

Dated: May 20, 2011.

Larry Schwartz,

Director, Policy, Planning and Resources (R/PPR), U.S. Department of State.

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DEPARTMENT OF STATE

[Public Notice: 7490]

Certifications Pursuant to Public Law That 12 Nations Have Adopted Programs To Reduce the Incidental Capture of Sea Turtles in Their Shrimp Fisheries

SUMMARY: On April 22, 2011, the Department of State certified, pursuant to Section 609 of Public Law 101-162, that 12 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 26 other countries and one economy, Hong Kong, do not pose a threat of the incidental taking of sea turtles protected under Section 609.

DATES: Effective Date: On Publication.

FOR FURTHER INFORMATION CONTACT:

Marlene M. Menard, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-5827.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101-162 ("Section 609") prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) that the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State ("the Department"). Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On April 22, 2011, the Department certified 12 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico,

Nicaragua, Nigeria, Pakistan, Panama, and Suriname.

The Department also certified 26 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimp grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The 10 nations and one economy are: the Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka, and Venezuela.

The Department certified Belize this year on a different basis than last year. Effective December 31, 2010, the Government of Belize passed a law banning all forms of trawling in its waters, including its exclusive economic zone. The ban remains in effect. As a result, the Department has certified Belize as a nation whose fishing environment does not pose a threat of the incidental taking of sea turtles.

On April 22, 2011, the Department decertified Madagascar. In the absence of a legitimate constitutional government in Madagascar since the 2009 coup d'état, relations between the United States and the de-facto Malagasy authorities have been extremely limited. The Department of State and NOAA have been unable to conduct a Government of Madagascar sea turtle protection program verification visit since September 2008. Without the ability to independently verify whether Madagascar has a sea turtle protection program comparable to that of the United States, the Department is unable to certify Madagascar this year.

The Department of State has communicated the certifications under Section 609 to the Office of Field Operations of U.S. Customs and Border Protection.

In addition, this **Federal Register** Notice confirms that the requirement for all DS-2031 forms from uncertified nations must be originals and signed by the competent domestic fisheries authority. This policy change was first announced in a Department of State media note released on December 21,

2004. In order for shrimp harvested with Turtle Excluder Devices (TEDs) in an uncertified nation to be eligible for importation into the United States under the exemption: "Shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States", the Department of State must determine in advance that the government of the harvesting nation has put in place adequate procedures to ensure the accurate completion of the DS-2031 forms. At this time, the Department has made such a determination only with respect to Australia, Brazil and France. Thus, the importation of TED-caught shrimp from any other uncertified nation will not be allowed. For Brazil, only shrimp harvested in the northern shrimp fishery are eligible for entry under this exemption. For Australia, shrimp harvested in the Exmouth Gulf Prawn Fishery, the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery are eligible for entry under this exemption. For France, shrimp harvested in the French Guiana domestic trawl fishery are eligible for entry under this exemption.

In addition, the Department has already made a determination with regard to wild-harvest shrimp harvested in the Spencer Gulf region in Australia. This product may be exported to the U.S. using a DS-2031 under the exemption for "shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles." An official of the Government of Australia still also must certify the DS-2031.

Dated: May 27, 2011.

David A. Balton,

Deputy Assistant Secretary of State for Oceans and Fisheries.

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DEPARTMENT OF STATE

[Public Notice 7468]

Notice of Closed Meeting (With Open Session) of the Cultural Property Advisory Committee

There will be a meeting of the Cultural Property Advisory Committee on Monday, June 27, 2011, from approximately 9 a.m. to 5 p.m., and on Tuesday, June 28, 2011, from approximately 9 a.m. to 1 p.m., at the U.S. Department of State, Annex 5, 2200 C Street, NW., Washington, DC.

During its meeting on Monday, June 27, the Committee will begin its review of a proposal to extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of Bolivia [Docket No. DOS-2011-0092]. An open session to receive oral public comment on this proposal to extend will be held from 10 a.m. to 11 a.m.

On Tuesday, June 28, the Committee will conduct interim reviews of the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Materials from the Pre-Columbian Cultures of Guatemala, and of the Agreement Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Archaeological Material from Mali from the Paleolithic Era (Stone Age) to approximately the Mid-Eighteenth Century. Public comment, oral and written, will be invited at a time in the future should these MOUs be proposed for extension.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. §§ 2601 et seq.). The text of the Act and the subject MOUs/Agreement, as well as related information, may be found at <http://exchanges.state.gov/heritage/culprop/html>.

Persons wishing to attend the open session should notify the Cultural Heritage Center of the Department of State at (202) 632-6301 no later than June 10, 2011, 5 p.m. (EDT) to arrange for admission. Seating is limited. Special accommodation needs should be specified upon notification of attendance.

Portions of the meeting on June 27 and 28, will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), the latter of which stipulates that

The provisions of the Federal Advisory Committee Act shall apply to the Cultural Property Advisory Committee except that the requirements of subsections (a) and (b) of section 10 and 11 of such Act (relating to open meetings, public notice, public participation, and public availability of

documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiation objectives or bargaining positions on the negotiations of any agreement authorized by this title."

Persons wishing to make an oral presentation at the public session on June 27 must request to be scheduled and must submit a written text of their oral comments no later than June 10, 2011, 5 p.m. (EDT) to allow time for distribution to Committee members prior to the meeting. Oral comments will be limited to allow time for questions from members of the Committee. All oral and written comments must relate specifically to the determinations under Section 303(a)(1) of the Convention on Cultural Property Implementation Act, 19 U.S.C. 2602, pursuant to which the Committee must make findings. This statute can be found at the web site noted above.

ADDRESSES: All written materials, including the written texts of oral statements, may be submitted via postal mail, commercial delivery, hand delivery, or through the eRulemaking Portal. If more than three (3) pages, 20 duplicates of written materials must be sent to the address below by commercial delivery. Those having access to the Internet and wishing to make a comment of three or fewer pages regarding this Public Notice, may do so through the Federal eRulemaking Portal (see below). This procedure facilitates public participation and implements section 206 of the E-Government Act of 2002, Public Law 107-347, 116 Stat. 2915. It also supports Secretary of State Hillary Rodham Clinton's Greening Diplomacy Initiative which aims to reduce the State Department's environmental footprint and reduce costs. *Comments by fax or by e-mail will not be accepted.* Please submit comments once.

Postal Mail or Commercial Delivery. Cultural Heritage Center (ECA/P/C), SA-5, Fifth Floor, Department of State, Washington, DC 20522-0505.

- *Hand Delivery.* Cultural Heritage Center (ECA/P/C), Department of State, 2200 C Street, NW., Washington, DC 20037.

- *Federal eRulemaking Portal.* To submit comments electronically, go to <http://www.regulations.gov> and search on docket number DOS-2011-0092. Information on using Regulations.gov, including instructions for accessing agency documents, submitting

comments, and viewing the dockets, is available on the site under "How To Use This Site."

Privacy: Comments submitted in electronic form will be posted on the site <http://www.regulations.gov>. Because the comments will not be edited to remove any identifying or contact information, the Department of State cautions against including any information in an electronic submission that one does not want publicly disclosed (including trade secrets and commercial or financial information that may be considered privileged or confidential pursuant to 19 U.S.C. § 2605(i)(1)). The Department of State requests that any party soliciting or aggregating comments received from other persons for submission to the Department of State inform those persons that the Department of State will not edit their comments to remove any identifying or contact information and, therefore, they should not include any information in their comments that they do not want publicly disclosed.

Dated: May 25, 2011.

Ann Stock,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

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DEPARTMENT OF STATE

[Public Notice: 7467]

Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bolivia

Notice of Proposal to Extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of Bolivia.

The Government of the Republic of Bolivia has informed the Government of the United States of its interest in an extension of the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of Bolivia (MOU), first entered into in 2001 and extended in 2006.