

[Revise the listing for Israel by changing the Price Group for First-Class Mail International to Price Group 5 as follows:]

Country	Global express guaranteed		Express mail international		Priority mail international ¹		First-Class mail international	
	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. ² (ozs./lbs.)
Israel	6	70	8	44	8	44	5	3.5/4
	*	*	*	*	*	*	*	*

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Individual Country Listings
Country Conditions for Mailing
Israel

[Revise the heading and prices for First-Class Mail International to incorporate the change from Price Group 8 to Price Group 5 as follows:]

First-Class Mail International (240)
Price Group 5
Letters

* * * * *

Weight not over (ozs.)	Price	
1	\$0.98	<i>Note: A letter meeting one or more of the nonmachinable characteristics in 241.217 is charged a nonmachinable surcharge of \$0.20.</i>
2	1.82	
3	2.66	
3.5	3.50	

Large Envelopes (Flats)

Weight not over (ozs.)	Price	Weight not over (ozs.)	Price	Weight not over (ozs.)	Price
1	\$1.24	12	\$8.84	44	\$22.60
2	2.08	16	10.56	48	24.32
3	2.92	20	12.28	52	26.04
4	3.76	24	14.00	56	27.76
5	4.60	28	15.72	60	29.48
6	5.44	32	17.44	64	31.20
7	6.28	36	19.16		
8	7.12	40	20.88		

Packages (Small Packets)

Weight not over (ozs.)	Price	Weight not over (ozs.)	Price	Weight not over (ozs.)	Price
1	\$1.44	12	\$9.04	44	\$22.80
2	2.28	16	10.76	48	24.52
3	3.12	20	12.48	52	26.24
4	3.96	24	14.20	56	27.96
5	4.80	28	15.92	60	29.68
6	5.64	32	17.64	64	31.40
7	6.48	36	19.36		
8	7.32	40	21.08		

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We will publish an amendment to 39 CFR Part 20 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[FWS-R9-MB-2008-0064; 91200-1231-9BPP]

RIN 1018-AV66

Migratory Bird Permits; Removal of Rusty Blackbird and Tamaulipas (Mexican) Crow From the Depredation Order for Blackbirds, Cowbirds, Grackles, Crows, and Magpies, and Other Changes to the Order

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, change the regulations governing control of depredating blackbirds, cowbirds, grackles, crows, and magpies at 50 CFR 21.43. Because of long-term evidence of population declines throughout much of their ranges, we remove the Rusty Blackbird (*Euphagus carolinus*) and the Mexican (Tamaulipas) Crow (*Corvus imparatus*) from the list of species that may be controlled under the depredation order. With the effective date of this final rule, a depredation permit is required to conduct control actions to take either of these species. Also, nontoxic shot or bullets must be used in most cases when a firearm is used to control any species listed under the order. Finally, we add a requirement to report on control actions taken under the order.

DATES: This regulation will be effective on January 3, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. George T. Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, VA 22203-1610, Phone: (703) 358-1825.

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Fish and Wildlife 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). Part 21 of title 50 of the Code of Federal Regulations covers migratory bird permits. Subpart D deals specifically with the control of depredating birds and presently includes eight depredation orders. A depredation order is a regulation that allows the take of specific species of migratory birds, at specific locations, and for specific purposes without a depredation permit. The depredation order at 50 CFR 21.43 for blackbirds, cowbirds, grackles, crows, and magpies allows take when individuals of an included species are "found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance."

II. Species We Are Removing From the Depredation Order

We remove the Rusty Blackbird (*Euphagus carolinus*) and the Mexican (Tamaulipas) Crow (*Corvus imparatus*) from the list of species that may be controlled under the depredation order at 50 CFR 21.43. We remove the Rusty Blackbird because of the long-term downward trend in its population and its special conservation status. Because of the very limited distribution of the Tamaulipas Crow in the United States and its apparent rapid decline in numbers, we also remove this species from the list of species that may be controlled under the depredation order.

After the effective date of this final rule (*see DATES*), any take of either of these species will require a depredation permit (50 CFR 21.41) or other applicable MBTA permit. For background and current information on these two species, see our proposed rule published December 8, 2008 (73 FR 74447).

III. Additional Regulatory Changes

We also require the use of nontoxic ammunition for all take of migratory birds under this depredation order to prevent toxicity hazards to other wildlife. Further, we require reporting of control actions taken under the order to give us data on the number of each species taken each year to better monitor the effects of such take on populations of those species. We expect the respondents to be mostly State and Federal wildlife damage management personnel who undertake blackbird control to protect crops. We also make the list of species to which the depredation order applies more precise

by listing each species that may be controlled under the order.

IV. Comments on the Proposed Rule or the Draft Environmental Assessment

Issue: Opposition to the depredation order.

"WS [U.S.D.A. Wildlife Services] is notorious for indiscriminate regimes that have resulted in the mortality of uncountable millions of birds * * * and will continue to pose a real risk to the rusty blackbird and Tamaulipas crow despite the proposed rule change. We therefore request that 50 CFR § 21.43 not only be narrowed in scope, but withdrawn completely."

"Currently, 50 CFR § 21.43 allows for such a broad exemption from the normal MBTA permitting process that some migratory birds are afforded virtually no protections—especially given the enormous amount of land conversion to agriculture and other uses."

Response: Blackbird depredation on crops has been clearly demonstrated. We will consider the effects of the depredation order as we obtain information on reported take of birds under its authority. We may make changes in the depredation order if we determine that it is advisable to do so. However, we leave the order in place.

Issue: Nontoxic ammunition requirement.

"We are also convinced that FWS should finalize its proposal to end the use of toxic shot for killing blackbirds, crows, and grackles, and thus also commend that portion of the proposed change to 50 CFR § 21.43 concerning this point. Lead shot can have detrimental effects on scavengers and the environment."

"I am writing to express my support for * * * the requirement to use nontoxic shot or bullets when a firearm is used to control any species listed under the order."

"WS recommends eliminating the non-toxic requirement for all ammunition in all situations involving blackbirds unless: (1) Further analysis by the FWS provides definitive evidence that lead ammunition has impacted rusty blackbird populations and (2) evidence is provided that lead ammunition used under the authority of the blackbird depredation order has impacted other wildlife species." (USDA Wildlife Services)

"Supporting documentation and analysis is needed for all claims of lead toxicosis in songbirds. The use of unsupported claims of lead toxicosis in songbirds should be discarded since there is not any information from