

**§ 1626.9 Change in circumstances.**

If, to the knowledge of the recipient, a client who was an eligible alien becomes ineligible through a change in circumstances, continued representation is prohibited by this part and a recipient must discontinue representation consistent with applicable rules of professional responsibility.

**§ 1626.10 Special eligibility questions.**

(a)(1) This part is not applicable to recipients providing services in the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, or the Republic of the Marshall Islands.

(2) All citizens of the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands residing in the United States are eligible to receive legal assistance provided that they are otherwise eligible under the Act.

(b) All Canadian-born American Indians at least 50% Indian by blood are eligible to receive legal assistance provided they are otherwise eligible under the Act.

(c) Members of the Texas Band of Kickapoo are eligible to receive legal assistance provided they are otherwise eligible under the Act.

(d) An alien who qualified as a special agricultural worker and whose status is adjusted to that of temporary resident alien under the provisions of the Immigration Reform and Control Act ("IRCA") is considered a permanent resident alien for all purposes except immigration under the provisions of section 302 of 100 Stat. 3422, 8 U.S.C. 1160(g). Since the status of these aliens is that of permanent resident alien under section 101(a)(20) of the INA (8 U.S.C. 1101(a)(20)), these workers may be provided legal assistance. These workers are ineligible for legal assistance in order to obtain the adjustment of status of temporary resident under IRCA, but are eligible for legal assistance after the application for adjustment of status to that of temporary resident has been filed, and the application has not been rejected.

(e) A recipient may provide legal assistance to indigent foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the Federal implementing statute, the International Child Abduction Remedies Act, 42 U.S.C. 11607(b), provided that they are otherwise financially eligible.

**§ 1626.11 H-2 agricultural and forestry workers.**

(a) Nonimmigrant agricultural workers admitted to, or permitted to

remain in, the United States under the provisions of section 101(a)(15)(h)(ii)(a) of the INA (8 U.S.C.

1101(a)(15)(h)(ii)(a)), commonly called H-2A agricultural workers, may be provided legal assistance regarding the matters specified in paragraph (c) of this section.

(b) Nonimmigrant forestry workers admitted to, or permitted to remain in, the United States under the provisions of section 101(a)(15)(h)(ii)(b) of the INA (8 U.S.C. 1101(a)(15)(h)(ii)(b)), commonly called H-2B forestry workers, may be provided legal assistance regarding the matters specified in paragraph (c) of this section.

(c) The following matters which arise under the provisions of the worker's specific employment contract may be the subject of legal assistance by an LSC-funded program:

- (1) Wages;
- (2) Housing;
- (3) Transportation; and

(4) Other employment rights as provided in the worker's specific contract under which the nonimmigrant worker was admitted.

**§ 1626.12 Recipient policies, procedures, and recordkeeping.**

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part and shall maintain records sufficient to document the recipient's compliance with this part.

Dated: April 14, 2014.

**Stefanie K. Davis,**

*Assistant General Counsel.*

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 32**

**[Docket No. FWS-HQ-NWRS-2013-0074; FXRS1265090000-134-FF09R20000]**

**RIN 1018-AZ87**

**2013-2014 Refuge-Specific Hunting and Sport Fishing Regulations; Correction**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Correcting amendments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on March 17, 2014, to amend the refuge-specific regulations for certain refuges that

pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2013-2014 season. Inadvertently, we made two technical errors in our regulatory text for Arapaho National Wildlife Refuge in Colorado. This action makes the necessary corrections to the regulations for that refuge.

**DATES:** This correction is effective April 18, 2014.

**FOR FURTHER INFORMATION CONTACT:** Brian Salem, (703) 358-2397.

**SUPPLEMENTARY INFORMATION:** In a final rule that published March 17, 2014 (79 FR 14809), we amended the refuge-specific regulations for certain refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2013-2014 season. The Arapaho National Wildlife Refuge (NWR) in Colorado is one of the refuges for which we published amended regulations. In the final rule, we inadvertently required that hunters may only use shotguns as the legal method of take for migratory game birds and upland game on Arapaho NWR. This requirement is inconsistent with Colorado State regulations, which allow take by both shotgun and falconry. Therefore, we are correcting the regulations for Arapaho NWR to provide that take of migratory game birds and upland game must comply with State regulations.

**List of Subjects in 50 CFR Part 32**

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

**Regulation Promulgation**

For the reasons set forth in the preamble, we amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

**PART 32—[AMENDED]**

- 1. The authority citation for part 32 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd-668ee, and 715i.

- 2. Amend § 32.25 by revising paragraphs A.6 and B.4 under Arapaho National Wildlife Refuge to read as follows:

**§ 32.25 Colorado.**

\* \* \* \* \*

**Arapaho National Wildlife Refuge**

A. \* \* \*

6. Method of take for migratory game birds must comply with State regulations.

\* \* \* \* \*

B. \* \* \*

4. Method of take for upland game must comply with State regulations.

\* \* \* \* \*

Dated: April 14, 2014.

**Tina A. Campbell,**

*Chief, Division of Policy and Directives Management.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 120919470-3513-02]

RIN 0648-XD232

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Reopening of Commercial Penaeid Shrimp Trawling Off South Carolina

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

**ACTION:** Temporary rule; reopening.

**SUMMARY:** NMFS reopens commercial penaeid shrimp trawling, *i.e.*, for brown, pink, and white shrimp, in the exclusive economic zone (EEZ) off South Carolina in the South Atlantic. NMFS previously closed commercial penaeid shrimp trawling in the EEZ off South Carolina on February 13, 2014. The reopening is intended to maximize harvest benefits while protecting the penaeid shrimp resource.

**DATES:** The reopening is effective at 12:01 a.m., local time, May 1, 2014, until the effective date of a notification of a closure which will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Kate Michie, 727-824-5305; email: [Kate.Michie@noaa.gov](mailto:Kate.Michie@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Penaeid shrimp in the South Atlantic are managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented

under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under 50 CFR 622.206(a), NMFS may close the EEZ adjacent to South Atlantic states that have closed their waters to the harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather or when applicable state water temperatures are 9 °C (48 °F), or less, for at least 7 consecutive days. Consistent with those procedures and criteria, after determining that unusually cold temperatures resulted in water temperatures of 9 °C (48 °F), or less, for at least 7 consecutive days in its state waters, the state of South Carolina closed its waters on January 13, 2014, to the harvest of brown, pink, and white shrimp. South Carolina subsequently requested that NMFS implement a concurrent closure of the EEZ off South Carolina.

NMFS determined that South Carolina's request for an EEZ closure conformed with the procedures and criteria specified in the FMP and the Magnuson-Stevens Act, and, therefore, implemented the concurrent EEZ closure effective as of February 13, 2014, and that in no case would the EEZ closure remain in effect after May 31, 2014 (79 FR 8635, February 13, 2014).

During the closure, as specified in 50 CFR 622.206(a)(2), no person could: (1) Trawl for brown, pink, or white shrimp in the EEZ off South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm) are stowed below deck; or (3) for a vessel trawling within 25 nautical miles of the baseline from which the territorial sea is measured, use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.

The FMP and implementing regulations at 50 CFR 622.206(a) state that: (1) The closure will be effective until the ending date of the closure in the state waters, but may be ended earlier based on the state's request; and (2) if the state closure is ended earlier, NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

On April 7, 2014, the state of South Carolina requested the EEZ to be reopened no later than May 1, 2014, based on their biological sampling. The state of South Carolina is continuing its monitoring of both water conditions and the penaeid shrimp population in state waters but has not yet determined when the state waters reopening will occur. Therefore, NMFS publishes this notification to reopen the EEZ off South Carolina to the harvest of brown, pink, and white shrimp effective 12:01 a.m., local time, May 1, 2014.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B). Allowing prior notice and opportunity for public comment on the reopening is unnecessary because the rule establishing the reopening procedures has already been subject to notice and comment, and all that remains is to notify the public of the reopening date. Additionally, allowing for prior notice and opportunity for public comment for this reopening is contrary to the public interest because it requires time, thus delaying the removal of a restriction and thereby reducing socio-economic benefits to the commercial sector. Also, the FMP procedures and implementing regulations require the commercial penaeid shrimp trawling component to reopen no later than May 31, 2014, or earlier based on the state's request, which South Carolina requested to be May 1, 2014.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is authorized by 50 CFR 622.206(a) and is exempt from review under Executive Order 12866.

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

Dated: April 15, 2014.

**Emily H. Menashes,**

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

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