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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV04–981–1 IFR]

Almonds Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Almond Board of California (Board) for the 2003–04 and subsequent crop years from $0.025 to $0.020 per pound of almonds received. The Board locally administers the marketing order which regulates the handling of almonds grown in California. Authorization to assess almond handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The crop year began August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective January 9, 2004. Comments received by March 8, 2004, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Martin Engeler, Assistant Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California almond handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable almonds beginning August 1, 2003, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Board for the 2003–04 and subsequent crop years from $0.025 to $0.020 per pound of almonds received.

The California almond marketing order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California almonds. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1998–99 and subsequent crop years, the Board recommended, and USDA approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on May 15, 2003, and unanimously recommended 2003–04 expenditures of $20,358,304. In comparison, last year's budgeted expenditures were $19,407,437. The assessment rate of $0.025 has remained unchanged since the 1998–99 crop year.

The major expenditures recommended by the Board for the 2003–04 crop year include $6,375,312 for advertising and market research, $7,587,750 for public relations and other promotion and education

programs including a Market Access Program (MAP) administered by USDA's Foreign Agriculture Service (FAS), $1,500,000 for salaries and wages, $1,000,000 for nutrition research, $850,332 for production research, $823,948 for quality programs, $254,903 for environmental programs, $200,000 for travel, $122,472 for office rent, $120,750 for a crop estimate, and $90,780 for an acreage survey. Budgeted expenses for these items in 2002–03 were $6,125,312 for advertising and market research, $6,877,750 for public relations and other promotion and education programs including a MAP program administered by FAS, $1,760,000 for salaries and wages, $1,000,000 for nutrition research, $622,131 for production research, $472,964 for quality programs, $172,500 for econometric modeling and analysis, $230,550 for travel, $122,850 for office rent, $120,762 for a crop estimate, and $125,000 for compliance audits and analysis.

In September 2003, the Board recommended an increase in 2003–04 expenses due to an increased availability of funds from FAS. USDA approved an increased expenditure level of $20,547,385.

The Board met again on November 6, 2003, and recommended decreasing the assessment rate from $0.025 per pound to $0.020 per pound of almonds handled. Of the $0.020 per pound assessment, $0.01 per pound is available as credit-back for handlers who conduct their own promotional activities consistent with § 981.441 of the order s regulations and subject to Board approval. The Board recommended reducing the assessment rate because the 2002–03 financial audit revealed that the Board s financial reserve exceeded the amount authorized under § 981.81(c) of the order.

Section 981.81(c) authorizes a financial reserve of approximately one-half year's budgeted expenses. One-half of the 2003–04 crop year's budgeted expenses of $20,547,385 equals $10,273,692. The financial audit revealed a reserve of $12,681,596 at the end of the 2002–03 crop year, which is $2,407,904 more than the authorized reserve.

Section 981.81(b) of the order requires excess funds held in the financial reserve to be refunded to handlers or used to reduce the assessment rate in the subsequent crop year. The Board considered both options, and recommended the latter. By reducing the assessment rate and projected assessment revenue, the Board's estimated financial reserve at the end of the 2003–04 crop year will be $7,338,087, which is within the parameters authorized under the order.

The assessment rate recommended by the Board was derived by considering anticipated expenses and production levels of California almonds, and additional pertinent factors. In its recommendation, the Board utilized an estimate of 907,200,000 pounds of assessable almonds for the 2003–04 crop year. If realized, this will provide estimated assessment revenue of $9,072,000 from all handlers, and an additional $4,989,600 from those handlers who do not participate in the credit-back program, for a total of $14,061,600. In addition, it is anticipated that $13,678,872 will be provided by other sources, including interest income, MAP funds, miscellaneous income, and reserve/carryover funds. When combined, revenue from these sources will be adequate to cover budgeted expenses. Any unexpended funds from the 2003–04 crop year may be carried over to cover expenses during the succeeding crop year. As previously mentioned, funds in the reserve at the end of the 2003–04 crop year are estimated to be approximately $7,338,087, which is within the amount permitted by the order.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate is effective for an indefinite period, the Board will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 2003–04 budget and those for subsequent crop years will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 6,000 producers of almonds in the production area and approximately 119 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Data for the most recently completed crop year indicate that about 38 percent of the handlers shipped over $5,000,000 worth of almonds and about 62 percent of handlers shipped under $5,000,000 worth of almonds. In addition, based on production and grower price data reported by the California Agricultural Statistics Service (CASS), and the total number of almond growers, the average annual grower revenue is estimated to be approximately $199,000. Based on the foregoing, the majority of handlers and producers of almonds may be classified as small entities.

This rule decreases the assessment rate established for the Board and collected from handlers for the 2003–04 and subsequent crop years from $0.025 to $0.020 per pound of almonds. Of the $0.020 per pound assessment, $0.01 per pound is available as credit-back for handlers who conduct their own promotional activities consistent with § 981.441 of the order's regulations and subject to Board approval. The Board initially recommended, and USDA approved, 2003–04 expenditures of $20,358,304 and an unchanged assessment rate of $0.025 per pound in May 2003. In September 2003, the Board recommended an increase in 2003–04 expenses due to an increased availability of funds from FAS. USDA approved an increased expenditure level of $20,547,385.

On November 5, 2003, the Board subsequently recommended reducing the assessment rate to $0.020 per pound due to excess funds in the financial reserve. The 2002–03 crop year financial audit revealed that the Board's financial reserves exceeded the order's limitation of approximately one-half year's budgeted expenses, by $2,407,904. The

assessment rate of $0.020 is $0.005 lower than the prior rate. The quantity of assessable almonds for the 2003–04 crop year is estimated at 907,200,000 pounds. Thus, the $0.020 assessment rate should provide $14,061,000 in assessment income and be adequate to meet this year's expenses, when combined with other revenues including financial reserves. The projected financial reserve at the end of 2003–04 is $7,338,087, which is within the parameters of the order.

The major expenditures recommended by the Board for the 2003–04 crop year include $6,375,312 for advertising and market research, $7,587,750 for public relations and other promotion and education programs including a MAP program administered by USDA's FAS, $1,500,000 for salaries and wages, $1,000,000 for nutrition research, $850,332 for production research, $823,948 for quality programs, $254,903 for environmental programs, $200,000 for travel, $122,472 for office rent, $120,750 for a crop estimate, and $90,780 for an acreage survey. Budgeted expenses for these items in 2002–03 were $6,125,312 for advertising and market research, $6,877,750 for public relations and other promotion and education programs including a MAP administered by FAS, $1,760,000 for salaries and wages, $1,000,000 for nutrition research, $622,131 for production research, $472,964 for quality programs, $172,500 for econometric modeling and analysis, $230,550 for travel, $122,850 for office rent, $120,762 for a crop estimate, and $125,000 for compliance audits and analysis.

The Board considered two available alternatives to remedy the excess financial reserve situation as provided for in § 981.81(b) of the order: refund the excess funds to handlers, or reduce the assessment rate. After deliberating the issue, the Board recommended reducing the assessment rate.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the average grower price for the 2003–04 season could range between $1.50 and $1.80 per pound of almonds. Therefore, the estimated assessment revenue for the 2003–04 crop year (disregarding any amounts credited pursuant to §§ 981.41 and 981.441) as a percentage of total grower revenue could range between 1.1 and 1.3 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment reduces the burden on handlers, and may reduce the burden on producers. In addition, the Board's meeting was widely publicized throughout the California almond industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the November 6, 2003, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large California almond handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2003–04 crop year began on August 1, 2003, and the marketing order requires that the rate of assessment for each crop year apply to all assessable almonds received during such crop year; (2) the action decreases the assessment rate for assessable almonds beginning with the 2003–04 crop year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 981.343 is revised to read as follows:

§ 981.343 Assessment rate.

On and after August 1, 2003, an assessment rate of $0.020 per pound is established for California almonds. Of the $0.020 assessment rate, $0.010 per assessable pound is available for handler credit-back.

Dated: January 5, 2004.

Kenneth C. Clayton,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 04–398 Filed 1–5–04; 4:47 pm]

BILLING CODE 3410–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA255–0431; FRL–7607–6]

Disapproval of State Implementation Plan Revisions, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing disapproval of a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on September 29, 2003 and concerns visible emissions (VE) from many different sources of air pollution. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action directs California to correct rule deficiencies in SJVUAPCD Rule 4101.

EFFECTIVE DATE: This rule is effective on February 9, 2004.

ADDRESSES: You can inspect copies of the administrative record for this action

at EPA's Region IX office during normal business hours by appointment. You can inspect copies of the submitted SIP revision by appointment at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901;

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814; and,

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Street, Fresno, CA 93726.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4111, or via e-mail at *wamsley.jerry@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On September 29, 2003 (68 FR 55917), EPA proposed to disapprove the following rule that was submitted for incorporation into the California SIP.

Local agency	Rule	Rule title	Adopted	Submitted
SJVUAPCD	4101	Visible Emissions	11/15/01	12/06/01

We proposed to disapprove this rule because a rule provision conflicts with section 110 and part D of the Act.

In the case of Rule 4101, Section 4.4 exempts agricultural sources from the 20% opacity requirement. However, it is inappropriate to exempt broadly the entire agricultural industry from opacity requirements without an analysis of what types of sources are affected and why a 20% opacity requirement is inappropriate for these sources. Consequently, we are unable to determine that Rule 4101 meets either RACM, or BACM requirements described in Section 189 of the CAA.

Our September 29, 2003 proposed action contains more information on the basis for this rulemaking, our evaluation of the submittal, and our prior actions concerning the rule.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments on our proposed action.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, EPA is finalizing a full disapproval of the submitted rule. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiency within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiency within 24 months. Note that the submitted rule has been adopted by the SJVUAPCD, and EPA's final disapproval does not prevent the local agency from enforcing it.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Paperwork Reduction Act

This rule disapproval does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

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.

This rule will not have a significant impact on a substantial number of small entities because SIP disapprovals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the disapproval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action disapproves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule 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, because it merely disapproves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

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 final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

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 rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

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) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, 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 the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective February 9, 2004.

K. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 8, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 18, 2003.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.242 is amended by adding paragraph (a)(4)(i) to read as follows:

§ 52.242 Disapproved rules and regulations.

* * * * *

(a) * * *

(4) San Joaquin Valley Unified Air Pollution Control District.

(i) Rule 4101, Visible Emissions, submitted on December 6, 2001 and adopted on November 15, 2001.

* * * * *

[FR Doc. 04–210 Filed 1–7–04; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 69, No. 5
Thursday, January 8, 2004

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–SW–32–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for the specified Agusta S.p.A. (Agusta) model helicopters. This proposal would require disabling certain windshield wipers and thereafter modifying the electrical system of the windshield wipers by installing a new resistor and condenser, eliminating incompatibility problems with the relays, and replacing the timed relay for certain windshield wiper kits. This proposal is prompted by testing that revealed overheating of the electrical resistor on the electrical system of the windshield wipers due to a system overload because of a partial incompatibility of new timed relays with the configuration of the windshield wiper electrical system. The actions specified by this proposed AD are intended to prevent the incompatibility of certain relays with the windshield wiper electrical system, overheating of the resistor due to system overload, and an electrical fire.

DATES: Comments must be received on or before March 8, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–32–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carroll Wright, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5120, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2003–SW–32–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

The Ente Nazionale per l'Aviazione Civile (ENAC), the airworthiness authority for Italy, notified the FAA that an unsafe condition may exist on Agusta Model 109E helicopters. ENAC advises modifying the electrical installation of some windshield wiper kits as stated in the manufacturer's service information.

Agusta has issued Alert Bollettino Tecnico No. 109SP–27, Revision A, dated February 7, 2003 (ABT), which specifies modifying the electrical installation of windshield wipers kit, part number (P/N) 109–0741–65, by installing kit, P/N 109–0823–13, to replace the existing resistor and condenser to eliminate functional malfunction when timed relays, P/N TDH–8070–1001P or T412–2006, are installed. During a ground functional test, overheating of the electrical resistor was found in the windshield wiper electrical system due to a system overload. An investigation revealed that the source of the overheating was a functional malfunction caused by a partial incompatibility of new timed relays with the actual configuration of the windshield wipers electrical system. ENAC classified the ABT as mandatory and issued AD No. 2003–032, dated February 10, 2003, to ensure the continued airworthiness of these helicopters in Italy.

This helicopter model is manufactured in Italy and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, ENAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the ENAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

This previously described unsafe condition is likely to exist or develop on other helicopters of the same type design registered in the United States. Therefore, the proposed AD would require the following:

- Within 5 hours time-in-service (TIS), disable the windshield wipers for certain serial-numbered helicopter models. Install a placard stating that the windshield wipers are inoperative.
- Within 6 months, for certain serial-numbered helicopter models, modify the electrical system of the windshield wipers and remove the installed placard.
- Within 6 months, replace timed relays, P/N T412–DJ1001–C, with timed relays, P/N TCD–8070–1001P or T412–2006, for certain serial-numbered helicopters, and modify the electrical system of the windshield wipers.

Accomplish the actions in accordance with the ABT described previously.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR

47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD.

The FAA estimates that this proposed AD would affect 18 helicopters of U.S. registry. It would take approximately 3 work hours to disable the windshield wipers and modify the electrical system of the windshield wipers and 4 work hours per helicopter if the timed relays must be replaced by modifying the electrical system of the windshield wipers. The average labor rate is $65 per work hour. Required parts would cost approximately $367 per helicopter. Based on these figures, we estimate that the total cost impact of the proposed AD on U.S. operators would be $14,796, assuming the relays are replaced on the entire fleet. However, the manufacturer states in its ABT that it will reimburse owners for 3 or 4 work hours at a fixed rate of $40 per work hour and will provide the parts for free. Assuming a warranty credit of 4 work hours ($2,880) and free parts ($6,606), the estimated total cost impact of this proposed AD would be $5,310.

The regulations proposed herein would 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Agusta S.p.A: Docket No. 2003–SW–32–AD.

Applicability: Model A109E helicopters, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the incompatibility of certain relays with the windshield wiper electrical system, overheating of the resistor due to system overload, and an electrical fire, accomplish the following:

(a) For helicopters, serial number (S/N) 11502 through 11504, and 11122 through 11130, except 11123, 11127, and 11129:

(1) Within 5 hours time-in-service, do the following:

(i) Disable the windshield wipers by following the Compliance Instructions, Part I, paragraphs 2.1 through 2.5, of Agusta Alert Bollettino Tecnico No. 109EP–27, Revision A, dated February 7, 2003 (ABT).

(ii) Install a placard stating that the windshield wipers are inoperative by following the Compliance Instructions, Part I, paragraph 2.6, of the ABT.

(2) Within 6 months, modify the electrical system of the windshield wipers using the Compliance Instructions, Part II, paragraphs 1. through 15., of the ABT, and remove the placard that was installed as required by paragraph (a)(1)(ii) of this AD.

(b) For helicopters, S/Ns 11151, 11501, and 11001 through 11133, except 11122, 11124 through 11128, and 11130, with timed relay, part number (P/N) T412–DJ1001–C installed, on or before [insert date 1 year after date of publication of final rule in the **Federal Register**] or when you replace a timed relay, P/N T412–DJ1001–C, with either relay, P/N TDH–8070–1001P or P/N T412–2006, whichever occurs first:

(1) If windshield wiper kit, P/N 109–0811–44–105 or –106 is installed, modify the windshield wiper electrical system and replace the timed relay, P/N T412–DJ1001–C, with a timed relay, P/N TDH–8070–1001P or P/N T412–2006, by following the Compliance Instructions, Part III, paragraphs 1. through 1.16, of the ABT.

(2) If windshield wiper kit, P/N 109–0811–44–101 or –102 is installed, modify the windshield wiper electrical system and replace the timed relay, P/N T412–DJ1001–C, with a timed relay, P/N TDH–8070–1001P or P/N T412–2006, by following the Compliance Instructions, Part III, paragraphs 2. through 2.19, of the ABT.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, FAA, for information about previously approved alternative methods of compliance.

Note: The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy), AD No. 2003–032, dated February 10, 2003.

Issued in Fort Worth, Texas, on December 31, 2003.

Kim Smith,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 04–369 Filed 1–7–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–SW–29–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) model helicopters. This proposal would require inspecting the fuel transfer line and air exhaust duct for chafing, inspecting the air exhaust duct for a hole, and if necessary, repositioning the air exhaust duct to achieve the minimum clearances. This proposal is prompted by a report of damage to the fuel transfer line due to wear associated with vibrations and chafing of the fuel transfer line and the air exhaust duct. The actions specified by this proposed AD are intended to detect chafing wear of the air exhaust duct and the fuel transfer line, which could result in a hole in the fuel transfer line, fuel leaking into the engine compartment and creating a fire hazard that could lead to a fire and a subsequent forced landing.

DATES: Comments must be received on or before March 8, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–29–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following

address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2003–SW–29–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model EC 130 B4 and AS 350 B3 helicopters. The DGAC advises of receiving a report of damage to the fuel transfer line due to interference associated with vibrations and chafing of the bleed valve air exhaust duct.

Eurocopter has issued Alert Service Bulletin (ASB) No. 71A001 for Model EC 130 B4 helicopters and ASB No. 71.00.16 for Model AS 350 B3 helicopters, both of which specify checks for interference between the bleed valve air exhaust duct and the engine fuel line. Both ASBs are dated May 12, 2003. The DGAC classified these ASBs as mandatory and issued ADs No. 2003–208(A) and 2003–209(A), both dated May 28, 2003, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

This previously described unsafe condition is likely to exist or develop on other helicopters of the same type design registered in the United States. Therefore, the proposed AD would require inspecting the fuel transfer line and air exhaust duct for chafing, and if necessary, repositioning the air exhaust duct to achieve at least 20 mm (0.8 in) of clearance in interference Area A and 12 mm (0.5 in) of clearance in interference Area B as depicted in Figure 1 of the Eurocopter Alert Service Bulletin. These are one-time inspections. The actions would be required to be accomplished in accordance with the ASBs described previously.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD.

The FAA estimates that this proposed AD would affect 100 helicopters of U.S. registry and the proposed inspection would take approximately 0.5 work hour per helicopter to accomplish and 1 work hour to replace either the fuel transfer line or the air exhaust duct at an average labor rate of $65 per work hour. Cost of replacement parts, if needed, would be $817 for the fuel transfer line and $522 for the air exhaust duct. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be $6,188, assuming 2 fuel transfer lines and 2 air exhaust ducts are replaced.

The regulations proposed herein would 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 2003–SW–29–AD.

Applicability: Model EC 130 B4 helicopters with an optional engine flushing system installed, and AS 350 B3 helicopters with an optional engine flushing system installed and modified in accordance with MOD 073098, certificated in any category.

Compliance: Required within 10 hours time-in-service, unless accomplished previously.

To detect chafing wear of the air exhaust duct and the fuel transfer line, which could result in a hole in the fuel transfer line, fuel leaking into the engine compartment and creating a fire hazard that could lead to a fire and a subsequent forced landing, accomplish the following:

(a) Inspect the fuel transfer line located between the bleed valve of the engine starting system and the engine fuel filter for chafing

in the interference areas in accordance with the Operational Procedure, paragraph 2.B.1., of Eurocopter Alert Service Bulletin (ASB) No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters.

(1) If the depth of the deepest wear mark is less than or equal to 0.05 mm (0.002 in), apply the maintenance procedure stated in the Engine Maintenance Manual.

(2) If the depth of the deepest wear mark is more than 0.05 mm (0.002 in) and less than or equal to 0.2 mm (0.008 in), replace the fuel transfer line within the next 50 hours TIS or within one month, whichever occurs first.

(3) If the depth of the deepest wear mark is more than 0.2 mm (0.008 in), replace the fuel transfer line before further flight.

(b) Inspect the air exhaust duct located between the bleed valve of the engine starting system and the engine fuel filter for a hole in the interference areas in accordance with the Operational Procedure, paragraph 2.B.1., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters. If there is a hole in the air exhaust duct, replace the air exhaust duct within one month or before performing any engine flushing operation, whichever occurs first.

(c) Measure the clearances between the fuel transfer line and the air exhaust duct located between the bleed valve of the engine starting system and the engine fuel filter in the interference areas in accordance with the Operational Procedure, paragraph 2.B.1., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters. If the clearance is less than 20 mm (0.8 in) in interference Area A or less than 12 mm (0.5 in) in interference Area B, reposition the air exhaust duct in accordance with the Operational Procedure, paragraph 2.B.2., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Office, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

Note: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2003–208(A) and AD 2003–209(A), both dated May 28, 2003.

Issued in Fort Worth, Texas, on December 31, 2003.

Kim Smith,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 04–370 Filed 1–7–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S–030]

RIN 1218–AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the seventh meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meetings will be on February 4th, 5th and 6th, 2004. The meetings will begin each day at 8:30 am. Individuals with disabilities wishing to attend should contact Luz DelaCruz by telephone at 202–693–2020 or by fax at 202–693–1689 to obtain appropriate accommodations no later than Friday, January 23, 2003. The C–DAC meeting is expected to last two and a half days.

ADDRESSES: The February meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room N–3437 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include ''Docket No. S–030'' on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S–030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–2625, Washington, DC 20210, telephone (202) 693–2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693–1648.

Electronically, comments may be submitted through OSHA's Webpage at *http://ecomments.osha.gov.* Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693–2345.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register,** page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register,** page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30—August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

The Committee will review draft materials prepared by the Agency on issues discussed at prior meetings and address additional issues. While the pace of the discussions at the C–DAC meetings varies, C–DAC anticipates discussing the following items at the February meeting:

1. Pile Driving Equipment (Scope)
2. Verification criteria for structural adequacy of crane components
3. Overhead and gantry cranes
4. Floating cranes/cranes on barges.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed at future C–DAC meetings will include:

Being Discussed

1. Scope
2. Definitions
3. Assembly & Disassembly (including reeving/rigging)
4. Operation Procedures
5. Signals
6. Operator Qualifications, Training & Testing

7. Inspections
8. Modifications
9. Keeping Clear of the Load
10. Fall Protection
    a. ladder access and cat walks
    b. fall arrest
11. Hoisting Personnel
12. Machine Guarding
13. Qualifications of Maintenance & Repair Workers
14. Work Zone Control
15. Wire Rope
16. Responsibility for environmental considerations, site conditions and ground conditions
17. Operating near Power Lines and related safety devices
18. Derricks
19. Free Fall/Power Down
20. Critical Lifts and Engineered Lifts
21. Signals (standard methods)—B30.5

Additional Subjects (Anticipated Order)

1. Verification criteria for structural adequacy of crane components and stability testing requirements
2. Overhead & Gantry Cranes
3. Floating Cranes, Cranes on Barges
4. Safety Devices: Fail-safe, warning, secondary brake system, and other safety-related devices/technology
5. Tower Cranes
6. Operator Cab Criteria (roll over, visibility, overhead protection)
7. Limited Requirements for cranes with a rated capacity of 2,000 pounds or less

IV. Public Participation

All interested parties are invited to attend these public meetings at the times and places indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advance registration is required. The public must enter the Department of Labor for the February meeting through the 3rd and C Street, NW entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz DelaCruz by telephone at 202–693–2020 or by fax at 202–693–1689 to obtain appropriate accommodations no later than Friday, January 23, 2003. Each C–DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N–2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693–2350. Minutes will also be available on the OSHA Docket webpage: *http://dockets.osha.gov/.*

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738–5320, fax (617) 738–6911.

Signed at Washington, DC, this 31st day of December, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04–361 Filed 1–7–04; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 122303G]

RIN 0648–AP95

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Rebuilding Plan for Red Grouper in the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a Secretarial amendment; request for comments.

SUMMARY: NMFS, acting through the Gulf of Mexico Fishery Management Council (Council), has prepared Secretarial Amendment 1 to the Reef Fish Fishery Management Plan (Secretarial Amendment 1) that would establish a 10–year stock rebuilding plan for red grouper in the Gulf of Mexico. Secretarial Amendment 1 would also establish biological reference points and stock status determination criteria for red grouper consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In addition, Secretarial Amendment 1 would establish measures designed to protect other shallow-water grouper, deep-water grouper, and tilefishes from any potential shifts in fishing mortality that might occur as a result of the red grouper rebuilding plan. The intended effect of Secretarial Amendment 1 is to end overfishing and rebuild the red grouper resource consistent with the requirements of the Magnuson-Stevens Act.

DATES: Comments must be received no later than 4:30 p.m., eastern time, on March 8, 2004.

ADDRESSES: Written comments on Secretarial Amendment 1 must be sent to Phil Steele, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or Internet.

Copies of Secretarial Amendment 1, which includes an environmental assessment, an initial regulatory flexibility analysis, and a regulatory impact review are available from NMFS at the address above.

FOR FURTHER INFORMATION CONTACT: Phil Steele, telephone: 727–570–5305, fax: 727–570–5583, e-mail: *Phil.Steele@noaa.gov*.

SUPPLEMENTARY INFORMATION: The reef fish fishery in the exclusive economic zone of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

Background

In October 2000, NMFS declared that the Gulf stock of red grouper had been overfished and was undergoing overfishing. This determination was based on the results of a 1999 red grouper stock assessment and subsequent analysis by the NMFS Southeast Fisheries Science Center and the Council's Reef Fish Stock Assessment Panel. Subsequently, a 2002 stock assessment found that, although overfishing is still occurring, the stock is in an improved condition and is no longer overfished. However, the stock has not yet reached the biomass level that is capable of producing MSY on a continuing basis (B_{MSY}). Therefore, measures to end overfishing and a rebuilding plan to restore the stock to the B_{MSY} level in 10 years or less are still necessary.

Provisions of Secretarial Amendment 1

Secretarial Amendment 1 proposes to establish a 10–year red grouper rebuilding plan, structured in 3–year intervals, that would end overfishing

and rebuild the stock to MSY. The rebuilding plan seeks to achieve a 9.4–percent reduction in the recreational and commercial harvest of red grouper, relative to the average landings for 1999–2001, during the first 3 years of the 10–year rebuilding plan. Measures to accomplish this reduction equitably for the commercial and recreational sectors of the fishery include (1) establishing a red grouper commercial quota of 5.31 million lb (2.38 million kg), gutted weight; (2) establishing a 2–fish red grouper recreational bag limit (within the aggregate 5–fish grouper bag limit); and (3) including a provision that would close the entire shallow-water grouper commercial fishery when either the red grouper quota or the shallow-water grouper quota is reached. The appropriate measures for the subsequent 3–year intervals, consistent with the overall provisions of the rebuilding plan, would be determined based on the latest stock assessments available at that time.

Secretarial Amendment 1 also includes measures designed to protect other shallow-water grouper, deep-water grouper, and tilefishes from any potential shift in fishing mortality that might result from implementation of the red grouper rebuilding plan. These measures include (1) a reduction of the shallow-water grouper commercial quota from 9.35 million lb (4.24 million kg) to 8.80 million lb (4.0 million kg), gutted weight; (2) a reduction of the deep-water grouper commercial quota from 1.35 million lb (0.61 million kg) to 1.02 million lb (0.46 million kg), dressed weight; and (3) establishment of a commercial quota of 0.44 million lb (0.20 million kg), gutted weight, for all tilefishes in the management unit, combined.

In addition, Secretarial Amendment 1 would establish biological reference points and stock status determination criteria for red grouper (i.e., maximum sustainable yield (MSY), optimum yield (OY), maximum fishing mortality threshold (MFMT), and minimum stock size threshold (MSST)), consistent with the requirements of the Magnuson-Stevens Act.

NMFS has submitted Secretarial Amendment 1 for agency review, approval, and implementation. NMFS is also evaluating the proposed rule that would implement Secretarial Amendment 1 to determine whether it is consistent with the amendment, the Magnuson-Stevens Act, and any other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

NMFS' decision regarding approval of Secretarial Amendment 1 will be based on consideration of comments received on this notice of availability by 4:30 p.m., eastern time, on March 8, 2004. All comments received by NMFS on the amendment or the proposed rule during the respective comment periods will be addressed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 2, 2004.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–379 Filed 1–7–04; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 69, No. 5

Thursday, January 8, 2004

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

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), today denied a petition for trade adjustment assistance (TAA) that was filed on December 3, 2003, by the Olive Growers Council of California, Visalia, California.

SUPPLEMENTARY INFORMATION: Upon investigation, the Administrator could not make a determination that increases in imports during the 2003–2004 marketing year contributed importantly to the decline in producer prices.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, e-mail: *trade.adjustment@fas.usda.gov.*

Dated: December 22, 2003.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 04–352 Filed 1–7–04; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-489–805 and C-489–806]

Notice of Final Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews: Certain Pasta from Turkey

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: On November 17, 2003, the Department of Commerce published in the **Federal Register**, the initiation and preliminary results of the changed circumstances administrative reviews examining whether Tat Konserve Sanayi A.S. is the successor-in-interest to Pastavilla Makarnacilik Sanayi ve Ticaret A.S. We gave interested parties an opportunity to comment on the preliminary results of these reviews, but received no comments. The Department has now completed these reviews in accordance with section 751(b)(1) of the Tariff Act of 1930, as amended. For the final results, the Department of Commerce continues to find that Tat Konserve Sanayi A.S. is the successor-in-interest to Pastavilla Makarnacilik Sanayi ve Ticaret A.S.

DATES: January 8, 2004.

FOR FURTHER INFORMATION CONTACT: Melanie Brown (Countervailing) or Lyman Armstrong (Antidumping), Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4987, or (202) 482–3601, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 17, 2003, the Department of Commerce (''the Department'') published the initiation and the preliminary results of these changed circumstances reviews, finding that Tat Konserve Sanayi A.S. (''Tat'') is the successor-in-interest to Pastavilla Makarnacilik Sanayi ve Ticaret A.S. (''Pastavilla''), and should receive the same antidumping and countervailing duty treatment accorded Pastavilla. *See Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews: Certain Pasta from Turkey* (''Preliminary Results''), 68 FR 64856 (November 17, 2003). We gave interested parties 30 days to comment on our preliminary results. No interested parties provided comments.

Scope of the Reviews

Imports covered by these reviews are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of these reviews are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the orders is dispositive.

Scope Rulings

The Department has issued the following scope ruling to date: (1) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the antidumping and countervailing duty orders. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the antidumping and countervailing duty orders. *See Memorandum from John Brinkman to Richard Moreland*, dated May 24, 1999, in the case file in the Central Records Unit, main Commerce building, room B-099.

Final Results

On the basis of the record developed in these changed circumstances reviews, we find Tat to be the successor-in-interest to Pastavilla for purposes of determining antidumping and countervailing duty liability. For a complete discussion of the basis for this decision see the *Preliminary Results*. Because we received no comments from any party on the *Preliminary Results*, we have adopted the same position for these final results. Therefore, Tat shall

retain the antidumping and countervailing duty cash deposit rates assigned to Pastavilla by the Department in the most recent administrative reviews of the subject merchandise. These cash deposit rates are effective for all shipments of the subject merchandise from Tat entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 19 CFR 351.221(c)(3).

Dated: December 30, 2003.

James J. Jochum,

Acting Assistant Secretary for Import Administration.

[FR Doc. 04–364 Filed 1–7–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Publication of Housing Price Inflation Adjustment Under Public Law 108–189, Section 301

AGENCY: DoD, Office of the Under Secretary (Personnel and Readiness).

ACTION: Notice.

SUMMARY: Section 301 of the Servicemembers Civil Relief Act prevents a landlord, except by court order, from evicting a service member or the dependents of a service member, during a period of military service of the service member, from premises that are occupied or intended to be occupied primarily as a residence. In 2003, this section of the Act applied to monthly rents of $2,400 or less. The law adjusts this maximum amount annually to reflect inflation based upon the consumer price index, and Department of Defense is required to publish the new amount in the **Federal Register** within 60 days of the adjustment made for that year. This notice is published to notify readers of the new amount that will be in effect during calendar year 2004. As of January 1, 2004, the maximum monthly rental amount in subsection 301(a), paragraph (1)(A)(ii), will be $2,465.

EFFECTIVE DATE: January 8, 2004.

FOR FURTHER INFORMATION CONTACT: Lt. Colonel Patrick W. Lindemann, Office of the Under Secretary of Defense (Personnel and Readiness) at (703) 697–3387.

Dated: December 31, 2003.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–351 Filed 1–7–04; 8:45 am]

BILLING CODE 5001–06–M

ENVIRONMENTAL PROTECTION AGENCY

[OA–2003–0008, FRL–7608–4]

Agency Information Collection Activities; Proposed Collection; Comment Request; National Environmental Performance Track (Performance Track) Outreach Award Application, Mentoring Program Registration, and Customer Satisfaction Questionnaire, EPA ICR Number 1949.04

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Environmental Performance Track (Performance Track) Outreach Award Application, Mentoring Program Registration, and Customer Satisfaction Questionnaire (EPA ICR No. 1949.04). This is a request for a new collection. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed collection as described below.

DATES: Comments must be submitted on or before March 8, 2004.

ADDRESSES: Follow the detailed instructions in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Lisa Grogan, Office of Policy, Economics and Innovation, Mail Code 1808T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: 202–566–2981; fax number: 202–566–0292; e-mail address: *Grogan.Lisa@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID No. OA–2003–0008, which is available for public viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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, and the telephone number for the Office of Environmental Information Docket is (202) 566–1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' and then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to OMB and EPA within 60 days of this notice, and according to the following detailed instructions: (1) Mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503, and (2) Submit you comments to EPA online using EDOCKET (our preferred method), by e-mail to: *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Environmental Information Docket, Mail Code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

EPA's policy is that comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov/edocket.*

Affected Entities: Potentially affected entities are facilities and/or organizations that are currently, or are considering becoming, members of EPA's National Environmental Performance Track Program.

Title: National Environmental Performance Track (Performance Track) Outreach Award Application, Mentoring Program Registration, and Customer Satisfaction Questionnaire (EPA ICR Number 1949.04).

Abstract: EPA announced the National Environmental Performance Track Program on June 26, 2000. The program is designed to recognize and encourage facilities that consistently meet their legal requirements, that have implemented management systems to monitor and improve performance, that have voluntarily achieved environmental improvements beyond compliance, and that publicly commit to specific environmental improvements and report on progress. There are currently 309 facilities that are members of this voluntary program. This ICR proposes adding the following three components to the Performance Track Program to strengthen and expand membership:

Performance Track Outreach Award Application

The Performance Track Outreach Award is sponsored by the EPA's Performance Track Program. While Performance Track rewards all members for their commitment to improving their role in protecting the environment, the Outreach Award is a special award offered to current members and partners who are educating the public and encouraging prospective facilities to join Performance Track. Educating prospective facilities on the merits of joining the program helps increase membership in the Performance Track program, which in turn provides additional environmental benefits as more and more facilities make commitments to continuous environmental improvement.

Outreach Award applications are submitted voluntarily by any facility or organization that was a member or partner of Performance Track during the calendar year. To be considered for the award, facilities/organizations may self-nominate or may be nominated by other facilities, local or state entities, or EPA Performance Track staff. Nominating facilities will be asked to complete and submit a short nomination application containing facility and contact information, as well as asking the nominating facility to list activities performed to be considered for the Outreach Award. All applications will be reviewed by a panel of EPA judges and the recipients of the Outreach Award will be announced at the following year's Annual Member Event.

Performance Track Mentoring Program Registration

The Performance Track Mentoring Program is a voluntary program developed to facilitate information sharing among facilities and help potential Performance Track applicants improve their environmental performance and strengthen their Performance Track applications. The Performance Track Mentoring Program is available to any facility that is considering applying to the Performance Track program and that is seeking personal assistance in setting environmental goals from the top performing facilities currently in the program. Facilities seeking to participate in the Performance Track Mentoring Program will be asked to submit a short registration form that includes facility and contact information, whether the facility seeks to serve as a mentor or mentee, and what areas of the Performance Track program the facility wishes to provide/receive assistance. Mentees are matched together with Performance Track sites that volunteer their time and resources to share their experiences and expertise in environmental best practices.

EPA believes establishing a mentor/mentee program will help it increase membership in Performance Track and allow current members to share their expertise in environmental best practices with facilities that are considering becoming members in Performance Track. This sharing of knowledge will facilitate establishment of meaningful and achievable performance goals for potential members, and will provide an additional source of information available to potential members about the Performance Track program's application process. EPA believes this feedback will strengthen the quality of potential members' applications and streamline the application process.

Performance Track Customer Satisfaction Questionnaire

EPA is interested in improving and increasing the value that Performance Track members receive from the Performance Track Program through membership services. EPA plans to gather feedback from all current Performance Track members through a voluntary Customer Satisfaction Questionnaire. Current Performance Track members reflect a broad array of industry categories and their opinions about the program's effectiveness and level of service will be used to shape the development of future member services. The questionnaire will assess the satisfaction level of current members as well as identify improvements to services that the program can implement to increase long-term member satisfaction. The questionnaire will ascertain the following information: Program benefits and services that are important to members; member satisfaction with current services; potential improvements in communicating with members about the program; the level of promotion/publicity that members desire for their participation in the program; and any additional benefits and services that would increase member satisfaction.

The Customer Satisfaction Questionnaire will be administered online, to reduce the burden on respondents and encourage a high response rate. All current members, along with approximately 12 corporate level representatives of participating facilities, will receive e-mail notification with passwords to allow them access to the survey. The questionnaire will be administered for one month to further encourage a high response rate, allowing EPA to accurately assess member satisfaction and desired improvements to the program. The questionnaire responses will be analyzed in a report at the conclusion of the one-month survey period. The questionnaire will serve to assess satisfaction and identify improvements in future years as well, as EPA plans to administer the survey on a biennial schedule.

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, and are identified on the form and/or instrument, if applicable.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The burden for information collection requirements associated with the Outreach Award Application is estimated to be 1.5 hours per respondent. The burden estimate includes time to review the instructions, gather information, and complete and submit the application. EPA plans to collect this information annually and estimates between 27 and 42 respondents per year over the life of this ICR at a cost of $112 per response.

The burden for information collection requirements associated with the Mentoring Program Registration Form is estimated to be 0.25 hours per respondent. The burden estimate includes time to review the registration form, and complete and submit the registration. EPA plans to collect this information annually and estimates between 39 and 60 respondents per year over the life of this ICR at a cost of $19 per response.

The burden for information collection requirements associated with the Customer Satisfaction Questionnaire is estimated to be 0.5 hours per respondent. The burden estimate includes time to read the instructions for the questionnaire and complete the online survey. EPA plans to administer the questionnaire on a biennial schedule and estimates 358 and 554 respondents for year one and year three, respectively, at a cost of $37 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.

Dated: December 19, 2003.

Daniel Fiorino,

Director, Performance Incentives Division.

[FR Doc. 04–375 Filed 1–7–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03–4087]

Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (the ''Commission'') debars Mr. Oscar Alvarez from the schools and libraries universal service support mechanism for a period of three years.

DATES: Debarment commences on the date of Mr. Alvarez' receipt of the debarment letter or January 8, 2004, whichever date comes first, for a period of three years.

FOR FURTHER INFORMATION CONTACT: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6–C326, 445 12th Street, SW., Washington DC 20554. Diana Lee may be contacted by phone at (202) 418–1420 or e-mail at *diana.lee@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission debarred Mr. Oscar Alvarez from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.521 and 47 CFR 0.111(a)(14). The Commission previously suspended Mr. Alvarez from the schools and libraries mechanism, pending debarment proceedings. *See* 68 FR 56836, October 2, 2003. Attached is the debarment letter, *Notice of Debarment,* DA 03–4087, which was mailed to Mr. Alvarez and released on December 23, 2003, that in turn attached the suspension letter, *Notice of Suspension and of Proposed Debarment Proceedings,* DA 03–2706. The complete text of the debarment letter, including attachment 1, the suspension letter, is 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. In addition, the complete text may be retrieved from the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

William H. Davenport,

Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

The debarment letter, which attached the suspension letter, follows:

December 23, 2003.

[DA 03–4087]

Via Certified Mail, Return Receipt Requested

Mr. Oscar Alvarez,
Connect2 Internet Networks, Inc., 26 Bay Street, Staten Island, NY 10301.

Re: Notice of Debarment, File No. EB–03–IHD–0377.

Dear Mr. Alvarez: Pursuant to section 54.521 of the rules of the FederalCommunications Commission (the ''Commission''), by this Notice of Debarment you are hereby debarred from the schools and libraries universal service support mechanism for a period of three years.[1]

On August 21, 2003, the Enforcement Bureau (the ''Bureau'') sent you a Notice of Suspension and Proposed Debarment (the ''Notice of Suspension'').[2] That Notice of Suspension was published in the **Federal Register** on October 2, 2003.[3] The Notice of Suspension suspended you from the schools and libraries universal service support mechanism[4] and described the basis for your proposed debarment,[5] the applicable debarment procedures,[6] and the effect of debarment.[7]

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from the earlier date of your receipt of the Notice of Suspension or publication of the Notice of Suspension in the **Federal Register**.[8] The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, on May 20, 2003, you pled guilty attempting to persuade two school administrators not to show to Commission auditors a letter signed by your employer that falsely represented that the school could participate in the E-Rate program at no cost.[9] Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.521(c)

[1] *See* 47 CFR 0.111(a)(14), 54.521.

[2] Letter from Maureen F. Del Duca, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Oscar Alvarez, Notice of Suspension and Proposed Debarment, 18 FCC Rcd 16668 (2003).

[3] 68 FR 58836 (Oct. 2, 2003).

[4] *See* Notice of Suspension, 18 FCC Rcd at 16668–69 (imposing suspension pending the Bureau's final debarment determination) (Attachment 1).

[5] *See id.,* 18 FCC Rcd at 16669 (describing the basis for your proposed debarment).

[6] *See id.,* 18 FCC Rcd at 16670 (describing procedures to contest proposed debarment).

[7] *See id.* (describing effect of proposed debarment).

[8] *See* 47 CFR 54.521(e)(3) and (4). That date occurred no later than November 1, 2003. *See supra* note 3.

[9] Notice of Suspension, 18 FCC Rcd at 16669.

of the Commission's rules.[10] For the foregoing reasons, you are hereby debarred for a period of three years from the debarment date, *i.e.*, the earlier date of your receipt of this Notice of Debarment or its publication date in the **Federal Register**.[11] Debarment excludes you, for the debarment period, from activities ''associated with or related to the schools and libraries support mechanism,'' including ''the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.'' [12]

Sincerely yours,

William H. Davenport,
Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Joel M. Cohen, Greenberg Traurig, LLP (Via Certified Mail, Return Receipt Requested) Kristy Carroll, USAC (Via E-mail).

Attachment 1

August 21, 2003.

[DA 03–2706]

Via Certified Mail, return receipt requested

Mr. Oscar Alvarez,
Connect2 Internet Networks, Inc., 26 Bay Street, Staten Island, NY 10301.
Re: Notice of Suspension and of Proposed Debarment, File No. EB–03–IHD–0377.

Dear Mr. Alvarez: The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of your May 20, 2003 conviction pursuant to 18 U.S.C. 1512 for misleading conduct toward another person: (1) To influence, delay, or prevent the testimony of any person in an official proceeding; and (2) with the intent to cause and induce another person to alter, destroy, mutilate and conceal objects with the intent to impair the objects' integrity and availability for use in an official proceeding.[13] Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau (''Bureau'') hereby notifies you that we are commencing debarment proceedings against you.[14]

I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,[15] your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[16] Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.[17]

Suspension is immediate pending the Bureau's final debarment determination. You may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.[18] Such requests, however, will not ordinarily be granted.[19] The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.[20] Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[21]

II. Notice of Proposed Debarment

A. Reasons for and Cause of Debarment

The Commission's rules establish procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism'' from receiving the benefits associated with that program.[22] On May 20, 2003, you pleaded guilty to attempting to persuade two school administrators not to show to FCC auditors a letter signed by your employer that falsely represented that the school could participate in the E-Rate program at ''absolutely no cost to the school.'' [23] These actions constitute the conduct or transactions upon which this debarment proceeding is based.[24] Moreover, your conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.[25] Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

B. Debarment Procedures

You may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[26] Absent extraordinary circumstances, the Bureau will debar you.[27] Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.[28] If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of its decision in the **Federal Register**.[29]

C. Effect of Debarment

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for at least three years from the date of debarment.[30] The Bureau may, if necessary to protect the public interest, extend the debarment period.[31]

Please direct any responses to the following address:

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6–C326, 445 12th Street, SW., Washington, DC 20554.

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[10] Notice of Suspension, 18 FCC Rcd at 16669–70; 47 CFR 54.521(c).

[11] *See* Notice of Suspension, 18 FCC Rcd at 16670.

[12] *See* 47 CFR 54.521(a)(1), 54.521(a)(5), 54.521(d); Notice of Suspension, 18 FCC Rcd at 16670.

[13] Any further reference in this letter to ''your conviction'' refers to your May 20, 2003 guilty plea and conviction of this count based on your attempt to persuade two school administrators not to reveal evidence to FCC auditors conducting an official investigation into violations by your employer, Connect2 Internet Networks, Inc. (''Connect2'') of the FCC rules governing the E-Rate schools and libraries internet funding program (''E-Rate program''). *See United States* v. *Alvarez,* Criminal Docket No. 1:03cr634, Felony Information at 1–2 (S.D.N.Y. filed May 20, 2003) (''Alvarez Felony Information'').

[14] 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

[15] 47 CFR 54.521(a)(4). *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225–9227, ¶¶ 67–74 (2003) (''Second Report and Order'').

[16] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502–54.503; 47 CFR 54.521(a)(4).

[17] *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

[18] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

[19] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70.

[20] 47 CFR 54.521(f).

[21] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

[22] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 66.

[23] *See United States* v. *John Angelides, John Dotson, Oscar Alvarez, and Gary Blum,* U.S. District Court, Southern District of New York, Complaint at 29 (S.D.N.Y. filed Dec. 17, 2003). The incriminating letter was signed by John Angelides, owner and CEO of Connect2. *Id.* Further, the conduct for which you were convicted served to conceal and further a fraudulent scheme unlawfully to obtain E-Rate program funds. *See generally id.*

[24] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

[25] ''Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism.'' 47 CFR 54.521(c). Such activities ''include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding schools and libraries support mechanism described in this section ([47 CFR] 54.500 *et seq.*).'' 47 CFR 54.521(a)(1).

[26] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2(i), 54.521(e)(3).

[27] *Second Report and Order,* 18 FCC Rcd at 9227, ¶ 74.

[28] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

[29] *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission.

[30] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

[31] *Id.*

If you submit your response via hand-delivery or non-United States Postal Service delivery (*e.g.*, Federal Express, DHL, etc.), please send your response to Ms. Lee at the following address:

Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743.

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418–1420 or by e-mail at *diana.lee@fcc.gov.* If Ms. Lee is unavailable, you may contact William Davenport by telephone at (202) 418–1420 and by e-mail at *william.davenport@fcc.gov.*

Sincerely yours,

Maureen F. Del Duca,

Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Joel M. Cohen, Greenberg Traurig, LLP, Kristy Carroll, USAC

[FR Doc. 04–367 Filed 1–7–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03–4088]

Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (the ''Commission'') debars Mr. John Angelides from the schools and libraries universal service support mechanism for a period of three years.

DATES: Debarment commences on the date of Mr. Angelides' receipt of the debarment letter or January 8, 2004, whichever date comes first, for a period of three years.

FOR FURTHER INFORMATION CONTACT: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6–C326, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at (202) 418–1420 or e-mail at *diana.lee@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission debarred Mr. John Angelides from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.521 and 47 CFR 0.111(a)(14). The Commission previously suspended Mr. Angelides from the schools and libraries mechanism, pending debarment proceedings. *See* 68 FR 56837, October 2, 2003. Attached is the debarment letter, *Notice of Debarment,* DA 03–4088, which was mailed to Mr. Angelides and released on December 23, 2003, that in turn attached the suspension letter, *Notice of Suspension and of Proposed Debarment Proceedings,* DA 03–2707. The complete text of the debarment letter, including attachment 1, the suspension letter, is 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. In addition, the complete text may be retrieved from the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

William H. Davenport,

Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

The debarment letter, which attached the suspension letter, follows:

December 23, 2003.

[DA 03–4088]

Via Certified Mail, Return Receipt Requested.

Mr. John Angelides,

Chief Executive Officer, Connect2 Internet Networks, Inc., 26 Bay Street, Staten Island, NY 10301.

Re: Notice of Debarment, File No. EB–03–IHD–0376.

Dear Mr. Angelides: Pursuant to section 54.521 of the rules of the Federal Communications Commission (the ''Commission''), by this Notice of Debarment you are hereby debarred from the schools and libraries universal service support mechanism for a period of three years.[1]

On August 21, 2003, the Enforcement Bureau (the ''Bureau'') sent you a Notice of Suspension and Proposed Debarment (the ''Notice of Suspension'').[2] That Notice of Suspension was published in the **Federal Register** on October 2, 2003.[3] The Notice of Suspension suspended you from the schools and libraries universal service support mechanism[4] and described the basis for your proposed debarment,[5] the applicable debarment procedures,[6] and the effect of debarment.[7]

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from your receipt of the Notice of Suspension or publication of the Notice of Suspension in the **Federal Register**, whichever came first.[8] On or about September 22, 2003, the Bureau granted your request to extend the time to contest issues raised in the Notice of Suspension until October 14, 2003.[9] The Bureau received your response on that date.[10] Your Response explicitly states that you do not challenge your debarment.[11] The Response merely ''emphasizes'' that this proceeding is directed ''only against Mr. Angelides.''[12] The Bureau notes that the Notice of Suspension and the Notice of Debarment are addressed to and applicable to you, Mr. Angelides, individually, and not to any other person or entity. Such limitation does not bar the Commission from taking additional enforcement action, subject to its rules, against such other persons or entities.

As discussed in the Notice of Suspension, on May 22, 2003, you pled guilty to charges of falsely representing to schools that they could participate in the E-Rate program at no cost, falsely representing to fund administrators and Government investigators that the schools would pay or had paid their unsubsidized share, falsifying documents, and attempting to persuade school administrators not to reveal evidence to Government investigators in order to conceal the scheme.[13] Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.521(c) of the Commission's rules.[14] For the foregoing reasons, you are hereby debarred for a period of three years from the debarment date, *i.e.*, the earlier date of your receipt of this Notice of Debarment or its publication in the **Federal Register**.[15] Debarment excludes you, for the debarment period, from activities ''associated with or related to the schools and libraries support mechanism,'' including ''the receipt of funds or discounted services through the schools and libraries support mechanism, or

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[1] *See* 47 CFR 0.111(a)(14), 54.521.

[2] Letter from Maureen F. Del Duca, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to John Angelides, Notice of Suspension and Proposed Debarment, 18 FCC Rcd 16672 (2003) (Attachment 1).

[3] 68 FR 56837 (Oct. 2, 2003).

[4] *See* Notice of Suspension, 18 FCC Rcd at 16672–73 (imposing suspension pending the Bureau's final debarment determination).

[5] *See id.,* 18 FCC Rcd at 16673 (describing the basis for your proposed debarment).

[6] *See id.,* 18 FCC Rcd at 16674 (describing procedures to contest proposed debarment).

[7] *See id.,* 18 FCC Rcd at 16674 (describing effect of proposed debarment).

[8] *See* 47 CFR 54.521(e)(3) and (4).

[9] Letter from Karen H. Broomberg, Cohen & Gresser LLP, to Diana Lee, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, dated Sep. 22, 2003.

[10] Letter from Mark S. Cohen, Cohen & Gresser LLP, to Diana Lee, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, dated Oct. 14, 2003 (the ''Response'').

[11] Response at 1 (stating, ''Mr. Angelides does not challenge his individual debarment.'').

[12] *Id.*

[13] Notice of Suspension, 18 FCC Rcd at 16673.

[14] Notice of Suspension, 18 FCC Rcd at 16674; 47 CFR 54.521(c).

[15] *See* Notice of Suspension, 18 FCC Rcd at 16674.

consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.'' [16]

Sincerely yours,

William H. Davenport,

Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Mark S. Cohen, Cohen & Gressler, LLP (Via E-mail and United States Mail), Kristy Carroll, USAC (Via E-mail).

Attachment 1

August 21, 2003.

[DA 03–2707]

Via Certified Mail, Return Receipt Requested.

Mr. John Angelides,

Chief Executive Officer, Connect2 Internet Networks, Inc., 26 Bay Street, Staten Island, NY 10301.

Re: Notice of Suspension and of Proposed Debarment, File No. EB–03–IHD–0376.

Dear Mr. Angelides: The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of your May 22, 2003 conviction under 18 U.S.C. 371 for conspiracy to commit an offense against or to defraud the United States. Specifically, you were convicted of conspiracy to violate the following laws of the United States: (1) 18 U.S.C. 287 (false, fictitious, and fraudulent claims); (2) 18 U.S.C. 1001 (false statements and entries generally); and (3) 18 U.S.C. 1343 (fraud by wire, radio, or television).[17] Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau (''Bureau'') hereby notifies you that we are commencing debarment proceedings against you.[18]

I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,[19] your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[20] Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.[21]

Suspension is immediate pending the Bureau's final debarment determination. You may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.[22] Such requests, however, will not ordinarily be granted.[23] The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.[24] Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[25]

II. Notice of Proposed Debarment

A. Reasons for and Cause of Debarment

The Commission's rules establish procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism'' from receiving the benefits associated with that program.[26] On May 22, 2003, you admitted, among other things, to selling eligible services to certain participating schools through your company Connect2, imposing 100 percent of the cost on the E-Rate program. You admitted to each of the following acts: (1) Falsely representing to the schools that they could participate in the program at no cost to them; (2) falsely representing to fund administrators and Government investigators that the schools would pay or had paid their unsubsidized share; and (3) falsifying documents, as well as attempting to persuade school administrators not to reveal evidence to Government investigators, in order to conceal the scheme.[27] These actions constitute the conduct or transactions upon which this debarment proceeding is based.[28]

Moreover, your conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.[29] Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

B. Debarment Procedures

You may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[30] Absent extraordinary circumstances, the Bureau will debar you.[31] Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.[32] If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or the publication of its decision in the **Federal Register**.[33]

C. Effect of Debarment

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for at least three years from the date of debarment.[34] The Bureau may, if necessary to protect the public interest, extend the debarment period.[35]

Please direct any responses to the following address:

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6–C326, 445 12th Street, SW., Washington, DC 20554.

If you submit your response via hand-delivery or non-United States Postal Service delivery (*e.g.*, Federal Express, DHL, etc.), please send your response to Ms. Lee at the following address:

Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743.

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418–1420 or by e-mail at *diana.lee@fcc.gov.* If Ms.

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[16] *See* 47 CFR 54.521(a)(1), 54.521(a)(5), 54.521(d); Notice of Suspension, 18 FCC Rcd at 16674.

[17] Any further reference in this letter to ''your conviction'' refers to your May 22, 2003 guilty plea and conviction on this count based on your fraudulent scheme to obtain schools and libraries E-Rate program funds. *See United States* v. *Angelides,* Docket No. 1:03cr635, Felony Information (S.D.N.Y. filed May 20, 2003) (''Angelides Felony Information'').

[18] 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

[19] 47 CFR 54.521(a)(4). *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225–9227, ¶¶ 67–74 (2003) (''Second Report and Order'').

[20] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502–54.503; 47 CFR 54.521(a)(4).

[21] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

[22] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

[23] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70.

[24] 47 CFR 54.521(f).

[25] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

[26] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 66.

[27] *See Angelides Felony Information* at 3–11.

[28] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

[29] ''Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism.'' 47 CFR 54.521(c). Such activities ''include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding schools and libraries support mechanism described in this section ([47 CFR] § 54.500 *et seq.*).'' 47 CFR 54.521(a)(1).

[30] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

[31] *Second Report and Order,* 18 FCC Rcd at 9227, ¶ 74.

[32] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

[33] *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.521(f).

[34] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

[35] *Id.*

Lee is unavailable, you may contact William Davenport by telephone at (202) 418–1420 and by e-mail at *william.davenport@fcc.gov.*

Sincerely yours,

Maureen F. Del Duca,
Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Mark S. Cohen, Cohen & Gressler, LLP, Kristy Carroll, USAC.

[FR Doc. 04–366 Filed 1–7–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03–4089]

Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (the ''Commission'') debars Mr. Duane Maynard from the schools and libraries universal service support mechanism for a period of three years.

DATES: Debarment commences on the date of Mr. Maynard's receipt of the debarment letter or January 8, 2004, whichever date comes first, for a period of three years.

FOR FURTHER INFORMATION CONTACT: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6–C326, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at (202) 418–1420 or e-mail at *diana.lee@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission debarred Mr. Duane Maynard from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.521 and 47 CFR 0.111(a)(14). The Commission previously suspended Mr. Maynard from the schools and libraries mechanism, pending debarment proceedings. *See* 68 FR 56839, October 2, 2003. Attached is the debarment letter, *Notice of Debarment,* DA 03–4089, which was mailed to Mr. Maynard and released on December 23, 2003, that in turn attached the suspension letter, *Notice of Suspension and of Proposed Debarment Proceedings,* DA 03–2882. The complete text of the debarment letter, including attachment 1, the suspension letter, is 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. In addition, the complete text may be retrieved from the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

William H. Davenport,

Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

The debarment letter, which attached the suspension letter, follows:

December 23, 2003.

[DA 03–4089]

Via Certified Mail, Return Receipt Requested.

Mr. Duane Maynard,
Howe Electric, Inc., 4682 E. Olive Ave., Fresno, CA 93702.

Re: Notice of Debarment, File No. EB–03–IHD–0387

Dear Mr. Maynard: Pursuant to section 54.521 of the rules of the Federal Communications Commission (the ''Commission''), by this Notice of Debarment you are hereby debarred from the schools and libraries universal service support mechanism for a period of three years.[1]

On September 11, 2003, the Enforcement Bureau (the ''Bureau'') sent you a Notice of Suspension and Proposed Debarment (the ''Notice of Suspension'').[2] That Notice of Suspension was published in the **Federal Register** on October 2, 2003.[3] The Notice of Suspension suspended you from the schools and libraries universal service support mechanism[4] and described the basis for your proposed debarment,[5] the applicable debarment procedures,[6] and the effect of debarment.[7]

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from the earlier date of your receipt of the Notice of Suspension or publication of the Notice of Suspension in the **Federal Register**.[8] The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, on August 26, 2003, you pled guilty to participating in a combination and conspiracy with West Fresno Elementary School District representatives, a consultant, and others representing potential competitors, on behalf of your employer, Howe Electric Inc. (''Howe''), so that: (1) Howe would be the successful bidder to provide goods and services for the schools and libraries E-Rate project in the district, while no other co-conspirator companies would bid for the project; (2) certain co-conspirator companies would be Howe's subcontractors; and (3) any competing bids would be disqualified as nonresponsive.[9] Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.521(c) of the Commission's rules.[10] For the foregoing reasons, you are hereby debarred for a period of three years from the debarment date, *i.e.*, the earlier date of your receipt of this Notice of Debarment or its publication date in the **Federal Register**.[11] Debarment excludes you, for the debarment period, from activities ''associated with or related to the schools and libraries support mechanism,'' including ''the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.''[12]

Sincerely yours,

William H. Davenport,
Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Kenneth Alan Reed, Law Office of Kenneth Alan Reed (Via Certified Mail, Return Receipt Requested), Kristy Carroll, USAC (Via e-mail).

Attachment 1

September 11, 2003.

[DA 03–2882]

Via Certified Mail, Return Receipt Requested.

Mr. Duane Maynard,
Howe Electric, Inc., 4682 E. Olive Ave., Fresno, CA 93702.

Re: Notice of Suspension and of Proposed Debarment, File No. EB–03–IHD–0387

Dear Mr. Maynard: The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of your August 26, 2003 conviction pursuant to 15 U.S.C. 1 for bid rigging.[13] Consequently,

[1] *See* 47 CFR 0.111(a)(14), 54.521.

[2] Letter from Maureen F. Del Duca, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Duane Maynard, Notice of Suspension and Proposed Debarment, 18 FCC Rcd 18684 (2003).

[3] 68 FR 56839 (Oct. 2, 2003).

[4] *See* Notice of Suspension, 18 FCC Rcd at 18684–85 (imposing suspension pending the Bureau's final debarment determination) (Attachment 1).

[5] *See id.,* 18 FCC Rcd at 18685–86 (describing the basis for your proposed debarment).

[6] *See id.,* 18 FCC Rcd at 18686 (describing procedures to contest proposed debarment).

[7] *See id.* (describing effect of proposed debarment).

[8] *See* 47 CFR 54.521(e)(3) and (4). That date occurred no later than November 1, 2003. *See supra* note 3.

[9] Notice of Suspension, 18 FCC Rcd at 18685.

[10] Notice of Suspension, 18 FCC Rcd at 18685–86; 47 CFR 54.521(c).

[11] *See* Notice of Suspension, 18 FCC Rcd at 18686.

[12] *See* 47 CFR 54.521(a)(1), 54.521(a)(5), 54.521(d); Notice of Suspension, 18 FCC Rcd at 18686.

[13] Any further reference in this letter to ''your conviction'' refers to your August 26, 2003 guilty plea and conviction of this count based on your participation, on behalf of your employer, Howe Electric, Inc., in a ''combination and conspiracy to suppress bidding for the West Fresno Elementary School District E-Rate project and to allocate among conspirators the responsibility for supplying goods and services for that project.'' *See United States* v.

Continued

pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau (''Bureau'') hereby notifies you that we are commencing debarment proceedings against you.[14]

I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,[15] your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[16] Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.[17]

Suspension is immediate pending the Bureau's final debarment determination. You may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.[18] Such requests, however, will not ordinarily be granted.[19] The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.[20] Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[21]

II. Notice of Proposed Debarment

A. Reasons for and Cause of Debarment

The Commission's rules establish procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism'' from receiving the benefits associated with that program.[22] On August 26, 2003, you admitted to participating in a combination and conspiracy with West Fresno Elementary School District representatives, a consultant and others representing potential competitors, on behalf of your employer, Howe Electric, Inc.[23] Specifically, you admitted that you and the other co-conspirators combined, conspired, and agreed that: (1) Howe Electric, Inc. would be the successful bidder to provide goods and services for the schools and libraries E-Rate project in the district, while no other co-conspirator companies would bid for the project; (2) certain co-conspirator companies would be Howe Electric's subcontractors; and (3) any competing bids would be disqualified as nonresponsive.[24] These actions constitute the conduct or transactions upon which this debarment proceeding is based.[25] Moreover, your conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.[26] Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

B. Debarment Procedures

You may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[27] Absent extraordinary circumstances, the Bureau will debar you.[28] Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.[29] If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of its decision in the **Federal Register**.[30]

C. Effect of Debarment

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for at least three years from the date of debarment.[31] The Bureau may, if necessary to protect the public interest, extend the debarment period.[32]

Please direct any responses to the following address:

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6–C326, 445 12th Street, SW., Washington, DC 20554.

If you submit your response via hand-delivery or non-United States Postal Service delivery (*e.g.*, Federal Express, DHL, etc.), please send your response to Ms. Lee at the following address:

Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743.

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418–1420 or by e-mail at *diana.lee@fcc.gov.* If Ms. Lee is unavailable, you may contact William Davenport by telephone at (202) 418–1420 and by e-mail at *william.davenport@fcc.gov.*

Sincerely yours,

Maureen F. Del Duca,
Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Kenneth Alan Reed, Law Office of Kenneth Alan Reed, Kristy Carroll, USAC.

[FR Doc. 04–365 Filed 1–7–04; 8:45 am]

BILLING CODE 6712–01–P

Maynard, Criminal Docket No. 1:03cr5325, Information at 2–3 (E.D.Cal. filed August 19, 2003) (''Maynard Felony Information''); *United States* v. *Maynard,* Criminal Docket No. 1:03cr5325, Plea Agreement at 6–7 (E.D.Cal. filed August 26, 2003) (''*Maynard Plea Agreement*'').

[14] 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

[15] 47 CFR 54.521(a)(4); *Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225–27, ¶¶ 67–74 (2003) (''*Second Report and Order*''); *id.* at Appendix B, 18 FCC Rcd at 9263–65.

[16] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502–54.503; 47 CFR 54.521(a)(4).

[17] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

[18] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

[19] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70.

[20] 47 CFR 54.521(f).

[21] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

[22] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 66.

[23] *See United States* v. *Maynard,* Criminal Docket No. 1:03cr5325, Docket Proceedings (E.D.Cal. filed August 26, 2003).

[24] *See Maynard Felony Information* at 3; *Maynard Plea Agreement* at 6–7. The conspiracy violated the Commission's competitive bid requirements for telecommunications services supported by the schools and libraries E-Rate program. 47 CFR 54.504.

[25] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

[26] ''Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism.'' 47 CFR 54.521(c). Such activities ''include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding schools and libraries support mechanism described in this section ([47 CFR] § 54.500 *et seq.*).'' 47 CFR 54.521(a)(1).

[27] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2(i), 54.521(e)(3).

[28] *Second Report and Order,* 18 FCC Rcd at 9227, ¶ 74.

[29] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

[30] *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.521(f).

[31] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

[32] *Id.*

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act; Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, January 13, 2004, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single

vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda

Memorandum and resolution re: Final Rule on Deposit Insurance Coverage of Living Trust Accounts.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); (202) 416–2007 (TTY), to make necessary arrangements.

Request for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–3742.

Dated: January 6, 2004.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 04–516 Filed 1–6–04; 3:58 pm]

BILLING CODE 6714–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice; Announcing an Open Meeting of the Board of Directors

TIME AND DATE: The meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, January 14, 2004.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED: *Capital Plan Amendment for the Federal Home Loan Bank of Atlanta.* Consideration of an amendment to reorganize the Atlanta Bank capital plan to provide more detail on certain current procedures and make other changes.

Appointment of Federal Home Loan Bank Directors. Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) requires the agency to appoint public interest directors to the boards of directors of the Federal Home Loan Banks.

FOR FURTHER INFORMATION CONTACT: Mary Gottlieb, Paralegal Specialist, Office of General Counsel, by telephone at (202) 408–2826 or by electronic mail at *gottliebm@fhfb.gov.*

Dated: January 6, 2004.

By the Federal Housing Finance Board.

Arnold Intrater,

General Counsel.

[FR Doc. 04–478 Filed 1–6–04; 2:27 pm]

BILLING CODE 6725–01–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Notice; Announcing a Public Hearing on Corporate Governance of the Federal Home Loan Banks

TIME AND DATE: The public hearing is scheduled to begin at 10 a.m. on Friday, January 23, 2004.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: The entire hearing will be open to the public.

MATTERS TO BE CONSIDERED: *Corporate Governance of the Federal Home Loan Banks (Banks)*: The purpose of the hearing is to assess the current state of corporate governance of the Banks and to solicit proposals for both statutory and regulatory reform aimed at enhancing Bank governance.

CONTACT PERSONS: For general information contact Mary H. Gottlieb, Paralegal Specialist, Office of General Counsel, by telephone at (202) 408–2826 or by electronic mail at *gottliebm@fhfb.gov.* Submit requests to testify and copies of testimony to Shane Goettle, Counsel to the Chairman, by telephone at (202) 408–2829 or by electronic mail at *goettles@fhfb.gov.*

Dated: January 6, 2004.

By the Federal Housing Finance Board.

Arnold Intrater,

General Counsel.

[FR Doc. 04–479 Filed 1–6–04; 2:27 pm]

BILLING CODE 6725–01–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 February 2, 2004.

A. Federal Reserve Bank of New York (Jay Bernstein, Bank Supervision Officer) 33 Liberty Street, New York, New York 10045-0001:

1. Lakeland Bancorp, Inc., Oak Ridge, New Jersey; to merge with Newton Financial Corporation, and thereby indirectly acquire Newton Trust Company, both of Newton, New Jersey.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Bancorp of Winona, Inc., Winona, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Winona, Winona, Mississippi.

C. Federal Reserve Bank of Kansas City (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Bank of Choice Holding Company, Evans, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Weld County Bank, Evans, Colorado.

Board of Governors of the Federal Reserve System, January 2, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–353 Filed 1–7–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[Docket No. 9300]

Chicago Bridge & Iron Company N.V., et al; Public Comment on Consent Agreement and Interim Consent Order

AGENCY: Federal Trade Commission.

ACTION: Order Accepting Consent Agreement for Public Comment and Issuing Interim Consent Order.

SUMMARY: On December 12, 2003, Complaint Counsel and Respondents in this matter filed a Joint Motion To Accept Interim Consent Order, and on December 19, 2003, the Commission issued an Order Accepting Consent Agreement for Public Comment and Issuing Interim Consent Order. This Notice describes the terms of the Interim Consent Order.

DATES: Comments must be received on or before January 15, 2004.

ADDRESSES: Comments filed in paper form should be mailed or delivered, as prescribed in the Supplementary Information section, to the following address: Federal Trade Commission/ Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form (except comments containing any confidential material) should be sent, as prescribed in the Supplementary Information section, to the following email box: *consentagreement@ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Donald S. Clark, Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2514.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 3.25 of the Commission Rules of Practice, 16 CFR 3.25, notice is hereby given that the above-captioned Consent Agreement has been accepted for public comment; that the above-captioned Interim Consent Order has been issued by the Commission; and that both documents have been placed on the public record for a period ending on January 15, 2004. The Interim Consent Order is set forth below. In addition, electronic copies of the Interim Consent Order and other relevant documents can be obtained from the FTC Home Page (for January 2, 2004), on the World Wide Web, at *http://www.ftc.gov/os/2004/01/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Comments from members of the public are invited, and may be filed with the Commission in either paper or electronic form.

1. A public comment filed in paper form should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.'' [1]

2. A public comment that does not contain any material for which confidential treatment is requested may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word), as part of or as an attachment to an e-mail message sent to the following e-mail box: *consentagreement@ftc.gov.*

3. Regardless of the form in which they are filed, all timely comments will be considered by the Commission, and will be available (with confidential material redacted) for public inspection and copying on the Commission Web site at *http://www.ftc.gov* and at its principal office. As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives, before placing those comments on the FTC Web site.

Interim Consent Order

This matter having been heard by the Commission upon Respondents' and Complaint Counsel's stipulation that the following Interim Consent Order (''Order'') be issued and be effective upon service pending the issuance of a Final Order and Opinion of the Commission in this matter, which is still forthcoming,

It is hereby ordered:

A. Respondents shall prevent the destruction, removal, wasting, deterioration, sale, disposition, transfer, or impairment of the PDM Assets, except in the ordinary course of business or for ordinary wear and tear. ''PDM Assets'' means all right, title, and interest in and to all assets, tangible or intangible, acquired by CB&I from PDM in the Acquisition, and any improvements or additions made to such assets by CB&I subsequent to February 7, 2001, including but not limited to:

1. All real property (including fee simple interests and real property leasehold interests), including, but not limited to, the fabrication facilities located at Provo, Utah; Clive, Iowa; and Warren, Pennsylvania;

2. All personal property, including machinery and equipment;

3. All inventories, stores, and supplies;

4. All rights under any contract, including, but not limited to, any lease, customer contracts, supply agreement, sole-source arrangement, and procurement contract;

5. All intellectual property;

6. All governmental approvals, consents, licenses, permits, waivers, or other authorizations;

7. All rights under warranties and guarantees, express or implied;

8. All items of prepaid expense; and

9. All books, records, and files (electronic and hard copy) relating to the foregoing.

B. In the event that Respondents decide to remove, sell, cease operations of, lease, assign, transfer, license, or otherwise dispose of any assets, tangible or intangible, at its Provo, Utah fabrication facility, Respondents shall notify the Secretary, Complaint Counsel, and the Compliance Division not later than sixty (60) days before taking such action. Nothing herein shall be construed to preclude the Commission from seeking judicial relief, if warranted, to block such action.

C. Respondents shall take such steps to notify its employees at the Provo fabrication facility that CB&I has no present intention of removing, selling, ceasing operations of, leasing, assigning, transferring, licensing, or otherwise disposing of the Provo fabrication facility. Such actions shall include:

1. notifying its current employees at the Provo fabrication facility in writing that any outstanding notice to terminate their employment or suspend operations at the Provo facility is rescinded and that operations of the Provo facility shall continue until further notice, consistent with CB&I's press release dated December 9, 2003;

2. retract any notices made pursuant to the Worker Adjustment and Retraining Notification (WARN) Act concerning the proposed temporary suspension of operations at the Provo facility.

D. Nothing in this Order shall be interpreted to decide any issues or grant Respondents any authority as to any

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must also be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

issues that are not expressly stated or addressed herein.

It is further ordered that Respondents shall provide a copy of this Order to each of Respondents' officers, employees, or agents having managerial responsibility for any of Respondents' obligations under this Order, no later than five (5) days from the date this Order becomes final.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 04–357 Filed 1–7–04; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[2003–N01]

Notice of Intent To Prepare an Environmental Impact Statement for the Andrade Port of Entry Expansion/Renovation

AGENCY: General Services Administration (GSA).

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) for the expansion/renovation of the Andrade Port of Entry (POE).

SUMMARY: The action to be evaluated by this EIS is the expansion/renovation of the existing Andrade POE, located in Andrade, California, to improve the safety, security, and operations of the POE, and to maintain control over ever-present illegal activities at the border. The facility serves vehicular and pedestrian traffic into and out of the Mexican town of Algodones. Expansion/renovation of this facility is proposed to respond to the substantial increase in the flow of both vehicles and pedestrians. The existing POE facility is not equipped to process the number of vehicles and pedestrians anticipated at a level of service consistent with the Federal Inspection Service minimum standards for processing time and overall operational efficiency. The current facility layout requires northbound pedestrians to cross both lanes of SR–186 upon exiting the pedestrian inspection facility, which impedes vehicle circulation, hinders vehicle inspection efficiency, and presents a hazard to those pedestrians.

Alternatives: Four build alternatives for the proposed project are currently under consideration and will be analyzed in the EIS for potential environmental impacts. In addition, the ''no build'' alternative will be analyzed. Alternatives 1 and 2, located on Fort Yuma (Quechan) Indian Reservation land, would expand the existing facility on additional property immediately north and west of the existing site. These two alternatives differ in how traffic would flow through the facility. Alternative 3, also located on Fort Yuma (Quechan) Indian Reservation land, would construct a new facility immediately across the Alamo Canal, east of the existing facility. A bridge over the canal would connect the new facility to the existing roadway. Alternative 4 would leave the existing facility in place, and construct a new facility east of Algodones on the Arizona side of the Colorado River, connecting with Algodones via a bridge. Land in this area is privately owned. Under Alternative 4, both POE's would remain open, but the majority of vehicular traffic would be expected to pass through the new facility.

The EIS will address the potential environmental impacts of the alternatives for the proposed project, including: land use, visual and aesthetic resources, cultural and historic resources, traffic and public safety, air quality during construction and operation, noise, biological resources, geology and soils, water resources, and infrastructure and utilities. The EIS will also address the socioeconomic and environmental justice effects of the potential expansion/renovation of the Andrade POE.

Public Involvement: The views and comments of the public are necessary in determining the scope and content of the environmental analysis in connection with the proposed project. A public scoping meeting for the proposed project will be held on January 7, 2004, from 3 p.m. to 6 p.m. at the Shilo Inn, Yuma Room, 1550 South Castle Dome Road, Yuma, AZ, 85365 (near 16th Street exit from Interstate 8). Interested parties may attend to present questions and concerns that they believe should be addressed in the EIS. Comments and questions can also be submitted to the Point of Contact listed below. Due to time limits mandated by federal law, responses to scoping are requested no later than 30 days after publication of this notice. It is anticipated that the Draft EIS will be available for public review and comment in September 2004.

If you require additional information regarding the public scoping meeting or proposed project, or require special assistance to attend the meeting, please contact the GSA or visit our Web site: *http://hydra.gsa.gov/regions/r9/Andrade.*

Point of Contact: Ramon D. Riesgo, Border Station Program, GSA, Desert Service Center, 401 West ''A'' Street, Suite 2075, San Diego, CA 92101–8843, (619) 557–5092 voice, (619) 557–2928 facsimile.

Peter G. Stamison,

Regional Administrator, Pacific Rim Region, General Services Administration.

[FR Doc. 04–377 Filed 1–7–04; 8:45 am]

BILLING CODE 6820–XX–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Revision of Optional Form 522

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Notice.

SUMMARY: The Interagency Committee on Medical Records revised Optional Form 522, Medical Record—Request for Administration of Anesthesia and for Performance of Operations and Other Procedures to add different types of operations or procedures and elaborate on counseling. You can obtain the updated form in two ways:

On the Internet. Address: *http://www.gsa.gov/forms/* or;

From GSA, Forms-MCF, Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

DATES: Effective January 8, 2004.

Dated: December 23, 2003.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 04–371 Filed 1–7–04; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Development and Support of Research Agenda Needs Related to Injury Prevention and Control

Announcement Type: Competing Continuation.

Funding Opportunity Number: 04065.

Catalog of Federal Domestic Assistance Number: 93.136.

Key Dates:

Letter of Intent Deadline: February 9, 2004.

Application Deadline: March 8, 2004.

I. Funding Opportunity Description

Authority: This program is authorized under sections 301(a) and 391(a) of the Public Health Service Act, [42 U.S.C. section 280b(a)], as amended.

Purpose: The purpose of this cooperative agreement is to assist an injury control research group to promote collaborative, educational, and scholarly activity in defining the research and training needs for injury control professionals and in developing the field of injury prevention and control. In addition, this cooperative agreement will assist an injury control research group in synthesizing the expertise of the multiple disciplines of injury control, in disseminating injury research findings, and in serving as a resource for injury researchers and practitioners, all within the context of building and sustaining the field of injury prevention and control.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Injury Prevention and Control (NCIPC):

Increase the capacity of injury prevention and control programs to address the prevention of injuries and violence.

Activities: Awardee activities for this program are as follows:

- Promote collaborative, educational, and scholarly activity in defining the research and training needs of injury control professionals and in developing the field of injury prevention and control, both clinician and practitioner-oriented, through program development, teaching, and other activities drawing upon expertise from multiple disciplines, settings and perspectives.
- Facilitate dissemination of the injury research findings of both the federally and non-federally funded community of injury control researchers to enable improvements in injury control policies and programs.
- Provide a coordinated resource to other researchers and practitioners in accessing expertise in the development of program activities.
- Sustain a focus on teaching the next generation of injury researchers and practitioners by participating in the development of improved educational opportunities in appropriate disciplines.
- Promote rigorous evaluation of injury control initiatives through development and dissemination of improved methodologies for program implementation and evaluation.
- Maintain active liaisons with other organizations, institutions, and agencies whose purposes and functions are similar in order to develop a more comprehensive presence in ongoing discussions defining injury-related issues.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

- Provide assistance in defining the research and training needs of injury control professionals in the developing field of injury prevention and control.
- Provide assistance in the provision of a coordinated resource to other researchers, practitioners, and decision makers in accessing the expertise of the multiple disciplines of the field of injury prevention and control.
- Provide continuing updates on scientific and operational developments related to injury prevention and control as part of a shared dissemination strategy.

II. Award Information

Type of Award: Cooperative Agreement.

CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: FY 2004.

Approximate Total Funding: $250,000.

Approximate Number of Awards: One award.

Approximate Average Award: $250,000.

Floor of Award Range: $250,000.

Ceiling of Award Range: $250,000.

If you request a funding amount greater than the ceiling of the award range, your application will be considered non-responsive and will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Anticipated Award Date: July 30, 2004.

Budget Period Length: Twelve months.

Project Period Length: Five years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

Eligible applicants: Applications may be submitted by public and private nonprofit organizations and by governments and their agencies, such as:

- Public nonprofit organizations
- Private nonprofit organizations
- Small, minority, women-owned businesses
- Universities
- Colleges
- Research institutions
- Hospitals
- Community-based organizations
- Faith-based organizations
- Federally recognized Indian tribal governments
- Indian tribes
- Indian tribal organizations
- State and local governments or their Bona Fide Agents (this includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau)
- Political subdivisions of States (in consultation with States)

A Bona Fide Agent is an agency/organization identified by the State as eligible to submit an application under the State eligibility in lieu of a State application. If you are applying as a bona fide agent of a State or local government, you must provide a letter from the State or local government as documentation of your status. Place this documentation behind the first page of your application form.

Other Eligibility Requirements: If your application is incomplete or non-responsive to the requirements listed below, it will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Non-profit organizations must have their tax-exempt status as determined by the Internal Revenue Service (IRS) Code, section 501(c). Tax-exempt status may either be provided by submitting a copy of the current IRS Determination Letter or a copy of the pages from the IRS most recent list of 501(c) tax-exempt organization. Proof of tax-exempt status must be provided with the application.

Cost Sharing or Matching: Matching funds are not required for this program.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

Letter of Intent (LOI): CDC requests that you send a LOI if you intend to apply for this program. Your LOI will be used to gauge the level of interest in this

program, and to allow CDC to plan the application review. Your LOI must be written in the following format:

- Maximum number of pages: Two
- Font size: 12-point unreduced
- Paper size: 8.5 by 11 inches
- Single spaced
- Page margin size: 1 inch
- Printed only on one side of page
- Written in English, avoid jargon

Your LOI must contain the following information:

- Number and title of this Program Announcement (PA #04065)
- Description of the proposed activities
- Name, address, e-mail address, and telephone number of the Principal Investigator
- Names of other key personnel
- Participating institutions

LOI Deadline Date: February 9, 2004.

LOI Submission Address: Submit your LOI by express mail, delivery service, fax or e-mail to: Tom Voglesonger, Project Officer, CDC, NCIPC, 4770 Buford Highway, M/S: K–02, Atlanta, GA 30341–3724, Telephone: (770) 488–4823, E-mail: *tdv1@cdc.gov.*

How To Obtain Application Forms and Instructions: To apply for this funding opportunity use application form PHS 398. Application forms and instructions are available on the CDC Web site, at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: (770) 488–2700. Application forms can be mailed to you.

Content and Form of Submission: This program announcement is the definitive guide on application format, content, and deadlines. It supersedes information provided in the application instructions. If there are discrepancies between the application form instructions and the program announcement, adhere to the guidance in the program announcement.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.*

If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, and/or include your DUNS number in your application cover letter.

You must submit a signed original, and two copies of your application forms. You must include a project narrative with your application forms. Your narrative must be submitted in the following format:

- Maximum number of pages: 40 pages if your narrative exceeds the page limit, only the first pages, which are within the page limit, will be reviewed.
- Font size: 12 point unreduced
- Paper size: 8.5 by 11 inches
- Page margin size: one inch
- Printed only on one side of page
- Held together only by rubber bands or metal clips; not bound in any other way.

Your narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

- Face page
- Description (abstract) and personnel
- Table of contents
- Detailed budget for the initial budget period: The budget should reflect the composite figures for the cooperative agreement as well as breakdown budgets for individual projects within the cooperative agreement
- Budget for the entire proposed project period including budgets pertaining to consortium/contractual arrangements
- Biographical sketches of key personnel, consultants, and collaborators
- Other support: This listing should include all other funds or resources pending or currently available. For each grant or contract, include source of funds, amount of funding (indicate whether pending or current), date of funding (initiation and termination), and relationship to the proposed program
- Resources and environment available to carry out described activities.
- Operational plan including:
- A detailed operational plan including value to field, and specific, measurable, and time-framed objectives consistent with the proposed activities for each project within the proposed cooperative agreement.
- A detailed evaluation plan that addresses outcome and cost-effectiveness evaluation as well as formative, efficacy, and process evaluation.
- A description of the organization and its role in implementing and evaluating the proposed programs. The applicant should clearly specify how disciplines would be integrated to achieve the coordinating organization's objectives. Charts showing the proposed organizational structure of the coordinating organization and its relationship to any broader institution of which it is a part, and, where applicable, to affiliate institutions or collaborating organizations. These charts should clearly detail the lines of authority as they relate to the coordinating organization, both structurally and operationally.
- Documentation of the public health agencies and other public and private sector entities' involvement in the proposed program, including letters that detail commitments of support and a clear statement of the role, activities, and participating personnel of each agency or entity.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application, which are made available to outside reviewing groups. To exercise this option: on the original and two copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; the subtotals must still be shown. In addition, the applicant must submit an additional copy of page four of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

Funding restrictions, which must be taken into account while writing your budget, are as follows: None.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement must be less than 12 months of age.

Guidance for completing your budget can be found on the CDC web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes: Curriculum Vitae, Resumes, Organizational Charts and Letters of Support.

Submission Date, Time, and Address:

Application Deadline Date: March 8, 2004.

Application Submission Address: Submit your application by mail or express delivery service to: Technical Information Management—PA#04065, Centers for Disease Control and Prevention, Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

Applications may not be submitted electronically.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This program announcement is the definitive guide on application format, content, and deadlines. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that you did not meet the submission requirements.

CDC will not notify you upon receipt of your application. If you have a question about the receipt of your application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

Review Criteria: You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

Your application will be evaluated against the following criteria:

1. Operational Plan (40 percent). Does the applicant provide an operational plan, which addresses achievement of each of the objectives proposed? Does the applicant provide a description of each component or major activity, how it relates to objectives, and how it will be accomplished? Does the plan include a detailed time-line for completion of each component or major activity?

2. Administration and Management (20 percent). Are the proposed organizational structure and management control systems reasonable and adequate? Is the proposed staffing adequate for completion of activities under this program announcement?

3. Evaluation Plan (20 percent). Does the evaluation plan provide an adequate basis for monitoring and evaluating proposed activities?

4. Scope, Goals, and Objectives (15 percent). Does the applicant provide relevant long-term goals and short-term objectives, which are specific, measurable, time-phased, and achievable?

5. Background and Need (5 percent). Does the applicant's experience in related projects, context, and needs match the purpose of this program announcement?

6. Budget (not scored). Is the budget, reasonable, clearly justified, and consistent with stated objectives and proposed activities?

Review and Selection Process: An objective review panel will evaluate your application according to the criteria listed above.

VI. Award Administration Information

Award Notices: Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Administrative and National Policy Requirements: 45 CFR Part 74 and 92.

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–10 Smoke-Free Workplace Requirements
- AR–11 Healthy People 2010
- AR–12 Lobbying Restrictions
- AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
- AR–15 Proof of Non-Profit Status
- AR–20 Conference Support
- AR–21 Small, Minority, and Women-Owned Business
- AR–22 Research Integrity
- AR–23 States and Faith-Based Organizations
- AR–24 Health Insurance Portability and Accountability Act Requirements
- AR–25 Release and Sharing of Data

Additional information on these requirements can be found on the CDC Web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

Reporting Requirements: You must provide CDC with an original, plus two copies of the following reports:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

f. Measure of effectiveness.

2. Financial status report, no more than 90 days after the end of the budget period.

3.Final financial and performance reports, no more than 90 days after the end of the project period.

VII. Agency Contacts

For general questions about this announcement, contact: Technical Information Management Section (PA# 04065), Centers for Disease Control and Prevention, Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: (770) 488–2700.

For program technical assistance, contact: Tom Voglesonger, Project Officer, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mailstop K–02, Atlanta, GA 30341–3724, Telephone: (770) 488–4823, E-mail address: *tdv1@cdc.gov.*

For budget assistance, contact: Van King, Grants Management Specialist, Centers for Disease Control and

Prevention, Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: (770) 488–2751, E-mail: *VBK5@cdc.gov.*

Dated: December 31, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–358 Filed 1–7–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National On-line Resource Center for Violence Against Women

Announcement Type: New.

Funding Opportunity Number: 04066.

Catalog of Federal Domestic Assistance Number: 93.136.

Key Dates:

Letter of Intent Deadline: January 23, 2004.

Application Deadline: March 8, 2004.

I. Funding Opportunity Description

Authority: This program is authorized under section 317(k) of the Public Health Service Act, (42 U.S.C. 247b(k)).

Purpose: The purpose of this program is to support an on-line, publicly accessible collection of resources and discussion forums on violence against women (VAW) within an organization that currently manages an on-line collection. This program will utilize current technology to build the capacity of local, state, national and tribal agencies and organizations to develop, implement and evaluate VAW prevention initiatives and intervention programs.

For the purposes of this program announcement the following definitions apply:

Intervention: services, policies and actions provided after domestic violence or sexual violence has occurred and may have the advantageous effect of preventing a re-occurrence of violence.

Prevention: population-based and/or environmental/system level services, policies and actions that prevent violence against women from initially occurring. Prevention efforts work to modify and/or entirely eliminate the event, conditions, situations, or exposure to influences (risk factors) that result in the initiation of violence against women and associated injuries, disabilities, and deaths. Additionally, prevention efforts seek to identify and enhance protective factors that may prevent violence against women not only in at-risk populations but also in the community at large.

Violence Against Women (VAW): Minimally, violence against women refers to physical violence, sexual violence, threats of physical and/or sexual violence, stalking, and psychological/emotional abuse against women by any perpetrator (*e.g.* spouse, acquaintance, stranger, etc.).

The program requires three core components:

1. Provide a searchable, on-line, publicly accessible, full-text collection of resources that address VAW.
2. Provide on-line, publicly accessible discussion forum(s) for participants to exchange ideas, share resources, discuss emerging issues and network in order to support effective local, state, national and tribal prevention initiatives and intervention programs.
3. Compile, translate and disseminate VAW research and evaluation findings.

This program addresses the ''Healthy People 2010'' focus area of Injury and Violence Prevention.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Injury Prevention and Control (NCIPC):

Increase the capacity of injury prevention and control programs to address the prevention of injuries and violence.

Activities

Awardee activities for this program are as follows:

a. Collaborate with CDC on the implementation and evaluation of the program, which includes establishing mutually agreed upon goals and objectives and participating in strategic planning.

b. Provide a searchable, on-line, publicly accessible, full-text collection of resources that address VAW.

The on-line resource collection should provide access to information and materials for developing and maintaining local, state, national and tribal VAW prevention initiatives and intervention programs (*e.g.* education and training curriculums, research on risk and protective factors for violence against women perpetration and victimization, law and policy concerning VAW, summary and translation of current research and evaluation findings and community mobilization strategies). This cooperative agreement also allows for the development of original materials. The collection should be searchable and resources should be available in full-text. Resources should include a focus on traditionally underserved populations, violence as a public health problem, prevention and public education strategies and research and evaluation summary and translation. Materials and other resources in support of domestic violence and sexual assault awareness month activities should also be made available. Resources should be equally balanced between domestic violence and sexual assault as well as prevention and intervention topics.

c. Provide on-line, publicly accessible discussion forums for participants to exchange ideas, share resources, discuss emerging issues and network in order to support effective local, state, national and tribal VAW prevention initiatives and intervention programs.

The discussion forums should strengthen communication between local, state, national and tribal agencies and organizations (*e.g.*, state domestic violence and sexual assault coalitions, local domestic violence and sexual assault programs, public health agencies and organizations and those working in underserved communities) as well as interested individuals to support effective prevention initiatives and intervention programs. Discussion forums should be equally balanced between domestic violence and sexual assault, and prevention and intervention topics.

d. Compile, translate and disseminate VAW research and evaluation findings on a broad range of VAW related topics.

The program should make current research and evaluation findings available and accessible to practitioners by providing summaries and translation of findings as well as implications for practice. This should be done in consultation with a researcher(s) that has expertise in VAW.

e. Provide a full-time manager and other staff as appropriate.

f. Establish and maintain collaborative relationships with national, state, local and tribal domestic violence and sexual violence organizations, public health agencies and organizations, the recipient of the national resource center on sexual violence prevention cooperative agreement, and other CDC grantees and partners.

g. Actively market the program to a broad range of constituents, including but not limited to local, state, national and tribal domestic violence and sexual violence agencies and organizations, public health agencies and organizations, and those working in underserved communities.

h. Establish and maintain an advisory board with professional experience and expertise in the areas of domestic

violence and sexual violence. Board members should: represent multiple disciplines, including public health; represent a balance between prevention and intervention expertise; and be culturally and racially/ethnically diverse.

i. Provide a detailed evaluation plan that will document program process, effectiveness, and outcomes. This plan should identify potential program data sources for evaluation, document staff availability, expertise and capacity to perform the evaluation activities. The plan should also include how results or information will be used to make programmatic and/or operational decisions.

j. Participate in regular conference calls with CDC program staff and participate in CDC grantee meetings as requested by CDC.

k. Submit required reports to CDC as scheduled.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

a. Provide technical assistance and consultation in the implementation and evaluation of the program including participation in strategic planning and advisory committee meetings.

b. Consult with program staff in the development of discussion forums including topics, facilitators and content.

c. Participate in on-line discussion forums.

d. Contribute to the identification and development of Web site content.

e. Review of the compilation and translation of VAW research and evaluation findings.

f. Collaborate with program staff in identifying up-to-date scientific and programmatic information around VAW prevention activities, including but not limited to CDC funded projects, extramural research projects, and initiatives with other agencies around VAW prevention and intervention issues.

g. Arrange for information sharing among the program and other relevant CDC grantees and partners.

II. Award Information

Type of Award: Cooperative Agreement. CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: 2004.

Approximate Total Funding: $770,000.

Approximate Number of Awards: one.

Approximate Average Award: $770,000.

Floor of Award Range: None.

Ceiling of Award Range: $770,000.

If you request a funding amount greater than the ceiling of the award range, your application will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Anticipated Award Date: September 1, 2004.

Budget Period Length: 12.

Project Period Length: five years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

Eligible applicants: Applications may be submitted by public and private nonprofit organizations and faith- and community-based organizations that currently have a searchable, on-line, full-text collection of resources that address VAW as well as existing technological infrastructure to support the growth of the collection and web-based discussion forums.

Because these funds are not to be used for the development of new infrastructure the only eligible applicants are those with the existing capacity to accomplish the goals set forth in the ''Purpose'' section of this announcement.

Other Eligibility Requirements: If your application is incomplete or non-responsive to the requirements listed below, it will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Cost Sharing or Matching: Matching funds are not required for this program.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

Letter of Intent (LOI):

CDC requests that you send a LOI if you intend to apply for this program. Your LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review. Your LOI must be written in the following format:

- Maximum number of pages: two.
- Font size: 12-point unreduced.
- Paper size: 8.5 by 11 inches.
- Single spaced.
- Page margin size: one inch.
- Printed only on one side of page.
- Written in English, avoid jargon.

Your LOI must contain the following information:

- Number and title of this Program Announcement (PA # 04066).
- A brief description of your current on-line resource collection.

LOI Deadline Date: January 23, 2004.

LOI Submission Address: Submit your LOI by express mail, delivery service, fax or E-mail to: Karen Lang, Project Officer, 2939 Flowers Road South, Atlanta, GA 30341, Telephone: 770–488–1118, Fax: 770–488–4349, *klang@cdc.gov.*

How to Obtain Application Forms and Instructions: To apply for this funding opportunity use application form PHS 5161. Forms are available on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: 770–488–2700. Application forms can be mailed to you.

Content and Form of Application Submission

Application: This program announcement is the definitive guide on application format, content, and deadlines. It supersedes information provided in the application instructions. If there are discrepancies between the application form instructions and the program announcement, adhere to the guidance in the program announcement.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.* If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, and/or include your DUNS number in your application cover letter.

Content and Form of Submission

Application: You must submit a signed original, two copies, and a labeled disk or CD-Rom of your application forms.

You must include a project narrative with your application forms. Your narrative must be submitted in the following format:

- Maximum number of pages: 25. If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed.
- Font size: 12 point unreduced.
- Double spaced.
- Paper size: 8.5 by 11 inches.
- Page margin size: one inch.
- Printed only on one side of page.
- Held together only by rubber bands or metal clips; not bound in any other way.

Your narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

- Abstract (one-page summary of the application, does not count towards page limit).
- Applicant's relevant experience.
- Plan to implement the program.
- Applicant's capacity and staffing.
- Collaboration.
- Marketing plan.
- Measures of effectiveness.
- Proposed budget and justification (does not count towards page limit).

Funding restrictions, which must be taken into account while writing your budget are as follows: cooperative agreement funds for this project cannot be used for construction, renovation, the lease of passenger vehicles, the development of major software applications, or supplanting current applicant expenditures.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement must be less than 12 months of age.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:

- Curriculum vitaes
- Job descriptions
- Resumes
- Organizational charts
- Letters of support, etc.

Submission Date, Time, and Address

Application Deadline Date: March 8, 2004.

Application Submission Address: Submit your application by mail or express delivery service to: Technical Information Management—PA# 04066, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

Applications may not be submitted by fax or e-mail.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This program announcement is the definitive guide on application format, content, and deadlines. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that you did not meet the submission requirements.

If you have a question about the receipt of your application, first contact your courier. CDC will not notify you by mail upon receipt of your application, but if you still have a question, contact the PGO-TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

Review Criteria: You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

Your application will be evaluated against the following criteria:

1. Applicant's Relevant Experience (30 points)

a. Does the applicant have experience in managing a comprehensive, searchable, on-line, publicly accessible, full-text collection of resources that address VAW?

b. Does the applicant have experience in addressing prevention and intervention of both domestic violence and sexual assault (including sexual assault perpetrated by someone other than an intimate partner)?

c. Does the applicant have experience in managing on-line discussion forums that address VAW prevention and intervention?

d. Does the applicant have experience in providing summary and translation of current research and evaluation findings for VAW practitioners?

2. Plan to Implement the Resource Collection (25 points)

a. Does the applicant provide a plan that responds to all three core areas outlined in ''Purpose'' section of this announcement?

b. Does the applicant provide clearly stated goals and corresponding objectives that are time-phased, specific, attainable, and measurable?

c. Does the applicant provide a 5-year vision for how the program will be flexible and adaptable in incorporating change and growth of both technology as well as priorities and context of the domestic violence, sexual assault and public health fields?

d. Does the applicant articulate how this program provides a resource that is unique and not duplicative of other programs/resources?

e. Does applicant provide a clear description of the role and involvement of the advisory board and do they identify participants representing a broad range of disciplines that work in the area of VAW, including public health?

f. Does the applicant provide a specific and achievable plan to market the resource collection to a diverse range of constituents, including public health?

g. Does applicant have a plan to recruit and manage a diverse range of participants in the on-line discussion forums (including a plan to address potential inappropriate postings)?

3. Applicant's Capacity and Staffing (20 points)

a. Does the applicant demonstrate an existing capacity and infrastructure (including a comprehensive, searchable, on-line, publicly accessible, full-text

collection of resources that address VAW, and has institutional experience, adequate server space and other information technology) to manage the program and carry out the required activities in the cooperative agreements?

b. Does the applicant's description of the responsibilities of individual staff members, including the level of effort and allocation of time, demonstrate an ability to effectively manage and implement the activities of this cooperative agreement?

c. Is the project staff clearly described and does each staff member have the appropriate skills and expertise for their assigned staff position? Has the applicant included an organizational chart and curriculum vitae, or position description for each proposed staff member?

4. Collaboration (15 points)

a. Does the applicant demonstrate a willingness to collaborate with CDC in the design, implementation and evaluation of the program?

b. Does the applicant demonstrate a willingness to collaborate with other relevant CDC grantees and partners, including the recipient of the national resource center on sexual violence prevention?

c. Does the applicant demonstrate a successful history of collaborating effectively with other organizations at the national, state, local and tribal levels? Does the applicant include letters of support and/or memoranda of agreement from national and state VAW organizations, research and/or academic experts/institutions, and other relevant agencies and organizations, including public health agencies and organizations?

5. Evaluation (10 points)

a. Does the applicant provide a detailed description of the methods to be used to evaluate program effectiveness, including what will be evaluated, data to be collected and analyzed, who will perform the evaluation, the time frame and how the data will be used for program enhancement?

b. Does the applicant's evaluation plan include a component for assessing consumer satisfaction as well as periodic assessment of emerging issues and information needs in the VAW and public health fields?

c. Does the applicant document staff availability, expertise, and capacity to evaluate program activities and effectiveness?

6. Measures of Effectiveness (not scored)

Does the applicant provide objective/quantifiable measures regarding the resource centers intended outcomes that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement?

7. Budget (not scored)

Does the applicant provide a detailed budget with complete line-item justification of all proposed costs consistent with the stated activities in the program announcement? Details must include a breakdown in the categories of personnel (with time allocations for each), staff travel, communications and postage, equipment, supplies, and any other costs. The budget projection must also include a narrative justification for all requested costs. Any sources of additional funding beyond the amount stipulated in this cooperative agreement should be indicated, including donated time or services. For each expense category, the budget should indicate CDC share, the applicant share and any other support. These funds should not be used to supplant existing efforts.

Review and Selection Process: An objective review panel will evaluate your application according to the criteria listed above.

VI. Award Administration Information

Award Notices: Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Administrative and National Policy Requirements: 45 CFR parts 74 and 92.

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–10 Smoke-Free Workplace Requirements
- AR–11 Healthy People 2010
- AR–12 Lobbying Restrictions
- AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
- AR–15 Proof of Non-Profit Status

Additional information on these requirements can be found on the CDC Web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

Reporting Requirements: You must provide CDC with an original, plus two copies of the following reports:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

f. Measures of Effectiveness.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

VII. Agency Contacts

For general questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For program technical assistance, contact: Karen Lang, Project Officer, 4770 Buford Hwy., NE., MS–K60, Atlanta, GA 30341–3724, Telephone: 770–488–1118, E-mail: *klang@cdc.gov.*

For budget assistance, contact: Angie Nation, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341, Telephone: (770) 488–2719, E-mail: *aen4@cdc.gov.*

Dated: December 31, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office Centers for Disease Control and Prevention.

[FR Doc. 04–356 Filed 1–7–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Grants Application Data Summary, Administration for Native Americans (ANA) Social and Economic Development Strategies (SEDS) Application Information.

OMB No.: New Collection.

Description: Grants Application Data Summary (GASD) information is collected as part of a grant application. The GADS provides information used to prepare the legislatively mandated annual report to Congress on the status

of American Indians, Native Alaskans, Native Hawaiians and Pacific Islander communities.

The purpose of this information collection is to collect information from applicants that ANA can use for more accurate reporting to the Administration for Children and Families and to Congress on the status of American Indians, Native Alaskans, Native Hawaiians and Pacific Islander communities.

Respondents: Tribal governments, native non-profits, tribal colleges & universities.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Grants Application Data Summary	650	1	28	18,200

Estimated Total Annual Burden Hours:

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: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *rsargis@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,

Attn: Desk Officer for ACF,

E-mail address:

lauren_wittenberg@omb.eop.gov.

Dated: January 5, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–381 Filed 1–7–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003N–0328]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on How To Use E-Mail To Submit a Notice of Final Disposition of Animals Not Intended for Immediate Slaughter

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by February 9, 2004.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on How to Use E-Mail to Submit a Notice of Final Disposition of Animals Not Intended for Immediate Slaughter—(OMB Control Number 0910–0453)—Extension

The Center for Veterinary Medicine (CVM) monitors the final disposition of food animals treated with investigational new animal drugs in situations where the treated animals do not enter the human food chain immediately at the completion of the investigational study. CVM believes that monitoring of the final disposition of such food animals is consistent with its responsibility to protect the public health under the Federal Food, Drug, and Cosmetic Act. In addition, CVM believes that acceptable standards of study conduct such as those set out in 21 CFR 514.117 would include sponsors accounting for the disposition of all animals treated with investigational new animal drugs.

This guidance document describes the procedures that should be followed by sponsors who wish to file a notice of disposition electronically on FDA Form #3487. The information sponsors should include on the form includes the sponsor's name and address, and information about the investigational animals. The form has been revised at the request of the sponsors to add a box that can be checked if the submission amends a notice of disposition previously submitted to CVM and to allow for consistency across forms. The likely respondents to this collection of information are new animal drug sponsors who have conducted clinical studies under 21 CFR 511.1(b).

In the **Federal Register** of August 7, 2003 (68 FR 47078), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

FDA Form No.	No. of Respondents	Annual Frequency per Respondent	Total Annual Responses	Hours per Response	Total Hours
3487	12	27	324	0.81	262

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: December 31, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–347 Filed 1–7–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003N–0509]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Experimental Study of Health Claim Disclaimers on Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Experimental Study of Health Claim Disclaimers on Foods'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 10, 2003 (68 FR 63802), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0531. The approval expires on June 30, 2004. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: December 31, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–348 Filed 1–7–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2000D–1314]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on How to Use E-Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by February 9, 2004.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on How to Use E-Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes—(OMB Control Number 0910–0450)—Extension

Section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(j)) gives FDA the authority to issue regulations setting out the conditions for marketing animals treated with investigational new animal drugs for food use. Under this authority, FDA's regulations at § 511.1(b)(4) (21 CFR 511.1(b)(4)), provide that sponsors must obtain authorization to slaughter these animals for food. The Center for Veterinary Medicine (CVM) may grant such authorization to a sponsor under § 511.1(b)(5). If CVM authorizes the slaughter of investigational animals for food use, CVM issues a slaughter authorization letter to new animal drug sponsors which sets the terms under which such animals treated with investigational new animal drugs may be slaughtered. The authorization letter states that sponsors must submit slaughter notices each time such animals are to be slaughtered unless CVM waives this notice in the authorization letter. Currently, slaughter notices are submitted to CVM on paper. This guidance will give sponsors the option to submit a slaughter notice electronically as an e-mail attachment. The electronic submission of slaughter notices is part of CVM's ongoing initiative to provide a method for paperless submissions. The likely respondents to this collection of information are new animal drug sponsors who have conducted clinical studies under § 511.1(b).

In the **Federal Register** of August 7, 2003 (68 FR 47076), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden for this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Form No.	No. of Respondents	Annual Frequency per Respondent	Total Annual Responses	Hours per Response	Total Hours
FDA Form 3488	12	7	84	0.40	33.6

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Submitting a slaughter notice electronically represents a new medium for submission of information currently submitted on paper. The reporting burden for compilation and submission of this information on paper is included in OMB clearance of the information collection provisions of § 511.1 (OMB control number 0910–0117). The estimates in table 1 of this document reflect the burden associated with putting the same information on FDA Form No. 3488 and resulted from discussions with sponsors about the time necessary to complete this form.

Dated: December 31, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–349 Filed 1–7–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

National Park Service

Chesapeake and Ohio Canal National Historical Park Advisory Commission; Notice of Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Federal Advisory Commission is scheduled for Friday, January 16, 2004, at park headquarters, 1850 Dual Highway, Suite 100, Hagerstown, Maryland. The meeting will begin at 10 a.m.

The Commission was established by *Pub. L. 91–664* to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows: Mrs. Sheila Rabb Weidenfeld, Chairman, Mr. Charles J. Weir, Mr. Barry A. Passett, Mr. Terry W. Hepburn, Ms. Elise B. Heinz, Ms. JoAnn M. Spevacek, Mrs. Mary E. Woodward, Mrs. Donna Printz, Mrs. Ferial S. Bishop, Ms. Nancy C. Long, Mrs. Jo Reynolds, Dr. James H. Gilford, Brother James Kirkpatrick.

Topics that will be presented during the meeting include:

1. Major planning initiatives, construction and development projects.
2. Park operational issues.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Kevin D. Brandt, Acting Superintendent, C&O Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at park headquarters, Hagerstown, Maryland.

Dated: December 2, 2003.

Kevin Brandt,

Acting Superintendent, C&O Canal National Historical Park.

[FR Doc. 04–133 Filed 1–7–04; 8:45 am]

BILLING CODE 4310–SV–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–1063–1068 (Preliminary)]

Certain Frozen and Canned Warmwater Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand, and Vietnam

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731–TA–1063–1068 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil, China, Ecuador, India, Thailand, and Vietnam of certain frozen or canned warmwater shrimp and prawns,[1] provided for in subheadings 0306.13.00 and 1605.20.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by February 17, 2004. The Commission's views are due at Commerce within five business days thereafter, or by February 24, 2004.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: December 31, 2003.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202–205–3191) or Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background—These investigations are being instituted in response to petitions

[1] For purposes of these investigations, the products covered are defined as certain warmwater shrimp and prawns, whether frozen or canned, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off, deveined or not deveined, cooked or raw, or otherwise processed in frozen or canned form. Excluded from this definition are fresh shrimp and prawns, whether shell-on or peeled; coldwater shrimp and prawns, in any state of processing; shrimp and prawns in prepared meals; breaded shrimp and prawns; and dried shrimp and prawns.

filed on December 31, 2003, by the Ad Hoc Shrimp Trade Action Committee, Washington, DC.

Participation in the investigations and public service list—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on January 21, 2004, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Jim McClure (202–205–3191) not later than January 15, 2004, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before January 26, 2004, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 2, 2004.

Marilyn R. Abbott,

Secretary.

[FR Doc. 04–355 Filed 1–7–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–1039–1041 (Final)]

Certain Wax and Wax/Resin Thermal Transfer Ribbons From France, Japan, and Korea

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigations Nos. 731–TA–1039–1041 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from France, Japan, and Korea of certain wax and wax/resin thermal transfer ribbons.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Christopher Cassise (202) 708–5408, Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that imports of certain wax and wax/resin thermal transfer ribbons from France and Japan are being sold in the United States at less than fair value

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as wax and wax/resin thermal transfer ribbons (TTR) in slit or unslit (''jumbo'') form with a total wax (natural or synthetic) content of all the image side layers, that transfer in whole or in part, of equal to or greater than 20 percent by weight and a wax content of the colorant layer of equal to or greater than 10 percent by weight, and a black color as defined by industry standards by the CIELAB (International Commission on Illumination) color specification such that $L^* < 35$, $-20 < a^* < 35$, and $-40 < b^* < 31$, and black and near-black TTR. TTR is typically used in printers generating alphanumeric and machine-readable characters, such as bar codes and facsimile machines.

Excluded from product coverage are: (1) Resin TTR; (2) finished thermal transfer ribbons with a width equal to or greater than 212 millimeters (mm), but not greater than 220 mm (or 8.35 inches and 8.66 inches) and a length of 230 meters (m) or less (*i.e.*, slit fax TTR, including cassetted TTR; and (3) ribbons with a magnetic content of greater than 45 percent, by weight, in the colorant layer.

The imported products are provided for in heading 3702 and subheadings 3921.90.40 and 9612.10.90 (imported under statistical reporting numbers 3921.90.4025 and 9612.10.9030) of the Harmonized Tariff Schedule of the United States (HTS). The tariff classifications are provided for convenience and Customs and Border Protection (CBP) purposes; however, the written description of the products subject to investigation is dispositive.

within the meaning of section 733 of the Act (19 U.S.C. § 1673b). The investigations were requested in a petition filed on May 30, 2003, by International Imaging Materials, Inc. (IIMAK), Amherst, NY.

Although the Department of Commerce has preliminarily determined that imports of certain wax and wax/resin thermal transfer ribbons from Korea are not being and are not likely to be sold in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b)[2] so that the final phase of the investigations may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

Participation in the investigations and public service list. Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report. The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on February 24, 2004, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing. The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on March 9, 2004, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before March 2, 2004. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on March 4, 2004, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions. Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is March 2, 2004. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is March 16, 2004; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before March 16, 2004. On March 31, 2004, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before April 2, 2004, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 6, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–443 Filed 1–7–04; 8:45 am]

BILLING CODE 7020–02–P

[2] Section 207.21(b) of the Commission's rules provides that, where the Department of Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

INTERNATIONAL TRADE COMMISSION

[USITC SE–04–001]

Sunshine Act Meeting

AGENCY: United States International Trade Commission.

TIME AND DATE: January 14, 2004 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1062 (Preliminary) (Kosher Chicken from Canada)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on or before January 15, 2004; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before January 23, 2004.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not

disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 6, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–444 Filed 1–6–04; 11:52 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Jong H. Bek, M.D., Revocation of Registration

On August 16, 2002, the Deputy Administrator of the Drug Enforcement Administration (DEA), issued a Notice of Immediate Suspension of Registration and Order to Show Cause to Jong H. Bek, M.D. (Dr. Bek), notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AB5580243, as a practitioner, and deny any pending applications for renewal or modification, for reason that Dr. Bek's continued registration would be inconsistent with the public interest, as that term is used in 21 U.S.C. 824(a)(4). The Notice of Suspension, Order to Show Cause further informed Dr. Bek of the suspension of his DEA Certificate of Registration, as an imminent danger to the public health or safety pursuant to 21 U.S.C. 824(d).

The Notice of Suspension, Order to Show Cause alleged, in part, that Dr. Bek repeatedly prescribed controlled substances to undercover law enforcement personnel without a legitimate medical purpose, and was arrested on state felony murder charges after prescribing Xanax (a Schedule IV controlled substance) to two patients who subsequently overdosed on a combination of Xanax and heroin. It was further alleged that on July 25, 2002, the Indiana Medical Board issued a 90-day emergency suspension of Dr. Bek's medical license, thus, rendering him without authorization to practice medicine or handle controlled substances during the period of suspension. Finally the Notice of Suspension, Order to Show Cause further notified Dr. Bek that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was personally served on Dr. Bek on August 21, 2002 at a detention facility in Lake County, Indiana, where Dr. Bek was awaiting trial on the above referenced felony charges. DEA has not received a request for hearing or any other reply from Dr. Bek or anyone purporting to represent him in this matter.

Therefore, the Acting Deputy Administrator of DEA, finding that (1) thirty days having passed since the delivery of the Notice of Suspension, Order to Show Cause to Dr. Bek, (2) no request for hearing having been received, concludes that Dr. Bek is deemed to have waived his hearing right. *See David W. Linder,* 67 FR 12579 (2002). After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Bek currently possesses DEA Certificate of Registration AB5580243. A review of the investigative file reveals that on August 31, 2002, the Indiana State Medical Licensing Board (Board) issued an Order summarily suspending Dr. Bek's medical license in that state. While not outlining the specific basis for its action, the suspension order nevertheless alleged that Dr. Bek was ''defending certain State of Indiana criminal charges'' and that the matter was set for trial on April 28, 2003. The Acting Deputy Administrator has recently received information that on October 24, 2002, Dr. Bek and the Board entered into a Stipulation and Agreement to Extension of Summary Suspension, whereby the parties agreed that the suspension at issue would be extended ''until the criminal charges against [Dr. Bek] are resolved and until the Board has an opportunity to take final action on his license.''

The Acting Deputy Administrator has obtained a copy of a letter dated October 16, 2003, from the Director of the Indiana Medical Licensing Board, Health Professions Bureau to the Merrillville Resident Office of DEA notifying that Dr. Bek's Indiana state medical license remains suspended. The investigative file contains no evidence that the agreed extension of the Board's suspension order regarding Respondent's medical license has been lifted and the Acting Deputy Administrator has received no evidence that Dr. Bek's medical license has been reinstated. Therefore, the Acting Deputy Administrator finds that Dr. Bek is not currently authorized to practice medicine in the State of Indiana. As a result, it is reasonable to infer that he is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See James F. Graves, M.D.,* 67 FR 70968 (2002); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Bek's medical license is currently suspended and therefore, he is not currently licensed to handle controlled substances in the State of Indiana, the state where he maintains a DEA controlled substance registration. Therefore, Dr. Bek is not entitled to a DEA registration in that state. Because Dr. Bek is not entitled to a DEA registration in Indiana due to his lack of state authorization to handle controlled substances, the Acting Deputy Administrator concludes that it is unnecessary to address whether his registration should be revoked based upon the other grounds asserted in the Notice of Immediate Suspension of Registration and Order to Show Cause. *See Fereida Walker-Graham, M.D.,* 68 FR 24761 (2003); *Nathaniel-Aikens-Afful, M.D.,* 62 FR 16871 (1997); *Sam F. Moore, D.V.M.,* 58 FR 14428 (1993).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AB5580243, issued to Jong H. Bek, M.D. be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–341 Filed 1–7–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

City Drug Company; Denial of Application

On November 19, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to City Drug Company (City Drug) notifying the applicant of an opportunity to show cause as to why DEA should not deny its pending

application for DEA Certificate of Registration as a retail-pharmacy pursuant to 21 U.S.C. 823(f). As a basis for the denial, the Order to Show Cause alleged that City Drug's registration would be inconsistent with the public interest. The Order to Show Cause also notified City Drug that should not request for a hearing be filed within 30 days, its hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to City Drug at its proposed registered location in Opp, Alabama and was received on November 26, 2002. DEA has not received a request for hearing or any other reply from City Drug or anyone purporting to represent the pharmacy in this matter.

Therefore, the Acting Deputy Administrator of DEA, finding that (1) 30 days having passed since the attempted delivery of the Order to Show Cause at the applicant's last known address, and (2) no request for hearing having been received, concludes that City Drug is deemed to have waived its hearing right. *See David W. Linder,* 67 FR 12579 (2002). After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on February 8, 2002, a new application was submitted on behalf of City Drug for DEA registration as a retail pharmacy. The application was submitted and signed by Joseph G. Grimes, the President and owner of City Drug, and that application is the subject of the current proceedings.

The Acting Deputy Administrator finds that prior to the submission of its most recent registration application, City Drug previously possessed DEA Certificate of Registration AC5430450. On August 29, 1996, an Order to Show Cause was issued proposing to revoke that registration, and deny any pending applications for registration under 21 U.S.C. 823(f), for reason that City Drug's continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 824(a)(4).

Following an April 15, 1997, administrative hearing in Mobile, Alabama, the presiding Administrative Law Judge Gail A. Randall (Judge Randall) recommended that City Drug's DEA Certificate of Registration be revoked. Judge Randall further recommended however that favorable consideration be given to any future application for registration submitted by City Drug, should the pharmacy provide persuasive evidence of procedural changes for the dispensing of controlled substances. While the then-Acting Deputy Administrator did not adopt the latter recommendation, he did adopt Judge Randall's recommendation with respect to revocation of City Drug's Certificate of Registration. Accordingly, City Drug's previous DEA registration was revoked, effective November 13, 1997. *See* 62 FR 53338 (October 14, 1997).

In revoking City Drug's DEA registration, the then-Acting Deputy Administrator relied upon evidence that in 1992, an investigation revealed that between January 1990 and January 1992, the pharmacy violated 21 U.S.C. 829 and 21 CFR 1306.04 by dispensing over 25,000 dosage units of controlled substances without a physician's authorization. The then-Acting Deputy Administrator based this conclusion on affidavits submitted by 11 physicians who reviewed prescriptions found at City Drug that were attributed to them, compared these prescriptions to their patient charts, and then swore that they had not authorized the prescriptions. The then-Acting Deputy Administrator found unpersuasive City Drug's argument that the physicians had forgotten to note the issuance of the prescriptions in the patient charts, stating that it was ''highly unlikely that eleven different physicians forgot to note numerous prescriptions in the patient charts which accounted for the dispensing of over 25,000 dosage units of controlled substances.'' The then-Acting Deputy Administrator also found that the patients' affidavits submitted by City Drug were less reliable than the physicians' affidavits since the physicians' affidavits were ''based upon a review of [their] patient records which were prepared and maintained during the relevant time period, whereas the patients' affidavits [were] based upon their recollection more than six years after the event.''

The then-Acting Deputy Administrator further concluded that City Drug violated 21 U.S.C. 827, by failing to maintain complete and accurate records of controlled substances, as evidenced by the pharmacy's inability to account for more than 80,000 dosage units of Schedule III and IV substances, and to explain an overage of 859 dosage units of oxycodone 5 mg., the only Schedule II controlled substance that was audited. With respect to the failure of Joseph Grimes to accept responsibility for past improper conduct, the then-Acting Deputy Administrator found that:

> (Joseph) Grimes has failed to acknowledge that he and his pharmacy have done anything improper. An unexplained shortage of 80,000 dosage units and the unauthorized dispensation of over 25,000 dosage units of controlled substances are not merely minor technical violations. The egregious nature of the violations in this matter demonstrates that [City Drug] has failed miserably in its responsibility as a DEA registrant to protect against the diversion of controlled substances from the legitimate chain of distribution. Id. at 53343.

The Acting Deputy Administrator also finds that on November 13, 1997, City Drug submitted an application for a new Certificate of Registration as a retail pharmacy. The application was submitted on behalf of City Drug by Louie Grimes, a pharmacist and the nephew of Joseph Grimes. DEA again issued an Order to Show Cause on February 24, 1998, seeking the denial of City Drug's previous application, and a hearing was held in Mobile, Alabama on October 28, 1998, before Administrative Law Judge Mary Ellen Bittner (Judge Bittner). On June 30, 1999, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that City Drug's application for a DEA Certificate of Registration be denied. Accordingly, and effective November 2, 1999, DEA denied City Drug's previous application for registration. 64 FR 59212 (November 2, 1999).

In that final order, the then-Deputy Administrator found that on November 12, 1997, the day before the effective date of the revocation of City Drug's previous DEA Certificate of Registration, Joseph Grimes executed a Bill of Sale that transferred, ''in consideration of ten dollars and other good and valuable consideration,'' a life estate in City Drug to Louie Grimes. The ''other good and valuable consideration'' noted in the Bill of Sale was an oral agreement that Joseph Grimes would continue to work at City Drug two days per week in return for $1,500 per month, and that he would also receive rent of $1,500 per month on the building in which the pharmacy is located. According to the attorney who drafted and notarized the Bill of Sale, Louie Grimes was authorized to transfer his life estate in city Drug but that the pharmacy would revert back to Joseph Grimes upon his nephew's death.

As noted in the November 2, 1999, final order, evidence was presented from the 1992 investigation concerning Louie Grimes' involvement in the operation of the pharmacy at that time, including his dispensation of 870 dosage units of controlled substances that had not been authorized by a prescribing physician. The then-Deputy Administrator also found that while Louie Grimes was the owner of City

Drug, he was also a pharmacist at City Drug working three days a week, during 1990 to 1992, when unlawful dispensing practices were documented. The then-Deputy Administrator further referenced evidence which revealed eight instances, when Louie Grimes refilled controlled substance prescriptions more than five times or more than six months after issuance of the original prescription in violation of 21 U.S.C. 829(b), for a total of 550 dosage units. The then-Deputy Administrator concluded that Louie Grimes was responsible for the unlawful dispensation of approximately 1,400 dosage units of controlled substances.

In addition, despite the apparent change of ownership of City Drug, the then-Deputy Administrator nevertheless found that Joseph Grimes continued to receive employment, salary and rent from City Drug, and he held a reversionary ownership interest in the pharmacy. The then-Deputy Administrator concluded that Joseph Grimes continued to derive a benefit from City Drug's operation. The then-Deputy Administrator further concluded that ''Joseph Grimes' continued interest in Respondent, considered in conjunction with the Grimes'familial relationship and the nominal consideration for the life estate, lead * * * to the conclusion that the bonds linking Joseph Grimes with Louie Grimes and [City Drug] are too close to ensure that Joseph Grimes will have no influence in the operation of [City Drug].''

The Acting Deputy Administrator's review of the investigative file reveals that with respect to City Drug's most recent application for registration, DEA personnel from the Mobile, Alabama Resident Office (the Mobile R.O.) requested from Joseph Grimes information on whether he had attained any subsequent education with respect to the handling of controlled substances and whether any steps were taken towards improvement in recordkeeping. On March 22, 2002, the Mobile R.O. received from Joseph Grimes a five page facsimile consisting of a cover page, and accompanied by a photocopy of the Pharmacist's Manual, Certificate of Continuing Education Participation titled ''Pain Management for the RPh.,'' Certificate of Continuing Education Participation titled ''Pain Management for the Pharmacists,'' and Statement of Continuing Pharmaceutical Education Credit titled ''Use of Opiods in Chronic Non-Cancer Pain.''

On the face of the cover page was a handwritten index which listed the following: ''(1) Continuing Education material, (2) Pharmacist Controlled Substances Manual, (3) Proposal to keep accurate records for controlled drugs, [and] (4) Conscientious effort to comply with all requirements involved with DEA certificate.'' The index was signed ''J.G. Grimes, RPh.'' Listed under heading number (3) ''Proposal to keep accurate records,'' *et. al.,* were the following:

(A) File prescriptions separately;

(B) Careful control of order books;

(C) Identify time and name of persons calling in prescriptions that are allowed by phone;

(D) Careful scrutiny of controlled drug prescriptions in determining authenticity of prescriptions, and ,

(E) Large red color ''C'' on each narcotic or controlled prescription.

Absent from the supplied materials was any information demonstrating Joseph Grimes' familiarity with controlled substance regulations, diversion prevention or recordkeeping. In addition, Joseph Grimes did not provide information on specific procedures that would be employed at City Drug for maintaining accurate controlled substances inventories and accountability.

Pursuant to 21 U.S.C. 823(f), the Acting Deputy Administrator may deny an application for a DEA Certificate of Registration if she determines that the granting of a registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered in determining the public interest:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Acting Deputy Administrator may rely on anyone or a combination of factors and may give each factor the weight she deems appropriate in determining whether a registration should be revoked or an application for registration denied. *See Henry J. Schwartz, Jr., M.D.,* 54 FR 16422 (1989).

Regarding factor one, there is no information before the Acting Deputy Administrator with respect to the State licensure status of City Drug. In prior DEA proceedings involving City Drug however, the agency found that the pharmacy was in fact licensed to handled controlled substances in Alabama. But as Judge Bittner noted in the prior proceeding, ''inasmuch as State licensure is a necessary but not sufficient condition for a DEA registration * * * this factor is not determinative.'' 64 FR at 59212.

Factors two and four, City Drug's experience in the dispensing of controlled substances and its compliance with applicable laws, are clearly relevant in this matter in determining the public interest. City Drug's previous DEA registration was revoked based upon the then-Acting Deputy Administrator's findings that City Drug could not account for over 80,000 dosage units of controlled substances and that the pharmacy had dispensed more than 25,000 dosage units of controlled substances without a physician's authorization. The then-Acting Deputy Administrator did not find City Drug's explanation persuasive regarding the unauthorized dispensing of controlled substances. The then-Acting Deputy Administrator's findings regarding the previous revocation are *res judicata* for purposes of this proceeding. *See Stanley Alan Azen, M.D.,* 61 FR 57893 (1996), *Liberty Discount Drugs, Inc.,* 57 FR 2788 (1992).

Factors two and four are also relevant to evidence presented at a prior DEA proceeding that Louie Grimes, the purported new owner of City Drug was responsible for the unlawful dispensation of approximately 1,400 dosage units of controlled substances. 64 FR 59212. Louie Grimes' prior contentions that physicians were mistaken, that they had in fact authorized the prescriptions in question, as well as others, were rejected by the then-Acting Deputy Administrator, and those conclusions remain binding for purposes of this proceeding. *Id.*

Regarding factor three, there is no evidence that City Drug or its owner or employees have ever been convicted under State or Federal laws relating to the manufacture, distribution, or dispensing of controlled substances. As to factor five, while not necessarily relying on such evidence, the then-Deputy Administrator nevertheless referenced evidence presented by the government at a prior proceeding questioning the legitimacy of the transfer of City Drug from Joseph Grimes to Louie Grimes and also the role that Joseph Grimes would play in City Drug's future management. *Id.* at 59212.

The Acting Deputy Administrator concludes that City Drug's registration would be inconsistent with the public

interest. As noted by my predecessors, from 1990 to 1992, City Drug could not account for over 80,000 dosage units of controlled substances and dispensed more than 25,000 dosage units of controlled substances without a physician's authorization. The Acting Deputy Administrator remains concerned that City Drug has yet to present any persuasive evidence of meaningful procedural changes since 1992 that would ensure that it will not again fail to account for controlled substances or dispense controlled substances without authorization.

The Acting Deputy Administrator however notes that Joseph Grimes has apparently directed his efforts toward educating himself on the proper handling of controlled substances, as evidenced by the information provided with his most recent DEA registration application. Such evidence may be given favorable consideration in conjunction with a future application for registration. However, without credible evidence of any procedural changes having taken place at City Drug, and the lack of acknowledgement or explanation for previous shortages of large quantities of controlled substances, the Acting Deputy Administrator remains unconvinced that the granting of the pending application of City Drug is consistent with the public interest.

The Acting Deputy Administrator acknowledges that many of the violations recited above took place more than 10 years ago. However, in light of City Drug's failure to request a hearing in this matter, and the absence of evidence to rebut the above allegations, the Acting Deputy Administrator is left with the conclusion that the applicant has not corrected the deficiencies which led to the revocation of its previous Certificate of Registration and the denial of a previous application for registration. City Drug, although given the opportunity to request a hearing or to submit a written statement, has failed to do either. Thus, the facts recited above stand uncontroverted. *See, Ruggero Angiolicchio, M.D.,* 58 FR 14426 (March 17, 1993). In view of the foregoing, the Acting Deputy Administrator reiterates that City Drug cannot be entrusted to handle controlled substances, and the granting of its application would not be in the public interest.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for DEA Certificate of Registration executed by City Drug Company be, and it hereby is, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–346 Filed 1–7–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 02–11]

Marlou D. Davis, M.D.; Revocation of Registration

On October 12, 2001, the Deputy Assistant Administrator, Office of Diversion Control, issued an Order to Show Cause to Marlou D. Davis, M.D. (Respondent). The show cause order proposed the revocation of DEA Certificate of Registration AD7084217 pursuant to 21 U.S.C. 824(a), and denial of any pending applications for renewal or modification of such registration for reason that such registration was deemed inconsistent with the public interest pursuant to 21 U.S.C. 823(f). The Order to Show Cause alleged in substantive part, the following:

1. On November 25, 2000, the Respondent notified the Missouri Bureau of Narcotics and Dangerous Drugs (''BNDD'') that he was moving his office/practice from his registered location in Bridgeton, Missouri to a new location in St. John, Missouri.

2. On December 7, 2000, BNDD notified the Respondent by certified mail that his Missouri controlled substance registration was valid only for his registered location in Bridgeton, Missouri. The letter referenced 19 CSR 30–1.030(1)(J), which states, in part, that ''the registration of any person shall terminate if and when that person changes his/her address as shown on the certificate of registration.'' The Respondent was also notified in the letter that he did not currently have a registration and therefore did not have authority to order, stock, dispense, prescribe or administer controlled substances in the State of Missouri. Ref. 19 CSR 30–1.030(1)(E) 1 (''Any person who is required to be registered and who is not so registered shall not engage in any activity for which registration is required, until the application is granted and a certificate of registration is issued by the Board of Health'').

3. Effective December 20, 2000, the Respondent's Missouri State Controlled Substances Registration was terminated. Therefore, the Respondent lacked authority under Missouri state law to prescribe, dispense and/or administer controlled substances. Consequently, the Respondent was not authorized to possess a Federal controlled substances registration.

4. In addition, on October 18, 2000, the Respondent was arrested by the St. Louis Division Tactical Diversion Squad and charged at the state felony level with 14 counts of attempt to deliver a controlled substance and three (3) counts of delivery of a controlled substance. One of the conditions of the Respondent's release on bond by a St. Louis County Circuit Judge was that the Respondent would be prohibited from writing controlled substance prescriptions until his criminal case was concluded.

5. On April 27, 2001, DEA became aware that the Respondent wrote two (2) prescriptions for controlled substances for patient B.F. The first prescription, dated April 23, 2001, was for Triazolam, .25 mg #30, a Schedule IV controlled substance, and Fioricet, #100, a non-controlled substance. The second prescription, dated May 29, 2001, was for Triazolam, .25 mg, #30.

By letter dated November 12, 2002, the Respondent, acting *pro se,* timely requested a hearing. The matter was subsequently assigned to Administrative Law Judge Gail A. Randall (Judge Randall) and on January 11, 2002, Judge Randall issued to the Government and the Respondent an Order for Prehearing Statements.

In lieu of filing a prehearing statement, the Government filed Government's Request for Stay of Proceedings and Motion for Summary Judgment. The Government argued that the Respondent was without authorization to handle controlled substances in Missouri, and as a result, further proceedings in the matter were not required. Attached to the Government's motion was a copy of a letter dated December 7, 2000, from the Administrator of the Missouri Department of Narcotics and Dangerous Drugs (''BNDD'') to the Respondent. The letter notified the Respondent that as a result of his changing the location of his medical practice, and because his controlled substance registration was valid only for his registered practice location, the Respondent's Missouri controlled substance registration was terminated. While the BNDD letter informed the Respondent that he lacked state authority to handle controlled substances in Missouri, the Respondent was nevertheless provided an opportunity to apply for a new Missouri state certificate of registration at his new business address.

The Government also attached to its motion a declaration dated January 25, 2002, from the Assistant Bureau Chief of the Missouri Department of Health and Senior Services' Bureau of Narcotics and Dangerous Drugs. The declaration corroborated information regarding the termination of the Respondent's state controlled substance authority, and further asserted that he had not submitted an application for a new state controlled substance registration.

In his reply to the Government's motion, the Respondent acknowledged that he had closed his Bridgeton office on December 1, 2000, and was informed by a BNDD representative that his state controlled substance license terminated upon closure of that office. The Respondent further acknowledged that as of July 1, 2001, his DEA and BNDD licenses ceased to exist, and that a hearing was not necessary in this matter. The Respondent subsequently argued that his DEA registration remained valid pending a resolution of these proceedings.

On March 13, 2002, Judge Randall issued an ''Order of Clarification'' requesting that the parties explain: (1) The status of the Respondent's current medical practice, (2) his authorization to handle controlled substances at this St. John, Missouri address, and (3) whether or not the Respondent had a viable DEA Certificate of Registration to revoke. In its March 19, 2002 response, the Government proffered that DEA had not modified the Respondent's place of business; the Respondent had abandoned his DEA registered location and established a new practice in St. John, Missouri; was without state authority to handle controlled substances in the state; and that the Respondent had a viable DEA registration to revoke. The Government again requested that its Motion for Summary Disposition be granted.

In his April 11, 2002, response to the Order for Clarification, the Respondent argued that following his review of federal statutes, he discovered that the grounds for revocation provided for under 21 U.S.C. 824(a) were not applicable in this matter. Specifically, the Respondent argued that his state license had never been suspended or revoked by competent state authority, but rather, had been ''administratively dissolved'' as a result of relocating his medical practice.

By Memorandum of Order dated April 22, 2002, Judge Randall denied the Government's Motion for Summary Disposition. In denying the Government's motion, Judge Randall found that pursuant to the plain language of 21 U.S.C. 824(a)(3), revocation of the Respondent's Certificate of Registration was not authorized. In addition, Judge Randall found that in this case, DEA had an avenue for terminating, as opposed to revoking, the Respondent's DEA registration. She further outlined the distinction between the termination and revocation of a DEA registration, and found that a revocation results in a ''stigma'' with more significant consequence upon the Respondent than a mere termination. Judge Randall concluded that since the State of Missouri had not taken or attempted to take any adverse action against the Respondent's state registration, the statutory provisions authorizing revocation of a DEA registration had not been met.

On May 6, 2002, the Government filed a Motion for Reconsideration, Or in the Alternative, Request for Authorization to File Interlocutory Appeal, and Motion for Stay of Proceedings. In its motion, the Government renewed its Motion for Summary Disposition. On July 3, 2002, the Administrative Law Judge issued a Memorandum and Order, again denying the Government's Motion for Summary Disposition and Granting the Government's Motion for Authorization to File Interlocutory Appeal. Accordingly, on July 24, 2002, the Government filed an interlocutory appeal with the then-Deputy Administrator of the Drug Enforcement Administration.

By Order dated November 14, 2002, the then-Deputy Administrator found that pursuant to 21 U.S.C. 823(a)(3), and where as in the instant matter a practitioner's state controlled substance authority has terminated by operation of law and not adverse state action, revocation of a DEA registration is warranted. The Order further remanded the matter to the Administrative Law Judge for disposition consistent with the then-Deputy Administrator's ruling.

On November 21, 2002, Judge Randall issued Opinion, Order and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision) in which she granted the Government's motion for summary disposition and found that the Respondent lacked authorization to handle controlled substances in the State of Missouri. In granting the Government's motion, Judge Randall also recommended that the Respondent's DEA registration be revoked and any pending applications for renewal be denied. Neither party filed exceptions to her Opinion and Recommended Decision, and on January 21, 2003, Judge Randall transmitted the record of these proceedings to the Office of the Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, both the November 14, 2002 Order of the then-Deputy Administrator with respect to the Government's interlocutory appeal, as well as the Opinion and Recommended Decision of the Administrative Law Judge.

As noted above, in her March 13, 2002, ''Order for Clarification'' Judge Randall requested the parties to apprise of whether or not the Respondent had a viable DEA Certificate of Registration to revoke. The Acting Deputy Administrator's review of the record reveals that the Respondent's DEA Certificate of Registration was due to expire on June 30, 2003. There is no evidence in the record that a renewal application has been submitted on behalf of the Respondent. DEA has previously held that ''[i]f a registrant has not submitted a timely renewal application prior to the expiration date, then the registration number expires and there is nothing to revoke.'' *Ronald J. Riegel, D.V.M.*, 63 FR 67132 (1998). However, because the record in these proceedings was transmitted to the Office of Deputy Administrator prior to the expiration date of the Respondent's DEA Certificate of Registration, the Acting Deputy Administrator will address this matter on its merits, specifically, the status of the Respondent's DEA Certificate of Registration.

In his Order of November 14, 2002 (Interlocutory Order), the then-Deputy Administrator found that the following matters were not in dispute: (1) The Respondent held DEA Certificate of Registration AD7084217, as a practitioner; (2) he relocated his medical practice from his registered location in Bridgeton, Missouri to an office location in St. John. Missouri; (3) pursuant to Missouri law (19 CSR 30–1.030(1)(J) the controlled substance registration of any person terminates if and when that person changes his/or her address as shown on the certificate of registration; (4) the Respondent had not obtained state authorization to handle controlled substances at his St. John location; (5) the Respondent's Missouri controlled substance registration had not been suspended or revoked by any authority in that state nor has such action been recommended; (6) according to the Missouri Department of Health, the Respondent was without authorization

to handle controlled substances in Missouri, the state in which he held a DEA registration.

While there was no dispute that the Respondent lacked state authorization to handle controlled substances, the then-Deputy Administrator found that the primary issues for resolution of the interlocutory appeal were (1) whether DEA has statutory authority under the Controlled Substances Act to revoke a Certificate of Registration when the lack of state authority arose by operation of law and not adverse action; (2) whether 21 U.S.C. 824(a)(3) authorizes revocation of a registration regardless of the manner in which the practitioner's state authority was terminated; and (3) whether DEA should avail itself the avenue of terminating as opposed to revoking the Respondent's Certificate of Registration.

21 U.S.C. 824(a), provides in pertinent that:

(a) A registration pursuant to section 823(f) of this title to manufacture, distribute, or dispense controlled substances or a list I chemical may be suspended or revoked by the Attorney General upon a finding that the registrant—

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances or list I chemicals or has had the suspension, revocation, or denial of his registration recommended by competent State authority.

21 CFR 1301.52(a) provides in pertinent part:

''* * * the registration of any person shall terminate if and when such person dies, ceases legal existence, or discontinues business or professional practice.''

21 CFR 1301.12(a) states:

''A separate registration is required for each principal place of business or professional practice at one general physical location where controlled substances are manufactured, distributed, imported, or dispensed by a person.''

In support of its Motion for Summary Disposition, and as a basis for filing the interlocutory appeal, the Government recited well-settled DEA authority that the agency cannot register a practitioner to handle controlled substances who is without authority to handle controlled substances in the state in which he practices. With respect to the termination of the Respondent's state controlled substance authority, the Government argued that pursuant to DEA precedent, the method by which a state terminates such authority is unimportant, and that DEA has no discretion in this regard other than to revoke a DEA registration: *Javen Shah,* 59 FR 4103 (1993); *Cornelius Beukenkamp,* 58 FR 28415 (1993); *Samuel Brint,* 51 FR 45067 (1986); and *Trinidad Bascara,* 51 FR 37090 (1986). The then-Deputy Administrator also incorporated in his Interlocutory Order additional DEA cases cited by the Government: *George P. Gotsis, M.D.,* 49 FR 33,750 (1984); *Henry Weitz, M.D.,* 46 FR 34,858 (1981); and *Sam Misasi, D.O.,* 50 FR 11,469 (1985).

With respect to the *Shah,* Judge Randall in her July 3, 2002 Memorandum and Order noted that the Deputy Administrator in that matter did not rely solely upon the provisions of 21 U.S.C. 824(a)(3) as the basis for the revocation decision; rather, the Deputy Administrator relied upon the public interest provisions of 21 U.S.C. 823(f) and 824(a)(4). Judge Randall further noted that the State of Illinois took an adverse action against the registrant prior to DEA's final order in the matter.

Similarly, with respect to the *Brint,* and *Bascara,* Judge Randall found that the relevant medical boards had taken adverse actions against the two Respondents prior to DEA revocation actions. The then-Deputy Administrator concurred with Judge Randall's finding that each of the above cited cases were distinguishable from matters raised in the interlocutory appeal, and these matters did not address one of the predominant issues of that appeal, namely, whether or not DEA may revoke a registration in a situation where removal of state authority occurred by operation of law and not by adverse state action.

The Government cited three additional DEA final orders where the agency held that revocation of a Certificate of Registration was appropriate even where the practitioner's state registration merely expired of its own terms and the registrant had not reapplied for state registration: *Mark L. Beck, D.D.S.,* 64 FR 40,899 (1999); *William D. Levitt, D.O.,* 64 FR 49,822 (1999); and *Charles H. Ryan, M.D.,* 58 FR 14,430 (1993). Judge Randall observed however, that ''[r]egrettably these * * * Final Orders defy the plain language of the statutory provisions, for in neither of these * * * cases does the Final Order recount adverse action either taken or initiated by the state licensing authority.'' In comparing the findings of *Beck, Levitt* and *Ryan* to the instant matter, Judge Randall concluded that the Government failed to meet the requirement of 21 U.S.C. 824(a)(3) because the record contained no evidence that the State of Missouri had acted to suspend, revoke, or deny the Respondent's authority to handle controlled substances, nor had the State recommended such action be taken.

Nevertheless, the then-Deputy Administrator expressed a reluctance to ''accord such a narrow interpretation to section 824(a)(3),'' and instead concluded that it was ''clear from the precedent cited by the Government that DEA has broadly construed section 824(a)(3), and extended its provisions beyond situations involving adverse actions taken or initiated by state licensing authorities. Such interpretation is consistent with the doctrine [outlined in] *Chevron U.S.A.* v. *Natural Resources Defense Council,* 467 U.S. 837, 842–43, 81 L. Ed. 2D 694, 104 S. Ct. 2778 (1984), where it was held that administrative agencies are given broad discretion to construe their own regulations and authorizing statutes.'' *See, e.g. Culbertson* v. *United States Department of Agriculture,* 69 F. 3d 465 (10th Cir. 1995); *Valley Comp. of Utah, Inc.* v. *Babbitt,* 24 F3d 1263, 1267 (10th Cir. 1994).

The then-Deputy Administrator noted that the above principle governing broad administrative discretion in statutory interpretation is supported by a number of policies, including, but not limited to the following: (1) Agencies tend to be familiar with, and sophisticated about, the statutes they administer, in other words, agencies understand the relationships among various provisions, and the practical implications of adopting one interpretation as opposed to another. (2) As unforeseen problems develop in the administration of a complex regulatory scheme, the agency needs flexibility if it is to make the program function effectively. *Gellhorn & Levin, Administrative Law and Process, 4th Edition* at p. 81–2 (1997).

The then-Deputy Administrator further noted that pursuant to the holding in *Levitt,* state authorization was clearly intended to be a prerequisite to DEA registration, and Congress could not have intended for DEA to maintain a registration if a registrant is no longer authorized by the state in which he practices to handle controlled substances. In the instant proceeding, the then-Deputy Administrator found that DEA precedent allowed for a liberal construction of section 824(a)(3), and also found it reasonable for DEA to interpret that section as allowing for the revocation of a DEA Certificate of Registration where, as here, the respondent's authorization under Missouri law had terminated.

As noted above, Judge Randall also based, in part, the denial of the Government's January 28, 2002, Motion for Summary Disposition upon the proposition that DEA ''had an avenue for terminating, as opposed to revoking, the Respondent's authority for handling controlled substances.'' Judge Randall also noted that the distinction between the termination and revocation of a DEA registration had significance, since revocation has a more severe consequence upon the Respondent, and thus, a ''stigma'' with consequences attached to the act of revoking a registration. However, the then-Deputy Administrator rejected the Administrative Law Judge's finding, and instead concluded that any ''stigma'' attendant to the revocation of a DEA registration was speculative, and if any exists, such stigma is secondary to public interest considerations in ensuring full and truthful responses on DEA registration applications. The then-Deputy Administrator also found that the termination provision under 21 CFR 1301.52 was inapplicable since the only relevant issue in the instant matter was whether the Respondent was currently authorized to handle controlled substances. *Levitt* at 49822.

Consistent with the Interlocutory order of the then-Deputy Administrator, Judge Randall recommended the revocation of the Respondent's DEA Certificate of Registration, and denial of any pending applications for renewal of such registration based on the Respondent's lack of authority to handle controlled substances in Missouri. There is no evidence before the Acting Deputy Administrator that the Respondent's Missouri state controlled substance privileges have been reinstated.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Karen Joe Smiles, M.D.,* 68 FR 48944 (2003), *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that the Respondent is not currently authorized to handle controlled substances in the State of Missouri, where he is registered with DEA. Therefore, he is not entitled to maintain that registration. Because the Respondent is not entitled to a DEA registration in Missouri due to his lack of state authorization to handle controlled substances, the Acting Deputy Administrator concludes that it is unnecessary to address whether the Respondent's registration should be revoked based upon the other grounds asserted in the Order to Show Cause. *See Fereida Walker-Graham, M.D.,* 68 FR 24761 (2003); *Nathaniel-Aikens-Affud, M.D.,* 62 FR 16871 (1997); *Sam F. Moore, D.V.M.,* 58 FR 14428 (1993).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AD7084217, issued to Marlou D. Davis, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–343 Filed 1–7–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

John F. Hildebrand, M.D.; Revocation of Registration

On May 5, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John F. Hildebrand, M.D. (Dr. Hildebrand) of Elk Grove, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AH5626099 under 21 U.S.C. 824(a) and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Hildebrand is not currently authorized to practice medicine or handle controlled substances in California, his state of registration and practice. The order also notified Dr. Hildebrand that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Hildebrand at his registered location at 9410 Elk Grove-Florin Road, Elk Grove, California. According to the return receipt, on or around June 6, 2003, the Order was accepted on Dr. Hildebrand's behalf. By his letter of June 30, 2003, Dr. Hildebrand advised the Hearing Clerk in DEA's Office of Administrative Law Judges that he wished to waive his right to a hearing in this matter. In that letter Dr. Hildebrand also asked that DEA delay revoking his certificate of registration until an appeal of the state board's revocation of his medical license was adjudicated. However, Dr. Hildebrand proffered no legal basis for delaying action on this matter and the Acting Deputy Administrator finds he affirmatively waived his hearing right. Accordingly, after considering material from the investigative file, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Hildebrand possesses DEA Certificate of Registration AH5626099, which expired on October 31, 2003. The Acting Deputy Administrator further finds that the Medical Board of California (the Board) filed an accusation against Dr. Hildebrand alleging, *inter alia,* that he engaged in sexual abuse/misconduct with a patient and gross negligence, in violation of California Business and Professions Code, sections 726 and 2234(b).

During June 2001, an eight day hearing was held before an Administrative Law Judge from the Office of Administrative Hearings, State of California. The Administrative Law Judge issued a Proposed Decision sustaining the relevant accusations and recommending that Dr. Hildebrand's California Physician and Surgeon's license be revoked. On July 30, 2001, the Board approved the Administrative Law Judge's Proposed Decision and issued its Decision, effective August 29, 2001, revoking Dr. Hildebrand's license to practice medicine in the State of California for an indefinite period. On August 24, 2001, Dr. Hildebrand obtained an *ex parte* temporary stay of the Board's action from the Hon. Ronald B. Robie of the Sacramento County Superior Court so that the court could review the submitted documents. On September 20, 2001, the court lifted the stay and the Board's Revocation Order took effect.

The investigative file contains no evidence that the Board's Decision has been further stayed, that an appeal has been adjudicated adversely to the Board or that Dr. Hildebrand's medical license has been reinstated. Therefore, the Acting Deputy Administrator finds that Dr. Hildebrand is not currently authorized to practice medicine in the State of California. As a result, it is reasonable to infer that he is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Muttaiya Darmarajeh, M.D.,* 66 FR 52936 (2001); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Hildebrand's medical license has been revoked and he is not licensed to handle controlled substances in the State of California, where he is registered with DEA. Therefore, he is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AH5626099, issued to John F. Hildebrand, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–344 Filed 1–7–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Brenda J. Lightfoote-Young, M.D.; Revocation of Registration

On April 11, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Brenda J. Lightfoote-Young, M.D. (Dr. Lightfoote-Young) of Eureka and Big Bear Lake, California, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BL0935518 under 21 U.S.C. 824(a) any deny and pending applications of renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Lightfoote-Young is not currently authorized to practice medicine or handle controlled substances in California, her state of registration and practice. The order also notified Dr. Lightfoote-Young that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Lightfoote-Young at both her registered location at 3144 Broadway, Suite 4–434, Eureka, California, and to P.O. Box 130249, Big Bear Lake, California. On April 29, 2003, according to the return receipt, Dr. Lightfoote-Young received the Order to Show Cause that was mailed to her Big Bear address. DEA has not received a request for hearing or any other reply from Dr. Lightfoote-Young or anyone purporting to represent her in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Lightfoote-Young is deemed to have waived her hearing right. After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Lightfoote-Young possesses DEA Certificate of Registration BL0935518, which expired on March 31, 2003. The Acting Deputy Administrator further finds that on July 8, 1999, the Medical Board of California (the Board) filed an accusation against Dr. Lightfoote-Young alleging that she violated California Business and Professions Code, section 2239(b), by arriving at work under the influence of alcohol. On March 31, 2000, Dr. Lightfoote-Young and her counsel signed a stipulated settlement and disciplinary order with the Board revoking her medical certificate, but staying that revocation and placing her on five years probation under certain terms and conditions. The disciplinary order provided she was to enroll and participate in the Division of Medical Quality (the Division) Diversion Program until the Division determined that further treatment and rehabilitation were no longer necessary. The order further provided that quitting the program without permission or being expelled for cause would constitute a violation of Dr. Lightfoote-Young's probation.

Alleging, *inter alia,* that during January 2001, Dr. Lightfoote-Young refused to participate any further in the Diversion Program, the Board filed a petition to revoke her probation. On September 26, 2002, a hearing was held before an Administrative Law Judge from the Los Angeles Office of Administrative Hearings. On November 5, 2002, the Board approved the Administrative Law Judge's Proposed Decision and issued its Decision, effective December 5, 2002, revoking Dr. Lightfoote-Young's license to practice medicine in the State of California for an indefinite period.

The investigative file contains no evidence that the Board's Decision has been stayed or that Dr. Lightfoote-Young's medical license has been reinstated. Therefore, the Acting Deputy Administrator finds that Dr. Lightfoote-Young is not currently authorized to practice medicine in the State of California. As a result, it is reasonable to infer that she is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which she conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Muttaiya Darmarajeh, M.D.,* 66 FR 52936 (2001); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Lightfoote-Young's medical license has been revoked and she is not licensed to handle controlled substances in the State of California, where she is registered with DEA. Therefore, she is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby order that DEA Certificate of Registration BL0935518, issued to Brenda J. Lightfoote-Young, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michelle M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–340 Filed 1–7–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Shop It For Profit; Denial of Application

On November 22, 2002, the Deputy Assistant Administrator, Office of

Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Shop It For Profit (SIFP) proposing to deny its application, executed on December 28, 1999, for DEA Certificate of Registration as a distributor of list I chemicals. The Order to Show Cause alleged in relevant part that granting the application of SIFP would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(h) and 824(a). The Order to Show Cause also notified SIFP that should no request for a hearing be filed within 30 days, its hearing right would be deemed waived.

According to the DEA investigative file, the Order to Show Cause was sent by certified mail to SIFP at its proposed registered location in Smyrna, Tennessee. The return receipt indicated that the show cause order was received on December 7, 2002, by December Pennington (Ms. Pennington), owner and sole proprietor of SIFP. DEA has not received a request for hearing or any other reply from SIFP or anyone purporting to represent the company in this matter.

Therefore, the Acting Deputy Administrator of DEA, finding that (1) 30 days having passed since receipt of the Order to Show Cause, and (2) no request for hearing having been received, concludes that SIFP has waived its hearing right. *See Aqui Enterprises,* 67 FR 12576 (2002). After considering relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1309.53(c) and (d) and 1316.67 (2003). The Acting Deputy Administrator finds as follows:

List I chemicals are those that may be used in the manufacture of a controlled substance in violation of the Controlled Substances Act. 21 U.S.C. 802(34); 21 CFR 1310.02(a). Pseudoephedrine and ephedrine are list I chemicals commonly used to illegally manufacture methamphetamine, a Schedule II controlled substance. At the time that SIFP submitted its application for DEA registration, phenylpropanolamine, also a list I chemical, was a legitimately manufactured and distributed product used to provide relief of the symptoms resulting from irritation of the sinus, nasal and upper respiratory tract tissues, and is also used for weight control. Phenylpropanolamine is also a precursor chemical used in the illicit manufacture of methamphetamine and amphetamine. As noted in previous DEA final orders, Methamphetamine is an extremely potent central nervous system stimulant, and its abuse is a persistent and growing problem in the United States. *Yemen Wholesale Tobacco and Candy Supply, Inc.* 67 FR 9997 (2002); *Denver Wholesale,* 67 FR 99986 (2002).

The Acting Deputy Administrator's review of the investigative file reveals that on December 28, 1999, SIFP submitted an application for DEA registration as a distributor of the list I chemicals ephedrine, pseudoephedrine and phenylpropanolamine. The application was submitted on behalf of SIFP by Ms. Pennington. There is no information before the Acting Deputy Administrator that SIFP has sought to modify its pending application with respect to any of the listed chemical products it proposes to distribute. Upon receipt of the application, the DEA Tennessee District Office initiated a pre-registration investigation of SIFP on June 15, 2000.

The Acting Deputy Administrator's review of the investigative file reveals that SIFP began its business operation in January 1999. It is located in a residential neighborhood of Smyrna, Tennessee, and is housed at Ms. Pennington's residence. SIFP is a retailer that distributes candies, novelty items such as figurines, NASCAR, collegiate and pro sports items, seasonal items such as gloves, fishing gear and floats, as well as non-prescription medicines such as aspirin and other cold remedies. At the time of DEA's inspection, Ms. Pennington had lived at this location for approximately 12 years with her then-11 year old son.

SIFP employed one other person, who along with Ms. Pennington was responsible for delivery of merchandise to SIFP's customers. Ms. Pennington informed a DEA investigator that approximately 5% of her business would be made up of the distribution of listed chemical products, but further admitted that the distribution of these products is ''unknown territory.''

DEA's investigation revealed that the State of Tennessee does not license chemical handlers (distributors). However, SIFP operates pursuant to a Rutherford County (Tennessee) Business License number (Class 3) of Gift, Novelty and Souvenir Shops. In addition, SIFP has a Tennessee Department of Revenue Certificate of Registration Sales & Use number. The firm also has a Department of the Treasury, Internal Revenue Service Employer Identification number.

During the pre-registration inspection, a DEA Diversion investigator provided Ms. Pennington with DEA publications on the diversion of pseudoephedrine, phenylpropanolamine, combination ephedrine products, methyl sulfone, anhydrous ammonia and iodine. The investigator also provided copies of DEA regulations pertaining to listed chemicals, specifically, title 21 of the Code of Federal Regulations, sections 1300, 1309 and 1310, a copy of threshold provisions for ephedrine, pseudoephedrine and phenylpropanolamine, as well as a guidance document on what constitutes ''suspicious orders'' of list I chemicals.

The DEA diversion investigator further informed Ms. Pennington of the recordkeeping and reporting requirements of a registrant, including the reporting of losses, thefts and suspicious orders of list I chemicals. Ms. Pennington was also informed of the requirement to maintain all records for the regulated products for two years. Ms. Pennington stated her willingness to comply with all recordkeeping and reporting requirements.

With respect to the manner in which her establishment would handle listed chemical products, Ms. Pennington informed the DEA investigator that she would be responsible for the recordkeeping and security of listed chemicals for SIFP and she would require her customers to provide her with a business sales tax license number before any product is distributed to them. DEA's investigation revealed that SIFP has approximately 90 customers. Ms. Pennington stated that SIFP distributes products throughout Middle Tennessee, and the firm does not sell to individuals. Ms. Pennington also provided DEA information regarding her proposed supplier of list I chemicals.

Ms. Pennington further informed the DEA investigator that she makes visits (by truck) to her customers and asks if they need anything. If products are delivered, the delivery is made by a company owned truck. Ms. Pennington stated that her customers are allowed in her delivery truck in order to see what items she has in stock and that she is always present with her customers during these visits.

With respect to storage and transport of list I chemicals, Ms. Pennington stated that these products will be stored on designated shelves in the rear area of her truck and that the back door of the truck has a heavy duty key lock that is kept locked. Ms. Pennington stated that she is the only person with a key to the truck, and the truck is usually parked in her driveway. As an additional measure of security, Ms. Pennington also proposed parking her truck in her backyard, an area surrounded by a wood fence. On a related matter, the DEA diversion investigator contacted by telephone a representative of Security Services of Murfreesboro, Inc., in Murfreesboro, Tennessee, who informed

DEA that SIFP had contracted with the security company for electronic surveillance services.

The DEA diversion investigator informed Ms. Pennington that because of the increase in methamphetamine laboratory seizures in Tennessee and around the country, DEA was reevaluating the registrations of its list I chemical registrants as well as the applications of entities seeking to distribute these products. The investigator further informed Ms. Pennington about the diversion of list I chemical products to the clandestine manufacture of amphetamine and methamphetamine. In response, Ms. Pennington expressed that she was unaware of the problems associated with these products. She added however, that if not for the fact that SIFP's customers had requested list I chemical products, and the possibility that SIFP may lose those same customers to competitors that sell them, it would be her preference not to handle listed chemicals.

On July 6, 2000, the DEA Tennessee District Office received a customer list from Ms. Pennington. The Acting Deputy Administrator's review reveals a customer list comprised primarily of convenience stores, gas stations and food stores. DEA also received from Ms. Pennington a list of products that she anticipated distributing through her company. A review of the list by a DEA investigator revealed several list I products under the brand names of Sudafed and''Max Alert.'' However, several of the products that Ms. Pennington represented as listed I chemical products were in fact not of that category.

The Acting Deputy Administrator's review of the investigative file further reveals that the DEA Tennessee District office reviewed excessive purchase reports filed in that office for the period of March to December 2000. Excessive purchase reports reflect data involving unusually high volume purchases and sale of listed chemical products by various entities, and flag for law enforcement personnel possible unlawful activity with respect to these transactions. DEA's review of the reports revealed that at least five potential customers of SIFP had ordered in an excessive fashion, list I chemical products from a DEA registered distributor located in Crossville, Tennessee. In addition, DEA obtained information that at least one potential customer of SIFP was purchasing listed chemical products from the same company that Ms. Pennington proposed as a supplier for SIFP.

Pursuant to 21 U.S.C. 823(h), the Acting Deputy Administrator may deny an application for Certificate of Registration if she determines that granting the registration would be inconsistent with the public interest as determined under that section. Section 823(h) requires the following factors be considered in determining the public interest:

(1) Maintenance of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) Compliance with applicable Federal, State, and local law;

(3) Any prior conviction record under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) Any past experience in the manufacture and distribution of chemicals; and

(5) Such other factors as are relevant to and consistent with the public health and safety.

As with the public interest analysis for practitioners and pharmacies pursuant to subsection (f) of section 823, these factors are to be considered in the disjunctive; the Acting Deputy Administrator may rely on any one or combination of factors, and may give each factor the weight she deems appropriate in determining whether a registration should be revoked or an application for registration denied. *See, e.g., Energy Outlet,* 64 FR, 14269 (1999). *See also, Henry J. Schwartz, Jr., M.D.,* 54 FR 16422 (1989).

The Acting Deputy Administrator finds factors one, four and five relevant to SIFP's pending application for registration.

With respect to factor one, maintenance of effective controls against the diversion of listed chemicals, DEA's pre-registration inspection documented adequate security measures taken by SIFP with respect to the company's proposed storage of listed chemicals.

With respect to factor four, the applicant's past experience in the distribution of chemicals, DEA's investigation revealed that the owner of SIFP has no previous experience related to distributing or otherwise handling listed chemicals. In prior DEA decisions, the lack of experience in the handling list I chemicals was a factor in a determination to deny a pending application for DEA registration. *See, Matthew D. Graham,* 67 FR 10229 (2002); *Xtreme Enterprises, Inc.,* 67 FR 76195 (2002). Therefore, this factor similarly weights against the granting of SIFP's pending application. In addition, the Acting Deputy Administrator finds factor four relevant to Ms. Pennington's apparent unfamiliarity with listed chemical products as evidenced by the list of purported list I chemical products that was supplied to DEA on behalf of SIFP, which contained several products that were not of that category.

With respect to factor five, other factors relevant to and consistent with the public safety, the Acting Deputy Administrator finds this factor relevant to SIFP's proposal to distribute listed chemical products primarily to convenience stores and combination food mart/gas stations. While there are no specific prohibitions under the Controlled Substance Act regarding the sale of listed chemical products to these entities, DEA has nevertheless found that gas stations and convenience stores constitute sources for the diversion of listed chemical products. *See, e.g., Sinbad Distributing,* 67 FR 10232, 10233 (2002); *K.V.M. Enterprises,* 67 FR 70968 (2002) (denial of application based in part upon information developed by DEA that the applicant proposed to sell listed chemicals to gas stations, and the fact that these establishments in turn have sold listed chemical products to individuals engaged in the illicit manufacture of methamphetamine); *Xtreme Enterprises, Inc., supra.*

The Acting Deputy Administrator finds factor five relevant to the results of DEA's verification of SIFP's proposed customers. Among the firm's potential customers were establishments that were part of an excessive purchase report involving listed chemicals obtained by DEA, and one potential customer that was purchasing listed chemical products from another supplier.

The Acting Administrator also finds factor five relevant to SIFP's request to distribute phenylpropanolamine, and the apparent lack of safety associated with the use that product. DEA has previously determined that an applicant's request to distribute phenylpropanolamine constitutes a ground under factor five for denial of an application for registration. *Shani Distributors,* 68 FR 62324 (2003). Based on the foregoing, the Acting Deputy Administrator concludes that granting the pending application of SIFP would be inconsistent with the public interest.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the pending application for DEA Certificate of Registration, previously submitted by Shop It For Profit be, and it hereby is, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–345 Filed 1–7–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Monica Lynn Smedley, D.P.M.; Revocation of Registration

On May 5, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Monica Lynn Smedley, D.P.M. (Dr. Smedley) of Nashville, Tennessee and North Braddock, Pennsylvania, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BS4332045 under 21 U.S.C. 824(a) and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Smedley is not currently authorized to practice podiatry or handle controlled substances in Tennessee, her state of registration and practice and that her continued registration would not be in the public interest. The order also notified Dr. Smedley that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Smedley at her registered location at 319 Westfield Drive, Nashville, Tennessee. An Order was also sent to 551 Lobinger Avenue, North Braddock, Pennsylvania. According to the return receipts, the Order sent to the registered location was undeliverable. However, on or around May 30, 2003, the Order sent to her Pennsylvania address was accepted on Dr. Smedley's behalf.

DEA has not received a request for hearing or any other reply from Dr. Smedley or anyone purporting to represent her in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Smedley is deemed to have waived her hearing right. *See Samuel S. Jackson, D.D.S.,* 67 FR 65145 (2002); *David W. Linder,* 67 FR 12579 (2002). After considering material from the investigative file, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Smedley possesses DEA Certificate of Registration BS4332045, which expires on February 29, 2004. The Acting Deputy Administrator further finds that the State of Tennessee Department of Health filed charges against Dr. Smedley with the Tennessee Board of Registration of Podiatry (the Board) alleging, *inter alia,* that between February 1, 2002 and March 6, 2002, she prescribed controlled substances, primarily Codeine and Butalbital, after her podiatry license had expired for failure to renew. It was further charged that from January 31, 2002 until April 9, 2002, on an almost daily basis Dr. Smedley wrote prescriptions for and picked up Tylenol #4, a controlled substance, from various pharmacies in the Nashville area. These prescriptions were written in her mother's name. During the same period Dr. Smedley wrote prescriptions for Tylenol #4 to herself and attempted to pick up the prescribed controlled substances. The prescriptions were not dispensed, prescribed or otherwise distributed in the course of Dr. Smedley's professional practice.

On November 14, 2002, the Board issued an Agreed Order which found the above allegations true, suspended Dr. Smedley's podiatry license for a period of six months and placed her on one year's probation, which would commence upon expiration of the six month suspension. As a condition for reinstatement of her license, Dr. Smedley was required by the Agreed Order to undergo a substance abuse evaluation and demonstrate to the Board that she was in compliance with any of the evaluation's recommendations.

The investigative file contains no evidence that the Board's Agreed Order has been stayed or that Dr. Smedley's podiatry license has been reinstated. Therefore, the Acting Deputy Administrator finds that Dr. Smedley is not currently authorized to practice podiatry in the State of Tennessee. As a result, it is reasonable to infer that she is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which she conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Muttaiya Darmarajeh, M.D.,* 66 FR 52936 (2001); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Smedley's podiatry license was suspended, that it has not been reinstated and she is not licensed to handle controlled substances in the State of Tennessee, where she is registered with DEA. Therefore, she is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BS4332045, issued to Monica Lynn Smedley, D.P.M., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–342 Filed 1–7–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0048(2004)]

Standard on Occupational Noise Exposure (Noise) (29 CFR 1910.95); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA solicits comments concerning its proposal to extend OMB approval of the Information collection requirements contained in the Occupational Noise Exposure standard. (29 CFR 1910.95).

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or received) by March 8, 2004.

Facsimile and electronic transmission: Your comments must be received by March 8, 2004.

ADDRESSES:

I. Submission of Comments

Regular mail, express delivery, hand-delivery, and messenger service: Submit your comments and attachments to the

OSHA Docket Office, Docket No. ICR–1218–0048 (2004), Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., EST.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number, ICR–1218–0048 (2004), in your comments.

Electronic: You may submit comments, but not attachments, through the Internet at *http://ecomments.osha.gov/.*

II. Obtaining Copies of the Supporting Statement for the Information Collection Request

The Supporting Statement for the Information Collection Request (ICR) is available for downloading from OSHA's Web site at *http://www.osha.gov.* The complete ICR, containing the OMB 83–I Form, Supporting Statement, and attachments, is available for inspection and copying in the OSHA Docket Office, at the address listed above. A printed copy of the ICR can be obtained by contacting Todd Owen at (202) 693–2222.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW, Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA webpage. Please note you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, had delivery and messenger service.

II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The information collection requirements specified in the Noise Standard protect employees from suffering material hearing impairment.

III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

IV. Proposed Actions

OSHA is proposing to extend the information collection requirements in the Exposure to Noise Standard (29 CFR 1910.95).

The information collection requirements specified in the Noise Standard protect employees from suffering material hearing impairment. The information collection requirements of the Noise Standard include conducting noise monitoring; notifying employees when they are exposed at or above an 8-hour time-weighted average of 85 decibels; providing employees with initial and annual audiograms; notifying employees of a loss in hearing based on comparing audiograms; training employees on the effects of noise exposure and employee audiometric examinations, maintaining records of workplace noise exposure and employee audiograms; and allowing employees, OSHA and NIOSH access to materials and records required by the Standard.

Type of Review: Extension of currently approved information collection requirements.

Title: Noise Standard (29 CFR 1910.95).

OMB Number: 1218–0048.

Affected Public: Business or other for-profit; Federal government; State, Local or Tribal government.

Number of Respondents: 379,512.

Frequency: On occasion.

Total Responses: 26,240,305.

Average Time per Response: Varies from 2 minutes to notify employees when noise exposure exceeds the 8-hour time-weighted average of 85 decibels to 1 hour for employees in small establishments to take audiometric examinations.

Estimated Total Burden Hours: 5,175,645.

Estimated Cost (Operation and Maintenance): $98,814,861.

V. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on December 31, 2003.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–360 Filed 1–7–04; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before February 9, 2004 to be assured of consideration.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Mr. Jonathan Womer, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–837–3213.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on October 29, 2003 (68 FR 61702 and 61703). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

1. *Title:* NHPRC Subvention Grant Guidelines and Application.

OMB number: 3095–0021.

Agency form number: N/A.

Type of review: Regular.

Affected public: Universities and non-profit presses.

Estimated number of respondents: 10.

Estimated time per response: 7 hours.

Frequency of response: On occasion. On the average, a press submits two-and-a-half subvention applications per year.

Estimated total annual burden hours: 70 hours.

Abstract: The information collection is prescribed by 36 CFR part 1206. The application is submitted by university and other non-profit presses applying to the NHPRC grant program for subvention of part of the costs of manufacturing and distributing volumes published by NHPRC-supported editorial projects.

2. *Title:* NHPRC Annual Sales Reports for Subvention Grants.

OMB number: 3095–0022.

Agency form number: None.

Type of review: Regular.

Affected public: Non-profit presses that have received an NHPRC subvention grant.

Estimated number of respondents: 10.

Estimated time per response: 3 hours.

Frequency of response: One time only. On the average, a press has two on-going subvention grants and therefore submits two sales reports per year.

Estimated total annual burden hours: 30 hours.

Abstract: The information collection is prescribed by 36 CFR part 1206. The sales information provided by non-profit presses is used by Commission staff to gauge interest among scholars and the general public in documentary editions supported by Commission grants.

Dated: January 2, 2004.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 04–359 Filed 1–7–04; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1201]

Notice of Renewal of Material License SNM–1168 for Framatome Advanced Nuclear Power, Inc., Lynchburg, VA

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of renewal of license.

FOR FURTHER INFORMATION CONTACT: Julie Olivier, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T8–A33, Washington, DC 20555–0001, telephone (301) 415–8098 and email *jao@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated March 28, 2002 (ADAMS ML020940468), Framatome Advanced Nuclear Power (FANP) requested the renewal of license SNM–1168. A **Federal Register** Notice was published on August 9, 2002, notifying the public that the U.S. Nuclear Regulatory Commission (NRC) or the Commission was reviewing the renewal application for SNM–1168 and offering a 30-day notice of opportunity to request a hearing, in accordance with 10 CFR part 2. No requests for a hearing were received.

The environmental impacts of continued operation were reported in the Environmental Assessment (EA) for Renewal of License SNM–1168 (ADAMS ML030940720). On the basis of the assessment, a Finding of No Significant Impact (FONSI) was published in the **Federal Register** on May 7, 2003, (68 FR 24521).

Therefore, the Commission has renewed, for a period of ten years, Special Nuclear Material License SNM–1168 (ADAMS ML033490064), held by FANP to authorize: (1) Fabrication of fuel assemblies for commercial nuclear reactors, (2) support activities for nuclear reactor field service operations, and (3) general manufacturing at the Lynchburg, Virginia facility. This renewal was issued on December 12, 2003, and is effective immediately.

II. Further Information

In accordance with 10 CFR 2.790 of the NRC's ''Rules of Practice,'' the documents related to this proposed action including the EA and FONSI are available electronically for public inspection from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* These documents may also be examined and/or copied for a fee at the NRC Public Document Room (PDR) located at 01 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 2nd day of January, 2004.

For the Nuclear Regulatory Commission.

Julie Olivier,

Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 04–362 Filed 1–7–04; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act; January 6, 2004, Board of Directors Meeting

TIME AND DATE: Tuesday, January 6, 2004, 1:30 p.m. (Open Portion), 1:45 p.m. (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Meeting Open to the Public from 1:30 p.m. to 1:45 p.m. Closed portion will commence at 1:45 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report.

FURTHER MATTERS TO BE CONSIDERED:

(Closed to the Public 1:45 p.m.).

1. Finance Report—Iraq.
2. Finance Project—Iraq.

FOR FURTHER INFORMATION CONTACT: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: January 6, 2004.

Connie M. Downs,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 04–501 Filed 1–6–04; 3:09 pm]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 69 FR 387, January 5, 2004.

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, NW. Washington, DC.

ANNOUNCEMENT OF ADDITIONAL MEETING: Additional Meeting.

A Closed Meeting will be held on Tuesday, January 6, 2004 at 4:30 p.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 matter may also 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)(5), (7), and (10) and 17 CFR 200.402(a)(5), (7), and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Goldschmid, as duty officer, voted to consider the items listed for the closed meeting in a closed session and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting to be held on Tuesday, January 6, 2004 will be:

Institution and settlement of injunctive actions; and

Institution of administrative proceedings of an enforcement nature.

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) 942–7070.

Dated: January 6, 2004.

Jonathan G. Katz,

Secretary.

[FR Doc. 04–517 Filed 1–6–04; 3:59 pm]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, as Amended; Alteration to Existing Systems of Records

AGENCY: Social Security Administration (SSA).

ACTION: Proposed New Routine Use for Existing System of Records.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (11)), we are issuing public notice of our intent to establish a new routine use disclosure applicable to the system of records entitled *Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058.* The proposed routine use will allow SSA to disclose citizenship status data, in addition to validated SSN information, to assist the Department of Defense (DOD) in identifying those military enrollees and members of the Armed Forces who are aliens or noncitizen nationals that may qualify for expedited naturalization or citizenship processing. We invite public comment on this proposal.

DATES: We filed a report of the proposed new routine use disclosure with the Chairman of the Senate Committee on Governmental Affairs, the Chairman of the House Committee on Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on January 2, 2004. The proposed routine use will become effective on February 11, 2004, unless we receive comments warranting that it not become effective.

ADDRESSES: Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Peddicord, Social Insurance Specialist, Strategic Issues Team, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, in Room 3–C–2 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, at e-mail address *joan.peddicord@ssa.gov* or by telephone at (410) 966–6491.

SUPPLEMENTARY INFORMATION:

I. Discussion of the Proposed New Routine Use

DOD has requested that SSA verify SSNs, and under the proposed new routine use, provide citizenship status data to assist DOD in identifying those military enrollees and members of the Armed Forces who are aliens or noncitizen nationals that may qualify for expedited naturalization or citizenship processing. To satisfy the legal requirements for disclosure under the Privacy Act, SSA must establish a new routine use in the system of records entitled *Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058.*

Data output from this verification process will be used by DOD as part of its ongoing efforts to help identify those military enrollees and members of the Armed Forces who are aliens or noncitizen nationals that may qualify for expedited citizenship or naturalization processing under section 329 of the Immigration and Nationality Act, 8 U.S.C. 1440. Under section 329, the President may make expedited naturalization procedures available to aliens and noncitizen nationals serving in an active duty status by designating, via an Executive Order (EO), a period in which the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force. On January 3, 2002, President Bush issued EO 13269, designating such a period to have commenced on September 11, 2001.

SSA already validates SSNs for DOD under an existing routine use. This routine use, number 16, is found in the *Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058,* and permits SSA to disclose SSN verifications to Federal agencies which use the SSN as a numerical identifier in their recordkeeping systems. The proposed routine use will allow the additional disclosure of citizenship status data to DOD as a part of the SSN verification process. The proposed routine use, number 38, reads as follows:

Validated SSN information and citizenship status information may be disclosed to the Department of Defense (DOD) for the purpose of assisting DOD in identifying those members of the Armed Forces and military enrollees who are aliens or noncitizen

nationals that may qualify for expedited naturalization or citizenship processing. These disclosures will be made pursuant to requests made under section 329 of the Immigration and Nationality Act, 8 U.S.C. 1440, as executed by Executive Order 13269.

We are not republishing in its entirety the notice of the system of records to which we are adding the proposed new routine use disclosure. Instead, we are republishing only the identification number and the name of the system of record, along with the volume, page number and date of the **Federal Register** (FR) issue in which the system notice was last published. The proposed new routine use will be included in the *Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058* (63 F.R. 14165, dated 03/24/98).

II. Compatibility of Proposed Routine Use

The Privacy Act (5 U.S.C. 552a(a)(7) and (b)(3)) and SSA's disclosure regulation (20 CFR Part 401) permit us to disclose information under a published routine use for a purpose that is compatible with the purpose for which we collected the information. Consistent with Executive Order 9397, Numbering System for Federal Accounts Relating to Individual Persons, SSA previously determined that disclosing information to those Federal agencies that use the SSN as a numerical identifier in their recordkeeping systems for the purpose of validating SSNs was compatible with the purposes for which SSA collected such information. The additional disclosure of citizenship status information to DOD helps DOD fulfill its obligation under EO 13269 to identify those members of the Armed Forces and military enrollees who are aliens or noncitizen nationals that may qualify for expedited naturalization or citizenship processing. This use is compatible with the purposes SSA collected the data as described in EO 9397. Thus, the proposed routine use is appropriate and meets the relevant statutory and regulatory criteria.

III. Effect of the Proposed Routine Use Disclosure on the Rights of Individuals

The proposed routine use will allow SSA to disclose SSN verifications and citizenship status information to DOD to assist DOD in identifying military enrollees and members of the Armed Forces who may be entitled to expedited naturalization. DOD has advised SSA that the administrative activity that DOD will conduct, based on information disclosed under the proposed routine use, will not result in decisions or actions taken against specific individuals. The routine use has established safeguards to prevent unauthorized use or disclosure of the record and to ensure the privacy and other rights of individuals. Additionally, we will adhere to all applicable provisions of the Privacy Act when disclosing information. Thus, we do not anticipate that the proposed new routine use will have any unwarranted adverse effect on the rights of individuals about whom data will be disclosed.

Dated: January 2, 2004.

Jo Anne B. Barnhart,

Commissioner.

[FR Doc. 04–350 Filed 1–7–04; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8806

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 Form 8806, Information Return for Acquisition of Control or Substantial Change in Capital Structure.

DATES: Written comments should be received on or before March 8, 2004, to be assured of consideration.

ADDRESSES: Direct all written comments to Robert M. Coar, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3945, or through the Internet at *CAROL.A.SAVAGE@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return for Acquisition of Control or Substantial Change in Capital Structure.

OMB Number: 1545–1869.

Form Number: 8806.

Abstract: Form 8806 is used to report information regarding transactions involving acquisition of control or substantial change in capital structure under section 6043.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time Per Respondent: 11 hours, 18 minutes.

Estimated Total Annual Burden Hours: 113.

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: January 2, 2004.

Robert M. Coar,

IRS Reports Clearance Officer.

[FR Doc. 04–380 Filed 1–7–04; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 69, No. 5

Thursday, January 8, 2004

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of a Novel Propellant Technology for Exclusive, Partially Exclusive or Non–exclusive Licenses

Correction

In notice document 03–31335 appearing on page 70784 in the issue of Friday, December 19, 2003, make the following correction:

In the first column, under ''**SUMMARY**'', in the second to last line ''10/398885'' should read ''10/389885''.

[FR Doc. C3–31335 Filed 1–7–04; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 261, 268, 271, and 302

[RCRA–2003–0001; SWH–FRL–7587–6]

RIN 2050–AD80

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Five Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards

Correction

In proposed rule document 03–28783 beginning on page 66164 in the issue of Tuesday, November 25, 2003, make the following corrections:

1. On page 66180, in Table III-1, in the ''Chemical compond'' column, the 18th entry, ''3,3-'Dimethylbenzidine'', should read ''3,3'-Dimethylbenzidine ''.

2. On page 66219, in the second column, in Footnote 68, in the third line, ''informaiton'' should read ''information''.

Appendix VIII to Part 261 [Corrected]

3. On page 66227, in **Appendix VIII to Part 261**, the table is corrected in part:

Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
* * *	* *	*	*
1,2-Phenylenediamine	1,2-Benzenediamine	95–54–5	
* * *	* *	*	*
1,3-Phenylenediamine	1,3-Benzenediamine	108–45–2	
* * *	* *	*	*

§ 268.40 [Corrected]

4. On page 66228, the table is corrected in part:

TREATMENT STANDARDS FOR HAZARDOUS WASTES

[**Note:** NA means not applicable]

Waste code	Waste description and treatment/regulatory subcategory [1]	Regulated hazardous constituent		Wastewaters—concentration in mg/L [3], or technology code [4]	Nonwastewaters—concentration in mg/kg [5] unless noted as ''mg/L TCLP'', or technology code
		Common name	CAS [2] No.		

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

[**Note:** NA means not applicable]

Waste code	Waste description and treatment/regulatory subcategory [1]	Regulated hazardous constituent		Wastewaters—concentration in mg/L [3], or technology code [4]	Nonwastewaters—concentration in mg/kg [5] unless noted as ''mg/L TCLP'', or technology code
		Common name	CAS [2] No.		
*	* *	*	*	*	*
K181	Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c)(1) of this section that are equal to or greater than the corresponding paragraph (c)(1) levels, as determined on a calendar year basis.	Aniline	65–53–3	0.81	14
		o-Anisidine (2-methoxyaniline)	90–04–0	0.010	0.66
		4-Chloroaniline	106–47–8	0.46	16
		p-Cresidine	120–71–8	0.010	0.66
		2,4-Dimethylaniline (2,4xylidine)	95–68–1	0.010	0.66
		1,2-Phenylenediamine	95–54–5	CMBST; or	CMBST
				CHOXD fb	
				(BIODG or	
				CARBN); or	
				BIODG fb	
				CARBN	
		1,3-Phenylenediamine.	108–45–2	0.010	0.66
		Toluene-2,4-diamine	95–80–7	0.020	1.30
*	* *	*	*	*	*

5. On page 66228, under **Footnotes to Treatment Standard Table 268.40**, remove footnotes six (6) and seven (7).

[FR Doc. C3–28783 Filed 1–7–04; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201 and 610

[Docket No. 1980N–0208]

Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review

Correction

In rule document 03–32255 beginning on page 255 in the issue of Monday, January 5, 2004, make the following correction:

On page 255, in the first column, under the heading **DATES**, in the first and second lines, ''January 4, 2003'' should read ''January 4, 2005''.

[FR Doc. C3–32255 Filed 1–6–04; 10:31 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
January 8, 2004

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 660

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Annual Specifications and Management Measures; Emergency Rule and Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 031216315–3315–01; I.D. 112803A]

RIN 0648–AR68

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule; groundfish fishery management measures for January through February 2004; request for comments.

SUMMARY: NMFS announces the January through February 2004 management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California. Management measures for January through February 2004 are intended to prevent overfishing; Rebuild overfished species; minimize incidental catch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, allow achievement of harvest guidelines and limited entry and open access allocations to the extent practicable. Elsewhere in this separate part of the **Federal Register**, NOAA is proposing to make the amendments to 50 CFR 660 effective indefinitely.

DATES: The groundfish management measures and the amendments to 50 CFR 660 are effective January 1, 2004 through February 29, 2004. Comments must be received no later than 5 p.m, local time (l.t.) on February 9, 2004.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070, or fax to 206–526–6736, care of Yvonne deReynier. Comments will not be accepted if submitted via e-mail or Internet. Information relevant to this rule, which includes environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), is available for public review during business hours at the office of the Pacific Fishery Management Council (Council), at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503–820–2280. Additional reports referred to in this document may also be obtained from the Council.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; e-mail: *yvonne.dereynier@noaa.gov, becky.renko@noaa.gov* or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; e-mail: *svein.fougner@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This emergency rule is also accessible via the Internet at the Office of the Federal Register's Web site at *http://www.gpoaccess.gov/fr/index.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm* and at the Council's Web site at *http://www.pcouncil.org.*

Background

The Pacific Coast groundfish fishery management plan (FMP) requires that fishery specifications for groundfish be annually evaluated, and revised as necessary, that optimum yields (OYs) be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks.

Since 1990, the Pacific Coast Groundfish FMP has required that fishery specifications for groundfish be annually evaluated and revised as necessary, that OYs be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. Each year, specifications and management measures have been made effective until the specifications and management measures for the following year were published and effective.

During 2002 and 2003, the Council developed and considered revisions to its specifications and management measures process through Amendment 17 to the FMP. Amendment 17 was implemented via final rule on September 4, 2003 (68 FR 52519). Through Amendment 17, the FMP now sets the specifications and management measures as a biennial process, with the first 2-year management period to occur January 1, 2005 through December 31, 2006. The Council will develop and consider specifications and management measures for the 2005–2006 period at its November 2003, April 2004, and June 2004 meetings. The Council will decide on the 2005–2006 specifications and management measures in June 2004, and NMFS will then vet the 2005–2006 specifications and management measures through a public notice-and-comment process before the fishing year begins on January 1, 2005. This process will include a proposed rule published in the **Federal Register**, followed by a public comment period and a final rule, also published in the **Federal Register**.

For 2004, the final year in which the agency will follow the FMP's old schedule of an annual management process, NMFS will follow an implementation process similar to those it used in 2002 and 2003. The Council finalized its specifications and management measures recommendations for the 2004 fishing year at its September 8–12, 2003, meeting in Seattle, WA. Council staff has analyzed these recommendations via an Environmental Impact Statement (EIS), a draft of which was made available for public review on October 24, 2003 (68 FR 60983). Given the complexity of the annual specifications and management measures and the need for EIS-related public review periods, NMFS did not have enough time to publish a proposed rule, receive public comments, and implement a final rule by January 1, 2004. Thus, NMFS is publishing this emergency rule under the Magnuson-Stevens Act emergency authority at section 305(c). This emergency rule establishes the groundfish management measures for January 1 through February 29, 2004.

Unless new management measures are in place by January 1, 2004, management measures for January and February 2004 would revert to those that were in place for January–February 2003. For some species, January–February 2004 management measures are more conservative than January–February 2003 management measures, while for others the January–February 2004 measures are less restrictive. The 2004 management measures were crafted to ensure that the groundfish fisheries can achieve but not exceed the 2004 acceptable biological catch and OYs. Allowing the January–February 2003 management measures to be in place during January–February 2004 could jeopardize managers' ability to

keep landings within rebuilding targets for some species.

Specifications and management measures proposed for March-December 2004 in the Proposed Rules section of this issue of the **Federal Register** combined with this emergency rule are intended to protect overfished groundfish species while allowing harvesters some access to healthy groundfish stocks. Specifications and management measures proposed for 2004 in the Proposed Rule section of this issue of the **Federal Register** are designed to rebuild overfished stocks through constraining direct and incidental mortality and areas of fishing operation to prevent overfishing, and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP. That proposed rule describes the rationale for the 2004 groundfish management measures, which include trip, bag and size limits, time/area closures, and gear- and area-specific regulations, including the management measures implemented in this emergency rule.

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, (AA), NMFS, concurs with the Council's recommendations and announces the following management actions for January 1 through February 29, 2004.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2004 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the maximum amount of a fish species or species group that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours l.t. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours l.t. on Sunday and ending at 2400 hours l.t. on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months, a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours l.t. and end at 2400 hours l.t., are as follows, unless otherwise specified:

(i) The 2-month periods are: January 1–February 29, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(e) As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing and must be reported as such.

(f) The cumulative trip limits in Section IV.B. and C., including Tables 3–5 of this emergency rule, must not be exceeded.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph IV.A.(7)). See paragraph IV.A.(9) for information on inseason changes to limits.

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish.* ''Legal fish'' means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits, length measurement, and weight limits.*

(a) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the State where the fish will be landed.

(i) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(ii) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(iv) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph IV. D.). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(b) *Weight limits and conversions.* The weight limit conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. Weight conversions provided herein are those conversions currently in use by the states of Washington, Oregon and California and may be subject to change by those states. Fishery participants should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor. To determine the round weight, multiply the processed weight times the conversion factor.

(c) *Sablefish.* The following conversion applies to both the limited entry and open access fisheries when trip limits are in effect for those fisheries. For headed and gutted (eviscerated) sablefish the weight conversion factor is 1.6 for headed and gutted sablefish.

(d) *Lingcod.* The following conversions apply in both limited entry and open access fisheries.

(i) For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) The weight conversion factor for headed and gutted lingcod is 1.5. The conversion factor for lingcod that has only been gutted with the head on is 1.1.

(7) *Closure.* ''Closure,'' when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. The provisions at paragraph IV.A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with any prohibited species on board, no matter where that species was caught, except as provided for in the CCA at IV. A.(17)(b).

(8) *Fishery management area.* As defined at 50 CFR 660.302, the fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits, and area closures in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting, see 50 CFR 660.323(b). Council meetings in 2004 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest Regional Office (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open access gear, but the open access limit is smaller than the limited entry limit, the open access limit may not be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in north-south management areas with different trip limits.* NMFS uses different types of management areas for West Coast groundfish management. One type of management area is the north-south management area, a large ocean area with northern and southern boundary lines wherein trip limits, seasons, and conservation areas follow a single theme. For example, in the area between the U.S. border with Canada and the 40°10′ N. lat. line, trip limits and conservation areas are generally intended to protect darkblotched and yelloweye rockfish while providing harvesting opportunities for northern flatfish and deepwater species. Within each north-south management area, there may be one or more conservation areas, detailed at IV.A.(17) and at 50 CFR 660.304. The provisions within this paragraph IV.A.(12) apply to vessels operating in different north-south management areas. Trip limits for a species or a species group may differ in different north-south management areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2004, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph IV.A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Operating in two different areas where a species or species group is managed with different types of trip limits.* During the fishing year, NMFS may implement management measures for a species or species group that set different types of trip limits (for example, per trip limits versus cumulative trip limits) for different areas. If a vessel fishes for a species or species group that is managed with different types of trip limits in two different areas within the same cumulative limit period, then that vessel is subject to the most restrictive overall cumulative limit for that species, regardless of where fishing occurs.

(d) *Minor rockfish.* Several rockfish species are designated with species-specific limits on one side of the 40°10 N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 38° N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 38° N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 38°

N. lat. [**Note:** A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 38° N. lat., that vessel is also permitted to take and retain, possess or land Pacific ocean perch (POP) up to its cumulative limit north of 38° N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 38° N. lat. [**Note:** A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(iii) If a trawl vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat. Yellowtail rockfish is included in overall shelf rockfish limits for limited entry fixed gear and open access gear groups. Widow rockfish is included in overall shelf rockfish limits for all gear groups. [**Note:** A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 38° N. lat., that vessel is also permitted to take and retain, possess or land Pacific ocean perch (POP) up to its cumulative limit north of 38° N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 38° N. lat. [**Note:** A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(iii) If a trawl vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat. Yellowtail rockfish is included in overall shelf rockfish limits for limited entry fixed gear and open access gear groups. Widow rockfish is included in overall shelf rockfish limits for all gear groups. [**Note:** A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.]

(e) ''*DTS complex.*'' There are differential trawl trip limits for the ''DTS complex'' (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph IV.A.(12) when making landings that include any one of the four species in the ''DTS complex.''

(f) *Flatfish complex.* There are differential trip limits for the flatfish complex (butter, curlfin, English, flathead, petrale, rex, rock, and sand soles, Pacific sanddab, and starry flounder) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph IV.A.(12) when making landings that include any one of the species in the flatfish complex.

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial OY, or quota applied.'' The States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state fish tickets. This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h).) The following species must be sorted in 2004:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, arrowtooth flounder, other flatfish, lingcod, sablefish, and Pacific whiting [**Note:** Although black rockfish, yelloweye rockfish, and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.]

(ii) North of 40°10′ N. lat.—POP, yellowtail rockfish, and, for fixed gear, blue rockfish;

(iii) South of 40°10′ N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, black rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, Dover sole, arrowtooth flounder, petrale sole, rex sole, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10′ N. lat.—blue rockfish, POP, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception, CA—thornyheads.

(14) *Trawl gear restrictions.* Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: Large footrope, small footrope, or midwater trawl gear.

(a) *Types of trawl gear*—Large footrope, small footrope, and midwater or pelagic trawl gears are defined at 50 CFR 660.302 and 660.322(b). Trawl vessels may include: Those vessels registered to a limited entry permit with a trawl endorsement; any vessel using trawl gear, including exempted trawl gear used to take pink shrimp, ridgeback prawns, California halibut, or sea cucumber; or any tribal vessel using trawl gear.

(b) *Cumulative trip limits and prohibitions by limited entry trawl gear type*—(i) *Large footrope trawl.* If Table 3 does not provide a large footrope trawl cumulative or trip limit for a particular species or species group, it is unlawful to take and retain, possess or land that species or species group if large footrope gear is on board. It is unlawful for any vessel using large footrope gear to exceed large footrope gear limits for any species or to use large footrope gear to exceed small footrope gear or midwater trawl gear limits for any species. It is unlawful for any vessel using large footrope gear or that has large footrope trawl gear on board to fish for groundfish shoreward of the RCAs defined at paragraph IV.A.(17) of this section. The presence of rollers or

bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large footrope trawl is on board.

(ii) *Small footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish (South of 40°10′ N. lat.,) yellowtail rockfish (North of 40°10′ N. lat.,) minor shelf rockfish (North of 40°10′ N. lat.,) minor nearshore rockfish, and lingcod, as indicated in Table 3 to section IV., are allowed only if small footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraph IV.A.(14) and at 50 CFR 660.322. For Dover sole, longspine thornyhead, shortspine thornyhead, flatfish complex species including petrale sole, rex sole, or arrowtooth flounder there are or may be cumulative trip limits that are more restrictive for vessels using small footrope gear than for large footrope gear or midwater gear. These more restrictive limits recognize that small footrope gear may be used inshore of the RCAs and are intended to limit trawl effort in the nearshore area. Where limits are more restrictive for small footrope gear, those limits apply to and constrain any vessel using small footrope gear at any time during the cumulative limit period to which the landings limits apply.

(iii) *Midwater trawl gear.* North of 40°10′ N. lat., higher yellowtail and widow rockfish cumulative trip limits are available for limited entry vessels using midwater trawl gear in November-December. For the first part of the year, yellowtail and widow rockfish are only available to trawl vessels using midwater trawl gear when those vessels are fishing for Pacific whiting during the primary whiting season. Each landing that contains yellowtail or widow rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small footrope trawl must not exceed the small footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawls during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(iv) *More than one type of trawl gear on board.* The cumulative trip limits in Table 3 must not be exceeded. A vessel may have more than one type of limited entry bottom trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear. [*Example:* If a vessel has large footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small footrope trawl.] A vessel that is trawling within a Groundfish Conservation Area with trawl gear authorized for use within a Groundfish Conservation Area may not have any other type of trawl gear on board.

(c) *State landing receipts.* Washington, Oregon, and California will require the type of trawl gear on board to be recorded on the state landing receipt(s) for each trip or on an attachment to the state landing receipt.

(d) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2004 are January 1, March 1, May 1, July 1, September 1, and November 1.

(16) *Exempted fisheries.* U.S. vessels operating under an exempted fishing permit (EFP) issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit. EFPs may include the collecting of scientific samples of groundfish species that would otherwise be prohibited for retention.

(17) *Groundfish Conservation Areas.* Groundfish conservation area (GCA) means a geographic area defined by coordinates expressed in degrees of latitude and longitude, created and enforced for the purpose of contributing to the rebuilding of overfished West Coast groundfish species. The Yelloweye Rockfish Conservation Area (YRCA), the Cowcod Conservation Areas (CCAs), and the depth-based Rockfish Conservation Areas (RCAs) are all Groundfish Conservation Areas.

(a) *Yelloweye Rockfish Conservation Area.* The YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The specific latitude and longitude coordinates of the YRCA are defined at § 660.304(d). Recreational fishing for groundfish is prohibited within the YRCA. It is unlawful for recreational fishing vessels to take, retain, possess, or land groundfish within the YRCA.

(b) *Cowcod Conservation Areas.* The CCAs are two areas off the southern California coast intended to protect cowcod. The specific latitude and longitude coordinates of the Cowcod Conservation Areas (CCAs) are defined at § 660.304(c). Recreational and commercial fishing for groundfish is prohibited within the CCAs, except that recreational and commercial fishing for rockfish and lingcod is permitted in waters shoreward of the 20 fm (37 m) depth contour. It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for rockfish and lingcod taken in waters shoreward of the 20-fm (37-m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00′30″ N. lat., and bounded on the south by the latitude line at 32°59′30″ N. lat.

(c) *Trawl (Limited Entry and Open Access Exempted Trawl Gears) Rockfish Conservation Area.*

(i) Trawl RCAs are intended to protect a complex of species, such as overfished shelf rockfish species, and have boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours, such as 75 fm (137 m), 150 fm (274 m), and 200 fm (366 m). The trawl RCA is closed coastwide to limited entry groundfish trawl fishing, except for mid-water trawl vessels participating in the primary whiting season. The trawl RCA is also closed coastwide to open access exempted trawl fishing, except for pink shrimp trawling. Fishing with any trawl gear is prohibited within the trawl RCA coastwide, unless that vessel is participating in the primary whiting season with midwater trawl gear, trawling with mid-water gear for yellowtail or widow rockfish when that is permitted, or trawling for pink shrimp. Coastwide, it is unlawful to take and retain, possess, or land any species of fish taken with trawl gear within the trawl RCA, except as permitted for vessels participating in the primary whiting season with midwater trawl gear or for vessels participating in the pink shrimp trawl fishery. Throughout the year, boundaries for the trawl RCA are provided in Table 3 of Section IV.B. and in Table 5 of Section IV.C. and may be modified by NMFS inseason. Trawl RCA boundaries are defined by specific latitude and longitude coordinates and are provided below at paragraph (e) of this section.

(ii) Trawl vessels may transit through the trawl RCA, with or without groundfish on board, provided all groundfish trawl gear is stowed either:

(1) Below deck; or (2) if the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or (3) remaining on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors. These restrictions do not apply to vessels fishing with mid-water trawl gear for Pacific whiting or taking and retaining yellowtail rockfish or widow rockfish in association with Pacific whiting caught with mid-water trawl gear or to taking and retaining yellowtail or widow rockfish with mid-water trawl gear when trip limits are authorized for those species (November-December 2004.)

(iii) If a vessel fishes in the trawl RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the trawl RCA. For example, if a vessel participates in the pink shrimp fishery within the RCA, the vessel cannot on the same trip participate in the DTS fishery outside of the RCA. Nothing in these Federal regulations supercede any State regulations that may prohibit trawling shoreward of the 3 nm State waters boundary line.

(d) *Non-Trawl (Limited Entry Fixed Gear and Open Access Non-trawl Gears) Rockfish Conservation Area.*

(i) Non-trawl RCAs are intended to protect a complex of species, such as overfished shelf rockfish species, and have boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours, such as 27 fm (49 m), 100 fm (183 m), and 150 fm (274 m). The non-trawl RCA is closed to non-trawl gear (limited entry or open access longline and pot or trap, open access hook-and-line, pot or trap, gillnet, set net, trammel net and spear) fishing for groundfish. Fishing for groundfish with non-trawl gear is prohibited within the non-trawl RCA. It is unlawful to take and retain, possess, or land groundfish taken with non-trawl gear within the non-trawl RCA. Limited entry fixed gear and open access non-trawl gear vessels may transit through the non-trawl RCA, with or without groundfish on board. These restrictions do not apply to vessels fishing for species other than groundfish with non-trawl gear. If a vessel fishes in the non-trawl RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the non-trawl RCA. For example, if a vessel participates in the salmon troll fishery within the RCA, the vessel cannot on the same trip participate in the sablefish fishery outside of the RCA. Throughout the year, boundaries for the non-trawl RCA are provided in Table 4 of Section IV.B. and in Table 5 of Section IV.C. and may be modified by NMFS inseason. Non-trawl RCA boundaries are defined by specific latitude and longitude coordinates and are provided below at paragraph (e) of this section.

(e) *Recreational Rockfish Conservation Area.*

(i) Recreational RCAs are closed areas intended to protect overfished rockfish species. Recreational RCAs may either have (1) boundaries defined by general depth contours or (2) boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours. The recreational RCA is closed to recreational fishing for groundfish. Fishing for groundfish with recreational gear is prohibited within the recreational RCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. These restrictions do not apply to recreational vessels fishing for species other than groundfish with recreational gear. If a vessel fishes in the recreational RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the recreational RCA. For example, if a vessel participates in the recreational salmon fishery within the RCA, the vessel cannot on the same trip participate in the recreational groundfish fishery shoreward of the RCA. Throughout the year, boundaries for the recreational RCAs are provided in the text in section IV.D. under each state (Washington, Oregon and California) and may be modified by NMFS inseason. Recreational RCA boundaries that are defined by specific latitude and longitude coordinates are provided below at paragraph (f) of this section.

(f) *RCA Boundary Coordinates.* Specific latitude and longitude coordinates for RCA boundaries that approximate the depth contours selected for both trawl, non-trawl, and recreational RCAs are provided here. Also provided here are references to islands and rocks that serve as reference points for the RCAs.

(i) The 27 fm (49 m) depth contour used between 46°16' N. lat. and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00′ N. lat., 124°12.39′ W. long.;

(2) 46°14.85′ N. lat., 124°12.39′ W. long.;

(3) 46°03.95′ N. lat., 124°03.64′ W. long.;

(4) 45°43.14′ N. lat., 124°00.17′ W. long.;

(5) 45°23.33′ N. lat., 124°01.99′ W. long.;

(6) 45°09.54′ N. lat., 124°01.65′ W. long.;

(7) 44°39.99′ N. lat., 124°08.67′ W. long.;

(8) 44°20.86′ N. lat., 124°10.31′ W. long.;

(9) 43°37.11′ N. lat., 124°14.91′ W. long.;

(10) 43°27.54′ N. lat., 124°18.98′ W. long.;

(11) 43°20.68′ N. lat., 124°25.53′ W. long.;

(12) 43°15.08′ N. lat., 124°27.17′ W. long.;

(13) 43°06.89′ N. lat., 124°29.65′ W. long.;

(14) 43°01.02′ N. lat., 124°29.70′ W. long.;

(15) 42°52.67′ N. lat., 124°36.10′ W. long.;

(16) 42°45.96′ N. lat., 124°37.95′ W. long.;

(17) 42°45.80′ N. lat., 124°35.41′ W. long.;

(18) 42°38.46′ N. lat., 124°27.49′ W. long.;

(19) 42°35.29′ N. lat., 124°26.85′ W. long.;

(20) 42°31.49′ N. lat., 124°31.40′ W. long.;

(21) 42°29.06′ N. lat., 124°32.24′ W. long.;

(22) 42°14.26′ N. lat., 124°26.27′ W. long.;

(23) 42°04.86′ N. lat., 124°21.94′ W. long.;

(24) 42°00.10′ N. lat., 124°20.99′ W. long.;

(25) 42°00.00′ N. lat., 124°21.03′ W. long.;

(26) 41°56.33′ N. lat., 124°20.34′ W. long.;

(27) 41°50.93′ N. lat., 124°23.74′ W. long.;

(28) 41°41.83′ N. lat., 124°16.99′ W. long.;

(29) 41°35.48′ N. lat., 124°16.35′ W. long.;

(30) 41°23.51′ N. lat., 124°10.48′ W. long.;

(31) 41°04.62′ N. lat., 124°14.44′ W. long.;

(32) 40°54.28′ N. lat., 124°13.90′ W. long.;

(33) 40°40.37′ N. lat., 124°26.21′ W. long.;

(34) 40°34.03′ N. lat., 124°27.36′ W. long.;

(35) 40°28.88′ N. lat., 124°32.41′ W. long.;

(36) 40°24.82′ N. lat., 124°29.56′ W. long.;

(37) 40°22.64′ N. lat., 124°24.05′ W. long.;

(38) 40°18.67′ N. lat., 124°21.90′ W. long.;

(39) 40°14.23′ N. lat., 124°23.72′ W. long.; and

(40) 40°10.00′ N. lat., 124°17.22′ W. long.

(ii) The 30 fm (55 m) depth contour between 46°16′ N. lat. and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00′ N. lat., 124°13.05′ W. long.;

(2) 46°07.00′ N. lat., 124°07.01′ W. long.;

(3) 45°55.95′ N. lat., 124°02.23′ W. long.;

(4) 45°54.53′ N. lat., 124°02.57′ W. long.;

(5) 45°50.65′ N. lat., 124°01.62′ W. long.;

(6) 45°48.20′ N. lat., 124°02.16′ W. long.;

(7) 45°43.47′ N. lat., 124°01.28′ W. long.;

(8) 45°40.48′ N. lat., 124°01.03′ W. long.;

(9) 45°39.04′ N. lat., 124°01.68′ W. long.;

(10) 45°35.48′ N. lat., 124°01.89′ W. long.;

(11) 45°29.81′ N. lat., 124°02.45′ W. long.;

(12) 45°27.96′ N. lat., 124°01.89′ W. long.;

(13) 45°27.22′ N. lat., 124°02.67′ W. long.;

(14) 45°24.20′ N. lat., 124°02.94′ W. long.;

(15) 45°20.60′ N. lat., 124°01.74′ W. long.;

(16) 45°16.44′ N. lat., 124°03.22′ W. long.;

(17) 45°13.63′ N. lat., 124°02.70′ W. long.;

(18) 45°11.04′ N. lat., 124°03.59′ W. long.;

(19) 45°08.55′ N. lat., 124°03.47′ W. long.;

(20) 45°02.82′ N. lat., 124°04.64′ W. long.;

(21) 44°58.06′ N. lat., 124°05.03′ W. long.;

(22) 44°53.97′ N. lat., 124°06.92′ W. long.;

(23) 44°48.89′ N. lat., 124°07.04′ W. long.;

(24) 44°46.94′ N. lat., 124°08.25′ W. long.;

(25) 44°42.72′ N. lat., 124°08.98′ W. long.;

(26) 44°38.16′ N. lat., 124°11.48′ W. long.;

(27) 44°33.38′ N. lat., 124°11.54′ W. long.;

(28) 44°28.51′ N. lat., 124°12.03′ W. long.;

(29) 44°27.65′ N. lat., 124°12.56′ W. long.;

(30) 44°19.67′ N. lat., 124°12.37′ W. long.;

(31) 44°10.79′ N. lat., 124°12.22′ W. long.;

(32) 44°09.22′ N. lat., 124°12.28′ W. long.;

(33) 44°00.22′ N. lat., 124°12.80′ W. long.;

(34) 43°51.56′ N. lat., 124°13.17′ W. long.;

(35) 43°44.26′ N. lat., 124°14.50′ W. long.;

(36) 43°33.82′ N. lat., 124°16.28′ W. long.;

(37) 43°28.66′ N. lat., 124°18.72′ W. long.;

(38) 43°23.12′ N. lat., 124°24.04′ W. long.;

(39) 43°20.49′ N. lat., 124°25.90′ W. long.;

(40) 43°16.41′ N. lat., 124°27.52′ W. long.;

(41) 43°14.23′ N. lat., 124°29.28′ W. long.;

(42) 43°14.03′ N. lat., 124°28.31′ W. long.;

(43) 43°11.92′ N. lat., 124°28.26′ W. long.;

(44) 43°11.02′ N. lat., 124°29.11′ W. long.;

(45) 43°10.13′ N. lat., 124°29.15′ W. long.;

(46) 43°09.27′ N. lat., 124°31.03′ W. long.;

(47) 43°07.73′ N. lat., 124°30.92′ W. long.;

(48) 43°05.93′ N. lat., 124°29.64′ W. long.;

(49) 43°01.59′ N. lat., 124°30.64′ W. long.;

(50) 42°59.73′ N. lat., 124°31.16′ W. long.;

(51) 42°53.75′ N. lat., 124°36.09′ W. long.;

(52) 42°49.37′ N. lat., 124°38.81′ W. long.;

(53) 42°46.42′ N. lat., 124°37.69′ W. long.;

(54) 42°46.07′ N. lat., 124°38.56′ W. long.;

(55) 42°45.29′ N. lat., 124°37.95′ W. long.;

(56) 42°45.61′ N. lat., 124°36.87′ W. long.;

(57) 42°44.28′ N. lat., 124°33.64′ W. long.;

(58) 42°42.75′ N. lat., 124°31.84′ W. long.;

(59) 42°40.04′ N. lat., 124°29.19′ W. long.;

(60) 42°38.09′ N. lat., 124°28.39′ W. long.;

(61) 42°36.72′ N. lat., 124°27.54′ W. long.;

(62) 42°36.56′ N. lat., 124°28.40′ W. long.;

(63) 42°35.76′ N. lat., 124°28.79′ W. long.;

(64) 42°34.03′ N. lat., 124°29.98′ W. long.;

(65) 42°34.19′ N. lat., 124°30.58′ W. long.;

(66) 42°31.27′ N. lat., 124°32.24′ W. long.;

(67) 42°27.07′ N. lat., 124°32.53′ W. long.;

(68) 42°24.21′ N. lat., 124°31.23′ W. long.;

(69) 42°20.47′ N. lat., 124°28.87′ W. long.;

(70) 42°14.60′ N. lat., 124°26.80′ W. long.;

(71) 42°10.90′ N. lat., 124°24.57′ W. long.;

(72) 42°07.04′ N. lat., 124°23.35′ W. long.;

(73) 42°02.16′ N. lat., 124°22.59′ W. long.;

(74) 42°00.00′ N. lat., 124°21.81′ W. long.;

(75) 41°59.95′ N. lat., 124°21.56′ W. long.;

(76) 41°55.75′ N. lat., 124°20.72′ W. long.;

(77) 41°50.93′ N. lat., 124°23.76′ W. long.;

(78) 41°42.53′ N. lat., 124°16.47′ W. long.;

(79) 41°37.02′ N. lat., 124°17.05′ W. long.;

(80) 41°24.58′ N. lat., 124°10.51′ W. long.;

(81) 41°20.73′ N. lat., 124°11.73′ W. long.;

(82) 41°17.59′ N. lat., 124°10.66′ W. long.;

(83) 41°04.54′ N. lat., 124°14.47′ W. long.;

(84) 40°54.26′ N. lat., 124°13.09′ W. long.;

(85) 40°40.31′ N. lat., 124°26.24′ W. long.;

(86) 40°34.00′ N. lat., 124°27.39′ W. long.;

(87) 40°28.89′ N. lat., 124°32.43′ W. long.;

(88) 40°24.77′ N. lat., 124°29.51′ W. long.;

(89) 40°22.47′ N. lat., 124°24.12′ W. long.;

(90) 40°19.73′ N. lat., 124°23.59′ W. long.;

(91) 40°18.64′ N. lat., 124°21.89′ W. long.;

(92) 40°17.67′ N. lat., 124°23.07′ W. long.;

(93) 40°15.58′ N. lat., 124°23.61′ W. long.;

(94) 40°13.42′ N. lat., 124°22.94′ W. long.;

(95) 40°10.00′ N. lat., 124°16.65′ W. long.;

(96) 40°09.46′ N. lat., 124°15.28′ W. long.;

(97) 40°08.89′ N. lat., 124°15.24′ W. long.;

(98) 40°06.04′ N. lat., 124°10.97′ W. long.;

(99) 40°06.08′ N. lat., 124°09.34′ W. long.;

(100) 40°06.64′ N. lat., 124°08.00′ W. long.;

(101) 40°05.08′ N. lat., 124°07.57′ W. long.;

(102) 40°04.29′ N. lat., 124°08.12′ W. long.;
(103) 40°00.61′ N. lat., 124°07.35′ W. long.;
(104) 39°58.06′ N. lat., 124°05.51′ W. long.;
(105) 39°54.89′ N. lat., 124°04.67′ W. long.;
(106) 39°53.01′ N. lat., 124°02.33′ W. long.;
(107) 39°53.02′ N. lat., 123°58.18′ W. long.;
(108) 39°48.45′ N. lat., 123°53.21′ W. long.;
(109) 39°43.89′ N. lat., 123°51.75′ W. long.;
(110) 39°39.06′ N. lat., 123°49.14′ W. long.;
(111) 39°34.43′ N. lat., 123°48.48′ W. long.;
(112) 39°30.63′ N. lat., 123°49.71′ W. long.;
(113) 39°21.25′ N. lat., 123°50.54′ W. long.;
(114) 39°08.87′ N. lat., 123°46.24′ W. long.;
(115) 39°03.79′ N. lat., 123°43.91′ W. long.;
(116) 38°59.65′ N. lat., 123°45.94′ W. long.;
(117) 38°56.08′ N. lat., 123°46.48′ W. long.;
(118) 38°51.16′ N. lat., 123°41.48′ W. long.;
(119) 38°45.77′ N. lat., 123°35.14′ W. long.;
(120) 38°42.21′ N. lat., 123°28.17′ W. long.;
(121) 38°34.05′ N. lat., 123°20.96′ W. long.;
(122) 38°22.47′ N. lat., 123°07.48′ W. long.;
(123) 38°16.52′ N. lat., 123°05.62′ W. long.;
(124) 38°14.42′ N. lat., 123°01.91′ W. long.;
(125) 38°08.24′ N. lat., 122°59.79′ W. long.;
(126) 38°02.69′ N. lat., 123°01.96′ W. long.;
(127) 37°59.73′ N. lat., 123°04.75′ W. long.;
(128) 37°58.41′ N. lat., 123°02.93′ W. long.;
(129) 37°58.25′ N. lat., 122°56.49′ W. long.;
(130) 37°50.03′ N. lat., 122°52.23′ W. long.;
(131) 37°43.36′ N. lat., 123°04.18′ W. long.;
(132) 37°40.77′ N. lat., 123°01.62′ W. long.;
(133) 37°40.13′ N. lat., 122°57.03′ W. long.;
(134) 37°42.59′ N. lat., 122°53.64′ W. long.;
(135) 37°29.62′ N. lat., 122°36.00′ W. long.;
(136) 37°22.38′ N. lat., 122°31.66′ W. long.;
(137) 37°13.86′ N. lat., 122°28.27′ W. long.;
(138) 37°08.01′ N. lat., 122°24.75′ W. long.;
(139) 37°05.84′ N. lat., 122°22.47′ W. long.;
(140) 36°58.77′ N. lat., 122°13.03′ W. long.;
(141) 36°53.74′ N. lat., 122°03.39′ W. long.;
(142) 36°52.71′ N. lat., 122°00.14′ W. long.;
(143) 36°52.51′ N. lat., 121°56.77′ W. long.;
(144) 36°49.44′ N. lat., 121°49.63′ W. long.;
(145) 36°48.01′ N. lat., 121°49.92′ W. long.;
(146) 36°48.25′ N. lat., 121°47.66′ W. long.;
(147) 36°46.26′ N. lat., 121°51.27′ W. long.;
(148) 36°39.14′ N. lat., 121°52.05′ W. long.;
(149) 36°38.00′ N. lat., 121°53.57′ W. long.;
(150) 36°39.14′ N. lat., 121°55.45′ W. long.;
(151) 36°38.05′ N. lat., 121°57.09′ W. long.;
(152) 36°36.75′ N. lat., 121°59.44′ W. long.;
(153) 36°34.97′ N. lat., 121°59.37′ W. long.;
(154) 36°33.07′ N. lat., 121°58.32′ W. long.;
(155) 36°33.27′ N. lat., 121°57.07′ W. long.;
(156) 36°32.68′ N. lat., 121°57.03′ W. long.;
(157) 36°32.04′ N. lat., 121°55.98′ W. long.;
(158) 36°31.61′ N. lat., 121°55.72′ W. long.;
(159) 36°31.59′ N. lat., 121°57.12′ W. long.;
(160) 36°31.52′ N. lat., 121°57.57′ W. long.;
(161) 36°30.88′ N. lat., 121°57.09′ W. long.;
(162) 36°30.25′ N. lat., 121°57.37′ W. long.;
(163) 36°29.47′ N. lat., 121°57.55′ W. long.;
(164) 36°26.72′ N. lat., 121°56.04′ W. long.;
(165) 36°24.33′ N. lat., 121°56.00′ W. long.;
(166) 36°23.36′ N. lat., 121°55.45′ W. long.;
(167) 36°18.86′ N. lat., 121°56.15′ W. long.;
(168) 36°16.21′ N. lat., 121°54.81′ W. long.;
(169) 36°15.03′ N. lat., 121°53.79′ W. long.;
(170) 36°12.04′ N. lat., 121°45.38′ W. long.;
(171) 36°11.87′ N. lat., 121°44.45′ W. long.;
(172) 36°12.13′ N. lat., 121°44.25′ W. long.;
(173) 36°11.89′ N. lat., 121°43.65′ W. long.;
(174) 36°10.56′ N. lat., 121°42.62′ W. long.;
(175) 36°09.09′ N. lat., 121°41.57′ W. long.;
(176) 36°08.14′ N. lat., 121°40.44′ W. long.;
(177) 36°06.69′ N. lat., 121°38.79′ W. long.;
(178) 36°05.85′ N. lat., 121°38.47′ W. long.;
(179) 36°03.08′ N. lat., 121°36.25′ W. long.;
(180) 36°02.92′ N. lat., 121°35.89′ W. long.;
(181) 36°01.53′ N. lat., 121°36.13′ W. long.;
(182) 36°00.59′ N. lat., 121°35.04′ W. long.;
(183) 35°59.93′ N. lat., 121°33.81′ W. long.;
(184) 35°59.69′ N. lat., 121°31.84′ W. long.;
(185) 35°58.59′ N. lat., 121°30.03′ W. long.;
(186) 35°54.02′ N. lat., 121°29.71′ W. long.;
(187) 35°51.54′ N. lat., 121°27.67′ W. long.;
(188) 35°50.42′ N. lat., 121°25.79′ W. long.;
(189) 35°48.37′ N. lat., 121°24.29′ W. long.;
(190) 35°47.02′ N. lat., 121°22.46′ W. long.;
(191) 35°42.28′ N. lat., 121°21.02′ W. long.;
(192) 35°41.57′ N. lat., 121°21.82′ W. long.;
(193) 35°39.24′ N. lat., 121°18.84′ W. long.;
(194) 35°35.14′ N. lat., 121°10.45′ W. long.;
(195) 35°30.11′ N. lat., 121°05.59′ W. long.;
(196) 35°25.86′ N. lat., 121°00.07′ W. long.;
(197) 35°22.82′ N. lat., 120°54.68′ W. long.;
(198) 35°17.96′ N. lat., 120°55.54′ W. long.;
(199) 35°14.83′ N. lat., 120°55.42′ W. long.;
(200) 35°08.87′ N. lat., 120°50.22′ W. long.;
(201) 35°05.55′ N. lat., 120°44.89′ W. long.;
(202) 35°02.91′ N. lat., 120°43.94′ W. long.;
(203) 34°53.08′ N. lat., 120°43.94′ W. long.;
(204) 34°34.89′ N. lat., 120°41.92′ W. long.;
(205) 34°32.48′ N. lat., 120°40.05′ W. long.;
(206) 34°30.12′ N. lat., 120°32.81′ W. long.;

(207) 34°27.00′ N. lat., 120°30.46′ W. long.;
(208) 34°27.00′ N. lat., 120°30.31′ W. long.;
(209) 34°25.84′ N. lat., 120°27.04′ W. long.;
(210) 34°25.16′ N. lat., 120°20.18′ W. long.;
(211) 34°25.88′ N. lat., 120°18.24′ W. long.;
(212) 34°27.26′ N. lat., 120°12.47′ W. long.;
(213) 34°26.27′ N. lat., 120°02.22′ W. long.;
(214) 34°23.41′ N. lat., 119°53.04′ W. long.;
(215) 34°23.33′ N. lat., 119°48.74′ W. long.;
(216) 34°22.31′ N. lat., 119°41.36′ W. long.;
(217) 34°21.72′ N. lat., 119°40.14′ W. long.;
(218) 34°21.25′ N. lat., 119°41.18′ W. long.;
(219) 34°20.25′ N. lat., 119°39.03′ W. long.;
(220) 34°19.87′ N. lat., 119°33.65′ W. long.;
(221) 34°18.67′ N. lat., 119°30.16′ W. long.;
(222) 34°16.95′ N. lat., 119°27.09′ W. long.;
(223) 34°13.02′ N. lat., 119°26.99′ W. long.;
(224) 34°08.62′ N. lat., 119°20.89′ W. long.;
(225) 34°06.95′ N. lat., 119°17.68′ W. long.;
(226) 34°05.93′ N. lat., 119°15.17′ W. long.;
(227) 34°08.42′ N. lat., 119°13.11′ W. long.;
(228) 34°05.23′ N. lat., 119°13.34′ W. long.;
(229) 34°04.98′ N. lat., 119°11.39′ W. long.;
(230) 34°04.55′ N. lat., 119°11.09′ W. long.;
(231) 34°04.15′ N. lat., 119°09.35′ W. long.;
(232) 34°04.89′ N. lat., 119°07.86′ W. long.;
(233) 34°04.08′ N. lat., 119°07.33′ W. long.;
(234) 34°04.01′ N. lat., 119°06.89′ W. long.;
(235) 34°05.08′ N. lat., 119°07.02′ W. long.;
(236) 34°05.27′ N. lat., 119°04.95′ W. long.;
(237) 34°04.51′ N. lat., 119°04.07′ W. long.;
(238) 34°02.26′ N. lat., 118°59.88′ W. long.;
(239) 34°01.08′ N. lat., 118°59.77′ W. long.;
(240) 34°00.94′ N. lat., 118°51.65′ W. long.;
(241) 33°59.77′ N. lat., 118°49.26′ W. long.;
(242) 34°00.04′ N. lat., 118°48.92′ W. long.;
(243) 33°59.65′ N. lat., 118°48.43′ W. long.;
(244) 33°59.46′ N. lat., 118°47.25′ W. long.;
(245) 33°59.08′ N. lat., 118°45.89′ W. long.;
(246) 34°00.21′ N. lat., 118°37.64′ W. long.;
(247) 33°59.26′ N. lat., 118°34.58′ W. long.;
(248) 33°58.07′ N. lat., 118°33.36′ W. long.;
(249) 33°53.76′ N. lat., 118°30.14′ W. long.;
(250) 33°51.00′ N. lat., 118°25.19′ W. long.;
(251) 33°50.07′ N. lat., 118°24.07′ W. long.;
(252) 33°50.16′ N. lat., 118°23.77′ W. long.;
(253) 33°48.08′ N. lat., 118°25.31′ W. long.;
(254) 33°47.07′ N. lat., 118°27.07′ W. long.;
(255) 33°46.12′ N. lat., 118°26.87′ W. long.;
(256) 33°44.15′ N. lat., 118°25.15′ W. long.;
(257) 33°43.54′ N. lat., 118°23.02′ W. long.;
(258) 33°41.35′ N. lat., 118°18.86′ W. long.;
(259) 33°39.96′ N. lat., 118°17.37′ W. long.;
(260) 33°40.12′ N. lat., 118°16.33′ W. long.;
(261) 33°39.28′ N. lat., 118°16.21′ W. long.;
(262) 33°38.04′ N. lat., 118°14.86′ W. long.;
(263) 33°36.57′ N. lat., 118°14.67′ W. long.;
(264) 33°34.93′ N. lat., 118°10.94′ W. long.;
(265) 33°35.14′ N. lat., 118°08.61′ W. long.;
(266) 33°35.69′ N. lat., 118°07.68′ W. long.;
(267) 33°36.21′ N. lat., 118°07.53′ W. long.;
(268) 33°36.43′ N. lat., 118°06.73′ W. long.;
(269) 33°36.05′ N. lat., 118°06.15′ W. long.;
(270) 33°36.32′ N. lat., 118°03.91′ W. long.;
(271) 33°35.69′ N. lat., 118°03.64′ W. long.;
(272) 33°34.62′ N. lat., 118°00.04′ W. long.;
(273) 33°34.08′ N. lat., 117°57.73′ W. long.;
(274) 33°35.57′ N. lat., 117°56.62′ W. long.;
(275) 33°35.46′ N. lat., 117°55.99′ W. long.;
(276) 33°35.98′ N. lat., 117°55.99′ W. long.;
(277) 33°35.46′ N. lat., 117°55.38′ W. long.;
(278) 33°35.21′ N. lat., 117°53.46′ W. long.;
(279) 33°33.61′ N. lat., 117°50.45′ W. long.;
(280) 33°31.41′ N. lat., 117°47.28′ W. long.;
(281) 33°27.54′ N. lat., 117°44.36′ W. long.;
(282) 33°26.63′ N. lat., 117°43.17′ W. long.;
(283) 33°25.21′ N. lat., 117°40.09′ W. long.;
(284) 33°20.33′ N. lat., 117°35.99′ W. long.;
(285) 33°16.35′ N. lat., 117°31.51′ W. long.;
(286) 33°11.53′ N. lat., 117°26.81′ W. long.;
(287) 33°07.59′ N. lat., 117°21.13′ W. long.;
(288) 33°02.21′ N. lat., 117°19.05′ W. long.;
(289) 32°56.55′ N. lat., 117°17.07′ W. long.;
(290) 32°54.61′ N. lat., 117°16.06′ W. long.;
(291) 32°52.32′ N. lat., 117°15.97′ W. long.;
(292) 32°51.48′ N. lat., 117°16.15′ W. long.;
(293) 32°51.85′ N. lat., 117°17.26′ W. long.;
(294) 32°51.55′ N. lat., 117°19.01′ W. long.;
(295) 32°49.55′ N. lat., 117°19.63′ W. long.;
(296) 32°46.71′ N. lat., 117°18.32′ W. long.;
(297) 32°36.35′ N. lat., 117°15.68′ W. long.; and
(298) 32°32.85′ N. lat., 117°15.44′ W. long.

(A) The 30 fm (55 m) depth contour around the Farallon Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 37°46.73′ N. lat., 123°6.37′ W. long.;
(2) 37°45.79′ N. lat., 123°07.91′ W. long.;
(3) 37°45.28′ N. lat., 123°07.75′ W. long.;
(4) 37°44.98′ N. lat., 123°07.11′ W. long.;
(5) 37°45.51′ N. lat., 123°06.26′ W. long.;
(6) 37°45.14′ N. lat., 123°05.41′ W. long.;
(7) 37°45.31′ N. lat., 123°04.82′ W. long.;
(8) 37°46.11′ N. lat., 123°05.23′ W. long.;
(9) 37°46.44′ N. lat., 123°05.63′ W. long.; and
(10) 37°46.73′ N. lat., 123°06.37′ W. long.

(B) The 30 fm (55 m) depth contour around Noon Day Rock off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 37°47.83′ N. lat., 123°10.83′ W. long.;

(2) 37°47.51′ N. lat., 123°11.19′ W. long.;

(3) 37°47.33′ N. lat., 123°10.68′ W. long.;

(4) 37°47.02′ N. lat., 123°10.59′ W. long.;

(5) 37°47.21′ N. lat., 123°09.85′ W. long.;

(6) 37°47.56′ N. lat., 123°09.72′ W. long.;

(7) 37°47.87′ N. lat., 123°10.26′ W. long.; and

(8) 37°47.83′ N. lat., 123°10.83′ W. long.

(C) The 30 fm (55 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 34°01.41′ N. lat., 119°20.61′ W. long.;

(2) 34°00.98′ N. lat., 119°20.46′ W. long.;

(3) 34°00.53′ N. lat., 119°20.98′ W. long.;

(4) 34°00.17′ N. lat., 119°21.83′ W. long.;

(5) 33°59.65′ N. lat., 119°24.45′ W. long.;

(6) 33°59.68′ N. lat., 119°25.20′ W. long.;

(7) 33°59.95′ N. lat., 119°26.25′ W. long.;

(8) 33°59.87′ N. lat., 119°27.27′ W. long.;

(9) 33°59.55′ N. lat., 119°28.02′ W. long.;

(10) 33°58.63′ N. lat., 119°36.48′ W. long.;

(11) 33°57.62′ N. lat., 119°41.13′ W. long.;

(12) 33°57.00′ N. lat., 119°42.20′ W. long.;

(13) 33°56.93′ N. lat., 119°48.00′ W. long.;

(14) 33°57.70′ N. lat., 119°48.00′ W. long.; (between coordinates (14) and (15), the boundary follows the shoreline)

(15) 33°58.00′ N. lat., 119°51.00′ W. long.;

(16) 33°58.00′ N. lat., 119°52.00′ W. long.;

(17) 33°58.54′ N. lat., 119°52.80′ W. long.;

(18) 33°59.74′ N. lat., 119°54.19′ W. long.;

(19) 33°59.97′ N. lat., 119°54.66′ W. long.;

(20) 33°59.83′ N. lat., 119°56.00′ W. long.;

(21) 33°59.18′ N. lat., 119°57.17′ W. long.;

(22) 33°57.83′ N. lat., 119°56.74′ W. long.;

(23) 33°55.71′ N. lat., 119°56.89′ W. long.;

(24) 33°53.89′ N. lat., 119°57.68′ W. long.;

(25) 33°52.93′ N. lat., 119°59.80′ W. long.;

(26) 33°52.79′ N. lat., 120°01.81′ W. long.;

(27) 33°52.51′ N. lat., 120°03.08′ W. long.;

(28) 33°53.12′ N. lat., 120°04.88′ W. long.;

(29) 33°53.12′ N. lat., 120°05.80′ W. long.;

(30) 33°52.94′ N. lat., 120°06.50′ W. long.;

(31) 33°53.80′ N. lat., 120°06.50′ W. long.; (between coordinates (31) and (32), the boundary follows the shoreline)

(32) 33°55.00′ N. lat., 120°10.00′ W. long.;

(33) 33°54.03′ N. lat., 120°10.00′ W. long.;

(34) 33°54.58′ N. lat., 120°11.82′ W. long.;

(35) 33°57.08′ N. lat., 120°14.58′ W. long.;

(36) 33°59.50′ N. lat., 120°16.72′ W. long.;

(37) 33°59.63′ N. lat., 120°17.88′ W. long.;

(38) 34°00.30′ N. lat., 120°19.14′ W. long.;

(39) 34°00.02′ N. lat., 120°19.68′ W. long.;

(40) 34°00.08′ N. lat., 120°21.73′ W. long.;

(41) 34°00.94′ N. lat., 120°24.82′ W. long.;

(42) 34°00.97′ N. lat., 120°25.30′ W. long.;

(43) 34°01.50′ N. lat., 120°25.30′ W. long.; (between coordinates (43) and (44), the boundary follows the shoreline)

(44) 34°01.80′ N. lat., 120°26.60′ W. long.;

(45) 34°01.05′ N. lat., 120°26.60′ W. long.;

(46) 34°01.11′ N. lat., 120°27.43′ W. long.;

(47) 34°00.96′ N. lat., 120°28.09′ W. long.;

(48) 34°01.56′ N. lat., 120°28.71′ W. long.;

(49) 34°01.80′ N. lat., 120°28.31′ W. long.;

(50) 34°03.60′ N. lat., 120°28.87′ W. long.;

(51) 34°03.60′ N. lat., 120°28.20′ W. long.;

(52) 34°05.35′ N. lat., 120°28.20′ W. long.;

(53) 34°05.30′ N. lat., 120°27.33′ W. long.;

(54) 34°05.65′ N. lat., 120°26.79′ W. long.;

(55) 34°05.69′ N. lat., 120°25.82′ W. long.;

(56) 34°07.24′ N. lat., 120°24.98′ W. long.;

(57) 34°06.00′ N. lat., 120°23.30′ W. long.;

(58) 34°03.10′ N. lat., 120°23.30′ W. long.; (between coordinates (58) and (59), the boundary follows the shoreline)

(59) 34°03.50′ N. lat., 120°21.30′ W. long.;

(60) 34°02.90′ N. lat., 120°20.20′ W. long.; (between coordinates (60) and (61), the boundary follows the shoreline)

(61) 34°01.80′ N. lat., 120°18.40′ W. long.;

(62) 34°03.61′ N. lat., 120°18.40′ W. long.;

(63) 34°03.25′ N. lat., 120°16.64′ W. long.;

(64) 34°04.33′ N. lat., 120°14.22′ W. long.;

(65) 34°04.11′ N. lat., 120°11.17′ W. long.;

(66) 34°03.72′ N. lat., 120°09.93′ W. long.;

(67) 34°03.81′ N. lat., 120°08.96′ W. long.;

(68) 34°03.36′ N. lat., 120°06.52′ W. long.;

(69) 34°04.80′ N. lat., 120°04.00′ W. long.;

(70) 34°04.00′ N. lat., 120°04.00′ W. long.;

(71) 34°04.00′ N. lat., 120°05.20′ W. long.;

(72) 34°01.30′ N. lat., 120°05.20′ W. long.; (between coordinates (72) and (73), the boundary follows the shoreline)

(73) 34°00.50′ N. lat., 120°02.80′ W. long.;

(74) 34°00.49′ N. lat., 120°01.01′ W. long.;

(75) 34°04.00′ N. lat., 120°01.00′ W. long.;

(76) 34°03.99′ N. lat., 120°00.15′ W. long.;

(77) 34°03.51′ N. lat., 119°59.42′ W. long.;

(78) 34°03.79′ N. lat., 119°58.15′ W. long.;

(79) 34°04.72′ N. lat., 119°57.61′ W. long.;

(80) 34°05.14′ N. lat., 119°55.17′ W. long.;

(81) 34°04.85′ N. lat., 119°53.00′ W. long.;

(82) 34°04.50′ N. lat., 119°53.00′ W. long.; (between coordinates (82) and (83), the boundary follows the shoreline)

(83) 34°04.00′ N. lat., 119°51.00′ W. long.;

(84) 34°04.49′ N. lat., 119°51.01′ W. long.;

(85) 34°03.79′ N. lat., 119°48.86′ W. long.;

(86) 34°03.79′ N. lat., 119°45.46′ W. long.;
(87) 34°03.27′ N. lat., 119°44.17′ W. long.;
(88) 34°03.29′ N. lat., 119°43.30′ W. long.;
(89) 34°01.71′ N. lat., 119°40.83′ W. long.;
(90) 34°01.74′ N. lat., 119°37.92′ W. long.;
(91) 34°02.07′ N. lat., 119°37.17′ W. long.;
(92) 34°02.93′ N. lat., 119°36.52′ W. long.;
(93) 34°03.48′ N. lat., 119°35.50′ W. long.;
(94) 34°02.94′ N. lat., 119°35.50′ W. long.; (between coordinates (94) and (95), the boundary follows the shoreline)
(95) 34°02.80′ N. lat., 119°32.80′ W. long.;
(96) 34°03.56′ N. lat., 119°32.80′ W. long.;
(97) 34°02.72′ N. lat., 119°31.84′ W. long.;
(98) 34°02.20′ N. lat., 119°30.53′ W. long.;
(99) 34°01.49′ N. lat., 119°30.20′ W. long.;
(100) 34°00.66′ N. lat., 119°28.62′ W. long.;
(101) 34°00.66′ N. lat., 119°27.57′ W. long.;
(102) 34°01.40′ N. lat., 119°26.94′ W. long.;
(103) 34°01.35′ N. lat., 119°26.70′ W. long.;
(104) 34°00.80′ N. lat., 119°26.70′ W. long.; (between coordinates (104) and (105), the boundary follows the shoreline)
(105) 34°00.40′ N. lat., 119°24.60′ W. long.; (between coordinates (105) and (106), the boundary follows the shoreline)
(106) 34°01.00′ N. lat., 119°21.40′ W. long.;
(107) 34°01.49′ N. lat., 119°21.40′ W. long.; and
(108) 34°01.41′ N. lat., 119°20.61′ W. long.

(D) The 30 fm (55 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°03.37′ N. lat., 118°37.76′ W. long.;
(2) 33°02.72′ N. lat., 118°38.12′ W. long.;
(3) 33°02.18′ N. lat., 118°37.46′ W. long.;
(4) 33°00.66′ N. lat., 118°37.36′ W. long.;
(5) 33°00.08′ N. lat., 118°36.94′ W. long.;
(6) 33°00.11′ N. lat., 118°36.00′ W. long.;
(7) 32°58.02′ N. lat., 118°35.41′ W. long.;
(8) 32°56.00′ N. lat., 118°33.59′ W. long.;
(9) 32°54.76′ N. lat., 118°33.58′ W. long.;
(10) 32°53.97′ N. lat., 118°32.45′ W. long.;
(11) 32°51.18′ N. lat., 118°30.83′ W. long.;
(12) 32°50.00′ N. lat., 118°29.68′ W. long.;
(13) 32°49.72′ N. lat., 118°28.33′ W. long.;
(14) 32°47.88′ N. lat., 118°26.09′ W. long.;
(15) 32°47.03′ N. lat., 118°25.73′ W. long.;
(16) 32°47.28′ N. lat., 118°24.83′ W. long.;
(17) 32°48.12′ N. lat., 118°24.33′ W. long.;
(18) 32°48.74′ N. lat., 118°23.39′ W. long.;
(19) 32°48.69′ N. lat., 118°21.75′ W. long.;
(20) 32°49.06′ N. lat., 118°20.53′ W. long.;
(21) 32°50.28′ N. lat., 118°21.09′ W. long.;
(22) 32°51.73′ N. lat., 118°23.86′ W. long.;
(23) 32°52.79′ N. lat., 118°25.08′ W. long.;
(24) 32°54.03′ N. lat., 118°26.83′ W. long.;
(25) 32°54.07′ N. lat., 118°27.55′ W. long.;
(26) 32°55.49′ N. lat., 118°29.04′ W. long.;
(27) 32°59.58′ N. lat., 118°32.51′ W. long.;
(28) 32°59.89′ N. lat., 118°32.52′ W. long.;
(29) 33°00.29′ N. lat., 118°32.73′ W. long.;
(30) 33°00.85′ N. lat., 118°33.05′ W. long.;
(31) 33°01.07′ N. lat., 118°33.64′ W. long.;
(32) 33°02.09′ N. lat., 118°35.35′ W. long.;
(33) 33°02.61′ N. lat., 118°36.96′ W. long.; and
(34) 33°03.37′ N. lat., 118°37.76′ W. long.

(E) The 30 fm (55 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°19.13′ N. lat., 118°18.04′ W. long.;
(2) 33°18.32′ N. lat., 118°18.20′ W. long.;
(3) 33°17.82′ N. lat., 118°18.73′ W. long.;
(4) 33°17.54′ N. lat., 118°19.52′ W. long.;
(5) 33°17.99′ N. lat., 118°21.71′ W. long.;
(6) 33°18.48′ N. lat., 118°22.82′ W. long.;
(7) 33°18.77′ N. lat., 118°26.95′ W. long.;
(8) 33°19.69′ N. lat., 118°28.87′ W. long.;
(9) 33°20.53′ N. lat., 118°30.52′ W. long.;
(10) 33°20.46′ N. lat., 118°31.47′ W. long.;
(11) 33°20.98′ N. lat., 118°31.39′ W. long.;
(12) 33°20.81′ N. lat., 118°30.49′ W. long.;
(13) 33°21.38′ N. lat., 118°30.07′ W. long.;
(14) 33°23.12′ N. lat., 118°29.31′ W. long.;
(15) 33°24.95′ N. lat., 118°29.70′ W. long.;
(16) 33°25.39′ N. lat., 118°30.50′ W. long.;
(17) 33°25.21′ N. lat., 118°30.79′ W. long.;
(18) 33°25.65′ N. lat., 118°31.60′ W. long.;
(19) 33°25.65′ N. lat., 118°32.04′ W. long.;
(20) 33°25.94′ N. lat., 118°32.96′ W. long.;
(21) 33°25.86′ N. lat., 118°33.49′ W. long.;
(22) 33°26.06′ N. lat., 118°34.12′ W. long.;
(23) 33°28.28′ N. lat., 118°36.60′ W. long.;
(24) 33°28.83′ N. lat., 118°36.42′ W. long.;
(25) 33°28.72′ N. lat., 118°34.93′ W. long.;
(26) 33°28.71′ N. lat., 118°33.61′ W. long.;
(27) 33°28.81′ N. lat., 118°32.95′ W. long.;
(28) 33°28.73′ N. lat., 118°32.07′ W. long.;
(29) 33°27.55′ N. lat., 118°30.14′ W. long.;
(30) 33°27.86′ N. lat., 118°29.41′ W. long.;
(31) 33°26.98′ N. lat., 118°29.06′ W. long.;
(32) 33°26.96′ N. lat., 118°28.58′ W. long.;
(33) 33°26.76′ N. lat., 118°28.40′ W. long.;
(34) 33°26.52′ N. lat., 118°27.66′ W. long.;
(35) 33°26.31′ N. lat., 118°27.41′ W. long.;
(36) 33°25.09′ N. lat., 118°23.13′ W. long.;
(37) 33°24.80′ N. lat., 118°22.86′ W. long.;
(38) 33°24.60′ N. lat., 118°22.02′ W. long.;
(39) 33°22.82′ N. lat., 118°21.04′ W. long.;

(40) 33°20.23′ N. lat., 118°18.45′ W. long.; and

(41) 33°19.13′ N. lat., 118°18.04′ W. long.

(iii) The 40 fm (73 m) depth contour between 46°16′ N. lat. and 42°00′ N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00′ N. lat., 124°16.10′ N. lat.;

(2) 46°15.29′ N. lat., 124°15.60′ N. lat.;

(3) 46°11.90′ N. lat., 124°13.59′ N. lat.;

(4) 46°06.93′ N. lat., 124°10.15′ N. lat.;

(5) 46°05.33′ N. lat., 124°08.30′ N. lat.;

(6) 45°58.69′ N. lat., 124°05.60′ N. lat.;

(7) 45°57.71′ N. lat., 124°05.82′ N. lat.;

(8) 45°53.97′ N. lat., 124°05.04′ N. lat.;

(9) 45°49.75′ N. lat., 124°05.14′ N. lat.;

(10) 45°47.88′ N. lat., 124°05.16′ N. lat.;

(11) 45°47.07′ N. lat., 124°04.21′ N. lat.;

(12) 45°44.34′ N. lat., 124°05.09′ N. lat.;

(13) 45°40.64′ N. lat., 124°04.90′ N. lat.;

(14) 45°33.00′ N. lat., 124°04.46′ N. lat.;

(15) 45°32.27′ N. lat., 124°04.74′ N. lat.;

(16) 45°29.26′ N. lat., 124°04.22′ N. lat.;

(17) 45°19.99′ N. lat., 124°04.62′ N. lat.;

(18) 45°17.50′ N. lat., 124°04.91′ N. lat.;

(19) 45°11.29′ N. lat., 124°05.19′ N. lat.;

(20) 45°05.79′ N. lat., 124°05.40′ N. lat.;

(21) 45°05.07′ N. lat., 124°05.93′ N. lat.;

(22) 45°01.70′ N. lat., 124°06.53′ N. lat.;

(23) 44°58.75′ N. lat., 124°07.14′ N. lat.;

(24) 44°51.28′ N. lat., 124°10.21′ N. lat.;

(25) 44°49.49′ N. lat., 124°10.89′ N. lat.;

(26) 44°44.96′ N. lat., 124°14.39′ N. lat.;

(27) 44°43.44′ N. lat., 124°14.78′ N. lat.;

(28) 44°42.27′ N. lat., 124°13.81′ N. lat.;

(29) 44°41.68′ N. lat., 124°15.38′ N. lat.;

(30) 44°34.87′ N. lat., 124°15.80′ N. lat.;

(31) 44°33.74′ N. lat., 124°14.43′ N. lat.;

(32) 44°27.66′ N. lat., 124°16.99′ N. lat.;

(33) 44°19.13′ N. lat., 124°19.22′ N. lat.;

(34) 44°15.35′ N. lat., 124°17.37′ N. lat.;

(35) 44°14.38′ N. lat., 124°17.78′ N. lat.;

(36) 44°12.80′ N. lat., 124°17.18′ N. lat.;

(37) 44°09.23′ N. lat., 124°15.96′ N. lat.;

(38) 44°08.38′ N. lat., 124°16.80′ N. lat.;

(39) 44°01.18′ N. lat., 124°15.42′ N. lat.;

(40) 43°51.60′ N. lat., 124°14.68′ N. lat.;

(41) 43°42.66′ N. lat., 124°15.46′ N. lat.;

(42) 43°40.49′ N. lat., 124°15.74′ N. lat.;

(43) 43°38.77′ N. lat., 124°15.64′ N. lat.;

(44) 43°34.52′ N. lat., 124°16.73′ N. lat.;

(45) 43°28.82′ N. lat., 124°19.52′ N. lat.;

(46) 43°23.91′ N. lat., 124°24.28′ N. lat.;

(47) 43°17.96′ N. lat., 124°28.81′ N. lat.;

(48) 43°16.75′ N. lat., 124°28.42′ N. lat.;

(49) 43°13.98′ N. lat., 124°31.99′ N. lat.;

(50) 43°13.71′ N. lat., 124°33.25′ N. lat.;

(51) 43°12.26′ N. lat., 124°34.16′ N. lat.;

(52) 43°10.96′ N. lat., 124°32.34′ N. lat.;

(53) 43°05.65′ N. lat., 124°31.52′ N. lat.;

(54) 42°59.66′ N. lat., 124°32.58′ N. lat.;

(55) 42°54.97′ N. lat., 124°36.99′ N. lat.;

(56) 42°53.81′ N. lat., 124°38.58′ N. lat.;

(57) 42°49.14′ N. lat., 124°39.92′ N. lat.;

(58) 42°46.47′ N. lat., 124°38.65′ N. lat.;

(59) 42°45.60′ N. lat., 124°39.04′ N. lat.;

(60) 42°44.79′ N. lat., 124°37.96′ N. lat.;

(61) 42°45.00′ N. lat., 124°36.39′ N. lat.;

(62) 42°44.14′ N. lat., 124°35.16′ N. lat.;

(63) 42°42.15′ N. lat., 124°32.82′ N. lat.;

(64) 42°38.82′ N. lat., 124°31.09′ N. lat.;

(65) 42°35.91′ N. lat., 124°31.02′ N. lat.;

(66) 42°31.34′ N. lat., 124°34.84′ N. lat.;

(67) 42°28.13′ N. lat., 124°34.83′ N. lat.;

(68) 42°26.73′ N. lat., 124°35.58′ N. lat.;

(69) 42°23.85′ N. lat., 124°34.05′ N. lat.;

(70) 42°21.68′ N. lat., 124°30.64′ N. lat.;

(71) 42°19.62′ N. lat., 124°29.02′ N. lat.;

(72) 42°15.01′ N. lat., 124°27.72′ N. lat.;

(73) 42°11.38′ N. lat., 124°25.62′ N. lat.;

(74) 42°04.66′ N. lat., 124°24.39′ N. lat.; and

(75) 42°00.00′ N. lat., 124°23.55′ N. lat.

(iv) The 50 fm (91 m) depth contour between the U.S. border with Canada and the Swiftsure Bank is defined by straight lines connecting all of the following points in the order stated:

(1) 48°30.15 ′ N. lat., 124°56.12′ N. lat.;

(2) 48°28.29′ N. lat., 124°56.30′ W. long.;

(3) 48°29.23′ N. lat., 124°53.63′ W. long.; and

(4) 48°30.31′ N. lat., 124°51.73′ W. long.

(A) The 50 fm (91 m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°22.15′ N. lat., 124°43.15′ W. long.;

(2) 48°22.15′ N. lat., 124°49.10′ W. long.;

(3) 48°20.03′ N. lat., 124°51.18′ W. long.;

(4) 48°16.61′ N. lat., 124°53.72′ W. long.;

(5) 48°14.68′ N. lat., 124°54.50′ W. long.;

(6) 48°12.02′ N. lat., 124°55.29′ W. long.;

(7) 48°03.14′ N. lat., 124°57.02′ W. long.;

(8) 47°56.05′ N. lat., 124°55.60′ W. long.;

(9) 47°52.58′ N. lat., 124°54.00′ W. long.;

(10) 47°50.18′ N. lat., 124°52.36′ W. long.;

(11) 47°45.34′ N. lat., 124°51.07′ W. long.;

(12) 47°40.96′ N. lat., 124°48.84′ W. long.;

(13) 47°34.59′ N. lat., 124°46.24′ W. long.;

(14) 47°27.86′ N. lat., 124°42.12′ W. long.;

(15) 47°22.34′ N. lat., 124°39.43′ W. long.;

(16) 47°17.66′ N. lat., 124°38.75′ W. long.;

(17) 47°06.25′ N. lat., 124°39.74′ W. long.;

(18) 47°00.43′ N. lat., 124°38.01′ W. long.;

(19) 46°52.00′ N. lat., 124°32.44′ W. long.;

(20) 46°35.41′ N. lat., 124°25.51′ W. long.;

(21) 46°25.43′ N. lat., 124°23.46′ W. long.;
(22) 46°16.00′ N. lat., 124°16.90′ W. long.;
(23) 45°50.88′ N. lat., 124°09.68′ W. long.;
(24) 45°12.99′ N. lat., 124°06.71′ W. long.;
(25) 44°52.48′ N. lat., 124°11.22′ W. long.;
(26) 44°42.41′ N. lat., 124°19.70′ W. long.;
(27) 44°38.80′ N. lat., 124°26.58′ W. long.;
(28) 44°24.99′ N. lat., 124°31.22′ W. long.;
(29) 44°18.11′ N. lat., 124°43.74′ W. long.;
(30) 44°15.23′ N. lat., 124°40.47′ W. long.;
(31) 44°18.80′ N. lat., 124°35.48′ W. long.;
(32) 44°19.62′ N. lat., 124°27.18′ W. long.;
(33) 43°56.65′ N. lat., 124°16.86′ W. long.;
(34) 43°34.95′ N. lat., 124°17.47′ W. long.;
(35) 43°12.60′ N. lat., 124°35.80′ W. long.;
(36) 43°08.96′ N. lat., 124°33.77′ W. long.;
(37) 42°59.66′ N. lat., 124°34.79′ W. long.;
(38) 42°54.29′ N. lat., 124°39.46′ W. long.;
(39) 42°46.50′ N. lat., 124°39.99′ W. long.;
(40) 42°41.00′ N. lat., 124°34.92′ W. long.;
(41) 42°36.29′ N. lat., 124°34.70′ W. long.;
(42) 42°28.36′ N. lat., 124°37.90′ W. long.;
(43) 42°25.53′ N. lat., 124°37.68′ W. long.;
(44) 42°18.64′ N. lat., 124°29.47′ W. long.;
(45) 42°12.95′ N. lat., 124°27.34′ W. long.;
(46) 42°03.04′ N. lat., 124°25.81′ W. long.;
(47) 42°00.00′ N. lat., 124°26.21′ W. long.;
(48) 41°57.60′ N. lat., 124°27.35′ W. long.;
(49) 41°52.53′ N. lat., 124°26.51′ W. long.;
(50) 41°50.17′ N. lat., 124°25.63′ W. long.;
(51) 41°46.01′ N. lat., 124°22.16′ W. long.;
(52) 41°26.50′ N. lat., 124°21.78′ W. long.;
(53) 41°15.66′ N. lat., 124°16.42′ W. long.;
(54) 41°05.45′ N. lat., 124°16.89′ W. long.;
(55) 40°54.55′ N. lat., 124°19.53′ W. long.;
(56) 40°42.22′ N. lat., 124°28.29′ W. long.;
(57) 40°39.68′ N. lat., 124°28.37′ W. long.;
(58) 40°36.76′ N. lat., 124°27.39′ W. long.;
(59) 40°34.44′ N. lat., 124°28.89′ W. long.;
(60) 40°32.57′ N. lat., 124°32.43′ W. long.;
(61) 40°30.95′ N. lat., 124°33.87′ W. long.;
(62) 40°28.90′ N. lat., 124°34.59′ W. long.;
(63) 40°24.36′ N. lat., 124°31.42′ W. long.;
(64) 40°23.66′ N. lat., 124°28.35′ W. long.;
(65) 40°22.54′ N. lat., 124°24.71′ W. long.;
(66) 40°21.52′ N. lat., 124°24.86′ W. long.;
(67) 40°21.25′ N. lat., 124°25.59′ W. long.;
(68) 40°20.63′ N. lat., 124°26.47′ W. long.;
(69) 40°19.18′ N. lat., 124°25.98′ W. long.;
(70) 40°18.42′ N. lat., 124°24.77′ W. long.;
(71) 40°18.64′ N. lat., 124°22.81′ W. long.;
(72) 40°15.31′ N. lat., 124°25.28′ W. long.;
(73) 40°15.37′ N. lat., 124°26.82′ W. long.;
(74) 40°11.91′ N. lat., 124°22.68′ W. long.;
(75) 40°10.01′ N. lat., 124°19.97′ W. long.;
(76) 40°10.00′ N. lat., 124°19.97′ W. long.;
(77) 40°09.20′ N. lat., 124°15.81′ W. long.;
(78) 40°07.51′ N. lat., 124°15.29′ W. long.;
(79) 40°05.22′ N. lat., 124°10.06′ W. long.;
(80) 40°06.51′ N. lat., 124°08.01′ W. long.;
(81) 40°00.72′ N. lat., 124°08.45′ W. long.;
(82) 39°56.60′ N. lat., 124°07.12′ W. long.;
(83) 39°52.58′ N. lat., 124°03.57′ W. long.;
(84) 39°50.65′ N. lat., 123°57.98′ W. long.;
(85) 39°40.16′ N. lat., 123°52.41′ W. long.;
(86) 39°30.12′ N. lat., 123°52.92′ W. long.;
(87) 39°24.53′ N. lat., 123°55.16′ W. long.;
(88) 39°11.58′ N. lat., 123°50.93′ W. long.;
(89) 38°55.13′ N. lat., 123°51.14′ W. long.;
(90) 38°28.58′ N. lat., 123°22.84′ W. long.;
(91) 38°14.60′ N. lat., 123°09.92′ W. long.;
(92) 38°01.84′ N. lat., 123°09.75′ W. long.;
(93) 37°59.56′ N. lat., 123°09.25′ W. long.;
(94) 37°55.24′ N. lat., 123°08.30′ W. long.;
(95) 37°52.06′ N. lat., 123°09.19′ W. long.;
(96) 37°50.21′ N. lat., 123°14.90′ W. long.;
(97) 37°35.67′ N. lat., 122°55.43′ W. long.;
(98) 37°03.06′ N. lat., 122°24.22′ W. long.;
(99) 36°50.20′ N. lat., 122°03.58′ W. long.;
(100) 36°51.46′ N. lat., 121°57.54′ W. long.;
(101) 36°44.14′ N. lat., 121°58.10′ W. long.;
(102) 36°36.76′ N. lat., 122°01.16′ W. long.;
(103) 36°15.62′ N. lat., 121°57.13′ W. long.;
(104) 36°10.41′ N. lat., 121°42.92′ W. long.;
(105) 36°02.56′ N. lat., 121°36.37′ W. long.;
(106) 36°01.04′ N. lat., 121°36.47′ W. long.;
(107) 35°58.26′ N. lat., 121°32.88′ W. long.;
(108) 35°40.38′ N. lat., 121°22.59′ W. long.;
(109) 35°24.35′ N. lat., 121°02.53′ W. long.;
(110) 35°02.66′ N. lat., 120°51.63′ W. long.;
(111) 34°39.52′ N. lat., 120°48.72′ W. long.;
(112) 34°31.26′ N. lat., 120°44.12′ W. long.;
(113) 34°27.00′ N. lat., 120°33.31′ W. long.;
(114) 34°23.47′ N. lat., 120°24.76′ W. long.;
(115) 34°25.83′ N. lat., 120°17.26′ W. long.;
(116) 34°24.65′ N. lat., 120°04.83′ W. long.;
(117) 34°23.18′ N. lat., 119°56.18′ W. long.;
(118) 34°19.20′ N. lat., 119°41.64′ W. long.;
(119) 34°16.82′ N. lat., 119°35.32′ W. long.;
(120) 34°13.43′ N. lat., 119°32.29′ W. long.;
(121) 34°05.39′ N. lat., 119°15.13′ W. long.;
(122) 34°08.22′ N. lat., 119°13.64′ W. long.;
(123) 34°07.64′ N. lat., 119°13.10′ W. long.;
(124) 34°04.56′ N. lat., 119°13.73′ W. long.;
(125) 34°03.90′ N. lat., 119°12.66′ W. long.;

(126) 34°03.66′ N. lat., 119°06.82′ W. long.;
(127) 34°04.58′ N. lat., 119°04.91′ W. long.;
(128) 34°01.35′ N. lat., 119°00.30′ W. long.;
(129) 34°00.24′ N. lat., 119°03.18′ W. long.;
(130) 33°59.63′ N. lat., 119°03.20′ W. long.;
(131) 33°59.54′ N. lat., 119°00.88′ W. long.;
(132) 34°00.82′ N. lat., 118°59.03′ W. long.;
(133) 33°59.11′ N. lat., 118°47.52′ W. long.;
(134) 33°59.07′ N. lat., 118°36.33′ W. long.;
(135) 33°55.06′ N. lat., 118°32.86′ W. long.;
(136) 33°53.56′ N. lat., 118°37.75′ W. long.;
(137) 33°51.22′ N. lat., 118°36.14′ W. long.;
(138) 33°50.48′ N. lat., 118°32.16′ W. long.;
(139) 33°51.86′ N. lat., 118°28.71′ W. long.;
(140) 33°50.09′ N. lat., 118°27.88′ W. long.;
(141) 33°49.95′ N. lat., 118°26.38′ W. long.;
(142) 33°50.73′ N. lat., 118°26.17′ W. long.;
(143) 33°49.86′ N. lat., 118°24.25′ W. long.;
(144) 33°48.10′ N. lat., 118°26.87′ W. long.;
(145) 33°47.54′ N. lat., 118°29.66′ W. long.;
(146) 33°44.10′ N. lat., 118°25.25′ W. long.;
(147) 33°41.78′ N. lat., 118°20.28′ W. long.;
(148) 33°38.18′ N. lat., 118°15.69′ W. long.;
(149) 33°37.50′ N. lat., 118°16.71′ W. long.;
(150) 33°35.98′ N. lat., 118°16.54′ W. long.;
(151) 33°34.15′ N. lat., 118°11.22′ W. long.;
(152) 33°34.29′ N. lat., 118°08.35′ W. long.;
(153) 33°35.85′ N. lat., 118°07.00′ W. long.;
(154) 33°36.12′ N. lat., 118°04.15′ W. long.;
(155) 33°34.97′ N. lat., 118°02.91′ W. long.;
(156) 33°34.00′ N. lat., 117°59.53′ W. long.;
(157) 33°35.44′ N. lat., 117°55.67′ W. long.;
(158) 33°35.15′ N. lat., 117°53.55′ W. long.;
(159) 33°31.12′ N. lat., 117°47.40′ W. long.;
(160) 33°27.99′ N. lat., 117°45.19′ W. long.;
(161) 33°26.88′ N. lat., 117°43.87′ W. long.;
(162) 33°25.44′ N. lat., 117°41.63′ W. long.;
(163) 33°19.50′ N. lat., 117°36.08′ W. long.;
(164) 33°12.74′ N. lat., 117°28.53′ W. long.;
(165) 33°10.29′ N. lat., 117°25.68′ W. long.;
(166) 33°07.36′ N. lat., 117°21.23′ W. long.;
(167) 32°59.39′ N. lat., 117°18.56′ W. long.;
(168) 32°56.10′ N. lat., 117°18.37′ W. long.;
(169) 32°54.43′ N. lat., 117°16.93′ W. long.;
(170) 32°51.89′ N. lat., 117°16.42′ W. long.;
(171) 32°52.24′ N. lat., 117°19.36′ W. long.;
(172) 32°47.06′ N. lat., 117°21.92′ W. long.;
(173) 32°45.09′ N. lat., 117°20.68′ W. long.;
(174) 32°43.62′ N. lat., 117°18.68′ W. long.; and
(175) 32°33.43′ N. lat., 117°17.00′ W. long.

(B) The 50 fm (91 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°08.40′ N. lat., 120°33.78′ W. long.;
(2) 34°08.40′ N. lat., 120°28.20′ W. long.;
(3) 34°08.68′ N. lat., 120°26.61′ W. long.;
(4) 34°05.85′ N. lat., 120°17.13′ W. long.;
(5) 34°05.57′ N. lat., 119°51.35′ W. long.;
(6) 34°07.08′ N. lat., 119°52.43′ W. long.;
(7) 34°04.42′ N. lat., 119°35.35′ W. long.;
(8) 34°06.20′ N. lat., 119°35.35′ W. long.;
(9) 34°06.20′ N. lat., 119°32.80′ W. long.;
(10) 34°04.73′ N. lat., 119°32.77′ W. long.;
(11) 34°03.56′ N. lat., 119°26.70′ W. long.;
(12) 34°04.00′ N. lat., 119°26.70′ W. long.;
(13) 34°04.00′ N. lat., 119°21.40′ W. long.;
(14) 34°02.57′ N. lat., 119°21.40′ W. long.;
(15) 34°02.02′ N. lat., 119°19.18′ W. long.;
(16) 34°01.03′ N. lat., 119°19.50′ W. long.;
(17) 33°59.45′ N. lat., 119°22.38′ W. long.;
(18) 33°58.68′ N. lat., 119°32.36′ W. long.;
(19) 33°56.43′ N. lat., 119°41.13′ W. long.;
(20) 33°56.09′ N. lat., 119°48.00′ W. long.;
(21) 33°55.20′ N. lat., 119°48.00′ W. long.;
(22) 33°55.20′ N. lat., 119°53.00′ W. long.;
(23) 33°58.00′ N. lat., 119°53.00′ W. long.;
(24) 33°59.32′ N. lat., 119°55.59′ W. long.;
(25) 33°57.52′ N. lat., 119°55.19′ W. long.;
(26) 33°56.26′ N. lat., 119°54.29′ W. long.;
(27) 33°54.30′ N. lat., 119°54.83′ W. long.;
(28) 33°50.97′ N. lat., 119°57.03′ W. long.;
(29) 33°50.03′ N. lat., 120°03.00′ W. long.;
(30) 33°51.06′ N. lat., 120°03.23′ W. long.;
(31) 33°52.35′ N. lat., 120°06.51′ W. long.;
(32) 33°51.37′ N. lat., 120°06.48′ W. long.;
(33) 33°51.37′ N. lat., 120°09.99′ W. long.;
(34) 33°53.50′ N. lat., 120°10.08′ W. long.;
(35) 33°54.49′ N. lat., 120°12.85′ W. long.;
(36) 33°58.48′ N. lat., 120°18.50′ W. long.;
(37) 34°00.06′ N. lat., 120°25.30′ W. long.;
(38) 33°58.50′ N. lat., 120°25.30′ W. long.;
(39) 33°58.50′ N. lat., 120°26.60′ W. long.;
(40) 34°00.34′ N. lat., 120°26.60′ W. long.;
(41) 34°00.71′ N. lat., 120°28.21′ W. long.;
(42) 34°03.60′ N. lat., 120°30.60′ W. long.;
(43) 34°03.60′ N. lat., 120°34.20′ W. long.;
(44) 34°06.96′ N. lat., 120°34.22′ W. long.;
(45) 34°08.01′ N. lat., 120°35.24′ W. long.; and
(46) 34°08.40′ N. lat., 120°33.78′ W. long.

(C) The 50 fm (91 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°03.73′ N. lat., 118°36.98′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;

(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.73′ N. lat., 118°20.99′ W. long.;
(6) 32°48.55′ N. lat., 118°20.24′ W. long.;
(7) 32°47.92′ N. lat., 118°22.45′ W. long.;
(8) 32°45.25′ N. lat., 118°24.59′ W. long.;
(9) 32°50.23′ N. lat., 118°30.80′ W. long.;
(10) 32°55.28′ N. lat., 118°33.83′ W. long.;
(11) 33°00.45′ N. lat., 118°37.88′ W. long.;
(12) 33°03.27′ N. lat., 118°38.56′ W. long.; and
(13) 33°03.73′ N. lat., 118°36.98′ W. long.

(D) The 50 fm (91 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.01′ N. lat., 118°37.42′ W. long.;
(2) 33°29.02′ N. lat., 118°36.33′ W. long.;
(3) 33°28.97′ N. lat., 118°33.16′ W. long.;
(4) 33°28.71′ N. lat., 118°31.22′ W. long.;
(5) 33°26.66′ N. lat., 118°27.48′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.61′ N. lat., 118°19.18′ W. long.;
(8) 33°20.06′ N. lat., 118°17.35′ W. long.;
(9) 33°17.58′ N. lat., 118°17.42′ W. long.;
(10) 33°17.05′ N. lat., 118°18.72′ W. long.;
(11) 33°17.87′ N. lat., 118°24.47′ W. long.;
(12) 33°18.63′ N. lat., 118°28.16′ W. long.;
(13) 33°20.17′ N. lat., 118°31.69′ W. long.;
(14) 33°20.85′ N. lat., 118°31.82′ W. long.;
(15) 33°23.19′ N. lat., 118°29.78′ W. long.;
(16) 33°24.85′ N. lat., 118°31.22′ W. long.;
(17) 33°25.65′ N. lat., 118°34.11′ W. long.; and
(18) 33°28.01′ N. lat., 118°37.42′ W. long.

(v) The 60 fm (110 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°26.70′ N. lat., 125°09.43′ W. long.;
(2) 48°23.76′ N. lat., 125°06.77′ W. long.;
(3) 48°23.01′ N. lat., 125°03.48′ W. long.;
(4) 48°22.42′ N. lat., 124°57.84′ W. long.;
(5) 48°22.62′ N. lat., 124°48.97′ W. long.;
(6) 48°18.61′ N. lat., 124°52.52′ W. long.;
(7) 48°16.62′ N. lat., 124°54.03′ W. long.;
(8) 48°15.39′ N. lat., 124°54.79′ W. long.;
(9) 48°13.81′ N. lat., 124°55.45′ W. long.;
(10) 48°10.51′ N. lat., 124°56.56′ W. long.;
(11) 48°06.90′ N. lat., 124°57.72′ W. long.;
(12) 48°02.23′ N. lat., 125°00.20′ W. long.;
(13) 48°00.87′ N. lat., 125°00.37′ W. long.;
(14) 47°56.30′ N. lat., 124°59.51′ W. long.;
(15) 47°46.84′ N. lat., 124°57.34′ W. long.;
(16) 47°36.49′ N. lat., 124°50.93′ W. long.;
(17) 47°32.01′ N. lat., 124°48.45′ W. long.;
(18) 47°27.19′ N. lat., 124°46.47′ W. long.;
(19) 47°21.76′ N. lat., 124°43.29′ W. long.;
(20) 47°17.82′ N. lat., 124°42.12′ W. long.;
(21) 47°08.87′ N. lat., 124°43.10′ W. long.;
(22) 47°03.16′ N. lat., 124°42.61′ W. long.;
(23) 46°49.70′ N. lat., 124°36.80′ W. long.;
(24) 46°42.91′ N. lat., 124°33.20′ W. long.;
(25) 46°39.67′ N. lat., 124°30.59′ W. long.;
(26) 46°32.47′ N. lat., 124°26.34′ W. long.;
(27) 46°23.69′ N. lat., 124°25.41′ W. long.;
(28) 46°20.84′ N. lat., 124°24.24′ W. long.;
(29) 46°16.00′ N. lat., 124°19.10′ W. long.;
(30) 46°15.97′ N. lat., 124°18.81′ W. long.;
(31) 46°11.23′ N. lat., 124°19.96′ W. long.;
(32) 46°02.51′ N. lat., 124°19.84′ W. long.;
(33) 45°59.05′ N. lat., 124°16.52′ W. long.;
(34) 45°51.00′ N. lat., 124°12.83′ W. long.;
(35) 45°45.85′ N. lat., 124°11.54′ W. long.;
(36) 45°38.53′ N. lat., 124°11.91′ W. long.;
(37) 45°30.90′ N. lat., 124°10.94′ W. long.;
(38) 45°21.20′ N. lat., 124°09.12′ W. long.;
(39) 45°12.43′ N. lat., 124°08.74′ W. long.;
(40) 44°59.89′ N. lat., 124°11.95′ W. long.;
(41) 44°51.96′ N. lat., 124°15.15′ W. long.;
(42) 44°44.64′ N. lat., 124°20.07′ W. long.;
(43) 44°39.24′ N. lat., 124°28.09′ W. long.;
(44) 44°30.61′ N. lat., 124°31.66′ W. long.;
(45) 44°26.19′ N. lat., 124°35.88′ W. long.;
(46) 44°18.88′ N. lat., 124°45.16′ W. long.;
(47) 44°14.69′ N. lat., 124°45.51′ W. long.;
(48) 44°10.97′ N. lat., 124°38.78′ W. long.;
(49) 44°08.71′ N. lat., 124°33.54′ W. long.;
(50) 44°04.92′ N. lat., 124°24.55′ W. long.;
(51) 43°57.49′ N. lat., 124°20.05′ W. long.;
(52) 43°50.26′ N. lat., 124°21.84′ W. long.;
(53) 43°41.69′ N. lat., 124°21.94′ W. long.;
(54) 43°35.52′ N. lat., 124°21.51′ W. long.;
(55) 43°25.77′ N. lat., 124°28.47′ W. long.;
(56) 43°20.25′ N. lat., 124°31.59′ W. long.;
(57) 43°12.73′ N. lat., 124°36.69′ W. long.;
(58) 43°08.08′ N. lat., 124°36.10′ W. long.;
(59) 43°00.33′ N. lat., 124°37.57′ W. long.;
(60) 42°53.99′ N. lat., 124°41.04′ W. long.;
(61) 42°46.66′ N. lat., 124°41.13′ W. long.;
(62) 42°41.74′ N. lat., 124°37.46′ W. long.;
(63) 42°37.42′ N. lat., 124°37.22′ W. long.;
(64) 42°27.35′ N. lat., 124°39.90′ W. long.;
(65) 42°23.94′ N. lat., 124°38.28′ W. long.;
(66) 42°17.72′ N. lat., 124°31.10′ W. long.;
(67) 42°10.35′ N. lat., 124°29.11′ W. long.;
(68) 42°00.00′ N. lat., 124°28.00′ W. long.;
(69) 42°00.00′ N. lat., 124°29.61′ W. long.;
(70) 41°54.87′ N. lat., 124°28.50′ W. long.;
(71) 41°45.80′ N. lat., 124°23.89′ W. long.;

(72) 41°34.40′ N. lat., 124°24.03′ W. long.;
(73) 41°28.33′ N. lat., 124°25.46′ W. long.;
(74) 41°15.80′ N. lat., 124°18.90′ W. long.;
(75) 41°09.77′ N. lat., 124°17.99′ W. long.;
(76) 41°02.26′ N. lat., 124°18.71′ W. long.;
(77) 40°53.54′ N. lat., 124°21.18′ W. long.;
(78) 40°49.93′ N. lat., 124°23.02′ W. long.;
(79) 40°43.15′ N. lat., 124°28.74′ W. long.;
(80) 40°40.19′ N. lat., 124°29.07′ W. long.;
(81) 40°36.77′ N. lat., 124°27.61′ W. long.;
(82) 40°34.13′ N. lat., 124°29.39′ W. long.;
(83) 40°33.15′ N. lat., 124°33.46′ W. long.;
(84) 40°29.57′ N. lat., 124°35.84′ W. long.;
(85) 40°24.72′ N. lat., 124°33.06′ W. long.;
(86) 40°23.91′ N. lat., 124°31.28′ W. long.;
(87) 40°23.67′ N. lat., 124°28.35′ W. long.;
(88) 40°22.53′ N. lat., 124°24.72′ W. long.;
(89) 40°21.51′ N. lat., 124°24.86′ W. long.;
(90) 40°21.02′ N. lat., 124°27.70′ W. long.;
(91) 40°19.75′ N. lat., 124°27.06′ W. long.;
(92) 40°18.23′ N. lat., 124°25.30′ W. long.;
(93) 40°18.60′ N. lat., 124°22.86′ W. long.;
(94) 40°15.43′ N. lat., 124°25.37′ W. long.;
(95) 40°15.55′ N. lat., 124°28.16′ W. long.;
(96) 40°11.27′ N. lat., 124°22.56′ W. long.;
(97) 40°10.00′ N. lat., 124°19.97′ W. long.;
(98) 40°09.20′ N. lat., 124°15.81′ W. long.;
(99) 40°07.51′ N. lat., 124°15.29′ W. long.;
(100) 40°05.22′ N. lat., 124°10.06′ W. long.;
(101) 40°06.51′ N. lat., 124°08.01′ W. long.;
(102) 40°00.72′ N. lat., 124°08.45′ W. long.;
(103) 39°56.60′ N. lat., 124°07.12′ W. long.;
(104) 39°52.58′ N. lat., 124°03.57′ W. long.;
(105) 39°50.65′ N. lat., 123°57.98′ W. long.;
(106) 39°40.16′ N. lat., 123°52.41′ W. long.;
(107) 39°30.12′ N. lat., 123°52.92′ W. long.;
(108) 39°24.53′ N. lat., 123°55.16′ W. long.;
(109) 39°11.58′ N. lat., 123°50.93′ W. long.;
(110) 38°55.13′ N. lat., 123°51.14′ W. long.;
(111) 38°28.58′ N. lat., 123°22.84′ W. long.;
(112) 38°08.57′ N. lat., 123°14.74′ W. long.;
(113) 38°00.00′ N. lat., 123°15.61′ W. long.;
(114) 37°56.98′ N. lat., 123°21.82′ W. long.;
(115) 37°48.01′ N. lat., 123°15.90′ W. long.;
(116) 37°36.73′ N. lat., 122°58.48′ W. long.;
(117) 37°07.58′ N. lat., 122°37.64′ W. long.;
(118) 37°02.08′ N. lat., 122°25.49′ W. long.;
(119) 36°48.20′ N. lat., 122°03.32′ W. long.;
(120) 36°51.46′ N. lat., 121°57.54′ W. long.;
(121) 36°44.14′ N. lat., 121°58.10′ W. long.;
(122) 36°36.76′ N. lat., 122°01.16′ W. long.;
(123) 36°15.62′ N. lat., 121°57.13′ W. long.;
(124) 36°10.42′ N. lat., 121°42.90′ W. long.;
(125) 36°02.55′ N. lat., 121°36.35′ W. long.;
(126) 36°01.04′ N. lat., 121°36.47′ W. long.;
(127) 35°58.25′ N. lat., 121°32.88′ W. long.;
(128) 35°40.38′ N. lat., 121°22.59′ W. long.;
(129) 35°24.35′ N. lat., 121°02.53′ W. long.;
(130) 35°02.66′ N. lat., 120°51.63′ W. long.;
(131) 34°39.52′ N. lat., 120°48.72′ W. long.;
(132) 34°31.26′ N. lat., 120°44.12′ W. long.;
(133) 34°27.00′ N. lat., 120°36.00′ W. long.;
(134) 34°23.00′ N. lat., 120°25.32′ W. long.;
(135) 34°25.68′ N. lat., 120°17.46′ W. long.;
(136) 34°23.18′ N. lat., 119°56.17′ W. long.;
(137) 34°18.73′ N. lat., 119°41.89′ W. long.;
(138) 34°11.18′ N. lat., 119°31.21′ W. long.;
(139) 34°10.01′ N. lat., 119°25.84′ W. long.;
(140) 34°03.88′ N. lat., 119°12.46′ W. long.;
(141) 34°03.58′ N. lat., 119°06.71′ W. long.;
(142) 34°04.52′ N. lat., 119°04.89′ W. long.;
(143) 34°01.28′ N. lat., 119°00.27′ W. long.;
(144) 34°00.20′ N. lat., 119°03.18′ W. long.;
(145) 33°59.60′ N. lat., 119°03.14′ W. long.;
(146) 33°59.45′ N. lat., 119°00.87′ W. long.;
(147) 34°00.71′ N. lat., 118°59.07′ W. long.;
(148) 33°59.05′ N. lat., 118°47.34′ W. long.;
(149) 33°59.06′ N. lat., 118°36.30′ W. long.;
(150) 33°55.05′ N. lat., 118°32.85′ W. long.;
(151) 33°53.56′ N. lat., 118°37.73′ W. long.;
(152) 33°51.22′ N. lat., 118°36.13′ W. long.;
(153) 33°50.19′ N. lat., 118°32.19′ W. long.;
(154) 33°51.28′ N. lat., 118°29.12′ W. long.;
(155) 33°49.89′ N. lat., 118°28.04′ W. long.;
(156) 33°49.95′ N. lat., 118°26.38′ W. long.;
(157) 33°50.73′ N. lat., 118°26.16′ W. long.;
(158) 33°49.87′ N. lat., 118°24.37′ W. long.;
(159) 33°47.54′ N. lat., 118°29.65′ W. long.;
(160) 33°44.10′ N. lat., 118°25.25′ W. long.;
(161) 33°41.77′ N. lat., 118°20.32′ W. long.;
(162) 33°38.17′ N. lat., 118°15.69′ W. long.;
(163) 33°37.48′ N. lat., 118°16.72′ W. long.;
(164) 33°35.98′ N. lat., 118°16.54′ W. long.;
(165) 33°34.15′ N. lat., 118°11.22′ W. long.;
(166) 33°34.09′ N. lat., 118°08.15′ W. long.;
(167) 33°35.73′ N. lat., 118°05.01′ W. long.;
(168) 33°33.75′ N. lat., 117°59.82′ W. long.;
(169) 33°35.44′ N. lat., 117°55.65′ W. long.;
(170) 33°35.15′ N. lat., 117°53.54′ W. long.;
(171) 33°31.12′ N. lat., 117°47.39′ W. long.;
(172) 33°27.49′ N. lat., 117°44.85′ W. long.;
(173) 33°16.42′ N. lat., 117°32.92′ W. long.;
(174) 33°06.66′ N. lat., 117°21.59′ W. long.;
(175) 33°00.08′ N. lat., 117°19.02′ W. long.;
(176) 32°56.11′ N. lat., 117°18.41′ W. long.;

(177) 32°54.43′ N. lat., 117°16.93′ W. long.;
(178) 32°51.89′ N. lat., 117°16.42′ W. long.;
(179) 32°52.61′ N. lat., 117°19.50′ W. long.;
(180) 32°46.96′ N. lat., 117°22.69′ W. long.;
(181) 32°44.98′ N. lat., 117°21.87′ W. long.;
(182) 32°43.52′ N. lat., 117°19.32′ W. long.; and
(183) 32°33.56′ N. lat., 117°17.72′ W. long.

(A) The 60 fm (110 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°08.80′ N. lat., 120°34.58′ W. long.;
(2) 34°09.16′ N. lat., 120°26.31′ W. long.;
(3) 34°06.69′ N. lat., 120°16.43′ W. long.;
(4) 34°06.38′ N. lat., 120°04.00′ W. long.;
(5) 34°07.36′ N. lat., 119°52.06′ W. long.;
(6) 34°04.84′ N. lat., 119°36.94′ W. long.;
(7) 34°04.84′ N. lat., 119°35.50′ W. long.;
(8) 34°06.20′ N. lat., 119°35.50′ W. long.;
(9) 34°06.20′ N. lat., 119°32.80′ W. long.;
(10) 34°05.04′ N. lat., 119°32.80′ W. long.;
(11) 34°04.00′ N. lat., 119°26.70′ W. long.;
(12) 34°04.00′ N. lat., 119°21.40′ W. long.;
(13) 34°28.00′ N. lat., 119°21.40′ W. long.;
(14) 34°02.36′ N. lat., 119°18.97′ W. long.;
(15) 34°00.65′ N. lat., 119°19.42′ W. long.;
(16) 33°59.45′ N. lat., 119°22.38′ W. long.;
(17) 33°58.68′ N. lat., 119°32.36′ W. long.;
(18) 33°56.14′ N. lat., 119°41.09′ W. long.;
(19) 33°55.84′ N. lat., 119°48.00′ W. long.;
(20) 33°55.20′ N. lat., 119°48.00′ W. long.;
(21) 33°55.20′ N. lat., 119°53.00′ W. long.;
(22) 33°58.00′ N. lat., 119°53.00′ W. long.;
(23) 33°59.32′ N. lat., 119°55.59′ W. long.;
(24) 33°57.52′ N. lat., 119°55.19′ W. long.;
(25) 33°56.10′ N. lat., 119°54.25′ W. long.;
(26) 33°50.28′ N. lat., 119°56.02′ W. long.;
(27) 33°48.51′ N. lat., 119°59.67′ W. long.;
(28) 33°49.14′ N. lat., 120°03.58′ W. long.;
(29) 33°51.93′ N. lat., 120°06.50′ W. long.;
(30) 33°51.40′ N. lat., 120°06.50′ W. long.;
(31) 33°51.40′ N. lat., 120°10.00′ W. long.;
(32) 33°53.16′ N. lat., 120°10.00′ W. long.;
(33) 33°54.36′ N. lat., 120°13.06′ W. long.;
(34) 33°58.53′ N. lat., 120°20.46′ W. long.;
(35) 33°59.52′ N. lat., 120°25.30′ W. long.;
(36) 33°58.50′ N. lat., 120°25.30′ W. long.;
(37) 33°58.50′ N. lat., 120°26.60′ W. long.;
(38) 33°59.84′ N. lat., 120°26.60′ W. long.;
(39) 34°00.12′ N. lat., 120°28.12′ W. long.;
(40) 34°03.60′ N. lat., 120°31.46′ W. long.;
(41) 34°03.60′ N. lat., 120°34.20′ W. long.;
(42) 34°06.41′ N. lat., 120°34.20′ W. long.;
(43) 34°08.09′ N. lat., 120°35.85′ W. long.; and
(44) 34°08.80′ N. lat., 120°34.58′ W. long.

(B) The 60 fm (110 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.06′ N. lat., 118°37.32′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.78′ N. lat., 118°20.88′ W. long.;
(6) 32°48.32′ N. lat., 118°19.89′ W. long.;
(7) 32°47.60′ N. lat., 118°22.00′ W. long.;
(8) 32°44.59′ N. lat., 118°24.52′ W. long.;
(9) 32°49.97′ N. lat., 118°31.52′ W. long.;
(10) 32°53.62′ N. lat., 118°32.94′ W. long.;
(11) 32°55.63′ N. lat., 118°34.82′ W. long.;
(12) 33°00.71′ N. lat., 118°38.42′ W. long.;
(13) 33°03.31′ N. lat., 118°38.74′ W. long.; and
(14) 33°04.06′ N. lat., 118°37.32′ W. long.

(C) The 60 fm (110 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.15′ N. lat., 118°37.85′ W. long.;
(2) 33°29.23′ N. lat., 118°36.27′ W. long.;
(3) 33°28.85′ N. lat., 118°30.85′ W. long.;
(4) 33°26.69′ N. lat., 118°27.37′ W. long.;
(5) 33°25.35′ N. lat., 118°22.83′ W. long.;
(6) 33°22.60′ N. lat., 118°18.82′ W. long.;
(7) 33°19.49′ N. lat., 118°16.91′ W. long.;
(8) 33°17.13′ N. lat., 118°16.58′ W. long.;
(9) 33°16.72′ N. lat., 118°18.07′ W. long.;
(10) 33°18.35′ N. lat., 118°27.86′ W. long.;
(11) 33°20.03′ N. lat., 118°32.04′ W. long.;
(12) 33°21.86′ N. lat., 118°31.72′ W. long.;
(13) 33°23.15′ N. lat., 118°29.89′ W. long.;
(14) 33°25.13′ N. lat., 118°32.16′ W. long.;
(15) 33°25.73′ N. lat., 118°34.88′ W. long.; and
(16) 33°28.15′ N. lat., 118°37.85′ W. long.

(vi) The 75 fm (137 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°16.08′ N. lat., 125°34.90′ W. long.;
(2) 48°14.50′ N. lat., 125°29.50′ W. long.;
(3) 48°12.08′ N. lat., 125°28.00′ W. long.;
(4) 48°09.00′ N. lat., 125°28.00′ W. long.;
(5) 48°07.80′ N. lat., 125°31.70′ W. long.;
(6) 48°04.28′ N. lat., 125°29.00′ W. long.;
(7) 48°02.50′ N. lat., 125°25.70′ W. long.;
(8) 48°10.00′ N. lat., 125°20.19′ W. long.;
(9) 48°21.70′ N. lat., 125°17.56′ W. long.;
(10) 48°23.12′ N. lat., 125°10.25′ W. long.;
(11) 48°21.99′ N. lat., 125°02.59′ W. long.;
(12) 48°23.05′ N. lat., 124°48.80′ W. long.;

(13) 48°17.10′ N. lat., 124°54.82′ W. long.;
(14) 48°05.10′ N. lat., 124°59.40′ W. long.;
(15) 48°04.50′ N. lat., 125°02.00′ W. long.;
(16) 48°04.70′ N. lat., 125°04.08′ W. long.;
(17) 48°05.20′ N. lat., 125°04.90′ W. long.;
(18) 48°06.80′ N. lat., 125°06.15′ W. long.;
(19) 48°05.91′ N. lat., 125°08.30′ W. long.;
(20) 48°07.00′ N. lat., 125°09.80′ W. long.;
(21) 48°06.93′ N. lat., 125°11.48′ W. long.;
(22) 48°04.98′ N. lat., 125°10.02′ W. long.;
(23) 47°54.00′ N. lat., 125°04.98′ W. long.;
(24) 47°44.52′ N. lat., 125°00.00′ W. long.;
(25) 47°42.00′ N. lat., 124°58.98′ W. long.;
(26) 47°35.52′ N. lat., 124°55.50′ W. long.;
(27) 47°22.02′ N. lat., 124°44.40′ W. long.;
(28) 47°16.98′ N. lat., 124°45.48′ W. long.;
(29) 47°10.98′ N. lat., 124°48.48′ W. long.;
(30) 47°04.98′ N. lat., 124°49.02′ W. long.;
(31) 46°57.98′ N. lat., 124°46.50′ W. long.;
(32) 46°54.00′ N. lat., 124°45.00′ W. long.;
(33) 46°48.48′ N. lat., 124°44.52′ W. long.;
(34) 46°40.02′ N. lat., 124°36.00′ W. long.;
(35) 46°34.09′ N. lat., 124°27.03′ W. long.;
(36) 46°24.64′ N. lat., 124°30.33′ W. long.;
(37) 46°19.98′ N. lat., 124°36.00′ W. long.;
(38) 46°18.14′ N. lat., 124°34.26′ W. long.;
(39) 46°18.72′ N. lat., 124°22.68′ W. long.;
(40) 46°16.00′ N. lat., 124°19.49′ W. long.;
(41) 46°14.64′ N. lat., 124°22.54′ W. long.;
(42) 46°11.08′ N. lat., 124°30.74′ W. long.;
(43) 46°04.28′ N. lat., 124°31.49′ W. long.;
(44) 45°55.97′ N. lat., 124°19.95′ W. long.;
(45) 45°44.97′ N. lat., 124°15.96′ W. long.;
(46) 45°43.14′ N. lat., 124°21.86′ W. long.;
(47) 45°34.44′ N. lat., 124°14.44′ W. long.;
(48) 45°15.49′ N. lat., 124°11.49′ W. long.;
(49) 44°57.31′ N. lat., 124°15.03′ W. long.;
(50) 44°43.90′ N. lat., 124°28.88′ W. long.;
(51) 44°28.64′ N. lat., 124°35.67′ W. long.;
(52) 44°25.31′ N. lat., 124°43.08′ W. long.;
(53) 44°17.15′ N. lat., 124°47.98′ W. long.;
(54) 44°13.67′ N. lat., 124°54.41′ W. long.;
(55) 43°56.85′ N. lat., 124°55.32′ W. long.;
(56) 43°57.50′ N. lat., 124°41.23′ W. long.;
(57) 44°01.79′ N. lat., 124°38.00′ W. long.;
(58) 44°02.16′ N. lat., 124°32.62′ W. long.;
(59) 43°58.15′ N. lat., 124°30.39′ W. long.;
(60) 43°53.25′ N. lat., 124°31.39′ W. long.;
(61) 43°35.56′ N. lat., 124°28.17′ W. long.;
(62) 43°21.84′ N. lat., 124°36.07′ W. long.;
(63) 43°19.73′ N. lat., 124°34.86′ W. long.;
(64) 43°09.38′ N. lat., 124°39.30′ W. long.;
(65) 43°07.11′ N. lat., 124°37.66′ W. long.;
(66) 42°56.27′ N. lat., 124°43.29′ W. long.;
(67) 42°45.00′ N. lat., 124°41.50′ W. long.;
(68) 42°39.72′ N. lat., 124°39.11′ W. long.;
(69) 42°32.88′ N. lat., 124°40.13′ W. long.;
(70) 42°32.30′ N. lat., 124°39.04′ W. long.;
(71) 42°26.96′ N. lat., 124°44.31′ W. long.;
(72) 42°24.11′ N. lat., 124°42.16′ W. long.;
(73) 42°21.10′ N. lat., 124°35.46′ W. long.;
(74) 42°14.72′ N. lat., 124°32.30′ W. long.;
(75) 42°09.24′ N. lat., 124°32.04′ W. long.;
(76) 42°01.89′ N. lat., 124°32.70′ W. long.;
(77) 42°00.03′ N. lat., 124°32.02′ W. long.;
(78) 42°00.00′ N. lat., 124°32.02′ W. long.;
(79) 41°46.18′ N. lat., 124°26.60′ W. long.;
(80) 41°29.22′ N. lat., 124°28.04′ W. long.;
(81) 41°09.62′ N. lat., 124°19.75′ W. long.;
(82) 40°50.71′ N. lat., 124°23.80′ W. long.;
(83) 40°43.35′ N. lat., 124°29.30′ W. long.;
(84) 40°40.24′ N. lat., 124°29.86′ W. long.;
(85) 40°37.50′ N. lat., 124°28.68′ W. long.;
(86) 40°34.42′ N. lat., 124°29.65′ W. long.;
(87) 40°34.74′ N. lat., 124°34.61′ W. long.;
(88) 40°31.70′ N. lat., 124°37.13′ W. long.;
(89) 40°25.03′ N. lat., 124°34.77′ W. long.;
(90) 40°23.58′ N. lat., 124°31.49′ W. long.;
(91) 40°23.64′ N. lat., 124°28.35′ W. long.;
(92) 40°22.53′ N. lat., 124°24.76′ W. long.;
(93) 40°21.46′ N. lat., 124°24.86′ W. long.;
(94) 40°21.74′ N. lat., 124°27.63′ W. long.;
(95) 40°19.76′ N. lat., 124°28.15′ W. long.;
(96) 40°18.00′ N. lat., 124°25.38′ W. long.;
(97) 40°18.54′ N. lat., 124°22.94′ W. long.;
(98) 40°15.55′ N. lat., 124°25.75′ W. long.;
(99) 40°16.06′ N. lat., 124°30.48′ W. long.;
(100) 40°15.75′ N. lat., 124°31.69′ W. long.;
(101) 40°10.00′ N. lat., 124°21.28′ W. long.;
(102) 40°08.37′ N. lat., 124°17.99′ W. long.;
(103) 40°09.00′ N. lat., 124°15.77′ W. long.;
(104) 40°06.93′ N. lat., 124°16.49′ W. long.;
(105) 40°03.60′ N. lat., 124°11.60′ W. long.;
(106) 40°06.20′ N. lat., 124°08.23′ W. long.;
(107) 40°00.94′ N. lat., 124°08.57′ W. long.;
(108) 40°00.01′ N. lat., 124°09.84′ W. long.;
(109) 39°57.75′ N. lat., 124°09.53′ W. long.;
(110) 39°55.56′ N. lat., 124°07.67′ W. long.;
(111) 39°52.21′ N. lat., 124°05.54′ W. long.;
(112) 39°48.07′ N. lat., 123°57.48′ W. long.;
(113) 39°41.60′ N. lat., 123°55.12′ W. long.;
(114) 39°30.39′ N. lat., 123°55.03′ W. long.;
(115) 39°29.48′ N. lat., 123°56.12′ W. long.;
(116) 39°13.76′ N. lat., 123°54.65′ W. long.;
(117) 39°05.21′ N. lat., 123°55.38′ W. long.;

(118) 38°55.90′ N. lat., 123°54.35′ W. long.;
(119) 38°48.59′ N. lat., 123°49.61′ W. long.;
(120) 38°28.82′ N. lat., 123°27.44′ W. long.;
(121) 38°09.70′ N. lat., 123°18.66′ W. long.;
(122) 38°01.81′ N. lat., 123°19.22′ W. long.;
(123) 38°04.67′ N. lat., 123°25.85′ W. long.;
(124) 38°04.33′ N. lat., 123°29.68′ W. long.;
(125) 38°02.38′ N. lat., 123°30.13′ W. long.;
(126) 38°00.00′ N. lat., 123°27.84′ W. long.;
(127) 37°56.73′ N. lat., 123°25.22′ W. long.;
(128) 37°55.59′ N. lat., 123°25.62′ W. long.;
(129) 37°52.79′ N. lat., 123°23.85′ W. long.;
(130) 37°49.13′ N. lat., 123°18.83′ W. long.;
(131) 37°46.01′ N. lat., 123°12.28′ W. long.;
(132) 37°36.12′ N. lat., 123°00.33′ W. long.;
(133) 37°03.52′ N. lat., 122°37.57′ W. long.;
(134) 36°59.69′ N. lat., 122°27.32′ W. long.;
(135) 37°01.41′ N. lat., 122°24.41′ W. long.;
(136) 36°58.75′ N. lat., 122°23.81′ W. long.;
(137) 36°59.17′ N. lat., 122°21.44′ W. long.;
(138) 36°57.51′ N. lat., 122°20.69′ W. long.;
(139) 36°51.46′ N. lat., 122°10.01′ W. long.;
(140) 36°48.43′ N. lat., 122°06.47′ W. long.;
(141) 36°48.66′ N. lat., 122°04.99′ W. long.;
(142) 36°47.75′ N. lat., 122°03.33′ W. long.;
(143) 36°51.23′ N. lat., 121°57.79′ W. long.;
(144) 36°49.72′ N. lat., 121°57.87′ W. long.;
(145) 36°48.84′ N. lat., 121°58.68′ W. long.;
(146) 36°47.89′ N. lat., 121°58.53′ W. long.;
(147) 36°48.66′ N. lat., 121°50.49′ W. long.;
(148) 36°45.56′ N. lat., 121°54.11′ W. long.;
(149) 36°45.30′ N. lat., 121°57.62′ W. long.;
(150) 36°38.54′ N. lat., 122°01.13′ W. long.;
(151) 36°35.76′ N. lat., 122°00.87′ W. long.;
(152) 36°32.58′ N. lat., 121°59.12′ W. long.;
(153) 36°32.95′ N. lat., 121°57.62′ W. long.;
(154) 36°31.96′ N. lat., 121°56.27′ W. long.;
(155) 36°31.74′ N. lat., 121°58.24′ W. long.;
(156) 36°30.57′ N. lat., 121°59.66′ W. long.;
(157) 36°27.80′ N. lat., 121°59.30′ W. long.;
(158) 36°26.52′ N. lat., 121°58.09′ W. long.;
(159) 36°23.65′ N. lat., 121°58.94′ W. long.;
(160) 36°20.93′ N. lat., 122°00.28′ W. long.;
(161) 36°18.23′ N. lat., 122°03.10′ W. long.;
(162) 36°14.21′ N. lat., 121°57.73′ W. long.;
(163) 36°14.68′ N. lat., 121°55.43′ W. long.;
(164) 36°10.42′ N. lat., 121°42.90′ W. long.;
(165) 36°02.55′ N. lat., 121°36.35′ W. long.;
(166) 36°01.04′ N. lat., 121°36.47′ W. long.;
(167) 35°58.25′ N. lat., 121°32.88′ W. long.;
(168) 35°39.35′ N. lat., 121°22.63′ W. long.;
(169) 35°24.44′ N. lat., 121°02.23′ W. long.;
(170) 35°10.84′ N. lat., 120°55.90′ W. long.;
(171) 35°04.35′ N. lat., 120°51.62′ W. long.;
(172) 34°55.25′ N. lat., 120°49.36′ W. long.;
(173) 34°47.95′ N. lat., 120°50.76′ W. long.;
(174) 34°39.27′ N. lat., 120°49.16′ W. long.;
(175) 34°31.05′ N. lat., 120°44.71′ W. long.;
(176) 34°27.00′ N. lat., 120°36.54′ W. long.;
(177) 34°22.60′ N. lat., 120°25.41′ W. long.;
(178) 34°25.45′ N. lat., 120°17.41′ W. long.;
(179) 34°22.94′ N. lat., 119°56.40′ W. long.;
(180) 34°18.37′ N. lat., 119°42.01′ W. long.;
(181) 34°11.22′ N. lat., 119°32.47′ W. long.;
(182) 34°09.58′ N. lat., 119°25.94′ W. long.;
(183) 34°03.89′ N. lat., 119°12.47′ W. long.;
(184) 34°03.57′ N. lat., 119°06.72′ W. long.;
(185) 34°04.53′ N. lat., 119°04.90′ W. long.;
(186) 34°02.84′ N. lat., 119°02.37′ W. long.;
(187) 34°01.30′ N. lat., 119°00.26′ W. long.;
(188) 34°00.22′ N. lat., 119°03.20′ W. long.;
(189) 33°59.60′ N. lat., 119°03.16′ W. long.;
(190) 33°59.46′ N. lat., 119°00.88′ W. long.;
(191) 34°00.49′ N. lat., 118°59.08′ W. long.;
(192) 33°59.07′ N. lat., 118°47.34′ W. long.;
(193) 33°58.73′ N. lat., 118°36.45′ W. long.;
(194) 33°55.24′ N. lat., 118°33.42′ W. long.;
(195) 33°53.71′ N. lat., 118°38.01′ W. long.;
(196) 33°51.22′ N. lat., 118°36.17′ W. long.;
(197) 33°49.85′ N. lat., 118°32.31′ W. long.;
(198) 33°49.61′ N. lat., 118°28.07′ W. long.;
(199) 33°49.95′ N. lat., 118°26.38′ W. long.;
(200) 33°50.36′ N. lat., 118°25.84′ W. long.;
(201) 33°49.84′ N. lat., 118°24.78′ W. long.;
(202) 33°47.53′ N. lat., 118°30.12′ W. long.;
(203) 33°44.11′ N. lat., 118°25.25′ W. long.;
(204) 33°41.77′ N. lat., 118°20.32′ W. long.;
(205) 33°38.17′ N. lat., 118°15.70′ W. long.;
(206) 33°37.48′ N. lat., 118°16.73′ W. long.;
(207) 33°36.01′ N. lat., 118°16.55′ W. long.;
(208) 33°33.76′ N. lat., 118°11.37′ W. long.;
(209) 33°33.76′ N. lat., 118°07.94′ W. long.;
(210) 33°35.59′ N. lat., 118°05.05′ W. long.;
(211) 33°33.75′ N. lat., 117°59.82′ W. long.;
(212) 33°35.10′ N. lat., 117°55.68′ W. long.;
(213) 33°34.91′ N. lat., 117°53.76′ W. long.;
(214) 33°30.77′ N. lat., 117°47.56′ W. long.;
(215) 33°27.50′ N. lat., 117°44.87′ W. long.;
(216) 33°16.89′ N. lat., 117°34.37′ W. long.;
(217) 33°06.66′ N. lat., 117°21.59′ W. long.;
(218) 33°03.35′ N. lat., 117°20.92′ W. long.;
(219) 33°00.07′ N. lat., 117°19.02′ W. long.;
(220) 32°55.99′ N. lat., 117°18.60′ W. long.;
(221) 32°54.43′ N. lat., 117°16.93′ W. long.;
(222) 32°52.13′ N. lat., 117°16.55′ W. long.;

(223) 32°52.61′ N. lat., 117°19.50′ W. long.;
(224) 32°46.95′ N. lat., 117°22.81′ W. long.;
(225) 32°45.01′ N. lat., 117°22.07′ W. long.;
(226) 32°43.40′ N. lat., 117°19.80′ W. long.; and
(227) 32°33.74′ N. lat., 117°18.67′ W. long.

(A) The 75 fm (137 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°09.12′ N. lat., 120°35.03′ W. long.;
(2) 34°09.99′ N. lat., 120°27.85′ W. long.;
(3) 34°07.19′ N. lat., 120°16.28′ W. long.;
(4) 34°06.56′ N. lat., 120°04.00′ W. long.;
(5) 34°07.27′ N. lat., 119°57.76′ W. long.;
(6) 34°07.48′ N. lat., 119°52.08′ W. long.;
(7) 34°05.18′ N. lat., 119°37.94′ W. long.;
(8) 34°05.22′ N. lat., 119°35.52′ W. long.;
(9) 34°06.18′ N. lat., 119°35.50′ W. long.;
(10) 34°06.16′ N. lat., 119°32.76′ W. long.;
(11) 34°05.12′ N. lat., 119°32.74′ W. long.;
(12) 34°04.32′ N. lat., 119°27.32′ W. long.;
(13) 34°04.06′ N. lat., 119°26.60′ W. long.;
(14) 34°04.00′ N. lat., 119°21.34′ W. long.;
(15) 34°03.00′ N. lat., 119°21.36′ W. long.;
(16) 34°02.32′ N. lat., 119°18.46′ W. long.;
(17) 34°00.65′ N. lat., 119°19.42′ W. long.;
(18) 33°59.45′ N. lat., 119°22.38′ W. long.;
(19) 33°58.68′ N. lat., 119°32.36′ W. long.;
(20) 33°56.12′ N. lat., 119°41.10′ W. long.;
(21) 33°55.74′ N. lat., 119°48.00′ W. long.;
(22) 33°55.21′ N. lat., 119°48.00′ W. long.;
(23) 33°55.21′ N. lat., 119°53.00′ W. long.;
(24) 33°57.78′ N. lat., 119°53.04′ W. long.;
(25) 33°59.06′ N. lat., 119°55.38′ W. long.;
(26) 33°57.57′ N. lat., 119°54.93′ W. long.;
(27) 33°56.35′ N. lat., 119°53.91′ W. long.;
(28) 33°54.43′ N. lat., 119°54.07′ W. long.;
(29) 33°52.67′ N. lat., 119°54.78′ W. long.;
(30) 33°48.33′ N. lat., 119°55.09′ W. long.;
(31) 33°47.28′ N. lat., 119°57.30′ W. long.;
(32) 33°47.36′ N. lat., 120°00.39′ W. long.;
(33) 33°49.16′ N. lat., 120°05.06′ W. long.;
(34) 33°51.41′ N. lat., 120°06.49′ W. long.;
(35) 33°51.41′ N. lat., 120°10.00′ W. long.;
(36) 33°52.99′ N. lat., 120°10.01′ W. long.;
(37) 33°56.64′ N. lat., 120°18.88′ W. long.;
(38) 33°58.02′ N. lat., 120°21.41′ W. long.;
(39) 33°58.73′ N. lat., 120°25.22′ W. long.;
(40) 33°58.49′ N. lat., 120°25.22′ W. long.;
(41) 33°58.48′ N. lat., 120°26.55′ W. long.;
(42) 33°59.08′ N. lat., 120°26.58′ W. long.;
(43) 33°59.95′ N. lat., 120°28.21′ W. long.;
(44) 34°03.54′ N. lat., 120°32.23′ W. long.;
(45) 34°03.54′ N. lat., 120°34.19′ W. long.;
(46) 34°05.57′ N. lat., 120°34.23′ W. long.;
(47) 34°08.13′ N. lat., 120°36.05′ W. long.; and
(48) 34°09.12′ N. lat., 120°35.03′ W. long.

(B) The 75 fm (137 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.54′ N. lat., 118°37.54′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.78′ N. lat., 118°20.88′ W. long.;
(6) 32°48.32′ N. lat., 118°19.89′ W. long.;
(7) 32°47.41′ N. lat., 118°21.98′ W. long.;
(8) 32°44.39′ N. lat., 118°24.49′ W. long.;
(9) 32°47.93′ N. lat., 118°29.90′ W. long.;
(10) 32°49.69′ N. lat., 118°31.52′ W. long.;
(11) 32°53.57′ N. lat., 118°33.09′ W. long.;
(12) 32°55.42′ N. lat., 118°35.17′ W. long.;
(13) 33°00.49′ N. lat., 118°38.56′ W. long.;
(14) 33°03.23′ N. lat., 118°39.16′ W. long.; and
(15) 33°04.54′ N. lat., 118°37.54′ W. long.

(C) The 75 fm (137 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.17′ N. lat., 118°38.16′ W. long.;
(2) 33°29.35′ N. lat., 118°36.23′ W. long.;
(3) 33°28.85′ N. lat., 118°30.85′ W. long.;
(4) 33°26.69′ N. lat., 118°27.37′ W. long.;
(5) 33°26.31′ N. lat., 118°25.14′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.47′ N. lat., 118°18.53′ W. long.;
(8) 33°19.51′ N. lat., 118°16.82′ W. long.;
(9) 33°17.07′ N. lat., 118°16.38′ W. long.;
(10) 33°16.58′ N. lat., 118°17.61′ W. long.;
(11) 33°18.35′ N. lat., 118°27.86′ W. long.;
(12) 33°20.07′ N. lat., 118°32.12′ W. long.;
(13) 33°21.77′ N. lat., 118°31.85′ W. long.;
(14) 33°23.15′ N. lat., 118°29.99′ W. long.;
(15) 33°24.96′ N. lat., 118°32.21′ W. long.;
(16) 33°25.67′ N. lat., 118°34.88′ W. long.;
(17) 33°27.80′ N. lat., 118°37.90′ W. long.; and
(18) 33°28.17′ N. lat., 118°38.16′ W. long.

(vii) The 100 fm (183 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°15.00′ N. lat., 125°41.00′ W. long.;
(2) 48°14.00′ N. lat., 125°36.00′ W. long.;
(3) 48°09.50′ N. lat., 125°40.50′ W. long.;
(4) 48°08.00′ N. lat., 125°38.00′ W. long.;
(5) 48°05.00′ N. lat., 125°37.25′ W. long.;
(6) 48°02.60′ N. lat., 125°34.70′ W. long.;
(7) 47°59.00′ N. lat., 125°34.00′ W. long.;

(8) 47°57.26′ N. lat., 125°29.82′ W. long.;
(9) 47°59.87′ N. lat., 125°25.81′ W. long.;
(10) 48°01.80′ N. lat., 125°24.53′ W. long.;
(11) 48°02.08′ N. lat., 125°22.98′ W. long.;
(12) 48°02.97′ N. lat., 125°22.89′ W. long.;
(13) 48°04.47′ N. lat., 125°21.75′ W. long.;
(14) 48°06.11′ N. lat., 125°19.33′ W. long.;
(15) 48°07.95′ N. lat., 125°18.55′ W. long.;
(16) 48°09.00′ N. lat., 125°18.00′ W. long.;
(17) 48°11.31′ N. lat., 125°17.55′ W. long.;
(18) 48°14.60′ N. lat., 125°13.46′ W. long.;
(19) 48°16.67′ N. lat., 125°14.34′ W. long.;
(20) 48°18.73′ N. lat., 125°14.41′ W. long.;
(21) 48°19.67′ N. lat., 125°13.70′ W. long.;
(22) 48°19.70′ N. lat., 125°11.13′ W. long.;
(23) 48°22.95′ N. lat., 125°10.79′ W. long.;
(24) 48°21.61′ N. lat., 125°02.54′ W. long.;
(25) 48°23.00′ N. lat., 124°49.34′ W. long.;
(26) 48°17.00′ N. lat., 124°56.50′ W. long.;
(27) 48°06.00′ N. lat., 125°00.00′ W. long.;
(28) 48°04.62′ N. lat., 125°01.73′ W. long.;
(29) 48°04.84′ N. lat., 125°04.03′ W. long.;
(30) 48°06.41′ N. lat., 125°06.51′ W. long.;
(31) 48°06.00′ N. lat., 125°08.00′ W. long.;
(32) 48°07.08′ N. lat., 125°09.34′ W. long.;
(33) 48°07.28′ N. lat., 125°11.14′ W. long.;
(34) 48°03.45′ N. lat., 125°16.66′ W. long.;
(35) 47°59.50′ N. lat., 125°18.88′ W. long.;
(36) 47°58.68′ N. lat., 125°16.19′ W. long.;
(37) 47°56.62′ N. lat., 125°13.50′ W. long.;
(38) 47°53.71′ N. lat., 125°11.96′ W. long.;
(39) 47°51.70′ N. lat., 125°09.38′ W. long.;
(40) 47°49.95′ N. lat., 125°06.07′ W. long.;
(41) 47°49.00′ N. lat., 125°03.00′ W. long.;
(42) 47°46.95′ N. lat., 125°04.00′ W. long.;
(43) 47°46.58′ N. lat., 125°03.15′ W. long.;
(44) 47°44.07′ N. lat., 125°04.28′ W. long.;
(45) 47°43.32′ N. lat., 125°04.41′ W. long.;
(46) 47°40.95′ N. lat., 125°04.14′ W. long.;
(47) 47°39.58′ N. lat., 125°04.97′ W. long.;
(48) 47°36.23′ N. lat., 125°02.77′ W. long.;
(49) 47°34.28′ N. lat., 124°58.66′ W. long.;
(50) 47°32.17′ N. lat., 124°57.77′ W. long.;
(51) 47°30.27′ N. lat., 124°56.16′ W. long.;
(52) 47°30.60′ N. lat., 124°54.80′ W. long.;
(53) 47°29.26′ N. lat., 124°52.21′ W. long.;
(54) 47°28.21′ N. lat., 124°50.65′ W. long.;
(55) 47°27.38′ N. lat., 124°49.34′ W. long.;
(56) 47°25.61′ N. lat., 124°48.26′ W. long.;
(57) 47°23.54′ N. lat., 124°46.42′ W. long.;
(58) 47°20.64′ N. lat., 124°45.91′ W. long.;
(59) 47°17.99′ N. lat., 124°45.59′ W. long.;
(60) 47°18.20′ N. lat., 124°49.12′ W. long.;
(61) 47°15.01′ N. lat., 124°51.09′ W. long.;
(62) 47°12.61′ N. lat., 124°54.89′ W. long.;
(63) 47°08.22′ N. lat., 124°56.53′ W. long.;
(64) 47°08.50′ N. lat., 124°57.74′ W. long.;
(65) 47°01.92′ N. lat., 124°54.95′ W. long.;
(66) 47°01.14′ N. lat., 124°59.35′ W. long.;
(67) 46°58.48′ N. lat., 124°57.81′ W. long.;
(68) 46°56.79′ N. lat., 124°56.03′ W. long.;
(69) 46°58.01′ N. lat., 124°55.09′ W. long.;
(70) 46°55.07′ N. lat., 124°54.14′ W. long.;
(71) 46°59.60′ N. lat., 124°49.79′ W. long.;
(72) 46°58.72′ N. lat., 124°48.78′ W. long.;
(73) 46°54.45′ N. lat., 124°48.36′ W. long.;
(74) 46°53.99′ N. lat., 124°49.95′ W. long.;
(75) 46°54.38′ N. lat., 124°52.73′ W. long.;
(76) 46°52.38′ N. lat., 124°52.02′ W. long.;
(77) 46°48.93′ N. lat., 124°49.17′ W. long.;
(78) 46°41.50′ N. lat., 124°43.00′ W. long.;
(79) 46°34.50′ N. lat., 124°28.50′ W. long.;
(80) 46°29.00′ N. lat., 124°30.00′ W. long.;
(81) 46°20.00′ N. lat., 124°36.50′ W. long.;
(82) 46°18.00′ N. lat., 124°38.00′ W. long.;
(83) 46°17.52′ N. lat., 124°35.35′ W. long.;
(84) 46°17.00′ N. lat., 124°22.50′ W. long.;
(85) 46°16.00′ N. lat., 124°20.62′ W. long.;
(86) 46°13.52′ N. lat., 124°25.49′ W. long.;
(87) 46°12.17′ N. lat., 124°30.75′ W. long.;
(88) 46°10.63′ N. lat., 124°37.95′ W. long.;
(89) 46°09.29′ N. lat., 124°39.01′ W. long.;
(90) 46°02.40′ N. lat., 124°40.37′ W. long.;
(91) 45°56.45′ N. lat., 124°38.00′ W. long.;
(92) 45°51.92′ N. lat., 124°38.49′ W. long.;
(93) 45°47.19′ N. lat., 124°35.58′ W. long.;
(94) 45°46.41′ N. lat., 124°32.36′ W. long.;
(95) 45°41.75′ N. lat., 124°28.12′ W. long.;
(96) 45°36.96′ N. lat., 124°24.48′ W. long.;
(97) 45°31.84′ N. lat., 124°22.04′ W. long.;
(98) 45°27.10′ N. lat., 124°21.74′ W. long.;
(99) 45°18.14′ N. lat., 124°17.59′ W. long.;
(100) 45°11.08′ N. lat., 124°16.97′ W. long.;
(101) 45°04.38′ N. lat., 124°18.36′ W. long.;
(102) 44°58.05′ N. lat., 124°21.58′ W. long.;
(103) 44°47.67′ N. lat., 124°31.41′ W. long.;
(104) 44°44.55′ N. lat., 124°33.58′ W. long.;
(105) 44°39.88′ N. lat., 124°35.01′ W. long.;
(106) 44°32.90′ N. lat., 124°36.81′ W. long.;
(107) 44°30.33′ N. lat., 124°38.56′ W. long.;
(108) 44°30.04′ N. lat., 124°42.31′ W. long.;
(109) 44°26.84′ N. lat., 124°44.91′ W. long.;
(110) 44°17.99′ N. lat., 124°51.03′ W. long.;
(111) 44°13.68′ N. lat., 124°56.38′ W. long.;
(112) 43°56.67′ N. lat., 124°55.45′ W. long.;

(113) 43°56.47′ N. lat., 124°34.61′ W. long.;
(114) 43°42.73′ N. lat., 124°32.41′ W. long.;
(115) 43°30.93′ N. lat., 124°34.43′ W. long.;
(116) 43°17.45′ N. lat., 124°41.16′ W. long.;
(117) 43°07.04′ N. lat., 124°41.25′ W. long.;
(118) 43°03.45′ N. lat., 124°44.36′ W. long.;
(119) 43°03.90′ N. lat., 124°50.81′ W. long.;
(120) 42°55.70′ N. lat., 124°52.79′ W. long.;
(121) 42°54.12′ N. lat., 124°47.36′ W. long.;
(122) 42°44.00′ N. lat., 124°42.38′ W. long.;
(123) 42°38.23′ N. lat., 124°41.25′ W. long.;
(124) 42°33.03′ N. lat., 124°42.38′ W. long.;
(125) 42°31.89′ N. lat., 124°42.04′ W. long.;
(126) 42°30.09′ N. lat., 124°42.67′ W. long.;
(127) 42°28.28′ N. lat., 124°47.08′ W. long.;
(128) 42°25.22′ N. lat., 124°43.51′ W. long.;
(129) 42°19.23′ N. lat., 124°37.92′ W. long.;
(130) 42°16.29′ N. lat., 124°36.11′ W. long.;
(131) 42°05.66′ N. lat., 124°34.92′ W. long.;
(132) 42°00.00′ N. lat., 124°35.27′ W. long.;
(133) 42°00.00′ N. lat., 124°35.26′ W. long.;
(134) 41°47.04′ N. lat., 124°27.64′ W. long.;
(135) 41°32.92′ N. lat., 124°28.79′ W. long.;
(136) 41°24.17′ N. lat., 124°28.46′ W. long.;
(137) 41°10.12′ N. lat., 124°20.50′ W. long.;
(138) 40°51.41′ N. lat., 124°24.38′ W. long.;
(139) 40°43.71′ N. lat., 124°29.89′ W. long.;
(140) 40°40.14′ N. lat., 124°30.90′ W. long.;
(141) 40°37.35′ N. lat., 124°29.05′ W. long.;
(142) 40°34.76′ N. lat., 124°29.82′ W. long.;
(143) 40°36.78′ N. lat., 124°37.06′ W. long.;
(144) 40°32.44′ N. lat., 124°39.58′ W. long.;
(145) 40°24.82′ N. lat., 124°35.12′ W. long.;
(146) 40°23.30′ N. lat., 124°31.60′ W. long.;
(147) 40°23.52′ N. lat., 124°28.78′ W. long.;
(148) 40°22.43′ N. lat., 124°25.00′ W. long.;
(149) 40°21.72′ N. lat., 124°24.94′ W. long.;
(150) 40°21.87′ N. lat., 124°27.96′ W. long.;
(151) 40°21.40′ N. lat., 124°28.74′ W. long.;
(152) 40°19.68′ N. lat., 124°28.49′ W. long.;
(153) 40°17.73′ N. lat., 124°25.43′ W. long.;
(154) 40°18.37′ N. lat., 124°23.35′ W. long.;
(155) 40°15.75′ N. lat., 124°26.05′ W. long.;
(156) 40°16.75′ N. lat., 124°33.71′ W. long.;
(157) 40°16.29′ N. lat., 124°34.36′ W. long.;
(158) 40°10.00′ N. lat., 124°21.12′ W. long.;
(159) 40°10.00′ N. lat., 124°21.50′ W. long.;
(160) 40°07.70′ N. lat., 124°18.44′ W. long.;
(161) 40°08.84′ N. lat., 124°15.86′ W. long.;
(162) 40°06.53′ N. lat., 124°17.39′ W. long.;
(163) 40°03.15′ N. lat., 124°14.43′ W. long.;
(164) 40°02.19′ N. lat., 124°12.85′ W. long.;
(165) 40°02.89′ N. lat., 124°11.78′ W. long.;
(166) 40°02.78′ N. lat., 124°10.70′ W. long.;
(167) 40°04.57′ N. lat., 124°10.08′ W. long.;
(168) 40°06.06′ N. lat., 124°08.30′ W. long.;
(169) 40°04.05′ N. lat., 124°08.93′ W. long.;
(170) 40°01.17′ N. lat., 124°08.80′ W. long.;
(171) 40°01.03′ N. lat., 124°10.06′ W. long.;
(172) 39°58.07′ N. lat., 124°11.89′ W. long.;
(173) 39°56.39′ N. lat., 124°08.71′ W. long.;
(174) 39°54.64′ N. lat., 124°07.30′ W. long.;
(175) 39°53.86′ N. lat., 124°07.95′ W. long.;
(176) 39°51.95′ N. lat., 124°07.63′ W. long.;
(177) 39°48.78′ N. lat., 124°03.29′ W. long.;
(178) 39°47.36′ N. lat., 124°03.31′ W. long.;
(179) 39°40.08′ N. lat., 123°58.37′ W. long.;
(180) 39°36.16′ N. lat., 123°56.90′ W. long.;
(181) 39°30.75′ N. lat., 123°55.86′ W. long.;
(182) 39°31.62′ N. lat., 123°57.33′ W. long.;
(183) 39°30.91′ N. lat., 123°57.88′ W. long.;
(184) 39°01.79′ N. lat., 123°56.59′ W. long.;
(185) 38°59.42′ N. lat., 123°55.67′ W. long.;
(186) 38°58.89′ N. lat., 123°56.28′ W. long.;
(187) 38°54.72′ N. lat., 123°55.68′ W. long.;
(188) 38°48.95′ N. lat., 123°51.85′ W. long.;
(189) 38°36.67′ N. lat., 123°40.20′ W. long.;
(190) 38°33.82′ N. lat., 123°39.23′ W. long.;
(191) 38°29.02′ N. lat., 123°33.52′ W. long.;
(192) 38°18.88′ N. lat., 123°25.93′ W. long.;
(193) 38°14.12′ N. lat., 123°23.26′ W. long.;
(194) 38°11.07′ N. lat., 123°22.07′ W. long.;
(195) 38°03.19′ N. lat., 123°20.70′ W. long.;
(196) 38°06.30′ N. lat., 123°24.96′ W. long.;
(197) 38°06.34′ N. lat., 123°29.25′ W. long.;
(198) 38°04.57′ N. lat., 123°31.23′ W. long.;
(199) 38°02.32′ N. lat., 123°31.00′ W. long.;
(200) 38°00.00′ N. lat., 123°28.41′ W. long.;
(201) 37°58.08′ N. lat., 123°26.68′ W. long.;
(202) 37°55.07′ N. lat., 123°26.81′ W. long.;
(203) 37°50.66′ N. lat., 123°23.06′ W. long.;
(204) 37°45.18′ N. lat., 123°11.88′ W. long.;
(205) 37°36.21′ N. lat., 123°01.20′ W. long.;
(206) 37°15.58′ N. lat., 122°48.36′ W. long.;
(207) 37°03.18′ N. lat., 122°38.15′ W. long.;
(208) 37°00.48′ N. lat., 122°33.93′ W. long.;
(209) 36°58.70′ N. lat., 122°27.22′ W. long.;
(210) 37°00.85′ N. lat., 122°24.70′ W. long.;
(211) 36°58.00′ N. lat., 122°24.14′ W. long.;
(212) 36°58.74′ N. lat., 122°21.51′ W. long.;
(213) 36°56.97′ N. lat., 122°21.32′ W. long.;
(214) 36°51.52′ N. lat., 122°10.68′ W. long.;
(215) 36°48.39′ N. lat., 122°07.60′ W. long.;
(216) 36°47.43′ N. lat., 122°03.22′ W. long.;
(217) 36°50.95′ N. lat., 121°58.03′ W. long.;

(218) 36°49.92′ N. lat., 121°58.01′ W. long.;
(219) 36°48.88′ N. lat., 121°58.90′ W. long.;
(220) 36°47.70′ N. lat., 121°58.75′ W. long.;
(221) 36°48.37′ N. lat., 121°51.14′ W. long.;
(222) 36°45.74′ N. lat., 121°54.17′ W. long.;
(223) 36°45.51′ N. lat., 121°57.72′ W. long.;
(224) 36°38.84′ N. lat., 122°01.32′ W. long.;
(225) 36°35.62′ N. lat., 122°00.98′ W. long.;
(226) 36°32.46′ N. lat., 121°59.15′ W. long.;
(227) 36°32.79′ N. lat., 121°57.67′ W. long.;
(228) 36°31.98′ N. lat., 121°56.55′ W. long.;
(229) 36°31.79′ N. lat., 121°58.40′ W. long.;
(230) 36°30.73′ N. lat., 121°59.70′ W. long.;
(231) 36°30.31′ N. lat., 122°00.22′ W. long.;
(232) 36°29.35′ N. lat., 122°00.36′ W. long.;
(233) 36°27.66′ N. lat., 121°59.80′ W. long.;
(234) 36°26.22′ N. lat., 121°58.35′ W. long.;
(235) 36°21.20′ N. lat., 122°00.72′ W. long.;
(236) 36°20.47′ N. lat., 122°02.92′ W. long.;
(237) 36°18.46′ N. lat., 122°04.51′ W. long.;
(238) 36°15.92′ N. lat., 122°01.33′ W. long.;
(239) 36°13.76′ N. lat., 121°57.27′ W. long.;
(240) 36°14.43′ N. lat., 121°55.43′ W. long.;
(241) 36°10.24′ N. lat., 121°43.08′ W. long.;
(242) 36°07.66′ N. lat., 121°40.91′ W. long.;
(243) 36°02.49′ N. lat., 121°36.51′ W. long.;
(244) 36°01.07′ N. lat., 121°36.82′ W. long.;
(245) 35°57.84′ N. lat., 121°33.10′ W. long.;
(246) 35°50.36′ N. lat., 121°29.32′ W. long.;
(247) 35°39.03′ N. lat., 121°22.86′ W. long.;
(248) 35°24.30′ N. lat., 121°02.56′ W. long.;
(249) 35°16.53′ N. lat., 121°00.39′ W. long.;
(250) 35°04.82′ N. lat., 120°53.96′ W. long.;
(251) 34°52.51′ N. lat., 120°51.62′ W. long.;
(252) 34°43.36′ N. lat., 120°52.12′ W. long.;
(253) 34°37.64′ N. lat., 120°49.99′ W. long.;
(254) 34°30.80′ N. lat., 120°45.02′ W. long.;
(255) 34°27.00′ N. lat., 120°39.00′ W. long.;
(256) 34°21.90′ N. lat., 120°25.25′ W. long.;
(257) 34°24.86′ N. lat., 120°16.81′ W. long.;
(258) 34°22.80′ N. lat., 119°57.06′ W. long.;
(259) 34°18.59′ N. lat., 119°44.84′ W. long.;
(260) 34°15.04′ N. lat., 119°40.34′ W. long.;
(261) 34°14.40′ N. lat., 119°45.39′ W. long.;
(262) 34°12.32′ N. lat., 119°42.41′ W. long.;
(263) 34°09.71′ N. lat., 119°28.85′ W. long.;
(264) 34°04.70′ N. lat., 119°15.38′ W. long.;
(265) 34°03.33′ N. lat., 119°12.93′ W. long.;
(266) 34°02.72′ N. lat., 119°07.01′ W. long.;
(267) 34°03.90′ N. lat., 119°04.64′ W. long.;
(268) 34°01.80′ N. lat., 119°03.23′ W. long.;
(269) 33°59.32′ N. lat., 119°03.50′ W. long.;
(270) 33°59.00′ N. lat., 118°59.55′ W. long.;
(271) 33°59.51′ N. lat., 118°57.25′ W. long.;
(272) 33°58.82′ N. lat., 118°52.47′ W. long.;
(273) 33°58.54′ N. lat., 118°41.86′ W. long.;
(274) 33°55.07′ N. lat., 118°34.25′ W. long.;
(275) 33°54.28′ N. lat., 118°38.68′ W. long.;
(276) 33°51.00′ N. lat., 118°36.66′ W. long.;
(277) 33°39.77′ N. lat., 118°18.41′ W. long.;
(278) 33°35.50′ N. lat., 118°16.85′ W. long.;
(279) 33°32.68′ N. lat., 118°09.82′ W. long.;
(280) 33°34.09′ N. lat., 117°54.06′ W. long.;
(281) 33°31.60′ N. lat., 117°49.28′ W. long.;
(282) 33°16.07′ N. lat., 117°34.74′ W. long.;
(283) 33°07.06′ N. lat., 117°22.71′ W. long.;
(284) 32°59.28′ N. lat., 117°19.69′ W. long.;
(285) 32°55.36′ N. lat., 117°19.54′ W. long.;
(286) 32°53.35′ N. lat., 117°17.05′ W. long.;
(287) 32°53.34′ N. lat., 117°19.13′ W. long.;
(288) 32°46.39′ N. lat., 117°23.45′ W. long.;
(289) 32°42.79′ N. lat., 117°21.16′ W. long.; and
(290) 32°34.22′ N. lat., 117°21.20′ W. long.

(viii) The 125 fm (229 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°15.00′ N. lat., 125°41.13′ W. long.;
(2) 48°13.05′ N. lat., 125°37.43′ W. long.;
(3) 48°08.62′ N. lat., 125°41.68′ W. long.;
(4) 48°07.42′ N. lat., 125°42.38′ W. long.;
(5) 48°04.20′ N. lat., 125°36.57′ W. long.;
(6) 48°02.79′ N. lat., 125°35.55′ W. long.;
(7) 48°00.48′ N. lat., 125°37.84′ W. long.;
(8) 47°54.90′ N. lat., 125°34.79′ W. long.;
(9) 47°58.37′ N. lat., 125°26.58′ W. long.;
(10) 47°59.84′ N. lat., 125°25.20′ W. long.;
(11) 48°01.85′ N. lat., 125°24.12′ W. long.;
(12) 48°02.13′ N. lat., 125°22.80′ W. long.;
(13) 48°03.31′ N. lat., 125°22.46′ W. long.;
(14) 48°06.83′ N. lat., 125°17.73′ W. long.;
(15) 48°10.08′ N. lat., 125°15.56′ W. long.;
(16) 48°11.24′ N. lat., 125°13.72′ W. long.;
(17) 48°12.41′ N. lat., 125°14.48′ W. long.;
(18) 48°13.01′ N. lat., 125°13.77′ W. long.;
(19) 48°13.59′ N. lat., 125°12.83′ W. long.;
(20) 48°12.22′ N. lat., 125°12.28′ W. long.;
(21) 48°11.15′ N. lat., 125°12.26′ W. long.;
(22) 48°10.18′ N. lat., 125°10.44′ W. long.;
(23) 48°10.18′ N. lat., 125°06.32′ W. long.;
(24) 48°15.39′ N. lat., 125°02.83′ W. long.;
(25) 48°18.32′ N. lat., 125°01.00′ W. long.;
(26) 48°21.67′ N. lat., 125°01.86′ W. long.;
(27) 48°25.70′ N. lat., 125°00.10′ W. long.;
(28) 48°26.43′ N. lat., 124°56.65′ W. long.;
(29) 48°24.28′ N. lat., 124°56.48′ W. long.;

(30) 48°23.27′ N. lat., 124°59.12′ W. long.;
(31) 48°21.79′ N. lat., 124°59.30′ W. long.;
(32) 48°20.71′ N. lat., 124°58.74′ W. long.;
(33) 48°19.84′ N. lat., 124°57.09′ W. long.;
(34) 48°22.06′ N. lat., 124°54.78′ W. long.;
(35) 48°22.45′ N. lat., 124°53.35′ W. long.;
(36) 48°22.74′ N. lat., 124°50.96′ W. long.;
(37) 48°21.04′ N. lat., 124°52.60′ W. long.;
(38) 48°18.07′ N. lat., 124°55.85′ W. long.;
(39) 48°15.03′ N. lat., 124°58.16′ W. long.;
(40) 48°11.31′ N. lat., 124°58.53′ W. long.;
(41) 48°06.25′ N. lat., 125°00.06′ W. long.;
(42) 48°04.70′ N. lat., 125°01.80′ W. long.;
(43) 48°04.93′ N. lat., 125°03.92′ W. long.;
(44) 48°06.44′ N. lat., 125°06.50′ W. long.;
(45) 48°07.34′ N. lat., 125°09.35′ W. long.;
(46) 48°07.62′ N. lat., 125°11.37′ W. long.;
(47) 48°03.71′ N. lat., 125°17.63′ W. long.;
(48) 48°01.35′ N. lat., 125°18.66′ W. long.;
(49) 48°00.05′ N. lat., 125°19.66′ W. long.;
(50) 47°59.51′ N. lat., 125°18.90′ W. long.;
(51) 47°58.29′ N. lat., 125°16.64′ W. long.;
(52) 47°54.67′ N. lat., 125°13.20′ W. long.;
(53) 47°53.15′ N. lat., 125°12.53′ W. long.;
(54) 47°48.46′ N. lat., 125°04.72′ W. long.;
(55) 47°46.10′ N. lat., 125°04.00′ W. long.;
(56) 47°44.60′ N. lat., 125°04.49′ W. long.;
(57) 47°42.90′ N. lat., 125°04.72′ W. long.;
(58) 47°40.71′ N. lat., 125°04.68′ W. long.;
(59) 47°39.02′ N. lat., 125°05.63′ W. long.;
(60) 47°34.86′ N. lat., 125°02.11′ W. long.;
(61) 47°31.64′ N. lat., 124°58.11′ W. long.;
(62) 47°29.69′ N. lat., 124°55.71′ W. long.;
(63) 47°29.35′ N. lat., 124°53.23′ W. long.;
(64) 47°28.56′ N. lat., 124°51.34′ W. long.;
(65) 47°25.31′ N. lat., 124°48.20′ W. long.;
(66) 47°23.92′ N. lat., 124°47.15′ W. long.;
(67) 47°18.09′ N. lat., 124°45.74′ W. long.;
(68) 47°18.65′ N. lat., 124°51.51′ W. long.;
(69) 47°18.12′ N. lat., 124°52.58′ W. long.;
(70) 47°17.64′ N. lat., 124°50.45′ W. long.;
(71) 47°16.31′ N. lat., 124°50.92′ W. long.;
(72) 47°15.60′ N. lat., 124°52.62′ W. long.;
(73) 47°14.25′ N. lat., 124°52.49′ W. long.;
(74) 47°11.32′ N. lat., 124°57.19′ W. long.;
(75) 47°09.14′ N. lat., 124°57.46′ W. long.;
(76) 47°08.83′ N. lat., 124°58.47′ W. long.;
(77) 47°05.88′ N. lat., 124°58.26′ W. long.;
(78) 47°03.60′ N. lat., 124°55.84′ W. long.;
(79) 47°02.91′ N. lat., 124°56.15′ W. long.;
(80) 47°01.08′ N. lat., 124°59.46′ W. long.;
(81) 46°58.13′ N. lat., 124°58.83′ W. long.;
(82) 46°57.44′ N. lat., 124°57.78′ W. long.;
(83) 46°55.98′ N. lat., 124°54.60′ W. long.;
(84) 46°54.90′ N. lat., 124°54.14′ W. long.;
(85) 46°58.47′ N. lat., 124°49.65′ W. long.;
(86) 46°54.44′ N. lat., 124°48.79′ W. long.;
(87) 46°54.41′ N. lat., 124°52.87′ W. long.;
(88) 46°49.36′ N. lat., 124°52.77′ W. long.;
(89) 46°40.06′ N. lat., 124°45.34′ W. long.;
(90) 46°39.64′ N. lat., 124°42.21′ W. long.;
(91) 46°34.27′ N. lat., 124°34.63′ W. long.;
(92) 46°33.58′ N. lat., 124°29.10′ W. long.;
(93) 46°25.64′ N. lat., 124°32.57′ W. long.;
(94) 46°21.33′ N. lat., 124°36.36′ W. long.;
(95) 46°20.59′ N. lat., 124°36.15′ W. long.;
(96) 46°19.38′ N. lat., 124°38.21′ W. long.;
(97) 46°17.94′ N. lat., 124°38.10′ W. long.;
(98) 46°16.00′ N. lat., 124°35.35′ W. long.;
(99) 46°16.00′ N. lat., 124°22.17′ W. long.;
(100) 46°13.37′ N. lat., 124°30.70′ W. long.;
(101) 46°12.20′ N. lat., 124°36.04′ W. long.;
(102) 46°11.01′ N. lat., 124°38.68′ W. long.;
(103) 46°09.73′ N. lat., 124°39.91′ W. long.;
(104) 46°03.23′ N. lat., 124°42.03′ W. long.;
(105) 46°01.17′ N. lat., 124°42.06′ W. long.;
(106) 46°00.35′ N. lat., 124°42.26′ W. long.;
(107) 45°52.81′ N. lat., 124°41.62′ W. long.;
(108) 45°49.70′ N. lat., 124°41.14′ W. long.;
(109) 45°45.18′ N. lat., 124°38.39′ W. long.;
(110) 45°43.24′ N. lat., 124°37.77′ W. long.;
(111) 45°34.75′ N. lat., 124°28.59′ W. long.;
(112) 45°19.90′ N. lat., 124°21.34′ W. long.;
(113) 45°12.44′ N. lat., 124°19.35′ W. long.;
(114) 45°07.48′ N. lat., 124°19.73′ W. long.;
(115) 44°59.96′ N. lat., 124°22.91′ W. long.;
(116) 44°54.72′ N. lat., 124°26.84′ W. long.;
(117) 44°51.15′ N. lat., 124°31.41′ W. long.;
(118) 44°49.97′ N. lat., 124°32.37′ W. long.;
(119) 44°47.06′ N. lat., 124°34.43′ W. long.;
(120) 44°41.37′ N. lat., 124°36.51′ W. long.;
(121) 44°32.78′ N. lat., 124°37.86′ W. long.;
(122) 44°29.44′ N. lat., 124°44.25′ W. long.;
(123) 44°27.95′ N. lat., 124°45.13′ W. long.;
(124) 44°24.73′ N. lat., 124°47.42′ W. long.;
(125) 44°19.67′ N. lat., 124°51.17′ W. long.;
(126) 44°17.96′ N. lat., 124°52.53′ W. long.;
(127) 44°13.70′ N. lat., 124°56.45′ W. long.;
(128) 44°12.26′ N. lat., 124°57.53′ W. long.;
(129) 44°07.57′ N. lat., 124°57.19′ W. long.;
(130) 44°04.78′ N. lat., 124°56.31′ W. long.;
(131) 44°01.14′ N. lat., 124°56.07′ W. long.;
(132) 43°57.39′ N. lat., 124°57.01′ W. long.;
(133) 43°54.58′ N. lat., 124°52.18′ W. long.;
(134) 43°53.18′ N. lat., 124°47.41′ W. long.;

(135) 43°53.60′ N. lat., 124°37.45′ W. long.;
(136) 43°53.04′ N. lat., 124°36.00′ W. long.;
(137) 43°47.93′ N. lat., 124°35.18′ W. long.;
(138) 43°39.32′ N. lat., 124°35.14′ W. long.;
(139) 43°32.38′ N. lat., 124°35.26′ W. long.;
(140) 43°30.32′ N. lat., 124°36.79′ W. long.;
(141) 43°27.81′ N. lat., 124°36.42′ W. long.;
(142) 43°23.73′ N. lat., 124°39.66′ W. long.;
(143) 43°17.78′ N. lat., 124°42.84′ W. long.;
(144) 43°10.48′ N. lat., 124°43.54′ W. long.;
(145) 43°04.77′ N. lat., 124°45.51′ W. long.;
(146) 43°05.94′ N. lat., 124°49.77′ W. long.;
(147) 43°03.38′ N. lat., 124°51.86′ W. long.;
(148) 42°59.32′ N. lat., 124°51.93′ W. long.;
(149) 42°56.80′ N. lat., 124°53.38′ W. long.;
(150) 42°54.54′ N. lat., 124°52.72′ W. long.;
(151) 42°52.89′ N. lat., 124°47.45′ W. long.;
(152) 42°48.10′ N. lat., 124°46.75′ W. long.;
(153) 42°46.34′ N. lat., 124°43.53′ W. long.;
(154) 42°41.66′ N. lat., 124°42.70′ W. long.;
(155) 42°32.53′ N. lat., 124°42.77′ W. long.;
(156) 42°29.74′ N. lat., 124°43.81′ W. long.;
(157) 42°28.07′ N. lat., 124°47.65′ W. long.;
(158) 42°21.58′ N. lat., 124°41.41′ W. long.;
(159) 42°15.17′ N. lat., 124°36.25′ W. long.;
(160) 42°08.28′ N. lat., 124°36.08′ W. long.;
(161) 42°00.00′ N. lat., 124°35.46′ W. long.;
(162) 42°00.00′ N. lat., 124°35.45′ W. long.;
(163) 41°47.67′ N. lat., 124°28.67′ W. long.;
(164) 41°32.91′ N. lat., 124°29.01′ W. long.;
(165) 41°22.57′ N. lat., 124°28.66′ W. long.;
(166) 41°13.38′ N. lat., 124°22.88′ W. long.;
(167) 41°06.42′ N. lat., 124°22.02′ W. long.;
(168) 40°50.19′ N. lat., 124°25.58′ W. long.;
(169) 40°44.08′ N. lat., 124°30.43′ W. long.;
(170) 40°40.54′ N. lat., 124°31.75′ W. long.;
(171) 40°37.36′ N. lat., 124°29.17′ W. long.;
(172) 40°35.30′ N. lat., 124°30.03′ W. long.;
(173) 40°37.02′ N. lat., 124°37.10′ W. long.;
(174) 40°35.82′ N. lat., 124°39.58′ W. long.;
(175) 40°31.70′ N. lat., 124°39.97′ W. long.;
(176) 40°29.71′ N. lat., 124°38.08′ W. long.;
(177) 40°24.77′ N. lat., 124°35.39′ W. long.;
(178) 40°23.22′ N. lat., 124°31.87′ W. long.;
(179) 40°23.40′ N. lat., 124°28.65′ W. long.;
(180) 40°22.30′ N. lat., 124°25.27′ W. long.;
(181) 40°21.91′ N. lat., 124°25.18′ W. long.;
(182) 40°21.91′ N. lat., 124°27.97′ W. long.;
(183) 40°21.37′ N. lat., 124°29.03′ W. long.;
(184) 40°19.74′ N. lat., 124°28.71′ W. long.;
(185) 40°18.52′ N. lat., 124°27.26′ W. long.;
(186) 40°17.57′ N. lat., 124°25.49′ W. long.;
(187) 40°18.20′ N. lat., 124°23.63′ W. long.;
(188) 40°15.89′ N. lat., 124°26.00′ W. long.;
(189) 40°17.00′ N. lat., 124°35.01′ W. long.;
(190) 40°15.97′ N. lat., 124°35.91′ W. long.;
(191) 40°10.01′ N. lat., 124°22.00′ W. long.;
(192) 40°07.35′ N. lat., 124°18.64′ W. long.;
(193) 40°08.46′ N. lat., 124°16.24′ W. long.;
(194) 40°06.26′ N. lat., 124°17.54′ W. long.;
(195) 40°03.26′ N. lat., 124°15.30′ W. long.;
(196) 40°02.00′ N. lat., 124°12.97′ W. long.;
(197) 40°02.60′ N. lat., 124°10.61′ W. long.;
(198) 40°03.63′ N. lat., 124°09.12′ W. long.;
(199) 40°02.18′ N. lat., 124°09.07′ W. long.;
(200) 40°01.26′ N. lat., 124°09.86′ W. long.;
(201) 39°58.05′ N. lat., 124°11.87′ W. long.;
(202) 39°56.39′ N. lat., 124°08.70′ W. long.;
(203) 39°54.64′ N. lat., 124°07.31′ W. long.;
(204) 39°53.87′ N. lat., 124°07.95′ W. long.;
(205) 39°52.42′ N. lat., 124°08.18′ W. long.;
(206) 39°42.50′ N. lat., 124°00.60′ W. long.;
(207) 39°34.23′ N. lat., 123°56.82′ W. long.;
(208) 39°33.00′ N. lat., 123°56.44′ W. long.;
(209) 39°30.96′ N. lat., 123°56.00′ W. long.;
(210) 39°32.03′ N. lat., 123°57.44′ W. long.;
(211) 39°31.43′ N. lat., 123°58.16′ W. long.;
(212) 39°05.56′ N. lat., 123°57.24′ W. long.;
(213) 39°01.75′ N. lat., 123°56.83′ W. long.;
(214) 38°59.52′ N. lat., 123°55.95′ W. long.;
(215) 38°58.98′ N. lat., 123°56.57′ W. long.;
(216) 38°53.91′ N. lat., 123°56.00′ W. long.;
(217) 38°42.57′ N. lat., 123°46.60′ W. long.;
(218) 38°28.72′ N. lat., 123°35.61′ W. long.;
(219) 38°28.01′ N. lat., 123°36.47′ W. long.;
(220) 38°20.94′ N. lat., 123°31.26′ W. long.;
(221) 38°15.94′ N. lat., 123°25.33′ W. long.;
(222) 38°10.95′ N. lat., 123°23.19′ W. long.;
(223) 38°05.52′ N. lat., 123°22.90′ W. long.;
(224) 38°08.46′ N. lat., 123°26.23′ W. long.;
(225) 38°06.95′ N. lat., 123°28.03′ W. long.;
(226) 38°06.34′ N. lat., 123°29.80′ W. long.;
(227) 38°04.57′ N. lat., 123°31.24′ W. long.;
(228) 38°02.33′ N. lat., 123°31.02′ W. long.;
(229) 38°00.00′ N. lat., 123°28.23′ W. long.;
(230) 37°58.10′ N. lat., 123°26.69′ W. long.;
(231) 37°55.46′ N. lat., 123°27.05′ W. long.;
(232) 37°51.51′ N. lat., 123°24.86′ W. long.;
(233) 37°45.01′ N. lat., 123°12.09′ W. long.;
(234) 37°36.47′ N. lat., 123°01.56′ W. long.;
(235) 37°26.62′ N. lat., 122°56.21′ W. long.;
(236) 37°14.41′ N. lat., 122°49.07′ W. long.;
(237) 37°03.19′ N. lat., 122°38.31′ W. long.;
(238) 37°00.99′ N. lat., 122°35.51′ W. long.;
(239) 36°58.23′ N. lat., 122°27.36′ W. long.;

(240) 37°00.54′ N. lat., 122°24.74′ W. long.;
(241) 36°57.81′ N. lat., 122°24.65′ W. long.;
(242) 36°58.54′ N. lat., 122°21.67′ W. long.;
(243) 36°56.52′ N. lat., 122°21.70′ W. long.;
(244) 36°55.37′ N. lat., 122°18.45′ W. long.;
(245) 36°52.16′ N. lat., 122°12.17′ W. long.;
(246) 36°51.53′ N. lat., 122°10.67′ W. long.;
(247) 36°48.05′ N. lat., 122°07.59′ W. long.;
(248) 36°47.35′ N. lat., 122°03.27′ W. long.;
(249) 36°50.71′ N. lat., 121°58.17′ W. long.;
(250) 36°48.89′ N. lat., 121°58.90′ W. long.;
(251) 36°47.70′ N. lat., 121°58.76′ W. long.;
(252) 36°48.37′ N. lat., 121°51.15′ W. long.;
(253) 36°45.74′ N. lat., 121°54.18′ W. long.;
(254) 36°45.50′ N. lat., 121°57.73′ W. long.;
(255) 36°44.02′ N. lat., 121°58.55′ W. long.;
(256) 36°38.84′ N. lat., 122°01.32′ W. long.;
(257) 36°35.63′ N. lat., 122°00.98′ W. long.;
(258) 36°32.47′ N. lat., 121°59.17′ W. long.;
(259) 36°32.52′ N. lat., 121°57.62′ W. long.;
(260) 36°30.16′ N. lat., 122°00.55′ W. long.;
(261) 36°24.56′ N. lat., 121°59.19′ W. long.;
(262) 36°22.19′ N. lat., 122°00.30′ W. long.;
(263) 36°20.62′ N. lat., 122°02.93′ W. long.;
(264) 36°18.89′ N. lat., 122°05.18′ W. long.;
(265) 36°14.45′ N. lat., 121°59.44′ W. long.;
(266) 36°13.73′ N. lat., 121°57.38′ W. long.;
(267) 36°14.41′ N. lat., 121°55.45′ W. long.;
(268) 36°10.25′ N. lat., 121°43.08′ W. long.;
(269) 36°07.67′ N. lat., 121°40.92′ W. long.;
(270) 36°02.51′ N. lat., 121°36.76′ W. long.;
(271) 36°01.08′ N. lat., 121°36.82′ W. long.;
(272) 35°57.84′ N. lat., 121°33.10′ W. long.;
(273) 35°45.57′ N. lat., 121°27.26′ W. long.;
(274) 35°39.02′ N. lat., 121°22.86′ W. long.;
(275) 35°25.92′ N. lat., 121°05.52′ W. long.;
(276) 35°16.26′ N. lat., 121°01.50′ W. long.;
(277) 35°07.60′ N. lat., 120°56.49′ W. long.;
(278) 34°57.77′ N. lat., 120°53.87′ W. long.;
(279) 34°42.30′ N. lat., 120°53.42′ W. long.;
(280) 34°37.69′ N. lat., 120°50.04′ W. long.;
(281) 34°30.13′ N. lat., 120°44.45′ W. long.;
(282) 34°27.00′ N. lat., 120°39.24′ W. long.;
(283) 34°24.71′ N. lat., 120°35.37′ W. long.;
(284) 34°21.63′ N. lat., 120°24.86′ W. long.;
(285) 34°24.39′ N. lat., 120°16.65′ W. long.;
(286) 34°22.48′ N. lat., 119°56.42′ W. long.;
(287) 34°18.54′ N. lat., 119°46.26′ W. long.;
(288) 34°16.37′ N. lat., 119°45.12′ W. long.;
(289) 34°15.91′ N. lat., 119°47.29′ W. long.;
(290) 34°13.80′ N. lat., 119°45.40′ W. long.;
(291) 34°11.69′ N. lat., 119°41.80′ W. long.;
(292) 34°09.98′ N. lat., 119°31.87′ W. long.;
(293) 34°08.12′ N. lat., 119°27.71′ W. long.;
(294) 34°06.35′ N. lat., 119°32.65′ W. long.;
(295) 34°06.80′ N. lat., 119°40.08′ W. long.;
(296) 34°07.48′ N. lat., 119°47.54′ W. long.;
(297) 34°08.21′ N. lat., 119°54.90′ W. long.;
(298) 34°06.85′ N. lat., 120°05.60′ W. long.;
(299) 34°06.99′ N. lat., 120°10.37′ W. long.;
(300) 34°08.53′ N. lat., 120°17.89′ W. long.;
(301) 34°10.00′ N. lat., 120°23.05′ W. long.;
(302) 34°12.53′ N. lat., 120°29.82′ W. long.;
(303) 34°09.02′ N. lat., 120°37.47′ W. long.;
(304) 34°01.01′ N. lat., 120°31.17′ W. long.;
(305) 33°58.07′ N. lat., 120°28.33′ W. long.;
(306) 33°53.37′ N. lat., 120°14.43′ W. long.;
(307) 33°50.53′ N. lat., 120°07.20′ W. long.;
(308) 33°45.88′ N. lat., 120°04.26′ W. long.;
(309) 33°38.19′ N. lat., 119°57.85′ W. long.;
(310) 33°38.19′ N. lat., 119°50.42′ W. long.;
(311) 33°42.36′ N. lat., 119°49.60′ W. long.;
(312) 33°53.95′ N. lat., 119°53.81′ W. long.;
(313) 33°55.85′ N. lat., 119°43.34′ W. long.;
(314) 33°58.48′ N. lat., 119°27.90′ W. long.;
(315) 34°00.34′ N. lat., 119°19.22′ W. long.;
(316) 34°04.48′ N. lat., 119°15.32′ W. long.;
(317) 34°02.80′ N. lat., 119°12.95′ W. long.;
(318) 34°02.39′ N. lat., 119°07.17′ W. long.;
(319) 34°03.75′ N. lat., 119°04.72′ W. long.;
(320) 34°01.82′ N. lat., 119°03.24′ W. long.;
(321) 33°59.33′ N. lat., 119°03.49′ W. long.;
(322) 33°59.01′ N. lat., 118°59.56′ W. long.;
(323) 33°59.51′ N. lat., 118°57.25′ W. long.;
(324) 33°58.83′ N. lat., 118°52.50′ W. long.;
(325) 33°58.55′ N. lat., 118°41.86′ W. long.;
(326) 33°55.10′ N. lat., 118°34.25′ W. long.;
(327) 33°54.30′ N. lat., 118°38.71′ W. long.;
(328) 33°50.88′ N. lat., 118°37.02′ W. long.;
(329) 33°39.78′ N. lat., 118°18.40′ W. long.;
(330) 33°35.50′ N. lat., 118°16.85′ W. long.;
(331) 33°32.46′ N. lat., 118°10.90′ W. long.;
(332) 33°34.11′ N. lat., 117°54.07′ W. long.;
(333) 33°31.61′ N. lat., 117°49.30′ W. long.;
(334) 33°16.36′ N. lat., 117°35.48′ W. long.;
(335) 33°06.81′ N. lat., 117°22.93′ W. long.;
(336) 32°59.28′ N. lat., 117°19.69′ W. long.;
(337) 32°55.37′ N. lat., 117°19.55′ W. long.;
(338) 32°53.35′ N. lat., 117°17.05′ W. long.;
(339) 32°53.36′ N. lat., 117°19.12′ W. long.;
(340) 32°46.42′ N. lat., 117°23.45′ W. long.;
(341) 32°42.71′ N. lat., 117°21.45′ W. long.; and
(342) 32°34.54′ N. lat., 117°23.04′ W. long.

(ix) The 150 fm (274 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico

is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.96′ N. lat., 125°41.24′ W. long.;
(2) 48°12.89′ N. lat., 125°37.83′ W. long.;
(3) 48°11.49′ N. lat., 125°39.27′ W. long.;
(4) 48°08.72′ N. lat., 125°41.84′ W. long.;
(5) 48°07.00′ N. lat., 125°45.00′ W. long.;
(6) 48°06.13′ N. lat., 125°41.57′ W. long.;
(7) 48°05.00′ N. lat., 125°39.00′ W. long.;
(8) 48°04.15′ N. lat., 125°36.71′ W. long.;
(9) 48°03.00′ N. lat., 125°36.00′ W. long.;
(10) 48°01.65′ N. lat., 125°36.96′ W. long.;
(11) 48°01.00′ N. lat., 125°38.50′ W. long.;
(12) 47°57.50′ N. lat., 125°36.50′ W. long.;
(13) 47°54.50′ N. lat., 125°35.00′ W. long.;
(14) 47°56.53′ N. lat., 125°30.33′ W. long.;
(15) 47°57.28′ N. lat., 125°27.89′ W. long.;
(16) 47°59.00′ N. lat., 125°25.50′ W. long.;
(17) 48°01.77′ N. lat., 125°24.05′ W. long.;
(18) 48°02.13′ N. lat., 125°22.80′ W. long.;
(19) 48°03.00′ N. lat., 125°22.50′ W. long.;
(20) 48°03.46′ N. lat., 125°22.10′ W. long.;
(21) 48°04.29′ N. lat., 125°20.37′ W. long.;
(22) 48°02.00′ N. lat., 125°18.50′ W. long.;
(23) 48°00.01′ N. lat., 125°19.90′ W. long.;
(24) 47°58.75′ N. lat., 125°17.54′ W. long.;
(25) 47°53.50′ N. lat., 125°13.50′ W. long.;
(26) 47°48.88′ N. lat., 125°05.91′ W. long.;
(27) 47°47.18′ N. lat., 125°06.60′ W. long.;
(28) 47°48.50′ N. lat., 125°05.00′ W. long.;
(29) 47°45.98′ N. lat., 125°04.26′ W. long.;
(30) 47°45.00′ N. lat., 125°05.50′ W. long.;
(31) 47°42.11′ N. lat., 125°04.74′ W. long.;
(32) 47°39.00′ N. lat., 125°06.00′ W. long.;
(33) 47°35.53′ N. lat., 125°04.55′ W. long.;
(34) 47°30.90′ N. lat., 124°57.31′ W. long.;
(35) 47°29.54′ N. lat., 124°56.50′ W. long.;
(36) 47°29.50′ N. lat., 124°54.50′ W. long.;
(37) 47°28.57′ N. lat., 124°51.50′ W. long.;
(38) 47°25.00′ N. lat., 124°48.00′ W. long.;
(39) 47°23.95′ N. lat., 124°47.24′ W. long.;
(40) 47°23.00′ N. lat., 124°47.00′ W. long.;
(41) 47°21.00′ N. lat., 124°46.50′ W. long.;
(42) 47°18.20′ N. lat., 124°45.84′ W. long.;
(43) 47°18.50′ N. lat., 124°49.00′ W. long.;
(44) 47°19.17′ N. lat., 124°50.86′ W. long.;
(45) 47°18.07′ N. lat., 124°53.29′ W. long.;
(46) 47°17.78′ N. lat., 124°51.39′ W. long.;
(47) 47°16.81′ N. lat., 124°50.85′ W. long.;
(48) 47°15.96′ N. lat., 124°53.15′ W. long.;
(49) 47°14.31′ N. lat., 124°52.62′ W. long.;
(50) 47°11.87′ N. lat., 124°56.90′ W. long.;
(51) 47°12.39′ N. lat., 124°58.09′ W. long.;
(52) 47°09.50′ N. lat., 124°57.50′ W. long.;
(53) 47°09.00′ N. lat., 124°59.00′ W. long.;
(54) 47°06.06′ N. lat., 124°58.80′ W. long.;
(55) 47°03.62′ N. lat., 124°55.96′ W. long.;
(56) 47°02.89′ N. lat., 124°56.89′ W. long.;
(57) 47°01.04′ N. lat., 124°59.54′ W. long.;
(58) 46°58.47′ N. lat., 124°59.08′ W. long.;
(59) 46°58.29′ N. lat., 125°00.28′ W. long.;
(60) 46°56.30′ N. lat., 125°00.75′ W. long.;
(61) 46°57.09′ N. lat., 124°58.86′ W. long.;
(62) 46°55.95′ N. lat., 124°54.88′ W. long.;
(63) 46°54.79′ N. lat., 124°54.14′ W. long.;
(64) 46°58.00′ N. lat., 124°50.00′ W. long.;
(65) 46°54.50′ N. lat., 124°49.00′ W. long.;
(66) 46°54.53′ N. lat., 124°52.94′ W. long.;
(67) 46°49.52′ N. lat., 124°53.41′ W. long.;
(68) 46°39.50′ N. lat., 124°47.00′ W. long.;
(69) 46°39.50′ N. lat., 124°42.50′ W. long.;
(70) 46°37.50′ N. lat., 124°41.00′ W. long.;
(71) 46°36.50′ N. lat., 124°38.00′ W. long.;
(72) 46°33.85′ N. lat., 124°36.99′ W. long.;
(73) 46°33.50′ N. lat., 124°29.50′ W. long.;
(74) 46°32.00′ N. lat., 124°31.00′ W. long.;
(75) 46°30.53′ N. lat., 124°30.55′ W. long.;
(76) 46°25.50′ N. lat., 124°33.00′ W. long.;
(77) 46°23.00′ N. lat., 124°35.00′ W. long.;
(78) 46°21.50′ N. lat., 124°37.00′ W. long.;
(79) 46°20.64′ N. lat., 124°36.21′ W. long.;
(80) 46°20.36′ N. lat., 124°37.85′ W. long.;
(81) 46°19.48′ N. lat., 124°38.35′ W. long.;
(82) 46°18.09′ N. lat., 124°38.30′ W. long.;
(83) 46°16.00′ N. lat., 124°36.00′ W. long.;
(84) 46°14.87′ N. lat., 124°26.15′ W. long.;
(85) 46°13.38′ N. lat., 124°31.36′ W. long.;
(86) 46°12.09′ N. lat., 124°38.39′ W. long.;
(87) 46°09.46′ N. lat., 124°40.64′ W. long.;
(88) 46°07.30′ N. lat., 124°40.68′ W. long.;
(89) 46°02.76′ N. lat., 124°44.01′ W. long.;
(90) 46°02.64′ N. lat., 124°47.96′ W. long.;
(91) 46°01.22′ N. lat., 124°43.47′ W. long.;
(92) 45°51.82′ N. lat., 124°42.89′ W. long.;
(93) 45°45.95′ N. lat., 124°40.72′ W. long.;
(94) 45°44.11′ N. lat., 124°43.09′ W. long.;
(95) 45°34.50′ N. lat., 124°30.27′ W. long.;
(96) 45°21.10′ N. lat., 124°23.11′ W. long.;
(97) 45°09.69′ N. lat., 124°20.45′ W. long.;
(98) 44°56.25′ N. lat., 124°27.03′ W. long.;
(99) 44°44.47′ N. lat., 124°37.85′ W. long.;
(100) 44°31.81′ N. lat., 124°39.60′ W. long.;
(101) 44°31.48′ N. lat., 124°43.30′ W. long.;
(102) 44°12.04′ N. lat., 124°58.16′ W. long.;
(103) 44°07.38′ N. lat., 124°57.87′ W. long.;

(104) 43°57.06′ N. lat., 124°57.20′ W. long.;
(105) 43°52.52′ N. lat., 124°49.00′ W. long.;
(106) 43°51.55′ N. lat., 124°37.49′ W. long.;
(107) 43°47.83′ N. lat., 124°36.43′ W. long.;
(108) 43°31.79′ N. lat., 124°36.80′ W. long.;
(109) 43°29.34′ N. lat., 124°36.77′ W. long.;
(110) 43°26.46′ N. lat., 124°40.02′ W. long.;
(111) 43°16.15′ N. lat., 124°44.37′ W. long.;
(112) 43°09.33′ N. lat., 124°45.35′ W. long.;
(113) 43°08.85′ N. lat., 124°48.92′ W. long.;
(114) 43°03.23′ N. lat., 124°52.41′ W. long.;
(115) 43°00.25′ N. lat., 124°51.93′ W. long.;
(116) 42°56.62′ N. lat., 124°53.93′ W. long.;
(117) 42°54.84′ N. lat., 124°54.01′ W. long.;
(118) 42°52.31′ N. lat., 124°50.76′ W. long.;
(119) 42°47.78′ N. lat., 124°47.27′ W. long.;
(120) 42°46.32′ N. lat., 124°43.59′ W. long.;
(121) 42°41.63′ N. lat., 124°44.07′ W. long.;
(122) 42°38.83′ N. lat., 124°42.77′ W. long.;
(123) 42°35.37′ N. lat., 124°43.22′ W. long.;
(124) 42°32.78′ N. lat., 124°44.68′ W. long.;
(125) 42°32.19′ N. lat., 124°42.40′ W. long.;
(126) 42°30.28′ N. lat., 124°44.30′ W. long.;
(127) 42°28.16′ N. lat., 124°48.38′ W. long.;
(128) 42°18.34′ N. lat., 124°38.77′ W. long.;
(129) 42°13.65′ N. lat., 124°36.82′ W. long.;
(130) 42°00.15′ N. lat., 124°35.81′ W. long.;
(131) 42°00.00′ N. lat., 124°35.99′ W. long.;
(132) 41°47.80′ N. lat., 124°29.41′ W. long.;
(133) 41°23.51′ N. lat., 124°29.50′ W. long.;
(134) 41°13.29′ N. lat., 124°23.31′ W. long.;
(135) 41°06.23′ N. lat., 124°22.62′ W. long.;
(136) 40°55.60′ N. lat., 124°26.04′ W. long.;
(137) 40°49.62′ N. lat., 124°26.57′ W. long.;
(138) 40°45.72′ N. lat., 124°30.00′ W. long.;
(139) 40°40.56′ N. lat., 124°32.11′ W. long.;
(140) 40°37.33′ N. lat., 124°29.27′ W. long.;
(141) 40°35.60′ N. lat., 124°30.49′ W. long.;
(142) 40°37.38′ N. lat., 124°37.14′ W. long.;
(143) 40°36.03′ N. lat., 124°39.97′ W. long.;
(144) 40°31.59′ N. lat., 124°40.74′ W. long.;
(145) 40°29.76′ N. lat., 124°38.13′ W. long.;
(146) 40°28.22′ N. lat., 124°37.23′ W. long.;
(147) 40°24.86′ N. lat., 124°35.71′ W. long.;
(148) 40°23.01′ N. lat., 124°31.94′ W. long.;
(149) 40°23.39′ N. lat., 124°28.64′ W. long.;
(150) 40°22.29′ N. lat., 124°25.25′ W. long.;
(151) 40°21.90′ N. lat., 124°25.18′ W. long.;
(152) 40°22.02′ N. lat., 124°28.00′ W. long.;
(153) 40°21.34′ N. lat., 124°29.53′ W. long.;
(154) 40°19.74′ N. lat., 124°28.95′ W. long.;
(155) 40°18.13′ N. lat., 124°27.08′ W. long.;
(156) 40°17.45′ N. lat., 124°25.53′ W. long.;
(157) 40°17.97′ N. lat., 124°24.12′ W. long.;
(158) 40°15.96′ N. lat., 124°26.05′ W. long.;
(159) 40°17.00′ N. lat., 124°35.01′ W. long.;
(160) 40°15.97′ N. lat., 124°35.90′ W. long.;
(161) 40°10.00′ N. lat., 124°22.96′ W. long.;
(162) 40°07.00′ N. lat., 124°19.00′ W. long.;
(163) 40°08.10′ N. lat., 124°16.70′ W. long.;
(164) 40°05.90′ N. lat., 124°17.77′ W. long.;
(165) 40°02.99′ N. lat., 124°15.55′ W. long.;
(166) 40°02.00′ N. lat., 124°12.97′ W. long.;
(167) 40°02.60′ N. lat., 124°10.61′ W. long.;
(168) 40°03.63′ N. lat., 124°09.12′ W. long.;
(169) 40°02.18′ N. lat., 124°09.07′ W. long.;
(170) 39°58.25′ N. lat., 124°12.56′ W. long.;
(171) 39°57.03′ N. lat., 124°11.34′ W. long.;
(172) 39°56.30′ N. lat., 124°08.96′ W. long.;
(173) 39°54.82′ N. lat., 124°07.66′ W. long.;
(174) 39°52.57′ N. lat., 124°08.55′ W. long.;
(175) 39°45.34′ N. lat., 124°03.30′ W. long.;
(176) 39°34.75′ N. lat., 123°58.50′ W. long.;
(177) 39°34.22′ N. lat., 123°56.82′ W. long.;
(178) 39°32.98′ N. lat., 123°56.43′ W. long.;
(179) 39°31.47′ N. lat., 123°58.73′ W. long.;
(180) 39°05.68′ N. lat., 123°57.81′ W. long.;
(181) 39°00.24′ N. lat., 123°56.74′ W. long.;
(182) 38°54.31′ N. lat., 123°56.73′ W. long.;
(183) 38°41.42′ N. lat., 123°46.75′ W. long.;
(184) 38°39.61′ N. lat., 123°46.48′ W. long.;
(185) 38°37.52′ N. lat., 123°43.78′ W. long.;
(186) 38°35.25′ N. lat., 123°42.00′ W. long.;
(187) 38°28.79′ N. lat., 123°37.07′ W. long.;
(188) 38°19.88′ N. lat., 123°32.54′ W. long.;
(189) 38°14.43′ N. lat., 123°25.56′ W. long.;
(190) 38°08.75′ N. lat., 123°24.48′ W. long.;
(191) 38°10.10′ N. lat., 123°27.20′ W. long.;
(192) 38°07.16′ N. lat., 123°28.18′ W. long.;
(193) 38°06.42′ N. lat., 123°30.18′ W. long.;
(194) 38°04.28′ N. lat., 123°31.70′ W. long.;
(195) 38°01.88′ N. lat., 123°30.98′ W. long.;
(196) 38°00.75′ N. lat., 123°29.72′ W. long.;
(197) 38°00.00′ N. lat., 123°28.60′ W. long.;
(198) 37°58.23′ N. lat., 123°26.90′ W. long.;
(199) 37°55.32′ N. lat., 123°27.19′ W. long.;
(200) 37°51.47′ N. lat., 123°24.92′ W. long.;
(201) 37°44.47′ N. lat., 123°11.57′ W. long.;
(202) 37°36.33′ N. lat., 123°01.76′ W. long.;
(203) 37°15.16′ N. lat., 122°51.64′ W. long.;
(204) 37°01.68′ N. lat., 122°37.28′ W. long.;
(205) 36°59.70′ N. lat., 122°33.71′ W. long.;
(206) 36°58.00′ N. lat., 122°27.80′ W. long.;
(207) 37°00.25′ N. lat., 122°24.85′ W. long.;
(208) 36°57.50′ N. lat., 122°24.98′ W. long.;

(209) 36°58.38′ N. lat., 122°21.85′ W. long.;
(210) 36°55.85′ N. lat., 122°21.95′ W. long.;
(211) 36°52.02′ N. lat., 122°12.10′ W. long.;
(212) 36°47.63′ N. lat., 122°07.37′ W. long.;
(213) 36°47.26′ N. lat., 122°03.22′ W. long.;
(214) 36°50.34′ N. lat., 121°58.40′ W. long.;
(215) 36°48.83′ N. lat., 121°59.14′ W. long.;
(216) 36°44.81′ N. lat., 121°58.28′ W. long.;
(217) 36°39.00′ N. lat., 122°01.71′ W. long.;
(218) 36°29.60′ N. lat., 122°00.49′ W. long.;
(219) 36°23.43′ N. lat., 121°59.76′ W. long.;
(220) 36°18.90′ N. lat., 122°05.32′ W. long.;
(221) 36°15.38′ N. lat., 122°01.40′ W. long.;
(222) 36°13.79′ N. lat., 121°58.12′ W. long.;
(223) 36°10.12′ N. lat., 121°43.33′ W. long.;
(224) 36°02.57′ N. lat., 121°37.02′ W. long.;
(225) 36°01.01′ N. lat., 121°36.95′ W. long.;
(226) 35°57.74′ N. lat., 121°33.45′ W. long.;
(227) 35°51.32′ N. lat., 121°30.08′ W. long.;
(228) 35°45.84′ N. lat., 121°28.84′ W. long.;
(229) 35°38.94′ N. lat., 121°23.16′ W. long.;
(230) 35°26.00′ N. lat., 121°08.00′ W. long.;
(231) 35°07.42′ N. lat., 120°57.08′ W. long.;
(232) 34°42.76′ N. lat., 120°55.09′ W. long.;
(233) 34°37.75′ N. lat., 120°51.96′ W. long.;
(234) 34°29.29′ N. lat., 120°44.19′ W. long.;
(235) 34°27.00′ N. lat., 120°40.42′ W. long.;
(236) 34°21.89′ N. lat., 120°31.36′ W. long.;
(237) 34°20.79′ N. lat., 120°21.58′ W. long.;
(238) 34°23.97′ N. lat., 120°15.25′ W. long.;
(239) 34°22.11′ N. lat., 119°56.63′ W. long.;
(240) 34°19.00′ N. lat., 119°48.00′ W. long.;
(241) 34°15.00′ N. lat., 119°48.00′ W. long.;
(242) 34°08.00′ N. lat., 119°37.00′ W. long.;
(243) 34°08.39′ N. lat., 119°54.78′ W. long.;
(244) 34°07.10′ N. lat., 120°10.37′ W. long.;
(245) 34°10.08′ N. lat., 120°22.98′ W. long.;
(246) 34°13.16′ N. lat., 120°29.40′ W. long.;
(247) 34°09.41′ N. lat., 120°37.75′ W. long.;
(248) 34°03.15′ N. lat., 120°34.71′ W. long.;
(249) 33°57.09′ N. lat., 120°27.76′ W. long.;
(250) 33°51.00′ N. lat., 120°09.00′ W. long.;
(251) 33°38.16′ N. lat., 119°59.23′ W. long.;
(252) 33°37.04′ N. lat., 119°50.17′ W. long.;
(253) 33°42.28′ N. lat., 119°48.85′ W. long.;
(254) 33°53.96′ N. lat., 119°53.77′ W. long.;
(255) 33°59.94′ N. lat., 119°19.57′ W. long.;
(256) 34°03.12′ N. lat., 119°15.51′ W. long.;
(257) 34°01.97′ N. lat., 119°07.28′ W. long.;
(258) 34°03.60′ N. lat., 119°04.71′ W. long.;
(259) 33°59.30′ N. lat., 119°03.73′ W. long.;
(260) 33°58.87′ N. lat., 118°59.37′ W. long.;
(261) 33°58.08′ N. lat., 118°41.14′ W. long.;
(262) 33°50.93′ N. lat., 118°37.65′ W. long.;
(263) 33°39.54′ N. lat., 118°18.70′ W. long.;
(264) 33°35.42′ N. lat., 118°17.14′ W. long.;
(265) 33°32.15′ N. lat., 118°10.84′ W. long.;
(266) 33°33.71′ N. lat., 117°53.72′ W. long.;
(267) 33°31.17′ N. lat., 117°49.11′ W. long.;
(268) 33°16.53′ N. lat., 117°36.13′ W. long.;
(269) 33°06.77′ N. lat., 117°22.92′ W. long.;
(270) 32°58.94′ N. lat., 117°20.05′ W. long.;
(271) 32°55.83′ N. lat., 117°20.15′ W. long.;
(272) 32°46.29′ N. lat., 117°23.89′ W. long.;
(273) 32°42.00′ N. lat., 117°22.16′ W. long.;
(274) 32°39.47′ N. lat., 117°27.78′ W. long.; and
(275) 32°34.83′ N. lat., 117°24.69′ W. long.

(A) The 150 fm (274 m) depth contour used around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°48.50′ N. lat., 118°18.34′ W. long.;
(2) 32°56.00′ N. lat., 118°29.00′ W. long.;
(3) 33°03.00′ N. lat., 118°34.00′ W. long.;
(4) 33°05.00′ N. lat., 118°38.00′ W. long.;
(5) 33°03.00′ N. lat., 118°40.00′ W. long.;
(6) 32°48.00′ N. lat., 118°31.00′ W. long.;
(7) 32°43.00′ N. lat., 118°24.00′ W. long.; and
(8) 32°48.50′ N. lat., 118°18.34′ W. long.

(B) The 150 fm (274 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°19.00′ N. lat., 118°15.00′ W. long.;
(2) 33°26.00′ N. lat., 118°22.00′ W. long.;
(3) 33°28.00′ N. lat., 118°28.00′ W. long.;
(4) 33°30.00′ N. lat., 118°31.00′ W. long.;
(5) 33°31.00′ N. lat., 118°37.00′ W. long.;
(6) 33°29.00′ N. lat., 118°41.00′ W. long.;
(7) 33°23.00′ N. lat., 118°31.00′ W. long.;
(8) 33°21.00′ N. lat., 118°33.00′ W. long.;
(9) 33°18.00′ N. lat., 118°28.00′ W. long.;
(10) 33°16.00′ N. lat., 118°13.00′ W. long.; and
(11) 33°19.00′ N. lat., 118°15.00′ W. long.

(C) The 150 fm (274 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°25.00′ N. lat., 118°01.00′ W. long.;
(2) 33°25.00′ N. lat., 117°58.00′ W. long.;
(3) 33°23.00′ N. lat., 117°58.00′ W. long.;
(4) 33°23.00′ N. lat., 118°01.00′ W. long.; and
(5) 33°25.00′ N. lat., 118°01.00′ W. long.

(x) The 180 fm (329 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.82′ N. lat., 125°41.61′ W. long.;
(2) 48°12.86′ N. lat., 125°37.95′ W. long.;
(3) 48°11.28′ N. lat., 125°39.67′ W. long.;

(4) 48°10.13′ N. lat., 125°42.62′ W. long.;
(5) 48°08.86′ N. lat., 125°41.92′ W. long.;
(6) 48°08.15′ N. lat., 125°44.95′ W. long.;
(7) 48°07.18′ N. lat., 125°45.67′ W. long.;
(8) 48°05.79′ N. lat., 125°44.64′ W. long.;
(9) 48°06.04′ N. lat., 125°41.84′ W. long.;
(10) 48°04.26′ N. lat., 125°40.09′ W. long.;
(11) 48°04.18′ N. lat., 125°36.94′ W. long.;
(12) 48°03.02′ N. lat., 125°36.24′ W. long.;
(13) 48°01.75′ N. lat., 125°37.42′ W. long.;
(14) 48°01.39′ N. lat., 125°39.42′ W. long.;
(15) 47°57.08′ N. lat., 125°36.51′ W. long.;
(16) 47°55.20′ N. lat., 125°36.62′ W. long.;
(17) 47°54.33′ N. lat., 125°34.98′ W. long.;
(18) 47°54.73′ N. lat., 125°31.95′ W. long.;
(19) 47°56.39′ N. lat., 125°30.22′ W. long.;
(20) 47°55.86′ N. lat., 125°28.54′ W. long.;
(21) 47°58.07′ N. lat., 125°25.72′ W. long.;
(22) 48°00.81′ N. lat., 125°24.39′ W. long.;
(23) 48°01.81′ N. lat., 125°23.76′ W. long.;
(24) 48°02.16′ N. lat., 125°22.71′ W. long.;
(25) 48°03.46′ N. lat., 125°22.01′ W. long.;
(26) 48°04.21′ N. lat., 125°20.40′ W. long.;
(27) 48°03.15′ N. lat., 125°19.50′ W. long.;
(28) 48°01.92′ N. lat., 125°18.69′ W. long.;
(29) 48°00.85′ N. lat., 125°20.02′ W. long.;
(30) 48°00.12′ N. lat., 125°20.04′ W. long.;
(31) 47°58.18′ N. lat., 125°18.78′ W. long.;
(32) 47°58.24′ N. lat., 125°17.26′ W. long.;
(33) 47°52.47′ N. lat., 125°15.30′ W. long.;
(34) 47°52.13′ N. lat., 125°12.95′ W. long.;
(35) 47°50.60′ N. lat., 125°10.65′ W. long.;
(36) 47°49.39′ N. lat., 125°10.59′ W. long.;
(37) 47°48.74′ N. lat., 125°06.07′ W. long.;
(38) 47°47.03′ N. lat., 125°06.95′ W. long.;
(39) 47°47.46′ N. lat., 125°05.20′ W. long.;
(40) 47°45.88′ N. lat., 125°04.50′ W. long.;
(41) 47°44.51′ N. lat., 125°06.64′ W. long.;
(42) 47°42.22′ N. lat., 125°04.86′ W. long.;
(43) 47°38.49′ N. lat., 125°06.32′ W. long.;
(44) 47°34.93′ N. lat., 125°04.34′ W. long.;
(45) 47°30.85′ N. lat., 124°57.42′ W. long.;
(46) 47°28.80′ N. lat., 124°56.51′ W. long.;
(47) 47°29.25′ N. lat., 124°53.92′ W. long.;
(48) 47°28.29′ N. lat., 124°51.32′ W. long.;
(49) 47°24.04′ N. lat., 124°47.38′ W. long.;
(50) 47°18.24′ N. lat., 124°45.97′ W. long.;
(51) 47°19.36′ N. lat., 124°50.96′ W. long.;
(52) 47°18.07′ N. lat., 124°53.38′ W. long.;
(53) 47°17.73′ N. lat., 124°52.83′ W. long.;
(54) 47°17.77′ N. lat., 124°51.56′ W. long.;
(55) 47°16.84′ N. lat., 124°50.94′ W. long.;
(56) 47°16.01′ N. lat., 124°53.36′ W. long.;
(57) 47°14.32′ N. lat., 124°52.73′ W. long.;
(58) 47°11.97′ N. lat., 124°56.81′ W. long.;
(59) 47°12.93′ N. lat., 124°58.47′ W. long.;
(60) 47°09.43′ N. lat., 124°57.99′ W. long.;
(61) 47°09.36′ N. lat., 124°59.29′ W. long.;
(62) 47°05.88′ N. lat., 124°59.06′ W. long.;
(63) 47°03.64′ N. lat., 124°56.07′ W. long.;
(64) 47°01.00′ N. lat., 124°59.69′ W. long.;
(65) 46°58.72′ N. lat., 124°59.17′ W. long.;
(66) 46°58.30′ N. lat., 125°00.60′ W. long.;
(67) 46°55.61′ N. lat., 125°01.19′ W. long.;
(68) 46°56.96′ N. lat., 124°58.85′ W. long.;
(69) 46°55.91′ N. lat., 124°54.98′ W. long.;
(70) 46°54.55′ N. lat., 124°54.21′ W. long.;
(71) 46°56.80′ N. lat., 124°50.55′ W. long.;
(72) 46°54.87′ N. lat., 124°49.59′ W. long.;
(73) 46°54.63′ N. lat., 124°53.48′ W. long.;
(74) 46°52.33′ N. lat., 124°54.75′ W. long.;
(75) 46°45.12′ N. lat., 124°51.82′ W. long.;
(76) 46°39.20′ N. lat., 124°47.02′ W. long.;
(77) 46°33.45′ N. lat., 124°36.61′ W. long.;
(78) 46°33.37′ N. lat., 124°30.21′ W. long.;
(79) 46°31.67′ N. lat., 124°31.41′ W. long.;
(80) 46°27.87′ N. lat., 124°32.04′ W. long.;
(81) 46°21.01′ N. lat., 124°37.63′ W. long.;
(82) 46°18.58′ N. lat., 124°38.92′ W. long.;
(83) 46°16.00′ N. lat., 124°36.17′ W. long.;
(84) 46°15.97′ N. lat., 124°23.57′ W. long.;
(85) 46°12.85′ N. lat., 124°35.52′ W. long.;
(86) 46°12.27′ N. lat., 124°38.69′ W. long.;
(87) 46°08.71′ N. lat., 124°41.27′ W. long.;
(88) 46°05.79′ N. lat., 124°42.12′ W. long.;
(89) 46°02.84′ N. lat., 124°48.05′ W. long.;
(90) 46°02.41′ N. lat., 124°48.15′ W. long.;
(91) 45°58.96′ N. lat., 124°43.98′ W. long.;
(92) 45°47.05′ N. lat., 124°43.25′ W. long.;
(93) 45°44.00′ N. lat., 124°45.37′ W. long.;
(94) 45°34.97′ N. lat., 124°31.95′ W. long.;
(95) 45°13.01′ N. lat., 124°21.71′ W. long.;
(96) 45°09.59′ N. lat., 124°22.78′ W. long.;
(97) 45°00.22′ N. lat., 124°28.31′ W. long.;
(98) 44°53.53′ N. lat., 124°32.98′ W. long.;
(99) 44°40.25′ N. lat., 124°46.34′ W. long.;
(100) 44°28.83′ N. lat., 124°47.09′ W. long.;
(101) 44°22.97′ N. lat., 124°49.38′ W. long.;
(102) 44°13.07′ N. lat., 124°58.34′ W. long.;
(103) 43°57.99′ N. lat., 124°57.84′ W. long.;
(104) 43°51.43′ N. lat., 124°52.02′ W. long.;
(105) 43°50.72′ N. lat., 124°39.23′ W. long.;
(106) 43°39.04′ N. lat., 124°37.82′ W. long.;
(107) 43°27.76′ N. lat., 124°39.76′ W. long.;
(108) 43°20.22′ N. lat., 124°42.92′ W. long.;

(109) 43°13.07′ N. lat., 124°46.03′ W. long.;
(110) 43°10.43′ N. lat., 124°50.27′ W. long.;
(111) 43°03.47′ N. lat., 124°52.80′ W. long.;
(112) 42°56.93′ N. lat., 124°53.95′ W. long.;
(113) 42°54.74′ N. lat., 124°54.19′ W. long.;
(114) 42°49.43′ N. lat., 124°52.03′ W. long.;
(115) 42°47.68′ N. lat., 124°47.72′ W. long.;
(116) 42°46.17′ N. lat., 124°44.05′ W. long.;
(117) 42°41.67′ N. lat., 124°44.36′ W. long.;
(118) 42°38.79′ N. lat., 124°42.87′ W. long.;
(119) 42°32.39′ N. lat., 124°45.38′ W. long.;
(120) 42°32.07′ N. lat., 124°43.44′ W. long.;
(121) 42°30.98′ N. lat., 124°43.84′ W. long.;
(122) 42°28.37′ N. lat., 124°48.91′ W. long.;
(123) 42°20.07′ N. lat., 124°41.59′ W. long.;
(124) 42°15.05′ N. lat., 124°38.07′ W. long.;
(125) 42°07.37′ N. lat., 124°37.25′ W. long.;
(126) 42°04.93′ N. lat., 124°36.79′ W. long.;
(127) 42°00.00′ N. lat., 124°36.26′ W. long.;
(128) 42°00.00′ N. lat., 124°36.33′ W. long.;
(129) 41°47.60′ N. lat., 124°29.75′ W. long.;
(130) 41°22.07′ N. lat., 124°29.55′ W. long.;
(131) 41°13.58′ N. lat., 124°24.17′ W. long.;
(132) 41°06.51′ N. lat., 124°23.07′ W. long.;
(133) 40°55.20′ N. lat., 124°27.46′ W. long.;
(134) 40°49.76′ N. lat., 124°27.17′ W. long.;
(135) 40°45.79′ N. lat., 124°30.37′ W. long.;
(136) 40°40.31′ N. lat., 124°32.47′ W. long.;
(137) 40°37.42′ N. lat., 124°37.20′ W. long.;
(138) 40°36.03′ N. lat., 124°39.97′ W. long.;
(139) 40°31.48′ N. lat., 124°40.95′ W. long.;
(140) 40°29.76′ N. lat., 124°38.13′ W. long.;
(141) 40°24.81′ N. lat., 124°35.82′ W. long.;
(142) 40°22.00′ N. lat., 124°30.01′ W. long.;
(143) 40°16.84′ N. lat., 124°29.87′ W. long.;
(144) 40°17.06′ N. lat., 124°35.51′ W. long.;
(145) 40°16.41′ N. lat., 124°39.10′ W. long.;
(146) 40°10.00′ N. lat., 124°23.56′ W. long.;
(147) 40°06.67′ N. lat., 124°19.08′ W. long.;
(148) 40°08.10′ N. lat., 124°16.71′ W. long.;
(149) 40°05.90′ N. lat., 124°17.77′ W. long.;
(150) 40°02.80′ N. lat., 124°16.28′ W. long.;
(151) 40°01.98′ N. lat., 124°12.99′ W. long.;
(152) 40°01.53′ N. lat., 124°09.82′ W. long.;
(153) 39°58.28′ N. lat., 124°12.93′ W. long.;
(154) 39°57.06′ N. lat., 124°12.03′ W. long.;
(155) 39°56.31′ N. lat., 124°08.98′ W. long.;
(156) 39°55.20′ N. lat., 124°07.98′ W. long.;
(157) 39°52.57′ N. lat., 124°09.04′ W. long.;
(158) 39°42.78′ N. lat., 124°02.11′ W. long.;
(159) 39°34.76′ N. lat., 123°58.51′ W. long.;
(160) 39°34.22′ N. lat., 123°56.82′ W. long.;
(161) 39°32.98′ N. lat., 123°56.43′ W. long.;
(162) 39°32.14′ N. lat., 123°58.83′ W. long.;
(163) 39°07.79′ N. lat., 123°58.72′ W. long.;
(164) 39°00.99′ N. lat., 123°57.56′ W. long.;
(165) 39°00.05′ N. lat., 123°56.83′ W. long.;
(166) 38°56.28′ N. lat., 123°57.53′ W. long.;
(167) 38°56.01′ N. lat., 123°58.72′ W. long.;
(168) 38°52.41′ N. lat., 123°56.38′ W. long.;
(169) 38°46.81′ N. lat., 123°51.46′ W. long.;
(170) 38°45.56′ N. lat., 123°51.32′ W. long.;
(171) 38°43.24′ N. lat., 123°49.91′ W. long.;
(172) 38°41.42′ N. lat., 123°47.22′ W. long.;
(173) 38°40.97′ N. lat., 123°47.80′ W. long.;
(174) 38°38.58′ N. lat., 123°46.07′ W. long.;
(175) 38°37.38′ N. lat., 123°43.80′ W. long.;
(176) 38°33.86′ N. lat., 123°41.51′ W. long.;
(177) 38°29.45′ N. lat., 123°38.42′ W. long.;
(178) 38°28.20′ N. lat., 123°38.17′ W. long.;
(179) 38°24.09′ N. lat., 123°35.26′ W. long.;
(180) 38°16.72′ N. lat., 123°31.42′ W. long.;
(181) 38°15.32′ N. lat., 123°29.33′ W. long.;
(182) 38°14.45′ N. lat., 123°26.15′ W. long.;
(183) 38°10.26′ N. lat., 123°25.43′ W. long.;
(184) 38°12.61′ N. lat., 123°28.08′ W. long.;
(185) 38°11.98′ N. lat., 123°29.35′ W. long.;
(186) 38°08.23′ N. lat., 123°28.04′ W. long.;
(187) 38°06.39′ N. lat., 123°30.59′ W. long.;
(188) 38°04.25′ N. lat., 123°31.81′ W. long.;
(189) 38°02.08′ N. lat., 123°31.27′ W. long.;
(190) 38°00.17′ N. lat., 123°29.43′ W. long.;
(191) 38°00.00′ N. lat., 123°28.55′ W. long.;
(192) 37°58.24′ N. lat., 123°26.91′ W. long.;
(193) 37°55.32′ N. lat., 123°27.19′ W. long.;
(194) 37°51.52′ N. lat., 123°25.01′ W. long.;
(195) 37°44.21′ N. lat., 123°11.38′ W. long.;
(196) 37°36.27′ N. lat., 123°01.86′ W. long.;
(197) 37°14.29′ N. lat., 122°52.99′ W. long.;
(198) 37°00.86′ N. lat., 122°37.55′ W. long.;
(199) 36°59.71′ N. lat., 122°33.73′ W. long.;
(200) 36°57.98′ N. lat., 122°27.80′ W. long.;
(201) 36°59.83′ N. lat., 122°25.17′ W. long.;
(202) 36°57.21′ N. lat., 122°25.17′ W. long.;
(203) 36°57.79′ N. lat., 122°22.28′ W. long.;
(204) 36°55.86′ N. lat., 122°21.99′ W. long.;
(205) 36°52.06′ N. lat., 122°12.12′ W. long.;
(206) 36°47.63′ N. lat., 122°07.40′ W. long.;
(207) 36°47.26′ N. lat., 122°03.23′ W. long.;
(208) 36°49.53′ N. lat., 121°59.35′ W. long.;
(209) 36°44.81′ N. lat., 121°58.29′ W. long.;
(210) 36°38.95′ N. lat., 122°02.02′ W. long.;
(211) 36°23.43′ N. lat., 121°59.76′ W. long.;
(212) 36°19.66′ N. lat., 122°06.25′ W. long.;
(213) 36°14.78′ N. lat., 122°01.52′ W. long.;

(214) 36°13.64′ N. lat., 121°57.83′ W. long.;
(215) 36°09.99′ N. lat., 121°43.48′ W. long.;
(216) 35°57.09′ N. lat., 121°34.16′ W. long.;
(217) 35°52.71′ N. lat., 121°32.32′ W. long.;
(218) 35°51.23′ N. lat., 121°30.54′ W. long.;
(219) 35°46.07′ N. lat., 121°29.75′ W. long.;
(220) 35°34.08′ N. lat., 121°19.83′ W. long.;
(221) 35°31.41′ N. lat., 121°14.80′ W. long.;
(222) 35°15.42′ N. lat., 121°03.47′ W. long.;
(223) 35°07.70′ N. lat., 120°59.31′ W. long.;
(224) 34°57.27′ N. lat., 120°56.93′ W. long.;
(225) 34°44.27′ N. lat., 120°57.65′ W. long.;
(226) 34°32.75′ N. lat., 120°50.08′ W. long.;
(227) 34°27.00′ N. lat., 120°41.50′ W. long.;
(228) 34°20.00′ N. lat., 120°30.99′ W. long.;
(229) 34°19.15′ N. lat., 120°19.78′ W. long.;
(230) 34°23.24′ N. lat., 120°14.17′ W. long.;
(231) 34°21.35′ N. lat., 119°54.89′ W. long.;
(232) 34°09.79′ N. lat., 119°44.51′ W. long.;
(233) 34°07.34′ N. lat., 120°06.71′ W. long.;
(234) 34°09.74′ N. lat., 120°19.78′ W. long.;
(235) 34°13.95′ N. lat., 120°29.78′ W. long.;
(236) 34°09.41′ N. lat., 120°37.75′ W. long.;
(237) 34°03.39′ N. lat., 120°35.26′ W. long.;
(238) 33°56.82′ N. lat., 120°28.30′ W. long.;
(239) 33°50.71′ N. lat., 120°09.24′ W. long.;
(240) 33°38.21′ N. lat., 119°59.90′ W. long.;
(241) 33°35.35′ N. lat., 119°51.95′ W. long.;
(242) 33°35.99′ N. lat., 119°49.13′ W. long.;
(243) 33°42.74′ N. lat., 119°47.80′ W. long.;
(244) 33°53.65′ N. lat., 119°53.29′ W. long.;
(245) 33°57.85′ N. lat., 119°31.05′ W. long.;
(246) 33°56.78′ N. lat., 119°27.44′ W. long.;
(247) 33°58.03′ N. lat., 119°27.82′ W. long.;
(248) 33°59.31′ N. lat., 119°20.02′ W. long.;
(249) 34°02.91′ N. lat., 119°15.38′ W. long.;
(250) 33°59.04′ N. lat., 119°03.02′ W. long.;
(251) 33°57.88′ N. lat., 118°41.69′ W. long.;
(252) 33°50.89′ N. lat., 118°37.78′ W. long.;
(253) 33°39.54′ N. lat., 118°18.70′ W. long.;
(254) 33°35.42′ N. lat., 118°17.15′ W. long.;
(255) 33°31.26′ N. lat., 118°10.84′ W. long.;
(256) 33°32.71′ N. lat., 117°52.05′ W. long.;
(257) 32°58.94′ N. lat., 117°20.05′ W. long.;
(258) 32°46.45′ N. lat., 117°24.37′ W. long.;
(259) 32°42.25′ N. lat., 117°22.87′ W. long.;
(260) 32°39.50′ N. lat., 117°27.80′ W. long.; and
(261) 32°34.83′ N. lat., 117°24.67′ W. long.

(xi) The 200 fm (366 m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.75′ N. lat., 125°41.73′ W. long.;
(2) 48°12.85′ N. lat., 125°38.06′ W. long.;
(3) 48°11.52′ N. lat., 125°39.45′ W. long.;
(4) 48°10.14′ N. lat., 125°42.81′ W. long.;
(5) 48°08.96′ N. lat., 125°42.08′ W. long.;
(6) 48°08.33′ N. lat., 125°44.91′ W. long.;
(7) 48°07.19′ N. lat., 125°45.87′ W. long.;
(8) 48°05.66′ N. lat., 125°44.79′ W. long.;
(9) 48°05.91′ N. lat., 125°42.16′ W. long.;
(10) 48°04.11′ N. lat., 125°40.17′ W. long.;
(11) 48°04.07′ N. lat., 125°36.96′ W. long.;
(12) 48°03.05′ N. lat., 125°36.38′ W. long.;
(13) 48°01.98′ N. lat., 125°37.41′ W. long.;
(14) 48°01.46′ N. lat., 125°39.61′ W. long.;
(15) 47°57.28′ N. lat., 125°36.87′ W. long.;
(16) 47°55.11′ N. lat., 125°36.92′ W. long.;
(17) 47°54.09′ N. lat., 125°34.98′ W. long.;
(18) 47°54.50′ N. lat., 125°32.01′ W. long.;
(19) 47°56.07′ N. lat., 125°30.17′ W. long.;
(20) 47°55.65′ N. lat., 125°28.46′ W. long.;
(21) 47°57.88′ N. lat., 125°25.61′ W. long.;
(22) 48°01.63′ N. lat., 125°23.75′ W. long.;
(23) 48°02.21′ N. lat., 125°22.43′ W. long.;
(24) 48°03.60′ N. lat., 125°21.84′ W. long.;
(25) 48°03.98′ N. lat., 125°20.65′ W. long.;
(26) 48°03.26′ N. lat., 125°19.76′ W. long.;
(27) 48°01.49′ N. lat., 125°18.80′ W. long.;
(28) 48°01.03′ N. lat., 125°20.12′ W. long.;
(29) 48°00.04′ N. lat., 125°20.26′ W. long.;
(30) 47°58.10′ N. lat., 125°18.91′ W. long.;
(31) 47°58.17′ N. lat., 125°17.50′ W. long.;
(32) 47°52.28′ N. lat., 125°16.06′ W. long.;
(33) 47°51.92′ N. lat., 125°13.89′ W. long.;
(34) 47°49.20′ N. lat., 125°10.67′ W. long.;
(35) 47°48.69′ N. lat., 125°06.50′ W. long.;
(36) 47°46.54′ N. lat., 125°07.68′ W. long.;
(37) 47°47.24′ N. lat., 125°05.38′ W. long.;
(38) 47°45.95′ N. lat., 125°04.61′ W. long.;
(39) 47°44.58′ N. lat., 125°07.12′ W. long.;
(40) 47°42.24′ N. lat., 125°05.15′ W. long.;
(41) 47°38.54′ N. lat., 125°06.76′ W. long.;
(42) 47°34.86′ N. lat., 125°04.67′ W. long.;
(43) 47°30.75′ N. lat., 124°57.52′ W. long.;
(44) 47°28.51′ N. lat., 124°56.69′ W. long.;
(45) 47°29.15′ N. lat., 124°54.10′ W. long.;
(46) 47°28.43′ N. lat., 124°51.58′ W. long.;
(47) 47°24.13′ N. lat., 124°47.51′ W. long.;
(48) 47°18.31′ N. lat., 124°46.17′ W. long.;
(49) 47°19.57′ N. lat., 124°51.01′ W. long.;
(50) 47°18.12′ N. lat., 124°53.66′ W. long.;
(51) 47°17.59′ N. lat., 124°52.94′ W. long.;
(52) 47°17.71′ N. lat., 124°51.63′ W. long.;
(53) 47°16.90′ N. lat., 124°51.23′ W. long.;
(54) 47°16.10′ N. lat., 124°53.67′ W. long.;

(55) 47°14.24′ N. lat., 124°53.02′ W. long.;
(56) 47°12.16′ N. lat., 124°56.77′ W. long.;
(57) 47°13.35′ N. lat., 124°58.70′ W. long.;
(58) 47°09.53′ N. lat., 124°58.32′ W. long.;
(59) 47°09.54′ N. lat., 124°59.50′ W. long.;
(60) 47°05.87′ N. lat., 124°59.29′ W. long.;
(61) 47°03.65′ N. lat., 124°56.26′ W. long.;
(62) 47°00.91′ N. lat., 124°59.73′ W. long.;
(63) 46°58.74′ N. lat., 124°59.40′ W. long.;
(64) 46°58.55′ N. lat., 125°00.70′ W. long.;
(65) 46°55.57′ N. lat., 125°01.61′ W. long.;
(66) 46°55.77′ N. lat., 124°55.04′ W. long.;
(67) 46°53.16′ N. lat., 124°53.69′ W. long.;
(68) 46°52.39′ N. lat., 124°55.24′ W. long.;
(69) 46°44.88′ N. lat., 124°51.97′ W. long.;
(70) 46°33.28′ N. lat., 124°36.96′ W. long.;
(71) 46°33.20′ N. lat., 124°30.64′ W. long.;
(72) 46°27.85′ N. lat., 124°31.95′ W. long.;
(73) 46°18.16′ N. lat., 124°39.39′ W. long.;
(74) 46°16.48′ N. lat., 124°27.41′ W. long.;
(75) 46°16.73′ N. lat., 124°23.20′ W. long.;
(76) 46°16.00′ N. lat., 124°24.88′ W. long.;
(77) 46°14.22′ N. lat., 124°26.28′ W. long.;
(78) 46°11.53′ N. lat., 124°39.58′ W. long.;
(79) 46°08.77′ N. lat., 124°41.71′ W. long.;
(80) 46°05.86′ N. lat., 124°42.27′ W. long.;
(81) 46°03.85′ N. lat., 124°48.20′ W. long.;
(82) 46°02.34′ N. lat., 124°48.51′ W. long.;
(83) 45°58.99′ N. lat., 124°44.42′ W. long.;
(84) 45°46.90′ N. lat., 124°43.50′ W. long.;
(85) 45°44.98′ N. lat., 124°44.93′ W. long.;
(86) 45°43.47′ N. lat., 124°44.93′ W. long.;
(87) 45°34.88′ N. lat., 124°32.58′ W. long.;
(88) 45°13.04′ N. lat., 124°21.92′ W. long.;
(89) 45°00.17′ N. lat., 124°29.28′ W. long.;
(90) 44°55.41′ N. lat., 124°31.84′ W. long.;
(91) 44°48.25′ N. lat., 124°40.62′ W. long.;
(92) 44°41.34′ N. lat., 124°49.20′ W. long.;
(93) 44°23.30′ N. lat., 124°50.17′ W. long.;
(94) 44°13.19′ N. lat., 124°58.66′ W. long.;
(95) 43°57.89′ N. lat., 124°58.13′ W. long.;
(96) 43°50.59′ N. lat., 124°52.80′ W. long.;
(97) 43°50.10′ N. lat., 124°40.27′ W. long.;
(98) 43°39.06′ N. lat., 124°38.55′ W. long.;
(99) 43°28.85′ N. lat., 124°39.99′ W. long.;
(100) 43°20.22′ N. lat., 124°43.05′ W. long.;
(101) 43°13.29′ N. lat., 124°47.00′ W. long.;
(102) 43°13.14′ N. lat., 124°52.61′ W. long.;
(103) 43°04.26′ N. lat., 124°53.05′ W. long.;
(104) 42°53.93′ N. lat., 124°54.60′ W. long.;
(105) 42°49.52′ N. lat., 124°53.16′ W. long.;
(106) 42°47.46′ N. lat., 124°50.24′ W. long.;
(107) 42°47.57′ N. lat., 124°48.12′ W. long.;
(108) 42°46.19′ N. lat., 124°44.52′ W. long.;
(109) 42°41.75′ N. lat., 124°44.69′ W. long.;
(110) 42°38.81′ N. lat., 124°43.09′ W. long.;
(111) 42°31.83′ N. lat., 124°46.23′ W. long.;
(112) 42°32.08′ N. lat., 124°43.58′ W. long.;
(113) 42°30.96′ N. lat., 124°43.84′ W. long.;
(114) 42°28.41′ N. lat., 124°49.17′ W. long.;
(115) 42°24.80′ N. lat., 124°45.93′ W. long.;
(116) 42°19.71′ N. lat., 124°41.60′ W. long.;
(117) 42°15.12′ N. lat., 124°38.34′ W. long.;
(118) 42°12.35′ N. lat., 124°38.09′ W. long.;
(119) 42°04.38′ N. lat., 124°36.83′ W. long.;
(120) 42°00.00′ N. lat., 124°36.80′ W. long.;
(121) 41°59.98′ N. lat., 124°36.70′ W. long.;
(122) 41°47.85′ N. lat., 124°30.41′ W. long.;
(123) 41°43.34′ N. lat., 124°29.89′ W. long.;
(124) 41°23.47′ N. lat., 124°30.29′ W. long.;
(125) 41°21.30′ N. lat., 124°29.36′ W. long.;
(126) 41°13.53′ N. lat., 124°24.41′ W. long.;
(127) 41°06.72′ N. lat., 124°23.30′ W. long.;
(128) 40°54.67′ N. lat., 124°28.13′ W. long.;
(129) 40°49.02′ N. lat., 124°28.52′ W. long.;
(130) 40°40.45′ N. lat., 124°32.74′ W. long.;
(131) 40°37.11′ N. lat., 124°38.03′ W. long.;
(132) 40°34.22′ N. lat., 124°41.13′ W. long.;
(133) 40°32.90′ N. lat., 124°41.83′ W. long.;
(134) 40°31.30′ N. lat., 124°40.97′ W. long.;
(135) 40°29.63′ N. lat., 124°38.04′ W. long.;
(136) 40°24.99′ N. lat., 124°36.37′ W. long.;
(137) 40°10.14′ N. lat., 124°24.55′ W. long.;
(138) 40°16.95′ N. lat., 124°31.93′ W. long.;
(139) 40°17.59′ N. lat., 124°45.23′ W. long.;
(140) 40°13.25′ N. lat., 124°32.36′ W. long.;
(141) 40°10.16′ N. lat., 124°24.57′ W. long.;
(142) 40°06.43′ N. lat., 124°19.19′ W. long.;
(143) 40°07.07′ N. lat., 124°17.75′ W. long.;
(144) 40°05.53′ N. lat., 124°18.02′ W. long.;
(145) 40°04.71′ N. lat., 124°18.10′ W. long.;
(146) 40°02.35′ N. lat., 124°16.57′ W. long.;
(147) 40°01.53′ N. lat., 124°09.82′ W. long.;
(148) 39°58.28′ N. lat., 124°13.51′ W. long.;
(149) 39°56.60′ N. lat., 124°12.02′ W. long.;
(150) 39°55.20′ N. lat., 124°07.96′ W. long.;
(151) 39°52.55′ N. lat., 124°09.40′ W. long.;
(152) 39°42.68′ N. lat., 124°02.52′ W. long.;
(153) 39°35.96′ N. lat., 123°59.49′ W. long.;
(154) 39°34.62′ N. lat., 123°59.59′ W. long.;
(155) 39°33.78′ N. lat., 123°56.82′ W. long.;
(156) 39°33.02′ N. lat., 123°57.07′ W. long.;
(157) 39°32.21′ N. lat., 123°59.13′ W. long.;
(158) 39°07.85′ N. lat., 123°59.07′ W. long.;
(159) 39°00.90′ N. lat., 123°57.88′ W. long.;

(160) 38°59.95′ N. lat., 123°56.99′ W. long.;
(161) 38°56.82′ N. lat., 123°57.74′ W. long.;
(162) 38°56.40′ N. lat., 123°59.41′ W. long.;
(163) 38°50.23′ N. lat., 123°55.48′ W. long.;
(164) 38°46.77′ N. lat., 123°51.49′ W. long.;
(165) 38°45.28′ N. lat., 123°51.56′ W. long.;
(166) 38°42.76′ N. lat., 123°49.76′ W. long.;
(167) 38°41.54′ N. lat., 123°47.76′ W. long.;
(168) 38°40.98′ N. lat., 123°48.07′ W. long.;
(169) 38°38.03′ N. lat., 123°45.78′ W. long.;
(170) 38°37.20′ N. lat., 123°44.01′ W. long.;
(171) 38°33.44′ N. lat., 123°41.75′ W. long.;
(172) 38°29.45′ N. lat., 123°38.42′ W. long.;
(173) 38°27.89′ N. lat., 123°38.38′ W. long.;
(174) 38°23.68′ N. lat., 123°35.40′ W. long.;
(175) 38°19.63′ N. lat., 123°33.98′ W. long.;
(176) 38°16.23′ N. lat., 123°31.83′ W. long.;
(177) 38°14.79′ N. lat., 123°29.91′ W. long.;
(178) 38°14.12′ N. lat., 123°26.29′ W. long.;
(179) 38°10.85′ N. lat., 123°25.77′ W. long.;
(180) 38°13.15′ N. lat., 123°28.18′ W. long.;
(181) 38°12.28′ N. lat., 123°29.81′ W. long.;
(182) 38°10.19′ N. lat., 123°29.04′ W. long.;
(183) 38°07.94′ N. lat., 123°28.45′ W. long.;
(184) 38°06.51′ N. lat., 123°30.89′ W. long.;
(185) 38°04.21′ N. lat., 123°31.96′ W. long.;
(186) 38°02.07′ N. lat., 123°31.30′ W. long.;
(187) 38°00.00′ N. lat., 123°29.55′ W. long.;
(188) 37°58.13′ N. lat., 123°27.21′ W. long.;
(189) 37°55.01′ N. lat., 123°27.46′ W. long.;
(190) 37°51.40′ N. lat., 123°25.18′ W. long.;
(191) 37°43.97′ N. lat., 123°11.49′ W. long.;
(192) 37°36.00′ N. lat., 123°02.25′ W. long.;
(193) 37°13.65′ N. lat., 122°54.18′ W. long.;
(194) 37°00.66′ N. lat., 122°37.84′ W. long.;
(195) 36°57.40′ N. lat., 122°28.25′ W. long.;
(196) 36°59.25′ N. lat., 122°25.54′ W. long.;
(197) 36°56.88′ N. lat., 122°25.42′ W. long.;
(198) 36°57.40′ N. lat., 122°22.62′ W. long.;
(199) 36°55.43′ N. lat., 122°22.43′ W. long.;
(200) 36°52.29′ N. lat., 122°13.18′ W. long.;
(201) 36°47.12′ N. lat., 122°07.56′ W. long.;
(202) 36°47.10′ N. lat., 122°02.11′ W. long.;
(203) 36°43.76′ N. lat., 121°59.11′ W. long.;
(204) 36°38.85′ N. lat., 122°02.20′ W. long.;
(205) 36°23.41′ N. lat., 122°00.11′ W. long.;
(206) 36°19.68′ N. lat., 122°06.93′ W. long.;
(207) 36°14.75′ N. lat., 122°01.51′ W. long.;
(208) 36°09.74′ N. lat., 121°45.00′ W. long.;
(209) 36°06.67′ N. lat., 121°41.06′ W. long.;
(210) 35°57.07′ N. lat., 121°34.32′ W. long.;
(211) 35°52.31′ N. lat., 121°32.45′ W. long.;
(212) 35°51.21′ N. lat., 121°30.91′ W. long.;
(213) 35°46.32′ N. lat., 121°30.30′ W. long.;
(214) 35°33.74′ N. lat., 121°20.10′ W. long.;
(215) 35°31.37′ N. lat., 121°15.23′ W. long.;
(216) 35°23.32′ N. lat., 121°11.44′ W. long.;
(217) 35°15.28′ N. lat., 121°04.45′ W. long.;
(218) 35°07.08′ N. lat., 121°00.30′ W. long.;
(219) 34°57.46′ N. lat., 120°58.23′ W. long.;
(220) 34°44.25′ N. lat., 120°58.29′ W. long.;
(221) 34°32.30′ N. lat., 120°50.22′ W. long.;
(222) 34°27.00′ N. lat., 120°42.55′ W. long.;
(223) 34°19.08′ N. lat., 120°31.21′ W. long.;
(224) 34°17.72′ N. lat., 120°19.26′ W. long.;
(225) 34°22.45′ N. lat., 120°12.81′ W. long.;
(226) 34°21.36′ N. lat., 119°54.88′ W. long.;
(227) 34°09.95′ N. lat., 119°46.18′ W. long.;
(228) 34°09.08′ N. lat., 119°57.53′ W. long.;
(229) 34°07.53′ N. lat., 120°06.35′ W. long.;
(230) 34°10.54′ N. lat., 120°19.07′ W. long.;
(231) 34°14.68′ N. lat., 120°29.48′ W. long.;
(232) 34°09.51′ N. lat., 120°38.32′ W. long.;
(233) 34°03.06′ N. lat., 120°35.54′ W. long.;
(234) 33°56.39′ N. lat., 120°28.47′ W. long.;
(235) 33°50.25′ N. lat., 120°09.43′ W. long.;
(236) 33°37.96′ N. lat., 120°00.08′ W. long.;
(237) 33°34.52′ N. lat., 119°51.84′ W. long.;
(238) 33°35.51′ N. lat., 119°48.49′ W. long.;
(239) 33°42.76′ N. lat., 119°47.77′ W. long.;
(240) 33°53.62′ N. lat., 119°53.28′ W. long.;
(241) 33°57.61′ N. lat., 119°31.26′ W. long.;
(242) 33°56.34′ N. lat., 119°26.40′ W. long.;
(243) 33°57.79′ N. lat., 119°26.85′ W. long.;
(244) 33°58.88′ N. lat., 119°20.06′ W. long.;
(245) 34°02.65′ N. lat., 119°15.11′ W. long.;
(246) 33°59.02′ N. lat., 119°02.99′ W. long.;
(247) 33°57.61′ N. lat., 118°42.07′ W. long.;
(248) 33°50.76′ N. lat., 118°37.98′ W. long.;
(249) 33°38.41′ N. lat., 118°17.03′ W. long.;
(250) 33°37.14′ N. lat., 118°18.39′ W. long.;
(251) 33°35.51′ N. lat., 118°18.03′ W. long.;
(252) 33°30.68′ N. lat., 118°10.35′ W. long.;
(253) 33°32.49′ N. lat., 117°51.85′ W. long.;
(254) 32°58.87′ N. lat., 117°20.36′ W. long.; and
(255) 32°35.53′ N. lat., 117°29.67′ W. long.

(A) The 200 fm (366 m) depth contour used around San Clemente Island is defined by straight lines connecting all of the following points in the order stated:

(1) 33°05.89′ N. lat., 118°39.45′ W. long.;
(2) 33°02.68′ N. lat., 118°33.14′ W. long.;
(3) 32°57.32′ N. lat., 118°29.12′ W. long.;
(4) 32°47.51′ N. lat., 118°17.88′ W. long.;
(5) 32°41.22′ N. lat., 118°23.78′ W. long.;
(6) 32°46.83′ N. lat., 118°32.10′ W. long.;

(7) 33°01.61′ N. lat., 118°40.64′ W. long.; and
(8) 33°5.89′ N. lat., 118°39.45′ W. long.

(B) The 200 fm (366 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°32.06′ N. lat., 118°44.52′ W. long.;
(2) 33°31.36′ N. lat., 118°35.28′ W. long.;
(3) 33°30.10′ N. lat., 118°30.82′ W. long.;
(4) 33°27.91′ N. lat., 118°26.83′ W. long.;
(5) 33°26.27′ N. lat., 118°21.35′ W. long.;
(6) 33°21.34′ N. lat., 118°15.24′ W. long.;
(7) 33°13.66′ N. lat., 118°08.98′ W. long.;
(8) 33°17.15′ N. lat., 118°28.35′ W. long.;
(9) 33°20.94′ N. lat., 118°34.34′ W. long.;
(10) 33°23.32′ N. lat., 118°32.60′ W. long.;
(11) 33°28.68′ N. lat., 118°44.93′ W. long.; and
(12) 33°32.06′ N. lat., 118°44.52′ W. long.

(C) The 200 fm (366 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°25.91′ N. lat., 117°59.44′ W. long.;
(2) 33°23.37′ N. lat., 117°56.97′ W. long.;
(3) 33°22.82′ N. lat., 117°59.50′ W. long.;
(4) 33°25.24′ N. lat., 118°01.68′ W. long.; and
(5) 33°25.91′ N. lat., 117°59.44′ W. long.

(D) The 200 fm (366 m) depth contour used around San Diego Rise off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°50.30′ N. lat., 117°50.18′ W. long.;
(2) 32°44.01′ N. lat., 117°44.46′ W. long.;
(3) 32°41.34′ N. lat., 117°45.86′ W. long.;
(4) 32°45.45′ N. lat., 117°50.09′ W. long.;
(5) 32°50.10′ N. lat., 117°50.76′ W. long.; and
(6) 32°50.30′ N. lat., 117°50.18′ W. long.

(xii) The 200 fm (366 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico, modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.75′ N. lat., 125°41.73′ W. long.;
(2) 48°12.85′ N. lat., 125°38.06′ W. long.;
(3) 48°11.52′ N. lat., 125°39.45′ W. long.;
(4) 48°10.14′ N. lat., 125°42.81′ W. long.;
(5) 48°08.96′ N. lat., 125°42.08′ W. long.;
(6) 48°08.33′ N. lat., 125°44.91′ W. long.;
(7) 48°07.19′ N. lat., 125°45.87′ W. long.;
(8) 48°05.66′ N. lat., 125°44.79′ W. long.;
(9) 48°05.91′ N. lat., 125°42.16′ W. long.;
(10) 48°04.11′ N. lat., 125°40.17′ W. long.;
(11) 48°04.07′ N. lat., 125°36.96′ W. long.;
(12) 48°03.05′ N. lat., 125°36.38′ W. long.;
(13) 48°01.98′ N. lat., 125°37.41′ W. long.;
(14) 48°01.46′ N. lat., 125°39.61′ W. long.;
(15) 47°57.00′ N. lat., 125°37.00′ W. long.;
(16) 47°55.50′ N. lat., 125°28.50′ W. long.;
(17) 47°57.88′ N. lat., 125°25.61′ W. long.;
(18) 48°01.63′ N. lat., 125°23.75′ W. long.;
(19) 48°02.21′ N. lat., 125°22.43′ W. long.;
(20) 48°03.60′ N. lat., 125°21.84′ W. long.;
(21) 48°03.98′ N. lat., 125°20.65′ W. long.;
(22) 48°03.26′ N. lat., 125°19.76′ W. long.;
(23) 48°01.49′ N. lat., 125°18.80′ W. long.;
(24) 48°01.03′ N. lat., 125°20.12′ W. long.;
(25) 48°00.04′ N. lat., 125°20.26′ W. long.;
(26) 47°58.10′ N. lat., 125°18.91′ W. long.;
(27) 47°58.17′ N. lat., 125°17.50′ W. long.;
(28) 47°52.28′ N. lat., 125°16.06′ W. long.;
(29) 47°51.92′ N. lat., 125°13.89′ W. long.;
(30) 47°49.20′ N. lat., 125°10.67′ W. long.;
(31) 47°48.69′ N. lat., 125°06.50′ W. long.;
(32) 47°46.54′ N. lat., 125°07.68′ W. long.;
(33) 47°47.24′ N. lat., 125°05.38′ W. long.;
(34) 47°45.95′ N. lat., 125°04.61′ W. long.;
(35) 47°44.58′ N. lat., 125°07.12′ W. long.;
(36) 47°42.24′ N. lat., 125°05.15′ W. long.;
(37) 47°38.54′ N. lat., 125°06.76′ W. long.;
(38) 47°34.86′ N. lat., 125°04.67′ W. long.;
(39) 47°30.75′ N. lat., 124°57.52′ W. long.;
(40) 47°28.51′ N. lat., 124°56.69′ W. long.;
(41) 47°29.15′ N. lat., 124°54.10′ W. long.;
(42) 47°28.43′ N. lat., 124°51.58′ W. long.;
(43) 47°24.13′ N. lat., 124°47.51′ W. long.;
(44) 47°18.31′ N. lat., 124°46.17′ W. long.;
(45) 47°19.57′ N. lat., 124°51.01′ W. long.;
(46) 47°18.12′ N. lat., 124°53.66′ W. long.;
(47) 47°17.59′ N. lat., 124°52.94′ W. long.;
(48) 47°17.71′ N. lat., 124°51.63′ W. long.;
(49) 47°16.90′ N. lat., 124°51.23′ W. long.;
(50) 47°16.10′ N. lat., 124°53.67′ W. long.;
(51) 47°14.24′ N. lat., 124°53.02′ W. long.;
(52) 47°12.16′ N. lat., 124°56.77′ W. long.;
(53) 47°13.35′ N. lat., 124°58.70′ W. long.;
(54) 47°09.53′ N. lat., 124°58.32′ W. long.;
(55) 47°09.54′ N. lat., 124°59.50′ W. long.;
(56) 47°05.87′ N. lat., 124°59.29′ W. long.;
(57) 47°03.65′ N. lat., 124°56.26′ W. long.;
(58) 47°00.91′ N. lat., 124°59.73′ W. long.;
(59) 46°58.74′ N. lat., 124°59.40′ W. long.;
(60) 46°58.55′ N. lat., 125°00.70′ W. long.;
(61) 46°55.57′ N. lat., 125°01.61′ W. long.;
(62) 46°55.77′ N. lat., 124°55.04′ W. long.;
(63) 46°53.16′ N. lat., 124°53.69′ W. long.;
(64) 46°52.39′ N. lat., 124°55.24′ W. long.;
(65) 46°44.88′ N. lat., 124°51.97′ W. long.;
(66) 46°33.28′ N. lat., 124°36.96′ W. long.;
(67) 46°33.20′ N. lat., 124°30.64′ W. long.;
(68) 46°27.85′ N. lat., 124°31.95′ W. long.;

(69) 46°18.16′ N. lat., 124°39.39′ W. long.;
(70) 46°16.48′ N. lat., 124°27.41′ W. long.;
(71) 46°16.73′ N. lat., 124°23.20′ W. long.;
(72) 46°16.00′ N. lat., 124°24.88′ W. long.;
(73) 46°14.22′ N. lat., 124°26.28′ W. long.;
(74) 46°11.53′ N. lat., 124°39.58′ W. long.;
(75) 46°08.77′ N. lat., 124°41.71′ W. long.;
(76) 46°05.86′ N. lat., 124°42.27′ W. long.;
(77) 46°03.85′ N. lat., 124°48.20′ W. long.;
(78) 46°02.34′ N. lat., 124°48.51′ W. long.;
(79) 45°58.99′ N. lat., 124°44.42′ W. long.;
(80) 45°49.74′ N. lat., 124°43.69′ W. long.;
(81) 45°49.68′ N. lat., 124°42.37′ W. long.;
(82) 45°40.83′ N. lat., 124°40.90′ W. long.;
(83) 45°34.88′ N. lat., 124°32.58′ W. long.;
(84) 45°13.04′ N. lat., 124°21.92′ W. long.;
(85) 45°00.17′ N. lat., 124°29.28′ W. long.;
(86) 44°50.99′ N. lat., 124°35.40′ W. long.;
(87) 44°46.87′ N. lat., 124°38.20′ W. long.;
(88) 44°48.25′ N. lat., 124°40.62′ W. long.;
(89) 44°41.34′ N. lat., 124°49.20′ W. long.;
(90) 44°23.30′ N. lat., 124°50.17′ W. long.;
(91) 44°13.19′ N. lat., 124°58.66′ W. long.;
(92) 43°57.37′ N. lat., 124°58.71′ W. long.;
(93) 43°52.32′ N. lat., 124°49.43′ W. long.;
(94) 43°51.35′ N. lat., 124°37.94′ W. long.;
(95) 43°49.73′ N. lat., 124°40.26′ W. long.;
(96) 43°39.06′ N. lat., 124°38.55′ W. long.;
(97) 43°28.85′ N. lat., 124°39.99′ W. long.;
(98) 43°20.22′ N. lat., 124°43.05′ W. long.;
(99) 43°13.29′ N. lat., 124°47.00′ W. long.;
(100) 43°10.64′ N. lat., 124°49.95′ W. long.;
(101) 43°04.26′ N. lat., 124°53.05′ W. long.;
(102) 42°53.93′ N. lat., 124°54.60′ W. long.;
(103) 42°47.57′ N. lat., 124°48.12′ W. long.;
(104) 42°46.19′ N. lat., 124°44.52′ W. long.;
(105) 42°41.75′ N. lat., 124°44.69′ W. long.;
(106) 42°38.81′ N. lat., 124°43.09′ W. long.;
(107) 42°31.83′ N. lat., 124°46.23′ W. long.;
(108) 42°32.08′ N. lat., 124°43.58′ W. long.;
(109) 42°30.96′ N. lat., 124°43.84′ W. long.;
(110) 42°28.41′ N. lat., 124°49.17′ W. long.;
(111) 42°24.80′ N. lat., 124°45.93′ W. long.;
(112) 42°19.71′ N. lat., 124°41.60′ W. long.;
(113) 42°15.12′ N. lat., 124°38.34′ W. long.;
(114) 42°12.35′ N. lat., 124°38.09′ W. long.;
(115) 42°00.00′ N. lat., 124°36.83′ W. long.;
(116) 41°59.98′ N. lat., 124°36.80′ W. long.;
(117) 41°47.79′ N. lat., 124°29.48′ W. long.;
(118) 41°21.01′ N. lat., 124°29.01′ W. long.;
(119) 41°13.50′ N. lat., 124°24.40′ W. long.;
(120) 41°11.00′ N. lat., 124°22.99′ W. long.;
(121) 41°06.69′ N. lat., 124°23.30′ W. long.;
(122) 40°54.73′ N. lat., 124°28.15′ W. long.;
(123) 40°53.95′ N. lat., 124°26.04′ W. long.;
(124) 40°49.96′ N. lat., 124°26.04′ W. long.;
(125) 40°44.49′ N. lat., 124°30.81′ W. long.;
(126) 40°40.58′ N. lat., 124°32.06′ W. long.;
(127) 40°36.09′ N. lat., 124°40.11′ W. long.;
(128) 40°34.19′ N. lat., 124°41.20′ W. long.;
(129) 40°32.93′ N. lat., 124°41.86′ W. long.;
(130) 40°31.28′ N. lat., 124°40.98′ W. long.;
(131) 40°29.68′ N. lat., 124°38.06′ W. long.;
(132) 40°25.01′ N. lat., 124°36.36′ W. long.;
(133) 40°22.28′ N. lat., 124°31.83′ W. long.;
(134) 40°16.96′ N. lat., 124°31.91′ W. long.;
(135) 40°17.59′ N. lat., 124°45.28′ W. long.;
(136) 40°13.23′ N. lat., 124°32.40′ W. long.;
(137) 40°10.00′ N. lat., 124°24.55′ W. long.;
(138) 40°06.45′ N. lat., 124°19.24′ W. long.;
(139) 40°07.08′ N. lat., 124°17.80′ W. long.;
(140) 40°05.55′ N. lat., 124°18.11′ W. long.;
(141) 40°04.74′ N. lat., 124°18.11′ W. long.;
(142) 40°02.35′ N. lat., 124°16.53′ W. long.;
(143) 40°01.13′ N. lat., 124°12.98′ W. long.;
(144) 40°01.55′ N. lat., 124°09.80′ W. long.;
(145) 39°58.54′ N. lat., 124°12.43′ W. long.;
(146) 39°55.72′ N. lat., 124°07.44′ W. long.;
(147) 39°42.64′ N. lat., 124°02.52′ W. long.;
(148) 39°35.96′ N. lat., 123°59.47′ W. long.;
(149) 39°34.61′ N. lat., 123°59.58′ W. long.;
(150) 39°34.79′ N. lat., 123°58.47′ W. long.;
(151) 39°33.79′ N. lat., 123°56.77′ W. long.;
(152) 39°33.03′ N. lat., 123°57.06′ W. long.;
(153) 39°32.20′ N. lat., 123°59.12′ W. long.;
(154) 39°07.81′ N. lat., 123°59.06′ W. long.;
(155) 39°03.06′ N. lat., 123°57.77′ W. long.;
(156) 38°52.26′ N. lat., 123°56.18′ W. long.;
(157) 38°50.21′ N. lat., 123°55.48′ W. long.;
(158) 38°46.81′ N. lat., 123°51.49′ W. long.;
(159) 38°45.28′ N. lat., 123°51.55′ W. long.;
(160) 38°42.76′ N. lat., 123°49.73′ W. long.;
(161) 38°41.53′ N. lat., 123°47.80′ W. long.;
(162) 38°41.41′ N. lat., 123°46.74′ W. long.;
(163) 38°38.01′ N. lat., 123°45.74′ W. long.;
(164) 38°37.19′ N. lat., 123°43.98′ W. long.;
(165) 38°35.26′ N. lat., 123°41.99′ W. long.;
(166) 38°33.38′ N. lat., 123°41.76′ W. long.;
(167) 38°19.95′ N. lat., 123°32.90′ W. long.;
(168) 38°14.38′ N. lat., 123°25.51′ W. long.;
(169) 38°09.39′ N. lat., 123°24.39′ W. long.;
(170) 38°10.09′ N. lat., 123°27.21′ W. long.;
(171) 38°03.76′ N. lat., 123°31.90′ W. long.;
(172) 38°02.06′ N. lat., 123°31.26′ W. long.;
(173) 38°00.01′ N. lat., 123°29.56′ W. long.;

(174) 37°58.07′ N. lat., 123°27.21′ W. long.;
(175) 37°55.02′ N. lat., 123°27.44′ W. long.;
(176) 37°51.39′ N. lat., 123°25.22′ W. long.;
(177) 37°43.94′ N. lat., 123°11.49′ W. long.;
(178) 37°35.96′ N. lat., 123°02.23′ W. long.;
(179) 37°23.48′ N. lat., 122°57.76′ W. long.;
(180) 37°23.23′ N. lat., 122°53.78′ W. long.;
(181) 37°13.97′ N. lat., 122°49.91′ W. long.;
(182) 37°09.98′ N. lat., 122°45.61′ W. long.;
(183) 37°07.38′ N. lat., 122°46.38′ W. long.;
(184) 37°00.64′ N. lat., 122°37.70′ W. long.;
(185) 36°57.40′ N. lat., 122°28.36′ W. long.;
(186) 36°59.21′ N. lat., 122°25.64′ W. long.;
(187) 36°56.90′ N. lat., 122°25.42′ W. long.;
(188) 36°57.43′ N. lat., 122°22.55′ W. long.;
(189) 36°55.43′ N. lat., 122°22.43′ W. long.;
(190) 36°52.27′ N. lat., 122°13.16′ W. long.;
(191) 36°47.10′ N. lat., 122°07.53′ W. long.;
(192) 36°47.10′ N. lat., 122°02.08′ W. long.;
(193) 36°43.76′ N. lat., 121°59.15′ W. long.;
(194) 36°38.84′ N. lat., 122°02.20′ W. long.;
(195) 36°30.82′ N. lat., 122°01.13′ W. long.;
(196) 36°30.94′ N. lat., 122°00.54′ W. long.;
(197) 36°25.99′ N. lat., 121°59.50′ W. long.;
(198) 36°26.43′ N. lat., 121°59.76′ W. long.;
(199) 36°22.00′ N. lat., 122°01.02′ W. long.;
(200) 36°19.01′ N. lat., 122°05.01′ W. long.;
(201) 36°14.73′ N. lat., 122°01.55′ W. long.;
(202) 36°14.03′ N. lat., 121°58.09′ W. long.;
(203) 36°09.74′ N. lat., 121°45.01′ W. long.;
(204) 36°06.75′ N. lat., 121°40.73′ W. long.;
(205) 35°58.19′ N. lat., 121°34.63′ W. long.;
(206) 35°52.21′ N. lat., 121°32.46′ W. long.;
(207) 35°51.21′ N. lat., 121°30.94′ W. long.;
(208) 35°46.28′ N. lat., 121°30.29′ W. long.;
(209) 35°33.67′ N. lat., 121°20.09′ W. long.;
(210) 35°31.33′ N. lat., 121°15.22′ W. long.;
(211) 35°23.29′ N. lat., 121°11.41′ W. long.;
(212) 35°15.26′ N. lat., 121°04.49′ W. long.;
(213) 35°07.05′ N. lat., 121°00.26′ W. long.;
(214) 35°07.46′ N. lat., 120°57.10′ W. long.;
(215) 34°44.29′ N. lat., 120°54.28′ W. long.;
(216) 34°44.23′ N. lat., 120°58.27′ W. long.;
(217) 34°32.33′ N. lat., 120°50.23′ W. long.;
(218) 34°27.00′ N. lat., 120°42.55′ W. long.;
(219) 34°19.08′ N. lat., 120°31.21′ W. long.;
(220) 34°17.72′ N. lat., 120°19.26′ W. long.;
(221) 34°22.45′ N. lat., 120°12.81′ W. long.;
(222) 34°21.36′ N. lat., 119°54.88′ W. long.;
(223) 34°09.95′ N. lat., 119°46.18′ W. long.;
(224) 34°09.08′ N. lat., 119°57.53′ W. long.;
(225) 34°07.53′ N. lat., 120°06.35′ W. long.;
(226) 34°10.54′ N. lat., 120°19.07′ W. long.;
(227) 34°14.68′ N. lat., 120°29.48′ W. long.;
(228) 34°09.51′ N. lat., 120°38.32′ W. long.;
(229) 34°03.06′ N. lat., 120°35.54′ W. long.;
(230) 33°56.39′ N. lat., 120°28.47′ W. long.;
(231) 33°50.25′ N. lat., 120°09.43′ W. long.;
(232) 33°37.96′ N. lat., 120°00.08′ W. long.;
(233) 33°34.52′ N. lat., 119°51.84′ W. long.;
(234) 33°35.51′ N. lat., 119°48.49′ W. long.;
(235) 33°42.76′ N. lat., 119°47.77′ W. long.;
(236) 33°53.62′ N. lat., 119°53.28′ W. long.;
(237) 33°57.61′ N. lat., 119°31.26′ W. long.;
(238) 33°56.34′ N. lat., 119°26.40′ W. long.;
(239) 33°57.79′ N. lat., 119°26.85′ W. long.;
(240) 33°58.88′ N. lat., 119°20.06′ W. long.;
(241) 34°02.65′ N. lat., 119°15.11′ W. long.;
(242) 33°59.02′ N. lat., 119°02.99′ W. long.;
(243) 33°57.61′ N. lat., 118°42.07′ W. long.;
(244) 33°50.76′ N. lat., 118°37.98′ W. long.;
(245) 33°39.54′ N. lat., 118°18.70′ W. long.;
(246) 33°37.14′ N. lat., 118°18.39′ W. long.;
(247) 33°35.51′ N. lat., 118°18.03′ W. long.;
(248) 33°30.68′ N. lat., 118°10.35′ W. long.;
(249) 33°32.49′ N. lat., 117°51.85′ W. long.;
(250) 32°58.87′ N. lat., 117°20.36′ W. long.; and
(251) 32°35.53′ N. lat., 117°29.67′ W. long.

(xiii) The 250 fm (457 m) depth contour used between the U.S. border with Canada and 38° N. lat. is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.68′ N. lat., 125°42.10′ W. long.;
(2) 48°13.00′ N. lat., 125°39.00′ W. long.;
(3) 48°12.73′ N. lat., 125°38.87′ W. long.;
(4) 48°12.43′ N. lat., 125°39.12′ W. long.;
(5) 48°11.83′ N. lat., 125°40.01′ W. long.;
(6) 48°11.78′ N. lat., 125°41.70′ W. long.;
(7) 48°10.62′ N. lat., 125°43.41′ W. long.;
(8) 48°09.23′ N. lat., 125°42.80′ W. long.;
(9) 48°08.79′ N. lat., 125°43.79′ W. long.;
(10) 48°08.50′ N. lat., 125°45.00′ W. long.;
(11) 48°07.43′ N. lat., 125°46.36′ W. long.;
(12) 48°06.00′ N. lat., 125°46.50′ W. long.;
(13) 48°05.38′ N. lat., 125°42.82′ W. long.;
(14) 48°04.19′ N. lat., 125°40.40′ W. long.;
(15) 48°03.50′ N. lat., 125°37.00′ W. long.;
(16) 48°01.50′ N. lat., 125°40.00′ W. long.;
(17) 47°57.00′ N. lat., 125°37.00′ W. long.;
(18) 47°55.21′ N. lat., 125°37.22′ W. long.;
(19) 47°54.02′ N. lat., 125°36.57′ W. long.;
(20) 47°53.67′ N. lat., 125°35.06′ W. long.;
(21) 47°54.14′ N. lat., 125°32.35′ W. long.;
(22) 47°55.50′ N. lat., 125°28.56′ W. long.;
(23) 47°57.03′ N. lat., 125°26.52′ W. long.;
(24) 47°57.98′ N. lat., 125°25.08′ W. long.;

(25) 48°00.54′ N. lat., 125°24.38′ W. long.;
(26) 48°01.45′ N. lat., 125°23.70′ W. long.;
(27) 48°01.97′ N. lat., 125°22.34′ W. long.;
(28) 48°03.68′ N. lat., 125°21.20′ W. long.;
(29) 48°01.96′ N. lat., 125°19.56′ W. long.;
(30) 48°00.98′ N. lat., 125°20.43′ W. long.;
(31) 48°00.00′ N. lat., 125°20.68′ W. long.;
(32) 47°58.00′ N. lat., 125°19.50′ W. long.;
(33) 47°57.65′ N. lat., 125°19.18′ W. long.;
(34) 47°58.00′ N. lat., 125°18.00′ W. long.;
(35) 47°56.59′ N. lat., 125°18.15′ W. long.;
(36) 47°51.30′ N. lat., 125°18.32′ W. long.;
(37) 47°49.88′ N. lat., 125°14.49′ W. long.;
(38) 47°49.00′ N. lat., 125°11.00′ W. long.;
(39) 47°47.99′ N. lat., 125°07.31′ W. long.;
(40) 47°46.47′ N. lat., 125°08.63′ W. long.;
(41) 47°46.00′ N. lat., 125°06.00′ W. long.;
(42) 47°44.50′ N. lat., 125°07.50′ W. long.;
(43) 47°43.39′ N. lat., 125°06.57′ W. long.;
(44) 47°42.37′ N. lat., 125°05.74′ W. long.;
(45) 47°40.61′ N. lat., 125°06.48′ W. long.;
(46) 47°37.43′ N. lat., 125°07.33′ W. long.;
(47) 47°33.68′ N. lat., 125°04.80′ W. long.;
(48) 47°30.00′ N. lat., 125°00.00′ W. long.;
(49) 47°28.00′ N. lat., 124°58.50′ W. long.;
(50) 47°28.88′ N. lat., 124°54.71′ W. long.;
(51) 47°27.70′ N. lat., 124°51.87′ W. long.;
(52) 47°24.84′ N. lat., 124°48.45′ W. long.;
(53) 47°21.76′ N. lat., 124°47.42′ W. long.;
(54) 47°18.84′ N. lat., 124°46.75′ W. long.;
(55) 47°19.82′ N. lat., 124°51.43′ W. long.;
(56) 47°18.13′ N. lat., 124°54.25′ W. long.;
(57) 47°13.50′ N. lat., 124°54.69′ W. long.;
(58) 47°15.00′ N. lat., 125°00.00′ W. long.;
(59) 47°08.00′ N. lat., 124°59.83′ W. long.;
(60) 47°05.79′ N. lat., 125°01.00′ W. long.;
(61) 47°03.34′ N. lat., 124°57.49′ W. long.;
(62) 47°01.00′ N. lat., 125°00.00′ W. long.;
(63) 46°55.00′ N. lat., 125°02.00′ W. long.;
(64) 46°51.00′ N. lat., 124°57.00′ W. long.;
(65) 46°47.00′ N. lat., 124°55.00′ W. long.;
(66) 46°34.00′ N. lat., 124°38.00′ W. long.;
(67) 46°30.50′ N. lat., 124°41.00′ W. long.;
(68) 46°33.00′ N. lat., 124°32.00′ W. long.;
(69) 46°29.00′ N. lat., 124°32.00′ W. long.;
(70) 46°20.00′ N. lat., 124°39.00′ W. long.;
(71) 46°18.16′ N. lat., 124°40.00′ W. long.;
(72) 46°16.00′ N. lat., 124°27.01′ W. long.;
(73) 46°15.00′ N. lat., 124°30.96′ W. long.;
(74) 46°13.17′ N. lat., 124°37.87′ W. long.;
(75) 46°13.17′ N. lat., 124°38.75′ W. long.;
(76) 46°10.50′ N. lat., 124°42.00′ W. long.;
(77) 46°06.21′ N. lat., 124°41.85′ W. long.;
(78) 46°03.02′ N. lat., 124°50.27′ W. long.;
(79) 45°57.00′ N. lat., 124°45.52′ W. long.;
(80) 45°46.85′ N. lat., 124°45.91′ W. long.;
(81) 45°45.81′ N. lat., 124°47.05′ W. long.;
(82) 45°44.87′ N. lat., 124°45.98′ W. long.;
(83) 45°43.44′ N. lat., 124°46.03′ W. long.;
(84) 45°35.82′ N. lat., 124°45.72′ W. long.;
(85) 45°35.70′ N. lat., 124°42.89′ W. long.;
(86) 45°24.45′ N. lat., 124°38.21′ W. long.;
(87) 45°11.68′ N. lat., 124°39.38′ W. long.;
(88) 44°57.94′ N. lat., 124°37.02′ W. long.;
(89) 44°44.28′ N. lat., 124°50.79′ W. long.;
(90) 44°32.63′ N. lat., 124°54.21′ W. long.;
(91) 44°23.20′ N. lat., 124°49.87′ W. long.;
(92) 44°13.17′ N. lat., 124°58.81′ W. long.;
(93) 43°57.92′ N. lat., 124°58.29′ W. long.;
(94) 43°50.12′ N. lat., 124°53.36′ W. long.;
(95) 43°49.53′ N. lat., 124°43.96′ W. long.;
(96) 43°42.76′ N. lat., 124°41.40′ W. long.;
(97) 43°24.00′ N. lat., 124°42.61′ W. long.;
(98) 43°19.74′ N. lat., 124°45.12′ W. long.;
(99) 43°19.62′ N. lat., 124°52.95′ W. long.;
(100) 43°17.41′ N. lat., 124°53.02′ W. long.;
(101) 42°49.15′ N. lat., 124°54.93′ W. long.;
(102) 42°46.74′ N. lat., 124°53.39′ W. long.;
(103) 42°43.76′ N. lat., 124°51.64′ W. long.;
(104) 42°45.41′ N. lat., 124°49.35′ W. long.;
(105) 42°43.92′ N. lat., 124°45.92′ W. long.;
(106) 42°38.87′ N. lat., 124°43.38′ W. long.;
(107) 42°34.78′ N. lat., 124°46.56′ W. long.;
(108) 42°31.47′ N. lat., 124°46.89′ W. long.;
(109) 42°31.00′ N. lat., 124°44.28′ W. long.;
(110) 42°29.22′ N. lat., 124°46.93′ W. long.;
(111) 42°28.39′ N. lat., 124°49.94′ W. long.;
(112) 42°26.28′ N. lat., 124°47.60′ W. long.;
(113) 42°19.58′ N. lat., 124°43.21′ W. long.;
(114) 42°13.75′ N. lat., 124°40.06′ W. long.;
(115) 42°05.12′ N. lat., 124°39.06′ W. long.;
(116) 41°59.99′ N. lat., 124°37.72′ W. long.;
(117) 42°00.00′ N. lat., 124°37.76′ W. long.;
(118) 41°47.93′ N. lat., 124°31.79′ W. long.;
(119) 41°21.35′ N. lat., 124°30.35′ W. long.;
(120) 41°07.11′ N. lat., 124°25.25′ W. long.;
(121) 40°57.37′ N. lat., 124°30.25′ W. long.;
(122) 40°48.77′ N. lat., 124°30.69′ W. long.;
(123) 40°41.03′ N. lat., 124°33.21′ W. long.;
(124) 40°37.40′ N. lat., 124°38.96′ W. long.;
(125) 40°33.70′ N. lat., 124°42.50′ W. long.;
(126) 40°31.31′ N. lat., 124°41.59′ W. long.;
(127) 40°25.00′ N. lat., 124°36.65′ W. long.;
(128) 40°22.42′ N. lat., 124°32.19′ W. long.;
(129) 40°17.17′ N. lat., 124°32.21′ W. long.;

(130) 40°18.68′ N. lat., 124°50.44′ W. long.;
(131) 40°13.55′ N. lat., 124°34.26′ W. long.;
(132) 40°10.11′ N. lat., 124°28.25′ W. long.;
(133) 40°06.72′ N. lat., 124°21.40′ W. long.;
(134) 40°01.63′ N. lat., 124°17.25′ W. long.;
(135) 40°00.68′ N. lat., 124°11.19′ W. long.;
(136) 39°59.09′ N. lat., 124°14.92′ W. long.;
(137) 39°51.85′ N. lat., 124°10.33′ W. long.;
(138) 39°36.90′ N. lat., 124°00.63′ W. long.;
(139) 39°32.41′ N. lat., 124°00.01′ W. long.;
(140) 39°05.40′ N. lat., 124°00.52′ W. long.;
(141) 39°04.32′ N. lat., 123°59.00′ W. long.;
(142) 38°58.02′ N. lat., 123°58.18′ W. long.;
(143) 38°58.19′ N. lat., 124°01.90′ W. long.;
(144) 38°50.27′ N. lat., 123°56.26′ W. long.;
(145) 38°46.73′ N. lat., 123°51.93′ W. long.;
(146) 38°44.64′ N. lat., 123°51.77′ W. long.;
(147) 38°32.97′ N. lat., 123°41.84′ W. long.;
(148) 38°14.56′ N. lat., 123°32.18′ W. long.;
(149) 38°13.85′ N. lat., 123°29.94′ W. long.;
(150) 38°11.88′ N. lat., 123°30.57′ W. long.;
(151) 38°08.72′ N. lat., 123°29.56′ W. long.;
(152) 38°05.62′ N. lat., 123°32.38′ W. long.;
(153) 38°01.90′ N. lat., 123°32.00′ W. long.; and
(154) 38°00.00′ N. lat., 123°30.00′ W. long.

(xiv) The 250 fm (457 m) depth contour used between the U.S. border with Canada and 38° N. lat., modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.71′ N. lat., 125°41.95′ W. long.;
(2) 48°13.00′ N. lat., 125°39.00′ W. long.;
(3) 48°08.50′ N. lat., 125°45.00′ W. long.;
(4) 48°06.00′ N. lat., 125°46.50′ W. long.;
(5) 48°03.50′ N. lat., 125°37.00′ W. long.;
(6) 48°01.50′ N. lat., 125°40.00′ W. long.;
(7) 47°57.00′ N. lat., 125°37.00′ W. long.;
(8) 47°55.50′ N. lat., 125°28.50′ W. long.;
(9) 47°58.00′ N. lat., 125°25.00′ W. long.;
(10) 48°00.50′ N. lat., 125°24.50′ W. long.;
(11) 48°03.50′ N. lat., 125°21.00′ W. long.;
(12) 48°02.00′ N. lat., 125°19.50′ W. long.;
(13) 48°00.00′ N. lat., 125°21.00′ W. long.;
(14) 47°58.00′ N. lat., 125°20.00′ W. long.;
(15) 47°58.00′ N. lat., 125°18.00′ W. long.;
(16) 47°52.00′ N. lat., 125°16.50′ W. long.;
(17) 47°49.00′ N. lat., 125°11.00′ W. long.;
(18) 47°46.00′ N. lat., 125°06.00′ W. long.;
(19) 47°44.50′ N. lat., 125°07.50′ W. long.;
(20) 47°42.00′ N. lat., 125°06.00′ W. long.;
(21) 47°38.00′ N. lat., 125°07.00′ W. long.;
(22) 47°30.00′ N. lat., 125°00.00′ W. long.;
(23) 47°28.00′ N. lat., 124°58.50′ W. long.;
(24) 47°28.88′ N. lat., 124°54.71′ W. long.;
(25) 47°27.70′ N. lat., 124°51.87′ W. long.;
(26) 47°24.84′ N. lat., 124°48.45′ W. long.;
(27) 47°21.76′ N. lat., 124°47.42′ W. long.;
(28) 47°18.84′ N. lat., 124°46.75′ W. long.;
(29) 47°19.82′ N. lat., 124°51.43′ W. long.;
(30) 47°18.13′ N. lat., 124°54.25′ W. long.;
(31) 47°13.50′ N. lat., 124°54.69′ W. long.;
(32) 47°15.00′ N. lat., 125°00.00′ W. long.;
(33) 47°08.00′ N. lat., 124°59.82′ W. long.;
(34) 47°05.79′ N. lat., 125°01.00′ W. long.;
(35) 47°03.34′ N. lat., 124°57.49′ W. long.;
(36) 47°01.00′ N. lat., 125°00.00′ W. long.;
(37) 46°55.00′ N. lat., 125°02.00′ W. long.;
(38) 46°51.00′ N. lat., 124°57.00′ W. long.;
(39) 46°47.00′ N. lat., 124°55.00′ W. long.;
(40) 46°34.00′ N. lat., 124°38.00′ W. long.;
(41) 46°30.50′ N. lat., 124°41.00′ W. long.;
(42) 46°33.00′ N. lat., 124°32.00′ W. long.;
(43) 46°29.00′ N. lat., 124°32.00′ W. long.;
(44) 46°20.00′ N. lat., 124°39.00′ W. long.;
(45) 46°18.16′ N. lat., 124°40.00′ W. long.;
(46) 46°16.00′ N. lat., 124°27.01′ W. long.;
(47) 46°15.00′ N. lat., 124°30.96′ W. long.;
(48) 46°13.17′ N. lat., 124°38.76′ W. long.;
(49) 46°10.51′ N. lat., 124°41.99′ W. long.;
(50) 46°06.24′ N. lat., 124°41.81′ W. long.;
(51) 46°03.04′ N. lat., 124°50.26′ W. long.;
(52) 45°56.99′ N. lat., 124°45.45′ W. long.;
(53) 45°49.94′ N. lat., 124°45.75′ W. long.;
(54) 45°49.94′ N. lat., 124°42.33′ W. long.;
(55) 45°45.73′ N. lat., 124°42.18′ W. long.;
(56) 45°45.73′ N. lat., 124°43.82′ W. long.;
(57) 45°41.94′ N. lat., 124°43.61′ W. long.;
(58) 45°41.58′ N. lat., 124°39.86′ W. long.;
(59) 45°38.45′ N. lat., 124°39.94′ W. long.;
(60) 45°35.75′ N. lat., 124°42.91′ W. long.;
(61) 45°24.49′ N. lat., 124°38.20′ W. long.;
(62) 45°14.43′ N. lat., 124°39.05′ W. long.;
(63) 45°14.30′ N. lat., 124°34.19′ W. long.;
(64) 45°08.98′ N. lat., 124°34.26′ W. long.;
(65) 45°09.02′ N. lat., 124°38.81′ W. long.;
(66) 44°57.98′ N. lat., 124°36.98′ W. long.;
(67) 44°56.62′ N. lat., 124°38.32′ W. long.;
(68) 44°50.82′ N. lat., 124°35.52′ W. long.;
(69) 44°46.89′ N. lat., 124°38.32′ W. long.;
(70) 44°50.78′ N. lat., 124°44.24′ W. long.;
(71) 44°44.27′ N. lat., 124°50.78′ W. long.;
(72) 44°32.63′ N. lat., 124°54.24′ W. long.;
(73) 44°23.25′ N. lat., 124°49.78′ W. long.;
(74) 44°13.16′ N. lat., 124°58.81′ W. long.;
(75) 43°57.88′ N. lat., 124°58.25′ W. long.;
(76) 43°56.89′ N. lat., 124°57.33′ W. long.;

(77) 43°53.41′ N. lat., 124°51.95′ W. long.;
(78) 43°51.56′ N. lat., 124°47.38′ W. long.;
(79) 43°51.49′ N. lat., 124°37.77′ W. long.;
(80) 43°48.02′ N. lat., 124°43.31′ W. long.;
(81) 43°42.77′ N. lat., 124°41.39′ W. long.;
(82) 43°24.09′ N. lat., 124°42.57′ W. long.;
(83) 43°19.73′ N. lat., 124°45.09′ W. long.;
(84) 43°15.98′ N. lat., 124°47.76′ W. long.;
(85) 43°04.14′ N. lat., 124°52.55′ W. long.;
(86) 43°04.00′ N. lat., 124°53.88′ W. long.;
(87) 42°54.69′ N. lat., 124°54.54′ W. long.;
(88) 42°45.46′ N. lat., 124°49.37′ W. long.;
(89) 42°43.91′ N. lat., 124°45.90′ W. long.;
(90) 42°38.84′ N. lat., 124°43.36′ W. long.;
(91) 42°34.82′ N. lat., 124°46.56′ W. long.;
(92) 42°31.57′ N. lat., 124°46.86′ W. long.;
(93) 42°30.98′ N. lat., 124°44.27′ W. long.;
(94) 42°29.21′ N. lat., 124°46.93′ W. long.;
(95) 42°28.52′ N. lat., 124°49.40′ W. long.;
(96) 42°26.06′ N. lat., 124°46.61′ W. long.;
(97) 42°21.82′ N. lat., 124°43.76′ W. long.;
(98) 42°17.47′ N. lat., 124°38.89′ W. long.;
(99) 42°13.67′ N. lat., 124°37.51′ W. long.;
(100) 42°13.76′ N. lat., 124°40.03′ W. long.;
(101) 42°05.12′ N. lat., 124°39.06′ W. long.;
(102) 42°02.67′ N. lat., 124°38.41′ W. long.;
(103) 42°02.67′ N. lat., 124°35.95′ W. long.;
(104) 42°00.00′ N. lat., 124°35.88′ W. long.;
(105) 41°59.99′ N. lat., 124°35.92′ W. long.;
(106) 41°56.38′ N. lat., 124°34.96′ W. long.;
(107) 41°53.98′ N. lat., 124°32.50′ W. long.;
(108) 41°50.69′ N. lat., 124°30.46′ W. long.;
(109) 41°47.79′ N. lat., 124°29.52′ W. long.;
(110) 41°21.00′ N. lat., 124°29.00′ W. long.;
(111) 41°11.00′ N. lat., 124°23.00′ W. long.;
(112) 41°05.00′ N. lat., 124°23.00′ W. long.;
(113) 40°54.00′ N. lat., 124°26.00′ W. long.;
(114) 40°50.00′ N. lat., 124°26.00′ W. long.;
(115) 40°44.51′ N. lat., 124°30.83′ W. long.;
(116) 40°40.61′ N. lat., 124°32.06′ W. long.;
(117) 40°37.36′ N. lat., 124°29.41′ W. long.;
(118) 40°35.64′ N. lat., 124°30.47′ W. long.;
(119) 40°37.43′ N. lat., 124°37.10′ W. long.;
(120) 40°36.00′ N. lat., 124°40.00′ W. long.;
(121) 40°31.59′ N. lat., 124°40.72′ W. long.;
(122) 40°24.64′ N. lat., 124°35.62′ W. long.;
(123) 40°23.00′ N. lat., 124°32.00′ W. long.;
(124) 40°23.39′ N. lat., 124°28.70′ W. long.;
(125) 40°22.28′ N. lat., 124°25.25′ W. long.;
(126) 40°21.90′ N. lat., 124°25.17′ W. long.;
(127) 40°22.00′ N. lat., 124°28.00′ W. long.;
(128) 40°21.35′ N. lat., 124°29.53′ W. long.;
(129) 40°19.75′ N. lat., 124°28.98′ W. long.;
(130) 40°18.15′ N. lat., 124°27.01′ W. long.;
(131) 40°17.45′ N. lat., 124°25.49′ W. long.;
(132) 40°18.00′ N. lat., 124°24.00′ W. long.;
(133) 40°16.00′ N. lat., 124°26.00′ W. long.;
(134) 40°17.00′ N. lat., 124°35.00′ W. long.;
(135) 40°16.00′ N. lat., 124°36.00′ W. long.;
(136) 40°10.00′ N. lat., 124°22.75′ W. long.;
(137) 40°03.00′ N. lat., 124°14.75′ W. long.;
(138) 39°49.25′ N. lat., 124°06.00′ W. long.;
(138) 39°34.75′ N. lat., 123°58.50′ W. long.;
(140) 39°03.07′ N. lat., 123°57.81′ W. long.;
(141) 38°52.25′ N. lat., 123°56.25′ W. long.;
(142) 38°41.42′ N. lat., 123°46.75′ W. long.;
(143) 38°39.47′ N. lat., 123°46.59′ W. long.;
(144) 38°35.25′ N. lat., 123°42.00′ W. long.;
(145) 38°19.97′ N. lat., 123°32.95′ W. long.;
(146) 38°15.00′ N. lat., 123°26.50′ W. long.;
(147) 38°08.09′ N. lat., 123°23.39′ W. long.;
(148) 38°10.08′ N. lat., 123°26.82′ W. long.;
(149) 38°04.08′ N. lat., 123°32.12′ W. long.; and
(150) 38°00.00′ N. lat., 123°29.85′ W. long.

(xv) Farallon Islands. The Farallon Islands, off San Francisco and San Mateo Counties, include Southeast Farallon Island, Middle Farallon Island, North Farallon Island and Noon Day Rock. Commercial and recreational fishing for groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands.

(18) *Rockfish categories.* Rockfish (except thornyheads) are divided into categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: Nearshore, shelf, or slope (scientific names appear in Table 2). Nearshore rockfish are further divided into shallow nearshore and deeper nearshore categories south of 40°10′ N. lat. Trip limits are established for ''minor rockfish'' species according to these categories (see Tables 3–5).

(a) Nearshore rockfish consists entirely of the minor nearshore rockfish species listed in Table 2, which includes California scorpionfish.

(i) Shallow nearshore rockfish consists of black-and-yellow rockfish, China rockfish, gopher rockfish, grass rockfish, and kelp rockfish.

(ii) Deeper nearshore rockfish consists of black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, olive rockfish, quillback rockfish, and treefish.

(iii) California scorpionfish.

(b) Shelf rockfish consists of canary rockfish, shortbelly rockfish, widow rockfish, yelloweye rockfish, yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 2.

(c) Slope rockfish consists of POP, splitnose rockfish, darkblotched rockfish, and the other minor slope rockfish species listed in Table 2.

(19) *Flatfish complex.* Flatfish managed under the FMP include: Arrowtooth flounder, butter sole, curlfin sole, Dover sole, English sole, flathead sole, Pacific sanddab, petrale sole, rex sole, rock sole, sand sole, and starry flounder. Where Tables 3, 4, and/or 5 of Sections IV.B. and IV.C. refer to landings limits for ''all other flatfish,'' those limits apply to all flatfish cumulatively taken from the group of flatfish species listed in this section except for those flatfish species listed with species-specific limits.

(20) *Application of requirements.* Paragraphs IV.B. and IV.C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in Section V. The provisions in paragraphs IV.B. and IV.C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.D. pertains to the recreational fishery.

TABLE 2.—MINOR ROCKFISH SPECIES (EXCLUDES THORNYHEADS)

North of 40°10′ N. lat.	South of 40°10′ N. lat.
NEARSHORE	
black, Sebastes melanops	black, Sebastes melanops
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas
blue, S. mystinus	blue, S. mystinus
brown, S. auriculatus	brown, S. auriculatus
calico, S. dalli	calico, S. dalli
China, S. nebulosus	California scorpionfish, Scorpaena guttata
copper, S. caurinus	China, Sebastes nebulosus
gopher, S. carnatus	copper, S. caurinus
grass, S. rastrelliger	gopher, S. carnatus
kelp, S. atrovirens	grass, S. rastrelliger
olive, S. serranoides	kelp, S. atrovirens
quillback, S. maliger	olive, S. serranoides
treefish, S. serriceps	quillback, S. maliger
	treefish, S. serriceps
SHELF	
bronzespotted, S. gilli	bronzespotted, S. gilli
bocaccio, S. paucispinis	chameleon, S. phillipsi
chameleon, S. phillipsi	dwarf-red, S. rufianus
chilipepper, S. goodei	flag, S. rubrivinctus
cowcod, S. levis	freckled, S. lentiginosus
dwarf-red, S. rufianus	greenblotched, S. rosenblatti
flag, S. rubrivinctus	greenspotted, S. chlorostictus
freckled, S. lentiginosus	greenstriped, S. elongatus
greenblotched, S. rosenblatti	halfbanded, S. semicinctus
greenspotted, S. chlorostictus	honeycomb, S. umbrosus
greenstriped, S. elongatus	Mexican, S. macdonaldi
halfbanded, S. semicinctus	pink, S. eos
honeycomb, S. umbrosus	pinkrose, S. simulator
Mexican, S. macdonaldi	pygmy, S. wilsoni
pink, S. eos	redstriped, S. proriger
pinkrose, S. simulator	rosethorn, S. helvomaculatus
pygmy, S. wilsoni	rosy, S. rosaceus
redstriped, S. proriger	silvergrey, S. brevispinus
rosethorn, S. helvomaculatus	speckled, S. ovalis
rosy, S. rosaceus	squarespot, S. hopkinsi
silvergrey, S. brevispinus	starry, S. constellatus
speckled, S. ovalis	stripetail, S. saxicola
squarespot, S. hopkinsi	swordspine, S. ensifer
starry, S. constellatus	tiger, S. nigorcinctus
stripetail, S. saxicola	vermilion, S. miniatus
swordspine, S. ensifer	yelloweye, S. ruberrimus
tiger, S. nigorcinctus	yellowtail, S. flavidus
vermilion, S. miniatus	
yelloweye, S. ruberrimus	
SLOPE	
aurora, S. aurora	aurora, S. aurora
bank, S. rufus	bank, S. rufus
blackgill, S. melanostomus	blackgill, S. melanostomus
darkblotched, S. crameri	darkblotched, S. crameri
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus
rougheye, S. aleutianus	redbanded, S. babcocki
sharpchin, S. zacentrus	rougheye, S. aleutianus
shortraker, S. borealis	sharpchin, S. zacentrus
splitnose, S. diploproa	shortraker, S. borealis
yellowmouth, S. reedi	yellowmouth, S. reedi

B. Limited Entry Fishery

(1) *General*. Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d)), size limits (see paragraph IV.A.(6)), seasons (see paragraph IV.A.(7)), and areas that are closed to specific gear types. The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph IV.A.(14)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception, CA must adhere to CCA restrictions (see paragraph IV.A.(17)(b)). Yelloweye rockfish and canary rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in the following tables: Table 3 (North), Table 3 (South), Table 4 (North), and Table 4 (South).

A header in Table 3 (North), Table 3 (South), Table 4 (North) and Table 4 (South) generally describes the Rockfish Conservation Area (RCA) (*i.e.,* closed area) for vessels participating in the limited entry fishery. The RCA boundaries are defined by latitude and longitude coordinates (see paragraph IV.A.(17)), except that under state law fishing is prohibited by limited entry fixed gear vessels from the shoreline to a 10-fm (18-m) depth contour around the Farallon Islands. For a definition of the Farallon Islands, see paragraph IV.A.(17)(f).

Management measures may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Table 3 (North), Table 3 (South), Table 4 (North), and Table 4 (South).

Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

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Table 3 (North). 2004 Trip Limits and Gear Requirements[1/] for Limited Entry Trawl Gear North of 40°10' N. Latitude[2/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[10/] (RCA): North of 40°10' N. lat.	75 fm - modified 200 fm [11/]	60 fm - 200 fm		75 fm - 150 fm	75 fm - 200 fm	75 fm - modified 200 fm [11/]
	Small footrope or midwater trawl gear is required shoreward of the RCA; all trawl gear (large footrope, midwater trawl, and small footrope gear) is permitted seaward of the RCA.						
	A vessel may have more than one type of limited entry bottom trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear. A vessel may not have limited entry bottom trawl gear on board if that vessel also has trawl gear on board that is permitted for use within a RCA, including limited entry midwater trawl gear, regardless of whether the vessel is intending to fish within a RCA on that fishing trip. **See IV.A.(14)(iv) for details.**						
1	**Minor slope rockfish[3/]**	4,000 lb/ 2 months					
2	**Pacific ocean perch**	3,000 lb/ 2 months					
3	**DTS complex**	Providing only large footrope or midwater trawl gear is used to land any groundfish species during the entire limit period, then large footrope trawl trip limits apply. If small footrope gear[7/] is used at any time in any area (North or South, shoreward or seaward of RCA) during the entire limit period, then small footrope trawl limits apply.					
4	Sablefish						
5	large footrope or midwater trawl gear	9,300 lb/ 2 months		8,700 lb/ 2 months			6,200 lb/ 2 months
6	small footrope gear[7/]	2,000 lb/ 2 months		5,000 lb/ 2 months			2,000 lb/ 2 months
7	Longspine thornyhead						
8	large footrope or midwater trawl gear	15,000 lb/ 2 months		10,000 lb/ 2 months			
9	small footrope gear[7/]	1,000 lb/ 2 months					
10	Shortspine thornyhead						
11	large footrope or midwater trawl gear	3,150 lb/ 2 months		2,100 lb/ 2 months			
12	small footrope gear[7/]	1,000 lb/ 2 months					
13	Dover sole						
14	large footrope or midwater trawl gear	67,500 lb/ 2 months		21,000 lb/ 2 months (providing large footrope, small footrope, and/or midwater trawl gear is used)			45,000 lb/ 2 months
15	small footrope gear[7/]	10,000 lb/ 2 months					10,000 lb/ 2 months
16	**Flatfish**	Providing only large footrope or midwater trawl gear is used to land any groundfish species during the entire limit period, then large footrope trawl trip limits apply. If small footrope gear[7/] is used at any time in any area (North or South, shoreward or seaward of RCA) during the entire limit period, then small footrope trawl limits apply.					
17	All other flatfish, Petrale sole, & Rex sole						
18	large footrope or midwater trawl gear for All other flatfish[4/] & Rex sole	100,000 lb/ 2 months					
19	large footrope or midwater trawl gear for Petrale sole	Not limited	100,000 lb/ 2 months				Not limited
20	small footrope gear[7/]	30,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.		60,000 lb/ 2 months, no more than 25,000 lb/ 2 months of which may be petrale sole.			30,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
21	Arrowtooth flounder						
22	large footrope or midwater trawl gear	Not limited	150,000 lb/ 2 months				Not limited
23	small footrope gear[7/]	4,000 lb/ 2 months	6,000 lb/ 2 months				4,000 lb/ 2 months

Table 3 (North). Continued

24	**Whiting**[5/]	Before the primary whiting season: 20,000 lb/trip -- During the primary season: mid-water trawl permitted in the RCA. See IV.B.(3)(b) for season and trip limit details. -- After the primary whiting season: 10,000 lb/trip		
25	**Minor shelf rockfish**[3/] **& Widow rockfish**			
26	large footrope trawl	CLOSED[6/]		
27	midwater trawl for Widow rockfish	Before the primary whiting season: CLOSED[6/] -- During primary whiting season: In trips of at least 10,000 lb of whiting, combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month. Mid-water trawl permitted in the RCA. See IV.B.(3)(b) for primary whiting season and trip limit details. -- After the primary whiting season: CLOSED[6/]		12,000 lb/ 2 months
28	midwater for Minor shelf rockfish or small footrope trawl[7/]	300 lb/ month	1,000 lb/ month, no more than 200 lb/ month of which may be yelloweye rockfish	300 lb/ month
29	**Canary rockfish**			
30	large footrope trawl	CLOSED[6/]		
31	midwater or small footrope trawl[7/]	100 lb/ month	300 lb/ month	100 lb/ month
32	**Yellowtail**			
33	large footrope trawl	CLOSED[6/]		
34	midwater trawl	Before the primary whiting season: CLOSED[6/] -- During primary whiting season: In trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month. Mid-water trawl permitted in the RCA. See IV.B.(3)(b) for primary whiting season and trip limit details. -- After the primary whiting season: CLOSED[6/]		18,000 lb/ 2 months
35	small footrope trawl[7/]	In landings without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder. Total yellowtail landings not to exceed 10,000 lb/ 2 months, no more than 1,000 lb of which may be landed without flatfish.		
36	**Minor nearshore rockfish**			
37	large footrope trawl	CLOSED[6/]		
38	midwater or small footrope trawl[7/]	300 lb/ month		
39	**Lingcod**[8/]			
40	large footrope trawl	CLOSED[6/]		
41	midwater or small footrope trawl[7/]	800 lb/ 2 months	1,000 lb/ 2 months	800 lb/ 2 months
42	**Other Fish**[9/]	Not limited		

1/ Gear requirements and prohibitions are explained above. See IV. A.(14).
2/ "North" means 40°10' N. lat. to the U.S.-Canada border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
3/ Bocaccio and chilipepper are included in the trip limits for minor shelf rockfish and splitnose rockfish is included in the trip limits for minor slope rockfish.
4/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.
5/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
6/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
7/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
9/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
10/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at IV. A.(17)(f), that may vary seasonally.
11/ The "modified 200 fm" line is modified to incorporate petrale sole fishing grounds.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3 (South). 2004 Trip Limits and Gear Requirements[1/] for Limited Entry Trawl Gear South of 40°10' N. Latitude[2/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[10/] (RCA):						
	40°10' - 38° N. lat.	75 fm - 150 fm		100 fm - 150 fm		75 fm - 150 fm	
	South of 38° N. lat.	75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands		100 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands		75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands	
	Small footrope or midwater trawl gear is required shoreward of the RCA; all trawl gear (large footrope, midwater trawl, and small footrope gear) is permitted seaward of the RCA.						
	A vessel may have more than one type of limited entry bottom trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear. A vessel may not have limited entry bottom trawl gear on board if that vessel also has trawl gear on board that is permitted for use within a RCA, including limited entry midwater trawl gear, regardless of whether the vessel is intending to fish within a RCA on that fishing trip. **See IV.A.(14)(iv) for details.**						
1	**Minor slope rockfish[3/]**						
2	40°10' - 38° N. lat.	7,000 lb/ 2 months					
3	South of 38° N. lat.	40,000 lb/ 2 months					
4	**Splitnose**						
5	40°10' - 38° N. lat.	7,000 lb/ 2 months					
6	South of 38° N. lat.	40,000 lb/ 2 months					
7	**DTS complex**						
8	Sablefish	11,250 lb/ 2 months		7,500 lb/ 2 months			
9	Longspine thornyhead	15,000 lb / 2 months		10,000 lb / 2 months			
10	Shortspine thornyhead	3,000 lb/ 2 months		2,000 lb/ 2 months			
11	Dover sole	39,000 lb/ 2 months		26,000 lb/ 2 months			
12	**Flatfish**						
13	All other flatfish[4/] & Rex sole	100,000 lb/ 2 months	All other flatfish plus petrale & rex sole: 100,000 lb/ 2 months, no more than 20,000 lb/ 2 months of which may be petrale sole				100,000 lb/ 2 months
14	Petrale sole	No limit					No limit
15	Arrowtooth flounder	No limit	10,000 lb/ 2 months				No limit
16	**Whiting[5/]**	Before the primary whiting season: 20,000 lb/trip -- During the primary whiting season: mid-water trawl permitted in the RCA. See IV.B.(3)(b) for season and trip limit details. -- After the primary whiting season: 10,000 lb/trip					
17	**Minor shelf rockfish, Widow, and Chilipepper rockfish[3/]**	Providing only large footrope trawl gear is used to land any groundfish species during the entire limit period, then large footrope limit applies.					
18	large footrope trawl for Minor shelf rockfish	300 lb/ month					
19	large footrope trawl for Chilipepper rockfish	2,000 lb/ 2 months					
20	large footrope or midwater trawl for Widow rockfish	CLOSED[6/]					
21	midwater for Minor shelf or Chilipepper rockfish or small footrope trawl[7/]	300 lb/ month					
22	**Bocaccio**	Providing only large footrope trawl gear is used to land any groundfish species during the entire limit period, then large footrope limit applies.					
23	large footrope trawl	100 lb/month					
24	midwater or small footrope trawl[7/]	CLOSED[6/]					
25	**Canary rockfish**						
26	large footrope trawl	CLOSED[6/]					
27	midwater or small footrope trawl[7/]	100 lb/ month		300 lb/ month		100 lb/ month	

Table 3 (South). Continued

28	**Cowcod**	CLOSED[6/]		
29	**Minor nearshore rockfish**			
30	large footrope trawl	CLOSED[6/]		
31	midwater or small footrope trawl[7/]	300 lb/ month		
32	**Lingcod**[8/]			
33	large footrope trawl	CLOSED[6/]		
34	midwater or small footrope trawl[7/]	800 lb/ 2 months	1,000 lb/ 2 months	800 lb/ 2 months
35	**Other Fish**[9/]	Not limited		

1/ Gear requirements and prohibitions are explained above. See IV. A.(14).
2/ "South" means 40o10' N. lat. to the U.S.-Mexico border. 40o10' N. lat. is about 20 nm south of Cape Mendocino, CA.
3/ Yellowtail is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
4/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.
5/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
6/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
7/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
9/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
10/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4 (North). 2004 Trip Limits for Limited Entry Fixed Gear North of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area[8/] (RCA):						
North of 46°16' N. lat.	shoreline - 100 fm					
46°16' N. lat. - 40°10' N. lat.	30 fm - 100 fm					
1 **Minor slope rockfish[4/]**	4,000 lb/ 2 months					
2 **Pacific ocean perch**	1,800 lb/ 2 months					
3 **Sablefish**	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
4 **Longspine thornyhead**	10,000 lb/ 2 months					
5 **Shortspine thornyhead**	2,100 lb/ 2 months					
6 **Dover sole**	5,000 lb/ month					
7 **Arrowtooth flounder**						
8 **Petrale sole**						
9 **Rex sole**						
10 **All other flatfish[2/]**						
11 **Whiting[3/]**	10,000 lb/ trip					
12 **Minor shelf rockfish, widow, and yellowtail rockfish[4/]**	200 lb/ month					
13 **Canary rockfish**	CLOSED[5/]					
14 **Yelloweye rockfish**	CLOSED[5/]					
15 **Minor nearshore rockfish**	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish[6/]					
16 **Lingcod[7/]**	CLOSED[5/]		400 lb/ month			CLOSED[5/]
17 **Other fish[9/]**	Not limited					

1/ "North" means 40°10' N. lat. to the U.S.-Canada border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with species specific management measures, including trip limits.
3/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
4/ Bocaccio and chilipepper are included in the trip limits for minor shelf rockfish and splitnose rockfish is included in the trip limits for minor slope rockfish.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ For black rockfish north of Cape Alava (48°09'30" N. lat.), and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
8/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.
9/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4 (South). 2004 Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[7/] (RCA):						
	40°10' - 34°27' N. lat.	30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		20 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)	
	South of 34°27' N. lat.	60 fm - 150 fm (also applies around islands)					
1	**Minor slope rockfish[4/]**						
2	40°10' - 38° N. lat.	7,000 lb/ 2 months					
3	South of 38° N. lat.	40,000 lb/ 2 months					
4	**Splitnose**						
5	40°10' - 38° N. lat.	7,000 lb/ 2 months					
6	South of 38° N. lat.	40,000 lb/ 2 months					
7	**Sablefish**						
8	40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
9	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
10	**Longspine thornyhead**	10,000 lb/ 2 months					
11	**Shortspine thornyhead**	2,000 lb/ 2 months					
12	**Dover sole**	5,000 lb/ month When fishing for Pacific sanddabs, vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to 1 lb (0.45 kg) of weight per line are not subject to the RCAs.					
13	**Arrowtooth flounder**						
14	**Petrale sole**						
15	**Rex sole**						
16	**All other flatfish[2/]**						
17	**Whiting[3/]**	10,000 lb/ trip					
18	**Minor shelf rockfish, widow, and yellowtail rockfish[4/]**						
19	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	200 lb/ 2 months		300 lb/ 2 months	
20	South of 34°27' N. lat.	CLOSED[5/]	2,000 lb/ 2 months				
21	**Chilipepper rockfish**	2,000 lb/ 2 months, this opportunity only available seaward of the nontrawl RCA					
22	**Canary rockfish**	CLOSED[5/]					
23	**Yelloweye rockfish**	CLOSED[5/]					
24	**Cowcod**	CLOSED[5/]					
25	**Bocaccio**						
26	40°10' - 34°27' N. lat.	200 lb/ 2 months	CLOSED[5/]	100 lb/ 2 months		200 lb/ 2 months	
27	South of 34°27' N. lat.	CLOSED[5/]	300 lb/ 2 months				
28	**Minor nearshore rockfish**						
29	Shallow nearshore						
30	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months	500 lb/ 2 months	300 lb/ 2 months
31	South of 34°27' N. lat.	CLOSED[5/]	300 lb/ 2 months				
32	Deeper nearshore						
33	40°10' - 34°27' N. lat.	500 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months		400 lb/month	500 lb/ 2 months
34	South of 34°27' N. lat.	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months			400 lb/ 2 months
35	California scorpionfish	CLOSED[5/]	300 lb/ 2 months		400 lb/ 2 months		300 lb/ 2 months

Table 4 (South). Continued

36	**Lingcod**[6/]	CLOSED[5/]	400 lb/ month, when nearshore open	CLOSED[5/]
37	**Other fish**[8/]	Not limited		

1/ "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with species specific management measures, including trip limits.
3/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
4/ Chilipepper rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
7/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at IV. A.(17)(f) that may vary seasonally.
8/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish*. The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear. See footnote e/ of Table 1a.

(a) *Trawl trip limits*. Management measures for the limited entry trawl fishery for sablefish are listed in Table 3 (North) and Table 3 (South).

(b) *Nontrawl (fixed gear) trip limits*. To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement (see 50 CFR 660.323(a)(2)(i)). A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season*. The primary season begins at 12 noon l.t. on April 1, 2004, and ends at 12 noon l.t. on October 31, 2004. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2004, the following limits are in effect: Tier 1, 62,000 lb (28,123 kg); Tier 2, 28,000 lb (12,701 kg); Tier 3, 16,000 lb (7,257 kg). [**Note:** These tier limits are likely to change as new observer data are released in the spring of 2004. Limits will be finalized before the start of the primary season.] All limits are in round weight. If a vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2004, count against the cumulative limits associated with the permit(s) registered for use with that vessel.

(ii) *Daily trip limit*. Daily and/or weekly sablefish trip limits listed in Table 4 (North) and Table 4 (South) apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 4 (South) apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(iii) *Participating in both the primary and daily trip limit fisheries*. A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2004, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t. If a vessel has taken all of its tier limit except for an amount that is smaller than the daily trip limit amount, that vessel's subsequent sablefish landings are automatically subject to daily and/or weekly trip limits.

(3) *Whiting*. Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4).

(a) *Allocations*. The non-tribal allocations, based on percentages that are applied to the commercial OY of [[commercial OY to be announced before the start of the primary season]] in 2004 (see 50 CFR 660.323(a)(4)), are as follows:

(i) *Catcher/processor sector*—TBA (24 percent);

(ii) *Mothership sector*—TBA (34 percent);

(iii) *Shore-based sector*—TBA (42 percent). No more than 5 percent (TBA) of the shore-based whiting allocation may be taken before the shore-based fishery begins north of 42° N. lat. on June 15, 2003.

(iv) *Tribal allocation*—See paragraph V.

(b) *Seasons*. After the start of a primary season for a sector of the whiting fishery, the season remains open for that sector until the quota is taken and the fishery season for that sector is closed by NMFS. The 2004 primary seasons for the whiting fishery start on the same dates as in 2003, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°-40°30′ N. lat.; April 15 south of 40°30' N. lat.

(c) *Trip limits*.

(i) *Before and after the regular (primary) season*. The ''per trip'' limit for whiting before and after the regular (primary) season for the shore-based sector is announced in Table 3 (North) and Table 3 (South), as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka, CA area. The ''per trip'' limit for other groundfish species before, during and after the regular (primary) season are announced in Table 3 (North) and Table 3 (South) and apply as follows:

(A) Before the primary whiting season, vessels may use either small and/or large footrope gear during a cumulative limit period, but are subject to the more restrictive trip limits for the entire cumulative period.

(B) Once the primary whiting season begins for a sector of the fishery, then

the midwater trip limits apply and are additive to the trip limits for other groundfish species for that fishing period (i.e., vessels are not constrained by the lower midwater limits and can harvest up to the footrope-specific trawl limits plus the midwater trawl limits for that cumulative limit period).

(C) Following the primary whiting season, vessels can access either the small and/or large footrope limits, but any landings of other groundfish species made during the primary whiting season count against the cumulative limits for that period.

(ii) *Inside the Eureka, CA 100-fm (183-m) contour*. No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka, CA area.

(4) *Black rockfish*. The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava, WA (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point, WA (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 4 (North) and Table 5 (North) of section IV. The crossover provisions at paragraphs IV.A.(12) do not apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General*. Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), setnet and trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: Pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), CA halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d)), size limits (see paragraph IV.A.(6)), seasons (see paragraph IV.A.(7)), and closed areas. Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception, CA must adhere to CCA restrictions (see paragraph IV.A.(17)(b)). Retention of yelloweye rockfish and canary rockfish is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, including exempted trawl gear, are listed in Table 5 (North) and Table 5 (South).

A header in Table 5 (North) and Table 5 (South) approximates the RCA (i.e., closed area) for vessels participating in the open access fishery. The RCA boundaries are defined by latitude and longitude coordinates (see paragraph IV.A.(17)), except that under state law fishing is prohibited by open access fixed gear vessels from the shoreline to a 10-fm (18-m) depth contour around the Farallon Islands. For a definition of the Farallon Islands, see paragraph IV.A.(17)(f). For the exempted trawl gear fisheries, exempted trawl gear RCAs, if applicable, are detailed in the exempted trawl gear sections at the bottom of Table 5 (North) and Table 5 (South). Retention of groundfish caught by exempted trawl gear is prohibited in the designated RCAs, except that pink shrimp trawl may retain groundfish caught both inside and outside the exempted trawl RCA subject to the limits in Table 5 (North) and Table 5 (South). Retention of groundfish caught by salmon troll gear is prohibited in the designated RCAs, except that salmon trollers may retain yellowtail rockfish caught both inside and outside the non-trawl RCA subject to the limits in Table 5 (North). The trip limit at 50 CFR 660.323(a)(1) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.(4).)

Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

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Table 5 (North). 2004 Trip Limits for Open Access Gears North of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[8/] (RCA):						
	North of 46°16' N. lat.	shoreline - 100 fm					
	46°16' N. lat. - 40°10' N. lat.	30 fm - 100 fm					
1	**Minor slope rockfish[2/]**	Per trip, no more than 25% of weight of the sablefish landed					
2	**Pacific ocean perch**	100 lb/ month					
3	**Sablefish**	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
4	**Thornyheads**	CLOSED[5/]					
5	**Dover sole**	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs.					
6	**Arrowtooth flounder**						
7	**Petrale sole**						
8	**Rex sole**						
9	**All other flatfish[3/]**						
10	**Whiting**	300 lb/ month					
11	**Minor shelf rockfish, widow and yellowtail rockfish[2/]**	200 lb/ month					
12	**Canary rockfish**	CLOSED[5/]					
13	**Yelloweye rockfish**	CLOSED[5/]					
14	**Minor nearshore rockfish**	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish[6/]					
15	**Lingcod[6/]**	CLOSED[5/]		300 lb/ month			CLOSED[5/]
16	**Other Fish[7/]**	Not limited					
17	**PINK SHRIMP EXEMPTED TRAWL** *(not subject to RCAs)*						
18	North	**Effective April 1 - October 31, 2004:** groundfish 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					
19	**SALMON TROLL**						
20	North	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons and RCA restrictions listed in the table above.					

1/ "North" means 40°10' N. lat. to the U.S.-Canada border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Bocaccio and chilipepper rockfishes are included in the trip limits for minor shelf rockfish and splitnose rockfish is included in the trip limits for minor slope rockfish.
3/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.
4/ For black rockfish north of Cape Alava (48°09'30" N. lat.), and between Destruction Island (47°40' N. lat.) and Leadbetter Point (46°38'10" N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ The size limit for lingcod is 24 inches (61 cm) total length.
7/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
8/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours, but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 5 (South). 2004 Trip Limits for Open Access Gears South of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[7/] (RCA):						
	40°10' - 34°27' N. lat.	30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		20 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)	
	South of 34°27' N. lat.	60 fm - 150 fm (also applies around islands)					
1	**Minor slope rockfish[2/]**						
2	40°10' - 38° N. lat.	Per trip, no more than 25% of weight of the sablefish landed					
3	South of 38° N. lat.	10,000 lb/ 2 months					
4	**Splitnose**	200 lb/ month					
5	**Sablefish**						
6	40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
7	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
8	**Thornyheads**						
9	40°10' - 34°27' N. lat.	CLOSED[5/]					
10	South of 34°27' N. lat.	50 lb/ day, no more than 1,000 lb/ 2 months					
11	**Dover sole**	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs. When fishing for Pacific sanddabs, vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to 1 lb of weight per line are not subject to the RCAs.					
12	**Arrowtooth flounder**						
13	**Petrale sole**						
14	**Rex sole**						
15	**All other flatfish[3/]**						
16	**Whiting**	300 lb/ month					
17	**Minor shelf rockfish, widow and chilipepper rockfish[2/]**						
18	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	200 lb/ 2 months		300 lb/ 2 months	
19	South of 34°27' N. lat.	CLOSED[5/]	500 lb/ 2 months				
20	**Canary rockfish**	CLOSED[5/]					
21	**Yelloweye rockfish**	CLOSED[5/]					
22	**Cowcod**	CLOSED[5/]					
23	**Bocaccio**						
24	40°10' - 34°27' N. lat.	200 lb/ 2 months	CLOSED[5/]	100 lb/ 2 months		200 lb/ 2 months	
25	South of 34°27' N. lat.	CLOSED[5/]	100 lb/ 2 months				
26	**Minor nearshore rockfish**						
27	Shallow nearshore						
28	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months	500 lb/ 2 months	300 lb/ 2 months
29	South of 34°27' N. lat.	CLOSED[5/]	300 lb/ 2 months				
30	Deeper nearshore						
31	40°10' - 34°27' N. lat.	500 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months		400 lb/month	500 lb/ 2 months
32	South of 34°27' N. lat.	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months			400 lb/ 2 months
33	California scorpionfish	CLOSED[5/]	300 lb/ 2 months		400 lb/ 2 months		300 lb/ 2 months

Table 5 (South). Continued

34	**Lingcod**[4/]	CLOSED[5/]	300 lb/ month, when nearshore open	CLOSED[5/]
35	**Other Fish**[6/]	Not limited		
36	**PINK SHRIMP EXEMPTED TRAWL GEAR** *(not subject to RCAs)*			
37	South	**Effective April 1 - October 31, 2004:** Groundfish 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.		
38	**PRAWN AND, SOUTH OF 38°57'30" N. LAT., CALIFORNIA HALIBUT AND SEA CUCUMBER EXEMPTED TRAWL**			
39	**EXEMPTED TRAWL Rockfish Conservation Area**[7/] **(RCA):**			
40	40°10' - 38° N. lat.	75 fm - 150 fm	100 fm - 150 fm	75 fm - 150 fm
41	South of 38° N. lat.	75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands	100 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands	75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands
42		Groundfish 300 lb/trip. Trip limits in this table also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57'30" N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 33).		

1/ "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Yellowtail rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
3/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.
4/ The size limit for lingcod is 24 inches (61 cm) total length.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
7/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours, but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for ridgeback prawns, California halibut, or sea cucumbers.* Trip limits for groundfish retained in the ridgeback prawn, California halibut, or sea cucumber fisheries are in Table 5 (South). The table also generally describes the RCAs for vessels participating in these fisheries.

(a) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena, CA (38°57′30″ N. lat.); and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 in (56 cm) in total length, unless it weighs 4 lb (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(b) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena, CA (38°57′30″ N. lat.); and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8405, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.* Trip limits for groundfish retained in the pink shrimp fishery are in Table 5 (North) and Table 5 (South). Notwithstanding section IV.A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the

vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

Federal recreational groundfish regulations are not intended to supersede any more restrictive state recreational groundfish regulations relating to federally-managed groundfish.

(1) *Washington.* For each person engaged in recreational fishing in the EEZ seaward of Washington, the groundfish bag limit is 15 groundfish, including rockfish and lingcod, and is open year-round (except for lingcod). The following sublimits and closed areas apply:

(a) *Closed Areas.*

(i) *Yelloweye Rockfish Conservation Area.* The Yelloweye Rockfish Conservation Area, or YRCA, is a ''C-shaped'' area which is closed to recreational groundfish and halibut fishing. The YRCA is defined by latitude and longitude coordinates specified at 50 CFR 660.304(d).

(ii) *Recreational Rockfish Conservation Area.* The recreational Rockfish Conservation Area, or recreational RCA, is an area which may be closed to recreational groundfish fishing inseason. If recreational fishing for all groundfish is prohibited seaward of a boundary line approximating the 30-fm (55-m) depth contour, a notice will be published in the **Federal Register** inseason. Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in section IV.A.(17)(f).

(b) *Rockfish.* In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing, there is a 10 rockfish per day bag limit. Taking and retaining canary rockfish and yelloweye rockfish is prohibited.

(c) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and March 12, and between October 17 and December 31. In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing and when the recreational season for lingcod is open (*i.e.*, between March 13–October 16), there is a bag limit of 2 lingcod per day, which may be no smaller than 24 in (61 cm) total length.

(2) *Oregon.*

(a) *Seasons, closed areas.* Recreational fishing for groundfish is open from January 1 through December 31 in all areas, except that from June 1 through September 30, recreational fishing for groundfish is prohibited seaward of a recreational RCA boundary line approximating the 40-fm (73-m) depth contour, subject to the provisions in paragraph IV.D.(2)(b). Coordinates for the boundary line approximating the 40-fm (73-m) depth contour are listed in section IV.A.(17)(f). Recreational fishing for all groundfish may be prohibited inseason seaward of a boundary line approximating the 30-fm (55-m) depth contour. If a boundary line approximating the 30-fm (55-m) depth contour is implemented inseason, a document will be published in the **Federal Register**. Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in section IV.A.(17)(f).

(b) *Bag limits, size limits.* The bag limits for each person engaged in recreational fishing in the EEZ seaward of Oregon are 2 lingcod per day, which may be no smaller than 24 in (61 cm) total length; and 10 marine fish per day, which excludes salmon, tuna, perch species, sturgeon, sanddabs, lingcod, striped bass and baitfish (herring, smelt, anchovies and sardines), but which includes rockfish, greenling, cabezon and other groundfish species. The minimum size limit for cabezon retained in the recreational fishery is 16 in (41 cm) and for greenling is 10 in (26 cm). Taking and retaining canary rockfish and yelloweye rockfish is prohibited. During the all-depth recreational fisheries for Pacific halibut, vessels with halibut on board may not take and retain, possess or land yelloweye rockfish or canary rockfish.

(3) *California.* Seaward of California (north and south of 40°10′ N. lat.), California law provides that, in times and areas when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person. Retention of cowcod, yelloweye rockfish and canary rockfish is prohibited in the recreational fishery seaward of California all year in all areas.

(a) *North of 40°10′ N. lat.* For each person engaged in recreational fishing in the EEZ seaward of California north of 40°10′ N. lat. to the California/Oregon border, the following seasons, bag limits, and size limits apply:

(i) *RCG Complex.* The California rockfish, cabezon, greenling complex (RCG Complex), as defined in state regulations (Section 1.91, Title 14, California Code of Regulations), includes all rockfish, kelp greenling, rock greenling, and cabezon. This category does not include California scorpionfish, also known as ''sculpin.''

(A) *Seasons.* North of 40°10′ N. lat., recreational fishing for the RCG Complex is open from January 1 through December 31.

(B) *Bag limits, boat limits, hook limits.* North of 40°10′ N. lat., in times and areas when the recreational season for the RCG Complex is open, there is a limit of 2-hooks and one line when fishing for rockfish, and the bag limit is 10 rockfish per day, of which no more than 2 may be bocaccio. The following daily bag limits also apply: No more than 10 cabezon per day and no more than 10 kelp greenling and 10 rock greenling per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* The following size limits apply: Bocaccio may be no smaller than 10 in (25 cm) total length; cabezon may be no smaller than 15 in (38 cm) total length; and kelp and rock greenling may be no smaller than 12 in (30 cm) total length.

(D) *Dressing/Filleting.* Cabezon, kelp greenling, and rock greenling taken in the recreational fishery may not be filleted at sea. Rockfish skin may not be removed when filleting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: Bocaccio filets may be no smaller than 5 in (12.8 cm) and brown-skinned rockfish fillets may be no smaller than 6.5 in (16.6 cm). ''Brown-skinned'' rockfish include the following species: Brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(ii) *Lingcod.*

(A) *Seasons.* North of 40°10′ N. lat., recreational fishing for lingcod is open from January 1 through December 31.

(B) *Bag limits, boat limits, hook limits.* North of 40°10′ N. lat., in times and areas when the recreational season for lingcod is open, there is a limit of 2-hooks and one line when fishing for lingcod, and the bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* Lingcod may be no smaller than 24 in (61 cm) total length.

(D) *Dressing/Filleting.* Lingcod filets may be no smaller than 16 in. (41 cm) in length.

(b) *South of 40°10′ N. lat.* For each person engaged in recreational fishing seaward of California south of 40°10′ N. lat., the following seasons, bag limits, size limits and closed areas apply:

(i) *Closed Areas.*

(A) *Cowcod Conservation Areas.* Coordinates defining the boundaries of the CCAs are described in Federal regulations at 50 CFR 660.304(c). Recreational fishing for all groundfish is

prohibited within the CCAs, except that fishing for sanddabs is permitted subject to the provisions in paragraph IV.D.(3)((b)(v) and that fishing for species managed under this section (not including cowcod, canary, and yelloweye rockfish) are permitted in waters shoreward of the 20-fm (37-m) depth contour within the CCAs from March 1 through December 31, subject to the bag limits in this section.

(B) *Recreational Rockfish Conservation Areas.* The recreational RCAs, are areas that are closed to recreational fishing for groundfish.

(1) *Between 40°10′ N. lat. and 34°27′ N. lat.*, recreational fishing for all groundfish, except sanddabs, is prohibited seaward of a boundary line approximating the 30-fm (55-m) depth contour along the mainland coast and along islands and offshore seamounts during January 1 through February 29 and September 30 through December 31; is prohibited seaward of the 20-fm (37-m) depth contour during May 1 through August 31; and is closed entirely during March 1 through April 30 (*i.e.*, prohibited seaward of the shoreline). Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in section IV.A.(17)(f). Under state law, recreational fishing for all groundfish, including sanddabs, is prohibited between the shoreline and the 10-fm (18-m) depth contour around the Farallon Islands. For a definition of the Farallon Islands, see paragraph IV.A.(17)(f).

(2) *South of 34°27′ N. lat.*, recreational fishing for all groundfish, except sanddabs, is prohibited seaward of a boundary line approximating the 60-fm (110-m) depth contour along the mainland coast and along islands and offshore seamounts during March 1 through December 31 and is closed entirely during January 1 through February 29 (*i.e.*, prohibited seaward of the shoreline), except in the CCA where fishing is prohibited seaward of the 20-fm (37-m) depth contour in paragraph (A) of this section. Coordinates for the boundary line approximating the 60-fm (110-m) depth contour are listed in section IV.A.(17)(f).

(ii) *RCG Complex.* The California rockfish, cabezon, greenling complex (RCG Complex), as defined in state regulations (Section 1.91, Title 14, California Code of Regulations), includes all rockfish, kelp greenling, rock greenling, and cabezon. This category does not include California scorpionfish, also known as ''sculpin.''

(A) *Seasons.* Between 40°10′ N. lat. and 34°27′ N. lat., recreational fishing for the RCG Complex is open from January 1 through February 29 and from May 1 through December 31 (*i.e.*, it's closed from March 1 through April 30). South of 34°27′ N. lat., recreational fishing for the RCG Complex is open from March 1 through December 31 (*i.e.*, it's closed from January 1 through February 29). When recreational fishing for the RCG Complex is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10′ N. lat., in times and areas when the recreational season for the RCG Complex is open, there is a limit of 2-hooks and one line when fishing for rockfish, and the bag limit is 10 RCG Complex fish per day (not including canary rockfish, yelloweye rockfish and cowcod, which are prohibited), of which up to 10 may be rockfish, no more than 1 of which may be bocaccio and no more than 2 of which may be shallow nearshore rockfish. [**Note:** The shallow nearshore rockfish group off California are composed of kelp, grass, black-and-yellow, China, and gopher rockfishes.] Also within the 10 RCG Complex fish per day limit, no more than 2 fish per day may be greenling (kelp and/or other greenlings) and no more than 3 fish per day may be cabezon. Lingcod, California scorpionfish and sanddabs taken in recreational fisheries off California do not count toward the 10 RCG Complex fish per day bag limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* The following size limits apply: Bocaccio may be no smaller than 10 in (25 cm) total length, cabezon may be no smaller than 15 in (38 cm), and kelp and other greenlings may be no smaller than 12 in (30 cm).

(D) *Dressing/Filleting.* Cabezon, kelp greenling, and rock greenling taken in the recreational fishery may not be filleted at sea. Rockfish skin may not be removed when filleting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: Bocaccio filets may be no smaller than 5 in (12.8 cm) and brown-skinned rockfish filets may be no smaller than 6.5 in (16.6 cm). ''Brown-skinned'' rockfish include the following species: Brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(iii) *California scorpionfish.* California scorpionfish only occur south of 40°10′ N. lat.

(A) *Seasons.* Between 40°10′ N. lat. and 34°27′ N. lat., recreational fishing for California scorpionfish is open from January 1 through February 29 and from May 1 through December 31 (*i.e.*, it's closed from March 1 through April 30). South of 34°27′ N. lat., recreational fishing for California scorpionfish is open from March 1 through April 31 and from November 1 through December 31 (*i.e.*, it's closed from January 1 through February 29 and from May 1 through October 31). When recreational fishing for California scorpionfish is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10′ N. lat., in times and areas where the recreational season for California scorpionfish is open, and the bag limit is 5 California scorpionfish per day. California scorpionfish do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* California scorpionfish may be no smaller than 10 in (25 cm) total length.

(D) *Dressing/Filleting.* California scorpionfish fillets may be no smaller than 5 in (12.8 cm).

(iv) *Lingcod.*

(A) *Seasons.* Between 40°10′ N. lat. and 34°27′ N. lat., recreational fishing for lingcod is open from January 1 through February 29 and from May 1 through December 31 (*i.e.*, it's closed from March 1 through April 30). South of 34°27′ N. lat., recreational fishing for lingcod is open from March 1 through December 31 (*i.e.*, it's closed from January 1 through February 29). When recreational fishing for lingcod is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10′ N. lat., in times and areas when the recreational season for lingcod is open, there is a limit of 2-hooks and one line when fishing for lingcod, and the bag limit is 2 lingcod per day. Lingcod do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* Lingcod may be no smaller than 24 in (61 cm) total length.

(D) *Dressing/Filleting.* Lingcod fillets may be no smaller than 16 in (41 cm) in length.

(v) *Sanddabs.* South of 40°10′ N. lat., recreational fishing for sanddabs is permitted both shoreward of and within the closed areas, except that under state

law recreational fishing for sanddabs is prohibited between the shoreline and 10-fm (18-m) depth contour around the Farallon Islands, as described in section IV.D.(3)(b)(i) above. Recreational fishing for sanddabs is permitted within the closed areas, subject to a limit of up to 12-hooks, ''Number 2'' or smaller, which measure 11 mm (0.44 inches) point to shank, and up to 2 lb (0.91 kg) of weight per line. There is no bag limit, season, or size limit for sanddabs, however, it is prohibited to fillet sanddabs at sea.

V. Washington Coastal Tribal Fisheries

The legal basis for and background information on groundfish allocations harvest by the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) with treaty rights to groundfish is described in the proposed rule to implement the 2004 groundfish specifications and management measures in the Proposed Rules section of this issue of the **Federal Register**.

The AA announces the following tribal allocations for 2004, including those that are the same as in 2003. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 728.5 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava, WA (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island, WA (47°40′00″ N. lat.) and Leadbetter Point, WA (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300-lb (136-kg) trip limit.

(3) Canary rockfish are subject to a 300-lb (136-kg) trip limit.

(4) Yelloweye rockfish are subject to a 100-lb (45-kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 150,000 lb (13,608 kg) per 2-month period for the entire fleet. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any 2-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300-lb (136-kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 450 lb (204 kg) daily trip limit and a 1,350 lb (612 kg) weekly limit.

D. Flatfish and Other Fish

Treaty fishing vessels using bottom trawl gear will be subject to the limits applicable to the non-tribal limited entry trawl fishery for Pacific cod, English sole, rex sole, arrowtooth flounder, and other flatfish. Treaty fishing vessels are restricted to a 30,000-lb (13,608-kg) per 2 month limit for petrale sole for the entire year.

E. Pacific Whiting

Whiting allocations will be announced when the final OY is announced.

Classification

These final management measures for January 1 through February 29, 2004 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

The AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for public comment would be impracticable and contrary to the public interest.

The January–February 2004 management measures protect overfished and other depressed stocks while also allowing as much harvest of healthy stocks as possible. If these measures are not effective on January 1, 2004, the management measures for January and February 2003 will remain in effect. Because the 2003 measures will likely provide inadequate protection for certain overfished species in 2004, delay in implementation of the 2004 regulatory measures would likely cause harm to some stocks while requiring unnecessary restrictive measures for others. Much of the data necessary for these specifications and management measures came from the 2003 fishing year and new stock assessments were not available until June, providing the Council with a scientific basis for its draft recommendations for 2004 specifications and management measures. The Council made its final recommendations on 2004 specifications and management measures at its September 8–12, 2003 meeting in Seattle, WA. There was not adequate time between the finalized Council specifications and management measures and January 1, 2004 to complete drafting and reviewing both the EIS for the 2004 specifications and management measures and the regulatory package for this action to allow for prior notice and opportunity for public comment on the entire 2004 management package. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, it is impracticable to publish these measures in the **Federal Register** and to take public comment on the measures prior to January 1, 2004. It would be impracticable because, as explained above, providing prior notice would delay the effective date of these measures and the January–February 2003 measures would remain in place. The 2003 measures are not tailored to the 2004 harvest levels and, for some species, are not conservative enough to meet the Council's rebuilding goals for 2004. Leaving the 2003 measures in place for 2004 could cause harm to some stocks.

Providing prior notice and opportunity for public comment on the 2004 specifications and management measures is contrary to the public interest because it would likely result in restrictive 2004 conservation and management measures. As a result, NMFS would have to implement even more restrictive measures for 2004 to account for any overharvesting that occurred in the fishery as operating under 2003 specifications and management measures. More restrictive measures might include premature fishery closures, and this could result in economic harm to fishermen and fishing communities.

For the reasons above, the AA also finds good cause under 5 U.S.C. 553(d) to waive the requirement to delay for 30 days the effective date of the rule.

Because this emergency rule is being published without an opportunity for prior notice and opportunity for public comment, the analytical requirements of the Regulatory Flexibility Act do not apply. However, as described above, the January–February 2004 management measures are based on the overall analysis underlying the 2004 specifications and March–December 2004 management measures which are

proposed in the Proposed Rules section of this issue of the **Federal Register**. The Council's IRFA analysis prepared for the 2004 specifications and management measures considers the effects of the January and February management measures on the fisheries.

This action has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to Executive Order 13175, this emergency rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, regulations implementing the FMP establish a procedure by which the tribes with treaty fishing rights in the area covered by the FMP request new allocation or regulations specific to the tribes, in writing, before the first of the two annual groundfish meetings of the Council. The regulation at 50 CFR 660.324(d) further states ''the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.'' The tribal management measures in this emergency rule have been developed following these procedures. The tribal representative on the Council made a motion to adopt the tribal management measures, which was passed by the Council, and those management measures, which were developed and proposed by the tribes, are included in this emergency rule.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: December 18, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 660.302, the definition ''Exempted gear'' is revised and the definition for ''North-South management area'' is added in alphabetical order to read as follows:

§ 660.302 Definitions.

* * * * *

Exempted gear means all types of fishing gear except longline, trap (or pot), and groundfish trawl gear. Exempted gear includes trawl gear used to take pink shrimp, ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber south of Pt. Arena, under the authority of a State of California limited entry permit for the sea cucumber fishery.

* * * * *

North-South management area means the management areas defined at § 660.304(a) or defined and bounded by one or more of the commonly used geographic coordinates at § 660.304(b) for the purposes of implementing different management measures in separate sections of the U.S. West Coast.

* * * * *

■ 3. In § 660.303, paragraphs (d)(1) and (d)(5)(i)(D) are revised to read as follows:

§ 660.303 Reporting and recordkeeping.

* * * * *

(d) * * *

(1) *Declaration reports for trawl vessels intending to fish in a conservation area.* The operator of any vessel registered to a limited entry permit with a trawl endorsement; any vessel using trawl gear, including exempted gear used to take pink shrimp, ridgeback prawns, California halibut and sea cucumber; or any tribal vessel using trawl gear must provide NMFS with a declaration report, as specified at paragraph (d)(5) of this section, to identify the intent to fish within the CCA, as defined at § 660.304, or any non-trawl RCA, as defined in the groundfish annual or biennial management measures that are published in the **Federal Register**.

* * * * *

(5) * * *

(i) * * *

(D) Trawl gear including exempted gear used to take pink shrimp, ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber.

* * * * *

■ 4. In § 660.304, paragraph (b) is revised to read as follows:

§ 660.304 Management areas, including conservation areas, and commonly used geographic coordinates.

* * * * *

(b) *Commonly used geographic coordinates.* (1) Washington/ Oregon border—46°16′ N. lat.

(2) Cape Falcon, OR—45°46′ N. lat.

(3) Cape Lookout, OR—45°20′15″ N. lat.

(4) Cape Blanco, OR—42°50′ N. lat.

(5) Oregon/California border—42°00′ N. lat.

(6) Cape Mendocino, CA—40°30′ N. lat.

(7) North/South management line—40°10′ N. lat.

(8) Point Arena, CA—38°57′30″ N. lat.

(9) Point San Pedro, CA—37°35′40″ N. lat.

(10) Point Lopez, CA—36°00′ N. lat.

(11) Point Conception, CA—34°27′ N. lat.

* * * * *

■ 5. In § 660.306, paragraph (b) is revised and paragraphs (aa) and (bb), added at 68 FR 62383, November 4, 2003, are revised to read as follows:

§ 660.306 Prohibitions.

* * * * *

(b) Retain any prohibited species (defined in § 660.302 and restricted in § 660.323(c)) caught by means of fishing gear authorized under this subpart or unless authorized by part 600 of this chapter. Prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought on board.

* * * * *

(aa) Fishing in conservation areas. Fish with any trawl gear, including exempted gear used to take pink shrimp, ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber; or with trawl gear from a tribal vessel or with any gear from a vessel registered to a groundfish limited entry permit in a conservation area unless the vessel owner or operator has a valid declaration confirmation code or receipt for fishing in conservation area as specified at 660.303(d)(5).

(bb) Operate any vessel registered to a limited entry permit with a trawl endorsement in a Trawl Rockfish Conservation Area (as defined at 660.302), except for purposes of continuous transiting, with all groundfish trawl gear stowed in accordance with 660.322(b)(8), or except as authorized in the annual or biennial groundfish management measures published in the **Federal Register**.

* * * * *

■ 6. In § 660.323, the introductory text to paragraph (c) is revised to read as follows:

§ 660.323 Catch restrictions.

* * * * *

(c) *Prohibited species.* Groundfish species or species groups under the PCGFMP for which quotas have been achieved and/or the fishery closed are prohibited species. In addition, the following are prohibited species: * * *

* * * * *

[FR Doc. 03–31619 Filed 12–31–03; 10:14 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No.; 031216314–3314–01; I.D. 112803B]

RIN 0648–AR54

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a rule to implement the 2004 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California. The proposed rule includes the levels of the acceptable biological catch (ABC) and optimum yields (OYs). The commercial OYs (the total catch OYs reduced by tribal allocations and by amounts expected to be taken in recreational and resource survey compensation fisheries) proposed in this rule would be allocated between the limited entry and open access fisheries and between different sectors of the limited entry fleet. Proposed management measures for 2004 are intended to: achieve but not exceed OYs; prevent overfishing; rebuild overfished species; reduce and minimize the bycatch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, achieve harvest guidelines and limited entry and open access allocations to the extent practicable. With the exception of §§ 660.306(cc) and 660.370(b) and (d), the text of the proposed amendments to 50 CFR part 660 is the same as the text of temporary regulations that NOAA is publishing elsewhere in this separate part of the **Federal Register**.

DATES: Comments must be received no later than 5 p.m., local time (l.t.,) on February 9, 2004.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115–0070, or fax to 206–526–6736, care of Yvonne deReynier. Comments will not be accepted if submitted via e-mail or the internet. Information relevant to this proposed rule, which includes a draft environmental impact statement (DEIS), a regulatory impact review, and an initial regulatory flexibility analysis (IRFA) are available for public review during business hours at the office of the Pacific Fishery Management Council (Council), at 7700 NE. Ambassador Place, Portland, OR 97220, phone: 503–820–2280. Copies of additional reports referred to in this document may also be obtained from the Council.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; e-mail: *yvonne.dereynier@noaa.gov, becky.renko@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

The proposed rule also is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.gpoaccess.gov/fr/index.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm* and at the Council's Web site at *http://www.pcouncil.org/groundfish/gfspex/gfspex04.html.*

Background

Since 1990, the Pacific Coast Groundfish Fishery Management Plan (FMP) has required that fishery specifications for groundfish be annually evaluated and revised as necessary, that OYS be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYS be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. Each year, specifications and management measures have been made effective until the specifications and management measures for the following year are effective.

During 2002 and 2003, the Council developed and considered revisions to its specifications and management measures process through Amendment 17 to the FMP. Amendment 17 was approved by NMFS on August 19, 2003, and implemented via final rule on September 4, 2003 (68 FR 52519). Through Amendment 17, the FMP now sets the specifications and management measures as a biennial process, with the first two-year management period to occur January 1, 2005 through December 31, 2006. The Council will develop and consider specifications and management measures for the 2005–2006 period at its November 2003, April 2004, and June 2004 meetings. With the final Council recommendation on the 2005–2006 specifications and management measures in June 2004, NMFS will have adequate time to implement the 2005–2006 specifications and management measures through a public notice-and-comment rulemaking before the fishing year begins on January 1, 2005. This process will include a proposed rule published in the **Federal Register**, followed by a public comment period and a final rule, also published in the **Federal Register**.

For 2004, the final year in which the agency will follow the FMP's old schedule of an annual management process, NMFS will follow an implementation process similar to those it used in 2002 and 2003. The Council finalized its specifications and management measures recommendations for the 2004 fishing year at its September 8–12, 2003, meeting in Seattle, WA. Council staff has analyzed these recommendations via an Environmental Impact Statement (EIS), a draft of which was made available for public review on October 24, 2003 (68 FR 60983). Given the timing of the stock assessments, the complexity of the annual specifications and management measures, and the EIS-related public review period, NMFS did not have enough time to publish a proposed rule, receive public comments, and implement a final rule by January 1, 2004. NMFS is publishing this proposed rule for the entire 2004 specifications and management measures package to provide a public notice-and-comment period on that regulatory package. To ensure that adequately conservative management measures are in place by January 1, 2004, NMFS has also published an emergency rule elsewhere in the Final Rules section of this issue of the **Federal Register** that implements groundfish management measures for January 1 through February 29, 2004.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks. Specifications and management measures proposed for 2004 are designed to rebuild overfished stocks consistent with statutory requirements through constraining direct and incidental mortality, and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP.

I. Proposed Specifications

Proposed fishery specifications include ABCs, the designation of OYs (which may be represented by harvest guidelines (HGs) or quotas for species that need individual management), and the allocation of commercial OYs between the open access and limited entry segments of the fishery. These specifications include fish caught in state ocean waters (0–3 nautical miles (nm) offshore) as well as fish caught in the EEZ (3–200 nm offshore).

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Table 1a. 2003 Specifications of Acceptable Biological Catch (ABC), Optimum Yields (Oys), and Limited Entry and Open Access Allocations, by International North Pacific Fisheries Commission (INPFC) Areas (weights in metric tons).

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch) and Harvest guidelines	Allocations total catch			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
ROUNDFISH												
Lingcod b/	1,385					1,385	735	180.7	--	81.0	--	19.0
Pacific Cod	3,200		c/			3,200	3,200	3,200	--	--	--	--
Pacific Whiting d/	94,000-325,000					94,000-325,000	74,100-250,000		--	--	--	--
Sablefish e/ (north of 36°)	8,185				--	8,185	7,510	6,687	6,059	90.6	629	9.4
Sablefish f/ (south of 36°)	--				302	302	276	276	--	--	--	--
FLATFISH												
Dover sole g/	8,510					8,510	7,440	7,380	--	--	--	--
English sole	2,000		1,100			3,100	na	-	-	-	-	-
Petrale sole h/	1,262		500	800	200	2,762	na	-	-	-	-	-
Arrowtooth flounder	5,800					5,800	na	-	-	-	-	-
Other flatfish i/	700	3,000	1,700	1,800	500	7,700	na	-	-	-	-	-

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch) and Harvest guidelines	Allocations total catch			
	Vancouver	Columbia	Eureka	Monterey	Conception	ABC			Limited Entry		Open Access	
									Mt	%	Mt	%
ROCKFISH:												
Pacific Ocean Perch j/	980					980	444	117.7	--	--	--	--
Shortbelly k/	13,900					13,900	13,900	13,900	--	--	--	--
Widow l/	3,460					3,460	284	280.4	--	97.0	--	3.0
Canary m/	256					256	47.3	24.2	--	87.7	--	12.3
Chilipepper n/	c/			2,700		2,700	2,000	1,985	1,106	55.7	879	44.3
Bocaccio o/	c/			400		400	250	108.5	--	52.7	--	44.3
Splitnose p/	c/			615		615	461	461	--	--	--	--
Yellowtail q/	4,320			c/		4,320	4,320	4,291	3,935	91.7	356	8.3
Shortspine thornyhead r/ north of 34°27'	1,030					1,030	983	974	971	99.7	3	0.27
Longspine thornyhead s/ north of 36°	2,461				--	2,461	2,443		--	--	--	--
south of 36° t/	--				390	390	195	195	--	--	--	--
Cowcod u/	c/			19	--	19	2.4	0	--	--	--	--
	c/			--	5	5	2.4	0	--	--	--	--
Darkblotched v/	240					240	240	122.1		--		--
Black aa/	540	775			--	1,315	1,315					
Yelloweye w/	53					53	22	5.8		--		-

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch) and Harvest guidelines	Allocations total catch			
	Vanco u-ver	Colum-bia	Eureka	Mont-erey	Conce p-tion	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
Minor Rockfish North x/	3,680			--		3,680	2,250	2,128	1,979	91.7	179	8.3
Minor Rockfish South y/	--			3,412		3,412	1,968	1,390	774	55.7	616	44.3
Remaining Rockfish	1,612			854		--	--	--	--	--	--	--
bank z/	c/			350		350	--	--	--	--	--	--
blackgill bb/	c/			75	268	343	--	--	--	--	--	--
bocaccio - north	318					318	--	--	--	--	--	--
chilipepper-north	32					32	--	--	--	--	--	--
redstripe	576			c/		576	--	--	--	--	--	--
sharpchin	307			45		352	--	--	--	--	--	--
silvergrey	38			c/		38	--	--	--	--	--	--
splitnose	242			c/		242	--	--	--	--	--	--
yellowmouth	99			c/		99	--	--	--	--	--	--
yellowtail-south				116		116	--	--	--	--	--	--
Other rockfish cc/	2,068			2,558		--	--	--	--	--	--	--
OTHER FISH dd/	2,500	7,000	1,200	2,000	2,000	14,700	na	–	--	--	--	–

Table 1b. 2003 OYs for minor rockfish by depth sub-groups (weights in metric tons).

Species	Total Catch ABC	OY (Total Catch)			Harvest Guidelines (total catch)			
		Total Catch OY	Recreational Estimate	Commercial OY for minor rockfish and HG for depth sub-groups	Limited Entry		Open Access	
					Mt	%	Mt	%
Minor Rockfish North x/	3,680	2,250 x/	78	2,158	1,979	91.7	179	8.3
Nearshore		122 x/	68	40				
Shelf		968	10	958				
Slope		1,160	0	1,160				
Minor Rockfish South y/	3,412	1,968 y/	435	1,390	774	55.7	616	44.3
Nearshore		615 y/	375	97				
Shelf		714	60	654				
Slope		639	0	639				

a/ ABC applies to the U.S. portion of the Vancouver area, except as noted under individual species.

b/ Lingcod was declared overfished on March 3, 1999. A stock assessment, that included parts of Canadian waters, was done in 2000 and updated for 2001. Lingcod was believed to be at 15 percent of its unfished biomass coastwide in 2000, 17 percent in the north and 15 percent in the south. The U.S. portion of the ABC for the Vancouver area was set at 44 percent of the total for that area. The ABC projection for 2004 is 1,385 mt and was calculated using an F_{MSY} proxy of F45%. The total catch OY of 735 mt is based on a rebuilding plan with a 60 percent probability of rebuilding the stock to B_{MSY} by the year 2009 (T_{MAX}). The harvest control rule is 0.0531 in the north and 0.0610 in the south, which is consistent with the lingcod rebuilding plan as proposed under regulations implementing Amendment 16-2 (December 5, 2003, 68 FR 67998). The total catch OY is reduced by 473.6 mt for the amount that is estimated to be taken by the recreational fishery, 3 mt for the amount estimated to be taken during research fishing, 2.8 mt for the amount estimated to be taken in non-groundfish fisheries, and 49.8 mt which will be held in a buffer (see the preamble section "OY Management for overfished species" for the discussion of buffers), the resulting commercial harvest guideline of 205.8 mt. The tribes do not have a specific allocation at this time but are expected to take 25.5 mt of the commercial OY.

c/ "Other species", these are neither common nor important to the commercial and recreational fisheries in the areas footnoted. Accordingly, Pacific cod is included in the non-commercial OY of "other fish" and rockfish species are included in either "other rockfish" or "remaining rockfish" for the areas footnoted.

d/ Pacific whiting - The most recent stock assessment was prepared in 2002 and a new assessment and rebuilding analysis are expected in early 2004. Therefore, a range is presented for the ABC and OY values. Final adoption of the ABC and OY have been deferred until early 2004, when the results of the new assessment and rebuilding analysis become available.

e/ Sablefish north of 36° N lat. - A new sablefish assessment was done in 2001 for the area north of Point Conception, CA (34°27'N lat.) and updated for 2002. Following the assessment update, sablefish north of 34° 27'N lat. was believed to be between 31 percent and 38 percent of its unfished biomass. The coastwide ABC of 8,487 mt is based on environmentally driven projections with the F_{MSY} proxy of F45%. The ABC for the management area north of 36° N lat. is 8,185 mt (96.45 percent of the coastwide ABC). The coastwide OY of 7,786 mt is based on the density-dependent model and the application of the 40-10 harvest policy. The total catch OY for the area north of 36° N lat is 7,510 mt and is 96.05 percent of the coastwide OY of 7,786 mt. The total catch OY is reduced by 10 percent (751 mt) for the tribal set aside, 53.0 mt for the amount estimated to be taken as research catch, and 18.5 mt for the amount estimated to be taken in non-groundfish fisheries. The remainder (6,687 mt) is the commercial total catch OY. The open access allocation is 9.4 percent of the commercial OY, resulting in an open access total catch OY of 629 mt. The limited entry total catch OY is 6,059 mt. The limited entry total catch OY is further divided with 58 percent (3,514 mt) allocated to the trawl fishery and 42 percent (2,545 mt) allocated to the non-trawl fishery. To provide for bycatch in the at-sea whiting fishery 15 mt of the limited entry trawl allocation will be set aside.

f/ Sablefish south of 36° N lat. -The coastwide ABC of 8,487 mt is based on the 2002 update with the FMSY proxy of F45%. The total catch OY of 276 mt is 3.55 percent of the OY from the 2002 coastwide assessment update. There are no limited entry or open access allocations in the Conception area at this time.

g/ Dover sole north of 34° 27'N lat. was assessed in 2001 and was believed to be at 29 percent of its unfished biomass. The ABC of 8,510 mt is based on an F_{MSY}

proxy of F40%. The total catch OY of 7,440 mt is the three year average OY for 2002-2004 as forecast in the 2001 stock assessment. Because the biomass is estimated to be in the precautionary zone, the 40-10 harvest rate policy was applied to the total catch OY. The OY is reduced by 58 mt for the amount estimated to be taken as research catch, and 2 mt for estimated catch in non-groundfish fisheries resulting in commercial OY of 7,380 mt.

h/ Petrale Sole was believed to be at 42 percent of its unfished biomass following a 1999 assessment. . For 2004, the ABC for the Vancouver-Columbia area (1,262 mt) is based on a four year average projection from 2000-2003 with a F40% F_{MSY} proxy. Management measures to constrain the harvest of overfished species, have reduced the availability of these stocks to the fishery during the past several years. Because the harvest assumptions (from the most recent assessment) used to forecast future harvest were likely overestimates, carrying the previously used ABCs and OYs forward into 2004 was considered to be conservative and based on the best available data. The ABCs for the Eureka, Monterey, and Conception areas (1,500 mt) are based on historical landings data and continue at the same level as 2003.

i/ Other flatfish are those species that do not have individual ABC/OYs and include butter sole, curlfin sole, flathead sole, Pacific sand dab, rex sole, rock sole, sand sole, and starry flounder. The ABC is based on historical catch levels.

j/ Pacfic ocean perch (POP) was declared as overfished on March 3, 1999. A new stock assessment was prepared in 2003 and POP was determined to be at 25 percent of its unfished biomass. The ABC of 980 mt was projected from a new assessment and is based on an F_{MSY} proxy of F50%. The OY of 444 mt is based on a 70 percent probability of rebuilding the stock to B_{MSY} by the year 2042 (T_{MAX}). The harvest control rule will be 0.0257, which revises the harvest control rule in the POP rebuilding plan as proposed under regulations implementing Amendment 16-2 (December 5, 2003, 68 67998). The OY is reduced by 3 mt for the amount estimated to be taken during research fishing and 323.3 mt which will be placed in a buffer (see the preamble section "OY Management for overfished species" for the discussion of buffers) resulting in a commercial harvest guideline of 117.7 mt.

k/ Shortbelly rockfish remains as an unexploited stock and is difficult to assess quantitatively. The 1989 assessment provided 2 alternative yield calculations of 13,900 mt and 47,000 mt. NMFS surveys have shown poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population in spite of low fishing pressure. The ABC and OY therefore are set at 13,900 mt, the low end of the range in the assessment.

l/ The widow rockfish stock was declared overfished on January 11, 2001 (66 FR 2338). A new assessment was prepared for widow rockfish in 2003. The spawning stock biomass is believed to be at 22.4 percent of its unfished biomass. The ABC of 3,460 mt is based on a F50% F_{MSY} proxy. The OY 284 mt is based on a 60.1 percent probability of rebuilding the stock to B_{MSY} by the year 2042 (T_{MAX}). The harvest control rule is 0.0093. The OY is reduced by 2 mt for the amount estimated to be taken as recreational catch, 1.5 mt for the amount estimated to be taken during research fishing, 0.1 mt for the amount estimated to be taken in non-groundfish fisheries resulting in a commercial OY of 280.4 mt. Specific open access/limited entry allocations have been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are estimated to land about 40 mt of widow rockfish in 2004, but do not have a specific allocation at this time. Set asides for widow rockfish taken in the Pacific whiting fisheries will be announced in 2004 with the whiting specifications.

m/ Canary rockfish was declared overfished on January 4, 2000 (65 FR 221). A new assessment was completed in 2002 for canary rockfish and the stock was

believed to be at 8 percent of its unfished biomass coastwide. The coastwide ABC of 256 mt is based on a F_{MSY} proxy of F50%. The coastwide OY of 47.3 mt is based on the rebuilding plan which has a 60 percent probability of rebuilding the stock to B_{MSY} by the year 2076 (T_{MAX}) and a catch sharing arrangement which has 64.5 percent going to the commercial fisheries and 35.5 percent going to the recreational fishery. The harvest control rule is 0.0220, which is consistent with the canary rockfish rebuilding plan as proposed under regulations implementing Amendment 16-2 (December 5, 2003, 68 FR 67998). The OY is reduced by 15.5 mt for the amount estimated to be taken in the recreational fishery, 1 mt for the amount estimated to be taken during research fishing, 2.1 mt for the amount estimated to be taken in non-groundfish fisheries, and 4.6 mt to be held in a buffer (see the preamble section "OY Management for overfished species" for the discussion of buffers), resulting in a commercial harvest guideline of 24.2 mt. Specific open access/limited entry allocations have been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are estimated to land about 3.6 mt of canary rockfish under the commercial OY, but do not have a specific allocation at this time.

n/ Chilipepper rockfish - the ABC (2,700 mt) for the Monterey-Conception area is based on a three year average projection from 1999-2001 with a F50% F_{MSY} proxy. Because the unfished biomass is believed to be above 40 percent the default OY could be set equal the ABC. However, the OY is set at 2,000 mt to discourage effort on chilipepper, which is taken with bocaccio rockfish. Management measures to constrain the harvest of overfished species, have reduced the availability of these stocks to the fishery during the past several years. Because the harvest assumptions (from the most recent assessment) used to forecast future harvest were likely overestimates, carrying the previously used ABCs and OYs forward into 2004 was considered to be conservative and based on the best available data. The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,985 mt. Open access is allocated 44.3 percent (879 mt) of the commercial OY and limited entry is allocated 55.7 percent (1,106 mt) of the commercial OY.

o/ Bocaccio rockfish was declared overfished on March 3, 1999. A new stock assessment and a new rebuilding analysis was prepared for bocaccio rockfish in 2003. The bocaccio rockfish stock is believed to be at 7.4 percent of its unfished biomass. The ABC of 400 mt is based on a F50% F_{MSY} proxy. The OY of 250 mt is based on the rebuilding analysis and has a >70 percent probability of rebuilding the stock to B_{MSY} by the year 2032 (T_{MAX}). The harvest control rule is 0.041. The OY is reduced by 2.0 mt for the amount estimated to be taken during research fishing and 1.3 mt for the amount estimated to be taken in the non-groundfish fisheries. Of the remaining 246.7 mt, 56 percent (138.2 mt) will be applied to the recreational fishery and 44 percent (108.5 mt) will be applied to the commercial harvest guideline. The recreational fishery is estimated to take 62.8 mt, leaving a buffer (see the preamble section "OY Management for overfished species" for the discussion of buffers) of 75.4 mt and the commercial fishery is estimated to take to take 70.8 mt, leaving a buffer of 37.7 mt.

p/ Splitnose rockfish - The 2001 ABC is 615 mt in the southern area (Monterey-Conception). The 461 mt OY for the southern area reflects a 25 percent precautionary adjustment because of the less rigorous assessment for this stock. In the north, splitnose is included in the minor slope rockfish OY.

q/ Yellowtail rockfish - A new yellowtail rockfish stock assessment was prepared in 2003 for the Vancouver-Columbia-Eureka areas. Yellowtail rockfish is believed to be at 46 percent of its unfished biomass. The ABC of 4,320 mt is based on the 2003 stock assessment with the F_{MSY} proxy of F50%. The OY of 4,320 mt was set equal to the ABC, because the stock is above the precautionary threshold. The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, 8 mt for the amount estimated to be taken during research fishing, and 5.8 mt for the amount taken in non-groundfish fisheries,

resulting in a commercial OY of 4,291 mt. The open access allocation (356 mt) is 8.3 percent of the commercial OY. The limited entry allocation (3,935 mt) is 91.7 percent the commercial OY. For anticipated bycatch in the at-sea whiting fishery, 300 mt is subtracted from the limited entry allocation. Tribal vessels are estimated to land about 407 mt of yellowtail rockfish in 2003, but do not have a specific allocation at this time.

r/ Shortspine thornyhead was last assessed in 2001 and the stock was believed to be between 25 and 50 percent of its unfished biomass. The ABC (1,030 mt) for the area north of Pt. Conception (34° 27'N lat.) is based on a F50% F_{MSY} proxy. The OY of 983 mt is based on the 2001 survey with the application the 40-10 harvest policy. The OY is reduced by 9 mt for the amount of shortspine thornyhead estimated to be taken during research fishing, resulting in a commercial OY of 974 mt. Open access is allocated 0.27 percent (3 mt) of the commercial OY and limited entry is allocated 99.73 percent (971 mt) of the commercial OY. There is no ABC or OY for the southern Conception area. Tribal vessels are estimated to land about 3 mt of shortspine thornyhead in 2004, but do not have a specific allocation at this time.

s/ Longspine thornyhead is believed to be above 40 percent of its unfished biomass. The ABC (2,461 mt) in the north (Vancouver-Columbia-Eureka-Monterey) is based on the average of the 3-year individual ABCs at a F50%. The total catch OY (2,461 mt) is set equal to the ABC. The OY is further reduced by 18 mt for the amount estimated to be taken during research fishing, resulting in a commercial OY of 2,443 mt.

t/ Longspine thornyhead - A separate ABC (390 mt) is established for the Point Conception area and is based on historical catch for the portion of the Conception area north of 34°27' N. lat. (Point Conception). To address uncertainty in the stock assessment due to limited information, the ABC was reduced by 50 percent to obtain the OY, 195 mt. There is no ABC or OY for the southern Point Conception Area.

u/ Cowcod in the Point Conception area was assessed in 1999 and was believed to be less than 10 percent of its unfished biomass. Cowcod was declared as overfished on January 4, 2000 (65 FR 221). The ABC in the Conception area (5 mt) is based on the 1999 assessment, while the ABC for the Monterey area (19 mt) is based on average landings from 1993-1997. An OY of 4.8 mt (2.4 mt in each area) is based on the rebuilding plan which has a 55 percent probability of rebuilding the stock to B_{MSY} by the year 2099 (T_{MAX}). The harvest control rule is 0.0136. Cowcod retention will not be permitted in 2004. The OY will be used to accommodate discards of cowcod rockfish resulting from incidental take.

v/ Darkblotched rockfish was assessed in 2000 and an assessment update was prepared in 2003. The darkblotched rockfish stock was declared overfished on January 11, 2001 (66 FR 2338). Following the 2003 assessment update, the Darkblotched rockfish stock is believed to be at 11 percent of its unfished biomass. The ABC is projected to be 240 mt and is based on an F_{MSY} proxy of F50%. The OY of 240 mt is based on the rebuilding analysis and has a >80% probability of rebuilding the stock to B_{MSY} by the year 2047 (T_{MAX}). The harvest control rule will be 0.032, which revises the harvest control rule in the darkblotched rockfish rebuilding plan as proposed under regulations implementing Amendment 16-2 (December 5, 2003, 68 FR 67998). The OY is reduced by 1.6 mt and 116.3 mt to be held in a buffer (see the preamble section "OY Management for overfished species" for the discussion of buffers), resulting in a 122.1 mt commercial harvest guideline. For anticipated bycatch in the at-sea whiting fishery, 6.7 mt is set aside.

w/ Yelloweye rockfish was assessed in 2001 and updated for 2002. On January 11, 2002 yelloweye rockfish was declared overfished (67 FR 1555). In 2002 following the assessment update, yelloweye rockfish was believed to be at 24.1 percent of its unfished biomass coastwide. The 53 mt coastwide ABC is based on an F_{MSY}

proxy of F50%. The OY of 22 mt is based on a revised rebuilding analysis (August 2002) with a 50% probability of rebuilding to B_{MSY} by the year 2050 (T_{MID}), which can also be expressed as 92 percent probability of rebuilding to B_{MSY} by the year 2071 (T_{MAX}). The harvest control rule is 0.0139. The OY is reduced by 7.7 mt for the amount estimated to be taken in the recreational fishery, 1.1 mt for the amount estimated to be taken during research fishing, 0.8 mt for the amount taken in non-groundfish fisheries, and 6.6 mt to be held in a buffer (see the preamble section "OY Management for overfished species" for the discussion of buffers), resulting in a commercial harvest guideline of 5.8 mt. Tribal vessels are estimated to land about 2.3 mt of yelloweye rockfish of the commercial OY in 2004, but do not have a specific allocation at this time.

x/ Black rockfish - the ABC of 1,315 mt is the sum of the ABC (775 mt) from the 2003 Columbia and Eureka area assessment plus the ABC (540 mt) for the Vancouver area from the 2000 assessment. Because the two assessments overlap in the area between Cape Falcon and the Columbia river, projections from the 2000 assessment were adjusted downward by 12 percent to account for the overlap. The ABCs were derived using an F_{MSY} proxy of F50%. Because the unfished biomass is believed to be above 40 percent, the OY was set equal to the ABC. The black rockfish OY is subdivided between the three states as follows: 540 mt will be attributed to the area north of 46°16' N. lat. (Washington/Oregon border), 450 mt will be attributed to the area between 46°16' N. lat. and 42°00' N. lat. (Oregon/California border), and 326 mt will be attributed to the area south of 42°00' N. lat. Of the 326 mt attributed to the area south of 42°00' N. lat., 194 mt of black rockfish will be applied to the area north of 40°10 min N. lat. and 131 mt to the area south of 40°10 min N. lat. Black rockfish was included in the minor rockfish north category until 2004.

y/ Minor rockfish north includes the "remaining rockfish" and "other rockfish" categories in the Vancouver, Columbia, and Eureka areas combined. These species include "remaining rockfish", which generally includes species that have been assessed by less rigorous methods than stock assessments, and "other rockfish", which includes species that do not have quantifiable assessments. The ABC of 3,680 mt is the sum of the individual "remaining rockfish" ABCs plus the "other rockfish" ABCs. The remaining rockfish ABCs continue to be reduced by 25 percent (F=0.75M) as a precautionary adjustment. To obtain the total catch OY of 2,250 mt, the remaining rockfish ABCs are further reduced by 25 percent and other rockfish ABCs were reduced by 50 percent. This was a precautionary measure due to limited stock assessment information. The OY is reduced by 78 mt for the amount estimated to be taken in the recreational fishery and 2,158 mt for the amount estimated to be taken in the commercial fishery, leaving 14 mt in a buffer. Open access is allocated 8.3 percent (179 mt) of the commercial OY and limited entry is allocated 91.7 percent (1,979 mt) of the commercial OY. Tribal vessels are estimated to land about 14 mt of minor rockfish (10 mt of shelf rockfish, and 4 mt of slope rockfish) in 2004, but do not have a specific allocation at this time.

z/ Minor rockfish south includes the "remaining rockfish" and "other rockfish" categories in the Monterey and Point Conception areas combined. These species include "remaining rockfish" which generally includes species that have been assessed by less rigorous methods than stock assessment, and "other rockfish" which includes species that do not have quantifiable assessments. The ABC of 3,412 is the sum of the individual "remaining rockfish" ABCs plus the "other rockfish" ABCs. The remaining rockfish ABCs continue to be reduced by 25 percent (F=0.75M) as a precautionary adjustment. To obtain total catch OY of 1,968 mt, the remaining rockfish ABCs are further reduced by 25 percent, with the exception of blackgill rockfish, and the other rockfish ABCs were reduced by 50 percent. This was a precautionary measure due to limited stock assessment information. The OY is reduced by 435 mt for the amount estimated to be taken in the recreational fishery and 1,390 mt the amount estimated to be taken in the commercial fishery, leaving 143 mt in a buffer. Open access is allocated 44.3 percent (616 mt) of the commercial OY and limited entry is allocated 55.7

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percent (774 mt) of the commercial OY.

aa/ Bank rockfish -- The ABC is 350 mt which is based on a 2000 assessment for the Monterey and Point Conception areas. This stock contributes 263 mt towards the minor rockfish OY in the south.

bb/ Blackgill rockfish is believed to be at 51 percent of its unfished biomass. The ABC of 343 mt is the sum of the Point Conception area ABC of 268 mt, based on the 1998 assessment with an F_{MSY} proxy of F50%, and the Monterey area ABC of 75 mt. This stock contributes 306 mt towards minor rockfish south (268 mt for the Conception area ABC and 38 mt for the Monterey area). The OY for the Monterey area is the ABC reduced by 50 percent as a precautionary measure because of lack of information.

cc/ "Other rockfish" includes rockfish species listed in 50 CFR 660.302 and California scorpionfish. The ABC is based on the 1996 review of commercial Sebastes landings and includes an estimate of recreational landings. These species have never been assessed quantitatively.

dd/ "Other fish" includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in footnote c/.

ABC Policy and Overfishing

Each fishing year, the Council assesses the biological condition of the Pacific Coast groundfish fishery, develops estimates of the ABC for major groundfish stocks and identifies the harvest levels or OYs for the species or species groups that it manages. The Magnuson-Stevens Act requires the FMP to prevent overfishing. Overfishing is defined in the National Standard Guidelines (50 CFR part 600, subpart D) as exceeding the fishing mortality rate (F) needed to produce maximum sustainable yield (MSY) on a continuing basis. When setting the 2004 ABCs, the Council maintained a policy of using a default harvest rate as a proxy for the fishing mortality rate that is expected to achieve the maximum sustainable yield (F_{MSY}). The OYs were set at levels that are expected to prevent overfishing, equal to or less than the ABCs. For overfished species, the OYs were set to allow the stock to rebuild within a specified period of time.

The ABC for a species or species group is generally derived by multiplying the harvest rate proxy by the current estimated biomass. In 2004, the following default harvest rate proxies, based on the Council's Scientific and Statistical Committee (SSC) recommendations, were used: $F_{40\%}$ for flatfish, $F_{50\%}$ for rockfish (including thornyheads), and $F_{45\%}$ for other groundfish such as sablefish and lingcod. A rate of $F_{40\%}$ can be explained as that which reduces spawning potential per female to 40 percent of what it would have been under natural conditions (if there were no mortality due to fishing), and is therefore a more aggressive rate than $F_{45\%}$ or $F_{50\%}$. The FMP allows default harvest rate proxies to be modified as scientific knowledge improves for a particular species. [**Note:** Pacific whiting will be assessed in early 2004; an appropriate harvest rate is expected to be evaluated at that time. Because Whiting management is under negotiation between the U.S. and Canada, the whiting harvest rate may be affected both by the stock assessment and the binational management agreement.]

A fishing mortality or harvest rate will mean different things for different stocks, depending on the productivity of a particular species. For fast growing species (those with individuals that mature quickly and produce many young that survive to an age where they are caught in the fishery) a higher fishing mortality rate may be used, such as $F_{40\%}$. Fishing mortality rate policies must account for several complicating factors, including the capacity of mature individuals to produce young over time and the optimal stock size necessary for the highest level of productivity within that stock.

For some groundfish species, there was little or no detailed biological data available on which to base ABCs; and therefore, only rudimentary stock assessments were prepared; for other species, the ABC levels were established on the basis of historical landings. As described further below, a precautionary approach has been taken in setting ABCs and OYs for species with no stock assessments or only rudimentary ones.

In 2000, the Council adopted a more precautionary ABC policy for stocks with less rigorous or rudimentary stock assessments. The policy had been to assume that fishing mortality was equal to natural mortality (F=M); the current policy is that fishing mortality is 75 percent of natural mortality (F=0.75M). Based on its SSC recommendations, the Council reaffirmed this policy, but added another precautionary adjustment, requiring that OYs for these stocks be set at 75 percent of the ABCs. For further information see the preamble discussion of the Annual Specifications and Management Measures published on January 11, 2001 (66 FR 2338).

The 2004 ABCs are based on the best scientific information available to the Council at its September 2003 meeting. The ABCs in Table 1 represent total fishing mortality (landed catch plus discards). Where the stock assessments included Canadian waters the ABCs apply only to U.S. waters. Stock assessment information considered in determining the ABCs may be obtained from the Council and was made available to the public before the Council's September 2003 meeting in the annual Stock Assessment and Fishery Evaluation document and other reports. Additional information may be found in the EIS prepared for this action and in documents that were available at the June and September 2003 Council meetings. (see **ADDRESSES**)

OY Policy

In 1999, the Council adopted a 40–10 precautionary policy (40–10 policy) for setting OYs. The 40–10 policy is intended to prevent species or stocks from becoming overfished. If the stock biomass is larger than the biomass needed to produce MSY (B_{MSY}), the OY may be set equal to or less than ABC.

The Council uses 40 percent as a default OY harvest proxy for B_{MSY}, also referred to as $B_{40\%}$. A stock with a current biomass between 25 percent of the unfished level and B_{MSY} (the precautionary threshold) is said to be in the ''precautionary zone.'' The Council's default OY harvest policy reduces the fishing mortality rate when a stock is at or below its precautionary threshold. The further the stock is below the precautionary threshold, the greater the reduction in OY relative to the ABC, until, at $B_{10\%}$, the OY would be set at zero. This is, in effect, a default rebuilding policy that will foster quicker return to the B_{MSY} level than would fishing at the ABC level. For further information on the 40–10 policy see the preamble of the Annual Specification and Management Measures published on January 8, 1999 (64 FR 1316), or the FMP at Section 5.3.

The Council may recommend setting the OY higher than what the default OY harvest policy specifies, if justified, and as long as the OY does not exceed the ABC (which is set at F_{MSY}), complies with the requirements of the Magnuson-Stevens Act, and is consistent with the National Standard Guidelines. On a case-by-case basis, additional precaution may be added as is warranted by uncertainty in the data or by higher risks of being overfished. If a stock falls below 25 percent of its unfished biomass (BF_{MSY}) and is declared overfished, the Magnuson-Stevens Act requires the Council to develop a rebuilding plan within one year from the declaration date. Rebuilding plans for overfished species generally have stock-specific allowable harvest rates based on a rebuilding analysis and rebuilding strategy.

2004 ABCs and OYs

The species that had ABCs and OYs in 2003 continue to have ABCs and OYs in 2004. Changes that have been made since 2003 that affect the ABCs and OYs for 2004 include: (1) The completion of full stock assessments for bocaccio, widow rockfish, Pacific ocean perch (POP) and black rockfish; (2) the preparation of stock assessment updates for darkblotched and yellowtail rockfish; (3) rebuilding analysis updates for bocaccio, widow rockfish, POP, and darkblotched rockfish; (4) preparation of a cowcod rebuilding review; (5) recalculation of sablefish ABC and OY; (6) the signing of a U.S.-Canada catch sharing agreement and upcoming stock assessment for whiting; (7) changes in the catch distribution of canary rockfish between commercial and recreational fisheries; and (8) the subdivision of minor nearshore rockfish OYs between the states.

Bocaccio

A new stock assessment was prepared in 2003 for bocaccio in the Conception and Monterey areas. Like the 2002 stock assessment, the new stock assessment used a length-based stock synthesis model extending back to 1951. Data used in the 2003 stock assessment includes commercial fisheries data from the trawl and fixed gear fleets, recreational data from the southern and northern California fisheries; fishery independent data from the NMFS triennial bottom trawl survey and a larval abundance survey.

The model used for the 2003 stock assessment differs from the model used for the 2002 stock assessment in that it assumes an instantaneous natural mortality rate of 0.15 as compared to 0.20, which was used in the 1999 and 2002 stock assessments. The annual rate at which fish die from natural causes is referred to as natural mortality rate and is accounted for within in the stock assessment model by using an instantaneous natural mortality rate. An instantaneous mortality rate of 0.15 would reduce the biomass by 14 percent from the start of the year to account for natural mortality and 0.20 would reduce the biomass by 18 percent. The Stock Assessment Review (STAR) panel also reviewed a 0.10 recommendation for the bocaccio mortality rate (9.5 percent reduction in the biomass from the start of the year), but did not find that there was enough information available to select this lower natural mortality rate. The STAR panel indicated that the value of 0.15, which was used in the 1996 stock assessment, was a more reasonable choice and was consistent with the available information on the longevity of bocaccio. There was not sufficient time for a sensitivity analysis to be conducted on the natural mortality rate. A sensitivity analysis would be expected to increase the confidence in the model and its predictions, by providing an understanding of how the model response variables respond to changes in the inputs.

Bocaccio spawning stock biomass in the Monterey and Conception areas was at approximately 7.4 percent of its unfished biomass in 2003. The 2002 stock assessment indicated that the 1999 year class (fish spawned in 1999) was smaller than had been previously assumed and was at or below the low end of the range considered in the 1999 stock assessment. In contrast, the 2003 stock assessment provided the first reliable data that could be used to estimate the size of the 1999 year class, and indicated that it was much stronger than had been estimated in 2002.

The triennial bottom trawl survey appeared to catch bocaccio of sizes that were nearly uniformly distributed over all size groups, which is very unlikely for a bottom trawl survey. During periods of low stock abundance, it is suspected that data obtained from the triennial survey is less likely to represent the overall bocaccio population. This is because the triennial bottom survey does not sample the primary bocaccio habitat (rocky reefs), but rather samples the fringes of bocaccio habitat where trawl gear can be used. Indices based on fishery catch data (also referred to as catch per unit of effort indices or CPUE indices) can mask real declines in abundance if fishers are able to redirect effort to areas of high density.

Two different stock assessment models were developed to address contradictions between the recreational fishing effort data, which showed a substantial increase in abundance of bocaccio, and the triennial bottom trawl survey data, which shows little change in abundance over the past three years. The first model (STATb1) omitted data from the triennial bottom trawl survey and held the estimated recruitment (amount of young fish that are growing large enough to be caught in the fishery) constant to 1959, whereas the second model (STARb2) omitted the recreational CPUE data and held the recruitment constant to 1969. Holding recruitment constant to 1959 allows the early 1960s recruitment events (the history of larval abundance's indicate that a strong recruitment may have happened in the early 1960s) to be expressed in the model, whereas holding recruitment constant to 1969 blends the early events together. Both STAR models had a zero emphasis on the stock-recruitment relationship. A third model (STATc) was recommended by the stock assessment author, but not developed until after the STAR panel review had been completed. The STATc model combined the attributes of both models with neither data source being omitted, the estimated recruitment was held constant to 1959, and small emphasis was placed on the stock-recruitment relationship. After in-depth discussion in which the trade offs among the alternative model approaches and other factors were considered, the SSC concluded that an intermediate alternative warranted consideration and the STATc model was a reasonable approach. The following ABCs, based on the different models with the application of an F_{MSY} proxy of $F_{50\%}$, were considered by the Council: 400 mt

from the STARb2 model, 501 mt from the STATc model, and 660 mt from the STARb1 model.

A new bocaccio rebuilding analysis was also prepared and was available at the Council's June meeting. In the 2002 rebuilding analysis, bocaccio failed to rebuild within the maximum time period permissible under Magnuson-Stevens Act National Standard Guidelines with a 50-percent probability (T_{MAX}), even in the absence of fishing, and resulted in the preparation of a sustainability analysis for use in developing 2003 management measures. Further discussion of the sustainability analysis adopted for bocaccio in 2003 may be found in the preamble of the proposed rule for the 2003 Annual Specifications and Management Measures (68 FR 936, January 7, 2003).

For 2004, the alternative OYs presented in the rebuilding analysis were based on the three different stock assessment models and different probabilities of rebuilding within T_{MAX}. The following OYs were considered by the Council: 199 mt based on the STARb2 model with an 80-percent probability of rebuilding by 2032 (T_{MAX}), 250 mt which is intermediate to the low OY alternative of 199 mt and the medium OY alternative of 306 mt, 306 mt from the STATc model with a 70 percent probability of rebuilding by T_{MAX}, and 526 mt from the STARb1 model with a 60 percent probability of rebuilding by T_{MAX}.

The Council discussed the alternative OYs. Representatives for the California Fish and Game Commission recommended that the Council take a conservative approach by adopting the low OY alternative of 199 mt. If the lowest OY were adopted, the bocaccio stock would be expected to rebuild faster under this more conservative management. The low OY would hedge against uncertainty in inseason catch accounting in the recreational fishery. Should the low OY be exceeded, there would be a greater likelihood that bocaccio would remain on a rebuilding trajectory than if a higher OY were adopted and then exceeded.

The Council recommended adopting an OY of 250 mt with a corresponding ABC of 400 mt. This value is approximately halfway between the low OY alternative of 199 mt and the medium OY alternative of 306 mt. A 96 percent probability of rebuilding to B_{MSY} by T_{MAX} is associated with the 250 mt OY under the STARb1 model, 79 percent under the STATc model, and 70 percent under the STARb2 model. The Council recommends that NMFS and the State of California manage bocaccio total catch to a level that is equivalent to the low OY of 199 mt. The slightly higher OY of 250 mt will provide a modest buffer. If the actual harvests exceed the level anticipated, additional harvest could be allowed within the OY that could prevent late year fisheries from being shut down, while still ensuring that rebuilding occurs.

Widow Rockfish

An age-based population model was used to prepare a new coastwide stock assessment in 2003. This model was similar to that used in the previous stock assessment in 2000. The 2003 assessment model used a different method to develop annual indices from fishery catch data than the 2000 model; the model was modified to allow for more flexibility in data inputs; fishing fleet changes since 1999 affected the availability of fishery data, therefore, the model was changed to be more compatible with the models used for rebuilding analysis; and the Markov Chain Monte Carlo simulation, which is used to study the dynamics of large random statistical samples, was used by stock assessment authors to examine their assumptions about the validity of different data parameters.

The model results indicate substantial uncertainty in estimating the population status. There was also large variability in recruitment estimates. Because widow rockfish are not typically caught with bottom trawl gear, as is used for the triennial bottom trawl survey, fishery data has been used for the stock abundance indices. However, reduced trip limits and other fishery restrictions have resulted in little fishery data being available for the years after 1999. The absence of a fishery independent stock size index and the lack of reliable fishery dependent data indices of stock size are a limiting factor in assessing the status of widow rockfish.

The new stock assessment estimates the widow rockfish biomass in 2002 was at 22.4 percent of its unfished biomass coastwide, which is similar to the results of the 2000 stock assessment in which the stock was estimated to be at 23.6 percent of its unfished biomass. However stock productivity is estimated to be lower than it was in 2000, which will result in longer rebuilding times than had been suggested by the previous analysis. Overall, the widow rockfish biomass has shown a steady decline since 1974, soon after the fisheries for widow rockfish began. The spawning stock biomass peaked in 1977 and has shown a steady decline since then.

Because widow rockfish was declared overfished in 2001, a rebuilding analysis was also prepared. For the rebuilding analysis, a range of model scenarios based on different groupings of the following three variables were used: (1) Whether recruitment should be pre-specified for 2003–2005 based on a midwater juvenile trawl survey, (2) the methods by which future recruitment estimates should be generated, and (3) what range of power coefficient should be used to estimate juvenile mortality in the data from the midwater juvenile trawl survey. The SSC considered the different model scenarios and identified a preference for a model scenario in which recruitment was pre-specified and a stock recruitment relationship was also used. The SSC recommendation narrowed the model scenarios to three (identified as models 7, 8, and 9 in the rebuilding analysis). The SSC discussed the use of power coefficients to estimate juvenile indices (mortality in the data from the midwater juvenile trawl survey), but concluded that the different values were equally likely, leaving no statistical basis for choosing among them. After review of the stock assessment, the SSC recommended a power coefficient range between 2.0 and 4.0.

The Council considered three ABCs for 2004, which are based on the different models scenarios recommended by the SSC with the application of an $F_{50\%\ FMSY}$ proxy. The ABCs the Council considered were: 3,076 mt from model 7 with a power coefficient of 2.0, 3,460 mt from model 8 with a power coefficient of 3.0, and 3,908 mt from model 9 with a power coefficient of 4.0.

The Council considered three OYs based on each of the three model scenarios (7, 8, and 9) with the application of a constant fishing mortality rate for 2004 that corresponded with a 60-percent probability of rebuilding the stock to B_{MSY} by 2042 (T_{MAX}). For 2004, the Council recommended the mid-range OY of 284 mt with a corresponding ABC of 3,460, with a target rebuilding date (T_{TARGET})of 2037.

POP

In 2000, a forward projection age-structured model was used to assess the POP stock from southern Oregon to the U.S.-Canada border (Vancouver and Columbia management areas.) For 2003, a new stock assessment was prepared for the same area and was based on the 2000 model, which is considered to be a state-of-the-art analysis. For the 2003 stock assessment, modifications and corrections were made to the model used in 2002 to allow for the inclusion of new data, and in model features affecting the following areas: Age and length data quality assumptions,

catchability coefficients for the shelf and slope trawl surveys, fishery and survey selectivity, stock-recruitment relationship assumptions, and natural mortality in relation to recruitment anomalies. New information used in the stock assessment included updated estimates of historical foreign catch, biomass indices and additional age and size composition data for periods between 1992 and 2002, triennial bottom trawl survey data from 2001, ''unbiased'' fishery age data from 1999–2002, two additional years of fishery catch data from 2001 and 2002, and estimates of current and historical discard rates.

The stock assessment results show that the POP stock is relatively stable at low levels of abundance and has shown a slight increase in biomass in recent years. The 2003 spawning biomass is estimated to be at 25 percent of the unfished biomass, the threshold for declaring a stock to be overfished. There appears to be no evidence of a particularly strong year-class in recent years.

The area covered by the stock assessment is the southern most portion of the range of POP. Linkages between POP in waters off British Columbia are assumed to be negligible in the stock assessment. Because a major component of the POP stock exists in Canadian waters, the SSC indicated that the accuracy of basing rebuilding potential only on the number of fish spawning in U.S. waters provides questionable projections and suggested that it was reasonable to use historical recruitment estimates as the basis for rebuilding potential.

The ABC projection of 980 mt was derived from model runs, recommended by the SSC, in which the future recruitments are randomly selected from the distribution of historical recruitments, with the application of an F_{MSY} proxy of $F_{50\%}$. Because POP is an overfished species, a rebuilding analysis with varying levels of probability of rebuilding by T_{MAX} was used to estimate the alternative OYs that the Council considered. The three OYs considered by the Council were, 318 mt based on an 80 percent probability or rebuilding the stock by 2042 (T_{MAX}, F=0.0184), 444 mt based on an 70 percent probability of rebuilding the stock by T_{MAX} (F=0.0257), and 555 based on a 60 percent probability or rebuilding the stock by T_{MAX} (F=0.0322). The Council recommended an OY of 444 mt.

The POP rebuilding plan proposed under regulations implementing Amendment 16–2 (December 5, 2003, 68 FR 67998) is based on the 2000 stock assessment. The Amendment 16–2 regulations propose to implement a target rebuilding year of 2027 and a harvest control rule of F=0.0082. The 2004 OY of 444 mt is based on the 2003 stock assessment and results in the same target rebuilding year as proposed in the POP rebuilding plan. However, because other rebuilding parameters such as the unfished biomass and B_{MSY} have been updated with the new stock assessment, the harvest control rule is being revised to 0.0257. Further discussion on rebuilding measures can be found in the ''Overfished Species'' section of this document.

Black Rockfish

A new stock assessment was conducted for the black rockfish stock off northern California and Oregon. This stock assessment used a length-based stock synthesis model extending back to 1945. Data used in the 2003 stock assessment includes recreational landings from California and Oregon, Oregon commercial landings, size compositions for commercial landings in Oregon and California, and recreational catch-per-unit of effort statistics.

In 2000, a separate stock assessment was conducted for the area off the coast of Washington and extended south to Cape Falcon, Oregon. Because the two stock assessments overlap in the area between Cape Falcon, OR and the Columbia River, projections from the 2000 stock assessment were adjusted downward by 12 percent to account for this overlap in the two stock assessments.

The exploitable biomass of black rockfish underwent a significant decline (62 percent) between 1945 and 1986. However, as a result of several large recruitment events in the mid-1990s, the black rockfish stock off northern California and Oregon has increased in abundance. By 2001, the black rockfish biomass in the assessed area rose above 40 percent of its unfished level and by 2003 it was estimated to be at 52.7 percent of its unfished biomass. However, the biomass is expected to decline to 46 percent of its unfished biomass in the next 10 years. The primary sources of uncertainty in the 2003 model were: (1) The amount of historical landings data for the period prior to 1978, (2) the assumed natural mortality rate, and (3) the relationship between the number of spawning fish and recruitment. The SSC indicated that the retrospective analysis appeared to overestimate the black rockfish biomass, but supported the conclusions of the STAR panel and indicated that the new stock assessment represents the best available scientific data.

For 2004, for the Columbia River and Eureka, CA areas, the Council considered a range of ABCs based on $F_{50\%}$ with the model refitted to represent different levels of historical catch prior to 1978; the low ABC of 729 mt that would result if catches were lower than had been estimated, the mid-range ABC of 775 mt from the model, and the high ABC of 861 mt that would result if catches were higher than had been estimated. The Council recommended adopting the mid-range ABC of 775 mt from the model. Because the unfished black rockfish biomass is believed to be above 40 percent coastwide, the default OY is set equal to the ABC.

Off the Washington coast, the Council considered a single ABC of 540 mt, based on the 2000 stock assessment with the application of $F_{50\%}$. Because the unfished biomass is believed to be above 40 percent, the default OY was also set equal to the ABC. The coastwide ABC/OY is 1,351 mt, the sum of 775 mt the ABC/OY from the 2003 stock assessment (for the Columbia and Eureka areas) and 540 mt the ABC/OY from the 2000 assessment (for the area of Washington).

Fisheries for black rockfish occur in both state and Federal waters off Oregon and California. In the past, Oregon and California have conformed their regulations for state waters to the Federal regulations in the EEZ. However, given the recent increase in both the recreational and commercial fishing pressure in nearshore areas, Oregon and California feel that nearshore fisheries can be better managed by the individual states through adopting counterparts to Federal regulations. Therefore, the black rockfish OY was subdivided between the states as follows: 540 mt will be attributed to the area north of 46°16′ N. lat. (Washington/Oregon border), 450 mt will be attributed to the area between 46°16′ N. lat. and 42°00′ N. lat. (Oregon/California border), and 326 mt will be attributed to the area south of 42°00′ N. lat. [**Note:** For further managing the nearshore rockfish species, the State of California will attribute 194 mt of black rockfish to the area north of 40°10 min N. lat. and 131 mt to the area south of 40°10 min N. lat.] Fisheries in state waters will be managed so as to not exceed these OYs.

Darkblotched Rockfish

In 2000, stock assessment authors used a length-based synthesis model to prepare a full coastwide stock assessment for darkblotched rockfish. This stock assessment was updated in

2001 when new fishery information and data from the 2000 slope survey, conducted by the Alaska Fisheries Science Center (AFSC), were added. The 2003 stock assessment update further adds shelf and slope survey data from the AFSC through 2002. The darkblotched rockfish stock is believed to be at 11 percent of its unfished biomass.

The following three sources of uncertainty were identified, but were beyond the scope of the updated stock assessment: Age data produced for the stock assessment update were associated with different types of error and had a possible bias that was different from the earlier age data, darkblotched natural mortality may be higher than assumed by the model, and slope survey data collected by the Northwest Fisheries Science Center (NWFSC) from 1999–2002 could not be incorporated into the update. Because of differences in the length data and trends between the AFSC data and the NWFSC slope survey data from 1999–2002, the NWFSC data could not be incorporated without exploring new modeling approaches through a full assessment.

Because darkblotched rockfish is an overfished species, a rebuilding analysis with varying levels of probability of rebuilding within T_{MAX} was used to estimate the 2004 OY options considered by the Council. The rebuilding analysis was based on a model (model-6 in the stock assessment) in which all parameters of the model were refit to accommodate the new data.

Stock assessment authors made a comparison of the rebuilding analysis using progressive inclusion of recruitment estimates from 1999, 2000 and 2001. The high 2000 and 2001 recruitment estimates produced much larger OY options because the model expected those recruits would enter the fishery before 2028. The OY options considered by the Council were as follows: A low OY of 172 mt based on the last year of age composition and recruitment data being 1999, the mid OY of 272 mt based on the last year of age composition and recruitment data being 2000, and the high OY of 364 mt based on the last year of age composition and recruitment data being 2001. All of these OY options had an 80 percent probability of rebuilding the darkblotched stock within the maximum allowable time (T_{MAX}). The STAR panel recommended the intermediate results in an attempt to balance the conflicting effects of using the most recent information and the poor statistical precision associated with partial recruitment of the most recent year-classes.

The ABCs considered by the Council were based on an F_{MSY} proxy of $F_{50\%}$. The ABC that corresponds with the low OY was 217 mt, the ABC that corresponds with the mid OY was 240 mt, and the ABC that corresponds with the high OY was 247 mt. The OY values for the medium and high OY options exceeded the ABC values. Including the 2000 and 2001 recruits in the rebuilding analysis assumes that they will enter the fishery in the future and help to rebuild the stock. However, the 2000 and 2001 recruits have little effect on the current ABC because they are too small to enter the fishery by 2004. The inclusion of the 2000 and 2001 recruits into the rebuilding analysis resulted in OY estimates for the mid and high options being higher than the ABC.

Following consideration of the alternative OYs and corresponding ABCs, the Council recommended the mid-range OY, which is consistent with the STAR panel recommendation. However, the Council recognized that the OY could not exceed the ABC and therefore recommended that the OY be set equal to the ABC of 240 mt.

The darkblotched rockfish rebuilding plan proposed under regulations implementing Amendment 16–2 (December 5, 2003, 68 FR 67998) is based on the 2000 stock assessment. The Amendment 16–2 regulations propose to implement a target rebuilding year of 2030 and a harvest control rule of F=0.027. The 2004 OY of 240 mt is based on the 2003 stock assessment and results in the same target rebuilding year as is proposed in the darkblotched rockfish rebuilding plan. However, because other rebuilding parameters such as the unfished biomass and B_{MSY} have been updated with the new stock assessment, the harvest control rule is being revised to F=0.032. Further discussion on rebuilding measures may be found in the ''Overfished Species'' section of this document.

Yellowtail Rockfish

A coastwide (north of Cape Mendocino, CA) yellowtail rockfish stock assessment was last done in 2000 using an age-structured model. This same model was used for a stock assessment update for 2003 that included the following new information: 2001 data from the NMFS triennial bottom trawl survey; revised estimates of historical landings; and new age data from 1999–2002. Future stock assessments for yellowtail rockfish may be affected by diminishing sampling efforts for collecting age structure data since 2001, particularly in the Eureka, CA and southern Columbia areas.

The coastwide biomass estimate of yellowtail rockfish in 2002 was 46 percent of its unfished biomass. The coastwide spawning stock biomass of yellowtail rockfish has remained nearly constant since the early 1980s, with the total biomass having generally declined since the 1960s. The current stock assessment indicates that the current biomass and number of fish in the population is in a declining trend. Furthermore, both the number of males and females in the population have declined severely. The decline in numbers was likely due to poor recruitment.

For 2004 the Council recommended implementing a yellowtail rockfish ABC of 4,320 mt based on the stock assessment update, with an F_{MSY} proxy of $F_{50\%}$. Because the spawning stock biomass is above $B_{0\%}$, the OY was set equal to the ABC.

Sablefish

In 2001, two stock assessments were prepared for sablefish north of Point Conception, CA (34°27′ N. lat.), one by NMFS and the other by staff at the University of Washington. For 2002, newly available fishery and survey data were used to update the NMFS stock assessment without changes being made to the model structure or assumptions. The stock assessment update estimated the spawning stock biomass to be between 31 and 39 percent of the unfished biomass. This is because of a notable change in the estimate of young fish that had grown large enough to be harvested in the 2000 and 2001 fisheries.

Two alternative theories regarding states of nature, environmentally driven and density-dependent, were considered in the stock assessment update. The declines in recruitment since the early 1990s may have resulted from changes in environmental conditions, or the low recruitment may have been generated from low spawning biomass. It is not possible to determine with any confidence if the recruitment trends are due principally to reduced spawners or if they are environmentally driven.

While reviewing the 2004 recommendations for sablefish ABCs and OYs, the GMT found an error in the values that were used for the Point Conception, CA area in 2002 and 2003. The 2001 stock assessment and the 2002 stock assessment updates were coastwide assessments that included the entire Point Conception, CA area. However, the ABC and OY values that were presented in the Annual Specifications and Management Measures (67 FR 10490, March 7, 2002,

68 FR 11182, March 7, 2003) for the Point Conception, CA areas incorrectly included an additional amount for the Point Conception, CA area south of 34°27′ N lat. based on historical landings.

For 2004, the coastwide ABC of 8,487 mt was based on the 2002 stock assessment update with an $F_{45\%}$ F_{MSY} proxy. The ABC of 8,185 mt for the area north of Point Conception, CA (36° N lat.) is 96.05 percent of the coastwide ABC. The ABC of 302 mt for the area south of 36° N lat. is 3.55 percent of the coastwide ABC. Three different coastwide OYs were considered by the Council; an OY of 4,812 mt based on the density-dependent scenario with an F_{MSY} proxy of $F_{60\%}$ with the application of the 40–10 policy, an OY of 7,786 mt based on the density-dependent scenario with an F_{MSY} proxy of $F_{45\%}$ with the application of the 40–10 policy, and an OY of 8,423 mt based on an environmentally-driven scenario with an F_{MSY} proxy of $F_{45\%}$ with the application of the 40–10 policy. The Council recommended adopting the coastwide OY of 7,786 as a reasonable management target given the uncertainty in the assessment.

Pacific Whiting

Since 1977, the U.S. and Canada have periodically held negotiations to address whiting fishery management issues, particularly catch sharing between the two countries. Through 2003, the U.S fisheries have been managed to take 80 percent of the OY, while the Canadian fisheries have been managed to take 30 percent of the U.S.-Canada coastwide harvest. In the fall of 2002, after the whiting stock had been declared overfished, international negotiations were resumed.

In February 2003, U.S.-Canada negotiations reached a tentative agreement detailing the conservation, research, and catch sharing of whiting. The catch sharing arrangement that was agreed upon provides 73.88 percent of the total catch OY to the U.S. fisheries and 26.12 percent to the Canadian fisheries. At this time, both countries are pursuing adoption of an international agreement or treaty. Although the international agreement and implementing legislation are not expected to be effective until 2005, the negotiators recommended that each country informally implement the agreed-upon provisions beginning in 2004.

The most recent whiting stock assessment was completed in February 2002. The 2002 stock assessment found that the spawning stock biomass for whiting had declined substantially from previous years. The stock assessment estimated the biomass in 2001 to be below the overfished threshold of $B_{25\%}$ resulting in whiting being declared overfished (April 15, 2002, 67 FR 18117). The 2002 stock assessment indicated that a large amount of juvenile fish spawned in 1999 were expected to enter the fishery in the near future. Growth of the spawning stock biomass would depend on the vigor of the juvenile fish that mature and enter the fishery as well as the applied exploitation rate.

In June 2002, the Council received a draft rebuilding analysis that followed the guidelines established by the SSC. Because of the highly variable recruitment patterns and short life span of whiting, the rebuilding analysis estimated short rebuilding periods even with high harvest levels. The SSC advised continuing the use of the 40–10 policy for whiting because it appeared adequate to achieve recovery. The Council did not move to adopt the whiting rebuilding analysis.

A new whiting stock assessment and rebuilding analysis are expected to be completed by February 2004. The upcoming whiting stock assessment will incorporate additional fishery dependent data collected since the last stock assessment, and new fishery independent data from the 2003 hydroacoustical survey and pre-recruit survey work. These added data points are expected to provide much needed information on changes to the spawning stock biomass since the 1999 year class began entering the fishery. The new data are also expected to provide information regarding potential future recruitment.

In anticipation of the new stock assessment and given the small amount of whiting that is typically landed under trip limits prior to the April 1 start of the primary season, the Council delayed adoption of a final ABC and OY until the results of the new stock assessment are available. Therefore, the Council is scheduled to review the results of the new stock assessment at its March 2004 meeting. A new rebuilding analysis is expected to be ready for review at this same meeting. These documents will be available to the public at the March 2004 meeting. The Council will recommend the ABC and OY in March and it will be implemented through a final rule that is separate from the final rule for the rest of the groundfish specifications.

The Council considered a range of ABCs and OYs that are expected to encompass results of the upcoming assessment. This range is consistent with historical values and appears to cover the anticipated range for 2004. The four ABC and OY options considered by the Council were: An ABC of 94,000 mt with an OY of 74,100 mt, which represents 50 percent of the 2003 ABC and OY; an ABC of 188,000 mt with an OY of 148,200 mt, which was the 2003 ABC and OY; an ABC of 282,000 mt with an OY of 222,300 mt, which is 50 percent greater than the 2003 ABC and OY; and an ABC of 325,000 mt with an OY of 250,000 mt, which was a value recommended by the Council. The Council recommended a preferred OY of 250,000 mt to accommodate possible high-end estimates that could result from the 2004 stock assessment, while recognizing the limitations that incidental catch of widow rockfish is likely to have on harvest levels of whiting.

Cowcod

A rebuilding review was conducted for cowcod. This was a thorough examination of the recreational and commercial fishery related removals in relation to the ABC and OY levels that were established for rebuilding. Sample information from recognized data sources, which create the most accurate time series of cowcod removals available in 2003, were used in the review. These data sources include: Commercial landings from the California commercial data base, sample data from the spot prawn fishery off southern California, recreational landings from the RecFin database, the Los Angeles Times Logbook Survey, and Commercial Passenger Fishing Vessel Logbooks, and recreational sample data from a recently implemented program sponsored by CDFG and the Marine Recreational Fishery Statistics Survey (MRFSS).

The review concluded that the total removals of cowcod have declined in accordance with the rebuilding-based harvest specifications and management measures that were first established in 2000. Because of fishery closures in this area, data were not available from the Cowcod Conservation Area (CCA) for the review; therefore, further protection from having established the CCA are expected. Total removals for the Monterey, CA and Point Conception, CA areas have been below the rebuilding based ABCs and OYs, with the exception of the area south of 36° N. lat. in 2000 in which the OY of 5 mt was exceeded by 0.6 mt. This exceedance was largely because of removals in the 2000 spot prawn trawl fishery off southern California. This small amount is considered to be within the range of error associated with these estimates. It must be noted that this review did not

include population modeling. The SSC recommended that cowcod be considered for a formal stock assessment during the 2004–2005 stock assessment cycle.

Canary Rockfish

In 2002, a coastwide stock assessment and rebuilding analysis was prepared for canary rockfish and was used to set the ABC and OY values for both 2003 and 2004. In addition, a canary rockfish rebuilding plan was adopted by the Council at its June 2003 meeting as part of Amendment 16–2 to the FMP.

Canary rockfish are distributed coastwide and are caught in a variety of fishing gears. Given the low available harvest of canary rockfish and the wide variety of fisheries that incidentally catch canary rockfish, canary rockfish is a species that constrains the groundfish fisheries. The Council considered OYs based on the 2002 rebuilding analysis with four different arrangements for dividing catch between the commercial and recreational fisheries. How the catch is divided between the commercial and recreational sectors results in different ABCs and OYs. This is because the recreational fisheries take smaller canary rockfish than the commercial fisheries, resulting in a greater per ton impact on the canary rockfish stock over the rebuilding period.

The catch sharing arrangements considered by the Council included: 42 mt, which represents a 50-percent recreational/50-percent commercial division, 46 mt, which represents a 39-percent recreational/61-percent commercial division, and 47.3 mt, which represents a 35.5-percent recreational/64.5-percent commercial division. The Council initially expressed a preference for a 46 mt OY based on the same catch share as was adopted in 2003, which was split with 39 percent recreational/61 percent commercial, but asked that the groundfish management team look at fishery impacts while developing 2004 management and consider a range up to 20 percent recreational/80 percent commercial.

During the development of the 2004 management measures, the total catch of overfished species, including canary rockfish, estimated to be taken by all sectors of the groundfish fishery were considered. The Council considered the alternative management measures and recommended adopting a suite of options in which the resulting division of canary rockfish will be 35.5-percent recreational/64.5-percent commercial division. This division resulted in an OY recommendation of 47.3 mt, with the 2004 coastwide ABC of 256 mt derived from the 2002 assessment.

Proposed regulations to implement a canary rockfish rebuilding plan under Amendment 16–2 to the FMP would establish a target rebuilding year of 2074 and a harvest control rule of F=0.0220 (December 5, 2003, 68 FR 67998). The 2004 OY of 47.3 mt results from the application of the harvest control rule proposed in the rebuilding plan with the same target rebuilding year. Further discussion on rebuilding measures can be found in the ''Overfished Species'' section of this document.

Minor Nearshore Rockfish

To protect depleted stocks and minimize the chance of overfishing, changes were made in 2000 that eliminated the ''sebastes complex'' as a management category and created the ''minor rockfish'' categories (January 4, 2000, 65 FR 221). Minor rockfish, species which have had rudimentary or no stock assessments, are divided into nearshore, shelf, and slope categories that represent where they are predominantly caught. The same management categories will continue to be used for 2004.

Given the recent increase in both the recreational and commercial fishing pressure in nearshore areas, the States of Oregon and California have approved state nearshore fishery management plans that include minor nearshore rockfish species that are also regulated in Federal waters under Federal regulations. For 2004, minor nearshore rockfish OYs are being specified for waters off the States of Oregon and California.

For management of the nearshore species, a more conservative harvest rate is being applied by California than is applied at the Federal level. California will manage the minor nearshore rockfish (including black rockfish) in state waters south of 40°10 min N lat. OY as follows: Shallow nearshore rockfish 104.8 mt (38.8 mt commercial and 66 mt recreational), California scorpionfish 84.9 mt (21 commercial and 63.9 mt recreational), and deeper nearshore rockfish 413.1 (54 commercial and 359.1 recreational). California will manage the minor nearshore rockfish (including black rockfish) OY north of 40°10 min N lat. to the Oregon-California boarder (42° N. Lat.) as follows: Black and blue rockfish 187.3 mt (69.8 recreational/ 117.5 commercial), all other nearshore rockfish 13.8 mt (3.7 recreational/ 10.1 commercial). Oregon will manage the minor nearshore rockfish as follows: Blue rockfish 44.5 mt (41.5 recreational/ 2.9 commercial), all other nearshore rockfish 27.2 mt (11.4 recreational/ 15.8 commercial).

For the area north of 46°16′ N. lat. (the Washington/Oregon boarder), the total catch OY for all nearshore rockfish in both state and Federal water is 290 mt, most of which is estimated to be taken in the recreational fisheries although a small amount is expected to be taken in the treaty Indian tribal fisheries.

Landed Catch OYs

Revisions to the model used for bycatch accounting in 2004 are expected to result in more effective inseason management, where estimates of bycatch amounts for target and overfished species will be based on landed catch amounts. Because bycatch rates are no longer applied to the total catch OY to obtain the landed catch values, landed catch values are not presented in this document. [**Note:** Discussion of the revised model can be found later in this document, in the bycatch and discard accounting section.]

Overfished Species

Nine Pacific coast groundfish stocks continue to be designated as ''overfished'' in 2004: POP, bocaccio, lingcod, canary rockfish, cowcod, darkblotched rockfish, widow rockfish, yelloweye rockfish and whiting. The status of the groundfish stocks are evaluated against the requirements of the Magnuson-Stevens Act, the National Standard Guidelines, and the FMP. A species or stock is considered to be overfished if its current biomass is less than 25 percent of the unfished biomass. The Magnuson-Stevens Act requires that a rebuilding plan be prepared within 1 year after the Council is notified by NMFS that a particular species is overfished.

In the fall of 2000, NMFS had approved the first three rebuilding plans for lingcod, bocaccio, and POP (September 5, 2000, 65 FR 53646). Subsequently, requirements for developing overfished species rebuilding plans were addressed in Amendment 12 to the FMP, which was submitted for public review (September 8, 2000, 65 FR 54475) and approved by NMFS on December 7, 2000. During NMFS's review of Amendment 12, the agency considered whether the three recently approved rebuilding plans met the requirements of Amendment 12 and concluded that the plans did not meet the requirements. As a result, NMFS disapproved the plans and instructed the Council to re-submit the rebuilding plans for lingcod, bocaccio, and POP. The final rule to implement Amendment 12 describes NMFS's

revocation of the approved lingcod, bocaccio, and POP rebuilding plans (December 29, 2000, 65 FR 82947). In the absence of final rebuilding plans approved by NMFS, the groundfish fishery has continued to operate under interim rebuilding measures for these species.

While NMFS and the Council were developing new rebuilding plans that were consistent with the requirements of Amendment 12, NMFS notified the Council that canary rockfish and cowcod were overfished and that the Council must submit rebuilding plans for these species to NMFS by January 4, 2001 (January 4, 2000 65 FR 221). On January 11, 2001 (66 FR 2338), NMFS notified the Council that darkblotched and widow rockfish were overfished and that the Council must submit rebuilding plans for these species to NMFS by January 11, 2002. Subsequently, on August 20, 2001, a Federal magistrate ruled in *National Resources Defense Council, Inc* v. *Evans*, 168 F. Supp. 2d 1149 (N.D. Cal. 2001) that rebuilding plans under the FMP must be in the form of an FMP amendment or proposed regulations as specified by the Magnuson-Stevens Act at 16 U.S.C. 1854 (e)(3) and issued an order setting aside those portions of Amendment 12 to the FMP dealing with rebuilding plans (Amendment 12 provided a framework for rebuilding plans that were not themselves plan amendments or proposed regulations). As a result of the magistrate's decision, the Council was required to amend the FMP so rebuilding plans will be consistent with the Magnuson-Stevens Act.

On January 11, 2002 (67 FR 1555), NMFS notified the Council that yelloweye rockfish was overfished and that Council must submit a rebuilding plan to NMFS by January 11, 2003. On April 15, 2002 (67 FR 18117), NMFS notified the Council that whiting was overfished and that Council must submit a rebuilding plan to NMFS.

Amendment 16–1 to the groundfish FMP establishes a process for and standards by which the Council will specify rebuilding plans for groundfish stocks that are declared overfished. Amendment 16–1 is intended to ensure that overfished species rebuilding plans meet the requirements of the Magnuson-Stevens Act, in particular National Standard 1 on overfishing at Section (e), which addresses rebuilding overfished fisheries.

Two rebuilding parameters will be codified in Federal regulation for individual species rebuilding plans, at 50 CFR 660.370. These parameters are the target year for rebuilding and the harvest control rule that is to be used during the rebuilding period. The target rebuilding year is the year in which there is a 50 percent likelihood that the stock will have been rebuilt with a given mortality rate. The harvest control rule expresses a given fishing mortality rate that is to be used over the course of rebuilding.

Amendment 16–1 recognizes that a new stock assessment will most likely change some of the parameters of a rebuilding plan. If, after a new stock assessment, the Council and NMFS conclude that either or both of the parameters defined in regulation should be revised, the updated values will be codified in the Federal regulation and fully supported by a corresponding analysis. Any changes will be made through a Federal rulemaking, which will include a public notice and comment process. The FMP requires that approved rebuilding plans be implemented by setting OYs that are consistent with the rebuilding plan, and by implementing management measures necessary to maintain the total fishing mortality within the OYs in order to achieve the rebuilding objectives.

Amendment 16–1 also responds to the Court order in which NMFS was ordered to adopt rebuilding plans as either FMPs, FMP amendments, or regulations. Amendment 16–1 specifies the basic parameters for rebuilding plans that will be adopted in subsequent plan amendments. Under Amendment 16–1, for each approved overfished species rebuilding plan, the following parameters will be specified in the FMP: Estimates of unfished biomass (B_0) and B_{MSY}, the year the stock would be rebuilt in the absence of fishing (T_{MIN}), the year the stock would be rebuilt if the maximum time period permissible under the National Standard Guidelines were adopted (T_{MAX}), and the year in which the stock would be rebuilt under the adopted rebuilding plan based on the application of stock rebuilding measures (T_{TARGET}). These estimated values will serve as management benchmarks in the FMP. Amendment 16–1 additionally sets schedules and standards for reviewing rebuilding plans.

Amendment 16–1 was approved by NMFS on November 14, 2003. A proposed rule to implementing Amendment 16–1, including specific standards to govern the harvest levels for overfished species, was published on September 5, 2003 (68 FR 52732). NOAA approved Amendment 16–1 on November 14, 2003, and expects to publish the final rule in early 2004.

Amendment 16–2, was adopted by the Council in June 2003 and submitted to NMFS. Amendment 16–2 contains rebuilding plans for canary rockfish, darkblotched rockfish, lingcod, and POP. A Notice of Availability for Amendment 16–2 was published on November 7, 2003 (68 FR 63053). A proposed rule to codify regulations that implement the rebuilding plans contained in Amendment 16–2, was published on December 5, 2003 (68 FR 67998) and may be followed by a final rule to be published in early 2004.

As required by the standards established by Amendment 16–1, the rebuilding plans being adopted under Amendment 16–2 for lingcod, canary rockfish, darkblotched rockfish, and POP include B_0, B_{MSY}, T_{MIN}, T_{MAX}, and T_{Target} for each species. If approved, Amendment 16–2 will add these parameters to section 4.5.4. of the FMP. Other relevant information on each of these overfished stocks, such as stock distribution, fishery interaction, and the rebuilding strategy would also be added to section 4.5.4 of the FMP if the rebuilding plans proposed under Amendment 16–2 are approved.

2004 Management of Overfished Species

Rebuilding plans for POP, darkblotched rockfish, canary rockfish, and lingcod being adopted under Amendment 16–2 and implemented through Federal regulation are summarized below. The new stock assessments for POP and darkblotched rockfish (discussed above in the ''2004 ABCs and OYs'' section) have resulted in revisions to some of the rebuilding parameters specified in Amendment 16–2. The revised harvest control rule is being proposed in this rule.

Preliminary rebuilding measures for the remaining overfished species, except for whiting, are also summarized below. Whiting is the only overfished species that is proposed to continue to be managed using the 40–10 policy, rather than harvest levels based on a rebuilding analysis. As stated in the previous section of this document, the SSC advised continuing the use of the 40–10 policy for whiting because it appeared adequate to achieve recovery. The whiting harvest levels and rebuilding strategy will be reconsidered following a new whiting stock assessment and rebuilding analysis, which are expected to be completed in early 2004.

Management measures designed to rebuild overfished species, or to prevent species from becoming overfished, may restrict the harvest of relatively healthy stocks that are harvested with overfished species. As a result of the constraining management measures imposed to protect and rebuild

overfished species, a number of the OYs may not be achieved in 2004.

OY Management for Overfished Species

Management measures adopted for 2004 are expected to keep the total mortality of overfished species within the adopted OYs. Managing a fishery inseason is dependent on the availability and accuracy of catch data. As new data become available and are used to track catch levels throughout the year, management strategies may need to be adjusted to keep the harvest of healthy stocks and the incidental catch of overfished species at or below their specified OYs.

Managing the fishery to stay within the OYs of overfished species is difficult because the OYs of many overfished stocks are low and there are catch accounting issues with some of the species (such as bocaccio, canary rockfish, lingcod). After reviewing the estimated mortality for all directed and incidental groundfish fisheries and research activities, the Council recommended adopting management measures that are predicted to result in total fishing mortality levels that are substantially lower than the 2004 OYs for those overfished species with the greatest uncertainty regarding catch accounting. Designing management measures for overfished species that result in total mortality levels that are lower than that species' OY creates an OY buffer. Providing an OY buffer reduces the risk of exceeding an OY when there are difficulties in catch accounting or when new information becomes available. Species-specific buffer amounts are provided in the footnotes to Table 1a.

POP

Date declared overfished: March 3, 1999.

Areas affected: Vancouver and Columbia.

Status of stock: Following the 2003 assessment, the stock was believed to be at 25 percent of unfished biomass level.

B_0: 37,230 units of spawning output.

B_{MSY}: 14,892 units of spawning output.

T_{MIN}: 2011.

T_{MAX}: 2042.

P_{MAX}: >70 percent.

T_{TARGET}: 2027.

Harvest control rule: F=0.0257.

ABC in 2004: 980 mt.

OY in 2004: 444 mt.

Management measures for 2004: POP tend to occur in similar depths as darkblotched rockfish, although they have a more northern geographic distribution. North of 40°10′ N. lat., POP are caught in similar fisheries as darkblotched rockfish. POP are rarely caught in the recreational fisheries. Management measures for 2004 that are intended to limit the bycatch of POP and keep fishing mortality within the OY include (1) the use of RCAs to restrict fishing in areas where overfished species are found and (2) cumulative trip limits.

Because POP co-occur with darkblotched rockfish, measures to reduce the incidental catch of darkblotched rockfish benefit POP. These measures include seaward trawl RCA boundaries that are established to keep fishing effort in deeper water where POP are less abundant, and cumulative limits for POP and minor slope rockfish that are intended to discourage targeting while allowing low levels of incidental catch to be landed. As needed, trip limits for other co-occurring species may be adjusted to reduce POP bycatch. [More in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Darkblotched Rockfish

Date declared overfished: January 11, 2001 (66 FR 2338).

Areas affected: Coastwide.

Status of the stock: Following a 2003 stock assessment the coastwide stock was believed to be at 11 percent of its unfished biomass level.

B_0: 30,775 mt.

B_{MSY}: 12,310 mt.

T_{MIN}: 2011.

T_{MAX}: 2044.

P_{MAX}: >90 percent.

T_{TARGET}: 2030.

Harvest control rule: F=0.032.

ABC in 2004: 240 mt.

OY in 2004: 240 mt.

Management measures in 2004: Darkblotched rockfish occurs on the outer shelf and continental slope (slope), mainly north of Point Reyes', CA (38° N. lat). Because of their deeper distribution, they are caught exclusively by commercial vessels. Most landings have been made by bottom trawl vessels targeting flatfish on the shelf, and rockfish and the DTS species on the slope. Management measures intended to limit bycatch of darkblotched rockfish and keep fishing mortality within the OY specified for 2004 include (1) the use of RCAs and (2) cumulative trip limits.

The boundaries of the RCAs vary by season and fishing sector and may be modified in response to new information about geographical and seasonal distribution of bycatch. The seaward boundary of the trawl RCA was set at a depth that was likely to keep fishing effort in deeper waters and away from areas where the bycatch of darkblotched rockfish was highest. During the winter months, modifications to the line allow for the harvest of flatfish while minimizing the impacts on darkblotched rockfish.

Cumulative limits for the minor slope rockfish species (the complex that darkblotched rockfish is managed under) north of 40°10′ N. lat. and splitnose rockfish were lowered to reduce the potential incidental take of darkblotched rockfish. As needed, trip limits for other co-occurring species may be adjusted to reduce darkblotched rockfish bycatch. [More in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Canary Rockfish

Date declared overfished: January 4, 2000 (65 FR 221).

Affected area: Coastwide.

Status of the stock: 8 percent of its unfished biomass level in 2002.

B_0: 31,550 mt.

B_{MSY}: 12,620 mt.

T_{MIN}: 2057.

T_{MAX}: 2076.

P_{MAX}: 60 percent.

T_{TARGET}: 2074.

Harvest control rule: F=0.0220.

ABC in 2004: 256 mt.

OY in 2004: 43.7 mt.

Management measures in 2004: Canary rockfish prefer rocky areas on the continental shelf (shelf) and are encountered in a wide variety of commercial and recreational fisheries. Management measures designed to limit bycatch of canary rockfish in 2004 include the use of RCAs and cumulative trip limits. Bottom trawling is prohibited in the trawl RCA, which covers depths where canary rockfish have been most frequently caught. Cumulative limits are structured to discourage targeting while allowing very low levels of incidental take to be landed. In addition, differential trip limits are used for large and small footrope trawl gear. By allowing greater limits for large footrope gear and prohibiting its use in nearshore areas, there is an incentive for vessels to fish in deeper waters, beyond the range of canary rockfish.

Recreational fisheries are managed through bag limits, size limits and seasons. If necessary, seasons can be shortened and bag limits reduced to stay within the 2004 OY. [More in-depth

discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Lingcod

Date declared overfished: March 3, 1999.

Areas affected: Coastwide.

Status of the stock: A coastwide assessment was conducted in 2000 and estimated that the stock was at 17 percent of its unfished biomass in the north and 15 percent of its unfished biomass in the south.

B_0: 22,882 mt north and 20,971 mt south.

B_{MSY}: 9,153 mt north and 8,389 south.

T_{MIN}: 2007.

T_{MAX}: 2009.

P_{MAX}: 60 percent.

T_{TARGET}: 2009.

Harvest control rule: F=0.00531 north and F=0.061 south.

ABC in 2004: 1,385 mt.

OY in 2004: 735 mt.

Management measures in 2004: Lingcod are irregularly distributed coastwide in hard bottom areas and around rocky reefs and are encountered in a variety of commercial and recreational fisheries. Lingcod is also an important recreational species coastwide.

Management measures intended to limit bycatch of lingcod include the use of RCAs to restrict fishing in areas where overfished species are most likely to occur and the use of cumulative trip limits. Small trip limits are allowed in the trawl fishery to accommodate true incidental catch. Lingcod landings by the limited entry fixed gear and open access fisheries are severely limited during the summer months and are prohibited during the winter months. Lingcod are vulnerable to these gears during the winter nesting period, but have a high rate of survival when released alive. In addition to recreational bag limits, similar season restrictions have been used in the California and Washington recreational fisheries during the winter months. [More in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Bocaccio

Date declared overfished: March 3, 1999.

Areas affected: Monterey, CA and Point Conception, CA.

Status of stock: 7.4 percent of its unfished biomass in 2003.

B_0: 13,387 Billion eggs in 2003.

B_{MSY}: 5,355 Billion eggs in 2003.

T_{MIN}: 2018.

T_{MAX}: 2032.

P_{MAX}: ≥70 percent.

T_{TARGET}: 2021.

Harvest control rule: 0.041.

ABC in 2004: 400 mt.

OY in 2004: 250 mt.

Management measures for 2004: Bocaccio are most commonly found from 54 fm (99 m) to 82 fm (150 m) of water over the continental shelf. Bocaccio have historically been taken by vessels using commercial trawl and fixed gear and recreational fisheries. Bottom trawl, limited entry fixed gear, and open access fishing opportunities in the depths where bocaccio are most commonly encountered are reduced though the use of RCAs, which will continue to be used in 2004 to restrict fishing on the continental shelf.

Bocaccio retention in the affected area was prohibited in the commercial fisheries in 2003, but very small limits will be allowed in 2004 to accommodate incidental catch by vessels taking shelf species. In 2003, chilipepper rockfish limits for limited entry trawl gear were included in the minor shelf species group. This had been done to eliminate all target opportunities where bocaccio may be taken incidentally. For 2004, a specific chilipepper rockfish trip limit for limited entry trawl gear will be established. The limits are conservative and not expected to result in the bocaccio OY being exceeded.

Bocaccio retention was prohibited in the recreational fisheries in 2003, but one fish bag limits will be allowed in 2004 in depths where the incidental catch of bocaccio is expected to be minimal. This retention allowance for bocaccio is still expected to result in lower overall catches than were seen in 2002 (when bocaccio retention was last allowed) because of year round depth restrictions that will be in place for 2004 and bag limits for bocaccio that are lower than those in 2002. [**Note:** more in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Cowcod

Date declared overfished: January 4, 2000.

Areas affected: Point Conception, CA to the U.S.-Mexico boundary.

Status of stock: 4–11 percent of unfished biomass in 1999.

B_0: 3.367 mt.

B_{MSY}: 1,350 mt.

T_{MIN}: 2062.

T_{MAX}: 2099.

P_{MAX}: 55 percent.

T_{TARGET}: 2095.

Harvest control rule: F=0.0136.

ABC in 2004: 24 mt.

OY in 2004: 4.8 mt.

Management measures in 2004: All directed cowcod fishing opportunities have been eliminated since 2001. Retention of cowcod is prohibited for all commercial and recreational fisheries. To protect cowcod from incidental harvest, the Council has recommended two Cowcod Conservation Areas (CCAs) (the Eastern CCA and the Western CCA) in the Southern California Bight, delineated to encompass key cowcod habitat areas and known areas of high catches. The CCA was codified into regulation on November 4, 2003 (68 FR 62374). Fishing for groundfish is prohibited within the CCAs, except that minor nearshore rockfish, cabezon, and greenling may be taken from waters where the bottom depth is less than 20 fathoms (36.9 m). A transportation corridor is provided through the Western CCA to allow commercial vessels fishing for slope rockfish and other groundfish west of the Western CCA to transport that groundfish through the Western CCA.

A rebuilding review was conducted for cowcod. This was a thorough examination of the recreational and commercial fishery related removals in relation to the ABC and OY levels established for rebuilding. The review concluded that the total removals of cowcod had declined in accordance with the rebuilding based harvest specifications that were first established in 2000. In addition, further protection from having established the Cowcod Conservation Area are expected. Because of fishery closures in this area, data was not available from these areas for this review. [**Note:** More in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Widow Rockfish

Date declared overfished: January 11, 2001.

Areas affected: Coastwide.

Status of stock: 22.4 percent of the unfished biomass in 2002.

B_0: 43,530 million eggs.

B_{MSY}: 17,432 million eggs.

T_{MIN}: 2026.

T_{MAX}: 2042.

P_{MAX}: 60 percent.

T_{TARGET}: 2037.

Harvest control rule: F=0.0093.

ABC in 2004: 3,460 mt.

OY in 2004: 284 mt.

Management measures in 2004: Commercial limits for widow rockfish are intended to accommodate incidental catch and do not provide an incentive for directed fishing. The midwater trawl fisheries for yellowtail rockfish, a species that co-occurs with widow rockfish, have been constrained. Bottom trawl opportunities for shelf rockfish continue to be extremely limited; which is expected to benefit widow rockfish.

Incidental catch allowance of widow rockfish will continue to be allowed during the primary season for whiting. A final 2004 whiting ABC and OY will be adopted at the Council's March meeting. Based on average incidental catch rates of widow rockfish in the whiting fishery from 1998–2002, the whiting OY may need to be constrained to around 120,000 mt to stay within the widow rockfish rebuilding OY. [**Note:** More in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Yelloweye Rockfish

Date declared overfished: January 11, 2002.

Areas affected: Coastwide.

Status of stock: 24.1 percent of its unfished biomass in 2002.

B_0: 3,875 mt.

B_{MSY}: 1,550 mt.

T_{MIN}: 2027.

T_{MAX}: 2071.

P_{MAX}: 92 percent.

T_{TARGET}: 2052.

Harvest control rule: F=0.0139.

ABC in 2004: 53 mt.

OY in 2004: 22 mt.

Management measures in 2004: Yelloweye rockfish are more available to the commercial fixed gear and recreational fisheries than to the trawl fisheries. The retention of yelloweye rockfish in the commercial fixed gear fisheries will be prohibited. In addition, sublimits for yelloweye rockfish will be applied to the minor nearshore shelf rockfish trip limit for the limited entry trawl fisheries to discourage any interest in targeting yelloweye rockfish.

The yelloweye rockfish conservation area (YRCA) will continue to be used for 2004 in waters off the coast of Washington. This is an area that will be closed to recreational bottom fishing and halibut fishing. The YRCA was codified into regulation on November 4, 2003 (68 FR 62374). In Washington state, retention of yelloweye rockfish in recreational fisheries will be prohibited. In Oregon, the retention of yelloweye rockfish during the all-depth halibut fisheries will be prohibited. In the California recreational fisheries, the retention of yelloweye rockfish will be prohibited coastwide. [More in-depth discussion of these management measures as they apply to each sector of the fishery and the various gear types can be found later in this document, in the 2004 Management Measures section.]

Overfishing

None of the 2004 ABCs are set higher than F_{MSY} or its proxy, none of the OYS are set higher than the corresponding ABCs, and the management measures in this proposed rule are designed to keep harvest levels within specified OYs. Overfishing is difficult to detect inseason for many groundfish, particularly for minor rockfish species, because most are not individually identified on landing. Species compositions, based on proportions encountered in samples of landings, are applied during the year. However, final results are not available until after the end of the year. Thus, this **Federal Register** document discusses overfishing for 2002, not 2003. If overfishing occurred on any groundfish species in 2003, it will be discussed in the 2005–2006 **Federal Register** publication of the specifications for those years.

During the 2002 fishing season, overfishing occurred on lingcod. There are no formal allocations for lingcod between the commercial and recreational fisheries; however, the 2002 total catch OY of 577 mt for lingcod was separated into a 326 mt expected catch for the recreational fisheries and a 251 mt total catch OY for commercial fisheries. The lingcod commercial total catch OY was further reduced by 50 mt to account for discard, with landed catch OY for the commercial fisheries set at 201 mt. Catch of lingcod in 2002 research fisheries is estimated to have been 3.3 mt. Non-tribal and tribal commercial lingcod catch for 2002 is estimated to have been 205.6 mt, exceeding the commercial landed catch OY by 4.6 mt. Recreational lingcod landings for 2002 are estimated to have been 612 mt, exceeding the expected recreational fisheries take by 286 mt. With this large overharvest in the recreational fisheries, total lingcod landings are estimated to have been 872.3 mt, exceeding the 745 mt lingcod ABC by 127.3 mt. Under the FMP, ABCs are set at F_{MSY} and the lingcod ABC is set with an F_{MSY} proxy of F_{45}. Fishing at a level that exceeds the MSY harvest rate is considered overfishing under the Magnuson-Stevens Act.

About 78 percent of the 2002 recreational fisheries lingcod landings were made into California ports. NMFS and the State of California significantly revised California recreational fisheries management for the 2003 fishing season. The 2003 season was shortened from 8 months to 6 months in duration with notable new area closures in 2003. Of the 8 open fishing months in 2002, 4 months were managed with closures offshore of 20-fm (37-m). In 2003, recreational fishing for lingcod was prohibited off California in waters offshore of the 20 fm (37 m) depth contour for all 6 months of the open season. As of the writing of this **Federal Register** document, recreational fisheries data was not yet available for the July-December open California recreational fishing season. As mentioned earlier, the **Federal Register** document proposing the 2005–2006 specifications and management measures will discuss whether 2003 management measures successfully protected lingcod from overfishing.

Recreational fisheries management measures for 2003 were set primarily to protect bocaccio, with the expectation that time/area closures would also protect other continental shelf species, such as lingcod. With the higher bocaccio OY in 2004, management measures for all fisheries off California are somewhat less restrictive than in 2003, but not as liberal as in 2002. In the area where most lingcod are taken off California, between 40°10′ N. lat. and 34°27′ N. lat, the fishery will be open 10 months per year, with fishing permitted inshore of the 20 fm (37 m) depth contour in May–August and permitted inshore of the 30 fm (55 m) depth contour in January–February and September–December.

Bycatch and Discard Accounting

The Magnuson-Stevens Act defines bycatch as ''fish which are harvested in a fishery, which are not sold or kept for personal use, and include economic discards and regulatory discards.'' By contrast, Pacific Coast groundfish fishery management and many other fishery management regimes commonly use the term bycatch to describe non-targeted species that are caught in common with (co-occur with) target species, some of which are landed and sold or otherwise used and some of which are discarded. The term ''discard'' is used to describe those fish harvested that are neither landed nor used. For the purposes of this proposed rule, the term ''bycatch'' is used to describe a species'' co-occurrence with a target species, regardless of that first species' disposition.

West Coast groundfish species are rarely found in isolation. They normally form associations with other groundfish species that vary by geographic location, position in the water column, and season. Fisheries management recognizes this mix by setting management measures that discourage targeting of more abundant stocks in times when, and areas where, depleted stocks may co-occur with those healthy stocks. Fisheries management also recognizes this mix by structuring retention allowances for the harvestable amounts of depleted stocks so that fisheries have some limited opportunity to access those more abundant co-occurring fish stocks.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels sort their catch at sea and discard species that are either in excess of cumulative trip limits, unmarketable, in excess of annual allocations, or incidentally caught non-groundfish species. Landed or retained catch has been monitored by the three state-run fish ticket programs in Washington, Oregon, and California. Total catch (landed catch + discards) is monitored and estimated through a Federal observer program. Widow, yellowtail, canary and darkblotched rockfish discard in the at-sea whiting fisheries is monitored inseason and actual discard numbers are deducted from the OY.

Historically, NMFS and the Council had accounted for dead discards by estimating the amounts of certain species' OYs that would be discarded dead, and then subtracting those amounts from the total catch OYS to get landed catch levels for those species. These discard rates were expressed as a percent of total catch OY, so that a 16 percent discard rate for a species meant that 16 percent of that species' total catch OY would be deducted to derive that species' landed catch OY. Beginning with the 2002 fishing year, NMFS has introduced a series of bycatch models intended to update the NMFS/Council approach to accounting for discard in groundfish management. These models have been updated each year to incorporate new data and recommendations for improvement from the scientific community.

The bycatch model introduced in 2002 predicted the amounts of overfished species that were being caught incidentally with more abundant target stocks. As discussed above, bycatch and discard rates for target species were not addressed through the bycatch model, but with discard deductions from the OYs for those species. The 2002 bycatch model incorporated variability in the overfished species co-occurrence ratios with target species across different 2-month fishing periods, target fisheries, and areas of the coast. NMFS populated the 2002 bycatch model with data from observer experiments in the late 1980s and mid-1990s.

Using the 2002 bycatch model to illustrate expected incidental catch rates for overfished species, the Council crafted a series of management measures intended to concentrate fishing pressure for targeted stocks in times and areas where overfished species were less likely to co-occur with targeted stocks. During the fishing year, the Council reviewed landings levels and recommended inseason adjustments to trip limits and open seasons based on the 2002 model's prediction of incidental catch rates of overfished species within fisheries targeting more abundant groundfish stocks. More information on the 2002 bycatch model is provided in the proposed rule to implement the 2002 specifications and management measures (January 11, 2002, 67 FR 1555).

NMFS revised its bycatch model in preparation for the 2003 fishing season, primarily focusing on additionally stratifying co-occurrence ratios for overfished species in targeted species fisheries by ocean bottom depth. For 2003, the Council introduced a new depth-based management program, in which vessels were prohibited from fishing for target species in specific depth zones in order to reduce or eliminate the interception of overfished species. More information on the 2003 bycatch model is provided in the proposed rule to implement the 2003 specifications and management measures (January 7, 2003, 68 FR 936).

In January 2003, the SSC held a workshop to review the 2003 model and to provide advice on incorporating the data from the West Coast Groundfish Observer Program (WCGOP) into the 2003 model. In early 2003, NMFS had summarized the first year's data from the WCGOP and made it ready for use in the bycatch model. Taking the SSC's advice into account, NMFS incorporated the observer data into the 2003 model for use in inseason management starting in April 2003. Throughout 2003, the Council continued to use the 2003 bycatch model on overfished species bycatch and discard, in combination with new observer data, to make inseason management recommendations.

For the 2004 fishing year, NMFS notably revised its bycatch model to incorporate the August 2001 through August 2002 WCGOP data. The 2004 bycatch model still links the bycatch of overfished species to catch and co-occurrence rates in target species fisheries, although the stratification of co-occurrence ratios was simplified to reflect only ocean bottom depth and area of the coast until additional observer data are available. One important revision to the 2004 bycatch model from the 2003 model is that in addition to addressing overfished species co-occurrence ratios with target species, the 2004 model also addresses discard of target species by depth as a function of total catch of those species. For example, the 2004 bycatch model predicts discard amounts for sablefish when taken at differing depths in the DTS complex fisheries. Sablefish discard rates derived from observer data show that a greater percentage of sablefish total catch is discarded by trawl vessels operating at shallow nearshore depths than by trawl vessels operating at much deeper continental slope depths.

The Council used NMFS' 2004 bycatch model to craft fishing seasons, areas, and landings limits that would minimize the interception of overfished species in target species fisheries and that would reduce target species discard. NMFS and the Council will use the 2004 bycatch model inseason next year to manage target species fisheries to stay within total catch OYs, which are the sum of landed catch and assumed discard. The 2004 bycatch model will be revised by the April 2004 Council meeting to incorporate WCGOP data from the September 2002 through August 2003 period. April 2004 will be the Council's first opportunity to modify groundfish fishery management measures inseason. Because winter fisheries are relatively slow and co-occurrence rates of overfished species with target species are relatively low in the winter, NMFS is less concerned about managing the first 4 months of the 2004 fishery under a bycatch model incorporating only one year of observer data. With that second year's worth of observer data, NMFS should have an improved picture of bycatch and discard in the groundfish fisheries, which will ultimately allow the Council and NMFS to improve inseason groundfish management. If, for example, the new observer data shows that 2004 management measures may be inadequate to protect a particular species or species group, more conservative landings limits or closed areas could be implemented as soon as May 1, 2004.

Conservation Areas and Depth-Based Management

Since 1998, groundfish management measures have been shaped by the need to rebuild overfished groundfish stocks. The over 80 species in the West Coast groundfish complex mix with each other to varying degrees throughout the year and in different portions of the water column. Some species, like Pacific whiting, are strongly aggregated, making them easier to target with relatively little bycatch of other species. Conversely, other species like canary rockfish may occur in species-specific clusters, but are also found co-occurring with a wide variety of other groundfish species. Over the past several years, groundfish management measures have been more carefully crafted to recognize the tendencies of overfished species to co-occur with healthy stocks in certain times and areas.

As discussed earlier, management measures for the 2004 fishing year have been designed to reduce incidental interception of overfished species taken in fisheries targeting more abundant groundfish stocks. In addition to setting trip limits for targeted species to reduce co-occurrence rates for overfished species, 2004 management measures include a set of large time/area closures known as Groundfish Conservation Areas.

The Council and NMFS began using closed areas to reduce fisheries impact on overfished groundfish species in 2001. NMFS initially introduced two Cowcod Conservation Areas (CCAs) in the Southern California Bight. These areas were closed to recreational and commercial fishing for groundfish. These closures were located in areas of known cowcod abundance and were intended to prevent fishing vessels from taking cowcod either directly or incidentally in fisheries targeting other species. The CCAs have remained in place since 2001 and continue to be part of the Council's 2004 rebuilding strategy for cowcod.

In September 2002, NMFS introduced its first large-scale conservation area, a Darkblotched Rockfish Conservation Area (DBCA), extending from the U.S/Canada border to Cape Mendocino, California. The DBCA extended between boundary lines approximating the 100–fm (183–m) and 250–fm (457–m) depth contours, with trawling prohibited within the conservation area. This closure was intended to reduce incidental darkblotched rockfish interception by fisheries targeting more abundant continental slope species.

For 2003, the Council recommended a greater suite of area closures, intended to protect different overfished species from incidental harvest by vessels targeting other, more abundant species. Similar to Council efforts to craft landings limits and seasons to protect overfished species, the 2003 conservation areas were intended to protect overfished species at depths where they are most likely encountered and from gear that is most likely to encounter those species. For example, Pacific ocean perch has historically been taken almost exclusively by trawl gear, while yelloweye rockfish is more susceptible to hook-and-line gear used in commercial and recreational fisheries. The 2003 Groundfish Conservation Areas included the two CCAs, a similarly block-shaped Yelloweye Rockfish Conservation Area off the Washington coast that was closed to recreational fishing, and Rockfish Conservation Areas (RCA) along the entire length of the West Coast. The 2003 RCAs were gear specific, with different closed areas for trawl and nontrawl gear. These RCAs were based on ocean bottom depths, and varied seasonally depending on when and where the overfished species targeted for protection had been taken by historic fisheries. RCA boundary lines were designated by a series of latitude/longitude coordinates intended to approximate ocean bottom depth contours delineating overfished species habitats. A more in-depth discussion of the introduction of depth-based management to West Coast groundfish fisheries management is provided in the proposed rule to implement the 2003 specifications and management measures (January 7, 2003, 68 FR 936).

The Council has recommended again using depth-based management in 2004. RCA boundaries have been somewhat modified from 2003 to reflect the use of new data from the WCGOP on species location by depth, and to reflect new allowable harvest levels for some overfished species, particularly bocaccio. As in 2003, RCA boundaries for 2004 differ by gear type to reflect the catchability of different overfished species by the various gear types. Although some of the recreational fisheries were managed by depth in 2003, recreational depth-based management will be expanded in 2004 to include RCAs for the recreational fisheries coastwide. RCAs for 2004 also differ by area of the coast to reflect the differing distributions of each overfished species population, such that northern area RCAs protect overfished species that have a more northerly distribution and southern area RCAs protect overfished species with a more southerly distribution. RCA boundary lines will again be designated by a series of latitude/longitude coordinates intended to approximate those boundary lines. Using waypoint coordinates to define RCA boundaries is intended to provide clarity to the conservation area boundaries for enforcement purposes. Because RCAs are intended to protect overfished species in concert with other conservation measures such as gear and landings limit restrictions, a discussion of the particular RCA boundaries proposed for 2004 may be found below at Section III., ''2004 Management Measures.''

On November 4, 2003 (68 FR 62374), NMFS published a final rule to implement a vessel monitoring system (VMS) program to monitor vessel activities in and around the RCAs. This rule will become effective on January 1, 2004, requiring all limited entry vessels participating in the West Coast groundfish fishery to carry and activate VMS units. During 2004, NMFS and the Council will explore expanding coverage of the VMS program to open access fisheries intercepting groundfish and to charter boats in the recreational sector.

II. Commercial Fisheries Allocations

Since 1994, the non-tribal commercial groundfish fishery has been divided into limited entry and open access sectors, each with its own set of allocations and management measures. Species or species group allocations between the two sectors are based on the relative amounts of a species or species group taken by each component of the fishery during the 1984–1988 limited entry permit qualification period (50 CFR 660.332). The FMP allows suspension of this allocation formula for overfished species when changes to the traditional allocation formula are needed to better protect overfished species (FMP, section 5.3.2). Allocations for the open access and limited entry fisheries are explained in general terms within this section. Species-specific allocations, including recreational fishery set asides and research catch deductions from total catch OYs are provided in the footnotes to Tables 1a and 1b.

Open Access Allocations

The open access fishery is composed of vessels that operate under the OYs, quotas, and other management measures governing the open access fishery, using (1) exempt gear or (2) longline or pot (trap) gear fished from vessels that do not have limited entry permits endorsed for that gear. Exempt gear includes all types of legal groundfish fishing gear

except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp or ridgeback prawns (shrimp trawls) and California halibut or sea cucumbers south of Pt. Arena, CA (38°57′30″ N. lat.))

Open access allocations are derived by applying the open access allocation percentages to the commercial OY. The commercial OY is the total catch OY after subtracting any tribal allocations and set-asides for recreational fisheries or compensation fishing for conducting resource surveys. For those species in which the open access share would have been less than 1 percent, no open access allocation is specified unless significant open access effort is expected.

Limited Entry Allocations

The limited entry fishery is the fishery composed of vessels using limited entry gear fished pursuant to the OYs, quotas, and other management measures governing the limited entry fishery. Limited entry gear includes longline, pot, or groundfish trawl gear used under the authority of a valid limited entry permit issued under the FMP, affixed with an endorsement for that gear. Groundfish trawl gear excludes shrimp trawls used to harvest pink shrimp or ridgeback prawns, and other trawls used to fish for California halibut or sea cucumbers south of Pt. Arena, CA. A sablefish endorsement is also required for a vessel to operate in the limited entry primary fixed gear season for sablefish.

The limited entry allocation (in total catch) is the OY reduced by (1) set-asides, if any, for treaty tribal fisheries, recreational fisheries, or compensation fishing for participation in resource surveys (which results in the commercial OY or quota); and (2) the open access allocation. (Allocations for Washington coastal tribal fisheries are discussed in Section V.)

Following these procedures, the Regional Administrator calculated the amounts of allocations that are presented in Table 1a of this document. Unless otherwise specified, the limited entry and open access allocations would be treated as harvest guidelines in 2004. There may be slight discrepancies from the Council's recommendations due to rounding.

III. 2004 Management Measures

Before 2000, the major goals of groundfish management were to prevent overfishing while achieving the OYS and to provide year-round fisheries for the major species or species groups. Over time, however, it became apparent that a number of species could not continue to be harvested year-round at a constant harvest rate. New legislative mandates under the Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act in 1996) gave highest priority to preventing overfishing and rebuilding overfished stocks to their MSY levels. The National Standard Guidelines at 50 CFR 600.310 interpreted this as ''weak stock management,'' which means that harvest of more abundant stocks may need to be curtailed to prevent overfishing or to rebuild overfished stocks.

Nine West Coast groundfish species have been declared overfished: Bocaccio, canary rockfish, cowcod, darkblotched rockfish, lingcod, Pacific whiting, POP, widow rockfish and yelloweye rockfish. Of the management measures intended to protect these species, protective measures for canary rockfish coastwide, yelloweye rockfish in the north and bocaccio in the south are the most constraining, because these species are broadly distributed on the continental shelf. In order to rebuild these overfished species while allowing harvest of more abundant stocks, the Council chose management measures that prohibit bottom trawling over large portions of the continental shelf, where lingcod, bocaccio, canary rockfish, cowcod, widow rockfish, yelloweye rockfish, and, to a lesser extent, POP and darkblotched rockfish occur. As discussed earlier in this document, depth based management measures are gear-specific and have been crafted to maximize fishing opportunity for more abundant stocks in times when and areas where bycatch and discard of overfished and depleted stocks is estimated to be lowest.

Management measures for the limited entry fishery are found in section IV. Most cumulative trip limits, size limits, and seasons for the limited entry fishery are set out in Tables 3 and 4 of section IV. However, the limited entry nontrawl sablefish fishery, the midwater trawl fishery for Pacific whiting, and the hook-and-line fishery for black rockfish off Washington are managed separately from the majority of the groundfish species and are not fully addressed in the tables. The management structure for these fisheries has not changed since 2003, except for the level of trip limits for sablefish and Pacific whiting, and is described in paragraphs IV.B.(2)–(4) of section IV. Other provisions for the 2003 fisheries not explicitly addressed above would remain in effect for 2004 and are repeated in section IV. of this document.

After hearing proposals and advice from its advisory entities and public testimony at its September 2003 meeting, the Council recommended the following actions for management in 2004.

Limited Entry Trawl

For the limited entry trawl fishery, the Council recommended a suite of gear restrictions, conservation areas, and cumulative trip limits designed to allow fishing with gear in times and areas where incidental catch of overfished or depleted species will be minimized. As discussed earlier in this document, trawl RCAs are intended to protect overfished species susceptible to interception by trawl gear in waters where particular overfished species congregate.

North of Cape Mendocino, CA approximately 40°10′ N. lat., canary rockfish most constrains groundfish fisheries management due to its distribution and interactions with different gear types. Canary rockfish tends to be available to the fisheries in 20–200 fm (37–366 m) depths, with greater concentrations in 75–125 fm (137–229 m) depths. In the northern portion of the coast, canary rockfish tends to be intercepted by all gear types, thus the 2004 northern trawl gear RCA would close an area between 75 fm (137 m) and 200 fm (366 m) to trawling for most of the year, with an enlarged closed area for March through June of 60 fm (110 m) to 200 fm (366 m) and a reduced area for July–August of 75–150 fm (137–274 m). Extending trawl RCA boundaries out to 200 fm (366 m) will also provide protection for darkblotched rockfish, a northern overfished continental slope species that tends to be taken by trawl gear. Because POP co-occurs with darkblotched rockfish and other slope rockfish in the north, POP are also expected to benefit from measures to restrict total darkblotched rockfish mortality. As in 2003, the northern trawl gear RCA would be modified in January–February and November–December, to allow some fishing inshore of 200 fm (366 m) in areas of greater petrale sole abundance. Targeting petrale sole and other flatfish is encouraged during the winter months with higher landings limits because flatfish tend to aggregate for spawning during those months and flatfish trawlers are less likely to intercept other non-flatfish species during this aggregation period.

North of 40°10′ N. lat., trawlers are only permitted to fish with large footrope gear if it is used offshore of the RCA. The Council has been providing different fishing opportunities to vessels using small footrope (<8 inches (20.5 cm) diameter) from those using large footrope (>8 inches (20.5 cm) diameter)

since 2000. A trawl's footrope runs along the base of the leading edge of the trawl net. Fishermen often will protect their net's footrope by encircling it with cut-out pieces of rubber tire (sometimes called ''cookies'') or with whole tires. So-called ''large'' footropes are better able to bounce trawl nets over rockpiles, protecting the gear from snagging or tearing. Footropes with more protective material are better able to access rocky habitats and the rockfish that use those habitats. Prohibitions against the use of large footropes in certain areas are intended to make trawl nets less efficient at targeting and catching overfished rockfish such as canary rockfish, which live in continental shelf and nearshore habitats.

For 2004, the Council has recommended using footrope size restrictions to give vessels incentives to fish in deeper continental slope waters, rather than in the nearshore area (where canary rockfish bycatch is higher). Several of the more abundant species available to trawl gear may be taken offshore of the RCA; thus, trip limits for deepwater species are often higher for vessels using large footrope gear than for vessels operating in the nearshore area and using small footrope gear. For example, trip limits for the DTS complex species are notably smaller for vessels that use small footrope gear at any time during a 2-month cumulative limit period than for vessels using large footrope gear, primarily because vessels using small footrope gear are permitted to operate inshore of the RCAs. Trawlers are also encouraged, via higher landings limits, to fish for flatfish offshore of the RCAs, where canary rockfish bycatch is lower. As in 2003, vessels using mid-water trawl gear to fish for Pacific whiting will be permitted in 2004 to retain widow and yellowtail rockfish taken with mid-water gear.

South of 40°10′ N. lat., RCA boundaries have been designed to encompass continental shelf habitat for overfished rockfish, canary and bocaccio. As discussed earlier in this document, bocaccio was re-assessed in 2003 and has a higher rebuilding OY in 2004 than in 2003, allowing somewhat less conservative management measures for co-occurring species in 2004. The Council recommended moving the inshore trawl RCA boundary south of 40°10′ N. lat. from 60 fm (110 m) in 2003 to 75 fm (137 m) for most of 2004. Thus, the trawl RCA south of 40°10′ N. lat. would be between depth contours approximating 75 fm (137 m) to 150 fm (274 m) for most of the year, and between 100 fm (183 m) and 150 fm (274 m) for May through August. South of 38° N. lat., these closures would apply to mainland California, while trawl RCAs around offshore islands would be closed from the shoreline to 150 fm (274 m). Both the eastern and western CCAs will be in place again in 2004.

Landings limits for the trawl management area south of 40°10′ N. lat., differ in two separate areas: 40°10′ N. lat to 38° N. lat., and 38° N. lat. to the U.S. border with Mexico. This split is intended to protect darkblotched rockfish in the southern part of its range, which extends to about 38° N. lat. Thus, limited entry trawl limits for continental slope species that are most likely to co-occur with darkblotched rockfish in the area between 40°10′ N. lat. and 38° N. lat., such as minor slope rockfish and splitnose rockfish, are notable higher south of 38° N. lat. than north of 38° N. lat. Similar to trawl management north of 40°10′ N. lat., trawl limits in the southern area for some species are higher for vessels fishing offshore of the RCA. Due to the higher OY for bocaccio in 2004, minimal retention of bocaccio (100 lb/45 kg per month) is permitted to vessels fishing offshore of the RCAs, to recognize that some bocaccio will likely be taken by vessels targeting chilipepper rockfish.

To better enforce RCAs and protect overfished species coastwide, the Council has recommended eliminating the ''B'' platoon option for limited entry trawlers. In prior years, limited entry trawl permit holders who registered their permits as ''B'' platoon permits were allowed to lag their groundfish deliveries by two weeks from the rest of the limited entry trawl fleet. For example, ''A'' platoon vessels were subject to their first cumulative limit period of the year over January 1 through February 29; ''B'' platoon vessels were subject to their first cumulative limit period of the year over January 16 through March 15. Regulations allowing ''B'' platoon designation and lagging of groundfish deliveries were essentially performing a market function of staggering trawl fleet groundfish deliveries to fish processors. Allowing the ''B'' platoon delivery lag became notably more complex in 2003, when RCA boundaries were lagged by 2 weeks similar to the 2-week lag for landings limits. For several two-week periods in 2003, fishermen and enforcement officers were dealing with separate and overlapping trawl RCAs. In an already complex management system with conservation areas bounded by many waypoints, enforcing RCAs to ensure overfished species protection became even more complex with the duplicate RCAs resulting from the ''B'' platoon cumulative limits and fishing areas. Given the need to maintain RCA integrity and the relatively small number of vessels historically participating in this program, about 30 out of 250 trawlers, the Council determined that maintaining the marketing-oriented ''B'' platoon option was no longer necessary or supportable.

Limited Entry Fixed Gear

Similar to the limited entry trawl fisheries, trip limit opportunities and conservation areas in the limited entry fixed gear fisheries are arranged to minimize opportunities for overfished species.

Needed protections for both canary and yelloweye rockfish constrain management of nontrawl fisheries north of 40°10′ N. lat. Yelloweye rockfish is commonly taken with hook-and-line gear, thus its interception in nontrawl fisheries is of greater concern than in management of trawl fisheries. Between the U.S. border with Canada and the Washington/Oregon border (46°16′ N. lat.), the nontrawl gear RCA would extend from the shoreline to 100 fm (183 m). The nontrawl gear RCA applies to both the limited entry fixed gear fisheries and to the open access nontrawl fisheries. Between 46°16′ N. lat. and 40°10′ N. lat., the nontrawl gear RCA would extend from 30 fm (55 m) to 100 fm (183 m). These closures will provide protection for canary and yelloweye rockfish, two continental shelf species, by moving the nontrawl fleet offshore toward the continental slope area. The nearshore area (0 30 fm, 0 55m) is closed off Washington because the 30-fm (55-m) depth contour essentially falls within state waters and commercial fishing for groundfish is prohibited entirely within Washington State waters.

Landings limits for the limited entry fixed gear fleet north of 40°10′ N. lat. provide vessels with access to continental slope and nearshore species, while closing access to continental shelf species. As in past years, landing lingcod will be prohibited in January–April and in November–December to protect lingcod during their spawning and nest-guarding season. Because the sablefish OY is higher in 2004 than in 2003, the weekly and bi-monthly cumulative limits for sablefish in the daily trip limit (DTL) fishery will be slightly higher than in 2003: 900 lb (408 kg) per week and 3,600 lb (1,633 kg) per 2 months, as opposed to 800 lb (363 kg) per week and 3,200 lb (1,452 kg) per 2 months.

South of 40°10′ N. lat., nontrawl gear RCAs focus on protecting bocaccio, particularly between 40°10′ N. lat. and

34°27′ (Point Conception, CA) where the bocaccio stock is most abundant. Between 40°10′ N. lat. and 34°27′ N. lat., the nontrawl RCA will be between boundary lines approximating the 30-fm (55-m) and 150-fm (274-m) depth contours for most of the year, and between the 20-fm (37-m) and 150-fm (274-m) depth contours for May through August. The inshore boundary of the nontrawl RCA is moved to 20 fm (37 m) for the summer months because nontrawl gear fishery participation is usually stronger in that period, requiring a somewhat larger closed area to counter the effects of increased fishing effort. These RCA boundaries apply both to the mainland coast of California and around offshore islands. Around the Farallon Islands, fishing is also prohibited by the State from the shoreline to the 10-fm (18-m) depth contour. South of 34°27′ N. lat., where bocaccio is less common, the nontrawl RCA will have an inshore boundary line approximating the 60-fm (110-m) depth contour and an offshore boundary line approximating the 150-fm (274-m) depth contour, including areas around offshore islands. Both the eastern and western CCAs will be in place again in 2004.

Landings limits south of 40°10′ N. lat. follow a similar pattern to those for limited entry fixed gear fishing in the northern area. Higher landings limits are available for continental slope species, particularly south of 38° N. lat., where the fishery is less likely to intercept darkblotched rockfish. The sablefish DTL limits north of 40°107′ N. lat., also apply southward to 36° N. lat.; south of 36° N. lat., sablefish DTL limits are the same as in 2003, 350 lb (159 kg) or 1,050 lb (476 kg) per week. Landings limits for nearshore and shelf rockfish south of 40°10′ N. lat are minimal and fisheries for these species are closed between 40°10′ N. lat. and 34°27′ N. lat. in March–April, and closed from 34°27′ N. lat. to the U.S. border with Mexico in January–February. Retention of canary rockfish, yelloweye rockfish, and cowcod is prohibited. These closures are intended to match season closures in the California recreational fisheries, which also use hook-and-line gear. As in the northern area, lingcod landings by limited entry fixed gear and nontrawl open access vessels in the south are prohibited in January–April and November–December.

For the limited entry fixed gear fisheries between the U.S. border with Canada and 36° N. lat., the bulk of the sablefish allocation is taken in the three-tier primary sablefish fishery by vessels registered to limited entry permits with sablefish endorsements. The primary season is held April 1 through October 31 and NMFS has announced proposed cumulative limits for the three tiers in this proposed rule: Tier 1 at 62,000 lb (28,123 kg), Tier 2 at 28,000 lb (12,701 kg), and Tier 3 at 16,000 lb (7,257 kg). These limits are proposed at Section IV.B.(2) of this document.

By January 2004, NMFS expects to have analyzed the second full year's worth of observer data from the WCGOP. The second year of groundfish fishery observation (September 2002–August 2003) expanded beyond the trawl-focused observations of the first year of the program to include greater coverage of vessels participating in the limited entry sablefish fishery. NMFS expects this observer data on the primary sablefish fishery to improve estimates of sablefish discards in that fishery, and will use that data to inform management of the 2004 primary fishery. NMFS now assumes an 8 percent discard rate of sablefish in the primary sablefish fishery. Thus, 8 percent of the primary fishery's allocation is taken off the top of that allocation to account for discard. In early 2004, NMFS will re-calculate the sablefish discard rate in the primary fishery based on observer data and then will re-calculate sablefish tier limits to accommodate the new sablefish discard rate. Re-calculated tier limits will be published in the final rule for this action.

Open Access Nontrawl Gear (Hook-and-Line, Troll, Pot, Setnet, Trammel Net)

The open access nontrawl fishery is managed separately from the limited entry fixed gear fishery, but overfished species protection measures are similar for both sectors. The nontrawl RCA boundaries that apply to the limited entry fixed gear fleet also apply to the open access nontrawl fleet, as do the CCAs. Also similar to the limited entry fleet, greater landings limits are provided for continental slope and nearshore species, with closed seasons and lower limits for continental shelf species, including the same closed periods for lingcod as in the limited entry fixed gear fisheries. North of 40°10′ N. lat., salmon trollers will be permitted to retain and land up to 1 lb (.45 kg) of yellowtail rockfish for every 2 lb (.9 kg) of salmon landed, up to 200 lb (91 kg) per month, both within and outside of the RCA.

Open access cumulative limits may exceed those for limited entry. If a vessel with a limited entry permit uses open access gear (including exempted trawl gear) and the open access cumulative limit is larger, the vessel will be constrained by the smaller limited entry cumulative limit for the entire cumulative limit period.

Open Access Exempted Trawl Gear

Open access exempted trawl gear (used to harvest ridgeback prawns, California halibut, sea cucumbers, and pink shrimp) is managed with both ''per trip'' limits, cumulative trip limits, and area closures. These trip limits are similar to those in 2003 and the species-specific open access limits apply but may not exceed overall groundfish limits. The pink shrimp fishery is subject to species-specific limits that are different from other open access limits for lingcod and sablefish. As in past years, thornyheads may not be taken or retained in the open access fisheries north of 34°27′ N. lat.

Trawling with open access exempted gear for pink shrimp will be permitted within the trawl RCA; however, the states require pink shrimp trawlers to use finfish excluder devices to reduce their groundfish bycatch, particularly canary and other rockfishes. In 2003, spot prawn trawling was permitted off Oregon within the trawl RCA. Oregon now prohibits the use of trawl gear in the spot prawn trawl fishery. Coastwide, spot prawn trawl fisheries now use pot gear, which has a very low incidence of groundfish interception. Off California, trawling for ridgeback prawns, California halibut, and sea cucumber is prohibited within the trawl RCA. California ridgeback prawn trawlers are required by the state to use finfish excluder devices. All open access trawlers, except for those trawling for pink shrimp, and limited entry trawlers are subject to the same trawl RCA boundaries. These finfish excluders and RCA restrictions off California are particularly intended to protect southern and coastwide overfished species such as bocaccio, cowcod, canary rockfish, and lingcod. Cowcod prohibitions and closures continue to apply to all open access vessels.

Recreational Fishery

Recreational fisheries effort has also been constrained to protect overfished species, particularly for lingcod, canary rockfish, bocaccio, and yelloweye rockfish, which have significant recreational catches. Washington, Oregon, and California each proposed, and the Council recommended, different combinations of seasons, bag limits, and size limits to best fit the needs of their recreational fisheries, while also meeting conservation goals.

Recreational fisheries off Washington, Oregon, and California north of 40°10′ N. lat. will be subject to fewer depth restrictions than the commercial

fisheries, primarily because most recreational vessels tend to operate in the nearshore area inside State waters. However, recreational fisheries coastwide will be subject to depth restrictions during at least part of the year. New for 2004, many depth-based management boundaries along the coast will be managed with latitude/longitude coordinates similar to the commercial fisheries. Recreational fisheries were first subject to latitude/longitude coordinate delineated RCAs in September 2003 (September 5, 2003, 68 FR 52703). Off Washington, recreational fishing for groundfish and halibut will be prohibited inside the YRCA, a C-shaped closed area off the northern Washington coast. Coordinates for the YRCA are defined at 50 CFR 660.304(d). Washington's rockfish bag limit will remain the same in 2004, 10 fish per day as a sublimit of the 15 groundfish per day limit; taking and retaining both canary rockfish and yelloweye rockfish will be prohibited. The 2004 Washington lingcod season will run from March 13 through October 16, with the same 2-fish bag limit as in 2003.

Off Oregon, recreational fishing for groundfish will be depth-restricted June through September, when the fishery will be closed offshore of a boundary line approximating the 40 fm (73 m) depth contour. Recreational fisheries are strongest during these summer months and this closure is intended to keep vessels out of the continental shelf area to better avoid canary and yelloweye rockfish. Oregon recreational fisheries will retain their 10-marine fish bag limit, which includes all rockfish, greenling species, cabezons, and other marine species, but excludes salmon, lingcod, perches, sturgeon, sanddabs, striped bass, tuna, and baitfish. Retention of canary and yelloweye rockfish would be prohibited both in the marine fish fishery and in the recreational halibut fishery. The lingcod bag limit would remain at 2 lingcod per day.

California fisheries north of 40°10′ N. lat. have lower participation levels than fisheries south of 40°10′ N. lat. and lower effects on overfished groundfish fisheries. Northern and coastwide overfished species that tend to be taken in waters north of 40°10′ N. lat. include yelloweye rockfish, canary rockfish, and lingcod. Thus, California fisheries will be open year-round in all waters, with similar bag limits to those in 2003. Retention of cowcod, canary rockfish, and yelloweye rockfish will be prohibited.

As in past years, recreational fisheries off California south of 40°10′ N. lat., will be constrained by depth and season closures in order to reduce catch of bocaccio and other overfished rockfish species. In waters where canary rockfish and bocaccio are more concentrated, between 40°10′ N. lat. and 34°27′ N. lat., the recreational fishery will be closed offshore of the 30 fm (55 m) depth contour in January–February and in September–December, offshore of a 20 fm (37 m) in May–August, and closed entirely in March–April. South of Point Conception, CA (34°27′ N. lat.) to the U.S. border with Mexico, where bocaccio and canary rockfish are less common, the recreational fishery will be closed entirely in January–February and closed offshore of a boundary line approximating the 60 fm (110 m) depth contour for the remainder of the year. The recreational fishery for California scorpionfish south of 34°27′ N. lat. will also be closed from May–October to prevent the fisheries from exceeding scorpionfish harvest limits. The CCAs will also remain closed to fishing offshore of 20 fm (37 m). California recreational fisheries bag limits south of 40°10′ N. lat. will remain essentially the same in 2004 as in 2003, except that fishers will be permitted to retain up to one bocaccio per day as a sub-limit within the 10 rockfish bag limit.

Over a half million anglers participate in California's recreational fisheries. Predicting the behavior of such a large group of fishery participants with diverse fishery interests and effort levels has been one of California Department of Fish and Game's (CDFG) greatest challenges as a partner in the groundfish management process. California recreational management in 2001 and 2002 used some shortened seasons and area closures, but essentially left the fishery open in nearshore areas for much of the year. In 2003, with the low bocaccio OY, CDFG recommended large-scale area and season closures to protect bocaccio and other overfished species. While this strategy seemed adequately protective for shelf rockfish species, it concentrated more fishing effort in the nearshore area. By October 2003, CDFG had found that recreational fisheries in June–September had taken the nearshore rockfish recreational allocation. CDFG recommended to the Council and to the California Fish and Game Commission (Commission) that the recreational fisheries south of 40°10′ N. lat. be closed for November–December 2003 to protect nearshore rockfish. CDFG will implement this closure for State waters on January 1, 2004. NMFS implemented the closure for Federal waters on November 21, 2003 (68 FR 66352, November 26, 2003).

The regulatory package the CDFG has recommended for its 2004 recreational fisheries is notably more conservative than either the 2001 or 2002 management packages, although less conservative than 2003 management in recognition of greater bocaccio abundance. In addition to recommending protective management measures, CDFG will be testing a new recreational fisheries effort and landings survey in 2004. During 2004, CDFG will be testing the survey alongside the old survey methods of the MRFSS to calibrate the new survey methods to ensure useful comparisons between past and future effort and landings. With this new survey technique, CDFG hopes to provide more timely and accurate inseason information on recreational fisheries harvest levels. CDFG believes that improving data on California recreational fisheries will provide that agency and the Commission much needed information on angler activity, which will in turn help both CDFG and the Commission to better craft management measures to protect marine fish species.

Council Revisions to Its Management Measures Recommendations

At its November 3–7, 2003, meeting in Del Mar, CA, the Council discussed three issues related to the 2004 specifications and management measures: Trawl vessel/permit buyback, Vessel monitoring system (VMS) program regulations for the fixed gear fleet, and California recreational fisheries overages in 2003. The Council asked that NMFS consider making revisions to its regulatory package for 2004 to address the buyback and VMS issues, but wished to reserve changes to the California recreational fisheries for its March and/or April 2004 Council meetings, when more recreational fisheries data would be available for Council review. Revisions to the trawl trip limits as a result of the vessel/permit buyback program fall within the scope of the EIS for this action. Therefore, NMFS is proposing to revise those trip limits to account for lower capacity in the fishery as part of this proposed rule and implementing the revisions within the associated emergency rule for January–February 2004. Revisions to the RCA regulations as they apply to limited entry fixed gear vessels required to carry VMS do not fall within the scope of the Draft EIS for this action. Thus, NMFS plans to work with Council staff to include analysis of the recommended regulatory revisions within the Final EIS for this action. NMFS will propose revisions to the RCA regulations in this proposed rule, and then implement them with the final rule for this action.

On February 20, 2003, Public Law 108–7 came into effect, Title II, Section 212 of which directed the Secretary of Commerce (Secretary) to implement a fishing capacity reduction program for the West Coast groundfish fishery. This Section 212 provided a series of steps for implementing the capacity reduction program (also known as the ''trawl buyback'' program). First, the Secretary (through NMFS) was to request that vessel owners submit bids for the surrender of their vessels and for their vessels' associated State and Federal permits. After receiving bids, NMFS was to conduct a referendum on repayment of the loan that would be needed to finance the buyback. During the latter half of October 2003, NMFS held the referendum for participants in the affected fishing fleets (groundfish trawl, pink shrimp trawl, Dungeness crab pot).

The referendum asked fleet participants to vote on whether they supported the buyback program and the ensuing taxes needed to repay the a $36 million loan. (The total program combines an industry loan of $36 million with $10 million in direct Federal appropriation). The referendum was successful and the owners of 92 groundfish trawl vessels whose bids were accepted must relinquish their California, Oregon, and Washington fishing licenses for coastal Dungeness crab and pink shrimp, surrender their Federal groundfish permits and all other Federal fishing licenses, fishery permits, area and species endorsements and any other fishery privileges issued to the vessels named in their bids. The vessel itself will be prohibited from ever fishing again. Vessels bought out by this program will have ceased fishing by December 4, 2003 (68 FR 62435, November 4, 2004).

NMFS announced the results of the buyback referendum on October 30, 2003, just before the start of the November Council meeting. At the Tuesday, November 4, 2003, Council meeting, several groundfish trawlers made comments that they would appreciate a NMFS review of 2004 trawl trip limits in light of the recently approved trawl buyback program. These trawl fishery participants believed that the vessel/permit buyback program would successfully reduce capacity in the fleet enough to warrant an increase in trawl trip limits.

After hearing the trawl industry's comments, the Council discussed whether it could offer NMFS some guidance in addressing this issue. Because the issue was not on the Council's agenda, the Council could only discuss the issue, not make formal recommendations to NMFS. Council members suggested that NMFS look only at increasing trip limits for DTS complex species. DTS complex species tend to aggregate for spawning in the winter and may be taken in the winter with lower bycatch of overfished species. Also, DTS are deepwater species and fishing for these species usually occurs offshore of the ranges of overfished continental shelf species.

Following the Council meeting, the NMFS NWFSC looked at the historic fishing effort of each of the vessels removed from the groundfish trawl fishery through the buyback program. NMFS then calculated the amount of each DTS species that would likely be taken by the remaining fleet operating under the trip limits initially recommended by the Council for 2004. Based on that calculation, NMFS expects that the now-reduced fleet will take notably less of each of the DTS species than if the buyback program had not occurred. NMFS calculated that the reduced-fleet harvest of DTS species as a percent of the whole (pre-buyback) fleet harvest under the same trip limits would be: Sablefish—44 percent, longspine thornyhead—51 percent, shortspine thornyhead—50 percent, Dover sole—49 percent. NMFS then calculated expected harvest by the reduced fleet if the agency were to implement DTS trip limits that were 50 percent higher than those recommended by the Council in September 2003. Under that scenario, the reduced fleet operating with increased trip limits is still expected to harvest less of each DTS complex species (sablefish—63 percent, longspine thornyhead—77 percent, shortspine thornyhead—74 percent, Dover sole—72 percent) than the whole fleet would have harvested with the initially recommended trip limits. NMFS further expects that the reduced fleet operating with increased DTS trip limits would still take smaller amounts of overfished species than the whole fleet would have taken with the initially recommended trip limits. For example, the reduced fleet operating with increased trip limits is expected to take 72 percent of the POP and 64 percent of the darkblotched rockfish that would have been taken by the pre-buyback fleet with the lower trip limits. POP and darkblotched rockfish are the two overfished continental slope species managed under the FMP.

Given the fleet capacity reduction that will result from the trawl buyback program, NMFS does not expect that increasing the DTS complex limits by 50 percent over what was recommended prior to the buyback for January–April 2004 would alter the effects of this action on the environment. Had the reduced fleet continued with the Council's initially proposed January–April trip limits for DTS species, NMFS could expect to raise trip limits for these species later in the year in order to achieve their OYs. A 50 percent increase over the initially proposed trip limits allows the vessels remaining in the fishery to participate at higher than expected levels, yet is still more conservative in expected total fleet harvest than the initial trip limits would have been for the pre-buyback fleet. At its April 2004 meeting, the Council will review inseason groundfish management and may recommend further altering trawl trip limits for the remainder of the year.

In addition to discussing trawl fleet capacity and trip limits for a post-buyback fleet, the Council discussed VMS regulations for limited entry vessels. On November 4, 2003 (68 FR 62374,) NMFS published a final rule for a West Coast VMS program. Beginning January 1, 2004, this rule will require all limited entry vessels to carry VMS units and to report to a declaration system that monitors allowable fishing activities within the RCAs. At the Council's September 2003 meeting, the Council's Enforcement Consultants (EC) asked the Council to restrict activities by non-trawl vessels in the non-trawl RCA. At this time, this regulation would apply to limited entry fixed gear (longline and trap) vessels, similar to the restrictions that apply to limited entry trawl vessel activities within the trawl RCA. The Council asked the Ad Hoc VMS Committee (VMSC) to discuss this issue at its October 7, 2003, meeting, and scheduled discussion on this item for the November 2003 Council meeting.

At its November 2003 meeting, the Council heard a report from the VMSC on the expansion of VMS program coverage to the open access commercial fleet and to charterboats participating in the recreational fisheries. For this agenda item, the EC commented on both current implementation and future expansion of the program. In their comments, the EC reiterated their concern that the VMS final rule does not prohibit fixed gear vessels from drifting within the RCAs. The EC commented that, in a new VMS program, it would be impossible for NMFS system operators to tell the difference between the VMS signatures of vessels that are drifting from those that are fishing or underway. The EC advised that allowing vessels to drift in the RCA would compromise the integrity of both the VMS program and the RCAs themselves.

The Council discussed the need for an adequate VMS system and the question

of whether vessel safety would be compromised by prohibiting vessels from drifting within the RCAs. During their discussion, Council members reminded the public that the RCAs are a management tool intended to protect overfished species. Because RCAs prevent vessels from operating in waters where overfished species are commonly found, they reduce overall incidental take of overfished species. Without the RCA tool, trip limits would have to be notably lower than current levels to achieve the same protection from incidental harvest. To ensure that RCAs remain a useful management tool in the future, the Council recommended that NMFS revise its RCA regulations to prohibit fixed gear vessels from drifting within the RCAs. Therefore, NMFS is proposing that limited entry fixed gear vessels be prohibited from operating in a nontrawl RCA, except for purposes of continuous transit.

As mentioned earlier in this section, the draft EIS for this action did not analyze the effects of prohibiting fixed gear vessels from drifting within the RCAs. NMFS is working with Council staff to ensure that the final EIS addresses this new recommendation. The final EIS will not be available to the public until early 2004. Therefore, NMFS is proposing a drifting prohibition for limited entry fixed gear vessels within this **Federal Register** document, but is not implementing the provision within the associated emergency rule for January–February 2004. NMFS expects to implement this prohibition with the publication of the final rule on the 2004 specifications and management measures, which should be effective by March 1, 2004.

Finally, the Council's November 2003 discussion of inseason revisions to groundfish management measures focused largely on restricting fisheries through the end of the year in order to account for unexpectedly high catches in the California recreational fisheries. NMFS implemented the Council's regulatory recommendations from that discussion on November 21, 2003 (68 FR 66352, November 26, 2003). At its meeting, the Council discussed whether to recommend revisions to the California recreational fisheries management measures they had already recommended for 2004. After considering the 2003 fishing year data available to them at the November 2003 meeting, the Council decided to wait to make revisions to recreational fisheries management during their April 2004 meeting. At the November 2003 meeting, the only recreational data from an open fishing period off of California between the Oregon/California border and Point Conception, CA (34°27′ N. lat.) that was available was for a 2-month period, July and August. By April 2004, the Recreational Fisheries Information Network (RecFIN) database should include most or all of the recreational fisheries data from 2003, allowing the Council to make a more informed decision on how best to revise recreational fisheries management. Given that the California recreational fisheries are closed south of 34°27′ N. lat from January 1 through February 29, and closed between 40°10′ N. lat. and 34°27′ N. lat. from March 1 through April 30, waiting until April to make better informed regulatory revisions should still allow the Council, NMFS and California to make appropriate adjustments to keep harvests within the 2004 OYs.

Fishing Communities and Impacts

The Magnuson-Stevens Act requires that actions taken to implement FMPs be consistent with the 10 National Standards, one of which requires that conservation and management measures shall, consistent with the conservation requirements of the Act, ''take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities and (B), to the extent practicable, minimize adverse economic impacts on such communities.'' Commercial and recreational fisheries for Pacific coast groundfish contribute to the economies and shape the cultures of numerous fishing communities in Washington, Oregon, and California. Meeting the needs of fishing communities has become increasingly difficult because the Council manages an overcapitalized fleet that harvests a multi-species complex with several overfished species. In recommending this year's specifications and management measures, the Council accommodated some of the needs of those communities within the constraints of Magnuson-Stevens Act requirements to rebuild overfished stocks, prevent overfishing, and minimize bycatch. In general, the Council allows the largest harvest of healthy stocks possible, consistent with conservation needs of the fish stocks.

West Coast groundfish intermix by species, which means that interception and incidental mortality of overfished species is inevitable even if retention of a particular species is prohibited. As discussed earlier, the Council's primary goal for 2004 was to minimize opportunities for incidental take of overfished species while allowing as much fishing opportunity of more abundant stocks as possible. To achieve this, the fishing seasons and area closures are structured both to maximize target species catch while minimizing overfished species' incidental take and to allow minimal retention of overfished species where incidental take will inevitably occur. Larger area closures are intended to ensure that few vessels have opportunities to fish in waters where overfished species commonly occur.

For 2004, the Council continued the year-round fishery opportunity that is important to the fishing and processing sectors for maintaining continuous employment opportunities and maintaining consistent groundfish marketing opportunities. Depth closures and gear restrictions would modify the cumulative trip limit system to allow fishing for at least some groundfish species at all times during the year. Gear restrictions prohibit bottom trawling with roller gear in the nearshore area and on the continental shelf and allow only the use of midwater trawl on the continental shelf where most overfished species occur. Small footrope bottom trawling is permitted in the nearshore area. The concepts behind these trawl gear restrictions were first developed for the 2000 fishery by a group of industry participants who met with the GMT to develop measures that would achieve conservation goals while minimizing effects of the restrictions on the industry and coastal communities.

Allowable commercial catches of many groundfish remain low in 2004, but the Council has tried to structure the area closures to provide commercial fisheries with greater flexibility in their fishing patterns while not increasing the overall catches. For example, the offshore boundary of the trawl RCA is modified in January–February and in November–December to allow directed fishing for flatfish, particularly petrale sole, in areas where and times when flatfish are known to aggregate and to co-occur with fewer overfished stocks. Depth based closures are intended to allow fisheries access to more abundant stocks in the offshore and inshore open areas, thereby limiting the extent to which fishers and related firms would be driven out of business. Many commercial groundfish fishers have other fishing opportunities during the year, and these opportunities were taken into account. For example, vessels that participate in the groundfish fisheries also fish for Dungeness crab, salmon, albacore, shrimp, anchovies, and squid, and other species.

Nonetheless, the effects of these 2004 management measures on some fishers and communities will be severe, particularly for those without other

opportunities. For the 2004 fishery, the Council proposed stringent harvest levels intended to protect and rebuild overfished and depleted stocks. In addition to constraining OYs for overfished stocks, the Council also severely restricted harvest on more abundant stocks associated with overfished stocks. These measures were needed to ensure that rebuilding of overfished and depleted stocks could occur. However, they will cause serious socio-economic repercussions as a result of low harvest levels and the consequent low landings limits.

Distribution of the economic effect of the 2004 management measures will depend on how well fishers can adapt to the restrictions. Some user groups, particularly those able to use midwater trawl gear, will have a greater opportunity to harvest than they would have had without gear restrictions, because proposed restrictions allow fishers to use gear with lower incidental catch of the depleted rockfish. Other fishers will not be able to maintain a viable operation at the reduced harvest levels. The Council prepared an EIS for this action, which includes a discussion of the economic and social effects of these management measures on coastal communities (see **ADDRESSES**).

Federal and State Jurisdiction

The management measures herein, as well as Federal regulations at 50 CFR part 660, Subpart G, govern groundfish fishing vessels of the United States in the U.S. EEZ from 3–200 nautical miles offshore off the coasts of Washington, Oregon, and California. The States of Washington, Oregon, and California retain jurisdiction in State waters from 0–3 miles offshore. This is true even though boundaries of some fishing areas cross between Federal and State waters. Under their own legal authorities, the States generally conform their State regulations to the Federal management measures, so the management measures that apply to Federal and State waters are the same. This is not true in every case, however, and fishers are advised to consult State as well as Federal regulations if they intend to fish in both State and Federal waters.

Groundfish stocks are distributed throughout Federal and State waters. Therefore, the Federal harvest limits (OYs) include fish taken in both Federal and State waters, as do vessel trip limits for individual groundfish species. Other Federal management measures related to federally-regulated groundfish fishing also apply to landings and other shoreside activities in Washington, Oregon, and California.

Trip Limit Tables and Management Measures

Cumulative trip limits are set into tables, with explanations in section IV. Tables for each fishing sector are separated into northern and southern area tables. The industry is cautioned not to rely on the tables alone. The text in Section IV. provides cumulative trip limit definitions and periods, size limit definitions and conversions, and other information that cannot be readily included in a table but must be understood in order to correctly use the tables. The sablefish allocations and nontrawl sablefish management, Pacific whiting allocations and seasons, and ''per trip'' limits for black rockfish off Washington State are presented in text in paragraphs IV.B. Trip limits for exempted trawl gear in the open access fishery (Table 5 and paragraph IV.C.), recreational management measures (paragraph IV.D.), and tribal allocations and management measures (paragraph V.) still remain in the text.

Cumulative trip limits are applied during the time periods and in the areas indicated in Tables 3–5 of Section IV. The cumulative trip limit may be taken at any time within the applicable cumulative trip limit period. All cumulative trip limit periods start at 0001 hours, local time, on the specified beginning date.

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, (AA), NMFS, concurs with the Council's recommendations and announces the following management actions for 2004, including measures that are unchanged from 2003 and new measures. In addition to the measures described herein, the States of Washington, Oregon, and California may have additional regulations that apply to vessels fishing in State waters or registered to any of those States.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2004 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the maximum amount of a fish species or species group that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time (l.t.) Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours l.t. on Sunday and ending at 2400 hours l.t. on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months, a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours l.t. and end at 2400 hours l.t., are as follows, unless otherwise specified:

(i) The 2-month periods are: January 1–February 29, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(e) As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing and must be reported as such.

(f) The cumulative trip limits in Section IV.B. and C., including Tables 3–5 of this proposed rule, must not be exceeded.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated at 50 CFR 660.302 (in

the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph IV.A.(7)). See paragraph IV.A.(9) for information on inseason changes to limits.

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish.* ''Legal fish'' means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits, length measurement, and weight limits.*

(a) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed.

(i) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(ii) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(iii) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph IV. D.). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(b) *Weight limits and conversions.* The weight limit conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. Weight conversions provided herein are those conversions currently in use by the States of Washington, Oregon and California and may be subject to change by those states. Fishery participants should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor. To determine the round weight, multiply the processed weight times the conversion factor.

(c) *Sablefish.* The following conversion applies to both the limited entry and open access fisheries when trip limits are in effect for those fisheries. For headed and gutted (eviscerated) sablefish the weight conversion factor is 1.6 for headed and gutted sablefish.

(d) *Lingcod.* The following conversions apply in both limited entry and open access fisheries.

(i) For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) The weight conversion factor for headed and gutted lingcod is 1.5. The conversion factor for lingcod that has only been gutted with the head on is 1.1.

(7) *Closure.* ''Closure,'' when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. The provisions at paragraph IV.A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with any prohibited species on board, no matter where that species was caught, except as provided for in the CCA at IV.A.(17)(b).

(8) *Fishery management area.* As defined at 50 CFR 660.302, the fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits, and area closures in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting (see 50 CFR 660.323(b)). Council meetings in 2004 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest Regional Office (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open access gear, but the open access limit is smaller than the limited entry limit, the open access limit may not be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in north-south management areas with different trip limits.* NMFS uses different types of management areas for West Coast groundfish management. One type of management area is the north-south management area, a large ocean area with northern and southern boundary lines wherein trip limits, seasons, and conservation areas follow a single theme. For example, in the area between the U.S. border with Canada and the 40°10′ N. lat. line, trip limits and conservation areas are generally intended to protect darkblotched and yelloweye rockfish while providing harvesting opportunities for northern

flatfish and deepwater species. Within each north-south management area, there may be one or more conservation areas, detailed at IV.A.(17) and at 50 CFR 660.304. The provisions within this paragraph IV.A.(12) apply to vessels operating in different north-south management areas. Trip limits for a species or a species group may differ in different north-south management areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2004, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph IV.A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Operating in two different areas where a species or species group is managed with different types of trip limits.* During the fishing year, NMFS may implement management measures for a species or species group that set different types of trip limits (for example, per trip limits versus cumulative trip limits) for different areas. If a vessel fishes for a species or species group that is managed with different types of trip limits in two different areas within the same cumulative limit period, then that vessel is subject to the most restrictive overall cumulative limit for that species, regardless of where fishing occurs.

(d) *Minor rockfish.* Several rockfish species are designated with species-specific limits on one side of the 40°10 N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 38° N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 38° N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 38° N. lat. [**Note:** A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 38° N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 38° N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 38° N. lat. [**Note:** A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(iii) If a trawl vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat. Yellowtail rockfish is included in overall shelf rockfish limits for limited entry fixed gear and open access gear groups. Widow rockfish is included in overall shelf rockfish limits for all gear groups. [**Note:** A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.]

(e) *''DTS complex.''* There are differential trawl trip limits for the ''DTS complex'' (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph IV.A.(12) when making landings that include any one of the four species in the ''DTS complex.''

(f) *Flatfish complex.* There are differential trip limits for the flatfish complex (butter, curlfin, English, flathead, petrale, rex, rock, and sand soles, Pacific sanddab, and starry flounder) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph IV.A.(12) when making landings that include any one of the species in the flatfish complex.

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial OY, or quota applied.'' The States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state fish tickets. This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h).) The following species must be sorted in 2004:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, arrowtooth flounder, other flatfish, lingcod, sablefish, and Pacific whiting. [**Note:** Although black rockfish, yelloweye rockfish, and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.]

(ii) North of 40°10′ N. lat.—POP, yellowtail rockfish, and, for fixed gear, blue rockfish;

(iii) South of 40°10′ N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, black rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, Dover sole, arrowtooth flounder, petrale sole, rex sole, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10′ N. lat.—blue rockfish, POP, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception, CA—thornyheads.

(14) *Trawl Gear Restrictions*. Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: Large footrope, small footrope, or midwater trawl gear.

(a) *Types of trawl gear*—Large footrope, small footrope, and midwater or pelagic trawl gears are defined at 50 CFR 660.302 and 660.322(b). Trawl vessels may include: Those vessels registered to a limited entry permit with a trawl endorsement; any vessel using trawl gear, including exempted trawl gear used to take pink shrimp, ridgeback prawns, California halibut, or sea cucumber; or any tribal vessel using trawl gear.

(b) *Cumulative trip limits and prohibitions by limited entry trawl gear type*—(i) *Large footrope trawl*. If Table 3 does not provide a large footrope trawl cumulative or trip limit for a particular species or species group, it is unlawful to take and retain, possess or land that species or species group if large footrope gear is on board. It is unlawful for any vessel using large footrope gear to exceed large footrope gear limits for any species or to use large footrope gear to exceed small footrope gear or midwater trawl gear limits for any species. It is unlawful for any vessel using large footrope gear or that has large footrope trawl gear on board to fish for groundfish shoreward of the RCAs defined at paragraph (17) of this section. The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large footrope trawl is on board.

(ii) *Small footrope or midwater trawl gear*. Cumulative trip limits for canary rockfish, widow rockfish (South of 40°10′ N. lat.,) yellowtail rockfish (North of 40°10′ N. lat.,) minor shelf rockfish (North of 40°10′ N. lat.,) minor nearshore rockfish, and lingcod, as indicated in Table 3 to section IV., are allowed only if small footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraph IV.A.(14) and at 50 CFR 660.322. For Dover sole, longspine thornyhead, shortspine thornyhead, flatfish complex species including petrale sole, rex sole, or arrowtooth flounder there are or may be cumulative trip limits that are more restrictive for vessels using small footrope gear than for large footrope gear or midwater gear. These more restrictive limits recognize that small footrope gear may be used inshore of the RCAs and are intended to limit trawl effort in the nearshore area. Where limits are more restrictive for small footrope gear, those limits apply to and constrain any vessel using small footrope gear at any time during the cumulative limit period to which the landings limits apply.

(iii) *Midwater trawl gear*. North of 40°10′ N. lat., higher yellowtail and widow rockfish cumulative trip limits are available for limited entry vessels using midwater trawl gear in November–December. For the first part of the year, yellowtail and widow rockfish are only available to trawl vessels using midwater trawl gear when those vessels are fishing for Pacific whiting during the primary whiting season. Each landing that contains yellowtail or widow rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small footrope trawl must not exceed the small footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawls during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(iv) *More than one type of trawl gear on board*. The cumulative trip limits in Table 3 must not be exceeded. A vessel may have more than one type of limited entry bottom trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear. [Example: If a vessel has large footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small footrope trawl.] A vessel that is trawling within a GCA with trawl gear authorized for use within a GCA may not have any other type of trawl gear on board.

(c) *State landing receipts*. Washington, Oregon, and California will require the type of trawl gear on board to be recorded on the state landing receipt(s) for each trip or on an attachment to the state landing receipt.

(d) *Gear inspection*. All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers*. Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2004 are January 1, March 1, May 1, July 1, September 1, and November 1.

(16) *Exempted fisheries*. U.S. vessels operating under an exempted fishing permit (EFP) issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit. EFPs may include the collecting of scientific samples of groundfish species that would otherwise be prohibited for retention.

(17) *Groundfish Conservation Areas*. Groundfish conservation area (GCA) means a geographic area defined by coordinates expressed in degrees latitude and longitude, created and enforced for the purpose of contributing to the rebuilding of overfished West Coast groundfish species. The Yelloweye Rockfish Conservation Area (YRCA), the Cowcod Conservation Areas (CCAs), and the depth-based Rockfish Conservation Areas (RCAs) are all Groundfish Conservation Areas.

(a) *Yelloweye Rockfish Conservation Area*. The YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The specific latitude and longitude coordinates of the YRCA are defined at § 660.304(d). Recreational fishing for groundfish is prohibited within the YRCA. It is unlawful for recreational fishing vessels to take, retain, possess, or land groundfish within the YRCA.

(b) *Cowcod Conservation Areas*. The CCAs are two areas off the southern California coast intended to protect cowcod. The specific latitude and longitude coordinates of the Cowcod Conservation Areas (CCAs) are defined at § 660.304(c). Recreational and commercial fishing for groundfish is prohibited within the CCAs, except that recreational and commercial fishing for rockfish and lingcod is permitted in waters shoreward of the 20-fm (37-m) depth contour. It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for rockfish and lingcod taken in waters shoreward of the 20-fm (37-m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00′30″ N. lat., and

bounded on the south by the latitude line at 32°59′30″ N. lat.

(c) *Trawl (Limited Entry and Open Access Exempted Trawl Gears) Rockfish Conservation Area.*

(i) Trawl RCAs are intended to protect a complex of species, such as overfished shelf rockfish species, and have boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours, such as 75 fm (137 m), 150 fm (274 m), and 200 fm (366 m). The trawl RCA is closed coastwide to limited entry groundfish trawl fishing, except for mid-water trawl vessels participating in the primary whiting season. The trawl RCA is also closed coastwide to open access exempted trawl fishing, except for pink shrimp trawling. Fishing with any trawl gear is prohibited within the trawl RCA coastwide, unless that vessel is participating in the primary whiting season with mid-water trawl gear, trawling with midwater gear for yellowtail or widow rockfish when that is permitted, or trawling for pink shrimp. Coastwide, it is unlawful to take and retain, possess, or land any species of fish taken with trawl gear within the trawl RCA, except as permitted for vessels participating in the primary whiting season with mid-water trawl gear or for vessels participating in the pink shrimp trawl fishery. Throughout the year, boundaries for the trawl RCA are provided in Table 3 of Section IV.B. and in Table 5 of Section IV.C. and may be modified by NMFS inseason. Trawl RCA boundaries are defined by specific latitude and longitude coordinates and are provided below at paragraph (e) of this section.

(ii) Trawl vessels may transit through the trawl RCA, with or without groundfish on board, provided all groundfish trawl gear is stowed either: (1) Below deck; or (2) if the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or (3) remaining on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors. These restrictions do not apply to vessels fishing with mid-water trawl gear for Pacific whiting or taking and retaining yellowtail rockfish or widow rockfish in association with Pacific whiting caught with mid-water trawl gear or to taking and retaining yellowtail or widow rockfish with mid-water trawl gear when trip limits are authorized for those species (November–December 2004.)

(iii) If a vessel fishes in the trawl RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the trawl RCA. For example, if a vessel participates in the pink shrimp fishery within the RCA, the vessel cannot on the same trip participate in the DTS fishery outside of the RCA. Nothing in these Federal regulations supercede any state regulations that may prohibit trawling shoreward of the 3-nm state waters boundary line.

(d) *Non-Trawl (Limited Entry Fixed Gear and Open Access Non-trawl Gears) Rockfish Conservation Area.*

(i) Non-trawl RCAs are intended to protect a complex of species, such as overfished shelf rockfish species, and have boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours, such as 27 fm (49 m), 100 fm (183 m), and 150 fm (274 m). The non-trawl RCA is closed to non-trawl gear (limited entry or open access longline and pot or trap, open access hook-and-line, pot or trap, gillnet, set net, trammel net and spear) fishing for groundfish. Fishing for groundfish with non-trawl gear is prohibited within the non-trawl RCA. It is unlawful to take and retain, possess, or land groundfish taken with non-trawl gear within the non-trawl RCA. Limited entry fixed gear and open access non-trawl gear vessels may transit through the non-trawl RCA, with or without groundfish on board. These restrictions do not apply to vessels fishing for species other than groundfish with non-trawl gear. If a vessel fishes in the non-trawl RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the non-trawl RCA. For example, if a vessel participates in the salmon troll fishery within the RCA, the vessel cannot on the same trip participate in the sablefish fishery outside of the RCA. Throughout the year, boundaries for the non-trawl RCA are provided in Table 4 of Section IV.B. and in Table 5 of Section IV.C. and may be modified by NMFS inseason. Non-trawl RCA boundaries are defined by specific latitude and longitude coordinates and are provided below at paragraph (e) of this section.

(e) *Recreational Rockfish Conservation Area.*

(i) Recreational RCAs are closed areas intended to protect overfished rockfish species. Recreational RCAs may either have (1) boundaries defined by general depth contours or (2) boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours. The recreational RCA is closed to recreational fishing for groundfish. Fishing for groundfish with recreational gear is prohibited within the recreational RCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. These restrictions do not apply to recreational vessels fishing for species other than groundfish with recreational gear. If a vessel fishes in the recreational RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the recreational RCA. For example, if a vessel participates in the recreational salmon fishery within the RCA, the vessel cannot on the same trip participate in the recreational groundfish fishery shoreward of the RCA. Throughout the year, boundaries for the recreational RCAs are provided in the text in section IV.D. under each state (Washington, Oregon and California) and may be modified by NMFS inseason. Recreational RCA boundaries that are defined by specific latitude and longitude coordinates are provided below at paragraph (f) of this section.

(f) *RCA Boundary Coordinates.* Specific latitude and longitude coordinates for RCA boundaries that approximate the depth contours selected for both trawl, non-trawl, and recreational RCAs are provided here. Also provided here are references to islands and rocks that serve as reference points for the RCAs.

(i) The 27 fm (49 m) depth contour used between 46°16′ N. lat. and 40°10′ N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00′ N. lat., 124°12.39′ W. long.;

(2) 46°14.85′ N. lat., 124°12.39′ W. long.;

(3) 46°03.95′ N. lat., 124°03.64′ W. long.;

(4) 45°43.14′ N. lat., 124°00.17′ W. long.;

(5) 45°23.33′ N. lat., 124°01.99′ W. long.;

(6) 45°09.54′ N. lat., 124°01.65′ W. long.;

(7) 44°39.99′ N. lat., 124°08.67′ W. long.;

(8) 44°20.86′ N. lat., 124°10.31′ W. long.;

(9) 43°37.11′ N. lat., 124°14.91′ W. long.;

(10) 43°27.54′ N. lat., 124°18.98′ W. long.;

(11) 43°20.68′ N. lat., 124°25.53′ W. long.;

(12) 43°15.08′ N. lat., 124°27.17′ W. long.;

(13) 43°06.89′ N. lat., 124°29.65′ W. long.;

(14) 43°01.02′ N. lat., 124°29.70′ W. long.;

(15) 42°52.67′ N. lat., 124°36.10′ W. long.;

(16) 42°45.96′ N. lat., 124°37.95′ W. long.;
(17) 42°45.80′ N. lat., 124°35.41′ W. long.;
(18) 42°38.46′ N. lat., 124°27.49′ W. long.;
(19) 42°35.29′ N. lat., 124°26.85′ W. long.;
(20) 42°31.49′ N. lat., 124°31.40′ W. long.;
(21) 42°29.06′ N. lat., 124°32.24′ W. long.;
(22) 42°14.26′ N. lat., 124°26.27′ W. long.;
(23) 42°04.86′ N. lat., 124°21.94′ W. long.;
(24) 42°00.10′ N. lat., 124°20.99′ W. long.;
(25) 42°00.00′ N. lat., 124°21.03′ W. long.;
(26) 41°56.33′ N. lat., 124°20.34′ W. long.;
(27) 41°50.93′ N. lat., 124°23.74′ W. long.;
(28) 41°41.83′ N. lat., 124°16.99′ W. long.;
(29) 41°35.48′ N. lat., 124°16.35′ W. long.;
(30) 41°23.51′ N. lat., 124°10.48′ W. long.;
(31) 41°04.62′ N. lat., 124°14.44′ W. long.;
(32) 40°54.28′ N. lat., 124°13.90′ W. long.;
(33) 40°40.37′ N. lat., 124°26.21′ W. long.;
(34) 40°34.03′ N. lat., 124°27.36′ W. long.;
(35) 40°28.88′ N. lat., 124°32.41′ W. long.;
(36) 40°24.82′ N. lat., 124°29.56′ W. long.;
(37) 40°22.64′ N. lat., 124°24.05′ W. long.;
(38) 40°18.67′ N. lat., 124°21.90′ W. long.;
(39) 40°14.23′ N. lat., 124°23.72′ W. long.; and
(40) 40°10.00′ N. lat., 124°17.22′ W. long.

(ii) The 30 fm (55 m) depth contour between 46°16′ N. lat. and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 46°16.00′ N. lat., 124°13.05′ W. long.;
(2) 46°07.00′ N. lat., 124°07.01′ W. long.;
(3) 45°55.95′ N. lat., 124°02.23′ W. long.;
(4) 45°54.53′ N. lat., 124°02.57′ W. long.;
(5) 45°50.65′ N. lat., 124°01.62′ W. long.;
(6) 45°48.20′ N. lat., 124°02.16′ W. long.;
(7) 45°43.47′ N. lat., 124°01.28′ W. long.;
(8) 45°40.48′ N. lat., 124°01.03′ W. long.;
(9) 45°39.04′ N. lat., 124°01.68′ W. long.;
(10) 45°35.48′ N. lat., 124°01.89′ W. long.;
(11) 45°29.81′ N. lat., 124°02.45′ W. long.;
(12) 45°27.96′ N. lat., 124°01.89′ W. long.;
(13) 45°27.22′ N. lat., 124°02.67′ W. long.;
(14) 45°24.20′ N. lat., 124°02.94′ W. long.;
(15) 45°20.60′ N. lat., 124°01.74′ W. long.;
(16) 45°16.44′ N. lat., 124°03.22′ W. long.;
(17) 45°13.63′ N. lat., 124°02.70′ W. long.;
(18) 45°11.04′ N. lat., 124°03.59′ W. long.;
(19) 45°08.55′ N. lat., 124°03.47′ W. long.;
(20) 45°02.82′ N. lat., 124°04.64′ W. long.;
(21) 44°58.06′ N. lat., 124°05.03′ W. long.;
(22) 44°53.97′ N. lat., 124°06.92′ W. long.;
(23) 44°48.89′ N. lat., 124°07.04′ W. long.;
(24) 44°46.94′ N. lat., 124°08.25′ W. long.;
(25) 44°42.72′ N. lat., 124°08.98′ W. long.;
(26) 44°38.16′ N. lat., 124°11.48′ W. long.;
(27) 44°33.38′ N. lat., 124°11.54′ W. long.;
(28) 44°28.51′ N. lat., 124°12.03′ W. long.;
(29) 44°27.65′ N. lat., 124°12.56′ W. long.;
(30) 44°19.67′ N. lat., 124°12.37′ W. long.;
(31) 44°10.79′ N. lat., 124°12.22′ W. long.;
(32) 44°09.22′ N. lat., 124°12.28′ W. long.;
(33) 44°00.22′ N. lat., 124°12.80′ W. long.;
(34) 43°51.56′ N. lat., 124°13.17′ W. long.;
(35) 43°44.26′ N. lat., 124°14.50′ W. long.;
(36) 43°33.82′ N. lat., 124°16.28′ W. long.;
(37) 43°28.66′ N. lat., 124°18.72′ W. long.;
(38) 43°23.12′ N. lat., 124°24.04′ W. long.;
(39) 43°20.49′ N. lat., 124°25.90′ W. long.;
(40) 43°16.41′ N. lat., 124°27.52′ W. long.;
(41) 43°14.23′ N. lat., 124°29.28′ W. long.;
(42) 43°14.03′ N. lat., 124°28.31′ W. long.;
(43) 43°11.92′ N. lat., 124°28.26′ W. long.;
(44) 43°11.02′ N. lat., 124°29.11′ W. long.;
(45) 43°10.13′ N. lat., 124°29.15′ W. long.;
(46) 43°09.27′ N. lat., 124°31.03′ W. long.;
(47) 43°07.73′ N. lat., 124°30.92′ W. long.;
(48) 43°05.93′ N. lat., 124°29.64′ W. long.;
(49) 43°01.59′ N. lat., 124°30.64′ W. long.;
(50) 42°59.73′ N. lat., 124°31.16′ W. long.;
(51) 42°53.75′ N. lat., 124°36.09′ W. long.;
(52) 42°49.37′ N. lat., 124°38.81′ W. long.;
(53) 42°46.42′ N. lat., 124°37.69′ W. long.;
(54) 42°46.07′ N. lat., 124°38.56′ W. long.;
(55) 42°45.29′ N. lat., 124°37.95′ W. long.;
(56) 42°45.61′ N. lat., 124°36.87′ W. long.;
(57) 42°44.28′ N. lat., 124°33.64′ W. long.;
(58) 42°42.75′ N. lat., 124°31.84′ W. long.;
(59) 42°40.04′ N. lat., 124°29.19′ W. long.;
(60) 42°38.09′ N. lat., 124°28.39′ W. long.;
(61) 42°36.72′ N. lat., 124°27.54′ W. long.;
(62) 42°36.56′ N. lat., 124°28.40′ W. long.;
(63) 42°35.76′ N. lat., 124°28.79′ W. long.;
(64) 42°34.03′ N. lat., 124°29.98′ W. long.;
(65) 42°34.19′ N. lat., 124°30.58′ W. long.;
(66) 42°31.27′ N. lat., 124°32.24′ W. long.;
(67) 42°27.07′ N. lat., 124°32.53′ W. long.;
(68) 42°24.21′ N. lat., 124°31.23′ W. long.;
(69) 42°20.47′ N. lat., 124°28.87′ W. long.;
(70) 42°14.60′ N. lat., 124°26.80′ W. long.;
(71) 42°10.90′ N. lat., 124°24.57′ W. long.;
(72) 42°07.04′ N. lat., 124°23.35′ W. long.;
(73) 42°02.16′ N. lat., 124°22.59′ W. long.;
(74) 42°00.00′ N. lat., 124°21.81′ W. long.;
(75) 41°59.95′ N. lat., 124°21.56′ W. long.;
(76) 41°55.75′ N. lat., 124°20.72′ W. long.;
(77) 41°50.93′ N. lat., 124°23.76′ W. long.;

(78) 41°42.53′ N. lat., 124°16.47′ W. long.;
(79) 41°37.02′ N. lat., 124°17.05′ W. long.;
(80) 41°24.58′ N. lat., 124°10.51′ W. long.;
(81) 41°20.73′ N. lat., 124°11.73′ W. long.;
(82) 41°17.59′ N. lat., 124°10.66′ W. long.;
(83) 41°04.54′ N. lat., 124°14.47′ W. long.;
(84) 40°54.26′ N. lat., 124°13.09′ W. long.;
(85) 40°40.31′ N. lat., 124°26.24′ W. long.;
(86) 40°34.00′ N. lat., 124°27.39′ W. long.;
(87) 40°28.89′ N. lat., 124°32.43′ W. long.;
(88) 40°24.77′ N. lat., 124°29.51′ W. long.;
(89) 40°22.47′ N. lat., 124°24.12′ W. long.;
(90) 40°19.73′ N. lat., 124°23.59′ W. long.;
(91) 40°18.64′ N. lat., 124°21.89′ W. long.;
(92) 40°17.67′ N. lat., 124°23.07′ W. long.;
(93) 40°15.58′ N. lat., 124°23.61′ W. long.;
(94) 40°13.42′ N. lat., 124°22.94′ W. long.;
(95) 40°10.00′ N. lat., 124°16.65′ W. long.;
(96) 40°09.46′ N. lat., 124°15.28′ W. long.;
(97) 40°08.89′ N. lat., 124°15.24′ W. long.;
(98) 40°06.04′ N. lat., 124°10.97′ W. long.;
(99) 40°06.08′ N. lat., 124°09.34′ W. long.;
(100) 40°06.64′ N. lat., 124°08.00′ W. long.;
(101) 40°05.08′ N. lat., 124°07.57′ W. long.;
(102) 40°04.29′ N. lat., 124°08.12′ W. long.;
(103) 40°00.61′ N. lat., 124°07.35′ W. long.;
(104) 39°58.06′ N. lat., 124°05.51′ W. long.;
(105) 39°54.89′ N. lat., 124°04.67′ W. long.;
(106) 39°53.01′ N. lat., 124°02.33′ W. long.;
(107) 39°53.02′ N. lat., 123°58.18′ W. long.;
(108) 39°48.45′ N. lat., 123°53.21′ W. long.;
(109) 39°43.89′ N. lat., 123°51.75′ W. long.;
(110) 39°39.06′ N. lat., 123°49.14′ W. long.;
(111) 39°34.43′ N. lat., 123°48.48′ W. long.;
(112) 39°30.63′ N. lat., 123°49.71′ W. long.;
(113) 39°21.25′ N. lat., 123°50.54′ W. long.;
(114) 39°08.87′ N. lat., 123°46.24′ W. long.;
(115) 39°03.79′ N. lat., 123°43.91′ W. long.;
(116) 38°59.65′ N. lat., 123°45.94′ W. long.;
(117) 38°56.08′ N. lat., 123°46.48′ W. long.;
(118) 38°51.16′ N. lat., 123°41.48′ W. long.;
(119) 38°45.77′ N. lat., 123°35.14′ W. long.;
(120) 38°42.21′ N. lat., 123°28.17′ W. long.;
(121) 38°34.05′ N. lat., 123°20.96′ W. long.;
(122) 38°22.47′ N. lat., 123°07.48′ W. long.;
(123) 38°16.52′ N. lat., 123°05.62′ W. long.;
(124) 38°14.42′ N. lat., 123°01.91′ W. long.;
(125) 38°08.24′ N. lat., 122°59.79′ W. long.;
(126) 38°02.69′ N. lat., 123°01.96′ W. long.;
(127) 37°59.73′ N. lat., 123°04.75′ W. long.;
(128) 37°58.41′ N. lat., 123°02.93′ W. long.;
(129) 37°58.25′ N. lat., 122°56.49′ W. long.;
(130) 37°50.03′ N. lat., 122°52.23′ W. long.;
(131) 37°43.36′ N. lat., 123°04.18′ W. long.;
(132) 37°40.77′ N. lat., 123°01.62′ W. long.;
(133) 37°40.13′ N. lat., 122°57.03′ W. long.;
(134) 37°42.59′ N. lat., 122°53.64′ W. long.;
(135) 37°29.62′ N. lat., 122°36.00′ W. long.;
(136) 37°22.38′ N. lat., 122°31.66′ W. long.;
(137) 37°13.86′ N. lat., 122°28.27′ W. long.;
(138) 37°08.01′ N. lat., 122°24.75′ W. long.;
(139) 37°05.84′ N. lat., 122°22.47′ W. long.;
(140) 36°58.77′ N. lat., 122°13.03′ W. long.;
(141) 36°53.74′ N. lat., 122°03.39′ W. long.;
(142) 36°52.71′ N. lat., 122°00.14′ W. long.;
(143) 36°52.51′ N. lat., 121°56.77′ W. long.;
(144) 36°49.44′ N. lat., 121°49.63′ W. long.;
(145) 36°48.01′ N. lat., 121°49.92′ W. long.;
(146) 36°48.25′ N. lat., 121°47.66′ W. long.;
(147) 36°46.26′ N. lat., 121°51.27′ W. long.;
(148) 36°39.14′ N. lat., 121°52.05′ W. long.;
(149) 36°38.00′ N. lat., 121°53.57′ W. long.;
(150) 36°39.14′ N. lat., 121°55.45′ W. long.;
(151) 36°38.05′ N. lat., 121°57.09′ W. long.;
(152) 36°36.75′ N. lat., 121°59.44′ W. long.;
(153) 36°34.97′ N. lat., 121°59.37′ W. long.;
(154) 36°33.07′ N. lat., 121°58.32′ W. long.;
(155) 36°33.27′ N. lat., 121°57.07′ W. long.;
(156) 36°32.68′ N. lat., 121°57.03′ W. long.;
(157) 36°32.04′ N. lat., 121°55.98′ W. long.;
(158) 36°31.61′ N. lat., 121°55.72′ W. long.;
(159) 36°31.59′ N. lat., 121°57.12′ W. long.;
(160) 36°31.52′ N. lat., 121°57.57′ W. long.;
(161) 36°30.88′ N. lat., 121°57.09′ W. long.;
(162) 36°30.25′ N. lat., 121°57.37′ W. long.;
(163) 36°29.47′ N. lat., 121°57.55′ W. long.;
(164) 36°26.72′ N. lat., 121°56.04′ W. long.;
(165) 36°24.33′ N. lat., 121°56.00′ W. long.;
(166) 36°23.36′ N. lat., 121°55.45′ W. long.;
(167) 36°18.86′ N. lat., 121°56.15′ W. long.;
(168) 36°16.21′ N. lat., 121°54.81′ W. long.;
(169) 36°15.03′ N. lat., 121°53.79′ W. long.;
(170) 36°12.04′ N. lat., 121°45.38′ W. long.;
(171) 36°11.87′ N. lat., 121°44.45′ W. long.;
(172) 36°12.13′ N. lat., 121°44.25′ W. long.;
(173) 36°11.89′ N. lat., 121°43.65′ W. long.;
(174) 36°10.56′ N. lat., 121°42.62′ W. long.;
(175) 36°09.09′ N. lat., 121°41.57′ W. long.;
(176) 36°08.14′ N. lat., 121°40.44′ W. long.;
(177) 36°06.69′ N. lat., 121°38.79′ W. long.;
(178) 36°05.85′ N. lat., 121°38.47′ W. long.;
(179) 36°03.08′ N. lat., 121°36.25′ W. long.;
(180) 36°02.92′ N. lat., 121°35.89′ W. long.;
(181) 36°01.53′ N. lat., 121°36.13′ W. long.;
(182) 36°00.59′ N. lat., 121°35.04′ W. long.;

(183) 35°59.93′ N. lat., 121°33.81′ W. long.;
(184) 35°59.69′ N. lat., 121°31.84′ W. long.;
(185) 35°58.59′ N. lat., 121°30.03′ W. long.;
(186) 35°54.02′ N. lat., 121°29.71′ W. long.;
(187) 35°51.54′ N. lat., 121°27.67′ W. long.;
(188) 35°50.42′ N. lat., 121°25.79′ W. long.;
(189) 35°48.37′ N. lat., 121°24.29′ W. long.;
(190) 35°47.02′ N. lat., 121°22.46′ W. long.;
(191) 35°42.28′ N. lat., 121°21.02′ W. long.;
(192) 35°41.57′ N. lat., 121°21.82′ W. long.;
(193) 35°39.24′ N. lat., 121°18.84′ W. long.;
(194) 35°35.14′ N. lat., 121°10.45′ W. long.;
(195) 35°30.11′ N. lat., 121°05.59′ W. long.;
(196) 35°25.86′ N. lat., 121°00.07′ W. long.;
(197) 35°22.82′ N. lat., 120°54.68′ W. long.;
(198) 35°17.96′ N. lat., 120°55.54′ W. long.;
(199) 35°14.83′ N. lat., 120°55.42′ W. long.;
(200) 35°08.87′ N. lat., 120°50.22′ W. long.;
(201) 35°05.55′ N. lat., 120°44.89′ W. long.;
(202) 35°02.91′ N. lat., 120°43.94′ W. long.;
(203) 34°53.08′ N. lat., 120°43.94′ W. long.;
(204) 34°34.89′ N. lat., 120°41.92′ W. long.;
(205) 34°32.48′ N. lat., 120°40.05′ W. long.;
(206) 34°30.12′ N. lat., 120°32.81′ W. long.;
(207) 34°27.00′ N. lat., 120°30.46′ W. long.;
(208) 34°27.00′ N. lat., 120°30.31′ W. long.;
(209) 34°25.84′ N. lat., 120°27.04′ W. long.;
(210) 34°25.16′ N. lat., 120°20.18′ W. long.;
(211) 34°25.88′ N. lat., 120°18.24′ W. long.;
(212) 34°27.26′ N. lat., 120°12.47′ W. long.;
(213) 34°26.27′ N. lat., 120°02.22′ W. long.;
(214) 34°23.41′ N. lat., 119°53.04′ W. long.;
(215) 34°23.33′ N. lat., 119°48.74′ W. long.;
(216) 34°22.31′ N. lat., 119°41.36′ W. long.;
(217) 34°21.72′ N. lat., 119°40.14′ W. long.;
(218) 34°21.25′ N. lat., 119°41.18′ W. long.;
(219) 34°20.25′ N. lat., 119°39.03′ W. long.;
(220) 34°19.87′ N. lat., 119°33.65′ W. long.;
(221) 34°18.67′ N. lat., 119°30.16′ W. long.;
(222) 34°16.95′ N. lat., 119°27.09′ W. long.;
(223) 34°13.02′ N. lat., 119°26.99′ W. long.;
(224) 34°08.62′ N. lat., 119°20.89′ W. long.;
(225) 34°06.95′ N. lat., 119°17.68′ W. long.;
(226) 34°05.93′ N. lat., 119°15.17′ W. long.;
(227) 34°08.42′ N. lat., 119°13.11′ W. long.;
(228) 34°05.23′ N. lat., 119°13.34′ W. long.;
(229) 34°04.98′ N. lat., 119°11.39′ W. long.;
(230) 34°04.55′ N. lat., 119°11.09′ W. long.;
(231) 34°04.15′ N. lat., 119°09.35′ W. long.;
(232) 34°04.89′ N. lat., 119°07.86′ W. long.;
(233) 34°04.08′ N. lat., 119°07.33′ W. long.;
(234) 34°04.01′ N. lat., 119°06.89′ W. long.;
(235) 34°05.08′ N. lat., 119°07.02′ W. long.;
(236) 34°05.27′ N. lat., 119°04.95′ W. long.;
(237) 34°04.51′ N. lat., 119°04.07′ W. long.;
(238) 34°02.26′ N. lat., 118°59.88′ W. long.;
(239) 34°01.08′ N. lat., 118°59.77′ W. long.;
(240) 34°00.94′ N. lat., 118°51.65′ W. long.;
(241) 33°59.77′ N. lat., 118°49.26′ W. long.;
(242) 34°00.04′ N. lat., 118°48.92′ W. long.;
(243) 33°59.65′ N. lat., 118°48.43′ W. long.;
(244) 33°59.46′ N. lat., 118°47.25′ W. long.;
(245) 33°59.08′ N. lat., 118°45.89′ W. long.;
(246) 34°00.21′ N. lat., 118°37.64′ W. long.;
(247) 33°59.26′ N. lat., 118°34.58′ W. long.;
(248) 33°58.07′ N. lat., 118°33.36′ W. long.;
(249) 33°53.76′ N. lat., 118°30.14′ W. long.;
(250) 33°51.00′ N. lat., 118°25.19′ W. long.;
(251) 33°50.07′ N. lat., 118°24.07′ W. long.;
(252) 33°50.16′ N. lat., 118°23.77′ W. long.;
(253) 33°48.08′ N. lat., 118°25.31′ W. long.;
(254) 33°47.07′ N. lat., 118°27.07′ W. long.;
(255) 33°46.12′ N. lat., 118°26.87′ W. long.;
(256) 33°44.15′ N. lat., 118°25.15′ W. long.;
(257) 33°43.54′ N. lat., 118°23.02′ W. long.;
(258) 33°41.35′ N. lat., 118°18.86′ W. long.;
(259) 33°39.96′ N. lat., 118°17.37′ W. long.;
(260) 33°40.12′ N. lat., 118°16.33′ W. long.;
(261) 33°39.28′ N. lat., 118°16.21′ W. long.;
(262) 33°38.04′ N. lat., 118°14.86′ W. long.;
(263) 33°36.57′ N. lat., 118°14.67′ W. long.;
(264) 33°34.93′ N. lat., 118°10.94′ W. long.;
(265) 33°35.14′ N. lat., 118°08.61′ W. long.;
(266) 33°35.69′ N. lat., 118°07.68′ W. long.;
(267) 33°36.21′ N. lat., 118°07.53′ W. long.;
(268) 33°36.43′ N. lat., 118°06.73′ W. long.;
(269) 33°36.05′ N. lat., 118°06.15′ W. long.;
(270) 33°36.32′ N. lat., 118°03.91′ W. long.;
(271) 33°35.69′ N. lat., 118°03.64′ W. long.;
(272) 33°34.62′ N. lat., 118°00.04′ W. long.;
(273) 33°34.08′ N. lat., 117°57.73′ W. long.;
(274) 33°35.57′ N. lat., 117°56.62′ W. long.;
(275) 33°35.46′ N. lat., 117°55.99′ W. long.;
(276) 33°35.98′ N. lat., 117°55.99′ W. long.;
(277) 33°35.46′ N. lat., 117°55.38′ W. long.;
(278) 33°35.21′ N. lat., 117°53.46′ W. long.;
(279) 33°33.61′ N. lat., 117°50.45′ W. long.;
(280) 33°31.41′ N. lat., 117°47.28′ W. long.;
(281) 33°27.54′ N. lat., 117°44.36′ W. long.;
(282) 33°26.63′ N. lat., 117°43.17′ W. long.;
(283) 33°25.21′ N. lat., 117°40.09′ W. long.;
(284) 33°20.33′ N. lat., 117°35.99′ W. long.;
(285) 33°16.35′ N. lat., 117°31.51′ W. long.;
(286) 33°11.53′ N. lat., 117°26.81′ W. long.;
(287) 33°07.59′ N. lat., 117°21.13′ W. long.;

(288) 33°02.21′ N. lat., 117°19.05′ W. long.;
(289) 32°56.55′ N. lat., 117°17.07′ W. long.;
(290) 32°54.61′ N. lat., 117°16.06′ W. long.;
(291) 32°52.32′ N. lat., 117°15.97′ W. long.;
(292) 32°51.48′ N. lat., 117°16.15′ W. long.;
(293) 32°51.85′ N. lat., 117°17.26′ W. long.;
(294) 32°51.55′ N. lat., 117°19.01′ W. long.;
(295) 32°49.55′ N. lat., 117°19.63′ W. long.;
(296) 32°46.71′ N. lat., 117°18.32′ W. long.;
(297) 32°36.35′ N. lat., 117°15.68′ W. long.; and
(298) 32°32.85′ N. lat., 117°15.44′ W. long.

(A) The 30 fm (55 m) depth contour around the Farallon Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 37°46.73′ N. lat., 123°6.37′ W. long.;
(2) 37°45.79′ N. lat., 123°07.91′ W. long.;
(3) 37°45.28′ N. lat., 123°07.75′ W. long.;
(4) 37°44.98′ N. lat., 123°07.11′ W. long.;
(5) 37°45.51′ N. lat., 123°06.26′ W. long.;
(6) 37°45.14′ N. lat., 123°05.41′ W. long.;
(7) 37°45.31′ N. lat., 123°04.82′ W. long.;
(8) 37°46.11′ N. lat., 123°05.23′ W. long.;
(9) 37°46.44′ N. lat., 123°05.63′ W. long.;
(10) 37°46.73′ N. lat., 123°06.37′ W. long.;

(B) The 30 fm (55 m) depth contour around Noon Day rock off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 37°47.83′ N. lat., 123°10.83′ W. long.;
(2) 37°47.51′ N. lat., 123°11.19′ W. long.;
(3) 37°47.33′ N. lat., 123°10.68′ W. long.;
(4) 37°47.02′ N. lat., 123°10.59′ W. long.;
(5) 37°47.21′ N. lat., 123°09.85′ W. long.;
(6) 37°47.56′ N. lat., 123°09.72′ W. long.;
(7) 37°47.87′ N. lat., 123°10.26′ W. long.; and
(8) 37°47.83′ N. lat., 123°10.83′ W. long.

(C) The 30 fm (55 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°01.41′ N. lat., 119°20.61′ W. long.;
(2) 34°00.98′ N. lat., 119°20.46′ W. long.;
(3) 34°00.53′ N. lat., 119°20.98′ W. long.;
(4) 34°00.17′ N. lat., 119°21.83′ W. long.;
(5) 33°59.65′ N. lat., 119°24.45′ W. long.;
(6) 33°59.68′ N. lat., 119°25.20′ W. long.;
(7) 33°59.95′ N. lat., 119°26.25′ W. long.;
(8) 33°59.87′ N. lat., 119°27.27′ W. long.;
(9) 33°59.55′ N. lat., 119°28.02′ W. long.;
(10) 33°58.63′ N. lat., 119°36.48′ W. long.;
(11) 33°57.62′ N. lat., 119°41.13′ W. long.;
(12) 33°57.00′ N. lat., 119°42.20′ W. long.;
(13) 33°56.93′ N. lat., 119°48.00′ W. long.;
(14) 33°57.70′ N. lat., 119°48.00′ W. long.;
(between coordinates (14) and (15), the boundary follows the shoreline)
(15) 33°58.00′ N. lat., 119°51.00′ W. long.;
(16) 33°58.00′ N. lat., 119°52.00′ W. long.;
(17) 33°58.54′ N. lat., 119°52.80′ W. long.;
(18) 33°59.74′ N. lat., 119°54.19′ W. long.;
(19) 33°59.97′ N. lat., 119°54.66′ W. long.;
(20) 33°59.83′ N. lat., 119°56.00′ W. long.;
(21) 33°59.18′ N. lat., 119°57.17′ W. long.;
(22) 33°57.83′ N. lat., 119°56.74′ W. long.;
(23) 33°55.71′ N. lat., 119°56.89′ W. long.;
(24) 33°53.89′ N. lat., 119°57.68′ W. long.;
(25) 33°52.93′ N. lat., 119°59.80′ W. long.;
(26) 33°52.79′ N. lat., 120°01.81′ W. long.;
(27) 33°52.51′ N. lat., 120°03.08′ W. long.;
(28) 33°53.12′ N. lat., 120°04.88′ W. long.;
(29) 33°53.12′ N. lat., 120°05.80′ W. long.;
(30) 33°52.94′ N. lat., 120°06.50′ W. long.;
(31) 33°53.80′ N. lat., 120°06.50′ W. long.;
(between coordinates (31) and (32), the boundary follows the shoreline)
(32) 33°55.00′ N. lat., 120°10.00′ W. long.;
(33) 33°54.03′ N. lat., 120°10.00′ W. long.;
(34) 33°54.58′ N. lat., 120°11.82′ W. long.;
(35) 33°57.08′ N. lat., 120°14.58′ W. long.;
(36) 33°59.50′ N. lat., 120°16.72′ W. long.;
(37) 33°59.63′ N. lat., 120°17.88′ W. long.;
(38) 34°00.30′ N. lat., 120°19.14′ W. long.;
(39) 34°00.02′ N. lat., 120°19.68′ W. long.;
(40) 34°00.08′ N. lat., 120°21.73′ W. long.;
(41) 34°00.94′ N. lat., 120°24.82′ W. long.;
(42) 34°00.97′ N. lat., 120°25.30′ W. long.;
(43) 34°01.50′ N. lat., 120°25.30′ W. long.;
(between coordinates (43) and (44), the boundary follows the shoreline)
(44) 34°01.80′ N. lat., 120°26.60′ W. long.;
(45) 34°01.05′ N. lat., 120°26.60′ W. long.;
(46) 34°01.11′ N. lat., 120°27.43′ W. long.;
(47) 34°00.96′ N. lat., 120°28.09′ W. long.;
(48) 34°01.56′ N. lat., 120°28.71′ W. long.;
(49) 34°01.80′ N. lat., 120°28.31′ W. long.;
(50) 34°03.60′ N. lat., 120°28.87′ W. long.;
(51) 34°03.60′ N. lat., 120°28.20′ W. long.;
(52) 34°05.35′ N. lat., 120°28.20′ W. long.;
(53) 34°05.30′ N. lat., 120°27.33′ W. long.;
(54) 34°05.65′ N. lat., 120°26.79′ W. long.;
(55) 34°05.69′ N. lat., 120°25.82′ W. long.;
(56) 34°07.24′ N. lat., 120°24.98′ W. long.;
(57) 34°06.00′ N. lat., 120°23.30′ W. long.;
(58) 34°03.10′ N. lat., 120°23.30′ W. long.;
(between coordinates (58) and (59), the boundary follows the shoreline)
(59) 34°03.50′ N. lat., 120°21.30′ W. long.;
(60) 34°02.90′ N. lat., 120°20.20′ W. long.;
(between coordinates (60) and (61), the boundary follows the shoreline)
(61) 34°01.80′ N. lat., 120°18.40′ W. long.;
(62) 34°03.61′ N. lat., 120°18.40′ W. long.;
(63) 34°03.25′ N. lat., 120°16.64′ W. long.;

(64) 34°04.33′ N. lat., 120°14.22′ W. long.;
(65) 34°04.11′ N. lat., 120°11.17′ W. long.;
(66) 34°03.72′ N. lat., 120°09.93′ W. long.;
(67) 34°03.81′ N. lat., 120°08.96′ W. long.;
(68) 34°03.36′ N. lat., 120°06.52′ W. long.;
(69) 34°04.80′ N. lat., 120°04.00′ W. long.;
(70) 34°04.00′ N. lat., 120°04.00′ W. long.;
(71) 34°04.00′ N. lat., 120°05.20′ W. long.;
(72) 34°01.30′ N. lat., 120°05.20′ W. long.;
(between coordinates (72) and (73), the boundary follows the shoreline)
(73) 34°00.50′ N. lat., 120°02.80′ W. long.;
(74) 34°00.49′ N. lat., 120°01.01′ W. long.;
(75) 34°04.00′ N. lat., 120°01.00′ W. long.;
(76) 34°03.99′ N. lat., 120°00.15′ W. long.;
(77) 34°03.51′ N. lat., 119°59.42′ W. long.;
(78) 34°03.79′ N. lat., 119°58.15′ W. long.;
(79) 34°04.72′ N. lat., 119°57.61′ W. long.;
(80) 34°05.14′ N. lat., 119°55.17′ W. long.;
(81) 34°04.85′ N. lat., 119°53.00′ W. long.;
(82) 34°04.50′ N. lat., 119°53.00′ W. long.;
(between coordinates (82) and (83), the boundary follows the shoreline)
(83) 34°04.00′ N. lat., 119°51.00′ W. long.;
(84) 34°04.49′ N. lat., 119°51.01′ W. long.;
(85) 34°03.79′ N. lat., 119°48.86′ W. long.;
(86) 34°03.79′ N. lat., 119°45.46′ W. long.;
(87) 34°03.27′ N. lat., 119°44.17′ W. long.;
(88) 34°03.29′ N. lat., 119°43.30′ W. long.;
(89) 34°01.71′ N. lat., 119°40.83′ W. long.;
(90) 34°01.74′ N. lat., 119°37.92′ W. long.;
(91) 34°02.07′ N. lat., 119°37.17′ W. long.;
(92) 34°02.93′ N. lat., 119°36.52′ W. long.;
(93) 34°03.48′ N. lat., 119°35.50′ W. long.;
(94) 34°02.94′ N. lat., 119°35.50′ W. long.;
(between coordinates (94) and (95), the boundary follows the shoreline)
(95) 34°02.80′ N. lat., 119°32.80′ W. long.;
(96) 34°03.56′ N. lat., 119°32.80′ W. long.;
(97) 34°02.72′ N. lat., 119°31.84′ W. long.;
(98) 34°02.20′ N. lat., 119°30.53′ W. long.;
(99) 34°01.49′ N. lat., 119°30.20′ W. long.;
(100) 34°00.66′ N. lat., 119°28.62′ W. long.;
(101) 34°00.66′ N. lat., 119°27.57′ W. long.;
(102) 34°01.40′ N. lat., 119°26.94′ W. long.;
(103) 34°01.35′ N. lat., 119°26.70′ W. long.;
(104) 34°00.80′ N. lat., 119°26.70′ W. long.;
(between coordinates (104) and (105), the boundary follows the shoreline)
(105) 34°00.40′ N. lat., 119°24.60′ W. long.;
(between coordinates (105) and (106), the boundary follows the shoreline)
(106) 34°01.00′ N. lat., 119°21.40′ W. long.;
(107) 34°01.49′ N. lat., 119°21.40′ W. long.; and
(108) 34°01.41′ N. lat., 119°20.61′ W. long.

(D) The 30 fm (55 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°03.37′ N. lat., 118°37.76′ W. long.;
(2) 33°02.72′ N. lat., 118°38.12′ W. long.;
(3) 33°02.18′ N. lat., 118°37.46′ W. long.;
(4) 33°00.66′ N. lat., 118°37.36′ W. long.;
(5) 33°00.08′ N. lat., 118°36.94′ W. long.;
(6) 33°00.11′ N. lat., 118°36.00′ W. long.;
(7) 32°58.02′ N. lat., 118°35.41′ W. long.;
(8) 32°56.00′ N. lat., 118°33.59′ W. long.;
(9) 32°54.76′ N. lat., 118°33.58′ W. long.;
(10) 32°53.97′ N. lat., 118°32.45′ W. long.;
(11) 32°51.18′ N. lat., 118°30.83′ W. long.;
(12) 32°50.00′ N. lat., 118°29.68′ W. long.;
(13) 32°49.72′ N. lat., 118°28.33′ W. long.;
(14) 32°47.88′ N. lat., 118°26.09′ W. long.;
(15) 32°47.03′ N. lat., 118°25.73′ W. long.;
(16) 32°47.28′ N. lat., 118°24.83′ W. long.;
(17) 32°48.12′ N. lat., 118°24.33′ W. long.;
(18) 32°48.74′ N. lat., 118°23.39′ W. long.;
(19) 32°48.69′ N. lat., 118°21.75′ W. long.;
(20) 32°49.06′ N. lat., 118°20.53′ W. long.;
(21) 32°50.28′ N. lat., 118°21.09′ W. long.;
(22) 32°51.73′ N. lat., 118°23.86′ W. long.;
(23) 32°52.79′ N. lat., 118°25.08′ W. long.;
(24) 32°54.03′ N. lat., 118°26.83′ W. long.;
(25) 32°54.07′ N. lat., 118°27.55′ W. long.;
(26) 32°55.49′ N. lat., 118°29.04′ W. long.;
(27) 32°59.58′ N. lat., 118°32.51′ W. long.;
(28) 32°59.89′ N. lat., 118°32.52′ W. long.;
(29) 33°00.29′ N. lat., 118°32.73′ W. long.;
(30) 33°00.85′ N. lat., 118°33.05′ W. long.;
(31) 33°01.07′ N. lat., 118°33.64′ W. long.;
(32) 33°02.09′ N. lat., 118°35.35′ W. long.;
(33) 33°02.61′ N. lat., 118°36.96′ W. long.; and
(34) 33°03.37′ N. lat., 118°37.76′ W. long.

(E) The 30 fm (55 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°19.13′ N. lat., 118°18.04′ W. long.;
(2) 33°18.32′ N. lat., 118°18.20′ W. long.;
(3) 33°17.82′ N. lat., 118°18.73′ W. long.;
(4) 33°17.54′ N. lat., 118°19.52′ W. long.;
(5) 33°17.99′ N. lat., 118°21.71′ W. long.;
(6) 33°18.48′ N. lat., 118°22.82′ W. long.;
(7) 33°18.77′ N. lat., 118°26.95′ W. long.;
(8) 33°19.69′ N. lat., 118°28.87′ W. long.;
(9) 33°20.53′ N. lat., 118°30.52′ W. long.;
(10) 33°20.46′ N. lat., 118°31.47′ W. long.;
(11) 33°20.98′ N. lat., 118°31.39′ W. long.;
(12) 33°20.81′ N. lat., 118°30.49′ W. long.;
(13) 33°21.38′ N. lat., 118°30.07′ W. long.;
(14) 33°23.12′ N. lat., 118°29.31′ W. long.;
(15) 33°24.95′ N. lat., 118°29.70′ W. long.;

(16) 33°25.39′ N. lat., 118°30.50′ W. long.;
(17) 33°25.21′ N. lat., 118°30.79′ W. long.;
(18) 33°25.65′ N. lat., 118°31.60′ W. long.;
(19) 33°25.65′ N. lat., 118°32.04′ W. long.;
(20) 33°25.94′ N. lat., 118°32.96′ W. long.;
(21) 33°25.86′ N. lat., 118°33.49′ W. long.;
(22) 33°26.06′ N. lat., 118°34.12′ W. long.;
(23) 33°28.28′ N. lat., 118°36.60′ W. long.;
(24) 33°28.83′ N. lat., 118°36.42′ W. long.;
(25) 33°28.72′ N. lat., 118°34.93′ W. long.;
(26) 33°28.71′ N. lat., 118°33.61′ W. long.;
(27) 33°28.81′ N. lat., 118°32.95′ W. long.;
(28) 33°28.73′ N. lat., 118°32.07′ W. long.;
(29) 33°27.55′ N. lat., 118°30.14′ W. long.;
(30) 33°27.86′ N. lat., 118°29.41′ W. long.;
(31) 33°26.98′ N. lat., 118°29.06′ W. long.;
(32) 33°26.96′ N. lat., 118°28.58′ W. long.;
(33) 33°26.76′ N. lat., 118°28.40′ W. long.;
(34) 33°26.52′ N. lat., 118°27.66′ W. long.;
(35) 33°26.31′ N. lat., 118°27.41′ W. long.;
(36) 33°25.09′ N. lat., 118°23.13′ W. long.;
(37) 33°24.80′ N. lat., 118°22.86′ W. long.;
(38) 33°24.60′ N. lat., 118°22.02′ W. long.;
(39) 33°22.82′ N. lat., 118°21.04′ W. long.;
(40) 33°20.23′ N. lat., 118°18.45′ W. long.; and
(41) 33°19.13′ N. lat., 118°18.04′ W. long.

(iii) The 40 fm (73 m) depth contour between 46°16′ N. lat. and 42°00′ N. lat. is defined by straight lines connecting all of the following points in the order stated:
(1) 46°16.00′ N. lat., 124°16.10′ N. lat.;
(2) 46°15.29′ N. lat., 124°15.60′ N. lat.;
(3) 46°11.90′ N. lat., 124°13.59′ N. lat.;
(4) 46°06.93′ N. lat., 124°10.15′ N. lat.;
(5) 46°05.33′ N. lat., 124°08.30′ N. lat.;
(6) 45°58.69′ N. lat., 124°05.60′ N. lat.;
(7) 45°57.71′ N. lat., 124°05.82′ N. lat.;
(8) 45°53.97′ N. lat., 124°05.04′ N. lat.;
(9) 45°49.75′ N. lat., 124°05.14′ N. lat.;
(10) 45°47.88′ N. lat., 124°05.16′ N. lat.;
(11) 45°47.07′ N. lat., 124°04.21′ N. lat.;
(12) 45°44.34′ N. lat., 124°05.09′ N. lat.;
(13) 45°40.64′ N. lat., 124°04.90′ N. lat.;
(14) 45°33.00′ N. lat., 124°04.46′ N. lat.;
(15) 45°32.27′ N. lat., 124°04.74′ N. lat.;
(16) 45°29.26′ N. lat., 124°04.22′ N. lat.;
(17) 45°19.99′ N. lat., 124°04.62′ N. lat.;
(18) 45°17.50′ N. lat., 124°04.91′ N. lat.;
(19) 45°11.29′ N. lat., 124°05.19′ N. lat.;
(20) 45°05.79′ N. lat., 124°05.40′ N. lat.;
(21) 45°05.07′ N. lat., 124°05.93′ N. lat.;
(22) 45°01.70′ N. lat., 124°06.53′ N. lat.;
(23) 44°58.75′ N. lat., 124°07.14′ N. lat.;
(24) 44°51.28′ N. lat., 124°10.21′ N. lat.;
(25) 44°49.49′ N. lat., 124°10.89′ N. lat.;
(26) 44°44.96′ N. lat., 124°14.39′ N. lat.;
(27) 44°43.44′ N. lat., 124°14.78′ N. lat.;
(28) 44°42.27′ N. lat., 124°13.81′ N. lat.;
(29) 44°41.68′ N. lat., 124°15.38′ N. lat.;
(30) 44°34.87′ N. lat., 124°15.80′ N. lat.;
(31) 44°33.74′ N. lat., 124°14.43′ N. lat.;
(32) 44°27.66′ N. lat., 124°16.99′ N. lat.;
(33) 44°19.13′ N. lat., 124°19.22′ N. lat.;
(34) 44°15.35′ N. lat., 124°17.37′ N. lat.;
(35) 44°14.38′ N. lat., 124°17.78′ N. lat.;
(36) 44°12.80′ N. lat., 124°17.18′ N. lat.;
(37) 44°09.23′ N. lat., 124°15.96′ N. lat.;
(38) 44°08.38′ N. lat., 124°16.80′ N. lat.;
(39) 44°01.18′ N. lat., 124°15.42′ N. lat.;
(40) 43°51.60′ N. lat., 124°14.68′ N. lat.;
(41) 43°42.66′ N. lat., 124°15.46′ N. lat.;
(42) 43°40.49′ N. lat., 124°15.74′ N. lat.;
(43) 43°38.77′ N. lat., 124°15.64′ N. lat.;
(44) 43°34.52′ N. lat., 124°16.73′ N. lat.;
(45) 43°28.82′ N. lat., 124°19.52′ N. lat.;
(46) 43°23.91′ N. lat., 124°24.28′ N. lat.;
(47) 43°17.96′ N. lat., 124°28.81′ N. lat.;
(48) 43°16.75′ N. lat., 124°28.42′ N. lat.;
(49) 43°13.98′ N. lat., 124°31.99′ N. lat.;
(50) 43°13.71′ N. lat., 124°33.25′ N. lat.;
(51) 43°12.26′ N. lat., 124°34.16′ N. lat.;
(52) 43°10.96′ N. lat., 124°32.34′ N. lat.;
(53) 43°05.65′ N. lat., 124°31.52′ N. lat.;
(54) 42°59.66′ N. lat., 124°32.58′ N. lat.;
(55) 42°54.97′ N. lat., 124°36.99′ N. lat.;
(56) 42°53.81′ N. lat., 124°38.58′ N. lat.;
(57) 42°49.14′ N. lat., 124°39.92′ N. lat.;
(58) 42°46.47′ N. lat., 124°38.65′ N. lat.;
(59) 42°45.60′ N. lat., 124°39.04′ N. lat.;
(60) 42°44.79′ N. lat., 124°37.96′ N. lat.;
(61) 42°45.00′ N. lat., 124°36.39′ N. lat.;
(62) 42°44.14′ N. lat., 124°35.16′ N. lat.;
(63) 42°42.15′ N. lat., 124°32.82′ N. lat.;
(64) 42°38.82′ N. lat., 124°31.09′ N. lat.;
(65) 42°35.91′ N. lat., 124°31.02′ N. lat.;
(66) 42°31.34′ N. lat., 124°34.84′ N. lat.;
(67) 42°28.13′ N. lat., 124°34.83′ N. lat.;
(68) 42°26.73′ N. lat., 124°35.58′ N. lat.;
(69) 42°23.85′ N. lat., 124°34.05′ N. lat.;
(70) 42°21.68′ N. lat., 124°30.64′ N. lat.;
(71) 42°19.62′ N. lat., 124°29.02′ N. lat.;
(72) 42°15.01′ N. lat., 124°27.72′ N. lat.;
(73) 42°11.38′ N. lat., 124°25.62′ N. lat.;
(74) 42°04.66′ N. lat., 124°24.39′ N. lat.; and
(75) 42°00.00′ N. lat., 124°23.55′ N. lat.

(iv) The 50 fm (91 m) depth contour between the U.S. border with Canada and the Swiftsure Bank is defined by straight lines connecting all of the following points in the order stated:
(1) 48°30.15′ N. lat., 124°56.12′ N. lat.;
(2) 48°28.29′ N. lat., 124°56.30′ W. long.;
(3) 48°29.23′ N. lat., 124°53.63′ W. long.; and
(4) 48°30.31′ N. lat., 124°51.73′ W. long.

(A) The 50 fm (91 m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°22.15′ N. lat., 124°43.15′ W. long.;
(2) 48°22.15′ N. lat., 124°49.10′ W. long.;
(3) 48°20.03′ N. lat., 124°51.18′ W. long.;
(4) 48°16.61′ N. lat., 124°53.72′ W. long.;
(5) 48°14.68′ N. lat., 124°54.50′ W. long.;
(6) 48°12.02′ N. lat., 124°55.29′ W. long.;
(7) 48°03.14′ N. lat., 124°57.02′ W. long.;
(8) 47°56.05′ N. lat., 124°55.60′ W. long.;
(9) 47°52.58′ N. lat., 124°54.00′ W. long.;
(10) 47°50.18′ N. lat., 124°52.36′ W. long.;
(11) 47°45.34′ N. lat., 124°51.07′ W. long.;
(12) 47°40.96′ N. lat., 124°48.84′ W. long.;
(13) 47°34.59′ N. lat., 124°46.24′ W. long.;
(14) 47°27.86′ N. lat., 124°42.12′ W. long.;
(15) 47°22.34′ N. lat., 124°39.43′ W. long.;
(16) 47°17.66′ N. lat., 124°38.75′ W. long.;
(17) 47°06.25′ N. lat., 124°39.74′ W. long.;
(18) 47°00.43′ N. lat., 124°38.01′ W. long.;
(19) 46°52.00′ N. lat., 124°32.44′ W. long.;
(20) 46°35.41′ N. lat., 124°25.51′ W. long.;
(21) 46°25.43′ N. lat., 124°23.46′ W. long.;
(22) 46°16.00′ N. lat., 124°16.90′ W. long.;
(23) 45°50.88′ N. lat., 124°09.68′ W. long.;
(24) 45°12.99′ N. lat., 124°06.71′ W. long.;
(25) 44°52.48′ N. lat., 124°11.22′ W. long.;
(26) 44°42.41′ N. lat., 124°19.70′ W. long.;
(27) 44°38.80′ N. lat., 124°26.58′ W. long.;
(28) 44°24.99′ N. lat., 124°31.22′ W. long.;
(29) 44°18.11′ N. lat., 124°43.74′ W. long.;
(30) 44°15.23′ N. lat., 124°40.47′ W. long.;
(31) 44°18.80′ N. lat., 124°35.48′ W. long.;
(32) 44°19.62′ N. lat., 124°27.18′ W. long.;
(33) 43°56.65′ N. lat., 124°16.86′ W. long.;
(34) 43°34.95′ N. lat., 124°17.47′ W. long.;
(35) 43°12.60′ N. lat., 124°35.80′ W. long.;
(36) 43°08.96′ N. lat., 124°33.77′ W. long.;
(37) 42°59.66′ N. lat., 124°34.79′ W. long.;
(38) 42°54.29′ N. lat., 124°39.46′ W. long.;
(39) 42°46.50′ N. lat., 124°39.99′ W. long.;
(40) 42°41.00′ N. lat., 124°34.92′ W. long.;
(41) 42°36.29′ N. lat., 124°34.70′ W. long.;
(42) 42°28.36′ N. lat., 124°37.90′ W. long.;
(43) 42°25.53′ N. lat., 124°37.68′ W. long.;
(44) 42°18.64′ N. lat., 124°29.47′ W. long.;
(45) 42°12.95′ N. lat., 124°27.34′ W. long.;
(46) 42°03.04′ N. lat., 124°25.81′ W. long.;
(47) 42°00.00′ N. lat., 124°26.21′ W. long.;
(48) 41°57.60′ N. lat., 124°27.35′ W. long.;
(49) 41°52.53′ N. lat., 124°26.51′ W. long.;
(50) 41°50.17′ N. lat., 124°25.63′ W. long.;
(51) 41°46.01′ N. lat., 124°22.16′ W. long.;
(52) 41°26.50′ N. lat., 124°21.78′ W. long.;
(53) 41°15.66′ N. lat., 124°16.42′ W. long.;
(54) 41°05.45′ N. lat., 124°16.89′ W. long.;
(55) 40°54.55′ N. lat., 124°19.53′ W. long.;
(56) 40°42.22′ N. lat., 124°28.29′ W. long.;
(57) 40°39.68′ N. lat., 124°28.37′ W. long.;
(58) 40°36.76′ N. lat., 124°27.39′ W. long.;
(59) 40°34.44′ N. lat., 124°28.89′ W. long.;
(60) 40°32.57′ N. lat., 124°32.43′ W. long.;
(61) 40°30.95′ N. lat., 124°33.87′ W. long.;
(62) 40°28.90′ N. lat., 124°34.59′ W. long.;
(63) 40°24.36′ N. lat., 124°31.42′ W. long.;
(64) 40°23.66′ N. lat., 124°28.35′ W. long.;
(65) 40°22.54′ N. lat., 124°24.71′ W. long.;
(66) 40°21.52′ N. lat., 124°24.86′ W. long.;
(67) 40°21.25′ N. lat., 124°25.59′ W. long.;
(68) 40°20.63′ N. lat., 124°26.47′ W. long.;
(69) 40°19.18′ N. lat., 124°25.98′ W. long.;
(70) 40°18.42′ N. lat., 124°24.77′ W. long.;
(71) 40°18.64′ N. lat., 124°22.81′ W. long.;
(72) 40°15.31′ N. lat., 124°25.28′ W. long.;
(73) 40°15.37′ N. lat., 124°26.82′ W. long.;
(74) 40°11.91′ N. lat., 124°22.68′ W. long.;
(75) 40°10.01′ N. lat., 124°19.97′ W. long.;
(76) 40°10.00′ N. lat., 124°19.97′ W. long.;
(77) 40°09.20′ N. lat., 124°15.81′ W. long.;
(78) 40°07.51′ N. lat., 124°15.29′ W. long.;
(79) 40°05.22′ N. lat., 124°10.06′ W. long.;
(80) 40°06.51′ N. lat., 124°08.01′ W. long.;
(81) 40°00.72′ N. lat., 124°08.45′ W. long.;
(82) 39°56.60′ N. lat., 124°07.12′ W. long.;
(83) 39°52.58′ N. lat., 124°03.57′ W. long.;
(84) 39°50.65′ N. lat., 123°57.98′ W. long.;
(85) 39°40.16′ N. lat., 123°52.41′ W. long.;
(86) 39°30.12′ N. lat., 123°52.92′ W. long.;
(87) 39°24.53′ N. lat., 123°55.16′ W. long.;
(88) 39°11.58′ N. lat., 123°50.93′ W. long.;
(89) 38°55.13′ N. lat., 123°51.14′ W. long.;
(90) 38°28.58′ N. lat., 123°22.84′ W. long.;
(91) 38°14.60′ N. lat., 123°09.92′ W. long.;
(92) 38°01.84′ N. lat., 123°09.75′ W. long.;
(93) 37°59.56′ N. lat., 123°09.25′ W. long.;
(94) 37°55.24′ N. lat., 123°08.30′ W. long.;
(95) 37°52.06′ N. lat., 123°09.19′ W. long.;
(96) 37°50.21′ N. lat., 123°14.90′ W. long.;
(97) 37°35.67′ N. lat., 122°55.43′ W. long.;
(98) 37°03.06′ N. lat., 122°24.22′ W. long.;
(99) 36°50.20′ N. lat., 122°03.58′ W. long.;
(100) 36°51.46′ N. lat., 121°57.54′ W. long.;
(101) 36°44.14′ N. lat., 121°58.10′ W. long.;
(102) 36°36.76′ N. lat., 122°01.16′ W. long.;

(103) 36°15.62′ N. lat., 121°57.13′ W. long.;
(104) 36°10.41′ N. lat., 121°42.92′ W. long.;
(105) 36°02.56′ N. lat., 121°36.37′ W. long.;
(106) 36°01.04′ N. lat., 121°36.47′ W. long.;
(107) 35°58.26′ N. lat., 121°32.88′ W. long.;
(108) 35°40.38′ N. lat., 121°22.59′ W. long.;
(109) 35°24.35′ N. lat., 121°02.53′ W. long.;
(110) 35°02.66′ N. lat., 120°51.63′ W. long.;
(111) 34°39.52′ N. lat., 120°48.72′ W. long.;
(112) 34°31.26′ N. lat., 120°44.12′ W. long.;
(113) 34°27.00′ N. lat., 120°33.31′ W. long.;
(114) 34°23.47′ N. lat., 120°24.76′ W. long.;
(115) 34°25.83′ N. lat., 120°17.26′ W. long.;
(116) 34°24.65′ N. lat., 120°04.83′ W. long.;
(117) 34°23.18′ N. lat., 119°56.18′ W. long.;
(118) 34°19.20′ N. lat., 119°41.64′ W. long.;
(119) 34°16.82′ N. lat., 119°35.32′ W. long.;
(120) 34°13.43′ N. lat., 119°32.29′ W. long.;
(121) 34°05.39′ N. lat., 119°15.13′ W. long.;
(122) 34°08.22′ N. lat., 119°13.64′ W. long.;
(123) 34°07.64′ N. lat., 119°13.10′ W. long.;
(124) 34°04.56′ N. lat., 119°13.73′ W. long.;
(125) 34°03.90′ N. lat., 119°12.66′ W. long.;
(126) 34°03.66′ N. lat., 119°06.82′ W. long.;
(127) 34°04.58′ N. lat., 119°04.91′ W. long.;
(128) 34°01.35′ N. lat., 119°00.30′ W. long.;
(129) 34°00.24′ N. lat., 119°03.18′ W. long.;
(130) 33°59.63′ N. lat., 119°03.20′ W. long.;
(131) 33°59.54′ N. lat., 119°00.88′ W. long.;
(132) 34°00.82′ N. lat., 118°59.03′ W. long.;
(133) 33°59.11′ N. lat., 118°47.52′ W. long.;
(134) 33°59.07′ N. lat., 118°36.33′ W. long.;
(135) 33°55.06′ N. lat., 118°32.86′ W. long.;
(136) 33°53.56′ N. lat., 118°37.75′ W. long.;
(137) 33°51.22′ N. lat., 118°36.14′ W. long.;
(138) 33°50.48′ N. lat., 118°32.16′ W. long.;
(139) 33°51.86′ N. lat., 118°28.71′ W. long.;
(140) 33°50.09′ N. lat., 118°27.88′ W. long.;
(141) 33°49.95′ N. lat., 118°26.38′ W. long.;
(142) 33°50.73′ N. lat., 118°26.17′ W. long.;
(143) 33°49.86′ N. lat., 118°24.25′ W. long.;
(144) 33°48.10′ N. lat., 118°26.87′ W. long.;
(145) 33°47.54′ N. lat., 118°29.66′ W. long.;
(146) 33°44.10′ N. lat., 118°25.25′ W. long.;
(147) 33°41.78′ N. lat., 118°20.28′ W. long.;
(148) 33°38.18′ N. lat., 118°15.69′ W. long.;
(149) 33°37.50′ N. lat., 118°16.71′ W. long.;
(150) 33°35.98′ N. lat., 118°16.54′ W. long.;
(151) 33°34.15′ N. lat., 118°11.22′ W. long.;
(152) 33°34.29′ N. lat., 118°08.35′ W. long.;
(153) 33°35.85′ N. lat., 118°07.00′ W. long.;
(154) 33°36.12′ N. lat., 118°04.15′ W. long.;
(155) 33°34.97′ N. lat., 118°02.91′ W. long.;
(156) 33°34.00′ N. lat., 117°59.53′ W. long.;
(157) 33°35.44′ N. lat., 117°55.67′ W. long.;
(158) 33°35.15′ N. lat., 117°53.55′ W. long.;
(159) 33°31.12′ N. lat., 117°47.40′ W. long.;
(160) 33°27.99′ N. lat., 117°45.19′ W. long.;
(161) 33°26.88′ N. lat., 117°43.87′ W. long.;
(162) 33°25.44′ N. lat., 117°41.63′ W. long.;
(163) 33°19.50′ N. lat., 117°36.08′ W. long.;
(164) 33°12.74′ N. lat., 117°28.53′ W. long.;
(165) 33°10.29′ N. lat., 117°25.68′ W. long.;
(166) 33°07.36′ N. lat., 117°21.23′ W. long.;
(167) 32°59.39′ N. lat., 117°18.56′ W. long.;
(168) 32°56.10′ N. lat., 117°18.37′ W. long.;
(169) 32°54.43′ N. lat., 117°16.93′ W. long.;
(170) 32°51.89′ N. lat., 117°16.42′ W. long.;
(171) 32°52.24′ N. lat., 117°19.36′ W. long.;
(172) 32°47.06′ N. lat., 117°21.92′ W. long.;
(173) 32°45.09′ N. lat., 117°20.68′ W. long.;
(174) 32°43.62′ N. lat., 117°18.68′ W. long.; and
(175) 32°33.43′ N. lat., 117°17.00′ W. long.

(B) The 50 fm (91 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°08.40′ N. lat., 120°33.78′ W. long.;
(2) 34°08.40′ N. lat., 120°28.20′ W. long.;
(3) 34°08.68′ N. lat., 120°26.61′ W. long.;
(4) 34°05.85′ N. lat., 120°17.13′ W. long.;
(5) 34°05.57′ N. lat., 119°51.35′ W. long.;
(6) 34°07.08′ N. lat., 119°52.43′ W. long.;
(7) 34°04.42′ N. lat., 119°35.35′ W. long.;
(8) 34°06.20′ N. lat., 119°35.35′ W. long.;
(9) 34°06.20′ N. lat., 119°32.80′ W. long.;
(10) 34°04.73′ N. lat., 119°32.77′ W. long.;
(11) 34°03.56′ N. lat., 119°26.70′ W. long.;
(12) 34°04.00′ N. lat., 119°26.70′ W. long.;
(13) 34°04.00′ N. lat., 119°21.40′ W. long.;
(14) 34°02.57′ N. lat., 119°21.40′ W. long.;
(15) 34°02.02′ N. lat., 119°19.18′ W. long.;
(16) 34°01.03′ N. lat., 119°19.50′ W. long.;
(17) 33°59.45′ N. lat., 119°22.38′ W. long.;
(18) 33°58.68′ N. lat., 119°32.36′ W. long.;
(19) 33°56.43′ N. lat., 119°41.13′ W. long.;
(20) 33°56.09′ N. lat., 119°48.00′ W. long.;
(21) 33°55.20′ N. lat., 119°48.00′ W. long.;
(22) 33°55.20′ N. lat., 119°53.00′ W. long.;
(23) 33°58.00′ N. lat., 119°53.00′ W. long.;
(24) 33°59.32′ N. lat., 119°55.59′ W. long.;
(25) 33°57.52′ N. lat., 119°55.19′ W. long.;
(26) 33°56.26′ N. lat., 119°54.29′ W. long.;
(27) 33°54.30′ N. lat., 119°54.83′ W. long.;
(28) 33°50.97′ N. lat., 119°57.03′ W. long.;
(29) 33°50.03′ N. lat., 120°03.00′ W. long.;

(30) 33°51.06′ N. lat., 120°03.23′ W. long.;
(31) 33°52.35′ N. lat., 120°06.51′ W. long.;
(32) 33°51.37′ N. lat., 120°06.48′ W. long.;
(33) 33°51.37′ N. lat., 120°09.99′ W. long.;
(34) 33°53.50′ N. lat., 120°10.08′ W. long.;
(35) 33°54.49′ N. lat., 120°12.85′ W. long.;
(36) 33°58.48′ N. lat., 120°18.50′ W. long.;
(37) 34°00.06′ N. lat., 120°25.30′ W. long.;
(38) 33°58.50′ N. lat., 120°25.30′ W. long.;
(39) 33°58.50′ N. lat., 120°26.60′ W. long.;
(40) 34°00.34′ N. lat., 120°26.60′ W. long.;
(41) 34°00.71′ N. lat., 120°28.21′ W. long.;
(42) 34°03.60′ N. lat., 120°30.60′ W. long.;
(43) 34°03.60′ N. lat., 120°34.20′ W. long.;
(44) 34°06.96′ N. lat., 120°34.22′ W. long.;
(45) 34°08.01′ N. lat., 120°35.24′ W. long.; and
(46) 34°08.40′ N. lat., 120°33.78′ W. long.

(C) The 50 fm (91 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°03.73′ N. lat., 118°36.98′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.73′ N. lat., 118°20.99′ W. long.;
(6) 32°48.55′ N. lat., 118°20.24′ W. long.;
(7) 32°47.92′ N. lat., 118°22.45′ W. long.;
(8) 32°45.25′ N. lat., 118°24.59′ W. long.;
(9) 32°50.23′ N. lat., 118°30.80′ W. long.;
(10) 32°55.28′ N. lat., 118°33.83′ W. long.;
(11) 33°00.45′ N. lat., 118°37.88′ W. long.;
(12) 33°03.27′ N. lat., 118°38.56′ W. long.; and
(13) 33°03.73′ N. lat., 118°36.98′ W. long.

(D) The 50 fm (91 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.01′ N. lat., 118°37.42′ W. long.;
(2) 33°29.02′ N. lat., 118°36.33′ W. long.;
(3) 33°28.97′ N. lat., 118°33.16′ W. long.;
(4) 33°28.71′ N. lat., 118°31.22′ W. long.;
(5) 33°26.66′ N. lat., 118°27.48′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.61′ N. lat., 118°19.18′ W. long.;
(8) 33°20.06′ N. lat., 118°17.35′ W. long.;
(9) 33°17.58′ N. lat., 118°17.42′ W. long.;
(10) 33°17.05′ N. lat., 118°18.72′ W. long.;
(11) 33°17.87′ N. lat., 118°24.47′ W. long.;
(12) 33°18.63′ N. lat., 118°28.16′ W. long.;
(13) 33°20.17′ N. lat., 118°31.69′ W. long.;
(14) 33°20.85′ N. lat., 118°31.82′ W. long.;
(15) 33°23.19′ N. lat., 118°29.78′ W. long.;
(16) 33°24.85′ N. lat., 118°31.22′ W. long.;
(17) 33°25.65′ N. lat., 118°34.11′ W. long.; and
(18) 33°28.01′ N. lat., 118°37.42′ W. long.

(v) The 60 fm (110 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°26.70′ N. lat., 125°09.43′ W. long.;
(2) 48°23.76′ N. lat., 125°06.77′ W. long.;
(3) 48°23.01′ N. lat., 125°03.48′ W. long.;
(4) 48°22.42′ N. lat., 124°57.84′ W. long.;
(5) 48°22.62 ′ N. lat., 124°48.97′ W. long.;
(6) 48°18.61′ N. lat., 124°52.52′ W. long.;
(7) 48°16.62′ N. lat., 124°54.03′ W. long.;
(8) 48°15.39′ N. lat., 124°54.79′ W. long.;
(9) 48°13.81′ N. lat., 124°55.45′ W. long.;
(10) 48°10.51′ N. lat., 124°56.56′ W. long.;
(11) 48°06.90′ N. lat., 124°57.72′ W. long.;
(12) 48°02.23′ N. lat., 125°00.20′ W. long.;
(13) 48°00.87′ N. lat., 125°00.37′ W. long.;
(14) 47°56.30′ N. lat., 124°59.51′ W. long.;
(15) 47°46.84′ N. lat., 124°57.34′ W. long.;
(16) 47°36.49′ N. lat., 124°50.93′ W. long.;
(17) 47°32.01′ N. lat., 124°48.45′ W. long.;
(18) 47°27.19′ N. lat., 124°46.47′ W. long.;
(19) 47°21.76′ N. lat., 124°43.29′ W. long.;
(20) 47°17.82′ N. lat., 124°42.12′ W. long.;
(21) 47°08.87′ N. lat., 124°43.10′ W. long.;
(22) 47°03.16′ N. lat., 124°42.61′ W. long.;
(23) 46°49.70′ N. lat., 124°36.80′ W. long.;
(24) 46°42.91′ N. lat., 124°33.20′ W. long.;
(25) 46°39.67′ N. lat., 124°30.59′ W. long.;
(26) 46°32.47′ N. lat., 124°26.34′ W. long.;
(27) 46°23.69′ N. lat., 124°25.41′ W. long.;
(28) 46°20.84′ N. lat., 124°24.24′ W. long.;
(29) 46°16.00′ N. lat., 124°19.10′ W. long.;
(30) 46°15.97′ N. lat., 124°18.81′ W. long.;
(31) 46°11.23′ N. lat., 124°19.96′ W. long.;
(32) 46°02.51′ N. lat., 124°19.84′ W. long.;
(33) 45°59.05′ N. lat., 124°16.52′ W. long.;
(34) 45°51.00′ N. lat., 124°12.83′ W. long.;
(35) 45°45.85′ N. lat., 124°11.54′ W. long.;
(36) 45°38.53′ N. lat., 124°11.91′ W. long.;
(37) 45°30.90′ N. lat., 124°10.94′ W. long.;
(38) 45°21.20′ N. lat., 124°09.12′ W. long.;
(39) 45°12.43′ N. lat., 124°08.74′ W. long.;
(40) 44°59.89′ N. lat., 124°11.95′ W. long.;
(41) 44°51.96′ N. lat., 124°15.15′ W. long.;
(42) 44°44.64′ N. lat., 124°20.07′ W. long.;
(43) 44°39.24′ N. lat., 124°28.09′ W. long.;
(44) 44°30.61′ N. lat., 124°31.66′ W. long.;
(45) 44°26.19′ N. lat., 124°35.88′ W. long.;
(46) 44°18.88′ N. lat., 124°45.16′ W. long.;
(47) 44°14.69′ N. lat., 124°45.51′ W. long.;
(48) 44°10.97′ N. lat., 124°38.78′ W. long.;
(49) 44°08.71′ N. lat., 124°33.54′ W. long.;

(50) 44°04.92′ N. lat., 124°24.55′ W. long.;
(51) 43°57.49′ N. lat., 124°20.05′ W. long.;
(52) 43°50.26′ N. lat., 124°21.84′ W. long.;
(53) 43°41.69′ N. lat., 124°21.94′ W. long.;
(54) 43°35.52′ N. lat., 124°21.51′ W. long.;
(55) 43°25.77′ N. lat., 124°28.47′ W. long.;
(56) 43°20.25′ N. lat., 124°31.59′ W. long.;
(57) 43°12.73′ N. lat., 124°36.69′ W. long.;
(58) 43°08.08′ N. lat., 124°36.10′ W. long.;
(59) 43°00.33′ N. lat., 124°37.57′ W. long.;
(60) 42°53.99′ N. lat., 124°41.04′ W. long.;
(61) 42°46.66′ N. lat., 124°41.13′ W. long.;
(62) 42°41.74′ N. lat., 124°37.46′ W. long.;
(63) 42°37.427′N. lat., 124°37.22′ W. long.;
(64) 42°27.35′ N. lat., 124°39.90′ W. long.;
(65) 42°23.94′ N. lat., 124°38.28′ W. long.;
(66) 42°17.72′ N. lat., 124°31.10′ W. long.;
(67) 42°10.35′ N. lat., 124°29.11′ W. long.;
(68) 42°00.00′ N. lat., 124°28.00′ W. long.;
(69) 42°00.007′N. lat., 124°29.61′ W. long.;
(70) 41°54.87′ N. lat., 124°28.507prime; W. long.;
(71) 41°45.80′ N. lat., 124°23.89′ W. long.;
(72) 41°34.40′ N. lat., 124°24.03′ W. long.;
(73) 41°28.33′ N. lat., 124°25.46′ W. long.;
(74) 41°15.80′ N. lat., 124°18.90′ W. long.;
(75) 41°09.77′ N. lat., 124°17.99′ W. long.;
(76) 41°02.26′ N. lat., 124°18.71′ W. long.;
(77) 40°53.54′ N. lat., 124°21.18′ W. long.;
(78) 40°49.93′ N. lat., 124°23.02′ W. long.;
(79) 40°43.15′ N. lat., 124°28.74′ W. long.;
(80) 40°40.19′ N. lat., 124°29.07′ W. long.;
(81) 40°36.77′ N. lat., 124°27.61′ W. long.;
(82) 40°34.13′ N. lat., 124°29.39′ W. long.;
(83) 40°33.15′ N. lat., 124°33.46′ W. long.;
(84) 40°29.57′ N. lat., 124°35.84′ W. long.;
(85) 40°24.72′ N. lat., 124°33.06′ W. long.;
(86) 40°23.91′ N. lat., 124°31.28′ W. long.;
(87) 40°23.67′ N. lat., 124°28.35′ W. long.;
(88) 40°22.53′ N. lat., 124°24.72′ W. long.;
(89) 40°21.51′ N. lat., 124°24.86′ W. long.;
(90) 40°21.02′ N. lat., 124°27.70′ W. long.;
(91) 40°19.75′ N. lat., 124°27.06′ W. long.;
(92) 40°18.23′ N. lat., 124°25.30′ W. long.;
(93) 40°18.60′ N. lat., 124°22.86′ W. long.;
(94) 40°15.43′ N. lat., 124°25.37′ W. long.;
(95) 40°15.55′ N. lat., 124°28.16′ W. long.;
(96) 40°11.27′ N. lat., 124°22.56′ W. long.;
(97) 40°10.00′ N. lat., 124°19.97′ W. long.;
(98) 40°09.20′ N. lat., 124°15.81′ W. long.;
(99) 40°07.51′ N. lat., 124°15.29′ W. long.;
(100) 40°05.22′ N. lat., 124°10.06′ W. long.;
(101) 40°06.51′ N. lat., 124°08.01′ W. long.;
(102) 40°00.72′ N. lat., 124°08.45′ W. long.;
(103) 39°56.60′ N. lat., 124°07.12′ W. long.;
(104) 39°52.58′ N. lat., 124°03.57′ W. long.;
(105) 39°50.65′ N. lat., 123°57.98′ W. long.;
(106) 39°40.16′ N. lat., 123°52.41′ W. long.;
(107) 39°30.12′ N. lat., 123°52.92′ W. long.;
(108) 39°24.53′ N. lat., 123°55.16′ W. long.;
(109) 39°11.58′ N. lat., 123°50.93′ W. long.;
(110) 38°55.13′ N. lat., 123°51.14′ W. long.;
(111) 38°28.58′ N. lat., 123°22.84′ W. long.;
(112) 38°08.57′ N. lat., 123°14.74′ W. long.;
(113) 38°00.00′ N. lat., 123°15.61′ W. long.;
(114) 37°56.98′ N. lat., 123°21.82′ W. long.;
(115) 37°48.01′ N. lat., 123°15.90′ W. long.;
(116) 37°36.73′ N. lat., 122°58.48′ W. long.;
(117) 37°07.58′ N. lat., 122°37.64′ W. long.;
(118) 37°02.08′ N. lat., 122°25.49′ W. long.;
(119) 36°48.20′ N. lat., 122°03.32′ W. long.;
(120) 36°51.46′ N. lat., 121°57.54′ W. long.;
(121) 36°44.14′ N. lat., 121°58.10′ W. long.;
(122) 36°36.76′ N. lat., 122°01.16′ W. long.;
(123) 36°15.62′ N. lat., 121°57.13′ W. long.;
(124) 36°10.42′ N. lat., 121°42.90′ W. long.;
(125) 36°02.55′ N. lat., 121°36.35′ W. long.;
(126) 36°01.04′ N. lat., 121°36.47′ W. long.;
(127) 35°58.25′ N. lat., 121°32.88′ W. long.;
(128) 35°40.38′ N. lat., 121°22.59′ W. long.;
(129) 35°24.35′ N. lat., 121°02.53′ W. long.;
(130) 35°02.66′ N. lat., 120°51.63′ W. long.;
(131) 34°39.52′ N. lat., 120°48.72′ W. long.;
(132) 34°31.26′ N. lat., 120°44.12′ W. long.;
(133) 34°27.00′ N. lat., 120°36.00′ W. long.;
(134) 34°23.00′ N. lat., 120°25.32′ W. long.;
(135) 34°25.68′ N. lat., 120°17.46′ W. long.;
(136) 34°23.18′ N. lat., 119°56.17′ W. long.;
(137) 34°18.73′ N. lat., 119°41.89′ W. long.;
(138) 34°11.18′ N. lat., 119°31.21′ W. long.;
(139) 34°10.01′ N. lat., 119°25.84′ W. long.;
(140) 34°03.88′ N. lat., 119°12.46′ W. long.;
(141) 34°03.58′ N. lat., 119°06.71′ W. long.;
(142) 34°04.52′ N. lat., 119°04.89′ W. long.;
(143) 34°01.28′ N. lat., 119°00.27′ W. long.;
(144) 34°00.20′ N. lat., 119°03.18′ W. long.;
(145) 33°59.60′ N. lat., 119°03.14′ W. long.;
(146) 33°59.45′ N. lat., 119°00.87′ W. long.;
(147) 34°00.71′ N. lat., 118°59.07′ W. long.;
(148) 33°59.05′ N. lat., 118°47.34′ W. long.;
(149) 33°59.06′ N. lat., 118°36.30′ W. long.;
(150) 33°55.05′ N. lat., 118°32.85′ W. long.;
(151) 33°53.56′ N. lat., 118°37.73′ W. long.;
(152) 33°51.22′ N. lat., 118°36.13′ W. long.;
(153) 33°50.19′ N. lat., 118°32.19′ W. long.;
(154) 33°51.28′ N. lat., 118°29.12′ W. long.;

(155) 33°49.89′ N. lat., 118°28.04′ W. long.;
(156) 33°49.95′ N. lat., 118°26.38′ W. long.;
(157) 33°50.73′ N. lat., 118°26.16′ W. long.;
(158) 33°49.87′ N. lat., 118°24.37′ W. long.;
(159) 33°47.54′ N. lat., 118°29.65′ W. long.;
(160) 33°44.10′ N. lat., 118°25.25′ W. long.;
(161) 33°41.77′ N. lat., 118°20.32′ W. long.;
(162) 33°38.17′ N. lat., 118°15.69′ W. long.;
(163) 33°37.48′ N. lat., 118°16.72′ W. long.;
(164) 33°35.98′ N. lat., 118°16.54′ W. long.;
(165) 33°34.15′ N. lat., 118°11.22′ W. long.;
(166) 33°34.09′ N. lat., 118°08.15′ W. long.;
(167) 33°35.73′ N. lat., 118°05.01′ W. long.;
(168) 33°33.75′ N. lat., 117°59.82′ W. long.;
(169) 33°35.44′ N. lat., 117°55.65′ W. long.;
(170) 33°35.15′ N. lat., 117°53.54′ W. long.;
(171) 33°31.12′ N. lat., 117°47.39′ W. long.;
(172) 33°27.49′ N. lat., 117°44.85′ W. long.;
(173) 33°16.42′ N. lat., 117°32.92′ W. long.;
(174) 33°06.66′ N. lat., 117°21.59′ W. long.;
(175) 33°00.08′ N. lat., 117°19.02′ W. long.;
(176) 32°56.11′ N. lat., 117°18.41′ W. long.;
(177) 32°54.43′ N. lat., 117°16.93′ W. long.;
(178) 32°51.89′ N. lat., 117°16.42′ W. long.;
(179) 32°52.61′ N. lat., 117°19.50′ W. long.;
(180) 32°46.96′ N. lat., 117°22.69′ W. long.;
(181) 32°44.98′ N. lat., 117°21.87′ W. long.;
(182) 32°43.52′ N. lat., 117°19.32′ W. long.; and
(183) 32°33.56′ N. lat., 117°17.72′ W. long.

(A) The 60 fm (110 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°08.80′ N. lat., 120°34.58′ W. long.;
(2) 34°09.16′ N. lat., 120°26.31′ W. long.;
(3) 34°06.69′ N. lat., 120°16.43′ W. long.;
(4) 34°06.38′ N. lat., 120°04.00′ W. long.;
(5) 34°07.36′ N. lat., 119°52.06′ W. long.;
(6) 34°04.84′ N. lat., 119°36.94′ W. long.;
(7) 34°04.84′ N. lat., 119°35.50′ W. long.;
(8) 34°06.20′ N. lat., 119°35.50′ W. long.;
(9) 34°06.20′ N. lat., 119°32.80′ W. long.;
(10) 34°05.04′ N. lat., 119°32.80′ W. long.;
(11) 34°04.00′ N. lat., 119°26.70′ W. long.;
(12) 34°04.00′ N. lat., 119°21.40′ W. long.;
(13) 34°28.00′ N. lat., 119°21.40′ W. long.;
(14) 34°02.36′ N. lat., 119°18.97′ W. long.;
(15) 34°00.65′ N. lat., 119°19.42′ W. long.;
(16) 33°59.45′ N. lat., 119°22.38′ W. long.;
(17) 33°58.68′ N. lat., 119°32.36′ W. long.;
(18) 33°56.14′ N. lat., 119°41.09′ W. long.;
(19) 33°55.84′ N. lat., 119°48.00′ W. long.;
(20) 33°55.20′ N. lat., 119°48.00′ W. long.;
(21) 33°55.20′ N. lat., 119°53.00′ W. long.;
(22) 33°58.00′ N. lat., 119°53.00′ W. long.;
(23) 33°59.32′ N. lat., 119°55.59′ W. long.;
(24) 33°57.52′ N. lat., 119°55.19′ W. long.;
(25) 33°56.10′ N. lat., 119°54.25′ W. long.;
(26) 33°50.28′ N. lat., 119°56.02′ W. long.;
(27) 33°48.51′ N. lat., 119°59.67′ W. long.;
(28) 33°49.14′ N. lat., 120°03.58′ W. long.;
(29) 33°51.93′ N. lat., 120°06.50′ W. long.;
(30) 33°51.40′ N. lat., 120°06.50′ W. long.;
(31) 33°51.40′ N. lat., 120°10.00′ W. long.;
(32) 33°53.16′ N. lat., 120°10.00′ W. long.;
(33) 33°54.36′ N. lat., 120°13.06′ W. long.;
(34) 33°58.53′ N. lat., 120°20.46′ W. long.;
(35) 33°59.52′ N. lat., 120°25.30′ W. long.;
(36) 33°58.50′ N. lat., 120°25.30′ W. long.;
(37) 33°58.50′ N. lat., 120°26.60′ W. long.;
(38) 33°59.84′ N. lat., 120°26.60′ W. long.;
(39) 34°00.12′ N. lat., 120°28.12′ W. long.;
(40) 34°03.60′ N. lat., 120°31.46′ W. long.;
(41) 34°03.60′ N. lat., 120°34.20′ W. long.;
(42) 34°06.41′ N. lat., 120°34.20′ W. long.;
(43) 34°08.09′ N. lat., 120°35.85′ W. long.; and
(44) 34°08.80′ N. lat., 120°34.58′ W. long.

(B) The 60 fm (110 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.06′ N. lat., 118°37.32′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.78′ N. lat., 118°20.88′ W. long.;
(6) 32°48.32′ N. lat., 118°19.89′ W. long.;
(7) 32°47.60′ N. lat., 118°22.00′ W. long.;
(8) 32°44.59′ N. lat., 118°24.52′ W. long.;
(9) 32°49.97′ N. lat., 118°31.52′ W. long.;
(10) 32°53.62′ N. lat., 118°32.94′ W. long.;
(11) 32°55.63′ N. lat., 118°34.82′ W. long.;
(12) 33°00.71′ N. lat., 118°38.42′ W. long.;
(13) 33°03.31′ N. lat., 118°38.74′ W. long.; and
(14) 33°04.06′ N. lat., 118°37.32′ W. long.

(C) The 60 fm (110 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.15′ N. lat., 118°37.85′ W. long.;
(2) 33°29.23′ N. lat., 118°36.27′ W. long.;
(3) 33°28.85′ N. lat., 118°30.85′ W. long.;
(4) 33°26.69′ N. lat., 118°27.37′ W. long.;
(5) 33°25.35′ N. lat., 118°22.83′ W. long.;
(6) 33°22.60′ N. lat., 118°18.82′ W. long.;
(7) 33°19.49′ N. lat., 118°16.91′ W. long.;
(8) 33°17.13′ N. lat., 118°16.58′ W. long.;
(9) 33°16.72′ N. lat., 118°18.07′ W. long.;
(10) 33°18.35′ N. lat., 118°27.86′ W. long.;

(11) 33°20.03′ N. lat., 118°32.04′ W. long.;
(12) 33°21.86′ N. lat., 118°31.72′ W. long.;
(13) 33°23.15′ N. lat., 118°29.89′ W. long.;
(14) 33°25.13′ N. lat., 118°32.16′ W. long.;
(15) 33°25.73′ N. lat., 118°34.88′ W. long.; and
(16) 33°28.15′ N. lat., 118°37.85′ W. long.

(vi) The 75 fm (137 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°16.08′ N. lat., 125°34.90′ W. long.;
(2) 48°14.50′ N. lat., 125°29.50′ W. long.;
(3) 48°12.08′ N. lat., 125°28.00′ W. long.;
(4) 48°09.00′ N. lat., 125°28.00′ W. long.;
(5) 48°07.80′ N. lat., 125°31.70′ W. long.;
(6) 48°04.28′ N. lat., 125°29.00′ W. long.;
(7) 48°02.50′ N. lat., 125°25.70′ W. long.;
(8) 48°10.00′ N. lat., 125°20.19′ W. long.;
(9) 48°21.70′ N. lat., 125°17.56′ W. long.;
(10) 48°23.12′ N. lat., 125°10.25′ W. long.;
(11) 48°21.99′ N. lat., 125°02.59′ W. long.;
(12) 48°23.05′ N. lat., 124°48.80′ W. long.;
(13) 48°17.10′ N. lat., 124°54.82′ W. long.;
(14) 48°05.10′ N. lat., 124°59.40′ W. long.;
(15) 48°04.50′ N. lat., 125°02.00′ W. long.;
(16) 48°04.70′ N. lat., 125°04.08′ W. long.;
(17) 48°05.20′ N. lat., 125°04.90′ W. long.;
(18) 48°06.80′ N. lat., 125°06.15′ W. long.;
(19) 48°05.91′ N. lat., 125°08.30′ W. long.;
(20) 48°07.00′ N. lat., 125°09.80′ W. long.;
(21) 48°06.93′ N. lat., 125°11.48′ W. long.;
(22) 48°04.98′ N. lat., 125°10.02′ W. long.;
(23) 47°54.00′ N. lat., 125°04.98′ W. long.;
(24) 47°44.52′ N. lat., 125°00.00′ W. long.;
(25) 47°42.00′ N. lat., 124°58.98′ W. long.;
(26) 47°35.52′ N. lat., 124°55.50′ W. long.;
(27) 47°22.02′ N. lat., 124°44.40′ W. long.;
(28) 47°16.98′ N. lat., 124°45.48′ W. long.;
(29) 47°10.98′ N. lat., 124°48.48′ W. long.;
(30) 47°04.98′ N. lat., 124°49.02′ W. long.;
(31) 46°57.98′ N. lat., 124°46.50′ W. long.;
(32) 46°54.00′ N. lat., 124°45.00′ W. long.;
(33) 46°48.48′ N. lat., 124°44.52′ W. long.;
(34) 46°40.02′ N. lat., 124°36.00′ W. long.;
(35) 46°34.09′ N. lat., 124°27.03′ W. long.;
(36) 46°24.64′ N. lat., 124°30.33′ W. long.;
(37) 46°19.98′ N. lat., 124°36.00′ W. long.;
(38) 46°18.14′ N. lat., 124°34.26′ W. long.;
(39) 46°18.72′ N. lat., 124°22.68′ W. long.;
(40) 46°16.00′ N. lat., 124°19.49′ W. long.;
(41) 46°14.64′ N. lat., 124°22.54′ W. long.;
(42) 46°11.08′ N. lat., 124°30.74′ W. long.;
(43) 46°04.28′ N. lat., 124°31.49′ W. long.;
(44) 45°55.97′ N. lat., 124°19.95′ W. long.;
(45) 45°44.97′ N. lat., 124°15.96′ W. long.;
(46) 45°43.14′ N. lat., 124°21.86′ W. long.;
(47) 45°34.44′ N. lat., 124°14.44′ W. long.;
(48) 45°15.49′ N. lat., 124°11.49′ W. long.;
(49) 44°57.31′ N. lat., 124°15.03′ W. long.;
(50) 44°43.90′ N. lat., 124°28.88′ W. long.;
(51) 44°28.64′ N. lat., 124°35.67′ W. long.;
(52) 44°25.31′ N. lat., 124°43.08′ W. long.;
(53) 44°17.15′ N. lat., 124°47.98′ W. long.;
(54) 44°13.67′ N. lat., 124°54.41′ W. long.;
(55) 43°56.85′ N. lat., 124°55.32′ W. long.;
(56) 43°57.50′ N. lat., 124°41.23′ W. long.;
(57) 44°01.79′ N. lat., 124°38.00′ W. long.;
(58) 44°02.16′ N. lat., 124°32.62′ W. long.;
(59) 43°58.15′ N. lat., 124°30.39′ W. long.;
(60) 43°53.25′ N. lat., 124°31.39′ W. long.;
(61) 43°35.56′ N. lat., 124°28.17′ W. long.;
(62) 43°21.84′ N. lat., 124°36.07′ W. long.;
(63) 43°19.73′ N. lat., 124°34.86′ W. long.;
(64) 43°09.38′ N. lat., 124°39.30′ W. long.;
(65) 43°07.11′ N. lat., 124°37.66′ W. long.;
(66) 42°56.27′ N. lat., 124°43.29′ W. long.;
(67) 42°45.00′ N. lat., 124°41.50′ W. long.;
(68) 42°39.72′ N. lat., 124°39.11′ W. long.;
(69) 42°32.88′ N. lat., 124°40.13′ W. long.;
(70) 42°32.30′ N. lat., 124°39.04′ W. long.;
(71) 42°26.96′ N. lat., 124°44.31′ W. long.;
(72) 42°24.11′ N. lat., 124°42.16′ W. long.;
(73) 42°21.10′ N. lat., 124°35.46′ W. long.;
(74) 42°14.72′ N. lat., 124°32.30′ W. long.;
(75) 42°09.24′ N. lat., 124°32.04′ W. long.;
(76) 42°01.89′ N. lat., 124°32.70′ W. long.;
(77) 42°00.03′ N. lat., 124°32.02′ W. long.;
(78) 42°00.00′ N. lat., 124°32.02′ W. long.;
(79) 41°46.18′ N. lat., 124°26.60′ W. long.;
(80) 41°29.22′ N. lat., 124°28.04′ W. long.;
(81) 41°09.62′ N. lat., 124°19.75′ W. long.;
(82) 40°50.71′ N. lat., 124°23.80′ W. long.;
(83) 40°43.35′ N. lat., 124°29.30′ W. long.;
(84) 40°40.24′ N. lat., 124°29.86′ W. long.;
(85) 40°37.50′ N. lat., 124°28.68′ W. long.;
(86) 40°34.42′ N. lat., 124°29.65′ W. long.;
(87) 40°34.74′ N. lat., 124°34.61′ W. long.;
(88) 40°31.70′ N. lat., 124°37.13′ W. long.;
(89) 40°25.03′ N. lat., 124°34.77′ W. long.;
(90) 40°23.58′ N. lat., 124°31.49′ W. long.;
(91) 40°23.64′ N. lat., 124°28.35′ W. long.;
(92) 40°22.53′ N. lat., 124°24.76′ W. long.;
(93) 40°21.46′ N. lat., 124°24.86′ W. long.;
(94) 40°21.74′ N. lat., 124°27.63′ W. long.;
(95) 40°19.76′ N. lat., 124°28.15′ W. long.;
(96) 40°18.00′ N. lat., 124°25.38′ W. long.;

(97) 40°18.54′ N. lat., 124°22.94′ W. long.;
(98) 40°15.55′ N. lat., 124°25.75′ W. long.;
(99) 40°16.06′ N. lat., 124°30.48′ W. long.;
(100) 40°15.75′ N. lat., 124°31.69′ W. long.;
(101) 40°10.00′ N. lat., 124°21.28′ W. long.;
(102) 40°08.37′ N. lat., 124°17.99′ W. long.;
(103) 40°09.00′ N. lat., 124°15.77′ W. long.;
(104) 40°06.93′ N. lat., 124°16.49′ W. long.;
(105) 40°03.60′ N. lat., 124°11.60′ W. long.;
(106) 40°06.20′ N. lat., 124°08.23′ W. long.;
(107) 40°00.94′ N. lat., 124°08.57′ W. long.;
(108) 40°00.01′ N. lat., 124°09.84′ W. long.;
(109) 39°57.75′ N. lat., 124°09.53′ W. long.;
(110) 39°55.56′ N. lat., 124°07.67′ W. long.;
(111) 39°52.21′ N. lat., 124°05.54′ W. long.;
(112) 39°48.07′ N. lat., 123°57.48′ W. long.;
(113) 39°41.60′ N. lat., 123°55.12′ W. long.;
(114) 39°30.39′ N. lat., 123°55.03′ W. long.;
(115) 39°29.48′ N. lat., 123°56.12′ W. long.;
(116) 39°13.76′ N. lat., 123°54.65′ W. long.;
(117) 39°05.21′ N. lat., 123°55.38′ W. long.;
(118) 38°55.90′ N. lat., 123°54.35′ W. long.;
(119) 38°48.59′ N. lat., 123°49.61′ W. long.;
(120) 38°28.82′ N. lat., 123°27.44′ W. long.;
(121) 38°09.70′ N. lat., 123°18.66′ W. long.;
(122) 38°01.81′ N. lat., 123°19.22′ W. long.;
(123) 38°04.67′ N. lat., 123°25.85′ W. long.;
(124) 38°04.33′ N. lat., 123°29.68′ W. long.;
(125) 38°02.38′ N. lat., 123°30.13′ W. long.;
(126) 38°00.00′ N. lat., 123°27.84′ W. long.;
(127) 37°56.73′ N. lat., 123°25.22′ W. long.;
(128) 37°55.59′ N. lat., 123°25.62′ W. long.;
(129) 37°52.79′ N. lat., 123°23.85′ W. long.;
(130) 37°49.13′ N. lat., 123°18.83′ W. long.;
(131) 37°46.01′ N. lat., 123°12.28′ W. long.;
(132) 37°36.12′ N. lat., 123°00.33′ W. long.;
(133) 37°03.52′ N. lat., 122°37.57′ W. long.;
(134) 36°59.69′ N. lat., 122°27.32′ W. long.;
(135) 37°01.41′ N. lat., 122°24.41′ W. long.;
(136) 36°58.75′ N. lat., 122°23.81′ W. long.;
(137) 36°59.17′ N. lat., 122°21.44′ W. long.;
(138) 36°57.51′ N. lat., 122°20.69′ W. long.;
(139) 36°51.46′ N. lat., 122°10.01′ W. long.;
(140) 36°48.43′ N. lat., 122°06.47′ W. long.;
(141) 36°48.66′ N. lat., 122°04.99′ W. long.;
(142) 36°47.75′ N. lat., 122°03.33′ W. long.;
(143) 36°51.23′ N. lat., 121°57.79′ W. long.;
(144) 36°49.72′ N. lat., 121°57.87′ W. long.;
(145) 36°48.84′ N. lat., 121°58.68′ W. long.;
(146) 36°47.89′ N. lat., 121°58.53′ W. long.;
(147) 36°48.66′ N. lat., 121°50.49′ W. long.;
(148) 36°45.56′ N. lat., 121°54.11′ W. long.;
(149) 36°45.30′ N. lat., 121°57.62′ W. long.;
(150) 36°38.54′ N. lat., 122°01.13′ W. long.;
(151) 36°35.76′ N. lat., 122°00.87′ W. long.;
(152) 36°32.58′ N. lat., 121°59.12′ W. long.;
(153) 36°32.95′ N. lat., 121°57.62′ W. long.;
(154) 36°31.96′ N. lat., 121°56.27′ W. long.;
(155) 36°31.74′ N. lat., 121°58.24′ W. long.;
(156) 36°30.57′ N. lat., 121°59.66′ W. long.;
(157) 36°27.80′ N. lat., 121°59.30′ W. long.;
(158) 36°26.52′ N. lat., 121°58.09′ W. long.;
(159) 36°23.65′ N. lat., 121°58.94′ W. long.;
(160) 36°20.93′ N. lat., 122°00.28′ W. long.;
(161) 36°18.23′ N. lat., 122°03.10′ W. long.;
(162) 36°14.21′ N. lat., 121°57.73′ W. long.;
(163) 36°14.68′ N. lat., 121°55.43′ W. long.;
(164) 36°10.42′ N. lat., 121°42.90′ W. long.;
(165) 36°02.55′ N. lat., 121°36.35′ W. long.;
(166) 36°01.04′ N. lat., 121°36.47′ W. long.;
(167) 35°58.25′ N. lat., 121°32.88′ W. long.;
(168) 35°39.35′ N. lat., 121°22.63′ W. long.;
(169) 35°24.44′ N. lat., 121°02.23′ W. long.;
(170) 35°10.84′ N. lat., 120°55.90′ W. long.;
(171) 35°04.35′ N. lat., 120°51.62′ W. long.;
(172) 34°55.25′ N. lat., 120°49.36′ W. long.;
(173) 34°47.95′ N. lat., 120°50.76′ W. long.;
(174) 34°39.27′ N. lat., 120°49.16′ W. long.;
(175) 34°31.05′ N. lat., 120°44.71′ W. long.;
(176) 34°27.00′ N. lat., 120°36.54′ W. long.;
(177) 34°22.60′ N. lat., 120°25.41′ W. long.;
(178) 34°25.45′ N. lat., 120°17.41′ W. long.;
(179) 34°22.94′ N. lat., 119°56.40′ W. long.;
(180) 34°18.37′ N. lat., 119°42.01′ W. long.;
(181) 34°11.22′ N. lat., 119°32.47′ W. long.;
(182) 34°09.58′ N. lat., 119°25.94′ W. long.;
(183) 34°03.89′ N. lat., 119°12.47′ W. long.;
(184) 34°03.57′ N. lat., 119°06.72′ W. long.;
(185) 34°04.53′ N. lat., 119°04.90′ W. long.;
(186) 34°02.84′ N. lat., 119°02.37′ W. long.;
(187) 34°01.30′ N. lat., 119°00.26′ W. long.;
(188) 34°00.22′ N. lat., 119°03.20′ W. long.;
(189) 33°59.60′ N. lat., 119°03.16′ W. long.;
(190) 33°59.46′ N. lat., 119°00.88′ W. long.;
(191) 34°00.49′ N. lat., 118°59.08′ W. long.;
(192) 33°59.07′ N. lat., 118°47.34′ W. long.;
(193) 33°58.73′ N. lat., 118°36.45′ W. long.;
(194) 33°55.24′ N. lat., 118°33.42′ W. long.;
(195) 33°53.71′ N. lat., 118°38.01′ W. long.;
(196) 33°51.22′ N. lat., 118°36.17′ W. long.;
(197) 33°49.85′ N. lat., 118°32.31′ W. long.;
(198) 33°49.61′ N. lat., 118°28.07′ W. long.;
(199) 33°49.95′ N. lat., 118°26.38′ W. long.;
(200) 33°50.36′ N. lat., 118°25.84′ W. long.;
(201) 33°49.84′ N. lat., 118°24.78′ W. long.;

(202) 33°47.53′ N. lat., 118°30.12′ W. long.;
(203) 33°44.11′ N. lat., 118°25.25′ W. long.;
(204) 33°41.77′ N. lat., 118°20.32′ W. long.;
(205) 33°38.17′ N. lat., 118°15.70′ W. long.;
(206) 33°37.48′ N. lat., 118°16.73′ W. long.;
(207) 33°36.01′ N. lat., 118°16.55′ W. long.;
(208) 33°33.76′ N. lat., 118°11.37′ W. long.;
(209) 33°33.76′ N. lat., 118°07.94′ W. long.;
(210) 33°35.59′ N. lat., 118°05.05′ W. long.;
(211) 33°33.75′ N. lat., 117°59.82′ W. long.;
(212) 33°35.10′ N. lat., 117°55.68′ W. long.;
(213) 33°34.91′ N. lat., 117°53.76′ W. long.;
(214) 33°30.77′ N. lat., 117°47.56′ W. long.;
(215) 33°27.50′ N. lat., 117°44.87′ W. long.;
(216) 33°16.89′ N. lat., 117°34.37′ W. long.;
(217) 33°06.66′ N. lat., 117°21.59′ W. long.;
(218) 33°03.35′ N. lat., 117°20.92′ W. long.;
(219) 33°00.07′ N. lat., 117°19.02′ W. long.;
(220) 32°55.99′ N. lat., 117°18.60′ W. long.;
(221) 32°54.43′ N. lat., 117°16.93′ W. long.;
(222) 32°52.13′ N. lat., 117°16.55′ W. long.;
(223) 32°52.61′ N. lat., 117°19.50′ W. long.;
(224) 32°46.95′ N. lat., 117°22.81′ W. long.;
(225) 32°45.01′ N. lat., 117°22.07′ W. long.;
(226) 32°43.40′ N. lat., 117°19.80′ W. long.; and
(227) 32°33.74′ N. lat., 117°18.67′ W. long.

(A) The 75 fm (137 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°09.12′ N. lat., 120°35.03′ W. long.;
(2) 34°09.99′ N. lat., 120°27.85′ W. long.;
(3) 34°07.19′ N. lat., 120°16.28′ W. long.;
(4) 34°06.56′ N. lat., 120°04.00′ W. long.;
(5) 34°07.27′ N. lat., 119°57.76′ W. long.;
(6) 34°07.48′ N. lat., 119°52.08′ W. long.;
(7) 34°05.18′ N. lat., 119°37.94′ W. long.;
(8) 34°05.22′ N. lat., 119°35.52′ W. long.;
(9) 34°06.18′ N. lat., 119°35.50′ W. long.;
(10) 34°06.16′ N. lat., 119°32.76′ W. long.;
(11) 34°05.12′ N. lat., 119°32.74′ W. long.;
(12) 34°04.32′ N. lat., 119°27.32′ W. long.;
(13) 34°04.06′ N. lat., 119°26.60′ W. long.;
(14) 34°04.00′ N. lat., 119°21.34′ W. long.;
(15) 34°03.00′ N. lat., 119°21.36′ W. long.;
(16) 34°02.32′ N. lat., 119°18.46′ W. long.;
(17) 34°00.65′ N. lat., 119°19.42′ W. long.;
(18) 33°59.45′ N. lat., 119°22.38′ W. long.;
(19) 33°58.68′ N. lat., 119°32.36′ W. long.;
(20) 33°56.12′ N. lat., 119°41.10′ W. long.;
(21) 33°55.74′ N. lat., 119°48.00′ W. long.;
(22) 33°55.21′ N. lat., 119°48.00′ W. long.;
(23) 33°55.21′ N. lat., 119°53.00′ W. long.;
(24) 33°57.78′ N. lat., 119°53.04′ W. long.;
(25) 33°59.06′ N. lat., 119°55.38′ W. long.;
(26) 33°57.57′ N. lat., 119°54.93′ W. long.;
(27) 33°56.35′ N. lat., 119°53.91′ W. long.;
(28) 33°54.43′ N. lat., 119°54.07′ W. long.;
(29) 33°52.67′ N. lat., 119°54.78′ W. long.;
(30) 33°48.33′ N. lat., 119°55.09′ W. long.;
(31) 33°47.28′ N. lat., 119°57.30′ W. long.;
(32) 33°47.36′ N. lat., 120°00.39′ W. long.;
(33) 33°49.16′ N. lat., 120°05.06′ W. long.;
(34) 33°51.41′ N. lat., 120°06.49′ W. long.;
(35) 33°51.41′ N. lat., 120°10.00′ W. long.;
(36) 33°52.99′ N. lat., 120°10.01′ W. long.;
(37) 33°56.64′ N. lat., 120°18.88′ W. long.;
(38) 33°58.02′ N. lat., 120°21.41′ W. long.;
(39) 33°58.73′ N. lat., 120°25.22′ W. long.;
(40) 33°58.49′ N. lat., 120°25.22′ W. long.;
(41) 33°58.48′ N. lat., 120°26.55′ W. long.;
(42) 33°59.08′ N. lat., 120°26.58′ W. long.;
(43) 33°59.95′ N. lat., 120°28.21′ W. long.;
(44) 34°03.54′ N. lat., 120°32.23′ W. long.;
(45) 34°03.54′ N. lat., 120°34.19′ W. long.;
(46) 34°05.57′ N. lat., 120°34.23′ W. long.;
(47) 34°08.13′ N. lat., 120°36.05′ W. long.; and
(48) 34°09.12′ N. lat., 120°35.03′ W. long.

(B) The 75 fm (137 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.54′ N. lat., 118°37.54′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.78′ N. lat., 118°20.88′ W. long.;
(6) 32°48.32′ N. lat., 118°19.89′ W. long.;
(7) 32°47.41′ N. lat., 118°21.98′ W. long.;
(8) 32°44.39′ N. lat., 118°24.49′ W. long.;
(9) 32°47.93′ N. lat., 118°29.90′ W. long.;
(10) 32°49.69′ N. lat., 118°31.52′ W. long.;
(11) 32°53.57′ N. lat., 118°33.09′ W. long.;
(12) 32°55.42′ N. lat., 118°35.17′ W. long.;
(13) 33°00.49′ N. lat., 118°38.56′ W. long.;
(14) 33°03.23′ N. lat., 118°39.16′ W. long.; and
(15) 33°04.54′ N. lat., 118°37.54′ W. long.

(C) The 75 fm (137 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.17′ N. lat., 118°38.16′ W. long.;
(2) 33°29.35′ N. lat., 118°36.23′ W. long.;
(3) 33°28.85′ N. lat., 118°30.85′ W. long.;
(4) 33°26.69′ N. lat., 118°27.37′ W. long.;
(5) 33°26.31′ N. lat., 118°25.14′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.47′ N. lat., 118°18.53′ W. long.;
(8) 33°19.51′ N. lat., 118°16.82′ W. long.;

(9) 33°17.07′ N. lat., 118°16.38′ W. long.;
(10) 33°16.58′ N. lat., 118°17.61′ W. long.;
(11) 33°18.35′ N. lat., 118°27.86′ W. long.;
(12) 33°20.07′ N. lat., 118°32.12′ W. long.;
(13) 33°21.77′ N. lat., 118°31.85′ W. long.;
(14) 33°23.15′ N. lat., 118°29.99′ W. long.;
(15) 33°24.96′ N. lat., 118°32.21′ W. long.;
(16) 33°25.67′ N. lat., 118°34.88′ W. long.;
(17) 33°27.80′ N. lat., 118°37.90′ W. long.; and
(18) 33°28.17′ N. lat., 118°38.16′ W. long.

(vii) The 100 fm (183 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°15.00′ N. lat., 125°41.00′ W. long.;
(2) 48°14.00′ N. lat., 125°36.00′ W. long.;
(3) 48°09.50′ N. lat., 125°40.50′ W. long.;
(4) 48°08.00′ N. lat., 125°38.00′ W. long.;
(5) 48°05.00′ N. lat., 125°37.25′ W. long.;
(6) 48°02.60′ N. lat., 125°34.70′ W. long.;
(7) 47°59.00′ N. lat., 125°34.00′ W. long.;
(8) 47°57.26′ N. lat., 125°29.82′ W. long.;
(9) 47°59.87′ N. lat., 125°25.81′ W. long.;
(10) 48°01.80′ N. lat., 125°24.53′ W. long.;
(11) 48°02.08′ N. lat., 125°22.98′ W. long.;
(12) 48°02.97′ N. lat., 125°22.89′ W. long.;
(13) 48°04.47′ N. lat., 125°21.75′ W. long.;
(14) 48°06.11′ N. lat., 125°19.33′ W. long.;
(15) 48°07.95′ N. lat., 125°18.55′ W. long.;
(16) 48°09.00′ N. lat., 125°18.00′ W. long.;
(17) 48°11.31′ N. lat., 125°17.55′ W. long.;
(18) 48°14.60′ N. lat., 125°13.46′ W. long.;
(19) 48°16.67′ N. lat., 125°14.34′ W. long.;
(20) 48°18.73′ N. lat., 125°14.41′ W. long.;
(21) 48°19.67′ N. lat., 125°13.70′ W. long.;
(22) 48°19.70′ N. lat., 125°11.13′ W. long.;
(23) 48°22.95′ N. lat., 125°10.79′ W. long.;
(24) 48°21.61′ N. lat., 125°02.54′ W. long.;
(25) 48°23.00′ N. lat., 124°49.34′ W. long.;
(26) 48°17.00′ N. lat., 124°56.50′ W. long.;
(27) 48°06.00′ N. lat., 125°00.00′ W. long.;
(28) 48°04.62′ N. lat., 125°01.73′ W. long.;
(29) 48°04.84′ N. lat., 125°04.03′ W. long.;
(30) 48°06.41′ N. lat., 125°06.51′ W. long.;
(31) 48°06.00′ N. lat., 125°08.00′ W. long.;
(32) 48°07.08′ N. lat., 125°09.34′ W. long.;
(33) 48°07.28′ N. lat., 125°11.14′ W. long.;
(34) 48°03.45′ N. lat., 125°16.66′ W. long.;
(35) 47°59.50′ N. lat., 125°18.88′ W. long.;
(36) 47°58.68′ N. lat., 125°16.19′ W. long.;
(37) 47°56.62′ N. lat., 125°13.50′ W. long.;
(38) 47°53.71′ N. lat., 125°11.96′ W. long.;
(39) 47°51.70′ N. lat., 125°09.38′ W. long.;
(40) 47°49.95′ N. lat., 125°06.07′ W. long.;
(41) 47°49.00′ N. lat., 125°03.00′ W. long.;
(42) 47°46.95′ N. lat., 125°04.00′ W. long.;
(43) 47°46.58′ N. lat., 125°03.15′ W. long.;
(44) 47°44.07′ N. lat., 125°04.28′ W. long.;
(45) 47°43.32′ N. lat., 125°04.41′ W. long.;
(46) 47°40.95′ N. lat., 125°04.14′ W. long.;
(47) 47°39.58′ N. lat., 125°04.97′ W. long.;
(48) 47°36.23′ N. lat., 125°02.77′ W. long.;
(49) 47°34.28′ N. lat., 124°58.66′ W. long.;
(50) 47°32.17′ N. lat., 124°57.77′ W. long.;
(51) 47°30.27′ N. lat., 124°56.16′ W. long.;
(52) 47°30.60′ N. lat., 124°54.80′ W. long.;
(53) 47°29.26′ N. lat., 124°52.21′ W. long.;
(54) 47°28.21′ N. lat., 124°50.65′ W. long.;
(55) 47°27.38′ N. lat., 124°49.34′ W. long.;
(56) 47°25.61′ N. lat., 124°48.26′ W. long.;
(57) 47°23.54′ N. lat., 124°46.42′ W. long.;
(58) 47°20.64′ N. lat., 124°45.91′ W. long.;
(59) 47°17.99′ N. lat., 124°45.59′ W. long.;
(60) 47°18.20′ N. lat., 124°49.12′ W. long.;
(61) 47°15.01′ N. lat., 124°51.09′ W. long.;
(62) 47°12.61′ N. lat., 124°54.89′ W. long.;
(63) 47°08.22′ N. lat., 124°56.53′ W. long.;
(64) 47°08.50′ N. lat., 124°57.74′ W. long.;
(65) 47°01.92′ N. lat., 124°54.95′ W. long.;
(66) 47°01.14′ N. lat., 124°59.35′ W. long.;
(67) 46°58.48′ N. lat., 124°57.81′ W. long.;
(68) 46°56.79′ N. lat., 124°56.03′ W. long.;
(69) 46°58.01′ N. lat., 124°55.09′ W. long.;
(70) 46°55.07′ N. lat., 124°54.14′ W. long.;
(71) 46°59.60′ N. lat., 124°49.79′ W. long.;
(72) 46°58.72′ N. lat., 124°48.78′ W. long.;
(73) 46°54.45′ N. lat., 124°48.36′ W. long.;
(74) 46°53.99′ N. lat., 124°49.95′ W. long.;
(75) 46°54.38′ N. lat., 124°52.73′ W. long.;
(76) 46°52.38′ N. lat., 124°52.02′ W. long.;
(77) 46°48.93′ N. lat., 124°49.17′ W. long.;
(78) 46°41.50′ N. lat., 124°43.00′ W. long.;
(79) 46°34.50′ N. lat., 124°28.50′ W. long.;
(80) 46°29.00′ N. lat., 124°30.00′ W. long.;
(81) 46°20.00′ N. lat., 124°36.50′ W. long.;
(82) 46°18.00′ N. lat., 124°38.00′ W. long.;
(83) 46°17.52′ N. lat., 124°35.35′ W. long.;
(84) 46°17.00′ N. lat., 124°22.50′ W. long.;
(85) 46°16.00′ N. lat., 124°20.62′ W. long.;
(86) 46°13.52′ N. lat., 124°25.49′ W. long.;
(87) 46°12.17′ N. lat., 124°30.75′ W. long.;
(88) 46°10.63′ N. lat., 124°37.95′ W. long.;
(89) 46°09.29′ N. lat., 124°39.01′ W. long.;
(90) 46°02.40′ N. lat., 124°40.37′ W. long.;
(91) 45°56.45′ N. lat., 124°38.00′ W. long.;
(92) 45°51.92′ N. lat., 124°38.49′ W. long.;

(93) 45°47.19′ N. lat., 124°35.58′ W. long.;
(94) 45°46.41′ N. lat., 124°32.36′ W. long.;
(95) 45°41.75′ N. lat., 124°28.12′ W. long.;
(96) 45°36.96′ N. lat., 124°24.48′ W. long.;
(97) 45°31.84′ N. lat., 124°22.04′ W. long.;
(98) 45°27.10′ N. lat., 124°21.74′ W. long.;
(99) 45°18.14′ N. lat., 124°17.59′ W. long.;
(100) 45°11.08′ N. lat., 124°16.97′ W. long.;
(101) 45°04.38′ N. lat., 124°18.36′ W. long.;
(102) 44°58.05′ N. lat., 124°21.58′ W. long.;
(103) 44°47.67′ N. lat., 124°31.41′ W. long.;
(104) 44°44.55′ N. lat., 124°33.58′ W. long.;
(105) 44°39.88′ N. lat., 124°35.01′ W. long.;
(106) 44°32.90′ N. lat., 124°36.81′ W. long.;
(107) 44°30.33′ N. lat., 124°38.56′ W. long.;
(108) 44°30.04′ N. lat., 124°42.31′ W. long.;
(109) 44°26.84′ N. lat., 124°44.91′ W. long.;
(110) 44°17.99′ N. lat., 124°51.03′ W. long.;
(111) 44°13.68′ N. lat., 124°56.38′ W. long.;
(112) 43°56.67′ N. lat., 124°55.45′ W. long.;
(113) 43°56.47′ N. lat., 124°34.61′ W. long.;
(114) 43°42.73′ N. lat., 124°32.41′ W. long.;
(115) 43°30.93′ N. lat., 124°34.43′ W. long.;
(116) 43°17.45′ N. lat., 124°41.16′ W. long.;
(117) 43°07.04′ N. lat., 124°41.25′ W. long.;
(118) 43°03.45′ N. lat., 124°44.36′ W. long.;
(119) 43°03.90′ N. lat., 124°50.81′ W. long.;
(120) 42°55.70′ N. lat., 124°52.79′ W. long.;
(121) 42°54.12′ N. lat., 124°47.36′ W. long.;
(122) 42°44.00′ N. lat., 124°42.38′ W. long.;
(123) 42°38.23′ N. lat., 124°41.25′ W. long.;
(124) 42°33.03′ N. lat., 124°42.38′ W. long.;
(125) 42°31.89′ N. lat., 124°42.04′ W. long.;
(126) 42°30.09′ N. lat., 124°42.67′ W. long.;
(127) 42°28.28′ N. lat., 124°47.08′ W. long.;
(128) 42°25.22′ N. lat., 124°43.51′ W. long.;
(129) 42°19.23′ N. lat., 124°37.92′ W. long.;
(130) 42°16.29′ N. lat., 124°36.11′ W. long.;
(131) 42°05.66′ N. lat., 124°34.92′ W. long.;
(132) 42°00.00′ N. lat., 124°35.27′ W. long.;
(133) 42°00.00′ N. lat., 124°35.26′ W. long.;
(134) 41°47.04′ N. lat., 124°27.64′ W. long.;
(135) 41°32.92′ N. lat., 124°28.79′ W. long.;
(136) 41°24.17′ N. lat., 124°28.46′ W. long.;
(137) 41°10.12′ N. lat., 124°20.50′ W. long.;
(138) 40°51.41′ N. lat., 124°24.38′ W. long.;
(139) 40°43.71′ N. lat., 124°29.89′ W. long.;
(140) 40°40.14′ N. lat., 124°30.90′ W. long.;
(141) 40°37.35′ N. lat., 124°29.05′ W. long.;
(142) 40°34.76′ N. lat., 124°29.82′ W. long.;
(143) 40°36.78′ N. lat., 124°37.06′ W. long.;
(144) 40°32.44′ N. lat., 124°39.58′ W. long.;
(145) 40°24.82′ N. lat., 124°35.12′ W. long.;
(146) 40°23.30′ N. lat., 124°31.60′ W. long.;
(147) 40°23.52′ N. lat., 124°28.78′ W. long.;
(148) 40°22.43′ N. lat., 124°25.00′ W. long.;
(149) 40°21.72′ N. lat., 124°24.94′ W. long.;
(150) 40°21.87′ N. lat., 124°27.96′ W. long.;
(151) 40°21.40′ N. lat., 124°28.74′ W. long.;
(152) 40°19.68′ N. lat., 124°28.49′ W. long.;
(153) 40°17.73′ N. lat., 124°25.43′ W. long.;
(154) 40°18.37′ N. lat., 124°23.35′ W. long.;
(155) 40°15.75′ N. lat., 124°26.05′ W. long.;
(156) 40°16.75′ N. lat., 124°33.71′ W. long.;
(157) 40°16.29′ N. lat., 124°34.36′ W. long.;
(158) 40°10.00′ N. lat., 124°21.12′ W. long.;
(159) 40°10.00′ N. lat., 124°21.50′ W. long.;
(160) 40°07.70′ N. lat., 124°18.44′ W. long.;
(161) 40°08.84′ N. lat., 124°15.86′ W. long.;
(162) 40°06.53′ N. lat., 124°17.39′ W. long.;
(163) 40°03.15′ N. lat., 124°14.43′ W. long.;
(164) 40°02.19′ N. lat., 124°12.85′ W. long.;
(165) 40°02.89′ N. lat., 124°11.78′ W. long.;
(166) 40°02.78′ N. lat., 124°10.70′ W. long.;
(167) 40°04.57′ N. lat., 124°10.08′ W. long.;
(168) 40°06.06′ N. lat., 124°08.30′ W. long.;
(169) 40°04.05′ N. lat., 124°08.93′ W. long.;
(170) 40°01.17′ N. lat., 124°08.80′ W. long.;
(171) 40°01.03′ N. lat., 124°10.06′ W. long.;
(172) 39°58.07′ N. lat., 124°11.89′ W. long.;
(173) 39°56.39′ N. lat., 124°08.71′ W. long.;
(174) 39°54.64′ N. lat., 124°07.30′ W. long.;
(175) 39°53.86′ N. lat., 124°07.95′ W. long.;
(176) 39°51.95′ N. lat., 124°07.63′ W. long.;
(177) 39°48.78′ N. lat., 124°03.29′ W. long.;
(178) 39°47.36′ N. lat., 124°03.31′ W. long.;
(179) 39°40.08′ N. lat., 123°58.37′ W. long.;
(180) 39°36.16′ N. lat., 123°56.90′ W. long.;
(181) 39°30.75′ N. lat., 123°55.86′ W. long.;
(182) 39°31.62′ N. lat., 123°57.33′ W. long.;
(183) 39°30.91′ N. lat., 123°57.88′ W. long.;
(184) 39°01.79′ N. lat., 123°56.59′ W. long.;
(185) 38°59.42′ N. lat., 123°55.67′ W. long.;
(186) 38°58.89′ N. lat., 123°56.28′ W. long.;
(187) 38°54.72′ N. lat., 123°55.68′ W. long.;
(188) 38°48.95′ N. lat., 123°51.85′ W. long.;
(189) 38°36.67′ N. lat., 123°40.20′ W. long.;
(190) 38°33.82′ N. lat., 123°39.23′ W. long.;
(191) 38°29.02′ N. lat., 123°33.52′ W. long.;
(192) 38°18.88′ N. lat., 123°25.93′ W. long.;
(193) 38°14.12′ N. lat., 123°23.26′ W. long.;
(194) 38°11.07′ N. lat., 123°22.07′ W. long.;
(195) 38°03.19′ N. lat., 123°20.70′ W. long.;
(196) 38°06.30′ N. lat., 123°24.96′ W. long.;
(197) 38°06.34′ N. lat., 123°29.25′ W. long.;

(198) 38°04.57′ N. lat., 123°31.23′ W. long.;
(199) 38°02.32′ N. lat., 123°31.00′ W. long.;
(200) 38°00.00′ N. lat., 123°28.41′ W. long.;
(201) 37°58.08′ N. lat., 123°26.68′ W. long.;
(202) 37°55.07′ N. lat., 123°26.81′ W. long.;
(203) 37°50.66′ N. lat., 123°23.06′ W. long.;
(204) 37°45.18′ N. lat., 123°11.88′ W. long.;
(205) 37°36.21′ N. lat., 123°01.20′ W. long.;
(206) 37°15.58′ N. lat., 122°48.36′ W. long.;
(207) 37°03.18′ N. lat., 122°38.15′ W. long.;
(208) 37°00.48′ N. lat., 122°33.93′ W. long.;
(209) 36°58.70′ N. lat., 122°27.22′ W. long.;
(210) 37°00.85′ N. lat., 122°24.70′ W. long.;
(211) 36°58.00′ N. lat., 122°24.14′ W. long.;
(212) 36°58.74′ N. lat., 122°21.51′ W. long.;
(213) 36°56.97′ N. lat., 122°21.32′ W. long.;
(214) 36°51.52′ N. lat., 122°10.68′ W. long.;
(215) 36°48.39′ N. lat., 122°07.60′ W. long.;
(216) 36°47.43′ N. lat., 122°03.22′ W. long.;
(217) 36°50.95′ N. lat., 121°58.03′ W. long.;
(218) 36°49.92′ N. lat., 121°58.01′ W. long.;
(219) 36°48.88′ N. lat., 121°58.90′ W. long.;
(220) 36°47.70′ N. lat., 121°58.75′ W. long.;
(221) 36°48.37′ N. lat., 121°51.14′ W. long.;
(222) 36°45.74′ N. lat., 121°54.17′ W. long.;
(223) 36°45.51′ N. lat., 121°57.72′ W. long.;
(224) 36°38.84′ N. lat., 122°01.32′ W. long.;
(225) 36°35.62′ N. lat., 122°00.98′ W. long.;
(226) 36°32.46′ N. lat., 121°59.15′ W. long.;
(227) 36°32.79′ N. lat., 121°57.67′ W. long.;
(228) 36°31.98′ N. lat., 121°56.55′ W. long.;
(229) 36°31.79′ N. lat., 121°58.40′ W. long.;
(230) 36°30.73′ N. lat., 121°59.70′ W. long.;
(231) 36°30.31′ N. lat., 122°00.22′ W. long.;
(232) 36°29.35′ N. lat., 122°00.36′ W. long.;
(233) 36°27.66′ N. lat., 121°59.80′ W. long.;
(234) 36°26.22′ N. lat., 121°58.35′ W. long.;
(235) 36°21.20′ N. lat., 122°00.72′ W. long.;
(236) 36°20.47′ N. lat., 122°02.92′ W. long.;
(237) 36°18.46′ N. lat., 122°04.51′ W. long.;
(238) 36°15.92′ N. lat., 122°01.33′ W. long.;
(239) 36°13.76′ N. lat., 121°57.27′ W. long.;
(240) 36°14.43′ N. lat., 121°55.43′ W. long.;
(241) 36°10.24′ N. lat., 121°43.08′ W. long.;
(242) 36°07.66′ N. lat., 121°40.91′ W. long.;
(243) 36°02.49′ N. lat., 121°36.51′ W. long.;
(244) 36°01.07′ N. lat., 121°36.82′ W. long.;
(245) 35°57.84′ N. lat., 121°33.10′ W. long.;
(246) 35°50.36′ N. lat., 121°29.32′ W. long.;
(247) 35°39.03′ N. lat., 121°22.86′ W. long.;
(248) 35°24.30′ N. lat., 121°02.56′ W. long.;
(249) 35°16.53′ N. lat., 121°00.39′ W. long.;
(250) 35°04.82′ N. lat., 120°53.96′ W. long.;
(251) 34°52.51′ N. lat., 120°51.62′ W. long.;
(252) 34°43.36′ N. lat., 120°52.12′ W. long.;
(253) 34°37.64′ N. lat., 120°49.99′ W. long.;
(254) 34°30.80′ N. lat., 120°45.02′ W. long.;
(255) 34°27.00′ N. lat., 120°39.00′ W. long.;
(256) 34°21.90′ N. lat., 120°25.25′ W. long.;
(257) 34°24.86′ N. lat., 120°16.81′ W. long.;
(258) 34°22.80′ N. lat., 119°57.06′ W. long.;
(259) 34°18.59′ N. lat., 119°44.84′ W. long.;
(260) 34°15.04′ N. lat., 119°40.34′ W. long.;
(261) 34°14.40′ N. lat., 119°45.39′ W. long.;
(262) 34°12.32′ N. lat., 119°42.41′ W. long.;
(263) 34°09.71′ N. lat., 119°28.85′ W. long.;
(264) 34°04.70′ N. lat., 119°15.38′ W. long.;
(265) 34°03.33′ N. lat., 119°12.93′ W. long.;
(266) 34°02.72′ N. lat., 119°07.01′ W. long.;
(267) 34°03.90′ N. lat., 119°04.64′ W. long.;
(268) 34°01.80′ N. lat., 119°03.23′ W. long.;
(269) 33°59.32′ N. lat., 119°03.50′ W. long.;
(270) 33°59.00′ N. lat., 118°59.55′ W. long.;
(271) 33°59.51′ N. lat., 118°57.25′ W. long.;
(272) 33°58.82′ N. lat., 118°52.47′ W. long.;
(273) 33°58.54′ N. lat., 118°41.86′ W. long.;
(274) 33°55.07′ N. lat., 118°34.25′ W. long.;
(275) 33°54.28′ N. lat., 118°38.68′ W. long.;
(276) 33°51.00′ N. lat., 118°36.66′ W. long.;
(277) 33°39.77′ N. lat., 118°18.41′ W. long.;
(278) 33°35.50′ N. lat., 118°16.85′ W. long.;
(279) 33°32.68′ N. lat., 118°09.82′ W. long.;
(280) 33°34.09′ N. lat., 117°54.06′ W. long.;
(281) 33°31.60′ N. lat., 117°49.28′ W. long.;
(282) 33°16.07′ N. lat., 117°34.74′ W. long.;
(283) 33°07.06′ N. lat., 117°22.71′ W. long.;
(284) 32°59.28′ N. lat., 117°19.69′ W. long.;
(285) 32°55.36′ N. lat., 117°19.54′ W. long.;
(286) 32°53.35′ N. lat., 117°17.05′ W. long.;
(287) 32°53.34′ N. lat., 117°19.13′ W. long.;
(288) 32°46.39′ N. lat., 117°23.45′ W. long.;
(289) 32°42.79′ N. lat., 117°21.16′ W. long.; and
(290) 32°34.22′ N. lat., 117°21.20′ W. long.

(viii) The 125 fm (229 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°15.00′ N. lat., 125°41.13′ W. long.;
(2) 48°13.05′ N. lat., 125°37.43′ W. long.;
(3) 48°08.62′ N. lat., 125°41.68′ W. long.;
(4) 48°07.42′ N. lat., 125°42.38′ W. long.;
(5) 48°04.20′ N. lat., 125°36.57′ W. long.;
(6) 48°02.79′ N. lat., 125°35.55′ W. long.;
(7) 48°00.48′ N. lat., 125°37.84′ W. long.;
(8) 47°54.90′ N. lat., 125°34.79′ W. long.;
(9) 47°58.37′ N. lat., 125°26.58′ W. long.;

(10) 47°59.84′ N. lat., 125°25.20′ W. long.;
(11) 48°01.85′ N. lat., 125°24.12′ W. long.;
(12) 48°02.13′ N. lat., 125°22.80′ W. long.;
(13) 48°03.31′ N. lat., 125°22.46′ W. long.;
(14) 48°06.83′ N. lat., 125°17.73′ W. long.;
(15) 48°10.08′ N. lat., 125°15.56′ W. long.;
(16) 48°11.24′ N. lat., 125°13.72′ W. long.;
(17) 48°12.41′ N. lat., 125°14.48′ W. long.;
(18) 48°13.01′ N. lat., 125°13.77′ W. long.;
(19) 48°13.59′ N. lat., 125°12.83′ W. long.;
(20) 48°12.22′ N. lat., 125°12.28′ W. long.;
(21) 48°11.15′ N. lat., 125°12.26′ W. long.;
(22) 48°10.18′ N. lat., 125°10.44′ W. long.;
(23) 48°10.18′ N. lat., 125°06.32′ W. long.;
(24) 48°15.39′ N. lat., 125°02.83′ W. long.;
(25) 48°18.32′ N. lat., 125°01.00′ W. long.;
(26) 48°21.67′ N. lat., 125°01.86′ W. long.;
(27) 48°25.70′ N. lat., 125°00.10′ W. long.;
(28) 48°26.43′ N. lat., 124°56.65′ W. long.;
(29) 48°24.28′ N. lat., 124°56.48′ W. long.;
(30) 48°23.27′ N. lat., 124°59.12′ W. long.;
(31) 48°21.79′ N. lat., 124°59.30′ W. long.;
(32) 48°20.71′ N. lat., 124°58.74′ W. long.;
(33) 48°19.84′ N. lat., 124°57.09′ W. long.;
(34) 48°22.06′ N. lat., 124°54.78′ W. long.;
(35) 48°22.45′ N. lat., 124°53.35′ W. long.;
(36) 48°22.74′ N. lat., 124°50.96′ W. long.;
(37) 48°21.04′ N. lat., 124°52.60′ W. long.;
(38) 48°18.07′ N. lat., 124°55.85′ W. long.;
(39) 48°15.03′ N. lat., 124°58.16′ W. long.;
(40) 48°11.31′ N. lat., 124°58.53′ W. long.;
(41) 48°06.25′ N. lat., 125°00.06′ W. long.;
(42) 48°04.70′ N. lat., 125°01.80′ W. long.;
(43) 48°04.93′ N. lat., 125°03.92′ W. long.;
(44) 48°06.44′ N. lat., 125°06.50′ W. long.;
(45) 48°07.34′ N. lat., 125°09.35′ W. long.;
(46) 48°07.62′ N. lat., 125°11.37′ W. long.;
(47) 48°03.71′ N. lat., 125°17.63′ W. long.;
(48) 48°01.35′ N. lat., 125°18.66′ W. long.;
(49) 48°00.05′ N. lat., 125°19.66′ W. long.;
(50) 47°59.51′ N. lat., 125°18.90′ W. long.;
(51) 47°58.29′ N. lat., 125°16.64′ W. long.;
(52) 47°54.67′ N. lat., 125°13.20′ W. long.;
(53) 47°53.15′ N. lat., 125°12.53′ W. long.;
(54) 47°48.46′ N. lat., 125°04.72′ W. long.;
(55) 47°46.10′ N. lat., 125°04.00′ W. long.;
(56) 47°44.60′ N. lat., 125°04.49′ W. long.;
(57) 47°42.90′ N. lat., 125°04.72′ W. long.;
(58) 47°40.71′ N. lat., 125°04.68′ W. long.;
(59) 47°39.02′ N. lat., 125°05.63′ W. long.;
(60) 47°34.86′ N. lat., 125°02.11′ W. long.;
(61) 47°31.64′ N. lat., 124°58.11′ W. long.;
(62) 47°29.69′ N. lat., 124°55.71′ W. long.;
(63) 47°29.35′ N. lat., 124°53.23′ W. long.;
(64) 47°28.56′ N. lat., 124°51.34′ W. long.;
(65) 47°25.31′ N. lat., 124°48.20′ W. long.;
(66) 47°23.92′ N. lat., 124°47.15′ W. long.;
(67) 47°18.09′ N. lat., 124°45.74′ W. long.;
(68) 47°18.65′ N. lat., 124°51.51′ W. long.;
(69) 47°18.12′ N. lat., 124°52.58′ W. long.;
(70) 47°17.64′ N. lat., 124°50.45′ W. long.;
(71) 47°16.31′ N. lat., 124°50.92′ W. long.;
(72) 47°15.60′ N. lat., 124°52.62′ W. long.;
(73) 47°14.25′ N. lat., 124°52.49′ W. long.;
(74) 47°11.32′ N. lat., 124°57.19′ W. long.;
(75) 47°09.14′ N. lat., 124°57.46′ W. long.;
(76) 47°08.83′ N. lat., 124°58.47′ W. long.;
(77) 47°05.88′ N. lat., 124°58.26′ W. long.;
(78) 47°03.60′ N. lat., 124°55.84′ W. long.;
(79) 47°02.91′ N. lat., 124°56.15′ W. long.;
(80) 47°01.08′ N. lat., 124°59.46′ W. long.;
(81) 46°58.13′ N. lat., 124°58.83′ W. long.;
(82) 46°57.44′ N. lat., 124°57.78′ W. long.;
(83) 46°55.98′ N. lat., 124°54.60′ W. long.;
(84) 46°54.90′ N. lat., 124°54.14′ W. long.;
(85) 46°58.47′ N. lat., 124°49.65′ W. long.;
(86) 46°54.44′ N. lat., 124°48.79′ W. long.;
(87) 46°54.41′ N. lat., 124°52.87′ W. long.;
(88) 46°49.36′ N. lat., 124°52.77′ W. long.;
(89) 46°40.06′ N. lat., 124°45.34′ W. long.;
(90) 46°39.64′ N. lat., 124°42.21′ W. long.;
(91) 46°34.27′ N. lat., 124°34.63′ W. long.;
(92) 46°33.58′ N. lat., 124°29.10′ W. long.;
(93) 46°25.64′ N. lat., 124°32.57′ W. long.;
(94) 46°21.33′ N. lat., 124°36.36′ W. long.;
(95) 46°20.59′ N. lat., 124°36.15′ W. long.;
(96) 46°19.38′ N. lat., 124°38.21′ W. long.;
(97) 46°17.94′ N. lat., 124°38.10′ W. long.;
(98) 46°16.00′ N. lat., 124°35.35′ W. long.;
(99) 46°16.00′ N. lat., 124°22.17′ W. long.;
(100) 46°13.37′ N. lat., 124°30.70′ W. long.;
(101) 46°12.20′ N. lat., 124°36.04′ W. long.;
(102) 46°11.01′ N. lat., 124°38.68′ W. long.;
(103) 46°09.73′ N. lat., 124°39.91′ W. long.;
(104) 46°03.23′ N. lat., 124°42.03′ W. long.;
(105) 46°01.17′ N. lat., 124°42.06′ W. long.;
(106) 46°00.35′ N. lat., 124°42.26′ W. long.;
(107) 45°52.81′ N. lat., 124°41.62′ W. long.;
(108) 45°49.70′ N. lat., 124°41.14′ W. long.;
(109) 45°45.18′ N. lat., 124°38.39′ W. long.;
(110) 45°43.24′ N. lat., 124°37.77′ W. long.;
(111) 45°34.75′ N. lat., 124°28.59′ W. long.;
(112) 45°19.90′ N. lat., 124°21.34′ W. long.;
(113) 45°12.44′ N. lat., 124°19.35′ W. long.;
(114) 45°07.48′ N. lat., 124°19.73′ W. long.;

(115) 44°59.96′ N. lat., 124°22.91′ W. long.;
(116) 44°54.72′ N. lat., 124°26.84′ W. long.;
(117) 44°51.15′ N. lat., 124°31.41′ W. long.;
(118) 44°49.97′ N. lat., 124°32.37′ W. long.;
(119) 44°47.06′ N. lat., 124°34.43′ W. long.;
(120) 44°41.37′ N. lat., 124°36.51′ W. long.;
(121) 44°32.78′ N. lat., 124°37.86′ W. long.;
(122) 44°29.44′ N. lat., 124°44.25′ W. long.;
(123) 44°27.95′ N. lat., 124°45.13′ W. long.;
(124) 44°24.73′ N. lat., 124°47.42′ W. long.;
(125) 44°19.67′ N. lat., 124°51.17′ W. long.;
(126) 44°17.96′ N. lat., 124°52.53′ W. long.;
(127) 44°13.70′ N. lat., 124°56.45′ W. long.;
(128) 44°12.26′ N. lat., 124°57.53′ W. long.;
(129) 44°07.57′ N. lat., 124°57.19′ W. long.;
(130) 44°04.78′ N. lat., 124°56.31′ W. long.;
(131) 44°01.14′ N. lat., 124°56.07′ W. long.;
(132) 43°57.39′ N. lat., 124°57.01′ W. long.;
(133) 43°54.58′ N. lat., 124°52.18′ W. long.;
(134) 43°53.18′ N. lat., 124°47.41′ W. long.;
(135) 43°53.60′ N. lat., 124°37.45′ W. long.;
(136) 43°53.04′ N. lat., 124°36.00′ W. long.;
(137) 43°47.93′ N. lat., 124°35.18′ W. long.;
(138) 43°39.32′ N. lat., 124°35.14′ W. long.;
(139) 43°32.38′ N. lat., 124°35.26′ W. long.;
(140) 43°30.32′ N. lat., 124°36.79′ W. long.;
(141) 43°27.81′ N. lat., 124°36.42′ W. long.;
(142) 43°23.73′ N. lat., 124°39.66′ W. long.;
(143) 43°17.78′ N. lat., 124°42.84′ W. long.;
(144) 43°10.48′ N. lat., 124°43.54′ W. long.;
(145) 43°04.77′ N. lat., 124°45.51′ W. long.;
(146) 43°05.94′ N. lat., 124°49.77′ W. long.;
(147) 43°03.38′ N. lat., 124°51.86′ W. long.;
(148) 42°59.32′ N. lat., 124°51.93′ W. long.;
(149) 42°56.80′ N. lat., 124°53.38′ W. long.;
(150) 42°54.54′ N. lat., 124°52.72′ W. long.;
(151) 42°52.89′ N. lat., 124°47.45′ W. long.;
(152) 42°48.10′ N. lat., 124°46.75′ W. long.;
(153) 42°46.34′ N. lat., 124°43.53′ W. long.;
(154) 42°41.66′ N. lat., 124°42.70′ W. long.;
(155) 42°32.53′ N. lat., 124°42.77′ W. long.;
(156) 42°29.74′ N. lat., 124°43.81′ W. long.;
(157) 42°28.07′ N. lat., 124°47.65′ W. long.;
(158) 42°21.58′ N. lat., 124°41.41′ W. long.;
(159) 42°15.17′ N. lat., 124°36.25′ W. long.;
(160) 42°08.28′ N. lat., 124°36.08′ W. long.;
(161) 42°00.00′ N. lat., 124°35.46′ W. long.;
(162) 42°00.00′ N. lat., 124°35.45′ W. long.;
(163) 41°47.67′ N. lat., 124°28.67′ W. long.;
(164) 41°32.91′ N. lat., 124°29.01′ W. long.;
(165) 41°22.57′ N. lat., 124°28.66′ W. long.;
(166) 41°13.38′ N. lat., 124°22.88′ W. long.;
(167) 41°06.42′ N. lat., 124°22.02′ W. long.;
(168) 40°50.19′ N. lat., 124°25.58′ W. long.;
(169) 40°44.08′ N. lat., 124°30.43′ W. long.;
(170) 40°40.54′ N. lat., 124°31.75′ W. long.;
(171) 40°37.36′ N. lat., 124°29.17′ W. long.;
(172) 40°35.30′ N. lat., 124°30.03′ W. long.;
(173) 40°37.02′ N. lat., 124°37.10′ W. long.;
(174) 40°35.82′ N. lat., 124°39.58′ W. long.;
(175) 40°31.70′ N. lat., 124°39.97′ W. long.;
(176) 40°29.71′ N. lat., 124°38.08′ W. long.;
(177) 40°24.77′ N. lat., 124°35.39′ W. long.;
(178) 40°23.22′ N. lat., 124°31.87′ W. long.;
(179) 40°23.40′ N. lat., 124°28.65′ W. long.;
(180) 40°22.30′ N. lat., 124°25.27′ W. long.;
(181) 40°21.91′ N. lat., 124°25.18′ W. long.;
(182) 40°21.91′ N. lat., 124°27.97′ W. long.;
(183) 40°21.37′ N. lat., 124°29.03′ W. long.;
(184) 40°19.74′ N. lat., 124°28.71′ W. long.;
(185) 40°18.52′ N. lat., 124°27.26′ W. long.;
(186) 40°17.57′ N. lat., 124°25.49′ W. long.;
(187) 40°18.20′ N. lat., 124°23.63′ W. long.;
(188) 40°15.89′ N. lat., 124°26.00′ W. long.;
(189) 40°17.00′ N. lat., 124°35.01′ W. long.;
(190) 40°15.97′ N. lat., 124°35.91′ W. long.;
(191) 40°10.01′ N. lat., 124°22.00′ W. long.;
(192) 40°07.35′ N. lat., 124°18.64′ W. long.;
(193) 40°08.46′ N. lat., 124°16.24′ W. long.;
(194) 40°06.26′ N. lat., 124°17.54′ W. long.;
(195) 40°03.26′ N. lat., 124°15.30′ W. long.;
(196) 40°02.00′ N. lat., 124°12.97′ W. long.;
(197) 40°02.60′ N. lat., 124°10.61′ W. long.;
(198) 40°03.63′ N. lat., 124°09.12′ W. long.;
(199) 40°02.18′ N. lat., 124°09.07′ W. long.;
(200) 40°01.26′ N. lat., 124°09.86′ W. long.;
(201) 39°58.05′ N. lat., 124°11.87′ W. long.;
(202) 39°56.39′ N. lat., 124°08.70′ W. long.;
(203) 39°54.64′ N. lat., 124°07.31′ W. long.;
(204) 39°53.87′ N. lat., 124°07.95′ W. long.;
(205) 39°52.42′ N. lat., 124°08.18′ W. long.;
(206) 39°42.50′ N. lat., 124°00.60′ W. long.;
(207) 39°34.23′ N. lat., 123°56.82′ W. long.;
(208) 39°33.00′ N. lat., 123°56.44′ W. long.;
(209) 39°30.96′ N. lat., 123°56.00′ W. long.;
(210) 39°32.03′ N. lat., 123°57.44′ W. long.;
(211) 39°31.43′ N. lat., 123°58.16′ W. long.;
(212) 39°05.56′ N. lat., 123°57.24′ W. long.;
(213) 39°01.75′ N. lat., 123°56.83′ W. long.;
(214) 38°59.52′ N. lat., 123°55.95′ W. long.;
(215) 38°58.98′ N. lat., 123°56.57′ W. long.;
(216) 38°53.91′ N. lat., 123°56.00′ W. long.;
(217) 38°42.57′ N. lat., 123°46.60′ W. long.;
(218) 38°28.72′ N. lat., 123°35.61′ W. long.;
(219) 38°28.01′ N. lat., 123°36.47′ W. long.;

(220) 38°20.94′ N. lat., 123°31.26′ W. long.;
(221) 38°15.94′ N. lat., 123°25.33′ W. long.;
(222) 38°10.95′ N. lat., 123°23.19′ W. long.;
(223) 38°05.52′ N. lat., 123°22.90′ W. long.;
(224) 38°08.46′ N. lat., 123°26.23′ W. long.;
(225) 38°06.95′ N. lat., 123°28.03′ W. long.;
(226) 38°06.34′ N. lat., 123°29.80′ W. long.;
(227) 38°04.57′ N. lat., 123°31.24′ W. long.;
(228) 38°02.33′ N. lat., 123°31.02′ W. long.;
(229) 38°00.00′ N. lat., 123°28.23′ W. long.;
(230) 37°58.10′ N. lat., 123°26.69′ W. long.;
(231) 37°55.46′ N. lat., 123°27.05′ W. long.;
(232) 37°51.51′ N. lat., 123°24.86′ W. long.;
(233) 37°45.01′ N. lat., 123°12.09′ W. long.;
(234) 37°36.47′ N. lat., 123°01.56′ W. long.;
(235) 37°26.62′ N. lat., 122°56.21′ W. long.;
(236) 37°14.41′ N. lat., 122°49.07′ W. long.;
(237) 37°03.19′ N. lat., 122°38.31′ W. long.;
(238) 37°00.99′ N. lat., 122°35.51′ W. long.;
(239) 36°58.23′ N. lat., 122°27.36′ W. long.;
(240) 37°00.54′ N. lat., 122°24.74′ W. long.;
(241) 36°57.81′ N. lat., 122°24.65′ W. long.;
(242) 36°58.54′ N. lat., 122°21.67′ W. long.;
(243) 36°56.52′ N. lat., 122°21.70′ W. long.;
(244) 36°55.37′ N. lat., 122°18.45′ W. long.;
(245) 36°52.16′ N. lat., 122°12.17′ W. long.;
(246) 36°51.53′ N. lat., 122°10.67′ W. long.;
(247) 36°48.05′ N. lat., 122°07.59′ W. long.;
(248) 36°47.35′ N. lat., 122°03.27′ W. long.;
(249) 36°50.71′ N. lat., 121°58.17′ W. long.;
(250) 36°48.89′ N. lat., 121°58.90′ W. long.;
(251) 36°47.70′ N. lat., 121°58.76′ W. long.;
(252) 36°48.37′ N. lat., 121°51.15′ W. long.;
(253) 36°45.74′ N. lat., 121°54.18′ W. long.;
(254) 36°45.50′ N. lat., 121°57.73′ W. long.;
(255) 36°44.02′ N. lat., 121°58.55′ W. long.;
(256) 36°38.84′ N. lat., 122°01.32′ W. long.;
(257) 36°35.63′ N. lat., 122°00.98′ W. long.;
(258) 36°32.47′ N. lat., 121°59.17′ W. long.;
(259) 36°32.52′ N. lat., 121°57.62′ W. long.;
(260) 36°30.16′ N. lat., 122°00.55′ W. long.;
(261) 36°24.56′ N. lat., 121°59.19′ W. long.;
(262) 36°22.19′ N. lat., 122°00.30′ W. long.;
(263) 36°20.62′ N. lat., 122°02.93′ W. long.;
(264) 36°18.89′ N. lat., 122°05.18′ W. long.;
(265) 36°14.45′ N. lat., 121°59.44′ W. long.;
(266) 36°13.73′ N. lat., 121°57.38′ W. long.;
(267) 36°14.41′ N. lat., 121°55.45′ W. long.;
(268) 36°10.25′ N. lat., 121°43.08′ W. long.;
(269) 36°07.67′ N. lat., 121°40.92′ W. long.;
(270) 36°02.51′ N. lat., 121°36.76′ W. long.;
(271) 36°01.08′ N. lat., 121°36.82′ W. long.;
(272) 35°57.84′ N. lat., 121°33.10′ W. long.;
(273) 35°45.57′ N. lat., 121°27.26′ W. long.;
(274) 35°39.02′ N. lat., 121°22.86′ W. long.;
(275) 35°25.92′ N. lat., 121°05.52′ W. long.;
(276) 35°16.26′ N. lat., 121°01.50′ W. long.;
(277) 35°07.60′ N. lat., 120°56.49′ W. long.;
(278) 34°57.77′ N. lat., 120°53.87′ W. long.;
(279) 34°42.30′ N. lat., 120°53.42′ W. long.;
(280) 34°37.69′ N. lat., 120°50.04′ W. long.;
(281) 34°30.13′ N. lat., 120°44.45′ W. long.;
(282) 34°27.00′ N. lat., 120°39.24′ W. long.;
(283) 34°24.71′ N. lat., 120°35.37′ W. long.;
(284) 34°21.63′ N. lat., 120°24.86′ W. long.;
(285) 34°24.39′ N. lat., 120°16.65′ W. long.;
(286) 34°22.48′ N. lat., 119°56.42′ W. long.;
(287) 34°18.54′ N. lat., 119°46.26′ W. long.;
(288) 34°16.37′ N. lat., 119°45.12′ W. long.;
(289) 34°15.91′ N. lat., 119°47.29′ W. long.;
(290) 34°13.80′ N. lat., 119°45.40′ W. long.;
(291) 34°11.69′ N. lat., 119°41.80′ W. long.;
(292) 34°09.98′ N. lat., 119°31.87′ W. long.;
(293) 34°08.12′ N. lat., 119°27.71′ W. long.;
(294) 34°06.35′ N. lat., 119°32.65′ W. long.;
(295) 34°06.80′ N. lat., 119°40.08′ W. long.;
(296) 34°07.48′ N. lat., 119°47.54′ W. long.;
(297) 34°08.21′ N. lat., 119°54.90′ W. long.;
(298) 34°06.85′ N. lat., 120°05.60′ W. long.;
(299) 34°06.99′ N. lat., 120°10.37′ W. long.;
(300) 34°08.53′ N. lat., 120°17.89′ W. long.;
(301) 34°10.00′ N. lat., 120°23.05′ W. long.;
(302) 34°12.53′ N. lat., 120°29.82′ W. long.;
(303) 34°09.02′ N. lat., 120°37.47′ W. long.;
(304) 34°01.01′ N. lat., 120°31.17′ W. long.;
(305) 33°58.07′ N. lat., 120°28.33′ W. long.;
(306) 33°53.37′ N. lat., 120°14.43′ W. long.;
(307) 33°50.53′ N. lat., 120°07.20′ W. long.;
(308) 33°45.88′ N. lat., 120°04.26′ W. long.;
(309) 33°38.19′ N. lat., 119°57.85′ W. long.;
(310) 33°38.19′ N. lat., 119°50.42′ W. long.;
(311) 33°42.36′ N. lat., 119°49.60′ W. long.;
(312) 33°53.95′ N. lat., 119°53.81′ W. long.;
(313) 33°55.85′ N. lat., 119°43.34′ W. long.;
(314) 33°58.48′ N. lat., 119°27.90′ W. long.;
(315) 34°00.34′ N. lat., 119°19.22′ W. long.;
(316) 34°04.48′ N. lat., 119°15.32′ W. long.;
(317) 34°02.80′ N. lat., 119°12.95′ W. long.;
(318) 34°02.39′ N. lat., 119°07.17′ W. long.;
(319) 34°03.75′ N. lat., 119°04.72′ W. long.;
(320) 34°01.82′ N. lat., 119°03.24′ W. long.;
(321) 33°59.33′ N. lat., 119°03.49′ W. long.;
(322) 33°59.01′ N. lat., 118°59.56′ W. long.;
(323) 33°59.51′ N. lat., 118°57.25′ W. long.;
(324) 33°58.83′ N. lat., 118°52.50′ W. long.;

(325) 33°58.55′ N. lat., 118°41.86′ W. long.;
(326) 33°55.10′ N. lat., 118°34.25′ W. long.;
(327) 33°54.30′ N. lat., 118°38.71′ W. long.;
(328) 33°50.88′ N. lat., 118°37.02′ W. long.;
(329) 33°39.78′ N. lat., 118°18.40′ W. long.;
(330) 33°35.50′ N. lat., 118°16.85′ W. long.;
(331) 33°32.46′ N. lat., 118°10.90′ W. long.;
(332) 33°34.11′ N. lat., 117°54.07′ W. long.;
(333) 33°31.61′ N. lat., 117°49.30′ W. long.;
(334) 33°16.36′ N. lat., 117°35.48′ W. long.;
(335) 33°06.81′ N. lat., 117°22.93′ W. long.;
(336) 32°59.28′ N. lat., 117°19.69′ W. long.;
(337) 32°55.37′ N. lat., 117°19.55′ W. long.;
(338) 32°53.35′ N. lat., 117°17.05′ W. long.;
(339) 32°53.36′ N. lat., 117°19.12′ W. long.;
(340) 32°46.42′ N. lat., 117°23.45′ W. long.;
(341) 32°42.71′ N. lat., 117°21.45′ W. long.; and
(342) 32°34.54′ N. lat., 117°23.04′ W. long.

(ix) The 150 fm (274 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.96′ N. lat., 125°41.24′ W. long.;
(2) 48°12.89′ N. lat., 125°37.83′ W. long.;
(3) 48°11.49′ N. lat., 125°39.27′ W. long.;
(4) 48°08.72′ N. lat., 125°41.84′ W. long.;
(5) 48°07.00′ N. lat., 125°45.00′ W. long.;
(6) 48°06.13′ N. lat., 125°41.57′ W. long.;
(7) 48°05.00′ N. lat., 125°39.00′ W. long.;
(8) 48°04.15′ N. lat., 125°36.71′ W. long.;
(9) 48°03.00′ N. lat., 125°36.00′ W. long.;
(10) 48°01.65′ N. lat., 125°36.96′ W. long.;
(11) 48°01.00′ N. lat., 125°38.50′ W. long.;
(12) 47°57.50′ N. lat., 125°36.50′ W. long.;
(13) 47°54.50′ N. lat., 125°35.00′ W. long.;
(14) 47°56.53′ N. lat., 125°30.33′ W. long.;
(15) 47°57.28′ N. lat., 125°27.89′ W. long.;
(16) 47°59.00′ N. lat., 125°25.50′ W. long.;
(17) 48°01.77′ N. lat., 125°24.05′ W. long.;
(18) 48°02.13′ N. lat., 125°22.80′ W. long.;
(19) 48°03.00′ N. lat., 125°22.50′ W. long.;
(20) 48°03.46′ N. lat., 125°22.10′ W. long.;
(21) 48°04.29′ N. lat., 125°20.37′ W. long.;
(22) 48°02.00′ N. lat., 125°18.50′ W. long.;
(23) 48°00.01′ N. lat., 125°19.90′ W. long.;
(24) 47°58.75′ N. lat., 125°17.54′ W. long.;
(25) 47°53.50′ N. lat., 125°13.50′ W. long.;
(26) 47°48.88′ N. lat., 125°05.91′ W. long.;
(27) 47°47.18′ N. lat., 125°06.60′ W. long.;
(28) 47°48.50′ N. lat., 125°05.00′ W. long.;
(29) 47°45.98′ N. lat., 125°04.26′ W. long.;
(30) 47°45.00′ N. lat., 125°05.50′ W. long.;
(31) 47°42.11′ N. lat., 125°04.74′ W. long.;
(32) 47°39.00′ N. lat., 125°06.00′ W. long.;
(33) 47°35.53′ N. lat., 125°04.55′ W. long.;
(34) 47°30.90′ N. lat., 124°57.31′ W. long.;
(35) 47°29.54′ N. lat., 124°56.50′ W. long.;
(36) 47°29.50′ N. lat., 124°54.50′ W. long.;
(37) 47°28.57′ N. lat., 124°51.50′ W. long.;
(38) 47°25.00′ N. lat., 124°48.00′ W. long.;
(39) 47°23.95′ N. lat., 124°47.24′ W. long.;
(40) 47°23.00′ N. lat., 124°47.00′ W. long.;
(41) 47°21.00′ N. lat., 124°46.50′ W. long.;
(42) 47°18.20′ N. lat., 124°45.84′ W. long.;
(43) 47°18.50′ N. lat., 124°49.00′ W. long.;
(44) 47°19.17′ N. lat., 124°50.86′ W. long.;
(45) 47°18.07′ N. lat., 124°53.29′ W. long.;
(46) 47°17.78′ N. lat., 124°51.39′ W. long.;
(47) 47°16.81′ N. lat., 124°50.85′ W. long.;
(48) 47°15.96′ N. lat., 124°53.15′ W. long.;
(49) 47°14.31′ N. lat., 124°52.62′ W. long.;
(50) 47°11.87′ N. lat., 124°56.90′ W. long.;
(51) 47°12.39′ N. lat., 124°58.09′ W. long.;
(52) 47°09.50′ N. lat., 124°57.50′ W. long.;
(53) 47°09.00′ N. lat., 124°59.00′ W. long.;
(54) 47°06.06′ N. lat., 124°58.80′ W. long.;
(55) 47°03.62′ N. lat., 124°55.96′ W. long.;
(56) 47°02.89′ N. lat., 124°56.89′ W. long.;
(57) 47°01.04′ N. lat., 124°59.54′ W. long.;
(58) 46°58.47′ N. lat., 124°59.08′ W. long.;
(59) 46°58.29′ N. lat., 125°00.28′ W. long.;
(60) 46°56.30′ N. lat., 125°00.75′ W. long.;
(61) 46°57.09′ N. lat., 124°58.86′ W. long.;
(62) 46°55.95′ N. lat., 124°54.88′ W. long.;
(63) 46°54.79′ N. lat., 124°54.14′ W. long.;
(64) 46°58.00′ N. lat., 124°50.00′ W. long.;
(65) 46°54.50′ N. lat., 124°49.00′ W. long.;
(66) 46°54.53′ N. lat., 124°52.94′ W. long.;
(67) 46°49.52′ N. lat., 124°53.41′ W. long.;
(68) 46°39.50′ N. lat., 124°47.00′ W. long.;
(69) 46°39.50′ N. lat., 124°42.50′ W. long.;
(70) 46°37.50′ N. lat., 124°41.00′ W. long.;
(71) 46°36.50′ N. lat., 124°38.00′ W. long.;
(72) 46°33.85′ N. lat., 124°36.99′ W. long.;
(73) 46°33.50′ N. lat., 124°29.50′ W. long.;
(74) 46°32.00′ N. lat., 124°31.00′ W. long.;
(75) 46°30.53′ N. lat., 124°30.55′ W. long.;
(76) 46°25.50′ N. lat., 124°33.00′ W. long.;
(77) 46°23.00′ N. lat., 124°35.00′ W. long.;
(78) 46°21.50′ N. lat., 124°37.00′ W. long.;
(79) 46°20.64′ N. lat., 124°36.21′ W. long.;
(80) 46°20.36′ N. lat., 124°37.85′ W. long.;
(81) 46°19.48′ N. lat., 124°38.35′ W. long.;
(82) 46°18.09′ N. lat., 124°38.30′ W. long.;
(83) 46°16.00′ N. lat., 124°36.00′ W. long.;
(84) 46°14.87′ N. lat., 124°26.15′ W. long.;

(85) 46°13.38′ N. lat., 124°31.36′ W. long.;
(86) 46°12.09′ N. lat., 124°38.39′ W. long.;
(87) 46°09.46′ N. lat., 124°40.64′ W. long.;
(88) 46°07.30′ N. lat., 124°40.68′ W. long.;
(89) 46°02.76′ N. lat., 124°44.01′ W. long.;
(90) 46°02.64′ N. lat., 124°47.96′ W. long.;
(91) 46°01.22′ N. lat., 124°43.47′ W. long.;
(92) 45°51.82′ N. lat., 124°42.89′ W. long.;
(93) 45°45.95′ N. lat., 124°40.72′ W. long.;
(94) 45°44.11′ N. lat., 124°43.09′ W. long.;
(95) 45°34.50′ N. lat., 124°30.27′ W. long.;
(96) 45°21.10′ N. lat., 124°23.11′ W. long.;
(97) 45°09.69′ N. lat., 124°20.45′ W. long.;
(98) 44°56.25′ N. lat., 124°27.03′ W. long.;
(99) 44°44.47′ N. lat., 124°37.85′ W. long.;
(100) 44°31.81′ N. lat., 124°39.60′ W. long.;
(101) 44°31.48′ N. lat., 124°43.30′ W. long.;
(102) 44°12.04′ N. lat., 124°58.16′ W. long.;
(103) 44°07.38′ N. lat., 124°57.87′ W. long.;
(104) 43°57.06′ N. lat., 124°57.20′ W. long.;
(105) 43°52.52′ N. lat., 124°49.00′ W. long.;
(106) 43°51.55′ N. lat., 124°37.49′ W. long.;
(107) 43°47.83′ N. lat., 124°36.43′ W. long.;
(108) 43°31.79′ N. lat., 124°36.80′ W. long.;
(109) 43°29.34′ N. lat., 124°36.77′ W. long.;
(110) 43°26.46′ N. lat., 124°40.02′ W. long.;
(111) 43°16.15′ N. lat., 124°44.37′ W. long.;
(112) 43°09.33′ N. lat., 124°45.35′ W. long.;
(113) 43°08.85′ N. lat., 124°48.92′ W. long.;
(114) 43°03.23′ N. lat., 124°52.41′ W. long.;
(115) 43°00.25′ N. lat., 124°51.93′ W. long.;
(116) 42°56.62′ N. lat., 124°53.93′ W. long.;
(117) 42°54.84′ N. lat., 124°54.01′ W. long.;
(118) 42°52.31′ N. lat., 124°50.76′ W. long.;
(119) 42°47.78′ N. lat., 124°47.27′ W. long.;
(120) 42°46.32′ N. lat., 124°43.59′ W. long.;
(121) 42°41.63′ N. lat., 124°44.07′ W. long.;
(122) 42°38.83′ N. lat., 124°42.77′ W. long.;
(123) 42°35.37′ N. lat., 124°43.22′ W. long.;
(124) 42°32.78′ N. lat., 124°44.68′ W. long.;
(125) 42°32.19′ N. lat., 124°42.40′ W. long.;
(126) 42°30.28′ N. lat., 124°44.30′ W. long.;
(127) 42°28.16′ N. lat., 124°48.38′ W. long.;
(128) 42°18.34′ N. lat., 124°38.77′ W. long.;
(129) 42°13.65′ N. lat., 124°36.82′ W. long.;
(130) 42°00.15′ N. lat., 124°35.81′ W. long.;
(131) 42°00.00′ N. lat., 124°35.99′ W. long.;
(132) 41°47.80′ N. lat., 124°29.41′ W. long.;
(133) 41°23.51′ N. lat., 124°29.50′ W. long.;
(134) 41°13.29′ N. lat., 124°23.31′ W. long.;
(135) 41°06.23′ N. lat., 124°22.62′ W. long.;
(136) 40°55.60′ N. lat., 124°26.04′ W. long.;
(137) 40°49.62′ N. lat., 124°26.57′ W. long.;
(138) 40°45.72′ N. lat., 124°30.00′ W. long.;
(139) 40°40.56′ N. lat., 124°32.11′ W. long.;
(140) 40°37.33′ N. lat., 124°29.27′ W. long.;
(141) 40°35.60′ N. lat., 124°30.49′ W. long.;
(142) 40°37.38′ N. lat., 124°37.14′ W. long.;
(143) 40°36.03′ N. lat., 124°39.97′ W. long.;
(144) 40°31.59′ N. lat., 124°40.74′ W. long.;
(145) 40°29.76′ N. lat., 124°38.13′ W. long.;
(146) 40°28.22′ N. lat., 124°37.23′ W. long.;
(147) 40°24.86′ N. lat., 124°35.71′ W. long.;
(148) 40°23.01′ N. lat., 124°31.94′ W. long.;
(149) 40°23.39′ N. lat., 124°28.64′ W. long.;
(150) 40°22.29′ N. lat., 124°25.25′ W. long.;
(151) 40°21.90′ N. lat., 124°25.18′ W. long.;
(152) 40°22.02′ N. lat., 124°28.00′ W. long.;
(153) 40°21.34′ N. lat., 124°29.53′ W. long.;
(154) 40°19.74′ N. lat., 124°28.95′ W. long.;
(155) 40°18.13′ N. lat., 124°27.08′ W. long.;
(156) 40°17.45′ N. lat., 124°25.53′ W. long.;
(157) 40°17.97′ N. lat., 124°24.12′ W. long.;
(158) 40°15.96′ N. lat., 124°26.05′ W. long.;
(159) 40°17.00′ N. lat., 124°35.01′ W. long.;
(160) 40°15.97′ N. lat., 124°35.90′ W. long.;
(161) 40°10.00′ N. lat., 124°22.96′ W. long.;
(162) 40°07.00′ N. lat., 124°19.00′ W. long.;
(163) 40°08.10′ N. lat., 124°16.70′ W. long.;
(164) 40°05.90′ N. lat., 124°17.77′ W. long.;
(165) 40°02.99′ N. lat., 124°15.55′ W. long.;
(166) 40°02.00′ N. lat., 124°12.97′ W. long.;
(167) 40°02.60′ N. lat., 124°10.61′ W. long.;
(168) 40°03.63′ N. lat., 124°09.12′ W. long.;
(169) 40°02.18′ N. lat., 124°09.07′ W. long.;
(170) 39°58.25′ N. lat., 124°12.56′ W. long.;
(171) 39°57.03′ N. lat., 124°11.34′ W. long.;
(172) 39°56.30′ N. lat., 124°08.96′ W. long.;
(173) 39°54.82′ N. lat., 124°07.66′ W. long.;
(174) 39°52.57′ N. lat., 124°08.55′ W. long.;
(175) 39°45.34′ N. lat., 124°03.30′ W. long.;
(176) 39°34.75′ N. lat., 123°58.50′ W. long.;
(177) 39°34.22′ N. lat., 123°56.82′ W. long.;
(178) 39°32.98′ N. lat., 123°56.43′ W. long.;
(179) 39°31.47′ N. lat., 123°58.73′ W. long.;
(180) 39°05.68′ N. lat., 123°57.81′ W. long.;
(181) 39°00.24′ N. lat., 123°56.74′ W. long.;
(182) 38°54.31′ N. lat., 123°56.73′ W. long.;
(183) 38°41.42′ N. lat., 123°46.75′ W. long.;
(184) 38°39.61′ N. lat., 123°46.48′ W. long.;
(185) 38°37.52′ N. lat., 123°43.78′ W. long.;
(186) 38°35.25′ N. lat., 123°42.00′ W. long.;
(187) 38°28.79′ N. lat., 123°37.07′ W. long.;
(188) 38°19.88′ N. lat., 123°32.54′ W. long.;
(189) 38°14.43′ N. lat., 123°25.56′ W. long.;

(190) 38°08.75′ N. lat., 123°24.48′ W. long.;
(191) 38°10.10′ N. lat., 123°27.20′ W. long.;
(192) 38°07.16′ N. lat., 123°28.18′ W. long.;
(193) 38°06.42′ N. lat., 123°30.18′ W. long.;
(194) 38°04.28′ N. lat., 123°31.70′ W. long.;
(195) 38°01.88′ N. lat., 123°30.98′ W. long.;
(196) 38°00.75′ N. lat., 123°29.72′ W. long.;
(197) 38°00.00′ N. lat., 123°28.60′ W. long.;
(198) 37°58.23′ N. lat., 123°26.90′ W. long.;
(199) 37°55.32′ N. lat., 123°27.19′ W. long.;
(200) 37°51.47′ N. lat., 123°24.92′ W. long.;
(201) 37°44.47′ N. lat., 123°11.57′ W. long.;
(202) 37°36.33′ N. lat., 123°01.76′ W. long.;
(203) 37°15.16′ N. lat., 122°51.64′ W. long.;
(204) 37°01.68′ N. lat., 122°37.28′ W. long.;
(205) 36°59.70′ N. lat., 122°33.71′ W. long.;
(206) 36°58.00′ N. lat., 122°27.80′ W. long.;
(207) 37°00.25′ N. lat., 122°24.85′ W. long.;
(208) 36°57.50′ N. lat., 122°24.98′ W. long.;
(209) 36°58.38′ N. lat., 122°21.85′ W. long.;
(210) 36°55.85′ N. lat., 122°21.95′ W. long.;
(211) 36°52.02′ N. lat., 122°12.10′ W. long.;
(212) 36°47.63′ N. lat., 122°07.37′ W. long.;
(213) 36°47.26′ N. lat., 122°03.22′ W. long.;
(214) 36°50.34′ N. lat., 121°58.40′ W. long.;
(215) 36°48.83′ N. lat., 121°59.14′ W. long.;
(216) 36°44.81′ N. lat., 121°58.28′ W. long.;
(217) 36°39.00′ N. lat., 122°01.71′ W. long.;
(218) 36°29.60′ N. lat., 122°00.49′ W. long.;
(219) 36°23.43′ N. lat., 121°59.76′ W. long.;
(220) 36°18.90′ N. lat., 122°05.32′ W. long.;
(221) 36°15.38′ N. lat., 122°01.40′ W. long.;
(222) 36°13.79′ N. lat., 121°58.12′ W. long.;
(223) 36°10.12′ N. lat., 121°43.33′ W. long.;
(224) 36°02.57′ N. lat., 121°37.02′ W. long.;
(225) 36°01.01′ N. lat., 121°36.95′ W. long.;
(226) 35°57.74′ N. lat., 121°33.45′ W. long.;
(227) 35°51.32′ N. lat., 121°30.08′ W. long.;
(228) 35°45.84′ N. lat., 121°28.84′ W. long.;
(229) 35°38.94′ N. lat., 121°23.16′ W. long.;
(230) 35°26.00′ N. lat., 121°08.00′ W. long.;
(231) 35°07.42′ N. lat., 120°57.08′ W. long.;
(232) 34°42.76′ N. lat., 120°55.09′ W. long.;
(233) 34°37.75′ N. lat., 120°51.96′ W. long.;
(234) 34°29.29′ N. lat., 120°44.19′ W. long.;
(235) 34°27.00′ N. lat., 120°40.42′ W. long.;
(236) 34°21.89′ N. lat., 120°31.36′ W. long.;
(237) 34°20.79′ N. lat., 120°21.58′ W. long.;
(238) 34°23.97′ N. lat., 120°15.25′ W. long.;
(239) 34°22.11′ N. lat., 119°56.63′ W. long.;
(240) 34°19.00′ N. lat., 119°48.00′ W. long.;
(241) 34°15.00′ N. lat., 119°48.00′ W. long.;
(242) 34°08.00′ N. lat., 119°37.00′ W. long.;
(243) 34°08.39′ N. lat., 119°54.78′ W. long.;
(244) 34°07.10′ N. lat., 120°10.37′ W. long.;
(245) 34°10.08′ N. lat., 120°22.98′ W. long.;
(246) 34°13.16′ N. lat., 120°29.40′ W. long.;
(247) 34°09.41′ N. lat., 120°37.75′ W. long.;
(248) 34°03.15′ N. lat., 120°34.71′ W. long.;
(249) 33°57.09′ N. lat., 120°27.76′ W. long.;
(250) 33°51.00′ N. lat., 120°09.00′ W. long.;
(251) 33°38.16′ N. lat., 119°59.23′ W. long.;
(252) 33°37.04′ N. lat., 119°50.17′ W. long.;
(253) 33°42.28′ N. lat., 119°48.85′ W. long.;
(254) 33°53.96′ N. lat., 119°53.77′ W. long.;
(255) 33°59.94′ N. lat., 119°19.57′ W. long.;
(256) 34°03.12′ N. lat., 119°15.51′ W. long.;
(257) 34°01.97′ N. lat., 119°07.28′ W. long.;
(258) 34°03.60′ N. lat., 119°04.71′ W. long.;
(259) 33°59.30′ N. lat., 119°03.73′ W. long.;
(260) 33°58.87′ N. lat., 118°59.37′ W. long.;
(261) 33°58.08′ N. lat., 118°41.14′ W. long.;
(262) 33°50.93′ N. lat., 118°37.65′ W. long.;
(263) 33°39.54′ N. lat., 118°18.70′ W. long.;
(264) 33°35.42′ N. lat., 118°17.14′ W. long.;
(265) 33°32.15′ N. lat., 118°10.84′ W. long.;
(266) 33°33.71′ N. lat., 117°53.72′ W. long.;
(267) 33°31.17′ N. lat., 117°49.11′ W. long.;
(268) 33°16.53′ N. lat., 117°36.13′ W. long.;
(269) 33°06.77′ N. lat., 117°22.92′ W. long.;
(270) 32°58.94′ N. lat., 117°20.05′ W. long.;
(271) 32°55.83′ N. lat., 117°20.15′ W. long.;
(272) 32°46.29′ N. lat., 117°23.89′ W. long.;
(273) 32°42.00′ N. lat., 117°22.16′ W. long.;
(274) 32°39.47′ N. lat., 117°27.78′ W. long.; and
(275) 32°34.83′ N. lat., 117°24.69′ W. long.

(A) The 150 fm (274 m) depth contour used around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°48.50′ N. lat., 118°18.34′ W. long.;
(2) 32°56.00′ N. lat., 118°29.00′ W. long.;
(3) 33°03.00′ N. lat., 118°34.00′ W. long.;
(4) 33°05.00′ N. lat., 118°38.00′ W. long.;
(5) 33°03.00′ N. lat., 118°40.00′ W. long.;
(6) 32°48.00′ N. lat., 118°31.00′ W. long.;
(7) 32°43.00′ N. lat., 118°24.00′ W. long.; and
(8) 32°48.50′ N. lat., 118°18.34′ W. long.

(B) The 150 fm (274 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°19.00′ N. lat., 118°15.00′ W. long.;
(2) 33°26.00′ N. lat., 118°22.00′ W. long.;
(3) 33°28.00′ N. lat., 118°28.00′ W. long.;
(4) 33°30.00′ N. lat., 118°31.00′ W. long.;
(5) 33°31.00′ N. lat., 118°37.00′ W. long.;
(6) 33°29.00′ N. lat., 118°41.00′ W. long.;

(7) 33°23.00′ N. lat., 118°31.00′ W. long.;
(8) 33°21.00′ N. lat., 118°33.00′ W. long.;
(9) 33°18.00′ N. lat., 118°28.00′ W. long.;
(10) 33°16.00′ N. lat., 118°13.00′ W. long.; and
(11) 33°19.00′ N. lat., 118°15.00′ W. long.

(C) The 150 fm (274 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°25.00′ N. lat., 118°01.00′ W. long.;
(2) 33°25.00′ N. lat., 117°58.00′ W. long.;
(3) 33°23.00′ N. lat., 117°58.00′ W. long.;
(4) 33°23.00′ N. lat., 118°01.00′ W. long.; and
(5) 33°25.00′ N. lat., 118°01.00′ W. long.

(x) The 180 fm (329 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.82′ N. lat., 125°41.61′ W. long.;
(2) 48°12.86′ N. lat., 125°37.95′ W. long.;
(3) 48°11.28′ N. lat., 125°39.67′ W. long.;
(4) 48°10.13′ N. lat., 125°42.62′ W. long.;
(5) 48°08.86′ N. lat., 125°41.92′ W. long.;
(6) 48°08.15′ N. lat., 125°44.95′ W. long.;
(7) 48°07.18′ N. lat., 125°45.67′ W. long.;
(8) 48°05.79′ N. lat., 125°44.64′ W. long.;
(9) 48°06.04′ N. lat., 125°41.84′ W. long.;
(10) 48°04.26′ N. lat., 125°40.09′ W. long.;
(11) 48°04.18′ N. lat., 125°36.94′ W. long.;
(12) 48°03.02′ N. lat., 125°36.24′ W. long.;
(13) 48°01.75′ N. lat., 125°37.42′ W. long.;
(14) 48°01.39′ N. lat., 125°39.42′ W. long.;
(15) 47°57.08′ N. lat., 125°36.51′ W. long.;
(16) 47°55.20′ N. lat., 125°36.62′ W. long.;
(17) 47°54.33′ N. lat., 125°34.98′ W. long.;
(18) 47°54.73′ N. lat., 125°31.95′ W. long.;
(19) 47°56.39′ N. lat., 125°30.22′ W. long.;
(20) 47°55.86′ N. lat., 125°28.54′ W. long.;
(21) 47°58.07′ N. lat., 125°25.72′ W. long.;
(22) 48°00.81′ N. lat., 125°24.39′ W. long.;
(23) 48°01.81′ N. lat., 125°23.76′ W. long.;
(24) 48°02.16′ N. lat., 125°22.71′ W. long.;
(25) 48°03.46′ N. lat., 125°22.01′ W. long.;
(26) 48°04.21′ N. lat., 125°20.40′ W. long.;
(27) 48°03.15′ N. lat., 125°19.50′ W. long.;
(28) 48°01.92′ N. lat., 125°18.69′ W. long.;
(29) 48°00.85′ N. lat., 125°20.02′ W. long.;
(30) 48°00.12′ N. lat., 125°20.04′ W. long.;
(31) 47°58.18′ N. lat., 125°18.78′ W. long.;
(32) 47°58.24′ N. lat., 125°17.26′ W. long.;
(33) 47°52.47′ N. lat., 125°15.30′ W. long.;
(34) 47°52.13′ N. lat., 125°12.95′ W. long.;
(35) 47°50.60′ N. lat., 125°10.65′ W. long.;
(36) 47°49.39′ N. lat., 125°10.59′ W. long.;
(37) 47°48.74′ N. lat., 125°06.07′ W. long.;
(38) 47°47.03′ N. lat., 125°06.95′ W. long.;
(39) 47°47.46′ N. lat., 125°05.20′ W. long.;
(40) 47°45.88′ N. lat., 125°04.50′ W. long.;
(41) 47°44.51′ N. lat., 125°06.64′ W. long.;
(42) 47°42.22′ N. lat., 125°04.86′ W. long.;
(43) 47°38.49′ N. lat., 125°06.32′ W. long.;
(44) 47°34.93′ N. lat., 125°04.34′ W. long.;
(45) 47°30.85′ N. lat., 124°57.42′ W. long.;
(46) 47°28.80′ N. lat., 124°56.51′ W. long.;
(47) 47°29.25′ N. lat., 124°53.92′ W. long.;
(48) 47°28.29′ N. lat., 124°51.32′ W. long.;
(49) 47°24.04′ N. lat., 124°47.38′ W. long.;
(50) 47°18.24′ N. lat., 124°45.97′ W. long.;
(51) 47°19.36′ N. lat., 124°50.96′ W. long.;
(52) 47°18.07′ N. lat., 124°53.38′ W. long.;
(53) 47°17.73′ N. lat., 124°52.83′ W. long.;
(54) 47°17.77′ N. lat., 124°51.56′ W. long.;
(55) 47°16.84′ N. lat., 124°50.94′ W. long.;
(56) 47°16.01′ N. lat., 124°53.36′ W. long.;
(57) 47°14.32′ N. lat., 124°52.73′ W. long.;
(58) 47°11.97′ N. lat., 124°56.81′ W. long.;
(59) 47°12.93′ N. lat., 124°58.47′ W. long.;
(60) 47°09.43′ N. lat., 124°57.99′ W. long.;
(61) 47°09.36′ N. lat., 124°59.29′ W. long.;
(62) 47°05.88′ N. lat., 124°59.06′ W. long.;
(63) 47°03.64′ N. lat., 124°56.07′ W. long.;
(64) 47°01.00′ N. lat., 124°59.69′ W. long.;
(65) 46°58.72′ N. lat., 124°59.17′ W. long.;
(66) 46°58.30′ N. lat., 125°00.60′ W. long.;
(67) 46°55.61′ N. lat., 125°01.19′ W. long.;
(68) 46°56.96′ N. lat., 124°58.85′ W. long.;
(69) 46°55.91′ N. lat., 124°54.98′ W. long.;
(70) 46°54.55′ N. lat., 124°54.21′ W. long.;
(71) 46°56.80′ N. lat., 124°50.55′ W. long.;
(72) 46°54.87′ N. lat., 124°49.59′ W. long.;
(73) 46°54.63′ N. lat., 124°53.48′ W. long.;
(74) 46°52.33′ N. lat., 124°54.75′ W. long.;
(75) 46°45.12′ N. lat., 124°51.82′ W. long.;
(76) 46°39.20′ N. lat., 124°47.02′ W. long.;
(77) 46°33.45′ N. lat., 124°36.61′ W. long.;
(78) 46°33.37′ N. lat., 124°30.21′ W. long.;
(79) 46°31.67′ N. lat., 124°31.41′ W. long.;
(80) 46°27.87′ N. lat., 124°32.04′ W. long.;
(81) 46°21.01′ N. lat., 124°37.63′ W. long.;
(82) 46°18.58′ N. lat., 124°38.92′ W. long.;
(83) 46°16.00′ N. lat., 124°36.17′ W. long.;
(84) 46°15.97′ N. lat., 124°23.57′ W. long.;
(85) 46°12.85′ N. lat., 124°35.52′ W. long.;
(86) 46°12.27′ N. lat., 124°38.69′ W. long.;
(87) 46°08.71′ N. lat., 124°41.27′ W. long.;
(88) 46°05.79′ N. lat., 124°42.12′ W. long.;
(89) 46°02.84′ N. lat., 124°48.05′ W. long.;

(90) 46°02.41′ N. lat., 124°48.15′ W. long.;
(91) 45°58.96′ N. lat., 124°43.98′ W. long.;
(92) 45°47.05′ N. lat., 124°43.25′ W. long.;
(93) 45°44.00′ N. lat., 124°45.37′ W. long.;
(94) 45°34.97′ N. lat., 124°31.95′ W. long.;
(95) 45°13.01′ N. lat., 124°21.71′ W. long.;
(96) 45°09.59′ N. lat., 124°22.78′ W. long.;
(97) 45°00.22′ N. lat., 124°28.31′ W. long.;
(98) 44°53.53′ N. lat., 124°32.98′ W. long.;
(99) 44°40.25′ N. lat., 124°46.34′ W. long.;
(100) 44°28.83′ N. lat., 124°47.09′ W. long.;
(101) 44°22.97′ N. lat., 124°49.38′ W. long.;
(102) 44°13.07′ N. lat., 124°58.34′ W. long.;
(103) 43°57.99′ N. lat., 124°57.84′ W. long.;
(104) 43°51.43′ N. lat., 124°52.02′ W. long.;
(105) 43°50.72′ N. lat., 124°39.23′ W. long.;
(106) 43°39.04′ N. lat., 124°37.82′ W. long.;
(107) 43°27.76′ N. lat., 124°39.76′ W. long.;
(108) 43°20.22′ N. lat., 124°42.92′ W. long.;
(109) 43°13.07′ N. lat., 124°46.03′ W. long.;
(110) 43°10.43′ N. lat., 124°50.27′ W. long.;
(111) 43°03.47′ N. lat., 124°52.80′ W. long.;
(112) 42°56.93′ N. lat., 124°53.95′ W. long.;
(113) 42°54.74′ N. lat., 124°54.19′ W. long.;
(114) 42°49.43′ N. lat., 124°52.03′ W. long.;
(115) 42°47.68′ N. lat., 124°47.72′ W. long.;
(116) 42°46.17′ N. lat., 124°44.05′ W. long.;
(117) 42°41.67′ N. lat., 124°44.36′ W. long.;
(118) 42°38.79′ N. lat., 124°42.87′ W. long.;
(119) 42°32.39′ N. lat., 124°45.38′ W. long.;
(120) 42°32.07′ N. lat., 124°43.44′ W. long.;
(121) 42°30.98′ N. lat., 124°43.84′ W. long.;
(122) 42°28.37′ N. lat., 124°48.91′ W. long.;
(123) 42°20.07′ N. lat., 124°41.59′ W. long.;
(124) 42°15.05′ N. lat., 124°38.07′ W. long.;
(125) 42°07.37′ N. lat., 124°37.25′ W. long.;
(126) 42°04.93′ N. lat., 124°36.79′ W. long.;
(127) 42°00.00′ N. lat., 124°36.26′ W. long.;
(128) 42°00.00′ N. lat., 124°36.33′ W. long.;
(129) 41°47.60′ N. lat., 124°29.75′ W. long.;
(130) 41°22.07′ N. lat., 124°29.55′ W. long.;
(131) 41°13.58′ N. lat., 124°24.17′ W. long.;
(132) 41°06.51′ N. lat., 124°23.07′ W. long.;
(133) 40°55.20′ N. lat., 124°27.46′ W. long.;
(134) 40°49.76′ N. lat., 124°27.17′ W. long.;
(135) 40°45.79′ N. lat., 124°30.37′ W. long.;
(136) 40°40.31′ N. lat., 124°32.47′ W. long.;
(137) 40°37.42′ N. lat., 124°37.20′ W. long.;
(138) 40°36.03′ N. lat., 124°39.97′ W. long.;
(139) 40°31.48′ N. lat., 124°40.95′ W. long.;
(140) 40°29.76′ N. lat., 124°38.13′ W. long.;
(141) 40°24.81′ N. lat., 124°35.82′ W. long.;
(142) 40°22.00′ N. lat., 124°30.01′ W. long.;
(143) 40°16.84′ N. lat., 124°29.87′ W. long.;
(144) 40°17.06′ N. lat., 124°35.51′ W. long.;
(145) 40°16.41′ N. lat., 124°39.10′ W. long.;
(146) 40°10.00′ N. lat., 124°23.56′ W. long.;
(147) 40°06.67′ N. lat., 124°19.08′ W. long.;
(148) 40°08.10′ N. lat., 124°16.71′ W. long.;
(149) 40°05.90′ N. lat., 124°17.77′ W. long.;
(150) 40°02.80′ N. lat., 124°16.28′ W. long.;
(151) 40°01.98′ N. lat., 124°12.99′ W. long.;
(152) 40°01.53′ N. lat., 124°09.82′ W. long.;
(153) 39°58.28′ N. lat., 124°12.93′ W. long.;
(154) 39°57.06′ N. lat., 124°12.03′ W. long.;
(155) 39°56.31′ N. lat., 124°08.98′ W. long.;
(156) 39°55.20′ N. lat., 124°07.98′ W. long.;
(157) 39°52.57′ N. lat., 124°09.04′ W. long.;
(158) 39°42.78′ N. lat., 124°02.11′ W. long.;
(159) 39°34.76′ N. lat., 123°58.51′ W. long.;
(160) 39°34.22′ N. lat., 123°56.82′ W. long.;
(161) 39°32.98′ N. lat., 123°56.43′ W. long.;
(162) 39°32.14′ N. lat., 123°58.83′ W. long.;
(163) 39°07.79′ N. lat., 123°58.72′ W. long.;
(164) 39°00.99′ N. lat., 123°57.56′ W. long.;
(165) 39°00.05′ N. lat., 123°56.83′ W. long.;
(166) 38°56.28′ N. lat., 123°57.53′ W. long.;
(167) 38°56.01′ N. lat., 123°58.72′ W. long.;
(168) 38°52.41′ N. lat., 123°56.38′ W. long.;
(169) 38°46.81′ N. lat., 123°51.46′ W. long.;
(170) 38°45.56′ N. lat., 123°51.32′ W. long.;
(171) 38°43.24′ N. lat., 123°49.91′ W. long.;
(172) 38°41.42′ N. lat., 123°47.22′ W. long.;
(173) 38°40.97′ N. lat., 123°47.80′ W. long.;
(174) 38°38.58′ N. lat., 123°46.07′ W. long.;
(175) 38°37.38′ N. lat., 123°43.80′ W. long.;
(176) 38°33.86′ N. lat., 123°41.51′ W. long.;
(177) 38°29.45′ N. lat., 123°38.42′ W. long.;
(178) 38°28.20′ N. lat., 123°38.17′ W. long.;
(179) 38°24.09′ N. lat., 123°35.26′ W. long.;
(180) 38°16.72′ N. lat., 123°31.42′ W. long.;
(181) 38°15.32′ N. lat., 123°29.33′ W. long.;
(182) 38°14.45′ N. lat., 123°26.15′ W. long.;
(183) 38°10.26′ N. lat., 123°25.43′ W. long.;
(184) 38°12.61′ N. lat., 123°28.08′ W. long.;
(185) 38°11.98′ N. lat., 123°29.35′ W. long.;
(186) 38°08.23′ N. lat., 123°28.04′ W. long.;
(187) 38°06.39′ N. lat., 123°30.59′ W. long.;
(188) 38°04.25′ N. lat., 123°31.81′ W. long.;
(189) 38°02.08′ N. lat., 123°31.27′ W. long.;
(190) 38°00.17′ N. lat., 123°29.43′ W. long.;
(191) 38°00.00′ N. lat., 123°28.55′ W. long.;
(192) 37°58.24′ N. lat., 123°26.91′ W. long.;
(193) 37°55.32′ N. lat., 123°27.19′ W. long.;
(194) 37°51.52′ N. lat., 123°25.01′ W. long.;

(195) 37°44.21′ N. lat., 123°11.38′ W. long.;
(196) 37°36.27′ N. lat., 123°01.86′ W. long.;
(197) 37°14.29′ N. lat., 122°52.99′ W. long.;
(198) 37°00.86′ N. lat., 122°37.55′ W. long.;
(199) 36°59.71′ N. lat., 122°33.73′ W. long.;
(200) 36°57.98′ N. lat., 122°27.80′ W. long.;
(201) 36°59.83′ N. lat., 122°25.17′ W. long.;
(202) 36°57.21′ N. lat., 122°25.17′ W. long.;
(203) 36°57.79′ N. lat., 122°22.28′ W. long.;
(204) 36°55.86′ N. lat., 122°21.99′ W. long.;
(205) 36°52.06′ N. lat., 122°12.12′ W. long.;
(206) 36°47.63′ N. lat., 122°07.40′ W. long.;
(207) 36°47.26′ N. lat., 122°03.23′ W. long.;
(208) 36°49.53′ N. lat., 121°59.35′ W. long.;
(209) 36°44.81′ N. lat., 121°58.29′ W. long.;
(210) 36°38.95′ N. lat., 122°02.02′ W. long.;
(211) 36°23.43′ N. lat., 121°59.76′ W. long.;
(212) 36°19.66′ N. lat., 122°06.25′ W. long.;
(213) 36°14.78′ N. lat., 122°01.52′ W. long.;
(214) 36°13.64′ N. lat., 121°57.83′ W. long.;
(215) 36°09.99′ N. lat., 121°43.48′ W. long.;
(216) 35°57.09′ N. lat., 121°34.16′ W. long.;
(217) 35°52.71′ N. lat., 121°32.32′ W. long.;
(218) 35°51.23′ N. lat., 121°30.54′ W. long.;
(219) 35°46.07′ N. lat., 121°29.75′ W. long.;
(220) 35°34.08′ N. lat., 121°19.83′ W. long.;
(221) 35°31.41′ N. lat., 121°14.80′ W. long.;
(222) 35°15.42′ N. lat., 121°03.47′ W. long.;
(223) 35°07.70′ N. lat., 120°59.31′ W. long.;
(224) 34°57.27′ N. lat., 120°56.93′ W. long.;
(225) 34°44.27′ N. lat., 120°57.65′ W. long.;
(226) 34°32.75′ N. lat., 120°50.08′ W. long.;
(227) 34°27.00′ N. lat., 120°41.50′ W. long.;
(228) 34°20.00′ N. lat., 120°30.99′ W. long.;
(229) 34°19.15′ N. lat., 120°19.78′ W. long.;
(230) 34°23.24′ N. lat., 120°14.17′ W. long.;
(231) 34°21.35′ N. lat., 119°54.89′ W. long.;
(232) 34°09.79′ N. lat., 119°44.51′ W. long.;
(233) 34°07.34′ N. lat., 120°06.71′ W. long.;
(234) 34°09.74′ N. lat., 120°19.78′ W. long.;
(235) 34°13.95′ N. lat., 120°29.78′ W. long.;
(236) 34°09.41′ N. lat., 120°37.75′ W. long.;
(237) 34°03.39′ N. lat., 120°35.26′ W. long.;
(238) 33°56.82′ N. lat., 120°28.30′ W. long.;
(239) 33°50.71′ N. lat., 120°09.24′ W. long.;
(240) 33°38.21′ N. lat., 119°59.90′ W. long.;
(241) 33°35.35′ N. lat., 119°51.95′ W. long.;
(242) 33°35.99′ N. lat., 119°49.13′ W. long.;
(243) 33°42.74′ N. lat., 119°47.80′ W. long.;
(244) 33°53.65′ N. lat., 119°53.29′ W. long.;
(245) 33°57.85′ N. lat., 119°31.05′ W. long.;
(246) 33°56.78′ N. lat., 119°27.44′ W. long.;
(247) 33°58.03′ N. lat., 119°27.82′ W. long.;
(248) 33°59.31′ N. lat., 119°20.02′ W. long.;
(249) 34°02.91′ N. lat., 119°15.38′ W. long.;
(250) 33°59.04′ N. lat., 119°03.02′ W. long.;
(251) 33°57.88′ N. lat., 118°41.69′ W. long.;
(252) 33°50.89′ N. lat., 118°37.78′ W. long.;
(253) 33°39.54′ N. lat., 118°18.70′ W. long.;
(254) 33°35.42′ N. lat., 118°17.15′ W. long.;
(255) 33°31.26′ N. lat., 118°10.84′ W. long.;
(256) 33°32.71′ N. lat., 117°52.05′ W. long.;
(257) 32°58.94′ N. lat., 117°20.05′ W. long.;
(258) 32°46.45′ N. lat., 117°24.37′ W. long.;
(259) 32°42.25′ N. lat., 117°22.87′ W. long.;
(260) 32°39.50′ N. lat., 117°27.80′ W. long.; and
(261) 32°34.83′ N. lat., 117°24.67′ W. long.

(xi) The 200 fm (366 m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.75′ N. lat., 125°41.73′ W. long.;
(2) 48°12.85′ N. lat., 125°38.06′ W. long.;
(3) 48°11.52′ N. lat., 125°39.45′ W. long.;
(4) 48°10.14′ N. lat., 125°42.81′ W. long.;
(5) 48°08.96′ N. lat., 125°42.08′ W. long.;
(6) 48°08.33′ N. lat., 125°44.91′ W. long.;
(7) 48°07.19′ N. lat., 125°45.87′ W. long.;
(8) 48°05.66′ N. lat., 125°44.79′ W. long.;
(9) 48°05.91′ N. lat., 125°42.16′ W. long.;
(10) 48°04.11′ N. lat., 125°40.17′ W. long.;
(11) 48°04.07′ N. lat., 125°36.96′ W. long.;
(12) 48°03.05′ N. lat., 125°36.38′ W. long.;
(13) 48°01.98′ N. lat., 125°37.41′ W. long.;
(14) 48°01.46′ N. lat., 125°39.61′ W. long.;
(15) 47°57.28′ N. lat., 125°36.87′ W. long.;
(16) 47°55.11′ N. lat., 125°36.92′ W. long.;
(17) 47°54.09′ N. lat., 125°34.98′ W. long.;
(18) 47°54.50′ N. lat., 125°32.01′ W. long.;
(19) 47°56.07′ N. lat., 125°30.17′ W. long.;
(20) 47°55.65′ N. lat., 125°28.46′ W. long.;
(21) 47°57.88′ N. lat., 125°25.61′ W. long.;
(22) 48°01.63′ N. lat., 125°23.75′ W. long.;
(23) 48°02.21′ N. lat., 125°22.43′ W. long.;
(24) 48°03.60′ N. lat., 125°21.84′ W. long.;
(25) 48°03.98′ N. lat., 125°20.65′ W. long.;
(26) 48°03.26′ N. lat., 125°19.76′ W. long.;
(27) 48°01.49′ N. lat., 125°18.80′ W. long.;
(28) 48°01.03′ N. lat., 125°20.12′ W. long.;
(29) 48°00.04′ N. lat., 125°20.26′ W. long.;
(30) 47°58.10′ N. lat., 125°18.91′ W. long.;
(31) 47°58.17′ N. lat., 125°17.50′ W. long.;
(32) 47°52.28′ N. lat., 125°16.06′ W. long.;
(33) 47°51.92′ N. lat., 125°13.89′ W. long.;
(34) 47°49.20′ N. lat., 125°10.67′ W. long.;
(35) 47°48.69′ N. lat., 125°06.50′ W. long.;

(36) 47°46.54′ N. lat., 125°07.68′ W. long.;
(37) 47°47.24′ N. lat., 125°05.38′ W. long.;
(38) 47°45.95′ N. lat., 125°04.61′ W. long.;
(39) 47°44.58′ N. lat., 125°07.12′ W. long.;
(40) 47°42.24′ N. lat., 125°05.15′ W. long.;
(41) 47°38.54′ N. lat., 125°06.76′ W. long.;
(42) 47°34.86′ N. lat., 125°04.67′ W. long.;
(43) 47°30.75′ N. lat., 124°57.52′ W. long.;
(44) 47°28.51′ N. lat., 124°56.69′ W. long.;
(45) 47°29.15′ N. lat., 124°54.10′ W. long.;
(46) 47°28.43′ N. lat., 124°51.58′ W. long.;
(47) 47°24.13′ N. lat., 124°47.51′ W. long.;
(48) 47°18.31′ N. lat., 124°46.17′ W. long.;
(49) 47°19.57′ N. lat., 124°51.01′ W. long.;
(50) 47°18.12′ N. lat., 124°53.66′ W. long.;
(51) 47°17.59′ N. lat., 124°52.94′ W. long.;
(52) 47°17.71′ N. lat., 124°51.63′ W. long.;
(53) 47°16.90′ N. lat., 124°51.23′ W. long.;
(54) 47°16.10′ N. lat., 124°53.67′ W. long.;
(55) 47°14.24′ N. lat., 124°53.02′ W. long.;
(56) 47°12.16′ N. lat., 124°56.77′ W. long.;
(57) 47°13.35′ N. lat., 124°58.70′ W. long.;
(58) 47°09.53′ N. lat., 124°58.32′ W. long.;
(59) 47°09.54′ N. lat., 124°59.50′ W. long.;
(60) 47°05.87′ N. lat., 124°59.29′ W. long.;
(61) 47°03.65′ N. lat., 124°56.26′ W. long.;
(62) 47°00.91′ N. lat., 124°59.73′ W. long.;
(63) 46°58.74′ N. lat., 124°59.40′ W. long.;
(64) 46°58.55′ N. lat., 125°00.70′ W. long.;
(65) 46°55.57′ N. lat., 125°01.61′ W. long.;
(66) 46°55.77′ N. lat., 124°55.04′ W. long.;
(67) 46°53.16′ N. lat., 124°53.69′ W. long.;
(68) 46°52.39′ N. lat., 124°55.24′ W. long.;
(69) 46°44.88′ N. lat., 124°51.97′ W. long.;
(70) 46°33.28′ N. lat., 124°36.96′ W. long.;
(71) 46°33.20′ N. lat., 124°30.64′ W. long.;
(72) 46°27.85′ N. lat., 124°31.95′ W. long.;
(73) 46°18.16′ N. lat., 124°39.39′ W. long.;
(74) 46°16.48′ N. lat., 124°27.41′ W. long.;
(75) 46°16.73′ N. lat., 124°23.20′ W. long.;
(76) 46°16.00′ N. lat., 124°24.88′ W. long.;
(77) 46°14.22′ N. lat., 124°26.28′ W. long.;
(78) 46°11.53′ N. lat., 124°39.58′ W. long.;
(79) 46°08.77′ N. lat., 124°41.71′ W. long.;
(80) 46°05.86′ N. lat., 124°42.27′ W. long.;
(81) 46°03.85′ N. lat., 124°48.20′ W. long.;
(82) 46°02.34′ N. lat., 124°48.51′ W. long.;
(83) 45°58.99′ N. lat., 124°44.42′ W. long.;
(84) 45°46.90′ N. lat., 124°43.50′ W. long.;
(85) 45°44.98′ N. lat., 124°44.93′ W. long.;
(86) 45°43.47′ N. lat., 124°44.93′ W. long.;
(87) 45°34.88′ N. lat., 124°32.58′ W. long.;
(88) 45°13.04′ N. lat., 124°21.92′ W. long.;
(89) 45°00.17′ N. lat., 124°29.28′ W. long.;
(90) 44°55.41′ N. lat., 124°31.84′ W. long.;
(91) 44°48.25′ N. lat., 124°40.62′ W. long.;
(92) 44°41.34′ N. lat., 124°49.20′ W. long.;
(93) 44°23.30′ N. lat., 124°50.17′ W. long.;
(94) 44°13.19′ N. lat., 124°58.66′ W. long.;
(95) 43°57.89′ N. lat., 124°58.13′ W. long.;
(96) 43°50.59′ N. lat., 124°52.80′ W. long.;
(97) 43°50.10′ N. lat., 124°40.27′ W. long.;
(98) 43°39.06′ N. lat., 124°38.55′ W. long.;
(99) 43°28.85′ N. lat., 124°39.99′ W. long.;
(100) 43°20.22′ N. lat., 124°43.05′ W. long.;
(101) 43°13.29′ N. lat., 124°47.00′ W. long.;
(102) 43°13.14′ N. lat., 124°52.61′ W. long.;
(103) 43°04.26′ N. lat., 124°53.05′ W. long.;
(104) 42°53.93′ N. lat., 124°54.60′ W. long.;
(105) 42°49.52′ N. lat., 124°53.16′ W. long.;
(106) 42°47.46′ N. lat., 124°50.24′ W. long.;
(107) 42°47.57′ N. lat., 124°48.12′ W. long.;
(108) 42°46.19′ N. lat., 124°44.52′ W. long.;
(109) 42°41.75′ N. lat., 124°44.69′ W. long.;
(110) 42°38.81′ N. lat., 124°43.09′ W. long.;
(111) 42°31.83′ N. lat., 124°46.23′ W. long.;
(112) 42°32.08′ N. lat., 124°43.58′ W. long.;
(113) 42°30.96′ N. lat., 124°43.84′ W. long.;
(114) 42°28.41′ N. lat., 124°49.17′ W. long.;
(115) 42°24.80′ N. lat., 124°45.93′ W. long.;
(116) 42°19.71′ N. lat., 124°41.60′ W. long.;
(117) 42°15.12′ N. lat., 124°38.34′ W. long.;
(118) 42°12.35′ N. lat., 124°38.09′ W. long.;
(119) 42°04.38′ N. lat., 124°36.83′ W. long.;
(120) 42°00.00′ N. lat., 124°36.80′ W. long.;
(121) 41°59.98′ N. lat., 124°36.70′ W. long.;
(122) 41°47.85′ N. lat., 124°30.41′ W. long.;
(123) 41°43.34′ N. lat., 124°29.89′ W. long.;
(124) 41°23.47′ N. lat., 124°30.29′ W. long.;
(125) 41°21.30′ N. lat., 124°29.36′ W. long.;
(126) 41°13.53′ N. lat., 124°24.41′ W. long.;
(127) 41°06.72′ N. lat., 124°23.30′ W. long.;
(128) 40°54.67′ N. lat., 124°28.13′ W. long.;
(129) 40°49.02′ N. lat., 124°28.52′ W. long.;
(130) 40°40.45′ N. lat., 124°32.74′ W. long.;
(131) 40°37.11′ N. lat., 124°38.03′ W. long.;
(132) 40°34.22′ N. lat., 124°41.13′ W. long.;
(133) 40°32.90′ N. lat., 124°41.83′ W. long.;
(134) 40°31.30′ N. lat., 124°40.97′ W. long.;
(135) 40°29.63′ N. lat., 124°38.04′ W. long.;
(136) 40°24.99′ N. lat., 124°36.37′ W. long.;
(137) 40°22.23′ N. lat., 124°31.78′ W. long.;
(138) 40°16.95′ N. lat., 124°31.93′ W. long.;
(139) 40°17.59′ N. lat., 124°45.23′ W. long.;
(140) 40°13.25′ N. lat., 124°32.36′ W. long.;

(141) 40°10.16′ N. lat., 124°24.57′ W. long.;
(142) 40°06.43′ N. lat., 124°19.19′ W. long.;
(143) 40°07.07′ N. lat., 124°17.75′ W. long.;
(144) 40°05.53′ N. lat., 124°18.02′ W. long.;
(145) 40°04.71′ N. lat., 124°18.10′ W. long.;
(146) 40°02.35′ N. lat., 124°16.57′ W. long.;
(147) 40°01.53′ N. lat., 124°09.82′ W. long.;
(148) 39°58.28′ N. lat., 124°13.51′ W. long.;
(149) 39°56.60′ N. lat., 124°12.02′ W. long.;
(150) 39°55.20′ N. lat., 124°07.96′ W. long.;
(151) 39°52.55′ N. lat., 124°09.40′ W. long.;
(152) 39°42.68′ N. lat., 124°02.52′ W. long.;
(153) 39°35.96′ N. lat., 123°59.49′ W. long.;
(154) 39°34.62′ N. lat., 123°59.59′ W. long.;
(155) 39°33.78′ N. lat., 123°56.82′ W. long.;
(156) 39°33.02′ N. lat., 123°57.07′ W. long.;
(157) 39°32.21′ N. lat., 123°59.13′ W. long.;
(158) 39°07.85′ N. lat., 123°59.07′ W. long.;
(159) 39°00.90′ N. lat., 123°57.88′ W. long.;
(160) 38°59.95′ N. lat., 123°56.99′ W. long.;
(161) 38°56.82′ N. lat., 123°57.74′ W. long.;
(162) 38°56.40′ N. lat., 123°59.41′ W. long.;
(163) 38°50.23′ N. lat., 123°55.48′ W. long.;
(164) 38°46.77′ N. lat., 123°51.49′ W. long.;
(165) 38°45.28′ N. lat., 123°51.56′ W. long.;
(166) 38°42.76′ N. lat., 123°49.76′ W. long.;
(167) 38°41.54′ N. lat., 123°47.76′ W. long.;
(168) 38°40.98′ N. lat., 123°48.07′ W. long.;
(169) 38°38.03′ N. lat., 123°45.78′ W. long.;
(170) 38°37.20′ N. lat., 123°44.01′ W. long.;
(171) 38°33.44′ N. lat., 123°41.75′ W. long.;
(172) 38°29.45′ N. lat., 123°38.42′ W. long.;
(173) 38°27.89′ N. lat., 123°38.38′ W. long.;
(174) 38°23.68′ N. lat., 123°35.40′ W. long.;
(175) 38°19.63′ N. lat., 123°33.98′ W. long.;
(176) 38°16.23′ N. lat., 123°31.83′ W. long.;
(177) 38°14.79′ N. lat., 123°29.91′ W. long.;
(178) 38°14.12′ N. lat., 123°26.29′ W. long.;
(179) 38°10.85′ N. lat., 123°25.77′ W. long.;
(180) 38°13.15′ N. lat., 123°28.18′ W. long.;
(181) 38°12.28′ N. lat., 123°29.81′ W. long.;
(182) 38°10.19′ N. lat., 123°29.04′ W. long.;
(183) 38°07.94′ N. lat., 123°28.45′ W. long.;
(184) 38°06.51′ N. lat., 123°30.89′ W. long.;
(185) 38°04.21′ N. lat., 123°31.96′ W. long.;
(186) 38°02.07′ N. lat., 123°31.30′ W. long.;
(187) 38°00.00′ N. lat., 123°29.55′ W. long.;
(188) 37°58.13′ N. lat., 123°27.21′ W. long.;
(189) 37°55.01′ N. lat., 123°27.46′ W. long.;
(190) 37°51.40′ N. lat., 123°25.18′ W. long.;
(191) 37°43.97′ N. lat., 123°11.49′ W. long.;
(192) 37°36.00′ N. lat., 123°02.25′ W. long.;
(193) 37°13.65′ N. lat., 122°54.18′ W. long.;
(194) 37°00.66′ N. lat., 122°37.84′ W. long.;
(195) 36°57.40′ N. lat., 122°28.25′ W. long.;
(196) 36°59.25′ N. lat., 122°25.54′ W. long.;
(197) 36°56.88′ N. lat., 122°25.42′ W. long.;
(198) 36°57.40′ N. lat., 122°22.62′ W. long.;
(199) 36°55.43′ N. lat., 122°22.43′ W. long.;
(200) 36°52.29′ N. lat., 122°13.18′ W. long.;
(201) 36°47.12′ N. lat., 122°07.56′ W. long.;
(202) 36°47.10′ N. lat., 122°02.11′ W. long.;
(203) 36°43.76′ N. lat., 121°59.11′ W. long.;
(204) 36°38.85′ N. lat., 122°02.20′ W. long.;
(205) 36°23.41′ N. lat., 122°00.11′ W. long.;
(206) 36°19.68′ N. lat., 122°06.93′ W. long.;
(207) 36°14.75′ N. lat., 122°01.51′ W. long.;
(208) 36°09.74′ N. lat., 121°45.00′ W. long.;
(209) 36°06.67′ N. lat., 121°41.06′ W. long.;
(210) 35°57.07′ N. lat., 121°34.32′ W. long.;
(211) 35°52.31′ N. lat., 121°32.45′ W. long.;
(212) 35°51.21′ N. lat., 121°30.91′ W. long.;
(213) 35°46.32′ N. lat., 121°30.30′ W. long.;
(214) 35°33.74′ N. lat., 121°20.10′ W. long.;
(215) 35°31.37′ N. lat., 121°15.23′ W. long.;
(216) 35°23.32′ N. lat., 121°11.44′ W. long.;
(217) 35°15.28′ N. lat., 121°04.45′ W. long.;
(218) 35°07.08′ N. lat., 121°00.30′ W. long.;
(219) 34°57.46′ N. lat., 120°58.23′ W. long.;
(220) 34°44.25′ N. lat., 120°58.29′ W. long.;
(221) 34°32.30′ N. lat., 120°50.22′ W. long.;
(222) 34°27.00′ N. lat., 120°42.55′ W. long.;
(223) 34°19.08′ N. lat., 120°31.21′ W. long.;
(224) 34°17.72′ N. lat., 120°19.26′ W. long.;
(225) 34°22.45′ N. lat., 120°12.81′ W. long.;
(226) 34°21.36′ N. lat., 119°54.88′ W. long.;
(227) 34°09.95′ N. lat., 119°46.18′ W. long.;
(228) 34°09.08′ N. lat., 119°57.53′ W. long.;
(229) 34°07.53′ N. lat., 120°06.35′ W. long.;
(230) 34°10.54′ N. lat., 120°19.07′ W. long.;
(231) 34°14.68′ N. lat., 120°29.48′ W. long.;
(232) 34°09.51′ N. lat., 120°38.32′ W. long.;
(233) 34°03.06′ N. lat., 120°35.54′ W. long.;
(234) 33°56.39′ N. lat., 120°28.47′ W. long.;
(235) 33°50.25′ N. lat., 120°09.43′ W. long.;
(236) 33°37.96′ N. lat., 120°00.08′ W. long.;
(237) 33°34.52′ N. lat., 119°51.84′ W. long.;
(238) 33°35.51′ N. lat., 119°48.49′ W. long.;
(239) 33°42.76′ N. lat., 119°47.77′ W. long.;
(240) 33°53.62′ N. lat., 119°53.28′ W. long.;
(241) 33°57.61′ N. lat., 119°31.26′ W. long.;
(242) 33°56.34′ N. lat., 119°26.40′ W. long.;
(243) 33°57.79′ N. lat., 119°26.85′ W. long.;
(244) 33°58.88′ N. lat., 119°20.06′ W. long.;
(245) 34°02.65′ N. lat., 119°15.11′ W. long.;

(246) 33°59.02′ N. lat., 119°02.99′ W. long.;
(247) 33°57.61′ N. lat., 118°42.07′ W. long.;
(248) 33°50.76′ N. lat., 118°37.98′ W. long.;
(249) 33°38.41′ N. lat., 118°17.03′ W. long.;
(250) 33°37.14′ N. lat., 118°18.39′ W. long.;
(251) 33°35.51′ N. lat., 118°18.03′ W. long.;
(252) 33°30.68′ N. lat., 118°10.35′ W. long.;
(253) 33°32.49′ N. lat., 117°51.85′ W. long.;
(254) 32°58.87′ N. lat., 117°20.36′ W. long.; and
(255) 32°35.53′ N. lat., 117°29.67′ W. long.

(A) The 200 fm (366 m) depth contour used around San Clemente Island is defined by straight lines connecting all of the following points in the order stated:
(1) 33°05.89′ N. lat., 118°39.45′ W. long.;
(2) 33°02.68′ N. lat., 118°33.14′ W. long.;
(3) 32°57.32′ N. lat., 118°29.12′ W. long.;
(4) 32°47.51′ N. lat., 118°17.88′ W. long.;
(5) 32°41.22′ N. lat., 118°23.78′ W. long.;
(6) 32°46.83′ N. lat., 118°32.10′ W. long.;
(7) 33°01.61′ N. lat., 118°40.64′ W. long.; and
(8) 33°5.89′ N. lat., 118°39.45′ W. long.

(B) The 200 fm (366 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°32.06′ N. lat., 118°44.52′ W. long.;
(2) 33°31.36′ N. lat., 118°35.28′ W. long.;
(3) 33°30.10′ N. lat., 118°30.82′ W. long.;
(4) 33°27.91′ N. lat., 118°26.83′ W. long.;
(5) 33°26.27′ N. lat., 118°21.35′ W. long.;
(6) 33°21.34′ N. lat., 118°15.24′ W. long.;
(7) 33°13.66′ N. lat., 118°08.98′ W. long.;
(8) 33°17.15′ N. lat., 118°28.35′ W. long.;
(9) 33°20.94′ N. lat., 118°34.34′ W. long.;
(10) 33°23.32′ N. lat., 118°32.60′ W. long.;
(11) 33°28.68′ N. lat., 118°44.93′ W. long.; and
(12) 33°32.06′ N. lat., 118°44.52′ W. long.

(C) The 200 fm (366 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°25.91′ N. lat., 117°59.44′ W. long.;
(2) 33°23.37′ N. lat., 117°56.97′ W. long.;
(3) 33°22.82′ N. lat., 117°59.50′ W. long.;
(4) 33°25.24′ N. lat., 118°01.68′ W. long.; and
(5) 33°25.91′ N. lat., 117°59.44′ W. long.

(D) The 200 fm (366 m) depth contour used around San Diego Rise off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°50.30′ N. lat., 117°50.18′ W. long.;
(2) 32°44.01′ N. lat., 117°44.46′ W. long.;
(3) 32°41.34′ N. lat., 117°45.86′ W. long.;
(4) 32°45.45′ N. lat., 117°50.09′ W. long.;
(5) 32°50.10′ N. lat., 117°50.76′ W. long.; and
(6) 32°50.30′ N. lat., 117°50.18′ W. long.

(xii) The 200 fm (366 m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico, modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.75′ N. lat., 125°41.73′ W. long.;
(2) 48°12.85′ N. lat., 125°38.06′ W. long.;
(3) 48°11.52′ N. lat., 125°39.45′ W. long.;
(4) 48°10.14′ N. lat., 125°42.81′ W. long.;
(5) 48°08.96′ N. lat., 125°42.08′ W. long.;
(6) 48°08.33′ N. lat., 125°44.91′ W. long.;
(7) 48°07.19′ N. lat., 125°45.87′ W. long.;
(8) 48°05.66′ N. lat., 125°44.79′ W. long.;
(9) 48°05.91′ N. lat., 125°42.16′ W. long.;
(10) 48°04.11′ N. lat., 125°40.17′ W. long.;
(11) 48°04.07′ N. lat., 125°36.96′ W. long.;
(12) 48°03.05′ N. lat., 125°36.38′ W. long.;
(13) 48°01.98′ N. lat., 125°37.41′ W. long.;
(14) 48°01.46′ N. lat., 125°39.61′ W. long.;
(15) 47°57.00′ N. lat., 125°37.00′ W. long.;
(16) 47°55.50′ N. lat., 125°28.50′ W. long.;
(17) 47°57.88′ N. lat., 125°25.61′ W. long.;
(18) 48°01.63′ N. lat., 125°23.75′ W. long.;
(19) 48°02.21′ N. lat., 125°22.43′ W. long.;
(20) 48°03.60′ N. lat., 125°21.84′ W. long.;
(21) 48°03.98′ N. lat., 125°20.65′ W. long.;
(22) 48°03.26′ N. lat., 125°19.76′ W. long.;
(23) 48°01.49′ N. lat., 125°18.80′ W. long.;
(24) 48°01.03′ N. lat., 125°20.12′ W. long.;
(25) 48°00.04′ N. lat., 125°20.26′ W. long.;
(26) 47°58.10′ N. lat., 125°18.91′ W. long.;
(27) 47°58.17′ N. lat., 125°17.50′ W. long.;
(28) 47°52.28′ N. lat., 125°16.06′ W. long.;
(29) 47°51.92′ N. lat., 125°13.89′ W. long.;
(30) 47°49.20′ N. lat., 125°10.67′ W. long.;
(31) 47°48.69′ N. lat., 125°06.50′ W. long.;
(32) 47°46.54′ N. lat., 125°07.68′ W. long.;
(33) 47°47.24′ N. lat., 125°05.38′ W. long.;
(34) 47°45.95′ N. lat., 125°04.61′ W. long.;
(35) 47°44.58′ N. lat., 125°07.12′ W. long.;
(36) 47°42.24′ N. lat., 125°05.15′ W. long.;
(37) 47°38.54′ N. lat., 125°06.76′ W. long.;
(38) 47°34.86′ N. lat., 125°04.67′ W. long.;
(39) 47°30.75′ N. lat., 124°57.52′ W. long.;
(40) 47°28.51′ N. lat., 124°56.69′ W. long.;
(41) 47°29.15′ N. lat., 124°54.10′ W. long.;
(42) 47°28.43′ N. lat., 124°51.58′ W. long.;
(43) 47°24.13′ N. lat., 124°47.51′ W. long.;
(44) 47°18.31′ N. lat., 124°46.17′ W. long.;
(45) 47°19.57′ N. lat., 124°51.01′ W. long.;
(46) 47°18.12′ N. lat., 124°53.66′ W. long.;
(47) 47°17.59′ N. lat., 124°52.94′ W. long.;
(48) 47°17.71′ N. lat., 124°51.63′ W. long.;
(49) 47°16.90′ N. lat., 124°51.23′ W. long.;
(50) 47°16.10′ N. lat., 124°53.67′ W. long.;

(51) 47°14.24′ N. lat., 124°53.02′ W. long.;
(52) 47°12.16′ N. lat., 124°56.77′ W. long.;
(53) 47°13.35′ N. lat., 124°58.70′ W. long.;
(54) 47°09.53′ N. lat., 124°58.32′ W. long.;
(55) 47°09.54′ N. lat., 124°59.50′ W. long.;
(56) 47°05.87′ N. lat., 124°59.29′ W. long.;
(57) 47°03.65′ N. lat., 124°56.26′ W. long.;
(58) 47°00.91′ N. lat., 124°59.73′ W. long.;
(59) 46°58.74′ N. lat., 124°59.40′ W. long.;
(60) 46°58.55′ N. lat., 125°00.70′ W. long.;
(61) 46°55.57′ N. lat., 125°01.61′ W. long.;
(62) 46°55.77′ N. lat., 124°55.04′ W. long.;
(63) 46°53.16′ N. lat., 124°53.69′ W. long.;
(64) 46°52.39′ N. lat., 124°55.24′ W. long.;
(65) 46°44.88′ N. lat., 124°51.97′ W. long.;
(66) 46°33.28′ N. lat., 124°36.96′ W. long.;
(67) 46°33.20′ N. lat., 124°30.64′ W. long.;
(68) 46°27.85′ N. lat., 124°31.95′ W. long.;
(69) 46°18.16′ N. lat., 124°39.39′ W. long.;
(70) 46°16.48′ N. lat., 124°27.41′ W. long.;
(71) 46°16.73′ N. lat., 124°23.20′ W. long.;
(72) 46°16.00′ N. lat., 124°24.88′ W. long.;
(73) 46°14.22′ N. lat., 124°26.28′ W. long.;
(74) 46°11.53′ N. lat., 124°39.58′ W. long.;
(75) 46°08.77′ N. lat., 124°41.71′ W. long.;
(76) 46°05.86′ N. lat., 124°42.27′ W. long.;
(77) 46°03.85′ N. lat., 124°48.20′ W. long.;
(78) 46°02.34′ N. lat., 124°48.51′ W. long.;
(79) 45°58.99′ N. lat., 124°44.42′ W. long.;
(80) 45°49.74′ N. lat., 124°43.69′ W. long.;
(81) 45°49.68′ N. lat., 124°42.37′ W. long.;
(82) 45°40.83′ N. lat., 124°40.90′ W. long.;
(83) 45°34.88′ N. lat., 124°32.58′ W. long.;
(84) 45°13.04′ N. lat., 124°21.92′ W. long.;
(85) 45°00.17′ N. lat., 124°29.28′ W. long.;
(86) 44°50.99′ N. lat., 124°35.40′ W. long.;
(87) 44°46.87′ N. lat., 124°38.20′ W. long.;
(88) 44°48.25′ N. lat., 124°40.62′ W. long.;
(89) 44°41.34′ N. lat., 124°49.20′ W. long.;
(90) 44°23.30′ N. lat., 124°50.17′ W. long.;
(91) 44°13.19′ N. lat., 124°58.66′ W. long.;
(92) 43°57.37′ N. lat., 124°58.71′ W. long.;
(93) 43°52.32′ N. lat., 124°49.43′ W. long.;
(94) 43°51.35′ N. lat., 124°37.94′ W. long.;
(95) 43°49.73′ N. lat., 124°40.26′ W. long.;
(96) 43°39.06′ N. lat., 124°38.55′ W. long.;
(97) 43°28.85′ N. lat., 124°39.99′ W. long.;
(98) 43°20.22′ N. lat., 124°43.05′ W. long.;
(99) 43°13.29′ N. lat., 124°47.00′ W. long.;
(100) 43°10.64′ N. lat., 124°49.95′ W. long.;
(101) 43°04.26′ N. lat., 124°53.05′ W. long.;
(102) 42°53.93′ N. lat., 124°54.60′ W. long.;
(103) 42°47.57′ N. lat., 124°48.12′ W. long.;
(104) 42°46.19′ N. lat., 124°44.52′ W. long.;
(105) 42°41.75′ N. lat., 124°44.69′ W. long.;
(106) 42°38.81′ N. lat., 124°43.09′ W. long.;
(107) 42°31.83′ N. lat., 124°46.23′ W. long.;
(108) 42°32.08′ N. lat., 124°43.58′ W. long.;
(109) 42°30.96′ N. lat., 124°43.84′ W. long.;
(110) 42°28.41′ N. lat., 124°49.17′ W. long.;
(111) 42°24.80′ N. lat., 124°45.93′ W. long.;
(112) 42°19.71′ N. lat., 124°41.60′ W. long.;
(113) 42°15.12′ N. lat., 124°38.34′ W. long.;
(114) 42°12.35′ N. lat., 124°38.09′ W. long.;
(115) 42°00.00′ N. lat., 124°36.83′ W. long.;
(116) 41°59.98′ N. lat., 124°36.80′ W. long.;
(117) 41°47.79′ N. lat., 124°29.48′ W. long.;
(118) 41°21.01′ N. lat., 124°29.01′ W. long.;
(119) 41°13.50′ N. lat., 124°24.40′ W. long.;
(120) 41°11.00′ N. lat., 124°22.99′ W. long.;
(121) 41°06.69′ N. lat., 124°23.30′ W. long.;
(122) 40°54.73′ N. lat., 124°28.15′ W. long.;
(123) 40°53.95′ N. lat., 124°26.04′ W. long.;
(124) 40°49.96′ N. lat., 124°26.04′ W. long.;
(125) 40°44.49′ N. lat., 124°30.81′ W. long.;
(126) 40°40.58′ N. lat., 124°32.06′ W. long.;
(127) 40°36.09′ N. lat., 124°40.11′ W. long.;
(128) 40°34.19′ N. lat., 124°41.20′ W. long.;
(129) 40°32.93′ N. lat., 124°41.86′ W. long.;
(130) 40°31.28′ N. lat., 124°40.98′ W. long.;
(131) 40°29.68′ N. lat., 124°38.06′ W. long.;
(132) 40°25.01′ N. lat., 124°36.36′ W. long.;
(133) 40°22.28′ N. lat., 124°31.83′ W. long.;
(134) 40°16.96′ N. lat., 124°31.91′ W. long.;
(135) 40°17.59′ N. lat., 124°45.28′ W. long.;
(136) 40°13.23′ N. lat., 124°32.40′ W. long.;
(137) 40°10.00′ N. lat., 124°24.55′ W. long.;
(138) 40°06.45′ N. lat., 124°19.24′ W. long.;
(139) 40°07.08′ N. lat., 124°17.80′ W. long.;
(140) 40°05.55′ N. lat., 124°18.11′ W. long.;
(141) 40°04.74′ N. lat., 124°18.11′ W. long.;
(142) 40°02.35′ N. lat., 124°16.53′ W. long.;
(143) 40°01.13′ N. lat., 124°12.98′ W. long.;
(144) 40°01.55′ N. lat., 124°09.80′ W. long.;
(145) 39°58.54′ N. lat., 124°12.43′ W. long.;
(146) 39°55.72′ N. lat., 124°07.44′ W. long.;
(147) 39°42.64′ N. lat., 124°02.52′ W. long.;
(148) 39°35.96′ N. lat., 123°59.47′ W. long.;
(149) 39°34.61′ N. lat., 123°59.58′ W. long.;
(150) 39°34.79′ N. lat., 123°58.47′ W. long.;
(151) 39°33.79′ N. lat., 123°56.77′ W. long.;
(152) 39°33.03′ N. lat., 123°57.06′ W. long.;
(153) 39°32.20′ N. lat., 123°59.12′ W. long.;
(154) 39°07.81′ N. lat., 123°59.06′ W. long.;
(155) 39°03.06′ N. lat., 123°57.77′ W. long.;

(156) 38°52.26′ N. lat., 123°56.18′ W. long.;
(157) 38°50.21′ N. lat., 123°55.48′ W. long.;
(158) 38°46.81′ N. lat., 123°51.49′ W. long.;
(159) 38°45.28′ N. lat., 123°51.55′ W. long.;
(160) 38°42.76′ N. lat., 123°49.73′ W. long.;
(161) 38°41.53′ N. lat., 123°47.80′ W. long.;
(162) 38°41.41′ N. lat., 123°46.74′ W. long.;
(163) 38°38.01′ N. lat., 123°45.74′ W. long.;
(164) 38°37.19′ N. lat., 123°43.98′ W. long.;
(165) 38°35.26′ N. lat., 123°41.99′ W. long.;
(166) 38°33.38′ N. lat., 123°41.76′ W. long.;
(167) 38°19.95′ N. lat., 123°32.90′ W. long.;
(168) 38°14.38′ N. lat., 123°25.51′ W. long.;
(169) 38°09.39′ N. lat., 123°24.39′ W. long.;
(170) 38°10.09′ N. lat., 123°27.21′ W. long.;
(171) 38°03.76′ N. lat., 123°31.90′ W. long.;
(172) 38°02.06′ N. lat., 123°31.26′ W. long.;
(173) 38°00.01′ N. lat., 123°29.56′ W. long.;
(174) 37°58.07′ N. lat., 123°27.21′ W. long.;
(175) 37°55.02′ N. lat., 123°27.44′ W. long.;
(176) 37°51.39′ N. lat., 123°25.22′ W. long.;
(177) 37°43.94′ N. lat., 123°11.49′ W. long.;
(178) 37°35.96′ N. lat., 123°02.23′ W. long.;
(179) 37°23.48′ N. lat., 122°57.76′ W. long.;
(180) 37°23.23′ N. lat., 122°53.78′ W. long.;
(181) 37°13.97′ N. lat., 122°49.91′ W. long.;
(182) 37°09.98′ N. lat., 122°45.61′ W. long.;
(183) 37°07.38′ N. lat., 122°46.38′ W. long.;
(184) 37°00.64′ N. lat., 122°37.70′ W. long.;
(185) 36°57.40′ N. lat., 122°28.36′ W. long.;
(186) 36°59.21′ N. lat., 122°25.64′ W. long.;
(187) 36°56.90′ N. lat., 122°25.42′ W. long.;
(188) 36°57.43′ N. lat., 122°22.55′ W. long.;
(189) 36°55.43′ N. lat., 122°22.43′ W. long.;
(190) 36°52.27′ N. lat., 122°13.16′ W. long.;
(191) 36°47.10′ N. lat., 122°07.53′ W. long.;
(192) 36°47.10′ N. lat., 122°02.08′ W. long.;
(193) 36°43.76′ N. lat., 121°59.15′ W. long.;
(194) 36°38.84′ N. lat., 122°02.20′ W. long.;
(195) 36°30.82′ N. lat., 122°01.13′ W. long.;
(196) 36°30.94′ N. lat., 122°00.54′ W. long.;
(197) 36°25.99′ N. lat., 121°59.50′ W. long.;
(198) 36°26.43′ N. lat., 121°59.76′ W. long.;
(199) 36°22.00′ N. lat., 122°01.02′ W. long.;
(200) 36°19.01′ N. lat., 122°05.01′ W. long.;
(201) 36°14.73′ N. lat., 122°01.55′ W. long.;
(202) 36°14.03′ N. lat., 121°58.09′ W. long.;
(203) 36°09.74′ N. lat., 121°45.01′ W. long.;
(204) 36°06.75′ N. lat., 121°40.73′ W. long.;
(205) 35°58.19′ N. lat., 121°34.63′ W. long.;
(206) 35°52.21′ N. lat., 121°32.46′ W. long.;
(207) 35°51.21′ N. lat., 121°30.94′ W. long.;
(208) 35°46.28′ N. lat., 121°30.29′ W. long.;
(209) 35°33.67′ N. lat., 121°20.09′ W. long.;
(210) 35°31.33′ N. lat., 121°15.22′ W. long.;
(211) 35°23.29′ N. lat., 121°11.41′ W. long.;
(212) 35°15.26′ N. lat., 121°04.49′ W. long.;
(213) 35°07.05′ N. lat., 121°00.26′ W. long.;
(214) 35°07.46′ N. lat., 120°57.10′ W. long.;
(215) 34°44.29′ N. lat., 120°54.28′ W. long.;
(216) 34°44.23′ N. lat., 120°58.27′ W. long.;
(217) 34°32.33′ N. lat., 120°50.23′ W. long.;
(218) 34°27.00′ N. lat., 120°42.55′ W. long.;
(219) 34°19.08′ N. lat., 120°31.21′ W. long.;
(220) 34°17.72′ N. lat., 120°19.26′ W. long.;
(221) 34°22.45′ N. lat., 120°12.81′ W. long.;
(222) 34°21.36′ N. lat., 119°54.88′ W. long.;
(223) 34°09.95′ N. lat., 119°46.18′ W. long.;
(224) 34°09.08′ N. lat., 119°57.53′ W. long.;
(225) 34°07.53′ N. lat., 120°06.35′ W. long.;
(226) 34°10.54′ N. lat., 120°19.07′ W. long.;
(227) 34°14.68′ N. lat., 120°29.48′ W. long.;
(228) 34°09.51′ N. lat., 120°38.32′ W. long.;
(229) 34°03.06′ N. lat., 120°35.54′ W. long.;
(230) 33°56.39′ N. lat., 120°28.47′ W. long.;
(231) 33°50.25′ N. lat., 120°09.43′ W. long.;
(232) 33°37.96′ N. lat., 120°00.08′ W. long.;
(233) 33°34.52′ N. lat., 119°51.84′ W. long.;
(234) 33°35.51′ N. lat., 119°48.49′ W. long.;
(235) 33°42.76′ N. lat., 119°47.77′ W. long.;
(236) 33°53.62′ N. lat., 119°53.28′ W. long.;
(237) 33°57.61′ N. lat., 119°31.26′ W. long.;
(238) 33°56.34′ N. lat., 119°26.40′ W. long.;
(239) 33°57.79′ N. lat., 119°26.85′ W. long.;
(240) 33°58.88′ N. lat., 119°20.06′ W. long.;
(241) 34°02.65′ N. lat., 119°15.11′ W. long.;
(242) 33°59.02′ N. lat., 119°02.99′ W. long.;
(243) 33°57.61′ N. lat., 118°42.07′ W. long.;
(244) 33°50.76′ N. lat., 118°37.98′ W. long.;
(245) 33°39.54′ N. lat., 118°18.70′ W. long.;
(246) 33°37.14′ N. lat., 118°18.39′ W. long.;
(247) 33°35.51′ N. lat., 118°18.03′ W. long.;
(248) 33°30.68′ N. lat., 118°10.35′ W. long.;
(249) 33°32.49′ N. lat., 117°51.85′ W. long.;
(250) 32°58.87′ N. lat., 117°20.36′ W. long.; and
(251) 32°35.53′ N. lat., 117°29.67′ W. long.

(xiii) The 250 fm (457 m) depth contour used between the U.S. border with Canada and 38° N. lat. is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.68′ N. lat., 125°42.10′ W. long.;
(2) 48°13.00′ N. lat., 125°39.00′ W. long.;
(3) 48°12.73′ N. lat., 125°38.87′ W. long.;
(4) 48°12.43′ N. lat., 125°39.12′ W. long.;
(5) 48°11.83′ N. lat., 125°40.01′ W. long.;
(6) 48°11.78′ N. lat., 125°41.70′ W. long.;

(7) 48°10.62′ N. lat., 125°43.41′ W. long.;
(8) 48°09.23′ N. lat., 125°42.80′ W. long.;
(9) 48°08.79′ N. lat., 125°43.79′ W. long.;
(10) 48°08.50′ N. lat., 125°45.00′ W. long.;
(11) 48°07.43′ N. lat., 125°46.36′ W. long.;
(12) 48°06.00′ N. lat., 125°46.50′ W. long.;
(13) 48°05.38′ N. lat., 125°42.82′ W. long.;
(14) 48°04.19′ N. lat., 125°40.40′ W. long.;
(15) 48°03.50′ N. lat., 125°37.00′ W. long.;
(16) 48°01.50′ N. lat., 125°40.00′ W. long.;
(17) 47°57.00′ N. lat., 125°37.00′ W. long.;
(18) 47°55.21′ N. lat., 125°37.22′ W. long.;
(19) 47°54.02′ N. lat., 125°36.57′ W. long.;
(20) 47°53.67′ N. lat., 125°35.06′ W. long.;
(21) 47°54.14′ N. lat., 125°32.35′ W. long.;
(22) 47°55.50′ N. lat., 125°28.56′ W. long.;
(23) 47°57.03′ N. lat., 125°26.52′ W. long.;
(24) 47°57.98′ N. lat., 125°25.08′ W. long.;
(25) 48°00.54′ N. lat., 125°24.38′ W. long.;
(26) 48°01.45′ N. lat., 125°23.70′ W. long.;
(27) 48°01.97′ N. lat., 125°22.34′ W. long.;
(28) 48°03.68′ N. lat., 125°21.20′ W. long.;
(29) 48°01.96′ N. lat., 125°19.56′ W. long.;
(30) 48°00.98′ N. lat., 125°20.43′ W. long.;
(31) 48°00.00′ N. lat., 125°20.68′ W. long.;
(32) 47°58.00′ N. lat., 125°19.50′ W. long.;
(33) 47°57.65′ N. lat., 125°19.18′ W. long.;
(34) 47°58.00′ N. lat., 125°18.00′ W. long.;
(35) 47°56.59′ N. lat., 125°18.15′ W. long.;
(36) 47°51.30′ N. lat., 125°18.32′ W. long.;
(37) 47°49.88′ N. lat., 125°14.49′ W. long.;
(38) 47°49.00′ N. lat., 125°11.00′ W. long.;
(39) 47°47.99′ N. lat., 125°07.31′ W. long.;
(40) 47°46.47′ N. lat., 125°08.63′ W. long.;
(41) 47°46.00′ N. lat., 125°06.00′ W. long.;
(42) 47°44.50′ N. lat., 125°07.50′ W. long.;
(43) 47°43.39′ N. lat., 125°06.57′ W. long.;
(44) 47°42.37′ N. lat., 125°05.74′ W. long.;
(45) 47°40.61′ N. lat., 125°06.48′ W. long.;
(46) 47°37.43′ N. lat., 125°07.33′ W. long.;
(47) 47°33.68′ N. lat., 125°04.80′ W. long.;
(48) 47°30.00′ N. lat., 125°00.00′ W. long.;
(49) 47°28.00′ N. lat., 124°58.50′ W. long.;
(50) 47°28.88′ N. lat., 124°54.71′ W. long.;
(51) 47°27.70′ N. lat., 124°51.87′ W. long.;
(52) 47°24.84′ N. lat., 124°48.45′ W. long.;
(53) 47°21.76′ N. lat., 124°47.42′ W. long.;
(54) 47°18.84′ N. lat., 124°46.75′ W. long.;
(55) 47°19.82′ N. lat., 124°51.43′ W. long.;
(56) 47°18.13′ N. lat., 124°54.25′ W. long.;
(57) 47°13.50′ N. lat., 124°54.69′ W. long.;
(58) 47°15.00′ N. lat., 125°00.00′ W. long.;
(59) 47°08.00′ N. lat., 124°59.83′ W. long.;
(60) 47°05.79′ N. lat., 125°01.00′ W. long.;
(61) 47°03.34′ N. lat., 124°57.49′ W. long.;
(62) 47°01.00′ N. lat., 125°00.00′ W. long.;
(63) 46°55.00′ N. lat., 125°02.00′ W. long.;
(64) 46°51.00′ N. lat., 124°57.00′ W. long.;
(65) 46°47.00′ N. lat., 124°55.00′ W. long.;
(66) 46°34.00′ N. lat., 124°38.00′ W. long.;
(67) 46°30.50′ N. lat., 124°41.00′ W. long.;
(68) 46°33.00′ N. lat., 124°32.00′ W. long.;
(69) 46°29.00′ N. lat., 124°32.00′ W. long.;
(70) 46°20.00′ N. lat., 124°39.00′ W. long.;
(71) 46°18.16′ N. lat., 124°40.00′ W. long.;
(72) 46°16.00′ N. lat., 124°27.01′ W. long.;
(73) 46°15.00′ N. lat., 124°30.96′ W. long.;
(74) 46°13.17′ N. lat., 124°37.87′ W. long.;
(75) 46°13.17′ N. lat., 124°38.75′ W. long.;
(76) 46°10.50′ N. lat., 124°42.00′ W. long.;
(77) 46°06.21′ N. lat., 124°41.85′ W. long.;
(78) 46°03.02′ N. lat., 124°50.27′ W. long.;
(79) 45°57.00′ N. lat., 124°45.52′ W. long.;
(80) 45°46.85′ N. lat., 124°45.91′ W. long.;
(81) 45°45.81′ N. lat., 124°47.05′ W. long.;
(82) 45°44.87′ N. lat., 124°45.98′ W. long.;
(83) 45°43.44′ N. lat., 124°46.03′ W. long.;
(84) 45°35.82′ N. lat., 124°45.72′ W. long.;
(85) 45°35.70′ N. lat., 124°42.89′ W. long.;
(86) 45°24.45′ N. lat., 124°38.21′ W. long.;
(87) 45°11.68′ N. lat., 124°39.38′ W. long.;
(88) 44°57.94′ N. lat., 124°37.02′ W. long.;
(89) 44°44.28′ N. lat., 124°50.79′ W. long.;
(90) 44°32.63′ N. lat., 124°54.21′ W. long.;
(91) 44°23.20′ N. lat., 124°49.87′ W. long.;
(92) 44°13.17′ N. lat., 124°58.81′ W. long.;
(93) 43°57.92′ N. lat., 124°58.29′ W. long.;
(94) 43°50.12′ N. lat., 124°53.36′ W. long.;
(95) 43°49.53′ N. lat., 124°43.96′ W. long.;
(96) 43°42.76′ N. lat., 124°41.40′ W. long.;
(97) 43°24.00′ N. lat., 124°42.61′ W. long.;
(98) 43°19.74′ N. lat., 124°45.12′ W. long.;
(99) 43°19.62′ N. lat., 124°52.95′ W. long.;
(100) 43°17.41′ N. lat., 124°53.02′ W. long.;
(101) 42°49.15′ N. lat., 124°54.93′ W. long.;
(102) 42°46.74′ N. lat., 124°53.39′ W. long.;
(103) 42°43.76′ N. lat., 124°51.64′ W. long.;
(104) 42°45.41′ N. lat., 124°49.35′ W. long.;
(105) 42°43.92′ N. lat., 124°45.92′ W. long.;
(106) 42°38.87′ N. lat., 124°43.38′ W. long.;
(107) 42°34.78′ N. lat., 124°46.56′ W. long.;
(108) 42°31.47′ N. lat., 124°46.89′ W. long.;
(109) 42°31.00′ N. lat., 124°44.28′ W. long.;
(110) 42°29.22′ N. lat., 124°46.93′ W. long.;
(111) 42°28.39′ N. lat., 124°49.94′ W. long.;

(112) 42°26.28′ N. lat., 124°47.60′ W. long.;
(113) 42°19.58′ N. lat., 124°43.21′ W. long.;
(114) 42°13.75′ N. lat., 124°40.06′ W. long.;
(115) 42°05.12′ N. lat., 124°39.06′ W. long.;
(116) 41°59.99′ N. lat., 124°37.72′ W. long.;
(117) 42°00.00′ N. lat., 124°37.76′ W. long.;
(118) 41°47.93′ N. lat., 124°31.79′ W. long.;
(119) 41°21.35′ N. lat., 124°30.35′ W. long.;
(120) 41°07.11′ N. lat., 124°25.25′ W. long.;
(121) 40°57.37′ N. lat., 124°30.25′ W. long.;
(122) 40°48.77′ N. lat., 124°30.69′ W. long.;
(123) 40°41.03′ N. lat., 124°33.21′ W. long.;
(124) 40°37.40′ N. lat., 124°38.96′ W. long.;
(125) 40°33.70′ N. lat., 124°42.50′ W. long.;
(126) 40°31.31′ N. lat., 124°41.59′ W. long.;
(127) 40°25.00′ N. lat., 124°36.65′ W. long.;
(128) 40°22.42′ N. lat., 124°32.19′ W. long.;
(129) 40°17.17′ N. lat., 124°32.21′ W. long.;
(130) 40°18.68′ N. lat., 124°50.44′ W. long.;
(131) 40°13.55′ N. lat., 124°34.26′ W. long.;
(132) 40°10.11′ N. lat., 124°28.25′ W. long.;
(133) 40°06.72′ N. lat., 124°21.40′ W. long.;
(134) 40°01.63′ N. lat., 124°17.25′ W. long.;
(135) 40°00.68′ N. lat., 124°11.19′ W. long.;
(136) 39°59.09′ N. lat., 124°14.92′ W. long.;
(137) 39°51.85′ N. lat., 124°10.33′ W. long.;
(138) 39°36.90′ N. lat., 124°00.63′ W. long.;
(139) 39°32.41′ N. lat., 124°00.01′ W. long.;
(140) 39°05.40′ N. lat., 124°00.52′ W. long.;
(141) 39°04.32′ N. lat., 123°59.00′ W. long.;
(142) 38°58.02′ N. lat., 123°58.18′ W. long.;
(143) 38°58.19′ N. lat., 124°01.90′ W. long.;
(144) 38°50.27′ N. lat., 123°56.26′ W. long.;
(145) 38°46.73′ N. lat., 123°51.93′ W. long.;
(146) 38°44.64′ N. lat., 123°51.77′ W. long.;
(147) 38°32.97′ N. lat., 123°41.84′ W. long.;
(148) 38°14.56′ N. lat., 123°32.18′ W. long.;
(149) 38°13.85′ N. lat., 123°29.94′ W. long.;
(150) 38°11.88′ N. lat., 123°30.57′ W. long.;
(151) 38°08.72′ N. lat., 123°29.56′ W. long.;
(152) 38°05.62′ N. lat., 123°32.38′ W. long.;
(153) 38°01.90′ N. lat., 123°32.00′ W. long.; and
(154) 38°00.00′ N. lat., 123°30.00′ W. long.

(xiv) The 250 fm (457 m) depth contour used between the U.S. border with Canada and 38° N. lat., modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.71′ N. lat., 125°41.95′ W. long.;
(2) 48°13.00′ N. lat., 125°39.00′ W. long.;
(3) 48°08.50′ N. lat., 125°45.00′ W. long.;
(4) 48°06.00′ N. lat., 125°46.50′ W. long.;
(5) 48°03.50′ N. lat., 125°37.00′ W. long.;
(6) 48°01.50′ N. lat., 125°40.00′ W. long.;
(7) 47°57.00′ N. lat., 125°37.00′ W. long.;
(8) 47°55.50′ N. lat., 125°28.50′ W. long.;
(9) 47°58.00′ N. lat., 125°25.00′ W. long.;
(10) 48°00.50′ N. lat., 125°24.50′ W. long.;
(11) 48°03.50′ N. lat., 125°21.00′ W. long.;
(12) 48°02.00′ N. lat., 125°19.50′ W. long.;
(13) 48°00.00′ N. lat., 125°21.00′ W. long.;
(14) 47°58.00′ N. lat., 125°20.00′ W. long.;
(15) 47°58.00′ N. lat., 125°18.00′ W. long.;
(16) 47°52.00′ N. lat., 125°16.50′ W. long.;
(17) 47°49.00′ N. lat., 125°11.00′ W. long.;
(18) 47°46.00′ N. lat., 125°06.00′ W. long.;
(19) 47°44.50′ N. lat., 125°07.50′ W. long.;
(20) 47°42.00′ N. lat., 125°06.00′ W. long.;
(21) 47°38.00′ N. lat., 125°07.00′ W. long.;
(22) 47°30.00′ N. lat., 125°00.00′ W. long.;
(23) 47°28.00′ N. lat., 124°58.50′ W. long.;
(24) 47°28.88′ N. lat., 124°54.71′ W. long.;
(25) 47°27.70′ N. lat., 124°51.87′ W. long.;
(26) 47°24.84′ N. lat., 124°48.45′ W. long.;
(27) 47°21.76′ N. lat., 124°47.42′ W. long.;
(28) 47°18.84′ N. lat., 124°46.75′ W. long.;
(29) 47°19.82′ N. lat., 124°51.43′ W. long.;
(30) 47°18.13′ N. lat., 124°54.25′ W. long.;
(31) 47°13.50′ N. lat., 124°54.69′ W. long.;
(32) 47°15.00′ N. lat., 125°00.00′ W. long.;
(33) 47°08.00′ N. lat., 124°59.82′ W. long.;
(34) 47°05.79′ N. lat., 125°01.00′ W. long.;
(35) 47°03.34′ N. lat., 124°57.49′ W. long.;
(36) 47°01.00′ N. lat., 125°00.00′ W. long.;
(37) 46°55.00′ N. lat., 125°02.00′ W. long.;
(38) 46°51.00′ N. lat., 124°57.00′ W. long.;
(39) 46°47.00′ N. lat., 124°55.00′ W. long.;
(40) 46°34.00′ N. lat., 124°38.00′ W. long.;
(41) 46°30.50′ N. lat., 124°41.00′ W. long.;
(42) 46°33.00′ N. lat., 124°32.00′ W. long.;
(43) 46°29.00′ N. lat., 124°32.00′ W. long.;
(44) 46°20.00′ N. lat., 124°39.00′ W. long.;
(45) 46°18.16′ N. lat., 124°40.00′ W. long.;
(46) 46°16.00′ N. lat., 124°27.01′ W. long.;
(47) 46°15.00′ N. lat., 124°30.96′ W. long.;
(48) 46°13.17′ N. lat., 124°38.76′ W. long.;
(49) 46°10.51′ N. lat., 124°41.99′ W. long.;
(50) 46°06.24′ N. lat., 124°41.81′ W. long.;
(51) 46°03.04′ N. lat., 124°50.26′ W. long.;
(52) 45°56.99′ N. lat., 124°45.45′ W. long.;
(53) 45°49.94′ N. lat., 124°45.75′ W. long.;
(54) 45°49.94′ N. lat., 124°42.33′ W. long.;
(55) 45°45.73′ N. lat., 124°42.18′ W. long.;
(56) 45°45.73′ N. lat., 124°43.82′ W. long.;
(57) 45°41.94′ N. lat., 124°43.61′ W. long.;
(58) 45°41.58′ N. lat., 124°39.86′ W. long.;

(59) 45°38.45′ N. lat., 124°39.94′ W. long.;
(60) 45°35.75′ N. lat., 124°42.91′ W. long.;
(61) 45°24.49′ N. lat., 124°38.20′ W. long.;
(62) 45°14.43′ N. lat., 124°39.05′ W. long.;
(63) 45°14.30′ N. lat., 124°34.19′ W. long.;
(64) 45°08.98′ N. lat., 124°34.26′ W. long.;
(65) 45°09.02′ N. lat., 124°38.81′ W. long.;
(66) 44°57.98′ N. lat., 124°36.98′ W. long.;
(67) 44°56.62′ N. lat., 124°38.32′ W. long.;
(68) 44°50.82′ N. lat., 124°35.52′ W. long.;
(69) 44°46.89′ N. lat., 124°38.32′ W. long.;
(70) 44°50.78′ N. lat., 124°44.24′ W. long.;
(71) 44°44.27′ N. lat., 124°50.78′ W. long.;
(72) 44°32.63′ N. lat., 124°54.24′ W. long.;
(73) 44°23.25′ N. lat., 124°49.78′ W. long.;
(74) 44°13.16′ N. lat., 124°58.81′ W. long.;
(75) 43°57.88′ N. lat., 124°58.25′ W. long.;
(76) 43°56.89′ N. lat., 124°57.33′ W. long.;
(77) 43°53.41′ N. lat., 124°51.95′ W. long.;
(78) 43°51.56′ N. lat., 124°47.38′ W. long.;
(79) 43°51.49′ N. lat., 124°37.77′ W. long.;
(80) 43°48.02′ N. lat., 124°43.31′ W. long.;
(81) 43°42.77′ N. lat., 124°41.39′ W. long.;
(82) 43°24.09′ N. lat., 124°42.57′ W. long.;
(83) 43°19.73′ N. lat., 124°45.09′ W. long.;
(84) 43°15.98′ N. lat., 124°47.76′ W. long.;
(85) 43°04.14′ N. lat., 124°52.55′ W. long.;
(86) 43°04.00′ N. lat., 124°53.88′ W. long.;
(87) 42°54.69′ N. lat., 124°54.54′ W. long.;
(88) 42°45.46′ N. lat., 124°49.37′ W. long.;
(89) 42°43.91′ N. lat., 124°45.90′ W. long.;
(90) 42°38.84′ N. lat., 124°43.36′ W. long.;
(91) 42°34.82′ N. lat., 124°46.56′ W. long.;
(92) 42°31.57′ N. lat., 124°46.86′ W. long.;
(93) 42°30.98′ N. lat., 124°44.27′ W. long.;
(94) 42°29.21′ N. lat., 124°46.93′ W. long.;
(95) 42°28.52′ N. lat., 124°49.40′ W. long.;
(96) 42°26.06′ N. lat., 124°46.61′ W. long.;
(97) 42°21.82′ N. lat., 124°43.76′ W. long.;
(98) 42°17.47′ N. lat., 124°38.89′ W. long.;
(99) 42°13.67′ N. lat., 124°37.51′ W. long.;
(100) 42°13.76′ N. lat., 124°40.03′ W. long.;
(101) 42°05.12′ N. lat., 124°39.06′ W. long.;
(102) 42°02.67′ N. lat., 124°38.41′ W. long.;
(103) 42°02.67′ N. lat., 124°35.95′ W. long.;
(104) 42°00.00′ N. lat., 124°35.88′ W. long.;
(105) 41°59.99′ N. lat., 124°35.92′ W. long.;
(106) 41°56.38′ N. lat., 124°34.96′ W. long.;
(107) 41°53.98′ N. lat., 124°32.50′ W. long.;
(108) 41°50.69′ N. lat., 124°30.46′ W. long.;
(109) 41°47.79′ N. lat., 124°29.52′ W. long.;
(110) 41°21.00′ N. lat., 124°29.00′ W. long.;
(111) 41°11.00′ N. lat., 124°23.00′ W. long.;
(112) 41°05.00′ N. lat., 124°23.00′ W. long.;
(113) 40°54.00′ N. lat., 124°26.00′ W. long.;
(114) 40°50.00′ N. lat., 124°26.00′ W. long.;
(115) 40°44.51′ N. lat., 124°30.83′ W. long.;
(116) 40°40.61′ N. lat., 124°32.06′ W. long.;
(117) 40°37.36′ N. lat., 124°29.41′ W. long.;
(118) 40°35.64′ N. lat., 124°30.47′ W. long.;
(119) 40°37.43′ N. lat., 124°37.10′ W. long.;
(120) 40°36.00′ N. lat., 124°40.00′ W. long.;
(121) 40°31.59′ N. lat., 124°40.72′ W. long.;
(122) 40°24.64′ N. lat., 124°35.62′ W. long.;
(123) 40°23.00′ N. lat., 124°32.00′ W. long.;
(124) 40°23.39′ N. lat., 124°28.70′ W. long.;
(125) 40°22.28′ N. lat., 124°25.25′ W. long.;
(126) 40°21.90′ N. lat., 124°25.17′ W. long.;
(127) 40°22.00′ N. lat., 124°28.00′ W. long.;
(128) 40°21.35′ N. lat., 124°29.53′ W. long.;
(129) 40°19.75′ N. lat., 124°28.98′ W. long.;
(130) 40°18.15′ N. lat., 124°27.01′ W. long.;
(131) 40°17.45′ N. lat., 124°25.49′ W. long.;
(132) 40°18.00′ N. lat., 124°24.00′ W. long.;
(133) 40°16.00′ N. lat., 124°26.00′ W. long.;
(134) 40°17.00′ N. lat., 124°35.00′ W. long.;
(135) 40°16.00′ N. lat., 124°36.00′ W. long.;
(136) 40°10.00′ N. lat., 124°22.75′ W. long.;
(137) 40°03.00′ N. lat., 124°14.75′ W. long.;
(138) 39°49.25′ N. lat., 124°06.00′ W. long.;
(139) 39°34.75′ N. lat., 123°58.50′ W. long.;
(140) 39°03.07′ N. lat., 123°57.81′ W. long.;
(141) 38°52.25′ N. lat., 123°56.25′ W. long.;
(142) 38°41.42′ N. lat., 123°46.75′ W. long.;
(143) 38°39.47′ N. lat., 123°46.59′ W. long.;
(144) 38°35.25′ N. lat., 123°42.00′ W. long.;
(145) 38°19.97′ N. lat., 123°32.95′ W. long.;
(146) 38°15.00′ N. lat., 123°26.50′ W. long.;
(147) 38°08.09′ N. lat., 123°23.39′ W. long.;
(148) 38°10.08′ N. lat., 123°26.82′ W. long.;
(149) 38°04.08′ N. lat., 123°32.12′ W. long.; and
(150) 38°00.00′ N. lat., 123°29.85′ W. long.

(xv) Farallon Islands. The Farallon Islands, off San Francisco and San Mateo Counties, include Southeast Farallon Island, Middle Farallon Island, North Farallon Island and Noon Day Rock. Commercial and recreational fishing for groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands.

(18) *Rockfish categories.* Rockfish (except thornyheads) are divided into categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: Nearshore, shelf, or slope (scientific names appear in Table 2). Nearshore rockfish are further divided into shallow nearshore and deeper nearshore categories south of 40°10′ N. lat. Trip limits are established for ''minor rockfish'' species according to these categories (see Tables 3–5).

(a) Nearshore rockfish consists entirely of the minor nearshore rockfish species listed in Table 2, which includes California scorpionfish.

(i) Shallow nearshore rockfish consists of black-and-yellow rockfish, China rockfish, gopher rockfish, grass rockfish, and kelp rockfish.

(ii) Deeper nearshore rockfish consists of black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, olive rockfish, quillback rockfish, and treefish.

(iii) California scorpionfish.

(b) Shelf rockfish consists of canary rockfish, shortbelly rockfish, widow rockfish, yelloweye rockfish, yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 2.

(c) Slope rockfish consists of Pacific ocean perch, splitnose rockfish, darkblotched rockfish, and the other minor slope rockfish species listed in Table 2.

(19) *Flatfish complex.* Flatfish managed under the FMP include: Arrowtooth flounder, butter sole, curlfin sole, Dover sole, English sole, flathead sole, Pacific sanddab, petrale sole, rex sole, rock sole, sand sole, and starry flounder. Where Tables 3, 4, and/or 5 of Sections IV.B. and IV.C. refer to landings limits for ''all other flatfish,'' those limits apply to all flatfish cumulatively taken from the group of flatfish species listed in this section except for those flatfish species listed with species-specific limits.

(20) *Application of requirements.* Paragraphs IV.B. and IV.C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in Section V. The provisions in paragraphs IV.B. and IV.C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.D. pertains to the recreational fishery.

TABLE 2.—MINOR ROCKFISH SPECIES (EXCLUDES THORNYHEADS)

North of 40°10′ N. lat.	South of 40°10′ N. lat.
Nearshore	
black, Sebastes melanops	black, Sebastes melanops.
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas.
blue, S. mystinus	blue, S. mystinus.
brown, S. auriculatus	brown, S. auriculatus.
calico, S. dalli	calico, S. dalli.
China, S. nebulosus	California scorpionfish, Scorpaena guttata.
copper, S. caurinus	China, Sebastes nebulosus.
gopher, S. carnatus	copper, S. caurinus.
grass, S. rastrelliger	gopher, S. carnatus.
kelp, S. atrovirens	grass, S. rastrelliger.
olive, S. serranoides	kelp, S. atrovirens.
quillback, S. maliger	olive, S. serranoides.
treefish, S. serriceps	quillback, S. maliger.
	treefish, S. serriceps.
Shelf	
bronzespotted, S. gilli	bronzespotted, S. gilli.
bocaccio, S. paucispinis	chameleon, S. phillipsi.
chameleon, S. phillipsi	dwarf-red, S. rufianus.
chilipepper, S. goodei	flag, S. rubrivinctus.
cowcod, S. levis	freckled, S. lentiginosus.
dwarf-red, S. rufianus	greenblotched, S. rosenblatti.
flag, S. rubrivinctus	greenspotted, S. chlorostictus.
freckled, S. lentiginosus	greenstriped, S. elongatus.
greenblotched, S. rosenblatti	halfbanded, S. semicinctus.
greenspotted, S. chlorostictus	honeycomb, S. umbrosus.
greenstriped, S. elongatus	Mexican, S. macdonaldi.
halfbanded, S. semicinctus	pink, S. eos.
honeycomb, S. umbrosus	pinkrose, S. simulator.
Mexican, S. macdonaldi	pygmy, S. wilsoni.
pink S. eos	redstriped, S. proriger.
pinkrose, S. simulator	rosethorn, S. helvomaculatus.
pygmy, S. wilsoni	rosy, S. rosaceus.
redstriped, S. proriger	silvergrey, S. brevispinus.
rosethorn, S. helvomaculatus	speckled, S. ovalis.
rosy, S. rosaceus	squarespot, S. hopkinsi.
silvergrey, S. brevispinus	starry, S. constellatus.
speckled, S. ovalis	stripetail, S. saxicola.
squarespot, S. hopkinsi	swordspine, S. ensifer.
starry, S. constellatus	tiger, S. nigorcinctus.
stripetail, S. saxicola	vermilion, S. miniatus.
swordspine, S. ensifer	yelloweye, S. ruberrimus.
tiger, S. nigorcinctus	yellowtail, S. flavidus.
vermilion, S. miniatus.	
yelloweye, S. ruberrimus.	
Slope	
aurora, S. aurora	aurora, S. aurora.
bank, S. rufus	bank, S. rufus.
blackgill, S. melanostomus	blackgill, S. melanostomus.

TABLE 2.—MINOR ROCKFISH SPECIES (EXCLUDES THORNYHEADS)—Continued

North of 40°10′ N. lat.	South of 40°10′ N. lat.
darkblotched, S. crameri	darkblotched, S. crameri.
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus.
rougheye, S. aleutianus	redbanded, S. babcocki.
sharpchin, S. zacentrus	rougheye, S. aleutianus.
shortraker, S. borealis	sharpchin, S. zacentrus.
splitnose, S. diploproa	shortraker, S. borealis.
yellowmouth, S. reedi	yellowmouth, S. reedi.

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d),) size limit s (see paragraph IV.A.(6)), seasons (see paragraph IV.A.(7)), and areas that are closed to specific gear types. The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph IV.A.(14)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(17)(b)). Yelloweye rockfish and canary rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in the following tables: Table 3 (North), Table 3 (South), Table 4 (North), and Table 4 (South).

A header in Table 3 (North), Table 3 (South), Table 4 (North) and Table 4 (South) generally describes the Rockfish Conservation Area (RCA) (*i.e.*, closed area) for vessels participating in the limited entry fishery. The RCA boundaries are defined by latitude and longitude coordinates (see paragraph IV.A.(17)), except that under state law fishing is prohibited by limited entry fixed gear vessels from the shoreline to a 10-fm (18-m) depth contour around the Farallon Islands. For a definition of the Farallon Islands, see paragraph IV.A.(17)(f).

Management measures may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Table 3 (North), Table 3 (South), Table 4 (North), and Table 4 (South).

Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

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Table 3 (North). 2004 Trip Limits and Gear Requirements[1/] for Limited Entry Trawl Gear North of 40°10' N. Latitude[2/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[10/] (RCA): North of 40°10' N. lat.	75 fm - modified 200 fm [11/]	60 fm - 200 fm		75 fm - 150 fm	75 fm - 200 fm	75 fm - modified 200 fm [11/]
	Small footrope or midwater trawl gear is required shoreward of the RCA; all trawl gear (large footrope, midwater trawl, and small footrope gear) is permitted seaward of the RCA.						
	A vessel may have more than one type of limited entry bottom trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear. A vessel may not have limited entry bottom trawl gear on board if that vessel also has trawl gear on board that is permitted for use within a RCA, including limited entry midwater trawl gear, regardless of whether the vessel is intending to fish within a RCA on that fishing trip. **See IV.A.(14)(iv) for details.**						
1	**Minor slope rockfish[3/]**	4,000 lb/ 2 months					
2	**Pacific ocean perch**	3,000 lb/ 2 months					
3	**DTS complex**	Providing only large footrope or midwater trawl gear is used to land any groundfish species during the entire limit period, then large footrope trawl trip limits apply. If small footrope gear[7/] is used at any time in any area (North or South, shoreward or seaward of RCA) during the entire limit period, then small footrope trawl limits apply.					
4	Sablefish						
5	large footrope or midwater trawl gear	9,300 lb/ 2 months		8,700 lb/ 2 months			6,200 lb/ 2 months
6	small footrope gear[7/]	2,000 lb/ 2 months		5,000 lb/ 2 months			2,000 lb/ 2 months
7	Longspine thornyhead						
8	large footrope or midwater trawl gear	15,000 lb/ 2 months		10,000 lb/ 2 months			
9	small footrope gear[7/]	1,000 lb/ 2 months					
10	Shortspine thornyhead						
11	large footrope or midwater trawl gear	3,150 lb/ 2 months		2,100 lb/ 2 months			
12	small footrope gear[7/]	1,000 lb/ 2 months					
13	Dover sole						
14	large footrope or midwater trawl gear	67,500 lb/ 2 months		21,000 lb/ 2 months (providing large footrope, small footrope, and/or midwater trawl gear is used)			45,000 lb/ 2 months
15	small footrope gear[7/]	10,000 lb/ 2 months					10,000 lb/ 2 months
16	**Flatfish**	Providing only large footrope or midwater trawl gear is used to land any groundfish species during the entire limit period, then large footrope trawl trip limits apply. If small footrope gear[7/] is used at any time in any area (North or South, shoreward or seaward of RCA) during the entire limit period, then small footrope trawl limits apply.					
17	All other flatfish, Petrale sole, & Rex sole						
18	large footrope or midwater trawl gear for All other flatfish[4/] & Rex sole	100,000 lb/ 2 months					
19	large footrope or midwater trawl gear for Petrale sole	Not limited	100,000 lb/ 2 months				Not limited
20	small footrope gear[7/]	30,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.		60,000 lb/ 2 months, no more than 25,000 lb/ 2 months of which may be petrale sole.			30,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
21	Arrowtooth flounder						
22	large footrope or midwater trawl gear	Not limited	150,000 lb/ 2 months				Not limited
23	small footrope gear[7/]	4,000 lb/ 2 months	6,000 lb/ 2 months				4,000 lb/ 2 months

Table 3 (North). Continued

24	**Whiting**[5/]	Before the primary whiting season: 20,000 lb/trip -- During the primary season: mid-water trawl permitted in the RCA. See IV.B.(3)(b) for season and trip limit details. -- After the primary whiting season: 10,000 lb/trip		
25	**Minor shelf rockfish**[3/] **& Widow rockfish**			
26	large footrope trawl	CLOSED[6/]		
27	midwater trawl for Widow rockfish	Before the primary whiting season: CLOSED[6/] -- During primary whiting season: In trips of at least 10,000 lb of whiting, combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month. Mid-water trawl permitted in the RCA. See IV.B.(3)(b) for primary whiting season and trip limit details. -- After the primary whiting season: CLOSED[6/]		12,000 lb/ 2 months
28	midwater for Minor shelf rockfish or small footrope trawl[7/]	300 lb/ month	1,000 lb/ month, no more than 200 lb/ month of which may be yelloweye rockfish	300 lb/ month
29	**Canary rockfish**			
30	large footrope trawl	CLOSED[6/]		
31	midwater or small footrope trawl[7/]	100 lb/ month	300 lb/ month	100 lb/ month
32	**Yellowtail**			
33	large footrope trawl	CLOSED[6/]		
34	midwater trawl	Before the primary whiting season: CLOSED[6/] -- During primary whiting season: In trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month. Mid-water trawl permitted in the RCA. See IV.B.(3)(b) for primary whiting season and trip limit details. -- After the primary whiting season: CLOSED[6/]		18,000 lb/ 2 months
35	small footrope trawl[7/]	In landings without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder. Total yellowtail landings not to exceed 10,000 lb/ 2 months, no more than 1,000 lb of which may be landed without flatfish.		
36	**Minor nearshore rockfish**			
37	large footrope trawl	CLOSED[6/]		
38	midwater or small footrope trawl[7/]	300 lb/ month		
39	**Lingcod**[8/]			
40	large footrope trawl	CLOSED[6/]		
41	midwater or small footrope trawl[7/]	800 lb/ 2 months	1,000 lb/ 2 months	800 lb/ 2 months
42	**Other Fish**[9/]	Not limited		

1/ Gear requirements and prohibitions are explained above. See IV. A.(14).
2/ "North" means 40°10' N. lat. to the U.S.-Canada border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
3/ Bocaccio and chilipepper are included in the trip limits for minor shelf rockfish and splitnose rockfish is included in the trip limits for minor slope rockfish.
4/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.
5/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
6/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
7/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
9/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
10/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at IV. A.(17)(f), that may vary seasonally.
11/ The "modified 200 fm" line is modified to incorporate petrale sole fishing grounds.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3 (South). 2004 Trip Limits and Gear Requirements[1] for Limited Entry Trawl Gear South of 40°10' N. Latitude[2]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[10] (RCA):						
	40°10' - 38° N. lat.	75 fm - 150 fm		100 fm - 150 fm		75 fm - 150 fm	
	South of 38° N. lat.	75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands		100 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands		75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands	
	Small footrope or midwater trawl gear is required shoreward of the RCA; all trawl gear (large footrope, midwater trawl, and small footrope gear) is permitted seaward of the RCA.						
	A vessel may have more than one type of limited entry bottom trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear. A vessel may not have limited entry bottom trawl gear on board if that vessel also has trawl gear on board that is permitted for use within a RCA, including limited entry midwater trawl gear, regardless of whether the vessel is intending to fish within a RCA on that fishing trip. **See IV.A.(14)(iv) for details.**						
1	**Minor slope rockfish[3]**						
2	40°10' - 38° N. lat.	7,000 lb/ 2 months					
3	South of 38° N. lat.	40,000 lb/ 2 months					
4	**Splitnose**						
5	40°10' - 38° N. lat.	7,000 lb/ 2 months					
6	South of 38° N. lat.	40,000 lb/ 2 months					
7	**DTS complex**						
8	Sablefish	11,250 lb/ 2 months		7,500 lb/ 2 months			
9	Longspine thornyhead	15,000 lb / 2 months		10,000 lb / 2 months			
10	Shortspine thornyhead	3,000 lb/ 2 months		2,000 lb/ 2 months			
11	Dover sole	39,000 lb/ 2 months		26,000 lb/ 2 months			
12	**Flatfish**						
13	All other flatfish[4] & Rex sole	100,000 lb/ 2 months	All other flatfish plus petrale & rex sole: 100,000 lb/ 2 months, no more than 20,000 lb/ 2 months of which may be petrale sole				100,000 lb/ 2 months
14	Petrale sole	No limit					No limit
15	Arrowtooth flounder	No limit	10,000 lb/ 2 months				No limit
16	**Whiting[5]**	Before the primary whiting season: 20,000 lb/trip -- During the primary whiting season: mid-water trawl permitted in the RCA. See IV.B.(3)(b) for season and trip limit details. -- After the primary whiting season: 10,000 lb/trip					
17	**Minor shelf rockfish, Widow, and Chilipepper rockfish[3]**	Providing only large footrope trawl gear is used to land any groundfish species during the entire limit period, then large footrope limit applies.					
18	large footrope trawl for Minor shelf rockfish	300 lb/ month					
19	large footrope trawl for Chilipepper rockfish	2,000 lb/ 2 months					
20	large footrope or midwater trawl for Widow rockfish	CLOSED[6]					
21	midwater for Minor shelf or Chilipepper rockfish or small footrope trawl[7]	300 lb/ month					
22	**Bocaccio**	Providing only large footrope trawl gear is used to land any groundfish species during the entire limit period, then large footrope limit applies.					
23	large footrope trawl	100 lb/month					
24	midwater or small footrope trawl[7]	CLOSED[6]					
25	**Canary rockfish**						
26	large footrope trawl	CLOSED[6]					
27	midwater or small footrope trawl[7]	100 lb/ month		300 lb/ month		100 lb/ month	

Table 3 (South). Continued

28	**Cowcod**	CLOSED[6/]		
29	**Minor nearshore rockfish**			
30	large footrope trawl	CLOSED[6/]		
31	midwater or small footrope trawl[7/]	300 lb/ month		
32	**Lingcod**[8/]			
33	large footrope trawl	CLOSED[6/]		
34	midwater or small footrope trawl[7/]	800 lb/ 2 months	1,000 lb/ 2 months	800 lb/ 2 months
35	**Other Fish**[9/]	Not limited		

1/ Gear requirements and prohibitions are explained above. See IV. A.(14).

2/ "South" means 40o10' N. lat. to the U.S.-Mexico border. 40o10' N. lat. is about 20 nm south of Cape Mendocino, CA.

3/ Yellowtail is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.

4/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.

5/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).

6/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).

7/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.

8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.

9/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.

10/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4 (North). 2004 Trip Limits for Limited Entry Fixed Gear North of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[8/] (RCA):						
	North of 46°16' N. lat.	shoreline - 100 fm					
	46°16' N. lat. - 40°10' N. lat.	30 fm - 100 fm					
1	**Minor slope rockfish[4/]**	4,000 lb/ 2 months					
2	**Pacific ocean perch**	1,800 lb/ 2 months					
3	**Sablefish**	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
4	**Longspine thornyhead**	10,000 lb/ 2 months					
5	**Shortspine thornyhead**	2,100 lb/ 2 months					
6	**Dover sole**	5,000 lb/ month					
7	**Arrowtooth flounder**						
8	**Petrale sole**						
9	**Rex sole**						
10	**All other flatfish[2/]**						
11	**Whiting[3/]**	10,000 lb/ trip					
12	**Minor shelf rockfish, widow, and yellowtail rockfish[4/]**	200 lb/ month					
13	**Canary rockfish**	CLOSED[5/]					
14	**Yelloweye rockfish**	CLOSED[5/]					
15	**Minor nearshore rockfish**	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish[6/]					
16	**Lingcod[7/]**	CLOSED[5/]		400 lb/ month			CLOSED[5/]
17	**Other fish[9/]**	Not limited					

1/ "North" means 40°10' N. lat. to the U.S.-Canada border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with species specific management measures, including trip limits.
3/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
4/ Bocaccio and chilipepper are included in the trip limits for minor shelf rockfish and splitnose rockfish is included in the trip limits for minor slope rockfish.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ For black rockfish north of Cape Alava (48°09'30" N. lat.), and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
8/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.
9/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4 (South). 2004 Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[7/] (RCA):						
	40°10' - 34°27' N. lat.	30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		20 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)	
	South of 34°27' N. lat.	60 fm - 150 fm (also applies around islands)					
1	**Minor slope rockfish[4/]**						
2	40°10' - 38° N. lat.	7,000 lb/ 2 months					
3	South of 38° N. lat.	40,000 lb/ 2 months					
4	**Splitnose**						
5	40°10' - 38° N. lat.	7,000 lb/ 2 months					
6	South of 38° N. lat.	40,000 lb/ 2 months					
7	**Sablefish**						
8	40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
9	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
10	**Longspine thornyhead**	10,000 lb/ 2 months					
11	**Shortspine thornyhead**	2,000 lb/ 2 months					
12	**Dover sole**	5,000 lb/ month When fishing for Pacific sanddabs, vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to 1 lb (0.45 kg) of weight per line are not subject to the RCAs.					
13	**Arrowtooth flounder**						
14	**Petrale sole**						
15	**Rex sole**						
16	**All other flatfish[2/]**						
17	**Whiting[3/]**	10,000 lb/ trip					
18	**Minor shelf rockfish, widow, and yellowtail rockfish[4/]**						
19	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	200 lb/ 2 months		300 lb/ 2 months	
20	South of 34°27' N. lat.	CLOSED[5/]	2,000 lb/ 2 months				
21	**Chilipepper rockfish**	2,000 lb/ 2 months, this opportunity only available seaward of the nontrawl RCA					
22	**Canary rockfish**	CLOSED[5/]					
23	**Yelloweye rockfish**	CLOSED[5/]					
24	**Cowcod**	CLOSED[5/]					
25	**Bocaccio**						
26	40°10' - 34°27' N. lat.	200 lb/ 2 months	CLOSED[5/]	100 lb/ 2 months		200 lb/ 2 months	
27	South of 34°27' N. lat.	CLOSED[5/]	300 lb/ 2 months				
28	**Minor nearshore rockfish**						
29	Shallow nearshore						
30	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months	500 lb/ 2 months	300 lb/ 2 months
31	South of 34°27' N. lat.	CLOSED[5/]	300 lb/ 2 months				
32	Deeper nearshore						
33	40°10' - 34°27' N. lat.	500 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months		400 lb/month	500 lb/ 2 months
34	South of 34°27' N. lat.	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months			400 lb/ 2 months
35	California scorpionfish	CLOSED[5/]	300 lb/ 2 months		400 lb/ 2 months		300 lb/ 2 months

Table 4 (South). Continued

36	**Lingcod**[6/]	CLOSED[5/]	400 lb/ month, when nearshore open	CLOSED[5/]
37	**Other fish**[8/]	Not limited		

1/ "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with species specific management measures, including trip limits.
3/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip all year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
4/ Chilipepper rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
7/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at IV. A.(17)(f) that may vary seasonally.
8/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish.* The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear. See footnote e/ of Table 1a.

(a) *Trawl trip limits.* Management measures for the limited entry trawl fishery for sablefish are listed in Table 3 (North) and Table 3 (South).

(b) *Nontrawl (fixed gear) trip limits.* To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement (see 50 CFR 660.323(a)(2)(i).) A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season.* The primary season begins at 12 noon l.t. on April 1, 2004, and ends at 12 noon l.t. on October 31, 2004. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2004, the following limits are in effect: Tier 1, 62,000 lb (28,123 kg); Tier 2, 28,000 lb (12,701 kg); Tier 3, 16,000 lb (7,257 kg). [Note: These tier limits are likely to change as new observer data is released in the spring of 2004. Limits will be finalized before the start of the primary season.] All limits are in round weight. If a vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2004 count against the cumulative limits associated with the permit(s) registered for use with that vessel.

(ii) *Daily trip limit.* Daily and/or weekly sablefish trip limits listed in Table 4 (North) and Table 4 (South) apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 4 (South) apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(iii) *Participating in both the primary and daily trip limit fisheries.* A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2004, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t. If a vessel has taken all of its tier limit except for an amount that is smaller than the daily trip limit amount, that vessel's subsequent sablefish landings are automatically subject to daily and/or weekly trip limits.

(3) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4).

(a) *Allocations.* The non-tribal allocations, based on percentages that are applied to the commercial OY of (commercial OY to be announced before the start of the primary season) in 2004 (see 50 CFR 660.323(a)(4)), are as follows:

(i) *Catcher/processor sector*—TBA (24 percent);

(ii) *Mothership sector*—TBA (34 percent);

(iii) *Shore-based sector*—TBA (42 percent). No more than 5 percent (TBA) of the shore-based whiting allocation may be taken before the shore-based fishery begins north of 42° N. lat. on June 15, 2003.

(iv) *Tribal allocation*—See paragraph V.

(b) *Seasons.* After the start of a primary season for a sector of the whiting fishery, the season remains open for that sector until the quota is taken and the fishery season for that sector is closed by NMFS. The 2004 primary seasons for the whiting fishery start on the same dates as in 2003, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°–40°30′ N. lat.; April 15 south of 40°30′ N. lat.

(c) *Trip limits.*

(i) *Before and after the regular (primary) season.* The ''per trip'' limit for whiting before and after the regular (primary) season for the shore-based sector is announced in Table 3 (North) and Table 3 (South), as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka, CA area. The ''per trip'' limit for other groundfish species before, during and after the regular (primary) season are announced in Table 3 (North) and Table 3 (South) and apply as follows:

(A) Before the primary whiting season, vessels may use either small and/or large footrope gear during a cumulative limit period, but are subject to the more restrictive trip limits for the entire cumulative period.

(B) Once the primary whiting season begins for a sector of the fishery, then

the midwater trip limits apply and are additive to the trip limits for other groundfish species for that fishing period (*i.e.,* vessels are not constrained by the lower midwater limits and can harvest up to the footrope-specific trawl limits plus the midwater trawl limits for that cumulative limit period).

(C) Following the primary whiting season, vessels can access either the small and/or large footrope limits, but any landings of other groundfish species made during the primary whiting season count against the cumulative limits for that period.

(ii) *Inside the Eureka, CA 100-fm (183-m) contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka, CA area.

(4) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava, WA (48°09′30″ N. lat.) and between Destruction Island, WA (47°40′00″ N. lat.) and Leadbetter Point, WA (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 4 (North) and Table 5 (North) of section IV. The crossover provisions at paragraphs IV.A.(12) do not apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General.* Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), setnet and trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d)), size limits (see paragraph IV.A.(6)), seasons (see paragraph IV.A.(7)), and closed areas. Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception, CA must adhere to CCA restrictions (see paragraph IV.A.(17)(b)). Retention of yelloweye rockfish and canary rockfish is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, including exempted trawl gear, are listed in Table 5 (North) and Table 5 (South).

A header in Table 5 (North) and Table 5 (South) approximates the RCA (*i.e.,* closed area) for vessels participating in the open access fishery. The RCA boundaries are defined by latitude and longitude coordinates (see paragraph IV.A.(17)), except that under state law, fishing is prohibited by open access fixed gear vessels from the shoreline to a 10-fm (18-m) depth contour around the Farallon Islands. For a definition of the Farallon Islands, see paragraph IV.A.(17)(f). For the exempted trawl gear fisheries, exempted trawl gear RCAs, if applicable, are detailed in the exempted trawl gear sections at the bottom of Table 5 (North) and Table 5 (South). Retention of groundfish caught by exempted trawl gear is prohibited in the designated RCAs, except that pink shrimp trawl may retain groundfish caught both inside and outside the exempted trawl RCA subject to the limits in Table 5 (North) and Table 5 (South). Retention of groundfish caught by salmon troll gear is prohibited in the designated RCAs, except that salmon trollers may retain yellowtail rockfish caught both inside and outside the non-trawl RCA subject to the limits in Table 5 (North). The trip limit at 50 CFR 660.323(a)(1) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.(4).)

Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

Table 5 (North). 2004 Trip Limits for Open Access Gears North of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[8/] (RCA):						
	North of 46°16' N. lat.	shoreline - 100 fm					
	46°16' N. lat. - 40°10' N. lat.	30 fm - 100 fm					
1	**Minor slope rockfish[2/]**	Per trip, no more than 25% of weight of the sablefish landed					
2	**Pacific ocean perch**	100 lb/ month					
3	**Sablefish**	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
4	**Thornyheads**	CLOSED[5/]					
5	**Dover sole**	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs.					
6	**Arrowtooth flounder**						
7	**Petrale sole**						
8	**Rex sole**						
9	**All other flatfish[3/]**						
10	**Whiting**	300 lb/ month					
11	**Minor shelf rockfish, widow and yellowtail rockfish[2/]**	200 lb/ month					
12	**Canary rockfish**	CLOSED[5/]					
13	**Yelloweye rockfish**	CLOSED[5/]					
14	**Minor nearshore rockfish**	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish[6/]					
15	**Lingcod[6/]**	CLOSED[5/]		300 lb/ month			CLOSED[5/]
16	**Other Fish[7/]**	Not limited					
17	**PINK SHRIMP EXEMPTED TRAWL** *(not subject to RCAs)*						
18	North	**Effective April 1 - October 31, 2004:** groundfish 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					
19	**SALMON TROLL**						
20	North	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons and RCA restrictions listed in the table above.					

1/ "North" means 40°10' N. lat. to the U.S.-Canada border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.

2/ Bocaccio and chilipepper rockfishes are included in the trip limits for minor shelf rockfish and splitnose rockfish is included in the trip limits for minor slope rockfish.

3/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.

4/ For black rockfish north of Cape Alava (48°09'30" N. lat.), and between Destruction Island (47°40' N. lat.) and Leadbetter Point (46°38'10" N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).

6/ The size limit for lingcod is 24 inches (61 cm) total length.

7/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.

8/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours, but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 5 (South). 2004 Trip Limits for Open Access Gears South of 40°10' N. Latitude[1/]

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table 102003

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area[7/] (RCA):						
	40°10' - 34°27' N. lat.	30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		20 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)		30 fm - 150 fm (also applies around islands, there is an additional closure between the shoreline and 10 fm around the Farallon Islands)	
	South of 34°27' N. lat.	60 fm - 150 fm (also applies around islands)					
1	**Minor slope rockfish[2/]**						
2	40°10' - 38° N. lat.	Per trip, no more than 25% of weight of the sablefish landed					
3	South of 38° N. lat.	10,000 lb/ 2 months					
4	**Splitnose**	200 lb/ month					
5	**Sablefish**						
6	40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 3,600 lb/ 2 months					
7	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
8	**Thornyheads**						
9	40°10' - 34°27' N. lat.	CLOSED[5/]					
10	South of 34°27' N. lat.	50 lb/ day, no more than 1,000 lb/ 2 months					
11	**Dover sole**	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs. When fishing for Pacific sanddabs, vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to 1 lb of weight per line are not subject to the RCAs.					
12	**Arrowtooth flounder**						
13	**Petrale sole**						
14	**Rex sole**						
15	**All other flatfish[3/]**						
16	**Whiting**	300 lb/ month					
17	**Minor shelf rockfish, widow and chilipepper rockfish[2/]**						
18	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	200 lb/ 2 months		300 lb/ 2 months	
19	South of 34°27' N. lat.	CLOSED[5/]	500 lb/ 2 months				
20	**Canary rockfish**	CLOSED[5/]					
21	**Yelloweye rockfish**	CLOSED[5/]					
22	**Cowcod**	CLOSED[5/]					
23	**Bocaccio**						
24	40°10' - 34°27' N. lat.	200 lb/ 2 months	CLOSED[5/]	100 lb/ 2 months		200 lb/ 2 months	
25	South of 34°27' N. lat.	CLOSED[5/]	100 lb/ 2 months				
26	**Minor nearshore rockfish**						
27	Shallow nearshore						
28	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months	500 lb/ 2 months	300 lb/ 2 months
29	South of 34°27' N. lat.	CLOSED[5/]	300 lb/ 2 months				
30	Deeper nearshore						
31	40°10' - 34°27' N. lat.	500 lb/ 2 months	CLOSED[5/]	500 lb/ 2 months		400 lb/month	500 lb/ 2 months
32	South of 34°27' N. lat.	CLOSED[5/]	500 lb/ 2 months	600 lb/ 2 months			400 lb/ 2 months
33	California scorpionfish	CLOSED[5/]	300 lb/ 2 months		400 lb/ 2 months		300 lb/ 2 months

Table 5 (South). Continued

34	**Lingcod**[4/]	CLOSED[5/]	300 lb/ month, when nearshore open	CLOSED[5/]
35	**Other Fish**[6/]	Not limited		
36	**PINK SHRIMP EXEMPTED TRAWL GEAR** *(not subject to RCAs)*			
37	South	**Effective April 1 - October 31, 2004:** Groundfish 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.		
38	**PRAWN AND, SOUTH OF 38°57'30" N. LAT., CALIFORNIA HALIBUT AND SEA CUCUMBER EXEMPTED TRAWL**			
39	**EXEMPTED TRAWL Rockfish Conservation Area**[7/] **(RCA):**			
40	40°10' - 38° N. lat.	75 fm - 150 fm	100 fm - 150 fm	75 fm - 150 fm
41	South of 38° N. lat.	75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands	100 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands	75 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands
42		Groundfish 300 lb/trip. Trip limits in this table also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57'30" N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 33).		

1/ "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Yellowtail rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
3/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.
4/ The size limit for lingcod is 24 inches (61 cm) total length.
5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
6/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
7/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours, but specifically defined by lat./long. coordinates set out at IV. A.(17)(f), that may vary seasonally.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for ridgeback prawns, California halibut, or sea cucumbers.* Trip limits for groundfish retained in the ridgeback prawn, California halibut, or sea cucumber fisheries are in Table 5 (South). The table also generally describes the RCAs for vessels participating in these fisheries.

(a) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena, CA (38°57′30″ N. lat.); and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 in (56 cm) in total length, unless it weighs 4 lb (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(b) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena, CA (38°57′30″ N. lat.); and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8405, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.* Trip limits for groundfish retained in the pink shrimp fishery are in Table 5 (North) and Table 5 (South). Notwithstanding section IV.A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the

vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

Federal recreational groundfish regulations are not intended to supersede any more restrictive state recreational groundfish regulations relating to federally-managed groundfish.

(1) *Washington.* For each person engaged in recreational fishing in the EEZ seaward of Washington, the groundfish bag limit is 15 groundfish, including rockfish and lingcod, and is open year-round (except for lingcod). The following sublimits and closed areas apply:

(a) *Closed Areas.*

(i) *Yelloweye Rockfish Conservation Area.* The Yelloweye Rockfish Conservation Area, or YRCA, is a ''C-shaped'' area which is closed to recreational groundfish and halibut fishing. The YRCA is defined by latitude and longitude coordinates specified at 50 CFR 660.304(d).

(ii) *Recreational Rockfish Conservation Area.* The recreational Rockfish Conservation Area, or recreational RCA, is an area which may be closed to recreational groundfish fishing inseason. If recreational fishing for all groundfish is prohibited seaward of a boundary line approximating the 30-fm (55-m) depth contour, a notice will be published in the **Federal Register** inseason. Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in section IV.A.(17)(f).

(b) *Rockfish.* In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing, there is a 10 rockfish per day bag limit. Taking and retaining canary rockfish and yelloweye rockfish is prohibited.

(c) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and March 12, and between October 17 and December 31. In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing and when the recreational season for lingcod is open (*i.e.*, between March 13–October 16), there is a bag limit of 2 lingcod per day, which may be no smaller than 24 in (61 cm) total length.

(2) *Oregon.*

(a) *Seasons, closed areas.* Recreational fishing for groundfish is open from January 1 through December 31 in all areas, except that from June 1 through September 30, recreational fishing for groundfish is prohibited seaward of a recreational Rockfish Conservation Area (RCA) boundary line approximating the 40-fm (73-m) depth contour, subject to the provisions in paragraph IV.D.(2)(b). Coordinates for the boundary line approximating the 40-fm (73-m) depth contour are listed in section IV.A.(17)(f). Recreational fishing for all groundfish may be prohibited inseason seaward of a boundary line approximating the 30-fm (55-m) depth contour. If a boundary line approximating the 30-fm (55-m) depth contour is implemented inseason, a document will be published in the **Federal Register**. Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in section IV.A.(17)(f).

(b) *Bag limits, size limits.* The bag limits for each person engaged in recreational fishing in the EEZ seaward of Oregon are two lingcod per day, which may be no smaller than 24 in (61 cm) total length; and 10 marine fish per day, which excludes salmon, tuna, perch species, sturgeon, sanddabs, lingcod, striped bass and baitfish (herring, smelt, anchovies and sardines), but which includes rockfish, greenling, cabezon and other groundfish species. The minimum size limit for cabezon retained in the recreational fishery is 16 in (41 cm) and for greenling is 10 in (26 cm). Taking and retaining canary rockfish and yelloweye rockfish is prohibited. During the all-depth recreational fisheries for Pacific halibut, vessels with halibut on board may not take and retain, possess or land yelloweye rockfish or canary rockfish.

(3) *California.* Seaward of California (north and south of 40°10′ N. lat.), California law provides that, in times and areas when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person. Retention of cowcod, yelloweye rockfish and canary rockfish is prohibited in the recreational fishery seaward of California all year in all areas.

(a) *North of 40°10′ N. lat.* For each person engaged in recreational fishing in the EEZ seaward of California north of 40°10′ N. lat. to the California/Oregon border, the following seasons, bag limits, and size limits apply:

(i) *RCG Complex.* The California rockfish, cabezon, greenling complex (RCG Complex), as defined in state regulations (Section 1.91, Title 14, California Code of Regulations), includes all rockfish, kelp greenling, rock greenling, and cabezon. This category does not include California scorpionfish, also known as ''sculpin.''

(A) *Seasons.* North of 40°10′ N. lat., recreational fishing for the RCG Complex is open from January 1 through December 31.

(B) *Bag limits, boat limits, hook limits.* North of 40°10′ N. lat., in times and areas when the recreational season for the RCG Complex is open, there is a limit of two hooks and one line when fishing for rockfish, and the bag limit is 10 rockfish per day, of which no more than 2 may be bocaccio. The following daily bag limits also apply: no more than 10 cabezon per day and no more than 10 kelp greenling and 10 rock greenling per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* The following size limits apply: Bocaccio may be no smaller than 10 in (25 cm) total length; cabezon may be no smaller than 15 in (38 cm) total length; and kelp and rock greenling may be no smaller than 12 in (30 cm) total length.

(D) *Dressing/Filleting.* Cabezon, kelp greenling, and rock greenling taken in the recreational fishery may not be filleted at sea. Rockfish skin may not be removed when filleting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 in (12.8 cm) and brown-skinned rockfish fillets may be no smaller than 6.5 in (16.6 cm). ''Brown-skinned'' rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(ii) *Lingcod.*

(A) *Seasons.* North of 40°10′ N. lat., recreational fishing for lingcod is open from January 1 through December 31.

(B) *Bag limits, boat limits, hook limits.* North of 40°10′ N. lat., in times and areas when the recreational season for lingcod is open, there is a limit of two hooks and one line when fishing for lingcod, and the bag limit is two lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* Lingcod may be no smaller than 24 in (61 cm) total length.

(D) *Dressing/Fileting.* Lingcod filets may be no smaller than 16 in. (41 cm) in length .

(b) *South of 40°10′ N. lat.* For each person engaged in recreational fishing in the EEZ seaward of California south of 40°10' N. lat., the following seasons, bag limits, size limits and closed areas apply:

(i) *Closed Areas.*

(A) *Cowcod Conservation Areas.* Coordinates defining the boundaries of the Cowcod Conservation Areas (CCAs) are described in Federal regulations at

50 CFR 660.304(c). Recreational fishing for all groundfish is prohibited within the CCAs, except that fishing for sanddabs is permitted subject to the provisions in paragraph IV.D.(3)(b)(v) and that fishing for species managed under this section (not including cowcod, canary, and yelloweye rockfish) are permitted in waters shoreward of the 20-fm (37-m) depth contour within the CCAs from March 1 through December 31, subject to the bag limits in this section.

(B) *Recreational Rockfish Conservation Areas.* The recreational Rockfish Conservation Areas, or recreational RCAs, are areas that are closed to recreational fishing for groundfish.

(1) *Between 40°10′ N. lat. and 34°27′ N. lat.,* recreational fishing for all groundfish, except sanddabs, is prohibited seaward of a boundary line approximating the 30-fm (55-m) depth contour along the mainland coast and along islands and offshore seamounts during January 1 through February 29 and September 30 through December 31; is prohibited seaward of the 20-fm (37-m) depth contour during May 1 through August 31; and is closed entirely during March 1 through April 30 (*i.e.*, prohibited seaward of the shoreline). Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in section IV.A.(17)(f). Under state law, recreational fishing for all groundfish, including sanddabs, is prohibited between the shoreline and the 10-fm (18-m) depth contour around the Farallon Islands. For a definition of the Farallon Islands, see paragraph IV.A.(17)(f).

(2) *South of 34°27′ N. lat.,* recreational fishing for all groundfish, except sanddabs, is prohibited seaward of a boundary line approximating the 60-fm (110-m) depth contour along the mainland coast and along islands and offshore seamounts during March 1 through December 31 and is closed entirely during January 1 through February 29 (*i.e.*, prohibited seaward of the shoreline), except in the CCA where fishing is prohibited seaward of the 20-fm (37-m) depth contour in paragraph (A) of this section. Coordinates for the boundary line approximating the 60-fm (110-m) depth contour are listed in section IV.A.(17)(f).

(ii) *RCG Complex.* The California rockfish, cabezon, greenling complex (RCG Complex), as defined in state regulations (Section 1.91, Title 14, California Code of Regulations), includes all rockfish, kelp greenling, rock greenling, and cabezon. This category does not include California scorpionfish, also known as ''sculpin.''

(A) *Seasons.* Between 40°10′ N. lat. and 34°27′ N. lat., recreational fishing for the RCG Complex is open from January 1 through February 29 and from May 1 through December 31 (*i.e.*, it's closed from March 1 through April 30). South of 34°27′ N. lat., recreational fishing for the RCG Complex is open from March 1 through December 31 (*i.e.*, it's closed from January 1 through February 29). When recreational fishing for the RCG Complex is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10′ N. lat., in times and areas when the recreational season for the RCG Complex is open, there is a limit of two hooks and one line when fishing for rockfish, and the bag limit is 10 RCG Complex fish per day (not including canary rockfish, yelloweye rockfish and cowcod, which are prohibited), of which up to 10 may be rockfish, no more than 1 of which may be bocaccio and no more than two of which may be shallow nearshore rockfish. [**Note:** The shallow nearshore rockfish group off California are composed of kelp, grass, black-and-yellow, China, and gopher rockfishes.] Also within the 10-RCG Complex fish per day limit, no more than two fish per day may be greenling (kelp and/or other greenlings) and no more than 3 fish per day may be cabezon. Lingcod, California scorpionfish and sanddabs taken in recreational fisheries off California do not count toward the 10 RCG Complex fish per day bag limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* The following size limits apply: Bocaccio may be no smaller than 10 in (25 cm) total length, cabezon may be no smaller than 15 in (38 cm), and kelp and other greenlings may be no smaller than 12 in (30 cm).

(D) *Dressing/Filleting.* Cabezon, kelp greenling, and rock greenling taken in the recreational fishery may not be filleted at sea. Rockfish skin may not be removed when filleting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: Bocaccio filets may be no smaller than 5 in (12.8 cm) and brown-skinned rockfish filets may be no smaller than 6.5 in (16.6 cm). ''Brown-skinned'' rockfish include the following species: Brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(iii) *California scorpionfish.* California scorpionfish only occur south of 40°10′ N. lat.

(A) *Seasons.* Between 40°10′ N. lat. and 34°27′ N. lat., recreational fishing for California scorpionfish is open from January 1 through February 29 and from May 1 through December 31 (*i.e.*, it's closed from March 1 through April 30). South of 34°27′ N. lat., recreational fishing for California scorpionfish is open from March 1 through April 31 and from November 1 through December 31 (*i.e.*, it's closed from January 1 through February 29 and from May 1 through October 31). When recreational fishing for California scorpionfish is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10′ N. lat., in times and areas where the recreational season for California scorpionfish is open, and the bag limit is 5 California scorpionfish per day. California scorpionfish do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* California scorpionfish may be no smaller than 10 in (25 cm) total length.

(D) *Dressing/Filleting.* California scorpionfish fillets may be no smaller than 5 in (12.8 cm).

(iv) *Lingcod.*

(A) *Seasons.* Between 40°10′ N. lat. and 34°27′ N. lat., recreational fishing for lingcod is open from January 1 through February 29 and from May 1 through December 31 (*i.e.*, it's closed from March 1 through April 30). South of 34°27′ N. lat., recreational fishing for lingcod is open from March 1 through December 31 (*i.e.*, it's closed from January 1 through February 29). When recreational fishing for lingcod is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10′ N. lat., in times and areas when the recreational season for lingcod is open, there is a limit of two hooks and one line when fishing for lingcod, and the bag limit is two lingcod per day. Lingcod do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* Lingcod may be no smaller than 24 in (61 cm) total length.

(D) *Dressing/Filleting.* Lingcod fillets may be no smaller than 16 in (41 cm) in length.

(v) *Sanddabs.* South of 40°10′ N. lat., recreational fishing for sanddabs is permitted both shoreward of and within the closed areas, except that under state law recreational fishing for sanddabs is prohibited between the shoreline and 10-fm (18-m) depth contour around the Farallon Islands, as described in section IV.D.(3)(b)(i) above. Recreational fishing for sanddabs is permitted within the closed areas, subject to a limit of up to 12 hooks, ''Number 2'' or smaller, which measure 11 mm (0.44 inches) point to shank, and up to 2 lb (0.91 kg) of weight per line. There is no bag limit, season, or size limit for sanddabs, however, it is prohibited to fillet sanddabs at sea.

V. Washington Coastal Tribal Fisheries

In 1994, the United States formally recognized that the four Washington coastal treaty Indian tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish in the Pacific Ocean, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish that pass through the tribes' usual and accustomed ocean fishing areas (described at 60 CFR 660.324).

A tribal allocation is subtracted from the species OY before limited entry and open access allocations are derived. The tribal fisheries for sablefish, black rockfish, and whiting are separate fisheries, and are not governed by the limited entry or open access regulations or allocations. The tribes regulate these fisheries so as not to exceed their allocations.

The tribal allocation for black rockfish is the same in 2004 as in 2003. Also similar to 2003, the tribal sablefish allocation is 10 percent of the total catch OY north of Point Conception, CA (751 mt), less 3 percent for estimated discard mortality, or 728.5 mt.

In 1999 through 2003, the tribal whiting allocation has been based on a methodology originally proposed by the Makah Tribe in 1998. The methodology is an abundance-based sliding scale that determines the tribal allocation based on the level of the overall U.S. OY, up to a maximum 17.5 percent tribal harvest ceiling at OY levels below 145,000 mt. The tribes have proposed using the same methodology in 2004, and the allocation will be calculated based on that methodology once the final whiting OY is determined. No other tribes have proposed to harvest whiting in 2004.

The sliding scale methodology used to determine the treaty Indian share of Pacific whiting is the subject of ongoing litigation. In *United States* v. *Washington,* Subproceeding 96–2, the Court held that the methodology is consistent with the Magnuson-Stevens Act, and is the best available scientific method to determine the appropriate allocation of whiting to the tribes. *United States* v. *Washington,* 143 F.Supp.2d 1218 (W.D. Wash. 2001). This ruling was reaffirmed in July 2002, *Midwater Trawlers Cooperative* v. *Daley,* C96–1808R (W.D. Wash.) (Order Granting Defendants' Motion to Supplement Record, July 17, 2002), and again in April 2003, *id.,* Order Granting Federal Defendants' and Makah's Motions for Summary Judgment and Denying Plaintiffs' Motions for Summary Judgment, April 15, 2003. The latter ruling has been appealed to the Ninth Circuit, but no decision has been rendered as yet. At this time NMFS remains under a Court Order in Subproceeding 96–2 to continue use of the sliding scale methodology unless the Secretary finds just cause for its alteration or abandonment, the parties agree to a permissible alternative, or further order issues from the Court. Therefore, NMFS is obliged to continue to use the methodology unless one of the events identified by the Court occurs. Since NMFS finds no reason to change the methodology, it has been used to determine the 2004 tribal allocation.

For some species on which the tribes have a modest harvest, no specific allocation has been determined. Rather than try to reserve specific allocations for the tribes, NMFS is establishing trip limits recommended by the tribes and the Council to accommodate modest tribal fisheries. For lingcod, all tribal fisheries are restricted to 450 lb (204 kg) per day and 1,350 lb (612 kg) per week cumulative limits. Tribal fisheries will be managed with a 25-mt lingcod harvest guideline in 2004. For rockfish species, the 2004 tribal longline and trawl fisheries will operate under trip and cumulative limits. Tribal fisheries will operate under a 300-lb (136-kg) per trip limit each for canary rockfish, thornyheads, and the minor rockfish species groups (nearshore, shelf, and slope), and under a 100-lb (45-kg) trip limit for yelloweye rockfish. A 300-lb (136 kg) canary rockfish trip limit is expected to result in landings of 3.6 mt in 2004. A 300-lb (136-kg) thornyheads trip limit is expected to result in landings of 4.8 mt in 2004. Other rockfish limits are expected to result in the following landings levels: widow rockfish, 40 mt; yelloweye rockfish, 3.1 mt; yellowtail rockfish, 400 mt; minor nearshore rockfish, 2 mt; minor shelf rockfish excluding yelloweye, 4.5 mt; minor slope rockfish, 4 mt. Trace amounts (<1 mt) of POP and darkblotched rockfish may also be landed in tribal commercial fisheries.

The Assistant Administrator (AA) announces the following tribal allocations for 2004, including those that are the same as in 2003. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 728.5 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava, WA (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island, WA (47°40′00″ N. lat.) and Leadbetter Point, WA (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300-lb (136-kg) trip limit.

(3) Canary rockfish are subject to a 300-lb (136-kg) trip limit.

(4) Yelloweye rockfish are subject to a 100-lb (45-kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 150,000 lb (13,608 kg) per 2-month period for the entire fleet. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300-lb (136-kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 450-lb (204-kg) daily trip limit and a 1,350-lb (612-kg) weekly limit.

D. Flatfish and Other Fish

Treaty fishing vessels using bottom trawl gear will be subject to the limits applicable to the non-tribal limited entry trawl fishery for Pacific cod, English sole, rex sole, arrowtooth flounder, and other flatfish. Treaty

fishing vessels are restricted to a 30,000 lb (13,608 kg) per 2-month limit for petrale sole for the entire year.

E. Pacific Whiting

Whiting allocations will be announced when the final OY is announced.

Classification

These proposed specifications and management measures for 2004 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act, the FMP, and 50 CFR part 660 subpart G (the regulations implementing the FMP).

The Council prepared a DEIS for this proposed action; a notice of availability was published on October 24, 2003 (68 FR 60983). A copy of the DEIS is available on the Internet at *http://www.pcouncil.org.*

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to Executive Order 13175, this rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, regulations implementing the FMP establish a procedure by which the tribes with treaty fishing rights in the area covered by the FMP request new allocations or regulations specific to the tribes, in writing, before the first of the two Council meetings at which the Council considers groundfish specifications and management measures. The regulations at 50 CFR 660.324(d) further states ''the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.'' The tribal management measures in this proposed rule have been developed following these procedures. The tribal representative on the Council made a motion to adopt the tribal management measures, which was passed by the Council, and those management measures, which were developed and proposed by the tribes, are included in this proposed rule.

The Council prepared an IRFA that describes the impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule. This proposed rule does not duplicate, overlap, or conflict with other Federal rules. A copy of this analysis is available from the Council (see **ADDRESSES**). A summary of the analysis follows.

NMFS is proposing the 2004 annual specifications and management measures to allow West Coast commercial and recreational fisheries participants to fish the harvestable surplus of more abundant groundfish stocks, while also ensuring that those fisheries do not exceed the allowable catch levels intended to protect overfished and depleted stocks. The form of the specifications, in ABCs and OYs, follows the guidance of the Magnuson-Stevens Act, the National Standard Guidelines, and the FMP for protecting and conserving fish stocks. Annual management measures include trip and bag limits, size limits, time/area closures, gear restrictions, and other measures intended to allow year-round West Coast groundfish landings without compromising overfished species rebuilding measures.

Approximately 2,000 vessels participate in the West Coast groundfish fisheries. Of those, about 500 vessels are registered to limited entry permits issued for either trawl, longline, or pot gear. About 1,500 vessels land groundfish against open access limits while either directly targeting groundfish or taking groundfish incidentally in fisheries directed at non-groundfish species. All but 10–20 of those vessels are considered small businesses by the Small Business Administration. The IRFA analyzed the approximately 450 groundfish buyers that regularly purchase groundfish. Of those, 38 buyers purchased groundfish product in excess of $1,000,000 in 2002. In the 2001 recreational fisheries, there were 106 Washington charter vessels engaged in salt water fishing outside of Puget Sound, 232 charter vessels active on the Oregon coast and 415 charter vessels active on the California coast.

The Council considered five alternative specifications and management measures regimes for 2004: the no action alternative, which would have implemented the 2003 management regime for 2004; the low OY alternative, which set a series of conservative groundfish harvest levels that were either intended to achieve high probabilities of rebuilding within T_{MAX} for overfished species or modest levels of harvest for more abundant stocks; the high OY alternative, which set harvest levels that were either intended to achieve lower probabilities of rebuilding within T_{MAX} for overfished species or higher harvest levels for more abundant stocks, within Council harvest parameters described earlier in this document; the medium OY alternative, which set harvest levels intermediate to those of the low and high alternatives, and; the Council OY alternative (preferred alternative) which was the same as the medium OY alternative, but with more precautionary OY levels for bocaccio and darkblotched rockfish and more precautionary recreational fisheries management than the medium OY alternative. Each of these alternatives included both harvest levels (specifications) and management measures needed to achieve those harvest levels, with the most restrictive management measures corresponding to the lowest OYs.

Each of the alternatives analyzed by the Council was expected to have different overall effects on the economy. Among other factors, the DEIS for this action reviewed alternatives other than the no action alternative for expected declines in revenue and income from 2003 levels. The low OY alternative was expected to reduce commercial ex-vessel revenue by $11.5 million in 2004, reduce overall commercial harvest income by $6.2 million, and reduce recreational fishery income (mainly charter businesses) by $95 million. The high OY alternative was expected to increase commercial ex-vessel revenue by $3.3 million in 2004, increase overall commercial harvest income by $6.9 million, and increase recreational fishery income by $122 million. The medium OY alternative was expected to increase commercial ex-vessel revenue by $3.3 million in 2004, increase overall commercial harvest income by $4.8 million, and increase recreational fishery income by $112 million. The Council's OY alternative was expected to increase commercial ex-vessel revenue by $2.8 million in 2004, increase overall commercial harvest income by $4 million, and increase recreational fishery income by $55 million. The Council's OY alternative was chosen as the preferred alternative because it met the conservation requirements of the Magnuson-Stevens Act, while reducing to the extent possible the adverse economic impacts of these conservation measures on the fishing industries and associated communities.

For the 2003 management cycle, NMFS had introduced depth-based management, which had a greater effect on both commercial and recreational fisheries income between 2002 and 2003 than retaining depth-based management will have between 2003 and 2004. The modest increases in income expected for the various fishing communities in 2004

are expected to result from a larger bocaccio OY based on a new bocaccio stock assessment. With a larger bocaccio OY, fisheries that target more abundant stocks that co-occur with bocaccio will have greater access to those stocks in 2004.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: December 18, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.302, the definition ''Exempted gear'' is revised and the definition for ''North-South management area'' is added in alphabetical order to read as follows:

§ 660.302 Definitions.

* * * * *

Exempted gear means all types of fishing gear except longline, trap (or pot), and groundfish trawl gear. Exempted gear includes trawl gear used to take pink shrimp, ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber south of Pt. Arena, CA under the authority of a State of California limited entry permit for the sea cucumber fishery.

* * * * *

North-South management area means the management areas defined at § 660.304(a) or defined and bounded by one or more of the commonly used geographic coordinates at § 660.304(b) for the purposes of implementing different management measures in separate sections of the U.S. West Coast.

* * * * *

3. In § 660.303, as revised at 68 FR 62381, published November 4, 2003, paragraphs (d)(1) and (d)(5)(i)(D) are revised to read as follows:

§ 660.303 Reporting and recordkeeping.

* * * * *

(d) * * *

(1) *Declaration reports for trawl vessels intending to fish in a conservation area.* The operator of any vessel registered to a limited entry permit with a trawl endorsement; any vessel using trawl gear, including exempted gear used to take pink shrimp, ridgeback prawns, California halibut and sea cucumber; or any tribal vessel using trawl gear must provide NMFS with a declaration report, as specified at paragraph (d)(5) of this section, to identify the intent to fish within the CCA, as defined at § 660.304, or any non-trawl RCA, as defined in the groundfish annual or biennial management measures that are published in the **Federal Register**.

* * * * *

(5) * * *

(i) * * *

(D) Trawl gear including exempted gear used to take pink shrimp, ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber.

* * * * *

4. In § 660.304, paragraph (b) is revised to read as follows:

§ 660.304 Management areas, including conservation areas, and commonly used geographic coordinates.

* * * * *

(b) *Commonly used geographic coordinates.* (1) Washington/Oregon border—46°16′ N. lat.

(2) Cape Falcon, OR—45°46′ N. lat.

(3) Cape Lookout, OR—45°20′15″ N. lat.

(4) Cape Blanco, OR—42°50′ N. lat.

(5) Oregon/California border—42°00′ N. lat.

(6) Cape Mendocino, CA—40°30′ N. lat.

(7) North/South management line—40°10′ N. lat.

(8) Point Arena, CA—38°57′30″ N. lat.

(9) Point San Pedro, CA—37°35′40″ N. lat.

(10) Point Lopez, CA—36°00′ N. lat.

(11) Point Conception, CA—34°27′ N. lat.

* * * * *

5. In § 660.306, paragraph (b) is revised; paragraphs (aa) and (bb), added at 68 FR 62383, November 4, 2003, are revised; and paragraph (cc) is added to read as follows:

§ 660.306 Prohibitions.

* * * * *

(b) Retain any prohibited species (defined in § 660.302 and restricted in § 660.323(c)) caught by means of fishing gear authorized under this subpart or unless authorized by part 600 of this chapter. Prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought on board.

* * * * *

(aa) Fishing in conservation areas. Fish with any trawl gear, including exempted gear used to take pink shrimp, ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber; or with trawl gear from a tribal vessel or with any gear from a vessel registered to a groundfish limited entry permit in a conservation area unless the vessel owner or operator has a valid declaration confirmation code or receipt for fishing in conservation area as specified at 660.303(d)(5).

(bb) Operate any vessel registered to a limited entry permit with a trawl endorsement and trawl gear on board in a Trawl Rockfish Conservation Area (as defined at 660.302), except for purposes of continuous transiting, with all groundfish trawl gear stowed in accordance with 660.322(b)(8), or except as authorized in the annual or biennial groundfish management measures published in the **Federal Register**.

(cc) Operate any vessel registered to a limited entry permit with a longline or trap (pot) endorsement and longline and/or trap gear onboard in a Nontrawl Rockfish Conservation Area (as defined at 660.302), except for purposes of continuous transiting, or except as authorized in the annual or biennial groundfish management measures published in the **Federal Register**.

* * * * *

6. In § 660.323, the introductory text to paragraph (c) is revised to read as follows:

§ 660.323 Catch restrictions.

* * * * *

(c) *Prohibited species.* Groundfish species or species groups under the PCGFMP for which quotas have been achieved and/or the fishery closed are prohibited species. In addition the following are prohibited species: * * *

* * * * *

7. In § 660.370, as proposed to be added at 68 FR 68002, December 5, 2003, paragraphs (b) and (d) are revised to read as follows:

§ 660.370 Overfished species rebuilding plans.

* * * * *

(b) *Darkblotched rockfish.* The target year for rebuilding the darkblotched rockfish stock to B_{MSY} is 2030. The harvest control rule to be used to rebuild the darkblotched rockfish stock is an annual harvest rate of F=0.032.

* * * * *

(d) *Pacific ocean perch (POP).* The target year for rebuilding the POP stock to B_{MSY} is 2027. The harvest control rule

to be used to rebuild the POP stock is an annual harvest rate of F=0.0257.

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Federal Register

Thursday,
January 8, 2004

Part III

Federal Reserve System

12 CFR Part 229

Availability of Funds and Collection of Checks; Proposed Rule

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1176]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board of Governors is publishing for comment proposed amendments to Regulation CC that would add a new subpart D, with commentary, to implement the recently-enacted Check Clearing for the 21st Century Act. These proposed amendments (1) would set forth the requirements of the Act that apply to banks, (2) provide a model disclosure and model notices relating to substitute checks, and (3) set forth indorsement requirements and truncating bank and reconverting bank identification requirements for substitute checks. The proposed amendments also would clarify some existing provisions of the rule and commentary.

DATES: Comments on the proposed rule must be received by March 12, 2004.

ADDRESSES: Comments should refer to docket number R–1176 and should be addressed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System. Comments may be mailed to 20th Street and Constitution Avenue, NW., Washington, DC 20551; faxed to the Office of the Secretary at 202/452–3819 or 202/452–3102; or mailed electronically to *regs.comments@federalreserve.gov.* Because paper mail at the Board of Governors is subject to delay, please consider submitting your comments by fax or e-mail. Members of the public may inspect comments in accordance with the Board's Rules Regarding the Availability of Information (12 CFR part 261) in Room MP–500 of the Martin Building on weekdays between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Jack K. Walton, II, Assistant Director (202/452–2660), or Joseph P. Baressi, Senior Financial Services Analyst (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Stephanie Martin, Associate General Counsel (202/452–3198), or Adrianne G. Threatt, Counsel (202/452–3554), Legal Division; for users of Telecommunication Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION:

Background

I. The Need for and General Provisions of the Check 21 Act

Under current law, a bank that presents a check for payment must present the original paper check unless the paying bank has agreed to accept presentment from the collecting bank in some other form.[1] Sections 3–501(b)(2) and 4–110 of the Uniform Commercial Code (U.C.C.) specifically authorize banks and other persons to agree to alternative means of presentment, such as electronic presentment. However, to truncate checks early in the collection process and engage in broad-based electronic presentment, a collecting bank would need electronic presentment agreements with each bank to which it presents checks. This has proven impracticable because of both the large number of paying banks and the unwillingness of some paying banks to receive electronic presentment.[2] As a result of the difficulty in obtaining the agreements necessary to present checks electronically in all cases, banks have not been able to take full advantage of the efficiencies and potential cost savings of handling checks electronically.

The Check Clearing for the 21st Century Act (the Check 21 Act or the Act) facilitates the broader use of electronic check processing without mandating that any bank change its current check collection practices.[3] The Check 21 Act accomplishes this by authorizing the use of a new negotiable instrument called a substitute check. A substitute check is a paper reproduction of an original check that contains an image of the front and back of the original check and is suitable for automated processing in the same manner as the original check. A bank that for consideration transfers, presents, or returns a substitute check (or another paper or electronic representation of a substitute check) warrants that (1) the substitute check contains an accurate image of the front and back of the original check and a legend stating that it is the legal equivalent of the original check, and (2) no depositary bank, drawee, drawer, or indorser will be asked to pay a check that it already has paid. A substitute check for which a bank has made these warranties is the legal equivalent of the original check for all purposes and all persons.

Allowing a substitute check that is subject to the substitute check warranties to be the legal equivalent of an original check should facilitate the use of electronics in the check collection process. For example, a depositary bank in California that receives a check drawn on a bank in New York now must present the original paper check for payment absent an agreement to the contrary, even if the California bank has agreements to collect checks electronically with other banks in the collection chain for that check. Under the Check 21 Act, by contrast, the California bank could transfer check information electronically to a collecting bank in New York with which it had an agreement to do so. The New York collecting bank then could create a substitute check to present to the New York paying bank. The New York paying bank would be required to accept a substitute check that met all the legal equivalence requirements. Thus, instead of processing and transporting the original check across the country, the California bank could collect the substitute check using only local New York transportation.

The Check 21 Act does not require any bank to use electronic check processing, receive electronic presentment, or create substitute checks, nor would the Check 21 Act make electronic check images or electronic check information the legal equivalent of original checks. However, after the effective date of the Check 21 Act, any bank or other person that requires an original check must accept a legally equivalent substitute check in satisfaction of that requirement. The characteristics of a substitute check are such that a bank that receives a substitute check would be able to process that substitute check to the same extent that it could process the original check. As a result, for the most part, banks would not be required to change their check processing equipment or practices because of the Check 21 Act, and there would be no need for a bank to sort original checks and substitute checks separately during the check collection process.[4]

Certain provisions of the Check 21 Act will affect all banks, even those that do not choose to create substitute

[1] *See, e.g.,* section 3–501(b) of the Uniform Commercial Code.

[2] Some paying banks and bank customers prefer to receive checks in paper form for operational or other reasons.

[3] Pub. L. 108–100, 117 Stat. 1177 (codified at 12 U.S.C. 5001–5018). The Check 21 Act was enacted on October 28, 2003, and takes effect on October 28, 2004.

[4] However, as described in more detail in the section-by-section analysis, a bank must place a ''5'' in position 44 of the MICR line of a qualified returned substitute check, as opposed to a ''2'' that is required in that position for a qualified returned original check.

checks. For example, a bank that simply received a substitute check created by another bank, or a paper or electronic representation of a substitute check, would make the substitute check warranties when it delivered that item for presentment, collection, or return or provided that item to its customer. Any bank that receives consideration for a substitute check, or a representation of a substitute check, that it transfers, presents, or returns also is responsible for indemnifying any person that suffers a loss due to the receipt of a substitute check instead of the original check. Moreover, a bank that provides a substitute check to a consumer might be required to provide an expedited recredit to the consumer if the consumer incurred a loss due to receipt of the substitute check rather than the original check. Finally, a bank must provide a disclosure that describes substitute checks and substitute check rights to consumers who receive paid checks with their periodic account statements and consumers who receive substitute checks on a case-by-case basis.

Although the foregoing provisions of the Check 21 Act would apply to all banks, the law is designed so that losses associated with a substitute check ultimately would be borne by the party that caused the problem with the substitute check. In many cases this would be the first bank to transfer the substitute check (the reconverting bank).[5] A bank that paid a warranty claim or provided an indemnity or expedited recredit for a substitute check that it received from another bank therefore could, in turn, bring a warranty, indemnity, or interbank expedited recredit claim against the bank that transferred the substitute check to it and thereby pass the associated loss back to the responsible party.[6]

The Check 21 Act imposes additional duties on reconverting banks. A reconverting bank must identify itself as such on a substitute check and must preserve the indorsements of parties that previously handled the check in any form. The reconverting bank will be the first bank to provide the substitute check warranties and the first bank in the chain of indemnifying banks, and thus ultimately should bear any loss traceable to a problem that existed as of the time the substitute check was created.[7]

II. Overview of New Subpart D and Associated Amendments to Subpart A

The proposed new subpart D would incorporate into Regulation CC the requirements of the Check 21 Act that affect banks that create or receive substitute checks or paper or electronic representations of substitute checks. Subpart D therefore would contain provisions concerning requirements a substitute check must meet to be the legal equivalent of an original check, reconverting bank duties, the warranties and indemnity associated with substitute checks, expedited recredit procedures for consumers and banks, liability for violations of subpart D, the interaction between subpart D and existing federal and state laws, and the consumer awareness disclosure and other notices regarding substitute checks.

The proposed amendments to implement the Check 21 Act also affect some existing provisions of Regulation CC and its commentary. For example, the Board proposes to amend the authority and scope section, § 229.1, to acknowledge the Check 21 Act as an authority source and to describe subpart D. The Board also proposes to supplement some existing defined terms in § 229.2 for which the Check 21 Act has slightly different definitions and to define several new terms used in subpart D. The Board also proposes to amend the magnetic ink character recognition (MICR) line requirements for qualified returned checks to allow for differences to facilitate the processing of substitute checks and to amend § 229.35 and appendix D to include indorsement and identification standards for substitute checks.

III. Other Amendments to Existing Provisions

The Board also proposes revisions to several other provisions of Regulation CC and its commentary. These changes generally either respond to enquiries that Board staff has received or respond to changed circumstances affecting the relevant provision. For example, the Board proposes amending the commentary to clarify that a returned check notice need not be written, clarify the application of the Electronic Signatures in Global and National Commerce Act (the E-Sign Act) to consumer disclosures required by Regulation CC, and clarify the time by which a paying bank may extend the return or notice of nonpayment deadline.

Section-by-Section Analysis

The section-by-section analysis discusses the proposed commentary to each section in the course of discussing the proposed regulatory text.

I. Amendments to Implement the Check 21 Act

A. Section 229.1 Authority and Scope

The Board proposes to amend § 229.1 to include the Check 21 Act as an additional source of authority and to describe briefly the scope of new subpart D with respect to substitute checks.

B. Section 229.2 Definitions

The Board proposes two types of amendments to this section. First, the Board proposes to amend some existing defined terms to account for differences between those definitions and the definitions required by the Check 21 Act.[8] Second, the Board proposes to define new terms used in subpart D.

1. Amendments to Existing Definitions

The Board proposes to reword the existing introductory sentence and move into that sentence the text of existing § 229.2(qq), which provides that terms not defined in § 229.2 have the meanings set forth in the U.C.C.

a. *Account.* The Check 21 Act defines the term account to mean any deposit account at a bank and therefore is much broader than the existing definition in § 229.2(a), which essentially is limited to accounts that permit frequent transfers and withdrawals. The Board therefore proposes to amend the account definition to state that the existing definition applies except for purposes of subpart D. The Board proposes a new paragraph defining the term account for purposes of subpart D and, in connection therewith, subpart A, to mean any deposit, as defined at § 204.2(a)(1)(i) of Regulation D, at a bank. The Board also proposes to amend the commentary to the account definition to incorporate these changes and to highlight that many deposits that are not accounts for purposes of subparts B and C would be accounts for purposes of subpart D.

b. *Bank.* The Check 21 Act defines bank to include all of the entities currently defined as banks by § 229.2(e), plus the United States Treasury and the United States Postal Service to the

[5] A reconverting bank is (1) the bank that creates a substitute check or (2) the first bank that receives a substitute check created by a person that is not a bank and transfers either that substitute check or a paper or electronic representation of that substitute check.

[6] Banks may further allocate liability amongst themselves as part of their agreements to handle checks electronically. A reconverting bank therefore could, by agreement, pass back some or all of its loss associated with paying a warranty or indemnity to the bank that sent the check to it electronically.

[7] *But see* footnote 6.

[8] Some terms are defined identically in existing Regulation CC and the Check 21 Act, such that no amendments are necessary.

extent that those entities act as payors. The Board proposes to amend the existing definition and its commentary to incorporate the broader definition of bank for purposes of subpart D. For internal consistency, the Board proposes substituting the phrase ''paying bank'' where the Check 21 Act used the term ''payor.''

c. *Check.* The Check 21 Act's definition of check is the same as the definition in existing § 229.2(k) that applies to subpart C. The Board proposes to amend the subpart C definition of check and its commentary to apply to both subparts C and D. The proposed commentary to this definition states that a substitute check meeting the requirements of § 229.2(zz) is a check for purposes of all provisions of Regulation CC.

d. *Forward collection.* The term forward collection is defined in § 229.2(q) to mean the process by which a bank sends a check on a cash basis to the paying bank for payment. The Check 21 Act's definition is substantively the same as the existing definition but includes a clause noting that sending a check to a collecting bank for settlement can be a component of forward collection. The Board proposes to amend the forward collection definition and commentary to include that clause.

e. *Paying bank.* The Check 21 Act's definition of paying bank essentially parallels the definition in § 229.2(z) but adds the U.S. Treasury and the U.S. Postal Service with respect to a check that is payable by one of those entities and is sent to that entity for collection. The Board therefore proposes to amend § 229.2(z) and the commentary thereto to incorporate the broader definition of paying bank in subpart D.

f. *Qualified returned check.* Although the definition of a qualified returned check in § 229.2(bb) remains unchanged by the Check 21 Act, the Board proposes to amend the commentary to that definition as it relates to the content of position 44 of the MICR line. Currently, the commentary notes that a qualified returned check should have a ''2'' in position 44. The proposed amendment would retain that requirement for original checks but, in accordance with the generally applicable industry standard for substitute checks (American National Standard Specifications for Image Replacement Documents, X9.90 (ANS X9.90)), would require a ''5'' in position 44 if the qualified returned check is a substitute check.[9] The ''5'' would ensure that the size of the image of the original check would remain constant on subsequent substitute checks.

g. *State.* The Check 21 Act defines state to include all the entities that are currently listed in § 229.2(ff), plus Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory of the United States. The Board therefore proposes to supplement the existing definition of state by including these additional entities as states for purposes of subpart D.

2. Proposed New Definitions

a. *Claimant Bank.* The term claimant bank is used in section 8 of the Check 21 Act regarding expedited recredit claims by banks, although the statute does not define that term. The Board proposes to define the term claimant bank in § 229.2(qq) to mean a bank that submits a claim for recredit under § 229.55 of Regulation CC, which corresponds to section 8 of the statute.

b. *Collecting bank, consumer, customer, and indemnifying bank.* The Board proposes to define the terms collecting bank, consumer, customer, and indemnifying bank at § 229.2(rr), (ss), (tt), and (uu), respectively. The proposed definitions incorporate the Check 21 Act definitions with only minor grammatical variations from the statutory language.

c. *Magnetic ink character recognition (MICR) line.* The Board proposes to incorporate the Check 21 Act's definition of magnetic ink character recognition (MICR) line in § 229.2(vv). The proposed commentary would note that American National Standard Specifications for Placement and Location of MICR Printing, X9.13 (ANS X9.13) is the governing standard for MICR lines of original checks and substitute checks, and that ANS X9.90 has some additional requirements regarding the content of the MICR line of a substitute check.

d. *Original check.* The Board proposes to define the term original check in § 229.2(ww) as the first paper check that is issued with respect to a particular payment transaction. The proposed commentary to this new definition explains that the Board has defined this term in order to distinguish the original check from a substitute check and from other paper or electronic representations of a check.

e. *Person.* The Board proposes to incorporate the Check 21 Act's definition of person in § 229.2(xx).

f. *Reconverting bank.* The Board proposes to define reconverting bank in § 229.2(yy) to be (1) the bank that creates a substitute check or (2) with respect to a substitute check created by a person that is not a bank, the first bank that receives the substitute check and that transfers, presents, or returns the substitute check or, in lieu of that substitute check, the first paper or electronic representation of that substitute check. The proposed commentary to this definition provides further clarification as to when and where creation of a substitute check occurs and explains that a bank need not accept a substitute check that was created by a nonbank and that has not yet been handled by a bank, unless the bank agrees to do so. Moreover, the proposed commentary provides examples of when a bank would be a reconverting bank under the definition and notes that there could be multiple reconverting banks with respect to the same payment transaction if a check moves from electronic form to substitute check form multiple times throughout the collection and return process.

g. *Substitute check.* The Board proposes to incorporate the Check 21 Act's definition of substitute check in § 229.2(zz).

The scope of the Check 21 Act and subpart D is limited to substitute checks. To clarify the scope of the term and the subpart, the Board proposes extensive commentary on the definition of substitute check. The proposed commentary provides guidance on the meaning of a ''paper reproduction of an original check'' and clarifies that, because a substitute check by definition must be a piece of paper, an electronic check file or electronic check image that has not been printed in accordance with the substitute check definition and generally applicable industry standards is not a substitute check. The commentary also explains what information is required or permitted as part of the original check images that are contained on a substitute check.

The Board particularly requests comment on the proposed commentary to the substitute check definition that describes the various ways in which the MICR line of a substitute check can vary from the MICR line of the original check. First, the commentary notes that ANS X9.90 requires the content of position 44 of the MICR line of a substitute check to vary from that of position 44 of the original check to ensure that the check image remains constant if more than one substitute check is created to represent the same original check.

[9] ANS X9.90 was in draft form on the date that the Board approved this proposed rule. The Board expects that ANS X9.90 will be final on or before October 28, 2004.

Second, the commentary acknowledges that the original check could have an encoding error in the amount field (including a failure to encode) and that a substitute check that reproduces that error would meet the definition of a substitute check. However, the commentary notes that a reconverting bank that creates a substitute check from an original check with a misencoded amount field or a bank that handles a substitute check that perpetuates the amount encoding error may repair the MICR line to facilitate the processing of the check without changing the item's status as a substitute check. This approach would be consistent with the current industry practice of allowing a bank to repair the MICR line of an original check when the bank detects an encoding error in the amount field.

Third, the commentary notes that the MICR line of the original check could be accurate in every respect but that check imaging equipment could (1) fail to read a portion of the MICR line but note the presence of MICR information with an asterisk, (2) misread a digit in the MICR line, for example by reading an ''8'' as a ''3,'' or (3) intentionally read a space or a placeholder, such as a hyphen, to be a ''0.'' These errors collectively are referred to as MICR-read errors. To ensure that the items a bank transfers in reliance on the Check 21 Act and subpart D meet the definition of a substitute check, the commentary states that before a reconverting bank creates a substitute check it should correct all MICR-read errors.[10] The proposed commentary would clarify that an item that perpetuated a MICR-read error would not be a substitute check as defined in § 229.2(zz). However, as discussed in connection with § 229.51(c) of the proposed rule and the proposed commentary to that section, the Board proposes that, when such a noncompliant item purports to be a substitute check, the substitute check warranties, indemnity, and recredit rights would apply to that item as if it were a substitute check, even though it would not be the legal equivalent of the original check. The Board proposes this approach in order to facilitate compliance with and prevent circumvention and evasion of the Check 21 Act.

h. *Sufficient copy and copy.* The Board proposes that § 229.2(aaa) would define a sufficient copy to be a copy of an original check that accurately represents the information on the front and back of the original check as of the time of truncation or otherwise is sufficient to determine the validity of a claim. This concept first appears in section 6(d)(1) of the Check 21 Act regarding what a bank must produce to limit its liability for an indemnity claim. The concept also appears in the Check 21 Act (with minor variations) in sections 7(c)(1)(B) and 8(c)(1)(A) regarding what a bank must produce to avoid making a recredit and in section 7(f)(1)(A) regarding the content of the bank's notice regarding denial of a consumer recredit claim. To streamline the regulation and make the various sufficient copy criteria parallel throughout the rule, the rule defines sufficient copy as it is defined in the indemnity section and uses that defined term in the portions of the rule that correspond to the statutory provisions listed above. The Board proposes to define a copy to be a paper reproduction of a check.[11] The proposed commentary to these terms reiterates that an electronic check image that appears on a computer screen but has not yet been printed does not constitute a copy or a sufficient copy. The commentary also provides examples of what types of documents would constitute a sufficient copy.

i. *Transfer and consideration.* The Board proposes to define transfer and consideration at § 229.2(bbb) in a manner that supplements the U.C.C. definitions of those terms in order to make the warranty, indemnity, and legal equivalence provisions function as contemplated in the Check 21 Act.

The Check 21 Act warranties, which are a precondition for the legal equivalence of a substitute check, and the indemnity, are given when a substitute check or representation thereof is transferred, presented, or returned for consideration. Under the existing U.C.C. definitions, a bank that pays a substitute check that it later provides to the drawer or a bank that pays a check presented electronically and then creates a substitute check to give to the drawer would not be transferring the check to the drawer under the U.C.C. and arguably would not receive consideration for the substitute check from the drawer. However, the Check 21 Act explicitly provides that a drawer receives the substitute check warranties if it receives a substitute check or a paper or electronic representation of a substitute check. The Check 21 Act also provides that a drawer who suffers a loss due to the receipt of a substitute check instead of the original check receives an indemnity. These provisions indicate that the substitute check received by the drawer in the examples provided above is intended to be the legal equivalent of the original check and subject to the warranties and indemnity.

Therefore, for the limited purpose of making the warranty, indemnity, and legal equivalence sections work as intended, the proposed rule would expand the term transfer to include delivery of a substitute check (or a paper or electronic representation of a substitute check) by a bank to a person that is not a bank. The proposed rule also would expand the term consideration to include the bank's charging, having the right to charge, or otherwise receiving value for a substitute check (or a paper or electronic representation of the substitute check) that the bank transfers. However, the proposed rule would explicitly exclude from the definition of consideration the transfer of a substitute check solely in response to a claim related to that substitute check.[12] The proposed commentary to the transfer and consideration definitions provides examples of the situations the expansion is designed to capture.

j. *Truncate.* The Board proposes to incorporate the Check 21 Act's definition of truncate in § 229.2(ccc). The proposed commentary highlights that removal of a substitute check is not truncation because truncation refers only to original checks.

k. *Truncating bank.* The Board proposes to define in § 229.2(ddd) the term truncating bank, which is not used in the Check 21 Act but is used in § 229.51 and appendix D of the proposed rule. The Board proposes to define truncating bank (in a manner that parallels the definition of reconverting bank) to be the bank that truncates the original check or, if a person other than a bank truncates the check, the first bank that transfers, presents, or returns the check in a form other than the original check. The proposed commentary to this section provides an

[10] American National Standards Specifications for Electronic Exchange of Check and Image Data, X9.37, (ANS X9.37), is being amended to address the identification and repair of MICR-read errors that are indicated with asterisks. The Board expects this amendment to be finalized prior to the effective date of the Check 21 Act.

[11] As explained in the analysis of § 229.58, when a bank is required to produce an original check or a sufficient copy, the rule allows a bank to provide an electronic image of that item if the recipient has agreed to receive that information electronically.

[12] A bank should be able to produce a substitute check that does not contain the legal equivalence legend as a ''sufficient copy'' in response to an indemnity or recredit claim. However, if this were considered a transfer for consideration, the bank would be making the substitute check warranties and thus could not in good faith provide a substitute check without a legend, because by doing so it automatically would have breached the legal equivalence legend component of the legal equivalence warranty.

example of when a bank would be a truncating bank.

C. Section 229.30 Paying Bank's Responsibility for Return of Checks, and Section 229.31 Returning Bank's Responsibility for Return of Checks

The Board proposes to revise existing sentences in §§ 229.30(a)(2)(iii) and 229.31(a)(2)(iii) relating to the proper MICR-line encoding of a qualified returned check. These amendments would specify that a qualified returned substitute check must contain a ''5'' in position 44 of the MICR line, whereas a qualified returned original check must contain a ''2'' in that position. As discussed above with respect to the definition of a qualified returned check and the definition of substitute check, a substitute check must contain a different number to ensure that the image of the original check remains a constant size. The Board proposes to move the specific references to ANS X9.13 from the regulation text to the commentary of these two paragraphs and specify that this standard applies to original checks. The commentary to each paragraph also would specify that ANS X9.90 is the standard that applies to substitute checks.

D. Indorsement Standards: Sections 229.35(a) and 229.38(d) and Appendix D

In the current processing environment, banks generally print or ''spray'' indorsements on original checks when the checks are processed through the banks' automated check sorters. A substitute check will contain previous indorsements physically applied to the original check by preserving the image of the back of the original check. In addition, the reconverting bank will print, or ''overlay,'' on the back of the substitute check any previous indorsements that were applied to the original check electronically and the reconverting bank's own indorsement. Banks handling checks downstream from reconverting banks generally will process a mix of original checks and substitute checks through their sorters and spray indorsements on both.

ANS X9.90 presumes that banks that receive paper checks, including substitute checks, will continue to spray indorsements on those checks in the same locations that they do today. ANS X9.90 also presumes that indorsements physically applied to a check before it is reconverted will be preserved through the accurate image of the back of the check that a substitute check must contain. However, the locations that ANS X9.90 specifies for previously applied electronic indorsements that a reconverting bank physically overlays on substitute checks and for the reconverting bank's own indorsement differ from the indorsement locations specified in current appendix D. In particular, the current appendix requires the depositary bank indorsement to be placed on the back of the check between 3 inches from the leading edge and 1.5 inches from the trailing edge, whereas ANS X9.90 requires a depositary bank's previously applied electronic indorsement to be overlaid by the reconverting bank on the back of a substitute check between 1.95 and 2.55 inches from the leading edge.[13] The current appendix requires a subsequent collecting bank indorsement to be placed on the back of the check between the leading edge and 3.0 inches from the leading edge, whereas ANS X9.90 requires a subsequent collecting bank's previously applied electronic indorsement to be overlaid by the reconverting bank on the back of a substitute check very close to the trailing edge.

The Board believes that, in light of technical constraints, existing check sorting equipment will not be able to modify in real time the location of the indorsements that the equipment sprays onto a check based on whether the check is an original check or a substitute check. The Board therefore proposes that the appendix's current location specifications would apply to indorsements printed on original checks and indorsements printed on existing substitute checks. Banks that do not create substitute checks generally would comply with the amended appendix D requirements by indorsing original checks and existing substitute checks exactly as they indorse original checks today. However, the Board proposes to amend appendix D to include new indorsement locations with which a reconverting bank must comply when it creates a substitute check. These locations would conform to ANS X9.90's location specifications for indorsements applied to a substitute check by a reconverting bank.

The Board also notes that ANS X9.90 provides that an image of an original check will be reduced in size when placed on a substitute check. Images of business-sized checks will be reduced to about 65 percent of their original size and images of personal-sized checks will be reduced to about 80 percent of their original size. Because of this size reduction, the location of an indorsement, particularly a depositary bank indorsement, sprayed on an original paper check likely will change when a reconverting bank creates a substitute check that contains that indorsement within the image of the original paper check. The Check 21 Act places ultimate liability on the reconverting bank for certain losses related to substitute checks. The Board believes that the reconverting bank also should bear the liability under § 229.38(d)(1) (which allocates liability for losses due to illegible indorsements) for any loss that results due to the shift in the placement of the indorsement. The Board proposes to amend that section and its commentary to explain this reconverting bank liability.

Appendix D currently requires depositary bank indorsements to be printed in dark purple or black ink and requires all other indorsements to be printed in an ink color other than purple. The Board does not believe that the use of differing ink colors significantly aids returning banks' ability to identify the depositary bank indorsement. However, the Board does believe that it is important for all indorsements to be printed in dark ink so that they can be easily read and imaged. The Board further believes that all indorsements that a reconverting bank prints onto a substitute check at the time that the substitute check is created will be printed in a single ink color, likely black. The Board therefore proposes to require all indorsements, including the depositary bank indorsement, to be printed in black ink.

Current appendix D requires a depositary bank to include its name and location in its indorsement. However, ANS X9.37 does not include this data in an electronic depositary bank indorsement record, and as a result this data will not be included when a reconverting bank overlays a depositary bank indorsement onto a substitute check. Nevertheless, a depositary bank that sprays its indorsement onto a check may wish to include this information in its indorsement to limit the number of locations at which it must accept returned checks. The Board therefore proposes to permit but not require the inclusion of the depositary bank's name and location in its indorsement.

Appendix D currently does not contain any content requirements for returning bank indorsements and implicitly permits the indorsements to be placed on the front of the check. Under ANS X9.90, however, a returning bank that also is a reconverting bank with respect to a substitute check must be identified as such on the back of the check. The Board therefore proposes to

[13] When looking at a check from the front, the leading edge is the right edge of the check and the trailing edge is the left edge of the check.

amend appendix D to require returning bank indorsers to comply with the same indorsement requirements as collecting banks. Specifically, the Board proposes to require that a subsequent collecting bank or returning bank indorsement be applied to the back of a check and include only (1) the bank's nine-digit routing number, and, if the returning bank is a reconverting bank with respect to the check, an asterisk at each end of the number to identify the bank as a reconverting bank, (2) the indorsement date, and (3) an optional trace or sequence number. The Board requests comment on what benefits, if any, there would be in providing returning banks with the flexibility to indorse on the front of checks and to include additional information in their indorsements.

The Board notes that Regulation CC does not require paying banks to indorse checks. To facilitate compliance with section 4 of the Check 21 Act, however, a paying bank that also is a reconverting bank with respect to a substitute check should be identified as such on the check in a manner that a subsequent reconverting bank can preserve.[14] The Board therefore proposes to amend appendix D to require a paying bank that is also a reconverting bank with respect to a substitute check to identify itself as such by placing on the back of the check its nine-digit routing number (without arrows) and an asterisk at each end of the number. This identification would not constitute an indorsement.

Finally, for purposes of clarity, the Board proposes other technical amendments to appendix D.

The Board requests comment on all aspects of the proposed indorsement and identification standards discussed above.

E. Section 229.51 General Provisions Governing Substitute Checks

1. Legal Equivalence and Agreement

Section 4(b) of the Check 21 Act provides that a substitute check is the legal equivalent of the original check for all purposes and all persons if the check contains an accurate image of the front and back of the original check and bears a specified ''legal equivalence'' legend. Although section 4(b) does not mention warranties as a precondition of legal equivalence, section 4(a) provides that any person may deposit, present, collect, or return a substitute check without the agreement of the recipient so long as a bank has made the substitute check warranties with respect to that check. Section 4(a) clearly intends that persons are required to accept a substitute check without agreement only if a bank has provided the substitute check warranties. The Board therefore believes that section 4(a) in effect requires a bank warranty as another prerequisite of legal equivalence. Section 229.51(a) of the proposed rule would make this requirement explicit by providing that a substitute check for which a bank has provided the substitute check warranties is the legal equivalent of the original check for all purposes and all persons if it meets the accuracy and legend requirements.

The proposed commentary to § 229.51(a) reiterates that a substitute check created by a person other than a bank can be transferred only by agreement unless and until a bank makes the substitute check warranties with respect to that check. The proposed commentary clarifies that a substitute check created by a person who is not a bank therefore cannot be the legal equivalent of the original check absent a bank's agreement to make the substitute check warranties. The commentary also provides clarification about what information on the check must be accurately represented as a prerequisite for legal equivalence. Finally, the commentary to § 229.52(b)(2) states that the legal equivalence legend must use the language specified in that section.

2. Reconverting Bank Duties

Proposed § 229.51(b)(1)–(2) contains the reconverting bank duties described in sections 4(c) and 4(d) of the Check 21 Act regarding indorsements and identifications. In addition, § 229.51(b)(3) requires a reconverting bank to identify the bank that truncated the original check. The Board proposes to impose this requirement by regulation because ANS X9.90 requires identification of the truncating bank and because it is likely that banks in the collection and return chain would want to identify the truncating bank if there were a problem with a substitute check because the truncating bank would be in the best position to provide the original check or additional information about the original check. The proposed regulation requires the reconverting bank and truncating bank identifications to be applied in accordance with generally applicable industry standards and with appendix D of Regulation CC.

The proposed commentary to § 229.51 provides that, although a reconverting bank is responsible for preserving all previously-applied indorsements, it is not responsible for obtaining indorsements that should have been applied but were not. The proposed commentary also notes that some previously applied indorsements will be preserved because they will be shown on a substitute check's image of the back of the original check, whereas the reconverting bank must physically apply to the back of the substitute check any previous indorsements that were applied electronically. The proposed commentary also notes that, under appendix D, the reconverting bank indorsement and identification are set off with asterisks and the truncating bank identification is set off with brackets. The proposed commentary also makes clear that preservation of a previous reconverting bank's indorsement (or identification, if the reconverting is the paying bank) set off by asterisks on the back of the check also satisfies the requirement of preserving the previous reconverting bank's identification.

3. Legal Status of an Item That Purports To Be a Substitute Check But Is Not

As described in the discussion above concerning the definition of a substitute check, a reproduction of an original check that does not have the same MICR line as the original check would not be a substitute check. However, the Board believes that a bank that transfers such an item as if that item were a substitute check should not be allowed to evade the requirements of the Check 21 Act and subpart D simply because the item it created failed to meet the substitute check definition.[15] To protect recipients of such items and to provide incentives for reconverting banks to ensure that they only transfer items that comply with subpart D, the proposed rule provides that the recipient of an item that purports to be but is not a substitute check has warranty and indemnity rights, and, where applicable, recredit and consumer awareness disclosure rights under subpart D as though the item were a substitute check. The Board requests comment on whether an item

[14] If the paying bank were a reconverting bank and did not identify itself as such on the back of the check, then the only place the paying bank would be identified as a reconverting bank would be the routing number of the paying bank, surrounded by asterisks, on the front of the check (according to ANS X9.90). If the substitute check were subsequently converted to electronic form and reconverted to paper, the identification of the paying bank as a reconverting bank on the front of the check would be lost, because its routing number would be replaced with the identification of the subsequent reconverting bank. This would place the subsequent reconverting bank in violation of the Check 21 Act's requirement ''to preserve any previous reconverting bank identifications'' (*see* section 4(d) of the Check 21 Act).

[15] An item could purport to be a substitute check, for example, if it contained the legal equivalence legend or if a person provided the item when applicable law required production of the original check.

that fails to meet any of the other the substitute check requirements in § 229.2(zz) also should be treated as though it were a substitute check for those limited purposes.

4. Applicable Law

Proposed § 229.52(c) incorporates the Check 21 Act's provision stating that a substitute check that meets the legal equivalence requirements is subject to any existing federal or state law as though it were the original check, to the extent that such provision is not inconsistent with the Check 21 Act. The proposed commentary to this section clarifies that a law is not inconsistent with the Check 21 Act merely because it allows for the recovery of additional damages.

F. Section 229.52 Substitute Check Warranties

Proposed § 229.52 of the rule implements section 5 of the Check 21 Act, which contains new warranties relating to substitute checks. For purposes of clarity, the proposed rule is organized differently than the Check 21 Act.

1. Content and Provision of the Substitute Check Warranties

Proposed § 229.52(a) sets forth the content of the substitute check warranties and identifies the banks that provide, and the events that trigger provision of, those warranties. The warranties are (1) that the substitute check meets the requirements for legal equivalence (*i.e.,* that the substitute check accurately represents the information on the front and back of the original check and bears the legal equivalence legend) and (2) that no depositary bank, drawee, drawer, or indorser will be asked to make payment based on a check that it already has paid.

In describing the second warranty, the Check 21 Act provides that none of the named parties will receive ''presentment or return'' of an item such that it will be asked to make a duplicative payment. However, one such recipient, the drawer, typically would not receive presentment or return of a check but rather would have its account charged for the check. The proposed rule therefore states that the named parties will not receive presentment or return of, or otherwise be charged for, a duplicative item.

The Check 21 Act states that each of the two warranties is made when a bank transfers, presents, or returns a ''substitute check'' for consideration. However, the list of warranty recipients, which includes persons that received some other paper or electronic form of the substitute check, indicates that banks continue to provide the warranties even if they transfer and receive consideration for something that is not, but that was derived from, a substitute check. Section 229.52(a) of the proposed rule therefore provides specifically that a bank makes the warranties when it transfers, presents, or returns for consideration the substitute check or any paper or electronic representation of a substitute check.

The Board notes that the Check 21 Act and the proposed rule state that the warranty against duplicative presentment or return applies such that the depositary bank, drawee, drawer, or indorser will not receive presentment or return ''of the substitute check, the original check, or a copy or other paper or electronic version of the substitute check or original check'' such that that person ''will be asked to make a payment based on a check'' it already has paid. This language could be read to exclude a situation where a second charge results from an ACH debit that was created using information from an original check or substitute check.[16] However, such an ACH debit arguably could be considered ''an electronic version'' of a substitute check or original check to which the duplicative payment warranty would apply. The Board specifically requests comment on whether using information from a check to create an ACH debit entry should be a payment request covered by this warranty.

The proposed commentary to § 229.52(a) clarifies that the reconverting bank is the first bank to provide the substitute check warranties. That discussion also notes that, when a bank is a reconverting bank because it by agreement receives a substitute check that a nonbank created, the reconverting bank starts the warranty chain for that substitute check even if the reconverting bank transfers an electronic representation of that substitute check instead of the actual substitute check that it received. The proposed commentary also clarifies that a bank that by agreement transfers an electronic version of an original check prior to the creation of the first substitute check does not make the substitute check warranties, but that parties to the agreement can allocate amongst themselves liabilities associated with the substitute check warranties. Moreover, the proposed commentary discusses the mechanics of each of the two warranties, including how they apply when multiple substitute checks are created with respect to the same payment transaction.

2. Warranty Recipients

Section 5 of the Check 21 Act provides that warranties are provided to ''the transferee, any subsequent collecting or returning bank, the drawee, the drawer, the payee, the depositor, and any endorser (regardless of whether the warrantee receives the substitute check or another paper or electronic form of the substitute check or original check) * * *'' Although § 229.52(b) of the proposed rule lists all these persons as warrantees, it does so in a slightly different manner than the statute. The warranties are intended to flow forward to all persons, including the paying bank, that received a substitute check or any paper or electronic representation of a substitute check, but not backward to persons that handled only the original check or some representation of the original check that was not derived from a substitute check. The rule therefore states that the warranties are provided to the recipient and any subsequent recipient, including all of the parties specifically listed in the statute, regardless of whether the recipient received the substitute check or another paper or electronic representation of the substitute check. The proposed commentary to § 229.52(b) provides additional discussion about the flow of the warranties.

G. Section 229.53 Substitute Check Indemnity

1. Scope of Indemnity

Section 6 of the Check 21 Act specifies the scope and amount of the substitute check indemnity, and the proposed rule incorporates this section largely unchanged. The proposed rule states that a bank that transfers, presents, or returns a substitute check or a paper or electronic representation of a substitute check for which it receives consideration shall indemnify the recipient and any subsequent recipient (including a collecting or returning bank, the depositary bank, the drawer, the drawee, the payee, the depositor, and any indorser) for any loss incurred by any recipient of a substitute check if that loss occurred due to the receipt of a substitute check instead of the original check. As with the proposed rule's language regarding the scope of the warranties, discussed in detail in the analysis of § 229.52, the proposed

[16] Such ''check conversions'' are covered under the Board's Regulation E and rules of the National ACH Association as electronic fund transfers rather than check transactions and are not, to the Board's knowledge, treated as check transactions for any other purpose.

language regarding the scope of the substitute check indemnity clarifies that the indemnity flows to subsequent, not prior, parties that receive a substitute check or a representation of a substitute check.

The proposed commentary regarding the scope of the indemnity highlights that the indemnity applies only if the first indemnified party incurred a loss due to receipt of the substitute check instead of the original check. However, a bank that paid an indemnity (other than the first reconverting bank) would in turn be eligible to make an indemnity claim even if that bank only received a representation of a substitute check. Thus, the indemnity covers losses suffered directly due to the receipt of a substitute check instead of the original check and losses incurred by providing an indemnity to another person. The proposed commentary provides several examples to illustrate the scope of the indemnity.

2. Indemnity Amount

The proposed rule incorporates the statutory language regarding the indemnity amount with minor clarifications. The rule provides that the amount of the indemnity is (1) the amount of any loss (including interest, costs, reasonable attorney's fees, and other expenses of representation) caused by the breach of a substitute check warranty, or (2) in the absence of a breach of a substitute check warranty, the amount of the loss, up to the amount of the substitute check, plus interest and expenses (including costs and reasonable attorney's fees and other expenses of representation). The proposed rule supplements the statutory language by specifically stating that interest would be included in the damages proximately caused by a breach of a substitute check warranty.

The proposed rule also incorporates statutory provisions regarding reduction of the indemnity amount. Section 229.53(b)(2) of the proposed rule states that the indemnity amount described in the preceding paragraph will be reduced in proportion to the amount of negligence or bad faith of the party making the indemnity claim, but that nothing in that comparative negligence section reduces any person's rights under the U.C.C. or other applicable law. Section 229.53(b)(3) of the proposed rule provides that an indemnifying bank will be liable only for losses incurred up to the time that it produces the original check or a sufficient copy of the original check, although production of that item does not absolve the indemnifying bank from liability for breaching a substitute check warranty or a warranty established under any other law.

The proposed commentary to § 229.53(b) provides examples that illustrate the amount of the indemnity under various sets of facts.

3. Subrogation of Rights

Section 229.53(c) of the proposed rule incorporates section 6(e) of the statute by providing that an indemnifying bank shall be subrogated to the rights of the party it indemnified to the extent of the indemnity provided and may attempt to recover from another party based on a warranty or other claim. This section also provides that the indemnified party has a duty to comply with reasonable requests for assistance made by the indemnifying bank with respect to such a claim. The proposed commentary provides an example of what would constitute a reasonable request for assistance.

H. Section 229.54 Expedited Recredit for Consumers

Section 7 of the statute sets forth the circumstances giving rise to a consumer expedited recredit claim, the time period and procedures for making such a claim, the conditions for a recredit, the timing and availability of a recredit, a bank's ability to reverse a recredit on a later determination that the consumer's claim was not valid, and the notices a bank must provide in connection with recredit claims. Section 229.54 of the proposed rule implements all of these provisions but reorganizes them for purposes of clarity. The Board also proposes to supplement the statutory text in certain respects in order to explicitly acknowledge certain actions that are implicit in the text of the statute.

1. Circumstances Giving Rise to a Claim

Section 229.54(a) of the proposed rule provides that a consumer may make an expedited recredit claim under that section for a recredit with respect to a substitute check if the consumer asserts in good faith that (1) the bank holding the consumer's account charged that account for a substitute check that was provided to the consumer (although the consumer need not be in possession of the substitute check at the time he or she submits a claim); (2) the substitute check was not properly charged to the consumer account or the consumer has a warranty claim with respect to the substitute check; (3) the consumer suffered a resulting loss; and (4) production of the original check or a sufficient copy of the original check is necessary to determine whether or not the substitute check in fact was improperly charged or whether the consumer's warranty claim is valid. This section implements sections 7(a)(1) and 7(h) of the Check 21 Act with some organizational changes.

The proposed commentary on the circumstances giving rise to a claim provides additional detail concerning when a consumer would and would not meet the criteria for bringing an expedited recredit claim under § 229.54. For example, the commentary clarifies that a consumer who receives only an image statement that contains an image of a substitute check cannot make a claim because he or she has not actually received a substitute check, although such a consumer would have redress for an improper charge associated with the substitute check under the U.C.C. and might have a claim for breach of a substitute check warranty. The commentary also notes that the warranty giving rise to a § 229.54 claim could be a substitute check warranty or any other warranty provided to the consumer in connection with the substitute check. The commentary further notes that recovery under § 229.54 is limited to the amount of the substitute check, plus interest if the consumer has an interest-bearing account, although a consumer may be able to recover additional amounts under other law, including §§ 229.52 and 229.53 of the proposed rule.

2. Procedures for Making Claims

a. *Timing of Claim.* The Check 21 Act states that a consumer's expedited recredit claim is due before the end of the 40-day period beginning on the later of the date that the bank mailed or delivered to the consumer the periodic account statement that contains information about the transaction giving rise to the claim or the date on which the bank made the substitute check available to the consumer. Section 229.54(b)(1)(i) of the proposed rule implements this provision. The proposed rule clarifies that the 40-day time period refers to calendar days and that a bank makes a substitute check ''available'' by mailing or delivering it to the consumer.

The statute provides that the bank must extend the consumer's time for making a claim by a reasonable period of time if the consumer cannot meet the 40-day deadline due to extenuating circumstances, such as his or her extended travel or illness. Section 229.54(b)(1)(ii) of the proposed rule includes the general provision regarding the time extension but moves to the commentary the specific examples of what constitutes an extenuating circumstance. This parallels the

approach the Board took when implementing the Electronic Fund Transfer Act (*see* 15 U.S.C. 1693(g) and 12 CFR 205.6(b)(4)).

b. *Content of Claim.* Section 229.54(b)(2) of the proposed rule states that the consumer's claim must include (1) a description of the consumer's claim, including the reason why the consumer believes his or her account was improperly charged for the substitute check or the nature of his or her warranty claim with respect to such check; (2) a statement that the consumer suffered a loss and an estimate of the amount of that loss; (3) the reason why production of the original check or a sufficient copy of the original check is necessary to determine whether or not the charge to the consumer's account was proper or the consumer's warranty claim is valid; and (4) sufficient information to allow the bank to identify the substitute check and investigate the claim. The proposed rule uses the defined term ''sufficient copy,'' as opposed to the Check 21 Act's ''better copy,'' of the original check. As defined, a sufficient copy by its nature would be a better copy.

The proposed commentary to § 229.54(b)(2) discusses in more detail the reasons why a charge to the consumer's account could be improper and why the original check or a sufficient copy would be necessary to determine the validity of the consumer's recredit claim. The proposed commentary also discusses what types of information a consumer should provide to facilitate the bank's investigation of a claim.

c. *Form and Submission of Claim.* Section 229.54(b)(3) of the proposed rule incorporates the statutory provisions regarding the bank's ability to require a consumer to submit an expedited recredit claim in writing and the bank's ability to accept a written submission electronically. The proposed commentary to § 229.54(b)(3) clarifies that a bank that requires a claim to be in writing must inform the claimant of that requirement and also indicates that a communication, whether oral or written, that does not contain all the required information does not constitute a ''claim'' under § 229.54.

Although the statute states that a bank may permit an electronic submission ''if the consumer has agreed to communicate with the bank in that manner,'' the proposed rule omits the quoted language. The Board believes that a consumer's act of submitting a claim electronically indicates the consumer's agreement to communicate electronically, such that the statute's agreement language is unnecessary. However, the proposed commentary notes that a bank cannot require a consumer to submit a written claim electronically.

The proposed rule also clarifies that a bank that requires the consumer's claim to be in writing must compute the time period for acting on the claim from the date that the consumer submitted the written claim, even if the consumer previously provided some information relating to the claim in another form.[17] In addition, the statute measures time from the ''business day'' (defined as any day, other than a Saturday, Sunday, or legal holiday) on which the bank received a claim. However, the Board proposes to incorporate the term ''banking day,'' as it has for other parts of Regulation CC. Banking day means ''that part of any business day on which an office of a bank is open to the public for carrying on substantially all of its banking functions.'' The Board believes that ''banking day'' is an appropriate term when referring to the time at which a bank must begin measuring the time period for action. The Board requests comment on both of these adjustments relating to time period calculations.

3. Action on Claims

Section 7(c)(1) of the Check 21 Act requires a bank that receives a complete and timely claim for which all the prerequisites are met to recredit the consumer's account for the amount of the substitute check, plus interest if the consumer's account is an interest bearing account, unless the bank has provided the original check or a sufficient copy to the consumer and demonstrated to the consumer that the substitute check was properly charged to his or her account. Section 7(c)(2) of the Check 21 Act requires the bank to provide the recredit no later than the end of the business day following the business day on which the bank determined that the consumer's claim was valid or, if the bank has not yet determined the validity of the claim, before the end of the 10th business day after the business day on which the consumer recredited the claim. Section 7(c)(2) limits the amount that the bank is required to provide on the 10th day to the amount of the loss, up to the lesser of the amount of the substitute check or $2,500, plus interest, and requires the bank to provide the additional amount of the substitute check, if any, on the 45th calendar day following the business day on which the consumer submitted the claim. Section 7(e) of the Check 21 Act provides that a bank may reverse a recredit if it determines that the substitute check in question was properly charged to the consumer account and if it notifies the consumer.

The proposed rule incorporates each of the Check 21 Act's substantive requirements regarding action on a consumer's expedited recredit claim but reorganizes those requirements in a way that the Board believes is more straightforward. The Board requests comment on whether or not its proposed reorganization of the statutory provisions regarding action on claims is an improvement over the statutory organization and encourages commenters to provide specific organizational suggestions.

Section 229.54(c)(1) of the proposed rule provides that one of the bank's options for responding to a recredit claim is affirmatively to determine a consumer's claim to be valid. Although the statute does not list this possible response explicitly, the bank's ability to respond to a claim by determining that the claim is valid is implicit in the ''timing of the recredit'' section of the statute (section 7(c)(2)(A)), which requires the bank to provide a recredit the day after it determines that the consumer's claim is valid.

The statute provides that if a bank determines that the consumer's claim is not valid, the bank must provide the consumer with the original check or a copy of the original check sufficient to determine the validity of the claim and must demonstrate why the substitute check was properly charged to the consumer account. Because the statute provides that a warranty claim may be the basis of a consumer's expedited recredit claim, § 229.54(c)(2), by reference to § 229.54(e)(2), of the proposed rule requires the bank either to demonstrate that a charge was proper or to explain why the warranty claim is not valid, as appropriate in light of the consumer's claim.

Section 7(c) of the statute states that a bank must recredit the amount of the substitute check, plus interest if the account is an interest-bearing account. However, recrediting the full amount of the check could create overcompensation in some cases, such as where the consumer's allegation is that the bank charged the substitute check for the wrong amount. Section 229.54(c) of the proposed rule therefore provides that a bank must recredit the amount of the loss, up to the amount of the substitute check plus interest.

If, after providing a recredit, a bank later determines that the consumer's claim is not valid, § 229.54(c)(4) of the

[17] The commentary to this provision clarifies that a bank that requires expedited recredit claims to be in writing must inform the consumer.

proposed rule would allow the bank to reverse both the amount it previously recredited plus any interest that it has paid on that amount. The statute does not explicitly address the reversal of interest when reversing a recredit, and the Board specifically requests comment on whether the proposed approach is appropriate.

The proposed commentary to § 229.54(c) clarifies that a bank that receives claims for multiple substitute checks in the same communication must provide the expedited recredit for each such check by the 10th day after submission, unless the bank by that date has determined whether or not the claims are valid. The commentary also clarifies that a bank may, when appropriate, reverse any amount that it previously recredited, regardless of whether such amount originally was provided after a determination that a claim was valid or pending the bank's investigation of the claim. The Board requests comment on whether additional commentary to § 229.54 would be useful and, if so, what specific points should be covered.

4. Availability of Recredit

Section 7(d) of the statute provides that a bank can delay the availability of a recredit if the account is a new account or has been repeatedly overdrawn in the last six months, or if the bank has reasonable cause to suspect fraud. The proposed rule incorporates the statutory language with minor clarifications. The statute states that the new account exception applies if ''the claim is made'' within 30 days of establishment of the account, whereas the proposed rule provides that the exception applies if ''the consumer submits the claim'' within 30 days. This change clarifies when a claim ''is made'' in a manner that is consistent with the other time period calculations in the statute and proposed rule. The rule also reorganizes the language in the exception for prevention of fraud losses to parallel the existing exception for reasonable cause to doubt collectibility in § 229.13.

The proposed commentary to § 229.54(d) clarifies that the availability of recredits provided under § 229.54(c) is governed solely by § 229.54(d) and thus is not subject to subpart B. The commentary also clarifies that the periods in § 229.54(d) are the maximum periods that the bank may delay availability. In addition, the commentary clarifies that the bank may delay availability of a recredit under § 229.54(d) only with respect to the amount of the substitute check that the bank recredits under § 229.54(c)(3)(i) pending investigation of the consumer's claim.

5. Notices Relating to Consumer Expedited Recredit Claims

Section 229.54(e) of the proposed rule describes the notices required by the statute when a bank provides or reverses a recredit or denies a consumer's recredit claim. The proposed rule provides that a bank that recredits a consumer account must, no later than the business day after the banking day on which the bank provides the recredit, notify the consumer of the amount of the recredit and the date on which the recredited funds will be available for withdrawal.

The proposed rule requires a bank that determines that a consumer's claim is not valid to notify the consumer no later than the business day after the banking day on which the bank makes its determination. The proposed rule provides that an invalid claim notice must include an explanation of the basis for the bank's determination that the substitute check was properly charged or the consumer's warranty claim is not valid, plus the original check or a sufficient copy of the original check. The statute requires a bank that denies a consumer's expedited recredit claim to notify the consumer that he or she may request the information or documents on which the bank relied in making its determination. However, the proposed rule allows a bank that relies on information or documents in addition to the original check or sufficient copy to provide such information or documents with the notice or to indicate that the consumer may obtain them on request.

The proposed rule provides that a bank that reverses an amount it previously credited to a consumer account must notify the consumer no later than the business day after the banking day on which the bank made the reversal. This notice must include the information required for an invalid claim notice, plus the amount of the reversal, including both the amount of the recredit and the amount of paid interest, if any, being reversed, and the date on which the bank made the reversal.

The proposed commentary to § 229.54(e) clarifies that a bank may provide a required notice by U.S. mail or by any other means through which the consumer has agreed to receive account information. The commentary highlights that, if a bank is required to provide an original check or sufficient copy as part of the notice, a bank that provides a notice electronically satisfies that requirement by providing an electronic image of the original check or sufficient copy, if the consumer has agreed to receive that information electronically.

As discussed in the analysis of appendix C, the Board proposes model language for each of the notices required by § 229.54(e).

I. Section 229.55 Expedited Recredit for Banks

Section 8 of the Check 21 Act provides that a bank may make a claim against an indemnifying bank if (1) the claimant bank or a bank that the claimant bank has indemnified has received a claim for expedited recredit from a consumer or would have been subject to such a claim if the consumer account had been charged for the substitute check; (2) the claimant bank is obligated to provide a consumer expedited recredit with respect to such substitute check or otherwise has suffered a resulting loss; and (3) the production of the original check or a sufficient copy of the original check is necessary to determine the validity of the charge to the consumer account or the validity of any warranty claim connected with such substitute check. The content requirements for an interbank expedited recredit claim essentially parallel those for a consumer expedited recredit claim but also state that a bank that provides a copy of a substitute check with its claim must take steps to ensure that such copy is not mistaken for a legally equivalent substitute check or handled for forward collection or return. An indemnifying bank may require the claim to be in writing and may permit the claimant bank to submit it electronically.

A claimant bank must bring its claim under section 8 of the Check 21 Act within 120 days of the transaction that gave rise to the claim, and the indemnifying bank must respond within 10 business days of receiving the claim by providing (1) a recredit, (2) the original check or a sufficient copy, (3) or information to the claimant bank as to why the indemnifying bank is not obligated to do (1) or (2). If the claimant bank later receives or reverses a recredit or otherwise receives compensation for the substitute check for which the indemnifying bank previously provided a recredit, then the claimant bank must reimburse the indemnifying bank. An indemnifying bank that provides an original check or sufficient copy also may be entitled to a refund under § 229.53 if it has provided a recredit that exceeds the losses the claimant bank sustained up to the day that the indemnifying bank provided the original check or sufficient copy.

The proposed rule implements section 8 of the statute with some minor organizational and clarifying changes. The rule clarifies that bank action on a claim is required by ''the end of'' the 10th business day after the relevant banking day, consistent with the parallel consumer recredit provision. Moreover, the proposed rule clarifies that, when an indemnifying bank requires a claim to be in writing, the 10-day period commences with the receipt of the written claim.

The proposed rule also clarifies both paragraphs of the Check 21 Act regarding the indemnifying bank's right to a refund. Section 7(c)(3) of the statute states that the ''claimant bank must refund * * * any amount previously advanced by the indemnifying bank.'' Without further elaboration, this provision could be read to mean that a claimant bank must give to the indemnifying bank more than the claimant bank recovered.[18] The rule makes clear that a claimant bank that receives other compensation for the substitute check does not have to refund to the indemnifying bank more than the claimant bank previously recovered from the indemnifying bank. In addition, section 8(d) of the statute provides that an indemnifying bank that produces the original check or a sufficient copy has the right to a refund under the indemnity section. Section 229.55(e)(2) of the proposed rule clarifies the statutory language by describing the amount to be refunded under that provision.

The proposed commentary to § 229.55 elaborates on the rule text in several respects. The commentary highlights that a bank could have a recredit claim either because it is obligated to provide a recredit to a consumer or another bank or because it has suffered a loss as result of catching a substitute check problem that, if uncaught, could have given rise to a consumer expedited recredit claim. The commentary provides examples about the types of losses that could give rise to consumer claim and the circumstances under which a bank could bring a valid claim. The commentary also provides additional information relating to the procedures for making claims.

J. Section 229.56 Liability

The Check 21 Act provides for delays in an emergency in section 9, the measure of damages in section 10, and the statute of limitations and notice of claims in section 11. Section 229.56 of the proposed rule incorporates each of those sections with minor technical changes in a manner that parallels existing subpart C liability provisions in § 229.38.

Section 229.56 (a) of the proposed rule provides that the amount of damages recoverable for a breach of a substitute check warranty or failure to comply with any provision of subpart D generally is limited to the amount of the loss or the substitute check, whichever is less, plus interest and expenses relating to the substitute check. This section contains exceptions, however, noting that a person could recover more than the generally applicable amount by bringing an indemnity claim or could recover less than the generally applicable amount if the person's negligence or bad faith contributed to the loss or if the person obtained a recredit under § 229.54 or § 229.55.

Section 229.56(b) of the proposed rule states that delay by a bank beyond the time periods described in subpart D is excused if such delay is attributable to one of the causes specified in that paragraph.

Section 229.56(c) of the proposed rule specifies the courts in which a person may bring an action to enforce subpart D and provides that such an action must be brought within one year after the cause of action accrues. The statute provides that a cause of action accrues as of the date the injured party first learns or reasonably should have learned of the facts and circumstances giving rise to the cause of action. The proposed rule clarifies that one of the facts and circumstances included in the concept of accrual is the identity of the bank against which the action is to be brought. This clarification is intended to make the date from which the statute of limitations is measured correspond to the date from which timely notice of a claim is measured.

Section 229.56(d) generally provides that, unless a person gives notice of a § 229.56 claim to the warranting or indemnifying bank within 30 calendar days after the person has reason to know of both the claim and the identity of the indemnifying or warranting bank, the warranting or indemnifying bank is discharged from liability in an action to enforce a claim under subpart D to the extent of any loss caused by the delay in giving notice of the claim. However, this paragraph also states that a timely recredit claim by a consumer under § 229.54 constitutes timely notice under this paragraph.

The proposed commentary to § 229.54 briefly elaborates on each of the four paragraphs of that section in a manner that corresponds to the commentary for § 229.38.

K. Section 229.57 Consumer Awareness

This section of the proposed rule implements section 12 of the Check 21 Act, which requires a bank to provide a consumer awareness disclosure regarding substitute checks and substitute check rights to each consumer ''who receives original checks or substitute checks.'' The Board believes that the quoted language, when read with the statutory provisions governing distribution of notices, indicates that section 12 disclosures are intended only for (1) consumers who routinely receive paid checks with their account statements and (2) other consumers who receive substitute checks only on a case-by-case basis. The proposed rule reflects this interpretation.

The proposed rule specifically notes that, unless the bank already has provided the disclosure, a case-by-case disclosure is required when (1) a consumer receives a substitute check in response to his or her specific request for an original check or a copy of a check or (2) a check deposited by a consumer is returned unpaid to the consumer's account in the form of a substitute check. The Check 21 Act requires that when a bank provides a substitute check to a consumer in response to the consumer's request for a check, the bank must provide the consumer disclosure at the time of the request. This requirement may be impractical, however, as the bank may not know at the time of the request whether it will provide the original check, a substitute check, or some other copy of the check. Requiring the bank to provide the disclosure at the time of the request could prove unnecessarily burdensome to the bank and confusing to the consumer, because the consumer would receive a disclosure describing rights that may not apply to the item the consumer ultimately receives. The Board therefore has proposed two alternative rule provisions regarding when a bank must provide the disclosure to a consumer who requests a copy of a check. One alternative tracks the statute and requires a bank to provide the disclosure at the time of the request, but the other alternative requires provision of the disclosure at the time the bank provides the substitute check to the consumer. The Board specifically requests comment on which of these alternatives is preferable.

The proposed commentary to § 229.57 indicates that a bank may use the model substitute check disclosure in appendix

[18] For example, if the claimant bank received a recredit for $150 and then received a subsequent recovery for $100, the refund to the indemnifying bank should be the amount of the recovery ($100) rather than the entire amount previously advanced ($150).

C and will be deemed to comply with the disclosure content requirement(s) for which it uses the model disclosure. The commentary also provides examples of when a bank must distribute the required disclosure.

L. Section 229.58 Mode of Delivery

The Check 21 Act discusses in several places the form in which a bank must provide required information. The proposed rule, by contrast, has a separate section regarding mode of delivery that applies to the entire subpart. Section 229.58 provides that a bank may provide any information required by subpart D by U.S. mail or by any other means through which the recipient has agreed to receive account information. This section also specifically allows a bank that is required to provide an original check or a sufficient copy to provide an electronic version of the relevant paper document if the recipient has agreed to receive that information electronically. This latter provision addresses the potential inconsistency between section 7(f)(2) as interpreted at § 229.54(e)(2), which requires a bank denying a consumer's recredit claim to provide the original check or a sufficient copy (each of which is by definition a piece of paper), with section 7(f)(4), which permits a bank to provide the notices (which presumably means all components of the notice) electronically.

M. Section 229.59 Relation to Other Law

This section of the proposed rule implements section 13 of the Check 21 Act by stating that the Check 21 Act and subpart D supersede any provision of federal or state law, including the U.C.C., that is inconsistent with the Check 21 Act or subpart D, but only to the extent of the inconsistency.

N. Section 229.60 Variation by Agreement

Section 229.60 of the proposed rule implements section 14 of the Check 21 Act by providing that any provision of § 229.55 (expedited recredit for banks) may be varied by agreement of the banks involved, but that no other provision of subpart D may be varied by agreement by any person or persons.

O. Appendix C—Model Forms

Section 12(c) of the Check 21 Act requires the Board to publish model forms that banks can use to satisfy the content requirements of the consumer awareness disclosure required by that section. Section 229.57 of the proposed rule lists those content requirements. The statute provides that a bank that uses the model form published by the Board to comply with § 229.57 shall be treated as complying with that section if the form accurately describes the bank's policies and practices.

The Board proposes to include the required model disclosure as model C–5A in appendix C. The proposed model disclosure explains in very simple terms what a substitute check is, when the consumer expedited recredit right applies, and what a consumer must do to exercise that right. The Board requests comment on whether the proposed model disclosure is clear, accurate, and concise.

Although not required by statute to do so, the Board also proposes to publish in appendix C models for the notices a bank must provide in response to a consumer's expedited recredit claim under section 7(f) of the Check 21 Act and § 229.54(e) of the proposed rule. Although there is no statutory safe harbor that applies to the proposed model notices under § 229.54(e), the Board nevertheless believes that these model notices may be helpful to banks in complying with the regulation. In light of the absence of a statutory safe harbor, the Board specifically requests comment on whether providing model language for the § 229.54(e) notices is useful.

The Board proposes technical amendments to the introductory paragraph and table of contents of appendix C to reflect the inclusion of the new disclosure and notices. The Board also proposes to amend the commentary to appendix C to clarify the appropriate use of the new models.

II. Other Amendments to Regulation CC

The Board also is proposing at this time several amendments to existing Regulation CC and its commentary that are unrelated to the Check 21 Act. The Board requests comment on each of these proposed revisions and also welcomes comments about any other areas of the existing rule and commentary that should be clarified.

A. Section 229.2 Definitions

The Board proposes to amend the commentary to the definition of local paying bank (§ 229.2(s)) to provide additional detail regarding how to determine whether deposits mailed to a central check processing facility are local or nonlocal.

B. Section 229.10 Next-Day Availability

The Board proposes adding a sentence to the commentary to § 229.10(c) to clarify that a special deposit slip notice need not be posted at each teller window, although it must be posted in a place where consumers are likely to see it before making a deposit.

C. Section 229.13 Exceptions

The Board proposes to amend the commentary to § 229.13(g) regarding notices of exception holds to clarify that a bank providing such a notice electronically to a consumer must comply with the requirements of the Electronic Signatures in Global and National Commerce Act (the E-Sign Act).

D. Section 229.15 General Disclosure Requirements

The Board proposes to amend the commentary to § 229.15(a) regarding the general form of notices required by subpart B to clarify that a bank providing a notice electronically to a consumer must comply with the requirements of the E-Sign Act. The Board also proposes to explain in more detail in the commentary how a notice can be ''clear and conspicuous,'' as required in existing § 229.15(a), and under what circumstances a bank may provide a required notice in a language other than English.

E. Section 229.30 Paying Bank's Responsibility for Return of Checks

The Board proposes amending § 229.30(c)(1) regarding the extension for the deadline of a return or notice of nonpayment under the U.C.C. or Regulation J. The current paragraph allows extensions when a paying bank uses a means of delivery that ordinarily would result in receipt by the receiving bank's next banking day. At least one court has interpreted the current provision to permit an extension of the midnight deadline even when the check was received by a returning bank at a time that was too late for the returning bank to process the check that day (*see Oak Brook Bank* v. *Northern Trust,* 2001 U.S. App. LEXIS 15065 (7th Cir., 2001)). The proposed rule therefore would more specifically describe the applicable time of receipt to be the bank's cutoff hour for the next processing cycle (if sent to a returning bank) or next banking day (if sent to a depositary bank). This parallels the existing language in § 229.30(c)(2). The Board proposes corresponding changes to the commentary to this section.

F. Section 229.33 Notice of Nonpayment

The Board proposes deleting the phrase ''with question marks'' at the end of § 229.33(b). Instead, the Board proposes to note in the commentary to

that section that a bank must identify an item of information if the bank is uncertain as to that item's accuracy by setting the item off with question marks, asterisks, or other symbols designated for this purpose by generally applicable industry standards. This change is meant to describe the actual industry practice more closely.

The Board also proposes amending the text of § 229.33(d) to state that a bank must ''send or give'' the consumer notice regarding receipt of a returned check or notice or nonpayment. This is meant to clarify that such a notice need not be in writing. The Board also proposes to add additional detail to the commentary to § 220.33(d) to describe the means by which a bank may provide the required notice.

The Board also requests comment on whether there are circumstances under which it would be appropriate to reduce the time frame for providing a notice of nonpayment.

G. Section 229.37 Variation by Agreement

The Board proposes to delete an obsolete reference from the last sentence of paragraph XXIII.A of the commentary to this section.

III. Specific Requests for Comment

In addition to the specific requests for comment discussed in the section-by-section analysis, the Board requests comment on the following issues.

A. Treatment of Generally Applicable Industry Standards

As discussed at various points in the section-by-section analysis, when the Check 21 Act or existing Regulation CC refers to generally applicable industry standards, the Board proposes including only a general reference to generally applicable industry standards in the rule text. However, if only one industry standard applies, the proposed commentary would identify that standard. If the Board determines to use this approach in the final rule, it could account for changes in industry standards simply by amending the commentary and would not need to change the underlying regulatory requirement that banks comply with industry standards. The Board requests comment generally on the desirability of this approach and specifically on whether commenters would prefer that the Board identify specific industry standards within the text of the rule.

B. Relation of the Check 21 Act to Other Law

The proposed commentary at various points attempts to clarify the interaction between the rights and remedies conferred by the Check 21 Act and those conferred by other law, particularly the U.C.C. The Board specifically requests comment on whether the proposed commentary is adequate with respect to the interaction between the Check 21 Act and existing law or whether commenters believe that additional discussion and examples are needed. If the latter, the Board requests that commenters be as specific as possible in describing which provisions of the Check 21 Act need clarification with respect to which provisions of existing law, and in identifying examples that should be added to the commentary.

C. Remotely-Created Demand Drafts

In 2002, the National Conference of Commissioners on Uniform State Laws and the American Law Institute approved revisions to Articles 3 and 4 of the U.C.C. regarding remotely-created consumer items. The U.C.C. revisions define a remotely-created consumer item to mean ''an item drawn on a consumer account, which is not created by the payor bank and does not bear a handwritten signature purporting to be the signature of the drawer.'' The U.C.C. revisions would require a person who transfers a remotely-created consumer item to warrant that the person on whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.

The U.C.C. revisions are based on similar provisions enacted by certain individual states designed to address check fraud. (Some state laws and check clearinghouse rules refer to these items as ''demand drafts.'') As noted in the U.C.C. drafter's commentary, the revisions implement a limited rejection of *Price* v. *Neal,* 97 Eng. Rep. 871 (K.B. 1762), so that in certain circumstances (those involving remotely-created consumer checks) the paying bank can use a warranty claim to absolve itself of responsibility for honoring an unauthorized item. The revisions rest on the premise that monitoring by depositary banks can control this type of fraud more effectively than any practices readily available to paying banks.

The U.C.C. revisions have been adopted in at least one state and introduced in at least three others. The Board requests comment on whether it would be appropriate to incorporate the U.C.C. revisions into Regulation CC.

D. Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Board to use plain language in all its proposed and final rules. The Board requests comment on whether it could make the proposed regulatory language clearer and, if so, how.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget (OMB). The proposed rule contains requirements subject to the PRA.

The collection of information that is proposed by this rulemaking is found in 12 CFR 229.54, 229.55, and 229.57. This information is required to obtain a benefit for consumers and mandatory for financial institutions. The respondents that are regulated by the Board are state member banks and branches and agencies of foreign banks. Consumers who choose to make claims in accordance with § 229.54 of the proposed rule also would be respondents. The Board is estimating paperwork burden only for these three types of respondents; other federal banking agencies are required to estimate paperwork burden for the depository institutions for which they have administrative enforcement authority.

The proposed rulemaking contains several notice requirements and a disclosure requirement in relation to the Check 21 Act. The first notice, described in § 229.54(b)(2), is the information a consumer would provide when making an expedited recredit claim. The Federal Reserve estimates that each of the 949 state member banks and 295 branches and agencies will receive, on average, 25 of these claims per year. It is also estimated that it will take consumers, on average, 15 minutes to complete and send this claim. Thus, the Federal Reserve estimates that the combined annual burden for consumers submitting expedited recredit claims is 7,775 hours.

The second notice, described in § 229.54(e), is required when a bank validates the consumer's claim, denies a consumer's recredit claim, or reverses a consumer's recredit claim. The Federal Reserve estimates that each of the 949 state member banks and 295 branches and agencies will send, on average, 35 of these notices per year. It is also estimated that it will take the institutions, on average, 15 minutes to prepare and distribute each notice. Thus, the estimated total annual burden for these three bank notices is 10,885 hours.

The third notice, described in § 229.55(b)(2), is required for a bank making a claim against an indemnifying

bank for a substitute check. The Federal Reserve estimates that each of the 949 state member banks and 295 branches and agencies will submit, on average, 15 of these claims per year. It is also estimated that it will take institutions, on average, 15 minutes to complete and send each notice. Thus, the estimated total annual burden for this notice is 4,665 hours.

Finally, § 229.57 describes the disclosure requirement that state member banks or branches and agencies of foreign banks must provide to promote consumer awareness about substitute checks. Banks are required to provide a consumer awareness disclosure to consumers who receive paid checks with their periodic statements and consumers who request or otherwise receive paid checks on a case-by-case basis. A model disclosure is provided in appendix C–5A. The Federal Reserve estimates that each of the 949 state member banks and 295 branches and agencies will, on average, have 500 disclosures per year and that, on average, it will take 5 minutes to prepare and distribute the disclosure. Thus, the estimated total annual burden for this disclosure is 51,833 hours.

The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. An OMB control number will be obtained. The Federal Reserve specifically requests comment on these burden estimates as described above.

Comments are also invited on: a. whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility; b. the accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the cost of compliance; c. ways to enhance the quality, utility, and clarity of the information to be collected; and d. ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology. Comments on the collections of information should be sent to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, with copies of such comments to be sent to the Office of Management and Budget, Paperwork Reduction Project (7100-to be obtained), Washington, DC 20503.

Regulatory Flexibility Act

The Board is proposing the foregoing amendments to implement the Check 21 Act and to provide clarification on existing regulatory provisions. The Check 21 Act requires the Board to publish model forms and clauses that banks may use to satisfy that statute's consumer awareness requirement. The Board also proposes to incorporate all provisions of the Check 21 Act that affect banks into existing Regulation CC, so that all federal provisions administered by the Board with respect to check collection will be described in one place.

The Check 21 Act and the proposed new subpart D that would implement it apply to all banks regardless of their size. The statute and proposed rule authorize, but do not require, banks to provide a new negotiable instrument called a substitute check when an original check is required. However, no bank is required to create substitute checks, and the impact on the check processing practices of banks that only receive and do not create substitute checks should be minimal. The proposed rule does, however, require all banks to provide a consumer awareness notice to consumers who receive substitute checks and to provide a notice to a consumer who, on a case-by-case basis, seeks a recredit for a substitute check that has caused the consumer to incur a loss. These disclosure and notice requirements are statutory.

The Board is not aware of any other federal rules that duplicate, overlap, or conflict with the proposed rule. The Board notes that the proposed rule is consistent with other parts of Regulation CC and the Board's Regulation J (12 CFR part 210) that apply to checks because those provisions would apply to properly-prepared substitute checks in the same manner that they apply to original checks.

The Board specifically requests comment on the impact of the proposed rule on small banks.

12 CFR Chapter II

List of Subjects in 12 CFR Part 229

Banks, Banking, Federal Reserve System, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Board is proposing to amend 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

1. The authority citation for part 229 is amended to read as follows:

Authority: 12 U.S.C. 4001 *et seq.*, 12 U.S.C. 5001–5018.

2. In § 229.1, revise paragraph (a) and add a new paragraph (b)(4) to read as follows:

§ 229.1 Authority and purpose; organization.

(a) *Authority and purpose.* This part is issued by the Board of Governors of the Federal Reserve System (Board) to implement the Expedited Funds Availability Act, as amended (12 U.S.C. 4001 *et seq.*) (the EFA Act) and the Check Clearing for the 21st Century Act (12 U.S.C. 5001–5018) (the Check 21 Act).

(b) *Organization.* * * *

(4) Subpart D of this part contains rules relating to substitute checks. These rules address the creation and legal status of substitute checks; the substitute check warranties and indemnity; expedited recredit procedures for resolving improper charges and warranty claims associated with substitute checks; and the disclosure and notices that banks must provide to consumers who receive substitute checks and who make expedited recredit claims.

3. In § 229.2, revise the introductory sentence to read as follows:

§ 229.2 Definitions.

As used in this part, and unless the context requires otherwise, the following terms have the meanings set forth in this section, and the terms not defined in this section have the meanings set forth in the Uniform Commercial Code:

* * * * *

4. In § 229.2(a):

A. Redesignate existing paragraphs (1), (2), (3), (4), and (5) as paragraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iii), (a)(1)(iv), and (a)(1)(v), respectively;

B. Designate paragraph (a) as paragraph (a)(1) and revise the first sentence of that paragraph;

C. Designate the undesignated paragraph as paragraph (2) and revise that paragraph; and

D. Add a new paragraph (3).

The revisions and addition read as follows:

(a) *Account.* (1) Except for purposes of subpart D of this part, *account* means a deposit as defined in 12 CFR 204.2(a)(1)(i) that is a transaction account as described in 12 CFR 204.2(e). * * *

(2) For purposes of subpart B of this part and, in connection therewith, this subpart A, *account* does not include an account where the account holder is a bank, where the account holder is an office of an institution described in

paragraphs (e)(1) through (e)(6) of this section or an office of a ''foreign bank'' as defined in section 1(b) of the International Banking Act (12 U.S.C. 3101) that is located outside the United States, or where the direct or indirect account holder is the Treasury of the United States.

(3) For purposes of subpart D of this part and, in connection therewith, this subpart A, *account* means any deposit, as defined in 12 CFR 204.2(a)(1)(i), at a bank. *Account* includes a demand deposit or other transaction account and a savings deposit or other time deposit, as those terms are defined in 12 CFR 204.2.

* * * * *

5. In § 229.2(e), remove the phrase ''subpart C'' from the last, undesignated paragraph and add the phrase ''subparts C and D'' in its place, and after the undesignated paragraph add a new paragraph to read as follows:

(e) * * *

Note: For purposes of subpart D of this part and, in connection therewith, this subpart A, *bank* also includes the Treasury of the United States or the United States Postal Service to the extent that the Treasury or the Postal Service acts as a paying bank.

* * * * *

6. In § 229.2(k), remove the phrase ''subpart C'' from the last sentence of the undesignated paragraph and add the phrase ''subparts C and D'' in its place.

7. In § 229.2(q), insert the phrase ''to a collecting bank for settlement or'' between the words ''basis'' and ''to.''

8. In § 229.2(z), remove the phrase ''subpart C'' from the last, undesignated paragraph and add the phrase ''subparts C and D'' in its place, and after the undesignated paragraph add a new paragraph to read as follows:

(z) * * *

Note: For purposes of subpart D of this part and, in connection therewith, this subpart A, *paying bank* also includes the Treasury of the United States or the United States Postal Service for a check that is payable by that entity and that is sent to that entity for payment or collection.

* * * * *

9. In § 229.2(ff), add a new sentence after the first sentence to read as follows:

(ff) * * * For purposes of subpart D of this part and, in connection therewith, this subpart A, *state* also means Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory of the United States.

* * * * *

10. In § 229.2, revise paragraph (qq) to read as follows:

* * * * *

(qq) *Claimant bank* means a bank that submits a claim for a recredit for a substitute check to an indemnifying bank under § 229.55.

11. In § 229.2, after paragraph (qq) add the following new paragraphs (rr) through (ddd), to read as follows:

* * * * *

(rr) *Collecting bank* means any bank handling a check for forward collection, except the paying bank.

(ss) *Consumer* means a natural person who—

(1) With respect to a check handled for forward collection, draws the check on a consumer account; or

(2) With respect to a check handled for return, deposits the check into or cashes the check against a consumer account.

(tt) *Customer* means a person having an account with a bank.

(uu) *Indemnifying bank* means a bank that provides an indemnity under § 229.53 with respect to a substitute check.

(vv) *Magnetic ink character recognition line* and *MICR line* mean the numbers, which may include the bank routing number, account number, check number, check amount, and other information, that are printed near the bottom of a check in magnetic ink in accordance with generally applicable industry standards.

(ww) *Original check* means the first paper check issued with respect to a particular payment transaction.

(xx) *Person* means a natural person, corporation, unincorporated company, partnership, government unit or instrumentality, trust, or any other entity or organization.

(yy) *Reconverting bank* means—

(1) The bank that creates a substitute check; or

(2) With respect to a substitute check that was created by a person that is not a bank, the first bank that receives the substitute check and transfers, presents, or returns that substitute check or, in lieu thereof, the first paper or electronic representation of that substitute check.

(zz) *Substitute check* means a paper reproduction of an original check that—

(1) Contains an image of the front and back of the original check;

(2) Bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks;

(3) Conforms in paper stock, dimension, and otherwise with generally applicable industry standards for substitute checks; and

(4) Is suitable for automated processing in the same manner as the original check.

(aaa) A *sufficient copy* of an original check is a copy of an original check that accurately represents all of the information on the front and back of that check as of the time it was truncated or that otherwise is sufficient to determine the validity of the relevant claim. A *copy* of an original check means any paper reproduction of an original check, including a paper printout of an electronic image of the original check, a photocopy of the original check, or a substitute check.

(bbb) *Transfer and consideration.* For purposes of subpart D, the terms *transfer* and *consideration* have the meanings set forth in the Uniform Commercial Code and in addition—

(1) The term *transfer* with respect to a substitute check or a paper or electronic representation of a substitute check means delivery of the substitute check or other representation of the substitute check by a bank to a person other than a bank; and

(2)(i) Except as provided in paragraph (bbb)(2)(ii) of this section, a bank that transfers a substitute check or a paper or electronic representation of a substitute check directly to a person other than a bank has received *consideration* for the substitute check or other paper or electronic representation of the substitute check if it has charged, or has the right to charge, the person's account or otherwise has received value for the check.

(ii) A bank does not receive consideration when it transfers a substitute check or a paper or electronic representation of a substitute check solely in response to a person's warranty, indemnity, expedited recredit, or other claim with respect to the substitute check.

(ccc) *Truncate* means to remove an original check from the forward collection or return process and send to a recipient, in lieu of such original check, a substitute check or, by agreement, information relating to the original check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without the subsequent delivery of the original check.

(ddd) *Truncating bank* means—

(1) The bank that truncates the original check; or

(2) If a person other than a bank truncates the original check, the first bank that transfers, presents, or returns, in lieu of such original check, a substitute check or, by agreement, information relating to the original

check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without the subsequent delivery of the original check.

§ 229.3 [Amended]

12. In § 229.3, remove the phrase ''the Act'' from paragraphs (b)(1) and (c)(2)(ii) and add the phrase ''the EFA Act'' in its place.

§ 229.20 [Amended]

13. In § 229.20, remove the phrase ''the Act'' wherever it appears and add the phrase ''the EFA Act'' in its place.

§ 229.21 [Amended]

14. In § 229.21(g)(2), remove the phrase ''the Act'' and add the phrase ''the EFA Act'' in its place.

§ 229.30 [Amended]

15. In § 229.30(a)(2)(iii), remove the next-to-last sentence and add the following sentence in its place:

(a) * * *

(2) * * *

(iii) * * * A qualified returned check must be encoded in magnetic ink with the routing number of the depositary bank, the amount of the returned check, and a ''2'' or, in the case of a substitute check, a ''5'', in position 44 of the MICR line as a return identifier in accordance with generally applicable industry standards. * * *

* * * * *

16. In § 229.30, revise paragraph (c)(1), to read as follows:

(c)* * *

(1) On or before the receiving bank's cutoff hour for the next processing cycle (if sent to a returning bank) or on or before the receiving bank's next banking day (if sent to the depositary bank) following the otherwise applicable deadline, for all deadlines other than those described in paragraph (c)(2) of this section; this deadline is extended further if a paying bank uses a highly expeditious means of transportation, even if this means of transportation would ordinarily result in delivery after the receiving bank's next cutoff hour or banking day referred to above; or

* * * * *

§ 229.31 [Amended]

17. In § 229.31(a)(2)(iii), remove the second-to-last sentence and add the following sentence in its place:

(a) * * *

(2) * * *

(iii) * * * A qualified returned check must be encoded in magnetic ink with the routing number of the depositary bank, the amount of the returned check, and a ''2'' or, in the case of a substitute check, a ''5'', in position 44 of the MICR line as a return identifier in accordance with generally applicable industry standards. * * *

* * * * *

§ 229.33 [Amended]

18. In § 229.33(b), remove the phrase ''with question marks'' from the last sentence of the undesignated paragraph.

19. In § 229.33(d), add the phrase ''or give'' between the words ''send'' and ''notice.''

§ 229.35 [Amended]

20. In § 229.35, revise paragraph (a) to read as follows:

(a) *Indorsement standards.* A bank (other than a paying bank) that handles a check during forward collection or a returned check shall indorse the check in a manner that enables a subsequent collecting bank, paying bank, or returning bank to interpret the indorsement, in accordance with the indorsement standard set forth in appendix D of this part.

* * * * *

§ 229.38 [Amended]

21. In § 229.38(d)(1), add a new sentence between the next-to-last and last sentences and revise the last sentence to read as follows:

(d) *Responsibility for certain aspects of checks—(1)* * * * A reconverting bank is responsible for damages under paragraph (a) of this section to the extent that the condition of the back of a substitute check transferred by it adversely affects the ability of a bank to indorse the check legibly in accordance with § 229.35. Responsibility under this paragraph shall be treated as negligence of the paying bank, depositary bank, or reconverting bank for purposes of paragraph (c) of this section.

* * * * *

22. In § 229.38(f), remove the phrase ''the Act'' and add the phrase ''the EFA Act'' in its place.

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

23. Add a new subpart D to read as follows:

Subpart D—Substitute Checks

Sec.
229.51 General provisions governing substitute checks.
229.52 Substitute check warranties.
229.53 Substitute check indemnity.
229.54 Expedited recredit for consumers.
229.55 Expedited recredit procedures for banks.
229.56 Liability.
229.57 Consumer awareness.
229.58 Mode of delivery of information required by this subpart.
229.59 Relation to other law.
229.60 Variation by agreement.

Authority: 12 U.S.C. 5001–5018.

Subpart D—Substitute Checks

§ 229.51 General provisions governing substitute checks.

(a) *Legal equivalence.* A substitute check for which a bank has provided the warranties described in § 229.52 is the legal equivalent of an original check for all persons and all purposes, including any provision of federal or state law, if the substitute check—

(1) Accurately represents all of the information on the front and back of the original check as of the time the original check was truncated; and

(2) Bears the legend, ''This is a legal copy of your check. You can use it the same way you would use the original check.''

(b) *Reconverting bank duties.* A bank shall ensure that a substitute check for which it is the reconverting bank—

(1) Bears all indorsements applied by parties that previously handled the check in any form (including the original check, a substitute check, or another paper or electronic representation of such original check or substitute check) for forward collection or return;

(2) Identifies the reconverting bank in a manner that preserves any previous reconverting bank identifications, in accordance with generally applicable industry standards for substitute checks and appendix D of this part; and

(3) Identifies the bank that truncated the original check in accordance with generally applicable industry standards for substitute checks and appendix D of this part.

(c) *Purported substitute checks.* If a bank transfers, presents, or returns, and receives consideration for, an item that meets all the requirements of a substitute check except for the MICR line requirement in section 229.2(zz)(2), that item is a substitute check for purposes of §§ 229.52 through 229.57 of this subpart.

(d) *Applicable law.* A substitute check that is the legal equivalent of an original check under paragraph (a) of this section shall be subject to any provision, including any provision relating to the protection of customers, of this part, the U.C.C., and any other applicable federal or state law as if such substitute check were the original check, to the extent such provision of law is not inconsistent with the Check 21 Act or this subpart.

§ 229.52 Substitute check warranties.

(a) *Content and provision of substitute check warranties.* A bank that transfers, presents, or returns a substitute check (or a paper or electronic representation of a substitute check) for which it receives consideration warrants to the parties listed in paragraph (b) of this section that—

(1) The substitute check meets the requirements for legal equivalence described in § 229.51(a)(1)–(2); and

(2) No depositary bank, drawee, drawer, or indorser will receive presentment or return of, or otherwise be charged for, the substitute check, the original check, or a paper or electronic representation of the substitute check or original check such that that person will be asked to make a payment based on a check that it already has paid.

(b) *Warranty recipients.* A bank makes the warranties described in paragraph (a) to the person to which the bank transfers, presents, or returns the substitute check or a paper or electronic representation of such substitute check and to any subsequent recipient, which could include a collecting or returning bank, the depositary bank, the drawer, the drawee, the payee, the depositor, and any indorser. These parties receive the warranties regardless of whether they received the substitute check or a paper or electronic representation of the substitute check.

§ 229.53 Substitute check indemnity.

(a) *Scope of indemnity.* A bank that transfers, presents, or returns a substitute check or a paper or electronic representation of a substitute check for which it receives consideration shall indemnify the recipient and any subsequent recipient (including a collecting or returning bank, the depositary bank, the drawer, the drawee, the payee, the depositor, and any indorser) for any loss incurred by any recipient of a substitute check if that loss occurred due to the receipt of a substitute check instead of the original check.

(b) *Indemnity amount*—(1) *In general.* Unless otherwise indicated by paragraph (b)(2) or (b)(3) of this section, the amount of the indemnity under paragraph (a) of this section is as follows:

(i) If the loss resulted from a breach of a substitute check warranty provided under § 229.52, the amount of the indemnity shall be the amount of any loss (including interest, costs, reasonable attorney's fees, and other expenses of representation) proximately caused by the warranty breach.

(ii) If the loss did not result from a breach of a substitute check warranty provided under § 229.52, the amount of the indemnity shall be the sum of—

(A) The amount of any resulting loss, up to the amount of the substitute check; and

(B) Interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) *Comparative negligence.* (i) If a loss described in paragraph (a) of this section results in whole or in part from the indemnified party's negligence or failure to act in good faith, then the indemnity amount described in paragraph (b)(1) of this section shall be reduced in proportion to the amount of negligence or bad faith attributable to the indemnified party.

(ii) Nothing in this paragraph (b)(2) reduces the rights of a consumer or any other person under the U.C.C. or other applicable provision of state or federal law.

(3) *Effect of producing the original check or a sufficient copy of the original check*—(i) If an indemnifying bank produces the original check or a sufficient copy of the original check, the indemnifying bank shall—

(A) Be liable under this section only for losses that are incurred up to the time that the bank provides that original check or sufficient copy to the indemnified party; and

(B) Have a right to the return of any funds it has paid under this section in excess of those losses.

(ii) The production by the indemnifying bank of the original check or a sufficient copy under paragraph (b)(3)(i) of this section shall not absolve the indemnifying bank from any liability under any warranty that the bank has provided under § 229.52 or other applicable law.

(c) *Subrogation of rights*—(1) *In general.* An indemnifying bank shall be subrogated to the rights of the party that it indemnifies to the extent of the indemnity it has provided and may attempt to recover from another party based on a warranty or other claim.

(2) *Duty of indemnified party for subrogated claims.* Each indemnified party shall have a duty to comply with all reasonable requests for assistance from an indemnifying bank in connection with any claim the indemnifying bank brings against a warrantor or other party related to a check that forms the basis for the indemnification.

§ 229.54 Expedited recredit for consumers.

(a) *Circumstances giving rise to a claim.* A consumer may make a claim under this section for a recredit with respect to a substitute check if the consumer asserts in good faith that—

(1) The bank holding the consumer's account charged that account for a substitute check that was provided to the consumer (although the consumer need not be in possession of the substitute check at the time he or she submits a claim);

(2) The substitute check was not properly charged to the consumer account or the consumer has a warranty claim with respect to the substitute check;

(3) The consumer suffered a resulting loss; and

(4) Production of the original check or a sufficient copy of the original check is necessary to determine whether or not the substitute check in fact was improperly charged or whether the consumer's warranty claim is valid.

(b) *Procedures for making claims.* A consumer must make his or her claim for a recredit under this section with the bank that holds the consumer's account in accordance with the timing, content, and form requirements of this section.

(1) *Timing of claim.* (i) The consumer must submit his or her claim to the bank by the end of the 40th calendar day after the later of the calendar day on which the bank mailed or delivered, by a means agreed to by the consumer—

(A) The periodic account statement that contains information concerning the transaction giving rise to the claim; or

(B) The substitute check giving rise to the claim.

(ii) If the consumer cannot submit his or her claim by the time specified in paragraph (b)(1)(i) of this section because of extenuating circumstances, the bank must extend the 40-calendar-day period by an additional reasonable amount of time.

(2) *Content of claim.* The consumer's claim must include the following information:

(i) A description of the consumer's claim, including the reason why the consumer believes his or her account was improperly charged for the substitute check or the nature of his or her warranty claim with respect to such check;

(ii) A statement that the consumer suffered a loss and an estimate of the amount of that loss;

(iii) The reason why production of the original check or a sufficient copy of the original check is necessary to determine whether or not the charge to the consumer's account was proper or the consumer's warranty claim is valid; and

(iv) Sufficient information to allow the bank to identify the substitute check and investigate the claim.

(3) *Form and submission of claim; computation of time.* The bank holding the account that is the subject of the consumer's claim may, in its discretion, require the consumer to submit the information required by this section in writing. A bank that requires a written submission may permit the consumer to submit the written claim electronically. A bank that requires the consumer to submit a written claim shall compute any time period in this subpart that begins with the submission of the claim from the date on which the consumer submitted the written claim.

(c) *Action on claims.* A bank that receives a claim that meets the requirements of paragraph (b) of this section must act as follows:

(1) *Valid consumer claim.* If the bank determines that the consumer's claim is valid, the bank must—

(i) Recredit the consumer's account for the amount of the consumer's loss, up to the amount of the substitute check, plus interest if the account is an interest-bearing account, no later than the end of the business day after the banking day on which the bank makes that determination; and

(ii) Send to the consumer the notice required by paragraph (e)(1) of this section.

(2) *Invalid consumer claim.* If a bank determines that the consumer's claim is not valid, the bank must send to the consumer the notice described in paragraph (e)(2) of this section.

(3) *Recredit pending investigation.* If the bank has not taken an action described in paragraph (c)(1) or (c)(2) of this section before the end of the 10th business day after the banking day on which the consumer submitted the claim, the bank must—

(i) Recredit the consumer's account for the amount of the consumer's loss, up to the lesser of the amount of the substitute check or $2,500, plus interest if the account is an interest-bearing account, by the end of that day and send to the consumer the notice required by paragraph (e)(1) of this section; and

(ii) Recredit the consumer's account for the remaining amount of the consumer's loss, if any, up to the amount of the substitute check, plus interest if the account is an interest-bearing account, no later than the end of the 45th calendar day after the banking day on which the consumer submitted the claim and send to the consumer the notice required by paragraph (e)(1) of this section, unless the bank prior to that time has determined that the consumer's claim is or is not valid in accordance with paragraph (c)(1) or (c)(2) of this section.

(4) *Reversal of recredit.* A bank at any time may reverse a recredit that it has made to a consumer account under paragraph (c)(1) or (c)(3) of this section, plus interest the bank has paid, if any, on that amount, if the bank—

(i) Determines that a substitute check for which the bank recredited the consumer account in fact was properly charged to that account or that the consumer's warranty claim was not valid; and

(ii) Notifies the consumer in accordance with paragraph (e)(3) of this section.

(d) *Availability of recredit*—(1) *Next-day availability.* Except as provided in paragraph (d)(2) of this section, a bank shall make any amount that it recredits to a consumer account under this section available for withdrawal no later than the start of the business day after the banking day on which the bank provides the recredit.

(2) *Safeguard exceptions.* A bank may delay availability to a consumer of a recredit provided under paragraph (c)(3)(i) of this section until the start of the earlier of the business day after the banking day on which the bank determines the consumer's claim is valid or the 45th calendar day after the banking day on which the consumer submitted the claim if—

(i) The consumer submits the claim during the 30-calendar-day period beginning on the banking day on which the consumer account was established;

(ii) Without regard to the charge that gave rise to the recredit claim—

(A) On six or more business days during the six-month period ending on the calendar day on which the consumer submitted the claim, the balance in the consumer account was negative or would have become negative if checks or other charges to the account had been paid; or

(B) On two or more business days during such six-month period, the balance in the consumer account was negative or would have become negative in the amount of $5,000 or more if checks or other charges to the account had been paid; or

(iii) The bank has reasonable cause to believe that the claim is fraudulent, based on facts that would cause a well-grounded belief in the mind of a reasonable person that the claim is fraudulent. The fact that the check in question or the consumer is of a particular class may not be the basis for invoking this exception.

(3) *Overdraft fees.* A bank that delays availability as permitted in paragraph (d)(2) of this section may not impose an overdraft fee with respect to drafts drawn by the consumer on such recredited funds until the fifth calendar day after the calendar day on which the bank sent the notice required by paragraph (e)(1) of this section.

(e) *Notices relating to consumer expedited recredit claims*—(1) *Notice of recredit.* A bank that recredits a consumer account under paragraph (c) of this section must notify the consumer of the recredit no later than the business day after the banking day on which the bank recredits the consumer account. This notice must describe—

(i) The amount of the recredit; and

(ii) The date on which the recredited funds will be available for withdrawal.

(2) *Notice that the consumer's claim is not valid.* If a bank determines that a substitute check for which a consumer made a claim under this section was in fact properly charged to the consumer account or that the consumer's warranty claim for that substitute check was not valid, the bank shall notify the consumer no later than the business day after the banking day on which the bank makes that determination. This notice must include—

(i) The original check or a sufficient copy of the original check, except as provided in § 229.58;

(ii) An explanation of the basis for the bank's determination that the substitute check was properly charged or the consumer's warranty claim is not valid; and

(iii) The information or documents (in addition to the original check or sufficient copy), if any, on which the bank relied in making its determination or a statement that the consumer may request copies of such information or documents.

(3) *Notice of a reversal of recredit.* A bank that reverses an amount it previously credited to a consumer account must notify the consumer no later than the business day after the banking day on which the bank made the reversal. This notice must include the information listed in paragraph (e)(2) of this section and also describe—

(i) The amount of the reversal, including both the amount of the recredit and the amount of paid interest, if any, being reversed; and

(ii) The date on which the bank made the reversal.

(f) *Other claims not affected.* Providing a recredit in accordance with this section shall not absolve the bank from liability for a claim made under any other provision of law, such as a claim for wrongful dishonor of a check under the U.C.C., or from liability for additional damages under § 229.53 or § 229.56.

§ 229.55 Expedited recredit procedures for banks.

(a) *Circumstances giving rise to a claim.* A bank that has an indemnity claim under § 229.53 with respect to a substitute check may make an expedited recredit claim against an indemnifying bank if—

(1) The claimant bank or a bank that the claimant bank has indemnified—

(i) Has received a claim for expedited recredit from a consumer under § 229.54; or

(ii) Would have been subject to such a claim if the consumer account had been charged for the substitute check;

(2) The claimant bank is obligated to provide an expedited recredit with respect to such substitute check under § 229.54 or otherwise has suffered a resulting loss; and

(3) The production of the original check or a sufficient copy of the original check is necessary to determine the validity of the charge to the consumer account or the validity of any warranty claim connected with such substitute check.

(b) *Procedures for making claims.* A claimant bank must send its claim to the indemnifying bank, subject to the timing, content, and form requirements of this section.

(1) *Timing of claim.* The claimant bank must submit its claim to the indemnifying bank by the end of the 120th calendar day after the date of the transaction that gave rise to the claim.

(2) *Content of claim.* The claimant bank's claim must include the following information—

(i) A description of the consumer's claim or the warranty claim related to the substitute check, including why the bank believes that the substitute check may not be properly charged to the consumer account;

(ii) A statement that the claimant bank is obligated to recredit a consumer account under § 229.54 or otherwise has suffered a loss and an estimate of the amount of that recredit or loss, including interest if applicable;

(iii) The reason why production of the original check or a sufficient copy of the original check is necessary to determine the validity of the charge to the consumer account or the warranty claim; and

(iv) Sufficient information to allow the indemnifying bank to identify the substitute check and investigate the claim.

(3) *Requirements relating to copies of substitute checks.* If the information submitted by a claimant bank under paragraph (b)(2) of this section includes a copy of any substitute check, the claimant bank must take reasonable steps to ensure that the copy cannot be mistaken for the legal equivalent of the check under § 229.51(a) or sent or handled by any bank, including the indemnifying bank, for forward collection or return.

(4) *Form and submission of claim; computation of time.* The indemnifying bank may, in its discretion, require the claimant bank to submit the information required by this section in writing, including a copy of the paper or electronic claim submitted by the consumer, if any. An indemnifying bank that requires a written submission may permit the claimant bank to submit the written claim electronically. A bank that requires the claimant bank to submit a written claim shall compute any time period in this subpart that begins with the submission of the claim from the date on which the bank received the written claim.

(c) *Action on claims.* No later than the 10th business day after the banking day on which the indemnifying bank receives a claim that meets the requirements of paragraph (b) of this section, the indemnifying bank must—

(1) Recredit the claimant bank for the amount of the claim, up to the amount of the substitute check, plus interest if applicable;

(2) Provide to the claimant bank the original check or a sufficient copy of the original check; or

(3) Provide information to the claimant bank regarding why the claimant bank is not obligated to comply with paragraph (c)(1) or (c)(2) of this section.

(d) *Recredit does not abrogate other liabilities.* Providing a recredit to a claimant bank under this section does not absolve the indemnifying bank from liability for claims brought under any other law or from additional damages under § 229.53 or § 229.56.

(e) *Indemnifying bank's right to a refund.* (1) If a claimant bank reverses a recredit it previously made to a consumer account under § 229.54 or otherwise receives reimbursement for a substitute check that formed the basis of its claim under this section, the claimant bank must provide a refund promptly to any indemnifying bank that previously advanced funds to the claimant bank. The amount of the refund to the indemnifying bank shall be the amount of the reversal or reimbursement obtained by the claimant bank, up to the amount previously advanced by the indemnifying bank.

(2) If the indemnifying bank provides the claimant bank with the original check or a sufficient copy of the original check under paragraph (c)(2) of this section, § 229.53(b)(3) governs the indemnifying bank's entitlement to repayment of any amount provided to the claimant bank that exceeds the amount of losses the claimant bank incurred up to that time.

§ 229.56 Liability.

(a) *Measure of damages*—(1) *In general.* Except as provided in paragraph (a)(2) or (a)(3) of this section or § 229.53, any person that breaches a warranty described in § 229.52 or fails to comply with any requirement of this subpart with respect to any other person shall be liable to that person for an amount equal to the sum of—

(i) The lesser of the amount of the loss suffered by the person as a result of the breach or failure or the amount of the substitute check; and

(ii) Interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) *Offset of recredits.* The amount of damages a person receives under paragraph (a)(1) of this section shall be reduced by any amount that the person receives and retains as a recredit under § 229.54 or § 229.55.

(3) *Comparative negligence.* (i) If a person incurs damages that resulted in whole or in part from that person's negligence or failure to act in good faith, then the amount of any damages due to that person under paragraph (a)(1) of this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

(ii) Nothing in this paragraph (a)(3) reduces the rights of a consumer or any other person under the U.C.C. or other applicable provision of federal or state law.

(b) *Timeliness of action.* Delay by a bank beyond any time limits prescribed or permitted by this subpart is excused if the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of the bank and if the bank uses such diligence as the circumstances require.

(c) *Jurisdiction.* A person may bring an action to enforce a claim under this subpart in any United States district court or in any other court of competent jurisdiction. Such claim must be brought within one year of the date on which the person's cause of action accrues. For purposes of this paragraph, a cause of action accrues as of the date on which the injured party first learns, or by which such person reasonably should have learned, of the facts and circumstances giving rise to the cause of action, including the identity of the

warranting or indemnifying bank against which the action is brought.

(d) *Notice of claims.* Except as otherwise provided in this paragraph (d), unless a person gives notice of a claim under this section to the warranting or indemnifying bank within 30 calendar days after the person has reason to know of both the claim and the identity of the warranting or indemnifying bank, the warranting or indemnifying bank is discharged from liability in an action to enforce a claim under this subpart to the extent of any loss caused by the delay in giving notice of the claim. A timely recredit claim by a consumer under § 229.54 constitutes timely notice under this paragraph.

§ 229.57 Consumer awareness.

(a) *General disclosure requirement and content.* Each bank must provide, in accordance with paragraph (b) of this section, a disclosure to each of its consumer customers that describes—

(1) That a substitute check is the legal equivalent of an original check for all persons and for all purposes, including any provision of any federal or state law, if the substitute check meets the legal equivalence requirements described in § 229.51(a); and

(2) The consumer recredit rights that apply when a consumer in good faith believes that a substitute check was not properly charged to his or her account.

(b) *Distribution*—(1) *Disclosure to consumers who receive paid checks with periodic account statements.* A bank must provide the disclosure described in paragraph (a) of this section to a consumer who receives paid checks with his or her periodic account statement—

(i) No later than the first regularly scheduled communication with the consumer after October 28, 2004, for each consumer who is a customer of the bank on that date; and

(ii) At the time the customer relationship is initiated for each consumer account opened after October 28, 2004.

(2) *Disclosure to consumers who receive substitute checks only an occasional basis.* Unless a bank already has provided the disclosure described in paragraph (a) of this section, the bank must provide such disclosure to a consumer customer of the bank who—

[Alternative 1: (i) Requests an original check or a copy of a check and receives a substitute check, at the time of such request;]

[Alternative 2: (i) Requests an original check or a copy of a check and receives a substitute check, at the time the bank provides such substitute check;] or

(ii) Receives a returned substitute check, at the time the bank provides such substitute check.

§ 229.58 Mode of delivery of information required by this subpart.

A bank may deliver any notice or other information that it is required to provide under this subpart by United States mail or by any other means through which the recipient has agreed to receive account information. If a bank is required to provide an original check or a sufficient copy of an original check, the bank instead may provide an electronic image of the original check or sufficient copy if the recipient has agreed to receive that information electronically.

§ 229.59 Relation to other law.

The Check 21 Act and this subpart supersede any provision of federal or state law, including the Uniform Commercial Code, that is inconsistent with the Check 21 Act or this subpart, but only to the extent of the inconsistency.

§ 229.60 Variation by agreement.

Any provision of § 229.55 may be varied by agreement of the banks involved. No other provision of this subpart may be varied by agreement by any person or persons.

* * * * *

24. In appendix C, revise the title, introductory paragraph, and amend the table of contents by adding the new entries to read as follows:

Appendix C to Part 229—Model Availability Policy Disclosures, Clauses, and Notices; Model Substitute Check Policy Disclosure and Notices

This appendix contains model availability policy and substitute check policy disclosures, clauses, and notices to facilitate compliance with the disclosure and notice requirements of Regulation CC (12 CFR 229). Although use of these models is not required, banks using them properly (with the exception of models C–22 through C–25) to make disclosures required by Regulation CC are deemed to be in compliance.

Model Availability Policy Disclosures

* * * * *

C–5A Substitute Check Policy Disclosure

* * * * *

Model Notices

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C–22 Expedited Recredit Claim, Full Refund

C–23 Expedited Recredit Claim, Partial Refund

C–24 Expedited Recredit Claim, Denial Notice

C–25 Expedited Recredit Claim, Reversal Notice

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25. In appendix C, after model C–5 add the following new model C–5A to read as follows:

* * * * *

C–5A—Substitute Check Policy Disclosure

Substitute Checks and Your Rights

Some or all of the checks that you receive with your account statement or by request may look different than the check you wrote. To make check processing easier, a federal law permits banks to replace original checks with ''substitute checks.'' This notice describes substitute checks and the rights that you will have when you receive substitute checks.

What Is a Substitute Check?

A substitute check is a copy of an original check that is the same as the original check for all purposes, including proving that you made a payment, if it includes an accurate copy of the front and back of the original check and contains the words: ''This is a legal copy of your check. You can use it the same way you would use the original check.'' A substitute check that meets these requirements is generally subject to federal and state laws that apply to an original check. If you lose money because you received a substitute check, you have the right to file a claim for an expedited refund.

Your Right To File a Claim for an Expedited Refund

Federal law gives you the right to file a claim for an expedited refund if you receive a substitute check and believe that all of the statements below are true—

(1) The substitute check was incorrectly charged to your account (for example, this may be true if we charged your account for the wrong amount or if we charged your account more than once for the same check);

(2) You lost money as a result of the substitute check charge to your account; and

(3) You need the original check or a better copy of the original check to demonstrate that we incorrectly charged your account (for example, this may be true if you think that we charged your account for the wrong amount and the substitute check does not clearly show the amount).

Expedited Refunds

To obtain an expedited refund, you must send us a claim. Federal law limits an expedited refund to the amount of your loss, up to the amount of the substitute check, plus interest if your account earns interest. You should be aware that you could be entitled to additional amounts under other state or federal law.

How To Make a Claim for an Expedited Refund

Please make your claim [by calling (*phone number*), by writing to us at (*address*), or by e-mailing us at (*address*)]. You must make your claim within 40 calendar days of the later of these two dates:

(1) The date that we delivered the account statement showing the charge that you are disputing, or

(2) The date on which we made the substitute check available to you.

If there is a good reason (such as a long trip or a hospital stay) that you cannot make your claim by the required day, we will give you additional time.

Your expedited refund claim must—

(1) Describe why you think the charge to your account was incorrect;

(2) Estimate how much money you have lost because of the substitute check charge;

(3) Explain why the substitute check is not sufficient to show whether or not the charge to your account was correct; and

(4) Provide us with a copy of the substitute check or give us information that will help us to identify the substitute check and investigate your claim (for example, the check number, the name of the person to whom you wrote the check, and the amount of the check).

Our Responsibilities for Handling Your Claim

We will investigate your claim promptly. If we conclude that we incorrectly charged your account, we will refund to your account the amount of your claim (up to the amount of the substitute check, plus interest if your account earns interest) within one business day of making that decision. If we conclude that we correctly charged your account, we will send you a notice that explains the reason for our decision and includes either the original check or a better copy of the original check than the one you already received. If we have not made a decision on your claim within 10 business days after you submitted it, we will refund the amount that we owe to your account, up to $2,500, plus interest, by that date. We will refund the remaining amount, if any, plus interest, to your account by the 45th calendar day after you submitted your claim.

If we refund your account, on the next business day we will send you a notice that tells you the amount of your refund and the date on which you may withdraw that amount. Normally, you may withdraw your refund on the business day after we make it. In limited cases, we may delay your ability to withdraw up to the first $2,500 of the refund until the earlier of these two dates: (1) The day after we determine that your claim is valid; or (2) the 45th calendar day after the day that you submitted your claim.

Reversal of Refund

We may reverse any refund that we have given you if we later determine that the substitute check was correctly charged to your account. We also may reverse any interest we have paid you on that amount if your account earns interest. Within one business day after we reverse a refund, we will send you the original check or a better copy of the original check than the one you previously received, explain to you why the substitute check was correctly charged to your account, and tell you the amount and date of the reversal.

* * * * *

26. In appendix C, after model C–21 add new models C–22 through C–25 to read as follows:

* * * * *

C–22—Expedited Recredit Claim, Full Refund Notice

Notice of Refund

We have determined that your claim that a substitute check was incorrectly charged to your account is valid. We are refunding (*amount*) [of which (*amount*) represents accrued interest] to your account. You may withdraw these funds as of (*date*). [This refund is the amount in excess of the $2,500 that we credited to your account on (*date*).]

If we later determine that the substitute check was correctly charged to your account, we will reverse the refund by charging your account. We will notify you within one day of any such reversal.

C–23—Expedited Recredit Claim, Partial Refund Notice

Notice of Partial Refund

In response to your claim that a substitute check was incorrectly charged to your account, we are refunding (*amount*) [of which (*amount*) represents accrued interest] to your account, pending the completion of our investigation of your claim. You may withdraw these funds as of (*date*). [Unless we determine that your claim is not valid, the remaining amount of your refund will be credited to your account no later than the 45th calendar day after you submitted your claim.]

If we later determine that the substitute check was correctly charged to your account, we will reverse the refund by charging your account. We will notify you within one day of any such reversal.

C–24—Expedited Recredit Claim, Denial Notice

Denial of Claim

We reviewed your claim that a substitute check was incorrectly charged to your account. We are denying your claim. As the enclosed [(*original check*) or (*copy of the original check*)] shows, the charge to your account of (*amount*) was proper because (*reason, e.g. amount charged is the same or the signature is authentic*).

[We have also enclosed a copy of the other information we used to make our decision.] [Upon your request, we will send you a copy of the other information that we used to make our decision.]

C–25—Expedited Recredit Claim, Reversal Notice

Reversal of Refund

In response to your claim that a substitute check was incorrectly charged to your account, we provided a refund of (*amount*) by crediting your account on (*date(s)*). We now have determined that the substitute check was correctly charged to your account. As the enclosed [(*original check*) or (*copy of the original check*)] shows, the charge to your account of (*amount*) was proper because (*reason, e.g. amount charged is the same or the signature is authentic*). As a result, we have reversed the refund to your account [plus interest we have paid you on that amount] by charging your account in the amount of (*amount*) on (*date*).

[We have also enclosed a copy of the other information we used to make our decision.] [Upon your request, we will send you a copy of the information we used to make our decision.]

27. In appendix D, revise the title and text to read as follows:

Appendix D to Part 229—Indorsement, Reconverting Bank Identification, and Truncating Bank Identification Standards

(1) The depositary bank shall indorse an original check or substitute check according to the following specifications:

(i) The indorsement shall contain—

(A) The bank's nine-digit routing number, set off by an arrow at each end of the number and pointing toward the number, and, if the depositary bank is a reconverting bank with respect to the check, an asterisk outside the arrow at each end of the routing number to identify the bank as a reconverting bank; and

(B) The indorsement date.

(ii) The indorsement also may contain—

(A) The bank's name or location;

(B) A branch identification;

(C) A trace or sequence number;

(D) A telephone number for receipt of notification of large-dollar returned checks; and

(E) Other information provided that the inclusion of such information does not interfere with the readability of the indorsement.

(iii) The indorsement, if applied to an existing paper check, shall be placed on the back of the check so that the routing number is wholly contained in the area 3.0 inches from the leading edge of the check to 1.5 inches from the trailing edge of the check.[1]

(iv) When printing its depositary bank indorsement or a previously applied electronic indorsement of the depositary bank onto a substitute check at the time that the substitute check is created, a reconverting bank shall place the indorsement on the back of the check between 1.95 and 2.55 inches from the leading edge of the check.

(2) Each subsequent collecting bank or returning bank indorser shall protect the identifiability and legibility of the depositary bank indorsement by indorsing an original check or substitute check according to the following specifications:

(i) The indorsement shall contain only—

(A) The bank's nine-digit routing number (without arrows) and, if the collecting bank or returning bank is a reconverting bank with respect to the check, an asterisk at each end of the number to identify the bank as a reconverting bank;

(B) The indorsement date, and

(C) An optional trace or sequence number.

(ii) The indorsement, if applied to an existing paper check, shall be placed on the back of the check from 0.0 inches to 3.0 inches from the leading edge of the check.

(iii) When printing its collecting bank or returning bank indorsement or a previously

[1] The leading edge is defined as the right side of the check looking at it from the front. The trailing edge is defined as the left side of the check looking at it from the front. *See* American National Standards Committee on Financial Services *Specification for the Placement and Location of MICR Printing, X9.13.*

applied electronic indorsement of a collecting bank or returning bank onto a substitute check at the time that the substitute check is created, a reconverting bank shall place the indorsement on the back of the check between 0.25 and 2.50 inches from the trailing edge of the check.

(3) A reconverting bank shall comply with the following specifications when creating a substitute check:

(i) If it is a depositary bank, collecting bank, or returning bank with respect to the substitute check, the reconverting bank shall place its own indorsement onto the back of the check as specified in this appendix.

(ii) If it is the paying bank with respect to the substitute check, then the reconverting bank shall so identify itself by placing on the back of the check, between 0.25 and 2.50 inches from the trailing edge of the check, its nine-digit routing number (without arrows) and an asterisk at each end of the number.

(iii) The reconverting bank shall place on the front of the check, between 0.25 and 2.10 inches from the trailing edge of the check and within 0.575 inches from the top of the check, its nine-digit routing number (without arrows) and an asterisk at each end of the number.

(iv) The reconverting bank shall place on the front of the check, between 2.10 and 2.50 inches from the trailing edge of the check and within 2.6 inches from the top of the check, the truncating bank's nine-digit routing number (without arrows) and a bracket at each end of the number.

(4) Any indorsement, reconverting bank identification, or truncating bank identification placed on an original check or substitute check shall be printed in black ink.

Appendix E—[Amended]

28. In appendix E, paragraph II.B, revise the first, second, third, and last sentences of paragraph 1, revise paragraph 3, and add a new paragraph 4, to read as follows:

II. * * *

B. 229.2(a) Account

1. The EFA Act defines account to mean ''a demand deposit account or similar transaction account at a depository institution.'' The regulation defines account, for purposes other than subpart D, in terms of the definition of ''transaction account'' in the Board's Regulation D (12 CFR part 204). This definition of account, however, excludes certain deposits, such as nondocumentary obligations (see 12 CFR 204.2(a)(1)(vii)), that are covered under the definition of ''transaction account'' in Regulation D. * * * The Board believes that it is appropriate to exclude these accounts because of the reference to demand deposits in the EFA Act, which suggests that the EFA Act is intended to apply only to accounts that permit unlimited third party transfers.

* * * * *

3. Interbank deposits, including accounts of offices of domestic banks or foreign banks located outside the United States, and direct and indirect accounts of the United States Treasury (including Treasury General Accounts and Treasury Tax and Loan deposits) are exempt from subpart B and, in connection therewith, subpart A.

4. The Check 21 Act defines account to mean any deposit account at a bank. Therefore, for purposes of subpart D and, in connection therewith, subpart A, account means any deposit, as that term is defined by § 204.2(a)(1)(i) of Regulation D, at a bank. Many deposits that are not accounts for purposes of the other subparts of Regulation CC, such as savings deposits and interbank deposits, are included in the account definition for purposes of subpart D.

* * * * *

29. In appendix E, paragraph II.F, remove the phrase ''subpart C'' wherever it appears and add the phrase ''subparts C and D'' in its place and add a new paragraph 4 to read as follows:

II. * * *

F. * * *

4. For purposes of subpart D and, in connection therewith, subpart A, the term bank also includes the Treasury of the United States and the United States Postal Service to the extent that they act as paying banks because the Check 21 Act includes these two entities in the definition of the term bank.

* * * * *

30. In appendix E, paragraph II.K., remove the phrase ''subpart C'' in paragraph 8 and add the phrase ''subparts C and D'' in its place, redesignate paragraph 9 as paragraph 10, and add a new paragraph 9 to read as follows:

II. * * *

K. * * *

9. A substitute check as defined in § 229.2(zz) is a check for purposes of Regulation CC, even if that substitute check does not meet the requirements for legal equivalence set forth in § 229.51(a).

* * * * *

31. In appendix E, paragraph II.Q.1, revise the first sentence to read as follows:

II. * * *

Q. * * *

1. Forward collection is defined to mean the process by which a bank sends a check to the paying bank for collection, including sending the check to an intermediary collecting bank for settlement, as distinguished from the process by which the check is returned unpaid. * * *

* * * * *

32. In appendix E, revise paragraph II.S.1.b and add a new paragraph II.S.1.c to read as follows:

II. * * *

S. * * *

1. * * *

b. The location of the depositary bank is determined by the physical location of the branch or proprietary ATM at which a check is deposited, regardless of whether the deposit is made in person, by mail, or otherwise. For example, if a branch of the depositary bank located in one check-processing region sends a check that was deposited at that branch to the depositary bank's central facility in another check-processing region, and the central facility is in the same check-processing region as the paying bank, the check is still considered nonlocal. (See the commentary on the definition of ''paying bank.'')

c. If a person deposits a check to an account by mailing or otherwise sending the check to a facility or office that is not a bank, the check is considered local or nonlocal depending on the location of the bank whose indorsement appears on the check as the depositary bank.

* * * * *

33. In appendix E, paragraph II.Z., revise the second and third sentences of paragraph 1, remove the phrase ''subpart C'' in paragraph 3 and add the phrase ''subparts C and D'' in its place, and add a new paragraph 6 to read as follows:

II. * * *

Z. * * *

1. * * * For purposes of all subparts of Regulation CC, the term paying bank includes the bank by which a check is payable, the payable-at bank to which a check is sent, or, if the check is payable by a nonbank payor, the bank through which the check is payable and to which it is sent for payment or collection. For purposes of subparts C and D, the term paying bank also includes the payable-through bank and the bank whose routing number appears on the check, regardless of whether the check is payable by a different bank, provided that the check is sent for payment or collection to the payable through bank or the bank whose routing number appears on the check. * * *

* * * * *

6. In accordance with the Check 21 Act, for purposes of subpart D and, in connection therewith, subpart A, paying bank includes the Treasury of the United States or the United States Postal Service with respect to a check payable by that entity and sent to that entity for payment or collection, even though the Treasury and Postal Service are not defined as banks for purposes of subparts B and C.

* * * * *

34. In appendix E, paragraph II.BB.1. remove the last two sentences and add the following new sentence in their place to read as follows:

II. * * *

BB. * * *

1. * * * Returned checks are identified by placing a ''2'' or, in the case of a substitute check, a ''5,'' in position 44 of the MICR line as a return identifier in accordance with American National Standard Specifications for Placement and Location of MICR Printing, X9.13 (hereinafter referred to as ''ANS X9.13'') for original checks or American National Standard Specifications for Image Replacement Documents, X9.90 (hereinafter referred to as ''ANS X9.90'') for substitute checks.

* * * * *

35. In appendix E to part 229, add new paragraphs II.QQ through II.DDD, to read as follows:

II. Section 229.2 Definitions

* * * * *

QQ. 229.2(qq) [Reserved]

RR. 229.2(rr) [Reserved]

SS. 229.2(ss) [Reserved]

TT. 229.2(tt) [Reserved]

UU. 229.2(uu) [Reserved]

VV. 229.2(vv) MICR Line

1. Information in the MICR line of a check must be printed in accordance with the generally applicable industry standards contained in ANS X9.13. As discussed in the commentary to the definition of substitute check, ANS X9.90 also applies to the content of the MICR line of a substitute check.

WW. 229.2(ww) Original Check

1. The definition of the term original check distinguishes the first paper check signed or otherwise authorized by the drawer to effect a particular payment transaction from a substitute check or other paper or electronic representation that is derived from an original or substitute check.

XX. 229.2(xx) [Reserved]

YY. 229.2(yy) Reconverting Bank

1. A substitute check is ''created'' when and where a paper reproduction of an original check that meets the requirements of § 229.2(zz) is physically printed.

2. A bank is a reconverting bank if it creates a substitute check directly or if another person by agreement creates a substitute check on the bank's behalf.

Examples. a. Bank A, by agreement, sends an electronic check file for collection to Bank B. If Bank B chooses to use that file to print a substitute check that meets the requirements of § 229.2(zz), Bank B is the reconverting bank as of the time it prints the substitute check. Bank A is not a reconverting bank because it handled the original check and electronic information about that original check but never created a substitute check.

b. Company A, which is not a bank, agrees to receive check information electronically from Bank A in order to create substitute checks on behalf of Bank A. Bank A creates a substitute check and becomes the reconverting bank when Company A prints a substitute check in accordance with that agreement.

3. A bank also is a reconverting bank if it is the first bank that receives a substitute check created by a nonbank and transfers, presents, or returns that substitute check or, in lieu thereof, the first paper or electronic representation of such substitute check. Under § 229.51, a substitute check is the legal equivalent of the original check only if a bank has made the substitute check warranties listed in § 229.52. A bank therefore is not required to accept a substitute check that was created by a person other than a bank and has not yet been transferred by a bank, although a bank may agree to do so.

Example. A bank's customer, which is a nonbank business, receives a check for payment and wants to deposit a substitute check instead of the original checks with the bank. If no other bank had yet handled the substitute check, the depositary bank that agreed to accept the substitute checks would be the reconverting bank as of the time the depositary bank transferred the substitute check (or other paper or electronic representation of that check) for collection or otherwise, presented the substitute check (or representation) to the paying bank, or returned the substitute check (or representation).

4. A check could move from electronic form to substitute check form several times during the collection and return process. It therefore is possible that there could be multiple substitute checks, and thus multiple reconverting banks, with respect to the same payment transaction.

ZZ. 229.2(zz) Substitute Check

1. For purposes of this definition, a paper reproduction of an original check could include a reproduction created directly from an original check or a reproduction of the original check created from some other source, such as an electronic file or previous substitute check that contains an image of the original check.

2. Because a substitute check must be a piece of paper, an electronic file or electronic check image that has not yet been printed in accordance with the substitute check definition and generally applicable industry standards is not a substitute check. Because a substitute check must be a representation of an item that is defined as a check under § 229.2(k), a paper reproduction of an image of something that is not a check cannot be a substitute check.

3. As described in § 229.51(b) and the commentary thereto, a reconverting bank is required to ensure that a substitute check contains all indorsements applied by previous parties that handled the check in any form. Therefore, the image on the back of a substitute check would include indorsements that were applied to the original check prior to truncation plus a physical representation of any indorsements that were applied electronically to the check after truncation but before creation of the substitute check.

Example. Bank A truncates an original check and, by agreement, transmits to Bank B an electronic image of the check accompanied by an electronic indorsement. Bank B then creates a substitute check to send to Bank C. The back of the substitute check created by Bank B must contain a representation of the indorsement previously applied electronically by Bank A and Bank B's own indorsement. (For more information on indorsement requirements, see appendix D).

4. Some substitute checks will not be created directly from the original check, but rather will be created from a previous substitute check. In that case, the back of the subsequent substitute check would contain (1) the indorsements that were applied physically to the original check, (2) a physical representation of indorsements that were applied electronically to the original check after truncation but before creation of the first substitute check; (3) indorsements that were applied physically to the previous substitute check; and (4) a physical representation of any indorsements that were applied electronically after the previous substitute check was converted to electronic form but before creation of the subsequent substitute check. The front of a subsequent substitute check should contain an image of the front of the original check as that image appeared on the previous substitute check at the time the previous substitute check was converted to electronic form. Because information could have been physically added to the original check image contained on the previous substitute check, the original check image that appears on the front of a subsequent substitute check could contain information in addition to that which appeared on the original check at the time it was truncated.

5. The MICR line of a substitute check must contain the same information as the MICR line of the original check, except as provided by generally applicable industry standards for substitute checks to facilitate the processing of substitute checks.

Examples. a. The generally applicable industry standards contained in ANS X9.90 require the number appearing in position 44 of the MICR line of a substitute check to differ from the number that appeared in position 44 of an original check. On an original check, position 44 generally is left blank for forward collection and contains a ''2'' for a qualified returned check. ANS X9.90 provides that a substitute check used for forward collection should have a ''4'' and a qualified returned substitute check should have a ''5'' in position 44. The ''4'' and ''5'' indicate that the check image must be clipped at an appropriate size so that the size of the check image remains constant throughout the collection and return process, regardless of the number of substitute checks created that represent the same original check (see also §§ 229.30(a)(2) and 229.31(a)(2) and the commentary thereto regarding requirements for qualified returned substitute checks).

b. It is a generally applicable industry practice for a bank that detects an encoding error in the amount field of the original check (including omission of the amount) to correct that error by repairing the MICR line, such as by placing an additional MICR strip containing the paying bank's routing number and the correct amount of the check beneath the original MICR line. In accordance with the generally applicable MICR-line repair practice for original checks and to facilitate processing of substitute checks in the same manner as original checks, a bank that creates a substitute check from an original check with a misencoded or unencoded amount or a bank that handles a substitute check that reproduces an amount encoding error that appeared on the original check may correct the amount encoding error that the bank detects. Such a repair will not change the item's status as a substitute check under subpart D. A paper reproduction of an original check that reproduced an uncorrected amount encoding error that

appeared on the original check would, assuming all other requirements of the substitute check definition were met, be a valid substitute check that could be transferred, collected, or returned. However, subsequent banks that handled that substitute check and the drawer might have a claim for breach of an encoding warranty (see U.C.C. § 4–209 and § 229.34(c) of Regulation CC).

c. A MICR-line error could occur if the automated check sorter of the bank that truncated the original check electronically misinterpreted the MICR line data, such that the MICR line information actually used to process the check electronically was incorrect or incomplete. For example, if the check sorter detected but could not fully interpret the MICR line, the electronic MICR-line information would contain asterisks where the uninterpreted MICR data should appear. Similarly, the check sorter could have read a number in the MICR line incorrectly (such as reading a ''3'' instead of an ''8'') or intentionally substituted one character for another (such as replacing a space or a hyphen with a ''0'') when converting the MICR-line information to electronic form. Each of these differences from the MICR line of the original check constitutes a MICR-read error, and a paper reproduction of an original check that contained such a MICR-read error would not satisfy the substitute check definition. To ensure that the item transferred by the reconverting bank meets the substitute check definition, the reconverting bank should repair all MICR-read errors (see, for example, American National Standards Specifications for Electronic Exchange of Check and Image Data, X9.37, which contains provisions that facilitate the repair of the MICR line). As discussed in more detail in § 229.51(c) and the commentary thereto, a paper reproduction of an original check that contains a MICR-read error but that purports to be a substitute check, such as by containing the legal equivalence legend or by being delivered when an original check is required, would be a substitute check for purposes of §§ 229.52 through 229.57 of Regulation CC but would not be the legal equivalent of the original check.

6. A substitute check must conform to the generally applicable industry standards for substitute checks set forth in ANS X9.90 and must be suitable for automated processing in the same manner as the original check. Thus, an item that meets all other substitute check requirements but that contains a MICR line that is not printed in magnetic ink is not a substitute check. Similarly, a substitute check image that appears within an image statement containing multiple check images is not a substitute check because it does not contain a MICR line printed in magnetic ink and also is not the same size or suitable for automated processing in the same manner as an original check.

AAA. 229.2(aaa) Sufficient Copy and Copy

1. A bank may limit its liability for an indemnity claim and may respond to an expedited recredit claim by providing the claimant with a copy of a check that accurately represents all of the information on the front and back of the original check as of the time the original check was truncated or that otherwise is sufficient to determine the validity of the relevant claim. A sufficient copy that contains an image of the back of the original check as of the time it was truncated also could contain additional information, such as subsequently applied indorsements.

2. A copy must be a paper reproduction of a check. An electronic image that appears on a computer screen but has not yet been printed therefore is not a copy or a sufficient copy. However, if an account holder has agreed to receive such information electronically, a bank that is required to provide an original check or sufficient copy may satisfy that requirement by providing an electronic image in accordance with § 229.58 and the commentary thereto.

Examples. a. A copy of an original check that accurately represents all the information on the front and back of the original check as of the time of truncation always would constitute a sufficient copy. Thus, a substitute check that met the legal equivalence requirements would be a sufficient copy. In addition, a substitute check that accurately represented all the information on the front and back of the original check also would be a sufficient copy even if such substitute check did not bear the legal equivalence legend or if a bank had not made the substitute check warranties.

b. A copy of the original check that does not accurately represent all the information on both the front and back of the original check also could be a sufficient copy if such copy contained all the information necessary to determine the validity of the relevant claim. For instance, if a consumer received a substitute check that contained a blurry image of a legible original check, the consumer might seek an expedited recredit because his or her account was charged for $1,000, but he or she believed that the check was written for only $100. A clear copy of only the front of the original check that showed the amount of the check likely would be sufficient to determine whether the consumer had a valid claim.

BBB. 229.2(bbb) Transfer and Consideration

1. Under §§ 229.52 and 229.53, a bank makes the warranties and is responsible for the indemnity when it transfers a substitute check (or a representation thereof) for consideration. The Check 21 Act contemplates that drawers and other nonbank persons that receive substitute checks (or representations thereof) from a bank will receive the warranties and indemnity from all previous banks that handled the check, although such parties normally are not transferees that receive consideration for purposes of the U.C.C. To ensure that these parties are covered by the substitute check warranties and indemnity, § 229.2(bbb) incorporates the U.C.C. definitions of the term transfer and consideration by reference and expands those definitions to cover a broader range of situations. Delivering a check to a non-bank that is acting on behalf of a bank (such as a third-party check processor or presentment point) is a transfer of the check to that bank.

Examples. a. A paying bank pays a substitute check and then provides that paid substitute check (or a representation thereof) to a drawer with a periodic account statement. Under the expanded definitions, the paying bank thereby transfers the substitute check (or representation thereof) to the drawer for consideration and makes the substitute check warranties described in § 229.52. A drawer that suffers a loss as a result of the substitute check (or representation thereof) thus would have rights under the Check 21 Act and subpart D against the paying bank, which is the bank with which it has a relationship, as well as against all previous warranting banks in the collection chain.

b. The expanded definitions also operate such that a paying bank that pays an original check (or a representation thereof) and then creates a substitute check to provide to the drawer with a periodic account statement transfers the substitute check for consideration and thereby provides the warranties.

c. Moreover, the expanded definitions ensure that a bank that receives a returned check in any form and then provides a substitute check to the depositor gives the substitute check warranties to the depositor.

CCC. 229.2(ccc) Truncate

1. Truncate means to remove the original check from the forward collection or return process and to send in lieu of the original check either a substitute check or, by agreement, information relating to the original check. Truncation does not include removal of a substitute check from the check collection or return process.

DDD. 229.2(ddd) Truncating Bank

1. A bank is a truncating bank if it truncates an original check or if it is the first bank to transfer, present, or return, another form of a check that was truncated by a person that is not a bank.

Example. A bank's customer that is a nonbank business receives a check for payment and wants to deposit either a substitute check or an electronic representation of the original check with its depositary bank instead of the original. The depositary bank that agrees to accept a check in a form other than the original check would be the truncating bank. That bank also would be the reconverting bank if it were the first bank to transfer, present, or return a substitute check that it created or that it accepted from its nonbank customer (see § 229.2(yy) and the commentary thereto).

* * * * *

36. In appendix E, paragraph IV.D.6.e. is amended by adding new sentences between the second and third sentences to read as follows:

IV. * * *

D. * * *

6. * * *

e. * * * Such notice need not be posted at each teller window, but the notice must be posted in a place where consumers seeking to make deposits are likely to see it before making their deposits. For example, the notice might be posted at the point where the

line forms for teller service in the lobby. The notice is not required at any drive-through teller windows nor is it required at night depository locations, or at locations where consumer deposits are not accepted. * * *

* * * * *

37. In appendix E, paragraph VII.H.1.a., revise the third sentence and add a new fifth sentence to read as follows:

VII. * * *
H. * * *
1. * * *
a. * * * For a customer that is not a consumer, a depositary bank satisfies the written-notice requirement by sending an electronic notice that displays the text and is in a form that the customer may keep, if the customer agrees to such means of notice. * * * For a customer who is a consumer, a depositary bank satisfies the written-notice requirement by sending an electronic notice in compliance with the requirements of the Electronic Signatures in Global and National Commerce Act (12 U.S.C. 7001 *et seq.*), which include obtaining the consumer's affirmative consent to such means of notice.

* * * * *

38. In appendix E, paragraph IX.A.1, remove the third and fourth sentences and add new sentences in their place to read as follows:

IX. * * *
A. * * *
1. * * * A disclosure is clear and conspicuous if it is reasonably understandable and designed to call attention to the nature and significance of the information in the disclosure (see the examples listed in § 216.3(b)(2) of this chapter). A disclosure is in a form that the customer may keep if, for example, it can be downloaded or printed. For a customer that is not a consumer, a depositary bank satisfies the written-disclosure requirement by sending an electronic disclosure that displays the text and is in a form that the customer may keep, if the customer agrees to such means of disclosure. For a customer who is a consumer, a depositary bank satisfies the written-notice requirement by sending an electronic notice in compliance with the requirements of the Electronic Signatures in Global and National Commerce Act (12 U.S.C. 7001 *et seq.*), which include obtaining the consumer's affirmative consent to such means of notice.

* * * * *

39. In appendix E, paragraph IX.A, add a new paragraph 4. to read as follows:

IX. * * *
A. * * *
4. A bank may, by agreement or at the consumer's request, provide any disclosure or notice required by subpart B in a language other than English, provided that the bank makes a complete disclosure available in English at the customer's request.

40. In appendix E, add a new sentence at the end of paragraph XVI.A.7. to read as follows:

XVI. * * *
A. * * *
7. * * * A check that is converted to a qualified returned check must be encoded in accordance with ANS X9.13 for original checks or ANS X9.90 for substitute checks.

* * * * *

41. In appendix E, revise paragraph XVI.C.1.a. to read as follows:

XVI. * * *
C. * * *
1. * * * a. A paying bank may have a courier that leaves after midnight (or after any other applicable deadline) to deliver its forward-collection checks. This paragraph removes the constraint of the midnight deadline for returned checks if the returned check either reaches the returning bank to which it is sent by that bank's cut-off hour for the next processing cycle after the applicable deadline or reaches the depositary bank to which it is sent by that bank's next banking day following the expiration of the applicable deadline. The extension also applies if the check reaches the bank to which it is sent later than the close of that bank's cut-off hour for the next processing cycle or its next banking day, as applicable, if highly expeditious means of transportation are used. For example, a West Coast paying bank may use this further extension to ship a returned check by air courier directly to an East Coast returning bank even if the check arrives after the returning bank's cut-off hour for the next processing cycle. This paragraph applies to the extension of all midnight deadlines except Saturday midnight deadlines (see paragraph C.1.b. of this appendix).

* * * * *

42. In appendix E, add a new sentence at the end of paragraph XVII.A.7.a. to read as follows:

XVII. * * *
A. * * *
7. * * * a. * * * A check that is converted to a qualified returned check must be encoded in accordance with ANS X9.13 for original checks or ANS X9.90 for substitute checks.

* * * * *

43. In appendix E, add a new paragraph XIX.B.3., to read as follows:

XIX. * * *
B. * * *
3. A bank must identify an item of information if the bank is uncertain as to that item's accuracy. A bank may make this identification by setting the item off with question marks, asterisks, or other symbols designated for this purpose by generally applicable industry standards, such as ANS X9.37.

* * * * *

44. In appendix E, paragraph XIX.D.1., insert a new sentence between the next-to-last and last sentences and revise the last sentence to read as follows:

XIX. * * *
D. * * *
1. * * * A bank that chooses to provide the notice required by § 229.33(d) in writing may send the notice by e-mail or facsimile if the bank sends the notice to the e-mail address or facsimile number specified by the customer for that purpose. The notice to the customer required under this paragraph also may satisfy the notice requirement of § 229.13(g) if the depositary bank invokes the reasonable-cause exception of § 229.13(e) due to the receipt of a notice of nonpayment, provided the notice meets all the requirements of § 229.13(g).

* * * * *

45. In appendix E, paragraph XXI.A.1., remove the phrase ''are legible'' from the fourth sentence and add the phrase ''can be interpreted by a subsequent collecting bank, paying bank, or returning bank'' in its place.

46. In appendix E, paragraph XXI.A., remove existing paragraphs 2. through 6., remove paragraph 8., redesignate existing paragraph 7. as paragraph 8., and add the following paragraphs 2. through 7. to read as follows:

XXI. * * *
A.

* * * * *

2. Banks generally apply indorsements to paper checks in one of two ways: (1) Banks print or ''spray'' indorsements onto checks when the checks are processed through the banks' automated check sorters (regardless of whether the checks are original checks or substitute checks), and (2) reconverting banks print or ''overlay'' previously applied electronic indorsements and their own indorsements and identifications onto substitute checks at the time that the substitute checks are created. A substitute check will contain, in its image of the original check or previous substitute check, reproductions of indorsements that were sprayed onto the previous item. For purposes of the indorsement standard set forth in appendix D, a reproduction of a previously applied sprayed or overlaid indorsement contained within an image of a check does not constitute a ''previously applied electronic indorsement.'' To accommodate these two indorsement scenarios, the appendix includes two indorsement location specifications: One standard applies to banks spraying indorsements onto existing paper original checks and substitute checks, and another applies to reconverting banks overlaying previously applied electronic indorsements and their own indorsements onto substitute checks at the time the substitute checks are created.

3. The location of an indorsement applied to an existing paper check in accordance with appendix D may shift if that check is truncated and later reconverted to a substitute check. If the indorsement is overwritten by a subsequent indorsement that also is applied in accordance with appendix D, then the indorsement could be

rendered illegible. See § 229.38(d) and the commentary thereto for information regarding liability for a loss that results from an illegible indorsement.

4. To ensure that indorsements can be easily read and imaged, the standard requires all indorsements applied to original checks and substitute checks to be printed in black ink.

5. The standard requires the depositary bank's indorsement to include (1) its nine-digit routing number set off by an arrow at each end of the routing number and, if the depositary bank is a reconverting bank with respect to the check, an asterisk outside the arrow at each end of the routing number to identify the bank as a reconverting bank, and (2) the indorsement date. The standard also permits but does not require the indorsement to include other identifying information. The standard requires a collecting bank's or returning bank's indorsement to include only (1) the bank's nine digit routing number (without arrows) and, if the collecting bank or returning bank is a reconverting bank with respect to the check, an asterisk at each end of the number to identify the bank as a reconverting bank, (2) the indorsement date, and (3) an optional trace or sequence number.

6. Depositary banks should not include information that can be confused with required information. For example, a nine-digit zip code could be confused with the nine-digit routing number.

7. A depositary bank may want to include an address in its indorsement in order to limit the number of locations at which it must accept returned checks. In instances where this address is not consistent with the routing number in the indorsement, the depositary bank is required to accept returned checks at a branch or head office consistent with the routing number. Banks should note, however, that § 229.32 requires a depositary bank to accept returned checks at the location(s) at which it accepts forward-collection checks.

* * * * *

47. In appendix E, paragraph XXI.A.13, in the first sentence add the phrase ''collecting banks and'' between the phrases ''standard for'' and ''returning banks'' and add a new sentence to the end of the paragraph to read as follows:

XXI. * * *

A. * * *

13. * * * With respect to the identification of a paying bank that is also a reconverting bank, see the commentary to § 229.51(b)(2).

* * * * *

48. In appendix E, paragraph XXIII.A, remove the last sentence.

49. In appendix E, paragraph XXIV.D, revise the last sentence of paragraph 1., redesignate paragraphs 2. and 3. as paragraphs 3. and 4., respectively, and a add a new paragraph 2. to read as follows:

XXIV. * * *

D. * * *

1. Responsibility for back of check. * * * Accordingly, this provision places responsibility on the paying bank, depositary bank, or reconverting bank, as appropriate, for keeping the back of the check clear for bank indorsements during forward collection and return. * * *

2. ANS X9.90 provides that an image of an original check should be reduced in size when placed on a substitute check: images of business-sized checks will be reduced to about 65 percent of their original size and images of personal-sized checks will be reduced to about 80 percent of their original size. Because of this size reduction, the location of an indorsement, particularly a depositary bank indorsement, applied to an original paper check will likely change when a reconverting bank creates a substitute check that contains that indorsement within the image of the original paper check. If the indorsement was applied to the original paper check in accordance with appendix D's location requirements for indorsements applied to existing paper checks, and if the size reduction of the image causes the placement of the indorsement to no longer be consistent with the appendix's requirements, then the reconverting bank bears the liability for any loss that results from the shift in the placement of the indorsement.

Example. In accordance with appendix D's specifications, a depositary bank sprays its indorsement onto a business-sized original check between 3.0 inches from the leading of the check and 1.5 inches from the trailing edge of the check. The check's conversion to electronic form and subsequent reconversion to paper form causes the location of the depositary bank indorsement, now contained within the image of the original check, to change such that it is less than 3.0 inches from the leading edge of the substitute check. In accordance with appendix D's specifications, a subsequent collecting bank sprays its indorsement onto the substitute check between the leading edge of the check and 3.0 inches from the leading edge of the check and the indorsement happens to be on top of the shifted depositary bank indorsement. If the check is returned unpaid and the return is not expeditious because of the illegibility of the depositary bank indorsement, and the depositary bank incurs a loss that it would not have incurred had the return been expeditious, the reconverting bank bears the liability for that loss.

* * * * *

50. In appendix E, redesignate commentary XXX as commentary XXXVII and add new commentaries XXX through XXXVI to read as follows:

* * * * *

XXX. § 229.51 General provisions governing substitute checks

A. § 229.51(a) Legal Equivalence

1. Section 229.51(a) states that a substitute check for which a bank has provided the substitute check warranties is the legal equivalent of the original check for all purposes and all persons if it meets the accuracy and legend requirements. Any person therefore may transfer or otherwise provide such a check to any other person for any purpose without obtaining the recipient's agreement. Although a person still would be entitled to receive a paper check absent agreement to the contrary, that person would be required to accept a legally equivalent substitute check in lieu of the original check. A person that receives a substitute check cannot be assessed costs associated with the creation of the substitute check, absent agreement to the contrary.

2. A person other than a bank that creates a substitute check could transfer that check only by agreement unless and until a bank provided the substitute check warranties. For example, a nonbank that wanted to create substitute checks for the purpose of depositing such checks for collection could not deposit those substitute checks without the agreement of a depositary bank.

Example. A depositary bank could agree to allow a person that is not a bank to deposit substitute checks that person created. The depositary bank then would provide the substitute check warranties and become the reconverting bank when the bank transferred the check to another bank for collection, presented the check to the paying bank, or otherwise transferred the check. If the substitute check also met the accuracy and legend requirements for legal equivalence, as warranted, the transferee would be required to accept it just as it would the original check.

3. To be the legal equivalent of the original check, a substitute check must accurately represent all the information on the front and back of the check as of the time the original check was truncated. The information that must be accurately represented includes (1) the information identifying the drawer and the paying bank that is preprinted on the check, including the MICR line; (2) the payment instructions placed on the check by, or as authorized by, the drawer, such as the amount of the check, the payee, and the drawer's signature; and (3) other information placed on the check prior to truncation, such as any required identification information written on the front of the check and any indorsements applied to the back of the check. A substitute check need not capture other characteristics of the check, such as watermarks, microprinting, or other physical security features that cannot survive the imaging process, or decorative images, in order to meet the accuracy requirement. Conversely, some security features that are latent on the original check might become visible as a result of the check imaging process. For example, the original check might have a faint representation of the word ''void'' that will appear more clearly on a photocopied or electronic image of the check. Provided the inclusion of the clearer version of the word on the image used to create a substitute check did not obscure the required information listed above, a substitute check that contained such information could be the legal equivalent of an original check under § 229.51(a).

4. To be the legal equivalent of the original check, a substitute check also must bear the legal equivalence legend described in § 229.51(a)(2). A bank may not vary the language of the legal equivalence legend and

must place the legend on the substitute check as specified by generally applicable industry standards for substitute checks contained in ANS X9.90.

B. 229.51(b) Reconverting Bank Duties

1. As discussed in more detail in appendix D and the commentary to § 229.35, a reconverting bank must indorse (or, if it is a paying bank with respect to the check, identify itself on) the back of a substitute check in a manner that preserves all indorsements applied, whether physically or electronically, by persons that previously handled the check in any form for forward collection or return. Indorsements applied physically to the original check should be preserved through the image of the back of the original check. If indorsements were applied electronically after the original check was truncated or were applied electronically after a previous substitute check was converted to electronic form, the reconverting bank must apply those indorsements physically to the substitute check. A reconverting bank is not responsible for obtaining indorsements that persons that previously handled the check should have applied but did not apply.

2. A reconverting bank also must identify itself as such on the front and back of the substitute check and must preserve on the back of the substitute check the identifications of any previous reconverting banks in accordance with appendix D. The presence on the back of a substitute check of indorsements that were applied by previous reconverting banks and identified with asterisks in accordance with appendix D would satisfy the requirement that the reconverting bank preserve the identification of previous reconverting banks.

3. The reconverting bank must place the routing number of the truncating bank surrounded by brackets on the front of the substitute check in accordance with appendix D.

Example. A bank's customer, which is a nonbank business, receives checks for payment and wants to deposit substitute checks instead of the original checks with its depositary bank. A bank that agrees to accept these substitute checks for deposit would be the depositary bank and the reconverting bank with respect to the substitute checks and the truncating bank with respect to the original checks. In accordance with appendix D and with X9.90, the bank must therefore be identified on the front of the substitute checks as a reconverting bank and as the truncating bank, and on the back of the substitute checks as the depositary bank and a reconverting bank.

C. 229.51(c) Purported Substitute Checks

1. A reconverting bank must ensure that a substitute check bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks. As discussed in the commentary to the substitute check definition, the MICR line of the substitute check could vary from the MICR line of the original check in two ways and still qualify as a substitute check: (1) The substitute check indicator in position 44 would be different on the substitute check and (2) the reconverting bank or a subsequent bank could correct an amount encoding error (including a failure to encode) that is traceable to the original check. If the MICR line differs in other ways from the MICR line of the original check, the item would not meet the definition of substitute check. If the item is handled as if it were a substitute check, however, this section provides that the warranties, indemnity, expedited recredit, liability, and consumer awareness provisions would apply to that item as if it were a substitute check. The item would not, however, be the legal equivalent of the original check.

D. 229.51(d) Applicable Law

1. A substitute check that meets the requirements for legal equivalence set forth in this section is subject to any provision of federal or state law that applies to original checks, except to the extent such provision is inconsistent with the Check 21 Act or subpart D. A legally equivalent substitute check is subject to all laws that are not preempted by the Check 21 Act in the same manner and to the same extent as is an original check. Thus, any person could satisfy a law that requires production of an original check by producing a substitute check that is derived from the relevant original check and that meets the legal equivalence requirements of § 229.51(a).

2. A law is not inconsistent with the Check 21 Act or subpart D merely because it allows for the recovery of a greater amount of damages.

Example. A drawer that suffers a loss with respect to a substitute check that was improperly charged to its account and for which the drawer has an indemnity claim but not a warranty claim would be limited under the Check 21 Act to recovery of the amount of the substitute check plus interest and expenses. However, if the drawer also suffered damages that were proximately caused because the bank wrongfully dishonored subsequently presented checks as a result of the improper substitute check charge, the drawer could recover those losses under U.C.C. § 4–402.

XXXI § 229.52 Substitute Check Warranties

A. 229.52(a) Warranty Content and Provision

1. The substitute check warranties are first given by the reconverting bank. In the case of a substitute check created by a bank, the reconverting bank gives the warranties when it transfers, presents, or returns a substitute check for which it receives consideration. A bank that receives a substitute check created by a nonbank makes the warranties when it transfers for consideration either the substitute check it received or an electronic or paper representation of that substitute check. The warranties also are given by any subsequent bank that transfers for consideration either the substitute check or a paper or electronic representation of the substitute check. A paper representation of a substitute check could include an image of the substitute check contained within an image statement or information about the check (such as the check number and amount) that is included on a periodic account statement.

2. A bank that truncates the original check and by agreement transfers the check electronically to a subsequent bank for consideration does not make the substitute check warranties to the recipient of the electronic form of the original check, because the sending bank has not transferred for consideration a substitute check or paper or electronic representation of a substitute check. However, parties may, by agreement, allocate liabilities associated with the exchange of electronic check information.

Example. A bank that receives check information electronically and uses it to create substitute checks is the reconverting bank and the first warrantor. However, that bank may protect itself by including in its agreement with the sending bank provisions that specify the sending bank's warranties and responsibilities to the receiving bank, particularly with respect to the accuracy of the check image and check data transmitted under the agreement.

3. A bank need not affirmatively make the warranties because they attach automatically when a bank transfers, presents, or returns the substitute check (or a representation thereof) for which it receives consideration. Because a substitute check transferred for consideration is warranted to be the legal equivalent of the original check and thereby subject to existing laws as if it were the original check, all U.C.C. and other Regulation CC warranties that apply to the original check also apply to the substitute check.

4. The legal equivalence warranty by definition must be linked to a particular substitute check. When an original check is truncated, the check may move from electronic form to substitute check form and then back again, such that there would be multiple substitute checks that reproduced the same original check. When a check changes form multiple times in the collection or return process, the first reconverting bank and subsequent banks that transfer the first substitute check (or a paper or electronic representation of the first substitute check) warrant the legal equivalence of only the first substitute check. If a bank receives an electronic representation of a substitute check and uses that representation to create a second substitute check, the second reconverting bank and subsequent transferees of the second substitute check (or a representation thereof) warrant the legal equivalence of both the first and second substitute checks. A reconverting bank would not be liable for a warranty breach under § 229.52 if the legal equivalence defect is the fault of a subsequent bank that handled the substitute check, either as a substitute check or in other paper or electronic form.

5. The warranty in § 229.52(a)(2), which addresses multiple payment requests for the same check, is not linked to a particular substitute check but rather is given by each bank handling the substitute check, an electronic representation of a substitute check, or a subsequent substitute check created from an electronic representation of a substitute check. All reconverting banks, transferring banks, and returning banks

therefore provide the warranty regardless of whether the ultimate demand for double payment is based on the original check, the substitute check, or some other electronic or paper representation of the substitute or original check. This warranty is given by the banks that transfer, present, or return a substitute check, even if the demand for duplicative payment results from a fraudulent substitute check about which the warranting bank had no knowledge.

Example. Bank A uses check information that it received electronically to create a substitute check, which it presents to Bank B for payment. Bank A is a reconverting bank that made the substitute check warranties when it presented the check and received payment. An employee of Bank A later uses the electronic check information to create a second, identical substitute check, which he then deposits at Bank C. Bank C presents the second substitute check to Bank B for payment. Bank C also is a reconverting bank that has made the warranties as of the time it presented the second substitute check to Bank B. The drawer of the original check and Bank B could pursue a warranty claim against either Bank A or Bank C.

B. 229.52(b) Warranty Recipients

1. A reconverting bank makes the warranties to the person to which it transfers, presents, or returns the substitute check for consideration and to any subsequent recipient that receives either the substitute check or a paper or electronic representation derived from the substitute check. These subsequent recipients could include a subsequent collecting or returning bank, the depositary bank, the drawer, the drawee, the payee, the depositor, and any indorser. The paying bank would be included as a warranty recipient, for example because it would be the drawee of a check or a transferee of a check that is payable through it.

2. A person does not receive the warranties if it previously handled only the original check or a representation of an original check that was not derived from a substitute check. In other words, the warranties flow only forward to persons that receive a substitute check or something derived from a substitute check; they do not flow backward to persons that handled only an original check or an image of an original check that predated the first substitute check. However, a person that initially handled only the original check could become a warranty recipient if that person later received a returned substitute check or a paper or electronic representation of a substitute check that was derived from that original check.

XXXII. § 229.53 Substitute Check Indemnity

A. 229.53(a) Scope of Indemnity

1. As with the warranties, responsibility for providing the indemnity begins with the reconverting bank and is made by each bank that subsequently receives consideration for a substitute check (or a paper or electronic representation of the substitute check) that it transfers, presents, or returns. The indemnity covers losses by any subsequent recipient (including the subsequent collecting or returning bank, the depositary bank, the drawer, the drawee, the payee, the depositor, and any indorser) that are due to the fact that any recipient of a substitute check received a substitute check instead of the original check. As with the warranties, the indemnity is not provided to or by a person that handled only the original check, or a paper or electronic version of the original check that was not derived from a substitute check.

2. The indemnity would cover losses that a recipient suffered directly because it received a substitute check instead of the original check. The indemnity also would cover losses incurred because a person provided an indemnity, either to the person that suffered a loss due to the receipt of a substitute check or to another bank that provided an indemnity in connection with that loss. A bank that has provided an indemnity could, in turn, bring an indemnity claim regardless of whether that bank received the actual substitute check or a paper or electronic representation of the substitute check. The indemnity would not, however, cover a loss that was not ultimately traceable to the receipt of a substitute check instead of the original check.

Examples. a. A paying bank makes payment based on a substitute check that was derived from a fraudulent original cashier's check. The amount and other characteristics of the original cashier's check are such that, had the original check been presented instead, the paying bank would have inspected the original check for security features and likely would have detected the fraud and returned the original check before its midnight deadline. The security features that the bank would have inspected were security features that did not survive the imaging process (see the commentary to § 229.51(a)). Under these circumstances, the paying bank could assert an indemnity claim against the bank that presented the substitute check.

b. By contrast with the previous example, the indemnity would not apply if the characteristics of the presented substitute check were such that the bank's security policies and procedures would not have detected the fraud even if the original had been presented. For example, if the check was under the threshold amount the bank has established for examining security features, the bank likely would not have caught the error and accordingly would have suffered a loss even if it had received the original check.

c. A paying bank that made payment based on an electronic representation of the check and subsequently suffered a loss would not have an indemnity claim associated with that payment because its loss did not result from receipt of an actual substitute check. However, the paying bank could protect itself from such losses through its agreement with the bank that sent the check to it electronically and may have rights under other check law.

d. A drawer has agreed with its bank that the drawer will not receive paid checks with periodic account statements. The drawer requests a copy of paid check in order to prove payment and received a photocopy of the front of a substitute check. The photocopy that the bank provided in response to this request was illegible, such that the drawer could not prove payment. Any loss that the depositor suffered as a result of receiving the blurry check image would not trigger an indemnity claim because the loss was not caused by the receipt of a substitute check.

B. 229.53(b) Indemnity Amount

1. If a recipient of a substitute check is making an indemnity claim because a bank has breached one of the substitute check warranties, the recipient can recover any losses proximately caused by that warranty breach.

Examples. a. A drawer discovered that its account had been charged mistakenly for a purported substitute check because the substitute check contained an ''8'' in the account-number field of the MICR line where the original check contained a ''3.'' As a result of this erroneous charge, the paying bank dishonored several subsequently-presented checks that it otherwise would have paid and charged the drawer returned check fees. The payees of the returned checks also charged the drawer returned check fees. The drawer would have a warranty claim against any of the warranting banks, including its bank, for breach of the warranty described in § 229.52(a)(1). The drawer also could assert an indemnity claim, because if the original check had been presented instead of the purported substitute check, the bank likely would not have charged the drawer's account. It is likely that the drawer would assert its warranty and indemnity claims against the paying bank, because that is the bank with which the drawer has an account relationship. The drawer could recover from the indemnifying bank the amount of the erroneous charge, as well as the amount of the returned check fees charged by both the paying bank and the payees of the returned checks. If the drawer's account were an interest-bearing account, the drawer also could recover any interest lost on the erroneously debited amount and the erroneous returned check fees. The drawer also could recover its expenditures for representation in connection with the claim. Finally, the drawer could recover any other losses that were proximately caused by the warranty breach.

b. In the example above, the paying bank that received the purported substitute check also would have a warranty claim against the previous transferor of the purported substitute check and could seek an indemnity from that bank. The indemnifying bank would be responsible for compensating the paying bank for all the losses proximately caused by the warranty breach, including representation expenses and other costs incurred by the paying bank in settling the drawer's claim.

c. A person received a purported substitute check that did not contain the legal equivalence legend, could not use that item to prove payment, and suffered a resulting loss. The item did not contain the legend and thus did not meet one of the requirements for legal equivalence, as warranted, and the person suffered a loss that would not have been suffered had the original check been received instead. The person therefore could recover all damages proximately caused by the warranty breach.

2. If the recipient of the substitute check does not have a substitute check warranty claim with respect to the substitute check, its recovery under § 229.53 is limited to the amount of the substitute check, plus interest and expenses. However, the indemnified party might be entitled to additional damages under some other provision of law.

Examples. a. A drawer received a substitute check that met all the legal equivalence requirements and that was only charged once to the drawer's account, but the drawer believed that the underlying original check was a forgery. If the drawer suffered a loss because it could not prove the forgery based on the substitute check, for example because proving the forgery required analysis of pen pressure that could be determined only from the original check, the drawer would have an indemnity claim. However, the drawer would not have a substitute check warranty claim because the substitute check was the legal equivalent of the original and no person was asked to pay the substitute check more than once. In that case, the amount of the drawer's indemnity would be limited to the amount of the substitute check, plus interest and expenses, although the drawer could attempt to recover additional losses, if any, under other law.

b. As described more fully in the commentary to § 229.53(a) regarding the scope of the indemnity, a paying bank could have an indemnity claim if it paid a legally equivalent substitute check that was created from a fraudulent cashier's check that the paying bank likely would have returned by its midnight deadline had it received the original check. However, if the legally equivalent substitute check was only presented once, the paying bank's indemnity would be limited to the amount of the substitute check plus interest and expenses.

3. The amount of an indemnity would be reduced in proportion to the amount of any amount loss attributable to the indemnified party's negligence or bad faith. This comparative negligence standard is intended to allocate liability in the same manner as the comparative negligence provision of § 229.38(c).

C. 229.53(c) Subrogation of Rights

1. A bank that pays an indemnity claim is subrogated to the rights of the person it indemnified, to the extent of the indemnity it provided, so that it may attempt to recover that amount from another party based on an indemnity, warranty, or other claim. The party that the bank indemnified must comply with reasonable requests from the indemnifying bank for assistance with respect to the subrogated claim.

Example. A paying bank indemnifies a drawer for a substitute check that the drawer alleged was a forgery that would have been detected had the original check instead been presented. The bank that provided the indemnity could pursue its own indemnity claim against the bank that presented the substitute check, could attempt to recover from the forger, or could pursue a U.C.C. warranty claim against a bank that previously handled the check. The bank also could request from the drawer any information that the drawer might possess regarding the possible identity of the forger.

XXXIII. § 229.54 Expedited Recredit for Consumers

A. 229.54(a) Circumstances Giving Rise to a Claim

1. A consumer may make a claim for expedited recredit under this section only for a substitute check that he or she has received. Thus, a consumer that received only an image statement containing an image of a substitute check would not be entitled to make an expedited recredit claim, although he or she could seek redress under other provisions of law, such as § 229.52 or U.C.C. section 4–401. However, a consumer who originally received only an image statement but later received a substitute check, such as in response to a request for a copy of a check shown in the statement, could bring a claim if the other expedited recredit criteria were met. Although a consumer must at some point have received a substitute check to make an expedited recredit claim, the consumer need not be in possession of the substitute check at the time he or she submits the claim.

2. A consumer must in good faith assert that the bank improperly charged the consumer's account for the substitute check or that the consumer has a warranty claim for the substitute check (or both). The warranty in question could be a substitute check warranty described in § 229.52 or any other warranty that a bank provides with respect to a check under § 229.34, the U.C.C., or other law.

3. A consumer's recovery under the expedited recredit section is limited to the amount of his or her loss, up to the amount of the substitute check subject to the claim, plus interest if the consumer's account is an interest-bearing account. A consumer who suffers a loss greater than the amount of the substitute check plus interest could attempt to recover the remainder of that loss by bringing warranty, indemnity, or other claim under this subpart or other applicable law.

Examples. a. A consumer who received a substitute check believed that he or she wrote the check for $150, but the bank charged his or her account for $1,500. The amount on the substitute check the consumer received is illegible. If the substitute check contained a blurry image of what was a legible original check, the consumer could have a claim for a breach of the legal equivalence warranty in addition to an improper charge claim. Because the amount of the check cannot be determined from the substitute check provided to the consumer, the consumer, if acting in good faith, could assert that the production of the original check or a better copy of the original check is necessary to determine the validity of the claim. The consumer in this case could attempt to recover his or her losses by using the expedited recredit procedure.

b. A consumer received a substitute check for which his or her account was charged and believed that the original check from which the substitute was derived was a forgery. The forgery was good enough that analysis of the original check is necessary to verify whether the signature is that of the consumer. Under those circumstances, the consumer, if acting in good faith, could assert that the charge was improper, that he or she therefore had incurred a loss in the amount of the check (plus foregone interest if the account was an interest-bearing account), and that he or she needed the original check to determine the validity of the forgery claim. By contrast, if the signature on the substitute check obviously was forged (for example, if the forger signed a name other than that of the account holder) and there was no other defect with the substitute check, the consumer would not need the original check or a sufficient copy to determine the fact of the forgery and thus would not be able to make an expedited recredit claim under this section. However, the consumer would have a claim under U.C.C. section 4–401 if the item was not properly payable.

B. 229.54(b) Procedures for Making Claims

1. The consumer must submit his or her expedited recredit claim to the bank within 40 calendar days of the later of the day on which the bank mailed or delivered, by a means agreed to by the consumer, (1) the periodic account statement containing information concerning the transaction giving rise to the claim or (2) the substitute check giving rise to the claim. The mailing or delivery of a substitute check could be in connection with a regular account statement, in response to a consumer's specific request for a copy of a check, or in connection with the return of a substitute check to the payee.

2. Section 229.54(b) contemplates more than one possible means of delivering an account statement or a substitute check to the consumer. The time period for making a claim thus could be triggered by the mailing, in-person, or electronic delivery of an account statement or by the mailing or in-person delivery of a substitute check. In the case of a mailed statement or substitute check, the 40-day period should be calculated using the postmark on the envelope.

3. A bank must extend the consumer's time for submitting a claim for a reasonable period if the consumer is prevented from submitting his or her claim within 40 days because of extenuating circumstances. Extenuating circumstances could include, for example, the extended travel or illness of the consumer.

4. A consumer's claim must include the reason why the consumer believes that his or her account was charged improperly or why he or she has a warranty claim. A charge could be improper, for example, if the bank charged the consumer's account for an amount different than the consumer believes he or she authorized or charged the consumer more than once for the same check, or if the check in question was a forgery or otherwise fraudulent.

5. A consumer also must provide a reason why production of the original check or a sufficient copy is necessary to determine the validity of the claim identified by the consumer. For example, if the consumer believed that the bank charged his or her account for the wrong amount, the original check might be necessary to prove this claim if the amount of the substitute check were illegible. Similarly, if the consumer believed

that his or her signature had been forged, the original check might be necessary to confirm the forgery if, for example, pen pressure or similar analysis were necessary to determine the genuineness of the signature.

6. The information that the consumer is required to provide under § 229.54(b)(2)(iv) to facilitate the bank's investigation of the claim could include, for example, a copy of the allegedly defective substitute check or information related to that check, such as the number, amount, and payee.

7. A bank may accept an expedited recredit claim in any form but could in its discretion require the consumer to submit the claim in writing. A bank that requires a recredit claim to be in writing should inform the consumer of that requirement and provide a location to which such a written claim should be sent. For example, a bank could inform a consumer of the written notice requirement in the consumer awareness notice required by § 229.57 or, if the consumer attempts to make a claim orally, by informing the consumer at that time of the written notice requirement.

8. A bank may permit a consumer to submit a claim electronically. However, a bank cannot require that a written claim be submitted electronically.

9. If a bank requires a consumer to submit a claim in writing, the bank must compute time periods that begin with submission of a claim from the date that the bank received the written claim. Thus, if a consumer called the bank to make an expedited recredit claim and the bank required the consumer to submit the claim in writing, the time at which the bank must take action on the claim would be determined based on the date on which the bank received the written claim, not the date on which the consumer placed the call.

10. Regardless of whether the consumer's communication with the bank is oral or written, a consumer complaint that does not contain all the elements described in § 229.54(b) is not a claim for purposes of § 229.54.

C. 229.54(c) Action on Claims

1. If the bank has not determined whether or not the consumer's claim is valid by the end of the 10th business day after the banking day on which the consumer submitted the claim, the bank must by that time recredit the consumer's account for the amount of the consumer's loss, up to the lesser of the amount of the substitute check or $2,500, plus interest if the account is an interest-bearing account. A bank must provide the recredit pending investigation for each substitute check for which the consumer submitted a claim, even if the consumer submitted multiple substitute check claims in the same communication. For example, if a consumer sends claims with respect to two different substitute checks in the same envelope or e-mail, the bank must make the required provisional credit for each of the two claims by the 10th business day thereafter (unless the bank already determined whether or not those claims are valid in accordance with § 229.54(c)(1) or (c)(2)).

2. A bank that provides a recredit to the consumer, either provisionally or after determining that the consumer's claim is valid, may reverse the amount of the recredit if the bank at any time later determines that the claim in fact was not valid. A bank that reverses a recredit also may reverse the amount of any interest that it has paid on the previously recredited amount.

D. 229.54(d) Availability of Recredit

1. The availability of a recredit provided by a bank under § 229.54(c) is governed solely by § 229.54(d) and therefore is not subject to the availability provisions of subpart B. A bank generally must make a recredit available for withdrawal no later than the start of the business day after the banking day on which the bank provided the recredit. However, a bank may delay the availability of up to the first $2,500 that it provisionally recredits to a consumer account under § 229.54(c)(3)(i) if (1) the account is a new account, (2) without regard to the substitute check giving rise to the recredit claim, the account has been repeatedly withdrawn during the six month period ending on the date the bank received the claim, or (3) the bank has reasonable cause to believe that the claim is fraudulent. These first two exceptions are meant to operate in the same manner as the corresponding new account and repeated overdraft exceptions in subpart B (see § 229.13(a) and (d)).

2. Section 229.54(d)(2) describes the maximum period of time that a bank may delay availability of a recredit provided under § 229.54(c). The bank may delay availability under one of the three listed exceptions until the business day after the banking day on which the bank determines that the consumer's claim is valid or the 45th calendar day after the banking day on which the bank received the consumer's claim, whichever is earlier. The only portion of the recredit that is subject to delay under § 229.54(d)(2) is the amount that the bank recredits under § 229.54(c)(3)(i) pending its investigation of a claim.

E. 229.54(e) Notices Relating to Consumer Expedited Recredit Claims

1. A bank must notify a consumer of its action regarding a recredit claim no later than the business day after the banking day that the bank makes a recredit, determines a claim is not valid, or reverses a recredit, as appropriate. As provided in § 229.58, a bank may provide any notice required by this section by U.S. mail or by any other means through which the consumer has agreed to receive account information.

2. A bank that denies the consumer's recredit claim must explain the reason that it is denying the claim, such as the reason the bank believes the substitute check was proper or the consumer's warranty claim was not valid. For example, if a consumer has claimed that the bank charged its account for an improper amount, the bank denying that claim must explain why it determined that the charged amount was proper.

3. A bank denying a recredit claim also must provide the original check or a sufficient copy of the original check, unless the bank is providing the claim denial notice electronically and the consumer has agreed to receive that type of information electronically. In that case, § 229.58 allows the bank instead to provide an image of the original check or an image of the sufficient copy that the bank would have sent to the consumer had the bank provided the notice by mail. If a consumer receives an electronic image of the original check or an electronic image of a sufficient copy, the consumer could obtain a sufficient copy simply by printing that image.

4. A bank that relies on information or documents in addition to the original check or sufficient copy when denying a consumer expedited recredit claim also must either provide such information or documents to the consumer or inform the consumer that he or she may request copies of such information or documents. This requirement does not apply to a bank that relies only on the original check or a sufficient copy to make its determination.

5. Models C–22 through C–25 in appendix C contain model language for each of three notices described in § 229.54(e). A bank may, but is not required to, use the language listed in the appendix. The Check 21 Act does not provide banks that use these models with a safe harbor. Therefore, use of these models may, but will not necessarily, be deemed to be compliance with the requirements of § 229.54(e).

XXXIV. § 229.55 Expedited Recredit Procedures for Banks

A. 229.55(a) Circumstances Giving Rise to a Claim

1. This section allows a bank to make an expedited recredit claim under two sets of circumstances: first, because it is obligated to provide a recredit, either to the consumer or to another bank that is obligated to provide a recredit in connection with the consumer's claim; and second, because the bank detected a problem with the substitute check that, if uncaught, could have given rise to a consumer claim.

2. The loss giving rise to an interbank recredit claim could be the recredit that the claimant bank provided directly to its consumer customer under § 229.54 or a loss incurred because the claimant bank was required to indemnify another bank that provided compensation to a consumer or to a bank in connection with a consumer expedited recredit claim under § 229.54.

Examples. a. A paying bank charged a consumer's account based on a substitute check that contained a blurry image of a legible original check, and the consumer whose account was charged made an expedited recredit claim against the paying bank because the consumer suffered a loss and needed the original check or a sufficient copy to determine the validity of his or her claim. The paying bank would have a warranty claim against the presenting bank that transferred the defective substitute check to it and against any previous transferring bank(s) that handled that substitute check or another paper or electronic representation of the check. The paying bank therefore would meet each of the requirements necessary to bring an interbank expedited recredit claim.

b. Continuing with the example a., if the presenting bank determined that the paying bank's claim was valid and provided a recredit, the presenting bank would have

suffered a loss in the amount of the recredit it provided and could, in turn, make an expedited recredit claim against the bank that transferred the defective substitute check to it.

B. 229.55(b) Procedures for Making Claims

1. An interbank recredit claim under this section must be brought within 120 calendar days of the transaction giving rise to the claim. The length of the time period for bringing an interbank recredit claim allows multiple banks that might have suffered a loss as a result of a particular transaction sufficient time to bring a claim. The time period also allows for the delay between the transaction date and the due date for the consumer's claim under § 229.54.

2. When estimating the amount of its loss, § 229.55(b)(2)(ii) states that the claimant bank should include ''interest if applicable.'' The quoted phrase refers to any interest that the claimant bank or a bank that the claimant bank indemnified paid to a consumer who has an interest-bearing account in connection with an expedited recredit under § 229.54.

3. The information that the claimant bank is required to provide under § 229.55(b)(2)(iv) to facilitate investigation of the claim could include, for example, a copy of any written claim that a consumer submitted under § 229.54 or any written record the bank may have of a claim the consumer submitted orally. The information also could include a copy of the defective substitute check or information relating to that check, such as the number, amount, and payee of the check. However, a claimant bank that provides a copy of the substitute check must take reasonable steps to ensure that the copy is not mistaken for a legal equivalent of the original check or handled for forward collection or return.

4. The indemnifying bank's right to require a claimant bank to submit a claim in writing and the computation of time from the date of the written submission parallel the corresponding provision in the consumer recredit section (§ 229.54(b)(3)). However, the indemnifying bank also may require the claimant bank to submit a copy of the written or electronic claim submitted by the consumer under that section, if any.

C. 229.55(c) Action on Claims

1. An indemnifying bank that responds to an interbank expedited recredit claim by providing the original check or a sufficient copy of the original check need not explain why that claim or the underlying consumer expedited recredit claim is or is not valid.

XXXV. § 229.56 Liability

A. 229.56(a) Measure of Damages

1. In general, a person's recovery under this section is limited to the amount of the loss up to the amount of the substitute check that is the subject of the claim, plus interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to that substitute check. However, a person that is entitled to an indemnity under § 229.53 because of a breach of a substitute check warranty also may recover under § 229.53 any losses proximately caused by the warranty breach, including interest, costs, reasonable attorney's fees, and other expenses of representation. As a practical matter, a person likely would seek to recover under § 229.53 if it received the problematic substitute check and under § 229.56 if it did not.

2. A reconverting bank also may be liable under § 229.38 for damages associated with the illegibility of indorsements applied to substitute checks if that illegibility results because the reduction of the original check image and its placement on the substitute check shifted a previously-applied indorsement that, when applied, complied with appendix D.

B. 229.56(b) Timeliness of Action

1. A bank's delay beyond the time limits prescribed or permitted by any provision of subpart D is excused if the delay is caused by certain circumstances beyond the bank's control. This parallels the standard of U.C.C. § 4–109(b).

C. 229.56(c) Jurisdiction

1. The Check 21 Act confers subject matter jurisdiction on courts of competent jurisdiction and provides a time limit for civil actions for violations of subpart D.

D. 229.56(d) Notice of Claims

1. This paragraph is designed to adopt the notice of claim provisions of U.C.C. §§ 4–207(d) and 4–208(e), with an added provision that a timely § 229.54 expedited recredit claim satisfies the generally-applicable notice requirement. The time limit described in this paragraph applies only to notices of warranty and indemnity claims. As provided in § 229.56(c), all actions under § 229.56 must be brought within one year of the date that the cause of action accrues.

XXXVI. Consumer Awareness

A. 229.57(a) General Disclosure Requirement and Content

1. Each bank must provide the disclosure required by this section to each of its consumer customers who receives paid checks with his or her account statement or who otherwise receives substitute checks.

2. A bank may, but is not required to, use the model disclosure in appendix C–5A to satisfy the disclosure content requirements of this section. A bank that uses the model language is deemed to comply with the disclosure content requirement(s) for which it uses the model language, provided the information in the disclosure accurately describes the bank's policies and practices. A bank also may include in its disclosure additional information relating to substitute checks that is not required by this section.

3. A bank may, by agreement or at the consumer's request, provide the disclosure required by this section in a language other than English, provided that the bank makes a complete English notice available at the consumer's request.

B. 229.57(b) Distribution

1. A bank must provide the disclosure described in § 229.57(a) to each consumer who routinely receives paid checks with his or her periodic account statement. A bank also must provide the disclosure to a consumer who does not routinely receive his or her checks but rather receives a substitute check on an occasional basis, unless the bank previously provided the disclosure to that consumer.

Examples. a. A consumer who does not receive paid checks with each periodic account statement may request a copy of a check on a case-by-case basis, such as to prove that he or she made a particular payment. [Alternative 1: A bank that responds to the consumer's request by providing a substitute check must provide the required disclosure at the time the consumer requests the copy.] [Alternative 2: A bank that responds to the consumer's request by providing a substitute check must provide the required disclosure no later than the time at which it provides that substitute check.]

b. A consumer who does not routinely receive paid checks might receive a returned substitute check. For example, a consumer deposits an original check that is payable to him or her into his or her deposit account. The paying bank returns the check unpaid and the depositary bank returns the check to the depositor in the form of a substitute check. A depositary bank that provides a returned substitute check to a consumer depositor must provide the substitute check disclosure at that time, unless it has given such disclosure previously.

51. In appendix E, in newly-redesignated paragraph XXXVII, revise paragraph A.1. to read as follows:

* * * * *

XXXVII. Appendix C—Model Availability Policy Disclosures, Clauses, and Notices; and Model Substitute Check Policy Disclosure and Notices

A. Introduction

1. Appendix C contains model disclosure, clauses, and notices that may be used by banks to meet their disclosure and notice responsibilities under the regulation. Banks using the models (except models C–22 through C–25) properly will be deemed in compliance with the regulation's disclosure requirements.

* * * * *

52. In appendix E, in newly-redesignated paragraph XXXVII.B., revise the first sentence of paragraphs 1.a and the first sentence of paragraph 1.c and add a new paragraph 7, to read as follows:

XXXVII. * * *

B. Model Availability Policy and Substitute Check Policy Disclosures, Models C–1 through C–5A

1. *Models C–1 through C–5A generally.*

a. Models C–1 through C–5A are models for the availability policy disclosures described in § 229.16 and substitute check policy disclosure described in § 229.57.

* * *

* * * * *

c. Models C–1 through C–5A generally do not reflect any optional provisions of the

regulation, or those that apply only to certain banks. * * *

* * * * *

7. *Model C–5A.*

A bank may use this form when it is providing the disclosure to its consumers required by § 229.57 explaining when a substitute check is the legal equivalent of an original check for all purposes and the circumstances under which the consumer may make a claim for expedited recredit.

* * * * *

53. In appendix E, in newly-redesignated paragraph XXXVII.D., revise the first sentence of paragraph 1. and add new paragraphs 11. through 15., to read as follows:

XXXVII. * * *

D. Model Notices, Models C–12 through C–25

1. *Models C–12 through C–25 generally.* Models C–12 through C–25 provide models of the various notices required by the regulation. * * *

* * * * *

11. *Models C–22 through C–25 generally.* Models C–22 through C–25 provide models for the various notices required when a customer who receives substitute checks makes an expedited recredit claim under § 229.54 for a loss related to a substitute check. The Check 21 Act does not provide banks that use these models with a safe harbor; therefore, use of these models may, but will not necessarily, be deemed compliance with the requirements of § 229.54(e).

12. *Model C–22 Full Refund Notice.* A bank may use this model when crediting the entire amount of a customer's expedited recredit claim within ten days of the customer submitting the claim or when crediting the remaining amount of a customer's expedited recredit claim by the 45th calendar day after the customer submitted the claim, as required under § 229.54(e)(1).

13. *Model C–23 Partial Refund Notice.* A bank may use this model when crediting a partial expedited recredit to a customer, pending further investigation of the claim, as required under § 229.54(e)(1).

14. *Model C–24 Denial of Claim.* A bank may use this model when denying a claim for an expedited recredit under § 229.54(e)(2).

15. *Model C–25 Reversal of Refund.* A bank may use this model when reversing an expedited recredit that was credited to a customer's account under § 229.54(e)(3).

* * * * *

54. In appendix E, remove the phrase ''the Act'' wherever it appears and add the phrase ''the EFA Act'' in its place.

By order of the Board of Governors of the Federal Reserve System, December 22, 2003.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 04–300 Filed 1–7–04; 8:45 am]

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Note: The List of Public Laws for the first session of the 108th Congress has been completed. It will resume when bills are enacted into public law during the next session of Congress. A cumulative List of Public Laws for the first session of the 108th Congress will appear in the issue of January 30, 2004.

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