

Export Trade Activities and Methods of Operation

John L. Koenig may engage in the following activities with respect to the Export Markets:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotion and marketing activities as they relate to exporting Products to the Export Markets;
3. Enter into exclusive and non-exclusive export sales agreements with Suppliers regarding sales of Products in the Export Markets; such agreements may prohibit Suppliers from exporting independently of John L. Koenig;
4. Enter into exclusive and non-exclusive sales and/or territorial agreements with distributors in the Export Markets;
5. Establish the price of Products for sale in the Export Markets;
6. Allocate export orders among Suppliers;
7. Obtain information from individual Suppliers regarding their inventories and near-term production schedules for the purpose of determining the availability of Products for export and coordinating exports with distributors; and
8. Enter into exclusive or non-exclusive agreements with Suppliers, Export Intermediaries, or other persons for licensing Technology Rights in Export Markets.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, John L. Koenig will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.
2. John L. Koenig will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that John L. Koenig's Export Trade, Export Trade Activities, and Methods of Operation continue to comply with the standards of Section 303(a) of the Act.

Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.
2. "Supplier" means a person who produces, provides, or sells a Product.

Protection Provided by Certificate

This Certificate protects John L. Koenig and any employee acting on his behalf from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Dated: February 4, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 020200D]

Availability of the Record of Decision for the Proposed Modification of a Habitat Conservation Plan With Respect to a Permit Allowing Incidental Take of Threatened and Endangered Species for Plum Creek Timber Company Lands in the Interstate-90 Corridor of King and Kittitas Counties, Washington

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce; Fish and Wildlife Service (FWS), Interior.

ACTION: Notice of decision.

SUMMARY: This notice advises the public that NMFS and FWS (the Services) have decided to approve a request by Plum Creek Timber Company (Plum Creek) to modify the Plum Creek Cascades Habitat

Conservation Plan (HCP) incidental take permit (PRT-808398), issued pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, by incorporating the results of the Interstate-90 Land Exchange Act (I-90LXA). The public is also notified that the Record of Decision for this action is available upon request.

FOR FURTHER INFORMATION CONTACT:

Individuals wishing copies of the Record of Decision, or other supporting documents regarding this action, should contact William Vogel; U.S. Fish and Wildlife Service; 510 Desmond Drive; Suite 102; Lacey, Washington 98503; telephone (360) 753-9440.

SUPPLEMENTARY INFORMATION:

Background

Plum Creek has requested modification of the HCP to accommodate the new land-base resulting from enactment of the I-90LXA. The Services' decision is to adopt the Preferred Alternative, as described in the Final Supplemental Environmental Impact Statement (FSEIS). This decision is based on a thorough review of the alternatives and their environmental consequences. By adopting the Preferred Alternative with its assurances that the mitigation program and enforcement measures be implemented, all practicable means to avoid or minimize harm have been adopted.

The Proposed HCP Modification, as described in the proposed Modification Document and analyzed in the FSEIS, provides the most comprehensive package of conservation prescriptions and activities of all of the alternatives. None of the other alternatives provide as integrated and comprehensive a package of habitat conservation as the Proposed HCP Modification. The Proposed HCP Modification accommodates the new land-base and applies the prescriptive conservation measures to the newly acquired lands within the HCP Planning Area.

Dated: December 23, 1999.

William B. Zimmerman,

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

Dated: February 4, 2000.

Wanda L. Cain,

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

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