



**File Code:** 2430  
**Route To:** 2430

**Date:** December 10, 2018

**Subject:** SBA Structural Change Trinity Market Area Share Percentage Decision  
**To:** Shasta-Trinity National Forest Timber Purchasers and Interested Parties

In my letter dated October 30, 2018, you were notified of the proposed small business share for the Trinity Market Area of the Shasta-Trinity National Forest as a result of the Structural Change Decision letter dated May 13, 2016. The share was recomputed after consultation with the Small Business Administration and in accordance with procedures governing the SBA program as outlined in Forest Service Handbook 2409.18, Chapter 90. Comments were solicited from qualifying timber sale purchasers and interested parties. A thirty-day review and comment period was provided to give you an opportunity to address the proposed share and the information used in the recomputation analysis.

Pursuant to the provisions of the Small Business Timber Sale Set-Aside Program, I have considered the comments received and have made my decision for the final share percentage.

#### DECISION:

Based on comments received that an error occurred in my pre-decisional notice, the structural change has been recomputed. My decision is to establish the corrected small business share of 7 percent for the Trinity Market Area of the Shasta-Trinity National Forest as a result of the structural change recomputation. In addition, zero ccf volume will be carried forward. This decision is effective for the period beginning October 1, 2018. An explanation of the error is identified in the response below.

#### ISSUES IDENTIFIED and RESPONSE:

Contacts were made by letter with individuals, firms and associations that might have been affected by the recomputation of small business shares. Four written comments were received, two from small business and two from large business.

Two responses received addressed issues in regards to Forest Service Handbook direction in FSH 2409.18, 91.22b –Structural Change Recomputation in Regions 1-6, last paragraph states “*Structural change recomputations are not subject to the limitations on the amount of share change applicable to scheduled recomputations, but are subject to the lower limit of one-half the established base share and the upper limit of 80 percentage points.*”

After reviewing comments and direction it is apparent the automated worksheet used to determine the new share percentage used the limitations applicable to scheduled recomputations under FSH 2409.18, 91.22a in error.



There were no sales purchased by Small Business, thus 0 ccf divided by 4210 = 0 percent. Under 91.22b the only limitation applicable is in the range of the lower limit of one-half the established base share and upper limit of 80 percentage points. Under FSH 2409.18, 91.22b the corrected new share percentage would be 7 percent (one-half the base share).

#### APPEAL OPPORTUNITY:

Small business share decisions may be appealed under 36 CFR 223.118 which governs the appeal process for small business timber sale program share recomputations. As defined in 36 CFR 223.118(c), only those timber sale purchasers, or their representatives, who are affected by the recomputation of the small business share of timber sales and who submitted pre-decisional written comments may appeal the final decision made by the Forest Supervisor. If comments were submitted only through an association but not by the individual member, the individual may be ineligible to appeal the decision or file comments on an appeal.

This decision may be appealed pursuant to 36 CFR 223.118 by filing a written notice of appeal in duplicate to:

Regional Forester, Pacific Southwest Region  
ATTN: Tim Howard  
1323 Club Drive  
Vallejo, CA 94592

Any written Notice of Appeal of this decision must be fully consistent with 36 CFR 223.118(f), Content of Notice of Appeal, must include reasons for appeal and must be postmarked by January 09, 2019 which is 30 days from the date of this notice of decision.

The Forest Service administers the Small Business Timber Sale Program under provisions outlined in Forest Service Manual FSM 2439 and Forest Service Handbook FSH 2409.18, Chapter 90. You may obtain information on the share recomputation and appeal procedures from the Forest Supervisor's Office or the Small Business Administration Representative:

Forest Supervisor, Shasta-Trinity National Forest  
Attn: Laurie Magliano  
3644 Avtech Parkway  
Redding, CA 96002  
(530) 226-2421

SBA Timber Programs  
Attn: John Bagaason  
2401 Fourth Ave, Suite 450  
Seattle, WA 98121  
(206) 553-8546

*Luis Shoemah*  
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FOR  
TERRI SIMON-JACKSON  
Deputy Forest Supervisor

cc: Tim Howard