Supplementary Information: This is a synopsis of the Commission’s Notice of Proposed Rule Making, MM Docket No. 91-257, adopted August 26, 1991, and released September 5, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,
Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21563 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-257, RM-7779]

Radio Broadcasting Services; Venice, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Asterisk Radio, Inc., proposing the substitution of Channel 221C3 for Channel 221A at Venice, Florida, and modification of its license for Station WCTQ(FM) to specify the higher class channel. Channel 221C3 can be allotted to Venice in compliance with the Commission’s minimum distance separation requirements with a site restriction of 9.5 kilometers (5.9 miles) north, in order to avoid a short-spacing to Station WYFO(FM), Channel 220C3, Lakeland, Florida. The coordinates are North Latitude 27–10–55 and West Longitude 82–28–40. In accordance with § 1.420(g) of the Commission’s Rules, we shall not accept competing expressions of interest or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

DATES: Comments must be filed on or before October 28, 1991, and reply comments on or before November 12, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dennis F. Begley, Reddy, Begley & Martin, 2033 M Street, NW., suite 500, Washington, DC 20036. (Counsel for Asterisk Radio, Inc.).

FOR FURTHER INFORMATION CONTACT:

Nancy J. Walls, Mass Media Bureau.

(202) 634–6530.

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[FR Doc. 91-21563 Filed 9-9-91; 8:45 am]

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47 CFR Part 73

[MM Docket No. 91-257, RM-7779]

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List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,
Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21563 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-257, RM-7779]

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ACTION: Proposed rule.

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FOR FURTHER INFORMATION CONTACT:

Nancy J. Walls, Mass Media Bureau.

(202) 634–6530.
generally large and colorful, and thus of SUPPLEMENTARY INFORMATION:

Dr Charles W. Dane, Chief, Office of Arlington, Virginia.

8 a.m. to 4 p.m., Monday through Friday, in room 750, 4401 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

FOR FURTHER INFORMATION CONTACT:

Dr Charles W. Dane, Chief, Office of Scientific Authority, at the above address (703-358-1708 or FTS 921-1708).

SUPPLEMENTARY INFORMATION:

Background

The swallowtail butterflies of the insect family Papilionidae occur mainly in tropical parts of the world. They are generally large and colorful, and thus of special attraction to people, but also are particularly susceptible to excessive collection and environmental disruption. Four species have been placed on appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention). One of these, Queen Alexandra’s birdwing (Troilides alexandrae) was added to the U.S. List of Endangered and Threatened Wildlife in the Federal Register of September 21, 1989 (54 FR 38959–38951). The other three—the Homerus, Corsican, and Luzon peacock swallowtail butterflies—are now classified as endangered by the International Union for Conservation of Nature (IUCN). The Homerus was selected by the IUCN Species Survival Commission as one of 12 critically endangered species that “highlight the serious and often still deteriorating world situation for species” (Fitter 1988). Partly in conjunction with an effort to establish closer alignment between the IUCN classifications, the Convention appendices, and the U.S. Lists, whenever warranted, the Service now proposes to determine endangered status for the three butterflies described below (information from Collins and Morris 1985).

The Homerus swallowtail butterfly (Papilio homerus) is the largest member of the family in the Western Hemisphere. It has a wingspan of about 6 inches (150 millimeters). The wings are black or dark brown, the upper surfaces having broad yellow bands and the lower surfaces having narrower yellow bands and blue spots. The species is known only from Jamaica in the West Indies.

The Corsican swallowtail (Papilio homerus) is a short-tailed, black and yellow butterfly, with blue and red markings. Its wingspan is about 3 inches (72–76 millimeters). It is found only on islands of Corsica (France) and Sardinia (Italy).

The Luzon peacock swallowtail (Papilio chinace) is a beautiful green-black, red and purple, long-tailed butterfly. Its forewing length is about 2 inches (55 millimeters).

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations promulgated to implement the listing provisions of the Act (50 CFR part 424) set forth the procedures for adding species to the Federal Lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Homerus, Corsican, and Luzon peacock swallowtail butterflies are as follows (information from Collins and Morris (1986) and from proposals to add the three species to appendix I of the Convention).

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Habitat destruction is the main factor in the decline of at least two of these species. The Homerus swallowtail originally was recorded from most parts of Jamaica, but now is restricted to two disjunct areas of virgin forest, each comprising only a few square kilometers. Both populations are continuing to decline, largely because of logging and agricultural activity. The new Corsican swallowtail has declined dramatically on both Corsica and Sardinia. On each island, the food plants of the butterfly are believed by the local people to be poisonous to sheep, and are therefore being destroyed by fires. In addition, developments such as ski resorts have destroyed habitat on Corsica. Populations of the butterfly are now extremely localized. The Luzon peacock swallowtail is found in a mountainous area, part of which is a popular summer tourist resort. New roads and other developments are reducing available habitat for the butterfly.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Excessive collection by butterfly enthusiasts and commercial interests is a problem for all three species, and is the main factor jeopardizing the Luzon peacock swallowtail. The latter is among the most beautiful and desirable members of the family, and its habitat is becoming easily accessible through road construction. It is readily captured, as its flight is very slow and it is attracted by decoys. Commercial collecting has been intensive and prices on the international market have been remarkable high for this species. In 1985 specimens were being sold in Japan for the equivalent of U.S. $150. In 1986 a dealer in the Philippines reportedly was purchasing pairs from local collectors at high volume and for the equivalent of U.S. $40.

The Corsican swallowtail also has suffered through excessive taking by both local and foreign collectors, who are aware of its rarity. Collecting of the Homerus swallowtail is difficult in its mountainous habitat, but may be a problem since it does command a high price and there are no effective protective measures in place. In 1984 a female was advertised in the United States for $2800 and a male for $1575.

C. Disease or Predation

Not now known to be immediate problems, but of potential concern in any case of a species reduced to very limited numbers or habitat.

D. The Inadequacy of Existing Regulatory Mechanisms

The Homerus swallowtail is not covered by any specific conservation measures. The Corsican swallowtail is protected from direct taking on Corsica under French law, but the Sardinian population is not protected. There are no regulatory measures on either island to prevent habitat destruction, which is the main problem. The Luzon peacock swallowtail and its habitat are completely unprotected. Being on appendix I of the Convention helps to control international trade in these species, but does not affect environmental disruption or local collecting.

E. Other Natural or Manmade Factors Affecting its Continued Existence

None now known.

The decision to propose endangered status for the Homerus, Corsican, and Luzon peacock swallowtail butterflies was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. All three of these butterflies have suffered substantial losses in habitat and/or numbers in recent years and are vulnerable to further human exploitation and disturbance. If conservation measures are not implemented, further declines are likely to occur. Critical habitat is not being proposed, as its designation is not applicable to foreign species.

Available Conservation Measures

Conservation measure provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions,
requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this proposal.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b)(3) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species and to provide assistance for such programs in the form of personnel and the training of personnel.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered wildlife. It also is illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, comments and suggestions concerning any aspect of this proposed rule are hereby solicited from the public, concerned governmental agencies, the scientific community, industry, private interests, and other parties. Comments particularly are sought concerning the following:

(1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the subject species;
(2) The location of any additional populations of the subject species;
(3) Additional information concerning the distribution of these species; and
(4) Current or planned activities in the involved areas, and their possible effect on the subject species.

Final promulgation of the regulation on the subject species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of final regulations that differ from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal, should be in writing, and should be directed to the party named in the above "ADDRESSES" section.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service’s reasons for this determination was published in the Federal Register of October 25, 1983 (48 FR 49244).

Literature Cited


Author

The primary author of this proposed rule is Dr. Ronald M. Nowak, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (703-358-1708 or FTS 921-1708).

List of Subjects in 50 CFR Part 17

Endangered and Threatened Species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter 1, title 50 of the Code of Federal Regulations, as set forth below:

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


2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Insects, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

. . . . .

(h) . . .
<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
<th>Historic range</th>
<th>Vertebrate population where endangered or threatened</th>
<th>Status</th>
<th>When listed</th>
<th>Critical habitat</th>
<th>Special rules</th>
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<td><em>Papilio hospiton</em></td>
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<td>*</td>
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</tbody>
</table>


Richard N. Smith,

*Acting Director.*

[FR Doc. 91-21831 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-55-M