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[Proposed Rules]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 991207318-9318-01; I.D. 092799G]
RIN 0648-AG15

Limitation on Section 9 Protections Applicable to Salmon Listed
as Threatened under the Endangered Species Act (ESA), for Actions Under
Tribal Resource Management Plans (Tribal Plans)

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

ACTION: Proposed rule; request for comments and notice of public
hearings.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes to
modify the ESA section 9 take prohibitions applied to threatened
salmonids by creating a new limitation on those prohibitions. NMFS does
not find it necessary and advisable to impose prohibitions on take when
impacts on listed salmonids results from implementation of a tribal
resource management plan (Tribal Plan), where the Secretary of Commerce
(Secretary) has determined that implementing that Tribal Plan will not
appreciably reduce the likelihood of survival and recovery for the
listed species. Threatened salmonids that are currently subject to ESA
section 9(a) take prohibitions which would be modified by the proposal
include Snake River spring/summer chinook salmon; Snake River fall
chinook salmon; Central California Coast (CCC) coho salmon; and
Southern Oregon/Northern California Coast (SONCC) coho salmon. This
proposed limitation on take prohibitions would also be available to all
other threatened salmonid Evolutionarily Significant Units (ESUs)
whenever final protective regulations make the take prohibitions of ESA
section 9(a) applicable to that ESU. This rule intends to harmonize
statutory conservation requirements with tribal rights and the Federal
trust responsibility to tribes.

DATES: Comments on this rule must be received at the appropriate
address (see ADDRESSES), no later than 5:00 p.m., eastern standard
time, on March 3, 2000. Public hearings on this proposed action have
been scheduled. See SUPPLEMENTARY INFORMATION for dates and times of
public hearings.

ADDRESSES: Comments on this proposed rule or requests for information should be sent to Branch Chief, Protected Resources Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737. Comments will not be accepted if submitted via e-mail or Internet. See SUPPLEMENTARY INFORMATION for locations of public hearings.

FOR FURTHER INFORMATION CONTACT: Chris Mobley at (301) 713-1401; Garth Griffin at (206) 526-5006; or Craig Wingert at (562) 980-4021.