

number of specific public comments on the Phase I ERP/EA that requested development of additional habitat and wildlife-based early restoration projects. Because loggerhead sea turtles and beach-nesting birds begin nesting along the Northeast Gulf coast in February, the Trustees recognized the need to implement these two projects in a timely manner to be effective during the 2013 breeding season and so expedited their proposal. The Trustees continue to work with BP to develop additional restoration projects in accordance with the Framework Agreement. The Alternatives within this plan are not intended to, and do not fully, address all injuries caused by the spill or provide the extent of restoration needed to satisfy claims against BP.

Notice of availability of the Phase II DERP/ER was published in the **Federal Register** on November 6, 2012. (77 FR 66626, November 6, 2012) The public was afforded 30 days to review and comment on the Phase II DERP/ER. During that review period, the Trustees also held a public meeting in Pensacola, Florida, on November 13, 2012, to facilitate public comment on the Phase II DERP/ER.

The Trustees considered the public comments received on the Phase II DERP/ER prior to finalizing selection of the Phase II Early Restoration projects. The public comments received and the Trustees' responses are addressed in Chapter 5 of the Phase II ERP/\_ER.

### Overview of the Phase II ERP/ER

#### *Early Restoration Plan Alternatives, Including the Selected Alternative*

The Phase II ERP/ER describes two early restoration alternatives: No Action—Natural Recovery (required for consideration by OPA) and Selected Alternative—Phase II Early Restoration Projects. Under the No Action alternative, the Trustees would not implement early restoration projects as described in the Phase II ERP/ER. Rather, the No Action approach would result in delaying protection and improvement of important nesting habitats injured by response actions during the oil spill.

The Selected Alternative includes two projects that meet the selection criteria, as described in the Phase II ERP/ER.

#### *Selected Early Restoration Alternative*

The Selected Alternative includes two projects intended to protect and enhance beach nesting habitats used by birds and sea turtles. The selected projects will, among other things, protect bird-nesting habitat with symbolic fencing and signs and reduce

the presence of harmful lighting on certain beaches as described in the plan. The projects are: (1) Enhanced Management of Avian Breeding Habitat Injured by Response in the Florida Panhandle, Alabama, and Mississippi; and (2) Improving Habitat Injured by Spill Response: Restoring the Night Sky. Each of these projects will benefit coastal nesting habitats injured by response to the DEEPWATER HORIZON oil spill.

This Phase II ERP/ER represents the second set of projects selected as part of the early restoration process. Planning for additional early restoration actions is continuing. Neither the Phase II ERP/ER nor any subsequent plan for early restoration is intended to or will fully address all injuries caused by the spill or provide the extent of restoration needed to satisfy claims against responsible parties. Further comprehensive restoration will still be required to fully compensate the public for natural resource losses from the oil spill.

### Administrative Record

The documents comprising the Administrative Record can be viewed electronically at <http://www.doi.gov/deepwaterhorizon>

### Author

The primary author of this notice is James Haas ([james\\_haas@nps.gov](mailto:james_haas@nps.gov)).

### Authorities

The authorities of this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing Natural Resource Damage Assessment regulations found at 15 CFR Part 990, and the Framework Agreement.

Cynthia K. Dohner,

*DOI Authorized Official.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2012-N293;  
FXES1113010000C4-123-FF01E00000]

### Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 44 Species in Oregon, Hawaii, Guam, and the Northern Mariana Islands

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews for 44 species in Oregon, Hawaii, Guam, and the Northern Mariana Islands, under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review for that particular species.

**DATES:** To ensure consideration in our reviews, we are requesting submission of new information no later than April 8, 2013. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For the 42 species in Hawaii, Guam, and the Northern Mariana Islands (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, Hawaii 96850.

For the Oregon chub and Hutton tui chub, 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, Oregon 97266. Information on Oregon species can also be submitted by email to: [fw1or5yearreview@fws.gov](mailto:fw1or5yearreview@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Kristi Young, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808-792-9400 (for species in Hawaii, Guam, and the Northern Mariana Islands); or Jeff Dillon, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 503-231-6179 (for Oregon chub and Hutton tui chub). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877-8339 for TTY assistance.

### SUPPLEMENTARY INFORMATION:

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

**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 in relation of the five listing factors (as defined in section 4(a)(1) of the Act); 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.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for the species.

**What species are under review?**

This notice announces our active review of the 44 species listed in the table below.

**SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW**

Common name	Scientific name	Status	Where listed	Final listing rule
<b>ANIMALS</b>				
Warbler, nightingale reed .....	<i>Acrocephalus luscini</i> .....	Endangered .....	Western Pacific Ocean— U.S.A (Guam, Alamagan, Saipan).	35 FR 8491; 06/02/1970.
Swiftlet, Mariana gray (=Guam swiftlet).	<i>Aerodramus vanikorensis bartschi</i> .	Endangered .....	Western Pacific Ocean— U.S.A (Guam, Rota, Tinian, Saipan, Agiguan).	49 FR 33881; 08/27/1984.
Duck, Hawaiian .....	<i>Anas wyvilliana</i> .....	Endangered .....	U.S.A (HI) .....	32 FR 4001; 03/11/1967.
Chub, Oregon .....	<i>Oregonichthys crameri</i> .....	Threatened .....	U.S.A (OR) .....	58 FR 53804; 10/18/1993.
Chub, Hutton tui .....	<i>Gila bicolor</i> ssp. ....	Threatened .....	U.S.A (OR) .....	50 FR 12305; 03/28/1985.
Crow, Hawaiian .....	<i>Corvus hawaiiensis</i> .....	Endangered .....	U.S.A (HI) .....	32 FR 4001; 03/11/1967.
Coot, Hawaiian .....	<i>Fulica alai</i> .....	Endangered .....	U.S.A (HI) .....	35 FR 16047; 10/13/1970.
Moorhen (=Gallinule), Mar- iana common.	<i>Gallinula chloropus guami</i> ....	Endangered .....	Western Pacific Ocean— U.S.A (Guam, Tinian, Saipan, Pagan).	49 FR 33881; 08/27/1984.
Moorhen (=Gallinule), Hawai- ian common.	<i>Gallinula chloropus sandvicensis</i> .	Endangered .....	U.S.A (HI) .....	32 FR 4001; 03/11/1967.
'Akiapola'au .....	<i>Hemignathus munroi</i> .....	Endangered .....	U.S.A (HI) .....	32 FR 4001; 03/11/1967.
Palila .....	<i>Loxioides bailleui</i> .....	Endangered .....	U.S.A (HI) .....	32 FR 4001; 03/11/1967.
'Akepa, Hawaii .....	<i>Loxops coccineus coccineus</i>	Endangered .....	U.S.A (HI) .....	35 FR 16047; 10/13/1970.
Creeper, Hawaii .....	<i>Oreomystis mana</i> .....	Endangered .....	U.S.A (HI) .....	40 FR 44151; 09/25/1975.
'O'u .....	<i>Psittirostra psittacea</i> .....	Endangered .....	U.S.A (HI) .....	32 FR 4001; 03/11/1967.
Bat, little Mariana fruit .....	<i>Pteropus tokudae</i> .....	Endangered .....	Western Pacific Ocean— U.S.A (Guam).	49 FR 33881; 08/27/1984.
White-eye, Rota bridled .....	<i>Zosterops rotensis</i> .....	Endangered .....	Western Pacific Ocean— U.S.A (Commonwealth of the Northern Mariana Is- lands).	69 FR 3022; 01/22/2004.
<b>PLANTS</b>				
No common name .....	<i>Achyranthes mutica</i> .....	Endangered .....	U.S.A (HI) .....	61 FR 53108; 10/10/1996.
Pendant kiki fern .....	<i>Adenophorus periens</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 56333; 11/10/1994.
Mauna Loa silversword .....	<i>Argyroxiphium kauense</i> .....	Endangered .....	U.S.A (HI) .....	58 FR 18035; 04/07/1993.
Uhiuhi .....	<i>Caesalpinia kavaensis</i> .....	Endangered .....	U.S.A (HI) .....	51 FR 24675; 07/08/1986.
'Oha wai .....	<i>Clermontia lindseyana</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
'Oha wai .....	<i>Clermontia peleana</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
Kaula .....	<i>Colubrina oppositifolia</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
Haha .....	<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> .	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
Haha .....	<i>Cyanea shipmanii</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
Asplenium-leaved diellia .....	<i>Diellia erecta</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 56350; 11/10/1994.
Hau kuahiwi .....	<i>Hibiscadelphus giffardianus</i> ..	Endangered .....	U.S.A (HI) .....	61 FR 53152; 10/10/1996.
Hau kuahiwi .....	<i>Hibiscadelphus hualalaiensis</i>	Endangered .....	U.S.A (HI) .....	61 FR 53152; 10/10/1996.
Hilo ischaemum .....	<i>Ischaemum byrone</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
Wahine noho kula .....	<i>Isodendron pyrifolium</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
Kio'ele .....	<i>Kadua coriacea</i> (=Hedyotis <i>coriacea</i> ).	Endangered .....	U.S.A (HI) .....	57 FR 20787; 05/15/1992.
Koki'o .....	<i>Kokia drynarioides</i> .....	Endangered .....	U.S.A (HI) .....	49 FR 47400; 12/04/1984.
Alani .....	<i>Melicope zahlbruckneri</i> .....	Endangered .....	U.S.A (HI) .....	61 FR 53152; 10/10/1996.
No common name .....	<i>Neraudia ovata</i> .....	Endangered .....	U.S.A (HI) .....	61 FR 53152; 10/10/1996.
No common name .....	<i>Phyllostegia parviflora</i> .....	Endangered .....	U.S.A (HI) .....	61 FR 53123; 10/10/1996.
Loulu .....	<i>Pritchardia schattaueri</i> .....	Endangered .....	U.S.A (HI) .....	61 FR 53152; 10/10/1996.
'Ohai .....	<i>Sesbania tomentosa</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 56350; 11/10/1994.
No common name .....	<i>Silene hawaiiensis</i> .....	Threatened .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994.
No common name .....	<i>Silene lanceolata</i> .....	Endangered .....	U.S.A (HI) .....	57 FR 46339; 10/08/1992.

## SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW—Continued

Common name	Scientific name	Status	Where listed	Final listing rule
Popolo ku mai .....	<i>Solanum incompletum</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 56350; 11/10/1994.
No common name .....	<i>Spermolepis hawaiiensis</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 56350; 11/10/1994.
No common name .....	<i>Vigna o-wahuensis</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 56350; 11/10/1994.
A'e .....	<i>Zanthoxylum dipetalum</i> var. <i>tomentosum</i> .	Endangered .....	U.S.A (HI) .....	61 FR 53152; 10/10/1996.
A'e .....	<i>Zanthoxylum hawaiiense</i> .....	Endangered .....	U.S.A (HI) .....	59 FR 10305; 03/04/1994

**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 appropriate contact in either the Oregon or Pacific Islands Fish and Wildlife Office (see **ADDRESSES** section).

**Public Availability of Comments**

Before including your address, phone number, email 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.

**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>.

**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: December 31, 2012.

**Chris McKay,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[LLWO2600000 L10600000 XQ0000]

**Notice of Wild Horse and Burro Advisory Board Meeting**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. **DATES:** The Advisory Board will meet on Monday, March 4, 2013, from 8 a.m. until 5 p.m. and on Tuesday, March 5, 2013, from 8 a.m. until 12 p.m. local time. This will be a one and a half day meeting.

**ADDRESSES:** This Advisory Board meeting will take place at the Sheraton Oklahoma City Hotel, 1 North Broadway Avenue, Oklahoma City, Oklahoma 73102, 405-235-2780. Written comments pertaining to the March 4-5, 2013, Advisory Board meeting can be mailed to National Wild Horse and Burro Program, WO-260, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, NV 89502-7147, or sent electronically to the BLM through the Wild Horse and Burro Web site at: [http://www.blm.gov/wo/st/en/prog/whbprogram/recent\\_news\\_and\\_information/enhanced\\_feedback\\_form.html](http://www.blm.gov/wo/st/en/prog/whbprogram/recent_news_and_information/enhanced_feedback_form.html).

**FOR FURTHER INFORMATION CONTACT:**

Ramona DeLorme, Wild Horse and Burro Administrative Assistant, at 775-861-6583. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339

to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the BLM Director, the Secretary of Agriculture, and the Chief of the Forest Service on matters pertaining to the management and protection of wild, free-roaming horses and burros on the Nation's public lands. The Wild Horse and Burro Advisory Board operates under the authority of 43 CFR 1784. The tentative agenda for the 2-day event is:

**I. Advisory Board Public Meeting**

*Monday, March 4, 2013 (8 a.m.-5 p.m.)*

8:00 p.m. Welcome and Introductions  
8:30 a.m. Approval of October 2012 Minutes  
10:45 a.m. WHB Program Updates  
12:00 p.m. Lunch  
1:45 p.m. BLM Formed Work Groups (Comprehensive Animal Welfare Program; Increasing Adoptions; Eco-sanctuaries; and Population Suppression).  
3:30 p.m. Public Comment Period Begins  
4:30 p.m. Public Comment Period Ends  
5:00 p.m. Adjourn

*Tuesday, March 5, 2013 (8 a.m.-12 p.m.)*

8:00 a.m. Advisory Board Formed Work Groups (Ecotourism; Herd Area Repopulation; Financial; Public Comments; and Director's Challenge Opportunities)  
9:15 a.m. Board Member's Concerns and Issues  
10:00 a.m. Break  
10:15 a.m. Board Recommendations to the BLM  
12:00 p.m. Adjourn

The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as an interpreting service, assistive listening device, or