apply where the Board has attempted to contact the spouse or former spouse at the time the

employee annuity is awarded pursuant to § 295.4(d).

Dated: August 6, 2008.
 By authority of the Board.
 Beatrice Ezerski,
Secretary to the Board.
 [FR Doc. E8-18439 Filed 8-12-08; 8:45 am]
 BILLING CODE 7905-01-P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

**29 CFR Part 215
 RIN 1215-AB58**

Amendment to Guidelines for Processing Applications for Assistance To Conform to Sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users and To Improve Processing for Administrative Efficiency

AGENCY: Office of Labor-Management Standards, Department of Labor.
ACTION: Final rule.

SUMMARY: The Department of Labor ("Department"), through the Office of Labor-Management Standards ("OLMS"), issued proposed changes to its Guidelines for the Department's administration of the Secretary of Labor's ("Secretary") responsibility under the Federal transit law, 49 U.S.C. 5333(b). This document sets forth the Department's review of and response to comments on the proposed revisions, as well as the changes made to the Guidelines in response to those comments.

Pursuant to section 5333(b) of the Federal transit law, the Department must certify that, as a condition of certain grants of Federal financial assistance, fair and equitable labor protective provisions are in place to protect the interests of employees affected by such Federal assistance. The Department administers this program through Guidelines set forth at 29 CFR Part 215. The Department's proposed changes are intended to conform the Guidelines to amendments to the Federal transit law made by sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users ("SAFETEA-LU"), Public Law No. 109-59, 119 Stat. 1144 (2005). In addition to changes mandated by statute, the Department proposed revisions to the Guidelines that are intended to enhance the speed and

efficiency of the Department's processing of grant certifications. The revisions to existing procedures for processing grant applications under the Federal transit law are intended to ensure timely certifications in a predictable manner, while remaining consistent with the transit law's objectives. The Department invited written comments on the proposed revisions from members of the public.

EFFECTIVE DATE: This rule is effective October 1, 2008.

FOR FURTHER INFORMATION CONTACT: Ann Comer, Chief, Division of Statutory Programs, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5112, Washington, DC 20210, OLMSTransitGrant@dol.gov, (202) 693-0126.

SUPPLEMENTARY INFORMATION:

I. Background

On September 14, 2007, the Department, through OLMST, issued proposed revisions to the Guidelines it employs to administer the Department's program under 49 U.S.C. 5333(b), which requires the Secretary to certify that labor protections are in place for employees who may be affected by certain grants of Federal financial assistance. See Amendment to Guidelines for Processing Applications for Assistance To Conform to Sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users and To Improve Processing for Administrative Efficiency ("NPRM"), 72 FR 52521. The Department invited written comments on the proposed revisions from interested parties. The written comment period closed on October 15, 2007, and the Department has considered all timely comments received in response to the proposed Guidelines revisions.

The Department received 10 timely comments in response to its proposed revisions, including five comments from various labor organizations (the Transportation Trades Department of the AFL-CIO; the Amalgamated Transit Union; a joint submission from the United Transportation Union and the Sheet Metal Workers International Association; the Transportation Communications International Union, and a joint submission by the American Train Dispatchers Association, the Brotherhood of Locomotive Engineers and Trainmen/IBT, the Brotherhood of Maintenance of Way Employees Division/IBT, the Brotherhood of Railroad Signalmen, the International Brotherhood of Boilermakers and Blacksmiths, the National Council of

Firemen and Oilers/SEIU, the Sheet Metal Workers International Association, and the Transport Workers Union of America (rail division)); two comments from transit associations (American Public Transportation Association and Taxicab, Limousine & Paratransit Association); two public transit authorities (the Texas Department of Transportation and the Regional Transportation Commission of Southern Nevada); and one private consulting firm (Jim Seal Consulting Services).

Under 49 U.S.C. 5333(b), when Federal funds are used to acquire, improve, or operate a transit system, the Department must ensure that the recipient of those funds establishes arrangements to protect the rights of affected transit employees. Federal law requires such arrangements to be "fair and equitable," and the Department must certify the arrangements before the U.S. Department of Transportation's Federal Transit Administration (FTA) can award certain funds to grantees. These employee protective arrangements must include provisions that may be necessary for the preservation of rights, privileges, and benefits under existing collective bargaining agreements or otherwise; the continuation of collective bargaining rights; the protection of individual employees against a worsening of their positions related to employment; assurances of employment to employees of acquired transportation systems; assurances of priority of reemployment of employees whose employment is ended or who are laid off; and paid training or retraining programs. 49 U.S.C. 5333(b)(2).

II. Summary of the Final Guidelines and Discussion of the Comments

The development of these Final Guidelines has included a careful review of the public's timely comments. All timely comments received are addressed in this Section. In those cases in which comments made suggestions that, in the Department's view, improved or corrected the proposed Guidelines, such changes have been incorporated. In some cases, no change to the proposed language was deemed necessary.

A. Processing of Grant Applications To Replace Equipment or Facilities of "Like-kind"

In its NPRM, the Department proposed amending the guidelines to conform to section 3031 of SAFETEA-LU, which added a new subparagraph to section 5333(b) relating to grants for the purchase of "like-kind" equipment or

facilities. As amended by SAFETEA-LU, section 5333(b)(4) now requires that employee protective arrangements for grants requesting assistance to purchase like-kind equipment or facilities be certified by the Department without referral to the parties. The current Guidelines, at section 215.3(b)(1), reflect this practice, except that the current provision creates an exception to non-referral if the Department determines that the grant application has a "potentially material effect on employees." To conform the guidelines to the statutory mandate, the proposed guidelines, at section 215.3(a)(4)(iii), provided that employee protections relating to grants funding equipment and/or facilities of like-kind shall be certified without a referral, and deleted the "material effect" exception. Proposed Section 215.3(a)(4)(iii) also addressed the terms the Department will apply in like-kind grant applications. That section states that where "application of the existing protective agreement(s) or the Unified Protective Arrangement would not satisfy the requirements of the statute in the circumstances presented, the Department will make any necessary modifications to the existing protections to ensure that the requirements of the statute are satisfied."

The Department received five comments regarding its proposed change to its processing of grant applications to replace like-kind equipment or facilities, and the comments addressed the following three issues: Whether it is appropriate for the Department to eliminate its current exception to its practice of non-referral of grant applications for like-kind purchases in those cases in which the funding would result in a "potentially material effect on employees" under the current Section 215.3(b)(1); whether the Department appropriately included new language in Section 215.3(a)(4)(iii) permitting it to make "any necessary modifications to the existing protections" when certifying grant applications for like-kind purchases; and whether the Department will notify the labor organizations representing employees who may be affected by grant applications for like-kind purchases that the Department has received such an application but has made no referral. Addressing the last issue first, the Department has included a subsection in Section 215.3(a) to confirm its current practice that the Department will "notify labor organizations representing potentially affected transit employees of the certification of grants without referral under paragraph (a)(4) and

inform them of their rights under the applicable protective arrangements." See Section 215.3(a)(5).

The Department has fully considered the first issue regarding the deletion of the current exception to the practice of non-referral of grant applications for like-kind purchases in those cases in which the funding would result in a "potentially material effect on employees," currently found at Section 215.3(b)(1). The amendments to 49 U.S.C. 5333(b) enacted by SAFETEA-LU incorporate the following provision into the statute:

Fair and equitable arrangements to protect the interests of employees utilized by the Secretary of Labor for assistance to purchase like-kind equipment or facilities, and grant amendments which do not materially revise or amend existing assistance agreements, shall be certified without referral.

49 U.S.C. 5333(b)(4). The Department interprets this statutory provision as permitting no exception for the referral of grants for like-kind purchases in any case, and no comments provide a persuasive reason for adopting a different interpretation. As a result, the Department, as proposed, is deleting the provision in the current guidelines permitting referral of grant applications for the purchase of like-kind equipment in cases in which the purchase may have a material effect on employees.

The remaining issue addressed by the comments dealing with the Department's non-referral of grants for like-kind purchases is the Department's proposal in Section 215.3(a)(4)(iii) to "make any necessary modifications to the existing [non-referred] protections to ensure that the requirements of the statute are satisfied" in those cases in which application of the existing protective agreement(s) or the Unified Protective Arrangement would not satisfy the requirements of the statute. One comment in particular noted that where changes to existing arrangements are "deemed necessary [they] should be referred to the parties for resolution or, at a minimum, such imposed changes should be made without prejudice to any future objections or proposal by the parties." Comment submitted by Transportation Communications International Union in response to NPRM, October 15, 2007 ("TCU Comment"), page 2.

With one modification, the Department will retain the proposed language in Section 215.3(a)(4)(iii) to permit it to modify those non-referred arrangements to comply with the statute in the event that circumstances associated with a grant for a like-kind purchase indicate that application of the current protective arrangement would

no longer satisfy the statute's requirements. Because referrals are not permitted for like-kind grants, and situations may arise where the existing protections are not statutorily sufficient, the Department must retain the authority to unilaterally apply protections as an alternative to referral. Situations that may give rise to the Department's need to make a unilateral change to existing protections include a change to the framework of state or local law, a court decision interpreting existing protections, or where the Department's periodic review of an agreement has disclosed that required protections are missing or inadequate based on current policies and standards. This retention of authority to unilaterally modify non-referred arrangements to ensure statutory sufficiency is consistent with the Department's treatment of other grant programs subject to non-referral, *see, e.g.*, 29 CFR 215.3(a)(4), 215.3(b)(3), and is necessary in order to ensure that the Department certifies only those arrangements that are statutorily sufficient. In some circumstances the Department will need to modify protections to simultaneously ensure satisfaction of the statutory requirements and to conform to the SAFETEA-LU requirement that certification be made without referral. However, in response to comments by labor organizations suggesting that the proposed language was too broad and created uncertainty, the Department will delete the word "any," which may be broadly construed, from the proposed Section 215.3(a)(4)(iii) so that the final Guidelines limit the Department to "make necessary modifications to the existing protections to ensure that the requirements of the statute are satisfied." See Section 215.3(a)(4)(iii).

The Department agrees with the comment, noted above, suggesting that imposed changes should be made without prejudice to any future objections or proposals by the parties. Therefore, should the Department determine unilaterally that changes are necessary to arrangements applicable to a particular like-kind grant in order to satisfy the requirements of the statute in the circumstances presented, those changes will be made without prejudice to future objections or proposals of either of the parties in response to subsequent referrals for new grants. Accordingly, where subsequent referrals contain the unilateral modifications made by the Department pursuant to Section 215.3(a)(4)(iii), parties to the referral may object at that time to the proposed terms, including any terms

that had been unilaterally modified by the Department. This approach is consistent with the Department's practice, in which it fully considers any objections to referral terms, even when those terms have been previously imposed by the Department. Where objections are deemed sufficient in subsequent referred protections, the Department will require negotiations to permit the parties to develop alternative employee protections for application to the subsequently referred grant.

B. Processing of Amendatory Grant Applications

The Department has proposed amending section 215.5 of the guidelines to conform to section 3031 of SAFETEA-LU, which provides that "grant amendments which do not materially amend existing assistance agreements" will not be subject to the Department's referral procedures. See 49 U.S.C. 5333(b)(4). The proposed guidelines were designed to reflect this statutory provision, and to clarify the Department's treatment of grant amendments that, on the one hand, result in material changes to existing assistance agreements and those that, on the other hand, make only immaterial changes to such agreements. The proposed revision also identified as examples some types of grant amendments that would be certified without referral. As set out below, in response to certain comments from the public, the Department has made some revisions to proposed section 215.5.

As explained in the NPRM, the statutory change regarding certification of grant amendments essentially codifies the Department's current practice, and requires the Department to distinguish between "material" grant amendments that will be referred and "immaterial" grant amendments that will be certified without referral.¹ In

¹ Under the Department's current practice, the FTA first determines, pursuant to that agency's grant administration authority, whether a proposed change or modification to an existing assistance agreement (the contract of assistance) constitutes a budget revision, an administrative amendment, or a grant amendment, based on the FTA's own criteria it has established for such categories. See FTA Circular C 5010.1C: Grant Management Guidelines, Chapter 1.6 (Project Administration and Management: Grant Modifications), October 1, 1998; *see also* FTA Proposed Circular C 5010.1D: Grant Management Requirements, Chapter 3.4 (Grant Administration: Grant Modifications), September 28, 2007. Following that categorization, the FTA then transmits only grant amendments to the Department for processing, in accordance with the statute and the Department's guidelines. Once grant amendments are received from the FTA for processing, the Department reviews each grant amendment to determine whether, as the statute now explicitly requires, it "materially amend[s] existing assistance agreements [,]" which requires a

making the distinction in the NPRM, the Department focused on what constituted "immaterial" grant amendments, in large part because this term already appears in the Guidelines, which establish that the Department will certify "immaterial" grant revisions or amendments on the basis of the previously certified terms without referral. See current 29 CFR 215.5. In responding to the statute's now explicit requirement that the Department refer only those grant amendments that are "material," and building on the presence of the term "immaterial" in the Guidelines text, the Department proposed in the NPRM to add to the Guidelines several circumstances in which it appeared that "immaterial" changes were present. For reasons explained here, the Department has rejected this approach, and has revised Section 215.5 accordingly.

Several comments raised concerns about the Department's distinction between grant amendments that make material changes and those that make immaterial changes to existing assistance agreements. Two comments objected to the Department's description of the nature of an immaterial grant amendment. Comments submitted by the Amalgamated Transit Union (ATU) in response to the NPRM, October 15, 2007 ("ATU Comment"), page 3; United Transportation Union, October 11, 2007 ("UTU Comment"), page 2. Additionally, one comment noted concern that "the NPRM does not appropriately define the line between material and immaterial grant amendments" and that "the NPRM would actually allow material amendments without referral, which clearly violates the intent of Section 3031 of SAFETEA-LU." Comment submitted by Transportation Trades Department, AFL-CIO, October 15, 2007 ("TTD Comment"), page 2.

As is the Department's current practice, Section 5333(b)(4) now explicitly requires the Department to review and assess the potential impact on employees and existing protections in order to distinguish between those grant amendments that may "materially revise or amend existing assistance agreements," which will be referred, and those that do not. In order to clearly incorporate the statutory mandate into the Guidelines, the Department has revised proposed Section 215.5(a)(2) (now Section 215.5(a)(1) in the final Guidelines) to indicate that material changes are those that "make changes to

a project that may necessitate alternative employee protections." If a grant amendment makes changes to a project that may necessitate alternative employee protections in the circumstances presented, a new referral will be made. Conversely, those grant amendments that do not materially revise a grant in such a way that they would potentially affect employees will not be referred. The Department's past practice and administrative experience, upon which the Department will rely to administer certification of grant amendments, suggests generally that material changes that may necessitate alternative employee protections include those that constitute a significant, important or sizeable change to items or elements in the federally funded project.

The Department agrees with those comments suggesting that the specific examples of "immaterial changes" included in the proposed guidelines did not provide useful guidance for either the Department or the regulated community in determining when referral would be necessary. The examples in the NPRM largely mirrored FTA criteria for categorizing the nature and type of grant modifications for that agency's determination of whether a change was, in fact, a "grant amendment," and did not serve to assist with the concept of "material" grant amendments as that term is used in Section 5333(b)(4). Because conclusions regarding the impact of changes may vary in differing circumstances, those examples may not universally qualify as immaterial changes for the Department's statutory purposes. Moreover, the comments regarding the NPRM's examples of "immaterial" grant amendments reinforce the conclusion that the term itself is too dependent on specific facts to be capable of a more detailed definition in the abstract. Under these circumstances, hypothetical examples are more likely to result in confusion than clarity.

Upon reconsideration of the approach to this subject in the NPRM, the Department has made three modifications to Section 215.5 (in addition to the change noted above regarding "material" amendments) to clarify the procedures under which grant revisions or amendments will be certified. First, as an organizational matter, the order of the two subparagraphs in subsection 215.5(a) have been switched, so that the initial subparagraph of the subsection addresses the issue of "material" revisions or amendments. Second, the term "immaterial" has been deleted from Section 215.5, and final

subparagraph (a)(2) instead addresses those cases in which "an application amends in a manner that is not material" a previously certified grant. Finally, those examples of immaterial changes to a grant have been deleted, and because each grant is fact-specific, the Department has concluded that including alternate examples of "immaterial" changes in the Guidelines would not assist in the administration of the program * * * See 29 CFR 215.5(a)(1) and (a)(2). As the Department does with all non-referred grants, informational copies of those grant amendments not referred will be sent to the affected labor organizations.

In addition, one comment notes that the proposed guidelines did not include a provision in this section for the Department to "make any minimal modifications necessary to the protective terms where application of existing protective agreements would not satisfy the requirements of the statute in the circumstances presented." ATU Comment, page 3. Similar authority has been adopted for like-kind grants certified without referral, and comments suggested that such language would be appropriate in any instance where protections would be applied without referral. The Department has determined that such language is not necessary to ensure satisfaction of the requirements of the statute when grant amendments are processed by the Department. As noted above, where grants materially revise existing assistance agreements by making changes that may necessitate alternative employee protections in the circumstances presented, the Department will refer the grant amendment, and the parties will have the opportunity to address employee protective provisions that may not satisfy the statute in the circumstances presented. Where grant amendments make changes that require no alternate employee protections, then the Department need not retain authority to make unilateral modifications to employee protections. Under either process, the requirements of the statute will be assured, and there is no need for the Department's retention of this authority with regard to grant amendments.

Finally, several comments indicated that a copy of applications for grant amendments that result in no referral must be provided to labor organizations. Consistent with the proposed guidelines, the Department confirms that its "processing of these applications will be expedited and copies will be forwarded to interested parties." See 215.5(a)(2). In addition, the Department

referral, or does not "materially amend existing assistance agreements[.]" which requires certification by the Department without referral.

will forward to service area unions any informational copies of budget revisions received from the Federal Transit Administration.

C. Special Warranty Procedures for Grant Applications for Other Than Urbanized Areas and Grant Applications for Over-the-Road Bus Accessibility Programs

For grant applications under 49 U.S.C. 5311 for funding of transit operations in Other Than Urbanized areas, SAFETEA-LU now requires the use of a warranty as the sole mechanism for certification of employee protections, and eliminates the Secretary of Labor's option to waive the required certification. See 49 U.S.C. 5311(i).² Prior to the enactment of SAFETEA-LU, the Department followed procedures contained in a "Guidebook" published in September 1979 governing the processing of small urban and rural grants. The Department is discontinuing use of the 1979 Guidebook, and has included in sections 215.3(a)(4)(i) and 215.7 procedures to be used for the application of a warranty without referral when processing Other Than Urbanized and Over-the-Road Bus (OTRB) grants.³ The comments received by the Department raised several issues, and particularly addressed two primary issues concerning procedures used to bind State's subrecipients to terms of the Special Warranty and the application of alternative comparable arrangements when necessitated by requirements of the statute.

Regarding the subrecipients issue, the Department indicated in the NPRM that it will include a requirement in the new Special Warranty that the protective arrangements are binding upon any subrecipients assisted under the grant. Three comments expressed concern that the Department had eliminated the requirement contained in the Guidebook to have State agencies provide copies of assurances to the Department indicating each recipient had signed and understood the Special Warranty. One

comment in particular noted that "[e]nforcement of employee protections under such a provision would * * * be problematic at best and more likely a practical, or even legal, impossibility." ATU Comment, page 5. Another comment indicated that "transportation labor urges the Department to establish procedures to guarantee that subrecipients are bound to the protective arrangements, perhaps by continuing to require written assurances." TTD Comment, page 2. Still another comment indicated that the Department cannot "bind third parties to arrangements simply by proclaiming they are bound in a Special Warranty that will be incorporated into the contract of assistance * * *." UTU Comment, page 3.

In response to these comments, the Department notes that the former Special Warranty procedures required only that a State agency "certify to the Department of Labor that each Recipient designated to receive transportation assistance under the Project has indicated in writing acceptance of the terms and conditions of the Warranty." Rural Transportation Employee Protection Guidebook, September 1979, page 13. Thus, the Department did not require fully executed copies of the Special Warranty from each subrecipient, but instead required only that a State agency submit certified lists of recipients that it indicated had signed the Warranty. Accordingly, the obligation to ensure that recipients had signed and were thus bound by the Special Warranty has long rested with the State agencies. The Department has not altered the State agencies' responsibility to ensure that its subrecipients are equally bound to the terms of the Special Warranty.

In response to concerns noted above regarding a State's obligation to ensure that its subrecipients are bound to the terms of the Special Warranty, the Department clarifies its proposal in the NPRM that it will include language in the Special Warranty requiring the State agency (Grantee), which signs the contract of assistance, to obligate its subrecipients to the required protections as a condition precedent to the subrecipient's receipt of any funds under the contract of assistance. Thus, the requirement remains that a State agency must ensure that subrecipients have agreed to be bound by the protective arrangements. That requirement will now be an explicit part of the Special Warranty, and the failure to comply with this provision may impact the State's eligibility for such funds. In addition, should a Grantee fail to bind a subrecipient, the alleged

breach can be pursued in a state court. Therefore, the new procedure is an adequate, effective alternative to assuring that subrecipients are bound and their employees are aware that the protections of the Special Warranty are fully applicable.

Regarding the "alternative comparable arrangement procedures" issue, the Department stated in the NPRM that "as required under SAFETEA-LU, the Department will eliminate waivers and procedures to request alternative comparable arrangements." This statement raised concerns among several commenters. Some noted that although SAFETEA-LU eliminated procedures to waive application of the Special Warranty, the amendment did not require that the alternative comparable arrangements provision be removed. In addition, comments noted, some State agencies and subrecipients may be deemed ineligible for assistance if alternative warranty arrangements were not available.

SAFETEA-LU specifies that employee protections will be applicable to Other Than Urbanized grants "if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees." 49 U.S.C. 5311(i). To clarify our statement in the NPRM, the Department interprets this statutory provision to preclude the development of alternate arrangements through special procedures established in the Guidelines. However, after considering comments, the Department has concluded that where a recipient is unable to satisfy the specific provisions in the Special Warranty because of a conflict with State or local law, the Department will make every effort to develop modifications to the Warranty that are necessary to ensure that the requirements of the statute are satisfied.

This approach is consistent with the Department's residual authority, noted above in reference to like-kind grants, to make modifications to non-referred arrangements where necessary. Therefore, as with all non-referred arrangements that present compliance problems for grantees as the result of conflict with State or local law, parties must notify the Department in writing in advance of the Department's certification that modification to the terms of the Special Warranty may be necessary. In instances in which the Department makes necessary modifications to the Special Warranty for specific recipients or subrecipients, a supplementary certification letter will be sent to the FTA setting forth the alternative provisions to be included in

² The Other Than Urbanized transit grant program authorized by 49 U.S.C. 5311 was previously known as the "small urban and rural program." For clarity and consistency, this program is generally referred to in this document as the Other Than Urbanized program and not by its section number in Title 49 of the U.S. code.

³ The OTRB program was first established by Congress in section 3038 of TEA-21, Public Law No. 105-178, 112 Stat. 107 (1998). It has been amended a number of times, most recently by section 3039 of SAFETEA-LU. The authority for the program currently appears in the Historical and Statutory Notes to 49 U.S.C. 5310. For clarity and consistency, the program is referred to in this document by its "OTRB" designation, rather than by citation to its public law number or the 49 U.S.C. 5310 note.

the contract of assistance between the recipient and FTA, by reference.

Other comments concerning the new Special Warranty procedures addressed the omission of a provision in the proposed guidelines to ensure that potentially affected transit employees in the service area of Other Than Urbanized grants, in addition to those employees who may be affected by Over-the-Road Bus grants, are notified of their rights under the Special Warranty and receive copies of grant applications to facilitate the unions' administration of protections. This inadvertent oversight has been corrected in the final guidelines, which now state that the "Department will notify labor organizations representing potentially affected transit employees of the approval of Other Than Urbanized and OTRB grants and inform them of their rights under the Special Warranty Arrangement." See Section 215.7(d)(2).

Two comments note that proposed Section 215.7 states that the revised Special Warranty will be "derived from the terms and conditions of the May 1979 Special Section 13(c) Warranty, and the Department's subsequent experience under 49 U.S.C. 5333(b)." NPRM Section 215.7. These comments request that the Department clarify what it means to "derive" protections from the current Special Warranty, and that it also specify that the terms and conditions of any new Warranty Arrangement will be "no less protective" and "offer no less protection" than the version currently in place. ATU Comment, page 5; UTU Comment, page 3. While the terms and conditions of the Special Warranty will adopt much of the May 1979 Special Section 13(c) Warranty, some additional changes are needed to reflect processing differences under the new Guidelines, to create a self-contained document, and to update the language. Most of the planned changes are largely procedural and were previously described in the NPRM, such as the establishment of procedures necessary to bind subrecipients, the elimination of the need for unions to become a party to the Special Warranty, the elimination of the Department's finding of noncompliance in the Other Than Urbanized program, and the adoption of a dispute resolution procedure that ends the Department's involvement in claims arbitration. In response to concerns that the new Special Warranty must not be less protective than its predecessor, the Department will ensure that the provisions of the new Special Warranty provide appropriate protections for Other Than Urbanized and OTRB grants

and continue to satisfy all the requirements of the statute.

Two comments note that the Department has indicated that it will no longer make findings of non-compliance and will instead include a dispute resolution procedure to address compliance issues that arise under the Special Warranty. One comment indicates that "provisions must be made for the Department to honor an arbitrator's ruling of non-compliance and refuse further certifications to stop new funding from flowing to the recipient until evidence of compliance is presented to the arbitrator." ATU Comment, page 5. In the absence of such provisions, the commenter suggests that violators would be free of consequences resulting from the failure to abide by the Warranty. The Department has concluded that the inclusion of a standard labor arbitration dispute resolution procedure in the Special Warranty will ensure that there is a process in place to resolve disputes, and the arbitrator may direct compliance with the terms of the Warranty. A prevailing party to an arbitrator's ruling directing compliance with the terms of the Warranty can seek enforcement of that ruling in the appropriate state court.

Three comments indicate that it is unclear how the Special Warranty is to be included in the contract of assistance. The proposed guidelines specified in section 215.7(c) that "[t]he Federal Transit Administration will include the current version of the Special Warranty, through reference in its Master Agreement." The Master Agreement is included in each contract of assistance with a Grantee receiving Federal assistance and the reference in the Master Agreement will include language which specifies that the recipient agrees to comply with the terms and conditions of the Special Warranty Arrangement which is most current as of the date of execution of the contract of assistance, and any alternative comparable arrangements specified by the Department of Labor for application to the recipient's grants.. Inclusion of this language in the Master Agreement will ensure that the protections are binding on the Grantee and the specific reference to Special Warranty Arrangement that is most current as of the date of the execution of the contract of assistance will eliminate confusion about which terms and conditions were applied if changes to the Warranty are made in the future.

Several comments raised concerns regarding the procedures the Department will use to identify relevant labor organizations as a result of the

Department's notification provision in Section 215.7(d)(2) of the proposed guidelines (now Section 215.7(c)(2) of the final guidelines). In the past, the Department has relied on information contained in the grant applications to identify labor organizations that may be affected by grants and should be notified of Federal funding of projects, and such information has generally proven sufficient to make such identification. Accordingly, this information will be employed to make the notifications required in Section 215.7(c)(2). Other comments expressed doubt that, as asserted in the NPRM, the changes to the Special Warranty procedures will advance administrative efficiency. In response, the Department notes a variety of changes that it believes will improve the efficiency of the Special Warranty program and streamline the Department's processes: the provision establishing that the FTA will incorporate required employee protections into the contract of assistance through the Master Agreement and proceed with funding of Other Than Urbanized and Over the Road Bus grants without awaiting the Department's prior approval; the elimination of procedures to request to become a party to the warranty; the elimination of waiver procedures; and establishment of third-party neutral arbitration of disputes involving labor organizations, among others.

D. Unified Protective Arrangement

In the NPRM, the Department proposed amending section 215.3(b)(1) and (2) of the guidelines to implement use of a unified protective arrangement (UPA) for both operating and capital grants except in certain situations set forth in the guidelines.⁴ The use of the UPA was primarily proposed because, over the past 12 years, administrative modifications to the Department's Operating and Capital Assistance Arrangements have rendered the two documents virtually identical to each other. As a result, the Department determined that two separate arrangements were no longer necessary, and administrative efficiency would be improved through the application of a single arrangement applicable to both operating and capital assistance. Application of a single UPA to future

⁴ The NPRM indicated that the Department was proposing to amend sections 215.3(b)(2) and (b)(3) to address the UPA. The changes in the guidelines, however, are in sections (b)(1) and (b)(2), and the conflicting section (b)(3) has been deleted in the final guidelines. In addition, these changes require a corresponding revision to Section 215.3(d)(7), in order to delete references to §§215.3(b)(2) and 215.3(b)(3) and to substitute "215.3(b)(1)" for those references.

grants will simplify the preparation of referrals, expedite processing of grant applications, and, most importantly, continue to satisfy the requirements of the statute.

To clarify those circumstances in which previously certified arrangements will continue to be referred, and those circumstances in which the UPA will be referred, the Department has made organizational and substantive revisions to Sections 215.3(b)(1) and (b)(2). Section 215.3(b)(1) now sets forth the general proposition that the Department will refer to applicants with previously certified arrangements, and new applicants that develop and submit protections to the Department before applying for assistance, those protective terms and conditions that are appropriate to the new grant and are set by:

(1) A negotiated agreement developed and executed by the parties or the parties' adoption of the Model Agreement;

(2) Terms adopted by a state or local government based on agreement between the grantee and affected employees, where the grantee is a state or political subdivision subject to legal restrictions on bargaining collectively with employee organizations;

(3) A determination of protective terms by the Department that modifies in whole or in part negotiated or adopted protections; or

(4) A standardized arrangement (either the Operating or Capital Arrangement) that has been modified through agreement or determination to include provisions that are more protective than the UPA.

See 29 CFR 215.3(b)(1). In order to improve the logical flow of this paragraph in the guidelines, the placement of the third and fourth categories in Section 215.3(b)(1) have been switched from the order set out in the NPRM. The Department anticipates that applicants with previously certified arrangements that fall into the categories identified in 215.3(b)(1) will continue to constitute the majority of the Department's referrals. The Department further anticipates that there will be very few situations that fall under the fourth type of arrangement listed above. An additional organizational change made was to Section 215.3(b)(2), which now states that in all other circumstances, the Department will refer the UPA. See revised Section 215.3(b)(1) and (2).

In addition to the organizational change, the Department has concluded that a substantive revision was required to Section 215.3(b)(1) (formerly

proposed 215.3(b)(2)) because the standard originally proposed—*i.e.*, whether a provision in an arrangement modified by negotiation or Department determination, was “addressed by” the UPA—was ambiguous and would permit the substitution of the UPA in those cases in which the parties’ may have adopted unique provisions that may be “more protective than” the UPA. Similarly, the language may have permitted the substitution of the UPA for a negotiated agreement or adopted instrument where the Department had made a determination addressing one issue in that otherwise unique agreed upon document. This result was not intended, and so the standard for the use of the UPA in those cases in which the applicant has protective terms described in Section 215.3(b)(1)(iii) and (iv) has been modified accordingly.

A number of comments raised concerns regarding the continued application of previously certified arrangements, and whether they would be replaced in new grants by new arrangements. With the implementation of these guidelines revisions, in those cases in which the applicant has been previously certified on the basis of the Operating or Capital Arrangements, and there has been no modification to that previously certified arrangement through negotiation or Departmental determination, the UPA will be referred to the parties for the next grant. Section 215.3(b)(2). In those cases in which the applicant has been previously certified on the basis of the Operating or Capital Arrangement that has been modified either through negotiation or Departmental determination, and that modification contains a protective provision with an equivalent level of protection as a provision in the UPA, then the UPA will form the basis of the referral for the next grant. Section 215.3(b)(2). If the applicant has been previously certified on the basis of the Operating or Capital Arrangement, and any negotiated or Department-imposed modification thereto contains a protective provision that exceeds the level of protection established by a similar provision in the UPA, then the previously certified arrangement and not the UPA will be referred for the next grant because that arrangement is unique to those parties. Section 215.3(b)(1)(iv). The Department considers to be relatively rare those cases in which a grantee has been previously certified on the basis of Operating or Capital arrangement with more protective negotiated or Departmentally determined modifications. If the grantee has been

previously certified based on protective terms and conditions that include, in whole or in part, a Departmental determination, then the previously certified terms and conditions and not the UPA will be referred for the next grant, again because those protections are unique to those parties. Section 215.3(b)(1)(iii). Finally, if the grantee's previous certifications are based on either a negotiated agreement, adoption of the Model Agreement, or adoption through resolution or other means by a state or local government of protective terms agreed to by the parties, those protections are unique to the parties and will form the basis of the Department's referral for the grantee's next grant. Section 215.3(b)(1)(i) and (ii). The same is true for new applicants that present to the Department proposed terms for certification based on either a negotiated agreement, adoption of the Model Agreement, or adoption through resolution or other means by a state or local government of protective terms agreed to by the parties—the Department's referral in those cases will be based on those proposed terms and not the UPA. Section 215.3(b)(1).

Three comments indicated that there was support for a UPA, and for elimination of the sole provider clause from the terms and conditions to be applied. The Department received no explicit objections to elimination of the sole provider clause, but we presume that labor organizations that objected to the development of the UPA in general objected *sub silentio* to the elimination of the sole provider clause. The primary goal addressed by the use of the UPA is to substitute one instrument in place of the two instruments previously used. In addition, the terms of the UPA are intended to uniformly apply statutorily sufficient terms and conditions to future grants, where warranted. As a result, the UPA will exclude the “sole provider” clause, which has been determined by the Department to be unnecessary in ensuring compliance with the statute.

Some comments indicated that certifying new arrangements for grant applicants that are already a party to Department of Labor-crafted arrangements would not create efficiencies in administration of the employee protections and would add to the number of arrangements to be administered, not reduce their proliferation. Currently, each time a new union is recognized, service is expanded to areas involving new unions, or a new project is proposed, additional operating and/or capital arrangements are put in place to accommodate the new unions or new service. Applying the UPA will reduce

this proliferation of operating and capital arrangements through application of the same arrangement to all those unions that are using standard Department of Labor-crafted arrangements. As new grant applications are submitted, the Department will refer the UPA rather than the various post-1996 Operating and Capital Arrangements. As a result, the administrative burden for the regulated community, as well as the Department, will decrease over time.

Several comments expressed concerns that the Department's proposed adoption of the UPA is not consistent with the policy that the Department adopted when it revised the guidelines in 1996. One comment indicated that the earlier guidelines "sought to preserve all terms, including those never negotiated or in bilateral agreements." ATU Comment, page 7. Another comment indicated "it is improper to unilaterally negate arrangements that were negotiated in good faith or developed by DOL determination following briefing by the parties." Comment submitted jointly by the American Train Dispatchers Association, *et al.* ("ATDA, *et al.* comment") in response to NPRM, October 15, 2007, page 3. The Department recognizes that the approach of applying the UPA in lieu of previously certified standard protective arrangements, *i.e.*, the Operating or Capital Arrangements, departs from the practice established under the 1996 guidelines. Pursuant to the 1996 guidelines revisions, new applicants and applicants for which previously certified arrangements were not appropriate to the pending project received a referral based on either the Operating Arrangement or the Capital Arrangement, and that arrangement would continue to be applied to subsequent grants unless the parties objected and the provisions were renegotiated. This system led to the proliferation of multiple arrangements and created a system that is currently difficult to administer. The UPA was developed in order to consolidate protections into one document that satisfies all of the statutory requirements. This will eventually reduce the grantees' need to administer multiple sets of standard arrangements for unions representing affected employees in the service area of a project. Use of the UPA will also benefit International Unions, because their oversight of protections applied for their local unions should be substantially more uniform. Moreover, application of the UPA in lieu of existing standard

arrangements does not "unilaterally negate" the existing protective arrangements, because those arrangements will continue to be in force for the projects for which they were certified. Only grantees with previous certifications that do not fall into one of the categories contained in Section 215.3(b)(1) will have the UPA referred as a standard protective arrangement.

The Department's administration of the program will also be improved using the UPA. Initially, as one comment suggested, the Department's decisions regarding referrals based on the UPA will "call for a level of discretion in individual cases that will render the process more, rather than less complex." ATDA, *et al.* comment, p. 3. However, once the exceptions have been identified, processing of future grants will be expedited considerably. It will be easier to keep track of the appropriate protections to be included in future referrals and the parties to those protections. In the long run, there will be fewer arrangements for the Department and the regulated community to administer, and it will be easier to change a standard arrangement such as the UPA to reflect current program policies and statutory standards applicable to grants whenever necessary. As the Department previously indicated, it will also provide administrative certainty for the applicant and union because, with the exception of existing negotiated agreements and certain arrangements which are the product of negotiations or determinations, only the UPA will be applied to any particular grant.

Finally, one comment expressed concern about the referral of the UPA should one or more provisions within it conflict with State law. The Department has determined that a State law conflict with one or more provisions of the UPA's protective terms and conditions will not render the entire document "inappropriate" for referral. In the event that a State law conflict is raised in connection with the provisions in the UPA, the Department will resolve such a conflict in the same manner that it currently does—by negotiation or Departmental determination of a substitute term required as the result of a sufficient objection raised under Section 215.3(d)(3).

E. Exclusion of Over-the-Road Bus Accessibility Program From the Department's Referral Process

The Department proposed amending Section 215.3(a)(4) of the guidelines to specify that OTRB grants will no longer be subject to its referral process, but

instead will be certified on the basis of the Special Warranty. The NPRM indicated that by eliminating referrals for OTRB grants and using the Special Warranty for certification, the Department intended to fully implement a requirement in the legislation establishing the OTRB program (Transportation Equity Act for the 21st Century "TEA-21", Public Law 105-178 (1998)) that OTRB grants "shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49." Section 3038(f) of TEA-21. The Department reasoned that because grants under 49 U.S.C. 5311(f) are certified on the basis of the Special Warranty without referral to the parties, TEA-21 contemplated that OTRB grants would be certified on the basis of the Special Warranty without referral.

Three comments challenged the Department's stated interpretation of TEA-21. Commenters suggested that in the absence of specific exclusionary language, TEA-21 cannot be read to preclude the use of the referral process for OTRB grants, particularly in light of the fact that Congress subsequently employed specific exclusionary language in SAFETEA-LU with regard to the Other Than Urbanized grant program.

Upon reconsideration, the Department agrees with those comments stating that TEA-21 does not require OTRB grants to be certified without referral. Indeed, in 1999, when finalizing revisions to the Guidelines following the passage of TEA-21, the Department concluded that TEA-21 requires only that OTRB grants be subject to certification by the Secretary under Section 5333(b), and that "neither th[at] statute nor [its] legislative history specify the procedures for processing these grants." See 64 FR 40,990, 40,992 (July 28, 1999). Accordingly, "the Department has flexibility to develop and implement procedures appropriate to carry out its section 5333(b) responsibilities" as to these grants. *Ibid.* In employing its administrative discretion under TEA-21, the Department at that time decided to employ the use of its referral procedures to OTRB grants.

Although the Department agrees that TEA-21 does not require OTRB grants to be certified without referral, the Department nevertheless adheres to its proposal in the NPRM that such grants will be processed in that manner. While one comment appears to argue that TEA-21 mandates the use of referral (ATU Comment, page 7), such an argument is premised on the incorrect

assumption, which the Department rejected in 1999, that the "terms and conditions" guaranteed by TEA-21 include the referral procedure. Thus, the comment has provided no basis for concluding that referral is required. As a result, in employing its discretion, the Department now concludes that use of the Special Warranty without referral is the preferred policy in the OTRB context. As explained in the NPRM, the Department's experience with the OTRB program has led to the conclusion that use of the Special Warranty will improve administration of the program. See 72 FR at 52,522. Use of the Warranty streamlines the Department's processing of grants that have limited potential for adversely affecting employees and historically have been the subject of very few objections, while continuing to ensure that the requirements of the statute are satisfied through application of a Special Warranty. Accordingly, the Department will administer grants under the OTRB program through application of the warranty arrangement set forth in Section 215.7, which also provides procedures to be followed for the Other Than Urbanized program. See Section 215.7.

F. Administrative Changes

Several adjustments were proposed in the NPRM to reflect current administrative practices.

First, the Department has eliminated language contained in Section 215.2 of the guidelines indicating that it will process applications that are in "preliminary" form. This section now requires that applications "be in final form," based on the Department's determination that its administrative processes should not be engaged until the grant application reflects the actual project activities to be undertaken. Although all project activities must be firmly established, it is not necessary that project funding be available for the entire grant before the Department processes its certification of the grant. In addition, Section 215.8 will be modified to add an e-mail address and correct the room number of the Division of Statutory Programs office. Finally, the text of Section 5333(b) of the Federal transit law, which was set out in its entirety in Section 215.1 of the current Guidelines, has been removed from that section in the Final Guidelines so that modifications of the Guidelines will not be necessary each time statutory changes are enacted. The Department received no comments addressing these proposed administrative changes. As a result, the Final Guidelines will

incorporate these revisions as proposed in the NPRM.

As part of its administrative changes, the Department proposed to amend Section 215.6 to further explain how interested parties may utilize the July 23, 1975 National (Model) Agreement. In particular, the Department proposed to add procedures in Section 215.6, comparable to those in paragraphs 26, 27, and 28 of the Model Agreement itself, by which applicants and unions may become a party to or withdraw from the Model Agreement. One comment objected to the inclusion of these National Agreement paragraphs as untimely and unnecessary, indicating that they provide an "incomplete explanation containing only a fraction of the procedures under the National Agreement." ATU Comment, page 8. Furthermore, it was indicated that additional parties no longer sign on to the National Agreement, and that those that are a party require no additional explanation and have access to the National Agreement itself or can access it through the Department's *Web site*.

The Department's proposed guidelines were intended to increase awareness that the Model Agreement remains an appropriate instrument for the parties to agree to and apply to operating assistance projects. If grant recipients choose to do so, they, along with labor organizations representing employees in the service area, may continue to sign on to the Model Agreement and the Department will utilize this as a basis for referral of operating grants. Upon reconsideration, the Department concludes that it is not necessary to include in the Final Guidelines procedures regarding becoming a party to or withdrawing from the Model Agreement, particularly because the entire Model Agreement is available on the Department's *Web site*. Accordingly, section 215.6 of the guidelines will remain unchanged from its current version, except to make a technical correction so that this section accurately refers back to a revised portion of Section 215.3, and to reflect the current name of the American Public Transportation Association. See 29 CFR 215.6.

G. Las Vegas Decisions

Several comments addressed the Department's discussion of Section 3031 of SAFETEA-LU, which directs the Department to follow certain substantive principles enunciated in the Department's decisions for grant NV-90-X021 (decision of September 21, 1994, supplemented by decision of November 7, 1994, also called the "Las Vegas decisions") when making

determinations involving assurances of employment when one private transit bus service contractor replaces another through competitive bidding. See 49 U.S.C. 5333(b)(5). The Department stated in the NPRM that because the Guidelines are procedural in nature, and do not encompass discussion governing the adjudication of substantive rights of parties, this provision of SAFETEA-LU would not be addressed in the revisions of the Guidelines.

In response to the NPRM, two comments requested that the Department address the *Las Vegas* decisions in its final rule, one suggested that the Department use only the precise language of the decisions, and the other suggested that the Department fully analyze and explain those decisions in the final rule. One comment in particular, submitted on behalf of the Regional Transportation Commission of Southern Nevada ("RTC"), took issue with the Department's very limited description of the *Las Vegas* decision in the NPRM and asserted that the Department had "mischaracterized" and "fail[ed] to fairly and honestly explain the principles" of the *Las Vegas* decisions. Comment of RTC submitted in Response to NPRM, Oct. 15, 2007, at 4. Although the RTC comment urges the Department to set forth a substantive interpretation of the *Las Vegas* decisions, the comment does not discuss the Department's primary justification for not addressing the decisions' principles in the guidelines—*i.e.*, the Department's guidelines have, since 1978, been intended only to establish procedures governing the efficient certification of transit grants and not substantive interpretation of 49 U.S.C. 5333(b) guarantees. Moreover, the Department's brief discussion of the *Las Vegas* decisions, in the context of explaining why the Department would not address them in its procedural guidelines, was not intended to constitute complete guidance on, or interpretation of, the principles articulated in those decisions. Thus, it is unnecessary to join issue on the question whether the Department mischaracterized those principles in the NPRM. Parties to Departmental determinations, in which the *Las Vegas* principles are relevant, will be free to present argument about the principles' meaning and application, and those arguments will be considered and resolved with reference to specific facts presented by that existing case or controversy. Thus, the Department adheres to its conclusion in the NPRM that these procedural guidelines should not address the *Las Vegas* decisions,

and that application of the *Las Vegas* principles is better carried out on a case by case basis. Although not incorporated in these Guidelines, the Department, of course, will adhere to the statutory mandate contained in 49 U.S.C. 5333(b)(5). The Department's *Las Vegas* determinations, and subsequent determinations made based on principles set forth in the *Las Vegas* determinations, will be available for review on the Department's *Web site*.

H. Other Comments Addressing Issues That Exceed the Scope of Revisions Proposed in the NPRM

The Department received comments on issues that exceed the scope and nature of the revisions made to the Guidelines in the NPRM. For instance, one commenter suggested that the Department revise the criteria used for the determination of sufficiency of objections under Section 215.3(d)(3), and include in those criteria "court decisions, state law, or age of the referred protective arrangement." Comment submitted by Jim Seals Consulting Services in response to the NPRM, October 15, 2007, page 1.

Another comment requested that the Special Warranty be applied to Job Access and Reverse Commute ("JARC") grants serving populations under 200,000 to expedite processing of these grants because of their similarity to grants under the Other than Urbanized program. The rural JARC program is processed by the Department under Section 215.3(a)(4)(ii) without referral to affected labor organizations on the basis of existing agreements or Department of Labor-crafted protective arrangements, as appropriate.

The Department appreciates guidance offered by these comments, but because no proposals were made regarding these topics, they are beyond the scope of the revisions contemplated by the NPRM, and will not be considered at this time.

III. Regulatory Procedures

Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has also determined that this rule is not "economically significant" as defined in Section 3(f)(1) of Executive Order 12866. Therefore, the information enumerated in section 6(a)(3)(C) of the order is not required.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601, *et seq.*, federal agencies must consider the impact of their rules on small entities. However, the requirements of the RFA apply only to rules that must be promulgated pursuant to notice and comment procedures under Section 553(b) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(b). 5 U.S.C. 603(a). Section 553(a) of the APA exempts from notice and comment rulemaking interpretative rules, general statements of policy, or rules of agency organization, procedure or practice. 5 U.S.C. 553(a).

Under the Federal transit law, the Department is charged with the duty to administer the statutory grant certification process, and therefore must issue procedural rules to establish standards to effectuate this Congressionally delegated authority. This final rule establishes such procedural standards, and therefore is exempt from notice and comment rulemaking under Section 553(a) of the APA.⁵ As a result, this rule is also exempt from the requirements of the RFA. The Assistant Secretary for Employment Standards has certified this conclusion to the Chief Counsel for Advocacy of the Small Business Administration.

Unfunded Mandates Reform

Executive Order 12875—This rule will not create an unfunded Federal mandate upon any State, local or tribal government.

Unfunded Mandates Reform Act of 1995—This rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of \$100 million or more, or in increased expenditures by the private sector of \$100 million or more.

Paperwork Reduction Act

These Guidelines contain no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Small Business Regulatory Enforcement Fairness Act of 1996

A. This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a

⁵ Although the rule need not be promulgated pursuant to notice and comment procedures, the Department has elected to use those procedures in order to obtain valuable input from the regulated community and to increase government transparency and accountability.

major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

B. Consistent with the Small Business Regulatory Enforcement Fairness Act of 1996, the Department will, prior to the rule's Effective Date, submit to Congress a report regarding the issuance of today's final rule. The report will note the Office of Management and Budget's determination that this rule does not constitute a "major rule" under the Act. 5 U.S.C. 801, 805.

Congressional Review Act

Consistent with the Congressional Review Act, 5 U.S.C. 801, *et seq.*, the Department will submit to Congress and the Comptroller General of the United States a report regarding the issuance of this Final Rule prior to the effective date set forth at the outset of this document.

List of Subjects in 29 CFR Part 215

Grant administration; Grants—transportation; Labor-management relations; Labor unions; Mass transportation.

■ In consideration of the foregoing, the Department of Labor, Office of Labor-Management Standards, hereby amends part 215 of title 29 of the Code of Federal Regulations as set forth below.

PART 215—GUIDELINES, SECTION 5333(b), FEDERAL TRANSIT LAW

■ 1. The authority citation for part 215 is revised to read as follows:

Authority: Secretary's Order No. 4-2007, 72 FR 26159, May 8, 2007.

■ 2. Section 215.1 is revised to read as follows:

§ 215.1 Purpose.

The purpose of these guidelines is to provide information concerning the Department of Labor's administrative procedures in processing applications for assistance under the Federal Transit law, as codified at 49 U.S.C. chapter 53.

§ 215.2 [Amended]

■ 3. Section 215.2 is amended by removing "may be in either preliminary or final form" and adding in its place "must be in final form".

■ 4. Section 215.3 is amended as follows:

■ a. Revise paragraphs (a)(3), (a)(4), and (b);

■ b. Amend paragraph (d)(7) by removing "§§ 215.3(b)(2) and

215.3(b)(3)" and adding in its place "215.3(b)(1)".

The revisions read as follows:

§ 215.3 Employees represented by a labor organization.

(a) * * *

(3) If an application involves a grant to a state administrative agency or designated recipient that will pass assistance through to subrecipients, the Department will refer and process each subrecipient's respective portion of the project in accordance with this section. If a state administrative agency or designated recipient has previously provided employee protections on behalf of subrecipients in accordance with the terms of a negotiated agreement, the referral will be based on those terms and conditions.

(4) The referral procedures set forth in paragraphs (b) through (h) of this section are not applicable to the following grants:

(i) Grants to applicants for the Over-the-Road Bus Accessibility Program, and grant applications for the Other Than Urbanized Program; a special warranty will be applied to such grants under the procedures in § 215.7.

(ii) Grants to applicants serving populations under 200,000 under the Job Access and Reverse Commute Program or grants to capitalize State Infrastructure Bank accounts under the State Infrastructure Bank Program.

(iii) Grants involving only capital assistance for replacement of equipment and/or facilities of like-kind; these will be certified by the Department without referral on the basis of existing agreements or the Unified Protective Arrangement as referenced in paragraphs (b)(1) or (b)(2) of this section. Where application of the existing protective agreement(s) or the Unified Protective Arrangement would not satisfy the requirements of the statute in the circumstances presented, the Department will make necessary modifications to the existing protections to ensure that the requirements of the statute are satisfied.

(5) The Department will notify labor organizations representing potentially affected transit employees of the certification of grants without referral under paragraph (a)(4) of this section and inform them of their rights under the applicable protective arrangements.

(b) Upon receipt from the Federal Transit Administration of an application involving affected employees represented by a labor organization, the Department will refer a copy of the application and proposed terms for certification to that organization and to the applicant, and will also provide a

copy to subrecipients with unions in their service area.

(1) For applicants with existing protections the Department's referral will be based on those protective terms and conditions that are appropriate to the grant and are set by:

(i) A signed negotiated agreement or formal acceptance of the July 23, 1975 National (Model) Agreement;

(ii) Agreed-upon terms adopted by a State or local government through a resolution or similar instrument;

(iii) A determination of protective terms by the Department that modifies in whole or in part negotiated or adopted protections; or

(iv) A protective arrangement that has been modified to include provisions that are more protective than the Unified Protective Arrangement referred to in paragraph (b)(2) of this section.

(2) For applicants without protective terms and conditions set by an arrangement described in paragraph (b)(1) of this section, the referral will be based on the terms and conditions of the Unified Protective Arrangement.

* * * * *

■ 5. Section 215.5 is revised to read as follows:

§ 215.5 Processing of amendments.

(a) Grant modifications in the form of grant amendments will be transmitted by the Federal Transit Administration to the Department for review. Applications amending a grant for which the Department has already certified fair and equitable arrangements to protect the interests of transit employees affected by the project, will be processed by the Department following one of the two procedures described in paragraphs (a)(1) and (2) of this section.

(1) When an application amends a grant for which the Department has previously certified fair and equitable arrangements and the amendment makes changes to a project that may necessitate alternative employee protections, the Department will conclude that the amendment materially amends the existing assistance agreement. The Department will refer and/or process the labor certification provisions of such an amended grant according to procedures specified under §§ 215.3 and 215.4, as appropriate.

(2) When an application amends in a manner that is not material a grant for which the Department has already certified fair and equitable arrangements, the Department will, on its own initiative and without referral to the parties, certify the subject grant on the same terms and conditions as were certified for the project as originally

constituted. The Department's processing of these applications will be expedited and copies will be forwarded to interested parties.

(b) Budget Revisions that make minor changes within the scope of the existing grant agreement and do not require a Federal Transit Administration grant amendment, as set forth in Federal Transit Administration guidance, will be covered under the Department's original certifications.

§ 215.6 [Amended]

■ 6. Section 215.6 is amended as follows:

■ a. Remove "paragraph (b)(3)(i)" and add in its place "paragraphs (b)(1)(i) and (b)(2)";

■ b. Following "American Public Transit Association" add "(now known as the American Public Transportation Association)";

■ 7. Section 215.7 is amended as follows:

■ a. Remove "(b)(3)(ii)" and add "(b)(2)" in its place;

■ b. Remove the phrase "small urban and rural program under section 5311 of the Federal Transit Statute" and add in its place "Other Than Urbanized program";

■ c. Designate the existing text as paragraph (a) and add two sentences to the end; and

■ d. Add new paragraphs (b) and (c).

The revisions and additions read as follows:

§ 215.7 The Special Warranty.

(a) * * * The Special Warranty Arrangement applicable to OTRB and Other Than Urbanized grants will be derived from the terms and conditions of the May 1979 Special Section 13(c) Warranty, and the Department's subsequent experience under 49 U.S.C. 5333(b). From time to time, the Department may update this Special Warranty Arrangement to reflect developments in the employee protection program.

(b) The requirements of 49 U.S.C. 5333(b) for OTRB and "Other Than Urbanized" grants are satisfied through application of a Special Warranty Arrangement certified by the Department of Labor; a copy of the current arrangement will be included on the OLMS Web site.

(c) The Federal Transit Administration will include the current version of the Special Warranty Arrangement, through reference in its Master Agreement, in each OTRB and Other Than Urbanized grant of assistance under the statute.

(1) The Federal Transit Administration will notify the

Department that it is funding an OTRB or Other Than Urbanized grant by transmitting to the Department an information copy of each grant application upon approval of the grant.

(i) Each grant of assistance for an Other Than Urbanized program will contain a labor section identifying labor organizations representing transit employees of each subrecipient, the labor organizations representing employees of other transit providers in the service area, and a list of those transit providers. A sample format is posted on the OLMS *Web site* to facilitate the inclusion of this information in the grant application.

(ii) OTRB grants of assistance will contain a labor section identifying labor organizations representing employees of the recipient.

(2) The Department will notify labor organizations representing potentially affected transit employees of the approval of Other Than Urbanized and OTRB grants and inform them of their rights under the Special Warranty Arrangement.

§ 215.8 [Amended]

■ 8. Section 215.8 is amended as follows:

- a. Remove "Director," and add in its place "Chief, Division of";
- b. Remove "Suite N5603,"; and
- c. Add the phrase "or e-mailed to *OLMS-TransitGrant@dol.gov*" at the end of the paragraph.

Signed at Washington, DC, this 4th day of August, 2008.

Victoria A. Lipnic,

Assistant Secretary for Employment Standards.

Donald Todd,

Deputy Assistant Secretary, Office of Labor-Management Standards.

[FR Doc. E8-18497 Filed 8-12-08; 8:45 am]

BILLING CODE 4510-CP-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2007-0099; FRL-8360-2]

Flubendiamide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide flubendiamide *per se*, N²-[1,1-Dimethyl-2-(methylsulfonyl)ethyl-3-iodo-N¹-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-

benzenedicarboxamide, in or on certain food and raw agricultural commodities. Bayer CropScience, LP in c/o Nichino America, Inc. (U.S. subsidiary of Nihon Nohyaku Co., Ltd.) requested these tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 13, 2008. Objections and requests for hearings must be received on or before October 14, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0099. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the www.regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in www.regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Room S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA 22202-4501. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Carmen Rodia, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001; telephone number: (703) 306-0327; e-mail address: rodia.carmen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are

not limited to, those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this *Federal Register* document through the electronic docket at <http://www.regulations.gov>, you may access this *Federal Register* document electronically through the EPA Internet under the "*Federal Register*" listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2007-0099 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before October 14, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the

public docket that is described in ADDRESSES. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2007-0099, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Room S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA 22202-4501. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Petition for Tolerance

In the Federal Register of February 28, 2007 (72 FR 9000) (FRL-8115-2), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F7065) by Bayer CropScience, LP in c/o Nichino America, Inc. (U.S. subsidiary of Nihon Nohyaku Co., Ltd.), P.O. Box 12014, Research Triangle Park, NC 27709-2014. The petition requested that 40 CFR part 180 be amended by establishing permanent tolerances in primary crops for residues of the insecticide flubendiamide, N²-[1,1-Dimethyl-2-(methylsulfonyl)ethyl-3-iodo-N¹-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-benzenedicarboxamide, in or on the following raw agricultural and processed commodities: Almond, hulls at 9.0 parts per million (ppm); *brassica*, head and stem subgroup at 0.60 ppm; *brassica*, leafy greens subgroup at 6.0 ppm; corn, field, forage at 8.0 ppm; corn, corn, field, grain at 0.02 ppm; field, stover at 15.0 ppm; corn, pop, grain at 0.02 ppm; corn, pop, stover at 15.0 ppm; corn, sweet, forage at 9.0 ppm; corn, sweet, kernel plus cob with husks removed at 0.02 ppm; corn, sweet, stover at 25.0 ppm; cottonseed at 2.0 ppm; cotton, gin byproduct at 60.0 ppm; fruit, pome group at 0.7 ppm; fruit, stone group at 1.6 ppm; grape at 1.4 ppm; nut, tree group at 0.06 ppm; okra at 0.30 ppm; vegetable, cucurbit group at 0.20 ppm; vegetable, fruiting

group at 0.30 ppm and vegetable, leafy, except *brassica* at 11.0 ppm; in or on the following rotational crop commodities: Alfalfa, forage at 0.15 ppm; alfalfa, hay at 0.04 ppm; barley, hay at 0.04 ppm; barley, straw at 0.07 ppm; buckwheat at 0.07 ppm; clover, forage at 0.15 ppm; clover, hay at 0.04 ppm; grass, forage at 0.15 ppm; grass, hay at 0.04 ppm; grass, silage at 0.27 ppm; millet, pearl, forage at 0.15 ppm; millet, pearl hay at 0.04 ppm; millet, proso, forage at 0.15 ppm; millet, proso, hay at 0.04 ppm; millet, proso, straw at 0.07 ppm; oats, forage at 0.15 ppm; oats, hay at 0.04 ppm; oats, straw at 0.07 ppm; rye, forage at 0.15 ppm; rye, straw at 0.07 ppm; sorghum, grain, forage at 0.03 ppm; sorghum, grain, stover at 0.06 ppm; soybean, forage at 0.02 ppm; soybean, hay at 0.04 ppm; teosinte, forage at 0.15 ppm; teosinte, hay at 0.04 ppm; teosinte, straw at 0.07 ppm; triticale, forage at 0.15 ppm; triticale, hay at 0.04 ppm; triticale, straw at 0.07 ppm; wheat, forage at 0.15 ppm; wheat, hay at 0.03 ppm and wheat, straw at 0.03 ppm; and in the following livestock commodities: Cattle, fat at 0.80 ppm; cattle, kidney at 0.60 ppm; cattle, liver at 0.60 ppm; cattle, muscle at 0.10 ppm; eggs at 0.03 ppm; goat, fat at 0.80 ppm; goat, kidney at 0.60 ppm; goat, liver at 0.60 ppm; goat, muscle at 0.10 ppm; hog, fat at 0.80 ppm; hog, kidney at 0.60 ppm; hog, liver at 0.60 ppm; hog, muscle at 0.10 ppm; horse, fat at 0.80 ppm; horse, kidney at 0.60 ppm; horse, liver at 0.60 ppm; horse, muscle at 0.10 ppm; milk at 0.20 ppm; poultry, fat at 0.08 ppm; poultry, liver at 0.03 ppm; poultry, muscle at 0.01 ppm; sheep, fat at 0.80 ppm; sheep, kidney at 0.60 ppm; sheep, liver at 0.60 ppm; and sheep, muscle at 0.10 ppm. That notice referenced a summary of the petition prepared by Bayer CropScience, LP in c/o Nichino America, Inc. (U.S. subsidiary of Nihon Nohyaku Co., Ltd.), the registrant, which is available to the public in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Based upon review of the data supporting this petition and EPA policy, the Agency has revised commodity definitions and/or some of the proposed tolerances and concludes that the establishment of the following tolerance is appropriate for the insecticide flubendiamide *per se* in or on the following food commodities: Almond, hulls at 9.0 ppm; apple, wet pomace at 2.0 ppm; *brassica*, head and stem, subgroup 5A at 0.60 ppm; *brassica*, leafy greens, subgroup 5B at 5.0 ppm; cattle, fat at 0.30 ppm; cattle, kidney at 0.30 ppm; cattle, liver at 0.30 ppm;

cattle, muscle at 0.05 ppm; corn, field, forage at 8.0 ppm; corn, field, grain at 0.02 ppm; corn, field, stover at 15 ppm; corn, pop, grain at 0.02 ppm; corn, pop, stover at 15 ppm; corn, sweet, forage at 9.0 ppm; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, stover at 25 ppm; cotton gin byproducts at 60 ppm; cotton, undelinted seed at 0.90 ppm; egg at 0.01 ppm; fruit, pome, group 11 at 0.70 ppm; fruit, stone, group 12 at 1.6 ppm; goat, fat at 0.30 ppm; goat, kidney at 0.30 ppm; goat, liver at 0.30 ppm; goat, muscle at 0.05 ppm; grain, aspirated fractions at 5.0 ppm; grape at 1.4 ppm; horse, fat at 0.30 ppm; horse, kidney at 0.30 ppm; horse, liver at 0.30 ppm; horse, muscle at 0.05 ppm; milk at 0.04 ppm; milk, fat at 0.30 ppm; nut, tree, group 14 at 0.06 ppm; okra at 0.30 ppm; poultry, fat at 0.02 ppm; poultry, liver at 0.01 ppm; poultry, muscle at 0.01 ppm; sheep, fat at 0.30 ppm; sheep, kidney at 0.30 ppm; sheep, liver at 0.30 ppm; sheep, muscle at 0.05 ppm; vegetable, cucurbit, group 9 at 0.20 ppm; vegetable, fruiting, group 8 at 0.60 ppm and vegetable, leafy, except *brassica*, group 4 at 11 ppm; and in or on the following raw agricultural commodities: Alfalfa, forage at 0.15 ppm; alfalfa, hay at 0.04 ppm; barley, hay at 0.04 ppm; barley, straw at 0.07 ppm; buckwheat at 0.07 ppm; clover, forage at 0.15 ppm; clover, hay at 0.04 ppm; grass, forage at 0.15 ppm; grass, hay at 0.04 ppm; millet, pearl, forage at 0.15 ppm; millet, pearl, hay at 0.04 ppm; millet, proso, forage at 0.15 ppm; millet, proso, hay at 0.04 ppm; millet, proso, straw at 0.07 ppm; oats, forage at 0.15 ppm; oats, hay at 0.04 ppm; oats, straw at 0.07 ppm; rye, forage at 0.15 ppm; rye, straw at 0.07 ppm; sorghum, grain, forage at 0.03 ppm; sorghum, grain, stover at 0.06 ppm; soybean, forage at 0.02 ppm; soybean, hay at 0.04 ppm; teosinte, forage at 0.15 ppm; teosinte, hay at 0.04 ppm; teosinte, straw at 0.07 ppm; triticale, forage at 0.15 ppm; triticale, hay at 0.04 ppm; triticale, straw at 0.07 ppm; wheat, forage at 0.15 ppm; wheat, hay at 0.03 ppm and wheat, straw at 0.03 ppm.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all

other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information submitted in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of the insecticide flubendiamide. EPA's assessment of exposures and risks associated with establishing tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Flubendiamide has low acute toxicity via the oral and dermal routes, is only a slight eye irritant, is non-irritating to the dermis and tests negative for skin sensitization. In the longer-term studies in the flubendiamide mammalian toxicology database, the primary target organs identified were the liver, thyroid, kidney and eyes. Liver effects reported in rats, mice and/or dogs include organ weight increase, periportal fatty change, hypertrophy and minimal foci of cellular alteration. Thyroid effects include organ weight increase, follicular cell hypertrophy and slight perturbations of triiodothyronine (TC) and thyroid stimulating hormone (TSH) in the rat and mouse. Kidney effects include increases in absolute and/or relative to body kidney weights and chronic nephropathy in the rat. Eye effects include eye enlargement, opacity and exophthalmus with hemorrhage and appear only in rat pups. Other changes include mild microcytic anemia, decreased serum triglycerides and cholesterol in female rat, increased gamma glutamyl peptidase, alkaline phosphatase and shortened activated prothrombin time in dogs, and adrenal

weight increase and an increase in adrenal cortical cell hypertrophy in dogs.

The hazard assessment indicated potential toxicity resulting from exposure to flubendiamide via different routes over different durations. The observed eye effects were selected as a critical effect for the acute dietary exposure scenario; whereas liver and thyroid effects were determined critical for the chronic dietary exposure scenario. Short-term and intermediate-term dermal risks were also based on liver and thyroid effects as well as blood effects. Short-term and intermediate-term inhalation risks are based on liver toxicity as well as adrenal weight increase and an increase in adrenal cortical cell hypertrophy.

There was no evidence of carcinogenicity in rats and mice up to the limit dose at 24- and 18-months, respectively. Flubendiamide was determined to be non-mutagenic in bacteria, negative in an *in vivo* mammalian cytogenetics assay and did not cause unscheduled DNA synthesis (repair of DNA damage) in mammalian cells *in vitro*. Overall, there was no clear evidence that flubendiamide was either mutagenic or clastogenic in either *in vivo* or *in vitro* assays. The cancer classification is "Not Likely to be Carcinogenic to Humans."

More detailed information on the studies received and the nature of the adverse effects caused by flubendiamide as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found in the document entitled, "Flubendiamide: Human Health Risk Assessment for Proposed Uses on Corn, Cotton, Tobacco, Tree fruit, Tree nuts, Vine crops and Vegetable crops," dated April 3, 2008, by going to <http://www.regulations.gov>. The referenced document is available in the docket established by this action, which is described under ADDRESSES, and is identified as EPA-HQ-OPP-2007-0099-0005 in that docket. Locate and click on the hyperlink for docket ID number EPA-HQ-OPP-2007-0099. Double-click on the document to view the referenced information on pages 65-70 of 105.

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, a toxicological point of departure (POD) is identified as the basis for derivation of reference values for risk assessment. The POD may be defined as the highest dose at which no adverse effects are observed (the NOAEL) in the

toxicology study identified as appropriate for use in risk assessment. However, if a NOAEL cannot be determined, the lowest dose at which adverse effects of concern are identified (the LOAEL) or a Benchmark Dose (BMD) approach is sometimes used for risk assessment. Uncertainty/safety factors (UFs) are used in conjunction with the POD to take into account uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. Safety is assessed for acute and chronic dietary risks by comparing aggregate food and water exposure to the pesticide to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The aPAD and cPAD are calculated by dividing the POD by all applicable UFs. Aggregate short-term, intermediate-term and chronic-term risks are evaluated by comparing food, water and residential exposure to the POD to ensure that the margin of exposure (MOE) called for by the product of all applicable UFs is not exceeded. This latter value is referred to as the Level of Concern (LOC).

For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect greater than that expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, refer to <http://www.epa.gov/pesticides/factsheets/riskassess.htm>.

A summary of the toxicological endpoints for flubendiamide used for human risk assessment can be found in the document entitled, "Flubendiamide: Human Health Risk Assessment for Proposed Uses on Corn, Cotton, Tobacco, Tree fruit, Tree nuts, Vine crops and Vegetable crops," dated April 3, 2008, by going to <http://www.regulations.gov>. The referenced document is available in the docket established by this action, which is described under ADDRESSES, and is identified as EPA-HQ-OPP-2007-0099-0005 in that docket. Locate and click on the hyperlink for docket ID number EPA-HQ-OPP-2007-0099. Double-click on the document to view the referenced information on pages 37-38 of 105.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flubendiamide, EPA considered exposure under the

petitioned-for tolerances and assessed dietary exposures from flubendiamide in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. In estimating acute dietary exposure, EPA used food consumption information from the Dietary Exposure Evaluation Model-Food Commodity Intake Database (DEEM-FCID™, Version 2.03), which incorporates food consumption data from the U.S. Department of Agriculture's (USDA's) Nationwide Continuing Surveys of Food Intakes by Individuals (CSFII) from 1994–1996 and 1998. The acute assessments assumed that 100% of crops with requested uses of flubendiamide are treated and that all treated crops contain residues at tolerance-level. In addition, tolerance-level residues for livestock commodities were included in these analyses to account for the potential transfer of plant residues to livestock tissues.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used DEEM-FCID™, Version 2.03, which incorporates food consumption data from the USDA's CSFII from 1994–1996 and 1998. The chronic assessments assumed that 100% of crops with requested uses of flubendiamide are treated and that all treated crops contain residues at the average residue levels found in the crop field trials and experimentally-determined processing factors where available. In addition, average-level residues for livestock commodities were also included in these analyses to account for the potential transfer of plant residues to livestock tissues.

iii. *Cancer.* As explained in Unit III.A., flubendiamide is considered to be "Not Likely to be Carcinogenic to Humans." As a result, cancer exposure assessment is not needed for flubendiamide.

iv. *Anticipated residue information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section

408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flubendiamide in drinking water. These simulation models take into account data on the physical, chemical and fate/transport characteristics of flubendiamide.

Flubendiamide is persistent and potentially mobile in terrestrial and aquatic environments. These fate properties suggest that it has a potential to move into surface and ground water. The Agency lacks sufficient monitoring exposure data for use in risk assessments, as flubendiamide is a new active ingredient. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling, taking into account data on the physical and fate characteristics of flubendiamide. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppefed1/models/water/index.htm>.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and the Screening Concentration in Ground Water (SCI-GROW) model, the estimated drinking water concerns (EDWCs) of flubendiamide for acute exposures are estimated to be 12.93 parts per billion (ppb) for surface water and 0.06 ppb for ground water. For chronic exposures for non-cancer assessments, the EDWCs are estimated to be 11.95 ppb for surface water and 0.06 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 12.93 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 11.95 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides and flea and tick control on pets). Flubendiamide is not registered for any specific use patterns that would result in residential exposure. That is, no residential uses are being requested for flubendiamide at this time; therefore, no

residential risk assessment has been conducted.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA has not found flubendiamide to share a common mechanism of toxicity with any other substances, and flubendiamide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action; therefore, EPA has assumed that flubendiamide does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at <http://www.epa.gov/pesticides/cumulative>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(c) of FFDCA provides that EPA shall apply an additional ten-fold (10x) margin of safety for infants and children in the case of threshold effects to account for pre-natal and/or post-natal toxicity, and the completeness of the database on toxicity and exposure, unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10x or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Pre-natal and post-natal sensitivity.* While both the rat and rabbit developmental studies did not identify teratogenic effects and showed no evidence of increased pre-natal susceptibility, adverse eye effects (eye enlargement) were noted in post-natal rat pups older than 14 days in multiple studies (the 2-generation reproduction and 1-generation supplemental studies) and the developmental neurotoxicity (DNT) study reported eye effects appearing in some offspring between lactation days 14 and 42, even though exposure stopped at lactation day 21, indicating a possible delay (a latent response) from the time of last exposure to onset of buphthalmos. These eye

effects did not occur in adult rats. Since the iris and chamber angle are differentiating and specializing into definite structures during post-natal days 5–20, neonatal rats appear to have an increased susceptibility to flubendiamide exposure as compared to adults. The DNT study also reported that pre-mating exposures are not required to elicit the eye effect in pups. In addition to the reported eye effects in the DNT study, there was also a balanopreputial separation (separation of the prepuce (foreskin) from the glans penis (balanus)) delay. While these effects are considered adverse, they are not assumed to be developmental effects from *in utero* exposure. Even though the delay in balanopreputial separation may be a result of post-natal exposure (sensitivity of the young), and the effect is adverse, it is considered reversible and not an indication of perinatal sensitivity/susceptibility.

Human microsomes have been shown to be capable of approximately 4 times higher hydroxylation rates of flubendiamide as compared to female mouse microsomes and may be able to efficiently metabolize and excrete flubendiamide, preventing accumulation of the parent compound. It remains unclear whether the ability to metabolize and clear the parent compound is the only requirement to avoid ocular toxicity. Due to the potential concern for increased susceptibility of the human neonate as compared to adults, this perinatal ocular effect is considered in the human health risk assessment for flubendiamide.

3. **Conclusion.** EPA evaluated the quality of the toxicity and exposure data and, based on these data, has determined that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicology database for flubendiamide is complete for purposes of this risk assessment and the characterization of potential pre-natal and/or post-natal risks to infants and children. Although susceptibility was identified in the toxicological database (eye effects), the selected regulatory PODs (which are based on clear NOAELs) are protective of these effects; therefore, the human health risk assessment is protective.

ii. There are no treatment-related neurotoxic findings in the acute neurotoxicity and DNT studies in rats; although eye effects were observed in the DNT study. As noted in the previous paragraph, the PODs employed in the risk assessment are protective of this effect.

iii. There are no residual uncertainties identified in the exposure databases and the exposure assessment is protective. The acute dietary food exposure assessment utilizes tolerance-level residues, the chronic dietary food exposure assessment utilizes average residue levels found in the crop field trials/livestock commodities and both assume 100% of crops with requested uses of flubendiamide are treated. The drinking water assessment generated EDWCs using models and associated modeling parameters which are designed to provide conservative, health protective, high-end estimates of water concentrations. The highest relevant EDWCs were used in the dietary (food and drinking water) exposure assessment. By using these screening-level exposure assessments in the acute and chronic dietary (food and drinking water) assessments, risk is not underestimated for flubendiamide.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and cPAD. The aPAD and cPAD represent the highest safe exposures, taking into account all appropriate SFs. EPA calculates the aPAD and cPAD by dividing the POD by all applicable UFs. For linear cancer risks, EPA calculates the probability of additional cancer cases given the estimated aggregate exposure. Short-term, intermediate-term and chronic-term risks are evaluated by comparing the estimated aggregate food, water and residential exposure to the POD to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

For flubendiamide, there is potential exposure from food and drinking water, but not from residential use sites (as there are no proposed residential uses for flubendiamide). Since hazard was identified via the oral route over both the acute and chronic duration, the aggregate risk assessment considers exposures from food and drinking water consumed over the acute and chronic durations.

1. **Acute risk.** Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to flubendiamide will occupy less than 8% of the aPAD for the mostly highly exposed population subgroup, children aged 1–2 years old.

2. **Chronic risk.** Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flubendiamide

from food and water will utilize less than 15% of the cPAD for the mostly highly exposed population subgroup, children aged 1–2 years old. There are no residential uses for flubendiamide.

3. **Aggregate cancer risk for U.S. population.** Flubendiamide has been classified as “Not Likely to be Carcinogenic to Humans” and is not expected to pose a cancer risk.

4. **Determination of safety.** Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to flubendiamide residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (LC/MS/MS, Methods 00816/M002 and 00912) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Road, Fort Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are currently no established CODEX, Canadian or Mexican maximum residue limits (MRLs) for residues of flubendiamide in or on various crop or livestock commodities.

C. Revisions to Petitioned-For Tolerances

Based upon review of the data submitted in support of this tolerance petition for flubendiamide and EPA policy, the Agency has revised commodity definitions and/or some of the proposed tolerances. No residue data were submitted to support the proposed uses on okra and popcorn. The available field trial data for fruiting vegetables may be translated to okra, and the submitted data for field corn may also be translated to popcorn. The proposed uses on all types of corn (field, pop and sweet) are identical.

Parent residue levels vary based on crop (for edible commodities, residues ranging from 0.018 ppm, corn, field, grain to 6.7 ppm, spinach). Most crops indicated parent residues declined with successive sampling dates and were determined to be available on the surface of plants/RACs. The Agency will allow translation of residue data from trials conducted on rotated barley, sorghum and wheat to support the proposed rotational crop tolerances for the forages, hay and straw of other types of cereal grains and grasses. The Agency

will also allow translation of residue data from trials conducted on rotated soybean to support the proposed rotational crop tolerances for the forages, fodder, hay and straw on alfalfa and clover to support the rotational plant-back intervals. Based on the transfer coefficients for livestock tissues and the relatively low dietary burden for swine of 0.02 ppm for flubendiamide, tolerances for hogs are not needed.

V. Conclusion

Therefore, tolerances are established for residues of the insecticide flubendiamide *per se*, N²-[1,1-Dimethyl-2-(methylsulfonyl)ethyl-3-iodo-N¹-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-benzenedicarboxamide.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such,

the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this rule. In addition, this rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 1, 2008.

Debra Edwards,
Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.639 is added to read as follows:

§ 180.639 Flubendiamide; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide flubendiamide *per se*, N²-[1,1-Dimethyl-2-(methylsulfonyl)ethyl-3-iodo-N¹-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-benzenedicarboxamide, in or on the following food commodities:

Commodity	Parts per million
Almond, hulls	9.0 ppm
Apple, wet pomace	2.0 ppm
Brassica, head and stem, subgroup 5A	0.60 ppm
Brassica, leafy greens, subgroup 5B	5.0 ppm
Cattle, fat	0.30 ppm
Cattle, kidney	0.30 ppm
Cattle, liver	0.30 ppm
Cattle, muscle	0.05 ppm
Corn, field, forage	8.0 ppm
Corn, field, grain	0.02 ppm
Corn, field, stover	15 ppm
Corn, pop, grain	0.02 ppm
Corn, pop, stover	15 ppm
Corn, sweet, forage	9.0 ppm
Corn, sweet, kernel plus cob with husks removed	0.01 ppm
Corn, sweet, stover	25 ppm
Cotton, gin byproducts ..	60 ppm
Cotton, undelinted seed ..	0.90 ppm
Egg	0.01 ppm
Fruit, pome, group 11	0.70 ppm
Fruit, stone, group 12	1.6 ppm
Goat, fat	0.30 ppm
Goat, kidney	0.30 ppm
Goat, liver	0.30 ppm
Goat, muscle	0.05 ppm
Grain, aspirated fractions ..	5.0 ppm
Grape	1.4 ppm
Horse, fat	0.30 ppm
Horse, kidney	0.30 ppm
Horse, liver	0.30 ppm
Horse, muscle	0.05 ppm
Milk	0.04 ppm
Milk, fat	0.30 ppm
Nut, tree, group 14	0.06 ppm
Okra	0.30 ppm
Poultry, fat	0.02 ppm
Poultry, liver	0.01 ppm
Poultry, muscle	0.01 ppm
Sheep, fat	0.30 ppm
Sheep, kidney	0.30 ppm
Sheep, liver	0.30 ppm
Sheep, muscle	0.05 ppm
Vegetable, cucurbit, group 9	0.20 ppm
Vegetable, fruiting, group 8	0.60 ppm
Vegetable, leafy, except Brassica, group 4	11 ppm

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* Tolerances are established for the indirect or inadvertent residues of the

insecticide flubendiamide *per se*, N²-[1,1-Dimethyl-2-(methylsulfonyl)ethyl-3-iodo-N¹-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-benzenedicarboxamide, in or on the following raw agricultural commodities when present therein as a result of the application of flubendiamide *per se* to the growing crops listed in paragraph (a) of this section:

Commodity	Parts per million
Alfalfa, forage	0.15 ppm
Alfalfa, hay	0.04 ppm
Barley, hay	0.04 ppm
Barley, straw	0.07 ppm
Buckwheat	0.07 ppm
Clover, forage	0.15 ppm
Clover, hay	0.04 ppm
Grass, forage	0.15 ppm
Grass, hay	0.04 ppm
Millet, pearl, forage	0.15 ppm
Millet, pearl, hay	0.04 ppm
Millet, proso, forage	0.15 ppm
Millet, proso, hay	0.04 ppm
Millet, proso, straw	0.07 ppm
Oats, forage	0.15 ppm
Oats, hay	0.04 ppm
Oats, straw	0.07 ppm
Rye, forage	0.15 ppm
Rye, straw	0.07 ppm
Sorghum, grain, forage	0.03 ppm
Sorghum, grain, stover	0.06 ppm
Soybean, forage	0.02 ppm
Soybean, hay	0.04 ppm
Teosinte, forage	0.15 ppm
Teosinte, hay	0.04 ppm
Teosinte, straw	0.07 ppm
Triticale, forage	0.15 ppm
Triticale, hay	0.04 ppm
Triticale, straw	0.07 ppm
Wheat, forage	0.15 ppm
Wheat, hay	0.03 ppm
Wheat, straw	0.03 ppm

[FR Doc. E8-18324 Filed 8-12-08; 8:45 am]
BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2007-0565; FRL-8374-5]

Tribenuron Methyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tribenuron methyl in or on barley, hay; oat, forage; oat, hay; wheat, forage; and wheat, hay. E. I. DuPont de Nemours and Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 13, 2008. Objections and requests for hearings must be received on or before October 14, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0565. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the www.regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in www.regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Vickie Walters, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5704; e-mail address: walters.vickie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this Federal Register document through the electronic docket at <http://www.regulations.gov>, you may access this Federal Register document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2007-0565 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before October 14, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2007-0565, by one of the following methods:

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

• *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Petition for Tolerance

In the **Federal Register** of September 19, 2007 (72 FR 53577) (FRL-8144-3), EPA issued a notice pursuant to section 408(d)(3) of FFDCFA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7F7220) by E. I. DuPont de Nemours and Company, DuPont Crop Protection, P.O. Box 80038, Wilmington, DE 19880-0038. The petition requested that 40 CFR 180.451(a) be amended by establishing tolerances for residues of the herbicide, tribenuron methyl, methyl-2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]carbonylamino]sulfonyl]benzoate, in or on wheat, forage at 0.3 part per million (ppm); wheat, hay at 0.3 ppm; barley, hay at 0.3 ppm; oat, forage at 0.3 ppm; and oat, hay at 0.8 ppm. That notice referenced a summary of the petition prepared by E. I. DuPont de Nemours and Company, the registrant, which is available to the public in the docket, <http://www.regulations.gov>. One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Tribenuron methyl currently has tolerances for grain and straw from barley, oats, and wheat. No tolerances have been established for hay and forage of these commodities because tribenuron methyl's registration under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. 136 et seq., restricts the feeding of hay and forage from treated barley, oats, and wheat to livestock. DuPont has applied to EPA to lift the feeding restriction in its FIFRA registration, and this petition for hay and forage tolerances was filed in connection with that requested change.

Based upon review of the field trial data supporting the petition, EPA is revising the tolerance levels for pending commodities as follows: barley, hay at 0.4 ppm; oat, forage at 0.05 ppm; oat,

hay at 0.05 ppm; and wheat, hay at 0.5 ppm.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCFA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCFA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCFA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

Consistent with section 408(b)(2)(D) of FFDCFA, and the factors specified in section 408(b)(2)(D) of FFDCFA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of the herbicide, tribenuron methyl, methyl-2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]carbonylamino]sulfonyl]benzoate on barley, hay at 0.4 ppm; oat, forage at 0.05 ppm; oat, hay at 0.05 ppm; wheat, forage at 0.3 ppm; and wheat, hay at 0.5 ppm.

EPA has previously concluded that aggregate exposure to tribenuron methyl from tolerances for tribenuron methyl on grain and straw of barley, oats, and wheat as well as other commodities is safe (72 FR 11784, March 14, 2007). Establishment of requested tribenuron methyl tolerances on hay and forage of oats and wheat, and on barley, hay will not change the exposure or risk estimates from this prior action because:

1. The requested change in the FIFRA registration for tribenuron methyl is only for the lifting of the feeding restriction on barley, oats, and wheat. There are no requested changes, such as application rates that could affect residue levels on human food items. No changes in existing tolerances are necessary.

2. The Agency has determined that there will not be finite residues of tribenuron methyl in animal commodities as a result of animals consuming tribenuron methyl treated barley, oats, or wheat.

3. Since tribenuron methyl is not being registered on any additional crops and the application rates to the registered crops are not increasing, there is no change in estimated drinking water estimates.

4. No residential uses are being proposed.

The toxicological profile, endpoints and current risk assessments are discussed in the final rule published in the **Federal Register** of March 14, 2007 (72 FR 11784)(FRL-8117-2) which established tolerances for residues of tribenuron methyl in corn, field, forage at 0.05 ppm; corn, field, grain at 0.05 ppm; corn, field, stover at 0.05 ppm in rice, grain at 0.05 ppm; rice, straw at 0.05 ppm; sorghum, grain, forage at 0.05 ppm; sorghum, grain, grain at 0.05 ppm; and sorghum, grain, stover at 0.05 ppm, soybean seed at 0.05 ppm and sunflower, seed at 0.05 ppm. These previous risk assessments and the reasons that the current action does not change that risk assessment are discussed in the document entitled "*Ingredient: Tribenuron Methyl Title: Label Amendments and Petition for Tolerances on Barley Hay, Oat, Forage and Hay, and Wheat Forage and Hay.*" This document can be found at <http://www.regulations.gov>. in docket EPA-HQ-OPP-2007-0565 and is identified as document 005. Based on risk assessments and the findings presented in the **Federal Register** notice above, EPA concludes that there is a reasonable certainty that no harm will result to the general population and to infants and children from aggregate exposure to tribenuron methyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS)) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are no established or proposed Codex Maximum residue limits (MRLs) for residues of tribenuron methyl. Canada and Mexico have established

MRLs for tribenuron methyl on several plant commodities. However, no Canadian or Mexican MRLs for tribenuron methyl have been proposed or established for barley, hay; oat, forage; oat, hay; wheat, forage; or wheat, hay.

C. Response to Comments

A comment was received from a private citizen supporting the Agency's updating of pesticide regulations.

V. Conclusion

Therefore, tolerances are established for residues of tribenuron methyl, methyl-2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]carbonyl]amino]sulfonyl]benzoate on barley, hay at 0.4 ppm; oat, forage at 0.05 ppm; oat, hay at 0.05 ppm; wheat, forage at 0.3 ppm; and wheat, hay at 0.5 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCFA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCFA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power

and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCFA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 31, 2008.

Donald R. Stubbs,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. Section 180.451 is amended by alphabetically adding the following entries to the table in paragraph (a) to read as follows:

§ 180.451 Tribenuron Methyl; Tolerances for Residues.

(a) * * *

Commodity	Parts per million
Barley, hay	0.4
Oat, forage	0.05
Oat, hay	0.05
Wheat, forage	0.3
Wheat, hay	0.5

[FR Doc. E8-18189 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2005-0097; FRL-8376-2]

Tebuconazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tebuconazole in or on apple, wet pomace; asparagus; bean, succulent; bean, dry seed; beet, garden, tops; beet, garden, roots; brassica, leafy greens, subgroup 5B; coffee, green bean; coffee, roasted bean; corn, field, grain; corn, field, forage; corn, field, stover; corn, pop, grain; corn, pop, stover; corn, sweet, kernel plus cob with husks removed; corn, sweet, forage; corn, sweet, stover; cotton, undelinted seed; cotton, gin byproducts; Fruit, pome, group 11; fruit, stone, group 12, except cherry; grain, aspirated fractions; hop, dried cones; lychee; mango, postharvest; okra; onion, bulb, subgroup 3-07A; onion, green, subgroup 3-07B; plum, pre- and post-harvest; turnip, roots; turnip, tops; soybean, forage; soybean, hay; soybean, seed; sunflower, seed; sunflower, meal; sunflower, refined oil; and vegetable, cucurbit, group 9. Bayer CropScience I.P. and Interregional Research Project No. 4 (IR4) have requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 13, 2008. Objections and requests for hearings must be received on or before October 14, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2005-0097. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Tracy Keigwin, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6605; e-mail address: keigwin.tracy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgrstr>. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2005-0097 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before October 14, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2005-0097, by one of the following methods:

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

- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Petition for Tolerance

In the **Federal Register** of May 18, 2005 (70 FR 28527) (FRL-7708-5), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petitions (PP) 6F4668, 0F6086, 0E6091, 0F6129, 1F6289, 4E6842, and 4F6854 by Bayer CropScience LP, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. The petitions requested that 40 CFR 180.474 be amended by establishing tolerances for residues of the fungicide tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, in or on food commodities: Fruit, pome, group 11 at 0.05 parts per million (ppm) (PP 6F4668); bean, succulent at 0.1 ppm (PP 0F6086); bean, dry seed at 0.1 ppm (PP 0F6086); cotton, undelinted seed at 2.0 ppm (PP 0F6086); cotton, gin byproducts at 16 ppm (PP 0F6086); asparagus at 0.01 ppm (PP 0E6091); coffee, green bean, at 0.1 ppm (PP 0E6091); coffee, roasted bean, at 0.2 ppm (PP 0E6091); garlic, dry bulb at 0.1 ppm (PP 0E6091); onion, dry bulb at 0.1 ppm (PP 0E6091); corn, field, grain at 0.01 ppm (PP 0F6129); corn, field, forage at 3.0 ppm (PP 0F6129); corn, field, stover at 3.0 ppm (PP 0F6129); corn, pop, grain at 0.01 ppm (PP 0F6129); corn, pop, stover at 3.0 ppm (PP 0F6129); corn, sweet, kernel plus cob with husks removed at 0.5 ppm (PP 0F6129); corn, sweet, forage at 6.0 ppm (PP 0F6129); corn, sweet, stover at 5.0 ppm (PP 0F6129); soybean, seed at 0.01 ppm (PP 0F6129); soybean, hay at 0.05 ppm (PP 0F6129); fruit, stone, group 12, except cherry at 1.0 ppm (PP 1F6289); hop, dried cones at 30.0 ppm (PP 4E6842); soybean, seed at 0.06 ppm (PP 4F6854); soybean, forage at 17 ppm (PP 4F6854); soybean, hay at 45 ppm (PP 4F6854); soybean, hulls at 0.06 ppm (PP 4F6854); and grain, aspirated

fractions at 15 ppm (PP 4F6854). Bayer CropScience also proposed to add a postharvest use on cherries at the current 0-day pre-harvest tolerance level of 4.0 ppm. That notice referenced a summary of the petitions prepared by Bayer CropScience LP, the registrant, which is available to the public in the docket, <http://www.regulations.gov>. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C. Note that the tolerances proposed for the food commodities listed under PP 0E6091 were import tolerances.

Additionally, in the same Notice of filing, EPA announced the filing of PPs 9E6045, 9E6046, 9E6048, 0E6103, 0E6117, 0E6153, 0E6158, and 0E6212 from Interregional Research Project No. 4 (IR4), 681 U.S. Highway #1 South, North Brunswick, NJ 08902-3390. The petitions requested that 40 CFR 180.474 be amended by establishing tolerances for residues of the fungicide tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, in or on food commodities: Turnip, tops at 8.0 ppm (PP 9E6045); turnip, roots at 0.4 ppm (PP 9E6045); hops at 5.0 ppm (9E6046); vegetable, cucurbit, group 9 at 0.1 ppm (PP 9E6048); mango, postharvest at 0.2 ppm (PP 0E6103); fruit, stone, group 12, except cherry at 1.0 ppm (PP 0E6117); sunflower, seed at 0.05 ppm (PP 0E6153); sunflower, refined oil at 0.2 ppm (PP 0E6153); sunflower, meal at 0.2 ppm (PP 0E6153); okra at 1.0 ppm (PP 0E6158); and lychee at 1.5 ppm (PP 0E6212). That notice referenced a summary of the petitions prepared by the IR-4, which is available to the public in the docket, <http://www.regulations.gov>. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

In the **Federal Register** of April 12, 2006 (71 FR 18746) (FRL-7773-4), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of PPs 6E7036 by Interregional Research Project No. 4 (IR4), 681 U.S. Highway 1 South, North Brunswick, NJ 08902-3390. The petition requested that 40 CFR 180.474 be amended by establishing tolerances for residues of the fungicide tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, in or on the food commodity asparagus at 0.05 ppm. That notice referenced a summary of the petition prepared by IR-4, which is available to the public in the docket, <http://www.regulations.gov>. No comments

were received in response to this Notice of Filing.

In the **Federal Register** of June 27, 2007 (72 FR 35237) (FRL-8133-4), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of PP 6E7097 by Interregional Research Project No. 4 (IR4), 681 U.S. Highway 1 South, North Brunswick, NJ 08902-3390. The petition requested that 40 CFR 180.474 be amended by establishing tolerances for residues of the fungicide tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, in or on food commodities vegetable, bulb, group 3 at 1.3 ppm; Brassica, leafy greens, subgroup 5B at 2.5 ppm; beet, garden, roots at 0.7 ppm; and beet, garden, leaves at 5.0 ppm. That notice referenced a summary of the petition prepared by IR-4, which is available to the public in the docket, <http://www.regulations.gov>. No comments were received in response to this Notice of Filing.

Based upon review of the data supporting the petitions, EPA has modified the level and/or the tolerance expression for all commodities except the following: Pome fruit; bean succulent, cotton, undelinted seed; corn, sweet kernel plus cob with husks removed; sunflower, seed; sunflower, meal; sunflower, oil; brassica, leafy greens subgroup 5B; and beet, garden root. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in

section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of tebuconazole.

A. Toxicological Profile

The toxicological profile for tebuconazole can be found in the final rule published in the **Federal Register** of May 14, 2008 (73 FR 27748-27756, FRL-8364-6). Refer to this **Federal Register** document, available at <http://www.regulations.gov> for a detailed discussion of the toxicological profile of tebuconazole.

B. Toxicological Endpoints

The toxicological endpoints for tebuconazole can be found in the final rule published in the **Federal Register** of May 14, 2008 (73 FR 27748-27756, FRL-8364-6). Refer to this **Federal Register** document, available at <http://www.regulations.gov>, for a detailed discussion of the toxicological endpoint selection for tebuconazole.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tebuconazole, EPA considered exposure under the petitioned-for tolerances, including other pending petitions, as well as all existing tebuconazole tolerances in (40 CFR 180.474). EPA assessed dietary exposures from tebuconazole in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 1994-1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, anticipated residues for bananas, grapes, raisins, nectarines, peaches and peanut butter were derived using the latest USDA Pesticide Data Program (PDP) monitoring data from 2002-2006. Anticipated residues for all other registered and proposed food commodities were based on field trial data. Projected percent crop treated estimates were used for apples, apricots, cherries, hops, plums and sweet corn. For the remaining crops, 100% crop treated was assumed. Available

processing data were used to refine anticipated residues for apples/pears (dried and juice), apricots (dried), cherry (juice), coffee (roasted bean), grapes (juice), plums (prunes/prune juice) and peanut (oil). For all other processed commodities, DEEM (ver. 7.81) default processing factors were assumed.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the same assumptions as stated above for acute exposure (Unit III.C.1.i).

iii. *Cancer.* As explained in the **Federal Register** of May 14, 2008 (73 FR 27748-27756, FRL-8364-6), the chronic risk assessment is considered to be protective of any cancer effects; therefore, a separate quantitative cancer dietary risk assessment was not conducted.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency assumed PCT for grapes; grape, raisins; nectarines; oats; peaches;

and peanuts. The PCT for each crop is as follows: Grapes: 25%; grape, raisin: 25%; nectarine: 25%; oats: 2.5%; peach: 20%; and peanuts: 45%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than 1. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency used projected percent crop treated (PPCT) information for tebuconazole on apple (44% acute assessment, 41% chronic assessment); apricot (56% acute assessment, 43% chronic assessment); cherry (pre-harvest: 42% acute assessment, 37% chronic assessment); cherry (post-harvest: 100% acute assessment, 66% chronic assessment); corn, sweet (22% acute assessment, 14% chronic assessment); hop (64% acute assessment, 64% chronic assessment); plum, pre- and post-harvest (26% acute assessment, 24% chronic assessment); and turnip tops (68% acute assessment, 44% chronic assessment).

EPA estimates PPCT for a new pesticide use by assuming that its actual PCT during the initial 5 years of use on a specific use site will not exceed the recent PCT of the market leader (i.e., the one with the greatest PCT) on that site. An average market leader PCT, based on three recent surveys of pesticide usage, if available, is used for chronic risk assessment, while the maximum PCT from the same three recent surveys, if available, is used for acute risk assessment. The average and maximum market leader PCTs may each be based on one or two surveys if three are not available. Comparisons are only made among pesticides of the same pesticide types (i.e., the leading fungicide on the use site is selected for comparison with the new fungicide). The market leader PCTs used to determine the average and the maximum may be each for the same

pesticide or for different pesticides since the same or different pesticides may dominate for each year. Typically, EPA uses USDA/NASS as the source for raw PCT data because it is publicly available. When a specific use site is not surveyed by USDA/NASS, EPA uses other sources including proprietary data.

An estimated PPCT, based on the average PCT of the market leaders, is appropriate for use in chronic dietary risk assessment, and an estimated PPCT, based on the maximum PCT of the market leaders, is appropriate for use in acute dietary risk assessment. This method of estimating PPCTs for a new use of a registered pesticide or a new pesticide produces high-end estimates that are unlikely, in most cases, to be exceeded during the initial 5 years of actual use. Predominant factors that bear on whether the PPCTs could be exceeded may include PCTs of similar chemistries, pests controlled by alternatives, pest prevalence in the market and other factors. All relevant information currently available for predominant factors have been considered for tebuconazole on the seven crops, resulting in adjustments to the initial estimates for three crops to account for lack of confidence in projections based on less than three observations, old data and/or data based on expert opinion.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis, or conservative estimates based on information from agricultural experts. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to

which tebuconazole may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for tebuconazole in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of tebuconazole. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppefed1/models/water/index.htm>.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI-GROW) models, the estimated drinking water concentrations (EDWCs) of tebuconazole for acute exposures are estimated to be 78.5 parts per billion (ppb) for surface water and 1.56 ppb for ground water. The EDWCs for chronic, non-cancer are estimated to be 44.9 ppb for surface water and 1.56 ppb for ground water. The EDWCs for chronic, cancer exposures are estimated to be 32.3 ppb for surface water and 1.56 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the acute dietary risk assessment, the water concentration value of 78.5 ppb was used to assess the contribution to drinking water. For the chronic dietary risk assessment (which is protective of any possible cancer effects), the water concentration value of 44.9 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Tebuconazole is currently registered for uses that could result in residential exposures. Short-term dermal and inhalation exposures are possible for residential adult handlers mixing, loading, and applying tebuconazole products outdoors to ornamental plants. Short- and intermediate-term dermal post application exposures to adults during golfing and children playing on treated wood structures are also possible. Children may also be exposed via the incidental oral route when playing on treated wood structures. Long-term exposure is not expected. As a result, risk assessments have been completed for residential handler scenarios as well as residential post application scenarios.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

Tebuconazole is a member of the triazole-containing class of pesticides. Triazole-derived pesticides can form the common metabolite 1,2,4-triazole and two triazole conjugates (triazole alanine and triazole acetic acid). Refer to EPA's recent tolerance rulemaking on tebuconazole in the *Federal Register* of May 14, 2008 (73 FR 27748-27756, FRL-8364-6), for more information on this risk assessment.

D. Safety Factor for Infants and Children

In the *Federal Register* of May 14, 2008 (73 FR 27748-27756, FRL-8364-6) the Agency published a Final rule establishing tolerances for residues of tebuconazole in or on various food commodities. When the Agency conducted the risk assessments in support of that tolerance action, it also assessed dietary exposure to tebuconazole assuming that all of the tolerances in this action were in place. Accordingly, EPA relies on the decision on the FQPA safety factor for infants and children as set out in that action. Refer to EPA's recent tolerance rulemaking on tebuconazole, available at <http://www.regulations.gov>, for a detailed discussion and selection of a safety factor for infants and children for tebuconazole. For the reasons explained there, EPA reduced the FQPA safety factor to 3X for all potential exposure scenarios.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The aPAD and cPAD represent the highest safe exposures, taking into account all appropriate safety factors (SFs). EPA calculates the aPAD and cPAD by dividing the point of departure (POD) by all applicable uncertainty factors (UFs). For linear cancer risks, EPA calculates the probability of additional cancer cases given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and

residential exposure to the POD to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

Below, EPA has summarized the conclusions from its recent tolerance rulemaking on tebuconazole which took into account exposure to tebuconazole from the food commodities covered by the tolerances in this action. Refer to EPA's recent tolerance rulemaking on tebuconazole, available at <http://www.regulations.gov>, for a detailed discussion of EPA's safety determinations.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to tebuconazole will occupy 53% of the aPAD for the population group (all infants less than 1 year old) receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to tebuconazole from food and water will utilize 4% of the cPAD for the U.S. population and 11% of the cPAD for the most highly exposed population group (infants less than 1 year old).

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Tebuconazole is currently registered for uses that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to tebuconazole.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that the short-term aggregate MOE from dietary exposure (food + drinking water) and non-occupational/residential handler exposure for adults using a hose-end sprayer on ornamentals is 400. The short-term aggregate MOE from dietary exposure and exposure from golfing is 1,800. The short-term aggregate MOE to children from dietary exposure and exposure from wood surfaces treated at the above ground use rate is 530. The short-term aggregate MOE to children from dietary exposure and exposure to wood surfaces treated at the below ground use rate is 230. The combined and aggregate MOEs for wood treated for below ground uses exceed the Agency's LOC of 300, and indicate a potential risk of concern. However, the MOE of 230 is based on unrealistic assumptions and EPA has concluded that aggregate

exposure does not pose a risk of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Tebuconazole is currently registered for uses that could result in intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to tebuconazole.

Since the POD, relevant exposure scenarios and exposure assumptions used for intermediate-term aggregate risk assessments are the same as those used for short-term aggregate risk assessments, the short-term aggregate risk assessments represent and are protective of both short- and intermediate-term exposure durations.

5. *Aggregate cancer risk for U.S. population.* Although tebuconazole is classified as a Group C Carcinogen-Possible Human Carcinogen, the Agency has concluded that the chronic RfD is protective of the cancer effects.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to tebuconazole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate gas chromatography/nitrogen phosphorus detection and liquid chromatography/mass spectrometry/mass spectrometry (GC/NPD and LC/MS/MS) methods are available for enforcing tolerances for tebuconazole and its metabolites in plant commodities, livestock matrices and processing studies. The methods have been adequately validated by an independent laboratory in conjunction with a previous petition. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are currently Codex, Canadian and Mexican maximum residue limits (MRLs) for residues of tebuconazole in or on a variety of plant and livestock commodities. The tolerance definition for residues in plants is tebuconazole, per se, for Codex, Canada, and Mexico.

For livestock commodities, the tolerance expression is for the combined residues of tebuconazole and HWG 2061 in the United States and Canada, and tebuconazole, per se, for Codex. Where possible, the proposed tolerance levels have been harmonized with the MRLs from Canada, Mexico, and Codex. With regard to the pome fruit tolerance, the Agency recommended tolerance of 0.05 ppm differs from the Codex MRL of 0.5 mg/kg. Harmonization of the pome fruit tolerances is not possible because U.S. data were derived using long pre-harvest intervals (PHIs) of 75-129 days while Italian data were derived using maximum PHIs of 14 days. With regard to the cucurbit vegetable tolerance, the Agency recommended tolerance of 0.09 ppm for vegetable, cucurbit, group 9, differs from the Codex MRL of 0.2 mg/kg on cucumber and 0.02 mg/kg on summer squash. The Agency notes that some of the cucumber data from Spain were derived from trials conducted in greenhouses. Although the application rate used for the Spanish trials was similar to the trials conducted in the United States, it is quite normal for greenhouse trials to give higher residues. If the greenhouse trials are ignored, then the remaining Codex data are in the 0.02 - 0.04 range, consistent with the U.S. data and tolerance. In short, the higher Codex MRL for cucumber accommodates the greenhouse use.

C. Response to Comments

The Agency received a comment from a citizen of New Jersey. The commenter questioned the necessity of using taxpayer money through the agency of the Interregional Research Project No. 4 to develop pesticides, challenged the appropriateness of conducting some of the tebuconazole field trials outside of the United States, expressed concern over whether specific warnings were given to residents of New Jersey prior to conducting field trials in that State, and worried that students at Rutgers University may have been injured in the tebuconazole toxicological tests on animals that were performed at that facility.

In response, as to the commenter's concern with field trials that were conducted in countries other than the United States, EPA notes that frequently field trials are conducted in other countries as well as in the United States so that EPA can understand the range of pesticide residues that may be present on a food. EPA received several applications for tebuconazole import tolerances and it is appropriate that the field trials would be conducted in the countries where the pesticide was to be

used. Additionally, some tebuconazole import tolerances were proposed with foreign data, and then a U.S. use was proposed and U.S. data submitted. None of the other comments address the findings made in this action regarding the establishment of a tolerance. Nonetheless, EPA provides the following information regarding the comments. IR-4 was established by the USDA to help minor acreage; specialty crop producers obtain EPA tolerances and new registered uses of pesticides. As to whether warnings were given to residents of New Jersey regarding field trials, EPA would point out that experimental field trials are subject to EPA regulations at 40 CFR part 172. EPA also has regulations governing the toxicological data testing laboratories that are designed to insure data quality (40 CFR part 160). Federal jurisdiction concerning the safety of workers in testing laboratories would be under the Occupational Safety and Health Administration in the U.S. Department of Labor. EPA has responded to similar comments from this commenter on previous occasions. Refer to 70 FR 37686 (June 30, 2005), 70 FR 1354 (January 7, 2005), and 69 FR 63083 (October 29, 2004).

D. Revisions to Petitioned-for Tolerances

Based upon review of the data supporting the petitions, EPA determined that the proposed tolerances should be revised as follows: Cotton, gin byproducts at 25.0 ppm; asparagus at 0.05 ppm; coffee, green bean at 0.15 ppm; coffee, roasted bean, at 0.3 ppm; onion, bulb, subgroup 3-07A at 0.2 ppm; corn, field, grain at 0.05 ppm; corn, field, forage at 4.0 ppm; corn, field, stover at 3.5 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 3.5 ppm; corn, sweet, forage at 7.0 ppm; corn, sweet, stover at 6.0 ppm; turnip, tops (limited to east of the Rockies) at 7.0 ppm; turnip, roots at 0.5 ppm; beet, garden, tops at 7.0 ppm; beet, garden, root at 0.70; hop, dried cones at 35.0 ppm; vegetable, cucurbit, group 9 at 0.09 ppm; mango, postharvest at 0.15 ppm; plum, pre- and post-harvest at 1.0 ppm; okra at 1.2 ppm; lychee at 1.6 ppm; soybean, seed at 0.08 ppm; soybean, forage at 25 ppm; soybean, hay at 50 ppm; and grain, aspirated fractions 16.0 ppm. A separate tolerance is required for apple, wet pomace at 0.1 ppm. No tolerance is required for soybean hulls. A tolerance of 1.3 ppm is required for onion, green, subgroup 3-07B. The tolerance proposed by IR-4 for hops (PP 9E6046) is covered by the registrant proposed tolerance for hops, dried cones (PP 4E6842). EPA revised

most of these tolerance levels based on analysis of the residue field trial data using the Agency's Tolerance Spreadsheet in accordance with the Agency's Guidance for Setting Pesticide Tolerances Based on Field Trial Data Standard Operating Procedure (SOP). For the proposed tolerances on asparagus; corn, field, grain; and by translation corn, pop grain the tolerance could not be set lower than the limit of quantitation (LOQ) of the enforcement analytical method, which was 0.05 ppm for tebuconazole. For corn, field, forage, the proposed tolerance was raised to 4.0 ppm based on the maximum residue level in the field trials.

Additionally, IR-4 petitioned for a tolerance on bulb vegetables group 3 as that crop group was defined at the time of the petition (6E7097). In the *Federal Register* of December 7, 2007 (72 FR 69150-69158) (FRL-8340-6), EPA issued a final rule that revised the crop grouping regulations. EPA indicated in the December 7, 2007 final rule as well as the earlier May 23, 2007 proposed rule (72 FR 28920-28930) that, for existing petitions for which a Notice of Filing had been published, the Agency would attempt to conform these petitions to the rule. As part of this action, EPA expanded and revised bulb vegetables group 3. Changes to crop group 3 (bulb vegetables) included adding new commodities, creating subgroups for bulb and green onions, and changing the name of one of the representative commodities from "onion, dry bulb" to "onion, bulb". The Bayer proposed tolerance for garlic (bulb) and onion (bulb) with no U. S. registration was superseded by the proposed tolerance for bulb vegetables. The proposed tolerance on bulb vegetables group 3 was determined to be inappropriate because the residues were found to be more than a factor of 5x. Thus, separate tolerances were set for the crop subgroups, onion, bulb, subgroup 3-07A at 0.2 ppm, and onion, green, subgroup 3-07B at 1.3 ppm.

EPA concludes it is reasonable to revise the petitioned-for tolerance so that they agree with the recent crop grouping revisions because (1) although the new crop groups/subgroups include several new commodities, the added commodities are closely related minor crops which contribute little to overall dietary or aggregate exposure and risk; and tebuconazole exposure from these added commodities was considered when EPA conducted the dietary and aggregate risk assessments supporting this action; and (2) the representative commodities for the revised crop groups/subgroups have not changed.

Finally, the proposed tolerance for hops, domestically grown, in PP 4E6046, was superseded by the proposed tolerance for hops, dry cone (based on data for imported hops) in PP 4E6842, since the latter proposed tolerance is higher, 30.0 ppm. The proposed tolerance for asparagus (domestic) at 0.2 ppm, in PP 6E7036, superseded the proposed tolerance for imported asparagus at 0.1 ppm, in PP 0E6091. The tolerances for inadvertent residues of tebuconazole in soybeans planted in rotation with treated wheat in PP 0F6129, were superseded by the proposed tolerance for soybean following a direct treatment of tebuconazole in PP 4F6854.

V. Conclusion

Therefore, tolerances are established for residues of the fungicide tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, in or on food commodities apple, wet pomace at 0.1 ppm; asparagus at 0.05 ppm; bean, succulent at 0.1 ppm; bean, dry seed at 0.1 ppm; beet, garden, tops at 7.0 ppm; beet, garden, roots at 0.70 ppm; brassica, leafy greens, subgroup 5B at 2.5 ppm; coffee, green bean at 0.15 ppm; coffee, roasted bean at 0.3 ppm; corn, field, grain at 0.05 ppm; corn, field, forage at 4.0 ppm; corn, field, stover at 3.5 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 3.5 ppm; corn, sweet, kernel plus cob with husks removed at 0.5 ppm; corn, sweet, forage at 7.0 ppm; corn, sweet, stover at 6.0 ppm; cotton, undelinted seed at 2.0 ppm; cotton, gin byproducts at 25.0 ppm; Fruit, pome, group 11, at 0.05 ppm; fruit, stone, group 12, except cherry at 1.0 ppm; grain, aspirated fractions at 16.0 ppm; hop, dried cones at 35.0 ppm; lychee at 1.6 ppm; mango, postharvest at 0.15 ppm; okra at 1.2 ppm; onion, bulb, subgroup 3-07A at 0.2 ppm; onion, green, subgroup 3-07B at 1.3 ppm; plum, pre- and post-harvest at 1.0 ppm; soybean, forage at 25 ppm; soybean, hay at 50 ppm; soybean, seed at 0.08 ppm; sunflower, seed at 0.05 ppm; sunflower, meal at 0.2 ppm; sunflower, refined oil at 0.2 ppm; vegetable, cucurbit, group 9 at 0.09 ppm; turnip, roots at 0.5 ppm; and turnip, tops at 7.0 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petitions submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory*

Planning and Review (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 29, 2008.

Donald R. Stubbs,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. Section 180.474 is amended by revising the introductory text of paragraph (a)(1), by alphabetically adding the following commodities to the table in paragraph (a)(1); by removing the text from paragraph (b) and reserving the paragraph designation and heading; and by adding a new paragraph (c).

§ 180.474 Tebuconazole; tolerances for residues.

(a) *General.* (1) Tolerances are established for the residues of the fungicide, tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol in or on the following commodities:

Commodity	Parts per million
Apple, wet pomace	0.1
Asparagus	0.05
Bean, succulent	0.1
Bean, dry seed	0.1
Beet, garden, roots	0.70
Beet, garden, tops	7.0

Commodity	Parts per million
Brassica, leafy greens, subgroup 5B	2.5
Coffee, green bean ¹	0.15
Coffee, roasted bean ¹	0.3
Corn, field, grain	0.05
Corn, field, forage	4.0
Corn, field, stover	3.5
Corn, pop, grain	0.05
Corn, pop, stover	3.5
Corn, sweet, kernel plus cob with husks removed	0.5
Corn, sweet, forage	7.0
Corn, sweet, stover	6.0
Cotton, undelinted seed	2.0
Cotton, gin byproducts	25.0
Fruit, pome, group 11	0.05
Fruit, stone, group 12, except cherry	1.0
Grain, aspirated fractions	16.0
Hop, dried cones	35.0
Lychee	1.6
Mango, postharvest	0.15
Okra	1.2
Onion, bulb, subgroup 3-07A	0.2
Onion, green, subgroup 3-07B	1.3
Plum, pre- and post-harvest	1.0
Soybean, forage	25
Soybean, hay	50
Soybean, seed	0.08
Sunflower, seed	0.05
Sunflower, meal	0.2
Sunflower, refined oil	0.2
Vegetable, cucurbit, group 9	0.09

¹There are no U.S. registrations as of 7/31/2008.

* * * * *

(b) *Section 18 emergency exemptions.*
[Reserved]

(c) *Tolerances with regional registrations.* Tolerances with regional registrations for the residues of the fungicide, tebuconazole, alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol in or on the following commodities:

Commodity	Parts per million
Turnip, roots	0.5
Turnip, tops	7.0

* * * * *
[FR Doc. E8-18625 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2007-0564; FRL-8374-4]

Thifensulfuron Methyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of thifensulfuron methyl in or on barley, hay; oat, forage; oat, hay; wheat, forage, and wheat, hay. E.I. DuPont de Nemours and Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 13, 2008. Objections and requests for hearings must be received on or before October 14, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0564. To access the electronic docket, go to <http://www.regulations.gov>, and search for the docket ID number. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Vickie Walters, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number:

(703) 305-5704; e-mail address: walters.vickie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111.112).
- Animal production (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2007-0564 in the subject line on the first page of your submission. All requests must be in writing, and must be

mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before October 14, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2007-0564, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Petition for Tolerance

In the **Federal Register** of September 19, 2007 (72 FR 53577) (FRL-8144-3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7F7219) by E.I. DuPont de Nemours and Company, DuPont Crop Protection, P.O. Box 80038, Wilmington, DE 19880-0038. The petition requested that 40 CFR 180.439(a) be amended by establishing tolerances for residues of the herbicide, thifensulfuron methyl, methyl-3-[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-2-thiophenecarboxylate, in or on barley, hay at 0.7 part per million (ppm), oat, forage at 0.2 ppm; oat, hay at 2.0 ppm; wheat, forage at 1.0 ppm; and wheat, hay at 0.8 ppm. That notice referenced a summary of the petition prepared by E. I. DuPont de Nemours and Company, the registrant, which is available to the public in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Thifensulfuron methyl currently has tolerances for grain and straw from barley, oats, and wheat. No tolerances

have been established for hay and forage of these commodities because thifensulfuron methyl's registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), U.S.C. 136 et seq., restricts the feeding of hay and forage from treated barley, oats, and wheat to livestock. DuPont has applied to EPA to lift the feeding restriction in its FIFRA registration and this petition for hay and forage was filed in conjunction with that requested change.

Based upon review of the field trial data supporting the petition, EPA is revising the tolerance levels for pending commodities as follows: barley, hay at 0.8 ppm; oat, hay at 0.05 ppm; wheat, forage at 2.5 ppm; and wheat, hay at 0.7 ppm.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue."

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of thifensulfuron methyl, methyl-3-[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-2-thiophenecarboxylate, on barley, hay at 0.8 ppm; oat, forage at 0.2 ppm; oat, hay at 0.05 ppm; wheat, forage at 2.5 ppm and wheat, hay at 0.7 ppm.

EPA has previously concluded that aggregate exposure to thifensulfuron methyl on the grain and straw of barley, oats, and wheat as well as other

commodities is safe. (72FR13179 (March 21, 2007)). Establishment of the requested thifensulfuron methyl tolerances on hay and forage of barley, oats, and hay will not change the exposure or risk estimates from this prior tolerance action because:

1. The requested change in FIFRA registration for thifensulfuron methyl is only for the lifting of the feeding restriction on treated barley, oats, and wheat. There are no requested changes, such as to application rates that could affect residue levels on human food items. No changes in existing tolerances are necessary.

2. The Agency has determined that there will not be finite residues of thifensulfuron methyl in animal commodities as a result of animals consuming thifensulfuron methyl-treated barley, oats or wheat.

3. Since thifensulfuron methyl is not being registered on any additional crops and the application rates to the registered crops are not increasing, there is no change in estimated drinking water estimates.

4. No residential uses are being proposed.

The toxicological profile, endpoints and current risk assessments are discussed in the final rule published in the Federal Register of March 21, 2007 (72FR13179)(FRL-8117-1) which established tolerances for residues of thifensulfuron methyl in rice, grain at 0.05 ppm; rice, straw at 0.05 ppm; sorghum, grain, forage at 0.05 ppm; sorghum, grain, grain at 0.05 ppm; and sorghum, grain, stover at 0.05 ppm. These previous risk assessments and the reasons that the current action does not change that risk assessment are discussed in the document entitled "Ingredient: Thifensulfuron Methyl Title: Label Amendments and Petition for Tolerances on Wheat Forage and Hay, Oat Forage and Hay, and Barley, Hay." This document can be found at <http://www.regulations.gov>. in docket EPA-HQ-OPP-2007-0564 and is identified as document 004. Based on risk assessments and the findings presented in the Federal Register notice above, EPA concludes that there is a reasonable certainty that no harm will result to the general population and to infants and children from aggregate exposure to thifensulfuron methyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology ((liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS)) is available to enforce the

tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are no established or proposed Codex Maximum residue limits (MRLs) for residues of thifensulfuron methyl. Canada and Mexico have established MRLs for thifensulfuron methyl on several plant commodities. However, no Canadian or Mexican MRLs for thifensulfuron methyl have been proposed or established for barley, hay; oat, forage; oat, hay; wheat, forage; or wheat, hay.

V. Conclusion

Therefore, tolerances are established for residues of thifensulfuron methyl, methyl-3-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-2-thiophenecarboxylate, on barley, hay at 0.8 ppm; oat, forage at 0.2 ppm; oat, hay at 0.05 ppm; wheat, forage at 2.5 ppm and wheat, hay at 0.7 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule,

the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 31, 2008.

Donald R. Stubbs,
Acting Director, Registration Division, Office
of Pesticide Programs.

■ Therefore, 40 CFR chapter I is
amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180
continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.439 is amended by
alphabetically adding the following
commodities to the table in paragraph
(a) to read as follows:

**§180.439 Thifensulfuron methyl;
tolerances for residues.**

(a) * * *

Commodity	Parts per million
Barley, hay	0.8
Oat, forage	0.2
Oat, hay	0.05
Wheat, forage	2.5
Wheat, hay	0.7

* * * * *

[FR Doc. E8-18457 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-S

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**Centers for Medicare & Medicaid
Services**

42 CFR Part 483

[CMS-3191-F]

RIN 0938-AN79

**Medicare and Medicaid Programs; Fire
Safety Requirements for Long Term
Care Facilities, Automatic Sprinkler
Systems**

AGENCY: Centers for Medicare &
Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule requires all
long term care facilities to be equipped
with sprinkler systems by August 13,
2013. Additionally, this final rule

requires affected facilities to maintain
their automatic sprinkler systems once
they are installed.

DATES: These regulations are effective
on October 14, 2008. The incorporation
by reference listed in the rule is
approved by the Director of the Federal
Register October 14, 2008.

FOR FURTHER INFORMATION CONTACT:
Danielle Shearer, (410) 786-6617; James
Merrill, (410) 786-6998; Marcia
Newton, (410) 786-5265; or Jeannie
Miller, (410) 786-3164.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview of the Life Safety Code

The Life Safety Code (LSC), published
by the National Fire Protection
Association (NFPA), a private, nonprofit
organization dedicated to reducing loss
of life due to fire, is a compilation of fire
safety requirements. The LSC contains
fire safety requirements for both new
and existing buildings. It is updated
through a consensus process and
generally published every 3 years.
Sections 1819(d)(2)(B) and 1919(d)(2)(B)
of the Social Security Act (the Act)
require that long term care facilities
participating in the Medicare and
Medicaid programs generally meet the
applicable provisions of the edition of
the LSC that is adopted by the Secretary.

Beginning with the adoption of the
1967 edition of the LSC in 1971,
Medicare and Medicaid regulations
have historically incorporated the LSC
requirements by reference for all long
term care facilities as well as other
providers, while providing the
opportunity for a Secretarial waiver of a
requirement under certain
circumstances. The statutory basis for
incorporating NFPA's LSC for our other
providers is under the Secretary's
general rulemaking authority at sections
1102 and 1871 of the Act, and under
provider-specific provisions of title
XVIII that permit us to issue regulations
to protect the health and safety of
participants in Medicare and Medicaid.

We adopted the LSC to ensure that
patients and residents are consistently
protected from fire, regardless of the
location in which they receive care.
Since adopting and enforcing the 1967
and subsequent editions of the LSC,
there has been a significant decline in
the number of multiple death fires,
indicating that the LSC has been
effective in improving fire safety in
health care facilities.

On October 26, 2001, we published a
proposed rule (66 FR 54179), and on
January 10, 2003, we published a final
rule in the **Federal Register**, entitled
"Fire Safety Requirements for Certain

Health Care Facilities" (68 FR 1374). In
that final rule, we adopted the 2000
edition of the LSC provisions as the
standard governing Medicare and
Medicaid health care facilities,
including long term care facilities. The
final rule required all existing long term
care facilities to comply with the 2000
edition of the LSC.

The 2000 edition of the LSC required
all newly constructed buildings
containing health care facilities to have
an automatic sprinkler system installed
throughout the building. However, like
all previous editions, the LSC did not
require existing buildings to install
automatic sprinkler systems throughout
if they met certain construction
standards, ranging from the size of the
buildings to the types of material used
in their construction.

In accordance with the 2000 edition
of the LSC, an existing building that
meets the above-mentioned construction
standards must install sprinklers if it
undergoes a major renovation. However,
in such cases, it is required to install
sprinklers only in the renovated
section(s). Therefore, a building may
have sprinklers only on one floor or in
one wing. We did not receive any timely
public comments in response to the
October 2001 proposed rule that
addressed the issue of installing
automatic sprinkler systems in
buildings not undergoing major
renovations. That is to say, no public
comments supported, questioned or
challenged our proposal to incorporate
this LSC provision by reference.

In the 2006 edition of the LSC, the
NFPA decided to include an automatic
sprinkler system requirement for all
long term care facilities. We support the
NFPA in its decision. We decided to
proceed with this rule, without
proposing adoption of the NFPA 2006
edition of the LSC, because we want to
avoid further delay in requiring an
automatic sprinkler system in long term
care facilities. As stated in the October
27, 2006 proposed rule (71 FR 62957,
62960), given the large scope of the LSC,
we would not be able to adopt and
enforce compliance with the 2006
edition of the LSC until 2009 or 2010.
Therefore, we decided at this time to
proceed with rulemaking that does not
include adoption of the NFPA 2006
LSC.

We will continue to work with the
NFPA to revise and refine each edition
of the LSC. We are currently working
with the NFPA through its consensus
process to revise and refine the 2009
edition of the LSC. Once the 2009
edition is issued, we will review the
code in its entirety and explore the
possibility of adopting it for all

Medicare and Medicaid-participating health care facilities.

B. Recent Fire Safety Developments

A Government Accountability Office (GAO) report entitled "Nursing Home Fire Safety: Recent Fires Highlight Weaknesses in Federal Standards and Oversight" (GAO-04-660, July 16, 2004, <http://www.gao.gov/new.items/d04660.pdf>) examined two long term care facility fires (Hartford and Nashville) in 2003 that resulted in 31 total resident deaths. The report examined Federal fire safety standards and enforcement procedures, as well as results from the fire investigations of these two incidents. The report recommended that fire safety standards for unsprinklered facilities be strengthened and the report cited the effectiveness of smoke detectors' and sprinklers' fire protection features for long term care facilities.

In response to a recommendation made in the GAO report, on March 25, 2005, we published an interim final rule with comment period in the **Federal Register** entitled, "Fire Safety Requirements for Certain Health Care Facilities; Amendment" (70 FR 15229). This interim final rule added paragraph (a)(7) to § 483.70, to require long term care facilities, at minimum, to install battery-operated smoke detectors in resident sleeping rooms and public areas, unless they had a hard-wired smoke detector system in resident rooms and public areas or a sprinkler system installed throughout the facility. This IFC was finalized September 22, 2006 (71 FR 55326).

Structural fires in long term care facilities are relatively common events. From 1994 to 1999, an average of 2,300 long term care facilities reported a structural fire each year (2004 GAO Report). Although approximately 2,300 facilities per year reported fires, those fires resulted in an average of only 5 fatalities nationwide per year (2004 GAO Report). The likelihood of a fatality occurring due to a long term care facility fire was quite low.

From 1990 to 2002, there were no fires in long term care facilities that resulted in more than one or two fatalities. During that time period there were no fires in long term care facilities that resulted in a loss of life comparable to that of the Hartford and Nashville fires.

We believe the low number of fire-related fatalities each year is attributable, in part, to the increasing use of automatic sprinkler systems in long term care facilities as a fire protection method. State and local jurisdictions often adopt an edition of

the LSC or a comparable fire safety code shortly after it is published. Therefore, a building constructed in the early 1990s likely met the requirements of the 1991 edition of the LSC or another comparable code. Beginning with the 1991 edition of the LSC, all newly built facilities were required to have automatic sprinkler systems. In addition, beginning with the 1991 edition of the LSC, all facilities undergoing major renovations were also required by the LSC to install automatic sprinkler systems at least in those renovated areas. Therefore, as new facilities have replaced old facilities, and as facilities have been renovated, the number of residents protected by automatic sprinkler systems has increased. The increase in the number of automatic sprinkler systems and the number of residents residing in sprinklered buildings has decreased significantly the likelihood of a fatality occurring due to fire.

According to NFPA data cited in the 2004 GAO report, there is an 82 percent reduction in the chance of death occurring in a sprinklered building when compared to the chance of death occurring in an unsprinklered building. In addition, we note that there has never been a multiple death fire in a long term care facility that had an automatic sprinkler system installed throughout the facility.

Automatic sprinkler systems are effective in reducing the risk of fatalities due to fire because they limit the size of a developing fire and prevent the fire from growing and spreading beyond the area where the fire ignited. In addition, impeding the fire's growth gives the facility staff and residents and the local fire department more time to respond to the situation.

Automatic fire suppression through sprinklers also alleviates some of the current heavy reliance on facility staff to implement the facility's emergency plan. Fires often occur at night, as both the Hartford and Tennessee fires did, when staffing levels are lowest. Investigators of the Hartford fire determined that the facility's staff did not fully implement the facility's emergency plan, which may have contributed to the number of fatalities in that fire. The 2004 GAO report concluded that "reliance on staff response as a key component of fire protection may not always be realistic, particularly in an unsprinklered facility." Limiting the area of a building affected by a fire may result in less of a need to evacuate or relocate residents.

The effectiveness of automatic sprinkler systems has prompted some States, including Virginia, Connecticut,

and Tennessee, to require that all long term care facilities have sprinklers. The NFPA also requires all long term care facilities to have automatic sprinkler systems as part of the 2006 edition of the LSC.

II. Provisions of the Proposed Regulations

We published a proposed rule in the **Federal Register** on October 27, 2006 (71 FR 62957) that would require all long term care facilities to be equipped with sprinkler systems. That proposed rule also requested public comments on the duration of a phase-in period to allow such facilities to install such systems.

For the reasons described in section I of this preamble, we proposed a rule with three main components. First, the regulation proposed to add a sunset provision to paragraph (a)(7) in § 483.70 that would correspond to the phase-in date of the sprinkler requirement. This sunset provision would provide that, as of the phase-in date, we would no longer enforce the requirement that facilities have and maintain at least battery-operated smoke alarms. We proposed to add the sunset date because the requirements of § 483.70(a)(7) apply only to unsprinklered and partially sprinklered long term care facilities. Once all long term care facilities are fully sprinklered, there would not be any unsprinklered or partially sprinklered facilities to which § 483.70(a)(7) would apply.

Second, we proposed to require every long term care facility to install an approved, supervised automatic sprinkler system in accordance with the 1999 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems*, throughout the facility if it did not have such a system already. If a long term care facility was part of another building, such as a hospital, then the building would be required to have sprinklers only in the long term care facility section. The NFPA 13 specifies how to properly design and install sprinkler systems using the proper components. The standards of NFPA 13 cover a wide variety of factors that are involved in designing and installing sprinkler systems. The NFPA 13 is divided into 10 main chapters governing the design and installation phases of automatic sprinkler systems, and the October 2006 proposed rule summarized the content of these chapters.

The NFPA 13 is a very detailed document, with a wide variety of standards and exceptions to those standards. The document provides many options for the design and

installation of sprinkler systems so that each system may be tailored to the building in which it is installed.

Third, the regulation proposed to require every long term care facility to test, inspect, and maintain an approved, supervised automatic sprinkler system in accordance with the 1998 edition of NFPA 25, *Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems*. Proper inspections, tests, and maintenance of sprinkler systems are critical to ensuring that sprinkler systems function properly on a continuous basis. Fires are, by nature, unpredictable, and sprinkler systems must be operable at all times to ensure that buildings are protected whenever and wherever fires occur. NFPA 25 covers a wide variety of testing, inspection, and maintenance requirements for the numerous types of sprinkler systems that facilities may install and the auxiliary equipment that may be necessary for some facilities. We summarized the content of NFPA 25 in the proposed rule.

The proposed requirements of this regulation include three technical terms: "approved," "automatic," and "supervised." These terms are terms of art in the fire safety community and are included in NFPA 101, *Life Safety Code*, with which long term care facilities must already comply. There may be, however, individuals who are not familiar with the terms. Their definitions, as used in the fire safety community, are as follows:

- *Approved* means acceptable to the authority having jurisdiction (from 2000 edition of NFPA 101, the LSC).
- *Automatic* means that which provides a function without the necessity of human intervention (from 2000 edition of NFPA 101, the LSC).
- *Supervised* means that the system and particular components of the system are monitored by a device with auditory and visual signals that are capable of alerting facility staff should the system or one of its components become inoperable for any reason (adapted from 1999 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems*).

III. Analysis of and Responses to Public Comments

We received 107 comments from the public on the October 27, 2006 proposed rule. The comments received and our responses to those comments are discussed below.

Comment: The vast majority of commenters strongly supported our intent to require automatic sprinkler systems throughout all long term care facilities. Conversely, a small minority

of commenters disagreed with the proposed rule, citing the expense of purchasing and installing sprinklers and the availability of other fire safety features such as water-based fire-proof coatings and fire walls as reasons for not requiring sprinklers in all long term care facilities.

Response: We appreciate the strong support expressed by most commenters. While we agree that there are other methods for improving fire safety in long term care facilities, these other methods do not achieve the same high level of fire safety as automatic sprinkler systems. We are proceeding with this final rule requiring all long term care facilities to install and maintain automatic sprinkler systems because we agree with the GAO that such systems are the single most effective fire safety method currently available and that the presence of such systems will help save lives and property.

Comment: Several commenters submitted comments related to the specific facilities that are, or should be, affected by this final rule. One commenter explicitly supported our decision to apply the proposed sprinkler requirements to all affected long term care facilities, regardless of their size. Some commenters requested that this rule be expanded to apply to any residential facility that cares for individuals on a 24-hour basis. One commenter suggested that the rule should apply to federally operated nursing homes as well, such as those operated by the U.S. Department of Veterans Affairs. Another commenter suggested that the rule should apply to inpatient facilities such as hospitals and critical access hospitals with swing beds. Still other commenters asked whether the requirements of the final rule will affect adult day care centers.

Response: We proposed to require all long term care facilities to install automatic sprinkler systems regardless of their size because their recent fire history and current staffing levels indicated the need for additional fire safety features. We do not believe it is necessary for us to require sprinkler systems in other facility types, such as intermediate care facilities, adult day care facilities, or critical access hospitals at this time because there is no demonstrated need for such regulation. While we agree that it may be appropriate for federally operated nursing homes, such as those operated by the U.S. Department of Veterans Affairs, to install automatic sprinkler systems, we do not have regulatory authority over these facilities. Therefore, we are unable to promulgate a regulation applying to them.

Comment: Numerous commenters discussed the financial impact that the proposed rule will have on long term care facilities, and suggested a variety of methods to offset the expected impact. Of these commenters, several suggested that CMS should support legislation in the Congress that will provide financial incentives for long term care facilities to install sprinkler systems. A few commenters indicated that they are actively working with the Congress to obtain financial assistance for long term care facilities in implementing the requirements of this final rule. Other commenters suggested that CMS should make financial assistance available to facilities, with some suggesting that such assistance should be limited to those facilities with not-for-profit status or those that are not profitable. Still another commenter suggested that CMS should compel State Medicaid programs to increase reimbursement rates to fund capital improvements in long term care facilities.

Response: We recognize that purchasing and installing an automatic sprinkler system throughout a long term care facility requires a substantial capital investment. We defer to the Congress and States to provide financial assistance to long term care facilities to complete the purchase and installation process, whether such assistance comes in the form of loans, grants, tax relief, and/or increased reimbursement rates.

We have included a 5 year phase-in period in this final rule. This phase-in period allows facilities the time and flexibility to install sprinkler systems in a manner that is sensitive to the individual circumstances of each facility. We believe this phase-in period will help mitigate the financial impact of this final rule.

Comment: Numerous commenters stated that this final rule should provide additional discussion of the role that State and locally imposed building and fire safety codes play in protecting long term care facility residents.

Response: We acknowledge that State and local authorities use their authority to require long term care facilities to meet building and fire safety codes independent of the codes applied to facilities through Federal regulations. State and local authorities often adopt more recent editions of such codes than those required by Federal rules. Until 2003, Federal fire safety regulations referenced simultaneously Life Safety Code provisions from several editions including the editions of 1967, 1973, and 1985. However, health care facilities were not being built to these older standards because State and local jurisdictions adopted and enforced far

more recent editions of building and fire safety codes. Such prompt adoption of updated codes by State and local jurisdictions likely has led to the large number of long term care facilities that currently have automatic sprinkler systems throughout their facilities. We continue to support the right of State and local authorities to impose building and fire safety codes independent of these Federal requirements and will continue to monitor all efforts to improve safety for long term care facility residents.

Comment: Some commenters expressed concern that this final rule will preempt State and local fire safety requirements. Of these commenters, a few expressed concern that this Federal rulemaking preempted State and local efforts and did not respond to the unique needs of different localities. Furthermore, some of these commenters requested a more detailed discussion of Executive Order 13132 (Federalism) as it relates to this rulemaking action. Conversely, several commenters indicated that they agreed with our conclusion that this rule is in accordance with the actions of State and local governments, and that it is appropriate for the Federal government to require automatic sprinkler systems in Medicare and Medicaid-participating long term care facilities.

Response: The Federal regulations for long term care facilities are considered to be the minimum standards that a facility must meet in order to participate in the Medicare and Medicaid programs. As such, they will not preempt more stringent State and local requirements. For example, if a State or local authority requires a long term care facility to install an automatic sprinkler system within 3 years after adoption of a law requiring it, then a facility must comply with that shorter time frame, even though this Federal regulation allows a facility up to 5 years to install an automatic sprinkler system. However, if a State or local authority requires a long term care facility to install an automatic sprinkler system only in hazardous areas, then a facility must go beyond the State or local requirement and install an automatic sprinkler system throughout its building in order to participate in Medicare or Medicaid. We believe that all facilities must install an automatic sprinkler system throughout a facility by 2013, regardless of the State or locality where a facility is located. In order to achieve this goal, it is necessary to promulgate a Federal regulation. State and local jurisdictions have always had the authority to require automatic sprinkler systems in existing long term care facilities. However, few States have

taken action to require existing long term care facilities to retrofit their buildings with such systems. Thus, we believe it is necessary to take this Federal action.

In addition, this rule adopts the sprinkler installation and maintenance requirements established by the NFPA. The NFPA is a national standard setting body with representatives from all members of the fire safety community, including State and local jurisdictions. As such, these representatives had active input in the content and framework of the NFPA sprinkler standards. The standards allow flexibility in the design, installation, and maintenance of sprinkler systems to adapt to the needs of individual facilities as well as jurisdictions. Facilities are required by the NFPA standards to submit their design and installation plans to the appropriate authorities having jurisdiction. This allows local and State authorities the opportunity to ensure that such plans meet their individual needs. Since this action does not impinge upon a State or local jurisdiction's authority to impose more stringent fire safety requirements upon long term care facilities in response to the unique needs and concerns of the particular area, and gives State and local authorities the opportunity to provide further input into individual sprinkler planning activities, we do not believe this final rule has Federalism implications as described in Executive Order 13132.

Furthermore, we regularly communicate with State and local officials and with the long term care provider community through Open Door Forums, as well as through responses to letters, informal phone calls, and informal e-mails. Through these communications, as well as through the public comment process for this proposed rule, we believe we have sufficiently consulted with all affected parties, including State and local jurisdictions, as is required by Executive Order 13132.

Comment: Several commenters submitted views regarding the assumptions and estimates we used in the impact analysis for the proposed rule. Commenters questioned our estimates of the cost per square foot, the projected number of facilities affected, and the projected number of lives saved.

Response: We appreciate the suggestions that we received, and we considered them as we revised the impact analysis for this final rule. The final impact analysis reflects an increase in our estimate of the cost per square foot, from a high of \$6.10 to a high of \$7.95, to reflect inflation since the

publication of the proposed rule. The final analysis also revises the number of facilities that are affected by this rule by replacing projections of future sprinkler system installations with the actual number of facilities lacking automatic sprinkler systems as of December 2007. The final impact analysis does not revise the method for estimating future lives saved by this rule. Although a commenter questioned this methodology, the commenter did not offer an alternative methodology that would more accurately estimate this number. Since we are not aware of an alternative method to estimate the number of lives that will be saved, we have retained the method used in the proposed rule.

Comment: Some commenters agreed with our proposal to require automatic sprinkler systems in all facilities, while a small number of commenters requested that certain long term care facilities be exempt from the requirements of this final rule.

Response: Automatic sprinkler systems are generally considered to be the single most effective fire protection feature in a building. As such, we believe all long term care facilities, regardless of their size or location in relationship to another type of health care facility, should be required to have sprinklers. Exempting a particular class of long term care facilities, regardless of the criteria used, will not provide a consistent level of fire safety across the country.

Comment: Several commenters submitted comments regarding CMS enforcement of this final rule. Some of these commenters sought assurance that surveyors would be appropriately trained to enforce the new sprinkler requirement. One commenter suggested that we should survey each facility annually to ensure compliance with this rule. Other commenters asked about the enforcement remedies that would be available if a facility was non-compliant with the requirements of this final rule, going so far as to suggest that non-compliant facilities should receive reduced payments from Medicare and Medicaid. Still other commenters requested that additional information about the sprinkler status of particular facilities and facilities as a whole be included on CMS' Nursing Home Compare Web site.

Response: We agree that it is essential to ensure that surveyors are appropriately trained to survey facilities for compliance with all fire safety requirements, including automatic sprinkler systems. To that end, we conduct annual training sessions for surveyors to educate them on, among

other things, fire safety requirements and appropriate survey procedures. This training ensures surveyor competency in this area. We also agree that frequent surveys of long term care facilities are key to ensuring continued compliance with these requirements. By law, we are required to survey long term care facilities every 15 months to ensure compliance with all health and safety requirements, and we will incorporate this new requirement into the existing survey process. If a facility is found to be non-compliant with the provisions of this final rule, we have the full complement of enforcement remedies available to ensure that a facility comes into compliance. In addition to termination of the provider agreement, available remedies include the following: (1) Temporary management (that is, the temporary appointment by CMS or the State of a temporary director or administrator of a facility); (2) denial of payment, including denial of payment for all individuals, imposed by CMS upon a skilled nursing facility for Medicare payments, by a State for Medicaid payments, or denial of payment for all new admissions; (3) civil money penalties; (4) State monitoring; (5) transfer of residents; or (6) transfer of residents and closure of the facility. CMS currently includes information about a facility's sprinkler status on the Nursing Home Compare Web site to enable consumers to make an informed decision.

Comment: A commenter suggested that installation of sprinkler systems should be limited to pre-approved companies with proven fire safety records. Another commenter suggested that we should create a special task force in each State to visit each facility and examine the information used to design the facility's sprinkler system.

Response: While we agree that long term care facilities should look for qualified contractors to design and install their sprinkler systems, we do not believe it is appropriate to, nor do we have the authority to, select or approve such contractors. In addition, we do not believe it is appropriate for us to develop task forces in each State to review a facility's research and design plan. There are numerous qualified designers who are capable of designing sprinkler systems that fulfill facility-specific specifications. It is incumbent upon facilities to assure that their automatic sprinkler systems meet their specific facility needs as identified during a thorough review of their current fire and building safety features and various other factors.

Comment: A few commenters submitted additional information on

their own fire safety features and requirements (for example State sprinkler requirements and facility-specific fire safety plans).

Response: We appreciate the additional information provided by the commenters. It validates our understanding of current fire safety efforts, both on the facility and State levels.

Comment: A commenter suggested that staffing levels may also impact facility fire safety, and that we should require additional staffing during the phase-in period to ensure that facility residents are protected from fire.

Response: We agree that sufficient staffing is necessary to ensure resident health and safety, including fire safety. Ensuring resident health and safety, which is closely tied to facility staffing, is already required in § 483.15, "Quality of life," § 483.30, "Nursing services," and § 483.70, "Physical environment." We believe these regulations ensure sufficient staffing levels in long term care facilities to promote and protect resident health and safety in all circumstances.

Comment: A commenter questioned the conclusions of the GAO report regarding the two multiple death fires in Connecticut and Tennessee. The commenter stated that the GAO report did not demonstrate the superiority of sprinklers over smoke alarms. The commenter also stated that the number of multiple death fires before 1990 was zero, and that the installation of sprinklers in new facilities after 1990 thus had no bearing on the number of fires between 1990 and 1992.

Response: While we recognize that the commenter disagrees with the data analysis of current fire safety levels in long term care facilities presented by the GAO, we continue to support the GAO's data, collection methodology, analytic methodology, and conclusions. We concur with the GAO that smoke alarms are necessary in unsprinklered facilities; we now require unsprinklered facilities to have such alarms in accordance with the requirements of § 483.70(a)(7). We also concur with the GAO that before 1990, multiple death fires occurred on a more frequent basis. As stated in the GAO report, "When the federal government first adopted the NFPA fire safety standards in 1971, the number of multiple-death fires in nursing homes was about 15 to 18 per year. With the adoption and enforcement of these standards, including the requirement for sprinklers in homes that were not highly fire resistant, the number of fire-related nursing home fatalities dropped dramatically." (p. 14; we note that the average annual number of long term

care facility fire fatalities, according to the GAO report, is now 5.) Furthermore, we concur with the GAO that sprinklers improve the level of fire safety beyond that which is provided by smoke alarms, and we are implementing this final rule to require sprinklers in all long term care facilities.

Comment: A commenter suggested that all facilities that currently have automatic sprinkler systems throughout their buildings be required to maintain those systems in accordance with the requirements of NFPA 25.

Response: Long term care facilities are required to meet the standards of the LSC, which requires facilities with existing sprinklers to maintain those sprinklers in accordance with the requirements of NFPA 25. We agree with the commenter and are adopting NFPA 25 by reference at § 483.70(a)(8)(ii).

Comment: A commenter stated that NFPA 101, NFPA 13, and NFPA 25 can all be viewed without charge at http://www.nfpa.org/freecodes/free_access_document.asp.

Response: We thank the commenter for providing this Web site citation. Unfortunately, the citation provided does not link to the documents that a long term care facility will need to comply with this final rule. Instead, an alternative, free Web site for this information is http://www.nfpa.org/aboutthecodes/list_of_codes_and_standards.asp.

Comment: A few commenters suggested that facilities be permitted to have a reduced water supply that does not meet the specifications of the NFPA requirements for health care facilities when an adequate level of safety can be assured with less water.

Response: The NFPA uses a consensus process to establish the requirements of its sprinkler installation and maintenance codes. It would not be in the best interests of long term care facilities and their residents to reduce the NFPA standards. We believe that the NFPA standards represent the absolute minimum standards that long term care facilities must meet, and that lowering the standards below those of the NFPA would jeopardize long term care facility resident and staff safety.

Comment: A commenter requested a 90-day extension of the public comment period.

Response: We do not believe it is necessary to extend the standard comment period. We received 107 unique comments, as well as numerous duplicate comments, from interested parties during the comment period, and we believe these comments adequately reflect public sentiment on this matter.

Comment: A few commenters suggested additional requirements to which long term care facilities should be held. One commenter suggested that, in addition to installing and maintaining automatic sprinkler systems, long term care facilities should be required to install and maintain automatic fire alarm systems incorporating commercial smoke detectors that comply with the audio and visual notification standards of the Americans with Disabilities Act. Another commenter suggested that long term care facilities should be required to have mattresses that comply with certain fire safety standards.

Response: We agree with the commenters that numerous additional options are available to long term care facilities that wish to further enhance their fire safety levels. Long term care facilities may explore these options in addition to meeting all requirements of the LSC and this final rule.

Comment: A small number of commenters submitted comments on the existing provision that a State may apply to CMS to use its own alternative fire safety code imposed by State law if that code adequately protects patients. The commenters inquired as to the status of their own particular applications for a waiver under this provision.

Response: CMS actively considers any application submitted by a State regarding the use of an alternate fire safety code in health care facilities. However, these applications have no bearing on the requirements of this final rule because this final rule requires automatic sprinklers independent of the requirements of the LSC.

Comment: A commenter asked us to present a list of those States in the early 1990s that adopted the 1991 or later edition of the LSC or another code requiring newly constructed long term care facilities to install automatic sprinkler systems.

Response: We do not believe it is necessary to present such a list of information regarding the requirements of individual States. While such a list may provide additional historic background on fire safety requirements in the United States, all unsprinklered long term care facilities must install and maintain automatic sprinkler systems.

Comment: A commenter suggested that, instead of requiring all long term care facilities to install an automatic sprinkler system, we should permit such facilities an exemption if they have all of the following features: Smoke detectors, mattresses that meet certain fire safety requirements, and

upholstered furniture that meets certain fire safety requirements.

Response: The fire safety measures noted above are valuable tools for enhancing fire safety in long term care facilities. However, none of these features serve the same purpose as an automatic sprinkler system, which is to actively suppress a fire once it is ignited. Thus, we do not believe the suggested options achieve the same level of fire safety as automatic sprinklers.

Comment: A commenter suggested that we should include regulatory language that endorses standardization and provides for system interconnectivity.

Response: We are not clear regarding the commenter's suggestion. If the commenter is referring to the standardization of installation and maintenance requirements, we believe that referencing the NFPA installation and maintenance standards does endorse standardization of fire safety across long term care facilities.

Comment: Many commenters submitted comments regarding the placement of smoke alarms in long term care facilities. In September 2006 we published a final rule requiring all unsprinklered long term care facilities to, at minimum, install and maintain battery-operated smoke alarms in all resident rooms and common areas. In the October 2006 proposed sprinkler rule, we proposed to add a sunset date to this smoke alarm requirement. The smoke alarm requirement would, according to our proposal, cease to be effective on the phase-in date of the sprinkler requirement. Many commenters disagreed with our proposal to add a sunset date to the smoke alarm requirement. Furthermore, many of these commenters stated that all long term care facilities should be required to have both automatic sprinkler systems throughout their buildings and smoke alarms in resident rooms and common areas. Conversely, several commenters agreed with our proposal to add a sunset provision to the smoke alarm requirement. Of these commenters, many requested that the sunset date be flexible for individual long term care facilities. These commenters suggested that, rather than having a single sunset date, the final rule should state that a long term care facility is no longer required to meet the smoke alarm provision as soon as it installs and begins using an automatic sprinkler system. Additionally, one commenter sought clarification of the relationship between the CMS smoke alarm requirement and the smoke alarm requirement of the 2000 edition of the

Life Safety Code that long term care facilities are required to meet.

Response: The proposed smoke alarm sunset provision appears to have caused significant confusion and concern, and we thank the commenters for the opportunity to clarify our intent. The smoke alarm requirements of paragraph (a)(7) apply only to unsprinklered or partially sprinklered long term care facilities. This final rule will require all facilities to be fully sprinklered. Thus, there will no longer be any facilities that are unsprinklered or partially sprinklered. Since (a)(7) applies only to unsprinklered or partially sprinklered facilities, it will be a moot requirement. Nonetheless, we believe that it is appropriate to retain the requirements of paragraph (a)(7) until the end of the 5-year phase-in period. At the end of this period we will consider proposing a rule which would delete both this provision and reference to the phase-in period.

Moreover, facilities that are required to have smoke alarms or smoke detection systems in accordance with the requirements of the 2000 edition of the LSC as incorporated by reference in paragraph § 483.70(a)(1) must continue to comply with those existing LSC standards.

A significant number of commenters advocated for smoke alarms and/or smoke detection systems in all long term care facilities, even those that have automatic sprinkler systems throughout their buildings. All long term care facilities may consider installing smoke detection systems in their facilities in addition to installing automatic sprinkler systems. We may consider the appropriateness of such a requirement in future rulemaking.

Comment: We received a large number of public comments regarding the appropriate length of a phase-in period for the sprinkler installation requirement. Commenter suggestions for the length of the phase-in period ranged from as little as 18 months to as long as 15 years. The most frequently suggested phase-in period was 3–5 years. Other commenters made more general recommendations such as “the sooner the better” and “sooner rather than later.” Additionally, many commenters suggested that nursing homes should be allowed phase-in waivers on a case-by-case basis to provide additional time to those nursing homes who make a good faith effort to comply within the stated timeframe, but who do not do so. One commenter suggested that we include an additional requirement that long term care facility owners file a statement with CMS detailing their intent to

comply with the final rule within 180 days of publication of the final rule.

Response: We agree with commenters that a phase-in period is necessary to allow long term care facilities sufficient time to purchase and install automatic sprinkler systems throughout their buildings. While we recognize that a relatively short phase-in period (such as 18 months-3 years) will rapidly increase the level of fire safety in long term care facilities, we believe such a short time frame will not allow facilities enough time to comply with the provisions of this final rule. Re-allocating and/or securing financial resources, securing the services of a system designer and installation contractor, purchasing system components, securing any necessary permits, completing ancillary projects, and completing the actual installation process can take a substantial amount of time. We do not believe an 18-month to 3-year phase-in period allows enough time for all of these tasks to be completed in all affected facilities. Furthermore, we do not believe it is appropriate to allow waivers of this important requirement. Likewise, we do not believe it will be appropriate to allow long term care facilities 7 or more years to install automatic sprinkler systems, as some commenters suggested. While such a lengthy phase-in period will allow more than ample time for facilities to complete the installation process, it may also unnecessarily encourage facilities to postpone this much-needed fire safety improvement. In light of these considerations, we are finalizing a 5-year phase-in period. A long term care facility has 5 years from the date of publication of this final rule to purchase and install a fully-operational automatic sprinkler system throughout its building. A 5-year phase-in period balances our dual goals of improved fire safety and feasibility. It ensures that facilities begin planning for installation within a short period of time from the publication of this final rule and allows sufficient time for all facilities to complete the full installation process.

Comment: Numerous commenters submitted comments regarding the exact fire safety codes that should be used in long term care facilities. Many of these commenters supported our proposal to require facilities to meet the requirements of the 1999 edition of NFPA 13 and the 1998 edition of NFPA 25. Some of the commenters suggested that we require facilities to meet more recent editions of the NFPA standards. Other commenters questioned the role of the building codes issued by the International Code Council (ICC). Of these commenters, some suggested that

we require facilities to meet the ICC codes in place of the NFPA codes. Others suggested that States, local jurisdictions, and/or facilities be given the option to meet either the NFPA or ICC codes.

Response: While we agree that more recent editions of NFPA sprinkler codes or sprinkler codes issued by other code-setting bodies may include appropriate installation and maintenance requirements for automatic sprinkler systems in long term care facilities, we believe it is most appropriate to require long term care facilities to comply with the 1998 and 1999 editions of the NFPA sprinkler codes. If we require facilities to meet more recent editions of the sprinkler codes, we could be placing them out of compliance with the provisions of the 2000 edition of the LSC. Similarly, if we were to require or permit facilities to meet another sprinkler code issued by a separate code-setting body, the standards could be incompatible with the 2000 edition of the LSC. We do not believe this will be in the best interest of facilities and their residents.

Comment: A substantial number of commenters submitted thoughts in response to our discussion of potentially adopting the 2006 edition of the LSC, which requires existing long term care facilities to install automatic sprinkler systems. Commenters were nearly evenly divided in their support or opposition to adopting the 2006 LSC. The commenters who supported adopting the 2006 LSC stressed that this edition is the most recent version and has the potential to increase fire safety levels in all health care facilities. The commenters who did not support adopting the 2006 LSC cited potential delays in implementing the automatic sprinkler requirement and overall facility burden as key factors in their recommendation.

Response: The 2006 edition of the LSC made numerous changes to the requirements applicable to long term care facilities. The most substantial change in the 2006 LSC is the requirement that all long term care facilities must have automatic sprinkler systems. However, since we are addressing that issue in this rulemaking, we do not believe it should affect our evaluation of the overall merits of the 2006 LSC. We do not believe that the other changes in the 2006 edition of the LSC offers substantial improvements in the level of fire safety in long term care facilities that outweigh the additional burden to facilities of complying with the requirements of a newer edition of the LSC at this time. Therefore, we are not adopting the 2006 edition of the LSC

at this time. We will continue to participate in the NFPA consensus process as the NFPA revises and refines subsequent editions of the LSC. Additionally, we will carefully examine the 2009 edition of the LSC when it is published for possible incorporation by reference in our regulations governing long term care facilities and a variety of other health care provider types.

IV. Provisions of the Final Regulations

In this final rule we are adopting the provisions as set forth in the October 27, 2006 proposed rule with the following revisions:

- Deleted proposed § 483.70(a)(7)(iv), the sunset provision.
- Added a 5-year phase-in date to § 483.70(2)(8)(i).

V. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 30-day notice in the *Federal Register* and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We solicited public comment on each of these issues for the following sections of this document that contain information collection requirements:

In summary, § 483.70(a)(8)(ii) requires that all long term care facilities test, inspect, and maintain an approved, supervised automatic sprinkler system in accordance with the 1998 edition of NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*. This section states that facilities will be required by this proposed rule to comply with all applicable chapters of NFPA 25 once they have installed their sprinkler systems in accordance with the requirements of NFPA 13.

We believe facilities will utilize the services of a contractor for all inspection, testing, and maintenance activities, including documentation of

those activities. Therefore, no burden will be associated with the development of the documentation. The burden associated with this requirement, is the time and effort necessary for facilities to maintain documentation of inspections, tests, and maintenance activities in accordance with the standards outlined in the NFPA 25.

The burden associated with these requirements is estimated to be 1 hour per long term care facility. Therefore, we estimate it will take 2,446 total annual hours (1 hour × 2,446 estimated affected long term care facilities) to satisfy this burden.

These requirements are not effective until they are approved by OMB.

VI. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96-354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any 1 year). We have examined this rule, and we have determined that this rule would meet the criteria to be considered economically significant, and it would meet the criteria for a major rule. This determination is based on 2,446 long term care facilities being required to install automatic sprinkler systems at an estimated cost of \$7.95 per square foot, for a total cost of about \$847 million over the 5-year phase-in period. Hence, in any one year costs in excess of \$100 million will be incurred regardless of the decisions of individual facilities as to when to make the investment.

The estimated cost for installing a sprinkler system throughout an existing average size unsprinklered facility (50,000 square feet to be sprinklered at \$7.95 per square foot) will be \$397,500. Because these systems are capital investments, their costs are properly amortized over time in estimating their

impact on facility finances. We believe that a reasonable estimate of the useful life of a sprinkler system is 20 years. The projected installation cost of this requirement will account for approximately one fourth of one percent of an average unsprinklered facility's actual revenue over a 20-year period. The estimated cost for installing a sprinkler system throughout an existing average size partially sprinklered facility (37,125 square feet to be sprinklered at \$7.95 per square foot) will be \$295,143. The projected installation cost of this requirement will account for approximately one fifth of one percent of an average partially sprinklered facility's actual revenue over a 20-year period.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions (including tribal governments). Individuals and States are not included in the definition of a small entity. For purposes of the RFA, most long term care facilities are considered to be small entities, either by virtue of their nonprofit or government status or by having revenues of less than \$12.5 million in any one year. The latest SBA size standards classify a "Nursing Care Facility" under North American Industry Classification System (NAICS) as code 623110, and as "small" if its annual revenues fall below \$12.5 million (for details, see the Small Business Administration's Table of Small Business Size Standards at http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf.) According to our statistics, long term care facilities, all of which will be required to have sprinkler systems throughout their buildings, received a total of \$124.9 billion in revenue in 2006 (National Health Expenditures Accounts, http://www.cms.hhs.gov/NationalHealthExpendData/02_NationalHealthAccountsHistorical.asp). Also according to CMS data, there were 15,941 nursing facilities in operation at that time. The average facility therefore had annual revenue of \$7.8 million and thus fell well below the SBA size threshold. Taking into account both typical revenue, and that non-profit facilities of any size are "small entities" within the meaning of the RFA, we assume for purposes of our analysis that all LTC facilities are "small entities" for purposes of the RFA. Although the average LTC facility has revenues well below the SBA size threshold, we have,

as described in what follows, also analyzed impacts on entities that fall even farther below the size threshold. (Note: In the following paragraphs the terms "average facility" and "smaller facility" are strictly based on a revenue metric, just as are most of the SBA size thresholds, including that for NAICS code 623110. That is, the terms only describe facilities in terms of the amount of annual revenue.)

Long term care facilities vary in a number of ways, ranging from the number of residents to the predominant source of payment for those residences. For the purposes of our analysis, we chose to assess the financial impact of this final rule on a facility with average revenue and a facility with a much smaller revenue (50 percent below the mean). An average facility had approximately \$7,837,714 in revenue in 2006. A facility with revenue 50 percent below this average received \$3,918,857, or less than one third of the amount set by SBA to define "small." Over the 20-year amortization period revenues of an average facility will be about \$157 million. The "smaller" facility will have revenues of about \$78 million over the same 20-year amortization period. We calculate that the projected cost of this requirement will account for about one fourth of one percent of an average unsprinklered "smaller" facility's actual revenue over the 20-year period. Taking into account their smaller size and lower investment cost, the projected cost of this requirement will account about one fifth of one percent of a partially sprinklered "smaller" facility's actual revenue over the 20-year period. We are assuming that a smaller facility's square footage and number of beds are 50 percent less than an average facility's square footage because there is a strong correlation between the size of a facility, as reflected by the number of resident beds it has, and the facility's revenue level. According to CMS data from December 2007, there (see Table 3 later in this analysis) is about 100 beds, and there are 433 unsprinklered or partially sprinklered long term care facilities that have fewer than 50 beds and presumably meet our revenue definition of a "smaller facility." Hence, there are relatively few very small ("smaller") facilities that will be affected by this rule. That said, a total of about 2,446 unsprinklered or partially sprinklered facilities will be affected, and the great majority of these (we assume all) are "small entities" under the RFA (again, see Table 3 for the size distribution of affected entities).

As a result of these calculations, and because we normally only regard an

impact that reaches several percent of annual revenue as "significant" under the RFA, we certify that this final rule would not have a significant impact on a substantial number of small entities. However, some facilities may face financing or other problems that concentrate the impact and make its effect proportionally much larger than would otherwise be the case. While we do not believe that there would be a substantial number of facilities in this circumstance, we have prepared a voluntary regulatory flexibility analysis. This Regulatory Impact Analysis section, taken together with the remainder of the preamble, constitutes this analysis.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. We know that 8.41 percent of long term care facilities, 1,332 nationwide, are located in hospitals, but we do not know how many of those hospitals are small rural hospitals. However, it is likely that the affected number is quite small. Applying the same percentages that apply to the long term care universe to the 1,332 long term care facilities located in hospitals, we estimate that 1,125 are fully sprinklered, 176 are partially sprinklered, and only 31 are not sprinklered. Using these estimates and the preceding cost amortization calculations, we have concluded that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals and that a regulatory flexibility analysis is not required. Our voluntary analysis, however, applies equally to facilities regardless of location or affiliation and hence covers hospital-based facilities.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year by either the private sector or by State, local, and tribal governments of \$100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately \$130 million. This final rule does contain mandates that will impose annual spending costs on private long term care facilities of \$154 million, and on public long term care facilities of \$16 million,

based on an estimated cost of about \$847 million distributed over a 5-year phase-in period, for an average annual cost of about \$170 million for all public and private facilities. Estimated impacts on State, local, and tribal governments are well below the UMRA threshold, since over ninety percent of long term care facilities are privately owned, as shown the Federalism analysis that follows. With respect to private sector facilities, this Regulatory Impact Section, together with the remainder of the preamble, constitutes the analysis required under UMRA.

Note: For a more detailed discussion of the cost estimates, see part B.2 of this section.) In the proposed rule we estimated that this rule would cost \$47.8 to \$69.9 million, \$73.5 to \$107.5 million, and \$107.7 to \$157.6 million annually. These estimates were based on example phase-in periods of 10 years, 7 years, and 5 years, and cost-per-square-foot estimates of \$4.10, \$5.50, and \$6.10, respectively. We sought public comment on the length of an appropriate phase-in period, and received suggestions ranging from 18 months to 15 years. The most frequently suggested phase-in period was 3-5 years. We selected the longer phase-in period, 5 years, to help mitigate the impact of this rule upon long term care facilities. We also increased our cost-per-square-foot estimates to reflect increases in construction costs that have occurred since publication of the proposed rule.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct compliance costs on State or local governments, preempts State law, or otherwise has Federalism implications. Of the 2,446 facilities that will be affected by this final rule, 216 facilities (8.83 percent of all affected facilities) are owned by State and local governments. The majority of these facilities (188) are already partially sprinklered. Of the 188 partially sprinklered facilities, 31 have less than 50 resident beds, 43 have 50-99 resident beds, 63 have 100-199 resident beds, and 49 have 200 or more resident beds. We estimate that it will cost on average about \$14.24 million annually for 5 years to install sprinklers throughout the unsprinklered portions of these facilities. Of the remaining 30 completely unsprinklered facilities, 13 have less than 50 resident beds, 8 have 50-99 resident beds, 7 have 100-199 resident beds, and 2 have 200 or more resident beds. We estimate that it will cost on average about \$2.12 million annually for 5 years to install sprinklers throughout these unsprinklered facilities. The total of these annual average cost estimates, about \$16 million, is negligible in the context of

overall State and local budgets and as a capital expense can be financed over a period of years by borrowing. Therefore, we believe that this final rule will not impose substantial direct compliance costs on State or local governments, and thus has no Federalism implications.

B. Anticipated Effects

1. Benefits

a. Decreasing Loss of Life

We believe that installing an approved, supervised automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*, throughout a long term care facility will have a positive impact on resident safety. According to the July 2004 GAO report discussed above, installing sprinklers decreases the chances of fire-related deaths by 82 percent. In unsprinklered facilities, there are 10.8 deaths per 1,000 fires. In sprinklered facilities, there are 1.9 deaths per 1,000 fires.

The 2003 fires in Hartford and Nashville resulted in more fire related deaths (31) than there were for several previous years combined. Both of these fires occurred in unsprinklered buildings. If sprinklers had been installed in these facilities, and if they were properly maintained, we estimate that 82 percent of those fire-related deaths may have been prevented, based on an 82 percent reduction in the chances of death occurring in a sprinklered facility. We estimate that, based on this reduction, 25 (82 percent of 31 deaths = 25) lives could have been saved by sprinklers in these two fires, or 13 lives in the Hartford fire and 12 lives in the Nashville fire.

According to the U.S. Census Bureau, in 2006, the average age of a long term care facility resident was 83.2 years. This number reflects the overall demographic trend in long term care facilities toward an older patient population. In 2003 (the most recent year of data available), the average life expectancy for an individual at age 85 was 6.6 years (*Older Americans Update 2006: Key Indicators of Well-Being*, Federal Interagency Forum on Aging-Related Statistics. http://www.agingstats.gov/agingstatsdotnet/Main_Site/Data/2006_Documents/Health_Status.pdf). This means that an 85-year-old long term care facility resident could expect to live an average of 6.6 more years. We acknowledge that the average age of a long term care facility resident (83.2 years) is slightly younger than the 85 year data point used to assess average life expectancy; however, we believe that using the life expectancy of an 85 year old is an

acceptable proxy for the life expectancy of an 83.2 year old.

Based on a life expectancy at age 85 of 6.6 years, we estimate that sprinklers in these two fires would have added 165 life years (25 lives saved × 6.6 life years per life saved).

While the number of deaths in these two fires is not typical of the number of fire-related deaths in long term care facilities as a whole, we believe that they should still be taken into consideration when discussing the impact on the general long term care facility resident population.

In a typical year from 1994 through 1999, about 2,300 long term care facilities report structural fires (July 2004 GAO report). We estimate that 25 percent (575) of the 2,300 facilities that

reported fires annually during the 1994–1999 time period did not have sprinklers installed throughout their buildings. This estimate is based on the results of the 2004 GAO report and a nationwide survey of long term care facilities conducted by CMS following the results of the GAO report.

Based on the rate of 10.8 deaths per 1,000 unsprinklered facility fires, we estimate that 6 deaths occurred in 575 fires in unsprinklered and partially sprinklered facilities annually. (575 facilities = 57.5 percent of 1,000 facilities; 57.5 percent of 10.8 deaths = 6 deaths). This estimate differs slightly from the average number of deaths (5) that occurred due to long term care facility fires, as presented in the July 2004 GAO report, because this estimate

predicts the number of deaths that statistically would be expected to occur, based on established percentages, rather than the average number of deaths that occurred annually in the past. This estimate is prospective, whereas the 2004 GAO figure is retrospective.

If these unsprinklered or partially sprinklered facilities install sprinklers throughout their buildings and those sprinklers are properly maintained, then we estimate that there will be 1 death (57.5 percent × 1.9 deaths per 1,000 fully sprinklered facility fires according to the 2004 GAO report = 1) in those same 575 facilities. Installing sprinklers in unsprinklered and partially sprinklered buildings would, based on these estimates, save 5 lives annually.

TABLE 1—ESTIMATED ANNUAL FIRE DEATHS

Number of estimated annual fire-related deaths in unsprinklered long term care facilities	Number of estimated annual fire-related deaths if those facilities were sprinklered	Number of estimated annual lives saved by sprinklers
6	1	5

Given the estimate described above that installing and maintaining sprinkler systems in existing long term care facilities will save 5 lives annually, we estimate that sprinklers will save 33 life years annually (5 lives saved × 6.6 years gained per life).

TABLE 2—LIFE YEARS

Number of life years gained per life saved	Number of life years gained annually
6.6	33

There are a wide variety of estimates regarding the statistical value of a life or of a quality-adjusted life year. For example, there are numerous studies that attempt to quantify how much individuals and society are willing to pay to gain a single, quality year of life, known as a quality-adjusted life year. These studies, using one or more of four different methodologies, have estimated that individuals and society are willing to pay between \$50,000 and \$450,000 for a quality-adjusted life year (see R.A. Hirth, *et al.*, "Willingness to Pay for Quality-Adjusted Life Year: In Search of a Standard," *Medical Decision Making*, Volume 20, Number 3, July–Sep. 2000). Due to the fact that there is no widely accepted standard value, we refrained in the proposed rule from estimating the statistical value of each life or life year that will be gained as a result of a final rule requiring sprinklers in all long term care facilities. However, a recent FDA rule used an estimate of \$5 million as

the value of a statistical life and derived from this figure values of between \$213,000 (at a 3 percent discount rate) and \$373,000 (at a 7 percent discount rate) for a quality adjusted life-year (QALY). (See the FDA Final Rule on "Medical Devices: Patient Examination and Surgeon's Gloves; Test Procedures and Acceptance Criteria," December 19, 2006, 71 FR 75865, as corrected January 19, 2007, 72 FR 2436.) These are intended to be rough estimates of societal willingness to pay for saving a "statistical life" (not a particular person) or for adding a year of life that does not involve total disability. It is not a settled issue in the literature of valuation of life as to how well these estimates fit an elderly population, and we use them here only to provide a rough estimate as to one of the major benefits of this final rule in the same dollar metric as costs.

Applying these estimates, the life-saving benefits of this final rule once all facilities are compliant will be approximately \$25 million dollars annually based on a value of \$5 million per statistical life saved. These benefits accrue over the entire 20-year horizon during which automatic sprinkler systems save lives. Hence, undiscounted future benefits from life saving would be as much as \$500 million (\$5 million times 5 lives times 20 years).

There are additional life-year benefits, to the extent that residents who survive a fire are nonetheless physically injured in ways that that greatly reduce their future quality of life. For example, a

person who spends months in the hospital recovering from burn injuries and the remainder of his life partially incapacitated by those injuries, or a person whose lungs are permanently damaged by smoke inhalation, do not have the same good health that they would have enjoyed absent the fire. We do not have at this time any basis for estimating the amount of severe morbidity caused by facility fires that sprinklers can mitigate, but it could be very substantial, likely approaching and perhaps exceeding the number of life-years lost to mortality. For purposes of this analysis, we assume that it equals the mortality QALYs, and that total benefits from morbidity reduction range from \$7 to \$10 million a year (33 life years times 20 years time either \$213,000 or \$373,000).

The FDA estimates were based on a "willingness to pay" analysis of wage differentials necessary to attract labor to riskier occupations. Such analyses have shown that people demand significantly higher wages to accept even a small additional risk of death. The estimated value of an additional year of life is based on life expectancy in the FDA analysis. However, there are other ways to create such estimates and many studies have done so. For example, an estimate using data on rural interstate highway driving speeds found that the value of a statistical life could be estimated as between \$1.6 and \$5.9 million (Orley Ashenfelter, "Measuring the Value of a Statistical Life: Problems

and Prospects," Working Paper 11916, National Bureau of Economic Research, January 2006). As another example, a recent study of the willingness to pay for better health care found that a reasonable estimate of the value of a QALY lies between \$183,000 and \$264,000 per life year (R. Scott Braithwaite, *et al*, "What Does the Value of Modern Medicine Say About the \$50,000 per Quality-Adjusted Life-Year Decision Rule?," *Medical Care*, Volume 46, Number 4, April 2008). Thus, the estimates used by the FDA, and in this CMS analysis, are broadly consistent with estimates from other sources, such as the Hirth and Braithwaite studies.

The reasonableness of applying such estimates to an elderly population is unclear, particularly when that population is, by definition, at least temporarily unable to live outside an institutional setting. However, the general approach used most often in the literature is to use the same value of a statistical life for persons of all ages. As to value of a life-year, there is considerable evidence in the literature that the kinds of disabilities most commonly found in nursing homes, such as mobility and mental impairments, do not substantially reduce the value of a life-year (see Chaim M. Bell, *et al*, "An Off-the-Shelf Help List: A comprehensive Catalog of Preference Scores from Published Cost-Utility Analyses," *Medical Decision Making*, Volume 21, Number 4, July-August 2001). For example, on a scale of zero to 1, where zero is represented by a persistent vegetative state and 1 is best attainable health, this synthesis shows that disability after a hip fracture is rated at .8, and even after major stroke from .2 to .5. Absent a compelling rationale to the contrary, we therefore use the full values of a statistical life and a QALY in our analysis.

A few commenters questioned our methodology for assessing the potential life-saving benefits of installing and maintaining automatic sprinkler systems. However, these commenters did not suggest an alternate method for assessing these potential benefits. Therefore, we reaffirm the methodology and results described above.

b. Decreasing Loss of Property

As a result of installing and properly maintaining sprinklers, we anticipate that facilities that experience fires would lose less property. While the amount of property damage and loss that would be prevented by installing and maintaining sprinklers is not readily quantifiable from existing data, we believe that the amount of damage prevented will be substantial, and that

this prevention will benefit affected long term care facilities.

Preventing property damage and loss may also reduce the amount of money paid by insurers to cover fire-related losses. Such reductions may help control long term care facility insurance costs and reduce any spill-over effect for other insurance markets. Again, these benefits are not easy to estimate reliably from existing data. However, we believe that they should be considered as part of the overall analysis of the benefits of purchasing, installing, and maintaining automatic sprinkler systems in long term care facilities.

For purposes of estimating overall benefits and costs, we believe that an estimate of about \$26 million a year would not be unreasonable. We base this on the following calculations. First, as previously discussed there are approximately 2,300 structural fires annually in long term care facilities, a rate of about one fire per every seven facilities. However, we estimate that the number of fires in unsprinklered or partially sprinklered facilities is far higher, with these 2,446 facilities accounting for one fourth of all structural fires, or about one fire per every four such facilities (575 fires in 2,446 facilities). Assuming that the rate could be reduced to the 13 percent rate in fully sprinklered facilities (1,725 fires in 13,495 facilities), approximately 260 structural fires a year would be prevented. We have no specific data for estimating the dollar cost of fighting these fires and restoring the properties, but assuming illustratively that the average cost of a structural fire is \$100,000, total annual savings would be on the order of \$26 million a year.

c. Decreasing Fire Recovery Disruption and Time

In addition to losing less property due to fire, we anticipate that long term care facilities that experience fires will be able to recover more quickly with fewer disturbances to residents. Because sprinkler heads generally activate only in the area immediately near the fire source, the area that will be damaged by a fire will likely be much smaller in a sprinklered building than it would be in a building without sprinklers, thus reducing recovery costs. In addition, by limiting the area affected by the fire, there would be fewer disturbances to residents during the recovery time. In particular, fewer residents would be forced into a change in residence, a disruption that often affects residents' physical and mental well-being severely. Finally, by limiting the affected area and duration of disruption, an affected facility will reduce the

number of paid patient-days that it loses. While we cannot quantify most of these benefits to long term care facilities and their residents, we believe that they are substantial. Assuming illustratively that they equal half the cost of a fire prevented, annual savings would be on the order of \$6.5 million a year.

d. Decreasing Legal Liability and Insurance Cost

As a result of installing sprinklers, facilities will greatly reduce their potential exposure to legal costs and legal damages, as well as reduce their costs for liability insurance. Again, we cannot quantify these benefits but they could be very substantial. For example, were a court to find that a facility was negligent either in not installing a state-of-the-art system, or in being unable to save residents who would have been saved had such a system been in place, tort liability could be imposed. Absent any way to predict what might occur (which might depend, for example, not only on specific factual circumstances but also on the tort law in the state in which such a fire might occur), we do not estimate the dollar value of these benefits.

e. Reducing Major Medical Care Costs

Fires cause morbidity as well as mortality. Not all residents who suffer deadly burns die immediately. Treatment of severely burned persons is among the most expensive kinds of medical care. Other effects of fires that require medical treatment include smoke inhalation and injuries cause by falls when fleeing from rooms affected by fire or smoke. No data are available to us on the extent of these medical costs, and hence on costs prevented by this final rule, but they are likely to be substantial. Assuming illustratively that there are ten expensive medical care cases prevented for each death prevented by this rule, and that such cases average \$100,000, annual benefits would be \$5 million ($5 \times 10 \times \$100,000$).

2. Costs

This final rule requires a long term care facility to install an approved, supervised automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*, throughout the building. This final rule also allows long term care facilities to install automatic sprinkler systems over a 5-year phase-in period.

Number and Size of Affected Facilities

Following publication of the GAO report, CMS incorporated a data collection element on the long term care facility survey form. When completing a

survey, a long term care facility surveyor must note whether the facility is fully sprinklered, partially sprinklered, or unsprinklered. Based on

data collected during the survey process, we know that 13,391 facilities are fully sprinklered, 2,086 facilities are partially sprinklered, and 360 facilities

are unsprinklered. The following table groups the partially and unsprinklered facilities by the number of beds.

TABLE 3—NUMBER OF AFFECTED FACILITIES BY SIZE

	<50 beds	50–99 beds	100–199 beds	200+ beds
Partially sprinklered	315	675	870	226
Unsprinklered	118	128	102	12

The number of resident beds in a facility strongly corresponds to its physical size. Simply put, larger buildings have more resident beds, and smaller buildings have fewer resident beds. Therefore, based on the number of beds in a facility, we are able to estimate the square footage of a long term care facility. For purposes of our analysis, we estimate that a long term care facility has 500 total square feet for each resident bed. This estimate, which includes space for the resident's room, community spaces, and administrative spaces, is based on discussions with architects and engineers who are familiar with the design of older long term care facilities. Therefore, for purposes of our analysis, an average facility with fewer than 50 beds is 24,500 sq ft, 50–99 beds is 37,000 sq ft, 100–199 beds is 74,500 sq ft, and 200+ beds is 99,501 sq ft. When estimating the cost of installing an automatic sprinkler system in an unsprinklered facility, we use these square footage estimates.

However, these estimates do not reflect the area that must still be sprinklered in a partially sprinklered long term care facility. By definition, a partially sprinklered facility already has an automatic sprinkler system in one or more sections of the facility. For purposes of this impact analysis, we assume that a partially sprinklered building is 25 percent sprinklered, leaving 75 percent of the building to be sprinklered in accordance with this final rule. Buildings in this category may have more or less sprinkler coverage than this assumption.

For facilities with fewer than 50 resident beds, we estimate that sprinklers will be installed for 18,375 square feet (75 percent of maximum square footage in this size category). For facilities with 50 to 99 resident beds, we estimate that sprinklers will be installed for 27,750 square feet (75 percent of average square footage in this size category). For facilities with 100 to 199 resident beds, we estimate that sprinklers will be installed for 55,875 square feet (75 percent of average square footage in this size category). For

facilities with more than 199 resident beds, we estimate that sprinklers will be installed for 75,000 square feet (75 percent of minimum square footage in this size category).

a. Installation Cost per Square Foot

Purchasing and installing a sprinkler system according to the requirements of NFPA 13 encompasses a wide variety of factors, including those briefly described in section II of this final rule. Within the requirements of NFPA 13, there are numerous variables that can impact the purchase and installation costs for a facility. Each facility has different needs that must be addressed when purchasing and installing a sprinkler system, and this cost estimate cannot address each particular need or combination of needs. Therefore, we are basing our cost estimates not on the individual requirements of NFPA 13 for an individual facility, but on a bundled purchase and installation estimate for an average facility, as described below. Individual facilities may have costs above or below those of this average facility due to facility size and facility-specific sprinkler system needs. Long term care facilities that are based in other health care facilities, such as hospitals, are required by this final rule only to have sprinklers in the long term care facility section of the building. Therefore, we do not believe that facility-based long term care facilities will have different installation costs than freestanding facilities with similar resident bed and square footage numbers.

We estimate that it will cost \$7.95 per square foot to purchase and install a sprinkler in an existing facility. According to the *Architects, Contractors, Engineers Guide to Construction Costs, 2008 Edition* by Design and Construction Resources, purchasing and installing sprinklers in new long term care facilities costs \$2.65 per square foot. This cost estimate incorporates all contractor costs such as labor, materials, and a 20 percent overhead fee; 35 percent taxes and insurance on labor, equipment, and tools; and 5 percent sales tax.

Although we recognize that capital and interest costs may increase the cost of purchasing and installing automatic sprinkler systems in long term care facilities, these costs are not included in our estimates. Due to the individual circumstances of each facility, unknown future interest rates, and various other factors, we are unable to accurately estimate the capital and interest costs of installing sprinkler systems. Therefore, we have chosen to exclude these costs from our estimates while acknowledging that they do exist and will play a role to some degree in the decisions of long term care facilities that will be affected by this final rule. Note, however, that the economic costs of financing this capital investment would not be the gross cost of borrowing, but the much smaller opportunity cost of the capital devoted to sprinklers rather than some other investment. Furthermore, to the potentially substantial extent that facilities gain from this investment (reduced disruption, revenue loss, etc. as previously discussed) the opportunity cost may be very low.

Renovation costs are typically two to three times higher than new construction costs because installing the sprinkler system must be completed in a piecemeal fashion while the building remains occupied. This increases the length of the construction time and, thus, increases its costs. In addition, renovations to add sprinkler systems often require upgrading or adding related building components such as water lines and fire pumps. The upgrades and additions require more capital investment and construction time. Increased investment and construction time also increases costs.

For purposes of this impact analysis, we assume that renovating a typical facility to add sprinklers would cost three times more than purchasing and installing sprinklers in new long term care facilities. In the proposed rule, we presented a range of cost per square foot estimates from two to three times the costs of installation in a new building. Commenters indicated that the lower estimates in this range did not reflect the actual costs incurred by existing

long term care facilities. Therefore, we eliminated the lower range and only use the highest estimate (three times the cost of installing sprinklers in new construction, \$7.95).

b. Cost Estimates

The cost estimates for both unsprinklered and partially sprinklered facilities are presented in the following tables. They are based on all of the above-described estimates about the number of facilities that would be

affected, the sizes of those facilities, and the installation cost per square foot. We estimate that this final rule will cost \$846,680,105 over the 5-year phase-in period, or an average of \$169,336,021 annually for 5 years for all affected partially sprinklered and unsprinklered long term care facilities.

TABLE 4—ONE-TIME INSTALLATION COST FOR PARTIALLY SPRINKLERED FACILITIES AT \$7.95 PER SQUARE FOOT BY SIZE

	>50 beds (18,375 sq ft to be sprinklered)	50–99 beds (27,750 sq ft to be sprinklered)	100–199 beds (55,875 sq ft to be sprinklered)	200+ beds (75,000 sq ft to be sprinklered)
Cost per facility	\$146,081	\$220,613	\$444,206	\$596,250
Number of affected facilities	315	675	870	226
Cost for all facilities	\$46,015,515	\$148,913,775	\$386,459,220	\$134,752,500

TABLE 5—ONE-TIME COST FOR UNSPRINKLERED FACILITIES AT \$7.95 PER SQUARE FOOT BY SIZE

	>50 beds (24,500 sq ft to be sprinklered)	50–99 beds (37,000 sq ft to be sprinklered)	100–199 beds (74,500 sq ft to be sprinklered)	00+ beds (99,501 sq ft to be sprinklered)
Cost per facility	\$194,775	\$294,150	\$592,275	\$791,033
Number of affected facilities	118	128	102	12
Cost for all facilities	\$22,983,450	\$37,651,200	\$60,412,050	\$9,492,395

TABLE 6—TOTAL ONE-TIME INSTALLATION COST FOR ALL FACILITIES BY SIZE

	>50 beds	50–99 beds	100–199 beds	200+ beds
Partially sprinklered	\$46,015,515	\$148,913,775	\$386,459,220	\$134,752,500
Unsprinklered	22,983,450	37,651,200	60,412,050	9,492,395
Total	68,998,965	186,564,975	446,871,270	144,244,895

We do not expect all affected long term care facilities to have all necessary resources immediately available to purchase and install automatic sprinkler systems. Therefore, we are allowing all facilities up to five years from the date of publication of this final rule to purchase and install sprinklers. While we will encourage all facilities to immediately begin the process of purchasing and installing sprinklers, we understand that some facilities will choose to wait until later in the phase-in period to begin this process. Therefore, we expect that the one-time cost of this final rule will be distributed over a period of several years as facilities nationwide will likely stagger their installation schedules to meet their individual needs and circumstances. We estimate that long term care facilities will spend, on average, \$169,336,021 annually for five years to purchase and install automatic sprinkler systems throughout their facilities.

c. Maintenance

After installing an approved, supervised automatic sprinkler system in accordance with the 1999 edition of NFPA 13 throughout the building, all

long term care facilities must test, inspect, and maintain their sprinkler systems in accordance with the 1998 edition NFPA 25. We estimate that long term care facilities will conduct quarterly inspections of their sprinkler systems and annual trip tests. We assume that each inspection will take 4 hours to complete, at a cost of \$150 per inspection. We also assume that each trip test will take 6 hours, at a cost of \$250. Based on these assumptions, we estimate that long term care facilities will spend \$850 annually to test and inspect their sprinkler systems. In addition, we assume that long term care facilities will spend an additional \$150 annually to perform any necessary maintenance duties.

Individuals who perform these testing, inspection, and maintenance duties will have to be properly trained and, in some States and local jurisdictions, they will have to be licensed. Generally, long term care facilities will not have enough sprinkler system work needs to directly employ someone with the necessary skills, training, and licensure. Therefore, we believe that long term care facilities will

likely contract with another company to meet their testing, inspection, and maintenance needs. However, long term care facilities are not required by this rule to contract for these services. In addition to actually conducting the necessary testing, inspection, and maintenance activities, we believe that a contract will also include a provision that the contractor prepares adequate documentation of the activities conducted. We estimate that the total cost of meeting these requirements will be \$1,000 (\$150 × 4 quarterly inspections = \$600 + \$250 annual trip test + \$150 general maintenance costs = \$1,000). We estimate that the total maintenance cost for all affected facilities will be \$2,446,000. We recognize that some commenters suggested that this estimate is not sufficient to capture the cost of maintaining an automatic sprinkler system. However, the commenters did not suggest a more suitable method for assessing the potential maintenance costs or a more suitable dollar estimate for such costs. Therefore, we reaffirm our original estimates.

In addition, all long term care facilities that will be affected by this final regulation are required to maintain documentation of all inspection, maintenance, and testing activities. The burden associated with these requirements is estimated to be 1 hour per long term care facility. Therefore, we estimate it will take 2,446 total annual hours (1 hour \times 2,446 estimated affected long term care facilities) to meet this requirement. This documentation

maintenance requirement will cost an affected facility \$19 a year, based on an hourly rate of \$19 for an office employee (\$19 per hour \times 1 hour). The total annual cost of this final documentation requirement will be \$46,474 (\$19 per facility \times 2,446 facilities).

3. Summary of Estimated Costs and Benefits

Taking into account all these categories of benefits and costs, and

their timing, we believe that this final rule creates a substantial excess of benefits over costs at a social discount rate of 3 percent and a slight excess of benefits over costs at 7 percent. As shown in the table, costs are heavily concentrated in the first five years (we assume one-fifth is invested in each of the five years allowed for compliance) while benefits accrue over the entire 20-year life of these investments.

TABLE 7—TOTAL FIRE SPRINKLER SYSTEM COSTS AND BENEFITS

Year	Benefits							Costs				
	Statistical lives saved	Life years saved from mortality reduction	Life years saved from morbidity reduction	Monetized statistical lives (\$M)	Monetized morbidity reduction (\$M)*	Decreasing loss of property (\$M)	Decreasing fire recovery disruption and time (\$M)	Reducing major medical costs (\$M)	Total benefits (\$M)	Installation (\$M)	Maintenance (\$M)	Total costs (\$M)
1	1	6.6	6.6	5	1	5	2.6	1	15.2	169	0.5	169.5
2	2	13.2	13.2	10	3	13	6.5	2	34.3	169	1.0	170.0
3	3	19.8	19.8	15	4	16	7.8	3	45.6	169	1.5	170.5
4	4	26.4	26.4	20	6	21	10.4	4	60.8	169	2.0	171.0
5	5	33	33	25	7	26	13	5	76.0	169	2.5	171.5
6	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
7	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
8	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
9	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
10	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
11	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
12	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
13	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
14	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
15	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
16	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
17	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
18	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
19	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
20	5	33	33	25	7	26	13	5	76.0	0	2.5	2.5
Undiscounted Total	90	594	594	450.0	126.5	470.6	235.3	90.0	1,372.4	845.0	45.0	890.0
Net Present Value at 3%					3%				991.4			806.4
Discount Rate												
Net Present Value at 7%					7%				722.4			715.0
Discount Rate*												

* Estimate at 3% discount rate, shown in table, uses a value of \$213,000 per QALY; estimate at 7% uses a value of \$373,000 per QALY.

The Office of Management and Budget has stated that the value of a statistical life could be put anywhere between \$1 and \$10 million (in practice a number as low as \$1 million is almost never used). Clearly using the lower end of this range would greatly reduce the benefits of this final rule, and using the higher end would greatly increase those benefits. Broad (though not equally broad) ranges of comparisons could be made for most categories of benefits. However, only if the most conservative possible estimates were used for almost every category of benefits would total discounted benefits fall below discounted costs at a discount rate of 3 percent. Therefore, we have chosen not to present a detailed sensitivity analysis.

Our installation cost estimates, in contrast, do not pose remotely as wide a range of possibilities. In our view we have estimated these quite conservatively, and actual costs could easily be ten or twenty percent lower than the estimates we use. For example, the five year compliance horizon we provide means that many facilities will be able to combine sprinkler installation with other major renovations such that the cost of sprinkler installation will be considerably less. In fact, during the next five years it is quite likely that a considerable fraction of long term care providers in the older facilities most affected by this final rule will for unrelated business reasons decide to move to new facilities and dispose of their older facility buildings. We have not attempted to estimate the effects of such estimate-reducing actions.

Finally, there is an alternative way to estimate and present the effects of this rule. Approaching these estimates from the perspective of cost-effectiveness analysis (CEA), Table 7 shows that we estimate a total of 1,188 undiscounted life years saved from both mortality and morbidity reductions. Subtracting from total monetary costs the monetary benefits from reduced property damage, disruption, and medical costs, the net undiscounted costs are \$94.1 million. Undiscounted, the cost per life-year saved is \$79,000. Discounting both life years and costs to present value, the cost per life-year saved would be \$270,000 at a 3 percent discount rate, and \$553,000 at a 7 percent discount rate. These results are markedly sensitive to the discount rate because the benefits of the rule accrue roughly evenly over time, while the costs are highly concentrated in the early years. Despite the fact that this mostly elderly population has relatively few years of life expectancy compared to an average population, even at a 7 percent discount rate the cost per life-year saved, while higher

than the most widely used values for a QALY, is within the range of accepted "willingness to pay" values (e.g., the Hirsch study published in 2000 presents \$450,000 as an accepted value, which adjusted for inflation roughly equals our estimate of \$553,000).

C. Alternatives Considered

1. Maintain Current Fire Safety Requirements

We currently require long term care facilities to comply with the fire safety requirements in the LSC. In addition, we currently require long term care facilities that do not have sprinklers installed throughout the building to have and maintain at least battery operated smoke alarms in resident rooms and public areas. We believe that these requirements are a solid foundation for ensuring that all long term care facility residents are protected from the threat of fire.

We also believe that these current measures do not go far enough to protect long term care facility residents. Both the Hartford and Nashville facilities were in substantial compliance with the LSC, yet both facilities experienced severe fires with large numbers of fatalities.

The smoke alarm requirement that we published in the *Federal Register* on March 25, 2005 (70 FR 15229) after these fires was a step toward improving fire safety and avoiding another devastating fire. Unfortunately, single station smoke alarms can only warn facility staff and residents of the fire. They cannot suppress a fire or prevent it from spreading to other areas.

Long-term care facility residents often have multiple or severe health problems that complicate the facility's ability to ensure their safety in the event of a fire. For example, frail elderly residents may rely on facility staff to assist them in transferring and otherwise moving about the facility. These types of residents are unable to independently protect themselves from the threat of fire by moving away from the danger. They are dependent on facility staff, who are also responsible for ensuring the safety of dozens of other residents. A rapidly growing fire can overwhelm both the staff and residents, leading to tragic consequences.

However, a properly designed, installed, and maintained sprinkler system effectively prevents a fire from spreading to other areas and overwhelming the staff and residents. Containing a fire reduces the threat to residents in other portions of the building and allows facility staff to focus their energy on the area that is

most affected by the fire, without worry about the fire spreading to other areas and threatening other residents. Sprinkler systems have consistently served this function for many years, and they are commonly recognized as the single most effective fire safety device currently available.

Given the past success of sprinkler systems and their potential for saving lives in the future, we believe that maintaining the existing fire safety requirements without adding sprinkler requirements does not ensure the safety of long term care facility residents to the greatest extent possible.

In addition, maintaining the existing fire safety requirements will have left decisions regarding more stringent fire safety measures in the hands of State and local governments. State and local governments have, in the past, made very different decisions about fire safety requirements in long-term care facilities. For example, some States, such as Tennessee and Virginia, already require all long-term care facilities to have sprinklers throughout their buildings. In contrast, other States, such as South Dakota, Michigan, and the District of Columbia, do not have such requirements, resulting in almost 50 percent or more of their long-term care facilities lacking sprinklers throughout their buildings. This level of variability is not acceptable because residents of long-term care facilities should be assured the same minimum level of fire safety regardless of what State or locality they reside in. Federal regulation is the most efficient and expedient manner for achieving the goal of uniform nationwide minimum fire safety standards; therefore, we chose to pursue Federal regulation rather than depending on State and local governments.

2. Exempt Smaller Facilities

The Medicare Conditions of Participation are the minimum requirements that providers are required to meet in order to be Medicare and Medicaid certified. Many other standards setting organizations have requirements that go beyond what Medicare and Medicaid require. Facilities may choose to strive for these higher standards, although Medicare and Medicaid do not require them to do so.

Exempting any facility from this final minimum requirement will be a disservice to the residents of that facility. Residents deserve to be safe from the threat of fire, whether they reside in a large facility or a smaller one. The final sprinkler requirement will ensure that, regardless of the size or

location of their residence, all residents are protected by the same basic minimum fire safety requirements.

However, we did consider whether there might be some size or other threshold creating a "cut off" point below which some facilities might be exempted on the grounds that the cost of sprinkler installation is prohibitively expensive in relation to the number of residents to be protected. We were unable to identify any such threshold from the GAO study, our own analysis, or the comments we received. To the contrary, it appears that there is a linear or near linear relationship among facility revenue, facility size, number of facility residents, and cost of installing automated sprinkler systems. Nor are there any data suggesting that risk or rates of fire vary with facility size. The one certainty is that automated sprinkler systems are the most certainly effective method of preventing and controlling expansion of fires.

We believe that the 5-year phase-in period will substantially help to mitigate the costs of installing sprinklers for small facilities by providing substantial flexibility to coordinate sprinkler decisions with other business arrangements, including financing and renovation decisions. Therefore, we have no reasonable basis to exempt any particular type of facility, including smaller facilities, from this requirement.

3. Require Compliance in Less Than or More Than Five Years

Requiring compliance with this final rule in less than five years would, we believe, be a hardship for affected long term care facilities. Allocating resources, designing a sprinkler system, purchasing it, obtaining necessary permits, installing it, and testing it all require a significant amount of time. In 15 states, 20% or more of all long term care facilities will be required to go through this process, potentially increasing the wait time permit applications and for the availability of qualified system designers and installers. For these reasons, and to provide flexibility to coordinate with other business decisions, we have chosen to allow up to 5 years to complete this process.

Allowing facilities more than 5 years to complete the sprinkler process could encourage facilities to unnecessarily delay the installation process. Such delays could unduly jeopardize resident and staff safety. Therefore, we believe that a phase-in period of more than five years would not be in the best interest of long term care facility resident and staff safety and would not accomplish the goals of this final rule.

D. Accounting Statement

As Required by OMB Circular A-4 (available at <http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf>), in Table 7 below, we have prepared an accounting statement showing the classification of the costs and benefits associated with the provisions of this final rule. This table is based on our best estimate of the undiscounted total cost of \$845 million, over a five year phase in period, for the 2,446 long term care facilities being required to install automatic sprinkler systems at an estimated cost of \$7.95 per square foot, plus an additional \$45 million undiscounted for maintenance costs of about \$2.5 million annually. After discounting to present value, total costs are estimated to be \$806 million at a 3 percent discount rate, and \$715 million at a 7 percent discount rate. The table also reflects total benefits of \$1,372 million undiscounted, \$991 million discounted to present value at 3 percent, and \$722 million discounted to present value at 7 percent.

TABLE 7—ACCOUNTING STATEMENT

Category	Primary estimate (\$M)
Monetized Costs (\$ Millions):	
Total Cost Over 20-Year Period (PV at 0% discount rate)	\$890
Total Cost Over 20-Year Period (PV at 3% discount rate)	806
Total Cost Over 20-Year Period (PV at 7% discount rate)	715
Monetized Benefits:	
Total Benefits (PV at 0% discount rate)	1372
Total Benefits (PV at 3% discount rate)	991
Total Benefits (PV at 7% discount rate)	722

E. Conclusion

We estimate that this regulation will result in private sector expenditures of \$846,680,105, over a 5-year phase-in period, or \$169,336,021 annually for 5 years, to purchase and install automatic sprinkler systems throughout affected long-term care facilities. We also estimate that this regulation will result in private sector expenditures of \$2,492,474 (\$2,446,000 for maintenance + \$46,474 for documentation) annually to maintain those automatic sprinkler systems. While the effects of this regulation are substantial, they are necessary to protect the safety of long-term care facility residents and staff.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 483

Grant programs—health, Health facilities, Health professions, Health records, Incorporation by Reference, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

■ For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 483—REQUIREMENTS FOR STATES AND LONG-TERM CARE FACILITIES

■ 1. The authority citation for part 483 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart B—Requirements for Long-Term Care Facilities

■ 2. In § 483.70, add new paragraph (a)(8) to read as follows:

§ 483.70 Physical environment.

(a) * * *

(8) A long term care facility must: (i) Install an approved, supervised automatic sprinkler system in accordance with the 1999 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems*, as incorporated by reference, throughout the building by August 13, 2013. The Director of the Office of the Federal Register has approved the NFPA 13 1999 edition of the *Standard for the Installation of Sprinkler Systems*, issued July 22, 1999 for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

(ii) Test, inspect, and maintain an approved, supervised automatic sprinkler system in accordance with the 1998 edition of NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire*

Protection Systems, as incorporated by reference. The Director of the Office of the Federal Register has approved the NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 1998 edition, issued January 16, 1998 for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

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(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 6, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: May 6, 2008.

Michael O. Leavitt,

Secretary.

[FR Doc. E8-18670 Filed 8-8-08; 3:30 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[FWS-R9-MB-2007-0012; 91200-1231-9BPP]

RIN 1018-AV35

Migratory Bird Permits; Revisions to Migratory Bird Import and Export Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, change the regulations governing migratory bird permitting. We amend 50 CFR part 21 to allow the export of lawfully-acquired, captive-bred raptors without obtaining a migratory bird export permit; to resolve problems related to export of species

covered by Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permits or certificates; to allow the importation and possession without an import permit of legally-acquired migratory game birds in the families Anatidae, Columbidae, Gruidae, Rallidae, or Scolopacidae that were lawfully hunted in a foreign country; to extend the maximum time for which an import and export permit is valid from 3 to 5 years; and to reorganize and reword the regulations to make them easier to understand.

DATES: This rule is effective on September 12, 2008.

FOR FURTHER INFORMATION CONTACT: Dr. George T. Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703-358-1825.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service is the Federal agency that has been delegated the responsibility to carry out the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*), which implements conventions with Great Britain (for Canada), Mexico, Japan, and the Soviet Union (Russia). Raptors (birds of prey) are afforded Federal protection by the 1972 amendment to the Convention for the Protection of Migratory Birds and Game Animals, February 7, 1936, United States-Mexico, as amended; the Convention between the United States and Japan for the Protection of Migratory Birds in Danger of Extinction and Their Environment, September 19, 1974; and the Convention Between the United States of America and the Union of Soviet Socialist Republics (Russia) Concerning the Conservation of Migratory Birds and Their Environment, November 26, 1976.

Among other things, we manage the import and export of migratory birds and their parts, eggs, and nests. The regulations at 50 CFR 21.21 set forth the requirements for import and export permits for migratory birds and their parts, eggs, and nests, including requirements for import and export permits, application procedures for these permits, additional permit conditions, and the term for which a permit is valid. These regulations are 18 years old and are, in part, outdated. In particular, these regulations do not mention the requirements associated with CITES, addressed in part 23 of our regulations. In addition, many of the requirements currently set forth at § 21.21 simply reference another part or section of our regulations. They are

therefore difficult to read and understand.

We proposed revisions to the regulations governing import and export of migratory birds on November 19, 2007 (72 FR 64981). Among other things, we wanted to: Address the export of species covered by CITES; allow the export of lawfully-acquired, captive-bred raptors without an export permit; allow the importation and possession without a migratory bird import permit of legally-acquired migratory game birds in the families Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae that were lawfully hunted in a foreign country; extend the maximum time for which a migratory bird import and export permit is valid from 3 to 5 years; and reorganize and reword the regulations to make them easier to understand. We revised the proposed regulations to address comments we received, but we made no major changes to the proposed rule.

Changes in the Migratory Bird Import and Export Regulations

General requirements (§ 21.21(a)): Current § 21.21(a) provides the general requirements for import and export permits, as well as the exceptions to these requirements. We reorganize current § 21.21 to separate the general requirements (§ 21.21(a)) from the exceptions to the requirements (§ 21.21(b), (c) and (d)). In § 21.21(a), we acknowledge all of the regulations, including the CITES regulations at 50 CFR part 23, that apply to imports and exports of migratory birds and their parts, eggs, and nests. These revisions will help ensure that importers and exporters of migratory birds or their parts, eggs, or nests understand all the requirements applicable to their imports and exports.

Exceptions for import permits (§ 21.21(b)): Current § 21.21(a)(1) provides the requirements for import permits; it does not provide any exceptions to import permit requirements for migratory birds or their parts, eggs, or nests. Current § 21.21(a)(2) does have one import permit exception for raptors for falconry that will be discussed later in this document. We add, in a new § 21.21(b), a provision to allow the importation and possession without an import permit of migratory game birds in the families Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae that were lawfully hunted in a foreign country. The imported specimens can be carcasses, skins, or mounts. They must be accompanied by evidence of lawful export from the country of origin and by any other necessary permits, such as a

CITES permit. These families may be legally hunted under the provisions of the migratory bird treaties with Canada and Mexico, though hunting seasons have not been established for all of them. We will allow import of birds in these families that were legally hunted outside the United States without requiring an import permit to do so. However, should we determine that hunting of any species in these families is not consistent with the conservation of the species, we will disallow import of that species if it was originally acquired by hunting.

Exceptions for export permits (§ 21.21(c)): As stated above, current § 21.21(a) provides the requirements for import and export permits, and exceptions to these requirements. Current § 21.21(a) does provide exceptions to the export permit requirements for certain captive-bred migratory game birds exported to Canada or Mexico and for raptors used for falconry exported to or imported from Canada or Mexico. Our § 21.21(c) retains these exceptions, with changes described below.

Instead of simply directing readers to 50 CFR 21.13(b) of the regulations for the marking requirements for captive-bred migratory game birds exported to Canada or Mexico, we detail those requirements in this new paragraph. This revision will help ensure that exporters of migratory game birds understand the exceptions to our export permit requirements.

In addition, we add a provision to allow export of lawfully acquired, captive-bred raptors without an additional export permit, provided that the exporter holds both a valid raptor propagation permit and a CITES export permit, and has full documentation of the lawful origin of the raptor(s). The raptor(s) would also have to be properly identified by a captive-bred raptor band (see § 21.30 of this subpart C of part 21). This change will eliminate redundant permitting reviews for export of captive-bred raptors and help ensure that border inspectors can easily and accurately identify birds for export.

The exception to the import and export permit requirements for falconry birds under a CITES passport currently resides in § 21.21(a)(2), with the general export permit requirements for migratory birds. We moved the exception to the requirements for falconry birds into its own paragraph (new § 21.21(d)) so that it is easier to find in the regulations. For clarity, we revise the language concerning the exception and acknowledge the CITES regulations at 50 CFR part 23 that apply to exports of these birds. This revision

will help ensure that importers and exporters of falconry birds understand this exception to the temporary export and import requirements for falconry birds. We believe that this change will help readers more easily find this information.

We believe it is reasonable to allow the temporary export and subsequent import of birds held for falconry out of the United States. Therefore, a provision in the regulation makes it clear that we allow this action. The provision states that unless a permittee has the necessary CITES permit or certificate to permanently export a raptor from the United States, he or she must bring any raptor transported out of the country for use in falconry back to the United States when he or she returns. However, if the raptor dies or is lost, the permittee must document the loss of the bird as required by his or her State falconry regulations and any conditions on the CITES document.

Inspection procedures (§ 21.21(e)): The current § 21.21 is silent on inspection procedures for imported and exported migratory birds and their parts, eggs, and nests, even though these inspections occur regularly. We correct language in our proposed rule, in which we stated that Customs and Border Protection (CBP) would be allowed to inspect any migratory birds brought into or out of the country. Doing so would be contrary to the provisions in 50 CFR part 14 and 23. 50 CFR § 14.54 does not authorize CBP to act on the Service's behalf for any export. In addition, CBP is not authorized under 50 CFR 23 to validate CITES documents issued for the export of CITES listed migratory birds or for migratory birds traveling on a CITES pet passport.

Application procedures (§ 21.21(f)): Current § 21.21(b) provides the application procedures for permits to import or export migratory birds or their parts, eggs, or nests. The current regulations set forth the information required on the application forms. The "additional information," specified in current § 21.21(b)(1) through (b)(6), has been incorporated into the relevant application forms, so we remove that information requirement from the regulations. Instead, we list the specific forms required to apply for an import or export permit (FWS form 3-200-6) or a permit for scientific collecting (FWS form 3-200-7). We also add language reminding applicants of the application fee that must accompany their application to import or export migratory birds or their parts, eggs, or nests. This change helps ensure that persons interested in importing or

exporting know which form to complete and its associated application fee.

Service criteria for issuing a permit (§ 21.21(g)): The current § 21.21 is silent on the criteria we consider when deciding whether or not to issue a permit to import or export migratory birds or their parts, eggs, or nests. We include the issuance criteria in this paragraph to ensure that the public understands how we make our decisions.

Standard conditions for a permit (§ 21.21(h)): The current § 21.21(c) provides information on additional permit conditions. We retain this information, but rewrite it for clarity in this paragraph. We also add a reference to 50 CFR part 14 to ensure that importers and exporters of migratory birds or their parts, eggs, or nests understand that they must also comply with the general regulations concerning the importation, exportation, and transportation of wildlife.

Term of permit (§ 21.21(i)): The current § 21.21(d) provides information on the length of time that a permit is valid. We extend the maximum time for which an import or export permit is valid from 3 to 5 years. In recent years, as we have completed regulations revisions we have extended the duration of some permit types that we believe have a limited potential effect on bird populations. This eases the burden on both permittees and our permit examiners. We believe that is also true of the import and export regulations, so this rule extends the term of an import and export permit.

Plain Language: Throughout our revisions to § 21.21, we have used short sentences and active voice to make the regulations easy to understand.

What Comments on the Proposed Rule Did We Receive?

We received 58 sets of comments on the proposed rule. The following are concerns expressed about provisions of the regulations and suggestions for changes to them.

Issue: Cross-border temporary export and import of falconry birds.

- "I am concerned about the level of documentation required of falconers for a crossing and would prefer a clear definition concerning the sufficiency of documentation needed."
- "Due to the option of Customs being able to do the inspection, please clearly state there is no fee for the inspection. Some falconers are still being charged \$195 each way for both the inspection and crossing at non-designated port of entry."
- "Please also clearly state that there is no inspection fee, because in the past

some falconers have been charged exorbitant fees. If at all possible, please exempt falconers from the requirement to use only specially designated ports of entry."

- "Almost all of the birds used in falconry are banded and/or captive bred. There will be a few wild caught birds with plastic bands and a few non banded birds but in all cases the falconer on the U.S. side will arrive with a 3-186A and a health certificate. At that point it should be up to the Canadian customs agents to accept or reject a person's entry into the country based on having the health certificate and having birds that match the description on the 3-186As (or equivalent). The same would apply to Canadians coming south. The need for an expensive U.S. Fish and Wildlife Service inspection coming and going needs to be dropped. A falconer should be able to cross at any port of entry without the need for either a U.S. or Canadian health inspector being present. Again, crossing with your dog or cat does not require such restrictions. There really can't be any legitimate health concerns as the very same falcons are flying overhead moving north and south over the borders every year."

- "Since the USFWS proposes to allow either a Service inspector or a Customs inspector to examine the birds at the border (which I think is very appropriate and agree with) and since birds held for falconry appear to be exempt (under 21.21(d), assuming all other requirements are met) * * * is it possible that falconers could also be granted an exemption from "designated ports" and not be required to file a 3-200-2 for a Designated Port Exception? This would certainly help ease the paperwork requirements on both the falconer and the Service."

- "Falconers meeting the documentation requirements should be exempt from specific designated ports of entry and should be able to use any legal point of entry with either customs or UFWS able to perform inspections."

- "Concerning documentation of legally held raptors crossing borders, the CITES international authorities have accepted a "passport" system, now currently widely in use by falconers in the Middle East. Such documentation includes a microchip explicitly tying the passport to the individual bird described. It is good, I believe, for the life of the bird. Use of such a document in lieu of any import/export permitting would greatly facilitate crossing procedures and, as already accepted by CITES, should obviate any further significant governmental procedural

harangues regarding adoption of its use."

- "We also agree with proposed 21.21(e) that will allow inspections by either USFWS inspectors or Customs and Border Protection. However, we request a statement that falconers who are transporting birds for the purpose of practicing falconry are exempt from designated ports of entry and may use any legal point of entry. It is clear when the USFWS states that "We believe it is reasonable to allow temporary transport of birds held for falconry out of the United States. Therefore, a proposed provision in the regulation makes it clear that we allow this action. The provision states that unless you have the necessary CITES permit or certificate to permanently export a raptor from the United States, you must bring any raptor you transport out of the country for use in falconry back to the United States when you return. However, if the raptor dies or is lost, the permittee must document the loss of the bird as required by his or her State falconry regulations and any conditions on the CITES document." Therefore, is it not also reasonable that falconers transporting birds for the purpose of practicing falconry, be exempt for the provision of "designated ports"?"

- "My personal recommendation includes both wild and CB [captive-bred] raptors being allowed to cross (because falconers use both CB and wild taken raptors in this sport) at any designated port of entry. The reason for this request (any port of entry) is that most border crossings will be for "hunting falconry meets" and these take place away from large cities, etc. So being able to cross the border at an entry that is close to the "hunting meet location" is critically important to the falconer."

- "Many of the designated and non-designated ports of entry can be many miles from your intended destination, and in the case of Canada, due to the lack of an elaborate road system along the U.S. border, can force you to detour many additional miles to reach a designated or non-designated port. Even when a non-designated port of entry is reached, planning must occur to ensure that the USFWS Agent is available to review the required documentation. This is an unneeded requirement and Customs agents are amply qualified to verify the documentation against the band numbers of the raptors. Crossing the border only at a designated or non-designated port of entry is an overly burdensome requirement and currently prevents crossings after normal business hours and on weekends. *Entry at any*

port of entry, during their normal operating hours, should be allowed."

- "Please consider allowing either the U.S. Fish and Wildlife Service or Customs to conduct inspections at border crossings."

- "Service actions at the time of my 1996 crossing make any "designated port of entry" requirement ludicrous! My Canadian destination was some two hundred miles from my Montana hunting residence. To comply with your designated port requirement, however, those crossings necessitated my driving some four hundred additional miles each way. Further, in compliance with Service instructions I had made advanced appointments for the required personal Service-conducted inspection, both coming and going, with the Service resident "agent" agreeing as to both times and dates of my crossings. Despite my compliance with both agreed-upon appointments, no Service agent ever appeared, having told his Customs-inspector associates to just go ahead and pass me (and my bird) through. To add injury to insult (and I use such term explicitly), my use of the Service-designated port required me to pass through yet another province enroute where falconry was not yet legal, necessitating all the paperwork for yet another set of permits."

- "It is possible for our raptors to unintentionally pursue game across the U.S. border which could result in needing to cross the border to retrieve the raptor. Please consider language that would specifically allow the USFWS LE authority to allow falconers to recover lost birds across the US/Canada border without the typical 30-90 day wait period for a CITES permit."

- "[T]here should be policy that allows a falconer to recover a lost bird across the U.S./Canada border without the typical 30-90 day wait period for a CITES permit. A statement that specifically allowed USFWS LE authority and discretion in this scenario is requested."

- Add "A statement specifically allowing USFWS LE authority to allow falconers to recover lost birds across the U.S./Canada border without the typical 30-90 day wait period for a CITES permit."

- "I should be able to recover a lost bird without need of a CITES permit also."

Response: These comments all address CITES-related and 50 CFR part 14 requirements that are not the subject of this rulemaking. All wildlife must pass through a Service-designated port out of or into the United States unless authorized otherwise by a designated port exception permit. We cannot make

an exception for falconers. U.S. Customs and Border Protection (CBP) can only act on the Service's behalf for imports, when their role is to collect documentation for later investigation by the Service. CBP is not authorized to validate CITES documents, either upon export, or for CITES pet passports upon import. Nor is CBP authorized to operate on behalf of the Service for exports, primarily because CBP generally does not process exports.

A falconer can get a CITES Certificate of Ownership for Personally Owned Wildlife, or "pet passport" (Form 3-200-64) that facilitates temporary export and import of a falconry bird out of and into the United States. The 3-200-64 form "is used to request a passport-like certificate for a single animal (one application per pet)." A "pet passport" certificate may be valid for up to 3 years for multiple border crossings. If a falconer has more than one raptor that he or she wishes to temporarily export and import out of and back to the United States, he or she should get a CITES "pet passport" for each bird.

Issue: "If form 3-177 has not been pre-approved by USFWS, Customs should be allowed to stamp it."

- "Review of the required supporting documentation can easily be performed by the Border or Customs agents. Review by Border agents has been utilized and accepted by the FWS at times when FWS agents have not been available. Having only FWS agents to verify documentation is an unnecessary requirement and only serves as a punitive source of revenue for the FWS (\$195 each way) to have a FWS Agent review and stamp the documentation. Allowing Customs to check and stamp all documentation (CITES & 3-177 forms) is probably the most important requested change. Not only would this allow for a much more streamlined process but would allow crossing at times other than those hours when a FWS Agent is on duty."

Response: We require a Form 3-177 for all wildlife imports and exports, regardless of whether a CITES document is required. CBP cannot stamp the Service's form. CBP may, however, collect it for later investigation by FWS, in which case CBP is conditionally allowing entry subject to FWS approval.

Fees for permits, border inspections, and other fees are not set in this regulation.

Issue: "In proposed 21.21(b), (c) and (d) there contains a section, which states in part, that compliance with parts 14, 15, 17, 21, 22 and 23 is required. While I agree, may I request that the title of each of those parts be included? (i.e.: 30

CFR part 14: Importation, Exportation, and Transportation of Wildlife)"

Response: We made this change. It adds clarity to the rule.

Issue: "Regarding permanent export, thank you for increasing the permit length to 5 years. However, this permit still seems redundant, as it could be issued automatically with each CITES permit. Even if a raptor propagator is giving a bird to a friend, they are still treated as commercial and charged extra fees in addition to the CITES permit."

Response: If you have a CITES permit, you do not need an export permit under this rule. In paragraph (c)(2), we stated that an import/export permit is not needed for the export of live lawfully-acquired, captive-bred raptors by a raptor propagation permittee if he or she has a CITES export permit or certificate issued under part 23 for the export. The language is unchanged in this final rule.

Issue: *The falconry transport provision did not allow for temporary export and import of wild-caught falconry birds without an import/export permit.*

- "The first [issue] includes adding both WILD taken and captive bred birds to this exemption. We must still meet the CITES requirements to receive a Passport for both, so why not allow a falconer to take all of his/her falconry birds whether wild or captive bred?"

- "In section (d), may I request some additional clarification? It does not appear that wild caught raptors, transported for falconry are clearly being considered. I am sure this is a simple oversight and not your intention. Some wild caught birds are not required to be banded by the various states in the U.S. For those birds that are not required to be banded, would a completed 3-186A suffice for documentation?"

Response: We agree that temporary export and import of wild-caught falconry birds should be allowed. We added appropriate language to the regulations. However, a falconry raptor taken across a U.S. border will need to be banded unless it has been exempted from banding because of problems with bands placed on the bird, or if it has an implanted ISO-compliant microchip that will allow us to identify it.

Issue: "We also feel it is vital to include in 21.21(d) or a separate section, that transport across the border for falconry birds for the purpose of practicing falconry (i.e. a weekend hunt), not just at falconry meets, is allowed. The Service states this and we feel it is appropriate to place such verbiage in the regulations. We also feel it is vital that such transports also do not require an import/export permit."

Response: The language in the proposed rule addressed the practice of falconry—not just falconry meets. No change from the proposed regulation is needed, nor do we require a migratory bird import/export permit. However, a CITES document would be required, even for a short weekend hunt.

Issue: "[T]he transport of semen should specifically be allowed without a permit due to its time sensitive nature."

Response: The MBTA addresses migratory birds and their parts, eggs, and nests. We may not exempt semen from the provisions of the Act.

We made no major changes to the proposed rule based on comments we received.

Required Determinations

Regulatory Planning and Review (Executive Order 12866)

The Office of Management and Budget (OMB) has determined that this rule is not significant and has not reviewed this rule under Executive Order 12866. OMB bases its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104-121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the

factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that this action will not have a significant economic impact on a substantial number of small entities, because the changes we are proposing are intended primarily to simplify export for a limited number of raptor propagators.

There are no costs associated with this regulatory change. Consequently, we certify that because this rule will not have a significant economic effect on a substantial number of small entities, a regulatory flexibility analysis is not required.

This rule is not a major rule under SBREFA (5 U.S.C. 804(2)). It will not have a significant impact on a substantial number of small entities.

a. This rule will not have an annual effect on the economy of \$100 million or more.

b. This rule will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.

c. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule does not "significantly or uniquely" affect small governments. A small government agency plan is not required. Actions under this regulation will not affect small government activities in any significant way.

b. This rule does not produce a Federal mandate of \$100 million or greater in any year; i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Takings

In accordance with E.O. 12630, this rule does not have significant takings implications because it does not contain a provision for taking of private property. Therefore, a takings implication assessment is not required.

Federalism

This rule will not have sufficient Federalism effects to warrant preparation of a Federalism assessment under E.O. 13132. It will not interfere with the States' ability to manage

themselves or their funds. No significant economic impacts are expected to result from changing exemptions in migratory bird permit requirements.

Civil Justice Reform

In accordance with E.O. 12988, the Office of the Solicitor has determined that the rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

We examined these regulations for compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). We may not collect or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number. The Office of Management and Budget approved the information collection requirements for this part, and assigned OMB Control Number 1018-0022. There are no new information collection requirements associated with this regulatory change.

National Environmental Policy Act

We have analyzed this rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 432-437(f), and Part 516 of the U.S. Department of the Interior Manual (516 DM). We have no data on the number of legally hunted birds that individuals might wish to import, though we doubt that the number will be large. Because these species are legally hunted elsewhere, we doubt that this regulations change will appreciably change the impact of hunting on these species. Therefore, we do not believe that there will be a significant environmental impact due to the regulations change.

Environmental Consequences of the Action

The primary change is to allow export of lawfully-acquired, captive-bred raptors without an export permit provided that the exporter holds a valid raptor propagation permit and has been issued a Convention on International Trade in Endangered Species (CITES) export permit. This change should eliminate redundant permitting required for this activity. Another important change is to allow the import of legally-acquired migratory game birds without a permit. A permit is currently required to import such species. We believe that there are no significant environmental impacts of this action.

Socioeconomic. This rule will not have discernible socioeconomic impacts.

Migratory bird populations. This rule will not affect migratory bird populations.

Endangered and threatened species. The regulation is for migratory bird species that are not threatened or endangered. It will not affect threatened or endangered species or critical habitats.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated potential effects on Federally recognized Indian Tribes and have determined that there are no potential effects. This rule will not interfere with the Tribes' ability to manage themselves or their funds or to regulate migratory bird activities on tribal lands.

Energy Supply, Distribution, or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 addressing regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule will affect only import and export of birds in limited circumstances, it is not a significant regulatory action under E.O. 12866, and will not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Compliance With Endangered Species Act Requirements

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that "The Secretary [of the Interior] shall review other programs administered by him and utilize such programs in furtherance of the purposes of this chapter" (16 U.S.C. 1536(a)(1)). It further states that the Secretary must "insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat" (16 U.S.C. 1536(a)(2)). The regulations change will not affect listed species.

List of Subjects in 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

■ For the reasons stated in the preamble, we amend part 21 of subchapter B, chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 21—MIGRATORY BIRD PERMITS

■ 1. The authority citation for part 21 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755 (16 U.S.C. 703); Public Law 95-616, 92 Stat. 3112 (16 U.S.C. 712(2)); Public Law 106-108, 113 Stat. 1491, Note following 16 U.S.C. 703.

■ 2. Revise § 21.21 to read as follows:

§ 21.21 Import and export permits.

(a) *Permit requirement.* Except as provided in paragraphs (b), (c), and (d) of this section, you must have a permit to import or export migratory birds, their parts, nests, or eggs. You must meet the applicable permit requirements of the following parts of this subchapter B, even if the activity is exempt from a migratory bird import or export permit:

- (1) 13 (General Permit Procedures);
- (2) 14 (Importation, Exportation, and Transportation of Wildlife);
- (3) 15 (Wild Bird Conservation Act);
- (4) 17 (Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants);
- (5) 20 (Migratory Bird Hunting);
- (6) 21 (Migratory Bird Permits);
- (7) 22 (Eagle Permits); and
- (8) 23 (Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)).

(b) *Game bird exception to the import permit requirements.* If you comply with the requirements of parts 14, 20, and 23 of this subchapter B, you do not need a migratory bird permit to import or possess migratory game birds in the families Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae for personal use that were lawfully hunted by you in a foreign country. The game birds may be carcasses, skins, or mounts. You must provide evidence that you lawfully took the bird or birds in, and exported them from, the country of origin. This evidence must include a hunting license and any export documentation required by the country of origin. You must keep these documents with the imported bird or birds permanently.

(c) *General exceptions to the export permit requirements.* You do not need a migratory bird export permit to:

(1) Export live, captive-bred migratory game birds (see § 20.11 of this subpart) to Canada or Mexico if they are marked by one of the following methods:

- (i) Removal of the hind toe from the right foot;
- (ii) Pinioning of a wing by removal of all or some of the metacarpal bones of one wing, which renders the bird permanently incapable of flight;
- (iii) Banding of one metatarsus with a seamless metal band; or
- (iv) A readily discernible tattoo of numbers and/or letters on the web of one foot.

(2) Export live, lawfully-acquired, captive-bred raptors provided you hold a valid raptor propagation permit issued under § 21.30 and you obtain a CITES permit or certificate issued under part 23 to do so. You must have full documentation of the lawful origin of each raptor, and each must be identifiable with a seamless band issued by the Service, including any raptor with an implanted microchip for identification.

(d) *Falconry birds covered under a CITES "pet passport."* You do not need a migratory bird import or export permit to temporarily export and subsequently import a raptor or raptors you lawfully possess for falconry to and from another country for use in falconry when the following conditions are met:

- (1) You must meet applicable requirements in part 14 (Importation, Exportation, and Transportation of Wildlife) of this subchapter B.
- (2) You may need one or more additional permits to take a bird from the United States or to return home with it (see 50 CFR part 15 (Wild Bird Conservation Act), part 17 (Endangered and Threatened Wildlife and Plants), and part 23 (Convention on International Trade in Endangered Species of Wild Fauna and Flora)).

(3) Each raptor must be covered by a CITES certificate of ownership issued under part 23 of this chapter. You must have full documentation of the lawful origin of each raptor (a copy of a propagation report with band number or a 3-186A report), and each must be identifiable with a seamless band or a permanent, nonreusable, numbered Fish and Wildlife Service leg band issued by the Service, including any raptor with an implanted microchip for identification. We may exempt a raptor from banding because of health concerns, but you must provide proof of the exemption from your falconry permitting authority.

(4) You must bring any raptor that you export out of the country for falconry under a CITES "pet passport" back to the United States when you return.

(5) If the raptor dies or is lost, you are not required to bring it back, but you must report the loss immediately upon your return to the United States in the manner required by the falconry regulations of your State, and according to any conditions on your CITES certificate.

(e) *Inspection of imported or exported migratory birds.* All migratory birds imported into, or exported from, the United States, and any associated documentation, may be inspected by the Service. You must comply with the import and export regulations in Part 14 of this chapter.

(f) *Applying for a migratory bird import or export permit.* You must apply to the appropriate Regional Director—Attention Migratory Bird Permit Office. You can find the address for your Regional Director in § 2.2 of subchapter A of this chapter. Your application package must include a completed application (form 3-200-6, or 3-200-7 if the import or export is associated with an application for a scientific collecting permit), and a check or money order made payable to the U.S. Fish and Wildlife Service in the amount of the application fee for permits issued under this section, as listed in § 13.11 of this chapter.

(g) *Criteria we will consider before issuing a permit.* After we receive a completed import or export application, the Regional Director will decide whether to issue you a permit based on the general criteria of § 13.21 of this chapter, and whether you meet the following requirements:

- (1) You are at least 18 years of age;
- (2) The bird was lawfully acquired; and

(3) The purpose of the import or export is consistent with the conservation of the species; and

(4) For an import permit, whether you are authorized to lawfully possess the migratory bird after it is imported.

(h) *Are there standard conditions for the permit?* Yes, standard conditions for your permit are set forth in part 13 of this subchapter B. You must also comply with the regulations in part 14 (Importation, Exportation, and Transportation of Wildlife). We may place additional requirements or restrictions on your permit as appropriate.

(i) *Term of a migratory bird import and export permit.* Your migratory bird import or export permit will be valid for not more than 5 years. It will expire on the date designated on its face unless it is amended or revoked.

Dated: August 4, 2008.
David M. Verhey,
*Acting Assistant Secretary for Fish and
 Wildlife and Parks.*
 [FR Doc. E8-18774 Filed 8-12-08; 8:45 am]
 BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
 Administration**

50 CFR Part 665

[Docket No. 070720400-81019-02]

RIN 0648-AV30

**Fisheries in the Western Pacific;
 Precious Corals Fisheries; Black Coral
 Quota and Gold Coral Moratorium**

AGENCY: National Marine Fisheries
 Service (NMFS), National Oceanic and
 Atmospheric Administration (NOAA),
 Commerce.

ACTION: Final rule.

SUMMARY: This final rule implements
 Amendment 7 to the Fishery

Management Plan for Precious Coral
 Fisheries of the Western Pacific Region
 (Precious Corals FMP). The rule
 designates the Au'au Channel, Hawaii,
 black coral bed as an "Established Bed"
 with a harvest quota of 5,000 kg every
 two years that applies to Federal and
 State of Hawaii waters, and implements
 a 5-year moratorium on the harvest of
 gold coral throughout the U.S. western
 Pacific. This rule is intended to prevent
 overfishing and achieve optimum yields
 of black coral resources, and to prevent
 overfishing and stimulate research on
 gold corals.

DATES: This final rule is effective
 September 12, 2008.

ADDRESSES: Amendment 7 is available
 from the Western Pacific Fishery
 Management Council (Council), 1164
 Bishop St., Suite 1400, Honolulu, HI
 96813, tel 808-522-8220, fax 808-522-
 8226, or www.wpcouncil.org.

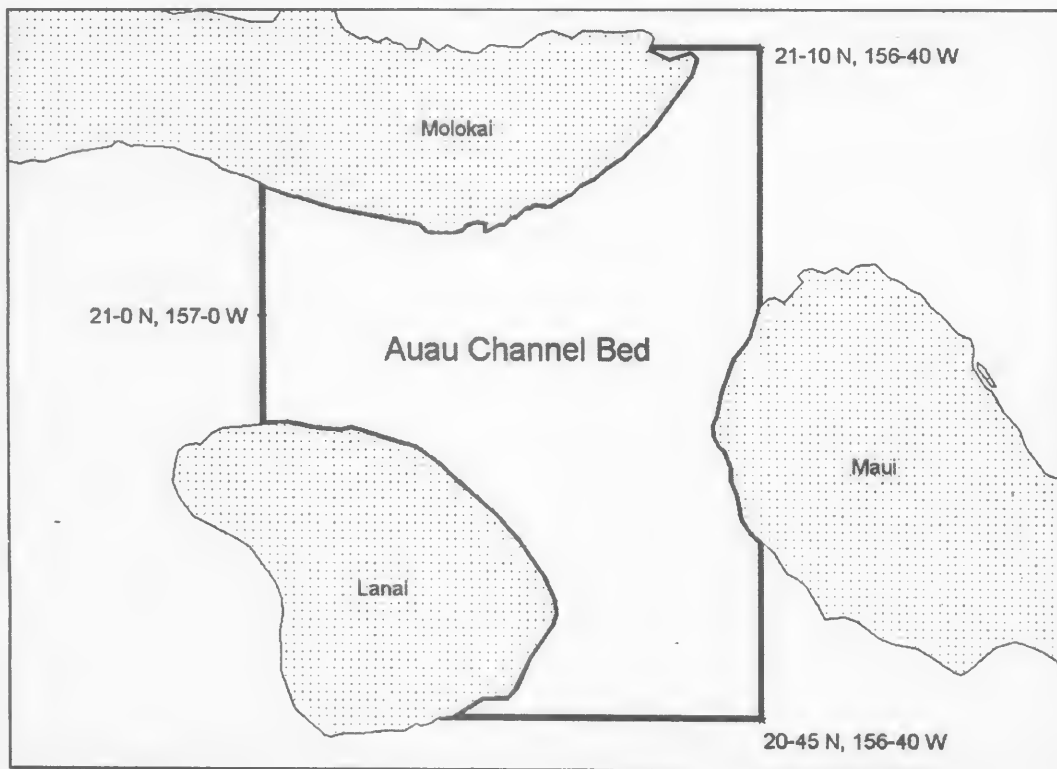
FOR FURTHER INFORMATION CONTACT:
 Brett Wiedoff, NMFS PIR, 808-944-
 2272.

SUPPLEMENTARY INFORMATION: This final
 rule is accessible on the internet at:
www.gpoaccess.gov/fr/.

Since 1980, almost all of the black
 coral harvested around the Hawaiian
 Islands has been taken from the Au'au
 Channel Bed. The biomass of the Au'au
 Channel black coral population has
 decreased by at least 25 percent in the
 last 30 years, and data collected during
 submersible dives has shown a decline
 in both recruitment and relative
 abundance of legal-sized black coral
 colonies. The decline may be related to
 both fishing pressure and competition
 with the highly-invasive soft coral,
Carijoa riisei, or snowflake coral, which
 has been found overgrowing large areas
 of black coral habitat. The potentially-
 devastating snowflake coral, combined
 with fishing pressure, warrants
 management action and further
 research.

This final rule designates the Au'au
 Channel Bed (Fig. 1) as an "Established
 Bed" with a harvest quota for black
 coral of 5,000 kg (11,023 lb) every two
 years. This quota applies in both
 Federal and State of Hawaii waters, and
 all other existing Federal restrictions
 continue to apply.

Figure 1. Au'au Channel Established Precious Corals Bed



For gold corals, the currently-accepted estimate of the linear growth rate is about 6.6 cm/yr, suggesting that large colonies are relatively young.

These estimates are based on the assumption that growth rings are laid down annually, as in other precious corals (e.g., black and pink corals). Recent research on the aging of gold corals using radiometric dating, however, indicates that gold corals may grow at a much slower rate, possibly 0.004 to 0.0014 cm/yr, making some samples 450–2,740 years old. These research results challenge current assumptions about gold coral growth rates, and indicate that some gold coral colonies are thousands of years old and, thus, highly-susceptible to over-harvesting. This rule implements a five-year moratorium on the harvest of gold corals from all waters of the U.S. Exclusive Economic Zone of the western Pacific region. Additional research results on gold coral age structures, growth rates, and correlations between length and age will be considered by the Council and NMFS prior to expiration of the 5-year moratorium.

Additional background information on this final rule may be found in the preamble to the proposed rule published on May 30, 2008 (73 FR 31047), and is not repeated here.

Comments and Responses

On May 23, 2008, NMFS announced in the Federal Register the availability of Amendment 7 for public comments (73 FR 30038), and on May 30, 2008, NMFS published a proposed rule and request for public comments (73 FR 31047). The public comment period for Amendment 7 ended on July 22, 2008, and the proposed rule comment period ended on July 14, 2008. NMFS did not receive any public comments on the proposed rule.

Changes From the Proposed Rule

This final rule updates Table 1 to 50 CFR part 665 by adding the Commonwealth of the Northern Mariana Islands (CNMI) Exploratory Area coral bed. In 2006, CNMI precious coral beds were classified as Exploratory Areas under the FMP (71 FR 53605, September 12, 2006), but Table 1 was not updated to reflect the change. This inadvertency was identified only after the current proposed rule was published; this final rule corrects the error.

Classification

The Regional Administrator, Pacific Islands Region, NMFS, determined that Precious Corals FMP Amendment 7 is necessary for the conservation and management of precious corals, and that

it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a final regulatory flexibility analysis (FRFA). The FRFA incorporates the initial regulatory flexibility analysis (IRFA) prepared in support of the proposed rule, and a summary of the analyses completed to support the action, as follows:

The reasons why action by the agency is being taken and the objectives of the action are explained in the preambles to the proposed rule and final rule, and are not repeated here. This action does not duplicate, overlap, or conflict with any other Federal rules. It is taken under authority of the Magnuson-Stevens Fishery Conservation and Management Act and regulations at 50 CFR part 665.

IRFA Comments/responses. There were no comments received on the IRFA.

There are three permitted vessels in the fishery for black coral, but only two have reported landings in Hawaii. Both vessels are considered to be small entities under the Small Business Administration definition of a small entity, i.e., they are engaged in the business of fish harvesting, are independently-owned or operated, are not dominant in their field of operation, and have annual gross receipts not in excess of \$4 million. Therefore, there are no disproportionate economic impacts among large and small vessels based on this definition.

Specific net revenues of individual vessels could not be analyzed due to confidentiality restraints, but recent black coral landings have generally increased. The potential economic impacts are discussed below. The fishery for gold coral also includes the same three vessels permitted to harvest black corals under a generic Precious Corals fishing permit issued by NMFS. However, these vessels are currently dormant in the gold coral fishery, with no identifiable harvest in 2006, although modest commercial quotas of 20 kg (44 lb) are specified for sites in the Main Hawaiian Islands and 67 kg (149 lb) for sites in the Northwestern Hawaiian Islands.

This rule will reduce the harvests of black coral in the Au'au Channel, and, thus, could adversely affect both vessels currently engaged in the fishery. Due to confidentiality agreements, the amounts of the reductions both absolute and relative bases could not be reported here. This rule will also implement a 5-year moratorium on the harvest of gold corals. Because the gold coral fishery is currently dormant, this rule will have no immediate economic impact to vessels licensed to harvest gold corals.

Any adverse economic impact resulting from the quota change to the black coral fishery could not be avoided because the objective of this rule is to ensure an economically sustainable fishery in the future. Therefore, NMFS has determined that there is no opportunity to both meet the

objective of the Amendment 7 and lessen any adverse economic costs resulting from this rule.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared and will be sent to all permit holders that have historic landings in the precious coral fishery. The guide and this final rule will be available upon request.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Hawaiian Natives, Northern Mariana Islands, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 7, 2008.

James W. Balsiger,
Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 665 is amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 665.12, in the definition of "Precious coral permit area", revise paragraph (1) to read as follows:

§ 665.12 Definitions.

* * * * *

Precious coral permit area * * *

(1) *Established beds.* (i) Makapu'u (Oahu), Permit Area E-B-1, includes the area within a radius of 2.0 nm of a point at 21°18.0' N. lat., 157°32.5' W. long.

(ii) Au'au Channel (Maui), Permit Area E-B-2, includes the area west and south of a point at 21°10' N. lat., 156°40' W. long., and east of a point at 21° N. lat., 157° W. long., and west and north of a point at 20°45' N. lat., 156°40' W. long.

* * * * *

■ 3. In § 665.82, add a new paragraph (b)(5) to read as follows:

§ 665.82 Prohibitions.

* * * * *

(b) * * *

(5) In a bed that has been closed pursuant to §§ 665.85 or 665.90.

* * * * *

■ 4. Revise § 665.83 to read as follows:

§ 665.83 Seasons.

The fishing year for precious corals begins on July 1 and ends on June 30 the following year, except at the Makapu'u and Au'au Channel Beds, which have a two-year fishing period that begins July 1 and ends June 30, two years later.

■ 5. In § 665.85, revise paragraph (a) to read as follows:

§ 665.85 Closures.

(a) If the Regional Administrator determines that the harvest quota for any coral bed will be reached prior to the end of the fishing year, or the end of the 2-year fishing period at Makapu'u Bed or Au'au Channel Bed, NMFS shall publish a notice to that effect in the **Federal Register** and shall use other means to notify permit holders. Any such notice must indicate the reason for

the closure, the bed being closed, and the effective date of the closure.

* * * * *

■ 6. Under Subpart F, add a new § 665.90 to read as follows:

§ 665.90 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2013.

■ 7. Revise Table 1 to Part 665 to read as follows:

TABLE 1 TO PART 665—PRECIOUS CORAL QUOTAS

Type of coral bed	Name of coral bed	Harvest quota in kilograms	Number of years
Established Beds	Au'au Channel	Black: 5,000	2
	Makapu'u	Pink: 2,000	2
		Gold: 0 (zero)	--
		Bamboo: 500	2
Conditional Beds	180 Fathom Bank	Pink: 222	1
		Gold: 67	1
		Bamboo: 56	1
	Brooks Bank	Pink: 17	1
		Gold: 133	1
		Bamboo: 111	1
	Kaena Point	Pink: 67	1
		Gold: 20	1
		Bamboo: 17	1
	Keahole Point	Pink: 67	1
		Gold: 20	1
		Bamboo: 17	1
Refugia	Westpac	All: 0 (zero)	--
Exploratory Areas	Hawaii, American Samoa, Guam, CNMI, U.S. Pacific Remote Island Areas	1,000 per area (all species combined except black corals)	1

Notes:

1. No fishing for coral is authorized in refugia.
2. A moratorium on gold coral harvesting is in effect through June 30, 2013.

Proposed Rules

Federal Register

Vol. 73, No. 157

Wednesday, August 13, 2008

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1730

RIN 0572-AC07

Interconnection of Distributed Resources

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Rural Utilities Service, an agency delivering the U.S. Department of Agriculture's Rural Development Utilities Programs (Rural Development and/or Agency) proposes to require that Rural Development Electric Program borrowers will be responsible for establishing and maintaining a written standard policy relating to the Interconnection of Distributed Resources (IDR). The intended effect is that owners of distributed resources know what they have to do to connect their facilities to the electric power systems of borrower electric cooperatives.

DATES: Written comments must be received by Rural Development Utilities Programs no later than October 14, 2008.

ADDRESSES: Submit comments by either of the following methods: Federal eRulemaking Portal: Go to <http://www.regulations.gov> and, in the lower "Search Regulations and Federal Actions" box, select "Rural Utilities Service" from the agency dropdown menu, then click on "Submit." In the Docket ID column, select RUS-08-Electric-0001 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

Postal Mail/Commercial Delivery: Please send your comment addressed to

Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue, SW., STOP 1522, Room 5159, Washington, DC 20250-1522. Please state that your comment refers to Docket No. RUS-06-Agency-0052.

Other Information: Additional information about Rural Development and its programs is available on the Internet at <http://www.rurdev.usda.gov/index.html>.

FOR FURTHER INFORMATION CONTACT:

Georg Shultz, USDA—Rural Development Utilities Programs, 1400 Independence Avenue, SW., Washington, DC 20250-1569, telephone (202) 720-1900 or e-mail to Georg.Shultz@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402-9325 or at <http://www.cfda.gov>.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule related notice entitled, "Department Programs and Activities Excluded from Executive Order 12372" (50 FR 47034).

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), comments are invited on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

Comments on this notice must be received by October 14, 2008.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms or information technology.

Comments may be sent to Michele Brooks, Director, Program Development and Regulatory Analysis, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 1522, Room 5166 South Building, Washington, DC 20250.

Title: 7 CFR part 1730, Interconnection of Distributed Resources.

OMB Control No.: 0572-XXXX.

Type of Request: New information collection.

Abstract: The Agency manages loan programs in accordance with the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, as amended (RE Act).

Distributed resources have become an important addition to the nation's energy supply. However often times the owners of distributed resources have a difficult time connecting their distributed resources to the electric power system of rural electric cooperatives. This regulation will facilitate the Interconnection of Distributed Resources (IDR) by requiring that borrower electric cooperatives publish their requirements for this interconnection in a written document that is available to the public.

Title 7 CFR part 1730 Electric System and Maintenance, subpart C Interconnection of Distributed Resources, establishes a requirement for borrowers to develop a written standard policy relating to the IDR having an installed capacity of not more than 10 megavolt amperes (MVA) at the point of common coupling.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average ½ hour per response.

Respondents: Not for profit organizations, business or other for profit.

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 1.

Estimated Annual Responses: 150.

Estimated Total Annual Burden on Respondents: 75 hours.

Copies of this information collection can be obtained from Joyce McNeil, Program Development and Regulatory Analysis. Telephone: 202 720-0812.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

National Environmental Policy Act Certification

The Agency has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Agency is not required by 5 U.S.C. 551 *et seq.* or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments for the private sector. Thus, this rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Agency has determined that this proposed rule meets the applicable standards in section 3 of the Executive Order.

Background

Rural Development Utilities Programs proposes to amend 7 CFR part 1730 by adding a subpart C titled "Interconnection of Distributed

Resources". This rule will require that Rural Development Electric Program borrowers shall be responsible for establishing and maintaining a written standard policy relating to the interconnection of distributed resources (IDR). This rule will allow owners of distributed resources to ascertain the requirements of borrower electric cooperatives regarding connection to the electric cooperative facilities by referring to written borrower standards for IDR.

This proposed rule is needed because currently the owners of distributed resources often do not know what they must do to connect their facilities to the electric power system of a borrower electric cooperative. This proposed rule would benefit the owners of distributed resources. The purpose of this action is to allow the owners of distributed resources to know exactly what they must do to connect their facilities with the electric power systems of borrower electric cooperatives.

The United States electric power system (electric power system) consists of three distinct components: Generation facilities, transmission facilities (including bulk transmission and subtransmission facilities) and distribution facilities. Specific definitions of generation, transmission and distribution facilities are located at 7 CFR 1710.2.

Rural Development Electric Program borrowers have always had a legal obligation to the Agency to maintain their respective systems. In satisfying these legal obligations, a borrower furthers the purposes of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) while also preserving the value of its system to serve as collateral for repayment of the Agency assistance. Generally speaking, the scope of these legal obligations is frequently measured against prudent utility practices (PUP). Thus, it is entirely appropriate for the Agency to expect that its borrowers will be aware of and follow developing IDR standards using PUP. Voluntary standards using PUP are emerging within the private sector and the requirements of this proposed rule are consistent with those voluntary standards.

This rule refers to an international standard published by the Institute of Electrical and Electronic Engineers (IEEE). It also allows individual borrowers to create their own additional technical requirements to meet local conditions that are consistent with PUP. The regulation applies to IDR having an installed capacity of not more than 10 megavolt amperes (MVA). This specific value was chosen to correspond with

the international standard published by IEEE.

This regulation requires liability insurance for distributed resource facilities that are interconnected to borrowers' electric systems. Current federal regulations do not specify the amount of liability insurance required except when the distributed resource facility is owned by a Rural Development Electric Program borrower, contractor, engineer, or architect. Moreover, the Agency expects that borrower ownership of distributed resources will be uncommon. Comments are specifically requested on this issue, in particular, whether the regulation should specify a minimum amount of liability insurance, and if so, what minimum amount should be required.

List of Subjects

Electric power; Loan program—energy; Reporting and recordkeeping requirements; Rural areas.

For reasons set forth in the preamble, the Agency proposes to amend 7 CFR, Chapter XVII, part 1730 by adding subpart C to read as follows:

PART 1730—ELECTRIC SYSTEM OPERATIONS AND MAINTENANCE

1. The authority citation for part 1730 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

2. Add Subpart C to read as follows:

Subpart C—Interconnection of Distributed Resources

Sec.	
1730.60	General.
1730.61	Policy.
1730.62	Definitions.
1730.63	IDR policy criteria.
1730.64	Power purchase agreements.
1730.65	Effective dates.
1730.66	Administrative waiver.
1730.67–99	[Reserved]

Subpart C—Interconnection of Distributed Resources

§ 1730.60 General.

Each electric program distribution borrower (as defined in § 1710.2) is responsible for establishing and maintaining a written standard policy relating to the Interconnection of Distributed Resources (IDR) having an installed capacity of not more than 10 megavolt amperes (MVA) at the point of common coupling.

§ 1730.61 Policy.

The Distributed Resource facility must not cause significant degradation

of the safety, power quality, or reliability on the borrower's electric power system or other electric power systems interconnected to the borrower's electric power system. The Agency encourages borrowers to consider model policy templates developed by knowledgeable and expert institutions, such as, but not limited to, the National Association of Regulatory Utility Commissioners, the Federal Energy Regulatory Commission and the National Rural Electric Cooperative Association. The Agency encourages all related electric borrowers to cooperate in the development of a common Distributed Resource policy.

§ 1730.62 Definitions.

"*Distributed Resources*" as used in this subpart means sources of electric power that are not directly connected to a bulk power transmission system, having an installed capacity of not more than 10 MVA, connected to the borrower's electric power system through a point of common coupling. Distributed resources include both generators and energy storage technologies.

"*Responsible Party*" as used in this subpart means the owner, operator or any other person or entity that is accountable to the borrower under the borrower's interconnection policy for Distributed Resources.

§ 1730.63 IDR policy criteria.

(a) General.

(1) The borrower's IDR policy and procedures shall be readily available to the public and include, but not limited to, a standard application, application process, application fees, and agreement.

(2) All costs to be recovered from the applicant regarding the application process or the actual interconnection are to be clearly explained to the applicant and authorized by the applicant prior to the borrower incurring these costs. The borrower may require separate nonrefundable deposits sufficient to insure serious intent by the applicant prior to proceeding either with the application or actual interconnection process.

(3) IDR policies must be approved by the borrower's Board of Directors.

(4) The borrower may establish a new rate classification for customers with Distributed Resources.

(5) IDR policies must provide for reconsideration and updates every three years or more frequently as circumstances warrant.

(b) Technical requirements.

(1) IDR policies must be consistent with prudent electric utility practice.

(2) IDR policies must incorporate the standard 1547 as promulgated and amended by the Institute of Electrical and Electronic Engineers (IEEE). The title of IEEE Standard 1547 is "IEEE Standard for Interconnecting Distributed Resources with Electric Power Systems". You may obtain a copy of IEEE Standard 1547 from: IEEE, 3 Park Avenue, New York, NY 10016-5997.

(3) IDR policies must provide for appropriate electric power system disconnect facilities, as determined by the borrower, which shall include a lockable disconnect, a visible open, and fusing, that are readily accessible to and operable by authorized personnel at all times.

(4) IDR policies must provide for borrower access to the Distributed Resources facility during normal business hours and all emergency situations.

(c) Responsible party obligations. IDR policies must provide for appropriate Responsible Parties to assume the following risks and responsibilities:

(1) A Responsible Party must agree to maintain appropriate liability insurance as outlined in the borrower's interconnection policy.

(2) A Responsible Party must be responsible for the Distributed Resources compliance with all national, State, local government requirements and electric utility standards for the safety of the public and personnel responsible for utility electric power system operations, maintenance and repair.

(3) A Responsible Party must be responsible for the safe and effective operation and maintenance of the facility.

(4) Only Responsible Parties may apply for interconnection and the Responsible Party must demonstrate the financial and managerial capability to develop, construct and operate the distributed resources.

§ 1730.64 Power purchase agreements.

Nothing in this subpart requires the borrower to enter into purchase power arrangements with the owner of the Distributed Resources.

§ 1730.65 Effective dates.

(a) Each electric program borrower with an approved electric program loan as of [DATE OF PUBLICATION OF THE FINAL RULE] shall have an IDR policy board approved and in effect no later than [DATE 2 YEARS FROM DATE OF PUBLICATION OF THE FINAL RULE].

(b) An electric program borrower that submits an application to the Agency for financial assistance on or after [DATE 2 YEARS FROM DATE OF PUBLICATION

OF THE FINAL RULE] shall include with its application package a letter of certification executed by the General Manager that the borrower meets the requirements of this subpart.

§ 1730.66 Administrative waiver.

The Administrator may waive in all or part, for good cause, the requirements and procedures of this subpart.

§§ 1730.67–1730.99 [Reserved]

Dated: July 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8-18800 Filed 8-12-08; 8:45 am]

BILLING CODE 3410-15-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA-2008-0016]

RIN 0960-AG20

Revised Medical Criteria for Evaluating Hearing Loss

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving hearing loss. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act (the Act). The proposed revisions reflect current medical knowledge, treatment, and methods of evaluating hearing loss, as well as our adjudicative experience since the publication of the current rules.

DATES: To be sure that your comments are considered, we must receive them by October 14, 2008.

ADDRESSES: You may submit comments by any one of four methods—Internet, facsimile, regular mail, or hand-delivery. Commenters should not submit the same comments multiple times or by more than one method. Regardless of which of the following methods you choose, please state that your comments refer to Docket No. SSA-2008-0016 to ensure that we can associate your comments with the correct regulation:

1. Federal eRulemaking portal at <http://www.regulations.gov>. (This is the most expedient method for submitting your comments, and we strongly urge you to use it.) In the *Comment or Submission* section of the webpage, type "SSA-2008-0016," select "Go," and then click "Send a Comment or

Submission." The Federal eRulemaking portal issues you a tracking number when you submit a comment.

2. Telefax to (410) 966-2830.

3. Letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235-7703.

4. Deliver your comments to the Office of Regulations, Social Security Administration, 922 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, between 8 a.m. and 4:30 p.m. on regular business days.

All comments are posted on the Federal eRulemaking portal, although they may not appear for several days after receipt of the comment. You may also inspect the comments on regular business days by making arrangements with the contact person shown in this preamble.

Caution: All comments we receive from members of the public are available for public viewing in their entirety on the Federal eRulemaking portal at <http://www.regulations.gov>. Therefore, you should be careful to include in your comments only information that you wish to make publicly available on the Internet. We strongly urge you not to include any personal information, such as your Social Security number or medical information, in your comments.

FOR FURTHER INFORMATION CONTACT: Diane Braunstein, Director, Office of Compassionate Allowances and Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1020. For information on eligibility or filing for benefits, call our national toll-free number 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet Web site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the *Federal Register* at <http://www.gpoaccess.gov/fr/index.html>.

Why are we proposing to revise the listings for hearing loss?

We are proposing to revise the listings for hearing loss to update the medical criteria in the listings, to provide more information about how we evaluate hearing loss, and to reflect our adjudicative experience. The listings for hearing loss are in the special senses and speech body system. That body system also includes listings for visual disorders, disturbances of labyrinthine-vestibular function, and loss of speech. In this Notice of Proposed Rulemaking (NPRM), we are proposing changes only

to the listings for hearing loss. We published final rules revising the listings for visual disorders in the *Federal Register* on November 20, 2006 (71 FR 67037). We intend to publish separately proposed rules that would update the criteria for disturbances of labyrinthine-vestibular function and loss of speech.

Prior to the publication of the final rules for evaluating visual disorders mentioned above, we last published final rules making comprehensive revisions to the part A special senses and speech listings in the *Federal Register* on March 27, 1979 (44 FR 18170), and final rules making comprehensive revisions to the part B special senses and speech listings in the *Federal Register* on March 16, 1977 (42 FR 14705). The current special senses and speech listings will no longer be effective on February 20, 2015, unless we extend them, or revise and issue them again.

How did we develop these proposed rules?

We developed these proposed rules based on our adjudicative experience and advances in medical knowledge, treatment, and methods of evaluating hearing loss. These proposed rules also reflect comments we asked the public to provide to help us develop the proposals.

We published an advance notice of proposed rulemaking (ANPRM) in the *Federal Register* on April 13, 2005 (70 FR 19353). The purpose of the ANPRM was to inform the public that we were planning to update and revise the rules we use to evaluate hearing impairments and disturbance of labyrinthine-vestibular function and to invite interested individuals and organizations to send us comments and suggestions for updating and revising the listings for these disorders. In the ANPRM, we provided a 60-day period for comments and suggestions; that period ended on June 13, 2005. We received 13 letters and e-mails from medical experts, advocates, and State agencies that adjudicate claims for us, commenting on our criteria for hearing loss. Although we are not summarizing or responding to the comments in this notice, we read and considered them carefully. We are proposing changes to our rules for evaluating hearing loss based on some of the suggestions we received.

We also hosted a policy conference on "Hearing Impairments and Disturbance of Labyrinthine-Vestibular Function" at Gallaudet University in Washington, DC, on November 7 and 8, 2005. At this conference, we heard comments and suggestions for updating and revising

the rules we use to evaluate these disorders from individuals who have hearing loss or vestibular disorders, their family members, physicians who treat them, other professionals who work with them, and advocates who represent them. The transcript of this conference is available on our Web site at <http://policy.ssa.gov/erm/rules.nsf/5da82b031a6677dc85256b41006b7f8d/9314dd803ad5579885256fe200496264!OpenDocument>.

Several of the changes to the criteria for evaluating hearing loss that we propose in these rules are based on information we obtained from individuals at this conference.

How are we proposing to change the introductory text to the special senses and speech listings for adults?

2.00 Special Senses and Speech

We propose to reorganize and expand the second through fifth paragraphs of current 2.00B1, "Hearing impairment," to provide additional guidance. We propose to remove the guidance in the first paragraph of current 2.00B1, which states that hearing ability should be evaluated in terms of the person's ability to hear and distinguish speech. Because our current and proposed listings provide for using tones to evaluate hearing loss, this language may be misleading. We also propose to remove the guidance in the last paragraph of current 2.00B1, which provides that cases of alleged "deaf mutism" should be documented by a hearing evaluation. This guidance refers only to the evaluation of deaf mutism as a hearing impairment; however, we can also evaluate cases of alleged mutism under listing 2.09, for loss of speech. In that case, we would not need a hearing test. We are not proposing special requirements for evaluating hearing loss if you have deaf mutism: we would require the same documentation as for other hearing disorders.

We also propose to redesignate current 2.00B2, "Vertigo associated with disturbances of labyrinthine-vestibular function, including Meniere's disease," as proposed 2.00C, and to redesignate current 2.00B3, "Loss of speech," as proposed 2.00D. We are proposing separate sections for these disorders to recognize that they are not always associated with hearing loss. Although we are not proposing any substantive changes to these sections at this time, we are proposing to make minor editorial changes so that the format of these sections will be consistent with other sections of the introductory text in these proposed rules. Because of these changes, we also propose to redesignate

current 2.00C, "How do we evaluate impairments that do not meet one of the special senses and speech listings?" as proposed 2.00E.

The following is a detailed explanation of proposed 2.00B.

Proposed 2.00B—How do we evaluate hearing loss?

Proposed 2.00B1—What evidence do we need to evaluate hearing loss?

This proposed section revises the fourth and fifth paragraphs of current 2.00B1 as follows:

- The fourth paragraph of current 2.00B1 provides that an otolaryngologic examination should precede audiometric testing. We propose to remove the requirement for an otolaryngologic examination and instead require a complete otologic examination. We would make this change because an otolaryngologic examination contains elements, such as an evaluation of the head, face, and neck, that are not needed to assess hearing loss. As we describe in proposed 2.00B1b, a complete otologic examination must include the medical history, a description of how the hearing loss affects the individual, a description of the appearance of the external ear (pinna and the external ear canal), an evaluation of the tympanic membrane, and an assessment of any middle ear abnormalities.

- We also propose to revise the guidance in the current rules that the otolaryngologic examination should precede the audiometric testing and instead provide that the audiometric testing should be performed within 2 months of the complete otologic examination. Having the otologic examination precede the audiometric testing can help identify conditions that could interfere with the audiometric testing. However, having the otologic examination follow the audiometric testing will allow the physician to consider the results of that testing in reaching his or her conclusions about the individual's hearing loss. We believe that either sequence is acceptable for determining whether the individual has a medically determinable impairment that has resulted in hearing loss. However, we would appreciate having specific comments on this change, replacing an otolaryngologic examination with an otologic examination.

- Lastly, we propose to revise the current requirement in the fifth paragraph of 2.00B1 that an otolaryngologic examination be performed in conjunction with any audiometric testing used to assess the

severity of the hearing loss. As indicated above, we propose to require a complete otologic examination instead of an otolaryngologic examination.

Additionally, we propose that the complete otologic examination be required only to establish that a medically determinable impairment exists. After the impairment is established, we propose to allow the severity of the hearing loss to be determined based on audiometric testing without another complete otologic examination.

Proposed 2.00B2—What audiometric testing do we need when you do not have a cochlear implant?

This proposed section expands and clarifies the guidance in the second, third, and fifth paragraphs of current 2.00B1 as follows:

- We would replace the term "speech discrimination" with "word recognition testing" to reflect current medical terminology. In addition, we would add a parenthetical statement to explain that this testing may also be referred to as word discrimination or speech discrimination testing.

- We would clarify that we require that pure tone air conduction and bone conduction testing must be conducted in accordance with the most recently published American National Standards Institute (ANSI) standards for air conduction and bone conduction stimuli. Our current rules provide that audiometric testing be conducted in accordance with the 1969 and 1972 ANSI standards or subsequent comparable revisions.

- We would clarify that each ear must be tested separately and that hearing aids must not be worn during the testing. Our reasons for proposing to remove the current requirement that hearing be tested with aids in place are discussed in our explanation of proposed listing 2.10 below. We also propose to require that the testing be conducted in a soundproof booth. Our current rules require that hearing measurements be performed in an environment which meets the 1977 ANSI standard for maximal permissible background sound.

- We would require that an otoscopic examination be performed immediately before the audiometric testing to ensure that there are no conditions present that would prevent valid testing. In proposed 2.00B2b, we explain that an otoscopic examination provides a description of the appearance of the external ear canal and an evaluation of the tympanic membrane.

- We would describe the frequencies at which pure tone air conduction and bone conduction are usually measured.

- We would incorporate the guidance in current listing 2.08A that explains that we average the pure tone hearing thresholds for air conduction and bone conduction at 500, 1000, and 2000 Hertz (Hz) to determine whether the listing criteria are met.

- We would explain that the speech reception threshold (SRT) is generally within 10 decibels (dB) of the average pure tone air conduction hearing thresholds at 500, 1000, and 2000 Hz. If it is not, the reason for the discrepancy should be documented.

- We would expand the guidance on word recognition testing and clarify that the words should be presented at a level of amplification that will measure your maximum discrimination ability, which is usually 35 to 40 dB above your SRT. We would also provide that the amplification level used in the testing must be medically appropriate and that you must be able to tolerate it.

Proposed 2.00B3—What audiometric testing do we need when you have a cochlear implant?

In this new section, we propose to explain that we will consider you to be disabled until 1 year after implantation of a cochlear implant. We propose to add this criterion to recognize the length of the rehabilitation and training period needed to use a cochlear implant effectively.

After that period, we propose to evaluate your hearing loss by measuring your word recognition ability on the Hearing in Noise Test (HINT). We propose to use the HINT because the American Academy of Neurology indicated in their comments in response to our ANPRM that the HINT is the "accepted standard used to assess hearing outcome after cochlear implantation." We would also explain our requirements for how that testing should be conducted. Our proposed requirements are based on recommendations we received at our policy conference.

Proposed 2.00B4—How do we evaluate your word recognition ability if you are not fluent in English?

Word recognition testing should be conducted using an appropriate word list. If you are not fluent in English, the testing should be conducted using an appropriate word list for the language in which you are most fluent. However, appropriate word lists are not available in all languages. Additionally, the individual conducting the test should also be fluent in the language used for

the test. If the test needs to be conducted in a language other than English, there may not be individuals available who are qualified to perform the testing in that language. Therefore, we propose to add this section to provide guidance on how we would evaluate your word recognition ability if you are not fluent in English.

In this new section, we would provide that, if you are not fluent in English, it may not be possible to measure your word recognition ability. We would also explain that, if we cannot measure your word recognition ability because you are not fluent in English, your hearing loss cannot meet listing 2.10B or 2.11B. In this situation, we would consider the facts of your case to determine whether you have difficulty understanding words in the language in which you are most fluent, and if so, whether that degree of difficulty medically equals listing 2.10B or 2.11B. For example, we will consider how you interact with family members, interpreters, and other individuals who speak the language in which you are most fluent.

We welcome and are very interested in receiving comments about other methods that you think we can use to evaluate word recognition ability for individuals who are not fluent in English and who have listing-level hearing disorders.

How are we proposing to change the criteria in the special senses and speech listings for adults?

2.01 Category of Impairments, Special Senses and Speech

Under our current listings, we do not consider the effects of treatment with cochlear implantation on an individual's hearing loss. Due to advances in the technology used in cochlear implants, we believe it is now appropriate to consider the effects of cochlear implantation on an individual's hearing loss. Therefore, we propose to add a separate listing to evaluate hearing loss treated with cochlear implantation. Because we are proposing to add a listing, we also propose to renumber the listings for ease of reference. We would revise current listing 2.08, "Hearing impairments," renumber it as listing 2.10, "Hearing loss not treated with cochlear implantation," and add listing 2.11, "Hearing loss treated with cochlear implantation."

Proposed Listing 2.10—Hearing Loss Not Treated With Cochlear Implantation

In this proposed listing, we would revise current listing 2.08, "Hearing impairments," and specify that these

criteria apply to individuals who do not have cochlear implants.

Current listing 2.08 provides that a hearing loss is of listing-level severity when "hearing [is] not restorable by a hearing aid" and satisfies either of the criteria in the listing. Our longstanding interpretation of the phrase "hearing not restorable by a hearing aid" is that the hearing loss is so severe that a hearing aid would not improve it to a level at which it no longer satisfies the listing criteria. To determine this, we need testing with a hearing aid.

We propose to remove the requirement for testing with hearing aids for the following reasons:

- At our policy conference, we were advised that aided hearing testing is not usually performed in clinical practice.
- Audiometric testing with a hearing aid does not demonstrate whether the individual will be able to use the aid effectively.
- When we published the current listings, generic hearing aids were available for testing purposes. However, advances in technology have resulted in hearing aids that are programmed to address each individual's specific hearing loss. Due to this degree of specificity, generic aids are no longer widely available.

Although we propose to no longer require aided testing, we are not proposing to change the level of hearing loss needed to demonstrate a listing-level impairment. Based on our adjudicative experience and the comments we received in response to our ANPRM and at our policy conference, we have determined that individuals with this level of hearing loss do not usually obtain significant improvement in their ability to hear and communicate from hearing aids. Therefore, we believe that without a cochlear implant, a hearing loss at the level specified in the current listing is indicative of listing-level severity even if the individual were to use hearing aids.

Current listing 2.08A requires "[a]verage hearing threshold sensitivity for air conduction of 90 decibels or greater, and for bone conduction to corresponding maximal levels, in the better ear, determined by the simple average of hearing threshold levels at 500, 1000, and 2000 Hz." We would clarify the criterion in current listing 2.08A for "bone conduction to corresponding maximal levels" by specifying that this means that the average bone conduction hearing threshold must be 60 dB or greater in the better ear.

Current listing 2.08B requires "[s]peech discrimination scores of 40

percent or less in the better ear." As we mentioned above, "speech discrimination" is now referred to as "word recognition testing." When we published the current rules, word recognition testing was usually conducted using a standardized list of phonetically balanced monosyllabic words. Other types of word recognition testing, such as sentence testing, are now available. Therefore, we propose to specify the type of word recognition testing to be used.

Proposed Listing 2.11—Hearing Loss Treated With Cochlear Implantation

We propose to add criteria to evaluate individuals who have cochlear implants. Cochlear implants are devices that attempt to replace the function of damaged inner ear hair cells. The implant may destroy any remaining hearing in the implanted ear.

Cochlear implants are not hearing aids. Hearing aids amplify sound, while cochlear implants provide direct electrical stimulation of the auditory nerve. Therefore, even individuals with profound hearing loss may receive enough benefit from a cochlear implant to be able to engage in gainful activity. However, we recognize that if you are treated with cochlear implantation, you will need a period of rehabilitation and training to use the implant effectively. Therefore, if you have a cochlear implant, we propose to consider you to be under a disability for one year from the date of implantation.

After the 1-year period, we propose to determine whether your hearing loss meets the listing by assessing your word recognition ability using the HINT. We propose to use the HINT to assess your word recognition ability because, as mentioned in our discussion of proposed section 2.00B3, the American Academy of Neurology indicated in their comments in response to our ANPRM that the HINT is the "accepted standard used to assess hearing outcome after cochlear implantation."

The HINT is a sentence test. Individuals generally have higher word recognition scores when tested with a sentence test as opposed to a monosyllabic word test because sentences provide context for the words in them. Therefore, we propose to find that your hearing loss meets the listing if your word recognition score on the HINT is 60 percent or less.

How are we proposing to change the introductory text to the special senses and speech listings for children?

102.00 *Special Senses and Speech*

We have repeated much of the introductory text of proposed 2.00B in the introductory text to proposed 102.00B. This is because the same basic rules for evaluating hearing loss in adults also apply to evaluating hearing loss in children age 5 and older. Because we have already described these provisions under the explanation of proposed 2.00B, the following discussion of proposed 102.00B describes only those provisions that apply to children under age 5, are unique to the childhood rules, or require further explanation specific to evaluating disability in children.

We propose to remove the first paragraph of current 102.00B, "Hearing impairments in children." This paragraph explains that the criteria for hearing impairments in children take into account that a lesser impairment in hearing which occurs at an early age may result in a severe speech or language disorder. While this paragraph does explain why we use a lower threshold for children, it is not needed in the introductory text as it does not provide any guidance about how to evaluate hearing loss under these listings.

We also propose to remove the second paragraph of current 102.00B. This paragraph provides guidance on how to consider improvement in hearing due to use of a hearing aid. As we discussed in our explanation of proposed listing 2.10 above, we are proposing to remove the requirement for aided hearing testing. Therefore, this guidance is no longer needed.

Proposed 102.00B2—What audiometric testing do we need when you do not have a cochlear implant?

This proposed section expands and clarifies the guidance in the third and fourth paragraphs of current 102.00B as follows:

- We would clarify that we generally need behavioral or physiologic testing (other than screening testing) that is appropriate for your age at the time of testing.
- We would clarify that we require that audiometric testing be conducted in accordance with the most recently published American National Standards Institute (ANSI) standards for air conduction and, if appropriate, bone conduction stimuli. Our current rules provide that audiometric testing be conducted in accordance with the 1969

and 1972 ANSI standards or subsequent comparable revisions.

- We would provide that hearing aids not be used during audiometric testing.
- We would require that an otoscopic examination be performed immediately before the audiometric testing to ensure that there are no conditions present that would prevent valid testing.

- We would provide that we will not purchase physiologic testing. We are proposing this rule because such testing may require sedation.

- We would describe the hearing testing that is appropriate for children in the age ranges of birth to the attainment of age 6 months, age 6 months to the attainment of age 2, age 2 to the attainment of age 5, and age 5 to the attainment of age 18. The proposed guidance for hearing testing for children age 5 to the attainment of age 18 is similar to the proposed guidance for hearing testing in adults, except for the frequencies needed to determine the hearing threshold.

- We would revise the frequency levels used to determine the pure tone air conduction or bone conduction threshold from 500, 1000, 2000, and 3000 Hz to 500, 1000, 2000, and 4000 Hz. We received several comments in response to our ANPRM recommending that we make this change in how we determine the hearing threshold. Additionally, our adjudicative experience has shown that testing is often not done at 3000 Hz. We considered using the same hearing thresholds as in adults, but propose to continue to use 4000 Hz because of the importance of hearing at higher frequencies to a child's ability to learn speech.

- We would describe screening tests, such as otoacoustic emissions (OAE), and explain how we use them. We propose to provide this guidance because hearing screening tests are commonly given to children in newborn nurseries and schools. We do not propose to add this guidance to the introductory text for adults because hearing screening tests are not commonly given to adults.

Proposed 102.00B3—What audiometric testing do we need when you have a cochlear implant?

This new section is similar to proposed 2.00B3 except that we provide that a child who has a cochlear implant will be disabled until age 5 or until 1 year after implantation, whichever is later. We propose to consider children with cochlear implants to be disabled until age 5 because of the extensive rehabilitation and training needed for

young children with cochlear implants to acquire speech and language skills.

We would also explain that after that period, we will evaluate your hearing loss by measuring your word recognition ability on the HINT or the Hearing in Noise Test for Children (HINT-C).

Proposed 102.00B5—What do we mean by a marked limitation in speech or language as used in 102.10B2?

In this new section, we explain when we will consider you to have a marked limitation in speech or language.

How are we proposing to change the criteria in the special senses and speech listings for children?

102.01 *Category of Impairments, Special Senses and Speech*

For the reasons mentioned in our discussion of 2.01 above, we propose to add a separate listing to evaluate hearing loss treated with cochlear implantation. Because we are proposing to add a listing, we also propose to renumber the listings for ease of reference. We would revise current listing 102.08, "Hearing impairments," renumber it as listing 102.10, "Hearing loss not treated with cochlear implantation," and add listing 102.11, "Hearing loss treated with cochlear implantation."

Proposed 102.10—Hearing Loss Not Treated With Cochlear Implantation

This proposed listing would revise current listing 102.08, "Hearing impairments," and specify that it applies to children who do not have cochlear implants.

The current childhood listing requires that we assess your ability to hear with a hearing aid unless we determine that you are not able to use the aid effectively. For the reasons we stated in the discussion of proposed listing 2.10 above, we propose to no longer require aided hearing testing to determine if your hearing loss meets the listing.

Proposed listing 102.10A would replace current listing 102.08A. This proposed listing contains the criterion for evaluating hearing loss in children under age 5 who do not have a cochlear implant. We propose to replace the current criterion for an aided average hearing threshold of 40 dB in the better ear with a criterion for an unaided average air conduction hearing threshold of 50 dB or greater in the better ear. We propose to use a threshold of 50 dB because we believe that, even with the use of a hearing aid, a child under age 5 who has a 50 dB hearing loss will also have a marked limitation in speech or language.

Proposed listing 102.10B would replace current listing 102.08B. This proposed listing contains the criteria for evaluating hearing loss in children from age 5 to the attainment of age 18. For the reasons we explained earlier, we propose to no longer require aided hearing testing.

Proposed listing 102.10B1 would correspond to current listing 102.08B1. Current listing 102.08B1 generally requires an aided average air conduction hearing threshold of 70 dB or greater in the better ear. We would expect hearing loss at that level to have a sensorineural component. (A sensorineural hearing loss is caused by permanent damage to the inner ear or to the nerve pathways from the inner ear to the brain.) We propose to replace the criterion in current listing 102.08B1 with an unaided average air conduction hearing threshold of 70 dB or greater in the better ear. In order to ensure that hearing loss at this level has a sensorineural component, we also propose to add a criterion in proposed listing 102.10B1 for an average bone conduction hearing threshold of 40 dB or greater in the better ear. We would continue to use a 70 dB average air conduction hearing threshold because we believe a hearing loss with a sensorineural component at this level will significantly affect a child's ability to engage in learning. Also, we do not use the same hearing threshold levels for children from age 5 to the attainment of age 18 as we use for adults because

of the importance of hearing to a child's ability to communicate and learn.

Proposed listing 102.10B2 would correspond to current listing 102.08B2. We propose to make the same editorial changes as we did in proposed listing 2.10B.

Proposed listing 102.10B3 would correspond to current listing 102.08B3. As we discussed in our explanation of proposed listing 102.10A above, we propose to use an unaided hearing threshold of 50 dB in the better ear. Because children typically acquire basic speech and language skills by age 5, we believe that it is not appropriate to presume that a child over age 5 who has a 50 dB hearing loss will also have a marked limitation in speech or language. Therefore, for children over age 5, we also propose to require an assessment of speech and language skills.

Proposed 102.11—Hearing Loss Treated With Cochlear Implantation

This proposed listing is similar to proposed listing 2.11 except that we propose to consider you to be under a disability until age 5, or for 1 year after implantation, whichever is later. We also propose to use either the HINT or the HINT-C to assess your word recognition ability.

What programs would these proposed regulations affect?

These proposed rules would affect disability determinations and decisions

that we make under titles II and XVI of the Act. In addition, to the extent that Medicare entitlement and Medicaid eligibility are based on whether you qualify for disability benefits under title II or title XVI, these proposed rules would also affect the Medicare and Medicaid programs.

Who can get disability benefits?

Under title II of the Act, we provide for the payment of disability benefits if you are disabled and belong to one of the following three groups:

- Workers insured under the Act,
- Children of insured workers, and
- Widows, widowers, and surviving divorced spouses (see § 404.336) of insured workers.

Under title XVI of the Act, we provide for Supplemental Security Income (SSI) payments on the basis of disability if you are disabled and have limited income and resources.

How do we define disability?

Under both the title II and title XVI programs, disability must be the result of any medically determinable physical or mental impairment or combination of impairments that is expected to result in death or which has lasted or can be expected to last for a continuous period of at least 12 months. Our definitions of disability are shown in the following table:

If you file a claim under . . .	And you are . . .	Disability means you have a medically determinable impairment(s) as described above and that results in . . .
title II	an adult or a child	the inability to do any substantial gainful activity (SGA).
title XVI	an individual age 18 or older	the inability to do any SGA.
title XVI	an individual under age 18	marked and severe functional limitations.

How do we decide whether you are disabled?

If you are applying for benefits under title II of the Act, or if you are an adult applying for payments under title XVI of the Act, we use a five-step "sequential evaluation process" to decide whether you are disabled. We describe this five-step process in our regulations at §§ 404.1520 and 416.920. We follow the five steps in order and stop as soon as we can make a determination or decision. The steps are:

1. Are you working, and is the work you are doing substantial gainful activity? If you are working and the work you are doing is substantial gainful activity, we will find that you are not disabled, regardless of your medical condition or your age,

education, and work experience. If you are not, we will go on to step 2.

2. Do you have a "severe" impairment? If you do not have an impairment or combination of impairments that significantly limits your physical or mental ability to do basic work activities, we will find that you are not disabled. If you do, we will go on to step 3.

3. Do you have an impairment(s) that meets or medically equals the severity of an impairment in the listings? If you do, and the impairment(s) meets the duration requirement, we will find that you are disabled. If you do not, we will go on to step 4.

4. Do you have the residual functional capacity (RFC) to do your past relevant work? If you do, we will find that you

are not disabled. If you do not, we will go on to step 5.

5. Does your impairment(s) prevent you from doing any other work that exists in significant numbers in the national economy, considering your RFC, age, education, and work experience? If it does, and it meets the duration requirement, we will find that you are disabled. If it does not, we will find that you are not disabled.

We use a different sequential evaluation process for children who apply for payments based on disability under SSI. If you are already receiving benefits, we also use a different sequential evaluation process when we decide whether your disability continues. See §§ 404.1594, 416.924, 416.994, and 416.994a of our regulations. However, all of these

processes include steps at which we consider whether your impairment(s) meets or medically equals one of our listings.

What are the listings?

The listings are examples of impairments that we consider severe enough to prevent you as an adult from doing any gainful activity. If you are a child seeking SSI payments based on disability, the listings describe impairments that we consider severe enough to result in marked and severe functional limitations. Although the listings are contained only in appendix 1 to subpart P of part 404 of our regulations, we incorporate them by reference in the SSI program in § 416.925 of our regulations and apply them to claims under both title II and title XVI of the Act.

How do we use the listings?

The listings are in two parts. There are listings for adults (part A) and for children (part B). If you are an individual age 18 or over, we apply the listings in part A when we assess your claim, and we never use the listings in part B.

If you are an individual under age 18, we first use the criteria in part B of the listings. Part B contains criteria that apply only to individuals who are under age 18. If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of the impairment(s) in children. (See §§ 404.1525 and 416.925.)

If your impairment(s) does not meet any listing, we will also consider whether it medically equals any listing; that is, whether it is as medically severe as an impairment in the listings. (See §§ 404.1526 and 416.926.)

What if you do not have an impairment(s) that meets or medically equals a listing?

We use the listings only to decide that you are disabled or that you are still disabled. We will not deny your claim or decide that you no longer qualify for benefits because your impairment(s) does not meet or medically equal a listing. If you have a severe impairment(s) that does not meet or medically equal any listing, we may still find you disabled based on other rules in the "sequential evaluation process." Likewise, we will not decide that your disability has ended only because your impairment(s) no longer meets or medically equals a listing.

Also, when we conduct reviews to determine whether your disability continues, we will not find that your disability has ended because we have changed a listing. Our regulations explain that, when we change our listings, we continue to use our prior listings when we review your case, if you qualified for disability benefits or SSI payments based on our determination or decision that your impairment(s) met or medically equaled a listing. In these cases, we determine whether you have experienced medical improvement, and if so, whether the medical improvement is related to the ability to work. If your condition(s) has medically improved so that your impairment(s) no longer meets or medically equals the prior listing, we evaluate your case further to determine whether you are currently disabled. We may find that you are currently disabled, depending on the full circumstances of your case. See §§ 404.1594(c)(3)(i) and 416.994(b)(2)(iv)(A). If you are a child who is eligible for SSI payments, we follow a similar rule when we decide that you have experienced medical improvement in your condition(s). See § 416.994a(b)(2).

When will we start to use these rules?

We will not use these rules until we evaluate the public comments we receive on them, determine whether they should be issued as final rules, and issue final rules in the **Federal Register**. If we publish final rules, we will explain in the preamble how we will apply them, and summarize and respond to the public comments. Until the effective date of any final rules, we will continue to use our current rules.

How long would these proposed rules be effective?

If we publish these proposed rules as final rules, they will remain in effect for 8 years after the date they became effective, unless we extend them, or revise and issue them again.

Clarity of these proposed rules
Executive Order 12866, as amended, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make them easier to understand.

For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?

- Do the rules contain technical language or jargon that is not clear?

- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?

- Would more (but shorter) sections be better?

- Could we improve clarity by adding tables, lists, or diagrams?

- What else could we do to make the rules easier to understand?

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules meet the requirements for a significant regulatory action under Executive Order 12866, as amended. Thus, they were subject to OMB review.

Regulatory Flexibility Act

We certify that these proposed rules would not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

In these regulations, we are proposing to: (1) Revise the listings for hearing loss to update the medical criteria in the listings; (2) provide more information about how we evaluate hearing loss; and (3) reflect our adjudicative experience. The listings for hearing loss are in the special senses and speech body system. That body system also includes listings for visual disorders, disturbances of labyrinthine-vestibular function and loss of speech. In this NPRM, we are proposing changes only to the listings for hearing loss. As part of the listings, we identify specific documentation requirements used in evaluating impairments within a body system, including medical and other evidence. The documentation and evidentiary requirements are public reporting burdens that must be cleared by OMB under the Paperwork Reduction Act. However, the public reporting burdens are accounted for in the Information Collection Requests for the various forms that the public uses to submit the information to SSA. Consequently, we are reporting no burden for this regulation aside from a 1-hour placeholder burden shown in the chart below, for the sections listed.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

Title/section & collection description	Annual number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Hearing Loss (2.00B and 102.00B)				1

An Information Collection Request has been submitted to OMB for clearance. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Requests for the Information Collection Request package and/or comments should be directed to SSA and OMB at the following addresses/phone numbers: Office of Management and Budget, Attn: Desk Officer for SSA, Fax Number: 202-395-6974, E-mail address: OIRA_Submission@omb.eop.gov. Social Security Administration, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-965-6400, E-mail address: OPLM.RCO@ssa.gov.

Comments on the paperwork burdens associated with this rule can be received for up to 60 days after publication of this notice and will be most useful if received within 30 days of publication. This does not affect the deadline for the public to comment to SSA on the proposed regulations. These information collection requirements will not become effective until approved by OMB. When OMB has approved these information collection requirements, SSA will publish a notice in the Federal Register.

List of References

During the development of these proposed rules, we reviewed the following information:

American Speech-Language-Hearing Association (ASHA). (2004). Guidelines for the audiologic assessment of children from birth to 5 years of age [Guidelines]. (Available at <http://www.asha.org/NR/rdonlyres/0BB7C840-27D2-4DC6-861B-1709ADD78BAF/0/v2GLAudAssessChild.pdf>.)

ASHA. (2004). Technical report: Cochlear implants. ASHA Supplement 24. (Available at <http://www.asha.org/NR/rdonlyres/215CC9B8-6831-494F-83ED-E02A6832A8A9/0/v2TRCochlearImplants.pdf>.)

Centers for Medicare & Medicaid Services. (2005). MLN Matters Number MM3796: Cochlear Implantation. (Available at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM3796.pdf>.)

Cunningham, M. and Cox, E.O. (2003). Hearing assessment in infants and children: Recommendations beyond neonatal screening. *Pediatrics*, 111(2), 436-440.

Dale, D.C. and Federman, D.D., eds. Neurology. *ACP Medicine*. (2004) Elliot M. Frohman, New York: WebMD Professional Publishing.

Gifford, R.H. and Shalloo, J.K. (2007). Hearing preservation in patients with a cochlear implant. *The ASHA Leader*, 12(14), 15, 17, 34.

Gorga, M.P., et al. (2006). Using a combination of click- and tone burst-evoked auditory brain stem response measurements to estimate pure-tone thresholds. *Ear & Hearing*, 27(1), 60-74.

Joint Committee on Infant Hearing. (2000). Year 2000 position statement: Principles and guidelines for early hearing detection and intervention programs. *Pediatrics*, 106(4), 798-817.

Joint Committee on Infant Hearing. (2007). Year 2007 position statement: Principles and guidelines for early hearing detection and intervention programs. *Pediatrics*, 120(4), 898-921.

National Research Council (NRC): Committee on Disability Determination for Individuals with Hearing Impairments. (2005). *Hearing Loss: Determining Eligibility for Social Security Benefits*. Washington, DC: National Academy Press. (Available at http://www.nap.edu/catalog.php?record_id=11099#toc.)

Pittman, A.L., & Stelmachowicz, P.G. (2003). Hearing loss in children and adults: Audiometric configuration, asymmetry, and progression. *Ear & Hearing*, 24(3), 198-205.

U.S. Food and Drug Administration, Center for Devices and Radiological Health. (2007). Benefits and Risks of Cochlear Implants. (Available at: <http://www.fda.gov/cdrh/cochlear/RiskBenefit.html>.)

These references are included in the rulemaking record for these proposed rules and are available for inspection by interested individuals making arrangements with the contact person shown in this preamble.

(Catalog of Federal Domestic Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: May 12, 2008.

Michael J. Astrue,
Commissioner of Social Security.

Editorial Note: This document was received at the Office of the Federal Register on August 8, 2008.

For the reasons set out in the preamble, we propose to amend part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a), (b), and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104-193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108-203, 118 Stat. 509 (42 U.S.C. 902 note).

Appendix 1 to Subpart P of Part 404— [Amended]

2. Appendix 1 to subpart P of part 404 is amended as follows:

- a. Revise item 3 of the introductory text before part A of appendix 1.
 - b. Revise section 2.00B of part A of appendix 1.
 - c. Redesignate section 2.00C of part A of appendix 1 as section 2.00E.
 - d. Add new sections 2.00C and 2.00D to part A of appendix 1.
 - e. Remove listing 2.08 of part A of appendix 1.
 - f. Add listings 2.10 and 2.11 to part A of appendix 1.
 - g. Revise section 102.00B of part B of appendix 1.
 - h. Remove listing 102.08 of part B of appendix 1.
 - i. Add listings 102.10 and 102.11 to part B of appendix 1.
- The revised text is set forth as follows:

Appendix 1 to Subpart P of Part 404— Listing of Impairments

* * * * *

3. Special Senses and Speech (2.00 and 102.00): [Insert date 8 years from the effective date of the final rules].

* * * * *

Part A

* * * * *

2.00 Special Senses and Speech

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B. *How do we evaluate hearing loss?*

1. *What evidence do we need to evaluate hearing loss?*

a. To establish that you have a medically determinable impairment that causes your hearing loss, we require both a complete otologic examination and audiometric testing. The audiometric testing should be performed within 2 months of the complete otologic examination.

b. A complete otologic examination must include your medical history, your description of how your hearing loss affects you, a description of the appearance of the external ear (pinna and the external ear canal), an evaluation of the tympanic membrane, and an assessment of any middle ear abnormalities.

c. After your impairment has been established, we can use the results of subsequent audiometric testing to assess the severity of your hearing loss without another complete otologic examination.

d. Audiometric testing must be performed by, or under the supervision of, an otolaryngologist or by an audiologist qualified to perform such tests. We consider an audiologist to be qualified if the audiologist is currently and fully licensed or registered as a clinical audiologist by the state or U.S. territory in which he or she practices. If no licensure or registration is available, the audiologist must be currently certified by the American Board of Audiology or have a Certificate of Clinical Competence (CCC-A) from the American Speech-Language-Hearing Association (ASHA).

2. *What audiometric testing do we need when you do not have a cochlear implant?*

a. We generally need pure tone air conduction and bone conduction testing, speech reception threshold (SRT) testing, and word recognition testing. (Word recognition testing may be referred to as word discrimination or speech discrimination testing.) This testing must be conducted in a soundproof booth and each ear must be tested separately. Pure tone air conduction and bone conduction testing must be conducted in accordance with the most recently published standards of the American National Standards Institute (ANSI) for air conduction and bone conduction stimuli.

b. You must not wear hearing aids during the testing. Additionally, we require that an otoscopic examination be performed immediately before the audiometric testing. An otoscopic examination provides a description of the appearance of the external ear canal and an evaluation of the tympanic membrane. The otoscopic examination must also show that there are no conditions present that would prevent valid audiometric testing. Examples of such conditions are fluid in the ear, an ear infection, or an obstruction in the ear canal.

c. An audiological examination usually includes pure tone air conduction and bone conduction testing measured at 250, 500, 1000, 2000, and 4000 Hertz (Hz). To determine whether your hearing loss meets the air conduction criterion in 2.10A, we will average the air conduction hearing thresholds at 500, 1000, and 2000 Hz. To determine whether your hearing loss meets the bone conduction criterion in 2.10A, we will average the bone conduction hearing thresholds at 500, 1000, and 2000 Hz.

d. The SRT is the minimal decibel (dB) level required for you to recognize a standard list of words. The SRT is usually within 10 dB of the average pure tone air conduction hearing thresholds at 500, 1000, and 2000 Hz. If the SRT is not within 10 dB of the average pure tone air conduction threshold, the reason for the discrepancy should be documented.

e. Word recognition testing determines your ability to recognize a standardized list of phonetically balanced monosyllabic words in the absence of any visual cues. This testing must be performed in quiet. The words should be presented at a level of amplification that will measure your maximum ability to discriminate words, usually 35 to 40 dB above your SRT. However, the amplification level used in the testing must be medically appropriate and you must be able to tolerate it. The individual who performs the test should report your word recognition testing score at your highest comfortable level of amplification.

3. *What audiometric testing do we need when you have a cochlear implant?*

a. If you have a cochlear implant, we will consider you to be disabled until 1 year after implantation.

b. After that period, we need word recognition testing performed with the Hearing in Noise Test (HINT). This testing must be conducted in quiet in a sound field with your implant adjusted to your normal settings. The sentences should be presented at 60 dB HL

(hearing level) and without any visual cues.

4. *How do we evaluate your word recognition ability if you are not fluent in English?*

If you are not fluent in English, it may not be possible to measure your word recognition ability. If your word recognition ability cannot be measured, your hearing loss cannot meet 2.10B or 2.11B. Instead, we will consider the facts of your case to determine whether you have difficulty understanding words in the language in which you are most fluent, and if so, whether that degree of difficulty medically equals 2.10B or 2.11B. For example, we will consider how you interact with family members, interpreters, and other individuals who speak the language in which you are most fluent.

C. *How do we evaluate vertigo associated with disturbances of labyrinthine-vestibular function, including Meniere's disease?*

1. These disturbances of balance are characterized by a hallucination of motion or a loss of position sense and a sensation of dizziness which may be constant or may occur in paroxysmal attacks. Nausea, vomiting, ataxia, and incapacitation are frequently observed, particularly during the acute attack. It is important to differentiate the report of rotary vertigo from that of "dizziness," which is described as light-headedness, unsteadiness, confusion, or syncope.

2. Meniere's disease is characterized by paroxysmal attacks of vertigo, tinnitus, and fluctuating hearing loss. Remissions are unpredictable and irregular, but may be long-lasting; hence, the severity of the impairment is best determined after prolonged observation and serial reexaminations.

3. The diagnosis of a vestibular disorder requires a comprehensive neuro-otolaryngologic examination with a detailed description of the vertiginous episodes, including notation of frequency, severity, and duration of the attacks. Pure tone and speech audiometry with the appropriate special examinations, such as Bekesy audiometry, are necessary. Vestibular function is assessed by positional and caloric testing, preferably by electronystagmography. When polytomograms, contrast radiography, or other special tests have been performed, copies of the reports of these tests should be obtained in addition to appropriate medically acceptable imaging reports of the skull and temporal bone. Medically acceptable imaging includes, but is not limited to, x-ray imaging, computerized axial tomography (CAT scan) or magnetic resonance imaging (MRI), with or

without contrast material, myelography, and radionuclear bone scans. "Appropriate" means that the technique is the proper one to support the evaluation and diagnosis of the impairment.

D. *Loss of speech.* In evaluating the loss of speech, the ability to produce speech by any means includes the use of mechanical or electronic devices that improve voice or articulation. Impairments of speech may also be evaluated under the body system for the underlying disorders, such as neurological disorders, 11.00ff.

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2.01 Category of Impairments, Special Senses and Speech

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2.10 Hearing loss not treated with cochlear implantation.

A. An average air conduction hearing threshold of 90 decibels or greater in the better ear and an average bone conduction hearing threshold of 60 decibels or greater in the better ear (see 2.00B2c); or

B. A word recognition score of 40 percent or less in the better ear determined using a standardized list of phonetically balanced monosyllabic words (see 2.00B2e).

2.11 Hearing loss treated with cochlear implantation.

A. Consider under a disability for 1 year after implantation; or

B. If more than 1 year after implantation, a word recognition score of 60 percent or less determined using the HINT (see 2.00B3b).

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Part B

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102.00 Special Senses and Speech

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B. How do we evaluate hearing loss?

1. What evidence do we need to evaluate hearing loss?

a. To establish that you have a medically determinable impairment that causes your hearing loss, we require both a complete otologic examination and audiometric testing. The audiometric testing should be performed within 2 months of the complete otologic examination.

b. A complete otologic examination must include your medical history, your description of how your hearing loss affects you, a description of the appearance of the external ear (pinna and the external ear canal), an evaluation of the tympanic membrane, and an assessment of any middle ear abnormalities.

c. After your impairment has been established, we can use the results of

subsequent audiometric testing to assess the severity of your hearing loss without another complete otologic examination.

d. Audiometric testing must be performed by, or under the supervision of, an otolaryngologist or by an audiologist qualified to perform such tests. We consider an audiologist to be qualified if the audiologist is currently and fully licensed or registered as a clinical audiologist by the state or U.S. territory in which he or she practices. If no licensure or registration is available, the audiologist must be currently certified by the American Board of Audiology or have a Certificate of Clinical Competence (CCC-A) from the American Speech-Language-Hearing Association (ASHA).

2. What audiometric testing do we need when you do not have a cochlear implant?

a. *General.* We generally need behavioral or physiologic testing (other than screening testing, see 102.00B3g) that is appropriate for your age at the time of testing. We will make every reasonable effort to obtain the results of physiologic testing that has been done. However, if this testing has not been done, or, if we cannot obtain the results, we will not purchase it. In these situations, we will evaluate your hearing loss based on the other evidence in your case record.

b. *Testing requirements.* The testing must be conducted in accordance with the most recently published standards of the American National Standards Institute (ANSI) for air conduction stimuli, and if appropriate, bone conduction stimuli. You must not wear hearing aids during the testing. Additionally, we require that an otoscopic examination be performed immediately before the audiometric testing. An otoscopic examination provides a description of the appearance of the external ear canal and an evaluation of the tympanic membrane. The otoscopic examination must also show that there are no conditions present that would prevent valid audiometric testing. Examples of such conditions are fluid in the ear, an ear infection, or an obstruction in the ear canal.

c. Children from birth to the attainment of age 6 months.

i. We need physiologic testing, such as auditory brainstem response (ABR) testing, that measures the frequencies needed to recognize speech; that is, the range from 500 to 4000 Hertz (Hz). We also need an acoustic immittance assessment; that is, a tympanogram and acoustic reflex testing.

ii. To determine whether your hearing loss meets listing 102.10A, we will

average the hearing thresholds at 500, 1000, 2000, and 4000 Hz.

d. Children from age 6 months to the attainment of age 2.

i. We need air conduction thresholds determined by a behavioral assessment, usually visual reinforcement audiometry (VRA), and an acoustic immittance assessment. We can use ABR testing results if the behavioral assessment cannot be completed or if the results of the behavioral assessment are inconclusive or unreliable.

ii. To determine whether your hearing loss meets listing 102.10A, we will average the hearing thresholds at 500, 1000, 2000, and 4000 Hz.

iii. For this age group, behavioral assessments are often performed in a sound field, and each ear is not tested separately. If each ear is not tested separately, we will consider the test results to represent the hearing in the better ear.

e. Children from age 2 to the attainment of age 5.

i. We need air conduction thresholds determined by a behavioral assessment, such as conditioned play audiometry (CPA), tangible or visually reinforced operant conditioning audiometry (TROCA, VROCA), or VRA, and an acoustic immittance assessment. We can use ABR testing results if the behavioral assessment cannot be completed or if the results of the behavioral assessment are inconclusive or unreliable.

ii. To determine whether your hearing loss meets listing 102.10A, we will average the hearing thresholds at 500, 1000, 2000, and 4000 Hz.

iii. For this age group, behavioral assessments are often performed in a sound field and each ear is not tested separately. If each ear is not tested separately, we will consider the test results to represent the hearing in the better ear.

f. Children from age 5 to the attainment of age 18.

i. We generally need pure tone air conduction and bone conduction testing, speech reception threshold (SRT) testing, and word recognition testing. (Word recognition testing may be referred to as word discrimination or speech discrimination testing.) This testing must be conducted in a soundproof booth and each ear must be tested separately.

ii. An audiological examination usually includes pure tone air conduction and bone conduction testing measured at 250, 500, 1000, 2000, and 4000 Hz. To determine whether your hearing loss meets the air conduction criterion in 102.10B1 or 102.10B3, we will average the air conduction hearing thresholds at 500, 1000, 2000, and 4000

Hz. To determine whether your hearing loss meets the bone conduction criterion in 102.10B1, we will average the bone conduction hearing thresholds at 500, 1000, 2000, and 4000 Hz.

iii. The SRT is the minimal decibel (dB) level required for you to recognize a standard list of words. The SRT is usually within 10 dB of the average pure tone air conduction hearing thresholds at 500, 1000, and 2000 Hz. If the SRT is not within 10 dB of the average pure tone air conduction threshold, the reason for the discrepancy should be documented.

iv. Word recognition testing determines your ability to recognize a standardized list of phonetically balanced monosyllabic words in the absence of any visual cues. This testing must be performed in quiet. The words should be presented at a level of amplification that will measure your maximum ability to discriminate words, usually 35 to 40 dB above your SRT. However, the amplification level used in the testing must be medically appropriate and you must be able to tolerate it. The individual who performs the test should report your word recognition testing score at your highest comfortable level of amplification.

g. *Screening Testing.* ABR and other physiologic testing, such as otoacoustic emissions (OAE), can be used as hearing screening tests. When such testing is used as hearing screening tests, we will not use the results to determine that your hearing loss meets or medically equals a listing, or to assess functional limitations due to your hearing loss. We can, however, consider normal results from hearing screening tests to determine whether your hearing loss is severe when these test results are consistent with the other evidence in your case record. See § 416.924(c).

3. *What audiometric testing do we need when you have a cochlear implant?*

a. If you have a cochlear implant, we will consider you to be disabled until age 5, or for 1 year after implantation, whichever is later.

b. After that period, we need word recognition testing performed with the Hearing in Noise Test (HINT) or the Hearing in Noise Test for Children (HINT-C). This testing must be conducted in quiet in a sound field with your implant adjusted to your normal settings. The sentences should be presented at 60 dB HL (hearing level) and without any visual cues.

4. *How do we evaluate your word recognition ability if you are not fluent in English?* If you are not fluent in English, it may not be possible to measure your word recognition ability.

If your word recognition ability cannot be measured, your hearing loss cannot meet 102.10B2 or 102.11B. Instead, we will consider the facts of your case to determine whether you have difficulty understanding words in the language in which you are most fluent, and if so, whether that degree of difficulty medically equals 102.10B2 or 102.11B. For example, we will consider how you interact with family members, interpreters, and other individuals who speak the language in which you are most fluent.

5. *What do we mean by a marked limitation in speech or language as used in 102.10B3?*

a. We will consider you to have a marked limitation in speech if:

i. According to the unfamiliar listener, entire phrases or sentences in your conversation are intelligible approximately 60 percent of the time or less on the first attempt; and

ii. Your sound production or phonological patterns (the ways in which you combine speech sounds) are atypical for your age.

b. We will consider you to have a marked limitation in language when your current and valid test score on an appropriate comprehensive, standardized test of overall language functioning is at least two standard deviations below the mean. In addition, the evidence of your daily communication functioning must be consistent with your test score. If you are not fluent in English, it may not be possible to test your language performance. If we cannot test your language performance, your hearing loss cannot meet 102.10B3. Instead, we will consider the facts of your case to determine whether your hearing loss medically equals 102.10B3.

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102.01 Category of Impairments, Special Senses and Speech

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102.10 *Hearing loss not treated with cochlear implantation.*

A. For children from birth to the attainment of age 5, an average air conduction hearing threshold of 50 decibels or greater in the better ear (see 102.00B2); or

B. For children from age 5 to the attainment of age 18:

1. An average air conduction hearing threshold of 70 decibels or greater in the better ear and an average bone conduction hearing threshold of 40 decibels or greater in the better ear (see 102.00B2f); or

2. A word recognition score of 40 percent or less in the better ear determined using a standardized list of

phonetically balanced monosyllabic words (see 102.00B2f); or

3. An average air conduction hearing threshold of 50 decibels or greater in the better ear and a marked limitation in speech or language (see 102.00B2f and 102.00B5).

102.11 *Hearing loss treated with cochlear implantation.*

A. Consider under a disability until the attainment of age 5, or for 1 year after implantation, whichever is later; or

B. Upon the attainment of age 5 or 1 year after implantation, whichever is later, a word recognition score of 60 percent or less determined using the HINT or the HINT-C (see 102.00B3b).

* * * * *

[FR Doc. E8-18718 Filed 8-12-08; 8:45 am]
BILLING CODE 4191-02-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201 and 255

[Docket No. RM 2000-7]

Compulsory License for Making and Distributing Phonorecords, Including Digital Phonorecord Deliveries

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of time to file comments and reply comments; Notice of Hearing.

SUMMARY: The Copyright Office is extending the time in which comments and reply comments may be filed in response to its Notice of Proposed Rulemaking proposing to amend its regulations to clarify the scope and application of the Section 115 compulsory license to make and distribute phonorecords of a musical work by means of digital phonorecord deliveries. 73 FR 40802. The Office is also announcing a hearing on the proposed rulemaking to take place on September 19, 2008.

DATES: Comments must be received in the Office of the General Counsel of the Copyright Office no later than Thursday, August 28, 2008 at 5:00 p.m. Reply Comments must be received no later than Monday, September 15, 2008 at 5:00 p.m. The hearing will take place on Friday, September 19, 2008, commencing at 10:00 a.m. in the Copyright Hearing Room at the Library of Congress, Room LM-408, 4th Floor, James Madison Building, 101 Independence Avenue, SE, Washington, DC. Requests to testify at the hearing must be received in writing no later

than Friday, September 12, 2008 at 5:00 p.m.

ADDRESSES: If hand delivered by a private party, an original and five copies of a comment or reply comment should be brought to the Library of Congress, U.S. Copyright Office, Room LM-401, James Madison Building, 101 Independence Ave., SE, Washington, DC 20559, between 8:30 a.m. and 5 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office.

If delivered by a commercial courier, an original and five copies of a comment or reply comment must be delivered to the Congressional Courier Acceptance Site ("CCAS") located at 2nd and D Streets, NE, Washington, DC between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, LM-403, James Madison Building, 101 Independence Avenue, SE, Washington, DC 20559. Please note that CCAS will not accept delivery by means of overnight delivery services such as Federal Express, United Parcel Service or DHL.

If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment or reply comment should be addressed to U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Tanya M. Sandros, General Counsel, or Stephen Ruwe, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: On July 16, 2008, the Copyright Office published a Notice of Proposed Rulemaking ("NPRM") seeking comment on proposed amendments to its regulations to clarify the scope and application of the Section 115 compulsory license to make and distribute phonorecords of a musical work by means of digital phonorecord deliveries. 73 FR 40802. The Notice stated that written comments must be received in the Office of the General Counsel of the Copyright Office no later than August 15, 2008 and reply comments must be received in the Office of the General Counsel of the Copyright Office no later than September 2, 2008.

The Copyright Office has received requests from various parties who wish to submit comments and who seek an extension of time to file those comments in this proceeding. Each of the requests referred, among other things, to the recent decision of the United States

Court of Appeals for the Second Circuit in *The Cartoon Network LP v. CSC Holdings, Inc.*, 07-1480-CV (2d. Cir. Aug. 4, 2008), in which the Court of Appeals reversed a district court ruling cited by the Office in the Notice of Proposed Rulemaking.

The Office agrees that the ruling in the *Cartoon Network* case may be pertinent to the issues raised in this rulemaking and that interested parties should be given sufficient time in which to consider and comment upon the implications of that ruling. Therefore, the Office has decided to extend the deadlines for submission of comments. Comments must be received in the Office of the General Counsel of the Copyright Office no later than Thursday, August 28, 2008 at 5:00 p.m. Reply Comments must be received no later than Monday, September 15, 2008 at 5:00 p.m. The purpose of reply comments is to respond to what is said in the initial round of comments. The Office will post the initial comments on its website, www.copyright.gov, shortly after the August 28 deadline.

The Office has also determined that it would be helpful to conduct a hearing on the proposed rulemaking. The hearing will take place on Friday, September 19, 2008 in the Copyright Hearing Room at the Library of Congress, Room LM-408, 4th Floor, James Madison Building, 101 Independence Avenue, SE, Washington, DC.

Persons wishing to testify at the hearing must submit a Request to Testify, which must be received in the Office of the General Counsel of the Copyright Office no later than Friday, September 12, 2008 at 5:00 p.m. If any person wishing to testify has not submitted a written comment, the Request to Testify must be accompanied by a statement summarizing that person's testimony.

The capacity of the room in which the hearing will be held is limited. Persons other than persons testifying will be admitted on a first-come, first-served basis.

Dated: August 8, 2008.

David O. Carson,
Associate Register for Policy & International Affairs
[FR Doc. E8-18799 Filed 8-12-04; 8:45 am]
BILLING CODE 1410-30-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[OAR-2004-0091; FRL-8703-7]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Proposed rule—Consistency Update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of States' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 ("the Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources by the Santa Barbara County Air Pollution Control District (Santa Barbara County APCD). The intended effect of approving the OCS requirements for the Santa Barbara County APCD is to regulate emissions from OCS sources in accordance with the requirements onshore. The change to the existing requirements discussed below is proposed to be incorporated by reference into the Code of Federal Regulations and is listed in the appendix to the OCS air regulations.

DATES: Any comments must arrive by September 12, 2008.

ADDRESSES: Submit comments, identified by docket number OAR-2004-0091, by one of the following methods:

1. *Federal eRulemaking Portal:* www.regulations.gov. Follow the on-line instructions.
2. *E-mail:* steckel.andrew@epa.gov.
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: All comments will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through www.regulations.gov or e-mail.

www.regulations.gov is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947-4120, allen.cynthia@epa.gov.

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I. Background Information

Why is EPA taking this action?

On September 4, 1992, EPA promulgated 40 CFR part 55,¹ which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a State's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to § 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under § 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This proposed action is being taken in response to the submittal of requirements submitted by the Santa Barbara County APCD. Public comments received in writing within 30 days of publication of this document will be considered by EPA before publishing a final rule. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable

onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

II. EPA's Evaluation

A. What criteria were used to evaluate rules submitted to update 40 CFR part 55?

In updating 40 CFR part 55, EPA reviewed the rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12 (e). In addition, EPA has excluded administrative or procedural rules,² and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

B. What requirements were submitted to update 40 CFR part 55?

1. After review of the requirements submitted by the Santa Barbara County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following District requirements applicable to OCS sources:

Rule No.	Name	Adoption or amended date
102	Definitions	06/19/08
201	Permits Required	06/19/08
202	Exemptions To Rule 201	06/19/08

¹ The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further

background and information on the OCS regulations.

² Each COA which has been delegated the authority to implement and enforce part 55, will use its administrative and procedural rules as

onshore. However, in those instances where EPA has not delegated authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14 (c)(4).

Rule No.	Name	Adoption or amended date
333	Control of Emissions From Reciprocating Internal Combustion Engines	06/19/08
361	Small Boilers, Steam Generators, and Process Heaters	01/17/08

III. Administrative Requirements

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget ("OMB") review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This action is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB Review. These rules implement requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. These OCS rules already apply in the COA, and EPA has no evidence to suggest that these OCS rules have created an adverse material effect. As required by section 328 of the Clean Air Act, this action simply updates the existing OCS requirements to make them consistent with rules in the COA.

B. Paperwork Reduction Act

The OMB has approved the information collection requirements contained in 40 CFR part 55, and by extension this update to the rules, under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0249. Notice of OMB's approval of EPA Information Collection Request ("ICR") No. 1601.06 was published in

the *Federal Register* on March 1, 2006 (71 FR 10499-10500). The approval expires January 31, 2009. As EPA previously indicated (70 FR 65897-65898 (November 1, 2005)), the annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 549 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable. In addition, EPA is amending the table in 40 CFR part 9 of currently approved OMB control numbers for various regulations to list the regulatory citations for the information requirements contained in this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

These rules will not have a significant economic impact on a substantial number of small entities. These rules implement requirements specifically and explicitly set forth by the Congress

in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. These OCS rules already apply in the COA, and EPA has no evidence to suggest that these OCS rules have had a significant economic impact on a substantial number of small entities. As required by section 328 of the Clean Air Act, this action simply updates the existing OCS requirements to make them consistent with rules in the COA. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 ("UMRA"), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates,

and informing, educating, and advising small governments on compliance with the regulatory requirements. Today's proposed rules contain no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector that may result in expenditures of \$100 million or more for State, local, or tribal governments, in the aggregate, or to the private sector in any one year. These rules implement requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act without the exercise of any policy discretion by EPA. These OCS rules already apply in the COA, and EPA has no evidence to suggest that these OCS rules have created an adverse material effect. As required by section 328 of the Clean Air Act, this action simply updates the existing OCS requirements to make them consistent with rules in the COA.

E. Executive Order 13132, Federalism

Executive Orders 13132, entitled "Federalism" (64 FR 43255 (August 10, 1999)), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. These rules implement requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements. These rules do not amend the existing provisions within 40 CFR part 55 enabling delegation of OCS regulations to a COA, and this rule does not require the COA to implement the OCS rules. Thus, Executive Order 13132 does not apply to this rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to

promote communications between EPA and state and local governments, EPA specifically solicits comments on this proposed rule from State and local officials.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This rule does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal government and Indian tribes and thus does not have "tribal implications," within the meaning of Executive Order 13175. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements. In addition, this rule does not impose substantial direct compliance costs tribal governments, nor preempt tribal law. Consultation with Indian tribes is therefore not required under Executive Order 13175. Nonetheless, in the spirit of Executive Order 13175 and consistent with EPA policy to promote communications between EPA and tribes, EPA specifically solicits comments on this proposed rule from tribal officials.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885 (April 23, 1997)), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably

feasible alternatives considered by the Agency.

This proposed rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866. In addition, the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportional risk to children.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law No. 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable laws or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decided not to use available and applicable voluntary consensus standards.

As discussed above, these rules implement requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements. In the absence of a prior existing requirement for the state to use voluntary consensus standards and in light of the fact that EPA is required to make the OCS rules consistent with current COA requirements, it would be inconsistent with applicable law for EPA to use voluntary consensus standards in this action. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary

consensus standards and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA lacks the discretionary authority to address environmental justice in this proposed action. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements.

Although EPA lacks authority to modify today's regulatory decision on the basis of environmental justice considerations, EPA nevertheless explored this issue and found the following. This action, namely, updating the OCS rules to make them consistent with current COA requirements, will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. Environmental justice considerations may be appropriate to consider in the context of a specific OCS permit application.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedure, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 24, 2008.

Kathleen H. Johnson,
Acting Regional Administrator, Region IX.

Title 40 of the Code of Federal Regulations, part 55, is proposed to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is amended by revising paragraph (e)(3)(ii)(F) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by state.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(F) *Santa Barbara County Air*

Pollution Control District Requirements Applicable to OCS Sources.

* * * * *

3. Appendix A to CFR part 55 is amended by revising paragraph (b)(6) under the heading "California" to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

California

* * * * *

(b) * * *

(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources:*

Rule 102 Definitions (Adopted 06/19/08)

Rule 103 Severability (Adopted 10/23/78)

Rule 106 Notice to Comply for Minor Violations (Repealed 01/01/2001)

Rule 107 Emergencies (Adopted 04/19/01)

Rule 201 Permits Required (Adopted 06/19/08)

Rule 202 Exemptions to Rule 201 (Adopted 06/19/08)

Rule 203 Transfer (Adopted 04/17/97)

Rule 204 Applications (Adopted 04/17/97)

Rule 205 Standards for Granting Permits (Adopted 04/17/97)

Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91)

Rule 207 Denial of Application (Adopted 10/23/78)

Rule 210 Fees (Adopted 03/17/05)

Rule 212 Emission Statements (Adopted 10/20/92)

Rule 219 Equipment Not Requiring a Written Permit Pursuant to Regulation II (Adopted 6/1/07)

Rule 301 Circumvention (Adopted 10/23/78)

Rule 302 Visible Emissions (Adopted 10/23/78)

Rule 304 Particulate Matter—Northern Zone (Adopted 10/23/78)

Rule 305 Particulate Matter Concentration—Southern Zone (Adopted 10/23/78)

Rule 306 Dust and Fumes—Northern Zone (Adopted 10/23/78)

Rule 307 Particulate Matter Emission Weight Rate—Southern Zone (Adopted 10/23/78)

Rule 308 Incinerator Burning (Adopted 10/23/78)

Rule 309 Specific Contaminants (Adopted 10/23/78)

Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)

Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)

Rule 312 Open Fires (Adopted 10/02/90)

Rule 316 Storage and Transfer of Gasoline (Adopted 04/17/97)

Rule 317 Organic Solvents (Adopted 10/23/78)

Rule 318 Vacuum Producing Devices or Systems—Southern Zone (Adopted 10/23/78)

Rule 321 Solvent Cleaning Operations (Adopted 09/18/97)

Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)

Rule 323 Architectural Coatings (Adopted 11/15/01)

Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)

Rule 325 Crude Oil Production and Separation (Adopted 07/19/01)

Rule 326 Storage of Reactive Organic Compound Liquids (Adopted 01/18/01)

Rule 327 Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85)

Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)

Rule 330 Surface Coating of Metal Parts and Products (Adopted 01/20/00)

Rule 331 Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91)

Rule 332 Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 06/11/79)

Rule 333 Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 06/19/08)

Rule 342 Control of Oxides of Nitrogen (NO_x) from Boilers, Steam Generators and Process Heaters (Adopted 04/17/97)

Rule 343 Petroleum Storage Tank Degassing (Adopted 12/14/93)

Rule 344 Petroleum Sumps, Pits, and Well Cells (Adopted 11/10/94)

Rule 346 Loading of Organic Liquid Cargo Vessels (Adopted 01/18/01)

Rule 352 Natural Gas-Fired Fan-Type Central Furnaces and Residential Water Heaters (Adopted 09/16/99)

Rule 353 Adhesives and Sealants (Adopted 08/19/99)

Rule 359 Flares and Thermal Oxidizers (Adopted 06/28/94)

Rule 360 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (Adopted 10/17/02)

Rule 361 Small Boilers, Steam Generators, and Process Heaters (Adopted 01/17/08)

Rule 370 Potential to Emit—Limitations for Part 70 Sources (Adopted 06/15/95)

- Rule 505 Breakdown Conditions Sections A., B.1., and D. only (Adopted 10/23/78)
 Rule 603 Emergency Episode Plans (Adopted 06/15/81)
 Rule 702 General Conformity (Adopted 10/20/94)
 Rule 801 New Source Review (Adopted 04/17/97)
 Rule 802 Nonattainment Review (Adopted 04/17/97)
 Rule 803 Prevention of Significant Deterioration (Adopted 04/17/97)
 Rule 804 Emission Offsets (Adopted 04/17/97)
 Rule 805 Air Quality Impact Analysis and Modeling (Adopted 04/17/97)
 Rule 808 New Source Review for Major Sources of Hazardous Air Pollutants (Adopted 05/20/99)
 Rule 1301 Part 70 Operating Permits—General Information (Adopted 06/19/03)
 Rule 1302 Part 70 Operating Permits—Permit Application (Adopted 11/09/93)
 Rule 1303 Part 70 Operating Permits—Permits (Adopted 11/09/93)
 Rule 1304 Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Adopted 11/09/93)
 Rule 1305 Part 70 Operating Permits—Enforcement (Adopted 11/09/93)

* * * * *
 [FR Doc. E8-18735 Filed 8-12-08; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2008-0260; FRL-8703-2]
 RIN 2060-AO42

Standards of Performance for Portland Cement Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: EPA is extending the public comment period on the proposed amendments to the current Standards of Performance for Portland Cement Plants. EPA originally requested comments on the proposed rule by August 15, 2008. EPA is extending the deadline to September 30, 2008, and is now requesting written comments by that date. EPA received a request for this extension to the comment period from the Portland Cement Association. The reason given for the request for the extension was the need for additional time to gather data and review the proposed amendments. Given the fact that the proposed amendments are regulating two pollutants that are not regulated by the current NSPS, and the need by the Portland Cement Association to obtain additional

information from control equipment vendors, EPA finds this request to be reasonable.

DATES: *Comments.* The comment period for the proposed rule published June 12, 2008 (73 FR 34072), is extended. Comments must be received on or before September 30, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-0877, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

- *E-mail:* a-and-r-docket@epa.gov.
- *Fax:* (202) 566-9744.

- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (6102T), Standards of Performance (NSPS) for Portland Cement Plants Docket, Docket ID No. EPA-HQ-OAR-2007-0877, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), Standards of Performance (NSPS) for Portland Cement Plants Docket, Docket ID No. EPA-HQ-OAR-2007-0877, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2007-0877. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your 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 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 docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the EPA Docket Center, Standards of Performance (NSPS) for Portland Cement Plants Docket, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Mr. Keith Barnett, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Metals and Minerals Group (D243-02), Environmental Protection Agency, Research Triangle Park, NC 27711, *telephone number:* (919) 541-5605; *fax number:* (919) 541-5450; *e-mail address:* barnett.keith@epa.gov.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 5, 2008.

Robert J. Meyers,

*Principal Deputy Assistant Administrator,
 Office of Air and Radiation.*

[FR Doc. E8-18627 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 03-123 and 08-15; FCC 08-149]

Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on ways to improve the provision of Speech-to-Speech (STS), including, for example, whether to modify the minimum time period a Communications Assistant (CA) should be required to stay on a call, and ways to improve outreach associated with STS. The Commission also seeks comment on the tentative conclusion that Internet Protocol STS (IP STS) is a form of telecommunications relay service (TRS) eligible for compensation from the Interstate TRS Fund and related issues relevant to the provision, regulation, and compensation of IP STS. These issues include the appropriate compensation rate for IP STS, and whether it should be compensated at the same rate as STS.

DATES: Comments are due on or before September 12, 2008. Reply comments are due on or before September 29, 2008.

ADDRESSES: Interested parties may submit comments identified by FCC 08-149, by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site: <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, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket Nos. 03-123 and 08-15. Parties also may 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 <your e-mail

address>." A sample form and directions will be sent in response.

- **Paper filers:** Parties who choose to file by paper must file an original and four copies of each filing. 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 the Commission continues 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.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

Parties who choose to file by paper should also submit their comments on compact disc. The compact disc should be submitted, along with three paper copies, to: Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW., Room 3-C418, Washington, DC 20554. Such submission should be on a compact disc formatted in an IBM compatible format using Word 2003 or a compatible software. The compact disc should be accompanied by a cover letter and should be submitted in "read only" mode. The compact disc should be clearly labeled with the commenter's name, proceeding (CG Docket Nos. 03-123 and 08-15), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the compact disc. The label also should include the following phrase: "CD-Rom Copy—Not an Original." Each compact disc should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters filing by paper must send a compact disc copy to the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gregory Hlibok, Consumer and

Governmental Affairs Bureau, Disability Rights Office at (800) 311-4381 (voice) or e-mail at Gregory.Hlibok@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech Services and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Service*, Notice of Proposed Rulemaking (STS and IP STS NPRM), document FCC 08-149, adopted June 11, 2008, and released June 24, 2008, in CG Docket Nos. 03-123 and 08-15, seeking comment on matters concerning the provision of STS and IP STS. The full text of FCC 08-149 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. FCC 08-149 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site, <http://www.bcpweb.com>, or by calling 1-800-378-3160. FCC 08-149 can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/trs.html>.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Initial Paperwork Reduction Act of 1995 Analysis

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).

Synopsis

1. STS is a form of TRS that allows persons with speech disabilities access to the telephone system by employing specially trained CAs to understand the speech patterns of an STS user and to re-voice the words spoken by the STS

user to the other party of the call. Common carriers obligated to provide TRS are required to also provide STS. IP STS is a proposed form of TRS that functions similar to STS in which the STS user would connect to the CA over the Internet instead of the Public Switched Telephone Network (PSTN). The Commission seeks comments on issues related to STS and IP STS.

2. *STS Issues.* The Commission's rules require that STS must be accessible by dialing 711, the nationwide three-digit number for TRS. Also, the Commission's rules require that each CA must remain on an STS call session for a minimum of 15 minutes before transferring the call to another CA because changing CAs can be particularly disruptive to users with speech disabilities.

3. On June 26, 2006, Bob Segalman and Rebecca Ladew filed a petition requesting that the Commission amend its rules to require an STS CA to stay with the call for a minimum of 20 minutes rather than 15 minutes, and to require that the 20-minute period not commence until "effective" communication begins between the STS user and the CA. In addition, the Commission received reports that some STS providers offer the STS user the option to have his or her voice muted so that the other party of the call only hears the CA re-voicing the call which is the preferred option among some STS users. The Commission also received reports from some STS users that they have been disconnected after dialing 711 when the CA attempts to transfer the caller to an STS CA.

4. The Commission therefore seeks comment on: (1) Whether to extend the 15-minute call duration rule to 20 minutes or another length of time; (2) whether that time period should commence running when "effective" communication occurs between the STS CA and the STS user; (3) how to determine when "effective" communication begins; and (4) what alternative approaches or requirements the Commission should adopt to ensure the efficiency of STS calls.

5. The Commission also seeks comment on whether the Commission should require STS providers to offer the STS user the option to have his or her voice muted. Further, the Commission seeks comments on the scope of the problem concerning 711 dialing and on ways to ensure that STS users dialing 711 can promptly reach an STS CA, including by using prompts or interactive menus.

6. *Internet Protocol Speech-to-Speech.* On December 21, 2007, Hawk Relay filed a request for clarification that IP

STS is a form of TRS eligible for compensable from the Interstate TRS Fund. Hawk Relay describes IP STS as a type of STS that uses the Internet, rather than the PSTN. Hawk Relay asserts that IP STS offers certain benefits over traditional STS, including portability and ease of use, and that IP STS will spur TRS competition and innovation. The request was placed on Public Notice. *Consumer and Governmental Affairs Seeks Comment on Request for Clarification that Internet Protocol Speech-to-Speech Service is a Form of Telecommunications Relay Service Compensable from the Interstate TRS Fund*, CG Docket No. 08-15, Public Notice, DA 08-292; published at 73 FR 1649, April 7, 2008. Commenters in response to the Public Notice support the request that the Commission recognize IP STS as a form of TRS compensable from the Fund.

7. The Commission seeks comment on the following tentative conclusions regarding the proposed IP STS service that: (1) IP STS is a form of TRS because it is an extension of traditional STS which employs an Internet connection between the STS user and the CA; (2) all IP STS calls may be compensated from the Fund if provided in compliance with the Commission's rules, and at the same rate as STS; and (3) a common carrier desiring to provide IP STS may seek Commission certification in order to be eligible for compensation from the Interstate TRS Fund.

8. The Commission also seeks comment on its tentative conclusions that IP STS providers need not meet certain TRS requirements regarding: (1) CA's competency skills in typing and spelling; (2) the handling of calls in ASCII and Baudot formats; (3) call release functionality; (4) Hearing Carry Over (HCO) and Voice Carry Over (VCO) services; (5) equal access to interexchange carriers; (6) pay-per-call (900) service; (7) speed dialing; and (8) outbound 711 dialing.

9. Finally, the Commission seeks comment on the emergency call handling rules that should apply to IP STS. Relatedly, the Commission asks whether IP STS users should be required to obtain a ten-digit North American Numbering Plan (NANP) telephone number.

10. *Outreach.* In response to concerns that STS outreach efforts in identifying and reaching out to potential STS users have not been adequate because of low intrastate compensation rates, the Commission seeks comment on: (1) Whether the Commission may require individual states to increase intrastate STS rates; (2) what other steps the Commission should take to ensure that

all STS providers receive sufficient compensation to engage in effective outreach to inform new potential users; (3) what specific outreach efforts may extend the reach of STS (and IP STS, if applicable) to new users; and (4) whether the Commission should mandate such efforts. The Commission particularly asks whether the Commission has the authority to require individual states to increase the compensation rates paid for intrastate STS.

11. *One Nationwide STS Provider.* A commenter has suggested that it might be appropriate to have a single, nationwide STS provider offer both interstate and intrastate TRS services due to the low usage of these services. The Commission seeks comment on this suggestion and whether the Commission has the authority to mandate such an approach given that Section 225 of the Communications Act, places the obligation on states to oversee the provision of intrastate TRS.

Initial Regulatory Flexibility Certification

12. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

13. In the *STS and IP STS NPRM*, the Commission seeks comment on issues concerning the provision of STS and IP STS. The Commission proposes requiring an STS CA to stay with the call for a minimum of 20 minutes, rather than the present minimum of 15 minutes, in order to ensure the effective and efficient relaying of STS calls.

14. The Commission also proposes amending its TRS rules to require that STS providers offer the STS user the option of having her or his voice muted so that the other party to the call would only hear the STS CA re-voicing the call, not the voice of the STS user as well. In the *STS and IP STS NPRM*, the

Commission proposes that the STS provider should be required to utilize an interactive menu that provides an option for reaching an STS CA in order to ensure that STS users calling 711 will promptly reach an STS CA to handle their calls. For instance, after an STS caller dials 711 and reaches the provider, the caller would reach an STS CA by pressing one additional number on the telephone. Finally, the Commission invites comment on its tentative conclusion that IP STS is a form of TRS eligible for compensation from the Interstate TRS Fund.

15. The Commission concludes that these proposed changes may be necessary to improve the effectiveness and quality of STS and IP STS services so that users may receive a functionally equivalent telephone service, as mandated by Title IV of the Americans With Disabilities Act.

16. The Commission believes that none of these proposed changes would impose a significant burden on providers, including small businesses. However, if the proposed changes may result in additional financial burden on the part of the affected providers, including small entities, the providers will be promptly reimbursed from the Interstate TRS Fund for the costs of complying with the proposed rules, if adopted. Entities, especially small businesses, are encouraged to quantify the costs and benefits of any reporting requirement that may be established in this proceeding.

17. The modifications the Commission proposes consist of policies aimed at achieving a functionally equivalent telephone service for TRS users and are not expected to have a substantial economic impact upon providers, including small businesses, because each small business will receive financial compensation for reasonable costs incurred rather than absorb an uncompensated financial loss or hardship.

18. With regard to whether a substantial number of small entities may be affected by the requirements proposed in the *STS and IP STS NPRM*, the Commission notes that, of the 7 providers affected by the *STS and IP STS NPRM*, only one meets the definition of a small entity. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such firms having 1,500 or fewer employees. Seven providers currently receive compensation from the Interstate TRS Fund for providing STS: AT&T Corp.; GoAmerica, Inc.; Hamilton Relay, Inc.; Nordia Inc.; Kansas Relay Service, Inc.; State of Michigan and Sprint. Because

only one of the providers would be affected by the *STS and IP STS NPRM*, if adopted, is deemed to be small entities under the SBA's small business size standard, the Commission concludes that the number of small entities potentially affected by the Commission's proposed rules in the *STS and IP STS NPRM* is not substantial.

19. Moreover, given that all providers potentially affected by the proposed rules, including the one that is deemed to be a small entity under the SBA's standard, would be entitled to receive prompt reimbursement for its reasonable costs of compliance, the Commission concludes that the *STS and IP STS NPRM*, if adopted, will not have a significant economic impact on small entities.

20. Therefore, the Commission certifies that the proposals in the *STS and IP STS NPRM*, if adopted, will not have a significant economic impact on a substantial number of small entities.

Ordering Clauses

Pursuant to sections 1, 4(i) and (o), 225, 255, 303(r), 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (o), 225, 255, 303(r), 403, 554(g), and 606, the *Notice of Proposed Rulemaking* is adopted.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E8-18616 Filed 8-12-08; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08-1710; MB Docket No. 08-86; RM-11432]

Radio Broadcasting Services; Custer, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Roy E. Henderson.

Petitioner proposes the substitution of FM Channel 227A for vacant Channel 263A at Custer, Michigan. The purpose of the requested channel substitution at Custer is to eliminate a short-spacing with the facilities proposed in an application to upgrade the facilities of Station WCUZ(FM) at Bear Lake, Michigan, from FM Channel 261A to Channel 264C3. Channel 227A can be allotted at Custer in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.1 km (8.1 miles) northeast of Custer. The proposed coordinates for Channel 227A at Custer are 44-03-28 North Latitude and 85-08-56 West Longitude. Concurrence by the Government of Canada is required for the allotment of Channel 227A at Custer, Michigan, because the proposed allotment is located within 320 kilometers (200 miles) of the U.S.-Canadian border. See **SUPPLEMENTARY INFORMATION** *infra*.

DATES: Comments must be filed on or before September 15, 2008, and reply comments on or before September 30, 2008.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve petitioner's counsel as follows: Robert J. Buenzle, Esq., Law Offices of Robert J. Buenzle, 11710 Plaza America Drive, Suite 2000, Reston, Virginia 20190.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 08-26, adopted July 23, 2008, and released July 25, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. 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).

The 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

Radio, Radio 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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 263A and by adding Channel 227A at Custer.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8-18614 Filed 8-12-08; 8:45 am]

BILLING CODE 6712-01-P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 549, and 552

[GSAR Case 2008-G515; Docket 2008-0007; Sequence 17]

RIN 3090-A162

General Services Acquisition Regulation; GSAR Case 2008-G515; Rewrite of GSAR Part 549, Termination of Contracts

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to revise language

that provides requirements for termination of contracts.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before October 14, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2008-G515 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "GSAR Case 2008-G515" under the heading "Comment or Submission". Select the link "Send a Comment or Submission" that corresponds with GSAR Case 2008-G515. Follow the instructions provided to complete the "Public Comment and Submission Form". Please include your name, company name (if any), and "GSAR Case 2008-G515" on your attached document.

- Fax: 202-501-4067.
- Mail: General Services

Administration, Regulatory Secretariat (VPR), 1800 F Street, NW, Room 4041, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2008-G515 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Jeritta Parnell at (202) 501-4082, or by e-mail at jeritta.parnell@gsa.gov. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite GSAR Case 2008-G515.

SUPPLEMENTARY INFORMATION:

A. Background

The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to delete two outdated clauses and the prescriptions for the two clauses. This proposed rule is a result of the General Services Administration Acquisition Manual (GSAM) rewrite initiative. The initiative was undertaken by GSA to revise the GSAM so as to maintain consistency with the FAR and implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can use when entering into and administering contractual relationships. The GSAM incorporates the General

Services Administration Acquisition Regulation (GSAR) as well as internal agency acquisition policy.

GSA will rewrite each part of the GSAR and GSAM, and as each GSAR part is rewritten, GSA will publish it in the **Federal Register**.

This proposed rule revises GSAR Part 549 by deleting the prescriptive language at section 549.502 for two outdated clauses. The clause at 552.249-70, Termination for Convenience of the Government (Fixed Price) (Short Form), and the clause at 552.249-71, Submission of Termination Liability Schedule, are being deleted. These are two GSA-unique clauses for acquisition and maintenance of telephone systems funded through the Information Technology (IT) Fund. This fund no longer exists. These clauses are obsolete.

Discussion of Comments

There were no comments received in response to the "Advanced Notice of Proposed Rulemaking" at 71 FR 7910, February 15, 2006, pertaining to this GSAR Part 549.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The General Services Administration does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the revisions are not considered substantive. The revisions delete obsolete coverage. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. GSA will consider comments from small entities concerning the affected GSAR Parts 501, 549, and 552 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR case 2008-G515), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the GSAM do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 501, 549, and 552

Government procurement.

Dated: August 6, 2008.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, GSA proposes to amend 48 CFR parts 501, 549 and 552 as set forth below:

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

1. The authority citation for 48 CFR part 501 continues to read as follows:

Authority: 40 U.S.C. 121(c).

501.106 [Amended]

2. Amend section 501.106 by removing the GSAR Reference "549.502(b)" and corresponding OMB Control Number "3090-0027"; and removing the GSAR Reference "552.249-71" and corresponding OMB Control Number "3090-0227".

PART 549—TERMINATION OF CONTRACTS

3. The authority citation for 48 CFR part 549 is revised to read as follows:

Authority: 40 U.S.C. 121(c).

549.5 [Removed]

4. Remove subpart 549.5.

549.502 [Removed]

5. Remove section 549.502.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

552.249-70 and 552.249-71 [Removed]

7. Remove sections 552.249-70 and 552.249-71.

[FR Doc. E8-18722 Filed 8-12-08; 8:45 am]

BILLING CODE 6820-61-S

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 214**

[Docket No. FRA-2008-0059, Notice No. 2]

RIN 2130-AB93

Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: On July 17, 2008, FRA published an NPRM in the *Federal Register* addressing adjacent-track on-track safety procedures for roadway workers. For the reasons stated below, FRA has decided to withdraw the NPRM.

DATES: The NPRM published on July 17, 2008 at 73 FR 41214 is withdrawn as of August 13, 2008.

FOR FURTHER INFORMATION CONTACT: Kenneth Rusk, Staff Director, Track Division, Office of Safety Assurance and Compliance, FRA, 1200 New Jersey Avenue, SE., RRS-15, Mail Stop 25, Washington, DC 20590 (telephone 202-493-6236); or Anna Winkle, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., RCC-12, Mail Stop 10, Washington, DC 20590 (telephone 202-493-6166 or 202-493-6052).

SUPPLEMENTARY INFORMATION: The NPRM was developed in order to respond to fatal train incidents and in response to recommendations from the Railroad Safety Advisory Committee (RSAC). The NPRM was published with an abbreviated comment period in order to address the issue in a more timely fashion, in response to a joint petition for Emergency Order that was filed by the Brotherhood of Maintenance of Way Employees Division (BMWED) and the Brotherhood of Railroad Signalmen (BRS). However, since the publication of the NPRM, FRA received a joint request from BMWED and BRS that FRA extend the comment period for this NPRM to 60 days, due to concern that parts of the NPRM failed to accurately capture the consensus recommendations of the RSAC.¹ The joint request did not specify

which parts of the NPRM failed to reflect the consensus recommendations, and no formal comments have been submitted by the BMWED or BRS to that effect. However, there have been several "ex parte" communications subsequent to the filing of the joint request in which a representative of the BMWED has recommended that FRA make very specific changes to the proposed rule. In accordance with the Department of Transportation's Policy (Order No. 2100.2 (1970)), all communications between FRA employees and other parties since the publication of the NPRM have been reduced to writing and placed in the public docket.

It should be noted that while the proposed rule text was intended to be responsive to the intent of the consensus language recommended to FRA by the RSAC, FRA may not delegate its rulemaking authority to a committee, and may choose to accept or reject any or all of the consensus proposals for cause stated. However, in consideration of the assistance provided by the RSAC, FRA does endeavor to ensure that FRA representatives to the consensus process reflect the policies of the Federal Railroad Administrator. In reviewing the consensus language, there were several areas that FRA thought needed clarification in order to ensure uniform application of the law, as well as enforceability of the consensus language if it were to be adopted as written. In crafting the NPRM, FRA presented the RSAC consensus language in the preamble verbatim and transparently explained its rationale for all changes it made to the consensus language. As this was an NPRM, FRA sought comment on the entire proposal, including those portions that FRA sought to clarify.

FRA recognizes that inadvertent errors do sometimes occur in formulating a proposal and expects that interested parties would provide comments to both FRA and all other interested parties through the established comment process detailed in the NPRM. Given the alleged discrepancies between the consensus language and the proposed rule, the need to clarify the essential issues and move toward resolution of the safety concern at hand, and the ex parte communications regarding this proposed rule, FRA has decided to withdraw this rulemaking and will take such further regulatory steps as safety requires. The docket for this rulemaking has been closed. Any formal comments submitted on this NPRM will need to be resubmitted by the commenter, if still applicable, to a future rulemaking docket.

¹ FRA notes that extending the comment period to September 15, 2008, would remove all possibilities of any final rule becoming effective prior to the fourth quarter (October-December), in which the majority of the adjacent-track fatalities have occurred.

Issued in Washington, DC on August 7, 2008.

Joseph H. Boardman,
Administrator.

[FR Doc. E8-18714 Filed 8-11-08; 10:00 am]

BILLING CODE 4910-06-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 070717348-7766-02]

RIN 0648-AV60

Magnuson-Stevens Act Provisions; Annual Catch Limits; National Standard Guidelines

AGENCY: National Marine Fisheries Service (NMFS); National Oceanic and Atmospheric Administration (NOAA); Commerce.

ACTION: Proposed rule, extension of comment period.

SUMMARY: NMFS extends the public comment period on the proposed rule to revise National Standard 1 (NS1) guidelines, including guidance on how to comply with new annual catch limit (ACL) and accountability measures (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans. NMFS has received various requests to extend the comment period for the proposed rule beyond its current 90-day comment period. The extension of the comment period for another two weeks

is intended to ensure that NMFS provides adequate time for various stakeholders and members of the public to comment on the proposed guidance on ACLs and AMs and other proposed revisions to the NS1 guidelines. The comment period ending date is extended from September 8, 2008, to September 22, 2008.

DATES: Comments must be received on or before September 22, 2008.

ADDRESSES: You may submit comments, identified by 0648-AV60, by any of the following methods:

- Electronic submissions: Submit all electronic public comments via the Federal e-Rulemaking portal: <http://www.regulations.gov>;
- Fax: 301-713-1193; Attn: Mark Millikin;
- Mail: Mark R. Millikin, National Marine Fisheries Service, NOAA, Office of Sustainable Fisheries, 1315 East-West Highway, Room 13357, Silver Spring, MD 20910 (mark outside of envelope "Comments on Annual Catch Limits proposed rule");

Instructions: All comments received are a part of the public record and will be generally posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic

comments will be accepted in Microsoft Word, Excel, Wordperfect, or Adobe PDF file formats only.

Copies of the Regulatory Impact review (RIR)/Regulatory Flexibility Act analysis (RFAA) for this proposed rule are available from Mark R. Millikin at the address listed above. The RIR/RFAA document is also available via the internet at <http://www.nmfs.noaa.gov/msa2007/catchlimits.htm>.

FOR FURTHER INFORMATION CONTACT: Mark R. Millikin, Senior Fishery Management Specialist, 301-713-2341.

SUPPLEMENTARY INFORMATION: A proposed rule that covers NMFS' proposed revisions to the NS1 guidelines, including guidance on ACLs and AMs was published in the *Federal Register* on June 9, 2008 (73 FR 32526), with a comment period ending date of September 8, 2008. After receiving several requests to extend the comment period, NMFS has decided to extend it for another two weeks through September 22, 2008.

This action extends the comment period for a proposed rule that the Office of Management and Budget determined to be significant under Executive Order 12866.

Authority: 16 U.S.C 1801 *et seq.*

Dated: August 8, 2008.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. E8-18756 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register

Vol. 73, No. 157

Wednesday, August 13, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Apache-Sitgreaves National Forests; Arizona; Heber Wild Horse Territory Plan

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare a Draft Environmental Impact Statement (DEIS) to evaluate the environmental impacts of developing and implementing a Territory Plan for the Heber Wild Horse Territory.

DATES: Comments concerning the scope of the analysis must be received by September 15, 2008. The Draft Environmental Impact Statement is expected by May 2009 and the final Environmental Impact Statement is expected November 2009.

ADDRESSES: Send written comments to Heber Wild Horse Territory Plan Analysis, c/o Deryl Jevons, Acting Forest Supervisor, P.O. Box 640, Springerville, AZ 85938, or send e-mail comments to comments-southwestern-apache-sitgreaves@fs.fed.us, using the subject heading *Heber Wild Horse Territory Plan Analysis*. For further information, mail correspondence to Denise Van Keuren, Interdisciplinary Team Leader, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, AZ 85938.

FOR FURTHER INFORMATION CONTACT: Denise Van Keuren, Interdisciplinary Team Leader, Apache-Sitgreaves National Forests (see address above).

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

There is a need for developing a Heber Wild Horse Territory Management Plan, to be in compliance with the Wild Free-Roaming Horses and Burros Act of 1971, as amended by Federal Land Policy Management Act of

1976 and Public Rangelands Improvement Act of 1978, regulation at 36 CFR, part 222, subpart B, 222.21(a)(4), and the Forest Service's manual direction at FSM 2263.1. In addition, Item 4 of the "*In Defense of Animals, et al. vs. United States Forest Service, et al.*" Stipulation Agreement dated March 13, 2007 directs the Forest Service to develop a Heber Wild Horse Territory Management Strategy, in accordance with the provisions of the Wild Free-Roaming Horses and Burros Act of 1971, which requires a Territory Management Plan.

Proposed Action

Develop and implement a plan for the Heber Wild Horse Territory, setting parameters for determining horse numbers, when and how to gather horses, which horses would be authorized for the Territory, population and ecological monitoring. The Heber Wild Horse Territory and its boundaries were established in 1973 following passage of the Wild Free-Roaming Horses and Burros Protection Act of 1971. The territory was designated as an area of about 19,700 acres used by a known band of horses, south of Heber, Arizona. There has not yet been a plan developed for the Territory.

Possible Alternatives

The only other alternative identified at this time is No Action—do not develop a Territory Plan.

Responsible Official

Deryl Jevons, Acting Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, AZ 85938.

Nature of Decision To Be Made

The decision to be made in this analysis is whether or not to develop a plan for the Heber Wild Horse Territory, and if so, the main parameters of the plan. In addition, the Responsible Official may elect to require certain mitigation measures to minimize environmental impacts.

Scoping Process

Scoping was initiated in 2007, with a public notice and two open house meetings in March 2007, both in Overgaard, AZ. Planned scoping efforts include mailing out a scoping letter and making it available on the National

Forest Web page for the Heber Wild Horse Territory.

Comment Requested

This notice of intent updates the scoping process which guides the development of the Environmental Impact Statement. Public participation is important at several points during the analysis process. The first point is the scoping process (40 CFR 1501.7). The scoping process includes, but is not limited to: (1) identifying potential issues; (2) identifying issues to be analyzed in depth; (3) eliminating insignificant issues or those that have been covered by a relevant previous environmental analysis; (4) exploring additional alternatives; and (5) identifying potential direct, indirect and cumulative environmental effects of the alternatives.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A Draft Environmental Impact Statement will be prepared for comment. The comment period on the Draft Environmental Impact Statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of Draft Environmental Impact Statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the Draft Environmental Impact Statement stage but that are not raised until after completion of the final Environmental Impact Statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them

and respond to them in the final Environmental Impact Statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the Draft Environmental Impact Statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft Environmental Impact Statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: July 30, 2008.

Deryl D. Jevons,

Acting Forest Supervisor, Apache-Sitgreaves National Forests.

[FR Doc. E8-18663 Filed 8-12-08; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act

AGENCY: Allegheny National Forest, USDA Forest Service.

ACTION: Notice of New Fee Site.

SUMMARY: The Allegheny National Forest is planning to charge from \$100-\$150 per night fee for rental of the Farnsworth Cabin. This cabin has not been available to the public for recreation use prior to Spring 2009. This historic cabin was built by the Civilian Conservation Corp in the 1940's. Rentals of other cabins on the Allegheny National Forest have shown that the public appreciates and enjoys the availability of historic rental cabins.

DATES: Farnsworth Cabin will become available for recreation rental Spring, 2009.

ADDRESSES: Forest Supervisor, Allegheny National Forest, P.O. Box 847, Warren PA 16365.

FOR FURTHER INFORMATION CONTACT: Tonika Goins, Recreation Team Leader for Bradford District, 29 Forest Service

Drive, Bradford, PA 16701, phone (814) 363-6049, or mail tonikagoins@fs.fed.us.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (title VIII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established. The new fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation. A market analysis indicates that the \$100 to \$150/per night fee is both reasonable and acceptable for this sort of unique recreation experience. People wanting to rent Farnsworth Cabin will need to do so through the National Recreation Reservation Service, at <http://www.reserveusa.com> or by calling 1-877-444-6777. The National Recreation Reservation Service charges a \$9 fee for reservation.

Dated: August 6, 2008.

Leanne Marten,

Forest Supervisor (Allegheny National Forest).

[FR Doc. E8-18562 Filed 8-12-08; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Annual Retail Trade Survey.

OMB Control Number: 0607-0013.

Form Number(s): SA-44, SA-44A, SA-44C, SA-44E, SA-44N, SA-44S, SA-45, SA-45C, SA-721A, SA-721E, SA-722A and SA-722E.

Type of Request: Extension of a currently approved collection.

Burden Hours: 11,845.

Number of Respondents: 20,971.

Average Hours Per Response: 34 minutes.

Needs and Uses: The Annual Retail Trade Survey (ARTS) provides the only continuing official measure of annual total retail sales, e-commerce sales, end-of-year inventories, sales/inventory ratios, purchases, inventory valuation methods, gross margin, and end-of-year accounts receivables for retailers and annual sales and e-commerce sales for accommodation and food services firms in the United States.

The data collected in the ARTS provide a current statistical picture of the retail and food services and accommodations portions of consumer activity. Also, the estimates compiled from this survey provide valuable information for economic policy decisions and actions by government and are widely used by private businesses, trade organizations, professional associations, and others for market research and analysis. The sales and receipts data are used by the Bureau of Economic Analysis (BEA) in determining the consumption portion of the Gross Domestic Product (GDP).

The BEA is the primary Federal user of the data collected in the ARTS and the information collected is critical to the quality of several of BEA's key programs. The data on retail sales are used to prepare detailed annual personal consumption expenditures estimates; merchandise inventories, valuation methods and merchandise purchases are used to prepare annual estimates of change in the business inventory component of GDP. Sales, merchandise purchases, inventories, inventory valuation and sales tax data are used to prepare estimates of GDP by industry and to derive industry output for the input-output accounts.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 182, 224 and 225.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharrisk@omb.eop.gov).

Dated: August 7, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-18647 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE**Submission for OMB Review;
Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Survey of Residential Building or Zoning Permit Systems.

Form Number(s): C-411.

OMB Control Number: 0607-0350.

Type of Request: Extension of a currently approved collection.

Burden Hours: 500.

Number of Respondents: 2,000.

Average Hours Per Response: 15 minutes.

Needs and Uses: The U.S. Census Bureau produces statistics used to monitor activity in the large and dynamic construction industry. These statistics help state and local governments and the Federal government, as well as private industry, to analyze this important sector of the economy. The accuracy of the Census Bureau statistics regarding the amount of construction authorized depends on data supplied by building and zoning officials throughout the country.

The Census Bureau uses Form C-411 to obtain information from state and local building permit officials needed for updating the universe of permit-issuing places which serves as the sampling frame for the Report of Privately-Owned Residential Building or Zoning Permits Issued (OMB Control No. 0607-0094), also known as the Building Permits Survey (BPS), and the Survey of Housing Starts, Sales, and Completions (OMB Control No. 0607-0110), also known as Survey of Construction (SOC). These two sample surveys provide widely used measures of construction activity, including the economic indicators New Residential Construction and New Home Sales. The questions on Form C-411 pertain to the legal requirements for issuing building or zoning permits in the local jurisdictions. Information is obtained on such items as geographic coverage and types of construction for which permits are issued.

The form is sent to jurisdictions when the Census Bureau has reason to believe that a new permit system has been established or an existing one has changed. This is based on information from a variety of sources including survey respondents, regional councils and Census' efforts to keep abreast of

changes in corporate status. Based on the information collected, the Census Bureau adds new permit-issuing places to the universe, deletes places no longer issuing permits, and makes changes to the universe to reflect those places that have merged.

Failure to maintain the universe of permit-issuing places would result in deficient samples and inaccurate statistics. This in turn jeopardizes the accuracy of the above-mentioned economic indicators. These indicators are closely monitored by the Board of Governors of the Federal Reserve System and other economic policy makers because of the sensitivity of the housing industry to changes in interest rates.

Affected Public: State, local or Tribal government; Federal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: The Census Bureau is authorized under Title 13, United States Code, Sections 9(b), 161, and 182 to collect information on new residential buildings.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharris@omb.eop.gov).

Dated: August 7, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-18648 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE**Submission for OMB Review;
Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Annual Survey of Manufactures.

Form Number(s): MA-10000(L), MA-10000(S), NC-99530.

OMB Control Number: 0607-0449.

Type of Request: Reinstatement, with change, of an expired collection.

Burden Hours: 177,400.

Number of Respondents: 50,000.

Average Hours Per Response: 2 hours and 44 minutes.

Needs and Uses: The Census Bureau has conducted the Annual Survey of Manufactures (ASM) since 1949 to provide key measures of manufacturing activity during intercensal periods. In census years ending in "2" and "7," Census mail and collect the ASM as part of the Economic Census Covering the Manufacturing Sector.

The ASM statistics are based on a survey that includes both a mail and nonmail components. The mail portion of the survey is comprised of a probability sample of approximately 50,000 manufacturing establishments from a frame of approximately 128,000 establishments. These 128,000 establishments are comprised of manufacturing establishments of multiunit companies (companies with operations at more than one location) and large single-location manufacturing companies. The nonmail component is comprised of the remaining small and medium-sized single-location companies, approximately 218,000. No data are collected from companies in the nonmail component. Data are directly obtained from the administrative records of the Internal Revenue Service (IRS), the Social Security Administration (SSA), and the Bureau of Labor Statistics (BLS). The nonmail companies account for 63 percent of the population and for less than 7 percent of the manufacturing output.

Starting with the 2008 ASM, depreciation charges for all capital expenditures and rental payments will be added to the MA-10000(L) and MA-10000(S) forms.

This survey is an integral part of the Government's statistical program. Its results provide a factual background for decision making by the executive and legislative branches of the Federal Government. Federal agencies use the annual survey's input and output data as benchmarks for their statistical programs, including the Federal Reserve Board's Index of Industrial Production and the Bureau of Economic Analysis' estimates of the gross domestic product (GDP). The data also provide the Department of Energy with primary information on the use of energy by the manufacturing sector to produce manufactured products. These data also are used as benchmark data for the Manufacturing Energy Consumption

Survey (MECS), which is conducted for the Department of Energy by the Census Bureau. The Department of Commerce uses the exports of manufactured products data to measure the importance of exports to the manufacturing economy of each state. Within the Census Bureau, the ASM data are used to benchmark and reconcile monthly and quarterly data on manufacturing production and inventories. The ASM is the only source of complete establishment statistics for the programs mentioned above.

The ASM furnishes up-to-date estimates of employment and payrolls, hours and wages of production workers, value added by manufacture, cost of materials, value of shipments by class of product, inventories, cost of employer's fringe benefits, operating expenses, and expenditures for new and used plant and equipment. The survey provides data for most of these items for all 5-digit and selected 6-digit industries as defined in the North American Industry Classification System (NAICS). We also provide geographic data by state at a more aggregated industry level.

The survey also provides valuable information to private companies, research organizations, and trade associations. Industry makes extensive use of the annual figures on product class shipments at the U.S. level in its market analysis, product planning, and investment planning. State development/planning agencies rely on the survey as a major source of comprehensive economic data for policymaking, planning, and administration.

The Ownership or Control Forms (NC-99530) will be used to update the Business Register, the basic sampling frame for many of our current surveys. This enables us to update establishments in the Census Bureau's Business Register that are incorrectly identified as being single-establishment firms.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 182, 224, 225.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharrisk@omb.eop.gov).

Dated: August 7, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-18649 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Manufacturers' Shipments, Inventories, and Orders to the Department of Defense.

Form Number(s): M3-DOD, M3-DOD(I).

OMB Control Number: None.

Type of Request: New collection.

Burden Hours: 2,500.

Number of Respondents: 5,000.

Average Hours Per Response: 30 minutes.

Needs and Uses: The Manufacturers' Shipments, Inventories, and Orders (M3) survey collects monthly data on shipments, inventories, and orders from domestic manufacturing companies. The purpose of the M3 survey is to provide early broad-based monthly statistical data on current economic conditions and indications of future production commitments in the manufacturing sector. The orders, as well as the shipments and inventory data, are used widely and are valuable tools for analysis of business cycle conditions. Major data users include: members of the Council of Economic Advisers (CEA), Bureau of Economic Analysis (BEA), Federal Reserve Board (FRB), Conference Board, Treasury Department, and the business community.

The monthly M3 reflects primarily the month-to-month changes of companies within the survey. The M3 survey collects data for 89 industry categories of which 13 provide defense and non-defense allocations. Those industries include: Small Arms and Ordnance; Communications Equipment; Search and Navigation Equipment; Aircraft;

Aircraft Engine and Parts; Missile, Space Vehicle, and Parts Manufacturing; and Ship and Boat Building.

The link relative estimator used in the M3 is not self-correcting. A minor error in the series can be magnified by the multiplicative effect of the estimator. Over time, the M3 estimates can be significantly different than the true universe levels. Consequently, there is a need to re-establish these universe levels on a periodic basis. The Annual Survey of Manufactures (ASM) provides annual benchmarks for the shipments and inventory data for the M3 survey; however, the ASM does not distinguish between defense and non-defense activities. The last collection instrument used to benchmark defense and non-defense data was the Shipments to Federal Agencies Benchmark Survey (MA-9675) conducted in 1992. Since the defense industries have dramatically changed, it is necessary to conduct a benchmark survey to obtain a current allocation of data between defense and non-defense manufacturing activities for the M3 universe levels.

The Manufacturers' Shipments, Inventories, and Orders to the Department of Defense (M3DOD) survey will collect 2006 and 2007 shipments, inventories, and unfilled orders data from domestic manufacturing companies that encompass defense manufacturing activities. This survey will be conducted every five years to provide correct benchmark levels and preserve the integrity of the estimates for the M3 survey, especially for the closely watched non-defense capital goods series. The monthly M3 data will be adjusted based on the results of the M3DOD survey.

The M3DOD survey will provide up-to-date shipments, unfilled orders, and inventories data to domestic manufacturing establishments that encompass defense and non-defense manufacturing activities. During the M3's benchmarking process, the data will be applied to adjust shipments, unfilled orders, and inventories for selected M3 industries on a NAICS basis. The M3's current universe will be recalibrated to a new level reflecting the most recent economic condition of defense and non-defense sectors. Once revisions are finalized, the benchmark will take place, revising the M3's historical time series beginning with 1992 for defense and non-defense sectors. The benchmark report will be released to the public electronically. The M3's data users will have more accurate data reflecting short and long-term trends in these manufacturing sectors.

The value of shipments, especially when adjusted for change in inventory, measures current levels of production. Changes in the level of unfilled orders, because of excess or shortfall of new orders compared with shipments, are used to measure the excess (or deficiency) in the demand for manufactured products. Changes in the level of inventories and the relation of these to shipments are used to project future movements in manufacturing activity. These statistics are valuable for analysts of business cycle conditions, including members of the CEA, BEA, FRB, Department of Treasury, business firms, trade associates, private research and consulting agencies, and the academic community.

Affected Public: Business or other for-profit.

Frequency: Every five years.

Respondent's Obligation: Mandatory.

Legal Authority: The M3DOD survey will be conducted on a mandatory basis under the authority of Title 13, United States Code, Sections 131, 182, 193 and 224.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharrisk@omb.eop.gov).

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-18650 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Direct Investments Survey: Direct Transactions of U.S. Reporter with Foreign Affiliate

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to

take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before 5 p.m. October 14, 2008.

ADDRESSES: Direct all written comments to Diane Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230, or via e-mail at dhynek@doc.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to David Galler, Chief, Direct Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone: (202) 606-9835; fax: (202) 606-5318; or via e-mail at David.Galler@bea.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Form BE-577, Direct Transactions of U.S. Reporter with Foreign Affiliate, obtains quarterly data on transactions and positions between U.S.-owned foreign business enterprises and their U.S. parent companies. The survey is a sample survey that covers all foreign affiliates above a size-exemption level. The sample data are used to derive universe estimates in nonbenchmark years from similar data reported in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad, which is taken every five years. The data are used in the preparation of the U.S. international transactions accounts, the input-output accounts, and the national income and product accounts. The data are needed to measure the size and economic significance of direct investment abroad, measure changes in such investment, and assess its impact on the U.S. and foreign economies.

The data from the survey are primarily intended as general purpose statistics. They should be readily available to answer any number of research and policy questions related to U.S. direct investment abroad.

The form remains the same as in the past. No changes in the data collected or in exemption levels are proposed.

II. Method of Collection

Survey forms will be sent to U.S. parent companies each quarter; responses will be due within 30 days after the close of each fiscal quarter, except for the final quarter of the fiscal

year, when reports should be filed within 45 days. A report must be filed for every foreign business enterprise whose voting stock (or the equivalent) is owned 10 percent or more by a U.S. business enterprise and for which any one of the following three items was greater than \$40 million (positive or negative) at the end of, or for, the foreign business enterprise's fiscal year: (1) Total assets, (2) sales or gross operating revenues excluding sales taxes, or (3) net income after provision for foreign income taxes.

As an alternative to filing paper forms, BEA will offer an electronic filing option, its eFile system, for use in reporting on Form BE-577. For more information about eFile go to <http://www.bea.gov/efile>.

Potential respondents are the U.S.-owned foreign business enterprises that were reported in the last benchmark survey of U.S. direct investment abroad, which covered the data year 2004, along with the foreign business enterprises that subsequently entered the direct investment universe. The data collected are sample data. Universe estimates are developed from the reported sample data.

III. Data

OMB Number: 0608-0004.

Form Number: BE-577.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 15,500 per quarter; 62,000 annually.

Estimated Time Per Response: 1 hour is the average, but may vary according to the number, size, and complexity of the businesses covered by the response.

Estimated Total Annual Burden Hours: 62,000.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 8, 2008.

Gwellnar Banks,

Management Analyst, Office of Chief Information Officer.

[FR Doc. E8-18699 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the International Trade Administration's Final Scope Ruling Regarding Entries Made Under HTSUS 4409.10.05 in Certain Softwood Lumber Products from Canada (Secretariat File No. USA-CDA-2006-1904-05).

SUMMARY: Pursuant to the Order of the Binational Panel dated June 25, 2008, the determination described above was completed on June 25, 2008.

FOR FURTHER INFORMATION CONTACT: Valerie Dees, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: On June 25, 2008, the Binational Panel issued a memorandum opinion and order, which granted the International Trade Administration's Motion to Dismiss the Complaints, concerning Certain Softwood Lumber Products from Canada. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the *Article 1904 Panel Rules*, the Panel Review was completed and the panelists were discharged from their duties effective June 25, 2008.

Dated: August 7, 2008.

Valerie Dees,

United States Secretary, NAFTA Secretariat.

[FR Doc. E8-18637 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-580-851]

Dynamic Random Access Memory Semiconductors from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is conducting an administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of Korea for the period January 1, 2006, through December 31, 2006. We preliminarily find that Hynix Semiconductor, Inc. received countervailable subsidies during the period of review. If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection to assess countervailing duties as detailed in the "Preliminary Results of Review" section of this notice. Interested parties are invited to comment on these preliminary results. See the "Public Comment" section of this notice.

EFFECTIVE DATE: August 13, 2008.

FOR FURTHER INFORMATION CONTACT: David Neubacher or Shane Subler, Office of AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3069, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5823 and (202) 482-0189, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 11, 2003, the Department of Commerce ("the Department") published a countervailing duty order on dynamic random access memory semiconductors ("DRAMs") from the Republic of Korea ("ROK"). See *Notice of Countervailing Duty Order: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 47546 (Aug. 11, 2003) ("CVD Order"). On August 2, 2007, the Department published a notice of "Opportunity to Request Administrative Review" for this countervailing duty order. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 72 FR 42383 (Aug. 2, 2007). On August 27, 2007, we received a request for review

from Hynix Semiconductor, Inc. ("Hynix"). On August 29, 2007, we received a request for review of Hynix from the petitioner, Micron Technology, Inc. ("Micron"). In accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of the review on September 25, 2007. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 54428 (September 25, 2007) ("Initiation Notice").

On October 23, 2007, we issued countervailing duty questionnaires to the Government of the Republic of Korea ("GOK") and Hynix. We received responses to these questionnaires on November 26, 2007. On April 1, 2008, we issued supplemental questionnaires to the GOK and Hynix. We received timely responses to these supplemental questionnaires on April 15, 2008. We issued additional supplemental questionnaires to the GOK and Hynix on June 12, and July 16, 2008, and received responses on June 26, and July 23, 2008, respectively.

We received new subsidy allegations from Micron on December 17, 2007.¹ On March 17, 2008, we initiated an investigation of one of the two new subsidies that Micron alleged in this administrative review. In addition, we stated that we did not intend to reexamine the timing of the benefit of a previously countervailed debt-to-equity swap ("DES") for the preliminary results. See *Fourth Countervailing Duty Administrative Review: Dynamic Random Access Memory Semiconductors from Korea: New Subsidy Allegations Memorandum* (Mar. 17, 2008) ("New Subsidy Allegations—DOC Memorandum"), available in the Central Records Unit ("CRU"), Room 1117 of the main Department building. On March 25, 2008, we issued questionnaires concerning the new subsidy allegation to Hynix and the GOK. We received a response to this questionnaire from Hynix on April 8, 2008, and from the GOK on April 9, 2008. On July 14, 2008, Micron submitted comments for consideration in the preliminary results.

On April 7, 2008, we published a postponement of the preliminary results in this review until July 31, 2008. See *Dynamic Random Access Memory Semiconductors from the Republic of Korea: Extension of Time Limit for Preliminary Results of the*

¹See submission from Micron to the Department, Re: Dynamic Random Access Memory Semiconductors From South Korea/Petitioner's New Subsidies Allegation And New Issues Presented (Dec. 17, 2007) ("New Subsidy Allegations").

Countervailing Duty Administrative Review, 73 FR 18771 (Apr. 7, 2008).

Scope of the Order

The products covered by this order are DRAMS from the ROK, whether assembled or unassembled. Assembled DRAMS include all package types. Unassembled DRAMS include processed wafers, uncut die, and cut die. Processed wafers fabricated in the ROK, but assembled into finished semiconductors outside the ROK are also included in the scope. Processed wafers fabricated outside the ROK and assembled into finished semiconductors in the ROK are not included in the scope.

The scope of this order additionally includes memory modules containing DRAMS from the ROK. A memory module is a collection of DRAMS, the sole function of which is memory. Memory modules include single in-line processing modules, single in-line memory modules, dual in-line memory modules, small outline dual in-line memory modules, Rambus in-line memory modules, and memory cards or other collections of DRAMS, whether unmounted or mounted on a circuit board. Modules that contain other parts that are needed to support the function of memory are covered. Only those modules that contain additional items which alter the function of the module to something other than memory, such as video graphics adapter boards and cards, are not included in the scope. This order also covers future DRAMS module types.

The scope of this order additionally includes, but is not limited to, video random access memory and synchronous graphics random access memory, as well as various types of DRAMS, including fast page-mode, extended data-out, burst extended data-out, synchronous dynamic RAM, Rambus DRAM, and Double Data Rate DRAM. The scope also includes any future density, packaging, or assembling of DRAMS. Also included in the scope of this order are removable memory modules placed on motherboards, with or without a central processing unit, unless the importer of the motherboards certifies with CBP that neither it, nor a party related to it or under contract to it, will remove the modules from the motherboards after importation. The scope of this order does not include DRAMS or memory modules that are re-imported for repair or replacement.

The DRAMS subject to this order are currently classifiable under subheadings 8542.21.8005, 8542.21.8020 through 8542.21.8030, and 8542.32.0001 through 8542.32.0023 of the Harmonized Tariff

Schedule of the United States ("HTSUS"). The memory modules containing DRAMS from the ROK, described above, are currently classifiable under subheadings 8473.30.1040, 8473.30.1080, 8473.30.1140, and 8473.30.1180 of the HTSUS. Removable memory modules placed on motherboards are classifiable under subheadings 8443.99.2500, 8443.99.2550, 8471.50.0085, 8471.50.0150, 8517.30.5000, 8517.50.1000, 8517.50.5000, 8517.50.9000, 8517.61.0000, 8517.62.0010, 8517.62.0050, 8517.69.0000, 8517.70.0000, 8517.90.3400, 8517.90.3600, 8517.90.3800, 8517.90.4400, 8542.21.8005, 8542.21.8020, 8542.21.8021, 8542.21.8022, 8542.21.8023, 8542.21.8024, 8542.21.8025, 8542.21.8026, 8542.21.8027, 8542.21.8028, 8542.21.8029, 8542.21.8030, 8542.31.0000, 8542.33.0000, 8542.39.0000, 8543.89.9300, and 8543.89.9600 of the HTSUS. However, the product description, and not the HTSUS classification, is dispositive of whether merchandise imported into the United States falls within the scope.

Scope Rulings

On December 29, 2004, the Department received a request from Cisco Systems, Inc. ("Cisco"), to determine whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the order. See *CVD Order*. The Department initiated a scope inquiry pursuant to 19 CFR 351.225(e) on February 4, 2005. On January 12, 2006, the Department issued a final scope ruling, finding that removable memory modules placed on motherboards that are imported for repair or refurbishment are not within the scope of the *CVD Order* provided that the importer certifies that it will destroy any memory modules that are removed for repair or refurbishment. See Memorandum from Stephen J. Claeys to David M. Spooner, regarding Final Scope Ruling, Countervailing Duty Order on DRAMS from the Republic of Korea (January 12, 2006).

Period of Review

The period for which we are measuring subsidies, *i.e.*, the period of review ("POR"), is January 1, 2006, through December 31, 2006.

Changes in Ownership

Effective June 30, 2003, the Department adopted a new methodology for analyzing privatizations in the countervailing duty context. See *Notice*

of Final Modification of Agency Practice Under Section 123 of the Uruguay Round Agreements Act, 68 FR 37125 (June 23, 2003) ("*Modification Notice*"). The Department's new methodology is based on a rebuttable "baseline" presumption that non-recurring, allocable subsidies continue to benefit the subsidy recipient throughout the allocation period (which normally corresponds to the average useful life ("AUL") of the recipient's assets). However, an interested party may rebut this baseline presumption by demonstrating that, during the allocation period, a change in ownership occurred in which the former owner sold all or substantially all of a company or its assets, retaining no control of the company or its assets, and that the sale was an arm's-length transaction for fair market value.

Hynix's ownership changed during the AUL period as a result of debt-to-equity conversions in December 2002 and various asset sales. In addition, Hynix reported that its ownership changed during the POR because Hynix's Share Management Council decreased its ownership share in Hynix from 50.6 percent to 36 percent. However, during the current administrative review, Hynix has not rebutted the Department's baseline presumption that the non-recurring, allocable subsidies received prior to the equity conversions, asset sales, and POR ownership change continue to benefit the company throughout the allocation period. See Hynix's November 26, 2007, questionnaire response at pages 9 and 10.

Subsidies Valuation Information

Allocation Period

Pursuant to 19 CFR 351.524(b), non-recurring subsidies are allocated over a period corresponding to the AUL of the renewable physical assets used to produce the subject merchandise. Section 351.524(d)(2) of the Department's regulations creates a rebuttable presumption that the AUL will be taken from the U.S. Internal Revenue Service's 1977 Class Life Asset Depreciation Range System (the "IRS Tables"). For DRAMS, the IRS Tables prescribe an AUL of five years. During this review, none of the interested parties disputed this allocation period. Therefore, we continue to allocate non-recurring benefits over the five-year AUL.

Discount Rates and Benchmarks for Loans

For loans that we found countervailing in the investigation or

in the first three administrative reviews, and which continued to be outstanding during the POR, we have used the benchmarks from the first, second, and third administrative reviews. These benchmarks are described below.

Long-Term Rates

For long-term, won-denominated loans originating in 1986 through 1995, we used the average interest rate for three-year corporate bonds as reported by the Bank of Korea ("BOK") or the International Monetary Fund ("IMF"). For long-term won-denominated loans originating in 1996 through 1999, we used annual weighted averages of the rates on Hynix's corporate bonds, which were not specifically related to any countervailable financing. We did not use the rates on Hynix's corporate bonds for 2000-2003 for any calculations because Hynix either did not obtain bonds or obtained bonds through countervailable debt restructurings during those years.

For U.S. dollar-denominated loans, we relied on the lending rates as reported in the IMF's *International Financial Statistics Yearbook*.

For the years in which we previously determined Hynix to be uncreditworthy (2000 through 2003), we used the formula described in 19 CFR 351.505(a)(3)(iii) to determine the benchmark interest rate. For the probability of default by an uncreditworthy company, we used the average cumulative default rates reported for the Caa- to C-rated category of companies as published in Moody's Investors Service, "Historical Default Rates of Corporate Bond Issuers, 1920-1997" (February 1998). For the probability of default by a creditworthy company, we used the cumulative default rates for investment grade bonds as published in Moody's Investors Service: "Statistical Tables of Default Rates and Recovery Rates" (February 1998). For the commercial interest rates charged to creditworthy borrowers, we used the rates for won-denominated corporate bonds as reported by the BOK and the U.S. dollar lending rates published by the IMF for each year.

Analysis of Programs

I. Programs Previously Determined To Confer Subsidies

We examined the following programs determined to confer subsidies in the investigation and first three administrative reviews and preliminarily find that Hynix continued to receive benefits under these programs during the POR.

A. GOK Entrustment or Direction Prior to 2004

In the investigation, the Department determined that the GOK entrusted or directed creditor banks to participate in financial restructuring programs, and to provide credit and other funds to Hynix, in order to assist Hynix through its financial difficulties. The financial assistance provided to Hynix by its creditors took various forms, including new loans, convertible and other bonds, extensions of maturities and interest rate reductions on existing debt (which we treated as new loans), Documents Against Acceptance ("D/A") financing, usance financing, overdraft lines of credit, debt forgiveness, and debt-for-equity swaps. The Department determined that these were financial contributions that constituted countervailable subsidies during the period of investigation.

In the first three administrative reviews, the Department found that the GOK continued to entrust or direct Hynix's creditors to provide financial assistance to Hynix throughout 2002 and 2003. The financial assistance provided to Hynix during this period included the December 2002 DES and the extensions of maturities and/or interest rate deductions on existing debt.²

In an administrative review, we do not revisit past findings unless new factual information or evidence of changed circumstances has been placed on the record of the proceeding that would compel us to reconsider those findings. See, e.g., *Certain Pasta from Italy: Preliminary Results and Partial Rescission of Seventh Countervailing Duty Administrative Review*, 69 FR 45676 (July 30, 2004), unchanged in *Certain Pasta From Italy: Final Results of Seventh Countervailing Duty Administrative Review*, 69 FR 70657 (December 7, 2004). No such new factual information or evidence of changed circumstances has been placed on the record in this review. Thus, we preliminarily find that a re-examination of the Department's findings in the investigation, first administrative review, second administrative review, and third administrative review with respect to the debt forgiveness, 2002 DES, loans, and extensions of maturities and/or interest rate deductions on existing debt is unwarranted.

Because we found Hynix to be unequityworthy at the time of the 2002 DES, we have treated the full amount swapped as grants and allocated the

² The Department also found that Hynix received a benefit for a 2001 DES. However, the benefit was fully allocated as of the prior administrative review.

benefit over the five-year AUL. See 19 CFR 351.507(a)(6) and (c). We used a discount rate that reflects our finding that Hynix was uncreditworthy at the time of the debt-to-equity conversions. For the loans, we have followed the methodology described at 19 CFR 351.505(c) using the benchmarks described in the "Subsidies Valuation Information" section of this notice.

We divided the total benefits allocated to the POR from the various financial contributions by Hynix's POR sales. On this basis, we preliminarily determine the countervailable subsidy to be 4.86 percent *ad valorem* during the POR.

B. Operation G-7/HAN Program

Implemented under the Framework on Science and Technology Act, the Operation G-7/HAN Program ("G-7/HAN Program") began in 1992 and ended in 2001. The purpose of this program was to raise the GOK's technology standards to the level of the G-7 countries. The Department found that the G7/HAN Program ended in 2001. See *Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 37122 (June 23, 2003), and accompanying Issues and Decision Memorandum at page 25. However, during the POR, Hynix had outstanding interest-free loans that it had previously received under this program. See Hynix's November 26, 2007, questionnaire response at page 13 and Exhibit 10.

We found that the G-7/HAN Program provided countervailable subsidies in the investigation. No interested party provided new evidence that would lead us to reconsider our earlier finding. Therefore, we continue to find that these loans confer a countervailable subsidy.

To calculate the benefit of these loans during the POR, we compared the interest actually paid on the loans during the POR to what Hynix would have paid under the benchmark described in the "Subsidy Valuation Information" section of this notice. Next, we divided the total benefit by Hynix's total sales of subject merchandise for the POR to calculate the countervailable subsidy. On this basis, we preliminarily determine the countervailable subsidy to be 0.03 percent *ad valorem* during the POR.

C. 21st Century Frontier R&D Program

The 21st Century Frontier R&D Program ("21st Century Program") was established in 1999 with a structure and governing regulatory framework similar

to those of the G-7/HAN Program, and for a similar purpose, *i.e.*, to promote greater competitiveness in science and technology. The 21st Century Program provides long-term interest-free loans in the form of matching funds. Repayment of program funds is made in the form of "technology usance fees" upon completion of the project, pursuant to a schedule established under a technology execution or implementation contract.

Hynix reported that it had loans from the 21st Century Program outstanding during the POR. *See* Hynix's November 26, 2007, questionnaire response at page 14 and Exhibit 10.

In the investigation, we determined that this program conferred a countervailable benefit on Hynix. No interested party provided new evidence that would lead us to reconsider our earlier finding. Therefore, we continue to find that these loans confer a countervailable subsidy.

To calculate the benefit of these loans during the POR, we compared the interest actually paid on the loans during the POR to what Hynix would have paid under the benchmark described in the "Subsidy Valuation Information" section of this notice. We then divided the total benefit by Hynix's total sales in the POR to calculate the countervailable subsidy rate. On this basis, we preliminarily find countervailable benefits of less than 0.005 percent *ad valorem* during the POR. Consistent with our past practice, we did not include this program in our preliminary net countervailing duty rate because the rate of the program is less than 0.005 percent *ad valorem*. *See, e.g., Coated Free Sheet Paper from the People's Republic of China: Final Determination of Countervailing Duty Administrative Review*, 72 FR 60645 (October 25, 2007), and accompanying Issues and Decision Memorandum at 16 ("CFS"); and *Final Results of Countervailing Duty Administrative Review: Low Enriched Uranium from France*, 70 FR 39998 (July 12, 2005), and accompanying Issues and Decision Memorandum at "Purchases at Prices that Constitute 'More than Adequate Remuneration,'" (citing *Final Results of Administrative Review: Certain Softwood Lumber Products from Canada*, 69 FR 75917 (December 20, 2004), and accompanying Issues and Decision Memorandum at "Other Programs Determined to Confer Subsidies") ("*Uranium from France*").

D. Import Duty Reduction Program for Certain Factory Automation Items

Article 95(1).4 of the Korean Customs Act provides for import duty reductions on imports of "machines, instruments and facilities (including the constituent

machines and tools) and key parts designated by the Ordinance of the Ministry of Finance and Economy ('MOFE') for a factory automatization applying machines, electronics or data processing techniques."

Hynix reported that it had received duty reductions under this program during the POR. *See* Hynix's November 26, 2007, questionnaire response at page 19 and Exhibit 14.

In the prior administrative review, the Department found that the above program provided a financial contribution in the form of revenue forgone and a benefit in the amount of the duty savings. *See* section 771(5)(D)(ii) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.510(a). *See Dynamic Random Access Memory Semiconductors from the Republic of Korea: Final Results of Countervailing Duty Administrative Review*, 73 FR 14218 (March 17, 2008) ("*DRAMS 3rd AR Final*"), and the accompanying Issues and Decision Memorandum at pages 6-7 and Comment 6. The Department also found the program to be *de facto* specific under section 771(5A)(D)(iii)(III) of the Act. *Id.* No interested party provided new evidence that would lead us to reconsider our earlier finding. Therefore, we continue to find that these duty reductions confer a countervailable subsidy.

To calculate the benefit, we divided the total duty savings Hynix received during the POR by Hynix's total sales during the POR. On this basis, we preliminarily determine the countervailable subsidy to be 0.02 *ad valorem* percent during the POR.

II. Newly Alleged Subsidy Program Preliminarily Determined To Be Not-Used Import-Export Bank of Korea Loan

Micron alleges that Hynix received a new, subsidized loan during the POR from the Import-Export Bank of Korea ("KEXIM"), which the Department previously found to be a government authority. Therefore, Micron alleges that KEXIM, as a government authority, provided a financial contribution within the meaning of section 771(5)(D) of the Act and a benefit within the meaning of section 771(5)(E) of the Act. Furthermore, Micron argues the loan was specific within the meaning of section 771(5A) of the Act as the loan was based on export performance, an import substitution program or another enumerated domestic program.

On March 17, 2008, the Department included this newly alleged subsidy in this review. As discussed above in the "History" section, we received

questionnaire and supplemental responses from the GOK and Hynix with regard to this program.

In its April 9, 2008, questionnaire response, the GOK stated that Hynix received the loan under KEXIM's "Import Financing Program." As outlined in Article 18, paragraph 1, subparagraph 4 of the KEXIM Act, the "Import Financing Program" is provided to Korean importers to facilitate their purchase of essential materials, major resources, and operating equipment, the stable and timely supply of which is essential to the stability of the general economy. The equipment and materials eligible to be imported under the program fall under 13 headings listed in Article 14 of the KEXIM Business Manual. The listed items range from raw materials to factory automation equipment and include products and materials described in government notices.

Further, according to the GOK, any Korean company is eligible for the "Import Financing Program" as long as the equipment or material appears under the 13 headings of eligible items, the company can satisfy the financial criteria laid out in "KEXIM's Credit Extension Regulation," and KEXIM's Credit Extension Committee approves the financing application. Regarding the last item, the GOK stated that all decisions to offer this financing are based on the application and financial status of the applicant company.

Based on our analysis, any potential benefit to Hynix under this program is less than 0.005 percent *ad valorem*. To determine this, we applied Micron's proposed interest benchmark, the highest submitted rate on record, in the calculation. As explained above, where the countervailable subsidy rate for a program is less than 0.005 percent, the program is not included in the total countervailing duty rate. *See CFS and Uranium from France*. Accordingly, it is unnecessary in this review for the Department to make a finding as to the countervailability of this program for this POR. We will include an examination of this subsidy in a future administrative review.

III. Programs Previously Found Not To Have Been Used or Provided No Benefits

We preliminarily determine that the following programs were not used during the POR:

- A. Short-Term Export Financing
- B. Reserve for Research and Human Resources Development (formerly Technological Development Reserve) (Article 9 of RSTA / formerly, Article 8 of TERCL)

C. Tax Credit for Investment in Facilities for Productivity Enhancement (Article 24 of RSTA/Article 25 of TERCL)

D. Tax Credit for Investment in Facilities for Special Purposes (Article 25 of RSTA)

E. Reserve for Overseas Market Development (formerly, Article 17 of TERCL)

F. Reserve for Export Loss (formerly, Article 16 of TERCL)

G. Tax Exemption for Foreign Technicians (Article 18 of RSTA)

H. Reduction of Tax Regarding the Movement of a Factory That Has Been Operated for More Than Five Years (Article 71 of RSTA)

I. Tax Reductions or Exemption on Foreign Investments under Article 9 of the Foreign Investment Promotion Act ("FIPA")/ FIPA (Formerly Foreign Capital Inducement Law)

J. Duty Drawback on Non-Physically Incorporated Items and Excessive Loss Rates

K. Export Insurance

L. Electricity Discounts Under the RLA Program

M. Import Duty Reduction for Cutting Edge Products.

See Hynix's November 26, 2007, questionnaire response at pages 13 and 16 and the GOK's November 26, 2007, questionnaire response at page 9.

In the first administrative review, the Department found that "any benefits provided to Hynix under the System IC 2010 Project are tied to non-subject merchandise" and, therefore, that "Hynix did not receive any countervailable benefits under this program during the POR," in accordance with 19 CFR 351.525(b)(5). See *Dynamic Random Access Memory Semiconductors from the Republic of Korea: Final Results of Countervailing Duty Administrative Review*, 71 FR 14174 (March 21, 2006), and the accompanying Issues and Decision Memorandum at page 15. No new information has been provided with respect to this program. Therefore, we preliminarily find that Hynix did not receive any countervailable benefits from the System IC 2010 Project during the POR.

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for Hynix Semiconductor, Inc., the producer/exporter covered by this administrative review. We preliminarily determine that the total estimated net countervailable subsidy rate for Hynix for calendar year 2006 is 4.91 percent *ad valorem*.

If these preliminary results are adopted in our final results of this review, 15 days after publication of the final results of this review the Department will instruct U.S. Customs and Border Protection ("CBP") to liquidate shipments of DRAMS by Hynix entered or withdrawn from warehouse, for consumption from January 1, 2006, through December 31, 2006, at 4.91 percent *ad valorem* of the entered value.

We will instruct CBP to continue to collect cash deposits for non-reviewed companies covered by this order at the most recent company-specific rate applicable to the company. Accordingly, the cash deposit rate that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the investigation. See *Notice of Amended Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 44290 (July 28, 2003). The all-others rate shall apply to all non-reviewed companies until a review of a company assigned this rate is requested. The Department has previously excluded Samsung Electronics Co., Ltd. from this order. *Id.*

On May 23, 2008, Hynix requested that the Department adjust Hynix's deposit rate to reflect a program-wide change and more accurately reflect countervailing duty liability. Citing 19 CFR 351.526, Hynix claims that the Department has regulations involving program-wide changes that allow it to adjust the deposit rate, as well as the discretion to effect changes in the deposit rate where circumstances do not fit the more formal program-wide change criteria under the regulations.³

Hynix claims that those circumstances exist in this case. Specifically, Hynix notes that the "change" is the termination of a known non-recurring subsidy benefit stream during the POR. Citing *Magnesium from Canada*,⁴ Hynix states that the Department considers two key elements when adjusting a cash deposit rate when

³ See *Stainless Steel Sheet and Strip in Coils from France: Final Results of Countervailing Duty Administrative Review*, 68 FR 53963 (September 15, 2003), and accompanying Issues and Decision Memorandum at Comment 3 ("SSSC from France"); and *Low Enriched Uranium from Germany, the Netherlands, and the United Kingdom: Final Results of Countervailing Duty Administrative Reviews*, 69 FR 40869 (July 7, 2004), and accompanying Issues and Decision Memorandum at Comment 3 ("Uranium").

⁴ See *Pure Magnesium and Alloy Magnesium from Canada: Final Results of Countervailing Duty Administrative Review*, 70 FR 54367 (September 14, 2005), and accompanying Issues and Decision Memorandum at Comment 2 ("Magnesium from Canada").

no formal change has occurred: (1) Whether the information needed to make the deposit rate adjustment was derived entirely from the POR; and (2) whether expiry of the subsidy meant that the expected countervailing duty rate for entries subject to the deposit rate in the review would be *de minimis*.⁵ Hynix asserts that both conditions are met here.

In its pre-preliminary comments, Micron objects to Hynix's request. Micron first notes that the situation in the review does not meet the elements of a "program-wide" change as defined by 19 CFR 351.526, and that the Department has previously stated that expiration of benefits from a non-recurring subsidy does not qualify as a program-wide change.⁶ Furthermore, citing the *DRAMS 3AR Final Decision Memo*,⁷ Micron states that the Department rejected Hynix's request to adjust the cash deposit rate because expiration of a non-recurring subsidy in that review would lead to a lower but not *de minimis* rate, given the presence of other subsidy programs. In the instant case, Micron asserts that the same situation exists. Specifically, while Micron concedes the last non-recurring subsidy will expire during the POR, it argues that there are several remaining programs (e.g., Operation G-7/HAN Program and Import Duty Reduction Program) as well as loans from GOK entrustment or direction prior to 2004, and that Hynix cannot demonstrate that the combined total of these programs is *de minimis* or that the company will not continue to receive such benefits in the next review period.

It is the Department's general practice to adjust cash deposit rates to reflect the expected discontinuation of future subsidy benefits only where it has been demonstrated that a program-wide change has occurred, pursuant to 19 CFR 351.526. As we stated in the *Magnesium from Canada* at Comment 2 and restated in the *DRAMS 3AR Final Decision Memo*, the Department provided a narrowly circumscribed exception to this general practice only where certain, specific conditions were met; namely, (1) The information needed to make the adjustment is derived entirely from the POR and (2) the expiry of the subsidy means that the expected countervailing duty rate for

⁵ See, also, *SSSC from France and Uranium*.

⁶ See *Carban and Alloy Steel Wire Rod from Canada: Final Affirmative Countervailing Duty Determination*, 67 FR 55813 (August 30, 2002), and accompanying Issues and Decision Memorandum at Comment 11.

⁷ See *DRAMS 3rd AR Final* and accompanying Issues and Decision Memorandum at Comment 4 ("DRAMS 3AR Final Decision Memo").

entries subject to the deposit rate set in that review is *de minimis*. While those circumstances did not exist in the prior review, we have considered Hynix's request again in this review.

We preliminarily determine that the information submitted by Hynix supports the requested adjustment to the cash deposit rate. The information needed to calculate the adjustment, *i.e.*, a subsidy of zero for the allocated subsidy that expired in the POR, is derived entirely from this POR. Also, removal of the subsidy for the expired program results in an *ad valorem* rate of 0.07 percent, which is *de minimis* (see 19 CFR 351.106(c)(1)). Therefore, we preliminarily find that if our preliminary subsidy calculations remain unchanged for the final results, merchandise produced and/or exported by Hynix will not be subject to cash deposits of estimated countervailing duties because the countervailing duty rate is *de minimis*.

Public Comment

Interested parties may submit written arguments in case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed not later than five days after the date of filing the case briefs. Parties who submit briefs in this proceeding should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Interested parties may request a hearing within 30 days after the date of publication of this notice. Unless otherwise specified, the hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs.

The Department will publish a notice of the final results of this administrative review within 120 days from the publication of these preliminary results.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 31, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8-18772 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XJ67

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Salmon Advisory Subpanel (SAS) will hold a work session by telephone conference to develop recommendations for the September 2008 Council meeting.

DATES: The telephone conference will be held Friday, September 5, 2008, from 9 a.m. to 12:30 p.m.

ADDRESSES: A public listening station will be available at the Pacific Fishery Management Council, Small Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384; telephone: (503) 820-2280.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council: (503) 820-2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to review information in the Council's September 2008 meeting briefing book related to salmon management, and to develop comments and recommendations for consideration at the September 2008 Council meeting.

Although nonemergency issues not contained in the meeting agenda may come before the SAS for discussion, those issues may not be the subject of formal SAS action during this meeting. SAS action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the SAS's intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids

should be directed to Ms. Carolyn Porter at (503) 820-2280 at least five days prior to the meeting date.

Dated: August 8, 2008.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8-18750 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Substantive Submissions Made During the Prosecution of the Trademark Application.

Form Number(s): PTO Form 1553, 1581, 2194, 2195, 2200, 2202.

Agency Approval Number: 0651-0054.

Type of Request: Extension of a currently approved collection.

Burden: 34,684 hours.

Number of Respondents: 228,115 responses.

Avg. Hours per Response: 3 to 20 minutes (0.05 to 0.33 hours). This includes time to gather the necessary information, create the documents, and mail the completed request. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

Needs and Uses: The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is available at USPTO facilities and also can be accessed at the USPTO website. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Depository Libraries (PTDLs). The PTDLs maintain the information for use by the public.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by any of the following methods:

- *E-mail*: Susan.Fawcett@uspto.gov. Include "0651-0054 copy request" in the subject line of the message.
- *Fax*: 571-273-0112, marked to the attention of Susan Fawcett.
- *Mail*: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Administration Services Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before September 12, 2008 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street NW., Washington, DC 20503.

Dated: August 6, 2008.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division.

[FR Doc. E8-18697 Filed 8-12-08; 8:45 am]

BILLING CODE 3510-16-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), has submitted a public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Ms. Rochelle Barry, at (404) 331-4646, extension 2, (RBarry@cns.gov); (TTY/TDD) at (202) 606-5256 between the hours of 8 a.m. and 4 p.m. Eastern Standard Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Katherine Astrich, OMB Desk Office for the Corporation for National and Community Service, by any of the following two methods

within 30 days from the date of publication in this **Federal Register**.

(1) *By fax to*: (202) 395-6974, Attention: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service; and

(2) *Electronically by e-mail to*: Katherine_T_Astrich@omb.eop.gov.

The initial 60-day **Federal Register** Notice for the Martin Luther King, Jr. Day of Service Grant Application Instructions was published on April 8, 2008. This comment period ended on June 7, 2008; no comments were received.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the Corporation's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Regular.

Agency: Corporation for National and Community Service.

Title: Martin Luther King, Jr. Day of Service Application Instructions.

OMB Number: None.

Agency Number: None.

Affected Public: Organizations who are interested applying for a Martin Luther King, Jr. Day of Service grant.

Total Respondents: 80.

Frequency: Once a year.

Average Time per Response: Ten (10) hours.

Estimated Total Burden Hours: 800 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Description: The purpose of these Martin Luther King, Jr. Day of Service Grants is to mobilize more Americans to observe the Martin Luther King, Jr. Federal Holiday as a day of service in communities and to bring people together around the common focus of

service to others. The Corporation will award these funds to eligible applicants who will in turn subgrant to eligible local organizations or fund separate events to plan and carry out service activities.

Dated: August 1, 2008.

Mark Abbott,

Senior Advisor to the Chief Operating Officer.

[FR Doc. E8-18755 Filed 8-12-08; 8:45 am]

BILLING CODE 6050-SS-P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License of a U.S. Government-Owned Patent

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license to U.S. Patent No. 6,451,309 entitled "Prophylactic and Therapeutic Monoclonal Antibodies," issued September 17, 2002; and U.S. Patent No. 6,620,412 entitled, "Prophylactic and Therapeutic Monoclonal Antibodies," issued September 16, 2003, which is a continuation of U.S. Patent No. 6,451,309, and foreign rights to BioFactura, Inc., with its principal place of business at 9700 Great Seneca Highway, Rockville, Maryland 20850.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

FOR FURTHER INFORMATION CONTACT: For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808, both at telefax (301) 619-5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8-18705 Filed 8-12-08; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF EDUCATION**Notice of Proposed Information Collection Requests**

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 14, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 8, 2008.

Angela C. Arrington,
IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: SEA Procedures for Adjusting ED-Determined Title I Allocations to Local Education Agencies (LEAs).

Frequency: As needed.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 52.

Burden Hours: 2,080.

Abstract: Although the U.S. Department of Education (ED) determines Title I, Part A allocations for local educational agencies (LEAs), State educational agencies (SEAs) must adjust ED-determined Title I, Part A LEA allocations to account for newly created LEAs and LEA boundary changes. Title I, Part A funds will be redistributed to small LEAs (under 20,000 total population) using alternative poverty data, and to reserve funds for school improvement, State administration, and the State academic achievement awards program.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3784. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E8-18708 Filed 8-12-08; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**Notice of Proposed Information Collection Requests**

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 14, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 8, 2008.

Angela C. Arrington,
IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: State Plan for Assistive Technology.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Federal Government; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 4,200.

Abstract: Section 4 of the Assistive Technology Act of 1998, as amended, requires states to submit an application in order to receive funds under the state grant for the assistive technology program. This information collection will be used to meet their application requirements. The Rehabilitation Services Administration calls this application a State Plan for Assistive Technology.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3782. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E8-18711 Filed 8-12-08; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 14, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early

opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 8, 2008.

Angela C. Arrington,
IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: State Educational Agency (SEA) Local Educational Agency (LEA), and School Data Collection and Reporting under ESEA, Title I, Part A.

Frequency: As needed.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 25.

Burden Hours: 200.

Abstract: Title I, Part A of the Elementary and Secondary Education Act (ESEA) gives State educational agencies the flexibility to use an alternative method to distribute Title I, Part A Grants to Local Educational Agencies funds to small LEAs.

Sections 1124(a)(2)(B), 1124A(a)(4)(A), and 1125(d) of Title I, Part A of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act, authorize State educational agencies (SEAs) to use alternative poverty data to redistribute Title I Basic, Concentration, and Targeted Grant allocations determined by the Department of Education (ED) to "small" local educational agencies (LEAs) with fewer than 20,000 total residents. Section 200.74 of the Title I regulations further clarifies this provision by extending this flexibility to Educational Finance Incentive Grants. The statute requires ED to obtain approval of any alternative poverty measure they choose to use for this purpose.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3783. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E8-18712 Filed 8-12-08; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation Meeting

AGENCY: Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation (the Committee). Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the public meeting on September 15, 2008, from 8:00 a.m. until approximately 5:00 p.m. in Salon A at Washington Marriott, 1221 22nd Street, NW., Washington, DC 20037. You may call the hotel at 202-872-1500 to inquire about room accommodations.

What Assistance Will Be Provided to Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting, e.g., interpreting service, assistive listening device, or materials in an alternate format, notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Melissa Lewis, the Executive Director for the National Committee on Foreign Medical Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, Room 7127, MS 7563, 1990 K St., NW., Washington, DC 20006, telephone: (202) 219-7009, fax: (202) 219-7008, e-mail: Melissa.Lewis@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339.

What Are the Functions of the Committee?

The Committee was established by the Secretary of Education under Section 102 of the Higher Education Act of 1965, as amended.

The Committee's responsibilities are to:

- On request of a foreign country, evaluate the standards of accreditation applied to medical schools in that country; and
- Determine the comparability of those standards to standards for accreditation applied to United States medical schools. Comparability of the applicable accreditation standards is an eligibility requirement for foreign medical schools to participate in the Federal Family Education Loan program, 20 U.S.C. 1071 *et seq.*

What Items Will Be on the Agenda for Discussion at the Meeting?

The Committee will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions resulting in specific determinations of comparability are closed to the public in order that each country may be properly notified of the decision. The countries tentatively scheduled to be discussed at the meeting include: Czech Republic, Dominican Republic, Israel, The Netherlands, and Taiwan. Beginning August 22, 2008, you may call the contact person listed above to obtain the final listing of the countries whose standards will be discussed during this meeting. The listing of countries will also be posted on the Department of Education's Web site at the following address: <http://www.ed.gov/about/bdscomm/list/ncfmea.html>.

How May I Obtain Electronic Access to This Document?

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: <http://www.ed.gov/legislation/FedRegister>.

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Authority: 5 U.S.C. Appendix 2.

Dated: August 8, 2008.

Cheryl A. Oldham,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. E8-18701 Filed 8-12-08; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Office of Fossil Energy

Methane Hydrate Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

This notice announces a meeting of the Methane Hydrate Advisory Committee. Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 4, 2008, 3 to 5 p.m.

ADDRESSES: TMS, Inc., 955 L'Enfant Plaza North, SW., Suite 1500, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Edith Allison, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. *Phone:* 202-586-1023.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Methane Hydrate Advisory Committee is to provide advice on potential applications of methane hydrate to the Secretary of Energy, and assist in developing recommendations and priorities for the Department of Energy Methane Hydrate Research and Development Program.

Tentative Agenda:

- Discussion of information, including fact sheet and PowerPoint presentation, to be provided to the 2008-2009 Executive Branch Transition teams.

Public Participation: The meeting is open to the public. The Chairman of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Edith Allison at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1G-033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on August 7, 2008.

Rachel Samuel,

Deputy Committee, Management Officer.

[FR Doc. E8-18723 Filed 8-12-08; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07-367-002; CP08-19-001]

Columbia Gas Transmission Corporation; Notice of Application

August 6, 2008.

Take notice that on July 25, 2008, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed, under section 7 of the Natural Gas Act, an application to amend its certificate authorized in Docket Nos. CP07-367-000, CP07-367-001, and CP08-19-000. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket numbers excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Any questions regarding this Application should be directed to Fredric J. George, Lead Counsel, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325-1273 at (304) 357-2359 or by fax at (304) 357-3206.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of

the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: August 27, 2008.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18669 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494-349]

Grand River Dam Authority; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

August 7, 2008.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.
b. *Project No:* 1494-349.
c. *Date Filed:* July 18, 2008.
d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.
f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy federal or tribal lands. The proposed non-project use would be located along the west shore of Isle's End Cove, an inlet to Monkey Island, near Afton, Oklahoma.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Ms. Tamara Jahnke, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256-5545.

i. *FERC Contact:* Lorance Yates at 770-452-3784, or by e-mail: lorance.yates@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* September 8, 2008.

k. *Description of Application:* The licensee requests Commission approval to grant St. Andrew's Harbor permission to modify its existing docking facilities to include a new dock with eight boat slips and 21 personal water craft (PWC) slips, and one additional boat slip at an existing dock. If approved, St. Andrew's Harbor would have a total of seven

docks with 56 boat slips and 84 PWC slips.

l. Location of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCONlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to

have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. E8-18732 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12783-002]

Inglis Hydropower, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

August 7, 2008.

a. Type of Filing: Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. Project No.: 12783-002.

c. Dated Filed: June 13, 2008.

d. Submitted By: Inglis Hydropower, LLC (Inglis Hydropower).

e. Name of Project: Inglis Hydroelectric Project.

f. Location: At the existing Inglis Bypass Channel and Spillway on the Withlacoochee River, in the town of Inglis, Levy County, Florida. No federal lands would be occupied by the proposed project works or located within the project boundary.

g. Filed Pursuant to: 18 CFR 5.3 of the Commission's regulations.

h. Potential Applicant Contact: Dean Edwards, Manager, Inglis Hydropower, LLC, PO Box 1565, Dover, FL 33527; (813) 659-3014, (813) 966-4300; e-mail—inglishydro@hotmail.com.

i. FERC Contact: Jennifer Adams at (202) 502-83087; or e-mail at jennifer.adams@ferc.gov.

j. Inglis Hydropower filed its request to use the Traditional Licensing Process on June 13, 2008. Inglis Hydropower filed public notice of its request on June 23, 2008. In a letter dated August 6, 2008, the Director of the Office of Energy Projects approved Inglis Hydropower's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS) under

section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; (b) NMFS under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Florida State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. Inglis Hydropower filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at FERCONlineSupport@ferc.gov, or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

n. Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E8-18730 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13233-000]

ORPC Alaska, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

August 7, 2008.

On June 2, 2008, ORPC Alaska, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Nenana OCGen River TGU Power Project, located in the Tanana River, within the Unorganized Borough of Yukon-

Koyukuk, near Nenana, Alaska. The project uses no dam or impoundment.

The proposed project would consist of: (1) 16 proposed OCGen River TGU generating units, with a total installed capacity of 400 kilowatts, (2) a proposed 100-foot-long, 24.9-kilovolt transmission line, and (3) appurtenant facilities. The project is estimated to have an annual generation of 1,752 gigawatt-hours, which would be sold to a local utility.

Applicant Contact: Mr. Ernest Hauser, Director of Project Development, 15225 Carrollton Road, Rockville, MD 20853, phone: 301/518-5073.

FERC Contact: Patricia W. Gillis, (202) 502-8735.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13233) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18731 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08-1294-000]

Crystal Lake Wind II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

August 6, 2008.

This is a supplemental notice in the above-referenced proceeding of Crystal

Lake Wind II, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 26, 2008.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-18667 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08-1336-000]

Energy Systems North East, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

August 6, 2008.

This is a supplemental notice in the above-referenced proceeding of Energy Systems North East, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 26, 2008.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed

docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-18665 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08-1323-000]

Fowler Ridge Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

August 6, 2008.

This is a supplemental notice in the above-referenced proceeding of Fowler Ridge Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 26, 2008.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission,

888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-18666 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

August 07, 2008.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01-2968-008.

Applicants: FirstEnergy Operating Companies; Pennsylvania Power Company; FirstEnergy Solutions Corp.

Description: FirstEnergy Solutions Corporation submits revisions to their Market-Based Rate Power Sales, FERC Electric Tariff, First Revised Volume 1.
Filed Date: 07/31/2008.

Accession Number: 20080805-0213.
Comment Date: 5 p.m. Eastern Time on Thursday, August 21, 2008.

Docket Numbers: ER02-1081-004.

Applicants: Indeck-Oswego L.P.
Description: Indeck-Oswego Limited Partnership submits clean and redlined amended tariff sheets that do not contain the change in status notification provisions pur to Order 697.

Filed Date: 08/04/2008.
Accession Number: 20080806-0048.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER03-295-003; ER04-1194-001.

Applicants: SESCO Enterprises, LLC; SESCO Enterprises Canada, Ltd.

Description: SESCO Enterprises, LLC *et al.* submits clean and redlined amended Substitute Second Revised Sheet 1 *et al.* to FERC Electric Tariff, Original Volume 1 in compliance with Order 697.

Filed Date: 08/04/2008.

Accession Number: 20080806-0050.

Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER03-447-005.

Applicants: Black Oak Energy, LLC.
Description: Black Oak Energy, LLC submits clean and redlined amended tariff sheets that do not contain the change in status notification provisions.
Filed Date: 08/04/2008.

Accession Number: 20080806-0052.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER04-1153-004.

Applicants: Cam Energy Trading, LLC.
Description: CAM Energy Trading LLC submits Substitute Second Revised Sheet 1 *et al.* to Revised Rate Schedule FERC 1 re Order 697.
Filed Date: 08/04/2008.

Accession Number: 20080806-0053.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER04-31-002; ER06-1230-001; ER06-1231-001; ER06-1232-002; ER06-1233-001; ER07-808-001.

Applicants: Epic Merchant Energy, L.P.; EPIC Merchant Energy NE, L.P.; EPIC Merchant Energy NY, L.P.; EPIC NJ PA, L.P.; EPIC Merchant Energy Midwest, L.P.; Epic Merchant Energy CA, LLC.

Description: EPIC Merchant Energy, LP *et al.* submits triennial market power updates and Substitute First Revised Sheet 1 *et al.* to FERC Electric Tariff, Original Volume 1 pursuant to Order 697.

Filed Date: 08/04/2008.
Accession Number: 20080806-0047.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER04-449-017.
Applicants: New York Independent System Operator, Inc.

Description: New York Transmission Owners *et al.* submits amendments to their Open Access Transmission Tariff and the Market Administration and Control Area Services Tariff pursuant to the Commission's 3/21/08 Order *et al.* Part 1 of 7.

Filed Date: 08/05/2008.
Accession Number: 20080807-0183.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Docket Numbers: ER04-817-003.
Applicants: Indeck Maine Energy, L.L.C.

Description: Indeck Maine Energy, LLC submits clean and redlined amended Substitute First Revised Sheet 1 *et al.* to FERC Electric Tariff, Revised Volume 1 in compliance with Order 697.

Filed Date: 08/04/2008.
Accession Number: 20080806-0051.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.
Docket Numbers: ER05-235-003.
Applicants: El Paso Marketing, L.P.
Description: El Paso Marketing, LP submits revised rate schedule reflecting additional changes as requested by Commission Staff pursuant to Order 697 and 697-A.

Filed Date: 08/04/2008.
Accession Number: 20080806-0046.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.
Docket Numbers: ER06-510-002.
Applicants: Energy Endeavors LLC.
Description: Energy Endeavors, LLC submits clean and redlined amended tariff sheets that do not contain the change in status notification provisions.
Filed Date: 08/04/2008.
Accession Number: 20080806-0054.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER06-740-003.
Applicants: Indeck Energy Services of Silver Springs.
Description: Indeck Energy Services of Silver Springs, Inc submits clean and redlined amended tariff sheets that do not contain the change in status notification provisions pur to Order 697.
Filed Date: 08/04/2008.

Accession Number: 20080806-0049.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER07-818-001.
Applicants: Indeck-Olean Limited Partnership.
Description: Indeck-Olean Limited Partnership submits their triennial market power updates, & accept their proposed tariffs for filing designated as Substitute Second Revised Sheet 1 *et al.* to FERC Electric Tariff Second Revised Volume 1.
Filed Date: 08/04/2008.

Accession Number: 20080806-0055.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER07-1215-005; ER07-265-004; ER08-100-004.
Applicants: The Royal Bank of Scotland plc; Sempra Energy Solutions LLC; Sempra Energy Trading LLC.
Description: Petition for acceptance of revised market-based rate schedules re Sempra Energy Trading LLC *et al.*
Filed Date: 07/30/2008.

Accession Number: 20080801-0105.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 20, 2008.

Docket Numbers: ER08-1108-002; ER98-3774-005; ER06-169-003; ER07-1040-002; ER08-1330-001; ER08-1331-001; ER08-1332-001.

Applicants: Syracuse Energy Corporation; SUEZ Energy Marketing NA, Inc.; Hopewell Cogeneration Ltd Partnership; Hot Spring Power Company, LLC; Chehalis Power Generating, LLC; Choctaw Gas Generation, LLC; Choctaw Generation Limited Partnership.

Description: Syracuse Energy Corporation *et al.* submits notification of a non-material change in status with respect to their market-based rate authority.
Filed Date: 08/04/2008.

Accession Number: 20080806-0042.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER08-1250-002.
Applicants: Haverhill North Coke Company.

Description: Haverhill North Coke Company submits a revised market-based rates tariff that removes the language concerning sales to affiliates with a franchised service territory.
Filed Date: 08/04/2008.

Accession Number: 20080806-0041.
Comment Date: 5 p.m. Eastern Time on Monday, August 18, 2008.

Docket Numbers: ER08-1267-001.
Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection LLC submits substitute agreements that supersedes the Original PPL Renewable Agreements.
Filed Date: 08/04/2008.

Accession Number: 20080806-0043.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER08-1348-000.
Applicants: Hardee Power Partners Limited.

Description: Hardee Power Partners Limited submits the Hardee Switchyard Facilities Sharing Agreement dated 6/20/08 with Seminole Electric Coop, Inc.
Filed Date: 07/31/2008.

Accession Number: 20080804-0230.
Comment Date: 5 p.m. Eastern Time on Thursday, August 21, 2008.

Docket Numbers: ER08-1351-000.
Applicants: Connecticut Yankee Atomic Power Company.

Description: Connecticut Yankee Atomic Power Company submits Section 205 Filing to reduce certain rates to its wholesale customers pursuant to its wholesale power contracts etc.
Filed Date: 07/31/2008.

Accession Number: 20080805-0078.
Comment Date: 5 p.m. Eastern Time on Thursday, August 21, 2008.

Docket Numbers: ER08-1354-000.
Applicants: Occidental Chemical Corporation.

Description: Occidental Chemical Corporation submits an application for

Order Authorizing Market-Based Rates and Request for Certain Waivers and Blanket Authorization, *et al.*

Filed Date: 08/05/2008.
Accession Number: 20080807-0181.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Docket Numbers: ER08-1355-000.
Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits a petition for waiver of tariff provisions to accommodate transition to reformed interconnection process etc.
Filed Date: 08/04/2008.

Accession Number: 20080805-0109.
Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER08-1356-000.
Applicants: Maine Yankee Atomic Power Company.

Description: Maine Yankee Atomic Power Co submits a revised formula rate schedule and supporting testimony and exhibits in compliance with FERC's Order 614.
Filed Date: 08/01/2008.

Accession Number: 20080805-0110.
Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Docket Numbers: ER08-1357-000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits a partially executed Service Agreement for Network Integration Transmission Service with Golden Spread Electric Coop, Inc.
Filed Date: 08/05/2008.

Accession Number: 20080807-0004.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Docket Numbers: ER08-1358-000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits an executed Service Agreement for Network Integration Transmission Service with Southwestern Public Service Co.
Filed Date: 08/05/2008.

Accession Number: 20080807-0003.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Docket Numbers: ER08-1359-000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits an executed Service Agreement for Network Integration Transmission Service with Southwestern Public Service Company as Network Customer etc.
Filed Date: 08/05/2008.

Accession Number: 20080807-0002.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Docket Numbers: ER08-1360-000.

Applicants: Duke Energy Carolinas, LLC.

Description: PacifiCorp submits the Second Amended and Restated Transmission Service and Operating Agreement with Utah Municipal Power Agency.

Filed Date: 08/05/2008.

Accession Number: 20080807-0001.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07-42-003.

Applicants: Southern Company Services Inc.

Description: Compliance Filing of Southern Company to the Commission's July 2, 2008 Order.

Filed Date: 08/01/2008.

Accession Number: 20080801-5153.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's

eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8-18725 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

August 06, 2008.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER96-2830-008.

Applicants: Washington Gas Energy Services, Inc.

Description: Washington Gas Energy Service Inc submits a Supplemental Compliance Filing, Second Revised sheet 1 to their electric power marketing tariff.

Filed Date: 08/01/2008.

Accession Number: 20080805-0211.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Docket Numbers: ER98-4400-010.

Applicants: Pittsfield Generating Company, L.P.

Description: Pittsfield Generating Company LP submits a revised table of all generation assets controlled by it and affiliates grouped by balancing authority area.

Filed Date: 08/01/2008.

Accession Number: 20080805-0212.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Docket Numbers: ER01-205-029;

ER98-2640-027; ER98-4590-025;

ER99-1610-033.

Applicants: Xcel Energy Services Inc. *Description:* Refund Report of Xcel Energy Services Inc.

Filed Date: 08/05/2008.

Accession Number: 20080805-5077.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 26, 2008.

Docket Numbers: ER06-185-009.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator Inc submits the results of their real-time guarantee payment impact test for the period from 8/7/06 to 10/31/07.

Filed Date: 08/04/2008.

Accession Number: 20080805-0116.

Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER07-549-004; EC06-126-006; EL07-71-003.

Applicants: NSTAR Electric Company.

Description: Electric Refund Report of NSTAR Electric Company.

Filed Date: 08/04/2008.

Accession Number: 20080804-5104.

Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER07-1192-001.

Applicants: Wisconsin Electric Power Company.

Description: Amended and Restated Uncontested Settlement Agreement and Request for Expedited Approval.

Filed Date: 07/24/2008.

Accession Number: 20080724-5053.

Comment Date: 5 p.m. Eastern Time on Thursday, August 14, 2008.

Docket Numbers: ER08-895-001.

Applicants: Consolidated Edison Co. of New York, Inc.

Description: Consolidated Edison Co of New York, Inc responds to FERC's 6/24/08 Notice of Deficiency.

Filed Date: 08/01/2008.

Accession Number: 20080805-0111.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Docket Numbers: ER08-1323-000.

Applicants: Fowler Ridge Wind Farm LLC.

Description: Application of Fowler Ridge Wind Farm LLC for order accepting market-based rate tariff, granting authorization and blanket authority and waiving certain requirements.

Filed Date: 08/01/2008.

Accession Number: 20080805-0072.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Docket Numbers: ER08-1328-000.

Applicants: New England Participating Transmission.

Description: New England's Participating Transmission Owners submits supporting materials which identify updated rates for regional transmission and scheduling, system control and dispatch services effective as of 6/1/08.

Filed Date: 07/31/2008.

Accession Number: 20080801-0112.

Comment Date: 5 p.m. Eastern Time on Thursday, August 21, 2008.

Docket Numbers: ER08-1355-000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits a petition for waiver of tariff provisions to accommodate transition to reformed interconnection process etc.

Filed Date: 08/04/2008.

Accession Number: 20080805-0109.

Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: ER08-1356-000.

Applicants: Maine Yankee Atomic Power Company.

Description: Maine Yankee Atomic Power Co submits a revised formula rate schedule and supporting testimony and exhibits in compliance with FERC's Order 614.

Filed Date: 08/01/2008.

Accession Number: 20080805-0110.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 2008.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES08-57-000.

Applicants: Orange and Rockland Utilities, Inc.

Description: Request of Orange and Rockland Utilities, Inc. for Authorization to Issue Short-Term Debt.

Filed Date: 08/04/2008.

Accession Number: 20080804-5055.

Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.

Deputy Secretary.

[FR Doc. E8-18726 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

August 08, 2008.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP08-489-000.

Applicants: Northern Border Pipeline Company.

Description: Northern Border Pipeline Company submits Sheet 101.02 of its FERC Gas Tariff, First Revised Volume 1 effective 9/8/08.

Filed Date: 08/07/2008.

Accession Number: 20080807-0254.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 19, 2008.

Docket Numbers: RP08-490-000.

Applicants: Southwest Gas Transmission Co.

Description: Southwest Gas Transmission Company submits Seventh Revised Sheet 4 of its First Revised Volume 2 of SGTC's FERC Gas Tariff.

Filed Date: 08/07/2008.

Accession Number: 20080807-0255.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 19, 2008.

Docket Numbers: RP08-491-000.

Applicants: Young Gas Storage Company, Ltd.

Description: Young Gas Storage Company, Ltd submits Original Volume 1 *et al.* effective 8/8/08.

Filed Date: 08/07/2008.

Accession Number: 20080808-0112.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 19, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call

(866) 208-3676 (toll free): For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-18752 Filed 8-12-08; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: 2210-169]

Appalachian Power Company; Notice of Application Accepted for Filing, Intent To Prepare an Environmental Impact Statement, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

August 7, 2008.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* New Major License.
- b. *Project No.:* 2210-169.
- c. *Date Filed:* March 27, 2008.
- d. *Applicant:* Appalachian Power Company, dba American Electric Power.
- e. *Name of Project:* Smith Mountain Pumped Storage Project.
- f. *Location:* On the headwaters of the Roanoke River in south-central Virginia, within the counties of Bedford, Campbell, Franklin and Pittsylvania, and near the city of Roanoke, Virginia. No federal lands are occupied by the project works or otherwise located within the project boundary.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).
- h. *Applicant Contact:* Teresa P. Rogers, Environmental and Regulatory Affairs Supervisor, Appalachian Power Company, Hydro Generation, P.O. Box 2021, Roanoke, VA 24022-2121; (540) 985-2441; tprogers@aep.com.
- i. *FERC Contact:* Allan Creamer, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426; (202) 502-8365; allan.creamer@ferc.gov.
- j. The deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions is 60 days from the issuance date of this notice (October 6, 2008) and reply comments are due 105 days from the issuance date of this notice (November 20, 2008). All documents (original and eight copies) should be filed with: Kimberly

D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenor filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted for filing and is ready for environmental analysis. The Commission intends to prepare an Environmental Impact Statement (EIS) on the project, in accordance with the National Environmental Policy Act. The EIS will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

l. *The Project Description:* The existing Smith Mountain Project consists of two developments; one used for pumped storage operation and the other conventional operation.

The upper, pumped storage development, known as Smith Mountain, consists of: (1) A 816-foot-long, 235-foot-high concrete arch dam, with a crest elevation of 812.0 feet National Geodetic Vertical Datum (NGVD); (2) two ogee-crest overflow spillways, each 100-feet-long and having a crest elevation of 595.0 feet NGVD [passing 25,000 cubic feet per second (cfs)]; (3) a reservoir with a surface area of 20,260 acres at a normal operating level of 795.0 feet NGVD; (4) a pump station/powerhouse containing five generating units, with a total capacity of 586 megawatts (MW), a total hydraulic capacity of 46,000 cfs, and an average annual generation of 476,640 MWh (three of the units, which have a pumping capacity of 15,810 cfs, are reversible for pumping water from the Leesville's reservoir to Smith Mountain's reservoir); (5) a 600,000 KVA substation and a double-circuit 138-kV tie-in line to American Electric Power's (AEP) interconnected system; and (6) appurtenant facilities.

The lower, conventional development, known as Leesville, consists of: (1) A 980-foot-long, 94 foot-high concrete gravity dam, with a crest elevation of 615.67 feet NGVD; (2) a 224-foot-long gated spillway section, with (a) a crest elevation of 578.0 feet NGVD, (b) four taintor gates, and (c) a hydraulic capacity of 175,100 cfs; (3) a reservoir with a surface area of 3,260 acres at an elevation of 613.0 feet NGVD; (4) a powerhouse containing two generating units, with a total capacity of 50 MW, a total hydraulic capacity of 9,000 cfs, and an average annual generation of 59,376 MWh; (5) a 50,000 KVA substation and a double-circuit 138-kV tie-in line to AEP's interconnected system; and (6) appurtenant facilities.

The Smith Mountain development operates as a peaking/load-following facility, with generation occurring during peak demand periods and pump-back operation occurring during off-peak periods. Under normal operation, Smith Mountain Lake uses a 2-foot drawdown, which equates to a 13-foot fluctuation in Leesville Lake. Currently, Leesville is operated by auto-cycling the units, to provide a minimum average daily flow of 650 cfs to the Roanoke River downstream. Additional flow is provided during the spring spawning season for striped bass.

Appalachian Power does not propose to modify existing operations, except as described in its proposed *Water Management Plan*. Appalachian also proposes to implement numerous environmental enhancement measures that are contained in its proposed resource-specific management plans.

m. *Location of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

You may also register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR

385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests and other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) Bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. Procedural Schedule: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions.	October 2008.
Commission issues Draft EIS.	January 2009.
Comments on Draft EIS	March 2009.
Modified Terms and Conditions.	May 2009.
Commission Issues Final EIS.	August 2009.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18733 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF08-13-000]

Southern Natural Gas Company; Supplemental Notice of Intent To Prepare An Environmental Assessment for the South System Expansion III Project and Request for Comments On Environmental Issues

August 7, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) issued on May 16, 2008, a Notice of Intent to Prepare an Environmental Assessment (NOI)¹ for the related natural gas pipeline projects proposed by Southern Natural Gas Company (SNG) for the South System Expansion III Project (SSEIII Project), Docket No. PF08-13-000; and by Southeast Supply Header, LLC (SESH) for the Joint Pipeline Expansion Phase II Project (JPE Phase II Project), Docket No. PF08-16-000. In documents filed July 31, 2008, SNG informed that it has modified the SSEIII Project by adding additional pipeline facilities in four areas, by changing the proposed facility constructed in one area, and by modifying the timeframe for construction of one facility, as described below. These modifications were made as a result of the changes in the transportation service requirements of SNG's customer, Georgia Power Company (Georgia Power). This supplemental NOI is being issued to notify the public about the modification to the SSEIII Project and to request comments about the proposed modified facilities only. Please note that the scoping period for this supplemental NOI will close on September 8, 2008.

The staff of the FERC will prepare an environmental assessment (EA) that will address the environmental impacts of the SSEIII Project proposed by SNG and the JPE Phase II Project proposed by SESH; together they are referred to as "the projects". The Commission will use the EA in its decision-making process to determine whether or not to authorize the project. This notice explains the scoping process we² will use to gather environmental input from the public and interested agencies on

¹The May 16, 2008 NOI for the projects as originally proposed is included in this supplemental NOI as an attachment. It may also be accessed via the FERC's eLibrary. Instructions about using eLibrary are included in this document on page 7.

²"We," "us," and "our" refer to the environmental staff of the FERC's Office of Energy Projects.

the projects. Your input will help the Commission determine the issues that need to be evaluated in the EA.

Details on how to submit written comments are provided in the Public Participation section of this notice.

If you are a landowner receiving this supplemental NOI, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed project facilities. The pipeline company will seek to negotiate a mutually acceptable agreement for its project. However, if the projects are approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

This supplemental NOI is being sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers where the modified facilities are proposed. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility on My Land? What Do I Need To Know?" is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the FERC's proceedings.

Summary of the Proposed Project

The original SSEIII Project and the JPE Phase II Project descriptions are in the May 16, 2008 NOI and will not be repeated in this Supplemental NOI. Only the modified facilities proposed by SNG are described herein.

SNG proposes to construct, own, operate, and maintain certain natural gas transportation facilities within the states of Georgia, Alabama, and Mississippi for the SSEIII Project. The general locations of the proposed pipeline and compression facilities are shown in the figure included as Appendix 1,³ and the modified and

³The appendices referenced in this notice are not being printed in the Federal Register. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the "eLibrary" link or from the Commission's Public Reference Room, 888 First Street, NE., Washington,

Continued

additional facilities for which this supplemental NOI is being issued, are identified in the red boxes. The purpose of the projects is to provide natural gas transportation service to Georgia Power's existing Plant McDonough. Georgia Power is converting the Plant McDonough electric generation from coal-fueled to natural gas-fueled. The SSEIII Project would increase pipeline capacity on SNG's existing system to serve Georgia Power, and SESH's proposed JPE Phase II Project would provide the required additional upstream transportation capacity.

SSEIII Project

SNG proposes to construct the SSEIII Project in three phases. In addition to the listed facilities, SNG would install a cathodic protection system to mitigate pipeline corrosion, an AC mitigation system where the pipeline would be near high voltage power lines, ten pig launchers or receivers, and four mainline valves.

Phase I would be constructed entirely within the state of Georgia. SNG has proposed no changes to the Phase I facilities or to the timing of construction of the Phase I facilities. Refer to the May 16, 2008 NOI for their description.

Phase II facilities would be constructed within the state of Mississippi and Alabama. SNG has not proposed changes to the timing of construction of the Phase II facilities. However, it has proposed additional pipeline construction which is described below. Refer to the May 16, 2008 NOI for the description of the original facilities.

- *The South Main Third Loop Line (Gwinville Loop)*: An additional 4.75 miles of 36-inch-diameter pipeline loop constructed adjacent to SNG's existing South Main System in Jefferson Davis and Simpson Counties, Mississippi, bringing the total length of the Gwinville Loop to about 14.3 miles (MPs 0.0 to 14.3).⁴ The Gwinville Loop would extend eastward from SNG's existing Gwinville Compressor Station (MP 0.0) towards the existing Bay Springs Compressor Station.

- *The South Main Third Loop Line (Enterprise Loop)*: an additional 4.9 miles of 36-inch-diameter pipeline loop constructed adjacent to SNG's existing 30-, 24-, and 18-inch-diameter pipelines

in Lauderdale County, Mississippi, and Choctaw and Sumter Counties, Alabama, bringing the total length of the Enterprise Loop to about 7.7 miles (MPs 89.6 to 97.5).⁵ The Enterprise Loop would be constructed between SNG's existing Enterprise and York Compressor Stations. The Enterprise Loop was originally proposed as a Phase III facility, but SNG now proposes to construct it during Phase II due to the modified requirements of Georgia Power.

Phase III facilities would be constructed in the States of Mississippi, Alabama, and Georgia. SNG has not proposed changes to facilities in the State of Georgia or to the timing of construction of the Phase III facilities. However, it has proposed additional or modified Phase III facilities in the States of Mississippi and Alabama which are described below. Refer to the May 16, 2008 NOI for the description of the original facilities.

- *The South Main Third Loop Line (Bay Springs Loop)*: A new 2.4-mile-long, 36-inch-diameter pipeline loop between the existing Bay Springs and Enterprise Compressor Stations constructed adjacent to SNG's existing 30-, 24-, and 18-inch-diameter pipelines in Clarke County, Mississippi (MPs 64.8 to 67.2).

- *The South Main Fourth Loop Line (Gallion Loop)*: An additional 3.25 miles of 36-inch-diameter pipeline loop constructed adjacent to SNG's existing 30-, 24-, and dual 18-inch-diameter pipelines in Hale and Perry Counties, Alabama, bringing the total length of the Gallion Loop to about 9.75 miles (MPs 149.9 to 159.7).⁶ The Gallion Loop would be constructed between SNG's existing Gallion and Selma Compressor Stations.

- *The South Main Replacement (Elmore Replacement)*: Rather than constructing a pipeline loop along this segment of the SSEIII Project, SNG now proposes to replace 11.7 miles of 16-inch-diameter pipeline with 42-inch-diameter pipeline in Elmore County, Alabama (MPs 221.6 to 233.3). The Elmore Replacement would be constructed between SNG's existing Elmore and Auburn Compressor Stations and would be adjacent to SNG's existing 30-, 24-, and 18-inch-diameter pipelines.

⁴ The originally proposed length of the Enterprise Loop was 2.8 miles.

⁶ The originally proposed length of the Gallion Loop was 6.5 miles.

Land Requirements for Construction SSEIII Project

The typical construction right-of-way width for the SSEIII Project pipelines would vary between 90 and 100 feet. The majority of this construction right-of-way, however, would overlap the existing permanent rights-of-way of the adjacent pipelines. Therefore, between zero and 55 feet of additional temporary right-of-way width would be required for construction. The typical construction right-of-way width through wetlands would be reduced to 75 feet. Following construction, SNG would retain between zero and 25 feet of additional permanent right-of-way for operation.⁷

Additional temporary extra workspaces beyond the typical construction right-of-way limits would be required at certain feature crossings (e.g., roads, railroads, wetlands, or waterbodies, utilities), in areas with steep side slopes, in association with special construction techniques, for topsoil segregation, and for pipe, equipment, and contractor yards. SNG would access its project construction areas primarily along the existing pipeline right-of-way and existing roads; however, other access roads may be required during construction.

Based on preliminary information, construction of all of SNG's proposed project facilities would require about 984.0 acres including a proposed meter station. Operation of the SSEIII Project would require about 57.1 acres as permanent right-of-way that would be restored as open or industrial land where aboveground facilities would be operated. The remaining 926.9 acres of temporary workspaces would be restored and would return to previous land use. These totals do not include the temporary land requirements for access roads or contractor, pipe, or equipment yards.⁸

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action when it considers whether or not an interstate natural gas pipeline should be approved. The FERC will use the EA to consider the environmental impact that could result if the Projects are

⁷ Refer to the May 16, 2008 NOI for information about construction and operation of proposed aboveground facilities. SNG's facilities modified in its July 31, 2008 filing do not include any changes to proposed aboveground facilities.

⁸ The original project would have required about 867.5 acres for construction and about 45.4 acres operation as permanent right-of-way.

DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary refer to the Public Participation section of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to SNG or SESH.

⁴ The originally proposed length of the Gwinville Loop was 9.5 miles.

authorized under section 7 of the Natural Gas Act. NEPA also requires us to discover and address concerns the public may have about proposals to be considered by the Commission. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. With this Notice of Intent, the Commission staff is requesting public comments on the scope of the issues to be addressed in the EA. All comments received will be considered during preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- threatened and endangered species;
- air quality and noise;
- hazardous waste; and
- public safety.

In the EA, we will also evaluate possible alternatives to the proposed projects or portions of the projects, and make recommendations on how to lessen or avoid impacts on affected resources.

Although no formal application has been filed, the FERC staff has already initiated its NEPA review under its NEPA Pre-filing Process. The purpose of the Pre-filing Process is to encourage the early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC.

Public Participation

You can make a difference by providing us with your specific comments or concerns about SSEIII Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before September 8, 2008.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number, PF08-13-000, with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling

expert staff available to assist you at 202-502-8258 or efiling@ferc.gov.

(1) You may file your comments electronically by using the Quick Comment feature, which is located on the Commission's internet Web site at <http://www.ferc.gov> under the link to Documents and Filings. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's internet Web site at <http://www.ferc.gov> under the link to Documents and Filings. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "Sign up" or "eRegister." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing;" or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

Label one copy of the comments for the attention of Gas Branch 2, PJ11.2.

We might mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 2). If you do not return the Information Request, you will be taken off the mailing list.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC (3372) or on the FERC Internet Web site (<http://www.ferc.gov>) using the "eLibrary link." Click on the eLibrary link, select "General Search" and enter the project docket number excluding the last three digits (*i.e.*, PF06-1) in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or TTY, contact (202) 502-8659. The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that

allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

SNG has established an Internet Web site for the SSEIII Project at <http://www.elpaso.com/sse3/default.shtm>. The Web site includes a description of the project, a map of the proposed pipeline route, and contact information. You may also use SNG's toll-free telephone number, 1-800-622-4481 to ask questions about the SSEIII Project.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18727 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08-52-001]

California Independent System Operator Corporation; Notice of Filing

August 7, 2008.

Take notice that on August 1, 2008, California Independent System Operator Corporation submitted for filing in compliance with the Commission's July 2, 2008 Order, a revised form of "TAC Rate" spreadsheet.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on August 22, 2008.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18729 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08-1242-000]

Sugar Creek Power Company, LLC; Notice of Filing

August 6, 2008.

Take notice that on July 9, 2008, Northern Indiana Public Service Company filed a Notice of Cancellation of the Market-Based Rate Tariff of Sugar Creek Power Company.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on August 15, 2008.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18668 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08-456-000]

CenterPoint Energy Gas Transmission Company; Notice of Request Under Blanket Authorization

August 7, 2008.

Take notice that on August 5, 2008, CenterPoint Energy Gas Transmission Company (CenterPoint), 1111 Louisiana Street, Houston, Texas, filed in Docket No. CP08-456-000 a prior notice request pursuant to sections 157.205 of the Commission's regulations under the Natural Gas Act (NGA), and CenterPoint's blanket certificate issued in Docket No. CP82-384-000 on September 1, 1982,¹ and amended in Docket No. CP82-384-001 on February 10, 1983.² CenterPoint seeks authorization to construct a new interconnection with Texas Gas Transmission, LLC (Texas Gas), which will include the installation of a new compressor station, in White County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

¹ 20 FERC ¶ 62,408 (1982).

² 22 FERC ¶ 61,148 (1983).

Specifically, CenterPoint proposes to construct, own and operate the Searcy Interconnection comprised of a 16-inch tap, one 2,370 horsepower (hp) Caterpillar G3608 compressor package, one 237 hp Generac 150 KW standby generator, suction and discharge piping, and ancillary equipment, all in a 9-acre fenced area within an 18.5 acre parcel of land on and adjacent to CenterPoint's Line J. The project has an estimated cost of \$13,213,955. The initial peak day design capacity is 125,000 Dekatherms per day. The project will provide firm transportation from existing and future receipt points on CenterPoint's system in northern Arkansas to the Fayetteville Lateral currently being constructed by Texas Gas.

Any questions regarding this application should be directed to B. Michelle Willis, Supervisor—Rate & Regulatory, CenterPoint Energy Gas Transmission Company, P.O. Box 21734, Shreveport, Louisiana 71151, or call (318) 429-2804, FAX (318) 429-3133, e-mail michelle.willis@centerpointenergy.com.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: October 6, 2008.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18728 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. CP08-455-000]

CenterPoint Energy Gas Transmission
Company; Notice of Request Under
Blanket Authorization

August 7, 2008.

Take notice that on August 1, 2008, CenterPoint Energy Gas Transmission Company (CenterPoint), 1111 Louisiana Street, Houston, Texas, filed in Docket No. CP08-455-000 a prior notice request pursuant to sections 157.205 of the Commission's regulations under the Natural Gas Act (NGA), and CenterPoint's blanket certificate issued in Docket No. CP82-384-000 on September 1, 1982,¹ and amended in Docket No. CP82-384-001 on February 10, 1983.² CenterPoint seeks authorization to install approximately one-half mile of 16-inch pipe, a rental compressor station, and a meter station in Red River Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (888) 208-3676 or TTY, (202) 502-8659.

Specifically, CenterPoint proposes to install approximately 2,215 feet of 16-inch diameter steel pipe to interconnect its CP-5 line to Texas Eastern Transmission, LLC's Sligo Lateral Line 11-G, a rental 1,680 horsepower Waukesha L7044GSI compressor station, and an 8-inch ultrasonic meter station, at a cost of \$10.018 million. CenterPoint has filed this application under the Commission's prior notice procedures even though the estimated cost is below the maximum allowed for an automatic authorization cost limit of \$10.2 million stated in section 157.208(d)³ of the Commission's regulations because of the recent rapid increases in material and labor costs. The proposed project will allow CenterPoint to access supplies from the Sligo Gas Processing Plant⁴ which processes natural gas from the Sligo

Field in northwest Louisiana. It will also create additional supply sources for CenterPoint's newly constructed pipeline from Carthage, TX, to the Perryville Hub in Louisiana (Line CP). The additional supply sources will allow CenterPoint to compete effectively in its geographic market and to offer its customers more transportation alternatives.

Any questions regarding this application should be directed to Larry Thomas, Director, Rates & Regulatory, CenterPoint Energy Gas Transmission Company, P. O. Box 21734, Shreveport, Louisiana 71151, or call (318) 429-2804.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: October 6, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8-18734 Filed 8-12-08; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION
AGENCY

[FRL-9703-8]

Agency Information Collection
Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566-1682, or e-mail at westlund.rick@epa.gov and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:**OMB Responses to Agency Clearance Requests***OMB Approvals*

EPA ICR Number 1189.20; Identification, Listing and Rulemaking Petitions (Renewal); in 40 CFR 261.2(a)(2)ii, 261.4(a)23-261.4(a)25 and 260.34; was approved 07/03/2008; OMB Number 2050-0053; expires 07/31/2011.

EPA ICR Number 1051.10; NSPS for Portland Cement Plants (Renewal); in 40 CFR part 60, subpart F; was approved 07/07/2008; OMB Number 2060-0025; expires 07/31/2011.

EPA ICR Number 1488.07; Superfund Site Evaluation and Hazard Ranking System (Renewal); in 40 CFR 300.425 and 40 CFR part 300, appendix A; was approved 07/07/2008; OMB Number 2050-0095; expires 07/31/2011.

EPA ICR Number 1947.04; NESHAP for Solvent Extraction for Vegetable Oil Production (Renewal); in 40 CFR part 63, subpart GGGG; was approved 07/09/2008; OMB Number 2060-0471; expires 07/31/2011.

EPA ICR Number 0155.09; Certification of Pesticide Applicators (Renewal); in 40 CFR parts 152 and 171; was approved 07/09/2008; OMB Number 2070-0029; expires 07/31/2011.

EPA ICR Number 1230.21; Prevention of Significant Deterioration and New Source Review (Final Rule for Implementation the NSR Program for PM 2.5); in 40 CFR 51.21, 51.160-51.166 and 40 CFR part 51, appendix S; was approved 07/15/2008; OMB Number 2060-0003; expires 10/31/2008.

EPA ICR Number 2002.04; Cross-Media Electronic Reporting and Recordkeeping Rule (Renewal); in 40 CFR 3.1 and 3.2; was approved 07/16/2008; OMB Number 2025-0003; expires 07/31/2011.

EPA ICR Number 1684.11; Information Requirements for Nonroad and On-Highway Heavy-Duty Engines

¹ 20 FERC ¶ 62,408 (1982).

² 22 FERC ¶ 61,148 (1983).

³ See 18 CFR 157.208(d) (2008).

⁴ The Sligo Gas Processing Plant is owned by CenterPoint Energy Field Services, a non-jurisdictional gathering affiliate of CenterPoint.

(Final Rule for Locomotive and Marine Engines); in 40 CFR part 1042, subparts C, D, G and H; was approved 07/16/2008; OMB Number 2060-0287; expires 07/31/2009.

EPA ICR Number 1284.08; NSPS for Polymeric Coating of Supporting Substrates Facilities (Renewal); in 40 CFR part 60, subpart VVV; was approved 07/16/2008; OMB Number 2060-0181; expires 07/31/2011.

EPA ICR Number 1352.11; Community Right-to-Know Reporting Requirements Under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (Renewal); in 40 CFR part 370; was approved 07/16/2008; OMB Number 2050-0072; expires 07/31/2011.

EPA ICR Number 1425.07; Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA section 123 (Renewal); in 40 CFR part 310; was approved 07/16/2008; OMB Number 2060-0077; expires 07/31/2011.

EPA ICR Number 2277.02; NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities (Final Rule); in 40 CFR part 63, subpart YYYYY; was approved 07/16/2008; OMB Number 2060-0608; expires 07/31/2011.

EPA ICR Number 1679.06; NESHAP for Marine Tank Vessel Loading Operations (Renewal); in 40 CFR part 63, subpart Y; was approved 07/22/2008; OMB Number 2060-0289; expires 07/31/2011.

EPA ICR Number 1463.07; National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (Renewal); in 40 CFR parts 430-435; was approved 07/22/2008; OMB Number 2050-0096; expires 07/31/2011.

EPA ICR Number 2292.01; Determine Percentage of High Evaporative Emission Vehicles in On-Road Fleet; was approved 07/23/2008; OMB Number 2060-0615; expires 07/31/2010.

EPA ICR Number 2248.03; Applicant Background Questionnaire: Race, National Origin, Gender and Disability Demographics (Renewal); in 29 CFR 1614.601; was approved 07/28/2008; OMB Number 2030-0045; expires 07/31/2011.

EPA ICR Number 0107.09; Source Compliance and State Action Reporting (Renewal); in 40 CFR part 51, subparts K and Q; was approved 07/30/2008; OMB Number 2060-0096; expires 07/31/2011.

EPA ICR Number 2286.01; Information Collection Effort for Facilities with Combustion Units; was approved 08/01/2008; OMB Number 2060-0616; expires 08/31/2011.

Disapproved

EPA ICR Number 1748.05; State Small Business Stationary Source Technical and Environmental Compliance Assistance Program Annual Reporting Form (Renewal); was disapproved 07/16/2008; OMB Number 2060-0337.

Withdrawn

EPA ICR Number 2170.02; Air Emissions Reporting Requirements (AERR) (Final Rule); was withdrawn from OMB on 07/28/2008.

Dated: August 7, 2008.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E8-18736 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-8703-9]

Beaches Environmental Assessment and Coastal Health Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Expected Changes to the Grant Allocation Formula for Awarding Grants Under the BEACH Act.

SUMMARY: The Beaches Environmental Assessment and Coastal Health (BEACH) Act authorizes EPA to award program development and implementation grants to eligible States, Territories, Tribes, and local governments to support microbiological monitoring and notification of the public of the potential for exposure to disease-causing microorganisms in coastal recreation waters. EPA awards BEACH Act grant funds to eligible States, Territories and Tribes each year using an allocation formula to determine the amount of federal funds available for award to each State and Territory. EPA is considering changes to this allocation formula for the award of grants in 2010 and is providing States, Territories, and Tribes advance notice of expected changes.

ADDRESSES: EPA recognizes that reviewers may wish to express their views and should send them to the Docket. Submit your views, identified by Docket ID No. EPA-HQ-OW-2008-0539, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting scientific views.

- *E-mail:* OW-Docket@epa.gov.

- *Mail:* U.S. Environmental

Protection Agency; EPA Docket Center (EPA/DC), Water Docket, MC 2822T;

1200 Pennsylvania Avenue, NW., Washington, DC 20460.

- *Hand Delivery:* EPA Docket Center, 1301 Constitution Ave, NW., EPA West, Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Lars Wilcut, 1200 Pennsylvania Ave., NW., (4305T), Washington, DC 20460. Telephone: (202) 566-0447. *E-mail:* wilcut.lars@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. What Is the BEACH Act?

The Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 amends the Clean Water Act to better protect public health at our Nation's beaches through improved water quality standards and beach monitoring and notification programs. The BEACH Act authorizes EPA to award grants to develop and implement monitoring and public notification programs for coastal recreation waters, consistent with EPA's required performance criteria. EPA published the required performance criteria for grants in its "National Beach Guidance and Required Performance Criteria for Grants" (EPA-823-B-02-004), on July 19, 2002. Currently, all 35 eligible States and Territories operate beach monitoring and notification programs using BEACH Act grant funds.

B. Who Is Eligible To Apply for BEACH Act Grants?

Coastal and Great Lake States and Territories that meet the requirements of CWA section 406(b)(2)(A) are eligible for BEACH Act grants. These are the States adjacent to the Great Lakes, the Atlantic and Pacific Oceans, and the Gulf of Mexico as well as the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Tribes may also be eligible for BEACH Act grants. In order to be eligible, a Tribe must have coastal recreation waters adjacent to beaches or similar points of access that are used by the public, and the Tribe must demonstrate that it meets the "treatment in the same manner as a State" criteria in CWA-Section 518(e) for the purposes of receiving a Section 406 BEACH Act grant.

C. How Much Funding Is Available?

After the first year of funding of approximately two million dollars in 2001, funding for the years between

2002 and 2007 has been approximately \$10 million per year distributed among all eligible States, Territories, and Tribes. The actual grant total awards are \$1,812,580 in 2001; \$9,999,990 in 2002; \$9,935,000 in 2003; \$9,891,000 in 2004; \$9,870,000 in 2005; \$9,803,100 in 2006; \$9,900,000 in 2007; and \$9,745,500 in 2008.

II. Current Allocation Formula

A. Why Did EPA Develop an Allocation Formula?

BEACH Act grants are awarded annually to eligible States, Territories and Authorized Tribes for the purpose of running a continuing environmental program for beach monitoring and notification; therefore, it is appropriate to award these grants using an allocation formula rather than to award the grants competitively. EPA uses an allocation formula in other State and Tribal continuing environmental programs for which EPA awards grants. EPA chose to develop and use an allocation formula for BEACH grants to help ensure objectivity in allocations to the 35 eligible States and Territories. On an annual basis, EPA reserves \$50,000 for eligible tribes from the total grant amount appropriated. To date, one tribe has applied for and received a grant award. Should other Tribes become eligible, EPA will reserve more funds for grants to Tribes.

B. How Did EPA Develop the Current Allocation Formula?

In 2001, EPA, with assistance from the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), held a conference call with States to inform them that EPA was developing an allocation formula for use in distributing BEACH Act funds. In developing an allocation formula, EPA wanted a method that distributed more funds to States and Territories that had a greater number of highly-used beaches, because EPA expected that monitoring needs would be greater in these States. EPA also wanted an

allocation formula that used verifiable data for each of the various factors in the formula. EPA developed a series of possible allocation scenarios, assuming at the time that the funding would approach the full authorized amount of \$30 million. EPA then had follow-up calls with States, obtained their views and input, and developed a proposed allocation formula. EPA then consulted with the States, the Coastal States Organization, and ASIWPCA on the proposed formula. Although some States and the contacted associations thought the allocation formula could be improved upon, they were generally satisfied with this approach because it used the most reliable data then available. There was not an agreement among parties on a better or preferred method.

C. What Is the Current Allocation Formula?

The current allocation formula is used to allocate funds to States or Territories where the monitoring needs are greatest, that is, towards States and Territories with more miles of beaches that are open for longer periods during the year, and are used by more people. EPA considers the miles of beaches and the length of a beach season to be good indicators of the need for (and cost of) monitoring and notification. A State or Territory with many beaches open for the entire year would be expected to monitor more than a State or Territory with few beaches only open during the summer. EPA considers beach use (represented by the number of people who visit and use the beach) to be a good indicator of the importance of monitoring and notification to protect public health at beaches. Notifications of exceedance of water quality standards at beaches with more people would be expected to prevent more cases of illness, and thus reduce the overall public health risk nationally more than notifications at beaches that experience low visitation. This is consistent with the requirement in the BEACH Act that grantees "prioritize the use of grant

funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens and pathogen indicators" and the beach prioritization step in EPA's "National Beach Guidance and Performance Criteria for Grants" See CWA Section 406(b) (2) A (ii) and EPA-823-B-02-004. Chapter 3 of this document describes the risk-based beach evaluation and classification process, including the evaluation steps and recommended information that a State, Territory, or Tribe should consider when ranking beaches.

The current allocation formula sums three parts. The first part is a base amount for all States and Territories that varies with the length of the beach season. This base amount is scaled in \$50,000 increments from \$150,000 for States with the shortest beach season to \$300,000 for States and Territories with the longest beach season. States and Territories with long seasons are allotted two times the base amount of grant funds as those with short beach seasons (Table 1). The second part of the formula allots half of the total remaining funds (*i.e.* what is left after subtracting the total base amount) on the basis of the ratio of shoreline miles in a State or Territory to the total length of shoreline miles across the entire United States. For example, if a State has 4 percent of the total coastal and Great Lakes shoreline, that State would be allotted 4 percent of 50 percent (or 2 percent) of total funds remaining after the Agency allotted the base amount (*i.e.* part one of the formula) to all States and Territories. The third part of the formula allots the remaining funds on the basis of the ratio of coastal population in a State or Territory to the total coastal population. For example, if a State has 2 percent of the total coastal and Great Lakes population, that State would receive 2 percent of 50 percent (or 1 percent) of the total funds remaining after the Agency allotted the funds for the first two parts. The following table summarizes the allocation formula:

TABLE 1—BEACH GRANT ALLOCATION FACTORS

For the factor—	The part of the allocation is—
Beach season length	<3 months: \$150,000 (States and Territories with a season <3 months receive season-based funding only.) 3–4 months: \$200,000. 5–6 months: \$250,000. >6 months: \$300,000.
Shoreline miles	50% of funds remaining after allocation of season-based funding.
Coastal population	50% of funds remaining after allocation of season-based funding.

EPA reserves \$50,000 from the total amount appropriated for grants to eligible Tribes. To date, one tribe has applied for and received a grant award. Should other Tribes become eligible, EPA will reserve more funds for grants to Tribes.

The current allocation formula was originally developed assuming EPA would receive the full amount of funds authorized to be appropriated for grants under the BEACH Act (\$30 million). At an annual appropriation level of \$30 million, the beach season component of the formula (\$8.15 million) would represent 27% of the annually available funds. At this funding level, the beach length and beach use components would each be \$10.92 million, representing together 73% of the allocated funds. Since 2002, annual appropriations for BEACH Act grants have been approximately \$10 million. At an annual appropriation level of \$10 million, the beach season component

(still \$8.15 million) represents 82% of the appropriation, and the beach length and beach use components (\$0.92 million each) together represent 18% of the available funds. Therefore, because the appropriation has been much lower than the authorization, the ratio of the different components of the allocation formula has shifted from being roughly equal, which was the intention, to being heavily dominated by the beach season length component. The result is that a State or Territory with a longer beach season would receive substantially more money than a State or Territory in a colder climate with a shorter beach season but with more beaches and more people using them.

D. How Are the Factors in the Allocation Formula Quantified?

1. Beach Season Length

EPA selected beach season length as a factor because it represents the

amount of time in a year when a government would conduct its monitoring and notification program. The longer the beach season, the more resources a government would need to conduct monitoring and notification. The Agency obtained the information on the length of a beach season from the "National Health Protection Survey of Beaches" for the States or Territories that submitted a completed survey. However, because Alaska was not included in the survey, EPA estimated the beach season length for Alaska on the basis of air and water temperature, available information on recreation activities, and data from the "1993 National Water Based Recreation Survey." EPA then grouped the States and Territories into four categories of beach season lengths as shown in Table 2.

TABLE 2—DISTRIBUTION OF STATES BY BEACH SEASON CATEGORY

For beaches in—	The beach season category is—
Alaska	<3 months.
Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, Wisconsin, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina	3–4 months.
American Samoa, California, Florida, Guam, Hawaii, Northern Mariana, Puerto Rico, Texas, U.S. Virgin Islands	5–6 months.
	9–12 months.

2. Shoreline Miles

EPA wanted to use miles of beach as a factor because it is indicative of the geographical extent over which a government would be expected to conduct monitoring. The more miles of beaches, the more resources a government would need to conduct monitoring and notification. EPA did not have current beach mileage data in a format that could be used for the allocation formula. Therefore, EPA has used shoreline miles as a surrogate for beach miles in the allocation formula. Shoreline miles data overestimate beach miles in some States and Territories; however, EPA and States agreed that this is the best way to estimate beach miles as it was the best available data at that time. EPA used the National Oceanic and Atmospheric Administration (NOAA) publication, "The Coastline of the United States," to quantify shoreline miles.

3. Coastal Population

EPA wanted to use beach use as a factor because it reflects the magnitude of potential human exposure to pathogens at recreational beaches. In short, States and Territories can prevent

more total illnesses when they notify the public of pollution problems at heavily-used beaches than when they notify the public at less-used beaches. EPA presently uses the coastal population of counties (from the 2000 Census data) to quantify the coastal population that is wholly or partially within the State's or Territory's legally-defined coastal zone, as a surrogate for actual beach usage.

E. What Do States Receive Under the Current Allocation Formula?

For 2008, the total available for BEACH Act grants to States and Territories was \$9,745,500. EPA reserved \$50,000 for authorized Tribes. Assuming all 35 States and Territories with coastal recreation waters apply and meet the eligibility requirements for implementation grants (and have met the statutory grant conditions applicable to previously awarded CWA section 406 grants), the allocation of the funds for fiscal year 2008 is the following:

TABLE 3—DISTRIBUTION OF 2008 BEACH ACT GRANTS

For the State or Territory of—	The year 2008 allocation is—
Alabama	\$258,390
Alaska	147,650
American Samoa	297,460
California	514,720
Connecticut	220,500
Delaware	207,730
Florida	526,320
Georgia	282,700
Guam	297,930
Hawaii	318,590
Illinois	240,290
Indiana	202,730
Louisiana	320,270
Maine	252,220
Maryland	266,900
Massachusetts	251,930
Michigan	276,210
Minnesota	201,190
Mississippi	253,680
New Hampshire	201,450
New Jersey	275,480
New York	347,300
North Carolina	299,150
Northern Marianas	298,670
Ohio	220,780
Oregon	225,970
Pennsylvania	219,650
Puerto Rico	324,080

TABLE 3—DISTRIBUTION OF 2008 BEACH ACT GRANTS—Continued

For the State or Territory of—	The year 2008 allocation is—
Rhode Island	209,650
South Carolina	293,270
Texas	379,140
U.S. Virgin Islands	298,510
Virginia	274,650
Washington	267,980
Wisconsin	222,420

F. How Much Are States Spending Using the Current Allocation Formula?

All 35 eligible States and Territories have developed and are now implementing a beach monitoring and notification program consistent with the requirements of the "National Beach Guidance and Required Performance Criteria for Grants" for the past 6 years. As a result of awarding grants to these States and Territories for the last seven years, EPA now has a clear picture of their spending patterns.

First, States and Territories fund their beach monitoring and notification programs using funds awarded in the previous year. For example, a State will use its 2007 grant to fund 2008 beach monitoring and notification. The reason for this is the timing of the award of annual BEACH Act grants. EPA typically receives its appropriation between December and March of each fiscal year. Once EPA is aware of the total appropriation for BEACH Act grants, EPA publishes a notice of the availability of grants. States and Territories apply for the grants, and the grants are awarded by summer with a project period that generally covers the following summer. This is generally too late to fund the current year's monitoring, so States and Territories typically use grant funds awarded in one year to fund activities in the following year's beach season. Some grant awards are made by amending the previous year's grant award and extending the project period.

Second, some States and Territories delay expending BEACH Act grants until the end of the beach season, or in a few situations, the following year. For example, a State may not expend the grant funds awarded in FY 07 until FY 08. Since this State would use funds awarded in 2006 for the 2007 monitoring, this means that some year 2006 funds may not be expended until year 2008.

Overall, EPA expects that in any year, States and Territories could have some grant funds remaining from the preceding two federal fiscal years, but should have used and invoiced all the funds from the federal fiscal years prior to the preceding two federal fiscal years. For example, in FY 2008, EPA expects that States and Tribes could have funds remaining from years FY 2006 and FY 2007, but would not have funds remaining from years up through FY 2005. Table 4 shows the current status of funds as of July 22, 2008 remaining from the beginning of BEACH Act grants (2001) through 2005.

TABLE 4—DISTRIBUTION OF BEACH ACT GRANT AWARDS AS OF 7/22/08

State	Total grant funds received FY 2001–2005	Total grant funds remaining FY 2001–2005	% Grants funds un-invoiced FY 2001–2005 (percent)
Alabama	\$1,108,677	\$0	0
Alaska	660,178	151,989	23
American Samoa	1,207,142	0	0
California	2,178,117	0	0
CNMI	1,270,938	0	0
Connecticut	957,854	0	0
Delaware	902,802	0	0
Florida	2,211,738	0	0
Georgia	1,210,365	0	0
Guam	1,208,932	0	0
Hawaii	1,354,901	0	0
Illinois	1,185,881	0	0
Indiana	882,484	0	0
Louisiana	1,471,127	0	0
Maine	1,090,713	0	0
Maryland	1,153,021	0	0
Massachusetts	1,090,645	0	0
Michigan	1,151,672	0	0
Minnesota	875,555	0	0
Mississippi	1,088,902	0	0
New Hampshire	876,994	3,522	<1
New Jersey	1,189,459	7,477	<1
New York	1,493,065	4,998	<1
North Carolina	1,280,231	0	0
Ohio	960,193	52,842	6
Oregon	972,673	0	0
Pennsylvania	821,766	0	0
Puerto Rico	1,382,783	547,201	40
Rhode Island	911,670	0	0
South Carolina	1,255,358	0	0
Texas	1,620,223	0	0
Virgin Islands	1,270,325	64,184	5
Virginia	1,258,772	0	0
Washington	1,153,133	0	0
Wisconsin	965,890	0	0

As Table 4 shows, 28 States and Territories have invoiced all funds from years 2001 through 2005, but 7 States and Territories have funds remaining from grants awarded prior to 2006. Most of those States and Territories have only a few percent of these funds remaining. However, Alaska and Puerto Rico have over 20% of their funds remaining from the years 2001 through 2005.

G. What Problems Occur Under the Current Allocation Formula?

As discussed in section II.C., EPA developed the current allocation formula assuming that the BEACH Act grant program would be funded to its full authorization of \$30 million. Approximately \$8.15 million of the currently available \$10 million in BEACH Act grant funds are allocated on the basis of what EPA expects is the minimum amount of dollars needed to establish and run a beach program, according to the length of a beach season in a State or Territory. As a result, the shoreline miles and coastal population factors are under-represented in the allocation formula, each receiving 9% of the total (based on \$10 million of available grant funds). The dominating influence of the beach season length can cause some issues. First, States and Territories with longer shorelines (and thus likely many beaches) receive fewer funds per beach than States and Territories with shorter shorelines (likely fewer beaches). This can result in a lower percentage of beaches monitored or less intense monitoring in the States and Territories with many beaches, which may result in less protection of public health than in other States or Territories.

Second, States and Territories with shorter shorelines (likely fewer beaches) may receive more funds than they can effectively spend, thus leaving unspent funds intended for beach monitoring.

Third, the current allocation formula uses miles of State shoreline as a surrogate for miles of beaches. For States with extensive coastline but fewer miles of beaches, this factor overestimates the miles of beaches, resulting in larger grant awards than perhaps warranted, and increases the potential for unused funds.

Fourth, the current allocation formula uses coastal county population data provided by the Census Bureau as a surrogate for actual beach use. This results in a larger grant allocation for States and Territories with high coastal populations whether or not beach use in those States and Territories is high, and the potential for targeting funds away from beaches where the potential to

prevent more illnesses is higher because of greater use there.

The Government Accountability Office (GAO) identified these factors as shortcomings of the current allocation formula in its 2007 report on the beach program. GAO recommended that EPA allocate grant funds to better reflect monitoring needs and help States and Territories improve the consistency of their monitoring and notification activities.

III. Discussions of Expected Changes to the Grant Allocation Formula

A. What Process Did EPA Use To Analyze Potential Changes to the Allocation Formula?

EPA first made public its intention to revisit the allocation formula in the *Federal Register* (FR) notice announcing the availability of fiscal year 2006 grants. (71 FR 1744, 1746, January 11, 2006). On February 15, 2006, EPA convened a workgroup made up of EPA and State representatives to explore issues and problems with the current formula, and to discuss possible changes to the formula that would address these problems. Of the 35 BEACH Act eligible States, 25 participated in the workgroup which met monthly. The workgroup carefully evaluated alternatives to the three component factors used in the allocation formula. The workgroup continued its work through May 2007.

B. What Factors Did EPA and States Discuss?

EPA and States discussed all three factors in the current allocation formula, including better ways to quantify these factors and to address the issues discussed in Section II.G.

1. Beach Season Length

As discussed in Section II.D.1, this factor recognizes, all other things being equal, that the longer the beach season, the more funds that a State or Territory needs to operate a beach monitoring and notification program. Under the current formula, States and Territories with long beach seasons receive more funds than States and Territories with short beach seasons for this factor. As summarized in Table 1, above, the base funding level of the current grant allocation formula is based on the beach season length and ranges from \$150,000 to \$300,000.

During the conference calls, the workgroup evaluated options for uniformly reducing the amounts associated with this factor by either \$50,000 or \$100,000 so that more funds would be "available" to be allotted based on the other two factors. Uniformly reducing the beach season

length component of the allocation formula (*i.e.*, by \$50,000 or \$100,000) affects the minimum amount of funding a State or Territory receives to implement its BEACH Act monitoring and notification program and would have the effect of shifting funds toward those States and Territories with longer shorelines and greater shoreline populations. For a \$10 million appropriation for BEACH Act grants, reducing this factor by \$50,000 (*i.e.* changing the values in Table from 150,000 to 100,000; 200,000 to 150,000; 250,000 to 200,000) would result in a total of \$6.5 million for this factor, or 65% of the funds. Likewise, reducing this factor by \$100,000 would result in a total of \$4.75 million for this factor, or 48% of the funds distributed by the formula. Either of these changes would reduce the significance of the length of beach season in the allocation formula, and increase the significance of the other two factors, but would leave all States and Territories with enough funds to operate a basic beach monitoring and notification program. EPA estimates that this minimum base amount is \$150,000 based on 1 full-time equivalent and other costs associated with the collection and transmittal to EPA of monitoring and advisory data.

The workgroup also discussed the implications of reducing the beach season length component by \$150,000. Most state workgroup representatives believed this could reduce the grant amounts at a \$10 million appropriation for States and Territories with fewer beach miles or beach use to a level below which the States and Territories believed necessary to operate a basic monitoring and notification program. As a result, the workgroup only considered reductions of \$50,000 and \$100,000.

2. Beach Miles

As discussed in section II.D.2, this factor recognizes that the greater number of beach miles in a State or Territory, the more funds are needed to monitor beaches and notify the public at those beaches. From this component, States and Territories with more miles of beaches would receive more funds than States and Territories with fewer miles of beaches. Because there was no verifiable source of the total beach mileage for each State and Territory when EPA developed the original allocation formula, EPA used NOAA shoreline length as a surrogate for beach length.

a. Considerations About Total Beach Miles

Beach mileage was a factor that received special attention from the

workgroup. The workgroup considered options for changing the surrogate for the beach mileage component from the current shoreline miles (taken from a NOAA data set) to a more precise measure. They started their discussions with a common view that actual beach miles would be the most preferable measure because it is a direct measurement, rather than a surrogate and is also available as a data field in EPA's PROgram tracking, beach Advisories, Water quality standards, and Nutrients (PRAWN) database. PRAWN is used by EPA to store information on State and Territorial beach advisories and closings. However, the workgroup found several issues with the current information in PRAWN on actual total beach miles.

The workgroup noted significant differences in reported beach mileage due to several factors. First, States and Territories have different ways for computing total beach miles in the data that they input into PRAWN. Second, not all States and Territories had input complete information about beach length into PRAWN. Finally, the workgroup noticed what appeared to be inconsistencies between entries in PRAWN and similar data from other sources.

As a result, the workgroup recommended that EPA improve the completeness and accuracy of the total beach mile data in PRAWN before considering using it in the allocation formula. EPA is continuing to compile and review for accuracy beach mileage information for all the BEACH Act States and Territories and expects to have more reliable data on beach mileage by mid-2009. EPA has designed this effort to address all of the data limitations discussed above, as well as any additional limitations or concerns that may arise during this effort. The effort includes using the same latitude/longitude data standards as used in other EPA and State databases and a quality assurance review of all data used to generate the beach lengths. EPA is conducting this effort with the States and Territories to ensure that beach mileage amounts are accurate and thus would be appropriate to use for BEACH Act grant allocation formula purposes in the future.

Given their concerns about using current total beach miles in the allocation formula, the workgroup then considered whether current monitored beach miles (*i.e.* lengths of beaches where sampling occurs) would be a better measure to use. Lengths of beaches with no monitoring would not be considered. One advantage of using monitored beach miles data that the

workgroup recognized is that this information is updated annually by States and Territories as they submit their beach monitoring and notification information to EPA. The workgroup favored using monitored beach miles because they were aware of the quality, accuracy and representativeness of this information. The workgroup reviewed the monitored beach mile data from PRAWN for the 2005 swimming season, which was the most current information at the time of the workgroup deliberations, and agreed that monitored beach miles is a reasonable substitute for total beach miles.

The workgroup categorized monitored beach miles data into groups that were relatively close in magnitude. The workgroup observed that monitored beach miles tended to fall into five groups: less than 32 miles, 32–63 miles, 64–249 miles, 250–500 miles, and greater than 500 miles. Grouping information in this way has the effect of minimizing differences between the lowest and highest data points. EPA considers grouping data appropriate when there is a wide disparity between the high and low points of data.

b. Considerations of Alternatives to Beach Miles

The workgroup evaluated several other alternatives for distributing grant funds based on the monitoring need for the length of beaches. These included the total number of Tier 1 beaches, the total number of Tier 1 and Tier 2 beaches combined (using EPA's recommended tiers), frequency of sampling or the total number of samples taken during the beach season at Tier 1 beaches, and total number of monitoring stations. In discussing other alternatives for characterizing beach length, the workgroup looked for ways to better represent the actual monitoring and notification need by using data of comparable quality between the States and Territories.

A Tier 1 or Tier 2 beach represents the relative priority that States and Territories place on a beach for monitoring and notification. Consistent with the "National Beach Guidance and Required Performance Criteria for Grants" (EPA-823-B-02-004), States and Territories evaluate and classify beaches based on the potential risk of disease and to protect public health. For states that use EPA's recommended process to categorize or "tier" their beaches, a classification of Tier 1, for example, could indicate that waters are of such importance and/or receive such high usage that significant resources should be devoted to more intensive monitoring and public notification

efforts for that area. In theory, a State or Territory with a higher number of Tier 1 beaches (or combination of Tier 1 and Tier 2 beaches) would have a greater need for monitoring, and thus would warrant more grant funds.

However, the workgroup did not believe that using the Tier 1 or a combination of Tier 1 and Tier 2 beaches would be a good alternative for beach length. First, States and Territories classify their beaches differently. For example, some states count each point of access to the ocean as a beach whereas other states consider the length of beach when counting beaches.

Second, States and Territories use different criteria for defining Tier 1 beaches. Some beaches are classified as Tier 1 beaches because they are highly used, and others are classified as Tier 1 because they have higher contamination levels. The workgroup also discussed creating a matrix of factors related to monitoring at beaches, and using this to quantify the component to allocate grant funds based on monitoring need. This matrix would include factors such as operating costs, number of monitored beaches, frequency of monitoring, and number of monitoring stations.

The workgroup concluded that there are several issues with using a matrix of factors, and decided it would not be appropriate to use it as a surrogate for beach length. The first issue is that there is no current verifiable collection of these data and thus constructing a matrix would require a data collection effort that the workgroup did not believe could be completed with verifiable data.

The second issue relates to using the frequency of monitoring as a metric. Some States and Territories would likely monitor more intensely if they had funds to do so. Therefore, a state's current level or frequency of monitoring does not necessarily reflect a need for monitoring but rather the resources available to monitor. Some workgroup members pointed out that collecting more water samples at more stations is not always necessary to ensure protection of public health. If a beach has a documented history of good water quality and officials well understand what is impacting water quality at a particular beach, then taking more samples at the beach may not provide any more information for determining the need for a beach advisory or protect any more people from illness. In addition, increased monitoring at a beach with good water quality could direct funds away from beaches that do not have such a good history and thus where additional monitoring would be

helpful and lead to preventing additional illness.

Third, EPA expects that States and Territories have made decisions on the intensity of monitoring and notification priorities based on risk, the need to protect public health, and local circumstances. EPA's guidance in this area is in the "National Beach Guidance and Performance Criteria for Grants" (EPA-823-B-02-004). Including frequency of sampling or number of sampling stations in the allocation formula could change this. EPA recognizes that States and Territories may want to reduce or increase sampling frequencies at individual beaches, focus on problem beaches, conduct intensive sampling efforts, or respond to community requests, and that States and Territories need to be able to make these decisions as needed during a swimming season without considering how it might affect the distribution of grant funds the following year.

3. Beach Use

As discussed in section II.D.3, this factor recognizes that the greater the beach use in a State or Territory, the greater the potential to reduce the absolute number of people who get sick by monitoring and notifying the public at these beaches. States and Territories with beaches with more visitors would receive more funds than States and Territories with beaches with fewer visitors. Because there was no verifiable source of the number of people visiting beaches when EPA developed the allocation formula, EPA used 2000 census data of county coastal population as a surrogate for beach use.

During its deliberations, the workgroup investigated different ways of finding a better estimate of beach use. EPA identified a reliable, and independently-verifiable data source: "Current Participation Patterns in Marine Recreation" (November 2001), which the National Oceanic and Atmospheric Administration published as part of the 1999-2000 National Survey of Recreation and the Environment (NSRE). The NSRE is the eighth in a series of national surveys

that was started in 1960 by the federal government to assess outdoor recreation participation in the United States. The survey was conducted as an "in-the-home" phone survey of 50,000 households across all ethnic groups throughout the United States. The survey provides a quantitative measure of the number of people who swim at marine beaches, including mixed fresh/saltwater in tidal portions of rivers and bays. Thus, the survey better reflects the swimming beach activity for marine States than does coastal population. The NSRE information overcomes the bias of using coastal population as a surrogate for beach use. However, the report does not include data for the Great Lakes States or the Territories.

The workgroup looked for other sources of beach use or swimming information regarding the Great Lakes and Territories. Not finding such information, the workgroup then considered whether it could estimate the number of people who swim at beaches on the Great Lakes and the Territories by projecting a ratio between the NSRE report data and coastal population data for marine States and then applying this ratio to the coastal population for the Great Lakes States and the Territories. This process could replace use of the year 2000 coastal county population data on the distribution of funds in the allocation formula.

However, application of those ratios produced results in some instances that seemed inappropriate to the workgroup. For example, applying the ratio to estimate the number of people swimming in the Chicago area was about 50% higher than the NSRE data for the New York City area. Applying the ratio to Puerto Rico gave a result that was only slightly higher than the NSRE data for California. EPA discussed the consequences of using the ratio to estimate the number of people swimming at Great Lakes and Territorial beaches with representatives from Great Lakes States and EPA Region 9 personnel representing the Pacific Territories. The representatives suggested that the ratio estimates should be based on known local information if

available. Thus, EPA is now working with the National Oceanic and Atmospheric Administration to address the need for an update to the NSRE that would obtain information about Great Lakes beaches.

As was the case with the beach length data, the workgroup categorized the beach use data to minimize the effect of any imprecision in the data or inconsistencies in reporting on the allocation formula calculations. By grouping the data into categories, beach use totals that are relatively close in magnitude would be considered to be the same magnitude. The beach use data tended to fall into four groups: fewer than 1 million swimmers, 1-4 million swimmers, 4-8 million swimmers, and greater than 8 million swimmers.

C. What Potential Solutions Were Developed?

From these evaluations of the components of the formula, the workgroup formed four options for a revised formula. The options were designed to overcome the two primary issues with the current allocation formula: the overly-large influence of the beach season component of the formula at the current level of appropriations, and the shortcomings of the surrogates for beach use and beach length. To reduce the influence of the beach season component, reductions in this component by either \$50,000 or \$100,000 per state were considered. To overcome the shortcomings of the current indices for beach miles and beach use, EPA considered monitored beaches as a surrogate for the beach season length factor and the NSRE data as a surrogate for the beach use factor. The options differ in that they investigate different combinations of reducing the beach season length and the effect of grouping monitored beach mile and NSRE use data within range categories as replacements for the surrogates as shown in Table 5. Grouping, as opposed to calculating an allocation based on discrete beach mile and use data, is more tolerant of imprecision in measurement while reflecting the effects of broader variation for this type of purpose.

TABLE 5—ALLOCATION FORMULA OPTIONS CONSIDERED

For option—	The beach season component is reduced by—	The monitored beach miles data for the component is—	The NSRE data for the beach use component is—
1	\$50,000	Grouped	Ungrouped.
2	\$100,000	Grouped	Ungrouped.
3	\$50,000	Grouped*	Grouped.**
4	\$100,000	Grouped*	Grouped.**

* 5 Groupings: less than 32 miles, 32-63 miles, 64-249 miles, 250-500 miles, and greater than 500 miles.

** 5 Groupings: fewer than 1 million swimmers, 1-4 million swimmers, 4-8 million swimmers, and greater than 8 million swimmers.

All four options resulted in more States losing funding than those gaining funding. The 2006 BEACH Act grants were used as a baseline to evaluate each option. In 2006, the allocation calculated awards ranging between \$150,000 and \$528,410. In Option 1, the calculated grant awards ranged from \$132,610 to \$717,290. Nine States and one Territory would receive increased funding, with increases ranging from \$13,665 to \$331,211. Six States and one Territory would receive increases of more than 20%. Twenty-one States and four Territories would receive decreased funding, with decreases ranging from \$2,458 to \$170,949. Nine States would receive decreases of more than 20%.

In Option 2, the calculated grant awards ranged from \$127,430 to \$687,770. Twelve States and three Territories would receive increased funding, with increases ranging from \$888 to \$159,354. Five States and one Territory would receive increases of more than 20%. Eighteen States and two Territories would receive decreased funding, with decreases ranging from \$2,770 to \$138,124. Four of those 20 States would receive decreases of more than 20%.

In Option 3, the calculated grant awards ranged from \$131,060 to \$561,960. Fourteen States and three Territories would receive increased funding, with increases ranging from \$769 to \$114,510. Three States would receive increases of more than 20%. Sixteen States and two Territories would receive decreased funding, with decreases ranging from \$7,120 to \$140,951. Two States would receive decreases of more than 20%.

In Option 4, the calculated grant awards ranged from \$153,800 to \$490,220. Twelve States and five Territories would receive increased funding, with increases ranging from \$464 to \$84,618. Two States would receive increases of more than 20%. Eighteen States would receive decreased funding, with decreases ranging from \$275 to \$118,216. One State would receive a decrease of more than 20%.

In evaluating the options, EPA recognized that under any option, some States and Territories would gain funding and some would lose. EPA was most interested in options that would not result in many States or Territories losing significant funds such that their programs would possibly be unable to continue. Option 1 would result in nine States and Territories losing over 20% of their current annual funds, which could adversely affect their ability to carry out their program. Under option 2, only four States and Territories would lose over 20% of their funds, but more

States and Territories would lose funds than gain funds. Under option 3, only 2 States would lose over 20% of their funds and the number of States and Territories losing and gaining funds were about the same. Under option 4 only one State would lose over 20% of its current allocation and the number of States and Territories losing and gaining funds were about the same. EPA prefers option 4. Each of the evaluated options maintained at least \$150,000 for all States except Alaska, which was reduced to as low as \$127,430 in option two.

D. How Did States React to the Options?

During the course of successive meetings, State representatives in the workgroup made it clear that any significant reduction in beach grant funds could cause severe effects to many State beach monitoring and notification programs. State representatives identified effects including discontinuing monitoring at some beaches, especially those that are in remote areas; discontinuing funding to entire counties or Tribes that are subcontracted to monitor beaches, thereby reducing monitoring and notification at multiple beaches; and reducing the frequency of monitoring at Tier 1 beaches in high-population areas, thereby increasing the risk of missing high pathogen concentrations and thus increasing the risk to public health.

The State representatives on the workgroup recommended that EPA maintain its current allocation formula (i.e., the "no change" option) for the current level of funding (which is about \$10 million annually) to prevent significant State and Territorial program reductions or cuts. To many State representatives, the annual beach grant amount had become the financial foundation upon which they built their programs. In addition to funding the actual beach monitoring and notification, the annual beach grant supports other elements essential to maintaining a viable beach program: A State or Territory beach coordinator, the maintenance of a database of beach monitoring and notification, and the electronic transmittal of these data to EPA. Some State budgets are very tight, and funds for recreational water monitoring and notification are limited to the amount received in BEACH Act grant funding. These States, which may not have had any beach monitoring and notification program prior to the BEACH Act, are extremely sensitive to any reduction in their grant amounts. Some State workgroup representatives indicated that they might choose to opt out of EPA's BEACH Act grant program

if their grant amounts are significantly reduced.

E. What Is EPA's Reaction and Why?

EPA has reviewed the beach grant allocation formula and has recognized issues and some imbalance in the allocation of grant funds among States and Territories. EPA has sought input from the States in having them participate in a workgroup formed to review the allocation formula. EPA and the State workgroup identified and have reviewed a range of options for improving the formula.

EPA has reviewed the data on the allocation of beach grant funds and concludes that the current formula provides a base amount of approximately \$150,000 that is the minimum required to maintain a beach program that meets the requirements of the BEACH Act. The data indicate that the distribution of fund grant funds is for the most part equitable and that States are expending the grant funds consistent with program requirements. EPA recognizes, however, outstanding needs presented by long beach seasons, heavy use of beaches, and/or long coastlines with many beaches represent burdens that some State partners must manage.

Our evaluation led EPA to choose an incremental process in considering changes to the grant allocation formula, starting with modest changes to address outstanding needs. The first step to be piloted by EPA in adjusting the grant process employs two techniques: (1) The re-allocation of older unexpended grant funds and (2) making changes to be employed effective in 2010 as to how these and any other additional funds over an annual appropriation of \$10 million would be allocated to States and Territories.

IV. Future Change to the Grant Allocation Formula Under Consideration

A. What Change Is EPA Considering?

EPA is today announcing that it is considering a change to its allocation formula that would shift funding from States and Territories that are not fully using all of their previously awarded BEACH Act grant funds to those States and Territories that: (1) Use their annual funds and (2) have more beach miles at which they could conduct monitoring and notification to increase public health protection. To do this, EPA would develop and use a new allocation formula based on beach miles and beach use to reallocate any unspent funds. EPA would also use this new formula in the future to allocate any increase in

appropriated BEACH Act grant funds above the \$10 million current level.

EPA would implement this approach by reviewing State and Territorial spending every October 1 and adjusting the allocation to certain States and Territories on the basis of the funds that these States and Territories have not yet expended. EPA would review EPA's Financial Database Warehouse to confirm the amount of outstanding funds reported. In making this determination, EPA will take into account those funds that have been committed through an appropriate State, Territorial or Tribal contract, inter-agency agreement, or similar type of binding agreement, but have not been requested for reimbursement, *i.e.*, that are not showing as "drawn down" in EPA's Data Warehouse. As noted in section III.F., EPA recognizes that States and Territories have different financial management systems and that those systems could result in delayed billing to EPA, even though the States and Territories might have already expended funds to monitor beaches and notify the public. EPA also recognizes that States and Territories typically spend the previous year's grant award in any given beach season due to the timing of the availability of BEACH Act grants in the middle of the beach season. Therefore, to account for these factors, EPA is considering an approach that would reduce the new grant award by the amount of unexpended grant funds that are more than three years old.

For the 2010 beach season, EPA would review State and Territory spending in October 2009 and determine how much grant funding from fiscal years 2001 to 2007 is still unspent by each State and Territory. EPA would identify the unspent amounts from 2001 through 2007 in the Financial Database Warehouse and compare them to the amount EPA expects to award in fiscal year 2010. EPA would then reduce the 2010 grant award for those States and Territories with unobligated funds from 2001 through 2007 by the amount remaining. For example, in 2010, consider a State that normally receives \$250,000 annually yet has \$100,000 remaining from grants awarded up to fiscal year 2007. Under the approach that EPA is considering, EPA would reduce the State's grant award for the following year's beach season by \$100,000 (the amount the State has left unspent from fiscal years up to 2007), thus resulting in an award of \$150,000 in 2010. The \$100,000 not awarded to the State would be combined with unused grant funds from other States and Territories and re-allocated among the States and

Territories that have fully used their funds from fiscal years up to 2007 using a modified allocation formula, described below.

EPA is considering reallocating these additional funds according to a second, modified allocation formula composed of only two factors—beach miles and beach use—to only those States and Territories that do not have remaining money older than three years old. EPA is working with States and Territories to obtain sufficient information to base a supplemental allocation formula on those two factors. As discussed in Section III.B.2.a, with the help of State and Territorial beach program managers, EPA is compiling and quality testing beach mile information for all the BEACH Act States and Territories and expects to have reliable beach mile data on the extent of beaches by mid-2009. EPA is also working with the National Oceanic and Atmospheric Administration to expand its research on beach use to Great Lakes States, and is also looking for information on beach use in the Territories. EPA will work with States to ensure effective implementation of the new allocation formula.

B. Why Isn't EPA Amending Other Parts of the Allocation Formula?

EPA is considering the retention of the use of the surrogates EPA has used for beach mileage and beach use—*i.e.*, shoreline miles and coastal population—as factors of the current allocation formula for the first \$10 million in BEACH Act grant funds. As discussed in section III.D, States consider their current level of BEACH Act funding to be the financial foundation for their beach monitoring and notification programs. Because this funding has been relatively stable over the last six years, States and Territories rely on these funds to provide them a generally consistent level of funding for their programs. For many States, funds for recreational water monitoring are limited to the amount received in BEACH Act grant funding. Some States have indicated to EPA that they might choose to opt out of EPA's BEACH Act grant program if their grant amounts are reduced. For these reasons, EPA is considering retaining the use of shoreline miles and coastal population factors in the core allocation formula for the first \$10 million of appropriated grant funds and not making any other changes to this formula.

C. How Would This Change Affect Current State Funding?

Based on grant fund use as of 2008, EPA expects that most States and

Territories will not be affected in 2010 because they currently have no unused BEACH Act grant funds that are more than three years old. The expected changes to the allocation formula will affect only those States and Territories that have unspent BEACH Act grant funds that are more than three years old. In 2008, only 7 States and Territories—Alaska, New Hampshire, New Jersey, New York, Ohio, Puerto Rico, and the U.S. Virgin Islands—fall into this category. As noted in Table 4, New Hampshire, New Jersey, and New York all have balances of less than 1 percent of their total BEACH Act grant funds more than three years old. EPA recognizes that Agency accounting practices contributed to the remaining balances in New Jersey and New York, and has worked to ensure that the oldest money is now invoiced first. Under the process EPA is considering, should any State or Territory in 2010 have uninvoiced funds from FY 2001 through FY 2007, EPA would reduce their 2010 grant funding by the amount equal to this older money and redistribute these funds to the other States and Territories.

D. How Would EPA Involve States in Developing This Change?

EPA intends to reconstitute the workgroup of EPA and State representatives to discuss the details for implementing this change to the allocation formula. EPA will also invite Territorial representatives to the workgroup.

E. When Would This Change Become Effective?

EPA expects that this change will be effective for the awarding of the 2010 BEACH Act grants.

Dated: August 7, 2008.

Benjamin H. Grumbles,

Assistant Administrator for Water.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-Docket ID No. ORD-2008-0597; FRL-8703-4]

Guidance on the Development, Evaluation and Application of Environmental Models

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: EPA is announcing a 30-day public comment period for an external review of its Guidance Document on the

Development, Evaluation and Application of Regulatory Environmental Models (hereinafter Guidance Document). The EPA's Council on Regulatory Environmental Modeling (CREM) has developed the Guidance Document and its companion product, the Models Knowledge Base, to improve the quality, consistency and transparency of EPA models. These products were produced in draft form in November 2003 and have undergone a rigorous process of internal and external peer review. This revised draft of the Guidance Document builds on the recommendations of the Science Advisory Board review panel and the National Research Council report on Models in Environmental Regulatory Decision Making.

This **Federal Register** Notice is intended to solicit public comment on the Guidance Document. EPA is releasing this external review draft document solely for the purpose of public comment under applicable information quality guidelines. The guidance document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: Comments may be submitted in writing by September 12, 2008.

ADDRESSES: The Guidance Document may be downloaded from the CREM Web site: <http://www.epa.gov/crem>. Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2008-0597, by one of the following methods: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **E-mail:** ORD.Docket@epa.gov.
- **Mail:** ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- **Hand Delivery:** EPA Docket Center (EPA/DC), Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-ORD-2008-0597. Deliveries are only accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-ORD-2008-0597. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any

personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected by statute through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your 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 docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the ORD Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the ORD Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: Dr. Noha Gaber, Council for Regulatory Environmental Modeling, Office of the Science Advisor, 1200 Pennsylvania Ave, NW., Mail Code: 8105R, Washington, DC 20460; by telephone/voice mail at (202) 564-2179; Fax: (202) 564-2070; or via e-mail at gaber.noha@epa.gov.

SUPPLEMENTARY INFORMATION: To achieve its mission of protecting human

health and safeguarding the natural environment, the U.S. Environmental Protection Agency (EPA) often employs mathematical models to study environmental systems and processes and to inform regulatory decision making. The EPA established the Council for Regulatory Environmental Modeling (CREM) in 2000 in an effort to improve the quality, consistency and transparency of EPA models. At the request of the EPA Administrator, the CREM developed the Draft Guidance Document on the Development, Evaluation and Application of Regulatory Environmental Models (hereinafter Draft Models Guidance, http://www.epa.gov/ord/crem/library/CREM%20Guidance%20Draft%2012_03.pdf) and the Models Knowledge Base (hereinafter Models KBase, http://cfpub.epa.gov/crem/knowledge_base/knowledgebase.cfm)

While the Draft Models Guidance does not impose legally binding requirements on EPA or the public, it provides recommendations on the principles of good modeling practice, stressing the importance of model quality, documentation and transparency with the aim of helping to determine when and how a model can be used to inform a decision. The Draft Models Guidance was developed in close collaboration with members of the CREM, who represent the different EPA program and regional offices, and as such, the document represents the consensus view among EPA offices. The Draft Models Guidance was also evaluated and approved by the EPA's Science Policy Council, the Agency's forum for senior level policy deliberation and coordination on significant science issues.

Both the Draft Models Guidance and the Models KBase were issued in draft form in November 2003. By providing access to its tools and methods, the EPA increases transparency and can improve the public's understanding of how sound science is used to make environmental decisions. In short, these products are intended to help foster a culture of transparency in developing models.

In addition to internal review within Agency offices and regions, the CREM products have undergone an external review process. EPA's Science Advisory Board (SAB) formed a CREM Guidance Advisory Panel (hereinafter "the Panel") to review the Draft Models Guidance and the Models KBase. Specifically, the Panel was given seven charge questions (which can be found at this URL: <http://www.epa.gov/fedreg/EPA-SAB/2003/August/Day-06/sab20034.htm>). The Panel concluded its review in 2006

(the report may be found at <http://www.epa.gov/sab/panels/cremgacpanel.html>).

The CREM also commissioned the National Academy of Science (NAS) to assess evolving scientific and technical issues related to the selection and use of computational and statistical models in decision making processes at the EPA. The NAS report which provides advice on the management, evaluation and use of models at the EPA was released in 2007 (the report may be found at http://www.nap.edu/catalog.php?record_id=11972).

This revised draft of the Guidance Document builds on the recommendations of the Science Advisory Board review panel and the National Research Council report on Models in Environmental Regulatory Decision Making.

Dated: August 6, 2008.

George Gray,

EPA Science Advisor.

[FR Doc. E8-18740 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8703-6]

Notice of Correction to Notice of Data Availability; Information Concerning the Destruction of Ozone-Depleting Substances in the United States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Correction.

SUMMARY: On July 17, 2008, the Environmental Protection Agency (EPA) published a notice of data availability (NODA) in the *Federal Register* (73 FR 41076) regarding information concerning the destruction of ozone-depleting substances (ODSs) in the United States, which inadvertently printed an incorrect docket identification number. This document corrects the error made in the identification of the docket. The correct docket identification number is EPA-HQ-OAR-2006-1030.

DATES: EPA will accept comments on the report through September 15, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-1030, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *E-mail:* a-and-r-Docket@epa.gov.
- *Fax comments to* (202) 566-9744.

- *Mail:* Submit comments to U.S. EPA Docket Center, EPA West Room 3334, MC 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and Phone: (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Kirsten Cappel, Office of Atmospheric Programs, Stratospheric Protection Division, Mail Code 6205 J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone number:* (202) 343-9556; *fax number:* (202) 343-2338; *e-mail address:* cappel.kirsten@epa.gov.

SUPPLEMENTARY INFORMATION: On July 17, 2008, EPA published a NODA in the *Federal Register* (73 FR 41076) which contained an error in the docket identification number. The correct docket for submitting comments on the NODA concerning the destruction of ozone-depleting substances in the United States is EPA-HQ-OAR-2006-1030. The report that the Agency is seeking comment on can be found in the docket and on the Stratospheric Ozone Protection Program Web site at <http://www.epa.gov/ozone/title6/destruction.html>.

Dated: August 4, 2008.

Brian McLean,

Director, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. E8-18741 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0609; FRL-8377-9]

Notice of Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before September 12, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0609 and the pesticide petition number (PP) 7F7250, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2008-0609. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your 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 [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., 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 in the

electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Tamue L. Gibson, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-9096; e-mail address: gibson.tamue@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not

contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is printing notice of the filing of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information

regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available on-line at <http://www.regulations.gov>.

Amendment to Existing Tolerances

PP 7F7250. (EPA-HQ-OPP-2008-0609). Pace International, LLC, 5661 Branch Road, Wapato, WA 98951, proposes to amend 40 CFR 180.518 by increasing tolerances for residues of the fungicide pyrimethanil (4,6-dimethyl-N-phenyl-2-pyrimidinamine), in or on the raw agricultural commodities for the pome fruit crop group, namely *apples, crabapple, loquat, mayhaw, pear, including oriental pear*, and *quince* to 14 parts per million (ppm), and pome fruit wet pomace to 56 ppm. The petitioner, Pace International LLC, proposes to amend 40 CFR 180.518 to increase the tolerances for the combined residues of the fungicide 4,6-dimethyl-N-phenyl-2-pyrimidinamine, expressed as pyrimethanil, and its metabolite 4-[4,6-(dimethyl-2-pyrimidinyl) amino]phenol in or on kidney of cattle, goat, horse, and sheep to 0.6 ppm and to increase the tolerances for the combined residues of the fungicide 4,6-dimethyl-N-phenyl-2-pyrimidinamine, expressed as pyrimethanil, and its metabolite 4,6-dimethyl-2-(phenylamino)-5-pyrimidinol in milk to 0.06 ppm.

The analytical method for Pyrimethanil involves the extraction of Pyrimethanil from apples by homogenization with acetone, the extract acidified and washed with hexane and basified to enable solvent partition (ethyl acetate and hexane). Final clean-up was by silica SPE, with determination by gas chromatography with mass selective detection. The validated sensitivity of the method is 0.05 ppm for pyrimethanil, which allows for the detection and measurement of residues in or on pome fruits at or above the proposed tolerance level.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 4, 2008.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E8-18607 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0565; FRL-8376-3]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing a new active ingredient not included in any currently registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Comments must be received on or before October 14, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0565, by one of the following methods:

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

- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2008-0565. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise

protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., 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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Jeannine Kausch, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8920; e-mail address: kausch.jeannine@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA received an application as follows to register the pesticide product containing an active ingredient not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Product Containing a New Active Ingredient not Included in any Previously registered Product

File Symbol: 85004-R. *Applicant:* Pasteuria Bioscience, Incorporated, 12085 Research Dr., Suite 185, Alachua, FL 32615, submitted by MacIntosh & Associates, Incorporated, 1203 Hartford Avenue, Saint Paul, MN 55116-1622. *Product name:* Pasteuria usgae spores - Liquid Suspension. *Nematicide. Active ingredient:* Pasteuria usgae at 0.01%. *Proposal classification/Use:* Manufacturing-use product.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: July 31, 2008.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. E8-18190 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0243; FRL-8377-1]

1-Methyl-3,5,7-triaza-1-azoniatriacyclodecane Chloride (Busan 1024); Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendments by registrants to delete uses in certain pesticide registrations. Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any request in the **Federal Register**.

DATES: The deletions are effective September 12, 2008, unless the Agency receives a written withdrawal request on or before September 12, 2008. The Agency will consider a withdrawal request postmarked no later than September 12, 2008.

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant on or before September 12, 2008.

ADDRESSES: Submit your withdrawal request, identified by docket identification (ID) number EPA-HQ-OPP-2006-0243, by one of the following methods:

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for

deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT:

Kathryn Avivah Jakob, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-305-1328; e-mail address: jakob.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under docket ID number EPA-HQ-OPP-2006-0243. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr>.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to delete uses in certain pesticide registrations. These registrations are listed in Table 1 of this unit by registration number, product name, active ingredient, and specific uses deleted:

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product Name	Active Ingredient	Delete from Label
1448-92	BUSAN 1024	1-Methyl-3,5,7-triaza-1-azoniatricyclodecane Chloride (Busan 1024)	laundry starch, petroleum production and recovery, textiles, papermaking chemicals and coatings, metalworking fluids

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before September 12, 2008 to discuss withdrawal of the application for amendment. This 30-day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

Table 2 of this unit includes the names and addresses of record for all registrants of the products listed in Table 1 of this unit, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company Number	Company Name and Address
1448	Buckman Laboratories, Inc. 1256 North McLean Blvd. Memphis, TN 38134

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the *Federal Register*. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before September 12, 2008. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Antimicrobials, Busan 1024.

Dated: August 1, 2008.

Mark A. Hartman,
Acting Director, Antimicrobials Division,
Office of Pesticide Programs.
[FR Doc. E8-18612 Filed 8-12-08; 8:45 am]
BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8703-5]

Notice of Decision Regarding the State of Texas Request for a Waiver of a Portion of the Renewable Fuel Standard

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: The Governor of the State of Texas requested a waiver of 50 percent of the renewable fuel standard (RFS or RFS mandate) for the time period from September 1, 2008 through August 31, 2009, pursuant to section 211(o)(7) of the Clean Air Act (the Act), 42 U.S.C. 7545(o)(7). Based on a thorough review of the record in this case, EPA finds that the evidence does not support a determination that implementation of the RFS mandate during the time period at issue would severely harm the economy of a State, a region, or the United States. EPA is therefore denying the request for a waiver. In this Notice EPA is also providing guidance on the Agency's general expectations for future waiver requests.

DATES: Petitions for review must be filed by October 14, 2008.

ADDRESSES: EPA has established a docket for this action under Docket ID

No. EPA-HQ-OAR-2008-0380. All documents and public comment in the docket are listed on the www.regulations.gov Web site. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air and Radiation Docket in EPA Headquarters Library, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. The Air and Radiation Docket and Information Center's Web site is <http://www.epa.gov/oar/docket.html>. The electronic mail (e-mail) address for the Air and Radiation Docket is: a-and-r-Docket@epa.gov, the telephone number is (202) 566-1742, and the Fax number is (202) 566-9744.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Office of Transportation and Air Quality, Mailcode: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-2802; e-mail address: Caldwell.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The RFS program, which requires the use of renewable fuels in the U.S. transportation sector, was originally adopted by Congress in the Energy Policy Act of 2005 (EPAct). This program was recently modified by Congress in the Energy Independence and Security Act of 2007 (EISA). The RFS program provides that the Administrator, in consultation with the Secretaries of Agriculture and Energy, may waive the national renewable fuel volume requirements, in whole or in part, if the Administrator determines that implementation of the requirement would severely harm the economy or environment of a State, region, or the United States (see Clean Air Act section 211(o)(7)(A)).

On April 25, 2008, the Governor of the State of Texas requested a fifty percent waiver of the national volume requirements for the renewable fuel standard (RFS or RFS mandate). Texas

based its request on the assertion that the RFS mandate is unnecessarily having a negative impact on the economy of Texas, specifically that increased ethanol production is contributing to increased corn prices which are negatively affecting its livestock industry and food prices. EPA published in the **Federal Register** a notice of receipt of this request and invited public comment on all issues relevant to making a decision on Texas's request.

After considering all of the public comments, and consulting with the Secretaries of Agriculture and Energy, EPA has determined that the waiver request should be denied. In making this decision, EPA has interpreted the statutory provisions to require: a determination based on the expected impact of the RFS program itself, a generally high degree of confidence that implementation of the RFS program would severely harm the economy of a State, region, or the United States, and a high threshold for the nature and degree of harm by requiring a determination of severe harm. EPA and almost all commenters recognize that there are many factors that affect the use of biofuels in the U.S. and the overall impact of such use. However, the RFS waiver provision calls for EPA to evaluate a much narrower set of issues, focusing on just the impact of the RFS mandate.

With this framework in mind, EPA evaluated all of the evidence concerning the issues that are relevant under the waiver provision. In its supplemental comments, Texas requested that the waiver request focus on the 2008/2009 corn marketing year. EPA agrees that looking at the impact with and without a waiver over this time frame is an important way to identify the impact of implementation of the RFS program. Several commenters submitted modeling analyses that looked at the impact of a waiver of the RFS mandate on ethanol production, corn prices, fuel prices, and other related impacts. In addition to evaluating the information submitted by Texas and other commenters, the Agency conducted its own analysis. In consultation with the United States Department of Agriculture (USDA) and the United States Department of Energy (DOE), EPA reviewed several economic models and chose a model created by researchers at Iowa State University (ISU model) to analyze the impact of the RFS on corn, ethanol, and gasoline prices based on uncertainty in key variables such as crop yields and crude oil prices. As part of our analysis, EPA reviewed the underlying data and assumptions in the

ISU model for their appropriateness. In this context, EPA believes the ISU modeling reflects the most recent data available, is well designed and documented, and provides a number of advantages over other approaches to analyzing the issues relevant for this decision. EPA also considered current market conditions influencing the production of ethanol in the U.S. such as high oil prices and the large existing production capacity of the U.S. ethanol industry, as well as other empirical data including historical and current Renewable Identification Number (RIN) credit prices.

First, after weighing all of the evidence before it, EPA determined that the evidence does not support a finding that implementation of the RFS "would" harm the economy of a State, region, or the United States, because the evidence does not reach the generally high degree of confidence required for issuance of a waiver under CAA section 211(o)(7)(A). On this issue, EPA believes that this body of information supports the determination that the most likely result is that the RFS would have no impact on ethanol production volumes in the relevant time frame, and therefore no impact on corn, food, or fuel prices.¹

Second, on the issue of the severity of any harm, the weight of all of the evidence also indicates that were the RFS mandate to have an impact on the economy during the 2008/2009 corn marketing year, it would not be of a nature or magnitude that could be characterized as severe. Even in the modeled scenarios where a waiver of the RFS mandate might reduce the production of ethanol, the resulting decrease in corn prices is anticipated to be small (on average \$0.30 per bushel of corn), and there would be an accompanying small increase in the price of fuel (on average \$0.01 per gallon in fuel costs). Such levels of potential impacts from the RFS program do not satisfy the high threshold of harm to the economy to be considered severe. We also conducted a sensitivity analysis on a low probability scenario with larger potential impacts, the results of which are presented below.

EPA also received comment on several issues not associated with the economic impacts of RFS. These include comments on the general economic and environmental impacts of the recent increase in biofuels, and the effect of the use of biofuels on commodity markets. EPA recognizes

¹ As discussed later, EPA believes that this body of information also supports, the determination that implementation of the RFS would have no significant impact in the relevant time frame.

that Texas and many parties, both those supporting the waiver and those opposing the waiver, have raised issues of great concern to them and to others in the nation concerning the role of biofuels in our country. However, the issue before the Agency in this case is much more limited, as described below in our discussion of EPA's authority under section 211(o)(7)(A) of the Act. Based on a thorough review of the record in this case and by applying the evidence to the statutory criteria, EPA finds that the evidence does not support making a determination that implementation of the mandate would severely harm the economy of a State, region, or the United States.

This decision on the Texas waiver request is based on current circumstances and market conditions. However, we recognize that significant changes could occur in the future with respect to the multiple factors related to the production and use of renewable fuels in the U.S. transportation sector. EPA is committed to monitoring the implementation of the renewable fuels program and its impact on the economy and environment.

This is the first RFS waiver request to be submitted to EPA and many important issues were raised and discussed in the public comment process. In addition to announcing and explaining EPA's decision on the Texas waiver request, in this Notice the Agency is also providing guidance to interested parties on its expectations concerning future requests for a waiver.

II. Overview of RFS Program

The Energy Policy Act of 2005 (EPAct) amended the Clean Air Act to establish a Renewable Fuel Standard (RFS) Program and gave EPA responsibility for implementing it. EPAct required EPA to issue regulations ensuring that gasoline sold in the U.S., on an annual average basis, contained a specified volume of "renewable fuel." The mandate schedule began at 4.0 billion gallons of renewable fuel in 2006, and increased to 4.7 in 2007, 5.4 in 2008, 6.1 in 2009, 6.8 in 2010, 7.4 in 2011, and 7.5 billion gallons in 2012. The Energy Independence and Security Act of 2007 (EISA) amended the RFS program by extending the years in which Congress specified the required volume of renewable fuels by ten years, increasing the required volumes for the renewable fuel mandate, and adding new, separate mandates starting in 2009 for advanced biofuels, including cellulosic biofuel and biomass-based diesel. EPAct set the 2007 mandate for renewable fuel at 4.7 billion gallons and the 2008 mandate at 5.4 billion gallons.

EISA increases the 2008 and 2009 RFS renewable fuel mandates to 9.0 billion and 11.1 billion gallons. EISA also imposed additional requirements for the use of advanced biofuel and biomass-based diesel in 2009, included within the overall mandate for 11.1 billion gallons of renewable fuel in 2009.² EPA had the statutory goal of increasing the volume of renewable fuels that are required to be used in the transportation sector and Congress furthered that goal with the passage of EISA. In this context, implementation of EISA is aimed at reducing dependence on foreign sources of energy, increasing the domestic supply of energy, and diversifying the nation's energy portfolio by requiring the transition from petroleum-based fuels to bio-based alternatives in the transportation sector. In addition, as part of EISA, Congress is requiring EPA to perform a life-cycle analysis of emissions of greenhouse gases associated with the full lifecycle of renewable fuels, and is requiring a minimum level of greenhouse gas reduction to qualify for advanced biofuel, cellulosic biofuel and biomass-based diesel. This will be further discussed in EPA's upcoming second phase renewable fuel standard rulemaking (RFS2), which will implement the renewable fuels provisions of EISA.

III. EPA's Administrative Process

On April 25, 2008, the Governor of Texas submitted a request to the Administrator under section 211(o)(7) of the Act for a waiver of 50 percent of the RFS "mandate for the production of ethanol derived from grain." The request claims that the mandate is unnecessarily having a negative impact on the economy of Texas and driving up global food prices. In its request Texas specifically identified increased corn prices as having a negative effect on its livestock industry and that a waiver would also provide needed relief to consumers at the grocery store. This initial request did not include substantive supporting data or analyses.³

² A more detailed discussion of the requirements for different types of biofuels is included in Section V.

³ Texas subsequently submitted comments during the public comment period, including a recent briefing paper from the Agriculture and Food Policy Center at the Texas A&M University along with an economic analysis on the implications of a RFS waiver on the price of corn and impacts on the livestock industry as well as impacts on the petroleum markets and the broader economy. Texas also clarified that it was asking for a "50-percent reduction in the corn-derived, volumetric ethanol mandates, * * * effectively requesting that EPA, for the foreseeable future, return the RFS system to the status quo prior to enactment of EISA i.e., to the

On May 22, 2008, EPA published a notice requesting comment on the petition submitted by Texas as well as any matter that might be relevant to EPA's action on the petition, specifically including (but not limited to) information that would enable EPA to: (a) Evaluate whether compliance with the RFS is causing severe harm to the economy of the State of Texas; (b) evaluate whether the relief requested will remedy the harm; (c) determine to what extent, if any, a waiver approval would change demand for ethanol and affect corn or feed prices; and (d) determine the date on which a waiver should commence and end if it were granted.⁴ As stated in EPA's notice for comment, granting a waiver would reduce the national volume requirements under section 211(o)(2) of the Act, which would have effects in areas of the country other than Texas. Therefore, EPA invited comment on all issues relevant to whether and how the Administrator might exercise his discretion under this waiver provision of the Act, including but not limited to the impact of a waiver on other regions or parts of the economy, on the environment, on the goals of the renewable fuel program, on appropriate mechanisms to implement a waiver if a waiver were determined to be appropriate, and any other matters considered relevant.

EPA's public comment period closed on June 23, 2008. EPA received in excess of 15,000 comments during the comment period; the majority of the comments were short statements generally in support of the Texas request. EPA also received numerous comments from various trade organizations and businesses, Governors and other elected officials, and environmental organizations supporting or opposing the waiver, many of which included references to various studies and reports which are addressed below.

much more moderate trajectory that prevailed under the Energy Policy Act of 2005." Texas states its preference that this be accomplished through a waiver that corresponds to the 2008-2009 crop year (i.e., September 1, 2008 through August 31, 2009). The initial Texas waiver request of April 25, 2008 (Texas waiver request) can be found at EPA-HQ-OAR-2008-0380-0058. The Texas supplemental comments of June 23, 2008 (Texas supplemental comments) can be found at EPA-HQ-OAR-2008-0380-0526. In addition, Texas submitted additional comments after the close of the comment period, on August 6, 2008. These comments can be found at EPA-HQ-OAR-2008-0380. Given the date on which the additional comments were received, EPA's response to them can be found in a Memorandum to the Docket dated August 7, 2008.

⁴ 73 FR 29753.

IV. Key Interpretive Issues

As noted above, Section 211(o)(7) of the CAA provides, in part, that EPA "may waive the [mandated national RFS volume requirements] in whole or in part on petition by one or more States * * * (i) based on a determination by the Administrator * * * that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States, or (ii) based on a determination by the Administrator * * * that there is an inadequate domestic supply."

This is the first EPA action in response to a petition under this provision, and as a result EPA is addressing a number of questions regarding the scope of this authority. This section discusses EPA's position on the meaning of various key parts of this provision, including EPA's views on the interpretations advanced by Texas and other commenters. Because Texas argues that a waiver is justified under the claim that "implementation of the RFS program would severely harm the economy * * * of a State, a region or the United States," we have focused our review on this provision.

1. Implementation of the RFS Itself Must Severely Harm the Economy

The statute authorizes a waiver where "implementation of the requirement would severely harm the economy." Texas and several commenters argue that high corn prices are causing severe harm to the Texas and U.S. livestock industry as well as to low-income individuals faced with increasing food costs. They acknowledge that high corn prices are caused by a number of factors, but argue that the RFS program is one of the factors leading to these high prices, that it is a significant or material factor, and that this kind of impact from the RFS program is sufficient to justify a waiver of the RFS requirements.⁵ Texas recognizes that the waiver provision "speaks in terms of a singular causal link between the mandate and the harm (i.e. 'implementation of the requirement would severely harm')", but that "Congress could not have intended to predicate a waiver on such a link because such a situation is never found in the real world. In the context of an economy at the scale of a state, region or nation, outcomes are determined by multiple factors. Congress must have meant to pivot a waiver on whether the mandates would

⁵ See Texas supplemental comments, National Cattlemen's Beef Association at EPA-HQ-OAR-2008-0380-0418 at 1, and Texas Cattle Feeders Association at EPA-HQ-OAR-2008-0380 at 1.

contribute significantly to causing severe harm, as part of a mix of forces.”⁶

We do not agree with the interpretation Texas offers. The statute provides that a waiver of the program is authorized where “implementation of the program would severely harm the economy * * *.” As recognized by Texas, the straightforward meaning of this provision is that implementation of the RFS program itself must be the cause of the severe harm.⁷ Texas would instead treat the waiver provision as if Congress had authorized a waiver where implementation of the program would significantly *contribute* to severe harm. The provision adopted by Congress does not support the interpretation by Texas.

There are numerous examples in section 211 and other sections of the Clean Air Act where Congress authorized EPA action based on the contribution made by a factor or activity, and worded the statute to clearly indicate this intention. For example, section 211(c)(1) of the Act authorizes EPA to control or prohibit a fuel or fuel additive where it “causes or contributes” to air or water pollution that may reasonably be anticipated to endanger public health or welfare.⁸ There are also various waiver provisions where Congress clearly used language indicating that a waiver could be based on a determination that there is a contribution to an adverse result or a similar lesser degree of causal link to the adverse result. Section 211(f)(4), for example, allows EPA to waive a certain prohibition on fuels and fuel additives upon a determination that they will not “cause or contribute” to a specified harm. Likewise section 211(h)(5)(A) allows EPA to remove a federal Reid vapor pressure (RVP) waiver if a state has supporting documentation to show that the RVP waiver will increase emissions that “contribute to air pollution.” Under section 211(m)(3)(A), EPA may waive the requirement for a wintertime oxygenated gasoline program where a State demonstrates that mobile sources “do not contribute significantly” to carbon monoxide levels in the area. Similar language was used by Congress when it referred to lesser degrees of adverse impact on attainment, such as the provision for a waiver of the oxygenated gasoline requirement for reformulated gasoline under section 211(k)(2)(B) (“prevent or

interfere with * * * attainment”)⁹ and section 211(m)(3)(A) (“prevent or interfere with * * * attainment”). However Congress did not use such language in this waiver provision, and the omission of any reference to contribution or similar terms in section 211(o)(7)(A) indicates Congressional intent to limit the availability of a waiver to situations where implementation of the RFS program itself would severely harm the economy.¹⁰

Texas essentially asks EPA to interpret this provision as if it was written to authorize a waiver where implementation of the RFS program would “significantly contribute” to severely harming the economy. However, Texas offers no explanation of why a “significant” contribution would justify such action, as opposed to some other level of contribution such as a non-de minimis, marginal, moderate, or some much more substantial contribution. In addition, Texas argues that this is called for because it would otherwise be impossible to ever demonstrate that the criteria of a waiver have been met and Congress could not have intended this result. Texas asserts this conclusion of impossibility, but fails to even attempt to show that this is the case.

Even if the statute was less clear on its face EPA would still reject the approach suggested by Texas. Many circumstances other than RFS could lead to impacts on an economic factor such as increased corn prices. Other circumstances could be the substantial or the overriding contributor to such an economic factor. Under Texas’ interpretation, a waiver could be authorized where implementation of the RFS contributed in any significant manner to such a situation, as long as the economic factor, overall, was causing severe harm. This approach could apply even if the economic harm was based on this economic factor in combination with another economic factor or factors. The degree of harm actually attributable to implementation

⁹ This provision of the Clean Air Act was deleted by the Energy Policy Act of 2005, ending the requirement that reformulated gasoline (RFG) contain 2% oxygen content by weight. During the time that the statutory provision was in effect, EPA considered and responded to requests to waive the 2% mandate. See *Davis v. EPA*, 348 F.3d 772 (9th Cir. 2003).

¹⁰ Even the sentence structure used by Congress indicates that the harm is to come from the RFS mandate itself. Adding the idea of significant contribution would call for changing the way “harm” is used from a verb (would * * * harm) to a noun (would contribute significantly to harm), and changing the kind of harm from the adverb severely to the adjective severe. Congress however did not write it that way.

of the RFS would not matter. As long as the RFS would have some significant effect on some economic factor or combination of factors that was causing severe harm from an overall perspective, then the degree of harm actually attributable to the RFS would be irrelevant to EPA’s authority to issue a waiver. Given the logic of Texas’ approach and recognizing the many varied and complex interrelationships in our modern economy, Texas’ interpretation would amount to a very open-ended and wide ranging waiver provision; EPA does not believe this is what Congress intended. EPA believes that rejecting Texas’ approach, and implementing a more limited waiver provision that requires a showing that the RFS program itself would severely harm the economy of a State, region or the U.S., will better implement Congress’ overall desire to promote the use of renewable fuels, reflected in enacting the expanded RFS program and mandating the increased utilization of renewable fuels over a number of years.¹¹

2. *There Must Be a Generally High Degree of Confidence That There Will Be Severe Harm as a Result of the Implementation of RFS*

The waiver provision indicates that EPA must find that implementation of the RFS “would” harm the economy. We interpret this as indicating that there must be a generally high degree of confidence that severe harm would occur from implementation of the RFS. Congress specifically provided for a lesser degree of confidence in a related waiver provision, section 211(o)(8). That provision applies for just the first year of the RFS program, and provides for a waiver of the 2006 mandate based on a study by the Secretary of Energy of whether the program “will likely result in significant adverse impacts on consumers in 2006.” (Emphasis supplied). The term “likely” generally means that something is at least probable, and EPA believes that the term “would” in section 211(o)(7)(A) means Congress intended to require a greater degree of confidence under the waiver provision at issue here.

EPA believes that generally requiring a high degree of confidence that implementation of the RFS would

¹¹ Indeed, Congress provided for a 9 year schedule in EPAct and a 14 year schedule in EISA, specifying the total amounts of renewable fuel that would be required during those years. Under both EPAct and EISA the required level of the RFS is to increase in each year after the end of the statutory schedule. EPA is to set the required level based on consideration of various statutory factors, with Congress specifying a minimum level of growth in the RFS each year.

⁶ Texas supplemental comments at 14.

⁷ Texas supplemental comments at 14.

⁸ Also see section 202(a)(1) (“cause or contribute”); section 213(a)(3), (4) (“cause or contribute” and “significant contributor”); and section 231(a)(2) (“cause or contribute”).

severely harm an economy would appropriately implement Congress' intent for yearly growth in the use of renewable fuels, evidenced by the 2005 and 2007 mandates for such growth. In addition, it would limit waivers to circumstances where a waiver would be expected to provide effective relief from harm. If there is generally high confidence that implementation of the mandate would cause harm, then a waiver should provide effective relief from that harm. However in situations where there is not such a high degree of confidence, a waiver might disrupt the expected growth in use of renewable fuels but there would be no clear expectation that a waiver would provide a benefit by reducing any harm. As discussed below, EPA does not need to interpret this provision in any greater detail for purposes of acting on Texas' petition, as the circumstances in this case clearly do not demonstrate the required degree of confidence that severe harm would occur.

Support for EPA's interpretation of this waiver provision is found in an analogous approach taken by EPA in applying former section 211(k)(2)(B), the provision for waiver of the oxygen content requirement for RFG. In that provision, Congress provided that EPA "may" waive the oxygen content requirement upon a determination that compliance with this requirement "would" prevent or interfere with attainment of a NAAQS. EPA interpreted this as calling for the waiver applicant to "clearly demonstrate" interference before a waiver would be granted. This interpretation was upheld in *Davis v. EPA*, 348 F.3d 772, 779–780 (9th Cir. 2003).

3. "Severely Harm" Indicates That Congress Set a High Threshold for Grant of a Waiver

While the statute does not define the term "severely harm," the straightforward meaning of this phrase indicates that Congress set a high threshold for issuance of a waiver. This is also indicated by the difference between the criteria for a waiver under section 211(o)(7)(A) and the criteria for a waiver during the first year of the RFS program. In section 211(o)(8)(A) Congress provided for a waiver based on an assessment of whether implementation of the RFS in 2006 would result in "significant adverse impacts" on consumers. A waiver under section 211(o)(7)(A), however, requires that implementation "severely harm" the economy, which is clearly a much higher threshold than "significant adverse impacts." It is also instructive to consider the use of the term "severe"

in CAA section 181(a). Ozone nonattainment areas are classified according to their degree of impairment, along a continuum of marginal, moderate, serious, severe or extreme ozone nonattainment areas. Thus, in section 181, "severe" indicates a level of harm that is greater than marginal, moderate, or serious, though less than extreme. We believe that the term "severe" should be similarly interpreted for purposes of section 211(o)(7)(A), as indicating a point that is quite far along a continuum of harm, though short of extreme. EPA does not need to interpret this provision in any greater detail for purposes of acting on Texas' petition, as the circumstances in this case clearly do not demonstrate the kind of harm that would be characterized as severe.

4. Harm to the Economy

EPA must also consider the meaning of the term "economy" in section 211(o)(7)(A)(2). Texas has argued that the term should be interpreted such that a showing of severe harm to one sector of the economy, e.g. the livestock industry, is sufficient under the statute. Others argue that there must be a showing of severe harm to the entire economy of a State, region or the United States, including all sectors.¹² EPA believes that it would be unreasonable to base a waiver determination solely on consideration of impacts of the RFS program to one sector of an economy, without also considering the impacts of the RFS program on other sectors of the economy or on other kinds of impact. It is possible that one sector of the economy could be severely harmed, and another greatly benefited from the RFS program; or the sector that is harmed may make up a quite small part of the overall economy. Based on the waiver request received and, where appropriate, public comments, EPA should responsibly review and analyze the economic information that is reasonably available regarding the full impacts of the RFS program and a possible waiver, including detrimental and beneficial impacts, before determining that a waiver of the program is warranted.¹³

The statute provides that EPA "may" waive the RFS volume requirement after finding that implementation of the RFS program would severely harm the economy. Therefore, a broad consideration of economic and other impacts could be undertaken whether or

not EPA adopted Texas' more limited interpretation of the term "economy." For example, if EPA rejected Texas' interpretation, EPA would determine whether RFS implementation would severely harm the overall economy of a State, region, or the U.S. However, if EPA adopted Texas' interpretation, and then found severe harm to a sector of the economy, EPA would still evaluate the overall impacts on the economy and other factors before exercising its discretion under the "may" clause to grant or deny the waiver request. EPA does not need to resolve this issue of interpretation in this specific waiver decision. As discussed below the circumstances here do not warrant a waiver under either interpretation.

5. EPA Has Broad Discretion in Determining Whether To Grant a Waiver Even If Implementation Would Severely Harm the Economy

As noted above, Congress stated that EPA "may" grant a waiver if certain criteria are met, and the term "may" typically denotes discretionary action. Where Congress intends non-discretionary action, it typically employs a term like "shall." Thus, EPA believes Congress intentionally gave EPA discretion in determining whether to grant or deny a waiver request, even in instances where EPA finds that implementation of the program would severely harm the economy or environment of a State, region or the United States, or where there is inadequate domestic supply. As noted above, this interpretation allows EPA to look broadly at all of the impacts of implementation of the program, and all of the impacts of a waiver, and does not limit EPA to looking only at impacts to the economy, a sector of the economy, the environment, or domestic supply. The relief requested by a waiver applicant will always, under this provision, be national in character, hence we expect that EPA will always want to examine the nationwide effects of the requested relief, and give appropriate weight to the range of anticipated effects. This interpretation allows EPA to weigh all of the impacts before deciding to grant or deny a waiver of the statutory requirements designed to require the expanded use of renewable fuels.

V. Technical Analysis of RFS Mandate

In this section, we first examine the likelihood that implementation of the RFS will impact the amount of ethanol produced and consumed over the 2008/2009 corn marketing year (September 1, 2008 through August 31, 2009), and thereby impact factors such as the price

¹² Commenters include the Renewable Fuels Association (EPA-HQ-OAR-2008-0380-0479 at 1) and American Coalition for Ethanol (EPA-HQ-OAR-2008-0380-0454 at 1-2).

¹³ This is of course limited by the 90 day time frame called for in the waiver provision.

of corn during that time period.¹⁴ Second, we evaluate the impacts and potential degree of harm from implementation of the RFS on key food and fuel parameters, such as U.S. corn prices, livestock feed costs, and fuel prices. As part of this section, we will discuss various comments and our response to them as appropriate.

1. Likelihood of Impact of Implementation of the Renewable Fuels Standard

To analyze the impact of implementation of the RFS, EPA evaluated the impact of a waiver of the standard. This comparison of circumstances with and without a waiver identifies the impact properly associated with implementation of the RFS program for the 2008/2009 marketing year. To make this comparison, the EPA first determined the most appropriate economic modeling tool to employ for this purpose. EPA evaluated several models, including the model developed by researchers at Texas A&M University (TAMU model)¹⁵ and the model used by Dr. Elam of FarmEcon, LLC.¹⁶ We chose a model developed by researchers at Iowa State University (ISU model) for a number of reasons. First, we felt it was critical to use a stochastic model to capture a range of potential outcomes, rather than a point estimate, given potential variation in a number of critical variables associated with ethanol production. Second, the ISU model captures the interaction between the agriculture markets and the energy markets, and is able to look at uncertainty in variables in both sectors. Given the volatility in both crude oil and corn prices over the last few years, the ability of the ISU model to account for this variability gives the model an advantage over other models that are locked into a single projected crude oil price or corn crop estimate. Third, while the model has not gone through formal peer review, the documentation is straightforward and transparent, and allows all interested parties to

understand the assumptions that drive the results. Finally, the ISU model was designed to be constantly and quickly updated with the most recently available data, such as the World Agricultural Supply and Demand Estimate (WASDE) reports.¹⁷ This design feature allows the model to be policy relevant, given the fact that a model is only as reliable as the data contained within it.

The ISU model is a stochastic equilibrium model that attempts to capture the most probable prices of corn, ethanol and fuel given uncertainty in six variables: Corn acres planted, corn acres harvested, corn yields, U.S. corn export demand, crude oil prices, and the capacity of the U.S. corn ethanol industry. For each of the approximately 1000 simulated scenarios, the model picks a value for a factor like crude oil price by randomly selecting from a probability distribution curve¹⁸ for that factor.¹⁹ Since the probability of the specific value of a future crude oil price is built into the distribution curve for crude oil prices, the greater the probability of a certain crude oil price the more likely the model will pick that value for any scenario. The result is that the distribution of the results from the random draws fairly reflects the probability of the various uncertain variables. The central tendency of the random draws represents the most likely estimate of the future circumstances. The model is run with and without a waiver to determine the impact of a waiver. Details about the model are included in the June 2008 paper,²⁰ although for the results described below, several additional modifications have been made since June. At EPA's request, ISU researchers updated their model with the July 11, 2008 WASDE report. In addition, ISU researchers also modified the assumption that ethanol will have to be priced on an energy equivalent basis for volumes greater than 10 billion

gallons.²¹ As described in the June paper, the ISU model had previously assumed ethanol must be priced on an energy equivalent basis for volumes over 7.7 billion gallons of ethanol. Additional details on the model changes are included in the docket.²²

As a result of these updates, the ISU model projects the average expected amount of ethanol demanded in the United States during the 2008/2009 corn crop year without a waiver will be 11.05 billion gallons, which consists of approximately 10.67 billion gallons of domestic production and 380 million gallons (MG) of imports. ISU's model predicts that for 76 percent of the simulated scenarios, waiving the RFS mandate would not change the overall level of corn ethanol production or overall U.S. ethanol consumption in 2008/2009 because more ethanol would be demanded than the RFS requires. For those 76 percent of the scenarios, waiving the RFS mandate would therefore have no impact on ethanol

²¹ Despite the fact that ethanol contains only 2/3 the energy value of gasoline, it has historically and continues to be priced to retail consumers the same as if it is gasoline when it is sold in a gasoline blend with up to 10 volume percent ethanol (E10). Consumers are not able to detect the small decrease in fuel economy that results from a 10 percent blend, therefore ethanol can be priced based on its volume, not on its energy equivalent basis with gasoline. The wholesale price for ethanol has likewise followed the price of gasoline, on average being priced over time roughly 8¢/gal less than that of gasoline, reflecting its octane value, other blending costs, and distribution costs. In the last year or so, as ethanol use has continued to increase, the wholesale price of ethanol has begun to separate slightly more from that of gasoline as: (1) The octane value has declined, (2) the distribution costs have increased to get ethanol to more distant markets, (3) gasoline prices have increased, and (4) ethanol is having to compete in markets where gasoline is priced lower than in past ethanol markets. In recent months, the wholesale price of ethanol may also have been influenced by some temporary limitations in terminal blending capabilities to blend all the ethanol being produced. In the long term, as ethanol volumes increase above about 15 billion gallons, ethanol will saturate the gasoline market as an E10 blend and additional volumes of ethanol will have to be consumed in the form of E85 (a fuel that consists of up to 85 volume percent ethanol). When sold as E85, consumers will recognize a reduction in their mileage as compared to the use of an E10 blend due to the reduced energy content of ethanol. Therefore, retail pricing would be expected to take this fuel economy impact into account and wholesale prices for ethanol will have to be below that of gasoline to reflect its lower energy content. While this change in valuation will not occur until we reach about 15 billion gallons of ethanol, for our analysis we have conservatively assumed that this change in valuation will occur at 10 billion gallons to reflect potential short term limitations in the distribution system. If we had used 15 billion gallons as the point at which ethanol must be priced on an energy equivalent basis, the likelihood that the mandate would be binding would be lower and the magnitude of the impacts smaller in the scenarios where the mandate was binding.

²² See Memorandum to Docket, entitled "Iowa State University Modeling Results."

¹⁴ We use the corn marketing year partially because it is the time period over which Governor Perry requested the waiver, and partially because it is the time period over which it is most straightforward to estimate the impact on corn prices due to a change in ethanol demand.

¹⁵ The March TAMU modeling results were referenced in Texas' initial waiver request and cited by several commenters (EPA-HQ-OAR-2008-0380-0058). A June update to the March report was provided in Texas' supplemental comments (EPA-HQ-OAR-2008-0380-0526).

¹⁶ Several commenters cited the March report by Dr. Elam (EPA-HQ-OAR-2008-0380-0574). The Balanced Food and Fuel Coalition also submitted a June version of the report (EPA-HQ-OAR-2008-0380-0465).

¹⁷ The WASDE is USDA's forecast of supply and demand for major U.S. and international crops and livestock. The information can be found at <http://www.usda.gov/oce/commodity/wasde/>.

¹⁸ The distribution curves for the stochastic variables are based on historical information, where available. Where reliable data is not available, simplifying assumptions are used. Details are included in the June 2008 paper (EPA-HQ-OAR-2008-0380-0548).

¹⁹ The model also accounts for the impact of the blenders' tax credit and the tariff on imported ethanol. In the scenarios that were modeled these factors did not change, hence their impact on demand for ethanol did not change with and without a waiver of the RFS.

²⁰ EPA-HQ-OAR-2008-0380-0548.

use, corn prices, ethanol prices, or fuel prices. We refer to that model result as a 76 percent probability that the RFS will not be "binding" in the 2008/2009 marketing year. Conversely, in 24 percent of the simulated ISU model runs the RFS would be binding. In this case, binding means that in 24 percent of the random draws of potential corn production, crude oil prices, and corn demand, the resulting market demand for ethanol would be below the RFS mandate and, therefore, the RFS would require greater use of ethanol than the market would otherwise demand. The binding scenarios are generally those in which crude oil prices and corn production are relatively low. In those cases, the RFS would have an impact on ethanol use and the food and fuel markets in the United States.

For the primary analysis, the ISU model assumes corn ethanol would account for ten billion gallons of the RFS mandate during the 2008/2009 corn crop year. Because the corn crop year is split over two RFS compliance years, the 10 billion gallons is based on the fraction of the corn crop year that would occur in the 2008 compliance year (one-third) and the 2009 compliance year (two-thirds). EISA requires 9 billion gallons of renewable fuels in 2008 and 11.1 billion gallons in 2009; however, 600 million gallons of the 2009 volume must be advanced biofuels (including 500 million gallons of biomass-based biofuels). This advanced biofuel volume is not included in the calculation of the 2008/2009 marketing year mandate, since the ISU model does not include cellulosic or biodiesel renewable fuels.²³ As a sensitivity analysis, ISU researchers also evaluated different scenarios in which some of the 2008/2009 mandate was also met with additional biodiesel production and renewable identification number (RIN) credits earned from excess ethanol production in the 2007 and 2008 compliance years.²⁴ Both of these changes essentially make the RFS mandate less binding. We also conducted a sensitivity analysis that used a distribution curve for crude oil

prices based on a mean crude oil price of \$146/barrel. For that model run, the probability that the mandate would be binding decreased to 12%. Clearly, this assumption makes a difference in the modeling results. We believe the \$125/barrel mean crude oil price scenario incorporates the best information available at this time, but we recognize that conditions may change in the future. For purposes of simplicity, only the results of the primary analysis using \$125/barrel mean crude oil ISU scenario are presented in this document. However, the results from the full range of scenarios are included in the docket.²⁵

We believe the results provided by the ISU model are more robust than Elam's and TAMU's estimates for a number of reasons. Many of the assumptions used by Elam's model do not appear to accurately reflect market forces. According to Elam's March paper,²⁶ U.S. gasoline and diesel prices impact the prices of corn and soybeans, but do not influence the demand for biofuels. In other words, the agricultural sector portion of the model does not appear to be directly linked to a fuel market module. Since higher crude oil prices are one of the major reasons for the increase in biofuel production, we believe this assumption is a major short coming of the model. Furthermore, the model used by Elam appears to value ethanol on an energy equivalent basis.²⁷ We believe that ethanol will continue to be priced on a volumetric basis as long as most of the ethanol is being blended as E10.

In his June paper, Elam estimated the impact of waiving the RFS under two different scenarios: One based on the June WASDE projections and one based on a "severe weather" scenario with a lower corn crop. Under both scenarios, Elam predicts ethanol production will decrease by 2.1 billion gallons with a 50% waiver of the mandate. However, under both scenarios Elam estimates that ethanol production will exceed the mandated levels when the mandate is in place. We do not find this analysis plausible, since waiving the mandate should have little to no effect on ethanol production if the projected levels of ethanol demand exceed the mandate. In addition, we would not expect the same change in ethanol production to occur as a result of the waiver when corn prices are \$8.00/bushel and when they are \$5.80/bushel. When corn costs

\$8.00/bushel, we would expect more ethanol producers would not be able to cover their operating costs and would choose to reduce production. Therefore there would be a larger potential change in ethanol production at \$8.00/bushel than at \$5.80/bushel, which in turn would lead to a larger impact from waiving the mandate. Finally, we believe the severe weather scenario presented by Elam overstates the impact of the recent floods in the Midwest. This scenario assumes a significant reduction in corn acres harvested and corn yields relative to the WASDE estimates. Under this severe weather scenario, Elam's projected corn crop would be 10.85 billion bushels, compared to the higher July WASDE estimate that 11.7 billion bushels will be produced in 2008/2009.

Similar to the ISU model, the TAMU model is a hybrid stochastic simulation model that estimates the probabilistic price of corn and production levels of ethanol with and without various government biofuel policies over the next few years. However, we believe some of the inputs used in the model are not as current as the inputs used by the ISU model. In addition, the TAMU model likely overstates the probability that the mandate will be binding for two reasons. First, the projected corn prices are significantly higher than either the June or July WASDE reports. Whereas the July WASDE report (which assumes the mandate is still in place) predicts corn prices will be between \$5.50–\$6.50/bushel, the TAMU model predicts that corn prices with the mandate in place will be between \$6.70–\$7.96/bushel depending on the size of the corn crop. If the TAMU model was re-run with the July WASDE data, we believe the results would be closer to the estimates provided by the ISU model. Second, we believe that the TAMU model undervalues ethanol, since it assumes ethanol must compete with gasoline on an energy equivalent basis for all volumes over the quantity projected to be used to meet reformulated gasoline (RFG) requirements (approximately 3 billion gallons). As discussed in more detail in the following section, ethanol continues to be priced in the market at a premium over its energy content since it is primarily used as a gasoline extender. We expect this trend to continue until significant quantities of ethanol can no longer be blended as E10 and must be sold as E85. If the TAMU valued ethanol on a volumetric basis, we would expect the model would predict higher production levels of ethanol, both with and without the waiver.

TAMU provides information for three different scenarios: a "mean corn crop",

²³ Although Iowa State analyzed the impact of waiving 100% of the mandate, the model predicted no difference between waiving 100% of the mandate and 50% of the mandate, as the amount of ethanol demanded under all the scenarios without the mandate was more than five billion gallons of ethanol (50% of the mandate).

²⁴ RINs are generated by producers of renewable fuels, and are used by refiners and importers to show compliance with the RFS. Excess RINs may be used as credits for the year following their generation, e.g., 2007 RINs may be used to show compliance with the 2008 RFS standard, and 2008 RINs may be used to show compliance with the 2009 RFS standard.

²⁵ See Memorandum to Docket entitled, "Iowa State University Modeling Results."

²⁶ EPA-HQ-OAR-2008-0380-057.

²⁷ The lack of model documentation submitted to the docket with regard to the model limited our ability to fully compare the results.

a "95% of mean corn crop", and a "90% of mean corn crop". Using historical information, TAMU estimates that 79 million acres of corn will be harvested in 2008/2009 and corn yields will be 153.9 bushels/acre, resulting in a "mean corn crop" production of 12.1 billion bushels. The "95% of mean corn crop" scenario evaluates the effects of a 5% shortfall in corn production (relative to the mean corn crop scenario), which corresponds to a crop of 11.5 billion bushels. The "90% of mean corn crop" scenario evaluates the effects of a 10% shortfall relative to the mean corn crop, which corresponds to a corn crop of 10.9 billion bushels. In the mean corn crop scenario, the TAMU estimates that

the probability that the mandate will be binding is 42%. In the 95% of mean corn crop scenario, the TAMU model predicts that the probability that the mandate will be binding is 67%, and in the 90% of mean corn crop scenario, the probability that the mandate will be binding is 88%.

Although this mean corn crop scenario production level is higher than the July WASDE estimates, the impacts of this scenario are directionally consistent with the ISU results. For example, the TAMU model predicts that the average expected amount of ethanol that will be produced in 2008/2009 will be 10.8 billion gallons, which is higher than the RFS mandate. In their

comments, however, Texas asserts that a shortfall in the range of the 5% or 10% of production "now appears highly likely." Therefore, Texas concludes that the mandate will "most likely contribute significantly to causing corn price increases." In light of the July WASDE data, which predicts a corn crop that is larger than both the 90% mean corn crop and the 95% mean corn crop scenarios, we believe the 90% mean corn crop scenario significantly overestimates the potential impact of the flooding. We believe the mean corn crop and the 95% of mean corn crop scenarios are more credible than the 90% mean corn crop scenario.

TABLE 1—COMPARISON OF KEY STUDIES ESTIMATING CORN AND ETHANOL PRICES AND PRODUCTION LEVELS

	Elam scenario based on WASDE	TAMU mean corn crop	Iowa state mean estimate	USDA benchmark*
Mean Corn Prices with Mandate (\$/bushel)	\$5.80	\$6.70	\$6.00	\$5.50–\$6.50
Mean Corn Prices with Waiver (\$/bushel)	\$4.75	\$6.36	\$5.93
Change in Corn Prices with Waiver	–\$1.05	–\$0.34	–\$0.07
Mean Corn Production (Billion bushels)	11.74	12.14	11.70	11.70
Mean Ethanol Price with Mandate (\$/gal)	\$2.76	\$2.89	\$2.59
Mean Ethanol Price with Waiver (\$/gal)	\$2.76	\$2.76	\$2.57
Mean Domestic Ethanol Demand w/Mandate (Billion gallons)	11.00	10.78	11.05
Mean Domestic Ethanol Production w/Waiver (Billion gallons)	8.94	10.05	10.90
Probability that Mandate is Binding	N/A	42%	24%

Since Congress enacted the Energy Policy Act in 2005, biofuel production has consistently been higher than the RFS mandated levels, which is an indication that factors other than the RFS requirements have been the primary drivers of biofuel growth. In addition, in its 2007 Annual Energy Outlook (AEO), the Energy Information Administration (EIA) projected that even without the recent renewable fuels requirement in EISA, ethanol use would increase to 12 billion gallons in 2010. This dramatic increase in ethanol use was estimated to occur despite assuming crude oil prices in the \$50 to \$60 dollar per barrel range. Assuming other factors remain constant, the higher oil prices that we are experiencing now would provide an even greater incentive to produce and use additional ethanol from corn.

ISU's estimate for the maximum ethanol capacity in 2008/2009 is 13.5 billion gallons, which is similar to EPA's estimate that over 13 billion gallons of plant capacity was on-line or under construction as of December 19, 2007 when EISA was passed.²⁸ Once

²⁸ These estimates are for the ethanol production capacity and are higher than the volumes of ethanol that are projected to be produced. See Memorandum to Docket entitled, "Ethanol Capacity Estimates."

ethanol production capacity is built, we expect ethanol producers will continue making ethanol to the extent that they can cover their operating costs. Therefore, ethanol production in the short term is highly dependent on the built capacity of the ethanol industry rather than the mandate.

Certain empirical data also supports the projection that the RFS is unlikely to be binding in the 2008/2009 timeframe. For example, the price of tradable renewable identification number (RIN) credits remains relatively low: Below five cents per gallon as of July 1, 2008. Refiners and importers verify their compliance with the RFS by collecting and expending RINs, which are assigned to volumes of renewable fuel by their producers. Refiners and importers use RINs for an appropriate volume of renewable fuel to demonstrate compliance with their RFS volume requirement. Parties that exceed their RFS obligations for a compliance period can trade excess RINs to other parties that need them for compliance. When the mandate is expected to be binding, we would expect the demand for RINs would increase and the supply of excess RINs to decrease, leading to an increase in price for RINs.

The RIN banking and rollover provisions of the RFS also allow

obligated parties to use or trade current RINs in the next compliance period. Therefore, we would expect the current RIN price to reflect the market's current and near-term expectations about how binding the RFS is likely to be. The most recent available data shows that the RIN price was below 3 cents per gallon of ethanol on July 18, 2008. This RIN price represents a very small share of the price of a gallon of ethanol, suggesting that refiners and blenders expect the RFS is not likely to be binding in 2008 or 2009. It is possible that RIN prices have been depressed by market uncertainty generated by Texas' waiver request. However, the record high RIN price before the Texas waiver request was only approximately 6.5 cents per gallon. Unlike the previous discussion in this section which involved different agricultural sector models that seek to evaluate the impacts of the RFS, the RIN price is the result of actual market outcomes, as opposed to a modeled result. EPA believes the RIN price information is one additional way to evaluate the likelihood of an impact from implementation of the RFS. In this case, the RIN price information corroborates the modeled impacts of the RFS.

2. Severity of Impact

(a) Corn Price Impacts

When evaluating the economic impacts of waiving the mandate, our analysis centered on four major areas: U.S. corn prices, food prices, feed prices, and fuel prices. While there may be other areas of potential impact, we focused on these areas because they are expected to have the largest potential economic impacts in the U.S. Given the limited time available for this analysis, we have not looked at the interaction of these impacts in an integrated modeling system. However, we believe that looking at these indicators individually provide a useful framework for

determining the potential severity of the impact of the RFS mandate.

As described in the previous section, we believe that implementation of the RFS would not have a significant impact on expected ethanol production in 2008/2009, with the most likely result being no impact on ethanol production. We have analyzed the impacts of waiving the mandate under a wide variety of scenarios, ranging from worst case scenarios to the more likely situations. Based on the ISU modeling results, the average expected impact of waiving the mandate over all the potential outcomes, both those binding and those non-binding, would be a decrease in the price of corn by \$0.07/bushel. In the limited subset of potential

outcomes in which the mandate is binding (24% of the results), waiving the mandate would result in an average expected decrease in the price of corn of \$0.30/bushel.

However small the probability, we also recognize it is possible that all the market outcomes could converge to result in a worst case scenario, therefore, we also provide this example to help bracket the range of potential outcomes. The "Worst Case" example demonstrates the largest potential change in corn price predicted by the ISU model as a result of the waiver, which is a decrease in corn prices of \$1.38/bushel. Table 2 presents the three ISU scenarios.

TABLE 2—RANGE OF ESTIMATED CORN PRICES AND PRODUCTION LEVELS

	Iowa state mean estimate	Iowa state when mandate binds	Iowa state "worst case" example
Mean Corn Prices with Mandate (\$/bushel)	\$6.00	\$6.40	\$6.85
Mean Corn Prices with Waiver (\$/bushel)	\$5.93	\$6.10	\$5.47
Change in Corn Prices with Waiver (\$/bushel)	-\$0.07	-\$0.30	-\$1.38
Mean Corn Production (Billion bushels)	11.70	11.22	10.57
Percentage of Times Mandate is Binding	24%	100%	N/A

(b) Food Price Impacts

In consultation with USDA, EPA estimated how the changes in corn prices influence U.S. food prices. The results of the modeled corn price impacts discussed above appear to be quite modest for both the mean estimate and the subset of scenarios in which the mandate is binding. A \$0.07/bushel decrease in corn prices would result in a 0.07% decrease in Food CPI²⁹ and a 0.03% decrease in All Item CPI.³⁰ A \$0.30/bushel decrease in corn prices would result in a 0.28% change in Food CPI and a 0.04% change in All Item CPI.

For the average household, a \$0.07/bushel decrease in corn prices would result in a reduction of household expenditures on food equal to \$4.01 in 2008/2009, while a \$0.30/bushel decrease in corn prices would result in a savings of \$17.13. In the scenario with the largest change in corn price, a \$1.38/bushel decrease in corn prices would decrease the Food CPI by 1.29% and All Item CPI by 0.19%. The average household would in turn save \$78.57 in 2008/2009 on food expenditures.

Since people in the lowest income groups are more sensitive to changes in food prices, we also analyzed the impact

of changes in food expenditures as a percentage of total consumer expenditures and as a percentage of income. The changes in food expenditures are relatively small compared to total consumer expenditures for both average and low income households.³¹ When comparing the changes in food expenditures relative to income, the impact on low income households is larger than the impact on average households. Additional details on the methodology used to calculate the CPI and household expenditures are included in the docket.³²

TABLE 3—IMPAIRS ON FOOD PRICES, CPI INDICATORS, AND HOUSEHOLD EXPENDITURES

	Units	Iowa state mean estimate	Iowa state mandate binds	Iowa state worse case
Change in Corn Price with Waiver	\$/bushel	-\$0.07	-\$0.30	-\$1.38
Change in Food CPI with Waiver	percent	-0.07%	-0.28%	-1.29%
Change in All Item CPI with Waiver	percent	-0.01%	-0.04%	-0.19%
Change in Annual Food Expenditures for Average Households with Waiver.	\$	-\$4.01	-\$17.13	-\$78.57
Change in Annual Food Expenditures for Lowest Quintile Households with Waiver.	\$	-\$2.09	-\$8.95	-\$41.05
Change in Food Expenditures as a Percentage of Consumer Expenditures for Average Households with Waiver.	percent	-0.01%	-0.04%	-0.16%

²⁹ The Food CPI as measured by the Bureau of Labor Statistics (BLS) consists of two components—the "CPI for food at home" and the "CPI for food away from home" with the "CPI for food away from home" having a weight of 0.45 and the "CPI for food at home" having a weight of 0.55.

³⁰ The Food CPI has a weight of 0.14 in the All Item CPI. This implies that for every 1 percent increase in the Food CPI the All Item CPI would increase by 0.14 percent.

³¹ The lowest quintile (20%) of households, as described in the Bureau of Labor Statistics' 2006

Consumer Expenditure Survey, has an average income after taxes of \$9,969. The average annual household income after taxes for all households is \$58,101.

³² See Memorandum to Docket entitled, "USDA Food CPI and Feed Cost Methodology".

TABLE 3—IMPACTS ON FOOD PRICES, CPI INDICATORS, AND HOUSEHOLD EXPENDITURES—Continued

	Units	lowa state mean estimate	lowa state mandate binds	lowa state worse case
Change in Food Expenditures as a Percentage of Consumer Expenditures for Lowest Quintile with Waiver.	percent	-0.01%	-0.44%	-0.20%
Change in Food Expenditures as a Percentage of Income for Average Households with Waiver.	percent	-0.01%	-0.03%	-0.14%
Change in Food Expenditures as a Percentage of Income for Lowest Quintile with Waiver.	percent	-0.02%	-0.09%	-0.41%

(c) Feed Price Impacts

Using WASDE projections (which assume the mandate is in place) for feed costs in 2008/2009, we estimated that U.S. feed prices are projected to be \$233.13/ton, using a weighted average use of corn, sorghum, barley, oats, and soybean meal. In estimating the impact of a change in corn prices on feed costs,

we used a simplifying assumption that the percentage change in corn prices is applied to all components of the feed grains components used in this analysis. Since the price of other feed grains tend to track the price of corn, we believe this simplifying assumption is a realistic estimate of how feed grains will track each other with changes in corn prices. We estimated the potential impact of

granting the waiver on feed costs for the three change in corn price scenarios described in the previous sections: The ISU mean estimate of a \$0.07/bushel decrease in corn price, the subset of ISU scenarios in which the mandate is binding (\$0.30/bushel decrease in corn price), and the ISU worst case scenario (\$1.38/bushel decrease in corn prices).³³

TABLE 4—U.S. FEED PRICES

	2005/06	2006/07	2007/08	2008/09
Feed Cost*:				
Cost (\$/ton) without waiver	\$87.75	\$125.72	\$152.71	\$233.13
Decrease in Feed Costs, \$/ton (\$0.07/bushel corn price change scenario)				-2.72
Decrease in Feed Costs, \$/ton (\$0.30/bushel corn price change scenario)				-10.56
Decrease in Feed Costs, \$/ton (\$1.38/bushel corn price change scenario)				-46.97

Source: July 11, 2008 WASDE.

*Feed is equal to the weighted average sum of feed use of corn, sorghum, barley, and oats plus domestic use of soybean meal.

Based on USDA's estimates for U.S. livestock feed costs and returns, we estimated the impact of a percentage change in feed costs per unit for poultry, pigs, fed cattle, cow-calves, and milk production. Details on the methodology used to calculate feed impacts are included in the docket.³⁴ Using USDA's production and slaughter estimates, we aggregated the potential feed cost impacts of a waiver for the U.S. and Texas.³⁵ In dollar terms, the single

largest sector of the livestock industry that benefits from the waiver is the fed cattle industry. As Texas points out in its comments, Texas has the largest cattle industry in the U.S., and accounts for approximately 25% of the U.S. herd. A \$0.07/bushel change in corn prices would decrease total livestock feed costs in Texas by \$53 million (1.2% change). A \$0.30/bushel change in corn prices would decrease total livestock feed costs in Texas by \$207 million (4.7% change),

while a change of \$1.38/bushel would decrease total feed costs in Texas by \$19 million (20% change). Compared to Texas's \$1 trillion dollar economy, these impacts appear to be relatively small. Even looking at the cattle and poultry industry in Texas specifically, we believe \$53-\$207 million is a small impact compared to the over \$10 billion livestock industry.³⁶

TABLE 5—TOTAL FEED COSTS AND ESTIMATED DECREASE WITH RFS WAIVER FOR CATTLE, POULTRY, PIGS, AND DAIRY PRODUCTION

	US	Texas
Cow Slaughter:		
Feed cost without waiver, \$ million	\$842.8	\$40.1
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	9.8	0.5
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	38.2	1.8
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	169.8	8.1
Fed Cattle:		
Feed cost without waiver, \$ million	9,923.4	2,491.1
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	115.8	29.1
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	449.7	112.9
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	1,999.2	501.9
Poultry:		

³³ In the subset of scenarios in which the mandate is binding, corn prices are generally higher than for the mean estimate. We would therefore expect average feed costs to be higher than the WASDE estimates.

³⁴ See Memorandum to Docket entitled, "USDA Food CPI and Feed Cost Methodology".

³⁵ These estimates assume there are no changes in quantities (e.g., early slaughter) based on higher feed costs.

³⁶ The \$919 million change is from a worst case scenario that EPA considers highly unlikely.

TABLE 5—TOTAL FEED COSTS AND ESTIMATED DECREASE WITH RFS WAIVER FOR CATTLE, POULTRY, PIGS, AND DAIRY PRODUCTION—Continued

	US	Texas
Feed cost without waiver, \$ million	7,571.6	586.7
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	88.3	6.8
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	343.1	26.6
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	1,525.4	118.2
Pork:		
Feed cost without waiver, \$ million	10,874.8	134.1
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	126.9	1.6
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	492.8	6.1
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	2,190.8	27.0
Dairy:		
Feed cost without waiver, \$ million	37,028.8	1,307.2
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	432.0	15.3
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	1,677.9	59.2
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	7,459.8	263.3
Total Feed Costs (cattle, poultry, pigs, dairy):		
Without waiver, \$ million	66,241.4	4,559.2
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	772.8	53.2
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	3,001.6	206.6
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	13,345.0	918.5

To produce a pound of poultry live weight, about 1.5 pounds of feed required.

The State of Texas did not attempt to quantify the impact of waiving the RFS on the livestock industry, although they did submit reports by the Agricultural and Food Policy Center (AFPC), the Texas Department of Agriculture, and McVean Trading & Investments (a company that specializes in monitoring the health of the livestock industry), which conclude that the livestock industries, including poultry, are experiencing financial losses due to increases in the cost of production due to higher corn prices.

While most of these impacts are outside the scope of our analysis since they do not focus on the impacts directly related to the RFS, we have attempted to compare our methodology with the methodology used by Texas. The Texas Department of Agriculture report cites the March study by Elam in which he estimates that the increase in biofuels will result in an increase in cost to the Texas livestock and poultry industries of approximately \$2.4 billion in calendar year 2008. This impact was based on an estimated increase of \$2.04/bushel in corn prices due to the increase in biofuels policies as a whole. Although the increase in corn price cited by Elam is higher than the modeling results by ISU and TAMU

discussed in the previous section, the methodology for estimating the impact on feed costs employed by Elam appears to be generally consistent with our analysis. When the cost increases for cattle, poultry, pork, and dairy production are separated out, Elam estimates a \$1.3 billion dollar increase in feed costs in 2008. If Elam had used a change in corn price that was approximately two thirds of his \$2.04/bushel estimate (\$1.36/bushel), his methodology would have estimated an increase in feed costs in Texas of approximately \$867 million dollars. This figure is similar to our estimate of a \$919 million increase in feed costs in Texas, which corresponds to our worst case scenario of a \$1.38/bushel increase in corn prices.

As described in the previous sections, the corn price increase attributable to the RFS is likely to be much smaller. Texas's own "95% of mean corn crop" scenario predicts a change of only \$0.73/bushel as a result of the RFS waiver, which would make the impact on the livestock industry even less than the \$918 million calculated here.

(d) Fuel Price Impacts

The ISU model also predicts the change in U.S. ethanol, gasoline, and

blended fuel prices based on changes in ethanol production volumes. The ISU model assumes that both the demand and supply of gasoline are relatively inelastic. Therefore, reducing the ethanol production levels will increase gasoline demand and increase gasoline prices.³⁷ Although the decrease in ethanol demand is associated with a decrease in ethanol prices, the total blended fuel price is dominated by the change in gasoline price since it is a much larger portion of the fuel pool. The ISU model predicts that the most likely outcome is that waiving the RFS mandate would have no impact on fuel prices. The ISU modeling predicts that the average impact across all modeled scenarios is that waiving the RFS mandate would increase blended fuel prices by 3/10 of one cent. When looking at the smaller subset of instances in which the mandate is binding, the average impact of granting the waiver would be to increase blended fuel prices by \$0.01/gallon. Even in the case where ethanol production volumes change the most, the impact on blended fuel prices would be no more than an increase of \$0.03/gallon.

³⁷ In the subset of scenarios in which the mandate is binding, when the mandate is in place it artificially increases demand for ethanol (and artificially decreases the demand for gasoline). Therefore, removing the mandate in those scenarios allows for lower demand of ethanol which results

in an increase in demand for gasoline. Over the one year period for which this model addresses fuel price impacts, the model assumes gasoline production is relatively inelastic and import supplies are fixed. As a result, the increase in gasoline demand is associated with a slight increase

in blended fuel prices. In a longer time frame, if the supply of gasoline were more elastic, it is possible that we could get a different impact on blended fuel prices as a result of the waiver.

TABLE 6—RANGE OF ESTIMATED ETHANOL AND BLENDED FUEL PRICES

	Iowa state mean estimate	Iowa state when mandate binds	Iowa state "worst case" example
Mean Ethanol Price with Mandate (\$/gal)	\$2.59	\$2.52	\$2.62
Mean Ethanol Price with Waiver (\$/gal)	\$2.57	\$2.43	\$2.22
Mean Domestic Ethanol Demand w/Mandate (Billion Gallons)	11.05	10.00	10.00
Mean Domestic Ethanol Production w/Waiver (Billion Gallons)	10.90	9.40	7.27
Blended Fuel Price with Mandate (\$/gal)	\$3.021	\$2.692	\$1.987
Blended Fuel Price with Waiver (\$/gal)	\$3.024	\$2.704	\$2.017
Change in Blended Fuel Price (\$/gal)	\$0.003	\$0.012	\$0.030

Based on these small predicted changes in blended fuel prices, the overall impacts on the economy are also expected to be modest, and in the opposite direction from any impact on the livestock industry and food prices in general.

Our analysis shows that a \$0.003/gallon increase in blended fuel price for the Iowa State mean scenario would be expected to change the Energy CPI by 0.049%. For the subset of scenarios in which the mandate is binding, a \$0.01/gallon increase in blended fuel price

would be expected to change Energy CPI by 0.219%. A \$0.03/gallon increase in blended fuel price in the worst case scenario would be expected to change Energy CPI by 0.739%. Details on the methodology for determining these impacts are included in the docket.³⁸

TABLE 7—IMPACTS ON ENERGY CPI AND GASOLINE EXPENDITURES FOR AVERAGE AND LOW INCOME HOUSEHOLDS

	Units	Iowa state mean estimate	Iowa state mandate binds	Iowa state "worst case" example
Change in Blended Fuel Price with Waiver	\$/gallon	\$0.003	\$0.012	\$0.030
Change in Energy CPI with Waiver	percent	0.49%	0.219%	0.739%
Change in Annual Expenditures on Gasoline for Average Household with Vehicles.	\$	\$3.43	\$13.72	\$34.29
Change in Annual Expenditures on Gasoline For Lowest Quintile Households with Vehicles.	\$	\$2.02	\$8.07	\$20.18
Change in Gasoline Expenditures as a Percentage of Consumer Expenditures for Average Household with Vehicles.	percent	0.007%	0.028%	0.071%
Change in Gasoline Expenditures as a Percentage of Consumer Expenditures for Lowest Quintile of Vehicle Owners.	percent	0.010%	0.040%	0.099%
Change in Gasoline Expenditures as a Percentage of Income After Taxes for Average Household with Vehicles.	percent	0.006%	0.024%	0.059%
Change in Gasoline Expenditures as a Percentage of Income After Taxes for Lowest Quintile with Vehicles.	percent	0.020%	0.081%	0.202%

For the average household that owns a vehicle, the \$0.003/gallon change in fuel prices would result in a \$3.43 increase in annual gasoline expenditures in 2008/2009. A \$0.01 gallon increase in fuel prices translates to a \$13.72 increase in household expenditures on gasoline. Finally, a \$0.03/gallon increase in fuel prices translates to a \$34.29 increase in household expenditures on gasoline. When analyzing the impact of these changes on the lowest income groups, the absolute expenditures on gasoline are lower than for the average household, due to the fact that this segment of the population tends to drive fewer miles on average. Since people in the lowest income groups are least able to absorb changes in fuel prices, we also analyzed these changes in expenditures as a percentage of consumer expenditures. Our analysis shows a

slightly larger impact on lower income households as a percentage of consumer expenditures. When calculating the change in gasoline expenditures as a percentage of income, the impact on low income households is noticeably larger than the corresponding impact on the average household, although the magnitude of the change is still small (less than a 1% change for all scenarios).

Some commenters argued to the contrary, claiming that waiving the RFS would significantly impact the price of fuel. These commenters rely on papers by Urbanchuk³⁹ and Verleger and Chodorow⁴⁰, which both estimate large changes in gasoline prices as a result of waiving the mandate, although the estimated impacts are opposite in sign. The fundamental assumption in both the Urbanchuk and Verleger and Chodorow papers is that granting the waiver would lead to a relatively large

change in U.S. ethanol production. We disagree. As described in the previous sections, our analysis suggests that other market factors such as high crude oil prices are driving the current increase in ethanol production, not the RFS mandate.

Urbanchuk estimates the impact of removing 4.5 billion gallons of ethanol from the fuel pool over a short time frame, which would have to be made up by approximately 3.1 billion gallons of gasoline on an energy equivalent basis. Assuming the demand and supply for gasoline is largely inelastic, Urbanchuk estimates this increase in gasoline demand would lead to an increase in gasoline price of about \$1.14/gallon. While we agree in principle that increasing the demand for gasoline by approximately three billion gallons would significantly increase short term gasoline prices, EPA does not believe

³⁸ See docket for the memorandum from U.S. DOE to U.S. EPA.

³⁹ EPA-HQ-OAR-2008-0380-0479.

⁴⁰ EPA-HQ-OAR-2008-0380-0526.

granting the waiver would result in an increase in gasoline demand by over three billion gallons. Furthermore, Urbanchuk estimates the percent change in price relative to a percent change in the quantity of U.S. gasoline supply. We believe this assumption overstates the price impact, because it would be more appropriate to estimate the price change relative to a percent change in the world gasoline supply.

Verleger and Chodorow use a very different analytical approach to predict that an increase in U.S. gasoline production would lead to lower U.S. gasoline prices. Their paper assumes that an RFS waiver would reduce demand for ethanol by between 4.5 and 5.55 billion gallons in 2008 and 2009 respectively, and that the increased demand for motor fuel would be made up entirely by gasoline on an energy equivalent basis. This would increase crude oil demand so that gasoline would replace ethanol. The increased crude refining would produce more diesel fuel, which would reduce diesel fuel prices by approximately \$0.70/gallon (15 percent). In turn, Verleger and Chodorow assert that decreased diesel prices would cause prices for light sweet crude to decline by approximately \$16/barrel (12 percent), and that the decrease in crude prices would lower finished motor gasoline prices by approximately \$0.15/gallon (4 percent).

This analysis depends on several assumptions that we believe are likely to be incorrect (or at least overstate the potential impact of granting the waiver). Verleger and Chodorow assume that ethanol is priced in the market based on its energy content in comparison to gasoline; therefore on an energy equivalent basis ethanol is currently more expensive than gasoline. In reality, ethanol has historically been priced based on volume displacement of gasoline and will be until it has to be sold as E85 in large quantities and E10 has saturated the U.S. gasoline market. At that time, any additional ethanol will be sold as an E85 blend. Today, we are not at the point of E10 saturation, therefore, on a volumetric basis, ethanol is still cheaper than gasoline. We believe that the market will continue to demand a higher quantity of ethanol than the mandate under most future market conditions. Thus, even if the Verleger and Chodorow paper were directionally correct, the magnitude of the impact would be significantly overstated.

The second major assumption in the Verleger and Chodorow paper that we believe is not accurate is the proposition that current high crude oil prices are

caused by high diesel fuel prices. While there appears to be evidence that tight distillate markets are contributing to higher world crude oil demand and crude oil prices,⁴¹ crude oil prices are a function of supply and demand for crude oil and specifically the demand of all the products made from it, not just diesel fuel. Without this questionable assumption by Verleger and Chodorow, their projected increase in demand for crude oil would likely increase crude oil prices and prices for both gasoline and diesel fuel, thus reversing the conclusion of their study that increasing diesel production would decrease crude oil prices.

Empirically, diesel prices have risen along with diesel consumption over the last few years. Verleger and Chodorow attempt to quantify this effect through the use of regression analysis over a limited time period for one market. Such a regression cannot determine the causation, and its use may have numerous other technical problems. We therefore believe this relationship is unsupported.

3. Summary of Technical Analysis

For the 2008/2009 corn crop marketing year, our analysis shows that the likelihood that the RFS will determine ethanol demand in the U.S. is low, and that the most likely result is that the RFS would have no impact on ethanol demand. Furthermore, our analysis shows that potential changes in U.S. corn and fuel prices resulting from a waiver would have at most a limited impact on the food, feed, and fuel markets.

VI. Other Issues

EPA received comment on several areas of concern, in addition to the economic impact of the RFS mandate. Comments were received on the general impacts of biofuels, the environmental impacts of RFS, the effect that granting or denying the waiver request would have on commodity markets, and the impact of granting a waiver on the future of ethanol production in the U.S. Although this section summarizes and provides general responses to the comments concerning these issues, EPA notes that several of the issues are either not relevant to EPA's consideration of the current waiver request or do not provide a full record by which to analyze the issue.

⁴¹ <http://www.iea.org/w/bookshop/add.aspx?id=402>.

1. General Impacts of Recent Increase in Biofuels

Many commenters focused on the recent increase in corn prices from approximately \$2.00 in 2005 to almost \$8.00 this spring. Most of the commenters stated that biofuels have contributed to the recent increase in U.S. corn prices, although estimates of the magnitude of this impact varied. Commenters referencing Dr. Joe Glauber, Chief Economist at the USDA, in testimony presented before the Committee on Energy and Natural Resources in the U.S. Senate, noted estimates that increased ethanol production in the U.S. has raised U.S. corn prices by approximately \$0.24/bushel in the 2006/2007 time frame (9 percent) and approximately \$0.65/bushel in the 2007/2008 (18 percent) timeframe. Alternatively, in a report prepared for Kraft Foods Global Inc., Dr. Keith Collins suggests that the increase in U.S. biofuels since 2006/7 has increased U.S. corn prices by a larger amount, with a range of 29% to 60% (EPA-HQ-OAR-2008-0380-0514.2). While EPA recognizes that there has been a large increase in corn prices that has coincided with the recent expansion of biofuels, the individual contribution of the RFS mandate has been much smaller. A number of factors have contributed to the recent increase in corn prices, such as foreign demand for coarse grains, sustained drought in major international crop producing regions, and historically high energy prices.

In a similar vein, comments and supporting analyses generally agreed that the recent increase in U.S. biofuels production has increased food prices in the U.S., although the magnitude of this impact varied throughout the comments. Collins suggested that if biofuels accounted for 60% of the increase in corn and soybean prices between the 2006/2007 marketing year and expected 2008/2009 levels, food ingredient costs would be approximately \$20.5 billion higher. In turn, ingredient costs will be passed on in higher meat and food prices to U.S. consumers. In total, Collins predicts that increased biofuels will increase U.S. food prices by approximately 1.8%. The 1.8% increase is a 23–25% increase in the normal rate of food price inflation in a two to three year period. Alternatively, Purdue University Extension suggests that for the year 2007, the increased use of biofuels have increase food costs by approximately \$15 billion compared to the 2005 crop year.⁴² At the low end of

⁴² EPA-HQ-OAR-2008-0380-0574.

the spectrum, several commenters cited a report prepared by Dr. Richard Perrin of University of Nebraska-Lincoln, that estimated ethanol is responsible for no more than 15–20 percent of overall grain price increases over the last two years and that increases from ethanol have had a negligible impact on U.S. consumer prices.

EPA also received many comments discussing how the recent increase in corn price has had a negative impact on the livestock industry. The State of Texas provides several reports that conclude that the livestock industries, including poultry, are experiencing financial losses due to increases in the cost of production due to higher corn prices. Several other commenters provide detailed descriptions of the financial impact on cattle, poultry or broiler companies from rising feed costs.

EPA is aware of the overall impact that biofuels have had in recent years on the food and feed markets, and we are also cognizant of the current macroeconomic conditions in the U.S. that have exacerbated some of these impacts. While we generally agree that the issues raised by commenters are important considerations, we think that some commenters may have overstated the magnitude of the impacts. In addition, as discussed previously, the issue before EPA is a narrower one—what impact if any the RFS mandate itself would have over the time period at issue, not the impact of the overall production and use of biofuels in the U.S.

2. Environmental Concerns

A number of commenters expressed concerns that the RFS mandate severely harms the environment. As discussed below, EPA believes that the RFS mandate is not expected to lead to an increased use of ethanol during the time period at issue. In addition, EPA has considered and evaluated the environmental impact of an increased use of renewable fuels in the RFS1 rulemaking.⁴³ In addition, EISA also made several important changes to the RFS program, many of which directly address some of the environmental concerns raised below. EPA is preparing a proposed rulemaking to update the RFS program to reflect the EISA changes, and in this rulemaking EPA will further evaluate the environmental concerns raised below.

Specifically, commenters outlined four major environmental harms related to the expansion of the RFS mandate. First, a few commenters expressed concern about increased emissions of

volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) associated with increased use of ethanol. They claimed that when an area that currently blends little or no ethanol into gasoline starts to use such blends, significant increases in the amounts of VOCs and NO_x occurs.

The agency has evaluated the impact of increased use of ethanol a number of times (See 66 *Federal Register* 37256–37161). Most recently, we conducted a thorough analysis of the impact of increased ethanol usage in the final rule for implementation of the Renewable Fuel Standard Program, for levels up to approximately 10 billion gallons of renewable fuel use a year.⁴⁴ We have shown through the use of the ozone Response Surface Model that changes in ambient ozone levels are small when moving to these volumes of ethanol-blended gasoline and those slight increases would be smaller when factoring carbon monoxide reductions from increased ethanol use.⁴⁵

Second, some commenters stated that ethanol's lifecycle greenhouse gases (GHGs) substantially increase once greenhouse gases released from indirect land use are considered in ethanol's GHG lifecycle. These comments rely on evidence from Searchinger, *et al.* which utilized the GREET and the Food and Agricultural Policy Research Institute (FAPRI) models to show a manifold increase in lifecycle GHGs as marginal cropland, forests, and native grasslands are converted to agricultural lands as a result of ethanol production.⁴⁶ This is an important issue. EPA has analyzed the greenhouse impacts of various renewable fuels, most recently in the RFS1 rulemaking.⁴⁷ EPA will further address this issue with an updated analysis in its upcoming proposed rulemaking to implement the RFS

⁴⁴ See 72 FR 23900, 23969–978.

⁴⁵ In our RFS ozone modeling, we found that the CO decreases would likely offset the potential ozone air-quality impacts of a two percentage point adjustment to VOCs. We found that reduced CO emissions ranged from 0.9% to 2.5% depending on the volume of renewable fuels increased. Concerning VOCs and NO_x, we expected to see increases of 4 to 5 percent and 5 to 7 percent respectively in some areas. Overall, we found that the average impact on summer ambient ozone levels for all areas is a 0.057 ppb increase or about 0.06 percent of the ozone NAAQS (80.0 ppb). Additionally, in areas with significant increases (greater than 50 percent) in ethanol use between now and 2015, the increase on summer ambient ozone levels is 0.153 ppb (72 FR 23977).

⁴⁶ Searchinger, Timothy; Heimlich, Ralph; Houghton, R. A.; Dong, Fengxia; Elobeid, Amani; Fabiosa, Jacinto; Tokgöz, Simla; Hayes, Dermot; *et al.*, "Use of U.S. Croplands for Biofuels Increases Greenhouse Gases Through Emissions from Land-Use Change", *Science*, No. 319 (Feb 29, 2008): 1238–1240.

⁴⁷ See 72 FR 23978–984.

changes called for by EISA 2007. These RFS changes include GHG thresholds for certain fuels, based on lifecycle emissions of GHG gases, including significant indirect emissions resulting from land use changes.

Third, others argue that current agricultural production will put around 100 million tons of soil and 300,000 tons of nitrogen-based fertilizers in Midwestern waters. The soil erosion and fertilizer runoff are major contributors to the Gulf of Mexico's "Dead Zone." These commenters argue that the RFS mandate, at a minimum, prevents the implementation of solutions to issues in the Gulf and would ultimately exacerbate the situation as farmers grow more crops for energy production in the future. We acknowledge that impacts to water quality may result from increased biofuel crop production, and we intend to provide information about this issue as part of the upcoming RFS rulemaking.

Fourth, commenters expressed concern over the effect on natural habitats and biodiversity from clearing critical habitats like forests, wetlands, and grasslands for biofuels production. They argue that these habitats are necessary to preserve biodiversity, and the RFS provides an incentive to use these lands and other lands in conservation programs for use to produce energy crops.

Other commenters noted the environmental benefits from blending ethanol into gasoline. Most notably, commenters point to the reductions in carbon monoxide emissions from using ethanol blends, decreased emissions of greenhouse gases, and the use of ethanol as an oxygenate that helps to break down harmful chemicals before being released into the atmosphere.

For these comments, as with the prior comments, EPA notes that the Agency will be evaluating these and other environmental issues in the upcoming proposed rulemaking to implement the changes to the RFS program required by EISA. EPA is conducting a significant amount of analyses for this upcoming rulemaking to implement EISA, and we will further investigate both the positive and negative environmental impacts and costs of increased renewable fuel production and consumption. In addition, EISA changes the definitions of renewable fuel, and precludes use of renewable fuel in the RFS program if it was produced from feedstocks from certain lands. EPA will address these changes in the upcoming RFS2 rulemaking.

⁴³ 72 FR 23899 (May 1, 2007).

3. Potential Impacts on Commodities Markets

We received comments that supported and opposed granting the waiver request on the grounds that the RFS mandate contributes to investment speculation in the commodities markets. The State of Texas argues that the RFS mandate is causing and will continue to cause unnecessary harm to the economy by facilitating speculative investment in corn futures. EPA recognizes that the RFS requirements may be influencing the U.S. corn futures market in years beyond the 2008/2009 time period, which may in turn influence prices today. However, research to date has not been able to link future corn prices from the larger RFS required volumes to current 2008/2009 corn prices.⁴⁸ We intend to continue to review and monitor this issue as appropriate.

Conversely, one commenter argued that granting the waiver would introduce a level of uncertainty in the biofuels markets that could adversely impact investment decisions, research and development initiatives for advanced biofuels, and/or how future RFS requirements are enforced. Furthermore, other commenters point out that expanded ethanol production increases available livestock feeds and may lead to corn price stabilization through the use of distiller's grains.

Some economists note that speculation provides a vital role in the price discovery process with a chance of "overshooting" the equilibrium because the balance between supply and demand is never precisely known. The prices are corrected as new information becomes available. This appears to be the case with corn futures as prices have fallen as the recent flooding in the Midwest has shown to have marginal national impact, as discussed above. Many commenters noted corn futures prices surpassing \$8.00/bushel peaks during the uncertainty of the effect of the flood, compared with the current \$5.25/bushel futures price.⁴⁹

As discussed above, the RFS mandate is not expected to cause any increase in the use of ethanol during the time period at issue, and therefore is not expected to have any impact on corn prices.

⁴⁸ Abbot, Hurt, and Tyner, July 2008, What's Driving Food Prices? <http://www.farmfoundation.org/news/articlefiles/404-FINAL%20WDFP%20REPORT%207-21-08.pdf>; <http://www.cftc.gov/stellent/groups/public/@newsroom/documents/file/iftinterimreportoncrudeoil0708.pdf>

⁴⁹ "Electronic Corn Quotes." 08 July 2008. Chicago Board of Trading. 05 Aug 2008 www.cbtc.com/.

4. Future of Renewable Fuels

A number of commenters raised concerns over the impact that granting the waiver would have on the future of ethanol production. Many commenters, especially those related to the ethanol industry, stated that granting the waiver would send a signal to ethanol and other biofuels producers that investments in production and distribution of renewable fuels were uncertain. Additionally, these commenters note that granting a waiver this soon after raising the standard raises questions concerning future investments in advanced biofuels mandated by EISA beginning in 2009.

On the other hand, some commenters raise questions about whether the current production capacity of ethanol would be able to meet the revised standards and whether distribution facilities would be able to accommodate the increased amount of renewable fuels required. These commenters argue that granting the waiver request would allow a smoother transition to biofuels in terms of production capacity and distribution by allowing more realistic development of infrastructure to support the renewable fuels industry. Additionally, they argue that granting the waiver request might create an incentive to develop more advanced biofuels more quickly and move away from grain-based ethanol.

Many commenters point out that a significant amount of production capabilities are scheduled for completion during 2009 with over 13 billion gallons of production capacity scheduled to come online.

EPA will be considering these and other issues in a comprehensive fashion in the upcoming rulemaking to implement the changes called for by EISA. However they are not relevant to the threshold issue in this waiver proceeding—whether implementation of the RFS mandate, during the time period at issue, would severely harm the economy. Given the basis for the decision described below in Section VII, the issues raised in this section VI are more appropriately considered in the upcoming rulemaking to implement the changes called for by EISA.

VII. Decision

EPA is authorized to grant Texas's waiver request if EPA determines that implementation of the RFS mandate would severely harm the economy of a State, region, or the United States. As discussed in section IV, this calls for a determination that implementation of the mandate itself would severely harm the economy; it is not enough to

determine that implementation would contribute to such harm. The required determination has two basic parts. The first criterion is that there must be a generally high degree of confidence that severe harm would occur from implementation of the RFS. The second criterion is a high threshold for the nature and degree of harm that would support issuance of a waiver, indicating a point that is quite far along a continuum of harm, though short of extreme. EPA recognizes that Texas and many parties, both those supporting the waiver and those opposing the waiver, have raised issues of great concern to them and to others in the nation concerning the role of the increased use of biofuels. However the issue before the Agency in this case is a much more limited one, as described above. Based on a thorough review of the record in this case, and applying the evidence to the statutory criteria, EPA finds that the evidence does not support granting a waiver.

First, regarding the degree of confidence that implementation of the mandate during the time period at issue would harm the economy, EPA notes that the overall weight of the evidence indicates that implementation of the mandate itself would have no significant impact on the economy during this time period, and the most likely result is that implementation of the mandate itself would have no effect on the economy of a State, region, or the United States. All parties agree that any claimed economic harm would derive from the increased use of ethanol, and any associated increase in the price of corn. However the weight of evidence strongly indicates that waiving the mandate would not be expected to change the amount of ethanol that would be used. The ISU modeling projects that waiving the mandate would have no impact at all on the use of ethanol in 76% of the scenarios modeled. The ISU results are also generally supported by the modeling performed by TAMU, which indicates that under scenarios similar to the ISU modeling, a waiver of the mandate would have less than a 50% chance of impacting the use of ethanol. Current market conditions that foster ethanol production and the low price currently in the market for renewable fuel RINs also supports the conclusion that waiving the mandate would not be expected to have a significant effect on the use of ethanol. As discussed in section V, the evidence submitted to support the view that a waiver would have a large effect on ethanol use is less credible because of concerns about the

validity of key assumptions in the analyses and models. After considering all of the evidence and weighing it appropriately, EPA believes that waiving the RFS mandate would not significantly affect the use of ethanol during the time period at issue, and the most likely result is that implementation would have no effect. Therefore it is unlikely that implementation of the mandate would cause harm to the economy. There is insufficient evidence before the agency to support a finding that implementation of the RFS would likely or even probably cause harm to the economy for that time period—and certainly the evidence does not reach the generally high degree of confidence required for issuance of a waiver under section 211(o)(7)(A).

With respect to the second criterion, the Agency examined the evidence to evaluate the potential impact of implementation of the RFS mandate on corn prices and the impacts of such corn prices on various sectors of the economy and the overall economy, both within Texas and for the entire United States. In the ISU modeling a range of scenarios were modeled, with the model projecting ethanol use, corn price and fuel price. The modeling indicates that for 76% of the scenarios there would be no change in ethanol use or corn price from a waiver of the mandate, with only 24% of the scenarios indicating a change in ethanol use and a corresponding change in corn price. EPA determined that the average change in corn price over all of the scenarios was \$0.07 per bushel of corn. The average change in corn price over the 24% of scenarios where a waiver would have an effect was \$0.30 per bushel of corn. As discussed in section V, a price change in corn of this magnitude would have only a limited impact on livestock costs and food prices. It would also be accompanied by a small change in fuel costs. For the reasons discussed above, EPA believes the weight of the evidence supports the view that there is most likely no impact on ethanol use or corn prices from implementation of the RFS mandate over the time period at issue, and if an impact were to occur, it would likely be on average \$0.30 per bushel of corn. EPA believes this range of price increases for corn, even without considering the accompanying impact on fuel prices, would not support a finding of severe harm to the economy, whether considering the livestock industry of Texas, the livestock industry of the nation, the economy of Texas, or the economy of the United States. In this case, EPA does not need to

determine exactly what nature or degree of harm would amount to severe harm, as the evidence in this case clearly does not meet the criterion of a high threshold for severe economic harm.

In conclusion, EPA finds that the evidence in this case does not support a determination that implementation of the RFS mandate during the time period at issue would severely harm the economy of a State, a region, or the United States.

VIII. Guidance on Future Requests for Waivers

In considering waiver requests, EPA takes seriously its responsibility to evaluate whether circumstances warranting a waiver have arisen, while providing the necessary level of stability for this program that Congress intended. In order to meet these objectives, the Agency is providing guidance on its expectations for future waiver requests.

Section 211(o)(7)(A) of the Act requires notice and comment before the Administrator may grant a waiver of the RFS volume requirements. For 2008, only a state governor may request a waiver, however beginning in 2009 “any pers in subject to the requirements” of the RFS may also request a waiver. Thus, refiners and importers of gasoline, as well as producers and importers of renewable fuels such as ethanol and biodiesel, may request a waiver.

The statute provides that EPA “may waive [the RFS requirements] * * * based on a determination by the Administrator, after public notice and opportunity for comment,” that certain circumstances exist. It does not, however, specify that notice and an opportunity for comment are required for EPA denial of a petition. While EPA always has the discretion to proceed through public notice and comment prior to acting on a waiver request, we believe that there could well be circumstances where it is appropriate for EPA to deny a petition without notice and opportunity for comment. For example, petitions that clearly do not contain information and analysis of a type and quality sufficient to support a grant of a waiver may not justify public consideration prior to issuance of a denial by EPA. EPA is concerned that time and resources of both the Agency and stakeholders should not be unnecessarily devoted to a public notice and comment process if a clearly meritless petition is filed, including a petition that is not supported by an appropriate level of information and analysis. In such a case, EPA can make an appropriate decision without public input. In addition in those circumstances a public notice and

comment process would detract from the time and resources of all stakeholders, including the resources that may be available to address petitions that are adequately supported by an appropriate level of information and analysis. To assist future petitioners, EPA offers the following guidance on the types of information and analysis that we expect would accompany a waiver request. EPA notes that this guidance is not a rule, and therefore is not binding on the public or EPA. Any final decision on the sufficiency and merit of a petition will be made upon review of a petition by EPA in consultation with the Secretaries of Agriculture and Energy.

By example, in section IV of this decision EPA provides its interpretation of the criteria for deciding a waiver request based on a claim that implementation of the RFS would severely harm the economy of a State, a region, or the United States. In section V EPA explains how it weighs the body of evidence on the issues that are relevant for this waiver request. Based on this, EPA expects that future applicants for a waiver will provide information and analyses that address what is the impact of implementation of the RFS, and what is the nature and degree of harm associated with the impact of the RFS. The information and analyses discussed in section V, such as appropriate modeling, provides guidance on the kind of information and analyses that EPA expects would be provided by an applicant. EPA expects that it will evaluate a waiver request by weighing all of the evidence; hence no one specific kind or form of evidence or analyses is necessarily dispositive. At the same time, EPA expects that applicants would provide a comprehensive and robust analytical basis for any claim that the RFS itself is causing harm, and the nature and degree of that harm.

In the future, EPA will review a request for a waiver and first determine whether to proceed with public notice and comment. EPA will not grant a waiver without such notice and comment, but in appropriate circumstances EPA reserves the right to deny a waiver request without going through that process. Where an applicant does not address the relevant issues or does not provide adequate evidence to support their claims, EPA may decide to deny the request without notice and comment.

In this case the initial submission by the State of Texas provided little analytical or evidentiary basis for their request. EPA proceeded through a notice and comment process as this was

the first such request and EPA had provided no prior guidance on these issues. EPA believed all parties to the process would benefit from a complete public airing of the issues involved in the first waiver request. Texas properly submitted substantive and detailed comments during the comment period to support its request. However during the public comment period other commenters were necessarily focused on addressing just the limited information provided in the initial request submitted by Texas. They did not have the opportunity to respond to Texas' more substantive submission until after the comment period had closed. This is not the most efficient use of EPA's or the public's resources, especially given the short time specified in the Act for EPA to make a decision. The guidance in this section is designed in part to avoid this kind of situation in the future and better allow the Agency to meet the statutory deadlines provided in EISA.

EPA may grant a waiver for no more than one year unless renewed by the Administrator. EPA expects that applicants would state the requested start date and duration of the waiver, with waiver applications received generally at least six months before the requested start date, and to the extent that applications cannot be submitted in such timeframe an application should include an explanation why such expectation could not be met. EPA expects that applicants would notify the Administrator approximately three months before the termination of a waiver period if renewal of the waiver is desired. The request for an extension would include an update of the information and rationale submitted with the original waiver request.

The Administrator may also grant a waiver based on severe harm to the environment of a State, a region, or the United States, or inadequate domestic supply. At this time the Agency is not providing any more specific guidance for these types of waiver requests, but anticipates that the guidance discussed in this section would apply in general terms to these requests as well.

My decision will affect not only refiners, importers and other regulated parties in Texas but also refiners, importers, and other regulated parties throughout the nation who must comply with the renewable fuel standards and other requirements in order to produce gasoline and renewable fuel for use in the United States. A waiver would affect the national volume of renewable fuel that is required, and would therefore affect parties all across the nation who produce gasoline or renewable fuel, as

well as other regulated parties who are involved in the distribution of such fuels. For this reason, I hereby determine and find that this is a final action of national applicability.

This action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

Dated: August 7, 2008.

Stephen L. Johnson,
Administrator.

[FR Doc. E8-18738 Filed 8-12-08; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0046; FRL-8376-8]

Notice of Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of several initial filing of pesticide petitions proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities
DATES: Comments must be received on or before September 12, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to the docket ID number and the pesticide

petition number of interest as shown in the body of this document. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your 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 [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., 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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each pesticide petition summary and may be contacted by telephone or e-mail. The mailing address for each contact person listed is: Registration

Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions

or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. **Environmental justice.** EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this notice, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is

available on-line at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerances

1. **PP 8E7386.** (EPA-HQ-OPP-2008-0589). Interregional Research Project Number 4 (IR-4), 500 College Rd. East, Suite 201 W, Princeton, NJ 08540, proposes to establish a tolerance for residues of the insecticide, buprofezin, in or on coffee at 0.35 parts per million (ppm) and pomegranates at 1.9 ppm. The proposed analytical method involves extraction, partition, clean-up and detection of residues by gas chromatography using nitrogen phosphorous detection. This summary has been prepared by Nichino America, Inc., Wilmington, DE 19808, the registrant. Contact: Susan Stanton, (703) 305-5218, stanton.susan@epa.gov.

2. **PP 7F7215.** (EPA-HQ-OPP-2008-0567). Mitsui Chemicals, Inc., Shiodome City Center, 1-5-2, Higashi-Shimbashi, Minato-ku, Tokyo, Japan 105-7117 c/o Landis International, Inc., P.O. Box 5126, 3185 Madison Hwy., Valdosta, GA 31603-5126, proposes to establish a tolerance for residues of the insecticide, etofenprox, [2-(4-ethoxyphenyl)-2-methylpropyl 3-phenoxybenzyl ether], and the metabolite, α -CO i.e. [2-(4-ethoxyphenyl)-2-methylpropyl 3-phenoxybenzoate], in or on rice grain at 0.01 ppm and rice straw at 0.06 ppm. Mitsui Chemicals, Inc., has submitted practical analytical methodology for detecting and measuring levels of Etofenprox and the metabolite, α -CO i.e. [2-(4-ethoxyphenyl)-2-methylpropyl 3-phenoxybenzoate], in or on raw agricultural commodities. The high performance liquid chromatography (HPLC) method was validated for determination of etofenprox and α -CO in or on rice grain and straw for raw agricultural commodity matrices. Samples were processed and analyzed for the determination of etofenprox and α -CO using HPLC with mass spectrum detection (LC/MS/MS) for final quantitation. The target limit of quantitation (LOQ) was 0.01 ppm for all matrices. Contact: Kevin Sweeney, (703) 305-5063, sweeney.kevin@epa.gov.

3. **PP 8F7349.** (EPA-HQ-OPP-2007-0975). E.I. DuPont de Nemours and Company, DuPont Crop Protection, P.O.

Box 30, Newark, DE 19714-0030, proposes to establish a tolerance for residues of the insecticide, methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate), in or on grapes, table at 1.5 ppm; grapes, juice at 5.0 ppm; grapes, raisin at 5.0 ppm; and grapes, wine at 5.0 ppm. Adequate analytical methodology is available for data collection and enforcing tolerances of methomyl. Method I in the Pesticide Analytical Manual (PAM), Vol. II, is a gas liquid chromatography (GLC)/sulfur microcoulometric detection method that has undergone a successful EPA method validation on corn, leafy vegetables, and fruiting vegetables. The limit of detection is 0.02 ppm for plant commodities. A (HPLC)/fluorescence detection method (Method AMR 3015-94) has also been proposed as an enforcement method. This method has undergone a successful EPA method validation using dry pea seeds, sorghum hay, and sugar beet foliage. The validated limit of quantitation is 0.02 ppm. Both the GLC and the HPLC methods allow for monitoring crops with residues at or above tolerance levels. Contact: Thomas C. Harris, (703) 308-9423, harris.thomas@epa.gov.

4. *PP 8G7357*. (EPA-HQ-OPP-2008-0570). Chemtura Corporation, 199 Benson Rd., Middlebury, CT 06749, proposes to establish a tolerance for residues of the insecticide, bifentazate: hydrazine carboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl) 1-methylethyl ester, in or on corn, grain at 0.02 parts per million (ppm); sweet corn (K+CWHR) at 0.05 ppm; corn, forage at 25 ppm; corn, stover at 13 ppm; and aspirated grain fractions at 0.7 ppm. Chemtura Corporation has developed practical analytical methodology for detecting and measuring residues of bifentazate in or on raw agricultural commodities (RAC). As D3598, a significant metabolite, was found to interconvert readily to/from bifentazate, the analytical method was designed to convert all residues of D3598 to the parent compound (bifentazate) for analysis. The method utilizes reversed phase HPLC to separate the bifentazate from matrix derived interferences, and oxidative coulometric electrochemical detection for the identification and quantification of this analyte. Using this method the LOQ for bifentazate in corn matrices and processed commodities was 0.01 ppm. The limit of detection (LOD) for the method is set at 0.005 ppm. For corn RAC and processed commodities, the method has also been validated by liquid chromatography/mass spectrometry/mass spectrometry (LC-

MS/MS), and used for the confirmation of residues. The analytical method for bifentazate and its major metabolite D3598 in animal tissues was designed using the same principles invoked in the plant method, with minor modifications. However, in animal tissue samples, a separate aliquot of the extract was used to determine residues of A1530 and its sulfate (combined) in milk and meat samples (as these metabolites appeared to be significant in the goat metabolism studies). The extract was subjected to acid hydrolysis to convert the sulfate conjugate to A1530 before it was quantified by LC-MS/MS. Another metabolite, D9569, was also monitored in milk by LC-MS/MS. Contact: Amer Al-Mudallal, (703) 605-0566, al-mudallal.amer@epa.gov.

Amendment to Existing Tolerance

PP 8F7349. (EPA-HQ-OPP-2007-0975). E.I. DuPont de Nemours and Company, DuPont Crop Protection, P.O. Box 30, Newark, DE 19714-0030, proposes to delete the tolerance in 40 CFR 180.253 for residues of the insecticide, methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate), in or on grape at 5 ppm. Contact: Thomas C. Harris, (703) 308-9423, harris.thomas@epa.gov.

New Exemption from an Inert Tolerance

PP 8E7397. (EPA-HQ-OPP-2008-0571). Keller and Heckman LLP, 1001 G St., NW, Suite 500, Washington, DC 20001 as U. S. agent for Eka Chemicals AB, 455 80 Bobus, Sweden, proposes to establish an exemption from the requirement of a tolerance in 40 CFR 180.960 for residues of the silane, trimethoxy[3-oxiranylethoxy]propyl-, hydrolysis products with silica; (CAS No. 68584-82-7) in or on the raw agricultural commodities when used as a pesticide inert ingredient in pesticide formulations. Because this petition is a request for an exemption from the requirement of a tolerance, no analytical method is required. Contact: Karen Samek, (703) 347-8825, samek.karen@epa.gov.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 4, 2008.

Donald R. Stubbs,
Acting Director, Registration Division, Office of Pesticide Programs.
[FR Doc. E8-18608 Filed 8-12-08; 8:45 am]
Billing Code 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0046; FRL-8375-8]

Notice of Receipt; Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of several initial filing of pesticide petitions proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities. **DATES:** Comments must be received on or before September 12, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as identified in the body of this document, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to the docket ID number and the pesticide petition number of interest as identified in the body of this document. EPA's policy is that all comments received will be included in the docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your 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 www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket index available in <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., 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. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: The person listed at the end of the pesticide petition summary of interest, Office of Pesticide Programs, Registration Division (7505P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

3. **Environmental justice.** EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Docket ID Numbers

When submitting comments, please use the docket ID number and the pesticide petition number of interest, as shown in the table.

PP Number	Docket ID Number
PP 8E7347	EPA-HQ-OPP-2008-0554
PP 8E7365	EPA-HQ-OPP-2008-0556
PP 5F4469	EPA-HQ-OPP-2008-0276
PP 8F7369	EPA-HQ-OPP-2008-0526
PP 8F7383	EPA-HQ-OPP-2008-0557
PP 8E7347	EPA-HQ-OPP-2008-0554

III. What Action is the Agency Taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this notice, which was prepared by the petitioner as required by 40 CFR 180.7(b)(1), is included in the docket for this rulemaking at <http://www.regulations.gov>. As specified in

FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced above.

New Tolerances

1. *PP 8E7347*. Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Rd. East, Suite 201 W, Princeton, NJ 08450, proposes to establish a tolerance for residues of the insecticide etoxazole, 2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole, in or on food commodities fruit, stone, group 12, except plum at 1.0 parts per million (ppm); plum at 0.12 ppm; plum, prune, dried at 0.4 ppm; cucumber at 0.02 ppm; tomato at 0.25 ppm; spearmint, tops at 10 ppm; peppermint, tops at 10 ppm; peppermint, oil at 20 ppm; and spearmint, oil at 20 ppm. Practical analytical methods for detecting and measuring levels of etoxazole have been developed and validated in/on all appropriate agricultural commodities and respective processing fractions. The level of quantitation (LOQ) of etoxazole in the methods is 0.02 ppm which will allow monitoring of food with residues at the levels proposed for the tolerances. Contact: Sidney Jackson, (703) 305-7610, jackson.sidney@epa.gov.

2. *PP 8E7365*. IR-4, IR-4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Rd. East, Suite 201 W, Princeton, NJ 08450, proposes to establish a tolerance for residues of the insecticide fenpyroximate, (E)-1,1-dimethylethyl 4-[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl) methylene] amino]oxy]methyl] benzoate and its Z-isomer, (Z)-1,1-dimethylethyl 4-[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methylene] amino]oxy] methyl]benzoate] in or on food commodities vegetables, fruiting, group 08 at 0.20 ppm; okra at 0.20 ppm; melon subgroup 09A at 0.03 ppm; and cucumber at 0.05 ppm. Based upon the metabolism of fenpyroximate in plants and the toxicology of the parent and metabolites, quantification of the parent, fenpyroximate and the z-isomer, combined as fenpyroximate is sufficient to determine toxic residues in plants. As a result, an enforcement method has been developed which involves extraction of fenpyroximate from crops with acetone, filtration, partitioning and cleanup, and analysis by gas

chromatography using a nitrogen/phosphorous detector. The method has undergone independent laboratory validation as required by PR Notice 88-5 and 96-1. This summary has been prepared by Nichino America, Inc., Wilmington, DE 19808, the registrant. Contact: Sidney Jackson, (703) 305-7610, jackson.sidney@epa.gov.

3. *PP 5F4469*. Syngenta Crop Protection, Inc., PO Box 18300, Greensboro, NC 27419, proposes to establish a tolerance for residues of the herbicide prosulfuron, 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea] in or on food commodities field and popcorn grain, fodder and forage at 0.01 ppm; cereal grains group (except rice and wild rice), fodder at 0.01 ppm; forage at 0.10 ppm; grain at 0.01 ppm; hay at 0.20 ppm; straw at 0.02 ppm; cattle, goat, hog, horse, sheep fat, kidney, liver, meat, and meat byproducts at 0.05 ppm; and milk at 0.01 ppm. Adequate analytical methods exist for the detection and measurement of residue levels of prosulfuron in or on raw and processed commodities of cereal grains, and for meat, milk and eggs. The LOQ is 0.01 ppm for crop commodities, processed fractions and milk, and 0.05 ppm for meat and eggs. The method is based on commodity-specific cleanup procedures followed by determination by high performance liquid chromatography (HPLC) with ultraviolet (UV) detection. Contact: Hope Johnson, (703) 305-5410, johnson.hope@epa.gov.

4. *PP 8F7369*. Dow AgroSciences, LLC., 9330 Zionsville Rd., Indianapolis, IN 46268, proposes to establish a tolerance for residues of the herbicide penoxsulam in or on food commodities nut, tree, group 14 at 0.01 ppm; grape at 0.01 ppm; almond, hulls at 0.01 ppm; and pistachio at 0.01 ppm. In the Magnitude of Residue (MOR) studies conducted in grapes, almonds and pecans to support tolerances proposed in this petition, residues of penoxsulam were determined using the analytical method GRM 04.09. The final solution was analyzed by liquid chromatography with positive-ion electrospray tandem mass spectrometry (LC/MS/MS). The limit of detection (LOD) and LOQ are 0.003 µg/g and 0.010 µg/g, respectively. Contact: Philip Errico, (703) 305-6663, errico.philip@epa.gov.

5. *PP 8F7383*. Gowan Company, PO Box 5569, Yuma, AZ, 85366-5569, proposes to establish a tolerance for residues of the insecticide phosmet in or on food commodities almond and pistachio nutmeats at 0.3 ppm; almond hulls at 50 ppm. Appropriate data collection and enforcement analytical

methods are available to detect phosmet and its oxygen analog in plant and animal commodities. The Pesticide Analytical Manual (PAM) lists a gas chromatography method with flame photometric detection (GC/FPD) and a GC method with flame ionization as Methods II and III, respectively, for tolerance enforcement. Contact: Ann Sibold, (703) 305-6502, sibold.ann@epa.gov.

Amendment to Existing Tolerance

1. *PP 8E7347*. IR-4, IR-4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Rd. East, Suite 201 W, Princeton, NJ 08450, proposes to amend the tolerance in 40 CFR 180.593 for residues of the insecticide etoxazole, 2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole, in or on the food commodity cherry at 1.0 ppm after the tolerance for fruit, stone, group 12, except plum at 1.0 ppm is established for residues of etoxazole. Contact: Sidney Jackson, (703) 305-7610, jackson.sidney@epa.gov.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 4, 2008.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E8-18609 Filed 8-12-08; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Web site (www.fmc.gov) or contacting the Office of Agreements (202) 523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 008455-002.

Title: South Atlantic Marine Terminal Conference Agreement.

Parties: Canaveral Port Authority; Georgia Ports Authority; Jacksonville Port Authority; North Carolina State Port Authority; Port Everglades

Department of Broward County; Port of Miami; Port of Palm Beach District; South Carolina State Ports Authority; Virginia International Terminals; and Virginia Port Authority.

Filing Party: Warren L. Dean, Esq.; Thompson Coburn, LLP; 1909 K Street, NW., Suite 600; Washington, DC 20006-1167.

Synopsis: The amendment updates and restates the agreement.

Agreement No.: 201192.

Title: South Florida Container Terminal Cooperative Working Agreement.

Parties: A.P. Moller-Maersk A/S; CMA CGM S.A.; South Florida Container Terminal, LLC; Terminal Link USA, Inc.; and Universal Maritime Services Corp.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell, LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The agreement would authorize the parties to form a joint venture limited liability company that will be providing terminal services at the Port of Miami, FL.

By order of the Federal Maritime Commission.

Dated: August 8, 2008.

Tanga S. FitzGibbon,

Alternate Federal Register Liaison Officer.

[FR Doc. E8-18767 Filed 8-12-08; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984

as amended (46 U.S.C. Chapter 409 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

MCL-Multi Container, Inc. dba Transpac Cargo Line dba Container Cargo Line, 5301 Blue Lagoon Drive, Ste. 550, Miami, FL 33126, *Officer:* Kurt E. Diener, CEO, (Qualifying Individual). Global Transportation, Inc., 31 Postal Pkwy, Ste. B, Newnan, GA 30263, *Officer:* Darlene R. Bishop, Owner, (Qualifying Individual).

Ocean Navigating Line, Inc., 1661 Hanover Road, Ste. 211, City of Industry, CA 91748, *Officers:* Luanchong He, Secretary, (Qualifying Individual), Wei Xu, President. Dart Express (SFO), LLC, 1162 Cherry Avenue, San Bruno, CA 94066, *Officer:* John J. Hafferty, Vice President, (Qualifying Individual).

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Intergroup Consolidators, Inc., 8045 NW. 68th Street, Miami, FL 33166, *Officers:* Aymee Garabito, Vice President/Secretary, Antonio Jaquez, President, (Qualifying Individuals). GPR International, Inc., 8347 NW. 68th Street, Miami, FL 33166, *Officer:* Roberto Diaz, President, (Qualifying Individual).

Indigo Logistics, LLC, 601 Interchange Drive, Atlanta, GA 30336, *Officer:* Liliya Ivanenko, President, (Qualifying Individual).

Dart Express (LAX), LLC, 821 W. Arbor Vitae Street, Inglewood, CA 90301,

Officer: John J. Hafferty, Vice President, (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

UTOC America, Inc., 2396 East Pacifica Pl., Suite 200, Rancho Dominguez, CA 90220, *Officers:* Ryoji Yanaka, President, (Qualifying Individual).

Dietrich-Excell, LLC, 4515 NW. 72nd Avenue, Miami, FL 33166, *Officers:* Waldyr C. Silva, General Manager, (Qualifying Individual), Karl H. Dietrich, Corp. Partner.

HBI America, LLC, Frederick Woodbridge, 701 Brickell Avenue, Ste. 1650, Miami, FL 33131, *Officers:* Nazha Hajri, Manager Member, (Qualifying Individual), Herve Ballardur, President.

Senko (U.S.A.), Inc., 1800 Century Blvd, Ste. 1250, Atlanta, GA 30345, *Officers:* Kenji Mori, Exec. Vice President, (Qualifying Individual), Akiba. Morikawa, President.

Dated: August 8, 2008.

Tanga S. FitzGibbon,

Alternate Federal Register Liaison Officer.

[FR Doc. E8-18765 Filed 8-12-08; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/Address	Date reissued
019355N	ABAD Air, Inc., 14011 NW. 28th Street, Miami, FL 33172	July 2, 2008.
020384N	AOL Solutions, Inc. dba AOL Freight Solutions, 1836 Center Park Drive, Charlotte, NC 28217	May 10, 2008.
004659F	Baron Worldwide, Inc., 5554 S. Prince Street, Ste. 102, Littleton, CO 80120	March 28, 2008.
021396N	Bright Star Logistics, Inc., 11205 S. La Cienega Blvd., Los Angeles, CA 90045	May 7, 2008.
018394N	Perfect Logistics, Inc., 370 Amapola Avenue, Ste. 207, Torrance, CA 90501	July 10, 2008.
020579N	Project Freight Transportation, Inc., 623 Staffordshire Drive East, Jacksonville, FL 32225	July 12, 2008.
002328F	Ross Freight Company, Inc., 26302 South Western Ave., Suite 7, Lomita, CA 90717	May 30, 2008.
004267F	Senrac Transportation Services, Ltd., 15201 East Freeway, Suite 113, Channelview, TX 77530	July 14, 2008.
019299N	Trans Atlantic Shipping, Inc. dba TAS, Inc., 1005 West Arbor Vitae Street, Inglewood, CA 90301	May 4, 2008.
020486NF	Transportation Freight Group, LLC, 6025 Sandy Springs Circle, #244, Atlanta, GA 30328	July 15, 2008.
019878NF	Unity Logistics and Transportation, Inc., 600 Bayview Avenue, Inwood, NY 11096	June 16, 2008.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. E8-18763 Filed 8-12-08; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION**Ocean Transportation Intermediary License Rescission of Order of Revocation**

Notice is hereby given that the Order revoking the following license is being rescinded by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License Number: 014460NF.

Name: Anthem Worldwide Lines, Inc.

Address: 30 Montgomery Street, Suite 200, Jersey City, NJ 07302.

Order Published: FR: 06/11/08 (Volume 73, No. 113 Pg. 33092).

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. E8-18766 Filed 8-12-08; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION**Ocean Transportation Intermediary License Revocations**

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515, effective on the corresponding date shown below:

License Number: 016623F.

Name: ATE Logistics, Inc.

Address: 46 N. Lively Blvd., Elk Grove Village, IL 60007.

Date Revoked: June 1, 2008.

Reason: Failed to maintain a valid bond.

License Number: 019008NF.

Name: Avion Company, Inc. dba

Novia Company.
Address: 18726 So. Western Ave., Ste. 403, Gardena, CA 90248.

Date Revoked: July 15, 2008.

Reason: Failed to maintain valid bonds.

License Number: 003847F.

Name: B.C. International Trading, Inc.

Address: 998 Arthur Kill Road, Staten Island, NY 10312.

Date Revoked: June 20, 2008.

Reason: Failed to maintain a valid bond.

License Number: 017410N.

Name: Extrans International U.S.A.

Address: 758 Glasgow Ave., 2nd Fl., Inglewood, CA 90301.

Date Revoked: June 7, 2008.

Reason: Failed to maintain a valid bond.

License Number: 013154N.

Name: Fastpak Express Corporation.

Address: 1968 Story Rd., San Jose, CA 95122.

Date Revoked: June 7, 2008.

Reason: Failed to maintain a valid bond.

License Number: 019920NF.

Name: International Shipping

Company dba ISC Shipping.

Address: 2727 Beech Daly Road, Dearborn Heights, MI 48125.

Date Revoked: June 18, 2008.

Reason: Failed to maintain valid bonds.

License Number: 018813NF.

Name: KLS Air Express, Inc. dba FSP

Maritime dba Freight Solutions

Providers.

Address: 10453 Old Placerville Rd., Sacramento, CA 95827.

Date Revoked: May 1, 2008.

Reason: Failed to maintain valid bonds.

License Number: 017109N.

Name: Namgene Paik dba Southern

Logistic Service.

Address: 2401 208th Street, Unit C-5, Torrance, CA 90501.

Date Revoked: June 13, 2008.

Reason: Failed to maintain a valid bond.

License Number: 012639N.

Name: New World Freight Systems,

Inc.

Address: 1067 Sneath Lane, San Bruno, CA 94066.

Date Revoked: July 12, 2008.

Reason: Failed to maintain a valid bond.

License Number: 020200NF.

Name: Nu-Born Express, Inc.

Address: 222 E. Redondo Beach Blvd., Ste. H, Gardena, CA 90248.

Date Revoked: June 20, 2008.

Reason: Failed to maintain valid bonds.

License Number: 020794N.

Name: Ocean Pacific Brokerage & Air

Cargo Corp. dba Ocean Air Pacific

Cargo.
Address: 16 Corning Ave., Suite 154, Milpitas, CA 95035.

Date Revoked: June 7, 2008.

Reason: Failed to maintain a valid bond.

License Number: 020516NF.

Name: Pak-Mail Centers of America, Inc. dba Platinum Worldwide Logistics.
Address: 7173 So. Havana Street, Ste. 600, Centennial, CO 80112-3891.

Date Revoked: June 15, 2008.

Reason: Surrendered license voluntarily.

License Number: 001469NF.

Name: PBB Global Logistics, Inc.

Address: 670 Young Street, Tonawanda, NY 14150-4103.

Date Revoked: July 22, 2008.

Reason: Surrendered license voluntarily.

License Number: 018247N.

Name: Q Follow Shipping, Inc.

Address: 815 Fairview Ave., Bldg. #1, Fairview, NJ 07022.

Date Revoked: July 12, 2008.

Reason: Failed to maintain a valid bond.

License Number: 018272N.

Name: R.B.I. Shipping and Trading,

Inc.

Address: 25 Milwood Street, Boston, MA 02124.

Date Revoked: July 15, 2008.

Reason: Failed to maintain a valid bond.

License Number: 020613F.

Name: SMSI International, Inc.

Address: 7566 Pinewood Trail, West Bloomfield, MI 48322.

Date Revoked: April 11, 2008.

Reason: Failed to maintain a valid bond.

License Number: 011170N.

Name: Sage Freight System Inc. dba

Sage Container Lines.

Address: 182-30 150th Road, Ste 108, Jamaica, NY 11413.

Date Revoked: June 11, 2008.

Reason: Failed to maintain a valid bond.

License Number: 018234N.

Name: Savant International Logistics

Ltd.

Address: 11 Broadway, Ste. 1068, New York, NY 10004.

Date Revoked: July 12, 2008.

Reason: Failed to maintain a valid bond.

License Number: 017175N.

Name: Seaspeed Overseas Shipping

Co., Inc.

Address: 69 Le Fante Lane, Bayonne, NJ 07002.

Date Revoked: June 22, 2008.

Reason: Failed to maintain a valid bond.

License Number: 013406N.

Name: Trinity Shipping Company.

Address: 1316 Airlie Road, Ste. 4, Wilmington, NC 28403.

Date Revoked: June 21, 2008.

Reason: Failed to maintain a valid bond.

License Number: 020376NF.
Name: Unity Container Line, Inc.
Address: 9010 SW 137th Ave., Ste.
246, Miami, FL 33186.

Date Revoked: July 14, 2008.

Reason: Failed to maintain valid bonds.

License Number: 019886F.
Name: Vincent Jabonillo dba Macro Express Services.

Address: 4164 Santa Monica Blvd., Los Angeles, CA 90029.

Date Revoked: June 7, 2008.

Reason: Failed to maintain a valid bond.

License Number: 016613N.

Name: Yourway, Inc.

Address: 362 East 235 Street, P.O. Box 133, Woodlawn, NY 10470

Date Revoked: June 7, 2008.

Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. E8-18764 Filed 8-12-08; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained

from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 8, 2008.

A. Federal Reserve Bank of Kansas City (Todd Offerbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *LeaderOne National, Inc., Overland Park, Kansas*; to become a bank holding company by acquiring 100 percent of the voting shares of Signature Bank KC, Haddam, Kansas.

In connection with this application, Applicant also has applied to acquire 100 percent of the voting shares of LeaderOne Financial Corporation, Overland Park, Kansas, and thereby engage in mortgage banking pursuant to section 225.28(b)(1) of Regulation Y.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *McCamey Financial Corporation, Odessa, Texas*; to acquire 100 percent of First National Monahans Bancshares, Inc., Monahans, Texas, and indirectly acquire Monahans Delaware Financial Corporation, Wilmington, Delaware, and First National Bank of Monahans, Monahans, Texas.

Board of Governors of the Federal Reserve System, August 8, 2008.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. E8-18687 Filed 8-12-08; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:30 a.m., Monday, August 18, 2008.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Staff resource and work product planning.

3. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave

Skidmore, Assistant to the Board, Office of Board Members at 202-452-2955.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, August 8, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8-18773 Filed 8-8-08; 3:45 pm]

BILLING CODE 6210-01-S

GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2008-B7]

Federal Management Regulation; Federal Real Property Report

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: In furtherance of Federal Management Regulation (FMR) Bulletin 2007-B4, this notice announces the release of the Fiscal Year (FY) 2007 edition of the Federal Real Property Report, which provides an overview of the U.S. Government's owned and leased real property as of September 30, 2007. The FY 2007 Federal Real Property Report is now available.

EFFECTIVE DATE: August 13, 2008.

FOR FURTHER INFORMATION CONTACT: For further clarification of content, contact Stanley C. Langfeld, Director, Regulations Management Division (MPR), General Services Administration, Washington, DC 20405; or stanley.langfeld@gsa.gov.

Dated: August 4, 2008.

Kevin Messner,

Acting Associate Administrator, Office of Governmentwide Policy.

General Services Administration

[FMR Bulletin 2008-B7]

Real Property

TO: Heads of Federal Agencies
SUBJECT: Federal Real Property Report

1. **Purpose.** This bulletin announces the FY 2007 release of the Federal Real Property Report, an overview of the U.S.

Government's owned and leased real property as of September 30, 2007.

2. Expiration Date. This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. Background.

1) On February 4, 2004, the President issued Executive Order (EO) 13327, "Federal Real Property Asset Management," and established the Federal Real Property Council (FRPC) to oversee the Federal Government's asset management planning process and to improve governmentwide real property performance. The EO requires the Administrator of General Services, in consultation with the FRPC, to develop and maintain a centralized inventory database, incorporating all key elements identified by the FRPC.

2) The goals of the centralized database are to: 1) improve decision making with more accurate and reliable data; 2) provide the ability to benchmark federal real property asset performance; and 3) centralize collection of key real property data elements into one federal inventory database. The Federal Real Property Profile (FRPP) system was re-engineered in FY 2005 and further enhanced in subsequent years to meet the FRPC's information technology requirements.

3) The FY 2007 report marks the third reporting year for the governmentwide data elements designated by the FRPC as required by EO 13327. All executive branch agencies are required to submit constructed asset-level data to the FRPP on an annual basis. The FRPP is a secure, password-protected Web-based database that allows federal real property managers to update real property data online and in real time, perform historical benchmarking, produce ad hoc reports, measure performance of real property assets, and identify unneeded and underutilized assets for disposal. The Federal Real Property Report provides information regarding federal real property holdings to stakeholders.

4. How to Obtain a Copy of the Federal Real Property Report. The FY 2007 version of the Federal Real Property Report is posted on the GSA website at <http://www.gsa.gov/realpropertyprofile>. Hard copies of the report can be obtained by contacting the Asset Management Division (MPA), Office of Governmentwide Policy, General Services Administration, 1800 F Street, N.W., Washington, DC 20405.

5. Further Information. For further information, contact Stanley C. Langfeld, Director, Regulations Management Division (MPR), Office of Governmentwide Policy, General

Services Administration, at (202) 501-1737, or stanley.langfeld@gsa.gov.

[FR Doc. E8-18720 Filed 8-12-08; 8:45 am]

BILLING CODE 6820-RH-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Biodefense Science Board; Notification of a Public Teleconference

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the National Biodefense Science Board (NBSB) will be holding a public teleconference. The meeting is open to the public.

DATES: The NBSB will hold a public teleconference on August 11, 2008. The teleconference will be held from 2 p.m. to 3 p.m. EDT. Public Conference Call-In Number is 1-888-566-5790 and the Public Password is "Monday". Participants will be asked to provide their name, title, and organization.

ADDRESSES: The conference will be conducted by phone.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain general information concerning this public teleconference should contact CAPT Leigh A. Sawyer, D.V.M., M.P.H., Executive Director, National Biodefense Science Board, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, 200 Independence Ave., SW., Room 638G, Washington, DC 20201; via telephone/voice mail: 202-205-3815; fax: 202-690-7412; or e-mail at: leigh.sawyer@hhs.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service Act (42 U.S.C. 247d-7f) and section 222 of the Public Health Service Act (42 U.S.C. 217a), the Department of Health and Human Services established the National Biodefense Science Board. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The Board may also provide advice and guidance to the Secretary on other matters related to public health emergency preparedness and response.

Background: The purpose of the August 11, 2008 teleconference is to disclose recent activities of the Board and to ensure that the public is given an opportunity to be involved in the deliberative process of the Board on personal preparedness issues that will specifically impact the Nation. The U.S. Department of Health and Human Services is preparing to release information that will have impact on all U.S. citizens. The information involves the homestocking of antibiotics prescribed by a physician for use following an exposure to anthrax. Therefore, a special meeting of the Board is being convened to assure that the public is given the opportunity to provide comments to the Department prior to the information being released for wide-spread dissemination. There will be time for members of the public to present their comments to the Board on this subject matter. As a result of the impending release of information concerning personal preparedness, there are exceptional circumstances that prevent the normal 15 calendar days notice for this meeting. This is a special meeting of the Board. The next scheduled meeting of the Board will be announced in the *Federal Register* within the required time-frame established by the Federal Advisory Committee Act.

Availability of Materials: The agenda and other materials will be posted on the NBSB Web site at <http://www.hhs.gov/aspr/omsph/nbsb/index.html> prior to the meeting.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the NBSB to consider.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public NBSB teleconference will be limited to three minutes per speaker, with no more than a total of 20 minutes for all speakers. To be placed on the public speaker list, you should notify the operator when you enter the call-in number.

Dated: August 8, 2008.

William C. Vanderwagen,
Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.

[FR Doc. E8-18762 Filed 8-8-08; 3:45 pm]

BILLING CODE 4150-37-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-7011-N]

Medicare Program: Request for Cosponsors for E-prescribing Educational Conference

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the opportunity for public and private-sector organizations to act as potential cosponsors for a 2-day conference that we are sponsoring to educate stakeholders about the new e-prescribing initiative as described in section 132 of the Medicare Improvements for Patients and Providers Act of 2008.

DATES: *Deadline for Cosponsor proposals:* Proposals must be received no later than Friday, August 15, 2008, 5 p.m., d.s.t.

ADDRESSES: *Address for Cosponsor proposals:* Proposals must be sent electronically to the following: e.prescribing@cms.hhs.gov.

FOR FURTHER INFORMATION CONTACT: Tracy Self, (410) 786-2133, Tracy.Self@cms.hhs.gov, or Rachael Horvath, (410) 786-7424, Rachael.horvath@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 132 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110-275) authorizes the Secretary to provide incentive payments for 2009 through 2013 to successful electronic prescribers. As described in section 132 of MIPPA, successful electronic prescribers are based on either the reporting of applicable electronic prescribing measures established under the Physician Quality Reporting Initiative (PQRI) or through the use of Part D data.

II. Goals of the Conference

We are sponsoring a 2-day conference on October 6 and 7, 2008, from 8:30 a.m. to 4:30 p.m. d.s.t. at the Sheraton Boston Hotel and Towers, Boston, Massachusetts 02199.

- The goals of the conference are to—
- Equip health care professionals and other stakeholders with the knowledge and the tools to integrate e-prescribing into their business model;
 - Generate discussion about the use of e-prescribing and other e-health

initiatives to increase patient compliance and overall improved health outcomes;

- Educate health care professionals about the structure and the agency's plans for implementation of the incentive payment structure in regard to e-prescribing and PQRI;
- Identify and promote opportunities to overcome barriers to adoption of this new technology; and,
- Address constituent concerns about privacy, security and risk management in regard to the implementation of this new provision.

III. Cosponsor Proposals and Evaluation Criteria

This notice is an invitation to submit proposals for cosponsorship of the conference to the following: interested physician and provider organizations (including those representing primary care, specialty care, surgical and medicine-based specialties), not-for-profit organizations representing health information networks, health care professionals, retail and community pharmacies, and organizations representing State and local officials.

Interested parties must submit proposals detailing how they will support CMS in a nonfiduciary relationship by developing conference content, identifying speakers, and implementing outreach activities to educate eligible professionals and impacted consumer constituencies about the MIPPA provision.

Each proposal must state that the organization has expressed a willingness to serve as a cosponsor and must be accompanied by documentation that indicates said sponsor meets the evaluation criteria as described in this notice. In order to permit an evaluation of possible sources of conflict of interest, potential cosponsors may be asked to provide detailed information concerning financial interests related to e-health implementation.

Cosponsors will be selected based on the following evaluation criteria. Cosponsors must:

- Be a non-profit entity representing impacted constituencies of e-prescribing.
- Have no direct for-profit interest in the implementation of this provision;
- Demonstrate a substantial interest in e-prescribing technology and implementation and knowledge of current e-prescribing standards for Medicare Part D [*Note:* Documentation should include the organization's goals and mission; and details of previous activities to support e-prescribing including newsletter articles, internet sources, research papers, educational

conferences, public testimony, or other similar documentation];

- Propose activities and connections that are likely to provide a substantial public health benefit, consistent with HHS goals and the e-prescribing initiative including but not limited to encouraging attendance through member networks, use of cosponsor's logo in support of conference outreach and identifying and engaging industry leaders for this event;
- Have the expertise and capacity to carry out its proposed activities; and,
- Demonstrate a willingness to work collaboratively with other public and private sector organizations to achieve the e-health initiatives.

We will select organizations that meet the established evaluation criteria to enter into formal cosponsor agreements to consult on the conference program content, speaker selection, and outreach strategies in addition to other tasks as described in individual cosponsor agreements. Potential cosponsors understand that any cosponsor agreements will clearly indicate that there will be no Federal endorsement of the cosponsor or any policies, activities, products or services thereof.

Authority: Sections 1848(k)(6), 1848(m)(5)(A), and 1851(d) of the Social Security Act, 42 U.S.C. 1395(w)-4(k)(6), 42 U.S.C. 1395(w)-4(m)(5)(A), and 42 U.S.C. 1395w-21.

Dated: August 8, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E8-18678 Filed 8-8-08; 12 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Grants to States for Access and Visitation: State Child Access Program Survey.

OMB No.: 0970-0204.

Description: On an annual basis, States must provide OCSE with data on programs that the Grants to States for Access and Visitation Program has funded. These program reporting requirements include, but are not limited to, the collection of data on the number of parents served, types of services delivered, program outcomes, client socio economic data, referrals sources, and other relevant data.

Respondents: State Child Access and Visitation Programs and State and/or local service providers.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Child Access Program Survey	314	1	15	4,710

Estimated Total Annual Burden Hours: 4,710.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACE Reports Clearance Officer. All requests should be 4,710 identified by the title of the information collection. E-mail address: infocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202-395-6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: August 6, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E8-18557 Filed 8-12-08; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the NIH Advisory Board for Clinical Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended to discuss personnel matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIH Advisory Board for Clinical Research.

Date: September 22, 2008.

Open: 10 a.m. to 11:30 a.m.

Agenda: To discuss intramural clinical research operational and funding issues.

Place: National Institutes of Health, Building 10, 10 Center Drive, CRC Medical Board Room 4-2551, Bethesda, MD 20892.

Closed: 11:30 a.m. to 1 p.m.

Agenda: To review and discuss personnel matters.

Place: National Institutes of Health, Building 10, 10 Center Drive, CRC Medical Board Room 4-2551, Bethesda, MD 20892.

Contact Person: Maureen E Gormley, Executive Secretary, Mark O. Hatfield Clinical Research Center, National Institutes of Health, Building 10, Room 6-2551, Bethesda, MD 20892, 301/496-2897.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice.

The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: August 6, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18659 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board Subcommittee on Cancer Centers.

Open: September 7, 2008, 7:30 p.m. to 9 p.m.

Agenda: Discussion on Cancer Centers. *Place:* Bethesda Marriott Suites, 6711 Democracy Blvd., Bethesda, MD 20817.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892-8327, (301) 496-5147.

Name of Committee: National Cancer Advisory Board

Open: September 8, 2008, 8 a.m. to 3:15 p.m.

Agenda: Program reports and presentations; Business of the Board.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892-8327, (301) 496-5147.

Name of Committee: National Cancer Advisory Board.

Closed: September 8, 2008, 3:15 p.m. to 5:15 p.m.

Agenda: Review of grant applications.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892-8327, (301) 496-5147.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://deainfo.nci.nih.gov/advisory/ncab.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 6, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18657 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources; Special Emphasis Panel Oregon NPRC.

Date: October 28-30, 2008.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Portland & Executive Tower, 921 SW Sixth Avenue, Portland, OR 97204.

Contact Person: Carol Lambert, PhD, Scientific Review Officer, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd., 1 Dem. Plaza, Room 1076, Bethesda, MD 20892, 301-435-0814, lambert@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure; 93.306, 93.333, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18507 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Cancellation of Meeting

Notice is hereby given of the cancellation of the Clinical Research Review Committee, September 24, 2008, 8 a.m. to September 24, 2008, 5 p.m., Hilton Washington DC/Rockville, Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852 which was published in the *Federal Register* on July 31, 2008, 73 FR 148 page 44756.

This meeting will be replaced by a Special Emphasis Panel.

Dated: August 7, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18744 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel; CTSA.

Date: September 24-25, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, Double Tree Name Changed, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mohan Viswanathan, PHD, Deputy Director, National Center for Research Resources, or National Institutes of Health, 6701 Democracy Blvd., Room 1084, Msc 4874, 1 Democracy Plaza, Bethesda, MD 20892-4874, 301-435-0829, mv10f@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure; 93.306, 93.333, National Institutes of Health, HHS)

Dated: August 7, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18749 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: September 5, 2008.

Time: 4:15 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Room 4076, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Rudy Pozzatti, PhD, Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Bethesda, MD 20852, (301) 402-0838, pozattir@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93172, Human Genome Research—National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18503 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: September 23, 2008.

Open: 8:30 a.m. to 12 p.m.

Agenda: To discuss administrative details relating to the Council business and special reports.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Closed: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Contact Person: Susana Serrate-Sztejn, MD, Director, Division of Skin and Rheumatic Diseases, NIAMS/NIH, 6701 Democracy Blvd, Suite 800, Bethesda, MD 20892-4872, (301) 594-5032, szteins@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18499 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with

attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: September 11, 2008.

Open: 8 a.m. to 12:30 p.m.

Agenda: (1) A report by the Director, NICHD; (2) an annual review of the Division of Intramural Research; (3) Pregnancy and Perinatology Branch Presentation; and other business of the Council.

Place: National Institute of Health, Building 31, 31 Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20892.

Closed: 1:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institute of Health, Building 31, 31 Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20892.

Contact Person: Yvonne T. Maddox, PhD, Deputy Director, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike Msc 7510, Building 31, Room 2a03, Bethesda, MD 20892, (301) 496-1848.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nichd.nih.gov/about/nachhd.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation

Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18500 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Mechanisms of Tissue Destruction in Rheumatoid Arthritis.

Date: September 5, 2008.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive Room 3256, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Wendy F. Davidson, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-402-8399, davidsonw@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18509 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Poxvirus Program Project 2.

Date: September 3, 2008.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Dr., 3145, Bethesda, MD 20892.

Contact Person: Ellen S. Buczek, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-451-2676, ebuczek1@niaid.nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; The Human Immunology Center.

Date: September 9, 2008.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, 3146, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Kenneth E. Santora, PhD, Scientific Review Officer, Scientific Review Program, NIH/NIAID/DHHS, Room 3146, 67006 Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301-451-2605, ks216@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18511 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; AA3 Member Conflict Applications.

Date: October 15, 2008.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, Bethesda, MD.

Contact Person: Katrina L. Foster, PhD, Scientific Review Officer, National Inst on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3042, Rockville, MD 20852, 301-443-4032, katrina@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18513 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism; Special Emphasis Panel AA3 Member Conflict Applications.

Date: October 15, 2008.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, Bethesda, MD.

Contact Person: Katrina L. Foster, PhD, Scientific Review Officer, National Inst on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3042, Rockville, MD 20852, 301-443-4032, katrina@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: August 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18514 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Vaccine Design Program Project.

Date: September 17, 2008.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Kenneth E. Santora, PhD, Scientific Review Officer, Scientific Review Program, NIH/NIAID/DHHS, Room 3146, 6700B Rockledge Drive, MSC.7616, Bethesda, MD 20892, 301-451-2605, ks216i@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 7, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18742 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; To review an unsolicited P01.

Date: September 8, 2008.

Time: 10 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Thames E. Pickett, PhD, Scientific Review Officer, Scientific Review

Program, Division of Extramural Activities, National Institutes of Health/NIAID/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-496-2550, pickette@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 7, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18746 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; R01/R21.

Date: October 22, 2008.

Time: 12 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Zoe E. Huang, MD, Scientific Review Officer, Division of Extramural Programs, National Library of Medicine, National Institutes of Health, 6705 Rockledge Drive, Suite 301, Msc 7968, Bethesda, MD 20892-7968, 301-594-4937, huangz@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: August 6, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18660 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NIH Consensus Development Conference: Management of Hepatitis B; Notice

Notice is hereby given of the National Institutes of Health (NIH) "NIH Consensus Development Conference: Management of Hepatitis B" to be held October 20–22, 2008, in the NIH Natcher Conference Center, 45 Center Drive, Bethesda, Maryland 20892. The conference will begin at 8:30 a.m. on October 20 and 21, and at 9 a.m. on October 22, and will be open to the public.

Hepatitis B is a major cause of liver disease worldwide, ranking as a substantial cause of cirrhosis and liver cancer. In the United States, about 1.25 million people are chronically infected with the virus, resulting in 3,000 to 5,000 deaths each year. However, this condition occurs more frequently in high risk groups, including Asian Americans, emigrants from areas of the world where hepatitis B is common (China, Korea, Southeast Asia, the Indian Subcontinent, Africa, and Micronesia), men who have sex with men, injection drug users, and recipients of blood and blood products before screening procedures with enhanced sensitivity were implemented in 1986. Since routine hepatitis B vaccination of U.S. children began in 1991, new cases of acute hepatitis B among children and adolescents have dropped by more than 95 percent—and by 75 percent across all age groups. In nonprotected individuals, transmission can result from exposure to infectious blood or body fluids containing blood. A major impediment to diagnosis is that many infected individuals are either asymptomatic or experience only nonspecific symptoms of disease, such as fatigue or muscle ache.

For approximately 90 percent of adults, acute infection with the hepatitis B virus is resolved by the body's immune system and does not cause long-term problems. The transition from acute to chronic infection appears to occur when the immune system does not effectively destroy and clear virus-infected cells. This leads to high blood levels of both hepatitis B DNA and antigens, as well as antibodies produced by the body in an attempt to combat the infection. The natural history of the disease is not well understood, however, which makes management of this complex disease challenging.

Many factors can influence treatment decisions for an individual patient, including age, ALT (alanine aminotransferase, a liver enzyme) level, viral load, liver biopsy results, and the presence of a co-infecting virus (i.e., HIV). Treatment decisions require in-depth analysis of multiple blood test results, which are typically repeated at regular intervals to monitor the disease course. There are currently six approved therapeutic agents: interferon-alpha, lamivudine, adefovir dipivoxil, entecavir, pegylated interferon, and telbivudine, which are often used in combination. Generally, these drugs act to decrease the risk of liver damage from hepatitis B by slowing or stopping the replication of the virus.

Questions remain as to which groups of patients benefit from therapy and at which point in the course of their disease. Specific recommendations for hepatitis B therapy are limited by a lack of reliable long-term safety and efficacy information. This is a difficult decision for physicians and patients, as treatments are expensive and may have bothersome, if not harmful, effects on patients. Left untreated, however, chronic hepatitis B can lead to liver failure and other serious liver problems. To examine these important issues, the National Institute of Diabetes and Digestive and Kidney Diseases and the Office of Medical Applications of Research of the National Institutes of Health will convene a Consensus Development Conference from October 20 to 22, 2008, to assess the available scientific evidence related to the following questions:

- What is the current burden of hepatitis B?
- What is the natural history of hepatitis B?
- What are the benefits and risks of the current therapeutic options for hepatitis B?
- Which persons with hepatitis B should be treated?
- What measures are appropriate to monitor therapy and assess outcomes?
- What are the greatest needs and opportunities for future research on hepatitis B?

An impartial, independent panel will be charged with reviewing the available published literature in advance of the conference, including a systematic literature review commissioned through the Agency for Healthcare Research and Quality. The first day and a half of the conference will consist of presentations by expert researchers and practitioners and open public discussions. On Wednesday, October 22, the panel will present a statement of its collective assessment of the evidence to answer

each of the questions above. The panel will also hold a press conference to address questions from the media. The draft statement will be published online later that day, and the final version will be released approximately six weeks later. The primary sponsors of this meeting are the NIH National Institute of Diabetes and Digestive and Kidney Diseases and the NIH Office of Medical Applications of Research.

Advance information about the conference and conference registration materials may be obtained from American Institutes for Research of Silver Spring, Maryland, by calling 888-644-2667, or by sending e-mail to consensus@mail.nih.gov. American Institutes for Research's mailing address is 10720 Columbia Pike, Silver Spring, MD 20901. Registration information is also available on the NIH Consensus Development Program Web site at <http://consensus.nih.gov>.

Please Note: The NIH has instituted security measures to ensure the safety of NIH employees and property. All visitors must be prepared to show a photo ID upon request. Visitors may be required to pass through a metal detector and have bags, backpacks, or purses inspected or x-rayed as they enter NIH buildings. For more information about the security measures at NIH, please visit the Web site at <http://www.nih.gov/about/visitorssecurity.htm>.

Dated: August 4, 2008.

Raynard S. Kington,
Deputy Director, National Institutes of Health.
[FR Doc. E8-18656 Filed 8-12-08; 8:45 am]
BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Listing of Members of the National Institutes of Health's Senior Executive Service 2008 Performance Review Board

The National Institutes of Health (NIH) announces the persons who will serve on the National Institutes of Health's Senior Executive Service 2008 Performance Review Board. This action is being taken in accordance with Title 5, U.S.C., Section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals, and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

The following persons will serve on the NIH Performance Review Board,

which oversees the evaluation of performance appraisals of NIH Senior Executive Service (SES) members:

Ms. Colleen Barros (Chair)
Dr. Norka Ruiz Bravo
Mr. Gahan Breithaupt
Dr. Michael Gottesman
Ms. Robin Kawazoe
Dr. Raynard Kington
Dr. Michael Marron
Dr. Ellen Stover

For further information about the NIH Performance Review Board, contact the Office of Human Resources, Workforce Relations Division, National Institutes of Health, Building 31, Room B3C07, Bethesda, Maryland 20892, telephone 301-402-9203 (not a toll-free number).

Dated: August 5, 2008.

Elias A. Zerhouni,

Director, National Institutes of Health.

[FR Doc. E8-18745 Filed 8-12-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2008-0263]

Collection of Information Under Review by Office of Management and Budget: OMB Control Number: 1625-0011

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of their approval for the following collection of information: 1625-0011, Applications for Private Aids to Navigation and for Class I Private Aids to Navigation on Artificial Islands/Fixed Structures. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before September 12, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG-2008-0263] to the Docket Management Facility (DMF) at the U.S. Department of Transportation

(DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) Electronic submission. (a) To Coast Guard docket at <http://www.regulation.gov>. (b) To OIRA by e-mail via: oira_submission@omb.eop.gov.

(2) Mail or Hand delivery. (a) DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard.

(3) Fax. (a) To DMF, 202-493-2251. (b) To OIRA at 202-395-6566. To ensure your comments are received in time, mark the fax to the attention of the Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://www.regulations.gov>.

A copy of the complete ICR is available through this docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from Commandant (CG-611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 2100 2nd Street, SW., Washington, DC 20593-0001. The telephone number is 202-475-3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202-475-3523 or fax 202-475-3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

The Coast Guard invites comments on whether this information collection request should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of

collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. Comments to Coast Guard must contain the docket number of this request; [USCG 2008-0263]. For your comments to OIRA to be considered, it is best if they are received on or before the September 12, 2008.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the paragraph on DOT's "Privacy Act Policy" below.

Submitting comments: If you submit a comment, please include the docket number [USCG-2008-0263], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change the documents supporting this collection of information or even the underlying requirements in view of them. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to <http://www.regulations.gov> to view documents mentioned in this Notice as being available in the docket. Enter the docket number [USCG-2008-0263] in the Search box, and click, "Go>>." You may also visit the DMF in room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments

received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Privacy Act Statement of DOT in the Federal Register published on April 11, 2000 (65 FR 19477), or by visiting <http://DocketsInfo.dot.gov>.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (73 FR 26125, May 8, 2008) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments.

Information Collection Request

Title: Applications for Private Aids to Navigation and for Class I Private Aids to Navigation on Artificial Islands/Fixed Structures.

OMB Control Number: 1625-0011.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners of private aids to navigation.

Abstract: Under provisions of 14 U.S.C. 633 and 33 U.S.C. 409, the Secretary of the Department of Homeland Security may prescribe regulations for the marking of sunken vessels. These requirements for notifying the Coast Guard are set forth in 33 CFR 64.11. The information collected for the rule can only be obtained from the owners. The information collection requirements for private aids to navigation and aids to navigation on artificial islands/fixed structures are contained in 33 CFR 66.01-5 and 67.35-5, respectively.

Burden Estimate: The estimated annual burden remains 3,000 hours per year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 4, 2008.

M. B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E8-18633 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2008-0209]

Collection of Information Under Review by Office of Management and Budget: OMB Control Number: 1625-0018

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of their approval for the following collection of information: 1625-0018, Official Logbook. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before September 12, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG-2008-0209] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) Electronic submission. (a) To Coast Guard docket at <http://www.regulations.gov>. (b) To OIRA by e-mail via: oira_submission@omb.eop.gov.

(2) Mail or Hand delivery. (a) DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard.

(3) Fax. (a) To DMF, 202-493-2251. (b) To OIRA at 202-395-6566. To ensure your comments are received in time, mark the fax to the attention of the Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of this docket and will be

available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://www.regulations.gov>.

A copy of the complete ICR is available through this docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from Commandant (CG-611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 2100 2nd Street, SW., Washington, DC 20593-0001. The telephone number is 202-475-3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202-475-3523 or fax 202-475-3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

The Coast Guard invites comments on whether this information collection request should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. Comments to Coast Guard must contain the docket number of this request, [USCG 2008-0209]. For your comments to OIRA to be considered, it is best if they are received on or before the September 12, 2008.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the paragraph on DOT's "Privacy Act Policy" below.

Submitting comments: If you submit a comment, please include the docket number [USCG-2008-0209], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We

recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change the documents supporting this collection of information or even the underlying requirements in view of them. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to <http://www.regulations.gov> to view documents mentioned in this Notice as being available in the docket. Enter the docket number [USCG-2008-0209] in the Search box, and click, "Go>>." You may also visit the DMF in room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Privacy Act Statement of DOT in the **Federal Register** published on April 11, 2000 (65 FR 19477), or by visiting <http://DocketsInfo.dot.gov>.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (73 FR 19081, April 8, 2008) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments.

Information Collection Request

Title: Official Logbook.

OMB Control Number: 1625-0018.

Type of Request: Extension of a currently approved collection.

Affected Public: Federal agency maritime casualty investigators, Coast Guard inspectors, and shipping companies.

Abstract: The Official Logbook contains information on the vessel's

crew, drills, and operations conducted during the voyage. Official Logbook entries identify all particulars regarding the nature of the voyage, including the name/class of the ship, official number, port of registry, tonnage, and merchant mariner names/document numbers of the master/crew. In addition, it also contains entries for the vessel's drafts, maintenance of watertight integrity of the ship, drills/inspections, crew list with report of character, a summary of laws applicable to logbooks, and miscellaneous entries.

Burden Estimate: The estimated annual burden remains 1,750 hours per year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: August 4, 2008.

M. B. Lytle,

Captain, U. S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E8-18635 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2008-0811]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meetings.

SUMMARY: The Chemical Transportation Advisory Committee (CTAC), its Subcommittees on Outreach, National Fire Protection Association (NFPA) 472 Standard, Hazardous Cargo Transportation Security (HCTS), and International Maritime Solid Bulk Cargoes (IMSBC) Code; as well as its Working Groups on Barge Emission and Hazard Communication and the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex; will meet to discuss various issues relating to the marine transportation of hazardous materials in bulk. These meetings will be open to the public.

DATES: The Subcommittee on Outreach will meet on Tuesday, September 9, 2008 from 8:30 a.m. to 10:30 a.m. The Working Group on Barge Emission and Hazard Communication Working Group will meet on Tuesday, September 9, 2008, from 3 p.m. to 5 p.m. The MARPOL Annex Working Group will meet on Tuesday, September 9, 2008 from 10:30 a.m. to 3 p.m. The

Subcommittee for IMSBC Code will meet on Tuesday, September 9, and Wednesday, September 10, 2008, from 8 a.m. to 5 p.m. The Subcommittee for HCTS will meet on Wednesday, September 10, 2008 from 8:30 a.m. to 12:30 a.m. The Subcommittee for NFPA 472 Standard will meet on Wednesday, September 10, 2008, from 1:15 p.m. to 5 p.m. CTAC will meet on Thursday, September 11, 2008, from 9 a.m. to 3:30 p.m.

ADDRESSES: CTAC's Subcommittees and Working Groups will be meeting at Intercontinental Terminals Company (ITC) Training Room, 2621 Tidal Road, Deer Park, TX 77536. The CTAC meeting will be at the South Shore Harbour Resort and Conference Center, 2500 South Shore Blvd., League City, TX 77573. Send written material and requests to make oral presentations to Commander Rick Raksnis, Commandant (CG-5223), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Commander Rick Raksnis, Designated Federal Officer (DFO) of CTAC, or Sara Ju, Assistant to the DFO, telephone 202-372-1422, fax 202-372-1926.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92-463).

Agendas of Meetings

Chemical Transportation Advisory Committee (CTAC). The agenda includes the following:

- (1) Progress report from the Outreach Subcommittee and its Barge Emissions and Hazard Communication Working Group.
- (2) Status report on the HCTS Subcommittee.
- (3) Progress report on the IMSBC Code Subcommittee.
- (4) Status report on the MARPOL Annex Working Group.
- (5) Status report on the NFPA 472 Standard Subcommittee.
- (6) Presentation on Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) and its Brown Water University.
- (7) Presentation on the response to the spill of the hazardous material, Vinyl Chloride Monomer.

The Outreach Subcommittee and the Barge Emission and Hazard Communication Working Group. The Subcommittee and the Working Group will discuss outreach efforts especially aimed at barge owners and operators regarding best practices for reducing hazardous emissions.

The HCTS Subcommittee. The Subcommittee will discuss

Transportation Workers Identification Credentials (TWIC) and Advanced Notice of Arrival (ANOVA).

The IMSBC Code Subcommittee. The Subcommittee will discuss harmonization of U.S. regulations with the IMSBC Code and SOLAS Chapter VI, and incorporation of requirements and best practices for the safe transport of solid bulk cargoes contained in Coast Guard policy, guidelines, and previously issued special permits.

The MARPOL Annex Working Group. The Working Group will review the task statement and discuss improvements for the adequacy of port waste reception facilities.

The NFPA 472 Standards Subcommittee. The Subcommittee will review task statement and identify any outstanding items.

Procedural

These meetings are open to the public. At the Chair's discretion, members of the public may make oral presentations during these meetings. If you would like to make an oral presentation at these meetings, please notify the DFO no later than September 2, 2008. Written material for distribution at these meetings should reach the Coast Guard no later than September 2, 2008. If you would like a copy of your material distributed to each member of the committee in advance of these meetings, please submit 25 copies to the DFO no later than September 2, 2008.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at these meetings, contact the DFO as soon as possible.

Dated: August 5, 2008.

J. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. E8-18639 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA-2004-19147]

Extension of Agency Information Collection Activity Under OMB Review: Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day Notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on June 06, 2008, 73 FR 32346. The collection requires TSA to conduct a security threat assessment on all aliens and designated individuals seeking flight instruction ("candidates") from Federal Aviation Administration (FAA)-certified flight training providers. Additionally, flight training providers are required to conduct a security awareness program for their employees, and to maintain records associated with this training.

DATES: Send your comments by September 12, 2008. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson, Communications Branch, Business Management Office, Operational Process and Technology, TSA-32, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-3651; facsimile (703) 603-0822.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at www.reginfo.gov. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652-0021.

Forms(s): NA.

Affected Public: Aliens and other designated individuals seeking flight instruction from FAA-certified flight training providers; flight training providers required to conduct security awareness training to its employees.

Abstract: TSA has established standards relating to the security threat assessments that TSA will conduct to determine whether candidates are a threat to aviation or national security, and thus prohibited from receiving flight training. This collection of information requires Federal Aviation Administration (FAA)-certified flight training providers to provide TSA with the information necessary to conduct the security threat assessments. Finally, TSA has established standards relating to security awareness training for certain flight school employees, which include maintaining records of all such training.

Number of Respondents: 66,500. TSA is revising the number of respondents from the 31,000 respondents reported in the notice published on June 6, 2008. TSA is now including 40,000 additional

Flight Training Providers that do not train aliens and are not required to register with TSA. These Flight Training Providers are required under 49 CFR part 1552 to maintain records verifying that a flight school applicant has shown proof of U.S. citizenship or nationality, and are also required to retain records of the initial and recurrent security awareness training provided to employees. TSA estimates the recordkeeping burden for these Flight Training Providers is negligible.

Estimated Annual Burden Hours: An estimated 507,750 hours annually.

Issued in Arlington, Virginia, on August 7, 2008.

Kriste Jordan,

Program Manager, Business Improvements and Communication, Office of Information and Technology.

[FR Doc. E8-18737 Filed 8-12-08; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket Nos. TSA-2006-24191; Coast Guard-2006-24196]

Transportation Worker Identification Credential (TWIC); Enrollment Date for the Port of American Samoa

AGENCY: Transportation Security Administration; United States Coast Guard; DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) through the Transportation Security Administration (TSA) issues this notice of the date for the beginning of the initial enrollment for the Transportation Worker Identification Credential (TWIC) for the Port of American Samoa.

DATE: TWIC enrollment begins in American Samoa on August 20, 2008.

ADDRESSES: You may view published documents and comments concerning the TWIC Final Rule, identified by the docket numbers of this notice, using any one of the following methods.

- (1) Searching the Federal Docket Management System (FDMS) Web page at <http://www.regulations.gov>;
- (2) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>; or
- (3) Visiting TSA's Security Regulations Web page at <http://www.tsa.gov> and accessing the link for "Research Center" at the top of the page.

FOR FURTHER INFORMATION CONTACT: James Orgill, TSA-19, Transportation

Security Administration, 601 South 12th Street, Arlington, VA 22202-4220. Transportation Threat Assessment and Credentialing (TTAC), TWIC Program, (571) 227-4545; e-mail: credentialing@dhs.gov.

Background

The Department of Homeland Security (DHS), through the United States Coast Guard and the Transportation Security Administration (TSA), issued a joint final rule (72 FR 3492; January 25, 2007) pursuant to the Maritime Transportation Security Act (MTSA), Public Law 107-295, 116 Stat. 2064 (November 25, 2002), and the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109-347 (October 13, 2006). This rule requires all credentialed merchant mariners and individuals with unescorted access to secure areas of a regulated facility or vessel to obtain a TWIC. In this final rule, on page 3510, TSA and Coast Guard stated that a phased enrollment approach based upon risk assessment and cost/benefit would be used to implement the program nationwide, and that TSA would publish a notice in the **Federal Register** indicating when enrollment at a specific location will begin and when it is expected to terminate.

This notice provides the start date for TWIC initial enrollment at the Port of American Samoa on August 20, 2008. The Coast Guard will publish a separate notice in the **Federal Register** indicating when facilities within the Captain of the Port Zone Guam including those in the Port of American Samoa must comply with the portions of the final rule requiring TWIC to be used as an access control measure. That notice will be published at least 90 days before compliance is required.

To obtain information on the pre-enrollment and enrollment process, and enrollment locations, visit TSA's TWIC Web site at <http://www.tsa.gov/twic>.

Issued in Arlington, Virginia, on August 8, 2008.

Stephen Sadler,

General Manager, Operations, Office of Transportation Threat Assessment and Credentialing, Transportation Security Administration.

[FR Doc. E8-18777 Filed 8-12-08; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[Docket No. USCBP-2006-0037]

Expansion of Global Entry Pilot Program

AGENCY: Customs and Border Protection; Department of Homeland Security.

ACTION: General notice.

SUMMARY: Customs and Border Protection (CBP) is currently conducting a pilot international registered traveler program, referred to as Global Entry, at three airports. This document announces the expansion of the pilot to four additional airports and to additional terminals at one of the airports at which Global Entry is currently operational.

DATES: *Effective Dates:* The pilot will be expanded to include the additional locations on or after August 1, 2008. The exact starting date for each airport location will be announced on the CBP Web site at <http://www.cbp.gov>. The pilot will continue for a minimum of six months. Applications are currently being accepted and will be accepted for the duration of the pilot. Comments concerning this notice and all aspects of the announced pilot may also be submitted throughout the duration of the pilot.

FOR FURTHER INFORMATION CONTACT: Fiorella Michelucci, Office of Field Operations, (202) 344-2564.

SUPPLEMENTARY INFORMATION:

Background

In a General Notice published in the **Federal Register** (73 FR 19861) on April 11, 2008, CBP announced a pilot international registered traveler program, then referred to as International Registered Traveler (IRT), scheduled to commence operations at three initial airports on June 10, 2008. In a notice published in the **Federal Register** (73 FR 30416) on May 27, 2008, CBP announced that the program is now known as Global Entry and that the starting date had been moved to June 6, 2008. The pilot began operations as scheduled at three initial airport locations: John F. Kennedy International Airport, Jamaica, New York (JFK); the George Bush Intercontinental Airport, Houston, Texas (IAH); and the Washington Dulles International Airport, Sterling, Virginia (IAD).

The Global Entry pilot program allows for the expedited clearance of pre-approved, low-risk travelers into the

United States. Among other things, the April 11, 2008 notice contained a description of the program, the eligibility criteria and the application and selection process. The April 11, 2008 notice further stated that the pilot would begin operation at a limited number of additional airports to be announced by a future notice published in the **Federal Register**. This notice announces these additional airports and the dates on which operation is expected to begin.

All aspects of the program as described in the April 11 notice are still in effect except for the changes set forth in this notice. Applications to participate are currently being accepted and will be accepted for the duration of the pilot. Comments will be accepted throughout the duration of the pilot to the addresses provided in the April 11, 2008 notice.

New Airports and Dates of Operation

The Global Entry pilot will begin on or after August 1, 2008, at the following airports: Los Angeles International Airport, Los Angeles, California (LAX); Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia (ATL); Chicago O'Hare International Airport, Chicago, Illinois (ORD); and Miami International Airport, Miami, Florida (MIA). Additionally, although the Global Entry pilot is currently operational at Terminal 4 of John F. Kennedy International Airport, Jamaica, New York (JFK), it will become operational at the remaining terminals of that airport as well, also on or after August 1, 2008. The exact dates of the expansion of the Global Entry pilot to the individual airports will be announced at <http://www.cbp.gov>.

Dated: August 8, 2008.

Thomas S. Winkowski,

Assistant Commissioner, Office of Field Operations.

[FR Doc. E8-18724 Filed 8-12-08; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5220-N-02]

Notice of Funding Availability (NOFA) for the Continuum of Care Homeless Assistance Program: Deadline for Applications and Technical Corrections

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: On July 10, 2008, HUD published in the **Federal Register** the NOFA for the Continuum of Care (CoC) Homeless Assistance Program. Through this NOFA, HUD is making available approximately \$1.42 billion in Fiscal Year (FY) 2008 for the CoC program. The purpose of the CoC program is to reduce the incidence of homelessness in communities by assisting homeless individuals and families to move to self sufficiency and permanent housing. Today's publication establishes the deadline date for the submission of applications and corrects or clarifies portions of the CoC NOFA published on July 10, 2008.

DATES: The application submission date for applications is September 26, 2008.

FOR FURTHER INFORMATION CONTACT: Individuals may direct questions regarding the CoC NOFA to the HUD Field Office serving their area, at the telephone numbers shown in HUD's Notice of Fiscal Year (FY) 2008 Notice of Funding Availability (NOFA); Policy Requirements and General Section to HUD's FY2008 NOFAs for Discretionary Programs (General Section) published on March 19, 2008 (73 FR 14883), or may contact the e-snaps Help Desk at 1-877-6esnaps (1-877-637-6277). Individuals who are hearing- or speech-impaired should use the Information Relay Service at 1-800-877-8339 (these are toll-free numbers).

SUPPLEMENTARY INFORMATION: On April 30, 2008 (73 FR 23483), HUD published its Notice of FY2008 Opportunity to Register and Other Important Information for Electronic Application Submission for Continuum of Care Homeless Assistance Programs (CoC Early Registration Notice). The CoC Early Registration Notice alerted the public that HUD would require Continuums of Care to submit applications electronically, using e-snaps, an electronic system separate from Grants.gov. On July 10, 2008 (73 FR 39840), HUD published its CoC NOFA, making available approximately \$1.42 billion in FY 2008 for the CoC program. The purpose of the CoC program is to reduce the incidence of homelessness in communities by assisting homeless individuals and families to move to self sufficiency and permanent housing. In the July 10, 2008, CoC NOFA, HUD stated that the application portion of the e-snaps system had not yet been launched and that HUD, as a result, was unable to establish a due date for the FY2008 CoC competition. HUD stated, however, that it would announce the application due date for the program through separate **Federal Register** notice. Today's

publication establishes the deadline date for the submission of applications. Today's publication also corrects or clarifies the CoC NOFA published on July 10, 2008.

Deadline for Applications

The application deadline date for the CoC NOFA is September 26, 2008. Electronic applications must be received by e-snaps by 4 p.m. eastern time on the deadline date. HUD will close e-snaps at 4:01 p.m. eastern time. Similarly, paper applications from applicants granted a waiver from the electronic application submission requirement must be received by HUD by 4 p.m. eastern standard time on the deadline date.

Summary of Technical Corrections

Today's publication also corrects or clarifies a number of sections of the July 10, 2008, CoC NOFA. These corrections and clarifications are listed below by page and section.

On page 39840, Overview Information, Section F., first column, entitled "Dates," HUD is revising this section to conform to the deadline date for applications established by today's publication. HUD had hoped to establish a deadline date at least 60 days from the publication date of today's publication. While the deadline date established by today's publication falls short of meeting this goal, HUD has attempted to provide potential CoC applicants 60 days notice of the deadline date by posting the deadline date for applications at <http://www.hud.gov/esnaps>.

On page 39845, Section III.A.1., HUD is correcting the eligibility chart, fourth column under "Section 8 SRO" to note that homeless individuals eligible for SRO need not be disabled.

On page 39851, Section V.1.e., third column, entitled "Emphasis on Housing Activities," HUD is correcting this paragraph to note that HUD will award points based on the relationship between funds requested for housing activities and funds requested for supportive services activities among both new and renewal projects.

On page 39854, Section VI.B.1.a., second column, HUD inadvertently indicated that it will use five measurable indicators related to the Continuum of Care homeless assistance programs based on the Government Performance and Results Act. In fact, HUD will use four indicators.

Accordingly, the Notice of HUD's Notice of Funding Availability (NOFA) for the Continuum of Care Homeless Assistance Program, published on July 10, 2008, beginning at 73 FR 39840, is corrected as follows:

On page 39840, Overview Information, Section F., first column, entitled "Dates," HUD is revising this section to read as follows:

F. *Dates*: The application deadline date for the CoC NOFA is September 26, 2008. Electronic applications must be

received by *e-snaps* by 4 p.m. eastern time on the deadline date. HUD will close *e-snaps* at 4:01 p.m. eastern time. Similarly, paper applications from applicants granted a waiver from the electronic application submission requirement must be received by HUD

by 4 p.m. eastern standard time on the deadline date.

On page 39845, Section III.A.1., HUD is correcting the eligibility chart, fourth column under "Section 8 SRO," to read as follows:

Elements	Section 8 SRO
Authorizing Legislation	Section 441 of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11401.
Implementing Regulations	24 CFR part 882, subpart H, except that all persons receiving rental assistance must meet the McKinney-Vento definition of homelessness.
Eligible Applicant(s)	<ul style="list-style-type: none"> • PHAs. • Private nonprofit organizations. • SRO housing. • Rental assistance. • Homeless individuals. • N/A. • 10 years.
Eligible Component(s)	
Eligible Activities, See footnotes 1, 2, and 3	
Eligible Populations, See footnote 2	
Populations Given Special Consideration	
Initial Term of Assistance, See footnote 4	

On page 39851, Section V.1.e., third column, entitled "Emphasis on Housing Activities," HUD is correcting this paragraph to read as follows:

e. *Emphasis on Housing Activities*: HUD will award 18 points based on the relationship between funds requested for housing activities (i.e., transitional and permanent) and funds requested for supportive service activities. Housing emphasis will be calculated on eligible new and renewal projects within FPRN. HUD will count as housing activity all approvable requests for funds for rental assistance and approvable requests for acquisition, rehabilitation, construction, leasing and operations when used in connection with housing. HMIS costs and administrative costs will be excluded from this calculation. CoCs are not required to have 100 percent housing activities to receive the full 18 points for this scoring criteria.

On page 39854, Section VI.B.1.a., second column, HUD is correcting this paragraph to read as follows:

a. The Government Performance and Results Act (GPRA) requires Federal agencies to measure the performance of their programs. HUD captures this information not only from monitoring visits and APRs, but also on the data gathered in annual competitions. For example, the description of methods¹ used in determining the project priority order submitted in Exhibit 1 provides verification that projects are performing satisfactorily and are effectively addressing the needs for which they were designed. HUD's homeless assistance programs are measured in 2008 by the objective to "end chronic homelessness and to move homeless families and individuals to permanent housing." This objective has a number of measurable indicators, four of which

relate directly to the Continuum of Care homeless assistance programs. These four indicators, as described below, will be collected in Exhibit 1:

- (1) At least 415 functioning CoC communities will have a functional Homeless Management Information System (HMIS) by Fiscal Year 2008.
- (2) The percentage of formerly homeless individuals who remain housed in HUD permanent housing projects for at least 6 months will be at least 71.5 percent.
- (3) The percentage of homeless persons who have moved from HUD transitional housing into permanent housing will be at least 63.5 percent.
- (4) The employment rate of persons exiting HUD homeless assistance projects will be at least 19 percent.

Dated: August 6, 2008.
 William H. Eargle, Jr.,
 Deputy Assistant Secretary for Operations,
 Community Planning and Development.
 [FR Doc. E8-18662 Filed 8-12-08; 8:45 am]
 BILLING CODE 4210-67-P

DATES: Comments on these permit applications must be received on or before September 12, 2008.

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Endangered Species Program Manager, Region 8, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825 (*telephone*: 916-414-6464; *fax*: 916-414-6486). Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist, see **ADDRESSES**, (*telephone*: 760-431-9440; *fax*: 760-431-9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service ("we") solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2008-N0197; 80221-1113-0000-F5]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We invite the public to comment on the following applications to conduct certain activities with endangered species.

Permit No. TE-022225

Applicant: Eric W. Stitt, Tucson, Arizona

The permittee requests an amendment to take (harass by survey, capture, handle, mark, photograph, and release) the arroyo southwestern toad (*Bufo microscaphus californicus*) and the blunt-nosed leopard lizard (*Gambelia silus*) in conjunction with surveys and population monitoring activities throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-126141

Applicant: Christina M. Shanney, Santee, California

The applicant requests a permit to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-161511

Applicant: Meredith E. Protas, Berkeley, California

The applicant requests a permit to take (survey, capture, collect biological samples, and release) the California freshwater shrimp (*Syncaris pacifica*) in conjunction with biological research throughout the range of the species in California, for the purpose of enhancing its survival.

Permit No. TE-175386

Applicant: USGS, California Cooperative Research Unit, Arcata, California

The applicant requests an amendment to take (survey, capture, handle, and release) the shortnose sucker (*Chasmistes brevirostris*) and Lost river sucker (*Deltistes luxatus*) in conjunction with surveys and demographic studies in Modoc County, California, and Klamath County, Oregon for the purpose of enhancing their survival.

We solicit public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Dated: August 7, 2008.

Michael Fris,
Regional Director, Region 8, Sacramento,
California.

[FR Doc. E8-18684 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R9-IA-2008-N0192; 96300-1671-0000-P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species.

DATES: Written data, comments or requests must be received by September 12, 2008.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:**Endangered Species**

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: Carnegie Museum of Natural History, Pittsburgh, PA, PRT-187260

The applicant requests a permit to import a complete adult male skeleton of a New Zealand shore plover (*Thinornis novaeseelandiae*) from the National Museum of New Zealand, Wellington, New Zealand, for the purpose of enhancement of the species through scientific research.

Applicant: Delaware Museum of Natural History, Wilmington, DE, PRT-184718

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the permittee's collection for scientific research. This notification covers activities conducted by the applicant over a five-year period.

Applicant: Villanova University, Villanova, PA, PRT-187106

The applicant requests a permit to import biological samples of the Saint Lucia white-breasted thrasher (*Ramphocinclus brachyurus sanctaeluciae*) from the Forestry Department, Government of Saint Lucia for the purpose of enhancement of the species through scientific research. This notification covers activities conducted by the applicant over a five-year period.

Applicant: University of California, Santa Cruz, Santa Cruz, CA, PRT-172134

The applicant requests a permit to import biological samples from lesser mouse lemurs (*Microcebus murinus*) and golden-brown mouse lemurs (*Microcebus ravelobensis*) collected in the wild in Madagascar, for the purpose of scientific research.

Applicant: Barbara L. Dickey, Occidental, CA, PRT-188631

The applicant requests a permit to import one male captive-born cheetah (*Acinonyx jubatus*) from the De Wildt Cheetah and Wildlife Conservation Centre, South Africa for the purpose of enhancement of the survival of the species.

Applicant: National Museum of Natural History, Smithsonian Institution, Washington, DC, PRT-188579

The applicant requests a permit to import 29 gorilla (*Gorilla gorilla*) skulls salvaged from various sources with the approval of the Government of the Republic of Cameroon for the purpose of scientific research.

Applicant: University of Idaho, Moscow, ID, PRT-066574

The applicant requests a renewal of their permit to import biological samples from European brown bear (*Ursus arctos arctos*) collected in the wild in Italy, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a five-year period.

Applicant: Erik D. Holum, Mitchell, SD, PRT-187827

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Gay L. Scott, Nederland, TX, PRT-185773

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: William F. Scott, Nederland, TX, PRT-185771

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: July 11, 2008.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E8-18706 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R9-IA-2008-N0203; 96300-1671-0000-P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species.

DATES: Written data, comments or requests must be received by September 12, 2008.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication

of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: University of Alaska Museum of the North, Fairbanks, AK, PRT-182602

The applicant requests a permit to import tissue samples of museum specimens of Vancouver Island marmot (*Marmota vancouverensis*) from the Royal Ontario Museum, Toronto, Ontario, Canada, for the purpose of scientific research.

Applicant: University of Kansas Biodiversity Institute, Lawrence, KS, PRT-677648

The applicant requests a renewal of their permit to export, re-export, and re-import non-living museum specimens of endangered and threatened species of plants and animals previously accessioned into the permittee's collection, for scientific research. This notification covers activities to be conducted by the applicant over a five-year period.

Applicant: Busch Gardens, Tampa, FL, PRT-174382

The applicant requests a permit to import one male and two female captive-born Bornean orangutans (*Pongo pygmaeus pygmaeus*) from the Auckland Zoological Park, New Zealand for the purpose of enhancement of the species through captive breeding and conservation education.

Applicant: Tom D. Smith, Grantsville, UT, PRT-181040

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Sean E. Perry, White City, OR, PRT-183403

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Robert W. Langenberg, Montgomery, AL, PRT-186876

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Conley L. Marcum, Jr., Anchorage, AK, PRT-187825

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Michael H. Shaw, Mayo, FL, PRT-188028

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Mark C. Glass-Royal, Darnestown, MD, PRT-188839

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: David C. Lau, Oconomowoc, WI, PRT-187826

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: William F. Scott, Nederland, TX, PRT-185770

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: July 18, 2008.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E8-18707 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R1-FHC-2008-N0206; 81331-1334-8TWG-W4]

Trinity Adaptive Management Working Group

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Trinity Adaptive Management Working Group (TAMWG) affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the Trinity Management Council (TMC). This notice announces a TAMWG meeting, which is open to the public.

DATES: TAMWG will meet from 1 p.m. to 5 p.m. on Monday, August 25, 2008 and from 8:30 to 1 on Tuesday, August 26, 2008.

ADDRESSES: The meeting will be held at the Weaverville Victorian Inn, 1709 Main St., 299 West, Weaverville, CA 96093.

FOR FURTHER INFORMATION CONTACT: Randy A. Brown of the U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521; telephone: (707) 822-7201. Randy A. Brown is the TAMWG Designated Federal Officer. For background information and questions regarding the Trinity River Restoration Program (TRRP), please contact Douglas Schleusner, Executive Director, Trinity River Restoration Program, P.O. Box 1300, 1313 South Main Street, Weaverville, CA 96093; telephone: (530) 623-1800; E-mail: dschleusner@mp.usbr.gov

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), this

notice announces a meeting of the (TAMWG).

Primary objectives of the meeting will include discussion of the following topics:

- TRRP construction program,
- TRRP budget,
- Integrated Assessment Plan,
- Trinity River Hatchery goals and policies, and
- Response to CDR Situation Assessment.

Completion of the agenda is dependent on the amount of time each item takes. The meeting could end early if the agenda has been completed.

Dated: July 24, 2008.

Randy A. Brown,

Designated Federal Officer, Arcata Fish and Wildlife Office, Arcata, CA.

[FR Doc. E8-18696 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2008-N0202; 81430-1112-0000-F2]

Proposed Low Effect Habitat Conservation Plan for Restoration and Management of the Linden H. Chandler Preserve, City of Rolling Hills Estates, County of Los Angeles, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Palos Verdes Peninsula Land Conservancy (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 25-year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for "take" of the endangered Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*, "PVB") associated with restoration and management of the Linden H. Chandler Preserve ("Preserve") in the City of Rolling Hills Estates, Los Angeles County, California. Following reintroduction of PVB to the Preserve, measures to minimize impacts to PVB would be implemented as described in the proposed Restoration and Management of the Linden H. Chandler Preserve Low Effect Habitat Conservation Plan (proposed HCP), which would be implemented by the applicant.

We are requesting comments on the permit application and on the preliminary determination that the proposed HCP qualifies as a "Low-

effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the Environmental Action Statement (EAS) and the associated Low Effect Screening Form, which are also available for public review.

DATES: Written comments should be received on or before September 12, 2008.

ADDRESSES: Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92011. Written comments may be sent by facsimile to (760) 918-0638.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Goebel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES**); telephone: (760) 431-9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the application, proposed HCP, and EAS should immediately contact the Service by telephone at (760) 431-9440 or by letter to the Carlsbad Fish and Wildlife Office. Copies of the proposed HCP and EAS also are available for public inspection during regular business hours at the Carlsbad Fish and Wildlife Office [see **ADDRESSES**].

Background

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. Take is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the Act, the Service may issue permits to authorize incidental take of listed species. "Incidental take" is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

The applicant is seeking a permit for take of the Palos Verdes blue butterfly during the life of the permit. This species is referred to as the "PVB" in the proposed HCP. The PVB is restricted to the Palos Verdes Peninsula in Los Angeles County, California.

The applicant initiated native habitat restoration activities within the Preserve in 1999 and proposes to reintroduce PVB once suitable habitat for the species is established. Following reintroduction of PVB, the applicant will continue to maintain native plant cover and eliminate invasive species on up to 28.5 acres within the Preserve. Restoration and management activities may include irrigation system installation and repair, mechanical weed removal, application of herbicides, planting, seeding, mechanical weeding, and removal of organic debris as necessary to enhance habitat for PVB.

The applicant proposes to minimize the effects to PVB associated with the proposed restoration activities by restricting certain activities during the flight season (February 15 to June 15), and avoiding disturbance to host plants and surrounding soil. The applicant will also conduct surveys for PVB for the first five years following reintroduction and a minimum of every three years thereafter to track peak abundance and patterns of occupancy within the Preserve. Restoration activities have the potential to result in take of a small number of PVB pupae if host plants and surrounding soil are incidentally disturbed. Surveys for PVB during the flight season have the potential to take a small number of adults if they are flushed from the site and not able to successfully reproduce. The project will result in an increase in the quality and quantity of habitat for PVB within the Preserve; therefore, no additional mitigation is proposed.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to minimize impacts of the project on PVB. One alternative to the taking of the listed species under the Proposed Action is considered in the proposed HCP. Under the No Action Alternative, no permit would be issued, and reintroduction of PVB to the Preserve would not occur. Management and restoration efforts would continue in the Preserve; however, the threat of extinction of PVB in the wild would remain high.

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM8) and as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (November 1996). Determination of Low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the proposed HCP

would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the proposed HCP would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the proposed HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources which would be considered significant.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the proposed HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to Palos Verdes Peninsula Land Conservancy for the incidental take of the Palos Verdes blue butterfly from restoration and management of the Linden H. Chandler Preserve in the City of Rolling Hills Estates, Los Angeles County, California.

Dated: August 7, 2008.

Jim A. Bartel,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. E8-18685 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Metlakatla Indian Community Alcohol Possession Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes an amendment to the Law and Order Code

(Code), Alcohol Possession, for the Metlakatla Indian Community of the Annette Island Reserve. The amendment regulates and controls the possession and consumption of liquor within the tribal lands. The tribal lands are located in Indian Country and this amended Code allows for possession of alcoholic beverages within their boundaries. This Code will increase the ability of the tribal government to control liquor possession and consumption by the community's members.

DATES: *Effective Date:* This Code is effective on August 13, 2008.

FOR FURTHER INFORMATION CONTACT:

Betty Scissons, Tribal Government Services Officer, Northwest Regional Office, 911 NE 11th Ave., 8th Floor, Portland, OR 97232, Telephone: (503) 231-6723, Fax (503) 231-2189; or Elizabeth Colliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240, Telephone: (202) 513-7640.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian Country. The Metlakatla Indian Community, Council, Annette Islands Reserve, amended the Alcohol Possession section of its Law and Order Code by Resolution No. 07-49 on November 13, 2007. The purpose of this Ordinance is to govern the possession of alcohol within tribal lands of the Tribe.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that this Alcohol Possession Code of the Metlakatla Indian Community was duly adopted by the Council, Annette Island Reserve on November 13, 2007.

Dated: July 31, 2008.

George Skibine,

Acting Deputy Assistant Secretary for Policy and Economic Development.

The Metlakatla Indian Community Alcohol Possession Code reads as follows:

PROVISIONS RELATED TO THE LEGALIZATION OF ALCOHOL POSSESSION WITHIN THE ANNETTE ISLANDS RESERVE

TITLE ONE, CHAPTER 1, CRIMINAL VIOLATIONS.

SECTION ONE.1.49 DISTRIBUTION OF TOBACCO AND INTOXICANTS TO CHILDREN.

A. Any person who shall provide any tobacco product to any child under the age of eighteen (18) years shall be guilty of an offense and, upon conviction thereof, shall be sentenced to labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs.

B. Any person who shall provide any alcoholic beverage, narcotic or other intoxicant to any person under the age of twenty-one (21) years shall be guilty of an offense and, upon conviction thereof, shall be sentenced to labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs. A person shall also be liable for this offense if he or she exercises control over property and allows any person under the age of twenty-one (21) years to consume alcohol on the property or to remain on the property if they have consumed alcohol.

SECTION ONE.1.55 LIQUOR POSSESSION FOR SALE.

A. Sale of Alcoholic Beverages Prohibited.

Any person who shall, within the Annette Islands Reserve, sell, barter or transport, possess, or manufacture any alcoholic beverage for purposes of sale or distribution thereof for profit, shall be guilty of an offense.

B. Application to Non-Member Natives.

1. First Conviction: Upon first conviction thereof, a non-member Native may be sentenced to labor for a period of not more than thirty (30) days and shall pay a fine of not less than one thousand dollars (\$1000) and not more than five thousand dollars (\$5000). Upon a conviction hereunder, a person shall appear before the Council for a public reprimand.

2. Second Conviction: Upon a second conviction thereof, a person may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be made subject to a proceeding under Title Four, Chapter 3 to revoke all existing visitor, residence and employment permits in the person's possession.

3. First Conviction. Special Circumstances: Upon a first conviction

involving a violation of Section One.1.49, a person may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be made subject to a proceeding under Title Four, Chapter 3 to revoke all existing visitor, residence and employment permits in the person's possession.

C. Application to Members.

1. First Conviction: Upon first conviction thereof, a member may be sentenced to labor for a period of not more than thirty (30) days and shall pay a fine of not less than one thousand dollars (\$1000) and not more than five thousand dollars (\$5000). The Magistrate shall notify the defendant of the possibility of loss of membership privileges pursuant to the rules established by the Community Council if the defendant is convicted a subsequent time. Upon a conviction hereunder, a person shall appear before the Council for a public reprimand.

2. Second Conviction: Upon a second conviction thereof, a member may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be required to relinquish all rights and privileges of citizenship of the Metlakatla Indian Community under Title Four, Chapter 2 for a period of six (6) months. No hearing or Special Council meeting shall be necessary under Title Four, Chapter 2.

3. First Conviction. Special Circumstances: Upon a first conviction involving a violation of Section One.1.49, a member may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be required to relinquish all rights and privileges of citizenship of the Metlakatla Indian Community under Title Four, Chapter 2 for a period of six (6) months. No hearing or Special Council meeting shall be necessary under Title Four, Chapter 2.

SECTION ONE.1.56 LIQUOR VIOLATION.

Any person who shall, within the Annette Islands Reserve sell, barter, transport, possess, consume, or have consumed, or manufacture any alcoholic beverage shall be guilty of an offense and, upon conviction thereof, shall be sentenced to labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs.

SECTION ONE.1.56 PUBLIC INTOXICATION.

A. A person commits the crime of public intoxication if he or she appears in a public place under the influence of alcohol, narcotics, or other drug to the degree that he or she endangers himself or herself or another person or property, or by boisterous and offensive conduct affects the enjoyment of another person in his or her vicinity.

B. Public intoxication is a violation and, upon conviction thereof, shall be punishable by a sentence of labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs. Individuals arrested for public intoxication may be held in jail for a period after which they are no longer considered a harm to themselves and others (e.g., the time necessary for them to "sober up"), provided such time shall not exceed twelve (12) hours.

SECTION ONE.1.56(A) CONSUMPTION OF ALCOHOL IN PUBLIC PLACES.

A. A person commits the crime of consumption of alcohol in public places if he or she drinks or consumes any alcoholic liquor in or upon any street, alley, public grounds, or other public places. Public places shall be defined as those developed public areas designated by the Council, including areas within the municipal limits and developed beaches, including Smuggler's Cove, Sand Dollar, Graveyard, and Pioneer.

B. Consumption of alcohol in public places is an offense and, upon conviction thereof, shall be punishable by a sentence of labor for a period of not more than six (6) months or a fine not to exceed the constitutional limit, or both, with costs.

SECTION ONE.1.56(B) MINOR IN POSSESSION OF ALCOHOL.

A. A minor commits the crime of minor in possession of alcohol when he or she is in possession of alcohol, which can be proven by facts showing the minor had physical possession, constructive possession, or possession by consumption (breath) of alcohol.

B. Minor in possession of alcohol is a violation and subject to the provisions of Title 3, Chapter 4 (Juvenile Offender Procedure).

SECTION ONE.1.56(C) MISREPRESENTATION OF AGE BY A MINOR.

A. A minor commits the crime of misrepresentation of age by a minor when he or she is purposely not truthful about his or her age to prevent being in violation of law.

B. Misrepresentation of age by a minor is a violation and subject to the provisions of Title Three, Chapter 4 (Juvenile Offender Procedure).

TITLE FOUR, CHAPTER 6, GOVERNING CONTRABAND.

SECTION FOUR.6.2 DECLARATION OF CONTRABAND.

The following things and substances are hereby declared to be contraband and their manufacture, possession, sale, or use within the Annette Islands Reserve is hereby declared to be illegal:

A. Electronic decoder for radio messages.

B. Electronic radar detector.

C. Any other electronic device used to detect or interfere with any electromagnetic signal generated by the Metlakatla Police Department in its law enforcement activities or by any other governmental or law enforcement agency authorized to operate on the Annette Islands Reserve.

D. Marijuana or any other dangerous drug or narcotic the use or possession of which violates the Law & Order Code of the Metlakatla Indian Community or any Federal law relating to controlled substances, unless such use or possession is legal under the laws of the State of Alaska and is solely for medical purposes.

E. Any device, substance, airplane, boat, including fishing vessels, motor vehicle, or thing of any kind whatsoever used in connection with violating the Law & Order Code of the Metlakatla Indian Community, including all ordinances or any resolutions and orders of the Metlakatla Indian Community Council or the Magistrate's Court of the Metlakatla Indian Community.

F. The species of dog known as a Pit Bull or Pit Bull Terrier or other vicious animal.

G. Firearms of destructive devices possessed in violation of Section Four.5.2.

[FR Doc. E8-18771 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of Isleta Liquor Sales Ordinance

AGENCY: Bureau of Indian Affairs,
Interior

ACTION: Notice.

SUMMARY: This notice publishes the Amended and Restated Pueblo of Isleta Liquor Sales Ordinance. The amended

Ordinance regulates and controls the possession, sale and consumption of liquor within the Pueblo of Isleta lands. The Pueblo of Isleta is located on trust land and this amended Ordinance allows for the possession and sale of alcoholic beverages within the exterior boundaries of the Pueblo of Isleta. This amended Ordinance will increase the ability of the tribal government to control the distribution and possession of liquor within their reservation and at the same time will provide an important source of revenue and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Ordinance is effective as of September 12, 2008.

FOR FURTHER INFORMATION CONTACT: Iris A. Drew, Division of Tribal Government, Office of Indian Services, 1001 Indian School Road, Albuquerque, New Mexico 87104; Telephone (505) 563-3530; Fax (505) 563-3060; or Elizabeth Coiliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240; Telephone (202) 513-7627; Fax (202) 208-5113.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953; Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register**, notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian Country. The Tribal Council of the Pueblo of Isleta adopted this amended Liquor Sales Ordinance on October 4, 2007. The purpose of this amended Ordinance is to govern the sale, possession and distribution of alcohol within the lands held by the Pueblo of Isleta. This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I approve this ordinance and certify that this Amended and Restated Liquor Sales Ordinance of the Pueblo of Isleta was duly adopted by the Tribal Council on October 4, 2007.

Dated: July 31, 2008.

George T. Skibine,

Acting Deputy Assistant Secretary for Policy and Economic Development.

The Pueblo of Isleta's Amended and restated Liquor Sales Ordinance reads as follows:

PUEBLO OF ISLETA LIQUOR SALES ORDINANCE

(Current as of October 4, 2007)

Be it ordained and enacted by the Pueblo of Isleta as follows:

Section 1. Introduction.

A. Title. The title of this ordinance shall be the Liquor Sales Ordinance of the Pueblo of Isleta.

B. Authority. This ordinance is being passed and enacted in accordance with the inherent governmental powers of the Pueblo of Isleta, a federally recognized tribe of Indians, and specifically under Article V, Section 2(e) of the Pueblo of Isleta Constitution, and in conformance with the laws of the State of New Mexico, as required by 18 U.S.C. Section 1161.

C. Purpose. The purpose of this ordinance is to regulate the sale of Intoxicating Beverages (as herein defined) within the exterior boundaries of the Pueblo of Isleta.

Section 2. Definitions.

“**Enterprise**” means a Person engaged in, or desiring to engage in, the business of selling Intoxicating Beverages.

“**Governor**” means the Governor of the Pueblo of Isleta or his designee.

“**Intoxicated Person**” means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

“**Intoxicating Beverage**” includes the four varieties of liquor commonly referred to as alcohol, spirits, wine, and beer, and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating, and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, excluding any prescription or over-the-counter medicine, any product not fit for human consumption and wine used for sacramental purposes.

“**License**” means a license or authorization by the Tribal Council for an Enterprise to sell Intoxicating Beverages at a designated location.

“**Licensed Establishment**” means (1) a physical area of Pueblo of Isleta tribal land, excluding lands which have been assigned to an individual tribal member, or (2) a certain space or area within a building on Pueblo of Isleta tribal lands (which have not been assigned to an individual tribal member), designated by the Pueblo of Isleta Tribal Council as a place where Intoxicating Beverages can be sold. A Licensed Establishment may be a designated area, such as golf course or an amphitheater.

“**Licensee**” means an Enterprise which holds a Pueblo of Isleta Liquor License and is authorized by the Tribal Council to sell and serve Intoxicating Beverages in a Licensed Establishment.

“**Minor**” means any person under the age of twenty-one (21) years.

"Permitted Server" means any individual who is an owner or employee of a Licensee and who is authorized to sell, serve, or dispense Intoxicating Beverages under such rules and regulations as the Pueblo may adopt. A Permitted Server may not be a Minor.

"Person" means an individual, corporation, limited liability company, partnership, joint venture, association, trust unincorporated organization or business, government, Indian Tribe (including the Pueblo and its Enterprises), or any agency, instrumentality, or subdivision thereof.

"Pueblo" means the Pueblo of Isleta, a federally-recognized tribe of Indians, located within the exterior boundaries of the State of New Mexico.

"Server Permit" means a permit to serve Intoxicating Beverages issued to a Permitted Server.

"Tribal Council" means the Pueblo of Isleta Tribal Council.

Section 3. General.

The sale of Intoxicating Beverages shall be lawful within the exterior boundaries of the Pueblo of Isleta and on all other lands of the Pueblo over which the Pueblo has jurisdiction provided that such sale is made in conformance with the laws of the State of New Mexico, to the extent applicable, and is authorized by this Ordinance.

Section 4. Sales Allowed.

A. Sales of Intoxicating Beverages on Pueblo lands are authorized only if the sale occurs in a Licensed Establishment owned or operated by a Licensee.

B. Sales of Intoxicating Beverages at a Licensed Establishment may be made only by a Permitted Server.

C. No sale of Intoxicating Beverages shall be made to a person under the age of twenty-one (21).

Section 5. Licensees.

A. Licensees.

1. An Enterprise owned or controlled by the Pueblo which is expressly authorized by the Tribal Council to sell and serve Intoxicating Beverages shall be deemed to be a Licensee without further application.

2. Any other Enterprise which seeks to sell and serve Intoxicating Beverages shall apply for a License on such form and pursuant to such rules and regulations as the Pueblo may adopt. The application shall be submitted to the Governor and the Tribal Council, accompanied by the applicable fee as established from time to time by the Pueblo, and must contain, among other matter, the following information:

(a) The name and address of the Enterprise and, if applicable, the state in

which it was incorporated or organized, and a certified copy of its articles of incorporation or organization;

(b) the names and addresses of all officers of the Enterprise and of all Persons owning a five percent (5%) or greater interest in the Enterprise;

(c) a list of every liquor license or permit, by number and state or Indian tribe, in which the Enterprise or any predecessor-in-interest has, or within the part ten (10) years had, directly or indirectly owned or held any interest;

(d) for every natural person identified in paragraph (b), two (2) complete sets of fingerprints and detail with respect to past criminal activity, including conviction for any felony, conviction for any misdemeanors, and conviction for a violation of any Federal or State liquor control law at any time, except that traffic offenses need not be listed;

(e) detail as to whether any Person identified in paragraph (b) either (i) ever applied for a liquor license or permit from any governmental entity, which was denied, and the reasons for such denial, or (ii) held a liquor license or permit which was revoked, and the reasons for such revocation; and

(f) evidence of financial responsibility.

3. Licenses shall be issued for a period not to exceed one (1) year, and may be renewable in the discretion of the Pueblo upon the submission of a properly completed renewal application, accompanied by the applicable license renewal fee, as established from time to time by the Pueblo.

B. Permitted Servers:

1. Any individual, including an individual employed by the Pueblo, who seeks to become a Permitted Server, shall apply for a Server Permit on such form and pursuant to such rules and regulations as the Pueblo may adopt. The application shall be submitted to the Governor and must contain, among other matters, the following information:

(a) The name and address of the applicant;

(b) a list of all jobs, businesses, and other employment for the immediately preceding five (5) years;

(c) a listing of all residence for the immediately preceding five (5) years, including street address, city, and State, and dates of residence at each different location;

(d) the information required under subsection A.2(c), (d) and (e) above;

(e) evidence that the individual has taken the requisite alcohol server training program as may be required of individuals selling Intoxicating

Beverages under the laws of the State of New Mexico, or agrees to take such course within thirty (3) days of his or her employment.

2. Server Permits, unless sooner revoked, shall be issued for a period of up to five (5) years from the date that the Permitted Server has completed an alcohol server training program.

C. Fingerprint Procedures.

1. The Pueblo may require two sets of fingerprints from any or all of the individuals identified in subsections 5.A and 5.B above.

2. All applicants to become Licensees and any other individual required to submit fingerprints hereunder must consent that the fingerprints may be processed by local and National law enforcement agencies and all other available agencies. If the search, by virtue of the fingerprint submission, reveals any adverse information which was not shown on the application, the individual concerned will be given an opportunity to explain the circumstance of such omission or challenge the authenticity of the revealed information.

3. Any cost associated with supplying the complete sets of fingerprints and the investigation thereafter will be borne exclusively by the Licensee or Permitted Server applicant.

Section 6. Licensed Establishments.

A. Sales and serving of Intoxicating Beverages may occur only in a Licensed Establishment.

B. Each Licensed Establishment shall be identified by a map showing its location and the perimeters of the land and/or building, or portion thereof, together with a general description of the premises, which map and description shall be filed with the Pueblo. A parcel of land not containing a building, so long as the perimeters thereof are defined, may be a Licensed Establishment including, but not limited to, areas within a golf course (including adjacent facilities utilized in connection with the golf course complex), an amphitheater, or an area(s) adjacent to the Isleta Casino & Resort complex (such as outdoor cafes and special event tents).

C. An Enterprise which is not owned or controlled by the Pueblo must apply to the Tribal Council for a License to operate a Licensed Establishment on such form and in such a manner as the Pueblo may prescribe. The premises upon which the Enterprise applies to operate shall not be deemed a Licensed Establishment unless and until such License is granted.

D. An Enterprise which is owned or controlled by the Pueblo and which has

been authorized by the Tribal Council to sell Intoxicating Beverages shall be deemed to have a Licensed Establishment upon filing the map and description required under Subsection 6.B pursuant to express authorization of the Tribal Council.

E. No Licensed Establishment shall be located closer than 500 feet from any church, school, or military installation. A Licensed Establishment shall be specifically designated as to whether it is permitted to sell Intoxicating Beverages by the package and/or by the drink.

Section 7. License Server Permit Approvals and Denials.

A. The granting, denial or renewal of a License or Server Permit shall be within the discretion of the Pueblo of Isleta Tribal Council.

B. A License or a Server Permit may be terminated or revoked for cause. Cause shall include:

1. A violation of this Ordinance or the laws of the State of New Mexico;

2. a violation of any rules and regulations adopted by the Pueblo to implement this Ordinance;

3. a sale of Intoxicating Beverages outside a Licensed Establishment or in violation of its License;

4. the conviction of a Licensee, a Permitted Server, or of any individual, described in subsection 5.A.2 (b), of a felony or of a misdemeanor involving a violation of any alcoholic beverage law; a material misstatement in the application for a License or Server Permit; and

6. allowing a nuisance, drug sales, or rowdy behavior within the Licensed Establishment.

C. Revocation of a License or Server Permit will occur only following an opportunity for a hearing before the Tribal Council or its authorized delegee. Decisions of the Tribal Council or its authorized delegee shall be final and not subject to further review.

D. No transfer or assignment of a License shall be made without the approval in writing of the Tribal Council.

E. Notwithstanding any other provision of this Ordinance, a License issued hereunder shall not be deemed a property right or vested right of any kind, nor shall the granting of any License give rise to a presumption or legal entitlement to the renewal of such License.

Section 8. Prohibited Sales and Practices.

A. No Licensee or Permitted Server shall:

1. Sell, serve, or dispense Intoxicating Beverages to any person who is obviously intoxicated;

2. award Intoxicating Beverages as prizes;

3. sell Intoxicating Beverages at a drive-up or walk-up window;

4. sell Intoxicating Beverages to a Minor;

5. knowingly sell Intoxicating Beverages to an adult purchasing such liquor on behalf of a Minor or an Intoxicated Person; or

6. allow a person to bring Intoxicating Beverages onto the premises of a Licensed Establishment for the purposes of consuming them himself, or providing them to other individuals.

Section 9. Enforcement.

A. Criminal Penalties.

1. A Licensee or Permitted Server who is subject to the jurisdiction of the Pueblo and is found guilty of violating any portion of this Ordinance, or is found guilty of having made any materially false statement or concealed any material facts in his/her application for a License or Server Permit granted pursuant to the provisions of this Ordinance, shall have his/her/its License or Server Permit immediately revoked subject to reinstatement after a hearing pursuant to subsection 7.C, and such individual shall be subject to a fine not to exceed \$500.00 for each violation.

2. Any person subject to the jurisdiction of the Pueblo who is found guilty of purchasing Intoxicating Beverages on behalf of a minor or an intoxicated person shall be subject to a fine not to exceed \$500.00 for each violation or not to exceed one (1) month in jail, or both.

3. Any Minor subject to the jurisdiction of the Pueblo purchasing, attempting to purchase, or found in possession of Intoxicating Beverages shall be subject to a fine not to exceed \$500.00 for each violation.

B. Civil Penalties.

1. Any non-member Licensee violating any provision of this Ordinance or regulations promulgated hereunder shall be subject to his/her/its License being revoked, as well as immediate termination of any contract with the Pueblo, and to such other civil sanctions as are provided in rules and regulations implementing this Ordinance.

2. Any Permitted Server who is not a member of the Pueblo and who violates any provision of this Ordinance or regulations promulgated hereunder may be subject to revocation of his/her Server Permit as well as immediate termination of his/her employment.

3. Any non-member of the Pueblo who purchases Intoxicating Beverages on behalf of a Minor or an Intoxicated Person shall be subject to exclusion from Pueblo lands.

Section 10. Rules and Regulations.

The Tribal Council may adopt and enforce rules and regulations to implement this Ordinance. The rules and regulations will be in conformance with New Mexico State law, if applicable, and with this Ordinance.

Section 11. Amendment.

This Ordinance amends and supplements the prior Liquor Ordinance of the Pueblo of Islet, enacted in 1958. This amendment shall be effective upon the final approval of this Ordinance by the Secretary of the Interior or his designated representative.

Section 12. Severability

In the event any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, all other provisions shall not be affected and shall remain in full force and effect.

Section 13. Sovereign Immunity

The sovereign immunity of the Pueblo of Isleta shall not be waived by this Ordinance.

CERTIFICATION

The foregoing Amended and Restated Pueblo of Isleta Liquor Sales Ordinance was ordained and enacted at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the *4th day of October, 2007*, at which a quorum was present, with *10* voting for, *0* opposing, and *0* abstaining.

/s/ _____
Governor
/s/ _____
President, Tribal Council
Attest:
/s/ _____
Tribal Council Secretary

[FR Doc. E8-18775 Filed 8-12-08; 8:45 am]
BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of San Felipe Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Pueblo of San Felipe Liquor Control Ordinance. The Ordinance regulates and

controls the possession, sale and consumption of liquor within the Pueblo of San Felipe lands. The Pueblo of San Felipe is located on trust land and this Ordinance allows for the possession and sale of alcoholic beverages within the exterior boundaries of the Pueblo of San Felipe. This Ordinance will increase the ability of the tribal government to control the distribution and possession of liquor within their Reservation and at the same time will provide an important source of revenue and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Ordinance is effective as of August 13, 2008.

FOR FURTHER INFORMATION CONTACT: Iris A. Drew, Division of Tribal Government, Office of Indian Services, 1001 Indian School Road, Albuquerque, New Mexico 87104; Telephone (505) 563-3530; Fax (505) 563-3060; or Elizabeth Colliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240; Telephone (202) 513-7627; Fax (202) 208-5113.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953; Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register**, notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian Country. The Tribal Council of the Pueblo of San Felipe adopted this Liquor Ordinance on April 14, 2008. The purpose of this Ordinance is to govern the sale, possession, and distribution of alcohol within the lands held by the Pueblo of San Felipe. This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I approve this ordinance and certify that this Liquor Sales Ordinance of the Pueblo of San Felipe was duly adopted by the Tribal Council on April 14, 2008.

Dated: July 31, 2008.

George Skibine,

Acting Deputy Assistant Secretary for Policy and Economic Development.

The Pueblo of San Felipe's Liquor Control Ordinance reads as follows:
PUEBLO OF SAN FELIPE LIQUOR CONTROL ORDINANCE

Adopted by Resolution No. 2008-86 on April 14, 2008

I. TITLE AND PURPOSE.

The title of this ordinance is the Pueblo of San Felipe Liquor Control

Ordinance (Liquor Ordinance). The purpose of this Liquor Ordinance is to standardize procedures for the regulation and control of the sale and consumption of liquor on the Reservation.

II. AUTHORITY.

The Pueblo enacts this Liquor Ordinance pursuant to its inherent governmental powers and in accordance with its traditional law, which empowers its Tribal Council to enact ordinances. This Liquor Ordinance conforms with and also has been enacted pursuant to the Act of August 15, 1953 (Pub. L. No. 83-277, 67 Stat. 586, 18 U.S.C. § 1161). The Sale of Liquor shall be lawful within the Reservation if such Sale complies with this Liquor Ordinance and, to the extent required by Federal law, applicable laws of the State of New Mexico.

III. DEFINITIONS.

Except as otherwise provided herein, the following definitions apply throughout this Liquor Ordinance:

A. "Certified Server" means any employee of a Liquor Licensee who is twenty-one (21) years of age or older, certified to Sell Liquor on the Reservation in accordance with this Liquor Ordinance, has successfully completed a Liquor server training program approved by the Tribal Council, and is certified as having completed such course by the entity providing the training program or by the Tribal Council;

B. "Commission" means the Pueblo of San Felipe Liquor Control Commission;

C. "Enterprise" means a business wholly-owned by the Pueblo that is engaged in, or desires to engage in, the business of Selling Liquor on the Reservation;

D. "Governor" means the Governor of the Pueblo or his designee;

E. "Licensed Liquor Establishment" means a designated physical location within the Reservation from which a Liquor Licensee is authorized to Sell Liquor under the provisions of the Liquor License granted by the Tribal Council in accordance with this Liquor Ordinance;

F. "Liquor" means distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin, and aromatic bitters bearing the Federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters. "Liquor" includes "beer" and any other alcoholic beverage created by the

fermentation of any infusion or decoction of barley, malt, and hops, or other cereals in water, and includes porter, beer, ale, and "wine," which means alcoholic beverages obtained by the fermentation of natural sugar contained in fruit or other agricultural products, with or without the addition of sugar or other products that do not contain less than one-half percent (0.5%) nor more than twenty-one percent (21%) alcohol by volume;

G. "Liquor License" means a revocable license granted by the Tribal Council authorizing the Liquor Licensee named therein to Sell Liquor at a specified Licensed Liquor Establishment on the Reservation;

H. "Liquor Licensee" means the holder of a valid Liquor License allowing the Sale of Liquor in a designated Licensed Liquor Establishment, as authorized and granted by the Tribal Council; provided that a "Liquor Licensee" may be any eligible Person or the Pueblo, including any department, agency, or Enterprise thereof;

I. "Minor" means any individual under the age of twenty-one (21) years of age;

J. "Package Sale" means those Sales of Liquor in containers filled or packed by a manufacturer or wine bottler Sold by a Liquor Licensee in an unbroken package for consumption off the Licensed Liquor Establishment premises and not for resale;

K. "Person" means an individual, trust, firm, association, partnership, political subdivision, tribal or other government agency, municipality, industry, public or private corporation, or any other entity whatsoever;

L. "Public Place" means gaming, eating, and commercial or community facilities of every nature that are open to and/or are generally used by the public; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has been invited, and that generally are used by the public;

M. "Pueblo" means the Pueblo of San Felipe;

N. "Reservation" means all lands within the exterior boundaries of the Pueblo's territories, all lands owned by the Pueblo subject to Federal restrictions on alienation, and all other lands that are now or may hereafter be held in trust for the benefit of the Pueblo, or held by the Pueblo subject to restrictions against alienation, whether by purchase, gift, act of Congress, or otherwise;

O. "Sale" or "Sell" means the exchange, barter, traffic, donation, with or without consideration, in addition to

the selling, supplying, serving for consumption, dispensing, delivering, or distributing, by any means whatsoever, of Liquor by any Person or the Pueblo, including any tribal department, agency, or Enterprise, to any Person or the Pueblo, including any tribal department, agency, or Enterprise thereof;

P. "Tax Commission" means the Tax Commission of the Pueblo of San Felipe or such other tribal commission, official, council, or agency designated by the Tribal Council to carry out the duties of the Tax Commission hereunder;

Q. "Tribal Council" means the Pueblo of San Felipe Tribal Council;

R. "Tribal Courts" means any or all of the courts established by the Pueblo to enforce Pueblo law;

S. "Wholesaler" means a person whose place of business is located off the Reservation and who Sells, or possesses for the purpose of Sale, any Liquor for resale by a Liquor Licensee;

T. "Wholesaler License" means a revocable license granted by the Tribal Council authorizing the Wholesaler named therein to do business on the Reservation with a Liquor Licensee; and

U. "Wholesaler Licensee" means the holder of a valid Wholesaler License.

IV. POWERS OF THE TRIBAL COUNCIL.

In furtherance of this Liquor Ordinance, the Tribal Council shall have the following powers and duties:

A. To publish and enforce such rules and regulations governing the Sale and consumption of Liquor at Licensed Liquor Establishments and in Public Places on the Reservation as the Tribal Council deems necessary and appropriate;

B. To employ accountants, personnel, inspectors, and such other Persons as shall be reasonably necessary to allow the Tribal Council and Commission to perform their functions under this Liquor Ordinance;

C. To authorize, license, restrict, and prohibit, if necessary, the Sale of Liquor on the Reservation, including but not limited to Sales by all Persons, as well as by any tribal department, agency, or Enterprise of the Pueblo;

D. To establish a Commission with such delegated powers and responsibilities as are set forth in this Ordinance; E. To bring suit in the San Felipe Tribal Court to enforce this Liquor Ordinance;

F. To determine violations of this Liquor Ordinance; and

G. To exercise such other powers as may be necessary to implement this Liquor Ordinance and accomplish its purposes.

V. LIQUOR CONTROL COMMISSION.

A. **Establishment.** There is hereby established the Pueblo of San Felipe Liquor Control Commission.

B. Composition; Qualifications.

1. The Commission shall consist of three (3) members appointed by the Tribal Council.

2. All Commissioners shall be members of the Pueblo.

3. No more than one Commissioner may be a member of the San Felipe Tribal Council. No Commissioner who is a member of the Tribal Council may vote in the Tribal Council on any licensing or other decision recommended to the Tribal Council by the Commission.

4. No person shall be eligible or qualified to serve, or continue to serve, as a Commissioner who:

- a. Has been convicted of a felony; or
- b. Is an employee of or has any financial interest in any Licensee or applicant for a Liquor License.

C. **Powers and Duties of the Commission.** The Commission shall have the following powers and duties:

1. To receive and investigate all applications for licenses under this Ordinance;

2. To inspect the premises and have access to all books and records of Licensees to monitor and assure compliance with this Ordinance;

3. To investigate all reported or suspected violations of this Ordinance;

4. To enforce this Ordinance and to recommend to the Tribal Council decisions and other actions on license applications, suspension or revocation of licenses, assessment of civil penalties, filing of judicial proceedings, and any and all other actions the Tribal Council may take under this Ordinance;

5. To hold such hearings, sit and act at such times and places, take testimony, and receive such evidence as the Commission deems relevant in fulfilling its duties;

6. To keep minutes, records, and books in which shall be kept a true, faithful, and correct record of all proceedings of the Commission;

7. To recommend to the Tribal Council such regulations and fee schedules as the Commission believes are necessary and appropriate to implement and enforce this Ordinance;

D. Terms; Compensation; Meetings.

1. Each Commissioner shall serve for a three (3) year term.

2. Upon adoption of this Ordinance, one Commissioner shall be appointed for a one-year term, one Commissioner shall be appointed for a two-year term, and one Commissioner shall be appointed for a three-year term.

Thereafter, all Commissioners shall be appointed for full three-year terms. A Commissioner whose term has expired shall serve until his or her replacement is appointed.

3. Service as a Commissioner shall not be a full-time position. Commissioners shall meet on a monthly basis or more frequently from time to time as may be needed.

4. Commissioners shall be paid a stipend in such amount and at such frequency as shall be determined by the Tribal Council.

E. **Termination of Commissioners.** A Commissioner may be terminated by the Tribal Council only for cause and only in accordance with the following procedures:

1. Termination of a Commissioner shall be initiated by the Governor with written notice to the Commissioner and the Tribal Council, specifying the cause for termination.

2. The cause for termination shall be limited to:

- a. conviction in any court of a felony, of a liquor- or drug-related crime within the last three (3) years, or of a crime involving dishonesty;
- b. failure to meet or maintain the qualifications for Commissioners set forth herein;
- c. gross neglect of duty; or
- d. malfeasance in office, or conduct which amounts to gross and intentional disregard of the laws and procedures applicable to the affairs of the Commission.

VI. AUTHORIZED LIQUOR SALES AND PRACTICES.

A. Generally.

1. It shall be unlawful to possess Liquor anywhere on the Reservation, including within private homes, except as authorized by this Liquor Ordinance.

2. Except as otherwise provided herein, Liquor Licensees may Sell Liquor on the Reservation at Licensed Liquor Establishments during all hours allowed for Liquor Sales by Pueblo and State of New Mexico law; provided that the Tribal Council may impose more stringent hours of operation upon a Licensed Liquor Establishment on a case-by-case basis.

B. **Sales on Sundays and Election Days.** Except as otherwise limited by the Tribal Council, the Sale of Liquor shall be allowed on Sunday and on any Pueblo, Federal, or State of New Mexico election day to the same extent authorized by the State of New Mexico.

C. **Sales Only by Certified Servers.** All Liquor Sales on the Reservation authorized by this Liquor Ordinance shall be made only by Certified Servers. Upon the request of the Governor, the

Tribal Council, or the Commission, a Liquor Licensee shall submit proof that all its employees Selling Liquor on the Reservation are Certified Servers.

D. Liquor Sales at Gaming Facility.

Any Sale of Liquor at a gaming facility shall comply with all applicable provisions of any Tribal-State Class III gaming compact between the Pueblo of San Felipe and the State of New Mexico, as it now exists or hereafter may be amended.

E. Wholesale Liquor Transactions. A Liquor Licensee shall purchase Liquor for resale at a Licensed Liquor Establishment on the Reservation only from a Wholesaler possessing a valid Wholesaler License issued by the Tribal Council. A Wholesaler Licensee shall Sell Liquor for resale at a Licensed Liquor Establishment on the Reservation only to holders of valid Liquor Licenses issued by the Tribal Council; provided that such Sales are otherwise in conformity with this Liquor Ordinance and applicable laws of the State of New Mexico.

VII. PROHIBITED LIQUOR SALES AND PRACTICES.

A. Resale. No Liquor Licensee shall Sell Liquor on the Reservation for resale; all such Sales shall be for the personal use of the purchaser.

B. Bringing Liquor Onto Licensed Liquor Establishment Premises. No Person shall bring any Liquor for personal consumption onto any Licensed Liquor Establishment premises where Liquor is authorized to be Sold by the drink, unless such Liquor was purchased on such premises, or unless the possession or distribution of such Liquor on such premises is otherwise authorized under the provisions of this Liquor Ordinance.

C. No Sales to Minors. No Person shall Sell Liquor on the Reservation to a Minor. It shall be a defense to an alleged violation of this Section that the purchaser presented to the Seller of the Liquor an apparently valid identification document showing the purchaser's age to be twenty-one (21) years or older.

D. No Sales to Intoxicated Persons. No Person shall Sell Liquor on the Reservation to a Person believed to be intoxicated.

E. Sales Must Be Made by Adults. No Person shall take any order, make any delivery, or accept payment for any Sale of Liquor within the Reservation, or otherwise have any direct involvement in any such Sale, who is less than twenty-one (21) years of age.

F. Payment at Time of Sale. A Licensed Liquor Establishment shall not make any Sale of any Liquor without

receiving payment therefor by cash, check, or credit card at or about the time the Sale is made; provided that nothing herein shall preclude the Licensed Liquor Establishment from receiving a delivery of Liquor from a duly authorized Wholesaler if arrangements have been made to pay for such delivery at a different time; and provided further that nothing herein shall preclude the Licensed Liquor Establishment from allowing a customer to purchase more than one item in sequence, and to pay for all such purchases at the conclusion thereof, so long as payment is made in full before the customer leaves the premises; and provided further that nothing herein shall prevent the Licensed Liquor Establishment from distributing Liquor to customers without charge, so long as such distribution is not otherwise in violation of any provision of this Liquor Ordinance or tribal-state class III gaming compact between the Pueblo of San Felipe and the State of New Mexico, as it now exists or hereafter may be amended.

G. Open Containers Prohibited. No Person shall have an open container of any Liquor in a Public Place, other than on the premises of a Licensed Liquor Establishment, or in any automobile, whether moving or standing still. This Section shall not apply to empty containers such as aluminum cans or glass bottles collected for recycling.

H. Other Prohibitions on Hours and Days of Sale. The Tribal Council may, by duly enacted resolution, establish other days on which, or times at which, sales or consumption of Liquor is not permitted within the Reservation. The Tribal Council shall give prompt notice of any such enactment to all Wholesaler Licensees, Liquor Licensees, and Licensed Liquor Establishments doing business within the Reservation.

VIII. LICENSING.

A. Liquor Licenses for Licensed Liquor Establishments.

1. General Eligibility; Applications.

a. The Pueblo is hereby deemed eligible to be a Liquor Licensee without further application under this Liquor Ordinance except as such licensing pertains to the designation of the Licensed Liquor Establishment itself, provided that any Enterprise of the Pueblo must apply for a Liquor License in the same manner and the same extent as any other applicant for a Liquor License. If the applicant is an Enterprise of the Pueblo, the Enterprise shall be the named Liquor Licensee.

b. Any other Person that wants to Sell Liquor on the Reservation must demonstrate eligibility and apply to

become a Liquor Licensee on the application forms, accompanied by the fee, and in the manner prescribed by the Tribal Council. No Person currently employed by the Pueblo or an Enterprise of the Pueblo is eligible to be a Liquor Licensee. Any individual applying for a Liquor License shall be at least twenty-one (21) years of age, and not have been convicted of a Liquor-related misdemeanor within the last five (5) years or of a felony at any time. If such Person is a corporation, partnership, or other business entity, the manager of the proposed Licensed Liquor Establishment shall be an individual at least twenty-one (21) years of age, who has not been convicted of a Liquor-related misdemeanor within the last five (5) years or of a felony at any time. The Tribal Council may require that an applicant for a Liquor License submit to a background investigation by filing with the application two (2) complete sets of his or her fingerprints taken under the supervision of and certified by a Pueblo, state, or federal law enforcement officer. In such a case, the Tribal Council may issue a temporary Liquor License pending the results of the background clearance, subject to revocation at any time.

2. Licensed Liquor Establishments.

a. In its application for a Liquor License, the applicant shall request that the Tribal Council designate and license a specific location on the Reservation where the Liquor Licensee is authorized to Sell Liquor. The applicant shall, at a minimum, submit a map showing the location of the proposed site and the perimeters of the land and building, together with a general description of the premises. A parcel of land not containing a building may be a Licensed Liquor Establishment, including but not limited to areas within and adjacent to a racetrack and/or golf course. The applicant shall submit such request on the forms and in the manner prescribed by the Commission.

b. No Licensed Liquor Establishment shall be located closer than three hundred (300) feet from any church, kiva, plaza, or school.

c. The Tribal Council, in its discretion, may place terms, conditions, and/or restrictions on the Sale of Liquor at a Licensed Liquor Establishment, including but not limited to the hours and days of operation and the type of Liquor Sold; provided that a Liquor Licensee may appeal the imposition of any special restrictions as provided in Article X of this Liquor Ordinance.

3. Evaluation of and Decision on Applications.

a. All applications, together with the applicable fee, shall be submitted to the Commission, which shall gather and review all necessary information. Based on its review, the Commission shall forward the information to the Tribal Council with a recommended decision.

b. After considering the information submitted on the application for a Liquor License and the recommendation of the Commission, the Tribal Council shall grant and issue a Liquor License if it concludes that the Liquor License will serve the best interests of the Pueblo and the regulatory goals of this Liquor Ordinance.

c. The Tribal Council shall deny the application if it finds that granting a Liquor License would be contrary to the best interests of the Pueblo and the regulatory goals of this Liquor Ordinance.

d. In making their recommended and final determinations, the Commission and the Tribal Council shall consider such factors as the applicant's compliance history with applicable Pueblo and federal law, whether the applicant is currently in violation of any Pueblo law, the number and density of Licensed Liquor Establishments on the Reservation, whether the applicant will operate a new or existing establishment, whether food will be sold on the premises, or any other reason bearing on the health, safety, and welfare of the Reservation community or the economic security of the Pueblo.

e. The Tribal Council shall send the applicant a final written decision explaining the grounds for its decision either granting or denying the application for a Liquor License.

4. Liquor License Term; Renewal.

a. Except as otherwise determined by the Tribal Council, the term of a Liquor License shall be three (3) years.

b. Notwithstanding the three-year term, every Liquor Licensee shall pay an annual licensing fee to be determined by the Commission subject to the approval of the Tribal Council.

c. An application for a renewal of a Liquor License may be made not more than ninety (90), nor less than sixty (60) days prior to the expiration of the Liquor License, made on such forms as prescribed by the Commission, and shall be accompanied by any required fees. Denial of an application for renewal of a Liquor License is appealable as provided in this Liquor Ordinance.

5. Liabilities of Liquor Licensee. Except as otherwise provided herein, each Liquor Licensee shall be accountable for all violations of the Liquor License and this Liquor Ordinance and for all taxes, fees, and

penalties that may be charged against the Liquor License or Licensed Liquor Establishment.

B. Classes of Liquor Licenses. The Tribal Council may establish by regulation classes of Liquor Licenses and the activities authorized with each class, including but not limited to restaurants, bars, and Package Sales.

C. Transfer, Assignment, or Lease of Liquor License. No Liquor Licensee shall transfer, assign, or lease a Liquor License without the prior written approval of the Tribal Council. Applications for the transfer, assignment, or lease of a Liquor License shall be submitted to the Commission, which shall conduct any applicable investigation and make its recommendation to the Tribal Council. **Liquor Licenses issued hereunder shall not be deemed a property right or vested right of any kind, nor shall the granting of any Liquor License give rise to a presumption or legal entitlement to a renewal thereof.**

D. Special Events Liquor Permits. Upon request, the Tribal Council may in its discretion issue Special Events Liquor Permits authorizing specific Sales of Liquor for specific time periods not to exceed one (1) week, on such terms as may be recommended by the Commission and established by the Tribal Council; provided that an applicant for a Special Events Liquor Permit must be at least twenty-one (21) years of age and not have been convicted of a Liquor-related misdemeanor within the last five (5) years or of a felony at any time. Applications for a Special Events Permit shall be submitted to the Commission, which shall conduct any applicable investigation and make its recommendation to the Tribal Council.

E. Wholesaler-Wholesaler License Required. No Wholesaler shall Sell, offer for Sale, or ship Liquor to a Liquor Licensee for resale at a Licensed Liquor Establishment on the Reservation except with a Wholesaler License. A Wholesaler shall apply for a Wholesaler License on such forms, accompanied by such fee, and in such manner as may be prescribed by the Commission. Applications for a Wholesaler License shall be submitted to the Commission, which shall conduct any applicable investigation and make its recommendation to the Tribal Council.

F. Suspension and Revocation of Liquor License or Wholesaler License. The Tribal Council, upon the recommendation of the Commission, may suspend or revoke any Liquor License or Wholesaler License issued under this Section on the following grounds:

1. Violation of any provision of this Liquor Ordinance or any regulations promulgated hereunder or of the Liquor laws of the State of New Mexico;

2. Violation of any Pueblo law;

3. Violation of the terms, conditions, and scope of a Liquor License or Wholesaler License and/or otherwise Selling Liquor in violation of a Liquor License or Wholesaler License;

4. Making a material misstatement on the application for a Liquor License or Wholesaler License;

5. Being convicted, while holding a Liquor License or Wholesaler License, of a misdemeanor involving a violation of a Liquor law or a felony;

6. Allowing the repeated or continuing occurrence of conduct that constitutes a nuisance or dangerous behavior within the Licensed Liquor Establishment or on its premises;

7. Within the Licensed Liquor Establishment or on its premises, allowing the sale, possession, purchase, manufacture, or transfer of drug-related paraphernalia, prohibited drugs, or other controlled substances, except for the possession of controlled substances for which the person in possession has a valid prescription; provided that, for purposes of this Liquor Ordinance, "prohibited drug" means any substance the sale, possession, purchase, manufacture, or transfer of which is prohibited by federal, state, or Pueblo criminal drug provisions, and which has not been obtained by its possessor pursuant to a valid prescription, and "controlled substance" includes all prohibited drugs; and

8. Any other good cause shown.

G. Notice of Intent to Revoke or Suspend a Liquor License or Wholesaler License or to Impose Special Restrictions. The Commission shall provide written notice of intent to revoke or suspend a Liquor License or Wholesaler License or to impose special restrictions for a violation of this Liquor Ordinance. Such notice shall be given by certified mail, return receipt requested, to the last known address of the Liquor Licensee or Wholesaler Licensee in the Pueblo's records. If the Liquor Licensee or Wholesaler Licensee cannot be so served with notice, the Liquor Licensee or Wholesaler Licensee may be served by publication in a newspaper of general circulation in the area once each week for two (2) consecutive weeks. The Liquor Licensee or Wholesaler Licensee shall have seven (7) days from the day the notice is delivered, or from the date of last publication, to show cause why the Liquor License or Wholesaler License should not be revoked or suspended or the special restrictions imposed. During

this time, the Commission shall afford the Liquor Licensee or Wholesaler Licensee an opportunity to appear and be heard, either in person or through a representative, and to submit such evidence as may be relevant. The Commission shall make its recommendation to the Tribal Council, together with its written findings in support of its recommendation, within three (3) business days after any hearing. The final decision of the Tribal Council suspending, revoking, or imposing special restrictions is appealable to the Tribal Court as provided in this Liquor Ordinance.

H. Temporary Revocation or Suspension of a Liquor License or Wholesaler License Without Notice. In the event of an emergency and/or to protect the health, safety, and welfare of the public on the Reservation, the Commission may temporarily revoke or suspend a Liquor License or Wholesaler License without prior notice for a period not exceeding thirty (30) days. Such temporary suspension or revocation is appealable to the Tribal Court as provided in this Liquor Ordinance.

IX. CERTIFIED SERVERS.

A. Application Requirements. Every employee of a Liquor Licensee, twenty-one (21) years of age or older, who Sells Liquor at a Licensed Liquor Establishment on the Reservation must be a Certified Server. An employee shall apply for certification on such forms, accompanied by such fee, and in such manner as may be prescribed by the Commission. The application for certification shall contain:

1. the name and address of the applicant;
2. a list of all the applicant's jobs and employment for the preceding three (3) years;
3. a list of all residences for the preceding three (3) years, including street address, city, and state, and dates of residence at each address;
4. a signed statement that the applicant agrees to abide by this Liquor Ordinance and consents to the personal jurisdiction of the Pueblo and its courts for purposes of Liquor regulation and enforcement of this Liquor Ordinance; and
5. evidence (*i.e.*, certificate of completion) that the applicant has successfully completed the Liquor server education training program approved by the Tribal Council or a signed statement that the applicant agrees to take such program within thirty (30) days of his or her first day of employment and will not Sell Liquor at the Licensed Liquor Establishment on the Reservation until then.

B. Certification Term. A Certified Server's certification shall be valid for five (5) years from the date of his or her successful completion of the Liquor server education training program.

C. Revocation. Upon recommendation of the Commission, the Tribal Council may revoke any certification issued under this Section if the Certified Server violates any provision of this Liquor Ordinance or any regulations promulgated hereunder, violates any applicable Pueblo law, makes a material misstatement on the application for certification, is convicted of a misdemeanor involving a violation of a Liquor law or a felony, or for other good cause shown. Such revocation is appealable to the Tribal Court as provided in this Liquor Ordinance.

X. HAPPY HOURS.

Subject to approval of the Tribal Council, the Commission may adopt a policy or regulations on the conduct of happy hours at Licensed Liquor Establishments wherein Liquor is Sold on certain occasions or at certain times for a price substantially lower than at other times. The Tribal Council also may request that each Licensed Liquor Establishment conducting Happy Hours establish written policies on Happy Hours for approval or disapproval by the Commission.

XI. APPEALS TO TRIBAL COURT.

A. Appealable Actions. Any Person that is denied a Liquor License or a Wholesaler License, or whose Liquor License or Wholesaler License is suspended, revoked, limited by special restrictions, or denied renewal, may appeal the adverse action to the Tribal Court. Any Person that is denied a certification or whose status as a Certified Server has been revoked may appeal the adverse action to the Tribal Court. Any Liquor Licensee wishing to challenge the assessed amount of the Liquor Excise Tax and/or interest may appeal the assessment to the Tribal Court. Except as otherwise provided, all appeals hereunder must be filed with the Tribal Court within thirty (30) days of the date of the adverse action or be forever barred. If no appeal to the Tribal Court is timely made as provided herein, an action is final and shall not be subject to further appeal in any forum or court.

B. Rules; Stay; Bond. The procedural rules of the Tribal Court appropriate for administrative appeals or such other procedural rules that may be established by regulation to govern such appeals shall apply. Upon request, the Tribal Court in its discretion may stay a suspension or revocation pending an

appeal and/or require that the appellant post an appeal bond in such amount as may be set by the Tribal Court.

C. Decision of Tribal Court Final. All decisions of the Tribal Court on appeals under this Section are final and not further appealable in any forum or court.

XII. LIQUOR EXCISE TAX.

A. Tax Imposed. For the privilege of Selling Liquor within the Reservation, there is hereby levied an excise tax known as the "Liquor Excise Tax" upon each Sale of Liquor in whatever package or container. The incidence of the Liquor Excise Tax shall be upon all Liquor Licensees Selling Liquor at Licensed Liquor Establishments on the Reservation; *provided* that reimbursement for the Liquor Excise Tax imposed hereunder may be collected by the Liquor Licensee from the purchaser on all Sales of Liquor by adding the Liquor Excise Tax to the sales price of the Liquor Sold.

B. Rate of Liquor Excise Tax. The initial rate of the Liquor Excise Tax shall be five percent (5%) of the Selling price of the Liquor; *provided* that the Tribal Council may hereafter set the rate of the Liquor Excise Tax by regulations.

C. Resale Exemption. A Wholesaler possessing a valid Wholesaler License shall be exempt from imposition of the Liquor Excise Tax on all transactions involving Sales of Liquor to Liquor Licensees on the Reservation for resale at Licensed Liquor Establishments on the Reservation.

D. Monthly Report and Remittance. All Liquor Excise Taxes levied are due and payable by Liquor Licensees on or before the twenty-fifth (25th) day of the calendar month immediately following the month in which the Liquor Excise Taxes accrue. Every Liquor Licensee subject to the Liquor Excise Tax shall complete and file with the Tribal Comptroller and the Tax Commission a return for the preceding tax period on a form prescribed and furnished by the Tribal Comptroller or Tax Commission, setting forth such information as required. The return shall be accompanied by a remittance of the amount of the Liquor Excise Tax due. The return shall be signed by the Liquor Licensee, as the taxpayer, or an authorized agent of the Liquor Licensee.

E. Retention of Invoices and Records; Inspection. Every Liquor Licensee shall maintain file copies of all the invoices under which the Liquor Licensee purchased Liquor for at least five (5) years from the end of the year following the Liquor Licensee's purchase date. Every Liquor Licensee also shall maintain file copies of all the invoices

under which the Liquor Licensee Sold Liquor for at least five (5) years from the end of the year following the end of the year in which the Sale was made. All invoices required to be kept under this Section may be inspected by the Tax Commission and the Commission, along with any stock of Liquor in the possession of the Liquor Licensee, and the Tax Commission or the Commission may contact any Wholesaler to verify quantities of Liquor sold and delivered to any Liquor Licensee.

F. Use of Tax Revenues. The Pueblo shall use revenues from the Liquor Excise Tax for the benefit of the Reservation and Pueblo community. In appropriating these tax revenues, the Tribal Council shall give priority to:

1. Strengthening the Pueblo's government, including but not limited to improving its justice system to enforce this Liquor Ordinance;
2. Improving the Pueblo's health, education, and other social services programs;
3. Developing and enhancing alcohol and drug abuse prevention activities and community services that relate specifically to the needs of the Pueblo, its members, and the entire Reservation populace; and
4. Funding the stipends to be paid to the Commissioners.

G. Imposition of Interest on Taxes. All Liquor Excise Taxes, fees, or other charges not paid when due shall bear interest from the date such Liquor Excise Taxes, fees, or charges become due until the date paid. Interest shall be imposed on any unpaid amount from the date the payment was due, without regard to any extension of time or stay of payment, to the date payment is received. The annual rates of interest shall be as follows until otherwise established in regulations:

1. Interest due to the Pueblo shall be computed at the rate of one and one-half percent (1.5%) per month, or any fraction of the month, from the last day of the month following the period for which the amount or any portion of it should have been returned until the date of payment.
2. Notwithstanding the above, if demand is made for the payment of any Liquor Excise Tax, and if such amount is paid within ten (10) days after the date of such demand, no interest on the Liquor Excise Tax so paid shall be imposed for the period after the date of demand.

H. Other Costs and Penalties. The Tax Commission may charge administrative costs and expenses incurred by it in collecting the Liquor Excise Tax from Liquor Licensees that fail to pay the tax when due.

I. Appeals. Any Person upon whom tax and/or interest has been assessed under this Article may appeal the accuracy and amount of the assessment to the Tribal Court. All such appeals shall be filed with the Tribal Court within three (3) months of the assessment. Tax assessments being appealed shall be paid under protest pending the appeal and shall be deposited into an interest-bearing account pending such appeal.

XIII. ENFORCEMENT.

A. Civil Liability. Subject to the approval of the Tribal Council, the Commission may bring a civil action in the Tribal Court in the name of the Pueblo against any Person engaged in an activity or activities prohibited herein and may recover a civil fine not exceeding five thousand dollars (\$5,000.00) per violation, attorneys' fees, injunctive relief, and/or any other relief that is just and equitable under the circumstances from the Tribal Court, including but not limited to orders for the offending Person:

1. to perform up to one hundred and twenty (120) hours of community service on the Reservation;
2. to make restitution for the cost of any damages; and/or
3. to return to the Pueblo any monetary benefit derived from engaging in the activities prohibited by this Liquor Ordinance.

B. Order of Exclusion.

1. For good and sufficient cause found, the Tribal Court may refer to the Tribal Council for exclusion proceedings under traditional Pueblo law any Indian Person who engages in an activity or activities prohibited by this Liquor Ordinance.
2. For good and sufficient cause found, the Tribal Court may include within an injunctive order under Subsection A an order barring a Person from entering or remaining on the Reservation.

C. Limitations.

1. Notwithstanding any other provision of this Liquor Ordinance, no penalty may be imposed pursuant or related to this Liquor Ordinance in contravention of any limitation imposed by the Indian Civil Rights Act of 1968, 82 Stat. 77, 25 U.S.C. § 1301 *et seq.*, or other applicable Federal law.
2. Nothing in this Liquor Ordinance shall be construed to authorize the criminal trial or punishment by the Tribal Court of any non-Indian except to the extent allowed under Federal law.

When any provision of this Liquor Ordinance is violated by a non-Indian, the Pueblo shall cause the non-Indian to be referred to State and/or Federal

authorities for criminal investigation and possible prosecution under applicable law. It is the intent of the Pueblo that any non-Indian referred to State and/or Federal authorities be criminally prosecuted to the full extent of applicable State and/or Federal criminal law.

3. Nothing in this Liquor Ordinance, including but not limited to any civil or criminal trial or punishment by the Tribal Court or Tribal Council of any Indian or non-Indian authorized hereunder, shall be construed to bar a similar trial or punishment to the full extent of any applicable State and/or Federal civil or criminal law.

D. Surrender of Liquor. Any Person suspected of having violated any provision of this Liquor Ordinance shall, in addition to any other civil penalty imposed hereunder, be required to surrender any Liquor in such Person's possession to the Commission or to the Pueblo or federal law enforcement officer making the arrest or issuing the complaint, as applicable.

E. Inspection of Licensed Liquor Establishment Premises.

1. All premises used in the storage or sale of Liquor or any premises or parts of premises used or in any way connected, physically or otherwise, with a Licensed Liquor Establishment, shall at all times be open to inspection by any Pueblo or federal inspectors or Pueblo or federal law enforcement officers, including but not limited to Commission staff.

2. Every Person, being on such premises and having charge thereof, who refuses or fails to admit a Pueblo or Federal inspector or Pueblo or Federal law enforcement officer demanding to enter therein in pursuance of this Section in the execution of his or her duty, or who obstructs or attempts to obstruct the entry of such inspector or officer, shall thereby be deemed to have violated this Liquor Ordinance.

XIV. TRANSPORTATION THROUGH RESERVATION.

Nothing in this Liquor Ordinance shall apply to the otherwise lawful transportation of Liquor through the Pueblo by Persons remaining on public highways or other paved facilities for motor vehicles and where such Liquor is not Sold, or offered for Sale within the Reservation.

XV. TRIBAL COUNCIL PLAN TO ASSURE PUBLIC SAFETY.

Before the Tribal Council issues any Liquor License pursuant to this Liquor Ordinance, the Commission shall develop and submit to the Tribal

Council for adoption a Plan setting forth procedures for the assurance of police, fire, rescue, and other governmental services necessary to assure the safety of the public in connection with the Sale and Service of Liquor on the Reservation. No Liquor License may be issued until the Tribal Council has adopted the Plan required by this Section.

XVI. SOVEREIGN IMMUNITY.

Nothing in this Liquor Ordinance is intended nor shall be construed as a waiver of the sovereign immunity of the Pueblo, provided, however, that the Pueblo waives its immunity to the sole and limited extent necessary to permit Persons to exercise any appeal to the Tribal Court as permitted by this Liquor Ordinance. No employee, officer, or agent of the Pueblo shall be authorized, nor shall he or she attempt, to waive the immunity of the Pueblo.

XVII. JURISDICTION; CONFLICTS WITH OTHER LAWS.

A. Jurisdiction. Subject to Article XIII(C), any and all actions pertaining to alleged violations of this Liquor Ordinance, or appealing any action of the Pueblo or any officer, employee, or agent of the Pueblo with respect to any matter addressed by or arising under this Liquor Ordinance, shall be brought in the Tribal Court, which Court shall have exclusive jurisdiction consistent with the inherent sovereignty and immunity of the Pueblo and applicable Pueblo and Federal law.

B. Conflicts with Other Laws. If this Liquor Ordinance is determined to conflict with any other Pueblo law of general application, this Liquor Ordinance shall control.

XVIII. SEVERABILITY.

If any provision of this Liquor Ordinance or the application of any provision to any Person or circumstance is held invalid or unenforceable by the Tribal Court, such holding shall not invalidate or render unenforceable the remainder of this Liquor Ordinance and its application to any other Person or circumstances and, to this end, the provisions of this Liquor Ordinance are severable.

XIX. EFFECTIVE DATE.

This Liquor Ordinance shall be effective on such date as the Secretary of the Interior certifies this Liquor Ordinance and publishes the same in the *Federal Register*.

XX. AMENDMENT.

This Liquor Ordinance may be amended by a resolution adopted by a

majority vote of the Tribal Council. No such amendment shall take effect until certified by the Secretary of the Interior and published in the *Federal Register*.

[FR Doc. E8-18770 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-910-08-1739-NSSI]

Notice of Public Meeting, North Slope Science Initiative, Science Technical Advisory Panel

AGENCY: Bureau of Land Management, Alaska State Office, North Slope Science Initiative, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, North Slope Science Initiative (NSSI) Science Technical Advisory Panel (STAP), will meet as indicated below.

DATES: The meeting will be held September 18 and 19, 2008, at the National Park Service Office, 4175 Geist Road, Fairbanks, Alaska. The September 18 meeting will begin at 9 a.m., with a one-hour public comment beginning at 3 p.m. The September 19 meeting will begin at 9 a.m. and adjourn at 12:20 p.m.

FOR FURTHER INFORMATION CONTACT: John F. Payne, PhD, Executive Director, North Slope Science Initiative (910), c/o Bureau of Land Management, 222 W. Seventh Avenue, #13, Anchorage, Alaska 99513. Telephone (907) 271-3131 or e-mail jpayne@ak.blm.gov.

SUPPLEMENTARY INFORMATION: The North Slope Science Initiative, Science Technical Advisory Panel provides advice and recommendations to the North Slope Science Initiative Oversight Group regarding priority needs for management decisions across the North Slope of Alaska. These priority needs may include recommendations on inventory, monitoring and research activities that contribute to informed land management decisions. At this meeting, discussion topics will include:

- Report by Science Technical Advisory Panel Chair on committee activities
- Development of emerging issues
- Coordination with senior NSSI agency staff on emerging issues
- Subcommittee reports

• Other topics the Oversight Group or Science Technical Advisory Panel may raise

All meetings are open to the public. Depending on the number of people wishing to comment and time available, the time for individual oral comments may be limited, so be prepared to submit written comments if necessary. You may present written comments to the Science Technical Advisory Panel through the Executive Director, North Slope Science Initiative. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Individuals who plan to attend and need special assistance, such as sign language interpretation, transportation, or other reasonable accommodations, should contact the Executive Director, North Slope Science Initiative.

Dated: August 6, 2008.

Thomas P. Lonnie,
Alaska State Director.

[FR Doc. E8-18715 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS), Alaska OCS Region, North Aleutian Basin, Proposed Oil and Gas Lease Sale 214

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of scoping meetings and extension of scoping period to prepare an Environmental Impact Statement (EIS).

SUMMARY: As part of the National Environmental Policy Act (NEPA) scoping process for the EIS on the proposed North Aleutian Basin OCS Oil and Gas Lease Sale 214, MMS has scheduled seven scoping meetings for August and September of 2008 to provide opportunity for public participation in the scoping process from communities within the vicinity of the North Aleutian Basin Planning Area. In addition, the MMS is announcing an extension of the deadline for submission of written scoping comments along with this public scoping meeting schedule.

DATES: The MMS has extended the deadline for submission of written scoping comments for the EIS to October 17, 2008. Scoping comments must be received no later than October 17, 2008, to be included in the Scoping Report. See **SUPPLEMENTARY INFORMATION** section for public scoping meeting dates.

ADDRESSES: Written scoping comments should be mailed to: Minerals Management Service, Alaska Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503-5823. Submittals should be labeled "Attn: Sale 214 NOI." Comments may also be submitted via e-mail to: sale214NOI@mms.gov. Please include "Attn: NAB Lease Sale 214 NOI" in the subject line and your name and return address in the body of the message.

FOR FURTHER INFORMATION CONTACT: Dr. Cleve Cowles, Regional Supervisor, Office of Leasing and Environment, Minerals Management Service, Alaska OCS Region, 3801 Centerpoint Drive #500, Anchorage, Alaska 99503-5820, phone (907) 334-5230.

SUPPLEMENTARY INFORMATION FOR THE SCOPING PROCESS: The Minerals Management Service (MMS) announced a Call for Information and Nominations (Call) and Notice of Intent (NOI) to prepare an EIS for Sale 214 in the North Aleutian Basin in **Federal Register** Notice Vol. 73, No. 68, Page No. 19095, dated April 8, 2008. Proposed lease sale 214 is that subarea of the larger North Aleutian Basin Planning Area identified in the OCS Oil and Gas Leasing Program for 2007-2012. Readers are cautioned that this announcement is not a decision to hold a lease sale, but rather a continuation of the information gathering and evaluation process.

The EIS analysis will focus on the potential environmental effects of oil and gas exploration, development, and production in the proposed sale area and its vicinity. The Notice of Intent announced the initiation of the scoping process for the EIS, with public comments due July 7, 2008. The MMS has extended the deadline for submission of written scoping comments for the EIS to October 17, 2008 and has scheduled public scoping meetings to provide opportunity for public participation in the NEPA process.

Although the formal public scoping process will conclude on October 17, 2008, the MMS will continue to consider new information throughout the preparation of the EIS. Information about proposed OCS Oil and Gas Lease Sale 214 in the North Aleutian Basin Planning Area offshore of the State of

Alaska was published in **Federal Register** Notice Vol. 73, No. 68, No. 19095, dated April 8, 2008. Additional information on proposed lease sale 214 is on the MMS Web site: <http://www.mms.gov>.

1. *Notice of Public Scoping Meetings.* The MMS has scheduled seven public scoping meetings on the following dates and locations:

(1) August 18, 2008, 7 p.m. to 9:30 p.m., King Salmon, AK, Lake and Peninsula Borough Administration Building.

(2) August 19, 2008, 11 a.m. to 1 p.m., Naknek, AK, Bristol Bay Borough Assembly Chambers.

(3) September 2, 2008, 7 p.m. to 9:30 p.m., Dillingham, AK, City Council Chambers.

(4) September 15, 2008, 7 p.m. to 9:30 p.m., Sand Point, AK, Aleutians East Borough Offices.

(5) September 16, 2008, 11 a.m. to 1 p.m., Nelson Lagoon, AK, Nelson Lagoon Community Building.

(6) September 16, 2008, 7 p.m. to 9:30 p.m., Cold Bay, AK, Cold Bay Community Center.

(7) September 17, 2008, 7 p.m. to 9:30 p.m., King Cove, AK, King Cove City Council Chambers.

Federal, State, Tribal, and local governments and other interested parties help the MMS to determine significant issues, reasonable alternatives, potential mitigation measures to be analyzed in the EIS, as well as relevant information sources and recommendations for additional information. Alternatives include, at a minimum, the proposed action and taking no action. Alternatives developed through the scoping and analytical processes would be considered in the decision-making process.

2. *Background Information.* In addition to the seven public scoping meetings planned for August and September 2008, the MMS held three public scoping meetings for proposed Lease Sale 214 in the communities of Dutch Harbor/Unalaska, Kodiak, and Anchorage in May and June 2008.

The MMS makes comments, including names and addresses of respondents, available for public review. Individual commenters may request that MMS withhold their addresses from the public record. MMS will honor such requests to the extent allowable by law. There may also be circumstances in which the MMS would withhold identity, as allowable by law. If an individual would like the MMS to withhold their name and/or address, this must be stated prominently at the beginning of the comment. The MMS will not consider anonymous

comments. Submissions from organizations, businesses, individuals identified as representatives, or officials of organizations and/or businesses will be made available for public inspection in their entirety.

Additional information may be found at the following Web site: <http://www.mms.gov/alaska/re/index.htm>.

Dated: July 3, 2008.

John T. Goll,

Regional Director, Alaska OCS Region.

[FR Doc. E8-18709 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare an Environmental Impact Statement for Cottonwood Cove and Katherine Landing Development Concept Plans; Lake Mead National Recreation Area; Clark County, NV and Mohave County, AZ

AGENCY: National Park Service.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The National Park Service is initiating the conservation planning and environmental impact analysis process for new development concept plans for the Cottonwood Cove and Katherine Landing developed areas at Lake Mohave in the Lake Mead National Recreation Area. A range of reasonable alternatives will be developed through this EIS process and will include, at a minimum, a no-action (baseline) alternative and the agency-preferred alternative: the "environmentally preferred" course of action will also be identified.

DATES: Written comments must be postmarked or transmitted no later than October 14, 2008. We will announce the dates and places of public meetings in the local media.

ADDRESSES: You may submit written comments to the planning team by mailing comments to Lake Mead National Recreation Area, Attn: DCP-EIS, 601 Nevada Highway, Boulder City, NV 89005 (you may also comment electronically at <http://parkplanning.nps.gov/lame>).

FOR FURTHER INFORMATION CONTACT: Mr. Jim Holland, Park Planner, Lake Mead National Recreation Area, (702) 293-8986.

SUPPLEMENTARY INFORMATION;

Background: The National Recreation Area encompasses Lake Mead to the north formed by Hoover Dam and Lake

Mohave to the south created by Davis Dam. Cottonwood Cove and Katherine Landing are two of the major developed areas on Lake Mohave. Cottonwood Cove is located on the Nevada shore of the lake, approximately 22 miles north of Davis Dam. The development was designed in a somewhat linear fashion up the wash (a dry streambed subject to occasional water flows), away from the lakefront, rather than along the shore. Katherine Landing is located near the southern end of the lake in Arizona, approximately 1.5 miles north of the Davis Dam. The majority of development lies within Katherine Wash, but also extends to the north, encompassing South and North Telephone Cove, Cabinsite Cove, and Princess Cove. Both developments accommodate a wide variety of recreational activities and provide public launch facilities and commercial marina services as well as other public use and support facilities.

Purpose and Need: The 1986 Lake Mead National Recreation Area General Management Plan (1986 GMP) addresses the need to provide recreational opportunities while preserving and protecting natural and cultural resources. The 1986 GMP established land-based management zones and included development concept plans for the Cottonwood Cove and Katherine Landing that identify limits on the development, establish the number and type of facilities for the development, and address flood hazards. The 1986 GMP's vision for both areas is to accommodate increasing use, enhance the visitor experience, and mitigate flood hazards.

The 2003 Lake Mead National Recreation Area Lake Management Plan (2003 LMP) further refined management of Lakes Mead and Mohave, the associated shorelines, and developed areas to ensure protection of park resources while allowing a range of recreational opportunities to support visitor needs. At Cottonwood Cove, the 2003 LMP authorized an increase in boating capacity and called for separation of public and commercial marina operations. At Katherine Landing, the 2003 LMP maintained existing boating capacities and provided for separating recreational activities.

The purpose of the subject Cottonwood Cove and Katherine Landing development concept plans is to revisit the implementation strategies identified in the 1986 GMP and 2003 LMP. A number of the management actions identified in both approved plans require more site specific development planning, including a transportation analysis to evaluate

parking and traffic circulation and an economic feasibility study of concession operations, prior to implementation. The subject development concept plans will be consistent with the management direction established in both previous plans, including the purpose and significance statements, management zoning designations, and overall strategies for managing each developed area, although specific actions (e.g., facility locations, roadway circulation) could differ from those recommended in the previous plans.

Preliminary Issues: The park's preliminary assessment of issues and conditions which warrant a new and detailed examination of development and operational needs for Cottonwood Cove and Katherine Landing include the following:

- Congestion and conflicts between users is a key issue to be resolved, which derives from numerous people, facilities, and activities occurring within the limited land based areas of both developments. The areas require a focused analysis of development needs, including a parking and circulation assessment, to identify possible facility improvement, relocation, and expansion. Facility development must be consistent with the approved lake carrying capacity.

- Both developed areas contain Mission 66-era historic districts, structures, and cultural landscapes eligible for inclusion in the National Register of Historic Places. The Mission 66 program was a large scale effort by the NPS to upgrade national park infrastructure after World War II. Planning must evaluate strategies to balance the need for preserving cultural resources while providing a more functional development layout and facilities in keeping with contemporary design standards and visitor needs.

- With the growth of communities outside of the park near both development areas, there is a need to evaluate which services and support facilities are necessary and appropriate at Cottonwood Cove and Katherine Landing, and which services should be accommodated outside of the park.

- Concession services and facilities support a variety of visitor activities. Economic feasibility of all concession operations needs to be evaluated for any preliminary development proposals that may affect facilities operated by the park's concession.

- Cottonwood Cove and Katherine Landing are both high hazard areas for flash flooding. Flood mitigation is of paramount importance to assure public safety and protection of property. Design for structural flood protection at

both developments has been updated and needs to be integrated into the implementation planning.

Public Involvement: Public and agency involvement will be solicited at key steps in the overall EIS process including initial scoping, drafting of preliminary alternatives, and review of the draft development concept plan/EIS. The objectives of the public scoping phase include: (1) Encourage broad participation from federal, tribal, state, local governments and other interested parties; (2) Inform all interested parties about the scope of the problem and the need to find solutions; (3) Identify a preliminary range of management options (in addition to a no-action alternative that maintains existing conditions, and which serves a baseline from which proposed management changes can be compared and evaluated); (4) Identify relevant natural and cultural resources, recreational uses, socioeconomic and other factors which warrant detailed environmental impact analysis, and eliminate issues or topics which do not require analysis; (5) Identify potential environmental impacts and suitable mitigation strategies sufficient to avoid unacceptable impacts and impairment of park resources and values.

The NPS encourages early participation from federal and state agencies, Native Americans, local governments, private organizations, businesses, recreational users, and the public in identifying the spectrum of issues which should be addressed in this EIS. If you wish to comment on any issues or provide relevant environmental information, you may submit written comments to the planning team at the address as noted above. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment-including your personal identifying information-may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

At this time, it is anticipated that a series of public meetings will be hosted in neighboring communities during August-September, 2008; confirmed dates and locations will be announced through local and regional media, direct park mailings, and via updates posted on the park's Web site and on the NPS Planning, Environment & Public Comment Web site (<http://parkplanning.nps.gov/lame>).

Decision Process: Formal announcement of the availability of the Draft EIS will be published in the **Federal Register**, through local and regional media and the park and NPS Web sites and through distribution of the document to public libraries. Following due consideration of all comments received, a Final EIS will be prepared. As a delegated EIS, the official responsible for a final decision is the Regional Director, Pacific West Region. Subsequently the official responsible for implementing the approved development concept plans and for monitoring results is the Superintendent, Lake Mead National Recreation Area.

Dated: May 15, 2008.

George J. Turnbull,

Acting Regional Director, Pacific West Region.
[FR Doc. E8-18661 Filed 8-12-08; 8:45 am]
BILLING CODE 4312-A7-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Alaska State Office, Bureau of Land Management, Anchorage, AK; and Museum of the Aleutians, Unalaska, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK, and in the possession of the Museum of the Aleutians, Unalaska, AK. The human remains were removed from Umnak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Alaska State Office, Bureau of Land Management, Museum of the Aleutians, and Smithsonian Institution professional staff in consultation with representatives of the Native Village of Nikolski.

Between 1950 and the 1980s, human remains representing a minimum of 212 individuals were removed from various sites in the southwestern part of Umnak Island, located in the Fox Island group of the eastern Aleutian Islands, AK. These sites included the Chaluka site at the Native Village of Nikolski, Ogalodox site, Sandy Beach site, and other nearby smaller sites. The exact provenience for each individual can not be determined. All of the human remains were probably removed at the direction of the late Dr. William Laughlin from Umnak Island, as they were later found to be among his collections. No known individuals were identified. No associated funerary objects are present.

According to museum records, the 212 sets of human remains were probably first sent to the University of Wisconsin, but then removed by Dr. William Laughlin to the University of Connecticut at an unknown date. From there, they were shipped by Dr. Laughlin to the Museum of the Aleutians in 1998, where they are presently located.

During 1961-62, human remains representing a minimum of nine individuals were removed from the Chaluka site at the Native Village of Nikolski, on Umnak Island in the Fox Island group of the eastern Aleutian Islands, AK. The human remains were also probably removed at the direction of the late Dr. William Laughlin from Umnak Island, as they were later found to be among his collections. No known individuals were identified. No associated funerary objects are present.

The remains of the nine individuals were shipped to the University of Wisconsin for study by Dr. William Laughlin and remained there until after his death. In 2006, the human remains were sent to the Smithsonian Institution for inventory, where they are presently located.

Umnak Island has been inhabited for over 8,000 years by Aleut (Unangan) people. Based on geographical location, oral history, and archeological evidence, the human remains from this island are of Aleut (Unangan) origin. The Aleut (Unangan) are ancestors of inhabitants of the Native Village of Nikolski, the current and only Indian tribe and settlement on Umnak Island, AK.

Officials of the Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of a minimum of 221 individuals of Native American ancestry. Officials of the Bureau of Land Management have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of

shared group identity that can be reasonably traced between the Native American human remains and the Native Village of Nikolski.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 W. 7th Avenue, #13, Anchorage, AK 99513-7599, telephone (907) 271-5510, before September 12, 2008. Repatriation of the human remains to the Native Village of Nikolski may proceed after that date if no additional claimants come forward.

The Bureau of Land Management is responsible for notifying the Chaluka Corporation and Native Village of Nikolski that this notice has been published.

Dated: July 8, 2008

Daniel Odess,

Assistant Associate Director, Park Cultural Resources.

[FR Doc. E8-18698 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Alutiiq Museum and Archaeological Repository, Kodiak, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of Alutiiq Museum and Archaeological Repository, Kodiak, AK. The human remains were removed from Anton Larsen Bay, Kodiak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Alutiiq Museum and Archaeological Repository professional staff in consultation with representatives of the Afognak Native Corporation; Native Village of Afognak (formerly the Village of Afognak); Anton Larsen, Inc.; Koniag, Inc.; Ouzinkie

Native Corporation; Native Village of Ouzinkie; and Native Village of Port Lions.

In the winter of 1962, human remains representing a minimum of one individual were removed from an unknown archeological site in Anton Larsen Bay on Kodiak Island, AK, by David Bowen, a Navy pilot deployed in Kodiak. In January 2008, after discovering the remains were human, Mr. Bowen relinquished it to the Alutiiq Museum and Archaeological Repository to determine cultural affiliation and assist with repatriation, at the request of Koniag, Inc., the regional ANCSA corporation. Upon arrival at the museum, the remains were examined and confirmed as human. No known individual was identified. No associated funerary objects are present.

Although there is not enough information to definitively ascertain from which archeological site the human remains were collected, the donor's description of his collecting activity suggest that it is likely from 49-KOD-00043, the Kizhuyak site, or 49-KOD-00044, the Crag Point site. Both sites contain extensive, eroding and well-preserved, prehistoric midden deposits that are known to have included human remains. Mr. Bowen reported collecting the human remains from such a deposit, which research at both sites has shown date to the Late Kachemak (circa 2,700 B.P. to 900 B.P.) and Koniag (900 B.P. to historic contact) traditions. Archeologists believe that the people of the Late Kachemak and Koniag traditions are ancestors of modern day Alutiiqs. Archeological data collected over the past 20 years indicates that Late Kachemak societies evolved into the more complexly organized societies of the Koniag tradition observed at historic contact in the late 18th century. As such, the human remains from Anton Larsen Bay are reasonably believed to be Native American and most closely affiliated with the contemporary Native residents of the Kodiak archipelago, the Kodiak Alutiiq. Specifically, they were recovered from an area of the Kodiak Archipelago traditionally used by members of the Afognak Native Corporation; Native Village of Afognak (formerly the Village of Afognak); Anton Larsen, Inc.; Koniag, Inc.; Ouzinkie Native Corporation; Native Village of Ouzinkie; and Native Village of Port Lions.

Officials of the Alutiiq Museum and Archaeological Repository have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native

American ancestry. Officials of the Alutiiq Museum and Archaeological Repository also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Afognak Native Corporation; Native Village of Afognak (formerly the Village of Afognak); Anton Larsen, Inc.; Koniag, Inc.; Ouzinkie Native Corporation; Native Village of Ouzinkie; and Native Village of Port Lions.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Sven Haakanson, Jr., Executive Director, Alutiiq Museum and Archaeological

Repository, 215 Mission Rd., Suite 101, Kodiak, AK 99615, telephone (907) 486-7004, before September 12, 2008. Repatriation of the human remains to the Afognak Native Corporation; Native Village of Afognak (formerly the Village of Afognak); Anton Larsen, Inc.; Koniag, Inc.; Ouzinkie Native Corporation; Native Village of Ouzinkie; and Native Village of Port Lions may proceed after that date if no additional claimants come forward.

The Alutiiq Museum and Archaeological Repository is responsible for notifying the Afognak Native Corporation; Native Village of Afognak (formerly the Village of Afognak); Anton Larsen, Inc.; Koniag, Inc.; Ouzinkie Native Corporation; Native Village of Ouzinkie; and Native Village of Port Lions that this notice has been published.

Dated: July 14, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18675 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession and control of the Arizona State Museum, University of Arizona, Tucson, AZ. The human remains were removed from Franklin County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Arizona State Museum professional staff in consultation with representatives of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho); and Wanapum Band, a non-federally recognized Indian group.

In 1976, human remains representing a minimum of two individuals were removed from Strawberry Island on the Snake River in Franklin County, WA, by Mr. Gene Meyers, a member of the Mid-Columbia Archaeological Society. Mr. Meyers gave the human remains to Dr. David G. Rice of the University of Idaho. In 1976, the human remains were received from Dr. Rice and accessioned by the Arizona State Museum (Accession No. 76-76). No known individuals were identified. No associated funerary objects are present.

Morphological traits of the cranial remains indicate that the individuals were Native American. The specific location on Strawberry Island where the human remains were collected is unknown. However, the excellent state of preservation of the human remains suggests that they were obtained from the Miller Site (45FR5), which was occupied during late prehistoric or protohistoric times (approximately A.D. 1400-1750).

Strawberry Island is located on the Snake River near its confluence with the Columbia River in Franklin County, WA. Treaties between the United States Government and the Nez Perce, Yakama, Walla Walla, Cayuse, Palouse, and Umatilla tribes established the Snake River as the common boundary between the Confederated Tribes and Bands of the Yakama Nation to the north and the Confederated Tribes of the Umatilla Indian Reservation to the south. Furthermore, archeological evidence, oral tradition, and historic evidence establishes a continuity of occupation and seasonal use of Strawberry Island from prehistoric times to the arrival of Europeans in the region.

The island was an important village site and burial site for the people of the Columbia Plateau. The island and its immediate vicinity were also used for camping, fishing, food gathering, grazing of horses and as a location for important social gatherings of the tribes. A report prepared in 2002 by Teara Farrow for the Walla Walla District of the U.S. Army Corps of Engineers identifies the island and its immediate vicinity as a Traditional Cultural Property of the Waluuluapam ("Walla Walla people"), Imatalamlama ("Umatilla people"), and Weyiiletpuu ("Cayuse people"). It was also an important area for the Paluus ("Palouse"), Yakama, Niimiipuu ("Nez Perce people"), and Wanapam ("river people" or Wanapum). Descendants of the Walla Walla, Umatilla, Cayuse, Palouse, Yakama, Nez Perce, and Wanapum are members of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and Wanapum Band, a non-federally recognized Indian group.

Officials of the Arizona State Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of the Arizona State Museum have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Nez Perce Tribe, Idaho. Furthermore, officials of the Arizona State Museum have determined that there is a cultural relationship between the human remains and the Wanapum Band, a non-federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626-2950, before September 12, 2008. Repatriation of the human remains to the Confederated Tribes of the Colville

Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Nez Perce Tribe, Idaho on behalf of themselves and the Wanapum Band, a non-federally recognized Indian group may proceed after that date if no additional claimants come forward.

The Arizona State Museum is responsible for notifying the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and Wanapum Band, a non-federally recognized Indian group that this notice has been published.

Dated: June 30, 2008

Daniel Odess,

Assistant Associate Director, Park Cultural Resources.

[FR Doc. E8-18691 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Alaska State Office, Bureau of Land Management, Anchorage, AK; Alutiiq Museum and Archaeological Repository, Kodiak, AK; and University of Wisconsin Anthropology Department, Madison, WI

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Alaska State Office, Bureau of Land Management, Anchorage, AK, and in the possession of the Alutiiq Museum and Archaeological Repository, Kodiak, AK, and University of Wisconsin Anthropology Department, Madison, WI. The human remains were removed from the Crag Point archeological site (49-KOD-00044) and Anton Larsen archeological site (49-KOD-00040) on Kodiak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations

in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Alaska State Office, Bureau of Land Management; Alutiiq Museum and Archaeological Repository; University of Wisconsin Anthropology Department; and Smithsonian Institution professional staff in consultation with representatives of the Koniag, Inc., Native Village of Ouzinkie, and Ouzinkie Native Corporation.

In 1968, excavations occurred at the Crag Point archeological site (49-KOD-00044) on Kodiak Island, AK, by researchers from Bryn Mawr College working in partnership with the Kodiak Area Native Association. Faunal samples from the project were shipped directly from the field to the Department of Anthropology's zooarchaeology laboratory at Hunter College for analysis, where they remained unstudied. In 2000, Robert Kopperl, a graduate student of the University of Washington, Department of Anthropology, gained permission to move the faunal samples to Seattle, WA, to study a portion of the material as part of his doctoral research. During analyses, the human remains were identified. They consist of 41 individual human bones that together make up 20 skeletal elements representing the partial remains of at least 3 individuals. In 2002, 21 of the 41 individual bones were sent to the Alutiiq Museum and Archaeological Repository by Robert Kopperl for assistance with repatriation. In July of 2006, 19 of the 41 individual bones were hand-carried from Seattle to the Alutiiq Museum by a visiting researcher. In September 2007, with permission from the Bureau of Land Management, one additional bone was hand-carried from Seattle to the Alutiiq Museum. No known individuals were identified. No associated funerary objects are present.

At an unknown date in the 1970s, human remains representing a minimum of one individual were removed from Crag Point archeological site (49-KOD-00044) on Kodiak Island, AK, by the now-deceased William Laughlin. The human remains were transported to the University of Wisconsin Anthropology Department at an unknown date and under unknown circumstances. In 2006, the human remains were found among William Laughlin's collections at the University of Wisconsin Anthropology Department where they are presently located. No

known individual was identified. No associated funerary objects are present.

At an unknown date in the 1970s, human remains representing a minimum of two individuals were removed from Crag Point archeological site (49-KOD-00044) on Kodiak Island, AK, by the now-deceased William Laughlin. The human remains were transported to the University of Wisconsin Anthropology Department at an unknown date and under unknown circumstances. In 2006, the human remains were found among William Laughlin's collections at the University of Wisconsin Anthropology Department. In 2007, the human remains were sent to the Smithsonian Institution where they are presently located. No known individuals were identified. No associated funerary objects are present.

At an unknown date in the 1960s or 1970s, human remains representing a minimum of one individual were removed from Anton Larsen archeological site (49-KOD-00040) on Kodiak Island, AK, by the now-deceased William Laughlin. The human remains were transported to the University of Wisconsin Anthropology Department at an unknown date and under unknown circumstances. In 2006, the human remains were found among William Laughlin's collections at the University of Wisconsin Anthropology Department. In 2007, the human remains were sent to the Smithsonian Institution for inventory, where they are presently located. No known individual was identified. No associated funerary objects are present.

The Crag Point and Anton Larsen sites are located on Federal lands administered by the Bureau of Land Management. The Crag Point site is a prehistoric archeological deposit with strata spanning the period from about 7,000 to 800 years ago. The human remains at the Alutiiq Museum that were found in the faunal samples come from dense deposits of well-preserved shell midden in the site's upper layers (L1 and L2). These deposits surround a cluster of collapsed sod houses and are known to include both formal burials and scattered deposits of human remains. These well-preserved deposits date primarily to the Late Kachemak tradition (circa 2,700 B.P. to 800 B.P.) as evidenced by typological studies of artifacts and features, as well as multiple radiometric dates. The human remains were not found in a specific feature or area within the midden, but represent scattered elements from a variety of excavation squares. They may be from burials disturbed by the construction of site features, as the site was occupied repeatedly during the Late

Kachemak tradition and is known to have contained both individual pit burials and crypt burials in the midden; or they may be the remains of individuals who were not formally buried. Previous studies of human remains from Crag Point illustrate that the remains of some individuals were butchered and mixed with midden deposits. Archeologists believe that the people of the Late Kachemak tradition are ancestors of modern day Alutiiqs. Archeological data collected over the past 20 years indicates that Late Kachemak societies evolved into the more complexly organized societies of the Koniag tradition observed at historic contact in the late 18th century. As such, the human remains from the Crag Point site are presumed to be Native American and most closely affiliated with the contemporary Native residents of the Kodiak archipelago, the Kodiak Alutiiq. Specifically, they were recovered from an area of the Kodiak Archipelago traditionally used by members of the Native Village of Ouzinkie.

The human remains found at the Crag Point archeological site by William Laughlin in the 1970s presently located at the University of Wisconsin Anthropology Department and at the Smithsonian Institution are similarly presumed to date no more recently than 800 B.P., though no specific information is available about them.

The Anton Larsen site is a prehistoric archeological deposit near the Crag Point site. The human remains found at this site by William Laughlin in the 1960s or 1970s and presently at the Smithsonian Institution are similarly presumed to date no more recently than 800 B.P., though no specific information is available about them.

Officials of the Alaska State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of at least seven individuals of Native American ancestry. Officials of the Alaska State Office, Bureau of Land Management have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Native Village of Ouzinkie.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 W. 7th Avenue, Box 13, Anchorage, AK 99513-7599, telephone (907) 271-5510, before September 12, 2008. Repatriation

of the human remains to the Native Village of Ouzinkie may proceed after that date if no additional claimants come forward.

The Alaska State Office, Bureau of Land Management is responsible for notifying the Koniag, Inc., Native Village of Ouzinkie, and Ouzinkie Native Corporation that this notice has been published.

Dated: July 8, 2008

Daniel Odess,

Assistant Associate Director, Park Cultural Resources.

[FR Doc. E8-18713 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ and Arizona State University, School of Evolution and Social Change, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ, and in the possession of the Arizona State University, School of Evolution and Social Change (formerly Department of Anthropology), Tempe, AZ. The human remains and associated funerary objects were removed from Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Coconino National Forest and Arizona State University, School of Human Evolution and Social Change professional staffs in consultation with representatives of the Hopi Tribe of Arizona.

At an unknown date, human remains representing a minimum of one individual were removed from site AZ

O:05:0129, Yavapai County, AZ, by unknown individuals. In 1958, the human remains were donated to the Arizona State University by Edward Dick. No known individual was identified. The eight associated funerary objects are one necklace, three bead anklets, three pieces of cloth, and one reed.

Site AZ O:05:0129 is a cave site, in the Verde River Valley and located near Camp Verde, AZ. Characteristics of material culture indicate that the site is associated with the archeologically-defined Sinagua culture (central Arizona), dating to A.D. 650–1400. The Sinagua culture is considered to be ancestral to the Hopi Tribe of Arizona. Oral traditions presented by representatives of the Hopi Tribe support cultural affiliation.

Officials of the Coconino National Forest in consultation with officials of Arizona State University have determined that, pursuant to 25 U.S.C. 3001 (9)–(10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Coconino National Forest in consultation with officials of Arizona State University also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the eight objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Coconino National Forest also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE, Albuquerque, NM 87102, telephone (505) 842–3238, before September 12, 2008. Repatriation of the human remains and associated funerary objects to the Hopi Tribe of Arizona may proceed after that date if no additional claimants come forward.

The Coconino National Forest is responsible for notifying the Hopi Tribe of Arizona that this notice has been published.

Dated: June 8, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8–18693 Filed 8–12–08; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Department of Anthropology Museum at the University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Department of Anthropology Museum at the University of California, Davis, Davis, CA. The human remains and associated funerary objects were removed from Colusa and Yolo Counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Department of Anthropology Museum at the University of California, Davis professional staff in consultation with representatives of the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Rumsey Indian Rancheria of Wintun Indians of California.

In 1973, human remains representing a minimum of two individuals were removed from Miller Mound (CA-COL-1), Colusa County, CA, by the University of California, Davis archeological field school. No known individuals were identified. The 6,871 associated funerary objects are 177 clamshell disk beads, 1 lot of approximately 5,000 clamshell disk beads, 1 bone awl, 6,452 trade beads and fragments, 5 lots of trade beads and fragments (totaling over 10,000), 168 abalone shell pendants, 2 magnesite cylinders, 7 buttons, 1 clamshell bead necklace fragment, 1

basket fragment, 3 coin/clamshell bead necklace fragments, 41 coins, 4 metal fragments, 1 square nail, 2 animal bones, 4 lots of textile/bead matrix, and 1 hat.

Based on burial context and site characteristics, the human remains described above from Colusa County are determined to be Native American in origin. The presence of clamshell disk beads with one of the burials indicates that it dates to Phase 2 of the Late Period (approximately A.D. 1500–1790). The presence of historic items indicates that the other burial dates to the Historic Period (prior to A.D. 1790). Linguistic evidence indicates that the Patwin (Southern Wintun) moved southward from the vicinity of the California-Oregon border into the Sacramento Valley sometime around A.D. 0, and then spread into the surrounding foothills sometime before the beginning of Phase 2 of the Late Period. Robert Heizer documented the Miller Mound site as an ethnographic village site inhabited by the River Patwin at least through the Historic Period, or since A.D. 1770, until it was abandoned in A.D. 1872. The archeological assemblage from the Miller Mound also indicates an occupation that is consistent with the ethnographic Patwin. Based on geographical location and age of the associated funerary objects, the human remains and associated funerary objects are culturally affiliated with descendants of the Patwin.

In 1969 and 1971, human remains representing a minimum of five individuals were removed from CA-COL-11 in Colusa County, CA, by two University of California, Davis archeological field schools. The collection was accessioned by the museum in 1971. No known individuals were identified. The 21 associated funerary objects are 1 *Haliotis* ornament, 5 clamshell disk beads, 1 lot of at least 2,500 clamshell disk beads, 12 *Olivella* beads, and 2 pestles.

Based on burial context and site characteristics, the human remains described above from Colusa County are determined to be Native American in origin. The artifact assemblage at this site, which includes clamshell disk beads and arrow points, indicates that the human remains and associated funerary objects date to no earlier than Phase 2 of the Late Period (or roughly A.D. 1500–1790). Linguistic evidence indicates that the Patwin (Southern Wintun) moved southward from the vicinity of the California-Oregon border into the Sacramento Valley sometime around A.D. 0, and then spread into the surrounding foothills sometime before

the beginning of Phase 2 of the Late Period. The archeological assemblage from CA-COL-11 also indicates an occupation that is consistent with the ethnographic Patwin. Based on geographical location and age of the associated funerary objects, the human remains and associated funerary objects are culturally affiliated with descendants of the Patwin.

In 1967, human remains representing a minimum of one individual were removed from CA-YOL-17 in Yolo County, CA, by the University of California, Davis archeological field school. No known individual was identified. The 25 associated funerary objects are 21 *Haliotis* sp. shell beads, 2 clamshell disk beads, and 2 steatite beads.

Based on burial context and site characteristics, the human remains described above from Yolo County are determined to be Native American in origin. The presence of clamshell disk beads indicates that the human remains dates to Phase 2 of the Late Period (approximately A.D. 1500-1790). Linguistic evidence indicates that the Patwin (Southern Wintun) moved southward from the vicinity of the California-Oregon border into the Sacramento Valley sometime around A.D. 0, and then spread into the surrounding foothills sometime before the beginning of Phase 2 of the Late Period. The archeological assemblage from CA-YOL-17 also indicates an occupation that is consistent with the ethnographic Patwin. Based on geographical location and age of the associated funerary objects, the human remains and associated funerary objects are culturally affiliated with descendants of the Patwin.

Officials of the Department of Anthropology Museum at the University of California, Davis have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of eight individuals of Native American ancestry. Officials of the Department of Anthropology Museum at the University of California, Davis also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 6,917 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Department of Anthropology Museum at the University of California, Davis have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and

associated funerary objects and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Rumsey Indian Rancheria of Wintun Indians of California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Elizabeth Guerra, Department of Anthropology Museum, 330 Young Hall, One Shields Avenue, University of California, Davis, CA 95616, telephone (530) 754-6280, before September 12, 2008. Repatriation of the human remains and associated funerary objects to the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Rumsey Indian Rancheria of Wintun Indians of California may proceed after that date if no additional claimants come forward.

The Department of Anthropology Museum at the University of California, Davis is responsible for notifying the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Rumsey Indian Rancheria of Wintun Indians of California that this notice has been published.

Dated: July 16, 2008.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18679 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Hastings Museum of Natural and Cultural History, Hastings, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Hastings Museum of Natural and Cultural History (Hastings Museum), Hastings, NE. The human remains were removed from Oceana County, MI.

This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Hastings Museum professional staff in consultation with representatives of the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and Saginaw Chippewa Indian Tribe of Michigan.

On an unknown date, human remains representing a minimum of five individuals were removed from a grave near Hart in Oceana County, MI. No additional site information is available. The human remains were purchased by the Hastings Museum from Carl Strumf and cataloged into the collection in 1934. (12811, 12812). No known individuals were identified. No associated funerary objects are present.

Museum records lack sufficient information to culturally affiliate the human remains with any specific tribe. However, forensic information finds that the human remains are of Native American descent.

Officials of the Hastings Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of five individuals of Native American ancestry. Officials of the Hastings Museum have determined that, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. In 2008, the Hastings Museum requested that the Review Committee recommend disposition of the culturally unidentifiable human remains to the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and Saginaw Chippewa Indian Tribe of Michigan, as the aboriginal occupants of the lands near Hart, Oceana County, MI.

The Review Committee considered the request at its May 15-16, 2008 meeting and recommended disposition of the human remains to the Grand

Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and Saginaw Chippewa Indian Tribe of Michigan. A June 6, 2008, letter on behalf of the Secretary of the Interior from the Designated Federal Official transmitted the authorization for the museum to effect disposition of the human remains of the five culturally unidentifiable individuals to the four Indian tribes listed above contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Teresa Kreutzer-Hodson, Hastings Museum of Natural and Cultural History, PO Box 1286, Hastings, NE 68902, telephone (402) 461-2399, before September 12, 2008. Disposition of the human remains to the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and Saginaw Chippewa Indian Tribe of Michigan may proceed after that date if no additional claimants come forward.

The Hastings Museum is responsible for notifying the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and Saginaw Chippewa Indian Tribe of Michigan that this notice has been published.

Dated: July 22, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18688 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Hastings Museum of Natural and Cultural History, Hastings, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Hastings Museum of Natural and Cultural History (Hastings Museum), Hastings, NE. The human remains were

removed from Calico Rock, Izard County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Hastings Museum professional staff in consultation with representatives of the Osage Nation, Oklahoma (formerly the Osage Tribe).

On an unknown date, human remains representing a minimum of two individuals were removed from Calico Rock in Izard County, AR. No additional site information is available. The human remains were purchased by the Hastings Museum from H.L. Talbert and accessioned into the collection in 1941 (20276, 20277). No known individuals were identified. No associated funerary objects are present.

Information provided from the Arkansas Archeological Survey indicates that there are two known sites in Izard County by the name of Calico Rock. One site is an archaic site while the other is undetermined. Neither site yielded human remains, but the sites were identified after the human remains were donated to the Hastings Museum. However, the history of the town named Calico Rock, also located in Izard County, stated that a flood in 1927 unearthed an American Indian burial ground near the town site. It is likely that the human remains in the Hastings Museum collection are not from the known sites, but rather from the area of the town of Calico Rock. The human remains have been determined to be those of Native American descent. In addition, a morphological report provided on the human remains determined that the dental attrition was not consistent with an individual from the archaic time period making the likelihood of them coming from the area of the town more likely.

The Osage were seminomadic people who lived and hunted in Southwestern Missouri, northwestern Arkansas, southeast Kansas, and northeast Oklahoma. Izard County is located in Osage treaty land, which was determined in 1825.

Officials of the Hastings Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of the Hastings Museum have determined that,

pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Osage Nation, Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Teresa Kreutzer-Hodson, Hastings Museum of Natural and Cultural History, PO Box 1286, Hastings, NE 68902, telephone (402) 461-2399, before September 12, 2008. Repatriation of the human remains to the Osage Nation, Oklahoma may proceed after that date if no additional claimants come forward.

The Hastings Museum is responsible for notifying the Osage Nation, Oklahoma that this notice has been published.

Dated: July 22, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18695 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Kingman Museum, Incorporated, Battle Creek, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Kingman Museum, Incorporated, Battle Creek, MI. The human remains were removed from Muskegon County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Kingman Museum, Incorporated professional staff in consultation with representatives from the Michigan Anishnaabek Cultural Preservation and Repatriation Alliance (MACPRA), a non-federally recognized Indian group. The Kingman Museum, Incorporated professional staff also consulted with representatives of the Grand Traverse Band of Ottawa and

Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Saginaw Chippewa Indian Tribe of Michigan.

In 1918, human remains representing a minimum of four individuals were removed from a sand mound near Muskegon, Muskegon County, MI, by J. Howard Baker, Mrs. Blanche McFarland, and Lewis Kelly. The human remains were donated to the Battle Creek Public Schools prior to 1997. In 2006, Battle Creek Public Schools transferred the human remains to the newly formed Kingman Museum, Incorporated, a 501(c)3 charitable organization. No known individuals were identified. No associated funerary objects are present.

A handwritten piece of paper found with the human remains gives information on the excavation. The mound measured 14 inches by 25 inches and stood about 3 feet above ground level. The human remains were found in a sitting position. While as many as eight individuals may have originally been in the mound, only four individuals were collected. Funerary objects may also have been collected, but were not given to the museum.

The human remains were documented by Janet Gardner and Robert Anemone, Department of Anthropology, Western Michigan University. The documentation concluded that the physical characteristics of the human remains and the details of the burial context are indicative of a Native American population. However, a relationship of shared group identity between the human remains and a present-day Indian Tribe could not be reasonably determined.

Officials of Kingman Museum, Incorporated have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of four individuals of Native American ancestry. Officials of Kingman Museum, Incorporated also have determined that, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. In 2008, Kingman Museum, Incorporated requested that the Review Committee

recommend disposition of the four culturally unidentifiable individuals to the Little Traverse Bay Bands of Odawa Indians, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Saginaw Chippewa Indian Tribe of Michigan, as the aboriginal occupants of the lands encompassing Muskegon, Muskegon County.

The Review Committee considered the request at its May 15-16, 2008 meeting and recommended disposition of the human remains to the Little Traverse Bay Bands of Odawa Indians, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Saginaw Chippewa Indian Tribe of Michigan. A June 6, 2008, letter on behalf of the Secretary of the Interior from the Designated Federal Official, transmitted the authorization for the museum to effect disposition of the human remains of the culturally unidentifiable individuals to the three Indian tribes listed above contingent on the publication of a Notice of Inventory Completion in the *Federal Register*. This notice fulfills that requirement.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Katie Nelson, Collection Manager, Kingman Museum, Incorporated, 175 Limit Street, Battle Creek, MI 49037, telephone (269) 965-5117, fax (269) 965-3330, before September 12, 2008. Disposition of the human remains to the Little Traverse Bay Bands of Odawa Indians, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Saginaw Chippewa Indian Tribe of Michigan may proceed after that date if no additional claimants come forward.

Kingman Museum, Incorporated is responsible for notifying the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Saginaw Chippewa Indian Tribe of Michigan that this notice has been published.

Dated: July 22, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18690 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Northwest Museum, Whitman College, Walla Walla, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of Northwest Museum, Whitman College, Walla Walla, WA. The human remains and associated funerary objects were removed from Umatilla County, OR, and Benton and Walla Walla Counties, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains and associated funerary objects was made by Northwest Museum, Whitman College professional staff in consultation with representatives of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

In 1929, human remains representing a minimum of one individual were removed from near the junction of the north and south forks of the Walla Walla River, Umatilla County, OR, by Mr. Demaris and donated to the Northwest Museum, formerly Maxey Museum, on March 31, 1929 (Accn. #5563, Cat. #WHIT-X-0014). No known individual was identified. No associated funerary objects are present.

A village and fishing site of the Longhair Band of the Weyiiletpuu was located at Nushnu-pa, at this location on the Walla Walla River. Today, the Weyiiletpuu, or Cayuse Tribe, are a part of the Confederated Tribes of the Umatilla Indian Reservation, Oregon. The Cayuse traditionally lived within the Walla Walla-Milton-Freewater area and the drainages of the Walla Walla River, which is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

In 1949, human remains representing a minimum of three individuals were removed from Plymouth, Site #21, "150 yards north of the ferry landing,"

Benton County, WA, by Dr. Melvin C. Jacobs and accessioned by the museum (Accn. #A26, Cat. #WHIT-H-004). No known individuals were identified. The 22 associated funerary objects are 1 lot of rusted nails, 1 lot of metal fragments, 1 lot of spikes and spoons, 11 stone tools, 1 stone, 1 stone object, 3 adzes, 1 brass kerosene lamp wick holder, 1 canoe weight, and 1 pestle. (Cat. #WHIT-H-1 to 3, 6, 8 to 12, 14 to 19, and 21 to 26)

The human remains were found within the confines of an abandoned Hudson Bay trading site. It was determined by Dr. Jacobs that the human remains had been interred after the trading post had been abandoned. Based on earlier excavations at the site, the human remains are determined to be Native American. The Imatalamlama, or Umatilla Tribe, now a part of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, had a permanent camp and fishing site called So-luc-a across the Columbia River from Umatilla, OR, on the Washington shoreline, near present-day Plymouth, WA. This area is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

In 1950, human remains representing a minimum of one individual were removed from site 45BN15 or Site #18, Rabbit Island, Benton County, WA, by Thomas R. Garth, Jr., and accessioned into the museum (Accn. #J500 and 12356, Cat. #Whit-J-0014). No known individual was identified. The one associated funerary object is one lot of red ochre.

Rabbit Island was on the Homly Channel of the Columbia River and was an important burial site and habitation area for the Waluulapam, who are members of the Confederated Tribes of the Umatilla Indian Reservation, Oregon. The site is also near two important salmon and eel fishing sites known as Tomist-pa and Khus-us-ienim-tala-wit.

In 1950, human remains representing a minimum of eight individuals were removed from site 45BN55, Sheep Island, Site #17, Benton County, WA, by Thomas R. Garth, Jr. and accessioned into the museum (Cat. #Whit-J-028, 034, 057, 060, 063-072, 107-108). No known individuals were identified. The 63 associated funerary objects are 46 light red beads, 11 pestle fragments, 2 flint scrapers, 1 rock with ochre, 1 mud-dauber's nest, 1 sandstone smoother, and 1 bag of charcoal. (Cat. # WHIT-J-2, 3, 5, 18, 19, 23 to 25, and 133)

Sheep Island was an important burial island for the Imatalamlam and is within the ceded lands of the

Confederated Tribes of the Umatilla Indian Reservation, Oregon.

In 1952, human remains representing a minimum of one individual were excavated during construction at the Green Park Elementary School Ground in Walla Walla, Walla Walla County, WA, and accessioned into the museum (Cat. #WHIT-X-013). No known individual was identified. No associated funerary objects are present.

The land occupied by the city of Walla Walla was used by the Weyiiletpuu and the Waluulapam as a wintering ground, hunting, fishing, and food gathering area. Oral histories from representatives of the Confederated Tribes of the Umatilla Indian Reservation, Oregon place their direct ancestors' camping area in the vicinity of the Green Park Elementary School Ground. The Walla Walla area is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

In 1962, human remains representing a minimum of three individuals were removed from the Stanley Tucker farm near Milton-Freewater, Umatilla County, OR, and accessioned into the museum (Accn. #Whit-26, Cat. #Whit-X-16). No known individuals were identified. The three associated funerary objects are one stone and two shell fragments. (Cat. #WHIT-X-52 to 54)

The Milton-Freewater area was a wintering area, and food and resource gathering area for the Waluulapam and Weyiiletpuu. The site is also within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

At an unknown date, human remains representing a minimum of one individual were removed from most likely the Walla Walla area, WA. The human remains were accessioned into the museum at an unknown date (Accn. #11066, Cat. #WHIT-X-012). No known individual was identified. No associated funerary objects are present.

During the NAGPRA inventory this individual human remain was found in the collection with a note stating that it was "Found in Walla Walla area." This individual is determined to be Native American by the significant tooth wear and other identifying characteristics. The Walla Walla area is a traditional use area for the Waluulapam and Weyiiletpuu, and within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

The determination of cultural affiliation of the human remains and associated funerary objects has been based upon geographic, archeological, historical, ethnological, and linguistic evidence, as well as the oral tradition

and kinship traditions of the Confederated Tribes of the Umatilla Indian Reservation, Oregon. Primary information sources are museum accession and catalog records, preliminary excavation records, several articles about the Columbia Island McNary Dam excavations, consultation with various anthropologists, and consultation with tribal representatives of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Officials of the Northwest Museum, Whitman College have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of a minimum of 18 individuals of Native American ancestry. Officials of the Northwest Museum, Whitman College also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 89 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Northwest Museum, Whitman College have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Nina Lerman, Northwest Museum, Whitman College, 345 Boyer Ave, Walla Walla, WA 99362, telephone (509) 527- 5798, before September 12, 2008. Repatriation of the human remains and associated funerary objects to the Confederated Tribes of the Umatilla Indian Reservation, Oregon may proceed after that date if no additional claimants come forward.

Northwest Museum is responsible for notifying the Confederated Tribes of the Umatilla Indian Reservation, Oregon that this notice has been published.

Dated: June 23, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18692 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR**National Park Service****Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA; Correction****AGENCY:** National Park Service, Interior.**ACTION:** Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA. The human remains and associated funerary objects were removed from Marquette County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects described in a Notice of Inventory Completion published in the *Federal Register* on March 20, 2001 (FR Doc. 01-6895, pages 15752-15753). In July 2008, the Peabody Museum of Archaeology and Ethnology identified six additional associated funerary objects.

In the *Federal Register* of March 20, 2001, paragraph number 4 is corrected by substituting the following paragraph:

In 1887, human remains representing two individuals were donated to the Peabody Museum of Archaeology and Ethnology by A. Kidder. No known individuals were identified. The 18 associated funerary objects are 1 brass kettle, 1 wooden dish, 9 bone beads, 1 copper ornament with hair, 2 brass buckles, 1 iron tomahawk, 1 wooden handle, 1 lot of iron knife fragments, and 1 lot of iron scissor fragments.

In the *Federal Register* of March 20, 2001, paragraph number 6 is corrected by substituting the following paragraphs:

Officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical

remains of two individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 18 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Keweenaw Bay Indian Community, Michigan.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Patricia Capone, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Ave., Cambridge, MA 02138, telephone (617) 496-3702, before September 12, 2008. Repatriation of the human remains and associated funerary object to the Keweenaw Bay Indian Community, Michigan may proceed after that date if no additional claimants come forward.

The Peabody Museum of Archaeology and Ethnology is responsible for notifying the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Citizen Potawatomi Nation, Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Nottawaseppi Huron Band of the Potawatomi, Michigan; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and

Indiana; Prairie Band of Potawatomi Nation, Kansas; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians of Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and White Earth Band of the Minnesota Chippewa Tribe, Minnesota that this notice has been published.

Dated: July 16, 2008

Sherry Hutt,*Manager, National NAGPRA Program.*

[FR Doc. E8-18686 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S**DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Inventory Completion: The Public Museum, Grand Rapids, MI****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of The Public Museum, Grand Rapids, MI. The human remains were removed from either the vicinity of Mackinaw City or Mackinac Island, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by The Public Museum's professional staff in consultation with representatives of the Little Traverse Bay Band of Odawa Indians, Michigan.

At an unknown date, human remains representing a minimum of two individuals were removed from the vicinity of Mackinaw City or Mackinac Island, MI, by E. H. Crane, an amateur archeologist and avid collector. Upon Mr. Crane's death in 1917, the Kent Scientific Museum, now known as The Public Museum, purchased his

collection of human remains and other anthropological and natural history collections, including the remains of these two individuals. No known individuals were identified. No associated funerary objects are present.

Museum records on the human remains are derived from Mr. Crane's notes (written directly onto the human remains) and the original information written into the museum's accession ledger at the time of acquisition. The museum records indicate that the human remains may be of mixed Native-European ancestry, suggesting a post-contact date. In 1977, further examination by a bio-anthropologist found that the human remains were consistent with a mixture of European and Native American descent. In 2008, a professional anthropology consultant examined the human remains to ensure that they were Native American and/or of mixed Native American and European descent, and concluded they did exhibit physical characteristics of a Native American individual, but that they were not so clearly exclusive that mixed Native American-European ancestry could be ruled out.

Museum records also indicated that the provenience was "old Mackinac, Michigan." It is uncertain whether the exact provenience was Mackinac Island or the vicinity of Mackinaw City, as both of these locations were listed on later records, however, both Mackinaw City and Mackinac Island are in the tribal homeland of the Little Traverse Bay Band of Odawa Indians, Michigan. Historical evidence provided to the museum by the Little Traverse Bay Band of Odawa Indians establishes the Mackinac area as ancestral land of the Little Traverse Bay Band of Odawa Indians since before the arrival of the first European settlers to the area in the 1670s. The same documentation also provided evidence of occurrences of inter-marriage between people of Native American and European descent. Based on museum records, collector's notes, consultation evidence, and extensive examination of the human remains, The Public Museum reasonably believes the human remains are of Native American ancestry and have a shared group relationship with the Little Traverse Bay Band of Odawa Indians, Michigan.

Officials of The Public Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of The Public Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced

between the Native American human remains and the Little Traverse Bay Band of Odawa Indians, Michigan.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Marilyn Merdzinski, Curator of Collections and Preservation, The Public Museum, 272 Pearl St NW, Grand Rapids, MI 49504, telephone (616) 456-3521, before September 12, 2008. Repatriation of the human remains to the Little Traverse Bay Band of Odawa Indians, Michigan may proceed after that date if no additional claimants come forward.

The Public Museum is responsible for notifying the Little Traverse Bay Band of Odawa Indians, Michigan and Sault Ste. Marie Tribe of Chippewa Indians of Michigan that this notice has been published.

Dated: July 22, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18681 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA. The human remains were removed from Jefferson County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Burke Museum professional staff in consultation with representatives of the Hoh Indian Tribe of the Hoh Indian Reservation, Washington; Jamestown S'Klallam Tribe of Washington; Port Gamble Indian

Community of the Port Gamble Reservation, Washington; Quileute Tribe of the Quileute Reservation Washington; and Skokomish Indian Tribe of the Skokomish Reservation, Washington.

Sometime before 1952, human remains representing a minimum of one individual were removed from south of Brinnon in Jefferson County, WA, by Sherry Berthiaume. The human remains were subsequently transferred to the Burke Museum in 1952 (Burke Accn. #3800). No known individual was identified. No associated funerary objects are present.

The human remains are consistent with Native American morphology and therefore have been determined to be Native American. Brinnon is within the territory of the Twana people. Twana is a dialect of the Salish language and is represented by three subgroups: Skokomish, Duhelipis, and Kolsids. The Twana are represented by the present-day Skokomish Indian Tribe of the Skokomish Reservation, Washington.

Brinnon is part of the aboriginal territory of the Skokomish as defined by the 1855 Treaty of Point-No-Point. Other ethnographic and legal documentation is consistent with this determination (Indian Claims Commission; Elmendorf 1960; Mooney 1896; Handbook of North American Indians 1990; Smith 1940).

Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Skokomish Indian Tribe of the Skokomish Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195-3010, telephone (206) 685-2282, before September 12, 2008. Repatriation of the human remains to the Skokomish Indian Tribe of the Skokomish Reservation, Washington may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Hoh Indian Tribe of the Hoh Indian Reservation, Washington; Jamestown S'Klallam Tribe of Washington; Port Gamble Indian Community of the Port Gamble Reservation, Washington; Quileute

Tribe of the Quileute Reservation, Washington; and Skokomish Indian Tribe of the Skokomish Reservation, Washington that this notice has been published.

Dated: July 16, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18673 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA. The human remains were removed from south of Three Tree Point in King County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Burke Museum and University of Washington professional staff in consultation with representatives of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Puyallup Tribe of the Puyallup Reservation, Washington; Snoqualmie Tribe, Washington; Suquamish Indian Tribe of the Port Madison Reservation, Washington; and Tulalip Tribes of the Tulalip Reservation, Washington.

In 1923, human remains representing a minimum of one individual were removed from Pleasant Beach, south of Three Tree Point in King County, WA. The human remains were found by the landowner while digging in the backyard and transferred to the King County Coroner's Office, and subsequently transferred to the Burke Museum in 1923 (Burke Accn. 11998).

No known individual was identified. No associated funerary objects are present.

The human remains are consistent with Native American morphology and therefore have been determined to be Native American. Three Tree Point is within the usual and accustomed territory of the Puyallup Tribe of the Puyallup Reservation, as defined by the 1855 Treaty of Medicine Creek. Other ethnographic and legal documentation is consistent with this determination.

Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Burke Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Puyallup Tribe of the Puyallup Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195-3010, telephone (206) 685-2282, before September 12, 2008. Repatriation of the human remains to the Puyallup Tribe of the Puyallup Reservation, Washington may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Puyallup Tribe of the Puyallup Reservation, Washington; Snoqualmie Tribe, Washington; Suquamish Indian Tribe of the Port Madison Reservation, Washington; and Tulalip Tribes of the Tulalip Reservation, Washington that this notice has been published.

Dated: July 16, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18676 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Acadia National Park; Bar Harbor, Maine; Acadia National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission

will hold a meeting on Monday, September 15, 2008.

The Commission was established pursuant to Public Law 99-420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at Park Headquarters, Bar Harbor, Maine, at 1 p.m., to consider the following agenda:

1. Committee reports:
 - Land Conservation
 - Park Use
 - Science and Education
 - Historic
 - Science and Education
 - Historic
2. Old business
3. Superintendent's report
4. Public comments
5. Proposed agenda for next Commission meeting in February 2009.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288-3338.

Dated: July 19, 2008.

Sheridan Steele,

Superintendent.

[FR Doc. E8-18573 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-2N-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: Northwest Museum, Whitman College, Walla Walla, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Northwest Museum, Whitman College, Walla Walla, WA, that meet the definition of "unassociated funerary objects" under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25

U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

In 1901, cultural items were removed from the southwestern corner of First and Birch Streets, Walla Walla, Walla Walla County, WA, during excavation of a house foundation. The cultural items were accessioned to the museum in 1946 (Cat. #WHIT-O-11 and #WHIT-O-12). The 104 unassociated funerary objects are 104 various beads.

Museum records state that the beads were removed from a grave, but there is no record of disposition of the human remains. The land occupied by the city of Walla Walla is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon. It was used as a wintering ground, habitation area, hunting, fishing and food gathering area by the Weyiiletpuu (Cayuse) and Waluulapam (Walla Walla). The Weyiiletpuu (Cayuse) and Waluulapam (Walla Walla) are members of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

On November 27, 1948, cultural items were removed from a burial at Canoe Island, Site #10, Umatilla County, OR, Dr. Melvin Jacobs, Curator of the Museum of History and Art at Whitman College, and Thomas R. Garth, Jr., archeologist for the National Park Service Whitman Monument. The human remains were collected, but are not currently in the museum collection. The 11 unassociated funerary objects are 3 net sinkers, 2 scrapers, 1 chert flake, 1 knife, 1 bone awl, 1 bone needle, 1 bone point, and 1 sandstone smoother. (Cat. #WHIT-J-8, 11, 12, 17, 88, 90, 91, 99, 101, 102, and 104)

Canoe Island is currently inundated by Lake Wallula, behind McNary Dam. It was an important fishing site of the Imatalamlama (Umatilla) and Waluulapam, and opposite the fishing camp of Pusim. The islands in the Columbia River were also used for refuge during invasion from hostile enemies. Canoe Island is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

On October 16, 1949, cultural items were removed from Cremation Pit #1 at Rabbit Island, Site #18, 45BN15, Benton County, WA. The human remains from Cremation Pit #1 were repatriated to the Confederated Tribes of the Umatilla Indian Reservation, Oregon in 1992. The cultural items were identified in the collection and are now unassociated funerary objects. The three unassociated

funerary objects are one clamshell, one obsidian point, and one small piece of basalt (Cat. #Whit-J-124 to #Whit-J-126).

Rabbit Island was on the Homly Channel of the Columbia River and was an important burial site and habitation area for the Waluulapam. It was also near two important salmon and eel fishing sites known as Tomist-pa and Khus-us-tenim-tala-wit. Today, the island is inundated by Lake Wallula, behind McNary Dam and is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

In 1949, Thomas R. Garth excavated at the PeoPeoMoxMox Village Site, 45WW6, Burial 2, at Waluula, Walla Walla County, WA. The burial is circa A.D. 1845-1855. The human remains were most likely repatriated to the Confederated Tribes of the Umatilla Indian Reservation, Oregon in 1992. The cultural items were identified in the collection and are now unassociated funerary objects. The three unassociated funerary objects are three child-sized copper bracelets (Accn. #J-2 and #1935; Cat. #Whit-J-089).

Waluula was an important permanent village of the Waluulapam. The village is currently inundated by Lake Wallula, behind McNary Dam, which is within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

On November 13, 1949, cultural items were removed from Burial #4 at 45BN55 Sheep Island, Site #17, Benton County, WA, by Thomas R. Garth. The one unassociated funerary object is a granite pestle (Accn. #J306, #2086; Cat. #WHIT-J-15).

Sheep Island was an important burial island for the Imatalamlama, and is currently inundated behind McNary Dam and within the ceded lands of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

On December 3, 1949, Thomas R. Garth and others excavated Sheep Island, Site #17, Burial 8, Benton County, WA. The human remains were repatriated to the Confederated Tribes of the Umatilla Indian Reservation, Oregon in 1992. The cultural items were identified in the collection and are unassociated funerary objects. The two unassociated funerary objects are one pestle and one pestle base (Accn. #2085; Cat. #Whit-J-0016 and 0020).

Thomas R. Garth also excavated Burial #10 at Sheep Island, Site #17, Benton County, WA, and removed cultural items, which were accessioned in the museum under various numbers (Cat. #Whit-J-1, 4, 21, 22, and 27). The five funerary objects are two sandstone

smoothers, one salmon packer, one maul broken in two pieces, and one obsidian blade.

Thomas R. Garth found additional cultural items at Sheep Island, Site #17, which were accessioned by the museum (Accn. #2074; Cat. #Whit-J-0006, 0017, and 0127). No documentation was found as to their exact provenience. However, the cultural items were found in the cemetery area and are consistent with the type of funerary objects found during burial excavations at the site. The three unassociated funerary objects are one chopper, one hand adze, and one canoe weight.

On November 15, 1949, cultural items were found at Garth's Site #19 on the East end of Berrian Island, Benton County, WA. It was reported that this area is the same area that H.D. Osborne of the University of Washington and Smithsonian Institute excavated in the summer of 1949, where graves were excavated (Hogben, 1950). On November 25, 1949, Thomas R. Garth revisited the site and found a cremation area with burned artifacts and human bone. Most of the cremation artifacts removed by Garth were at Whitman Mission and were probably repatriated in 1992. Because of the prevalence of human remains on Berrian Island, and Thomas Garth's excavation of the cremation area, the cultural items are reasonably believed to be unassociated funerary objects. The three unassociated funerary objects are three adzes. (#Whit-J-0100, Whit-J-0130, Whit-J-0132)

The determination of cultural affiliation of the unassociated funerary objects described above has been based upon geographic, archeological, historical, ethnological, and linguistic evidence, as well as the oral tradition and kinship traditions of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Officials of the Northwest Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 135 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Northwest Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Nina Lerman, Northwest Museum, Whitman College, 345 Boyer Ave, Walla Walla, WA 99362, telephone (509) 527-5798, before September 12, 2008. Repatriation of the unassociated funerary objects to the Confederated Tribes of the Umatilla Indian Reservation, Oregon may proceed after that date if no additional claimants come forward.

Northwest Museum is responsible for notifying the Confederated Tribes of the Umatilla Indian Reservation, Oregon that this notice has been published.

Dated: July 14, 2008.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18677 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Hastings Museum of Natural and Cultural History, Hastings, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of Hastings Museum of Natural and Cultural History (Hastings Museum), Hastings, NE. The human remains were removed from Stanley Mound, also known as Parkin site (3CS29), Cross County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Hastings Museum professional staff in consultation with representatives of the Quapaw Tribe of Indians, Oklahoma.

On an unknown date, human remains representing a minimum of one individual were removed from Stanley Mound in Cross County, AR. The human remains were donated to the Hastings Museum by an unknown donor and cataloged into the collection between 1926 and 1931. No known

individual was identified. Museum records state that three pottery vessels were found with the human remains, but they were not accessioned into the collection. No associated funerary objects are present.

The human remains are of Native American descent. Dental attrition is consistent with an individual from the Mississippian period. Research provided by the Quapaw Tribe of Indians, Oklahoma, conducted through the Arkansas Archeological Survey, indicate that Stanley Mound is also known as the Parkin site (3CS29). The Parkin site was first excavated in 1879 and sits on land once owned by John Stanley (for which the mound was named). The site is one of the best preserved villages from the Mississippian period.

The Parkin site is a fortified village located on the St. Francis River in northeastern Arkansas. The site consists of several mounds, and plazas surrounded by rows of houses. The site has yielded thousands of artifacts, including potsherds and complete grave pottery. Although the pottery was not accessioned into the Hastings Museum collection, the records show that they are consistent with other funerary objects found at the Parkin site. Researchers suggest that the Parkin site represents a late Mississippian chiefdom to the early Protohistoric Period, an era spanning from A.D. 1350 to 1600. The site is believed to be the village of Casqui, which was visited by Spanish explorer Hernando de Soto. French documents dating to circa A.D. 1700, indicate that the Quapaw were the only people to have villages along the St. Francis River in eastern Arkansas. Quapaw oral tradition supports this documentation.

Officials of the Hastings Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Hastings Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Quapaw Tribe of Indians, Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Teresa Kreutzer-Hodson, Hastings Museum of Natural and Cultural History, PO Box 11286, Hastings, NE 68902, telephone (402) 461-2399, before September 12, 2008. Repatriation of the human remains to the Quapaw Tribe of Indians, Oklahoma

may proceed after that date if no additional claimants come forward.

The Hastings Museum is responsible for notifying the Quapaw Tribe of Indians, Oklahoma that this notice has been published.

Dated: July 22, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18674 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA. The human remains and associated funerary objects were removed from San Luis Obispo, Santa Barbara, and Ventura Counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

An assessment of the human remains, catalogue records, and relevant associated documents was made by the Phoebe A. Hearst Museum of Anthropology professional staff in consultation with representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

In 1928, human remains representing a minimum of 22 individuals (10 catalogue records) were removed from CA-SBa-1, also known as Olson's Site 6, a site located on the north bank of Rincon Creek at Rincon Point, approximately three miles southeast of Carpinteria in Santa Barbara County, CA, by Ronald L. Olson. The human remains and archeological materials were accessioned into the Phoebe A.

Hearst Museum of Anthropology in 1928 through University Appropriation (Accession 633). Additional archeological materials were removed and donated to the museum by Francis A. Riddell and Franklin Fenenga in 1949 (Accession UCAS-8), by Eugene Prince in 1957 (Accession UCAS-465), and by Robert L. Hoover in 1968 (Accession 2413). No known individuals were identified. The 36 associated funerary objects are 5 soil samples, 12 shells and 1 shell fragment, 1 pestle, 10 lumps of clay, 1 ochre fragment, 5 animal bones, and 1 bead.

In 1928, human remains representing a minimum of 71 individuals (56 catalogue records) were removed from CA-SBa-43, also known as Olson's Site 2, a site located on the More Ranch near Goleta, in Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the Phoebe A. Hearst Museum of Anthropology through University Appropriation (Accession 633). Additional archeological materials were removed and donated to the museum by Robert L. Hoover in 1968 (Accession 2413). No known individuals were identified. The 83 associated funerary objects are 10 animal bones, 1 asphalt fragment, 4 awls and awl fragments, 4 charnostones, 1 dagger point, 8 flint flakes, 1 hammerstone, 1 fragmented implement, 5 limestone objects, 11 mortars and mortar fragments, 2 lumps of ochre, 8 pebbles, 5 pestles and pestle fragments, 1 rubbing stone, 4 shells, 8 spear points, 7 stone fragments, and 2 whetstones.

Between 1927 and 1928, human remains representing a minimum of 137 individuals (121 catalogue records) were removed from CA-SBa-46, also known as Olson's Site 1, a site located on Mescal Island near Goleta, in Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the Phoebe A. Hearst Museum of Anthropology through University Appropriation (Accession 633). Additional archeological materials were removed and donated to the museum by Phillip C. Orr in 1941 (Accession 1941T). No known individuals were identified. The 2,106 associated funerary objects are 9 abalone fragments; 19 animal bones (including uncounted lots); 20 arrow points; 1 lump of ash; 4 asphalt fragments; 6 awl and awl fragments; 1 ball; 1 barb; 2 basketry fragments; 1,360 beads and bead fragments; 3 bowls; 4 buttons; 2 flint cores; 3 crystal fragments; 2 dagger points; 5 dishes; 2 drill; 5 fishhooks; 61 flint flakes; 1 matting fragment; 47 implements; 6 knives; 3 limestone

fragments; 9 mortars; 4 mullers; 22 necklaces; 3 needles; 16 lumps of ochre; 31 olla and olla fragments; 4 ornaments; 10 pebbles; 19 pendants and pendant fragments; 4 pestles; 1 pin; 2 pipes; 7 rings; 2 rocks; 1 sandstone fragment; 281 shells, various shell objects and uncounted lots; 1 sinker; 2 stone slabs; 8 soil samples (possibly containing materials); 5 spear points; 1 spike; 1 turtle shell fragment; 25 stones and stone fragments; 4 animal teeth; 19 tubes and tube fragments; 10 twine fragments; 1 weapon; 11 whalebone fragments; and 35 whistles and whistle fragments.

In 1950, human remains representing a minimum of one individual (one catalogue record) were removed from CA-SBa-543, a site located on a knoll north of Jalama Creek near the confluence with Gaspar Creek north of Point Conception, in Santa Barbara County, CA, by D.W. Lathrap and R.H. Brooks. The human remains were accessioned into the museum through a donation by the collectors (Accession 1011). No known individual was identified. No associated funerary objects are present.

Between 1949 and 1950, human remains representing a minimum of 187 individuals (149 catalogue records) were removed from CA-SBa-7, a site located at the mouth of Carpinteria Creek in Santa Barbara County, CA, by J.A. Bennyhoff & A.D. Mohr. The human remains and archeological materials were accessioned into the museum both in 1949 and 1950 through University Appropriation (Accession numbers 970 and 996 respectively). Additional human remains were removed by J.A. Bennyhoff and donated to the museum by Charles Rozaire of the Los Angeles County Museum in 1950 (Accession 1864). No known individuals were identified. The 997 associated funerary objects are 1 antler, 1 lump of ash, 1 asphalt fragment, 1 awl fragment, 735 beads, 1 blade, 17 bones and bone fragments, 1 charmstone, 2 choppers, 1 concretion, 7 crystals, 26 uncounted bags of faunal remains, 3 grinding slabs, 2 hammerstones, 1 fragment of human bone (unconfirmed), 2 implements, 3 knives, 37 manos and mano fragments, 48 metates and metate fragments, 2 fragments of mica, 16 lumps of ochre, 1 pebble, 8 pecking stones, 8 lumps of pigment, 1 pin fragment, 1 point, 1 ring, 1 rubbing stone, 1 lot of sand with ochre, 26 scrapers and 10 scraper fragments, 16 shells, 2 sinkers, 3 slabs, 1 steatite fragment, 6 stones, 2 bone tool fragments, and 1 tooth fragment.

In 1908, human remains representing a minimum of 21 individuals (21 catalogue records) were removed from

CA-SBa-73, a site located on the north side of Tecolote Creek on the Tecolote Ranch, Santa Barbara County, CA, by F. W. Putnam. In 1908, the human remains and archeological materials were donated by the collector to the museum and accessioned (Accession 329). No known individuals were identified. The 347 associated funerary objects are 2 antler tips, 245 beads, 13 animal bones, 10 flint chips, 1 club stone, 2 drills, 1 hammerstone, 2 knives, 1 mortar, 3 ornaments, 7 pendants, 2 points, 34 shells and shell fragments, 1 whetstone, and 23 whistles and whistle fragments.

In 1928, human remains representing a minimum of two individuals (one catalogue record) were removed from CA-SBa-8, also known as Olson's Site 7, a site located approximately two miles southwest of Carpinteria, Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. No associated funerary objects are present.

In 1928, human remains representing a minimum of nine individuals (4 catalogue records) were removed from CA-SBa-89, also known as Olson's Site 11, a site located on the east bank of Tajiguas Creek approximately 18 miles west of Goleta, Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. The six associated funerary objects are one mortar and five wood fragments.

Prior to 1900, human remains representing a minimum of one individual (one catalogue record) were removed from an unspecified location "probably near Santa Ynez, California," (CA-SBa-NL-1), in Santa Barbara County, CA, by P. M. Jones. The human remains were accessioned into the museum later that same year through a donation by Mrs. Phoebe A. Hearst (Accession 33). No known individual was identified. No associated funerary objects are present.

In 1928, human remains representing a minimum of one individual (one catalogue record) were removed from an unspecified location listed as "site 4, 2 mi. n. of Goleta on James Stevens Indian Orchard ranch," (CA-SBa-NL-3), in Santa Barbara County, CA, by Ronald L. Olson. The human remains were accessioned into the museum later that same year through University Appropriation (Accession 633). No

known individual was identified. No associated funerary objects are present.

In 1984, human remains representing a minimum of one individual (one catalogue record) were removed from an unknown location, (CA-SBa-NL-6), in Santa Barbara County, CA, by A.V. Wood. In 1984, the human remains were accessioned into the museum through a donation by A. Borg (Accession 3938). No known individual was identified. No associated funerary objects are present.

In 1929, human remains representing a minimum of one individual (one catalogue record) were removed from "various sites on Santa Barbara Coast and Islands," (CA-SBa-NL-7), in Santa Barbara County, CA, by Ronald L. Olson. The human remains were accessioned into the museum later that same year through University Appropriation (Accession 630). No known individual was identified. No associated funerary objects are present.

In 1928, human remains representing a minimum of 357 individuals (189 catalogue records) were removed from CA-SCrI-100, a site located near Posa Landing, Santa Cruz Island in Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 636). No known individuals were identified. The 10,871 associated funerary objects are 17 abalone fragments; 95 animal bones (approximate count); 17 arrow points; 41 asphalt fragments; 62 awls and awl fragments; 5 barbs; 11 bark fragments; 45 basketry fragments; 6,396 beads; 2 blades; 1 bowl with 1 lid; 11 buttons; 1 claw fragment; 1 clay fragment; 4 concretions; 1 crystal fragment; 14 disks; 220 drills; 62 fishhooks; 3 flakes; 4 flukes; 25 implement fragments; 1 incineration; 3 knives; 24 matting fragments; 1 metate; 7 mortar fragments; 5 necklaces; 2 needles; 1 obsidian flake; 52 fragments of ochre; 201 ornaments; 11 pebbles; 414 pendants; 5 pestle fragments; 35 pin fragments; 4 planking fragments; 21 points; 37 rings; 1 stone scraper; 2 scutes; 10 seal bone fragments; 2 serpentines; 2,835 shells (approximate count); 11 non-human skull fragments; 1 soil sample containing uncounted lithics, uncounted beads and other fragmented materials; 2 spatulas; 2 spear point fragments; 3 steatite fragments; 42 stone fragments; 10 string fragments; 1 sword; 6 animal teeth; 19 tube fragments; 30 turtle shell fragments; 15 whalebones; 1 whetstone; 11 whistle fragments; 3 wood fragments; and 1 worked bone.

Between 1927 and 1928, human remains representing a minimum of 10

individuals (7 catalogue records) were removed from CA-SCrI-103, a site located near Johnson's Landing, Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. The 172 associated funerary objects are 1 animal bone, 17 awl fragments, 1 barb, 41 beads, 9 pendants, and 103 shells.

Between 1927 and 1928, human remains representing a minimum of 13 individuals (8 catalogue records) were removed from CA-SCrI-104, a site located near Johnson's Landing on Santa Cruz Island, in Santa Barbara County, CA, by Ronald L. Olson. In 1928, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. The 20 associated funerary objects are 2 awl fragments, 1 bead, 10 animal bones, 1 fish vertebra, 2 implement fragments, 3 stingray jawbones, and 1 whalebone fragment.

In 1927, human remains representing a minimum of 37 individuals (26 catalogue records) were removed from CA-SCrI-131, a site located near Coches Prietos on Santa Cruz Island, in Santa Barbara County, CA, by Ronald L. Olson. Later that same year, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 630). No known individuals were identified. The 47 associated funerary objects are 1 stone and 46 animal bone fragments.

In 1928, human remains representing a minimum of 25 individuals (16 catalogue records) were removed from CA-SCrI-138, a site located near Smuggler's Cove on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. Later that same year, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. The 196 associated funerary objects are 27 animal bones, 3 arrow points, 4 awl and awl fragments, 1 barb, 20 basketry fragments, 40 beads, 1 piece of coral, 1 crystal, 10 disks, 3 dishes, 10 drills, 2 implement fragments, 1 lid, 17 fragments of ochre, 2 pebbles, 31 pendants, 2 pestles, 1 point fragment, 1 shark tooth, 14 shells, 1 steatite fragment, 2 stones, and 2 wood fragments.

In 1927, human remains representing a minimum of 11 individuals (7 catalogue records) were removed from

CA-SCrI-147, a site located near Prisoners Harbor on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1927, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 626). No known individuals were identified. The 1,981 associated funerary objects are 2 awls, 3 stones, 1 jar fragment, 1,476 animal bones, 8 beads, 489 shells, and 2 whale bone fragments.

In 1927, human remains representing a minimum of five individuals (five catalogue records) were removed from CA-SCrI-154, a site located near Orizaba on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1927, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 626). No known individuals were identified. The 108 associated funerary objects are 49 animal bones, 1 lithic implement, 2 mortar fragments, 2 pebbles, 33 shells and uncounted lots, 20 stone fragments, and 1 non-human vertebra.

In 1927, human remains representing a minimum of eight individuals (six catalogue records) were removed from CA-SCrI-159, a site located near Orizaba on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1927, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. The 70 associated funerary objects are 7 animal bones, 3 awl fragments, 2 beads, 2 charmstones, 1 gravestone, 3 fragmented implements, 1 ornament, 5 pebbles, 7 pestles, 1 pipe, 3 points, 3 shells, 1 soil sample, 20 stone fragments, 6 tool fragments, and 5 whetstones.

In 1927, human remains representing a minimum of five individuals (four catalogue records) were removed from CA-SCrI-162, a site located near Orizaba on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1927, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 626). No known individuals were identified. The 57 associated funerary objects are 4 abalone fragments, 12 basketry fragments, 10 beads, 1 drill, 9 pebbles, 2 pestles, 8 shells, and 11 stone fragments.

In 1927, human remains representing a minimum of 108 individuals (83 catalogue records) were removed from CA-SCrI-3 (also known as Olson's site

3), a site located near Forney's Cove on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1927, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 626). In 1968, additional human remains representing a minimum of five individuals (two catalogue records) were removed and donated to the museum by Robert Hoover (Accession 2413). There are a total minimum number of 113 individuals (85 catalogue records) removed from CA-SCrI-3 in the possession of the museum. No known individuals were identified. The 9,302 associated funerary objects are 10 abalone fragments, 80 animal bones and 2 bags of uncounted animal bones, 34 asphalt fragments, 46 awls and awl fragments, 7 bars, 672 basketry fragments, 6,533 beads, 1 bowl, 14 buttons, 3 charcoal fragments and 1 bag of uncounted charcoal fragments, 3 disks, 1 drill, 2 fish bones, 27 flint flakes, 52 hammerstones, 410 implements and implement fragments, 1 jawbone, 3 knives, 11 mortars, 59 fragments of ochre, 62 ornaments, 8 lumps of paint, 33 pebbles, 10 pendants, 10 pestle fragments, 2 pins, 4 points, 1 sandstone fragment, 974 shells, 1 smoothing pebble, 1 smoothing stone, 1 soil sample, 2 steatite fragments, 102 stone fragments, 3 animal teeth, 3 tools, 2 tubes, 76 turtle shell fragments, 11 vertebrae, 9 wedge fragments, and 15 whalebone fragments.

In 1927, human remains representing a minimum of 130 individuals (106 catalogue records) were removed from CA-SCrI-83, a site located near West Ranch on Santa Cruz Island, Santa Barbara County, CA, by Ronald L. Olson. In 1927, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 630). No known individuals were identified. The 232 associated funerary objects are 50 abalone fragments, 63 animal bones, 2 asphalt fragments, 6 basket pebbles, 5 bone cylinders, 1 button, 2 flakes, 19 implements, 4 metate fragments, 7 mortar fragments, 50 pebbles, 7 pestles, 1 scraper, 2 smoothing stones, 10 stone fragments, and 3 whetstones.

In 1899, human remains representing a minimum of three individuals (three catalogue records) were removed at an unknown location on Santa Cruz Island (CA-SCrI-NL-1), Santa Barbara County, CA, and donated to the museum by Mrs. Blanche Trask (Accession 382). No known individuals were identified. No associated funerary objects are present.

In 1953, human remains representing a minimum of three individuals (one catalogue record) were removed from CA-SLO-125, a site located on the east side of Pismo Creek near Maxwelton, San Louis Obispo County, CA, by J.A. Bennyhoff and A.B. Elsasser. In 1953, the human remains were accessioned into the museum through University Appropriation (Accession UCAS 306). No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing a minimum of four individuals (four catalogue records) were removed from an unknown location on San Miguel Island, (CA-SMI-NL-1), Santa Barbara County, CA, by an unknown individual. In 1994, the human remains were accessioned into the museum through a donation by the University of California, Berkeley Museum of Paleontology (Accession 4643). No known individuals were identified. The one associated funerary object is an animal bone.

In 1901, human remains representing a minimum of three individuals (three catalogue records) were removed from CA-SRI-147 (also known as Jones' Campsite 6), a site located in the Jolla Vieja Canyon on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The 20 associated funerary objects are 1 mortar and 19 pendants.

In 1901, human remains representing a minimum of one individual (one catalogue record) were removed from CA-SRI-156 (also known as Jones' Campsite 34), a site located on the west side of South Point on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individual was identified. The one associated funerary object is a pendant.

In 1901, human remains representing a minimum of three individuals (three catalogue records) were removed from CA-SRI-24 (also known as Jones' Campsite 19), a site located in a canyon south of Brockway Point on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The four associated funerary objects are one fossil fragment, one bone implement, and two pendants.

In 1901, human remains representing a minimum of eight individuals (eight catalogue records) were removed from CA-SRI-31 (also known as Jones' Campsite 35), a site located northwest of Bee Rock on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The one associated funerary object is a pebble.

In 1901, human remains representing a minimum of seven individuals (six catalogue records) were removed from CA-SRI-34 (also known as Jones' Campsite 21), a site located near Canada Soledad, south of Brockway Point on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The four associated funerary objects are two ornaments and two pendants.

In 1901, human remains representing a minimum of one individual (one catalogue record) were removed from CA-SRI-35 (also known as Jones' Campsite 18), a site located on a ridge between the east fork of Soledad Canyon and the west fork of Dry Canyon on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individual was identified. No associated funerary objects are present.

In 1901, human remains representing a minimum of 27 individuals (22 catalogue records) were removed from CA-SRI-40 (also known as Jones' Campsite 4), a site located on a sea cliff on the west side of Verde Canyon on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The nine associated funerary objects are nine wood fragments.

In 1901, human remains representing a minimum of three individuals (two catalogue records) were removed from CA-SRI-50 (also known as Jones' Campsite 15), a site located at the head of Canada Seca, south of Brockway Point on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The one associated funerary object is a stone.

In 1901, human remains representing a minimum of five individuals (five catalogue records) were removed from CA-SRI-6 (also known as Jones' Campsite 30), a site located at the mouth of Canada del Corral on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The 626 associated funerary objects are 2 knives, 100 fragments of grass string, 340 pendants, 80 rings, 100 beads, and 4 animal bones.

In 1901, human remains representing a minimum of 20 individuals (16 catalogue records) were removed from CA-SRI-60, a site located on the northwest anchorage on Beecher's Bay on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains and archeological materials were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. The 73 associated funerary objects are 40 asphalt fragments, 15 pendants, 1 uncounted lot of shells, and 17 tubes.

In 1901, human remains representing a minimum of eight individuals (six catalogue records) were removed from CA-SRI-76 (also known as Jones' Campsite 8), a site located near Beecher's Bay on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains and archeological materials were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. No associated funerary objects are present.

In 1901, human remains representing a minimum of six individuals (four catalogue records) were removed from CA-SRI-78 (also known as Jones' Campsite 3), a site located at the mouth of Water Canyon in Beecher's Bay on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains and archeological materials were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing a minimum of four individuals (three catalogue records) were removed from an unknown location on Santa Rosa Island (CA-SRI-NL-10), Santa Barbara County, CA, by an unknown individual. The human remains and archeological materials were accessioned into the museum from the Berkeley Museum at an unknown

date (Accession 100BL). No known individuals were identified. The 19 associated objects are 19 abalone pendants.

In 1901, human remains representing a minimum of 126 individuals (106 catalogue records) were removed from an unknown location on Santa Rosa Island (CA-SRI-NL-1), Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains and archeological materials were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. No associated funerary objects are present.

In 1901, human remains representing a minimum of two individuals (two catalogue records) were removed from an unknown location known as "Santa Rosa Island, Campsite 10," (CA-SRI-NL-3), Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. No associated funerary objects are present.

In 1901, human remains representing a minimum of three individuals (three catalogue records) were removed from an unknown location known as "Santa Rosa Island, Campsite 16," (CA-SRI-NL-4), on Santa Rosa Island, Santa Barbara County, CA, by P.M. Jones. In 1901, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individuals were identified. No associated funerary objects are present.

In 1901, human remains representing a minimum of one individual (one catalogue records) were removed from an unknown location on Santa Rosa Island (CA-SRI-NL-8), Santa Barbara County, CA, by P.M. Jones. Later that same year, the human remains were accessioned into the museum through a donation by Mrs. Phoebe Hearst (Accession 24). No known individual was identified. No associated funerary objects are present.

In 1928, human remains representing a minimum of three individuals (three catalogue records) were removed from CA-Ven-62, a site located on the beach on the southeast bank of Rincon Creek, Ventura County, CA, by Ronald L. Olson. Later that same year, the human remains and archeological materials were accessioned into the museum through University Appropriation (Accession 633). No known individuals were identified. No associated funerary objects are present.

The determination of cultural affiliation of the human remains and associated funerary objects is based on

consultation with the representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, and on museum analyses that show that the proveniences listed in this report are unambiguously situated within the Chumash aboriginal territory, as defined in the *Handbook of North American Indians, Vol. 8*. Data from archeology, linguistic, and oral traditions show that the Chumash have continuously inhabited Santa Barbara County, portions of Ventura and San Luis Obispo counties, Santa Cruz, Santa Rosa and San Miguel islands for more than 7,000 years. Descendants of these Chumash are members of the Federally-recognized Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Officials of the Phoebe A. Hearst Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent a minimum of 1,409 individuals of Native American ancestry. Officials of the Phoebe A. Hearst Museum of Anthropology have also determined that, pursuant to 25 U.S.C. 3001 (2), the 27,390 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Phoebe A. Hearst Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between the Native American human remains and associated funerary objects and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Representatives of any other Indian Tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Judd King, Interim Director of the Phoebe A. Hearst Museum of Anthropology, University of California Berkeley, Berkeley, CA 94720, telephone (510) 642-3682, before September 12, 2008. Repatriation of the human remains and associated funerary objects to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California may proceed after that date if no additional claimants come forward.

The Phoebe A. Hearst Museum of Anthropology is responsible for notifying the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California that this notice has been published.

Dated: July 14, 2008.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-18680 Filed 8-12-08; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 25, 2008, a proposed Consent Decree in *United States and State of Texas v. Beazer East, Inc.*, Civil Action No. 5:08-CV-00132, was lodged with the United States District Court for the Eastern District of Texas.

In this action the United States, on behalf of the United States Department of the Interior, and the State of Texas, on behalf of the Texas Commission on Environmental Quality ("TCEQ"), the Texas Parks and Wildlife Department ("TPWD"), and the Texas General Land Office ("TGLO") (collectively, the "State"), as federal and state trustees over natural resources, sought, pursuant to Section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607(a)(4)(C), and Section 311(f) of the Clean Water Act ("CWA"), 33 U.S.C. 1321(f), to recover damages for injury to, loss of, or destruction of natural resources as a result of releases and threatened release of hazardous substances into the environment at or from the Koppers Texarkana Superfund Site, including the recovery of the costs of assessing such injury and damages and the future costs of overseeing and monitoring restoration actions. The Koppers Site is a former wood treatment facility located approximately one mile west of downtown Texarkana, Bowie County, Texas.

The proposed Consent Decree resolves the liability of Beazer East, Inc. for damages for injury to, loss of, or destruction of natural resources as alleged in the Complaint. Under the terms of the Consent Decree, and in accordance with the restoration project selected in the Final Amended Restoration Plan and Environmental Assessment, Beazer will provide for the recordation of a Conservation Easement on 76.708 acres of bottomland hardwoods within the Lennox Woods Preserve in Red River County. Additionally, Beazer has paid the 'trustees' past assessment costs and will pay the trustees' future costs related to the restoration project.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree.

Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, and either e-mailed to pubcommentees.enrd@usdoj.gov or mailed to P.O. Box 7611, NW., Washington, DC 20044-7611, and should refer to *United States and State of Texas v. Beazer East, Inc.*, D.J. Ref. 90-11-3-07668.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Texas, 350 Magnolia Street, Suite 150, Beaumont, Texas, 77701-2237, and at the offices of the U.S. Fish and Wildlife Service, Ecological Services Field Office, 711 Stadium Dr., Suite 252, Arlington, TX 76011. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, to http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$28.50 for the Consent Decree and attachments, or \$9.75 for the Consent Decree only (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8-18716 Filed 8-12-08; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993 Cooperative Research Group on Development and Evaluation of a Gas Chromatograph Testing Protocol

Correction

In notice document E8-15670 appearing on page 40882 in the issue of Wednesday, July 16, 2008, make the following corrections:

1. On page 40882, in the first column, in the first paragraph, in the fourth line from the bottom, "PP Pipelines" should read "BP Pipelines".

2. On the same page, in the same column, in the same paragraph, in the second line from the bottom, "GMEH" should read "GMBH".

[FR Doc. Z8-15670 Filed 8-12-08; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

United States Parole Commission

Public Announcement; Pursuant to the Government in the Sunshine Act (Pub. L. 94-409) [5 U.S.C. Section 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

DATE AND TIME: 12 p.m., Thursday, August 14, 2008.

PLACE: U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

STATUS: Closed.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting: Petition for reconsideration involving one original jurisdiction case pursuant to 28 CFR 2.27.

AGENCY CONTACT: Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492-5990.

Dated: August 14, 2008.

Rockne J. Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. E8-18563 Filed 8-8-08; 3:30 pm]

BILLING CODE 4410-31-M

DEPARTMENT OF JUSTICE

United States Parole Commission

Public Announcement; Pursuant to the Government in the Sunshine Act; (Pub. L. 94-409) [5 U.S.C. Section 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

TIME AND DATE: 10 a.m., Thursday, August 14, 2008.

PLACE: 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of Minutes of May 2008 Quarterly Business Meeting

2. Reports from the Chairman, Commissioners, Chief of Staff, and Section Administrators

AGENCY CONTACT: Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492-5990.

Dated: August 6, 2008.

Rockne J. Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. E8-18564 Filed 8-8-08; 3:30 pm]

BILLING CODE 4410-31-M

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Request Submitted for Public Comment; Furnishing Documents to the Secretary of Labor on Request Under ERISA Section 104(a)(6)

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)), the Department of Labor (the Department) conducts a preclearance consultation program so that the general public and other federal agencies can comment on proposed and continuing collections of information. This program helps to ensure that the data the Department gathers arrive in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

By this notice, the Department is soliciting comments on the information collection provisions of regulations pertaining to section 104(a)(6) of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The statute and the regulatory provisions codified at 29 CFR 2520.104a-8 require the administrator of an employee benefit plan subject to Part 1 of Title I of ERISA to furnish the Secretary of Labor with certain documents relating to the plan upon request. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice. ICRs submitted to OMB also are available at <http://www.RegInfo.gov>.

DATES: Written comments must be submitted to the office shown in the addresses section on or before October 14, 2008.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N-5647, Washington, DC 20210. *Telephone:* (202) 693-8410; *Fax:* (202) 219-4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 101(a)(6) of ERISA, the administrator of any employee benefit plan subject to Part 1 of Title I of ERISA is required to furnish to the Secretary of Labor, on request, any documents related to the employee benefit plan including but not limited to, the latest SPD (including any summaries of plan changes not contained in the SPD), and the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established or operated. The Department issued a final implementing regulation under this provision on January 7, 2002 (67 FR 777), which is codified at 29 CFR 2520.104a-8. The ICR relating to the regulation was approved following publication of a notice of proposed rulemaking on August 5, 1999 (64 FR 42797). The ICR is scheduled to expire on December 31, 2008.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

III. Current Actions

The Employee Benefits Security Administration is requesting an

extension of the currently approved ICR for the Furnishing Documents to the Secretary of Labor under ERISA section 104(a)(6) and 29 CFR 2520.104a-8. The Department is not proposing or implementing changes to the regulation or to the existing ICR. A summary of the ICR and the current burden estimates follows:

Type of Review: Extension of a currently approved collection.

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Furnishing Documents to the Secretary of Labor on Request under ERISA.

OMB Number: 1210-0112.

Frequency: On occasion.

Affected Public: Individuals or households; business or other for-profit institutions; not-for-profit institutions.

Total Respondents: 1,000.

Total Responses: 1,000.

Estimated Total Burden Hours: 95.

Estimated Annual Burden Cost:

\$4,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICR. They will also become a matter of public record.

Dated: August 7, 2008.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E8-18632 Filed 8-12-08; 8:45 am]

BILLING CODE 4510-29-P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Leadership Conference on Medical Education in Substance Abuse

AGENCY: Office of National Drug Control Policy.

ACTION: Notice.

SUMMARY: A White House Leadership Summit on Screening and Brief Intervention for Substance Abuse, bringing together leaders in the field of medical education and healthcare policy will be held on Friday, September 5th, at the Eisenhower Executive Office Building on Pennsylvania Ave., NW., Washington DC, starting at 9 a.m. and concluding at 3 p.m. The overall objectives of the White House Summit are to recognize the advances achieved and the remaining challenges by the field in the widespread use of screening and brief intervention procedures designed to identify and promote behavioral change in populations engaged in risky, problematic substance use, or that have

a diagnosis of abuse/addiction. Abuse of illicit drugs, alcohol, or prescription drugs adversely affects the health of millions of Americans. Wide-spread implementation of screening and brief intervention procedures is a public-health approach that can have a major, positive impact on public health.

The specific conference objectives are: (1) To share with health care professionals the positive benefits of screening and brief interventions; (2) To alert them to recent, rapid advances in the field on Screening, Brief Intervention and Referral to Treatment (SBIRT) procedures for substance abuse in various healthcare settings; (3) to promote adoption and use of new reimbursable healthcare procedural codes (screening and brief intervention) and examine cost-effectiveness of implementing the codes; (4) To address best practices for performing these procedures in various healthcare settings; (5) To identify challenges to and enlist their support to devise strategies to implement and sustain system-wide change for implementing these preventive medicine procedures (6) To disseminate and expand on the cost-effectiveness and analysis of these procedures (7) To inform educators of new teaching materials for widespread dissemination of these practices. Members of the public who wish to attend the meeting should telephone ONDCP's Leadership Conference on Medical Education telephone line at (202) 395-6750 to arrange building access.

FOR FURTHER INFORMATION CONTACT: June Sivilli at (202) 395-5526.

Dated: August 5, 2008.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. E8-18672 Filed 8-12-08; 8:45 am]

BILLING CODE 3180-02-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that three meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending times are approximate):

Literature (application review): September 10-12, 2008 in Room 716. A portion of this meeting, from 12:30 p.m. to 1 p.m. on September 12th, will be

open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 6:30 p.m. on September 10th and 11th, and from 9 a.m. to 12:30 p.m. and 1 p.m. to 4 p.m. on September 12th, will be closed.

Learning in the Arts (application review): September 18-19, 2008 in Room 716. A portion of this meeting, from 4 p.m. to 4:30 p.m. on September 19th, will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 5:30 p.m. on September 18th and from 9 a.m. to 4 p.m. and 4:30 p.m. to 5:30 p.m. on September 19th, will be closed.

Learning in the Arts (application review): September 22-25, 2008 in Room 716. A portion of this meeting, from 2:30 p.m. to 3 p.m. on September 25th, will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 6 p.m. on September 22nd-24th, and from 9 a.m. to 2:30 p.m. and 3 p.m. to 3:30 p.m. on September 25th, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: August 8, 2008.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations,
National Endowment for the Arts.

[FR Doc. E8-18721 Filed 8-12-08; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee #13883; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Astronomy and Astrophysics Advisory Committee (#13883).

Date and Time: October 14-15, 2008, 8:30 a.m.-5 p.m.

Place: National Science Foundation, Room 555, Stafford II Building, 4201 Wilson Blvd., Arlington, VA, 22230.

Type of Meeting: Open.

Contact Person: Dr. Craig Foltz, Acting Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703-292-4909.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: August 8, 2008.

Susanne E. Bolton,

Committee Management Officer.

[FR Doc. E8-18694 Filed 8-12-08; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control

number. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on March 17, 2008. No comments were received.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 48 CFR 20, U.S. Nuclear Regulatory Commission Acquisition Regulation (NRCAR).

3. *The form number if applicable:* N/A.

4. *How often the collection is required:* On occasion; one time.

5. *Who will be required or asked to report:* Potential contractors.

6. *An estimate of the number of annual responses:* 3,837 responses (3,482 responses + 355 recordkeepers).

7. *The estimated number of annual respondents:* There are 355 potential contractors who could respond to NRC solicitations.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* There is both a reporting and recordkeeping burden associated with this collection. The NRC estimates there will be 3,482 report submissions amounting to 25,462 burden hours annually. The annual recordkeeping burden is estimated to be 633 hours for 65 respondents. This amounts to an overall annual burden of 26,095 hours.

9. *An indication of whether Section 3507(d), Public Law 104-13 applies:* N/A.

10. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation (FAR), and ensure that the regulations governing the procurement of goods and services within the NRC satisfy the particular needs of the agency. Because of differing statutory authorities among Federal agencies, the FAR authorizes agencies to issue regulations to implement FAR policies and procedures internally and to include additional policies and procedures, solicitation provisions or contract clauses to satisfy the specific need of the agency.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed

below by September 12, 2008.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Nathan J. Frey, Office of Information and Regulatory Affairs (3150-0169), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to Nathan_J._Frey@omb.eop.gov or submitted by telephone at (202) 395-7345.

The NRC Clearance Officer is Russell Nichols, (301) 415-6874.

Dated at Rockville, Maryland, this 6th day of August, 2008.

For the Nuclear Regulatory Commission.

Gregory Trussell,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. E8-18703 Filed 8-12-08; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-27]

Notice of Docketing and Issuance of Amendment to Materials License SNM-2514; Pacific Gas and Electric Company; Humboldt Bay Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance of Amendment to Materials License SNM-2514.

FOR FURTHER INFORMATION CONTACT: James R. Hall, Senior Project Manager, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, Mail Stop EBB-3D-02M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 492-3319; e-mail: randy.hall@nrc.gov.

SUPPLEMENTARY INFORMATION: On November 17, 2005, the U.S. Nuclear Regulatory Commission (NRC or the Commission) issued NRC Materials License No. SNM-2514 to the Pacific Gas and Electric Company (PG&E) for the Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI), located in Humboldt County, California. The license authorizes PG&E to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the Humboldt Bay Power Plant in an ISFSI at the power plant site for a term of 20 years. The NRC staff also issued an Environmental Assessment and

Finding of No Significant Impact related to the issuance of the initial ISFSI license on November 16, 2005, in accordance with the National Environmental Policy Act, and in conformance with the applicable requirements of 10 CFR part 51.

On March 5, 2008, PG&E submitted an application to NRC, in accordance with 10 CFR Part 72, requesting an amendment to NRC Materials License No. SNM-2514. PG&E's license amendment request proposes to revise the minimum initial fuel enrichment limit identified in the Technical Specifications (TS), so that all of the fuel assemblies currently stored in the plant's spent fuel pool may be transferred and stored in the ISFSI, as intended. Specifically, PG&E identified a discrepancy in the minimum initial fuel enrichment limit listed in TS Table 2.1-1, "MPC-HB-HB Fuel Assembly Limits," during its documentation verification review in preparation for loading spent fuel into dry storage casks at the ISFSI. The current license allows PG&E to store in the ISFSI spent fuel assemblies that have a minimum initial fuel enrichment of 2.09 wt-percent Uranium 235 (U-235). Humboldt Bay, however, has some spent fuel assemblies that have an initial fuel enrichment of 2.08 wt-percent U-235. NRC approval of the proposed change is required so that PG&E can store those fuel assemblies with an initial enrichment of 2.08 wt-percent U-235 in the Humboldt Bay ISFSI.

Pursuant to 10 CFR 72.46, the NRC has docketed, approved and issued Amendment No. 1 to Materials License No. SNM-2514 held by PG&E for the receipt, possession, transfer, and storage of spent fuel at the Humboldt Bay ISFSI. Amendment No. 1 authorizes the storage of spent fuel assemblies with an initial enrichment of 2.08 wt-percent U-235 in the Humboldt Bay ISFSI. Amendment No. 1 is effective as of the date of issuance.

Amendment No. 1 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings, as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth Amendment No. 1. The issuance of Amendment No. 1 satisfied the criteria specified in 10 CFR 51.22(c)(11) for a categorical exclusion. Thus, the preparation of an environmental assessment or an environmental impact statement is not required.

In accordance with 10 CFR 72.46(b)(2), the NRC has determined

that Amendment No. 1 does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

Further Information

For further details with respect to this action, see the application dated March 5, 2008, and Amendment No. 1, which are available electronically, at NRC's Electronic Reading Room, at: <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the application is ML080710491 and the ADAMS accession number for Amendment No. 1 is ML082030222. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

These documents may also be viewed electronically on the public computers located at NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents, for a fee.

Dated at Rockville, Maryland, this 6th day of August, 2008.

For the Nuclear Regulatory Commission.
James R. Hall,
*Senior Project Manager, Licensing Branch,
 Division of Spent Fuel Storage and
 Transportation, Office of Nuclear Material
 Safety and Safeguards.*
 [FR Doc. E8-18702 Filed 8-12-08; 8:45 am]
BILLING CODE 7590-01-P

OFFICE OF MANAGEMENT AND BUDGET

Financial Reporting for Grants and Cooperative Agreements: Federal Financial Report (FFR)

AGENCY: Office of Federal Financial Management, Office of Management and Budget.

ACTION: Submission for OMB Review; Comment Request.

Title: Federal Financial Report (FFR).
OMB No.: New Collection.
Description: The Office of Management and Budget is consolidating and replacing four existing financial reporting forms (SF-269, SF-269A, SF-272, and SF-272A) with a single Federal Financial Report (FFR). The purpose of the FFR is to give recipients of grants and cooperative agreements a standard format for reporting the financial status of their grants and cooperative agreements (hereby referred to collectively as awards). Federal awarding agencies developed the FFR as part of their implementation of the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106-107).

Respondents: Federal Grants making agencies and their grantees.

Additional Information: Copies of the proposed collection may be obtained by going to OMB's main Web page at <http://www.OMB.gov> and clicking on the "Grants Management," then "Forms" then Proposed Government-

Wide Standard Grants Reporting Forms links.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Office of Federal Financial Management, Office of Management and Budget, Room 10235, Washington, DC 20503. *Telephone:* 202-395-7316/*Fax:* 202-395-6974 (these are not toll-free numbers), *E-mail:* OIRA_submission@omb.eop.gov within 30 days from the date of this publication in the **Federal Register**. Please include "FFR comments" in the subject line of the e-mail message; please also include the full body of your comments in the text of the message and as an attachment. Include your name, title, organization, postal address, telephone number, and e-mail address in your message.

I. Comments and Responses on December 7, 2007 Federal Register Notice

The December 7, 2007 announcement in the **Federal Register** [72 FR 69236] generated comments from Federal agencies and some grantees. These comments and responses to them can be found on the OMB Proposed Forms Web site at http://www.whitehouse.gov/omb/grants/grants_standard_report_forms.html.

II. Burden Estimate

Estimated Total Annual Burden Hours: 1,200,000.

Estimated Cost: There is no expected cost to the respondents or to OMB.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Federal Financial Report (FFR)	60,000	10	1.50	900,000
Federal Financial Report (FFR) Attachment	60,000	10	0.50	300,000

III. Summary of Actions

The FFR provides a standard format from which agencies can determine data elements that recipients must complete to report on the cash management and financial status of single or multiple awards. Consistent with government-wide grant streamlining objectives, the

FFR will result in the use of standard reporting period end dates and due dates for the submission of cash management and financial information.

As soon as possible after October 1, 2008, and no later than October 1, 2009, each agency must transition from the SF-269, SF-269A, SF-272, and SF-272A to the FFR, by requiring recipients

to use the FFR for all financial reports submitted after the date it makes the transition. In making the transition, an agency would incorporate the requirement to use the FFR into terms and conditions of new and ongoing grant and cooperative agreement awards, State plans, and/or program

regulations that specify financial reporting requirements.

Danny Werfel,
Deputy Controller.

[FR Doc. E8-18783 Filed 8-12-08; 8:45 am]

BILLING CODE 3110-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Revised Fiscal Year 2008 Tariff-Rate Quota Allocations for Refined Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of additional country-by-country allocations of the in-quota quantity of the tariff-rate quotas for imported refined sugar for the period August 14, 2008 through December 31, 2008 (FY 2008).

DATES: Effective Date: August 13, 2008.

ADDRESSES: Inquiries may be mailed or delivered to Leslie O'Connor, Director of Agricultural Affairs, Office of Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Leslie O'Connor, Office of Agricultural Affairs, telephone: 202-395-6127 or facsimile: 202-395-4579.

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains a tariff-rate quota for imports of refined sugar.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On August 6, 2008, the Secretary of Agriculture increased the in-quota quantity of the tariff-rate quota for refined sugar for FY 2008 by 272,155 metric tons raw value, none of which is for specialty sugars. A total of 40,000 metric tons raw value is being allocated to Canada. A total of 68,278 metric tons raw value is being allocated to Mexico. The remaining 163,877 metric tons raw value of the in-quota quantity may be supplied by any country on a first-come, first-served basis, subject to any other provision of law. The certificate of quota eligibility is required for sugar entering

under the tariff-rate quota for refined sugar that is the product of a country that has been allocated a share of the tariff-rate quota for refined sugar.

Susan C. Schwab,

United States Trade Representative.

[FR Doc. E8-18769 Filed 8-12-08; 8:45 am]

BILLING CODE 3190-W8-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on August 8, 2008 at 11:30 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(10) and 17 CFR 200.402(a)(10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for August 8, 2008 will be: Institution and settlement of injunctive actions; and other matters related to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: August 8, 2008.

Florence E. Harmon,
Acting Secretary.

[FR Doc. E8-18796 Filed 8-12-08; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58323; File No. SR-YSE-2008-63]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend Until October 1, 2008 the Adoption of Interim NYSE Rule 128 (Clearly Erroneous Executions)

August 6, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on July 28, 2008, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the self-regulatory organization. NYSE designated the proposed rule change as "non-controversial" under Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend until October 1, 2008, the adoption of interim NYSE Rule 128 ("Clearly Erroneous Executions for NYSE Equities"). The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nyse.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend until October 1, 2008, the adoption of interim NYSE Rule 128 ("Clearly Erroneous Executions for NYSE Equities"), which permits the Exchange to cancel or adjust clearly erroneous executions if they arise out of the use or operation of any quotation, execution or communication system owned or operated by the Exchange, including those executions that occur in the event of a system disruption or system malfunction.

Prior to the implementation of NYSE Rule 128 on January 28, 2008,⁵ the NYSE did not have a rule providing the Exchange with the authority to cancel or adjust clearly erroneous trades of securities executed on or through the systems and facilities of the NYSE.

In order for the NYSE to be consistent with other national securities exchanges which have some version of a clearly erroneous execution rule, the Exchange is drafting an amended clearly erroneous rule which will accommodate such other exchanges, but will be appropriate for the NYSE market model.

Accordingly, the Exchange requests an extension until October 1, 2008 of the adoption of NYSE Rule 128 in order to finalize its clearly erroneous rule. The NYSE is mindful that the Commission approved an amended clearly erroneous execution rule for Nasdaq in May 2008.⁶ The Exchange is currently reviewing the provisions in the Nasdaq's clearly erroneous execution rule and is considering the adoption of such provisions for an Exchange rule amendment.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act,⁷ in that it is designed to prevent fraudulent and manipulative practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

⁵ See Securities Exchange Act Release No. 57323 (February 13, 2008), 73 FR 9371 (February 20, 2008) (SR-NYSE-2008-09).

⁶ See Securities Exchange Act Release No. 57826 (May 15, 2008), 73 FR 29802 (May 22, 2008) (SR-NASDAQ-2007-001).

⁷ 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁹

A proposed rule change filed under Rule 19b-4(f)(6) normally may not become operative prior to the 30th day after the date of filing.¹⁰ However, Rule 19b-4(f)(6)(iii)¹¹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.¹²

The Exchange has requested that the Commission waive the 30-day operative delay. The Exchange believes that the waiver of this period will allow it to immediately and timely enable the NYSE to cancel or adjust clearly erroneous trades that may present a risk to the integrity of the equities markets and all related markets. According to the Exchange, the proposed rule change also will allow the Exchange to protect customers and the public interest and to continue to provide economically efficient execution of securities transactions.

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ See 17 CFR 240.19b-4(f)(6)(iii).

¹¹ *Id.*

¹² In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing period in this case.

The Commission believes that waiving the 30-day operative delay will allow the Exchange to continue to immediately and timely cancel or adjust trades that it determines to be clearly erroneous under Rule 128. The Commission believes that the extension of NYSE Rule 128 until October 1, 2008 will allow the Exchange to continue to apply the rule without interruption and is consistent with the protection of investors and the public interest. The Commission hereby designates the proposal as operative upon filing.¹³

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2008-63 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-NYSE-2008-63. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

¹³ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2008-63 and should be submitted on or before September 3, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Florence E. Harmon,
Acting Secretary.

[FR Doc. E8-18700 Filed 8-12-08; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before October 14, 2008.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Delcine Montgomery, Business Development Specialist, Office of Native American Affairs, Small Business Administration, 409 3rd Street, SW., 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Delcine Montgomery, Business Development Specialist, Office of Native American Affairs, 202-205-6195, delcine.montgomery@sba.gov, Curtis B.

Rich, Management Analyst, 202-205-7030, curtis.rich@sba.gov.

SUPPLEMENTARY INFORMATION: The U.S. Small Business Administration, Office of Native American Affairs (ONAA), is continuing a Native American initiative that will provide Native American Tribes economic development through the use of the Tribal Self Assessment Tool.

Title: "Tribal Self Assessment Tool."

Description of Respondents: Native Americans.

Form Number: N/A.

Annual Responses: 1,000.

Annual Burden: 2,000.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E8-18704 Filed 8-12-08; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[License No. 06/76-0330]

SunTx Fulcrum Fund II—SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that SunTx Fulcrum Fund II—SBIC, L.P., Two Lincoln Centre, 5420 LBJ Freeway, Suite 1000, Dallas, Texas 75240, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought SBA's prior written approval under section 312 of the Act and section 107.730(d), Financings with Associates, of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2002)). SunTx Fulcrum Fund II—SBIC, L.P. proposes to invest in NationsBuilders Insurance Services, Inc. ("NBIS"). The financing will provide the funding for the information system improvement and growth of the business.

The financing is brought within the purview of Section 107.730(d) of the Regulations because SunTx Fulcrum Fund, L.P. and SunTx Fulcrum Dutch Investors, L.P., Associates of SunTx Fulcrum Fund II—SBIC, L.P., own more than 5% of outstanding ownership of NBIS. Therefore, this transaction is considered as a financing with Associates requiring SBA's prior approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within 15 days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business

Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: July 9, 2008.

A. Joseph Shepard,

Associate Administrator For Investment.

[FR Doc. E8-18522 Filed 8-12-08; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice 6314]

Culturally Significant Objects Imported for Exhibition Determinations: "Louvre Atlanta: The Louvre and the Masterpiece"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Louvre Atlanta: The Louvre and the Masterpiece," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the High Museum of Art, Atlanta, GA, from on or about October 11, 2008, until on or about September 6, 2009; at the Minneapolis Institute of Arts, Minneapolis, MN, from on or about October 18, 2009, to on or about January 10, 2010; and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8048). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

¹⁴ 17 CFR 200.30-3(a)(12).

Dated: August 6, 2008.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E8-18781 Filed 8-12-08; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 6315]

Culturally Significant Objects Imported for Exhibition Determinations: "Alexander Roslin and the Comtesse d'Egmont Pignatelli"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects in the exhibition: "Alexander Roslin and the Comtesse d'Egmont Pignatelli," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Minneapolis Institute of Arts, Minneapolis, MN, from on or about August 29, 2008, until on or about November 30, 2008, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202-453-8050)). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: August 6, 2008.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E8-18743 Filed 8-12-08; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 6318]

Culturally Significant Objects Imported for Exhibition Determinations: "Martin Kippenberger: The Problem Perspective"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Martin Kippenberger: The Problem Perspective," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Contemporary Art, Los Angeles, CA, from on or about September 21, 2008, until on or about January 5, 2009; at the Museum of Modern Art, New York, NY, from on or about March 1, 2009, until on or about May 11, 2009; and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8048). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: August 8, 2008.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E8-18827 Filed 8-12-08; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Seeking OMB Approval

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 15, 2008, vol. 73, no. 95, pages 28183-28184. SFAR 36 (to part 121) relieves qualifying applicants involved in aircraft repair of the burden to obtain FAA approval of data developed by them for the major repairs on a case-by-case basis; and provides for one-time approvals.

DATES: Please submit comments by September 12, 2008.

FOR FURTHER INFORMATION CONTACT: Carla Mauney at Carla.Mauney@faa.gov.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Development of Major Repair Data.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 2120-0507.

Forms(s): 8100-8.

Affected Public: An estimated 9 Respondents.

Frequency: This information is collected on occasion.

Estimated Average Burden per Response: Approximately 10 hours per response.

Estimated Annual Burden Hours: An estimated 181 hours annually.

Abstract: SFAR 36 (to part 121) relieves qualifying applicants involved in aircraft repair of the burden to obtain FAA approval of data developed by them for the major repairs on a case-by-case basis; and provides for one-time approvals.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Nathan Lesser, Desk Officer, Department of Transportation/FAA, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

Comments are invited on: Whether the proposed collection of information

is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on August 6, 2008.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-200.

[FR Doc. E8-18641 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourteen Meeting: RTCA Special Committee 206/EUROCAE WG 76 Plenary

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 206 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 206: Aeronautical Information Services Data Link.

DATES: The meeting will be held September 8-12 from 9 a.m. to 5 p.m.

ADDRESS: The meeting will be held at Rocky Mountain Park Holiday Inn, 101 South Saint Vrain, P.O. Box 1468, Estes Park, Colorado 80517.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036-5133; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>; (2) Hosted by LFV Group-Swedish Airports and Air Navigation Services; Onsite Contact: Ana Paula Frangolho, telephone 2-729-4702; fax 2-9008.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 206 meeting/EUROCAE WG 76. The agenda will include:

- September 8
- Opening Plenary (Chairman's Remarks and Introductions, Review and Approve, Discussion, Meeting Agenda and Minutes, Action Item

Review, Coordination with WG78/SC2 14, Schedule for this week, Schedule for next meetings)

- Presentation
 - Resolution of USED FRAC Comments—Ernie Dash
 - Others to be determined
 - SPR and INTEROP
- September 9-11
- AIS Subgroup Meeting
- Meteorology Subgroup Meeting
- September 12
- Subgroup 1 and Subgroup 2 Meetings
- Plenary Session
- Closing Session (Other Business, Date and Place of Next Meeting, Closing Remarks, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the "FOR FURTHER INFORMATION CONTACT" section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 6, 2008.

Francisco C. Estrada,
RTCA Advisory Committee.

[FR Doc. E8-18644 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninth Meeting: Special Committee 209, ATRCBS/Mode S Transponder MOPS Maintenance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 209, EUROCAE WG-49 Joint Plenary Session ATRCBS/Mode S Transponder MOPS Maintenance.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 209, ATRCBS/Mode S Transponder MOPS Maintenance.

DATES: The meeting will be held August 20-21, 2008, from 9 a.m.-5 p.m.

ADDRESSES: RTCA Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036-5133; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>; (2) Secretary Contact: Gary Furr;

telephone (609) 485-4254, e-mail gary.ctr.furr@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 209 meeting. The agenda will include:

August 20-21:

- Co-Chairs, Welcome, Introductions and Remarks
- Review and Approval of the Agenda (SC-209-WP09-01)
- Review and Approval of the Minutes from SC-209; Plenary Meeting #8 (SC-209-WP09-02)
- Closing Plenary Session (Date, Place and Time of Future Meetings, Discussion of Agenda topic for Next Meeting(s), Other Business, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the "FOR FURTHER INFORMATION CONTACT" section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, July 23, 2008.

Francisco C. Estrada,
RTCA Advisory Committee.

[FR Doc. E8-18643 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninth Meeting, Special Committee 215 Aeronautical Mobile Satellite (Route) Services Next Generation Satellite Services and Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 215, Aeronautical Mobile Satellite (Route) Services, Next Generation Satellite Services and Equipment.

SUMMARY: The FAA is issuing this notice to advise the public of a second meeting of RTCA Special Committee 215, Aeronautical Mobile Satellite (Route) Services, Next Generation Satellite Services and Equipment.

DATES: The meeting will be held September 3-4, 2008, at 9 a.m.

ADDRESS: The meeting will be held at RTCA Headquarters, 1828 L Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036;

telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org> for directions. POC: Mr. David Pitoniak, Phone: 713-324 3907. Note: Dress is Business Casual.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 215 meeting. The agenda will include:

- September 3-4:
 - Opening Plenary Session (Welcome, Introductions, and Administrative Remarks, Review and Approval of Agenda for Ninth Plenary)
 - Review of Proposed Revisions to Terms of Reference (TOR)
 - Review and Approval of Eighth Meeting Summary (215-061; RTCA Paper No. 295-07/SC215-XXX)
 - DO-262 Normative Appendix
 - Status Update of Final Draft
 - Review and Approval of Proprietary Documentation White Paper
 - Review of Action List and Outstanding Actions
 - Revision of TSO C-159 (FAA)
 - DO-270 Normative Appendix
 - Report from Drafting Group
 - Review of Action List and Outstanding Actions
 - Subnetwork Operational Approval Process
 - Closing Plenary Session (Other Business, Schedule Next Plenary Meeting, Adjourn—Thursday, September 4, 2008; 12 noon).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the "FOR FURTHER INFORMATION CONTACT" section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 6, 2008.

Francisco C. Estrada,
RTCA Advisory Committee.

[FR Doc. E8-18646 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2008-0072]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LUNA.

SUMMARY: As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD-2008-0072 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before September 12, 2008.

ADDRESSES: Comments should refer to docket number MARAD-2008-0072. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All-comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21-203,

Washington, DC 20590. Telephone 202-366-5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LUNA is:

Intended Use: "Carrying passengers for hire. Paying passengers will be carried as part of a Living History maritime education experience, specifically to sail aboard a replica of an early 18th Century American coastal trading sloop crewed by maritime history interpreters in period dress."

Geographic Region: "Maryland, Virginia & North Carolina".

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: August 6, 2008.

By order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E8-18780 Filed 8-12-08; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-106010-98]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-106010-98 (TD 8901), Qualified Lessee Construction Allowances for Short-Term Leases (§ 1.110-1).

DATES: Written comments should be received on or before October 14, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Qualified Lessee Construction Allowances for Short-Term Leases.

OMB Number: 1545-1661.

Regulation Project Number: REG-106010-98.

Abstract: The regulations provide guidance with respect to § 110, which provides a safe harbor whereby it will be assumed that a construction allowance provided by a lessor to a lessee is used to construct or improve lessor property when long-term property is constructed or improved and used pursuant to a short-term lease. The regulations ensure that both the lessee and the lessor consistently treat the property subject to construction allowance as nonresidential real property owned by the lessor.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Average Time per Respondent: 1 hour.

Estimated Total Annual Reporting Burden Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 31, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8-18757 Filed 8-12-08; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-154000-04]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning proposed rulemaking regulations, REG-154000-04 Notice of Proposed Rulemaking) Diesel Fuel and Kerosene Excise Tax; Dye Injection.

DATES: Written comments should be received on or before October 14, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6665, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice of Proposed Rulemaking Diesel Fuel and Kerosene Excise Tax; Dye Injection.

OMB Number: 1545-1418.

Regulation Project Number: REG-154000-04.

Abstract: In order for diesel fuel and kerosene that is used in a nontaxable use to be exempt from tax under section 4082(a), it must be indelibly dyed by use of a mechanical dye injection system that satisfies the requirements in the regulations.

Current Actions: There are no changes being made to this existing regulation. Burden hours have been adjusted to correct a prior erroneous calculation.

Type of Review: Revision of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 7 hours.

Estimated Total Annual Burden Hours: 1,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 31, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8-18758 Filed 8-12-08; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA-83-90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA-83-90 (TD 8383), Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews, Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer (§ 301.7216-2(o)).

DATES: Written comments should be received on or before October 14, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Allan Hopkins, (202) 622-6665, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews, Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer.

OMB Number: 1545-1209.

Regulation Project Number: IA-83-90 (Final).

Abstract: These regulations govern the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer

reviews, and disclosures that are necessary because of the tax return preparer's death or incapacity.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 250,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 250,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 31, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8-18759 Filed 8-12-08; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-150313-01]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing proposed regulations, REG-150313-01, Redemptions Taxable as Dividends.

DATES: Written comments should be received on or before October 14, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection should be directed to Allan Hopkins, (202) 622-6665, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Redemptions Taxable as Dividends.

OMB Number: 1545-1811.

Regulation Project Number: REG-150313-01.

Abstract: This information is necessary to ensure that the redeemed shareholder's suspended basis account is properly taken into account as a loss under the Code or regulations to the extent of the lesser of the amount of the suspended basis account or the gain recognized upon a disposition of other stock in the redeeming corporation.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 3,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 1,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 31, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8-18760 Filed 8-12-08; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 210

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 210, Preparation Instructions for Media Labels.

DATES: Written comments should be received on or before October 14, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Preparation Instructions for Media Labels.

OMB Number: 1545-0295.

Notice Number: Notice 210.

Abstract: Section 6011(e)(2)(A) of the Internal Revenue Code requires certain filers of information returns to report on magnetic media. Notice 210 instructs the filers on how to prepare a pressure sensitive label that is affixed to the media informing the IRS as to what type of information is contained on the media being submitted.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 150,000.

Estimated Average Time per Respondent: 5 min.

Estimated Total Annual Burden Hours: 12,765.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 31, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8-18761 Filed 8-12-08; 8:45 am]

BILLING CODE 4830-01-P

1870

10





Federal Register

Wednesday,
August 13, 2008

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and
Plants; Proposed Endangered Status for
Reticulated Flatwoods Salamander;
Proposed Designation of Critical Habitat
for Frosted Flatwoods Salamander and
Reticulated Flatwoods Salamander;
Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS-R4-ES-2008-0082] [92210-1111 FY07 MO-B2]

RIN 1018-AU85

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Reticulated Flatwoods Salamander; Proposed Designation of Critical Habitat for Frosted Flatwoods Salamander and Reticulated Flatwoods Salamander

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of draft economic analysis, and opening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to split the listing under the Endangered Species Act of 1973, as amended (Act), of the currently threatened flatwoods salamander (*Ambystoma cingulatum*) into two distinct species: frosted flatwoods salamander (*Ambystoma cingulatum*) and reticulated flatwoods salamander (*Ambystoma bishopi*) due to a change in taxonomy. The frosted flatwoods salamander will maintain the status of threatened. However, we propose to list the reticulated flatwoods salamander as endangered under the Act. We also propose to designate critical habitat for both the frosted flatwoods salamander and the reticulated flatwoods salamander under the Act. In total, approximately 30,628 acres (ac) (12,395 hectares (ha)) (23,132 ac (9,363 ha) for the frosted flatwoods salamander and 7,496 ac (3,035 ha) for the reticulated flatwoods salamander) fall within the boundaries of the proposed critical habitat designation, which is located in the panhandle of Florida, southwestern Georgia, and southeastern South Carolina. We also announce the availability of the draft economic analysis for our proposed designation of critical habitat for the frosted and reticulated flatwoods salamanders. The draft economic analysis estimates that, over the period 2009 to 2028, post-designation costs for frosted and reticulated flatwoods salamander conservation-related activities would range between \$3.88 million and \$6.40 million (at a 3 percent discount rate) and \$2.49 million to \$4.38 million (at a 7 percent discount rate). Potential impacts are expected to range from \$261,000 to \$430,000 at 3 percent or \$235,000 to \$413,000 at 7 percent annually.

DATES: We will accept comments received or postmarked on or before *October 14, 2008*. We must receive requests for public hearings, in writing by *September 29, 2008*.

ADDRESSES: You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: [FWS-R4-ES-2008-0082]; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Public Hearing requests: To request a public hearing, submit a request in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Ray Aycock, Field Supervisor, U.S. Fish and Wildlife Service, Mississippi Field Office, 6578 Dogwood View Parkway, Jackson, MS 39213; telephone: 601-321-1122; facsimile: 601-965-4340. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION: This document consists of: (1) a proposed rule to change the listing of the currently threatened flatwoods salamander (*Ambystoma cingulatum*) to frosted flatwoods salamander (*Ambystoma cingulatum*) and reticulated flatwoods salamander (*Ambystoma bishopi*). The frosted flatwoods salamander will continue to be listed as threatened and the reticulated flatwoods salamander is proposed to be listed as endangered; and (2) proposed critical habitat designations for both species. We had previously proposed critical habitat for the flatwoods salamander on February 7, 2007 (72 FR 5856).

Public Comments

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we request comments or suggestions on this proposed rule. We particularly seek comments concerning:

- (1) Any available information on known or suspected threats and proposed or ongoing projects with the potential to threaten either the frosted flatwoods salamander or the reticulated flatwoods salamander or any

information on the need to change the status of either species, including any information suggesting that the frosted flatwoods salamander should be listed as anything other than threatened.

(2) The reasons why we should or should not designate habitat as "critical habitat" under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation would outweigh threats to the species caused by the designation, such that the designation of critical habitat is prudent;

(3) Specific information on:

- The amount and distribution of frosted flatwoods salamander and reticulated flatwoods salamander habitat,

- What areas occupied at the time of the original listing that contain features essential for the conservation of the species we should include in the designation and why, and

- What areas not occupied at the time of listing are essential to the conservation of the species and why;

(4) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any foreseeable economic, national security, or other relevant impacts resulting from the proposed designation and, in particular, any impacts on small entities; and the benefits of including or excluding areas that exhibit these impacts;

(6) Information on whether the draft economic analysis identifies all State and local costs and benefits attributable to the proposed critical habitat designation, and information on any costs or benefits that have been inadvertently overlooked.

(7) Information on whether the draft economic analysis makes appropriate assumptions regarding current practices and likely regulatory changes that would be imposed as a result of the designation of critical habitat.

(8) Information on whether the draft economic analysis correctly assesses the effect on regional costs associated with any land use controls that may derive from the designation of critical habitat.

(9) Information on areas that could potentially be disproportionately impacted by the designation of critical habitat.

(10) Any foreseeable economic, national security, or other relevant impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(11) Economic data on the incremental effects that would result from designating any particular area as critical habitat, since it is our intent to

include the incremental costs attributed to the revised critical habitat designation in the final economic analysis.

(12) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments; and

(13) Information supporting or opposing possible exclusion of units within National Forests or on Department of Defense lands from critical habitat in the final designation.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments you send by e-mail or fax or to an address not listed in the **ADDRESSES** section.

We will post your entire comment—including your personal identifying information—on <http://www.regulations.gov>. If you provide personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule and draft economic analysis will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Mississippi Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

It is our intent to discuss below only those topics directly relevant to the taxonomic split of the flatwoods salamander into two species (the frosted flatwoods salamander and the reticulated flatwoods salamander) and the listing of the reticulated flatwoods salamander as endangered in this section of the proposed rule. For more information on the flatwoods salamander, refer to the final listing rule published in the **Federal Register** on April 1, 1999 (64 FR 15691). The overall range covered by the reticulated and the frosted flatwoods salamanders is the same as is currently designated for the flatwoods salamander. However, the reticulated flatwoods salamander inhabits the western part of the range and the frosted flatwoods salamander inhabits the eastern part.

In light of the taxonomic split, we also re-evaluated the status of the frosted flatwoods salamander. We determined that threatened status is appropriate for

this species because 124 breeding ponds supporting 22 of the 26 (85 percent) total populations for the species are located on public lands, most of these populations are relatively stable, and, based on the best scientific information available, we have concluded there are a sufficient number of populations that the species is not in immediate danger of extinction. The scientific information supporting the presence of populations comes from a variety of sources, including those data compiled in the Florida, Georgia, and South Carolina Natural Heritage databases and individual state databases, and data supplied by Fort Stewart Military Installation, Townsend Bombing Range, Apalachicola National Forest, Francis Marion National Forest, and St. Marks National Wildlife Refuge.

In general, most threats for this species (for example, habitat loss, habitat degradation, inadequacy of existing regulatory mechanisms) are of a historical nature in the majority of the range because breeding ponds supporting 85 percent of frosted flatwoods salamander populations occur on public lands where the habitat is relatively protected. Appropriate habitat management has been more actively pursued and multiple ponds support existing populations in many cases. On the 15 percent of ponds on private lands, there are a number of potential future threats including habitat loss and degradation, disease, predation, and fire suppression. The threat from invasive plant species is considered imminent, even on public lands, because of the current difficulties in managing for the prevention of spread of invasive species into natural habitats. The threat from drought is considered imminent for all populations because it is a current problem for the species at all sites. We will publish a separate notice providing the updated five-factor analysis for the frosted flatwoods salamander for public review and comment in the near future.

Taxonomic Classification

The original listing rule (64 FR 15691; April 1, 1999) described the geographic range of the flatwoods salamander as it was known at that time. Habitat for the species included occurrences across the lower southeastern Coastal Plain in Florida, Georgia, and South Carolina. Taxonomic revision resulted from research done by Pauly *et al.* (2007, pp. 415-429) which split the flatwoods salamander into two species, the frosted flatwoods salamander and the reticulated flatwoods salamander. The Apalachicola River drainage forms a geographic barrier between the two species. This drainage is a common site

for east-west phylogeographic breaks in many other taxa as well. For this reason, the split of the flatwoods salamander into two species is currently accepted by the scientific community. We propose to amend the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h) to reflect this revision to taxonomy.

Goin (1950, p. 299) recognized two distinct subspecies of flatwoods salamander based on morphological and color pattern variation. This split between the eastern and western portions of the salamander's range was later discounted in an analysis by Martof and Gerhardt (1965, pp. 342-346) and for the past 40 years the concept of a single undifferentiated species persisted. Pauly *et al.* (2007, pp. 415-429) conducted molecular and morphological analyses to test whether the flatwoods salamander, as originally described, followed a pattern of east-west disjunction at the Apalachicola River as has been described in many other species. They were able to demonstrate this predicted phylogeographic break. Based on mitochondrial DNA (mtDNA), morphology, and allozymes, they recognize two species of flatwoods salamanders, frosted flatwoods salamander to the east of the Apalachicola drainage and reticulated flatwoods salamander to the west. The Apalachicola River is probably the cause of major disjunctions in species distributions due to the repeated marine embayments during the Pliocene and Pleistocene interglacials that likely caused a barrier to gene flow.

In the Pauly *et al.* (2007, pp. 415-429) analyses, the use of mtDNA splits flatwoods salamander populations into two major clades east and west of the Apalachicola-Flint rivers. Samples from Jackson and Liberty Counties, Florida are informative because, geographically, they are located on opposite sides of the river but are phylogenetically distant with respect to mtDNA sequence divergence. In contrast, geographically distant populations on the same side of the Apalachicola River are very closely related. Their morphological analyses also support a taxonomic boundary at the Apalachicola-Flint rivers. Salamanders on opposite sides of this boundary significantly differed in both body shape and size based on multivariate analyses. The number of costal grooves (grooves along the side body of salamanders used in species identification), snout-vent length, six additional morphometric traits, and sexual dimorphisms in tail length, height, and width are all significantly different between the two taxa. Due to

the importance of the tail in ambystomatid courtship and fertilization, tail differences may be particularly important.

Allozyme data presented in Shaffer *et al.* (1991, pp. 290-291, 302) also indicated differences between salamanders on either side of the Apalachicola River. Their results demonstrated these populations have fixed-allele differences, consistent with the mtDNA and morphological results.

The frosted and reticulated flatwoods salamanders can be differentiated from each other by the use of several morphological characters (Pauly *et al.* 2007, pp. 424-425). The frosted flatwoods salamander generally has more costal grooves and tends to be larger than the reticulated flatwoods salamander. For individuals of the same size, the frosted flatwoods salamander has longer fore- and hind limbs and longer, wider, and deeper head. Male frosted flatwoods salamanders have longer tails than those of the reticulated flatwoods salamander. The belly pattern of the frosted flatwoods salamander consists of discrete white spots on a dark background while the spots are less distinct in the reticulated flatwoods salamander giving a "salt and pepper" appearance (Goin 1950, pp. 300-314). The back pattern of the reticulated flatwoods salamander has a more net-like appearance than the frosted flatwoods salamander, as the common names imply.

In summary, in the Proposed Regulation Promulgation section of this document, we propose the taxonomic change to reflect the split of flatwoods salamander (*Ambystoma cingulatum*) to frosted flatwoods salamander (*Ambystoma cingulatum*) and reticulated flatwoods salamander (*Ambystoma bishopi*).

Listing of the Reticulated Flatwoods Salamander

History of the Action

On December 16, 1997, we published a proposed rule to list the flatwoods salamander as a threatened species (62 FR 65787). The final rule to list the species was published on April 1, 1999 (64 FR 15691). We are now proposing to list the reticulated flatwoods salamander as a new species that is currently known west of the Apalachicola-Flint Rivers as the flatwoods salamander.

Species Information

As far as we currently know, the life-history traits and habitat use of both the frosted flatwoods salamander and the reticulated flatwoods salamander are

similar to those previously described for the flatwoods salamander. Both species of flatwoods salamanders are moderately sized salamanders that are generally black to chocolate-black with fine, irregular, light gray lines and specks that form a cross-banded pattern across their backs (back pattern more net-like in the reticulated flatwoods salamander). The frosted flatwoods salamander generally tends to be larger than the reticulated flatwoods salamander, as described above. Adults are terrestrial and live underground most of the year. They breed in relatively small, isolated ephemeral ponds where the larvae develop until metamorphosis. Post-metamorphic salamanders migrate out of the ponds and into the uplands where they live until they move back to ponds to breed as adults. Both species of flatwoods salamander are endemic to the lower southeastern Coastal Plain and occur in what were historically longleaf pine-wiregrass flatwoods and savannas.

The historical range of what is now considered the reticulated flatwoods salamander included parts of the States of Alabama, Florida, and Georgia, which are in the lower Coastal Plain of the southeastern United States west of the Apalachicola-Flint Rivers. We have compiled 26 historical (pre-1990) records for the reticulated flatwoods salamander.

In Alabama, there are five historical localities for the reticulated flatwoods salamander, all in the extreme southern portion of the State in Baldwin, Covington, Houston, and Mobile Counties. Surveys have been conducted at numerous sites since 1992; however, no reticulated flatwoods salamanders have been observed in Alabama since 1981 (Jones *et al.* 1982, p. 51; Godwin 2008).

Two historical records for the reticulated flatwoods salamander are known for Georgia, one each in Baker and Early Counties. There has been no observation of this species at either of these sites in the last 20 years. Four new reticulated flatwoods salamander breeding ponds have been discovered since 1990. One pond is on the Mayhaw Wildlife Management Area owned by the State of Georgia in Miller County. Three ponds are on private property in Baker County. Currently, two reticulated flatwoods salamander populations are supported by these breeding sites in Georgia.

Nineteen historical (pre-1990) records for the reticulated flatwoods salamander are known for Florida. Reticulated flatwoods salamander breeding has been documented at only five (26 percent) of these sites since 1990. Extensive surveys

throughout the range of the *Ambystoma cingulatum*, conducted prior to the original listing in 1999, resulted in identifying 40 additional breeding sites. Thirty-one (78 percent) of these sites are located in Okaloosa and Santa Rosa Counties, primarily on Department of Defense lands. Currently, 19 populations of the reticulated flatwoods salamander are known from Florida.

The combined data from all survey work completed since 1990 in Florida and Georgia indicate there are 21 populations of the reticulated flatwoods salamander. Some of these populations are inferred from the capture of a single individual. Ten (48 percent) of the known reticulated flatwoods salamander populations occur, at least in part, on public land. Of these, Department of Defense lands in Florida harbor four populations of the reticulated flatwoods salamander at Eglin Air Force Base, Hurlburt Field, and Naval Air Station Whiting Field's Holley Out-Lying Field. State and local agencies in Florida and Georgia partially manage six additional populations. In Florida, Pine Log State Forest and Point Washington State Forest harbor a single population each; Northwest Florida Water Management District owns a small portion of the habitat occupied by a single population and shares management with the Yellow Creek Marsh State Buffer Preserve of most of another property supporting an additional population; and the Santa Rosa County School Board owns a portion of the habitat supporting a single population. In Georgia, the Mayhaw Wildlife Management Area supports a single population. Eleven (52 percent) reticulated flatwoods salamander populations are solely on private land.

Summary of Factors Affecting the Species (Reticulated Flatwoods Salamander)

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). The original listing rule for the flatwoods salamander (64 FR 15691) contained a discussion of these five factors. Only those factors relevant to the proposed reclassification of the reticulated flatwoods salamander (*Ambystoma bishopi*; Goin, 1950) from threatened to endangered are described below:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The major threat to the reticulated flatwoods salamander is loss of both its longleaf pine-slash pine flatwoods terrestrial habitat and its isolated, seasonally ponded breeding habitat. The combined pine flatwoods (longleaf pine-wiregrass flatwoods and slash pine flatwoods) historical area was approximately 32 million acres (ac) (12.8 million hectares (ha)) (Outcalt 1997, p. 4). This area has been reduced to 5.6 million ac (2.27 million ha) or approximately 18 percent of its original extent (Outcalt 1997, p. 4). These remaining pine flatwoods (non-plantation forests) areas are typically fragmented, degraded, second-growth forests (Outcalt 1997, p. 6). Conversion of pine flatwoods to intensively managed (use of heavy mechanical site preparation, high stocking rates, low fire frequencies) slash or loblolly plantations often resulted in degradation of flatwoods salamander habitat by creating well-shaded, closed-canopied forests with an understory dominated by shrubs or pine needles (Outcalt 1997, pp. 4-6; Palis 1997, pp. 61-63). Disturbance-sensitive groundcover species, such as wiregrass (*Aristida stricta* [= *A. beyrichiana*] Kesler *et al.* 2003, p. 9), dropseed (*Sporobolus spp.*), and perennial forbs were either greatly reduced in extent or were replaced by weedy pioneering species (Moore *et al.* 1982, p. 216; Outcalt and Lewis 1988, pp. 1-12; Hardin and White 1989, pp. 243-244). In a study conducted by Hedman *et al.* (2000, p. 233), longleaf pine plots had significantly more herbaceous species and greater herbaceous cover than loblolly or slash pine plots. For example, wiregrass is often lost from a site when habitat is converted from longleaf pine forest to other habitat types using common mechanical site preparation methods (Outcalt and Lewis 1988, p. 2). Loss of wiregrass is considered an indicator of site degradation from fire suppression or soil disturbance (Clewell 1989; pp. 226, 230-232). Flatwoods salamanders are unlikely to persist in uplands with a disturbed, wiregrass-depauperate groundcover (Palis 1997, p. 63).

Forest management that includes intensive site preparation may adversely affect flatwoods salamanders directly and indirectly (Means *et al.* 1996, p. 426). Bedding (a technique in which a small ridge of surface soil is elevated as a planting bed) alters the surface soil layers, disrupts the site hydrology, and often eliminates the native herbaceous

groundcover. This can have a cascading effect of reducing the invertebrate community that serves as a food source for flatwoods salamander adults. Post-larval and adult flatwoods salamanders occupy upland flatwoods sites where they live underground in crayfish burrows, root channels, or burrows of their own making (Goin 1950, p. 311; Neill 1951, p. 765; Mount 1975, pp. 98-99; Ashton and Ashton 2005, pp. 63, 65, 68-71). The occurrence of these underground habitats is dependent upon protection of the soil structure. Intensive site preparation destroys the subterranean voids and may result in entombing, injuring, or crushing individuals.

Ecologists consider fire suppression the primary reason for the degradation of remaining longleaf pine forest habitat. The disruption of the natural fire cycle has resulted in an increase in slash and loblolly pine on sites formerly dominated by longleaf pine, an increase in hardwood understory, and a decrease in herbaceous ground cover (Wolfe *et al.* 1988, p. 132). Although reticulated flatwoods salamanders have been found at sites with predominately loblolly or slash pine, the long-term viability of populations at these sites is unknown. On public lands, prescribed burning is a significant part of habitat management plans. However, implementation of prescribed burning has been inconsistent due to financial constraints and limitations of weather (drought, wind direction, etc.) that restrict the number of opportunities to burn.

These alterations of the longleaf pine ecosystem, as a result of incompatible forest practices, have caused historic losses of reticulated flatwoods salamander habitat. Although conversion of native pine flatwoods to plantation forests is not considered a significant threat at this time, we have documented the historic extirpation of at least one previously known population each from Gulf and Jackson Counties in Florida, over the last four decades because of habitat degradation on lands currently managed as pine plantations. In addition, ponds surrounded by pine plantations and protected from the natural fire regime may become unsuitable reticulated flatwoods salamander breeding sites due to canopy closure and the resultant reduction in emergent herbaceous vegetation needed for egg deposition and larval development sites (Palis 1997, p. 62). In addition, lack of fire within the pond during periods of dry-down may result in chemical and physical (vegetative) changes that are unsuitable for the salamander (Palis 1997, p. 62). Lack of fire in the ecotone

may result in the development of a thick shrub zone making it physically difficult or impossible for adult salamanders to enter the breeding ponds (Ripley and Printiss 2005, pp. 1-2, 11).

Land use conversions to urban development and agriculture eliminated large areas of pine flatwoods in the past (Schultz 1983, pp. 24-47; Stout and Marion 1993, pp. 422-429; Outcalt and Sheffield 1996, pp. 1-5; Outcalt 1997, pp. 1-6). Urbanization and agriculture have resulted in the loss of one reticulated flatwoods salamander population from each of the following counties: Mobile and Baldwin Counties, Alabama; Escambia, Jackson, and Washington Counties, Florida; and Early County, Georgia. Two known populations have been extirpated from Santa Rosa County, Florida. State forest inventories completed between 1989 and 1995 indicated that flatwoods losses through land use conversion were still occurring (Outcalt 1997, pp. 3-6). Urbanization in the panhandle of Florida and around major cities is reducing the available pine forest habitat. Wear and Greis (2002, pp. 47, 92) identify conversion of forests to urban land uses as the most significant threat to southern forests. They predict that the South could lose about 12 million ac (4.9 million ha) of pine forest habitat to urbanization between 1992 and 2020. Several relatively recent discoveries of previously unknown reticulated flatwoods salamander breeding sites in Santa Rosa County, Florida, have been made in conjunction with wetland surveys associated with development projects (Cooper 2008). No reticulated flatwoods salamanders have been observed at these degraded sites since completion of the projects (Cooper 2008).

In addition to the loss of upland forested habitat, the number and diversity of small wetlands where reticulated flatwoods salamanders breed have been substantially reduced. Threats to breeding sites include alterations in hydrology, agricultural and urban development, road construction, incompatible silvicultural practices, shrub encroachment, dumping in or filling of ponds, conversion of wetlands to fish ponds, domestic animal grazing, soil disturbance, and fire suppression (Vickers *et al.* 1985, pp. 22-26; Palis 1997, p. 58; Ashton and Ashton 2005, p. 72). Hydrological alterations, such as those resulting from ditches created to drain flatwoods sites or fire breaks and plow lines, represent one of the most serious threats to reticulated flatwoods salamander breeding sites. Lowered water levels and shortened

hydroperiods at these sites may prevent successful flatwoods salamander recruitment because larval salamanders require 11 to 18 weeks to reach metamorphosis and leave the ponds (Palis 1995, p. 352).

USGS has documented multiple drought periods in the southeastern United States since the 1890s (USGS Open File Report 00-380, p. 1). Among significant periods documented in the last three decades are: 1980-1982, 1984-1988, 1998-2000 (USGS Water Supply Paper 2375) and currently from 2006-2008. Although a naturally occurring condition, drought presents additional complications for a species, like reticulated flatwoods salamander, which has been extirpated from most of its historic range and for which populations are represented by single ponds. Palis *et al.* (2006, (p. 5-6) conducted a study in Florida on a population of the closely related frosted flatwoods salamander during a drought from 1999-2002. This study found three consecutive years of reproductive failure and a steadily declining adult immigration to breed at the site as the drought progressed. Taylor *et al.* (2005, (p. 792) noted that wide variation in reproductive success is common among pond-breeding amphibians that depend on seasonal filling of these areas, but that adult persistence may buffer against fluctuations in that success, particularly for species that are long-lived. Although Palis *et al.* (2006) suggested that the flatwoods salamander may only live about four years (based on captive animals), we are currently unsure of the exact life span of wild individuals. Because of this, it is difficult to predict how long adults could persist in the landscape without a successful breeding event to replenish the population. However, Taylor *et al.* (2005, pp. 792, 796) constructed a model to look at how many years of reproductive failure would be required to result in local extinction of pond-breeding salamanders (with varying life spans) and found that even without total reproductive failure, populations required moderate to high upland post-metamorphic survival to persist. Catastrophic failure in this study created fluctuations in the population, raised the threshold of survival required to achieve persistence, and imposed the possibility of extinction even under otherwise favorable environmental conditions. Reproductive failure for this species was closely tied to hydrologic conditions; insufficient or short hydroperiod was the primary cause for complete failure. In addition, early filling of the ponds could also facilitate

the establishment of invertebrate or vertebrate predators before hatching of the eggs (p. 796). Palis *et al.* (2006, p. 6-7) discussed the necessity of protecting clusters of flatwoods salamander breeding sites, especially those with different hydrologic regimes, to guard against population declines at any one breeding site resulting from stochastic events, such as droughts (Palis 2006, p. 7). Currently, the only place this situation exists for the reticulated flatwoods salamander is on Eglin Air Force Base and these populations are threatened with the construction of a proposed highway.

Habitat fragmentation of the longleaf pine ecosystem resulting from habitat conversion threatens the survival of the reticulated flatwoods salamander. Large tracts of intact longleaf pine flatwoods habitat are fragmented by pine plantations, roads, and unsuitable habitat. Most reticulated flatwoods salamander populations are widely separated from each other by unsuitable habitat. This has been verified through recent reviews of aerial photography and site visits to localities of historical and current records for the species. Studies have shown that the loss of fragmented populations is common, and recolonization is critical for their regional survival (Fahrig and Merriam 1994, pp. 50-56; Burkey 1995, pp. 527-540). Amphibian populations may be unable to recolonize areas after local extirpations due to their physiological constraints, relatively low mobility, and site fidelity (Blaustein *et al.* 1994, pp. 60, 67-68). In the case of the reticulated flatwoods salamander, 70 percent of populations only have one breeding pond and if the habitat at that site is destroyed, recolonization would be impossible (see further discussion of metapopulation dynamics under Factor E).

Roads contribute to habitat fragmentation by isolating blocks of remaining contiguous habitat. They may disrupt migration routes and dispersal of individuals to and from breeding sites. Road construction can result in destruction of breeding ponds, as described above. In addition, vehicles may also cause the death of reticulated flatwoods salamanders when they are attempting to cross roads (Means 1996, p. 2). Road construction resulted in the destruction of a historic reticulated flatwoods salamander breeding pond in Escambia County, Florida (Palis 1997, p. 62). A road through Eglin Air Force Base (Eglin AFB) and Hurlburt Field has been proposed and the preferred alternative was selected in 2007 (Northwest Florida Transportation Corridor Authority 2007; Arnold 2007). We are currently in

consultation regarding this bypass project, however, currently there are no viable alternatives to the preferred alternative and the alignment cannot be moved further north on the base due to its potential to impact the mission (Arnold 2007). We believe this proposed road would destroy or severely degrade 22 breeding sites that support the largest reticulated flatwoods salamander population (Mittiga 2007). These breeding sites represent 44 percent of the known reticulated flatwoods salamander ponds. This Eglin population represents the only population of this species supported by more than three breeding ponds and functions as a metapopulation.

Off-road vehicle (ORV) use within reticulated flatwoods salamander breeding ponds and their margins severely degrades the wetland habitat. In the Southeast, ORV use impacts habitat used by flatwoods salamanders and has the potential to cause direct mortality of individual salamanders and is a threat on both public and private land. On public lands there may be areas designated as off limits to ORV use (U.S. Forest Service 2007, p. 19), but these restrictions are very hard to enforce. Even a single afternoon of individuals riding their ORVs in a pond can completely destroy the integrity of breeding sites by damaging or killing the herbaceous vegetation and rutting the substrate (Ripley and Printiss 2005, pp. 11-12). There is also the potential for direct injury or mortality of salamanders by ORVs at breeding sites (Ripley and Printiss 2005, p. 12).

In summary, the loss of habitat is a significant threat to the reticulated flatwoods salamander. This threat is compounded by the current environmental conditions, proposed projects, projects which do not require Corps permits, and the nature of pond-breeding salamanders to undergo periodic reproductive failure. We consider this threat to be imminent and of high magnitude because of this species' narrow range and the loss of its habitat loss that is currently occurring at a rapid rate on lands in private ownership within the range of this species. Fifty-seven percent of reticulated flatwoods salamander populations are on private land, where habitat continues to be degraded by fire suppression and inappropriate management. The proposed road project on Eglin could result in destruction or degradation of 44 percent of remaining breeding ponds and the only metapopulation that exists for the reticulated flatwoods salamander. Range-wide historic losses of both upland and wetland habitat have

occurred due to conversion of flatwoods sites to agriculture, urban development, and intensively managed pine plantations. The remaining flatwoods habitat continues to be threatened by fire suppression and other incompatible forest management practices, road construction, and habitat fragmentation across the range of the species. Localized threats to existing wetland breeding sites include alterations in hydrology from agriculture, urban development, road construction, and incompatible forest management; ORVs; and fire suppression. As a result, we have determined that the present or threatened destruction, modification, or curtailment of the reticulated flatwoods salamander is a significant threat to the species.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Overcollecting does not appear to be a threat to the reticulated flatwoods salamander at this time. There is no evidence of a past or current problem with collection of this species. Consequently, we have determined that overutilization for commercial, recreational, scientific, or educational purposes is not a threat to the reticulated flatwoods salamander at this time.

C. Disease or Predation

Although disease has not been specifically documented in the reticulated flatwoods salamander thus far, disease outbreaks with mass mortality in other species of salamanders indicate that disease may be a threat for this species as well (Daszak *et al.* 1999, p. 736). "Red-leg" disease (*Aeromonas hydrophila*), a pathogen bacterium, caused mortality of the mole salamander (*A. talpoideum*) at the breeding pond of the reticulated flatwoods salamander in Miller County, Georgia (Maerz 2006), and reticulated flatwoods salamanders have not been observed at this site since the disease was reported. In addition, Whiles *et al.* (2004, p. 211) found a parasitic nematode (*Hedruris siredonis*, family *Hedruridae*) in larvae of the closely related frosted flatwoods salamander from South Carolina and Florida. This parasite has been found in other ambystomatids and can cause individuals to become undersized and thin, thus reducing their fitness (Whiles *et al.* 2004, p. 212). The infestations were not considered heavy and were probably not having a negative impact on the larvae studied; however, environmental degradation may change the dynamics between salamander

populations and normally innocuous parasites (Whiles *et al.* 2004, p. 212). Ranaviruses in the family *Iridoviridae* and chytrid fungus may be other potential threats, although the susceptibility of the reticulated flatwoods salamander to these diseases is unknown. Ranaviruses have been responsible for die-offs of tiger salamanders throughout western North America and spotted salamanders (*A. maculatum*) in Maine (Daszak *et al.* 1999, p. 736). Chytrid fungus has been discovered and associated with mass mortality in tiger salamanders in southern Arizona and California, and the Santa Cruz long-toed salamander (*A. macrodactylum croceum*) (Vredenburg and Summers 2001, p. 151; Davidson *et al.* 2003, p. 601; Padgett-Flohr and Longcore 2005, p. 50). This discussion of disease in other species of closely related salamanders indicates the potential existence of similar threats to reticulated flatwoods salamander populations.

Exposure to increased predation by fish is a threat to the reticulated flatwoods salamander when isolated, seasonally ponded wetland breeding sites are changed to or connected to more permanent wetlands inhabited by fish species not typically found in temporary ponds. Studies of other ambystomatid species have demonstrated a decline in larval survival in the presence of predatory fish (Semlitsch 1987, p. 481). Ponds may be modified specifically to serve as fish ponds or sites may be altered because of drainage ditches, firebreaks, or vehicle tracks that can all provide avenues for fish to enter the wetlands.

Red imported fire ants (*Solenopsis invicta*) are potential predators of flatwoods salamanders, especially in disturbed areas. They have been seen in areas disturbed by the installation of drift fences at known breeding sites (Palis 2008). Mortality of amphibians trapped at drift fences has occurred when fire ants were present and traps were not monitored with sufficient frequency (NCASI 2002, p. 6). The severity and magnitude, as well as the long-term effect of fire ants on reticulated flatwoods salamander populations is currently unknown.

Diseases of amphibians in the southeastern United States remain largely unstudied. However, given the incidence of disease in species which could be considered surrogates for the flatwoods salamander, the probability exists for similar infections to occur in reticulated flatwoods salamander populations. Predation by fish is a historic threat that continues to be a localized problem when ditches,

firebreaks, or vehicle ruts provide connections allowing the movement of fish from permanent water bodies into reticulated flatwoods salamander breeding sites. Fireants also have the potential of being a localized threat, particularly in disturbed areas. We consider this threat to be imminent and of high magnitude because 70 percent of populations are supported by a single breeding pond and diseases, fish, and invertebrate predators have been found at ponds within the range and are known to cause mortality or reproductive failure in related species. Additionally 57 percent of ponds are on private land, increasing the probability of fish being introduced to a breeding site, which would then cause the breeding habitat to become unsuitable, and result in the extinction of the population. Fire ants also have the potential of being a localized threat, particularly in disturbed areas. As such, we believe that these threats would also act to exacerbate other threats to the species.

D. The Inadequacy of Existing Regulatory Mechanisms

There are no existing regulatory mechanisms for the protection of the upland habitats where reticulated flatwoods salamanders spend most of their lives. Section 404 of the Clean Water Act is the primary Federal law that has the potential to provide some protection for the wetland breeding sites of the reticulated flatwoods salamander. However, due to recent case law (Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers 2001; Rapanos v. U.S. 2006), isolated wetlands are no longer considered to be under Federal jurisdiction (not regulatory wetlands). Wetlands are only considered to be under the jurisdiction of the Corps if a "significant nexus" exists to a navigable waterway or its tributaries. Currently, some Corps Districts do not coordinate with us on flatwoods salamanders and, since isolated wetlands are not considered under their jurisdiction, they are often not included on maps in permit applications (Brooks 2008). We are aware of two isolated wetlands that supported flatwoods salamander populations that have been lost since 2006 under this scenario.

Longleaf pine habitat management plans have been written for public lands occupied by the reticulated flatwoods salamander. They include management plans for State-owned lands and integrated natural resource management plans (INRMPs) for Department of Defense lands. Most of the plans contain specific goals and objectives regarding

habitat management that would benefit reticulated flatwoods salamanders including prescribed burning. However, because multiple-use is the guiding principle on most public land, protection of the flatwoods salamander may be just one of many management goals including timber production and military and recreational use. Implementation of the plans has often been problematic due to financial and logistic constraints. In addition, the plans do not provide assured protection from habitat destruction or degradation from land use changes such as the proposed road on Eglin AFB and Hurlburt Field (see Factor A, above).

At the State and local levels, regulatory mechanisms are limited. Although not listed as threatened or endangered in Alabama, the reticulated flatwoods salamander is listed among those nongame species for which it is "unlawful to take, capture, kill, or attempt to take, capture or kill; possess, sell, trade for anything of monetary value, or offer to sell or trade for anything of monetary value" (Alabama Department of Conservation and Natural Resources 2008, p. 1). The flatwoods salamander is listed as a threatened species in the State of Georgia (Jensen 1999, pp. 92-93). This designation protects the species by preventing its sale, purchase, or possession in Georgia and by prohibiting actions that cause direct mortality or the destruction of its habitat on lands owned by the State of Georgia (Ozier 2008). There is only one known flatwoods salamander population on lands owned by the State of Georgia, and that is Mayhaw Wildlife Management Area. In 2001, the Florida Fish and Wildlife Conservation Commission (FFWCC) listed the flatwoods salamander (which would include the reticulated flatwoods salamander) as a species of special concern (FFWCC 2007, p. 2) and prohibited direct take except through permit. As part of the listing process, a statewide management plan was developed for the salamander in Florida (FFWCC 2001, p. 1-60). This plan sets an ambitious conservation goal of maintaining at least 129 self-sustaining populations of flatwoods salamanders (would include both frosted and reticulated flatwoods salamander species) in Florida. The plan also outlines a monitoring plan for population status assessment, an implementation strategy for the management of populations, and areas for future research. The Alabama and Florida regulations offer no protection against the most significant threat to the

reticulated flatwoods salamander, loss of habitat.

In summary, existing regulatory mechanisms provide little direct protection of reticulated flatwoods salamander habitat, the loss of which is the most significant threat to the species. Reticulated flatwoods salamander breeding sites may in some instances come under the jurisdiction of the Corps, but most often they are provided little regulatory protection. These inadequacies represent range-wide historic and known threats to the reticulated flatwoods salamander on private lands within the range. We consider this threat as imminent because the existing regulations are not protecting against the other imminent threats to the species. Also, this threat is of high magnitude because of the small range of the species, and because 57 percent of populations are not protected from further development because they are located on private lands.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Metapopulations, which are neighboring local populations close enough to one another that dispersing individuals could be exchanged (gene flow) at least once per generation, are important to the long-term survival of temporary pond breeding amphibians. In these species, such as the reticulated flatwoods salamander, breeding ponds may differ in the frequency of their ability to support amphibian reproduction. As a result, extirpation and colonization rates can be a function of pond spatial arrangement as well as local habitat quality (Marsh and Trenham 2001, p. 41). Of the 21 known reticulated flatwoods salamanders populations, only 6 (29 percent) are supported by more than one breeding pond and only one (5 percent) population (on Eglin AFB-Hurlburt Field) is supported by more than three breeding ponds. For 71 percent (15 out of 21) of the known reticulated flatwoods salamander populations, any one of the many threats that may render a breeding pond unsuitable could cause the extirpation of the affected population.

Invasive plant species, such as *cogongrass* (*Imperata cylindrica*), threaten to further degrade existing flatwoods habitat. *Cogongrass*, a perennial grass native to southeast Asia, is one of the leading threats to the ecological integrity of native herbaceous flora, including that in the longleaf pine ecosystem (Jose *et al.* 2002, p. 43). It has been documented that *cogongrass* can displace most of the existing vegetation

except large trees. Especially threatening to the reticulated flatwoods salamander is the ability of *cogongrass* to outcompete wiregrass, a key vegetative component of flatwoods salamander habitat. Changing the species composition in this way can alter the soil chemistry, nutrient cycling, and hydrology of an infested site (Jose *et al.* 2002, p. 43). Reticulated flatwoods salamander habitat management plans will need to address threats posed by *cogongrass* and other invasive plant species and include strategies to control them. An integrated management approach to controlling *cogongrass* is outlined in Jose *et al.* (2002, p. 42).

Pesticides (including herbicides) may pose a threat to amphibians such as the reticulated flatwoods salamander, because their permeable eggs and skin readily absorb substances from the surrounding aquatic or terrestrial environment (Duellman and Trueb 1986, pp. 199-200). Negative effects that commonly used pesticides and herbicides may have on amphibians include delayed metamorphosis, paralysis, reduced growth rate, and mortality (Bishop 1992, pp. 67-69). Herbicides used near reticulated flatwoods salamander breeding ponds may alter the density and species composition of vegetation surrounding a breeding site and reduce the number of potential sites for egg deposition, larval development, or shelter for migrating salamanders. Aerial spraying of herbicides over outdoor pond mesocosms (semi-field approximations of ponds) has been shown to reduce zooplankton diversity, a food source for larval reticulated flatwoods salamanders, and cause very high (68 to 100 percent) mortality in tadpoles and juvenile frogs (Relyea 2005, pp. 618-626). The potential for negative effects from pesticide and herbicide use in areas adjacent to breeding ponds would be reduced by avoiding aerial spraying (Tatum 2004, p. 1047).

Studies of other ambystomatid species have demonstrated a decline in larval survival in the presence of predatory fish, as mentioned above under Factor C. One of the potential reasons for this decline may be the negative effect that these fish have on the invertebrate prey of salamander larvae. The invertebrates found by Whiles *et al.* (2004, p. 212) in a study of larval frosted and reticulated flatwoods salamander gut contents are typical of freshwater habitats in the Southeast that do not contain predatory fish on a regular basis. The presence of predatory fish has a marked effect on invertebrate communities and alters prey availability for larval salamanders

with the potential for negative effects on larval fitness and survival (Semlitsch 1987, p. 481). Wherever connections have been created between permanent water and flatwoods salamander ponds, through installation of firebreaks, ditches, and so on, this threat from predatory fish exists.

Studies of reticulated flatwoods salamander populations since the original species classification of flatwoods salamander was listed (64 FR 15691; April 1, 1999) have been limited due to drought. Data on the numbers of adults within existing populations does not exist. However, given the low number of individuals encountered even when breeding is verified, populations are likely to be very small at any given breeding site. Small populations are at increased threat of extirpation from natural processes (genetic isolation, inbreeding depression, and drought), as well as the manmade threats listed above.

In summary, there are a number of other natural or manmade factors that either threaten, or have the potential to threaten, that have been historic threats and continue to threaten the reticulated flatwoods salamander. The loss of metapopulation structure in the distribution of reticulated flatwoods salamander populations was a range-wide threat that caused historic losses of this species. It continues to be a current threat for most of the remaining reticulated flatwoods salamander populations, particularly on Eglin Air Force Base. Fire suppression and inadequate habitat management continue to cause the degradation of occupied sites, primarily on private land. Invasive plant species probably did not have much of a historic impact on salamander populations, but they are a range-wide potential threat, especially as they become more widespread and difficult to control. Range-wide, low densities of individuals in a given population have been a historic threat and continue to be a threat for most reticulated flatwoods salamander populations, particularly in the face of the past and current drought conditions and given the nature of pond-breeding amphibians to experience periodic reproductive failures naturally. The impact competing predators may have on the salamander's prey base, and the threat of pesticide and herbicide use, are less clear as historic threats but remain potential localized threats for the species. Therefore, while we have determined that other natural and manmade factors, such as invasive species, pesticides, and competition for the species' prey base may threaten the reticulated flatwoods salamander, the

severity and magnitude of these threats are not currently known. Acting in coordination with major threats listed above with each other, these threats constitute additional complicating factors which could exacerbate other threats. In addition, small population size is particularly detrimental when combined with habitat loss, the ongoing drought, and the nature of this pond-breeding amphibians to experience periodic reproductive failure.

Determination

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the reticulated flatwoods salamander. In summary, the significant threat to the reticulated flatwoods salamander listed in Factor A (above), is loss of its habitat. However, a variety of localized threats factors (which fall under Factors A, D, and E) continue to impact existing wetland breeding sites including alterations in hydrology from agriculture (including "ditching," which results in the introduction of predatory fish), urban-development, road construction, and incompatible forest management, ORV use, fire suppression, and disease also threaten the species, but the severity and magnitude of these threats is not currently known. As a result, we have determined that these factors will exacerbate the effects of threats due to habitat loss and drought. As described in Factor E above, small populations are at increased threat of extirpation from natural processes (genetic isolation, inbreeding depression, and drought), as well as the manmade threats listed above. Furthermore, as described in Factor D (above), existing regulatory mechanisms provide little direct protection of reticulated flatwoods salamander habitat, the loss of which is the most significant threat to the species. Reticulated flatwoods salamander breeding sites may in some instances come under the jurisdiction of the Corps, but most often they are provided little regulatory protection. This is likely the reason that two populations were lost recently to development. These inadequacies of existing regulatory mechanisms addressing habitat loss represent range-wide historic and potential threats to the reticulated flatwoods salamander. Finally, there are potential localized threats from fire ants, pesticides, and invasive plants for which the extent of impact is yet undeterminable, but that we believe are legitimate threats due to both their impact on surrogate species and their prevalence in the types of habitats used by this species.

Only 21 reticulated flatwoods salamander populations are known. Fifteen (71 percent) of these populations are supported by only one breeding site. A population with only one breeding site has a tenuous future just given randomly varying environmental factors without considering the additional threats of habitat destruction and degradation that further threaten these populations. As noted previously, we are currently experiencing drought conditions. Palis *et al.* (2006, p. 5-6) studied a frosted flatwoods population in Florida during a drought from 1999-2002. This study documented three consecutive years of reproductive failure and a steady declining adult immigration to the site for breeding as the drought progressed. Catastrophic reproductive failure occurs even in healthy populations of pond-breeding amphibians. When it does occur, the modeling efforts of Taylor *et al.* (2005, p. 796) showed that each year of reproductive failure raises the threshold of survival required to achieve persistence and imposes the possibility of extirpation even under otherwise favorable environmental conditions. Taylor *et al.* (2005, p. 799) reminds us that particularly with small populations or low population growth rates (as exists with the reticulated flatwoods salamander) effects of reproductive failure are made worse by demographic stochasticity. Even in populations with multiple breeding ponds, amphibian populations may be unable to recolonize areas after local extirpations due to their physiological constraints, relatively low mobility, and site fidelity (Blaustein *et al.* 1994, pp. 60, 67-68). In the case of the reticulated flatwoods salamander, 71 percent of populations have only one breeding pond. If the habitat at that site is destroyed, recolonization would be impossible and the population supported by that breeding pond would be extirpated. Since the early 1990s, four reticulated flatwoods salamander populations have been lost, two populations due to urbanization and two populations due to inappropriate forest management. The most robust reticulated flatwoods salamander population remaining is currently threatened by a proposed road through Eglin AFB. The preferred alignment for this road (Mittiga 2007) could destroy or degrade 44 percent of the known reticulated flatwoods salamander breeding sites. This is significant because the Eglin AFB population is the only location which is supported by more than 3 breeding ponds and functions as a metapopulation. In other words, this population has the

best chance of surviving demographic and environmental stochasticity given the distribution of breeding sites within reticulated flatwoods salamander dispersed distance of each other. However, habitat supporting this population continues to decline due to inadequate prescribed burning. The presence of a road in this vicinity, even if there are no direct impacts to vegetative structure or hydrology of the breeding and upland sites, will only decrease the opportunities to burn the area and increase the habitat degradation.

Habitat loss on private lands is an imminent threat that is compounded by a variety of other factors. Fire suppression on private lands occupied by the reticulated flatwoods salamander represents one of the biggest threats to the species' habitat and the continued existence of the species on these sites. In addition, we have lost at least two ponds since 2006 in the range of the reticulated flatwoods salamander that we believe resulted from the continuing threat that isolated wetlands are rarely, if ever, under the jurisdiction of the Corps, thus resulting in limited to no regulatory mechanisms addressing this imminent threat. The Eglin bypass (described as sections FWB/Niceville Bypass, Navarre Bypass and SR 87, collectively) are shown on the Northwest Florida Transportation Corridor Authority website as priority projects for the next five years, meaning FY 2008-FY 2012 (Prioritized Master Plan). A preferred alternative was selected in 2007, but no environmental analysis has been conducted at present. This preferred alignment was chosen because any move further north would impact the mission of base. We believe there is a reasonable expectation that this road could be built, and it is considered an imminent threat to the species, its habitat, and overall to the continued existence of the population on Eglin AFB. We believe that combined, the effect of the historical and ongoing drought, historical, current, and projected habitat loss and degradation (including the proposed bypass on Eglin), and the exacerbating effects of disease, predation, small population size, and isolation would result in the reticulate flatwoods salamander being in danger of extinction throughout all of its range. We believe these threats, in particular the threats from habitat loss and drought, to be current and are projected to continue at the current rate or increase in the future. Further, we have determined that these threats are operating on the species and its habitat

with a high degree of magnitude in that they affect the species throughout all of its range and with a high degree of severity, as discussed above.

Based on the best available scientific and commercial information, we have determined that the reticulated flatwoods salamander is in danger of extinction throughout all or a significant portion of its range. Therefore, we are proposing to list the reticulated flatwoods salamander as an endangered species under the Act. Endangered status reflects the vulnerability of this species to factors that negatively affect the species and its limited and restricted habitat.

We are soliciting comments on this proposed rule and threats to the species. Similarly, we request any available information on ongoing or proposed development activities within reticulated flatwoods salamander habitat.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, and local agencies, private organizations, and individuals. The Act provides for possible cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed in "Effect of Critical Habitat Designation" for critical habitat and are further discussed, in part, below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a

listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal agency actions within the species habitat that may require conference or consultation or both as described in the preceding paragraph include management and any other landscape altering activities on Federal lands administered by the Department of Defense, Fish and Wildlife Service, and U.S. Forest Service; issuance of section 404 Clean Water Act permits by the Army Corps of Engineers; construction and management of gas pipeline and power line rights-of-way by the Federal Energy Regulatory Commission; and construction and maintenance of roads or highways by the Federal Highway Administration.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions, codified at 50 CFR 17.21 for endangered wildlife, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import, export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving threatened or endangered wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 for endangered species. You may obtain permits for scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities.

Critical Habitat

It is our intent to discuss only those topics directly relevant to the designation of critical habitat for the frosted and reticulated flatwoods salamander in this section of the proposed rule. For more information on the previous proposed rule to designate critical habitat for the flatwoods salamander, refer to the **Federal Register** document published on February 7, 2007 (72 FR 5856). The proposed rule, as presented herein,

replaces the previous proposed rule in its entirety.

Previous Federal Actions

The flatwoods salamander was listed as threatened on April 1, 1999 (64 FR 15691). At that time, we found that designation of critical habitat for the flatwoods salamander was not prudent because such designation would not be beneficial and may increase threats to the species. On April 1, 2005, Center for Biological Diversity, Wild South, and Florida Biodiversity Project filed a lawsuit against the Secretary of the Interior alleging failure to designate critical habitat for the flatwoods salamander. In a court-approved settlement agreement, we agreed to reevaluate the need for critical habitat for the species and if prudent submit a proposed designation of critical habitat to the **Federal Register** by January 30, 2007, and submit a final decision on the proposed critical habitat rule for publication in the **Federal Register** by January 30, 2008. A proposed rule to designate critical habitat for the flatwoods salamander published in the **Federal Register** on February 7, 2007 (72 FR 5856). Since that proposed rule published, new information has become available on taxonomy and additional threats to occupied habitat that has necessitated a reevaluation of the proposed rule. On January 25, 2008, the court-approved settlement agreement was modified to require that a revised proposed critical habitat designation for the frosted flatwoods salamander and the reticulated flatwoods salamander must be submitted for publication in the **Federal Register** on or before July 30, 2008, with the final decision on the proposed critical habitat rule to be submitted for publication in the **Federal Register** by January 30, 2009.

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) essential to the conservation of the species and

(b) which may require special management considerations or protection; and

(2) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means the use of all methods and procedures that are necessary to bring any endangered

species or threatened species to the point at which the measures provided under the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation, and in the extraordinary case where population pressures within a given ecosystem cannot otherwise be relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the prohibition against Federal agencies carrying out, funding, or authorizing the destruction or adverse modification of critical habitat. Section 7 of the Act requires consultation on Federal actions that may affect critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by the landowner. Where the landowner seeks or requests Federal agency funding or authorization that may affect a listed species or critical habitat, the consultation requirements of Section 7 of the Act would apply. However, even in the event of a destruction or adverse modification finding, the landowner's obligation is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

For inclusion in a critical habitat designation, habitat within the geographical area occupied by the species at the time it was listed must contain features that are essential to the conservation of the species. Critical habitat designations identify, to the extent known using the best scientific data available, habitat areas that provide essential life cycle needs of the species (areas on which are found the primary constituent elements (PCEs) laid out in the appropriate quantity and spatial arrangement for the conservation of the species). Under the Act, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed as critical habitat only when we determine that those areas are essential for the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available. Further, our Policy on

Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub.L. 106-554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be proposed as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources may include the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, or other unpublished materials and expert opinion or personal knowledge.

Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that we may eventually determine, based on scientific data not now available to the Service, are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be required for recovery of the species.

Areas that support populations, but are outside the critical habitat designation, will continue to be subject to conservation actions we implement under section 7(a)(1) of the Act. They are also subject to the regulatory protections afforded by the section 7(a)(2) jeopardy standard, as determined on the basis of the best available scientific information at the time of the agency action. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new

information available to these planning efforts calls for a different outcome.

Prudency Determination

Section 4(a)(3) of the Act and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, we designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species. We must weigh the benefits in proposing to designate critical habitat for the frosted flatwoods salamander and the reticulated flatwoods salamander against the harm which could be caused by disclosure of their location. We find that these benefits of the designation of critical habitat outweigh the risk of increased collection.

There is no documentation of commercial or private collection of frosted flatwoods salamanders or reticulated flatwoods salamanders and, although that activity is identified as a potential threat to the two species in the original listing in the *Federal Register* (64 FR 15691), the significance of collection to the viability of the species' populations is not known. Therefore, this threat, if any, to the frosted flatwoods salamander and the reticulated flatwoods salamander is outweighed by the conservation benefits derived from the designation of critical habitat for this species, such as guiding the development of conservation management plans both within and outside of the critical habitat designation. Additionally, much of the habitat where the species occur is under Federal land management where the threat of collection should be reduced by enforcement of section 9 of the Act.

Although we make a detailed determination of the habitat needs of a listed species during the recovery planning process, the Act has no provision to delay designation of critical habitat until such time as a recovery plan is prepared. We reviewed the available information pertaining to habitat characteristics where these two species are located. This and other information represent the best scientific data available and led us to conclude that the designation of critical habitat is both prudent and determinable for the

frosted flatwoods salamander and the reticulated flatwoods salamander.

Methods

As required by section 4(b) of the Act, we used the best scientific data available in determining areas that contain the features that are essential to the conservation of the frosted flatwoods salamander and the reticulated flatwoods salamander. This includes information from the proposed listing rule for the flatwoods salamander (62 FR 65787; December 16, 1997), final listing rule for the flatwoods salamander (64 FR 15691; April 1, 1999), the previous proposed rule for designation of critical habitat for the flatwoods salamander (72 FR 5856; February 7, 2007), site visits, soil and species map coverages, data compiled in the Florida, Georgia, and South Carolina Natural Heritage databases and individual state databases, and data supplied by Eglin Air Force Base, Fort Stewart Military Installation, Hurlburt Field, Townsend Bombing Range, Apalachicola National Forest, Francis Marion National Forest, and St. Marks National Wildlife Refuge.

We also reviewed the available information pertaining to historical and current distribution, ecology, life history, and habitat requirements of the frosted flatwoods salamander and reticulated flatwoods salamander. This material included data in reports submitted by biologists holding section 10(a)(1)(A) recovery permits; research published in peer-reviewed scientific publications; museum records; technical reports and unpublished field observations by Service, State and other experienced biologists; additional notes and communications with qualified biologists or experts; and regional Geographic Information System (GIS) coverages.

All frosted and reticulated flatwoods salamander occurrence records for sites occupied at the time of listing and occupied sites discovered subsequent to listing (typically breeding ponds) were plotted on maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer GIS program, as the initial step in generating critical habitat units. Polygons were then computer-generated by overlaying these occurrence locations with circles of a 1,500-foot (ft) (457-meter (m)) radius as a method to estimate the activity area around a breeding pond (see 72 FR 5861 (February 7, 2007) for a further discussion of the rationale for choosing this distance for the activity area). The area circumscribed by a circle of this radius would be 162 ac (66 ha). These polygons were used as a starting point to delineate the amount of wetland and

upland habitat occupied by salamanders at each occurrence.

Since we have determined that breeding sites within 2 miles of each other could be considered part of the same metapopulation (see discussion above under section entitled Space for Individual and Population Growth and Normal Behavior), polygons within this distance of each other were combined to create areas containing multiple ponds connected by upland habitat corridors. Research on ambystomatid salamanders indicates that they need high terrestrial survival or immigration to persist (Taylor *et al.* 2005, p. 799). Thus, a flatwoods salamander population requires a sufficient amount of terrestrial habitat to ensure survival of adults in upland habitat, or, if needed, immigration of juveniles to the population from nearby breeding ponds. Combining polygons in the above manner provides a greater probability that habitat within a unit or subunit will support the needs of both species of flatwoods salamander long-term.

After the polygons were constructed, they were overlaid on aerial photography. The aerial photography was analyzed to verify the occurrence of PCEs and their distribution within the polygons. In some cases, site visits were made to determine presence of PCEs. Some polygons were discarded as they lacked the PCEs. In other polygons, we adjusted individual unit boundaries based on the presence or absence of the PCEs. Units constructed by merging polygons were also re-assessed to be sure the connecting habitat contained the PCEs.

Primary Constituent Elements (PCEs)

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat within areas occupied by the species at the time of listing, we consider those physical and biological features that are essential to the conservation of the species to be the primary constituent elements laid out in the appropriate quantity and spatial arrangement for conservation of the species. These include, but are not limited to:

- (1) Space for individual and population growth and for normal behavior;
- (2) Food, water, air, light, minerals, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, or rearing (or development) of offspring; and
- (5) Habitats that are protected from disturbance or are representative of the

historical, geographical, and ecological distributions of a species.

We derived the specific primary constituent elements required for the frosted flatwoods salamander and the reticulated flatwoods salamander based on their biological needs.

Space for Individual and Population Growth and Normal Behavior

The frosted and reticulated flatwoods salamanders are terrestrial species of the longleaf pine ecosystem. Flatwoods salamanders spend most of their lives underground and occur in forested habitat consisting of fire-maintained, open-canopied, flatwoods and savannas dominated by longleaf pine (*Pinus palustris*), with naturally occurring slash pine (*P. elliotti*) in wetter areas. Historically, fire-tolerant longleaf pine dominated the uplands, whereas slash pine, being less fire-tolerant, was confined principally to wetlands, wetland edges, and the wetter portions of pine flatwoods. Means *et al.* (1996, pp. 434-435) summarized the natural distribution of slash pine in reference to the flatwoods salamander and concluded that natural slash pine habitats constituted only a minor fraction of the species' upland habitat. Much of the original flatwoods habitat has been converted to pine (often slash pine) plantations and become a closed-canopy forest unsuitable as habitat for the flatwoods salamander. Nevertheless, flatwoods salamanders do occur on some slash and loblolly pine (*P. taeda*) plantation sites. The extent of habitat degradation has been variable among pine plantations. On some plantations, the original hydrology, ground cover, and soil structure have been less severely altered, and these are the areas where remnant frosted and reticulated flatwoods salamander populations still occur.

Pine flatwoods and savannas are typically characterized by low, flat topography, and relatively poorly drained, acidic, sandy soil that becomes seasonally saturated. In the past, this ecosystem was characterized by open pine woodlands maintained by frequent fires. Naturally ignited by lightning during spring and early summer, these flatwoods historically burned at intervals ranging from 1 to 4 years (Clewell 1989, p. 226). In some areas, such as southwest Georgia, the topography of pine flatwoods can vary from nearly flat to gently rolling hills. The groundcover of the pine flatwoods-savanna ecosystem is typically dominated by wiregrass in the Gulf Coastal Plain, which is often joined or replaced by dropseed in the Atlantic Coastal Plain. Many other herbaceous

plants are found in the groundcover and plant diversity is usually very high.

During the breeding season, adult frosted and reticulated flatwoods salamanders leave their subterranean retreats and migrate to breeding sites during rains associated with passing cold fronts. Throughout their range, the salamanders breed at ephemeral (seasonally flooded) isolated ponds (not connected to other water bodies) embedded within the mesic (moderate moisture) to intermediate-mesic flatwoods-savanna communities occupied by post-larval and adult salamanders (Palis and Means 2005, pp. 608-609). There are some variations in vegetation, geology, and soils among geographic areas within the range of the salamander (most notably, differences between the Gulf Coast and Atlantic Coastal Plain communities); however, basic characteristics are fairly similar throughout. Both forested uplands and isolated wetlands (see further discussion of isolated wetlands in section "Sites for breeding, reproduction, and rearing of offspring," below) are needed to provide space for individual and population growth and normal behavior.

The distance between the wetland breeding and upland terrestrial habitats of post-larval and adult salamanders can vary considerably. In the final listing rule the Service used an estimate of 1,476 feet (ft) (450 meters (m)) as the radius of a flatwoods salamander's principal activity area around a breeding pond based on research summarized in Semlitsch (1998, pp. 1115-1117) on this species and other species in its genus (U. S. Fish and Wildlife Service 1999, p. 15697). However, according to Ashton and Ashton (2005, p. 65), flatwoods salamanders have been documented up to 5,576 ft (1,700 m) from breeding ponds. We used this distance (rounding to 1 mile) as the maximum dispersal distance for flatwoods salamanders. Therefore, breeding sites within twice this distance (2 miles) could be considered in close enough proximity to be considered part of the same metapopulation (Palis 1997, p. 62).

Food, Water, Air, Light, or Other Nutritional or Physiological Requirements

Post-larval frosted and reticulated flatwoods salamanders eat small invertebrates that share their fossorial habit. Records exist of earthworms that have been found in the stomachs of dissected adult salamanders (Goin 1950, p. 314). Larval flatwoods salamanders most likely prey on a variety of aquatic invertebrates and perhaps small

vertebrates such as other amphibian larvae (Palis and Means 2005, p. 608). Data from a recent study of larval food habits found that freshwater crustaceans dominated stomach contents of preserved, wild-caught individuals from Florida and South Carolina (Whiles *et al.* 2004, p. 208). This indicates a preference for freshwater crustaceans or perhaps is an indication that these invertebrates are the most abundant or most easily captured prey in breeding ponds.

Within the pine uplands, a diverse and abundant herbaceous layer consisting of native species is important to maintain the prey base for adult frosted and reticulated flatwoods salamanders. Wetland water quality is important to maintain the aquatic invertebrate fauna eaten by larval salamanders. An unpolluted wetland with water free of predaceous fish, sediment, pesticides, and the chemicals associated with road runoff, is important to maintain the aquatic invertebrate fauna eaten by larval salamanders.

Cover or Shelter

At wetland sites, developing larval frosted and reticulated flatwoods salamanders hide in submerged herbaceous vegetation during the day (Palis and Means 2005, p. 608) as protection from predators. Thus, an abundant herbaceous community in these ponds is important for cover.

Generally, flatwoods salamander breeding pond and upland habitats are separated by an ecotone (area of transitional habitat) through which salamanders must move during pre- and post-breeding events (Palis 1997, p. 58). The graminaceous (grass-like) ecotone represents a distinct habitat type and is important for maintaining connectivity between aquatic and terrestrial habitats. When the ecotone provides cover and appropriate microclimatic conditions, survival of migratory salamanders is enhanced. Studies of migratory success in post-metamorphic salamanders have demonstrated the importance of high levels of survival of these individuals to population maintenance and persistence (Rothermel 2004, pp. 1544-1545).

Post-larval and adult frosted and reticulated flatwoods salamanders occupy upland flatwoods sites where they live underground in crayfish burrows, root channels, or burrows of their own making (Goin 1950, p. 311; Neill 1951, p. 765; Mount 1975, pp. 98-99; Ashton and Ashton 2005, pp. 63, 65, 68-71). The occurrence of these below-ground habitats is dependent upon protection of the soil structure within flatwoods salamander terrestrial sites.

Sites for Breeding, Reproduction, and Rearing of Offspring

Adult frosted and reticulated flatwoods salamanders move from the uplands to breed in ponds that are typically acidic, tannin-stained, isolated, ephemeral wetlands (marsh-like depressions) (Palis 1997, pp. 53, 58; Safer 2001, pp. 5, 12). Breeding occurs from late September to December when ponds flood due to rainy weather associated with cold fronts. If rainfall is insufficient to result in adequate pond flooding, breeding may not occur or, if larvae do develop, they may die before metamorphosis. Egg development from deposition to hatching occurs in approximately 2 weeks, but eggs do not hatch until they are inundated (Palis 1995, pp. 352, 353). Larval salamanders usually metamorphose in March or April after an 11-to-18-week larval period (Palis 1995, p. 352). Ponds dry shortly thereafter. A cycle of filling and drying is essential for maintaining the appropriate habitat conditions of these wetlands.

The overstory within breeding ponds is typically dominated by pond-cypress (*Taxodium ascendens* [= *T. distichum* var. *imbricarium*; Lickey and Walker 2002, p. 131]), blackgum (*Nyssa sylvatica* var. *biflora*), and slash pine (Palis 1997, pp. 58, 59). An open midstory is often present as well, and dominant species include the myrtle-leaved holly (*Illex myrtifolia*) and other shrubs and small trees (Palis 1997, pp. 58, 59). When they are dry, breeding ponds burn naturally due to periodic wildfires, especially during late spring and summer. Depending on canopy closure and midstory, the herbaceous groundcover of breeding sites can vary considerably (Palis 1997, pp. 58, 59). However, flatwoods salamander larvae are typically found in those portions of breeding sites containing abundant herbaceous vegetation. The ground cover is dominated by graminaceous species. The floor of breeding sites generally consists of relatively firm mud with little or no peat. Burrows of crayfish (primarily genus *Procambarus*) are a common feature of flatwoods salamander breeding sites. Breeding sites are typically encircled by a bunchgrass-dominated (wiregrass or dropseed) graminaceous ecotone (see discussion of ecotone above). Small fish, such as pygmy sunfishes (*Elassoma* spp.), mosquitofish (*Gambusia holbrooki*), and banded sunfish (*Enneacanthus obesus*) may be present, but large predaceous species are absent (Palis 1997, pp. 58, 60).

Primary Constituent Elements for the Frosted Flatwoods Salamander and the Reticulated Flatwoods Salamander

Within the geographical area we know to be occupied by the frosted flatwoods salamander and the reticulated flatwoods salamander, we must identify the PCEs that may require special management considerations or protections.

Based on the needs of the species, as described above, and our current knowledge of the life history, biology, and ecology of the species, we have determined that the frosted flatwoods salamander and reticulated flatwoods salamander PCEs are:

1. *Breeding habitat*. Small (generally <1 to 10 acres (ac) (<0.4 to 4.0 hectares (ha)), acidic, depressional standing bodies of fresh water (wetlands) that:

(a) are seasonally flooded by rainfall in late fall or early winter and dry in late spring or early summer;

(b) are geographically isolated from other water bodies;

(c) occur within pine flatwoods-savanna communities;

(d) are dominated by grasses and grass-like species in the ground layer and overstories of pond-cypress, blackgum, and slash pine;

(e) have a relatively open canopy, necessary to maintain the herbaceous component that serves as cover for flatwoods salamander larvae and their aquatic invertebrate prey; and

(f) typically have a burrowing crayfish fauna, but, due to periodic drying, the breeding ponds typically lack large, predatory fish (for example, *Lepomis* (sunfish), *Micropterus* (bass), *Amia calva* (bowfin)).

2. *Non-breeding habitat*. Upland pine flatwoods-savanna habitat that is open, mesic woodland maintained by frequent fires and that:

(a) is within 1,500 ft (457 m) of adjacent and accessible breeding ponds;

(b) contains crayfish burrows or other underground habitat that the flatwoods salamander depends upon for food, shelter, and protection from the elements and predation;

(c) has an organic hardpan in the soil profile, which inhibits subsurface water penetration and typically results in moist soils with water often at or near the surface under normal conditions; and

(d) often have wiregrasses as the dominant grasses in abundant herbaceous ground cover, which supports the herbivorous invertebrates that serve as a food source for the flatwoods salamander.

3. *Dispersal habitat*. Upland habitat areas between non-breeding and

breeding habitat that allows for salamander movement between such sites and that is characterized by:

(a) a mix of vegetation types representing a transition between wetland and upland vegetation (ecotone);

(b) an open canopy and abundant native herbaceous species; and

(c) moist soils as described in PCE 2; and

(d) subsurface structure, such as that created by deep litter cover or burrows, that provides shelter for salamanders during seasonal movements.

This proposed designation is designed for the conservation of the physical and biological features essential to the conservation of the species, which support the life-history functions of the species, through the identification of the appropriate quantity and spatial arrangement of areas containing the PCEs. All units proposed for designation contain all of these PCEs and support multiple life processes.

Special Management Considerations or Protections

When designating critical habitat, we assess whether the occupied areas contain the physical or biological features essential to the conservation of the species, and whether these features may require special management considerations or protection. It is recognized that numerous activities in and adjacent to the unit designated as critical habitat, as described in this proposed rule, may affect one or more of the PCEs found in that unit. These activities include, but are not limited to, those listed in the Application of the "Adverse Modification" Standard (AMS) section as activities that may destroy or adversely modify critical habitat. Special management of the PCEs for the frosted flatwoods salamander and the reticulated flatwoods salamander and their habitat may be required for the following threats: direct and indirect impacts of land use conversions, primarily urban development and conversion to agriculture and pine plantations; stump removal and other soil-disturbing activities which destroy the below-ground structure within forest soils; fire suppression and low fire frequencies; wetland destruction and degradation; and stochastic effects of drought or floods. Specific details regarding these threats can be found in the proposed listing rule (62 FR 65787), the final listing rule (64 FR 15691), and above in the section entitled Summary of Factors Affecting the Species. Due to one or more of the threats described above, and as discussed in more detail in the

individual unit descriptions below, we find that all areas known to be occupied at the time of listing that we are proposing for designation as critical habitat contain PCEs that may require special management considerations or protections to ensure the conservation of the frosted flatwoods salamander and the reticulated flatwoods salamander.

Criteria Used To Identify Critical Habitat

We began our analysis by evaluating both species of flatwoods salamander in the context of their distribution within their historic range, to determine what portion of their range must be included to ensure conservation of both species. We assessed the critical life-history components of flatwoods salamanders, as they relate to habitat. Flatwoods salamanders require small, acidic, depressional standing bodies of freshwater for breeding, upland pine flatwoods-savanna habitat that is open, mesic and maintained by fire for non-breeding habitat, and ecotonal habitat areas between non-breeding and breeding habitat that allow for salamander movement. Therefore, all areas meeting these requirements were considered for inclusion.

To determine which areas should be designated as critical habitat, we then evaluated where the necessary physical and biological features of flatwoods salamander habitat occur within the currently occupied habitat. Detailed data on specific locations are included in the unit description in the Proposed Critical Habitat Designation section of this proposed rule. We considered the following criteria in the selection of areas that contain the essential features for the frosted and reticulated flatwoods salamanders and focused on designating units: (1) throughout the current geographic and ecological distribution of the species; (2) that retain or provide for connectivity between breeding sites that allows for the continued existence of viable and essential metapopulations (populations at individual ponds that interbreed over time), despite fluctuations in the status of subpopulations; (3) that possess large continuous blocks of occupied habitat, representing source populations or unique ecological characteristics; and (4) that contain sufficient upland habitat around each breeding location to allow for sufficient survival and recruitment to maintain a breeding population over the long term.

We selected areas for the frosted flatwoods salamander and the reticulated salamander that were occupied at the time of listing, based on the best scientific data available, which

possess those physical and biological features essential to the conservation of the species that may require special management considerations or protection. In addition, we included two areas subsequently identified as occupied by the frosted flatwoods salamander and essential to the conservation of the species. We found that the two newer (post-listing) occurrence records were in close proximity to areas already known to support the frosted flatwoods salamander. We identified proposed critical habitat units that were occupied at the time of listing based on: (1) presence of the defined PCEs; (2) density of flatwoods salamander occurrences; and (3) kind, amount, and quality of habitat associated with those occurrences. We identified proposed critical habitat units that were not occupied at the time of listing based on: (1) density of flatwoods salamander occurrences; (2) kind, amount, and quality of habitat associated with those occurrences; and (3) a determination that these areas are essential to the conservation of the species.

The currently occupied habitat of the frosted flatwoods salamander and the reticulated flatwoods salamander is highly localized and fragmented. Due to several drought events, post-listing observations of salamanders have been made at breeding ponds in only a small portion of their occupied range and no population estimates are currently available. As with many rare species, especially pond-breeding amphibians with fossorial adult life stages, detection probabilities are low even in "normal" weather years (Bailey *et al.* 2004, pp. 2463-2464). Flatwoods salamanders are particularly susceptible to drought, as breeding cannot occur if breeding ponds do not receive adequate rainfall. We know that isolated populations, including those of the frosted and reticulated flatwoods salamanders, are highly susceptible to stochastic events. Protection of a single, isolated, minimally viable population risks the extirpation or extinction of a species as a result of harsh environmental conditions, catastrophic events, or genetic deterioration over several generations (Kautz and Cox 2001, p. 59). To reduce the risk of extinction through these processes, it is important to establish multiple protected subpopulations across the landscape (Soulé and Simberloff 1986, pp. 25-35; Wiens 1996, pp. 73-74). We have determined that all but four of the areas occupied at the time of listing contain the features essential to the conservation of the species. The two units occupied

since the time of listing are essential areas for the conservation of the species.

We are proposing to designate critical habitat on lands that we have determined were occupied at the time of listing and that contain sufficient PCEs to support life-history functions essential for the conservation of the species. In addition we are proposing to designate two areas that we have not been able to determine were occupied at the time of listing (they occur within the same geographical area but were discovered after 1999), and but we believe to be essential to the conservation of the species.

The lands proposed as critical habitat collectively contain small, and in some cases, isolated, populations of the species. These small populations are at a high risk of extinction due to stochastic events and human-induced threats, such as urban-agricultural development and habitat degradation due to fire suppression and hydrological alterations. Thus, we believe all lands proposed as critical habitat are essential for the persistence and conservation of the frosted flatwoods salamander and the reticulated flatwoods salamander, and meet the criteria as set forth above. We believe that with proper protection and management, the proposed critical habitat within this designation, and those areas excluded due to the Sikes Act, are sufficient to provide for the conservation of the species. We are not proposing any areas outside the geographical area presently occupied by these species because we are unaware of any other suitable habitat for these species outside their currently occupied range.

When determining proposed critical habitat boundaries within this proposed rule, we made every effort to avoid including developed areas such as buildings, paved areas, and other structures that lack PCEs for frosted flatwoods salamander and the reticulated flatwoods salamander. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed areas. Any such structures, and the land under them, inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, Federal actions involving these areas would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the primary constituent elements in the adjacent critical habitat.

Proposed Critical Habitat Designation

For the reticulated flatwoods salamander, we are proposing 10 units, some of which are divided into subunits (for a total of 21 units and subunits), as critical habitat. For the frosted flatwoods salamander, we are proposing

7 units, some of which are divided into subunits (for a total of 20 units and subunits), as critical habitat. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the reticulated flatwoods salamander and the frosted flatwoods

salamander. We are presenting the data geographically from west to east and thus the critical habitat for the reticulated flatwoods salamander is described first below. Table 1 shows the occupied units for the reticulated flatwoods salamander.

TABLE 1. OCCUPANCY OF RETICULATED FLATWOODS SALAMANDER BY PROPOSED CRITICAL HABITAT UNIT.

Unit	Occupied at Time of Listing	Currently Occupied (but not known to be occupied at the time of listing)	Size of Unit in Acres (Hectares)
Florida Units			
RFS-1	X		687 ac (278 ha)
RFS-2, Subunit A	X		162 ac (66 ha)
RFS-2, Subunit B	X		162 ac (66 ha)
RFS-3, Subunit A	X		148 ac (60 ha)
RFS-3, Subunit B	X		57 ac (23 ha)
RFS-4, Subunit A	X		289 ac (117 ha)
RFS-4, Subunit B	X		162 ac (66 ha)
RFS-4, Subunit C	X		2,158 ac (873 ha)
RFS-4, Subunit D	X		272 ac (110 ha)
RFS-5	X		162 ac (66 ha)
RFS-6, Subunit A	X		213 ac (86 ha)
RFS-6, Subunit B	X		162 ac (66 ha)
RFS-7, Subunit A	X		162 ac (66 ha)
RFS-7, Subunit B	X		165 ac (67 ha)
RFS-8, Subunit A	X		110 ac (45 ha)
RFS-8, Subunit B	X		358 ac (145 ha)
RFS-8, Subunit C	X		244 ac (99 ha)
RFS-9, Subunit A	X		162 ac (66 ha)
RFS-9, Subunit B	X		877 ac (355 ha)
Georgia Units			
RFS-10, Subunit A	X		162 ac (66 ha)
RFS-10, Subunit B	X		622 ac (252 ha)

The approximate area of each proposed critical habitat unit for the reticulated flatwoods salamander is shown in table 2. Area estimates reflect

all land within revised proposed critical habitat unit boundaries. Acre and hectare values were individually computer-generated using GIS software,

rounded to nearest whole number, and then summed. Table 3 shows the occupied units for the frosted flatwoods salamander.

TABLE 2. PROPOSED CRITICAL HABITAT UNITS FOR THE RETICULATED FLATWOODS SALAMANDER (RFS). TOTALS MAY NOT MATCH DUE TO ROUNDING.

Subunit	FederalAc (ha)	StateAc (ha)	LocalAc (ha)	PrivateAc (ha)	TotalAc (ha)
Florida Units					
RFS-1		466 ac (186 ha)		221 ac (89 ha)	687 ac (275 ha)
RFS-2, Subunit A				162 ac (66 ha)	162 ac (66 ha)
RFS-2, Subunit B		32 ac (13 ha)		130 ac (53 ha)	162 ac (66 ha)
RFS-3, Subunit A				148 ac (60 ha)	148 ac (60 ha)
RFS-3, Subunit B			25 ac (10 ha)	32 ac (13 ha)	57 ac (23 ha)
RFS-4Subunit A	289 ac (117 ha)				289 ac (117 ha)
RFS-4Subunit B	162 ac (66 ha)				162 ac (66 ha)
RFS-4Subunit C	2,158 ac (873 ha)				2,158 ac (873 ha)
RFS-4Subunit D	272 ac (110 ha)				272 ac (110 ha)
RFS-5		162 ac (66 ha)			162 ac (66 ha)
RFS-6, Subunit A				213 ac (86 ha)	213 ac (86 ha)
RFS-6, Subunit B		162 ac (66 ha)			162 ac (66 ha)
RFS-7, Subunit A				162 ac (66 ha)	162 ac (66 ha)
RFS-7, Subunit B				165 ac (67 ha)	165 ac (67 ha)
RFS-8, Subunit A				110 ac (45 ha)	110 ac (45 ha)
RFS-8, Subunit B				358 ac (145 ha)	358 ac (145 ha)
RFS-8, Subunit C				244 ac (99 ha)	244 ac (99 ha)
RFS-9, Subunit A				162 ac (66 ha)	162 ac (66 ha)
RFS-9, Subunit B				877 ac (355 ha)	877 ac (355 ha)
Georgia Units					
RFS-10, Subunit A		162 ac (66 ha)			162 ac (66 ha)
RFS-10, Subunit B				622 ac (252 ha)	622 ac (252 ha)
Total	2,881 ac (1,166 ha)	984 ac (397 ha)	25 ac (10 ha)	3,606 ac (1,462 ha)	7,496 ac (3,035 ha)

TABLE 3. OCCUPANCY OF FROSTED FLATWOODS SALAMANDER BY PROPOSED CRITICAL HABITAT UNIT.

Unit	Occupied at Time of Listing	Currently Occupied (but not known to be occupied at the time of listing)	Size of Unit in Acres (Hectares)
Florida Units			
FFS-1, Subunit A	X		2,285 ac (925 ha)
FFS-1, Subunit B	X		733 ac (296 ha)
FFS-1, Subunit C	X		972 ac (393 ha)
FFS-1, Subunit D	X		568 ac (230 ha)
FFS-1, Subunit E	X		3,679 ac (1,489 ha)
FFS-1, Subunit F	X		162 ac (66 ha)
FFS-1, Subunit G	X		5,373 ac (2,175 ha)

TABLE 3. OCCUPANCY OF FROSTED FLATWOODS SALAMANDER BY PROPOSED CRITICAL HABITAT UNIT.—Continued

Unit	Occupied at Time of Listing	Currently Occupied (but not known to be occupied at the time of listing)	Size of Unit in Acres (Hectares)
FFS-1, Subunit H		X	887 ac (359 ha)
FFS-1, Subunit I		X	162 ac (66 ha)
FFS-1, Subunit J	X		593 ac (240 ha)
FFS-2	X		162 ac (66 ha)
FFS-3, Subunit A	X		3,078 ac (1,245 ha)
FFS-3, Subunit B	X		1,804 ac (730 ha)
FFS-3, Subunit C	X		163 ac (66 ha)
FFS-4, Subunit A	X		550 ac (223 ha)
FFS-4, Subunit B	X		162 ac (66 ha)
South Carolina Units			
FFS-5, Subunit A	X		154 ac (63 ha)
FFS-5, Subunit B	X		183 ac (74 ha)
FFS-6	X		1,300 ac (526 ha)
FFS-7	X		162 ac (66 ha)

The approximate area of each proposed critical habitat unit for the frosted flatwoods salamander is shown in table 4. Area estimates reflect all land

within revised proposed critical habitat unit boundaries. Acre and hectare values were individually computer-generated using GIS software, rounded

to nearest whole number, and then summed.

TABLE 4. PROPOSED CRITICAL HABITAT UNITS FOR THE FROSTED FLATWOODS SALAMANDER (FFS). TOTALS MAY NOT MATCH DUE TO ROUNDING.

Subunit	Federal ac (ha)	State ac (ha)	Local ac (ha)	Private ac (ha)	Total ac (ha)
Florida Units					
FFS-1, Subunit A	1,976 ac (800 ha)			309 ac (125 ha)	2,285 ac (925 ha)
FFS-1, Subunit B	695 ac (281 ha)			38 ac (15 ha)	733 ac (296 ha)
FFS-1, Subunit C	972 ac (393 ha)				972 ac (393 ha)
FFS-1, Subunit D	568 ac (230 ha)				568 ac (230 ha)
FFS-1, Subunit E	3,473 ac (1,406 ha)			206 ac (83 ha)	3,679 ac (1,489 ha)
FFS-1, Subunit F	162 ac (66 ha)				162 ac (66 ha)
FFS-1, Subunit G	5,277 ac (2,136 ha)			96 ac (39 ha)	5,373 ac (2,175 ha)
FFS-1, Subunit H	861 ac (348 ha)	22 ac (9 ha)		4 ac (2 ha)	887 ac (359 ha)
FFS-1, Subunit I	162 ac (66 ha)				162 ac (66 ha)
FFS-1, Subunit J	593 ac (240 ha)				593 ac (240 ha)
FFS-2		162 ac (66 ha)			162 ac (66 ha)
FFS-3, Subunit A	1,456 ac (589 ha)			1,622 ac (656 ha)	3,078 ac (1,245 ha)
FFS-3, Subunit B	593 ac (240 ha)			1,211 ac (490 ha)	1,804 ac (730 ha)

TABLE 4. PROPOSED CRITICAL HABITAT UNITS FOR THE FROSTED FLATWOODS SALAMANDER (FFS). TOTALS MAY NOT MATCH DUE TO ROUNDING.—Continued

Subunit	Federal ac (ha)	State ac (ha)	Local ac (ha)	Private ac (ha)	Total ac (ha)
Florida Units					
FFS-3, Subunit C		85 ac (34 ha)		78 ac (32 ha)	163 ac (66 ha)
FFS-4, Subunit A	550 ac (223 ha)				550 ac (223 ha)
FFS-4, Subunit B				162 ac (66 ha)	162 ac (66 ha)
South Carolina Units					
FFS-5, Subunit A				154 ac (62 ha)	154 ac (62 ha)
FFS-5, Subunit B				183 ac (74 ha)	183 ac (74 ha)
FFS-6	1,176 ac (476 ha)			124 ac (50 ha)	1,300 ac (526 ha)
FFS-7		162 ac (66 ha)		0.32 ac (0.13 ha)	162 ac (66 ha)
Total	18,514 ac (7,494 ha)	431 ac (175 ha)	0 ac (0 ha)	4,187 ac (1,694 ha)	23,132 ac (9,363 ha)

We present brief descriptions of all units and reasons why they meet the definition of critical habitat for the reticulated flatwoods salamander and the frosted flatwoods salamander below. Unit descriptions are presented separately by species. All threats apply equally to all PCEs in each unit description.

Reticulated Flatwoods Salamander (RFS)

Unit RFS-1

Unit RFS-1 encompasses 687 ac (278 ha). Within this unit, 466 ac (189 ha) consist of State land in the Garcon Point Water Management Area managed by the Northwest Florida Water Management District (NWFLWMD) and in the Yellow River Marsh State Buffer Preserve (YRMSBP); 221 ac (89 ha) are in private ownership. Unit RFS-1 is bisected by Hwy. 191 and occurs within an extensive wet prairie. Since the majority of this unit occupied at the time of listing is owned by NWFLWMD and YRMSBP, it is likely protected from most agricultural and urban development. Threats to reticulated flatwoods salamander habitat that may require special management of the PCEs include potential fire suppression and potential hydrologic changes resulting from the adjacent highway that could alter the ecological functioning of the breeding pond and surrounding terrestrial habitat. Ditches associated with highways can drain water from a site and result in ponds with shorter hydroperiods and drier terrestrial habitat. Alternatively, ditches can connect isolated wetlands with permanent water sites that increase the

hydroperiod of ponds and facilitate the introduction of predaceous fish into breeding ponds. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-2

Unit RFS-2 is comprised of two subunits encompassing 324 ac (131 ha) in Santa Rosa County, Florida. Within this unit, which was occupied at the time of listing, there are 32 ac (13 ha) on State land managed by NWFLWMD and 292 ac (118 ha) are in private ownership.

Subunit A

Unit RFS-2, Subunit A encompasses 162 ac (66 ha) on private land in Santa Rosa County, Florida. This subunit is located northeast of Milton, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include agricultural and urban development, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, potential hydrological alterations to the habitat, and the potential for fire suppression. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-2, Subunit B encompasses 162 ac (66 ha) in Santa Rosa County, Florida. Within this unit, there are 32 ac (13 ha) on State land managed by NWFLWMD and 130 ac (53 ha) on

private land. This subunit is located south of Interstate 10 and near the Santa Rosa-Okaloosa County border. A small county road bisects the unit and a power line crosses the eastern edge of the breeding pond. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from the road and power line that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. Agricultural and urban development are potential threats on the lands in private ownership. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-3

Unit RFS-3 is comprised of two subunits encompassing 205 ac (83 ha) in Santa Rosa County, Florida. Within this unit, which was known to be occupied at the time of listing, 180 ac (73 ha) are on private land and 25 ac (10 ha) are on property owned by the Santa Rosa County School Board.

Subunit A

Unit RFS-3, Subunit A encompasses 148 ac (60 ha) on private land in Santa Rosa County, Florida. This subunit is located near a rapidly developing section of Federal Hwy. 98 between Navarre and Gulf Breeze, Florida. Threats to the reticulated flatwoods

salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from the highway that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and potential habitat destruction due to urban and commercial development nearby. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-3, Subunit B encompasses 57 ac (23 ha) in Santa Rosa County, Florida. This subunit is located near a rapidly developing section of U.S. Hwy. 98 between Navarre and Gulf Breeze, Florida. Within this subunit, 32 ac (13 ha) are on private land and 25 ac (10 ha) are on property owned by the Santa Rosa County School Board. Threats to the reticulated flatwoods salamander habitat that may require special management of the existing PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to urban and commercial development. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-4

Unit RFS-4 is comprised of four subunits encompassing 2,881 ac (1,166 ha) on Department of Defense lands. Within this unit, which was occupied at the time of listing, 289 ac (167 ha) occur on Whiting Field's Out-Lying Landing Field Holley, 713 ac (289 ha) occur on Hurlburt Field, and 1,880 ac (761 ha) occur on Eglin Air Force Base.

Subunit A

Unit RFS-4, Subunit A encompasses 289 ac (117 ha) on Whiting Field's Out-Lying Landing Field Holley (Holley Field) in Santa Rosa County, Florida. This subunit is located within a rapidly developing area of the county north of U.S. Hwy. 98 and northwest of Navarre, Florida. The U.S. Department of the Navy currently manages Holley Field (see discussion below under Application of Section 4(a)(3) of the Act). Threats to the reticulated flatwoods salamander habitat that may

require special management of the existing PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to urban and commercial development. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-4, Subunit B encompasses 162 ac (66 ha) on Eglin Air Force Base (Eglin) in Santa Rosa County, Florida. This subunit is located northeast of Navarre, Florida. Threats to the reticulated flatwoods salamander habitat that may require special management of the existing PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to the construction of a proposed toll road (see discussion below under Application of Section 4(a)(3) of the Act). All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit C

Unit RFS-4, Subunit C encompasses 2,158 ac (873 ha) in Santa Rosa and Okaloosa Counties, Florida. Within this subunit, 1,446 ac (585 ha) are on Eglin and 712 ac (288 ha) are on Hurlburt Field. The subunit is located just north of U.S. Hwy. 98 and west of Fort Walton Beach, Florida. Threats to the reticulated flatwoods salamander habitat that may require special management of the existing PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to the construction of a proposed toll road (see discussion below under Application of Section 4(a)(3) of the Act). All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit D

Unit RFS-4, Subunit D encompasses 272 ac (110 ha) in Okaloosa County, Florida. This subunit is located on Eglin AFB northwest of Fort Walton Beach, Florida. Threats to the reticulated flatwoods salamander habitat that may require special management of the existing PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to the construction of a proposed toll road (see discussion below under Application of Section 4(a)(3) of the Act). All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-5

Unit RFS-5 encompasses 162 ac (66 ha) on the Point Washington State Forest (managed by the State of Florida's Division of Forestry), Walton County, Florida. Since the lands located in this unit, which was known to be occupied at the time of listing, are owned by the State of Florida, they are likely protected from direct agricultural and urban development; however, threats remain to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs. They include the potential for fire suppression and potential detrimental alterations in forestry practices that could destroy the below-ground soil structure. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-6

Unit RFS-6 is composed of two subunits encompassing 375 ac (152 ha) in Walton and Washington Counties, Florida. Within this unit (which was occupied at the time of listing), 213 ac (86 ha) are on private land in Walton County, Florida, and 162 ac (66 ha) are located on Pine Log State Forest (managed by the State of Florida's Division of Forestry) in Washington County, Florida.

Subunit A

Unit RFS-6, Subunit A encompasses 213 ac (86 ha) on private land in Walton County, Florida. This subunit is bisected by State Hwy. 81 near Bruce, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire

suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to urban and commercial development. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-6, Subunit B encompasses 162 ac (66 ha) on Pine Log State Forest (managed by the State of Florida's Division of Forestry) in Washington County, Florida. Since the lands located within this subunit are owned by the State of Florida, they are likely protected from direct agricultural and urban development; however, threats remain to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs. They include the potential for fire suppression and potential detrimental alterations in forestry practices that could destroy the below-ground soil structure. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-7

Unit RFS-7, which was occupied at the time of listing, is comprised of two subunits encompassing 327 ac (132 ha) on private land in Holmes and Washington Counties, Florida.

Subunit A

Unit RFS-7, Subunit A encompasses 162 ac (66 ha) on private land in Holmes County, Florida. This subunit is located approximately 2 mi (3.2 km) east of State Hwy. 79 and approximately 5.5 mi (8.8 km) north of Bonifay, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-7, Subunit B encompasses 165 ac (67 ha) on private land in Washington County, Florida. This subunit is located less than a mile (1.6 km) northwest of State Hwy. 79 and approximately 4 mi (6.4 km) west of Vernon, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-8

Unit RFS-8, which was occupied at the time of listing, is composed of three subunits encompassing 712 ac (288 ha) on private land in Jackson County, Florida.

Subunit A

Unit RFS-8, Subunit A encompasses 110 ac (45 ha) on private land in western Jackson County, Florida near the Jackson-Washington County line. This subunit is located just south of U.S. Hwy. 90 and west of State Hwy. 231 approximately 10 mi (16 km) west of Marianna, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-8, Subunit B encompasses 358 ac (145 ha) on private land in Jackson County, Florida. This subunit is located just east of State Hwy. 71 and south of U.S. Hwy. 90, between Old Spanish Trail and the CSX railroad. This locality is approximately 4 mi (6.4 km) southeast of Marianna, Florida.

Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit C

Unit RFS-8, Subunit C encompasses 244 ac (99 ha) on private land in Jackson County, Florida. This currently occupied subunit is bisected by State Hwy. 275 south of Interstate 10 near Wolf Slough. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-9

Unit RFS-9, which was occupied at the time of listing, is comprised of two subunits encompassing 1,039 ac (421 ha) on private land in Calhoun County, Florida.

Subunit A

Unit RFS-9, Subunit A encompasses 162 ac (66 ha) on private land in Calhoun County, Florida. This subunit is bisected by an unnamed road near Broad Branch, is approximately 2.5 mi (4 km) west of State Hwy. 73, and is approximately 4 mi (6.4 km) west of Kinard, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry

practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-9, Subunit B encompasses 877 ac (355 ha) on private land in Calhoun County, Florida. This subunit is bisected by an unnamed road running east of and parallel to State Hwy. 71, and is located approximately 13 mi (20.8 km) south of Scotts Ferry, Florida. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Unit RFS-10

Unit RFS-10, which was occupied at the time of listing, is comprised of two subunits encompassing 784 ac (317 ha) in Baker and Miller counties, Georgia. Within RFS-10, 162 ac (66 ha) are located on Mayhaw Wildlife Management Area (managed by the State of Georgia) in Miller County, Georgia, and 622 ac (252 ha) are located on private land adjacent to, and running south of, State Highway 200 in southwestern Baker County, Georgia.

Subunit A

Unit RFS-10, Subunit A encompasses 162 ac (66 ha) on Mayhaw Wildlife Management Area (managed by the State of Georgia) in Miller County, Georgia. Since this subunit is owned by the State of Georgia, it is likely protected from most agricultural and urban development (Ozier 2008). Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential detrimental

alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Subunit B

Unit RFS-10, Subunit B encompasses 622 ac (252 ha) on private land adjacent to, and south of, State Highway 200 in southwestern Baker County, Georgia. Threats to the reticulated flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple reticulated flatwoods salamander life processes.

Frosted Flatwoods Salamander (FFS)

Unit FFS-1

Unit FFS-1 is comprised of 10 subunits in Liberty and Franklin Counties, Florida. These subunits are comprised primarily of U. S. Forest Service land lying within the Apalachicola National Forest. The combined acreage of these subunits is 15,414 ac (6,238 ha). Of these acres, 14,614 ac (5,914 ha) are on the Apalachicola National Forest, 22 ac (9 ha) are under State management, and 778 ac (315 ha) are in private ownership. Subunits A through G and subunit J (14,365 ac (5,813 ha)) were occupied at the time of listing and are currently occupied; subunits H and I (1,049 ac (425 ha)) were not occupied at the time of listing, but are currently occupied.

Subunit A

Unit FFS-1, Subunit A encompasses 2,285 ac (925 ha). Within this subunit, 1,976 ac (800 ha) are in the Apalachicola National Forest and 309 ac (125 ha) are in private ownership. Lands within this subunit owned by the U.S. Forest Service are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special

management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit B

Unit FFS-1, Subunit B encompasses 733 ac (296 ha). Within this subunit, 695 ac (281 ha) are in the Apalachicola National Forest and 38 ac (15 ha) are in private ownership. Lands within this subunit owned by the U.S. Forest Service are protected from direct agricultural and urban development (Griep 2008); however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit C

Unit FFS-1, Subunit C encompasses 972 ac (393 ha). All of this subunit is within the Apalachicola National Forest. Lands within this subunit are owned by the U.S. Forest Service and are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit D

Unit FFS-1, Subunit D encompasses 568 ac (230 ha). All of this subunit is within the Apalachicola National Forest. Lands within this subunit are owned by the U.S. Forest Service and are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit E

Unit FFS-1, Subunit E encompasses 3,679 ac (1,489 ha). Within this subunit, 3,473 ac (1,406 ha) are in the Apalachicola National Forest and 206 ac (83 ha) are in private ownership. Lands within this subunit owned by the U.S. Forest Service are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, as well as agricultural and urban development. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit F

Unit FFS-1, Subunit F encompasses 162 ac (66 ha). All of this subunit is within the Apalachicola National Forest. Lands within this subunit are owned by the U.S. Forest Service and are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire

suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit G

Unit FFS-1, Subunit G encompasses 5,373 ac (2,175 ha). Within this subunit, 5,277 ac (2,136 ha) are in the Apalachicola National Forest and 96 ac (39 ha) are in private ownership. Lands within this subunit owned by the U.S. Forest Service are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, as well as agricultural and urban development. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit H

Unit FFS-1, Subunit H encompasses 887 ac (359 ha). Within this subunit, 861 ac (348 ha) are in the Apalachicola National Forest, 22 ac (9 ha) are under State management, and 4 ac (2 ha) are in private ownership. This subunit was not occupied at the time of listing, but is currently occupied. The currently occupied habitat of the flatwoods salamander is highly localized and fragmented. Flatwoods salamanders are particularly susceptible to drought, as breeding cannot occur if breeding ponds do not receive adequate rainfall. These small populations are at a high risk of extinction due to stochastic events such as drought, and human-induced threats such as urban-agricultural development and habitat degradation due to fire suppression and hydrological alterations. Thus, to ensure the persistence and conservation of this species throughout its current geographic and ecological distribution despite fluctuations in the status of subpopulations, we have determined that this subunit, not occupied at the time of listing, is essential for the

conservation of the species. Lands within this subunit owned by the U.S. Forest Service are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, as well as agricultural and urban development. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit I

Unit FFS-1, Subunit I encompasses 162 ac (66 ha) within the Apalachicola National Forest. This subunit was not occupied at the time of listing, but is currently occupied. The currently occupied habitat of the flatwoods salamander is highly localized and fragmented. Flatwoods salamanders are particularly susceptible to drought, as breeding cannot occur if breeding ponds do not receive adequate rainfall. These small populations are at a high risk of extinction due to stochastic events such as drought, and human-induced threats such as urban-agricultural development and habitat degradation due to fire suppression and hydrological alterations. Thus, to ensure the persistence and conservation of this species throughout its current geographic and ecological distribution despite fluctuations in the status of subpopulations, we have determined that this subunit, is essential for the conservation of the species. Lands within this subunit are owned by the U.S. Forest Service and are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, as well as agricultural and urban development. All lands proposed for designation contain all PCEs and

support multiple frosted flatwoods salamander life processes.

Subunit J

Unit FFS-1, Subunit J encompasses 593 ac (240 ha). All of this subunit is within the Apalachicola National Forest. Lands within this subunit are owned by the U.S. Forest Service and are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Unit FFS-2

Unit FFS-2, which was occupied at the time of listing, encompasses 162 ac (66 ha) on Tate's Hell State Forest (managed by the State of Florida's Division of Forestry) in Franklin County, Florida. Since this subunit is owned by the State of Florida, it is likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. They include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Unit FFS-3

Unit FFS-3, which was occupied at the time of listing, is comprised of three subunits encompassing 5,045 ac (2,042 ha) in Jefferson and Wakulla Counties, Florida. Within this unit, 2,049 ac (829 ha) are on St. Marks National Wildlife Refuge (NWR) (managed by the Service), 85 ac (34 ha) are in the Aucilla Wildlife Management Area managed by the State of Florida, and 2,911 ac (1,178 ha) are in private ownership.

Subunit A

Unit FFS-3, Subunit A encompasses 3,078 ac (1,245 ha) on Federal and private land in Wakulla County, Florida. This subunit is located south of U.S. Hwy. 98 and southeast of the town of Newport, Florida. Within this subunit, 1,456 ac (589 ha) are in the St. Marks NWR and 1,622 ac (656 ha) are in private ownership. Portions of this subunit that are within Federal ownership are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. Special management is needed to address the threats of agricultural and urban development on portions of the unit within private ownership. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit B

Unit FFS-3, Subunit B encompasses 1,804 ac (730 ha) on Federal and private land. This subunit is located south of U.S. Hwy. 98 in southeastern Wakulla and southwestern Jefferson counties. Within this subunit, 593 ac (240 ha) are in the St. Marks NWR and 1,211 ac (490 ha) are in private ownership. Portions of this subunit that are within Federal ownership are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. Special management is needed to address the threats of agricultural and urban development on portions of the

unit within private ownership. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit C

Unit FFS-3, Subunit C encompasses 163 ac (66 ha) in Jefferson County, Florida. Within this subunit, 85 ac (34 ha) are in the Aucilla Wildlife Management Area managed by the State of Florida and 78 ac (32 ha) are in private ownership. This subunit is bisected by State Hwy. 59, 5.3 mi (8.4 km) north of U.S. Hwy. 98, and approximately 2 mi (3.2 km) east of the Jefferson-Wakulla County line. Portions of this subunit that are within State ownership are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. Special management is needed to address the threats of agricultural and urban development on portions of the unit within private ownership. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Unit FFS-4

Unit FFS-4 is comprised of two subunits encompassing 712 ac (288 ha) in Baker County, Florida. Within this unit, which was occupied at the time of listing, 550 ac (223 ha) are on Osceola NF and 162 ac (66 ha) are in private ownership.

Subunit A

Unit FFS-4, Subunit A encompasses 550 ac (223 ha) on the Osceola National Forest in Baker County, Florida. This subunit is located adjacent and south of Interstate 10 in the southwestern corner of Baker County between State Highways 250 and 229. Portions of this subunit within Federal ownership are likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. This subunit requires special management to address threats

including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit B

Unit FFS-4, Subunit B encompasses 162 ac (66 ha) on private land in Baker County, Florida. This subunit occurs approximately 2 mi (3.2 km) south of State Hwy. 229 and 3.5 mi (5.6 km) north of Interstate 10. This subunit requires special management to address threats including the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, as well as agricultural and urban development. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Unit FFS-5

Unit FFS-5 is comprised of two subunits encompassing 337 ac (136 ha) on privately owned land in Jasper County, South Carolina. Both subunits were occupied at the time of listing and are currently occupied.

Subunit A

Unit FFS-5, Subunit A encompasses 154 ac (62 ha) on private land in Jasper County, South Carolina. This subunit is bisected by State Hwy. 46 and occurs near a rapidly developing area of Jasper County. Within this subunit, threats to the frosted flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential

expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to urban and commercial development. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Subunit B

Unit FFS-5, Subunit B encompasses 183 ac (74 ha) on private land in Jasper County, South Carolina. This subunit is bisected by a county road, approximately 1 mi (1.6 km) west of U.S. Hwy. 321, northwest of Hardeeville, South Carolina. Within this subunit, threats to the frosted flatwoods salamander and its habitat that may require special management of the PCEs include the potential for fire suppression, potential expansion of agriculture and residential development into the unit, potential detrimental alterations in forestry practices that could destroy the below-ground soils structure, potential hydrologic changes resulting from adjacent roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat, and future habitat destruction due to urban and commercial development. In addition, run-off from highways can introduce toxic chemicals into breeding sites. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Unit FFS-6

Unit FFS-6, occupied at the time of listing, encompasses 1,300 ac (526 ha) on Federal and private land in Berkeley County, South Carolina. This unit is bisected by State Highway 41 approximately 10 mi (16 km) south of the town of Huger. Within this unit, 1,176 ac (476 ha) are in the Francis Marion National Forest and 124 ac (50 ha) are on private land. Land within this subunit owned by the U.S. Forest

Service is protected from agricultural and urban development; however, threats remain to frosted flatwoods salamander habitat that may require special management of the PCEs. These threats include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecological functioning of the breeding pond and surrounding terrestrial habitat. Special management of the PCEs may also be required for the threats posed by agricultural and urban development on the lands in private ownership. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Unit FFS-7

Unit FFS-7 encompasses 162 ac (66 ha) on the Santee Coastal Reserve (managed by the State of South Carolina) in Charleston County, South Carolina. Approximately 0.32 ac (0.13 ha) on private land are also included within this unit. Since most of this unit, which was occupied at the time of listing, is owned by the State of South Carolina, it is likely protected from direct agricultural and urban development; however, threats remain to the frosted flatwoods salamander and its habitat that may require special management of the PCEs. They include the potential for fire suppression, potential detrimental alterations in forestry practices that could destroy the below-ground soil structure, and potential hydrologic changes resulting from adjacent highways and roads that could alter the ecology of the breeding pond and surrounding terrestrial habitat. All lands proposed for designation contain all PCEs and support multiple frosted flatwoods salamander life processes.

Table 5 below provides approximate areas (ac, ha) of lands that meet the definition of critical habitat but that we are exempting from the proposed critical habitat rule. Table 5 also provides our reasons for the exemptions.

TABLE 5. EXEMPTIONS FROM CRITICAL HABITAT.

State	Specific Area: Reason for Exemption	Areas Meeting the Definition of Critical Habitat in Acres (ac) (Hectares (ha))	Areas Exempted ac (ha)
Georgia	Fort Stewart Military Installation: Section 4(a)(3)	5,121 ac (0 ha)	5,121 ac (2,072 ha)

TABLE 5. EXEMPTIONS FROM CRITICAL HABITAT.—Continued

State	Specific Area: Reason for Exemption	Areas Meeting the Definition of Critical Habitat in Acres (ac) (Hectares (ha))	Areas Exempted ac (ha)
Georgia	Townsend Bombing Range: Section 4(a)(3)	162 ac (0 ha)	162 ac (66 ha)

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify designated critical habitat. Decisions by the 5th and 9th Circuit Courts of Appeals have invalidated our definition of "destruction or adverse modification" (50 CFR 402.02) (see *Gifford Pinchot Task Force v. U.S. Fish and Wildlife Service*, 378 F. 3d 1059 (9th Cir 2004) and *Sierra Club v. U.S. Fish and Wildlife Service et al.*, 245 F.3d 434, 442F (5th Cir 2001)), and we do not rely on this regulatory definition when analyzing whether an action is likely to destroy or adversely modify critical habitat. Under the statutory provisions of the Act, we determine destruction or adverse modification on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would remain functional to serve its intended conservation role for the species.

Under section 7(a)(2) of the Act, if a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. As a result of this consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

- (1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or
- (2) A biological opinion for Federal actions that are likely to adversely affect listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable. We define "Reasonable and prudent alternatives" at 50 CFR 402.02 as alternative actions identified during consultation that:

- Can be implemented in a manner consistent with the intended purpose of the action,
- Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,
- Are economically and technologically feasible, and
- Would, in the Director's opinion, avoid jeopardizing the continued existence of the listed species or destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinstate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies may sometimes need to request reinstatement of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

Federal activities that may affect the frosted flatwoods or reticulated flatwoods salamanders or their designated critical habitat will require section 7(a)(2) consultation under the Act. Activities on State, Tribal, local or private lands requiring a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from us under section 10(a)(1)(B) of the Act) or involving some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency) are examples of agency actions that may be subject to the section 7(a)(2) consultation process. Federal actions

not affecting listed species or critical habitat, and actions on State, Tribal, local or private lands that are not federally funded, authorized, or permitted, do not require section 7(a)(2) consultations.

Application of the "Adverse Modification" Standard

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species, or would retain its current ability for the primary constituent elements to be functionally established. Activities that may destroy or adversely modify critical habitat are those that alter the physical and biological features to an extent that appreciably reduces the conservation value of critical habitat for the reticulated flatwoods salamander and the frosted flatwoods salamander. Generally, the conservation role of reticulated flatwoods salamander and frosted flatwoods salamander critical habitat units is to support viable core areas for the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation.

Activities that, when carried out, funded, or authorized by a Federal agency, may affect critical habitat and therefore should result in consultation for the reticulated flatwoods salamander and the frosted flatwoods salamander include, but are not limited to:

- (1) Actions that would significantly alter water chemistry in reticulated flatwoods salamander or frosted flatwoods salamander breeding ponds. Such activities could include, but are not limited to, the release of chemicals, biological pollutants, or sedimentation into the surface water or connected groundwater at a point source or by dispersed release (non-point source) via road construction, urban and agricultural development, ditching, timber harvest, off-road vehicle use, and other watershed disturbances. These

activities could alter the condition of the water beyond the tolerances of the reticulated flatwoods salamander and frosted flatwoods salamander and their respective food bases, resulting in direct or cumulative adverse effects to individuals and their life cycles.

(2) Actions that would significantly alter the hydroperiod and vegetation of a reticulated flatwoods salamander or a frosted flatwoods salamander breeding pond. Such activities could include, but are not limited to, road construction; urban and agricultural development; dredging, ditching, or filling ponds; fire suppression; and timber harvesting and replanting. These activities could alter the hydrologic timing, duration, or water flows of a pond basin, as well as alter the constituent vegetation. They could also increase the connectivity of breeding ponds to more permanent waters, which would allow the invasion of predatory fish. As a result, the habitat necessary for reticulated flatwoods salamander or frosted flatwoods salamander reproduction and the growth and development of eggs and juvenile salamanders would be reduced or eliminated.

(3) Actions that would significantly alter the terrestrial forested habitat of the reticulated flatwoods salamander or the frosted flatwoods salamander. Such activities could include, but are not limited to, road construction, urban and agricultural development, dredging, ditching, fire suppression, and timber harvesting and replanting. These activities may lead to changes in soil moisture, soil below-ground structure, soil temperatures, and vegetation that would degrade or eliminate the terrestrial habitat of the reticulated flatwoods salamander or frosted flatwoods salamander.

Please see "Special Management Considerations or Protection" section for a more detailed discussion on the impacts of these actions to the listed species.

Exemptions and Exclusions

Application of Section 4(a)(3) of the Act

The Sikes Act Improvement Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete an integrated natural resource management plan (INRMP) by November 17, 2001. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Each INRMP includes:

- An assessment of the ecological needs on the installation, including the need to provide for the conservation of listed species;
- A statement of goals and priorities;
- A detailed description of management actions to be implemented to provide for these ecological needs; and
- A monitoring and adaptive management plan.

Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136) amended the Act to limit areas eligible for designation as critical habitat. Specifically, section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) now provides: "The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation."

We consult with the military on the development and implementation of INRMPs for installations with listed species. The Service reviewed each of the INRMPs described below prior to their finalization and has provided input into strategies for monitoring and management of endangered species including the reticulated flatwoods salamander and frosted flatwoods salamander. Each military facility has been conducting surveys and habitat management to benefit the reticulated flatwoods salamander or the frosted flatwoods salamander and reporting the results of their efforts to the Service. Cooperation between the military facilities and the Service on specific conservation measures continues. INRMPs developed by military installations located within the range of the proposed critical habitat designation for the reticulated flatwoods salamander and the frosted flatwoods salamander were analyzed for exemption under the authority of 4(a)(3) of the Act.

Approved INRMPs

Whiting Field's Out-Lying Landing Field Holley (Holley Field)

Holley Field is located in Unit RFS-4, Subunit A (Santa Rosa County, Florida, and has approximately 289 ac (117 ha) of habitat with features essential to the conservation of the reticulated flatwoods salamander. In 2006, the U.S. Department of the Navy (DoN) drafted a revision of its 2001 INRMP for Naval Air Station Whiting Field Complex, of which Holley Field is a part (DoN 2006, pp. 5-68, 5-70, 5-73, 5-76, 5-77, 6-22, 6-23, A-16). The revised INRMP outlines management for the next 10 years (2007-2016). We have examined this document and determined that it does provide conservation measures for the reticulated flatwoods salamander, as well as for the management of important wetland and upland habitats at Holley Field. The area of Holley Field where reticulated flatwoods salamander habitat is located has been designated as a Protected Area. The INRMP outlines a Special Management Initiative for the reticulated flatwoods salamander, which includes a prescribed burning program, strategies to identify salamander distribution and habitat, control of invasive species, enforcement of restrictions on off-road vehicle use, and forest management consistent with recommendations in the final listing rule (64 FR 15691; April 1, 1999). However, Holley Field is no longer used for military training, and the property is being considered for transfer from Department of Defense ownership.

Based on the above considerations, and consistent with the direction provided in section 4(a)(3)(B)(i) of the Act, we have determined that even though measures outlined in the INRMP have the potential to provide benefits to the reticulated flatwoods salamander and the features essential to the species' conservation occurring on Holley Field, the continued implementation of this INRMP is not assured and therefore the INRMP does not provide a conservation benefit overall. As a result, approximately 290 ac (117 ha) of habitat with features essential to the conservation of the reticulated flatwoods salamander within Holley Field are not exempt from this proposed designation of critical habitat for the reticulated flatwoods salamander under section 4(a)(3) of the Act. These lands meet the definition of critical habitat for the reticulated flatwoods salamander and are being proposed as critical habitat. However, we are specifically soliciting public comment on the possible exclusion of Unit RFS 4,

Subunit A from critical habitat in the final designation. We are seeking comments from the public on all the exclusions we are proposing.

Hurlburt Field

Hurlburt Field is located in Unit RFS 4, Subunit C (Okaloosa County, Florida) and has approximately 1,103 ac (446 ha) of habitat with features essential to the conservation of the reticulated flatwoods salamander. The U.S. Department of Defense—Air Force completed an INRMP for Hurlburt Field in 2001 (DoD 2001, pp. 37, 40, 51). The INRMP covers a period of 10 years. We have examined this document and determined that it does outline conservation measures for the reticulated flatwoods salamander, as well as for the management of important wetland and upland habitats at Hurlburt Field. The INRMP outlines goals and objectives for the reticulated flatwoods salamander and its habitat that include a prescribed burning program, strategies to identify and monitor salamander distribution and habitat, control of invasive species, and forest management consistent with recommendations in the final listing rule (64 FR 15691; April 1, 1999). However, it has come to our attention that a road has been proposed that would impact habitat with features essential to the conservation of the reticulated flatwoods salamander on Hurlburt Field (Mittiga 2007). The INRMP provides no assurance that this road will not be built.

Based on the above considerations, and consistent with the direction provided in section 4(a)(3)(B)(i) of the Act, we have determined that the INRMP will not provide a benefit to the reticulated flatwoods salamander overall. The INRMP does not provide protection for the reticulated flatwoods salamander from habitat destruction or degradation as evidenced by the road planned to traverse known habitat. Construction of this road will result in the destruction of habitat with features essential to conservation of the reticulated flatwoods salamander. Therefore, approximately 1,103 ac (446 ha) of habitat with features essential to the conservation of the reticulated flatwoods salamander within Hurlburt Field are not exempt from this proposed designation of critical habitat for the reticulated flatwoods salamander under section 4(a)(3) of the Act. These lands meet the definition of critical habitat for the reticulated flatwoods salamander and are being proposed as critical habitat. However, we are specifically soliciting public comment on the possible exclusion of this unit from critical habitat in the final designation.

We are seeking comments from the public on all the exclusions we are proposing.

Eglin Air Force Base (Eglin)

Eglin Air Force Base is located in Unit RFS-4, Unit B (Santa Rosa and Okaloosa Counties, Florida), and has approximately 3,191 ac (1,291 ha) of habitat with features essential to the conservation of the reticulated flatwoods salamander. The Department of Defense completed the update of its INRMP for Eglin in 2007 (DoD 2007, pp. 124-126, 181). This INRMP covers a period of 4 years from 2007 through 2011. A separate threatened and endangered species component plan has been written and contains specific monitoring and management actions for the reticulated flatwoods salamander (DoD 2006, pp. 53-64, 240-242). The INRMP and component plan outline a management direction for the reticulated flatwoods salamander that includes a prescribed burning program, strategies to identify and monitor salamander distribution and habitat, control of invasive species, and forest management consistent with recommendations in the final listing rule (64 FR 15691; April 1, 1999). It has come to our attention (Arnold 2007) that a road has been proposed which will cross Eglin within the habitat with features essential to the conservation of the reticulated flatwoods salamander. Neither the INRMP nor recent correspondence with Eglin AFB provide assurance that this road will not be built, nor that its construction will meet the goal set forth in the INRMP to protect populations of flatwoods salamander located on the base.

Based on the above considerations, and consistent with the direction provided in section 4(a)(3)(B)(i) of the Act, we have determined that the INRMP will not provide a benefit to the reticulated flatwoods salamander overall. The INRMP does not provide protection for the reticulated flatwoods salamander from habitat destruction or degradation as evidenced by the road planned to traverse known habitat. Construction of this road will result in the destruction of habitat with features essential to the conservation of the reticulated flatwoods salamander. Therefore, approximately 3,191 ac (1,291 ha) of habitat with features essential to the conservation of the reticulated flatwoods salamander within Eglin are not exempt from this proposed designation of critical habitat for the reticulated flatwoods salamander under section 4(a)(3) of the Act. These lands meet the definition of critical habitat for the reticulated flatwoods salamander

and are being proposed as critical habitat. However, we are specifically soliciting public comment on the possible exclusion of Unit RFS 4, Subunit B from critical habitat in the final designation. We are seeking comments from the public on all the exclusions we are proposing.

Fort Stewart Military Installation (Fort Stewart)

Fort Stewart, U.S. Army installation, is located in Bryan, Evans, Liberty, Long, and Tattnall Counties, Georgia and has approximately 5,121 ac (2,072 ha) of habitat with features essential to the conservation of the frosted flatwoods salamander. The first INRMP (INRMP I) for Fort Stewart was completed in 2001 and updated in 2005 (DoD 2005, pp. 1, 22, 34, 76-77). Each INRMP covers a period of 5 years with a subsequent review and update every 5 years. Additionally, an annual review of management implementation is conducted and, if necessary, the INRMP is adapted to address needed improvements. The management direction from INRMP I is being continued in the review. We have examined this document and determined that it does provide conservation measures for the frosted flatwoods salamander, as well as for the management of important wetland and upland habitats at Fort Stewart. The INRMP outlines management activities to be conducted for the frosted flatwoods salamander (DoD 2005, p. 22). These include a prescribed burning program, strategies to identify and monitor frosted flatwoods salamander distribution and habitat, control of invasive species, and forest management consistent with recommendations in the final listing rule (64 FR 15691; April 1, 1999). At this time, we know of no proposed projects outside the scope of the INRMP which would threaten the frosted flatwoods salamander or its habitat.

Based on the above considerations, and consistent with the direction provided in section 4(a)(3)(B)(i) of the Act, we have determined that conservation identified in the INRMP will provide benefits to the frosted flatwoods salamander and the features essential to the species' conservation occurring on Fort Stewart Military Installation. In our analyses, we have taken into consideration that the INRMP does not protect the habitat from future destruction or modification associated with development, however, we know of no such potential threat at this time. Therefore, approximately 5,121 ac (2,072 ha) of habitat with features essential to the conservation of the

frosted flatwoods salamander within Fort Stewart Military Installation are exempt from this proposed designation of critical habitat for the frosted flatwoods salamander under section 4(a)(3) of the Act.

Townsend Bombing Range (Townsend)

Townsend is located in McIntosh County, Georgia, and contains approximately 162 ac (66 ha) of habitat with features essential to the conservation of the frosted flatwoods salamander. The property is owned by the U.S. Department of the Navy and the land is managed by Marine Corps Air Station, Beaufort, South Carolina (MCAS Beaufort). The original INRMP written in 2001 for Townsend has been renewed to cover the period November 2006 through October 2011 (DoD 2006, pp. ES-1, ES-2, 1-3, 1-8, 1-9, 1-10, 3-15, 4-4, 4-8, 4-9, 4-10, 4-11, 4-19, 4-20, 4-22, 4-23, 4-27, 4-28, 4-29). We have examined this document and determined that it does provide conservation measures for the frosted flatwoods salamander, as well as for the management of important wetland and upland habitats at Townsend. The INRMP includes activities to maintain or increase the salamander's population on Townsend through improvement of terrestrial habitat through use of prescribed fire and improvement of water quality and hydrologic regime of the breeding ponds. The INRMP provides biological goals and objectives, measures of success, provisions for annual monitoring and adaptive management, and provisions for reporting. The INRMP outlines projects that would benefit the frosted flatwoods salamander including a prescribed burning program, strategies to identify and monitor salamander distribution and habitat, control of invasive species, and forest management consistent with recommendations in the final listing rule (64 FR 15691; April 1, 1999). At this time, we know of no proposed projects outside the scope of the INRMP that would threaten the frosted flatwoods salamander or its habitat.

Based on the above considerations, and in accordance with section 4(a)(3)(B)(i) of the Act, we have determined that conservation efforts identified in the INRMP will provide benefits to the frosted flatwoods salamander and the features essential to the species' conservation occurring in habitats within or adjacent to the Townsend Bombing Range. In our analyses, we have taken into consideration that the INRMP does not protect the habitat from future destruction or modification associated with development, however, we know

of no such potential threat at this time. Therefore, this installation is exempt from critical habitat designation under section 4(a)(3) of the Act. We are not including approximately 162 ac (66 ha) of habitat in this proposed critical habitat designation because of this exemption.

Application of Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary must designate and revise critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the legislative history is clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

Under section 4(b)(2) of the Act, in considering whether to exclude a particular area from the designation, we must identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and determine whether the benefits of exclusion outweigh the benefits of inclusion. If based on this analysis, we make this determination, then we can exclude the area only if such exclusion would not result in the extinction of the species.

In the following sections, we address a number of general issues that are relevant to the exclusions we are considering. In addition, we have prepared a draft economic analysis of the impacts of the proposed critical habitat designation and related factors, which is currently available for public review and comment. Based on public comment on that document, the proposed designation itself, and the information in the final economic analysis, the Secretary may exclude from critical habitat additional areas beyond those identified in this assessment under the provisions of section 4(b)(2) of the Act. This is also addressed in our implementing regulations at 50 CFR 424.19.

Under section 4(b)(2) of the Act, we must consider economic impacts. We also consider a number of factors in a section 4(b)(2) analysis. For example, we consider whether there are lands

owned or managed by the Department of Defense where a national security impact might exist. We also consider whether landowners having proposed critical habitat on their lands have developed any conservation plans for the area, or whether there are conservation partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at any Tribal issues, and consider the government-to-government relationship of the United States with Tribal entities. We also consider any social or other impacts that might occur because of the designation.

Areas Considered For Exclusion Under Section 4(b)(2) of the Act

National Forests

We have evaluated the Forest Management Plans for Francis Marion, Osceola, and Apalachicola National Forests with respect to providing adequate protection and management for the flatwoods salamander. At this time, none of these Plans provide sufficient protection and management to satisfy the criteria necessary for proposed exclusion from critical habitat. However, it is possible that improvements in National Forest management, through amendment to forest plans, development of species-specific management prescriptions, or other management approaches, coupled with assurances of implementation, will enable us to exclude one or more of these National Forests from the final designation of critical habitat. Therefore, we are specifically soliciting public comment on the possible exclusion of the units in these National Forests from critical habitat in the final designation.

We anticipate no impact to national security, Tribal lands, partnerships, or HCPs from this proposed critical habitat designation. Based on the best available information, we believe that all of these units contain the features essential to the species, or are otherwise essential for the conservation of the species. During the development of a final designation, we will be considering economic impacts and additional conservation plans, if available, such that areas may be excluded from the final critical habitat designation under section 4(b)(2).

Economics

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant

impact of specifying any particular area as critical habitat. In compliance with section 4(b)(2) of the Act, we have prepared a draft economic analysis of this proposed designation of critical habitat for the frosted and reticulated flatwoods salamanders.

The draft economic analysis (Industrial Economics 2008) considers the potential economic effects of actions relating to the conservation of the frosted and reticulated flatwoods salamanders, including costs associated with sections 4, 7, and 10 of the Act, and including those attributable to designating critical habitat. It further considers the economic effects of protective measures taken as a result of other Federal, State, and local laws that aid habitat conservation for the frosted and reticulated flatwoods salamanders in essential habitat areas. The draft economic analysis considers both economic efficiency and distributional effects. In the case of habitat conservation, efficiency effects generally reflect the "opportunity costs" associated with the commitment of resources to comply with habitat protection measures (for example, lost economic opportunities associated with restrictions on land use).

The draft economic analysis also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on small entities and the energy industry. This information can be used by decision-makers to assess whether the effects of the designation might unduly burden a particular group or economic sector. Finally, the draft economic analysis considers those costs that may occur in the 20 years following a designation of critical habitat.

Pre-critical-habitat designation (or pre-designation) (1999–2008) costs associated with species conservation activities are estimated at \$2.08 million discounted at 7 percent (Industrial Economics 2008, p. B-4). Potential post-critical-habitat designation (or post-designation) (2009–2028) costs are estimated to range between \$3.88 and \$6.40 million at a 3 percent discount rate and between \$2.49 and \$4.38 million at a 7 percent discount rate (Industrial Economics, p. B-5). In annualized terms, potential post-designation costs are expected to range from \$261,000 to \$430,000 annualized at 3 percent and \$235,000 to \$413,000 annualized at 7 percent (Industrial Economics 2008, p. B-5).

We solicit data and comments from the public on the draft economic analysis, as well as on all aspects of the

proposal to designate critical habitat. We will be conducting an incremental analysis for the final rule, and so we solicit any information on costs that are the result of the difference between application of the jeopardy and adverse modification standards, or other incremental costs. We may revise the proposal, or its supporting documents, to incorporate or address new information received during the comment period. In particular, we may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

Peer Review

In accordance with our joint policy published in the *Federal Register* on July 1, 1994 (59 FR 34270), we are obtaining the expert opinions of at least three appropriate independent specialists regarding this proposed rule. The purpose of peer review is to ensure that our critical habitat designation is based on scientifically sound data, assumptions, and analyses. We have invited these peer reviewers to comment during this public comment period on our specific assumptions and conclusions in this proposed designation of critical habitat.

We will consider all comments and information we receive during this comment period on this proposed rule during our preparation of a final determination. Accordingly, our final decision may differ from this proposal.

Public Hearings

The Act provides for one or more public hearings on this proposal, if we receive any requests for hearings. We must receive your request for a public hearing within 45 days after the date of this *Federal Register* publication. Send your request to the address shown in the **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the *Federal Register* and local newspapers at least 15 days before the first hearing.

Required Determinations

Regulatory Planning and Review (Executive Order 12866)

The Office of Management and Budget (OMB) has determined that this rule is not significant under Executive Order 12866 (E.O. 12866). OMB bases its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency must publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended RFA to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration (SBA), small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; as well as small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule, as well as the types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical

small business firm's business operations.

To determine if the proposed designation of critical habitat for the frosted and reticulated flatwoods salamanders could significantly affect a substantial number of small entities, we considered the number of small entities affected within particular types of economic activities (for example, housing development, grazing, oil and gas production, timber harvesting). We considered each industry or category individually to determine if certification is appropriate. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by the designation of critical habitat. Designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies; non-Federal activities are not affected by the designation. Typically, when proposed critical habitat designations are made final, Federal agencies must consult with us if their activities may affect that designated critical habitat. Consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process.

The draft economic analysis for the frosted and reticulated flatwoods salamanders evaluated the potential for economic impacts related to several categories, including (1) timber management; (2) development; (3) other activities, including road construction, species management, fire management and recreation (Industrial Economics 2008, p. A-2). Based on our analysis, only small business entities that rely on land development are expected to be affected by conservation efforts for the frosted and reticulated flatwoods salamanders. Therefore, the screening analysis focused on incremental impacts to development activities. Six small businesses may be affected with an average high-end potential per business impact of \$46,100 (Industrial Economics, 2008, p. A-6) for both species. Potential high-end incremental impacts per landowner range from \$6,770 in FFS-1 to \$102,000 in RFS-3. Potentially affected developable acres in areas proposed for critical habitat designation are small relative to the total number of developable acres in these counties. Regional businesses that support or are supported by development (such as construction companies, hardware suppliers, or lumberyards) in these counties are not expected to be measurably affected by

salamander conservation (Industrial Economics, p. A-6). In addition, "downstream" impacts are not measurable due to the small proportion of all developable lands that are projected to be impacted by salamander conservation measures (as measured at the county level) (Industrial Economics, p. A-3).

In summary, we have considered whether this proposed designation of critical habitat would result in a significant economic effect on a substantial number of small entities. We have determined, for the above reasons and based on currently available information, that it is not likely to affect a substantial number of small entities. Therefore, we certify that this proposed regulation will not result in a significant economic impact on a substantial number of small business entities. Please refer to our draft economic analysis of this designation for a more detailed discussion of potential economic impacts.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(a) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." These terms are defined in 2 U.S.C. 658(5)-(7). "Federal intergovernmental mandate" includes a regulation that "would impose an enforceable duty upon State, local, or Tribal governments" with two exceptions. It excludes "a condition of Federal assistance." It also excludes "a duty arising from participation in a voluntary Federal program," unless the regulation "relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority," if the provision would "increase the stringency of conditions of assistance" or "place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding," and the State, local, or Tribal governments "lack authority" to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; AFDC work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and

Child Support Enforcement. "Federal private sector mandate" includes a regulation that "would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program."

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(b) We do not believe that this rule will significantly or uniquely affect small governments because it is not likely to produce a Federal mandate of \$100 million or greater in any year, that is, it is not a "significant regulatory action" under the Unfunded Mandates Reform Act. Most lands being proposed for critical habitat designation owned by a government entity are Federal or State properties. In addition, the designation of critical habitat imposes no obligations on State or local governments. Therefore, a Small Government Agency Plan is not required. However, as we conduct our economic analysis, we will further evaluate this issue and revise this assessment if appropriate.

Takings

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the reticulated flatwoods salamander and the frosted flatwoods salamander in a takings implications assessment. The takings implications assessment concludes that this designation of critical habitat for the reticulated flatwoods salamander and the frosted flatwoods salamander does not pose

significant takings implications for lands within or affected by the designation.

Federalism

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of, this proposed critical habitat designation with appropriate State resource agencies in Florida, Georgia, and South Carolina. The designation of critical habitat in areas currently occupied by the reticulated flatwoods salamander and the frosted flatwoods salamander imposes no additional restrictions to those currently in place and, therefore, has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments because the areas that contain the physical and biological features essential to the conservation of the species are more clearly defined, and the PCEs necessary to support the life processes of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist local governments in long-range planning (rather than having them wait for case-by-case section 7 consultations to occur).

Civil Justice Reform

In accordance with E.O. 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the Act. This proposed rule uses standard property descriptions and identifies physical and biological features essential to the conservation of the species within the designated areas to assist the public in understanding the habitat needs of the reticulated flatwoods salamander and the frosted flatwoods salamander.

Paperwork Reduction Act of 1995

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments,

individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (NEPA)

It is our position that, outside the jurisdiction of the United States Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses as defined by NEPA (42 U.S.C. 4321 *et seq.*) in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This assertion was upheld by the Circuit Court of the United States for the Ninth Circuit (*Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the "ADDRESSES" section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Government-to-Government Relationship with Tribes

In accordance with the President's memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments (59 FR 22951), E.O. 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust

Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that there are no tribal lands occupied at the time of listing that contain the features essential for the conservation, and no tribal lands that are essential for the conservation, of the reticulated flatwoods salamander and the frosted flatwoods salamander. Therefore, we have not proposed designation of critical habitat for the reticulated flatwoods salamander and the frosted flatwoods salamander on tribal lands.

Energy Supply, Distribution, or Use

On May 18, 2001, the President issued an Executive Order (E.O. 13211; Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed rule to designate critical habitat for the reticulated flatwoods salamander and frosted flatwoods salamander is a significant regulatory action under E.O. 12866 in that it may raise novel legal and policy issues, we do not expect it to significantly affect energy supplies, distribution, or use. Based on our draft economic analysis (Industrial Economics, Inc. 2008, p. A-8), none of the nine outcomes that may constitute "a significant adverse effect" exist for this proposed rule. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

References Cited

A complete list of all references cited in this rulemaking is available upon request from the Field Supervisor, Ray Aycock, Mississippi Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Author(s)

The primary author of this package is Linda LaClaire of the Mississippi Fish and Wildlife Service Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by removing the entry for "Salamander, flatwoods", and by adding entries for "Salamander, frosted flatwoods" and "Salamander, reticulated flatwoods" in alphabetical order under "AMPHIBIANS," to the List

of Threatened and Endangered Wildlife, to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						

AMPHIBIANS							

Salamander, frosted flatwoods	<i>Ambystoma cingulatum</i>	U.S.A.(FL, GA, SC)	Entire	T	658	17.95 (d)	

Salamander, reticulated flatwoods	<i>Ambystoma bishopi</i>	U.S.A.(FL, GA)	Entire	E		17.95(d)	

3. In § 17.95, amend paragraph (d) by adding entries for "Frosted flatwoods salamander (*Ambystoma cingulatum*)" and "Reticulated flatwoods salamander (*Ambystoma bishopi*)," in the same alphabetical order that the species appears in the table at § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *
(d) Amphibians.
* * * * *

Frosted Flatwoods Salamander (*Ambystoma cingulatum*)

(1) Critical habitat units are depicted for Baker, Franklin, Jefferson, Liberty, and Wakulla Counties in Florida; and Berkeley, Charleston, and Jasper Counties in South Carolina on the maps below.

(2) The primary constituent elements of critical habitat for the frosted flatwoods salamander are:

(i) Breeding habitat. Small (generally <1 to 10 ac (<0.4 to 4.0 ha), acidic, depressional standing bodies of freshwater (wetlands) that:

(A) Are seasonally flooded by rainfall in late fall or early winter and dry in late spring or early summer;

(B) Are geographically isolated from other water bodies;

(C) Occur within pine flatwoods-savanna communities;

(D) Are dominated by grasses and grass-like species in the ground layer

and overstories of pond-cypress, blackgum, and slash pine;

(E) Have a relatively open canopy, necessary to maintain the herbaceous component that serves as cover for flatwoods salamander larvae and their aquatic invertebrate prey; and

(F) Typically have a burrowing crayfish fauna, but, due to periodic drying, the breeding ponds typically lack large, predatory fish (for example, *Lepomis* (sunfish), *Micropterus* (bass), *Amia calva* (bowfin)).

(ii) Non-breeding habitat. Upland pine flatwoods-savanna habitat that is open, mesic woodland maintained by frequent fires and that:

(A) Is within 1,500 ft (457 m) of adjacent and accessible breeding ponds;

(B) Contains crayfish burrows or other underground habitat that the flatwoods salamander depends upon for food, shelter, and protection from the elements and predation;

(C) Has an organic hardpan in the soil profile, which inhibits subsurface water penetration and typically results in moist soils with water often at or near the surface under normal conditions; and

(D) Often has wiregrasses as the dominant grasses in the abundant herbaceous ground cover, which supports the rich herbivorous invertebrates that serve as a food source for the flatwoods salamander.

(iii) Dispersal habitat. Upland habitat areas between nonbreeding and breeding habitat that allow for salamander movement between such sites and that is characterized by:

(A) A mix of vegetation types representing a transition between wetland and upland vegetation (ecotone);

(B) An open canopy and abundant native herbaceous species;

(C) Moist soils as described in paragraph (2)(ii); and

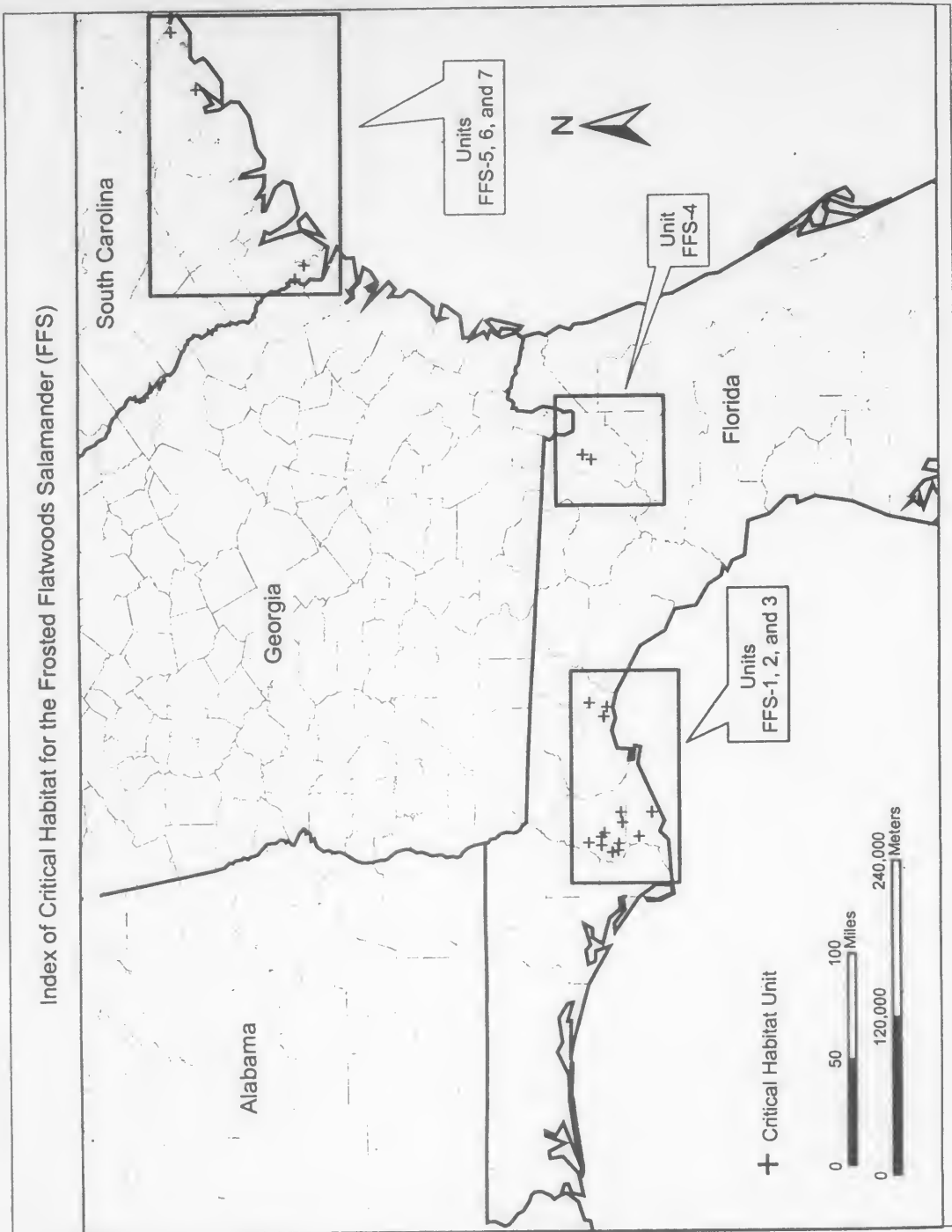
(D) Subsurface structure, such as that provided by deep litter cover or burrows, that provides shelter for salamanders during seasonal movements.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) Critical habitat map units. Data layers defining map units were created on a base of USGS 7.5' quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

(5) Note: Index Map of critical habitat for the frosted flatwoods salamander follows:

BILLING CODE 4310-55-S



(6) Florida: Baker, Franklin, Jefferson, Liberty, and Wakulla Counties, Florida.
(i) Unit FFS-1, Subunit A: Liberty County, Florida. From USGS 1:24,000 scale quadrangle maps Estiflanulga and Woods, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 691617.99, 3350707.71; 693095.71, 3348233.03; 692983.53, 3348209.57; 692897.48, 3348210.76; 692828.41, 3348229.52; 692759.43, 3348248.25; 692691.40, 3348292.76; 692639.72, 3348326.57; 690393.30, 3350136.47; 690313.39, 3350218.63; 690268.29, 3350291.92; 690230.96, 3350400.29; 690221.36, 3350485.81; 690241.25, 3350627.47; 690274.03, 3350707.04; 690333.43, 3350797.24; 690401.06, 3350865.47; 690279.29, 3350935.03; 690182.82, 3351040.66; 690111.95, 3351227.14; 690119.70, 3351398.31; 690131.84, 3352855.50; 690169.32, 3352993.56; 690267.58, 3353133.94; 690384.46, 3353216.42; 690549.65, 3353261.95; 690664.14, 3353256.77; 690773.74, 3353223.27; 690871.58, 3353163.57; 690968.05, 3353057.95; 692565.25, 3351422.56; 692602.62, 3351378.97; 692634.23, 3351331.03; 692669.80, 3351252.67; 692690.04, 3351169.02; 693379.09, 3348814.26; 693399.33, 3348730.61; 693403.55, 3348644.66; 693391.58, 3348559.43; 693363.86, 3348477.96; 693321.37, 3348403.12; 693265.60, 3348337.58; 693174.08, 3348268.59; 693095.71, 3348233.03.

(B) Map depicting Unit FFS-1, Subunit A is provided at paragraph (6)(x)(B) of this entry.

(ii) Unit FFS-1, Subunit B: Liberty County, Florida. From USGS 1:24,000 scale quadrangle map Orange, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 689802.94, 3340960.90; 689428.14, 3339447.54; 689123.11, 3339393.72; 688873.13, 3339525.49; 688743.74, 3339836.26; 688831.13, 3340169.91; 689917.07, 3342147.02; 690004.49, 3342326.33; 690240.38, 3342481.91; 690522.67, 3342469.12; 690726.97, 3342316.32; 690843.40, 3342033.33; 690847.40, 3341805.94; 690741.36, 3341604.76; 689705.63, 3339902.63; 689617.94, 3339656.89; 689428.14, 3339447.54.

(B) Map depicting Unit FFS-1, Subunit B is provided at paragraph (6)(x)(B) of this entry.

(iii) Unit FFS-1, Subunit C: Liberty County, Florida. From USGS 1:24,000 scale quadrangle map Wilma, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 695595.00, 3340429.07; 695320.75, 3338608.68; 695308.16, 3338582.86; 695293.97, 3338557.88; 695278.24,

3338533.84; 695261.04, 3338510.84; 695242.42, 3338488.97; 695222.47, 3338468.30; 695201.27, 3338448.93; 695178.88, 3338430.93; 695155.41, 3338414.37; 695130.95, 3338399.31; 695105.59, 3338385.83; 695079.43, 3338373.95; 695052.58, 3338363.76; 695025.14, 3338355.26; 694997.23, 3338348.50; 694968.94, 3338343.51; 694940.40, 3338340.31; 694911.71, 3338338.90; 694882.99, 3338339.30; 694854.35, 3338341.50; 694825.90, 3338345.50; 694797.76, 3338351.27; 694770.05, 3338358.80; 694742.85, 3338368.06; 694709.40, 3338382.20; 694683.58, 3338394.79; 694658.61, 3338408.98; 694634.57, 3338424.71; 694611.57, 3338441.91; 694589.69, 3338460.52; 694569.03, 3338480.47; 694549.66, 3338501.69; 694531.66, 3338524.07; 694515.10, 3338547.54; 694500.05, 3338572.01; 694486.56, 3338597.37; 694474.69, 3338623.53; 694464.49, 3338650.38; 694455.99, 3338677.82; 694449.24, 3338705.74; 694444.25, 3338734.03; 694441.05, 3338762.57; 694439.64, 3338791.26; 694440.04, 3338819.98; 694442.24, 3338848.63; 694446.23, 3338877.07; 694452.01, 3338905.21; 694459.53, 3338932.93; 694468.79, 3338960.12; 694479.73, 3338986.68; 695846.37, 3342195.36; 695866.57, 3342249.11; 695909.07, 3342323.95; 695944.89, 3342368.83; 696008.43, 3342426.87; 696081.72, 3342471.97; 696134.73, 3342494.04; 696218.37, 3342514.28; 696304.32, 3342518.50; 696399.96, 3342505.83; 696481.43, 3342478.10; 696532.23, 3342451.33; 696601.14, 3342399.78; 696659.17, 3342336.24; 696716.14, 3342236.78; 696741.60, 3342154.57; 696751.20, 3342069.05; 696748.60, 3342011.68; 696738.84, 3341955.10; 696711.11, 3341873.63; 695320.75, 3338608.68.

(B) Map depicting Unit FFS-1, Subunit C is provided at paragraph (6)(x)(B) of this entry.

(iv) Unit FFS-1, Subunit D: Liberty County, Florida. From USGS 1:24,000 scale quadrangle map Wilma, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 698315.71, 3338507.25; 697480.52, 3338897.39; 697508.44, 3338904.15; 699107.25, 3339112.64; 699249.88, 3339101.68; 699357.17, 3339061.36; 699491.10, 3338954.46; 699566.06, 3338832.62; 699600.72, 3338636.16; 699571.97, 3338496.02; 699501.32, 3338371.62; 699419.16, 3338291.70; 699319.85, 3338227.75; 699161.66, 3338161.88; 697647.47, 3337884.31; 697505.31, 3337868.36; 697338.62, 3337908.06; 697240.79, 3337967.76; 697160.88, 3338049.93; 697093.71, 3338176.24; 697068.86, 3338317.12; 697081.23, 3338431.07; 697135.72,

3338563.34; 697197.51, 3338669.79; 697283.19, 3338784.36; 697400.08, 3338866.83; 697480.52, 3338897.39.

(B) Map depicting Unit FFS-1, Subunit D is provided at paragraph (6)(x)(B) of this entry.

(v) Unit FFS-1, Subunit E: Liberty County, Florida. From USGS 1:24,000 scale quadrangle maps Orange and Kennedy Creek, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 686367.53, 3332295.84; 686431.12, 3334276.72; 686521.73, 3334038.23; 686486.41, 3333905.93; 686456.16, 3333792.66; 686384.37, 3333673.40; 686529.54, 3333545.42; 686684.99, 3333670.42; 686821.64, 3333712.74; 686964.68, 3333710.75; 689322.67, 3333980.79; 689576.20, 3334009.24; 689736.59, 3333948.97; 689863.53, 3333833.87; 689945.95, 3333652.21; 689948.95, 3333480.88; 689888.68, 3333320.48; 689773.58, 3333193.53; 688133.75, 3332060.68; 687963.85, 3331956.15; 687770.73, 3331922.03; 687750.83, 3331780.36; 687652.31, 3331606.91; 687435.02, 3331733.21; 686480.70, 3331191.98; 686369.22, 3331102.34; 685860.73, 3329667.19; 685722.17, 3329523.69; 685535.70, 3329452.84; 685421.11, 3329450.84; 685283.06, 3329488.34; 685142.70, 3329586.62; 685038.17, 3329756.51; 684075.02, 3330678.79; 683908.10, 3330788.01; 683825.64, 3330904.90; 683780.13, 3331070.10; 683798.63, 3331240.45; 683861.33, 3331369.02; 685068.99, 3333929.17; 685144.99, 3334113.61; 685267.82, 3334233.07; 685426.00, 3334298.93; 685697.77, 3334272.20; 685864.11, 3334411.77; 686057.99, 3334458.69; 686253.39, 3334418.58; 686431.12, 3334276.72.

(B) Map depicting Unit FFS-1, Subunit E is provided at paragraph (6)(x)(B) of this entry.

(vi) Unit FFS-1, Subunit F: Liberty County, Florida. From USGS 1:24,000 scale quadrangle map Kennedy Creek, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 686994.66, 3327715.03; 687031.71, 3327259.31; 687003.02, 3327257.90; 686974.30, 3327258.30; 686945.66, 3327260.51; 686917.22, 3327264.50; 686889.08, 3327270.28; 686861.36, 3327277.81; 686834.17, 3327287.06; 686781.80, 3327310.60; 686756.83, 3327324.79; 686718.31, 3327349.17; 686687.92, 3327376.34; 686647.89, 3327417.50; 686629.89, 3327439.88; 686598.28, 3327487.82; 686584.79, 3327513.18; 686562.73, 3327566.19; 686547.48, 3327621.55; 686539.29, 3327678.38; 686538.28, 3327735.79; 686544.48, 3327792.87; 686557.79, 3327848.73; 686577.99, 3327902.48;

686604.76; 3327953.27; 686627.73, 3327993.87; 686676.26, 3328042.84; 686697.47, 3328062.21; 686719.85, 3328080.21; 686767.79, 3328111.82; 686819.30, 3328137.17; 686873.59, 3328155.87; 686929.80, 3328167.62; 686987.03, 3328172.22; 687072.83, 3328165.62; 687128.68, 3328152.32; 687182.43, 3328132.12; 687233.22, 3328105.34; 687280.26, 3328072.41; 687342.16, 3328012.63; 687391.77, 3327942.31; 687417.12, 3327890.79; 687435.81, 3327836.50; 687447.56, 3327780.29; 687450.76, 3327751.75; 687451.76, 3327694.34; 687445.57, 3327637.25; 687432.26, 3327581.40; 687423.01, 3327554.21; 687385.28, 3327476.86; 687352.35, 3327429.82; 687292.58, 3327367.91; 687222.26, 3327318.30; 687143.89, 3327282.75; 687116.45, 3327274.26; 687088.54, 3327267.50; 687060.25, 3327262.51; 687031.71, 3327259.31.

(B) Map depicting Unit FFS-1, Subunit F is provided at paragraph (6)(x)(B) of this entry.

(vii) Unit FFS-1, Subunit G: Liberty County, Florida. From USGS 1:24,000 scale quadrangle maps Kennedy Creek and Sumatra, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 692743.43, 3325970.41; 690511.49, 3328333.04; 690352.62, 3327300.27; 690398.82, 3327359.05; 690435.78, 3327418.40; 690476.94, 3327458.44; 690522.80, 3327492.99; 690572.10, 3327512.25; 690653.06, 3327552.10; 690737.82, 3327567.04; 690852.31, 3327561.85; 690961.91, 3327528.34; 691036.74, 3327485.83; 691102.27, 3327430.06; 691139.64, 3327386.47; 691184.74, 3327313.17; 691206.80, 3327260.16; 691226.10, 3327181.87; 691285.53, 3327253.00; 691352.60, 3327306.93; 691428.57, 3327347.33; 691510.78, 3327372.78; 691596.30, 3327382.38; 691653.66, 3327379.78; 691709.33, 3327370.19; 691748.27, 3327399.19; 691798.09, 3327427.72; 691851.10, 3327449.80; 691906.46, 3327465.04; 691963.28, 3327473.24; 691991.97, 3327474.64; 692049.33, 3327472.04; 692105.91, 3327462.27; 692160.82, 3327445.48; 692197.42, 3327442.46; 692254.00, 3327432.70; 692315.34, 3327416.01; 692284.77, 3327496.45; 692273.03, 3327552.66; 692268.42, 3327609.90; 692271.03, 3327667.26; 692288.33, 3327751.56; 692308.53, 3327805.31; 692351.03, 3327880.14; 692388.83, 3327927.78; 692448.61, 3327989.69; 692518.93, 3328039.30; 692570.45, 3328064.66; 692624.74, 3328083.35; 692709.48, 3328098.30; 692766.90, 3328099.31; 692823.98, 3328093.10; 694135.90, 3328069.14; 694193.26, 3328066.53; 694249.84, 3328056.76; 694304.75, 3328039.98; 694357.13, 3328016.44; 694406.14, 3327986.52; 694451.01, 3327950.70; 694491.04, 3327909.54; 694525.60, 3327863.68; 694554.14, 3327813.85; 694576.20, 3327760.84; 694591.45, 3327705.48; 694596.44, 3327677.19; 694601.05, 3327619.96; 694598.45, 3327562.59; 694588.68, 3327506.01; 694571.89, 3327451.10; 694548.36, 3327398.72; 694518.44, 3327349.71; 693770.98, 3326221.08; 693868.81, 3326161.37; 693948.72, 3326079.20; 694005.68, 3325979.75; 694036.11, 3325869.25; 694038.12, 3325754.65; 695152.74, 3325675.90; 695209.97, 3325680.51; 695267.33, 3325677.91; 695323.91, 3325668.13; 695378.82, 3325651.35; 695431.20, 3325627.81; 695480.21, 3325597.89; 695525.08, 3325562.07; 695565.11, 3325520.90; 695581.45, 3325500.59; 695608.30, 3325493.29; 695629.02, 3325486.24; 695635.41, 3325556.71; 695657.97, 3325639.76; 695695.70, 3325717.11; 695728.63, 3325764.15; 695767.20, 3325806.69; 695810.79, 3325844.06; 695864.85, 3325870.66; 695911.78, 3325893.76; 695964.54, 3325919.72; 696020.74, 3325931.47; 696077.98, 3325936.07; 696135.33, 3325933.47; 696219.63, 3325916.16; 696273.38, 3325895.96; 696324.17, 3325869.18; 696371.21, 3325836.25; 696413.74, 3325797.68; 696467.67, 3325730.61; 697336.67, 3324321.07; 697362.02, 3324269.54; 697380.72, 3324215.25; 697392.46, 3324159.04; 697397.07, 3324101.80; 697394.46, 3324044.44; 697384.69, 3323987.86; 697367.90, 3323932.94; 697344.37, 3323880.57; 697314.45, 3323831.55; 697258.68, 3323766.01; 697215.08, 3323728.64; 697167.14, 3323697.03; 697115.63, 3323671.68; 697061.33, 3323652.99; 697005.13, 3323641.24; 696947.90, 3323636.64; 696890.54, 3323639.24; 696806.24, 3323656.54; 696752.49, 3323676.75; 696677.66, 3323719.26; 695425.27, 3324601.45; 694686.48, 3324259.64; 694636.66, 3324231.10; 694583.65, 3324209.03; 694528.29, 3324193.78; 694471.46, 3324185.59; 694414.05, 3324184.59; 694356.97, 3324190.79; 694304.17, 3324203.26; 694297.65, 3324123.23; 694284.34, 3324067.37; 694264.14, 3324013.62; 694237.37, 3323962.82; 694185.82, 3323893.91; 694144.65, 3323853.88; 694084.93, 3323810.79; 694067.06, 3323750.57; 694043.52, 3323698.19; 694010.56, 3323625.86; 693968.05, 3323551.04; 693932.23, 3323506.16; 693868.68, 3323448.13; 693820.75, 3323416.52; 693769.23, 3323391.17; 693714.94, 3323372.47; 693658.74, 3323360.73; 693601.51, 3323356.12; 693544.15, 3323358.72; 693487.56, 3323368.50; 693432.65, 3323385.28; 693380.29, 3323408.82; 693331.27, 3323438.74; 693286.40, 3323474.56; 693246.37, 3323515.72; 693224.54, 3323543.55; 693210.13, 3323497.41; 693186.60, 3323445.03; 693156.69, 3323396.02; 693120.86, 3323351.14; 693079.70, 3323311.11; 693033.84, 3323276.55; 692984.02, 3323248.02; 692931.01, 3323225.95; 692875.65, 3323210.70; 692818.82, 3323202.51; 692761.42, 3323201.50; 692704.33, 3323207.71; 692648.47, 3323221.01; 692608.55, 3323235.51; 692570.41, 3323187.10; 692529.25, 3323147.06; 692458.93, 3323097.45; 692407.41, 3323072.10; 692325.20, 3323046.65; 692368.37, 3323238.46; 692210.96, 3323037.46; 692125.74, 3323049.44; 692070.83, 3323066.22; 692011.40, 3323093.76; 691923.51, 3323089.22; 691866.43, 3323095.42; 691810.57, 3323108.73; 691731.01, 3323141.52; 691682.00, 3323171.44; 691637.13, 3323207.26; 691597.10, 3323248.43; 691562.54, 3323294.28; 691534.00, 3323344.11; 691503.44, 3323424.56; 691491.70, 3323480.77; 691487.09, 3323538.00; 691489.70, 3323595.37; 691507.00, 3323679.67; 691539.79, 3323759.24; 692318.77, 3325166.83; 692288.21, 3325247.29; 692273.27, 3325332.04; 692269.31, 3326096.13; 692212.73, 3326105.90; 692165.53, 3326127.24; 692126.83, 3326144.74; 692092.01, 3326160.48; 692049.42, 3326179.73; 692011.56, 3326211.96; 691971.53, 3326253.13; 691936.98, 3326298.98; 691908.44, 3326348.81; 691872.05, 3326393.76; 691837.49, 3326439.61; 691816.22, 3326475.77; 691767.03, 3326455.43; 691711.68, 3326440.18; 691654.84, 3326431.99; 691626.16, 3326430.59; 691568.79, 3326433.19; 691512.21, 3326442.96; 691457.31, 3326459.75; 691390.25, 3326491.62; 691353.93, 3326429.48; 691298.16, 3326363.94; 691231.09, 3326310.01; 691155.11, 3326269.60; 691072.90, 3326244.15; 689760.49, 3325296.16; 689712.55, 3325264.55; 689661.04, 3325239.20; 689606.75, 3325220.50; 689550.54, 3325208.76; 689493.31, 3325204.15; 689407.51, 3325210.75; 689324.46, 3325233.31; 689247.12, 3325271.04; 689157.55, 3325342.54; 689103.62, 3325409.61; 689063.22, 3325485.59; 689044.52, 3325539.88; 689032.78, 3325596.09; 689028.17, 3325653.33; 689034.77, 3325739.13; 689233.31, 3327105.96; 689637.00, 3328600.37; 689861.46, 3329635.49; 689894.25, 3329715.06; 689924.16, 3329764.07; 689959.98, 3329808.95; 690001.15, 3329848.98; 690047.00, 3329883.54; 690096.82, 3329912.08; 690149.43, 3329934.15; 690205.19, 3329949.80; 690262.02, 3329957.59; 690319.43,

3329958.59; 690404.65, 3329946.62; 690457.17, 3329926.88; 690511.93, 3329906.30; 690560.94, 3329876.39; 690626.48, 3329820.61; 690663.84, 3329777.02; 690695.45, 3329729.08; 690720.81, 3329677.56; 690739.50, 3329623.27; 690751.25, 3329567.06; 690755.85, 3329509.83; 690749.26, 3329424.02; 690735.95, 3329368.16; 690529.29, 3328448.39; 690524.80, 3328388.90; 690511.49, 3328333.04.

(B) Map depicting Unit FFS-1, Subunit G is provided at paragraph (6)(x)(B) of this entry.

(viii) Unit FFS-1, Subunit H: Liberty County, Florida. From USGS 1:24,000 scale quadrangle maps Sumatra and Owens Bridge, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 705290.30, 3325041.96; 706646.10, 3324321.38; 706503.21, 3324314.39; 704109.35, 3324557.65; 703953.05, 3324627.90; 703833.59, 3324750.75; 703782.98, 3324853.59; 703758.14, 3324994.48; 703787.30, 3325163.35; 703857.96, 3325287.74; 703940.13, 3325367.66; 704025.87, 3325418.40; 704016.83, 3325569.76; 704034.13, 3325654.07; 704096.85, 3325782.66; 704196.22, 3325885.57; 704322.53, 3325952.74; 704463.41, 3325977.58; 704605.08, 3325957.68; 706601.96, 3325223.59; 706713.46, 3325197.03; 706859.72, 3325107.75; 706949.37, 3324996.25; 707005.16, 3324834.22; 707007.16, 3324719.61; 706989.86, 3324635.31; 706942.88, 3324530.75; 706871.37, 3324441.17; 706796.16, 3324398.25; 706728.31, 3324346.84; 706646.10, 3324321.38.

(B) Map depicting Unit FFS-1, Subunit H is provided at paragraph (6)(x)(B) of this entry.

(ix) Unit FFS-1, Subunit I: Liberty County, Florida. From USGS 1:24,000 scale quadrangle map Owens Bridge, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 712262.72, 3326181.63; 712356.33, 3325733.94; 712270.80, 3325724.34; 712213.44, 3325726.95; 712129.13, 3325744.25; 712101.94, 3325753.51; 712024.58, 3325791.24; 711977.54, 3325824.17; 711955.67, 3325842.79; 711915.63, 3325883.96; 711881.07, 3325929.82; 711852.53, 3325979.66; 711830.47, 3326032.67; 711815.21, 3326088.04; 711807.02, 3326144.87; 711805.62, 3326173.57; 711808.22, 3326230.94; 711817.99, 3326287.52; 711834.78, 3326342.44; 711858.32, 3326394.82; 711888.24, 3326443.84; 711905.44, 3326466.84; 711944.01, 3326509.39; 711965.23, 3326528.76; 711987.61, 3326546.76; 712011.09, 3326563.32; 712060.92, 3326591.86; 712087.08, 3326603.73; 712113.93, 3326613.93; 712169.29, 3326629.18; 712226.13, 3326637.37; 712254.82, 3326638.78; 712312.18, 3326636.17; 712368.77, 3326626.40; 712423.68, 3326609.61; 712476.06, 3326586.07; 712525.08, 3326556.15; 712590.62, 3326500.37; 712644.55, 3326433.30; 712684.96, 3326357.30; 712703.65, 3326303.01; 712715.40, 3326246.79; 712720.00, 3326189.55; 712717.40, 3326132.18; 712707.63, 3326075.60; 712700.10, 3326047.87; 712674.07, 3325977.60; 712653.11, 3325943.32; 712601.56, 3325874.40; 712560.39,

3325834.36; 712538.01, 3325816.36; 712514.54, 3325799.80; 712464.71, 3325771.26; 712411.69, 3325749.19; 712356.33, 3325733.94.

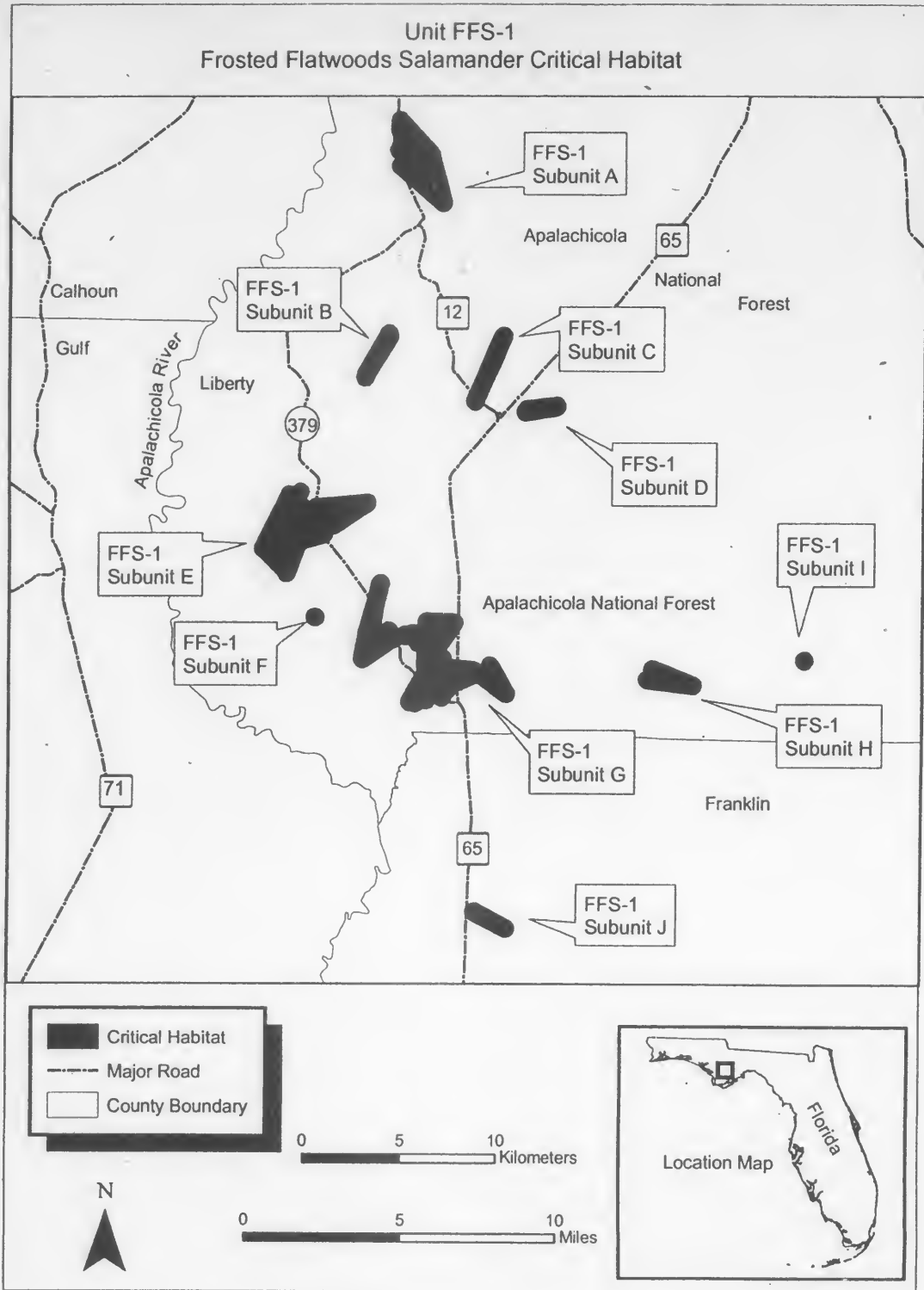
(B) Map depicting Unit FFS-1, Subunit I is provided at paragraph (6)(x)(B) of this entry.

(x) Unit FFS-1, Subunit J: Franklin County, Florida. From USGS 1:24,000 scale quadrangle map Fort Gadsen, Florida.

(A) Land bounded by the following UTM Zone 16N NAD83 coordinates, (E, N): 696448.29, 3312586.05; 697417.53, 3311729.38; 697304.09, 3311713.04; 697218.29, 3311719.64; 697135.24, 3311742.21; 697057.90, 3311779.94; 695449.24, 3312550.89; 695396.87, 3312574.43; 695324.87, 3312621.56; 695282.33, 3312660.13; 695228.41, 3312727.20; 695188.01, 3312803.20; 695162.57, 3312885.41; 695152.98, 3312970.93; 695159.58, 3313056.74; 695182.15, 3313139.79; 695219.88, 3313217.14; 695271.43, 3313286.05; 695335.05, 3313350.76; 695405.38, 3313400.37; 695456.90, 3313425.72; 695511.18, 3313444.41; 695595.94, 3313459.35; 695710.43, 3313454.14; 695820.03, 3313420.63; 697427.52, 3312615.68; 697509.40, 3312574.69; 697581.41, 3312527.56; 697643.31, 3312467.77; 697706.40, 3312372.08; 697743.71, 3312263.71; 697752.89, 3312149.46; 697733.38, 3312036.51; 697686.39, 3311931.97; 697653.45, 3311884.93; 697593.67, 3311823.03; 697523.35; 3311773.42; 697417.53, 3311729.38.

(B) Map of Unit FFS-1 follows:

BILLING CODE 4310-55-S



(xi) Unit FFS-2: Franklin County, Florida. From USGS 1:24,000 scale quadrangle map Green Point, Florida.

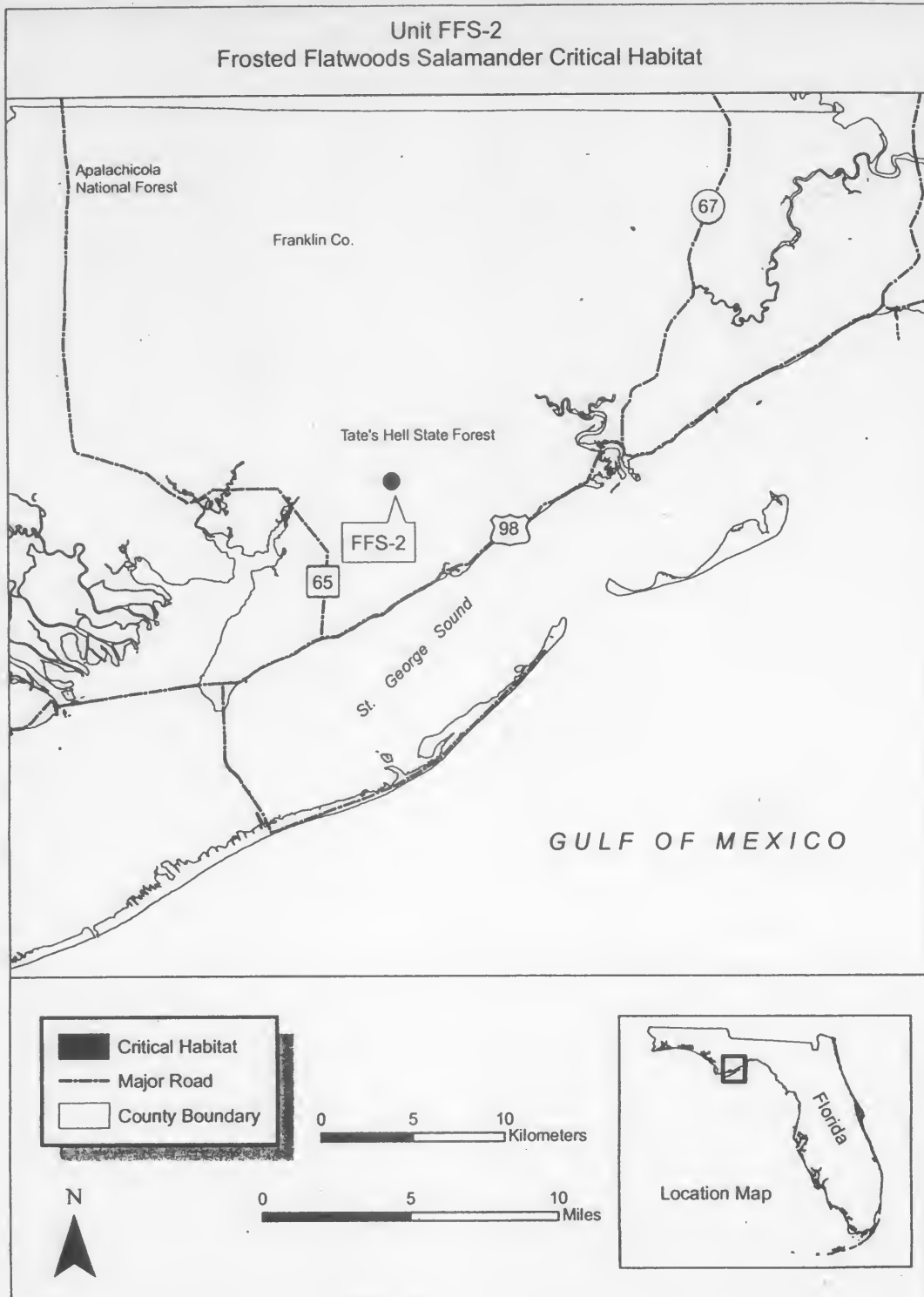
(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 713163.69, 3302378.99; 713155.25, 3302836.18; 713183.97, 3302835.81; 713212.61, 3302833.63; 713241.06, 3302829.66; 713269.21, 3302823.91; 713296.94, 3302816.41; 713324.14, 3302807.18; 713350.71, 3302796.26; 713376.54, 3302783.69; 713401.53, 3302769.53; 713425.59, 3302753.82; 713448.61, 3302736.64; 713470.50, 3302718.04; 713491.18, 3302698.11; 713510.57, 3302676.91; 713528.60, 3302654.55; 713545.18, 3302631.09; 713560.26, 3302606.64; 713573.77, 3302581.29; 713585.66, 3302555.14; 713595.89, 3302528.29; 713604.41, 3302500.86; 713611.19, 3302472.95; 713616.21, 3302444.66; 713619.44, 3302416.12; 713620.87, 3302387.43; 713620.50, 3302358.71; 713618.32, 3302330.06; 713614.35, 3302301.61;

713608.61, 3302273.47; 713601.10, 3302245.74; 713591.87, 3302218.54; 713580.95, 3302191.97; 713568.38, 3302166.13; 713554.22, 3302141.14; 713538.52, 3302117.09; 713521.33, 3302094.07; 713502.73, 3302072.18; 713482.80, 3302051.49; 713461.61, 3302032.10; 713439.24, 3302014.08; 713415.78, 3301997.50; 713391.33, 3301982.42; 713365.98, 3301968.91; 713339.83, 3301957.02; 713312.99, 3301946.79; 713285.55, 3301938.27; 713257.64, 3301931.49; 713229.36, 3301926.47; 713200.81, 3301923.24; 713172.12, 3301921.81; 713143.40, 3301922.18; 713114.75, 3301924.35; 713086.30, 3301928.32; 713058.16, 3301934.07; 713030.43, 3301941.58; 713003.23, 3301950.81; 712976.66, 3301961.73; 712950.83, 3301974.29; 712925.84, 3301988.46; 712901.78, 3302004.16; 712878.76, 3302021.35; 712856.87, 3302039.94; 712836.19, 3302059.88; 712816.80, 3302081.07; 712798.77, 3302103.44; 712782.19,

3302126.90; 712767.11, 3302151.35; 712753.60, 3302176.70; 712741.71, 3302202.85; 712731.48, 3302229.69; 712722.96, 3302257.12; 712716.18, 3302285.04; 712711.16, 3302313.32; 712707.93, 3302341.87; 712706.50, 3302370.56; 712706.87, 3302399.28; 712709.05, 3302427.92; 712713.02, 3302456.37; 712718.76, 3302484.52; 712726.27, 3302512.25; 712735.50, 3302539.45; 712746.42, 3302566.02; 712758.99, 3302591.85; 712773.15, 3302616.84; 712788.85, 3302640.89; 712806.04, 3302663.91; 712824.64, 3302685.81; 712844.57, 3302706.49; 712865.76, 3302725.88; 712888.13, 3302743.90; 712911.59, 3302760.49; 712936.04, 3302775.56; 712961.39, 3302789.07; 712987.54, 3302800.97; 713014.38, 3302811.19; 713041.82, 3302819.72; 713069.73, 3302826.50; 713098.01, 3302831.52; 713126.56, 3302834.75; 713155.25, 3302836.18.

(B) Map of Unit FFS-2 follows:

BILLING CODE 4310-55-S



(xii) Unit FFS-3, Subunit A: Wakulla County, Florida. From USGS 1:24,000 scale quadrangle maps St. Marks and St. Marks NE, Florida.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 775789.22, 3340665.92; 778066.61, 3340484.87; 777670.88, 3338778.31; 777533.15, 3338184.41; 777525.56, 3338156.70; 777516.42, 3338129.40; 777505.42, 3338102.83; 777492.86, 3338076.99; 777478.74, 3338052.00; 777471.13, 3338040.27; 777482.70, 3338036.35; 777509.30, 3338025.48; 777535.17, 3338012.93; 777560.12, 3337998.80; 777584.24, 3337982.99; 777607.24, 3337965.82; 777629.12, 3337947.29; 777649.88, 3337927.29; 777669.21, 3337906.14; 777687.24, 3337883.74; 777703.84, 3337860.31; 777714.90, 3337842.39; 777724.48, 3337852.29; 777745.69, 3337871.69; 777768.09, 3337889.78; 777791.49, 3337906.35; 777815.99, 3337921.39; 777841.30, 3337934.91; 777867.51, 3337946.89; 777894.35, 3337957.11; 777921.81, 3337965.57; 777949.70, 3337972.38; 777978.02, 3337977.42; 777990.29, 3337977.52; 778007.58, 3337977.78; 778035.40, 3337978.19; 778064.31, 3337978.62; 778092.26, 3337979.03; 778121.08, 3337975.61; 778149.29, 3337969.88; 778177.06, 3337962.38; 778204.20, 3337953.08; 778230.80, 3337942.21; 778256.67, 3337929.67; 778281.62, 3337915.43; 778305.74, 3337899.73; 778328.75, 3337882.56; 778350.72, 3337863.93; 778371.38, 3337844.03; 778390.82, 3337822.89; 778408.84, 3337800.49; 778425.45, 3337776.95; 778440.53, 3337752.59; 778454.00, 3337727.19; 778465.95, 3337700.97; 778476.17, 3337674.16; 778484.68, 3337646.75; 778491.46, 3337618.85; 778496.52, 3337590.46; 778499.75, 3337561.92; 778501.16, 3337533.22; 778500.82, 3337504.47; 778498.66, 3337475.90; 778494.65, 3337447.40; 778488.90, 3337419.29; 778481.41, 3337391.48; 778472.17, 3337364.28; 778461.27, 3337337.71; 778448.71, 3337311.87; 778434.49, 3337286.88; 778418.81, 3337262.74; 778401.64, 3337239.78; 778383.01, 3337217.89; 778363.09, 3337197.19; 778341.88, 3337177.80; 778319.48, 3337159.70; 778296.08, 3337143.13; 778271.58, 3337128.08; 778246.27, 3337114.46; 778220.05, 3337102.59; 778193.21, 3337092.37; 778165.75, 3337083.80; 778137.85, 3337077.10; 778109.53, 3337072.05; 778080.97, 3337068.78; 778052.27, 3337067.39; 778023.61, 3337067.77; 777994.91, 3337069.93; 777966.46, 3337073.87; 777938.25, 3337079.59; 777910.58, 3337087.10; 777883.34, 3337096.29; 777856.73, 3337107.26;

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 775100.58, 3338620.80;
 775073.74, 3338610.48; 775046.28,
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 774541.45, 3338573.19; 774527.32,
 3338548.21; 774511.63, 3338524.18;
 774494.37, 3338501.12; 774475.82,
 3338479.24; 774455.89, 3338458.55;
 774434.69, 3338439.05; 774412.28,
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 774364.38, 3338389.36; 774338.97,
 3338375.86; 774312.85, 3338364.00;
 774286.01, 3338353.68; 774258.55,
 3338345.22; 774230.66, 3338338.43;
 774202.34, 3338333.39; 774173.78,
 3338330.13; 774145.08, 3338328.74;
 774116.34, 3338329.03; 774087.74,
 3338331.20; 774059.19, 3338335.25;
 774031.09, 3338340.99; 774003.32,
 3338348.51; 773976.09, 3338357.70;
 773949.59, 3338368.58; 773923.73,
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 773874.67, 3338411.09; 773851.58,
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 773754.94, 3338533.81; 773739.86,
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 773679.24, 3338777.56; 773679.59,
 3338806.30; 773681.77, 3338834.98;
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 3338891.58; 773698.95, 3338919.28;
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 3339047.99; 773778.76, 3339071.05;
 773797.31, 3339092.93; 773817.23,
 3339113.62; 773838.44, 3339133.01;
 773860.84, 3339151.10; 773884.34,
 3339167.66; 773908.74, 3339182.80;
 773934.15, 3339196.31; 773960.27,
 3339208.16; 773987.11, 3339218.38;
 774014.57, 3339226.94; 774042.46,
 3339233.74; 774070.77, 3339238.77;
 774099.33, 3339242.04; 774128.03,
 3339243.42; 774155.42, 3339242.99;
 774156.02, 3339246.00; 774163.52,
 3339273.71; 774172.77, 3339301.01;
 774174.22, 3339304.59; 774174.02,
 3339304.92; 774162.19, 3339331.03;
 774151.88, 3339357.85; 774143.38,
 3339385.37; 774136.61, 3339413.27;
 774131.56, 3339441.55; 774128.34,
 3339470.09; 774126.85, 3339498.79;
 774127.29, 3339527.54; 774129.37,
 3339556.21; 774133.39, 3339584.61;
 774139.14, 3339612.82; 774146.65,
 3339640.52; 774150.33, 3339651.49;
 774130.27, 3339662.97; 774106.16,
 3339678.68; 774083.17, 3339695.85;
 774061.21, 3339714.39; 774040.56,
 3339734.40; 774021.14, 3339755.55;
 774003.13, 3339777.95; 773986.54,
 3339801.39; 773971.46, 3339825.87;
 773957.91, 3339851.27; 773945.98,
 3339877.38; 773935.76, 3339904.19;
 773927.27, 3339931.72; 773926.18,
 3339936.26; 773926.14, 3339936.25;
 773920.50, 3339959.62; 773915.45,
 3339987.90; 773912.23, 3340016.44;
 773910.75, 3340045.14; 773910.93,
 3340060.90; 773909.63, 3340058.87;
 773892.47, 3340035.81; 773873.92,
 3340013.93; 773853.91, 3339993.24;
 773832.70, 3339973.85; 773810.39,
 3339955.76; 773786.90, 3339939.20;
 773777.78, 3339933.61; 773777.91,
 3339933.62; 773762.40, 3339924.06;
 773737.09, 3339910.55; 773710.97,
 3339898.70; 773684.04, 3339888.48;
 773656.68, 3339879.92; 773628.70,
 3339873.12; 773600.38, 3339868.09;
 773571.83, 3339864.83; 773543.13,
 3339863.45; 773514.39, 3339863.73;
 773485.80, 3339865.90; 773476.45,
 3339867.03; 773476.45, 3339867.18;
 773457.35, 3339869.96; 773429.15,
 3339875.70; 773401.39, 3339883.21;
 773374.17, 3339892.41; 773347.58,
 3339903.29; 773321.81, 3339915.85;
 773296.78, 3339930.09; 773272.67,
 3339945.80; 773249.68, 3339962.98;
 773227.82, 3339981.52; 773207.07,
 3340001.53; 773187.65, 3340022.68;
 773169.64, 3340045.08; 773153.05,
 3340068.52; 773137.98, 3340093.00;
 773124.43, 3340118.29; 773112.50,
 3340144.51; 773072.29, 3340171.33;
 773093.80, 3340198.74; 773086.93,
 3340226.64; 773081.99, 3340255.03;
 773078.67, 3340283.58; 773077.28,
 3340312.28; 773077.63, 3340341.02;
 773079.81, 3340369.59;
 773083.82, 3340398.09; 773089.48,
 3340426.30; 773096.99, 3340454.00;
 773106.24, 3340481.19; 773117.15,
 3340507.76; 773129.71, 3340533.59;
 773143.94, 3340558.68; 773159.63,
 3340582.71; 773176.80, 3340605.77;
 773195.44, 3340627.64; 773215.36,
 3340648.33; 773236.57, 3340667.72;
 773240.54, 3340670.93; 774190.69,
 3341600.54; 774207.73, 3341623.69;
 774226.19, 3341645.71; 774245.99,
 3341666.54; 774267.06, 3341686.08;
 774289.32, 3341704.26; 774312.67,
 3341721.00; 774337.03, 3341736.25;
 774362.30, 3341749.94; 774388.38,
 3341762.01; 774415.16, 3341772.42;
 774442.55, 3341781.13; 774470.43,
 3341788.10; 774498.69, 3341793.31;
 774527.22, 3341796.73; 774555.91,
 3341798.36; 774584.65, 3341798.18;
 774613.32, 3341796.20; 774641.80,
 3341792.42; 774670.00, 3341786.86;
 774697.79, 3341779.54; 774725.06,
 3341770.48; 774751.71, 3341759.74;
 774777.64, 3341747.34; 774802.74,
 3341733.34; 774826.90, 3341717.79;
 774850.05, 3341700.75; 774872.07,
 3341682.30; 774892.90, 3341662.49;
 774912.44, 3341641.42; 775378.58,
 3341173.26; 775544.57, 3341006.80;
 777609.30, 3341044.76; 777638.03,
 3341044.58; 777666.70, 3341042.60;
 777680.70, 3341040.35; 777695.19,
 3341038.82; 777723.39, 3341033.26;
 777751.18, 3341025.93; 777778.45,
 3341016.88; 777805.10, 3341006.14;
 777831.03, 3340993.74; 777856.13,
 3340979.74; 777880.29, 3340964.19;
 777903.44, 3340947.15; 777925.47,
 3340928.69; 777946.29, 3340908.89;
 777965.83, 3340887.82; 777984.01,
 3340865.56; 778000.76, 3340842.21;
 778016.00, 3340817.85; 778029.69,
 3340792.58; 778041.76, 3340766.50;
 778052.18, 3340739.71; 778060.89,
 3340712.33; 778067.86, 3340684.45;

778073.07, 3340656.19; 778076.49, 3340627.65; 778078.11, 3340598.96; 778077.93, 3340570.22; 778075.95, 3340541.55; 778072.17, 3340513.07; 778066.61, 3340484.87.

(B) Map depicting Unit FFS-3, Subunit A is provided at paragraph (6)(xiv)(B) of this entry.

(xiii) Unit FFS-3, Subunit B: Wakulla and Jefferson Counties, Florida. From USGS 1:24,000 scale quadrangle map St. Marks NE, Florida.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 781813.02, 3338564.97; 780854.75, 3336748.56; 780826.19, 3336745.28; 780797.49, 3336743.88; 780768.74, 3336744.25; 780751.83, 3336745.48; 780740.73, 3336730.55; 780722.10, 3336708.66; 780702.18, 3336687.96; 780680.97, 3336668.56; 780658.57, 3336650.57; 780635.18, 3336633.88; 780610.68, 3336618.83; 780585.37, 3336605.31; 780559.15, 3336593.44; 780532.31, 3336583.21; 780504.85, 3336574.63; 780476.95, 3336567.82; 780448.63, 3336562.88; 780420.07, 3336559.60; 780391.36, 3336558.20; 780362.71, 3336558.58; 780334.01, 3336560.73; 780305.55, 3336564.66; 780277.43, 3336570.38; 780249.66, 3336577.88; 780222.42, 3336587.17; 780195.81, 3336598.03; 780170.02, 3336610.69; 780144.97, 3336624.81; 780120.94, 3336640.51; 780097.94, 3336657.67; 780075.95, 3336676.31; 780055.29, 3336696.20; 780035.94, 3336717.45; 780017.82, 3336739.85; 780001.31, 3336763.28; 779986.22, 3336787.75; 779972.64, 3336813.14; 779960.79, 3336839.25; 779950.56, 3336866.06; 779941.95, 3336893.58; 779935.16, 3336921.48; 779930.20, 3336949.76; 779926.96, 3336978.30; 779925.49, 3337005.78; 779913.72, 3337013.47; 779890.72, 3337030.63; 779868.74, 3337049.27; 779848.07, 3337069.16; 779828.63, 3337090.41; 779810.60, 3337112.81; 779794.09, 3337136.24; 779779.00, 3337160.71; 779765.43, 3337186.11; 779753.58, 3337212.21; 779743.35, 3337239.02; 779734.74, 3337266.54; 779727.96, 3337294.44; 779722.99, 3337322.72; 779719.76, 3337351.26; 779718.26, 3337379.96; 779718.68, 3337408.71; 779720.84, 3337437.39; 779724.75, 3337465.89; 779730.49, 3337494.00; 779738.08, 3337521.71; 779747.22, 3337548.90; 779758.21, 3337575.59; 779770.77, 3337601.43; 779784.89, 3337626.42; 779800.67, 3337650.46; 779817.83, 3337673.53; 779836.46, 3337695.42; 779856.38, 3337716.12; 779877.58, 3337735.52; 779899.88, 3337753.51; 779923.38, 3337770.08; 779947.87, 3337785.24; 779973.18, 3337798.76; 779999.40, 3337810.63; 780026.23, 3337820.86; 780046.61,

3337827.26; 780031.54, 3337835.75; 780007.52, 3337851.45; 779984.42, 3337868.61; 779962.53, 3337887.25; 779941.87, 3337907.14; 779922.43, 3337928.39; 779904.40, 3337950.79; 779887.80, 3337974.22; 779872.71, 3337998.69; 779859.23, 3338024.09; 779859.02, 3338024.55; 779847.29, 3338050.19; 779837.06, 3338077.00; 779828.54, 3338104.52; 779821.76, 3338132.42; 779816.70, 3338160.70; 779813.46, 3338189.24; 779812.06, 3338217.94; 779812.38, 3338246.69; 779814.55, 3338275.37; 779818.54, 3338303.87; 779824.29, 3338331.98; 779831.78, 3338359.69; 779841.02, 3338386.88; 779851.91, 3338413.57; 779864.56, 3338439.41; 779878.68, 3338464.40; 779894.36, 3338488.43; 779911.61, 3338511.51; 779930.15, 3338533.40; 779950.16, 3338554.10; 779971.36, 3338573.50; 779993.66, 3338591.49; 780017.15, 3338608.07; 780041.65, 3338623.23; 780066.95, 3338636.74; 780093.17, 3338648.62; 780120.00, 3338658.84; 780147.46, 3338667.42; 780175.35, 3338674.13; 780203.67, 3338679.18; 780232.22, 3338682.46; 780260.92, 3338683.85; 780289.67, 3338683.48; 780318.27, 3338681.32; 781659.28, 3338623.11; 783371.06, 3341075.49; 783388.08, 3341098.65; 783406.52, 3341120.69; 783426.31, 3341141.53; 783447.37, 3341161.09; 783469.61, 3341179.28; 783492.96, 3341196.05; 783517.31, 3341211.31; 783542.57, 3341225.02; 783568.64, 3341237.11; 783595.42, 3341247.54; 783622.80, 3341256.27; 783650.68, 3341263.26; 783678.94, 3341268.49; 783707.47, 3341271.93; 783736.16, 3341273.58; 783764.90, 3341273.42; 783793.57, 3341271.45; 783822.06, 3341267.69; 783850.26, 3341262.15; 783878.06, 3341254.85; 783905.34, 3341245.82; 783932.00, 3341235.09; 783957.94, 3341222.71; 783983.05, 3341208.72; 784007.23, 3341193.19; 784030.38, 3341176.17; 784052.42, 3341157.73; 784073.27, 3341137.94; 784092.82, 3341116.88; 784111.02, 3341094.63; 784127.78, 3341071.29; 784143.04, 3341046.94; 784156.75, 3341021.68; 784168.84, 3340995.61; 784179.27, 3340968.83; 784188.00, 3340941.45; 784194.99, 3340913.57; 784200.22, 3340885.31; 784203.67, 3340856.78; 784205.31, 3340828.09; 784205.15, 3340799.35; 784203.19, 3340770.67; 784199.43, 3340742.18; 784193.88, 3340713.98; 784186.58, 3340686.19; 784177.55, 3340658.90; 784166.82, 3340632.24; 784154.44, 3340606.31; 784140.46, 3340581.20; 784124.92, 3340557.02; 782277.60, 3337914.11; 782294.12, 3337890.57; 782309.21, 3337866.10; 782322.78, 3337840.82; 782334.64,

3337814.60; 782344.88, 3337787.79; 782353.40, 3337760.27; 782360.19, 3337732.38; 782365.26, 3337704.10; 782368.50, 3337675.56; 782369.91, 3337646.86; 782369.59, 3337618.11; 782367.34, 3337589.43; 782363.44, 3337561.03; 782357.70, 3337532.81; 782350.22, 3337505.10; 782340.98, 3337477.90; 782330.00, 3337451.33; 782317.45, 3337425.48; 782303.24, 3337400.49; 782287.56, 3337376.34; 782270.41, 3337353.37; 782251.78, 3337331.48; 782231.86, 3337310.77; 782210.66, 3337291.37; 782188.27, 3337273.26; 782164.78, 3337256.68; 782140.38, 3337241.63; 782114.97, 3337228.11; 781683.92, 3337059.84; 780938.43, 3336768.89; 780910.97, 3336760.31; 780883.08, 3336753.50; 780854.75, 3336748.56.

(B) Map depicting Unit FFS-3, Subunit B is located at paragraph (6)(xiv)(B) of this entry.

(xiv) Unit FFS-3, Subunit C: Jefferson County, Florida. From USGS 1:24,000 scale quadrangle map Cody, Florida.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 784571.80, 3351736.64; 784608.07, 3351280.60; 784579.36, 3351279.22; 784554.83, 3351279.59; 784550.62, 3351279.65; 784521.97, 3351281.88; 784493.51, 3351285.91; 784465.37, 3351291.71; 784437.64, 3351299.27; 784410.44, 3351308.56; 784383.88, 3351319.54; 784358.06, 3351332.16; 784333.09, 3351346.38; 784309.05, 3351362.14; 784286.06, 3351379.37; 784264.19, 3351398.02; 784243.53, 3351418.00; 784224.17, 3351439.25; 784206.19, 3351461.66; 784189.64, 3351485.16; 784174.61, 3351509.65; 784161.14, 3351535.04; 784149.29, 3351561.22; 784139.11, 3351588.10; 784130.64, 3351615.56; 784123.90, 3351643.50; 784118.94, 3351671.81; 784115.76, 3351700.37; 784114.38, 3351729.08; 784114.81, 3351757.81; 784117.04, 3351786.47; 784121.07, 3351814.92; 784126.87, 3351843.07; 784134.43, 3351870.80; 784143.72, 3351897.99; 784154.70, 3351924.55; 784167.32, 3351950.37; 784181.54, 3351975.35; 784197.30, 3351999.38; 784214.53, 3352022.38; 784233.18, 3352044.25; 784253.16, 3352064.90; 784274.40, 3352084.26; 784296.82, 3352102.25; 784320.32, 3352118.79; 784344.81, 3352133.83; 784370.20, 3352147.30; 784396.38, 3352159.15; 784423.26, 3352169.33; 784450.72, 3352177.80; 784478.66, 3352184.53; 784506.97, 3352189.50; 784535.53, 3352192.68; 784558.55, 3352193.78; 784564.24, 3352194.05; 784592.97, 3352193.63; 784621.63, 3352191.40; 784650.08, 3352187.37; 784678.23, 3352181.56; 784705.96, 3352174.00; 784733.15, 3352164.72; 784759.71,

3352153.74; 784785.53, 3352141.12;
784810.51, 3352126.90; 784834.54,
3352111.14; 784857.54, 3352093.90;
784879.41, 3352075.26; 784900.06,
3352055.27; 784919.42, 3352034.03;
784937.41, 3352011.62; 784953.96,
3351988.12; 784968.99, 3351963.63;
784982.46, 3351938.24; 784994.31,
3351912.06; 785004.49, 3351885.18;
785012.96, 3351857.72; 785019.70,
3351829.78; 785024.66, 3351801.47;

785027.84, 3351772.91; 785029.21,
3351744.20; 785028.79, 3351715.46;
785026.56, 3351686.81; 785022.53,
3351658.36; 785016.72, 3351630.21;
785009.16, 3351602.48; 784999.88,
3351575.28; 784988.90, 3351548.72;
784976.28, 3351522.90; 784962.06,
3351497.93; 784946.30, 3351473.89;
784929.06, 3351450.90; 784910.42,
3351429.03; 784890.43, 3351408.37;
784869.19, 3351389.01; 784846.78,

3351371.03; 784823.28, 3351354.48;
784798.79, 3351339.44; 784773.40,
3351325.98; 784747.21, 3351314.13;
784720.34, 3351303.95; 784692.88,
3351295.47; 784664.94, 3351288.74;
784636.63, 3351283.78; 784608.07,
3351280.60.

(B) Map of Unit FFS-3 follows:

BILLING CODE 4310-55-S



(xv) Unit FFS-4, Subunit A: Baker County, Florida. From USGS 1:24,000 scale quadrangle maps Big Gum Swamp and Sanderson North, Florida.

(A) Land bounded by the following UTM Zone 17N NAD83 coordinates, (E, N): 367084.38, 3347273.00; 367857.36, 3347865.13; 367885.57, 3347850.05; 367910.67, 3347848.97; 367939.21, 3347845.97; 367967.54, 3347841.08; 367995.46, 3347834.54; 368022.88, 3347826.11; 368076.03, 3347804.41; 368126.01, 3347776.10; 368149.58, 3347759.63; 368172.08, 3347741.85; 368213.36, 3347702.00; 368249.49, 3347657.34; 368279.60, 3347608.54; 368303.41, 3347556.26; 368320.55, 3347501.41; 368326.47, 3347473.30; 368330.56, 3347444.98; 368333.52, 3347387.64; 368329.18, 3347330.38; 368324.31, 3347302.07; 368309.40, 3347246.60; 368287.59, 3347193.55; 368274.29, 3347168.10; 368242.92, 3347120.04; 368205.82, 3347076.15; 368163.49, 3347037.42; 368116.61, 3347004.29; 368066.05, 3346977.19; 368012.39, 3346956.67; 367956.61, 3346943.15; 366301.34, 3346652.76; 366243.94, 3346653.45; 366187.08, 3346661.34; 366131.66, 3346676.29; 366078.54, 3346698.07; 366028.58, 3346726.33; 365982.55, 3346760.63; 365941.18, 3346800.43; 365889.28, 3346869.05; 365862.23, 3346919.69; 365841.75, 3346973.32; 365828.15, 3347029.09; 365821.64, 3347086.12; 365822.34, 3347143.52; 365830.23, 3347200.39; 365845.18, 3347255.81; 365866.95, 3347308.92; 365895.22, 3347358.89; 365948.77, 3347426.23; 365991.09, 3347465.01; 366037.94, 3347498.19; 366088.58, 3347525.23;

366142.20, 3347545.72; 367577.52, 3347903.88; 367634.57, 3347910.39; 367692.00, 3347909.70; 367748.88, 3347901.80; 367804.22, 3347886.84; 367857.36, 3347865.13.

(B) Map depicting Unit FFS-4, Subunit A is provided at paragraph (6)(xvi)(B) of this entry.

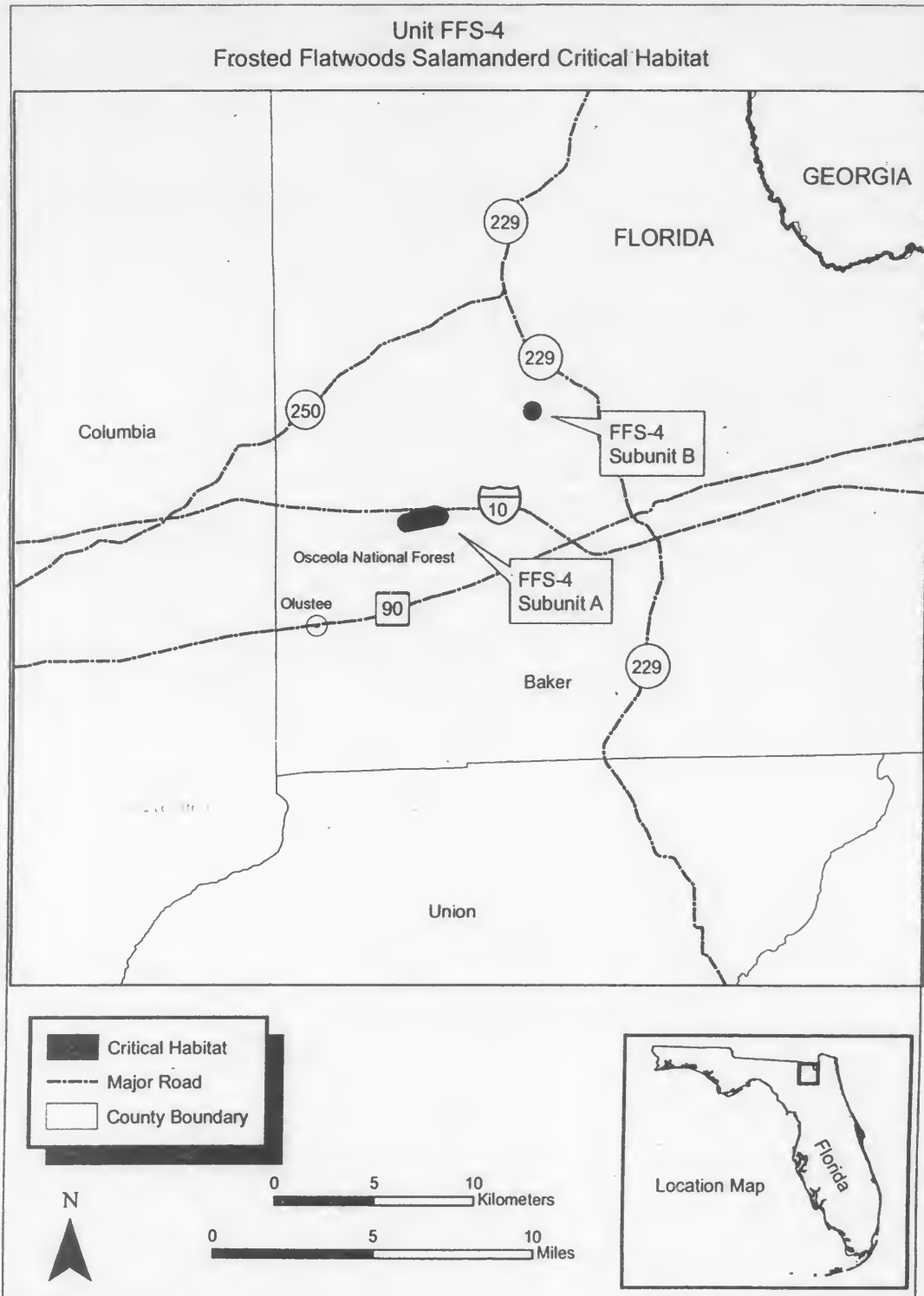
(xvi) Unit FFS-4, Subunit B: Baker County, Florida. From USGS 1:24,000 scale quadrangle map Sanderson North, Florida.

(A) Land bounded by the following UTM Zone 17N NAD83 coordinates, (E, N): 372674.15, 3352411.84; 372686.30, 3351954.90; 372657.58, 3351955.03; 372628.93, 3351956.98; 372600.46, 3351960.71; 372572.28, 3351966.23; 372544.50, 3351973.51; 372517.23, 3351982.51; 372490.58, 3351993.21; 372464.66, 3352005.56; 372439.56, 3352019.52; 372415.39, 3352035.02; 372392.24, 3352052.02; 372370.20, 3352070.43; 372349.36, 3352090.19; 372329.81, 3352111.21; 372311.61, 3352133.43; 372294.84, 3352156.74; 372279.57, 3352181.06; 372265.86, 3352206.29; 372253.76, 3352232.34; 372243.32, 3352259.09; 372234.58, 3352286.44; 372227.57, 3352314.29; 372222.33, 3352342.52; 372218.86, 3352371.03; 372217.20, 3352399.70; 372217.34, 3352428.41; 372219.28, 3352457.06; 372223.02, 3352485.54; 372228.54, 3352513.72; 372235.81, 3352541.50; 372244.82, 3352568.77; 372255.52, 3352595.41; 372267.87, 3352621.34; 372281.83, 3352646.43; 372297.33, 3352670.61; 372314.32, 3352693.76; 372332.73, 3352715.79; 372352.49, 3352736.63; 372373.52, 3352756.19; 372395.74, 3352774.38;

372419.05, 3352791.15; 372443.37, 3352806.42; 372468.60, 3352820.13; 372494.64, 3352832.23; 372521.39, 3352842.68; 372548.75, 3352851.42; 372576.60, 3352858.42; 372604.83, 3352863.67; 372633.34, 3352867.13; 372662.00, 3352868.79; 372690.72, 3352868.66; 372719.37, 3352866.71; 372747.84, 3352862.98; 372776.02, 3352857.46; 372803.80, 3352850.18; 372831.07, 3352841.18; 372857.72, 3352830.48; 372883.64, 3352818.12; 372908.74, 3352804.17; 372932.91, 3352788.66; 372956.06, 3352771.67; 372978.10, 3352753.26; 372998.94, 3352733.50; 373018.49, 3352712.47; 373036.69, 3352690.26; 373053.46, 3352666.95; 373068.73, 3352642.63; 373082.44, 3352617.40; 373094.54, 3352591.35; 373104.98, 3352564.60; 373113.72, 3352537.25; 373120.73, 3352509.40; 373125.97, 3352481.17; 373129.43, 3352452.66; 373131.10, 3352423.99; 373130.96, 3352395.28; 373129.02, 3352366.63; 373125.28, 3352338.15; 373119.76, 3352309.97; 373112.49, 3352282.19; 373103.48, 3352254.92; 373092.78, 3352228.28; 373080.43, 3352202.35; 373066.47, 3352177.26; 373050.97, 3352153.08; 373033.98, 3352129.93; 373015.57, 3352107.90; 372995.81, 3352087.06; 372974.78, 3352067.50; 372952.56, 3352049.31; 372929.25, 3352032.54; 372904.93, 3352017.27; 372879.70, 3352003.56; 372853.66, 3351991.46; 372826.91, 3351981.01; 372799.55, 3351972.27; 372771.70, 3351965.27; 372743.47, 3351960.02; 372714.96, 3351956.56; 372686.30, 3351954.90.

(B) Map of Unit FFS-4 follows:

BILLING CODE 4310-55-S



(7) South Carolina Units: Berkeley, Charleston, and Jasper Counties, South Carolina.

(i) Unit FFS-5, Subunit A: Jasper County, South Carolina. From USGS 1:24,000 scale quadrangle map Limehouse, South Carolina.

(A) Land bounded by the following UTM Zone 17N, NAD83 coordinates (E, N): 497847.74, 3566350.32; 498446.09, 3566295.60; 498439.16, 3566219.48; 498471.15, 3566178.02; 498514.08, 3566169.34; 498465.77, 3566061.18; 498347.55, 3566000.50; 498335.98, 3566046.55; 498253.70, 3566211.29; 498242.87, 3566287.84; 498145.31, 3566241.91; 498033.47, 3566197.40; 497998.76, 3566059.86; 497934.00, 3565901.25; 497898.67, 3565909.74; 497750.14, 3565959.14; 497684.01, 3565953.12; 497606.99, 3565916.86; 497442.74, 3566050.55; 497406.11, 3566214.18; 497415.01, 3566475.87; 497493.26, 3566667.21; 497540.65, 3566737.25; 497620.82, 3566798.86; 497732.91, 3566816.47; 497862.02, 3566803.14; 497974.49, 3566781.53; 497979.42, 3566780.58; 497992.64, 3566773.81; 497990.36, 3566773.41; 497991.28, 3566768.03; 497987.84, 3566757.91; 497989.91, 3566748.69; 497989.47, 3566747.94; 497988.60, 3566711.90; 497989.72, 3566675.82; 498042.65, 3566632.46; 498093.51, 3566608.11; 498098.16, 3566599.05;

498150.81, 3566572.33; 498174.50, 3566503.10; 498224.43, 3566468.83; 498297.24, 3566436.54; 498367.33, 3566396.68; 498406.68, 3566344.87; 498446.09, 3566295.60.

(B) Map depicting Unit FFS-5, Subunit A is provided at paragraph (7)(ii)(B) of this entry.

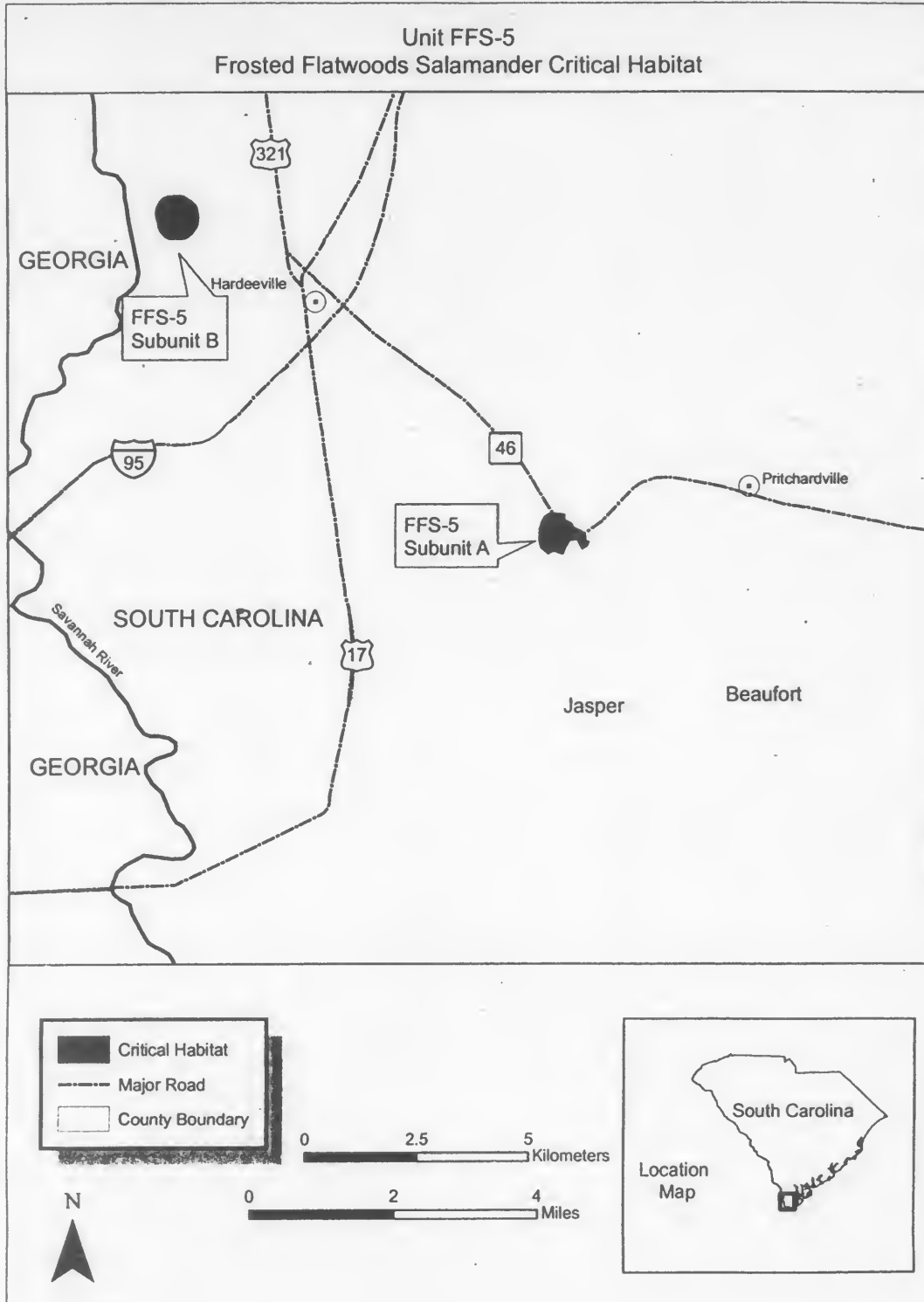
(ii) Unit FFS-5, Subunit B: Jasper County, South Carolina. From USGS 1:24,000 scale quadrangle map Hardeeville, South Carolina.

(A) Land bounded by the following UTM Zone 17N, NAD83 coordinates (E, N): 489561.94, 3573503.59; 489722.85, 3573967.97; 489813.22, 3573903.16; 489904.81, 3573840.10; 489926.27, 3573824.52; 489946.02, 3573806.80; 489963.82, 3573787.14; 489979.50, 3573765.74; 489992.88, 3573742.83; 490003.82, 3573718.67; 490012.20, 3573693.50; 490017.94, 3573667.60; 490016.20, 3573652.66; 490013.19, 3573637.92; 490015.98, 3573632.12; 490025.87, 3573604.58; 490032.87, 3573576.16; 490036.91, 3573547.18; 490037.03, 3573543.60; 490041.81, 3573520.55; 490043.92, 3573497.11; 490043.41, 3573474.57; 490040.43, 3573452.23; 490035.01, 3573430.36; 490027.22, 3573409.21; 490026.77, 3573385.43; 490023.98, 3573361.81; 490018.89, 3573338.58; 490011.54, 3573315.96; 490002.00, 3573294.17; 489990.37, 3573273.42; 489980.99,

3573259.55; 489970.67, 3573246.37; 489959.67, 3573227.66; 489937.65, 3573195.84; 489913.35, 3573165.71; 489886.91, 3573137.45; 489858.47, 3573111.20; 489828.18, 3573087.11; 489796.21, 3573065.31; 489762.72, 3573045.91; 489727.90, 3573029.02; 489644.36, 3573024.70; 489560.73, 3573022.61; 489477.08, 3573022.74; 489393.46, 3573025.10; 489359.85, 3573040.41; 489327.69, 3573058.58; 489297.23, 3573079.47; 489268.70, 3573102.92; 489242.31, 3573128.77; 489218.27, 3573156.80; 489196.75, 3573186.82; 489177.92, 3573218.59; 489161.92, 3573251.88; 489148.87, 3573286.44; 489138.87, 3573321.99; 489085.29, 3573601.84; 489092.79, 3573641.38; 489103.20, 3573680.27; 489116.45, 3573718.27; 489132.48, 3573755.19; 489151.20, 3573790.83; 489172.50, 3573824.98; 489196.26, 3573857.47; 489214.53, 3573880.49; 489235.17, 3573901.42; 489257.94, 3573920.01; 489282.57, 3573936.04; 489308.78, 3573949.34; 489336.26, 3573959.75; 489364.71, 3573967.15; 489393.78, 3573971.44; 489423.15, 3573972.59; 489452.47, 3573970.58; 489453.58, 3573970.39; 489507.35, 3573975.17; 489561.29, 3573977.32; 489615.28, 3573976.84; 489669.17, 3573973.72; 489722.85, 3573967.97.

(B) Map of Unit FFS-5 follows:

BILLING CODE 4310-55-S



(iii) Unit FFS-6: Berkeley County, South Carolina. From USGS 1:24,000 scale quadrangle map Cainhoy, South Carolina.

(A) Land bounded by the following UTM Zone 17N NAD83 coordinates, (E, N): 611278.81, 3648848.98; 613513.07, 3649951.18; 613527.98, 3649895.75; 613535.82, 3649838.89; 613536.47, 3649781.49; 613529.62, 3649718.85; 613516.29, 3649668.71; 613495.76, 3649615.10; 613468.68, 3649564.49; 613435.47, 3649517.67; 613416.73, 3649495.91; 613396.66, 3649475.38; 613352.85, 3649438.29; 613304.74, 3649406.98; 613265.68, 3649387.26; 613198.69, 3649363.59; 613142.44, 3649352.20; 613087.44, 3649348.04; 613094.83, 3649293.89; 613095.48, 3649236.49; 613088.93, 3649179.46; 613075.29, 3649123.71; 613054.77, 3649070.10; 613042.02, 3649044.36; 613027.69, 3649019.49; 612994.47, 3648972.67; 612955.66, 3648930.38; 612911.85, 3648893.29; 612888.28, 3648876.88; 612863.74, 3648861.98; 612812.08, 3648836.95; 609500.97, 3647503.91; 609474.07, 3647493.88; 609446.58, 3647485.56; 609418.63, 3647478.99; 609390.32, 3647474.18; 609361.76, 3647471.16; 609333.08, 3647469.94; 609304.37, 3647470.53; 609275.75, 3647472.91; 609247.34, 3647477.09; 609219.25, 3647483.04; 609191.59, 3647490.74; 609164.46, 3647500.17; 609137.99, 3647511.28; 609112.26, 3647524.03; 609087.38, 3647538.37; 609063.45, 3647554.25; 609040.57, 3647571.59; 609018.82, 3647590.34; 608998.29, 3647610.42; 608979.07, 3647631.75; 608961.22, 3647654.24; 608944.81, 3647677.81; 608929.92, 3647702.36; 608916.60, 3647727.80; 608904.91, 3647754.02; 608894.88, 3647780.93; 608886.56, 3647808.42; 608879.99, 3647836.37; 608875.18, 3647864.68; 608872.16, 3647893.23; 608870.94, 3647921.92; 608871.52, 3647950.63; 608873.91, 3647979.25; 608878.08, 3648007.66; 608884.04, 3648035.75; 608891.74, 3648063.41; 608901.17, 3648090.53; 608912.28, 3648117.01; 608925.03, 3648142.74; 608939.37, 3648167.62;

608955.25, 3648191.54; 608972.59, 3648214.43; 608991.34, 3648236.18; 609011.42, 3648256.70; 609032.74, 3648275.93; 609055.24, 3648293.78; 609078.81, 3648310.18; 609103.36, 3648325.08; 612197.25, 3649979.02; 612248.91, 3650004.05; 612275.81, 3650014.08; 612331.23, 3650028.99; 612359.55, 3650033.80; 612416.80, 3650038.06; 612474.12, 3650035.11; 612502.53, 3650030.94; 612558.29, 3650017.30; 612611.90, 3649996.77; 612655.36, 3649973.81; 612691.29, 3650045.52; 612724.50, 3650092.34; 612743.24, 3650114.09; 612784.64, 3650153.86; 612830.69, 3650188.12; 612855.24, 3650203.02; 612906.90, 3650228.05; 612961.29, 3650246.41; 613025.74, 3650257.06; 613074.79, 3650262.06; 613103.50, 3650261.49; 613160.52, 3650254.94; 613216.28, 3650241.30; 613269.89, 3650220.78; 613295.63, 3650208.03; 613320.51, 3650193.70; 613367.33, 3650160.49; 613409.62, 3650121.67; 613428.85, 3650100.35; 613463.11, 3650054.30; 613491.34, 3650004.31; 613513.07, 3649951.18.

(B) Map depicting Unit FFS-6 is provided at paragraph (7)(iv)(B) of this entry.

(iv) Unit FFS-7: Charleston County, South Carolina. From USGS 1:24,000 scale quadrangle map, Santee, South Carolina.

(A) Land bounded by the following UTM Zone 17N NAD83 coordinates, (E, N): 648576.17, 3668543.24; 648579.86, 3668086.10; 648551.15, 3668086.77; 648522.54, 3668089.24; 648494.14, 3668093.50; 648466.06, 3668099.54; 648438.42, 3668107.33; 648411.32, 3668116.84; 648384.87, 3668128.03; 648359.18, 3668140.86; 648334.34, 3668155.28; 648310.46, 3668171.23; 648287.62, 3668188.65; 648265.93, 3668207.47; 648245.46, 3668227.61; 648226.29, 3668249.00; 648208.50, 3668271.55; 648192.17, 3668295.17; 648177.35, 3668319.77; 648164.11, 3668345.25; 648152.49, 3668371.52; 648142.54, 3668398.46; 648134.31, 3668425.97; 648127.82, 3668453.95; 648123.09, 3668482.28; 648120.16,

3668510.84; 648119.03, 3668539.54; 648119.70, 3668568.25; 648122.17, 3668596.86; 648126.43, 3668625.26; 648132.47, 3668653.34; 648140.26, 3668680.98; 648149.77, 3668708.08; 648160.96, 3668734.53; 648173.79, 3668760.22; 648188.21, 3668785.06; 648204.16, 3668808.94; 648221.58, 3668831.78; 648240.40, 3668853.47; 648260.54, 3668873.94; 648281.93, 3668893.11; 648304.48, 3668910.89; 648328.10, 3668927.23; 648352.70, 3668942.05; 648378.18, 3668955.29; 648404.45, 3668966.91; 648431.39, 3668976.86; 648458.90, 3668985.09; 648486.88, 3668992.53; 648515.21, 3668996.30; 648543.77, 3668999.24; 648572.47, 3669000.37; 648601.18, 3668999.70; 648629.80, 3668997.23; 648658.20, 3668992.97; 648686.27, 3668986.93; 648713.92, 3668979.14; 648741.02, 3668969.63; 648767.46, 3668958.44; 648793.16, 3668945.61; 648818.00, 3668931.19; 648841.88, 3668915.24; 648864.71, 3668897.82; 648886.41, 3668879.00; 648906.88, 3668858.86; 648926.04, 3668837.47; 648943.83, 3668814.92; 648960.16, 3668791.30; 648974.98, 3668766.70; 648988.23, 3668741.22; 648999.85, 3668714.96; 649009.79, 3668688.01; 649018.03, 3668660.50; 649024.52, 3668632.53; 649029.24, 3668604.20; 649032.17, 3668575.63; 649033.31, 3668546.93; 649032.64, 3668518.22; 649030.17, 3668489.61; 649025.90, 3668461.21; 649019.86, 3668433.13; 649012.08, 3668405.49; 649002.57, 3668378.39; 648991.37, 3668351.94; 648978.54, 3668326.25; 648964.12, 3668301.41; 648948.17, 3668277.53; 648930.76, 3668254.69; 648911.94, 3668233.00; 648891.79, 3668212.53; 648870.41, 3668193.36; 648847.86, 3668175.58; 648824.23, 3668159.24; 648799.63, 3668144.42; 648774.15, 3668131.18; 648747.89, 3668119.56; 648720.94, 3668109.62; 648693.43, 3668101.38; 648665.46, 3668094.89; 648637.13, 3668090.17; 648608.56, 3668087.23; 648579.86, 3668086.10.

(B) Map of Units FFS-6 and FFS-7 follows:

BILLING CODE 4310-55-S



* * * * *

Reticulated Flatwoods Salamander
(*Ambystoma bishopi*)

(1) Critical habitat units are depicted for Calhoun, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington Counties in Florida; and Baker and Miller Counties in Georgia on the maps below.

(2) The primary constituent elements of critical habitat for the reticulated flatwoods salamander are the habitat components that provide:

(i) Breeding habitat. Small (generally <1 to 10 ac (<0.4 to 4.0 ha), acidic, depressional standing bodies of freshwater (wetlands) that:

(A) Are seasonally flooded by rainfall in late fall or early winter and dry in late spring or early summer;

(B) Are geographically isolated from other water bodies;

(C) Occur within pine flatwoods-savanna communities;

(D) Are dominated by grasses and grass-like species in the ground layer and overstories of pond-cypress, blackgum, and slash pine;

(E) Have a relatively open canopy, necessary to maintain the herbaceous component that serves as cover for

flatwoods salamander larvae and their aquatic invertebrate prey; and

(F) Typically have a burrowing crayfish fauna, but, due to periodic drying, the breeding ponds typically lack large, predatory fish (for example, *Lepomis* (sunfish), *Micropterus* (bass), *Amia calva* (bowfin)).

(ii) Non-breeding habitat. Upland pine flatwoods-savanna habitat that is open, mesic woodland maintained by frequent fires and that:

(A) Is within 1,500 ft (457 m) of adjacent and accessible breeding ponds;

(B) Contains crayfish burrows or other underground habitat that the flatwoods salamander depends upon for food, shelter, and protection from the elements and predation;

(C) Has an organic hardpan in the soil profile, which inhibits subsurface water penetration and typically results in moist soils with water often at or near the surface under normal conditions; and

(D) Often has wiregrasses as the dominant grasses in the abundant herbaceous ground cover, which supports the rich herbivorous invertebrates that serve as a food source for the flatwoods salamander.

(iii) Dispersal habitat. Upland habitat areas between nonbreeding and

breeding habitat that allow for salamander movement between such sites and that is characterized by:

(A) A mix of vegetation types representing a transition between wetland and upland vegetation (ecotone);

(B) An open canopy and abundant native herbaceous species;

(C) Moist soils as described in paragraph (2)(ii); and

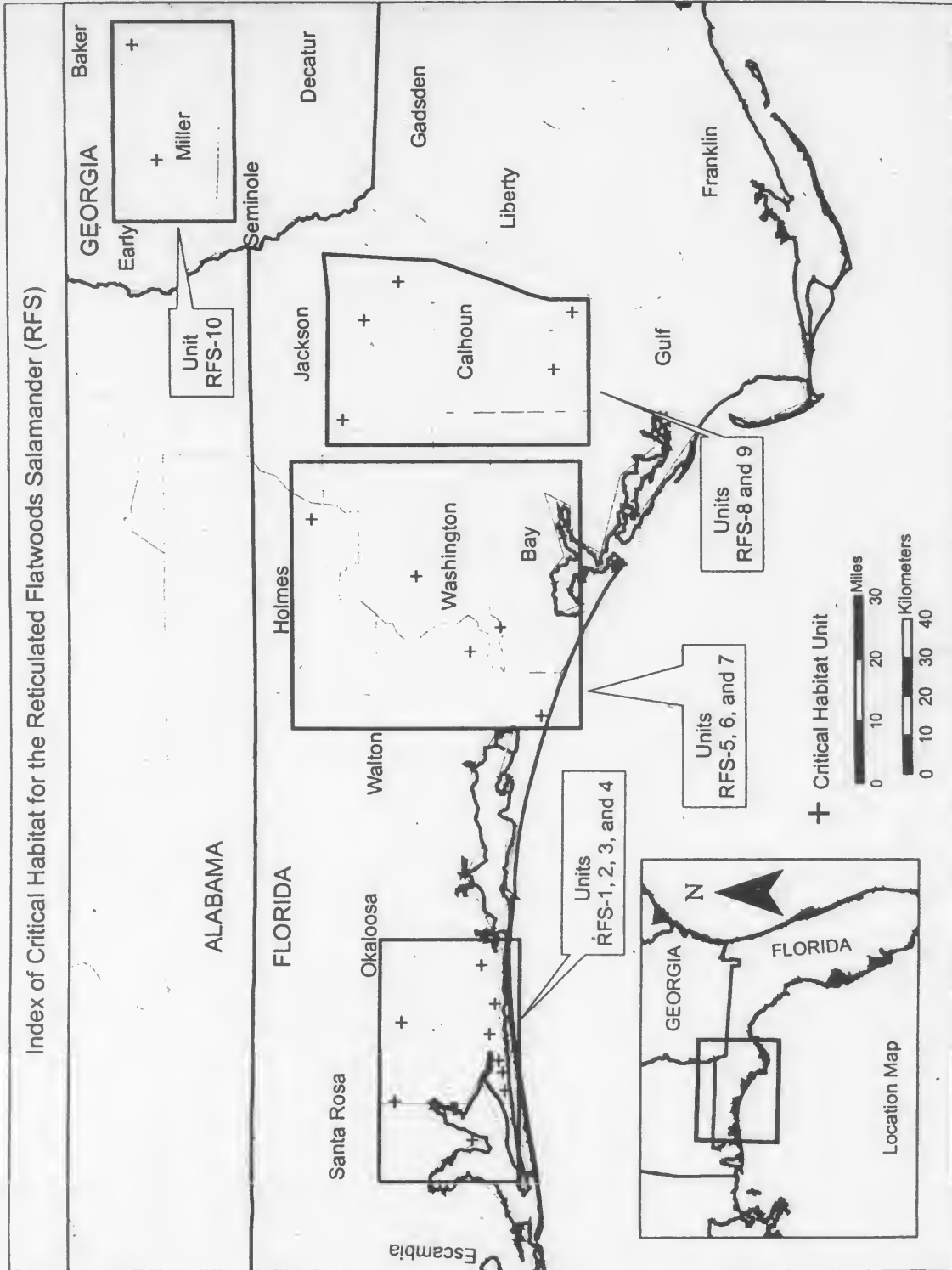
(D) Subsurface structure, such as deep litter cover or burrows that provide shelter for salamanders during seasonal movements.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) Critical habitat map units. Data layers defining map units were created on a base of USGS 7.5' quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

(5) Note: Index Map of critical habitat for the Reticulated Flatwoods Salamander follows:

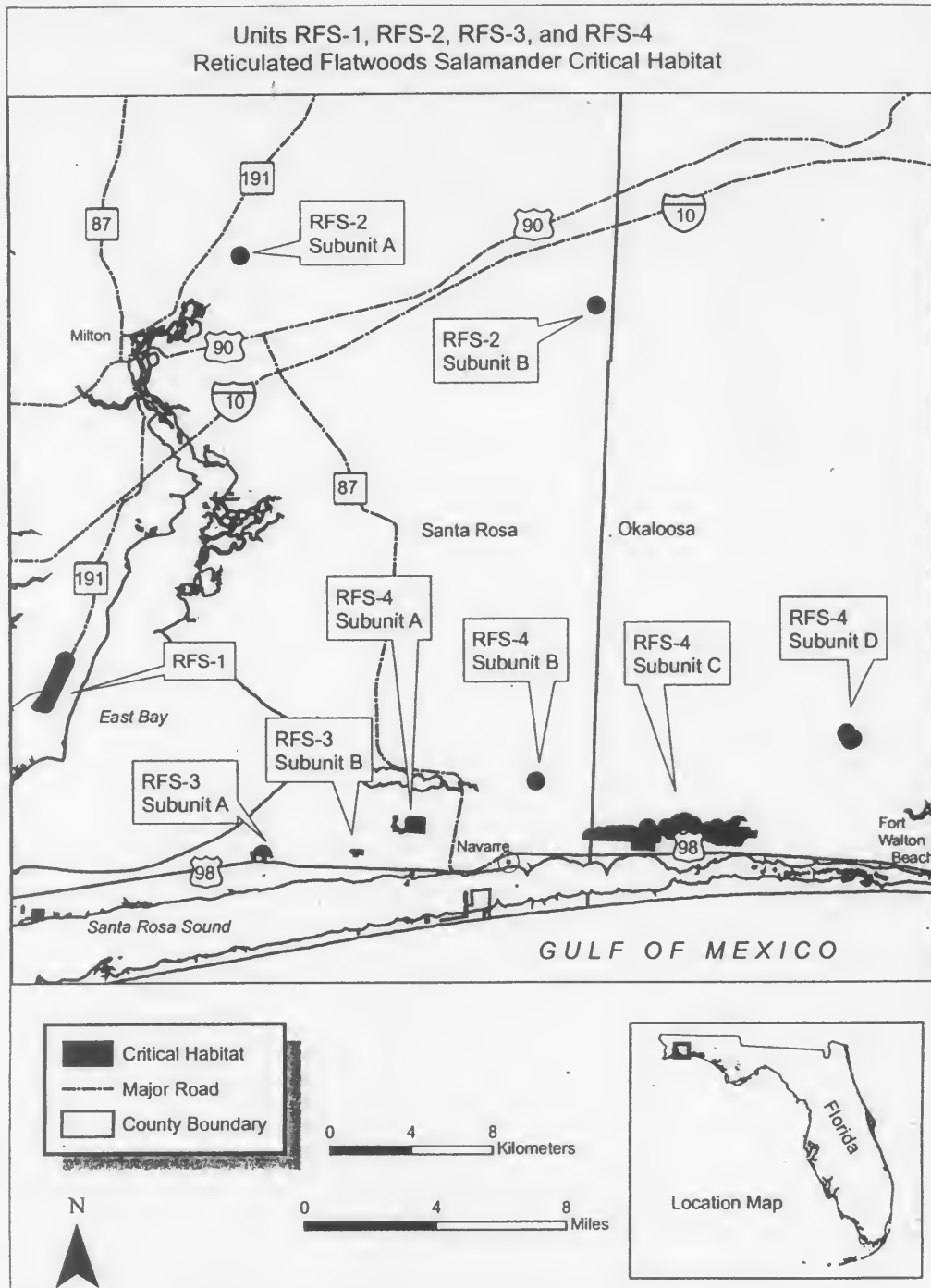
BILLING CODE 4310-55-S



3370294.57; 531226.15, 3370322.12;
531219.82, 3370350.13; 531215.27,

3370378.48; 531212.51, 3370407.06;
531211.54, 3370435.75.

(B) Map of Units RFS-1, RFS-2, RFS-3 and RFS-4 follows:
BILLING CODE 4310-55-S



(x) Unit RFS-5: Walton County, Florida. From USGS 1:24,000 scale quadrangle map Point Washington, Florida.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 587515.35, 3355152.48; 587506.79, 3355609.46; 587535.50, 3355609.10; 587564.13, 3355606.93; 587592.57, 3355602.97; 587620.71, 3355597.23; 587648.42, 3355589.74; 587675.62, 3355580.52; 587702.18, 3355569.61; 587728.00, 3355557.06; 587752.99, 3355422.90; 587777.03, 3355527.21; 587800.05, 3355510.04; 587821.94, 3355491.46; 587842.61, 3355471.54; 587862.00, 3355450.36; 587880.02, 3355428.01; 587896.60, 3355404.56; 587911.68, 3355380.13; 587925.19, 3355354.79; 587937.09, 3355328.66; 587947.32, 3355301.83; 587955.84, 3355274.41; 587962.63, 3355246.51; 587967.65, 3355218.24; 587970.89, 3355189.71; 587972.33, 3355161.03; 587971.96, 3355132.32; 587969.80, 3355103.69; 587965.84, 3355075.25; 587960.10, 3355047.12; 587952.61, 3355019.40; 587943.39, 3354992.21; 587932.48, 3354965.65; 587919.92, 3354939.82; 587905.77, 3354914.84; 587890.08, 3354890.79; 587872.91, 3354867.78; 587854.33, 3354845.89; 587834.41, 3354825.21; 587813.23, 3354805.82; 587790.87, 3354787.80; 587767.43, 3354771.22; 587743.00, 3354756.14; 587717.66, 3354742.63; 587691.53, 3354730.74; 587664.70, 3354720.51; 587637.28, 3354711.98; 587609.38, 3354705.19; 587581.11, 3354700.17; 587552.58, 3354696.94; 587523.90, 3354695.50; 587495.19, 3354695.86; 587466.56, 3354698.03; 587438.12, 3354701.99; 587409.99, 3354707.73; 587382.27, 3354715.22; 587355.07, 3354724.44; 587328.51, 3354735.35; 587302.69, 3354747.90; 587277.71, 3354762.05; 587253.66, 3354777.74; 587230.65, 3354794.91; 587208.76, 3354813.50; 587188.08, 3354833.42; 587168.69, 3354854.60; 587150.67, 3354876.95; 587134.09, 3354900.39; 587119.01, 3354924.83; 587105.50, 3354950.16; 587093.61, 3354976.30; 587083.38, 3355003.13; 587074.85, 3355030.54; 587068.06, 3355058.44; 587063.04, 3355086.72; 587059.80, 3355115.25; 587058.37, 3355143.92; 587058.73, 3355172.63; 587060.90, 3355201.27; 587064.86, 3355229.70; 587070.59, 3355257.84; 587078.09, 3355285.56; 587087.31, 3355312.75; 587098.21, 3355339.31; 587110.77, 3355365.13; 587124.92, 3355390.12; 587140.61, 3355414.16; 587157.78, 3355437.18; 587176.36, 3355459.07; 587196.28, 3355479.75; 587217.46, 3355499.13; 587239.82, 3355517.15; 587263.26, 3355533.74;

587287.70, 3355548.81; 587313.03, 3355562.32; 587339.17, 3355574.22; 587365.99, 3355584.45; 587393.41, 3355592.97; 587421.31, 3355599.76; 587449.58, 3355604.78; 587478.11, 3355608.02; 587506.79, 3355609.46.

(B) Map depicting Unit RFS-5 is provided at paragraph (6)(xiv)(B) of this entry.

(xi) Unit RFS-6, Subunit A: Walton County, Florida. From USGS 1:24,000 scale quadrangle map Bruce, Florida.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 601647.75, 3373576.77; 601493.33, 3374109.03; 601522.04, 3374108.60; 601550.67, 3374106.38; 601579.10, 3374102.36; 601607.23, 3374096.56; 601634.93, 3374089.01; 601662.11, 3374079.74; 601688.65, 3374068.77; 601714.44, 3374056.17; 601739.40, 3374041.96; 601763.41, 3374026.22; 601786.39, 3374009.00; 601808.25, 3373990.37; 601828.89, 3373970.41; 601848.23, 3373949.19; 601866.21, 3373926.80; 601882.74, 3373903.32; 601897.76, 3373878.85; 601911.23, 3373853.49; 601923.07, 3373827.33; 601933.24, 3373800.48; 601941.71, 3373773.04; 601948.44, 3373745.13; 601953.40, 3373716.84; 601956.58, 3373688.31; 601957.96; 3373659.62; 601957.54, 3373630.91; 601955.31, 3373602.29; 601951.29, 3373573.85; 601945.50, 3373545.73; 601937.95, 3373518.03; 601932.81, 3373498.30; 602077.97, 3373412.75; 602148.71, 3373370.38; 602189.04, 3373346.29; 602226.02, 3373324.08; 602242.81, 3373314.59; 602251.57, 3373308.87; 602249.73, 3373302.87; 602248.52, 3373298.22; 602244.07, 3373290.84; 602232.30, 3373285.25; 602226.49, 3373279.16; 602219.36, 3373273.03; 602212.40, 3373260.30; 602203.50, 3373245.54; 602189.89, 3373207.54; 602185.07, 3373188.25; 602182.00, 3373178.92; 602174.92, 3373170.82; 602167.16, 3373163.35; 602161.52, 3373150.66; 602159.44, 3373128.14; 602152.20, 3373073.77; 602147.72, 3373041.28; 602068.26, 3373014.83; 602046.87, 3372996.45; 602018.93, 3372975.27; 601977.95, 3372972.42; 601920.70, 3372984.20; 601893.12, 3373001.35; 601867.36, 3373025.15; 601844.26, 3373048.36; 601816.50, 3373072.78; 601799.99, 3373071.04; 601789.68, 3373059.55; 601764.95, 3373042.41; 601751.13, 3373012.99; 601725.10, 3373084.36; 601700.34, 3373005.10; 601680.55, 3373028.40; 601659.92, 3373058.94; 601630.17, 3373083.30; 601595.72, 3373083.76; 601568.63, 3373081.76; 601562.85, 3373153.48; 601546.32, 3373152.40; 601512.87, 3373139.67; 601482.57, 3373133.62; 601457.54, 3373128.37; 601443.06, 3373124.70; 601441.20,

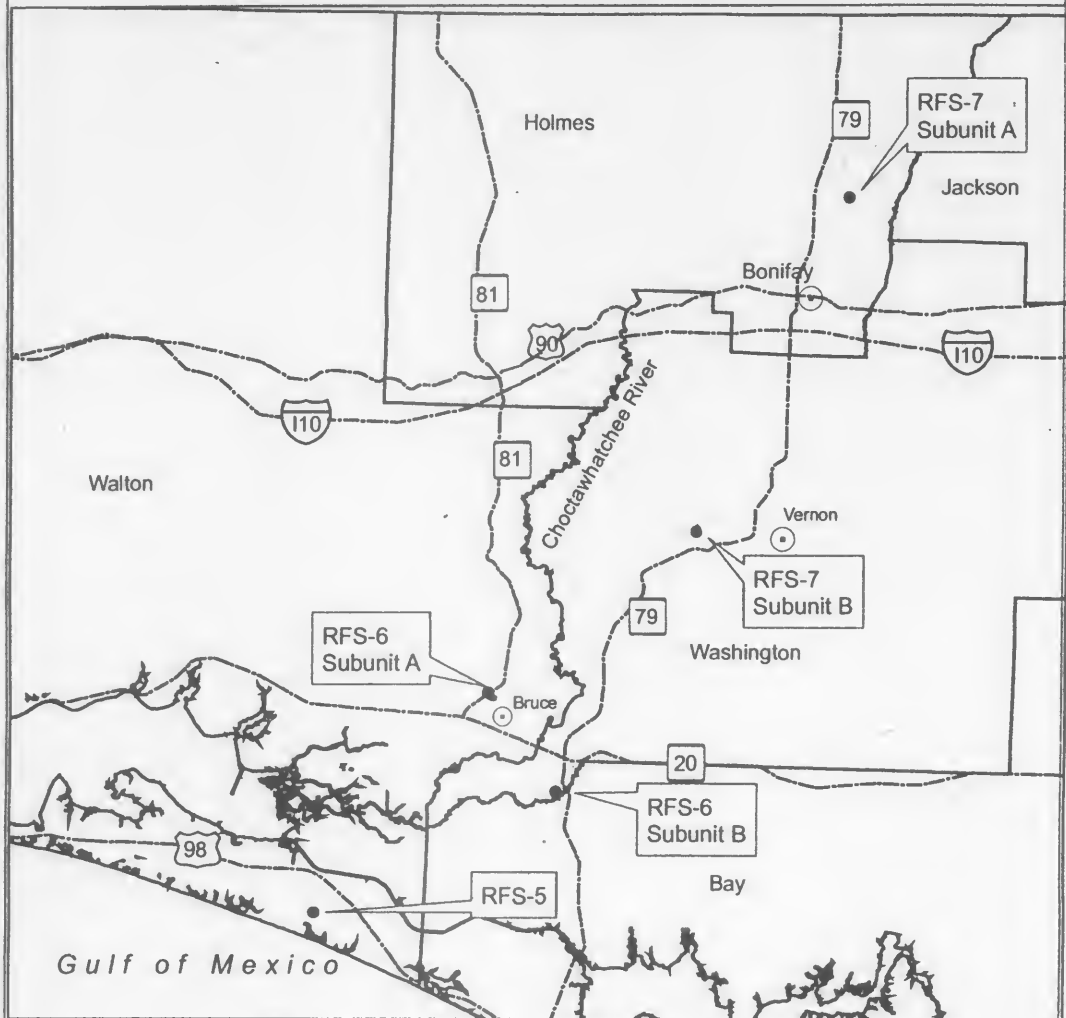
3373198.67; 601422.79, 3373201.67; 601394.66, 3373207.46; 601366.96, 3373215.01; 601339.78, 3373224.29; 601313.25, 3373235.25; 601287.45, 3373247.86; 601262.49, 3373262.06; 601238.48, 3373277.81; 601215.50, 3373295.02; 601193.65, 3373313.65; 601173.01, 3373333.62; 601153.66, 3373354.84; 601135.69, 3373377.23; 601119.15, 3373400.70; 601104.13, 3373425.17; 601090.67, 3373450.54; 601078.83, 3373476.70; 601068.65, 3373503.55; 601060.18, 3373530.98; 601053.45, 3373558.90; 601048.49, 3373587.18; 601045.31, 3373615.72; 601043.93, 3373644.40; 601044.35, 3373673.11; 601046.58, 3373701.74; 601050.60, 3373730.17; 601056.39, 3373758.30; 601063.95, 3373786.00; 601073.22, 3373813.17; 601084.18, 3373839.71; 601096.79, 3373865.51; 601111.00, 3373890.47; 601126.74, 3373914.48; 601143.96, 3373937.46; 601162.58, 3373959.59; 601182.55, 3373979.95; 601203.77, 3373999.30; 601226.16, 3374017.27; 601249.64, 3374033.81; 601274.11, 3374048.83; 601299.47, 3374062.29; 601325.63, 3374074.13; 601352.48, 3374084.31; 601379.92, 3374092.78; 601407.83, 3374099.51; 601436.11, 3374104.47; 601464.65, 3374107.65; 601493.33, 3374109.03.

(B) Map depicting Unit RFS-6, Subunit A is provided at paragraph (6)(xiv)(B) of this entry.

(xii) Unit RFS-6, Subunit B: Washington County, Florida. From USGS 1:24,000 scale quadrangle map Bruce, Florida.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 607444.16, 3365585.74; 607435.59, 3366042.75; 607464.30, 3366042.38; 607492.93, 3366040.22; 607521.37, 3366036.26; 607549.51, 3366030.52; 607577.23, 3366023.03; 607604.42, 3366013.81; 607630.98, 3366002.90; 607656.81, 3365990.35; 607681.79, 3365976.20; 607705.84, 3365960.50; 607728.86, 3365943.33; 607750.75, 3365924.75; 607771.43, 3365904.83; 607790.82, 3365883.65; 607808.84, 3365861.30; 607825.42, 3365837.85; 607840.50, 3365813.42; 607854.02, 3365788.08; 607865.91, 3365761.94; 607876.14, 3365735.11; 607884.67, 3365707.70; 607891.46, 3365679.79; 607896.48, 3365651.52; 607899.72, 3365622.99; 607901.16, 3365594.31; 607900.79, 3365585.60; 607898.63, 3365536.97; 607894.67, 3365508.53; 607888.93, 3365480.39; 607881.44, 3365452.67; 607872.22, 3365425.48; 607861.31, 3365398.91; 607848.76, 3365373.09; 607834.61, 3365348.10; 607818.91, 3365324.06; 607801.74, 3365301.04; 607783.16, 3365279.15; 607763.24, 3365258.47; 607742.06,

Units RFS-5, RFS-6, and RFS-7 Reticulated Flatwoods Salamander Critical Habitat



- Critical Habitat
- Major Road
- County Boundary



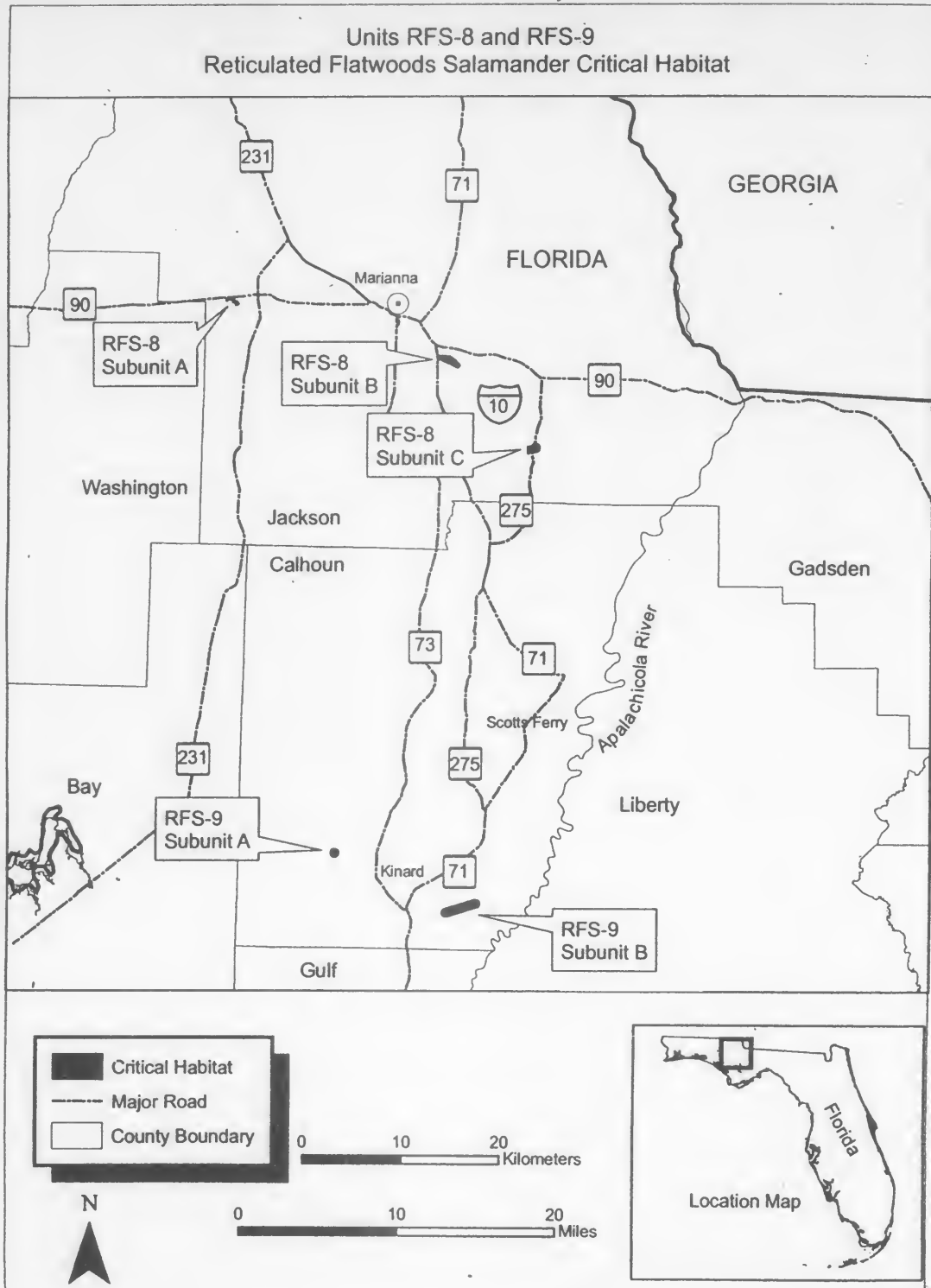
679734.62, 3347257.85; 679739.58,
3347229.56; 679742.76, 3347201.01;
679744.14, 3347172.32; 679743.71,
3347143.61; 679741.48, 3347114.97;
679737.46, 3347086.53; 679731.66,
3347058.40; 679724.10, 3347030.69;
679714.82, 3347003.51; 679703.85,
3346976.97; 679691.23, 3346951.16;

679677.02, 3346926.20; 679661.27,
3346902.19; 679644.05, 3346879.20;
679625.41, 3346857.35; 679605.44,
3346836.70; 679584.21, 3346817.36;
679561.81, 3346799.38; 679538.33,
3346782.84; 679513.85, 3346767.82;
679488.47, 3346754.36; 679462.31,
3346742.52; 679435.45, 3346732.34;

676434.42, 3345734.20; 676406.97,
3345725.73; 676379.05, 3345719.00;
676350.76, 3345714.04; 676322.21,
3345710.86.

(B) Map of Units RFS-8 and RFS-9
follows:

BILLING CODE 4310-55-S



(7) Georgia: Baker and Miller Counties, Georgia.

(i) Unit RFS-10, Subunit A: Miller County, Georgia. From USGS 1:24,000 scale quadrangle map Donalsonville NE, Georgia.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 709773.06, 3456290.97; 709801.78, 3456290.64; 709830.43, 3456288.51; 709858.89, 3456284.58; 709887.04, 3456278.87; 709914.78, 3456271.41; 709942.00, 3456262.22; 709968.58, 3456251.34; 709994.43, 3456238.81; 710019.45, 3456224.68; 710043.52, 3456209.01; 710066.57, 3456191.86; 710088.49, 3456173.30; 710109.20, 3456153.39; 710128.62, 3456132.23; 710146.68, 3456109.89; 710163.30, 3456086.45; 710178.41, 3456062.02; 710191.96, 3456036.69; 710203.89, 3456010.56; 710214.16, 3455983.73; 710222.72, 3455956.31; 710229.54, 3455928.41; 710234.60, 3455900.13; 710237.88, 3455871.59; 710239.35, 3455842.91; 710239.02, 3455814.18; 710236.89, 3455785.53; 710232.96, 3455757.08; 710227.25, 3455728.92; 710219.79, 3455701.18; 710210.60, 3455673.97; 710199.72, 3455647.38; 710187.19, 3455621.53; 710173.06, 3455596.52; 710157.39, 3455572.44; 710140.24, 3455549.40; 710121.68, 3455527.48; 710101.77, 3455506.76; 710080.61, 3455487.34; 710058.27, 3455469.29; 710034.83, 3455452.67; 710010.40, 3455437.56; 709985.07, 3455424.01; 709958.94, 3455412.08; 709932.11, 3455401.81; 709904.69, 3455393.25; 709876.79, 3455386.42;

709848.51, 3455381.36; 709819.97, 3455378.09; 709791.29, 3455376.62; 709762.56, 3455376.95; 709733.91, 3455379.08; 709705.46, 3455383.01; 709677.30, 3455388.71; 709649.56, 3455396.18; 709622.35, 3455405.37; 709595.76, 3455416.25; 709569.91, 3455428.78; 709544.90, 3455442.90; 709520.82, 3455458.57; 709497.78, 3455475.73; 709475.86, 3455494.29; 709455.15, 3455514.19; 709435.72, 3455535.36; 709417.67, 3455557.70; 709401.05, 3455581.13; 709385.94, 3455605.56; 709372.39, 3455630.89; 709360.46, 3455657.02; 709350.19, 3455683.85; 709341.63, 3455711.27; 709334.80, 3455739.18; 709329.75, 3455767.45; 709326.47, 3455795.99; 709325.00, 3455824.68; 709325.33, 3455853.40; 709327.46, 3455882.05; 709331.39, 3455910.51; 709337.10, 3455938.66; 709344.56, 3455966.40; 709353.75, 3455993.62; 709364.63, 3456020.20; 709377.16, 3456046.05; 709391.29, 3456071.07; 709406.96, 3456095.14; 709424.11, 3456118.19; 709442.67, 3456140.11; 709462.57, 3456160.82; 709483.74, 3456180.24; 709506.08, 3456198.30; 709529.51, 3456214.92; 709553.94, 3456230.03; 709579.27, 3456243.58; 709605.40, 3456255.51; 709632.23, 3456265.78; 709659.65, 3456274.34; 709687.56, 3456281.16; 709715.83, 3456286.22; 709744.37, 3456289.49; 709773.06, 3456290.97.

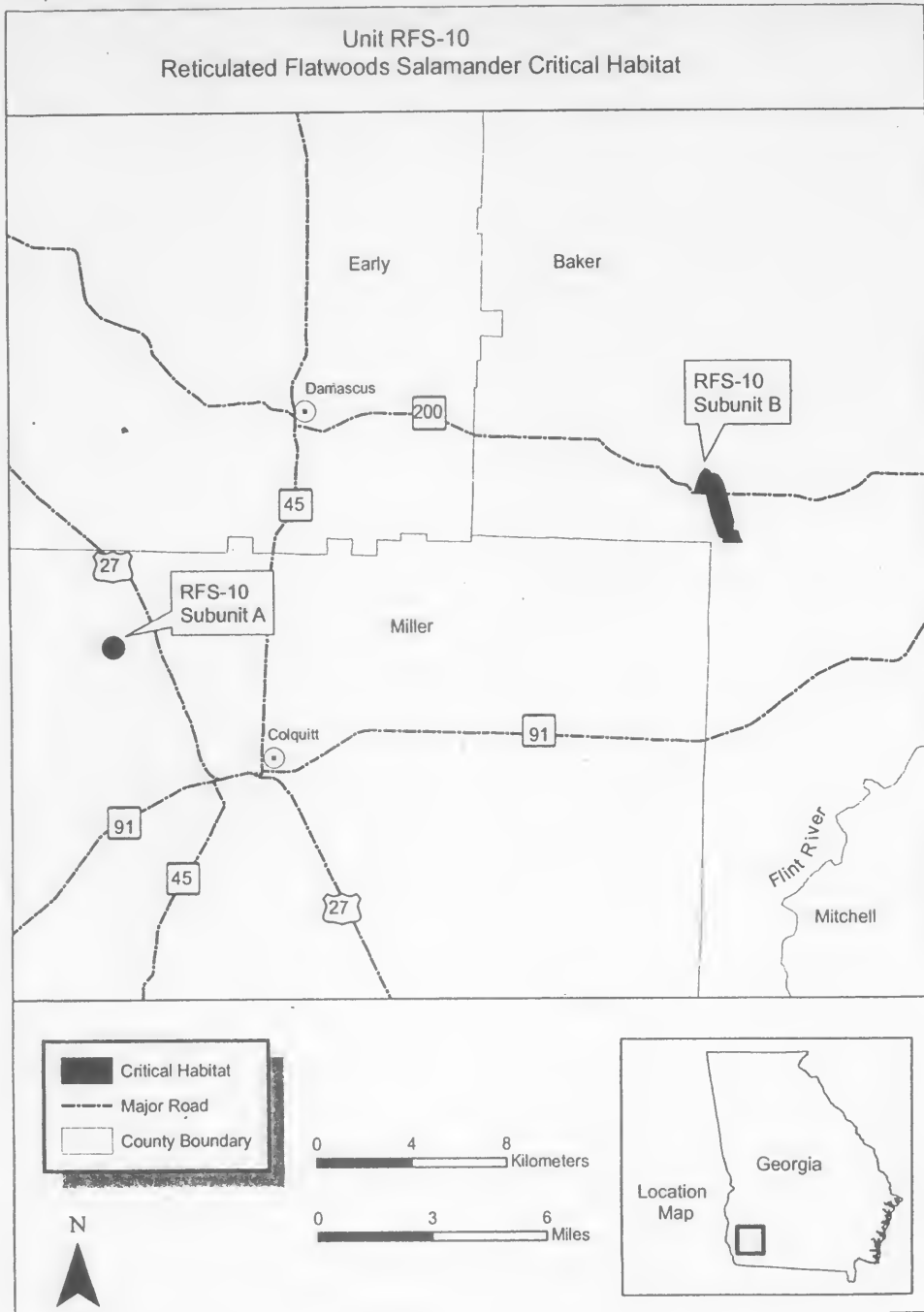
(B) Map depicting Unit RFS-10, Subunit A is provided at paragraph (7)(ii)(B) of this entry.

(ii) Unit RFS-10, Subunit B: Baker County, Georgia. From USGS 1:24,000 scale quadrangle map Bethany, Georgia.

(A) Land bounded by the following UTM Zone 16N, NAD83 coordinates (E, N): 734799.11, 3462120.86; 735025.60, 3462958.51; 735075.16, 3462764.67; 735444.38, 3461469.20; 735412.19, 3461400.33; 735420.28, 3461310.28; 735420.28, 3461223.05; 735430.58, 3461136.30; 735479.60, 3461141.39; 735578.13, 3461132.68; 735613.43, 3461091.58; 735650.82, 3461010.58; 735669.51, 3460923.35; 735703.92, 3460811.06; 735756.74, 3460736.42; 735800.35, 3460649.19; 735744.28, 3460624.27; 735432.74, 3460624.27; 735021.51, 3460618.04; 735040.20, 3460767.58; 734952.97, 3460823.66; 734840.82, 3460861.04; 734812.02, 3460938.41; 734541.74, 3461658.58; 734504.36, 3461783.19; 734301.81, 3462565.34; 734165.92, 3462612.37; 734048.55, 3462652.99; 733925.73, 3462646.35; 733818.44, 3462640.54; 733818.98, 3462680.42; 733831.44, 3462724.03; 733831.91, 3462789.15; 733887.18, 3462970.92; 733929.82, 3463111.13; 733981.10, 3463244.98; 734029.39, 3463371.05; 734111.12, 3463466.09; 734161.67, 3463534.03; 734214.05, 3463602.19; 734302.98, 3463595.69; 734405.69, 3463535.78; 734460.75, 3463434.34; 734585.36, 3463428.11; 734697.51, 3463384.49; 734766.02, 3463372.96; 734844.43, 3463268.82; 734936.26, 3463146.86; 735025.60, 3462958.51.

(B) Map of Unit RFS-10 follows:

BILLING CODE 4310-55-S



* * * * *

Dated: July 30, 2008.
Lyle Laverty
Assistant Secretary for Fish and Wildlife and Parks.
[FR Doc. E8-17894 Filed 8-12-08; 8:45 am]
BILLING CODE 4310-55-S



Federal Register

Wednesday,
August 13, 2008

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and
Plants; Revised Designation of Critical
Habitat for the Northern Spotted Owl;
Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS-R1-ES-2008-0051; 92210-1117-0000-FY08-B4]

RIN 1018-AU37

Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are revising currently designated critical habitat for the northern spotted owl (*Strix occidentalis caurina*) under the Endangered Species Act of 1973, as amended (Act). In 1992, we designated critical habitat for the northern spotted owl on 6, 887, 000 acres (ac) (2, 787, 070 hectares (ha)) of Federal lands in California, Oregon, and Washington. In this document we finalize revised critical habitat for the northern spotted owl on a total of approximately 5, 312, 300 acres (ac) (2, 149, 800 hectares (ha)) of Federal lands in California, Oregon, and Washington.

DATES: This rule becomes effective on September 12, 2008.

ADDRESSES: This final rule and its associated economic analysis are available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/oregonfwo/species/>. Supporting documentation we used in preparing this final rule will be available for public inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave, Suite 100, Portland, OR 97266; telephone 503-231-6179; facsimile 503-231-6195.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, Oregon Fish and Wildlife Office, (see **ADDRESSES**); Ken Berg, Field Supervisor, Western Washington Fish and Wildlife Office, 510 Desmond Drive, Lacey, WA 98503 (telephone 360-753-9440); Michael Long, Field Supervisor, Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521 (telephone 707-822-7201). Persons who use a telecommunications device for the deaf (TTD) may call the Federal Information Relay Service (FIRS) at 800-877-8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:**Background**

It is our intent to discuss only those topics directly relevant to the revised designation of critical habitat in this rule. For more information on the northern spotted owl and critical habitat, please refer to the proposed rule published in the *Federal Register* on June 12, 2007 (72 FR 32450).

Prior and subsequent to the listing of the northern spotted owl in 1990 (55 FR 26114), many committees, task forces, and work groups were formed to develop conservation strategies for the northern spotted owl. Information on these efforts can be found in the proposed critical habitat rule (72 FR 32450). We recently released the final Recovery Plan for the Northern Spotted Owl (USFWS 2008), which incorporates the best available scientific information regarding the conservation of the northern spotted owl. The final recovery plan recommends a network of habitat blocks, or managed owl conservation areas (MOCAs), in the westside provinces in the range of the northern spotted owl, and a broader landscape-based habitat management approach (without MOCAs) for the dry forest eastside provinces in Washington and Oregon. The westside provinces include the Olympic Peninsula, Western Washington Lowlands, Western Washington Cascades, Oregon Coast Range, Willamette Valley, Western Oregon Cascades, and California Coast. The Willamette Valley and Western Washington Lowland provinces are excluded from the MOCA network because, given their low population numbers and isolation from other populations, the recovery plan assumed that these areas could not play an essential role in the recovery of the species (USFWS 2008, pp. 14 to 15). The Oregon Klamath and California Klamath are currently included in the MOCA network of the westside provinces; however, the recovery plan notes that this is an interim strategy for the complex habitat in these provinces (USFWS 2008, p. 24), which are also largely considered fire-prone similar to the eastside provinces. Hence when we refer to the "fire-prone" provinces, we include the Oregon Klamath and California Klamath with the dry forest eastside provinces. The eastside provinces refer to the Eastern Washington Cascades, Eastern Oregon Cascades, and California Cascades.

We believe the recovery strategy described in the final recovery plan will be effective, and therefore the MOCAs delineated in that plan and identified as essential to the conservation of the species serve as the basis for this critical

habitat designation in the westside provinces. The landscape management approach for the eastside provinces, identified in the 2008 final recovery plan (USFWS 2008) and by the Sustainable Ecosystems Institute (SEI) Scientific Panel (SEI 2008) as the most effective approach for managing northern spotted owl habitat in dry forests, was not incorporated into this rule because it cannot be translated into critical habitat at this time, until the new approach called for by the recovery plan is further defined. In the eastside provinces the areas identified for designation in the proposed critical habitat (72 FR 32450), based on the Option 1 MOCAs in the 2007 draft recovery plan, are finalized in this rule. These MOCAs represent the most current delineation of specific areas that provide the physical and biological features essential to the conservation of the northern spotted owl in that region, as required by our regulations at 50 CFR 424.12.

Here we provide detailed background information on this most recent recovery planning process, as understanding the science and strategy behind the habitat network recommended in the recovery plan is integral to understanding the revised critical habitat designation.

2006 to 2008 Recovery Planning Process for the Northern Spotted Owl

In April 2006, we convened an interdisciplinary, interagency Northern Spotted Owl Recovery Team (Recovery Team) to incorporate the most recent scientific information into a final recovery plan for the species. The Recovery Team sought input from northern spotted owl experts on the main threats to the northern spotted owl population; these experts identified three primary threats to the species: competition from barred owls, past habitat loss, and current habitat loss. The Draft Recovery Plan for the Northern Spotted Owl was released in April 2007 (72 FR 20865). Following a 90-day public comment period and a series of public meetings in California, Oregon, and Washington, we received more than 75, 000 public comments. In addition, we collaborated with the American Ornithologists' Union and the Society for Conservation Biology to conduct two sets of blind peer reviews, and requested and received additional independent peer reviews of the 2007 draft recovery plan from scientists with expertise regarding the northern spotted owl and its habitat. We initiated the revisions to the draft recovery plan in October 2007, and contracted a consultant, SEI, to assist with review of

the science and peer review comments on the recovery plan, and convened expert panel workgroups on barred owls, habitat issues, and fire ecology to evaluate and respond to technical issues and to evaluate the recommendations of SEI. The final recovery plan, substantially revised from the original draft, was released in May 2008. Revisions from the draft recovery plan included the elimination of Option 2, the "rule set" option for siting of conservation areas, as well as the addition of more recent modeling work to evaluate the size and spacing criteria of the recommended reserve network.

The final recovery plan identifies competition with the barred owl, ongoing loss of suitable habitat as a result of timber harvest and catastrophic fire, and loss of amount and distribution of suitable habitat as a result of past activities and disturbances as the most important rangewide threats to the northern spotted owl. The final recovery plan describes a variety of recovery actions to address these threats and recover the species, concentrating primarily on habitat conservation, habitat management, and barred owl control (USFWS 2008, p. 12), following a strategy designed for evaluation and adaptive management over the next 10 years (USFWS 2008, pp. VIII to IX). Of these actions, it is Recovery Action 4 that forms the foundation of this critical habitat designation: "Establish a network of MOCAs (as presented in Appendices C and D) that are of sufficient size and spacing to achieve long-term recovery of spotted owls" (USFWS 2008, p. 20). Although the recovery plan speaks to the potential contributions of various lands to the conservation of the owl, it is the MOCA network that is specifically identified as representing those "areas that contain or will develop suitable habitat considered essential for spotted owl recovery" (USFWS 2008, p. 13). As section 3(5)(A) of the Act defines critical habitat, in part, as those specific areas that provide the physical and biological features determined to be essential to the conservation of the species, we have designated critical habitat for the northern spotted owl on the basis of the MOCA network.

The 2008 final recovery plan specifically delineates MOCAs in the westside provinces occupied by the northern spotted owl (Western Washington Cascades, Western Oregon Cascades, Western Washington Lowlands, Olympic Peninsula, and Oregon Coast Range) and adopts a broader scale landscape management strategy without defined boundaries in the eastside provinces (USFWS 2008; p.

9, p. 14, Appendices C and D). The recovery plan recognized the need for an adaptive management approach in the Klamath provinces, but recommends a MOCA network for these provinces as an interim strategy that is expected to change following the work of the Dry Forest Landscape Workgroup (USFWS 2008, p. 24).

The MOCA network is a set of large habitat blocks, each capable of supporting 20 or more breeding pairs of owls (MOCA 1s), and smaller habitat blocks capable of supporting up to 19 breeding pairs of owls (MOCA 2s). The MOCA strategy is founded on the concepts and information first presented in "A Conservation Strategy for the Northern Spotted Owl, compiled by the Interagency Scientific Committee to Address the Conservation of the Northern Spotted Owl" (hereafter "ISC Report"; Thomas *et al.* 1990). The 1992 Final Draft Recovery Plan for the Northern Spotted Owl (USFWS 1992) reflected the ISC Report in its focus on managing large blocks of suitable habitat throughout the range of the northern spotted owl that could support self-sustaining populations of 20 breeding pairs, and spacing the blocks and managing between them to permit movement between the blocks. The ISC Report initially delineated and mapped a network of Habitat Conservation Areas, which were modified into Designated Conservation Areas (DCAs) in the 1992 final draft recovery plan. In 1994, the Northwest Forest Plan (NWFP) amended 26 land resource management plans (LRMPs) of the Forest Service and Bureau of Land Management (BLM) to provide a network of land-use allocations identified as Late Successional Reserves (LSRs) to provide habitat for multiple late-successional forest species, including the northern spotted owl. In 2004, a comprehensive scientific review confirmed that this reserve strategy designed for the northern spotted owl is based on sound scientific principles that have not substantially changed since the species was listed (Courtney *et al.* 2004). Additionally, more recent modeling by Marcot *et al.* (2008) has reaffirmed the size and spacing criteria utilized in the final MOCA network (summarized in USFWS 2008, pp. 76 to 81).

One of the significant departures in the 2008 final recovery plan, as revised from the 2007 draft recovery plan, is that it eliminates the MOCA system on the dry forest provinces east of the Cascade Mountain crest in Washington and Oregon where habitat loss from stand-replacing fires has been relatively high. These areas have a natural pattern of frequent, natural disturbances that

preclude the long-term persistence and effectiveness of any static habitat management areas (Agee 2003; Spies *et al.* 2006). An independent scientific panel advised that a simple reserve network of MOCAs failed to adequately address the eastside fire threats and the maintenance of spotted owl habitat in dry forests cannot rely on static reserves in such a high-risk landscape (USFWS 2008, p. 108; see also Courtney *et al.* 2008, pp. 53 to 72). Consequently, in the Eastern Washington Cascades, Eastern Oregon Cascades, and California Cascades provinces, the 2008 final recovery plan describes a habitat management strategy that seeks to identify and maintain well-distributed, spatially dynamic patches of high quality habitat, manage the lands outside of high quality patches to restore ecological processes and functions, and reduce the potential of stand-replacement fires and insect and disease outbreaks; the plan does not delineate specific, mapped conservation areas (USFWS 2008, p. 21). The recovery plan also calls for a study of how to best address the fire-prone, but more complex habitat, of the Klamath province (USFWS 2008, pp. 23 to 25).

The landscape strategy of moving habitat patches recommended for the eastside provinces does not translate easily into critical habitat, which is defined by statute as "specific areas" and which, per our implementing regulations, must "be defined by specific limits using reference points and lines as found on standard topographic maps of the area" (16 U.S.C. 1532(5)(A) and 50 CFR 424.12(c)). Consequently, the areas identified for designation in the proposed critical habitat (72 FR 32450), which were based on the MOCAs identified for that region in the 2007 draft recovery plan, are finalized in this rule. These areas meet the criteria regarding contiguity, habitat quality, size, spacing, and distribution used to identify critical habitat within the range of the northern spotted owl, and represent the most current specific areas designed for the conservation of the northern spotted owl that also meet the delineation requirements for critical habitat (50 CFR 424.12). Many of these areas have been designated as LSRs, or are managed under LRMPs to develop the primary constituent elements (PCEs) of northern spotted owl habitat. However, as the Service, land management agencies, and scientists work together to implement the landscape-based habitat management strategy described in the 2008 final recovery plan for the fire-prone

provinces, we may consider adjustments to critical habitat to better reflect the results of that effort.

The MOCA network identified in the 2008 Recovery Plan for the Northern Spotted Owl (USFWS 2008), and the MOCAs identified for the eastside provinces under Option 1 of the 2007 Draft Recovery Plan for the Northern Spotted Owl (USFWS 2007), serve as the basis for this revised critical habitat designation. The 2008 final recovery plan concludes that the habitat needs for recovery of the northern spotted owl in the United States can be achieved by managing for appropriate habitat on Federal lands within the range of the species, with voluntary recovery measures on intervening non-Federal lands. As in the 1992 designation, we have included only Federal lands in the revised designation. The 2008 final recovery plan focuses on managing large blocks of habitat in designated conservation areas (MOCAs) on Federal lands in the westside provinces throughout the range of the spotted owl and spacing the blocks and managing the areas between them to permit movement of spotted owls between and among the blocks (USFWS 2008, p. 70).

The Federal lands comprising the MOCA network of the final recovery plan include areas of congressionally-reserved lands, such as designated wilderness areas; these areas were therefore included in the recovery plan's assessment that the MOCA network is sufficient to achieve the recovery of the northern spotted owl as in the 1992 designation of critical habitat, congressionally-reserved lands such as wilderness areas and national parks are not included within the boundaries of the critical habitat designation. However, the contribution of these congressionally-reserved areas must be considered in any evaluation of the sufficiency of the overall conservation habitat network for the recovery of the northern spotted owl.

Previous Federal Actions

A description of previous Federal actions up to the time of listing on June 26, 1990, can be found in the final rule listing the northern spotted owl (55 FR 26114). On January 15, 1992, we published a final rule designating 6, 887, 000 acres (2, 787, 000 ha) of Federal lands in Washington, Oregon, and California as critical habitat for the northern spotted owl (57 FR 1796). In December 1992, we completed the Final Draft Recovery Plan for the Northern Spotted Owl in Washington, Oregon, and California (USFWS 1992). This plan was never finalized, however, and a new draft recovery plan was released in

April of 2007 (USFWS 2007; 72 FR 20865). The final Recovery Plan for the Northern Spotted Owl was released on May 16, 2008 (USFWS 2008).

On January 13, 2003, we entered into a settlement agreement with the American Forest Resources Council, Western Council of Industrial Workers, Swanson Group Inc., and Rough & Ready Lumber Company to conduct a 5-year status review of the northern spotted owl and consider potential revisions to its critical habitat. On April 21, 2003, we published a notice initiating the 5-year review of the northern spotted owl (68 FR 19569). We then published a second information request for the 5-year review on July 25, 2003 (68 FR 44093). We contracted a comprehensive status review of the northern spotted owl to provide the best available scientific information for the 5-year review. The status review report was completed in September 2004 and continues to serve as the most current comprehensive summary of scientific information on the northern spotted owl (Courtney *et al.* 2004). We completed the 5-year review on November 15, 2004, concluding that the northern spotted owl should remain listed as a threatened species under the Act (USFWS 2004).

As amended, the settlement agreement called for the Service to submit any proposed revised critical habitat designation we deemed appropriate to the **Federal Register** by June 1, 2007, and to submit any final revised critical habitat designation, as appropriate, to the **Federal Register** by July 30, 2008. The settlement agreement required that the review of critical habitat would include a revised consideration of economic and other impacts. The proposed revised critical habitat rule was published in the **Federal Register** on June 12, 2007 (72 FR 32450). On May 21, 2008, we published a notice announcing the availability of a draft economic analysis and the reopening of the public comment period on the proposed revised critical habitat designation (73 FR 29471). This notice also alerted the public of the opportunity to comment on the proposed revision of critical habitat in the context of the recently released final recovery plan. The comment period closed on June 20, 2008.

Summary of Comments and Recommendations

We requested written comments from the public on the proposed revision of critical habitat for the northern spotted owl in the proposed rule published on June 12, 2007 (72 FR 32450). We also

contacted appropriate Federal, State, and local agencies; tribes; scientific organizations; and other interested parties, and invited them to comment on the proposed rule.

We conducted two comment periods that resulted in 1, 413 comments directly addressing the proposed revised critical habitat designation. Of these, 1, 138 were template or form letter responses. During the comment period that opened for the draft economic analysis on May 21, 2008, and closed on June 20, 2008, we received seven additional comments directly addressing the proposed revised critical habitat designation.

Comments received were grouped into related topics specific to the proposed critical habitat revision for the northern spotted owl and are addressed in the following summary and incorporated in the final rule as appropriate. We received one request for a public hearing, but this was later withdrawn.

Peer Review

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), and current Departmental guidance, we solicited expert opinions from nine knowledgeable individuals with scientific expertise that included familiarity with the species, the geographic region in which the species occurs, and/or conservation biology principles. We received responses from six of these individuals. We reviewed all comments received from the peer reviewers for substantive issues and new information regarding northern spotted owl critical habitat, and address them in the following summary.

Peer Review Comments

(1) *Comment:* Three peer reviewers recommended that the Service not rely on the 2007 draft recovery plan as the basis for critical habitat designation. One reviewer notes that we continue to rely on the 2007 draft recovery plan as the best scientific information available, stating that it is the most current assessment and conservation guidance, but not necessarily the best. Two reviewers questioned whether the reduction of more than 1.5 million acres was consistent with the best scientific understanding of the species' conservation needs, and asked how we can justify dropping critical habitat from the current designation when the species is continuing to decline. One reviewer pointed to the work of Carroll and Johnson (in press), which indicates the current proposal will result in reduced habitat as well as reduced abundance of owls.

Our Response: The revised critical habitat is based on the final Recovery Plan for the Northern Spotted Owl (with the exception of critical habitat in the eastside provinces, which are based on the Option 1 MOCAs of the draft recovery plan (USFWS 2007), for reasons detailed in the Background section), which describes the habitat needed to recover the species using the best available scientific information integrated with an assessment of the needs for recovery of the northern spotted owl (USFWS 2008). This final plan reflects substantial revisions to the 2007 draft plan made in response to public and peer review comments, as well as additional independent scientific review. The network of habitat blocks recommended by the recovery plan represents the habitat component of the recovery strategy for the northern spotted owl and serves as the foundation of this critical habitat designation. The MOCA 1s are designed to provide for the management of large blocks of habitat throughout the range of the owl sufficient to each support self-sustaining populations of at least 20 pairs of spotted owls, while the MOCA 2s are designed for smaller populations. The spacing of the blocks and management of the areas between them are intended to permit the movement of spotted owls between these habitat blocks (USFWS 2008, Appendix C). These areas were identified based on the best available information, including modeling conducted for the 1992 draft recovery plan (published subsequently as Lamberson *et al.* 1994) and more recent habitat modeling conducted specifically for the 2008 final recovery plan, which estimated occupancy levels given habitat sizing and spacing variations (Marcot *et al.* 2008). Based on this scientific data and modeling, we believe the recovery strategy described in the final recovery plan will be effective, and the habitat conservation areas delineated in that plan and identified as essential to the conservation of the species serve as the basis for this critical habitat designation.

Similar to the reserve network of the Northwest Forest Plan, the MOCAs delineated in the final recovery plan include congressionally-reserved areas, such as wilderness areas and national park lands. These areas were considered in evaluating the effectiveness of the MOCA network in providing the habitat component of recovery for the northern spotted owl, but consistent with the Secretary's decision in our 1992 critical habitat designation, these congressionally-reserved areas are not included in this designation. For this

reason, the acreage in designated critical habitat will be less than that in the MOCA network.

It is important to note that this critical habitat reflects only the habitat element of the final recovery plan, i.e., the establishment of the MOCA network under Recovery Action 4 (USFWS 2008, p. 20). Other factors that may play a role in achieving the recovery of the northern spotted owl, such as management of barred owls, are not necessarily reflected in this critical habitat designation. The recovery plan identifies several threats that may be contributing to the ongoing decline of the northern spotted owl, including barred owls and avian disease. In addition to the establishment of the MOCA network, the final recovery plan describes 33 additional recovery actions to address a variety of threats (USFWS 2008, pp. 17 to 35). Critical habitat represents one component of recovery.

The work of Carroll and Johnson (in press) evaluated, in part, the proposed revision of critical habitat, which in turn was based on the habitat network recommended in the 2007 draft recovery plan (USFWS 2007). This final revision of critical habitat is based upon the MOCA network recommended in the final Recovery Plan for the Northern Spotted Owl (USFWS 2008). We acknowledge that the final MOCAs cover fewer acres than the LSRs in the same provinces, as Carroll and Johnson point out. We note that LSRs were delineated for multiple late-successional species, and not just the northern spotted owl. However, the key question is whether the final MOCAs (and the critical habitat designation based on those MOCAs) are sufficient to provide the habitat component of recovery for the species.

The size and spacing of the final MOCAs are derived from consideration of the collective work of several authors (e.g., Thomas *et al.* 1990; USDA *et al.* 1993; Lamberson *et al.* 1994; Noon and McKelvey 1996; Forsman *et al.* 2002) and on more recent modeling work (Marcot *et al.* 2008) contracted specifically for the final northern spotted owl recovery plan. Our consideration of all of the modeling data evaluating the likelihood of long-term persistence of the northern spotted owl population across its range, as well as plan feasibility and likelihood of implementation, led the final recovery plan to the recommendation of the final MOCA network in westside provinces and landscape management strategy in the fire-prone eastside provinces. These are considered sufficient to achieve the recovery of the northern spotted owl, in conjunction with the other recovery

actions identified in the recovery plan (USFWS 2008, p. VIII).

(2) *Comment:* Two peer reviewers stated that the proposed revised critical habitat rule ignored a large number of scientific papers on the northern spotted owl published since the ISC Report (Thomas *et al.* 1990), and specifically overlooked the work of Noon and McKelvey (1996) suggesting that managing for clusters of 20 pairs of spotted owls is not sufficient for long-term population stability.

Our Response: The revised critical habitat is based on the 2008 final recovery plan, which is based on the consideration of all of the best available science, including recent studies on spotted owl habitat size, spacing and occupancy modeling, and all other documents published since the ISC Report (Thomas *et al.* 1990), either through specific analysis or through the work of recent reviews (e.g., status review (Courtney *et al.* 2004), northern spotted owl 5-year review (USFWS 2004)). We contracted with SEI for a detailed scientific review of the 2007 draft recovery plan, as well as to provide assistance with responses to specific public comments and peer review comments on scientific and technical issues. This information, as well as other scientific information and comments received on the 2007 draft recovery plan, was used in the development of the 2008 final recovery plan.

Relative to the specific paper mentioned, Noon and McKelvey (1996), the authors state that their recent modeling data support perhaps 30 to 40 spotted owl pairs per conservation area. The data supporting this statement were never published, however. The final recovery plan did, to the extent possible, consider the work of Noon and McKelvey (1996) amongst all of the modeling efforts evaluated in the delineation and evaluation of the MOCA network (USFWS 2008, pp. 74 to 75, p. 81). We contracted more recent modeling of the block size and spacing necessary for spotted owl recovery (Marcot *et al.* 2008), which included the most recent spotted owl dispersal data (see "2008 Modeling of Size of MOCAs and Distances Between MOCAs," USFWS 2008, pp. 76 to 81). Based on the best available data on block size and spacing, including the results of Noon and McKelvey (1996) and Marcot *et al.* (2008), we believe a level of population persistence reasonable to achieve recovery is attained by habitat blocks large enough for at least 20 reproducing spotted owl pairs. The 2008 final recovery plan, on which critical habitat is based, does provide more than the

minimum level of habitat for 20 pairs in some areas, with 23 MOCAs (over half of the MOCA 1s) large enough to support at least 30 spotted owl pairs, as recommended by Noon and McKelvey (1996) (using the calculation from the ISC Report (Thomas *et al.* 1990) and final recovery plan (USFWS 2008)). The critical habitat designation includes both the MOCA 1s and MOCA 2s identified in the final recovery plan.

It is important to note that the goal of the most recent modeling efforts by Marcot *et al.* (2008) was not to identify the number of owl pairs needed per habitat block, but rather to identify the amount and relative configuration of habitat that would be needed to maintain a stable population of spotted owls over the long term. To answer this question, they modeled several different numbers of owl pairs, from 4 to 49 per habitat unit, with those habitat units at various distances from one another (USFWS 2008, pp. 76 to 81). The hexagonal design of the model limited the numbers of pairs that could be evaluated such that the simulation of round numbers, such as 10 or 20 pairs, was not possible; this modeling effort was therefore limited to assessments of 4, 9, 25, 36, and 49 pairs of owls per habitat block. Accordingly, to evaluate the results of the model for the target number of 20 owl pairs, the recovery plan concludes that simple interpolation suggests that a cluster size of 20 territories per cluster would fare only slightly worse than that of 25 territories per cluster (USFWS 2008, p. 77). This assumption led to the final determination that, given a population with a finite rate of population growth (λ) equal to 1, clusters of 20 pairs of owls in habitat blocks of the size and spacing recommended in the final MOCA network had a high likelihood of remaining stable over a time period of 100 years. Examination of the modeling data shows that at the spacing of habitat blocks recommended in the final recovery plan (12 miles (mi) (19 kilometers (km)) for large habitat blocks, or MOCA 1s), the likelihood of long-term persistence of owls in habitat blocks was essentially the same whether they supported 25, 36, or 49 pairs of owls (Figures C1, C2, and C3, USFWS 2008, pp. 79 to 81). In other words, at the spacing recommended by the recovery plan, there did not appear to be any significant benefit to managing for more than 20 pairs of owls per habitat block in terms of achieving long-term persistence of populations.

(3) *Comment:* One peer reviewer pointed out that Zielinski *et al.* (2006) describe an approach to finding an optimal reserve network that would be

appropriate to use over the entire range of the northern spotted owl.

Our Response: The revised critical habitat is based on the habitat reserve system in the 2008 final recovery plan, which is in turn based on the 1992 draft recovery plan reserve system that covers the entire U.S. range of the northern spotted owl. The Zielinski *et al.* (2006) model has been applied to only a limited portion of the range of the species, which is inadequate for the critical habitat effort. We believe the reserve network recommended in the 2008 final recovery plan, as revised from the 2007 draft plan, is based on the best available science, including recent information on spotted owl habitat size, spacing, and occupancy from modeling.

(4) *Comment:* Two peer reviewers questioned the scientific basis for changing the boundaries of existing reserves on BLM lands and questioned whether habitat quality was considered when DCA boundary adjustments were made.

Our Response: The revised critical habitat is based on the MOCA reserve system in the 2008 final recovery plan, which describes the habitat areas and amount believed to be essential to the recovery of the northern spotted owl. The MOCAs were based on the DCAs from the 1992 draft recovery plan, with some modifications. A key criterion for these DCAs, which formed the starting place for the final MOCA network, was the inclusion of as much high-quality habitat as possible, as well as maximizing the number of known spotted owl sites, within an effective and efficient system of habitat blocks (USFWS 2008, p. 69). Modifications to the boundaries were largely an effort to better align MOCAs with the reserve allocations in the BLM and U.S. Forest Service land use plans, to meet or maintain the spacing requirements, or to include areas where BLM modeling demonstrated future habitat was most likely to form into large or small blocks of habitat capable of supporting larger clusters of reproducing spotted owls (USFWS 2008, pp. 82 to 83). During all of these modifications we attempted to maximize the amount and quality of existing spotted owl habitat in any added areas, and we maintained the size and spacing parameters of the ISC Report (Thomas *et al.* 1990). The recovery team worked with maps of spotted owl habitat produced by Biomapper, which include lands that meet the criterion of providing habitat with a suitability score equal to or greater than that used by 90 percent of known spotted owl pairs (Davis and Lint 2005, p. 41). In addition, we contracted to have the size and spacing

criteria reanalyzed (Marcot *et al.* 2008) using the most recent spotted owl dispersal data and demographic parameters. Based on these results, we believe that the size and spacing of the habitat blocks that comprise the MOCA network, on which the critical habitat units are based, are sufficient to achieve the habitat component of the recovery strategy for the northern spotted owl (USFWS 2008, p. 81).

(5) *Comment:* One peer reviewer recommended that we use predictive habitat modeling to determine areas of high value to owls (especially for nesting and roosting) that may not currently be surveyed.

Our Response: The critical habitat units are based on the MOCA system from the 2008 final recovery plan (or, in the eastside provinces, the Option 1 MOCAs from the 2007 draft recovery plan), which was established and modified to include spotted owl habitat and known historic spotted owl locations. By trying to maximize spotted owl habitat within the MOCAs, and therefore also within the critical habitat units, we believe we have effectively maximized the acres of PCEs present within each critical habitat unit. In addition, forest age and composition information has been collected in many of the areas identified as MOCAs. We also used the latest habitat models available, such as those described by Davis and Lint (2005) and the models developed by BLM for their Western Oregon Plan Revision analyses, to predict those areas of habitat that are of high value to owls, even if not currently surveyed.

(6) *Comment:* One peer reviewer stated that there was no scientifically valid justification for continuing to rely only on Federal lands for recovery of the northern spotted owl, especially in the face of continuing population declines despite the 1992 critical habitat designation and 1994 Northwest Forest Plan (USDA and USDI 1994), and with no concomitant increase in habitat quality.

Our Response: The revised designation of northern spotted owl critical habitat is based on the MOCAs from the 2008 final recovery plan, which form a habitat network designed to contribute to the recovery of spotted owl populations through rangewide distribution and connectivity of blocks of habitat. The 2008 final recovery plan is based on the best available science, including recent information on spotted owl habitat size, spacing, and occupancy modeling and provides for a level of owl dispersal and persistence within a Federal land-based MOCA system that is expected to contribute to

the habitat component requisite for the recovery of the species (USFWS 2008, p. 18). It has long been recognized that the vast majority of remaining suitable habitat for the northern spotted owl, over 90 percent in Oregon and Washington, is on Federal lands (e.g., Thomas *et al.* 1990, p. 65; USFWS 1992, p. 31); thus conservation actions have focused on these areas.

Non-federal lands, described as Conservation Support Areas in the 2008 final recovery plan, are recognized as providing additional habitat contributions and support to the MOCA system; although recognized as potentially helpful in achieving recovery plan goals, these areas were not considered essential to the conservation of the species (USFWS 2008, p. 14). The recovery plan identifies only the specific areas of the MOCA network, which is entirely based on Federal lands, as essential to the conservation of the species (USFWS 2008, p. 13); thus the MOCA network serves as the basis of this critical habitat designation. In addition, the recovery criteria set forth in the recovery plan consider the successful performance of the MOCA network as one of the indicators that recovery has been achieved, but do not require the contributions of Conservation Support Areas as an essential component of recovery (USFWS 2008, p. 18). That Conservation Support Areas were not considered strictly essential to the conservation of the species should not be interpreted as meaning that these areas are unimportant for the species; these lands simply did not meet the more exacting statutory definition of critical habitat under section 3(5)(A) of the Act, which specifies that areas designated as critical habitat must have the physical and biological features which are essential to the species' conservation.

We believe that the habitat network recommended in the final recovery plan will be sufficient to recover the northern spotted owl, assuming the currently observed negative population trend has been addressed. As noted in the recovery plan, if negative population growth continues, the population will continue to decline regardless of how much habitat is available (USFWS 2008, p. 77). Population declines have been attributed to a variety of factors in addition to loss of habitat from wildfire and timber harvest, including barred owls, poor weather conditions, and forest defoliation caused by insect infestations (Anthony *et al.* 2006, p. 33). Thus one key to recovery is to reverse the current population trend, which is one of the goals of the recovery plan,

and which will require actions to address a variety of threats in addition to habitat loss or degradation. The evidence thus far points to low adult survivorship as the most likely contributor to the declining population trend (Anthony *et al.* 2006, p. 30, and references therein), and the most recent scientific review points to the barred owl as a plausible cause of low survivorship in many parts of the northern spotted owl's range, while noting that there is no evidence that actions such as increasing the size of habitat reserves would increase survivorship (Courtney *et al.* 2008, pp. 120 to 121). At present the best available scientific information indicates that the revised critical habitat designation provides the network of large blocks of habitat called for by the recovery plan; we consider these areas sufficient to achieve the recovery of the northern spotted owl, in conjunction with the other recovery actions in the final recovery plan (USFWS 2008, pp. VII to VIII)

(7) *Comment:* Three peer reviewers expressed concern about several aspects of Option 2 of the draft recovery plan, including the lack of specificity on the rule set for small blocks, the need for a more specific description of suitable habitat, and concerns about the clarity of the rule set.

Our Response: Option 2 has been deleted from the 2008 Recovery Plan for the Northern Spotted Owl. This final revised critical habitat designation does not rely on any aspect of Option 2 presented in the 2007 Draft Recovery Plan for the Northern Spotted Owl.

(8) *Comment:* One peer reviewer questioned the implication of deviating from ISC Report principles (Thomas *et al.* 1990) in terms of amounts and location of habitat in the proposed critical habitat and stated that the proposal did not provide additional modeling or further analysis to justify the change. He also cautioned that the viability conclusions from the ISC Report (Thomas *et al.* 1990) may not hold for the current proposed critical habitat.

Our Response: This critical habitat designation is based on the recovery plan MOCA system, which was delineated starting with the location and size of the DCAs from the 1992 draft recovery plan, which in turn applied the principles of the ISC Report (USFWS 2008, Appendix C). As part of establishing the MOCA network, some modifications were made to the DCAs to better align them with the reserve allocations in the BLM and U.S. Forest Service land use plans (e.g., LSRs), to meet or maintain the spacing

requirements, or to include areas where BLM modeling demonstrated future habitat was most likely to form into large or small blocks of habitat capable of supporting larger clusters of reproducing spotted owls. In the process of making these modifications the recovery team attempted to maximize the amount of existing spotted owl habitat in any added areas, while maintaining the size and spacing parameters of the ISC Report (Thomas *et al.* 1990).

After publication of the proposed critical habitat revision in 2007, we contracted to have the size and spacing criteria reanalyzed using the most recent spotted owl dispersal and demographic data in the course of revising the draft recovery plan (Marcot *et al.* 2008). The subsequently revised habitat network of the final recovery plan served as the basis for this final revision of critical habitat. Based on this most recent analysis, in conjunction with consideration of all other available data (e.g., Thomas *et al.* 1990; USFWS 1992; Lamberson *et al.* 1994; USDA and USDI 1994; Noon and McKelvey 1996; Forsman *et al.* 2002), we believe that the specific habitat component of recovery is achievable through the MOCA network on which this revised critical habitat designation is based (USFWS 2008, p. 81).

(9) *Comment:* One peer reviewer pointed out that the critical habitat proposal did not include an analysis of the value of the habitat being designated. He stated that we could not justify reduction in habitat unless we can demonstrate a clear increase in quality of that habitat.

Our Response: The original critical habitat designation was based on the information in the ISC Report (Thomas *et al.* 1990), and was designated early in the process of determining how to best implement the concepts in that report. As described in the rule, the 1992 critical habitat included not only the reserves identified in the ISC Report (Thomas *et al.* 1990), but also included additional areas outside of these reserves. These additions included areas of better quality suitable habitat, as well as areas designed to support connectivity and habitat linkages between and within provinces, and were expanded to section lines to facilitate legal descriptions. The MOCAs in the 2008 final recovery plan represent the application of the same concepts, but with better information on habitat, habitat use, and known sites, including the results of the Forest Ecosystem Management Assessment Team (USDA *et al.* 1993) that informed the Northwest Forest Plan. While this final critical

habitat contains less area than the 1992 critical habitat designation, we believe it represents the application of the same conservation principles necessary for achieving the recovery of the northern spotted owl. Furthermore, recent modeling work (Marcot *et al.* 2008) indicates that the size and spacing criteria utilized in the final recovery plan should be sufficient to achieve the recovery criterion set forth for the MOCA network (Recovery Criterion 2), assuming the root cause of negative population growth has been addressed (USFWS 2008, p. 18).

(10) *Comment:* One peer reviewer noted that the proposed revision of critical habitat does not define the quality of habitat for owls, which may vary by forest condition. He recommended that the Service clarify that, while northern spotted owls do not exclusively require old-growth, they do preferentially select old-growth forest.

Our Response: Numerous studies and reviews over the past decades describe how spotted owls generally rely on older forested habitats (e.g. Carroll and Johnson, in press; Courtney *et al.* 2004) because such forests contain the structures and characteristics required for nesting, roosting, and foraging, and the recent SEI review notes that there is an association between demographic performance of northern spotted owls and the availability of late successional old-growth forest (SEI 2008, p. 11). However, because northern spotted owls also use mature and structurally diverse forests, we did not limit our discussion to strictly old-growth. Old-growth forests meet the description of PCEs (i), (ii), and (iii), and would be included in any analysis of effects of actions to critical habitat.

(11) *Comment:* One peer reviewer notes that there is not a clear relationship between habitat quality and demographic performance; therefore the amount of critical habitat may have little impact on the long-term viability of the owl population.

Our Response: It is clear that without a sufficient area of habitat the spotted owl will not reach recovery (e.g., Courtney *et al.* 2008, p. 16; USFWS 2008, p. VII). Therefore, we have used all the best scientific information available since the ISC Report (Thomas *et al.* 1990) to establish a system of critical habitat units designed to provide sufficient habitat, representing all of the PCEs, well-distributed across the range of the spotted owl to ensure its survival and recovery. Other actions, such as potential control of barred owls, will also play a role in improving the demographic performance of the species. Such actions do not, however,

preclude the need for management of sufficient suitable habitat in dynamic dry forest landscapes and the establishment of the MOCA network as essential elements of the recovery strategy for the northern spotted owl (USFWS 2008, p. 12). We believe that the habitat network recommended in the final recovery plan will be sufficient to recover the northern spotted owl, assuming the currently observed negative population trend has been addressed. As noted in the recovery plan, if negative population growth continues, the population will continue to decline regardless of how much habitat is available (USFWS 2008, p. 77). Population declines have been attributed to a variety of factors in addition to loss of habitat from wildfire and timber harvest, including barred owls, poor weather conditions, and forest defoliation caused by insect infestations (Anthony *et al.* 2006, p. 33). Thus one key to recovery is to stabilize population growth, which is one of the goals of the recovery plan, and which will require actions to address a variety of threats in addition to habitat loss or degradation. The evidence thus far points to low adult survivorship as the most likely contributor to the declining population trend (Anthony *et al.* 2006, p. 30, and references therein), and the most recent scientific review points to low survivorship in many parts of the northern spotted owl's range, while noting that there is no evidence that actions such as increasing the size of habitat reserves would increase survivorship (Courtney *et al.* 2008, pp. 120 to 121). In sum, at present the best available scientific information indicates that the revised critical habitat designation provides the network of large habitat blocks called for in the recovery plan; however, to be fully effective this habitat network must operate in conjunction with the implementation of all recovery actions identified in the recovery plan (USFWS 2008, pp. VII to VIII).

(12) *Comment:* Three peer reviewers questioned how, if northern spotted owl populations are declining across its range, can reducing the amount of critical habitat, as proposed, lead to recovery?

Our Response: In determining which areas to propose as critical habitat within the area occupied by the species at the time of listing, we consider the physical and biological features (i.e., PCEs) that are essential to the conservation of the species and that may require special management considerations and protection. Critical habitat addresses one component of

spotted owl recovery, but it is not intended to be the only tool for recovery. The species may continue to face non-habitat threats regardless of how much critical habitat is designated (e.g., Courtney *et al.* 2008, p. 120; USFWS 2008, p. VII). Population modeling indicates that the maintenance and restoration of habitat as described in the 2008 final recovery plan, upon which this critical habitat revision is based, is adequate to support well-distributed populations of reproducing spotted owl pairs over the long term to achieve recovery of the species (Marcot *et al.* 2008). An important element of the model for this reserve system is that it must assume a stable population (a finite rate of population growth, or λ , of 1), otherwise a declining population will eventually proceed to extinction no matter how large the reserves are (USFWS 2008, p. 77). Increasing adult survivorship appears to be the key factor in achieving population stability for the northern spotted owl (Anthony *et al.* 2006, p. 30; Courtney *et al.* 2008, p. 120; USFWS 2008, p. 47, p. 77). The most recent scientific review of the draft recovery plan acknowledges that there is no evidence to suggest that increasing the size of habitat reserves would alter adult survivorship, and points to control of barred owls as a more likely means of increasing the survivorship of spotted owls (Courtney *et al.* 2008, pp. 120 to 121). Reducing the currently observed population decline of the northern spotted owl is one of the key short-term strategies of the final recovery plan, which invokes recovery actions such as potential control of barred owls in addition to the protection of habitat to achieve this goal (USFWS 2008, pp. 12 to 15).

(13) *Comment:* One peer reviewer stated that the requirement of adequate habitat for dispersal is not very useful without some quantification of what is 'adequate.'

Our Response: In the revision of northern spotted owl critical habitat, we state that "...the provision of adequate habitat to provide for successful dispersal is essential to the conservation of the species." This is not a description of the PCE or a requirement of critical habitat, but rather a description of the general function of the PCE. We have made some changes in the regulatory language describing the PCEs to clarify the habitat components necessary to this PCE. In addition, whether there is adequate dispersal habitat would be a determination made during an Endangered Species Act (16 U.S.C. 1531 *et seq.*) section 7 consultation and would be based, in part, on the baseline

condition of critical habitat and any noted deficiencies in dispersal condition.

(14) *Comment:* One peer reviewer pointed out that although the critical habitat rule describes one of the PCEs to include the appropriate amount and spatial arrangement of nesting habitat, we never described what that amount and arrangement is.

Our Response: We used the best available scientific information to determine the PCEs for northern spotted owl critical habitat. Our implementing regulations at 50 CFR 424.12(b) require us to list the known PCEs for the species; we have listed and described those PCEs to the best of our understanding. PCEs in critical habitat can include a variety of types and scales of features. Because the individual components of forest stands that serve as northern spotted owl habitat vary across the range, we could not describe each potential combination that would lead to habitat supporting territorial and dispersing northern spotted owls. As noted repeatedly in the recent Scientific Review of the Draft Northern Owl Recovery Plan, there is tremendous regional variation in the ecology of the northern spotted owl and the importance of various factors determining the viability of the species throughout its range (Courtney *et al.* 2008, p. 16); thus prescriptions for recovery of the northern spotted owl must of necessity be locally specific (Courtney *et al.* 2008, p. 22). However, we have revised the final rule to clarify the PCEs where possible.

(15) *Comment:* One peer reviewer questioned the reasons for the reduction in relatively large areas of the designated critical habitat in some areas (e.g., eastern Washington and western Oregon Cascades) because it was not clear how the reasons for changes described in the rule apply to these areas. The areas are not above the elevation limit of the species and contain habitat for the spotted owl.

Our Response: The 1992 critical habitat rule was completed without the benefit of a final recovery plan for the northern spotted owl and drew heavily on the concepts from the ISC Report (Thomas *et al.* 1990) and its recommended reserves. In the 1992 rule, we expanded the application of the ISC reserve concept to address uncertainties relative to connectivity, include larger areas of fairly unfragmented existing habitat and areas of high quality habitat within or adjacent to the ISC reserves, and facilitate legal boundary descriptions. This resulted in the designation of more than 1 million acres of critical habitat beyond the initial ISC

reserve boundaries. Over the past decades, we have benefited from additional information and experience with the application and implementation of the large block concepts of the ISC strategy, thereby reducing the previous uncertainty and improving our understanding of the areas essential for the conservation of the northern spotted owl. The amount of habitat in this final rule is based upon the best available information, including the modeling conducted for the 1992 draft recovery plan (Lamberson *et al.* 1994) as well as more recent habitat modeling estimating occupancy levels given habitat sizing and spacing variations conducted for the 2008 final recovery plan (Marcot *et al.* 2008).

(16) *Comment:* Two peer reviewers requested a clarification of the role of various habitats, pointing out that nesting and roosting habitat also provide for foraging and dispersal, foraging habitat also provides for dispersal, and dispersal habitat is primarily limited to dispersal only.

Our Response: We have clarified this in the preamble to the final rule.

(17) *Comment:* One peer reviewer asked if dispersal habitat would be considered critical habitat, given that dispersal habitat was not mapped and distances between blocks were increased to the maximum.

Our Response: Spotted owl dispersal habitat is described in PCE (iii) and is critical habitat where it occurs within the critical habitat unit boundaries described in the rule. Habitat described in PCE (ii) will also function for dispersal. Dispersal habitat outside of the designated areas is not critical habitat because it is not essential to the conservation of the species. This is because the recovery plan provides for northern spotted owl dispersal through the appropriate spacing of MOCAs. The distances between critical habitat units were designed to be within 12 mi (19 km) for large critical habitat units (those capable of supporting 20 or more spotted owl pairs) and within 7 mi (11 km) for small critical habitat units (those capable of supporting fewer than 20 spotted owl pairs), as outlined in the ISC Report (Thomas *et al.* 1990). As part of the most recent recovery planning process, we reanalyzed those dispersal distances using updated dispersal data (USFWS 2008, p. 75) and found no basis for modifying those distances. Dispersal between critical habitat units is anticipated to occur under current forest management; thus we did not consider it necessary to designate these areas as critical habitat. The dispersal habitat identified here under PCE (iii) occurs within the critical habitat units with

those physical and biological features determined to be essential to the conservation of the species.

(18) *Comment:* One peer reviewer asked if the habitat quality criteria were applied to congressionally-reserved or administratively withdrawn lands in the selection process. Many such areas at high elevations are of relatively little value to spotted owls.

Our Response: When the MOCAs were established, the recovery team attempted to maximize the amount of habitat-capable acres and acres of existing spotted owl habitat, even when including areas that were congressionally-reserved (e.g., wilderness areas) or administratively withdrawn (e.g., recreational areas not scheduled for timber harvest). We also limited critical habitat to areas within the anticipated elevation limit of spotted owls. In designating critical habitat based on the MOCAs, we did not include congressionally-reserved lands within the MOCAs, as in our 1992 designation, but did include administratively withdrawn areas.

(19) *Comment:* Three peer reviewers wrote that the critical habitat designation should incorporate the potential effects of barred owls, which reduce or eliminate the value of habitats for the spotted owl. The feasibility of managing barred owls may impact the location and amount of critical habitat. One reviewer suggested that the 1992 critical habitat units should be maintained, even if this exceeds the current MOCA network, to allow northern spotted owls within currently reserved areas to compete with barred owls.

Our Response: We agree that the feasibility of managing barred owls may affect the recovery of the spotted owl. The 2008 final recovery plan reaffirmed that the barred owl poses one of the most important threats to the northern spotted owl, and considered whether additional habitat may be needed to address the barred owl threat. The final recovery plan recommended the establishment of the MOCA network, which serves as the basis of this critical habitat designation, in addition to potential barred owl control and management of the dry-forest landscape in the eastside provinces, as essential elements of the recovery strategy for the northern spotted owl (USFWS 2008, p. 12). The MOCAs represent the habitat that the recovery plan recognized as essential for the recovery of the species (USFWS 2008, p. 13); hence this critical habitat designation is based on that reserve network. Although the larger MOCAs (MOCA 1s) are designed to support a minimum of 20 pairs of owls,

nearly half of the large MOCAs are large enough to support over 30 pairs of spotted owls, providing for some level of exclusion by barred owls while still meeting the size necessary for 20 or more spotted owl pairs.

Recovery Action 32 of the final recovery plan also called for a short-term strategy of maintaining substantially all of the older and more structurally complex multi-layered conifer forests outside of MOCAs in the westside provinces of the spotted owl's range, allowing for other threats, such as fire and insects, to be addressed by restoration management actions. Providing habitat for the northern spotted owl may then lend itself to provide additional support for reducing the threat from the barred owl (USFWS 2008, pp. 34 to 35). However, the recovery plan acknowledges that forest stands that may potentially meet the intent of this short-term management strategy have not yet been defined or identified (USFWS 2008, p. 34). Whether any of this habitat should be designated as critical habitat may be further considered as it is delineated.

(20) *Comment:* One peer reviewer questioned statements in the proposed revision of northern spotted owl critical habitat that enhancing juvenile survivorship would play an important role in maintaining stable populations of spotted owls, when all evidence points to adult survivorship as most sensitive life history parameter.

Our Response: While adult survival has greater impact on demographic modeling of spotted owl populations, dispersal is a very important component of the life history of the species. Dispersal allows for the mixing of genes, recolonization of areas with deficit populations, and replacement of territorial spotted owls that die. Our consideration of dispersal and the survival of dispersing juveniles does not detract from the importance of adult survival. However, maintaining stable populations also depends on the adults producing enough young that survive to territorial status to replace themselves. Increasing juvenile survival should add support to overall population stability.

(21) *Comment:* One peer reviewer questioned how the owl habitat value of wilderness areas and national parks was evaluated.

Our Response: In delineating the MOCAs, only congressionally-reserved areas that were capable of supporting spotted owl habitat were included in the recovery plan; this was based on habitat mapping and elevation limits on habitat suitability. This critical habitat rule is based on these MOCAs, and although, as in our 1992 designation,

congressionally-reserved areas within MOCAs are not being designated as critical habitat, these areas were included in the recovery plan's evaluation of the adequacy of the MOCA network. Thus we consider that such congressionally-reserved areas included in the MOCAs would function in concert with critical habitat to support clusters of owls.

(22) *Comment:* One peer reviewer pointed out that the critical habitat proposal did not provide a specific discussion of the concept of habitat fitness, and more particularly, how management in the northern part of the range (flying squirrel habitat) may differ from that in the southern part of the range (woodrat habitat).

Our Response: Spotted owl habitat varies across the range of the species, as does the most effective configuration of habitat within a home range to maximize survival and reproduction (e.g., Courtney *et al.* 2008, p. 16). We have identified PCEs that include the habitat types necessary for spotted owl life stages, but we also recognize that the amount, quality, and configuration of those habitat types depends on local conditions and other factors such as prey availability. Providing for such conditions will necessarily involve different management in different portions of the range; however, describing the multitude of management options and combinations of options is beyond the scope of this critical habitat designation. This designation defines the "what" and "how much" of habitat essential for the conservation of the species; the "how" aspect will be addressed across the range of the species in response to habitat conditions as part of the Act's section 7 consultation process.

(23) *Comment:* One peer reviewer pointed out that the proposed revised critical habitat made some use of section 3(5)(a) of the Act to exclude areas from critical habitat consideration and suggested that this should be dominant approach to any exclusions, rather than relying on section 4(b)(2) exclusions.

Our Response: Section 3(5)(A) of the Act defines critical habitat; to the extent that certain areas do not meet that definition, they not included. The Secretary has the discretion to exclude lands that have been proposed under section 4(b)(2) of the Act, upon a determination that the benefits of such exclusion outweigh the benefits of specifying a particular area as part of the critical habitat (unless the failure to designate such an area would result in the extinction of the species). As described in the proposed rule, all areas proposed for designation were

considered for possible exclusion under section 4(b)(2). No exclusions have been made in this final revised critical habitat designation.

(24) *Comment:* One peer reviewer suggested that critical habitat should consider the potential value of some surrounding matrix lands, which may also provide habitat for owls. In some areas these may have become better habitat than the areas within critical habitat. The reviewer did not suggest that these areas be included in critical habitat.

Our Response: Lands outside of critical habitat (e.g., in the timber land base of land use plans) may play a role in recovery of the northern spotted owls. As noted earlier, critical habitat designations do not signal that habitat outside the designation is unimportant. There are areas outside the final critical habitat designation that continue to support spotted owls and their habitat; we expect that these areas will contribute to recovery. However, we also note that section 3(5)(C) of the Act states that critical habitat shall not include the entire geographical area which can be occupied by the species, except under special circumstances determined by the Secretary. Based on the final recovery plan, we do not believe it is necessary to include matrix areas in this designation.

(25) *Comment:* Several peer reviewers provided input on specific statements, including suggestions or requests for clarification, questions on details, and editorial comments.

Our Response: We have incorporated our responses to these comments into this final rule.

Comments from the Public

(26) *Comment:* One commenter pointed out that the Service used one of many network configurations under the draft recovery plan that would meet rangewide habitat needs over 30 or more years. The commenter stated that these areas were simply recommendations and were not necessarily identified because they contain the PCEs required in a critical habitat designation.

Our Response: The network of habitat areas in the critical habitat designation is only one of many potential configurations that might be devised. However, the particular network of habitat blocks that we are designating as critical habitat is that which has been specifically derived to achieve the recovery of the northern spotted owl, as recommended by the most current recovery plan for the species (USFWS 2008) and based on the most recent modeling efforts (Marcot *et al.* 2008). We believe the network of conservation

areas recommended by the recovery plan represents the best available science regarding the conservation of the northern spotted owl. Although these areas were selected for their contribution to recovery through their size and spacing on the landscape, and not defined with critical habitat specifically in mind, the habitat qualities which we have defined as the PCEs for the northern spotted owl were also key criteria for the selection of the conservation areas recommended in the recovery plan. We have determined that the areas included in this revised critical habitat designation provide the physical and biological features that are essential for the conservation of the northern spotted owl and that require special management, thus meeting the definition of critical habitat as provided by the Act.

The configuration of the MOCA network was based on the configuration of the DCA network from the 1992 Draft Recovery Plan for the Northern Spotted Owl (USFWS 1992), which in turn was based on the Habitat Conservation Areas from the ISC Report (Thomas *et al.* 1990). These Habitat Conservation Areas were based on the attributes of "superior owl habitat" as described in the ISC Report (Thomas *et al.* 1990, p. 19); these attributes equate to PCEs (ii)(A) through (ii)(C), and may also function as PCE (iii) (spotted owl dispersal habitat). As part of establishing the MOCA network some modifications were made to the DCAs in order to: better align them with subsequent U.S. Forest Service and BLM land management plan reserves (e.g., LSRs); meet the spacing requirements; or include areas where BLM modeling demonstrated future habitat was likely to form into large or small blocks of habitat capable of supporting more spotted owls (USFWS 2008, pp. 82 to 83).

(27) *Comment:* Several commenters objected to various aspects of Option 2 of the recovery plan, and asserted that the Service had erred by relying on this option, in part, for its proposed revision of critical habitat. Two commenters stated that granting the authority to decide the location of critical habitat units (through MOCA boundaries) to local U.S. Forest Service and BLM managers under Option 2 of the 2007 draft recovery plan constitutes an inadequate regulatory mechanism.

Our Response: Option 2 has been deleted from the final 2008 Recovery Plan for the Northern Spotted Owl. This final revision of critical habitat does not rely on Option 2 as presented in the April 2007 Draft Recovery Plan for the Northern Spotted Owl.

(28) *Comment:* Many commenters stated that the Service relied on the flawed 2007 Draft Recovery Plan for the Northern Spotted Owl, which itself did not use the best scientific evidence, and should not be used to as the basis for critical habitat designation. Commenters provided several examples of flaws; many from the recovery plan's peer reviews. Other commenters suggested that is not appropriate to base critical habitat on a draft recovery plan that is highly controversial and still subject to change based on scientific review and public comments.

Our Response: The 2007 draft recovery plan was extensively peer reviewed and also underwent an additional level of independent scientific review; the 2008 final recovery plan was informed by those reviews. This final revision of critical habitat is based on the 2008 final recovery plan, as revised in response to public and peer review comments, as well as independent scientific review, and not on the original draft plan. We believe it is appropriate to base our critical habitat designation on this document, which identifies those areas deemed essential for the conservation and recovery of the species based on the best available science. See also our response to Peer Review Comment 1.

(29) *Comment:* One commenter pointed out that more recent modeling (Noon and McKelvey 1996) called for reserves large enough to support 30 to 40 spotted owl pairs and questioned why we did not apply this information. Another commenter believes the Service used out-dated population persistence models for the spotted owl, which were the basis for the habitat block sizes.

Our Response: See response to Peer Review Comment 2.

(30) *Comment:* Two commenters stated that the Service failed to consider the impacts on the owl and its critical habitat from global warming and should have expanded the reserve network to do so.

Our Response: The effects of climate change are difficult to predict at the local or regional level. The 2008 final recovery plan, upon which the critical habitat is based, acknowledges climate change as a potential but difficult-to-quantify threat. The current best estimates predict an increase in wildfire in the range of the spotted owl due to the warming climate. The 2008 final recovery plan describes a landscape management approach in the more fire-prone eastside provinces of the spotted owl to best ensure sufficient spotted owl habitat persists in a strong and increasing disturbance regime. However, designating critical habitat

requires that specific geographic boundaries be described and mapped; such a requirement does not match with a landscape management approach involving a system of moving habitat patches over time. We have, therefore, designated revised critical habitat units in the eastside provinces based on the MOCA's originally identified for the eastside provinces by the Recovery Team (USFWS 2007), as these represent the most recent delineation of specific conservation areas for the northern spotted owl in this region. These areas meet the criteria regarding contiguity, habitat quality, size, spacing, and distribution used to identify critical habitat within the range of the northern spotted owl. Many of these areas have been designated as LSRs, or are managed under land use plans to develop the PCEs of spotted owl habitat. As the dry forest landscape management strategy described in the final recovery plan is implemented and we work with our fellow Federal agencies to maintain sufficient spotted owl habitat in these areas, we may adjust critical habitat to better reflect our evolving knowledge of this temporally dynamic system.

(31) *Comment:* Several commenters wrote of concerns with portions of the recovery plan addressing management activities within MOCA's that are the basis for critical habitat designation. One commenter questioned the application of information on habitat fitness and targets for percentages of habitat in the draft recovery plan. Many commenters recommended that no logging be allowed in mature and old growth, but some thinning of dense young stands and thinning small trees in the dry climates on the east side of the Cascades be allowed. One commenter stated that the Service completely omitted new science regarding the pervasive and detrimental impacts of post-fire salvage logging on ecosystem processes and functions.

Our Response: The 2008 final recovery plan has addressed many of the comments and issues raised with regards to the application of scientific information. In particular, it eliminated habitat fitness targets for MOCA's and now calls for management of habitat-capable lands in MOCA's to produce the highest amount and highest quality northern spotted owl habitat possible (Recovery Action 5; USFWS 2008, p. 20). It also calls for post-fire habitat modifications in MOCA's to focus mainly on habitat restoration (Recovery Action 10; USFWS 2008, p. 26). The 2008 final recovery plan recognizes that a different management strategy is necessary in the dry, eastside provinces that are characterized by frequent

disturbance (e.g., see "Habitat Management in Dry Forests" and "Dry-Forest Landscape Work Group," USFWS 2008, pp. 20 to 26). In addition, Appendix E of the final recovery plan, "Fire and Spotted Owl Habitat," was written by an interagency group of fire ecologists using the best available information and considering the information in all of the publications mentioned in the comment (USFWS 2008).

The designation of critical habitat does not create a management plan for the units, or establish a refuge, wilderness, reserve, preserve, or other conservation area. We cannot, in a designation, establish specific management standards or requirements for critical habitat. Federal agencies are required by section 7(a)(2) of the Act to ensure that actions they authorize, fund, or carry out do not result in the destruction or adverse modification of critical habitat. The effect of post-fire salvage logging would be considered in the consultation process when any such projects are proposed, informed by the 2008 final recovery plan. The 2008 final recovery plan does not include goals for habitat percentages in the MOCAs but does call for managing habitat-capable lands to maximize the amount and quality of spotted owl habitat within MOCAs, which we believe is consistent with the critical habitat goals in this rule. Critical habitat does not control, in any way, what happens on lands not within the designation, unless the action has an effect on the critical habitat.

(32) *Comment:* One commenter requested that the Service reexamine the scientific underpinnings of the habitat reserve concept. The commenter believes that the factual and scientific basis for the ISC's reserve strategy has been undermined by later and better scientific information and that none of the fundamental building blocks of the ISC reserve strategy – the size, distribution, or number of habitat reserve areas – can be justified in a critical habitat designation, which is limited to those that are, in fact, "essential to the conservation of the species."

Our Response: The 2008 final recovery plan for the northern spotted owl is one of the most extensively reviewed recovery plans our agency has produced. The use of the habitat reserve approach in the westside provinces was carefully considered and the decision to continue with this approach was based on the best science available (see Response to Peer Review Comment 2). The landscape approach in fire-prone forests of the Eastern Washington

Cascades, Eastern Oregon Cascades, and California Cascades reflects the need to modify the strict reserve-based approach in more dynamic ecosystems. We believe it is appropriate to base our critical habitat designation in the westside provinces on the final recovery plan, which identifies those areas deemed essential for the conservation and recovery of the species based on the best available science. In the case of the eastside provinces, we believe it is appropriate to base our critical habitat designation on the MOCAs identified in the 2007 draft recovery plan, as these represent our most current understanding of the specific areas essential to the conservation of the owl and that meet our regulatory requirements for the designation of critical habitat. We will consider future adjustments to critical habitat there as new information becomes available.

(33) *Comment:* Many commenters wrote that the Service did not adequately explain how we could propose reducing critical habitat by 1.5 million acres at a time when northern spotted owl populations are declining and potential threats, such as barred owls, are increasing. One commenter questioned the reduction in critical habitat when the draft recovery plan identified loss of habitat as the number one threat. The commenter cited a recent report on the status and trends of northern spotted owl populations during the first 10 years of the Northwest Forest Plan, stating that the first decade of monitoring did not provide any reason to depart from the Northwest Forest Plan objective of habitat maintenance and restoration. One commenter believed that the Service did not fully consider the results of the recent status review and demographic analysis, and the expansion of the barred owl that they believe supports maintaining or increasing the area in critical habitat. Many commenters stated that the reduction in critical habitat threatens to undermine the northern spotted owl's recovery and may lead to listing as endangered.

Our Response: See Responses to Peer Review Comments 1, 6, and 12.

(34) *Comment:* One commenter stated that the Service eliminated LSRs from critical habitat because "they are intended to provide for other species as well." The commenter felt that simply because the LSRs support other species, does not mean that they should have been eliminated from the owl's critical habitat.

Our Response: We believe our statement was misread or misunderstood. LSRs were not

eliminated from critical habitat, but on the contrary were intentionally included in the realignment of the DCAs to comprise the MOCA network. However, not all of the LSRs were necessarily essential to the recovery of the northern spotted owl. We did not eliminate LSRs because they were designed to meet the needs of species other than the spotted owl, but pointed out that the LSRs were designed to benefit many species. Our decision on which LSRs to include was based on which areas contained the physical and biological features in the quantity and configuration that were essential to the recovery of the species, based on the 2008 final recovery plan MOCA recommendations. The MOCAs were, in fact, specifically designed to take advantage of reserved land use allocations such as the LSRs of the Northwest Forest Plan and BLM's proposed land use plan reserves (see USFWS 2008, Appendix C).

(35) *Comment:* One commenter asserted that critical habitat should be expanded to reduce competition with the barred owl and conserve the ecosystem upon which the northern spotted owl depends. The commenter states that the final recovery plan recognizes the value of providing extra habitat in Recovery Action 32, and further cautions the Service against pursuing a single species recovery effort instead of the ecosystem-based Northwest Forest Plan. Another commenter opined that critical habitat should be based on the Northwest Forest Plan, not the final recovery plan for the northern spotted owl.

Our Response: Although one of the stated purposes of the Act is to provide a means by which the ecosystems upon which endangered species and threatened species may depend may be conserved, the statutory provisions of the Act nonetheless maintain a single species focus when it comes to listing, recovery planning, and the designation of critical habitat. The Northwest Forest Plan was developed in 1994 with the intent of conserving numerous species that are dependent upon late-successional forests of the Pacific Northwest, most of which are not listed as threatened or endangered. Toward this end, the Northwest Forest Plan identified LSRs to provide habitat for multiple late-successional forest species, including the northern spotted owl. The MOCA strategy of the 2008 final recovery plan that forms the basis of this critical habitat designation is founded on the concepts and information first presented in the ISC Report (Thomas *et al.* 1990) and later incorporated into the 1992 Final Draft Recovery Plan for the Northern Spotted

Owl (USFWS 1992). The 2008 final recovery plan recognized the 1992 Final Draft Recovery Plan as the most recent recovery guidance specific to the northern spotted owl and therefore relied upon that document as the foundation of the final MOCA network instead of the Northwest Forest Plan, since the latter addresses many other forest-dependent species in addition to the owl (USFWS 2008, p. 5). We believe it is appropriate to base our critical habitat designation on the most recent conservation strategy specific to the listed species, in this case the Final Recovery Plan for the Northern Spotted Owl, as indicated by the statute.

The Act's definition of critical habitat in section 3(5)(A) limits any designation to the specific areas within the geographical area occupied by the listed species on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection (and areas outside the range occupied by the species at the time it is listed, if such areas are determined to be essential to the conservation of the species). Critical habitat does not provide for the conservation of broad ecosystems that do not meet this definition. Any areas within the range of the species that may not have the physical and biological features considered essential to its conservation, or that do not require special management considerations or protection, cannot be designated as critical habitat. Although the MOCAs of the final recovery plan (and therefore the critical habitat units designated here) were designed to incorporate the LSRs of the Northwest Forest Plan when possible (USFWS 2008, p. 13, 82 to 83), any areas that were not determined to be essential to the conservation of the northern spotted owl were not included in the designation, in accordance with the Act's definition of critical habitat. See also the response to Comment 34, above.

Regarding barred owls and Recovery Action 32, please see our response to Peer Review Comment 19.

(36) *Comment:* Two commenters stated that the Final Recovery Plan for the Northern Spotted Owl indicated that increased habitat protections are needed, and pointed specifically to Recovery Action 32 and the need for special management of the entire landscape in the dry forest eastside provinces, suggesting that these areas should be designated as critical habitat. One commenter also suggested that the landscape management strategy suggested for the eastside provinces in

the recovery plan should also be applied in the Klamath provinces.

Our Response: Recovery Action 32 of the final recovery plan recommends a near-term strategy of maintaining substantially all of the older and more structurally complex multi-layered conifer forests outside of MOCAs in the westside provinces of the spotted owl's range, allowing for other threats, such as fire and insects, to be addressed by restoration management actions. Providing habitat for the northern spotted owl may then lend itself to provide additional support for reducing the threat from the barred owl (USFWS 2008, pp. 34 to 35). Such areas are anticipated to increase spotted owl populations in areas adjacent to MOCAs, and to allow time to determine the competitive effects of barred owls on spotted owls and the effectiveness of experimental barred owl control measures. This strategy represents a revision from the 2007 draft recovery plan and was first introduced in the May 2008 final recovery plan. This approach was not contemplated in the proposed revision of critical habitat for the northern spotted owl (72 FR 32450). Furthermore, the final recovery plan states that the forest stands that may possibly contribute to this short-term management strategy have not yet been fully defined or identified (USFWS 2008, p. 34). Whether any of this habitat should be designated as critical habitat may be further considered as it is delineated.

As indicated by the commenter, in the Eastern Washington Cascades, Eastern Oregon Cascades, and California Cascades provinces, the 2008 final recovery plan describes a habitat management strategy that seeks to identify and maintain well-distributed, spatially dynamic patches of high quality habitat, manage the lands outside of high quality patches to restore ecological processes and functions, and reduce the potential of stand-replacement fires and insect and disease outbreaks; the plan does not delineate specific, mapped conservation areas in these provinces (USFWS 2008, p.21). However, this landscape strategy of shifting habitat patches does not translate easily into critical habitat which, per our implementing regulations, must "be defined by specific limits using reference points and lines as found on standard topographic maps of the area" (50 CFR 424.12(c)). As critical habitat requires that we specifically delineate geographic areas that provide the physical and biological features essential to the conservation of the northern spotted owl, areas identified

for designation in the proposed critical habitat (72 FR 32450), which were based on the MOCAs identified for that region in the 2007 draft recovery plan, are finalized in this rule. These areas meet the criteria regarding contiguity, habitat quality, size, spacing, and distribution used to identify critical habitat within the range of the northern spotted owl, and represent the best available science regarding specific geographic areas within this region that are considered essential to the conservation of the northern spotted owl. Many of these areas have been designated as LSRs, or are managed under LRMPs to develop the primary constituent elements (PCEs) of northern spotted owl habitat. As the land management agencies and scientists work together to implement the habitat management strategy described in the 2008 final recovery plan, we may adjust critical habitat to better reflect their efforts and understanding.

The comment regarding the Klamath provinces is more relevant to the recovery plan than to critical habitat. The final recovery plan recognizes the potential for the application of a broad landscape management strategy in the Oregon and California Klamath provinces, but notes that due to the unique conditions in this region, there is greater uncertainty as to the most appropriate management regime. The plan thus recommends a MOCA network for this region in the interim, and adoption of an adaptive management approach that allows for the development of an appropriate management strategy through the work of the dry-forest landscape work group (Recovery Actions 8 and 9; USFWS 2008, pp. 23 to 26).

We believe that the habitat network recommended in the final recovery plan will be sufficient to recover the northern spotted owl, assuming the currently observed negative population trend has been addressed. As noted in the recovery plan, if negative population growth continues, the population will continue to decline regardless of how much habitat is available (USFWS 2008, p. 77). Population declines have been attributed to a variety of factors in addition to loss of habitat from wildfire and timber harvest, including barred owls, poor weather conditions, and forest defoliation caused by insect infestations (Anthony *et al.* 2006, p. 33). Thus one key to recovery is to stabilize population growth, which is one of the goals of the recovery plan, and which will require actions to address a variety of threats in addition to habitat loss or degradation. The evidence thus far points to low adult survivorship as the

most likely contributor to the declining population trend (Anthony *et al.* 2006, p. 30, and references therein), and the most recent scientific review points to the barred owl as a plausible cause of low survivorship in many parts of the northern spotted owl's range, while noting that there is no evidence that actions such as increasing the size of habitat reserves would increase survivorship (Courtney *et al.* 2008, pp. 120 to 121). At present the best available scientific information indicates that the revised critical habitat designation provides the network of large blocks of habitat called for by the recovery plan to achieve the recovery of the species.

(37) *Comment:* One commenter stated that the Service did not clearly identify the geographical areas occupied by the species at the time it was listed as required by law. In 1989, the Service Status Review Supplement identified 1,507 known pairs, and stated this likely represented 70 to 80 percent of the population. Based on this, the commenter believes that the Service must define occupied areas by the 1,507 pairs known at that time. Based on that habitat area used by owl pairs and the need for 40 percent of the land to be habitat, the commenter offered that the Service should designate only 2.1 million acres of critical habitat. Alternatively, the commenter points out that the Service must determine whether habitat outside of the occupied areas is essential to the conservation of the species, under section 3(5)(A)(ii) of the Act.

Our Response: This designation is entirely within the geographic range of the northern spotted owl occupied at the time of listing, as can best be reasonably determined by a combination of historic and recent documented occupancy, known historical distribution, and distribution of current appropriate habitat. We do not believe that the designation of critical habitat under section 3(5)(A)(i) of the Act is narrowly restricted to small areas of documented occupancy, particularly for a wide-ranging species where such a level of detail across the range is rarely, if ever, achievable. Reasonable determinations of occupancy have been made based upon a variety of data sources available to the Service.

(38) *Comment:* One commenter pointed to the 1992 designation that explicitly included areas not occupied at the time of listing, describing these as needed for linkage to support recolonization of unoccupied portions.

Our Response: We based our critical habitat designation on areas that are within the geographic area occupied by

the northern spotted owl at the time of its listing. The 1992 rule used the term "occupied" in terms of individual occupied sites with pairs or resident single owls. Under this approach, the "unoccupied" areas they describe were actually cases of unknown occupancy. All critical habitat in 1992 and in the current designation are within the occupied range of the northern spotted owl at the time of listing.

(39) *Comment:* One commenter stated that the Service decided not to include areas outside the geographical area presently occupied by the species and that this is not an appropriate justification for eliminating critical habitat.

Our Response: The commenter apparently misunderstood our statement. We stated "[w]e do not propose to designate areas outside the geographical area presently occupied by the species since the species currently occurs throughout its historical range, albeit in very low numbers in some areas." If the species still occurs throughout its historic range, there are no areas outside of the geographic areas occupied by the species where it would be appropriate to designate critical habitat. We did not need to go beyond the occupied range of the northern spotted owl to designate the areas essential to recovery of the species.

(40) *Comment:* One commenter suggested that the Service should base critical habitat on where owls currently reside and designate areas of highest use and habitat quality, releasing areas with lower habitat potential, rather than rely on the 13-year-old Northwest Forest Plan.

Our Response: See response to Peer Review Comment 8.

(41) *Comment:* One commenter pointed out that the Service does not have owl surveys to determine how much potential habitat is occupied and lacks an inventory of lands containing the PCEs, as is required to determine where critical habitat can be designated. The commenter recommended we complete surveys and inventories before designating critical habitat.

Our Response: Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available, and that we consider physical and biological features (primary constituent elements, or PCEs) that are essential to the conservation of the species, within the area occupied by the species at the time of listing, that may require special management considerations and protection. We have used the best information available, including maps and data from the land management

agencies, and the information contained in the final recovery plan. The Act does not require surveys of the species prior to critical habitat designation.

(42) *Comment:* One commenter wrote that the Service proposal does not contain a finding that the areas proposed presently contain the physical and biological features essential for the conservation of the species.

Our Response: The proposed revision of critical habitat stated that one or more of the physical and biological features essential for the conservation of the species or PCEs, were present on all of the critical habitat units in several places in that proposed rule, including 72 FR 32459, 32460, and 32476. We have determined that all of the critical habitat units designated in this final rule provide at least one of the biological and physical features or PCEs essential to the conservation of the northern spotted owl, as described under "Primary Constituent Elements for the Northern Spotted Owl," below.

(43) *Comment:* One commenter stated that the Service did not adequately identify the PCEs essential for conservation of the northern spotted owl. In particular, PCE (ii) did not describe the constituent elements essential for conservation or describe what constitutes "sufficient area, quality and configuration" of forests that are essential to spotted owls.

Our Response: See response to Peer Review Issue 14.

(44) *Comment:* One commenter wrote of court rulings concerning the required presence of PCEs in all areas designated as critical habitat and our inclusion of areas with the ability to develop these characteristics. The commenter noted that the recovery plan data show that only about half of the areas contain suitable habitat. The commenter also points to recovery plan data to support statements that 1 million acres of the MOCA on which critical habitat was based are not capable of becoming suitable habitat. The commenter stated that Service should revise critical habitat to omit the areas that do not contain any of the PCEs.

Our Response: The commenter refers to the recovery plan as partial support that the areas proposed for critical habitat do not all contain the PCEs. The recovery plan refers only to "suitable habitat" which does not fully encompass the full set of PCEs identified in the proposed rule. When dispersal habitat and stands containing the requisite ecological conditions to develop an essential habitat type over time are included, all of the critical habitat units contain at least one PCE.

(45) *Comment:* One commenter stated that the Service has identified no essential physical or biological features to justify inclusion of old growth forests in its proposal.

Our Response: Numerous studies and reviews over the past decades describe how spotted owls generally rely on older forested habitats (e.g., Carroll and Johnson, in press; Courtney *et al.* 2004) because such forests contain the structures and characteristics required for nesting, roosting, and foraging. Therefore, old growth forests contain the PCEs (i), (ii), and (iii).

(46) *Comment:* Two commenters questioned the broad nature of PCE (i) (forest types), and whether this creates a requirement to consult on actions that do not affect PCE (ii) or (iii).

Our Response: We have clarified in the final designation that PCE (i) (forest types) applies only where it includes PCEs (ii) (nesting, roosting, or foraging habitat) or (iii) (dispersal habitat) also.

(47) *Comment:* One commenter stated that PCE (iii) (dispersal habitat) was not relevant because the Service did not propose any critical habitat units based on the presence of this PCE, the recovery plan did not identify any dispersal habitats among the MOCAs, and we did not use dispersal habitat in the mapping of critical habitat units.

Our Response: Dispersal habitat is a component of each critical habitat unit and occurs in all units. Impacts to dispersal habitat could affect use of critical habitat units by reducing successful movements in the units for both territorial spotted owls within their home range and non-territorial owls. Dispersal habitat is important to dispersal within critical habitat, supporting non-territorial owls and their movements, which in turn allow for the replacement of territorial spotted owls when they die or abandon a territory.

(48) *Comment:* One commenter wrote that nowhere in the revised critical habitat proposal does the Service explain how it used these PCEs in the designation of any particular area as critical habitat.

Our Response: Critical habitat was based on the MOCAs identified in the 2008 final recovery plan as areas essential for recovery of the northern spotted owl, each of which was delineated based on the existence of spotted owl habitat in Habitat Conservation Areas, DCAs, and, subsequently, in the MOCAs. While we did not use the term PCE in establishing the MOCAs in the recovery plan, as this terminology is unique to the designation of critical habitat, these reserve blocks were based on the presence of the habitat characteristics described as PCEs

in this rule (e.g., USFWS 2008, pp. 50 to 53).

(49) *Comment:* Many commenters pointed out that some spotted owls also use younger forest with legacy features such as downed logs and snags, and that this type of habitat should also be protected.

Our Response: Critical habitat is based on the MOCAs identified in the 2008 final recovery plan (and, in the eastside provinces, on the Option 1 MOCAs from the 2007 draft recovery plan). Any such forest with these features that may occur within these MOCAs was designated as critical habitat; these features are included in the PCEs and would receive consideration in consultations on critical habitat.

(50) *Comment:* One commenter stated that the Service failed to adequately identify the specific geographical places within which physical or geographic features essential to the conservation of the northern spotted owl are present.

Our Response: The critical habitat unit boundaries, as described, are the most precise units that we believe can be reasonably identified for a species with such a wide range. As described in this final rule, we believe the physical and biological features (PCEs) essential to the conservation of the species are present in each of the critical habitat units.

(51) *Comment:* One commenter stated that the Service failed to include all lands and water essential to recovery, as required by Congress. Another commenter stated that all suitable habitat should be designated as critical habitat, as evidence from the performance of the Northwest Forest Plan suggests that currently protected habitat is not sufficient; therefore reductions in habitat may lead to the extinction of the northern spotted owl.

Our Response: See Response to Peer Review Comments 1 and 6.

(52) *Comment:* One commenter stated that lacking more definitive science, the proposed critical habitat still includes too many acres of land with no proven benefit to a species that is largely at risk of extinction due to predation and interbreeding with barred owls. If the threat of the barred owl cannot be abated, setting aside land for the spotted owl will not provide species recovery, and thus the land use restrictions resulting from such designation would not be prudent or in keeping with the directive of the Act.

Our Response: The barred owl represents a major threat to the northern spotted owl, but is not the only one. Several recent reports indicate the major threats currently facing the spotted owl

are loss of habitat, including loss due to fire, and barred owls. The final recovery plan therefore identifies the three essential elements of the recovery strategy for the northern spotted owl as control of barred owls, management of the dry-forest landscape, and the establishment of the MOCA network (USFWS 2008, p. 12). Although management of the barred owl threat is a high priority, recovery of the northern spotted owl is simply not achievable in the absence of sufficient suitable habitat for the species to persist (e.g., Courtney *et al.* 2008, p. 16; USFWS 2008, p. VIII, p. 19, p. 20). Sufficient appropriate habitat must be maintained for the northern spotted owl as we learn how to address the barred owl threat; we believe this designation meets that objective of critical habitat. Section 4(b)(2) of the Act requires us to use the best available science in making and revising critical habitat designations; it does not authorize us to wait for definitive information. We believe that this revised designation is based on the best available science.

(53) *Comment:* One commenter stated that the Service did not identify how much habitat is needed to reach recovery for the northern spotted owl, determine the habitat necessary to meet the needs of a nesting pair, or determine whether the conservation areas provide sufficient habitat for 20 nesting pairs.

Our Response: The revised critical habitat is based on the 2008 final recovery plan, which in turn is based on the best available science, including recent spotted owl habitat area size, spacing, and occupancy modeling (Marcot *et al.* 2008). The MOCA network identified in the final recovery plan is designed to meet the habitat needs of the spotted owl by delineating the size and spacing of habitat areas needed for long-term persistence of well-distributed owl populations. This included applying information on the amount of habitat needed to support a pair of nesting owls by physiographic province, as the amount varies across the range of the species. This information was used in determining whether the MOCAs on which critical habitat was based were of adequate size to support 20 breeding pairs (see USFWS 2008, Appendix C, for details). We believe this methodology is more effective than trying to identify an arbitrary amount of acreage necessary for conservation, recovery, or critical habitat.

(54) *Comment:* One commenter pointed out that the 2007 draft recovery plan includes reserves and assumes barred owl reductions. Because the barred owl reductions are not assured,

the critical habitat units may not be large enough to provide for the target 20 pairs of spotted owls. Critical habitat units should be increased in size to account for the expected and current exclusion of spotted owls by barred owls. One commenter suggested that the effective size of critical habitat is reduced due to barred owl presence and increasing the area in critical habitat could reduce interactions with barred owls. Many commenters suggested that protecting more habitat would increase the chance that spotted owls and barred owls can coexist.

Our Response: See response to Peer Review Comment 19.

(55) *Comment:* One commenter stated that old growth forests designated as critical habitat have become hunting grounds for barred owls and, thus, are superfluous. As a result, the Service has not meaningfully identified the geographic areas occupied by the northern spotted owl.

Our Response: The fact that barred owls will use old growth forest does not render it unnecessary for spotted owls. Not all old growth and structurally-diverse forest stands are occupied by barred owls, and these types of forest remain high quality habitat for spotted owls. While we are concerned that barred owls may eventually displace spotted owls completely in some areas, this has not yet happened.

(56) *Comment:* Two commenters questioned the decision to not designate any critical habitat on non-Federal lands. One pointed out the importance of non-Federal lands for dispersal and habitat connectivity, especially in western Oregon checkerboard lands, northwest Oregon, and southwest Washington.

Our Response: See Response to Peer Review Comment 6.

(57) *Comment:* One commenter recommended that the Service provide an explicit commitment of resources to non-regulatory recovery programs to facilitate non-Federal landowners to participate in spotted owl recovery.

Our Response: The designation of critical habitat defines areas essential for recovery; it does not include the authority to commit resources to any particular recovery programs.

(58) *Comment:* Three commenters pointed to the inconsistency between the marbled murrelet critical habitat proposal, where Federal lands were proposed for exclusion under section 4(b)(2) of the Act based on their management as LSRs under land management plans, and this proposal, where Federal lands within LSRs were not proposed for exclusion.

Our Response: The referenced proposed revision of critical habitat for the marbled murrelet that proposed the exclusion of Federal lands was never finalized; on March 6, 2008, we published a decision that the proposed revision should not be made at that time. (73 FR 12067). We have determined not to exclude any lands on the basis of section 4(b)(2) of the Act in this final revised designation of critical habitat for the northern spotted owl.

(59) *Comment:* The Environmental Protection Agency noted the Northwest Forest Plan states that the Service may review and revise critical habitat for the northern spotted owl based on the provisions of the Northwest Forest Plan Standards and Guidelines. The agency wrote that the proposed rule does not discuss how or whether these standards and guidelines were considered in the proposed revision.

Our Response: The final critical habitat for the northern spotted owl is based on the recommendations of the 2008 final recovery plan, which identifies a specific network of managed owl conservation areas (MOCAs) to achieve the recovery of the species. This revision was not based on the provisions of the Northwest Forest Plan specifically. The land-use allocation and standards and guidelines of the Northwest Forest Plan were a consideration in the delineation of the owl conservation areas recommended in the 2008 final recovery plan for the northern spotted owl, and the MOCAs were designed to take advantage of reserve lands such as the LSRs under the Northwest Forest Plan (USFWS 2008, pp. 82 to 83). Because the LSRs were originally selected to support older forest-dependent species and the congressionally-reserved and administratively withdrawn areas have been managed under restrictions that have promoted the development of older forests, these areas were likely to support spotted owl habitat at higher levels.

(60) *Comment:* One commenter suggested that, once a wildfire eliminates habitat attributes, the U.S. Forest Service and BLM should have the professional/legal discretion to quickly reallocate northern spotted owl critical habitat in a timely manner that integrates the northern spotted owl habitat considerations into necessary emergency and other restoration activities following the catastrophic event.

Our Response: The designation or subsequent revision of critical habitat requires a formal rulemaking by the Secretary of the Interior; it is not within

our agency's authority to delegate this responsibility.

(61) *Comment:* One commenter recommended that the Service optimize the opportunities for accomplishing multiple habitat objectives within the same area by overlapping areas designated for marbled murrelet critical habitat, LSRs, and other special habitats or sites.

Our Response: Section 3(5)(A) of the Act specifies clear requirements for the designation of critical habitat for threatened or endangered species. The definition of critical habitat includes the specific areas within the geographical area occupied by the species at the time it was listed, and on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection, or specific areas outside the geographical area occupied at the time of listing, upon a determination that such areas are essential for the conservation of the species. The designation of critical habitat for the marbled murrelet and northern spotted owl would intersect only to the extent that critical habitat, as defined independently for each species, overlaps. However, management efficiencies are encouraged; such efficiencies were incorporated into the design of the northern spotted owl recovery plan, which took advantage of existing managed areas on Federal lands to provide for the conservation of the owl.

(62) *Comment:* One commenter noted that it appeared that the procedure for selecting lands for critical habitat was not applied equally to the U.S. Forest Service and BLM, given that there was a larger reduction of critical habitat on BLM lands. They pointed out that the U.S. Forest Service is held to a higher standard of species management under the National Forest Management Act than BLM, and therefore, the reduction of critical habitat on BLM lands would result in a greater loss of old forest habitat.

Our Response: The critical habitat units are based on the MOCAs in the 2008 Final Recovery Plan for the Northern Spotted Owl which delineated a reserve system capable of meeting the habitat needs of the species, regardless of which Federal agency manages the land.

(63) *Comment:* One commenter provided a list of new information, suggesting that it should lead to an increase in critical habitat, rather than a decrease. The new information included West Nile virus (because larger populations will survive epidemics

better), Sudden Oak Death disease and wildfire (which will cause some habitat loss in units that could be offset by additional acres), climate change (where larger reserves are more likely to retain usable habitat), aggressive application of fuels reduction and healthy forest efforts (that may cause loss of some habitat), past logging practices (which caused habitat loss), and potential elimination of reserves in the BLM's proposed Western Oregon Plan Revisions.

Our Response: The 2008 final recovery plan for the northern spotted owl, upon which this critical habitat designation is based, identified competition from barred owls, habitat loss from logging and fire, and past habitat loss as the main threats facing the species, but also considered other threats. Numerous stresses on the spotted owl population were examined in constructing the recovery strategy, including all of those listed in the comment. Relative to West Nile virus, there are no known cases of spotted owls contracting this disease in the wild and the susceptibility of the species is not known. Sudden Oak Death disease is present in the range of the spotted owl. Recovery Action 20 calls for the monitoring of avian diseases and Sudden Oak Death disease and recommends disease-specific responses if they are detected. The Recovery Plan discusses several of the potential impacts of global climate change on spotted owls and their habitat and recognizes the uncertainty of those impacts. Recovery Action 31 calls for tracking these impacts and adjusting protections and management. BLM is aware of the MOCA network, and we will evaluate the effect of the agency's final planning decision through consultation relative to this critical habitat designation. In light of full consideration of all these impacts to spotted owls and spotted owl habitat, this critical habitat network is judged to be sufficient for conservation of the species.

(64) *Comment:* The BLM California State Office and the U.S. Forest Service recommended that the Service remove lands in the 2006 Northern California Coastal Wild Heritage Wilderness Act and the Headwaters Forest Reserve from critical habitat based on their statutory management direction.

Our Response: The 2006 Northern California Coastal Wild Heritage Wilderness areas were inadvertently included on the maps of the proposed revised critical habitat designation, and have not been included in this final designation, consistent with our explanation in the preamble to the proposed rule that we intended to do so

(72 FR 32459). The Headwaters Forest Reserve was acquired by the BLM in 1999 for the purpose of preserving old-growth forests and is a congressional reserve. As explained previously, we are maintaining the decision made in the 1992 designation of critical habitat to not include congressionally-reserved lands within the boundaries of the critical habitat designation. As described in the proposed rule and consistent with the 1992 designation, the Headwaters Forest Reserve is not included in the final designation.

(65) *Comment:* The BLM California State Office stated that LSR designation through the Northwest Forest Plan is providing sufficient protection to warrant exclusion of these areas from final northern spotted owl critical habitat under section 4(b)(2) of the Act. The U.S. Forest Service stated that National Forest lands should not be designated as critical habitat because special management is not necessary for spotted owl recovery under existing management plans. Another reviewer stated that BLM lands in western Oregon should not be designated as critical habitat because special management is not needed for spotted owl recovery under existing and proposed management plans, and also because of section 4(b)(2) of the Act.

Our Response: An exclusion under section 4(b)(2) of the Act requires a determination that the benefits of exclusion outweigh the benefits of designation. As demonstrated by the recent proposed revisions to the land management plans of the BLM in western Oregon (Western Oregon Plan Revisions), some of which put existing LSRs under the Northwest Forest Plan into the harvest timber base, we believe the permanence of the LSR or other land use plan designations is too uncertain under the existing record to support exclusion of these areas under section 4(b)(2) of the Act.

(66) *Comment:* One commenter stated that the Service should not designate areas that have other higher and better land uses (e.g., based on past infrastructure investments).

Our Response: The Act provides for the Secretary of the Interior to designate critical habitat after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat, at his or her discretion. An exclusion under section 4(b)(2) of the Act requires a determination that the benefits of exclusion outweigh the benefits of designation, and is made at the discretion of the Secretary. We have considered such impacts, including the

completion of an economic analysis of the proposed revised critical habitat designation, and determined not to make exclusions based on the record before us.

(67) *Comment:* The Quinault Nation pointed out that the proposed designation does not include any consideration or analysis of the impacts to the Quinault Nation as required under Secretarial Order 3206. They clarified that the Nation is not offering any additional lands for the designation of critical habitat, and stressed the Service's obligation to carry out their responsibilities with regard to the Act and Secretarial Order 3206.

Our Response: The proposed designation did not include an analysis of the impacts to the Quinault Nation or any other Tribal entity. Consistent with Secretarial Order 3206, because this action will not impact Tribal trust resources, the exercise of Tribal rights, or Indian lands, Tribal consultation was not required. We recognize and accept our responsibilities for prompt and meaningful communication with the Tribes should we undertake any action under the authority of the Act which may affect Tribal lands, Tribal trust resources, or the exercise of Tribal rights.

(68) *Comment:* One commenter questioned the failure to keep 1992 critical habitat south of Canyon Creek and adjacent to the Buckhorn Wilderness on the Olympic Peninsula, Washington, resulting in a small area surrounded by critical habitat and fragmenting the large, contiguous nature of protected habitat in this area. Several commenters expressed concern about the reduction of critical habitat in the Applegate area of southwest Oregon because of the potential for fragmentation of important habitat and connectivity in the region.

Our Response: We based the final designation of critical habitat for the northern spotted owl on the 2008 final recovery plan. The 2008 final recovery plan did not include 1992 critical habitat south of Canyon Creek and adjacent to the Buckhorn Wilderness on the Olympic Peninsula. The 2008 final recovery plan does include a realignment of about 3,200 acres in the Klamath Interprovincial critical habitat unit which we have included in the final designation, but does not include any increase in total critical habitat in the area. We believe the size and spacing of the proposed habitat areas is sufficient to maintain a well-distributed spotted owl population.

(69) *Comment:* One commenter disagreed with the determination that lands managed by the BLM in western

Oregon should be designated as critical habitat for the northern spotted owl. The commenter states that section 3(5)(A)(i)(II) of the Act permits designation of critical habitat only in areas "which require special management considerations or protection . . .," and that since BLM land use plans, both current and as proposed in the Western Oregon Plan Revisions, provide for species recovery, they preclude the need for additional regulatory protections afforded by a critical habitat designation.

Our Response: We have determined that the BLM lands in western Oregon that are designated here as critical habitat provide the physical and biological features that are essential to the conservation of the northern spotted owl, thus meeting the first prong of the definition of critical habitat under section 3(5)(A)(i)(I) of the Act. As these physical and biological features may also require special management considerations or protection, we conclude that these lands also meet the second prong of the definition under section 3(5)(A)(i)(II) of the Act, and we therefore include these areas in critical habitat for the northern spotted owl. The question of whether the benefits of excluding any lands with such management plans may outweigh the benefits of designating such lands as critical habitat, falls under the discretionary authority of section 4(b)(2) of the Act.

(70) **Comment:** One commenter suggested that all Forest Service managed lands within LSRs and all O&C lands (lands that fall under the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937, or "O&C Act") managed by BLM should be excluded from the designation. According to the commenter, all Forest Service lands in LSRs are already dedicated to maintaining and creating spotted owl habitat and that critical habitat would be an unnecessary administrative burden. In addition, he stated that all O&C lands should be excluded since the management of O&C timberlands for the economic benefit of the counties is a non-discretionary action under the O&C Act. In light of *National Association of Home Builders v. Defenders of Wildlife*, 127 S.Ct. 2518 2007, the commenter believes that the Act does not apply to Federal actions taken to implement a non-discretionary mandate imposed by another statute and, thus, that removal of these lands from the timber base for the purpose of critical habitat is illegal.

Our Response: As part of our section 7 consultation with the Forest Service on their LRMPs, as amended, they have

already consulted on various activities carried out on their lands including: roads and trail management, recreation management, special use permit administration, administrative infrastructure, fire and fuels management, and law enforcement. In our biological opinion on the LRMPs, we determined that implementation of the plans was not likely to jeopardize the continued existence of the northern spotted owl. Since critical habitat has been previously designated for this species, the Forest Service has already consulted with us on potential impacts to this species related to the activities outlined in the LRMPs; we do not believe that additional consultation as a result of this critical habitat revision would place an undue burden on the Forest Service in this instance. As the critical habitat designation has the benefit of raising awareness of essential habitat for the northern spotted owl and promoting positive management actions to benefit the recovery and survival of the species, we have determined not to exclude the LSRs from critical habitat on the basis of the current record. See also our Response to Comment 65.

With regard to the comment concerning BLM lands, we do not believe that *National Association of Home Builders v. Defenders of Wildlife* or the O&C Act give us the authority to not include lands in critical habitat. The Home Builders case is in the context of section 7 of the Act, not section 4, and holds that an agency's duty under section 7(a)(2) of the Act to avoid jeopardizing a listed species or adversely modifying critical habitat applies only to discretionary actions, consistent with our section 7 implementing regulations which apply section 7(a)(2) to "actions in which there is discretionary Federal involvement and control" (see also 50 CFR 402.03). It does not address the designation of critical habitat under section 4 of the Act.

The O&C Act (43 U.S.C. 1181a *et seq.*), enacted in 1937, provides for O&C lands classified as timberlands to be managed for permanent forest production on a long-term sustained yield basis to provide economic stability of local communities and industries, protect watersheds, regulate stream flow, and provide recreational facilities. While the commenter believes that this precludes BLM from creating non-harvestable reserves on suitable O&C timberlands, he also acknowledges that BLM "has broad discretion to determine where the mandated timber sales will occur, and under what management prescriptions." Under his view, section 7 cannot operate to frustrate the

achievement of the O&C Act's non-discretionary goals. However, he also states that the limitations on section 7 consultation should be narrow and, in many cases, should apply without any departure from normal practices. Thus, assuming for the sake of argument that the commenter's interpretation of the O&C Act is correct, the mandate to designate critical habitat under section 4 of the Act and the resulting application of section 7(a)(2) can be harmonized with the mandates of the O&C Act. For this reason we find no authorization to not include O&C lands from critical habitat based on any express contradiction between the two statutes.

If the commenter means to suggest that O&C lands should be excluded from critical habitat under section 4(b)(2), the record would have to show that the benefits of exclusion outweigh the benefits of inclusion in the designation. While the commenter asserts that O&C lands should be excluded for economic reasons, the commenter provides no information on the economic costs that would result from the designation. The economic analysis we contracted finds that the incremental costs of this designation will be limited to administrative costs, ranging from a total of \$132,000 to \$202,000 annually spread across all critical habitat units, assuming the Western Oregon Plan Revision (WOPR) is part of the baseline and is consistent with this designation. On the other hand, even under the commenter's view of the O&C Act, BLM would have at least some measure of discretion to avoid destroying or adversely modifying critical habitat, thus providing a measure of protection to designated lands. Furthermore, the O&C lands coincide with some of the most productive northern spotted owl habitat, which some experts believe will play a key role in the conservation of the owl (SEI 2008, pp. 20, 22).

In addition, BLM's analysis indicates that management of O&C lands without the designation of blocks of habitat critical for the survival and recovery of the northern spotted owl could actually result in greater costs. BLM's proposed Alternative 3 contained in the Draft Environmental Impact Statement of the WOPR would have approached the conservation of northern spotted owl habitat by managing the harvest of all the O&C lands suitable for timber production under a long rotation age. Thus, if critical habitat were not designated on O&C lands, as suggested by the commenter, the likely outcome would be that BLM would manage the O&C lands to utilize its authority to avoid jeopardy by adopting Alternative

3, or some variation of it. However, BLM's analysis showed that such a long rotation harvest age alternative would have a much lower economic benefit compared to the alternatives adopting a large block strategy similar to this critical habitat designation (BLM 2007, pp. 534 to 553).

Thus, after considering the relevant impacts in the record before us, we have chosen not to exclude the O&C lands on the basis of section 4(b)(2).

Comments from State Agencies

(71) *Comment:* The Washington Department of Natural Resources recognized the designation of critical habitat as an important complement to the implementation of the final recovery plan for the northern spotted owl, and asked that we revise the adverse modification standards described to ensure that they do not impede the implementation of the recovery plan strategy for actively managing dry, fire-prone eastside forests to sustain northern spotted owl habitat over time.

Our Response: We have modified the discussion of Section 7 Consultation and the Application of the Adverse Modification Standard in this final rule to clarify the relationship between critical habitat and the recovery actions and management goals outlined in the Final Recovery Plan for the Northern Spotted Owl (USFWS 2008). Although consultation would be required, we do not anticipate that any activities that would contribute to implementing the recovery actions and achieving the habitat goals outlined in the recovery plan would result in an adverse modification determination.

Comments Specific to the Draft Economic Analysis

(72) *Comment:* One commenter suggested that the economic analysis should use a pre-designation timeframe of 1990 – 1992 and a post-designation timeframe that begins after the current northern spotted owl habitat was designated in 1992, instead of dividing economic impacts into pre-designation (1990 – 2007) and post-designation (2008 – 2027) timeframes. The commenter believes that the approach taken “leaves a false impression that significant economic impacts associated with the protection of the owl are now past tense, affected communities and individuals have made adjustments, and designating critical habitat would create little or no economic impact.” The commenter commends the analysis for quantifying the total adverse impact from the NWFP and other owl protection strategies, but criticizes the analysis for assuming the impacts are

baseline (impacts related to protections already accorded the species) and not directly forced by a critical habitat designation (impacts associated specifically with the designation of critical habitat for the species) because the 1994 NWFP and the more recent proposed revisions from the WOPR have been materially influenced by the current (1992) critical habitat designation and the proposed revisions to it, stating that a portion of the economic impacts should be attributed to the critical habitat designation.

Our Response: We first designated critical habitat for this species in 1992. The purpose of the 2008 Economic Analysis is to analyze the regulatory impacts of the proposed revision of critical habitat (2007), which will replace the current critical habitat designation (1992). We are not revisiting the original critical habitat designation. Thus, in the economic analysis, “pre-designation” refers to the 1992 designation in place, and “post-designation” refers to the time period after this revised final critical habitat designation is effective.

The intent of the presentation of results in the economic analysis was not to imply that the economic impact of species conservation efforts is over. As the economic analysis illustrates, pre-designation (1990 – 2007) impacts associated with species conservation efforts within the boundaries of the proposed designation total approximately \$9.6 billion (\$600 million annualized at a 7 percent discount rate), and post-designation (2008 – 2027) impacts are expected to continue to accrue at a similar rate (\$600 million annualized at a 7 percent discount rate).

The commenter also disagreed with the assumption that the impacts are baseline (impacts related to protections already accorded the species) and not directly forced by a critical habitat designation (impacts associated specifically with the designation of critical habitat for the species). Conceptually, the incremental economic impacts of the proposed critical habitat on timber production are intended to isolate the role that critical habitat would have on future timber harvests and values. The analysis attempted to identify Forest Service and BLM timber harvest data for certain time periods (e.g., pre-listing in 1990, listing in 1990 until the designation of critical habitat in 1992, critical habitat designation in 1992 until the adoption of the NWFP in 1994, and post-NWFP adoption in 1994) that would allow for an incremental analysis of the impact of critical habitat designation on timber harvest. However,

Forest Service and BLM timber harvest data generally represent forest-wide conditions and do not relate to the boundaries of the current or proposed designation. Therefore, the analysis relied upon discussions with Forest Service and BLM land managers and Service personnel who were familiar with the NWFP and WOPR to develop the analytical approach applied in the economic analysis. There may have been some effect of current critical habitat on timber production after the current critical habitat was designated in 1992 (e.g., reduction in areas offered for timber sale to avoid critical habitat) until the NWFP was adopted in 1994, but these effects were difficult to quantify because they were generally subsumed in the reaction of timber industry to listing of the northern spotted owl under the Act (e.g., limiting timber production in response to potential lawsuits), as well as natural fluctuations in the timber industry, which are baseline costs. Consequently, the analysis does not attribute timber harvest reductions to critical habitat. To the extent that critical habitat concerns drive decision-making, the estimate of incremental impacts due to critical habitat may be understated.

(73) *Comment:* One commenter states that the economic analysis must look at global economic welfare and account for the “net economic benefits” of conserving spotted owl habitat, including the avoided costs of global climate change, species endangerment, polluted drinking water, and degraded quality of life.

Our Response: Where sufficient information is available, the economic analysis attempts to recognize and measure the net economic effects of species conservation efforts imposed on regulated entities and the regional economy as a result of critical habitat designation. That is, it attempts to measure costs imposed on landowners or other users of the resource net of any offsetting gains experienced by these individuals associated with these conservation efforts. The analysis does not attempt to net out broader social benefits that may result incidentally from species conservation. The primary purpose of the rulemaking is the potential to enhance conservation of the species. As stated in the economic analysis, “[r]ather than rely on economic measures, the Service believes that the direct benefits of the proposed rule are best expressed in biological terms that can be weighed against the expected cost impacts of the rulemaking.” Thus, the Service utilizes cost estimates from the economic analysis as one factor against which

biological benefits are compared during the section 4(b)(2) weighing process. The Service agrees that, to the extent that additional social benefits, such as improving climate and water quality, eliminating nonnative species, and enhancing quality of life, result from conservation measures for the northern spotted owl, these improvements could also benefit human communities.

Critical Habitat

Critical habitat is defined in section 3 of the Act as

(i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species and

(b) That may require special management considerations or protection; and

(ii) Specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use all methods and procedures necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the prohibition against Federal agencies carrying out, funding, or authorizing the destruction or adverse modification of critical habitat. Section 7(a)(2) of the Act requires consultation on Federal actions that may affect critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by private landowners. Where a landowner requests federal agency funding or authorization for an action that may affect a listed species or critical habitat,

the consultation requirements of section 7(a)(2) would apply, but even in the event of a destruction or adverse modification finding, the landowner's obligation is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

For inclusion in a critical habitat designation, the habitat within the geographical area occupied by the species at the time of listing must contain the physical and biological features (we also refer to these as primary constituent elements, or PCEs) essential to the conservation of the species and be included only if those features may require special management considerations or protections. Critical habitat designations, to the extent known using the best scientific data available, are habitat areas that have the capability of providing essential life cycle needs of the species (i.e., areas on which are found the PCEs laid out in the appropriate quantity and spatial arrangement for the conservation of the species).

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards Under the Endangered Species Act, published in the Federal Register on July 1, 1994 (59 FR 34271), and Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106-554; H.R. 5658) and the associated Information Quality Guidelines issued by the Service, provide criteria, establish procedures, and provide guidance to ensure that decisions made by the Service represent the best scientific data available. They require Service biologists, to the extent consistent with the Act and the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When determining which areas should be designated as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources include the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, other unpublished materials, and expert opinion or personal knowledge.

Habitat is often dynamic, spotted owls may move from one area to another over

time, and local populations may increase or decline as habitat changes. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, critical habitat designations do not signal that habitat outside the designation is unimportant or may not promote the recovery of the species.

Areas that support populations, but are outside the critical habitat designation, will continue to be subject to conservation actions implemented under section 7(a)(1) of the Act and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard, as determined on the basis of the best available information at the time of the action. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may require consultation under section 7 of the Act and may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Primary Constituent Elements

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the Act and the regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat within the area occupied by the species at the time of listing, we must consider those physical and biological features (primary constituent elements, or PCEs) in the necessary and appropriate quantity and spatial arrangement essential to the conservation of the species, and that may require special management considerations and protection. These physical and biological features that provide the essential life history requirements of the species include, but are not limited to, the following:

- (1) Space for individual and population growth and for normal behavior;
- (2) Food, water, air, light, minerals, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, and rearing (or development) of offspring; and
- (5) Habitats that are protected from disturbance or are representative of the

historic geographical and ecological distributions of a species.

As required by 50 CFR 424.12(b), we are to list the known PCEs with our description of critical habitat. The PCEs may include, but are not limited to, the following: roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinator, geological formation, vegetation type, tide, and specific soil types.

The PCEs in the necessary and appropriate quantity and spatial arrangement essential for the conservation of the northern spotted owl are derived from the biological needs of the species as described in the proposed rule (72 FR 32450) and summarized here.

Space for Population Growth and for Normal Behavior

Northern spotted owls remain on their home range throughout the year; therefore this area must provide all the habitat components and prey needed to provide for the survival and successful reproduction of a territorial pair. The home range of a northern spotted owl is relatively large and varies in size among and within provinces, generally increasing to the north (Courtney *et al.* 2004, p. 5-24; 55 FR 26117) where home range size ranges from 2, 955 ac (1, 196 ha) in the Oregon Cascades (Thomas *et al.* 1990, p. 194) to 14, 271 ac (5, 775 ha) on the Olympic Peninsula (USFWS 1992, p. 23; USFWS 1994 in litt., p. 1). Northern spotted owl home ranges are generally larger where northern flying squirrels are the predominant prey and smaller where woodrats are the predominant prey (Zabel *et al.* 1995, p. 436). Home range size also increases with increasing forest fragmentation (Carey *et al.* 1992, p. 235; Franklin and Gutiérrez 2002, p. 212; Glenn *et al.* 2004, p. 45) and decreasing proportions of nesting habitat on the landscape (Carey *et al.* 1992, p. 235; Forsman *et al.* 2005, p. 374), suggesting that northern spotted owls increase the size of their home ranges to encompass adequate amounts of suitable forest types (Forsman *et al.* 2005, p. 374).

Northern spotted owl home ranges contain two distinct use areas: the core area, which is the area that is used most intensively and usually includes the nesting area (Bingham and Noon 1997, pp. 134 to 135), and the remainder of the home range, which is used for foraging and roosting. The size of core areas varies considerably across the northern spotted owl's geographic range following a pattern similar to that of home range size (Bingham and Noon

1997, p. 133), varying from over 4, 057 ac (1, 642 ha) in the northernmost (flying squirrel prey) provinces (Forsman *et al.* 2005, pp. 370, 375) to less than 500 ac (202 ha) in the southernmost (dusky-footed woodrat prey) provinces (Pious 1995, pp. 9 to 10, Table 2; Zabel *et al.* 2003, pp. 1036 to 1038).

Core areas contain greater proportions of mature/old forest than random or non-use areas (Courtney *et al.* 2004, p. 5-13), and the quality of habitat at the core area scale shows the strongest relationships with occupancy (Meyer *et al.* 1998, p. 34; Zabel *et al.* 2003, pp. 1027, 1036), survival (Franklin *et al.* 2000, p. 567; Dugger *et al.* 2005, p. 873), and reproductive success (Ripple *et al.* 1997, pp. 155 to 156; Dugger *et al.* 2005, p. 871). In some areas, edges between forest types within northern spotted owl home ranges may provide increased prey abundance and availability (Franklin *et al.* 2000, p. 579). For successful reproduction, core areas need to contain one or more forest stands that have both the structural attributes and the location relative to other features in the home range that allow them to fulfill essential nesting, roosting, and foraging functions (Carey and Peeler 1995, pp. 233 to 236; Rosenberg and McKelvey 1999, pp. 1035 to 1037).

The primary function of the remainder of the home range outside the core area is to provide roosting and foraging opportunities essential to the year-round survival of the resident pair to supplement the prey resources in the core area.

Sites for Breeding, Reproduction, and Rearing of Offspring (Nesting)

Nesting habitat provides structural features for nesting, protection from adverse weather conditions, and cover to reduce predation risks for adults and young. Nesting stands typically include a moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-species canopy with large (greater than 30 inches (in) (76 centimeters (cm)) diameter at breast height (dbh)) overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and other evidence of decadence); large snags; large accumulations of fallen trees and other woody debris on the ground; and sufficient open space below the canopy for northern spotted owls to fly (Thomas *et al.* 1990, p. 164; 57 FR 1798).

Recent studies have found that northern spotted owl nest stands tend to have greater tree basal area, number of canopy layers, density of broken-top trees, number or basal area of decadent

snags, and volume of decadent logs (Courtney *et al.* 2004, pp. 5-16 to 5-19, 5-23) than non-nest stands. In some forest types, northern spotted owls nest in younger forest stands that contain structural characteristics of older forests. Nesting northern spotted owls consistently occupy stands having a high degree of canopy cover that may provide thermoregulatory benefits (Weathers *et al.* 2001, p. 686), allowing northern spotted owls a wider range of choices for locating thermally neutral roosts near the nest site. A high degree of canopy closure may also conceal northern spotted owls, reducing potential predation.

To support northern spotted owl reproduction, a home range requires appropriate amounts of nesting, roosting, and foraging habitat arrayed so that nesting pairs can use it efficiently and safely. In the northern parts of the range where nesting, roosting, and foraging habitat have similar attributes, nesting is generally associated with increasing old forest in the core area (Swindle *et al.* 1999, p. 1216). In some southern portions of the range, northern spotted owl survival is positively associated with the area of old forest habitat in the core, but reproductive output is positively associated with amount of edge between older forest and other habitat types in the home range (Franklin *et al.* 2000, pp. 573, 579). This pattern suggests that where dusky-footed woodrats are the primary prey species, core areas that have nesting habitat stands interspersed with varied types of foraging habitat may be optimal for northern spotted owl survival and reproduction.

Cover or Shelter (Roosting)

The primary functions of roosting habitat are to facilitate thermoregulation in summer and winter, shelter northern spotted owls from precipitation, and provide cover to reduce predation risk while resting or foraging. Studies of roosting locations found that northern spotted owls tended to use stands with greater vertical canopy layering (Mills *et al.* 1993, pp. 318 to 319), canopy closure (King 1993, p. 45), snag diameter (Mills *et al.* 1993, pp. 318 to 319), diameter of large trees (Herter *et al.* 2002, pp. 437, 441), and amounts of large woody debris (Chow 2001, p. 24; reviewed in Courtney *et al.* 2004, pp. 5-14 to 4-16, 5-23). The characteristics of roosting habitat differ from those of nesting habitat only in that roosting habitat need not contain the specific structural features used for nesting (Thomas *et al.* 1990, p. 62).

Food or Other Nutritional or Physiological Requirements (Foraging)

The primary function of foraging habitat is to provide a food supply for survival and reproduction. Foraging activity is positively associated with tree height diversity (North *et al.* 1999, p. 524), canopy closure (Irwin *et al.* 2000, p. 180; Courtney *et al.* 2004, p. 5-15), snag volume, density of snags greater than 20 in (50 cm) dbh (North *et al.* 1999, p. 524; Irwin *et al.* 2000, pp. 179 to 180; Courtney *et al.* 2004, p. 5-15), density of trees greater than or equal to 31 in (80 cm) dbh (North *et al.* 1999, p. 524), volume of woody debris (Irwin *et al.* 2000, pp. 179 to 80), and young forests with some structural characteristics of old forests (Carey *et al.* 1992, pp. 245 to 247; Irwin *et al.* 2000, pp. 178 to 179). Northern spotted owls select old forests for foraging in greater proportion than their availability at the landscape scale (Carey *et al.* 1992, pp. 236 to 237; Carey and Peeler 1995, p. 235; Forsman *et al.* 2005, pp. 372 to 373), but will forage in younger stands with high prey densities and access to prey (Carey *et al.* 1992, p. 247; Rosenberg and Anthony 1992, p. 165; Thome *et al.* 1999, pp. 56 to 57).

Because northern spotted owls show a clear geographic pattern in diet, and different prey species prefer different habitat types, prey distribution contributes to differences in northern spotted owl foraging habitat selection across the range. In the northern portion of their range, northern spotted owls forage heavily in older forests or forests with similar structure that support northern flying squirrels (Rosenberg and Anthony 1992, p. 165; Carey *et al.* 1992, p. 233). In the southern portion of their range, where woodrats are a major component of their diet, northern spotted owls are more likely to use a variety of stands, including younger stands, brushy openings in older stands, and edges between forest types in response to higher prey density in some of these areas (Solis 1983, pp. 89 to 90; Sakai and Noon 1993, pp. 376 to 378; Carey *et al.* 1999, p. 73; Sakai and Noon 1997, p. 347; Franklin *et al.* 2000, p. 579). An adequate amount and distribution of foraging habitat within the home range is essential to the survival and reproduction of northern spotted owls.

Habitats that are Representative of the Historical Geographical and Ecological Distributions of the Northern Spotted Owl

The northern spotted owl inhabits most of the major types of coniferous forests across its geographic range,

including Sitka spruce, western hemlock, mixed conifer and mixed evergreen, grand fir, Pacific silver fir, Douglas-fir, redwood/Douglas-fir (in coastal California and southwestern Oregon), white fir, Shasta red fir, and the moist end of the ponderosa pine zone (Forsman *et al.* 1984, p. 8-9; Franklin and Dyness 1988, numerous pages; Thomas *et al.* 1990, p. 145). The vegetative composition of northern spotted owl habitat changes from north to south and from west to east within the species' range. The lower elevation limit of subalpine vegetation types defines the uppermost elevation used by northern spotted owls. This elevation varies with latitude from about 3,000 feet (ft) (914 meters (m)) above sea level in coastal Washington and Oregon (Davis and Lint 2005, p. 32) to about 6,000 ft (1,828 m) above sea level near the southern edge of the range (derived from Davis and Lint 2005, p. 32).

Historically, forest types occupied by the northern spotted owl were fairly continuous, particularly in the wetter parts of its range in coastal northern California and most of western Oregon and Washington. Suitable forest types in the drier parts of the range (interior northern California, interior southern Oregon, and east of the Cascade crest in Oregon and Washington) occur in a mosaic pattern interspersed with infrequently used vegetation types such as open forests, shrubby areas, and grasslands. In the Klamath Mountains Provinces of Oregon and California, and to a lesser extent in the Coast and Cascade Provinces of California, large areas of serpentine soils exist that are typically not capable of supporting northern spotted owl habitat (Davis and Lint 2005, pp. 31 to 33).

Conditions Supporting Non-resident Owls

Landscapes with northern spotted owl habitat likely contain non-resident (non-breeding) northern spotted owls, sometimes referred to as "floaters" (Forsman *et al.* 2002, pp. 15, 26). These habitats contribute to stable or increasing populations of northern spotted owls by maintaining sufficient individuals to quickly fill territorial vacancies when residents die or leave their territories. Where large blocks of habitat with multiple breeding pairs occur, the opportunities for this integration are enhanced due to the within-block production of potential replacement birds (Thomas *et al.* 1990, p. 295, 307).

Intervening habitats are important in supporting the successful dispersal of northern spotted owls that is essential to maintaining the genetic and

demographic connection among populations both within and across provinces. Habitats that support movements between larger blocks providing nesting, roosting, and foraging habitats for northern spotted owls, act to limit the adverse genetic effects of inbreeding, and provide demographic support to declining populations (Thomas *et al.* 1990, pp. 271 to 272). Dispersing juvenile northern spotted owls experience high mortality rates (more than 70 percent in some studies (Miller 1989, pp. 32 to 41; Franklin *et al.* 1999, pp. 25, 28; 55 FR 26115)) from starvation, predation, and accidents (Miller 1989, pp. 41 to 44; Forsman *et al.* 2002, pp. 18 to 19). Juvenile dispersal is thus a highly vulnerable life stage for northern spotted owls, and enhancing the survivorship of juveniles during this period could play an important role in maintaining stable populations of northern spotted owls.

Juvenile dispersal occurs in steps (Forsman *et al.* 2002, pp. 13 to 14) between which dispersing juveniles settle into temporary home ranges for up to several months (Forsman *et al.* 2002, p. 13). During the transience (movement) phase, dispersers used mature and old-growth forest slightly more than its availability; during the colonization phase, mature and old-growth forest was used at nearly twice its availability (Miller *et al.* 1997, p. 144). Closed pole-sapling-sawtimber habitat was used roughly in proportion to availability in both phases and may represent the minimum condition for movement. Open sapling and clearcuts were used less than expected based on availability during colonization (Miller *et al.* 1997, p. 145).

Successful juvenile dispersal may depend on locating unoccupied suitable habitat in close proximity to other occupied sites (LaHaye *et al.* 2001, pp. 697 to 698). Natal dispersal distances, measured from natal areas to eventual home range, tend to be larger for females (about 15 mi (24 km)) than males (about 8.5 mi (13.7 km)) (Courtney *et al.* 2004, p. 8-5). Approximately 68 percent of radio-marked juveniles of both sexes dispersed greater than 12 mi (19 km) from their natal areas, which was also the average dispersal distance. Approximately 80 percent dispersed greater than 7 mi (11 km) from their natal areas (Thomas *et al.* 1990, pp. 305 to 306). Northern spotted owls regularly disperse through highly fragmented forested landscapes that are typical of the mountain ranges in western Washington and Oregon (Forsman *et al.* 2002, p. 22), and have dispersed from the Coastal Mountains to the Cascades Mountains in the broad forested regions

between the Willamette, Umpqua, and Rogue Valleys of Oregon (Forsman *et al.* 2002, p. 22). Corridors of forest through fragmented landscapes serve primarily to support relatively rapid movement through such areas, rather than colonization.

Habitat Capable Areas

The northern spotted owl inhabits a variety of forest types across its range and is usually associated with forests that express mature or old-growth characteristics. The physical and biological features of the designated areas are those elements that provide for successful nesting, roosting, foraging, and dispersal of the northern spotted owl, or the capability of providing for these life functions in the future. Although all of these areas supported fully functioning habitat for the northern spotted owl at some time in the past, and the majority of lands designated support habitat that is functioning at the present time, these habitats are fragmented primarily due to past timber harvest, wildfire, disease, and wind-throw. Furthermore, given natural events such as fire, windstorms, and insect damage, not all habitat-capable lands in a unit are likely to be high quality habitat at any one time. However, these lands retain the physical and biological features necessary to allow for the regrowth of the habitat characteristics required by northern spotted owls and are essential to achieving the area, quality, and configuration of habitat blocks required for recovery of the owl (USFWS 2008, p. 13). The PCEs for the northern spotted owl are thus described as the elements that presently express the characteristics described, as well as the capability of developing those characteristics.

Primary Constituent Elements for the Northern Spotted Owl

Under our regulations, we are required to identify the known physical and biological features (PCEs) essential to the conservation of the northern spotted owl. All areas designated as revised critical habitat for the northern spotted owl are within the geographic area occupied by the species at the time of listing and contain the appropriate forest type (PCE (i)) and at least one other PCE. We have further determined that these PCEs may require special management or protections. Much of the recent research on northern spotted owl biology supports the PCEs described in the previous critical habitat designation; based on our current knowledge, the PCEs described here are more detailed and specific, where possible. Based on

our current knowledge of the life history, biology, and ecology of the species and the requirements of the habitat to sustain the essential life history functions of the species, we have determined that the PCEs for the northern spotted owl are:

(i) Forest types that support the northern spotted owl across its geographic range. These forest types are primarily Sitka spruce, western hemlock, mixed conifer and mixed evergreen, grand fir, Pacific silver fir, Douglas-fir, white fir, Shasta red fir, redwood/Douglas-fir (in coastal California and southwestern Oregon), and the moist end of the ponderosa pine coniferous forests zones at elevations up to approximately 3,000 ft (914m) near the northern edge of the range and up to approximately 6,000 ft (1,828 m) at the southern edge (Forsman *et al.* 1984, pp. 8 to 9; Franklin and Dyrness 1988, numerous pages; Thomas *et al.* 1990, p. 145; Davis and Lint 2005, p. 32). These forest types may be in early-, mid-, or late-seral stages. This PCE is essential to the conservation of the species because it provides the biotic communities that are known to be necessary for the northern spotted owl. This PCE must occur in concert with at least one of the PCEs described in paragraphs (ii) or (iii), below.

(ii) Nesting, roosting, foraging habitat. Forest types described in paragraph (i) above that contain one or more of the habitat types described below to meet the home range needs of territorial pairs of northern spotted owls throughout the year or that are habitat-capable of developing one or more of these habitat types. (As used in the description of PCEs, areas that are "habitat-capable" of developing an essential habitat component are those forest types described in paragraph (2)(i) above, excluding serpentine soil areas, and that provide the requisite ecological conditions (e.g., moisture regime, soils, aspect, slope, potential vegetative community) for growing and sustaining the structural conditions required for that habitat component.) A home range provides the habitat components essential for the survival and successful reproduction of a resident breeding pair of northern spotted owls. The amount, quality, and configuration of these habitat types required for a home range varies according to local conditions and factors such as the degree of habitat fragmentation, proportion of available nesting habitat, and primary prey species. The core area of the home range is used most intensively and usually includes the nesting area. The remainder of the home range is used for foraging and roosting. Since the

northern spotted owl is such a wide-ranging species, what constitutes "sufficient" area, quality or configuration varies according to local conditions. Home range and core area sizes vary widely both within and among physiographic provinces across the range of the northern spotted owl (Courtney *et al.* 2004, p. 5-24). Core areas, which usually include the nesting habitat, range from over 4,057 ac (1,642 ha) in the north (Forsman *et al.* 2005, pp. 369 to 370) to approximately 500 ac (202 ha) in the south (Pious 1995, pp. 9 to 10, Table 2; Meyer *et al.* 1998, p. 34; Zabel *et al.* 2003, pp. 1036 to 1038; Glenn *et al.* 2004, p. 41). Home range sizes range from 2,955 ac (1,196 ha) in the Oregon Cascades (Thomas *et al.* 1990, p. 194) to 14,271 ac (5,775 ha) on the Olympic Peninsula (USFWS 1992, p. 23; USFWS 1994, in litt., p. 1). Many factors may influence the size of the home range utilized by northern spotted owls, including the degree of habitat fragmentation, proportion of available nesting habitat, and primary prey species. The three habitat types within the home range of a northern spotted owl are:

(A) Nesting habitat. Nesting habitat is essential to provide structural features for nesting, protection from adverse weather conditions, and cover to reduce predation risks. It includes a moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-species canopy with large (generally greater than 30 inches (in) (76 centimeters (cm) diameter at breast height (dbh)) overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and other platforms); large snags; large accumulations of fallen trees and other woody debris on the ground; and sufficient open space below the canopy for northern spotted owls to fly. Patches of nesting habitat, in combination with roosting habitat (see paragraph (ii)(B) below) must be sufficiently large and contiguous to maintain northern spotted owl core areas and home ranges, and must be proximate to foraging habitat (see paragraph (ii)(C) below). Nesting habitat can also function as roosting, foraging, and dispersal habitat.

(B) Roosting habitat. Roosting habitat is essential to provide for thermoregulation, shelter, and cover to reduce predation risk while resting or foraging. It differs from nesting habitat in that it need not contain those specific structural features used for nesting (such as cavities, broken tops, and mistletoe platforms), but does contain moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-

species canopy; large accumulations of fallen trees and other woody debris on the ground; and open space below the canopy for northern spotted owls to fly. Roosting habitat will also function as foraging and dispersal habitat, but not as nesting habitat due to lack of nesting structures.

(C) Foraging habitat. Foraging habitat is essential to provide a food supply for survival and reproduction. It contains some roosting habitat attributes but can consist of more open and fragmented forests or, especially in the southern portion of the range where some younger stands may have high prey abundance and structural attributes similar to those of older forests, such as moderate tree density, subcanopy perches at multiple levels, multi-layered vegetation, or residual older trees. Foraging habitat can also function as dispersal habitat.

(iii) Dispersal habitat. Forest types described in paragraph (i) above that provide one or both of the habitat components described below that are essential to the dispersal of juvenile and non-territorial northern spotted owls, or that are habitat-capable of developing one or both of these components. Dispersal habitat can occur in intervening areas between larger blocks of nesting, foraging, and roosting habitat or within blocks of nesting, roosting, and foraging habitat. Dispersal habitat is essential to maintaining stable populations by filling territorial vacancies when resident northern spotted owls die or leave their territories, and to providing adequate gene flow across the range of the species. The two types of dispersal habitat are:

(A) Habitat supporting the transience phase of dispersal contains stands with adequate tree size and canopy closure to provide protection from avian predators and minimal foraging opportunities. This may include younger and less diverse forest stands than foraging habitat (see paragraph (ii)(C) above), such as even-aged, pole-sized stands, but such stands should contain some roosting structures and foraging habitat to allow for temporary resting and feeding during the movement phase.

(B) Habitat supporting the colonization phase of dispersal is generally equivalent to roosting and foraging habitat and is described in paragraphs (ii)(B) and (ii)(C) above, although it may be in smaller amounts than that needed to support nesting pairs (see paragraph (ii)(A) above).

This revised designation describes the PCEs essential to support the life history functions of the northern spotted owl in the amount and configuration required

for the species' conservation. Because not all life history functions require all of the PCEs, not all of the revised critical habitat will contain all of the PCEs. Some units contain all PCEs and support multiple life processes, while some units contain only a portion of the PCEs necessary to support the species' particular use of that habitat. However, all of the critical habitat units in this revised designation support at least the first PCE described (forest-type) in conjunction with at least one of the other PCEs described above.

Criteria Used to Identify Critical Habitat

The Act defines critical habitat in part as areas containing the physical or biological features (PCEs) essential to the conservation of the species. To determine what is essential, we determine the amount and spatial arrangement of PCEs necessary to recover the species. This final revision to critical habitat relies upon the biology and information discussed in the final rule designating the current critical habitat for northern spotted owl (57 FR 1796; January 15, 1992), the Record of Decision for Amendments to U.S. Forest Service and BLM Planning Documents within the Range of the Northern Spotted Owl (USDA and USDI 1994), and the 2008 Recovery Plan for the Northern Spotted Owl (USFWS 2008; incorporating by reference the ISC Report (Thomas *et al.* 1990) and the 1992 final draft recovery plan for the northern spotted owl (USFWS 1992)). These planning efforts were based on creating and managing large blocks of northern spotted owl habitat to support local populations spaced in a manner that allows for the successful movement of dispersing individuals between these blocks. We relied on the 2008 final recovery plan recommendations regarding contiguity, habitat quality, spacing, and distribution within the range of the northern spotted owl to select large blocks of habitat containing the PCEs in the westside provinces, and the 2007 draft recovery plan for the eastside provinces. We consider PCEs contained in the habitat areas identified in the 2008 final recovery plan to be essential to the conservation of the northern spotted owl.

We used the following criteria to select the specific areas containing the PCEs that are essential to the conservation of the northern spotted owl:

(1) Focus on Federal lands. The foundation of the current recovery strategy, as set forth in the 2008 Final Recovery Plan for the Northern Spotted Owl (USFWS 2008), is a network of

MOCAs (i.e., habitat blocks) located on Federal lands. In some areas of limited Federal ownership, private and State lands may help to expedite the recovery of the northern spotted owl by providing demographic support and connectivity to facilitate dispersal among habitat blocks. These voluntary habitat contributions on non-Federal lands (termed Conservation Support Areas) are expected to increase the likelihood that northern spotted owl recovery will be achieved, shorten the time needed to achieve recovery, and reduce management risks associated with the recovery strategy and recovery actions. Although Conservation Support Areas are identified as potentially contributing to recovery, the final recovery plan did not identify these areas as essential; the Federal lands comprising the MOCA network were the only lands identified as essential to the recovery of the species (USFWS 2008, p. 13). Therefore, we considered in making this revised designation only Federal lands on which are found the PCEs that are essential to the conservation of the northern spotted owl for the purposes of designating critical habitat.

(2) Large and small habitat blocks. We relied on recommendations in the 2008 final recovery plan regarding contiguity, habitat quality, spacing, and distribution within the range of the northern spotted owl to select large, contiguous blocks of quality habitat, where possible, for critical habitat units (USFWS 2008, Appendices C and D), with the exception of the eastside critical habitat units which are based on the MOCAs recommended in the 2007 draft recovery plan (see Background, above).

(3) Dispersal distance between blocks. As described in the 2008 final recovery plan, the success of the conservation strategy for the northern spotted owl depends on the relatively frequent dispersal of individuals between large habitat blocks; therefore, the blocks must be separated by distances within the known dispersal distance of juveniles (Thomas *et al.* 1990, p. 307). Based on the observed dispersal distances of juveniles, the maximum allowable distance between the nearest points of contact of neighboring large habitat blocks is 12 mi (19 km) (Thomas *et al.* 1990, p. 307, Table P1). To provide an additional measure of successful dispersal security for the smaller blocks, a shorter distance of 7 mi (11 km) (Thomas *et al.* 1990, p. 308) was used. The scientific principles applied by the ISC, including the determination of dispersal distances, continue to be supported by current available scientific information (Courtney *et al.* 2004;

Marcot *et al.* 2008; USFWS 2008, pp. 75 to 81).

(4) Habitats representative of the historical geographical and ecological distribution of the northern spotted owl. Habitats that are representative of the historic geographical and ecological distribution of the northern spotted owl are more likely to sustain the species over time. The northern spotted owl has historically occupied a wide range of forested habitat types across the various physiographic provinces within its range. Therefore, this rule designates critical habitat units distributed at appropriate dispersal distances throughout the range of the northern spotted owl in order to conserve and maintain the historical geographical and ecological variation to the extent possible.

When determining revised critical habitat boundaries, we made every effort to avoid including developed areas such as buildings, paved areas, and other structures that lack PCEs for the northern spotted owl. The scale of the maps prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed areas. Any such structures and the land under them which occur within revised critical habitat boundaries shown on the maps of this rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, Federal actions limited to these areas would not trigger section 7 consultation, unless they affect the species or PCEs in adjacent critical habitat.

We are designating critical habitat within the geographical area occupied by the northern spotted owl, in areas that contain an essential forest type (PCE (i)) and at least one other PCE essential for the conservation of the species, and with PCEs that may require special management considerations or protection.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the areas determined to be occupied at the time of listing and containing the PCEs essential to conservation may require special management considerations or protection. In June 2006, a panel of spotted owl and wildfire ecology experts was assembled to help the spotted owl recovery team identify the most current threats facing the species. With the assumption that existing habitat conservation plans and LRMPs would be in place, the panelists identified and ranked threats to the spotted owl; past habitat loss, current

habitat loss, and competition from barred owls were identified as the most pressing threats to the spotted owl, although it was noted that timber harvest recently has been greatly reduced on Federal lands (USFWS 2008, p. 5).

Among the 12 physiographic provinces, the more fire-prone provinces (Eastern Washington Cascades and Eastern Oregon Cascades, California Cascades, Oregon and California Klamath) scored high on threats from ongoing habitat loss as a result of wildfire and the effects of fire exclusion on vegetation change. Provinces on the westside (Western Washington Cascades and Western Oregon Cascades, Western Washington Lowlands, Olympic Peninsula, and Oregon Coast Range) generally scored high on threats from the adverse effects of habitat fragmentation and ongoing habitat loss as a result of timber harvest (USFWS 2008, p. 8). Consequently, westside provinces and the fire-prone dry forest provinces will require different management considerations and a different management context.

Northern spotted owls disproportionately use older forests that are typically characterized by large-diameter trees, multiple canopy layers, high levels of standing and down woody material, and generally complex structure. All of these habitat components can be lost as a consequence of timber harvest; large-scale, high intensity fire; or other stochastic events.

Timber harvest has contributed significantly to habitat loss, degradation, and fragmentation for the northern spotted owl, and was the basis for the original listing of the species (55 FR 26114; June 26, 1990). As a result of the listing, and the implementation of the standards and guidelines identified in the Northwest Forest Plan (USDA and USDI 1994), the threat posed by timber harvest on Federal lands has been greatly reduced since 1994. While reduced as a threat, timber harvest clearly has the potential to remove, degrade, or fragment northern spotted owl habitat. However, some forms of timber harvest can also be used as a tool to restore, enhance, and develop individual habitat components that are important to the northern spotted owl.

Vegetation management, including timber management within critical habitat units in the westside provinces should maintain, enhance, or develop the individual habitat components important to nesting, roosting, foraging, and dispersal, as well as provide adequate amounts and juxtapositions of nesting, roosting, foraging, and dispersal

habitat. In general, vegetation management in critical habitat units in the westside provinces should seek to maintain or enhance the characteristics of older forest, and provide large blocks of older forest and associated interior forest conditions. Any timber management intended to maintain or enhance northern spotted owl habitat must take into account regional variation in habitat use and associations across the range. For example, in southern portions of the range, harvest plans should carefully consider the mix of prey production habitat, interior old forest, and the edges between them, which would differ from the management for larger, more continuous blocks of older forest in the northern portions of the range (Courtney *et al.* 2004, pp. 5 to 23).

In the fire-prone dry forest provinces, habitat losses due to increased wildfire intensity and size may be due to excessive fuel buildup resulting from many decades of fire suppression. Vegetation management in these provinces will have a different focus than management in west side provinces. Northern spotted owl habitat is particularly vulnerable in some drier eastside forests such as those in the Eastern Washington Cascades, the Eastern Oregon Cascades, and California Cascades. In these provinces, recent fire losses have been higher than the range of historical variability (Courtney *et al.* 2004, p. 6-32). In these fire-prone landscapes, it will be important to reduce the risk of large scale habitat loss and restore ecosystem processes and functions (USFWS 2008, p. 20) in order to provide for the recovery function of spotted owl critical habitat. In the dry forest provinces, the distribution of northern spotted owl habitat may be dependent upon a landscape that has been treated to reduce the potential for significant losses by stand replacement fires. Dry forest treatments may include fuels treatments that reduce ladder and ground fuels while still retaining the stand structure that supports spotted owl nesting, roosting, foraging, and dispersal habitat, as these actions may reduce the risk of future loss of habitat to wildfire. In addition, there may be a need for actions that allow for rapid development of replacement spotted owl nesting, roosting and foraging habitat (USFWS 2008, p. 20). Thus, special management is necessary relative to fire management. Under certain circumstances, fuels reduction activities that attempt to return the landscape to a more historical natural condition may have negative effects in the short-term but increase the

resilience of spotted owl habitat to large fires over the long-term, thereby supporting the intended recovery function of critical habitat in the future. Management of northern spotted owl habitat in the dry forest provinces should balance the short-term impacts of fire hazard reduction projects with the long-term risk of catastrophic loss of northern spotted owl habitat (Courtney *et al.* 2004, pp. 6 to 28; see also Appendix E of the recovery plan, USFWS 2008).

Other stochastic events can contribute to loss, degradation, and fragmentation of northern spotted owl habitat; these may include insects, diseases, and windthrow or blowdown. Some areas within the range of the northern spotted owl have already been negatively impacted by these factors, including the eastern Washington Cascades (insects) and eastern Oregon Cascades (insects, disease) (Courtney *et al.* 2004, pp. 6 to 25). Forest managers have little control over many of these events, but some factors, such as blowdown or windthrows, can in some cases be minimized by management that maintains large, contiguous blocks of older forest, such as the critical habitat units designated here. In some circumstances, forest management can also reduce the potential for large-scale losses to insects and disease.

The loss of large areas of habitat may lead to reduced dispersal capability or, in the worst case, barriers to dispersal, which can result in small, isolated subpopulations. Recent studies show no indication of a current reduction in genetic variation in Washington, Oregon, or California (Barrowclough *et al.* 1999, pp. 927 to 928; Courtney *et al.* 2004, p. 11-9; Haig *et al.* 2004, p. 683), although Henke *et al.* (2005 pp. i, 14) found "especially low" genetic diversity in northern spotted owls. Any isolation problems that northern spotted owls are experiencing today may not be evident in the genetic record for some time. Areas of concern for isolation include the northern spotted owl's range in Canada, the Olympic Peninsula in Washington, and Marin County in California (Courtney *et al.* 2004, p. 8-24). Because dispersal is an essential function for northern spotted owls, fragmentation between populations can have negative effects. We considered the distances between critical habitat units and northern spotted owl dispersal ecology during revised critical habitat unit selection. Special management is required to assure that the recommended maximum dispersal distances between blocks of habitat for northern spotted owls are not exceeded.

The final recovery plan confirmed that competition from the barred owl is one of the most pressing threats currently facing the northern spotted owl (USFWS 2008, p. 8) and expresses the need for urgency in addressing the management of barred owls. The recovery plan identifies 12 different recovery actions specific to addressing the threat posed by the barred owl (USFWS 2008, pp. 29 to 35). Given the experimental nature of direct removal as a management tool for barred owl control and the absence of any known habitat-based approach that has successfully favored northern spotted owls, special management considerations for barred owls will need to be developed, as described in the recovery plan.

For these reasons, we have determined that the physical and biological features essential to the conservation of the northern spotted owl may require special management considerations or protection.

Summary of Changes from Proposed Revised Critical Habitat

In preparing this final critical habitat designation for the northern spotted owl, we reviewed and considered comments from the public and peer reviewers on the proposed designation of critical habitat published on June 12, 2007 (72 FR 32450). We also reviewed and considered comments from our announcement of revisions to the proposal and the availability of the draft economic analysis published on May 21, 2008 (73 FR 29471). As a result of the comments and a reevaluation of the revised proposed critical habitat boundaries, we made changes to our designation, as follows:

(1) Due to data and time constraints, some of the mapped critical habitat units in the proposed revised critical habitat for California included newly designated wilderness areas (Pub. L. 109-362, October 17, 2006). However, we stated in the preamble to the proposed rule that critical habitat units in California, including newly designated wilderness areas, would be adjusted to be consistent with the treatment of wilderness areas in Oregon and Washington in the 1992 designation. We did not receive any public comments on this issue, and these new wilderness areas are not included in the final critical habitat designation.

(2) We worked closely with the BLM and Forest Service to identify blocks of habitat within their management jurisdiction that would meet all of the criteria specified above. As a result of this coordination, we proposed that the

MOCAs as defined in Option 1 of the 2007 Draft Recovery Plan for the Northern Spotted Owl (USFWS 2007, p. 140) constitute the critical habitat units on National Forest lands. This also applied to BLM lands in the range of the northern spotted owl in California. In the final recovery plan, small changes were made to both Forest Service and BLM lands identified under Option 1 as MOCA 1s and MOCA 2s. Many of the changes were minor, and consisted of correcting mapping errors, improving habitat and dispersal connectivity through small adjustments, or correctly identifying administrative boundaries. These changes are reflected in this final rule in our realignment of critical habitat with the corrected MOCAs in the westside provinces on all Forest Service lands and BLM lands in California, as identified in the 2008 Recovery Plan for the Northern Spotted Owl (USFWS 2008).

(3) On BLM lands in Oregon, we proposed the location of critical habitat units consistent with Option 2 of the 2007 draft recovery plan, which employed a habitat selection rule-set to define areas needed for long-term conservation of the northern spotted owl (USFWS 2007, p. 158). Option 2 of the draft recovery plan has been eliminated and is not utilized in the final 2008 recovery plan. In the interim, the BLM modeled habitat in-growth of these lands and produced new information that identified habitat areas with the capability to develop into large blocks that achieve the size and distribution needs identified in the final recovery plan (i.e., MOCA 1s and MOCA 2s) over the shortest timeframe. This model allowed the BLM to reevaluate the boundaries of the MOCAs on their lands using criteria developed in the final recovery plan. The joint application of the recovery criteria and the new information provided by BLM regarding existing habitat on BLM lands and the ability of this habitat to meet the recovery needs of the species resulted in the identification of the conservation areas identified in the final recovery plan and designated as critical habitat in this rule. These areas are somewhat different than those mapped in the proposed rule but still meet the criteria for designating critical habitat (e.g., within the area occupied at the time of listing, contain the PCEs, form large habitat blocks). The designation of critical habitat on BLM lands in Oregon is now based on the MOCA 1s and MOCA 2s as identified in the 2008 Recovery Plan for the Northern Spotted Owl (USFWS 2008). We provided notice and an opportunity for the public to

comment on these changes by making the final recovery plan available and seeking comments on the application of the final recovery plan to critical habitat revisions during the comment period beginning on May 21, 2008 (73 FR 29471).

The areas identified in this final rule constitute a revision from the areas we designated as critical habitat for the northern spotted owl in 1992 (57 FR 1796), and supersedes that designation. In addition, the changes to the proposed revised critical habitat designation

identified above in (2) and (3) resulted in a decrease of 25,539 ac (10,394 ha) after this final designation from what we proposed to designate as revised critical habitat on June 12, 2007 (72 FR 32450).

TABLE 1. DIFFERENCES BETWEEN PROPOSED AND FINAL REVISED CRITICAL HABITAT. TOTALS MAY NOT SUM DUE TO ROUNDING; ROUNDED TO NEAREST 100 UNITS. SMALL DIFFERENCES BETWEEN THE PROPOSED AND FINAL REVISED CRITICAL HABITAT THAT ARE NOT NOTED AS ADDITIONS OR DELETIONS ARE DUE TO CORRECTIONS OF THE GIS MAP LAYER AND ROUNDING ERROR. DELETIONS IN CALIFORNIA ARE THE RESULT OF REMOVING 2006 WILDERNESS AREAS FROM CRITICAL HABITAT.

Units	Proposed Revised Critical Habitat ac (ha)	Additions from Proposal to Final ac (ha)	Deletions from Proposal to Final ac (ha)	Final Revised Critical Habitat ac (ha)
Washington				
Olympic Peninsula	331,700 ac (134,200 ha)	0	0	332,100 ac (134,400 ha)
Northwest Washington Cascades	410,900 ac (166,300 ha)	0	17,500 ac (7,100 ha)	393,500 ac (159,200 ha)
Okanogan	115,600 ac (46,800 ha)	0	0	115,600 ac (46,800 ha)
Entiat	304,800 ac (123,300 ha)	0	0	304,800 ac (123,300 ha)
Southwest Washington Cascades	523,700 ac (211,900 ha)	0	0	523,700 ac (211,900 ha)
Southeast Washington Cascades	143,400 ac (58,000 ha)	0	0	143,400 ac (58,000 ha)
Oregon				
Northern Oregon Coast Ranges	321,400 ac (130,000 ha)	53,900 ac (21,800 ha)	5,300 ac (2,100 ha)	370,000 ac (149,700 ha)
Southern Oregon Coast Ranges	204,300 ac (82,700 ha)	34,400 ac (13,900 ha)	25,900 ac (10,500 ha)	212,700 ac (86,100 ha)
Western Oregon Cascades North	334,700 ac (135,400 ha)	900 ac (400 ha)	0	335,600 ac (135,800 ha)
Hood River	42,700 ac (17,300 ha)	0	0	42,700 ac (17,300 ha)
Eastern Oregon Cascades	106,700 ac (43,200 ha)	0		106,600 ac (43,100 ha)
Western Oregon Cascades South	448,400 ac (181,500 ha)	0		448,100 ac (181,300 ha)
Willamette/North Umpqua	119,600 ac (48,400 ha)	45,500 ac (18,400 ha)	46,600 ac (18,900 ha)	118,500 ac (48,000 ha)
Rogue-Umpqua	165,500 ac (67,000 ha)	52,700 ac (21,300 ha)	34,400 ac (13,900 ha)	183,800 ac (74,400 ha)
Oregon and California				
Oregon Klamath Mountains	195,200 ac (79,000 ha)	600 ac (200 ha)	500 ac (200 ha)	195,200 ac (79,000 ha)
Klamath Intra-Province	96,600 ac (39,100 ha)	3,200 ac (1,300 ha)	3,200 ac (1,300 ha)	96,600 ac (39,100 ha)
Southern Cascades	226,400 ac (91,600 ha)	19,900 ac (8,100 ha)	0	246,300 ac (99,700 ha)
Scott and Salmon Mountains	242,400 ac (98,100 ha)	0	0	242,200 ac (98,100 ha)
California				
Coastal Redwoods	6,900 ac (2,800 ha)	0	0	6,900 ac (2,800 ha)
Coastal Humboldt	49,300 ac (20,000 ha)	0	18,600 ac (7,500 ha)	30,700 ac (12,400 ha)
King Range	40,300 ac (16,300 ha)	0	25,500 ac (10,300 ha)	14,800 ac (6,000 ha)

TABLE 1. DIFFERENCES BETWEEN PROPOSED AND FINAL REVISED CRITICAL HABITAT. TOTALS MAY NOT SUM DUE TO ROUNDING; ROUNDED TO NEAREST 100 UNITS. SMALL DIFFERENCES BETWEEN THE PROPOSED AND FINAL REVISED CRITICAL HABITAT THAT ARE NOT NOTED AS ADDITIONS OR DELETIONS ARE DUE TO CORRECTIONS OF THE GIS MAP LAYER AND ROUNDING ERROR. DELETIONS IN CALIFORNIA ARE THE RESULT OF REMOVING 2006 WILDERNESS AREAS FROM CRITICAL HABITAT.—Continued

Units	Proposed Revised Critical Habitat ac (ha)	Additions from Proposal to Final ac (ha)	Deletions from Proposal to Final ac (ha)	Final Revised Critical Habitat ac (ha)
South Fork Mountain Divide	145, 200 ac(58, 800 ha)	0	7, 300 ac(3, 000 ha)	137, 900 ac (55, 800 ha)
Eel – Russian River	21, 900 ac (8, 900 ha)	0	1, 700 ac(700 ha)	20, 300 ac(8, 200 ha)
Mendocino Coast Ranges	215, 100 ac (87, 000 ha)	0	28, 900 ac(11, 700 ha)	186, 200 ac (75, 400 ha)
Western Klamath/Siskiyou Mountains	240, 100 ac(97, 200 ha)	0	20, 800 ac(8, 500 ha)	219, 300 ac (88, 700 ha)
Trinity Divide	13, 900 ac (5, 600 ha)	0	0	13, 900 ac (5, 600 ha)
Shasta–Trinity Lakes	86, 800 ac(35, 100 ha)	0	0	86, 800 ac(35, 100 ha)
Eastern Klamath Mountains	110, 800 ac (44, 800 ha)	0	0	110, 800 ac(44, 800 ha)
Shasta/McCloud	73, 300 ac (29, 700 ha)	0	0	73, 300 ac(29, 700 ha)
Total	5, 337, 700 ac (2, 159, 900 ha)	211, 100 ac(85, 400 ha)	236, 200 ac(95, 600 ha)	5, 312, 300 ac(2, 149, 800 ha)

Critical Habitat Designation

We are designating 29 units as critical habitat for the northern spotted owl in Washington, Oregon, and California for a total of approximately 5, 312, 300 ac (2, 149, 800 ha). These units replace the 1992 critical habitat designation at 50 CFR 17.95(b). The critical habitat units

described below constitute our best assessment of areas within the area occupied at the time of listing that contain the physical and biological features that may require special management considerations or protection, and that were found to be essential to the conservation of the

northern spotted owl. Table 2 identifies the areas that meet the definition of critical habitat for the northern spotted owl. Table 3 provides the approximate area by ownership encompassed within each critical habitat unit determined to meet the definition of critical habitat for the northern spotted owl.

TABLE 2. AREAS DETERMINED TO MEET THE DEFINITION OF CRITICAL HABITAT FOR THE NORTHERN SPOTTED OWL. [TOTALS MAY NOT SUM DUE TO ROUNDING; ROUNDED TO NEAREST 100 UNITS.]

Critical Habitat Unit by State		Area Covered	
Unit Number	Area Name	Acres	Hectares
Washington			
Unit 1	Olympic Peninsula	332, 100 ac	134, 400 ha
Unit 2	Northwest Washington Cascades	393, 500 ac	159, 200 ha
Unit 3	Okanogan	115, 600 ac	46, 800 ha
Unit 4	Entiat	304, 800 ac	123, 300 ha
Unit 5	Southwest Washington Cascades	523, 700 ac	211, 900 ha
Unit 6	Southeast Washington Cascades	143, 400 ac	58, 000 ha
Oregon			
Unit 7	Northern Oregon Coast Ranges	370, 000 ac	149, 700 ha
Unit 8	Southern Oregon Coast Ranges	212, 700 ac	86, 100 ha
Unit 9	Western Oregon Cascades North	335, 600 ac	135, 800 ha
Unit 10	Hood River	42, 700 ac	17, 300 ha
Unit 11	Eastern Oregon Cascades	106, 600 ac	43, 100 ha

TABLE 2. AREAS DETERMINED TO MEET THE DEFINITION OF CRITICAL HABITAT FOR THE NORTHERN SPOTTED OWL. [TOTALS MAY NOT SUM DUE TO ROUNDING; ROUNDED TO NEAREST 100 UNITS.]—Continued

Critical Habitat Unit by State		Area Covered	
Unit Number	Area Name	Acres	Hectares
Unit 12	Western Oregon Cascades South	448, 100 ac	181, 300 ha
Unit 13	Willamette/North Umpqua	118, 500 ac	48, 000 ha
Unit 14	Rogue-Umpqua	183, 800 ac	74, 400 ha
Oregon and California			
Unit 15	Oregon Klamath Mountains	195, 200 ac	79, 000 ha
Unit 16	Klamath Intra-Province	96, 600 ac	39, 100 ha
Unit 17	Southern Cascades	246, 300 ac	99, 700 ha
Unit 25	Scott and Salmon Mountains	242, 200 ac	98, 000 ha
California			
Unit 18	Coastal Redwoods	6, 900 ac	2, 800 ha
Unit 19	Coastal Humboldt	30, 700 ac	12, 400 ha
Unit 20	King Range	14, 800 ac	6, 000 ha
Unit 21	South Fork Mountain Divide	137, 900 ac	55, 800 ha
Unit 22	Eel – Russian River	20, 300 ac	8, 200 ha
Unit 23	Mendocino Coast Ranges	186, 200 ac	75, 400 ha
Unit 24	Western Klamath/Siskiyou Mountains	219, 300 ac	88, 700 ha
Unit 26	Trinity Divide	13, 900 ac	5, 600 ha
Unit 27	Shasta-Trinity Lakes	86, 800 ac	35, 100 ha
Unit 28	Eastern Klamath Mountains	110, 800 ac	44, 800 ha
Unit 29	Shasta/McCloud	73, 300 ac	29, 700 ha

TABLE 3. FEDERAL OWNERSHIP OF CRITICAL HABITAT UNITS DESIGNATED FOR THE NORTHERN SPOTTED OWL. [TOTALS MAY NOT SUM DUE TO ROUNDING; ROUNDED TO NEAREST 100 UNITS]

Critical Habitat Units	U.S. Forest Service		BLM	
	Acres	Hectares	Acres	Hectares
Washington				
Olympic Peninsula	332, 100 ac	134, 400 ha	0	
Northwest Washington Cascades	393, 500 ac	159, 200 ha	0	
Okanogan	115, 600 ac	46, 800 ha	0	
Entiat	304, 800 ac	123, 300 ha	0	
Southwest Washington Cascades	523, 700 ac	211, 900 ha	0	
Southeast Washington Cascades	143, 400 ac	58, 000 ha		
Oregon				
Northern Oregon Coast Ranges	206, 700 ac	83, 600 ha	163, 300 ac	66, 100 ha

TABLE 3. FEDERAL OWNERSHIP OF CRITICAL HABITAT UNITS DESIGNATED FOR THE NORTHERN SPOTTED OWL. [TOTALS MAY NOT SUM DUE TO ROUNDING; ROUNDED TO NEAREST 100 UNITS—Continued

Critical Habitat Units	U.S. Forest Service		BLM	
	Acres	Hectares	Acres	Hectares
Southern Oregon Coast Ranges	67,800 ac	27,400 ha	144,900 ac	58,600 ha
Western Oregon Cascades North	334,700 ac	135,400 ha	900 ac	400 ha
Hood River	42,700 ac	17,300 ha	0	
Eastern Oregon Cascades	106,600 ac	43,100 ha	0	
Western Oregon Cascades South	448,000 ac	181,300 ha	100 ac	40 ha
Willamette/North Umpqua	0		118,500 ac	48,000 ha
Rogue-Umpqua	23,400 ac	9,500 ha	160,500 ac	65,000 ha
Oregon and California				
Oregon Klamath Mountains	194,600 ac	78,800 ha	600 ac	200 ha
Klamath Intra-Province	58,000 ac	23,500 ha	38,600 ac	15,600 ha
Southern Cascades	191,600 ac	77,500 ha	54,700 ac	22,100 ha
Scott and Salmon Mountains	242,200 ac	98,100 ha	0	
California				
Coastal Redwoods	6,900 ac	2,800 ha	0	
Coastal Humboldt	0		30,700 ac	12,400 ha
King Range	0		14,800 ac	6,000 ha
South Fork Mountain Divide	133,800 ac	54,100 ha	4,100 ac	1,700 ha
Eel - Russian River	0		20,300 ac	8,200 ha
Mendocino Coast Ranges	186,200 ac	75,400 ha	0	
Western Klamath/Siskiyou Mountains	215,600 ac	87,200 ha	3,700 ac	1,500 ha
Trinity Divide	13,900 ac	5,600 ha	0	
Shasta-Trinity Lakes	85,700 ac	34,700 ha	1,100 ac	400 ha
Eastern Klamath Mountains	110,800 ac	44,800 ha	0	
Shasta/McCloud	73,300 ac	29,700 ha	0	

Below we provide a brief description of those lands being designated as critical habitat for the northern spotted owl in this final rule.

Washington

Unit 1. Olympic Peninsula

The Olympic Peninsula Unit consists of approximately 332,100 ac (134,400 ha) in Clallam, Jefferson, Mason, and Grays Harbor Counties, Washington, and is comprised of lands managed by

the Olympic National Forest. This unit includes one area that, with approximately 479,400 ac (194,000 ha) of habitat or habitat-capable areas in the adjacent Wilderness and Olympic National Park, meets the size requirement of a large habitat block, and two areas that meet the size requirement of small habitat blocks.

Unit 2. Northwest Washington Cascades

The Northwest Washington Cascades Unit consists of approximately 393,500

ac (159,200 ha) in Whatcom, Skagit, Snohomish, King, and Kittitas Counties, Washington, and is comprised of lands managed by the Mt. Baker-Snoqualmie and Wenatchee National Forests. This unit includes one area that, with approximately 18,200 ac (7,400 ha) of habitat or habitat-capable in the adjacent Wilderness and the North Cascades National Park, meets the size requirement of a large habitat block. There are also 12 areas that, with approximately 163,700 ac (66,200 ha)

of habitat or habitat-capable areas in adjacent Wilderness and the North Cascades National Park, meet the size requirement of small habitat blocks and two areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 3. Okanogan

The Okanogan Unit consists of approximately 115,600 ac (46,800 ha) in Whatcom, Okanogan, and Chelan Counties, Washington, and is comprised of lands managed by the Okanogan and Wenatchee National Forests. This unit includes three areas that, with approximately 65,600 ac (26,600 ha) of habitat or habitat-capable areas in the adjacent Wilderness and the North Cascades National Park, meet the size requirement of small habitat blocks and four areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 4. Entiat

The Entiat Unit consists of approximately 304,800 ac (123,300 ha) in Chelan and Kittitas Counties, Washington, and is comprised of lands managed by the Wenatchee and Mt. Baker-Snoqualmie National Forests. This unit includes three areas that, with approximately 60,900 ac (24,600 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of large habitat blocks and four areas that, with approximately 26,700 ac (10,800 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of small habitat blocks.

Unit 5. Southwest Washington Cascades

The Southwest Washington Cascades Unit consists of approximately 523,700 ac (211,900 ha) in King, Pierce, Thurston, Lewis, Skamania, Cowlitz, Kittitas, and Yakima Counties, Washington, and is comprised of lands managed by the Mt. Baker-Snoqualmie, Gifford Pinchot, and Wenatchee National Forests. This unit includes three areas that, with approximately 122,500 ac (49,600 ha) of habitat or habitat-capable areas in the adjacent Wilderness and Mount Rainier National Park, meet the size requirement of large habitat blocks and one area wholly within critical habitat that meets the size requirement of a large habitat block. In addition, there are two areas wholly within critical habitat that meet the size requirement of small habitat blocks and one area that, with approximately 19,700 ac (8,000 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a small habitat block.

Unit 6. Southeast Washington Cascades

The Southeast Washington Cascades Unit consists of approximately 143,400 ac (58,000 ha) in Kittitas, Yakima, and Skamania Counties, Washington, and is comprised of lands managed by the Wenatchee and Gifford Pinchot National Forests. This unit includes four areas that, with approximately 73,600 ac (30,000 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of small habitat blocks and two areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 7. Northern Oregon Coast Ranges

The Northern Oregon Coast Ranges Unit consists of approximately 370,000 ac (149,700 ha) in Tillamook, Yamhill, Polk, Lincoln, Benton, and Lane Counties, Oregon, and is comprised of lands managed by the Siuslaw National Forest (206,700 ac (83,600 ha)) and Salem and Eugene BLM Districts (163,300 ac (66,100 ha)). This unit includes one area that, with approximately 16,500 ac (6,700 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a large habitat block and one area wholly within critical habitat that meets the size requirement of a large habitat block. In addition, there is one area that, with approximately 5,800 ac (2,300 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of small habitat block and six areas wholly within critical habitat that meet the size requirement of a small habitat blocks.

Unit 8. Southern Oregon Coast Ranges

The Southern Oregon Coast Ranges Unit consists of approximately 212,700 ac (86,100 ha) in Lane, Coos, and Douglas Counties, Oregon, and is comprised of lands managed by the Siuslaw National Forest (67,800 ac (27,400 ha)) and Eugene, Roseburg and Coos Bay BLM Districts (144,900 ac (58,600 ha)). This unit includes one area that, with approximately 600 ac (200 ha) of habitat or habitat-capable areas in the adjacent Congressionally-reserved lands, meets the size requirement of a small habitat block and three areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 9. Western Oregon Cascades North

The Western Oregon Cascades North Unit consists of approximately 335,600 ac (135,800 ha) in Linn, Marion, Clackamas, Hood River, and Multnomah Counties, Oregon, and is comprised of lands managed by the Mt. Hood and Willamette National Forests (334,700 ac

(135,400 ha)) and Salem BLM District (900 ac (400 ha)). This unit includes five areas that, with approximately 151,500 ac (61,300 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of large habitat blocks and one area wholly within critical habitat that meets the size requirement of a small-habitat block.

Unit 10. Hood River

The Hood River Unit is comprised of approximately 42,700 ac (17,300 ha) in Hood River and Wasco Counties, Oregon, and is comprised of lands managed by the Mt. Hood National Forest. This unit includes one area that, with approximately 14,500 ac (5,900 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a large habitat block.

Unit 11. Eastern Oregon Cascades

The Eastern Oregon Cascades Unit is comprised of approximately 106,600 ac (43,100 ha) in Jefferson, Deschutes, and Klamath Counties, Oregon, and is comprised of lands managed by the Deschutes National Forest. This unit includes five areas that, with approximately 32,900 ac (13,300 ha) of habitat or habitat-capable areas in the adjacent Wilderness and Crater Lake National Park, meet the size requirement of small habitat blocks and two areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 12. Western Oregon Cascades South

The Western Oregon Cascades South Unit consists of approximately 448,100 ac (181,300 ha) in Jackson, Douglas, Lane, and Linn Counties, Oregon, and is comprised of lands managed by the Willamette, Umpqua, and Rogue River National Forests (448,000 ac (181,300 ha)) and Eugene BLM Districts (100 ac (40 ha)). This unit includes five areas that, with approximately 184,200 ac (74,500 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of large habitat blocks and three areas wholly within critical habitat that meet the size requirement of large habitat blocks.

Unit 13. Willamette/North Umpqua

The Willamette/North Umpqua Unit is comprised of approximately 118,500 ac (48,000 ha) of lands in Lane and Douglas Counties, Oregon, and is comprised of lands managed by the Eugene and Roseburg BLM Districts. This unit includes one area that meets the size requirement of a large habitat block and two areas that meet the size

requirement of small habitat blocks. These areas provide for habitat connectivity and northern spotted owl movement via the inter-provincial connection from the western Cascades to the Oregon Coast Ranges.

Unit 14. Rogue/Umpqua

The Rogue/Umpqua Unit consists of approximately 183,800 ac (74,400 ha) in Douglas and Josephine Counties, Oregon, and is comprised of lands managed by the Umpqua National Forest (23,400 ac (9,500 ha)) and Roseburg and Medford BLM Districts (160,500 ac (65,000 ha)). This unit includes one area that, with approximately 4,100 ac (1,700 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a large habitat block, and three areas wholly within critical habitat that meet the size requirement of small habitat blocks. These areas provide for habitat connectivity and northern spotted owl movement via the inter-provincial connection from the western Cascades to the Oregon Coast Ranges across the Rogue-Umpqua divide.

Unit 15. Oregon Klamath Mountains

The Oregon Klamath Mountains Unit is a total of approximately 195,200 ac (79,000 ha), including 189,400 ac (76,600 ha) in Coos, Curry, and Josephine Counties, Oregon, and 5,800 ac (2,300 ha) in the northernmost portion of Del Norte County, California. It is comprised of lands managed by the Siskiyou and Six Rivers National Forests (194,600 ac (78,800 ha)) and Coos Bay BLM District (600 ac (200 ha)). This unit includes three areas that, with approximately 111,200 ac (45,000 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of large habitat blocks and one area that, with approximately 17,700 ac (7,200 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a small habitat block. The northern spotted owl population in the Oregon Klamath Province is the major population link between the Oregon Coast Ranges and western Oregon Cascades Provinces. It also provides the primary connection between northern spotted owl populations in Oregon and California.

Unit 16. Klamath Intra-Province

The Klamath Intra-Province Unit is a total of approximately 96,600 ac (39,100 ha), including 90,500 ac (36,600 ha) in Josephine and Jackson Counties, Oregon, and 6,100 ac (2,500 ha) in the northern portion of Siskiyou County, California. It is comprised of lands

managed by the Rogue-Siskiyou and Klamath National Forests (58,000 ac (23,500 ha)) and Medford BLM District (38,600 ac (15,600 ha)). This unit includes one area that meets the size requirement of a large habitat block and one area that meets the size requirement of a small habitat block. These areas provide essential habitat connections through an area of limited habitat in the Klamath Province.

Unit 17. Southern Cascades

The Southern Cascades Unit is a total of approximately 246,300 ac (99,700 ha), including 206,600 ac (83,600 ha) in Jackson and Klamath Counties, Oregon, and 39,700 ac (16,100 ha) in the northern portion of Siskiyou County, California. It is comprised of lands managed by Rogue-Siskiyou, Winema, and Klamath National Forests (191,600 ac (77,500 ha)) and Medford and Lakeview BLM Districts (54,700 ac (22,100 ha)). This unit includes two areas that, with approximately 47,600 ac (19,300 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meet the size requirement of large habitat blocks and two areas wholly within critical habitat that meet the size requirement of large habitat blocks. The unit also includes one area that, with approximately 11,000 ac (4,400 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a small habitat block and two areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 18. Coastal Redwoods

The Coastal Redwoods Unit consists of approximately 6,900 ac (2,800 ha) in Del Norte County, California, and is comprised of lands managed by Six Rivers National Forest. This unit includes one area that, with approximately 7,300 ac (3,000 ha) of habitat or habitat-capable areas in the adjacent portions of Redwood National Park, meets the size requirement of a small habitat block.

Unit 19. Coastal Humboldt

The Coastal Humboldt Unit consists of approximately 30,700 ac (12,400 ha) in Humboldt and Mendocino Counties, California, and is comprised of lands managed by the BLM Arcata Field Office. This unit includes four areas that, with approximately 15,900 ac (6,400 ha) of habitat or habitat-capable areas in the adjacent Congressionally-Reserved areas, meet the size requirement of small habitat blocks and eight areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 20. King Range

The King Range Unit consists of approximately 14,800 ac (6,000 ha) in Humboldt and Mendocino Counties, California, and is comprised of lands managed by the BLM Arcata Field Office. This unit includes one area that, with approximately 25,400 ac (10,300 ha) of habitat or habitat-capable areas in the adjacent Congressionally-Reserved areas, meets the size requirement of a small habitat block.

Unit 21. South Fork Mountain Divide

The South Fork Mountain Divide Unit consists of approximately 137,900 ac (55,800 ha) in Humboldt and Trinity Counties, California, and is comprised of lands managed by the Six Rivers and Shasta-Trinity National Forests (133,800 ac (54,100 ha)) and BLM Arcata Field Office (4,100 ac (1,700 ha)). This unit includes one area that, with approximately 7,300 ac (3,000 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a large habitat block, two areas wholly within critical habitat that meet the size requirement of small habitat blocks, and one area that, with approximately 200 ac (100 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a small habitat block.

Unit 22. Eel-Russian River

The Eel-Russian River Unit consists of approximately 20,300 ac (8,200 ha) in Mendocino and Trinity Counties, California, and is comprised of lands managed by the BLM Ukiah and Arcata Field Offices. This unit includes three areas that, with approximately 3,100 ac (1,300 ha) of habitat or habitat-capable areas in the adjacent associated Wilderness, meet the size requirement of small habitat blocks and five areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 23. Mendocino Coast Ranges

The Mendocino Coast Ranges Unit consists of approximately 186,200 ac (75,400 ha) in Mendocino, Lake, Colusa, Glenn, Tehama, and Trinity Counties, California, and is comprised of lands managed by the Mendocino National Forest. This unit includes one area that, with approximately 111,800 ac (45,200 ha) of habitat or habitat-capable areas in the adjacent Wilderness, meets the size requirement of a large habitat block and one area wholly within critical habitat that meets the size requirement of a large habitat block. In addition, the unit includes five areas wholly within critical habitat that

meet the size requirement of small habitat blocks.

Unit 24. Western Klamath/Siskiyou Mountains

The Western Klamath/Siskiyou Mountains Unit consists of approximately 219,300 ac (88,700 ha) in Del Norte, Humboldt, Trinity, Shasta, and Siskiyou Counties, California, and is comprised of lands managed by the Six Rivers and Shasta-Trinity National Forests (215,600 ac (87,200 ha)) and BLM Redding Field Office (3,700 ac (1,500 ha)). This unit includes three areas that, with approximately 202,100 ac (81,800 ha) of habitat or habitat-capable areas in the adjacent associated Wilderness, meet the size requirement of large habitat blocks and two areas wholly within critical habitat that meet the size requirement of large habitat blocks. In addition, the unit includes one area that, with approximately 8,000 ac (3,200 ha) of habitat or habitat-capable areas in the adjacent associated Wilderness, meets the size requirement of a small habitat block.

Unit 25. Scott and Salmon Mountains

The Scott and Salmon Mountains Unit is a total of approximately 242,200 ac (98,100 ha), including 242,000 ac (98,000 ha) in Siskiyou County, California, and 200 ac (100 ha) in Josephine County, Oregon, and is comprised of lands managed by the Klamath National Forest. This unit includes three areas that, with approximately 118,000 ac (47,800 ha) of habitat or habitat-capable areas in adjacent Wilderness, meet the size requirement of large habitat blocks, two areas that, with approximately 6,200 ac (2,500 ha) of habitat or habitat-capable areas in adjacent Wilderness, meet the size requirement of small habitat blocks, and one area wholly within critical habitat that meets the size requirement of a small habitat block.

Unit 26. Trinity Divide

The Trinity Divide Unit consists of approximately 13,900 ac (5,600 ha) in Siskiyou County, California, and is comprised of lands managed by the Klamath National Forest. This unit includes four areas that, with approximately 6,000 ac (2,400 ha) of habitat or habitat-capable areas in adjacent Wilderness, meet the size requirement of small habitat blocks and one area wholly within critical habitat that meets the size requirement of a small habitat block. These areas are large enough to contain one to two pairs of northern spotted owls each, forming a "stepping-stone" string of small areas

providing connectivity to the eastern Klamath Mountains.

Unit 27. Shasta-Trinity Lakes

The Shasta-Trinity Lakes Unit consists of approximately 86,800 ac (35,100 ha) in Shasta and Trinity Counties, California, and is comprised of lands managed by the Shasta-Trinity National Forest (85,700 ac (34,700 ha)) and BLM Redding Field Office (1,100 ac (400 ha)). This unit includes eight areas that, with approximately 12,600 ac (5,100 ha) of habitat or habitat-capable areas in adjacent Wilderness, meet the size requirement of small habitat blocks and three areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Unit 28. Eastern Klamath Mountains

The Eastern Klamath Mountains Unit consists of approximately 110,800 ac (44,800 ha) in Shasta and Siskiyou Counties, California, and is comprised of lands managed by the Shasta-Trinity and Klamath National Forests. This unit includes one area wholly within critical habitat that meets the size requirement of a large habitat block and four areas that meet the size requirement of small habitat blocks.

Unit 29. Shasta/McCloud

The Shasta/McCloud Unit consists of approximately 73,300 ac (29,700 ha) in Siskiyou and Shasta Counties, California, and is comprised of lands managed by the Klamath, Lassen, and Shasta-Trinity National Forests. This unit includes one area that, with approximately 200 ac (100 ha) of habitat or habitat-capable areas in adjacent Wilderness, meets the size requirement of a small habitat block and 12 areas wholly within critical habitat that meet the size requirement of small habitat blocks.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7 of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out are not likely to destroy or adversely modify critical habitat. In our regulations at 50 CFR 402.02, we defined destruction or adverse modification as "a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival or recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical." However, recent decisions by the 5th and 9th Circuit Courts of

Appeals have invalidated this definition (see *Gifford Pinchot Task Force v. U.S. Fish and Wildlife Service*, 378 F.3d 1059 (9th Cir 2004) and *Sierra Club v. U.S. Fish and Wildlife Service et al.*, 245 F.3d 434, 442F (5th Cir 2001)). Pursuant to current national policy and the statutory provisions of the Act, destruction or adverse modification is determined on the basis of whether, with implementation of the proposed Federal action, critical habitat would remain functional (or retain the current ability for the PCEs to be functionally established) to serve the intended conservation role for the species.

Section 7(a) of the Act requires Federal agencies, including the Service, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is proposed or designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR 402.

Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its designated critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. At the conclusion of this consultation, the Service will issue either:

- (1) a concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or
- (2) a biological opinion for Federal actions that may affect, but are likely to adversely affect, listed species or critical habitat.

If we issue a biological opinion concluding that a project is likely to result in jeopardy to a listed species or the destruction or adverse modification of critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable, to avoid those outcomes. "Reasonable and prudent alternatives" are defined at 50 CFR 402.02 as alternative actions identified during consultation that:

- Can be implemented in a manner consistent with the intended purpose of the action,
- Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,
- Are economically and technologically feasible, and
- Would, in the Director's opinion, avoid jeopardizing the continued existence of the listed species or

destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinstate consultation on previously reviewed actions, in part, in instances where a new species is listed or critical habitat is subsequently designated that may be affected and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinstatement of consultation with us on actions for which formal consultation has been completed, if those actions may affect subsequently listed species or designated critical habitat or adversely modify or destroy proposed critical habitat. Other regulatory criteria for reinstatement of consultation are found at 50 CFR 402.16.

Federal activities that may affect the northern spotted owl or its designated critical habitat will require section 7 consultation under the Act. Activities on State, Tribal, local or private lands requiring a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10(a)(1)(B) of the Act) or involving some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency) are examples of agency actions that may be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat, and actions on State, Tribal, local or private lands that are not federally funded, authorized, or permitted, do not require section 7(a)(2) consultations.

Application of the Adverse Modification Standard for Actions Involving Effects to Northern Spotted Owl Critical Habitat

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would remain functional (or retain the current ability to develop the necessary habitat characteristics, in situations where the PCEs have been temporarily degraded) to serve the intended conservation role for the

northern spotted owl. Generally, the conservation role of northern spotted owl critical habitat is to support a viable owl population at the rangewide scale by providing a network of functional units within each physiographic province.

For a wide-ranging species such as the northern spotted owl, where multiple critical habitat units are designated, each unit has a provincial and rangewide role in contributing to the conservation of the species as described in the recovery plan. The size and distribution of these critical habitat units are based on the MOCAs identified in the 2008 final recovery plan for the northern spotted owl in the westside provinces and the 2007 draft recovery plan for the eastside. MOCAs are intended to support stable and well-distributed populations of spotted owls over time and allow for movement of spotted owls across the network of MOCAs (USFWS 2008, p.13). The basis for a destruction or adverse modification opinion would be whether the effects of a proposed Federal action appreciably reduce the ability of critical habitat to support its intended conservation role (e.g., a viable rangewide population of the northern spotted owl) by evaluating those effects at the critical habitat unit, physiographic province, and rangewide scales. While evaluating the local effects must be done to determine whether the unit can continue to fulfill its particular function, a destruction or adverse modification finding would ultimately be based on the effects to the value of critical habitat at the provincial and rangewide scales for the survival or recovery of the species. In all cases, the determination of whether an action is likely to cause the destruction or adverse modification of critical habitat will be determined, in part, by the current condition of the critical habitat at the unit, province, and rangewide scales, along with the scope, scale, and specific parameters of the action.

In any proposed or final regulation that designates critical habitat, section 4(b)(8) of the Act requires us to briefly evaluate and describe those activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such a designation. Activities vary in degree of impact on PCEs or unit function. Actions may have no effect, provide wholly beneficial effects (e.g., improve habitat condition), produce both short-term adverse effects and long-term beneficial effects, or result in adverse effects. Actions with no effect on critical habitat do not require section 7 consultation relative to critical habitat,

though they may still have effects on the species that require consultation. Actions that are likely to adversely affect critical habitat require formal consultation. Actions with effects that are discountable, insignificant, or completely beneficial may result in a determination of "not likely to adversely affect." This determination can be made after informal consultation, and does not require formal section 7 consultation. For clarity, we will discuss each level of effect separately. We have provided examples of hypothetical projects at each level, though the actual level of effect is dependent on the details of the project and the condition of the critical habitat unit; therefore a specific project may warrant a different effects determination than described below.

Actions resulting in wholly beneficial effects include activities that actively promote the development or improve the functionality of critical habitat for the northern spotted owl without incurring any adverse effects. For example, this might include variable-density thinning in forests that do not currently support nesting, roosting, or foraging, where these thinning treatments are designed to speed the development of these habitats while maintaining dispersal habitat function. This may also include thinning or other treatments in young plantations that do not provide even dispersal habitat (but are capable of providing habitat), where these actions are specifically designed to speed development of spotted owl habitat. Nevertheless, such actions may affect critical habitat and would require consultation under section 7 of the Act, but may warrant a determination of not likely to adversely affect critical habitat. In such instances, consultation on effects to critical habitat may be concluded with informal consultation and the Service's issuance of a concurrence letter.

Likewise, if the adverse effects of a proposed Federal action on the PCEs of spotted owl critical habitat at the stand scale are expected to be discountable (extremely unlikely to occur) or insignificant, the action may affect, but is not likely to adversely affect, northern spotted owl critical habitat. In such cases, the Federal action agency can complete the section 7 compliance process through informal consultation. Examples of such actions may include pre-commercial or commercial thinning (e.g., light thinning of a 30-year-old forested stand) that does not delay the development of PCEs and the removal of a few hazard trees at the edge of nesting, roosting, or foraging habitat where the removal does not include any potential

nest trees and the stand conditions are not altered by this removal.

Some proposed Federal activities may have short-term adverse effects and long-term beneficial effects on the PCEs of spotted owl critical habitat. The 2008 final recovery plan for the northern spotted owl anticipates that the MOCAs on the westside, upon which critical habitat is based, will be managed to produce the highest amount and quality of northern spotted owl habitat possible, even if there are short-term negative effects from those actions (USFWS 2008, p. 20). For example, variable thinning in single-story, uniform forest stands to promote the development of multi-story structure and nest trees may result in short-term impacts to the current habitat's capability to support owl dispersal and some foraging but have long-term benefits by creating higher quality habitat that will better support territorial pairs of spotted owls. Such activities would have less impact in critical habitat units where foraging and dispersal habitat is not limiting. Though they may have long-term beneficial effects, because they have short-term adverse effects, such actions may adversely affect critical habitat and would require formal consultation under section 7 of the Act.

In fire-prone landscapes, it will be important to reduce the risk of large scale habitat loss and restore ecosystem processes and functions (USFWS 2008, p. 20) in order to provide for the recovery function of spotted owl critical habitat. Fuels management in fire-prone areas may have both adverse and beneficial effects to spotted owl critical habitat. Dry forest treatments may include fuels treatments that reduce ladder and ground fuels while still retaining the stand structure that supports spotted owl nesting, roosting, foraging, and dispersal habitat, as these actions may reduce the risk of future loss of habitat to wildfire. In addition, there may be a need for actions that allow for rapid development of replacement spotted owl nesting, roosting, and foraging habitat (USFWS 2008, p. 20). Under certain circumstances, fuels reduction activities that attempt to return the landscape to a more historical natural condition will likely have adverse effects on the intended function of critical habitat in the short term but increase the long-term resilience of spotted owl habitat to large fires, thereby supporting the intended recovery function of critical habitat in the future. In such cases, although we would not anticipate that such an action would constitute adverse modification if the activity is compatible with the habitat

management goals for that area outlined in the recovery plan, formal consultation would be required.

Other activities that are likely to adversely affect the PCEs of northern spotted owl critical habitat, and are thus likely to require formal consultation, may include, but are not limited to:

(1) Actions that would remove or modify known nest trees or potential nest structures such as large broken-topped trees, snags, and trees with suitable nesting platforms, when such removal reduces the likelihood of owls nesting within the stand. Such activities may adversely affect critical habitat if the magnitude of the action would reduce the likelihood of owls nesting in that forest stand being treated, thus potentially preventing or suppressing reproduction.

(2) Actions that would remove or reduce the quality or quantity of forest conditions that support spotted owl nesting, roosting, foraging, or dispersal at the stand scale, such as removing large trees, reducing canopy closure below certain threshold levels, reducing multi-layered and multi-species stand structure, and reducing down wood or cover that reduces prey populations. Such activities may adversely affect critical habitat if the action is likely to adversely affect the ability of northern spotted owls to breed, feed, or shelter to an extent that increases the risk of predation of adults or young, increases thermal stress, decreases foraging success, decreases reproductive success, or increases mortality resulting from extreme weather.

(3) Actions that would fragment northern spotted owl nesting, roosting, foraging, or dispersal habitat within critical habitat, such that connectivity within or between individual blocks, units, or provinces is reduced or eliminated. Concentrated removal or modification of forested areas within individual blocks could increase the distance northern spotted owls must travel to reach suitable forest conditions, which can result in an increased risk of predation, increased stress, decreased reproductive success, and reduction in foraging opportunities.

(4) Actions that would prevent or appreciably slow the development of spotted owl habitat at the stand scale in areas of critical habitat. Such actions may adversely affect spotted owl critical habitat because older forested stands are more capable of supporting spotted owls than younger stands. Ground disturbances that disrupt the ability of the landscape to grow forested communities within critical habitat to their full potential could decrease northern spotted owl nesting and

foraging opportunities, while increasing the distance between blocks of intact habitat, which could result in an increased risk of predation and increased stress on northern spotted owls. Harvest of intermediate-aged stands that slows the development of suitable northern spotted owl habitat may adversely affect critical habitat by delaying the time at which that habitat is capable of supporting northern spotted owl breeding, feeding, or sheltering behavior.

(5) Actions that would impede the attainment of habitat management goals as described in the 2008 final recovery plan for the northern spotted owl (USFWS 2008). Examples would be actions that would hamper the implementation of the landscape management strategy for the fire-prone provinces (Recovery Actions 6, 7, and 8; USFWS 2008, pp. 21 to 24). On the westside, actions that slow the development of the highest amount and the highest quality northern spotted owl habitat that the affected lands are capable of producing in the long term (Recovery Action 5, USFWS 2008, p. 20), or post-fire habitat modification in MOCAs that would not conserve those habitat elements (e.g., large trees, snags, down wood) that require the most time to develop and recover. Such actions would adversely affect critical habitat by setting back the development and quality of future spotted owl habitat (Recovery Action 10, USFWS 2008, p. 26).

Most of the discussion so far has focused on the types of projects that may or may not require formal section 7 consultation. However, it is important to distinguish between a finding that a project is likely to adversely affect critical habitat, which triggers formal consultation, and a determination at the conclusion of formal consultation that a project will destroy or adversely modify critical habitat. Since the original designation of critical habitat for the northern spotted owl in 1992 (57 FR 1796), the Service has completed many consultations on projects that were considered to likely adversely affect critical habitat and thus required formal consultation, but it was determined at the conclusion of consultation that the projects would not destroy or adversely modify critical habitat. An action will be determined to destroy or adversely modify critical habitat only if it alters the PCEs to an extent that the intended conservation role of critical habitat for the survival or recovery of the northern spotted owl is appreciably reduced. As discussed above, that determination involves consideration of the effects of an action at the unit and province

scales. Because the individual units and provinces have a unique role to play in the intended conservation function of northern spotted owl critical habitat, as described in the recovery plan for the species, this analysis framework creates a structured approach for detecting an appreciable reduction in the conservation function of critical habitat for the species, which is the level at which the adverse modification determination is ultimately made. Each proposed action requiring a section 7 consultation must be evaluated individually, in light of the baseline condition of the critical habitat unit and effect of the impact on the critical habitat unit in light of its provincial and rangewide role in the survival or recovery of the species.

As described above, we do not anticipate that activities consistent with the stated management goals or recommended recovery actions presented in the 2008 Recovery Plan for the Northern Spotted Owl would constitute adverse modification, even if those activities may have adverse effects in the short term, if the result over the long term is an improvement in the function of the habitat to provide for the essential life history needs of the northern spotted owl. An example of these types of actions are those management activities described in Appendix E of the recovery plan, which provides guidance for management of dry forests in the fire-prone provinces to maximize the suitability of habitat for the northern spotted owl in a landscape subject to frequent and severe disturbance (USFWS 2008, pp. 96 to 121). Any such actions, even if provided for in the recovery plan, may still require formal consultation.

Activities that are determined not to destroy or adversely modify critical habitat in one physiographic province setting may receive a destruction or adverse modification determination in another, due to differences in the existing baseline condition and in the significance of project effects on the intended conservation role of critical habitat at the unit, province, and rangewide scales. Therefore, the Service cannot provide, in this rule, a detailed description of the threshold for future actions that would result in the destruction or adverse modification of critical habitat applicable throughout the range of the designated critical habitat. However, we fully anticipate that some projects may be proposed in critical habitat that may adversely affect one or more PCEs of critical habitat but are not likely to destroy or adversely modify critical habitat.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. Section 4(b)(2) of the Act allows the Secretary to exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species concerned.

Following the publication of the proposed critical habitat designation, we conducted an economic analysis to estimate the potential economic effect of the designation. The draft analysis was made available for public review on May 21, 2008 (73 FR 29471). We accepted comments on the draft analysis until June 20, 2008.

As described below, in addition to the economic analysis contracted by the Service specific to this revised critical habitat designation, we also considered information contained in the BLM's Draft Environmental Impact Statement for their Western Oregon Plan Revisions (BLM 2007, pp. 534 to 553), particularly as it relates to the economic costs and benefits of designating critical habitat on O&C lands.

The primary purpose of the economic analysis contracted by the Service is to estimate the potential economic impacts associated with the designation of northern spotted owl critical habitat. This information is intended to assist the Secretary in making decisions about whether the benefits of excluding particular areas from the designation outweigh the benefits of including those areas in the designation. The economic impact of the proposed revised critical habitat designation is analyzed by comparing scenarios both "with critical habitat" and "without critical habitat." The "without critical habitat" scenario represents the baseline for the analysis, considering protections already in place for the species; for example, under the Federal listing and other Federal, State, and local regulations. The baseline, therefore, represents the costs incurred regardless of whether critical habitat is designated. The "with critical habitat" scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those not expected to occur absent the designation of critical habitat for the species. In other words, the incremental

costs are those attributable solely to the designation of critical habitat above and beyond the baseline costs; these are the costs we may consider in the final designation of critical habitat.

The economic analysis estimates the foreseeable economic impacts of the revised critical habitat designation over the next 20 years, and projects the potential incremental costs as a result of the revised critical habitat designation. These incremental costs are those costs attributed to critical habitat over and above those baseline costs coextensive with listing. The analysis quantifies the coextensive economic impacts of northern spotted owl conservation efforts associated primarily with the following activities: (1) Timber management, (2) section 7 consultation, (3) survey and monitoring efforts, and (4) barred owl management. As described by that document, the incremental impacts of the revised critical habitat designation would be attributable entirely to the administrative costs associated with section 7 consultation, and would be borne by Federal agencies.

The annualized pre-designation (1990 to 2007) impacts associated with species conservation activities for the northern spotted owl in area proposed for revised designation are estimated to be \$563 million applying a 3 percent discount rate and \$600 million applying a 7 percent discount rate. These impacts are related to timber management, survey and monitoring efforts, barred owl management, and section 7 consultations. The post-designation impacts associated with species conservation were estimated over the period 2008 to 2027 for the same four categories of activities. The quantified post-designation baseline impacts (those estimated to occur in the absence of the critical habitat designation) are estimated to be \$601.80 to \$602.21 million annualized applying a 7 percent discount rate, or \$601.77 to \$602.15 million annualized applying a 3 percent discount rate, over the 20-year period of analysis. Because these costs are projected to occur whether critical habitat is designated or not, they are not considered in our determination of whether the benefits of including an area as critical habitat outweigh the benefits of excluding the area.

Of the activities considered in the analysis, only the administrative costs of actions taken under section 7 of the Endangered Species Act that are specific to critical habitat for the northern spotted owl were considered to be incremental costs associated with the critical habitat designation. The economic analysis forecasts these

incremental impacts associated with the revised designation of critical habitat to be \$132,000 to \$202,000 annualized over the next 20 years using a 7 percent discount rate, and \$122,000 to \$195,000 annualized using a 3 percent discount rate. The U.S. Forest Service (Forest Service) is expected to bear approximately 60 percent of the total anticipated upper-bound incremental impacts, while the U.S. Fish and Wildlife Service is forecast to bear more than 30 percent of these impacts. The economic analysis anticipated the remaining incremental impacts (about 10 percent) would be borne by the Bureau of Land Management (BLM).

The methodology for distinguishing between the incremental costs of designating critical habitat, over and above the costs associated with species protection under the Act more generally, is important. In the absence of critical habitat, Federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered species or threatened species — costs associated with such actions are considered baseline costs. Once an area is designated as critical habitat, proposed actions that have a Federal nexus in this area will also require consultation and potential revision to ensure that the action does not result in the destruction or adverse modification of designated critical habitat — costs associated with these actions are considered incremental costs. Based on historical data, the economic analysis estimates that the post-designation incremental and baseline administrative impacts will collectively result in 23 individual, four batched, and one programmatic consultation annually during the post-designation period. Additionally, each National Forest and BLM district is expected to revise and consult and/or reinstate consultation on their land and resource management plans.

The economic analysis projects that there will be no changes in management of any habitat resources that entail quantifiable costs resulting from these additional consultations over the 20-year period. For the Forest Service, this is because costs of habitat management to protect northern spotted owls are already envisioned in the Northwest Forest Plan (NWFP), and the majority of both current and proposed critical habitat areas are designated as Late Successional Reserves under the NWFP on which large scale harvesting of trees is generally not permitted, in order to protect late-successional and old-growth forests that are important to myriad species dependent on such forests,

including the northern spotted owl. As revised critical habitat on Forest Service lands is focused on areas that are Late Successional Reserves already managed for the benefit of northern spotted owls, we do not estimate any changes to the management of these areas as a result of critical habitat designation.

On BLM lands, we note that the economic analysis assumed the implementation of BLM's preferred alternative (proposed Alternative 2) of the Western Oregon Plan Revisions (WOPR) as described in the Draft Environmental Impact Statement. Whether the revised critical habitat designation on BLM lands falls within any Late Successional Management Areas that may or may not be finalized under the WOPR may affect the potential timber management costs estimated to be associated with this designation. Since the WOPR have not yet been finalized, we did not find it appropriate to rely on this assumption or the estimated costs based on it. However, the economic analysis estimates that BLM lands account for only 10 percent of the total incremental costs of the revised critical habitat designation. We weighed this factor in combination with the consideration that if critical habitat were not designated on O&C lands, the likely outcome would be that BLM would manage the O&C lands to utilize its authority to avoid jeopardy by adopting its proposed Alternative 3, or some variation of it, which calls for timber management at a long rotation harvest age. BLM's analysis shows that the long rotation harvest age alternative would have a much lower economic benefit compared to the alternatives adopting a large block strategy similar to this critical habitat designation (BLM 2007, pp. 534 to 553). Therefore, from a timber management perspective, there may be greater economic benefits to the designation of critical habitat as opposed to not designating critical habitat. After considering all of this information, we project no significant incremental timber management costs as a result of the critical habitat designation.

Exclusions Under Section 4(b)(2) of the Act

The Secretary may exclude an area from critical habitat under section 4(b)(2) of the Act after taking into consideration the economic impact, the impact on national security, and any other relevant impact if he determines that the benefits of such exclusion outweigh the benefits of designating such area as critical habitat, unless he determines that the exclusion would result in the extinction of the species

concerned. We did not propose any specific exclusions under section 4(b)(2) in the proposed revised critical habitat.

Based on comments received on the proposed revised designation itself, information in the final economic analysis contracted by the Service, information in the BLM's Draft Environmental Impact Statement on the WOPR, and the recovery strategy for the northern spotted owl presented in the recovery plan, we are not excluding any areas in this final rule. This is provided for in section 4(b)(2) of the Act, and in our implementing regulations at 50 CFR 424.19. We are therefore designating National Forest and BLM lands that meet the definition of critical habitat for the northern spotted owl because we are unable to conclude that the benefits of excluding these lands outweigh the benefits of their inclusion in critical habitat for the recovery of the northern spotted owl. We will, of course, continue to consider on a case-by-case basis in future critical habitat rules whether to exclude particular Federal lands from such designation when we determine that the benefits of such exclusion outweigh the benefits of their inclusion.

Required Determinations

Regulatory Planning and Review (Executive Order 12866)

The Office of Management and Budget (OMB) has determined that this rule is not significant and has not reviewed this rule under Executive Order 12866 (E.O. 12866). OMB bases its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA) (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment

a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a statement of factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA also amended the RFA to require a certification statement.

Small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule, as well as the types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical small business firm's business operations.

To determine if the rule could significantly affect a substantial number of small entities, we consider the number of small entities affected within particular types of economic activities (e.g., housing development, grazing, oil and gas production, timber harvesting). We apply the "substantial number" test individually to each industry to determine if certification is appropriate. However, the SBREFA does not explicitly define "substantial number" or "significant economic impact." Consequently, to assess whether a "substantial number" of small entities is affected by this designation, this analysis considers the relative number of small entities likely to be impacted in an area. In some circumstances, especially with critical habitat designations of limited extent, we may aggregate across all industries and

consider whether the total number of small entities affected is substantial. In estimating the number of small entities potentially affected, we also consider whether their activities have any Federal involvement.

Designation of critical habitat only affects activities conducted, funded, or permitted by Federal agencies. Some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation. In areas where the species is present, Federal agencies already are required to consult with us under section 7 of the Act on activities they fund, permit, or implement that may affect the northern spotted owl. Federal agencies also must consult with us if their activities may affect critical habitat. Designation of critical habitat, therefore, could result in an additional economic impact on small entities due to the requirement to reinstate consultation for ongoing Federal activities.

In general, two different mechanisms in section 7 consultations could lead to additional regulatory requirements for the approximately four small businesses, on average, that may be required to consult with us each year regarding their project's impact on the northern spotted owl and its habitat. First, if we conclude, in a biological opinion, that a proposed action is likely to jeopardize the continued existence of a species or adversely modify its critical habitat, we can offer "reasonable and prudent alternatives." Reasonable and prudent alternatives are alternative actions that can be implemented in a manner consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that would avoid jeopardizing the continued existence of listed species or result in adverse modification of critical habitat. A Federal agency and an applicant may elect to implement a reasonable and prudent alternative associated with a biological opinion that has found jeopardy or adverse modification of critical habitat. An agency or applicant could alternatively choose to seek an exemption from the requirements of the Act or proceed without implementing the reasonable and prudent alternative. However, unless an exemption were obtained, the Federal agency or applicant would be at risk of violating section 7(a)(2) of the Act if it chose to proceed without implementing the reasonable and prudent alternatives.

Second, if we find that a proposed action is not likely to jeopardize the continued existence of a listed animal or plant species, we may identify

reasonable and prudent measures designed to minimize the amount or extent of take and require the Federal agency or applicant to implement such measures through non-discretionary terms and conditions. We may also identify discretionary conservation recommendations designed to minimize or avoid the adverse effects of a proposed action on listed species or critical habitat, help implement recovery plans, or to develop information that could contribute to the recovery of the species.

Based on our experience with consultations under section 7 of the Act for all listed species, virtually all projects – including those that, in their initial proposed form, would result in jeopardy or adverse modification determinations in section 7 consultations – can be implemented successfully with, at most, the adoption of reasonable and prudent alternatives. These measures, by definition, must be economically feasible and within the scope of authority of the Federal agency involved in the consultation. We can only describe the general kinds of actions that may be identified in future reasonable and prudent alternatives. These are based on our understanding of the needs of the species and the threats it faces, as described in the final listing rule and this critical habitat designation. Within the final critical habitat units, the types of Federal actions or authorized activities that we have identified as potential concerns are:

- (1) Regulation of activities affecting waters of the United States by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act;
- (2) Regulation of activities by the Fish and Wildlife Service under section 10(a)(1)(B) of the Endangered Species Act; and
- (3) Activities involving other Federal actions (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency).

It is likely that a developer or other project proponent could modify a project or take measures to protect the northern spotted owl. The kinds of actions that may be included if future reasonable and prudent alternatives become necessary include conservation set-asides, management of competing nonnative species, restoration of degraded habitat, and regular monitoring. These are based on our understanding of the needs of the species and the threats it faces, as described in the final listing rule and this final critical habitat designation. These measures are not likely to result

in a significant economic impact to project proponents.

Appendix B of the DEA evaluates the potential economic effects of the proposed revised designation on small entities, based on the estimated incremental impacts associated with the proposed rulemaking. The screening analysis is based on the estimated impacts associated with the proposed rulemaking as described in chapters 3 through 7 and Appendix A of the DEA. The analysis evaluates the potential for economic impacts related to several categories, including: (1) Timber management, (2) barred owl management and control, (3) northern spotted owl surveys and monitoring, (4) fire management, (5) linear projects (i.e., transportation, pipelines, and powerlines), (6) restoration, (7) recreation, and (8) administrative costs associated with Section 7 consultation. Of these activities, incremental impacts associated with the proposed revised critical habitat designation are anticipated only for the additive administrative costs of section 7 consultations and technical assistance requests (Appendix A of the DEA). The DEA concludes that as these incremental economic impacts will be borne entirely by Federal government agencies (USFS, BLM and the Service); the proposed rulemaking is not expected to affect any small entities.

In summary, we have considered whether the proposed revised designation would result in a significant economic impact on a substantial number of small entities. Based on currently available information and as explained above, all incremental economic impacts of the proposed revised designation are expected to be borne entirely by Federal agencies and no impacts on any small entities are anticipated. We therefore certify that this rule will not have a significant economic impact on a substantial number of small entities. Federal involvement, and thus section 7 consultations, would be limited to a subset of the area designated. The most likely Federal involvement could include U.S. Army Corps of Engineers' permits, permits we may issue under section 10(a)(1)(B) of the Act, FHA funding for road improvements, and regulation of timber harvest, grazing, mining, and recreation by the Forest Service and BLM. A regulatory flexibility analysis is not required.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 et. Seq.)

Under SBREFA, this rule is not a major rule. Our detailed assessment of the economic effects of this designation

is described in the economic analysis. Based on the effects identified in the economic analysis, we believe that this rule will not have an annual effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Refer to the final economic analysis for a discussion of the effects of this determination.

Executive Order 13211

On May 18, 2001, the President issued an Executive Order on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This final rule to designate critical habitat for the northern spotted owl is not considered a significant regulatory action under Executive Order 12866. It is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), the Service makes the following findings:

(a) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute or regulation that would impose an enforceable duty upon State, local, Tribal governments, or the private sector and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." These terms are defined in 2 U.S.C. 658(5)-(7). "Federal intergovernmental mandate" includes a regulation that "would impose an enforceable duty upon State, local, or Tribal governments" with two exceptions. It excludes "a condition of Federal assistance." It also excludes "a duty arising from participation in a voluntary Federal program," unless the regulation "relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority," if the provision would "increase the stringency of conditions of assistance" or "place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding," and the State, local, or Tribal

governments "lack authority" to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; AFDC work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. "Federal private sector mandate" includes a regulation that "would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program."

The designation of critical habitat does not impose a legally binding duty on non-Federal government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above on to State governments.

(b) We do not believe that this rule will significantly or uniquely affect small governments, because only Federal lands are involved in the revised designation. A Small Government Agency Plan is not required.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with DOI and Department of Commerce policy, we requested information from, and coordinated development of, this final critical habitat designation with appropriate State resource agencies in Washington, Oregon, and California. The designation of revised critical habitat in areas currently occupied by the northern spotted owl impose nominal additional restrictions to those currently in place and, therefore, may have little incremental impact on State

and local governments and their activities. The designation may have some benefit to these governments in that areas that contain the features essential to the conservation of the species are more clearly defined, and the PCEs of the habitat necessary to the conservation of the species are specifically identified. While making this definition and identification does not alter where and what Federally sponsored activities may occur, it may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur).

Civil Justice Reform

In accordance with Executive Order 12988, this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have designated critical habitat in accordance with the provisions of the Act. This final rule uses standard property descriptions and identifies the PCEs within the designated areas to assist the public in understanding the habitat needs of the northern spotted owl.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses as defined by the NEPA in connection with designating critical habitat under the Endangered Species Act of 1973, as amended. We published a notice outlining our reasons for this determination in the Federal Register on October 25, 1983 (48 FR 49244). This assertion was upheld in the U.S. Court of Appeals for the Ninth Circuit (*Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. Ore. 1995), cert. denied 116 S. Ct. 698 (1996)).

Government-to-Government Relationship with Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations

with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and the Department of Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. No tribal lands are included in this final revised critical habitat designation. Native American Indian Tribes within the range of the northern spotted owl were contacted when the proposal was released.

Takings

In accordance with Executive Order 12630, ("Government Actions and Interference with Constitutionally Protected Private Property Rights"), we have analyzed the potential takings implications of designating critical habitat for the northern spotted owl in a takings implications assessment. The takings implication assessment concludes that this designation of critical habitat for the northern spotted owl does not pose significant takings implications.

References Cited

A complete list of all references cited in this rulemaking is available upon request from the Field Supervisor, Oregon Fish and Wildlife Office (see ADDRESSES section), or at <http://www.regulations.gov>.

Author(s)

The primary authors of this package are the staff of the U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.95(b) by revising the entry for "Northern Spotted Owl (*Strix occidentalis caurina*)" to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(b) Birds.

Northern Spotted Owl (*Strix occidentalis caurina*)

(1) Critical habitat units are depicted for the States of Washington, Oregon, and California on the maps below.

(2) The primary constituent elements of critical habitat for the northern spotted owl are:

(i) Forest types that support the northern spotted owl across its geographic range. These forest types are primarily Sitka spruce, western hemlock, mixed conifer and mixed evergreen, grand fir, Pacific silver fir, Douglas-fir, white fir, Shasta red fir, redwood/Douglas-fir (in coastal California and southwestern Oregon), and the moist end of the ponderosa pine coniferous forests zones at elevations up to approximately 3,000 ft (914 m) near the northern edge of the range and up to approximately 6,000 ft (1,828 m) at the southern edge. These forest types may be in early-, mid-, or late-seral stages. This primary constituent element is essential to the conservation of the species because it provides the biotic communities that are known to be necessary for the northern spotted owl. This primary constituent element must occur in concert with at least one of the primary constituent elements described in paragraphs 2(ii) or 2(iii) of this entry.

(ii) Nesting, roosting, and foraging habitat. Forest types described in paragraph 2(i) of this entry that contain one or more of the habitat types described below to meet the home range needs of territorial pairs of northern spotted owls throughout the year or that are habitat-capable of developing one or more of these habitat types. (As used in this entry, areas that are "habitat-capable" of developing an essential habitat component are those forest types described in paragraph 2(i) above, excluding serpentine soil areas, and that provide the requisite ecological conditions (e.g., moisture regime, soils, aspect, slope, potential vegetative community) for growing and sustaining the structural conditions required for that habitat component.) A home range provides the habitat components essential for the survival and successful reproduction of a resident breeding pair of northern spotted owls. The amount, quality, and configuration of these habitat types required for a home range varies according to local conditions and factors such as the degree of habitat fragmentation, proportion of available nesting habitat, and primary prey species. The core area of the home range is used most intensively and usually includes the nesting area. The

remainder of the home range is used for foraging and roosting. The size of home ranges extend from approximately 2, 955 ac (1, 196 ha) in the Oregon Cascades to approximately 14, 271 ac (5, 775 ha) on the Olympic Peninsula of Washington. The size of core areas extends from approximately 500 ac (202 ha) in the southern part of the species' range to approximately 4, 057 ac (1, 642 ha) in the northern part of the range. The three habitat types within the home range of a northern spotted owl are:

(A) Nesting habitat. Nesting habitat is essential to provide structural features for nesting, protection from adverse weather conditions, and cover to reduce predation risks. It includes a moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-species canopy with large (generally greater than 30 inches (in) (76 centimeters (cm) diameter at breast height (dbh)) overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and other platforms); large snags; large accumulations of fallen trees and other woody debris on the ground; and sufficient open space below the canopy for northern spotted owls to fly. Patches of nesting habitat, in combination with roosting habitat (see paragraph (2)(ii)(B) of this entry) must be sufficiently large and contiguous to maintain northern spotted owl core areas and home ranges, and must be proximate to foraging habitat (see paragraph (2)(ii)(C) of this entry). Nesting habitat can also function as roosting, foraging, and dispersal habitat.

(B) Roosting habitat. Roosting habitat is essential to provide for thermoregulation, shelter, and cover to reduce predation risk while resting or foraging. It differs from nesting habitat in that it need not contain those specific structural features used for nesting (e.g., large cavities, broken tops, mistletoe platforms, and other platforms), but does contain moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-species canopy; large accumulations of fallen trees and other

woody debris on the ground; and open space below the canopy for northern spotted owls to fly. Roosting habitat will also function as foraging and dispersal habitat, but not as nesting habitat due to lack of nesting structures.

(C) Foraging habitat. Foraging habitat is essential to provide a food supply for survival and reproduction. It contains some roosting habitat attributes but can consist of more open and fragmented forests, especially in the southern portion of the range where some younger stands may have high prey abundance and structural attributes similar to those of older forests, such as moderate tree density, subcanopy perches at multiple levels, multi-layered vegetation, or residual older trees. Foraging habitat can also function as dispersal habitat.

(iii) Dispersal habitat. Forest types described in paragraph (2)(i) of this entry that provide one or both of the habitat components described for the dispersal of juvenile and non-territorial northern spotted owls, or that are habitat-capable of developing one or both of these components. Dispersal habitat can occur in intervening areas between larger blocks of nesting, foraging, and roosting habitat or within blocks of nesting, roosting, and foraging habitat. Dispersal habitat is essential to maintaining stable populations by filling territorial vacancies when resident northern spotted owls die or leave their territories, and to providing adequate gene flow across the range of the species. The two types of dispersal habitat are:

(A) Habitat supporting the transience phase of dispersal contains stands with adequate tree size and canopy closure to provide protection from avian predators and minimal foraging opportunities. This may include younger and less diverse forest stands than foraging habitat (see paragraph (2)(ii)(C) of this entry), such as even-aged, pole-sized stands, but such stands should contain some roosting structures and foraging habitat to allow for temporary resting

and feeding during the movement phase.

(B) Habitat supporting the colonization phase of dispersal is generally equivalent to roosting and foraging habitat and is described in paragraphs (2)(ii)(B) and (2)(ii)(C) of this entry, although it may be in smaller amounts than that needed to support nesting pairs (see paragraph (2)(ii)(A) of this entry).

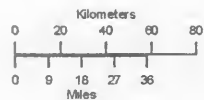
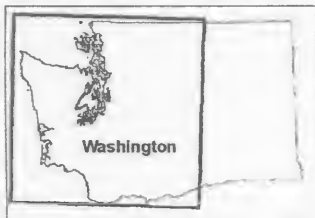
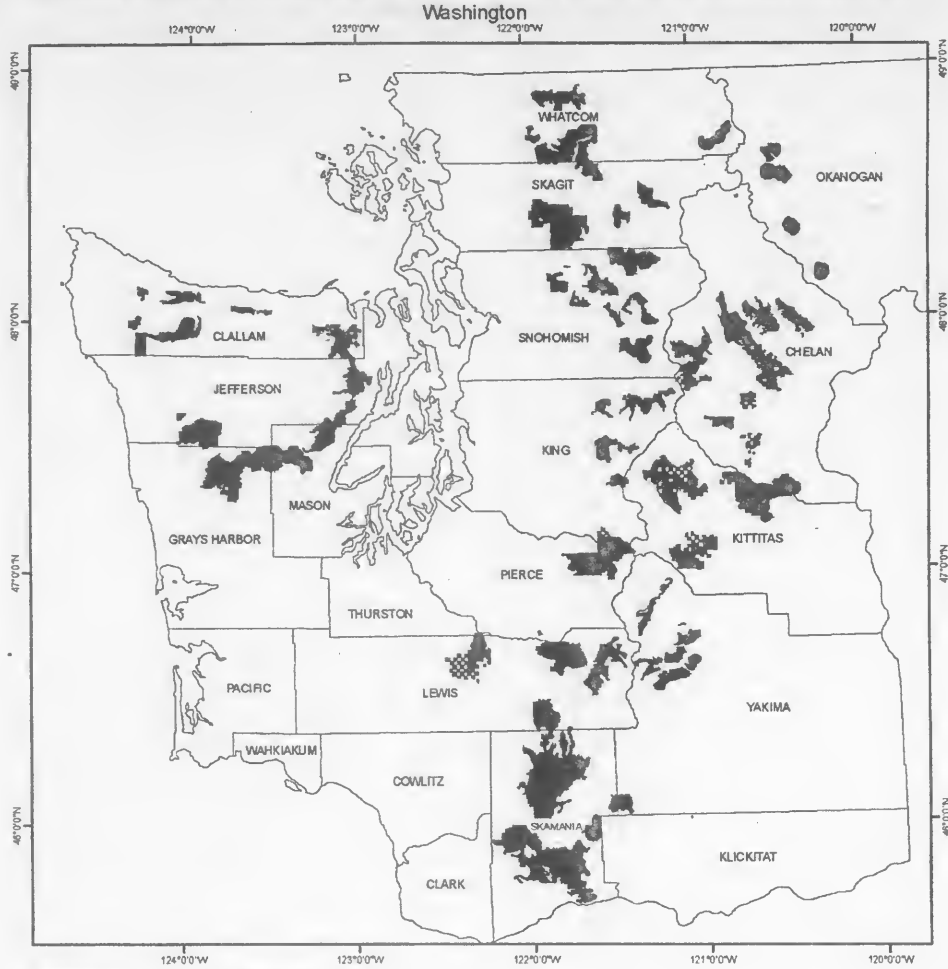
(3) Critical habitat does not include manmade structures (e.g., buildings, aqueducts, airports, and roads, including the land on which they are located) existing on the effective date of this rule and not containing one or more of the primary constituent elements.

(4) Critical habitat unit maps. The designated critical habitat units for the northern spotted owl are depicted on the maps below. These maps were created using the MOCA layer from the 2008 Northern Spotted Owl Recovery Plan; Universal Transverse Mercator (UTM) North American Datum 1983 (NAD 83) was the starting layer. This layer was then combined with the East Cascades portion of the 2007 Northern Spotted Owl Proposed Critical Habitat layer to form the starting point of the final revised critical habitat designation. A map layer of the Northwest Forest Plan (2002) was added so that congressionally-reserved lands could be removed from critical habitat. In addition, we used a wilderness layer provided by the California State office of the BLM to remove wilderness lands in California that were designated after the Northwest Forest Plan layer was created. We used the wilderness layer from the Mt. Baker-Snoqualmie National Forest to remove the 2008 Wild Sky Wilderness in Washington from the final revised critical habitat layer. All acreage calculations were performed using Geographic Information Systems (GIS).

(5) Note: Index map of critical habitat units for the northern spotted owl in the State of Washington follows:

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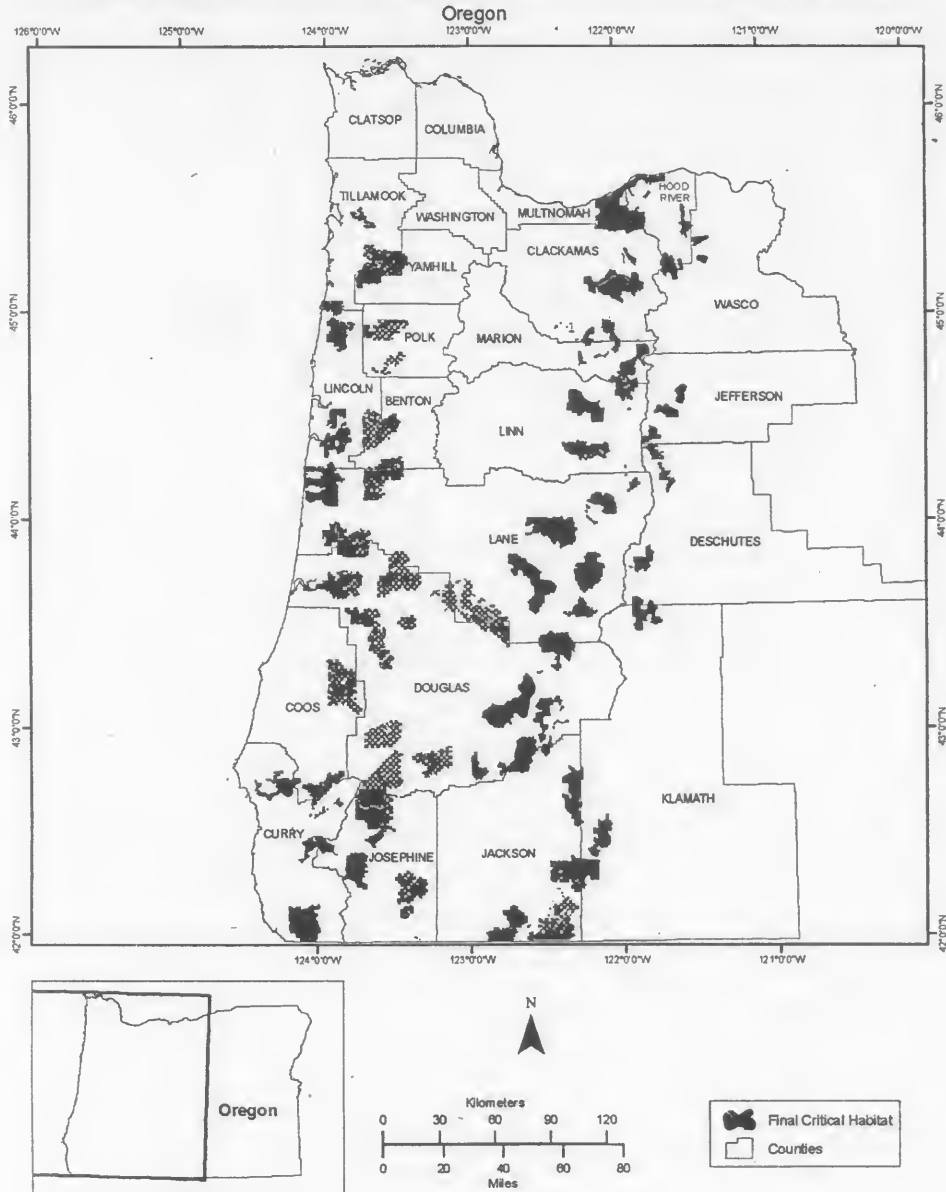
Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)



	Final Critical Habitat
	Counties

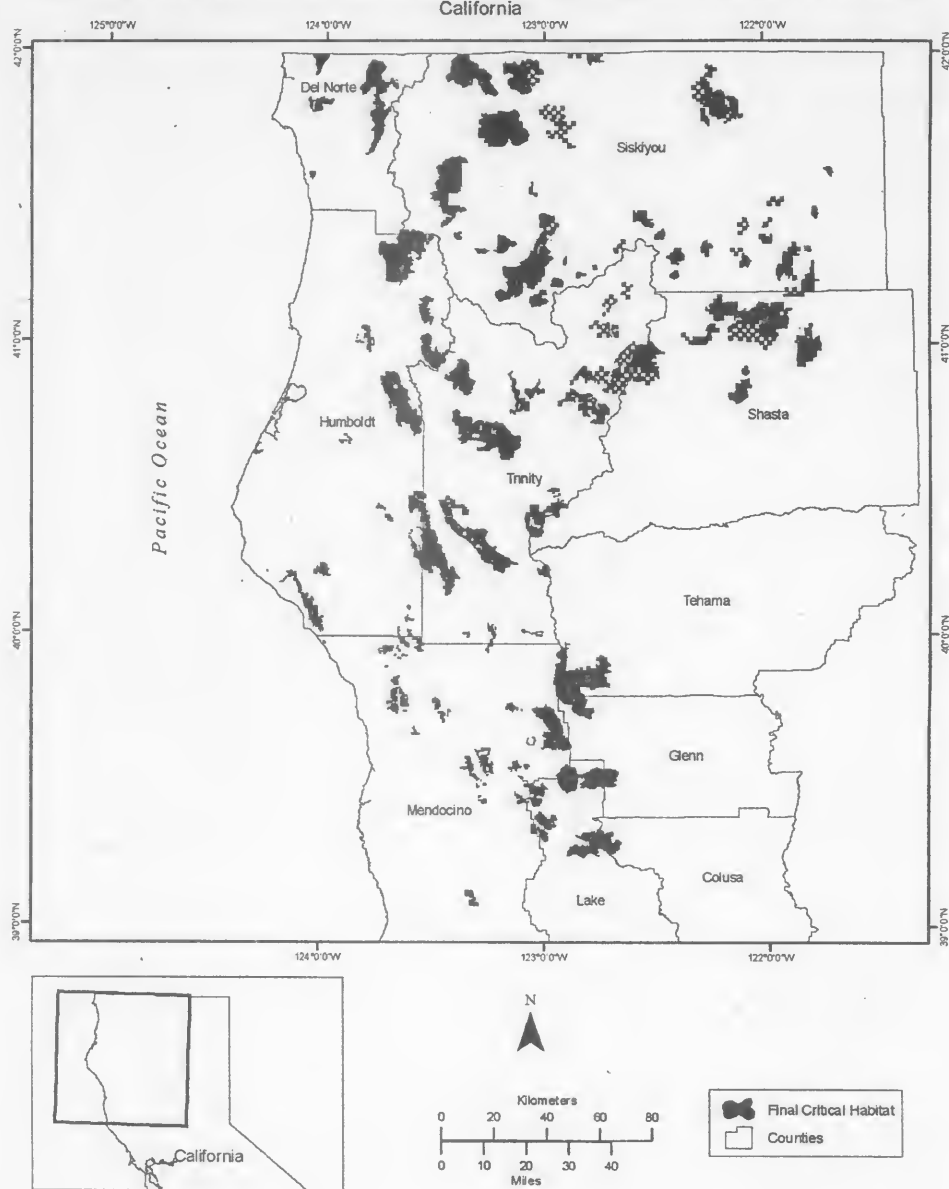
(6) Note: Index map of critical habitat units for the northern spotted owl in the State of Oregon follows:

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)



(7) Note: Index map of critical habitat units for the northern spotted owl in the State of California follows:

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)



(8) Olympic Peninsula Unit (Unit 1). Clallam, Grays Harbor, Jefferson, and Mason Counties, Washington.

(i) The Olympic Peninsula Unit consists of 332, 100 ac (134, 400 ha) and is comprised of lands managed by the Olympic National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Anderson Creek, Brinnon, Bunch Lake, Burnt Hill, Colonel Bob, Deadmans Hill, Eldon, Ellis Mountain, Elwha, Finley Creek, Hunger Mountain, Indian Pass, Kloochman Rock, Lake Pleasant, Lake Quinalt East, Lake Quinalt West, Lake Sutherland, Larsen Creek, Lightning Peak, Maiden Peak, Matheny Ridge, Mount Deception, Mount Hoquiam, Mount Jupiter, Mount Muller, Mount Olson, Mount Skokomish, Mount Tebo, Mount Townsend, Mount Walker, Mount Washington, Mount Zion, Pysht, Reade Hill, Salmon River East, Slide Peak, Snider Peak, Stequaleho Creek, Stevens Creek, The Brothers, Twin Rivers, Tyler Peak, Uncas, West of Pysht, Winfield Creek and Wynoochee Lake.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462389, 5263092; 464761, 5263079; 464787, 5262959; 465480, 5262631; 465650, 5262391; 465657, 5262189; 465945, 5262018; 466142, 5262039; 466429, 5261632; 466691, 5261592; 466996, 5260962; 467405, 5260718; 467714, 5260657; 468053, 5260494; 468730, 5261105; 469047, 5260963; 469269, 5261137; 469465, 5261163; 469667, 5261286; 469696, 5261542; 469579, 5261799; 469673, 5261891; 469709, 5262102; 470447, 5262165; 470571, 5262468; 470848, 5262639; 471195, 5263042; 474255, 5263027; 474257, 5261501; 475460, 5261479; 475589, 5260407; 475992, 5260405; 476114, 5259599; 476513, 5259598; 476569, 5259218; 476170, 5259219; 476281, 5258466; 478668, 5258451; 478749, 5257673; 479136, 5257672; 479149, 5257273; 479583, 5257272; 479579, 5256873; 480373, 5256869; 480336, 5254013; 480462, 5254013; 480492, 5253715; 480391, 5252513; 480309, 5252249; 479904, 5251880; 479663, 5251781; 478411, 5251803; 477293, 5251940; 477212, 5251882; 477152, 5251686; 477151, 5251364; 476714, 5250882; 476352, 5250665; 476111, 5250637; 475715, 5250865; 475420, 5251202; 475324, 5251411; 475466, 5252249; 475467, 5253165; 475377, 5253439; 475067, 5253873; 474774, 5254048; 474399, 5254411; 473766, 5254602; 473035, 5254625; 472638, 5254711; 472003, 5255105; 471045, 5255410; 470835, 5255760; 470667, 5255822; 470289, 5255695; 470277, 5255176; 469464, 5254994; 468963, 5255036; 467629, 5255402;

466644, 5256005; 466307, 5256097; 466118, 5256037; 466013, 5255896; 466090, 5255638; 466992, 5254851; 467511, 5254539; 467604, 5254416; 467584, 5254245; 467460, 5254159; 466832, 5254027; 466150, 5253605; 465582, 5253532; 465660, 5253385; 465660, 5253105; 465564, 5252843; 465385, 5252629; 465007, 5252453; 464553, 5252508; 464549, 5252352; 464375, 5252333; 464266, 5252149; 464013, 5252157; 464042, 5251873; 463966, 5251680; 464188, 5251335; 464096, 5251353; 463903, 5251560; 463753, 5251602; 463635, 5251929; 462987, 5252144; 462745, 5252127; 462662, 5251794; 462564, 5251781; 462441, 5251887; 462301, 5251878; 462159, 5251725; 461838, 5251654; 461625, 5251799; 461055, 5251934; 460935, 5251886; 460567, 5252112; 460422, 5252058; 459849, 5252305; 459493, 5252125; 459496, 5252223; 459323, 5252358; 459379, 5252560; 459064, 5252938; 459044, 5253141; 458816, 5253267; 458879, 5253665; 458601, 5253719; 458483, 5253915; 458282, 5253904; 458194, 5253966; 457772, 5253917; 457556, 5252979; 457545, 5252685; 457635, 5252690; 457559, 5252512; 457354, 5252449; 457221, 5252486; 457105, 5252658; 456852, 5252821; 456660, 5252771; 455707, 5252199; 455297, 5252225; 454937, 5252091; 454964, 5252343; 454800, 5252378; 454611, 5252068; 454021, 5252007; 453540, 5252111; 453371, 5252206; 453286, 5252878; 453428, 5253179; 453359, 5253357; 453106, 5253530; 452718, 5253541; 452547, 5253972; 452451, 5253735; 452061, 5253683; 451711, 5253989; 450769, 5254193; 450642, 5254112; 450475, 5254107; 450311, 5253989; 450242, 5253836; 450252, 5253499; 450345, 5253278; 450262, 5253125; 449710, 5252860; 449350, 5253153; 449160, 5253158; 449088, 5253066; 449117, 5252805; 449199, 5252724; 448994, 5252554; 449373, 5252176; 449309, 5252052; 449364, 5251898; 449343, 5251678; 449146, 5251570; 448725, 5251592; 448731, 5251411; 448603, 5251047; 448087, 5250761; 448176, 5250360; 448071, 5250055; 448179, 5249647; 448181, 5249165; 448529, 5249086; 448603, 5248925; 448514, 5248700; 448217, 5248295; 448151, 5248006; 447995, 5247715; 448426, 5247249; 448466, 5247069; 448576, 5246937; 448689, 5246463; 448535, 5245984; 448637, 5245598; 448387, 5244937; 448135, 5244850; 447851, 5244876; 447708, 5244828; 447577, 5244623; 447355, 5244472; 447331, 5239754; 446928, 5239752; 446920, 5239433; 446521, 5239435; 446503, 5238658; 445817, 5238663;

445824, 5238946; 442808, 5238957; 442935, 5241761; 439741, 5241996; 439783, 5243358; 440186, 5243350; 440205, 5244554; 439803, 5244562; 439799, 5244161; 439581, 5244165; 438300, 5244776; 438029, 5245347; 437859, 5245984; 437744, 5246127; 437239, 5245813; 436706, 5245285; 436359, 5245102; 436049, 5244786; 435475, 5244609; 434712, 5244496; 433917, 5244496; 432165, 5244785; 431733, 5244958; 430965, 5245498; 431756, 5245492; 431761, 5245693; 431961, 5245693; 431966, 5245894; 432165, 5245893; 432184, 5246696; 432578, 5246692; 432586, 5247092; 431952, 5247099; 432420, 5248094; 432608, 5248090; 432604, 5247890; 432993, 5247886; 433005, 5248683; 432622, 5248690; 432616, 5249492; 433397, 5249482; 433403, 5250042; 433612, 5250041; 433620, 5250287; 433816, 5250286; 433838, 5251861; 433439, 5251862; 433435, 5251712; 433290, 5251712; 433107, 5252630; 433155, 5252905; 433295, 5253147; 433509, 5253326; 433879, 5253444; 433863, 5255231; 434595, 5256162; 434700, 5256209; 434969, 5256878; 435150, 5256872; 435966, 5257270; 435815, 5257258; 436125, 5257637; 436168, 5257809; 436361, 5257750; 436785, 5258172; 436880, 5258195; 436968, 5258083; 437206, 5258199; 437571, 5258196; 437576, 5258603; 437979, 5258601; 437984, 5259007; 438780, 5258999; 438783, 5259406; 438968, 5259405; 438972, 5259604; 439475, 5259595; 439434, 5259418; 438994, 5259101; 438827, 5258806; 439522, 5258234; 439962, 5258042; 440272, 5257596; 440622, 5257272; 440779, 5257162; 440989, 5257125; 441020, 5256903; 441166, 5256920; 441468, 5256676; 441824, 5256605; 442069, 5256438; 442461, 5256419; 442709, 5256620; 442785, 5256476; 443183, 5256246; 443405, 5255817; 443740, 5255516; 444455, 5256011; 444810, 5256382; 445309, 5256508; 445635, 5256512; 446501, 5257410; 446711, 5257803; 446724, 5257946; 447072, 5258496; 447685, 5258863; 447986, 5258923; 448718, 5259436; 449123, 5259521; 449430, 5259439; 449867, 5259679; 449068, 5260345; 448861, 5260428; 450381, 5260820; 451060, 5260622; 451708, 5260973; 452018, 5260560; 452551, 5260304; 452784, 5260101; 452993, 5259575; 453452, 5259328; 453675, 5259389; 453961, 5259580; 454169, 5259795; 454641, 5260077; 454890, 5260372; 455172, 5260534; 455442, 5260931; 455446, 5261147; 455540, 5261259; 455687, 5261694; 455811, 5261835; 456346, 5262198; 456607, 5262254; 457044, 5262505; 458160, 5262622;

458598, 5262850; 461912, 5262829; 461911, 5263092; 462389, 5263092; and excluding land bound by 439807, 5244962; 440609, 5244950; 440617, 5245751; 439819, 5245765; 439807, 5244962; and excluding land bound by 441410, 5245168; 441411, 5243728; 443007, 5243708; 443014, 5245258; 441410, 5245340; 441410, 5245168.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N):

431385, 5275526; 431804, 5275505; 431805, 5275264; 431861, 5275179; 432083, 5275129; 432489, 5274878; 432678, 5274827; 432966, 5274552; 433336, 5274397; 433517, 5274368; 433760, 5274457; 433951, 5274443; 434321, 5274586; 434571, 5274474; 434717, 5274289; 434974, 5274121; 435334, 5274044; 435598, 5274091; 435836, 5274354; 436062, 5274354; 436307, 5274181; 436604, 5274166; 437102, 5274026; 437324, 5274042; 437473, 5274168; 438035, 5273888; 438313, 5273912; 438992, 5273392; 439371, 5273288; 439789, 5273421; 440072, 5273174; 440092, 5270550; 439927, 5270412; 439919, 5270003; 439521, 5269492; 439844, 5268753; 439758, 5268347; 439482, 5268255; 439177, 5267858; 438486, 5267863; 438421, 5263036; 435154, 5263069; 434857, 5262900; 434575, 5262617; 434394, 5262567; 433887, 5262199; 433532, 5262136; 433194, 5262273; 432469, 5262026; 432035, 5261719; 431682, 5261781; 431890, 5262238; 431903, 5262385; 431835, 5262473; 431543, 5262595; 431242, 5262613; 430817, 5262806; 430500, 5262831; 430315, 5262777; 430194, 5263098; 430077, 5264802; 429937, 5265013; 429724, 5265148; 429461, 5265110; 429348, 5264902; 429165, 5264762; 428779, 5264796; 427797, 5264425; 427412, 5264720; 426944, 5264453; 426573, 5264657; 426290, 5264620; 426192, 5264550; 425901, 5264651; 425555, 5264665; 424712, 5264013; 424310, 5264076; 424150, 5263976; 423722, 5264296; 423511, 5264314; 423191, 5264507; 422815, 5264538; 422667, 5264635; 422558, 5264578; 422297, 5264604; 422038, 5264506; 421772, 5264231; 421775, 5264071; 421661, 5263964; 421260, 5264126; 421026, 5264038; 420924, 5264075; 420668, 5264017; 420650, 5264238; 420553, 5264247; 420456, 5264410; 420250, 5264487; 420152, 5265030; 421232, 5265025; 421302, 5269277; 421524, 5269412; 422030, 5269540; 422862, 5269563; 423057, 5269809; 422917, 5269652; 422855, 5269954; 422949, 5270326; 422810, 5270774; 422859, 5271049; 422998, 5271291; 423381, 5271541; 423568, 5271771; 423844, 5271920; 424077, 5272289;

424477, 5272402; 425002, 5272373; 425848, 5272581; 426073, 5272553; 426249, 5272635; 426565, 5272584; 426757, 5272743; 427584, 5273046; 427863, 5273046; 428165, 5272923; 428339, 5272935; 428251, 5273533; 428169, 5273709; 428276, 5274352; 428599, 5274273; 429468, 5274541; 429532, 5274565; 429532, 5274840; 430377, 5275033; 431081, 5275518; 431385, 5275526.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N):

423949, 5277834; 423925, 5276220; 423132, 5276226; 423125, 5275824; 422726, 5275816; 422716, 5275422; 422320, 5275416; 422321, 5275039; 421941, 5275028; 421936, 5274636; 420685, 5274665; 420742, 5277885; 423949, 5277834.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N):

487856, 5316142; 487983, 5315818; 487766, 5315870; 487527, 5315660; 487356, 5315723; 487236, 5315512; 487310, 5315273; 487213, 5315092; 487031, 5314991; 487003, 5314877; 487025, 5314817; 487309, 5314762; 487330, 5314512; 487480, 5314603; 487681, 5314500; 487800, 5314194; 487905, 5314144; 488016, 5314009; 488023, 5313899; 488098, 5313888; 488306, 5313671; 488269, 5313653; 487807, 5313809; 487612, 5313775; 487426, 5313917; 486986, 5313826; 486814, 5313912; 486770, 5314016; 486524, 5314101; 485640, 5314104; 485992, 5313524; 485992, 5313279; 485604, 5313075; 485169, 5312707; 484825, 5312805; 484789, 5312614; 484699, 5312512; 484116, 5312500; 483456, 5312262; 483578, 5312214; 483664, 5311858; 483544, 5311820; 483371, 5311630; 483285, 5311693; 483118, 5311624; 482825, 5311709; 482830, 5313017; 481022, 5313047; 481040, 5316272; 481498, 5316270; 481299, 5316049; 481531, 5315841; 481737, 5315505; 481917, 5315399; 481797, 5315544; 481827, 5315603; 482170, 5315637; 482089, 5316008; 482425, 5315830; 482611, 5315651; 482737, 5315731; 483423, 5315355; 483662, 5315385; 483915, 5315296; 484415, 5315274; 484448, 5315501; 484707, 5315538; 484789, 5315473; 484781, 5315354; 485057, 5315363; 485191, 5315195; 485354, 5314636; 485270, 5314209; 485607, 5314662; 485661, 5313255; 486027, 5315150; 486258, 5315349; 486563, 5315195; 486639, 5315740; 486484, 5316174; 486648, 5316186; 486797, 5316112; 486909, 5316255; 487871, 5316282; 487819, 5316216; 487856, 5316142.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N):

492413, 5316271; 492973, 5316275; 492933, 5315959; 493092, 5315669;

493012, 5315668; 493011, 5315466; 492609, 5315462; 492608, 5315260; 492418, 5315258; 492406, 5314955; 492808, 5314959; 492804, 5314654; 493006, 5314655; 493006, 5314455; 493208, 5314457; 493208, 5314355; 493611, 5314359; 493690, 5313987; 493845, 5313727; 494192, 5313717; 494287, 5313851; 494429, 5313857; 494446, 5314136; 494793, 5314105; 494858, 5313443; 494822, 5313229; 495022, 5312834; 495353, 5313021; 495605, 5313018; 495750, 5313430; 496308, 5313541; 496462, 5313969; 496955, 5314153; 497001, 5314199; 496934, 5314679; 497111, 5315057; 497377, 5315343; 497730, 5315568; 498301, 5315736; 498384, 5316054; 498614, 5316271; 500241, 5316256; 500133, 5315851; 500002, 5315630; 499834, 5315554; 499880, 5315362; 500252, 5315257; 500466, 5315077; 500606, 5314835; 500651, 5314528; 500885, 5314504; 501216, 5314627; 501206, 5314138; 502012, 5314113; 502009, 5312955; 501083, 5313026; 500689, 5312922; 500245, 5313059; 500185, 5312965; 500545, 5312582; 500753, 5312218; 500778, 5311768; 500528, 5310994; 500490, 5310493; 500110, 5310215; 499977, 5309919; 499812, 5309749; 499690, 5309750; 499613, 5310463; 499468, 5310692; 499227, 5310802; 499096, 5310768; 498883, 5310457; 498575, 5310392; 498399, 5310523; 498138, 5310364; 497934, 5310322; 498163, 5310120; 498317, 5309520; 498268, 5309125; 497924, 5308830; 498135, 5308835; 498319, 5308718; 498805, 5308262; 498928, 5308294; 499036, 5308504; 499096, 5308458; 499269, 5308490; 499490, 5308605; 499783, 5308955; 500064, 5309021; 500269, 5308993; 500344, 5308899; 500339, 5308690; 500448, 5308394; 500855, 5308239; 500988, 5307816; 501446, 5307666; 501523, 5307527; 501566, 5307103; 501151, 5306968; 500455, 5307022; 500194, 5306928; 500120, 5306761; 500139, 5306600; 500342, 5306228; 499953, 5306770; 499718, 5307445; 499167, 5307955; 498742, 5308126; 498651, 5308097; 498632, 5307778; 498568, 5307694; 498255, 5307749; 497917, 5307943; 497498, 5307899; 497247, 5307986; 497179, 5307954; 497308, 5307509; 496844, 5307538; 496773, 5307439; 497314, 5306799; 497266, 5306738; 497002, 5306768; 496960, 5306310; 496867, 5306262; 496570, 5306584; 496239, 5306659; 495990, 5306486; 495601, 5306596; 495604, 5306209; 495748, 5305710; 496166, 5305483; 496344, 5305108; 496466, 5304605; 496736, 5304326; 497009, 5303675; 497335, 5303357; 497688, 5303179; 497862, 5302913;

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498209, 5302289; 498406, 5302222;
498385, 5302176; 498478, 5302085;
498603, 5302132; 498663, 5302088;
498730, 5301882; 498880, 5301970;
499029, 5301862; 499046, 5301669;
499150, 5301628; 499136, 5301351;
499626, 5301195; 499567, 5301086;
499003, 5300814; 499008, 5300717;
499230, 5300550; 499518, 5300192;
499207, 5300024; 498879, 5299695;
499153, 5299227; 499707, 5298875;
499840, 5298450; 499882, 5297998;
499779, 5297621; 499937, 5297069;
500460, 5296879; 501636, 5295263;
501794, 5295201; 502049, 5295269;
502830, 5295707; 503149, 5295752;
503458, 5295880; 503695, 5295618;
503639, 5295241; 503770, 5294897;
503689, 5294623; 504806, 5294687;
504780, 5293528; 506720, 5293561;
506810, 5293420; 506989, 5293457;
507094, 5293377; 507078, 5293196;
507150, 5292971; 507071, 5292823;
507081, 5292504; 506986, 5292242;
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506542, 5290767; 505817, 5289862;
505889, 5289642; 505827, 5289610;
505617, 5289735; 505453, 5289926;
505118, 5289939; 505068, 5290024;
505134, 5290215; 504793, 5290317;
504499, 5290612; 504403, 5290874;
504401, 5291132; 504001, 5291239;
503712, 5291526; 503598, 5291475;
503377, 5291519; 502965, 5291309;
502658, 5291316; 502597, 5291078;
502271, 5291034; 502173, 5290945;
502162, 5290866; 502309, 5290846;
502467, 5290732; 502729, 5290754;
502856, 5290924; 502931, 5290937;
503232, 5290553; 503224, 5290295;
503007, 5290121; 502977, 5289933;
503127, 5289783; 503052, 5289443;
503247, 5289384; 503223, 5289176;
503870, 5289029; 503792, 5288720;
503340, 5288120; 503302, 5287521;
503038, 5287141; 502948, 5286766;
502304, 5286483; 501560, 5286861;
501244, 5286829; 500640, 5285559;
500443, 5285533; 499864, 5285754;
499862, 5286248; 498663, 5286246;
498663, 5285836; 499255, 5285832;
499256, 5285640; 499065, 5285633;
499062, 5285446; 499618, 5285444;
499659, 5285347; 498943, 5284361;
498364, 5284162; 498053, 5283611;
498130, 5283445; 498762, 5283181;
499126, 5283135; 499452, 5283207;
499647, 5283078; 499646, 5282887;
499478, 5282507; 499399, 5282107;
499064, 5281519; 499010, 5281295;
499280, 5280988; 499395, 5280610;
499707, 5280605; 499887, 5280398;
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497718, 5278181; 497413, 5277924;
496838, 5277836; 495837, 5277247;
494875, 5276145; 494875, 5276003;
495057, 5275856; 495142, 5275685;
495349, 5275070; 495587, 5274827;
495563, 5274382; 495288, 5274446;
495102, 5274250; 495066, 5274048;
495078; 5273647; 495201, 5273559;
495342, 5273268; 494972, 5273063;
494722, 5273093; 494426, 5272876;
494234, 5272864; 494094, 5272622;
493743, 5272614; 493724, 5271238;
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490932, 5270460; 490945, 5270860;
490666, 5270851; 490660, 5265010;
490498, 5265004; 490275, 5264881;
489980, 5264458; 489833, 5264446;
489706, 5264320; 489568, 5264381;
489333, 5264279; 489254, 5264105;
489157, 5264126; 488971, 5263817;
488578, 5263513; 488524, 5263256;
488420, 5263143; 488265, 5263173;
488188, 5263436; 487157, 5262846;
486812, 5262900; 486672, 5262726;
486571, 5262771; 486384, 5263086;
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486481, 5262398; 486322, 5262459;
486142, 5262357; 486039, 5262183;
485932, 5262173; 485788, 5262338;
485714, 5262616; 485581, 5262252;
485468, 5262139; 485563, 5261858;
485340, 5261995; 485312, 5262319;
485245, 5262214; 485083, 5262202;
484999, 5261789; 485070, 5261508;
485202, 5261371; 484946, 5261384;
484944, 5261123; 484363, 5260809;
484131, 5260753; 481029, 5260741;
481012, 5260570; 480713, 5260565;
480716, 5260393; 478790, 5260400;
478825, 5260117; 478782, 5260079;
477668, 5260048; 477169, 5260278;
477142, 5260516; 476947, 5260517;
476733, 5260752; 476726, 5260958;
476272, 5260969; 476227, 5261390;
476173, 5261390; 476192, 5262036;
476282, 5262044; 476315, 5261958;
476528, 5261880; 477120, 5261753;
477079, 5261531; 477195, 5261138;
477180, 5260918; 477563, 5260801;
477585, 5260690; 477691, 5260646;
478098, 5260638; 478397, 5260532;
478545, 5260625; 478806, 5260635;
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481120, 5270300; 481459, 5270520;
481645, 5270771; 481760, 5270841;
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495412, 5279103; 495579, 5279707;
495564, 5280056; 495682, 5280524;
495690, 5280740; 495527, 5280978;
495578, 5281399; 495524, 5281624;
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 497259, 5297534; 497598, 5297443;
 497827, 5297502; 497883, 5297424;
 497974, 5297809; 497642, 5298214;
 497504, 5298547; 497539, 5298887;
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 491580, 5303845; 491481, 5303793;
 491294, 5303376; 490847, 5303454;
 490710, 5303047; 490707, 5302751;
 490586, 5302750; 490468, 5302580;
 488887, 5301589; 488675, 5301787;
 488236, 5301855; 488070, 5302515;
 488044, 5303015; 487969, 5303116;
 488353, 5303387; 488736, 5303530;
 488952, 5303766; 489020, 5304116;
 489334, 5304677; 489223, 5304798;
 489190, 5305152; 488921, 5305522;
 489332, 5305763; 489494, 5306509;
 489716, 5306635; 490095, 5307124;
 490412, 5307320; 490470, 5307425;
 490563, 5307892; 490471, 5308187;
 490856, 5308531; 490765, 5309049;
 490954, 5309264; 491044, 5309682;
 490849, 5310195; 490982, 5310659;

490972, 5310840; 490686, 5311085;
 490324, 5311235; 489958, 5311496;
 489170, 5311829; 488528, 5311822;
 487903, 5311598; 487663, 5311787;
 487550, 5311965; 487279, 5312091;
 487063, 5312311; 487376, 5312806;
 487807, 5312829; 488040, 5312568;
 488372, 5312445; 488870, 5312520;
 489130, 5312792; 489068, 5313030;
 488787, 5313206; 488714, 5313322;
 488659, 5313488; 488695, 5314043;
 488283, 5314900; 487952, 5315174;
 487907, 5315482; 488133, 5315559;
 488132, 5315475; 488639, 5315479;
 488641, 5315948; 488834, 5316130;
 489111, 5316231; 489199, 5315880;
 489016, 5314906; 489186, 5314204;
 489297, 5314089; 489697, 5314188;
 489803, 5314034; 489788, 5313840;
 489328, 5313645; 489312, 5313403;
 489426, 5313226; 489553, 5313411;
 489851, 5313493; 490053, 5313674;
 490197, 5314106; 490052, 5314575;
 489433, 5315128; 489484, 5315303;
 489418, 5315583; 489463, 5315885;
 489750, 5316283; 492413, 5316271; and
 excluding land bound by 491996,
 5313289; 491995, 5313038; 492105,
 5313126; 491996, 5313289; and
 excluding land bound by 497002,
 5312498; 497044, 5312235; 497447,
 5312269; 497710, 5312173; 497914,
 5312003; 498790, 5312139; 498880,
 5312173; 498905, 5312632; 499095,
 5312924; 498419, 5312930; 498380,
 5313039; 498097, 5313027; 497973,
 5313114; 497865, 5313039; 497202,
 5313030; 497211, 5313217; 497344,
 5313341; 497075, 5313097; 496986,
 5312743; 497002, 5312498; and
 excluding land bound by 496655,
 5287853; 496656, 5287464; 497058,
 5287459; 497058, 5287071; 497859,
 5287069; 497859, 5287457; 497457,
 5287456; 497459, 5287852; 496655,
 5287853.

(F) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 430630, 5313967; 430453, 5313306;
 430053, 5312305; 429439, 5311791;
 429432, 5311198; 429293, 5311189;
 428878, 5311427; 428498, 5311516;
 428227, 5311360; 428045, 5311017;
 427641, 5310733; 427339, 5310749;
 427005, 5310912; 426625, 5311295;
 426071, 5311331; 425642, 5311227;
 425463, 5310968; 425332, 5310683;
 424724, 5310642; 424517, 5310415;
 424342, 5310351; 424134, 5310367;
 423638, 5310259; 423361, 5310367;
 422524, 5310139; 422121, 5310185;
 421827, 5310113; 421439, 5310191;
 421283, 5310407; 420839, 5310283;
 420688, 5310331; 420384, 5309983;
 420056, 5309855; 419637, 5309890;
 419495, 5309623; 419333, 5309599;
 418771, 5309253; 418497, 5309325;
 418282, 5309818; 418141, 5309993;

417556, 5310172; 417249, 5309972;
 416934, 5309922; 416554, 5309768;
 416259, 5309487; 415958, 5309660;
 415809, 5309669; 415220, 5309344;
 414662, 5309227; 414084, 5309255;
 413513, 5308981; 413584, 5309269;
 413536, 5309371; 413300, 5309652;
 412919, 5309846; 412348, 5309745;
 412118, 5309961; 411940, 5309975;
 411854, 5310146; 411590, 5310301;
 411463, 5310286; 411341, 5310140;
 410998, 5310163; 410562, 5310571;
 410365, 5310886; 410000, 5311021;
 409379, 5311081; 409045, 5311235;
 408774, 5311173; 408413, 5311322;
 408302, 5311654; 407676, 5311848;
 407356, 5311864; 407068, 5311695;
 406861, 5311816; 406735, 5303100;
 405494, 5303100; 405491, 5303463;
 404953, 5303523; 404601, 5303413;
 404520, 5303212; 404286, 5303153;
 404287, 5303100; 403892, 5303100;
 403888, 5303401; 403450, 5303245;
 403081, 5303215; 402695, 5302854;
 402561, 5302807; 402401, 5302850;
 402357, 5303085; 402197, 5303257;
 402058, 5303199; 401917, 5302969;
 401968, 5307139; 402114, 5308774;
 402218, 5313350; 402834, 5313324;
 403026, 5313148; 404520, 5313068;
 405184, 5312905; 405378, 5312963;
 405550, 5313325; 405791, 5313518;
 406557, 5313510; 406782, 5313325;
 406929, 5313058; 407176, 5313011;
 407418, 5312872; 407671, 5312475;
 408218, 5312552; 408333, 5312665;
 408449, 5312609; 408614, 5312688;
 408662, 5312590; 408772, 5312564;
 408925, 5312747; 409162, 5312549;
 409117, 5312226; 409201, 5312103;
 409608, 5311819; 410073, 5312005;
 410752, 5311544; 410949, 5311797;
 411191, 5311937; 411576, 5311976;
 411733, 5312073; 412001, 5312010;
 412594, 5312244; 412487, 5312618;
 412664, 5312677; 412847, 5312639;
 413087, 5312913; 412888, 5313312;
 413010, 5313299; 413168, 5313163;
 413203, 5313004; 413351, 5313156;
 413376, 5313302; 413139, 5313444;
 413199, 5313554; 413347, 5313431;
 413492, 5313446; 413601, 5313297;
 413882, 5313179; 413949, 5312995;
 414711, 5313438; 414921, 5313399;
 415068, 5313070; 415351, 5313014;
 415961, 5313219; 416532, 5313571;
 416760, 5313509; 416992, 5313268;
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 417782, 5313336; 418050, 5313235;
 418379, 5313292; 418765, 5313114;
 418997, 5313125; 419220, 5313222;
 420248, 5313234; 420356, 5314024;
 420791, 5314614; 421040, 5314742;
 421179, 5315692; 421218, 5315762;
 421735, 5315931; 421745, 5316134;
 421582, 5316566; 421634, 5316711;
 421868, 5317116; 422665, 5318140;
 423239, 5319153; 423459, 5319394;

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 427479, 5319374; 428772, 5319173;
 428274, 5318595; 428389, 5317964;
 428275, 5317210; 428334, 5316070;
 428099, 5314911; 428169, 5314261;
 428220, 5314013; 428291, 5313961;
 428735, 5314333; 429803, 5315853;
 429902, 5316189; 429915, 5316806;
 430378, 5318058; 430419, 5318290;
 430354, 5318743; 429882, 5320097;
 429873, 5320450; 430124, 5320391;
 430226, 5319974; 430698, 5319746;
 430791, 5319551; 431081, 5319387;
 431054, 5314676; 430756, 5314313;
 430630, 5313967.

(G) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 403540, 5320641; 403656, 5320658;
 403753, 5320552; 404051, 5320450;
 404216, 5320466; 404402, 5320273;
 404454, 5320089; 404586, 5320198;
 404489, 5318766; 404520, 5318711;
 404682, 5318704; 404426, 5318595;
 404342, 5318290; 404280, 5318224;
 404182, 5318262; 404101, 5318123;
 404106, 5318025; 404290, 5318095;
 404439, 5317866; 404391, 5317767;
 404155, 5317632; 404114, 5317525;
 404217, 5317325; 404167, 5316659;
 403980, 5316602; 403834, 5316726;
 403913, 5316826; 403752, 5316908;
 403930, 5317034; 403830, 5317196;
 403910, 5317238; 403900, 5317336;
 403709, 5317296; 403711, 5317412;
 403633, 5317475; 403756, 5317522;
 403757, 5317595; 403453, 5317692;
 403195, 5317653; 403013, 5317332;
 402994, 5317034; 403121, 5316666;
 402955, 5316534; 402910, 5316371;
 402720, 5316246; 402914, 5315991;
 403088, 5315571; 402789, 5315148;
 402279, 5315158; 402263, 5314755;
 400677, 5314785; 400697, 5315185;
 400300, 5315205; 400302, 5315593;
 399092, 5315641; 399123, 5316870;
 399510, 5316854; 399510, 5317217;
 399123, 5317232; 399122, 5318392;
 400736, 5318315; 400764, 5318707;
 402365, 5318672; 402380, 5319459;
 401978, 5319475; 401990, 5319866;
 402390, 5319856; 402407, 5320341;
 402625, 5320306; 403013, 5320515;
 403418, 5320643; 403531, 5320843;
 403540, 5320641.

(H) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 460275, 5322748; 460275, 5322708;
 460831, 5322701; 462455, 5322791;
 462426, 5321143; 461198, 5321152;
 460813, 5320869; 460183, 5320530;
 460098, 5320700; 459155, 5321652;
 458579, 5321852; 458186, 5322146;
 457308, 5322082; 456938, 5321795;
 456674, 5321446; 456296, 5321284;
 456269, 5321598; 455880, 5321615;
 455883, 5322806; 456296, 5322803;
 456291, 5322003; 456694, 5322000;
 456698, 5322380; 457091, 5322397;

457103, 5322788; 458700, 5322758;
 458707, 5322385; 458772, 5322384;
 459108, 5322380; 459111, 5322751;
 459875, 5322725; 459878, 5323135;
 460275, 5323122; 460275, 5322748.

(I) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 446360, 5324581; 447800, 5324495;
 450173, 5324473; 450172, 5324071;
 450285, 5324061; 450596, 5324058;
 450595, 5324463; 453418, 5324440;
 453418, 5324034; 453818, 5324024;
 453813, 5323627; 454211, 5323615;
 454202, 5323226; 455044, 5323214;
 455086, 5322402; 454683, 5322405;
 454668, 5321209; 454335, 5321212;
 453744, 5321304; 453085, 5321499;
 452851, 5321730; 452619, 5321815;
 451884, 5321906; 451657, 5321817;
 451458, 5321954; 451076, 5321984;
 450114, 5321873; 449883, 5321757;
 449677, 5321524; 449422, 5321421;
 448933, 5321579; 448476, 5321829;
 447965, 5321871; 447509, 5322178;
 446903, 5322237; 446431, 5322588;
 445771, 5322556; 444600, 5322763;
 444626, 5324559; 446360, 5324581.

(J) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 432988, 5326722; 433096, 5326320;
 433026, 5326004; 431956, 5326265;
 431491, 5326233; 431535, 5326595;
 431782, 5326940; 431780, 5326770;
 432183, 5326746; 432178, 5326348;
 432983, 5326315; 432988, 5326722.

(K) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 432988, 5326722; 432594, 5326737;
 432598, 5327061; 432809, 5326936;
 432988, 5326722.

(L) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 421867, 5331438; 421642, 5331368;
 421860, 5331313; 421885, 5331208;
 421544, 5331239; 421841, 5330927;
 421998, 5330975; 422063, 5330811;
 422167, 5330784; 422279, 5330854;
 422443, 5330721; 422889, 5330717;
 423225, 5330821; 423192, 5330398;
 423468, 5330387; 423790, 5330417;
 423897, 5330506; 423714, 5331292;
 423771, 5331354; 424022, 5331416;
 425136, 5331314; 427245, 5331319;
 427181, 5331112; 426902, 5330850;
 426927, 5330646; 427002, 5330577;
 427338, 5330724; 427618, 5330724;
 428139, 5330523; 428434, 5330228;
 428540, 5329804; 429114, 5329798;
 429160, 5329522; 429327, 5329527;
 429290, 5329759; 429338, 5330034;
 429577, 5330375; 429820, 5330515;
 430245, 5330593; 430313, 5330797;
 430159, 5331142; 430294, 5331174;
 430437, 5330943; 430401, 5330880;
 430482, 5330816; 430464, 5330591;
 431030, 5330321; 431258, 5330417;
 431177, 5327220; 431074, 5326901;
 431132, 5326534; 430807, 5326539;
 430360, 5326644; 430170, 5326946;

429787, 5327214; 429621, 5327430;
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 429137, 5327197; 429070, 5327240;
 429066, 5327448; 429259, 5327765;
 429236, 5327918; 429299, 5328107;
 429501, 5328203; 429538, 5328288;
 429552, 5328459; 429321, 5328474;
 429197, 5328365; 429020, 5328348;
 428896, 5328111; 428650, 5327967;
 428658, 5328144; 428391, 5328227;
 428417, 5327853; 428099, 5327710;
 427814, 5327278; 427756, 5326991;
 427264, 5326678; 427015, 5326736;
 426782, 5326695; 426558, 5326838;
 426215, 5326946; 425970, 5326802;
 425555, 5326766; 425177, 5326942;
 424925, 5327335; 424528, 5327328;
 424047, 5327213; 423738, 5327233;
 423595, 5327134; 423314, 5327139;
 423018, 5326948; 422694, 5326977;
 422241, 5326574; 421979, 5326484;
 421735, 5326502; 421564, 5326446;
 421034, 5326104; 420829, 5326198;
 420436, 5326061; 420061, 5326242;
 419643, 5326048; 419576, 5325852;
 418964, 5325948; 418577, 5325762;
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 417729, 5325746; 417545, 5325859;
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 417111, 5325793; 416497, 5326032;
 416301, 5325957; 415341, 5325969;
 415071, 5325850; 414724, 5325922;
 414406, 5325883; 414353, 5326037;
 414439, 5326115; 414165, 5326627;
 413630, 5326805; 413480, 5326985;
 413140, 5326976; 413148, 5327190;
 413542, 5327193; 413549, 5327604;
 415508, 5327523; 415503, 5326756;
 417103, 5326674; 417116, 5327412;
 417370, 5327385; 417833, 5327623;
 418172, 5327624; 420037, 5328410;
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 420493, 5328905; 420578, 5329104;
 420822, 5329160; 421072, 5329091;
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 421528, 5329567; 421424, 5329625;
 421563, 5329956; 421712, 5330089;
 421426, 5330577; 421338, 5330528;
 421074, 5330086; 420842, 5329968;
 420764, 5329784; 420672, 5329824;
 420619, 5330007; 420574, 5329903;
 420354, 5329902; 420105, 5329699;
 419562, 5329506; 419430, 5329656;
 419250, 5329661; 419333, 5330194;
 419308, 5330381; 419108, 5330350;
 419007, 5329870; 418712, 5329575;
 418310, 5329467; 418035, 5329516;
 417793, 5329656; 417554, 5329997;
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 417337, 5330583; 417025, 5330661;
 416952, 5330560; 416873, 5330562;
 416851, 5330131; 416731, 5330200;
 416589, 5330665; 416515, 5330655;
 416427, 5330514; 416472, 5330732;
 416366, 5330921; 416169, 5330480;
 416252, 5330785; 416013, 5330714;
 415984, 5330850; 415894, 5330925;
 415946, 5331132; 415757, 5331196;

415931, 5331691; 420339, 5331576;
421867, 5331438.

(M) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 403111, 5333607; 403305, 5333513;
403941, 5333393; 404126, 5333160;
404622, 5332899; 404876, 5332929;
405243, 5333083; 405239, 5332770;
406042, 5332747; 406035, 5332344;

406832, 5332321; 406828, 5332083;
407421, 5332045; 407696, 5331639;
407754, 5331168; 407950, 5330648;
407914, 5330464; 407693, 5330477;
407690, 5330107; 406087, 5330213;
406104, 5327816; 405515, 5327845;
405516, 5327439; 404520, 5327465;
404649, 5328647; 405013, 5328605;
404951, 5329458; 403738, 5329482;

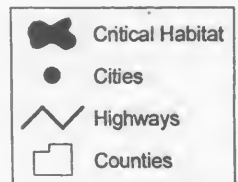
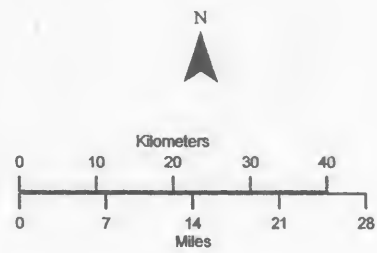
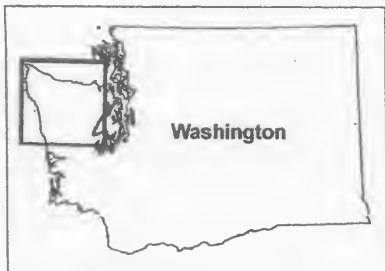
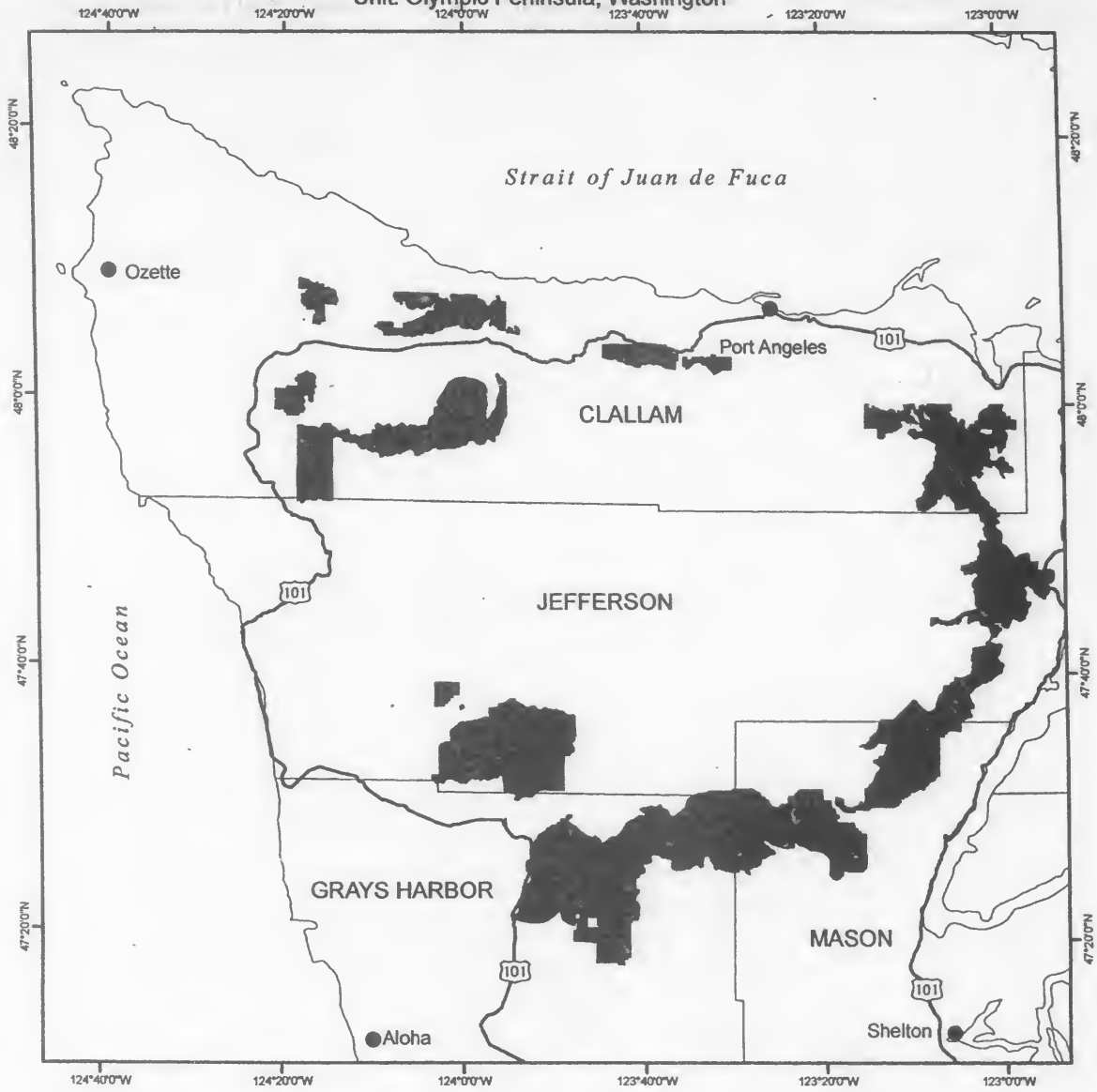
403709, 5329880; 403312, 5329891;
403285, 5330283; 403060, 5330299;
403092, 5331476; 403665, 5331477;
403662, 5331871; 404057, 5331874;
404044, 5332222; 402768, 5332286;
402799, 5333703; 403111, 5333607.

(iii) Note: Map of Olympic Peninsula
Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Olympic Peninsula, Washington



(9) Northwest Washington Cascades Unit (Unit 2). King, Kittitas, Skagit, Snohomish, and Whatcom Counties, Washington.

(i) The Northwest Washington Cascades Unit consists of 393, 500 ac (159, 200 ha) and is comprised of lands managed by the Mt. Baker-Snoqualmie and Wenatchee National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Bacon Peak, Baker Pass, Bandera, Bearpaw Mountain, Bedal, Benchmark Mountain, Big Devil Peak, Big Snow Mountain, Blanca Lake, Cascade Pass, Chikamin Peak, Darrington, Day Lake, Downey Mountain, Eldorado Peak, Evergreen Mountain, Findley Lake, Finney Peak, Fortson, Gee Point, Glacier, Glacier Peak West, Groat Mountain, Grotto, Helena Ridge, Huckleberry Mountain, Illabot Peaks, Lake Philippa, Lake Shannon, Lime Mountain, Lost Lake, Mallardy Ridge, Meadow Mountain, Monte Cristo, Mount Baker, Mount Higgins, Mount Larrabee, Mount Phelps, Mount Sefrit, Mount Shuksan, Prairie Mountain, Pugh Mountain, Rockport, Sauk Mountain, Scenic, Shuksan Arm, Silverton, Skykomish, Sloan Peak, Snoqualmie Lake, Snoqualmie Pass, Snowking Mountain, Sonny Boy Lakes, Stevens Pass, Twin Sisters Mountain, Verlot, Welker Peak, White Chuck Mountain, and Whitehorse Mountain.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 617392, 5249439; 617395, 5249305; 617577, 5249313; 617809, 5249041; 618891, 5248609; 619769, 5248618; 619783, 5247771; 620584, 5247796; 620616, 5246182; 618983, 5246149; 619040, 5244545; 617746, 5244552; 617555, 5244506; 617323, 5244661; 617096, 5244984; 616939, 5244996; 616574, 5245189; 616343, 5245456; 616030, 5245589; 615998, 5245732; 615898, 5245592; 615779, 5245545; 614971, 5245555; 614551, 5245373; 614544, 5245634; 614142, 5245626; 614151, 5245212; 612926, 5245161; 612928, 5245099; 612706, 5245221; 612323, 5245601; 612524, 5245604; 612514, 5246004; 611284, 5245976; 611284, 5245839; 610844, 5245593; 610727, 5245590; 610685, 5245939; 610875, 5246210; 611291, 5246534; 611695, 5246740; 612162, 5246807; 612472, 5246993; 612420, 5247194; 612443, 5247725; 612673, 5247814; 612768, 5247986; 612634, 5248045; 612515, 5248565; 612549, 5248687; 612732, 5248654; 612923, 5248818; 612914, 5249337; 612824, 5249335; 612875, 5249384; 614263, 5249765; 614924, 5249547; 615011, 5249440; 614951, 5249390; 615037, 5249331; 615154, 5248969; 615276, 5248935; 615433, 5248962; 615565, 5249086;

615534, 5249402; 615737, 5249588; 616112, 5249668; 616974, 5249710; 616974, 5249784; 617392, 5249439; and excluding land bound by 617403, 5247877; 616896, 5247681; 617675, 5247683; 617552, 5247847; 617403, 5247877; and excluding land bound by 616672, 5247657; 616361, 5247776; 616231, 5247747; 616191, 5247673; 616672, 5247657.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 616086, 5249765; 615519, 5249547; 615445, 5249594; 615253, 5249469; 615034, 5249477; 614907, 5249614; 614968, 5249755; 614913, 5250057; 615091, 5250280; 616068, 5250627; 616086, 5249765.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 614685, 5265791; 614861, 5265659; 615029, 5265736; 615368, 5265172; 615149, 5265192; 614413, 5265553; 614685, 5265791.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 610609, 5267020; 611271, 5266540; 611700, 5265931; 611804, 5265911; 611813, 5265663; 612601, 5265681; 612916, 5265608; 613346, 5265210; 614144, 5265080; 614349, 5265479; 614383, 5265347; 614315, 5265115; 614367, 5264934; 614576, 5264756; 614808, 5264712; 615030, 5264511; 615259, 5264564; 615547, 5264109; 615668, 5264099; 615860, 5264212; 616178, 5264073; 616357, 5264427; 616425, 5264454; 616856, 5264135; 617074, 5264127; 617109, 5263619; 617806, 5263318; 617919, 5263114; 618079, 5262996; 618395, 5262978; 618651, 5262886; 618502, 5262458; 618614, 5262327; 618870, 5262260; 619525, 5262212; 619800, 5262375; 620265, 5262166; 620833, 5262251; 621097, 5262389; 621320, 5262709; 621730, 5262839; 622480, 5263400; 622889, 5263518; 623709, 5264114; 623649, 5263728; 623795, 5263683; 623748, 5263426; 623414, 5263384; 622793, 5262934; 622121, 5262665; 621675, 5262007; 622118, 5261902; 622389, 5261642; 622691, 5262070; 623101, 5262176; 623745, 5262627; 624278, 5262638; 624609, 5263046; 624607, 5263143; 624748, 5263182; 624676, 5263033; 624692, 5262806; 624932, 5261601; 624531, 5261333; 624251, 5261339; 623661, 5261083; 623044, 5260961; 622456, 5260632; 621994, 5260489; 622005, 5259946; 621895, 5259768; 621597, 5259549; 621233, 5259485; 621004, 5259530; 620762, 5259669; 620582, 5259883; 620487, 5260146; 620523, 5260561; 620663, 5260803; 620938, 5261011; 620918, 5261127; 619295, 5261176; 618452, 5261414; 617604, 5261895; 616913, 5261881; 617022, 5261810;

616993, 5261445; 617104, 5261374; 617188, 5261413; 617275, 5261329; 617288, 5261257; 617228, 5261219; 617744, 5260962; 617637, 5260838; 617628, 5260705; 617484, 5260592; 617372, 5260141; 616924, 5260059; 616859, 5260252; 616551, 5260452; 616356, 5260485; 616166, 5260882; 616056, 5260892; 615864, 5260791; 615804, 5263411; 613078, 5263332; 612374, 5262894; 612229, 5262855; 612142, 5262938; 612009, 5262923; 611535, 5262381; 611480, 5262041; 611548, 5261402; 611514, 5261169; 611743, 5260594; 611624, 5260064; 612133, 5260949; 612039, 5261970; 612141, 5258540; 612040, 5257727; 612160, 5257459; 612671, 5256953; 612681, 5256578; 611863, 5256464; 612207, 5255357; 611131, 5255328; 610948, 5255453; 610743, 5256145; 610278, 5256922; 609493, 5256907; 609475, 5256495; 607919, 5256453; 607898, 5256891; 607118, 5256876; 606274, 5257698; 606190, 5263035; 605535, 5263035; 605506, 5264587; 605995, 5264752; 606918, 5265398; 606850, 5264960; 606670, 5264894; 606380, 5264939; 606307, 5264831; 606414, 5264665; 607068, 5264687; 607059, 5265778; 607380, 5265768; 608034, 5266031; 608107, 5266162; 608277, 5266177; 608361, 5266116; 608918, 5266275; 609646, 5266817; 609716, 5267004; 609874, 5266995; 610070, 5267236; 610368, 5267197; 610609, 5267020; and excluding land bound by 621260, 5260146; 621837, 5259866; 621907, 5259977; 621651, 5260057; 621404, 5260246; 621282, 5260256; 621260, 5260146.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 604170, 5276526; 604101, 5276512; 604140, 5277127; 604400, 5277235; 604348, 5277586; 604571, 5277587; 604577, 5277210; 604461, 5277127; 604510, 5276590; 604170, 5276526.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 606156, 5278431; 606166, 5277616; 604571, 5277598; 604566, 5277998; 604751, 5278183; 605007, 5278136; 605553, 5277862; 605971, 5278076; 606156, 5278431.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 612414, 5281723; 612422, 5281259; 612138, 5280922; 611839, 5280685; 611119, 5281118; 610318, 5281273; 610181, 5280859; 609875, 5280358; 610135, 5280048; 610391, 5279968; 610134, 5279467; 609862, 5279124; 609807, 5278844; 609526, 5278307; 609722, 5278202; 609821, 5278071; 610391, 5277960; 610979, 5277584; 611286, 5277300; 611529, 5277256; 611485, 5277013; 612005, 5277023; 612083, 5276722; 612366, 5276473;

612429, 5276329; 612760, 5276045;
613139, 5275835; 613345, 5275815;
613530, 5275710; 613396, 5275420;
612696, 5275095; 611821, 5275095;
611754, 5275433; 611543, 5275829;
610486, 5276765; 609743, 5277077;
609537, 5277098; 609215, 5276826;
609091, 5276993; 608958, 5277027;
608761, 5277204; 608463, 5277646;
607363, 5277626; 607259, 5277975;
607138, 5278021; 606829, 5278378;
606475, 5278541; 606071, 5278872;
605812, 5278810; 605867, 5279196;
606146, 5279199; 606119, 5281669;
606289, 5281902; 606462, 5282063;
607001, 5282278; 607566, 5282672;
608677, 5283046; 609198, 5283425;
609539, 5283528; 609772, 5283520;
610878, 5283339; 612202, 5282862;
612396, 5282711; 612414, 5281723; and
excluding land bound by 609317,
5279485; 609937, 5279493; 609920,
5279724; 609521, 5279730; 608992,
5280454; 608824, 5280464; 609327,
5279726; 608142, 5279717; 608147,
5279485; 609317, 5279485; and
excluding land bound by 608172,
5278816; 608175, 5278649; 608599,
5278669; 608597, 5278824; 608172,
5278816.

(H) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 619406, 5283260; 617911, 5283248;
617858, 5283358; 618469, 5283756;
618662, 5283773; 618448, 5284142;
618628, 5284158; 618560, 5284270;
618685, 5284437; 618680, 5284715;
618296, 5284701; 618209, 5284845;
618771, 5284995; 618802, 5285238;
618899, 5285240; 619017, 5284783;
619317, 5284958; 619362, 5284856;
619406, 5283260.

(I) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 619406, 5283260; 621015, 5283331;
620986, 5284129; 620163, 5284086;
620121, 5284897; 620532, 5284918;
620499, 5285317; 621709, 5285354;
621716, 5284968; 621807, 5284957;
624194, 5285124; 624217, 5284340;
625830, 5284419; 625872, 5283621;
626585, 5283613; 626639, 5282828;
627425, 5282833; 627383, 5283642;
631620, 5283686; 631953, 5284002;
631834, 5284107; 631430, 5284259;
631404, 5284879; 632190, 5284910;
632205, 5285309; 635348, 5285371;
635446, 5283752; 635639, 5283769;
635829, 5283435; 635790, 5283023;
635661, 5282862; 636052, 5282666;
636227, 5282440; 636241, 5281836;
636337, 5281366; 636229, 5281317;
636320, 5281039; 636519, 5280790;
636701, 5280782; 636655, 5280152;
636341, 5279104; 636344, 5278463;
636254, 5278158; 635917, 5278156;
635568, 5278556; 635540, 5279738;
635266, 5280083; 634785, 5279866;
634454, 5280738; 634227, 5280920;

633526, 5281969; 633194, 5282147;
632508, 5282304; 632036, 5282305;
631447, 5281918; 631027, 5281255;
630688, 5281271; 630715, 5280343;
630289, 5279192; 629730, 5278601;
629325, 5277746; 629096, 5277500;
629162, 5277412; 629006, 5277328;
628441, 5276698; 628257, 5276815;
627860, 5277278; 627492, 5276968;
627126, 5277129; 627286, 5277568;
626975, 5277936; 626318, 5278140;
625970, 5278023; 625921, 5280272;
625799, 5280282; 625404, 5280128;
625097, 5280236; 624808, 5281034;
624224, 5281490; 624094, 5281463;
623920, 5281344; 623653, 5280840;
623669, 5279925; 623463, 5279844;
623230, 5279972; 622845, 5279891;
622880, 5279408; 622985, 5279035;
623209, 5278737; 622899, 5278513;
622749, 5278219; 622831, 5277749;
622677, 5277601; 622687, 5277141;
622594, 5277006; 622645, 5276850;
622538, 5276799; 622461, 5276435;
622174, 5276271; 622166, 5276090;
622004, 5275747; 622008, 5275565;
621816, 5275452; 621657, 5274916;
621504, 5274694; 621532, 5274489;
621465, 5274208; 621677, 5273946;
621692, 5273764; 621450, 5273784;
620908, 5274173; 620882, 5274257;
621061, 5274406; 620922, 5274695;
620917, 5274937; 621058, 5275182;
621005, 5275424; 621137, 5275475;
621290, 5275684; 621288, 5275781;
621456, 5275930; 621465, 5276088;
621621, 5276175; 621892, 5276532;
621839, 5276760; 621922, 5277451;
622103, 5277867; 622041, 5277938;
622070, 5278301; 621794, 5278380;
621596, 5278618; 621605, 5278751;
621518, 5278858; 621363, 5279375;
621278, 5279410; 621237, 5279615;
620805, 5280066; 620695, 5280124;
620285, 5280079; 619630, 5279570;
619643, 5279498; 619379, 5279420;
618427, 5278639; 618234, 5278623;
618176, 5278489; 617888, 5278410;
617686, 5278225; 617589, 5278211;
617484, 5278063; 617209, 5277901;
617164, 5277730; 616975, 5277473;
616819, 5276853; 616576, 5276920;
616630, 5277236; 616701, 5277310;
616741, 5277698; 617125, 5278455;
617108, 5278685; 617204, 5278735;
617422, 5278715; 618340, 5279363;
618648, 5279684; 618852, 5279784;
618910, 5279894; 618995, 5279884;
619113, 5280032; 619211, 5279973;
619473, 5280148; 619457, 5280685;
620157, 5280467; 620206, 5280636;
619454, 5280865; 619406, 5283260; and
excluding land bound by 621479,
5282040; 621660, 5281992; 621710,
5283345; 621530, 5283354; 621526,
5282904; 621113, 5282934; 621117,
5282754; 621530, 5282698; 621479,
5282040; and excluding land bound by

627824, 5282842; 627845, 5282431;
628243, 5282452; 628235, 5282839;
627824, 5282842; and excluding land
bound by 620213, 5280906; 620383,
5280781; 620459, 5280860; 620288,
5281011; 620213, 5280906.

(J) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 640170, 5287625; 640246, 5287482;
640304, 5287590; 640847, 5286870;
641002, 5286319; 640715, 5286320;
640757, 5286067; 640997, 5286055;
640924, 5285856; 640492, 5285491;
639809, 5285476; 639812, 5285863;
639412, 5285865; 639410, 5285466;
638576, 5285447; 638260, 5284980;
637530, 5284648; 637090, 5284323;
636612, 5285110; 636327, 5285394;
636968, 5285409; 636990, 5285990;
638091, 5285460; 638308, 5285489;
638617, 5285738; 638581, 5286257;
636188, 5286189; 636182, 5285390;
635529, 5285375; 635612, 5285449;
635503, 5285447; 635512, 5285592;
635911, 5285602; 635902, 5286001;
635406, 5286001; 635166, 5285923;
634621, 5285958; 634297, 5285842;
634101, 5285922; 633767, 5285733;
633751, 5286942; 637164, 5287060;
637876, 5287289; 638276, 5287498;
638854, 5288005; 639346, 5288186;
639540, 5288154; 639786, 5287991;
640170, 5287625.

(K) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 616536, 5305238; 616457, 5305228;
616532, 5305432; 616536, 5305238.

(L) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 616893, 5305098; 616973, 5304980;
616766, 5305015; 616430, 5304884;
616436, 5305077; 616955, 5305355;
616927, 5305535; 617137, 5305876;
617264, 5305896; 617051, 5305729;
617043, 5305448; 616922, 5305323;
616893, 5305098.

(M) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 628800, 5309744; 629058, 5309793;
629071, 5309608; 628936, 5309654;
628579, 5309397; 628439, 5309449;
628032, 5309116; 627544, 5309170;
627134, 5308954; 626784, 5308967;
626645, 5308715; 626391, 5308637;
626377, 5308495; 626433, 5308441;
626343, 5308284; 626344, 5308080;
626163, 5307892; 626255, 5307747;
626207, 5307566; 625991, 5307312;
625973, 5307194; 625894, 5307165;
625610, 5306427; 625145, 5305936;
624985, 5305650; 625255, 5305534;
625207, 5305456; 625309, 5305416;
625502, 5305539; 625640, 5305440;
625536, 5305188; 625253, 5304835;
625542, 5304597; 625957, 5304827;
626327, 5304770; 626351, 5304479;
626672, 5303995; 626844, 5303987;
627101, 5304103; 627266, 5304078;
627053, 5303703; 627071, 5303538;

- 627186, 5303399; 627296, 5303372;
627551, 5303542; 628061, 5303453;
628271, 5303058; 628616, 5302812;
628846, 5303067; 628825, 5302313;
629196, 5302104; 629258, 5301910;
629193, 5300579; 629468, 5300152;
629440, 5299980; 629294, 5299823;
629180, 5299718; 628866, 5299600;
628606, 5299293; 628190, 5299200;
627292, 5299237; 626051, 5299690;
625391, 5300350; 624870, 5301064;
624564, 5301641; 624198, 5302102;
624101, 5302132; 624299, 5302406;
623823, 5303439; 623886, 5304006;
623817, 5304236; 623894, 5304515;
623908, 5305002; 623654, 5305160;
624156, 5305059; 624262, 5305157;
624268, 5305410; 623476, 5305332;
623466, 5305200; 623619, 5305167;
623233, 5305031; 622901, 5305027;
622084, 5305278; 621742, 5305278;
621631, 5305438; 621508, 5305394;
621415, 5305506; 621205, 5305480;
620681, 5305673; 620431, 5305619;
620201, 5305867; 619760, 5305985;
619406, 5305995; 619008, 5306186;
618801, 5306006; 618546, 5306015;
618550, 5305860; 617841, 5305942;
617398, 5305917; 617581, 5305945;
617566, 5306101; 616978, 5306017;
616806, 5305592; 616538, 5305446;
616573, 5305537; 616816, 5305701;
616841, 5306256; 616986, 5306352;
617060, 5306289; 616948, 5306293;
616878, 5306220; 616880, 5306075;
617314, 5306084; 617310, 5306277;
617738, 5306265; 617734, 5306408;
618275, 5306311; 618771, 5306316;
619335, 5306446; 619520, 5306395;
619666, 5306621; 619768, 5306592;
619623, 5306366; 620546, 5306139;
620754, 5306132; 620801, 5306249;
621308, 5305825; 621987, 5305761;
622555, 5305604; 622553, 5305646;
623070, 5305582; 623220, 5305454;
623516, 5305527; 623726, 5305495;
624415, 5305577; 624765, 5305848;
625040, 5306238; 625631, 5307421;
625787, 5307596; 625911, 5308043;
625931, 5308575; 626066, 5308848;
626115, 5309288; 626771, 5309313;
626770, 5309479; 627086, 5309398;
627251, 5309454; 627711, 5309443;
628042, 5309276; 628114, 5309457;
628153, 5309366; 628343, 5309503;
628437, 5309829; 628800, 5309744.
- (N) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 612715, 5324568; 612761, 5324074;
612401, 5323960; 612305, 5323868;
612274, 5323720; 612432, 5323122;
612687, 5322918; 613251, 5322622;
614198, 5322320; 614747, 5322226;
615332, 5321958; 615529, 5321661;
615605, 5321405; 615690, 5320620;
615896, 5320324; 616276, 5320273;
616580, 5320367; 616633, 5320472;
616724, 5321766; 616807, 5322052;
616953, 5322232; 616814, 5321603;
616841, 5321532; 616963, 5321535;
617007, 5320969; 616792, 5320463;
616843, 5319859; 616812, 5319768;
616722, 5319785; 616710, 5319727;
617241, 5318302; 617454, 5317934;
617311, 5317971; 617219, 5317777;
617581, 5317689; 617628, 5317774;
618146, 5317509; 618201, 5317329;
618515, 5316951; 618612, 5316634;
618699, 5316559; 618421, 5316180;
617718, 5315852; 617485, 5315566;
616720, 5315301; 616051, 5315361;
615876, 5315451; 615545, 5316139;
615532, 5316769; 615373, 5316777;
615163, 5317705; 615000, 5318107;
614856, 5318135; 614646, 5318509;
613976, 5319215; 613850, 5319289;
613369, 5319321; 613119, 5319789;
612515, 5320145; 612524, 5320426;
612412, 5321068; 612108, 5321689;
611945, 5321806; 611957, 5322294;
611444, 5322669; 611185, 5323050;
610845, 5323175; 610418, 5323509;
610056, 5323685; 609931, 5323802;
609814, 5324132; 609855, 5324305;
610087, 5324506; 610633, 5324543;
610968, 5324679; 611160, 5324843;
611241, 5324922; 611357, 5325347;
611741, 5325844; 612079, 5325699;
612414, 5325457; 612671, 5325063;
612715, 5324568; and excluding land
bound by 617096, 5317403; 617459,
5317326; 617528, 5317484; 617119,
5317475; 617096, 5317403.
- (O) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 604887, 5330192; 604635, 5330169;
604637, 5330278; 605327, 5330326;
604887, 5330192.
- (P) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 625818, 5329918; 626031, 5329620;
628118, 5327554; 628287, 5327182;
628633, 5326979; 629193, 5326198;
628977, 5325998; 628572, 5326036;
628454, 5325986; 628340, 5325770;
628154, 5325599; 628011, 5325596;
628021, 5325145; 627902, 5325142;
627644, 5324994; 627498, 5325110;
627451, 5325085; 627461, 5324658;
627295, 5324606; 627298, 5324488;
627591, 5324185; 627711, 5324140;
627618, 5324019; 627693, 5323855;
628055, 5323649; 628088, 5323298;
628376, 5323117; 628483, 5322920;
628467, 5322759; 628392, 5322680;
628607, 5322562; 628728, 5322295;
628560, 5322027; 628501, 5321781;
628624, 5321475; 629303, 5321058;
629548, 5321031; 629806, 5320722;
630232, 5320660; 630594, 5320095;
631141, 5319851; 631601, 5319443;
631881, 5319308; 632461, 5318755;
632694, 5318696; 632860, 5318745;
633104, 5318513; 633414, 5318462;
633810, 5318555; 633795, 5317821;
633727, 5317658; 633183, 5317212;
632432, 5316413; 631049, 5316861;
630832, 5316375; 630449, 5316138;
628393, 5316057; 628240, 5316414;
628081, 5316543; 627814, 5316657;
627653, 5316846; 627374, 5316948;
627128, 5317195; 626445, 5317589;
626398, 5317846; 626498, 5317996;
626544, 5318235; 626677, 5318354;
626731, 5318516; 626548, 5318641;
626639, 5319184; 626795, 5319451;
626635, 5319673; 626756, 5319747;
626753, 5319869; 626924, 5320021;
626794, 5320340; 626815, 5320572;
626863, 5321011; 627047, 5321163;
626835, 5321416; 626823, 5321673;
627031, 5321594; 627066, 5322065;
627009, 5322296; 627122, 5322408;
627076, 5322484; 627113, 5322542;
627327, 5322760; 627381, 5322947;
626454, 5322953; 626410, 5324948;
625619, 5324930; 626510, 5325304;
625199, 5325295; 625180, 5326144;
624800, 5326136; 624774, 5327320;
622006, 5327265; 622002, 5327188;
621896, 5327295; 621412, 5327046;
621362, 5326981; 621428, 5326615;
621348, 5326459; 621461, 5325998;
621447, 5325489; 621647, 5324850;
620657, 5324816; 620338, 5324989;
620098, 5324425; 619959, 5324621;
619797, 5324663; 619319, 5323797;
619323, 5323617; 619469, 5323388;
620172, 5322701; 620380, 5322596;
620453, 5322488; 621114, 5322186;
621216, 5322201; 621218, 5322130;
621629, 5321882; 621787, 5321711;
621929, 5321701; 621932, 5321592;
622256, 5321194; 622099, 5320991;
621926, 5320961; 621615, 5320767;
621529, 5320849; 621525, 5321068;
621389, 5321084; 621218, 5321261;
620965, 5321346; 620863, 5321318;
620621, 5321506; 620350, 5321546;
620056, 5321720; 619416, 5321861;
618844, 5322455; 618439, 5322730;
618148, 5322801; 618082, 5323218;
617752, 5323259; 618251, 5323492;
618653, 5324437; 619073, 5325016;
619277, 5325456; 619755, 5325817;
620055, 5326668; 620244, 5327026;
620593, 5327366; 620808, 5327704;
620957, 5328125; 621327, 5328457;
621594, 5328963; 621835, 5329138;
622752, 5329497; 623185, 5329796;
623648, 5329928; 624128, 5330279;
624367, 5330344; 624937, 5330298;
625773, 5330101; 625818, 5329918.
- (Q) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 597035, 5330771; 597134, 5330629;
597099, 5330556; 596992, 5330470;
596836, 5330456; 596718, 5330334;
596718, 5329626; 596613, 5329519;
596230, 5329402; 596208, 5329282;
596526, 5328952; 596565, 5328748;
596865, 5328789; 597661, 5328587;
597710, 5328504; 597928, 5328424;
598346, 5328539; 598719, 5328497;
598721, 5327682; 598468, 5327726;

598072, 5327671; 597615, 5327747;
597054, 5327656; 597053, 5327582;
596285, 5327569; 596314, 5325962;
596721, 5325969; 596735, 5325154;
597131, 5325161; 597117, 5325976;
597933, 5325990; 597940, 5325594;
598360, 5325601; 598334, 5327100;
599294, 5327116; 599306, 5326457;
599566, 5326689; 599769, 5326717;
599863, 5326850; 599983, 5326888;
600265, 5327253; 600390, 5327663;
600591, 5327810; 600879, 5327839;
601230, 5327653; 600944, 5327564;
600826, 5327442; 600736, 5327045;
600763, 5326901; 600407, 5326656;
600350, 5326451; 600267, 5326389;
599920, 5326336; 600417, 5326068;
600636, 5325868; 600696, 5325893;
600831, 5326435; 601006, 5326702;
601233, 5326802; 601617, 5326772;
601652, 5326857; 602304, 5326868;
602307, 5327233; 602471, 5327090;
602340, 5326913; 602336, 5326728;
602535, 5326125; 602317, 5326100;
602325, 5325682; 602660, 5325688;
602974, 5325413; 603915, 5325278;
603893, 5325089; 603731, 5324897;
603523, 5324893; 603526, 5324721;
603379, 5324622; 602539, 5324392;
602223, 5324096; 601986, 5323978;
601632, 5323987; 601261, 5324292;
601092, 5324284; 600893, 5324026;
600670, 5323905; 600543, 5323925;
600316, 5324334; 600143, 5324468;
599654, 5324486; 599266, 5324652;
598727, 5324165; 598279, 5324247;
597874, 5324235; 597739, 5324353;
598393, 5324367; 598379, 5325182;
597587, 5325169; 597556, 5325576;
597340, 5325572; 597347, 5325165;
597575, 5325168; 597587, 5324460;
596852, 5324729; 596463, 5324636;
596204, 5324440; 595973, 5324423;
594951, 5324785; 594737, 5324950;
594521, 5325436; 594780, 5325743;
594783, 5325529; 595180, 5325535;
595159, 5326758; 595087, 5326756;
595432, 5327292; 595645, 5328125;
595974, 5328789; 596157, 5329808;
596572, 5330250; 596631, 5330531;
596857, 5330991; 597035, 5330771; and
excluding land bound by 601149,
5324654; 601153, 5324438; 601573,
5324445; 601569, 5324661; 601149,
5324654.

(R) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 591085, 5339284; 591266, 5339167;
591427, 5338882; 591466, 5338860;
591269, 5338246; 591284, 5338019;
590063, 5337988; 590005, 5337856;
589778, 5337852; 589697, 5337648;
589458, 5337608; 589233, 5337449;
589125, 5337447; 589004, 5337577;
588801, 5337538; 588490, 5336732;
588472, 5336361; 588595, 5336160;
588993, 5335951; 588782, 5335660;
589326, 5335322; 589518, 5335289;

589790, 5335484; 589997, 5335296;
590546, 5335276; 591072, 5335444;
592952, 5335014; 593500, 5334951;
593654, 5334772; 593820, 5334409;
593912, 5333658; 593737, 5332530;
593706, 5331418; 592930, 5330662;
592567, 5330497; 592212, 5330439;
591522, 5330498; 590910, 5330682;
590611, 5330911; 590172, 5331016;
589718, 5330970; 589150, 5330644;
586310, 5330597; 586216, 5335430;
584689, 5335401; 584614, 5338755;
584672, 5338887; 584963, 5338675;
585141, 5338773; 585464, 5338814;
585969, 5338642; 586102, 5338573;
586397, 5338099; 586527, 5338221;
586827, 5338165; 587150, 5338218;
588053, 5338675; 588050, 5338866;
588204, 5338940; 588587, 5338946;
589004, 5339084; 589161, 5339027;
589627, 5339094; 590079, 5339268;
590224, 5339175; 590435, 5339477;
591085, 5339284.

(S) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 601767, 5338459; 601772, 5338208;
601496, 5338215; 601250, 5337923;
600958, 5338146; 601006, 5338416;
601306, 5338649; 601896, 5340031;
601806, 5340401; 601905, 5340906;
601987, 5341015; 601854, 5341815;
602434, 5341826; 602477, 5339538;
602398, 5339297; 602424, 5339166;
602317, 5339140; 602036, 5338883;
601767, 5338459.

(T) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 592677, 5342425; 592889, 5342201;
593141, 5342182; 593132, 5342002;
593612, 5341914; 593792, 5341941;
593898, 5342027; 593896, 5342110;
594991, 5342150; 594999, 5342070;
594153, 5341840; 593882, 5341535;
593307, 5341574; 593005, 5341688;
592751, 5341708; 592383, 5341936;
592538, 5342160; 592558, 5342388;
592677, 5342425.

(U) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 604013, 5343139; 604028, 5342396;
604854, 5342412; 604871, 5341520;
605611, 5341534; 605270, 5341482;
605276, 5341167; 605669, 5341174;
605624, 5342138; 605866, 5342178;
606142, 5342130; 606384, 5341990;
606563, 5341776; 606671, 5341374;
606622, 5341098; 606483, 5340856;
606249, 5340668; 606596, 5340238;
606693, 5339846; 606468, 5339722;
606440, 5339552; 606923, 5339394;
607080, 5338981; 606972, 5338826;
607602, 5337502; 607697, 5337106;
608315, 5336543; 608170, 5336099;
610135, 5336159; 610300, 5336498;
610556, 5336697; 610619, 5336832;
610691, 5336815; 611205, 5337114;
611599, 5337053; 611727, 5336808;
611797, 5335472; 612043, 5335073;
612551, 5334655; 613344, 5334196;

613506, 5334414; 613931, 5334541;
614101, 5334378; 614068, 5333665;
614551, 5333294; 615028, 5333185;
615296, 5332858; 615706, 5332558;
615993, 5331860; 615770, 5331581;
615856, 5330939; 616162, 5330029;
616140, 5329582; 615831, 5329288;
615624, 5329246; 614721, 5329591;
614277, 5329575; 613215, 5329387;
612360, 5329438; 612058, 5329562;
611601, 5330072; 610913, 5330228;
610354, 5329917; 610053, 5329379;
609447, 5329107; 609133, 5329133;
608934, 5329282; 608877, 5329398;
608831, 5330603; 608751, 5331093;
608468, 5331550; 608061, 5331876;
607692, 5331919; 607428, 5331803;
606176, 5330625; 605416, 5330353;
605383, 5330739; 603324, 5330697;
603356, 5332483; 602876, 5332473;
602597, 5332707; 601190, 5332679;
600806, 5332980; 600289, 5333107;
600184, 5333207; 600451, 5333590;
600693, 5333458; 600900, 5333428;
601721, 5333582; 601894, 5333517;
602443, 5333528; 602647, 5333601;
602811, 5333981; 602770, 5334289;
602867, 5334600; 602831, 5334702;
602966, 5334808; 602962, 5334980;
602854, 5335218; 602922, 5335288;
603025, 5335255; 603367, 5335331;
603736, 5335750; 603805, 5335752;
603905, 5335891; 604076, 5335894;
604447, 5336245; 604578, 5336522;
604680, 5336593; 604744, 5336800;
604667, 5337245; 604700, 5337280;
604839, 5337214; 605036, 5337664;
605337, 5338048; 605397, 5338461;
605325, 5338631; 605392, 5338701;
604629, 5339097; 604111, 5339258;
603861, 5339699; 603721, 5339834;
603778, 5340453; 603498, 5340687;
603313, 5341370; 603103, 5341537;
603066, 5341673; 602669, 5342206;
602585, 5342217; 602517, 5342416;
601628, 5342427; 601652, 5342315;
601582, 5342314; 601140, 5342977;
600461, 5342750; 599917, 5343079;
604013, 5343139; and excluding land
bound by 602024, 5342619; 602424,
5342601; 602349, 5342799; 601477,
5342831; 601529, 5342629; 602024,
5342619.

(V) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 617835, 5349743; 617819, 5349608;
618373, 5349619; 618406, 5349160;
618884, 5348537; 619115, 5348350;
619477, 5348178; 620029, 5348082;
620285, 5348386; 620397, 5348771;
620670, 5349123; 620783, 5349962;
620739, 5350273; 620879, 5350176;
622179, 5349807; 622849, 5349728;
622998, 5349774; 623927, 5347713;
626414, 5348198; 626496, 5348283;
626782, 5348301; 626991, 5348581;
627277, 5348635; 627441, 5348782;
627586, 5348702; 627919, 5348745;

628270, 5348900; 628010, 5348471;
627979, 5348301; 628024, 5348175;
628168, 5348056; 628481, 5348140;
628711, 5348292; 629685, 5348533;
630055, 5348719; 631783, 5347604;
631936, 5347414; 631655, 5347179;
631645, 5347097; 631908, 5347103;
631923, 5346984; 632263, 5346753;
633187, 5346583; 633465, 5346458;
634197, 5345782; 634646, 5346020;
634668, 5344807; 634144, 5344794;
632647, 5343414; 631769, 5343333;
630970, 5343061; 630619, 5342752;
630621, 5342571; 630719, 5342395;
630633, 5342382; 630146, 5341848;
629782, 5341602; 629554, 5341145;
629483, 5341120; 629245, 5341139;
628670, 5341340; 627790, 5341321;
627373, 5340789; 626755, 5340775;
626757, 5340680; 626596, 5340455;
626152, 5340519; 625906, 5341513;
625763, 5341819; 625195, 5342289;
624408, 5342364; 624353, 5342320;
624340, 5341896; 624631, 5340975;
624625, 5340616; 624555, 5340403;
624371, 5340012; 623938, 5339706;
623504, 5339583; 623422, 5339492;
623372, 5339241; 623470, 5339084;
623836, 5338800; 624164, 5338652;
624546, 5338585; 624616, 5338480;
623951, 5338528; 623924, 5338693;
623781, 5338714; 623707, 5338831;
622997, 5338673; 622636, 5338855;
622911, 5337998; 620949, 5337958;
620888, 5338365; 620687, 5338337;
620649, 5337995; 619910, 5338391;
619727, 5338876; 619904, 5339647;
619854, 5340021; 620030, 5339678;
620508, 5339545; 620239, 5339944;
620062, 5340510; 619872, 5340459;
619689, 5340303; 619486, 5340700;
619254, 5340989; 619175, 5341388;
618871, 5341937; 618455, 5342478;
618268, 5342630; 616214, 5342829;
616086, 5343175; 615646, 5343759;
615310, 5343875; 614639, 5343721;
614324, 5343467; 613990, 5343024;
613744, 5343021; 613473, 5343253;
613322, 5343552; 613089, 5343728;
612948, 5343937; 612651, 5344978;
612613, 5345764; 612330, 5346637;
611713, 5347672; 611639, 5347900;
611598, 5348173; 611757, 5349109;
612074, 5350035; 612071, 5350302;
618156, 5350430; 618292, 5350031;
617733, 5350025; 617819, 5349917;
617835, 5349743; and excluding land
bound by 618100, 5348139; 618236,
5348419; 618113, 5348416; 618105,
5348815; 617777, 5348802; 617710,
5348601; 617759, 5348454; 618100,
5348139; and excluding land bound by
627760, 5346589; 627778, 5345786;
628190, 5345795; 628166, 5346599;
627760, 5346589; and excluding land
bound by 622022, 5340814; 622431,
5339540; 622922, 5339883; 623443,
5340013; 624415, 5340130; 624385,

5340390; 624241, 5340459; 624186,
5340790; 623807, 5340758; 623466,
5340853; 623466, 5340437; 623305,
5340499; 623099, 5340219; 622987,
5340219; 622987, 5340271; 622897,
5340271; 622741, 5340547; 622505,
5340497; 622505, 5340808; 622867,
5340779; 623159, 5340863; 622425,
5340846; 621920, 5341097; 622022,
5340814.

(W) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 619323, 5365876; 619901, 5365828;
620504, 5365998; 621546, 5366527;
621581, 5361891; 621127, 5362072;
620515, 5362089; 620455, 5362008;
620443, 5361779; 620507, 5361643;
620791, 5361483; 620530, 5361461;
620277, 5361725; 620199, 5362440;
619995, 5362820; 619135, 5362791;
617447, 5363022; 617358, 5362632;
617544, 5362278; 617508, 5361864;
617688, 5361799; 617708, 5361484;
617332, 5361180; 617251, 5360840;
617434, 5359849; 617384, 5359552;
617206, 5359433; 616717, 5359499;
615944, 5359321; 615391, 5359535;
615232, 5359701; 615124, 5359989;
614876, 5360142; 614464, 5360993;
614512, 5361198; 614732, 5361416;
614711, 5363162; 614650, 5363672;
614463, 5364199; 614020, 5364741;
613943, 5365173; 613966, 5365662;
614377, 5366531; 614405, 5367678;
614454, 5367804; 614675, 5367950;
615045, 5368002; 615047, 5368092;
615324, 5368348; 615332, 5369104;
615536, 5369527; 616891, 5369247;
617182, 5369014; 617574, 5367220;
617781, 5366904; 618385, 5366137;
619323, 5365876.

(X) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 582326, 5371814; 582342, 5370988;
583167, 5371004; 583179, 5370219;
584774, 5370244; 584790, 5369445;
594270, 5369503; 594339, 5367561;
595137, 5367575; 595132, 5367993;
595954, 5368009; 595956, 5364636;
597610, 5364669; 597802, 5364609;
597865, 5364675; 602360, 5364711;
602425, 5359971; 602450, 5359913;
602676, 5359917; 602716, 5359703;
603181, 5359712; 603280, 5357816;
603165, 5357551; 602907, 5357307;
602478, 5356630; 602014, 5356502;
601893, 5357862; 601411, 5358714;
601174, 5359366; 600771, 5359216;
600608, 5359022; 600540, 5358603;
600099, 5357867; 599784, 5356750;
599541, 5356244; 599443, 5355716;
599414, 5354628; 599559, 5354511;
600809, 5354091; 601051, 5353904;
601169, 5353666; 600562, 5353655;
600564, 5353539; 600364, 5353569;
600133, 5353756; 599534, 5353866;
599082, 5353750; 598283, 5353677;
597702, 5353428; 597247, 5353468;
596910, 5353618; 596709, 5353507;

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596194, 5352195; 595717, 5351434;
595456, 5351322; 594655, 5350651;
594934, 5350393; 595734, 5350419;
595843, 5350337; 595871, 5349427;
594345, 5349397; 594327, 5350288;
592610, 5350254; 592626, 5349364;
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586441, 5350006; 586362, 5354077;
586424, 5354142; 586178, 5360245;
586241, 5360310; 586222, 5361264;
585785, 5361256; 585779, 5361649;
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583073, 5359548; 578239, 5359454;
578223, 5360268; 579845, 5360300;
579833, 5361133; 579428, 5361116;
579434, 5360711; 578215, 5360694;
578176, 5362697; 576649, 5362668;
576597, 5366736; 577313, 5366707;
577318, 5366314; 577735, 5366332;
577741, 5365915; 578539, 5365926;
578533, 5366343; 578140, 5366338;
578123, 5366730; 578087, 5369250;
578308, 5369256; 578362, 5371747;
581509, 5371798; 581514, 5371410;
581907, 5371416; 581902, 5371806;
582326, 5371814; and excluding land
bound by 580540, 5365990; 580575,
5364371; 580980, 5364376; 580945,
5365995; 580540, 5365990; and
excluding land bound by 581384,
5363572; 581394, 5361977; 582991,
5361987; 582992, 5362797; 582194,
5362786; 582183, 5363571; 581384,
5363572; and excluding land bound by
587969, 5362612; 587969, 5361814;
588779, 5361826; 588779, 5362612;
587969, 5362612; and excluding land
bound by 587570, 5362201; 587564,
5362593; 586741, 5362593; 586748,
5362188; 586200, 5362179; 586206,
5361775; 587159, 5361789; 587165,
5362194; 587570, 5362201; and
excluding land bound by 582221,
5360821; 582226, 5360405; 582619,
5360422; 582614, 5360827; 582221,
5360821; and excluding land bound by
587208, 5350062; 587996, 5350081;
587989, 5350504; 587201, 5350480;
587208, 5350062; and excluding land
bound by 589882, 5350139; 589889,
5349710; 590307, 5349716; 590300,
5350146; 589882, 5350139.

(Y) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 627489, 5377919; 628255, 5377892;
628723, 5377475; 628970, 5377052;
629450, 5376735; 629866, 5376676;
630296, 5376771; 630659, 5376582;
631528, 5376570; 631746, 5376543;
631868, 5376459; 631791, 5375008;
631313, 5372068; 632915, 5371369;
633837, 5371260; 634443, 5371274;
634696, 5371200; 634960, 5370956;
635372, 5370914; 636162, 5370962;
636373, 5370711; 636566, 5370639;
637588, 5370417; 637768, 5370456;

- 638065, 5370253; 638292, 5369814;
638540, 5369059; 638954, 5368245;
639005, 5367984; 638558, 5367775;
637840, 5367675; 637395, 5368344;
637142, 5368457; 636945, 5368726;
636657, 5368314; 636290, 5368735;
636109, 5368826; 635822, 5368843;
635620, 5368814; 635364, 5368558;
634938, 5368417; 633687, 5368386;
633619, 5368230; 633559, 5368076;
629859, 5367962; 629821, 5368545;
629693, 5368936; 629728, 5369437;
629019, 5369933; 628745, 5369927;
628409, 5370051; 628028, 5370019;
627454, 5370114; 627325, 5370015;
627028, 5369961; 626745, 5370422;
626998, 5371182; 626884, 5371641;
625852, 5372187; 625636, 5372438;
625547, 5372765; 626071, 5373432;
626083, 5373530; 625900, 5373960;
625141, 5374749; 625063, 5375187;
624964, 5375290; 624907, 5379638;
627489, 5377919; and excluding land
bound by 628331, 5374779; 628333,
5374684; 628689, 5374692; 628693,
5375084; 628386, 5374970; 628331,
5374779.
- (Z) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 576867, 5404088; 577013, 5403974;
578257, 5404042; 578333, 5403975;
578209, 5403420; 578391, 5403380;
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578951, 5402362; 578168, 5402282;
577847, 5401920; 577890, 5401118;
577766, 5401023; 577534, 5401019;
577491, 5400931; 577347, 5400941;
577337, 5400728; 577137, 5400669;
577139, 5400073; 577901, 5399894;
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578650, 5399727; 579446, 5399607;
580687, 5399909; 580921, 5400114;
581179, 5400562; 581585, 5399539;
581422, 5399078; 581817, 5398956;
581886, 5398882; 581738, 5398560;
581717, 5398347; 581493, 5398249;
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579898, 5396993; 579147, 5396390;
578632, 5396774; 578191, 5396922;
577374, 5397693; 575820, 5397755;
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575280, 5398198; 575431, 5398413;
575318, 5398850; 575262, 5399454;
575377, 5399802; 576437, 5399823;
576371, 5400169; 576330, 5403070;
575739, 5403062; 575734, 5403412;
576591, 5403881; 576805, 5404136;
576867, 5404088.
- (AA) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 606339, 5404845; 607229, 5403165;
607225, 5396894; 606873, 5396862;
606571, 5396572; 605803, 5396391;
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604867, 5396955; 604760, 5397000;
604345, 5396980; 603978, 5397166;
604005, 5396346; 602804, 5396332;
602803, 5395753; 602904, 5395400;
603076, 5395118; 603008, 5394951;
602525, 5394764; 602468, 5394656;
602404, 5394275; 602526, 5394064;
602567, 5393804; 602454, 5393482;
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604692, 5389060; 604745, 5388959;
604740, 5388591; 604971, 5388323;
605182, 5387177; 605740, 5387128;
606851, 5387362; 607041, 5387342;
607233, 5387203; 607286, 5386908;
607072, 5386476; 607052, 5386297;
607203, 5385848; 607126, 5385502;
607154, 5385265; 607369, 5385257;
607562, 5385094; 607795, 5384718;
607886, 5384304; 608068, 5384105;
608449, 5383446; 608692, 5383154;
608920, 5383027; 609276, 5382463;
609210, 5382153; 609060, 5381948;
609041, 5381698; 609190, 5381356;
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609604, 5380418; 609549, 5380375;
608620, 5380119; 607329, 5380181;
606969, 5380267; 606786, 5380216;
606414, 5380278; 605782, 5380201;
605484, 5380248; 605429, 5380281;
605405, 5382212; 602254, 5382212;
602255, 5382059; 601890, 5382054;
600950, 5382493; 600393, 5383215;
600156, 5383745; 600546, 5383753;
600578, 5385332; 601719, 5385353;
601712, 5385757; 600587, 5385744;
600583, 5386547; 600103, 5386549;
600099, 5386917; 599292, 5386892;
599321, 5385703; 598181, 5385660;
598188, 5385249; 597463, 5385243;
597435, 5386683; 597495, 5386875;
598258, 5386890; 598223, 5388671;
597319, 5388662; 597317, 5388778;
597541, 5389529; 597571, 5389850;
597719, 5390232; 597664, 5390658;
597805, 5390755; 597708, 5390848;
597729, 5391015; 597752, 5391074;
597894, 5391077; 598219, 5391509;
598533, 5392546; 598476, 5393079;
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582729, 5396014; 582787, 5396074;
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584149, 5396321; 584157, 5396571;
584467, 5396481; 584518, 5396268;
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584313, 5394969; 584482, 5394757;
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584637, 5393975; 586217, 5393893;
586374, 5393741; 586460, 5393540;
586892, 5393297; 587154, 5393206;
587296, 5393220; 587715, 5393024;
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588238, 5393168; 588381, 5393091;
588459, 5393136; 588741, 5392911;
588956, 5392994; 589299, 5392792;
589632, 5392400; 589811, 5392328;
589956, 5392500; 590104, 5392859;
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589840, 5393440; 589546, 5393647;
589226, 5393766; 589083, 5393931;
588754, 5394085; 588618, 5394259;
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590374, 5396109; 591384, 5396598;
590924, 5396930; 590515, 5397122;
590172, 5397625; 590064, 5398069;
589720, 5398405; 590126, 5398352;
590652, 5398087; 591114, 5398166;
591219, 5398322; 591702, 5398532;
592074, 5398507; 592320, 5398677;
592521, 5398716; 592912, 5398747;
593043, 5398690; 593187, 5399973;
594206, 5402191; 596143, 5402606;
596653, 5402803; 596997, 5402847;
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597737, 5402878; 597910, 5402643;
598017, 5402632; 598026, 5402482;
598197, 5402341; 598466, 5402377;
598496, 5402823; 598418, 5402990;
598448, 5403079; 599251, 5403425;
599447, 5403717; 599628, 5403751;

600023, 5404454; 600022, 5404523;
599851, 5404614; 599886, 5404759;
606339, 5404845.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 599145, 5422279; 599176, 5421893; 598998, 5421890; 598982, 5422128; 598472, 5422131; 598392, 5421951; 597709, 5421498; 598220, 5420878; 598521, 5420657; 598212, 5420676; 598082, 5420590; 597946, 5420208; 597973, 5420065; 597857, 5419885; 597981, 5419566; 597928, 5419370; 597964, 5419185; 598138, 5418795; 598419, 5418491; 598300, 5418287; 598722, 5417926; 598905, 5417632; 599120, 5417552; 599262, 5417590; 599414, 5417736; 599497, 5418019; 600387, 5418490; 600470, 5418479; 600538, 5418706; 600723, 5418579; 601137, 5418682; 601390, 5418608; 601801, 5418128; 601958, 5417438; 601819, 5417257; 601249, 5416826; 601523, 5416258; 601749, 5416031; 601807, 5415846; 601843, 5415080; 601997, 5414235; 601996, 5413883; 601916, 5413570; 601733, 5413544; 601609, 5413816; 601431, 5413777; 601240, 5413844; 600838, 5414360; 600634, 5414511; 600082, 5414822; 599831, 5414925; 599713, 5414887; 599507, 5415110; 599436, 5415085; 599345, 5414845; 599480, 5414108; 599438, 5413771; 599595, 5413471; 599523, 5413125; 599540, 5412651; 599824, 5411888; 599480, 5411660; 599069, 5411595; 598508, 5412070; 598367, 5412254; 598256, 5412639; 598058, 5412811; 597627, 5413413;

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596374, 5414437; 596117, 5415122;
595644, 5415590; 595534, 5415582;
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591419, 5414374; 591456, 5411152;
587911, 5411093; 588382, 5412811;
588717, 5413240; 588758, 5413545;
588614, 5414058; 588428, 5414343;
588269, 5414755; 587952, 5415305;
587807, 5415441; 587419, 5415549;
587352, 5414079; 587243, 5414309;
586185, 5414292; 586111, 5415304;
585985, 5415376; 585807, 5415406;
585071, 5415269; 584501, 5415114;
584236, 5414927; 583887, 5414850;
583403, 5414451; 583295, 5414117;
583275, 5413925; 583402, 5413505;
583683, 5413208; 583661, 5412894;
583324, 5412743; 582972, 5413079;
582623, 5412856; 582415, 5412886;
581468, 5413704; 581235, 5413965;
581056, 5414360; 580672, 5414595;
580443, 5414952; 579002, 5415786;
579359, 5415797; 579355, 5416974;
579234, 5417116; 579104, 5417066;
579058, 5416934; 578941, 5416873;
578950, 5416172; 578737, 5416169;
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578133, 5418247; 578305, 5418464;
578454, 5418862; 579371, 5419545;
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582411, 5419347; 582790, 5419367;
583508, 5419536; 584165, 5419495;
584371, 5419407; 584829, 5419360;
585733, 5419456; 586114, 5419568;
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587565, 5419957; 587349, 5419556;
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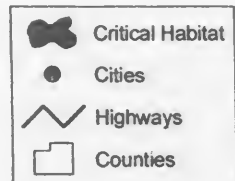
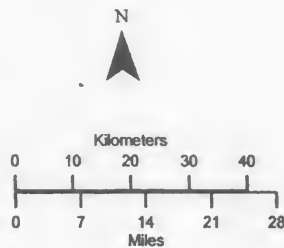
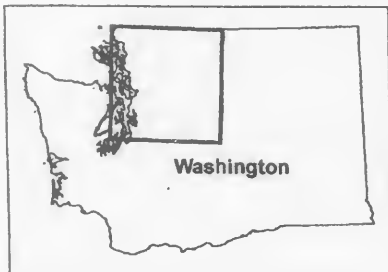
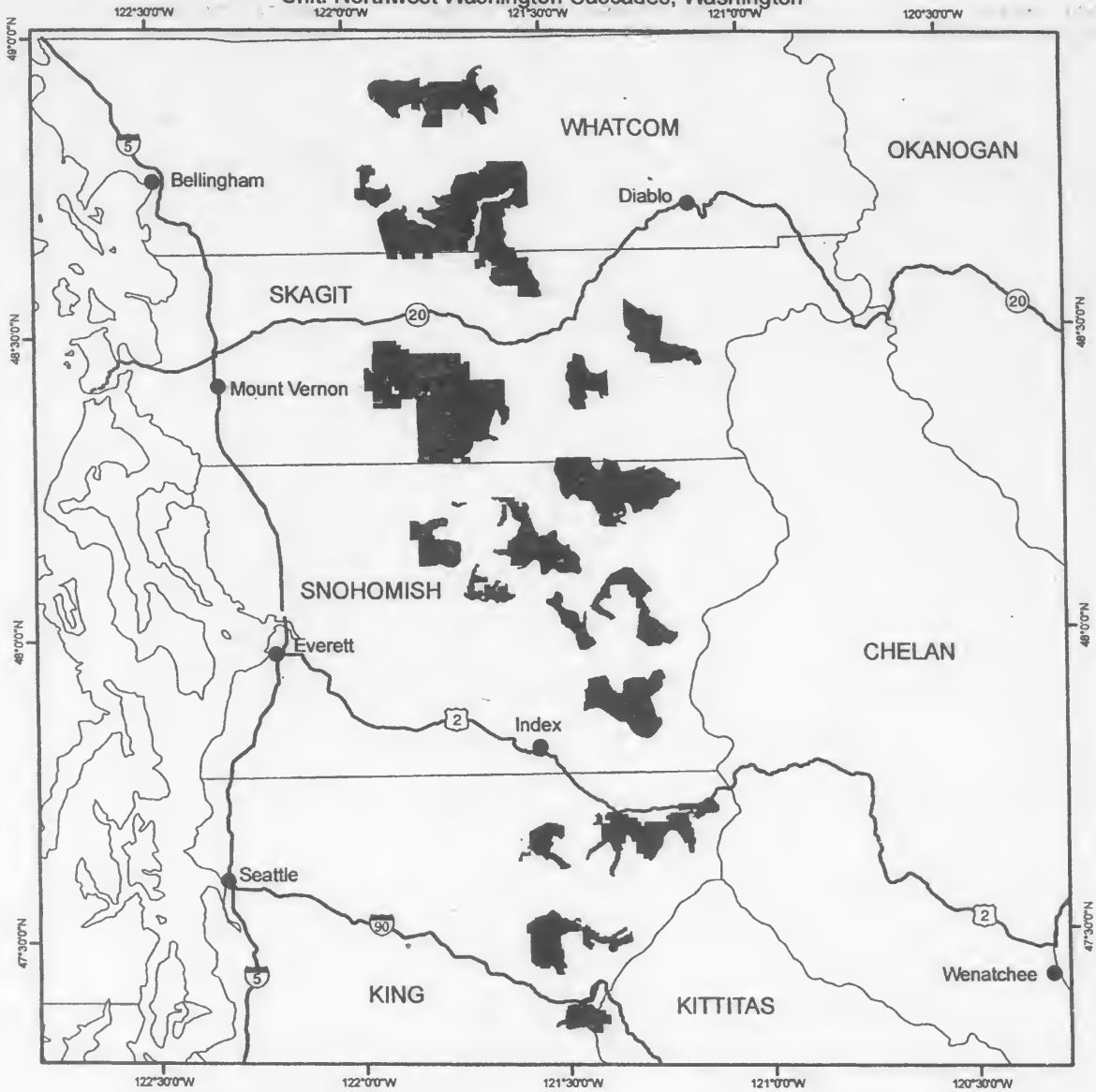
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587583, 5418217; 587962, 5418376;
588058, 5418259; 588285, 5418227;
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588682, 5418625; 589301, 5418564;
589290, 5419229; 595587, 5419323;
595642, 5419538; 595580, 5419727;
595662, 5419776; 595819, 5419636;
595971, 5419745; 596424, 5419658;
596470, 5419718; 596427, 5420181;
596580, 5420909; 596793, 5421184;
597024, 5421333; 597003, 5421449;
597066, 5421529; 597625, 5422044;
598136, 5422303; 598469, 5422274;
598467, 5422404; 598664, 5422455;
599042, 5422461; 599145, 5422279; and
excluding land bound by 586758,
5417906; 586807, 5417799; 587033,
5417791; 587297, 5417581; 587216,
5417473; 587432, 5417286; 587623,
5417229; 587692, 5417373; 587476,
5417500; 587486, 5417643; 587851,
5417827; 587719, 5417920; 587401,
5417785; 587113, 5417995; 586804,
5417978; 586758, 5417906; and
excluding land bound by 580348,
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5415219; 580552, 5415410; 580968,
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5415621; 581061, 5415778; 581183,
5415726; 581188, 5415823; 581461,
5415839; 581458, 5416053; 580959,
5416046; 580962, 5415832; 580558,
5415814; 580561, 5415612; 580348,
5415609.

(iii) Note: Map of Northwest Washington Cascades Unit follows:

BILLING CODE 4316-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Northwest Washington Cascades, Washington



(10) Okanogan Unit (Unit 3).

Whatcom, Okanogan, and Chelan Counties, Washington.

(i) The Okanogan Unit consists of 115, 600 ac (46, 800 ha) and is comprised of lands managed by the Okanogan and Wenatchee National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Azurite Peak, Big Goat Mountain, Brief, Chikamin Creek, Crater Mountain, Hoodoo Peak, Hungry Mountain, Martin Peak, Mazama, McAlester Mountain, McLeod Mountain, Midnight Mountain, Oval Peak, Pasayten Peak, Pyramid Mountain, Robinson Mountain, Saska Peak, Shull Mountain, Silver Falls, Silver Star Mountain, Slate Peak, South Navarre Peak, Stormy Mountain, and Thompson Ridge.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 697558, 5312454; 697452, 5312182; 697548, 5311875; 697400, 5311766; 697308, 5311592; 697308, 5311257; 697395, 5311049; 697229, 5310844; 696885, 5310685; 696818, 5310754; 696792, 5311221; 696686, 5311428; 696737, 5311661; 696695, 5311958; 696638, 5311984; 696572, 5311799; 696496, 5311855; 696567, 5312364; 696809, 5312428; 697558, 5312454.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 680912, 5312584; 680856, 5312442; 680760, 5312384; 680138, 5312584; 679841, 5312526; 679531, 5312108; 679584, 5311776; 679399, 5311813; 679321, 5311977; 678995, 5311802; 678702, 5311918; 678388, 5312082; 678282, 5312299; 678738, 5312497; 679653, 5312576; 679796, 5312724; 679815, 5312981; 679957, 5313116; 679988, 5313259; 679847, 5313779; 679325, 5314383; 679320, 5314604; 679448, 5314642; 679834, 5314537; 680190, 5314249; 680598, 5313670; 680879, 5313109; 680838, 5313106; 680947, 5312823; 680912, 5312584.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 686976, 5327418; 687438, 5326636; 687887, 5326160; 688745, 5325671; 689556, 5324992; 690203, 5324611; 690585, 5324307; 690923, 5324155; 691681, 5324019; 692699, 5323621; 693232, 5323557; 693422, 5323502; 693465, 5323413; 693538, 5323436; 693742, 5322955; 693677, 5322680; 693683, 5322235; 693975, 5321785; 694232, 5321671; 695396, 5320322; 695616, 5320179; 695817, 5320104; 696198, 5320465; 696425, 5320480; 696464, 5320422; 696516, 5320239; 696234, 5320170; 695923, 5319995; 695699, 5319975; 695623, 5319881; 695476, 5319888; 695223, 5320104; 695534, 5319644; 695916, 5319491; 696224, 5319517; 696625, 5319440;

697095, 5319218; 697193, 5318961; 697250, 5318946; 697998, 5318937; 698523, 5319026; 698816, 5319011; 698997, 5318683; 699034, 5318302; 699445, 5317664; 699499, 5317478; 699676, 5317296; 700262, 5317266; 700482, 5316996; 701144, 5315698; 701150, 5315479; 701962, 5315507; 701967, 5315017; 701643, 5314755; 701471, 5314042; 701369, 5313933; 700976, 5313783; 700665, 5313358; 700757, 5313264; 700065, 5313315; 699937, 5313506; 699666, 5313604; 699520, 5313347; 699489, 5313069; 699332, 5312902; 698891, 5312977; 698771, 5312925; 698552, 5313170; 698523, 5313316; 698127, 5313306; 698279, 5313568; 698213, 5313843; 697919, 5314143; 697806, 5314383; 697384, 5314614; 697203, 5314926; 696752, 5315311; 696153, 5315504; 695901, 5315512; 695646, 5315710; 694915, 5315997; 695011, 5315910; 695086, 5315485; 695391, 5315282; 695571, 5314843; 695795, 5314698; 696127, 5314343; 696314, 5313803; 695827, 5313169; 695539, 5312932; 695211, 5313192; 695124, 5313512; 695006, 5313613; 694786, 5313599; 694355, 5313386; 694247, 5313503; 694012, 5313555; 694209, 5313909; 694179, 5314274; 694461, 5314471; 694540, 5314639; 694369, 5315063; 694282, 5315861; 694114, 5316085; 693235, 5316969; 692896, 5316929; 692681, 5317029; 692236, 5317530; 691911, 5317792; 691555, 5318476; 691351, 5318414; 691205, 5318112; 690897, 5318186; 690921, 5318584; 690833, 5318703; 690314, 5318769; 690416, 5318949; 690266, 5319055; 690061, 5318980; 689855, 5319240; 689601, 5319287; 689406, 5319182; 689225, 5319362; 688644, 5319491; 688409, 5319692; 688738, 5320049; 688724, 5320104; 688373, 5320360; 688145, 5320316; 688027, 5320434; 687847, 5320484; 687842, 5320863; 687975, 5320908; 688075, 5321060; 688273, 5321084; 688523, 5321556; 688508, 5321640; 688143, 5321920; 688089, 5322048; 688456, 5322179; 688514, 5322413; 688682, 5322696; 688349, 5322717; 688093, 5322905; 687736, 5322978; 687632, 5322911; 687315, 5323003; 686513, 5322479; 686270, 5322605; 686911, 5323648; 686838, 5323723; 686632, 5323763; 686561, 5323890; 686346, 5323884; 686340, 5324009; 686231, 5324029; 686206, 5324126; 686285, 5324203; 686731, 5324310; 686825, 5324521; 686394, 5324677; 686193, 5324828; 686089, 5325235; 685940, 5325197; 685789, 5325239; 685570, 5325163; 685462, 5325213; 685402, 5325562; 685076, 5325933; 685159, 5326294; 685288, 5326428; 685167, 5326586;

684990, 5326655; 685052, 5326853; 685333, 5327111; 686086, 5327423; 686311, 5327426; 686709, 5327702; 686976, 5327418.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 677490, 5327322; 677894, 5327293; 678344, 5327040; 679342, 5325732; 679617, 5324974; 679510, 5324260; 679663, 5324092; 679798, 5324133; 679935, 5324053; 679930, 5323710; 680021, 5323589; 680277, 5323603; 680707, 5323869; 680925, 5323919; 680901, 5323396; 680955, 5323322; 681085, 5323277; 681184, 5323376; 681323, 5323392; 681374, 5323674; 681615, 5323925; 681707, 5324209; 681866, 5324416; 681919, 5325597; 682032, 5325531; 682187, 5325291; 682434, 5325190; 682628, 5324910; 682771, 5324578; 682774, 5324353; 683064, 5324265; 683158, 5324164; 683202, 5324009; 682688, 5323633; 682470, 5322964; 682611, 5322883; 682872, 5322886; 683097, 5322789; 682978, 5322442; 682474, 5322313; 682278, 5322047; 681861, 5321703; 682413, 5321694; 682885, 5321443; 682666, 5321090; 682637, 5320825; 682363, 5320130; 682492, 5319539; 682588, 5319363; 682690, 5319364; 682856, 5319525; 683021, 5319880; 683142, 5320412; 683348, 5320532; 683484, 5320720; 683682, 5320758; 683878, 5320525; 683665, 5319819; 683706, 5319556; 683895, 5319421; 684388, 5319539; 684654, 5319514; 684784, 5319227; 684702, 5318959; 684267, 5318849; 684183, 5318777; 684070, 5318535; 684078, 5318231; 684165, 5318175; 684398, 5318255; 684848, 5318793; 685035, 5318772; 685197, 5318696; 685137, 5318519; 685387, 5318056; 685644, 5317918; 685639, 5317560; 685949, 5317697; 685849, 5317370; 685952, 5317272; 685926, 5317095; 685591, 5316740; 685668, 5316456; 685599, 5316369; 685618, 5316015; 685692, 5315964; 685778, 5316072; 685939, 5316555; 686183, 5316363; 686269, 5316037; 686154, 5315846; 685737, 5315618; 685673, 5315365; 685858, 5315198; 686037, 5315156; 686491, 5315576; 686724, 5316032; 686920, 5315774; 686653, 5315237; 686668, 5314993; 686814, 5314781; 686478, 5314532; 686314, 5314324; 686064, 5313788; 685967, 5313289; 685903, 5313238; 685827, 5313350; 685479, 5313306; 685320, 5313439; 685308, 5313577; 685224, 5313667; 685112, 5313571; 684567, 5313406; 683853, 5313298; 682921, 5313304; 682594, 5313416; 682311, 5313205; 681751, 5313227; 681525, 5313194; 681443, 5313124; 681259, 5313665; 680987, 5314080; 681112, 5314338; 680873, 5314364;

680632, 5314701; 680474, 5315022;
680381, 5315632; 679489, 5315616;
679328, 5315900; 678958, 5315962;
678618, 5316400; 678256, 5315480;
677987, 5315425; 677681, 5315169;
677508, 5314879; 677413, 5314861;
677412, 5315113; 677537, 5315308;
677556, 5315606; 677937, 5316302;
677506, 5316621; 677406, 5316771;
677281, 5316337; 677236, 5316398;
676986, 5316320; 676857, 5316111;
676350, 5316179; 676052, 5316112;
675845, 5315873; 675395, 5315543;
675198, 5315553; 675079, 5315744;
675079, 5315970; 675178, 5316106;
675365, 5316193; 675631, 5317007;
675906, 5317158; 676444, 5317677;
676268, 5317803; 676312, 5317998;
676736, 5318418; 676980, 5318756;
676924, 5319365; 676432, 5319332;
675871, 5319075; 676093, 5319256;
676460, 5319384; 676346, 5320583;
676172, 5320757; 674952, 5321516;
674928, 5321305; 675043, 5321150;
674948, 5321050; 674941, 5320690;
674795, 5320247; 674442, 5319626;
674319, 5319049; 674389, 5318978;
674478, 5319030; 674742, 5319592;
674854, 5319730; 675058, 5319834;
675454, 5319822; 675725, 5319549;
675573, 5319489; 675489, 5319707;
675329, 5319631; 675002, 5319256;
674805, 5318817; 674608, 5318667;
674273, 5318139; 674196, 5318389;
674132, 5319248; 674046, 5319319;
674195, 5319521; 674199, 5319813;
674161, 5319902; 673936, 5319944;
674206, 5320324; 674186, 5320542;
673993, 5320550; 673842, 5320631;
673635, 5320557; 673290, 5320052;
672962, 5319866; 672658, 5319517;
672225, 5320139; 672075, 5320208;
672517, 5320675; 672620, 5321038;
672866, 5321375; 672892, 5321732;
672677, 5321893; 672265, 5321261;
672111, 5321146; 671646, 5321196;
671325, 5321546; 671372, 5321731;
671522, 5321832; 671510, 5322071;
670958, 5322525; 670900, 5322817;
671167, 5322876; 671315, 5323120;
670902, 5323142; 670894, 5323957;
670684, 5324470; 670787, 5325269;
670932, 5325553; 671128, 5325723;
672043, 5326887; 672236, 5326821;
672473, 5326459; 672793, 5325612;
673065, 5325860; 673256, 5325947;
673276, 5325404; 673461, 5324871;
673783, 5324587; 674238, 5324329;
674603, 5323874; 675501, 5323737;
675691, 5323130; 676020, 5323262;
676311, 5323179; 676299, 5322830;
676369, 5322662; 676549, 5322679;
676704, 5322794; 676842, 5322789;
677050, 5322597; 677301, 5322587;
677601, 5322284; 677842, 5322252;
677884, 5322341; 677859, 5323183;
678247, 5322942; 678556, 5322910;
678623, 5322981; 678608, 5323222;

678237, 5323881; 678153, 5324364;
678033, 5324505; 678215, 5324865;
678173, 5325161; 678088, 5325448;
677333, 5326277; 676797, 5326090;
676896, 5326709; 676541, 5327112;
676307, 5328279; 676381, 5328474;
676606, 5328312; 676763, 5327965;
677102, 5327541; 677332, 5327363;
677490, 5327322; and excluding land
bound by 675771, 5316588; 676005,
5316503; 676339, 5316544; 676598,
5316649; 677135, 5317049; 676808,
5317293; 676742, 5317435; 676300,
5317012; 675863, 5316743; 675771,
5316588.

(E) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 705875, 5343213; 706339, 5343278;
706670, 5343511; 706950, 5343547;
707356, 5343273; 707838, 5342795;
708392, 5342413; 708420, 5341363;
708719, 5339469; 708539, 5338621;
708155, 5337989; 707931, 5337376;
707699, 5337171; 707330, 5336636;
706629, 5336177; 705414, 5335877;
704848, 5335960; 704685, 5336070;
704246, 5336138; 703578, 5336375;
702958, 5336789; 702644, 5337589;
702430, 5337957; 702344, 5338989;
702418, 5340427; 702716, 5342744;
703292, 5343522; 703905, 5343761;
704848, 5343718; 705126, 5343628;
705875, 5343213; and excluding land
bound by 703634, 5339429; 703666,
5339411; 703724, 5339545; 703634,
5339429.

(F) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 694703, 5361433; 695005, 5361569;
695365, 5361142; 695721, 5360854;
695959, 5360387; 696048, 5359804;
695799, 5359630; 695747, 5359375;
695556, 5359262; 695039, 5359094;
694579, 5359046; 694137, 5359198;
693701, 5359593; 693590, 5359617;
693578, 5359406; 693695, 5359231;
693850, 5359257; 693760, 5358911;
694115, 5358901; 694426, 5358789;
694875, 5358816; 694892, 5358390;
695368, 5358540; 695358, 5358691;
695619, 5358933; 695707, 5358927;
695765, 5359048; 696042, 5358970;
695905, 5358218; 695557, 5357439;
695117, 5356739; 694927, 5356576;
694034, 5356092; 693065, 5355802;
692299, 5355793; 692250, 5356111;
691814, 5356656; 691339, 5356714;
691177, 5356790; 690905, 5357108;
691001, 5357181; 690945, 5357300;
691027, 5357342; 690966, 5357423;
691041, 5357502; 690977, 5357742;
690523, 5357577; 690385, 5357681;
690072, 5357613; 689965, 5357817;
690014, 5357898; 689768, 5357924;
689687, 5357859; 689521, 5358009;
689176, 5358822; 689132, 5359749;
688759, 5359872; 688242, 5360297;
688285, 5360491; 689242, 5362415;
689550, 5362899; 690486, 5363860;

690959, 5364079; 691263, 5363999;
691732, 5363480; 692002, 5363340;
693419, 5362938; 693839, 5362735;
694805, 5361907; 694543, 5361691;
694568, 5361528; 694703, 5361433; and
excluding land bound by 692690,
5360279; 692801, 5360346; 692563,
5360507; 692536, 5360387; 692690,
5360279; and excluding land bound by
692707, 5359389; 692876, 5359401;
692774, 5359460; 692707, 5359389.

(G) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 668942, 5372708; 668971, 5372593;
668131, 5372554; 667322, 5372686;
668098, 5373945; 668249, 5374090;
668494, 5374182; 668722, 5374099;
668902, 5373776; 668942, 5372708.

(H) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 685379, 5385961; 685659, 5385965;
686479, 5386398; 687575, 5386720;
687759, 5386131; 687760, 5385625;
688017, 5385655; 688462, 5386162;
688787, 5386322; 689007, 5386263;
689397, 5386328; 689548, 5386233;
689634, 5386087; 689486, 5386028;
689379, 5385825; 689154, 5385902;
689147, 5385817; 688598, 5386142;
688479, 5385845; 688371, 5385750;
688778, 5385519; 689132, 5385521;
690040, 5385289; 690375, 5385127;
690685, 5384772; 690733, 5384428;
691578, 5383838; 691602, 5383628;
691761, 5383339; 692789, 5382324;
692765, 5382041; 692451, 5381605;
690657, 5379778; 689738, 5378689;
689584, 5378844; 688640, 5379439;
687993, 5379764; 687657, 5379796;
687384, 5379681; 687140, 5379678;
686582, 5379931; 685510, 5380788;
684749, 5381200; 684482, 5381182;
683744, 5380775; 683005, 5380457;
682649, 5380392; 681961, 5380387;
680951, 5380534; 680453, 5380695;
679695, 5381163; 679394, 5381474;
679066, 5382094; 678873, 5382950;
678909, 5384316; 678855, 5385138;
679008, 5385519; 679398, 5386133;
679714, 5386459; 680533, 5387114;
681168, 5387489; 682653, 5387537;
682799, 5387417; 683570, 5387253;
683967, 5387090; 684449, 5386759;
685379, 5385961; and excluding land
bound by 688892, 5386034; 688996,
5385990; 689031, 5386085; 688931,
5386169; 688892, 5386034.

(I) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 684310, 5391841; 684371, 5391838;
684379, 5391977; 684303, 5391987;
684264, 5391847; 684311, 5391773;
683891, 5391754; 683882, 5392036;
683640, 5392055; 683559, 5392662;
682970, 5391764; 683260, 5391596;
683311, 5391082; 683957, 5390870;
684066, 5390705; 684179, 5390689;
684210, 5390517; 684707, 5390120;
684714, 5390035; 684968, 5389819;

684081, 5388786; 683672, 5388507;
682709, 5388187; 682465, 5388180;
681739, 5388352; 681328, 5388638;
681662, 5389008; 681731, 5389186;
681626, 5389630; 681346, 5390062;
680633, 5390863; 680205, 5391594;
680311, 5391677; 680264, 5391751;
680115, 5391711; 679094, 5392931;
678826, 5393335; 678596, 5394082;
678684, 5394498; 680850, 5394783;
680886, 5394866; 682434, 5395129;
682229, 5395745; 682023, 5396070;
682030, 5396355; 682261, 5396543;
682743, 5396404; 684668, 5396107;
686185, 5396232; 686413, 5396396;
686938, 5395878; 687194, 5395529;
687540, 5394800; 687670, 5394360;
687717, 5393766; 687613, 5392939;
687272, 5391787; 686897, 5391179;
686590, 5390881; 685907, 5390394;
685215, 5390932; 684985, 5391217;
684769, 5391269; 684310, 5391841; and
excluding land bound by 681062,
5392905; 680845, 5392811; 680951,
5392626; 681111, 5392738; 681062,

5392905; and excluding land bound by
680677, 5392366; 680947, 5392356;
681058, 5392422; 680953, 5392575;
680677, 5392366.

(j) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 665012, 5406498; 665138, 5406465;
665439, 5405971; 665815, 5404800;
665944, 5403950; 665731, 5402788;
665560, 5402304; 665138, 5401523;
664410, 5400817; 663742, 5400433;
663493, 5399221; 663212, 5398372;
662762, 5397399; 662383, 5396938;
662022, 5396743; 660565, 5396271;
660033, 5396275; 659001, 5396444;
658734, 5395820; 657910, 5394460;
657328, 5393973; 656307, 5393575;
655147, 5393479; 654476, 5393622;
653390, 5394062; 652871, 5394537;
651977, 5395909; 651861, 5396255;
651795, 5396831; 651853, 5397714;
652025, 5398620; 652314, 5399097;
652659, 5399501; 652966, 5399724;
653283, 5399533; 653638, 5399568;
653822, 5399452; 654129, 5399380;

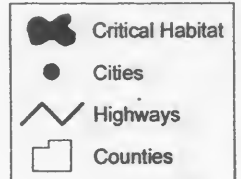
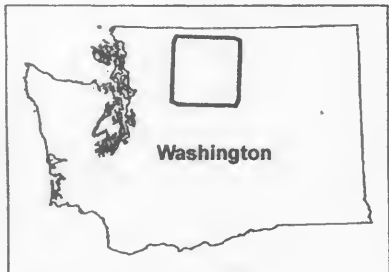
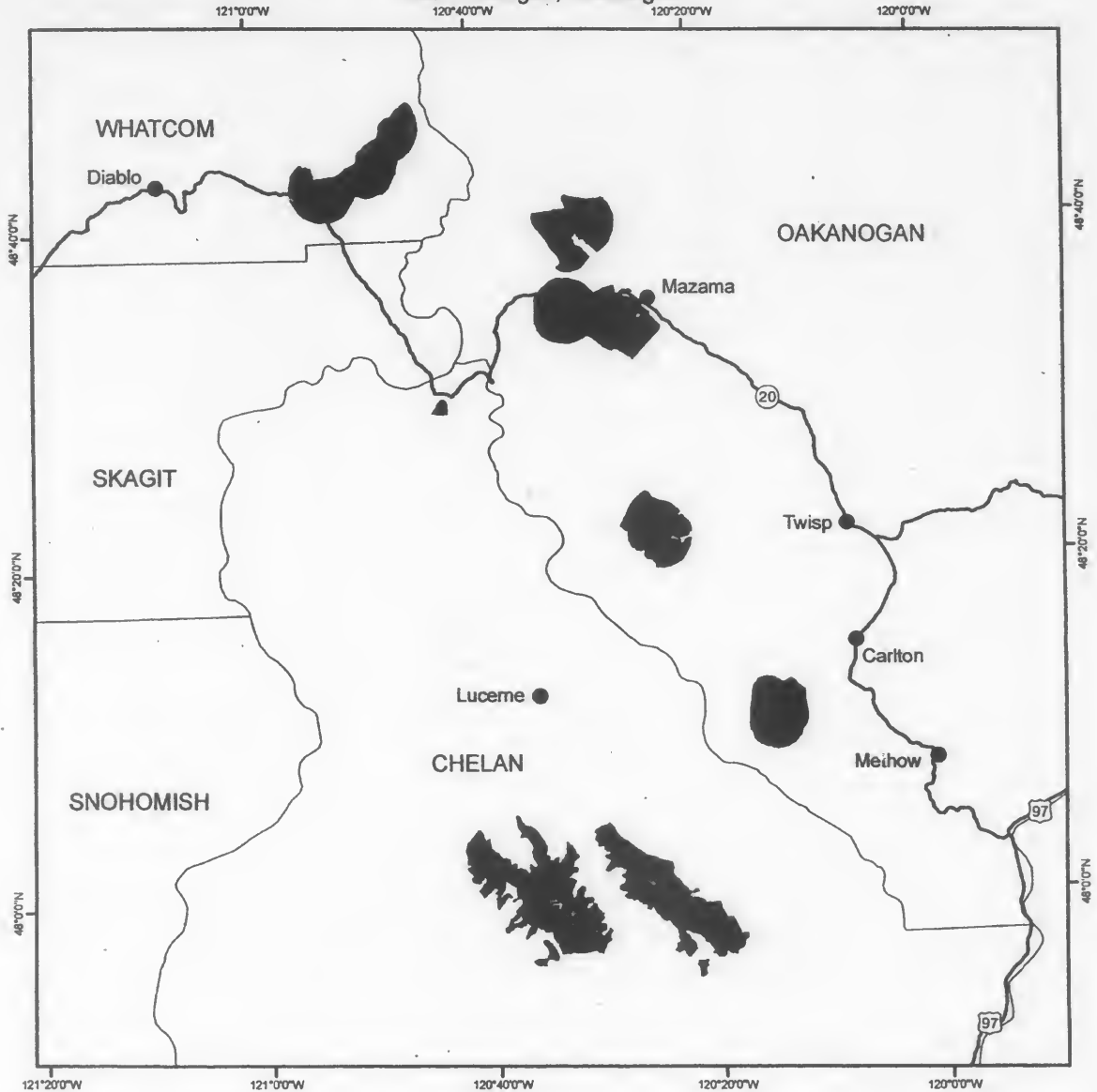
654424, 5398060; 654920, 5398281;
655766, 5398340; 657030, 5398596;
657329, 5398778; 658126, 5399498;
658388, 5399564; 658452, 5399647;
658547, 5399634; 659192, 5400051;
659335, 5400675; 659288, 5400824;
659418, 5401192; 659514, 5401216;
659561, 5401384; 659914, 5401573;
660088, 5401954; 660646, 5402266;
661046, 5402592; 661567, 5402831;
661777, 5403471; 661793, 5404133;
662154, 5404694; 662469, 5404950;
662856, 5405051; 663104, 5405204;
663613, 5405960; 664022, 5406212;
664144, 5406397; 664434, 5406630;
664651, 5406734; 665035, 5406571;
665012, 5406498; and excluding land
bound by 662044, 5402792; 662348,
5402922; 662081, 5402916; 662012,
5402869; 662044, 5402792.

(iii) Note: Map of Okanogan Unit
follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Okanogan, Washington



(11) Entiat Unit (Unit 4). Chelan and Kittitas Counties, Washington.

(i) The Entiat Unit consists of 304, 800 ac (123, 300 ha) and is comprised of lands managed by the Wenatchee and Mt. Baker-Snoqualmie National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Benchmark Mountain, Blewett, Cashmere Mountain, Chikamin Creek, Chikamin Peak, Chiwaukum Mountains, Cle Elum Lake, Davis Peak, Easton, Enchantment Lakes, Jack Ridge, Kachess Lake, Labyrinth Mountain, Leavenworth, Liberty, Mission Peak, Monitor, Mount David, Mount Howard, Peshastin, Plain, Poe Mountain, Polallie Ridge, Red Top Mountain, Reecer Canyon, Ronald, Saska Peak, Schaefer Lake, Silver Falls, Stampede Pass, Stevens Pass, Sugarloaf Peak, Swauk Pass, Swauk Prairie, Teanaway, Teanaway Butte, Tiptop, Trinity, Tyee Mountain, Van Creek, and Winton.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 665910, 5250991; 666247, 5250973; 666346, 5251058; 667397, 5251344; 667751, 5251350; 667952, 5251226; 668063, 5251037; 668283, 5250863; 668680, 5250745; 669535, 5250225; 670509, 5249843; 671261, 5249625; 671882, 5249222; 671874, 5249109; 672069, 5248785; 672287, 5248672; 672772, 5248574; 672899, 5248365; 673029, 5248310; 673296, 5248351; 673313, 5247824; 674212, 5247853; 674372, 5247428; 674948, 5246994; 674970, 5246262; 675951, 5246289; 676418, 5245972; 676894, 5246071; 677073, 5245867; 677511, 5245828; 678078, 5246039; 678512, 5246035; 678840, 5245860; 679127, 5245953; 679238, 5245921; 679421, 5246094; 679628, 5246078; 679808, 5246284; 679966, 5246292; 680297, 5246076; 680654, 5245952; 680767, 5245813; 680768, 5245656; 681058, 5245627; 681364, 5245841; 681663, 5245689; 681953, 5245754; 682341, 5245572; 682523, 5245583; 682683, 5245509; 682833, 5245541; 682986, 5245399; 682928, 5245262; 683158, 5245089; 683328, 5245046; 683505, 5245141; 683739, 5245401; 683912, 5245805; 683830, 5246510; 683514, 5246744; 683423, 5247033; 684157, 5247770; 684364, 5248226; 684496, 5248358; 684884, 5248518; 686231, 5248324; 686747, 5248510; 686908, 5248637; 686982, 5248841; 687072, 5249191; 687099, 5249712; 687198, 5249807; 687458, 5249871; 687667, 5250140; 687867, 5250278; 688035, 5250322; 690258, 5250155; 690471, 5250075; 690592, 5249877; 690562, 5249510; 690422, 5249197; 690496, 5248987; 690628, 5248865; 690854, 5248759; 691786, 5248646; 692044, 5248556; 692160, 5248351; 692808, 5247992;

693391, 5247494; 694009, 5247072; 694017, 5246928; 694862, 5246951; 694952, 5246860; 695188, 5246368; 695453, 5246210; 695711, 5245895; 695772, 5243987; 695530, 5243197; 694715, 5242137; 694260, 5242114; 694275, 5241862; 693728, 5241691; 693589, 5241500; 693516, 5241200; 693053, 5240919; 692773, 5240876; 692736, 5241232; 691959, 5241205; 691975, 5240964; 691618, 5241162; 690789, 5241045; 689490, 5241085; 688075, 5241040; 686512, 5240804; 685935, 5240612; 685284, 5240268; 683660, 5239800; 682372, 5239098; 682041, 5238504; 681810, 5237799; 682235, 5235952; 682186, 5235330; 682100, 5235104; 681464, 5234490; 681409, 5234341; 681431, 5234074; 681717, 5233662; 682466, 5233280; 682635, 5233046; 682845, 5232891; 682964, 5232609; 682978, 5232158; 683076, 5231791; 683251, 5231638; 683701, 5231595; 683996, 5231442; 683341, 5231080; 682885, 5230929; 682807, 5230794; 682511, 5230609; 682497, 5230288; 682210, 5229831; 682134, 5229585; 681383, 5229468; 680956, 5229488; 680679, 5229365; 680309, 5229029; 679720, 5229018; 679706, 5229171; 679579, 5229267; 679557, 5229818; 679173, 5229806; 679171, 5229641; 678394, 5229905; 678316, 5230199; 678289, 5232141; 674257, 5232020; 674242, 5232409; 674436, 5232415; 674415, 5233628; 674618, 5233633; 674607, 5234028; 675014, 5234051; 675003, 5234437; 675407, 5234455; 675383, 5235262; 674979, 5235251; 674959, 5236048; 674560, 5236038; 674595, 5234436; 674200, 5234425; 674214, 5233819; 674012, 5233809; 674025, 5233213; 673429, 5233189; 673418, 5233600; 671399, 5233547; 671361, 5235151; 669283, 5235095; 668921, 5235241; 668809, 5235362; 668655, 5236243; 668960, 5236853; 669147, 5237440; 669094, 5237841; 668547, 5238284; 667639, 5238667; 667314, 5238995; 667092, 5246853; 665484, 5246817; 665505, 5246015; 663898, 5245968; 663854, 5247578; 665521, 5247653; 665521, 5247951; 665823, 5248046; 665888, 5248121; 665689, 5248488; 665678, 5248698; 665435, 5248489; 665435, 5248425; 663825, 5248383; 663844, 5247852; 663658, 5248155; 663629, 5248525; 663348, 5248864; 663191, 5248958; 663031, 5248916; 662844, 5248744; 662738, 5248123; 662557, 5247874; 662613, 5247711; 662540, 5247544; 662241, 5247537; 662290, 5245925; 660696, 5245881; 660643, 5247694; 661010, 5247693; 661494, 5247491; 661886, 5247492; 662093, 5247617; 662270, 5248061; 661911, 5249327; 661820, 5250427;

661992, 5250983; 662277, 5251186; 662569, 5251263; 664844, 5251408; 665460, 5251277; 665910, 5250991; and excluding land bound by 677081, 5242762; 677105, 5241971; 677513, 5241983; 677481, 5242774; 677081, 5242762; and excluding land bound by 679056, 5242029; 679068, 5241620; 679868, 5241641; 679856, 5242038; 679461, 5242033; 679440, 5242448; 678645, 5242424; 678649, 5242032; 679056, 5242029; and excluding land bound by 679173, 5238407; 679196, 5237626; 680006, 5237635; 679975, 5238430; 679173, 5238407; and excluding land bound by 679117, 5237639; 678892, 5237578; 678287, 5237615; 678487, 5237989; 678416, 5238026; 678222, 5237675; 678121, 5237657; 678126, 5237469; 679120, 5237294; 679036, 5237464; 679117, 5237639; and excluding land bound by 677809, 5237126; 677802, 5237366; 677608, 5237363; 677611, 5237012; 677477, 5237008; 677483, 5236786; 677384, 5236785; 677383, 5236540; 677276, 5236538; 677245, 5236253; 677210, 5236285; 676876, 5236132; 676842, 5236203; 676533, 5236109; 676483, 5235959; 676002, 5235706; 676007, 5235645; 675983, 5235697; 675611, 5235503; 675654, 5235363; 676441, 5235734; 677192, 5235965; 677195, 5235887; 677377, 5235889; 677379, 5235742; 677480, 5235746; 677483, 5235645; 677760, 5235653; 677776, 5235537; 677918, 5235510; 678947, 5235477; 678949, 5235658; 679074, 5235678; 679182, 5235518; 679370, 5235575; 679235, 5235829; 679065, 5235727; 678940, 5235726; 678939, 5235679; 678013, 5235656; 678011, 5235755; 677910, 5235753; 677905, 5235855; 677579, 5235846; 677576, 5235949; 677474, 5235947; 677472, 5236045; 677334, 5236040; 677530, 5236079; 677527, 5236329; 677660, 5236333; 677715, 5236793; 677818, 5236795; 677809, 5237126; and excluding land bound by 676978, 5235505; 676177, 5235482; 676183, 5235286; 676583, 5235299; 676589, 5234898; 676780, 5234896; 676801, 5234708; 677198, 5234720; 677193, 5234908; 677398, 5234930; 677388, 5235328; 676991, 5235313; 676978, 5235505; and excluding land bound by 674288, 5237300; 674246, 5238169; 674121, 5238165; 674160, 5237382; 674227, 5237228; 674288, 5237300; and excluding land bound by 673860, 5234792; 673867, 5234411; 674198, 5234418; 674191, 5234799; 673860, 5234792; and excluding land bound by 688643, 5249244; 688109, 5249270; 688168, 5248432; 688991, 5248415; 688940, 5249230; 688643, 5249244.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 673108, 5254268; 673923, 5254289; 673803, 5254049; 673810, 5253422; 673695, 5253193; 673471, 5253137; 673142, 5253299; 673108, 5254268.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 673108, 5254268; 671503, 5254228; 671436, 5256382; 672675, 5256419; 673099, 5256549; 673618, 5256960; 673967, 5257068; 673985, 5256458; 673051, 5256430; 673059, 5256072; 673468, 5256076; 673464, 5255889; 673266, 5255878; 673278, 5255477; 673481, 5255478; 673490, 5255525; 673747, 5255460; 674318, 5255174; 674295, 5254903; 673915, 5254897; 673894, 5255089; 673498, 5255072; 673489, 5254874; 673092, 5254867; 673098, 5254668; 673494, 5254676; 673505, 5254483; 673103, 5254463; 673108, 5254268.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 643025, 5253393; 643057, 5251787; 641465, 5251739; 641424, 5253345; 639756, 5253274; 639789, 5251683; 638153, 5251719; 638149, 5253286; 636623, 5253296; 636606, 5251704; 638153, 5251719; 638190, 5250119; 639815, 5250082; 639789, 5251683; 641465, 5251739; 641498, 5250152; 643110, 5250178; 643153, 5248587; 644760, 5248630; 644800, 5247050; 646397, 5247095; 646339, 5248677; 644760, 5248630; 644716, 5250221; 646306, 5250262; 646263, 5251856; 647864, 5251878; 647782, 5253472; 646215, 5253460; 646263, 5251856; 644663, 5251826; 644616, 5253433; 643025, 5253393; 643013, 5253839; 644571, 5253948; 645262, 5254724; 645816, 5255099; 645965, 5255524; 646155, 5255710; 646164, 5255042; 647751, 5255089; 647745, 5256672; 647259, 5256660; 647896, 5256875; 648392, 5256814; 649021, 5255990; 649071, 5255435; 649012, 5255248; 648563, 5254945; 648300, 5254400; 647749, 5254135; 648072, 5253720; 648215, 5253284; 648166, 5251771; 648360, 5250850; 648449, 5250644; 648619, 5250483; 648760, 5250155; 649049, 5250080; 649488, 5249531; 649984, 5249204; 650105, 5249005; 650134, 5248599; 650652, 5248327; 650979, 5247994; 650507, 5247452; 650520, 5247265; 650348, 5246748; 650572, 5246273; 650624, 5245860; 650381, 5245576; 650283, 5245289; 650071, 5245047; 650027, 5244891; 650144, 5244780; 650360, 5244297; 650572, 5244238; 650967, 5243888; 651130, 5243829; 651399, 5244175; 653438, 5246001; 653552, 5246173; 653838, 5246356; 654114, 5246426; 654329, 5245990; 654657, 5245584; 654896, 5245007; 654976, 5244623;

654965, 5243722; 654791, 5243718; 654828, 5242919; 654928, 5242922; 654895, 5242520; 652837, 5242468; 652868, 5242090; 649704, 5240822; 649713, 5239231; 648154, 5239182; 648127, 5240786; 646527, 5240761; 646463, 5242363; 644865, 5242331; 644831, 5243903; 643247, 5243917; 643253, 5243511; 643118, 5243508; 643049, 5243305; 643079, 5243198; 643251, 5243044; 643091, 5243104; 642992, 5243347; 643084, 5243481; 642999, 5243590; 642970, 5243795; 642874, 5243861; 642870, 5243996; 642930, 5244097; 643069, 5244137; 643146, 5244733; 643096, 5244735; 643049, 5244951; 642984, 5244771; 642859, 5244713; 642870, 5244770; 643072, 5245262; 642979, 5245276; 642853, 5245118; 642805, 5245131; 642736, 5245218; 642789, 5245363; 642653, 5245293; 642593, 5245364; 642621, 5245541; 642739, 5245653; 642712, 5245729; 642557, 5245673; 642253, 5245076; 642241, 5244367; 642166, 5244181; 642201, 5244144; 642016, 5243882; 642110, 5243459; 642031, 5243266; 641909, 5243309; 641909, 5243125; 641799, 5243094; 641823, 5242995; 641693, 5242867; 641674, 5240780; 642068, 5239158; 641935, 5238885; 641950, 5238554; 642148, 5238381; 642170, 5238067; 642283, 5237902; 642563, 5237792; 642722, 5237644; 642773, 5237511; 642722, 5237312; 642926, 5236790; 643434, 5236117; 643439, 5235890; 643272, 5235887; 643277, 5235318; 642889, 5235303; 642897, 5234905; 643683, 5234913; 643691, 5234512; 642900, 5234501; 642922, 5232889; 642612, 5232755; 642438, 5232842; 642300, 5233166; 641339, 5233776; 641116, 5234041; 639813, 5235003; 639709, 5235178; 639696, 5235831; 639267, 5235825; 639155, 5236029; 638886, 5236163; 638397, 5236586; 637924, 5236842; 637709, 5237072; 637514, 5237197; 636964, 5237316; 636774, 5237437; 636639, 5237671; 636503, 5237682; 636422, 5237946; 636312, 5238000; 636280, 5238188; 636109, 5238438; 635891, 5238574; 635881, 5238742; 635687, 5239111; 635619, 5239122; 635446, 5239361; 634980, 5240121; 634481, 5240631; 634201, 5241312; 634213, 5241540; 634075, 5241846; 633860, 5242156; 633691, 5242271; 633390, 5242897; 633215, 5243341; 633228, 5243519; 633075, 5243733; 632918, 5244419; 632937, 5244911; 633138, 5245498; 633142, 5245806; 633249, 5245997; 633229, 5246130; 633394, 5246605; 633302, 5247160; 633259, 5247160; 633259, 5247638; 633350, 5247714; 633415, 5248863; 633309, 5249218; 633296, 5249835; 633144, 5250644;

633126, 5251421; 632997, 5251519; 632823, 5251471; 632802, 5251149; 632631, 5250818; 632684, 5250380; 632623, 5250235; 632723, 5249542; 632870, 5249302; 632872, 5249143; 633020, 5248809; 632881, 5248721; 632811, 5248533; 632833, 5248098; 632684, 5247827; 632659, 5247065; 632554, 5246692; 632720, 5246655; 632848, 5246588; 632526, 5246981; 632338, 5245851; 631860, 5246094; 631850, 5246769; 631063, 5246759; 630325, 5247186; 630293, 5248621; 628680, 5248588; 628702, 5247683; 627963, 5247979; 627621, 5248460; 627386, 5248638; 627224, 5248858; 627081, 5249253; 626995, 5251785; 628437, 5254655; 631349, 5255104; 629407, 5251449; 629456, 5251772; 629576, 5251911; 629818, 5251885; 630225, 5252042; 630506, 5252382; 630415, 5252572; 630461, 5252765; 630401, 5252931; 630555, 5252983; 630570, 5253145; 630919, 5253288; 631219, 5253981; 631151, 5254294; 631186, 5254655; 631349, 5255105; 631571, 5255418; 631562, 5255566; 631849, 5255702; 631848, 5255764; 632009, 5255842; 632099, 5255968; 632500, 5256045; 632565, 5256418; 632866, 5256511; 633144, 5256512; 633804, 5256329; 634223, 5256691; 634687, 5256937; 634708, 5257092; 634818, 5257138; 634592, 5257300; 634694, 5257414; 634499, 5257564; 634337, 5257900; 634371, 5258012; 634456, 5258070; 634901, 5258105; 636310, 5258682; 636453, 5258642; 636518, 5258508; 636535, 5258069; 636612, 5257929; 636664, 5257305; 636748, 5257134; 637299, 5257110; 637530, 5257022; 637523, 5256799; 637790, 5256243; 638241, 5255734; 638542, 5255549; 638920, 5255001; 639185, 5254872; 639720, 5254876; 639727, 5254579; 639970, 5254543; 640178, 5254387; 640327, 5254378; 640646, 5254219; 640811, 5254031; 641332, 5253715; 641517, 5253491; 641780, 5253355; 643025, 5253393; and excluding land bound by 638395, 5253435; 638597, 5253610; 638335, 5253715; 638148, 5253655; 638149, 5253359; 638373, 5253367; 638395, 5253435; and excluding land bound by 637966, 5254221; 638029, 5254221; 638029, 5254284; 637902, 5254221; 637902, 5254157; 637966, 5254157; 637966, 5254221; and excluding land bound by 637966, 5254539; 638029, 5254539; 638093, 5254666; 637902, 5254539; 637902, 5254475; 637966, 5254475; 637966, 5254539; and excluding land bound by 633513, 5254857; 633513, 5254920; 633449, 5254920; 633513, 5254793; 633577, 5254793; 633577, 5254857; 633513, 5254857; and excluding land bound by

637648, 5254920; 637648, 5254857; 637711, 5254857; 637711, 5254920; 637648, 5254920; and excluding land bound by 633382, 5253185; 633411, 5251619; 635011, 5251643; 634992, 5253236; 633382, 5253185; and excluding land bound by 633513, 5250722; 633513, 5250659; 633577, 5250659; 633577, 5250722; 633513, 5250722; and excluding land bound by 633704, 5250595; 633704, 5250531; 633767, 5250531; 633767, 5250595; 633704, 5250595; and excluding land bound by 638237, 5247725; 638271, 5246897; 639879, 5246929; 639835, 5248542; 638217, 5248501; 638237, 5247725; and excluding land bound by 633606, 5243772; 633636, 5242445; 633822, 5242190; 635243, 5242194; 635213, 5243805; 633606, 5243772; 633577, 5245188; 635088, 5245226; 635032, 5246831; 633458, 5246795; 633478, 5245187; 633092, 5245180; 632997, 5244994; 632938, 5244621; 633143, 5243771; 633606, 5243772; and excluding land bound by 648652, 5246460; 648652, 5246397; 648716, 5246397; 648716, 5246460; 648652, 5246460; and excluding land bound by 640319, 5244170; 640319, 5244107; 640383, 5244107; 640383, 5244170; 640319, 5244170; and excluding land bound by 640128, 5244107; 640128, 5244170; 640065, 5244170; 640065, 5244107; and excluding land bound by 640319, 5243979; 640319, 5243916; 640383, 5243916; 640319, 5243979; and excluding land bound by 640128, 5243916; 640128, 5243979; 640065, 5243979; 640065, 5243916; 640128, 5243916; and excluding land bound by 640618, 5243824; 639953, 5243785; 640071, 5242346; 641640, 5242271; 641641, 5243881; 640618, 5243824; and excluding land bound by 635299, 5239662; 635280, 5240590; 634529, 5240576; 634880, 5240289; 635299, 5239662; and excluding land bound by 636139, 5238470; 636559, 5237757; 636964, 5237402; 636928, 5239010; 635790, 5238987; 635943, 5238646; 636139, 5238470; and excluding land bound by 642418, 5237173; 642418, 5237110; 642482, 5237110; 642482, 5237173; 642418, 5237173; and excluding land bound by 641973, 5237110; 641973, 5237173; 641909, 5237110; 641973, 5237173; and excluding land bound by 642164, 5237046; 642164, 5236982; 642228, 5236982; 642228, 5237046; 642164, 5237046; and excluding land bound by 640383, 5236664; 640383, 5236601; 640446, 5236601; 640446, 5236664; 640383, 5236664; and excluding land bound by 651769, 5241754; 651769, 5241690;

651833, 5241690; 651833, 5241754; 651769, 5241754; and excluding land bound by 651833, 5241372; 651833, 5241308; 651896, 5241308; 651896, 5241372; 651833, 5241372; and excluding land bound by 652278, 5241308; 652278, 5241245; 652405, 5241245; 652405, 5241308; 652278, 5241308; and excluding land bound by 651578, 5241245; 651578, 5241181; 651642, 5241181; 651642, 5241245; 651578, 5241245.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 674850, 5259005; 674793, 5259464; 674737, 5259487; 675329, 5259719; 675492, 5259724; 675500, 5259384; 674850, 5259005.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 673841, 5260391; 673841, 5260328; 673714, 5260328; 673651, 5260201; 673523, 5260201; 673460, 5260073; 673333, 5260073; 673269, 5259946; 673523, 5259946; 673587, 5260073; 673714, 5260073; 673778, 5260201; 673878, 5260201; 673890, 5259678; 674032, 5259650; 673911, 5259530; 673339, 5259501; 673105, 5259780; 673087, 5260073; 673205, 5260073; 673333, 5260264; 673460, 5260264; 673460, 5260391; 673296, 5260391; 673339, 5260421; 673587, 5260455; 673587, 5260391; 673714, 5260391; 673722, 5260473; 673872, 5260419; 673841, 5260391.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 672172, 5267473; 672011, 5267054; 671655, 5266548; 671492, 5266407; 671307, 5266396; 671198, 5266318; 670893, 5265962; 669112, 5265896; 669144, 5266063; 669944, 5266962; 670199, 5267334; 670426, 5267458; 670986, 5267514; 671557, 5267454; 671900, 5267516; 672172, 5267473.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 673765, 5264496; 673803, 5262895; 675401, 5262924; 675369, 5264539; 673765, 5264496; 673719, 5266020; 672910, 5266008; 673211, 5266446; 673159, 5266742; 673005, 5266923; 672870, 5267290; 672912, 5267614; 672977, 5267617; 672972, 5267789; 673145, 5268016; 673366, 5268055; 673364, 5268215; 673761, 5268250; 673763, 5268039; 674312, 5268051; 674534, 5267810; 674832, 5267657; 673792, 5267635; 673832, 5266028; 675447, 5266065; 675412, 5267214; 675984, 5266814; 676210, 5266860; 676841, 5267419; 677320, 5268180; 677496, 5268212; 677497, 5268137; 677893, 5268148; 677902, 5267739; 678689, 5267759; 678700, 5267356; 678314, 5267348; 678346, 5266149; 677939, 5266132; 677955, 5265332; 677077, 5265306; 677098, 5264518;

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(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 654368, 5275952; 654732, 5275992; 655120, 5275823; 656061, 5275570; 656655, 5275555; 656939, 5275599; 657023, 5275669; 657088, 5275585; 657445, 5275651; 658660, 5275325; 659005, 5275282; 659457, 5275344; 659459, 5274940; 659344, 5274950; 659416, 5274785; 659406, 5274328; 659647, 5274328; 659670, 5274839; 659527, 5274919; 659567, 5275365; 659811, 5275483; 659793, 5274883; 659945, 5274778; 659738, 5274324; 660084, 5274327; 660093, 5274780; 659991, 5274772; 659931, 5274901; 659975, 5274971; 659930, 5275524; 663063, 5275614; 663062, 5274785; 663013, 5274718; 662559, 5274837; 662407, 5274736; 662275, 5274815; 662287, 5274412; 663090, 5274432; 663102, 5274024; 663907, 5274046; 663891, 5274626; 663608, 5274469; 663516, 5274480; 663667, 5274831; 663865, 5274824; 663888, 5274746; 663865, 5275632; 666073, 5275692; 666364, 5275518; 666638, 5275105; 666637, 5274652; 666490, 5273984; 666424, 5272976; 666470, 5272144; 666623, 5271604; 666545, 5271357; 666451, 5271457; 666246, 5270803; 665812, 5270220; 665528, 5270083; 665237, 5270168; 664868, 5270641; 663913, 5270848; 662262, 5271820; 661769, 5272008; 661335, 5271884; 661170, 5271563; 657622, 5271470; 657533, 5274297; 656550, 5274148; 656360, 5273846; 656403, 5274119; 656231, 5274300; 655804, 5274530; 655021, 5274645; 654658, 5274598; 654052, 5274817; 654050, 5274885; 653761, 5275051; 653693, 5275259; 653592, 5275359; 653651, 5275360; 654113, 5276019; 654236, 5276047; 654337, 5276174; 654368, 5275952; and excluding land bound by 664932, 5272863; 664944, 5272657; 665279, 5272667; 665275, 5272575; 665169, 5272571; 665052, 5272358; 665221, 5272135; 665586, 5272358; 665571, 5272895; 664932, 5272863.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 674473, 5280759; 676168, 5280826; 676164, 5280009; 675335, 5279977; 675371, 5279175; 674530, 5279150; 674473, 5280759.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 674473, 5280759; 672863, 5280735; 672815, 5282327; 671212, 5282294; 671256, 5280691; 672863, 5280735; 672899, 5279108; 671124, 5279059; 671035, 5279205; 670851, 5279166; 670707, 5279597; 670267, 5280048; 670150, 5280812; 669825, 5281233; 669748, 5281558; 669712, 5281826; 669790, 5282196; 670406, 5282270; 670393, 5282709; 670373, 5282788; 670264, 5282748; 670115, 5282817; 670038, 5282772; 669957, 5283941; 669875, 5284294; 669737, 5284511; 669731, 5284704; 669539, 5284705; 669509, 5284587; 669476, 5284563; 670886, 5285484; 671353, 5285552; 672818, 5285972; 673636, 5285459; 674232, 5286451; 674517, 52866528; 674547, 5285746; 676145, 5285776; 67155, 5283644; 674786, 5283592; 374804, 5283203; 675596, 5283232; 675626, 5282837; 676166, 5282856; 676167, 5282460; 674421, 5282375; 674473, 5280759; and excluding land bound by 670931, 5285098; 670535, 5285081; 670559, 5284496; 670761, 5284484; 670772, 5284289; 671071, 5284310; 671059, 5284706; 670949, 5284715; 670931, 5285098.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 643187, 5292901; 643271, 5292901; 643278, 5292426; 643068, 5292384; 642884, 5292241; 642701, 5291923; 642424, 5291676; 642135, 5291195; 641701, 5291160; 641666, 5291075; 641606, 5291519; 641747, 5291897; 641729, 5291991; 641944, 5292238; 642352, 5293220; 643187, 5292901.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 655661, 5311844; 656318, 5311079; 656429, 5310482; 656427, 5309906; 656878, 5309407; 657021, 5309164; 657197, 5308108; 657298, 5308013; 657173, 5307946; 657071, 5308073; 656737, 5308127; 656528, 5308087; 656197, 5307814; 655983, 5307432; 655795, 5306594; 655823, 5306481; 655601, 5306335; 655687, 5306199; 655614, 5305984; 655281, 5305541; 655300, 5305444; 655169, 5305268; 655002, 5304715; 655656, 5304205; 655802, 5304174; 656125, 5303763; 657187, 5303258; 657026, 5302854; 656708, 5303040; 656523, 5303294; 655915, 5303570; 655571, 5303918; 654528, 5304644; 654171, 5304701; 653951, 5304578; 653412, 5303593; 653236, 5302562; 653281, 5301959; 653448, 5301747; 654092, 5301767; 654470, 5301591; 655105, 5300973; 654428, 5299609; 654091, 5299370;

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excluding land bound by 646656, 5293982; 646509, 5293892; 646103, 5293835; 645732, 5293951; 645505, 5293898; 645493, 5293803; 645734, 5293857; 646129, 5293741; 646441, 5293788; 646667, 5293872; 646841, 5294096; 647059, 5294212; 647057, 5294290; 646785, 5294150; 646656, 5293982; and excluding land bound by 647645, 5291435; 647909, 5291504; 648697, 5291979; 648695, 5292057; 647645, 5291435; and excluding land bound by 646733, 5290903; 645570, 5290238; 645573, 5290129; 647128, 5291037; 647127, 5291124; 646733, 5290903.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 679257, 5292249; 679280, 5290672; 680859, 5290642; 680842, 5292306; 679257, 5292249; 679216, 5293919; 678818, 5293909; 678842, 5292669; 678446, 5292663; 678450, 5292250; 678043, 5292250; 678057, 5291852; 677638, 5291838; 677654, 5291445; 676689, 5291425; 676578, 5293441; 677616, 5293470; 677610, 5293881; 678421, 5293900; 678424, 5294302; 679204, 5294320; 679178, 5295542; 679568, 5295545; 679543, 5296337; 679159, 5296339; 679169, 5295935; 678776, 5295929; 678757, 5296714; 679150, 5296734; 679141, 5297136; 677972, 5297091; 677977, 5296690; 677575, 5296672; 677575, 5297075; 676868, 5297080; 676863, 5297369; 677361, 5297434; 677296, 5298031; 676903, 5298034; 676858, 5298423; 676696, 5298413; 676610, 5298876; 676734, 5299035; 676683, 5299374; 676592, 5299412; 676424, 5299350; 676267, 5299442; 676391, 5299633; 676060, 5300086; 676004, 5300312; 675864, 5300389; 675811, 5300525; 675672, 5300545; 675678, 5300862; 675481, 5300937; 675134, 5300894; 674866, 5301138; 674664, 5301115; 674694, 5301450; 674626, 5301797; 674263, 5302485; 673592, 5302668; 673407, 5302629; 673028, 5302813; 672967, 5302949; 673071, 5303245; 672946, 5303347; 672867, 5303524; 672834, 5303799; 672568, 5303986; 672487, 5304290; 672245, 5304486; 672121, 5304767; 671824, 5304928; 671662, 5305099; 671097, 5305321; 670577, 5305700; 670567, 5306083; 670820, 5306309; 670974, 5306338; 671659, 5306176; 671746, 5306235; 671588, 5306704; 671094, 5307328; 670876, 5307290; 670677, 5307154; 670567, 5307037; 670524, 5306791; 670124, 5306903; 669966, 5307071; 669659, 5307038; 669152, 5307540; 668698, 5307536; 668362, 5307666; 668143, 5307971; 667698, 5308132; 667505, 5308313; 667332, 5308363; 667196, 5308791; 666927, 5309009; 666748, 5309035; 666254, 5308811; 665751, 5308809; 665551, 5308931; 665402, 5308803; 664851, 5308583; 665020, 5308290; 664694, 5308202; 664259, 5308359; 663583, 5309465; 663314, 5310278; 663053, 5311709; 662975, 5313706; 662918, 5313860; 662982, 5314178; 662951, 5314365; 662823, 5314467; 662563, 5315051; 662279, 5315356; 661963, 5315874; 661719, 5316863; 661411, 5317200; 661247, 5317714; 661040, 5318908; 660836, 5319117; 660640, 5319467; 660212, 5319843; 669873, 5320358; 661116, 5319891; 661860, 5320061; 661950, 5320156; 661723, 5320552; 661820, 5320622; 661780, 5320714; 661986, 5320868; 662001, 5321005; 661787, 5321327; 661838, 5321502; 661753, 5321864; 661658, 5321973; 661642, 5322517; 661486, 5322785; 661493, 5322971; 661391, 5323073; 661469, 5323366; 661231, 5323489; 661308, 5323609; 661273, 5323756; 661327, 5323795; 661015, 5324108; 661077, 5324332; 661014, 5324374; 660852, 5325044; 660771, 5325066; 660697, 5325275; 660779, 5325444; 660758, 5325549; 660626, 5325811; 660368, 5325971; 660302, 5326130; 660097, 5326142; 659913, 5326304; 659782, 5326566; 659810, 5326672; 659727, 5326763; 659668, 5327064; 659443, 5327169; 659437, 5327386; 660404, 5328614; 660626, 5328434; 660823, 5328681; 660974, 5329249; 660887, 5329716; 660721, 5329914; 661545, 5330949; 661606, 5330764; 661765, 5330614; 662131, 5330563; 662107, 5329900; 662154, 5329771; 662318, 5329640; 662560, 5329616; 662774, 5329511; 662716, 5329354; 662429, 5329234; 662468, 5328957; 662373, 5328800; 662746, 5328532; 662939, 5328272; 662835, 5327903; 662913, 5326613; 663635, 5324767; 663903, 5323083; 664004, 5322971; 663946, 5322663; 664164, 5321976; 664121, 5321734; 664253, 5321446; 664247, 5321217; 664383, 5321023; 664619, 5320751; 664853, 5320801; 665536, 5321155; 665770, 5321180; 666552, 5321536; 667332, 5321769; 667599, 5322147; 667820, 5321788; 668046, 5321674; 668454, 5321203; 668891, 5320991; 669005, 5320551; 669078, 5319614; 669248, 5319407; 669876, 5318753; 670291, 5318532; 670605, 5318267; 670980, 5318061; 671552, 5317979; 671900, 5317627; 672259, 5317117; 672419, 5316751; 672705, 5316447; 672722, 5316159; 671768, 5315812; 671732, 5315222; 671924, 5314055; 672411, 5313560; 673426, 5313093; 673733, 5312824; 674133, 5312004; 674469, 5310801; 674868, 5310088; 675009, 5309670; 675957, 5308490; 676366, 5308169;

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677868, 5291050; 678076, 5291060;
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5289468; 682088, 5290272; 681668,
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686436, 5296030; 686375, 5297540;
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excluding land bound by 679131,
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5297958; 679125, 5297942; 679131,
5297535; and excluding land bound by
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677502, 5299497; 677515, 5298693;
678322, 5298720; and excluding land
bound by 677486, 5300304; 677409,
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excluding land bound by 675361,
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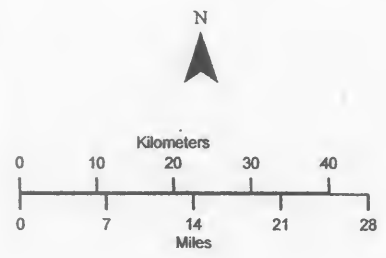
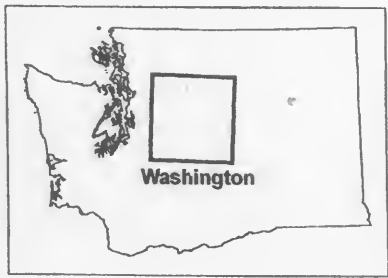
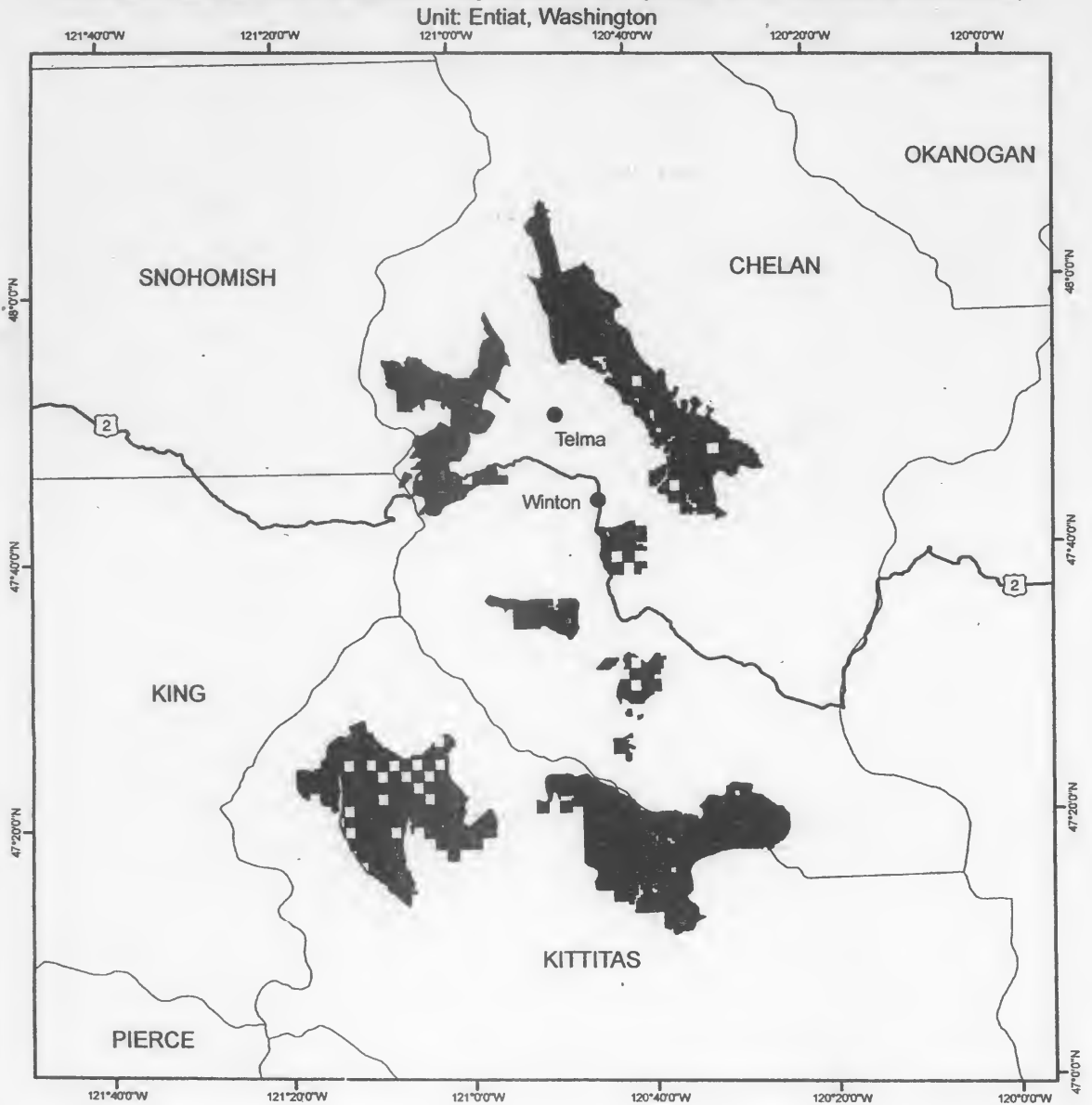
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5308146; 670044, 5308157; 670082,
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excluding land bound by 660045,
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5326838; 659900, 5326718; 660016,
5326697; 659964, 5326616; 660025,
5326599; 660273, 5326887; 660045,
5326966.

(O) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 644716, 5250221; 643110, 5250178;
643057, 5251787; 644663, 5251826;
644716, 5250221.

(iii) Note: Map of Entiat Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)



	Critical Habitat
	Cities
	Highways
	Counties

(12) Southwest Washington Cascades Unit (Unit 5). Clark, Cowlitz, King, Kittitas, Lewis, Pierce, Skamania, and Thurston Counties, Washington.

(i) The Southwest Washington Cascades Unit consists of 523, 700 ac (211, 900 ha) and is comprised of lands managed by the Mt. Baker-Snoqualmie, Gifford Pinchot, and Wenatchee National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Bare Mountain, Bearhead Mountain, Big Huckleberry Mountain, Burnt Peak, Carson, Cedar Flats, Clear West Peak, Cougar Lake, East Canyon Ridge, Eatonville, French Butte, Gifford Peak, Greenhorn Buttes, Lester, Little Huckleberry Mountain, Lone Butte, Lookout Mountain, McCoy Peak, Mineral, Morton, Mossyrock, Mount Defiance, Mount Mitchell, Mount Wow, Nagrom, Newaukum Lake, Noble Knob, Norse Peak, Ohanapachos Hot Springs, Packwood, Packwood Lake, Purcell Mountain, Quartz Creek Butte, Randle, Sawtooth Ridge, Siouxon Peak, Smith Creek Butte, Spencer Butte, Spirit Lake East, Stabler, Steamboat Mountain, Sun Top, Sunrise, Tatoosh Lakes, Termination Point, The Rockies, Tower Rock, Wahpenayo Peak, White Pass, White River Park, and Willard.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 597072, 5061947; 596689, 5061945; 596691, 5061751; 596355, 5061959; 596250, 5062102; 596251, 5062746; 597067, 5062772; 597072, 5061947.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 592585, 5066258; 592577, 5065936; 592289, 5066251; 592585, 5066258.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 597970, 5088074; 597758, 5088156; 597635, 5088516; 597996, 5088610; 598090, 5088550; 598119, 5088201; 597970, 5088074.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 597462, 5088741; 597533, 5088755; 597606, 5088533; 597361, 5088463; 597261, 5087935; 597078, 5088034; 596991, 5088267; 596610, 5088525; 596658, 5088684; 596885, 5088763; 597462, 5088741.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 597072, 5061947; 597476, 5061935; 597474, 5062863; 597741, 5062905; 597837, 5062768; 598263, 5062765; 598269, 5063545; 597868, 5063539; 597858, 5064062; 597470, 5064069; 597479, 5063572; 596844, 5063566; 596835, 5063998; 596645, 5063995; 596642, 5064424; 597047, 5064530; 597029, 5065506; 596671, 5065525; 596680, 5065577; 596585, 5065518; 595380, 5065509; 595382, 5065119;

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(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 553346, 5159198; 553367, 5158161; 552958, 5158159; 552949, 5158563; 552568, 5158560; 552558, 5159770; 553335, 5159783; 553346, 5159198.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546957, 5161208; 548565, 5161220; 548615, 5159750; 546979, 5159738; 546957, 5161208.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551735, 5161411; 551743, 5159757; 550989, 5159765; 550995, 5160563; 550163, 5160568; 550149, 5161416; 551735, 5161411.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 542120, 5162783; 543730, 5162801; 543741, 5161290; 542130, 5161267; 542120, 5162783.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546957, 5161208; 545421, 5161203; 545434, 5160531; 544211, 5160459; 544208, 5160786; 543857, 5160798; 543855, 5161192; 545346, 5161209; 545335, 5162800; 546939, 5162812; 546957, 5161208.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551735, 5161411; 551708, 5163034; 553325, 5163054; 553339, 5161425; 551735, 5161411.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 542114, 5164375; 542120, 5162783; 540515, 5162772; 540497, 5164382; 542114, 5164375.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 545335, 5162800; 543730, 5162801; 543725, 5164393; 545336, 5164404; 545335, 5162800.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 556509, 5165487; 555709, 5165478; 555701, 5166306; 556504, 5166321; 556509, 5165487.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 543725, 5164393; 542114, 5164375; 542101, 5166167; 540898, 5166171; 540911, 5167768; 542541, 5167780; 542546, 5166176; 543712, 5166172; 543725, 5164393.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 540911, 5167768; 538944, 5167742; 538944, 5169377; 540893, 5169378; 540911, 5167768.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 544157, 5167817; 542541, 5167780; 542541, 5169409; 544158, 5169414; 544157, 5167817.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 547366, 5167827; 545780, 5167834; 545749, 5169432; 547372, 5169450; 547366, 5167827.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 545749, 5169432; 544158, 5169414;

544140, 5171024; 545737, 5171048; 545749, 5169432.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 583997, 5176426; 584346, 5176368; 584544, 5176275; 584635, 5176160; 584919, 5176071; 585666, 5176108; 585778, 5175961; 586234, 5175799; 586366, 5175823; 586537, 5175688; 586716, 5175747; 587425, 5175690; 587559, 5175853; 587830, 5175709; 588247, 5175632; 588490, 5175641; 588570, 5175722; 588684, 5175707; 588759, 5175766; 589190, 5175782; 589261, 5175851; 589318, 5176190; 589453, 5176439; 591461, 5176457; 591656, 5176337; 591963, 5176293; 592473, 5176024; 593179, 5175972; 593296, 5175839; 593351, 5175565; 593543, 5175415; 593770, 5174878; 594104, 5174934; 594282, 5175066; 594370, 5175222; 594566, 5175031; 594720, 5175047; 594809, 5175125; 594973, 5175640; 595071, 5175720; 595394, 5175598; 595646, 5175293; 596088, 5174991; 596357, 5175086; 597013, 5175122; 597894, 5175549; 598152, 5175566; 598298, 5175285; 598354, 5174902; 598506, 5174818; 598384, 5174695; 598394, 5174443; 598260, 5174422; 598199, 5174241; 598215, 5173931; 598390, 5173915; 598435, 5173536; 598639, 5173504; 598567, 5173327; 598683, 5172936; 598987, 5172513; 599071, 5172486; 598950, 5172373; 598991, 5172232; 599318, 5171877; 599409, 5171866; 599510, 5171945; 599515, 5171662; 599737, 5171434; 599892, 5171423; 599644, 5171233; 600269, 5170412; 600259, 5170263; 600547, 5169884; 600434, 5169784; 600661, 5169377; 600707, 5169061; 600889, 5168710; 600919, 5168479; 601116, 5168199; 601093, 5168070; 601159, 5167929; 601330, 5167713; 601602, 5167640; 601707, 5167513; 601357, 5167249; 601507, 5165930; 601269, 5165924; 601229, 5166408; 601006, 5167060; 600718, 5166789; 600562, 5166366; 600326, 5165978; 599947, 5165672; 599622, 5165524; 599472, 5165528; 599383, 5165335; 599156, 5165274; 599097, 5165379; 598912, 5165405; 598739, 5165516; 598691, 5165429; 598600, 5165755; 598609, 5165620; 598443, 5165347; 598539, 5165142; 598407, 5164940; 598294, 5164902; 598009, 5164926; 597693, 5165063; 596934, 5164857; 596689, 5165038; 596658, 5165187; 596244, 5165244; 595781, 5164866; 595527, 5165139; 595501, 5165352; 595308, 5165392; 595177, 5165603; 594951, 5165492; 594974, 5165372; 594918, 5165306; 595047, 5164896; 595242, 5164735; 595229, 5164614; 595151, 5164598; 594450, 5165177; 593546, 5165574;

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582877, 5176447; 583583, 5176406;
583877, 5176551; 583997, 5176426.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 615543, 5178476; 615603, 5177345; 615518, 5177201; 614285, 5176565; 613565, 5176393; 613257, 5176108; 612857, 5175657; 612917, 5174694; 613024, 5174472; 613207, 5174380; 614023, 5173279; 614288, 5173101; 614492, 5173083; 614840, 5173158; 614951, 5173416; 615030, 5173801; 614838, 5175183; 614976, 5175338; 615767, 5175076; 616113, 5175093; 616915, 5174775; 616759, 5174442; 616733, 5174198; 616660, 5174145; 616322, 5174114; 616065, 5174185; 616079, 5173528; 616300, 5173445; 616288, 5173376; 616060, 5173221; 616144, 5172506; 616508, 5172103; 617795, 5171548; 617972, 5171399; 618382, 5171263; 619278, 5170727; 619316, 5170587; 618891, 5170037; 618727, 5169312; 618640, 5169162; 618515, 5169004; 618322, 5168958; 617288, 5170229; 616809, 5170427; 615953, 5171053; 615599, 5171023; 615497, 5170883; 615514, 5170370; 615662, 5169999; 616271, 5169303; 616576, 5169079; 616947, 5168515; 617201, 5168254; 617683, 5167497; 618036, 5167088; 618564, 5166223; 619351, 5165380; 619009, 5165036; 618447, 5164955; 618362, 5165230; 618215, 5165222; 618304, 5165415; 618265, 5165627; 618085, 5165750; 618067, 5165917; 617919, 5166070; 617893, 5166276; 617719, 5166554; 617549, 5166656; 617545, 5166910; 617285, 5167107; 617212, 5167321; 617098, 5167356; 617080, 5167469; 616925, 5167557; 616801, 5167759; 616366, 5167712; 613620, 5167819; 613502, 5167848; 613104, 5167794; 613022, 5167701; 612496, 5167691; 612153, 5168144; 612829, 5168494; 612934, 5169011; 612855, 5169322; 612771, 5169435; 612343, 5169619; 612165, 5169818; 611771, 5169954; 611184, 5170056; 610907, 5169977; 610526, 5169312; 610442, 5168834; 610293, 5168661; 609911, 5168343; 609395, 5168320; 609365, 5168269; 609263, 5168056; 609412, 5167574; 609368, 5167385; 608952, 5166842; 608928, 5166407; 609026, 5166188; 609182, 5166068; 609091, 5165713; 609323, 5165701; 609486, 5165823; 609572, 5165580; 609686, 5165523; 609816, 5165621; 609959, 5165418; 610475, 5165468; 610805, 5165626; 610801, 5165431; 610964, 5165355; 610955, 5163277; 611003, 5163150; 611030, 5161227; 610795, 5161084; 610576, 5160807; 610760, 5160630; 610932, 5160273; 610978, 5159836; 611162, 5159670; 611168, 5159261; 611066, 5159220; 611095, 5159131; 610941, 5159009; 610802, 5159028; 610532, 5159380; 610353, 5159489; 610299, 5159679; 610026, 5159910; 610099, 5160011; 610021, 5160112; 610057, 5160270; 609980, 5160372; 609862, 5160355; 609641, 5160622; 609136, 5160782; 608850, 5161235; 608397, 5161440; 608282, 5161732; 608033, 5161933; 607533, 5161923; 606997, 5161682; 606591, 5161341; 607197, 5160208; 607568, 5160015; 608181, 5159372; 608551, 5159252; 608822, 5158564; 608571, 5158437; 608445, 5158263; 608406, 5158024; 607872, 5158009; 607890, 5156304; 607785, 5156185; 607684, 5156169; 607505, 5156205; 607338, 5156152; 606915, 5156248; 606851, 5155995; 606836, 5155319; 606938, 5155183; 606662, 5155114; 606625, 5155163; 606211, 5155199; 606027, 5155146; 605810, 5154957; 605936, 5154681; 605858, 5154644; 605827, 5154388; 606079, 5153808; 606245, 5153676; 606296, 5153214; 605903, 5152865; 605561, 5152873; 605409, 5153020; 604995, 5153098; 604507, 5152890; 604353, 5152745; 603974, 5152796; 604048, 5153082; 604262, 5153435; 604054, 5153951; 603820, 5154324; 603696, 5154906; 603234, 5155254; 602504, 5156210; 602131, 5156438; 601392, 5157116; 600940, 5157336; 600743, 5157575; 599950, 5158138; 599898, 5158191; 599861, 5158664; 600657, 5158664; 600592, 5159461; 601416, 5159462; 601390, 5160273; 602188, 5160273; 602162, 5161071; 602561, 5161065; 602528, 5162313; 603338, 5162314; 603318, 5164348; 604527, 5164368; 604513, 5165978; 605323, 5165979; 605329, 5166352; 606127, 5166367; 606106, 5167577; 604437, 5167566; 604506, 5167660; 605200, 5167900; 605431, 5168111; 605436, 5168464; 605687, 5168941; 605757, 5169434; 605855, 5169463; 606052, 5169353; 606141, 5169471; 606202, 5169621; 606169, 5169876; 606038, 5170078; 606098, 5170308; 606065, 5170808; 606797, 5170809; 606872, 5171843; 606827, 5172155; 607168, 5172500; 607240, 5172755; 607165, 5173034; 607380, 5173585; 607340, 5173727; 607477, 5173936; 607539, 5174837; 610007, 5174911; 610242, 5175082; 610689, 5175644; 611297, 5175792; 611686, 5176087; 611941, 5176163; 612095, 5176447; 612584, 5176954; 612593, 5177160; 612734, 5177227; 613159, 5177661; 613340, 5177939; 613743, 5178267; 614621, 5178422; 615082, 5178378; 615303, 5178501; 615110, 5178339; 615543, 5178631; 615543, 5178476; and excluding land bound by 606488, 5169079; 606490, 5168904; 606581, 5168904; 606583, 5168807; 606894, 5168811; 606891, 5169001; 606789, 5169002; 606789, 5169207; 606682, 5169207; 606682, 5169102; 606488, 5169079.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551708, 5163034; 550104, 5163026; 550105, 5161416; 548564, 5161415; 548551, 5162812; 546939, 5162812; 546953, 5164409; 548519, 5164397; 548507, 5166214; 547359, 5166210; 547366, 5167827; 548967, 5167841; 548937, 5169463; 547372, 5169450;

547335, 5171054; 548923, 5171067; 548903, 5172627; 550620, 5172654; 550574, 5174270; 549716, 5174247; 549715, 5175029; 550564, 5175029; 550554, 5175836; 551226, 5175849; 551179, 5177458; 551649, 5177462; 551596, 5179067; 552038, 5179071; 552018, 5179869; 555188, 5179884; 555194, 5179099; 555595, 5179096; 555597, 5178710; 556004, 5178708; 556017, 5175873; 556995, 5175851; 557027, 5174333; 556214, 5174326; 556227, 5172731; 557797, 5172746; 557785, 5173532; 558141, 5173540; 558148, 5173151; 558530, 5173155; 558690, 5166362; 557513, 5166341; 557496, 5167134; 557114, 5167142; 557104, 5167943; 557869, 5167945; 557857, 5168739; 557090, 5168737; 557084, 5169125; 555484, 5169109; 555500, 5167922; 552279, 5167876; 552312, 5166266; 553284, 5166280; 553292, 5164626; 551688, 5164612; 551708, 5163034; and excluding land bound by 557264, 5170337; 557839, 5170340; 557820, 5171143; 557044, 5171138; 557060, 5170335; 557264, 5170337.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 580637, 5181129; 580902, 5180815; 581092, 5180711; 581035, 5180545; 581072, 5180400; 581270, 5180091; 581303, 5179845; 581492, 5179641; 581394, 5179519; 581152, 5179514; 580994, 5179604; 580902, 5179567; 580801, 5179665; 580983, 5179264; 580457, 5179264; 580442, 5179409; 580386, 5179337; 580231, 5179669; 579806, 5179947; 579608, 5180285; 579876, 5180788; 579994, 5180752; 580269, 5180858; 580300, 5180995; 580637, 5181129; and excluding land bound by 580192, 5180231; 580314, 5180205; 580397, 5180370; 580582, 5180345; 580771, 5180533; 580625, 5180610; 580225, 5180327; 580192, 5180231.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 621065, 5218472; 621150, 5218253; 621427, 5218094; 621430, 5217686;

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594521, 5212359; 594376, 5212589; 593796, 5212593; 593704, 5212733; 593562, 5212783; 593026, 5213290; 592814, 5213685; 592845, 5214227; 592440, 5214646; 590600, 5214579; 590854, 5215159; 606750, 5215480; 606570, 5225108; 608095, 5225111; 608125, 5223525; 609723, 5223555; 609752, 5222449; 610150, 5222450; 610150, 5222866; 611354, 5222873; 611346, 5223576; 611877, 5223585; 611710, 5223095; 612534, 5223095; 612543, 5222647; 612280, 5222628; 612543, 5222645; 612555, 5222242; 612633, 5222208; 612818, 5222194; 612969, 5222315; 612966, 5222448; 614553, 5222482; 614736, 5222325; 614970, 5222423; 615271, 5222244; 615519, 5222366; 615711, 5222635; 615846, 5222712; 616160, 5222476; 616168, 5222079; 616729, 5222086; 617030, 5221975; 617040, 5221650; 617138, 5221465; 617009, 5221230; 616990, 5220988; 617042, 5221109; 617481, 5222130; 617483, 5222100; 617767, 5221024; 617834, 5220978; 617848, 5220490; 619446, 5220510; 619443, 5220662; 619611, 5220513; 619865, 5220518; 619872, 5220174; 620201, 5220174; 620201, 5219694; 620691, 5219696; 620694, 5219299; 620873, 5219299; 620935, 5218943; 621061, 5218936; 621065, 5218472.

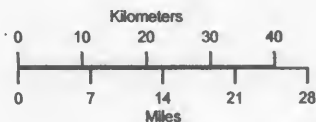
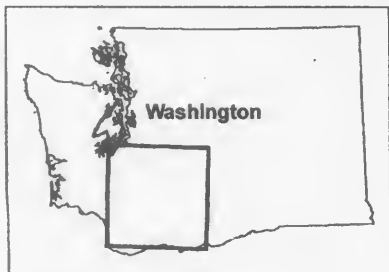
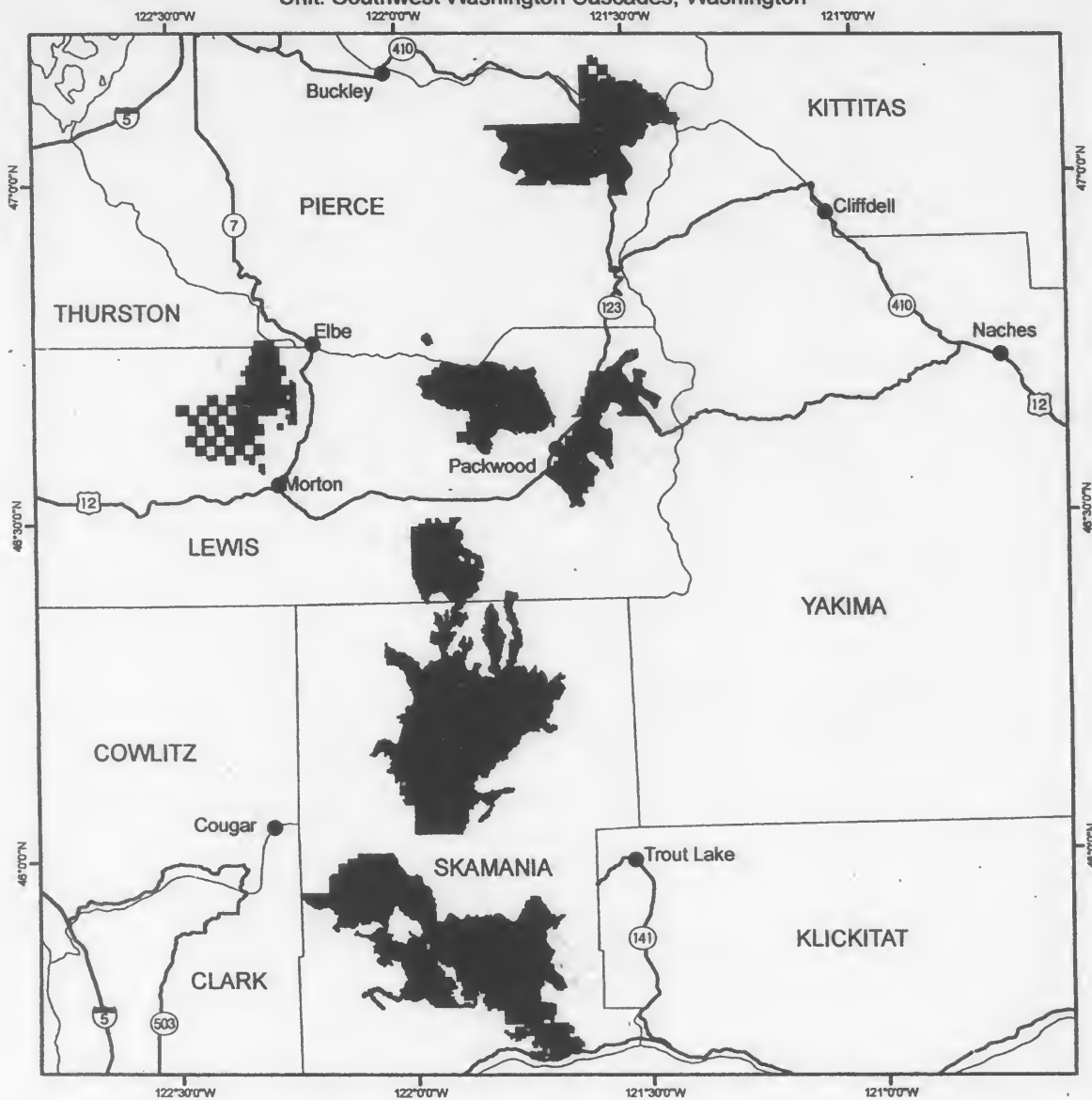
(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 608920, 5226718; 608930, 5225541; 609333, 5225548; 609330, 5226354; 609733, 5226361; 609755, 5225141; 611305, 5225146; 611346, 5223585; 609723, 5223555; 609706, 5225140; 608132, 5225124; 608102, 5226722; 608920, 5226718.





(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546953, 5164409; 545336, 5164404; 545266, 5166183; 544169, 5166175; 544157, 5167817; 545780, 5167834; 545730, 5166186; 546908, 5166201; 546953, 5164409.

(iii) Note: Map of Southwest Washington Cascades Unit follows:
BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Southwest Washington Cascades, Washington



-  Critical Habitat
-  Cities
-  Highways
-  Counties

(13) Southeast Washington Cascades Unit (Unit 6). Kittitas, Yakima, and Skamania Counties, Washington.

(i) The Southeast Washington Cascades Unit consists of 143, 400 ac (58, 000 ha) and is comprised of lands managed by the Wenatchee and Gifford Pinchot National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Bumping Lake, Cle Elum, Cougar Lake, Darland Mountain, Foundation Ridge, Frost Mountain, Goose Prairie, Guler Mountain, King Mountain, Little Huckleberry Mountain, Meeks Table, Mount Adams East, Mount Clifty, Old Scab Mountain, Pinegrass Ridge, Quartz Mountain, Rimrock Lake, Ronald, Sleeping Beauty, Spiral Butte, Tieton Basin, Timberwolf Mountain, Trout Lake, and White Pass.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 605869, 5099945; 605937, 5099828; 606474, 5099704; 606542, 5099755; 607049, 5099719; 607348, 5099856; 607504, 5090103; 606548, 5090110; 606217, 5089806; 606079, 5089755; 605858, 5089487; 605663, 5088728; 605586, 5088630; 605419, 5088576; 605139, 5088629; 604723, 5089011; 604327, 5088889; 604045, 5088629; 603765, 5088582; 603603, 5088613; 603304, 5088969; 602933, 5089018; 602675, 5088826; 602123, 5088996; 601877, 5089130; 601675, 5089335; 601344, 5089482; 600609, 5090376; 600385, 5091439; 599923, 5092608; 599872, 5092895; 599893, 5092772; 599797, 5092690; 598894, 5092343; 598793, 5092040; 598657, 5091913; 598576, 5092250; 598820, 5092655; 598818, 5092749; 599036, 5092853; 599295, 5092757; 599574, 5092912; 599615, 5093069; 599830, 5093242; 599842, 5093785; 600283, 5094749; 600597, 5095661; 600806, 5095871; 600977, 5095929; 601246, 5095805; 601660, 5095373; 602169, 5095224; 602915, 5095360; 603188, 5095584; 603368, 5096154; 603398, 5096707; 603334, 5096904; 603420, 5096997; 603464, 5098709; 603582, 5099172; 603839, 5099434; 603993, 5099777; 604627, 5100207; 605248, 5100511; 605670, 5100234; 605869, 5099945.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 620114, 5108994; 620206, 5108918; 620477, 5108215; 620542, 5108165; 620656, 5108232; 620777, 5107989; 620794, 5107784; 620990, 5107620; 620884, 5107090; 621214, 5106685; 621165, 5106555; 621209, 5106272; 621124, 5105987; 621191, 5105847; 621426, 5105671; 621520, 5105454; 621580, 5105044; 621185, 5104804; 621011, 5104479; 621003, 5104234; 621279, 5103969; 621294, 5103828; 621231, 5103762; 620885, 5103678;

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(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 638093, 5163068; 637950, 5163055; 637905, 5163111; 638029, 5163131; 638029, 5163258; 638093, 5163258; 638093, 5163068.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 637959, 5163718; 638029, 5163513; 637902, 5163513; 637872, 5163572; 637959, 5163718.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 638093, 5163068; 638156, 5163071;

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(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 634776, 5168674; 634815, 5168398; 634524, 5167828; 634623, 5167264; 634101, 5167306; 633605, 5167085; 633378, 5167072; 633116, 5166830; 632869, 5166263; 632605, 5166136; 632442, 5166132; 632310, 5166243; 631976, 5166301; 631622, 5166179; 631439, 5166370; 631301, 5166367; 631127, 5166176; 631166, 5165900; 631073, 5165353; 630119, 5164645; 630177, 5164565; 630421, 5164536; 630590, 5164604; 630842, 5164575; 631189, 5164710; 631749, 5164718; 631897, 5164631; 632393, 5164573; 632771, 5164692; 633168, 5164970; 633404, 5164824; 633472, 5164646; 633898, 5164190; 633905, 5163881; 633674, 5163716; 633508, 5163940; 633248, 5163969; 632708, 5163758; 632486, 5163414; 631914, 5163169; 631162, 5163012; 630883, 5163154; 630770, 5163120; 630515, 5162751; 629911, 5162654; 629464, 5162401; 628455, 5161624; 627982, 5161989; 627602, 5161555; 627538, 5161368; 627120, 5161557; 627106, 5161327; 626877, 5161323; 626781, 5161203; 626694, 5161214; 626600, 5161001; 626514, 5160981; 626535, 5160833; 626693, 5160676; 626410, 5160317; 626443, 5160225; 626310, 5160105; 626271, 5159887; 626143, 5159786; 626213, 5159694; 626130, 5159569; 626150, 5159477; 625996, 5159461; 625999, 5159306; 625738, 5159375; 625548, 5159571; 625559, 5159662; 625832, 5160169; 625840, 5160391; 625961, 5160499; 625947, 5160592; 626096, 5160836; 626076, 5160916; 626185, 5161011; 626339, 5161330; 626512, 5161933; 626651, 5162091; 626610, 5162263; 626410, 5162358; 626365, 5162443; 626743, 5162371; 626941, 5162412; 627092, 5162539; 627264, 5162889; 627374, 5162978; 627538, 5163371; 627865, 5163718; 627942, 5163887; 627976, 5164011; 627880, 5164164; 628183, 5165061; 628427, 5165202; 628634, 5165627; 629038, 5165531; 629078, 5165699; 629486, 5165998; 629432, 5166201; 629200, 5166332; 629009, 5166612; 628968, 5166785; 628650, 5166926; 628958, 5167539; 628466, 5167702;

627879, 5167658; 627587, 5167720; 627288, 5167534; 627035, 5167516; 626847, 5167642; 626723, 5167633; 626645, 5167533; 626412, 5167441; 625659, 5167382; 624961, 5167020; 624708, 5167015; 624665, 5167157; 624404, 5167216; 624324, 5167487; 624213, 5167507; 624124, 5167383; 624111, 5167115; 624275, 5166455; 624197, 5166151; 624434, 5165702; 623915, 5165682; 623559, 5165705; 623455, 5165775; 623281, 5166020; 623255, 5166287; 623367, 5166203; 623198, 5166431; 622828, 5166668; 622761, 5166904; 622824, 5167069; 622568, 5167092; 622262, 5167446; 622634, 5167653; 623158, 5167744; 623278, 5167926; 623979, 5168094; 624141, 5168067; 625097, 5169076; 625544, 5168684; 625949, 5168544; 626497, 5168661; 626730, 5168753; 626783, 5168865; 626970, 5168795; 627043, 5168896; 627265, 5168641; 627450, 5168663; 627655, 5168581; 627907, 5168691; 628314, 5168713; 628625, 5168651; 628697, 5168739; 629002, 5168665; 629048, 5168537; 629135, 5168526; 629220, 5168596; 629307, 5168579; 629410, 5168693; 629487, 5168546; 630055, 5168317; 630179, 5168295; 630307, 5168390; 630457, 5168313; 631102, 5168234; 631495, 5168088; 631544, 5168114; 631523, 5168194; 631314, 5168437; 631144, 5168860; 630672, 5169555; 630774, 5169680; 630981, 5169664; 631028, 5169448; 631191, 5169280; 631371, 5169316; 631522, 5169128; 631834, 5169004; 631948, 5168883; 632082, 5168954; 632645, 5168663; 632706, 5169017; 632674, 5169338; 632787, 5169727; 634590, 5168938; 634776, 5168674; and excluding land bound by 625162, 5167799; 625146, 5168191; 624739, 5168174; 624751, 5167978; 624954, 5167991; 624967, 5167787; 625162, 5167799; and excluding land bound by 623713, 5166930; 623371, 5166854; 623047, 5166613; 623228, 5166519; 623422, 5166596; 623568, 5166580; 623808, 5166872; 623713, 5166930.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 649782, 5166660; 649807, 5165629; 649538, 5165023; 649028, 5165005; 649036, 5164283; 648232, 5163827; 647503, 5163762; 647133, 5163827; 646146, 5164389; 645793, 5164932; 645705, 5165316; 645760, 5165562; 645040, 5165945; 644750, 5166577; 644931, 5166899; 645246, 5166979; 645619, 5166922; 645564, 5166719; 645601, 5166446; 645903, 5166295; 645987, 5166126; 646193, 5166030; 646260, 5166069; 646420, 5166439; 646451, 5166815; 646344, 5168732; 646423, 5169287; 646700, 5169478;

646954, 5169758; 648086, 5170247; 648288, 5170616; 648853, 5170862; 649090, 5170890; 650037, 5170730; 650904, 5170222; 651347, 5170095; 651924, 5169499; 651922, 5168353; 651690, 5167905; 651551, 5167752; 650918, 5167439; 650513, 5166674; 649782, 5166660.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 645704, 5171618; 645706, 5171406; 645529, 5171325; 644413, 5171347; 643732, 5171093; 643685, 5170804; 643884, 5169965; 643641, 5169224; 643189, 5168672; 643083, 5168690; 642967, 5168458; 641684, 5167440; 641684, 5167322; 641386, 5167303; 640548, 5167638; 640361, 5167635; 639713, 5167439; 639345, 5167184; 638315, 5167194; 637256, 5166996; 636688, 5167042; 636330, 5167275; 636099, 5167686; 635958, 5168159; 635659, 5168491; 635701, 5168670; 636031, 5169066; 636208, 5170246; 636421, 5170653; 636409, 5171466; 636454, 5171509; 637069, 5171540; 637735, 5171073; 638120, 5171026; 638366, 5171081; 638617, 5170920; 639271, 5171003; 639956, 5171340; 640914, 5171381; 640787, 5171520; 641059, 5171533; 641057, 5171632; 641213, 5171839; 641429, 5172383; 641469, 5172804; 641315, 5173029; 641495, 5173287; 641451, 5173608; 641553, 5174310; 642982, 5174363; 644040, 5174317; 644141, 5174204; 644459, 5173308; 644686, 5173081; 645010, 5172443; 645701, 5171790; 645704, 5171618.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 647493, 5181334; 647851, 5181532; 647903, 5181444; 648000, 5181447; 648052, 5181343; 648004, 5181049; 648139, 5180890; 648650, 5180890; 648777, 5180983; 648772, 5181137; 648852, 5181188; 649218, 5180891; 649289, 5180942; 649299, 5181153; 649655, 5181172; 649927, 5181026; 650002, 5181239; 650303, 5181200; 650766, 5181425; 650981, 5181302; 651192, 5181284; 651234, 5181521; 651499, 5181342; 651674, 5181430; 651735, 5178753; 650753, 5178261; 650446, 5177861; 649950, 5177748; 649769, 5177525; 649525, 5177366; 649235, 5176849; 648955, 5176690; 648024, 5175810; 647826, 5175793; 647682, 5175910; 647448, 5175902; 646825, 5175593; 646428, 5175318; 645634, 5175080; 644950, 5175102; 644483, 5175479; 644051, 5175526; 643527, 5175234; 642956, 5175177; 642684, 5175067; 642458, 5174876; 641629, 5174695; 641228, 5174938; 640661, 5175129; 640406, 5175167; 640168, 5175050; 640073, 5175134; 640304, 5175313; 641046, 5175349; 641488, 5175476; 641907, 5176352;

642106, 5177933; 642078, 5178867;
641958, 5179297; 641593, 5179565;
641503, 5179707; 641863, 5180216;
641891, 5180347; 642303, 5180118;
642246, 5179920; 642321, 5179841;
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643750, 5179296; 643874, 5179202;
643939, 5179003; 644317, 5178965;
644397, 5178858; 644587, 5178884;
644883, 5178721; 645018, 5178783;
645001, 5179006; 645292, 5179372;
645594, 5179553; 645829, 5179576;
646636, 5180463; 646683, 5180529;
646573, 5180672; 646560, 5180818;
646819, 5180826; 646848, 5180998;
646952, 5180993; 646949, 5181342;
647044, 5181402; 647032, 5181524;
647382, 5181494; 647493, 5181334.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 644530, 5184345; 644991, 5184216; 645127, 5184116; 645092, 5183798; 644992, 5183747; 643689, 5184045; 643010, 5183725; 643037, 5183626; 642862, 5183530; 642792, 5183373; 642729, 5183434; 642587, 5183400; 642552, 5183325; 642391, 5183315; 642168, 5183340; 642104, 5183444; 642092, 5183697; 642249, 5183596; 642353, 5183623; 642855, 5183851; 643057, 5184097; 643415, 5184100; 643607, 5184315; 644530, 5184345.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 638585, 5204286; 639265, 5203707; 639683, 5203593; 639497, 5203548; 639216, 5203236; 639104, 5202813; 639123, 5202515; 638851, 5202162; 638900, 5201962; 638764, 5201953; 638539, 5202053; 638423, 5202007; 638350, 5201955; 638305, 5201744; 638065, 5201708; 637775, 5201423; 637818, 5200980; 637705, 5200691; 637726, 5200568; 637582, 5200391; 637312, 5200280; 637241, 5200155; 637076, 5200070; 636994, 5199557; 636679, 5199325; 636597, 5199398; 636450, 5199332; 636419, 5199035; 636255, 5198672; 635994, 5198444; 635873, 5198051; 635717, 5197874; 635563, 5197827; 635408, 5197583; 635291, 5197555; 635073, 5197352; 634801, 5197365; 634765, 5197290; 634525, 5197265; 634421, 5197189; 634235, 5197215; 634165, 5197313; 634079, 5197274; 633958, 5196875; 633809, 5196667; 633971, 5196337; 633828, 5196111; 633826, 5195654; 633686, 5195545; 633493, 5195627; 633097, 5195556; 632965, 5195368; 632797, 5195433; 632591, 5195236; 632556, 5195124; 632389, 5195145; 632318, 5194965; 632103, 5194923; 632051, 5194718; 631829, 5194712; 631726, 5194612; 631640, 5194288; 631694, 5194061; 631635, 5193967; 631965, 5193553; 631984, 5193269; 632124, 5192962; 631778, 5193067; 631527, 5192913; 631235, 5192412;

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629705, 5186194; 629558, 5186148;
629555, 5185993; 629452, 5185874;
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629547, 5185468; 629493, 5185683;
629444, 5185694; 629348, 5185531;
628702, 5185091; 628754, 5185100;
628254, 5184945; 628258, 5184197;
628118, 5183779; 627713, 5183084;
627388, 5182947; 627342, 5182773;
626935, 5182437; 626694, 5181875;
626702, 5181776; 626463, 5181400;
626484, 5181283; 626373, 5180990;
626400, 5180879; 626277, 5180833;
626218, 5180449; 626211, 5180422;
626040, 5180080; 626082, 5179846;
625997, 5179776; 626017, 5179430;
625803, 5179308; 625794, 5179153;
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624735, 5178939; 624698, 5182110;
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625249, 5184670; 625534, 5184917;
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623685, 5187346; 623733, 5187464;
623825, 5187466; 623642, 5187666;
623806, 5187818; 623867, 5187968;
623733, 5188070; 623939, 5188903;
623923, 5189094; 623810, 5189172;
624099, 5189240; 624274, 5189448;
624434, 5189464; 624542, 5189640;
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626937, 5190112; 627404, 5190258;
627751, 5190494; 628163, 5190886;
629052, 5192136; 629430, 5192960;
629383, 5193133; 629832, 5193532;
629785, 5193710; 629836, 5194218;
630002, 5194241; 630174, 5194591;
630169, 5194813; 630251, 5194765;
630367, 5194811; 630739, 5195079;
630810, 5195217; 630873, 5195150;
630966, 5195170; 631427, 5195551;
631908, 5195630; 632411, 5195839;
632899, 5195855; 633086, 5195767;
633456, 5195861; 633644, 5196812;
633843, 5197299; 634116, 5197559;
634823, 5197749; 635137, 5198071;
634752, 5198650; 634520, 5198799;
634309, 5199097; 634351, 5199414;
634523, 5199715; 634515, 5200098;
634331, 5200555; 634867, 5201231;
635119, 5201250; 635381, 5201417;

635498, 5201419; 635570, 5201520;
635788, 5201457; 635877, 5201608;
636134, 5201502; 636511, 5201492;
636731, 5201361; 637416, 5201427;
637519, 5201763; 638036, 5202165;
638440, 5202347; 638516, 5202813;
638818, 5203104; 638406, 5203274;
638366, 5203644; 638478, 5204186;
638279, 5203952; 637586, 5203688;
637370, 5203689; 637193, 5203821;
636538, 5203319; 636631, 5203588;
637308, 5204205; 638141, 5204428;
638585, 5204286; and excluding land bound by 631525, 5195195; 631224, 5194993; 631390, 5194573; 632225, 5195100; 632703, 5195487; 632607, 5195563; 632349, 5195542; 631525, 5195195; and excluding land bound by 631677, 5194705; 631718, 5194635; 631872, 5194764; 631989, 5194774; 632210, 5195084; 631677, 5194705; and excluding land bound by 628326, 5190619; 628007, 5190607; 627812, 5190372; 627461, 5190148; 627265, 5190127; 627087, 5189965; 626852, 5189894; 626729, 5189711; 626513, 5189632; 626336, 5189642; 625917, 5189849; 625362, 5189840; 625244, 5189605; 624897, 5189332; 624728, 5188882; 624716, 5188712; 624772, 5188716; 624587, 5188605; 624894, 5188705; 624810, 5188598; 625270, 5188853; 625881, 5188832; 626968, 5189070; 627503, 5188930; 627506, 5188848; 627599, 5188825; 627949, 5189038; 628028, 5189030; 627999, 5189101; 628117, 5189113; 628258, 5189255; 628293, 5189144; 628298, 5189322; 628455, 5189310; 628662, 5189522; 628858, 5189505; 628956, 5189719; 628934, 5189829; 629070, 5190074; 629058, 5190512; 629159, 5190556; 629112, 5190969; 629238, 5190956; 629286, 5190807; 629339, 5190871; 629254, 5190967; 629257, 5191084; 629307, 5190963; 629353, 5190992; 629257, 5191208; 629303, 5191206; 629277, 5191307; 629382, 5191395; 629497, 5191262; 629563, 5191350; 629446, 5191618; 629549, 5191529; 629590, 5191586; 629650, 5191555; 629610, 5191685; 629681, 5191592; 629826, 5191645; 629516, 5192053; 629518, 5192492; 629025, 5191819; 628943, 5191521; 628642, 5191319; 628678, 5191110; 628629, 5190945; 628326, 5190619.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 654831, 5214966; 656435, 5215004; 656454, 5213711; 656069, 5213583; 655890, 5213608; 655627, 5213757; 655480, 5213702; 655359, 5213505; 654997, 5213436; 654855, 5213487; 654831, 5214966.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 647971, 5221118; 646360, 5221071;

646321, 5222683; 647930, 5222718;
647971, 5221118.

(N) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 651229, 5221620; 649563, 5221567;
649517, 5223363; 651174, 5223414;
651229, 5221620.

(O) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 654831, 5214966; 653217, 5214948;
653238, 5214020; 652891, 5213893;
652842, 5213803; 652399, 5213962;
651936, 5214365; 651625, 5214432;
651614, 5214898; 649848, 5214816;
649865, 5214107; 649766, 5214133;
649554, 5213936; 649291, 5213876;
649183, 5213672; 649330, 5213327;
649518, 5213248; 650129, 5213228;
650532, 5212792; 651075, 5212962;
651202, 5212935; 651245, 5212882;
650989, 5212546; 651140, 5212249;
650908, 5211943; 650929, 5211811;
651077, 5211695; 653291, 5211726;
653366, 5208506; 651753, 5208428;
651760, 5208226; 651433, 5208111;
651169, 5208257; 650814, 5208173;
650558, 5208297; 650099, 5208346;
649550, 5208919; 649212, 5208888;
648888, 5208768; 648432, 5208913;
647988, 5208842; 647608, 5208915;
646967, 5208699; 646795, 5208520;
646449, 5208445; 645904, 5208768;
645780, 5208995; 645630, 5209021;
645351, 5208903; 644807, 5208986;
643973, 5208802; 643864, 5208710;
643739, 5208378; 642920, 5208486;

642506, 5208699; 642190, 5208657;
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659395, 5216982; 654789, 5216877;
654831, 5214966; and excluding land
bound by 654951, 5218090; 654945,
5218492; 654546, 5218481; 654555,
5218078; 654951, 5218090; and
excluding land bound by 655063,
5218495; 655437, 5218147; 655928,
5218172; 656189, 5218524; 655697,
5218510; 655519, 5218312; 654946,
5218880; 654836, 5218735; 655063,
5218495; and excluding land bound by
658897, 5220418; 658823, 5220421;
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659277, 5220403; 658897, 5220418.

(P) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 646321, 5222683; 645220, 5222654;
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646321, 5222683.

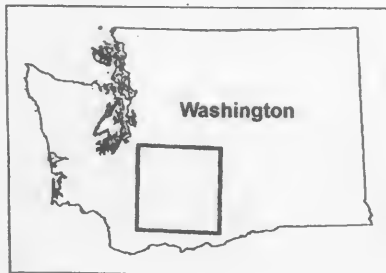
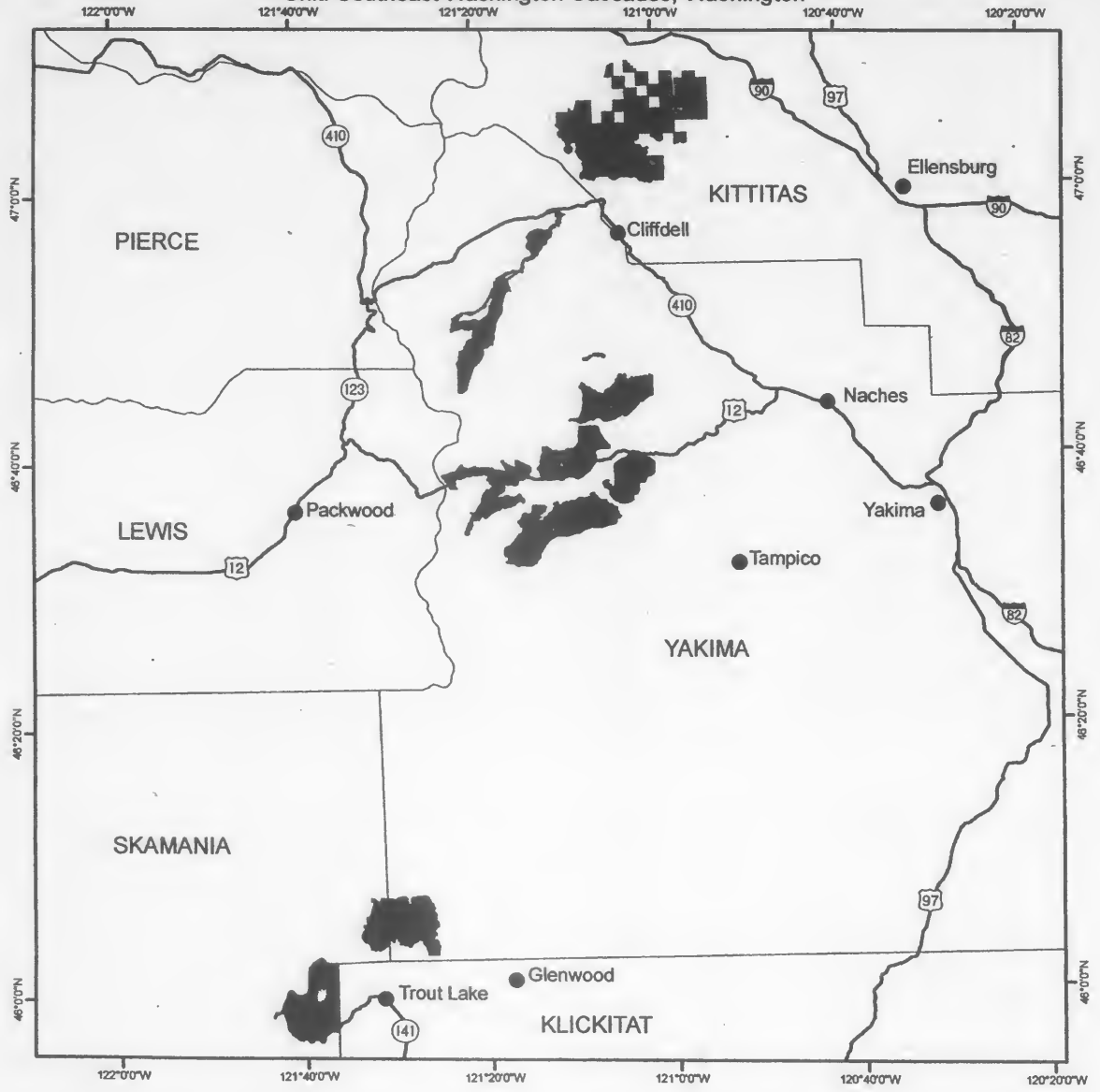
(Q) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
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648300, 5224547; 648699, 5224557;
648709, 5224150; 649093, 5224159;
649103, 5223768; 649511, 5223770;
649517, 5223363.

(iii) Note: Map of Southeast
Washington Cascades Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Southeast Washington Cascades, Washington



	Critical Habitat
	Cities
	Highways
	Counties

(14) Northern Oregon Coast Ranges Unit (Unit 7). Benton, Lane, Lincoln, Polk, Tillamook, and Yamhill Counties, Oregon.

(i) The Northern Oregon Coast Ranges Unit consists of 370,000 ac (149,700 ha) and is comprised of lands managed by the Siuslaw National Forest (206,700 ac (83,600 ha)) and Salem and Eugene Bureau of Land Management (BLM) Districts (163,300 ac (66,100 ha)).

(ii) From USGS 1:24,000 scale quadrangles Alsea, Blaine, Cannibal Mountain, Cedar Butte, Cummins Peak, Devils Lake, Digger Mountain, Dolph, Dovre Peak, Elk City, Euchre Mountain, Falls City, Fanno Ridge, Five Rivers, Flat Mountain, Glenbrook, Grand Ronde, Grass Mountain, Harlan, Hebo, Heceta Head, Hellion Rapids, Herman Creek, Horton, Kilchis River, Laurel Mountain, Marys Peak, Mercer Lake, Mowrey Landing, Neskowin, Neskowin OE W, Niagara Creek, Nortons, Prairie Peak, Sheridan, Socialist Valley, Springer Mountain, Stony Mountain, Stott Mountain, Summit, The Peninsula, Tidewater, Tiernan, Tillamook, Toledo South, Trask Mountain, Triangle Lake, Valsetz, Waldport, Warnicke Creek, Windy Peak, Wren, and Yachats.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443293, 4889071; 443288, 4888660; 442905, 4888662; 442913, 4889075; 443293, 4889071.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443700, 4889473; 443696, 4889066; 443293, 4889071; 443298, 4889481; 443700, 4889473.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452471, 4889295; 452477, 4890083; 454298, 4890090; 454333, 4890034; 454188, 4889929; 454203, 4889669; 454127, 4889639; 454126, 4889543; 454257, 4889544; 454256, 4889285; 452471, 4889295.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443288, 4891412; 443283, 4891093; 443678, 4891100; 443684, 4890689; 443287, 4890689; 443298, 4889481; 442934, 4889488; 442981, 4891887; 443682, 4891879; 443680, 4891490; 443289, 4891488; 443288, 4891412.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 410869, 4891995; 410794, 4891702; 410825, 4891406; 410726, 4891405; 410752, 4891871; 410869, 4891995.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450859, 4890974; 450882, 4892606; 451709, 4892597; 452483, 4892459; 452485, 4891281; 451666, 4891325; 451652, 4890917; 450859, 4890974.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 410869, 4891995; 410775, 4892123; 410821, 4892616; 410869, 4891995.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450921, 4894081; 450882, 4892606; 449252, 4892581; 449245, 4894123; 450921, 4894081.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443848, 4895473; 443852, 4895373; 443646, 4895382; 443675, 4894600; 443267, 4894625; 443269, 4894233; 442956, 4894252; 442932, 4895788; 443233, 4895781; 443237, 4895686; 443636, 4895674; 443639, 4895577; 443844, 4895568; 443848, 4895473.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 421296, 4903946; 420898, 4903953; 420935, 4904708; 421326, 4904687; 421296, 4903946.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 415699, 4904402; 417282, 4904397; 417308, 4903992; 416523, 4903993; 416557, 4903587; 416165, 4903587; 416136, 4901987; 415331, 4901998; 415340, 4902536; 415099, 4902357; 414922, 4902539; 414806, 4902491; 414481, 4902629; 414038, 4902478; 413541, 4902522; 413229, 4902282; 413036, 4902333; 412954, 4902249; 412864, 4902334; 412586, 4902216; 412499, 4902258; 412379, 4902174; 412215, 4902239; 411953, 4902111; 411884, 4902134; 411882, 4902843; 411782, 4902844; 411787, 4903147; 410967, 4903177; 411037, 4903177; 411085, 4903349; 411167, 4903321; 411113, 4903405; 411199, 4903434; 411140, 4903468; 411209, 4903489; 411208, 4903615; 411318, 4903598; 411427, 4903847; 411231, 4903914; 411231, 4904006; 411310, 4904057; 411007, 4904331; 411126, 4904525; 411110, 4904662; 411201, 4904667; 411280, 4904762; 411219, 4904885; 411310, 4904884; 411394, 4904779; 411337, 4904744; 411408, 4904712; 411527, 4904882; 413709, 4904853; 413620, 4904184; 414417, 4904149; 414493, 4904882; 415654, 4904900; 415699, 4904402.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 420082, 4903560; 418917, 4903574; 418918, 4903176; 419696, 4903171; 419694, 4902777; 420070, 4902777; 420082, 4903560; 421280, 4903545; 421296, 4903946; 421695, 4903938; 421682, 4903538; 422087, 4903537; 422087, 4903437; 422491, 4903435; 422490, 4903335; 422895, 4903333; 422896, 4903437; 423053, 4903407; 422999, 4903662; 423071, 4903466; 423181, 4903530; 423704, 4903523; 423706, 4903622; 423907, 4903620;

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4889579; 418157, 4890382; 417753, 4890389; and excluding land bound by 425650, 4888257; 425647, 4887858; 427248, 4887838; 427244, 4887438; 428843, 4887409; 428838, 4888183; 428437, 4888194; 428438, 4887805; 427642, 4887826; 427644, 4888222; 426855, 4888245; 426868, 4888642; 426068, 4888651; 426054, 4888255; 425650, 4888257; 425679, 4889053; 424493, 4889055; 424483, 4888658; 425272, 4888656; 425258, 4888258; 425650, 4888257; and excluding land bound by 422198, 4885284; 422591, 4885270; 422598, 4886091; 422201, 4886101; 422198, 4885284; and excluding land bound by 424861, 4886074; 424887, 4885263; 425261, 4885256; 425256, 4885666; 426033, 4885656; 426034, 4886067; 424861, 4886074.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454155, 4897570; 454183, 4899257; 452600, 4899276; 452567, 4897578; 454155, 4897570; 454130, 4895595; 452478, 4895562; 452563, 4897146; 451729, 4897197; 451677, 4895609; 452478, 4895562; 452482, 4894596; 453351, 4894580; 453351, 4894188; 452483, 4894207; 452484, 4894004; 450921, 4894081; 450920, 4895653; 449292, 4895717; 449298, 4897345; 447688, 4897424; 447695, 4898186; 446043, 4898317; 446037, 4897522; 447688, 4897424; 447665, 4895823; 449258, 4895718; 449245, 4894123; 448055, 4894122; 448024, 4892572; 449252, 4892581; 449310, 4891005; 450859, 4890974; 450824, 4889773; 451234, 4889754; 451228, 4889358; 451643, 4889343; 451646, 4889736; 452060, 4889713; 452058, 4889319; 452471, 4889295; 452463, 4887720; 450831, 4887803; 450830, 4888584; 449214, 4888622; 449190, 4887813; 447576, 4887882; 447572, 4887108; 449186, 4887055; 449190, 4887813; 450850, 4887787; 450830, 4887010; 450955, 4886949; 450695, 4886635; 450545, 4886635; 450402, 4886458; 449977, 4886462; 449970, 4886270; 446027, 4886325; 446060, 4887062; 445283, 4887079; 445263, 4886325; 442909, 4886329; 442900, 4887114; 442520, 4887134; 442516, 4887529; 442896, 4887506; 442897, 4887459; 443685, 4887471; 443689, 4888256; 444490, 4888262; 444493, 4888657; 444093, 4888658; 444098, 4889062; 444902, 4889072; 444905, 4889473; 445706, 4889505; 445696, 4890281; 445295, 4890276; 445301, 4889883; 444495, 4889862; 444504, 4889457; 443700, 4889473; 443695, 4889876; 444095, 4889869; 444087, 4890273; 444485, 4890268; 444476, 4890673; 444080, 4890681; 444086, 4892243;

444486, 4892230; 444476, 4891870; 444880, 4891866; 444885, 4892228; 444686, 4892229; 444688, 4892319; 444489, 4892320; 444497, 4892590; 443687, 4892634; 443687, 4893030; 444498, 4892988; 444498, 4893386; 444498, 4893776; 443688, 4893817; 443689, 4894207; 444498, 4894166; 444497, 4894555; 444882, 4894536; 444877, 4894935; 445664, 4894916; 445653, 4895322; 444469, 4895343; 444442, 4895742; 444840, 4895735; 444829, 4895976; 446052, 4895909; 446059, 4896726; 444826, 4896787; 444829, 4895976; 444024, 4896019; 444037, 4895757; 443632, 4895772; 443623, 4896040; 442838, 4896037; 442997, 4900805; 442993, 4902433; 446088, 4902327; 446124, 4903908; 445334, 4903947; 445335, 4904333; 446532, 4904291; 446526, 4903913; 447327, 4903903; 447301, 4902682; 446905, 4902695; 446898, 4902294; 447685, 4902265; 447682, 4901857; 448090, 4901827; 448090, 4902234; 449354, 4902148; 449336, 4903775; 448539, 4903820; 448547, 4904226; 449353, 4904170; 449371, 4904566; 451011, 4904481; 451033, 4905291; 450622, 4905311; 450632, 4905603; 452668, 4905588; 452682, 4907206; 452277, 4907209; 452278, 4908020; 457580, 4908043; 457585, 4908852; 459196, 4908844; 459193, 4908441; 460790, 4908442; 460793, 4908843; 461587, 4908844; 461593, 4909246; 461988, 4909247; 461997, 4910050; 462796, 4910051; 462794, 4909246; 463193, 4909244; 463192, 4908842; 462381, 4908845; 462371, 4907233; 463976, 4907224; 463938, 4901566; 463146, 4901576; 463143, 4900767; 463934, 4900758; 463948, 4899146; 462335, 4899164; 462336, 4898759; 461955, 4898754; 461952, 4898351; 462336, 4898354; 462336, 4897544; 461567, 4897527; 457515, 4897553; 457523, 4899209; 455865, 4899195; 455857, 4897562; 454155, 4897570; and excluding land bound by 457344, 4904542; 457348, 4905619; 456924, 4905616; 456910, 4905008; 456478, 4905020; 456461, 4904545; 457344, 4904542; 457346, 4904088; 455211, 4904086; 455243, 4903701; 454856, 4903723; 454794, 4904091; 454232, 4904096; 454230, 4903421; 453400, 4903387; 453401, 4902984; 452654, 4902977; 452662, 4903596; 451012, 4903673; 450996, 4902031; 452644, 4901944; 452651, 4902598; 453402, 4902582; 453402, 4902984; 454230, 4902998; 454234, 4903420; 454924, 4903351; 454989, 4902961; 455310, 4902913; 455278, 4903315; 455633, 4903280; 455628, 4902452; 457378, 4902441; 457362, 4904074; 457777, 4904088; 457778, 4904534; 457344,

4904542; and excluding land bound by 460746, 4904075; 462328, 4904087; 462336, 4905622; 461538, 4905624; 461569, 4906432; 460776, 4906435; 460746, 4904075; 459906, 4904073; 459912, 4904924; 459492, 4904930; 459499, 4905323; 460333, 4905313; 460334, 4905631; 459088, 4905626; 459066, 4903597; 459168, 4902423; 460780, 4902410; 460746, 4904075; and excluding land bound by 446089, 4892603; 446087, 4891048; 447682, 4891011; 447633, 4892557; 446089, 4892603.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447547, 4917002; 447544, 4916602; 447945, 4916597; 447942, 4916196; 447541, 4916202; 447535, 4915397; 446273, 4915421; 446243, 4914180; 445426, 4914188; 445415, 4913783; 444596, 4913789; 444646, 4915435; 445510, 4915428; 445519, 4915826; 445926, 4915825; 445953, 4917013; 447547, 4917002.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444304, 4917033; 444300, 4916631; 444712, 4916628; 444707, 4916227; 444296, 4916229; 444288, 4915433; 443016, 4915428; 443008, 4915031; 442676, 4915030; 442676, 4917047; 443490, 4917040; 443490, 4917444; 443897, 4917441; 443897, 4917037; 444304, 4917033.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 423814, 4917513; 423809, 4917108; 423396, 4917130; 423415, 4916284; 423014, 4916284; 423044, 4915456; 423821, 4915460; 423816, 4916284; 424622, 4916286; 424632, 4917121; 424923, 4917119; 424991, 4916542; 425119, 4916283; 425408, 4916146; 425799, 4916178; 425794, 4915844; 426182, 4915831; 426190, 4915021; 426606, 4915013; 426618, 4915420; 426559, 4915422; 426590, 4916868; 427387, 4917008; 427392, 4917410; 427797, 4917406; 427729, 4915387; 429317, 4915366; 429322, 4915787; 429719, 4915785; 429725, 4916202; 430123, 4916195; 430129, 4916609; 429731, 4916619; 429739, 4917323; 430563, 4916562; 430771, 4916442; 430913, 4916438; 430915, 4916172; 432103, 4916143; 432109, 4916525; 432769, 4916226; 432041, 4916239; 433300, 4916356; 433297, 4915885; 432637, 4915996; 432534, 4915937; 432497, 4915825; 432515, 4915592; 432664, 4915318; 432845, 4915222; 433049, 4915224; 433036, 4914432; 432645, 4914451; 432634, 4913658; 432017, 4913677; 432006, 4913178; 431904, 4913181; 431902, 4913082; 432208, 4913070; 432213, 4913271; 432315, 4913267; 432318, 4913367; 432556, 4913359; 432358, 4913291;

432254, 4913006; 431933, 4912662;
 431478, 4912402; 430281, 4912089;
 429979, 4911770; 429334, 4911756;
 429074, 4911622; 428962, 4911632;
 428899, 4911746; 428993, 4912060;
 428980, 4912286; 428645, 4913018;
 428065, 4913543; 427412, 4913973;
 426568, 4914083; 426237, 4913786;
 426561, 4913623; 426478, 4913495;
 426124, 4913460; 425577, 4913549;
 425223, 4913530; 424374, 4913309;
 423429, 4912962; 423660, 4912857;
 424123, 4912374; 424200, 4912118;
 424104, 4911993; 424124, 4911814;
 424290, 4911339; 424059, 4910736;
 423826, 4909686; 423521, 4909476;
 423219, 4909362; 422689, 4909420;
 421877, 4909856; 421910, 4911488;
 421844, 4912321; 421896, 4913592;
 421814, 4913706; 421894, 4913730;
 421889, 4914170; 421722, 4914248;
 421861, 4914313; 421845, 4915454;
 419525, 4915482; 419397, 4917099;
 420590, 4917079; 420578, 4917891;
 420966, 4917901; 420981, 4917491;
 421378, 4917498; 421389, 4917084;
 422205, 4917112; 422160, 4917931;
 422958, 4917929; 422969, 4917541;
 423814, 4917513; and excluding land
 bound by 429454, 4914557; 429429,
 4913740; 430243, 4913713; 430260,
 4914512; 429454, 4914557; and
 excluding land bound by 426134,
 4914216; 425959, 4914217; 425953,
 4914017; 426054, 4914017; 426047,
 4913818; 426148, 4913819; 426134,
 4914216.

(Q) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 449168, 4918599; 449159, 4917390;
 449564, 4917389; 449568, 4917793;
 450380, 4917793; 450369, 4916980;
 450773, 4916977; 450760, 4916163;
 450356, 4916167; 450350, 4915761;
 449946, 4915767; 449941, 4915362;
 449484, 4915369; 449483, 4914951;
 448682, 4914961; 448678, 4914557;
 447882, 4914571; 447883, 4915390;
 449138, 4915372; 449156, 4916988;
 447547, 4917002; 447543, 4918607;
 449168, 4918599.

(R) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 456857, 4919711; 456854, 4919310;
 456450, 4919326; 456447, 4918925;
 456043, 4918941; 456052, 4920147;
 456860, 4920112; 456857, 4919711.

(S) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 455666, 4921753; 455648, 4920165;
 454043, 4920172; 454052, 4921756;
 455666, 4921753.

(T) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 457285, 4923276; 457277, 4921687;
 455666, 4921753; 455679, 4923346;
 457285, 4923276.

(U) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,

N): 447562, 4923487; 447535, 4921894;
 445936, 4921918; 445942, 4920306;
 446764, 4920189; 447537, 4920205;
 447543, 4918607; 445925, 4918615;
 445953, 4917013; 444304, 4917033;
 444300, 4918649; 443491, 4918656;
 443490, 4917848; 442681, 4917855;
 442676, 4917047; 442251, 4917043;
 442276, 4918664; 442686, 4918663;
 442696, 4920280; 444291, 4920293;
 444333, 4921923; 445535, 4921919;
 445549, 4922732; 445949, 4922722;
 445984, 4923522; 448608, 4923492;
 446788, 4923099; 447171, 4923094;
 447185, 4923489; 447562, 4923487.

(V) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 449158, 4923464; 447562, 4923487;
 447579, 4924293; 447784, 4925098;
 448570, 4925099; 448464, 4924279;
 448812, 4924273; 448885, 4924667;
 449255, 4924664; 449161, 4924268;
 449158, 4923464.

(W) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 434671, 4925185; 434673, 4924367;
 435477, 4924378; 435477, 4921971;
 434642, 4921950; 434628, 4919560;
 436035, 4919510; 436095, 4919271;
 436193, 4919232; 436171, 4917463;
 435656, 4917422; 435473, 4917570;
 434994, 4917540; 435000, 4917948;
 434597, 4917959; 434591, 4917455;
 434288, 4917458; 434286, 4917257;
 434386, 4917256; 434385, 4917163;
 434212, 4917165; 434082, 4917054;
 433981, 4917059; 433970, 4916958;
 433779, 4916961; 433777, 4916759;
 433658, 4916761; 433657, 4916609;
 433518, 4916595; 433313, 4916441;
 433301, 4916951; 432171, 4916966;
 432173, 4917178; 431748, 4917182;
 431749, 4917364; 431349, 4917369;
 431342, 4916983; 431186, 4916987;
 431185, 4916823; 431728, 4916817;
 431735, 4916655; 430961, 4916483;
 430931, 4916991; 430536, 4916998;
 430508, 4917401; 430111, 4917407;
 430081, 4917808; 429664, 4917835;
 429641, 4918262; 429232, 4918312;
 429216, 4918759; 428413, 4918906;
 427647, 4918907; 427644, 4918113;
 426876, 4918102; 426860, 4917335;
 426461, 4917340; 426461, 4916878;
 426064, 4916851; 426064, 4916752;
 425870, 4916754; 425871, 4916556;
 425677, 4916559; 425676, 4916458;
 425288, 4916464; 425284, 4917740;
 424109, 4917703; 424107, 4918105;
 423722, 4918099; 423716, 4918293;
 423306, 4918280; 423303, 4918476;
 422094, 4918421; 422076, 4919621;
 422892, 4919647; 422888, 4920047;
 422732, 4920077; 423759, 4920841;
 422912, 4920826; 422887, 4920442;
 422453, 4920437; 422573, 4921595;
 422975, 4921598; 423011, 4921993;
 423407, 4921987; 423285, 4922583;
 423628, 4922616; 423785, 4922042;

424911, 4922073; 424884, 4921585;
 424947, 4921343; 424838, 4921101;
 424945, 4920630; 425124, 4920572;
 425196, 4920480; 425956, 4921298;
 426256, 4921303; 426410, 4921159;
 426705, 4921261; 427227, 4921108;
 427785, 4921346; 428053, 4921671;
 428384, 4922524; 428466, 4922432;
 428671, 4922542; 429153, 4923086;
 428778, 4923157; 428606, 4923273;
 428664, 4923325; 429025, 4923204;
 429262, 4923392; 429508, 4923381;
 429552, 4923471; 429435, 4923542;
 429487, 4923698; 429748, 4923927;
 429627, 4923970; 429704, 4924275;
 429697, 4924547; 429480, 4924623;
 429369, 4924892; 433145, 4924840;
 433184, 4925115; 433846, 4925187;
 434671, 4925185; and excluding land
 bound by 427262, 4918548; 427261,
 4918404; 427550, 4918404; 427552,
 4918908; 427264, 4918910; 427262,
 4918548.

(X) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 431625, 4926509; 431602, 4924870;
 430809, 4924880; 430811, 4926486;
 431625, 4926509.

(Y) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 447868, 4926696; 447870, 4925898;
 447468, 4925902; 447451, 4926701;
 447868, 4926696.

(Z) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 446202, 4926714; 447035, 4926705;
 447099, 4925087; 446185, 4925111;
 446202, 4926714.

(AA) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 423233, 4926280; 423548, 4926839;
 423824, 4926841; 423613, 4926530;
 423336, 4926419; 423233, 4926280.

(BB) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 444471, 4926787; 444473, 4925982;
 444609, 4925133; 446085, 4925112;
 445989, 4924323; 445984, 4923522;
 444383, 4923528; 444333, 4921923;
 442730, 4921890; 442781, 4924306;
 444445, 4924309; 444509, 4925134;
 442895, 4925150; 442831, 4927619;
 443233, 4927621; 443243, 4926790;
 444471, 4926787.

(CC) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 431625, 4926509; 431637, 4927294;
 432418, 4927307; 432421, 4928100;
 433225, 4928095; 433197, 4926443;
 431625, 4926509.

(DD) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 446202, 4926714; 444471, 4926787;
 444494, 4927207; 444071, 4927205;
 444080, 4927624; 444518, 4927626;
 444445, 4928445; 445254, 4928433;
 445356, 4927588; 446188, 4927551;
 446202, 4926714.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444081, 4930472; 444081, 4930067; 442846, 4930073; 443668, 4930064; 443642, 4928856; 444050, 4928851; 444059, 4928038; 442834, 4928036; 442829, 4928459; 442404, 4928474; 442502, 4929548; 442394, 4929857; 442469, 4930089; 442838, 4930633; 442844, 4931278; 443253, 4931274; 443251, 4930876; 444081, 4930876; 444081, 4930472.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446155, 4930036; 444730, 4930057; 444710, 4930201; 444650, 4930058; 444492, 4930061; 444497, 4930870; 445325, 4930858; 445326, 4931261; 445734, 4931255; 445733, 4931659; 446138, 4931653; 446155, 4930036.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446134, 4932414; 446136, 4932033; 445323, 4932059; 445320, 4932454; 446134, 4932414.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457285, 4923276; 457329, 4925023; 455719, 4925037; 455679, 4923346; 454060, 4923353; 454109, 4925052; 453330, 4925060; 453259, 4923351; 454060, 4923353; 454052, 4921756; 452446, 4921741; 452437, 4920553; 452847, 4920557; 452844, 4920160; 454043, 4920172; 454021, 4919374; 453624, 4919374; 453619, 4918969; 454017, 4918968; 454012, 4918562; 452412, 4918572; 452427, 4919375; 452010, 4919390; 452017, 4919788; 452431, 4919764; 452434, 4920157; 451195, 4920227; 451196, 4919815; 451603, 4919810; 451602, 4919396; 451198, 4919405; 451201, 4918596; 452412, 4918572; 452387, 4916946; 450773, 4916977; 450800, 4918609; 449168, 4918599; 449166, 4920203; 449966, 4920205; 449973, 4920626; 449572, 4920629; 449577, 4921054; 449979, 4921046; 449990, 4921845; 449185, 4921853; 449158, 4923464; 450793, 4923448; 450898, 4924232; 450044, 4924250; 450112, 4925119; 449464, 4925098; 449464, 4925493; 449821, 4925500; 449829, 4926291; 449464, 4926287; 449463, 4926686; 450943, 4926708; 450957, 4925090; 452590, 4925078; 452621, 4926682; 450943, 4926708; 450947, 4927511; 449461, 4927489; 449463, 4926686; 447868, 4926696; 447868, 4928300; 446126, 4928387; 446060, 4929228; 445289, 4929240; 445307, 4929644; 446107, 4929632; 446155, 4930036; 447719, 4929930; 447728, 4929524; 448246, 4929507; 448230, 4930317; 448646, 4930308; 448658, 4929898; 449196, 4929886; 449448, 4929574; 449451, 4928687; 450214, 4928700; 450224, 4929095; 450996, 4929109;

451042, 4929901; 451435, 4929892; 451371, 4928308; 452633, 4928276; 452619, 4929467; 454211, 4929437; 454213, 4929881; 455801, 4929860; 455809, 4930993; 456206, 4930988; 456209, 4931385; 457401, 4931373; 457399, 4931773; 458189, 4931753; 458191, 4932560; 460577, 4932563; 460557, 4930746; 460409, 4930804; 460378, 4930759; 460555, 4930657; 460554, 4929983; 460468, 4929853; 460554, 4929933; 460555, 4929702; 461362, 4929732; 461347, 4928535; 462154, 4928563; 462133, 4926593; 461336, 4926569; 461330, 4926273; 460933, 4926264; 460908, 4924990; 459324, 4925032; 459313, 4924470; 460108, 4924449; 460102, 4923661; 460501, 4923653; 460502, 4923259; 457285, 4923276; and excluding land bound by 454940, 4925851; 454953, 4926255; 455350, 4926250; 455361, 4926653; 454176, 4926669; 454143, 4925860; 454940, 4925851; and excluding land bound by 458891, 4926603; 459715, 4926573; 459730, 4927340; 458924, 4927360; 458891, 4926603; and excluding land bound by 454788, 4928237; 454794, 4928634; 454991, 4928665; 454206, 4928675; 454204, 4928245; 454788, 4928237; and excluding land bound by 455003, 4929424; 455792, 4929411; 455793, 4929459; 454998, 4929468; 455003, 4929424; and excluding land bound by 451630, 4922997; 451642, 4922595; 452040, 4922570; 452035, 4922972; 452440, 4922948; 452444, 4923349; 451206, 4923423; 451216, 4923022; 451630, 4922997; and excluding land bound by 451227, 4922620; 450812, 4922646; 450804, 4921837; 452055, 4921784; 452047, 4922177; 451231, 4922226; 451227, 4922620.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443670, 4932489; 443267, 4932486; 443273, 4933294; 444501, 4933288; 444512, 4932495; 443670, 4932489.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446129, 4933175; 445314, 4933232; 445326, 4933436; 445478, 4933426; 445490, 4933631; 446148, 4933596; 446129, 4933175.

(KK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451435, 4929892; 451441, 4930684; 451836, 4930673; 451845, 4931470; 451051, 4931481; 451044, 4931990; 450639, 4931999; 450650, 4931485; 449430, 4931525; 449438, 4930781; 449332, 4930705; 449017, 4930711; 448936, 4930869; 448813, 4930802; 448631, 4930816; 448622, 4931130; 446970, 4931198; 446964, 4931605; 447377, 4931581; 447366, 4932386; 446958, 4932395; 446961, 4932000; 446549, 4932017; 446546, 4932405;

446134, 4932414; 446129, 4933175; 447357, 4933180; 447361, 4932783; 447768, 4932786; 447789, 4931558; 448610, 4931541; 448595, 4932361; 449416, 4932346; 449407, 4932757; 448998, 4932765; 448990, 4933176; 447761, 4933196; 447773, 4934016; 448580, 4934004; 448580, 4933594; 449393, 4933581; 449399, 4933169; 450207, 4933140; 450217, 4932731; 451033, 4932703; 451040, 4932296; 452600, 4932226; 452614, 4929864; 451435, 4929892.

(LL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445364, 4934048; 445339, 4933639; 444522, 4933684; 444546, 4934081; 445364, 4934048.

(MM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445364, 4934048; 445416, 4934888; 446206, 4934875; 446167, 4934016; 445364, 4934048.

(NN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 428512, 4935100; 428907, 4935094; 428894, 4934191; 430079, 4934167; 430084, 4934574; 429296, 4934590; 429301, 4935089; 433316, 4935021; 433259, 4930896; 432853, 4930898; 432846, 4930493; 432042, 4930499; 432052, 4931300; 430445, 4931330; 430452, 4931738; 430056, 4931753; 430065, 4932160; 428471, 4932205; 428474, 4931799; 427689, 4931813; 427688, 4932219; 426896, 4932232; 426888, 4931417; 428476, 4931392; 428351, 4925084; 428036, 4925242; 427718, 4925278; 427503, 4925478; 427138, 4924967; 426995, 4924881; 426789, 4924876; 426743, 4925005; 426422, 4925192; 425907, 4925122; 425715, 4925407; 425273, 4925300; 425089, 4925121; 424941, 4925196; 424948, 4925560; 425240, 4925657; 425495, 4925642; 425895, 4926079; 425698, 4926496; 425909, 4926454; 426280, 4926671; 426443, 4927139; 426401, 4927272; 426443, 4927409; 426164, 4927727; 425955, 4927757; 425723, 4927473; 425510, 4927495; 425149, 4927287; 424887, 4927262; 424668, 4927338; 424604, 4927213; 424316, 4927180; 423890, 4926879; 423910, 4929693; 425166, 4929741; 425176, 4929996; 425309, 4929994; 425305, 4930485; 424533, 4930444; 424502, 4930872; 424525, 4931434; 424884, 4932490; 424896, 4933553; 425291, 4933552; 425307, 4934766; 425710, 4934741; 425707, 4934345; 426516, 4934299; 426521, 4935156; 428512, 4935100.

(OO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455521, 4954090; 455535, 4953605; 453938, 4953579; 453911, 4954093; 455521, 4954090.

(PP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455521, 4954090; 455536, 4954896; 455936, 4954892; 455939, 4955287; 456338, 4955284; 456336, 4954888; 457140, 4954879; 457141, 4954079; 455521, 4954090.

(QQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449136, 4955724; 450715, 4955701; 450701, 4954129; 449119, 4954147; 449136, 4955724.

(RR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453958, 4955683; 453911, 4954093; 452287, 4954113; 452299, 4955690; 452757, 4955690; 452761, 4956087; 453158, 4956085; 453156, 4955691; 453958, 4955683.

(SS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453958, 4955683; 453980, 4957279; 455561, 4957297; 455542, 4956488; 454766, 4956479; 454760, 4955699; 453958, 4955683.

(TT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449136, 4955724; 447559, 4955748; 447579, 4957369; 448351, 4957353; 448350, 4956944; 449135, 4956933; 449136, 4955724.

(UU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460377, 4958873; 460370, 4957670; 459964, 4957667; 459975, 4958876; 460377, 4958873.

(VV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455577, 4958883; 456393, 4958878; 456377, 4958080; 455972, 4958074; 455966, 4957683; 455564, 4957682; 455577, 4958883.

(WW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455577, 4958883; 454383, 4958871; 454385, 4959683; 455530, 4959717; 455577, 4958883.

(XX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460377, 4958873; 460374, 4960484; 462031, 4960489; 462015, 4958885; 460377, 4958873.

(YY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458372, 4959689; 458367, 4959289; 457963, 4959292; 457959, 4958894; 457151, 4958905; 457164, 4960511; 458382, 4960498; 458372, 4959689.

(ZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462051, 4962097; 463707, 4962066; 463697, 4960855; 462889, 4960872; 462891, 4961274; 462047, 4961291; 462051, 4962097.

(AAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460445, 4962111; 460374, 4960484; 458787, 4960493; 458806, 4962114; 460445, 4962111.

(BBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457186, 4962136; 457171, 4960919; 456761, 4960925; 456756, 4960518; 455531, 4960526; 455541, 4962160; 457186, 4962136.

(CCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463676, 4963702; 465291, 4963684; 465298, 4963260; 464492, 4963269; 464499, 4962862; 463695, 4962868; 463676, 4963702.

(DDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458806, 4962114; 457186, 4962136; 457249, 4963716; 458057, 4963708; 458029, 4962903; 458852, 4962906; 458806, 4962114.

(EEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462051, 4962097; 460445, 4962111; 460443, 4962901; 460845, 4962902; 460835, 4963697; 462063, 4963720; 462051, 4962097.

(FFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463275, 4964922; 463278, 4965324; 463681, 4965314; 463677, 4964915; 463275, 4964922.

(GGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463275, 4964922; 463272, 4964519; 462870, 4964523; 462868, 4964117; 463675, 4964109; 463676, 4963702; 462063, 4963720; 462077, 4965341; 462479, 4965338; 462474, 4964932; 463275, 4964922.

(HHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 433564, 4970868; 433556, 4970455; 433154, 4970476; 433158, 4970890; 433564, 4970868.

(III) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 433362, 4971701; 433167, 4971685; 433172, 4972091; 433581, 4972064; 433575, 4971708; 433362, 4971701.

(JJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458622, 4972525; 458212, 4972517; 458234, 4973307; 459056, 4973318; 459031, 4972533; 458622, 4972525.

(KKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454273, 4973324; 455842, 4973327; 455838, 4972524; 456632, 4972512; 456631, 4972125; 457029, 4972125; 457028, 4971743; 456232, 4971731; 456234, 4972124; 455836, 4972124; 455834, 4971725; 454248, 4971719; 454273, 4973324.

(LLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449378, 4972214; 449374, 4971817; 448166, 4971827; 448174, 4973332; 449387, 4973337; 449378, 4972214.

(MMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452624, 4973397;

452608, 4972594; 451800, 4972595; 451787, 4971796; 450982, 4971801; 450999, 4973360; 449517, 4973338; 449504, 4974952; 451070, 4974955; 451082, 4973361; 452624, 4973397.

(NNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454273, 4973324; 452624, 4973397; 452628, 4974966; 454203, 4974746; 454273, 4973324.

(OOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460650, 4977993; 460668, 4976490; 462154, 4976510; 462148, 4975707; 458977, 4975687; 458989, 4974910; 458150, 4974864; 458190, 4974123; 457428, 4974132; 457425, 4973291; 455842, 4973327; 455780, 4974028; 455817, 4974739; 457311, 4974818; 457440, 4976449; 459051, 4976477; 459051, 4978059; 460650, 4977993.

(PPP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460650, 4977993; 460622, 4979621; 462181, 4979648; 462174, 4978864; 461790, 4978850; 461789, 4978454; 462171, 4978471; 462167, 4978079; 460650, 4977993.

(QQQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465411, 4979790; 465366, 4978148; 463755, 4978277; 463767, 4978670; 464170, 4978644; 464182, 4979043; 446498, 4979000; 465009, 4979805; 465411, 4979790.

(RRR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449487, 4976558; 449504, 4974952; 447949, 4974950; 447944, 4974158; 447539, 4974166; 447537, 4973768; 446337, 4973790; 446334, 4973351; 444713, 4973364; 444724, 4974218; 443911, 4974229; 443903, 4973376; 443097, 4973388; 443150, 4979853; 446374, 4979813; 446363, 4978202; 445559, 4978216; 445547, 4976608; 449487, 4976558; and excluding land bound by 446347, 4975789; 445543, 4975806; 445531, 4974203; 446340, 4974189; 446347, 4975789; 446747, 4975780; 446743, 4974979; 447140, 4974971; 447150, 4976177; 446348, 4976190; 446347, 4975789.

(SSS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 437530, 4979925; 437544, 4980332; 436752, 4980343; 436737, 4979538; 437126, 4979527; 437120, 4979929; 437530, 4979925; 437547, 4978281; 437144, 4978291; 437138, 4977880; 436732, 4977889; 436727, 4977479; 435906, 4977491; 435902, 4977079; 435490, 4977081; 435488, 4978311; 434689, 4978322; 434686, 4977909; 434282, 4977912; 434287, 4978330; 433503, 4978346; 433521, 4980001; 433883, 4979992; 433883, 4979888; 434289, 4979879; 434289, 4979566;

434577, 4979559; 434337, 4979153;
435925, 4979150; 435952, 4980358;
434717, 4980382; 434782, 4981583;
436802, 4981547; 436784, 4981147;
437581, 4981138; 437558, 4980740;
437955, 4980737; 437940, 4979920;
437530, 4979925.

(TTT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465411, 4979790; 465409, 4980194; 465809, 4980197; 465808, 4980357; 465729, 4980277; 465622, 4980769; 466014, 4981159; 465918, 4981602; 466286, 4981969; 466580, 4981942; 466426, 4981672; 466260, 4981522; 466440, 4980984; 466207, 4980753; 466207, 4980600; 466606, 4980601; 466606, 4980998; 467006, 4980997; 467005, 4979810; 465411, 4979790.

(UUU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460622, 4979621; 460222, 4979626; 460221, 4980022; 459420, 4980032; 459423, 4979637; 459024, 4979642; 459009, 4981219; 457401, 4981225; 457405, 4979629; 455839, 4979590; 455834, 4980405; 454274, 4980410; 454273, 4979616; 455839, 4979590; 455872, 4978042; 454267, 4978028; 454270, 4978822; 452638, 4978888; 452636, 4978103; 451052, 4978133; 451061, 4976544; 449487, 4976558; 449470, 4978159; 448287, 4978174; 448260, 4979790; 449452, 4979761; 449457, 4979360; 451046, 4979325; 451044, 4979722; 451842, 4979697; 451839, 4980490; 452642, 4980457; 452644, 4981241; 454250, 4981207; 454171, 4983002; 452630, 4983018; 452644, 4981241; 451028, 4981324; 451013, 4983186; 455692, 4983088; 455782, 4982435; 456563, 4982426; 456967, 4982425; 456946, 4983082; 460642, 4983031; 461420, 4983074; 461414, 4982407; 462210, 4982402; 462214, 4982660; 463049, 4982643; 463027, 4981839; 463422, 4981823; 463434, 4982229; 463830, 4982217; 463844, 4982627; 464242, 4982625; 464256, 4983039; 464654, 4983036; 464641, 4982622; 465040, 4982620; 465051, 4983030; 465094, 4983034; 465099, 4982646; 465439, 4982644; 465427, 4982213; 465828, 4982210; 465808, 4981491; 465720, 4981403; 463803, 4981396; 463805, 4979850; 462182, 4979909; 462188, 4981200; 460618, 4981206; 460622, 4979621.

(VVV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 431775, 4981512; 431768, 4980724; 431167, 4980728; 431165, 4980326; 431365, 4980325; 431362, 4979723; 431763, 4979722; 431764, 4979922; 431964, 4979919; 431969, 4980721; 432571, 4980709; 432578, 4981501; 431775, 4981512; 431780, 4981898; 432979, 4981895; 432974, 4981099;

433373, 4981090; 433335, 4977697;
433135, 4977699; 433137, 4977899;
432937, 4977901; 432942, 4978303;
432544, 4978308; 432541, 4978106;
432341, 4978108; 432338, 4977907;
432139, 4977909; 432131, 4977508;
433332, 4977497; 433327, 4977098;
433484, 4977094; 433496, 4977927;
433879, 4977921; 433863, 4976259;
433324, 4976268; 433293, 4974655;
433875, 4974632; 433871, 4975443;
434282, 4975439; 434279, 4975029;
434682, 4975027; 434694, 4974605;
434284, 4974619; 434289, 4974208;
433873, 4974232; 433871, 4973848;
434287, 4973828; 434285, 4973504;
433173, 4973531; 433151, 4969278;
433930, 4969249; 433967, 4968036;
433582, 4968032; 433594, 4967673;
432721, 4967666; 432718, 4966867;
431897, 4966872; 431897, 4967271;
431117, 4967285; 431109, 4966481;
430729, 4966489; 430728, 4965695;
429519, 4965716; 429532, 4966495;
429152, 4966511; 429181, 4967700;
429574, 4967699; 429567, 4967298;
429960, 4967302; 429967, 4967698;
430355, 4967692; 430376, 4968485;
429983, 4968489; 429992, 4969278;
429597, 4969290; 429596, 4968897;
427480, 4968945; 427529, 4969336;
427890, 4969334; 427906, 4970114;
427511, 4970118; 427522, 4970509;
426823, 4970533; 426832, 4970919;
424015, 4970952; 424026, 4971349;
423463, 4971361; 423471, 4972541;
424045, 4972523; 424044, 4973310;
423489, 4973320; 423567, 4975240;
424967, 4975220; 424977, 4975600;
424902, 4975602; 424899, 4976387;
424531, 4976380; 424526, 4977182;
424922, 4977178; 424919, 4976781;
425323, 4976779; 425306, 4975615;
425379, 4975613; 425382, 4977605;
426951, 4977549; 426961, 4977946;
427747, 4977935; 427765, 4977124;
428583, 4977124; 428585, 4977922;
427747, 4977935; 427728, 4978740;
426957, 4978743; 426945, 4977960;
426141, 4977988; 426149, 4978783;
425388, 4978793; 425398, 4979583;
423696, 4979616; 423790, 4982011;
425373, 4981965; 425384, 4983586;
426178, 4983573; 426188, 4984374;
426982, 4984367; 426973, 4983565;
428169, 4983551; 428154, 4982737;
429780, 4982736; 429774, 4982331;
429369, 4982322; 429365, 4981908;
428963, 4981921; 428961, 4981144;
430970, 4981132; 430976, 4981921;
431378, 4981910; 431374, 4981519;
431775, 4981512; and excluding land
bound by 430159, 4980739; 430160,
4980340; 430084, 4980341; 430089,
4979934; 430165, 4979932; 430163,
4979125; 428140, 4979155; 428131,
4978744; 430557, 4978720; 430564,
4979929; 430962, 4979926; 430967,

4980730; 430159, 4980739; and
excluding land bound by 430130,
4977126; 430119, 4976329; 430925,
4976320; 430928, 4977112; 430130,
4977126; and excluding land bound by
431721, 4977112; 431724, 4976312;
432524, 4976305; 432525, 4977101;
431721, 4977112; and excluding land
bound by 432104, 4975514; 432103,
4973930; 433167, 4973916; 432880,
4973931; 432871, 4975510; 432104,
4975514; and excluding land bound by
433170, 4973773; 433172, 4973637;
433253, 4973684; 433170, 4973773; and
excluding land bound by 424451,
4971341; 425256, 4971324; 425261,
4971712; 424469, 4971726; 424451,
4971341.

(WWW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 424945, 4993129; 424947, 4992882; 424539, 4992895; 424539, 4993139; 424945, 4993129.

(XXX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 423153, 4993160; 423433, 4993158; 423463, 4993100; 423472, 4993158; 423706, 4993156; 424435, 4992629; 424744, 4992609; 424743, 4992702; 424948, 4992699; 424950, 4992424; 425341, 4992425; 425335, 4991630; 426106, 4991626; 426101, 4991429; 426494, 4991432; 426489, 4991235; 427667, 4991235; 427692, 4992028; 426315, 4992028; 426321, 4992229; 426123, 4992228; 426128, 4992429; 425731, 4992427; 425758, 4992110; 429280, 4993047; 429265, 4991588; 429906, 4991568; 430024, 4991570; 430031, 4991973; 430398, 4991968; 430435, 4993039; 432046, 4993031; 431997, 4991550; 431178, 4991529; 431162, 4990757; 432765, 4990716; 432735, 4989947; 431934, 4989950; 431950, 4990349; 431552, 4990354; 431536, 4989556; 431143, 4989562; 431144, 4989962; 429577, 4990008; 429570, 4989192; 431925, 4989150; 431925, 4988365; 431483, 4988367; 431439, 4986736; 430227, 4986748; 430628, 4986721; 430624, 4986347; 431024, 4986343; 431012, 4985937; 429408, 4985962; 429419, 4986358; 429018, 4986364; 428984, 4985168; 428184, 4985172; 428207, 4985772; 427914, 4985772; 427895, 4985370; 427597, 4985371; 427587, 4985170; 426991, 4985173; 427030, 4985974; 427428, 4985974; 427448, 4986370; 427049, 4986375; 427113, 4988451; 426713, 4988448; 426642, 4987172; 425830, 4987205; 425912, 4988459; 424808, 4988473; 424841, 4988344; 425084, 4988061; 425035, 4987533; 424659, 4987546; 424661, 4987590; 423548, 4987594; 423552, 4987947; 423719, 4987886; 423772, 4988105; 423554, 4988131; 423557, 4988396; 422294, 4988406; 422290, 4988788;

421947, 4988793; 421955, 4989992; 420127, 4990001; 420067, 4990115; 420010, 4990101; 419975, 4990142; 420155, 4990257; 420147, 4990441; 420224, 4990555; 420139, 4990673; 420044, 4990644; 420062, 4990786; 420392, 4990912; 420654, 4991147; 420686, 4991321; 420561, 4991417; 420514, 4991551; 420455, 4991548; 420452, 4991652; 420604, 4991658; 420730, 4991813; 420532, 4991889; 420395, 4991850; 420340, 4991971; 420440, 4992133; 420568, 4992202; 420831, 4992812; 420926, 4992726; 420973, 4992756; 420991, 4992871; 421347, 4993213; 423153, 4993160; and excluding land bound by 427640, 4990421; 427625, 4990038; 428025, 4990033; 428014, 4989629; 428777, 4989602; 428798, 4990411; 427640, 4990421; and excluding land bound by 422679, 4989191; 423459, 4989184; 423464, 4989581; 422689, 4989588; 422679, 4989191; and excluding land bound by 424538, 4989263; 424548, 4989169; 424808, 4989007; 424990, 4989033; 425089, 4989144; 425080, 4989257; 424538, 4989263.

(YYY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446067, 5016711; 446099, 5016090; 445385, 5016086; 445409, 5017136; 445758, 5017122; 445728, 5016731; 446067, 5016711.

(ZZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446067, 5016711; 446150, 5017504; 446505, 5017498; 446456, 5016712; 446067, 5016711.

(AAAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452427, 5019875; 450844, 5019812; 450888, 5020645; 451657, 5020658; 451639, 5020235; 452433, 5020273; 452427, 5019875.

(BBBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447911, 5021537; 447165, 5021560; 447059, 5020621; 446689, 5020675; 446598, 5019869; 446970, 5019833; 447014, 5020227; 447747, 5020171; 447911, 5021537; 449404, 5021502; 449293, 5019825; 450068, 5019818; 450093, 5020234; 450480, 5020231; 450456, 5019815; 450844, 5019812; 450861, 5018252; 452429, 5018292; 452427, 5019875; 454035, 5019898; 454043, 5020690; 455634, 5020686; 455642, 5019878; 454436, 5019895; 454430, 5019098; 454831, 5019088; 454834, 5019489; 455638, 5019473; 455642, 5019878; 457248, 5019879; 457254, 5019484; 457657, 5019484; 457652, 5019881; 458052, 5019876; 458061, 5019485; 458878, 5019485; 458863, 5019890; 461694, 5019870; 461690, 5019466; 461290, 5019470; 461288, 5019067; 461687, 5019062; 461680, 5018258; 462077, 5018254; 462095, 5019866; 463763, 5019854; 463738, 5018249; 464541, 5018257; 464549, 5018661; 464946, 5018668; 464940, 5018262; 465340, 5018267; 465324, 5017081; 466118, 5017082; 466110, 5016683; 466506, 5016678; 466486, 5015057; 465287, 5015066; 465285, 5014669; 466486, 5014662; 466488, 5013871; 466087, 5013874; 466088, 5013478; 466890, 5013470; 466867, 5011893; 466066, 5011889; 466077, 5012682; 465270, 5012688; 465274, 5013477; 464475, 5013474; 464467, 5011875; 464866, 5011880; 464841, 5010673; 464437, 5010670; 464427, 5010267; 463629, 5010265; 463618, 5008692; 461963, 5008676; 461953, 5007474; 462800, 5007481; 462802, 5007881; 463205, 5007884; 463202, 5007083; 461951, 5007073; 463039, 5007094; 460354, 5008287; 459564, 5008292; 459570, 5008688; 458781, 5008691; 458776, 5009490; 457159, 5009532; 457159, 5008740; 458781, 5008691; 458773, 5008297; 459564, 5008292; 459557, 5007897; 459953, 5007893; 459941, 5007100; 457553, 5007131; 457555, 5007531; 457156, 5007537; 457155, 5007136; 456751, 5007136; 456759, 5008339; 456359, 5008338; 456362, 5008740; 455565, 5008740; 455569, 5009139; 455172, 5009143; 455175, 5009539; 455572, 5009538; 455578, 5010336; 455975, 5010333; 455978, 5010731; 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5013944; 452016, 5013925; 452020, 5014719; 451627, 5014721; and excluding land bound by 452390, 5007980; 453183, 5007974; 453181, 5008773; 452389, 5008780; 452390, 5007980; and excluding land bound by 446784, 5007592; 446774, 5007207; 446979, 5007208; 446994, 5007596; 446784, 5007592; and excluding land bound by 448794, 5004084; 449580, 5004085; 449637, 5004881; 448849, 5004888; 448794, 5004084.

(CCCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449329, 5033180; 449308, 5032411; 448157, 5032447; 447005, 5032395; 447010, 5032768; 445859, 5032764; 445860, 5032380; 445095, 5032383; 445109, 5031982; 444333, 5031975; 444329, 5032370; 444712, 5032377; 444716, 5032775; 445482, 5032774; 445486, 5033167; 445858, 5033149; 445858, 5033497; 446631, 5033477; 447406, 5033554; 447396, 5032793; 448550, 5032826; 448568, 5033609; 449340, 5033565; 449329, 5033180.

(DDDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445477, 5034325; 445474, 5033905; 445091, 5033966; 445114, 5033185; 444326, 5033161; 444325, 5033546; 443938, 5033531; 443938, 5033149; 443478, 5033135; 443486, 5033893; 444708, 5033948; 444708, 5034337; 445477, 5034325.

(EEEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445477, 5034325; 445479, 5034745; 445864, 5034743; 445861, 5034294; 445477, 5034325.

(FFFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445146, 5036303; 445122, 5035915; 446653, 5035994; 446645, 5035634; 447417, 5035619; 447415, 5035199; 448189, 5035210; 448998, 5035139; 448963, 5033975; 448189, 5034026; 447411, 5033935; 447413, 5034357; 446636, 5034292; 446641, 5035188; 444709, 5035111; 444709, 5034725; 443938, 5034684; 443936, 5035060; 443481, 5035031; 443492, 5036163; 444355, 5036236; 444338, 5035852; 444730, 5035883; 444750, 5036270; 445146, 5036303.

(GGGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 440891, 5036618; 440876, 5036214; 440491, 5036217; 440493, 5036603; 440891, 5036618.

(HHHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 440891, 5036618; 440907, 5037022; 440505, 5036990; 440519, 5037450; 440109, 5037446; 440114, 5037834; 439713, 5037838; 439707, 5037442; 438909, 5037449; 438912, 5037847; 438512, 5037874;

438515, 5038633; 438112, 5038666; 438113, 5037900; 437713, 5037926; 437708, 5039091; 437304, 5039129; 437294, 5039927; 436486, 5039952; 436484, 5040349; 436082, 5040361; 436084, 5041172; 438835, 5041106; 438842, 5041188; 438967, 5041166; 438872, 5041105; 438955, 5040125; 439674, 5040162; 439678, 5039754; 438522, 5039787; 438517, 5039016; 440065, 5038974; 440064, 5038604; 440432, 5038605; 440451, 5039341; 441208, 5039275; 441243, 5038920; 442018, 5038868; 441965, 5039208; 441587, 5039241; 441589, 5040666; 441211, 5040649; 441136, 5041806; 440405, 5041847; 440409, 5041067; 440016, 5041077; 440024, 5042243; 440767, 5042203; 440761, 5042955; 441128, 5042904; 441130, 5043276; 441502, 5043222; 441508, 5043591; 441884, 5043534; 442271, 5043640; 442251, 5042890; 442639, 5042978; 442629, 5042594; 441851, 5042436; 441896, 5041092; 443080, 5041136; 443193, 5039400; 443557, 5039457; 443571, 5038397; 443984, 5038457; 443992, 5038832; 444761, 5038947; 444788, 5037809; 444393, 5037763; 444389, 5037085; 444316, 5037085; 444316, 5037023; 444389, 5037001; 443516, 5036914; 443553, 5037996; 442853, 5038103; 442860, 5037239; 443219, 5037172; 443204, 5036795; 442479, 5036907; 442507, 5037306; 442152, 5037373; 442085, 5036664; 440891, 5036618.

(IIII) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449185, 4921853; 449166, 4920203; 447537, 4920205; 447535, 4921894; 449185, 4921853.

(JJJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455846, 4976382; 455691, 4975553; 455817, 4974739; 454203, 4974746; 454260, 4976410; 455846, 4976382.

(KKKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452632, 4976535; 452628, 4974966; 451070, 4974955; 451061, 4976544; 452632, 4976535.

(LLLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455846, 4976382; 455872, 4978042; 457465, 4978044; 457440, 4976449; 455846, 4976382.

(MMMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452632, 4976535; 452636, 4978103; 454267, 4978028; 454260, 4976410; 452632, 4976535.

(NNNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 459051, 4978059; 457465, 4978044; 457381, 4978844; 457405, 4979629; 459024, 4979642; 459051, 4978059.

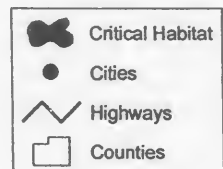
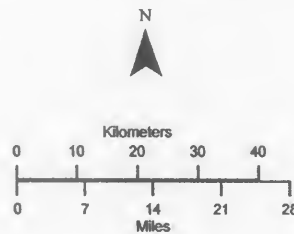
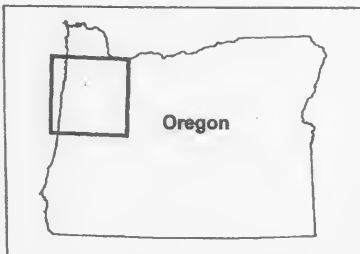
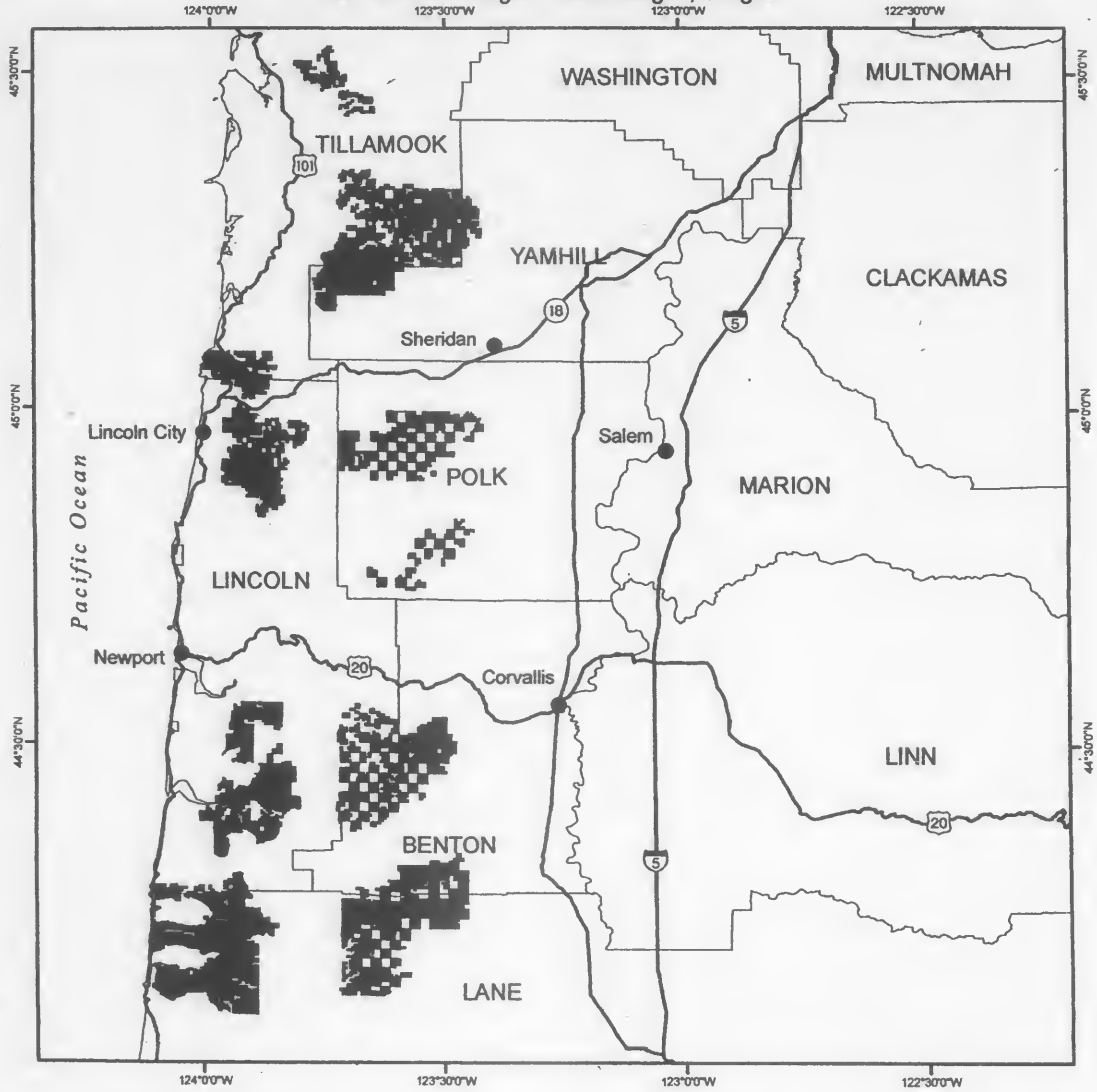
(OOOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454125, 5010702;

454189, 5010701; 454191, 5010326; 453987, 5010325; 453997, 5010704; 454125, 5010702.

(iii) Note: Map of Northern Oregon Coast Ranges Unit follows: BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Northern Oregon Coast Ranges, Oregon



(15) Southern Oregon Coast Ranges Unit (Unit 8). Coos, Douglas, and Lane Counties, Oregon.

(i) The Southern Oregon Coast Ranges Unit consists of 212, 700 ac (86, 100 ha) and is comprised of lands managed by the Siuslaw National Forest (67, 800 ac (27, 400 ha)) and Eugene, Roseburg, and Coos Bay BLM Districts (144, 900 ac (58, 600 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Baldy Mountain, Callahan, Camas Valley, Coos Mountain, Deer Head Point, Devils Graveyard, Dora, Goodwin Peak, Kellogg, Kelly Butte, Kenyon Mountain, Loon Lake, Mapleton, Mount Gurney, North Fork, Old Blue, Reedsport, Roman Nose Mountain, Scottsburg, Sitkum, Smith River Falls, Tiernan, Tioga, Twin Sisters, and Tyee.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 439679, 4773563; 439685, 4775173; 441297, 4775147; 441274, 4773528; 439679, 4773563.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 438105, 4775219; 438091, 4774431; 438888, 4774399; 438880, 4773597; 439679, 4773563; 439673, 4771953; 438062, 4772029; 438081, 4773630; 436430, 4773589; 436437, 4775180; 438105, 4775219.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 439685, 4775173; 438105, 4775219; 438112, 4776809; 439691, 4776783; 439685, 4775173.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 436441, 4776800; 436437, 4775180; 434752, 4775181; 434766, 4776819; 436441, 4776800.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 431566, 4776827; 431178, 4776823; 431184, 4777632; 431588, 4777636; 431566, 4776827.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 434875, 4778431; 434875, 4777612; 434766, 4776819; 433187, 4776801; 433197, 4778470; 434875, 4778431.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 438112, 4776809; 436441, 4776800; 436488, 4778403; 436896, 4778396; 436890, 4778807; 437297, 4778794; 437302, 4778390; 438116, 4778382; 438112, 4776809.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 433206, 4780072; 433197, 4778470; 431986, 4778434; 431979, 4778035; 430782, 4778027; 430781, 4777629; 430380, 4777625; 430388, 4778427; 431585, 4778425; 431612, 4780090; 433206, 4780072.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 436488, 4778403; 434875, 4778431; 434833, 4780104; 436458, 4780084; 436488, 4778403.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 430006, 4780118; 429992, 4779266; 429592, 4779269; 429573, 4778440; 428356, 4778457; 428376, 4778868; 427571, 4778858; 427599, 4779276; 428396, 4779278; 428438, 4780128; 430006, 4780118.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 438040, 4780854; 438030, 4780067; 437225, 4780084; 437251, 4780476; 437643, 4780467; 437664, 4780862; 438040, 4780854.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 425327, 4781755; 425314, 4781354; 426094, 4781348; 426095, 4780544; 425694, 4780548; 425685, 4780149; 426883, 4780138; 426694, 4778446; 425896, 4778450; 425896, 4778045; 426700, 4778041; 426694, 4778446; 427544, 4778440; 427541, 4777635; 428345, 4777634; 428347, 4776829; 426716, 4776828; 426706, 4777636; 425084, 4777644; 425073, 4776831; 423110, 4776880; 423109, 4777282; 423476, 4777273; 423477, 4778475; 424710, 4778454; 424735, 4778859; 425111, 4778858; 425199, 4779677; 423984, 4779686; 424020, 4780148; 423115, 4780136; 423164, 4782106; 423539, 4782116; 423544, 4781726; 425327, 4781755; and excluding land bound by 425097, 4778457; 425092, 4778052; 425493, 4778049; 425497, 4778454; 425097, 4778457.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451793, 4796896; 452189, 4796896; 452184, 4796492; 451786, 4796493; 451793, 4796896.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451793, 4796896; 451385, 4796897; 451391, 4797315; 451800, 4797311; 451793, 4796896.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451788, 4799349; 451808, 4797726; 451031, 4797739; 451003, 4799347; 451788, 4799349.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 430079, 4797757; 428481, 4797778; 428458, 4796164; 430053, 4796140; 430079, 4797757; 431677, 4797746; 431652, 4796122; 433262, 4796109; 433253, 4795022; 434787, 4795003; 434797, 4796232; 436409, 4796203; 436390, 4794599; 434784, 4794594; 434773, 4793786; 435587, 4793789; 435586, 4792981; 436409, 4792984; 436390, 4794599; 438014, 4794603;

438015, 4792582; 436406, 4792590; 436394, 4791792; 437997, 4791777; 437960, 4789755; 438053, 4789754; 438063, 4786436; 436462, 4786438; 436466, 4788033; 435653, 4788039; 435650, 4787635; 434837, 4787615; 434835, 4787206; 435242, 4787218; 435240, 4786503; 436462, 4786438; 436447, 4784858; 438061, 4784847; 438063, 4784173; 438347, 4784156; 438473, 4784046; 438520, 4783946; 438282, 4783885; 438243, 4783690; 438368, 4783509; 438562, 4783528; 438597, 4783263; 436442, 4783252; 436436, 4781659; 434822, 4781663; 434833, 4780104; 433206, 4780072; 433222, 4781640; 431601, 4781682; 431612, 4780090; 430006, 4780118; 430013, 4781694; 428410, 4781704; 428415, 4781304; 428814, 4781301; 428817, 4780901; 428420, 4780904; 428438, 4780128; 426883, 4780138; 426882, 4781734; 425327, 4781755; 425284, 4782540; 424478, 4782523; 424461, 4783313; 423197, 4783289; 423353, 4788141; 424465, 4788131; 424440, 4788535; 425293, 4788520; 425213, 4789742; 426005, 4789723; 425991, 4791358; 425189, 4791363; 425213, 4789742; 423426, 4789779; 423481, 4794628; 425285, 4794587; 425240, 4792972; 426045, 4792955; 426059, 4793765; 426862, 4793747; 426794, 4791357; 428362, 4791328; 428391, 4789680; 426797, 4789705; 426929, 4788891; 427296, 4788883; 427322, 4788070; 428483, 4788044; 428435, 4786457; 429620, 4786461; 429623, 4786854; 430019, 4786855; 430023, 4787245; 429230, 4787251; 429235, 4788040; 428483, 4788044; 428495, 4788843; 428391, 4789680; 429998, 4789669; 430035, 4788059; 431589, 4788048; 431585, 4787653; 432391, 4787643; 432387, 4787247; 431984, 4787252; 431980, 4786451; 432784, 4786440; 432785, 4786840; 433606, 4786842; 433607, 4787228; 433183; 4787236; 433199, 4788032; 433618, 4788022; 433622, 4788432; 434027, 4788428; 434028, 4788842; 434835, 4788844; 434833, 4789253; 434430, 4789251; 434430, 4789786; 433548, 4789791; 433551, 4790192; 433952, 4790189; 433955, 4790591; 433214, 4790596; 433221, 4791258; 431604, 4791262; 431617, 4792886; 433231, 4792862; 433222, 4791400; 434762, 4791386; 434761, 4790585; 435164, 4790583; 435166, 4790985; 435571, 4790984; 435567, 4790582; 435966, 4790581; 435960, 4789773; 436361, 4789770; 436387, 4791387; 434762, 4791386; 434762, 4792978; 433233, 4793003; 433236, 4793264; 431625, 4793290; 431617, 4792886; 430006, 4792910; 430034, 4794521; 431640, 4794499; 431644, 4795307;

430040, 4795328; 430034, 4794521; 429244, 4794527; 429202, 4792932; 430006, 4792910; 429984, 4791292; 428362, 4791328; 428378, 4792140; 427595, 4792153; 476210, 4792962; 428399, 4792955; 428420, 4793751; 426862, 4793747; 426860, 4794569; 425285, 4794587; 425222, 4796223; 423503, 4796196; 423528, 4797900; 424449, 4797873; 424465, 4798665; 424066, 4798668; 424071, 4799052; 424473, 4799049; 424482, 4799523; 423553, 4799535; 423557, 4799788; 422770, 4799789; 422795, 4800413; 423589, 4800406; 423631, 4801137; 425699, 4801123; 425688, 4799512; 427281, 4799491; 427292, 4801106; 428878, 4801071; 428872, 4799483; 430102, 4799481; 430079, 4797757; and excluding land bound by 426042, 4797019; 426026, 4796207; 426846, 4796192; 426862, 4796999; 426042, 4797019; 426050, 4797425; 426873, 4797400; 426880, 4797803; 425256, 4797850; 425233, 4797028; 426042, 4797019; and excluding land bound by 432838, 4793672; 433241, 4793665; 433244, 4794070; 431636, 4794096; 431632, 4793693; 432838, 4793672; and excluding land bound by 424014, 4785535; 424030, 4784709; 424229, 4784713; 424224, 4784519; 425393, 4784510; 425396, 4785708; 425194, 4785725; 425191, 4786102; 423677, 4786129; 423671, 4785539; 424014, 4785535; and excluding land bound by 433188, 4784848; 431986, 4784850; 431995, 4783662; 431598, 4783666; 431608, 4783265; 433207, 4783245; 433188, 4784848; 434014, 4784864; 434015, 4785668; 433179, 4785642; 433188, 4784848; and excluding land bound by 427245, 4785663; 426849, 4785666; 426842, 4784880; 428429, 4784875; 428433, 4785653; 427245, 4785663; and excluding land bound by 434422, 4785278; 434420, 4784875; 434827, 4784884; 434829, 4785289; 434422, 4785278.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455768, 4802572; 455769, 4801781; 456559, 4801748; 456560, 4800983; 457385, 4800909; 457392, 4802518; 458208, 4802518; 458202, 4802115; 458614, 4802114; 458612, 4801710; 458195, 4801711; 458184, 4800984; 457996, 4800983; 457993, 4800504; 456982, 4800531; 457005, 4799706; 456603, 4799712; 456617, 4799298; 455813, 4799303; 455770, 4800990; 454984, 4800985; 455010, 4799309; 455813, 4799303; 455792, 4797275; 456590, 4797269; 456588, 4797671; 457390, 4797666; 457385, 4796049; 455415, 4796048; 455405, 4797275; 455018, 4797275; 455018, 4797684; 454633, 4797688; 454630, 4797275;

454242, 4797276; 454235, 4796859; 455019, 4796866; 455020, 4796446; 454228, 4796444; 454221, 4796027; 452581, 4796086; 452582, 4796490; 453005, 4796478; 453012, 4797296; 452585, 4797304; 452587, 4797712; 452197, 4797719; 452193, 4798938; 452593, 4798929; 452591, 4798524; 453408, 4798513; 453389, 4799327; 452993, 4799333; 452998, 4800149; 453395, 4800148; 453401, 4800970; 454590, 4800983; 454583, 4801779; 454978, 4801779; 454976, 4802178; 455372, 4802177; 455370, 4802574; 455768, 4802572.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457392, 4802518; 455768, 4802572; 455767, 4802967; 456167, 4802959; 456170, 4803351; 456986, 4803331; 456980, 4802936; 457394, 4802919; 457392, 4802518.

Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449452, 4805768; 449428, 4805406; 448261, 4805390; 448251, 4805006; 448635, 4805019; 448607, 4804265; 447859, 4804212; 447876, 4805775; 449452, 4805768.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451030, 4804288; 451010, 4803433; 451411, 4803476; 451427, 4804336; 451030, 4804288; 451026, 4805967; 452636, 4805993; 452604, 4806234; 453042, 4806156; 454201, 4806428; 454184, 4805779; 455831, 4805762; 455764, 4804150; 454966, 4804178; 454966, 4803780; 454567, 4803793; 454564, 4804192; 454164, 4804206; 454186, 4802591; 453009, 4802696; 453008, 4802257; 452598, 4802282; 452585, 4800961; 451807, 4801002; 450994, 4800930; 450991, 4802577; 449367, 4802707; 449356, 4804319; 448982, 4804292; 449001, 4804662; 450205, 4804695; 450193, 4804304; 451030, 4804288; and excluding land bound by 451811, 4803519; 451797, 4802655; 452603, 4802732; 452611, 4803605; 451811, 4803519; and excluding land bound by 452994, 4805790; 452634, 4805795; 452617, 4804221; 452977, 4804218; 452994, 4805790.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451027, 4807636; 451075, 4809019; 452616, 4809025; 452612, 4807818; 453425, 4807809; 453427, 4808214; 453832, 4808212; 453826, 4807637; 452610, 4807416; 452314, 4807134; 452302, 4807052; 452216, 4807063; 452215, 4807471; 451027, 4807636.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452616, 4809025; 452619, 4809426; 453438, 4809419; 453432, 4809017; 452616, 4809025.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452630, 4810633; 453049, 4810630; 453037, 4809825; 452623, 4809828; 452630, 4810633.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451024, 4810672; 451075, 4809019; 449528, 4809034; 449500, 4810639; 451024, 4810672.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452645, 4812241; 452630, 4810633; 451024, 4810672; 451064, 4812263; 452645, 4812241.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447896, 4813930; 447921, 4812318; 448705, 4812293; 448699, 4813113; 449489, 4813073; 449490, 4813876; 451071, 4813859; 451064, 4812263; 449489, 4812269; 449500, 4810639; 447918, 4810680; 447950, 4809082; 449528, 4809034; 449482, 4807385; 451027, 4807636; 451026, 4805967; 450239, 4805867; 450227, 4805476; 449828, 4805441; 449846, 4805817; 449452, 4805768; 449472, 4806979; 448286, 4806985; 448293, 4807386; 447906, 4807385; 447884, 4806587; 448278, 4806583; 448274, 4806178; 447880, 4806181; 447876, 4805775; 445296, 4805746; 445320, 4807334; 445740, 4807327; 445780, 4809083; 446331, 4809083; 446398, 4810673; 444693, 4810664; 444674, 4813065; 445509, 4813073; 445499, 4814687; 445898, 4814685; 445899, 4815087; 446297, 4815086; 446295, 4813877; 447896, 4813930.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452645, 4812241; 452660, 4813849; 451071, 4813859; 451080, 4815444; 452674, 4815414; 452660, 4813876; 453491, 4813878; 453504, 4815491; 452675, 4815488; 452690, 4817122; 454330, 4817121; 454297, 4813881; 453894, 4813880; 453879, 4812651; 453470, 4812648; 453463, 4812242; 452645, 4812241.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453525, 4817928; 453123, 4817927; 453124, 4818327; 453525, 4818327; 453525, 4817928.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449567, 4820286; 450773, 4820274; 450768, 4819474; 451169, 4819470; 451164, 4818672; 449556, 4818686; 449567, 4820286.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447982, 4823501; 448000, 4825102; 449614, 4825088; 449630, 4826694; 450327, 4826719; 450314, 4825901; 450023, 4825904; 450018, 4825494; 451220, 4825481; 451216, 4825072;

450013, 4825084; 450010, 4824685; 450810, 4824678; 450805, 4824280; 451204, 4824277; 451201, 4823880; 450002, 4823886; 450006, 4824285; 449606, 4824288; 449598, 4823488; 447982, 4823501.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448015, 4826719; 448000, 4825102; 446401, 4825133; 446414, 4826730; 448015, 4826719.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449630, 4826694; 446015, 4826719; 448029, 4827921; 448433, 4827914; 448437, 4828361; 449647, 4828343; 449630, 4826694.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446414, 4826730; 444792, 4826753; 444785, 4825148; 446401, 4825133; 446379, 4823531; 445570, 4823540; 445566, 4823139; 445971, 4823135; 445964, 4822332; 446368, 4822329; 446379, 4823531; 447982, 4823501; 447968, 4821902; 446764, 4821922; 446760, 4821519; 447563, 4821508; 447560, 4821108; 447961, 4821103; 447968, 4821902; 449582, 4821887; 449567, 4820286; 447959, 4820302; 447947, 4818698; 449500, 4818686; 449497, 4817060; 451092, 4817038; 451080, 4815444; 449495, 4815465; 449490, 4813876; 447896, 4813930; 447896, 4815492; 446698, 4815489; 446700, 4816290; 447100, 4816288; 447101, 4817086; 447899, 4817079; 447905, 4818698; 442779, 4818720; 442792, 4819964; 438021, 4820092; 438072, 4820876; 437680, 4820879; 437632, 4820094; 435612, 4820063; 435578, 4822377; 437167, 4822375; 437168, 4822770; 435590, 4822777; 435587, 4825558; 433975, 4825592; 433961, 4826420; 432578, 4826436; 432541, 4827023; 432392, 4827055; 432394, 4828745; 433921, 4828753; 433937, 4827969; 434148, 4827969; 434134, 4827209; 434076, 4827171; 434538, 4827167; 434556, 4827969; 434148, 4827969; 434163, 4828754; 434957, 4828749; 434942, 4827167; 436929, 4827151; 436933, 4827945; 437330, 4827944; 437332, 4828732; 438520, 4828723; 438529, 4829122; 438923, 4829120; 438924, 4827929; 439722, 4827917; 439690, 4825536; 441271, 4825502; 441281, 4825900; 441672, 4825894; 441663, 4825495; 442838, 4825474; 442872, 4827996; 443211, 4827989; 443203, 4827588; 444400, 4827564; 444405, 4827965; 444803, 4827957; 444808, 4828426; 446431, 4828399; 446414, 4826730; and excluding land bound by 442054, 4823585; 442444, 4823575; 442441, 4824378; 441660, 4824389; 441658, 4823592; 442054, 4823585; and excluding land bound by 439673,

4822432; 439664, 4820852; 440455, 4820829; 440462, 4821621; 441247, 4821603; 441254, 4822403; 439673, 4822432.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 439983, 4841198; 439974, 4839628; 438406, 4839643; 438417, 4841255; 439983, 4841198.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 435183, 4846808; 435198, 4847227; 435588, 4847268; 435568, 4846850; 435183, 4846808.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 435183, 4846808; 435166, 4846362; 435930, 4846512; 436022, 4848085; 436417, 4848090; 436313, 4846592; 438462, 4846580; 438479, 4848076; 440054, 4848066; 440053, 4846283; 440451, 4846283; 440455, 4846686; 440857, 4846686; 440844, 4845880; 441638, 4845878; 441595, 4844323; 441203, 4844313; 441205, 4842737; 441606, 4842735; 441578, 4841162; 439983, 4841198; 440003, 4842744; 439606, 4842782; 439591, 4841990; 439242, 4841998; 439213, 4842811; 438416, 4842823; 438439, 4844350; 436808, 4844386; 436801, 4842839; 436007, 4842826; 436008, 4842029; 435208, 4842036; 435208, 4841244; 433607, 4841240; 433603, 4840160; 431624, 4840174; 431602, 4838399; 433319, 4838379; 433317, 4838124; 433583, 4838126; 433611, 4839660; 435214, 4839704; 435208, 4841244; 436814, 4841224; 436800, 4839632; 438406, 4839643; 438395, 4838090; 439189, 4838074; 439161, 4836575; 439948, 4836568; 439945, 4835776; 438303, 4835723; 438299, 4834990; 436965, 4834997; 436984, 4835806; 436608, 4835813; 436587, 4835567; 436600, 4836681; 435815, 4836699; 435810, 4837817; 435127, 4837826; 435125, 4838111; 434723, 4838114; 434724, 4837758; 434321, 4837763; 434321, 4836563; 435124, 4836551; 435114, 4835995; 434360, 4835994; 434342, 4834970; 433325, 4834980; 433340, 4834375; 433180, 4834320; 433192, 4834195; 431714, 4834235; 431700, 4833830; 431296, 4833826; 431318, 4834633; 430486, 4834619; 430470, 4834314; 430028, 4834255; 430035, 4834986; 429652, 4834986; 429636, 4834209; 428878, 4834203; 428856, 4833826; 428442, 4833830; 428450, 4834988; 426749, 4834990; 426767, 4834248; 426485, 4834255; 426244, 4834510; 425946, 4835029; 426044, 4835028; 426003, 4835319; 426197, 4835398; 426298, 4835337; 426301, 4835446; 426178, 4835499; 426106, 4835419; 425952, 4835459; 425757, 4835828; 425610, 4835828; 425420, 4836234; 425618, 4835921;

425559, 4836071; 425566, 4836607; 425252, 4836621; 424734, 4837095; 424273, 4837336; 424302, 4838477; 424414, 4838737; 424518, 4838796; 424430, 4838815; 423969, 4839394; 423982, 4839899; 424035, 4839959; 423972, 4840014; 423816, 4839497; 424312, 4838768; 424228, 4838476; 424305, 4838767; 423809, 4839496; 423966, 4840019; 423899, 4839079; 423720, 4839465; 423630, 4839406; 423709, 4839395; 424186, 4838736; 424122, 4838534; 423949, 4838473; 423527, 4838467; 423509, 4837703; 422977, 4837927; 423042, 4838343; 422557, 4838221; 422401, 4838600; 422405, 4839006; 420919, 4838995; 420954, 4839727; 420205, 4839757; 420251, 4838980; 419821, 4838985; 419829, 4838792; 419387, 4839112; 419382, 4839385; 418984, 4839389; 418989, 4839209; 418791, 4839200; 418771, 4839787; 418165, 4839784; 418153, 4839193; 417380, 4839126; 417369, 4839394; 416964, 4839397; 416930, 4840368; 417323, 4840340; 417342, 4840738; 418134, 4840763; 418147, 4841163; 417362, 4841135; 417372, 4841533; 418969, 4841578; 421396, 4841497; 421420, 4841891; 420593, 4841891; 420590, 4842298; 421821, 4842257; 421807, 4842623; 420585, 4842702; 420516, 4843503; 421325, 4843450; 421350, 4843051; 422187, 4842999; 422134, 4843401; 423743, 4843254; 423744, 4846108; 423347, 4846125; 423362, 4846928; 423757, 4846916; 423781, 4847710; 424521, 4847696; 424325, 4847262; 424342, 4847107; 424163, 4847109; 424141, 4846315; 424544, 4846317; 424546, 4846520; 424446, 4846520; 424457, 4846909; 424957, 4846780; 425355, 4846757; 425348, 4846483; 426149, 4846467; 426131, 4846593; 427338, 4845658; 427314, 4844869; 426922, 4844882; 426925, 4843413; 428513, 4843320; 428491, 4842516; 429240, 4842534; 429276, 4843319; 428513, 4843320; 428503, 4844079; 428886, 4844077; 428882, 4844828; 430011, 4844809; 430018, 4845633; 429275, 4845634; 429286, 4846450; 428552, 4846458; 428557, 4847628; 428163, 4847636; 428163, 4847911; 428245, 4848026; 430133, 4848068; 430148, 4848436; 431675, 4848458; 431704, 4848821; 432488, 4848839; 432484, 4848461; 433216, 4848461; 433220, 4848527; 433369, 4848577; 433584, 4848858; 434014, 4848866; 434023, 4848070; 431672, 4848080; 431660, 4846600; 433642, 4846595; 433646, 4846360; 434037, 4846357; 434028, 4847628; 434423, 4847628; 434420, 4847186; 434809, 4847185; 434797, 4846765; 435183, 4846808; and excluding land bound by 438458,

4845944; 437640, 4845943; 437618, 4845158; 438845, 4845132; 438851, 4845531; 439250, 4845516; 439230, 4844326; 440026, 4844283; 440050, 4845881; 438458, 4845944; and excluding land bound by 437525, 4838096; 437520, 4837728; 437119, 4837730; 437113, 4837321; 437514, 4837314; 437504, 4836540; 438307, 4836511; 438320, 4837721; 437920, 4837724; 437927, 4838094; 437525, 4838096.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 433223, 4856510; 433279, 4856157; 433259, 4856185; 433223, 4856510.

(KK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444474, 4868703; 444470, 4867888; 445265, 4867872; 445268, 4868677; 444474, 4868703; 444485, 4870312; 445679, 4870253; 445672, 4869458; 446065, 4869442; 446053, 4868478; 445797, 4867890; 445500, 4867727; 444898, 4867668; 444701, 4867517; 444468, 4867479; 444466, 4867091; 444286, 4867094; 444283, 4866768; 443529, 4866794; 443498, 4865105; 441926, 4865107; 441934, 4865928; 441539, 4865925; 441523, 4864289; 439930, 4864261; 439953, 4865914; 439170, 4865918; 439175, 4866328; 438775, 4866334; 438781, 4866737; 438382, 4866735; 438379, 4866538; 438280, 4866540; 438282, 4866639; 438084, 4866644; 438086, 4866743; 437987, 4866745; 437989, 4866850; 437791, 4866854; 437790, 4866751; 437691, 4866753; 437689, 4866654; 437590, 4866656; 437588, 4866557; 437095, 4866569; 437101, 4866869; 436805, 4866876; 436804, 4866776; 436705, 4866778; 436703, 4866679; 436604, 4866681; 436599, 4866482; 436501, 4866485; 436498, 4866385; 436400, 4866388; 436397, 4866289; 436299, 4866291; 436297, 4866192; 436100, 4866198; 436104, 4866396; 436006, 4866399; 436012, 4866696; 435816, 4866700; 435813, 4866602; 435617, 4866607; 435612, 4866410; 435219, 4866421; 435229, 4866813; 434735, 4866822; 434742, 4867199; 434973, 4867194; 434813, 4867981; 436437, 4867965; 436372, 4868362; 436780, 4868360; 436720, 4868760; 437133, 4868759; 437136, 4869156; 438364, 4869151; 438367, 4869551; 440030, 4869548; 440021, 4869146; 440832, 4869144; 440830, 4868743; 441240, 4868741; 441245, 4870360; 442909, 4870326; 442892, 4868707; 444474, 4868703.

(LL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 441245, 4870360; 440415, 4870361; 440433, 4871159; 441257, 4871165; 441245, 4870360.

(MM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 434425, 4866059; 434432, 4866443; 433643, 4866459; 433634, 4866078; 434425, 4866059; 434415, 4865663; 434613, 4865656; 434608, 4865458; 434410, 4865465; 434405, 4865267; 435299, 4865239; 435300, 4865337; 435594, 4865328; 435595, 4865426; 436281, 4865404; 436284, 4865600; 436481, 4865594; 436483, 4865692; 436679, 4865686; 436684, 4865883; 436487, 4865889; 436485, 4865791; 436190, 4865800; 436188, 4865702; 435894, 4865711; 435892, 4865613; 435500, 4865626; 435498, 4865527; 435302, 4865534; 435306, 4865828; 435502, 4865822; 435504, 4865920; 435602, 4865917; 435603, 4866015; 435308, 4866025; 435311, 4866123; 435507, 4866117; 435509, 4866215; 435805, 4866207; 435802, 4866108; 435901, 4866105; 435898, 4866006; 436391, 4865991; 436393, 4866090; 436688, 4866081; 436693, 4866280; 436792, 4866278; 436797, 4866477; 436895, 4866475; 436893, 4866375; 437683, 4866356; 437685, 4866455; 437784, 4866453; 437786, 4866552; 437983, 4866547; 437982, 4866448; 438179, 4866444; 438177, 4866345; 438375, 4866340; 438349, 4864297; 436761, 4864349; 436665, 4862665; 438274, 4862649; 438348, 4864295; 439930, 4864261; 439883, 4862605; 441492, 4862663; 441523, 4864289; 443502, 4864274; 443508, 4864737; 444679, 4864676; 444680, 4865115; 445491, 4865083; 445480, 4863399; 443853, 4863455; 443853, 4863063; 443499, 4863073; 443502, 4862660; 444259, 4862640; 444258, 4862221; 443505, 4862238; 443507, 4861813; 445471, 4861786; 445461, 4860175; 443510, 4860217; 443504, 4858978; 443850, 4858972; 443488, 4858563; 444244, 4858549; 444251, 4859378; 445052, 4859373; 445043, 4858535; 445445, 4858535; 445439, 4856925; 443485, 4856955; 443467, 4856130; 442278, 4856119; 442291, 4856927; 441895, 4856931; 441876, 4856123; 440277, 4856105; 440283, 4856551; 439888, 4856565; 439630, 4856516; 438281, 4856528; 438278, 4856128; 436821, 4856136; 436905, 4856216; 436869, 4856289; 436481, 4856371; 436364, 4856139; 433279, 4856157; 433208, 4856539; 431686, 4856348; 431593, 4857266; 428620, 4857331; 428822, 4864186; 425543, 4864264; 425303, 4862039; 422090, 4862045; 421878, 4862540; 421899, 4863091; 421827, 4863322; 422081, 4863319; 422082, 4863462; 422291, 4863436; 422446, 4863521; 422476, 4864470; 422863, 4864445; 422867, 4864839; 423260, 4864811; 423265, 4865007;

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4867313; and excluding land bound by 430893, 4869377; 430891, 4869166; 430698, 4869167; 430696, 4868957; 430504, 4868957; 430623, 4868324; 431007, 4868320; 430888, 4868956; 431081, 4868955; 431083, 4869166; 431276, 4869166; 431279, 4869377; 430893, 4869377; and excluding land bound by 433517, 4863526; 433506, 4863388; 433116, 4863389; 433081, 4862923; 432692, 4862926; 432657, 4862461; 432268, 4862465; 432231, 4862000; 433394, 4861994; 433452, 4862674; 433854, 4862685; 433921, 4863585; 433522, 4863584; 433517, 4863526; and excluding land bound by 439924, 4859299; 438229, 4859355; 438182, 4857707; 439892, 4857806; 439924, 4859299; 441517, 4859386; 441475, 4857753; 442681, 4857730; 442704, 4858950; 443105, 4858940; 443111, 4859346; 441517, 4859386; 441482, 4860614; 440264, 4860559; 440283, 4860146; 439880, 4860127; 439924, 4859299; and excluding land bound by 443092, 4858129; 443085,

4857723; 443491, 4857716; 443495, 4858121; 443092, 4858129; and excluding land bound by 430231, 4859344; 429836, 4859354; 429840, 4858901; 430239, 4858890; 430231, 4859344.

(NN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 433199, 4788032; 432394, 4788038; 432392, 4788848; 432800, 4788848; 432799, 4789645; 433207, 4789643; 433199, 4788032.

(OO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 431604, 4791262; 431593, 4790461; 430804, 4790474; 430793, 4789664; 429998, 4789669; 429984, 4791292; 431604, 4791262.

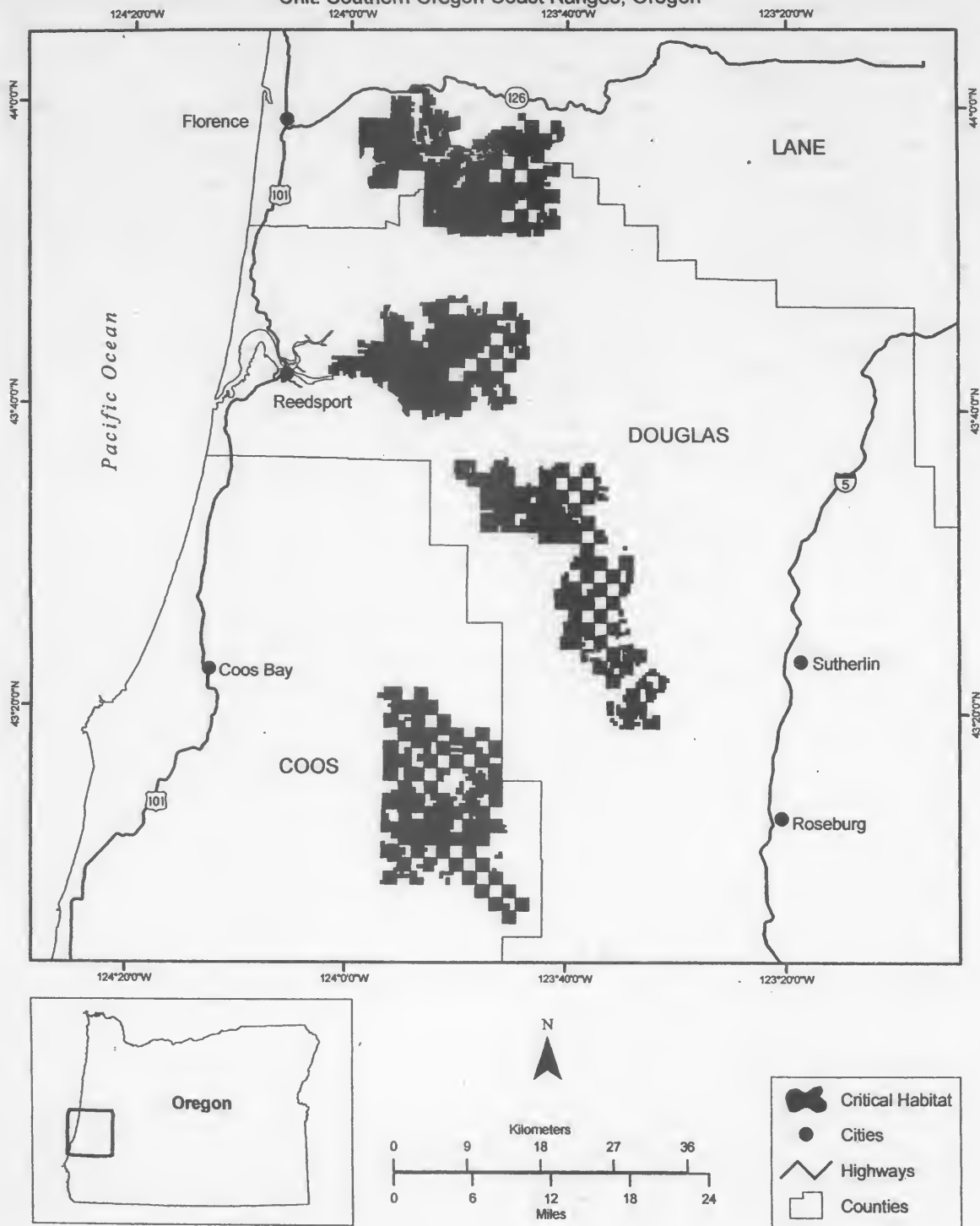
(PP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 438416, 4842823; 438417, 4841255; 436814, 4841224; 436801, 4842839; 438416, 4842823.

(iii) Note: Map of Southern Oregon Coast Ranges Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Southern Oregon Coast Ranges, Oregon



(16) Western Oregon Cascades North Unit (Unit 9), Clackamas, Hood River, Linn, Marion, and Multnomah Counties, Oregon.

(i) The Western Oregon Cascades North Unit consists of 335, 600 ac (135, 800 ha) and is comprised of 334, 700 ac (135, 400 ha) of lands managed by the Mt. Hood and Willamette National Forests and 900 ac (400 ha) of lands managed by the Salem District of the BLM.

(ii) From USGS 1:24, 000 scale quadrangles Bagby Hot Spring, Battle Ax, Bedford Point, Bonneville Dam, Breitenbush Hot Springs, Brightwood, Bull Run, Bull Run Lake, Bull of the Woods, Carpenter Mountain, Carson, Chimney Peak, Coffin Mountain, Dee, Detroit, Echo Mountain, Elkhorn, Fish Creek Mountain, Gawley Creek, Government Camp, Harter Mountain, Hickman Butte, High Rock, Idanha, Lawhead Creek, Marion Forks, Mother Lode Mountain, Mount Bruno, Mount Defiance, Mount Jefferson, Mount Lowe, Mount Mitchell, Multnomah Falls, Olallie Butte, Quartzville, Rhododendron, Rooster Rock, Tamolitch Falls, Tanner Butte, Three Lynx, Tidbits Mountain, Timothy Lake, Upper Soda, Wahtum Lake, and Wolf Peak.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 561539, 4908879; 563089, 4908939; 563137, 4908001; 562841, 4908011; 562675, 4907868; 562610, 4907938; 562552, 4907911; 562402, 4908193; 562195, 4908300; 562136, 4908396; 561517, 4908461; 561539, 4908879.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 570716, 4910779; 571261, 4910461; 571468, 4910582; 571688, 4910602; 571782, 4910525; 572063, 4910603; 572217, 4910772; 572631, 4910825; 572773, 4910760; 572771, 4910520; 572856, 4910452; 572721, 4909860; 572813, 4909736; 573651, 4909516; 573726, 4909379; 573678, 4909172; 573114, 4908967; 572550, 4909079; 572241, 4908617; 571992, 4908640; 571188, 4909282; 571045, 4909330; 570792, 4909302; 570538, 4909386; 570529, 4909552; 570350, 4909590; 570338, 4909719; 570218, 4909616; 569957, 4909576; 569998, 4909747; 569974, 4909878; 569895, 4910190; 569755, 4910213; 569667, 4910310; 569477, 4910291; 569360, 4910658; 569279, 4910736; 569231, 4911050; 569718, 4911183; 569781, 4911613; 569890, 4911797; 570404, 4911673; 570344, 4911481; 570819, 4911045; 570716, 4910779.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 563089, 4908939; 563137, 4910548;

561523, 4910538; 561539, 4908879; 559937, 4908863; 559933, 4908078; 559987, 4907751; 559736, 4907748; 559556, 4907998; 559323, 4908105; 559059, 4908123; 558984, 4908869; 559131, 4908869; 559092, 4909685; 558188, 4909678; 558084, 4909827; 558134, 4910441; 557951, 4910718; 557868, 4910614; 557016, 4910766; 556961, 4910710; 556331, 4910620; 556012, 4910813; 555063, 4910917; 554448, 4911135; 554036, 4911130; 554035, 4911251; 554428, 4911260; 554424, 4911672; 553626, 4911665; 553629, 4912070; 552053, 4912051; 552050, 4912462; 551708, 4912459; 551535, 4912672; 551534, 4912783; 551645, 4912896; 551587, 4913174; 551419, 4913284; 551251, 4913283; 551139, 4913449; 551024, 4913783; 551245, 4914008; 551244, 4914175; 551019, 4914396; 550904, 4914841; 550568, 4914950; 550400, 4915116; 550289, 4915059; 550177, 4915114; 550119, 4915337; 549895, 4915446; 549895, 4915502; 550062, 4915503; 550060, 4915671; 550171, 4915783; 550170, 4915895; 550391, 4916120; 550224, 4916118; 549774, 4916616; 549880, 4917231; 549991, 4917343; 550068, 4917195; 550228, 4917296; 550379, 4917190; 550471, 4917216; 550591, 4917147; 550785, 4917196; 550837, 4917116; 550794, 4916963; 551024, 4916887; 551381, 4917001; 551412, 4916633; 551667, 4916576; 551815, 4916426; 552081, 4916397; 552236, 4916410; 552961, 4916920; 553236, 4916881; 553271, 4916942; 553479, 4916940; 553653, 4917050; 554014, 4917011; 554432, 4916823; 554909, 4917126; 555277, 4917223; 555451, 4917196; 555626, 4917011; 555723, 4917002; 555738, 4917150; 556130, 4917146; 556311, 4917350; 556339, 4917672; 557132, 4916765; 557135, 4917105; 557443, 4917084; 557417, 4917166; 557521, 4917077; 557510, 4917557; 557273, 4917557; 557618, 4917817; 557872, 4917861; 558102, 4918025; 558185, 4918321; 558346, 4918417; 558740, 4917974; 558797, 4917807; 559300, 4917700; 559355, 4917756; 559468, 4917646; 559691, 4917648; 559746, 4917704; 559914, 4917594; 560736, 4917689; 560737, 4917823; 561366, 4917327; 561478, 4917328; 561479, 4917161; 561702, 4917163; 561868, 4917331; 562202, 4917334; 562367, 4917614; 562479, 4917615; 562929, 4917173; 562551, 4916851; 562563, 4916928; 562507, 4916806; 562516, 4916478; 562332, 4916283; 562100, 4916274; 562044, 4916329; 561656, 4915991; 562383, 4915774; 562608, 4915553; 562553, 4915441; 562778, 4915276; 562781, 4914885; 563061, 4914720;

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(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 585927, 4935172; 586322, 4935023;

586362, 4934907; 586262, 4934694; 585973, 4934658; 585189, 4934114; 585084, 4934209; 585124, 4934654; 584943, 4934722; 585312, 4934984; 585805, 4935190; 585927, 4935172.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 553575, 4939314; 554332, 4938773; 554434, 4938935; 554369, 4938986; 554508, 4939276; 553802, 4939882; 553681, 4939739; 553906, 4939533; 553739, 4939649; 553575, 4939314; 553488, 4939370; 553478, 4944703; 557566, 4944843; 557623, 4944620; 557513, 4944508; 557514, 4944396; 557852, 4943953; 558075, 4943955; 558144, 4943854; 558140, 4943956; 557974, 4943978; 558000, 4944418; 558266, 4944587; 559020, 4944647; 559075, 4944392; 558792, 4944217; 558835, 4944045; 558472, 4944066; 558719, 4943682; 558464, 4943632; 558188, 4943789; 558357, 4943623; 558636, 4943569; 558866, 4943639; 560116, 4943511; 560103, 4943378; 560295, 4942853; 560284, 4942649; 560388, 4942357; 560762, 4942146; 560880, 4942011; 561025, 4941621; 560953, 4941524; 561098, 4941079; 561101, 4940627; 561369, 4940636; 561561, 4940553; 562230, 4939978; 562861, 4939907; 563198, 4939965; 563358, 4939578; 563774, 4939267; 563876, 4939164; 563887, 4939059; 565014, 4938595; 566628, 4938631; 566694, 4938522; 566932, 4938447; 567497, 4938575; 567918, 4938335; 568233, 4938319; 568333, 4938199; 568374, 4938365; 568833, 4938801; 568991, 4939079; 569177, 4939126; 569374, 4939083; 569533, 4939181; 569746, 4939100; 569891, 4938863; 569709, 4938482; 569382, 4938394; 569190, 4938431; 569069, 4938333; 568754, 4938266; 569250, 4937563; 569201, 4937370; 569026, 4937217; 569147, 4936964; 569107, 4936462; 569314, 4936342; 569510, 4936395; 569725, 4936298; 569911, 4935893; 569839, 4935616; 570384, 4935046; 570686, 4934955; 570776, 4934800; 571023, 4935103; 571623, 4935160; 571827, 4935444; 572020, 4935547; 572342, 4935339; 571694, 4932044; 571694, 4930574; 571951, 4929736; 571326, 4928399; 571252, 4928507; 571029, 4928505; 570808, 4928280; 570586, 4928223; 570473, 4928389; 570250, 4928387; 570081, 4928553; 569635, 4928549; 569524, 4928437; 569301, 4928435; 569245, 4928490; 568521, 4928429; 568355, 4928260; 567966, 4928089; 567409, 4928085; 567240, 4928195; 567130, 4928082; 566406, 4927965; 566350, 4928020; 565862, 4928075; 565906, 4928194; 565799, 4928192; 565711, 4928315; 565804, 4928555; 565652, 4928856;

565751, 4928911; 566039, 4928776; 566211, 4928914; 566147, 4929149; 566035, 4929160; 565886, 4929390; 565567, 4929576; 565559, 4929877; 565408, 4930180; 565448, 4930271; 565400, 4930494; 565293, 4930654; 565350, 4930848; 565264, 4931169; 565555, 4931603; 565699, 4931952; 565685, 4932100; 565363, 4932727; 565394, 4932849; 565167, 4933027; 564731, 4932939; 564254, 4933018; 563832, 4932827; 563399, 4932945; 562959, 4933204; 563084, 4933637; 562993, 4933713; 562561, 4933811; 561919, 4933644; 561181, 4933553; 560996, 4933326; 560862, 4932821; 560254, 4932316; 560212, 4931968; 559948, 4931649; 559561, 4931530; 559180, 4931566; 558789, 4931357; 558643, 4931175; 558553, 4931175; 558325, 4931346; 558319, 4932883; 555104, 4932856; 555104, 4934291; 551969, 4934252; 551978, 4935853; 552762, 4935859; 552709, 4938271; 553069, 4938271; 553245, 4938102; 553923, 4937734; 554257, 4937834; 554426, 4937591; 554292, 4937493; 554532, 4937219; 554391, 4937147; 554834, 4936488; 554974, 4935981; 555140, 4936040; 555047, 4936458; 554786, 4936912; 554907, 4936997; 555056, 4936837; 555402, 4937052; 555187, 4937424; 555250, 4937469; 554868, 4937755; 554699, 4938037; 555263, 4938177; 555291, 4937965; 555420, 4937882; 555354, 4938152; 555405, 4938197; 555575, 4937793; 555716, 4937910; 555598, 4938186; 555934, 4937996; 556029, 4938164; 556392, 4937877; 556474, 4938032; 555781, 4938515; 555687, 4938339; 555615, 4938379; 555430, 4938242; 554909, 4938206; 554783, 4938687; 554431, 4938459; 554485, 4938183; 554312, 4938136; 554279, 4938220; 553836, 4938107; 553469, 4938380; 553490, 4939260; 553575, 4939314; and excluding land bound by 556158, 4938898; 556279, 4939002; 556141, 4939154; 556421, 4938920; 556544, 4939024; 556030, 4939527; 555883, 4939410; 556032, 4939257; 555905, 4939134; 556158, 4938898.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 582969, 4948789; 582964, 4949201; 583395, 4949207; 583394, 4948795; 582969, 4948789.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 580240, 4953797; 580383, 4953799; 580224, 4953696; 580232, 4953565; 580017, 4953640; 579769, 4953969; 579610, 4954335; 579202, 4954603; 579414, 4954784; 579755, 4954610; 579935, 4954417; 580023, 4954056; 580240, 4953797.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 558829, 4958187; 558740, 4958216;
558719, 4958639; 559125, 4958897;
559217, 4958748; 559219, 4958457;
559006, 4958372; 558829, 4958187.

(I) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 569537, 4964019; 569771, 4964030;
570017, 4963941; 570124, 4963710;
570337, 4963515; 570841, 4963573;
570987, 4963516; 571028, 4963422;
571287, 4963349; 571580, 4963367;
571676, 4963471; 571811, 4963470;
572244, 4963257; 572630, 4963652;
572935, 4963781; 573209, 4963659;
573169, 4963751; 573212, 4963793;
573667, 4963613; 573644, 4963368;
573525, 4963126; 573335, 4962977;
573272, 4962701; 573087, 4962538;
572979, 4962341; 572846, 4962284;
572570, 4962747; 572119, 4963027;
572045, 4963326; 571979, 4963278;
571913, 4962840; 571708, 4962825;
571612, 4962746; 571373, 4962872;
571207, 4963175; 570852, 4962847;
570625, 4962992; 570122, 4962911;
569749, 4963162; 569555, 4963186;
569060, 4962915; 568947, 4962433;
567669, 4962213; 567220, 4962480;
567263, 4962633; 567223, 4962789;
567626, 4963316; 567751, 4963386;
568177, 4963439; 569349, 4964036;
569537, 4964019.

(J) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 574284, 4964990; 574348, 4964985;
574308, 4964849; 574099, 4964621;
574219, 4964281; 574219, 4964095;
574087, 4963984; 574121, 4963804;
573879, 4963596; 573679, 4963620;
573571, 4964023; 573602, 4964319;
573702, 4964462; 574006, 4964474;
573972, 4964732; 574202, 4964778;
574217, 4964950; 574284, 4964990.

(K) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 574741, 4965108; 574562, 4965070;
574581, 4965292; 574973, 4965332;
574741, 4965108.

(L) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 559040, 4965871; 559133, 4965875;
559347, 4965670; 559534, 4965621;
559721, 4965373; 559709, 4965304;
560269, 4965163; 560073, 4964555;
560368, 4963779; 560369, 4963615;
560536, 4963285; 560508, 4962942;
560590, 4962444; 560931, 4962046;
560835, 4961867; 560671, 4961851;
560470, 4961932; 560347, 4961876;
560287, 4961734; 560613, 4961300;
560682, 4961101; 560661, 4960639;
560857, 4960206; 561080, 4960073;
561271, 4959697; 561267, 4959491;
561407, 4959387; 562057, 4959754;
562368, 4960244; 562510, 4960274;
562585, 4960093; 562539, 4959532;
562699, 4959365; 562773, 4959158;
562541, 4959256; 562019, 4959340;
561667, 4959131; 561037, 4959176;

560407, 4959125; 560115, 4959468;
560141, 4959373; 559270, 4959667;
559253, 4960087; 559166, 4960396;
558675, 4961234; 558538, 4965901;
559040, 4965871.

(M) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 595395, 4968976; 596243, 4966619;
596022, 4964741; 594954, 4963968;
593812, 4964078; 592670, 4963452;
591492, 4961979; 593849, 4958885;
593686, 4957941; 592527, 4959469;
592667, 4959536; 592546, 4959577;
592362, 4959837; 592130, 4959951;
592133, 4960277; 591397, 4960799;
590638, 4961833; 590169, 4962178;
589727, 4961964; 589346, 4961528;
589391, 4961073; 589343, 4961167;
588919, 4961044; 588999, 4961024;
589143, 4960543; 588941, 4960160;
588789, 4959453; 589047, 4958910;
588334, 4958419; 588094, 4958093;
587875, 4958117; 587749, 4957954;
587886, 4957563; 587768, 4957408;
587799, 4957313; 588073, 4957262;
588174, 4957165; 588038, 4956985;
588180, 4956782; 587981, 4956773;
588142, 4956730; 588247, 4956597;
588505, 4956529; 588578, 4956376;
588685, 4956383; 588752, 4955870;
589078, 4955809; 589119, 4955627;
588879, 4954822; 588310, 4953716;
588106, 4953605; 587897, 4953351;
587602, 4953142; 587369, 4952803;
586818, 4952853; 586330, 4953059;
585974, 4952884; 585916, 4952900;
585889, 4953093; 585803, 4952987;
585598, 4952934; 585348, 4953141;
585152, 4953210; 584887, 4953032;
584824, 4952829; 584865, 4952695;
584482, 4952568; 584243, 4952400;
584248, 4952250; 584529, 4952055;
584826, 4951696; 584939, 4951376;
585239, 4950899; 585274, 4950541;
585874, 4950234; 587011, 4950191;
587797, 4950248; 587797, 4950536;
587968, 4950522; 587967, 4950632;
588318, 4950656; 588727, 4950777;
588743, 4951007; 588814, 4951059;
589541, 4951166; 589640, 4950818;
589847, 4950939; 590157, 4948209;
589978, 4946399; 589458, 4946333;
588926, 4946352; 588248, 4946517;
588265, 4945244; 588177, 4945056;
588167, 4943905; 587925, 4943902;
587874, 4944116; 587779, 4944225;
587613, 4944273; 587299, 4944512;
587177, 4944523; 587008, 4944697;
586905, 4944700; 586863, 4944813;
586677, 4944625; 586519, 4944307;
586366, 4944225; 586214, 4944249;
585994, 4944104; 586111, 4943767;
586097, 4943611; 586259, 4943221;
586006, 4942689; 586009, 4942550;
586124, 4942463; 586009, 4942133;
586202, 4942033; 586564, 4942101;
586623, 4941889; 586868, 4941766;
586835, 4941624; 586981, 4941518;

586978, 4941393; 587248, 4941287;
587276, 4939673; 587043, 4939824;
586605, 4939857; 585913, 4940144;
585096, 4940661; 585010, 4940572;
585106, 4940526; 585114, 4940383;
584900, 4940357; 584896, 4940232;
584968, 4940167; 584839, 4940035;
584820, 4939726; 584666, 4939653;
584466, 4939953; 584584, 4939990;
584578, 4940171; 584531, 4940166;
584727, 4940455; 584692, 4940829;
584939, 4940820; 583894, 4941717;
583840, 4941734; 583762, 4941479;
583065, 4941471; 583062, 4941670;
582754, 4941666; 582755, 4941576;
582646, 4941575; 582648, 4941375;
582558, 4941374; 582556, 4941065;
582775, 4941068; 582772, 4941268;
583151, 4941272; 583159, 4940668;
583440, 4940671; 583435, 4940601;
582336, 4939359; 582140, 4939482;
581948, 4939835; 581682, 4940031;
581576, 4940294; 580882, 4941301;
580669, 4941768; 580345, 4942077;
580201, 4942113; 579771, 4941944;
579293, 4942032; 579144, 4941980;
578830, 4942033; 578536, 4941973;
578284, 4942127; 578445, 4942774;
578448, 4943112; 578325, 4943424;
578345, 4943885; 578238, 4943969;
578304, 4944046; 578134, 4944186;
578082, 4944329; 578588, 4945055;
579016, 4945399; 578990, 4946006;
578603, 4946383; 578433, 4946722;
578528, 4946726; 578503, 4948406;
578655, 4948395; 578712, 4948773;
578596, 4948643; 578455, 4948629;
578307, 4948678; 578182, 4948838;
578252, 4948922; 578504, 4948822;
578689, 4948848; 578461, 4948875;
577901, 4949125; 577163, 4949017;
576829, 4948687; 576487, 4948683;
576462, 4949101; 575658, 4949083;
575524, 4949323; 575243, 4949370;
575237, 4949859; 574868, 4949869;
574786, 4950062; 574702, 4950073;
574683, 4950227; 574960, 4950432;
575103, 4950368; 575411, 4950431;
575391, 4950092; 575286, 4949916;
576001, 4950256; 576177, 4950986;
576076, 4951399; 575886, 4951570;
576692, 4951773; 577329, 4952204;
577098, 4952476; 576943, 4952522;
576525, 4952196; 576486, 4952534;
576592, 4952625; 576740, 4952615;
576896, 4952763; 577217, 4952770;
577281, 4952579; 577496, 4952522;
577801, 4952300; 577779, 4951949;
577843, 4951912; 579148, 4951620;
579963, 4951568; 580456, 4951364;
580548, 4951427; 580553, 4951530;
580072, 4951878; 580072, 4952412;
580856, 4952422; 580855, 4952017;
581261, 4952016; 581264, 4950812;
582518, 4950829; 582520, 4951633;
582096, 4951628; 582090, 4952039;
581666, 4952027; 581660, 4952439;
581049, 4952426; 581125, 4952792;

581241, 4952975; 581074, 4953318; 580783, 4953508; 580560, 4953795; 580154, 4953963; 580023, 4954109; 579990, 4954276; 580129, 4954419; 580100, 4954663; 580416, 4955053; 580939, 4954456; 580914, 4954421; 581262, 4954755; 581328, 4954975; 581719, 4955237; 581727, 4955575; 581430, 4955734; 581003, 4956305; 581032, 4956499; 580955, 4957093; 580984, 4957775; 580929, 4957901; 581055, 4958059; 581317, 4958157; 581422, 4958290; 581343, 4958854; 581574, 4958851; 581564, 4959661; 581650, 4959722; 583405, 4959794; 584088, 4960066; 584727, 4960449; 586221, 4961149; 587192, 4961409; 588084, 4961975; 588261, 4962457; 588446, 4962528; 588868, 4962349; 588865, 4962510; 589002, 4962447; 589149, 4962605; 589250, 4962608; 589340, 4962797; 589308, 4963069; 589993, 4963843; 590060, 4964074; 589914, 4964463; 589984, 4964632; 589802, 4964762; 589643, 4965010; 589889, 4965146; 589999, 4965493; 590257, 4965795; 589849, 4966330; 589947, 4966614; 589831, 4966898; 589864, 4967104; 589748, 4967220; 589828, 4967403; 589747, 4967480; 589639, 4967478; 589615, 4967578; 589696, 4967877; 589635, 4967919; 589755, 4968154; 589734, 4968379; 589500, 4968761; 589140, 4969111; 589364, 4969360; 591418, 4969455; 594143, 4969676; 595395, 4968976; and excluding land bound by 582969, 4948789; 582980, 4947986; 583803, 4947996; 583793, 4948800; 584185, 4948799; 584176, 4950021; 584561, 4950026; 584563, 4950418; 584170, 4950420; 584166, 4951243; 583381, 4951239; 583390, 4950030; 582104, 4950013; 582121, 4949197; 582533, 4949195; 582545, 4948784; 582969, 4948789; and excluding land bound by 582591, 4946752; 582575, 4945941; 584215, 4945975; 584213, 4945171; 585030, 4945182; 585022, 4946790; 586231, 4946812; 586220, 4947629; 584612, 4947602; 584618, 4947190; 583421, 4947168; 583433, 4946769; 582591, 4946752.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 557621, 4971402; 557234, 4971394; 557234, 4972321; 558417, 4972328; 558419, 4971825; 557620, 4971808; 557621, 4971402.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555404, 4976689; 556596, 4976679; 556562, 4976177; 554395, 4976206; 553946, 4976672; 555404, 4976689.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 566044, 4978633; 566101, 4978577; 566401, 4978558; 566965, 4978258; 567002, 4978088; 566859, 4977551;

566968, 4977324; 566723, 4976913; 566869, 4976582; 567035, 4976384; 567002, 4976261; 567130, 4976060; 567085, 4975916; 567210, 4975805; 567028, 4975717; 567004, 4975571; 566689, 4975174; 566826, 4974912; 566787, 4974827; 565922, 4975153; 565378, 4975053; 565139, 4975113; 564371, 4974817; 564506, 4974601; 564536, 4974083; 564189, 4973731; 564123, 4973348; 563957, 4973133; 564024, 4973029; 564010, 4972873; 563801, 4972721; 563866, 4972559; 563823, 4972316; 564198, 4972660; 564611, 4972637; 564803, 4972496; 564832, 4972571; 565004, 4972613; 565158, 4972507; 565247, 4972089; 565685, 4972380; 566571, 4971620; 566109, 4970779; 565997, 4970678; 565924, 4970772; 565705, 4970672; 565213, 4969801; 564880, 4969377; 564751, 4968945; 564353, 4969031; 564098, 4969202; 563845, 4969197; 563425, 4968957; 562911, 4968794; 562572, 4968261; 562536, 4968461; 562599, 4968853; 562525, 4969267; 562793, 4969398; 562914, 4969625; 562988, 4969969; 562494, 4970130; 562307, 4970113; 562023, 4970275; 561746, 4970263; 561560, 4970411; 561368, 4970339; 561231, 4970460; 560784, 4970581; 560621, 4970680; 560591, 4970855; 560273, 4971276; 560140, 4971329; 560412, 4971623; 560807, 4971226; 561165, 4972453; 561373, 4972761; 561593, 4973573; 561928, 4974098; 561854, 4974366; 562274, 4974706; 562437, 4975398; 562572, 4975508; 562803, 4975928; 563577, 4976690; 563598, 4977053; 563738, 4977095; 563782, 4977231; 564065, 4977334; 564275, 4977531; 564460, 4977478; 564619, 4977542; 564590, 4977638; 564465, 4977677; 564531, 4977713; 564920, 4977551; 565041, 4977729; 565132, 4977267; 565134, 4977728; 565056, 4977859; 565260, 4977900; 565344, 4978199; 565526, 4978240; 566044, 4978633.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555320, 4978769; 555286, 4977375; 555143, 4978023; 555208, 4978488; 555320, 4978769.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 552933, 4979050; 552936, 4978261; 552531, 4978267; 552526, 4979055; 552933, 4979050.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546853, 4978724; 547106, 4978746; 547478, 4978944; 547660, 4978919; 546021, 4978031; 546015, 4978429; 546359, 4978436; 546383, 4979234; 546760, 4979240; 546789, 4979640; 547344, 4979647; 547077, 4979207; 546649, 4978831; 546677, 4978770; 546853, 4978724.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555753, 4979733; 555755, 4979065; 555397, 4979034; 555591, 4979222; 555628, 4979711; 555753, 4979733.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555225, 4980578; 555222, 4980392; 555032, 4980358; 554810, 4980417; 554618, 4980554; 554389, 4980535; 554277, 4980623; 555224, 4980644; 555225, 4980578.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549732, 4980999; 549728, 4980600; 549281, 4980848; 549219, 4980962; 549732, 4980999.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 571918, 4983025; 571928, 4982814; 572046, 4982567; 572233, 4982529; 572429, 4982315; 572574, 4982332; 572486, 4982271; 572434, 4981988; 572792, 4982150; 572792, 4981989; 572862, 4981964; 573076, 4982123; 573066, 4982330; 573292, 4982233; 573440, 4982361; 573611, 4982352; 573791, 4982513; 574073, 4982338; 574347, 4982033; 574520, 4981995; 574780, 4982041; 574897, 4982277; 574984, 4982321; 575130, 4982248; 575225, 4982271; 575346, 4982178; 575456, 4982219; 575692, 4982136; 576111, 4982330; 576103, 4982154; 575867, 4981740; 575831, 4981435; 575596, 4981184; 575719, 4980938; 575867, 4980907; 576083, 4981017; 576255, 4980979; 576721, 4980641; 577485, 4981247; 577555, 4981019; 577672, 4980933; 577581, 4980731; 577883, 4980414; 577861, 4980329; 577699, 4980267; 577686, 4980144; 577584, 4980040; 577681, 4980071; 577738, 4979932; 577715, 4979574; 577798, 4979307; 577799, 4978831; 577600, 4978692; 577414, 4978706; 577473, 4978404; 577329, 4978265; 577042, 4978264; 576937, 4978195; 576945, 4978140; 577134, 4978067; 577262, 4977828; 577523, 4977744; 577685, 4977580; 577557, 4977459; 577615, 4977154; 577227, 4976929; 577202, 4976766; 577100, 4976657; 577396, 4976626; 577344, 4976357; 577385, 4976268; 577725, 4976129; 577748, 4976024; 577576, 4975967; 577567, 4975914; 577709, 4975763; 577912, 4975698; 577746, 4975578; 577820, 4975494; 577740, 4975425; 577746, 4975348; 578213, 4975033; 578376, 4975027; 578457, 4974715; 578251, 4974580; 578408, 4974196; 578580, 4974056; 578959, 4974085; 579120, 4973997; 579069, 4973795; 579116, 4973762; 579101, 4973564; 579042, 4973480; 579263, 4973391; 579307, 4973296; 579202, 4972902; 579296, 4972778; 579335, 4972483; 579439, 4972399; 579576, 4972411;

579725, 4972115; 579921, 4972080;
579893, 4971954; 580331, 4972143;
580580, 4972078; 580669, 4971972;
580879, 4971990; 580947, 4971931;
580756, 4971813; 580552, 4971502;
580398, 4971448; 580342, 4971272;
580537, 4970939; 580716, 4970826;
580954, 4970847; 580981, 4970652;
580875, 4970560; 581108, 4970138;
581005, 4970016; 580992, 4969866;
580852, 4969799; 580936, 4969502;
580797, 4969417; 580868, 4969318;
580884, 4969078; 580818, 4968777;
580685, 4968612; 580709, 4968245;
580587, 4968045; 580278, 4968131;
579997, 4967755; 579980, 4967549;
580114, 4967270; 580063, 4967132;
580146, 4966905; 579868, 4966934;
579984, 4966505; 579778, 4966362;
579935, 4966011; 579626, 4965689;
579267, 4965567; 579213, 4965293;
578781, 4965335; 578331, 4965069;
578158, 4965175; 578035, 4965146;
577900, 4965257; 577763, 4965460;
577849, 4965523; 577802, 4965654;
578115, 4965799; 578056, 4966140;
578165, 4966340; 578105, 4966594;
577965, 4966687; 577728, 4966641;
577468, 4966352; 577179, 4966397;
576788, 4966246; 576591, 4966246;
576361, 4966419; 576725, 4966493;
576719, 4967079; 577478, 4967659;
577490, 4968117; 577662, 4968179;
577925, 4968402; 578316, 4968517;
578378, 4969216; 578562, 4969594;
578240, 4969690; 578196, 4970286;
578105, 4970535; 578107, 4971006;
578030, 4971203; 577601, 4970812;
577483, 4970838; 577270, 4971084;
576789, 4971346; 575470, 4972362;
575526, 4972493; 575510, 4972796;
575430, 4972998; 575478, 4973649;
575610, 4973901; 575693, 4974260;
576065, 4974818; 575863, 4975151;
575816, 4975346; 575951, 4975986;
575474, 4975920; 575329, 4976099;
574730, 4975761; 574607, 4975542;
574485, 4975510; 574280, 4975293;
574169, 4975309; 574082, 4975471;
573877, 4975501; 573287, 4975785;
572919, 4975800; 572827, 4975782;
572768, 4975681; 572758, 4975786;
572920, 4975960; 573045, 4975992;
573090, 4976111; 573064, 4976208;
572942, 4976279; 572714, 4976215;
572509, 4976379; 572694, 4976666;
572736, 4976881; 572376, 4976970;
572239, 4976669; 572066, 4976602;
572131, 4976841; 571917, 4977124;
572037, 4977165; 572171, 4977393;
572164, 4977617; 572254, 4977911;
572201, 4978264; 572241, 4978538;
572141, 4978570; 571939, 4978409;
571757, 4978449; 571574, 4978393;
571350, 4978205; 571082, 4978202;
571112, 4978376; 571267, 4978610;
571383, 4979205; 571756, 4979590;
571507, 4979935; 571226, 4980078;

571350, 4980299; 571421, 4980670;
571511, 4980764; 571503, 4982423;
571749, 4982470; 571517, 4982804;
571903, 4983159; 571918, 4983025.

(X) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 585479, 4998174; 585682, 4997999;
585772, 4998037; 585903, 4997934;
585707, 4997786; 585854, 4997643;
585655, 4997558; 585660, 4997397;
585319, 4997393; 585135, 4997912;
585201, 4998186; 585479, 4998174.

(Y) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 575878, 5009426; 576335, 5009307;
576589, 5009161; 577376, 5009171;
577438, 5008975; 577666, 5009162;
577866, 5009202; 578137, 5008947;
578589, 5008890; 578834, 5008362;
578854, 5008152; 578762, 5007690;
579069, 5007401; 579346, 5007307;
579425, 5007163; 579939, 5006925;
580095, 5007029; 580236, 5006991;
580765, 5007148; 581158, 5007133;
581236, 5007064; 581364, 5007114;
581452, 5007057; 581887, 5007058;
581934, 5006958; 582061, 5006960;
582273, 5006845; 582328, 5006656;
582538, 5006523; 582834, 5006655;
583066, 5006367; 583247, 5006305;
583439, 5006325; 583584, 5006141;
583864, 5006218; 584044, 5006025;
584365, 5005979; 584595, 5005822;
584907, 5005908; 585070, 5005855;
585467, 5005540; 585575, 5005015;
586355, 5004665; 586723, 5005083;
587005, 5005708; 587405, 5006113;
587378, 5007718; 589737, 5007767;
589894, 5007380; 590161, 5007268;
590314, 5007095; 590425, 5006726;
590347, 5006243; 590635, 5006032;
590456, 5005583; 590479, 5004712;
590653, 5004464; 590718, 5004185;
590935, 5003936; 591170, 5003791;
591243, 5003359; 592500, 5002689;
592984, 5002478; 593439, 5002362;
593332, 5002130; 593321, 5001852;
593139, 5001468; 593191, 5001019;
593357, 5001028; 593356, 5000653;
593062, 4999901; 593192, 4999443;
593347, 4999311; 592900, 4999262;
592895, 4999337; 592598, 4999280;
592584, 4999407; 592374, 4999350;
592196, 4999182; 591990, 4999211;
591856, 4999327; 591909, 4999110;
591844, 4998613; 591441, 4997663;
591394, 4997685; 591433, 4998024;
591362, 4998278; 591008, 4998988;
590813, 4998980; 590617, 4998729;
590309, 4998830; 590179, 4998787;
590160, 4998744; 590282, 4998668;
590275, 4998557; 590154, 4998397;
590280, 4997762; 589932, 4997621;
589261, 4997613; 589146, 4997484;
589030, 4997488; 589005, 4997372;
588599, 4997048; 588702, 4996669;
588577, 4996685; 588476, 4996599;
588673, 4996604; 588805, 4995985;
588697, 4996003; 588683, 4996098;
588586, 4996097; 588604, 4996182;
588536, 4996226; 588459, 4996052;
588637, 4995992; 588713, 4995765;
588461, 4995704; 588329, 4995494;
588263, 4995524; 588189, 4996018;
588229, 4996064; 588153, 4996141;
588143, 4996318; 588407, 4996403;
588138, 4996516; 587837, 4996359;
587588, 4996456; 587404, 4996737;
587252, 4997265; 586950, 4997372;
586603, 4997828; 586244, 4997863;
585872, 4997986; 585424, 4998396;
585306, 4998415; 585078, 4998001;
584741, 4998154; 584654, 4998283;
584422, 4998428; 583833, 4998623;
583407, 4998678; 582897, 4998626;
582534, 4998438; 582041, 4998011;
581996, 4997881; 581814, 4997775;
581617, 4997725; 581268, 4997753;
581632, 4997285; 581777, 4996691;
581662, 4996159; 581392, 4996092;
580933, 4995773; 580976, 4995396;
580903, 4995217; 581117, 4994744;
581486, 4994469; 581452, 4994396;
581533, 4994294; 582007, 4994052;
582381, 4993617; 582323, 4993406;
582521, 4992454; 582328, 4992089;
582131, 4992041; 582055, 4991922;
581966, 4992044; 581677, 4992108;
581531, 4992349; 581319, 4992501;
581015, 4992555; 580807, 4992817;
580475, 4992926; 580289, 4993146;
580034, 4993113; 580033, 4993213;
579649, 4993328; 579471, 4993483;
579334, 4993429; 579270, 4993566;
579080, 4993568; 579019, 4993653;
578946, 4993617; 578802, 4993712;
578670, 4993688; 578594, 4993790;
578538, 4993802; 578477, 4993711;
578121, 4993945; 578022, 4994079;
577750, 4994216; 577016, 4994267;
576678, 4994536; 576294, 4995000;
575752, 4996103; 574814, 4996147;
574129, 4996317; 573763, 4996145;
573263, 4996272; 573192, 4996165;
571680, 4996741; 571715, 4996833;
571625, 4996926; 571356, 4996830;
571202, 4996947; 571006, 4996953;
570934, 4996987; 570839, 4997495;
570869, 4997592; 570700, 4997823;
570680, 4998032; 570334, 4998157;
570164, 4998126; 569976, 4997991;
569956, 4997733; 569751, 4997613;
569772, 4997704; 569682, 4997828;
569346, 4997894; 569476, 4998138;
569587, 4998160; 569646, 4998248;
569545, 4998469; 569640, 4998590;
569597, 4998881; 569525, 4999003;
569373, 4999027; 569317, 4999146;
568959, 4999101; 568925, 4999423;
568987, 4999624; 568805, 4999810;
568853, 5000078; 568553, 5000614;
568442, 5000605; 568328, 5000501;
568280, 5000103; 567895, 4999568;
567684, 4999779; 567751, 4999113;
567909, 4998709; 567906, 4998424;
567836, 4998274; 568157, 4997584;
568153, 4997224; 567033, 4997211;

566434, 4997658; 565921, 4997683;
565058, 4998125; 564598, 4998487;
564616, 4999204; 564825, 4999331;
564548, 4999424; 564411, 4999628;
564363, 4999888; 564267, 5000022;
564314, 5000815; 563795, 5001536;
563513, 5002391; 562147, 5002361;
562069, 5004830; 562525, 5005434;
563035, 5005615; 563388, 5005556;
563513, 5005731; 563730, 5005712;
563845, 5005894; 564100, 5005984;
564389, 5005980; 564820, 5005849;
565270, 5005515; 565360, 5005378;
565870, 5005237; 565750, 5005114;
565674, 5004844; 566213, 5003614;
566500, 5003237; 566770, 5003063;
567310, 5002453; 567820, 5002847;
568059, 5002833; 568209, 5003096;
569199, 5002821; 569305, 5002714;
569302, 5002534; 569385, 5002456;
569871, 5003100; 570152, 5003352;
570322, 5003369; 570435, 5003540;
570828, 5003810; 571080, 5004114;
571200, 5004161; 571565, 5004661;
571866, 5004569; 572423, 5004551;
572753, 5004605; 573016, 5004828;
573073, 5005100; 573489, 5005931;
573691, 5006645; 574023, 5007010;
574358, 5007956; 574732, 5008046;
575163, 5008061; 575272, 5008162;
575357, 5008411; 575232, 5008593;
575302, 5009065; 575510, 5009228;
575684, 5009487; 575878, 5009426; and
excluding land bound by 576386,
5005980; 576107, 5005691; 575999,
5005712; 575910, 5005601; 575655,
5005621; 575224, 5005200; 575156,
5005197; 574669, 5004452; 574559,
5004451; 574130, 5004096; 573653,
5003980; 573400, 5003609; 573075,
5003320; 572406, 5002939; 571322,
5002706; 570656, 5002130; 570440,
5002128; 570247, 5001973; 569748,
5001791; 569607, 5001665; 569360,
5001612; 569150, 5001705; 569204,
5001273; 569712, 5000896; 569882,
5001032; 570268, 5000989; 570548,
5001065; 571273, 5001529; 571466,
5001794; 571987, 5001978; 572756,
5002137; 573351, 5002389; 573780,
5002787; 573779, 5002852; 574337,
5003317; 574577, 5003362; 575435,
5004048; 575841, 5004621; 576188,
5004736; 576518, 5004995; 576683,
5005027; 576788, 5005201; 577133,
5005490; 577913, 5005785; 578174,
5005765; 578448, 5005565; 578875,
5005428; 579466, 5005371; 579918,
5005485; 579987, 5005400; 580267,
5005407; 580360, 5005340; 581488,
5005465; 581921, 5005298; 582885,
5005196; 583320, 5004949; 584193,
5004790; 585210, 5003611; 585284,
5003106; 585372, 5002937; 585227,
5002300; 585059, 5002125; 584253,
5002157; 583931, 5001892; 583934,
5001652; 584047, 5001393; 584504,
5001291; 585033, 5001298; 585504,

5001436; 586040, 5002167; 586217,
5003208; 585794, 5004104; 585697,
5004441; 585411, 5004843; 585369,
5004805; 584486, 5005510; 583767,
5005608; 583657, 5005737; 583547,
5005735; 583261, 5005949; 582977,
5006053; 582890, 5005987; 582369,
5006045; 581798, 5006256; 580621,
5006280; 580489, 5006211; 579928,
5006206; 579820, 5006270; 579149,
5006105; 578927, 5006408; 578436,
5006527; 578010, 5006742; 577965,
5006677; 577060, 5006361; 576386,
5005980.

(Z) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 581920, 5018682; 582428, 5018581;
582450, 5018304; 582626, 5018044;
582664, 5017795; 582751, 5017698;
582794, 5018091; 582868, 5017787;
583044, 5017569; 583065, 5017327;
583211, 5017026; 583266, 5016693;
583056, 5016045; 583152, 5015820;
583157, 5015455; 582965, 5015157;
582986, 5014954; 583190, 5014604;
583178, 5014374; 583254, 5014309;
583141, 5013987; 583270, 5013882;
583337, 5013680; 583265, 5013267;
583175, 5013279; 583225, 5013395;
583038, 5013593; 583029, 5013758;
582921, 5013967; 582937, 5014107;
583094, 5014347; 583077, 5014630;
582840, 5014807; 582795, 5014999;
583057, 5015431; 583062, 5015822;
582893, 5016072; 582955, 5016344;
583090, 5016531; 583104, 5016649;
583037, 5016735; 583122, 5016957;
582635, 5017794; 582584, 5018081;
582424, 5018270; 582408, 5018552;
582058, 5018668; 581936, 5018619;
581920, 5018682.

(AA) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 582966, 5021434; 583168, 5021361;
583307, 5021228; 583324, 5021055;
583803, 5021033; 583825, 5020907;
584040, 5020886; 584056, 5020782;
584274, 5020767; 584296, 5020657;
584549, 5020693; 584735, 5020561;
585003, 5019924; 585039, 5019771;
584985, 5019560; 585203, 5018955;
585678, 5018292; 585624, 5018140;
585648, 5017940; 585972, 5017676;
586283, 5017146; 586878, 5016712;
587704, 5016508; 588024, 5016285;
588164, 5016275; 588267, 5016126;
588956, 5015721; 589272, 5015394;
589117, 5013240; 589121, 5012037;
589216, 5011956; 589043, 5011984;
588990, 5012172; 588043, 5012992;
587210, 5013302; 586869, 5013979;
586835, 5014269; 586487, 5014457;
586376, 5014703; 585766, 5015056;
585649, 5015187; 585728, 5015844;
585495, 5016199; 584758, 5016675;
584652, 5017127; 584365, 5017642;
584201, 5018301; 583792, 5019157;
583624, 5019708; 583117, 5019613;

582877, 5019643; 582838, 5021395;
582966, 5021434.

(BB) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 595582, 5049747; 595586, 5049465;
595375, 5049201; 595399, 5049091;
595332, 5049090; 595243, 5048971;
594714, 5048883; 594652, 5048807;
594763, 5048408; 594566, 5048405;
594520, 5048595; 594287, 5048762;
593959, 5048814; 593790, 5048699;
593617, 5048684; 593513, 5048805;
593511, 5048941; 593703, 5049329;
594032, 5049401; 594325, 5049566;
595026, 5050085; 595252, 5050549;
595465, 5050697; 595641, 5051005;
595912, 5051297; 596496, 5051261;
596608, 5051155; 596289, 5050542;
596160, 5050475; 596119, 5050321;
595756, 5049858; 595582, 5049747.

(CC) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 596628, 5052182; 596782, 5051791;
596579, 5051727; 596648, 5051347;
596949, 5051391; 597102, 5051277;
597272, 5051477; 597432, 5051452;
597447, 5051181; 597320, 5051323;
597245, 5051283; 597232, 5051179;
596946, 5051176; 596945, 5050785;
596870, 5050982; 596701, 5051054;
596741, 5051152; 596529, 5051241;
596442, 5051370; 596347, 5051971;
596402, 5052026; 596320, 5052183;
596520, 5052272; 596645, 5052253;
596628, 5052182; and excluding land
bound by 596461, 5052079; 596481,
5051967; 596618, 5051981; 596566,
5052146; 596486, 5052142; 596461,
5052079.

(DD) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 592245, 5061051; 592316, 5061062;
592317, 5060816; 592808, 5060824;
592807, 5060582; 593108, 5060596;
593152, 5060771; 593477, 5061005;
593532, 5060834; 593774, 5060833;
594875, 5060438; 594860, 5060102;
594759, 5060100; 594759, 5059981;
595151, 5059981; 595152, 5060341;
595473, 5060331; 595592, 5060442;
595594, 5060381; 595816, 5060395;
595817, 5060149; 595887, 5060111;
596382, 5060111; 596383, 5060020;
596752, 5060025; 596753, 5060211;
597239, 5060228; 597239, 5059845;
597405, 5059845; 597404, 5060228;
597582, 5060228; 597576, 5060483;
598181, 5060495; 598195, 5060654;
598562, 5060502; 598797, 5060509;
598820, 5059432; 599204, 5059453;
599168, 5060316; 599629, 5060339;
599625, 5060448; 600052, 5060197;
600067, 5059890; 600464, 5059892;
600458, 5060032; 600952, 5060087;
600981, 5059938; 602230, 5060012;
602227, 5060339; 602498, 5060349;
602499, 5060635; 604496, 5060659;
604482, 5061059; 605282, 5061063;
605310, 5059584; 605689, 5059616;

605728, 5059197; 605316, 5059188;
 605330, 5057572; 601951, 5057527;
 601705, 5057252; 601604, 5056930;
 601196, 5056821; 600988, 5056861;
 600846, 5057086; 600703, 5057138;
 600286, 5057054; 600017, 5057390;
 599840, 5057347; 599753, 5057188;
 599675, 5057174; 599599, 5056907;
 599440, 5056709; 599098, 5056619;
 598745, 5056640; 598492, 5056504;
 598320, 5056588; 598084, 5056327;
 598047, 5056138; 597891, 5056003;
 597739, 5055978; 597581, 5055705;
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591085, 5060968; 591103, 5060797;
591483, 5060797; 591483, 5060633;
591549, 5060677; 591906, 5060566;
591900, 5061054; 591971, 5061102;
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bound by 569879, 5032542; 571471,
5032523; 571470, 5032906; 569877,
5032905; 569879, 5032542; and

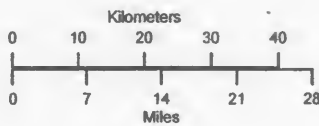
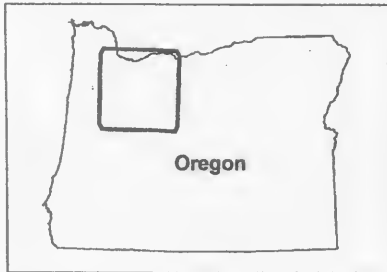
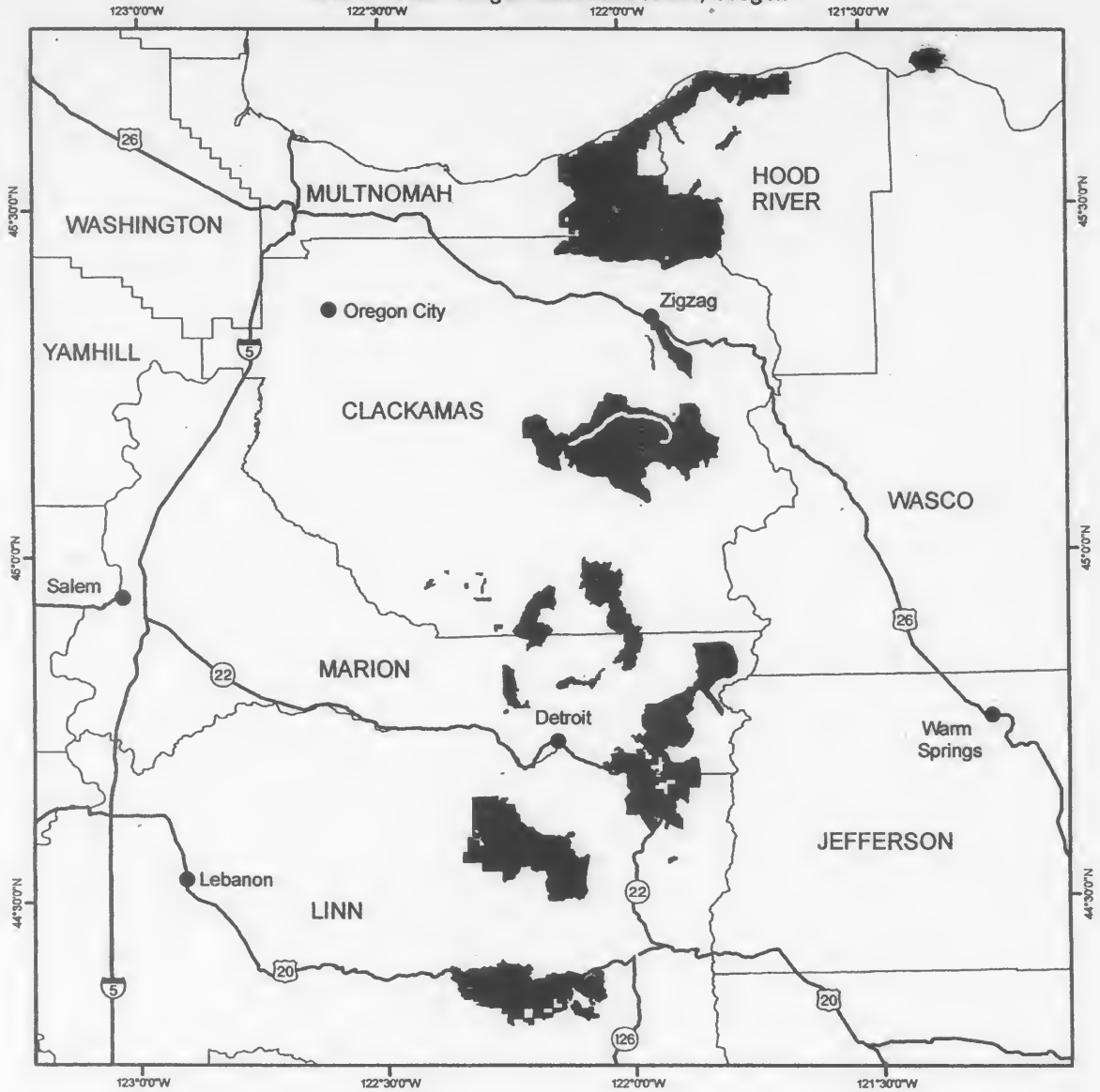
excluding land bound by 585090,
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5030697; 585876, 5031464; 585090,
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(iii) Note: Map of Western Oregon
Cascades North Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Western Oregon Cascades North, Oregon



	Critical Habitat
	Cities
	Highways
	Counties

(17) Hood River Unit (Unit 10).
Clackamas, Hood River, and Wasco
Counties, Oregon.

(i) The Hood River Unit consists of 42, 700 ac (17, 300 ha) and is comprised of lands managed by the Mt. Hood National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Badger Lake, Dog River, Fivemile Butte, Flag Point, Friend, Mount Hood South, Parkdale, Post Point, Wapinitia Pass, and Wolf Run.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 614736, 5009550; 614708, 5009450; 612198, 5009395; 612328, 5010077; 612661, 5010183; 612747, 5010366; 612855, 5010362; 613380, 5009549; 613467, 5009849; 612834, 5011530; 612841, 5012166; 612341, 5012261; 612211, 5012505; 612757, 5012635; 612747, 5012896; 612567, 5013063; 612567, 5013264; 612273, 5013818; 611759, 5014314; 611667, 5014704; 611486, 5015045; 611647, 5015194; 612715, 5015364; 612839, 5015497; 613214, 5015298; 613639, 5014458; 613921, 5013516; 614021, 5012458; 614301, 5011657; 614521, 5011242; 614759, 5009920; 614736, 5009550.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 624469, 5017360; 624914, 5017298; 625161, 5017168; 625376, 5017167; 625667, 5017278; 625882, 5017216; 626843, 5016586; 627114, 5016518; 627425, 5016629; 627407, 5016530; 627684, 5016333; 627650, 5016295; 627100, 5016370; 627143, 5015899; 627466, 5015733; 627674, 5015760; 627690, 5015700; 627642, 5015606; 627473, 5015542; 627474, 5015365; 627332, 5015224; 627107, 5015222; 627223, 5014998; 627419, 5014868; 627378, 5014584; 627335, 5014433; 627144, 5014358; 627297, 5014231; 627005, 5013920; 626760, 5013862; 626776, 5013682; 626644, 5013610; 626423, 5013306; 626434, 5013203; 626629, 5013072; 626679, 5012938; 626318, 5012829; 626113, 5012836; 626102, 5012916; 625775, 5013110; 625396, 5013540; 624686, 5013751; 624336, 5013979; 624130, 5014000; 623835, 5014144; 623278, 5014184; 622928, 5014297; 622594, 5014461; 622341, 5014864; 622165, 5015439; 621829, 5015961; 621822, 5016182; 621933, 5016456; 622216, 5016565; 623207, 5017307; 623513, 5017341; 623747, 5017266; 624469, 5017360.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 605478, 5018542; 605729, 5018009; 606357, 5018034; 606447, 5017563; 606813, 5017114; 606715, 5017024; 607008, 5016835; 606976, 5016021; 607707, 5016052; 607457, 5016525; 608033, 5016708; 607711, 5017089;

608476, 5017331; 609034, 5016902; 609157, 5016642; 609153, 5015532; 609593, 5015325; 609865, 5015031; 609684, 5014863; 609661, 5013844; 610051, 5012706; 610138, 5012159; 610587, 5012177; 610697, 5011832; 610584, 5011619; 610587, 5011263; 610850, 5011019; 611024, 5010650; 611311, 5010276; 611549, 5009663; 611397, 5009376; 611311, 5009032; 611528, 5008982; 611508, 5008806; 611191, 5007942; 611185, 5006052; 611329, 5005415; 611747, 5004704; 609093, 5004512; 608915, 5004698; 608851, 5005002; 608716, 5005217; 608670, 5006045; 608594, 5006232; 608372, 5006460; 608450, 5006913; 608183, 5007155; 607926, 5007659; 607432, 5007680; 607597, 5007976; 607446, 5008128; 606961, 5008229; 606704, 5008150; 606283, 5008148; 605837, 5007858; 605751, 5007000; 605606, 5006639; 605650, 5006516; 605529, 5006174; 605401, 5006443; 605483, 5006525; 605387, 5006428; 604716, 5006400; 604696, 5006572; 604517, 5006784; 604476, 5006989; 604196, 5007147; 604057, 5007343; 603832, 5008146; 602829, 5008732; 602799, 5008845; 603643, 5008896; 603489, 5009634; 603436, 5010251; 603523, 5010963; 603502, 5011518; 602492, 5012643; 602525, 5013324; 602760, 5014238; 603256, 5015285; 603421, 5015354; 603854, 5015277; 604186, 5015560; 604265, 5015713; 604226, 5016155; 603927, 5016734; 603855, 5017059; 604204, 5017540; 603817, 5018071; 603813, 5018174; 603926, 5018199; 604371, 5017859; 604788, 5017746; 604917, 5018556; 605034, 5018776; 605478, 5018542.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 628373, 5027833; 628419, 5027824; 628459, 5026633; 627831, 5026605; 627541, 5026314; 627311, 5026299; 627144, 5025874; 627143, 5025918; 626813, 5025821; 626601, 5025854; 625873, 5025412; 625110, 5025238; 624722, 5024941; 624429, 5024628; 624352, 5024451; 624065, 5024335; 623985, 5023985; 623837, 5023962; 623743, 5024131; 623577, 5024197; 623251, 5023956; 623224, 5023802; 623070, 5023874; 622906, 5023822; 622751, 5023491; 622561, 5023307; 622431, 5023314; 622182, 5023121; 621756, 5022976; 621483, 5022634; 621078, 5022658; 621046, 5022551; 621150, 5022360; 621108, 5022437; 620662, 5022437; 620698, 5023048; 620165, 5023012; 619861, 5022882; 620369, 5023479; 620667, 5023971; 620487, 5024132; 620384, 5024464; 620402, 5024774; 619819, 5025041; 619682, 5025487; 619504, 5025645; 619202, 5026247; 619226, 5026649;

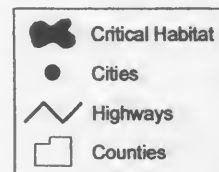
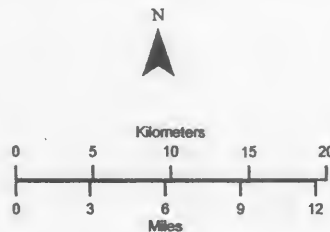
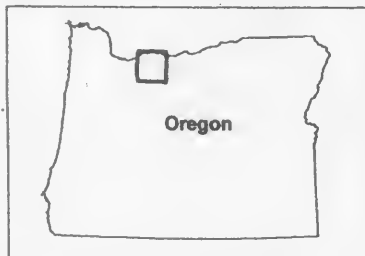
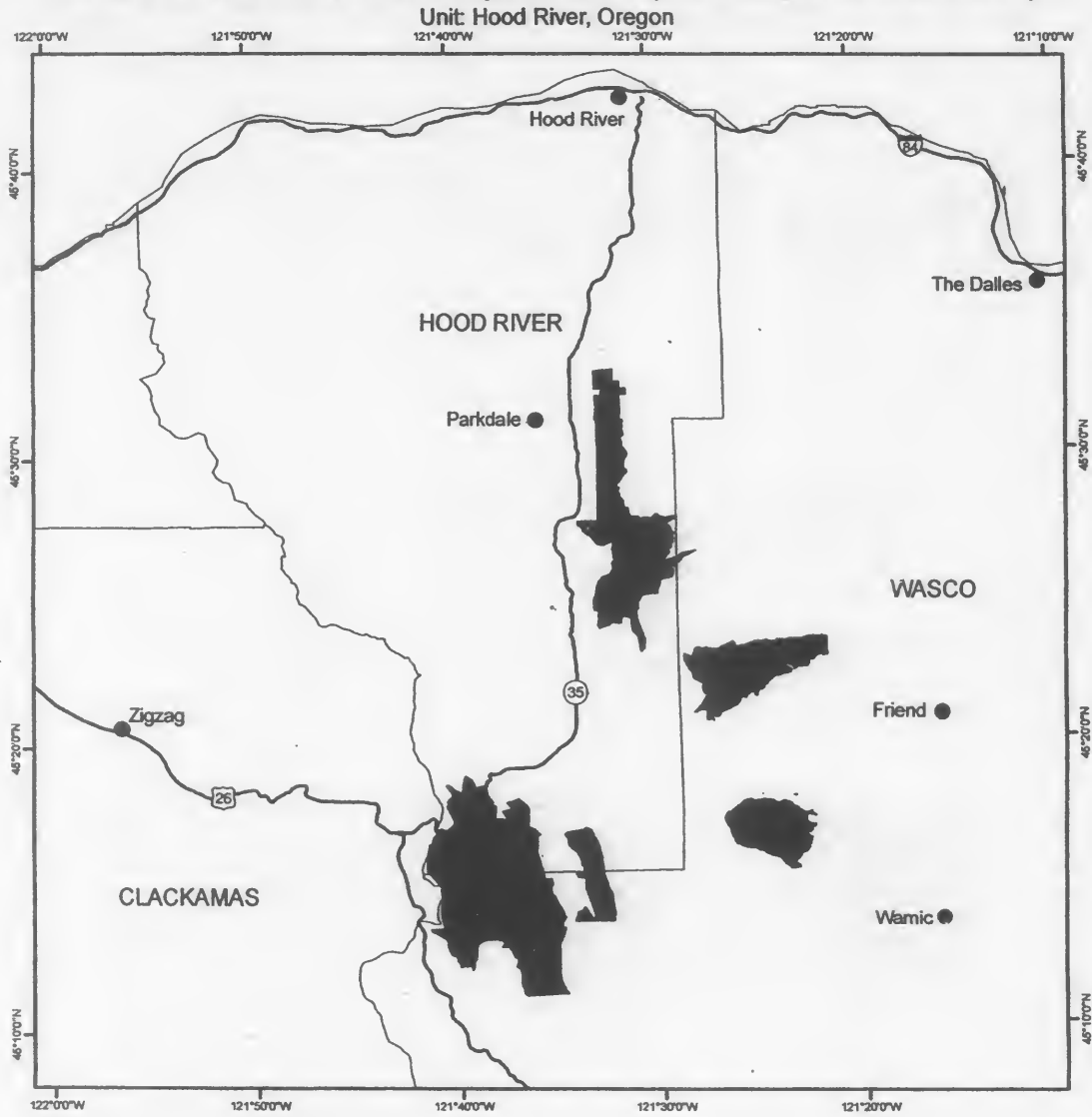
619512, 5026532; 619568, 5026388; 619778, 5026624; 619874, 5026962; 619973, 5027040; 620441, 5027006; 620678, 5027062; 620915, 5026975; 621371, 5026992; 622340, 5027442; 622494, 5027379; 622673, 5027138; 623175, 5027248; 623855, 5027506; 624265, 5027507; 624525, 5027574; 624947, 5027478; 625228, 5027646; 625709, 5027589; 626047, 5027697; 626679, 5027675; 627105, 5027824; 627557, 5027888; 627755, 5027830; 628080, 5027897; 628373, 5027833.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 614628, 5044966; 614643, 5044158; 615061, 5044171; 615070, 5043756; 615467, 5043765; 615474, 5043355; 615079, 5043344; 615090, 5041739; 615275, 5041743; 615296, 5041654; 615258, 5041258; 615327, 5040772; 615135, 5040558; 615259, 5040069; 615565, 5039518; 615392, 5039119; 615359, 5038673; 615554, 5038470; 614938, 5037582; 614991, 5037413; 615093, 5037339; 614931, 5037121; 615068, 5037028; 615133, 5036784; 615312, 5036571; 615425, 5036147; 615656, 5036052; 615752, 5035555; 616213, 5035526; 616486, 5035375; 616687, 5035464; 617174, 5035433; 617414, 5035667; 617958, 5035473; 618578, 5035545; 618724, 5035481; 618677, 5035336; 618438, 5035292; 618109, 5035071; 618600, 5034445; 618500, 5034312; 618526, 5033878; 618422, 5033740; 618438, 5033522; 618284, 5033413; 618279, 5033171; 618014, 5032817; 618036, 5032623; 618232, 5032754; 618837, 5032973; 619135, 5033176; 619989, 5033317; 619277, 5032957; 618682, 5032413; 618532, 5032105; 618535, 5031753; 618468, 5031644; 618224, 5031503; 617727, 5031380; 617519, 5030495; 616542, 5030422; 616237, 5029944; 616262, 5029532; 616166, 5029446; 616195, 5028970; 616740, 5027575; 616705, 5026997; 616447, 5026766; 616246, 5027769; 615898, 5028081; 615795, 5028957; 615286, 5029082; 615178, 5028616; 614526, 5028625; 614372, 5028452; 613843, 5028329; 613821, 5028258; 613669, 5028477; 613760, 5028982; 613723, 5029153; 613786, 5029290; 613505, 5029417; 613399, 5030023; 613734, 5031289; 613952, 5031558; 614459, 5031785; 614651, 5032109; 614588, 5032529; 614735, 5032622; 614733, 5032743; 614591, 5033411; 614690, 5033796; 614660, 5033912; 613958, 5033625; 613603, 5033721; 613300, 5034161; 612809, 5034451; 612626, 5034758; 612398, 5034909; 612367, 5035069; 612361, 5035152; 613684, 5035236; 613670, 5038418; 613562, 5041720; 613467, 5041720; 613457, 5043268;

613859, 5043285; 613848, 5043690;
 613450, 5043668; 613411, 5044865;
 614628, 5044966.

(iii) Note: Map of Hood River Unit
 follows:
 BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)



(18) Eastern Oregon Cascades Unit (Unit 11). Deschutes, Jefferson, and Klamath Counties, Oregon.

(i) The Eastern Oregon Cascades Unit consists of 106, 600 ac (43, 100 ha) and is comprised of lands managed by the Deschutes National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Black Butte, Black Crater, Candle Creek, Crane Prairie Reservoir, Crescent Lake, Cryder Butte, Davis Mountain, Elk Lake, Hamner Butte, Irish Mountain, Marion Lake, Mount Washington, Odell Butte, Odell Lake, Prairie Farm Spring, Shitike Butte, The Twins, Three Creek Butte, Three Fingered Jack, and Trout Creek Butte.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 588899, 4834542; 588977, 4834508; 589078, 4834643; 589606, 4834632; 589740, 4834576; 589797, 4834475; 590055, 4834340; 590189, 4833779; 590358, 4833678; 590796, 4833633; 590897, 4833487; 591166, 4833453; 591480, 4833049; 591674, 4832958; 591669, 4832803; 591774, 4832663; 592077, 4832575; 592281, 4832654; 592478, 4832550; 592730, 4832518; 592296, 4832172; 592091, 4832117; 592016, 4831987; 592017, 4831910; 592556, 4832023; 592661, 4831921; 592639, 4831689; 592464, 4831429; 592416, 4831196; 591731, 4830668; 591501, 4830561; 591165, 4830607; 590883, 4830550; 590759, 4830316; 590811, 4830266; 590818, 4829905; 590950, 4829727; 590899, 4829675; 590904, 4829417; 590547, 4829179; 590734, 4828822; 590969, 4828646; 590971, 4828543; 590568, 4828047; 590800, 4828025; 591425, 4827650; 591969, 4827480; 592048, 4827404; 592079, 4827069; 592330, 4827416; 592520, 4827511; 592287, 4827532; 593057, 4827458; 593173, 4827321; 593301, 4826798; 594439, 4827627; 594635, 4828146; 595083, 4829004; 595026, 4829337; 594869, 4829438; 594862, 4829849; 595140, 4830112; 595188, 4830319; 595129, 4830755; 595535, 4830994; 595788, 4831925; 596015, 4832173; 596085, 4832364; 596568, 4832322; 596958, 4832106; 597766, 4832007; 597879, 4831083; 597858, 4830832; 598380, 4830143; 598714, 4830060; 598780, 4829934; 599766, 4829961; 599847, 4827934; 599058, 4827594; 598972, 4827447; 598992, 4827300; 599169, 4827082; 599174, 4826986; 598951, 4826373; 598774, 4826195; 598825, 4825820; 598513, 4825641; 598556, 4825498; 598847, 4825259; 598834, 4824852; 598583, 4823606; 601527, 4823636; 601563, 4821592; 602173, 4821773; 602242, 4821828; 602268, 4822241; 602324, 4822293; 602442, 4822269; 602552, 4821836; 602758, 4821575;

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(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 585689, 4850804; 586102, 4850625; 586370, 4850249; 586554, 4850112; 586826, 4850027; 586956, 4849865; 587226, 4849816; 586032, 4849697; 585183, 4850803; 585689, 4850804.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 596425, 4861368; 596386, 4860828; 595971, 4860459; 595953, 4860311; 596030, 4860088; 596154, 4859980; 596595, 4859820; 596870, 4859493; 597085, 4859367; 597280, 4859299; 597439, 4859322; 597584, 4859242; 598006, 4858824; 598122, 4858630; 598262, 4858546; 598306, 4858384; 597779, 4857183; 597811, 4856852; 597685, 4856924; 597685, 4856827; 597873, 4856555; 598060, 4855723; 598044, 4854835; 597880, 4854384;

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(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 602433, 4906635; 602524, 4903446; 604092, 4903439; 604132, 4901852; 607314, 4901899; 606779, 4900828; 606518, 4900512; 606865, 4900122; 606898, 4900007; 606645, 4900233; 606138, 4900051; 605921, 4899710; 605471, 4899236; 605651, 4898905; 605776, 4898369; 606054, 4898318; 606107, 4898603; 606395, 4898720; 606744, 4898530; 607076, 4898550; 607090, 4898822; 607122, 4898563; 606766, 4898169; 606804, 4898038; 606594, 4898027; 606410, 4897788; 606399, 4897495; 606556, 4897417; 607108, 4897549; 606921, 4897113; 606954, 4896877; 607189, 4897027; 607386, 4897039; 607821, 4897311; 608667, 4898027; 609046, 4898224; 609068, 4897088; 609741, 4897099; 609776, 4896239; 609162, 4895959; 609009, 4895828; 608663, 4895049; 608434, 4894890; 607957, 4894238; 607216, 4893915; 607174, 4893399; 606850, 4892801; 606838, 4892054; 606643, 4891407; 606420, 4890965; 606452, 4890631; 606403, 4890419; 605799, 4890405; 605809, 4890502; 606079, 4890703; 606022, 4890933; 605958, 4890965; 606037, 4891055; 606012, 4891137; 605351, 4890925; 605218, 4890765; 605212, 4890589; 605019, 4890483; 605290, 4891072; 605288, 4891795; 604809, 4891794; 604660, 4892008; 605369, 4893311; 606246, 4894572; 605740, 4894312; 605378, 4894224; 605248, 4894112; 606108, 4895133; 606519, 4895394; 607224, 4896024; 606936, 4896092; 606587, 4896325; 606546, 4896483;

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602585, 4902679; 602593, 4902776;
601975, 4903071; 601949, 4903389;
602135, 4903896; 601698, 4904301;
601686, 4905033; 600855, 4905019;
600842, 4906025; 601122, 4906136;
601825, 4906626; 602433, 4906635.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 602394, 4909871; 600801, 4909851; 600805, 4909049; 602409, 4909064; 602394, 4909871; 603953, 4909909; 603983, 4908284; 599788, 4908269; 597645, 4908176; 597642, 4908299; 598354, 4908439; 598092, 4909161; 597471, 4910287; 596770, 4911038; 596747, 4912459; 596179, 4912573; 595981, 4912809; 595994, 4912988; 595897, 4913218; 595388, 4913492; 595026, 4913780; 593651, 4914258; 592826, 4914347; 593960, 4914447; 594274, 4914662; 595848, 4915279; 596043, 4915481; 595832, 4915680; 596730, 4916101; 596675, 4916170; 597255, 4916747; 597357, 4916737; 597480, 4916202; 597518, 4916285; 600652, 4916346; 600689, 4914709; 599879, 4914741; 599072, 4914682; 599104, 4913098; 600954, 4913101; 600872, 4912873; 600677, 4912824; 600556, 4912700; 600527, 4912487; 600548, 4912413; 600674, 4912403; 600695, 4912179; 600514, 4912047; 600472, 4911928; 600572, 4911840; 600773, 4911888; 600780, 4911476; 602368, 4911501; 602350, 4912099; 602514, 4912031; 603522, 4912114; 603754, 4911932; 603914, 4911891; 603923, 4911530; 602370, 4911478; 602394, 4909871.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 597426, 4925525; 597572, 4925590; 597531, 4925780; 597602, 4925837; 597879, 4925616; 597927, 4925411; 598009, 4925326; 598227, 4925259; 598599, 4925276; 598996, 4925102; 599185, 4924919; 599339, 4924942; 599621, 4924591; 599995, 4924551; 600592, 4924363; 600602, 4921154;

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(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 605085, 4937466; 605373, 4937425; 605709, 4937135; 605915, 4937286; 606063, 4936987; 606339, 4936811; 606956, 4936199; 611698, 4933801; 611762, 4930726; 605505, 4930714; 605145, 4931272; 605063, 4931528; 605074, 4931902; 603896, 4932590; 603493, 4932634; 602894, 4933082; 602411, 4933184; 602207, 4933412; 602154, 4933761; 602095, 4933654; 601642, 4933575; 601256, 4933218; 599475, 4932853; 599099, 4932684; 598785, 4932694; 598771, 4933797; 599080, 4933822; 599206, 4934212; 599716, 4934819; 599983, 4935359; 599980, 4935520; 600423, 4936077; 600414, 4936628; 601613, 4936706; 601978, 4936660; 602230, 4936605; 602959, 4936278; 602966, 4936036; 603452, 4936053; 604079, 4936335; 604539, 4936793; 604973, 4937476; 605085, 4937466; and excluding land bound by 606086, 4933299; 606092, 4932893; 606894, 4932915; 606883, 4933332; 607308, 4933344; 607297,

4933725; 606489, 4933712; 606495, 4933315; 606086, 4933299; and excluding land bound by 608993, 4933509; 608994, 4933403; 609096, 4933405; 608892, 4932730; 608899, 4932400; 609297, 4932409; 609225, 4933518; 608993, 4933509.

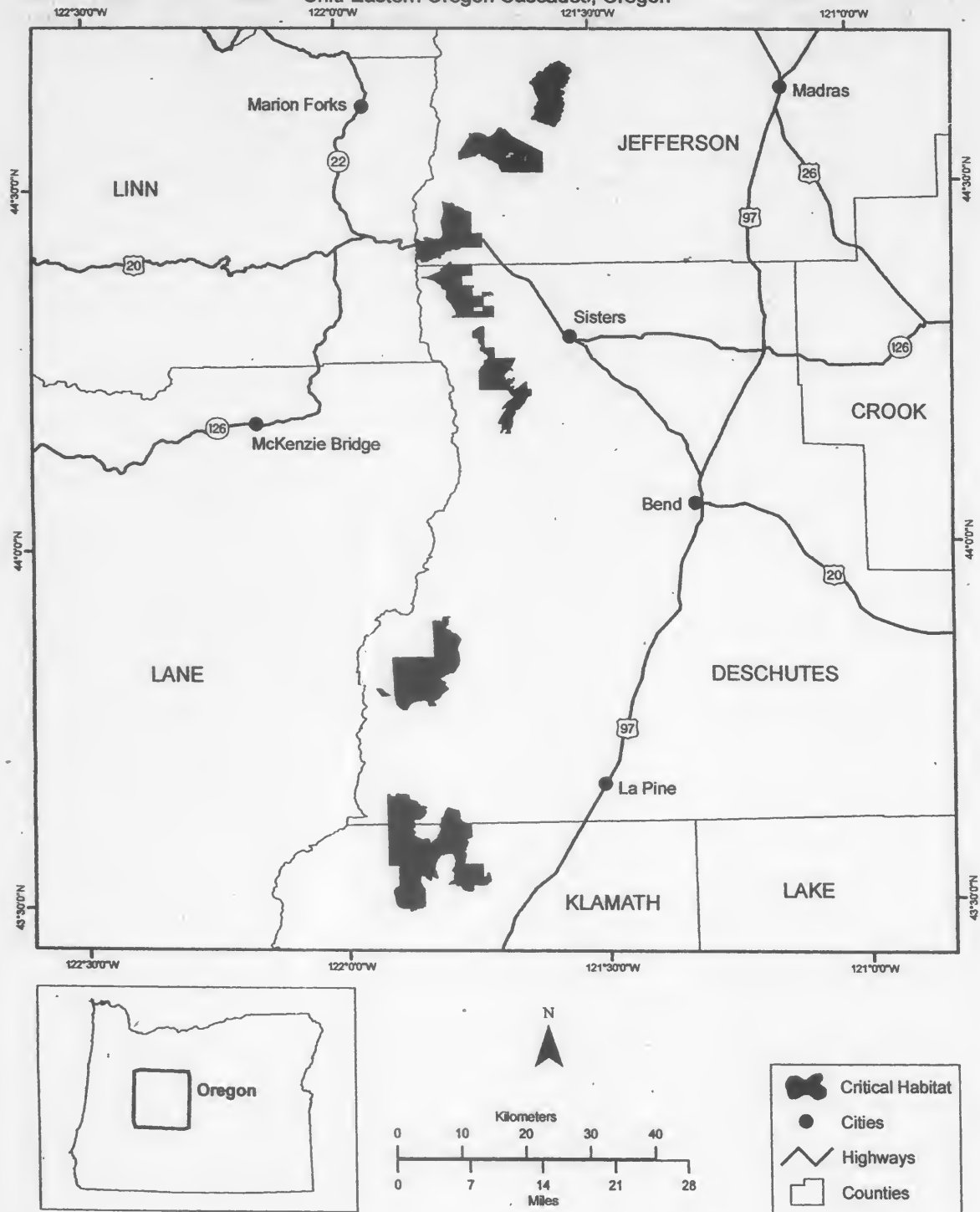
(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 614650, 4947752; 614888, 4947585; 614895, 4947506; 615240, 4947437; 615333, 4947094; 615433, 4946984; 615698, 4946966; 615970, 4946820; 616202, 4946426; 616149, 4946168; 615741, 4945630; 615946, 4945185; 615707, 4944887; 615632, 4944457; 615231, 4944219; 615396, 4944046; 614966, 4943718; 614709, 4943767; 614510, 4943486; 614561, 4943367; 614900, 4943240; 615162, 4943022; 614973, 4942637; 614460, 4942428; 614883, 4942158; 615009, 4941960; 614955, 4941894; 614654, 4941828; 614577, 4941721; 614651, 4941643; 614996, 4941581; 615107, 4941342; 615044, 4940767; 614733, 4940459; 614945, 4940296; 614951, 4940102; 614598, 4939849; 614677, 4939343; 614499, 4939136; 614513, 4938935; 614385, 4938673; 614142, 4938496; 614039, 4938194; 613753, 4937846; 613618, 4937785; 613063, 4937938; 612682, 4938120; 612291, 4938092; 611747, 4938382; 611264, 4938513; 610791, 4938853; 610279, 4938810; 610139, 4938942; 610287, 4939249; 610535, 4939470; 610734, 4940199; 610601, 4940532; 610602, 4940765; 610866, 4940969; 611011, 4941403; 611289, 4941613; 611315, 4941753; 611187, 4942149; 610963, 4942583; 610814, 4942740; 610480, 4943918; 610341, 4944103; 609971, 4944371; 609947, 4944649; 610331, 4944656; 610324, 4945048; 610742, 4945055; 610734, 4945154; 610500, 4945151; 610835, 4945422; 611014, 4945931; 611350, 4946236; 611612, 4946194; 611981, 4946249; 612265, 4946738; 612807, 4947045; 613019, 4947462; 613404, 4947429; 613721, 4947727; 614096, 4947746; 614454, 4947916; 614650, 4947752.

(iii) Note: Map of Eastern Oregon Cascades Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Eastern Oregon Cascades, Oregon



(19) Western Oregon Cascades South Unit (Unit 12). Douglas, Jackson, Lane, and Linn Counties, Oregon.

(i) The Western Oregon Cascades South Unit consists of 448, 100 ac (181, 300 ha) and is comprised of lands managed by the Willamette, Umpqua, and Rogue River National Forests (448, 000 ac (181, 300 ha)) and Eugene BLM Districts (100 ac (40 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Abbott Butte, Acker Rock, Bearbones Mountain, Belknap Springs, Blair Lake, Buckeye Lake, Butler Butte, Clear Lake, Cougar Reservoir, Deadman Mountain, Diamond Peak, Dumont Creek, Fall Creek Lake, Fish Creek Desert, Fish Mountain, French Mountain, Goat Point, Groundhog Mountain, Hamaker Butte, Harvey Mountain, Holland Point, Huckleberry Mountain, Illahee Rock, Linton Lake, McCredie Springs, McKenzie Bridge, Mount David Douglas, Mount June, Nimrod, North Sister, Oakridge, Potter Mountain, Quartz Mountain, Ragsdale Butte, Red Butte, Reynolds Ridge, Rigdon Point, Saddleblanket Mountain, Sardine Butte, Sinker Mountain, Staley Ridge, Steamboat, Sugarpine Creek, Taft Mountain, Toketee Falls, Twin Lakes Mountain, Union Creek, Waldo Mountain, Warner Mountain, Westfir West, and Whetstone Point.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 533390, 4759941; 533407, 4759533; 533722, 4758879; 533757, 4758641; 533702, 4758538; 533835, 4758300; 533969, 4758214; 534780, 4758132; 535092, 4757957; 535150, 4757856; 535200, 4757385; 535018, 4756634; 534757, 4756385; 533790, 4755923; 533753, 4755749; 533895, 4755501; 534312, 4755298; 534403, 4755019; 534348, 4754750; 534526, 4754702; 534594, 4754520; 534798, 4754460; 534995, 4754278; 535080, 4753886; 534984, 4753629; 535281, 4753241; 535448, 4752838; 534727, 4752572; 534632, 4752200; 533564, 4751892; 533282, 4751626; 533179, 4751461; 533357, 4750916; 533248, 4750588; 533278, 4750307; 533162, 4750191; 532409, 4749938; 531976, 4749620; 531435, 4749431; 531496, 4749327; 532014, 4748998; 532449, 4748609; 532606, 4748215; 532502, 4748116; 532742, 4746998; 532576, 4746271; 531390, 4745366; 530768, 4744314; 530755, 4744210; 530908, 4743932; 531176, 4743598; 531048, 4743471; 531133, 4743391; 531080, 4743160; 530508, 4742167; 530439, 4741386; 528016, 4741368; 527963, 4740566; 526431, 4740564; 526401, 4741326; 519944, 4741218; 519934, 4741817; 519551, 4741844; 519544, 4741592; 518774, 4741587; 518774, 4741161;

518339, 4741172; 518194, 4741011; 518153, 4740756; 518048, 4740702; 516797, 4740635; 516813, 4739391; 516006, 4739404; 515211, 4739554; 515187, 4741799; 515143, 4741883; 516046, 4741965; 516052, 4743426; 514406, 4743420; 514404, 4744223; 513591, 4744235; 513602, 4744557; 513870, 4744648; 514102, 4744813; 514462, 4744887; 514675, 4745131; 515054, 4746008; 515154, 4745998; 514955, 4746259; 514948, 4746459; 515036, 4746512; 515402, 4746347; 515935, 4745904; 516305, 4745692; 516731, 4745680; 517032, 4745581; 517445, 4745857; 517733, 4745814; 517828, 4745545; 517622, 4745223; 517953, 4744965; 518191, 4744636; 518302, 4744197; 518320, 4743496; 518900, 4743015; 519184, 4742930; 519074, 4743258; 519111, 4743652; 519711, 4744240; 519906, 4744262; 520097, 4744115; 521022, 4744254; 521047, 4744782; 520979, 4745026; 520889, 4745092; 521003, 4745567; 521316, 4745682; 521639, 4745976; 521885, 4745904; 522076, 4745944; 522294, 4746121; 522399, 4746385; 522740, 4746618; 522914, 4746984; 523123, 4747231; 523456, 4747327; 523623, 4747265; 523815, 4747462; 523652, 4747762; 523763, 4747833; 523919, 4747750; 523977, 4747859; 523910, 4748159; 523726, 4748382; 523803, 4748551; 524000, 4748651; 523652, 4748896; 523506, 4748905; 523288, 4749245; 523250, 4749423; 523384, 4749725; 523484, 4749802; 523392, 4750042; 523413, 4750200; 523530, 4750246; 523434, 4750596; 523731, 4750772; 523613, 4750958; 523681, 4751285; 523794, 4751399; 523687, 4751816; 523829, 4751898; 523969, 4752164; 524070, 4752070; 524155, 4752605; 524060, 4752966; 524154, 4753361; 524419, 4754026; 524721, 4754477; 524727, 4754721; 524805, 4754696; 524819, 4754755; 524679, 4755039; 524876, 4755681; 524903, 4756089; 524738, 4756336; 524376, 4756502; 524251, 4756627; 524198, 4756766; 524250, 4756807; 524274, 4757277; 524354, 4757393; 525097, 4757978; 525352, 4758267; 525821, 4758606; 525997, 4758656; 526309, 4758990; 526540, 4759067; 526795, 4759028; 527097, 4759301; 527312, 4759603; 527658, 4759755; 527816, 4759644; 527870, 4759766; 528327, 4759968; 528421, 4759944; 528377, 4759862; 528527, 4759707; 528498, 4759512; 528687, 4759489; 528798, 4759542; 529142, 4759102; 529253, 4759154; 529403, 4759072; 529511, 4759264; 529814, 4758911; 529988, 4758797; 530058, 4758643; 530173, 4758610; 530297, 4758748; 530671, 4758737; 530544, 4759176;

530795, 4759260; 530850, 4739370; 531417, 4759259; 531272, 4758843; 531996, 4759177; 532161, 4759201; 532288, 4758981; 532429, 4759005; 532515, 4759145; 532746, 4759126; 532930, 4759388; 532944, 4759656; 533329, 4760009; 533390, 4759941; and excluding land bound by 527987, 4759272; 528049, 4758960; 528167, 4758799; 528186, 4759116; 528365, 4759284; 528141, 4759341; 528035, 4759172; 527987, 4759272; and excluding land bound by 527900, 4759501; 527859, 4759578; 527890, 4759519; 527900, 4759501.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 543210, 4756001; 542331, 4754211; 542338, 4754046; 542518, 4753748; 542182, 4753581; 542241, 4753371; 542001, 4752957; 542227, 4752373; 542381, 4752272; 542433, 4752101; 542262, 4751858; 541927, 4751608; 541902, 4751468; 541782, 4751385; 541764, 4751251; 541656, 4751142; 541563, 4750811; 541442, 4750772; 541072, 4750891; 540895, 4750858; 540717, 4750711; 540744, 4750444; 540671, 4750043; 540500, 4749781; 540323, 4749716; 540118, 4749874; 539928, 4749714; 539864, 4749930; 539900, 4750172; 539741, 4750254; 539670, 4750431; 539593, 4750443; 537664, 4752674; 538381, 4755585; 538865, 4755630; 539128, 4755743; 539350, 4755759; 540132, 4755748; 540388, 4755648; 540775, 4755704; 541185, 4755669; 541456, 4755721; 541614, 4755979; 541743, 4756017; 541685, 4756243; 541503, 4756516; 541504, 4756625; 541696, 4757051; 542001, 4758172; 542106, 4758311; 542558, 4758495; 542671, 4758756; 542635, 4759196; 542437, 4759794; 542609, 4760217; 543210, 4756001.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 544438, 4764419; 544487, 4764125; 544185, 4764398; 544318, 4764474; 544438, 4764419.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 544387, 4765399; 544521, 4765392; 544345, 4764960; 544258, 4765205; 544086, 4765401; 544387, 4765399.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 548421, 4767360; 548816, 4767362; 549072, 4767077; 549363, 4767048; 549435, 4766959; 549905, 4766902; 549126, 4766937; 548384, 4767145; 547954, 4767341; 548206, 4767282; 548319, 4767385; 548421, 4767360.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 545655, 4767451; 545731, 4767445; 545808, 4767280; 545888, 4767252; 544903, 4766637; 544658, 4766358; 544516, 4766465; 544744, 4766619;

544552, 4766866; 544767, 4766956;
545155, 4766920; 545275, 4767144;
545421, 4767171; 545503, 4767266;
545559, 4767571; 545655, 4767451.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 521305, 4766786; 520891, 4766985; 520740, 4767272; 521164, 4767587; 521277, 4767562; 521428, 4767393; 521424, 4766886; 521305, 4766786.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546334, 4768383; 546483, 4768283; 546826, 4768240; 547298, 4768014; 547484, 4767850; 547630, 4767553; 547135, 4767844; 546808, 4768134; 546343, 4768158; 546238, 4768089; 546095, 4768230; 546241, 4768269; 546334, 4768383.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 552147, 4768438; 552091, 4768051; 551896, 4767913; 550805, 4767596; 550612, 4767862; 550630, 4768047; 550782, 4768118; 551906, 4768410; 552152, 4768538; 552147, 4768438.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 547622, 4775755; 547767, 4775649; 547900, 4775374; 547562, 4775419; 547545, 4775794; 547622, 4775755.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549254, 4776148; 549510, 4776118; 549630, 4775962; 549582, 4775787; 549295, 4775522; 549271, 4775390; 549730, 4775042; 549618, 4774954; 549249, 4774920; 548937, 4774793; 548881, 4774699; 548879, 4774191; 548810, 4774072; 548549, 4773882; 548400, 4773612; 548239, 4773469; 547819, 4773465; 547846, 4773606; 548075, 4773839; 548129, 4774140; 548323, 4774391; 548487, 4774760; 548567, 4775206; 548541, 4775354; 548495, 4775358; 548654, 4775881; 549091, 4776165; 549254, 4776148.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 548384, 4777588; 548478, 4777260; 548246, 4777220; 548041, 4776987; 548055, 4776882; 547660, 4776781; 547624, 4776975; 547451, 4776906; 547427, 4776774; 547735, 4776663; 547539, 4776471; 547383, 4776767; 547339, 4777263; 547442, 4777350; 547635, 4777373; 547688, 4777546; 548254, 4777664; 548384, 4777588.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546094, 4781417; 546846, 4781247; 547069, 4781229; 547135, 4781335; 547654, 4781246; 547552, 4780601; 547249, 4780425; 547222, 4780310; 547273, 4780211; 547838, 4780039; 547839, 4779832; 547478, 4779536; 547503, 4779454; 547660, 4779387; 547237, 4779071; 546899, 4778987; 547693, 4778984; 548049, 4779352;

548294, 4779184; 548469, 4779286; 548613, 4779280; 548737, 4779413; 548988, 4779389; 549026, 4779321; 548560, 4778792; 548111, 4778507; 547731, 4778154; 547225, 4777925; 546824, 4777978; 546391, 4778151; 546122, 4778068; 545914, 4778267; 545570, 4778321; 545483, 4778271; 544032, 4778265; 543795, 4777983; 543788, 4777824; 543969, 4777408; 543894, 4777000; 543702, 4776884; 543409, 4776908; 543111, 4777021; 542808, 4776971; 542686, 4776889; 542493, 4776439; 542501, 4776241; 542332, 4776078; 542309, 4775832; 542056, 4775542; 541953, 4775267; 542264, 4774601; 542161, 4773492; 542401, 4772792; 542349, 4772485; 542567, 4771974; 542555, 4771666; 542731, 4771350; 542766, 4770957; 539370, 4771062; 539222, 4770651; 539043, 4770479; 539000, 4770228; 538654, 4770009; 538604, 4769772; 538651, 4769582; 538547, 4769334; 538502, 4768791; 537867, 4768898; 538641, 4766842; 538948, 4766743; 539005, 4766622; 539024, 4766170; 539442, 4765714; 539602, 4765713; 539588, 4765790; 539750, 4765957; 539947, 4765987; 540284, 4766154; 540448, 4766122; 540497, 4766249; 540896, 4766187; 541053, 4766307; 541085, 4766152; 541226, 4766070; 541245, 4765651; 541565, 4765405; 541499, 4765065; 541129, 4764765; 541072, 4764564; 540750, 4764569; 540688, 4764333; 540853, 4764163; 540821, 4763924; 540572, 4763748; 540162, 4763643; 540042, 4763491; 540012, 4763260; 539926, 4763142; 539562, 4763093; 539392, 4762779; 539079, 4762483; 539088, 4760539; 540079, 4760551; 540024, 4760905; 539936, 4758682; 538818, 4757975; 537392, 4756749; 537399, 4757246; 537197, 4757255; 536526, 4760546; 536404, 4760571; 536252, 4760745; 536920, 4761218; 536976, 4761188; 537272, 4761429; 538017, 4761828; 538304, 4762087; 538333, 4762935; 538097, 4763298; 538226, 4763738; 538088, 4764096; 538178, 4764280; 538115, 4764505; 537965, 4764796; 537768, 4765001; 537560, 4765066; 537467, 4765175; 537484, 4765297; 537324, 4765411; 537323, 4765539; 537420, 4765613; 537339, 4765691; 537484, 4765864; 537379, 4766027; 537432, 4766180; 537370, 4766259; 537367, 4766551; 537225, 4766690; 537193, 4766879; 536930, 4766882; 536856, 4766966; 536868, 4767034; 537007, 4767102; 537006, 4767200; 536566, 4767347; 536423, 4767490; 536252, 4767488; 535954, 4767334; 535679, 4767393; 535385, 4767604; 535080, 4767547; 534569, 4767324; 534465, 4767335; 534331, 4767407;

534127, 4767723; 533972, 4767772; 533640, 4768147; 533570, 4768474; 533375, 4768765; 533440, 4768942; 533579, 4769063; 533921, 4769104; 534067, 4769201; 534874, 4770210; 535118, 4770929; 535069, 4771486; 535151, 4771994; 535265, 4772261; 535990, 4772350; 536666, 4772649; 537456, 4773175; 537985, 4773272; 538449, 4773938; 537744, 4774231; 537391, 4774118; 536985, 4774084; 536708, 4774484; 536360, 4774650; 535965, 4775005; 535419, 4775314; 534952, 4775923; 534955, 4776559; 535055, 4776922; 535874, 4777200; 535702, 4777551; 536058, 4777658; 536770, 4778598; 536982, 4779317; 537031, 4779731; 539186, 4779756; 539377, 4779416; 539396, 4779756; 543094, 4779767; 542808, 4780175; 542559, 4780720; 542662, 4780858; 542985, 4780341; 542988, 4780027; 543248, 4779977; 543268, 4779764; 543389, 4779502; 543358, 4779364; 543578, 4779253; 543815, 4779423; 543922, 4779387; 544330, 4779158; 544074, 4779100; 544232, 4778888; 544357, 4778882; 544787, 4779217; 544842, 4779361; 544759, 4779705; 544891, 4779625; 544860, 4779487; 545011, 4779438; 545138, 4779244; 545175, 4779276; 545059, 4779757; 545109, 4779820; 545222, 4779793; 545221, 4779940; 545081, 4780246; 545300, 4780235; 545522, 4780668; 545697, 4780723; 545897, 4780890; 546347, 4780984; 545959, 4780959; 545714, 4781027; 545794, 4781296; 546094, 4781417.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530270, 4793196; 532533, 4791036; 533973, 4788619; 534590, 4785328; 533819, 4782705; 531659, 4780237; 531350, 4776637; 530527, 4772831; 529437, 4770325; 529266, 4770252; 529083, 4769996; 528638, 4769997; 528284, 4769528; 528166, 4769494; 528136, 4769553; 528333, 4769619; 528432, 4769725; 528474, 4769939; 528427, 4769973; 528260, 4769698; 527716, 4769460; 527419, 4770150; 527203, 4770027; 527138, 4770400; 527035, 4770433; 526947, 4770587; 526800, 4770554; 526741, 4770653; 526689, 4770514; 526473, 4770659; 526378, 4770752; 526318, 4771083; 526226, 4771048; 526116, 4771307; 525930, 4771439; 525723, 4771462; 525657, 4771347; 525515, 4771760; 525282, 4772045; 524630, 4772157; 524470, 4772388; 524397, 4772399; 523886, 4772177; 523800, 4772182; 523598, 4772370; 523160, 4772330; 522441, 4772149; 522338, 4772051; 522474, 4771503; 522292, 4771294; 522275, 4770989; 522007, 4771067; 521788, 4770931; 521728, 4770620;

521487, 4770241; 521928, 4770845;
522129, 4770758; 522205, 4770502;
522450, 4770271; 522195, 4769957;
521480, 4770130; 521487, 4770057;
521207, 4769885; 520881, 4769071;
520920, 4768626; 520673, 4767929;
520332, 4767750; 519336, 4767638;
519026, 4767464; 518233, 4766696;
517959, 4766654; 517696, 4766484;
517488, 4766076; 517482, 4765881;
517280, 4765382; 517035, 4765287;
517197, 4765066; 517053, 4764990;
516985, 4764871; 517023, 4764702;
517123, 4764589; 516854, 4764420;
516666, 4764506; 516452, 4764983;
516645, 4765177; 516377, 4764963;
515627, 4764940; 515511, 4764819;
515199, 4764728; 515106, 4764606;
514923, 4764562; 514428, 4764698;
514249, 4764989; 514223, 4765153;
514094, 4765304; 513942, 4765248;
513785, 4765009; 513541, 4764891;
513337, 4765340; 513310, 4765615;
513205, 4765634; 513206, 4766175;
512400, 4766181; 512404, 4765366;
513096, 4765367; 513132, 4765172;
513006, 4765171; 513005, 4765073;
512806, 4765071; 512806, 4765013;
512624, 4765139; 512442, 4765009;
512541, 4764894; 512370, 4764862;
512189, 4765349; 512097, 4765384;
511912, 4765627; 511588, 4765740;
511384, 4766012; 510749, 4766147;
510375, 4766357; 510214, 4766588;
510198, 4766229; 510072, 4766387;
510035, 4766662; 509895, 4766566;
509690, 4766746; 509526, 4767223;
509550, 4767418; 509649, 4767445;
509522, 4767685; 509250, 4767944;
508795, 4768234; 508681, 4768425;
508521, 4768981; 508265, 4768995;
507729, 4769769; 507546, 4769800;
506855, 4769506; 506674, 4769654;
506433, 4770083; 506228, 4770298;
505648, 4770581; 505750, 4770666;
505951, 4771068; 505798, 4771496;
505884, 4771638; 505917, 4771988;
505833, 4772338; 505939, 4772517;
506261, 4772610; 506323, 4772882;
506461, 4772996; 506498, 4773126;
506918, 4773316; 507277, 4773661;
507318, 4773986; 507754, 4774188;
508185, 4774065; 508372, 4774093;
508592, 4774198; 508775, 4774385;
509015, 4774351; 509121, 4774563;
509475, 4774647; 509401, 4775085;
509584, 4775440; 509702, 4775558;
509889, 4775517; 510072, 4775717;
510457, 4775809; 510679, 4776196;
510874, 4776326; 511056, 4776608;
511056, 4776925; 511222, 4777206;
511625, 4777077; 511807, 4777110;
511889, 4776992; 512129, 4776899;
512476, 4776615; 513000, 4776751;
513139, 4776662; 513379, 4776711;
513668, 4776606; 514562, 4776613;
514652, 4776536; 515124, 4776496;
515677, 4776693; 515863, 4776885;

516067, 4776580; 516471, 4776369;
516735, 4776508; 516922, 4776407;
517430, 4776584; 517931, 4776373;
518256, 4776354; 518410, 4776456;
518267, 4776749; 518380, 4777140;
518579, 4777250; 518935, 4777932;
519272, 4778202; 519466, 4778715;
519633, 4778561; 519792, 4778590;
520125, 4778514; 520692, 4778703;
521493, 4778773; 521492, 4779004;
521758, 4779384; 522156, 4779654;
522487, 4779974; 522778, 4779907;
523104, 4780274; 523961, 4780426;
524260, 4780086; 524822, 4780082;
525174, 4780311; 525188, 4780751;
525509, 4780891; 525822, 4780819;
526009, 4780845; 526357, 4781205;
526310, 4781611; 526352, 4782030;
526741, 4782175; 526837, 4782440;
527319, 4782829; 526846, 4783374;
526890, 4783531; 526127, 4784799;
525109, 4785834; 525039, 4786078;
525567, 4787232; 526005, 4787391;
526681, 4787412; 526812, 4787500;
526793, 4787694; 526993, 4787764;
527162, 4787915; 527248, 4788178;
527136, 4788628; 527329, 4788804;
527542, 4788799; 527598, 4788849;
527653, 4789250; 527921, 4789577;
528245, 4790167; 528267, 4790912;
528197, 4791143; 528259, 4791513;
528389, 4791689; 528796, 4791696;
529088, 4792361; 529402, 4792630;
529405, 4792787; 529570, 4792786;
529562, 4793396; 530270, 4793196;
(O) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 538246, 4794328; 537475, 4793609;
537223, 4793463; 536882, 4793374;
536719, 4793438; 536500, 4793777;
536313, 4793939; 536078, 4793874;
535826, 4793591; 535558, 4793551;
535477, 4793663; 535377, 4794252;
537052, 4794178; 537537, 4794079;
538312, 4794944; 538647, 4794955;
538497, 4794804; 538246, 4794328.
(P) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 547036, 4799069; 547367, 4798747;
547477, 4798475; 547704, 4798539;
547753, 4798661; 547890, 4798706;
547953, 4798669; 547936, 4798493;
548160, 4798377; 548335, 4797468;
548355, 4796988; 548506, 4796590;
548521, 4796375; 548276, 4796316;
548162, 4796403; 548130, 4796585;
548023, 4796678; 547729, 4796626;
547595, 4796724; 547172, 4796063;
547164, 4795486; 546940, 4795011;
546705, 4794695; 546266, 4794970;
545970, 4795405; 545595, 4795729;
545316, 4796135; 544880, 4796162;
544597, 4796755; 544373, 4796828;
544237, 4796687; 544072, 4796706;
543381, 4797375; 543303, 4797415;
543016, 4797370; 543636, 4797811;
544268, 4797712; 544681, 4797520;
545038, 4797600; 545171, 4797954;
545485, 4797955; 545807, 4797860;

546071, 4798491; 546369, 4798743;
546562, 4798782; 546744, 4798904;
546740, 4799007; 546882, 4799108;
547036, 4799069.

(Q) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 546907, 4799224; 546801, 4799250;
546610, 4799540; 546689, 4799759;
547139, 4799646; 547092, 4799280;
546907, 4799224.

(R) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 549038, 4803134; 549089, 4803022;
549033, 4802934; 548864, 4802989;
548938, 4803147; 549038, 4803134.

(S) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 545971, 4803802; 546278, 4803842;
545917, 4803640; 545756, 4803765;
545747, 4803949; 545582, 4804141;
545687, 4804120; 545801, 4803920;
545971, 4803802.

(T) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 555385, 4805405; 555437, 4805367;
555584, 4805445; 555857, 4805158;
555679, 4804912; 555568, 4805052;
555395, 4804987; 555189, 4805017;
554968, 4805260; 554909, 4805472;
555092, 4805859; 555184, 4805622;
555385, 4805405.

(U) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 543739, 4816011; 543827, 4815907;
543931, 4815963; 544049, 4815841;
544222, 4815805; 544218, 4815546;
544350, 4815189; 544486, 4815146;
544507, 4814807; 545402, 4814819;
545378, 4814714; 545188, 4814584;
545092, 4814176; 545160, 4814077;
545388, 4814141; 545506, 4814049;
545379, 4813709; 545668, 4813766;
545833, 4814026; 545814, 4814193;
546060, 4814343; 546064, 4814596;
546204, 4814948; 546506, 4815006;
546611, 4814933; 546864, 4815033;
546869, 4815150; 547061, 4815047;
547106, 4814862; 547427, 4814765;
547719, 4814483; 547923, 4814553;
548071, 4814541; 548132, 4814458;
548484, 4814847; 549075, 4814876;
549087, 4815102; 548983, 4815236;
549045, 4815313; 549542, 4815227;
549679, 4815067; 549775, 4815132;
550405, 4815111; 550847, 4815165;
551107, 4815081; 551434, 4815071;
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553118, 4813918; 552774, 4813529;
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553006, 4800453; 552964, 4800221;
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547876, 4800841; 547915, 4800710;
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547447, 4800362; 547131, 4799840;
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545276, 4804662; 545251, 4804737;
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543545, 4805393; 543192, 4805222;
542838, 4805257; 542556, 4805361;
542410, 4805239; 542568, 4804915;
542177, 4804671; 541825, 4804721;
541201, 4805199; 540860, 4805219;
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539243, 4804647; 539162, 4804704;
539016, 4805011; 539016, 4805236;
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538155, 4806051; 538147, 4806552;
537854, 4807504; 537668, 4807682;
537246, 4807899; 537027, 4807940;
536873, 4808060; 536890, 4808125;
536735, 4808351; 536767, 4808827;
536597, 4809061; 536670, 4809174;
536857, 4809199; 536929, 4809352;
537431, 4809805; 537901, 4810403;
537998, 4810734; 537990, 4810871;
537795, 4810951; 537536, 4810782;
537026, 4810709; 536734, 4810402;
536758, 4811330; 536838, 4811734;
537251, 4812227; 537761, 4812623;
538263, 4813132; 538149, 4813261;
537834, 4813366; 537736, 4813519;
537817, 4813616; 538198, 4813681;
538457, 4813907; 539105, 4813956;
539695, 4814234; 540343, 4814085;
540468, 4813835; 540665, 4814020;
541035, 4814078; 541111, 4814242;
541387, 4814155; 541697, 4814145;
541614, 4814430; 541398, 4814453;
541267, 4814582; 541384, 4814687;
541631, 4814677; 541778, 4814783;
541771, 4815005; 541838, 4815055;
541757, 4815147; 541837, 4815246;
541998, 4815167; 542011, 4815087;
542233, 4815063; 542343, 4815243;
542596, 4815374; 542589, 4815484;
542888, 4815491; 542887, 4815838;
543172, 4815884; 543443, 4816090;
543579, 4815936; 543671, 4816091;
543739, 4816011; and excluding land
bound by 548917, 4812851; 548519,
4812842; 548512, 4812031; 548917,
4812034; 548906, 4811635; 549299,
4811637; 549306, 4812448; 548914,
4812446; 548911, 4812831; 549303,
4812860; 549313, 4813246; 548915,
4813243; 548917, 4812851.

(V) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 558902, 4833997; 559270, 4833775;
559566, 4833719; 559795, 4833509;
559951, 4833827; 560715, 4833969;
560808, 4833667; 560182, 4833108;
560118, 4833174; 560763, 4832392;
561432, 4831730; 561569, 4831500;
561751, 4831302; 561932, 4831227;
562231, 4830865; 562160, 4830303;
561996, 4830012; 562038, 4829685;
562160, 4829660; 562155, 4829565;
562658, 4829459; 563248, 4829491;
563410, 4829599; 563429, 4829460;
563341, 4829298; 563678, 4829031;
563731, 4828909; 563566, 4828702;
563694, 4828537; 563930, 4828428;
563919, 4828310; 564082, 4828084;
564032, 4828052; 564083, 4827942;
564220, 4827826; 564297, 4827549;
564799, 4827500; 564915, 4827546;
564911, 4827957; 564775, 4828007;
564825, 4828207; 564902, 4828208;
564930, 4828652; 565239, 4828603;
565299, 4827742; 565364, 4827647;
565164, 4827315; 565621, 4827298;
565736, 4827038; 565897, 4826849;
566083, 4826733; 566287, 4826748;
566531, 4826398; 566817, 4826216;
567186, 4826828; 567269, 4826823;
567361, 4826650; 567510, 4826574;
567520, 4826857; 567375, 4827222;
567561, 4827244; 567675, 4827399;
567785, 4827407; 567818, 4827291;
567735, 4827187; 567706, 4826859;
567868, 4826713; 567882, 4826623;
567716, 4826525; 567624, 4826042;
566904, 4826042; 566900, 4825816;
566752, 4825802; 566394, 4825554;
566128, 4825808; 565909, 4825787;
565793, 4825843; 565713, 4825734;
565325, 4825723; 565237, 4825452;
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565447, 4824387; 565474, 4824227;
565406, 4824007; 565277, 4824000;
565156, 4823863; 565202, 4823812;
564824, 4823712; 564908, 4823617;
564574, 4823488; 564589, 4823683;
564458, 4823817; 563682, 4823367;
563284, 4823318; 563124, 4823233;
563021, 4823277; 564095, 4824139;
563998, 4824165; 564005, 4824109;
563882, 4824022; 563764, 4824094;
563800, 4824218; 563579, 4824666;
563366, 4824911; 563176, 4824817;
563116, 4824662; 562944, 4824512;
562837, 4824178; 562640, 4824053;
562537, 4823897; 562290, 4823883;
561627, 4824160; 561305, 4824157;
561201, 4824076; 560986, 4824043;
560629, 4824465; 560410, 4824216;
559953, 4824225; 559824, 4824119;
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558119, 4823574; 557889, 4823689;
557712, 4823509; 557576, 4823483;
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556401, 4824448; 556474, 4824585;
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556015, 4824797; 555981, 4825148;
555870, 4825147; 555790, 4825029;
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555189, 4825364; 555089, 4825486;
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550343, 4825605; 550155, 4825713;
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553102, 4826567; 553376, 4826968;
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553939, 4825725; 554132, 4825662;
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554876, 4827218; 554857, 4827317;
554979, 4827515; 554978, 4827633;
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554950, 4827978; 555086, 4827936;
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555571, 4828193; 555692, 4828539;
555486, 4828803; 555900, 4829424;
555999, 4829431; 556192, 4829272;
556146, 4829524; 556292, 4829770;
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557083, 4830102; 557110, 4830192;
557288, 4830293; 557393, 4830281;
557425, 4830121; 557487, 4830097;
557596, 4830369; 557842, 4830415;
557960, 4830366; 557934, 4830520;
558285, 4830560; 558055, 4830731;
558003, 4831058; 558218, 4831207;
558218, 4831275; 558397, 4831277;
558439, 4831351; 558338, 4831653;
558133, 4831824; 558398, 4831869;
558435, 4831925; 558321, 4832189;
558272, 4832226; 558124, 4832175;
558043, 4832224; 558020, 4832351;
558516, 4833037; 558720, 4833429;
558807, 4833752; 558729, 4833867;
558779, 4834086; 558743, 4834451;
558867, 4834286; 558902, 4833997; and
excluding land bound by 556617,
4829322; 556532, 4829231; 556724,
4829134; 556902, 4829259; 557038,
4829235; 557202, 4829477; 557090,
4829575; 557010, 4829556; 557001,
4829626; 556712, 4829477; 556617,
4829322.

(W) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 525100, 4857057; 525249, 4856814;
525719, 4856552; 526081, 4856199;
526358, 4856091; 526758, 4855797;
526752, 4855578; 526886, 4855579;
527557, 4855328; 527559, 4854777;
528144, 4854773; 528149, 4855126;
528617, 4855186; 528956, 4855188;
529133, 4855124; 529134, 4854790;
529649, 4854792; 530051, 4854356;
530054, 4853623; 530136, 4853623;
530279, 4853341; 530294, 4852846;
530489, 4852571; 531538, 4852280;
531540, 4851952; 531932, 4851954;
531935, 4851543; 532333, 4851545;
532335, 4851152; 532740, 4851200;
532739, 4851454; 533009, 4851440;
532739, 4851502; 532738, 4851566;
532835, 4851560; 532899, 4851657;
533125, 4851497; 533119, 4851414;
533532, 4851159; 533912, 4851019;
534282, 4850593; 534854, 4850400;
535197, 4850081; 535262, 4849933;
535277, 4849554; 535426, 4849278;
536128, 4848988; 536753, 4848883;
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536880, 4848356; 537157, 4847986;
537361, 4847835; 537599, 4847857;
537795, 4847761; 537870, 4847530;
537797, 4847057; 537443, 4846397;
537523, 4846115; 537287, 4846113;
537303, 4846047; 537623, 4845999;
537681, 4845773; 537671, 4845400;
537522, 4845419; 537510, 4845341;
537356, 4845353; 537357, 4845103;
537447, 4845090; 537449, 4844846;
537647, 4844847; 537567, 4844528;
537484, 4844531; 537489, 4843765;
537103, 4843763; 537105, 4843377;
537876, 4843382; 537875, 4843735;
538044, 4843736; 538598, 4843434;
539377, 4843382; 539066, 4843349;
539067, 4843163; 539459, 4843171;
539454, 4842978; 540241, 4842983;
540239, 4843194; 540400, 4843215;
540710, 4843062; 541128, 4843123;
543279, 4842810; 543951, 4842422;
545090, 4841490; 545197, 4840925;
545411, 4840669; 545779, 4840433;
545944, 4840224; 545984, 4840012;
546133, 4839859; 545850, 4839838;
545860, 4839439; 546027, 4839440;
546038, 4839258; 545937, 4839013;
545758, 4838838; 545791, 4838684;
545702, 4838567; 545729, 4838426;
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545634, 4837681; 545474, 4837571;
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545358, 4837283; 545067, 4837210;
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543123, 4837292; 543231, 4837269;
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544938, 4836912; 544694, 4836858;
542726, 4836891; 542758, 4836068;
541170, 4836057; 541174, 4835420;
539551, 4835404; 539584, 4831327;
538389, 4831327; 538399, 4830504;
537994, 4830502; 538010, 4829335;
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536544, 4828017; 536883, 4827758;
536800, 4827440; 536891, 4827126;
536612, 4826945; 536407, 4826353;
536020, 4826135; 535371, 4825638;
535147, 4825373; 534614, 4825490;
533719, 4825865; 532702, 4826893;
531803, 4827651; 531513, 4827996;
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531773, 4828894; 531559, 4829325;
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531169, 4831417; 530695, 4831809;
531065, 4832052; 531441, 4832079;
531913, 4832782; 531937, 4832933;
532404, 4833430; 533142, 4833741;
533366, 4834017; 534164, 4834617;
534219, 4834849; 534738, 4835146;
534852, 4835365; 534661, 4835646;
534890, 4836111; 534764, 4836297;
534840, 4837117; 534717, 4837296;
534810, 4837730; 534731, 4837991;
534780, 4838352; 534704, 4839116;
534800, 4839452; 534693, 4839625;
534460, 4839774; 534222, 4840049;
533875, 4840589; 533674, 4840662;
533206, 4840680; 532932, 4840887;
532928, 4841437; 532667, 4841905;
532556, 4842534; 532711, 4843198;
532677, 4843358; 532228, 4843938;
532053, 4844002; 531939, 4844228;
531653, 4844321; 531420, 4844613;
530738, 4844999; 530240, 4845913;
529567, 4845843; 529259, 4845945;
529042, 4845672; 528820, 4845745;
528644, 4846048; 528745, 4846251;
528789, 4846619; 528940, 4846685;
528858, 4846907; 528484, 4847276;
528387, 4847533; 528180, 4847663;
528002, 4847896; 527959, 4848258;
527793, 4848440; 527761, 4848583;
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527087, 4848630; 526842, 4848767;
526642, 4848641; 526610, 4848860;
526459, 4848972; 526353, 4848959;
526189, 4849159; 525989, 4849108;
525971, 4849001; 525864, 4848938;
525726, 4849013; 525557, 4848981;
525747, 4848425; 525716, 4848362;
524946, 4848415; 524953, 4848184;
524784, 4847995; 524798, 4847814;
525357, 4847384; 525371, 4846801;
525159, 4846625; 524979, 4846160;
524409, 4846102; 524122, 4845875;
523774, 4845919; 523810, 4846014;
523764, 4846093; 523576, 4846237;
523414, 4845905; 523307, 4846048;
523225, 4846355; 522935, 4846811;
522827, 4847205; 522281, 4847585;
522098, 4847853; 521998, 4847709;
521904, 4847746; 521639, 4848290;
521711, 4848762; 521963, 4848764;
521963, 4849165; 523562, 4849212;
523548, 4851171; 522747, 4851178;
522741, 4851570; 521946, 4851579;

521941, 4852368; 520565, 4852350;
520494, 4857066; 522348, 4857131;
522349, 4856758; 522735, 4856759;
522734, 4857128; 525074, 4857136;
525100, 4857057; and excluding land
bound by 523156, 4855938; 523147,
4855134; 523970, 4855143; 523966,
4855953; 523156, 4855938; and
excluding land bound by 529234,
4853993; 529236, 4853613; 529924,
4853629; 529929, 4853995; 529234,
4853993.

(X) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 567027, 4858191; 567213, 4858045;
567417, 4858007; 567658, 4857778;
568204, 4857590; 568575, 4857575;
569036, 4857359; 569202, 4857369;
569648, 4856729; 569947, 4856466;
569507, 4855790; 568976, 4855476;
568577, 4855491; 568469, 4855349;
568296, 4855328; 567927, 4854558;
567935, 4854084; 568006, 4854000;
567977, 4853757; 568092, 4853620;
568015, 4853325; 568083, 4853257;
568121, 4853001; 568561, 4852898;
568865, 4852611; 569105, 4852509;
569606, 4852564; 569847, 4852351;
570320, 4852375; 570634, 4852302;
570936, 4852092; 571366, 4851995;
571447, 4851809; 571302, 4851592;
571314, 4851512; 571552, 4851425;
571837, 4851153; 572406, 4850009;
572125, 4849818; 571560, 4849793;
571430, 4849718; 571357, 4849756;
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570654, 4849120; 570850, 4848858;
570688, 4848464; 570783, 4847957;
571171, 4847423; 570776, 4847108;
570766, 4845539; 570555, 4845434;
570271, 4845090; 570072, 4845017;
569692, 4844454; 569481, 4844265;
569483, 4844117; 569750, 4843792;
569934, 4843357; 569702, 4843241;
569577, 4842928; 568306, 4842054;
567860, 4841546; 566937, 4841463;
566720, 4841054; 566686, 4840722;
566463, 4840494; 566522, 4840404;
566232, 4840362; 566049, 4840576;
565842, 4840159; 565772, 4839789;
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565000, 4838897; 564596, 4838771;
564242, 4838799; 564106, 4838946;
563868, 4838950; 563567, 4839105;
563072, 4839086; 562644, 4838761;
562649, 4838244; 562542, 4837874;
561842, 4837165; 561842, 4837087;
562030, 4836935; 561872, 4836734;
561761, 4836836; 561439, 4836884;
561206, 4837062; 560928, 4837169;
560739, 4837360; 560884, 4837488;
560661, 4837707; 560513, 4837705;
560178, 4837961; 559660, 4838029;
559139, 4838488; 559175, 4838541;
559360, 4838543; 559283, 4838801;
559172, 4838874; 559058, 4839131;
558836, 4839239; 558872, 4839351;

559055, 4839463; 559015, 4839758;
558867, 4839794; 558568, 4840160;
558788, 4840273; 558712, 4840494;
558492, 4840418; 558010, 4840597;
558082, 4840746; 558340, 4840785;
558779, 4841196; 558413, 4841277;
558180, 4841076; 558045, 4841171;
557881, 4841530; 557706, 4841657;
557653, 4841856; 557678, 4842108;
557870, 4842070; 557977, 4842127;
557805, 4842552; 557656, 4842699;
557518, 4843090; 557337, 4842684;
556791, 4842576; 556796, 4842724;
556653, 4842955; 556664, 4843116;
556786, 4843142; 556823, 4843381;
557119, 4843435; 556872, 4843577;
556689, 4843427; 556578, 4843426;
556466, 4843573; 556464, 4843758;
556607, 4844202; 556717, 4844314;
556527, 4844792; 556268, 4844900;
556340, 4845012; 556373, 4845418;
556483, 4845530; 556518, 4845715;
556439, 4846231; 556214, 4846525;
556172, 4847078; 556058, 4847336;
556094, 4847484; 556386, 4847856;
556385, 4848446; 556189, 4848182;
556669, 4848113; 555680, 4848281;
555857, 4848649; 555843, 4848777;
556223, 4848748; 556054, 4848972;
556309, 4849161; 556386, 4849194;
556501, 4848579; 556600, 4848597;
557663, 4849309; 557588, 4849493;
557514, 4849492; 557327, 4849675;
557364, 4849712; 557512, 4849677;
557732, 4849827; 557954, 4849828;
558100, 4849941; 558098, 4850125;
557984, 4850420; 557578, 4850416;
557391, 4850709; 557317, 4850709;
557171, 4850559; 557060, 4850558;
556688, 4850813; 556944, 4851037;
556764, 4851143; 556667, 4851059;
556540, 4851160; 556610, 4851354;
556738, 4851374; 556779, 4851200;
556867, 4851406; 557014, 4851407;
557234, 4851631; 557303, 4852075;
557227, 4852332; 557300, 4852407;
558149, 4852416; 558517, 4852530;
558848, 4852718; 558959, 4852608;
558961, 4852423; 559737, 4852431;
559883, 4852580; 560916, 4852628;
561028, 4852518; 561176, 4852519;
561362, 4852337; 561766, 4852636;
561801, 4852752; 561614, 4852793;
561607, 4852883; 561715, 4853019;
561864, 4852939; 561984, 4852971;
562088, 4853112; 561893, 4853207;
561879, 4853361; 562025, 4853491;
562310, 4853606; 562309, 4853712;
562159, 4853896; 562082, 4854227;
561820, 4854557; 561781, 4854741;
561407, 4855291; 561255, 4855696;
561733, 4855848; 562025, 4856184;
562172, 4856259; 562318, 4856482;
562352, 4856778; 563189, 4857968;
563261, 4858153; 563447, 4858044;
563668, 4858047; 563743, 4857973;
563889, 4858086; 564077, 4857755;
564298, 4857868; 564741, 4857873;

564924, 4857985; 565109, 4857950;
565182, 4858099; 565404, 4858064;
565553, 4857955; 565811, 4857994;
565886, 4857884; 566364, 4858037;
566624, 4857929; 566881, 4858005;
567027, 4858191; and excluding land
bound by 558316, 4841778; 558375,
4841721; 558483, 4841742; 558550,
4841896; 558476, 4842005; 558292,
4841930; 558076, 4842027; 558192,
4841990; 558187, 4841854; 558316,
4841778; and excluding land bound by
558626, 4841748; 558520, 4841712;
558633, 4841665; 558626, 4841748.

(Y) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 545207, 4876784; 546448, 4876773;
546445, 4877069; 547044, 4876907;
547399, 4877017; 547540, 4876967;
547644, 4876775; 549168, 4876779;
549219, 4876786; 549213, 4877087;
549364, 4877160; 549812, 4876539;
549782, 4876327; 549989, 4875556;
550732, 4875517; 550981, 4875731;
551290, 4875760; 551665, 4875454;
551786, 4875516; 552076, 4875949;
552350, 4876396; 552498, 4876792;
554985, 4876798; 555044, 4876466;
555211, 4876241; 555300, 4875937;
555360, 4875364; 555750, 4874533;
555966, 4873791; 555960, 4873441;
555747, 4872433; 555753, 4871820;
556428, 4871564; 556488, 4871223;
557218, 4870927; 557352, 4870760;
557328, 4870433; 557172, 4870183;
556922, 4870173; 556659, 4870042;
556430, 4869680; 556254, 4869171;
555842, 4868750; 555919, 4868563;
555808, 4868455; 555773, 4868307;
555814, 4867901; 555742, 4867716;
555856, 4867347; 555674, 4867124;
555602, 4866902; 555236, 4866603;
555274, 4866529; 555495, 4866531;
555830, 4866276; 555870, 4866177;
555857, 4866231; 556041, 4866418;
556094, 4866671; 556297, 4866833;
556308, 4866957; 556531, 4866916;
556514, 4866638; 556689, 4866399;
556794, 4866436; 556850, 4866375;
556845, 4866221; 556449, 4866279;
556236, 4865987; 555968, 4866024;
556018, 4865946; 556092, 4865947;
556317, 4865580; 556465, 4865581;
556575, 4865656; 556724, 4865473;
556984, 4865365; 556988, 4864959;
556915, 4864847; 556804, 4864920;
556730, 4864882; 556403, 4864362;
556112, 4863990; 556001, 4863952;
555747, 4863580; 555635, 4863653;
555303, 4863649; 555193, 4863574;
555269, 4863354; 554976, 4863055;
554977, 4862944; 554757, 4862831;
554684, 4862720; 554537, 4862718;
554427, 4862570; 554205, 4862678;
553909, 4862675; 553726, 4862563;
553538, 4862856; 553243, 4862853;
552912, 4862702; 552839, 4862627;
552841, 4862443; 552767, 4862405;

552357, 4862770; 552283, 4862770;
552101, 4862509; 551807, 4862432;
551588, 4862172; 551440, 4862170;
551257, 4862058; 551075, 4861760;
550521, 4861718; 550448, 4861643;
550337, 4861642; 550118, 4861418;
550007, 4861417; 549898, 4861305;
549926, 4861147; 549838, 4861122;
549889, 4861028; 549852, 4860940;
549411, 4861300; 549368, 4861281;
549157, 4860873; 549202, 4860767;
548974, 4860764; 548915, 4860660;
549097, 4860559; 549066, 4860484;
548853, 4860436; 548499, 4860643;
548565, 4860971; 548354, 4861216;
548433, 4861328; 548613, 4861267;
548742, 4861330; 548910, 4861297;
548717, 4861626; 548398, 4861754;
548412, 4861857; 548618, 4861928;
548617, 4862040; 548692, 4862041;
548731, 4861935; 548888, 4861817;
548952, 4861610; 549027, 4861661;
549026, 4861768; 549165, 4861643;
549257, 4861641; 549117, 4861814;
549074, 4862442; 548960, 4862773;
548813, 4862882; 548622, 4862625;
548516, 4862809; 548200, 4863005;
548322, 4863228; 548414, 4863204;
548388, 4863419; 548030, 4863454;
547964, 4863145; 547760, 4863249;
547727, 4863575; 547781, 4863748;
547973, 4863682; 548090, 4863782;
547616, 4864199; 547431, 4864198;
547356, 4864271; 547355, 4864418;
547054, 4864841; 546600, 4864459;
546566, 4863848; 546207, 4863556;
546068, 4863285; 545773, 4863045;
545806, 4862696; 544970, 4862975;
544705, 4863243; 544483, 4863718;
544152, 4864076; 543817, 4864234;
543712, 4864504; 543570, 4864599;
543655, 4865268; 543144, 4865684;
542918, 4865785; 542846, 4866010;
542411, 4866566; 542282, 4866707;
542101, 4866757; 541855, 4867000;
541724, 4867263; 541608, 4867037;
541009, 4866971; 540866, 4867003;
540940, 4867149; 540909, 4867354;
540884, 4867405; 540772, 4867391;
540396, 4867325; 540164, 4866922;
540039, 4867044; 539981, 4867019;
540025, 4866795; 539781, 4866857;
539656, 4866968; 539556, 4866957;
539293, 4867263; 539343, 4867435;
538961, 4867708; 538706, 4867774;
537986, 4868352; 538008, 4869150;
537204, 4869159; 537189, 4868367;
535772, 4868611; 534750, 4868528;
534171, 4868564; 533849, 4868665;
533457, 4868573; 532995, 4868274;
532475, 4868072; 531974, 4867980;
531398, 4867514; 530767, 4867517;
529964, 4867680; 529962, 4868278;
531001, 4868270; 531188, 4868213;
531554, 4868415; 531643, 4868531;
531836, 4868564; 531952, 4868558;
531914, 4868339; 532011, 4868327;
532048, 4868546; 532640, 4868510;

532928, 4868731; 533145, 4869040;
533344, 4869170; 533837, 4869149;
533859, 4870408; 534056, 4870788;
533835, 4871237; 533877, 4871823;
534027, 4872061; 534495, 4872424;
534641, 4872701; 534671, 4873183;
534747, 4873293; 535005, 4873321;
535019, 4873540; 534941, 4873643;
534651, 4873784; 534551, 4873942;
534224, 4873728; 533852, 4873630;
533672, 4873513; 533292, 4873691;
533068, 4873600; 533009, 4873812;
532951, 4873818; 532727, 4873469;
532646, 4873160; 531992, 4872764;
531730, 4872519; 531421, 4872569;
531285, 4872690; 531215, 4872619;
531114, 4872239; 530954, 4872142;
530414, 4872062; 530047, 4872150;
530056, 4874278; 530357, 4874286;
530344, 4876715; 537894, 4876768;
540338, 4876759; 541140, 4876633;
543541, 4876674; 544995, 4876763;
545089, 4877053; 545210, 4877183;
545207, 4876784; and excluding land
bound by 532274, 4868316; 532410,
4868271; 532409, 4868426; 532274,
4868451; 532274, 4868316.

(Z) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 566433, 4874497; 567104, 4874693;
567179, 4874314; 567989, 4874361;
568224, 4874633; 568604, 4874585;
568368, 4873702; 567884, 4873970;
567253, 4873827; 566921, 4873552;
566656, 4873444; 566682, 4873170;
566624, 4872960; 566490, 4873132;
566454, 4873866; 566179, 4874357;
565284, 4875023; 565017, 4875401;
564664, 4875513; 564270, 4875777;
564116, 4875930; 563995, 4876180;
562883, 4877208; 562826, 4877466;
562872, 4877749; 562647, 4878321;
563003, 4878441; 563147, 4878030;
563113, 4877514; 563357, 4877430;
563821, 4876992; 564217, 4876549;
564333, 4876192; 565018, 4875855;
565180, 4875689; 565334, 4875315;
565910, 4875051; 566433, 4874497.

(AA) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 562188, 4880533; 562341, 4880553;
562386, 4880679; 562479, 4880706;
562665, 4880547; 562666, 4880033;
562727, 4880010; 562678, 4879919;
562735, 4879683; 562366, 4879450;
562478, 4879878; 562403, 4879974;
562372, 4880252; 562204, 4880353;
562114, 4880569; 562152, 4880941;
562246, 4880807; 562164, 4880635;
562188, 4880533.

(BB) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 563683, 4882874; 563746, 4882754;
564537, 4882264; 564679, 4881949;
564655, 4881782; 563894, 4881507;
563751, 4881712; 563427, 4881685;
563135, 4881960; 563132, 4881815;
562822, 4881802; 562684, 4882144;
562692, 4882572; 562796, 4882590;

562947, 4882419; 563290, 4882654;
563027, 4882964; 562723, 4883075;
562437, 4883467; 562570, 4883619;
562910, 4883717; 562981, 4883554;
563549, 4883087; 563683, 4882874.

(CC) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 568337, 4890438; 569111, 4890443;
569104, 4890270; 570307, 4890294;
570743, 4890053; 570802, 4888674;
572423, 4888686; 572408, 4888660;
573449, 4890065; 573838, 4889793;
574187, 4889679; 574345, 4889555;
574671, 4889490; 574887, 4889229;
575277, 4889065; 575562, 4888811;
575776, 4888745; 576026, 4888779;
576360, 4888601; 576590, 4888228;
577040, 4887776; 577111, 4887520;
577257, 4887415; 577277, 4887240;
577481, 4886979; 577408, 4886784;
577412, 4886440; 576843, 4886433;
576971, 4886409; 577071, 4886165;
577036, 4885825; 577275, 4885750;
577706, 4885151; 577734, 4884971;
577865, 4884747; 578111, 4884634;
578204, 4884384; 578393, 4884161;
578286, 4883974; 578359, 4883717;
578323, 4883550; 578440, 4883410;
578355, 4882952; 578425, 4882413;
578528, 4882465; 578639, 4882267;
578571, 4882080; 578556, 4881649;
578568, 4881218; 578634, 4881013;
578407, 4880644; 578554, 4880182;
578703, 4880010; 578640, 4879926;
578623, 4879701; 578428, 4879345;
577948, 4879121; 577749, 4879118;
577512, 4878981; 577332, 4878991;
577058, 4878815; 578639, 4878799;
576338, 4878781; 576028, 4878867;
575681, 4878876; 575125, 4878992;
574920, 4879166; 574640, 4879129;
574503, 4879188; 574073, 4878755;
573641, 4878905; 573239, 4878876;
573142, 4878754; 573139, 4878521;
572716, 4878546; 572716, 4878978;
572275, 4879524; 571897, 4879631;
571443, 4879331; 570969, 4880141;
571106, 4880451; 571427, 4880714;
571866, 4881308; 571975, 4881859;
571833, 4882471; 571614, 4882796;
571260, 4883057; 570902, 4883155;
569988, 4883238; 570091, 4883598;
569842, 4883657; 569739, 4883600;
569606, 4883672; 569479, 4883621;
569163, 4883745; 568997, 4883685;
568659, 4883696; 568512, 4883793;
568003, 4883877; 567528, 4883842;
567258, 4883894; 566765, 4883819;
566502, 4884004; 566477, 4884256;
566291, 4884300; 566054, 4884493;
565941, 4884453; 565585, 4884580;
565321, 4884593; 564891, 4885068;
564602, 4885111; 564343, 4885067;
563658, 4885232; 563606, 4885344;
563345, 4885355; 562863, 4885598;
563507, 4886524; 563844, 4886633;
564352, 4886563; 564909, 4886675;
565700, 4886464; 566075, 4886567;

566090, 4886912; 565388, 4887043;
564900, 4887398; 564886, 4887650;
565165, 4888630; 565575, 4888647;
565566, 4889052; 565950, 4889056;
565955, 4889459; 567099, 4889471;
567123, 4890257; 567522, 4890261;
567536, 4890645; 568341, 4890633;
568337, 4890438.

(DD) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 589784, 4895977; 591033, 4896017;
591043, 4895645; 590911, 4895073;
591054, 4894974; 591070, 4894409;
589626, 4894365; 589175, 4893961;
589228, 4893667; 589176, 4893554;
589343, 4893445; 589273, 4893340;
589080, 4893309; 588918, 4893464;
588791, 4893487; 588528, 4893410;
588472, 4893448; 588563, 4893349;
588522, 4893295; 588289, 4893510;
588097, 4893394; 587955, 4892933;
588017, 4892940; 587976, 4892809;
587867, 4892788; 587775, 4892893;
587419, 4892814; 587350, 4892630;
587380, 4892586; 587457, 4892618;
587461, 4892549; 587337, 4892359;
587231, 4892374; 587318, 4892111;

587428, 4891970; 587531, 4891942;
587515, 4891865; 587270, 4891926;
587046, 4892073; 586700, 4892033;
586656, 4891999; 586713, 4891709;
586591, 4891783; 586378, 4891786;
586380, 4891479; 586105, 4891496;
585883, 4891296; 585990, 4891109;
585988, 4890893; 585773, 4891077;
585600, 4891070; 585409, 4890956;
585180, 4890955; 584970, 4891142;
584965, 4890875; 584931, 4890819;
584862, 4890837; 584841, 4890924;
584694, 4891032; 584749, 4892094;
584942, 4892180; 585252, 4892445;
585550, 4892465; 585709, 4892596;
585949, 4892522; 586089, 4892562;
586392, 4892920; 586642, 4893013;
586711, 4893105; 586535, 4893365;
586367, 4893408; 586143, 4893322;
585966, 4893544; 585973, 4893982;
586170, 4894158; 586171, 4894583;
585878, 4894610; 585702, 4894412;
585496, 4894306; 585482, 4894403;
585728, 4894932; 585346, 4895029;
585338, 4895206; 585483, 4895275;
585714, 4895222; 585628, 4895810;
585955, 4895873; 586637, 4896306;

587202, 4896365; 587259, 4897181;
588031, 4897683; 588528, 4898294;
589576, 4898311; 589830, 4897094;
589623, 4896981; 589784, 4895977.

(EE) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 584001, 4900035; 584066, 4899762;
583898, 4899473; 583741, 4899361;
583528, 4899322; 583263, 4899599;
583265, 4899910; 584001, 4900035.

(FF) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 583743, 4904124; 583832, 4904063;
583840, 4903437; 583746, 4903423;
583550, 4903533; 583353, 4904238;
583466, 4904259; 583743, 4904124.

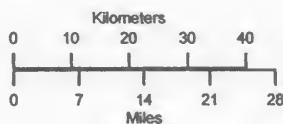
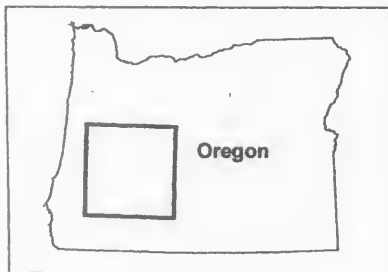
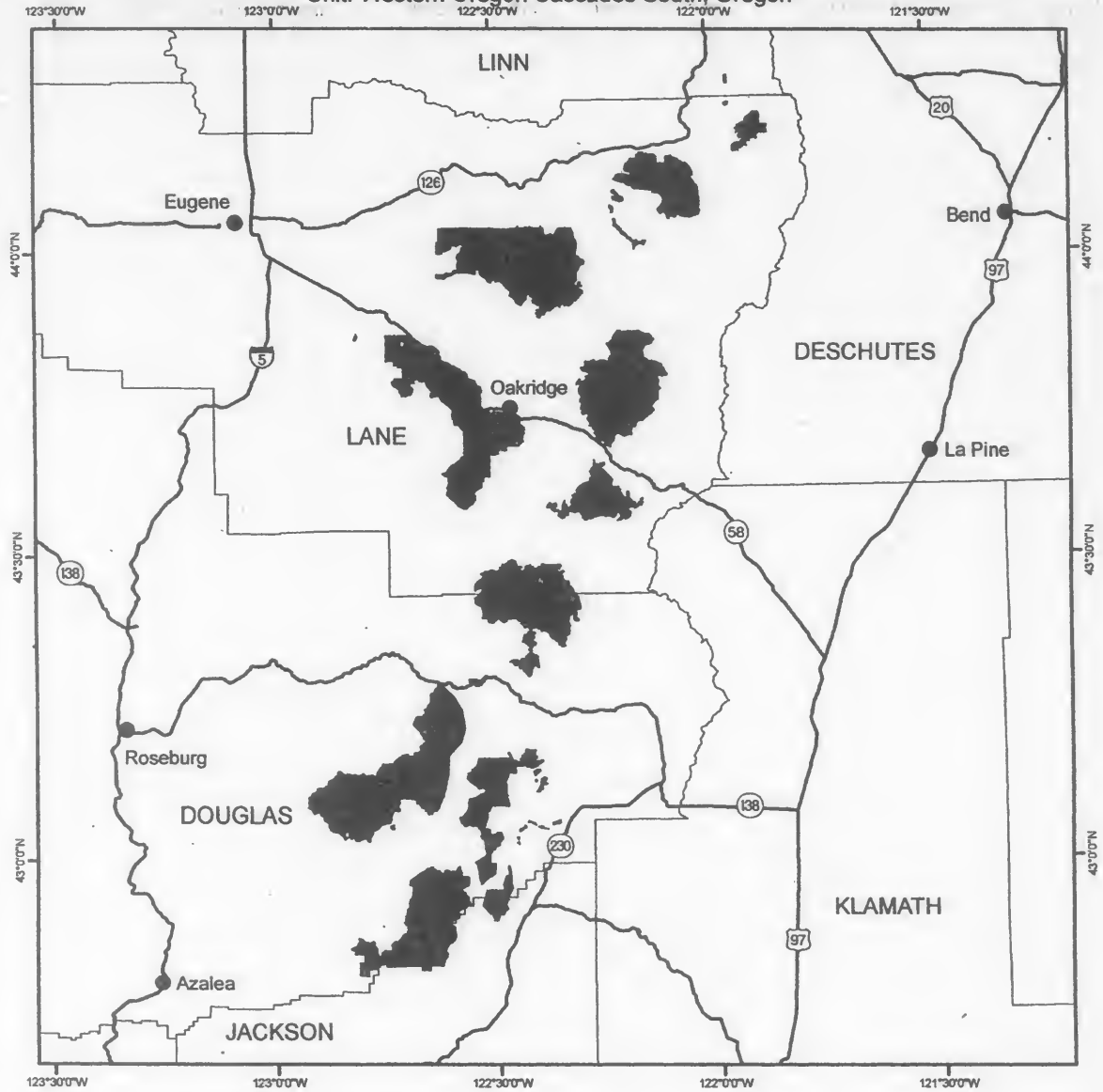
(GG) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 583834, 4904326; 583526, 4904466;
583359, 4904790; 583369, 4904928;
583637, 4905094; 583831, 4905103;
583834, 4904326.

(iii) Note: Map of Western Oregon
Cascades South Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Western Oregon Cascades South, Oregon



	Critical Habitat
	Cities
	Highways
	Counties

(20) Willamette/North Umpqua Unit (Unit 13). Douglas and Lane Counties, Oregon.

(i) The Willamette/North Umpqua Unit consists of 118, 500 ac (48, 000 ha) and is comprised of lands managed by the Eugene and Roseburg BLM Districts.

(ii) From USGS 1:24, 000 scale quadrangles Beaver Creek, Blue Mountain, Burnt Mountain, Chilcoot Mountain, Clay Creek, Cottage Grove, Cottage Grove Lake, Curtin, Drain, Elkton, Fairview Peak, Gunter, Harness Mountain, Harrington Creek, High Point, Letz Creek, Putnam Valley, Scaredman Creek, Scotts Valley, Silica Mountain, Yellow Butte, and Yoncalla.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 519356, 4809430; 520904, 4809430; 520937, 4807802; 519321, 4807771; 519356, 4809430.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 516119, 4814219; 516128, 4812627; 514530, 4812651; 514520, 4814234; 516119, 4814219.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 507114, 4817226; 508699, 4817335; 508748, 4815751; 507143, 4815679; 507114, 4817226.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468798, 4818569; 468779, 4816954; 467159, 4816963; 467181, 4818589; 468798, 4818569.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465548, 4818598; 465546, 4817792; 466360, 4817783; 466364, 4818192; 466770, 4818185; 466760, 4817373; 465546, 4817386; 465546, 4816979; 463937, 4816990; 463912, 4818604; 465548, 4818598.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 507114, 4817226; 505523, 4817106; 505507, 4818684; 507096, 4818761; 507114, 4817226.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468798, 4818569; 469015, 4820171; 470330, 4820153; 470406, 4818557; 468798, 4818569.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463912, 4818604; 462354, 4818580; 462362, 4820174; 464237, 4820187; 463912, 4818604.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505507, 4818684; 504713, 4818647; 504709, 4819475; 504313, 4819452; 504315, 4819040; 503918, 4819020; 503916, 4820255; 505494, 4820353; 505507, 4818684.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 508683, 4818837; 507096, 4818761; 507092, 4820403; 508663, 4820451; 508683, 4818837.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462358, 4821751; 462362, 4820174; 460792, 4820176; 460793, 4821767; 462358, 4821751.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 503916, 4820255; 502337, 4820151; 502344, 4821721; 503905, 4821902; 503916, 4820255.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 508656, 4822059; 509042, 4822065; 509048, 4821265; 508659, 4821255; 508656, 4822059.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 507106, 4822065; 507092, 4820403; 505494, 4820353; 505464, 4822058; 507106, 4822065.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 514473, 4822079; 514495, 4820514; 512889, 4820516; 512826, 4822103; 514473, 4822079.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 512049, 4822088; 511253, 4822085; 511232, 4822488; 512017, 4822496; 512049, 4822088.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499406, 4823158; 499378, 4821551; 497769, 4821555; 497791, 4823159; 499406, 4823158.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465401, 4823330; 465239, 4822937; 464874, 4822947; 465049, 4823342; 465401, 4823330.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463944, 4821773; 462358, 4821751; 462354, 4823328; 464696, 4823352; 463944, 4821773.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 467532, 4823244; 467536, 4822508; 467836, 4822493; 467615, 4821715; 468833, 4821684; 468865, 4822061; 468079, 4822091; 468137, 4822478; 468898, 4822439; 468964, 4823194; 470399, 4823265; 470475, 4821709; 470064, 4821704; 470069, 4821318; 469267, 4821310; 469293, 4820928; 468924, 4820928; 469015, 4820171; 467589, 4820154; 467181, 4818589; 465548, 4818598; 466157, 4820214; 464237, 4820187; 463944, 4821773; 465165, 4821764; 465753, 4823318; 465630, 4823404; 465750, 4823525; 466080, 4823399; 466105, 4823306; 467532, 4823244; and excluding land

bound by 465979, 4821750; 466247, 4820975; 465862, 4820987; 466010, 4820600; 466752, 4820574; 466389,

4821742; 465979, 4821750; and excluding land bound by 469653, 4821698; 469667, 4822463; 469282, 4822451; 469242, 4821694; 469653, 4821698.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 519356, 4809430; 517745, 4809430; 517742, 4810230; 516937, 4810229; 516935, 4811028; 516130, 4811026; 516128, 4812627; 517726, 4812627; 517716, 4814228; 518515, 4814218; 518499, 4815786; 517702, 4815780; 517716, 4814228; 516119, 4814219; 516114, 4815399; 515715, 4815401; 515713, 4815795; 514515, 4815803; 514511, 4817372; 513315, 4817373; 513318, 4816977; 513708, 4816981; 513714, 4816583; 512930, 4816579; 512933, 4815793; 513329, 4815795; 513325, 4816189; 513719, 4816191; 513724, 4815798; 514515, 4815803; 514520, 4814234; 512947, 4814212; 512940, 4815002; 511750, 4815011; 511741, 4815805; 510261, 4815817; 510292, 4817339; 508699, 4817335; 508683, 4818837; 510268, 4818913; 510277, 4818518; 511332, 4818528; 511339, 4818134; 510944, 4818129; 510959, 4817346; 511353, 4817350; 511346, 4817742; 512135, 4817750; 512130, 4818142; 512525, 4818146; 512520, 4818540; 512124, 4818536; 512119, 4818925; 510271, 4818914; 510225, 4820503; 512889, 4820516; 512912, 4818929; 514500, 4818939; 514495, 4820514; 516116, 4820525; 516130, 4822015; 514473, 4822079; 514423, 4823636; 520090, 4823608; 520077, 4822863; 519676, 4822827; 519660, 4822071; 518862, 4822046; 518852, 4821286; 517673, 4821240; 517607, 4820509; 517641, 4819735; 518046, 4819740; 518070, 4818960; 519263, 4818966; 519268, 4818180; 520859, 4818187; 520867, 4811023; 519343, 4811023; 519356, 4809430; and excluding land bound by 517694, 4816576; 517687, 4817373; 516895, 4817372; 516901, 4816579; 517694, 4816576; and excluding land bound by 515408, 4818151; 515397, 4818946; 515294, 4818945; 515314, 4818162; 515408, 4818151.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 508650, 4823643; 508651, 4823247; 509034, 4823252; 509037, 4822856; 508653, 4822851; 508656, 4822059; 507106, 4822065; 507098, 4823642; 508650, 4823643.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 510176, 4823661; 511170, 4823690; 511190, 4823290; 511572, 4823299; 511598, 4822897; 510824, 4822883; 510855, 4822084; 510201, 4822082; 510176, 4823661.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468964, 4823194; 467532, 4823244; 467449, 4824829; 468878, 4824704; 468964, 4823194.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497803, 4824776; 497791, 4823159; 496178, 4823178; 496197, 4824848; 497803, 4824776.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 503895, 4823392; 503507, 4823380; 503506, 4822988; 503892, 4823005; 503895, 4823392; 505501, 4823572; 505501, 4823186; 505893, 4823202; 505868, 4822440; 505483, 4822429; 505464, 4822058; 503905, 4821902; 503889, 4822618; 503505, 4822597; 503510, 4822227; 503123, 4822193; 503121, 4822575; 502342, 4822532; 502344, 4821721; 501023, 4821717; 501048, 4823190; 499406, 4823158; 499427, 4824765; 501069, 4824806; 501066, 4824549; 501574, 4824538; 501574, 4824141; 502329, 4824128; 502318, 4824913; 503875, 4824957; 503895, 4823392.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 510176, 4823661; 508650, 4823643; 508590, 4825175; 509371, 4825207; 509381, 4824818; 508993, 4824805; 509019, 4824033; 509403, 4824041; 509392, 4824430; 510164, 4824450; 510176, 4823661.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 514431, 4825208; 514423, 4823636; 512674, 4823733; 512770, 4825255; 514431, 4825208.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497803, 4824776; 497733, 4825589; 498169, 4825601; 498184, 4825185; 498591, 4825188; 498592, 4824762; 497803, 4824776.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 510384, 4826426; 510401, 4825240; 510152, 4825240; 510134, 4826424; 510384, 4826426.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496185, 4825660; 496191, 4825254; 494568, 4825255; 494573, 4826484; 495775, 4826484; 495782, 4825661; 496185, 4825660.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505438, 4826554; 505435, 4824971; 503875, 4824957; 503888, 4826547; 505438, 4826554.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 508590, 4825175; 507382, 4825086; 507398, 4824712; 506979, 4824685; 506978, 4824314; 507098, 4823642; 505501, 4823572; 505435, 4824971;

506980, 4825056; 506994, 4826672; 508564, 4826756; 508590, 4825175.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 514431, 4825208; 514358, 4826812; 515946, 4826820; 516045, 4825206; 514431, 4825208.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 512770, 4825255; 512380, 4825249; 512375, 4826049; 511981, 4826045; 511985, 4825644; 511190, 4825640; 511180, 4826434; 510384, 4826426; 510379, 4826821; 512769, 4826849; 512770, 4825255.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 486118, 4827294; 486115, 4826893; 485710, 4826893; 485714, 4827293; 486118, 4827294.

(KK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 514358, 4826812; 512769, 4826849; 512776, 4827626; 513172, 4827624; 513174, 4828017; 514365, 4828019; 514358, 4826812.

(LL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 491344, 4828080; 491338, 4826474; 490140, 4826483; 490139, 4826883; 489739, 4826884; 489738, 4828085; 491344, 4828080.

(MM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 493771, 4826483; 492968, 4826482; 492956, 4828086; 493358, 4828081; 493367, 4826884; 493768, 4826884; 493771, 4826483.

(NN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497316, 4827297; 496955, 4827292; 496954, 4828084; 497732, 4828088; 497734, 4827304; 497316, 4827297.

(OO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487329, 4828094; 487326, 4827692; 486524, 4827695; 486526, 4828097; 487329, 4828094.

(PP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 508564, 4826756; 508541, 4828048; 507082, 4828016; 507079, 4828389; 507832, 4828431; 507817, 4828817; 508591, 4828873; 508609, 4828048; 509735, 4828031; 509735, 4827944; 509337, 4827948; 509340, 4827560; 509736, 4827563; 509736, 4827183; 510130, 4827192; 510128, 4826818; 508564, 4826756.

(QQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 488933, 4828903; 489730, 4828899; 489737, 4828086; 488934, 4828088; 488933, 4828903.

(RR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 488131, 4828907; 488132, 4828499; 487731, 4828499; 487731, 4828905; 488131, 4828907.

(SS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 506994, 4826672; 505438, 4826554; 505416, 4828023; 504033, 4828034; 504012, 4829481; 505557, 4829476; 505549, 4828022; 507001, 4828016; 506994, 4826672.

(TT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496239, 4829673; 496245, 4828077; 495846, 4828077; 495844, 4828469; 495033, 4828470; 495033, 4828867; 495449, 4828868; 495451, 4829667; 496239, 4829673.

(UU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 491344, 4828080; 491344, 4828282; 491802, 4828288; 491802, 4828488; 491803, 4828689; 491345, 4828687; 491347, 4829700; 492208, 4829697; 492207, 4829294; 492610, 4829293; 492605, 4828089; 491344, 4828080.

(VV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 488933, 4828903; 488131, 4828907; 488130, 4829710; 488531, 4829710; 488532, 4829307; 488933, 4829307; 488933, 4828903.

(WW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 502430, 4829471; 502469, 4828046; 503852, 4828035; 503888, 4826547; 502327, 4826506; 502345, 4828047; 501049, 4828062; 501066, 4826552; 502327, 4826506; 502318, 4824913; 501066, 4824951; 501066, 4826403; 499414, 4826454; 499458, 4827255; 499330, 4828089; 497831, 4828088; 497846, 4829694; 499472, 4829714; 499480, 4828086; 500895, 4828064; 500670, 4829263; 501481, 4829255; 502430, 4829471.

(XX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 489727, 4829325; 489330, 4829316; 489326, 4829730; 489719, 4829751; 489727, 4829325.

(YY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 504012, 4829481; 502430, 4829471; 502385, 4829849; 504012, 4829876; 504012, 4829481.

(ZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 512769, 4830059; 512778, 4828443; 511589, 4828428; 511584, 4829242; 510398, 4829206; 510456, 4829626; 510191, 4829621; 510188, 4830041; 512769, 4830059.

(AAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499472, 4829714; 499451, 4831294; 500254, 4831291; 500263, 4830498; 500749, 4830494; 500753, 4829700; 499472, 4829714.

(BBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497841, 4831296; 497846, 4829694;

496239, 4829673; 496226, 4831299;
497841, 4831296.

(CCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 488130, 4829710; 486537, 4829703; 486545, 4830908; 487338, 4830909; 487339, 4831308; 488130, 4831307; 488130, 4829710.

(DDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 491351, 4831319; 491347, 4829700; 490940, 4829704; 490943, 4830114; 490538, 4830123; 490539, 4830543; 489728, 4830566; 489734, 4831390; 491351, 4831319.

(EEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505149, 4831859; 505532, 4831868; 505578, 4831050; 504400, 4831059; 504392, 4831450; 505168, 4831456; 505149, 4831859.

(FFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 484926, 4832114; 486554, 4832113; 486548, 4831310; 485739, 4831312; 485740, 4831713; 484928, 4831715; 484926, 4832114.

(GGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 484926, 4832514; 484926, 4832114; 484525, 4832118; 484526, 4832516; 484926, 4832514.

(HHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505149, 4831859; 504766, 4831850; 504751, 4832262; 504351, 4832255; 504319, 4832669; 505111, 4832681; 505149, 4831859.

(III) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 507089, 4832674; 507857, 4832712; 507870, 4832275; 507480, 4832267; 507486, 4831840; 507090, 4831842; 507089, 4832674.

(JJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499451, 4831294; 497841, 4831296; 497832, 4832888; 499436, 4832887; 499451, 4831294.

(KKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496228, 4832890; 496226, 4831299; 494628, 4831290; 494634, 4832494; 495032, 4832494; 495034, 4832894; 496228, 4832890.

(LLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 484926, 4832514; 484926, 4832913; 486559, 4832916; 486556, 4832514; 484926, 4832514.

(MMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 491351, 4831319; 491353, 4832129; 491815, 4832124; 491816, 4832528; 491354, 4832534; 491354, 4832939; 492624, 4832920; 492622, 4832517; 492219, 4832523; 492216, 4831715; 491814, 4831719; 491812, 4831315; 491351, 4831319.

(NNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505886, 4832781; 505886, 4832684; 505485, 4832687; 505486, 4833084; 505885, 4833084; 505886, 4832781.

(OOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 494634, 4833299; 494636, 4832895; 494234, 4832900; 494231, 4833304; 494634, 4833299.

(PPP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505884, 4833484; 505487, 4833480; 505488, 4833876; 505883, 4833884; 505884, 4833484.

(QQQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 507089, 4832674; 506287, 4832681; 506279, 4833891; 506674, 4833899; 506683, 4833084; 507082, 4833085; 507089, 4832674.

(RRR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497816, 4834490; 497832, 4832888; 496228, 4832890; 496212, 4834502; 497816, 4834490.

(SSS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 491354, 4832939; 489736, 4832896; 489724, 4834502; 491347, 4834534; 491354, 4832939.

(TTT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 488138, 4834522; 488134, 4832896; 489736, 4832896; 489734, 4831390; 489329, 4831369; 489331, 4832129; 488937, 4832123; 488938, 4832047; 489274, 4832043; 489273, 4831367; 488526, 4831328; 488528, 4831720; 488131, 4831704; 488133, 4832895; 486559, 4832916; 486547, 4834537; 488138, 4834522.

(UUU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 491347, 4834534; 491343, 4835331; 491800, 4835334; 491804, 4834533; 491347, 4834534.

(VVV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 502334, 4834603; 501936, 4834591; 501937, 4835389; 502334, 4835398; 502334, 4834603.

(WWW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 501540, 4835379; 501142, 4835370; 501143, 4835771; 501540, 4835779; 501540, 4835379.

(XXX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 478817, 4835781; 478815, 4834569; 478413, 4834571; 478415, 4835784; 478817, 4835781.

(YYY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499419, 4836080; 499426, 4834480; 497816, 4834490; 497795, 4836092; 499419, 4836080.

(ZZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496231, 4836120; 496212, 4834502; 495419, 4834506; 495425, 4836123; 496231, 4836120.

(AAAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 489719, 4836117; 489724, 4834507; 488138, 4834522; 488167, 4836126; 489719, 4836117.

(BBBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 486561, 4836133; 486547, 4834537; 484907, 4834534; 484911, 4834936; 485724, 4834937; 485729, 4835738; 484918, 4835735; 484921, 4836133; 486561, 4836133.

(CCCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 481638, 4836148; 482132, 4836148; 482129, 4835746; 481637, 4835745; 481638, 4836148.

(DDDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 483319, 4836149; 483317, 4834943; 482919, 4834943; 482921, 4835345; 482524, 4835344; 482528, 4836148; 483319, 4836149.

(EEEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 480022, 4836173; 480020, 4835367; 479217, 4835374; 479219, 4836181; 480022, 4836173.

(FFFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 451220, 4836406; 451241, 4834792; 449969, 4834822; 449980, 4835620; 450392, 4835613; 450397, 4836017; 449986, 4836024; 449992, 4836428; 451220, 4836406.

(GGGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 489719, 4836117; 489718, 4837721; 490525, 4837722; 490526, 4837323; 490930, 4837324; 490932, 4836924; 491336, 4836926; 491340, 4836129; 489719, 4836117.

(HHHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497816, 4837724; 497855, 4836131; 496231, 4836120; 496224, 4836523; 497036, 4836518; 497027, 4836927; 496622, 4836926; 496605, 4837732; 497816, 4837724.

(IIII) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 481641, 4837745; 481637, 4836148; 480022, 4836173; 480031, 4837760; 481641, 4837745.

(JJJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 456105, 4837950; 456032, 4836309; 454442, 4836305; 454538, 4837968; 456105, 4837950.

(KKKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496203, 4837735; 496210, 4837330; 495966, 4837331;

495975, 4838061; 496202, 4838059; 496203, 4837735.

(LLLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 485674, 4837713; 484874, 4837709; 484875, 4838113; 485674, 4838116; 485674, 4837713.

(MMMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 483270, 4838130; 483269, 4837726; 482467, 4837735; 482467, 4838138; 483270, 4838130.

(NNNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 481641, 4837745; 481643, 4838147; 482065, 4838142; 482066, 4837739; 481641, 4837745.

(OOOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 489718, 4837721; 488156, 4837721; 488167, 4836126; 486561, 4836133; 486475, 4837718; 486878, 4837719; 486920, 4836936; 487745, 4836933; 487732, 4837333; 487302, 4837336; 487283, 4837719; 488091, 4837721; 488107, 4839322; 489726, 4839328; 489718, 4837721.

(PPPP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499419, 4836080; 499407, 4837288; 498998, 4837293; 498988, 4837749; 497816, 4837724; 497801, 4839344; 499413, 4839368; 499417, 4837761; 500208, 4837768; 500225, 4836063; 499419, 4836080.

(QQQQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465499, 4839460; 467110, 4839467; 467083, 4837884; 465490, 4837889; 465499, 4839460.

(RRRR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 470335, 4839465; 470325, 4838665; 469519, 4838668; 469524, 4839067; 468718, 4839069; 468723, 4839468; 470335, 4839465.

(SSSS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460804, 4839484; 460758, 4837923; 459207, 4837932; 459230, 4839535; 460804, 4839484.

(TTTT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 456105, 4837950; 456086, 4839515; 457706, 4839536; 457656, 4837940; 456105, 4837950.

(UUUU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497801, 4839344; 496601, 4839342; 496599, 4840144; 497002, 4840144; 497002, 4840545; 496598, 4840545; 496597, 4840946; 497809, 4840948; 497801, 4839344.

(VVVV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 489718, 4840944; 490937, 4840950; 490936, 4840547; 490531, 4840544; 490532, 4839737; 489722, 4839732; 489718, 4840944.

(WWWW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 488107, 4839322; 486879, 4839324; 486884, 4839728; 486477, 4839727; 486494, 4840930; 488117, 4840956; 488107, 4839322.

(XXXX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499413, 4839368; 499400, 4840960; 500992, 4840978; 501001, 4839360; 499413, 4839368.

(YYYY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460804, 4839484; 460737, 4840967; 462423, 4841019; 462367, 4839465; 460804, 4839484.

(ZZZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465520, 4841034; 465499, 4839460; 463905, 4839471; 463933, 4841038; 465520, 4841034.

(AAAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468723, 4839468; 467110, 4839467; 467130, 4841052; 468740, 4841061; 468723, 4839468.

(BBBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 470335, 4839465; 470345, 4841061; 471150, 4841067; 471139, 4839550; 470935, 4839551; 470934, 4839464; 470335, 4839465.

(CCCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499400, 4840960; 497809, 4840948; 497811, 4841349; 498208, 4841351; 498208, 4841751; 497813, 4841749; 497817, 4842551; 499387, 4842551; 499400, 4840960.

(DDDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 492963, 4842556; 492960, 4841760; 491767, 4841759; 491771, 4842565; 492963, 4842556.

(EEEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 489718, 4840944; 488117, 4840956; 488112, 4842580; 489316, 4842564; 489317, 4841756; 489718, 4841752; 489718, 4840944.

(FFFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460737, 4840967; 459236, 4841001; 459229, 4842579; 460734, 4842619; 460737, 4840967.

(GGGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 471967, 4842682; 473611, 4842651; 473609, 4841442; 472797, 4841458; 472796, 4841056; 471954, 4841073; 471967, 4842682.

(HHHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497817, 4842551; 497413, 4842553; 497402, 4843355; 497808, 4843351; 497817, 4842551.

(IIII) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 499387, 4842551; 499387, 4843354;

499786, 4843358; 499787, 4842557; 499387, 4842551.

(JJJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 492963, 4842556; 492958, 4843361; 493766, 4843369; 493770, 4842967; 494578, 4842974; 494582, 4842571; 492963, 4842556.

(KKKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462507, 4844122; 462493, 4843348; 462774, 4843354; 462772, 4842966; 462486, 4842960; 462479, 4842574; 460734, 4842619; 460855, 4844134; 462507, 4844122.

(LLLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 497792, 4844091; 497800, 4843754; 497395, 4843759; 497388, 4844164; 497791, 4844158; 497792, 4844091.

(MMMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496986, 4844092; 496991, 4843765; 496588, 4843770; 496582, 4844177; 496985, 4844171; 496986, 4844092.

(NNNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 471979, 4844295; 471985, 4845099; 471174, 4845079; 471169, 4845888; 470389, 4845875; 470393, 4846681; 471582, 4846699; 471584, 4847102; 470395, 4847083; 470398, 4847517; 471982, 4847514; 471988, 4846304; 471581, 4846297; 471580, 4845896; 473618, 4845874; 473615, 4844262; 471979, 4844295.

(OOOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468750, 4845836; 467165, 4845820; 467184, 4847557; 468758, 4847522; 468750, 4845836.

(PPPP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 466617, 4848782; 467025, 4848778; 467056, 4847560; 465829, 4847564; 465820, 4847973; 466228, 4847971; 466219, 4848379; 466627, 4848375; 466617, 4848782.

(QQQQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 466617, 4848782; 465802, 4848792; 465811, 4848383; 464996, 4848387; 464990, 4848797; 465395, 4848796; 465386, 4849207; 466608, 4849189; 466617, 4848782.

(RRRR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458219, 4850763; 459013, 4850770; 459004, 4849971; 458606, 4849967; 458611, 4850367; 458213, 4850363; 458219, 4850763.

(SSSS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460988, 4850386; 460991, 4850788; 462179, 4850790; 462176, 4850388; 460988, 4850386.

(TTTTT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465386, 4849207; 463780, 4849210; 463765, 4850838; 465347, 4850862; 465386, 4849207.

(UUUUU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465340, 4854006; 465314, 4852428; 463733, 4852422; 463900, 4854080; 465340, 4854006.

(VVVVV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457472, 4853934; 455881, 4853910; 455912, 4855488; 457484, 4855514; 457472, 4853934.

(WWWWW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465340, 4854006; 465613, 4854858; 465610, 4855671; 466938, 4855655; 466920, 4853996; 465340, 4854006.

(XXXXX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465610, 4855671; 464003, 4855719; 464052, 4857297; 465634, 4857261; 465610, 4855671.

(YYYYY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 459050, 4855539; 457484, 4855514; 457502, 4857385; 457894, 4857379; 457887, 4856707; 458279, 4856714; 458286, 4857373; 459070, 4857362; 459050, 4855539.

(ZZZZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 464052, 4857297; 462481, 4857332; 462469, 4858912; 464056, 4858868; 464052, 4857297.

(AAAAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462481, 4857332; 462478, 4855825; 464003, 4855719; 463900, 4854080; 462537, 4854180; 462194, 4852446; 463733, 4852422; 463765, 4850838; 462180, 4850867; 462193, 4852396; 460611, 4852390; 460613, 4853178; 460218, 4853175; 460218, 4852386; 460611, 4852390; 460594, 4850787; 459408, 4850775; 459426, 4851977; 458635, 4851968; 458629, 4851567; 458231, 4851563; 458219, 4850763; 457822, 4850759; 457810, 4849958; 458208, 4849962; 458202, 4849563; 456613, 4849543; 456619, 4849944; 456222, 4849939; 456217, 4849537; 456613, 4849543; 456608, 4849141; 457004, 4849146;

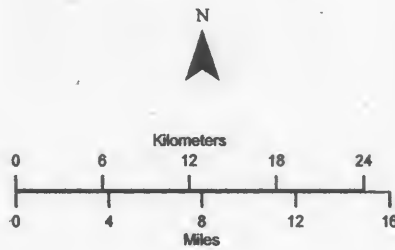
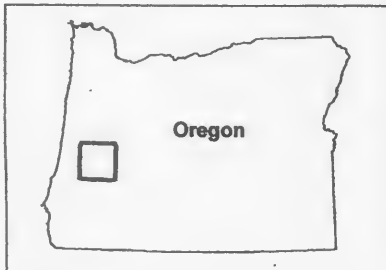
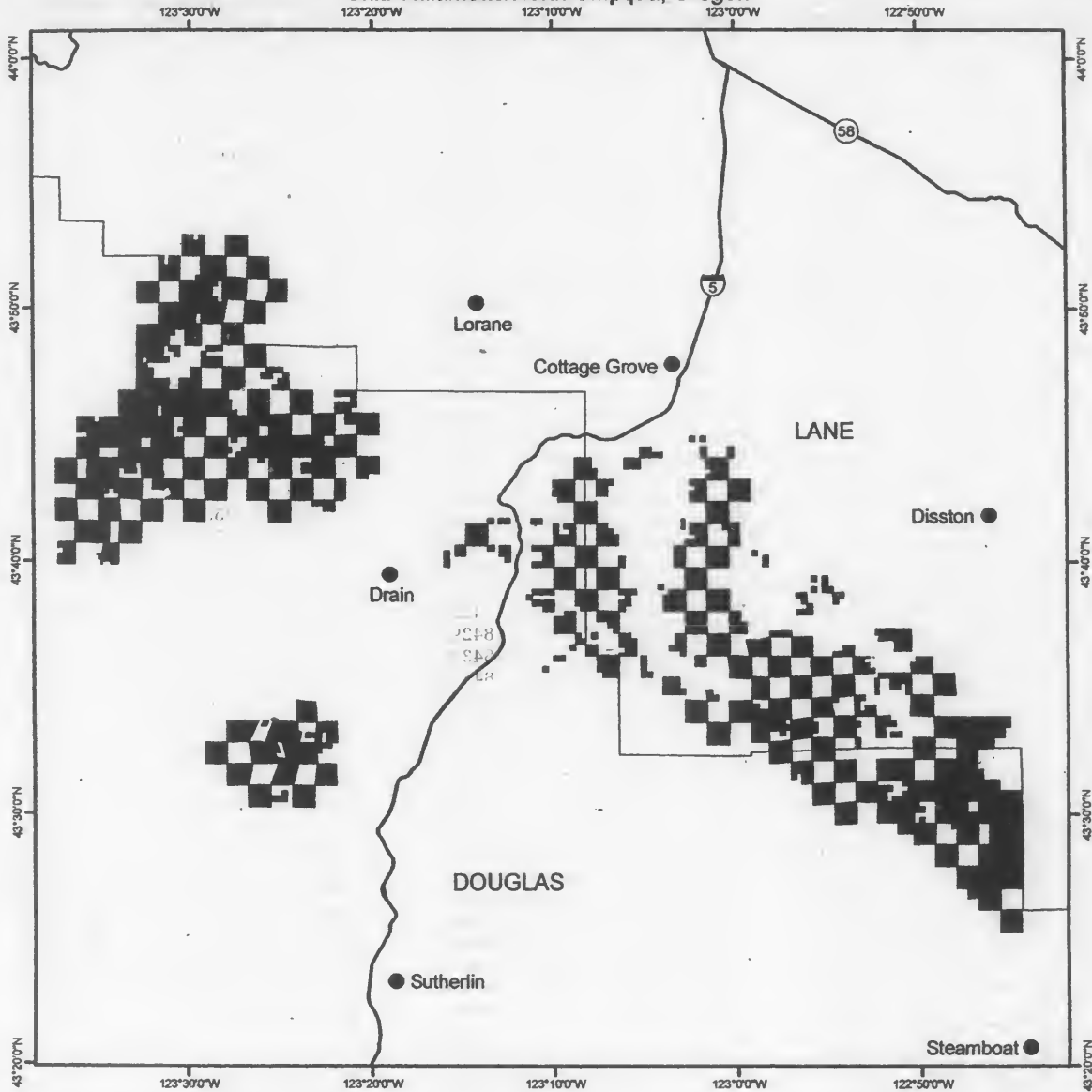
456994, 4848346; 458188, 4848360; 458179, 4847538; 458976, 4847566; 458985, 4848370; 459781, 4848375; 459789, 4849177; 460585, 4849181; 460569, 4847582; 462163, 4847578; 462171, 4849184; 460585, 4849181; 460592, 4850386; 460988, 4850386; 460986, 4849985; 462174, 4849987; 462171, 4849247; 463780, 4849210; 463773, 4847571; 462570, 4847577; 462558, 4846827; 462775, 4846843; 462782, 4846068; 463182, 4846090; 463184, 4845700; 463978, 4845738; 463979, 4847570; 465589, 4847565; 465566, 4845779; 467165, 4845820; 467156, 4844220; 468759, 4844240; 468750, 4845836; 470389, 4845875; 470367, 4844243; 469563, 4844242; 469558, 4843449; 470359, 4843452; 470367, 4844243; 471979, 4844295; 471967, 4842682; 470352, 4842661; 470345, 4841061; 468740, 4841061; 468743, 4841458; 467938, 4841453; 467945, 4842245; 468749, 4842253; 468752, 4842650; 467144, 4842633; 467130, 4841052; 465520, 4841034; 465540, 4842612; 465144, 4842610; 465139, 4842216; 464743, 4842215; 464748, 4842608; 463957, 4842603; 463933, 4841038; 462423, 4841019; 462479, 4842574; 463166, 4842587; 463168, 4842976; 463564, 4842985; 463566, 4843375; 463963, 4843386; 463968, 4844168; 463174, 4844143; 463172, 4843754; 462776, 4843742; 462778, 4844130; 462507, 4844122; 462536, 4845668; 460906, 4845674; 460855, 4844134; 459268, 4844121; 459277, 4844508; 458878, 4844505; 458885, 4844891; 459285, 4844894; 459303, 4845666; 458499, 4845661; 458472, 4844117; 459268, 4844121; 459229, 4842579; 457664, 4842579; 457726, 4841036; 459236, 4841001; 459230, 4839535; 457857, 4839536; 458417, 4839872; 458240, 4840270; 458064, 4840477; 457715, 4840220; 457716, 4840286; 456925, 4840285; 456955, 4841045; 456184, 4841054; 456069, 4842209; 455671, 4842216; 455757, 4841453; 454912, 4841476; 454890, 4841849; 454459, 4841858; 454454, 4841114; 456184, 4841054; 456086, 4839515; 454474, 4839604; 454469, 4839982; 454091, 4839972; 454087, 4840350; 453710, 4840342; 453714, 4839963; 453338, 4839953;

453342, 4839573; 454474, 4839604; 454538, 4837968; 453755, 4837977; 453700, 4836331; 454442, 4836305; 454390, 4834762; 453870, 4834766; 453873, 4834991; 453234, 4834996; 453233, 4834771; 453178, 4834771; 453193, 4835168; 452959, 4835172; 452961, 4835478; 452811, 4835479; 452811, 4835575; 453209, 4835565; 453329, 4836344; 451220, 4836406; 451219, 4838002; 449823, 4838024; 449843, 4839616; 451322, 4839563; 451393, 4838002; 452181, 4837989; 452969, 4837981; 453013, 4839564; 451322, 4839563; 451358, 4840682; 449846, 4840728; 449868, 4842581; 451372, 4842541; 451370, 4841055; 452190, 4841070; 452192, 4842533; 451372, 4842541; 451402, 4844086; 452208, 4844090; 452221, 4844472; 451413, 4844474; 451440, 4845625; 452668, 4845615; 452646, 4845233; 453044, 4845227; 453075, 4845608; 454526, 4845617; 454513, 4847523; 455801, 4847531; 455853, 4852321; 457447, 4852353; 457472, 4853934; 459028, 4853957; 459050, 4855539; 460229, 4855554; 460228, 4855938; 460610, 4855940; 460621, 4857343; 459303, 4857359; 459289, 4858921; 460063, 4858920; 460071, 4858528; 460472, 4858518; 460464, 4858901; 460864, 4858882; 460885, 4857340; 462481, 4857332; and excluding land bound by 461814, 4855549; 461812, 4855150; 461412, 4855155; 461410, 4854362; 461809, 4854360; 461807, 4853969; 462204, 4853970; 462215, 4855545; 461814, 4855549; and excluding land bound by 457306, 4846425; 457294, 4845651; 457694, 4845655; 457702, 4846430; 457306, 4846425; and excluding land bound by 456055, 4843351; 456862, 4843348; 456877, 4844109; 456079, 4844107; 456055, 4843351; and excluding land bound by 453012, 4843342; 453012, 4842590; 454471, 4842599; 454497, 4843333; 453012, 4843342; and excluding land bound by 464762, 4844184; 465555, 4844193; 465561, 4844986; 464767, 4844970; 464762, 4844184.

(iii) Note: Map of Willamette/North Umpqua Unit follows:
BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Willamette/North Umpqua, Oregon



- Critical Habitat
- Cities
- Highways
- Counties

(21) Rogue/Umpqua Unit (Unit 14), Douglas and Josephine Counties, Oregon.

(i) The Rogue/Umpqua Unit consists of 183, 800 ac (74, 400 ha) and is comprised of lands managed by the Umpqua National Forest (23, 400 ac (9, 500 ha)) and Roseburg and BLM Medford Districts (160, 500 ac (65, 000 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Bunker Creek, Camas Valley, Canyonville, Cedar Springs Mountain, Chipmunk Ridge, Chrome Ridge, Days Creek, Dutchman Butte, Galice, Glendale, Hobson Horn, Kelsey Peak, Live Oak Mountain, McCullough Creek, Milo, Mount Peavine, Mount Reuben, Nickel Mountain, Onion Mountain, Quines Creek, Rabbit Mountain, Richter Mountain, Starvout Creek, Tenmile, Tiller, and Winston.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 456460, 4711086; 456656, 4711042; 456846, 4710813; 457409, 4710587; 457695, 4710240; 458240, 4709909; 458614, 4709865; 458613, 4709321; 457019, 4709341; 457067, 4710453; 456604, 4710697; 456604, 4710751; 456115, 4710956; 456099, 4711233; 456460, 4711086.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455382, 4711334; 455387, 4710959; 454648, 4710982; 454769, 4711152; 454622, 4711011; 454435, 4711112; 454985, 4711328; 455233, 4711273; 455382, 4711334.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452582, 4712516; 452736, 4712507; 453054, 4712347; 453241, 4712135; 453317, 4711735; 453250, 4711830; 453232, 4711737; 452939, 4711742; 452942, 4711425; 452538, 4711432; 452535, 4709794; 453340, 4709766; 453344, 4710593; 453745, 4710584; 453740, 4709353; 452127, 4709409; 452123, 4707251; 451992, 4707176; 451792, 4706816; 451646, 4706822; 451634, 4706423; 451195, 4706180; 450974, 4705938; 450706, 4705770; 450629, 4705576; 450323, 4705240; 449796, 4705294; 449707, 4705100; 449666, 4704542; 449421, 4704494; 448995, 4704566; 448714, 4704762; 448732, 4703689; 448387, 4703271; 448147, 4703318; 448293, 4703624; 448183, 4703813; 447724, 4703528; 447522, 4703539; 447746, 4703373; 447775, 4703137; 447698, 4702910; 447602, 4702853; 447602, 4702401; 447777, 4701873; 448127, 4701487; 448055, 4701091; 448091, 4700929; 447890, 4700979; 447731, 4701201; 447328, 4701141; 447168, 4701256; 446765, 4701221; 446537, 4701664; 446277, 4702012; 446063, 4702140;

445899, 4702487; 446035, 4702746; 446009, 4703044; 445652, 4703269; 445471, 4703254; 444947, 4703559; 444582, 4703612; 444270, 4704050; 444097, 4704623; 443596, 4704393; 443360, 4704670; 442915, 4704623; 442644, 4704948; 442548, 4705182; 443014, 4705422; 443663, 4705391; 443961, 4705553; 444362, 4705581; 444564, 4705748; 444752, 4705790; 444853, 4705921; 445179, 4705969; 445182, 4706269; 445008, 4706677; 445439, 4706680; 445861, 4707076; 446074, 4707170; 446586, 4707168; 446924, 4707406; 447419, 4707413; 447639, 4707831; 447813, 4707809; 448031, 4708010; 448217, 4707943; 448367, 4707978; 448717, 4708383; 448840, 4708319; 448960, 4708549; 449516, 4708987; 449522, 4709247; 449690, 4709518; 449973, 4709586; 450103, 4709539; 450200, 4709662; 450403, 4709664; 450636, 4709927; 450472, 4710023; 450510, 4710325; 450785, 4710515; 450964, 4710452; 451011, 4710566; 450985, 4710786; 451422, 4710896; 451741, 4711079; 451830, 4711393; 451342, 4711397; 451345, 4711798; 451747, 4711796; 451749, 4712051; 452152, 4712246; 452326, 4712457; 452582, 4712516.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452305, 4717172; 452181, 4717168; 452181, 4717245; 452275, 4717244; 452305, 4717172.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455386, 4715833; 455401, 4717442; 457014, 4717413; 457007, 4716610; 457413, 4716601; 457412, 4716201; 457004, 4716209; 457001, 4715808; 455386, 4715833.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455413, 4719055; 455419, 4720682; 456228, 4720672; 456231, 4721080; 456636, 4721075; 456632, 4720667; 457036, 4720661; 457032, 4719029; 455413, 4719055.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450616, 4723355; 450598, 4722364; 449795, 4722370; 449801, 4722772; 449324, 4722776; 449525, 4723268; 449706, 4723308; 449720, 4723217; 450616, 4723355.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455496, 4725516; 455471, 4723921; 453850, 4723956; 453877, 4725518; 455496, 4725516.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 442606, 4721182; 442945, 4721170; 442945, 4721371; 443948, 4721357; 443949, 4721558; 444150, 4721555; 444150, 4721756; 444351, 4721754; 444351, 4721955; 444953, 4721949;

444954, 4722407; 446382, 4722396; 446384, 4722597; 447790, 4722586; 447787, 4722385; 448568, 4722379; 448568, 4721930; 449171, 4721928; 449171, 4721727; 449773, 4721725; 449774, 4721524; 450176, 4721522; 450176, 4721321; 450780, 4721319; 450779, 4721520; 451385, 4721519; 451384, 4721720; 451586, 4721719; 451584, 4721920; 452042, 4721919; 451979, 4721444; 452006, 4721084; 451416, 4720504; 451375, 4720101; 451066, 4719737; 451031, 4719285; 450886, 4719124; 450772, 4718859; 450877, 4718666; 451241, 4718336; 451286, 4718145; 451246, 4717918; 451370, 4717688; 451451, 4717609; 451717, 4717543; 451648, 4717100; 451829, 4717072; 451790, 4716825; 451980, 4716857; 452009, 4717044; 452180, 4717017; 452180, 4717092; 452483, 4717087; 452485, 4716996; 452113, 4716678; 452052, 4716550; 452084, 4716402; 452257, 4716161; 452251, 4715713; 451869, 4715504; 451360, 4715391; 451183, 4715227; 451152, 4715079; 451200, 4714973; 451541, 4714721; 451589, 4714371; 451550, 4714167; 451339, 4713759; 451147, 4713726; 451086, 4713823; 451330, 4713975; 451426, 4714279; 451214, 4713936; 450903, 4713803; 450835, 4713496; 450909, 4713466; 451002, 4713263; 450949, 4713251; 450967, 4713075; 450749, 4713077; 450751, 4713479; 450549, 4713481; 450546, 4712675; 450951, 4712673; 450799, 4712200; 450944, 4711978; 450940, 4711399; 450539, 4711402; 450543, 4712206; 450141, 4712209; 450139, 4711807; 449737, 4711810; 449735, 4711408; 448932, 4711413; 448931, 4711011; 448625, 4711013; 448706, 4711161; 448525, 4711243; 448397, 4711014; 447952, 4711018; 447653, 4711088; 447617, 4711020; 444106, 4711044; 444104, 4714307; 442534, 4714327; 442576, 4715952; 437730, 4715977; 437738, 4726259; 438122, 4726256; 438120, 4726053; 438522, 4726050; 438520, 4725847; 438923, 4725844; 438922, 4725642; 439123, 4725640; 439119, 4725237; 439321, 4725235; 439303, 4723226; 439505, 4723224; 439502, 4722820; 439704, 4722818; 439701, 4722414; 439797, 4722413; 439792, 4721999; 441407, 4721989; 441401, 4721587; 441804, 4721586; 441802, 4721385; 442609, 4721384; 442606, 4721182; and excluding land bound by 449583, 4717435; 449665, 4717042; 449841, 4717036; 449843, 4717356; 449987, 4717355; 449967, 4717447; 450147, 4717455; 450064, 4717904; 449882, 4717903; 449776, 4718412; 449587, 4718372; 449678, 4717922; 449507, 4717883; 449583, 4717435; and

excluding land bound by 450025, 4717188; 450024, 4717069; 450050, 4717074; 450025, 4717188; and excluding land bound by 451833, 4716649; 451945, 4716632; 451957, 4716710; 451777, 4716738; 451764, 4716660; 451833, 4716649; and excluding land bound by 447347, 4716114; 447347, 4715914; 447749, 4715911; 447750, 4716111; 447548, 4716113; 447549, 4716514; 447147, 4716516; 447147, 4716316; 447348, 4716315; 447347, 4716114; and excluding land bound by 451772, 4716156; 451868, 4716141; 451882, 4716230; 451701, 4716258; 451688, 4716169; 451772, 4716156; and excluding land bound by 449748, 4716053; 449745, 4715597; 449921, 4715547; 449924, 4716003; 449748, 4716053; and excluding land bound by 449262, 4714658; 449441, 4714621; 449550, 4715065; 449370, 4715102; 449262, 4714658; and excluding land bound by 450336, 4714538; 448691, 4712459; 448767, 4712397; 448443, 4712005; 448155, 4712001; 448155, 4711614; 448443, 4711621; 448443, 4711851; 448764, 4712243; 448958, 4712061; 449745, 4713035; 449985, 4712835; 450997, 4714075; 450336, 4714538; and excluding land bound by 448340, 4713696; 448239, 4713696; 448239, 4713596; 448038, 4713597; 448035, 4713195; 448437, 4713193; 448440, 4713695; 448340, 4713696; and excluding land bound by 449533, 4714101; 449455, 4714212; 449292, 4714187; 449370, 4714075; 449533, 4714101.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455496, 4725516; 455486, 4727116; 457127, 4727079; 457122, 4725512; 455496, 4725516.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455486, 4727116; 453927, 4727195; 453964, 4728786; 455572, 4728737; 455486, 4727116.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 456975, 4732642; 456967, 4732055; 456382, 4732059; 456379, 4732451; 456577, 4732450; 456579, 4732646; 456975, 4732642.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 459745, 4733574; 459742, 4733185; 458954, 4733200; 458949, 4732812; 459343, 4732803; 459339, 4732415; 458548, 4732432; 458566, 4733594; 459745, 4733574.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444546, 4733715; 444579, 4732126; 446156, 4732116; 446092, 4733696; 447626, 4733693; 447677, 4732112; 449184, 4732113; 449157, 4733696;

450699, 4733683; 450718, 4732085; 452263, 4732084; 452249, 4733675; 453835, 4733664; 453838, 4732077; 452390, 4732083; 452353, 4730420; 453979, 4730394; 453964, 4728786; 453262, 4728795; 453618, 4728804; 453453, 4728954; 453506, 4729207; 453639, 4729201; 453669, 4729301; 453842, 4729352; 453970, 4729319; 453975, 4729963; 453738, 4729813; 453466, 4729746; 453404, 4729553; 453282, 4729507; 453155, 4729303; 453140, 4729235; 453341, 4729125; 453262, 4728795; 452320, 4728815; 452298, 4727608; 452710, 4727606; 452699, 4727203; 453927, 4727195; 453877, 4725518; 453473, 4725532; 453460, 4724746; 453448, 4723960; 453850, 4723956; 453849, 4722350; 454248, 4722345; 454249, 4722752; 454648, 4722744; 454649, 4723148; 455458, 4723126; 455471, 4723921; 455876, 4723919; 455860, 4723124; 457272, 4723114; 457258, 4722516; 457044, 4721478; 456639, 4721483; 456643, 4721891; 456238, 4721896; 456234, 4721488; 455432, 4721497; 455445, 4722331; 456242, 4722326; 456252, 4722724; 455452, 4722728; 455445, 4722331; 455046, 4722336; 455030, 4721498; 455432, 4721497; 455419, 4720682; 453799, 4720684; 453802, 4719066; 455413, 4719055; 455401, 4717442; 454998, 4717448; 454983, 4715840; 455386, 4715833; 455382, 4715433; 454980, 4715440; 454976, 4715039; 454974, 4714640; 455376, 4714635; 455375, 4714238; 453762, 4714254; 453748, 4712651; 455364, 4712637; 455376, 4711780; 456185, 4711771; 456172, 4712630; 456980, 4712623; 457009, 4711033; 458615, 4710933; 458614, 4709894; 458311, 4709916; 457943, 4710113; 457784, 4710228; 457474, 4710628; 456931, 4710834; 456652, 4711089; 456160, 4711244; 455729, 4711508; 455473, 4711501; 455251, 4711325; 454988, 4711389; 454485, 4711146; 453946, 4711070; 453811, 4711253; 453758, 4711596; 453387, 4711757; 453303, 4712166; 453067, 4712421; 452774, 4712603; 452342, 4712607; 451921, 4712287; 451470, 4712121; 451314, 4712092; 450962, 4712229; 450987, 4712426; 451279, 4712671; 452155, 4712665; 452166, 4714274; 451619, 4714278; 451606, 4714718; 451274, 4715019; 451221, 4715144; 451346, 4715297; 451981, 4715462; 452277, 4715661; 452327, 4716045; 452127, 4716563; 452177, 4716641; 452177, 4716518; 452456, 4716514; 452456, 4716686; 452269, 4716689; 452440, 4716797; 452538, 4717086; 452591, 4717085; 452597, 4717486; 451644, 4717596; 451454, 4717678; 451301, 4717890; 451283, 4718326;

450928, 4718677; 450852, 4718970; 451062, 4719280; 451116, 4719730; 451222, 4719925; 451426, 4720087; 451463, 4720499; 452047, 4721083; 452036, 4721658; 452069, 4721907; 452191, 4721918; 452182, 4722353; 453442, 4722351; 453447, 4723166; 453041, 4723164; 453047, 4723963; 452645, 4723967; 452640, 4722757; 452246, 4722756; 452248, 4723962; 450627, 4723973; 450617, 4723401; 450567, 4723716; 450116, 4723644; 450088, 4723825; 449636, 4723753; 449651, 4723662; 449482, 4723648; 449654, 4724071; 449485, 4724140; 449313, 4723717; 449147, 4723786; 448897, 4723180; 448199, 4723185; 448202, 4723386; 448001, 4723387; 448003, 4723588; 446193, 4723603; 446191, 4723402; 445388, 4723408; 445386, 4723207; 444383, 4723214; 444378, 4722813; 444178, 4722814; 444175, 4722614; 443975, 4722615; 443972, 4722415; 441712, 4722393; 441715, 4722794; 441514, 4722797; 441516, 4722997; 440510, 4723010; 440513, 4723412; 440312, 4723415; 440321, 4724622; 440120, 4724624; 440125, 4725228; 440326, 4725226; 440331, 4726032; 439930, 4726036; 439932, 4726238; 439731, 4726240; 439733, 4726442; 439332, 4726446; 439334, 4726648; 438931, 4726652; 438939, 4727661; 438134, 4727670; 438132, 4727468; 437730, 4727472; 437768, 4728915; 439359, 4728875; 439359, 4732158; 442958, 4732146; 442959, 4733726; 444546, 4733715; and excluding land bound by 452713, 4729240; 452743, 4729185; 452985, 4729426; 453131, 4729315; 453354, 4729559; 453445, 4729853; 453270, 4730217; 452958, 4730158; 452840, 4730035; 452857, 4729711; 452731, 4729451; 452713, 4729240; and excluding land bound by 439746, 4728257; 439846, 4728255; 439849, 4728760; 439349, 4728767; 439346, 4728262; 439746, 4728257; and excluding land bound by 448633, 4725850; 448316, 4725521; 448066, 4724640; 448484, 4724551; 448673, 4725445; 448738, 4725432; 449055, 4725761; 448949, 4725783; 449267, 4726112; 448845, 4726201; 448528, 4725872; 448633, 4725850; and excluding land bound by 449613, 4725513; 449728, 4725071; 449551, 4725025; 449667, 4724583; 449843, 4724629; 449905, 4724395; 450081, 4724441; 450046, 4724577; 450200, 4724709; 450085, 4725151; 450277, 4725316; 450226, 4725513; 449879, 4725216; 449790, 4725559; 449613, 4725513; and excluding land bound by 450393, 4724701; 450509, 4724667; 450543, 4725103; 450372, 4725153; 450393, 4724701; and excluding land

bound by 450818, 4725050; 450689, 4724611; 450864, 4724559; 450994, 4724998; 450818, 4725050; and excluding land bound by 448333, 4725700; 448279, 4725712; 448126, 4725553; 448231, 4725530; 448385, 4725689; 448333, 4725700; and excluding land bound by 452627, 4721506; 452611, 4720684; 453393, 4720680; 453417, 4721502; 452627, 4721506; and excluding land bound by 452186, 4719076; 452550, 4719078; 452638, 4719353; 452570, 4719416; 452611, 4719605; 452820, 4719594; 452835, 4719732; 452493, 4720054; 452191, 4720050; 452186, 4719076; and excluding land bound by 452998, 4717879; 452994, 4717479; 453790, 4717465; 453793, 4717865; 453396, 4717872; 453402, 4718670; 453006, 4718675; 452998, 4717879; and excluding land bound by 453782, 4716663; 453779, 4716262; 454584, 4716249; 454592, 4717052; 453786, 4717064; 453782, 4716663; and excluding land bound by 452960, 4714257; 453361, 4714255; 453368, 4715057; 452565, 4715057; 452559, 4714258; 452960, 4714257.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455407, 4733644; 456197, 4733632; 456201, 4733828; 456596, 4733821; 456590, 4733429; 456392, 4733432; 456390, 4733236; 456192, 4733239; 456187, 4732846; 455989, 4732848; 455986, 4732652; 455591, 4732656; 455585, 4732261; 455387, 4732263; 455407, 4733644.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 456009, 4734223; 456006, 4734027; 455808, 4734031; 455811, 4734227; 456009, 4734223.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457144, 4734790; 457005, 4734521; 457010, 4734793; 457144, 4734790.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458591, 4735144; 458567, 4733681; 458375, 4733597; 457383, 4733613; 457397, 4734393; 457791, 4734385; 457801, 4734969; 457604, 4734974; 457597, 4734584; 457400, 4734588; 457397, 4734393; 457200, 4734397; 457196, 4734202; 457052, 4734205; 457607, 4735169; 458591, 4735144.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460129, 4735099; 461760, 4735197; 461750, 4734411; 461335, 4734391; 461340, 4733610; 460139, 4733567; 460129, 4735099.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446092, 4733696; 444546, 4733715; 444533, 4735265; 446035, 4735266; 446092, 4733696.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452234, 4735267; 452249, 4733675; 450699, 4733683; 450676, 4735278; 452234, 4735267.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449157, 4733696; 447626, 4733693; 447583, 4735273; 449122, 4735279; 449157, 4733696.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 461359, 4735964; 460950, 4735943; 460976, 4736347; 461374, 4736368; 461359, 4735964.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460129, 4735099; 458591, 4735144; 458647, 4736698; 460226, 4736709; 460178, 4735904; 460564, 4735924; 460539, 4735524; 460153, 4735501; 460129, 4735099.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453872, 4736839; 453863, 4736047; 455052, 4736023; 455030, 4734832; 455423, 4734824; 455407, 4733644; 453835, 4733664; 453845, 4734460; 453051, 4734465; 453055, 4735261; 452234, 4735267; 452223, 4736460; 453075, 4736452; 453082, 4736850; 453872, 4736839.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447583, 4735273; 446035, 4735266; 446023, 4736840; 447353, 4736854; 447405, 4736761; 447554, 4736788; 447583, 4735273.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444499, 4736824; 444533, 4735265; 442960, 4735270; 442959, 4733744; 441356, 4733755; 441373, 4736971; 442974, 4736950; 442974, 4736793; 444499, 4736824.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452874, 4736852; 452872, 4736653; 452665, 4736655; 452669, 4737048; 452877, 4737046; 452874, 4736852.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 461760, 4735197; 461775, 4736793; 462292, 4736799; 462296, 4737196; 462699, 4737203; 462692, 4736402; 462288, 4736396; 462276, 4735201; 461760, 4735197.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 461775; 4736793; 460226, 4736709; 460232, 4738321; 461001, 4738391; 461790, 4738373; 461775, 4736793.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457067, 4736755; 457018, 4735184; 455429, 4735217; 455459, 4736413; 454663, 4736428; 454670, 4736826; 453872, 4736839; 453911, 4738392;

455511, 4738394; 455468, 4736812; 457067, 4736755.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446023, 4736840; 444499, 4736824; 444470, 4738382; 445997, 4738419; 446023, 4736840.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452222, 4738415; 452219, 4736858; 450652, 4736867; 450676, 4735278; 449122, 4735279; 449077, 4736873; 449463, 4736871; 449471, 4737255; 449857, 4737255; 449865, 4737642; 450261, 4737646; 450267, 4738039; 450660, 4738039; 450663, 4738430; 452222, 4738415.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449077, 4736873; 447552, 4736856; 447541, 4738436; 449102, 4738438; 449077, 4736873.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 477250, 4738759; 477249, 4738358; 476844, 4738362; 476845, 4738763; 477250, 4738759.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452222, 4738415; 452223, 4738805; 453501, 4738791; 453507, 4738390; 452222, 4738415.

(KK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460241, 4739933; 460232, 4738321; 458659, 4738319; 458647, 4736698; 457067, 4736755; 457072, 4738332; 458657, 4738319; 458653, 4739943; 460241, 4739933.

(LL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457080, 4739937; 457072, 4738332; 455511, 4738394; 455516, 4739178; 456296, 4739156; 456301, 4739950; 457080, 4739937.

(MM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 478064, 4739958; 478474, 4739956; 478473, 4739552; 478063, 4739556; 478064, 4739958.

(NN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452223, 4738805; 450669, 4738821; 450663, 4738430; 449102, 4738438; 449113, 4740005; 450685, 4739993; 450680, 4739602; 451077, 4739600; 451069, 4739207; 452224, 4739194; 452223, 4738805.

(OO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447541, 4738436; 445997, 4738419; 445954, 4740015; 447525, 4740035; 447541, 4738436; and excluding land bound by 446754, 4739226; 446747, 4739625; 446356, 4739621; 446365, 4739222; 446754, 4739226.

(PP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 479306, 4740746; 479301, 4740347;

478892, 4740350; 478899, 4740748; 479306, 4740746.

(QQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 459835, 4741158; 459837, 4740739; 459437, 4740746; 459433, 4741163; 459835, 4741158.

(RR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449921, 4741180; 449913, 4740783; 449525, 4740786; 449535, 4741186; 449921, 4741180.

(SS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 481333, 4741517; 481329, 4739904; 480115, 4739935; 480116, 4740336; 479711, 4740344; 479714, 4741540; 481333, 4741517.

(TT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453888, 4741572; 455474, 4741596; 455518, 4739962; 453888, 4739990; 453899, 4739191; 452680, 4739193; 452679, 4739591; 453086, 4739591; 453081, 4739989; 453887, 4739990; 453888, 4741572.

(UU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449161, 4741581; 449113, 4740005; 447525, 4740035; 447607, 4741602; 449161, 4741581.

(VV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458653, 4739943; 457080, 4739937; 457044, 4741599; 458625, 4741623; 458653, 4739943.

(WW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452234, 4741550; 452230, 4740770; 451475, 4740774; 451479, 4740383; 450296, 4740388; 450313, 4741569; 449161, 4741581; 449165, 4743139; 450734, 4743155; 450698, 4741566; 452234, 4741550.

(XX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457028, 4743224; 457044, 4741599; 455474, 4741596; 455441, 4742015; 455060, 4742009; 455033, 4742429; 455409, 4742434; 455419, 4743233; 457028, 4743224.

(YY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460241, 4739933; 460235, 4741638; 458625, 4741623; 458631, 4742426; 459436, 4742430; 459442, 4743238; 459843, 4743238; 459837, 4742432; 460238, 4742434; 460238, 4741638; 461822, 4741646; 461805, 4740006; 460241, 4739933.

(ZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453888, 4741572; 452234, 4741550; 452250, 4743188; 453819, 4743242; 453808, 4742413; 453888, 4741572.

(AAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452250, 4743188;

450734, 4743155; 450719, 4744693; 452261, 4744812; 452250, 4743188.

(BBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455419, 4743233; 453819, 4743242; 453828, 4744821; 455422, 4744828; 455419, 4743233.

(CCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458645, 4744833; 458637, 4743230; 457028, 4743224; 457030, 4743626; 457834, 4743630; 457840, 4744433; 457034, 4744431; 457036, 4744833; 458645, 4744833.

(DDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460232, 4744815; 461829, 4744865; 461816, 4744076; 461036, 4744053; 461038, 4743248; 460640, 4743243; 460638, 4743642; 460238, 4743633; 460232, 4744815.

(EEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460244, 4746430; 460232, 4744815; 458645, 4744833; 458638, 4746431; 460244, 4746430.

(FFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453828, 4744821; 452261, 4744812; 452260, 4746414; 453826, 4746447; 453828, 4744821.

(GGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457050, 4746438; 457036, 4744833; 455422, 4744828; 455429, 4746454; 457050, 4746438.

(HHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487668, 4746450; 486051, 4746438; 486047, 4745623; 486449, 4745627; 486442, 4744816; 487243, 4744825; 487255, 4745635; 487656, 4745638; 487668, 4746450; 489257, 4746461; 489253, 4744885; 487645, 4744827; 487669, 4743218; 487269, 4743214; 487258, 4744022; 486455, 4744011; 486449, 4744414; 486049, 4744408; 486042, 4744809; 484493, 4744822; 484485, 4746475; 486049, 4746438; 486064, 4748056; 487674, 4748057; 487668, 4746450.

(III) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458652, 4748035; 458638, 4746431; 457050, 4746438; 457046, 4748066; 458652, 4748035.

(JJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460244, 4746430; 460269, 4748088; 461869, 4748070; 461856, 4746443; 460244, 4746430.

(KKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455429, 4746454; 453826, 4746447; 453810, 4748090; 455424, 4748101; 455429, 4746454.

(LLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455819, 4748928; 455826, 4748510;

455416, 4748522; 455407, 4748944; 455819, 4748928.

(MMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 486071, 4749661; 486064, 4748056; 484495, 4748062; 484513, 4749672; 486071, 4749661.

(NNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460269, 4748088; 458652, 4748035; 458598, 4749705; 460227, 4749721; 460269, 4748088.

(OOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457012, 4749788; 457046, 4748066; 456645, 4748075; 456613, 4749790; 457012, 4749788.

(PPP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487674, 4748057; 487687, 4749662; 488091, 4749659; 488095, 4750063; 488497, 4750061; 488494, 4749656; 489283, 4749650; 489265, 4748056; 487674, 4748057.

(QQQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 475323, 4751198; 475312, 4750789; 474898, 4750790; 474903, 4750955; 475122, 4751060; 475055, 4751198; 475323, 4751198.

(RRR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460227, 4749721; 460276, 4750921; 460687, 4750910; 460701, 4751321; 461930, 4751317; 461916, 4750605; 461924, 4750876; 462601, 4750858; 462638, 4750741; 462922, 4750553; 463022, 4750634; 463156, 4750592; 463152, 4750440; 463029, 4750242; 462745, 4750345; 462748, 4750452; 461914, 4750477; 461899, 4749675; 460227, 4749721.

(SSS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 503053, 4749937; 503059, 4746691; 503879, 4746689; 503841, 4746091; 503889, 4746131; 503887, 4745880; 504095, 4745877; 503965, 4745373; 503789, 4745204; 503620, 4745182; 503533, 4744874; 503184, 4744552; 502968, 4744054; 503290, 4743845; 503497, 4743838; 503716, 4743636; 504039, 4743586; 504294, 4743323; 504990, 4743382; 505085, 4743255; 505080, 4742999; 505495, 4742993; 505496, 4742581; 506298, 4742585; 506292, 4741784; 506695, 4741784; 506699, 4743409; 507910, 4743411; 507908, 4741781; 509053, 4741782; 508978, 4741324; 508812, 4741068; 508829, 4740946; 508548, 4740887; 508432, 4740716; 508285, 4740680; 508070, 4740474; 508027, 4740340; 507844, 4740365; 507740, 4740292; 507898, 4740072; 507849, 4739938; 507616, 4739793; 507036, 4739655; 506956, 4739527; 506956, 4739637; 506865, 4739686; 506915, 4739838; 506700, 4739772; 506652, 4739827;

506579, 4739803; 506651, 4739614; 506512, 4739346; 506490, 4739023; 506006, 4738678; 505927, 4738660; 505872, 4738733; 505713, 4738563; 505614, 4738252; 505662, 4738075; 505564, 4738021; 505502, 4737796; 505270, 4737766; 505111, 4737627; 505074, 4737217; 504342, 4737458; 504175, 4737619; 504074, 4737934; 504074, 4737759; 503847, 4737352; 503165, 4737702; 503182, 4737415; 502783, 4736990; 502660, 4736765; 502594, 4736839; 502673, 4737209; 502391, 4737209; 502169, 4737524; 502035, 4738053; 501666, 4738375; 501163, 4738629; 501096, 4738784; 500973, 4738844; 501246, 4738960; 500889, 4739097; 500833, 4739655; 500518, 4739658; 500522, 4739962; 500680, 4740174; 500822, 4740570; 500769, 4740844; 500435, 4741248; 500332, 4741480; 500367, 4741679; 500527, 4741675; 500535, 4742847; 500675, 4743154; 500615, 4743404; 500781, 4743556; 500397, 4743600; 500135, 4743851; 500239, 4743814; 500349, 4743862; 500246, 4743942; 500162, 4744289; 500363, 4744374; 500591, 4744867; 500435, 4745477; 500564, 4745586; 500542, 4746566; 499748, 4746568; 499746, 4746954; 500154, 4746972; 500129, 4748593; 500532, 4748597; 500541, 4749881; 501527, 4749881; 501531, 4751587; 503057, 4751576; 503053, 4749937; and excluding land bound by 504411, 4739880; 504593, 4739907; 504558, 4739462; 504737, 4739492; 504770, 4739937; 504955, 4739970; 505040, 4740406; 504977, 4740868; 504796, 4740840; 504907, 4741281; 504723, 4741250; 504613, 4740811; 504437, 4740782; 504507, 4740334; 504411, 4739880.

(TTT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487765, 4752598; 489386, 4752573; 489396, 4751738; 487775, 4751731; 487765, 4752598.

(UUU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 482955, 4749648; 482939, 4748029; 481746, 4748015; 481747, 4747612; 481371, 4747608; 481362, 4746399; 482542, 4746410; 482540, 4747621; 482934, 4747626; 482939, 4748029; 484495, 4748062; 484485, 4746475; 482933, 4746415; 482947, 4744820; 484493, 4744822; 484446, 4743184; 483736, 4743186; 483736, 4742789; 482941, 4742788; 482929, 4741553; 481333, 4741517; 481351, 4743122; 479741, 4743095; 479713, 4741540; 478113, 4741556; 478064, 4739958; 476439, 4739968; 476439, 4738767; 476037, 4738769; 476035, 4738369; 474825, 4738378; 474856, 4739964; 475251, 4739964; 475256, 4740370; 475661, 4740369;

475674, 4740770; 475261, 4740776; 475281, 4741178; 474872, 4741171; 474856, 4739964; 473279, 4739979; 473270, 4740785; 474084, 4740780; 474093, 4741500; 475703, 4741557; 475711, 4742340; 476522, 4742353; 476533, 4743130; 476126, 4743126; 476116, 4743514; 476520, 4743517; 476483, 4744678; 478116, 4744684; 478148, 4746287; 478973, 4746286; 478965, 4746684; 478558, 4746684; 478546, 4747479; 478142, 4747479; 478148, 4746287; 476502, 4746282; 476501, 4747864; 479417, 4747866; 474907, 4746306; 476502, 4746282; 476483, 4744678; 474896, 4744686; 474904, 4745901; 473317, 4745885; 473320, 4746421; 473459, 4746577; 473301, 4746648; 473263, 4747108; 471589, 4747164; 471586, 4746323; 469961, 4746358; 469977, 4747951; 471592, 4748008; 471638, 4749545; 470414, 4749507; 470406, 4749126; 470001, 4749125; 469977, 4747951; 468351, 4747943; 468293, 4748748; 468345, 4749547; 470009, 4749516; 470019, 4750720; 470425, 4750718; 470429, 4751142; 472900, 4751149; 472937, 4751544; 473339, 4751553; 473258, 4750765; 473666, 4750772; 473628, 4750371; 473836, 4750372; 473819, 4750173; 474768, 4750164; 474788, 4750580; 474892, 4750581; 474861, 4749953; 475283, 4749956; 475266, 4749539; 476124, 4749549; 476130, 4749961; 476556, 4749964; 476559, 4750784; 476142, 4750786; 476148, 4751195; 476560, 4751194; 477523, 4751036; 478265, 4751030; 478250, 4752294; 478644, 4752280; 478640, 4752670; 479034, 4752661; 479038, 4752267; 479824, 4752238; 479826, 4751029; 481378, 4751016; 481382, 4751208; 481699, 4751211; 481714, 4750817; 481380, 4750813; 481378, 4749626; 482955, 4749648; and excluding land bound by 479828, 4749470; 479838, 4750243; 479441, 4750239; 479459, 4751032; 478295, 4751029; 478281, 4750809; 478672, 4750814; 478646, 4750235; 479045, 4750237; 479030, 4749852; 479432, 4749854; 479404, 4749071; 478999, 4749069; 478979, 4748672; 478573, 4748671; 478535, 4747877; 478941, 4747877; 478960, 4748275; 479366, 4748275; 479385, 4748673; 480187, 4748670; 480173, 4748275; 480973, 4748272; 480991, 4749442; 479828, 4749470; and excluding land bound by 474015, 4749151; 473143, 4749172; 473180, 4748348; 474081, 4748314; 474015, 4749151; and excluding land bound by 479787, 4746682; 479778, 4745487; 480578, 4745485; 480576, 4745078; 480970, 4745081; 480970, 4744677; 481365, 4744683; 481355, 4743596; 481736, 4743597; 481733,

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(VVV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458598, 4749705; 457769, 4749792; 457012, 4749788; 457038, 4750178; 456626, 4750178; 456639, 4750567; 457808, 4750545; 457828, 4750944; 457441, 4750954; 457446, 4751352; 458654, 4751328; 458656, 4752899; 459045, 4752909; 459051, 4752525; 459835, 4752535; 459844, 4752143; 460236, 4752143; 460264, 4751733; 459863, 4751733; 459882, 4751324; 459473, 4751325; 459461, 4750922; 458645, 4750923; 458598, 4749705.

(WWW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 486179, 4752624; 486182, 4751823; 486580, 4751820; 486581, 4751729; 487715, 4751731; 487687, 4749662; 486071, 4749661; 486112, 4751729; 484937, 4751730; 484938, 4751255; 484550, 4751253; 484513, 4749672; 482955, 4749648; 482983, 4751717; 481386, 4751710; 481387, 4751777; 483019, 4751875; 483021, 4752281; 481391, 4752200; 481395, 4752622; 483023, 4752687; 483027, 4753493; 484590, 4753485; 484590, 4753083; 484990, 4753069; 484987, 4752668; 486179, 4752624; and excluding land bound by 484220, 4752683; 484220, 4752281; 484306, 4752280; 484266, 4752164; 484438, 4752103; 484582, 4752527; 484414, 4752586; 484427, 4752683; 484220, 4752683.

(XXX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487762, 4754182; 487765, 4752598; 486179, 4752624; 486180, 4754233; 487762, 4754182.

(YYY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487762, 4754182; 487770, 4754572; 489385, 4754569; 489375, 4754197; 487762, 4754182.

(ZZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444363, 4755826; 444358, 4755027;

443208, 4755014; 443208, 4754612;
444354, 4754628; 444351, 4754228;
442711, 4754203; 442723, 4755814;
444363, 4755826.

(AAAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445966, 4755891; 447572, 4755929; 447541, 4754350; 445952, 4754296; 445966, 4755891.

(BBBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449163, 4756006; 450730, 4756037; 450725, 4754449; 449138, 4754408; 449163, 4756006.

(CCCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455516, 4756091; 457098, 4756170; 457082, 4754563; 456684, 4754563; 456693, 4755359; 456296, 4755352; 456286, 4754562; 455510, 4754555; 455516, 4756091.

(DDDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 453961, 4756097; 453952, 4754514; 453171, 4754438; 452310, 4754479; 452315, 4756057; 452800, 4756068; 452803, 4756463; 453581, 4756484; 453573, 4756087; 453961, 4756097.

(EEEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452315, 4756057; 450730, 4756037; 450721, 4757217; 452318, 4757236; 452315, 4756057.

(FFFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445966, 4755891; 444363, 4755826; 444427, 4757446; 446000, 4757490; 445966, 4755891.

(GGGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449163, 4756006; 447572, 4755929; 447589, 4757529; 449145, 4757576; 449163, 4756006.

(HHHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 455607, 4757686; 455516, 4756091; 453961, 4756097; 454001, 4757691; 455607, 4757686.

(IIII) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457098, 4756170; 457171, 4757725; 458822, 4757767; 458760, 4756168; 457098, 4756170.

(JJJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444427, 4757446; 442735, 4757427; 442747, 4759040; 444450, 4759049; 444427, 4757446.

(KKKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447589, 4757529; 446000, 4757490; 446020, 4759087; 447604, 4759131; 447589, 4757529.

(LLLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449145, 4757576; 449164, 4759156; 450752, 4759202;

450722, 4758008; 450331, 4757999; 450325, 4757602; 449145, 4757576.

(MMMM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454001, 4757691; 452319, 4757629; 452323, 4759202; 453255, 4759243; 453243, 4758848; 453649, 4758865; 453620, 4758073; 454019, 4758088; 454001, 4757691.

(NNNN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458822, 4757767; 458836, 4759373; 460412, 4759379; 460406, 4758541; 460011, 4758548; 460015, 4758963; 459621, 4758966; 459611, 4757735; 458822, 4757767.

(OOOO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 462037, 4760096; 462018, 4759299; 460812, 4759376; 460818, 4759771; 461219, 4759754; 461223, 4759965; 461539, 4760118; 461551, 4760261; 461694, 4760345; 461746, 4760484; 462045, 4760461; 462037, 4760096.

(PPPP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449164, 4759156; 447604, 4759131; 447648, 4760686; 449196, 4760698; 449164, 4759156.

(QQQQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460427, 4760873; 461238, 4760854; 461232, 4760528; 460426, 4760603; 460427, 4760873.

(RRRR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446054, 4760674; 446020, 4759087; 444450, 4759049; 444459, 4760662; 442759, 4760653; 442764, 4761874; 443649, 4761876; 443652, 4762093; 444195, 4762096; 444196, 4762282; 444462, 4762281; 444455, 4761473; 445253, 4761477; 445243, 4760668; 446054, 4760674.

(SSSS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447648, 4760686; 446054, 4760674; 446061, 4762286; 447659, 4762297; 447648, 4760686.

(TTTT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452469, 4760692; 452328, 4760688; 452323, 4759202; 450752, 4759202; 450748, 4760693; 449255, 4760699; 449263, 4762304; 450872, 4762312; 450865, 4760693; 452469, 4760692.

(UUUU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460434, 4762433; 460443, 4763639; 462164, 4763637; 462122, 4762427; 460434, 4762433.

(VVVV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446061, 4762286; 444862, 4762282; 444864, 4762684; 445264, 4762685; 445272, 4763889;

445672, 4763890; 445670, 4763489; 446070, 4763490; 446061, 4762286.

(WWWW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449271, 4763891; 449263, 4762304; 447659, 4762297; 447671, 4763898; 449271, 4763891.

(XXXX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454131, 4764240; 454874, 4764250; 454880, 4763455; 454113, 4763463; 454131, 4764240.

(YYYY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454131, 4764240; 453738, 4764312; 453749, 4764698; 454134, 4764629; 454131, 4764240.

(ZZZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447671, 4763898; 446073, 4763891; 446076, 4764293; 447276, 4764298; 447280, 4764700; 447680, 4764702; 447671, 4763898.

(AAAAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450888, 4763907; 449271, 4763891; 449289, 4765506; 450906, 4765512; 450888, 4763907.

(BBBBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460460, 4765686; 460446, 4764041; 458833, 4764048; 458830, 4762440; 460434, 4762433; 460427, 4760873; 459635, 4760888; 459645, 4761638; 459245, 4761643; 458834, 4761648; 458840, 4760904; 458041, 4760904; 458005, 4759726; 458421, 4759752; 458435, 4760557; 458839, 4760577; 458836, 4759373; 457185, 4759231; 457171, 4757725; 455607, 4757686; 455633, 4758854; 454844, 4758868; 454858, 4759261; 456799, 4759271; 456821, 4759659; 457215, 4759670; 457256, 4760851; 455674, 4760785; 455673, 4760011; 454870, 4760030; 454858, 4759261; 454074, 4759279; 454095, 4760430; 453694, 4760419; 453701, 4760721; 452469, 4760692; 452479, 4762290; 450872, 4762312; 450888, 4763907; 452434, 4763894; 452431, 4763771; 452488, 4763760; 452484, 4763380; 452417, 4763396; 452402, 4763021; 453298, 4762686; 454095, 4762665; 453954, 4761293; 454105, 4761298; 454102, 4760931; 454493, 4760946; 454495, 4761147; 455678, 4761189; 455679, 4761298; 455504, 4761301; 455569, 4761843; 456735, 4761835; 456770, 4762615; 457160, 4762605; 457150, 4761831; 457072, 4761287; 458623, 4761249; 458691, 4762209; 457904, 4762207; 457931, 4762584; 457160, 4762605; 457197, 4764219; 458688, 4764090; 458709, 4765696; 458852, 4765695; 458841, 4764853; 459646, 4764850; 459651, 4765270; 459249, 4765272; 459254, 4765693; 460460, 4765686.

(CCCCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457179, 4765824; 457197, 4764219; 456807, 4764227; 456804, 4764629; 456415, 4764637; 456415, 4765039; 455837, 4765051; 455840, 4765435; 455639, 4765456; 456026, 4765448; 456030, 4765848; 457179, 4765824.

(DDDDD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454564, 4766601; 455297, 4766646; 455286, 4766244; 455648, 4766262; 455647, 4765857; 455275, 4765842; 455268, 4765444; 454896, 4765432; 454925, 4766226; 454548, 4766207; 454564, 4766601.

(EEEE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454564, 4766601; 454182, 4766578; 454190, 4766978; 454578, 4766984; 454564, 4766601.

(FFFF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450906, 4765512; 450911, 4766313; 451314, 4766310;

451311, 4765908; 451713, 4765904; 451716, 4766306; 452112, 4766303; 452117, 4767105; 452459, 4767099; 452450, 4766069; 453391, 4765811; 454161, 4765798; 454143, 4765213; 453954, 4765238; 453948, 4765051; 453759, 4765084; 453754, 4764891; 453558, 4764924; 453551, 4764733; 453352, 4764767; 453338, 4764575; 452935, 4764647; 452930, 4764455; 452497, 4764531; 452505, 4765494; 450906, 4765512.

(GGGG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460460, 4765686; 460460, 4767269; 462188, 4767155; 462234, 4765615; 460460, 4765686.

(HHHH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 454578, 4766984; 454591, 4767367; 454985, 4767357; 454965, 4766991; 454578, 4766984.

(IIII) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 458729, 4767269; 458719, 4766482; 457964, 4766553; 457944, 4765760;

457179, 4765824; 457239, 4767424; 458729, 4767269.

(JJJJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457239, 4767424; 456062, 4767447; 456118, 4767798; 455741, 4767799; 455813, 4768349; 456188, 4768351; 456175, 4768149; 457323, 4768164; 457239, 4767424.

(KKKK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 460460, 4767269; 458729, 4767269; 458751, 4768822; 459588, 4768839; 459591, 4768048; 460454, 4768060; 460460, 4767269.

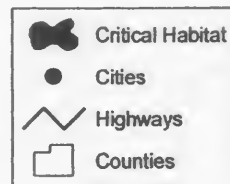
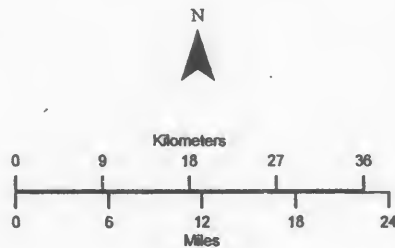
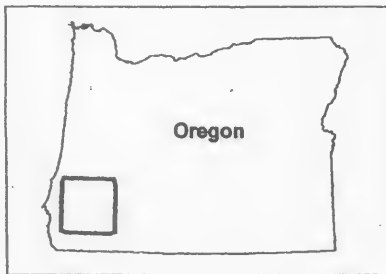
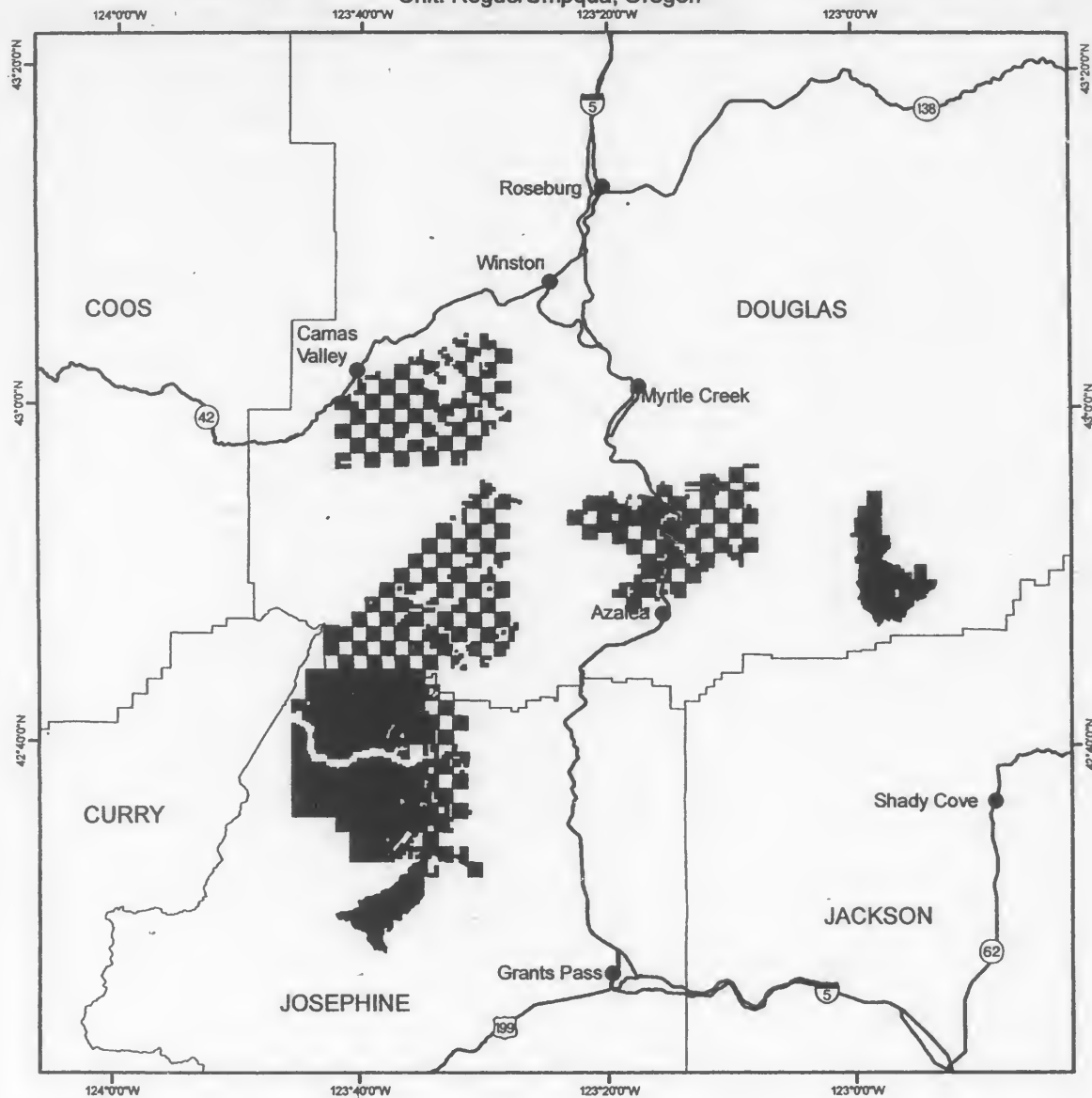
(LLLL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 457409, 4768904; 457366, 4768534; 456975, 4768534; 457021, 4768838; 457085, 4768836; 457086, 4768909; 457409, 4768904.

(iii) Note: Map of Rogue/Umpqua Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Rogue/Umpqua, Oregon



(22) Oregon Klamath Mountains Unit (Unit 15), Coos, Curry, and Josephine Counties, Oregon. Del Norte County, California.

(i) The Oregon Klamath Mountains Unit is a total of 195,200 ac (79,000 ha), including 189,400 ac (76,600 ha) in Coos, Curry, and Josephine Counties, Oregon, and 5,800 ac (2,300 ha) in the northernmost portion of Del Norte County, California. It is comprised of lands managed by the Siskiyou and Six Rivers National Forests (194,600 ac (78,800 ha)) and Coos Bay BLM District (600 ac (200 ha)).

(ii) From USGS 1:24,000 scale quadrangles Agness, Barklow Mountain, Biscuit Hill, Bosley Butte, Brandy Peak, Chetco Peak, China Flat, Chrome Ridge, Eden Valley, Eight Dollar Mountain, Father Mountain, Fourth of July Creek, High Divide, High Plateau Mountain, Horse Sign Butte, Illahe, Kelsey Peak, Marial, Mount Bolivar, Mount Butler, Mount Emily, Ophir Mountain, Pearsoll Peak, Port Orford, Quail Prairie Mountain, Silver Peak, Sixes, and York Butte.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 412199, 4649957; 415615, 4649887; 417036, 4649782; 417077, 4649836; 417958, 4649823; 417876, 4649492; 417613, 4648998; 417220, 4648437; 416391, 4647657; 415947, 4647137; 415669, 4646669; 415367, 4646052; 415010, 4644942; 414934, 4644983; 414881, 4644778; 414652, 4644493; 414685, 4644116; 414194, 4643354; 413858, 4642349; 413701, 4642168; 413168, 4641908; 413028, 4641912; 412838, 4642030; 412752, 4642515; 412860, 4642982; 413213, 4643657; 413299, 4643962; 413159, 4644613; 413167, 4645146; 413016, 4645381; 412728, 4645551; 412579, 4645752; 412577, 4646187; 412705, 4647080; 412669, 4647349; 412188, 4648452; 411611, 4649546; 411586, 4649935; 412199, 4649957; and excluding land bound by 414952, 4647460; 414906, 4647671; 414879, 4647708; 414952, 4647460; and excluding land bound by 414946, 4647286; 414952, 4647268; 414965, 4647420; 414946, 4647286.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 414566, 4645684; 414569, 4645662; 414553, 4645784; 414566, 4645684; and excluding land bound by 414798, 4645168; 414824, 4645128; 414802, 4645277; 414704, 4645378; 414798, 4645168.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 417863, 4670411; 417876, 4670379; 417650, 4670450; 417863, 4670411.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 418202, 4669074; 418306, 4668771; 418181, 4668401; 418070, 4668243; 417659, 4668003; 417387, 4667560; 416715, 4667435; 416032, 4667433; 415593, 4667535; 415343, 4667489; 415204, 4667393; 415117, 4667233; 414539, 4667059; 414479, 4666850; 414340, 4666695; 414891, 4666614; 415072, 4666488; 415123, 4666353; 415283, 4666205; 415305, 4665974; 415466, 4665975; 415675, 4665842; 415834, 4665865; 416040, 4665665; 416353, 4665628; 416437, 4665496; 416819, 4665246; 416841, 4665081; 417070, 4665030; 417210, 4664773; 417403, 4664761; 417341, 4664512; 417071, 4664103; 416881, 4664000; 416412, 4663499; 416181, 4662742; 415971, 4662324; 416145, 4662291; 416329, 4662111; 416458, 4661896; 416490, 4661617; 416656, 4661466; 416760, 4661157; 416910, 4661167; 417021, 4660946; 417240, 4661051; 417447, 4661030; 417442, 4660719; 417547, 4660475; 417462, 4660164; 417558, 4659922; 417500, 4659663; 417793, 4659347; 417774, 4659231; 417905, 4658989; 417858, 4658837; 418007, 4658487; 417867, 4658186; 417884, 4658070; 417739, 4658009; 417729, 4657929; 418022, 4657595; 418166, 4657584; 418638, 4657203; 418788, 4656942; 418678, 4656322; 418560, 4656124; 418586, 4656025; 418782, 4655871; 418663, 4655703; 418660, 4655480; 418586, 4655365; 418610, 4654870; 418449, 4654851; 418227, 4655123; 417889, 4655334; 417636, 4654778; 417415, 4654068; 417114, 4653866; 416867, 4653579; 416831, 4652560; 416972, 4652010; 416966, 4651439; 417040, 4651244; 416138, 4651255; 416115, 4649865; 407629, 4650076; 407716, 4652056; 406483, 4652033; 406495, 4652442; 406089, 4652433; 406103, 4653026; 405705, 4653032; 405713, 4653430; 405314, 4653438; 405341, 4654646; 402679, 4654687; 402732, 4655412; 402931, 4655398; 402957, 4655886; 402120, 4655925; 402171, 4659427; 402556, 4659423; 402562, 4661032; 402191, 4661037; 402284, 4668948; 403852, 4668916; 403843, 4668130; 405450, 4668101; 405461, 4668883; 407878, 4668834; 407882, 4668980; 408181, 4668079; 408266, 4667635; 408506, 4667332; 409050, 4667430; 409680, 4667896; 410312, 4668009; 410419, 4668136; 410852, 4668218; 411147, 4668434; 411145, 4667790; 411396, 4667859; 411488, 4668087; 411910, 4668392; 412661, 4668533; 413892, 4669772; 414390, 4670124; 414952, 4669592; 414899, 4669203; 414673, 4668807; 414703, 4668706; 415033, 4668912; 415218, 4668916; 415437, 4669063; 415620, 4669054; 415730, 4669305; 415810, 4669159; 416079, 4669017; 416567, 4669028; 416654, 4669130; 416979, 4669242; 417270, 4669737; 417534, 4670498; 417668, 4670396; 417883, 4669861; 418052, 4669646; 418202, 4669074; and excluding land bound by 403428, 4667375; 402629, 4667390; 402598, 4666204; 402997, 4666222; 403017, 4666984; 403420, 4666975; 403428, 4667375; and excluding land bound by 408639, 4655101; 408449, 4654709; 408267, 4654712; 408265, 4654613; 408579, 4654612; 408973, 4655012; 408879, 4655164; 408639, 4655101; and excluding land bound by 409365, 4652159; 409348, 4651369; 409726, 4651367; 409721, 4651034; 410116, 4651029; 410115, 4650859; 410541, 4650855; 410546, 4651361; 410119, 4651365; 410134, 4651756; 409740, 4651759; 409755, 4652155; 409365, 4652159.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 427634, 4697040; 427466, 4697028; 426751, 4697202; 426589, 4697339; 426534, 4697603; 427091, 4697372; 427754, 4697309; 427748, 4697144; 427634, 4697040.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 441321, 4697964; 441867, 4697631; 442352, 4697196; 442642, 4697177; 442780, 4697097; 442752, 4696878; 442845, 4696616; 443015, 4696589; 443227, 4696676; 443655, 4696499; 443976, 4696449; 443998, 4696025; 443685, 4695872; 443555, 4695874; 443423, 4695729; 443252, 4695707; 443172, 4695774; 443130, 4695644; 442950, 4695541; 443304, 4695386; 443024, 4694948; 442908, 4694648; 443030, 4694220; 443040, 4693888; 442982, 4693737; 442702, 4693779; 442578, 4693659; 442401, 4693718; 442248, 4693297; 442084, 4693210; 442058, 4693097; 442136, 4692925; 442402, 4692829; 442400, 4692283; 442765, 4692281; 442759, 4691881; 443166, 4691878; 443158, 4691475; 443315, 4691474; 443276, 4691263; 443148, 4691056; 443386, 4690935; 443557, 4691034; 443707, 4690939; 443471, 4690531; 443458, 4690412; 443600, 4690103; 443443, 4690142; 443341, 4690042; 443070, 4689962; 442959, 4690158; 442790, 4690241; 442695, 4690141; 442449, 4690131; 442471, 4689722; 442382, 4689685; 442374, 4688296; 443000, 4688287; 443013, 4687949; 443004, 4688176; 443073, 4688202; 443110, 4688135; 443024, 4687830; 443104, 4687727; 443262, 4687965; 443476, 4687977; 443640, 4688349; 443994, 4688368; 444140, 4688319; 443817, 4687917; 443811, 4687765; 443695, 4687679; 443395, 4687605; 443016, 4687629;

- 442585, 4687439; 442403, 4687485;
442345, 4687347; 442042, 4687117;
441736, 4686671; 441704, 4686503;
441778, 4686333; 441545, 4686285;
441725, 4686101; 441774, 4685906;
441514, 4685933; 441445, 4685583;
441549, 4685553; 441604, 4685433;
442122, 4685255; 442299, 4685255;
442336, 4685170; 441915, 4685067;
441669, 4685193; 441403, 4685194;
440755, 4685009; 440590, 4684834;
440294, 4684729; 440488, 4684432;
440714, 4684590; 440768, 4684542;
440714, 4684037; 440390, 4684006;
440348, 4684128; 440445, 4684341;
440260, 4684422; 440120, 4684215;
440219, 4683988; 440363, 4683968;
440407, 4683905; 440590, 4683973;
440765, 4683921; 440460, 4683546;
440471, 4683307; 440401, 4683239;
440494, 4683037; 440493, 4682861;
440359, 4682662; 440353, 4682168;
440511, 4682169; 440464, 4681810;
440975, 4681745; 440983, 4682173;
441571, 4682177; 441564, 4682015;
441965, 4681982; 441957, 4681773;
442364, 4681775; 442343, 4681405;
442479, 4681318; 442797, 4681149;
443297, 4681122; 443455, 4681009;
443590, 4680639; 443590, 4680108;
443395, 4679603; 443282, 4678531;
441615, 4678526; 441643, 4678737;
441173, 4678988; 440955, 4679282;
440690, 4679334; 440691, 4679516;
440065, 4679554; 439088, 4679262;
439088, 4679215; 438658, 4679239;
438471, 4679664; 438092, 4679903;
437999, 4680177; 437941, 4680177;
437876, 4680682; 437879, 4681653;
437419, 4682256; 437165, 4682398;
436682, 4682911; 436495, 4683002;
435960, 4683152; 435344, 4683219;
434894, 4683738; 434384, 4683895;
434290, 4683977; 434119, 4684385;
433984, 4684388; 433836, 4684264;
433620, 4684195; 433151, 4684199;
432815, 4684123; 432373, 4683906;
431575, 4683692; 430447, 4683194;
430345, 4683234; 430232, 4683742;
430427, 4684302; 430652, 4684622;
430876, 4684799; 431025, 4684738;
431206, 4684772; 431488, 4685020;
432146, 4686144; 432581, 4686742;
432463, 4687714; 432563, 4688178;
432175, 4688456; 431870, 4689199;
431800, 4689515; 431821, 4689849;
432046, 4690145; 432563, 4691184;
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433525, 4691590; 433491, 4691758;
433658, 4691957; 433581, 4692362;
433381, 4692365; 433382, 4692573;
433183, 4692571; 433184, 4692773;
432851, 4692772; 432850, 4692576;
432438, 4692583; 432374, 4692381;
432499, 4692784; 432729, 4693081;
432747, 4693480; 432563, 4694411;
432792, 4694459; 433024, 4694893;
433059, 4695125; 433006, 4695573;
432876, 4695990; 433006, 4696347;
433399, 4696124; 433847, 4696379;
434267, 4696244; 434430, 4696290;
434530, 4696460; 434807, 4696561;
434786, 4696807; 434900, 4696932;
434991, 4696932; 434978, 4697208;
435119, 4697369; 435195, 4697619;
435447, 4697592; 435692, 4697726;
436580, 4697430; 436871, 4697913;
437164, 4697974; 437443, 4698173;
437596, 4698058; 437674, 4697862;
437886, 4697956; 438385, 4697788;
438485, 4697436; 438758, 4697270;
438923, 4697422; 439403, 4697480;
439441, 4697854; 439839, 4697864;
440230, 4697973; 440343, 4697930;
440623, 4698170; 440640, 4698259;
440868, 4698281; 441035, 4698092;
441321, 4697964; and excluding land
bound by 434219, 4691669; 433905,
4691437; 434248, 4690909; 434669,
4690716; 435080, 4690643; 435276,
4690472; 435410, 4690527; 435314,
4690726; 435706, 4691135; 435699,
4691478; 434982, 4691479; 434705,
4690960; 434485, 4690990; 434628,
4691302; 434219, 4691669; and
excluding land bound by 435117,
4690478; 435034, 4690541; 434904,
4690306; 435015, 4698923; 435121,
4689810; 435142, 4689710; 435323,
4689726; 435220, 4690318; 435117,
4690478; and excluding land bound by
435798, 4684482; 435674, 4684377;
435418, 4684329; 435215, 4683876;
435381, 4683844; 435136, 4683573;
435578, 4683354; 435754, 4683739;
435734, 4684070; 435863, 4684258;
435798, 4684482; and excluding land
bound by 436313, 4684053; 436323,
4684000; 436417, 4684001; 436415,
4683900; 436619, 4683892; 436623,
4684205; 436313, 4684205; 436313,
4684053; and excluding land bound by
438871, 4683424; 438870, 4683283;
439034, 4683080; 439249, 4683114;
439240, 4683550; 438875, 4683540;
438871, 4683424.
- (G) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 414690, 4706876; 414475, 4705566;
414470, 4705140; 414877, 4705116;
414855, 4704307; 416863, 4704288;
416858, 4703887; 417260, 4703882;
417241, 4701893; 417037, 4701895;
417021, 4701491; 416180, 4701457;
415524, 4701338; 415270, 4701197;
414917, 4700723; 414714, 4700223;
414406, 4699789; 414156, 4699668;
413162, 4699457; 412599, 4699015;
411568, 4698424; 411238, 4698294;
410942, 4698305; 410789, 4698230;
410777, 4698158; 411316, 4697723;
411773, 4697479; 412586, 4696535;
412573, 4696428; 412365, 4695962;
412171, 4695726; 411912, 4695548;
411374, 4695348; 410961, 4694929;
410775, 4694884; 410531, 4694583;
410074, 4694458; 409578, 4694124;
409485, 4693911; 409436, 4693124;
409355, 4692851; 409179, 4692633;
408932, 4692648; 408709, 4692763;
408556, 4692928; 408345, 4693467;
407971, 4693865; 407552, 4694072;
407318, 4694019; 407316, 4694124;
407458, 4694410; 407706, 4694549;
408256, 4694357; 408149, 4694547;
408254, 4694637; 408361, 4694453;
408263, 4694357; 408532, 4694329;
408706, 4694420; 408848, 4694556;
408559, 4694510; 408458, 4694642;
408496, 4694814; 408852, 4694837;
409168, 4694709; 409359, 4694707;
409374, 4694769; 409588, 4694829;
410348, 4694964; 410456, 4702093;
409412, 4703069; 409115, 4703493;
408982, 4703751; 408998, 4703845;
409288, 4703923; 409528, 4704220;
409696, 4704309; 410755, 4704556;
411450, 4705008; 411830, 4705112;
412029, 4705606; 412116, 4705666;
413043, 4705850; 413853, 4706430;
414114, 4706438; 414434, 4706802;
414690, 4706876.
- (H) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 415343, 4707175; 417490, 4707155;
417983, 4706857; 418413, 4706758;
419173, 4707088; 419537, 4707076;
419744, 4706882; 419960, 4706433;
420288, 4706229; 420741, 4706181;
420930, 4706058; 421511, 4704603;
421824, 4704060; 422804, 4703180;
423093, 4703030; 424259, 4702783;
424474, 4702656; 424873, 4702673;
425628, 4702521; 425839, 4702392;
425971, 4702162; 426003, 4701528;
425795, 4700763; 425362, 4699652;
425327, 4699099; 425391, 4698773;
425576, 4698486; 426350, 4697743;
425688, 4697816; 425688, 4698029;
425444, 4698500; 425248, 4698762;
424993, 4698822; 424898, 4698911;
424579, 4698865; 424356, 4698711;
424146, 4698729; 423725, 4698617;
423365, 4698767; 422968, 4698750;
422602, 4698929; 422115, 4698960;
421761, 4699056; 421508, 4698855;
420901, 4698630; 420642, 4698227;
420280, 4697842; 419806, 4697855;
419464, 4698022; 419404, 4698320;
418997, 4699040; 418739, 4699231;
418733, 4699463; 418566, 4699802;
418506, 4700087; 418434, 4700177;
418164, 4700249; 418038, 4700405;
418074, 4705077; 415687, 4705113;
415718, 4707170; 415343, 4707175; and
excluding land bound by 417548,
4705415; 417754, 4705445; 417958,
4705796; 417887, 4705849; 417548,
4705415.
- (I) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 413041, 4717477; 412950, 4717303;
412817, 4718142; 412876, 4718370;
413177, 4718668; 413272, 4719101;
413345, 4719184; 413840, 4718381;

413729, 4718126; 413589, 4717991;
413372, 4717945; 413251, 4717834;
413041, 4717477.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 418573, 4719196; 418542, 4718848; 418394, 4718672; 417681, 4718496; 417011, 4717587; 415662, 4716716; 415147, 4716481; 415446, 4716678; 415733, 4717056; 415809, 4717371; 415727, 4718451; 416050, 4718776; 416316, 4718964; 416418, 4718921; 416471, 4718843; 416468, 4718128; 416928, 4717938; 417254, 4718125; 417451, 4718440; 417886, 4718590; 418401, 4718988; 418285, 4719519; 418350, 4720006; 418440, 4720091; 418705, 4720098; 418845, 4720027; 418893, 4719901; 418883, 4719509; 418645, 4719388; 418573, 4719196.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 422359, 4721257; 422289, 4721212; 422293, 4721844; 422412, 4722188; 422558, 4722235; 422655, 4722143; 422747, 4721743; 422879, 4721590; 422359, 4721257.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 415444, 4721983; 415159, 4721979; 415182, 4721779; 415306, 4721586; 415154, 4721589; 415183, 4721505; 415149, 4721580; 415091, 4721558; 414732, 4721803; 414724, 4721624; 414581, 4721672; 414147, 4721616; 414106, 4721828; 414165, 4721992; 414567, 4722244; 414686, 4722275; 415070, 4722199; 415444, 4721983.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 421290, 4720423; 421398, 4720410; 421080, 4719995; 419909, 4719361; 419807, 4719362; 419871, 4719690; 419782, 4720032; 419982, 4720975; 420129, 4722273; 420515, 4722888; 420901, 4723050; 421047, 4722942; 420728, 4722359; 420781, 4721353; 420982, 4720791; 421111, 4720573; 421290, 4720423.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 430019, 4725067; 430016, 4724929; 430821, 4724923; 430801, 4724060; 430614, 4723842; 430145, 4723525; 429836, 4723149; 429412, 4723029; 429005, 4723089; 428126, 4723656; 427245, 4724755; 427114, 4724823; 426819, 4724873; 426566, 4724813; 425817, 4724259; 425819, 4724412; 426101, 4724596; 426425, 4725117; 426940, 4725049; 427112, 4725179; 427314, 4725591; 427222, 4726043; 427264, 4726301; 427359, 4726401; 427849, 4726604; 428443, 4727364; 428843, 4727360; 428821, 4725755; 430030, 4725733; 430019, 4725067.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 385905, 4735412; 385996, 4735346;

386301, 4735376; 386508, 4735211;
386829, 4735264; 386978, 4735101;
387160, 4735019; 387143, 4734882;
387256, 4734744; 387168, 4734358;
387252, 4733887; 387055, 4733743;
386954, 4733549; 386361, 4733271;
385977, 4733239; 385583, 4732929;
385584, 4733004; 384551, 4733023;
384558, 4733407; 384957, 4733405;
384964, 4734608; 384558, 4734616;
384564, 4735016; 384966, 4735003;
384972, 4735407; 385374, 4735399;
385379, 4735752; 385905, 4735412.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 384865, 4736282; 384911, 4736219; 384577, 4736229; 384565, 4735820; 384151, 4735833; 384177, 4737206; 384431, 4736689; 384865, 4736282.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 431672, 4738871; 431672, 4738805; 431581, 4738977; 431672, 4739186; 431672, 4738871.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 429736, 4741655; 430117, 4741662; 430117, 4741323; 429714, 4741323; 429712, 4740924; 430510, 4740920; 430513, 4741670; 431695, 4741634; 431672, 4739464; 431481, 4739368; 431394, 4739558; 431288, 4739629; 431260, 4739822; 430969, 4740011; 430923, 4739787; 431004, 4739521; 430989, 4739204; 430783, 4738837; 430092, 4738449; 429385, 4738399; 428979, 4737607; 429018, 4737316; 429337, 4736869; 429341, 4736595; 429018, 4736229; 428873, 4736233; 429009, 4736221; 428819, 4735971; 428562, 4735434; 428389, 4735428; 428559, 4735431; 428312, 4735230; 428030, 4735131; 427433, 4735121; 427115, 4735183; 426843, 4735394; 426282, 4735327; 425900, 4735541; 425818, 4735979; 425668, 4736127; 425295, 4735824; 425165, 4735631; 424760, 4735556; 424642, 4734834; 424787, 4734600; 424792, 4733751; 424726, 4733595; 424357, 4733272; 424263, 4733270; 423945, 4733648; 423865, 4733833; 423676, 4733879; 423506, 4734047; 423327, 4734004; 423256, 4733815; 423301, 4733144; 423222, 4732834; 422898, 4732761; 422755, 4732339; 422265, 4732038; 422291, 4731950; 422468, 4731838; 422491, 4731704; 422371, 4731559; 422139, 4731555; 422089, 4731327; 422148, 4731165; 422005, 4731120; 422161, 4730829; 422148, 4730692; 421891, 4730600; 421673, 4730828; 421657, 4730377; 421450, 4730336; 421261, 4730414; 421007, 4730675; 420824, 4730701; 420724, 4730857; 420651, 4730830; 420595, 4730730; 420637, 4730547; 420304, 4729690; 420305, 4729495; 420062, 4729153; 420055, 4728677; 419870, 4728472;

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413336, 4729278; 413615, 4729327;
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408763, 4733069; 409077, 4733184;
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409262, 4733630; 409589, 4734014;
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411496, 4734371; 411734, 4734505;
411854, 4735096; 412166, 4735098;
412827, 4735242; 413060, 4735073;
413238, 4735033; 414127, 4735345;
414259, 4734897; 414377, 4734758;
415216, 4734327; 416141, 4734112;
416435, 4734165; 416479, 4734382;
416676, 4734274; 416925, 4734284;
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417763, 4733961; 417784, 4734154;
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418451, 4734947; 418402, 4735222;
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(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 385687, 4729433; 386283, 4729418; 386297, 4730237; 386002, 4730248; 385993, 4729827; 385695, 4729841; 385687, 4729433; 384918, 4729468; 384932, 4730276; 385703, 4730251; 385720, 4731080; 384078, 4731095; 384085, 4731487; 384544, 4731475; 384544, 4732262; 385289, 4732246; 385281, 4732111; 385416, 4731808; 385708, 4731729; 385914, 4731846; 386002, 4731502; 385797, 4731286; 386296, 4731139; 386706, 4730784; 386720, 4730516; 386877, 4730333; 387018, 4729955; 387285, 4730011; 387291, 4730209; 388824, 4730179; 388854, 4730309; 388950, 4730333; 389298, 4729963; 389336, 4729788; 389536, 4729853; 389678, 4729758; 389754, 4729499; 390031, 4729171; 390496, 4729028; 390608, 4729208; 390794, 4729238; 390926, 4729403; 391115, 4729056; 391358, 4728838; 391819, 4728928; 391901, 4729265; 392137, 4729433; 392298, 4729447; 392510, 4729765; 393007, 4729735; 393019, 4730043; 393205, 4730046; 393457, 4729765; 393611, 4729680; 393809, 4729861; 393979, 4730168; 394111, 4730195; 394135, 4730005; 394239, 4729944; 394521, 4730298; 394797, 4730117; 395034, 4729818; 395314, 4730002; 395457, 4730340; 395715, 4730338; 395755, 4730427; 395711, 4730521; 395837, 4730551; 395913, 4730749; 395822, 4731129; 396119, 4731437; 396138, 4731677; 396210, 4731768; 396072, 4731931; 396317, 4732127; 396200, 4732306; 396338, 4732444; 396194, 4732521; 396201, 4732773; 395963, 4732857; 395787, 4733114; 395366, 4733479; 395271, 4733709; 395789, 4734178; 395823, 4734479; 395765, 4734850; 395549, 4735218; 395198, 4735383; 394859, 4735363; 394749, 4735297; 394531, 4735416; 394301, 4735264; 394184, 4735137; 394200, 4735030; 393991, 4734881; 393902, 4735019; 393791, 4734941; 393698, 4735000; 393523, 4734935; 393549, 4735023; 393711, 4735122; 393727, 4735381; 393499, 4735603; 393425, 4735979; 393258, 4736002; 393203, 4736163; 393045, 4736236; 393091, 4736522; 392877, 4736446; 392931, 4736841; 392876, 4737079; 392646, 4737165; 392593, 4737242; 392107, 4736910; 391066, 4736445; 390976, 4736595; 390624, 4736619; 390205, 4736740; 389898, 4737187; 389905, 4737739; 392654, 4737692; 392648, 4737297; 393467, 4737285; 393477, 4737682; 393878, 4737676; 393920, 4739615; 395282, 4739592; 395288, 4740006; 395692, 4739997; 395700, 4740407; 393938, 4740434; 393963, 4741610; 395318, 4741597; 395613, 4741929; 396417, 4741684; 396913, 4741700; 397139, 4741622; 397408, 4741775; 397387, 4742013; 397528, 4742211; 397524, 4742368; 398276, 4742353; 398825, 4740765; 397303, 4740787; 397265, 4739182; 395660, 4739193; 395622, 4737588; 398833, 4737520; 398861, 4738073; 401920, 4738036; 401916, 4737235; 403608, 4737345; 403638, 4738151; 408124, 4738134; 408544, 4736154; 408380, 4736025; 408309, 4735845; 407914, 4736156; 407549, 4735708; 407124, 4735340; 406394, 4735149; 406114, 4734862; 405950, 4734787; 405846, 4734634; 405556, 4734555; 405374, 4734379; 405278, 4733657; 404636, 4733534; 404582, 4733194; 404197, 4732798; 404129, 4732350; 404167, 4731612; 404019, 4731054; 404099, 4730784; 404069, 4730432; 403657, 4730192; 403570, 4729705; 403373, 4729265; 402823, 4728866; 402638, 4728574; 401848, 4728260; 401516, 4728039; 400970, 4728531; 400568, 4728409; 400351, 4728441; 399927, 4728752; 399534, 4729146; 399291, 4729148; 399324, 4729358; 398827, 4729856; 398645, 4730161; 398395, 4730356; 398230, 4730333; 398108, 4730238; 397190, 4730371; 396786, 4730292; 396615, 4730242; 396522, 4730119; 396441, 4729752; 396262, 4729515; 395684, 4729383; 395492, 4729169; 394420, 4729079; 393894, 4728973; 393765, 4728521; 393626, 4728420; 393123, 4728298; 392639, 4727792; 392524, 4727547; 392373, 4726589; 392283, 4726421; 392045, 4726214; 391918, 4726216; 391916, 4726060; 391821, 4726028; 391343, 4726431; 391095, 4726905; 390718, 4727039; 390439, 4727322; 390071, 4727473; 390014, 4727567; 390087, 4727740; 389872, 4728016; 389763, 4728098; 389551, 4728126; 389560, 4728570; 388780, 4728576; 388775, 4728384; 388435, 4728343; 388069, 4728585; 387271, 4728599; 387205, 4728747; 387045, 4728799; 386985, 4728905; 386989, 4729012; 387180, 4729091; 387200, 4729188; 387089, 4729262; 386877, 4729089; 386570, 4729227; 386482, 4729364; 386469, 4728635; 385872, 4728653; 385879, 4729041; 385684, 4729047; 385687, 4729433; and excluding land bound by 401024, 4730376; 401492, 4729762; 401676, 4729941; 401749, 4730266; 401904, 4730571; 402182, 4730780; 402900, 4731039; 403159, 4731217; 403258,

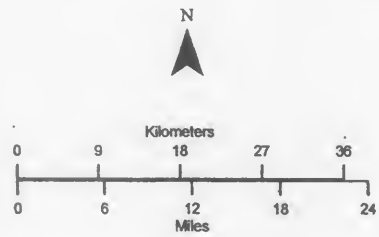
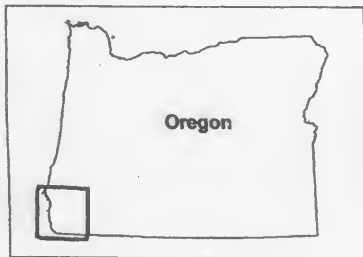
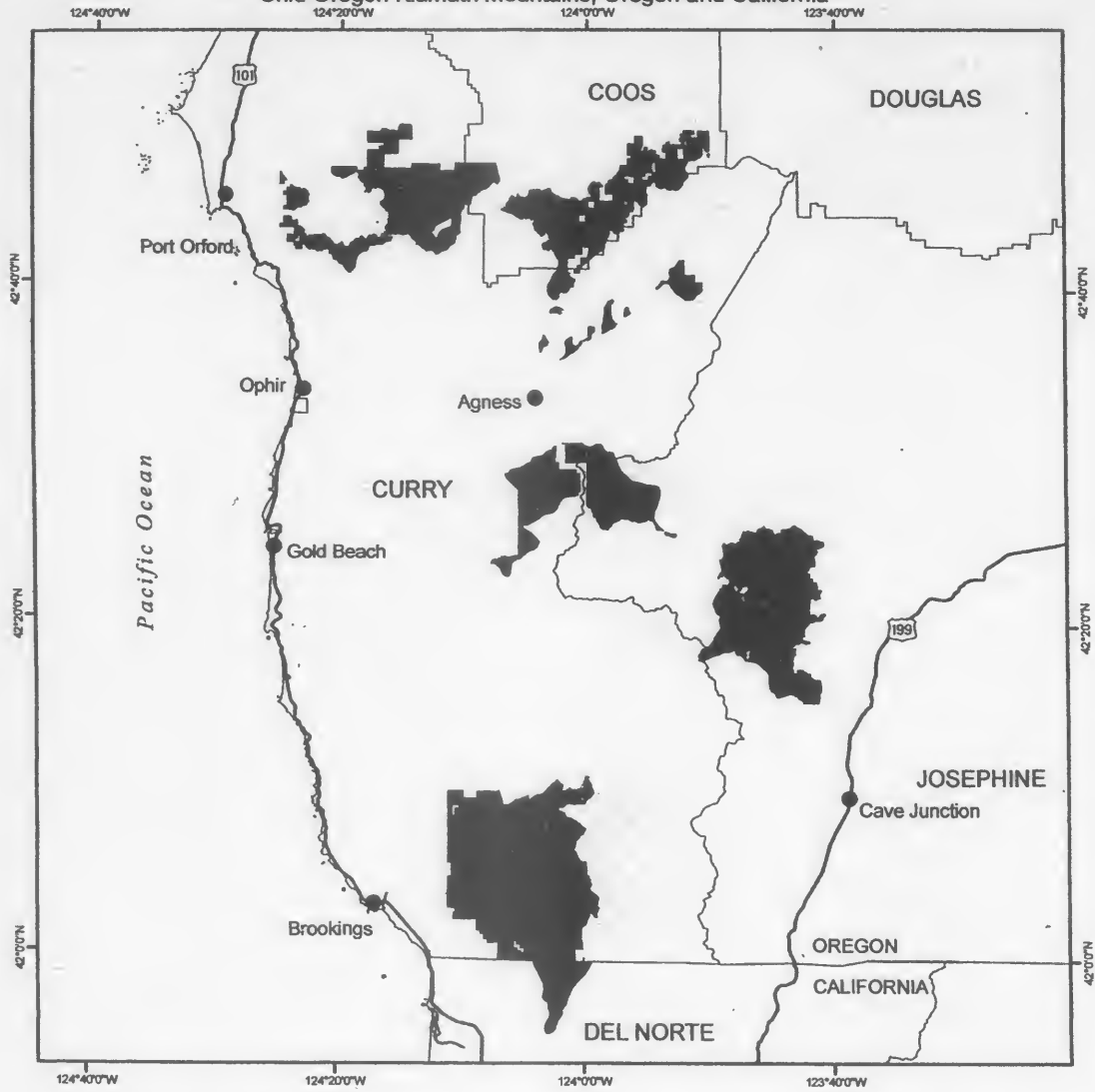
4732067; 402970, 4732084; 401545,
4731365; 401273, 4731118; 401099,
4730757; 400902, 4730540; 401024,

4730376; and excluding land bound by
401184, 4728681; 401480, 4728695;
401481, 4728892; 401184, 4728681.

(iii) Note: Map of Oregon Klamath
Mountains Unit follows:
BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Oregon Klamath Mountains, Oregon and California



	Critical Habitat
	Cities
	Highways
	Counties

(23) Klamath Intra-Province Unit (Unit 16). Jackson and Josephine Counties, Oregon. Siskiyou County, California.

(i) The Klamath Intra-Province Unit is a total of 96, 600 ac (39, 100 ha), including 90, 500 ac (36, 600 ha) in Josephine and Jackson Counties, Oregon, and 6, 100 ac (2, 500 ha) in the northern portion of Siskiyou County, California. It is comprised of lands managed by the Rogue-Siskiyou and Klamath National Forests (58, 000 ac (23, 500 ha)) and Medford BLM District (38, 600 ac (15, 600 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Ashland, Buckhorn Bally, Condrey Mountain, Cottonwood Peak, Dutchman Peak, Kerby Peak, Mount Ashland, Murphy, Murphy Mountain, Oregon Caves, Selma, Siskiyou Peak, Talent, and Williams.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 521215, 4649295; 521205, 4649209; 521235, 4649346; 521567, 4649567; 521722, 4649579; 521894, 4649496; 521967, 4649382; 522107, 4649365; 522023, 4649170; 522051, 4649073; 521947, 4648961; 521784, 4648933; 521276, 4649020; 521219, 4648976; 521231, 4648671; 521327, 4648407; 521222, 4648267; 521180, 4647890; 521222, 4647731; 521044, 4647134; 521527, 4647080; 521831, 4647150; 521974, 4647303; 522235, 4647101; 522448, 4647117; 522449, 4646872; 520882, 4646819; 520879, 4646627; 520675, 4646627; 520671, 4646816; 520558, 4646815; 520682, 4646860; 520675, 4646943; 520543, 4646871; 520301, 4647142; 519989, 4647092; 519735, 4646733; 519546, 4646820; 519437, 4646708; 519298, 4646805; 517728, 4646836; 517721, 4646035; 517561, 4645980; 517452, 4645757; 517267, 4645950; 516873, 4646166; 516291, 4647872; 516159, 4647988; 516127, 4649997; 513857, 4649993; 513885, 4648431; 512228, 4648433; 512248, 4649999; 510636, 4650003; 510575, 4648404; 508984, 4648390; 508962, 4650001; 508979, 4650199; 521763, 4650259; 521694, 4650103; 521597, 4650093; 521473, 4650179; 521408, 4650148; 521237, 4649792; 521215, 4649295; and excluding land bounded by 518511, 4649198; 519307, 4649180; 519310, 4649579; 518507, 4649605; 518511, 4649198; and excluding land bounded by 521244, 4649120; 521222, 4648981; 521256, 4649099; 521206, 4649205; 521244, 4649120; and excluding land bounded by 520095, 4648772; 520088, 4648369; 520884, 4648361; 520887, 4648767; 520095, 4648772.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 523554, 4655327; 523582, 4655207; 523554, 4655327; 523851, 4654989; 524152, 4654946; 524236, 4655142; 524399, 4655233; 524397, 4655404; 524552, 4655487; 524670, 4655093; 524432, 4654985; 524557, 4654899; 524645, 4654603; 524141, 4654602; 523953, 4654836; 523853, 4654778; 523656, 4654970; 523588, 4655185; 523654, 4654966; 523860, 4654770; 523890, 4654397; 523061, 4654317; 522989, 4654088; 522794, 4653852; 523197, 4652778; 523199, 4652630; 522394, 4652626; 522391, 4652228; 521981, 4652224; 521977, 4651819; 521598, 4651815; 521596, 4651010; 522697, 4651001; 521875, 4650679; 521644, 4650272; 508979, 4650199; 508976, 4650282; 508562, 4650282; 508632, 4650483; 508969, 4650714; 508983, 4651128; 508861, 4651469; 508951, 4651752; 508829, 4652150; 508835, 4652292; 508938, 4652407; 508764, 4652741; 508674, 4653532; 508385, 4653937; 508371, 4654109; 507987, 4654104; 507781, 4654264; 507569, 4654554; 507775, 4654644; 508315, 4654644; 508520, 4654791; 508758, 4655190; 509054, 4655010; 509182, 4655029; 509266, 4655138; 509497, 4655171; 509581, 4655248; 509632, 4655723; 509690, 4655807; 509793, 4655813; 510024, 4655614; 510127, 4655485; 510092, 4655388; 510898, 4655370; 511007, 4655473; 511194, 4656038; 512016, 4656045; 512018, 4657626; 514407, 4657638; 514400, 4656845; 514791, 4656839; 514808, 4656451; 515056, 4656463; 515062, 4656269; 515217, 4656250; 515223, 4656051; 515993, 4656070; 515998, 4655267; 516798, 4655271; 516801, 4656082; 516245, 4656076; 516129, 4656237; 516078, 4656546; 516438, 4656572; 516232, 4657105; 516264, 4657221; 516328, 4657111; 516618, 4657073; 516720, 4657086; 516796, 4657188; 516799, 4656878; 518327, 4656847; 518382, 4657289; 518561, 4657264; 518863, 4657373; 519444, 4657199; 519629, 4657338; 519982, 4657445; 519987, 4656633; 521293, 4656644; 521293, 4656242; 520884, 4656238; 520880, 4655841; 521708, 4655848; 521691, 4657453; 519987, 4657449; 520212, 4657631; 520228, 4657789; 520670, 4658403; 520647, 4658544; 520409, 4658994; 520409, 4659630; 520274, 4659997; 520114, 4660132; 520127, 4660774; 519150, 4661772; 518758, 4661914; 518636, 4662799; 518816, 4663390; 518790, 4663949; 518045, 4663968; 517621, 4664090; 516821, 4664739; 517209, 4664777; 517227, 4665166; 517621, 4665186; 517620, 4665593; 518435, 4665583; 518452, 4666372; 517637, 4666376; 517620, 4665593;

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(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 467353, 4668777; 468144, 4668778; 468152, 4667984; 468529, 4667976; 468529, 4665619; 466559, 4665606; 466566, 4667196; 465782, 4667183; 465781, 4666786; 465376, 4666781; 465379, 4667177; 464993, 4667175; 464984, 4665585; 464589, 4665588; 464569, 4663998; 464968, 4663996; 464981, 4665136; 465369, 4665085; 465462, 4665293; 465287, 4665453; 465355, 4665589; 465495, 4665590; 465682, 4665339; 465942, 4665147; 466024, 4664842; 465764, 4664900; 466041, 4664721; 466084, 4664616; 465872, 4664221; 465919, 4663881;

465700, 4663577; 465731, 4663425;
464914, 4663004; 464674, 4662670;
463215, 4662617; 462894, 4662670;
462450, 4663008; 461916, 4663293;
461631, 4663542; 461546, 4663743;
461557, 4665992; 462169, 4665982;
462174, 4666393; 461559, 4666403;
461563, 4667212; 462723, 4667635;
463143, 4668080; 463430, 4668633;
463606, 4668626; 463763, 4668505;
463882, 4668517; 464275, 4668925;
464622, 4669011; 464863, 4669288;
464981, 4669300; 464982, 4668776;
466556, 4668777; 466563, 4669493;
467128, 4669881; 467230, 4669704;
467197, 4669514; 467351, 4669136;
467353, 4668777; and excluding land
bound by 463368, 4664781; 463370,
4663982; 464169, 4664000; 464184,
4665589; 463375, 4665586; 463368,
4664781.

(D) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 464913, 4685170; 463304, 4685179;
463300, 4683969; 463702, 4683966;
463700, 4683563; 464905, 4683555,
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466128, 4685567; 466531, 4685566;
466544, 4686707; 468133, 4686758;
468120, 4685157; 467337, 4685160;
467330, 4684755; 467733, 4684753;
467720, 4683942; 468113, 4683940;
468120, 4685134; 468930, 4685119;
468930, 4685529; 469330, 4685529;
469328, 4685120; 469726, 4685121;
469714, 4683545; 468134, 4683534;
468130, 4681695; 466521, 4681713;
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468130, 4681695; 469730, 4681681;
469717, 4681284; 470118, 4681286;
470109, 4680889; 469704, 4680887;
469696, 4680088; 471305, 4680098;
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470141, 4683538; 471317, 4683553;

471321, 4685133; 472601, 4685119;
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475404, 4682621; 474594, 4682648;
474582, 4681816; 476183, 4681787;
476185, 4680117; 474561, 4680151;
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476176, 4677296; 475775, 4677297;
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474579, 4675284; 472951, 4675279;
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464191, 4671571; 463391, 4671574;
463379, 4671980; 462546, 4671984;
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463214, 4671755; 463378, 4671833;
463377, 4671629; 462727, 4671704;
462329, 4671978; 461563, 4671989;
461563, 4670307; 460379, 4670288;
460380, 4670690; 460784, 4670687;
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462490, 4679729; 462087, 4679724;
462086, 4680140; 461672, 4680142;
461656, 4681742; 460058, 4681744;

460064, 4683362; 458448, 4683370;
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459265, 4684594; 458453, 4684595;
458455, 4685002; 460083, 4685003;
460093, 4686634; 462105, 4686643;
462101, 4686191; 461808, 4686205;
461810, 4686024; 462100, 4686011;
462099, 4685188; 462902, 4685182;
462902, 4685587; 463303, 4685584;
463304, 4686628; 464895, 4686672;
464888, 4688310; 465710, 4688319;
465710, 4687512; 466520, 4687534;
466512, 4686707; 464927, 4686672;
464913, 4685170; and excluding land
bound by 462108, 4682543; 462500,
4682541; 462513, 4683333; 461701,
4683343; 461702, 4682546; 462108,
4682543; and excluding land bound by
464104, 4679316; 464505, 4679314;
464505, 4679719; 464104, 4679724;
464104, 4679316; and excluding land
bound by 473402, 4676994; 473401,
4676839; 473858, 4676838; 473860,
4677203; 473403, 4677205; 473405,
4677909; 472948, 4677911; 472945,
4676996; 473402, 4676994; and
excluding land bound by 464883,
4675281; 463277, 4675284; 463268,
4673672; 464874, 4673669; 464883,
4675281; 466497, 4675283; 466501,
4676890; 464891, 4676893; 464883,
4675281; and excluding land bound by
472132, 4682569; 472129, 4683526;
471337, 4683553; 471327, 4682567;
472132, 4682569; 472134, 4681767;
472936, 4681765; 472932, 4682570;
472132, 4682569.

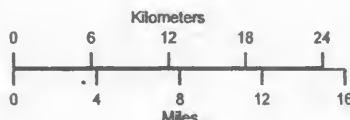
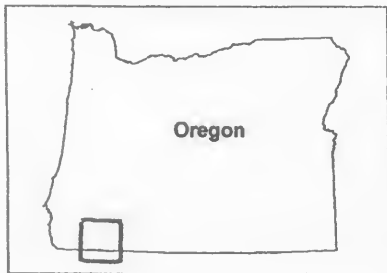
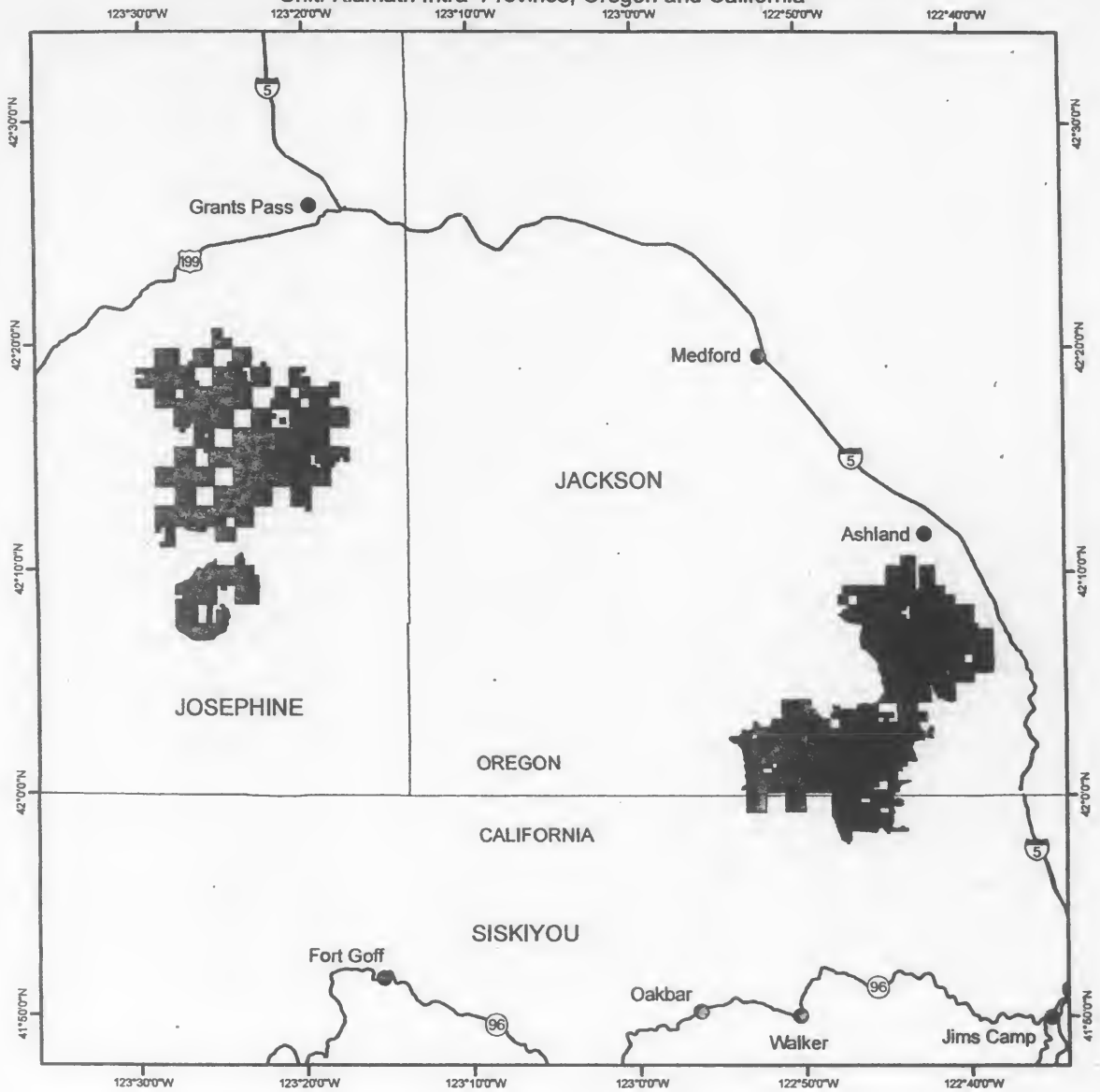
(E) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 470908, 4680494; 470508, 4680492;
470513, 4680891; 470912, 4680893;
470908, 4680494.

(iii) Note: Map of Klamath Intra-
Province Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Klamath Intra-Province, Oregon and California



	Critical Habitat
	Cities
	Highways
	Counties

(24) Southern Cascades Unit (Unit 17). Jackson and Klamath Counties, Oregon. Siskiyou County, California.

(i) The Southern Cascades Unit is a total of 246, 300 ac (99, 700 ha), including 206, 600 ac (83, 600 ha) in Jackson and Klamath Counties, Oregon, and 39, 700 ac (16, 100 ha) in the northern portion of Siskiyou County, California. It is comprised of lands managed by Rogue-Siskiyou, Winema, and Klamath National Forests (191, 600 ac (77, 500 ha)) and Medford and Lakeview BLM Districts (54, 700 ac (22, 100 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Brown Mountain, Copco, Crystal Spring, Dewey Gulch, Emigrant Lake, Hyatt Reservoir, Imnaha Creek, Lake of the Woods North, Lake of the Woods South, Little Chinquapin Mountain, MacDoel, Mount Ashland, Mount McLoughlin, Panther Rock, Parker Mountain, Pelican Bay, Pelican Butte, Prospect North, Prospect South, Red Blanket Mountain, Robinson Butte, Rustler Peak, Secret Spring Mountain, Siskiyou Pass, Soda Mountain, and Willow Lake.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 569294, 4624472; 569312, 4623674; 568483, 4623659; 568478, 4624472; 569294, 4624472.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 561078, 4627200; 561083, 4626393; 561978, 4626419; 561991, 4625250; 562833, 4625219; 562832, 4622792; 562015, 4622778; 561999, 4623594; 561190, 4623579; 561168, 4624398; 559595, 4624472; 559675, 4626356; 559503, 4626356; 559453, 4629193; 561076, 4629217; 561078, 4627200; and excluding land bound by 562530, 4623186; 562523, 4623000; 562656, 4623000; 562658, 4623180; 562530, 4623186.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 557792, 4632804; 556200, 4632790; 556185, 4634393; 557765, 4634418; 557792, 4632804.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 559393, 4634446; 557765, 4634418; 557735, 4636096; 559361, 4636123; 559393, 4634446.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 557735, 4636096; 556106, 4636083; 556080, 4637694; 557703, 4637712; 557735, 4636096.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 559352, 4637760; 557703, 4637712; 557677, 4639356; 559299, 4639375; 559352, 4637760.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 569294, 4624472; 569290, 4625559; 570626, 4625552; 570581, 4627166; 571370, 4627181; 571370, 4627991; 570574, 4627989; 570581, 4627166; 568959, 4627168; 569003, 4625557; 566833, 4625552; 566830, 4625274; 566005, 4625255; 566002, 4625482; 565737, 4625480; 565732, 4626251; 563684, 4626257; 563690, 4626665; 562858, 4626649; 562862, 4627063; 562711, 4627063; 562706, 4629677; 560665, 4629612; 560653, 4630826; 559447, 4630810; 559438, 4631604; 557823, 4631583; 557792, 4632804; 559415, 4632818; 559393, 4634446; 561028, 4634475; 560992, 4636144; 559361, 4636123; 559352, 4637760; 559759, 4637770; 559708, 4639379; 559299, 4639375; 559310, 4641012; 560890, 4641050; 560898, 4640228; 561724, 4640236; 561740, 4639407; 562559, 4639413; 562566, 4636813; 563915, 4636808; 563959, 4635179; 565585, 4635205; 565579, 4636018; 567212, 4636049; 567215, 4635224; 568033, 4635229; 568059, 4634439; 568860, 4634474; 568885, 4633636; 572050, 4633663; 572051, 4633265; 572461, 4633277; 572473, 4632873; 572877, 4632880; 572890, 4632478; 573302, 4632483; 573311, 4632087; 573724, 4632097; 573770, 4627227; 575360, 4627250; 575361, 4626101; 574709, 4625618; 573756, 4625603; 573750, 4626409; 572950, 4626399; 572986, 4625198; 572586, 4625192; 572581, 4625580; 571052, 4625555; 570981, 4624510; 569294, 4624472; and excluding land bound by 572145, 4627192; 572149, 4627594; 571753, 4627589; 571757, 4627187; 572145, 4627192; and excluding land bound by 570528, 4631236; 570518, 4632057; 569711, 4632051; 569698, 4632848; 568881, 4632843; 568913, 4630415; 569718, 4630421; 569733, 4629618; 570554, 4629615; 570528, 4631236; and excluding land bound by 561065, 4631239; 561045, 4632045; 560223, 4632032; 560234, 4631214; 561065, 4631239; and excluding land bound by 564079, 4632768; 564057, 4633582; 563207, 4633560; 563239, 4632751; 564079, 4632768; and excluding land bound by 560930, 4638596; 560907, 4639395; 560504, 4639389; 560543, 4637789; 560949, 4637799; 560930, 4638596; and excluding land bound by 565315, 4627864; 565319, 4627073; 565724, 4627079; 565716, 4627862; 565315, 4627864.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 560890, 4641050; 561012, 4642663; 562523, 4642696; 562509, 4644274; 561038, 4644250; 561078, 4645832;

562504, 4645909; 562506, 4645300; 563164, 4645239; 563172, 4645632; 563966, 4645545; 563965, 4644771; 565563, 4644766; 565458, 4643379; 563841, 4643380; 563864, 4640896; 562541, 4640839; 562534, 4641063; 560890, 4641050.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530619, 4651881; 529807, 4651896; 529805, 4652299; 530621, 4652283; 530619, 4651881.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 531378, 4654308; 530598, 4654316; 530593, 4654720; 531376, 4654710; 531378, 4654308.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 533019, 4652656; 532617, 4652657; 532535, 4652380; 532160, 4651904; 532019, 4651820; 531918, 4651459; 532224, 4651455; 532227, 4651047; 533027, 4651063; 533023, 4650508; 531297, 4650425; 531290, 4650708; 529812, 4650698; 529809, 4651493; 530618, 4651479; 530619, 4651881; 531017, 4651873; 531008, 4653470; 531404, 4653457; 531378, 4654308; 532168, 4654313; 532165, 4655120; 532955, 4655129; 533019, 4652656.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 531348, 4658308; 531345, 4657912; 530555, 4657951; 530560, 4657553; 529779, 4657578; 529778, 4658390; 531348, 4658308.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 537295, 4658007; 537299, 4658401; 538155, 4658403; 538159, 4658010; 537295, 4658007.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 537295, 4658007; 537291, 4657613; 536100, 4657606; 536090, 4658791; 536915, 4658808; 536905, 4658402; 536500, 4658402; 536496, 4658006; 537295, 4658007.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 531691, 4658702; 531341, 4658694; 531334, 4659080; 531698, 4658867; 531691, 4658702.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 540654, 4660007; 540658, 4659604; 540246, 4659609; 540234, 4660012; 540654, 4660007.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 552228, 4659191; 550615, 4659167; 550595, 4660793; 551002, 4660795; 551012, 4659989; 552219, 4660002; 552228, 4659191.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 541057, 4660810; 540633, 4660808; 540644, 4660407; 539459, 4660420;

539450, 4659218; 539026, 4659218;
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 537360, 4660013; 538610, 4660020;
 538614, 4660418; 539037, 4660419;
 539039, 4660818; 539459, 4660819;
 539447, 4662420; 541055, 4662416;
 541060, 4661612; 540644, 4661611;
 540639, 4661210; 541059, 4661211;
 541057, 4660810.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549168, 4660848; 549184, 4659156; 550615, 4659167; 550626, 4657523; 551443, 4657529; 551437, 4658353; 552245, 4658367; 552228, 4659191; 554253, 4659189; 554262, 4658378; 554668, 4658384; 554678, 4657164; 554273, 4657159; 554274, 4656753; 554681, 4656757; 554686, 4655944; 553878, 4655935; 553888, 4655128; 553089, 4655119; 553099, 4654715; 553498, 4654718; 553507, 4654313; 553510, 4653918; 553112, 4653913; 553115, 4653505; 554318, 4653514; 554309, 4654320; 554714, 4654323; 554724, 4653516; 555533, 4653519; 555539, 4653112; 553917, 4653101; 553922, 4652690; 554328, 4652694; 554338, 4651878; 553120, 4651872; 553121, 4651060; 552312, 4651055; 552309, 4652276; 551496, 4652266; 551506, 4651052; 552312, 4651055; 552312, 4651010; 551501, 4651023; 549858, 4650921; 549856, 4651041; 549054, 4651030; 549048, 4650898; 540033, 4650782; 540104, 4650777; 534602, 4650585; 534606, 4651053; 533027, 4651063; 533019, 4652656; 533794, 4652653; 533765, 4653474; 534534, 4653460; 534514, 4654267; 536071, 4654216; 536083, 4655065; 537275, 4655159; 537276, 4655627; 536881, 4655580; 536884, 4656033; 537277, 4656095; 537284, 4656854; 538139, 4656878; 538163, 4657617; 539451, 4657641; 539450, 4659218; 541066, 4659196; 541057, 4660810; 541472, 4660807; 541474, 4660407; 541882, 4660408; 541887, 4660805; 542809, 4660743; 542823, 4660648; 542940, 4660600; 543042, 4660746; 543121, 4660707; 543089, 4661990; 542678, 4662003; 542662, 4662418; 543902, 4662424; 543916, 4661569; 544733, 4661562; 544724, 4662418; 546763, 4662428; 546758, 4662031; 547563, 4662039; 547551, 4660829; 546745, 4660815; 546754, 4661635; 545141, 4661561; 545147, 4660754; 545940, 4660755; 545950, 4659203; 547551, 4659220; 547549, 4660026; 547963, 4660027; 547959, 4660431; 548369, 4660435; 548361, 4660841; 549168, 4660848; and excluding land bound by 542727, 4659127; 542729, 4659215; 541126, 4659196; 541146, 4658285; 541520, 4658292; 541533, 4657479; 542737, 4657495; 542727,

4659127; and excluding land bound by 544354, 4657498; 543547, 4657486; 543559, 4655872; 544368, 4655879; 544383, 4654260; 544784, 4654259; 544777, 4655071; 545178, 4655073; 545170, 4655887; 544368, 4655879; 544354, 4657498; 545965, 4657507; 545951, 4659148; 544334, 4659132; 544354, 4657498; and excluding land bound by 547178, 4657104; 547583, 4657104; 547579, 4657612; 546367, 4657611; 546369, 4657106; 547178, 4657104; and excluding land bound by 549214, 4655903; 547591, 4655893; 547588, 4656297; 546372, 4656300; 546374, 4655897; 547591, 4655893; 547595, 4654248; 549228, 4654286; 549214, 4655903; 549435, 4655900; 549437, 4655497; 549843, 4655494; 549829, 4656713; 550234, 4656713; 550246, 4655890; 550651, 4655885; 550632, 4657118; 550227, 4657120; 550221, 4657527; 549198, 4657524; 549214, 4655903; and excluding land bound by 539279, 4654224; 539470, 4655296; 539442, 4656067; 537670, 4656156; 537674, 4654229; 539279, 4654224; and excluding land bound by 540325, 4656239; 540329, 4655824; 541139, 4655831; 541145, 4657071; 540731, 4657064; 540730, 4657466; 539452, 4657456; 539455, 4657049; 539921, 4657053; 539924, 4656649; 540321, 4656655; 540325, 4656239; and excluding land bound by 542722, 4660341; 542721, 4660424; 542302, 4660423; 542300, 4660016; 542725, 4660021; 542722, 4660341; and excluding land bound by 546558, 4661931; 546386, 4661990; 546357, 4661862; 546558, 4661864; 546558, 4661931; and excluding land bound by 550262, 4653477; 550269, 4652655; 550678, 4652661; 550670, 4653486; 550262, 4653477; and excluding land bound by 549858, 4651843; 549857, 4651442; 550272, 4651446; 550273, 4651043; 550689, 4651045; 550681, 4652257; 550270, 4652252; 550271, 4651848; 549858, 4651843.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 536999, 4662438; 536993, 4662019; 538204, 4662022; 538198, 4660818; 537778, 4660820; 537774, 4660420; 537369, 4660414; 537378, 4660814; 536177, 4660800; 536198, 4662372; 536999, 4662438.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 548357, 4662863; 549161, 4662876; 549158, 4662471; 548361, 4662455; 548357, 4662863.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 552211, 4660832; 552210, 4661218; 551807, 4661209; 551810, 4660815; 552211, 4660832; 552215, 4660417; 551415, 4660395; 551400, 4661605;

550592, 4661607; 550595, 4660793; 549168, 4660848; 549164, 4661662; 549372, 4661654; 549376, 4661247; 550187, 4661216; 550184, 4661622; 549776, 4661638; 549772, 4662043; 549368, 4662059; 549363, 4662463; 550585, 4662421; 550588, 4662014; 551396, 4662012; 551391, 4662419; 550988, 4662420; 550982, 4662827; 550579, 4662828; 550572, 4663234; 551785, 4663231; 551778, 4663643; 552183, 4663635; 552194, 4662824; 552600, 4662832; 552604, 4662424; 553010, 4662432; 553024, 4660822; 552211, 4660832.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 548357, 4662863; 547957, 4662858; 547950, 4663266; 547548, 4663261; 547531, 4664084; 549175, 4664100; 549164, 4663280; 548352, 4663271; 548357, 4662863.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551778, 4663643; 551374, 4663650; 551367, 4664113; 551770, 4664115; 551778, 4663643.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 541900, 4664446; 541858, 4663631; 541456, 4663628; 541457, 4664038; 541135, 4664036; 541390, 4664236; 541618, 4664254; 541637, 4664343; 541563, 4664446; 541900, 4664446.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 547531, 4664084; 547120, 4664078; 547122, 4664484; 547532, 4664491; 547531, 4664084.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549663, 4664102; 549583, 4664102; 549585, 4664505; 549991, 4664507; 549991, 4664104; 549663, 4664102.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 552996, 4664117; 552839, 4664116; 552835, 4664521; 553238, 4664523; 553242, 4664120; 552996, 4664117.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 554035, 4665736; 554038, 4665334; 553634, 4665332; 553631, 4665736; 554035, 4665736.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 550802, 4665318; 550807, 4664108; 550992, 4665313; 550992, 4665716; 550801, 4665720; 550791, 4666119; 551198, 4666122; 551207, 4665321; 550802, 4665318.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551596, 4666920; 551600, 4666521; 551198, 4666520; 551194, 4666920; 551596, 4666920.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 552397, 4667318; 552398, 4666921; 551596, 4666920; 551592, 4667319; 552397, 4667318.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 554035, 4665736; 554018, 4667355; 555230, 4667360; 555231, 4666956; 554828, 4666954; 554835, 4665742; 554035, 4665736.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 542281, 4667723; 542282, 4667680; 542684, 4667686; 542690, 4667289; 541886, 4667274; 541872, 4668079; 542275, 4668085; 542281, 4667723.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549152, 4667327; 549138, 4668946; 550755, 4668948; 550771, 4667337; 549152, 4667327.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 554018, 4667355; 552397, 4667318; 552390, 4668944; 554005, 4668971; 554008, 4668567; 554410, 4668567; 554414, 4668165; 554011, 4668163; 554018, 4667355.

(KK) bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555616, 4668971; 557237, 4668970; 557252, 4667351; 555634, 4667361; 555616, 4668971.

(LL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 544672, 4669726; 544269, 4669722; 544261, 4670531; 544664, 4670535; 544672, 4669726.

(MM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549138, 4668946; 547512, 4668937; 547524, 4667321; 549152, 4667327; 549168, 4666115; 547937, 4666108; 547939, 4665703; 547531, 4665699; 547533, 4664896; 546715, 4664885; 546708, 4664071; 544299, 4664053; 544287, 4667298; 545902, 4667311; 545893, 4668930; 545084, 4668921; 545090, 4668110; 544282, 4668100; 543927, 4668482; 543732, 4668907; 544680, 4668916; 544672, 4669726; 545076, 4669729; 545072, 4670134; 545879, 4670142; 545883, 4669737; 547504, 4669750; 547497, 4670563; 549124, 4670565; 549138, 4668946.

(NN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 552390, 4668944; 550755, 4668948; 550740, 4670567; 552372, 4670575; 552390, 4668944.

(OO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555616, 4668971; 554005, 4668971; 553991, 4670592; 555604, 4670596; 555616, 4668971.

(PP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 544037, 4671921; 543999, 4671813; 543662, 4671794; 543669, 4671927; 544037, 4671921.

(QQ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 553991, 4670592; 552372, 4670575; 552362, 4672187; 553977, 4672205; 553991, 4670592.

(RR) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551544, 4673003; 551548, 4672190; 550727, 4672179; 550740, 4670567; 549124, 4670565; 549113, 4672190; 550373, 4672180; 550321, 4672183; 550315, 4672470; 550178, 4672466; 550175, 4672586; 549900, 4672578; 549910, 4673394; 550721, 4673397; 550724, 4672990; 551544, 4673003.

(SS) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 551544, 4673003; 551541, 4673810; 551944, 4673812; 551946, 4673001; 551544, 4673003.

(TT) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 549502, 4673801; 549097, 4673801; 549094, 4674882; 549174, 4674555; 549237, 4674526; 549245, 4674264; 549501, 4674070; 549502, 4673801.

(UU) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 548672, 4675813; 548127, 4675805; 548234, 4676299; 548218, 4676540; 548285, 4676667; 548112, 4677020; 548664, 4677022; 548672, 4675813.

(VV) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 546649, 4678637; 546649, 4678493; 546437, 4678496; 546166, 4678394; 545849, 4678469; 545849, 4678632; 546649, 4678637.

(WW) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 547454, 4678247; 547052, 4678242; 547056, 4678641; 547453, 4678645; 547454, 4678247.

(XX) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 547989, 4679632; 547855, 4679511; 547754, 4679581; 547906, 4679752; 547989, 4679632.

(YY) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 561284, 4680531; 561567, 4680553; 561550, 4680172; 560554, 4680185; 560550, 4680673; 561129, 4680684; 561284, 4680531.

(ZZ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 550631, 4682321; 551032, 4682305; 551023, 4681917; 550621, 4681920; 550631, 4682321.

(AAA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 556345, 4683074; 556329, 4682673; 555934, 4682689; 555937, 4683090; 556345, 4683074.

(BBB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 542977, 4688285; 542973, 4688680; 543770, 4688673; 543773, 4688285; 542977, 4688285.

(CCC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 550631, 4682321; 549841, 4682321; 549819, 4681913; 547430, 4681894; 547392, 4683480; 549010, 4683499; 549016, 4685110; 547443, 4685085; 547392, 4683480; 545793, 4683466; 545832, 4681862; 545016, 4681860; 545007, 4682244; 544198, 4682237; 544185, 4682925; 544193, 4682258; 543791, 4682253; 543795, 4681851; 543394, 4681846; 543383, 4682652; 542576, 4682645; 542583, 4682656; 543379, 4684249; 543398, 4685065; 543003, 4685068; 542981, 4684660; 542586, 4684663; 542589, 4686275; 543394, 4686275; 543410, 4686664; 542588, 4686683; 542582, 4688275; 542977, 4688285; 542996, 4687476; 543786, 4687476; 543795, 4687068; 544197, 4687078; 544148, 4689887; 542549, 4689886; 542527, 4693339; 543475, 4693129; 544120, 4693180; 544128, 4693110; 545737, 4693117; 545756, 4692721; 546151, 4692712; 546167, 4692317; 546562, 4692327; 546571, 4692715; 546966, 4692731; 546960, 4693521; 546743, 4693532; 546785, 4693549; 547018, 4693565; 547358, 4693489; 547366, 4693139; 548977, 4693135; 548998, 4693664; 549718, 4693426; 550126, 4693111; 550700, 4693114; 550793, 4693344; 551155, 4693352; 551475, 4693125; 551584, 4692973; 551934, 4692861; 552250, 4693193; 553789, 4693183; 553791, 4694010; 553872, 4694099; 554101, 4694164; 553651, 4694976; 553629, 4695459; 553870, 4695721; 553881, 4695893; 553778, 4696045; 553777, 4696254; 553948, 4696408; 554577, 4696418; 554588, 4695611; 555390, 4695603; 555401, 4694814; 558617, 4694833; 558623, 4694167; 567896, 4694136; 567734, 4694035; 567730, 4693866; 567825, 4693723; 568398, 4693341; 568362, 4693373; 568556, 4693362; 568750, 4693203; 568768, 4693155; 568400, 4693150; 568500, 4689101; 568497, 4683497; 567713, 4683497; 567682, 4683369; 567618, 4683362; 567402, 4683496; 567596, 4683497; 565266, 4683499; 565269, 4683236; 563888, 4683701; 563728, 4683932; 563769, 4684265; 563727, 4684680; 563559, 4685187; 563350, 4685374; 563304, 4685587; 563565, 4685848; 563619, 4686106; 563843, 4686353; 563872, 4686592; 563745, 4686748; 563644, 4686754; 563426, 4686626; 563249, 4686725; 563113, 4686403; 562913, 4686172; 562361, 4685766; 561969, 4685374; 561710, 4685291; 561622, 4685005; 561494, 4684956; 561409, 4684804; 560609, 4684376; 560661, 4683860; 560520, 4683695; 560523, 4683497; 560132, 4683500; 560136, 4682169;

560533, 4682160; 560567, 4678559;
560152, 4678558; 560151, 4678960;
559750, 4678957; 559748, 4679748;
559345, 4679744; 559346, 4679400;
559268, 4679754; 559316, 4678521;
558767, 4678551; 558778, 4677063;
555544, 4677055; 555553, 4678647;
553934, 4678685; 553922, 4680271;
554731, 4680265; 554724, 4681870;
553896, 4681889; 553889, 4683494;
552271, 4683526; 552246, 4681901;
551844, 4681904; 551841, 4682299;
551427, 4682321; 551421, 4683117;
550656, 4683130; 550631, 4682321; and
excluding land bound by 550242,
4683114; 549038, 4683111; 549038,
4682315; 549421, 4682305; 549436,
4682713; 550233, 4682713; 550242,
4683114; and excluding land bound by
557164, 4681877; 557157, 4680259;
557960, 4680265; 557979, 4681075;
558775, 4681081; 558775, 4681890;
557164, 4681877; 557151, 4682673;
558769, 4682693; 558765, 4683075;
557154, 4683081; 557138, 4683501;
555513, 4683488; 555526, 4681883;
557164, 4681877; and excluding land
bound by 550621, 4685130; 549825,
4685123; 549815, 4684735; 550624,
4684735; 550621, 4685130; and
excluding land bound by 546607,
4686040; 546608, 4686683; 546990,
4686686; 547006, 4687081; 547388,
4687078; 547410, 4686677; 548614,
4686719; 548595, 4688317; 547378,
4688301; 547375, 4687893; 546585,
4687893; 546592, 4687104; 546203,
4687094; 546194, 4686705; 545811,
4686690; 545808, 4686301; 546203,
4686285; 546223, 4685495; 546611,
4685492; 546607, 4686040; and
excluding land bound by 545401,
4686272; 544605, 4686272; 544601,
4685884; 545398, 4685884; 545401,
4686272; and excluding land bound by
545302, 4687448; 545111, 4687454;
545303, 4687181; 545429, 4687347;
545302, 4687448; and excluding land
bound by 544167, 4690689; 544957,
4690708; 544963, 4691498; 544574,
4691521; 544562, 4692304; 544141,
4692313; 544128, 4693103; 543339,
4693103; 543339, 4692307; 543753,
4692298; 543759, 4691501; 544161,
4691486; 544167, 4690689; and
excluding land bound by 544595,
4684253; 544586, 4683864; 544987,
4683855; 544984, 4683466; 545379,
4683457; 545408, 4684661; 545006,
4684670; 544984, 4684262; 544595,
4684253.

(DDD) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 566120, 4706116; 566187, 4706082;
566201, 4705908; 566107, 4705715;
566198, 4705677; 566089, 4705410;
566087, 4705223; 565992, 4705207;
565946, 4705334; 566002, 4705591;

565870, 4705590; 565728, 4705692;
565652, 4706199; 565940, 4706311;
566120, 4706116.

(EEE) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 573404, 4718676; 573406, 4717311;

573341, 4716446; 573495, 4714995;
573644, 4715078; 573588, 4715045;
573702, 4715203; 573913, 4715244;
574008, 4715444; 574182, 4715382;
574183, 4715240; 573988, 4715159;
574018, 4715101; 574190, 4715136;
574184, 4714971; 574326, 4715173;
574507, 4715188; 574640, 4715109;
574635, 4714943; 574531, 4714943;
574547, 4714132; 575164, 4714138;
575168, 4713833; 575292, 4713836;
575295, 4713612; 575374, 4713444;
575303, 4712922; 574979, 4712918;
574988, 4712152; 574583, 4712151;
574589, 4711757; 574992, 4711752;
575010, 4710955; 575055, 4710956;
574947, 4710717; 575012, 4710309;
574881, 4709727; 574939, 4709342;
574703, 4709342; 574639, 4709504;
574635, 4709128; 574009, 4710214;
573148, 4710521; 572811, 4710213;
572668, 4709874; 572664, 4709758;
572991, 4709702; 573252, 4709302;
573308, 4708634; 573510, 4708284;
573667, 4707154; 574032, 4706854;
574167, 4706484; 574382, 4704176;
574381, 4703445; 574257, 4702875;
573894, 4702875; 573908, 4702442;
573512, 4702432; 573509, 4702030;
573084, 4702026; 573084, 4701679;
572602, 4700868; 572448, 4700772;
572177, 4700849; 571912, 4700824;
571909, 4701186; 572307, 4701195;
572307, 4701598; 571519, 4701574;
571531, 4701174; 571133, 4701173;
571135, 4700776; 571815, 4700780;
570765, 4700621; 570187, 4700651;
569868, 4700535; 569658, 4700847;
569483, 4700764; 569395, 4700788;
568782, 4701340; 568407, 4701757;
568248, 4702056; 567823, 4702473;
567483, 4701999; 567497, 4701842;
567186, 4701557; 567193, 4701507;
567394, 4701477; 567289, 4700636;
567171, 4700459; 567182, 4699995;
567424, 4699646; 567444, 4699452;
567621, 4699297; 568050, 4699138;
568334, 4698934; 568566, 4698980;
568627, 4699112; 568746, 4699107;
568919, 4698782; 568820, 4698625;
568414, 4698464; 568379, 4698188;
568191, 4698085; 568231, 4697923;
568057, 4697683; 568140, 4697520;
568033, 4696296; 566608, 4695454;
564808, 4696594; 563129, 4698858;
562723, 4699753; 562658, 4700157;
562688, 4700447; 562690, 4700332;
563260, 4700338; 563343, 4700069;
563440, 4700001; 564159, 4699966;
564318, 4699869; 564232, 4700075;
564243, 4700326; 564045, 4700791;
564188, 4701026; 564149, 4701155;

565506, 4701176; 565490, 4702384;
566698, 4702404; 566695, 4702747;
566410, 4703515; 565603, 4704790;
565755, 4704899; 566149, 4704978;
566239, 4705399; 566619, 4705741;
566601, 4705635; 566691, 4705441;
566996, 4705011; 567153, 4705044;
567152, 4705132; 567233, 4705152;
567181, 4705252; 567319, 4705366;
568020, 4705486; 567908, 4705867;
567925, 4706574; 567836, 4707402;
567514, 4707590; 567497, 4708155;
567225, 4708660; 567268, 4709197;
567231, 4709799; 567061, 4709816;
566849, 4709586; 566367, 4708799;
566180, 4708289; 565846, 4708229;
565662, 4708280; 565512, 4711388;
568190, 4710846; 568116, 4715640;
568573, 4715957; 569723, 4714299;
571348, 4715514; 571347, 4715697;
572151, 4715694; 572107, 4718626;
572198, 4718498; 572353, 4718487;
572357, 4718328; 572699, 4718393;
573183, 4718774; 573420, 4718858;
573404, 4718676.

(FFF) Land bounded by the following

UTM Zone 10, NAD83 coordinates (E,
N): 553474, 4744142; 554955, 4743196;
555384, 4742811; 555532, 4742405;
555667, 4742241; 556171, 4741964;
556211, 4741684; 556333, 4741450;
556880, 4741453; 557269, 4741271;
557396, 4741252; 557751, 4741509;
558021, 4741962; 558224, 4742103;
558729, 4742660; 558690, 4742882;
558797, 4743092; 558801, 4743397;
558927, 4743659; 558875, 4743926;
558961, 4744243; 559924, 4743153;
559982, 4737338; 559652, 4737285;
559612, 4737166; 559479, 4737373;
559205, 4737581; 558918, 4737669;
558581, 4737635; 558671, 4727785;
557876, 4727774; 557894, 4725841;
557258, 4725927; 557067, 4725849;
557083, 4725334; 557363, 4725310;
557373, 4724719; 557545, 4724676;
558709, 4724587; 558718, 4725312;
559455, 4725310; 559451, 4723847;
559190, 4723890; 559064, 4723769;
558937, 4723750; 558720, 4723811;
558804, 4723685; 558575, 4723613;
558907, 4723361; 558908, 4723215;
558966, 4723171; 559495, 4722983;
559222, 4722822; 559109, 4722548;
558807, 4722854; 558832, 4723113;
558719, 4722997; 558376, 4722894;
558281, 4722779; 558206, 4722360;
558043, 4722160; 557853, 4722134;
557746, 4721885; 557829, 4721746;
557627, 4721611; 557461, 4721642;
557112, 4721487; 557128, 4719878;
557237, 4719854; 557560, 4719964;
558018, 4719928; 558727, 4719405;
558737, 4715628; 559850, 4714559;
559853, 4714044; 558740, 4714012;
557166, 4712382; 557151, 4711803;
556820, 4711794; 556703, 4712188;
556749, 4713040; 556484, 4712778;

556211, 4712662; 555689, 4712793;
555368, 4713179; 555146, 4713145;
554840, 4713201; 555187, 4713680;
555240, 4714399; 555639, 4714732;
555631, 4714961; 554927, 4715732;
554779, 4716132; 554784, 4716278;
554562, 4716251; 554353, 4716085;
554105, 4716122; 553800, 4715999;
553640, 4716106; 553634, 4716189;
554001, 4716503; 554028, 4717253;
553766, 4717410; 553923, 4717723;
554040, 4718474; 554147, 4718583;
553963, 4718594; 553732, 4718962;
553425, 4719170; 553140, 4719054;
553138, 4719276; 552746, 4719954;
552530, 4719940; 552297, 4719666;
552033, 4720141; 551389, 4720461;
551286, 4720734; 551264, 4721186;
551587, 4721455; 551256, 4721491;
550720, 4721678; 550516, 4721868;
550418, 4722293; 550471, 4722910;
550432, 4723063; 550508, 4723197;

550487, 4723591; 550375, 4724252;
550436, 4724405; 550410, 4724710;
550560, 4725156; 550385, 4725644;
550143, 4725776; 550117, 4725897;
550248, 4726123; 550248, 4726337;
550037, 4726814; 549888, 4726926;
549800, 4726817; 549124, 4727315;
549137, 4729242; 549513, 4729054;
549961, 4728605; 550286, 4728442;
550636, 4728406; 551761, 4728533;
552171, 4728322; 552192, 4726920;
553824, 4726932; 553795, 4728660;
553552, 4728932; 552846, 4730034;
552184, 4730062; 552100, 4732503;
552517, 4732517; 552506, 4733318;
552101, 4733330; 552092, 4734930;
552107, 4734123; 552489, 4734125;
552494, 4735333; 551687, 4735329;
551689, 4734938; 550390, 4734921;
549681, 4734922; 549666, 4735317;
549284, 4735314; 549278, 4734894;
549068, 4734918; 549047, 4735720;

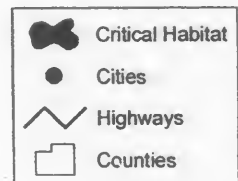
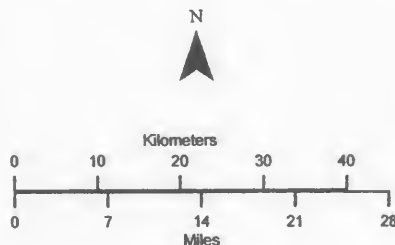
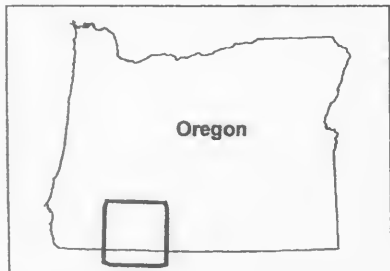
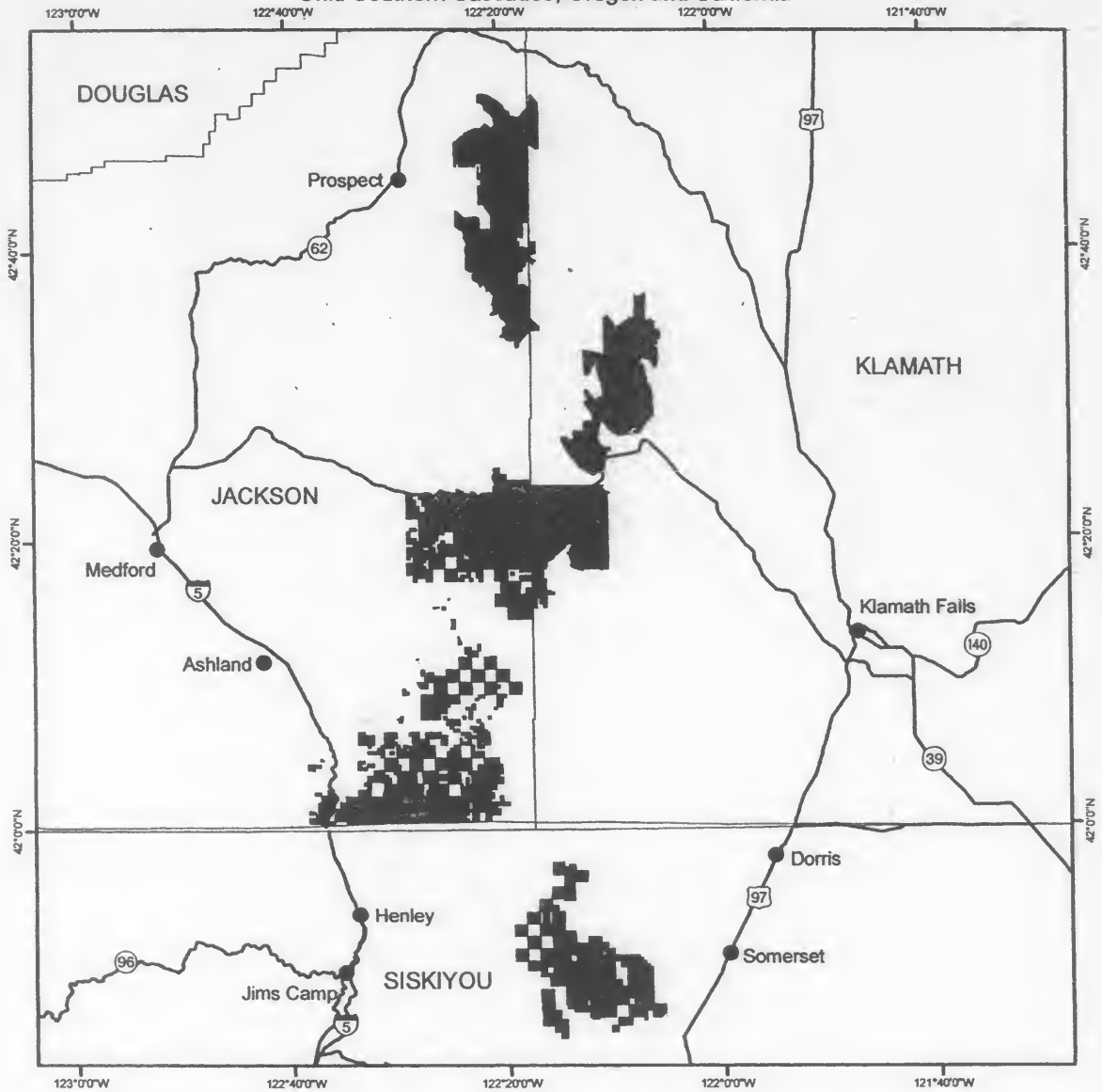
549022, 4738004; 549376, 4738261;
549825, 4738728; 550281, 4738959;
550408, 4738954; 550406, 4739259;
550520, 4739374; 550768, 4739401;
551034, 4739600; 551226, 4739566;
551218, 4739617; 551408, 4739766;
551935, 4739912; 552099, 4739939;
552114, 4739784; 552444, 4739919;
552956, 4740361; 553102, 4740419;
553625, 4740124; 553904, 4739744;
554305, 4740210; 554387, 4740440;
554353, 4740681; 554206, 4740884;
554267, 4741221; 554044, 4741436;
553992, 4741626; 553130, 4742175;
552917, 4742746; 552744, 4742935;
552495, 4743055; 552520, 4743150;
552094, 4743192; 552088, 4744178;
552246, 4744319; 552793, 4744290;
553474, 4744142.

(iii) Note: Map of Southern Cascades Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Southern Cascades, Oregon and California



(25) Coastal Redwoods Unit (Unit 18).
Del Norte County, California.

(i) The Coastal Redwoods Unit consists of 6, 900 ac (2, 800 ha) and is comprised of lands managed by Six Rivers National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Gasquet, Hiouchi, and Requa.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 411769, 4605429; 411759, 4605062; 412208, 4605063; 412212, 4605438; 412256, 4605439; 412237, 4604944; 412442, 4604620; 412118, 4603963; 412153, 4603590; 411792, 4603217; 411568, 4602849; 411248, 4602092; 411274, 4603177; 410486, 4603174; 410533, 4603972; 410159, 4604016; 410267, 4604419; 410179, 4604614; 410179, 4605551; 411769, 4605429.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 410811, 4633231; 410748, 4632164;

411567, 4632139; 411699, 4632303;
411804, 4632316; 412028, 4632308;
412222, 4632216; 411556, 4631772;
411381, 4630896; 411462, 4630616;
411339, 4630052; 411146, 4629649;
411412, 4628690; 411816, 4628166;
412230, 4628953; 412124, 4629090;
412125, 4629411; 412046, 4629589;
412148, 4629791; 412170, 4630234;
412273, 4630471; 412245, 4631054;
412395, 4631476; 412376, 4632019;
412311, 4632175; 412742, 4632288;
412879, 4632788; 412982, 4632945;
413712, 4632920; 414674, 4633052;
415161, 4633141; 415711, 4633394;
415948, 4633369; 415963, 4632693;
416774, 4632579; 416788, 4632745;
417156, 4632750; 417147, 4632356;
418585, 4632361; 418595, 4632766;
419735, 4632726; 419732, 4632617;
419661, 4632476; 419380, 4632231;
419240, 4631983; 419107, 4631318;
419150, 4631043; 419096, 4630965;
418759, 4630970; 418754, 4630817;

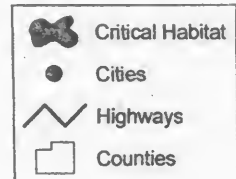
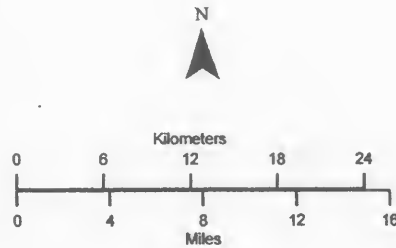
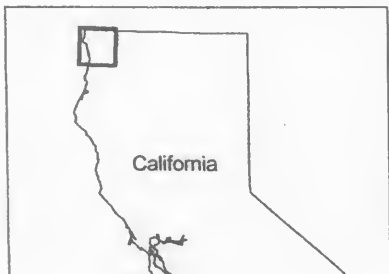
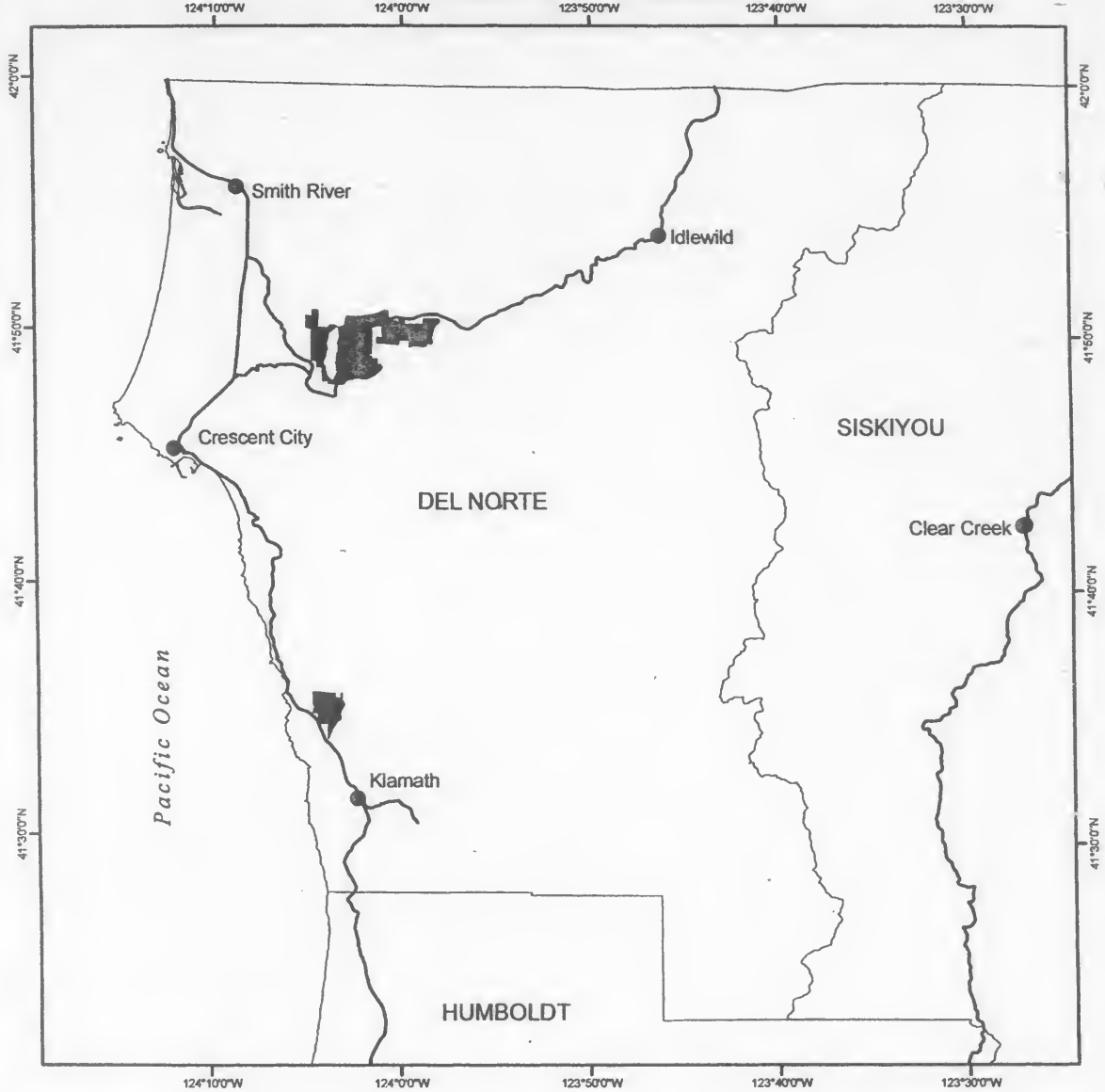
418582, 4630755; 417886, 4630793;
417500, 4630725; 417523, 4631191;
416714, 4631195; 416703, 4630930;
415139, 4631004; 415144, 4631420;
415529, 4631394; 415552, 4632224;
415155, 4632268; 414748, 4632169;
414726, 4630239; 414530, 4630244;
414529, 4630056; 414726, 4630048;
414725, 4629856; 415118, 4629830;
415112, 4629440; 415367, 4629464;
415328, 4629381; 415451, 4629301;
415388, 4629084; 414940, 4628677;
414337, 4628391; 413455, 4628408;
412930, 4628296; 412576, 4628002;
411539, 4628029; 411541, 4628236;
411134, 4628234; 411088, 4629246;
410732, 4629269; 410683, 4629713;
410287, 4629741; 410331, 4632026;
409934, 4632161; 409956, 4633029;
410386, 4632993; 410387, 4633394;
410809, 4633375; 410811, 4633231.

(iii) Note: Map of Coastal Redwoods Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Coastal Redwoods, California



(26) Coastal Humboldt Unit (Unit 19). Humboldt and Mendocino Counties, California.

(i) The Coastal Humboldt Unit consists of 30, 700 ac (12, 400 ha) and is comprised of lands managed by the BLM Arcata Field Office.

(ii) From USGS 1:24, 000 scale quadrangles Bell Springs, Boonville, Bridgeville, Bull Creek, Cahto Peak, Ettersburg, Harris, Honeydew, Jaqua Buttes, Jewett Rock, Larabee Valley, Leggett, Lincoln Ridge, Mad River Buttes, Noble Butte, Orrs Springs, Tan Oak Park, and Weott.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 473495, 4328873; 473947, 4328883; 473907, 4327743; 473448, 4327749; 473430, 4327312; 474657, 4327299; 474652, 4326923; 475071, 4326915; 475073, 4325681; 474650, 4325682; 474657, 4326086; 474239, 4326112; 474252, 4326910; 473856, 4326907; 473838, 4325684; 473419, 4325686; 473422, 4326095; 471819, 4326105; 471821, 4326534; 472231, 4326530; 472249, 4326916; 471822, 4326926; 471873, 4328127; 472674, 4328147; 472680, 4328539; 473481, 4328538; 473495, 4328873.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 473495, 4328873; 471922, 4328912; 471914, 4329336; 470282, 4329341; 470283, 4329738; 470140, 4329720; 470118, 4331801; 472696, 4331753; 472695, 4331372; 473101, 4331376; 473104, 4330163; 473505, 4330158; 473495, 4328873; and excluding land bound by 471479, 4330135; 470696, 4330139; 470697, 4329745; 471487, 4329742; 471479, 4330135; and excluding land bound by 471893, 4330940; 471894, 4331374; 471068, 4331380; 471055, 4330954; 471893, 4330940.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450686, 4393191; 450747, 4392981; 450858, 4392955; 451029, 4392556; 451174, 4392441; 451162, 4392283; 451483, 4392070; 451482, 4391380; 452691, 4391312; 452693, 4390878; 451085, 4390986; 450350, 4390848; 449563, 4390855; 449564, 4391226; 449171, 4391242; 449185, 4391437; 449353, 4391441; 449585, 4391579; 449795, 4391556; 449935, 4391650; 450047, 4391547; 449992, 4391329; 450073, 4391202; 450576, 4391205; 450571, 4391473; 450453, 4391640; 450507, 4391709; 450657, 4391680; 450606, 4391774; 450639, 4391840; 450079, 4392775; 450106, 4393050; 450028, 4393137; 450068, 4393225; 450178, 4393188; 450309, 4393327; 450256, 4393590; 450318, 4393729; 450294, 4394010; 450374, 4394004;

450410, 4393888; 450441, 4393700; 450377, 4393587; 450436, 4393380; 450640, 4393311; 450686, 4393191.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443596, 4399288; 444006, 4399280; 444009, 4398879; 443593, 4398890; 443596, 4399288.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 447577, 4400038; 447585, 4399653; 446105, 4399659; 446372, 4400045; 447577, 4400038.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445232, 4403234; 445220, 4402830; 445088, 4402833; 445029, 4403023; 445169, 4403235; 445232, 4403234.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 440510, 4403385; 440493, 4402186; 440097, 4402191; 440105, 4402597; 439717, 4402616; 439730, 4403402; 440510, 4403385.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443596, 4399288; 442391, 4399293;

442387, 4399693; 442804, 4399689; 442802, 4400091; 441591, 4400100; 441584, 4400900; 441186, 4400916; 441174, 4400516; 440865, 4400533; 440868, 4400180; 440062, 4400190; 440085, 4400987; 440874, 4401000; 440884, 4401320; 441594, 4401302; 441599, 4402109; 441997, 4402097; 441986, 4402499; 442792, 4402468; 442775, 4403280; 441968, 4403293; 441977, 4402891; 440900, 4402915; 440908, 4403390; 440510, 4403385; 440514, 4403793; 441992, 4403681; 442021, 4404509; 441618, 4404513; 441632, 4404889; 442108, 4404883; 442113, 4405349; 441722, 4405359; 441734, 4407621; 442118, 4407612; 442106, 4408044; 442206, 4408102; 442227, 4408380; 442674, 4408131; 442770, 4408153; 442906, 4408321; 443159, 4408237; 443551, 4408553; 443784, 4408328; 443921, 4408326; 443800, 4408040; 443904, 4407771; 443841, 4407400; 443937, 4407006; 443782, 4406887; 443671, 4406663; 443691, 4406405; 443847, 4406180; 443550, 4406010; 443465, 4405861; 443446, 4405654; 443627, 4405304; 443896, 4405162; 444148, 4404481; 444002, 4404199; 444025, 4403961; 444330, 4403653; 444022, 4403491; 443848, 4403263; 443580, 4403274; 443590, 4402866; 443193, 4402876; 443196, 4402473; 443600, 4402422; 443612, 4402053; 444011, 4402055; 444012, 4402332; 444131, 4402288; 444060, 4402040; 444081, 4401855; 444194, 4401638; 444415, 4401450; 444406, 4400075; 443207, 4400080; 443211, 4399687; 443597, 4399686; 443596, 4399288.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445220, 4402830; 445633, 4402822; 445631, 4402429; 446082, 4402422; 446089, 4403229; 445232, 4403234; 445236, 4404439; 445053, 4404439; 444884, 4404836; 445263, 4404830; 445258, 4405614; 446062, 4405613; 446064, 4406009; 444920, 4406020; 444859, 4406258; 444650, 4406580; 444779, 4406901; 444657, 4407453; 444716, 4407770; 444688, 4408046; 444888, 4408045; 444888, 4408453; 444484, 4408452; 444484, 4408338; 444132, 4408436; 443935, 4408339; 444119, 4408590; 444358, 4408682; 444377, 4408845; 445292, 4408849; 445281, 4408043; 445690, 4408042; 445687, 4407626; 446095, 4407627; 446078, 4406807; 446474, 4406806; 446456, 4406019; 447654, 4405953; 447641, 4405196; 446852, 4405201; 446850, 4404806; 446958, 4404804; 446950, 4404421; 447353, 4404419; 447350, 4404025; 447756, 4404017; 447773, 4404794; 448164, 4404791; 448071, 4403215; 447693, 4403215; 447696, 4402818; 448077, 4402817; 448090, 4402026; 448469, 4402035; 448474, 4401639; 445598, 4401644; 445411, 4401908; 445211, 4402059; 445220, 4402830.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444174, 4412298; 444170, 4411898; 443779, 4411897; 443774, 4411492; 444161, 4411500; 444152, 4411087; 444568, 4411092; 444549, 4409506; 442937, 4409521; 442946, 4409929; 442546, 4409931; 442551, 4410322; 442135, 4410318; 442143, 4410724; 442561, 4410720; 442571, 4411101; 441770, 4411109; 441781, 4411917; 442580, 4411903; 442573, 4412697; 443779, 4412687; 443780, 4412287; 444174, 4412298.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444174, 4412298; 444187, 4413105; 444582, 4413104; 444570, 4412299; 444174, 4412298.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 440200, 4416355; 439386, 4416340; 439390, 4416743; 440204, 4416744; 440200, 4416355.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445285, 4420260; 445279, 4419436; 444903, 4419444; 444900, 4420259; 445285, 4420260.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444411, 4419875; 444153, 4419874; 444152, 4420270; 444415, 4420267; 444411, 4419875.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446479, 4421062; 447660, 4421032;

447661, 4420646; 445689, 4420658; 445692, 4421064; 446072, 4421060; 446076, 4421455; 446476, 4421452; 446479, 4421062.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443388, 4421470; 443377, 4420668; 442972, 4420671; 442980, 4421470; 443388, 4421470.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 445305, 4422659; 445306, 4422260; 444546, 4422271; 444548, 4423075; 444929, 4423075; 444925, 4422666; 445305, 4422659.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 436766, 4422735; 436369, 4422735; 436374, 4423138; 436770, 4423127; 436766, 4422735.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452970, 4423843; 453368, 4423841; 453368, 4423038; 453777, 4423036; 453779, 4422640; 453370, 4422633; 453370, 4422227; 452174, 4422233; 452174, 4422633; 451781, 4422633; 451785, 4423041; 452969, 4423040; 452970, 4423843.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 441016, 4424281; 441039, 4423876; 440623, 4423889; 440661, 4423478; 441451, 4423451; 441456, 4423056; 441841, 4423054; 441835, 4422648; 441073, 4422666; 441070, 4422271; 439908, 4422286; 439907, 4421892; 439530, 4421888; 439522, 4422673; 439154, 4422672; 439130, 4421503; 438744, 4421498; 438745, 4422268; 437562, 4422312; 437567, 4421528; 437184, 4421528; 437167, 4422322; 436763, 4422323; 436766, 4422735; 438362, 4422696; 438368, 4423486; 437174, 4423530; 437183, 4423926; 438366, 4423893; 438371, 4424291; 438769, 4424290; 438771, 4424633; 440118, 4424662; 440173, 4424297; 441016, 4424281.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444543, 4424692; 444561, 4424291; 444189, 4424294; 444179, 4423476; 443388, 4423476; 443391, 4423882; 443796, 4423889; 443798, 4424708; 444543, 4424692.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 441016, 4424281; 440994, 4424678; 442579, 4424710; 442583, 4423875; 442184, 4423873; 442181, 4424262; 441884, 4424258; 441869, 4423855; 441447, 4423869; 441445, 4424273; 441016, 4424281.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450073, 4427295; 450084, 4426857; 449668, 4426850; 449664, 4427286; 450073, 4427295.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 446455, 4427931; 446464, 4427231; 446837, 4427234; 446845, 4426813; 446466, 4426812; 446467, 4426386; 447239, 4426405; 447264, 4425956; 448092, 4425983; 448115, 4425567; 448499, 4425576; 448528, 4425159; 448115, 4425146; 448147, 4424708; 448511, 4424711; 448497, 4424229; 447286, 4424259; 447287, 4424708; 446944, 4424707; 446914, 4425132; 446535, 4425130; 446507, 4425550; 445330, 4425541; 445311, 4425952; 444919, 4425952; 444890, 4427207; 444507, 4427209; 444507, 4427629; 446065, 4427627; 446055, 4427933; 446455, 4427931; and excluding land bound by 445279, 4426779; 445291, 4426366; 446076, 4426373; 446069, 4426791; 445279, 4426779.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452970, 4423843; 452174, 4423840; 452175, 4423428; 450977, 4423436; 450969, 4423838; 450568, 4423839; 450565, 4424242; 451770, 4424242; 451763, 4424727; 452219, 4424740; 452194, 4425600; 451341, 4425566; 451329, 4426052; 451745, 4426049; 451732, 4426861; 450892, 4426878; 450897, 4427319; 450073, 4427295; 450065, 4427723; 449659, 4427706; 449690, 4428127; 450476, 4428153; 450471, 4427737; 451703, 4427710; 451710, 4427301; 452123, 4427283; 452140, 4426850; 452552, 4426843; 452527, 4427712; 453270, 4427714; 453309, 4426452; 452897, 4426439; 452911, 4426037; 453713, 4426048; 453730, 4425632; 454131, 4425649; 454144, 4424801; 452972, 4424765; 452970, 4423843.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444485, 4428509; 444494, 4428062; 444126, 4428041; 444117, 4428482; 444485, 4428509.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444485, 4428509; 444473, 4428934; 444876, 4428931; 444884, 4428507; 444485, 4428509.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448436, 4429744; 448830, 4429765; 448839, 4429311; 449237, 4429341; 449237, 4428931; 449641, 4428948; 449654, 4428529; 448863, 4428484; 448855, 4428083; 448425, 4428068; 448424, 4428461; 448032, 4428461; 448020, 4428864; 448427, 4428882; 448436, 4429744.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449224, 4430189; 448823, 4430172; 448815, 4430575; 449229, 4430590; 449224, 4430189.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448436, 4429744; 448006, 4429711; 448022, 4430114; 447626, 4430106; 447637, 4430931; 448043, 4430941; 448043, 4430533; 448448, 4430528; 448436, 4429744.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 444869, 4431787; 444867, 4431430; 444440, 4431458; 444444, 4430577; 444868, 4430491; 444866, 4430077; 444453, 4430155; 444449, 4429297; 444050, 4429255; 444059, 4431791; 444451, 4431839; 444869, 4431787.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448223, 4436408; 448149, 4435180; 448578, 4435164; 448579, 4434767; 450069, 4434725; 450035, 4434310; 448015, 4434354; 448019, 4433960; 447199, 4433976; 447211, 4434806; 446893, 4434815; 446920, 4435620; 447760, 4435610; 447804, 4436435; 448223, 4436408.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448523, 4440135; 448554, 4439751; 448991, 4439753; 449026, 4438908; 448642, 4438906; 448660, 4438501; 448268, 4438487; 448221, 4438900; 447811, 4438904; 447727, 4439745; 448131, 4439748; 448114, 4440161; 448523, 4440135.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 417533, 4454186; 417544, 4453763; 417137, 4453898; 417133, 4454318; 417533, 4454186.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 415885, 4456449; 415886, 4456131; 416314, 4456058; 416319, 4455756; 417124, 4455523; 417129, 4455120; 416709, 4455267; 416716, 4454434; 416318, 4454561; 416326, 4452880; 416733, 4452765; 416736, 4453615; 417150, 4453474; 417118, 4451858; 417536, 4451763; 418328, 4451791; 418328, 4451394; 417521, 4451360; 415902, 4451737; 415910, 4451293; 415503, 4451381; 415503, 4451867; 414289, 4452269; 413846, 4452272; 413853, 4452760; 412991, 4452687; 412972, 4452277; 411871, 4452272; 411871, 4453871; 412691, 4453928; 412676, 4454723; 413073, 4454723; 413073, 4455131; 413454, 4455131; 413454, 4454723; 414285, 4454723; 414227, 4456301; 414995, 4456222; 414990, 4456524; 415885, 4456449.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 441472, 4473871; 441488, 4473470; 442223, 4473453; 442231, 4473029; 441852, 4473020; 441861, 4472606; 442222, 4472608; 442232, 4472193; 441083, 4472176; 441074, 4472600; 440295, 4472612; 440255, 4473863;

439861, 4473859; 439889, 4473451;
439501, 4473445; 439443, 4473860;
439179, 4473861; 439173, 4475093;
440432, 4475155; 441202, 4475109;
441155, 4474280; 441538, 4474266;
441538, 4473874; 441472, 4473871.

(KK) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 437631, 4478275; 437641, 4477856;
438049, 4477860; 438025, 4478272;
438437, 4478273; 438444, 4477498;
439601, 4477473; 439616, 4477077;
439226, 4477074; 439233, 4476674;
438833, 4476683; 438857, 4477068;
436019, 4477094; 436025, 4477894;
436419, 4477909; 436403, 4479071;
437212, 4479055; 437223, 4478278;
437631, 4478275.

(LL) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,

N): 425479, 4502988; 425467, 4502590;
425869, 4502582; 425863, 4501745;
425441, 4501774; 425469, 4502180;
425073, 4502180; 425084, 4502989;
425479, 4502988.

(MM) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 424689, 4503394; 424677, 4502614;
424269, 4502622; 424278, 4503024;
423481, 4503044; 423526, 4502619;
423107, 4502636; 423103, 4502219;
422282, 4502225; 422282, 4502643;
421744, 4502646; 421667, 4503502;
424689, 4503394.

(NN) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 425479, 4502988; 425478, 4503394;
425838, 4503397; 425841, 4503802;
426193, 4503822; 426302, 4503407;

426256, 4503407; 426250, 4503005;
425479, 4502988.

(OO) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 425841, 4503802; 425433, 4503791;
425434, 4504195; 425842, 4504203;
425841, 4503802.

(PP) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 425434, 4504195; 424542, 4504219;
424552, 4504711; 425431, 4504602;
425434, 4504195.

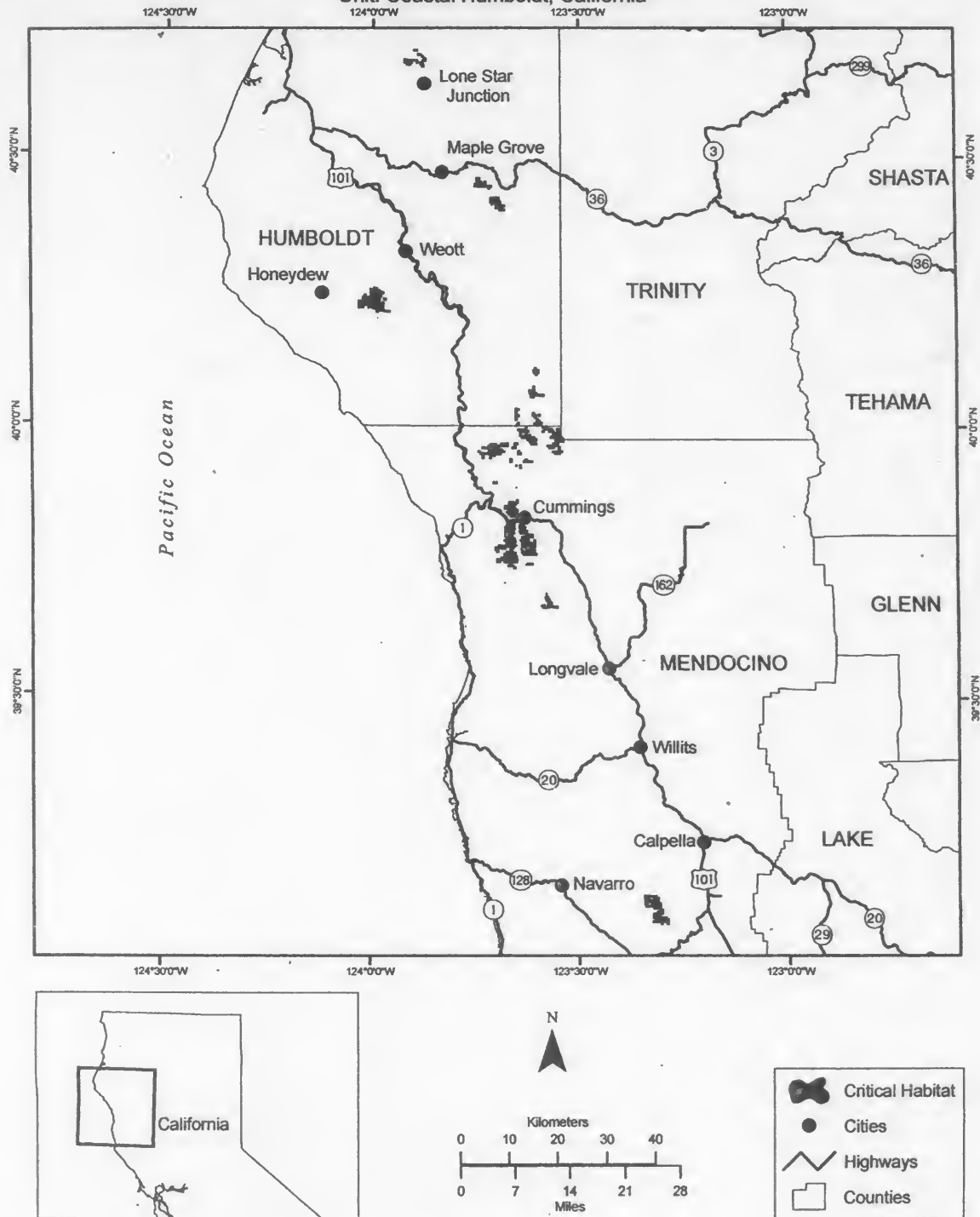
(QQ) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 424563, 4505487; 424556, 4505096;
423731, 4505121; 423736, 4505510;
424563, 4505487.

(iii) Note: Map of Coastal Humboldt
Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Coastal Humboldt, California



(27) King Range Unit (Unit 20).
Humboldt and Mendocino Counties,
California.

(i) The King Range Unit consists of 14,
800 ac (6, 000 ha) and is comprised of
lands managed by the BLM Arcata Field
Office.

(ii) From USGS 1:24, 000 scale
quadrangles Bear Harbor, Briceland,
Honeydew, Shelter Cove, and Shubrick
Peak.

(A) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 416281, 4425861; 416320, 4425622;
415481, 4425623; 415357, 4426571;
416046, 4426551; 416131, 4426269;
416089, 4426195; 416204, 4426096;
416281, 4425861.

(B) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 411990, 4432325; 411694, 4432124;
411510, 4432082; 411518, 4432314;
411990, 4432325.

(C) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 411155, 4433707; 411154, 4433615;
411560, 4433610; 411561, 4433702;
411155, 4433707; 411157, 4433882;
411562, 4433921; 411561, 4434323;
410735, 4434269; 410744, 4434480;
409987, 4434432; 410035, 4434776;
410505, 4434770; 410523, 4435138;
410327, 4435127; 410255, 4435190;
410181, 4435525; 410043, 4435728;
409994, 4436340; 409826, 4436811;
409855, 4437057; 409786, 4437171;
409757, 4437643; 409661, 4437746;
409635, 4438143; 409453, 4438392;
409473, 4438504; 409540, 4438536;
409333, 4438544; 409292, 4438843;
409013, 4439066; 408494, 4438818;
408420, 4438846; 408352, 4438997;
408379, 4439316; 408268, 4439756;
408183, 4439842; 408320, 4440010;
408266, 4440254; 408200, 4440400;
407957, 4440504; 407893, 4441088;
407716, 4441365; 407687, 4441582;
407758, 4441709; 407769, 4441995;
407704, 4442159; 407569, 4442279;
407459, 4442656; 407279, 4442747;
406967, 4443077; 406973, 4443354;
407032, 4443412; 406974, 4443511;
406985, 4443768; 407123, 4444143;
407070, 4444343; 407157, 4444473;
407379, 4444574; 407061, 4444551;
407002, 4444347; 406901, 4444277;
406840, 4444107; 406744, 4444072;
406761, 4444681; 406419, 4444852;
406377, 4444982; 406213, 4444853;
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406000, 4445856; 405903, 4446051;
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414649, 4432745; 415202, 4432728;
415191, 4431526; 415602, 4431523;
415554, 4430353; 415150, 4430341;
415162, 4430747; 414657, 4430733;
414651, 4430022; 414467, 4430116;
413755, 4430794; 414058, 4430832;
414059, 4431216; 413762, 4431217;
413791, 4431582; 413417, 4431585;
413442, 4431904; 412573, 4431871;
412515, 4431798; 412559, 4431885;
412449, 4432157; 412183, 4432225;
412067, 4432324; 412297, 4432318;
412317, 4432748; 411532, 4432726;
411544, 4433104; 411143, 4433097;
411156, 4433518; 410779, 4433503;
410772, 4433703; 411155, 4433707; and
excluding land bound by 413957,
4433644; 413898, 4432819; 414332,
4432821; 414374, 4433640; 413957,
4433644; and excluding land bound by
413133, 4433171; 413157, 4433589;
412377, 4433575; 412375, 4433173;
413133, 4433171; and excluding land
bound by 412706, 4432761; 412697,
4432323; 413079, 4432313; 413102,
4432755; 412706, 4432761; and
excluding land bound by 408680,
4442883; 408692, 4443292; 407911,
4443310; 407901, 4442896; 408680,
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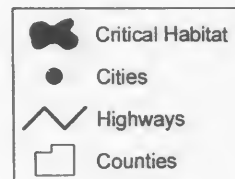
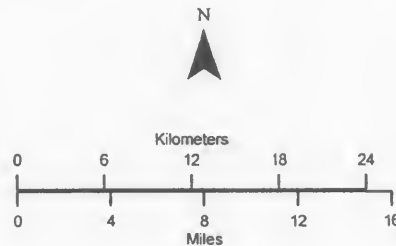
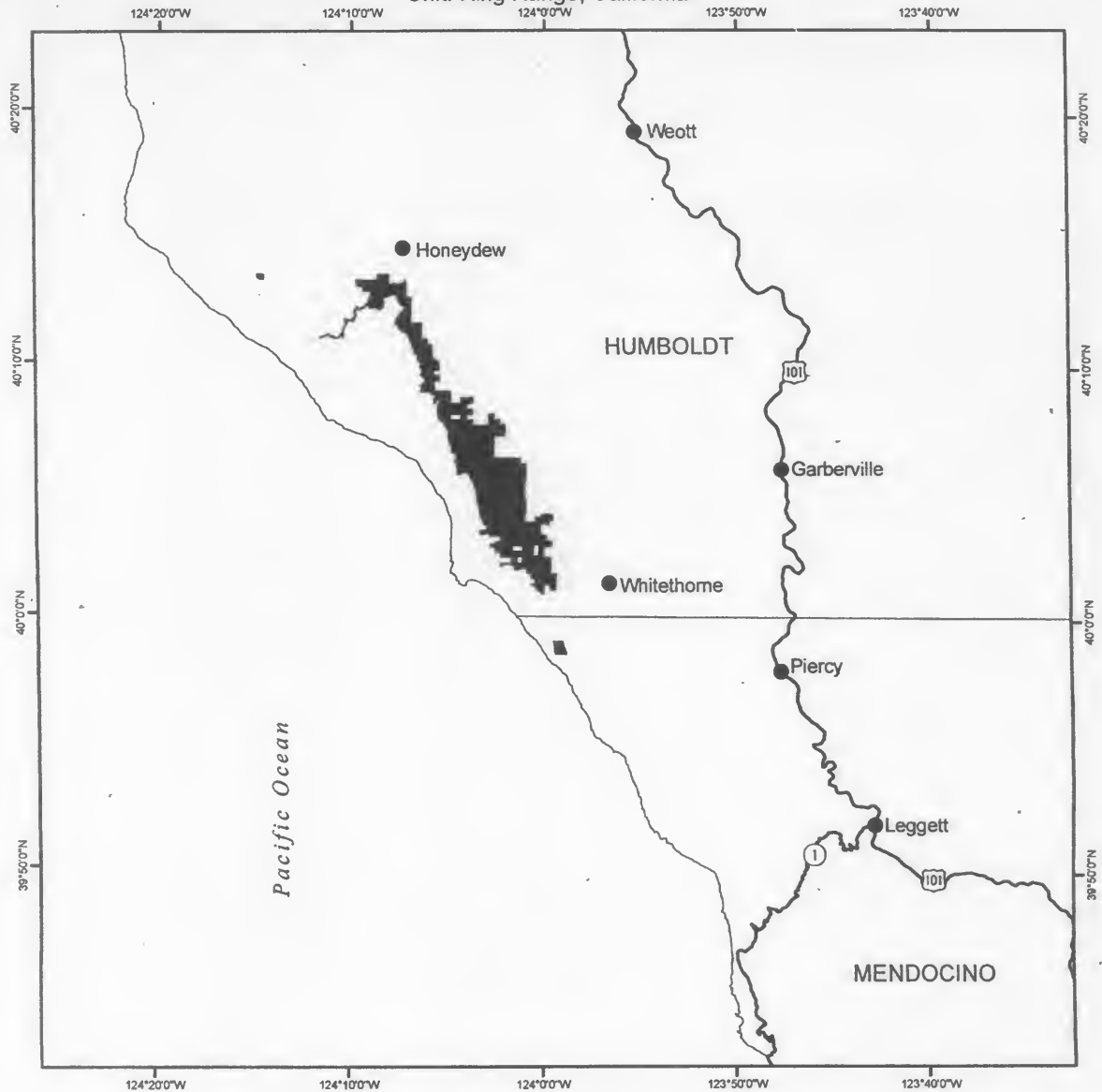
(D) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 394233, 4453606; 394240, 4453225;
393936, 4453205; 393937, 4453286;
393790, 4453294; 393735, 4453430;
393774, 4453616; 394233, 4453606.

(iii) Note: Map of King Range Unit
follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: King Range, California



(28) South Fork Mountain Divide Unit (Unit 21), Humboldt and Trinity Counties, California.

(i) The South Fork Mountain Divide Unit consists of 137, 900 ac (55, 800 ha) and is comprised of lands managed by the Six Rivers and Shasta-Trinity National Forests (133, 800 ac (54, 100 ha)) and BLM Arcata Field Office (4, 100 ac (1, 700 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Alderpoint, Black Lassic, Blake Mountain, Board Camp Mountain, Dinsmore, Forest Glen, Grouse Mountain, Hennessy Peak, Hupa Mountain, Lord-Ellis Summit, Naufus Creek, Pony Buck Peak, Ruth Lake, Sims Mountain, Smoky Creek, Sportshaven, Swim Ridge, Willow Creek, and Zenia.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449534, 4464539; 449405, 4464328; 449570, 4464396; 449751, 4464259; 449263, 4464262; 449281, 4464667; 449632, 4464663; 449534, 4464539.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 449709, 4465059; 449303, 4465065; 449325, 4465462; 448911, 4465472; 448918, 4465793; 449105, 4465629; 449488, 4465711; 449514, 4465607; 449410, 4465472; 449739, 4465386; 449709, 4465059.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448692, 4466128; 449090, 4466207; 449145, 4466006; 449030, 4465872; 448490, 4465881; 448499, 4466744; 448666, 4466655; 448636, 4466267; 448692, 4466128.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 448886, 4467835; 448966, 4467747; 449128, 4467807; 449107, 4467742; 449296, 4467496; 449141, 4467316; 448863, 4467247; 448504, 4467340; 448512, 4467842; 448886, 4467835.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 450003, 4468207; 449730, 4468213; 449723, 4468610; 449327, 4468618; 449322, 4468989; 449669, 4468726; 449958, 4468387; 450003, 4468207.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 465923, 4472699; 466412, 4472674; 466553, 4472151; 466548, 4471815; 466923, 4471225; 467222, 4471133; 467747, 4470818; 469024, 4469568; 469344, 4469357; 470054, 4469293; 470315, 4469455; 470652, 4469470; 470922, 4469691; 471138, 4469738; 471240, 4469717; 471520, 4469401; 471714, 4469348; 471814, 4469134; 472249, 4469463; 472308, 4469254; 472468, 4469130; 472695, 4468731; 472932, 4468904; 473290, 4468886; 473372, 4469040; 473823, 4469034; 473821, 4468929; 474218, 4468927;

474219, 4469133; 474175, 4469134; 474262, 4469168; 474778, 4469144; 475306, 4469010; 476018, 4469113; 476691, 4469397; 477912, 4468856; 478233, 4468643; 478452, 4468341; 478254, 4467640; 477844, 4467164; 477795, 4466341; 477112, 4466369; 477105, 4465180; 477432, 4465164; 477425, 4465968; 477784, 4465946; 477790, 4465361; 477715, 4464787; 478419, 4463699; 478769, 4463013; 479136, 4462907; 479369, 4462605; 480116, 4462284; 481575, 4462381; 481872, 4462494; 481752, 4462214; 481231, 4461541; 481208, 4461176; 481324, 4460809; 481781, 4460454; 482712, 4459971; 481705, 4460000; 481704, 4460212; 481312, 4460234; 481310, 4460440; 481101, 4460446; 481103, 4460642; 480900, 4460643; 480898, 4460547; 480803, 4460551; 480802, 4460455; 480902, 4460452; 480903, 4460036; 481213, 4460026; 481210, 4459814; 482322, 4459780; 482319, 4459571; 482540, 4459562; 482542, 4459673; 482645, 4459672; 482647, 4459765; 482721, 4459763; 482725, 4459963; 483815, 4459227; 485473, 4458342; 486791, 4457911; 486789, 4457385; 487129, 4457191; 487643, 4456757; 488248, 4456533; 489262, 4456513; 489502, 4456306; 489764, 4455764; 489524, 4455722; 488031, 4455816; 487594, 4455878; 487333, 4456042; 487002, 4455708; 487009, 4455039; 486796, 4454793; 486637, 4454453; 485043, 4454505; 485016, 4452943; 484763, 4452650; 484522, 4452555; 483811, 4452598; 483487, 4452922; 483252, 4452905; 482842, 4453037; 482558, 4452989; 482375, 4453087; 482146, 4453419; 481132, 4453346; 480797, 4453966; 480701, 4454599; 480792, 4454721; 480835, 4454950; 480731, 4455336; 480429, 4455475; 480166, 4455879; 480017, 4455907; 479920, 4456063; 479324, 4456184; 478699, 4456126; 478105, 4456435; 477783, 4456515; 477188, 4457197; 476892, 4457328; 476227, 4457791; 475839, 4458241; 475706, 4458502; 475734, 4459138; 475547, 4459625; 475103, 4460064; 474585, 4460830; 474397, 4461304; 473951, 4461909; 475718, 4461829; 475663, 4461007; 476388, 4461007; 476430, 4462625; 475770, 4462639; 475594, 4463424; 474292, 4463551; 474330, 4463157; 473885, 4463196; 473906, 4462792; 473507, 4462770; 473529, 4462336; 473930, 4462346; 473950, 4461909; 473707, 4462050; 473522, 4462218; 473268, 4462672; 472921, 4463086; 472855, 4463335; 472456, 4463696; 471876, 4464019; 471706, 4464366; 471122, 4464934; 470920, 4465294; 470388, 4465418; 470160, 4465682; 469643, 4465806;

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(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 464037, 4481074; 464108, 4480906; 464080, 4480725; 464872, 4480778; 465153, 4480390; 466057, 4480381; 466021, 4478750; 469826, 4478676; 469840, 4478264; 469439, 4478292; 469456, 4477883; 470651, 4477829; 470647, 4476924; 471040, 4476872; 471348, 4476704; 471414, 4476504; 471236, 4476170; 471205, 4475970; 471303, 4475331; 471233, 4474856; 470979, 4474705; 470504, 4474710; 469937, 4474579; 469708, 4474577; 469355, 4474758; 469043, 4475410; 469081, 4477079; 467510, 4477055;

466001, 4477133; 464684, 4477075;
464670, 4476929; 465117, 4476778;
465157, 4476639; 465061, 4476385;
464823, 4476376; 464817, 4476272;
464421, 4476272; 464415, 4475870;
464810, 4475868; 464744, 4474269;
462750, 4474238; 462755, 4474662;
462224, 4474655; 462209, 4474864;
461696, 4476480; 461230, 4477158;
460458, 4478655; 460207, 4479909;
460086, 4480102; 460091, 4480208;
460396, 4480215; 461477, 4480455;
462287, 4480460; 462295, 4481167;
462856, 4481064; 462874, 4481890;
463762, 4481906; 463807, 4481647;
464003, 4481372; 464037, 4481074; and
excluding land bound by 462827,
4480274; 462831, 4479488; 464088,
4479528; 464117, 4480362; 462827,
4480274; and excluding land bound by
463889, 4477892; 464443, 4477878;
464452, 4478689; 463643, 4478705;
463637, 4477898; 463889, 4477892.

(H) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
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454770, 4477022; 454865, 4476218;
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455322, 4475822; 455365, 4475417;
455199, 4474208; 454396, 4474207;
454447, 4474608; 454050, 4474614;
454097, 4475011; 453695, 4475017;
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453938, 4473807; 455545, 4473806;
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456355, 4473817; 456621, 4473803;
456647, 4473338; 456244, 4473370;
456257, 4472973; 455836, 4473006;
455836, 4472809; 455632, 4472822;
455624, 4473426; 455418, 4473441;
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456061, 4472583; 456275, 4472565;
456286, 4472168; 456725, 4472133;
456718, 4471744; 456282, 4471774;
456265, 4471226; 456324, 4471184;
456264, 4471201; 456259, 4470990;
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456466, 4471091; 456504, 4470973;
456703, 4470960; 456662, 4468975;
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458378, 4467557; 458505, 4467518;
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463038, 4443892; 462495, 4443901;
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461749, 4447117; 462549, 4447104;
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(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 452092, 4480708; 452113, 4481528; 451715, 4481539; 451724, 4481940; 451320, 4481950; 451327, 4482352; 450119, 4482376; 450148, 4483594; 453747, 4483582; 453726, 4483354; 453842, 4483258; 453726, 4483333; 453706, 4483096; 453395, 4483113;

453349, 4482306; 454033, 4482269; 454110, 4483069; 454512, 4483047; 454476, 4482642; 454871, 4482621; 454832, 4482223; 455229, 4482222; 455196, 4481029; 454793, 4481027; 454794, 4481422; 454392, 4481436; 454390, 4480648; 452092, 4480708.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443504, 4514935; 443104, 4514928; 443110, 4515304; 443505, 4515330; 443504, 4514935.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 443504, 4514935; 443894, 4514950; 443891, 4516154; 442367, 4516116; 442352, 4516913; 441546, 4516940; 441527, 4515319; 441127, 4515352; 441142, 4516952; 440737, 4516965; 440733, 4517756; 441273, 4517852; 441457, 4517962; 441588, 4518160; 441510, 4518431; 441133, 4518828; 440779, 4519352; 440799, 4520218; 440547, 4520233; 440199, 4520594; 439847, 4520812; 439519, 4520890; 439242, 4521158; 439222, 4521897; 438807, 4521919; 438813, 4522723; 438760, 4522723; 438737, 4522819; 438739, 4523097; 438626, 4523136; 438488, 4523301; 438553, 4523541; 438390, 4523757; 438455, 4523959; 438203, 4524037; 438127, 4524126; 438231, 4524403; 437953, 4524519; 437993, 4524709; 438258, 4525137; 438068, 4525504; 437830, 4525526; 437833, 4525456; 437778, 4525889; 437809, 4527491; 439434, 4527469; 439490, 4529064; 442551, 4529002; 442566, 4529156; 442697, 4528975; 443493, 4528704; 443793, 4528499; 444064, 4528402; 444210, 4528224; 444432, 4527501; 444752, 4526862; 445037, 4525857; 445187, 4525627; 445348, 4525005; 445414, 4523705; 445799, 4523671; 445729, 4523530; 445819, 4523402; 446243, 4523157; 446476, 4522797; 446716, 4522832; 446743, 4522553; 446928, 4522477; 447259, 4522170; 448133, 4522304; 448182, 4522101; 447978, 4521900; 447828, 4521568; 447759, 4520821; 447778, 4519597; 447879, 4519454; 448075, 4519454; 448166, 4519356; 448348, 4519313; 448293, 4519197; 448457, 4519075; 448494, 4518947; 448591, 4518929; 448609, 4518807; 448749, 4518636; 448858, 4518641; 448931, 4518483; 448754, 4518391; 448522, 4518386; 448413, 4518490; 448378, 4518898; 448274, 4519082; 448195, 4519106; 448018, 4519021; 448152, 4518826; 448194, 4518588; 448169, 4518441; 448059, 4518399; 448047, 4518488; 448093, 4518054; 447982, 4517868; 448141, 4517510; 448141, 4517244; 448444, 4516342; 449292, 4515168; 449433, 4515103; 449396, 4514679; 449855, 4514592; 450448, 4514636; 450879, 4514709;

451044, 4514810; 451473, 4514680; 451523, 4514629; 451605, 4513718; 451576, 4513567; 451402, 4513570; 451397, 4512366; 451798, 4512334; 451838, 4512490; 452010, 4512397; 452643, 4512468; 452724, 4512333; 452747, 4512112; 452903, 4511880; 452914, 4511802; 452755, 4511598; 452819, 4511323; 452475, 4510974; 452415, 4510831; 452532, 4510763; 452733, 4510825; 452822, 4510792; 453079, 4510449; 453165, 4510214; 453081, 4509671; 453306, 4509574; 453413, 4509364; 453352, 4509238; 452828, 4509004; 452769, 4508675; 452437, 4508690; 452493, 4507885; 453012, 4507865; 453099, 4507757; 453119, 4507466; 453350, 4507426; 453385, 4507059; 453128, 4506452; 452755, 4506110; 452722, 4505822; 452546, 4505677; 452422, 4505405; 452236, 4505483; 451959, 4505838; 451845, 4505852; 451489, 4505601; 451425, 4505614; 451323, 4505399; 450638, 4505239; 450548, 4505062; 450288, 4504838; 450179, 4506765; 449779, 4506804; 449760, 4507212; 449357, 4507247; 449330, 4507658; 449193, 4507671; 449287, 4507921; 449082, 4508098; 448924, 4508671; 448948, 4509475; 448812, 4509597; 448318, 4509451; 448296, 4509381; 447401, 4509470; 447283, 4509657; 447333, 4509799; 446883, 4509927; 446231, 4509968; 445992, 4510174; 445379, 4510262; 445429, 4509625; 445312, 4509634; 445335, 4508833; 445735, 4508806; 445719, 4508280; 445645, 4508274; 445517, 4508440; 445320, 4508549; 444809, 4508602; 444304, 4508947; 443771, 4510147; 443371, 4510128; 443362, 4511734; 443758, 4511753; 443747, 4512549; 443363, 4512533; 443357, 4512931; 443745, 4512951; 443896, 4514550; 443498, 4514548; 443504, 4514935; and excluding land bound by 444900, 4510464; 445290, 4510438; 445282, 4510838; 444897, 4510861; 444900, 4510464; and excluding land bound by 451307, 4507933; 451700, 4507919; 451647, 4508729; 451255, 4508738; 451226, 4509160; 450830, 4509180; 450880, 4508356; 451282, 4508342; 451307, 4507933; and excluding land bound by 447981, 4518899; 448005, 4518783; 448048, 4518783; 447981, 4518899; and excluding land bound by 443984, 4522482; 443975, 4523975; 442529, 4524181; 442445, 4522633; 443984, 4522482.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 431012, 4540381; 430996, 4539990; 430623, 4539998; 430624, 4540387; 431012, 4540381.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 429747, 4540419; 430146, 4540400;

430138, 4540001; 429730, 4540022;
429747, 4540419.

(N) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 429747, 4540419; 428943, 4540458;
428949, 4540060; 428490, 4540078;
428509, 4540464; 428106, 4540469;
428135, 4540921; 429357, 4540874;
429375, 4541274; 429774, 4541261;
429747, 4540419.

(O) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 434632, 4541554; 435025, 4541549;
434915, 4539078; 434131, 4539108;
434148, 4539495; 434536, 4539491;
434632, 4541554.

(P) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 434632, 4541554; 433843, 4541570;
433861, 4541977; 434648, 4541960;
434632, 4541554.

(Q) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,

N): 428561, 4542104; 428546, 4541681;
428150, 4541686; 428154, 4542108;
428561, 4542104.

(R) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 428951, 4542956; 428562, 4542955;
428557, 4543373; 428946, 4543372;
428951, 4542956.

(S) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 433496, 4545676; 433115, 4545483;
432924, 4546385; 433332, 4546467;
433496, 4545676.

(T) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 433843, 4541570; 433732, 4539114;
433343, 4539127; 433319, 4538714;
432930, 4538726; 432892, 4537944;
433285, 4537932; 433306, 4538323;
433718, 4538304; 433663, 4536648;
433248, 4536656; 433267, 4537525;
432094, 4537575; 432168, 4539166;
432554, 4539152; 432566, 4539547;

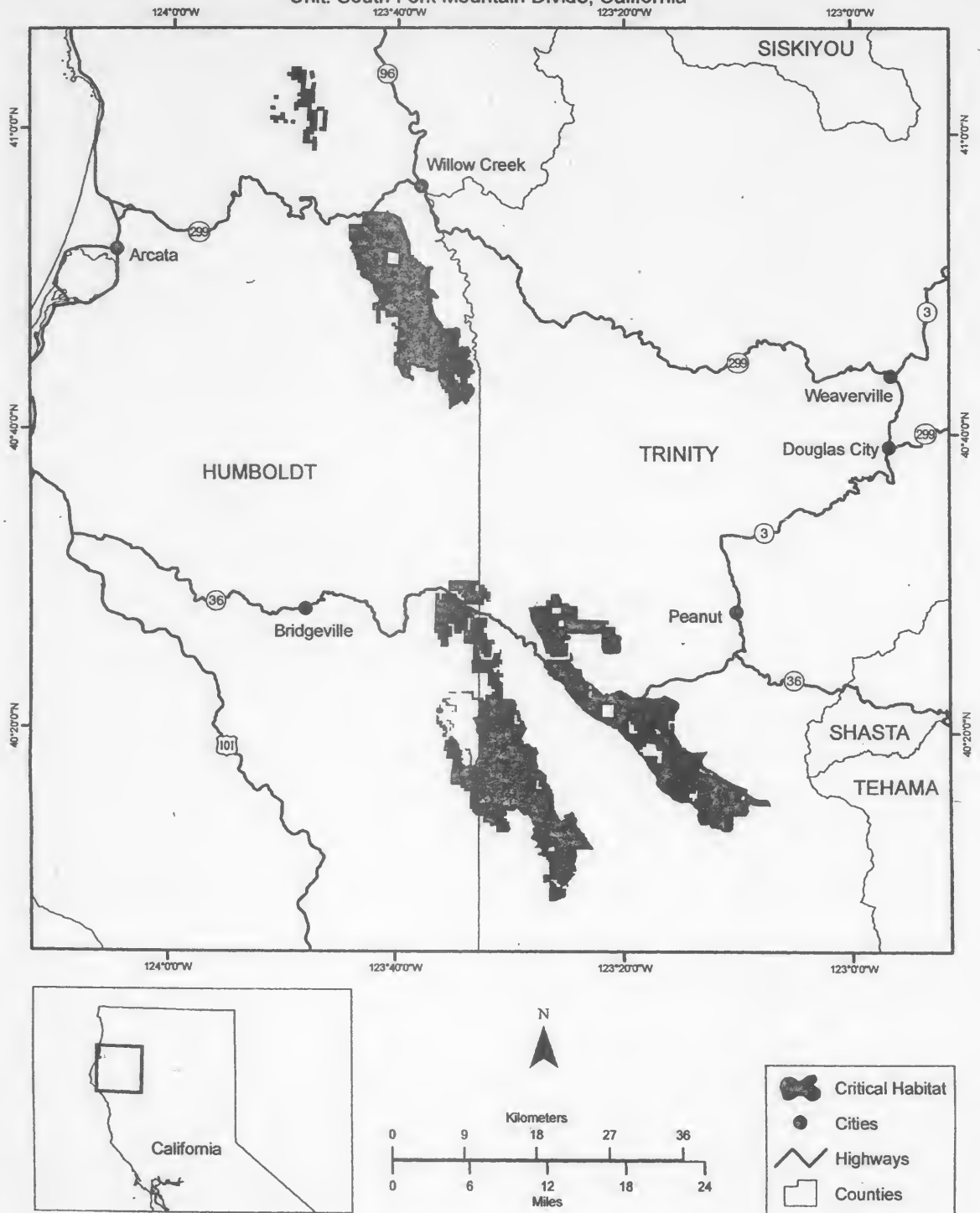
432952, 4539532; 432984, 4540321;
432590, 4540337; 432656, 4541992;
431427, 4542012; 431427, 4541614;
431026, 4541622; 431033, 4542491;
431425, 4542487; 431430, 4542885;
431829, 4542877; 431835, 4543250;
431434, 4543274; 431431, 4543671;
431838, 4543665; 431861, 4544945;
431466, 4544951; 431479, 4545350;
430683, 4545376; 430706, 4545833;
430183, 4545847; 430189, 4546266;
430712, 4546253; 430732, 4547024;
431920, 4546982; 431917, 4546588;
432463, 4546572; 432469, 4545636;
432290, 4544132; 433075, 4544110;
433236, 4544970; 433642, 4544930;
433476, 4544094; 433459, 4542462;
433065, 4542460; 433031, 4541583;
433843, 4541570.

(iii) Note: Map of South Fork
Mountain Divide Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: South Fork Mountain Divide, California



(29) Eel-Russian River Unit (Unit 22). Mendocino and Trinity Counties, California.

(i) The Eel-Russian River Unit consists of 20, 300 ac (8, 200 ha) and is comprised of lands managed by the BLM Ukiah and Arcata Field Offices.

(ii) From USGS 1:24, 000 scale quadrangles Bluenose Ridge, Brushy Mountain, Covelo East, Foster Mountain, Four Corners Rock, Iron Peak, Jamison Ridge, Laytonville, Long Ridge, Mina, Newhouse Ridge, Thatcher Ridge, Willis Ridge, and Willits.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 477842, 4366623; 477810, 4366241; 478250, 4366246; 478200, 4365457; 478390, 4365449; 478388, 4365043; 477202, 4365006; 477203, 4364638; 476268, 4364646; 476245, 4365831; 475062, 4365859; 475034, 4366263; 476604, 4366236; 476622, 4366617; 477842, 4366623.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 475386, 4367326; 475385, 4366987; 474962, 4366981; 474940, 4367287; 475386, 4367326.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 475386, 4367326; 475371, 4367658; 476213, 4367795; 476227, 4367415; 475386, 4367326.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 475023, 4371106; 475018, 4370689; 474628, 4370690; 474624, 4371096; 474211, 4371098; 474217, 4372295; 474634, 4372294; 474629, 4371526; 475427, 4371524; 475425, 4371108; 475023, 4371106.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 477804, 4372284; 477824, 4371596; 477357, 4371666; 477002, 4371538; 476972, 4371943; 476607, 4371819; 476594, 4372209; 477345, 4372520; 477740, 4372497; 477735, 4372284; 477804, 4372284.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 476203, 4373266; 475797, 4373111; 475804, 4373525; 476203, 4373724; 476203, 4373266.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 478517, 4375767; 478791, 4375776; 478793, 4375592; 478447, 4375592; 478451, 4375270; 478118, 4375307; 478112, 4375506; 478517, 4375767.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 473437, 4376400; 473446, 4375542; 473848, 4375554; 473849, 4375167; 474229, 4375165; 474229, 4374764; 474685, 4374772; 474700, 4374342; 475414, 4374347; 475418, 4373946; 474715, 4373944; 474719, 4373540;

474237, 4373538; 474236, 4373939; 473846, 4373946; 473840, 4374331; 473437, 4374333; 473440, 4375162; 472621, 4375173; 472610, 4376001; 473050, 4376005; 473056, 4376400; 473437, 4376400.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 480061, 4379563; 480062, 4380394; 480465, 4380370; 480458, 4379981; 480808, 4379976; 480793, 4379157; 480437, 4379165; 480444, 4379557; 480061, 4379563.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 480062, 4380394; 479661, 4380392; 479661, 4380812; 480063, 4380813; 480062, 4380394.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 472201, 4381303; 472211, 4380916; 472609, 4380905; 472604, 4379708; 472971, 4379706; 472972, 4377811; 473452, 4377793; 473452, 4377391; 472970, 4377380; 472969, 4377075; 472603, 4377070; 472610, 4376646; 472245, 4376618; 472249, 4375465; 471853, 4375491; 471846, 4377073; 471354, 4377061; 471368, 4377803; 470154, 4377807; 470157, 4377395; 469443, 4377410; 469445, 4378006; 468280, 4377991; 468280, 4378311; 469064, 4378324; 469067, 4378762; 470496, 4378657; 470517, 4378953; 470925, 4378958; 470923, 4379790; 470116, 4379790; 470111, 4380554; 470519, 4380562; 470528, 4380960; 470938, 4380956; 470940, 4381350; 470526, 4381360; 470527, 4381812; 470111, 4381852; 470101, 4382529; 471818, 4382530; 471833, 4382118; 472198, 4382113; 472205, 4381755; 471815, 4381748; 471819, 4381310; 472201, 4381303; and excluding land bound by 471809, 4378111; 471813, 4377777; 472637, 4377785; 472637, 4378117; 471809, 4378111.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 474062, 4384588; 474065, 4384175; 473939, 4384169; 474062, 4384588.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 474508, 4384592; 474062, 4384588; 474048, 4384886; 474510, 4384895; 474508, 4384592.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 478167, 4382912; 478180, 4382103; 478903, 4382101; 478895, 4381667; 478482, 4381671; 478472, 4379684; 479307, 4379578; 479320, 4380000; 479685, 4379995; 479684, 4379560; 480061, 4379563; 480022, 4378773; 480430, 4378774; 480379, 4376403; 480754, 4376398; 480726, 4376032; 480421, 4376160; 480192, 4376128; 479951, 4375987; 479881, 4376276; 479740, 4376501; 479423, 4376722;

479154, 4376813; 478834, 4376783; 478511, 4376595; 478267, 4376559; 477738, 4376237; 477737, 4376575; 477355, 4376621; 477352, 4377097; 476804, 4377114; 476631, 4377271; 476633, 4377875; 477001, 4377878; 476984, 4378273; 476626, 4378282; 476624, 4379488; 476185, 4379472; 476195, 4378686; 475861, 4378680; 475786, 4378986; 475773, 4379854; 476635, 4379868; 476643, 4380231; 475426, 4380223; 475701, 4380693; 475760, 4381129; 475679, 4381326; 475438, 4381598; 475419, 4381846; 475275, 4382106; 474854, 4382396; 474877, 4382637; 474797, 4382869; 474693, 4383062; 474533, 4383179; 474508, 4384592; 475296, 4384602; 475289, 4384907; 475711, 4384917; 475725, 4384216; 475306, 4384195; 475308, 4383784; 474913, 4383770; 474942, 4382855; 475294, 4382863; 475327, 4382523; 476140, 4382539; 476136, 4382987; 478167, 4382912; and excluding land bound by 478423, 4376997; 479229, 4376887; 479276, 4378495; 477754, 4378702; 477762, 4377089; 478423, 4376997.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 474048, 4384886; 473950, 4384886; 473883, 4384982; 473797, 4385334; 474055, 4385330; 474048, 4384886.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 478167, 4382912; 478163, 4383259; 478438, 4383248; 478495, 4384074; 478895, 4384045; 478919, 4384810; 476937, 4384861; 476925, 4384469; 476529, 4384490; 476521, 4384885; 476119, 4384911; 476125, 4385719; 476934, 4385679; 476936, 4385272; 477319, 4385253; 477332, 4385657; 479336, 4385631; 479298, 4382897; 478167, 4382912.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 461283, 4396595; 462101, 4396608; 462094, 4395473; 461306, 4395420; 461283, 4396595.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463740, 4397485; 463313, 4397483; 463292, 4398708; 463689, 4398693; 463740, 4397485.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 463677, 4399511; 463689, 4399100; 463282, 4399091; 463279, 4399513; 463677, 4399511.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 461283, 4396595; 460544, 4396588; 460540, 4398302; 460883, 4398309; 460867, 4398729; 461268, 4398737; 461265, 4399134; 460458, 4399134; 460455, 4398723; 460030, 4398724; 460034, 4399141; 459539, 4399136; 459546, 4399565; 461668, 4399566;

461664, 4399135; 462487, 4399136;
462505, 4397888; 461680, 4397827;
461691, 4397412; 461271, 4397413;
461283, 4396595.

(U) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 487635, 4400067; 488430, 4400112;
488422, 4399753; 488028, 4399581;
488025, 4399214; 488015, 4399689;
487609, 4399690; 487635, 4400067.

(V) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 463677, 4399511; 463678, 4400332;
464077, 4400322; 464081, 4399894;
464490, 4399904; 464491, 4399499;
463677, 4399511.

(W) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 491708, 4400424; 491671, 4399869;
491578, 4400028; 491261, 4400103;
491273, 4400453; 491708, 4400424.

(X) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 486414, 4401290; 486413, 4400448;
485589, 4400465; 485605, 4401289;
486414, 4401290.

(Y) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 488430, 4400112; 488422, 4400972;
487627, 4400929; 487635, 4400067;
487208, 4400044; 487228, 4400901;
486810, 4400878; 486813, 4401285;
486414, 4401290; 486424, 4401681;
486009, 4401687; 486007, 4402507;
486810, 4402506; 486813, 4402904;
488029, 4402925; 488023, 4402129;
488428, 4402139; 488425, 4401759;
488788, 4401749; 488776, 4400959;
489267, 4400942; 489267, 4401348;
490053, 4401303; 490063, 4400107;
489673, 4400120; 489655, 4400526;
489196, 4400560; 488778, 4400561;
488767, 4400099; 488430, 4400112.

(Z) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 459222, 4404482; 459211, 4404388;
459624, 4404385; 459621, 4403985;
460018, 4403977; 460019, 4403573;
460421, 4403574; 460436, 4401184;
460032, 4401195; 460032, 4400403;
458828, 4400434; 458791, 4400051;
458380, 4400052; 458406, 4402031;
459197, 4402015; 459206, 4402860;
457645, 4402870; 457695, 4404498;
458455, 4404477; 458459, 4404888;
458843, 4404874; 458838, 4404489;
459222, 4404482.

(AA) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 479998, 4426723; 479992, 4426336;
480391, 4426348; 480424, 4424308;
478956, 4424297; 478953, 4422042;
478547, 4422048; 478549, 4422545;
478157, 4422552; 478152, 4422945;
477709, 4422955; 477703, 4423096;
477933, 4423240; 478029, 4423597;
478153, 4423730; 478483, 4423819;
478726, 4424300; 478722, 4424466;
478897, 4424500; 478949, 4424648;
478966, 4425527; 479720, 4425532;
479714, 4426012; 479405, 4426001;
479405, 4426249; 479614, 4426251;
479612, 4427196; 480405, 4427200;
480399, 4426730; 479998, 4426723.

(BB) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 471444, 4429917; 471475, 4429155;
471905, 4429214; 471913, 4428792;
471497, 4428722; 471525, 4427880;
470630, 4427808; 470644, 4428180;
471070, 4428240; 471046, 4429049;
470217, 4428911; 470208, 4429289;
469813, 4429286; 469811, 4428902;
469403, 4428898; 469407, 4429279;
469027, 4429290; 469032, 4429689;
470951, 4429726; 471444, 4429917.

(CC) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 481568, 4431033; 481562, 4430602;
481169, 4430625; 481166, 4431061;
481568, 4431033.

(DD) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 481561, 4431842; 481592, 4431406;
481188, 4431422; 481189, 4431846;
481561, 4431842.

(EE) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 480361, 4431885; 480355, 4431060;
480766, 4431041; 480760, 4430287;
481175, 4430275; 481172, 4429054;
481573, 4429065; 481587, 4428266;
481182, 4428261; 481197, 4427410;
480780, 4427403; 480792, 4428266;
480387, 4428268; 480399, 4428588;
480056, 4428589; 480059, 4429877;
479658, 4429865; 479651, 4430286;
478960, 4430299; 478952, 4430442;
478617, 4430430; 478625, 4430825;
478960, 4430848; 478977, 4431212;
478647, 4431218; 478641, 4431614;
478973, 4431609; 478992, 4431335;
479218, 4431333; 479229, 4431879;
480361, 4431885.

(FF) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 480843, 4432329; 480061, 4432321;
480062, 4432614; 480852, 4432602;
480843, 4432329.

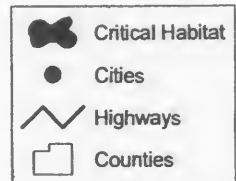
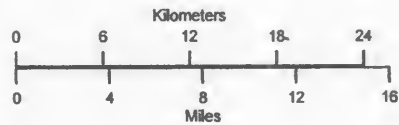
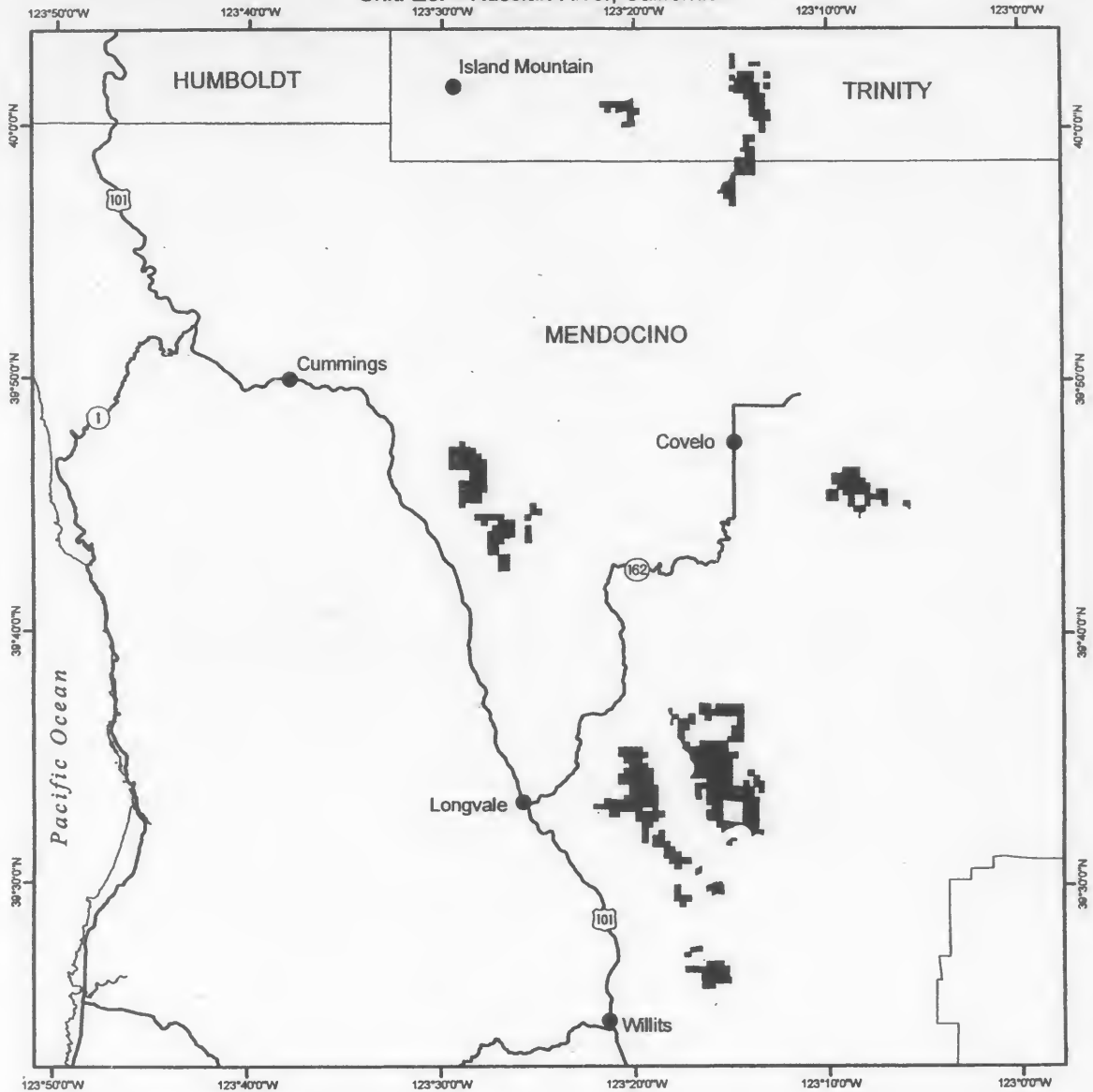
(GG) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 478995, 4432154; 478662, 4432142;
478672, 4433217; 478995, 4433219;
478995, 4432154.

(iii) Note: Map of Eel-Russian River
Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Eel – Russian River, California



(30) Mendocino Coast Ranges Unit (Unit 23). Colusa, Glenn, Lake, Mendocino, Tehama, and Trinity Counties, California.

(i) The Mendocino Coast Ranges Unit consists of 186, 200 ac (75, 400 ha) and is comprised of lands managed by the Mendocino National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Ball Mountain, Bartlett Mountain, Black Rock Mountain, Brushy Mountain, Buck Rock, Crockett Peak, Elk Mountain, Felkner Hill, Foster Mountain, Fouts Springs, Hall Ridge, Hull Mountain, Kneecap Ridge, Lake Pillsbury, Log Spring, Mendocino Pass, Newhouse Ridge, North Yolla Bolly Mountains, Plaskett Meadows, Plaskett Ridge, Potato Hill, Potter Valley, Riley Ridge, Saint John Mountain, Sanhedrin Mountain, Thatcher Ridge, Van Arsdale Reservoir, and Wrights Ridge.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 520831, 4354685; 520831, 4354613; 521311, 4354541; 521924, 4354678; 522265, 4354611; 522643, 4354251; 522484, 4354253; 522491, 4353842; 522882, 4353846; 522947, 4353912; 522856, 4353499; 522176, 4352976; 522176, 4352862; 522358, 4352658; 522744, 4352727; 523061, 4352977; 523311, 4353341; 524014, 4353659; 524581, 4353751; 525035, 4354024; 525353, 4354138; 525625, 4354184; 525852, 4354116; 526284, 4353844; 526466, 4353595; 526534, 4353300; 526466, 4352959; 526194, 4352709; 525900, 4352549; 525287, 4352412; 525106, 4352162; 525379, 4351368; 525538, 4351300; 525538, 4351141; 525403, 4350800; 525448, 4350551; 525699, 4350052; 525926, 4349802; 526358, 4349644; 526607, 4349667; 526857, 4349894; 527355, 4350917; 527672, 4351008; 528126, 4350963; 528535, 4350850; 528830, 4350669; 529217, 4350079; 529402, 4349994; 529509, 4349752; 529295, 4349348; 528931, 4349162; 528758, 4349000; 528597, 4348708; 528769, 4347375; 528034, 4347101; 526975, 4346993; 527082, 4346450; 527280, 4346470; 526909, 4345964; 526370, 4345928; 526395, 4345500; 526046, 4345352; 524800, 4345479; 524605, 4345684; 524413, 4345715; 524481, 4345962; 524399, 4346091; 523881, 4346267; 523894, 4346450; 523747, 4346720; 523368, 4347162; 523097, 4347004; 522859, 4347001; 522607, 4347149; 522553, 4347301; 522399, 4347434; 521769, 4347754; 521626, 4347914; 521479, 4347980; 520980, 4348002; 520617, 4347729; 520368, 4347365; 520323, 4347070; 520573, 4346571; 520415, 4346162; 520511, 4346001; 520087, 4346004; 520185, 4345723; 519790, 4345728; 519971, 4345203;

520940, 4345224; 520808, 4344890; 520667, 4344822; 520553, 4344800; 520258, 4344890; 519499, 4345321; 519071, 4345468; 518796, 4345731; 518512, 4345784; 518383, 4345933; 518084, 4346096; 517532, 4346158; 517283, 4345794; 517124, 4345726; 516843, 4345677; 516032, 4345728; 516318, 4345167; 516318, 4345066; 515786, 4345020; 515466, 4344629; 515454, 4344877; 515096, 4344937; 515102, 4344629; 515410, 4344559; 515038, 4344361; 514856, 4344338; 514266, 4344496; 513016, 4345266; 512607, 4345424; 511904, 4345492; 511540, 4345514; 510769, 4345376; 509113, 4344761; 508840, 4344738; 508772, 4344806; 508681, 4345237; 508816, 4345760; 509110, 4346260; 509042, 4346782; 509994, 4347344; 510020, 4347773; 509610, 4347781; 509636, 4348208; 510843, 4348183; 510867, 4348368; 511286, 4348363; 511350, 4348986; 512844, 4348985; 512865, 4348738; 513009, 4348511; 513265, 4348560; 513340, 4348429; 513591, 4348391; 513725, 4348468; 514035, 4348423; 514157, 4348662; 514487, 4348901; 514759, 4348992; 515099, 4348902; 515827, 4348403; 516326, 4348449; 516485, 4348518; 516371, 4348745; 516393, 4349040; 516643, 4349040; 517143, 4348655; 517347, 4348632; 517392, 4348678; 517210, 4349177; 517369, 4349359; 517277, 4349745; 517345, 4350017; 517549, 4350313; 517458, 4350472; 515937, 4350719; 515642, 4350878; 514347, 4351262; 513698, 4351637; 513040, 4351906; 512718, 4352232; 512343, 4352481; 512233, 4352682; 512525, 4352600; 512626, 4352677; 512954, 4352514; 513060, 4352323; 513261, 4352367; 513461, 4352277; 513591, 4352338; 513751, 4352304; 514190, 4352623; 514269, 4352785; 514584, 4353105; 514830, 4353185; 514812, 4353437; 514922, 4353647; 515227, 4353788; 515480, 4353732; 515593, 4353803; 515606, 4353746; 515677, 4353771; 515763, 4353708; 516153, 4353778; 516284, 4353721; 516340, 4353782; 516689, 4353541; 516867, 4353514; 516949, 4353609; 516987, 4353536; 517163, 4353486; 517663, 4353740; 517845, 4353933; 518117, 4353939; 518323, 4354193; 518420, 4354194; 518597, 4354068; 518722, 4354260; 518852, 4354258; 519041, 4354449; 519204, 4354412; 519372, 4354202; 519206, 4354204; 519205, 4353797; 520022, 4353793; 520023, 4353858; 520077, 4353674; 520281, 4354016; 520218, 4354402; 520256, 4354499; 520431, 4354621; 520831, 4354685; and excluding land bound by 519214, 4352587; 518819, 4352587; 518821, 4352178; 519216,

4352185; 519214, 4352587; 520020, 4352589; 520020, 4352989; 519208, 4352989; 519214, 4352587; and excluding land bound by 518397, 4352584; 517597, 4352585; 517601, 4351358; 518001, 4351362; 518008, 4352165; 518404, 4352174; 518397, 4352584; and excluding land bound by 525702, 4347790; 525713, 4347393; 526292, 4347457; 526287, 4347849; 525702, 4347790.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 498287, 4355794; 498290, 4355060; 498452, 4355010; 499110, 4355101; 499496, 4355056; 500087, 4354716; 500121, 4354486; 500319, 4354219; 500425, 4354171; 500573, 4353894; 500969, 4353864; 501200, 4353673; 501269, 4353333; 501225, 4352583; 501338, 4352470; 501510, 4352446; 501502, 4350527; 501000, 4350445; 500767, 4350261; 500547, 4350189; 500181, 4350297; 500119, 4350373; 499832, 4350316; 499828, 4350855; 499425, 4350855; 499439, 4351472; 499043, 4351466; 499058, 4352093; 498671, 4352097; 498679, 4352494; 498286, 4352475; 498293, 4354112; 497906, 4354105; 497905, 4354528; 497513, 4354517; 497500, 4355634; 497638, 4355747; 498287, 4355794.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496363, 4355307; 495965, 4355294; 495960, 4354478; 496353, 4354489; 496363, 4355307; 496669, 4355317; 496734, 4355264; 496729, 4354498; 497121, 4354509; 497110, 4353267; 496329, 4353248; 496333, 4353673; 495942, 4353673; 495939, 4353253; 495136, 4353261; 495146, 4357150; 496740, 4357141; 496746, 4356440; 496358, 4356431; 496331, 4356117; 496527, 4355823; 496507, 4355717; 496368, 4355712; 496363, 4355307.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 498904, 4361532; 498965, 4361413; 498761, 4361140; 498784, 4361095; 498920, 4360958; 499397, 4360777; 499528, 4360826; 499526, 4360405; 500318, 4360400; 500314, 4359584; 500720, 4359578; 500719, 4359174; 501121, 4359172; 501114, 4358767; 502318, 4358762; 502320, 4359563; 502720, 4359557; 502726, 4360371; 503904, 4360345; 504386, 4359954; 504347, 4359717; 504457, 4359601; 504489, 4359408; 504807, 4359126; 504453, 4358365; 503533, 4358345; 503539, 4357924; 503119, 4357929; 503121, 4357507; 502320, 4357514; 502326, 4357109; 503545, 4357102; 503542, 4357514; 503941, 4357513; 503937, 4356615; 504232, 4356546; 504440, 4356256; 504375, 4356103; 503935, 4355660; 503635, 4355706; 503330, 4355968; 502717, 4355866;

502810, 4355151; 502697, 4355015;
 502493, 4354947; 502289, 4354787;
 502039, 4354764; 501494, 4354786;
 501131, 4354899; 500336, 4355284;
 500221, 4355829; 499904, 4355879;
 499903, 4356265; 499846, 4356279;
 499761, 4356657; 499521, 4356652;
 499394, 4356376; 499314, 4356330;
 498938, 4356497; 498663, 4356939;
 498585, 4356916; 498381, 4357052;
 498199, 4357075; 498018, 4357211;
 497868, 4357511; 497803, 4357983;
 497426, 4357982; 497421, 4358778;
 496641, 4358774; 496660, 4359983;
 497056, 4359991; 497060, 4360793;
 497862, 4360812; 497865, 4361613;
 498904, 4361532; and excluding land
 bound by 500719, 4357136; 501122,
 4357126; 501122, 4357528; 501519,
 4357522; 501516, 4357934; 500721,
 4357946; 500719, 4357136; and
 excluding land bound by 501536,
 4356201; 501544, 4355787; 502333,
 4355792; 502330, 4356204; 502127,
 4356204; 502131, 4356374; 501928,
 4356373; 501922, 4356204; 501536,
 4356201.

(E) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 493029, 4366522; 493020, 4366607;
 494630, 4366564; 494640, 4366475;
 493029, 4366522.

(F) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 495384, 4367537; 495157, 4367798;
 495396, 4367795; 495384, 4367537.

(G) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 491746, 4366694; 491333, 4366691;
 491380, 4366217; 491822, 4366191;
 491746, 4366694; 493029, 4366522;
 493168, 4365221; 491966, 4365222;
 491520, 4365281; 491528, 4364857;
 491086, 4364913; 491083, 4364521;
 490192, 4364632; 489789, 4364613;
 489752, 4365860; 490625, 4365864;
 490579, 4366268; 490980, 4366243;
 490936, 4366689; 489685, 4366664;
 489656, 4367914; 488786, 4367862;
 488785, 4369137; 489277, 4369135;
 489263, 4368287; 490069, 4368340;
 490064, 4367939; 490479, 4367962;
 490476, 4367562; 491682, 4367575;
 491746, 4366694.

(H) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 494168, 4369452; 494015, 4369635;
 493965, 4369855; 494166, 4369853;
 494168, 4369452.

(I) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 493743, 4373518; 493775, 4372256;
 494174, 4372253; 494185, 4371874;
 495803, 4371870; 495789, 4370661;
 496189, 4370664; 496195, 4371262;
 496993, 4371264; 496998, 4370666;
 497479, 4370665; 497481, 4371066;
 498280, 4371063; 498279, 4370665;
 498743, 4370664; 498747, 4371930;

499096, 4371900; 499141, 4372661;
 499526, 4372645; 499523, 4371821;
 500300, 4371783; 500302, 4370965;
 500708, 4370962; 500711, 4370550;
 501124, 4370548; 501124, 4370147;
 501527, 4370143; 500981, 4370149;
 500732, 4370247; 500303, 4370510;
 500303, 4370562; 499907, 4370567;
 499902, 4370157; 500303, 4370155;
 500297, 4369734; 499486, 4369776;
 499477, 4369372; 500285, 4369350;
 500266, 4368542; 499905, 4368543;
 499905, 4368146; 499500, 4368148;
 499567, 4367334; 499838, 4367345;
 498740, 4367749; 498312, 4367757;
 498295, 4368160; 497900, 4368168;
 497910, 4367769; 497082, 4367786;
 497127, 4366952; 499159, 4366920;
 499158, 4366501; 499276, 4366499;
 499276, 4366227; 499230, 4365517;
 499095, 4365558; 499062, 4365482;
 499160, 4364894; 498295, 4364896;
 498290, 4363692; 495938, 4363589;
 495940, 4363992; 495538, 4363988;
 495537, 4364789; 495198, 4364786;
 495085, 4366061; 494699, 4366067;
 495087, 4366098; 495059, 4366325;
 494754, 4366765; 494687, 4366985;
 494958, 4366983; 495096, 4367116;
 495410, 4366979; 495867, 4366969;
 495838, 4367790; 496241, 4367789;
 496228, 4368191; 494988, 4368204;
 494986, 4368615; 494580, 4368624;
 494567, 4370666; 494164, 4370670;
 494168, 4371074; 493266, 4371066;
 493143, 4371149; 492831, 4371130;
 492676, 4371246; 492597, 4371196;
 492358, 4371245; 492311, 4371306;
 492302, 4371423; 492448, 4371612;
 492408, 4372300; 492469, 4372285;
 492528, 4372118; 492516, 4372051;
 492424, 4372289; 492466, 4371616;
 492584, 4371838; 492767, 4371845;
 493078, 4372058; 493429, 4371771;
 493495, 4371909; 493629, 4371984;
 493591, 4372164; 493713, 4372500;
 493719, 4372949; 493474, 4373273;
 493280, 4373237; 493120, 4373467;
 492087, 4373337; 492087, 4373498;
 493743, 4373518.

(J) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 490467, 4375345; 490469, 4374974;
 491688, 4374992; 491692, 4374617;
 492100, 4374626; 492099, 4374111;
 491970, 4374125; 491793, 4374025;
 491602, 4373737; 491448, 4373710;
 491507, 4373790; 491484, 4374046;
 491419, 4374168; 491263, 4374221;
 491292, 4374384; 491018, 4374465;
 491064, 4374619; 490931, 4374702;
 490842, 4374889; 490458, 4374893;
 490449, 4375280; 490046, 4375290;
 490045, 4375340; 490467, 4375345.

(K) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 491234, 4378843; 491288, 4378512;
 491176, 4378247; 491035, 4378156;

490823, 4378133; 490834, 4378826;
 491234, 4378843.

(L) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 508479, 4379279; 508646, 4379307;
 508811, 4379227; 508974, 4379305;
 508957, 4379180; 509097, 4379032;
 509387, 4379066; 509659, 4378813;
 509861, 4378850; 509921, 4378653;
 510233, 4378574; 510251, 4378412;
 510413, 4378370; 510569, 4378535;
 510842, 4378504; 510962, 4378340;
 511147, 4378324; 511559, 4378143;
 511753, 4378163; 511863, 4378067;
 511949, 4378123; 512189, 4378013;
 512211, 4377902; 512116, 4377802;
 512100, 4377651; 512141, 4377532;
 512040, 4377261; 512238, 4377150;
 512291, 4377038; 512063, 4376617;
 512135, 4376436; 512241, 4376408;
 512402, 4376095; 512488, 4376062;
 512849, 4375428; 513072, 4375509;
 513554, 4375541; 513815, 4375670;
 514297, 4375696; 514478, 4375570;
 515021, 4375713; 515114, 4375845;
 515045, 4376134; 515092, 4376193;
 515550, 4376078; 515603, 4376167;
 515792, 4376215; 516238, 4376489;
 516441, 4376432; 516480, 4376559;
 516676, 4376641; 516943, 4376591;
 517028, 4376798; 516981, 4376980;
 517478, 4376997; 517483, 4377330;
 517605, 4377460; 517838, 4377417;
 517915, 4377565; 518041, 4377535;
 518173, 4377701; 518363, 4377724;
 518535, 4377661; 518725, 4377778;
 518863, 4377748; 518897, 4377828;
 519090, 4377824; 519338, 4378129;
 519634, 4378187; 519677, 4378307;
 520259, 4378450; 520397, 4378410;
 520416, 4378174; 520557, 4378079;
 520784, 4378107; 520834, 4378007;
 521240, 4377981; 521318, 4377824;
 521397, 4377894; 521487, 4377792;
 521627, 4377868; 521707, 4377637;
 521903, 4377707; 522080, 4377529;
 522225, 4377616; 522457, 4377554;
 522549, 4377687; 522684, 4377698;
 522759, 4377814; 523059, 4377823;
 523199, 4377730; 523773, 4377701;
 523991, 4377614; 524351, 4377657;
 524505, 4377610; 524874, 4377771;
 525175, 4377786; 525555, 4377756;
 526273, 4377468; 526710, 4377504;
 527047, 4377439; 527342, 4377300;
 527484, 4377131; 527725, 4377042;
 528152, 4376730; 528159, 4376438;
 528303, 4375928; 528245, 4375626;
 528079, 4375551; 527763, 4375067;
 527552, 4374946; 527342, 4374583;
 527140, 4374421; 527300, 4373838;
 527546, 4373614; 527526, 4373547;
 527070, 4373338; 526470, 4373226;
 526239, 4373083; 526272, 4372792;
 526457, 4372677; 526555, 4372399;
 527217, 4371997; 527326, 4371669;
 526850, 4371396; 526509, 4371282;
 525533, 4371121; 525026, 4370966;

524400, 4371046; 523938, 4371213;
 523543, 4371511; 523411, 4371544;
 523176, 4371402; 522864, 4371323;
 522553, 4370677; 522651, 4370316;
 522402, 4370524; 522456, 4370770;
 522161, 4370899; 521910, 4371173;
 521401, 4371376; 520807, 4371477;
 520207, 4371323; 519203, 4370568;
 518248, 4370407; 517827, 4370467;
 517661, 4370586; 517264, 4370537;
 516768, 4370824; 516458, 4370855;
 516277, 4371022; 515736, 4370997;
 515337, 4371104; 515026, 4371564;
 514683, 4371285; 514910, 4371327;
 514857, 4371101; 515038, 4370882;
 514839, 4371097; 514893, 4371317;
 514591, 4371262; 514532, 4371392;
 514333, 4371337; 514304, 4371378;
 514148, 4371221; 513953, 4371168;
 513944, 4371122; 514121, 4371067;
 514054, 4370917; 514200, 4370760;
 514307, 4370770; 514349, 4370622;
 514294, 4370755; 514190, 4370745;
 514037, 4370910; 514103, 4371060;
 513920, 4371128; 514243, 4371315;
 514215, 4371436; 514296, 4371548;
 514212, 4371683; 514227, 4371809;
 514098, 4371890; 513990, 4371851;
 513890, 4372005; 513758, 4371962;
 513534, 4372156; 513678, 4372146;
 513728, 4372253; 513832, 4372231;
 513817, 4372347; 513916, 4372368;
 513922, 4372444; 514350, 4372524;
 514454, 4372856; 514568, 4372936;
 514845, 4372981; 514989, 4373138;
 515158, 4373068; 515161, 4373011;
 515003, 4372975; 515290, 4372674;
 515512, 4373297; 515225, 4373467;
 515328, 4373659; 515328, 4374066;
 515454, 4374374; 515469, 4374593;
 515054, 4374545; 514974, 4374645;
 514726, 4374463; 514266, 4374349;
 514163, 4374484; 514104, 4374723;
 513890, 4374801; 513869, 4374878;
 512762, 4374878; 512869, 4374647;
 512864, 4374324; 512939, 4374202;
 512949, 4373440; 513029, 4373263;
 513148, 4373233; 512948, 4373011;
 512658, 4372463; 512262, 4372132;
 512336, 4371833; 512299, 4371519;
 512410, 4371296; 512272, 4371081;
 512384, 4371059; 512407, 4370929;
 512276, 4370778; 512259, 4370556;
 512083, 4370234; 511936, 4370151;
 511763, 4370203; 511762, 4370034;
 511495, 4369859; 511464, 4369664;
 511217, 4369592; 511073, 4369434;
 510728, 4369521; 510329, 4369735;
 509442, 4369276; 508741, 4369041;
 508412, 4369212; 508218, 4369618;
 508061, 4369787; 507618, 4369850;
 507032, 4370058; 506799, 4370283;
 506750, 4370695; 506673, 4370852;
 506409, 4371002; 506150, 4371439;
 505724, 4371845; 505641, 4372140;
 505298, 4372627; 505186, 4372899;
 505276, 4373462; 505106, 4374124;
 505105, 4374930; 504743, 4375314;

504499, 4375386; 504825, 4375646;
 505000, 4375664; 505496, 4376106;
 505581, 4376243; 505579, 4376372;
 505699, 4376526; 506136, 4376799;
 506733, 4378121; 507207, 4378385;
 507397, 4378353; 507812, 4378611;
 507977, 4379022; 508219, 4379106;
 508304, 4379295; 508479, 4379279; and
 excluding land bound by 509762,
 4372024; 510541, 4372060; 510535,
 4372436; 509760, 4372382; 509762,
 4372024.

(M) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 493276, 4379616; 493437, 4379674;
 493571, 4379406; 493764, 4379486;
 493922, 4379417; 494018, 4379323;
 493901, 4379218; 494319, 4379202;
 494333, 4378685; 493690, 4378635;
 493688, 4377851; 492797, 4377834;
 492781, 4378225; 493071, 4378237;
 492762, 4378494; 492428, 4378666;
 492204, 4379083; 492358, 4379192;
 492517, 4379159; 492512, 4379303;
 492779, 4379412; 492752, 4379612;
 492906, 4379615; 493065, 4379713;
 493276, 4379616.

(N) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 489893, 4380657; 489991, 4380537;
 489884, 4380329; 489889, 4380103;
 489775, 4379808; 490081, 4379830;
 490308, 4379668; 490445, 4379670;
 490444, 4379593; 490558, 4379550;
 490444, 4379515; 490463, 4378504;
 490068, 4378491; 490069, 4378087;
 489665, 4378078; 489655, 4377267;
 489544, 4377519; 489296, 4377703;
 489310, 4377361; 489110, 4377553;
 489167, 4377228; 488996, 4377479;
 489180, 4377244; 489092, 4377559;
 489167, 4377560; 489297, 4377376;
 489280, 4377721; 489108, 4377719;
 488952, 4377884; 488513, 4378085;
 488359, 4378073; 488348, 4377962;
 488293, 4377943; 487810, 4377976;
 487697, 4377819; 487358, 4377894;
 487381, 4377801; 487508, 4377708;
 487429, 4377576; 487599, 4377525;
 487683, 4377424; 487626, 4377344;
 487623, 4377122; 487705, 4377009;
 487631, 4376931; 487723, 4376837;
 487696, 4376777; 487552, 4376845;
 487462, 4376777; 487382, 4376803;
 487459, 4376975; 487394, 4376817;
 487552, 4376863; 487702, 4376814;
 487613, 4376930; 487687, 4377011;
 487604, 4377121; 487663, 4377420;
 487588, 4377509; 487244, 4377588;
 487246, 4377691; 487084, 4377959;
 487052, 4377912; 486863, 4377915;
 486458, 4378104; 486459, 4378326;
 487873, 4378270; 487884, 4380306;
 488075, 4380305; 488080, 4380504;
 488285, 4380505; 488283, 4380707;
 488884, 4380706; 488885, 4380460;
 489665, 4380474; 489675, 4381244;
 489946, 4381251; 489952, 4381088;
 489805, 4380805; 489893, 4380657.

(O) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 494975, 4386986; 494949, 4386978;
 494871, 4387034; 494975, 4386986.

(P) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 495406, 4387047; 495718, 4387035;
 495031, 4386976; 495406, 4387047.

(Q) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 496319, 4388741; 496666, 4388744;
 496780, 4388495; 496574, 4387992;
 496320, 4387991; 496335, 4387104;
 496228, 4387198; 495745, 4387043;
 495814, 4387123; 496108, 4387165;
 496140, 4387218; 495947, 4387841;
 496190, 4388359; 496320, 4388360;
 496319, 4388741.

(R) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 493579, 4387605; 493695, 4387617;
 494247, 4387167; 494632, 4387152;
 494817, 4387043; 494553, 4387133;
 494219, 4387111; 493715, 4387470;
 493665, 4387563; 493562, 4387541;
 493409, 4387694; 493366, 4388038;
 493424, 4388200; 493575, 4388286;
 493718, 4388546; 493705, 4389060;
 493841, 4389333; 494103, 4389583;
 494086, 4389462; 493928, 4389327;
 493853, 4388616; 493623, 4388248;
 493428, 4388081; 493387, 4387870;
 493579, 4387605.

(S) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 496319, 4388741; 496171, 4388741;
 496257, 4389009; 495941, 4389530;
 495971, 4389636; 495793, 4389715;
 495633, 4389900; 495819, 4390088;
 496043, 4390060; 496398, 4389786;
 496491, 4389594; 496515, 4389489;
 496321, 4389491; 496319, 4388741.

(T) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 500983, 4401748; 501114, 4401696;
 501254, 4401344; 501895, 4401350;
 502218, 4401167; 502381, 4401197;
 502922, 4400756; 502927, 4400560;
 503296, 4400562; 503315, 4400407;
 503475, 4400371; 503684, 4400173;
 503676, 4399961; 503784, 4399654;
 503709, 4399468; 503901, 4399229;
 503860, 4399033; 503993, 4398585;
 504080, 4398520; 504195, 4398584;
 504257, 4398426; 504369, 4398388;
 504350, 4398227; 504436, 4398044;
 504672, 4398077; 504771, 4397949;
 504802, 4397648; 505124, 4397530;
 505276, 4397085; 505469, 4397037;
 505580, 4396625; 505797, 4396637;
 505903, 4396576; 505943, 4396456;
 505836, 4396408; 505786, 4396219;
 506018, 4395638; 506299, 4395197;
 506471, 4395059; 506513, 4394777;
 506445, 4394491; 506770, 4394185;
 506769, 4393875; 506939, 4393708;
 506880, 4393402; 507053, 4393180;
 506995, 4393037; 507145, 4392946;
 507168, 4392588; 507256, 4392394;

507139, 4392233; 507055, 4391928;
 507143, 4391682; 507127, 4391181;
 507186, 4391128; 506882, 4391123;
 506902, 4389912; 507280, 4389918;
 507284, 4390372; 507516, 4390335;
 507692, 4390129; 507854, 4390078;
 507856, 4390031; 507669, 4390023;
 507650, 4389226; 508476, 4389271;
 508483, 4389645; 508607, 4389548;
 508583, 4389364; 508674, 4389198;
 509062, 4388665; 509161, 4388614;
 509198, 4388492; 509501, 4388185;
 508863, 4388147; 508858, 4387772;
 509598, 4387803; 509620, 4387547;
 509768, 4387314; 510058, 4387072;
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 510228, 4386347; 510253, 4385973;
 509986, 4385700; 509147, 4385381;
 507989, 4385084; 507127, 4384719;
 506809, 4384787; 506787, 4385423;
 506432, 4385604; 506316, 4385770;
 506023, 4385507; 505885, 4385469;
 505496, 4385609; 505349, 4385504;
 504991, 4385677; 504855, 4385506;
 504325, 4385147; 504324, 4385411;
 503507, 4385410; 503508, 4385273;
 503315, 4385215; 503032, 4385481;
 503093, 4385729; 502929, 4385714;
 502626, 4385852; 502330, 4385607;
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 501883, 4385759; 501552, 4385774;
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 499782, 4390987; 500125, 4391229;
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 500871, 4391419; 501109, 4391476;
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 502011, 4392529; 501748, 4393120;
 501620, 4393236; 501593, 4393454;
 501300, 4393725; 501105, 4394054;
 500837, 4394163; 500554, 4394962;
 500458, 4395115; 500073, 4395421;

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 499489, 4396609; 499221, 4396741;
 498817, 4396817; 498643, 4397173;
 498075, 4397242; 497931, 4397441;
 497596, 4397496; 497338, 4397632;
 496977, 4398087; 496893, 4398647;
 496754, 4399028; 496251, 4399238;
 495994, 4399737; 495595, 4400043;
 495399, 4400378; 496168, 4400783;
 496475, 4401071; 497166, 4401039;
 497167, 4401330; 497451, 4401447;
 497428, 4401348; 497548, 4401008;
 498524, 4400873; 499158, 4400913;
 499466, 4400777; 499656, 4400766;
 499972, 4401057; 500196, 4401497;
 500287, 4401557; 500360, 4401505;
 500546, 4401943; 500505, 4402078;
 500610, 4402100; 500740, 4401871;
 500983, 4401748; and excluding land
 bound by 502877, 4399736; 502836,
 4398963; 503649, 4398961; 503690,
 4399779; 502879, 4399778; 502877,
 4399736; and excluding land bound by
 501170, 4398632; 501152, 4399052;
 500738, 4399044; 500755, 4398627;
 501170, 4398632; and excluding land
 bound by 503274, 4394635; 503287,
 4394254; 504517, 4394274; 504501,
 4395038; 504081, 4395035; 504089,
 4394648; 503274, 4394635; and
 excluding land bound by 506161,
 4394265; 506125, 4392665; 506495,
 4392627; 506498, 4394173; 506161,
 4394265; and excluding land bound by
 503660, 4387967; 504079, 4387959;
 504071, 4388747; 503660, 4388737;
 503660, 4387967.

(U) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 508682, 4425293; 509486, 4425276;
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 508397, 4423589; 508280, 4422518;
 508299, 4422102; 507892, 4422168;
 507932, 4421409; 508336, 4421363;
 508356, 4420990; 507941, 4421034;
 507951, 4420636; 508764, 4420553;
 508771, 4420182; 508379, 4420233;
 508396, 4419546; 508182, 4415067;
 509759, 4415139; 512144, 4415141;
 512202, 4415752; 512599, 4415832;
 512572, 4415484; 512962, 4415529;
 512937, 4415154; 513758, 4415153;
 513811, 4416240; 513414, 4416260;
 513439, 4416266; 514613, 4416552;
 514560, 4415153; 516185, 4415126;
 516187, 4416755; 516518, 4416747;
 516514, 4416334; 516899, 4416332;
 516897, 4416740; 517676, 4416735;
 517675, 4415926; 518078, 4415936;
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 518476, 4415948; 519692, 4415973;
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 520099, 4417188; 520913, 4417180;
 520854, 4418777; 520450, 4418774;
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 519611, 4419589; 520011, 4419585;
 519976, 4420022; 521185, 4420010;
 521224, 4420954; 522845, 4420888;
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 524992, 4417803; 525243, 4417349;
 525277, 4416815; 524294, 4416819;
 524060, 4416547; 524024, 4416395;
 524087, 4415486; 524165, 4415398;
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 524879, 4414572; 524790, 4414499;
 524197, 4414343; 523748, 4414087;
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 523591, 4412379; 523837, 4412224;
 523328, 4411675; 523412, 4411375;
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 523692, 4409627; 524086, 4409624;
 524091, 4410419; 524904, 4410409;
 524906, 4408415; 524496, 4408428;
 524490, 4409219; 523692, 4409225;
 523690, 4408834; 523289, 4408832;
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 520604, 4408647; 520465, 4408647;
 520197, 4408686; 520198, 4409232;
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 518891, 4408076; 518903, 4408491;
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 515972, 4409236; 515328, 4409244;
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 513552, 4406922; 513543, 4406793;
 513948, 4406541; 514126, 4406555;
 514293, 4406489; 514450, 4406197;
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 515616, 4404634; 515801, 4404600;
 515819, 4404385; 515998, 4404393;
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 515772, 4401865; 515506, 4401645;
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 516213, 4397175; 515918, 4397265;
 515395, 4397627; 515293, 4398087;
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 514009, 4398260; 514009, 4397991;
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 511162, 4399536; 510897, 4400141;
 510692, 4400450; 510831, 4402105;
 510639, 4403659; 510267, 4403652;
 510421, 4402111; 509169, 4402124;
 508464, 4402636; 507874, 4402612;
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 506647, 4403564; 506446, 4403911;
 505761, 4404516; 505493, 4405098;
 505169, 4405378; 504922, 4405760;
 504908, 4406161; 504810, 4406158;
 504803, 4406210; 504880, 4406955;
 504521, 4407694; 504564, 4408181;
 504399, 4408942; 504392, 4409665;
 504151, 4410009; 504178, 4410184;
 504072, 4410395; 503959, 4410463;
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 504093, 4411644; 504161, 4412007;
 504134, 4414709; 504179, 4415073;
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 504467, 4416834; 504287, 4417514;
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 505886, 4417959; 506308, 4418822;
 506421, 4419276; 506261, 4419526;
 505762, 4419797; 505398, 4420115;
 504875, 4420432; 504875, 4420614;
 504693, 4421090; 504692, 4421431;
 504783, 4421681; 505009, 4421953;
 506070, 4422811; 506347, 4423386;
 506436, 4423976; 506385, 4424162;
 507330, 4424163; 507303, 4423776;
 507719, 4423768; 507662, 4423010;
 507913, 4422935; 508028, 4424069;
 507960, 4424899; 507740, 4424995;
 507727, 4425757; 508064, 4425884;
 508056, 4425937; 508682, 4425293; and
 excluding land bound by 520531,
 4414358; 520532, 4413958; 520904,
 4413959; 520913, 4414362; 520531,
 4414358; and excluding land bound by
 517762, 4413886; 517783, 4413552;
 518160, 4413555; 518151, 4413947;
 517758, 4413950; 517762, 4413886; and
 excluding land bound by 504918,

4412121; 505343, 4412112; 505331,
 4412539; 504831, 4412496; 504832,
 4412432; 504914, 4412430; 504918,
 4412121; and excluding land bound by
 510185, 4410762; 510182, 4410352;
 510590, 4410359; 510589, 4410764;
 510185, 4410762; 510184, 4411563;
 509791, 4411560; 509783, 4410759;
 510185, 4410762; and excluding land
 bound by 519402, 4411135; 519397,
 4410751; 519800, 4410777; 519809,
 4411171; 519402, 4411135; and
 excluding land bound by 512593,
 4410771; 511392, 4410775; 511393,
 4410379; 511798, 4410375; 511814,
 4409566; 512215, 4409567; 512205,
 4409970; 512601, 4409975; 512593,
 4410771; and excluding land bound by
 506787, 4407803; 506790, 4407585;
 507197, 4407594; 507192, 4407797;
 506787, 4407803; and excluding land
 bound by 511024, 4403662; 511075,
 4403276; 511867, 4403286; 511801,
 4403680; 511416, 4403676; 511453,
 4404446; 511065, 4404435; 511024,
 4403662.

(V) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 494627, 4429352; 494410, 4429604;
 493850, 4429894; 494013, 4429981;
 494095, 4429958; 494539, 4429621;
 494627, 4429352.

(W) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 499435, 4429986; 499368, 4428937;
 499084, 4428318; 498622, 4428309;
 498343, 4428390; 498644, 4428459;
 498620, 4428563; 498532, 4428585;
 498357, 4428577; 498272, 4428445;
 498201, 4428438; 497637, 4428483;
 497553, 4428604; 497295, 4428573;
 497118, 4428465; 496966, 4428512;
 497146, 4428769; 497452, 4428923;
 497591, 4428808; 497759, 4428770;
 497870, 4428634; 498069, 4428686;
 498724, 4428609; 498792, 4428510;

499179, 4428791; 499289, 4429124;
 499223, 4429469; 498981, 4429772;
 498583, 4429898; 498112, 4429976;
 497561, 4429856; 496830, 4429242;
 496489, 4429060; 495804, 4429007;
 494918, 4429115; 497339, 4429946;
 498743, 4430325; 499081, 4430255;
 499435, 4429986.

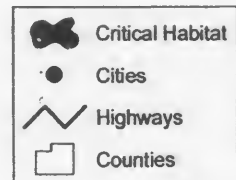
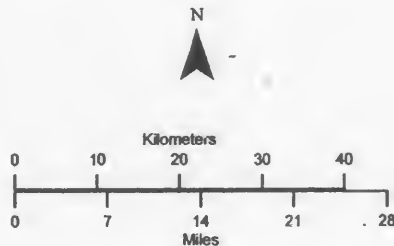
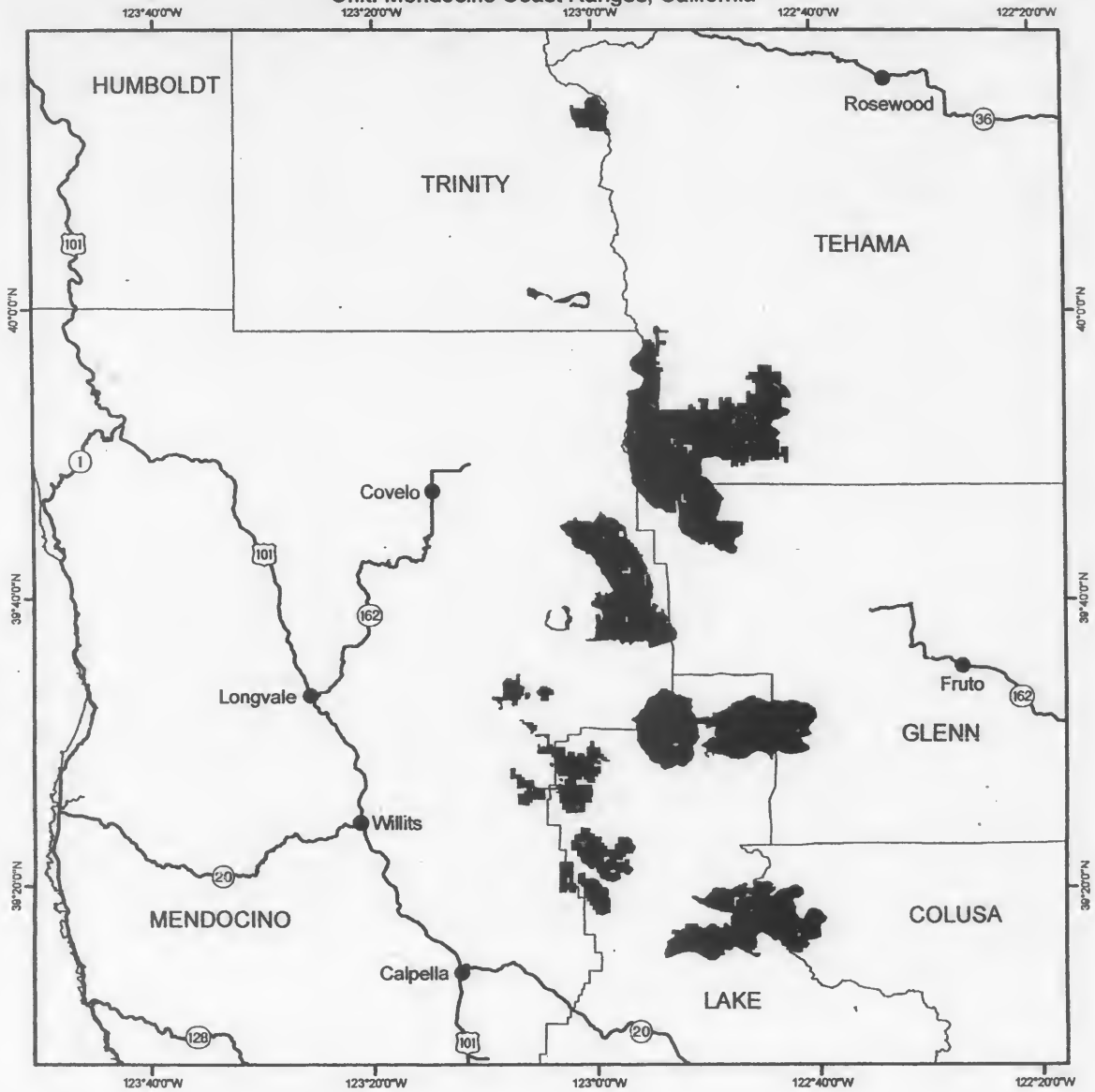
(X) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 493326, 4430139; 493636, 4430004;
 493105, 4430016; 492851, 4429928;
 492566, 4429664; 492424, 4429410;
 492398, 4429516; 492250, 4429634;
 491554, 4429880; 491457, 4430524;
 491573, 4430778; 492090, 4430698;
 492288, 4430643; 492682, 4430311;
 493326, 4430139.

(Y) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 501441, 4454239; 501741, 4454065;
 501878, 4454066; 501891, 4453846;
 502122, 4453671; 502226, 4453443;
 502028, 4452983; 502032, 4452602;
 501921, 4452386; 501893, 4451765;
 501954, 4451336; 502076, 4451173;
 502322, 4451025; 502520, 4450512;
 502417, 4450485; 502270, 4450289;
 502201, 4450381; 502186, 4450928;
 501008, 4450932; 499844, 4451027;
 499846, 4451424; 498136, 4451447;
 498116, 4451824; 497887, 4452365;
 497650, 4452496; 497517, 4453374;
 497386, 4453667; 497365, 4453844;
 497447, 4454116; 497386, 4454232;
 497664, 4454214; 497717, 4453826;
 499334, 4453769; 499255, 4454651;
 499731, 4455209; 500140, 4455220;
 500413, 4455429; 500934, 4455256;
 500998, 4454953; 501186, 4454842;
 501243, 4454597; 501205, 4454403;
 501441, 4454239.

(iii) Note: Map of Mendocino Coast
 Ranges Unit follows:
 BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Mendocino Coast Ranges, California



(31) Western Klamath/Siskiyou Mountains Unit (Unit 24). Del Norte, Humboldt, Shasta, Siskiyou, and Trinity Counties, California.

(i) The Western Klamath/Siskiyou Mountains Unit consists of 219, 300 ac (88, 700 ha) and is comprised of lands managed by the Six Rivers and Shasta-Trinity National Forests (215, 600 ac (87, 200 ha)) and BLM Redding Field Office (3, 700 ac (1, 500 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Bark Shanty Gulch, Big Bar, Broken Rib Mountain, Chanchelulla Peak, Dedrick, Del Loma, Denny, Devils Punchbowl, Fish Lake, Hayfork, Hayfork Bally, Helena, Hopkins Butte, Hossimbim Mountain, Hurdygurdy Butte, Hyampom Mountain, Ironside Mountain, Jim Jam Ridge, Johnsons, Junction City, Lonesome Ridge, Mount Hilton, Orleans, Orleans Mountain, Pony Buck Peak, Prescott Mountain, Rush Creek Lakes, Salyer, Shelly Creek Ridge, Ship Mountain, Somes Bar, Thurston Peaks, Tish Tang Point, Trinity Mountain, Weitchpec, and Wildwood.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505618, 4480861; 505756, 4480850; 505761, 4479716; 506189, 4479660; 506191, 4480331; 507445, 4480355; 507430, 4479949; 506599, 4479993; 506589, 4479260; 507396, 4479142; 507377, 4478728; 507789, 4478639; 507802, 4479071; 508200, 4479001; 508198, 4477835; 508597, 4477790; 508599, 4478108; 508997, 4478052; 508963, 4477140; 505790, 4477198; 505819, 4473874; 504195, 4473923; 504200, 4474320; 503837, 4474331; 503815, 4474742; 503427, 4474758; 503382, 4475577; 502607, 4475614; 501826, 4475542; 501813, 4475949; 502202, 4475996; 502177, 4476794; 501789, 4476753; 501799, 4476354; 501411, 4476314; 501426, 4475908; 501042, 4475877; 501054, 4475468; 500256, 4475509; 500229, 4473932; 500379, 4473933; 500069, 4473577; 499879, 4473029; 499853, 4472271; 499974, 4471907; 499601, 4470920; 499514, 4470534; 499691, 4469946; 499064, 4469942; 499064, 4469543; 499164, 4469542; 499164, 4469435; 499359, 4469432; 499353, 4469118; 499580, 4467611; 499155, 4467661; 499146, 4467268; 498737, 4467318; 498735, 4466930; 499146, 4466874; 499145, 4466511; 497886, 4466660; 497880, 4466283; 497538, 4466046; 497096, 4466038; 496602, 4466152; 496032, 4466119; 495683, 4466235; 495439, 4466507; 494885, 4466677; 494786, 4467354; 494356, 4468151; 493791, 4468710; 493613, 4469331; 493058, 4469378; 493055, 4471781; 492971, 4472327; 493063, 4475636;

494566, 4475625; 494627, 4478677; 497816, 4478709; 497801, 4475719; 498405, 4475756; 499431, 4476047; 499446, 4475587; 499521, 4475639; 499553, 4475831; 499682, 4476016; 499705, 4476288; 499965, 4476480; 500208, 4476546; 500255, 4476685; 500748, 4476769; 500863, 4476855; 500999, 4477145; 501004, 4477994; 501353, 4477874; 501735, 4478048; 502197, 4478088; 502574, 4478216; 502609, 4479308; 502812, 4479176; 503458, 4479265; 504048, 4479015; 504414, 4479106; 504545, 4479258; 504496, 4479535; 504807, 4479535; 504941, 4479650; 505024, 4480555; 505236, 4480803; 505618, 4480861; and excluding land bound by 495381, 4475575; 495382, 4477099; 495008, 4477091; 494990, 4475599; 495381, 4475575; and excluding land bound by 495367, 4474814; 495360, 4474054; 494562, 4474145; 494552, 4471167; 494201, 4471214; 494200, 4470043; 494560, 4470003; 494554, 4470375; 494956, 4470371; 494952, 4470751; 495344, 4470753; 495349, 4469990; 497396, 4469969; 497402, 4469582; 498589, 4469558; 498583, 4470749; 497386, 4470755; 497381, 4471144; 496578, 4471151; 496569, 4471555; 496147, 4471563; 496150, 4473146; 495754, 4473178; 495766, 4474780; 495367, 4474814; and excluding land bound by 497002, 4469187; 496999, 4468818; 497829, 4468843; 497806, 4469183; 497002, 4469187.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 504620, 4481751; 503510, 4481483; 503750, 4482056; 505492, 4482049; 504620, 4481751.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505541, 4482105; 505496, 4482054; 505523, 4482805; 505851, 4482806; 505851, 4482438; 505693, 4482391; 505541, 4482105.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 503954, 4485096; 504775, 4485099; 504763, 4484727; 505575, 4484712; 505552, 4483585; 503926, 4483602; 503905, 4482808; 503097, 4482809; 503111, 4483607; 501429, 4483618; 501284, 4483864; 501183, 4484112; 501376, 4484195; 501870, 4484235; 502130, 4484466; 502299, 4484277; 502438, 4484259; 502540, 4484347; 502759, 4484882; 502948, 4485103; 503954, 4485096.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 467774, 4513669; 467754, 4513480; 467678, 4513484; 467559, 4512771; 467821, 4512354; 468216, 4512025; 468250, 4511839; 472235, 4511695; 472305, 4511450; 472499, 4511340; 472530, 4509183; 472861, 4509142;

473111, 4509239; 475267, 4510759; 475742, 4510708; 476476, 4510327; 476638, 4510352; 476913, 4509937; 476881, 4509536; 477681, 4509532; 477678, 4509845; 477874, 4509796; 477876, 4509919; 477678, 4509920; 477680, 4510112; 478134, 4510124; 478853, 4509807; 479868, 4509814; 480154, 4509666; 480359, 4509437; 480528, 4509388; 480738, 4509457; 481298, 4509987; 481952, 4510087; 481953, 4509930; 482341, 4509913; 482336, 4509972; 482167, 4509712; 482156, 4509094; 482257, 4509087; 482259, 4508992; 482461, 4508991; 482471, 4509271; 482780, 4509272; 482769, 4509599; 483191, 4509386; 483381, 4509383; 483567, 4509438; 483798, 4509672; 484073, 4509797; 484298, 4509288; 484396, 4508707; 484850, 4508648; 485099, 4508323; 485396, 4508100; 485632, 4507476; 486907, 4506473; 487233, 4505589; 487509, 4505368; 488764, 4504652; 488845, 4504459; 489282, 4504483; 489516, 4504767; 489795, 4504845; 490709, 4504889; 490918, 4504746; 490918, 4502866; 490635, 4502719; 490506, 4502723; 490438, 4502421; 490625, 4501887; 490918, 4501620; 490917, 4501110; 490788, 4500544; 490174, 4500056; 489056, 4499592; 488899, 4499454; 488491, 4499291; 488263, 4499074; 488296, 4498709; 488493, 4498355; 488378, 4498131; 488343, 4497815; 488163, 4497530; 488343, 4496708; 487376, 4496853; 487149, 4496780; 486788, 4496283; 486660, 4495762; 486554, 4495612; 486383, 4495695; 486309, 4495985; 486122, 4496028; 485527, 4495865; 484863, 4496111; 484612, 4496120; 484561, 4496033; 484272, 4495917; 484044, 4495918; 483759, 4496429; 483510, 4496533; 483238, 4496560; 483187, 4496883; 483546, 4497228; 483576, 4497471; 483525, 4497822; 483022, 4498545; 482713, 4499233; 482711, 4500308; 482221, 4500694; 481793, 4500845; 481365, 4500748; 481204, 4500603; 480990, 4500803; 480751, 4500692; 480507, 4500546; 479051, 4499259; 478415, 4499020; 478129, 4499046; 477459, 4499304; 477200, 4499240; 476352, 4499283; 476097, 4499112; 474885, 4499171; 474616, 4499656; 474557, 4500237; 474894, 4500358; 475340, 4500283; 475689, 4500348; 476251, 4500605; 476438, 4500610; 476941, 4500385; 477150, 4500370; 477348, 4500440; 478165, 4502389; 478123, 4502564; 477907, 4502570; 477728, 4502426; 477027, 4502308; 476852, 4502379; 476494, 4502678; 475773, 4502961; 473767, 4503330; 472368, 4503242; 472147, 4503406; 471600, 4503592; 471280, 4503509; 471093, 4503390;

470883, 4503041; 470722, 4502986; 470011, 4502175; 469733, 4502150; 469550, 4502020; 469335, 4502054; 468670, 4501944; 468553, 4502007; 468473, 4502203; 468522, 4502418; 468918, 4502774; 469046, 4503007; 468861, 4503098; 468322, 4503144; 467386, 4503643; 467219, 4503817; 467185, 4504090; 468342, 4504046; 468359, 4504819; 469167, 4504805; 469176, 4505593; 467549, 4505596; 467580, 4507109; 467454, 4508737; 465931, 4508749; 465905, 4509808; 465472, 4510015; 465215, 4510051; 465082, 4509965; 465148, 4510331; 465316, 4510331; 465303, 4511392; 465358, 4511929; 465512, 4512441; 465356, 4512927; 465288, 4513584; 465164, 4513590; 465071, 4513897; 465614, 4514243; 466126, 4514454; 466840, 4514565; 467298, 4514510; 467300, 4514414; 467517, 4514298; 467708, 4514066; 467774, 4513669; and excluding land bound by 478078, 4509030; 478079, 4508654; 478163, 4508659; 478169, 4508839; 478264, 4508840; 478261, 4509016; 478453, 4509016; 478457, 4509372; 478264, 4509371; 478263, 4509107; 478078, 4509030; and excluding land bound by 481568, 4509526; 481571, 4508745; 481969, 4508768; 481947, 4509507; 481568, 4509526; and excluding land bound by 481168, 4508722; 481168, 4509109; 480766, 4509093; 480763, 4509303; 480370, 4509273; 480383, 4508473; 481181, 4508529; 481168, 4508722; and excluding land bound by 476525, 4507150; 476485, 4508750; 475490, 4508702; 475515, 4507073; 476525, 4507150; and excluding land bound by 479701, 4507102; 479740, 4505521; 481316, 4505531; 481278, 4507118; 480283, 4507107; 480259, 4507499; 480071, 4507502; 480040, 4507697; 479838, 4507688; 479858, 4507498; 479667, 4507495; 479701, 4507102; and excluding land bound by 473988, 4505868; 473199, 4505874; 473195, 4505489; 472392, 4505488; 472406, 4503874; 475493, 4503921; 475497, 4505497; 473986, 4505487; 473988, 4505868; and excluding land bound by 469565, 4504688; 469571, 4504984; 469874, 4504980; 469865, 4505179; 469974, 4505177; 469972, 4505367; 469871, 4505370; 469869, 4505566; 469672, 4505573; 469666, 4505085; 469269, 4505096; 469267, 4504807; 469365, 4504805; 469365, 4504695; 469565, 4504688; and excluding land bound by 472391, 4505584; 472385, 4505891; 471596, 4505910; 471617, 4506308; 471224, 4506318; 471245, 4506706; 470853, 4506719; 470827, 4506323; 470419, 4506338; 470395, 4505944; 470799, 4505925; 470777, 4505630; 470968,

4505624; 470988, 4505825; 471200, 4505820; 471488, 4505810; 471486, 4505713; 471781, 4505705; 471778, 4505603; 472391, 4505584; and excluding land bound by 479297, 4509239; 478841, 4509249; 478839, 4509074; 479013, 4509068; 479015, 4508973; 479295, 4508972; 479297, 4509239; and excluding land bound by 479131, 4509452; 479135, 4509724; 478644, 4509724; 478644, 4509548; 478842, 4509537; 478843, 4509454; 479131, 4509452.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 495738, 4522855; 495730, 4522455; 496143, 4522465; 496142, 4522855; 495738, 4522855; 495983, 4522912; 496092, 4522867; 496641, 4523508; 496909, 4523681; 496920, 4523859; 497155, 4524269; 497158, 4524389; 497251, 4524405; 497315, 4524563; 497255, 4524809; 497465, 4524953; 497440, 4525049; 497639, 4525091; 497742, 4525233; 497818, 4525638; 497894, 4525755; 497840, 4526035; 497718, 4526165; 497792, 4526320; 497984, 4526358; 498080, 4525937; 498206, 4525838; 498092, 4525664; 498052, 4525315; 498310, 4525132; 498439, 4524947; 498083, 4524647; 498150, 4524470; 498087, 4524300; 497958, 4524230; 497954, 4524104; 497617, 4523743; 497323, 4523684; 497208, 4523452; 497484, 4523250; 497475, 4522842; 497692, 4522694; 497749, 4522536; 498104, 4522202; 498409, 4522173; 498775, 4522398; 499079, 4522189; 499351, 4522468; 499612, 4522485; 499772, 4522277; 499925, 4521842; 499868, 4521747; 499849, 4521226; 500108, 4521094; 499634, 4520881; 499402, 4520919; 498879, 4520790; 498768, 4520700; 498389, 4520660; 498260, 4520824; 498007, 4520611; 497687, 4520520; 497000, 4521271; 496521, 4521454; 496345, 4521296; 496265, 4520988; 495955, 4520579; 496007, 4520256; 495777, 4520044; 495348, 4519249; 494872, 4519062; 494491, 4518703; 494037, 4519781; 492881, 4520668; 492729, 4520689; 492717, 4522188; 492849, 4522281; 492888, 4522414; 495416, 4522398; 495447, 4522630; 495738, 4522855; and excluding land bound by 496387, 4522528; 496416, 4522276; 496545, 4522137; 496676, 4522181; 496955, 4522682; 496733, 4522708; 496690, 4522629; 496648, 4522711; 496387, 4522528; and excluding land bound by 495371, 4520233; 495375, 4520031; 495730, 4520032; 495733, 4520237; 495371, 4520233; and excluding land bound by 496791, 4523400; 496828, 4523499; 496780, 4523508; 496745, 4523427; 496791, 4523400; 496464, 4523222;

496413, 4522917; 496522, 4522905; 496590, 4523009; 496609, 4522888; 496921, 4523089; 496895, 4523269; 496728, 4523208; 496968, 4523473; 496885, 4523525; 496791, 4523400.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 487704, 4526377; 488054, 4526488; 488398, 4526329; 488731, 4526321; 489366, 4525887; 489356, 4525662; 489127, 4525467; 489171, 4525152; 488972, 4524899; 489122, 4524732; 489154, 4524450; 489293, 4524308; 489293, 4524194; 489113, 4523968; 488882, 4524010; 488757, 4523861; 488668, 4523689; 488724, 4523410; 488682, 4523233; 489158, 4522444; 489614, 4522230; 490101, 4522186; 490421, 4522036; 490484, 4521692; 490306, 4521283; 490422, 4520540; 490139, 4520526; 490158, 4518832; 490960, 4518768; 492550, 4519116; 492545, 4517553; 494129, 4517603; 494080, 4516025; 494147, 4514477; 492385, 4514433; 492406, 4515254; 490668, 4514170; 489070, 4514137; 489050, 4513274; 489159, 4512740; 488787, 4512844; 488669, 4513169; 488574, 4513170; 488478, 4513074; 488335, 4513122; 487906, 4513599; 487619, 4513647; 487245, 4513505; 487094, 4513886; 487096, 4514174; 487330, 4514744; 488324, 4514290; 488579, 4514278; 488812, 4514098; 488877, 4514102; 488985, 4514296; 489073, 4514283; 489087, 4514890; 489405, 4514934; 489154, 4515124; 489123, 4515394; 489220, 4515677; 489159, 4516075; 489078, 4516109; 489033, 4516270; 489108, 4516701; 489215, 4516784; 489240, 4517013; 489172, 4517104; 489419, 4517285; 489587, 4517283; 489714, 4517733; 489687, 4517846; 489510, 4517906; 489468, 4518079; 489340, 4518226; 488960, 4519440; 488763, 4519623; 488675, 4519873; 488664, 4520079; 488749, 4520323; 488650, 4520763; 488701, 4521106; 488636, 4521208; 488466, 4521259; 488476, 4521453; 488628, 4521865; 488750, 4521999; 488699, 4522254; 488521, 4522283; 488571, 4522016; 488425, 4521886; 488291, 4521465; 488278, 4521205; 488150, 4521137; 488339, 4521685; 488100, 4521815; 487932, 4521783; 487720, 4522048; 487673, 4522548; 487565, 4522729; 487632, 4523251; 487540, 4523417; 487608, 4523776; 487556, 4523977; 487579, 4524415; 487670, 4524608; 488138, 4524730; 487618, 4525390; 487657, 4525586; 487504, 4526047; 487555, 4526528; 487176, 4526861; 487183, 4527066; 487001, 4527255; 486752, 4527730; 486563, 4527813; 486438, 4528048; 486248, 4528150; 486462, 4528258; 486697, 4528493; 486898, 4528529;

487234, 4528736; 487497, 4528968;
487617, 4529141; 487695, 4529618;
487751, 4529028; 487366, 4528471;
487260, 4528353; 487044, 4528259;
487001, 4528171; 487158, 4527967;
487250, 4527420; 487401, 4527334;
487595, 4526894; 487704, 4526377; and
excluding land bound by 488200,
4523788; 488196, 4523568; 487998,
4523568; 487993, 4523369; 488398,
4523368; 488402, 4523784; 488200,
4523788; and excluding land bound by
490173, 4517141; 489923, 4515007;
490360, 4515066; 490413, 4515587;
490818, 4515594; 490970, 4516948;
490173, 4517141.

(H) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 469001, 4533644; 469898, 4533665;
470312, 4532993; 470610, 4532711;
470896, 4532599; 471017, 4532224;
471470, 4531913; 471141, 4531821;
471089, 4531307; 471368, 4530704;
471473, 4530266; 471421, 4529740;
471344, 4529626; 471445, 4529318;
471317, 4529241; 471054, 4529295;
470776, 4528940; 471048, 4528714;
471115, 4528557; 471279, 4528492;
471330, 4528297; 471467, 4528179;
471491, 4528036; 471397, 4527910;
471075, 4527751; 471064, 4527639;
471603, 4526989; 471739, 4526732;
471824, 4526300; 472283, 4526269;
472428, 4526126; 472891, 4525934;
473151, 4525726; 473272, 4525678;
473486, 4525715; 473863, 4525368;
473588, 4525259; 473813, 4524995;
473780, 4524699; 473315, 4524259;
473112, 4523962; 473089, 4523785;
473081, 4523829; 472634, 4523343;
472682, 4523104; 472968, 4522707;
472872, 4522246; 472490, 4522055;
471917, 4521960; 471869, 4521722;
472011, 4521293; 472107, 4521197;
472154, 4520816; 471868, 4520577;
471581, 4520626; 471438, 4520578;
471347, 4520487; 471103, 4520435;
470908, 4520244; 470626, 4520245;
470474, 4520340; 470339, 4520340;
470184, 4520484; 469814, 4520436;
469671, 4520532; 469481, 4520438;
469412, 4520543; 469458, 4520853;
469400, 4521169; 469208, 4521442;
468607, 4521853; 467976, 4522089;
467685, 4522555; 467709, 4523425;
467791, 4523851; 467756, 4523988;
467353, 4523641; 466801, 4522889;
466326, 4522607; 466185, 4522418;
466024, 4522336; 465872, 4522356;
465628, 4522464; 465604, 4522803;
465667, 4523085; 465384, 4523693;
465379, 4523925; 465478, 4524029;
465782, 4524768; 465681, 4524935;
465258, 4525306; 464756, 4525511;
464295, 4525497; 463528, 4525714;
463528, 4525776; 463431, 4525777;
463437, 4525978; 463156, 4525980;
462959, 4526253; 462475, 4526237;

462218, 4526347; 462201, 4526753;
462375, 4527296; 462659, 4527889;
462959, 4527977; 462952, 4527176;
463150, 4527176; 463148, 4526976;
463760, 4526965; 463757, 4527565;
464384, 4527522; 464394, 4528349;
463984, 4528356; 464268, 4528681;
464655, 4529047; 464888, 4529163;
465352, 4529257; 465615, 4529715;
466054, 4529822; 466036, 4530200;
466217, 4530189; 466214, 4529988;
466412, 4529975; 466418, 4530396;
466166, 4530399; 466758, 4530617;
466801, 4530794; 466713, 4531172;
467064, 4531570; 467354, 4531553;
467406, 4532433; 467592, 4532433;
467595, 4532831; 467517, 4532894;
467321, 4533532; 467370, 4533631;
467633, 4533573; 467972, 4533675;
468138, 4533590; 468487, 4533772;
469001, 4533644; and excluding land
bound by 464247, 4526979; 464243,
4526789; 463931, 4526787; 463933,
4526512; 464490, 4526582; 464493,
4526789; 464419, 4526790; 464422,
4527161; 464791, 4527168; 464794,
4527349; 464576, 4527350; 464575,
4527266; 464269, 4527260; 464268,
4527168; 464179, 4527167; 464178,
4526980; 464247, 4526979.

(I) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 455502, 4543515; 455979, 4543440;
455949, 4543199; 456532, 4543006;
456520, 4542877; 456996, 4542270;
456663, 4541550; 456450, 4541317;
456744, 4541387; 457077, 4541770;
457161, 4541746; 457041, 4541272;
457122, 4541061; 457108, 4540856;
456834, 4540784; 456675, 4540296;
456831, 4540109; 456813, 4539882;
456891, 4539635; 456581, 4539501;
456552, 4539388; 456398, 4539424;
456034, 4539205; 456174, 4539064;
456146, 4538696; 456335, 4538713;
456307, 4538375; 456574, 4538683;
456517, 4538307; 456672, 4538225;
456769, 4538050; 457109, 4538003;
456743, 4537995; 456630, 4538181;
456504, 4538248; 456495, 4537549;
456758, 4537571; 456767, 4537211;
456823, 4537103; 456985, 4537044;
457236, 4536821; 457359, 4536814;
457435, 4536536; 457687, 4536491;
457795, 4536279; 457977, 4536234;
458116, 4536092; 458120, 4536010;
458173, 4536207; 457949, 4536380;
457913, 4536509; 458029, 4536649;
458362, 4536670; 458348, 4536947;
458508, 4537079; 458458, 4537492;
458648, 4537752; 458815, 4538358;
459031, 4538251; 458863, 4538202;
459038, 4537740; 458940, 4537693;
459018, 4537556; 459140, 4537512;
459090, 4537393; 459285, 4537251;
459171, 4537093; 459318, 4536907;
459271, 4536750; 459311, 4536629;
459677, 4536411; 459998, 4536356;

460020, 4536273; 460258, 4536250;
460100, 4536060; 460394, 4535705;
460438, 4535499; 460583, 4535420;
460669, 4535249; 461139, 4535302;
461375, 4535424; 461223, 4535441;
461170, 4535512; 461304, 4535740;
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461761, 4536125; 461890, 4536012;
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462453, 4536381; 462283, 4536624;
462376, 4536807; 462528, 4536903;
462747, 4536913; 462639, 4537077;
462662, 4537167; 462864, 4537132;
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464044, 4537379; 463853, 4537255;
463832, 4537086; 464631, 4536665;
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462319, 4532624; 462037, 4532540;
461883, 4532365; 461706, 4532467;
461375, 4532394; 461043, 4532013;
460890, 4531964; 460585, 4531991;
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460226, 4531281; 460149, 4531180;
460022, 4531155; 459741, 4530902;
459586, 4530327; 459171, 4530093;
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457167, 4531097; 456938, 4531316;
456826, 4531563; 456576, 4531741;
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455525, 4532782; 454460, 4534352;
453583, 4535935; 453594, 4537086;
453376, 4537442; 453188, 4538112;
453182, 4538341; 453306, 4538720;
453521, 4539011; 453755, 4539166;
453860, 4539348; 453865, 4539486;
453570, 4540307; 453680, 4541070;
453403, 4541045; 453022, 4541121;
453057, 4541569; 453343, 4542768;
455050, 4543255; 454980, 4543516;
455158, 4543473; 455502, 4543515.

(J) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 455573, 4557665; 456595, 4557233;
457491, 4557002; 457507, 4556942;

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 457408, 4555857; 457236, 4555975;
 456986, 4555917; 456776, 4555672;
 456558, 4555609; 456220, 4555867;
 455549, 4555552; 455575, 4555445;
 455735, 4555313; 456043, 4555217;
 456010, 4554882; 455537, 4554553;
 455481, 4554350; 455633, 4554217;
 455642, 4554120; 455174, 4553776;
 455100, 4553507; 454944, 4553442;
 455130, 4553241; 455505, 4553232;
 455667, 4553165; 455910, 4553188;
 456105, 4553043; 456304, 4553090;
 456710, 4553007; 456700, 4552912;
 456367, 4552700; 456264, 4552452;
 455996, 4552411; 455890, 4552453;
 455699, 4552318; 455619, 4552156;
 455618, 4551977; 455862, 4551754;
 455770, 4551523; 455939, 4551329;
 456207, 4551455; 456181, 4551363;
 456584, 4551455; 456366, 4551284;
 456332, 4551174; 456061, 4551090;
 456172, 4550927; 456095, 4550563;
 456196, 4550333; 456572, 4550166;
 456700, 4550133; 457021, 4549780;
 457654, 4550076; 457684, 4549717;
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 457237, 4547404; 457301, 4547276;
 457146, 4547310; 456734, 4547111;
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 456557, 4547447; 456461, 4547613;
 456525, 4547923; 456433, 4548502;
 456304, 4548692; 456317, 4548883;
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 455970, 4548337; 455617, 4548184;
 455491, 4548232; 455447, 4547975;
 455370, 4547908; 454953, 4547943;
 454842, 4548004; 454716, 4548242;
 454716, 4548489; 454500, 4548664;
 454288, 4548593; 454335, 4548470;
 454321, 4547985; 454268, 4548598;
 454128, 4548581; 453912, 4548795;
 453609, 4548824; 453388, 4549718;
 453111, 4550511; 453000, 4551318;
 452154, 4554667; 452630, 4554606;
 452937, 4554663; 453882, 4555075;
 453898, 4555518; 453782, 4555759;
 453388, 4556173; 452906, 4556549;
 452713, 4556915; 452771, 4557002;
 452839, 4557059; 454245, 4557194;
 454649, 4557397; 455208, 4558032;
 455568, 4557731; 455573, 4557665.

(K) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 452308, 4572704; 452436, 4572639;
 452466, 4572478; 452594, 4572380;
 452593, 4572251; 452709, 4572186;
 452719, 4571864; 452429, 4571834;
 452299, 4571739; 451945, 4571742;
 451947, 4571903; 451851, 4572000;
 451529, 4572035; 451209, 4572231;
 451275, 4572359; 451629, 4572356;
 451629, 4572453; 452015, 4572417;
 452049, 4572546; 452211, 4572705;
 452308, 4572704; and excluding land
 bound by 451854, 4572322; 451724,

4572259; 451723, 4572162; 451884,
 4572161; 452012, 4572031; 452205,
 4572062; 452111, 4572288; 451854,
 4572322.

(L) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 456205, 4578044; 456064, 4577969;
 456061, 4577787; 455753, 4577790;
 455751, 4577597; 455622, 4577534;
 455494, 4577664; 455432, 4577986;
 455369, 4578051; 455371, 4578308;
 455436, 4578437; 455372, 4578502;
 455244, 4578503; 455052, 4578697;
 455054, 4578890; 455119, 4578954;
 455312, 4578953; 455503, 4578694;
 455632, 4578692; 455695, 4578627;
 455694, 4578434; 455822, 4578433;
 456014, 4578303; 456205, 4578044.

(M) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 455960, 4579462; 455830, 4579334;
 455573, 4579337; 455443, 4579209;
 455379, 4579274; 455121, 4579212;
 455123, 4579405; 455252, 4579532;
 455189, 4579597; 455190, 4579790;
 455255, 4579854; 455384, 4579853;
 455575, 4579594; 455896, 4579527;
 455960, 4579462.

(N) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 457874, 4581413; 458079, 4581447;
 458223, 4581279; 457979, 4580749;
 457790, 4580742; 457785, 4580644;
 457587, 4580636; 457587, 4580270;
 457766, 4580268; 457766, 4580192;
 458131, 4580172; 458127, 4580065;
 457768, 4580078; 457768, 4579972;
 457582, 4579972; 457583, 4579565;
 457386, 4579565; 457384, 4579241;
 457053, 4579048; 456672, 4578978;
 456476, 4578856; 455983, 4578869;
 455952, 4578911; 456035, 4578972;
 456220, 4579002; 456346, 4579309;
 456254, 4579392; 456306, 4579556;
 456162, 4579557; 456257, 4579968;
 455928, 4579981; 456135, 4580072;
 456187, 4580246; 456085, 4580350;
 456230, 4580503; 456004, 4580515;
 455922, 4580618; 456262, 4580668;
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 456457, 4580769; 456602, 4580810;
 456664, 4580922; 456623, 4580964;
 456479, 4580882; 456397, 4580996;
 456017, 4581040; 455988, 4581116;
 456305, 4581069; 456368, 4581201;
 456499, 4581287; 456943, 4581421;
 457116, 4581647; 457678, 4581518;
 457874, 4581413.

(O) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
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 452763, 4582575; 452824, 4582069;
 453019, 4582119; 453131, 4582356;
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 453675, 4582169; 453829, 4582032;
 453816, 4581927; 453968, 4581813;
 454050, 4581607; 454185, 4581551;

454457, 4580864; 454674, 4580820;
 454910, 4580976; 454984, 4580837;
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 454843, 4575255; 454607, 4574764;
 453357, 4574764; 453345, 4574169;
 453150, 4573695; 453071, 4573303;
 453147, 4572803; 453039, 4572803;
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 453122, 4572341; 453155, 4572253;
 452981, 4572252; 452842, 4572382;
 452794, 4572658; 452608, 4572923;
 452522, 4573325; 451974, 4573868;
 451001, 4574715; 450737, 4574767;
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449044, 4582279; 449217, 4582360;
449807, 4582926; 450234, 4583122;
450813, 4582747; 451278, 4582613;
451440, 4582385; and excluding land
bound by 445335, 4567639; 445337,
4567283; 445746, 4567289; 445738,
4568099; 446147, 4568104; 446140,
4568517; 445328, 4568490; 445335,
4567639; and excluding land bound by
443475, 4565232; 443477, 4564806;
444690, 4564825; 444696, 4565268;
443879, 4565243; 443848, 4565645;
443454, 4565632; 443475, 4565232; and
excluding land bound by 445329,
4563814; 445417, 4563660; 445435,
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(P) Land bounded by the following
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(Q) Land bounded by the following
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439151, 4645479; 439434, 4645173;
439751, 4644981; 439616, 4644743;
439620, 4644628; 439386, 4644335;
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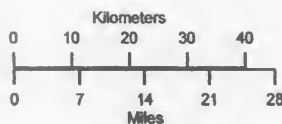
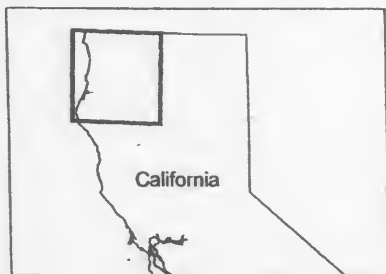
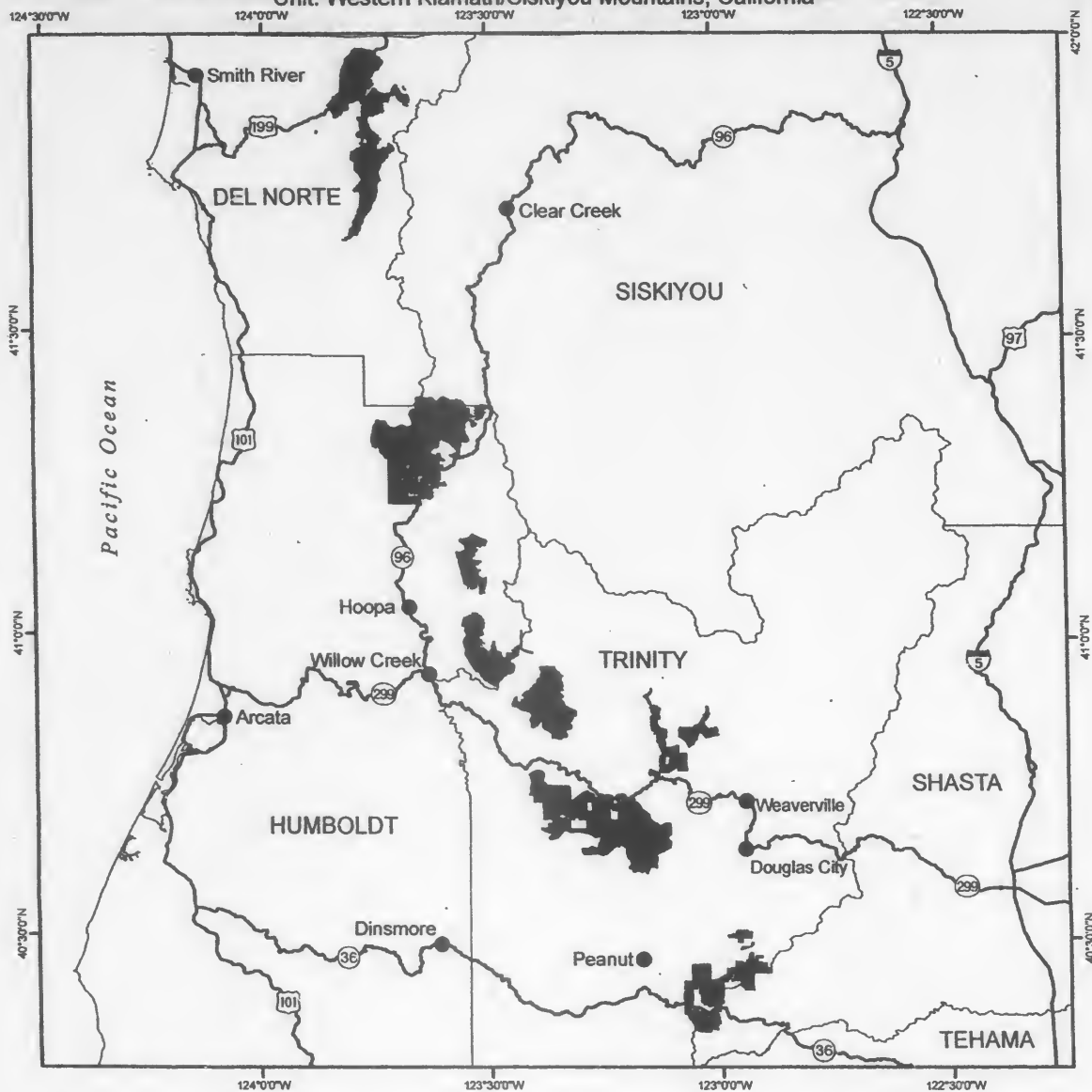
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434477, 4624608; 434378, 4625144;
434408, 4625915; 434301, 4626375;





434199, 4626293; 434001, 4626621; 433788, 4626560; 433701, 4626649; 433696, 4627501; 433811, 4627714; 433805, 4628122; 434053, 4628100; 434343, 4628273; 434414, 4628467; 434621, 4628483; 434836, 4628682; 435213, 4628728; 435389, 4628827; 436146, 4629489; 435719, 4629457; 435519, 4629490; 435530, 4629542; 435383, 4629595; 435369, 4629664; 435646, 4629768; 435762, 4630197; 435735, 4630584; 435787, 4630661; 436015, 4630572; 436055, 4630217; 435906, 4629759; 436004, 4629635; 436281, 4629623; 436237, 4629553; 436602, 4629706; 436689, 4629642; 436900, 4629650; 436699, 4630227; 436460, 4630486; 436152, 4630674; 435295, 4630680; 435016, 4630746; 434684, 4631211; 435002, 4631697; 435446, 4631941; 435504, 4632049; 435408, 4633638; 435031, 4634080; 434960, 4634517; 435844, 4634539; 435831, 4636451; 436079, 4637011; 435830, 4636966; 435587, 4637437; 435328, 4637644; 435184, 4637678; 434930, 4637590; 434690, 4637410; 433678, 4637163; 433459, 4636992; 433275, 4637006; 433209, 4636786; 433407, 4636250; 433164, 4635818; 432541, 4635742; 432356, 4635663; 432245, 4635561; 432179, 4635336; 431995, 4635119; 431877, 4634851; 431417, 4634844; 431416, 4634597; 430996, 4634607; 430994, 4634452; 430608, 4634455; 430533, 4634635; 430523, 4635421; 430379, 4635908; 430137, 4636167; 429849, 4636186; 429393, 4636602; 429385, 4636695; 429870, 4637243; 429997, 4637483; 430392, 4637865; 430423, 4638257; 430984, 4638488; 431315, 4638859; 431676, 4639058; 431756, 4639256; 431911, 4640772; 431846, 4641038; 431986, 4641666; 431896, 4642449; 432115, 4643508; 432288, 4643685; 432734, 4644856; 432790, 4645242; 432738, 4645388; 433040, 4645627; 433181, 4645963; 433561, 4646104; 433680, 4646234; 434059, 4646959; 434609, 4647467; 434722, 4647481; 435195, 4647311; 435511, 4647409; 435356, 4647211; 435278, 4647199; 435326, 4647184; 435524, 4647412; 435874, 4647520; 436410, 4647259; and excluding land bound by 436390, 4647237; 436444, 4647164; 436494, 4647192; 436443, 4647169; 436390, 4647237; and excluding land bound by 436894, 4647174; 436929, 4647154; 437021, 4647112; 436894, 4647174; and excluding land bound by 437127, 4647118; 437027, 4647111; 437358, 4647063; 437127, 4647118; and excluding land bound by 435187, 4647229; 435091, 4647341; 435106, 4647312; 435187, 4647229; and excluding land bound by 437558, 4647016; 437680, 4646994; 437581, 4647019; 437558, 4647016; and excluding land bound by 433201, 4637706; 433199, 4637504; 432999, 4637507; 432995, 4637106; 433199, 4637104; 433200, 4637301; 433604, 4637300; 433606, 4637702; 433201, 4637706; and excluding land bound by 431835, 4636064; 431830, 4635659; 432234, 4635667; 432239, 4636063; 431835, 4636064.

(iii) Note: Map of Western Klamath/
Siskiyou Mountains Unit follows:
BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Western Klamath/Siskiyou Mountains, California



-  Critical Habitat
-  Cities
-  Highways
-  Counties

(32) Scott and Salmon Mountains Unit (Unit 25). Siskiyou County, California. Josephine County, Oregon.

(i) The Scott and Salmon Mountains Unit is a total of 242, 200 ac (98, 100 ha), including 242, 000 ac (98, 000 ha) in Siskiyou County, California, and 200 ac (100 ha) in Josephine County, Oregon, and is comprised of lands managed by the Klamath National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Boulder Peak, Cecilville, Clear Creek, Deadman Peak, Deadman Point, Dillon Mountain, Dutch Creek, Eaton Peak, English Peak, Etna, Figurehead Mountain, Forks of Salmon, Grasshopper Ridge, Grayback Mountain, Grider Valley, Hamburg, Horse Creek, Huckleberry Mountain, Indian Creek Baldy, Kangaroo Mountain, McKinley Mountain, Medicine Mountain, Orleans Mountain, Russell Peak, Sawyers Bar, Scott Bar, Seiad Valley, Slater Butte, Somes Bar, Tanners Peak, Ukonom Lake, Ukonom Mountain, and Yellow Dog Peak.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 508489, 4571053; 508477, 4570444; 508369, 4570445; 508166, 4570010; 507733, 4569827; 507210, 4569980; 506822, 4569971; 507271, 4570441; 507359, 4570611; 507278, 4571277; 507562, 4572143; 508351, 4573063; 508453, 4573063; 508322, 4572458; 508474, 4572299; 508489, 4571053.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 477962, 4575302; 479301, 4575319; 479119, 4575219; 479037, 4574958; 478530, 4574924; 477917, 4574740; 477753, 4574487; 477736, 4574347; 477413, 4574027; 477228, 4573941; 477144, 4573977; 477058, 4574153; 476237, 4574397; 475703, 4574401; 475559, 4574105; 474937, 4574363; 474730, 4574377; 474664, 4574688; 474052, 4575221; 473764, 4575874; 477505, 4575881; 477502, 4575305; 477962, 4575302.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 483017, 4580952; 483163, 4580961; 483432, 4580799; 483506, 4580683; 483668, 4580718; 483862, 4580643; 484469, 4580892; 484740, 4580890; 484940, 4580564; 483353, 4580399; 485746, 4579902; 486325, 4579660; 486668, 4579431; 486878, 4579107; 487102, 4578910; 487440, 4578845; 487944, 4578950; 488378, 4578873; 488599, 4578752; 488191, 4578140; 489462, 4577485; 488441, 4576889; 488118, 4576635; 487852, 4576615; 487467, 4576711; 486800, 4576754; 486429, 4576214; 486142, 4575497; 485847, 4575439; 485304, 4574939; 484998, 4574775; 484913, 4574776;

484912, 4574908; 484815, 4574908; 484813, 4574560; 484711, 4574562; 484712, 4574507; 484568, 4574545; 483428, 4574397; 482463, 4574449; 481790, 4574805; 481643, 4574960; 481015, 4575061; 480749, 4575314; 482143, 4575300; 482162, 4577781; 482223, 4577781; 482209, 4580721; 482560, 4580798; 482761, 4580932; 483017, 4580952.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468107, 4581581; 468004, 4581424; 467728, 4581415; 467693, 4581203; 467570, 4581090; 467371, 4580501; 467996, 4580679; 468109, 4580627; 468299, 4580360; 468829, 4580202; 468676, 4580211; 468394, 4579537; 468276, 4579343; 468084, 4579200; 467662, 4579215; 467237, 4579134; 466880, 4579224; 466748, 4579324; 466525, 4579709; 466124, 4580062; 465898, 4580621; 465749, 4581219; 465949, 4581936; 466201, 4582019; 466260, 4581788; 466622, 4581583; 466780, 4581582; 466914, 4581623; 467194, 4581889; 468116, 4582408; 468401, 4582121; 468502, 4581892; 468414, 4581703; 468107, 4581581.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 503822, 4585764; 502246, 4585875; 502255, 4584311; 500700, 4584344; 500727, 4582749; 502270, 4582759; 502255, 4584311; 503817, 4584192; 503822, 4585764; 505406, 4585730; 505379, 4584096; 504600, 4584145; 504604, 4583454; 504216, 4583291; 504066, 4582765; 503793, 4582510; 503826, 4581764; 503084, 4581431; 502923, 4581324; 502844, 4581120; 502723, 4581014; 502360, 4580888; 502279, 4580887; 502179, 4581097; 501887, 4581210; 500709, 4581263; 500646, 4579687; 501843, 4579615; 501843, 4579529; 501426, 4579528; 500115, 4577352; 500397, 4576603; 500561, 4576428; 501073, 4576207; 501213, 4575763; 501403, 4575486; 502419, 4574921; 501972, 4574651; 501925, 4574214; 501684, 4574110; 501637, 4573918; 501308, 4573910; 501246, 4573522; 501498, 4573296; 501776, 4573171; 502024, 4573191; 502317, 4573025; 502732, 4573102; 502866, 4573035; 502974, 4572903; 503027, 4572625; 503225, 4572357; 503290, 4572051; 502744, 4571703; 502157, 4571457; 501812, 4571237; 501686, 4571102; 501617, 4570736; 501257, 4570080; 500740, 4569652; 500355, 4569184; 499993, 4569125; 499999, 4568875; 499809, 4568601; 499678, 4568547; 500169, 4567974; 500226, 4567826; 500119, 4567224; 500216, 4567058; 500087, 4566811; 500179, 4566253; 500157, 4566037; 500014, 4565775; 499821, 4565697; 499485, 4565388; 499172, 4565287;

498992, 4565068; 498920, 4564745; 498773, 4564612; 498804, 4564485; 498733, 4564421; 498722, 4564273; 498562, 4564114; 498631, 4564013; 498620, 4563488; 498225, 4563493; 498178, 4563403; 497832, 4563397; 497771, 4563294; 497568, 4563260; 497568, 4562863; 497367, 4562857; 497367, 4562191; 497054, 4562205; 496556, 4561971; 496080, 4561939; 496275, 4561574; 496239, 4561099; 495961, 4560734; 495598, 4560588; 495306, 4560600; 494942, 4560795; 494760, 4561038; 494687, 4561392; 494310, 4561148; 494159, 4560938; 493827, 4561121; 493519, 4561191; 493532, 4561565; 493920, 4561521; 493867, 4562088; 492956, 4562746; 491632, 4563244; 491602, 4562465; 491684, 4561614; 491937, 4561362; 491688, 4560522; 491692, 4559831; 491295, 4558938; 490896, 4558612; 490259, 4557905; 489871, 4557765; 489418, 4557934; 489418, 4557794; 489067, 4557422; 488806, 4557280; 488727, 4557848; 488800, 4558164; 488304, 4558217; 487186, 4557750; 487129, 4557227; 487200, 4556998; 487025, 4556897; 486544, 4556808; 485796, 4556874; 485724, 4556675; 485514, 4556549; 484717, 4556358; 483877, 4556031; 483349, 4555907; 483056, 4555945; 483023, 4556052; 482702, 4556375; 482555, 4556426; 482434, 4556925; 481944, 4557080; 481904, 4557319; 481569, 4557615; 481509, 4558218; 481396, 4558385; 481551, 4558595; 481694, 4559133; 481662, 4559352; 481961, 4559379; 481978, 4559566; 482201, 4559768; 482841, 4559944; 483284, 4560340; 483364, 4560231; 483555, 4560190; 483878, 4559910; 484076, 4559978; 484586, 4559803; 485435, 4559121; 485730, 4559569; 485952, 4560269; 486339, 4560851; 486391, 4561178; 486592, 4561342; 486810, 4561335; 486967, 4561466; 486495, 4561845; 486032, 4561891; 485902, 4562236; 485924, 4562824; 485770, 4562959; 485593, 4562961; 485525, 4563156; 485830, 4563154; 486118, 4563713; 486399, 4564026; 485906, 4564578; 485498, 4564755; 485103, 4565416; 485543, 4565414; 485543, 4565615; 485251, 4565617; 485252, 4565721; 485438, 4565819; 485448, 4566121; 485546, 4566124; 485542, 4566220; 485651, 4566229; 485729, 4566417; 485685, 4566591; 485542, 4566317; 485445, 4566319; 485444, 4566200; 485143, 4566132; 485138, 4565921; 485045, 4565923; 485041, 4565700; 484687, 4565780; 484368, 4566112; 484315, 4566513; 484362, 4567124; 484450, 4567399; 484124, 4568387; 484278, 4568981; 484456, 4568952; 484700, 4569063; 484947, 4568996;

485500, 4569072; 486078, 4568948; 486311, 4568758; 487084, 4568997; 487603, 4568711; 487671, 4568827; 487847, 4568914; 488943, 4568901; 489434, 4568824; 489434, 4568732; 488941, 4568363; 489357, 4568102; 489473, 4568089; 489753, 4568295; 489581, 4568441; 489761, 4568835; 489943, 4568702; 489977, 4568738; 489891, 4568815; 490101, 4569115; 490978, 4569392; 491268, 4569582; 491334, 4570063; 491057, 4570502; 491543, 4570877; 492742, 4571505; 493024, 4571928; 493189, 4571935; 493184, 4571705; 493545, 4571704; 493549, 4571950; 493663, 4571947; 493665, 4572136; 493750, 4572138; 493751, 4572313; 493946, 4572574; 494124, 4572631; 494197, 4572728; 494193, 4573120; 494460, 4573495; 494962, 4573851; 494910, 4573981; 494572, 4574095; 494960, 4574127; 494951, 4574599; 494850, 4574601; 494854, 4574983; 495016, 4574984; 495016, 4575056; 495193, 4575048; 495568, 4574890; 495734, 4574958; 495868, 4575184; 495860, 4575330; 496015, 4575591; 495891, 4575681; 495876, 4575907; 495990, 4576005; 496208, 4576810; 496350, 4576655; 496447, 4577047; 496455, 4577427; 496577, 4577605; 496641, 4577633; 496660, 4577586; 496878, 4577960; 497004, 4578015; 497115, 4578284; 497009, 4578312; 496998, 4578522; 497135, 4578571; 497230, 4578698; 497356, 4578698; 497418, 4579113; 497257, 4579113; 497402, 4579294; 497354, 4579504; 497592, 4579613; 497740, 4579793; 498004, 4579950; 498307, 4580373; 498339, 4580510; 498288, 4580594; 498367, 4580845; 498581, 4581014; 498807, 4581581; 498914, 4581649; 499176, 4581658; 499356, 4581934; 499431, 4582261; 499765, 4582547; 499904, 4582941; 499904, 4583102; 499723, 4583628; 499081, 4583829; 498697, 4584118; 498290, 4583939; 498217, 4588946; 498453, 4588995; 498722, 4589270; 499904, 4589402; 500446, 4589232; 500804, 4589031; 500878, 4588907; 501316, 4588675; 501679, 4588606; 502086, 4588756; 502306, 4588508; 502856, 4588310; 503040, 4588305; 503289, 4588427; 503678, 4588484; 503827, 4588598; 503822, 4585764; and excluding land bound by 497949, 4576786; 499535, 4576749; 499530, 4577479; 497941, 4577487; 497949, 4576786; and excluding land bound by 497609, 4576123; 497570, 4575857; 497449, 4575880; 497080, 4574110; 497835, 4574066; 497960, 4574530; 497794, 4574568; 497993, 4575710; 498300, 4575702; 498447, 4576706; 497727, 4576702; 497609, 4576123; and excluding land bound by 499141,

4575890; 499146, 4575502; 499530, 4575497; 499534, 4575894; 499141, 4575890; and excluding land bound by 493049, 4571721; 492959, 4571722; 492957, 4571565; 492858, 4571565; 492858, 4571299; 493033, 4571286; 493049, 4571721; and excluding land bound by 491918, 4568272; 492024, 4567335; 491920, 4567313; 491937, 4567136; 492373, 4567198; 492355, 4567387; 492222, 4567365; 492099, 4568298; 491918, 4568272; and excluding land bound by 486864, 4566981; 487691, 4568045; 487539, 4568162; 487048, 4567529; 486759, 4567464; 486674, 4567338; 486911, 4567347; 486675, 4567062; 486864, 4566981; and excluding land bound by 489432, 4567814; 489622, 4567746; 489627, 4567930; 489228, 4568079; 489214, 4567902; 489432, 4567814; and excluding land bound by 490068, 4567815; 490148, 4567743; 490233, 4567822; 490159, 4567896; 490068, 4567815; and excluding land bound by 490911, 4567293; 491186, 4567403; 491018, 4567656; 490870, 4567598; 490983, 4567392; 490911, 4567293; and excluding land bound by 486485, 4563107; 486485, 4562702; 486884, 4562704; 486888, 4563102; 486485, 4563107; and excluding land bound by 484927, 4558109; 485070, 4557153; 485454, 4557196; 485307, 4557518; 485665, 4557520; 485519, 4557997; 485080, 4557997; 485054, 4558107; 484927, 4558109.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 495692, 4600445; 495724, 4597336; 497313, 4597306; 497328, 4595734; 496494, 4595741; 496473, 4596207; 496334, 4596522; 496035, 4596456; 495441, 4596709; 494896, 4596703; 494122, 4597071; 494110, 4598876; 494426, 4599266; 494948, 4599347; 495145, 4599665; 495231, 4600074; 495450, 4600424; 495693, 4600609; 495692, 4600445.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 495695, 4601245; 495694, 4601044; 495198, 4600920; 495087, 4600943; 495117, 4601077; 495230, 4601185; 495357, 4601193; 495531, 4601359; 495695, 4601413; 495695, 4601245.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 468396, 4610664; 468452, 4610534; 468604, 4610569; 469168, 4610436; 469231, 4610517; 469569, 4610581; 469889, 4610314; 470048, 4610326; 470270, 4609960; 470446, 4609363; 470670, 4609153; 470945, 4608480; 468546, 4608460; 468536, 4606489; 468100, 4606485; 468100, 4606059; 468533, 4606072; 468506, 4600468; 468717, 4599520; 467895, 4599524; 468107, 4598662; 468119, 4597898;

467318, 4597901; 467332, 4597090; 463681, 4597150; 463700, 4593907; 463290, 4593904; 463251, 4592297; 467749, 4592297; 468059, 4591754; 468510, 4591564; 469433, 4591795; 469580, 4591747; 470103, 4591424; 469933, 4591057; 470023, 4590920; 470312, 4590817; 469614, 4590325; 468860, 4590141; 468640, 4590160; 468406, 4590007; 467913, 4590079; 467668, 4590178; 466947, 4590101; 466683, 4590001; 466457, 4589632; 466197, 4588986; 465983, 4588664; 465825, 4587677; 465070, 4587312; 464695, 4586637; 464120, 4585953; 463948, 4585902; 463714, 4586029; 463605, 4585991; 463588, 4585803; 463355, 4585283; 463329, 4584799; 462464, 4584794; 461484, 4584565; 461401, 4584521; 461357, 4584391; 461434, 4584139; 461268, 4584088; 461000, 4584243; 460975, 4584372; 460744, 4584496; 460813, 4584729; 460737, 4585102; 460812, 4585849; 460962, 4585808; 461233, 4585934; 461950, 4586520; 462053, 4586544; 462258, 4586417; 462516, 4586469; 462799, 4586383; 462758, 4586908; 462599, 4587026; 462741, 4587195; 462662, 4587268; 462611, 4587520; 462714, 4587809; 463085, 4587980; 463246, 4587973; 463529, 4588076; 463700, 4587949; 463953, 4587915; 464043, 4587795; 464286, 4587904; 464643, 4587828; 464814, 4587947; 465063, 4588728; 465039, 4588898; 464958, 4588951; 464610, 4589002; 464197, 4588650; 463919, 4588876; 463634, 4588936; 463252, 4589239; 462910, 4589235; 462599, 4589318; 462441, 4589284; 462339, 4589183; 462144, 4589186; 461985, 4589228; 461869, 4589350; 461564, 4589886; 461504, 4590402; 461142, 4590677; 461074, 4590812; 461174, 4590895; 461081, 4591262; 461114, 4591380; 461005, 4591594; 460970, 4592202; 460542, 4591950; 460277, 4592033; 460024, 4591990; 460221, 4592572; 460178, 4592793; 460252, 4592949; 460178, 4593187; 460394, 4593636; 460381, 4593994; 460449, 4594261; 460408, 4594410; 459660, 4594429; 459157, 4594657; 458830, 4594658; 458721, 4594528; 458238, 4594594; 458106, 4594657; 458004, 4594850; 457878, 4594849; 457708, 4594974; 457767, 4595175; 457309, 4595029; 456994, 4595100; 457422, 4595268; 457824, 4595866; 457856, 4596103; 457650, 4596360; 457630, 4596632; 457457, 4596591; 457169, 4596669; 456692, 4597068; 457298, 4597317; 457590, 4597310; 458107, 4597689; 458190, 4597640; 458432, 4597718; 458632, 4597636; 458876, 4597634; 459099, 4597721; 459290, 4597643; 459419, 4597660; 459526, 4597905;

459468, 4598213; 459346, 4598352;
459349, 4598546; 459214, 4598639;
459057, 4599248; 459033, 4599646;
458895, 4599923; 458820, 4600396;
458608, 4600623; 458596, 4600802;
458654, 4600997; 458926, 4601177;
459022, 4601477; 459381, 4601919;
459744, 4601933; 460167, 4602038;
460164, 4602730; 460020, 4603130;
460197, 4603321; 460330, 4603871;
460164, 4604078; 459944, 4604574;
459246, 4605435; 459305, 4606009;
459183, 4606635; 459199, 4606959;
459474, 4607366; 459833, 4607320;
460065, 4607517; 460598, 4607508;
460797, 4607575; 461059, 4607517;
461161, 4607599; 461297, 4608157;
461432, 4608443; 461600, 4608656;
461569, 4608954; 461922, 4609074;
462139, 4609261; 462500, 4609807;
462841, 4609907; 463038, 4610136;
463640, 4610085; 463942, 4610132;
465108, 4610980; 465600, 4610779;
465761, 4610641; 466088, 4610603;
466929, 4610924; 467494, 4611026;
467823, 4611193; 467943, 4611172;
468044, 4610955; 468328, 4610871;
468396, 4610664.

(I) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 510218, 4615658; 510209, 4614848;
511838, 4614866; 511683, 4614481;
511451, 4614424; 511156, 4614501;
510711, 4614376; 510640, 4614259;
510250, 4614050; 508609, 4614056;
508622, 4616037; 510223, 4616061;
510218, 4615658.

(J) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 507019, 4617937; 508611, 4618043;
508627, 4616437; 507029, 4616428;
507019, 4617937.

(K) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 507019, 4617937; 505450, 4617970;
505441, 4619537; 506999, 4619540;
507019, 4617937.

(L) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 503865, 4619573; 503859, 4617987;
502260, 4618001; 502270, 4618391;
501520, 4618395; 501527, 4618792;
502278, 4618798; 502296, 4619575;
503865, 4619573.

(M) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 505422, 4621109; 505441, 4619537;
503865, 4619573; 503889, 4621119;
505422, 4621109.

(N) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 502296, 4619575; 500713, 4619575;
500726, 4620950; 500995, 4621031;
501997, 4621039; 501997, 4621131;
502298, 4621126; 502296, 4619575.

(O) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 506999, 4619540; 506984, 4621145;

508581, 4621264; 508593, 4619649;
506999, 4619540.

(P) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 510217, 4622824; 510230, 4621226;
508581, 4621264; 508558, 4622858;
510217, 4622824.

(Q) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 510217, 4622824; 510217, 4624432;
511829, 4624477; 511817, 4622857;
510217, 4622824.

(R) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 508558, 4622858; 506973, 4622750;
506984, 4621145; 505422, 4621109;
505353, 4622694; 505771, 4622707;
505735, 4623507; 505325, 4623477;
505353, 4622694; 503813, 4622697;
503737, 4624275; 505287, 4624248;
505237, 4625265; 505903, 4625252;
505896, 4626857; 507537, 4626810;
507535, 4626617; 507635, 4626617;
507635, 4626422; 507738, 4626424;
507735, 4626029; 507444, 4626027;
507443, 4625239; 506750, 4625237;
506957, 4624405; 508548, 4624449;
508558, 4622858; and excluding land
bound by 506102, 4624891; 506099,
4624985; 505677, 4624972; 505687,
4624801; 506105, 4624824; 506102,
4624891.

(S) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 504356, 4626858; 504345, 4625285;
503709, 4625292; 503737, 4624275;
502193, 4624286; 502163, 4625322;
502793, 4625308; 502810, 4626887;
504356, 4626858.

(T) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 501260, 4626880; 501247, 4625337;
499662, 4625355; 499631, 4626914;
501260, 4626880.

(U) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 505905, 4628446; 505896, 4626857;
504356, 4626858; 504362, 4628457;
505905, 4628446.

(V) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 502810, 4626887; 501260, 4626880;
501125, 4628429; 502743, 4628459;
502810, 4626887.

(W) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 499601, 4628480; 499631, 4626914;
498109, 4626919; 498082, 4628519;
499601, 4628480.

(X) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 488511, 4628539; 489133, 4628414;
489526, 4628224; 489738, 4628040;
489883, 4627746; 490023, 4627178;
490236, 4626998; 490343, 4626785;
490276, 4626559; 490411, 4626070;
490200, 4625927; 490193, 4625599;
490027, 4624983; 490032, 4624516;
490121, 4624355; 490375, 4624242;

491064, 4624256; 491230, 4624207;
491441, 4624051; 491541, 4623893;
491653, 4623508; 491575, 4623413;
491596, 4623132; 491483, 4622582;
491533, 4622310; 491423, 4622044;
491986, 4621667; 492598, 4621487;
493093, 4621066; 493532, 4620922;
493673, 4620758; 493733, 4620406;
493953, 4619879; 493974, 4619538;
494082, 4619211; 493948, 4618702;
493696, 4617053; 492756, 4616751;
491861, 4616312; 491418, 4616169;
491328, 4616072; 491155, 4615573;
489881, 4615325; 488778, 4615309;
488487, 4615503; 488033, 4615665;
487798, 4615896; 487581, 4616008;
487562, 4616578; 487836, 4616897;
487768, 4617034; 487594, 4617116;
487438, 4617348; 487136, 4617347;
486774, 4617801; 486533, 4617997;
486119, 4618146; 486059, 4618050;
486137, 4617592; 486050, 4617495;
486029, 4617287; 486063, 4616684;
485926, 4616645; 485860, 4616481;
485567, 4616305; 485187, 4615227;
484325, 4614931; 478916, 4614945;
478487, 4616553; 477376, 4616556;
477339, 4616865; 477246, 4617008;
477331, 4617263; 477539, 4617402;
477716, 4617892; 477672, 4617934;
476891, 4618430; 476735, 4618348;
475947, 4618344; 475857, 4618445;
475276, 4618347; 474941, 4618973;
475005, 4619617; 474779, 4620240;
474778, 4620811; 474818, 4621011;
475017, 4621338; 475447, 4621780;
475931, 4622104; 476078, 4622427;
475931, 4622827; 475693, 4623053;
475388, 4623154; 475259, 4623270;
475234, 4623525; 475145, 4623554;
475149, 4624026; 475298, 4624315;
475228, 4624741; 475307, 4625017;
475935, 4624993; 476256, 4625219;
476673, 4625235; 476772, 4625313;
476952, 4625723; 476241, 4625994;
476277, 4626617; 476220, 4626865;
476017, 4627187; 476162, 4627179;
476377, 4627305; 476770, 4627081;
477066, 4627197; 477471, 4627176;
477928, 4627301; 478276, 4626930;
478981, 4626888; 479380, 4626952;
479775, 4626693; 480082, 4626662;
479983, 4627035; 482326, 4627030;
482239, 4627662; 482263, 4627911;
482401, 4628057; 482888, 4628267;
483453, 4628294; 483893, 4628233;
484226, 4628081; 485117, 4627860;
485128, 4627803; 487100, 4627788;
487313, 4628005; 487486, 4628020;
487602, 4628349; 487981, 4628508;
488511, 4628539; and excluding land
bound by 481417, 4620958; 481834,
4620956; 481832, 4621376; 481425,
4621383; 481417, 4620958.

(Y) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 501125, 4628429; 499601, 4628480;

499612, 4629999; 501152, 4630011; 501125, 4628429.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 505905, 4628446; 505918, 4630023; 507382, 4630007; 507383, 4629913; 507289, 4629913; 507283, 4629611; 507468, 4629602; 507454, 4628408; 505905, 4628446.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 504362, 4628457; 502743, 4628459; 502740, 4629238; 503146, 4629237; 503143, 4630034; 504377, 4630044; 504362, 4628457.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 501152, 4630011; 501243, 4630846; 501514, 4630839; 501263, 4630329; 501380, 4630270; 501520, 4630523; 501825, 4630544; 501968, 4630358; 501947, 4630012; 501759, 4630008; 501829, 4630197; 501728, 4630197; 501637, 4630009; 501152, 4630011.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496409, 4638956; 496369, 4640558; 497950, 4640518; 497978, 4638964; 496409, 4638956.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 496330, 4642136; 496231, 4643711; 494622, 4643817; 494720, 4642199; 496330, 4642136; 496369, 4640558; 494821, 4640594; 494712, 4642199; 493544, 4642127; 493634, 4640551; 494821, 4640594; 494874, 4639929; 494852, 4639008; 496409, 4638956; 496456, 4637773; 495649, 4637779; 495662, 4637380; 495265, 4637377; 495238, 4638180; 494463, 4638195; 494460, 4637382; 494852, 4637380; 494981, 4635627; 494556, 4635317; 494021, 4635117; 493782, 4634682; 493649, 4634623; 493338, 4634634; 493145, 4635119; 492931, 4635092; 492704, 4634870; 491137, 4634870; 490666, 4635325; 490118, 4635509; 490069, 4635633; 489864, 4635791; 489532, 4635889; 489283, 4636203; 488778, 4636314; 488620, 4636434; 488109, 4636492; 488109, 4636358; 487348, 4636786; 487268, 4636910; 487072, 4637696; 486743, 4637773; 486545, 4637947; 486169, 4638946; 486185, 4639220; 486334, 4639467; 486250, 4639584; 486239, 4639843; 486365, 4640007; 486670, 4640208; 488411, 4640936; 488378, 4641325; 488471, 4641669; 488459, 4641926; 488355, 4642057; 487690, 4642282; 487127, 4642353; 486750, 4642671; 486650, 4642896; 486379, 4643082; 486186, 4642758; 485874, 4642531; 485295, 4642374; 485138, 4642447; 484865, 4642161; 484492, 4643198; 484556, 4644001; 484652, 4644091; 484678, 4644220; 484588, 4644888; 484421, 4645203; 484338, 4645544;

484216, 4645711; 484415, 4645923; 484743, 4646096; 484736, 4645911; 485134, 4645930; 485212, 4646772; 485409, 4646456; 485929, 4646218; 486105, 4646318; 487087, 4646397; 487203, 4646352; 487418, 4646114; 487581, 4646121; 488009, 4646467; 488586, 4646782; 489056, 4646508; 489416, 4645853; 489632, 4645653; 489869, 4645582; 490192, 4645812; 490345, 4645842; 490797, 4645440; 490743, 4644609; 490518, 4643324; 490697, 4643304; 490461, 4642816; 490516, 4642815; 490696, 4642904; 490877, 4643291; 491116, 4644666; 491302, 4644679; 491361, 4645321; 491541, 4645334; 491470, 4645681; 491203, 4645781; 491182, 4646354; 491494, 4646862; 491514, 4647412; 491622, 4647564; 492172, 4647119; 492342, 4646893; 492830, 4646911; 493040, 4647227; 493200, 4647347; 493455, 4647777; 493801, 4647944; 494313, 4647618; 494611, 4647647; 494611, 4647694; 494831, 4647659; 495149, 4647401; 495451, 4647266; 496188, 4647276; 496855, 4647481; 497028, 4647433; 497342, 4647224; 497374, 4646691; 497542, 4646693; 497782, 4646827; 497761, 4645246; 497855, 4643928; 498166, 4643903; 498342, 4644021; 498713, 4644119; 499018, 4643933; 499348, 4643243; 499532, 4643155; 499601, 4642188; 496330, 4642136; and excluding land bound by 499395, 4643109; 499371, 4643147; 499378, 4643136; 499395, 4643109; and excluding land bound by 492170, 4644351; 492241, 4645045; 492035, 4645180; 492312, 4645668; 492158, 4645764; 492242, 4645886; 492120, 4645989; 491882, 4645604; 491997, 4645514; 491675, 4644756; 491823, 4644666; 491887, 4644775; 492054, 4644672; 491996, 4644402; 492170, 4644351; and excluding land bound by 493337, 4645272; 494522, 4645293; 494555, 4646077; 493360, 4646059; 493337, 4645272; and excluding land bound by 490568, 4639405; 490571, 4639348; 490959, 4639357; 490945, 4639743; 491714, 4639750; 491703, 4640141; 490530, 4640135; 490568, 4639405; and excluding land bound by 491819, 4638524; 491815, 4638469; 491713, 4638473; 491695, 4638182; 491797, 4638180; 491777, 4637787; 491971, 4637791; 492021, 4638567; 491822, 4638571; 491819, 4638524; and excluding land bound by 492485, 4638047; 492447, 4637398; 492865, 4637397; 492935, 4636760; 493352, 4636764; 493290, 4637802; 492877, 4637796; 492895, 4638190; 492493, 4638188; 492485, 4638047.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 468406, 4649791; 470930, 4649739; 471090, 4649657; 471324, 4648950; 471568, 4648739; 471686, 4648078; 471581, 4647786; 471762, 4647463; 471926, 4647307; 472062, 4646924; 472348, 4646792; 473063, 4646860; 473442, 4646409; 473939, 4646221; 474285, 4646242; 474896, 4645590; 474915, 4644410; 474830, 4643825; 475377, 4644003; 475714, 4644242; 475961, 4644064; 476330, 4643976; 477099, 4644075; 477245, 4643774; 477553, 4643690; 477736, 4643554; 477932, 4643154; 478264, 4642870; 478340, 4642704; 479067, 4642349; 479224, 4642191; 479384, 4641817; 480039, 4641331; 479910, 4641108; 479784, 4640578; 479628, 4640240; 479356, 4640094; 479170, 4639788; 479169, 4639520; 479412, 4639038; 479560, 4638905; 479643, 4638288; 480409, 4637769; 480682, 4637073; 481383, 4636285; 481939, 4635524; 482260, 4634893; 482324, 4634202; 481980, 4634027; 481747, 4634046; 481652, 4633899; 481392, 4633773; 481105, 4633814; 480644, 4633999; 479755, 4634056; 479496, 4634234; 479155, 4634829; 478938, 4634892; 478630, 4634759; 478630, 4635030; 478510, 4635033; 478513, 4635390; 478432, 4635392; 478417, 4636050; 478198, 4636050; 478233, 4634731; 478191, 4634531; 478090, 4634528; 478085, 4634363; 477870, 4634333; 477929, 4634443; 477837, 4634677; 477657, 4634568; 477626, 4634822; 477752, 4634841; 477634, 4634998; 477780, 4634985; 477775, 4635287; 477223, 4635294; 476743, 4635612; 476573, 4635920; 476341, 4636662; 475778, 4637286; 475674, 4637623; 474968, 4638202; 474943, 4638555; 475025, 4639345; 474952, 4639871; 473891, 4640691; 473515, 4640608; 472845, 4640062; 472789, 4639521; 472559, 4638929; 472560, 4639125; 472158, 4639133; 472156, 4639536; 471358, 4639536; 471356, 4639141; 471741, 4639137; 471747, 4638742; 472467, 4638735; 472268, 4638338; 472318, 4638287; 472120, 4638067; 471428, 4637964; 470487, 4637565; 470058, 4637573; 469888, 4637370; 469270, 4637050; 469096, 4637028; 468791, 4637105; 468792, 4637285; 468900, 4637286; 468939, 4637360; 468857, 4637584; 468793, 4637659; 468793, 4637569; 468301, 4637770; 468422, 4638022; 467953, 4638376; 467321, 4638272; 466750, 4638424; 466205, 4638912; 465764, 4639467; 465632, 4639778; 465417, 4639781; 465216, 4639956; 464750, 4639908; 464588, 4640238; 464536, 4639868; 464311, 4639796; 464417, 4639634; 464340, 4639548; 464209, 4639550; 464204, 4639754; 463798, 4639752;

463795, 4639390; 463481, 4639399;
463172, 4640078; 462868, 4640297;
462799, 4640702; 462585, 4640973;
462555, 4641246; 463029, 4641542;
463088, 4641863; 463301, 4642108;
464203, 4642266; 464381, 4642473;
464410, 4642724; 464609, 4643237;
464626, 4643533; 464497, 4644217;
464551, 4644730; 464710, 4645223;
464899, 4645565; 464843, 4645765;
464890, 4646178; 464696, 4646787;
464707, 4647069; 464880, 4647311;
465227, 4647479; 466235, 4648370;
466936, 4649281; 467573, 4649731;
467987, 4649741; 467979, 4649801;

468406, 4649791; and excluding land
bound by 466600, 4643431; 466647,
4644231; 466189, 4644235; 466174,
4643437; 466600, 4643431; and
excluding land bound by 469829,
4640354; 469833, 4639526; 470170,
4639531; 470178, 4640356; 469829,
4640354; and excluding land bound by
479976, 4634933; 479687, 4634673;
480112, 4634672; 480115, 4634753;
479976, 4634933; and excluding land
bound by 480004, 4634069; 480109,
4634085; 480111, 4634256; 480014,
4634240; 480004, 4634069.

(FF) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 471338, 4650883; 471344, 4651024;
472160, 4650895; 471338, 4650883.

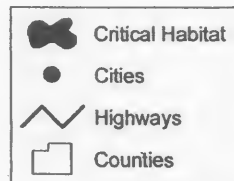
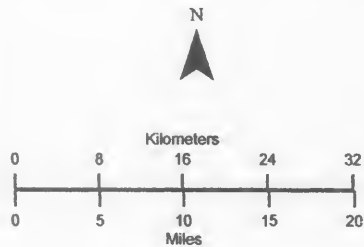
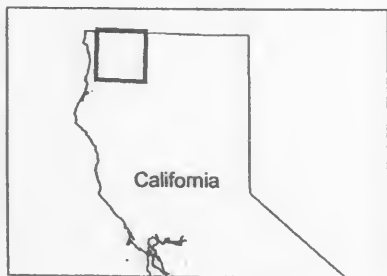
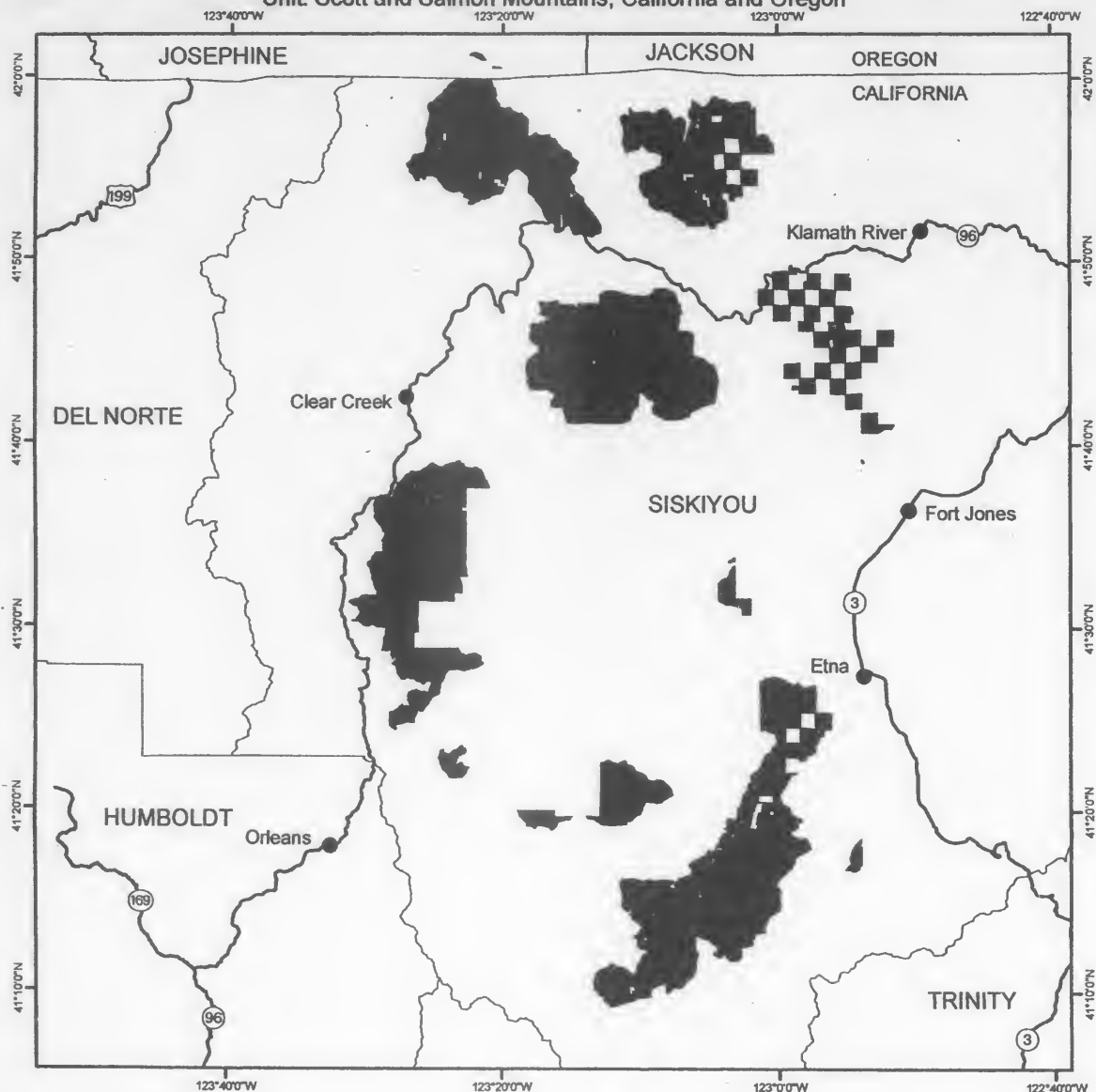
(GG) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,
N): 470411, 4651907; 470569, 4651721;
470078, 4651722; 469509, 4652049;
468964, 4652227; 469086, 4652349;
469527, 4652496; 470067, 4652300;
470411, 4651907.

(iii) Note: Map of Scott and Salmon
Mountains Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Scott and Salmon Mountains, California and Oregon



(33) Trinity Divide Unit (Unit 26), Siskiyou County, California.

(i) The Trinity Divide Unit consists of 13, 900 ac (5, 600 ha) and is comprised of lands managed by the Klamath National Forest.

(ii) From USGS 1:24, 000 scale quadrangles Billys Peak, Callahan, Deadman Peak, Grasshopper Ridge, and Scott Mountain.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 500570, 4560110; 500339, 4559807; 500432, 4559668; 500560, 4559644; 500504, 4559390; 500321, 4559085; 500553, 4558982; 500839, 4558713; 500977, 4558497; 501129, 4558416; 501202, 4558199; 499508, 4558457; 499357, 4558276; 498899, 4558050; 498901, 4556889; 499733, 4556911; 500427, 4556840; 500567, 4556717; 500566, 4556610; 501260, 4556452; 501267, 4555591; 500735, 4555539; 500675, 4555228; 500565, 4555039; 500210, 4554798; 499521, 4554743; 499533, 4554660; 499347, 4554627; 498922, 4554695; 498707, 4554252; 498232, 4554036; 497748, 4554189; 497533, 4554170; 497139, 4554358; 496965, 4554109; 496721, 4553910; 496344, 4553963; 495595, 4553782; 495119, 4553871; 494932, 4554615; 494962, 4554862; 494802, 4555155; 494495, 4555451; 494242, 4555590;

494405, 4555853; 494456, 4556177; 494650, 4556174; 494650, 4556419; 494552, 4556422; 494551, 4556522; 494270, 4556527; 494262, 4556921; 494962, 4556899; 494877, 4556954; 494776, 4557238; 494833, 4557502; 495331, 4557753; 495765, 4557883; 495913, 4558065; 496172, 4558195; 497137, 4558275; 497777, 4558642; 498270, 4559232; 498242, 4559761; 498280, 4559884; 498419, 4559972; 498530, 4559998; 499201, 4559766; 499172, 4560110; 500570, 4560110.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 503470, 4564580; 503877, 4564485; 505465, 4564584; 505476, 4564228; 506458, 4564235; 506457, 4563789; 507228, 4563790; 507198, 4562727; 506885, 4561406; 503951, 4561461; 502435, 4561573; 502426, 4562611; 502843, 4562563; 502852, 4563917; 503144, 4563940; 503112, 4564664; 503470, 4564580.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 513663, 4566473; 515412, 4566478; 515492, 4566309; 515788, 4566010; 515665, 4566012; 515849, 4565534; 513501, 4565369; 513655, 4564743; 511993, 4564749; 512016, 4566128; 512221, 4566356; 512250, 4566520; 512688, 4567010; 513661, 4567038; 513663, 4566473.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 519899, 4568135; 519905, 4568040; 518831, 4568056; 518354, 4568167; 518250, 4569810; 519796, 4569851; 519899, 4568135.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 529330, 4576071; 531053, 4576025; 531045, 4575622; 530476, 4575496; 530081, 4575118; 529700, 4574908; 529494, 4574572; 529467, 4574378; 529364, 4574375; 529330, 4576071.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 527728, 4576089; 527856, 4574487; 526626, 4574471; 526600, 4574882; 526174, 4574893; 526149, 4576078; 527728, 4576089.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 529431, 4577664; 529330, 4576071; 527728, 4576089; 527817, 4577689; 529431, 4577664.

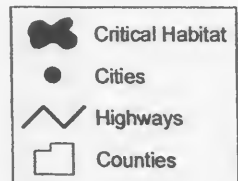
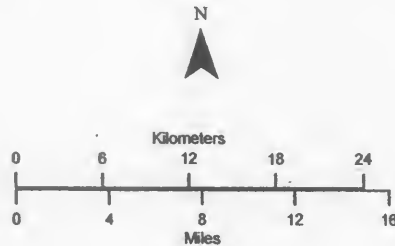
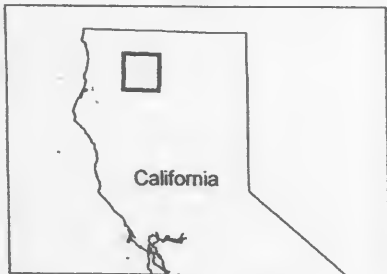
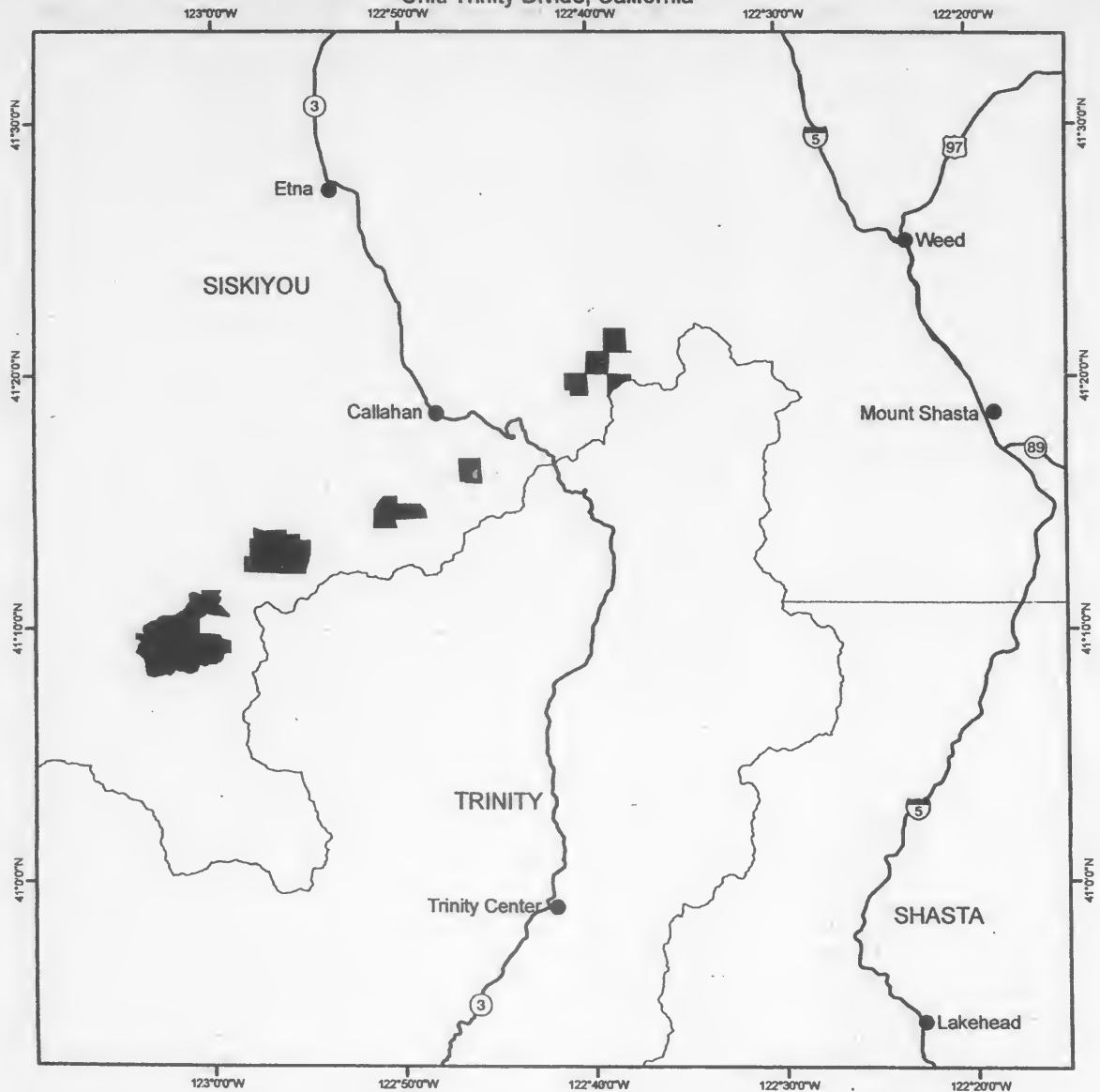
(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 529431, 4577664; 529446, 4577745; 529065, 4577743; 529069, 4579378; 530651, 4579357; 530673, 4577754; 531063, 4577746; 531065, 4577638; 529431, 4577664.

(iii) Note: Map of Trinity Divide Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Trinity Divide, California



(34) Shasta-Trinity Lakes Unit (Unit 27). Shasta and Trinity Counties, California.

(i) The Shasta-Trinity Lakes Unit consists of 86, 800 ac (35, 100 ha) and is comprised of lands managed by the Shasta-Trinity National Forest (85, 700 ac (34, 700 ha)) and BLM Redding Field Office (1, 100 ac (400 ha)).

(ii) From USGS 1:24, 000 scale quadrangles Carrville, Covington Mill, Damnation Peak, French Gulch, Lamoine, Lewiston, Mumbo Basin, Papoose Creek, Rush Creek Lakes, Schell Mountain, Siligo Peak, Tangle Blue Lake, Trinity Center, Trinity Dam, Whisky Bill Peak, and Ycatapom Peak.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 527642, 4521968; 527650, 4520659; 525924, 4520814; 526061, 4521984; 527642, 4521968.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 529149, 4521994; 530750, 4521981; 530882, 4520482; 529310, 4520453; 529149, 4521994.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 511467, 4519422; 511412, 4520213; 509853, 4520213; 509944, 4519436; 511467, 4519422; 511440, 4517814; 508347, 4518001; 507612, 4518100; 506778, 4517793; 506684, 4516972; 506695, 4516180; 505142, 4516185; 505139, 4516698; 505399, 4516669; 505410, 4516786; 505308, 4517298; 505152, 4517650; 505131, 4518135; 505396, 4518129; 505679, 4517999; 505845, 4518117; 506090, 4518047; 506483, 4518138; 506714, 4518302; 506814, 4518489; 507127, 4518649; 507327, 4518636; 507518, 4518521; 508200, 4519507; 508274, 4518764; 509090, 4518719; 509068, 4519482; 508210, 4519531; 508242, 4521003; 509762, 4521004; 509752, 4522525; 511102, 4522238; 512523, 4520965; 513309, 4520440; 514159, 4520547; 514911, 4520304; 515765, 4520421; 516037, 4520644; 516610, 4520756; 517367, 4520591; 518085, 4520280; 518162, 4520016; 518060, 4519921; 517235, 4519581; 517017, 4519408; 516973, 4519272; 516649, 4519343; 516467, 4519135; 516364, 4518840; 516251, 4518713; 516059, 4518511; 515735, 4518338; 515560, 4517954; 515783, 4517872; 516283, 4517977; 516411, 4518075; 516694, 4518598; 516948, 4518778; 517369, 4518966; 517953, 4518990; 518694, 4519344; 518988, 4519168; 519074, 4518958; 519609, 4518722; 519667, 4518586; 519590, 4518062; 519512, 4517907; 519434, 4517023; 519429, 4515868; 519583, 4515255; 520415, 4515061; 520560, 4515052; 520722, 4515148; 520689, 4515428; 520209, 4516781;

520353, 4516948; 520576, 4517001; 521599, 4516800; 522252, 4516879; 522693, 4516838; 523315, 4516166; 523800, 4515517; 524440, 4515009; 524578, 4512907; 522951, 4512891; 522959, 4511136; 521007, 4511113; 521009, 4511021; 522808, 4511027; 522785, 4509430; 520423, 4509502; 520427, 4510298; 519697, 4510335; 519641, 4509549; 518055, 4509716; 518024, 4509641; 517441, 4510024; 518063, 4510419; 518176, 4510419; 518572, 4510814; 518798, 4510927; 519307, 4511040; 519581, 4510926; 519566, 4512941; 517901, 4513011; 517841, 4514561; 516228, 4514550; 516283, 4512996; 517094, 4513001; 517130, 4511872; 516958, 4511876; 516391, 4512546; 516038, 4512614; 515793, 4512589; 515279, 4512303; 514687, 4512132; 514608, 4514523; 513041, 4514470; 513079, 4517016; 514669, 4516985; 514688, 4517786; 513068, 4517814; 513051, 4519412; 511467, 4519422; and excluding land bound by 518031, 4517771; 516299, 4517769; 516375, 4516163; 518061, 4516212; 518031, 4517771; 519029, 4517772; 519019, 4517947; 519226, 4517945; 519206, 4518335; 518994, 4518337; 518980, 4518550; 518779, 4518549; 518753, 4518952; 517926, 4518953; 518031, 4517771; and excluding land bound by 521152, 4510401; 520711, 4510156; 520815, 4509982; 521231, 4510250; 521152, 4510401.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 529149, 4521994; 527642, 4521968; 527663, 4523571; 529236, 4523610; 529149, 4521994.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 529236, 4523610; 528951, 4525219; 530560, 4525250; 530750, 4523620; 529236, 4523610.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 538527, 4525552; 540088, 4525586; 540057, 4524000; 538555, 4523997; 538527, 4525552.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 522671, 4525796; 523799, 4525814; 523803, 4525750; 523982, 4525812; 524061, 4525699; 523863, 4525327; 523209, 4524795; 522677, 4524776; 522671, 4525796.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 511224, 4525859; 511241, 4524254; 510558, 4524083; 509778, 4524073; 509613, 4525702; 511224, 4525859.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 527388, 4525190; 527663, 4523571; 526390, 4523578; 526402, 4522771; 526072, 4522769; 526061, 4521984;

524138, 4522689; 524234, 4521052; 523575, 4521410; 522940, 4521395; 522751, 4521580; 522677, 4522019; 522255, 4521915; 522134, 4521994; 522189, 4522155; 522341, 4522174; 522587, 4522534; 523300, 4522543; 523546, 4522690; 523726, 4522920; 523767, 4523166; 523898, 4523385; 523882, 4523526; 524013, 4523731; 523996, 4524059; 523816, 4524379; 523931, 4524682; 524202, 4525066; 524203, 4524963; 524355, 4524965; 524963, 4524470; 525592, 4523491; 525820, 4523201; 526082, 4522991; 526075, 4523198; 525682, 4524074; 525215, 4524673; 525221, 4524799; 525369, 4524934; 525618, 4524906; 526912, 4524117; 527179, 4524205; 526807, 4524530; 526393, 4524684; 526199, 4525029; 525947, 4525153; 525265, 4525172; 525145, 4525272; 525044, 4525262; 525043, 4525347; 525435, 4525430; 525725, 4525358; 525727, 4525884; 527388, 4525190.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 521016, 4525947; 521075, 4524501; 520696, 4524306; 520492, 4524359; 520213, 4524989; 520344, 4525133; 520281, 4525306; 520105, 4525492; 519922, 4525906; 519661, 4525939; 519493, 4526139; 519450, 4526296; 519567, 4526350; 519546, 4526598; 519397, 4526563; 519395, 4526722; 519609, 4526742; 519610, 4526206; 519757, 4526201; 519758, 4526100; 520120, 4526091; 520123, 4525909; 521016, 4525947.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530560, 4525250; 530499, 4526928; 532157, 4526942; 532139, 4525291; 530560, 4525250.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 540088, 4525586; 540089, 4527180; 541661, 4527193; 541668, 4525632; 540088, 4525586.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 522671, 4525796; 521016, 4525947; 521006, 4527500; 522577, 4527506; 522671, 4525796.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 533740, 4527023; 532157, 4526942; 532156, 4528589; 533704, 4528681; 533740, 4527023.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 536923, 4527070; 536076, 4527053; 536106, 4526232; 536917, 4526276; 536923, 4527070; 538089, 4527132; 538099, 4526736; 538500, 4526749; 538527, 4525552; 536910, 4525486; 535373, 4525325; 533783, 4525349; 533740, 4527023; 535237, 4527037; 535309, 4528570; 536859, 4528732; 536923, 4527070.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 522577, 4527506; 522573, 4529097; 523871, 4529116; 523906, 4529315; 524598, 4529356; 524819, 4529331; 524943, 4529194; 525001, 4528816; 524859, 4528577; 524566, 4528378; 524326, 4528076; 524317, 4527701; 524386, 4527452; 522577, 4527506.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 522573, 4529097; 520981, 4529100; 520971, 4530947; 522572, 4530927; 522573, 4529097.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 520981, 4529100; 521006, 4527500;

519446, 4527519; 519451, 4527344; 519342, 4527417; 519030, 4525980; 519150, 4525868; 519149, 4525583; 519438, 4525399; 519371, 4524917; 519213, 4524912; 519213, 4524988; 518970, 4524992; 518968, 4525390; 519198, 4525388; 519010, 4525871; 517819, 4525829; 517820, 4526280; 517406, 4526280; 517405, 4525841; 516002, 4525878; 515988, 4525227; 515928, 4525009; 515824, 4524882; 515704, 4524844; 515575, 4524982; 515437, 4525641; 515422, 4526696; 514560, 4526728; 514544, 4527538; 512938, 4527651; 513117, 4526851; 513134, 4526066; 511224, 4525859; 511305, 4527033; 511490, 4527177; 513859, 4530032; 514490, 4531008; 516109, 4531006; 516104, 4529397; 516531, 4529397; 516531, 4529512; 516925, 4529516; 516928, 4529392; 517761, 4529379; 517792, 4528342; 518150, 4527778; 518147, 4527689; 518215, 4527684; 518184, 4527539; 519061, 4527525; 519071, 4527051; 519208, 4527523; 519211, 4527836; 519400, 4528071; 519389, 4529148; 520981, 4529100; and excluding land bound by 517821, 4527132; 517533, 4527134; 517567, 4526728; 517813, 4526726; 517821, 4527132; and excluding land bound by 517396, 4527119; 517394, 4527544; 516598, 4527551; 516611, 4526700; 517002, 4526699; 517002, 4526901; 517205, 4526907; 517205, 4527117; 517396, 4527119.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530448, 4528594; 530499, 4526928; 528930, 4526932; 528951, 4525219; 527388, 4525190; 527369, 4526505; 526603, 4526831; 526595, 4526593; 526177, 4526731; 526171, 4526528; 526040, 4526550; 525938, 4526000; 525729, 4526081; 525727, 4525884; 525449, 4525873; 525275, 4525725; 525757, 4526454; 525738, 4526621; 525953, 4526973; 525647, 4527192; 525439, 4527245; 525309, 4527377; 525339, 4527609; 525797, 4528110; 525680, 4528548; 525955, 4528911;

525912, 4529311; 525959, 4529560; 526305, 4529962; 526523, 4529984; 526711, 4529917; 527929, 4530402; 528242, 4530724; 528286, 4530850; 529014, 4531460; 529214, 4531718; 529139, 4531867; 528758, 4531886; 528555, 4531834; 527991, 4531556; 528017, 4531337; 527971, 4531254; 527960, 4532475; 529530, 4532475; 529553, 4532045; 529709, 4532007; 529575, 4531650; 529343, 4531655; 529343, 4531551; 529257, 4531547; 529252, 4531447; 529146, 4531444; 529144, 4531339; 528954, 4531329; 528955, 4531226; 528808, 4531219; 528811, 4530849; 528945, 4530853; 528939, 4528645; 530448, 4528594.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 531131, 4532566; 529530, 4532475; 529526, 4534124; 531113, 4534141; 531131, 4532566.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 534374, 4538981; 532702, 4539018; 532690, 4539726; 533599, 4539769; 533564, 4540635; 534285, 4540632; 534374, 4538981.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 541661, 4527193; 541663, 4528733; 540127, 4528670; 540089, 4527180; 538491, 4527153; 538483, 4528712; 536859, 4528732; 536780, 4530889; 535143, 4530850; 535309, 4528570; 533704, 4528681; 533653, 4530830; 532068, 4530820; 532156, 4528589; 530448, 4528594; 530511, 4530838; 531206, 4530828; 531131, 4532566; 532771, 4532504; 532764, 4533363; 532982, 4533349; 533128, 4533195; 533250, 4533161; 533371, 4533325; 533424, 4533122; 533784, 4532651; 534004, 4532476; 534267, 4532439; 534445, 4532304; 534393, 4532441; 534230, 4532552; 534064, 4532546; 533942, 4532698; 533874, 4532698; 533513, 4533164; 533442, 4533373; 533279, 4533379; 533217, 4533271; 533065, 4533390; 532764, 4533402; 532763, 4533493; 532672, 4533548; 532412, 4533609; 532222, 4534004; 532263, 4534180; 531113, 4534141; 531084, 4535735; 532495, 4535809; 532510, 4535863; 532194, 4536205; 532158, 4536336; 532202, 4536519; 532498, 4536678; 532179, 4536853; 532248, 4537069; 531959, 4537388; 530728, 4537384; 530736, 4536889; 530186, 4536897; 530174, 4536347; 530244, 4536241; 531084, 4536241; 531084, 4535380; 529526, 4534124; 528781, 4534135; 528787, 4533429; 528376, 4533419; 528375, 4533504; 528160, 4533511; 528160, 4533748; 527947, 4533750; 527960, 4532475; 526738, 4532470; 526738, 4532365; 526679, 4532554; 526579, 4532653; 526577, 4532852;

526626, 4532902; 526727, 4532853; 526874, 4533054; 526947, 4533032; 526973, 4533204; 527072, 4533305; 527020, 4533503; 527266, 4533904; 527434, 4533906; 528030, 4534108; 528180, 4534362; 528309, 4535104; 528983, 4536123; 529664, 4536779; 530589, 4537362; 530696, 4537615; 531578, 4538723; 531726, 4538815; 532704, 4538884; 532727, 4537401; 532109, 4537391; 532327, 4537190; 532299, 4536978; 532352, 4536853; 532538, 4536756; 532733, 4536746; 532727, 4537401; 534571, 4537341; 534374, 4538981; 536046, 4539020; 536116, 4537717; 536539, 4537722; 536534, 4538092; 536921, 4538085; 536869, 4538960; 536046, 4539020; 536015, 4539405; 539204, 4539465; 539158, 4540606; 540799, 4540661; 540801, 4540472; 541047, 4540236; 541541, 4539529; 541631, 4539184; 541837, 4538773; 541964, 4538625; 542526, 4538428; 542833, 4538218; 543013, 4537853; 543461, 4537267; 543635, 4537166; 544126, 4537073; 544383, 4536623; 544515, 4536520; 545629, 4536485; 545610, 4535891; 542395, 4535691; 542424, 4534174; 540895, 4534164; 540831, 4532600; 542432, 4532596; 542454, 4531830; 541660, 4531823; 541668, 4531436; 540860, 4531424; 540848, 4531103; 540719, 4531218; 540484, 4531237; 540503, 4531575; 540193, 4531608; 540372, 4531960; 540363, 4532095; 540238, 4532230; 540330, 4532244; 540347, 4532338; 540532, 4532219; 540617, 4532240; 540778, 4532026; 540757, 4532227; 540646, 4532343; 540494, 4532346; 540284, 4532465; 540201, 4532407; 540222, 4532328; 540057, 4532258; 540102, 4532152; 540263, 4532074; 540279, 4531944; 540037, 4531519; 540272, 4531446; 540383, 4531477; 540387, 4531191; 540643, 4531104; 540579, 4531005; 541659, 4531019; 541605, 4530887; 541257, 4530996; 541072, 4530496; 541317, 4530413; 541256, 4530234; 541054, 4530242; 541038, 4530057; 541228, 4530037; 541053, 4529966; 540978, 4530101; 540378, 4529865; 540477, 4529732; 540560, 4529757; 540554, 4529622; 540993, 4529766; 541014, 4529660; 541434, 4529700; 541435, 4529893; 541502, 4529906; 541474, 4530139; 541690, 4530075; 541754, 4530251; 541942, 4530172; 541998, 4530923; 541746, 4531024; 542567, 4531050; 543493, 4530867; 543490, 4530538; 543170, 4530484; 543071, 4530054; 543546, 4528937; 543604, 4528092; 543470, 4527603; 543497, 4527282; 543753, 4526531; 543612, 4526315; 543332, 4526270; 543312, 4527211; 542181, 4527198; 542117, 4527315; 541974, 4527356;

541661, 4527193; and excluding land

bound by 539689, 4529616; 539666, 4530086; 539799, 4530348; 540023, 4530438; 540016, 4530565; 539663, 4530395; 539575, 4530119; 539580, 4529891; 539493, 4530225; 539525, 4530809; 539470, 4530983; 539248, 4531008; 539158, 4531651; 538854, 4532005; 538764, 4532369; 538584, 4532543; 538541, 4532673; 538272, 4532589; 538326, 4532321; 538240, 4532268; 538021, 4532376; 537441, 4532099; 537307, 4531786; 537193, 4531676; 537127, 4531733; 537042, 4531608; 536650, 4531481; 536581, 4531508; 536521, 4531772; 536324, 4531774; 536351, 4531518; 536195, 4531412; 535924, 4531539; 535896, 4531421; 535683, 4531463; 535587, 4531378; 535266, 4531323; 535249, 4531236; 535090, 4531181; 534885, 4531186; 534838, 4531306; 534843, 4531610; 534793, 4531669; 534877, 4531672; 534887, 4532547; 534675, 4532552; 534656, 4531664; 534731, 4531666; 534736, 4531323; 534826, 4531099; 534913, 4531097; 534920, 4530987; 535064, 4530996; 535062, 4531092; 535316, 4531170; 535319, 4531257; 535372, 4531211; 535621, 4531280; 535686, 4531372; 535777, 4531309; 535902, 4531343; 535955, 4531435; 536010, 4531347; 536212, 4531348; 536457, 4531479; 536428, 4531582; 536498, 4531577; 536470, 4531432; 536640, 4531380; 537106, 4531493; 537138, 4531586; 537215, 4531523; 537425, 4531825; 537472, 4532026; 537963, 4532244; 538072, 4532242; 538186, 4532145; 538401, 4532222; 538362, 4532489; 538457, 4532501; 538653, 4532334; 538746, 4532021; 538721, 4531916; 539059, 4531595; 539175, 4531220; 539155, 4530858; 539257, 4530794; 539321, 4530909; 539418, 4530806; 539383, 4530163; 539586, 4529538; 539450, 4529537; 539456, 4529327; 539693, 4529331; 539689, 4529616; and excluding land bound by 532755, 4534197; 533622, 4534192; 533633, 4535758; 532740, 4535797; 532734, 4536572; 532671, 4536499; 532285, 4536488; 532233, 4536380; 532740, 4535797; 532755, 4534197; 532396, 4534184; 532299, 4533987; 532474, 4533707; 532763, 4533579; 532755, 4534197; and excluding land bound by 537312, 4535754; 537728, 4535752; 537721, 4536128; 537311, 4536126; 537312, 4535754; and excluding land bound by 528787, 4534458; 528790, 4534308; 528873, 4534310; 528869, 4534459; 528787, 4534458.

(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 521687, 4543766; 521671, 4542110;

520105, 4542112; 520094, 4543714; 521687, 4543766.

(X) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 524913, 4543764; 524912, 4543823; 524621, 4543825; 524633, 4543403; 524922, 4543398; 524913, 4543764; 524974, 4543290; 525402, 4542399; 525443, 4542174; 525381, 4542175; 525380, 4542289; 525276, 4542288; 525268, 4542594; 525057, 4542598; 525050, 4543010; 524645, 4543012; 524666, 4542187; 524036, 4542125; 523250, 4542138; 523254, 4543784; 523613, 4543773; 523585, 4543998; 524209, 4544593; 524204, 4543943; 524428, 4544000; 524522, 4543914; 524849, 4543955; 524941, 4544224; 524913, 4543764.

(Y) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 524966, 4544478; 524852, 4544696; 524900, 4544855; 524999, 4544856; 524966, 4544478.

(Z) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 523585, 4543998; 523238, 4543991; 523254, 4543784; 521687, 4543766; 521559, 4545273; 523105, 4545475; 523222, 4544198; 523559, 4544200; 523585, 4543998.

(AA) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 518574, 4546872; 518507, 4545287; 516980, 4545290; 517048, 4546871; 518574, 4546872.

(BB) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 521559, 4545273; 520023, 4545277; 520080, 4546844; 521596, 4546879; 521559, 4545273.

(CC) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 526206, 4545430; 526214, 4544981;

526047, 4544982; 525969, 4545146; 525819, 4545163; 525827, 4544396; 526227, 4544400; 526231, 4544205; 527029, 4544212; 527017, 4544626; 527816, 4544632; 527848, 4542200; 526376, 4542160; 526351, 4542449; 526226, 4542664; 526156, 4543231; 525698, 4543973; 525658, 4544422; 525377, 4545127; 525279, 4545290; 525144, 4545218; 525142, 4545399; 525414, 4545394; 525402, 4547048; 527786, 4547048; 527787, 4545438; 526206, 4545430.

(DD) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 523105, 4545475; 523103, 4547039; 522029, 4546924; 522066, 4547340; 522605, 4547316; 523377, 4547387; 523392, 4547040; 523790, 4547038; 523782, 4547840; 524696, 4547836; 524698, 4547327; 524598, 4547326; 524600, 4547037; 524781, 4547036; 524783, 4546923; 524521, 4547035; 524356, 4547035; 524364, 4546860; 524767, 4546675; 524600, 4546674;

524589, 4544817; 524200, 4544824; 524189, 4545432; 523105, 4545475.

(EE) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 520080, 4546844; 518574, 4546872; 518969, 4548453; 520599, 4548430; 520080, 4546844.

(FF) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 523055, 4550291; 522186, 4550210; 522093, 4551601; 522709, 4551699; 522957, 4551773; 523059, 4551875; 523055, 4550291.

(GG) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 524611, 4553432; 524567, 4551875; 523657, 4551879; 523657, 4553260; 523560, 4553258; 523560, 4553384; 523367, 4553460; 524611, 4553432.

(HH) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 523066, 4555036; 523063, 4553770; 522645, 4553879; 522374, 4554045; 522176, 4554579; 522021, 4554756; 522022, 4554862; 521894, 4554883; 521921, 4555009; 523066, 4555036.

(II) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 524611, 4553432; 524629, 4554988; 526192, 4555051; 526180, 4554570; 526082, 4554438; 525122, 4554411; 525103, 4553528; 524893, 4553431; 524611, 4553432.

(JJ) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 526192, 4555051; 526163, 4556629; 527770, 4556628; 527764, 4555710; 527453, 4555495; 527054, 4555334; 526709, 4555016; 526192, 4555051.

(KK) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 524564, 4556558; 524629, 4554988; 523066, 4555040; 523084, 4556636; 524564, 4556558.

(LL) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 526163, 4556629; 524564, 4556558; 524600, 4558165; 526185, 4558118; 526163, 4556629.

(MM) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530880, 4558103; 532511, 4558190; 532557, 4556579; 532065, 4556558; 531631, 4556870; 531401, 4556913; 531110, 4556718; 530946, 4556523; 530880, 4558103.

(NN) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530886, 4559779; 530880, 4558103; 529298, 4558107; 529287, 4558892; 529378, 4559829; 530886, 4559779.

(OO) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 530886, 4559779; 531036, 4560689; 531055, 4561456; 532499, 4561429; 532460, 4559799; 530886, 4559779.

(PP) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 533426, 4561500; 532659, 4561441;

532652, 4562300; 533426, 4562303;
533426, 4561500.

(QQ) Land bounded by the following
UTM Zone 10, NAD83 coordinates (E,

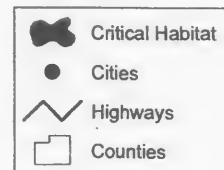
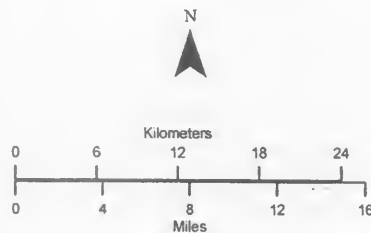
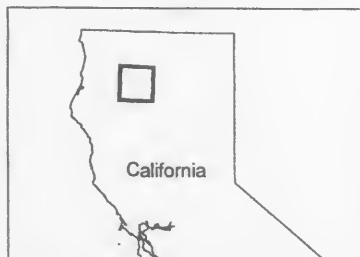
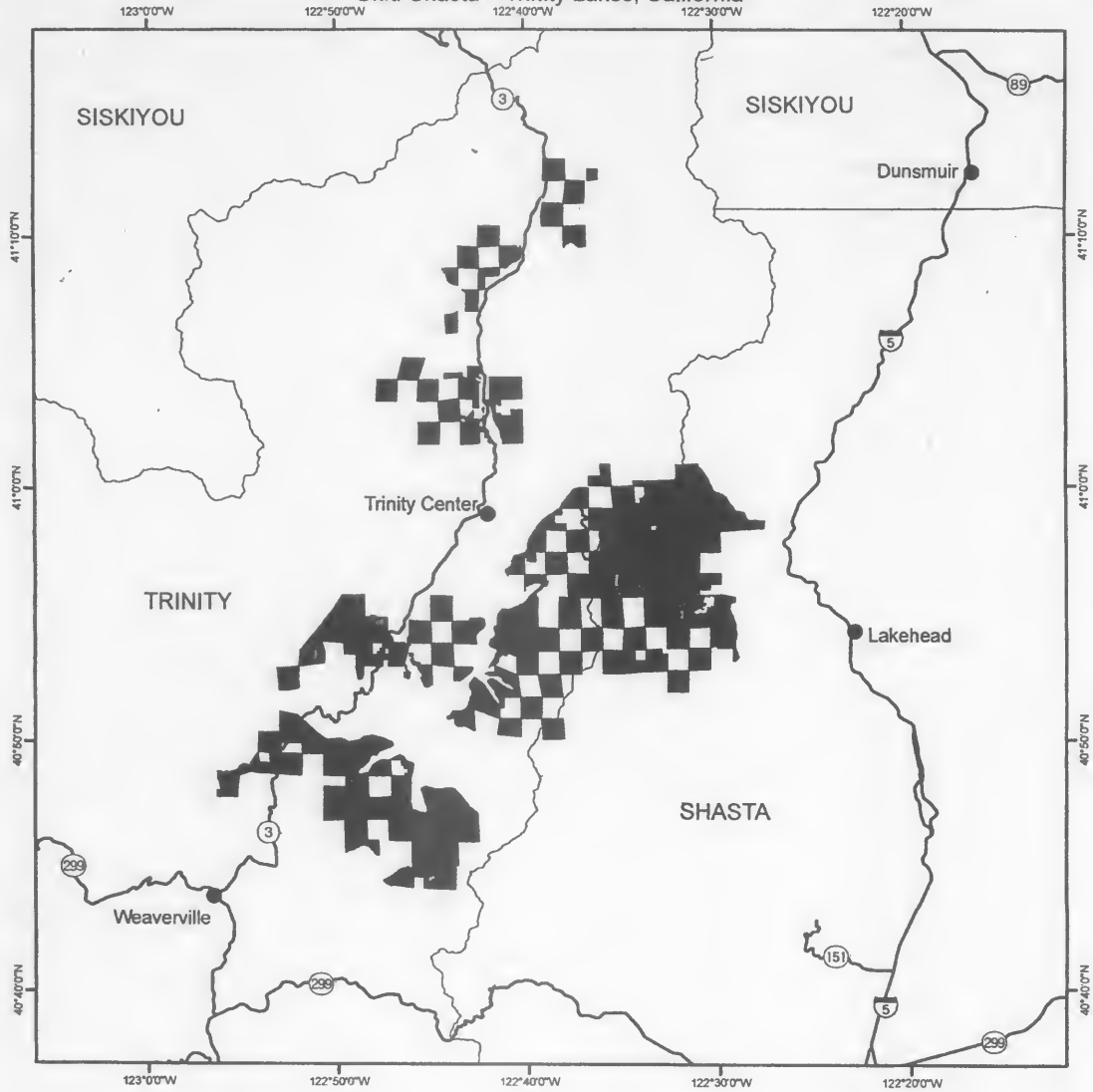
N): 531055, 4561456; 529402, 4561448;
529406, 4563080; 531009, 4563059;
531055, 4561456.

(iii) Note: Map of Shasta-Trinity
Lakes Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Shasta - Trinity Lakes, California



(35) Eastern Klamath Mountains Unit (Unit 28). Shasta and Siskiyou Counties, California.

(i) The Eastern Klamath Mountains Unit consists of 110, 800 ac (44, 800 ha) and is comprised of lands managed by the Shasta-Trinity and Klamath National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Big Bend, Chicken Hawk Hill, China Mountain, City of Mount Shasta, Dead Horse Summit, Devils Rock, Dunsmuir, Girard Ridge, Goose Gap, Grizzly Peak, Lake McCloud, Minnesota Mountain, Mount Eddy, Roaring Creek, Seven Lakes Basin, Shoehorse Mountain, Skunk Ridge, Tombstone Mountain, Weed, and Yellowjacket Mountain.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 578200, 4524539; 578201, 4524455; 578289, 4524456; 578410, 4524095; 578726, 4523959; 578755, 4523806; 578977, 4523549; 578929, 4523279; 578826, 4523182; 578696, 4523183; 578773, 4522840; 577029, 4522803; 576913, 4522422; 576910, 4522151; 577149, 4521953; 577432, 4521000; 577445, 4520717; 577294, 4520549; 577419, 4520358; 577552, 4520281; 577544, 4520020; 577753, 4519632; 577163, 4519246; 576249, 4518481; 574159, 4517380; 573357, 4517156; 573005, 4517116; 572955, 4517678; 572818, 4517883; 572601, 4518036; 572045, 4518240; 571555, 4518294; 570745, 4518770; 570372, 4519550; 570358, 4521084; 572621, 4521109; 572955, 4521939; 573005, 4522210; 573038, 4522548; 572898, 4523371; 573098, 4523839; 573144, 4524286; 573301, 4524416; 573631, 4524540; 573721, 4524454; 574043, 4524414; 574921, 4524504; 574787, 4524580; 575178, 4524836; 575028, 4525501; 575027, 4525783; 574924, 4525922; 574920, 4526039; 578185, 4526080; 578200, 4524539.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 577107, 4531320; 577161, 4531139; 577674, 4531185; 577752, 4530737; 577452, 4530332; 577347, 4529876; 577944, 4529577; 578150, 4529643; 578265, 4529405; 578264, 4529333; 578144, 4529332; 578153, 4528995; 577905, 4528886; 577929, 4528280; 577511, 4528180; 577444, 4527705; 577379, 4527688; 576680, 4527672; 576512, 4527885; 575488, 4527915; 575493, 4529087; 575215, 4529127; 575299, 4529171; 575272, 4529876; 575499, 4529916; 575490, 4530033; 575671, 4530047; 575659, 4530334; 576244, 4530309; 576348, 4531439; 577126, 4531437; 577107, 4531320.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E,

N): 585053, 4539135; 585080, 4537541; 583550, 4537500; 583587, 4539132; 585053, 4539135.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 582029, 4540678; 583567, 4540704; 583585, 4539187; 582047, 4539261; 582029, 4540678.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 585053, 4539135; 585113, 4540749; 586712, 4540792; 586653, 4539172; 585053, 4539135.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 577111, 4542267; 578753, 4542276; 578786, 4540652; 577158, 4540640; 577111, 4542267.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 582010, 4542250; 582029, 4540678; 580399, 4540673; 580385, 4542290; 582010, 4542250.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555053, 4540700; 553483, 4540700; 553499, 4542336; 555121, 4542340; 555053, 4540700.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 575494, 4542349; 575538, 4540736; 573922, 4540834; 573882, 4542438; 575494, 4542349.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 571745, 4542539; 571834, 4540957; 570179, 4540951; 570043, 4542522; 571745, 4542539.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 580385, 4542290; 578753, 4542276; 578668, 4543907; 580300, 4543910; 580385, 4542290.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 577027, 4543889; 577111, 4542267; 575494, 4542349; 575406, 4543962; 577027, 4543889.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 553499, 4542336; 551970, 4542369; 551983, 4543568; 552684, 4543562; 552680, 4543970; 553485, 4543952; 553499, 4542336.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 573771, 4544036; 573882, 4542438; 571745, 4542539; 571652, 4544118; 573771, 4544036.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 578668, 4543907; 577027, 4543889; 576965, 4545521; 578609, 4545531; 578668, 4543907.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 575322, 4545576; 575406, 4543962; 573771, 4544036; 573664, 4545634; 575322, 4545576.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 555053, 4540700; 556711, 4540757; 556732, 4542386; 561662, 4542514; 561661, 4542605; 562164, 4543172; 562151, 4543532; 562385, 4543785; 562479, 4544237; 562399, 4544443; 562282, 4544536; 561801, 4544552; 561523, 4544487; 561509, 4544847; 561633, 4544980; 561626, 4545416; 561780, 4545522; 561873, 4545722; 561968, 4545722; 561994, 4545903; 562242, 4546376; 562735, 4546702; 562948, 4547232; 564994, 4547279; 564986, 4545674; 566600, 4545697; 566600, 4544101; 563411, 4544083; 563587, 4540937; 562253, 4540933; 562422, 4540645; 562371, 4540213; 562237, 4540016; 561757, 4539774; 561550, 4539345; 556774, 4539195; 556768, 4539390; 556433, 4539382; 556427, 4539577; 556228, 4539573; 556222, 4539769; 555102, 4539729; 555053, 4540700.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 586712, 4540792; 586691, 4542342; 585146, 4542324; 585113, 4540749; 583567, 4540704; 583575, 4542295; 582010, 4542250; 581929, 4543821; 580300, 4543910; 580250, 4545528; 581904, 4545464; 581865, 4547095; 582694, 4547066; 582661, 4548632; 581821, 4548735; 581865, 4547095; 580213, 4547150; 580250, 4545528; 578609, 4545531; 578550, 4547157; 576891, 4547151; 576965, 4545521; 575322, 4545576; 575237, 4547189; 573561, 4547229; 573664, 4545634; 571559, 4545687; 571652, 4544118; 569894, 4544100; 569865, 4545682; 570711, 4545686; 570671, 4546478; 571506, 4546490; 571457, 4547271; 572956, 4547238; 572924, 4548031; 573515, 4548034; 573475, 4548830; 575149, 4548802; 575146, 4549204; 574729, 4549209; 574726, 4549612; 572881, 4549630; 572884, 4548841; 572581, 4548845; 572576, 4550572; 568523, 4550557; 568527, 4548827; 566720, 4548828; 566723, 4548667; 566284, 4548339; 566050, 4548310; 565538, 4548411; 564921, 4548668; 564486, 4549041; 564473, 4551003; 563025, 4550961; 562991, 4551738; 562865, 4552107; 561440, 4552094; 561465, 4553581; 562205, 4553599; 562224, 4553198; 562410, 4553201; 562430, 4552828; 563227, 4552840; 563261, 4553626; 562950, 4553620; 562878, 4554010; 562613, 4554011; 562904, 4554270; 563658, 4555239; 564510, 4555279; 564464, 4556835; 566086, 4556887; 566173, 4558440; 567762, 4558469; 567717, 4555289; 572564, 4555363; 572563, 4555259; 572735, 4555260; 572735, 4555682; 573563, 4555676; 573607, 4553640;

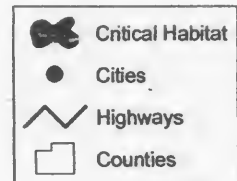
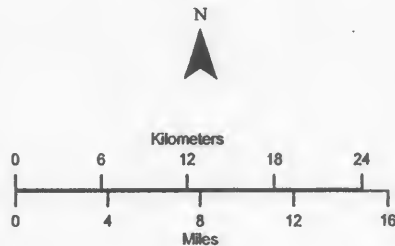
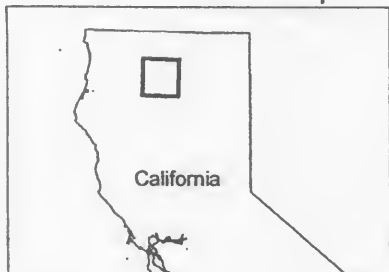
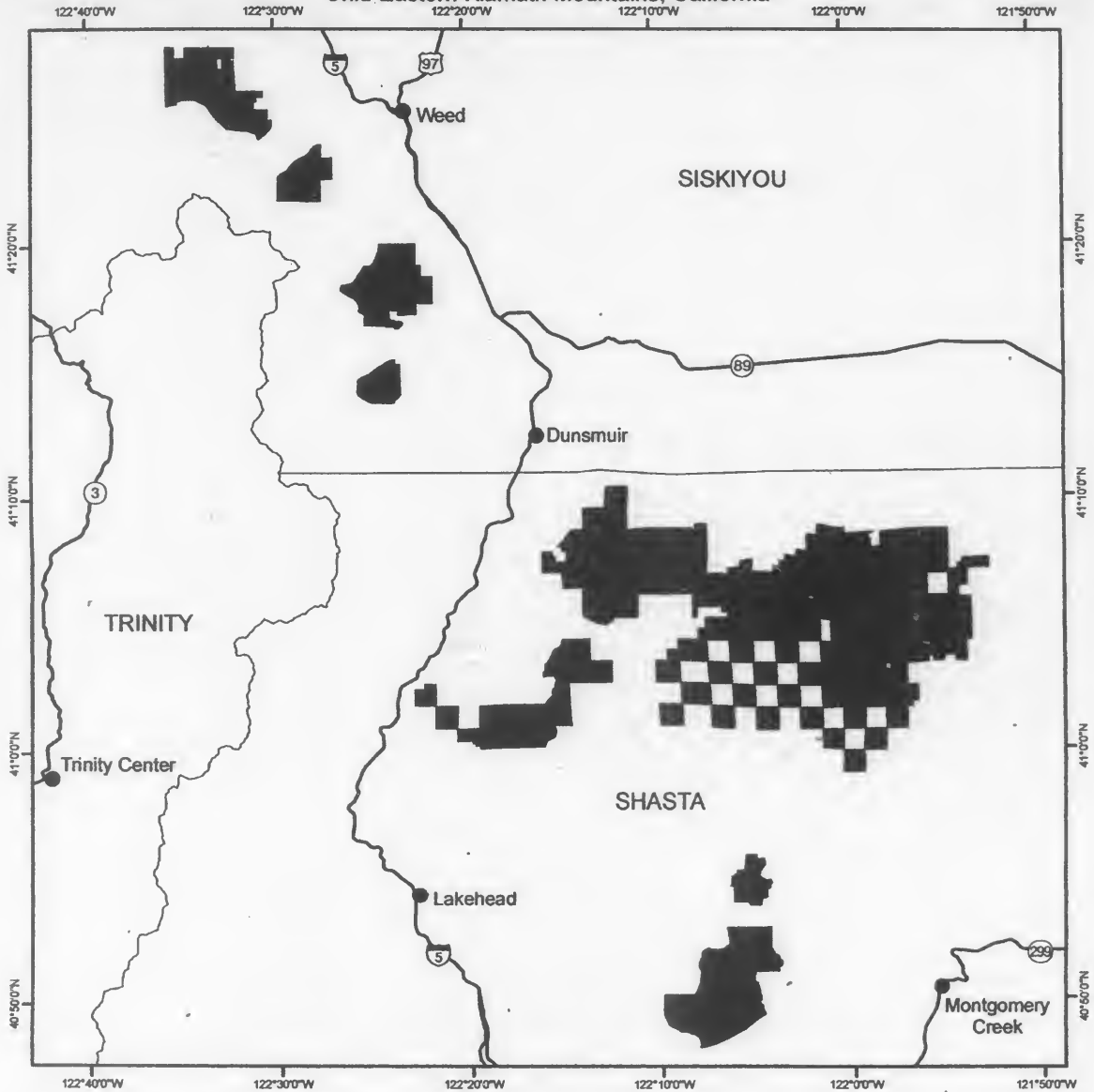
573507, 4552049; 575156, 4552049;
 575184, 4552441; 575994, 4552545;
 576028, 4552981; 576860, 4553121;
 576792, 4552223; 578442, 4552164;
 578462, 4552595; 578865, 4552574;
 578884, 4553014; 579292, 4552988;
 579311, 4553417; 580121, 4553362;
 580136, 4553789; 580915, 4553720;
 580891, 4554975; 581684, 4554875;
 581667, 4555695; 583272, 4555373;
 583663, 4555409; 583685, 4554980;
 585832, 4555164; 585458, 4555017;
 585473, 4554814; 585577, 4554635;
 585594, 4554098; 585727, 4553976;
 586360, 4554194; 586336, 4555189;
 588093, 4555337; 591293, 4555460;
 591333, 4552440; 592056, 4552491;
 592054, 4552873; 592347, 4552884;
 592353, 4553263; 594351, 4553349;
 594354, 4552587; 592755, 4552533;
 592709, 4551326; 592107, 4551293;
 592055, 4550464; 592936, 4550476;
 593040, 4548916; 593060, 4547329;
 592646, 4547338; 592673, 4545733;
 591874, 4545761; 591867, 4546155;
 591428, 4546165; 591031, 4546146;
 591038, 4545756; 590247, 4545718;
 590212, 4546108; 589836, 4546091;
 589847, 4545698; 588256, 4545533;
 588262, 4543964; 589050, 4544019;
 589063, 4542823; 588662, 4542809;
 588669, 4542408; 588275, 4542397;
 588254, 4540818; 586712, 4540792; and
 excluding land bound by 587066,
 4545040; 587060, 4545506; 586645,
 4545497; 586652, 4545103; 586851,
 4545171; 586914, 4545025; 587066,

4545040; and excluding land bound by
 591340, 4552049; 591335, 4552235;
 589746, 4552192; 589769, 4550579;
 591369, 4550606; 591340, 4552049.
 (S) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 550565, 4567493; 550574, 4567338;
 550926, 4567351; 550982, 4565105;
 550813, 4564865; 550550, 4564659;
 550525, 4564524; 549130, 4564452;
 548687, 4564551; 547979, 4564978;
 547835, 4565181; 547811, 4565384;
 547865, 4566191; 548707, 4566636;
 550023, 4567544; 550555, 4567667;
 550565, 4567493.
 (T) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 552091, 4576100; 552081, 4574483;
 552488, 4574479; 552488, 4573676;
 553312, 4573673; 553344, 4571667;
 552148, 4571674; 552138, 4570882;
 550817, 4570876; 550826, 4571142;
 550182, 4571151; 550163, 4570595;
 550317, 4570492; 550526, 4570494;
 550631, 4570391; 551048, 4570395;
 551153, 4570291; 551154, 4570187;
 550844, 4569872; 550635, 4569870;
 550530, 4569973; 550009, 4569969;
 549914, 4570061; 548397, 4570071;
 548368, 4570871; 547949, 4571122;
 548005, 4571368; 547833, 4571825;
 547689, 4571989; 547121, 4572291;
 546699, 4572600; 546607, 4572700;
 546654, 4572900; 546807, 4573056;
 547439, 4573158; 547712, 4573431;
 548334, 4574416; 548779, 4574419;
 548949, 4574541; 549244, 4575042;

549291, 4575291; 549430, 4575532;
 549452, 4576076; 552091, 4576100.
 (U) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 545232, 4582413; 546031, 4582434;
 546034, 4580838; 545176, 4580807;
 545188, 4579202; 542018, 4579239;
 542016, 4580969; 542302, 4581254;
 542752, 4581493; 543125, 4582005;
 543365, 4582207; 544082, 4582594;
 544367, 4582822; 544725, 4583293;
 545224, 4583396; 545232, 4582413.
 (V) Land bounded by the following
 UTM Zone 10, NAD83 coordinates (E,
 N): 534403, 4589735; 535209, 4589716;
 535206, 4590520; 538821, 4590527;
 538809, 4588926; 538884, 4587322;
 540927, 4587309; 540915, 4586878;
 540465, 4586874; 540457, 4586541;
 540283, 4586563; 540262, 4585981;
 541267, 4585966; 541281, 4585183;
 541501, 4585180; 541525, 4585247;
 541589, 4585167; 541513, 4584677;
 541346, 4584400; 540603, 4583765;
 540443, 4584182; 539833, 4584370;
 538252, 4584544; 537280, 4585444;
 536714, 4586257; 535930, 4586649;
 534999, 4586638; 534537, 4586556;
 534525, 4586369; 533784, 4586199;
 533743, 4590563; 534398, 4590546;
 534403, 4589735; and excluding land
 bound by 537611, 4589713; 537606,
 4588924; 538006, 4588925; 538009,
 4589717; 537611, 4589713.
 (iii) Note: Map of Eastern Klamath
 Mountains Unit follows:
 BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Eastern Klamath Mountains, California



(36) Shasta/McCloud Unit (Unit 29), Shasta and Siskiyou Counties, California.

(i) The Shasta/McCloud Unit consists of 73, 300 ac (29, 700 ha) and is comprised of lands managed by the Klamath and Shasta-Trinity National Forests.

(ii) From USGS 1:24, 000 scale quadrangles Ash Creek Butte, Bartle, Burney, Burney Falls, Chalk Mountain, City of Mount Shasta, Dead Horse Summit, Elk Spring, Grizzly Peak, Horse Peak, Kinyon, Little Glass Mountain, McCloud, Rainbow Mountain, Skunk Ridge, and Tennant.

(A) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 596359, 4540919; 596374, 4540106; 597178, 4540115; 597176, 4540920; 596359, 4540919; 596287, 4542541; 599473, 4542583; 599397, 4545769; 600942, 4545780; 600917, 4547631; 601964, 4547643; 602278, 4547132; 602214, 4547017; 602242, 4546797; 602088, 4546150; 601880, 4546051; 601628, 4546050; 601778, 4545836; 601558, 4545522; 601591, 4545373; 601518, 4545170; 601565, 4544863; 601781, 4544743; 601883, 4544434; 601817, 4543821; 601913, 4543481; 601891, 4543236; 601822, 4543157; 601925, 4542787; 601892, 4542742; 601672, 4542796; 601576, 4542461; 601719, 4542324; 601973, 4542262; 602180, 4542131; 602021, 4541904; 601945, 4541657; 602314, 4541632; 602634, 4541393; 602741, 4541536; 602951, 4541526; 603314, 4541805; 603340, 4542207; 603531, 4542262; 603580, 4542497; 603962, 4542052; 603949, 4541941; 604222, 4542386; 604380, 4542515; 604302, 4542748; 604398, 4542728; 604456, 4542420; 604657, 4542549; 604764, 4542487; 604725, 4542305; 604886, 4542190; 604889, 4541998; 604645, 4541953; 604530, 4542027; 604555, 4541913; 605095, 4540768; 605403, 4539953; 605279, 4539153; 605268, 4538409; 605292, 4538181; 605446, 4537992; 605459, 4537199; 603865, 4537170; 603885, 4535559; 603490, 4535553; 603494, 4534738; 602300, 4534721; 602321, 4533496; 601916, 4533497; 601920, 4533102; 601218, 4533111; 601217, 4533211; 600448, 4533198; 600448, 4532800; 599596, 4532785; 599625, 4531181; 596405, 4531139; 596350, 4534364; 596398, 4537643; 596799, 4537647; 596792, 4538068; 596396, 4538066; 596378, 4539811; 595578, 4539823; 595559, 4540920; 596359, 4540919; and excluding land bound by 601056, 4541215; 601044, 4542605; 600245, 4542592; 600255, 4541774; 600661, 4541784; 600672, 4540970; 601062, 4540976; 601056, 4541215.

(B) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 593134, 4559505; 591918, 4559465; 591898, 4561059; 593129, 4561078; 593134, 4559505.

(C) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 596310, 4559526; 594721, 4559518; 594734, 4561105; 596358, 4561121; 596310, 4559526.

(D) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 594710, 4565943; 596325, 4565963; 596346, 4564353; 595554, 4564325; 595541, 4563915; 594739, 4563897; 594710, 4565943.

(E) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 593134, 4559505; 594721, 4559518; 594732, 4558703; 596314, 4558724; 596310, 4559526; 597984, 4559519; 597971, 4563552; 598377, 4563551; 598382, 4563954; 598783, 4563961; 598775, 4564362; 599569, 4564372; 599563, 4565991; 600366, 4565992; 601325, 4566528; 601444, 4566666; 601507, 4566860; 601467, 4567626; 601509, 4567624; 601443, 4568106; 601572, 4568644; 601551, 4569365; 601771, 4569676; 601777, 4569925; 601982, 4570172; 602094, 4570458; 601979, 4570418; 601864, 4570467; 601758, 4570216; 601771, 4571410; 602655, 4571666; 602798, 4564409; 604412, 4564441; 604421, 4563636; 602807, 4563614; 602913, 4559588; 598828, 4559512; 598904, 4557915; 591268, 4557860; 591265, 4558665; 593148, 4558899; 593134, 4559505.

(F) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 576061, 4573802; 576068, 4573496; 576474, 4573504; 576475, 4573425; 576818, 4573197; 577181, 4573199; 577194, 4573059; 577624, 4573062; 577739, 4572497; 577914, 4572414; 578356, 4571699; 578724, 4571346; 578771, 4571208; 578393, 4570848; 578405, 4570421; 578254, 4570022; 578017, 4569853; 577510, 4569836; 577462, 4569713; 577513, 4569446; 577912, 4569265; 577936, 4569123; 577746, 4569015; 577424, 4568922; 577308, 4568936; 577308, 4569053; 574595, 4569025; 574706, 4570703; 574600, 4570807; 574598, 4571016; 574876, 4571041; 574873, 4571452; 575278, 4571454; 575242, 4573892; 575655, 4573900; 575647, 4574295; 576051, 4574301; 576061, 4573802; and excluding land bound by 576890, 4572708; 576899, 4571898; 577304, 4571908; 577294, 4572719; 576890, 4572708.

(G) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 572436, 4574658; 574003, 4574688; 574048, 4573077; 572439, 4573039; 572436, 4574658.

(H) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 572436, 4574658; 570806, 4574655; 570803, 4576260; 572430, 4576276; 572436, 4574658.

(I) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 574003, 4574688; 573997, 4576299; 575613, 4576320; 575636, 4574698; 574003, 4574688.

(J) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 601297, 4576862; 601416, 4576156; 601693, 4575629; 601733, 4575426; 601681, 4575174; 601463, 4574978; 601209, 4574770; 600946, 4574655; 600716, 4574708; 600620, 4574965; 600621, 4575508; 600383, 4575754; 600170, 4575804; 599945, 4575689; 599739, 4575278; 599630, 4575180; 599423, 4575208; 599344, 4575317; 599439, 4575866; 599321, 4576025; 599309, 4576635; 598977, 4576632; 599007, 4576908; 599192, 4577110; 599325, 4577121; 599568, 4576955; 599660, 4576814; 599809, 4576795; 599950, 4576848; 600126, 4577120; 600513, 4577140; 601244, 4577021; 601297, 4576862.

(K) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 594710, 4565943; 593913, 4565914; 593929, 4565524; 593522, 4565518; 593537, 4564711; 593135, 4564698; 593111, 4565907; 591861, 4565900; 591849, 4566885; 591073, 4566819; 591079, 4566038; 590276, 4565989; 590294, 4565188; 589864, 4565174; 589913, 4563564; 589513, 4563560; 589480, 4564350; 589075, 4564333; 589050, 4565959; 588650, 4565946; 588608, 4568369; 588974, 4568589; 589097, 4569955; 590695, 4570045; 590642, 4571229; 591010, 4571270; 591007, 4571606; 590716, 4571604; 590772, 4573570; 591159, 4573653; 591195, 4574592; 592947, 4574601; 592929, 4576208; 593312, 4576215; 593308, 4576606; 594519, 4576603; 594458, 4578205; 596045, 4578229; 596103, 4576599; 597697, 4576624; 597767, 4575007; 596196, 4575016; 596207, 4574193; 597006, 4574194; 597025, 4573382; 594599, 4573368; 594648, 4569343; 593843, 4569340; 593848, 4569139; 593306, 4569046; 593115, 4569196; 593043, 4569541; 593043, 4569047; 593112, 4568992; 593403, 4568945; 593849, 4569051; 593854, 4568531; 594664, 4568533; 594710, 4565943; and excluding land bound by 590036, 4569526; 590188, 4569687; 589417, 4569457; 589390, 4569330; 590036, 4569526; and excluding land bound by 592177, 4573338; 592166, 4573750; 591759, 4573744; 591768, 4573328; 592177, 4573338.

(L) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 561804, 4577980; 562058, 4577946; 562296, 4578036; 563148, 4578076; 563379, 4577952; 563538, 4577750; 563533, 4576973; 564333, 4576985; 564328, 4576183; 562791, 4576157; 562830, 4572964; 561230, 4572959; 561213, 4574568; 559978, 4574510; 559757, 4574600; 559599, 4574775; 559574, 4576146; 559764, 4576452; 560011, 4577189; 560452, 4578090; 560698, 4578441; 560847, 4578591; 560996, 4578643; 561094, 4578793; 561244, 4578794; 561613, 4579044; 561772, 4579079; 561939, 4579249; 562220, 4579253; 561946, 4578623; 561804, 4577980.

(M) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 586854, 4579770; 586888, 4578161; 585288, 4578050; 583272, 4578048; 583250, 4578862; 582850, 4578855; 582828, 4579660; 582019, 4579639; 581999, 4581237; 584382, 4581293; 584395, 4580515; 585629, 4580532; 585644, 4579732; 586053, 4579745; 586016, 4581359; 586832, 4581389; 586854, 4579770.

(N) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 575442, 4582736; 575480, 4581125; 573856, 4581084; 573812, 4582695; 575442, 4582736.

(O) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 575442, 4582736; 575425, 4583938; 575845, 4583960; 575842, 4584367; 577069, 4584426; 577070, 4582809; 575442, 4582736.

(P) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 575406, 4585954; 575419, 4584348; 573776, 4584305; 573753, 4585910; 575406, 4585954.

(Q) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 577069, 4584426; 577062, 4586038; 577888, 4586035; 577536, 4585687; 577454, 4585499; 577450, 4585273; 577813, 4584763; 577874, 4584435; 577069, 4584426.

(R) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 585108, 4586174; 585192, 4584567; 584779, 4584548; 584782, 4584140; 583151, 4584089; 583149, 4584497; 583541, 4584508; 583504, 4586128; 585108, 4586174.

(S) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 577062, 4586038; 575406, 4585954; 575448, 4587645; 577054, 4587642; 577062, 4586038.

(T) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 585108, 4586174; 585111, 4587781; 586713, 4587805; 586739, 4586209; 585108, 4586174.

(U) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 603851, 4588309; 603825, 4587641; 603154, 4587516; 603006, 4588209; 602741, 4588174; 602465, 4588375; 601897, 4589000; 601818, 4589180; 601712, 4589796; 602108, 4590686; 602047, 4590850; 602195, 4591000; 602070, 4591191; 602039, 4591365; 602167, 4591701; 602111, 4592084; 602329, 4592228; 603572, 4592350;

603704, 4591625; 603851, 4591615; 603854, 4591483; 604270, 4591477; 604293, 4589541; 604224, 4588428; 603851, 4588309.

(V) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 591485, 4594808; 591473, 4594276; 590582, 4593904; 590170, 4593900; 590179, 4593532; 589793, 4593511; 589817, 4592416; 588273, 4592401; 588172, 4593850; 586539, 4593842; 586672, 4592331; 586573, 4592350; 586571, 4592453; 585832, 4592493; 585044, 4592645; 584976, 4594058; 586156, 4593901; 586163, 4594684; 586542, 4594649; 586576, 4595613; 588217, 4595631; 588164, 4594308; 588971, 4594318; 588969, 4594701; 589816, 4594721; 589847, 4595726; 591483, 4595906; 591485, 4594808.

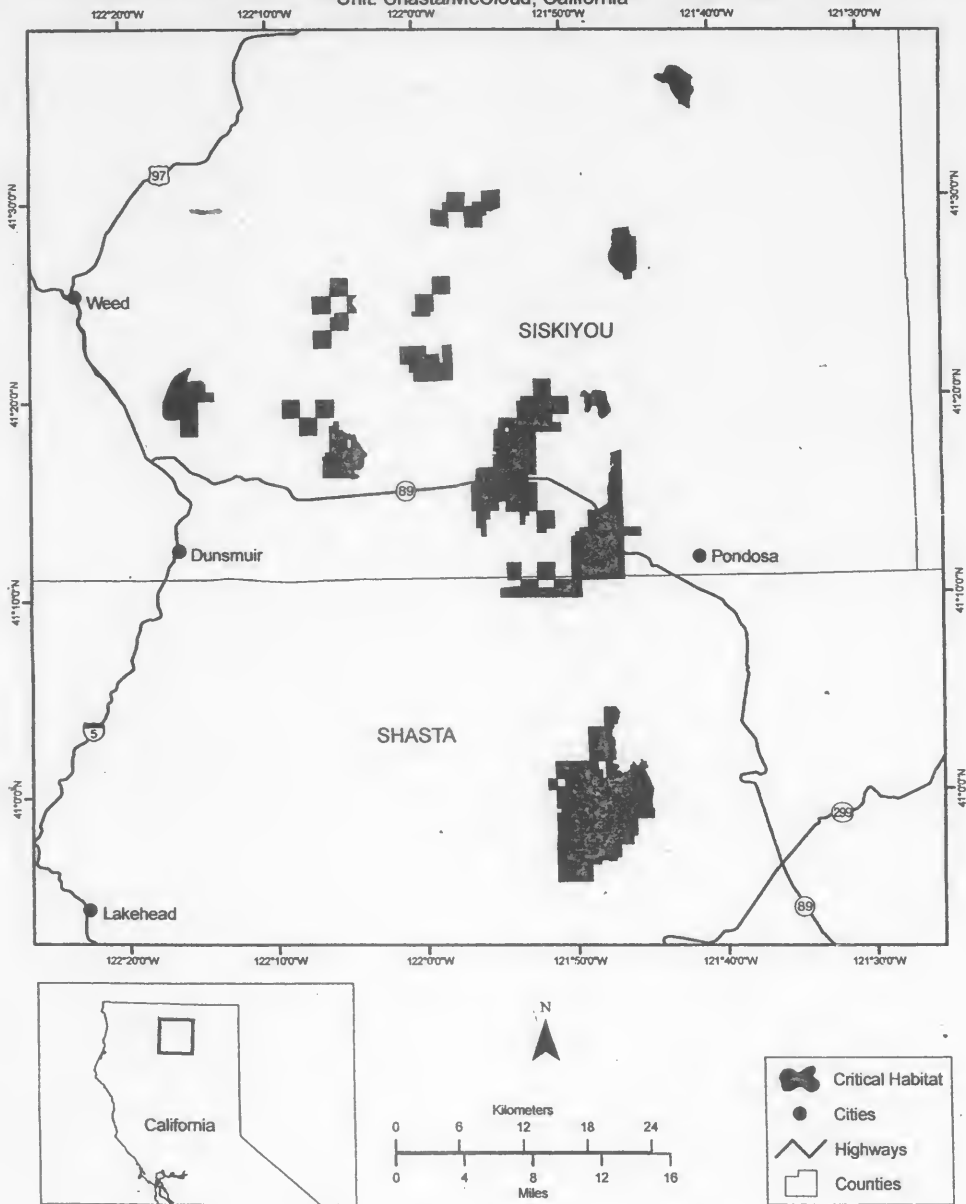
(W) Land bounded by the following UTM Zone 10, NAD83 coordinates (E, N): 609182, 4606721; 609665, 4606353; 609543, 4606078; 609518, 4605722; 609569, 4605524; 609742, 4605433; 609787, 4605158; 609740, 4604922; 609474, 4604446; 609352, 4603859; 609429, 4603475; 609375, 4603450; 609089, 4603530; 609160, 4603590; 608723, 4603812; 608418, 4603891; 608418, 4604197; 607792, 4605038; 607598, 4605661; 607331, 4605836; 606960, 4605805; 606293, 4606245; 606198, 4606431; 606249, 4606543; 606425, 4606637; 607050, 4606675; 607358, 4607308; 607586, 4607415; 608286, 4607377; 609182, 4606721.

(iii) Note: Map of Shasta/McCloud Unit follows:

BILLING CODE 4310-55-S

Critical Habitat for Northern Spotted Owl (*Strix occidentalis caurina*)

Unit: Shasta/McCloud, California



* * * * *

Dated: July 28, 2008.
 Lyle Laverty
 Assistant Secretary for Fish and Wildlife and
 Parks
 [FR Doc. E8-17866 Filed 8-12-08; 8:45 am]
 BILLING CODE 4310-55-C

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current

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S. 3370/P.L. 110-301

Libyan Claims Resolution Act (Aug. 4, 2008; 122 Stat. 2999)

Last List August 6, 2008

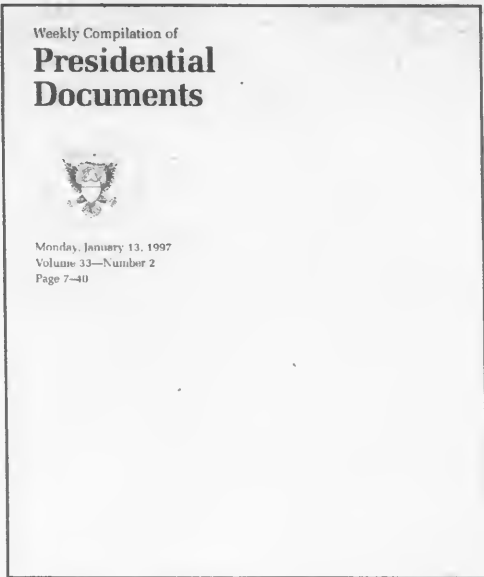
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110th Congress

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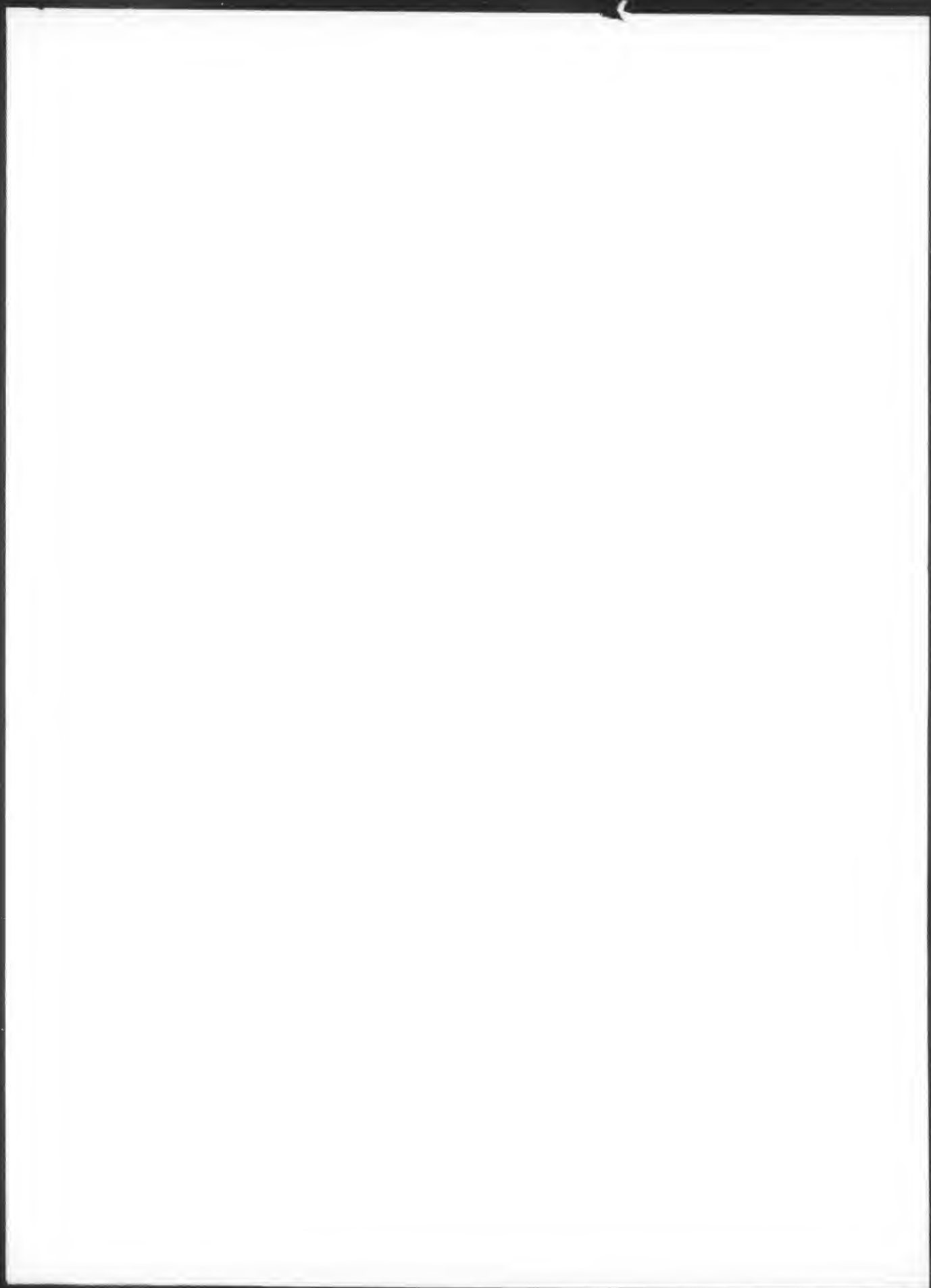
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