

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****Lost River Watershed, Hardy County, WV**

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

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR part 650); the Natural Resources Conservation Service (NRCS), U. S. Department of Agriculture, is giving notice that an environmental impact statement (EIS) will be prepared regarding Site 16, Lower Cove Run, in the Lost River Subwatershed of the Potomac River Watershed, Hardy County, West Virginia. (This Notice of Intent supersedes a previously published **Federal Register** in the Notices Section on April 10, 2006 (71 FR 18603), and includes an announcement of a public scoping meeting.)

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Hilliard, State Conservationist, Natural Resources Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone (304) 284-7545.

**SUPPLEMENTARY INFORMATION:** In October 1974, the Lost River Subwatershed Work Plan—Final Environmental Impact Statement was prepared and was approved for operations on February 11, 1975, under authority of the Flood Control Act, Public Law 534. The approved work plan included provisions for land treatment measures covering 94,750 acres, four single-purpose floodwater retarding impoundments and one multiple-purpose floodwater retarding and recreation impoundment. Two of the single-purpose floodwater retarding impoundments (Site 4, Kimsey Run and Site 27, Upper Cove Run) have been installed. In March 2001, the watershed plan was amended to add 400 acre-feet of rural water supply storage as a purpose for Site 10 (Camp Branch). The impoundment at Site 10 was completed in September 2005. Site 23, Culler Run, was determined to be not feasible due to engineering and geological concerns and will be eliminated as a component of the Lost River Watershed Project.

Planning is now underway for Site 16, Lower Cove Run which will be the

subject of the EIS. Site 16 was originally planned as a multiple-purpose floodwater retarding and recreation structure. At the request of the local sponsoring organizations, the recreation component of Site 16 has been eliminated (other than incidental recreational uses) and the purpose of rural water supply has been added for this impoundment. Alternatives currently identified to be addressed in this EIS include the No Action Alternative and Alternative 1, Construction of Dam at Site 16.

The NRCS has determined that this federally assisted action may have the potential for significant local, regional, or national impacts on the environment. As a result of these findings, and due to the age of the original EIS for the watershed, Ronald L. Hilliard, State Conservationist, has determined that the preparation and review of a new environmental impact statement is warranted. Since one of the current identified alternatives would impound water on a small portion of National Forest System Land, the U. S. Forest Service will be a cooperating agency.

A draft environmental impact statement (DEIS) will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the DEIS. A scoping meeting (workshop) will be held on Tuesday August 1, 2006, at the East Hardy High School in Baker, WV. The workshop will be held from 4 p.m. through 7 p.m. Those attending will have the opportunity to inquire about the project and to provide input to determine the scope of the evaluation of the proposed action. The goals of the workshop will be to identify public and agency concerns, environmental issues, and other possible alternatives to be discussed in the DEIS. Further information on the proposed action may be obtained from Ronald L. Hilliard, State Conservationist, at the above address or telephone (304) 284-7545.

July 3, 2006.

**Ronald L. Hilliard,**

*State Conservationist.*

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**BILLING CODE 3410-16-P**

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****Meeting With Interested Public on the Proposed Rule: Revisions and Clarification of Export and Reexport Controls for the People's Republic of China (PRC); New Authorization Validated End-User**

**ACTION:** Notice.

**SUMMARY:** The Bureau of Industry and Security (BIS) will hold a meeting on July 17, 2006 for those companies, organizations, and individuals that have an interest in understanding the United States' revised policy for exports and reexports of dual-use items to the People's Republic of China (PRC) as presented in the proposed rule published in the **Federal Register** on July 6, 2006. U.S. Government officials will explain the amendments proposed in the rule and answer questions from the public.

**DATES:** The meeting will be held on July 17, 2006 at 2 p.m.

**ADDRESSES:** The meeting will be held at the U.S. Department of Commerce, Herbert C. Hoover Building, Main Auditorium, 14th Street between Pennsylvania Avenue and Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** In order for BIS to prepare for those who plan to attend the meeting, please provide your name and company or organizational affiliation to fax number (202) 482-4094, Attn: China Policy Briefing. For further information, please contact Judith Peterson at BIS on (202) 482-0092.

*Status:* This meeting will be open to the public.

**SUPPLEMENTARY INFORMATION:****Background**

On July 6, 2006, the Bureau of Industry and Security published a rule in the **Federal Register** that proposed amendments to the Export Administration Regulations (EAR) that would revise and clarify the United States' policy for exports and reexports of dual-use items to the People's Republic of China (PRC). Specifically, the proposed rule states that it is the policy of the United States Government to prevent exports that would make a material contribution to the military capability of the PRC, while facilitating U.S. exports to legitimate civil end-users in the PRC. Consistent with this policy, BIS proposes to amend the EAR by revising and clarifying United States licensing requirements and licensing

policy on exports and reexports of goods and technology to the PRC.

The proposed amendments include a revision to the licensing review policy for items controlled on the Commerce Control List (CCL) for reasons of national security, including a new control based on knowledge of a military end-use on exports to the PRC of certain CCL items that otherwise do not require a license to the PRC. The items subject to this license requirement will be set forth in a list. This rule further proposes to revise the licensing review policy for items controlled for reasons of chemical and biological proliferation, nuclear nonproliferation, and missile technology for export to the PRC, requiring that applications involving such items be reviewed in conjunction with the revised national security licensing policy.

This rule proposes the creation of a new authorization for validated end-users in certain destinations, including the PRC, to whom certain, specified items may be exported or reexported. Such validated end-users would be placed on a list in the EAR after review and approval by the United States Government.

Finally, this rule proposes to require exporters to obtain End-User Certificates, issued by the PRC Ministry of Commerce, for all items that both require a license to the PRC for any reason and exceed a total value of \$5,000. The current PRC End-Use Certificate applies only to items controlled for national security reasons. This rule also proposes to eliminate the current requirement that exporters submit PRC End-User Certificates to BIS with their license applications but provides that they must retain them for five years.

**Bernard Kritzer,**

*Acting Deputy Assistant Secretary for Export Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070506D]

RIN 0648-AU25

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Regional Administrator, Southwest Region, NMFS has made a preliminary determination that an application for an exempted fishing permit (EFP) warrants further consideration. The application was submitted to NMFS by the Federation of Independent Seafood Harvesters (FISH), requesting an exemption from the fishing prohibitions within the Pacific Leatherback Conservation Area in the exclusive economic zone (EEZ) off California and Oregon. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Highly Migratory Species (HMS) Fishery Management Plan (FMP). However, further review and consultation is necessary before a final determination is made to issue the EFP. Therefore, NMFS proposes to review the EFP and requests public comment on the application.

**DATES:** Comments must be received by August 10, 2006.

**ADDRESSES:** You may submit comments on this notice, identified by "I.D. 070506D" by any of the following methods:

- E-mail: 0648-AU25.SWR@noaa.gov. Include the I.D. number in the subject line of the message.
- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.
- Fax: (562) 980-4047.

**FOR FURTHER INFORMATION CONTACT:**

Mark Helvey, Southwest Region, NMFS, (562) 980-4040.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted by FISH on April 16, 2006. The EFP would exempt a limited number of drift gillnet federally permitted commercial fishing vessels from the following requirement of the FMP: prohibition on fishing drift gillnet gear from August 15 through November 15 in the area as specified at 50 CFR 660.713(c)(1).

At its June 2005 meeting, the Council directed its HMS Management Team (MT) and HMS Advisory Subpanel (AS) to begin developing proposals to change the Federal regulatory structure for the drift gillnet (DGN) fishery. It was determined that there was insufficient information available to support a regulatory amendment eliminating the Pacific leatherback conservation area closure. FISH applied for an EFP that is intended as a means to gather

information under controlled conditions, specifically about levels of fishing effort that would occur and the impact of that fishing to leatherback sea turtles. The HMS MT developed a suite of alternatives for the EFP and prepared a draft Environmental Assessment (EA). In March 2006, the Council adopted a preferred alternative for conditioning the EFP and forwarded that alternative to NMFS, recommending that the agency review the proposed EFP and, if consistent with Federal law, issue the permit.

The EFP would authorize approximately 30 vessels to fish from August 15, 2006, to November 15, 2006, in an area off the U.S. West Coast of California and Oregon defined as the Pacific Leatherback Conservation Area within the Federal EEZ. The EFP would allow a maximum of 300 DGN sets, and would require 100 percent observer coverage for all fishing under the EFP. The fishery would be managed through limits on the amount of incidental take of protected species. The proposed EFP would impose a limit of two leatherback sea turtles that may be incidentally taken during the course of fishing under the EFP and limit to one the number of serious injuries or mortalities to humpback whale (*Megaptera novaeangliae*), short-finned pilot whale (*Globicephala macrorhynchus*), or sperm whale (*Physeter macrocephalus*). If any one of these limits is reached by the fishery authorized by the EFP, the EFP would be immediately revoked.

Aside from the exemption described above, vessels fishing under the EFP would be subject to all other regulations implementing the HMS FMP, including measures to protect sea turtles, marine mammals, and sea birds.

The EFP application is for 2006 only. The applicant has requested preliminary consideration by the Council of a similar EFP fishery in 2007. Pending results of the 2006 EFP fishery, the EFP may be renewed in 2007, however a final decision will not be made until summer of 2007.

In accordance with NOAA Administrative Order 216-6, an appropriate National Environmental Policy Act document will be completed prior to the issuance of the EFP. A draft EA on the EFP was presented to the Council and public in March 2006. Further review and consultation is necessary before a final determination is made to issue the EFP. As required in Section 7(a)(2) of the Endangered Species Act (16 U.S.C. § 1531 *et seq.*), NMFS is engaged in formal consultation to determine if the proposed action is likely to jeopardize the continued existence and recovery of any