

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

### Agricultural Marketing Service

[Doc. No. AMS–NOP–16–0028; NOP–16–01]

#### National Organic Program: Notice of Draft Guidance on Treated Lumber

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of availability of draft guidance with request for comments.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing the availability of a draft guidance document intended for use by accredited certifying agents and organic producers. The draft guidance document is entitled: Treated Lumber (NOP 5036). This draft guidance document is intended to inform the public of the National Organic Program's (NOP) current thinking on this topic. The AMS invites interested parties to submit comments about these guidance provisions.

**DATES:** To ensure that NOP considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written comments on the draft guidance by October 31, 2016.

**ADDRESSES:** Submit written requests for hard copies of this draft guidance to Devon Pattillo, Agricultural Marketing Specialist, National Organic Program (NOP), USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250–0268. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

You may submit comments on this draft guidance document by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Devon Pattillo, Standards Division, National Organic Program,

USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250–0268.

**Instructions:** Written comments responding to this request should be identified with the document number AMS–NOP–16–0028; NOP–16–01. You should clearly indicate your position and the reasons supporting your position. If you are suggesting changes to the draft guidance document, you should include recommended language changes, as appropriate, along with any relevant supporting documentation.

USDA intends to make available all comments, including names and addresses when provided, regardless of submission procedure used, on [www.regulations.gov](http://www.regulations.gov) and at USDA, AMS, NOP, Room 2646-South building, 1400 Independence Ave. SW., Washington, DC, from 9 a.m. to noon and from 1 to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South building to view comments from the public to this notice are requested to make an appointment by calling (202) 720–3252.

#### FOR FURTHER INFORMATION CONTACT:

Devon Pattillo, Agricultural Marketing Specialist, National Organic Program (NOP), USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250–0268; Telephone: (202) 720–3252; Fax: (202) 260–9151; Email: [NOP.Guidance@ams.usda.gov](mailto:NOP.Guidance@ams.usda.gov); or visit the NOP Web site at: [www.ams.usda.gov/nop](http://www.ams.usda.gov/nop).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The draft guidance document announced through this document was developed to clarify the requirements and limitations of the prohibition on treated lumber in organic production. USDA organic regulations (7 CFR part 205) prohibit use of lumber treated with arsenate or other non-allowed synthetic substances in contact with soil and livestock (7 CFR 205.206). Non-allowed synthetic substances include all synthetic substances that are not specifically included on the “National List” at 7 CFR 205.601 through 205–606.

The document provides guidance for certifying agents, organic producers, and other interested parties on compliance with 7 CFR 205.206(f), including:

- How lumber treated with prohibited substances affects a producer's timeline for obtaining certification;

- Where lumber treated with prohibited substances can and cannot be placed on organic farms, for new installations or replacement of existing lumber;

- How organic producers can prevent crops and livestock from contacting lumber treated with prohibited substances.

A notice of availability of final guidance on this topic will be issued upon its final approval. Once finalized, this guidance will be available in “The Program Handbook: Guidance and Instructions for Accredited Certifying Agents (ACAs) and Certified Operations”. This Handbook provides those who own, manage, or certify organic operations with guidance and instructions that can assist them in complying with the USDA organic regulations. The current edition of the Program Handbook is available online at <http://www.ams.usda.gov/rules-regulations/organic> or in print upon request.

##### II. Significance of Guidance

This draft guidance document is being issued in accordance with the Office of Management and Budget (OMB) Bulletin on Agency Good Guidance Practices (GGPs) (January 25, 2007, 72 FR 3432–3440).

The purpose of GGPs is to ensure that program guidance documents are developed with adequate public participation, are readily available to the public, and are not applied as binding requirements. This draft guidance represents NOP's current thinking on the topic. It does not create or confer any rights for, or on, any person and does not operate to bind the NOP or the public. Guidance documents are intended to provide a uniform method for operations to comply that can reduce the burden of developing their own methods and simplify audits and inspections. Alternative approaches that can demonstrate compliance with the Organic Foods Production Act (OFPA), as amended (7 U.S.C. 6501–6522), and its implementing regulations are also acceptable. As with any alternative compliance approach, NOP strongly encourages industry to discuss alternative approaches with NOP before implementing them to avoid unnecessary or wasteful expenditures of

resources and to ensure the proposed alternative approach complies with the Act and its implementing regulations.

### III. Electronic Access

Persons with access to Internet may obtain the draft guidance at either NOP's Web site at <http://www.ams.usda.gov/rules-regulations/organic> or <http://www.regulations.gov>. Requests for hard copies of the draft guidance documents can be obtained by submitting a written request to the mailing address listed in the **ADDRESSES** section of this document.

**Authority:** 7 U.S.C. 6501-6522.

Dated: August 25, 2016.

**Elanor Starmer,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2016-20808 Filed 8-30-16; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Beartooth Ranger District, Custer Gallatin National Forest; Carbon County, Montana; Greater Red Lodge Vegetation and Habitat Management Project**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; intent to prepare a supplemental environmental impact statement.

**SUMMARY:** The USDA Forest Service will prepare a Supplement to the Greater Red Lodge Vegetation and Habitat Management Project Final Environmental Impact Statement (EIS) to address the Forest Service's recent analysis and to determine whether a change in the Records of Decision are required.

**DATES:** The Forest Service will complete a final Supplemental EIS through preparing a draft Supplemental EIS by the fall of 2016. Once the Notice of Availability of the draft Supplemental EIS is published a required 45-day public comment period begins, 36 CFR 218.24(b)(5). At the conclusion of the 45-day period the Forest Service will (1) review and respond to comments and make necessary adjustments (based on comments) and prepare a final Supplemental EIS and (2) prepare a draft Record of Decision ("ROD") which will include a determination of whether changes are needed in the May 19, 2015 Records of Decision. Publication of the notice of opportunity to object to the final Supplemental EIS and draft ROD initiates the required 45-day objection period, 36 CFR 218.7(b), 218.26(a).

Forest Service regulations then provide the Reviewing Officer 45 days to review the objections (with the discretion to extend the time up to 30 days), 36 CFR 218.26(b), after which the Agency must respond to any instructions by the Reviewing Officer prior to signing the ROD, 36 CFR 218.12. The Forest Service anticipates signing the final ROD in April 2017.

**ADDRESSES:** The line officer responsible for the decision is the Forest Supervisor for the Custer Gallatin National Forest, 10 East Babcock, Bozeman, MT 59715.

**FOR FURTHER INFORMATION CONTACT:** Until October 1, 2016, Mark Slacks, Team Leader, at (406) 255-1450. After October 1, 2016, Amy Waring, (406) 255-1451. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On May 19, 2015, Forest Supervisor, Mary Erickson, approved two Records of Decision—one for the Greater Red Lodge Vegetation and Habitat Management Project (Project) and one for the Reconstruction of Nichols Creek Road. Both of these decisions were based on the Greater Red Lodge Vegetation and Habitat Management Project Final EIS. The Project encompasses approximately 21,871 acres in wildland urban interface (WUI) in Carbon County, Montana. The purposes of the project are to reduce high-intensity wildfire within the WUI, improve and maintain forest health, and improve water quality. Vegetation management proposed in the project area consists of both commercial and non-commercial vegetation fuels treatment on about 1,800 acres of land. In addition to vegetation management, the Project would decommission 3.9 miles of existing roadway. The RODs, final EIS, and supporting documents for the Project can be found at <http://www.fs.usda.gov/project/?project=41368&exp=detail>.

On Tuesday, June 28, 2016, the Forest Service suspended the Greater Red Lodge Area (GLRA) Stewardship Integrated Resource Timber Contract, Contract #02-200866 implementing the two RODs. No activity under the contract can occur until the suspension is lifted. The Project was suspended because the Forest Service recently discovered that the analysis of lynx critical habitat underestimated the number of acres of matrix habitat affected by the Project. At a minimum, the Forest Service will reanalyze the impacts of the Project on lynx critical habitat, in light of the corrected acres of

matrix habitat. The Forest Service will not take any on-the-ground action to implement the Project until re-initiation of Endangered Species Act consultation is complete, a Supplemental EIS is issued, and the agency makes new decisions either affirming the current project or modifying the project based on the new analysis.

**Nature of Decision To Be Made:** The Forest Service will conduct a supplemental EIS analysis and issue a new ROD which will either affirm the existing agency decisions or will determine whether a new decision is necessary.

**Scoping Process:** Scoping is not required for supplements to environmental impacts statements, pursuant to 40 CFR 1509.9(c)(4). Scoping was conducted for the original EIS on June 14, 2012, and February 22, 2013. The supplement will be subject to notice and comment, as well as a predecisional administrative objection process (36 CFR part 218, subparts A and B).

Dated: August 24, 2016.

**Mary C. Erickson,**

*Forest Supervisor.*

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**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Black Hills National Forest Advisory Board**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 *et seq.*), the National Forest Management Act of 1976 (16 U.S.C. 1612), and the Federal Public Lands Recreation Enhancement Act (Pub. L. 108-447). Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's Web site at: <http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees>.

**DATES:** The meeting will be held on Wednesday, September 21, 2016, at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please