

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. The Secretary did so on March 19, 1999. As a result, the President is required to enter into consultations with Italy within 30 days after the identification to obtain an agreement that will effect the immediate termination of high seas large-scale driftnetting by Italian vessels and nationals. If consultations with Italy are not satisfactorily concluded, the importation into the United States of fish, fish products, and sportfishing equipment from Italy will be prohibited under the High Seas Driftnet Fisheries Enforcement Act (HSDFEA). Further, the Secretary of the Treasury has been directed to deny entry of Italian large-scale driftnet vessels to U.S. ports and navigable waters. In addition, pursuant to the Dolphin Protection Consumer Information Act (DPCIA), the importation of certain fish and fish

products into the United States from Italy is prohibited, unless Italy certifies that such fish and fish products were not caught with large-scale driftnets anywhere on the high seas. This action furthers the U.S. policy to support a United Nations moratorium on high seas driftnet fishing, in part because of the harmful effects that such driftnets have on marine mammals, including dolphins.

DATES: Effective March 19, 1999.

FOR FURTHER INFORMATION CONTACT:

Cathy L. Eisele, Fishery Biologist; telephone: 301-713-2322, or fax: 301-713-4060; or Paul Niemeier, Foreign Affairs Specialist; telephone: 301-713-2276, or fax: 301-713-2313.

SUPPLEMENTARY INFORMATION:

The HSDFEA furthers the purposes of United Nations General Assembly Resolution 46/215, which called for a worldwide ban on large-scale high seas driftnet fishing beginning December 31, 1992. On March 5, 1999, 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 19, 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 sport fishing 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. 1978(a), also known as the Pelly Amendment). This authorizes the President to restrict imports of "any products from the offending country for

any duration" to achieve compliance with the driftnet moratorium, so long as such action is consistent with U.S. obligations under the General Agreement on Tariffs and Trade.

The DPCIA (16 U.S.C. 1371(a)(2)(E)) requires that an exporting nation whose fishing vessels engage in high seas driftnet fishing provide documentary evidence that certain fish or fish products it wishes to export to the United States were not harvested with a large-scale driftnet on the high seas. Importers are being reminded that, as has been in effect since May 29, 1996 (61 FR 18722), all shipments from Italy containing fish and fish products specified in regulations at 50 CFR 216.24(e)(2) are subject to the importation requirements of the DPCIA. As required by 50 CFR 216.24(e)(2), the Fisheries Certificate of Origin (NOAA Form 370) must accompany all imported shipments of an item with a Harmonized Tariff Schedule number for fish harvested by or imported from a large-scale driftnet nation. As part of those requirements, an official of the Government of Italy must certify that any such import does not contain fish harvested with large-scale driftnets anywhere on the high seas.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number. The collection of information required by the Fisheries Certificate of Origin (NOAA Form 370) has been approved by the Office of Management and Budget (OMB) under OMB control number 0648-0040.

Dated: June 16, 1999.

Gary C. Matlock,

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

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99-06]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DOD).

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99-06, with attached transmittal, policy justification, Sensitivity of Technology, and Section 620C(d) of the Foreign Assistance Act of 1961.

Dated: June 21, 1999.

L.M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

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