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Arlene Street; then south along Arlene Street until it becomes Park Drive North; then south on Park Drive North to Rivington Avenue; then east along Rivington Avenue to Mulberry Avenue; then south on Mulberry Avenue to Travis Avenue; then northwest on Travis Avenue until it crosses Main Creek; then along the west shoreline of Main Creek to Fresh Kills Creek; then along the north shoreline of Fresh Kills Creek to Little Fresh Kills Creek; then along the north shoreline of Little Fresh Kills Creek to the Arthur Kill; then west to the border of the State of New York and the State of New Jersey in the Arthur Kill; then north along the borderline of the State of New York and the State of New Jersey; then east along the borderline of the State of New York and the State of New Jersey excluding Shooters Island to the point of beginning.

Nassau and Suffolk Counties. That area in the villages of Amityville, West Amityville, North Amityville, Babylon, West Babylon, Copiague, Lindenhurst, Mastic, Mastic Beach, and East Mastic Beach; in the towns of Oyster Bay and Babylon; in the counties of Nassau and Suffolk that is bounded as follows: Beginning at a point where West Main Street intersects the west shoreline of Carls Creek; then west along West Main Street to Route 109; then north along Route 109 to Arnold Avenue; then northwest along Arnold Avenue to Albin Avenue; then west along Albin Avenue to East John Street; then west along East John Street to Wellwood Avenue; then north along Wellwood Avenue to the Southern State Parkway; then west along the Southern State Parkway to Broadway; then south along Broadway to Hicksville Road; then south along Hicksville Road to Division Avenue; then south along Division Avenue to South Oyster Bay; then east along the shoreline of South Oyster Bay to Carls Creek; then along the west shoreline of Carls Creek to the point of beginning.

Ottawa County. That area in the town of Vermilion in the counties of Erie and Lucas.

Clinton County. The portion of Clinton County that is bounded as follows: Beginning at a point where East Main Street intersects the west shoreline of Little Fresh Kills Creek; then west along East Main Street to Route 109; then south along Route 109 to North Main Street; then west along North Main Street to the town line of the town of Middle Grove; then north along the town line of the town of Middle Grove to the western end of Odd Fellows Road; then west along Odd Fellows Road to the town line of the town of Grove City; then north along the town line of the town of Grove City to the town line of the town of Jefferson; then east along the town line of the town of Jefferson to the town line of the town of West Jefferson; then north along the town line of the town of West Jefferson to the town line of the town of Lebanon; then east along the town line of the town of Lebanon to the town line of the town of New Lebanon; then north along the town line of the town of New Lebanon to the town line of the town of Mayfield; then east along the town line of the town of Mayfield to the town line of the town of Brownsville; then north along the town line of the town of Brownsville to the town line of the town of West Washington; then east along the town line of the town of West Washington to the town line of the town of Washington; then north along the town line of the town of Washington to the town line of the town of New Chester; then east along the town line of the town of New Chester to the town line of the town of East New Chester; then north along the town line of the town of East New Chester to the town line of the town of East Clinton; then east along the town line of the town of East Clinton to the town line of the town of Berlin; then north along the town line of the town of Berlin to the town line of the town of South Berlin; then east along the town line of the town of South Berlin to the town line of the town of South Liberty; then north along the town line of the town of South Liberty to the town line of the town of Liberty; then east along the town line of the town of Liberty to the town line of the town of West Liberty; then north along the town line of the town of West Liberty to the town line of the town of Liberty Corners; then east along the town line of the town of Liberty Corners to the town line of the town of Carmen; then north along the town line of the town of Carmen to the town line of the town of North Carmen; then east along the town line of the town of North Carmen to the town line of the town of South Carmen; then north along the town line of the town of South Carmen to the town line of the town of Carmen Corners; then east along the town line of the town of Carmen Corners to the town line of the town of Carmen Center; then north along the town line of the town of Carmen Center to the town line of the town of North Carmen Center; then east along the town line of the town of North Carmen Center to the town line of the town of North Clinton; then north along the town line of the town of North Clinton to the point of beginning.

§ 301.51–4 Conditions governing the interstate movement of regulated articles from quarantined areas.

(a) Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§301.51–5 and 301.51–8;

(2) Without a certificate or limited permit if:

(i) The regulated article is moved by the United States Department of Agriculture for experimental or scientific purposes; or

(ii) The regulated article originates outside the quarantined area and is moved interstate through the quarantined area under the following conditions:

(A) The points of origin and destination are indicated on a waybill accompanying the regulated article; and

(B) The regulated article is moved through the quarantined area without stopping, or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by Asian longhorned beetle; and

(C) The article has not been combined or commingled with other articles so as to lose its individual identity.

(b) When an inspector has probable cause to believe a person or means of conveyance is moving a regulated article interstate, the inspector is authorized to stop the person or means of conveyance to determine whether a regulated article is present and to inspect the regulated article. Articles found to

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be infected by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial measures, destroyed, or otherwise disposed of.

§ 301.51–5 Issuance and cancellation of certificates and limited permits.

(a) An inspector or person operating under a compliance agreement will issue a certificate for the interstate movement of a regulated article if he or she determines that the regulated article:

1(i) Is apparently free of Asian longhorned beetle in any stage of development, based on inspection of the regulated article; or

(ii) Has been grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, the regulated article does not present a risk of spreading Asian longhorned beetle; and

2 Is to be moved in compliance with any additional conditions deemed necessary under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the artificial spread of the Asian longhorned beetle; and

3 Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(b) An inspector or a person operating under a compliance agreement will issue a limited permit for the interstate movement of a regulated article not eligible for a certificate if he or she determines that the regulated article:

1(1) Is to be moved interstate to a specified destination for specific processing, handling, or utilization (the destination and other conditions to be listed on the limited permit), and this interstate movement will not result in the spread of Asian longhorned beetle because Asian longhorned beetle will be destroyed by the specific processing, handling, or utilization; and

2 It is to be moved in compliance with any additional conditions that the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714) in order to prevent the spread of the Asian longhorned beetle; and

3 Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(c) An inspector shall issue blank certificates and limited permits to a person operating under a compliance agreement in accordance with §301.51–6 or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the interstate movement of regulated articles that have met all of the requirements of paragraph (a) or (b), respectively, of this section.

(d) Any certificate or limited permit may be canceled orally or in writing by an inspector whenever the inspector determines that the holder of the certificate or limited permit has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose certificate or limited permit has been cancelled may appeal the decision in writing to the Administrator within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants the Administrator to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by the Administrator. As soon as practicable, the Administrator will grant or deny the appeal, in