

Does the size or creditworthiness of the loan originator influence the level of scrutiny of individual loans?

(f) How has warehouse lending evolved since HUD issued its regulations on table funding and secondary market transactions in 1994?

(2) What particular characteristics distinguish warehouse lending from retail lending? What is the role of warehouse lending within the primary mortgage market versus the secondary market?

(3) What distinguishes the funding of a mortgage loan from a sale of the mortgage loan in the secondary market? For example, what characteristics indicate a bona fide transfer of the loan obligation, such that the transaction would be a secondary market transaction that is not covered by HUD's RESPA regulations?

What are the basic mechanics for the sale of a loan by a warehouse lender into the secondary market? Specifically, what are the mechanics for identifying, locating, and transferring mortgages to secondary market participants, and what are the respective roles of each of the parties involved in these activities?

Do warehouse lenders sell directly to the secondary market? Do warehouse lenders utilize loan originators in the sale of loans into the secondary market? If so, how?

Do warehouse lenders participate in purchasing loans in the secondary market? If so, do warehouse lenders purchase loans from loan originators with whom they have a warehouse lending relationship? Do the criteria for purchase from a loan originator within the warehouse lending relationship differ from the criteria for purchase from a loan originator without this relationship?

Is there a need to clarify the secondary market exemption as set forth in 24 CFR 3500.5(b)(7)? If so, how should the exemption be clarified?

(4) What role does a warehouse lender play in a table funded transaction?

Does a warehouse lender fund loans at settlement contemporaneously with assignment of the loans to the warehouse lender by the loan originator, or contemporaneously with receiving some other evidence of a debt obligation from the loan originator?

(5) What, if any, characteristics distinguish a table funded transaction completed by a mortgage broker from a loan made by a mortgage banker who has an advance commitment to sell the loan after settlement?

(6) Does a warehouse lender fund mortgage loans within the meaning of "settlement service" as that term is

defined in section 2 of RESPA and 24 CFR 3500.2?

(7) What factors determine who is identified as the payee on the mortgage loan note?

(8) Have concerns about protection under bankruptcy laws influenced changes in how warehouse lenders operate in relation to loan originators? If so, what concerns, and what changes have resulted?

(9) What do warehouse lenders regard as being their obligations for providing the disclosures required under RESPA? For example, in a mortgage loan transaction that involves a warehouse lender, what is the warehouse lender's obligation with regard to providing a good faith estimate disclosure to the borrower?

(10) Do consumers or others have concerns with regard to mortgage industry participants' current interpretation of HUD's secondary market exemption, including the impact that such interpretations may have on consumers regarding coverage of RESPA disclosures and Section 8 protections against kickbacks and referral fees?

**Authority:** 12 U.S.C. 2601–2617; 42 U.S.C. 3535(d).

Dated: November 16, 2010.

**Helen R. Kanovsky,**  
*General Counsel.*

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## DEPARTMENT OF THE INTERIOR

### Central Utah Project Completion Act

**AGENCY:** Department of the Interior, Office of the Assistant Secretary—Water and Science.

**ACTION:** Notice of availability of the Finding of No Significant Impact (FONSI) and associated Final Environmental Assessment (EA)—Realignment of a Portion of the Utah Lake Drainage Basin Water Delivery System.

**SUMMARY:** On November 15, 2010, the Department of the Interior (Interior), signed a FONSI associated with the Final EA—Realignment of a Portion of the Utah Lake Drainage Basin Water Delivery System. Interior has determined that the proposed action as detailed in the FONSI will not have a significant impact on the quality of the human environment, and that an environmental impact statement is not required.

**ADDRESSES:** Copies of the EA and FONSI are available for inspection at:

- Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058–7303.

- Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606.

The documents are also available at <http://www.cuwcd.com> and <http://www.cupcao.gov>.

**FOR FURTHER INFORMATION:** Contact Mr. Lee Baxter, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606; (801) 379–1174; e-mail at [lbaxter@uc.usbr.gov](mailto:lbaxter@uc.usbr.gov).

Date: November 17, 2010.

**Reed R. Murray,**

*Program Director, Central Utah Project Completion Act, Department of the Interior.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R1–ES–2010–N227; 10120–1113–0000–C4]

### Endangered and Threatened Wildlife and Plants; 5-Year Status Reviews of 58 Species in Washington, Oregon, California, and Hawaii

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are initiating 5-year reviews for 58 species in Washington, Oregon, California, and Hawaii under the Endangered Species Act of 1973, as amended (Act). We request any new information on these species that may have a bearing on their classification as endangered or threatened. Based on the results of our 5-year reviews we will determine whether these species are properly classified under the Act.

**DATES:** To ensure consideration in our reviews, we are requesting submission of new information no later than January 24, 2011. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For the 52 species in Hawaii (see Table 1 below), submit information to: Field Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3–122, Box 50088, Honolulu, HI 96850. Information can also be submitted by e-mail to: [pifwo-5yr-review@fws.gov](mailto:pifwo-5yr-review@fws.gov).

For the Oregon silverspot butterfly, northern spotted owl, and *Stephanomeria malheurensis*, submit

information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE. 98th Avenue, Suite 100, Portland, OR 97266.

Information can also be submitted by e-mail to: [fw1orfiveyearreview@fws.gov](mailto:fw1orfiveyearreview@fws.gov).

For the Columbian white-tailed deer, *Hackelia venusta*, and *Sidalcea oregana var. calva*, submit information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Dr. SE., Suite 102, Lacey, WA 98503.

**FOR FURTHER INFORMATION CONTACT:** Marilet Zablan, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see ADDRESSES), 808–792–9400 (for species in Hawaii); Jeff Dillon, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 503–231–6179 (for Oregon silverspot butterfly, northern spotted owl, and *Stephanomeria malheurensis*); or Jodi Bush, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 360–753–9440 (for Columbian white-

tailed deer, *Hackelia venusta*, and *Sidalcea oregana var. calva*). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

**I. Why do we conduct 5-year reviews?**

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. Then, under section 4(c)(2)(B), we determine whether to remove any species from the List (delist), to reclassify it from endangered to threatened, to reclassify it from threatened to endangered, or to conclude that the current listing is appropriate. Any change in Federal classification requires a separate rulemaking process.

We use the following definitions, from 50 CFR 424.02, in our analysis of classification status:

(A) *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, that interbreeds when mature;

(B) *Endangered species* means any species that is in danger of extinction throughout all or a significant portion of its range; and

(C) *Threatened species* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review.

**II. What Species Are Under Review**

This notice announces our active review of the 58 species listed in Table 1.

**TABLE 1—SPECIES FOR WHICH WE ARE INITIATING A STATUS REVIEW TO DETERMINE IF THEY ARE APPROPRIATELY LISTED UNDER THE U.S. ENDANGERED SPECIES ACT**

Common name	Scientific name	Status	Where listed	Final listing rule
<b>ANIMALS</b>				
Butterfly, Oregon silverspot ...	<i>Speyeria zerene hippolyta</i> .....	Threatened .....	U.S.A. (CA, OR, WA) .....	45 FR 44935; 7/2/1980.
Creeper, Oahu .....	<i>Paroreomyza maculata</i> .....	Endangered .....	U.S.A. (HI) .....	35 FR 16047; 10/13/1970.
Deer, Columbian white-tailed	<i>Odocoileus virginianus leucurus</i> .....	Endangered .....	U.S.A. (OR, WA) .....	32 FR 4001; 3/11/1967.
Elepaio, Oahu .....	<i>Chasiempis sandwichensis ibidis</i> ....	Endangered .....	U.S.A. (HI) .....	65 FR 20760; 4/18/2000.
Owl, northern spotted .....	<i>Strix occidentalis caurina</i> .....	Threatened .....	U.S.A. (CA, OR, WA), Canada (B.C).	55 FR 26194; 6/26/1990.
<b>PLANTS</b>				
Chaff-flower, round-leaved .....	<i>Achyranthes splendens var. rotundata</i> .	Endangered .....	U.S.A. (HI) .....	51 FR 10518; 3/26/1986.
Mahoe .....	<i>Alectryon macrococcus</i> .....	Endangered .....	U.S.A. (HI) .....	57 FR 20772; 5/15/1992.
No common name .....	<i>Alsinidendron trinerve</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
No common name .....	<i>Bonamia menziesii</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 56333; 11/10/1994.
Awiji .....	<i>Centaurium sebaeoides</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Pauoa .....	<i>Ctenitis squamigera</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 49025; 9/26/1994.
No common name .....	<i>Cyanea (=Rollandia) crispa</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 14482; 3/28/1994.
Haha .....	<i>Cyanea acuminata</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Haha .....	<i>Cyanea koolauensis</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Pu'uka'a .....	<i>Cyperus trachysanthos</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53108; 10/10/1996.
Ha'iwale .....	<i>Cyrtandra polyantha</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 14482; 3/28/1994.
Ha'iwale .....	<i>Cyrtandra subumbellata</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.

TABLE 1—SPECIES FOR WHICH WE ARE INITIATING A STATUS REVIEW TO DETERMINE IF THEY ARE APPROPRIATELY LISTED UNDER THE U.S. ENDANGERED SPECIES ACT—Continued

Common name	Scientific name	Status	Where listed	Final listing rule
Ha'iwale .....	<i>Cyrtandra viridiflora</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Oha .....	<i>Delissea subcordata</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Na'ena'e .....	<i>Dubautia herbstobatae</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Nioi .....	<i>Eugenia koolauensis</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 14482; 3/28/1994.
Mehamehame .....	<i>Flueggea neowawraea</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 56333; 11/10/1994.
Nanu .....	<i>Gardenia mannii</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Stickseed, showy .....	<i>Hackelia venusta</i> .....	Endangered .....	U.S.A. (WA) .....	67 FR 5515; 2/06/2002.
No common name .....	<i>Hedyotis parvula</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
No common name .....	<i>Hesperomannia arborescens</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 14482; 3/28/1994.
No common name .....	<i>Hesperomannia arbuscula</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Ma'o hau hele, (=native yellow hibiscus). Aupaka .....	<i>Hibiscus brackenridgei</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 56333; 11/10/1994.
Kamakahala .....	<i>Isodendrion laurifolium</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53108; 10/10/1996.
'Anaunau .....	<i>Labordia cyrtandrae</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Lepidium arbuscula</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Lobelia gaudichaudii</i> ssp. <i>koolauensis</i> .	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Lobelia monostachya</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Wawae'iole .....	<i>Lycopodium</i> (=Phlegmariurus) <i>nutans</i> .	Endangered .....	U.S.A. (HI) .....	59 FR 14482; 3/28/1994.
No common name .....	<i>Lysimachia filifolia</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 9304; 2/25/1994.
No common name .....	<i>Mariscus pennatiformis</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 56333; 11/10/1994.
Alani .....	<i>Melicope lydgatei</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 14482; 3/28/1994.
Kolea .....	<i>Myrsine juddii</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Neraudia angulata</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Kulu'i .....	<i>Nototrichium humile</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
No common name .....	<i>Phyllostegia hirsuta</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Phyllostegia kaalaensis</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Phyllostegia mollis</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Kuahiwi laukahi .....	<i>Plantago princeps</i> .....	Endangered .....	U.S.A. (HI) .....	59 FR 56333; 11/10/1994.
Lo'ulu .....	<i>Pritchardia kaalae</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Sanicula mariversa</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Schiedea, Diamond Head .....	<i>Schiedea adamantis</i> .....	Endangered .....	U.S.A. (HI) .....	49 FR 6099; 2/17/1984.
No common name .....	<i>Schiedea kaalae</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
Ma'oli'oli .....	<i>Schiedea kealiae</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
No common name .....	<i>Schiedea nuttallii</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53108; 10/10/1996.
Checker-mallow, Wenatchee Mountains. No common name .....	<i>Sidalcea oregana</i> var. <i>calva</i> .....	Endangered .....	U.S.A. (WA) .....	64 FR 71680; 12/22/1999.
No common name .....	<i>Silene perlmanii</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.

TABLE 1—SPECIES FOR WHICH WE ARE INITIATING A STATUS REVIEW TO DETERMINE IF THEY ARE APPROPRIATELY LISTED UNDER THE U.S. ENDANGERED SPECIES ACT—Continued

Common name	Scientific name	Status	Where listed	Final listing rule
No common name .....	<i>Stenogyne kanehoana</i> .....	Endangered .....	U.S.A. (HI) .....	57 FR 20592; 5/13/1992.
Wire-lettuce, Malheur .....	<i>Stephanomeria malheurensis</i> .....	Endangered .....	U.S.A. (OR) .....	47 FR 50881; 11/10/1982.
No common name .....	<i>Tetramolopium filiforme</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
No common name .....	<i>Tetramolopium lepidotum</i> ssp. <i>lepidotum</i> .	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.
No common name .....	<i>Trematolobelia singularis</i> .....	Endangered .....	U.S.A. (HI) .....	61 FR 53089; 10/10/1996.
Pamakani .....	<i>Viola chamissoniana</i> ssp. <i>chamissoniana</i> .	Endangered .....	U.S.A. (HI) .....	56 FR 55770; 10/29/1991.

### III. What information do we consider in the review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that has become available since the listing determination or most recent status review, such as:

(A) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions including, but not limited to, amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends (see five factors under heading “How Do We Determine Whether a Species is Endangered or Threatened?”); and

(E) Other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

### IV. How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the Act requires that we determine whether a species is endangered or threatened based on one or more of the five following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

Under section 4(b)(1) of the Act, we must base our assessment of these factors solely on the best scientific and commercial data available.

### V. What could happen as a result of this review?

For each species under review, if we find new information that indicates a change in classification may be warranted, we may propose, through formal rulemaking, to:

(A) Reclassify the species from threatened to endangered (uplist);

(B) Reclassify the species from endangered to threatened (downlist); or

(C) Remove the species from the List (delist).

If we determine that a change in classification is not warranted, then no formal rulemaking is required; the species remains on the List under its current status.

### VI. Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See “What Information Do We Consider in Our Review?” for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit your comments and materials to the Field Supervisor of the appropriate Fish and Wildlife Office (see ADDRESSES section).

### VII. Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

### VIII. Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at: <http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html>.

### IX. Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 2, 2010.

David Patte,

Acting Regional Director, Region 1 Fish and Wildlife Service.

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BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Availability of the Record of Decision (ROD) for the Tuskegee Airmen National Historic Site General Management Plan and Final Environmental Impact Statement (GMP/FEIS)

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** Pursuant to 42 U.S.C. 4332(2)(C) of the National Environmental Policy Act of 1969 and National Park Service (NPS) policy in