

Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC, on: July 27, 2006.

**F. Edward Scarbrough,**

*U.S. Manager for Codex Alimentarius.*

[FR Doc. E6-12337 Filed 7-31-06; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Tehama County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Presentation of Project Proposals/Voting on Proposals, (5) (6) Chairman's Perspective, (7) General Discussion, (8) Next Agenda.

**DATES:** The meeting will be held on August 10, 2006 from 9 a.m. and end at approximately 12 p.m.

**ADDRESSES:** The meeting will be held at the Lincoln Street School, Conference Room A, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Tricia Christofferson, Acting DFO, 825 N. Humboldt Ave., Willows, CA 95988.

**FOR FURTHER INFORMATION CONTACT:** Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968-5329; e-mail [ggaddini@fs.fed.us](mailto:ggaddini@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written request by August 8, 2006 will have the opportunity to address the committee at those sessions.

Dated: July 25, 2006.

**Tricia Christofferson,**

*Acting Designated Federal Official.*

[FR Doc. 06-6598 Filed 7-31-06; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Southwest Idaho Resource Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393), the Boise and Payette National Forests' Southwest Idaho Resource Advisory Committee will conduct a business meeting, which is open to the public.

**DATES:** Wednesday, August 16, 2006, beginning at 10:30 a.m.

**ADDRESSES:** Valley County Courthouse, 219 North Main Street, Cascade, Idaho.

**SUPPLEMENTARY INFORMATION:** Agenda will include review and approval of project proposals, and is an open public forum.

**FOR FURTHER INFORMATION CONTACT:** Doug Gochmour, Designated Federal Officer, at 208-392-6681 or e-mail [dgochnour@fs.fed.us](mailto:dgochnour@fs.fed.us).

Dated: July 26, 2006.

**Lana S. Thurston,**

*Administrative Officer, Boise National Forest.*

[FR Doc. 06-6601 Filed 7-31-06; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

[RIN 0596-AC46]

#### Small Business Timber Sale Set-Aside Program Share Recomputation

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of proposed policy directive; request for public comment.

**SUMMARY:** The Forest Service proposes to remove structural change recomputation direction contained in Forest Service Timber Sale Preparation Handbook (FSH) 2409.18 (applicable in Forest Service Regions 1 through 6 only) as one of the means of recomputing timber sale set-aside market share allocation to small business mills within a market area. This change is needed to make the recomputation process as accurate as possible by making market shares more reflective of current market conditions, in terms of volume and business capacity, as well as to simplify the process by which market share is determined. The direction on scheduled

recomputation of market shares and special recomputations would be retained. Additionally, the Forest Service is proposing to include volumes sold or disposed of via stewardship contracting (Integrated Resource Contract, 2400-13 & 13T) in the volumes used to calculate market shares pursuant to the small business timber sale set-aside program.

**DATES:** Comments must be received in writing by October 2, 2006.

**ADDRESSES:** The full text of FSH 2409.18, chapter 90 is available electronically on the World Wide Web/Internet at <http://www.fs.fed.us/im/directives>.

#### FOR FURTHER INFORMATION CONTACT:

Richard Fitzgerald, Assistant Director, Forest Management Staff, by telephone at (202) 205-1753 or by Internet at [rfitzgerald@fs.fed.us](mailto:rfitzgerald@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Developed in cooperation with the Small Business Administration, the Forest Service Small Business Timber Sale Set-aside Program is designed to ensure that qualifying small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale. The current Small Business Timber Sale Set-aside Program was adopted July 26, 1990 (55 FR 30485). Direction that guides Forest Service employees in administering the Small Business Timber Sale Set-aside Program is issued in the Forest Service Manual (FSM), Chapter 2430, and in Chapter 90 of the Forest Service Timber Sale Preparation Handbook (FSH 2409.18).

According to the guidelines of the set-aside program, the Forest Service recomputes the shares of timber sales to be set aside for bidding by qualifying small businesses every 5 years. The share percentage is based on the actual volume of sawtimber that has been purchased and/or harvested by small businesses during a 5-year period. In addition to the 5-year scheduled recomputation requirement, in Forest Service Regions 1 through 6, small business shares currently must be recomputed whenever a structural change occurs (see FSH 2409.18, chapter 90, section 91.22).

Structural change (*applicable to Regions 1 through 6 only*) is defined at FSH 2409.18, chapter 90, section 90.5, paragraph 8b as a change that "may occur during a recomputation period when a small or large business firm that purchased at least 10 percent of the total sawlog volume during the last recomputation period discontinues operations or changes its size status

through the sale or purchase of manufacturing capacity. When a structural change occurs, the small business share must be recomputed in accordance with the procedure set out in section 91.22b."

In the past, the adjustment of market shares, based on scheduled recomputations and structural change recomputation where warranted, functioned acceptably, when the timber sale program operated at its historic levels of annual sell volume. However, in the past 15 years, annual volume of timber sold in all Forest Service regions has declined substantially. For example, the annual volume of Forest Service timber offered for sale has decreased from 12 billion board feet in fiscal year 1990 to around 2 billion board feet in fiscal year 2004.

Presently, nearly half of the National Forest timber volume sold has been salvaged from areas damaged by fire and other catastrophic events. The current annual timber sale program is characterized by this increase in salvage timber, a much reduced number of advertisements of timber for sale, a relatively sporadic release of the available timber sales for bidding, and the overall substantial decline in saw timber volume for sale.

Structural change recomputations, which occur at unpredictable times, may be (and have been) followed by years of minimal or no timber volume offered for sale by the Forest Service that is suitable for purchase by qualified small businesses in a market area. This results in a significantly distorted database in a 3-year period on which to base a structural change share recomputation. The problem is compounded by existing set-aside guidelines which place no limit on the amount of share change that may occur as a result of a structural change recomputation. Establishment of a new small business share through a structural change recomputation can lock in a share change based on distorted data for an inordinate period of time.

The procedure for recomputation of shares following a structural change is designed to provide small business firms the opportunity to maintain their historical share when a firm changes size, but provides for a reasonably rapid adjustment of shares to reflect the actual purchase and harvest patterns which develop (FSH 2409.18, chapter 90, section 91.22b). With changes in the timber sale program and the amount and type of timber offered for sale, structural change recomputations no longer appear to adequately accomplish these goals.

Thus, the Forest Service proposes to drop the structural change recomputation from the direction in FSH 2409.18. Any structural changes which were previously announced and are underway would be dropped. When a 5-year recomputation was skipped because of the structural change, the 5-year recomputation would be completed and the results made retroactive to the normal 5-year recomputation schedule.

Special recomputations of market share, as defined at FSH 2409.18, chapter 90, section 91.23, would remain in effect to deal with unique and unforeseen circumstances which may require departure from established procedure.

The directive text being proposed for removal (FSH 2409.18, chapter 90) includes section 90.5, paragraph 8b (definition for structural change) and section 90.41, paragraphs 4 and 9 (Forest Supervisor responsibilities), as well as references to structural changes in sections 91.17, 91.22, 91.22a, 91.22b, and 91.3.

The directive text being proposed for removal may be found on the World Wide Web/Internet at [http://www.fs.fed.us/cgi-bin/Directives/get\\_dirs/fsh?2409.18/](http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?2409.18/) in the file named 2409.18\_90.doc.

Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277), as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (as contained in division F of Public Law 108-7; 16 U.S.C. note), authorizes the Forest Service (FS) and the Bureau of Land Management (BLM), until September 30, 2013, to enter into stewardship contracting projects (stewardship projects) with private persons or public or private entities, by contract or by agreement, to perform services to achieve land management goals for the national forests or public lands that meet local and rural community needs.

The land management goals for stewardship projects may include treatments to improve, maintain, or restore forest or rangeland health; restore or maintain water quality; improve fish and wildlife habitat; and reduce hazardous fuels that pose risks to communities and ecosystem values, reestablish native plant species, or other land management objectives. Stewardship projects are not a replacement for agencies' existing timber sale programs. Stewardship contracting may differ from other contracting authorities in the following manner:

- A source for performance of contracts shall be selected on a best value basis;
- Contract length may exceed 5 years but may not exceed 10 years;
- The agencies may apply the value of timber or other forest products removed as an offset against the costs of any services received;
- The agencies may collect monies from a stewardship contract so long as the collection is a secondary objective of negotiating contracts that best achieve the purposes of section 347, as amended by section 323;
- Monies received from the sale of timber, forest products, or vegetation via a stewardship contract may be retained by the agencies and available for expenditure at the project site or at another stewardship project site without further appropriation;
- A multiparty monitoring and evaluation process is required.

The Forest Service has issued guidance in Forest Service Handbook 2409.19, chapter 60. Stewardship projects are authorized on all Forest Service units. Forest Supervisors select the projects for their respective units and Regional Foresters provide oversight of the program.

The Forest Service has sold some sawlog volume from stewardship projects on National Forest System lands under its integrated resource contracts (IRC). Sawlog volume from the IRC was tracked, but not included in the volumes used to calculate the small business timber sale set-aside program for the recomputation period ending in 2005. Some sawlogs disposed of via stewardship contracts have been purchased by small and large timber industry businesses.

The Forest Service has four IRCs. Two are designed for use when the value of the timber to be disposed of in the project exceeds the value of the services received in the project (2400-13 & 13T). These two contracts are generally referred to as integrated resource timber contracts (IRTC). The other two contracts used for stewardship are used when the value of the services received exceeds the value of the timber to be disposed, and are generally referred to as integrated resource service contracts (IRSC). These contracts are primarily considered procurement contracts and include contract provisions required by the Federal Acquisition Regulations and other procurement related laws and regulations. However, the IRSC also contains some provisions necessary to govern the disposal of the timber.

The amount of timber volume offered under traditional timber sale contracts has declined significantly over the past

decade. Consequently, the sawlog volumes used to calculate market shares also have declined. In light of these significant declines and the need to adequately and fully consider sawlog volumes disposed of via contracts with the timber industry, the Forest Service proposes to include sawlog volumes from IRTC (2400–13 & 13T) in the volumes used to calculate market shares pursuant to the small business timber sale set-aside program. Since new market shares recently have been recomputed and announced for the 5-year period ending in 2010, the Forest Service proposes to include volumes sold via the IRTC in the operation of the regular set-aside program for the 2005–2010 period. The volumes will be tracked and used to establish new market shares at the end of the 2010 period, as well as for special recomputations that may occur prior to scheduled recomputations.

The Forest Service is proposing to include only the IRTCs in the set-aside program as these are the contracts that have significant timber volumes and the logs generally are of sufficient size to produce sawlogs, the primary focus of the set-aside program. The Forest Service does not propose to include the IRTCs as they generally have lesser quantities of timber volume and they are governed by the Federal Acquisition Regulation and other procurement related statutes and regulations, as well as the laws and regulations governing set asides for small businesses seeking procurement contracts. The Department of Agriculture already has requirements for small business consideration for service contracts; therefore, there is no need to include the IRSCs in the small business timber sale set-aside program.

New market shares recently have been recomputed and announced for the next 5-year period ending in 2010. The Forest Service believes it now is appropriate to include stewardship contract sawlog volumes from 2400–13 and 13T contracts in the implementation of the small business timber sale set-aside program for 2005–2010, and including the results of these sales along with the regular timber sale program results when recomputing market shares for the period ending 2015.

The 70/30 rule for traditional timber sale contracts requires that at least 70 percent of the sawlog volume sold via a timber sale contract be processed by a small business manufacturer (FSH 2409.18, chapter 90). Because of unique aspects of stewardship contracting (such as offsetting the costs of services received by the value of timber or forest products contained in a stewardship

contract; and the nature of stewardship contracting which makes collection of money from a stewardship contract a secondary objective), it would not be appropriate to include the 70/30 requirement in the small business timber sale set-aside program.

Thus, the Forest Service proposes to amend the direction in FSH 2409.18, chapter 90 (the direction for the timber sale set-aside program) and the direction in FSH 2409.19, chapter 60—Stewardship Contracting, to include the sawlog volumes from projects sold as integrated resource contracts 2400–13 and 13T in the small business timber sale set-aside program. Further, disposal of the logs from IRCs would not be subject to the 70/30 processing requirement.

### Regulatory Certifications

#### *Regulatory Impact*

This proposed directive change has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant policy. This proposed change will not have an annual effect of \$100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This proposed policy will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this policy is not subject to OMB review under Executive Order 12866.

Moreover, this proposed directive change has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act.

#### *Environmental Impact*

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement “rules, regulations, or policies to establish service-wide administrative procedures, program processes, or instructions.” The agency’s assessment is that this proposed directive change falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an

environmental assessment or environmental impact statement.

#### *Unfunded Mandates Reform*

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the Department has assessed the effects of this proposed policy on State, local, and tribal governments and the private sector. This proposed directive change does not compel the expenditure of \$100 million or more by any State, local, or tribal governments, or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

#### *Controlling Paperwork Burdens on the Public*

This proposed directive change does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR part 1320 do not apply.

#### *No Takings Implications*

This proposed directive change has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and it has been determined that it would not pose the risk of a taking of private property as they are limited to the revision of administrative procedures.

#### *Civil Justice Reform*

This proposed directive change has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed change will direct the work of Forest Service employees and is not intended to preempt any State and local laws and regulations that might be in conflict or that would impede full implementation of this directive. The change would not retroactively affect existing permits, contracts, or other instruments authorizing the occupancy and use of National Forest System lands and would not require the institution of administrative proceedings before parties may file suit in court challenging its provisions.

Dated: June 21, 2006.

**Dale N. Bosworth,**

*Chief.*

[FR Doc. E6-12310 Filed 7-31-06; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Environmental Statements, Availability

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice of availability.

**SUMMARY:** The Natural Resources Conservation Service (NRCS) has prepared a Draft Areawide Environmental Impact Statement consistent with the National Environmental Policy Act of 1969, as amended, to disclose potential effects to the human environment.

The Watershed Plan and Areawide Environmental Impact Statement (EIS) for the Cape Cod Water Resources Restoration Project are combined into a single document. The purposes of the Project are to restore degraded salt marshes, restore anadromous fish passages, and improve water quality for shellfishing areas. Specifically, sponsors wish to:

1. Improve tidal flushing in salt marshes where man-made obstructions (i.e., road culverts) have restricted tidal flow. This will help restore native plant and animal communities in salt marshes, and improve biotic integrity.

2. Restore fish ladders and other fish passages that have deteriorated. This will allow greater numbers of anadromous fish (which spend most of their adult lives in salt water and migrate to freshwater streams, rivers, and lakes to reproduce; for example, alewife, blueback herring) to gain access to spawning areas, and support greater populations of other species (for example, striped bass, bluefish, weakfish, largemouth bass, chain pickerel) that depend on them for food.

3. Maintain and improve water quality affecting shellfish beds by treating stormwater runoff. This will help ensure that shellfish beds which are threatened with closure remain open, and maintain or extend the current shellfishing season for beds whose use is restricted during certain times of year.

This Project is needed because human activity on Cape Cod has degraded its natural resources, including salt marshes, anadromous fish runs, and water quality over shellfish beds. The

development of Cape Cod has required the construction of extensive road and railroad networks. Along the coast, culverts or bridges were needed for these networks to cross tidal marshes, and many of the openings through these structures are not large enough to allow adequate tidal flushing. When the culverts or bridges constrict flow, the tidal regime changes, which results in vegetation changes over time; what was once a thriving salt marsh can become a brackish or fresh water wetland dominated by invasive species. Together with funding from the Massachusetts Office of Coastal Zone Management (CZM), the Cape Cod Commission and the Buzzards Bay Project National Estuary Program identified over 182 sites where salt marshes have been altered by human activity.

Human activity on Cape Cod has also resulted in damming or diverting streams, causing anadromous fish to lose access to spawning grounds. In addition, water flow may have been altered by cranberry growers and other farmers. Fish ladders and other fish passage facilities have been built to help ensure that fish get access to spawning areas, but these structures deteriorate over time (end of design life), or they may be of obsolete design and need replacement to function properly. The Massachusetts Division of Marine Fisheries (DMF) identified 93 fish passage obstructions on Cape Cod.

Cape Cod's economy depends on good water quality. Shellfishing, a multi-million dollar industry on the Cape, is only allowed in areas with excellent water quality. As land is developed, and more areas are paved, stormwater runoff may become contaminated with nutrients, metals, fertilizers, bacteria, etc. This runoff may carry enough fecal coliform bacteria to affect water quality in shellfishing areas, thus leading to closure of shellfishing areas, or restrictions on the periods when the beds can remain open. DMF and town officials identified over 160 stormwater discharge points into shellfishing areas. By controlling sources of runoff, separating clean water from contamination sources, and capturing and treating the most heavily contaminated runoff through a variety of measures (e.g., infiltration, constructed wetlands).

Two alternatives were considered: Proposed Action/Recommended Plan and the No action alternative.

No Action would continue the declining trend of water quality of shellfish waters, impaired anadromous fish runs and degraded salt marshes.

The recommended plan is the Proposed Action (Cape Cod Water

Resources Restoration Project) because it maximizes ecological benefits and is the National Ecosystem Restoration (NER) Plan. The Recommended Plan achieves the desired level of improvement for the least cost. For each project type (shellfish, fish passage, and salt marsh), the Restoration Project would provide a greater number of habitat units and greater other environmental benefits than the No Action Alternative. NRCS has developed a list of 76 projects that will meet the sponsors' objectives. All of these projects have received a planning-level analysis to ensure that they appear feasible and capable of providing the habitat benefits sought through this areawide Project. When the Project is authorized and funded, the sponsors will propose specific projects to NRCS. NRCS will review each project in more detail to determine the most cost-effective practice for that site and to verify that the habitat objectives will be achieved.

The recommended plan would help to maintain or improve water quality in up to 26 shellfish areas affecting 7,300 acres of shellfish beds. Current laws and regulations require stormwater management for all new developments, which prevents or minimizes new development from causing the same water quality impairments that occurred in the past. The Project is expected to improve tidal flushing at 26 sites enhancing 1,500 acres of salt marsh. Current design guidelines prevent or minimize road or railroad construction from causing the same hydrological restrictions that occurred in the past. And through this Project it is expected that 24 fish passages on Cape Cod would be restored to full function improving access to 4,200 acres of spawning habitat.

Written comments regarding this Draft Areawide EIS should be mailed to: Cecil B. Currin, Cape Cod Water Resources Restoration Project EIS, USDA-NRCS, 451 West Street, Amherst, MA 01002. Comments may also be submitted by sending a facsimile to (413) 253-4395 or by e-mail to [cecil.currin@ma.usda.gov](mailto:cecil.currin@ma.usda.gov). Please include CCWRRP in the subject line.

Project information is also available on the Internet at <http://www.ma.nrcs.usda.gov/programs/CCWRRP>.

**DATES:** Comments must be received no later than 45 days after this notice is published.

**FOR FURTHER INFORMATION CONTACT:** Cecil B. Currin, State Conservationist, USDA Natural Resources Conservation Service, 451 West Street, Amherst, MA