

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-2272; MM Docket No. 99-312; RM-9735]

#### Radio Broadcasting Services; Jersey Shore, Mill Hall, and Pleasant Gap, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Forever Broadcasting, LLC, proposing the reallocation of Channel 249A from Jersey Shore to Mill Hall, Pennsylvania, and the modification of Station WVRT(FM)'s license accordingly. Petitioner also requests the reallocation of Channel 254A from Mill Hall to Pleasant, Gap, Pennsylvania, and the modification of Station WZRZ(FM)'s license accordingly. Channel 249A can be reallocated to Mill Hall in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 249A at Mill Hall are 41-08-03 North Latitude and 77-28-09 West Longitude. See **SUPPLEMENTARY INFORMATION, *infra***.

**DATES:** Comments must be filed on or before December 13, 1999, reply comments on or before December 28, 1999.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultants, as follows: Allan G. Moskowitz, Esq., Kaye, Scholer, Fierman, Hays & Handler, LLP, 901 15th Street, NW., Suite 1100, Washington, DC 20005 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-312, adopted October 13, 1999, and released October 22, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Additionally, Channel 245A can be reallocated to Pleasant Gap, Pennsylvania, without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 252 A at Pleasant Gap are 40-55-58 North Latitude and 77-45-40 West Longitude. Since Mill Hall and Pleasant Gap are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested. In accordance with section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 249A at Mill Hall, Pennsylvania, or Channel 252A at Pleasant Gap, Pennsylvania.

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.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-28628 Filed 11-2-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-2272; MM Docket No. 99-314; RM-9754]

#### Radio Broadcasting Services; Metropolis, IL, and Paducah, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Sun Media, Inc., proposing the reallocation of Channel 252C1 from Metropolis, Illinois to Paducah, Kentucky, and the modification of Station WRIK-FM's construction permit accordingly. Channel 252C1 can be reallocated to Paducah in compliance with the Commission's minimum distance

separation requirements without the imposition of a site restriction at petitioner's authorized construction permit site. The coordinates for Channel 252C1 at Paducah are 36-45-09 North Latitude and 88-29-58 West Longitude. In accordance with section 1.420(i), of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 244A at Paducah, Kentucky.

**DATES:** Comments must be filed on or before December 13, 1999, reply comments on or before December 28, 1999.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultants, as follows: Dawn M. Sciarrino, Fisher, Wayland, Cooper, Leader & Zaragoza, L.L.P., 2001 Pennsylvania Ave., NW., Suite 400, Washington, DC 20006 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-314, adopted October 13, 1999, and released October 22, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th 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.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules  
Division, Mass Media Bureau.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AF43

#### Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on the Proposed Delisting of the Douglas County Population of the Columbian White- Tailed Deer

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Proposed rule; notice of  
reopening of comment period.

**SUMMARY:** We, the U.S. Fish and  
Wildlife Service (Service), pursuant to  
the Endangered Species Act of 1973, as  
amended (Act), provide notice of the  
reopening of the comment period for the  
proposed delisting of the Douglas  
County, Oregon population of the  
Columbian white-tailed deer  
(*Odocoileus virginianus leucurus*). The  
comment period has been reopened in  
order to conduct a peer review of the  
proposed rule.

**DATES:** Comments from all interested  
parties must be received by November  
18, 1999.

**ADDRESSES:** Written comments,  
materials, data, and reports concerning  
this proposal should be sent to the  
Supervisor, U.S. Fish and Wildlife  
Service, Southwest Oregon Field Office,  
2900 NW Stewart Parkway, Roseburg,  
Oregon 97470. Comments and materials  
received will be available for public  
inspection, by appointment, during  
normal business hours, at the above  
address.

**FOR FURTHER INFORMATION CONTACT:**  
David Peterson, at the address listed  
above (telephone 541/957-3474;  
facsimile 541/957-3475).

#### SUPPLEMENTARY INFORMATION:

#### Background

The Columbian white-tailed deer  
(*Odocoileus virginianus leucurus*)  
resembles other white-tailed deer  
subspecies, ranging in size from 39 to 45  
kilograms (kg) (85 to 100 pounds (lbs))  
for females and 52 to 68 kg (115 to 150  
lbs) for males. Generally a red-brown  
color in summer, and gray in winter, the

species has white rings around the eyes  
and a white ring just behind the nose.  
Its tail is long and triangular in shape,  
and is brown on the dorsal (upper)  
surface, fringed in white, and the  
ventral (under) portion is white (Oregon  
Department of Fish and Wildlife  
(ODFW) 1995). The species was  
formerly distributed throughout the  
bottomlands and prairie woodlands of  
the lower Columbia, Willamette, and  
Umpqua River basins in Oregon and  
southern Washington (Bailey 1936). It is  
the westernmost representative of the 38  
subspecies of white-tailed deer. Early  
accounts suggested this deer was locally  
common, particularly in riparian areas  
along the major rivers (Gavin 1978). The  
decline in deer numbers was rapid with  
the arrival and settlement of pioneers in  
the fertile river valleys. Conversion of  
brushy riparian land to agriculture,  
urbanization, uncontrolled sport and  
commercial hunting, and perhaps other  
factors apparently caused the  
extirpation of this deer over most of its  
range by the early 1900s (Gavin 1984).  
Only a small herd of 200 to 400 animals  
in the lower Columbia River area of  
Clatsop and Columbia counties, Oregon,  
and Cowlitz and Wahkiakum counties,  
Washington, and a disjunct population  
of unknown size in Douglas County,  
Oregon, survived. These two remnant  
populations are geographically  
separated by about 320 kilometers (km)  
(200 miles (mi)) of unsuitable or  
discontinuous habitat.

Population declines led to  
classification of this subspecies as  
endangered in 1967 under the  
Endangered Species Protection Act of  
1966 (32 FR 4001). The subspecies was  
automatically included in the lists of  
threatened and endangered species  
when the Endangered Species Act was  
authorized in 1973 (16 U.S.C. 1531 *et  
seq.*). Prior to 1977, only the Columbia  
River population was listed as  
endangered since the Douglas County  
population was considered a black-  
tailed deer (*Odocoileus hemionus  
columbiana*) or a hybrid between the  
black-tailed deer and the Columbian  
white-tailed deer by the State of Oregon.  
In 1978, the State of Oregon recognized  
the white-tailed deer population in  
Douglas County as the Columbian  
white-tailed deer and prohibited  
hunting of white-tailed deer in that  
county (ODFW 1995). The Columbian  
White-tailed Deer Recovery Plan  
(Recovery Plan) was approved by us in  
1976, and a revised version was  
approved in 1983 (Service 1983).  
Because of the distance between the  
Douglas County and Columbia River  
populations, and differences in habitats

and threats, the Recovery Plan addresses  
the recovery of these two populations  
separately.

Crews (1939) estimated the  
population in the 1930s in Douglas  
County at 200 to 300 individuals within  
a range of about 78 square kilometers (sq  
km) (30 square miles (sq mi)). In 1970,  
ODFW estimated that 450 to 500 deer  
were present. By 1983, the number had  
increased to about 2,500 (Smith 1985).  
The population has continued to grow,  
and are presently are estimated to be  
between 5,900 to 7,900 deer (ODFW  
1999).

Along with this increase in numbers,  
the range also has expanded. The deer  
have expanded to the north and west in  
the last 10 years, and now occupy an  
area of approximately 800 sq km (308 sq  
mi) (ODFW 1995).

Most habitat for the Douglas County  
population is on private lands.  
Approximately 3,880 hectares (ha)  
(9,586 acres (ac)) of suitable habitat are  
presently considered secure on Federal,  
County and private lands. For the  
purpose of delisting, habitat is  
considered secure if it is protected by  
legally binding measures or law from  
adverse human activities for the  
foreseeable future.

The current total population size is  
estimated as approximately six times  
the population size required for  
downlisting, which greatly reduces the  
risk to the population. It is also  
anticipated that as habitat management  
and restoration activities are  
implemented by the Bureau of Land  
Management, which contains the  
majority of secure lands, the carrying  
capacity and numbers of deer on these  
lands will increase accordingly. The  
Douglas County population has met the  
objectives in the Recovery Plan, and  
greatly exceeded the habitat objectives.

We published a proposed rule to  
delist the Douglas County population of  
the Columbian white-tailed deer on May  
11, 1999 (64 FR 25263). The original  
comment period closed on June 25,  
1999. We will conduct a peer review of  
this proposal and solicit the opinions of  
three appropriate and independent  
specialists regarding the data,  
assumptions, and supportive  
information presented for the  
Columbian white-tailed deer, per our  
Interagency Cooperative Policy for Peer  
Review in Endangered Species Act  
Activities (59 FR 34270).

#### References Cited

Bailey, V. 1936. The mammals and life zones  
of Oregon. North American Fauna. U.S.  
Department of Agriculture, Washington DC  
55: 89-91.