

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