

Door County Advocate (Sturgeon Bay, Wisconsin) on May 13, 1994. The hearing was held in the General Meeting Room (A150) of the Door County Courthouse, 421 Nebraska Street, Sturgeon Bay, Wisconsin on May 25, 1994, with 27 attendees. Fifteen comments were received during the hearing. Two comments were in opposition to the listing, ten were supportive, and three were neutral. The hearing consisted of brief overviews of the Act as it pertained to the listing process, prohibited activities, permit requirements, and the status, distribution and biology of Hine's emerald dragonfly; a statement session by 13 attendees; and a question and answer session that raised 12 issues regarding the proposed listing.

Thirteen written comments were received following the **Federal Register** notice that reopened the comment period to accommodate the public hearing. Ten comments supporting, three neutral, and none opposing the listing proposal were received.

Comments updating the data presented in **SUMMARY, BACKGROUND** and **SUMMARY OF FACTORS AFFECTING THE SPECIES** are incorporated in those sections of this final rule. Written comments presented at the public hearing and those received during the comment periods with the Service's response to each are discussed in the following summary. Comments of a similar nature or point are grouped into a number of general issues.

**Issue 1**—How is the range of the species determined? Since recent surveys extended the range, the listing may be premature until additional habitats and additional localities are surveyed to make certain there are no additional populations.

**Service Response**—The range of the Hine's emerald dragonfly was determined based on the best scientific and commercial data available. The Service, in cooperation with the States of Illinois, Indiana, Michigan, Ohio, and Wisconsin, conducted several studies to determine the status of the dragonfly. The scientists who conducted these studies first examined historical records on the distribution of the dragonfly to identify sites that were known to support the dragonfly. These sites were re-visited to determine if they still supported Hine's emerald dragonflies. Status surveys were also conducted in other midwestern States, like Michigan, that were outside of the historic range of the dragonfly, but supported potentially suitable habitat. To date, status surveys have been conducted throughout the historical range of the Hine's emerald dragonfly and elsewhere

in the midwest that had similar habitat. The Service will continue searching for the dragonfly in new locations; however, based on the best scientific and commercial data available, any new populations are likely to be small and located in highly fragmented or degraded habitats and would not change the current recommendation to list this species as endangered.

**Issue 2**—If listed, collection is prohibited. Listing any insect is counterproductive for those trained in dragonfly identification; a specimen is needed when gathering information on the species.

**Service Response**—The Act prohibits "take" of an endangered species, which includes a prohibition against collecting endangered species. However, the Act allows the Service to issue permits that allow collection for scientific purposes or to enhance the propagation or survival of listed species. The Service will work with the scientific community to develop survey techniques that do not require voucher specimens, but can issue permits to authorize voucher specimens as part of studies that contribute to improving the status of the Hine's emerald dragonfly. Procedures for obtaining such permits are found in 50 CFR 17.22 (see "Available Conservation Measures").

**Issue 3**—How does the Service justify spending dollars to list and enforce the endangered species activity for the Hine's emerald dragonfly which has already survived many other adverse elements? Tax dollars should be used in creating more apartments, jobs and helping the homeless.

**Service Response**—Although the Hine's emerald dragonfly may have survived a lot of environmental change during its history, its continued existence is now threatened by human actions that are altering the environment much faster than the environmental change the dragonfly would have experienced in the past. The Hine's emerald dragonfly depends on wetlands and spring-fed streams that feed larger bodies of water in its range; it is endangered by the destruction of those habitats and water quality degradation. Efforts to recover this species will focus on protecting its habitat and improving the quality of the water that flows into its habitat. By following Congress' direction to conserve the ecosystems on which this species depends, the Service will try to protect and improve the quality of waters in habitats that support the dragonfly. The Service believes that any such improvements in water quality will benefit not only the dragonfly, but any human populations that live near or depend on those waters as a source of

drinking water, recreational opportunity, or esthetic pleasure.

**Issue 4**—Designate critical habitat throughout its range and especially in the Three Springs watershed.

**Service Response**—Designated critical habitat are areas of habitat, land, water and air space essential to listed species for survival and recovery. On the basis of the best scientific and commercial data available, the Service must prepare an analysis that considers the economic and other impacts of any proposed designated areas. Through review of this information, the Service will conclude whether critical habitat designation is prudent and determinable. The available data has not allowed the Service to identify proposed critical habitat at this time.

**Issue 5**—Immediately draft a recovery plan.

**Service Response**—Recovery plans, in accordance with section 4(f) of the Act, are developed subsequent to a species being listed.

**Issue 6**—Listing would impact a State mandated mission to control mosquitoes in Illinois.

**Service Response**—The Service will work with State and other Federal agencies to establish guidelines and measures to avoid and minimize adverse affects to allow mosquito control programs to proceed.

**Issue 7**—The Service should implement an emergency rule to list the Hine's emerald dragonfly as endangered since the one metapopulation in Illinois will be compromised if listing would take a year to complete.

**Service Response**—Emergency listing is considered only if significant take or habitat destruction will occur prior to completing the normal listing process. A review of the existing threats to the dragonfly does not indicate that significant take or habitat destruction will occur before the effective date of this listing.

**Issue 8**—Will qualified, expert taxonomists be used to confirm the presence and extent of the dragonfly, so that decisions regarding the listing and protection of the dragonfly will be based on good data?

**Service Response**—Yes. The Service has supported investigations in Wisconsin and Illinois conducted by Dr. Everett Cashatt (Illinois State Museum) and Mr. Tim Vogt (The Nature Conservancy), who are both recognized as qualified entomologists with expertise in Odonata. They have conducted several extensive surveys and provided the Service with data that support this final rule. Additional information has also been obtained from Mr. Bill Smith of the Wisconsin