



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-HQ-ES-2026-0397; FXES1111090FEDR-267-FF09E21000]

RIN 1018-BI66

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Jamaican Kite Swallowtail

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Jamaican kite swallowtail (*Eurytides marcellinus*), a butterfly species from Jamaica, as an endangered species under the Endangered Species Act of 1973, as amended (Act). After a review of the best scientific and commercial data available, we find that listing the species is warranted. If we finalize this rule as proposed, it would add this species to the List of Endangered and Threatened Wildlife and extend the Act's protections to the species.

DATES: We will accept comments received or postmarked on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Comments submitted electronically using the Federal eRulemaking Portal (see

ADDRESSES, below) must be received by 11:59 p.m. eastern time on the closing date.

We must receive requests for a public hearing, in writing, by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] either at

<http://www.regulations.gov> at FWS-HQ-ES-2026-0397, which is the docket number for this rulemaking, or at the address shown in **FOR FURTHER INFORMATION**

CONTACT.

ADDRESSES: *Comment submission:* All submissions must include the docket number (FWS–HQ–ES–2026–0397) for this document. You must submit comments using one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal:

<https://www.regulations.gov>. In the Search box, enter FWS–HQ–ES–2026–0397, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2026–0397, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so (see **Information Requested**, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available at <https://www.regulations.gov> under Docket No. FWS–HQ–ES–2026–0397.

FOR FURTHER INFORMATION CONTACT: Rachel London, Manager, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service; 703–358–2171; rachel_london@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS–HQ–ES–2026–0397 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies (including foreign governments within the range of the species), Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

- (1) The species’ biology, range, and population trends, including:
 - (a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;
 - (b) Genetics and taxonomy;
 - (c) Historical and current range, including distribution patterns and the locations of any additional populations of this species;
 - (d) Historical and current population levels, and current and projected trends; and
 - (e) Past and ongoing conservation measures for the species, its habitat, or both.
- (2) Threats and conservation actions affecting the species, including:

(a) Factors that may be affecting the continued existence of the species, which may include habitat destruction, modification, or curtailment, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors;

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species; and

(c) Existing regulations or conservation actions that may be addressing threats to this species.

(3) Additional information concerning the historical and current status of this species.

(4) If we conclude the species is threatened instead of endangered, information to assist us with applying or issuing protective regulations under section 4(d) of the Act (a “4(d) rule”) that would be necessary and advisable to provide for the conservation of the species. In particular, we seek information concerning the following for such a 4(d) rule:

(a) The extent to which we should include any of the Act’s section 9(a)(1) prohibitions (including import, export, take, activities with unlawfully taken specimens, and activities in interstate or foreign commerce); and

(b) Whether we should consider any modifications or additional exceptions from the prohibitions.

Please include any supplemental information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an

endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available.

You must submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://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 on <https://www.regulations.gov>.

Our final determination may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that the species is threatened instead of endangered, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. If we conclude that the species is threatened, we would also comply with section 4(d) of the Act and issue the protective regulations that are necessary and advisable to provide for the conservation of the species, including applying any section 9(a) prohibitions. In our final rule, we will clearly explain our rationale and the basis for our final decision, including why we made changes, if any, that differ from this proposal.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the *Federal Register*. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the *Federal Register*. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

On January 10, 1994, we received a petition from Ms. Dee E. Warenycia to list seven foreign swallowtail butterflies, including the Jamaican kite swallowtail (*Eurytides marcellinus*), as endangered or threatened species under the Act. On May 10, 1994, we published a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for all seven species in the *Federal Register* (59 FR 24117). On December 7, 2004, we published our finding that listing the species was warranted but precluded by higher priority actions (69 FR 70580), and it was added to our list of candidate species with a listing priority number (LPN) of 5. A full description of the listing priority system was published on September 21, 1983 (69 FR 70580). Briefly, LPNs ranging from 1 – 12 are assigned to candidate species based on taxonomy, and the magnitude and immediacy of threats, with lower numbers indicating higher priority. In 2007, we published the Annual Description of Progress on Listing Actions, assigning the Jamaican kite swallowtail an LPN of 8, which it held in subsequent publications until 2009 (72 FR 20184, April 23, 2007; 73 FR 44062, July 29, 2008; 74 FR 40540, August 12, 2009). On May 3, 2011, we published our finding that

the listing priority number was reevaluated, and the species was assigned an LPN of 2 to reflect the imminent threats of high magnitude (76 FR 25150). Subsequent Annual Notice of Review (ANOR) and Candidate Notice of Review (CNOR) documents published from 2013 to 2025 continued to assign a LPN of 2 to the Jamaican kite swallowtail due to imminent threats of high magnitude (78 FR 24604, April 25, 2013; 81 FR 71457, October 17, 2016 84 FR 54732, October 10, 2019; 86 FR 43470, August 9, 2021; 87 FR 26152, May 3, 2022; 88 FR 41560, June 27, 2023; 90 FR 48912, October 31, 2025). In this proposed rule, we use the valid taxonomic entity *Eurytides marcellinus* (see **Taxonomy**, below).

Peer Review

A species status assessment (SSA) team prepared an SSA report for the Jamaican kite swallowtail. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy with the National Marine Fisheries Services (NMFS) on peer review that published in the *Federal Register* on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific review of the information contained in the Jamaican kite swallowtail SSA report. We solicited reviews from three independent peer reviewers and received two responses. The peer reviews can be found at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2026–0397. In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this proposed rule.

Summary of Peer Reviewer Comments

As discussed in **Peer Review**, above, we received comments from two peer reviewers on the draft SSA report. We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the contents of the SSA report. The reviewers generally concurred with our methods and the conclusions of our assessment. The reviewers provided clarifying information about the condition of breeding sites, imminent threats, observation records, distribution of the species, impact of host plant removal, and an additional reference. This information was incorporated into the SSA report (Service, 2025, entire) and did not result in substantive changes to the conclusions of the assessment of the species status.

Taxonomy

The Jamaican kite swallowtail (*Eurytides marcellinus*) is a butterfly in the Papilionidae (swallowtail) family. In 1845, it was named *Protesilaus marcellinus* (Brown and Heineman 1972, p. 340), which is still used along with other variations for the genus (i.e., *Protographium*, *Eurytides*, and *Protesilaus*). *Protographium marcellinus* is used by the International Union for the Conservation of Nature (IUCN) and Catalogue of Life (Gimenez Dixon 1996, p. 1; Catalogue of Life, unpaginated). Recently, it has been reclassified into genus *Eurytides* and subgenus *Mimoides* after genetic analysis (Reboud et al. 2025, p. 392). Other common names for the species include the Jamaican blue kite swallowtail and blue swallowtail.

Proposed Listing Determination

Background

The Jamaican kite swallowtail is a butterfly species endemic to Jamaica. The species has been observed throughout the island; however, breeding habitat is restricted to four small areas where dense stands of the larval host plant, black lancewood (*Oxandra lanceolata*), are found (Turner and Turland 2017, pp. 143, 459). These breeding

sites are limited to areas where 2 meters (m) (6.6 feet (ft)) tall black lancewood trees occur in dense 100 m x 100 m (328 ft x 328 ft) stands, with trunks averaging 3 m (9.8 ft) apart and lower limbs touching (Turner and Turland 2017, pp. 141, 459; 2022, unpaginated; Hayes-Sutton et al. 2023, p. 11). Breeding sites are located at Rozelle, Lancewood Valley, Rio Bueno, and Cockpit Country in St. Thomas, St. Catherine, St. Ann, and Trelawny parishes, respectively.

Females deposit pale blue-green eggs on the underside of black lancewood leaves, which turn brown before hatching (Turner and Turland 2017, p. 141). After 14–16 days, the larvae hatch and navigate toward new growth on the host plant to feed and develop through five distinct instar stages with black, orange, brown, and green patterns that differ slightly between each stage (Turner and Turland 2017, pp. 141–142). When larvae reach roughly 35 millimeters (mm) (1.4 inches (in)), they descend into the leaf litter at least 50 centimeters (cm) (19.7 in) in depth beneath the host plant where humidity can be up to 10 percent higher than ambient conditions (Hayes-Sutton et al. 2023, p. 11; Turner and Turland 2025, p. 34). The pupae form a 15 mm (0.6 in) chrysalis, which is protected in a shelter composed of overlapping leaves held together with silk (Turner and Turland 2017, p. 142). Most pupae enter diapause, usually in response to drought, for up to 191 days or until sufficient rainfall (75–125 mm (3–4.9in) within 1–4 days) triggers emergence. These rainfall events also trigger growth of new leaf buds on the host plant which will provide food for the next generation of the butterfly larvae (Turner and Turland 2017, pp. 142, 459).

Adults are present for 14 days and primarily emerge in two annual broods observed in April–July and September–November, after synchronized emergence from the chrysalis (Turner and Turland 2017, p. 142). The average adult wingspan of the Jamaican kite swallowtail ranges from 59 mm–63 mm (2.3–2.5 in), and the wings are blue- and black-striped with a red spot near the thorax on the dorsal side, and a red stripe

on the ventral side of the wings (Turner and Turland 2017, p. 141). The head, thorax, and abdomen are off-white with black markings, and the species is not sexually dimorphic (Turner and Turland 2017, p. 141). Adults have been observed feeding on a wide range of nectaring plants, most notably *Spathelia sorbifolia* (Turner and Turland 2025, p. 39). Females remain at the breeding site while males disperse throughout the island; however, the fate of dispersing males has not been documented (Hayes-Sutton et al. 2023, p. 21). Historical observations of mass migrations consisting of an estimated 750,000 individuals in favorable years occurred up until 1966, prior to extensive habitat destruction at the Rozelle breeding site (Turner and Turland 2025, p. 45). Today, most migrations consist of less than one hundred individuals. Migrations of a few hundred individuals may be observed in favorable years, and some years yield no sightings of migrating adults (Turner and Turland 2025, p. 45).

A thorough review of the taxonomy, life history, and ecology of the Jamaican kite swallowtail is presented in the SSA report (version 1.2; Service 2025, pp. 6–15).

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine

whether any species is an endangered species or a threatened species because of any of the 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.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term "threat" includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term "threat" may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an "endangered species" or a "threatened species." In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects

on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M-37021, January 16, 2009; “M-Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the Service and National Marine Fisheries Service (hereafter, the Services) can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best scientific and commercial data available and taking into account considerations such as the species’ life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data available regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess Jamaican kite swallowtail viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in (and decrease with decreases in) resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' future condition, including responses to positive and negative environmental and

anthropogenic influences. Throughout all of these stages, we used the best scientific and commercial data available to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–HQ–ES–2026–0397 on <https://www.regulations.gov>.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

Species Needs

The Jamaican kite swallowtail is restricted to Jamaican limestone forests. Breeding only occurs at four small sites where dense stands of its only known larval host plant, black lancewood, are found. Sufficient leaf litter (50 cm (19.7 in)) must be present to provide protection and suitable conditions for the pupae during diapause. Rainfall events totaling 75–125 mm (3–4.9in) within 1–4 days are needed to break diapause and trigger emergence, which coincides with emergence of leaf buds on the host plant. Adults are known to feed on a variety of nectaring plants; however, larvae feed exclusively on the host plant.

Threats

Deforestation and Loss of Host Plant—Deforestation and loss of the black lancewood is the leading cause of decline in Jamaican kite swallowtail populations. Black lancewood trees are in high demand in Jamaica for use for making cabinets, fishing equipment, and agricultural uses (Turner and Turland 2017, p. 459). Once a heavily forested island, Jamaica has experienced fluctuating area of forest cover, which was estimated at 47.9 percent of the island as of 2023 (Forestry Department, Government of

Jamaica 2024a, p. 5). Jamaican forests are threatened by mining, quarrying, brushfires (slash-and-burn agriculture), livestock grazing, illegal logging, encroachment of development, and natural disasters (Government of Jamaica 2016, entire). Charcoal-making and fires resulting from charcoal burning are also noted as drivers of deforestation and habitat loss in Jamaica and have been observed near Jamaican kite swallowtail breeding habitat (Ecosystems Quality Management Limited and Negril 2025, pp. 181–182; Turner and Turland 2025, p. 44). Reforesting efforts have aimed to convert unused agricultural lands into secondary forests, which is now the most common forest type in Jamaica accounting for 37 percent of all forest area (Forestry Department, Government of Jamaica 2024a, pp. 28, 42). As a result, the majority of Jamaica’s forests are degraded, disturbed, or reforested, with only 7.7 percent of the island described as primary broadleaf forest (Government of Jamaica 2016, p. 23).

Deforestation at the Rozelle breeding site has been documented over several decades. In 1967, the documented area of black lancewood trees at Rozelle totaled 5.2 kilometers (km)² (2.0 miles (mi)²); however, most of these plants were destroyed in 1971 for cattle grazing and charcoal making, then subsequently converted to housing (Turner and Turland 2017, p. 459). Today, the total area of black lancewood trees at Rozelle totals approximately 1 km² (0.39 mi²), roughly an 80 percent reduction in breeding habitat since 1967 (Turner and Turland 2025, p. 41). A planned housing development would further impact this site, and an environmental impact assessment for the project has identified the need for mitigation to protect the Jamaican kite swallowtail (Ecosystems Quality Management Limited and Negril 2025, entire).

The Lancewood Valley site covers 0.25 km² (0.01 mi²) and is situated within the Hellshire Hills in the Portland Bright Protected Area (PBPA). Despite protections, extensive forest loss has occurred in the area surrounding this breeding site (Tole 2002, p. 586). Vegetation has been cleared to make way for trails and improve access to the forest,

and lumber is commonly used by households in the area (Tole 2002, p. 587; Turner and Turland 2025, p. 42). Between 1987 and 1992, 36 percent of forest cover in the PBPA was lost, averaging 7 percent per year (Tole 2002, p. 586). Illegal harvesting of trees occurs in this area, primarily to be used as firewood or for making charcoal, which is noted to be a source of income in the surrounding community (Caribbean Coastal Area Management Foundation (C-CAMF) 2013, pp. 13–29). Lack of resources, inadequate enforcement, and poorly delineated boundaries are allowing for illegal harvesting and forest misuse to continue (C-CAMF 2013, pp. 35–37). A study conducted in this area found that dry forests in the Hellshire Hills are slow to recover, and it is estimated to take 45.4 years for above-ground biomass to return to its original state following clear cutting (Niño et al. 2014, p. 1093).

The Rio Bueno site is estimated to be roughly 1.05 km² (0.41 mi²) on the northern coast of Jamaica. Here, most of the smaller black lancewood trees in this area have been harvested, and the site is believed to support a very small population of Jamaican kite swallowtails (Turner and Turland 2025, p. 42). Many of the remaining Lancewood trees were removed for road construction to improve access to nearby mining operations and subsequent forest thinning has occurred. It has been estimated that 20 percent of this site remained as of 2017 (Turner and Turland 2025, p. 42).

The Cockpit Country breeding site is a remote area estimated to be less than 1 km² (0.39 mi²) that is known for distorted growth of black lancewood trees, making them unsuitable for common uses (Turner and Turland 2025, p. 42). Consequently, deforestation has not yet impacted this breeding site. Deforestation is occurring in the greater Cockpit Country, which is a popular area for illegal logging, and nearby forests are subject to increasing exploitation with the development of new roads (Newman et al. 2011, unpaginated). Development projects near the borders of the protected area are increasing access to the forest, challenging legal boundaries, and encroaching into the

protected area at a rate of 0.6 km² (0.23 mi²) per year along access roads (Turner and Turland 2025, pp. 44–45; Altink 2023, entire).

Extreme Weather Events—Extreme weather events including drought, tropical storms, hurricanes, and wildfires are frequent in Jamaica (Rhiney 2015, pp. 103–107). Warming trends in the Caribbean are expected to drive changes in precipitation patterns and increase the intensity of extreme weather events (Forestry Department, Government of Jamaica 2024a, p. 9; IPCC 2023, unpaginated). Islands in the Caribbean are expected to experience a decrease in frequency of tropical storms but an increase in storm intensity, which may lead to more destructive weather events (Mycoo et al. 2022, p. 2045; IPCC 2023, unpaginated). Intense storms, such as hurricanes, can damage Caribbean forest ecosystems, causing defoliation, flooding, landslides, erosion, and direct mortality of organisms (Tanner et al. 1991, entire). For example, on October 28, 2025, Hurricane Melissa made landfall in Jamaica as a category 5 hurricane, causing extensive damage and defoliation in the Cockpit Country, as observed via satellite imaging. We are not aware of any information regarding the extent of the impact to the Jamaican kite swallowtail or its breeding sites at this time, and we request any available information be submitted as public comment as described above in **Information Requested**.

Jamaica’s precipitation patterns are characterized by a dry season from December to April and a bimodal wet season, with a midsummer drought during July and August (Centella-Artola et al. 2015, pp. 1909–1910). Drying is expected throughout the island, with rainfall decreasing by 4.34 to 43.28 percent in coastal areas and 9.70 to 37.03 percent in interior areas by the end of the century (Forestry Department, Government of Jamaica 2017, p. 25). Models predict a 2 to 3 percent decrease in annual precipitation with 2.0 °C (3.6 °F) and 2.5 °C (4.5 °F) warming, respectively, and drying mostly affecting the summer months (Curtis et al. 2014, p. 3; Taylor et al. 2018, pp. 216–219). As a result, droughts, particularly in the summer, are expected to increase in frequency

and intensity (Taylor et al. 2018, pp. 2921–2924; International Panel on Climate Change (IPCC) 2023, unpaginated). The Jamaican kite swallowtail is capable of undergoing diapause to survive normal midsummer droughts; however, extended drought periods would likely impact the success of adult emergence if rainfall is insufficient to break diapause. In years without sufficient rainfall to trigger an emergence of adults to coincide with new growth of shoots and leaf buds of the host plant, mortality of eggs and larvae is high (Turner and Turland 2017, p. 464). Black lancewood may have some degree of drought tolerance. However, new growth is dependent on precipitation and terminal leaf buds remain dormant in the drier months (Turner and Turland 2025, p. 38). New growth is essential for Jamaican kite swallowtail larvae survival as a food source and to replace harvested trees to maintain adequate host plant densities (Turner and Turland 2025, p. 39).

Prolonged drought increases the risk of wildfires, with fire frequency peaking in the driest months. However, this is not part of the natural ecology in dry limestone forests of Jamaica (Charlton et al. 2021, p. 9; Hayes-Sutton et al. 2023, p. 20). Fire frequency is influenced by precipitation and temperature patterns with drying during the wet season correlated with higher fire frequency (Charlton et al. 2021, pp. 16–18). Anthropogenic activity such as charcoal-making and slash-and-burn agriculture further increase the risk of uncontrolled wildfires (Turner and Turland 2017, p. 457). Increasing wildfire frequency threatens remaining Jamaican kite swallowtail colonies by engulfing stands and burning pupae in the leaf litter beneath the host plants (Turner and Turland 2017, p. 457).

Collection - Illegal collection and trade of the species may have occurred within the last 30 years (Melisch and Schütz, 2000, p. 93). Specimens were available to purchase online for \$150 USD in 2006 (Turner and Turland 2025, p. 44). Today, opportunities to collect adult Jamaican kite swallowtails are considered very limited due to their rarity and

short time frame in which adults emerge; in some years adults may not be observed (Turner and Turland 2025, p. 44). Any level of trade would be considered a threat to the species because of the limited population. However, there is no evidence suggesting that trade is currently a threat to the species.

Conservation Efforts and Regulatory Mechanisms

The Jamaican kite swallowtail is not listed under the Convention on International Trade in Endangered Species of Fauna and Flora (CITES). However, the species is protected under Jamaica's Wild Life Protection Act of 1945, which prohibits the taking or possession of any animal (or part of an animal) listed under the Act, with maximum fines of 100,000 Jamaican dollars (approximately \$638.00 USD) and two years in jail (Law No. 143/2001), entire). The Forest Act of 1996 and the Forest Regulations Act of 2001 have increased the power of Jamaican authorities to protect the island's forests (Gartner et al. 2008, pp. 9–10). These Acts include mandates to determine the biodiversity in the forest as well as the ability to acquire private lands as forest reserves (Gartner et al. 2008, p. 9). Two subpopulations of the Jamaican kite swallowtail occur in protected areas, the Portland Bight Protected Area and the Cockpit Country Forest Reserve, where laws prohibit logging without proper licensing. However, habitat destruction within these areas continues despite these protections due to limited enforcement and efficacy of regulations (Chenoweth et al. 2001, p. 654). Conservation plans have been put forth to address forest crimes, such as illegal logging. However, it is unclear whether these policies have been effective because large-scale illegal logging operations continue to threaten biodiversity (Government of Jamaica 2016, pp. 47–48; Forestry Department, Government of Jamaica 2024b, p. 1).

The Jamaican government prioritizes restoration and reforestation and has developed conservation plans and initiatives. (Government of Jamaica, 2016, entire). Many of these initiatives such as the National Tree Planting Initiative, do not focus on

black lancewood because it is not currently a species of concern (Forestry Department, Government of Jamaica 2025, unpaginated). The Jamaican kite swallowtail was included in Jamaica's National Strategy and Action Plan on Biological Diversity in 2003, which established specific plans for protected areas in Rozelle and the Cockpit Country (National Environment Planning Agency (NEPA) 2003, p. 54). Additionally, a conservation action plan was developed for the species at the Lancewood Valley breeding site (Hayes-Sutton et al. 2023, entire). However, these high priority projects have not been initiated due to funding and capacity constraints (NEPA 2013, pp. 38, 50; V. Turland pers. comm. 2025).

Cumulative Effects

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

Current Condition

The Jamaican kite swallowtail has been described as Jamaica's most endangered butterfly and has been considered extremely rare since 1985 (Collins and Morris 1985, p. 19; Turner and Turland 2017, p. 464). Recently, experts have proposed the species be reclassified as critically endangered on the IUCN Red List, due to habitat restriction and fluctuating populations estimated to total 50 to 250 mature individuals, based on observation of adult migrations (Turner and Turland 2025, p. 46). To our knowledge, this is the best available population estimate available for the species. Historically, the species

was known to maintain low populations for multiple years before periodic mass migrations consisting of thousands of individuals (Collins and Morris 1985, p. 206). Observations of mass migrations consisting of an estimated 750,000 individuals in favorable years occurred up until 1966, prior to extensive habitat destruction at the Rozelle breeding site (Turner and Turland 2025, p. 45). The last recorded mass migration (over 1,000 individuals) from any breeding site occurred in 2006, originating from the Cockpit Country site (Turner and Turland 2017, p. 463). Today, most migrations consist of less than one hundred individuals, migrations of a few hundred individuals may be observed in favorable years, and some years yield no sightings of adults (Turner and Turland 2025, p. 45). The absence of large migrations consisting of over 100 individuals, which were historically frequent occurrences, indicates that populations have substantially decreased over time (reduced resiliency).

The leading causes of Jamaican kite swallowtail population declines are deforestation, reduced area of breeding habitat, and loss of its host plant, black lancewood (Turner and Turland 2025, pp. 40–44) (reduced resiliency and redundancy). Habitat degradation and deforestation have been documented at three of the four breeding sites. The resiliency of each subpopulation may differ slightly due to unique characteristics, threats, and protections at each breeding site. Currently, breeding sites are estimated to cover a very limited area, each ranging from 0.25–1.05 km² (0.01–0.41 mi²), with a combined area of 2.5 km² (0.97 mi²; Turner and Turland 2025, p. 46). It is estimated that the total area of these four breeding sites in 1965 was 8.75 km² (3.38 mi²), and 70 percent overall loss of breeding habitat has occurred. Thus, the species resiliency and redundancy have decreased over time (Turner and Turland 2025, p. 45). Recovery potential at many of these sites is limited due to loss of the host plant, which is required in specific densities to support reproduction and larval recruitment (Turner and Turland 2017, pp. 141, 459; 2022, unpaginated). The Jamaican kite swallowtail's reliance on a

single species of host plant for larval development, coupled with its low population density, indicates that the species is unable to adapt to the threat of deforestation and loss of the host plant (limited representation).

Redundancy of the species is inherently low as it is a narrow endemic only found within limestone forests where dense stands of at least 2-m (6-ft) tall black lancewood trees are present. While observations of adults have been noted throughout the island, the majority of the species' lifecycle is restricted to four confirmed breeding sites of limited area (Turner and Turland 2025, pp. 40–43). Small and increasingly isolated colonies of the Jamaican kite swallowtail are subject to both demographic isolations and stochastic events that can contribute to loss of genetic diversity (reduced representation) and local extirpations (reduced resiliency and redundancy) caused by habitat loss, predation, disease, and stochastic environmental events, such as storms (Davies et al. 2004, pp. 265–271). Imminent development projects threaten two of the four breeding sites, and impacted subpopulations will likely experience further declines and potential extirpation without effective mitigation that has generally not taken place previously due to limited enforcement and efficacy of regulations as well as funding and capacity constraints

Future Condition

As part of the SSA, we considered the future magnitude of threats of deforestation, loss of the larval host plant, and extreme weather events, and the projected responses of the Jamaican kite swallowtail. We assumed that current trends are likely to continue into the future and that the species' responses would remain similar to observed responses in current conditions. Because we determined that the current condition of the Jamaican kite swallowtail is consistent with an endangered species (see *Determination of Status*, below), we are not presenting the results of the assessment of magnitude and extent of future threats in this proposed rule. Please refer to the SSA report (Service 2025) for the full analysis of future magnitude of threats.

Determination of Status Background

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR part 424 set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the 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. We consider these five factors and the species' responses to these factors when making these determinations.

Section 3 of the Act defines “endangered species” and “threatened species.” An endangered species is any species which is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Both definitions include not only the phrase “throughout all,” but also the phrase “or a significant portion of its range.” Thus, there are ultimately four bases for listing a species under the Act (in danger of extinction throughout all of its range, in danger of extinction throughout a significant portion of its range, likely to become an endangered species within the foreseeable future throughout all of its range, or likely to become an endangered species within the foreseeable future throughout a significant portion of its range). These four bases are made up of two classifications (either endangered or threatened) and two components (either throughout all of its range or throughout a significant portion of its range).

Beginning in 2001, a number of judicial opinions addressed our interpretation of the phrase “or a significant portion of its range” (the SPR phrase) in the statutory

definitions of “endangered species” and “threatened species.” In *Defenders of Wildlife v. Norton*, 258 F.3d 1136 (9th Cir. 2001) regarding the flat-tailed horned lizard, the court held that the interpretation of the SPR phrase that we had applied in analyzing the status of the flat-tailed horned lizard was unacceptable because it would allow for a species to warrant listing throughout a significant portion of a species’ range only when the species “is in danger of extinction everywhere” (*id.* at 1141). The court held that the SPR phrase must be given independent meaning from the “throughout all” phrase to avoid making the SPR phrase in the statute superfluous.

In an attempt to address the judicial opinions calling into question our approach to evaluating whether a species was endangered or threatened throughout a significant portion of its range, the Service and NMFS (collectively, “the Services”) published a “Final Policy on Interpretation of the Phrase “Significant Portion of Its Range” in the Endangered Species Act’s Definitions of “Endangered Species” and “Threatened Species” (hereafter “2014 SPR Policy”; 79 FR 37578, July 1, 2014). The notice of the draft 2014 SPR Policy provides more detail about litigation before 2014 regarding the phrase (76 FR 76987, Dec. 9, 2011). The 2014 SPR Policy included 4 elements:

- (1) Consequence—that the consequence of determining that a species warrants listing based on its status in a significant portion of its range is to list the species throughout all of its range;
- (2) Significance—a definition of the term “significant”;
- (3) Range—that the species’ “range” is the current range of the species; and
- (4) DPS—that, if a [vertebrate] species is endangered or threatened in an SPR and the population in that SPR is a distinct population segment (DPS), the Service will list just the DPS.

Subsequently, two district courts vacated the definition of “significant” contained in the 2014 SPR Policy (*Ctr. for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959

(D. Ariz. 2017) (“*CBD v. Jewell*”) and *Desert Survivors v. U.S. Department of the Interior*, 321 F. Supp. 3d 1011, 1070-74 (N.D. Cal. 2018) (“*Desert Survivors*”). The courts found that the definition in the 2014 SPR Policy set too high a threshold and rendered the SPR language in the statute superfluous, failing to give it independent meaning from the “throughout all” phrase. In 2020, another court (*Ctr. for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020) (“*Everson*”) also vacated the specific aspect of the 2014 SPR Policy under which, “if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range” (*id.* at 98). This was an extension of the definition of “significant,” which required a stepwise process in which we only considered whether a species may be endangered or threatened throughout a significant portion of its range when the species was not endangered or threatened throughout all of its range. In an extension of the earlier rulings from *CBD v. Jewell* and *Desert Survivors*, the court found that this aspect of the definition of the 2014 SPR Policy was not only inconsistent with the statute because it “rendered the ‘endangered in a significant portion of its range’ basis for listing superfluous,” but was also “inconsistent with [Endangered Species Act] principles” and “not a logical outgrowth from the draft policy.” Under this ruling, if we find a species is not in danger of extinction throughout all of its range, we must evaluate whether the species is in danger of extinction throughout a significant portion of its range, even in cases where we have determined that the species is likely to become in danger of extinction within the foreseeable future (threatened) throughout all of its range. The remaining three elements of the 2014 SPR Policy remain intact.

In short, the courts have directed that the definition of “significant” must afford the phrase “or a significant portion of its range” an independent meaning from the “throughout all of its range” phrase. Therefore, to determine whether any species

warrants listing, we determine for each classification (endangered and threatened) the appropriate component to evaluate (throughout all of its range or throughout a significant portion of its range).

We make this determination based on whether the best scientific and commercial data available indicate that the species has a similar extinction risk in all areas across its range (at a scale that is biologically appropriate for that species). When a species has a similar extinction risk in all areas across its range, we determine its regulatory status using the component “throughout all of its range.” For example, in some cases there is no way to divide a species’ range in a way that is biologically appropriate. This could be because the range is so small that there is only one population or because the species functions as a metapopulation such that effects to one population directly result in effects to another population. On the other hand, when the species’ extinction risk varies across its range, we determine its regulatory status using the component “throughout a significant portion of its range.”

For either classification (endangered or threatened), we consider the five factors and the species’ responses to those factors regardless of which component (throughout all of its range or throughout a significant portion of its range) we have determined is appropriate for that classification. When assessing whether a species is endangered or threatened throughout a significant portion of its range, we address two questions because we must determine whether there is any portion of the species’ range for which both (1) the portion is “significant” and (2) the species is in danger of extinction or likely to become in danger of extinction within the foreseeable future throughout that portion. We may address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species’ range.

Determination of Jamaican Kite Swallow's Status

We propose listing the Jamaican kite swallowtail as an endangered species because it is in danger of extinction throughout all of its range. As stated above, when the species has similar extinction risk in all areas across its range (at a scale that is biologically appropriate for that species), we determine its classification based upon its regulatory status throughout all of its range. Here, there is no way to divide this species' range at a scale that is biologically appropriate for a classification determination because the Jamaican kite swallowtail functions as a single population that occurs within four small areas of breeding habitat, and the threats affect the species such that it has similar extinction risk throughout its entire range due to the limited size of each breeding site and the susceptibility of the sites to habitat loss and extreme weather events. Thus, there is no possible portion to evaluate. Therefore, we assessed the Jamaican kite swallowtail status based upon the "throughout all of its range" component.

In undertaking this analysis of whether the Jamaican kite swallowtail is in danger of extinction throughout all of its range, we reviewed the best scientific and commercial data available regarding threats to the species, its responses to those threats, and any associated conservation measures. We then assessed the cumulative effects of those threats and conservation measures under the Act's section 4(a)(1) factors. We examined the following threats: deforestation, loss of the larval host plant, and extreme weather events, including cumulative effects. The species is a narrow endemic with a small area (2.5 km² (0.97 mi²)) of remaining breeding habitat across four small sites within Jamaica (Factor A). Each of the breeding sites, including those in protected areas, are threatened with destruction or degradation due to development, mining, logging, or stochastic events such as hurricane or extended drought (Factors A and D). The small size of breeding sites and narrow distribution increases the risk that the entire species habitat could be impacted by single catastrophic events simultaneously. The Jamaican kite swallowtail has

specialized life history and specific habitat needs, and is unable to complete its lifecycle without stands of black lancewood of a specific size and density, a tree that is preferentially harvested. The species has experienced precipitous population declines, with current population estimates of 50 to 250 individuals. The threats of extreme weather events (e.g., storms, fires, droughts) are increasing in frequency and magnitude, increasing the risk of habitat destruction.

After evaluating threats to the species, its responses to those threats and any associated conservation measures, and assessing the cumulative effects of those threats and conservation measures under the Act's section 4(a)(1) factors, we find that the Jamaican kite swallowtail has greatly declined in abundance due to an estimated 70–80 percent loss of breeding habitat and that within its small amount of remaining breeding habitat, it is at risk of additional breeding habitat losses and exposure to extreme weather events (Factor A). Due to the imminence and magnitude of threats, and limited adaptive capacity of the species, we have determined that the Jamaican kite swallowtail has low resiliency, redundancy and representation such that the species is in danger of extinction. We further find that declines have not been curtailed under current regulatory mechanisms (Factor D), and that the species is at risk of extinction despite current regulations. A threatened species status is not appropriate because the threats to the species are ongoing and have already resulted in the species being in danger of extinction.

Determination of Status

Based on the best scientific and commercial data available, we determine that the Jamaican kite swallowtail meets the Act's definition of an endangered species because it is in danger of extinction throughout all of its range. Therefore, we propose to list the Jamaican kite swallowtail as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act.

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

Section 7 of the Act is titled, “Interagency Cooperation,” and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. With respect to the Jamaican kite swallowtail, no known actions require consultation under section 7(a)(2) of the Act. Given the regulatory definition of “action” at 50 CFR 402.02, which clarifies that it applies to activities or programs carried out “in the United States or upon the high seas,”

the Jamaican kite swallowtail is unlikely to be the subject of section 7 consultations, because the entire lifecycle of the species occurs in terrestrial areas outside of the United States and the species is unlikely to be affected by U.S. Federal actions. Additionally, no critical habitat will be designated for the species because, under 50 CFR 424.12(g), we will not designate critical habitat within foreign countries or in other areas outside of the jurisdiction of the United States. In contrast, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action which is likely to jeopardize the continued existence of any species

Section 8(a) of the Act (16 U.S.C. 1537(a)) 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 or threatened species in foreign countries. Sections 8(b) and 8(c) of the Act (16 U.S.C. 1537(b) and (c)) authorize the Secretary to encourage conservation programs for foreign listed species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

The Act and its implementing regulations set forth a series of prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, and the Service's implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign

commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. Certain exceptions to these prohibitions apply to employees or agents of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued: for scientific purposes, for enhancing the propagation or survival of the species, or for take incidental to otherwise lawful activities.

The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act. For example, the provisions in section 9(b)(1) of the Act (16 U.S.C. 1538(b)(1)) provide a limited exemption from certain otherwise prohibited activities regarding wildlife specimens held in captivity or in a controlled environment on the date they were first subject to the Act, provided that such holding and any subsequent holding or use of the wildlife was not in the course of a commercial activity (commonly referred to as “pre-Act” specimens). Therefore, if a Jamaican kite swallowtail is held in captivity prior to receiving protections under the Act (and the holding is not in the course of commercial activity), several activities are allowed without the need for a permit in accordance with section 9(b)(1) of the Act.

Section 9(b)(1) was amended in the 1982 amendments to the Act (96 Stat. 1426-27), to clarify that the scope of the 9(b)(1) exemption is limited to only certain section 9(a)(1) prohibitions, that the exemption does not apply to pre-Act wildlife held or used in the course of a commercial activity on or after the pre-Act date for the species, and that the pre-Act date for species first listed after the enactment of the Act is the date of publication in the *Federal Register* of the final regulation adding such species to the List

of Endangered and Threatened Wildlife for the first time (H.R. Rep. No. 97-835, 97th Cong., 2nd Sess., at 35 (1982) (Conf. Rep.); S. Rep. No. 97-418, 97th Cong., 2nd Sess., at 24-25 (1982)). Specifically, section 9(b)(1) of the Act states that the prohibitions of sections 9(a)(1)(A) and 9(a)(1)(G) shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (A) December 28, 1973, or (B) the date of the publication in the *Federal Register* of a final regulation adding such fish or wildlife to any list of species published pursuant to section 4(c) of the Act (as relevant to listed wildlife, the list of endangered and threatened wildlife (50 CFR 17.11(h)) that such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity.

Therefore, for pre-Act wildlife, there is a limited exemption from the prohibitions associated with: (1) import into, or export from the United States of any endangered wildlife, or (2) violation of regulations pertaining to threatened or endangered wildlife. Other prohibitions of section 9—including those at section 9(a)(1)(B)–(F), regarding take of endangered wildlife, possession and other acts with unlawfully taken wildlife, interstate or foreign commerce in endangered wildlife, and sale or offer for sale of endangered wildlife—continue to apply to activities with qualifying endangered pre-Act wildlife specimens. For threatened species, prohibitions are promulgated by regulation under section 4(d) of the Act, and a specimen may qualify for the exemption in 9(a)(1)(G) with regard to regulatory violations. Specimens born after the listing date and specimens taken from the wild after the listing date do not qualify as pre-Act wildlife under the text of section 9(b)(1) of the Act. If a person engages in any commercial activity with a pre-Act specimen, the wildlife would immediately cease to qualify as pre-Act wildlife and become subject to the relevant prohibitions, because it has been held or used in the course of a commercial activity.

Additional requirements apply to activities with all Jamaican kite swallowtails, separate from their listing or proposed listing as an endangered species or threatened species. As “fish or wildlife” (16 U.S.C. 1532(8)), Jamaican kite swallowtail imports and exports must also meet applicable wildlife import/export requirements established under section 9, paragraphs (d), (e), and (f), of the Act (16 U.S.C. 1538(d), (e), and (f)); the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.); and 50 CFR part 14.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Branch of Delisting and Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

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

Signing Authority

Brian Nesvik, Director of the U.S. Fish and Wildlife Service, approved this action on March 16, 2024, for publication. On April 14, 2026, Brian Nesvik authorized the undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as an official document of the U.S. Fish and Wildlife Service.

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; and 4201–4245, unless otherwise noted.

2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by adding an entry for “Butterfly, Jamaican kite swallowtail” in alphabetical order under INSECTS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* * * * *	* * *			
INSECTS				
* * * * *	* * *			
Butterfly, Jamaican kite swallowtail	<i>(Eurytides marcellinus)</i>	Wherever found	E	[<i>Federal Register</i> citation when published as a final rule]

Madonna Baucum,
Regulations and Policy Chief,
Division of Policy, Economics, Risk Management, and Analytics of the Joint
Administrative Operations,
U.S. Fish and Wildlife Service.

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