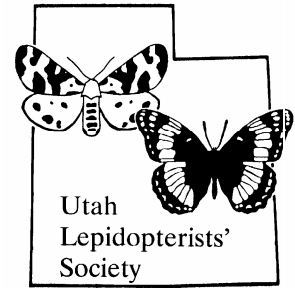


Utah Lepidopterist

Bulletin of the Utah Lepidopterists' Society



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VALLEY FAIR MALL EXHIBIT 1994

On Saturday, February 19, 1994, members of the Utah Lepidopterists' Society supported the fourth annual Valley Fair Mall Exhibit. The Exhibit, originally spearheaded and largely supported by Ray Evenson and family, gave the public a chance to see portions of different collectors' private collections. Other participants in the show this year were John Richards, Jack Harry, Jacque Wolfe, Ken Tidwell, and Todd Stout. This year, the exhibit was not held during the month of September, as it was during the previous three years, in order to accommodate the participants' and the mall's schedules.

Many passers-by in the mall seemed amazed and fascinated at the exotic insects shown--especially Ray Evenson's Walking Sticks, Scorpions, Moths, and Beetles from around the world. An additional benefit to the exhibit was demonstrations by Ray Evenson and Jack Harry on how to mount butterflies and moths. And, as if that were not enough, many became mesmerized by John Richards' 4 1/2 year old female tarantula, "Rex." Oddly enough, it seemed that children who were passing by had an easier time appreciating "Rex" than did the adults.

During previous years, the Valley Fair Mall Exhibit has received additional support from the local media by providing information which resulted in articles and photographs in the Salt Lake Tribune and the Deseret News. However, this year, because of the proximity in time to last September's show, members of the Executive Committee opted not to provide the media with a News Release. In spite of this fact, Ray, John, Jack, and others felt pleased about how the Exhibit turned out.

During his President's message, written in the last issue of *Utah Lepidopterist*, John expressed an increase in membership as well as an increase in the Society's visibility in the public eye as a couple of his important objectives. Based on the number of individuals who have passed by and have seen what the Society has to offer, it appears that this objective's fulfillment is on its way. In addition to the Lepidoptera and other insects on display, a statement about the Utah Lepidopterists' Society as well as a schedule of the remainder of meetings in 1994 was prepared and made available for those who were interested. (A copy of this statement is on page 12.)

The Editor

VALLEY FAIR EXHIBIT PHOTO EXPLANATIONS

Page 2:

Upper Left: Louise Evenson illustrates the beauty of an Atlas Moth to an interested observer while Jacque Wolfe insures the functionality of his watch.

Upper Right: Melia Evenson pets a Madagascar hissing cockroach while John Richard's mechanical *Danaus plexippus* seems to be courting the Monarch on Melia's T Shirt.

Lower: Jack Harry seems adamant in his explanation although John Richards appears a bit incredulous.

Page 3:

Upper: Ray Evenson enjoys a brief pause to pose for the camera. Ray spent much of his free time pinning Lepidoptera and other insects for those viewers passing by.

Lower: (Foreground) Ray Evenson adjusts some of the beetles in his drawer while Jacque Wolfe makes sure one doesn't end up crawling on his back.

(Background) Just an example of the few of the hundreds--maybe thousands--of people who enjoyed the Exhibit.

SOME LEPIDOPTERA RETURNING AFTER SPRAYING

A bit of good news worth reporting is that some of the colonies of Lepidoptera that were wiped out by the Gypsy Moth Eradication Program in the Wasatch Mountains have already started to show subtle signs of returning. Small numbers of *Glaucopsyche lygdamus* were spotted in Mueller Park in Bountiful this spring and Jim Pearce reports that *Anthocaris sara browningi* and *Euchloe ausonides coloradensis* are starting to return in limited numbers to the lower section of Millcreek Canyon. Let's hope that this trend continues!

The Editor

1993 U.L.S. MEETINGS RECAPS

09 Jan 1993

Special meeting paying tribute to the 90th birthday of Levi Phillips was held at his home in Provo. Meeting was instigated and largely supported by Clyde Gillette. Clyde reviewed highlights of Levi's life as well as some of the interesting anecdotes associated with one of the deans of Utah collectors. Meeting was uplifting and appropriate. Also, Wayne Whaley covered areas of spraying for the Gypsy Moth eradication program for 1993. Refreshments were provided by Emily Dial and Clyde Gillette.

13 Feb 1993

Meeting was held in Room 310 at the Utah Museum of Natural History. Meeting was entitled, "Legalities and Lepidoptera" and was provided by Todd Stout. Todd spent quite a bit of time researching Wildlife collecting laws such as the Endangered Species Act of 1973 and the Lacey Act, and then reviewed them during the meeting with those present. Collecting restrictions in National and State Parks was also discussed. All material covered by Todd was pre-copied, bound, and handed out to those present for future reference. After Todd's presentation, Legal Attorney Sam McVey was also present to answer any candid questions that members had. Refreshments were provided by Todd.

13 Mar 1993

Meeting held in the Special Conference Room at the Monte L. Bean Life Science Museum. Major Presentation was provided by Jacque Wolfe. Jacque provided a Video Tape entitled "Butterflies of Wisconsin." Video reviewed the life histories, foodplant preferences, and habitats of most of the common butterflies in that state. Jacque mentioned that learning about Lepidoptera through Video appears to be gaining popularity and very well might be a wave of the future. Refreshments were provided by Joel Johnson.

10 April 1993

Follow up to the "Legalities and Lepidoptera" meeting held two months previous. This meeting was held in Room 319 of the Utah Museum of Natural History. Meeting was originally designed to have Ray Evenson propose amendments, written by himself, Jack Harry, and Todd Stout, (Please see related article on Page 6.) regarding improving ESA 1973 and the Lacey Act to Charlie Evans--Special Assistant to Utah Republican Senator Bob Bennett. However, Charlie did not show. Nevertheless, Ray did review these proposed amendment changes to those present. Clyde Gillette also spoke for a few minutes offering his support and a general challenge to those present to back this kind of action. Refreshments were provided by John Richards.

8 May 1993

Meeting held at Room 310 of the Monte L. Bean Life Science Museum. Major Presentation was provided by John Richards. John discussed Moths--specifically the rearing techniques and life histories of *Hemileuca nuttali*, *hera*, and *eglanterina* in Utah. Many participated during the Show N' Tell portion of the meeting which included a six question quiz by Clyde Gillette and samples of Business Cards by Bruce Dolen. Clyde also recommended that the Society purchase a copy of "Atlas of Western USA Butterflies" by Paul Opler and Ray Stanford. Refreshments were provided by Todd.

11 Sep 1993

Meeting at Utah Museum of Natural History was canceled. (Only two of several regular attenders could make it that day.)

09 Oct 1993

Meeting held in room 310 of Monte L. Bean Life Science Museum. Major Presentation was furnished by Joel Johnson on Geometrid Moths. He performed a slide presentation on several species of moths. He also demonstrated how to properly take photographs of Moths in Direct Sunlight. Ray Evenson, John Richards, and others participated in Show and Tell. Refreshments were provided by Bruce Dolen.

13 Nov 1993

Meeting held in room 319 of the Utah Museum of Natural History. Part of meeting business included a vote to start all meetings on time regardless of how many are present. The majority vote was in the affirmative. Nominees for Executive Officers for 1994 were released. Major Presentation was by Clyde Gillette. Clyde talked about important Lepidopterists--past and present--who have made significant contributions to the State of Utah. Amongst these are Ken Tidwell, Jack Harry, Tom Spalding, Wesley Browning, Levi Phillips, and others. For the sake of modesty, Clyde did not include himself (but he should have.) For Show and Tell, Jack Harry discussed his most recent trip to Hawaii. Ray Evenson provided refreshments.

11 Dec 1993

Meeting held in room 310 of Monte L. Bean Life Science Museum. Major Presentation was provided by Todd Stout. Todd's presentation was a combined overhead projector and slide presentation on *Papilio indra*. Rearing techniques, life histories, and habitat distribution for every subspecies were discussed. A demonstration which included a facsimile of a *Lomatium* plant on how to find larvae was provided. Notes on presentation were pre-bound and handed out to those present. Joel Johnson showed some slides for Show and Tell. Wayne Whaley provided refreshments.

PROPOSALS FOR LEGISLATIVE CHANGES

PART I--THE LACEY ACT

Editors Note: *This is the first a three part series which contains concerns about the Endangered Species Act of 1973, The Lacey Act, and the methodology of the U.S. Fish and Wildlife regarding recent enforcement of these and other laws. The authors of this manuscript have presented this material to several legislators both inside and outside the state of Utah, over the past several months, in hopes of support.*

INTRODUCTION

In a nutshell, the purpose for Wildlife Trade and Protection Laws is to preserve the general welfare of needful species as well as their habitats. As insect and nature enthusiasts, we completely agree with the intention and reasoning behind these the laws. In spite of this fact, The Endangered Species Act of 1973 as well as The Lacey Act, in their current versions, are inadequate in certain areas. The purpose of this report is to address these areas of concern and provide recommendations by way of legal proposals in the light of recent escalating occurrences of confiscations of dead specimens as well as severe prosecution by the Law Enforcement Division of the U.S. Fish and Wildlife Service to butterfly and moth collectors in the U.S.

THE LACEY ACT

The original intent of the Lacey Act is to protect this country from the importation of "injurious" species. This intent is a sound one for obvious reasons. For example, The Gypsy Moth, imported from China, has caused tremendous devastation as its larvae have ravaged and denuded almost entire forests in the Eastern U.S. In addition to this fact, thousands of dollars have been expended in the Western U.S. and millions of Lepidoptera have been killed just to try to avoid the fate the Gypsy Moth as caused in the East. Again, the original intent of The Lacey Act is sound and beyond reproach.

The original Lacey Act also stated the following in 42.a (4), *"Nothing in this subsection shall restrict the importation of dead natural-history specimens for museums or for scientific collections,...(italics added.)* This statement may lead one to believe that, if not "injurious," it is legal to bring dead specimens into this country for museums or for scientific collections. However, a monstrosity recently has been amended to The Lacey Act. These amendments accompanied with their enforcement, in the extreme, by The Law Enforcement Division of the U.S. Fish and Wildlife Service has resulted in a wide-spread panic and paranoia amongst insect collectors and other biologists throughout the United States.

These amendments are found in 3372.(a)(2)(A) and 3372.(a)(3)(A). Respectively, they are as follows: *"It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported,*

or sold in violation of any law or regulation of any State or in violation of any foreign law..." "It is unlawful for any person within the special maritime and territorial jurisdiction of the United States...to possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law or Indian tribal law...(italics added.) To put it succinctly, if any life form is brought into this country that violates any foreign law--for any reason--i.e, no permit, then this person is in violation of The Lacey Act. If any person collects any insect that breaks any State or Indian Tribal Law, knowingly or not, then this person is also in violation of The Lacey Act.

The problems with these amendments are as follows: One, it is impossible to harm insect populations by way of collecting because of their incredibly reproductive capabilities. Two, laws of individual countries which prohibit the collection of insects are usually Blanket Wildlife Laws intended for higher orders of animal life. Three, strict enforcement of The Lacey Act by the letter and not the spirit is unethical. Further discussion on these key points follows.

It is impossible to harm insect populations by way of collecting because of their incredibly reproductive capabilities.

As stated in the introduction, the basic purpose of Wildlife Trade and Protection Laws is to preserve the welfare of needful species and their habitats. Unlike larger-scaled vertebrates, insects are invertebrates and are very prolific. Females lay between 200 to 400 eggs in a lifetime. Furthermore, several generations of many insects exist in just one year. This means that over 97 percent of insect immatures can perish and still, population stability of insects is insured. (Further illustrations on this point will be discussed in Part II and Part III.)

To make a long story short, it is impractical and unreasonable to place export restrictions on insects--except for those already on the Endangered Species List or CITES Lists--simply because of their viability and availability. Never in the history of this planet has there been an instance where collecting, or even overcollecting, has ever damaged any insect populations.

Laws of individual countries which prohibit the collection of insects are usually Blanket Wildlife Laws intended for higher orders of animal life.

Many countries, in an attempt to simplify the procedure of properly monitoring the collecting and exportation of its exotic and protected wildlife, have opted to require that all wildlife require permits to be collected or exported out of that country. To further this end, these permits many times require substantial sums of money and needless red tape to obtain. It's much easier, for these countries, to proceed in this fashion rather than to isolate each species of animal life that needs special attention and then extend restrictions accordingly.

The problem for insect collectors who want to collect in foreign countries with these types of regulations is clear. Government officials from these countries are not generally concerned about the collecting of common invertebrates such as insects. With the possible exception of endangered and other-wise protected species, insects many times not only are common; but also are considered a nuisance.

Mexico is a good example of this circumstance. Mexico currently requires a permit for the exportation of any and every kind of wildlife. Again, the reason for this is simple. It's easier for them. Mexico also has a incredible array of wildlife--including thousands of species of insects, many of which are incredibly or even annoyingly common. Many collectors who have traveled to Mexico have experienced the apathetic attitudes of Mexican officials regarding collecting as they have been down there. One collector, unaware of The Lacey Act, noticed a Police Officer with a machine gun, and thought it prudent to ask his permission before collecting in a Plaza. This Plaza was in plain view to him and several other Police officers in the vicinity. (As many are aware, in Mexico, the Police have been given a wide latitude of authority in Law Enforcement.) The response by the Police officer to his request to collect was somewhat facetious. "If that's what you want to do, that's fine with me."

Another collector, considering collecting in Mexico, and somewhat aware that there may be a legal problem with it, called the Mexican Consulate to inquire about obtaining a permit. The answer by the Mexican Consulate was that he could collect anywhere in Mexico except on Private Property. When the collector then requested for a permit just to cover his bases, the Mexican Consulate then responded, "How can I give you a permit to do a legal thing?"

Strict enforcement of The Lacey Act by the letter and not the spirit is unethical.

_____As has been illustrated, Mexican officials are not concerned with the collecting and exporting of insects. And yet, in spite of this fact, members of the Law Enforcement Division of the U.S. Fish and Wildlife Service have become determined in enforcing the letter of The Lacey Act by having confiscated several hundred specimens of Mexican species of butterflies and moths from collectors around the U.S. Furthermore, these Federal Agents are attempting prosecution through Court hearings. Moreover, as if these events were not alarming enough, *museums* with donated Mexican specimens have also been visited and have had specimens confiscated. These facts bring up questions that have been stated repeatedly by a lot of concerned individuals over the last two years.

Why are United States officials going out of their way to enforce the Laws of Mexico--or other foreign countries like Mexico--that aren't even being enforced in Mexico? If the original and main purpose of The Lacey Act is to prevent the importation of injurious species into the United States, where is the common sense of confiscating dead specimens which are in no wise injurious? If invertebrates, like insects, are so reproductively fruitful, what is the point of restricting their export in the first place? Considering the validity of these questions we have generated the following proposals:

PROPOSALS

We propose that 3372.(a)(2)(A) of the Lacey Act be amended as follows: *"It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife--excluding wildlife of the class insecta that is not otherwise already protected by the Endangered Species Act of 1973 or C.I.T.E.S--taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law"...*(italics added.)

We propose that 3372.(a)(3)(A) of the Lacey Act be amended as follows:
"It is unlawful for any person within the special maritime and territorial jurisdiction of the United States...to possess any fish or wildlife--excluding wildlife of the class insecta that is not otherwise already protected by the Endangered Species Act of 1973 or C.I.T.E.S--taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law or Indian tribal law"...(italics added.)

Todd L. Stout
Raymond F. Evenson
Jack L. Harry

"BACKYARD MONSTERS" STILL SHOWING FOR JUST A FEW DAYS AT UMNH

The summer program, "Backyard Monsters," which has been on exhibit this summer since May 28th, will be coming to a close on Thursday, September 15th at the Utah Museum of Natural History. "Backyard Monsters" includes exhibits of over 1000 mounted insects and other arthropods. Included at the Exhibit are special rooms scattered throughout the first and second floors of the Museum where you can see through a fly's eye, build your own bug, find a flea, or enjoy a 15 minute video on the lives of insects. In one of these rooms one can also find a magical shrinking machine which will enable participants to examine the world of massive bugs through robotics.

Tickets for the show are available in advance at all SmithTix outlets or at the door at a price of \$5.00 for adults and \$3.00 for children. For further information about the Exhibit, contact the Utah Museum of Natural History at 581-4303.

The Editor

UTAH SUMMER COLLECTING 1994

The summer of 1994 will be remembered as one of the hottest and driest in the State for quite a while. Record temperatures during June and July resulted in a collecting season which was generally two to three weeks ahead of schedule with some butterflies and moths experiencing a shortened flight period. In spite of the record heat, I found out some interesting stories from collectors around the State of Utah.

John Richards: John noticed that *Arctia caia utahensis* finally had a strong flight this year up by

Midway. John, as well as Bob Mower, had had some earlier concern as to why this particular moth had been so difficult to blacklight for the last couple of years. They were happy to be able to encounter much more this year.

Wayne Whaley: Like other enthusiasts of *Papilio indra*, Wayne noticed that larva collecting of *indra* was very difficult this year because of poor precipitation in the Utah Deserts as well as Deserts outside of the State in the Great Basin. Wayne also noted that *Speyeria leto letona* was flying quite strongly during July in Rock Canyon behind Provo. Unlike other years, females of this butterfly seemed to be much more visible there.

Keith Wagstaff: Keith didn't spend much time collecting this year as he spent much of his free time working on his cabin. However, like Wayne, Keith noticed that females of *Speyeria leto letona* were quite common and visible this year.

Jim Pearce: For years, Jim has always been quite fond of collecting in the Wasatch Mountains--especially in attractive canyons like Lambs Canyon and Millcreek Canyon. As stated earlier, Jim noticed the reappearance of the early spring pierids--*Anthocaris sara* and *Euchloe ausonides* in Lower Millcreek Canyon. Higher up, along the Great Western Trail, which connects Millcreek Canyon and Park City, this summer Jim noticed that *Boloria kriemhild* and *Speyeria mormonia* were having strong flights. Like others, Jim has noticed that numbers of *Papilio eurymedon* seem to be on the decline.

Steve Sommerfeld: People who know Steve know that he likes to spend time up at Bear Lake. Steve mentioned that collecting was fairly typical up there except that *Lycaena nivalis*, which usually only flies in limited numbers, was quite common towards the end of June at the Bug Lake vicinity. Steve also expressed a little bit of frustration at not finding *Neophasia menapia* in areas which might seem ideal for that butterfly in Rich County.

Todd Stout: Like Jim Pearce, Todd enjoys a lot of collecting at Lambs and Millcreek Canyon. Todd noticed this year that *Pieris napi* was having an unusually strong flight during June and July. Unlike other years where *napi* seems to fly in approximately equal numbers to *Pieris rapae* in our Wasatch Canyons, this year *Pieris napi* seemed to outnumber the Cabbage White ten to one. Also, after surveying several habitats of the Monarch Butterfly in the Salt Lake Valley, it seems that very few Monarchs made the migration Northward this year.

UTAH LEPIDOPTERISTS' SOCIETY

Editors Note: *The proceeding is summary of the U.L.S. that has been given for Press Releases as well as handed out at the Valley Fair Mall Exhibit.*

The Utah Lepidopterists' Society is a Utah-based non-profit organization of butterfly and moth collectors from throughout the state and beyond. The society, now 30 members strong, meets on the second Saturday of each month alternating between the Monte L. Bean Life Science Museum at Brigham Young University and the Utah Museum of Natural History at the University of Utah--excluding summer months. (There are some changes this year. Please see below.)

The purpose of the Society, according to its own constitution is "...to promote the study and **enjoyment** of all aspects of Lepidoptera....". Lepidoptera is that order of insects which include butterflies and moths.

This exhibit at the Valley Fair Mall today is non-commercial benefit the Society puts on every year in order to let the community know of its existence. The displayed insect cases you see are part of individual members' private collections. Different members of the Society have different areas of expertise--thus giving the Society more overall expertise as a whole.

Even though the Society supports conservation principles in the practical sense, it does encourage the building of scientific collections. Because of insects' incredibly prolific reproductive activities, it is not possible to damage or harm insect populations by collecting. Some collectors display longer series of specimens of a particular species not as a sign of greed; but to show the particular species variation from individual to individual. The Society condones and encourages these activities.

During monthly meetings, the Society enjoys a major presentation on any particular within the scope of Lepidoptera or other related issues. Members attend meetings for many reasons. For example, some are engaged in scientific research and are willing to share their findings with other members of the U.L.S. through the Society Bulletin, *Utah Lepidopterist*. At the same time, others look forward to meeting with fellow members and renewing acquaintances or just socializing about interesting experiences that they have with regards to the hobby. While others are new and are eager to make new friends and learn as much as they can about butterflies and moths or learn about places that they can go to collect.

For those interested more in the Utah Lepidopterists' Society please call Pres. John Richards at 253-3442. The meeting schedule for the rest of this year is as follows:

<u>Date:</u>	<u>Location:</u>	<u>Time:</u>
10 Sep 1994	BYU: Monte L. Bean Life Science Museum. Room 310	10:00 A.M.
08 Oct 1994	Utah Museum of Natural History Room 319	10:00 A.M.
12 Nov 1994	BYU: Monte L. Bean Life Science Museum. Room 310	10:00 A.M.
10 Dec 1994	UofU: Utah Museum of Natural Hist. Room 319.	10:00 A.M.