

Fisheries Service Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project (NMFS BO) and the 2012 Yolo Bypass Salmonid Habitat Restoration and Fish Passage Implementation Plan.

Substantial modifications have been made to the historical floodplain of California's Central Valley for water supply and flood damage reduction purposes. The resulting losses of rearing habitat, migration corridors, and food web production for fish have adversely affected native fish species that rely on floodplain habitat during part or all of their life history. The Bureau of Reclamation is responsible for managing the Central Valley Project (CVP) and the California Department of Water Resources is responsible for operating and maintaining the State Water Project (SWP). The SWP and CVP are operated in a coordinated manner to deliver water to agricultural, municipal, and industrial contractors throughout California. On June 4, 2009, the NMFS BO concluded that, if left unchanged, CVP and SWP operations are likely to jeopardize the continued existence of four anadromous species listed under the Federal Endangered Species Act: Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and Southern Distinct Population Segment North American green sturgeon. The NMFS BO sets forth RPA actions that would allow CVP and SWP operations to remain in compliance with the Federal Endangered Species Act.

The purpose of the Project is to enhance floodplain rearing habitat and fish passage in the Yolo Bypass and/or suitable areas of the lower Sacramento River by implementing RPA actions I.6.1 and I.7. The objective of RPA action I.6.1 is to increase the availability of floodplain fisheries rearing habitat for juvenile Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead. The objective of RPA action I.7 is to reduce fish passage migratory delays and loss of fish at Fremont Weir and other structures in Yolo Bypass for salmon, steelhead, and sturgeon.

The EIS/EIR analyzes the No Action/No Project Alternative and six action alternatives. Alternative 1, East Side Gated Notch, Alternative 2, Central Gated Notch, and Alternative 3, West Side Gate Notch, would allow up to 6,000 cubic feet per second (cfs) of increased flow from the Sacramento River to enter the Yolo Bypass through a gated notch on the east side, center, and west side, respectively, of Fremont

Weir. Alternative 4, West Side Gated Notch—Managed Flow, would allow up to 3,000 cfs of flow to enter the Yolo Bypass through a gated notch in Fremont Weir in the same western location as Alternative 3 and would incorporate water control structures to maintain inundation in defined areas for longer periods of time. Alternative 5, Central Multiple Gated Notches, includes multiple gates so that the deeper gate could allow more flow to enter the bypass when the river is at lower elevations to capture more fish during winter-run outmigration, with a maximum flow entering the Yolo Bypass of about 3,400 cfs. Alternative 6, West Side Large Gated Notch, would allow a higher flow of up to 12,000 cfs into the bypass to capture more fish when the Sacramento River is at lower elevations through a large notch in the western location of Fremont Weir.

If special assistance is required to participate in the public hearing, please contact Ms. Sarah McBride at (916) 978-5108, or via email at [smcbride@usbr.gov](mailto:smcbride@usbr.gov). Please contact Ms. McBride at least 10 working days prior to the meeting. A telephone device for the hearing impaired (TDD) is available at (916) 978-5608.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 21, 2017.

**Federico Barajas,**

*Deputy Regional Director, Mid-Pacific Region.*

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## **INTERNATIONAL TRADE COMMISSION**

**[Investigation Nos. 701-TA-571-572 (Final)]**

### **Biodiesel From Argentina and Indonesia; Determinations**

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that an industry in the United States is

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

materially injured by reason of imports of biodiesel from Argentina and Indonesia, provided for in subheadings 3826.00.10 and 3826.00.30 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce ("Commerce") to be subsidized by the governments of Argentina and Indonesia.

### **Background**

The Commission, pursuant to sections 705(b) of the Act (19 U.S.C. 1671d(b)), instituted these investigations effective March 23, 2017, following receipt of a petition filed with the Commission and Commerce by the National Biodiesel Board Fair Trade Coalition, Washington DC. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of biodiesel from Argentina and Indonesia were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 28, 2017 (82 FR 4399). The hearing was held in Washington, DC, on November 9, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to section 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determinations in these investigations on December 21, 2017. The views of the Commission are contained in USITC Publication 4748 (December 2017), entitled *Biodiesel from Argentina and Indonesia: Investigation Nos. 701-TA-571-572 (Final)*.

By order of the Commission.

Issued: December 21, 2017.

**Jessica Mullan,**

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## **INTERNATIONAL TRADE COMMISSION**

### **Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest**

**AGENCY:** U.S. International Trade Commission.