

sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 15, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 121499A]

Availability of an Environmental Assessment and Receipt of an Application for an Endangered Species Act Incidental Take Permit for the California Department of Fish and Game's Striped Bass Management Program Conservation Plan, for the Sacramento-San Joaquin Estuary, and Delta Rivers

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

ACTION: Notice of availability for public comment and receipt of applications.

SUMMARY: This notice advises the public that the California Department of Fish and Game (CDFG) has applied to NMFS and FWS (the Services) for incidental take permits pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). The application requests that FWS authorize incidental take of the delta smelt (*Hypomesus transpacificus*), Sacramento splittail (*Pogonichthys macrolepidotus*), and the giant garter snake (*Thamnophis gigas*), all federally listed as threatened, during the implementation of the Striped Bass Management Program (SBMP). The application also requests that NMFS authorize incidental take of the Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*), federally listed as endangered, Central Valley spring-run chinook salmon (*O. tshawytscha*), federally listed as threatened, and the Central Valley steelhead (*O. mykiss*), federally listed as threatened, during the implementation of the SBMP. The proposed NMFS permit also would authorize future incidental take of the Central Valley fall/late fall-run chinook salmon (*O. tshawytscha*) should this species

become listed under the Act. The permits would be in effect for 10 years.

The Services also announce the availability of an Environmental Assessment (EA) for the incidental take permit applications. The applications include the proposed Conservation Plan (Plan) fully describing the proposed project and mitigation, and the accompanying Implementing Agreement (Agreement). This notice is provided pursuant to section 10(a) of the ESA and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

DATES: Written comments on the permit application, Plan, EA, and Agreement should be received on or before February 22, 2000.

ADDRESSES: Comments regarding the application, Plan, or adequacy of the EA and Agreement with respect to the delta smelt, Sacramento splittail, giant garter snake, or other species for which FWS has responsibility should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825. Comments regarding the application, Plan, or adequacy of the EA and Agreement with respect to the Sacramento River winter-run chinook salmon, Central Valley steelhead, Central Valley spring-run chinook salmon, Central Valley fall/late fall-run chinook salmon, or other species for which NMFS has responsibility should be addressed to the National Marine Fisheries Service, Southwest Region, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, Attn: Ms. Penny Ruvelas. General comments or comments applicable to both agencies can be sent to either or both of the above addresses. Individuals wishing copies of the application, Plan, EA, or Agreement for review should contact either of the above offices. Documents also will be available for public inspection, by appointment, during normal business hours at the above addresses.

FOR FURTHER INFORMATION CONTACT: Robert Pine, FWS, Sacramento Fish and Wildlife Office, telephone (916) 414-6620; Penny Ruvelas, NMFS, Long Beach Office, telephone (562) 980-4197.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened, respectively. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such

conduct. Harm may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering. The Services, under limited circumstances, may issue permits to authorize "incidental take" of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). FWS regulations governing permits for threatened and endangered species, respectively, are found in 50 CFR 17.32 and 50 CFR 17.22. NMFS regulations governing permits for threatened and endangered species are found in 50 CFR Part 222.307.

Background

CDFG seeks coverage for take of the federally listed delta smelt, Sacramento splittail, giant garter snake, Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, Central Valley steelhead, and the unlisted Central Valley fall/late fall-run chinook salmon (collectively "covered species"), incidental to implementation of the SBMP. The actions proposed to be covered by the Plan and its associated incidental take permits are: (1) annual stocking of 1- and 2-year-old striped bass in the San Francisco Bay/Sacramento-San Joaquin Estuary at numbers sufficient to restore and maintain a striped bass population of 712,000 adults, which is equivalent to the 1994 striped bass population level; (2) possible changes in the striped bass fishing regulations to help reach and maintain the target population level; and (3) monitoring of the overall striped bass population and the success of the stocked fish. Each of these actions may result in take of one or more of the covered species or in circumstances leading to the take of one or more of the covered species. The Plan is designed to include flexibility in its implementation; a series of circumstances or "thresholds" are described which would require adjustments to the SBMP. Thresholds triggering adjustments to the Plan include a low delta smelt abundance index, a low cohort replacement rate for winter-run chinook salmon, unanticipated changes in the striped bass population, and, based on monitoring, estimates of striped bass predation on covered species that are higher than those anticipated in the development of the Plan.

As a part of the Plan, CDFG proposes to monitor the striped bass population, the striped bass diet (i.e., predation on

the covered species), and the populations of the six covered fish species. The Plan also includes measures to minimize the impact of the take, such as a schedule of stocking ratios including 2-year-old bass (as opposed to all yearlings), certain timing and location restrictions on stocking activities, and changes to some of the monitoring protocols to reduce the level of take of covered species. To offset the level of take which cannot be avoided, CDFG will install and maintain fish screens on selected water diversions in both the Bay-Delta (to offset impacts to delta smelt and Sacramento splittail) and the Sacramento River (to offset impacts to Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, Central Valley fall/late fall-run chinook salmon, and Central Valley steelhead). The installation of fish screens is an action in the Delta Native Fishes Recovery Plan.

The EA considers the environmental consequences of four alternatives. Under Alternative 1, the No Action Alternative, the Services would not issue incidental take permits and CDFG would not stock striped bass or implement the associated monitoring. Without stocking striped bass, CDFG estimates that the striped bass population would decline from the 1994 level of 712,000 adults to about 515,000 adults on average over the next 5 years. Predation of the covered species would still occur under the No Action Alternative by the existing striped bass population. Under this alternative, CDFG would not modify trapping methods to reduce impacts to the covered species during striped bass monitoring.

Alternative 2, the proposed action, consists of the issuance of an incidental take permit to CDFG and implementation of the SBMP Plan. This is the proposed alternative, in part, because: (1) measures have been incorporated to minimize incidental take to the greatest extent practicable; and (2) unavoidable impacts are offset by the screening of water diversions on the Sacramento River and in the western Delta/Suisun Marsh.

Under Alternative 3, CDFG would stock 3 million yearling striped bass annually with the goal of restoring the striped bass population to 1.1 million adults. This alternative represents the initial proposal submitted to the Services by CDFG to implement the SBMP. This alternative is more consistent with the striped bass policy adopted by the California Fish and Game Commission in 1996 which establishes interim and long-term

striped bass restoration goals of 1.1 million and 3 million adults, respectively, than the proposed action (Alternative 2). However, Alternative 3 would result in greater levels of predation by striped bass on the covered species than the proposed action. Alternative 3 would include similar measures to minimize and mitigate the impacts of the SBMP on the covered species as proposed for Alternative 1 except that mitigation (i.e., providing fish screens) would be commensurately greater because of the greater predation impacts associated with stocking larger numbers of striped bass.

Under Alternative 4, three different scenarios of changes to existing fishing regulations to restore the striped bass population are analyzed: Total Fishery Closure, 26-inch Minimum Retention Size, and 30-inch Minimum Retention Size. All 3 scenarios achieve a striped bass adult population of 712,000 adults after 8 to 13 years without any stocking of juvenile striped bass; however, striped bass harvest would be severely restricted, or prohibited, during this recovery period with unavoidable economic impacts. Mitigation measures are described which mitigate for impacts to covered species by the increment of the striped bass population resulting from the changed fishing regulations.

This notice is provided pursuant to section 10(a) of the ESA and the FWS and NMFS regulations for implementing NEPA. The Services will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the ESA. If it is determined that the requirements are met, permits will be issued for the incidental take of the covered species. The final permit decisions will be made no sooner than 60 days from the date of this notice.

Dated: November 24, 1999.

Elizabeth H. Stevens,

Deputy Manager, Region 1, California/Nevada Operations Office, U.S. Fish and Wildlife Service, Sacramento, California.

Dated: December 16, 1999.

Wanda L. Cain,

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

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BILLING CODES 3510-22-F, 4310-55-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Thailand

December 16, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting a limit.

EFFECTIVE DATE: December 22, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 638/639 is being adjusted for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 58369, published on October 30, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 16, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 27, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.