

approximate position 42°24'08" N
086°17'03" W. Datum: NAD 1902.

Tulip Time Fireworks and Water Ski Show

Sponsor: Holland Tulip Time Festival Inc.

Date: 1st weekend of May.

Location: That portion of Lake Macatawa, Holland Harbor, east of a north-south line, from shore to shore, at position 086°08' W.

Tulip Time Water Ski Show

Sponsor: Holland Tulip Time Festival Inc.

Date: 2nd weekend of May.

Location: That portion of Lake Macatawa, Holland Harbor, east of a north-south line, from shore to shore, at position 086°08' W.

Van Andel Fireworks Show

Sponsor: Amway Corporation, Ada, MI.

Date: 4th of July Holiday.

Location: Lake Michigan, Holland Harbor, MI, South Pier, within a 1000 foot radius of the fireworks launching site located in approximate position 42°46'21" N 086°12'48" W.

Venetian Festival Fireworks Display

Sponsor: Venetian Festival on the St. Joseph River Inc.

Date: 3rd weekend of July

Location: St. Joseph River, within a 1,000-foot radius of the fireworks launching site, located at the St. Joseph South Pier, in approximate position 42°06'48" N 086°29'15" W.

Waves of Thunder Offshore Spectacular

Sponsor: Michigan Offshore Powerboat Racing Association

Date: 3rd weekend of June

Location: That portion of Lake Michigan, from the South Pierhead Light (LLNR 18520) south along the shoreline to:

Latitude	Longitude
42°19' N	086°19.3' W, thence to
42°19.5' N	086°19.8' W, thence to
42°23.9' N	086°18.7' W, thence to
42°23.9' N	086°17' W.

West Michigan Offshore Powerboat Challenge

Sponsor: Michigan Offshore Powerplant Racing Association

Date: 1st or 2nd weekend of September

Location: That portion of Lake Michigan from:

Latitude	Longitude
43°03.4' N	086°15.3' W (Grand Haven South Pierhead Entrance Light, LLNR 18965), thence along the break-water and shoreline to
42°54.8' N	086°13' W, thence to
42°54.8' N	086°15.7' W, thence to
43°03.4' N	086°15.7' W, thence to
43°03.4' N	086°15.3' W (Grand Haven South Pierhead Entrance Light, LLNR 18965).

Group Milwaukee, WI:

Chicago Air and Water Show

Sponsor: Chicago Park District
Date: 3rd or 4th weekend of August
Location: That portion of Lake Michigan from 41°55'54" N at the shoreline, then east to a point at 41°55'54" N 87°37'12" W, thence southeast to a point at 41°54' N 87°36' W, then a line drawn southwestward to the northeast corner of the Central District Filtration Plant Breakwall, thence due west to shore.

Festa Italiana

Sponsor: The Italian Community Center

Date: 3rd weekend of July
Location: The uncharted lagoon or basin in Milwaukee Harbor north of the mouth of the Milwaukee River and directly adjacent to the Summerfest grounds, enclosed by shore on the west and a "comma" shaped man-made rock wall on the east. The construction of the lagoon is such that a small "basin" has been created with one entrance located at the northwest end, thus, there is no "thru traffic".

Milwaukee Summerfest

Sponsor: Milwaukee World Festival, Inc.

Date: Last week of June through 2nd weekend of July

Location: the unchartered lagoon or basin in Milwaukee Harbor north of the mouth of the Milwaukee River and directly adjacent to the Summerfest grounds, enclosed by shore on the west and a "comma" shaped man-made rock wall on the east. The construction of the lagoon is such that a small "basin" has been created with one entrance located at the northwest end, thus, there is no "thru traffic". Four special buoys will be set by the sponsor to delineate the entrance to the lagoon.

Racine on the Lakefront Airshow

Sponsor: Rotary Club of Racine
Date: 2nd weekend of June

Location: That portion of Racine Harbor, Lake Michigan bounded by the following corner points:

Southeast Corner—42°41.95' N 87°45.5' W
Southwest Corner—42°41.95' N 87°47.2' W
Northwest Corner—42°45.6' N 87°46.2' W
Northeast Corner—42°45.6' N 87°45.5' W

* * * * *
Dated: January 25, 1996.

G.F. Woolever,
Rear Admiral, U.S. Coast Guard, Commander,
Ninth Coast Guard District.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

RIN 0596-AA26

Sale and Disposal of National Forest System Timber; Appraisal Procedures for Determining Fair Market Value

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment clarifies the appraisal procedures for determining fair market value when appraising timber on National Forest System lands for timber sale contracts. Currently, Forest Service regulations at 36 CFR 223.60 indicate an analytical or residual value appraisal procedure as the primary method for determining the fair market value of timber sold on national forests. This technical amendment removes the residual value appraisal procedure as the primary method for determining fair market value. The intended effect of this change is to clarify that the Chief of the Forest Service has the flexibility to select appropriate appraisal methods for determining fair market value of timber to be sold.

EFFECTIVE DATE: March 15, 1996.

FOR FURTHER INFORMATION CONTACT: Rex Baumbach, Timber Management Staff, (202) 205-0855.

SUPPLEMENTARY INFORMATION:

Background

The National Forest Management Act (16 U.S.C. 472a(a)) directs that all timber sold from the national forests be sold at not less than its appraised, or fair market, value. Under the current rule at 36 CFR 223.60, the basic procedure for determining fair market value is the analytical or residual value appraisal method. However, the regulation also

authorizes the use of other valid appraisal methods, as approved by the Chief, including the transaction evidence method. The analytical or residual value appraisal method determines fair market value by subtracting all manufacturing and harvesting costs and an allowance for profit and risk from the value received for the end products produced. The transaction evidence appraisal method determines fair market value based on the prices received for comparable sales of standing timber.

An Office of Inspector General audit (08627-3-SF, January 1986) recommended implementation of transaction evidence appraisals in the West. The audit found that implementing transaction evidence appraisals would bring bid values closer to advertised values, increase stumpage receipts, and reduce personnel costs. In response to this audit and pursuant to the existing rule, the Chief has approved the transaction evidence method for use in all Forest Service regions, except for Alaska (Region 10).

The current regulation was developed when the residual value appraisal method was the primary appraisal method used by all Forest Service regions. This rule does not prohibit or suspend use of the residual value appraisal method; it merely removes this method as the preferred method for determining fair market value for all timber sale contracts. Because of the narrow scope of this amendment, the Chief's authorization of the use of the transaction evidence appraisal method, and the growing use of that method of appraisal on timber sale contracts, the agency finds that this amendment is a technical amendment for which notice and comment pursuant to the Administrative Procedures Act (5 U.S.C. 553) is not necessary. National Forest System purchasers are aware of the agency's intention to use the transaction evidence appraisal method as the preferred method. Moreover, purchasers are familiar with other appraisal methods.

Regulatory Impact

This technical rule 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 rule. This rule will not have any effect on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This rule 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 rule is not subject to OMB review under Executive Order 12866.

Moreover, this rule 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 this act.

Environmental Impact

This action falls within a category of actions excluded from documentation in an Environmental Impact Statement and an Environmental Assessment. 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 rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Controlling Paperwork Burdens on the Public

This rule does not require any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR 1320 not already approved for use and, therefore, impose no additional paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and implementing regulations at 5 CFR part 1320 do not apply.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National forests, Reporting requirements, Timber sales.

Therefore, for the reasons set forth in the preamble, part 223 of title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 223—SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER

1. The authority citation continues to read as follows:

Authority: 90 Stat. 2958, 16 U.S.C. 472a; 98 Stat. 2213, 16 U.S.C. 618; 104 Stat. 714-726, 16 U.S.C. 620-620h, unless otherwise noted.

Section 223.60 is revised as follows:

§ 223.60 Determining fair market value.

The objective of Forest Service timber appraisals is to determine fair market value. Fair market value is estimated by such methods as are authorized by the Chief, Forest Service, through issuance of agency directives (36 CFR 200.4). Valid methods to determine fair market value include, but are not limited to, transaction evidence appraisals, analytical appraisals, comparison appraisals, and independent estimates based on average investments. Pertinent factors affecting market value also considered include, but are not limited to, prices paid and valuations established for comparable timber, selling value of products produced, estimated operating costs, operating difficulties, and quality of timber. Considerations and valuations may recognize and adjust for factors which are not normal market influences.

Mark A. Reimers,
Acting Chief.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AC82

Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1995-1996 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments

AGENCY: Forest Service, USDA, Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: These corrections amend the Subsistence Management Regulations for Public Lands in Alaska (published in the Federal Register on June 15, 1995) implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act of 1980.

EFFECTIVE DATE: These corrections are effective July 1, 1995 through June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3864. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA—Forest