

Notices

Federal Register

Vol. 60, No. 20

Tuesday, January 31, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Stewardship Incentive Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable from Income Under Section 126 of the Internal Revenue Code

AGENCY: Office of the Secretary, USDA.
ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that certain Federal cost-share payments made to individuals under the Stewardship Incentive Program (SIP) are made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, and providing a habitat for wildlife. This determination is made in accordance with Section 126(b) of the Internal Revenue Code and permits recipients of these cost-share payments to exclude them from gross income for Federal income tax purposes to the extent allowed by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Director, Cooperative Forestry Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090, (202) 205-1389.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, 26 U.S.C. 126, provides that certain cost-sharing payments made to persons under certain small watershed programs administered by the Secretary of Agriculture which are determined by the Secretary of the Treasury or his delegate to be substantially similar to the type of programs described in Section 126(a) (1) through (8) may be excluded from the recipients' gross income for Federal income tax purposes if certain determinations are made. One

such determination is a determination by the Secretary of Agriculture that payments are made "primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." To make a "primary purpose" determination, the Secretary evaluates a cost-share conservation program based on criteria set forth at 7 CFR Part 14. Following a determination by the Secretary of Agriculture, the Secretary of the Treasury must then determine that payments made under these conservation programs do not substantially increase the annual income derived from the property benefited by the payments.

The Stewardship Incentive Program is a cost-sharing conservation program administered by the Department of Agriculture under the authority of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990, Pub. L. No. 101-624, 104 Stat. 3359, 3521 (codified at 16 U.S.C. 2103b). The Commissioner of the Internal Revenue Service issued Revenue Ruling 94-27 on April 11, 1994, which sets forth his determination that the Stewardship Incentive Program is substantially similar to the type of program described in Section 126(a)(1) through (8), so that Section 126 improvements made in connection with small watershed and under the Stewardship Incentive Program are within the scope of Section 126(a)(9).

The Stewardship Incentive Program provides cost-share assistance to private nonindustrial landowners to implement approved forestry practices on their forest land. The conservation objectives of the program are referred to specifically in House Conference Report No. 101-916 which provides the practices must include (1) management of forests for conservation purposes; (2) sustainable timber production; (3) protection and management of wetlands; (4) management of native vegetation; (5) agroforestry; (6) forest management for energy conservation purposes; (7) management for fish and wildlife; (8) management for recreation; and (9) other activities approved by the Secretary.

This program is administered by the Forest Service, Department of Agriculture, through state forestry agencies nationwide. Each state forester,

in consultation with the State Forest Stewardship Committee, determines cost-share levels, practice priorities, and minimum acreage requirements. The Consolidation Farm Service Agency, Department of Agriculture, provides administrative assistance by accepting applications and arranging for disbursement of payments. Technical responsibilities for SIP practices may be assigned to other agencies and resource professionals through memoranda for understanding and cooperative agreements. The program regulations are set forth at 36 CFR part 230, State and Private Forestry Assistance; Stewardship Incentive Program, Interim Rule.

The overall goal of the Stewardship Incentive Program is to enhance forest management on private lands through a long term commitment to stewardship. Under this program, eligible landowners may receive up to 75 percent cost-sharing to install approved practices to: establish and manage forests for conservation and timber production; protect forested wetlands and riparian areas; improve water quality and soil productivity; enhance fish and wildlife habitat; and establish windbreaks. The cost-share payments may not exceed \$10,000 per owner per fiscal year. Eligible landowners must agree to follow a Forest Stewardship Management Plan developed by a professional resource manager in accordance with the landowner's goals. Landowners are required to maintain and protect SIP funded practices for a minimum of 10 years.

Program objectives are achieved through the development and implementation of a forest stewardship management plan approved by a professional resource manager for an eligible landowner. To obtain approval, the plan must include forest management practices that ensure both forest productivity and environmental protection of the lands to be treated under the management plan. Program objectives are further achieved through the installation of approved multi-resource management activities aimed at enhancing management of nonindustrial private forest lands for economic, environmental and social benefits.

Having carefully examined the authorizing legislation, regulations, and operating procedures for the Stewardship Incentive Program using

the criteria set forth at 7 CFR part 14, the Secretary of Agriculture has concluded that the cost-share payments for implementing approved practices under this program are made to eligible persons primarily for the purposes of conserving soil and water resources, protecting or restoring the environment, improving forests, and providing a habitat for wildlife.

Determination

As required by section 126(b) of the Internal Revenue Code, the authorizing legislation, regulations, and operating procedures regarding the Stewardship Incentive Program have been examined in accordance with the criteria set out at 7 CFR part 14. Based on this examination, I hereby determine that those cost-share payments made for planning and installing approved practices under this program are primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, and providing a habitat for wildlife. Subject to further determination by the Secretary of the Treasury, that payments made under these conservation programs do not substantially increase the annual income derived from the property benefited by these payments, this determination permits payment recipients to exclude from gross income, for Federal income tax purposes, all or part of the cost-share payments made under said program to the extent allowed by the Internal Revenue Service.

Dated: January 24, 1995.

Richard Rominger,

Acting Secretary of Agriculture.

[FR Doc. 95-2356 Filed 1-30-95; 8:45 am]

BILLING CODE 3410-11-M

Economic Research Service

National Agricultural Cost of Production Standards Review Board: Meeting Notice

The National Agricultural Cost of Production Standards Review Board will meet on February 13-14, 1995, in the Economic Research Service Building, 1301 New York Avenue NW., Washington, D.C.

The purpose of this meeting is to discuss general issues related to USDA's estimation of enterprise costs of production. The first session of the meeting will be 8:00 a.m.-12:00 noon on February 13, 1995. Subsequent sessions will be held from 1:30 p.m.-5:00 p.m. on February 13, and 8:00 a.m.-12 noon on February 14.

All sessions will be open to members of the public who wish to observe. Written comments may be submitted before or after the meeting to Richard Long, Acting Director, ARED-ERS-USDA, Room 314, 1301 New York Avenue NW., Washington D.C. 20005-4888.

This meeting is authorized by 7 USC 4104, as amended. For further information, contact Jim Ryan at (202) 219-0796.

Kenneth L. Deavers,

Acting Administrator.

[FR Doc. 95-2349 Filed 1-30-95; 8:45 am]

BILLING CODE 3410-18-M

Grain Inspection, Packers and Stockyards Administration

Opportunity to Comment on the Applicant for the Champaign (IN) Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA requests comments on the applicant for designation to provide official services in the geographic area currently assigned to Champaign-Danville Grain Inspection Departments, Inc. (Champaign).

DATES: Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by February 28, 1995.

ADDRESSES: Comments must be submitted in writing to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36JHART]. ATTMAIL and FTS2000MAIL users may respond to !A36JHART. Telecopier (FAX) users may send comments to the automatic telecopier machine at 202-720-1015, attention: Janet M. Hart. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 2, 1994, **Federal Register** (59 FR 61868), GIPSA asked persons interested in providing official

services in the geographic area assigned to Champaign to submit an application for designation. Champaign, the only applicant, applied for designation to provide official inspection services in the entire area currently assigned to them.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning Champaign. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of Champaign. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicant written notification of the decision.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: January 23, 1995

Neil E. Porter

Director, Compliance Division

[FR Doc. 95-2319 Filed 1-30-95; 8:45 am]

BILLING CODE 3410-EN-F

Designation for the Frankfort (IN) Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Frankfort Grain Inspection, Inc. (Frankfort), to provide official services under the United States Grain Standards Act, as amended (Act). **EFFECTIVE DATES:** March 1, 1995.

ADDRESSES: Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

FOR FURTHER INFORMATION CONTACT: Janet M Hart, telephone 202-720-8525

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the September 1, 1994, **Federal Register** (59 FR 45258), GIPSA asked persons interested in providing official services in the geographic area assigned to Frankfort to submit an application for designation. Applications were due by September 30, 1994.