recognized Federal tribes on a
government-to-government basis. We
have determined that there are no tribal
lands affected by this proposal.

References Cited

A complete list of all references cited
in this rule is available on the Internet
at http://regulations.gov or upon request
from the Field Supervisor, Ventura Fish
and Wildlife Office (see FOR FURTHER
INFORMATION CONTACT section).

Author

The primary author of this proposed
rule is the Ventura Fish and Wildlife
Office (see FOR FURTHER INFORMATION
CONTACT).

List of Subjects in 50 CFR Part 17

Endangered and threatened species,
Exports, Imports, Reporting and
recordkeeping requirements, and
Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend
part 17, subchapter B of chapter I, title
50 of the Code of Federal Regulations,
as set forth below:

PART 17—ENDANGERED AND
THREATENED WILDLIFE AND PLANTS

1. The authority citation for part 17
continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–
1544; 4201–4245; unless otherwise noted.

§ 17.11 [Amended]

2. Amend § 17.11(h) by removing the
entry for “Towhee, Inyo California”
under “Birds” in the List of Endangered
and Threatened Wildlife.

§ 17.95 [Amended]

3. Amend § 17.95(b) by removing the
entry for “Inyo Brown Towhee (Pipilo
Fuscus Eremophilus)”.

Dated: October 23, 2013.

Stephen Guertin,
Acting Director, U.S. Fish and Wildlife
Service.

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 21

FF09M21200–134–FXMB1232099BPP0]
RIN 1018–AX92

Migratory Bird Permits; Removal of
Regulations Concerning Certain
Depredation Orders

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Proposed rule.

SUMMARY: We propose to remove
regulations that set forth certain
depredation orders for migratory birds.
There have been no requests for
authorization of a depredation order
under these regulations for many years,
and no reports of activities undertaken
under these regulations in the last 15
years. Because these regulations
apparently are unused, we propose to
remove them. Control of depredating
birds could still be undertaken under
depredation permits in accordance with
the regulations at 50 CFR 21.41.

DATES: Electronic comments on this
proposal via http://www.regulations.gov
must be submitted by 11:59 p.m. Eastern
time on February 3, 2014. Comments
submitted by mail must be postmarked
no later than February 3, 2014.

ADDRESSES: You may submit comments
by either one of the following two
methods:

• Federal eRulemaking portal: http://
www.regulations.gov. Follow the
instructions for submitting comments on
• U.S. mail or hand delivery: Public Comments Processing, Attention: FWS–
R9–MB–2011–0100; Division of Policy
and Directives Management; U.S. Fish
and Wildlife Service; 4401 North Fairfax
Drive, MS 2042–PDM; Arlington, VA
22203–1610.

We will not accept email or faxes.
We will post all comments on http://
www.regulations.gov. This generally
means that we will post any personal
information that you provide. See the
Public Comments section below for
more information.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Background

The regulations we propose to remove
all deal with depredating migratory
birds. 50 CFR 21.42 governs control of
depredating migratory game birds in the
United States; under this section of the
regulations, the Director of the U.S. Fish
and Wildlife Service is authorized to
issue, by publication in the Federal
Register, a depredation order to permit
the taking of migratory game birds
under certain conditions if the Director
receives evidence clearly showing that
the migratory game birds have
accumulated in such numbers in a
particular area as to cause or about to
cause serious damage to agricultural,
horticultural, and fish cultural interests.

Under 50 CFR 21.45, landowners,
sharecroppers, tenants, or their
employees or agents, actually engaged
in the production of rice in Louisiana,
may, without a permit and in
accordance with certain conditions, take
purple gallinules (Ixonoris martini)
when found committing or about to
commit serious depredations to growing
rice crops on the premises owned or
occupied by such persons.

Under 50 CFR 21.46, landowners,
sharecroppers, tenants, or their
employees or agents actually engaged in
the production of nut crops in
Washington and Oregon may, without a
permit and in accordance with certain
conditions, take scrub jays (Aphelocoma
coelebs) and Steller’s jays (Cyanocitta
stelleri) when found committing or about
to commit serious depredations to nut
crops on the premises owned or
occupied by such persons.

All of these regulations were put in
place in 1974, to help commercial
agricultural interests (for 50 CFR 21.42
and 21.45, see 39 FR 1157, January 4,
1974; for 50 CFR 21.46, see 39 FR
31325, August 28, 1974). 50 CFR 21.45
and 21.46 require reporting and
recordkeeping on activities taken in
accordance with the regulations. We
have received no applications for
declaration of a depredation order under
§ 21.42 in the last 15 years, and there
have been no reports of activities
conducted under § 21.45 or § 21.46 in at
least 10 years. We therefore propose to
remove these regulations. This action
would remove outdated, unused
regulations from the Code of Federal
Regulations (CFR), thereby saving the
Federal Government the annual cost of
republishing them in the CFR.

If this proposal is adopted, control of
depredating birds could still be
undertaken under depredation permits,
in accordance with 50 CFR 21.41.
Further, issuing a depredation permit
would be more likely to promptly help
resolve depredation problems than
would a depredation order to be
published in the Federal Register, as
the regulation at 50 CFR 21.42 currently
requires.
Public Comments
We request comments on this proposed rule. You may submit your comments and supporting materials by one of the methods listed in the ADDRESSES section. We will not consider comments sent by email or fax, or written comments sent to an address other than the one listed in the ADDRESSES section.

If you submit a comment via http://www.regulations.gov, your entire comment—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request that we withhold this information from public review, but we cannot guarantee that we will be able to do so. We will post all hardcopy comments on http://www.regulations.gov.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection at http://www.regulations.gov, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service (see FOR FURTHER INFORMATION CONTACT).

Required Determinations
Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities. There are no costs associated with this change to our regulations. The Federal Government would see a very slight benefit, as the U.S. Fish and Wildlife Service would no longer incur the very small annual cost of republishing these three sections of the regulations in the Code of Federal Regulations (CFR), but even over many years, this monetary benefit will be so small as to be negligible.

We have examined this rule’s potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that because this action would not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804 (2)). It would not have a significant impact on a substantial number of small entities.

a. This rule does not have an annual effect on the economy of $100 million or more.

b. This rule would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, Tribal, or local government agencies, or geographic regions.

c. This rule would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Therefore, we certify that, if adopted, this rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we have determined the following:

a. This rule would not “significantly or uniquely” affect small governments. A small government agency plan is not required. Actions under the proposed regulation would not affect small government activities.

b. This rule would not produce a Federal mandate of $100 million or greater in any year. It would not be a “significant regulatory action.”

Takings

This rule does not contain a provision for taking of private property. In accordance with Executive Order 12630, a takings implication assessment is not required.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism impact summary statement under Executive Order 13132. It would not interfere with the States’ abilities to manage themselves or their funds. No significant economic impacts are expected to result from the proposed change in the depredation orders that are the subject of this proposed rule.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

There is no information collection requirement associated with this proposed regulations change. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have analyzed this proposed rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 432–437(f) and Part 516 of the U.S. Department of the Interior Manual (516 DM). The proposed regulations change would simply remove unused regulations, and is administrative in nature. The action is categorically excluded from further NEPA consideration by 43 CFR 46.210(i).

Socioeconomic. The proposed regulations change would have no discernible socioeconomic impacts.

Migratory bird populations. The proposed regulations change would not affect native migratory bird populations.

Endangered and Threatened Species. The proposed regulation change would
not affect endangered or threatened species or habitats important to them.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951, Executive Order 13175, and 512 DM 2), we have determined that there are no potential effects on Federally recognized Indian Tribes from the proposed regulations change. The proposed regulations change would not interfere with Tribes’ abilities to manage themselves or their funds or to regulate migratory bird activities on Tribal lands.

Energy Supply, Distribution, or Use (Executive Order 13211)

This proposed rule would affect only certain depredation orders for migratory birds, and would not affect energy supplies, distribution, or use. This action would not be a significant energy action, and no Statement of Energy Effects is required.

Compliance With Endangered Species Act Requirements

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.), requires that “The Secretary [of the Interior] shall review other programs administered by him and utilize such programs in furtherance of the purposes of this chapter” (16 U.S.C. 1536(a)(1)). It further states that the Secretary must “insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat” (16 U.S.C. 1536(a)(2)). The proposed regulations change would not affect listed species.

List of Subjects in 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

For the reasons described in the preamble, we propose to amend subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 21—MIGRATORY BIRD PERMITS

§ 21.42 [Removed and reserved]

2. Remove and reserve § 21.42.

§ 21.45 [Removed and reserved]


§ 21.46 [Removed and reserved]

4. Remove and reserve § 21.46.

Dated: September 26, 2013.

Rachel Jacobson,
Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2013–26070 Filed 11–1–13; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21


Migratory Bird Permits; Control Order for Introduced Migratory Bird Species in Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Nonnative species in Hawaii displace, compete with, and consume native species, some of which are endangered, threatened, or otherwise in need of additional protection. To protect native species, we propose to establish a control order for cattle egrets (Bubulcus ibis) and barn owls (Tyto alba), two introduced migratory bird species in Hawaii. We also make the supporting draft environmental assessment available for public comment.

DATES: Electronic comments on this proposal via http://www.regulations.gov must be submitted by 11:59 p.m. Eastern time on February 3, 2014. Comments submitted by mail must be postmarked no later than February 3, 2014.

ADDRESSES: You may submit comments by one of the following methods only:


FOR FURTHER INFORMATION CONTACT: Dr. George T. Allen in Arlington, Virginia, at 703–358–1825 about the proposed rule, or Jenny Hoskins in Volcano, Hawaii, at 503–382–7056 about the draft environmental assessment.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service (Service) is the Federal agency delegated the primary responsibility for managing migratory birds. This delegation is authorized by the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), which implements conventions with Great Britain (for Canada), Mexico, Japan, and the Soviet Union (Russia). We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR).

Regulations pertaining to migratory bird permits are at 50 CFR part 21. Subpart D of part 21 contains regulations for the control of depredating birds. Depredation and control orders allow the take of specific species of migratory birds for specific purposes without need for a Federal permit. In general, the Service establishes depredation orders to protect human property, such as agricultural crops, from damage by migratory birds, and we issue control orders to protect natural resources. To protect native species in Hawaii, we propose to add a control order to part 21 for cattle egrets (Bubulcus ibis) and barn owls (Tyto alba), two introduced migratory bird species in Hawaii.

Species Information

Cattle egrets and barn owls were both introduced into Hawaii in the late 1950s to deal with agricultural pests on farms and ranches. Both species have since significantly expanded in range and population size, and now pose a serious predation problem for various native Hawaiian bird species including several threatened and endangered species. Studies indicate that neither cattle egrets nor barn owls have been effective in controlling the pests for which they were introduced. In Hawaii, cattle egrets are now widespread on all of the main islands, as well as on the islands and atolls of the Northwestern Hawaiian islands. Barn owls are known to occur regularly on all of the main Hawaiian islands in all habitat types, from sea level to upper elevation forests, and in recent years have been sighted with increasing frequency on offshore islets. We are concerned that barn owls will soon have established populations in the Northwestern Hawaiian islands.

Cattle Egrets

Cattle egrets range throughout wetland areas, atolls, and open...