

requiring that tribes provide defense counsel at the tribes' expense and the provision authorizing LSC recipients to use LSC funds to provide criminal representation are not linked in the TLOA, it is unclear whether tribal courts will reimburse LSC recipients for providing representation pursuant to a tribal court appointment.

Proposed section 1613.5(b) allows a recipient to consider whether accepting an appointment from an Indian tribal court will impair the recipient's responsibility to provide civil legal assistance. A recipient may evaluate many factors in determining whether impairment will occur, including but not limited to the recipient's civil legal workload, the recipient's program priorities, the recipient's existing expertise in tribal criminal law, the recipient's capacity to investigate and defend a criminal case competently, the frequency and number of proceedings in the case, and the distance to the court where the proceedings will take place. A recipient may also consider whether, and to what extent, the tribal court will compensate the recipient for accepting the appointment. The fact that a tribal court will or will not compensate the recipient may or may not be dispositive of whether the appointment will impair the recipient's responsibility to provide legal assistance in civil cases. It is within the recipient's discretion to determine what factors to consider and the weight to be given to each factor when deciding whether to accept a criminal appointment.

**List of Subjects in 45 CFR Part 1613**

Crime, Grant programs—law, Legal services, Tribal.

For the reasons stated in the preamble, and under the authority of 42 U.S.C. 2996g(e), the Legal Services Corporation proposes to amend 45 CFR Part 1613 as follows:

**PART 1613—RESTRICTIONS ON LEGAL ASSISTANCE WITH RESPECT TO CRIMINAL PROCEEDINGS**

■ 1. The authority citation for Part 1613 is revised to read as follows:

**Authority:** Sec. 234(d), Pub. L. 111–211, 124 Stat. 2282; 42 U.S.C. 2996f(b)(2).

■ 2. Revise § 1613.1 to read as follows:

**§ 1613.1 Purpose.**

This part is designed to ensure that Corporation funds will not be used to provide legal assistance with respect to criminal proceedings unless such assistance is authorized by this part.

■ 3. Revise § 1613.2 to read as follows:

**§ 1613.2 Definition.**

*Criminal proceeding* means the adversary judicial process prosecuted by a public officer and initiated by a formal complaint, information, or indictment charging a person with an offense denominated “criminal” by applicable law and punishable by death, imprisonment, or a jail sentence.

■ 4. Revise § 1613.4(a) to read as follows:

**§ 1613.4 Authorized representation.**

\* \* \* \* \*

(a) Pursuant to a court appointment made under a statute or a court rule of equal applicability to all attorneys in the jurisdiction, if authorized by the recipient after a determination that acceptance of the appointment would not impair the recipient's primary responsibility to provide legal assistance to eligible clients in civil matters.

\* \* \* \* \*

■ 5. Add § 1613.5 to read as follows:

**§ 1613.5 Criminal representation in Indian tribal courts.**

(a) Legal assistance may be provided with Corporation funds to a person charged with a criminal offense in an Indian tribal court who is otherwise eligible.

(b) Legal assistance may be provided in a criminal proceeding in an Indian tribal court pursuant to a court appointment only if the appointment is made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, and is authorized by the recipient after a determination that acceptance of the appointment would not impair the recipient's primary responsibility to provide legal assistance to eligible clients in civil matters.

Dated: October 29, 2013.

Atitaya C. Rok,  
Staff Attorney.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket Nos. FWS–R6–ES–2011–0111; FWS–R6–ES–2012–0108; 4500030114]

RIN 1018–AZ20; RIN 1018–AX71

**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Gunnison Sage-Grouse and Proposed Designation of Critical Habitat for Gunnison Sage-Grouse**

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

**ACTION:** Proposed rule; reopening of comment period; announcement of public hearings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment periods on our January 11, 2013, proposed rules to list the Gunnison sage-grouse (*Centrocercus minimus*) as endangered and to designate critical habitat for the species under the Endangered Species Act of 1973, as amended (Act). In addition, we announce the rescheduling of two public informational sessions and public hearings for both the proposed listing and proposed critical habitat rules, and the addition of a third public informational session and public hearing. We are reopening the comment periods to allow all interested parties an additional opportunity to comment on the proposed listing and the proposed designation of critical habitat, and to comment on the proposed critical habitat's associated draft economic analysis (DEA), draft environmental assessment (EA), and amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rules.

**DATES:** *Comment submission:* We will consider comments received or postmarked on or before December 2, 2013. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

*Public informational sessions and public hearings:* We will hold three public informational sessions followed by public hearings on the following dates:

- November 19, 2013, from 4:00–9:00 p.m., including an information session

from 4:00–5:00 p.m., a break, and a public hearing from 6:00–9:00 p.m.; and

- November 20, 2013, from 4:00–9:00 p.m., including an information session from 4:00–5:00 p.m., a break, and a public hearing from 6:00–9:00 p.m.; and

- November 21, 2013, from 4:00–9:00 p.m., including an information session from 4:00–5:00 p.m., a break, and a public hearing from 6:00–9:00 p.m.

See the **ADDRESSES** section, below, for information on where these public informational sessions and public hearings will be held.

#### **ADDRESSES:**

*Document availability:* You may obtain copies of the January 11, 2013, proposed rules on the Internet at <http://www.regulations.gov> at Docket No. FWS–R6–ES–2012–0108 for the proposed listing, and at Docket No. FWS–R6–ES–2011–0111 for the proposed designation of critical habitat.

You may obtain a copy of the draft economic analysis and the draft environmental assessment at Docket No. FWS–R6–ES–2011–0111. Alternately, you may obtain a copy of either proposed rule, the draft economic analysis, or the draft environmental assessment at <http://www.fws.gov/mountain-prairie/species/birds/gunnisonsagegrouse/> or by mail from the Western Colorado Field Office (see **FOR FURTHER INFORMATION CONTACT**).

*Comment submission:* You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Submit comments on the listing proposal to Docket No. FWS–R6–ES–2012–0108, and submit comments on the critical habitat proposal and associated draft economic analysis and draft environmental assessment to Docket No. FWS–R6–ES–2011–0111.

(2) *By hard copy:* Submit comments on the listing proposal by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R6–ES–2012–0108; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203. Submit comments on the critical habitat proposal, draft economic analysis, and draft environmental assessment by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R6–ES–2011–0111; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

*Public informational sessions and public hearings:*

The November 19, 2013, public informational session and public hearing will be held at Western State Colorado University, University Center, 600 N. Adams Street in Gunnison, Colorado.

The November 20, 2013, public informational session and public hearing will be held at the Holiday Inn Express, 1391 S. Townsend Avenue in Montrose, Colorado.

The November 21, 2013, public informational session and public hearing will be held at Monticello High School Auditorium, 164 South 200 West in Monticello, Utah.

People needing reasonable accommodations in order to attend and participate in the public hearing should contact Patty Gelatt, Western Colorado Supervisor, Western Colorado Field Office, as soon as possible (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Patty Gelatt, Western Colorado Supervisor, U.S. Fish and Wildlife Service, Western Colorado Field Office, 764 Horizon Drive, Building B, Grand Junction, CO 81506–3946; by telephone (970–243–2778); or by facsimile (970–245–6933). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

###### *Previous Federal Actions*

On January 11, 2013, we published a proposed rule to list the Gunnison sage-grouse as endangered (78 FR 2486) and a proposed rule to designate critical habitat for the Gunnison sage-grouse (78 FR 2540). We proposed to designate as critical habitat approximately 1,704,227 acres (689,675 hectares) in seven units located in Chaffee, Delta, Dolores, Gunnison, Hinsdale, Mesa, Montrose, Ouray, Saguache, and San Miguel Counties in Colorado, and in Grand and San Juan Counties in Utah. Those proposals initially had a 60-day comment period, ending March 12, 2013, but we extended the comment period by an additional 21 days, through April 2, 2013 (78 FR 15925, March 13, 2013). On July 19, 2013, we published a document announcing that we were extending the timeline for making final determinations on both proposed rules by 6 months due to

scientific disagreement, and we reopened the public comment period to seek additional information to clarify the issues in question (78 FR 43123). In accordance with that July 19, 2013, publication, we will submit for publication in the **Federal Register** a final listing determination and a final critical habitat designation for Gunnison sage-grouse on or before March 31, 2014.

On September 19, 2013, we reopened the comment period on these proposals for 30 days, and announced the availability of a DEA, a draft EA, and an amended required determinations section for our proposal to designate critical habitat for the Gunnison sage-grouse (78 FR 57604). In that document, we also announced two public information sessions and public hearings to be held in Gunnison, Colorado, and Monticello, Utah, on October 7 and 8, 2013. However, due to a lapse in government appropriations from October 1–16, 2013, these meetings and hearings were postponed. Therefore, this document serves to reschedule those meetings and public hearings, add an additional meeting and public hearing, and reopen the public comment period.

#### **Public Comments**

We will accept written comments and information during this comment period on: (1) Our proposed listing determination for the Gunnison sage-grouse that published in the **Federal Register** on January 11, 2013 (78 FR 2486); (2) our proposed designation of critical habitat for the Gunnison sage-grouse that published in the **Federal Register** on January 11, 2013 (78 FR 2540); (3) our DEA of the proposed critical habitat designation, which was made available on September 19, 2013 (78 FR 57604); (4) our draft EA of the proposed critical habitat designation, which was made available on September 19, 2013 (78 FR 57604); (5) the amended required determinations provided in our September 19, 2013, **Federal Register** document (78 FR 57604) for the proposed critical habitat designation; and (6) the issues raised in our July 19, 2013, **Federal Register** publication (78 FR 43123) regarding scientific disagreement about the species. We will consider information and recommendations from all interested parties.

We request that you provide comments specifically on our listing determination under Docket No. FWS–R6–ES–2012–0108.

We request that you provide comments specifically on the critical habitat determination and related DEA

and draft EA under Docket No. FWS–R6–ES–2011–0111.

For additional details on specific information we are requesting during this public comment period, please see the Public Comments section in our September 19, 2013, **Federal Register** document (78 FR 57604), which reopened the previous comment period.

#### Authors

The primary authors of this document are the staff members of the Regional Office and Western Colorado Field Office, Mountain-Prairie Region, U.S. Fish and Wildlife Service.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 28, 2013.

#### Rachel Jacobsen,

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2013–26332 Filed 11–1–13; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R8–ES–2013–0113: 4500030113]

RIN 1018–AY80

### Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition and Proposed Rule To Remove the Inyo California Towhee (*Pipilo crissalis eremophilus* = *Melospiza crissalis eremophilus*) From the Federal List of Endangered and Threatened Wildlife

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

**ACTION:** Notice of petition finding; proposed rule; notice of availability of a draft post-delisting monitoring plan.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to remove the Inyo California towhee (*Pipilo crissalis eremophilus* = *Melospiza crissalis eremophilus*) from the Federal List of Endangered and Threatened Wildlife due to recovery. This action is based on a review of the best available scientific and commercial information, which indicates that the species is no longer threatened with extinction. This proposed rule, if made final, would also remove the currently designated critical habitat for the Inyo California towhee throughout its range. This document

also constitutes our 12-month finding on a petition to remove the Inyo California towhee from the Federal List of Endangered and Threatened Wildlife. We are seeking information and comments from the public on this proposed rule and the post-delisting monitoring plan. The Inyo California towhee occurs only in Inyo County, California.

**DATES:** The finding announced in this document was made on November 4, 2013. We will accept comments received or postmarked on or before January 3, 2014. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES**), the deadline for submitting an electronic comment is Eastern Standard Time on this date. We must receive requests for public hearings, in writing, at the address shown in the **FOR FURTHER INFORMATION CONTACT** section by December 19, 2013.

**ADDRESSES:** *Comment submission:* You may submit comments on the proposed rule and the post-delisting monitoring plan by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–R8–ES–2013–0113, which is the docket number for this rulemaking. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0113; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Requested section below for more information).

*Document availability:* A copy of the post-delisting monitoring plan can be viewed at <http://www.regulations.gov> under Docket No. FWS–R8–ES–2013–0113, or at the Ventura Fish and Wildlife Office’s Web site at <http://www.fws.gov/ventura/>.

**FOR FURTHER INFORMATION CONTACT:** Stephen P. Henry, Deputy Field Supervisor, Ventura Fish and Wildlife Office (see **ADDRESSES**); by telephone 805–644–1766; or by facsimile (fax) at 805–644–3958. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

#### Executive Summary

##### *Purpose of Regulatory Action*

In 2011, we received a petition from The Pacific Legal Foundation to remove from the Federal List of Endangered and Threatened Wildlife (delist) the Inyo California towhee based on the analysis and recommendations contained in our 2008 5-year status review of the species (Service 2008, p. 20). In 2012, we published a 90-day finding (77 FR 32922) that concluded that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted and initiated a status review. After review of all available scientific and commercial information, we find that delisting the Inyo California towhee is warranted due to recovery and we propose to remove this taxon from the Federal List of Endangered and Threatened Wildlife. This document consists of: (1) A 12-month finding in response to a petition to remove the Inyo California towhee from the Federal List of Endangered and Threatened Wildlife; (2) a proposed rule to delist the Inyo California towhee; and (3) a notice of availability of a draft post-delisting monitoring plan.

##### *Basis for Finding*

Under the Endangered Species Act (Act), a species may be determined to be endangered or threatened because of any of five 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. We must consider the same factors in delisting a species. We may delist a species if the best scientific and commercial data indicate the species is neither threatened nor endangered for one or more of the following reasons: (1) The species is extinct; (2) the species has recovered and is no longer threatened or endangered; or (3) the original scientific data used at the time the species was classified were in error.

Threats to the Inyo California towhee at the time of listing included grazing by feral equines, recreational activities (hiking, camping, hunting, and off-highway vehicle (OHV) use), water diversion, and mining. Potential threats identified since listing include energy development, invasive and nonnative plants, predation (including nest parasitism), and climate change. We consider the Inyo California towhee to be recovered because all substantial