

**Denver Regional Office of Fair Housing and Equal Opportunity**

(Covers the following states: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming)

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(Covers the following states: Arizona, California, Hawaii and Nevada)

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**Seattle Regional Office of Fair Housing and Equal Opportunity**

(Covers the following states: Alaska, Idaho, Oregon, and Washington)

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Dated: March 13, 2008.

**Kim Kendrick,**

Assistant Secretary for Fair Housing and Equal Opportunity.

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R2-ES-2008-N0023, 21012-11130000-C4]

**Endangered and Threatened Wildlife and Plants; 5-Year Reviews of 28 Southwestern Species**

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

**ACTION:** Notice of reviews.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce 5-year reviews of 28 southwestern species listed under the Endangered Species Act of 1973 (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants is accurate. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

**DATES:** To allow adequate time to conduct this review, information submitted for our consideration must be received on or before June 18, 2008. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** Information submitted on these species should be sent to the Service at the addresses listed under "Public Comments" in the **SUPPLEMENTARY INFORMATION** section. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the same addresses.

**FOR FURTHER INFORMATION CONTACT:** Contact the appropriate office named in "Public Comments" for species-specific information.

**SUPPLEMENTARY INFORMATION:****Why is a 5-year review conducted?**

Section 4(c)(2)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we conduct a review of listed species at least once every 5 years. We are then, under section 4(c)(2)(B) and the provisions of subsections (a) and (b), to determine, on the basis of such a review, whether or not any species should be removed (delisted) from the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.12), or reclassified from endangered to threatened (downlisted), or from threatened to endangered (uplisted).

The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any new information (best scientific and commercial data) on the following 28 species since their original listings as either endangered (Arizona hedgehog cactus, Big Bend gambusia, Brady pincushion cactus, Clear Creek gambusia, Comal Springs dryopid beetle, Comal Springs riffle beetle, fountain darter, Kearney blue star, Leon Springs pupfish, Peck's Cave amphipod, San Marcos gambusia, Sonoran pronghorn, Socorro isopod, Socorro

springsnail, south Texas ambrosia, southwestern willow flycatcher, Terlingua Creek cat's-eye, Texas ayenia, Texas blind salamander, Texas wild-rice, Tobusch fishhook cactus, Yaqui chub, and Yaqui topminnow) or threatened (beautiful shiner, Hinckley oak, San Marcos salamander, Sonora chub, and Yaqui catfish). If the present classification of any of these species is not consistent with the best scientific and commercial information available, the Service will recommend whether or not a change is warranted in the Federal classification of that species. Any change in Federal classification would require a separate rule-making process.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the 28 species listed in Table 1.

**What information is considered in the review?**

A 5-year review considers all new information available at the time of the review. These reviews will consider the best scientific and commercial data that has become available since the current listing determination or most recent status review of each species, 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 to 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 of Endangered and Threatened Wildlife and Plants, and improved analytical methods.

**How are these species currently listed?**

The List of Endangered and Threatened Wildlife and Plants (List) is found in 50 CFR 17.11 (wildlife) and 17.12 (plants). Amendments to the List through final rules are published in the **Federal Register**. The List is also available on our Internet site at <http://www.fws.gov/endangered/wildlife.html>. In Table 1 below, we provide a summary of the listing information for the species under active review.

TABLE 1.—SUMMARY OF THE LISTING INFORMATION

Common name	Scientific name	Status	Where listed	Final listing rule
Arizona hedgehog cactus .....	<i>Echinocereus triglochidiatus</i> var. <i>arizonicus</i> .....	E	AZ	44 FR 61556
Beautiful shiner .....	<i>Cyprinella formosa</i> .....	T	AZ, NM	49 FR 34490
Big Bend gambusia .....	<i>Gambusia gaigei</i> .....	E	TX	32 FR 4001
Brady pincushion cactus .....	<i>Pediocactus bradyi</i> .....	E	AZ	44 FR 61784
Clear Creek gambusia .....	<i>Gambusia heterochir</i> .....	E	TX	32 FR 4001
Comal Springs dryopid beetle .....	<i>Stygoparnus comalensis</i> .....	E	TX	62 FR 66295
Comal Springs riffle beetle .....	<i>Heterelmis comalensis</i> .....	E	TX	62 FR 66295
Fountain darter .....	<i>Etheostoma fonticola</i> .....	E	TX	35 FR 16047
Hinckley oak .....	<i>Quercus hinckleyi</i> .....	T	TX	53 FR 32824
Kearney blue star .....	<i>Amsonia kearneyana</i> .....	E	AZ	54 FR 2131
Leon Springs pupfish .....	<i>Cyprinodon bovinus</i> .....	E	TX	45 FR 54678
Peck's Cave amphipod .....	<i>Stygobromus</i> (= <i>Stygonectes</i> ) <i>pecki</i> .....	E	TX	62 FR 66295
San Marcos gambusia .....	<i>Gambusia georgei</i> .....	E	TX	45 FR 47355
San Marcos salamander .....	<i>Eurycea nana</i> .....	T	TX	45 FR 47355
Sonora chub .....	<i>Gila ditaenia</i> .....	T	AZ	51 FR 16042
Sonoran pronghorn .....	<i>Antilocapra americana sonoriensis</i> .....	E	AZ	32 FR 4001
Socorro isopod .....	<i>Thermosphaeroma thermophilus</i> .....	E	NM	43 FR 12690
Socorro springsnail .....	<i>Pyrgulopsis neomexicana</i> .....	E	NM	56 FR 49646
South Texas ambrosia .....	<i>Ambrosia cheiranthifolia</i> .....	E	TX	59 FR 43648
Southwestern willow flycatcher .....	<i>Empidonax traillii extimus</i> .....	E	AZ, CA, CO, NV, NM, TX, UT	60 FR 10693
Terlingua Creek cat's-eye .....	<i>Cryptantha crassipes</i> .....	E	TX	56 FR 49634
Texas ayenia .....	<i>Ayenia limitaris</i> .....	E	TX	59 FR 43648
Texas blind salamander .....	<i>Typhlomolge rathbuni</i> .....	E	TX	32 FR 4001
Texas wild-rice .....	<i>Zizania texana</i> .....	E	TX	43 FR 17910
Tobusch fishhook cactus .....	<i>Ancistrocactus tobuschii</i> .....	E	TX	44 FR 64736
Yaqui catfish .....	<i>Ictalurus pricei</i> .....	T	AZ	49 FR 34490
Yaqui chub .....	<i>Gila purpurea</i> .....	E	AZ	49 FR 34490
Yaqui topminnow .....	<i>Poeciliopsis occidentalis sonoriensis</i> .....	E	AZ, NM	32 FR 4001

### Definitions Related to This Notice

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

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

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

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

Section 4(a)(1) of the Act establishes 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.

Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

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

If we find that there is new information concerning any of the 28 species listed in Table 1 indicating a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened; (b) reclassify the species from threatened to endangered; or (c) remove the species from the List. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

### Public Comments

Information regarding the Brady pincushion cactus (*Pediocactus bradyi*), Arizona hedgehog cactus (*Echinocereus triglochidiatus* var. *arizonicus*), Kearney blue star (*Amsonia kearneyana*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Sonora chub (*Gila ditaenia*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife

Service, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021. The office phone number is 602-242-0210.

Information regarding Sonoran pronghorn (*Antilocapra americana sonoriensis*) should be sent to the Refuge Manager, Attention 5-year Review, Cabeza Prieta National Wildlife Refuge, 1611 North Second Avenue, Ajo, Arizona 85321. The office phone number is 520/387-6483, and Web address is: <http://www.fws.gov/southwest/refuges/arizona/cabeza/index.html>.

Information regarding beautiful shiner (*Cyprinella formosa*), Yaqui catfish (*Ictalurus pricei*), Yaqui chub (*Gila purpurea*), and Yaqui topminnow (*Poeciliopsis occidentalis sonoriensis*) should be sent to the Refuge Manager, Attention 5-year Review, San Bernardino National Wildlife Refuge, P.O. Box 3509, Douglas, Arizona 85607. The office phone number is 520/364-2104, and Web address is: <http://www.fws.gov/southwest/refuges/arizona/sanbernardino.html>.

Information regarding the Texas blind salamander (*Typhlomolge rathbuni*), fountain darter (*Etheostoma fonticola*), Texas wild-rice (*Zizania texana*), San Marcos gambusia (*Gambusia georgei*),

San Marcos salamander (*Eurycea nana*), Peck's Cave amphipod (*Stygobromus* (= *Stygonectes*) *pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Comal Springs riffle beetle (*Heterelmis comalensis*), Leon Springs pupfish (*Cyprinodon bovinus*), Tobusch fishhook cactus (*Ancistrocactus tobuschii*), Terlingua Creek cat's-eye (*Cryptantha crassipes*), Hinckley oak (*Quercus hinckleyi*), Big Bend gambusia (*Gambusia gaigei*), and Clear Creek gambusia (*Gambusia heterochir*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. The office phone number is 512-490-0057.

Information regarding Socorro isopod (*Thermosphaeroma thermophilus*) and Socorro springsnail (*Pyrgulopsis neomexicana*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road NE., Albuquerque, NM 87113. The office phone number is 505-346-2525.

Information regarding Texas ayenia (*Ayenia limitaris*) and south Texas ambrosia (*Ambrosia cheiranthifolia*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service c/o TAMU-CC, Ecological Services, 6300 Ocean Drive, Unit 5837, Corpus Christi, TX 78412. The office phone number is 361-994-9005.

#### Public Solicitation of New Information

We request any new information concerning the status of the 28 species listed in Table 1. See "What information is considered in the review?" heading for specific criteria. Information submitted should be supported by 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. Before including your address, phone number, e-mail address, or other personal identifying information in your comments, 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.

**Authority:** This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: January 23, 2008.

**Christopher T. Jones,**

*Acting Regional Director, Region 2.*

[FR Doc. E8-5632 Filed 3-19-08; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Sporting Conservation Council

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

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting of the Sporting Conservation Council (Council). The meeting agenda includes an update on implementation of the Executive Order on hunting heritage and wildlife conservation and plans for a 2008 Policy Session regarding the North American Conservation Model; State/Federal/Tribal Wildlife Management; Habitat Conservation and Management; Funding for Wildlife Conservation; and Perpetuating Hunter Traditions. This meeting is open to the public, and will include a session for the public to comment.

**DATES:** We will hold the meeting on April 8, 2008, from 2 p.m. to 4:30 p.m. From 2:30 p.m. to 3 p.m. on April 8, 2008, we will host a public comment session.

**ADDRESSES:** On April 8, 2008, the meeting will be held in the Majestic Ballroom on the Majestic Level of the Sheraton Denver Hotel at 1550 Court Place, Denver, CO 80202.

#### FOR FURTHER INFORMATION CONTACT:

Phyllis T. Seitts, 9828 North 31st Avenue, Phoenix, AZ 85051-2517; 602-906-5603 (phone); or [Twinkle\\_Thompson-Seitts@blm.gov](mailto:Twinkle_Thompson-Seitts@blm.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** The Secretary of the Interior established the Council in February 2006 (71 FR 11220, March 6, 2006). The Council's mission is to provide advice and guidance to the Federal Government through the Department of the Interior on how to increase public awareness of: (1) The importance of wildlife resources, (2) the social and economic benefits of recreational hunting, and (3) wildlife conservation efforts that benefit recreational hunting and wildlife resources.

The Secretary of the Interior and the Secretary of Agriculture signed an amended charter for the Council in June 2006 and July 2006, respectively. The revised charter states that the Council

will provide advice and guidance to the Federal Government through the Department of the Interior and the Department of Agriculture.

The Council will hold a meeting on the date shown in the **DATES** section at the address shown in the **ADDRESSES** section. The meeting will include a session for the public to comment.

Dated: March 13, 2008.

**Phyllis T. Seitts,**

*Designated Federal Officer, Sporting Conservation Council.*

[FR Doc. E8-5637 Filed 3-19-08; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Muscogee (Creek) Nation Liquor and Beverage Code

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Liquor and Beverage Code (Code) of the Muscogee (Creek) Nation. The Code regulates and controls the possession, sale and consumption of liquor within the Muscogee Creek Nation Indian Country (Tribal Lands) as defined by Federal law. The Code allows for the possession and sale of alcoholic beverages within the Tribal Lands. The Code will increase the ability of the tribal government to control the distribution and possession of liquor within their jurisdiction and at the same time will provide an important source of revenue and strengthening of the tribal government and the delivery of tribal services.

**DATES:** *Effective Date:* This Act is effective as of March 20, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Charles Head, Tribal Government Services Officer, Eastern Oklahoma Regional Office, Bureau of Indian Affairs, 3100 West Peak Blvd., Muskogee, Oklahoma 74402 ; Telephone (918) 781-4600; Fax (918) 781-4604; or Elizabeth Colliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240; Telephone (202) 513-7627; Fax (202) 208-5113.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953; Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor