NMFS’ permit issuance.
FWS’ proposed permit amendment and notice is to seek public comment on chinook salmon. The purpose of this is proposing to issue an incidental take of trout to Plum Creek’s permit, and NMFS permit. FWS is proposing to add Canada accompanying the incidental take Habitat Conservation Plan (Plan) Implementation Agreement for the Services) pursuant to the submitted to FWS and NMFS (the Plan). Plum Creek received assurances, which may occur on Plum Creek lands would be added to the permit upon listing of those species in accordance with the ESA, the Implementation Agreement, and the Plan. They received assurances from the Services that those listed vertebrate species, which may occur on Plum Creek lands would be added to the permit. NMFS did not issue a permit as no species under NMFS’ jurisdiction on the Plum Creek lands were listed under the ESA at the time the FWS permit was issued. Pursuant to the Plan and the Implementation Agreement, Plum Creek received assurances from the Services that then-unlisted vertebrate species, which may occur on Plum Creek lands would be added to the permit. NMFS published a final rule listing the PuS chinook salmon as threatened (63 FR 11482).

The September 11, 1997, request from Plum Creek to add bull trout to the permit was partially fulfilled when FWS included the Columbia River Basin population of bull trout on the permit. That request is still effective with regard to the Puget Sound/Coastal population of bull trout. On May 20, 1998, Plum Creek requested that the MCR steelhead be added to the permit. On August 7, 1998, Plum Creek also requested that Canada lynx be added to the permit. On December 15, 1998, Plum Creek requested that PuS chinook be added to their permit as well. While FWS has not yet made final listing decisions for the Puget Sound/Coastal population of bull trout or Canada lynx, it is proposing to respond to Plum Creek’s request and determine if addition of these species to the permit is appropriate.

Implementation Agreement Provisions

The Implementation Agreement is a legal document describing the roles and responsibilities of the Services and Plum Creek during the permit period. Under the Implementation Agreement, plan species are those vertebrate species dependent on the various habitat types analyzed in the Plan. The Implementation Agreement specifies that should any of the plan species that were unlisted at the time of permit issuance subsequently become listed under the ESA, Plum Creek may request a permit amendment to have that species added to their permit.

Plum Creek received assurances, absent extraordinary circumstances (as defined in the Implementation Agreement), that plan species would be added to the permit without requiring additional mitigation from Plum Creek if the Services determined that such action would not appreciably reduce the likelihood of the survival and recovery of the affected species, or any other species.
species, in the wild and that adding the species to the permit would be consistent with the Services’ other responsibilities.

To determine whether adding Canada lynx and bull trout to Plum Creek’s permit and issuing a permit for steelhead and chinook would appreciably reduce the likelihood of the survival and recovery of those species, or any other species, the Services will follow the Section 7 process under the ESA. The Services will also determine whether the permit amendment meets each of the issuance criteria described in section 10(a)(2)(B) of the ESA and that a substantial and material adverse change in the status of Canada lynx, bull trout, steelhead, or chinook has not occurred since initial permit issuance.

**Summary**

At the time of initial permit issuance, the Services made a preliminary determination that the Plan adequately provided protection for lynx, bull trout, steelhead, and chinook. Based on that analysis, it appeared that the Plan would have minimal adverse impacts on lynx, bull trout, steelhead, and chinook.

With respect to lynx, use of edge habitat as a surrogate for “classic” lynx foraging habitat definitions, the Services predict a decrease in foraging habitat. Should lynx occur in the planning area, they would most likely use edges for foraging and would most likely rely on secondary prey items. The Plan is expected to maintain as conducive a landscape for lynx as is possible given the geographic province.

The Plan generally provides for improving conditions for bull trout, steelhead, and chinook. Buffers on fishbearing and other perennial streams are expected to provide for the natural processes and functions that steelhead and chinook rely on such as large woody debris inputs, detrital and litter input, root strength and bank stability. The Services expect to see reductions in delivery of fine sediment from roads and recovery of forest stand structures to improve hydrologic conditions, and reduce peak flows and mass-wasting risks.

Significant public comments and data were received by the Services on the proposals to list lynx, bull trout, steelhead, and chinook as threatened or endangered under the ESA. The Services are reviewing that information to determine if the Services' initial lynx, bull trout, steelhead, and chinook determinations for the Plum Creek permit remain valid.

The Environmental Impact Statement developed for the initial permit decision analyzed the effects that implementing the Plan would have on lynx, bull trout, steelhead, chinook, and other species. The effects of a proposed land exchange with the U.S. Forest Service and incorporation of that new land base into the Plan are also addressed in a Draft Supplemental Environmental Impact Statement, and will be further addressed in the Final Supplemental Environmental Impact Statement.

Dated: June 8, 1999.

**Cynthia U. Barry,**

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

Dated: June 21, 1999.

**Wanda L. Cain,**

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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**DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

[Docket No. 990514132–9132–01; I.D. 032999A]

Taking and Importing of Marine Mammals; Italy as a Large-Scale High Seas Driftnet Nation

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

**ACTION:** Identification of Italy as a Large-Scale High Seas Driftnet Nation.

**SUMMARY:** The U.S. Court of International Trade ordered the Secretary of Commerce to identify Italy as a country for which there is reason to believe its nationals or vessels conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation, pursuant to the HSDFEA (16 U.S.C. 1826a). On March 13, 1999, the Secretary notified the President that he had identified Italy as such a country. Italian officials were notified by the Department of State on March 22, 1999.

Pursuant to the HSDFEA, a chain of actions is triggered once the Secretary of Commerce notifies Italy that it has been identified as a large-scale high seas driftnet nation. If the consultations with Italy, described in the SUMMARY, are not satisfactorily concluded within 90 days, the President must direct the Secretary of the Treasury to prohibit the importation into the United States of fish, fish products, and sportfishing equipment from Italy. The Secretary of the Treasury is required to implement such prohibitions within 45 days of the President’s direction.

If the above sanctions are insufficient to persuade Italy to cease large-scale high seas driftnet fishing within 6 months, or Italy retaliates against the United States during that time as a result of the sanctions, the Secretary of Commerce is required to certify this fact to the President. Such a certification is deemed to be a certification under section 8(a) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1976(a), also known as the Pelly Amendment). This authorizes the President to restrict imports of “any products from the offending country for..."