ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Regional Office, Division of Endangered Species, Bishop Henry Whipple Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111–4056.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Shumate (see ADDRESSES section) or by telephone (612/725–3276).

## SUPPLEMENTARY INFORMATION:

## Background

The Hine's emerald dragonfly, also known as the Ohio emerald dragonfly, was described in 1931 from seven adults collected June 7 and 14, 1929, and July 4, 1930, near Indian Lake, Logan County, Ohio (Williamson 1931). It is a dragonfly (class Insecta, order Odonata) with bright, emerald-green eyes, body size ranging 60-65 mm (ca. 2.5 inches) in length, and wing span of 80-85 mm (ca. 3.3 inches). The adult is distinguished from other adults in the genus Somatochlora by its metallic green color with two distinct creamyyellow lateral stripes, the clasper-like appendages at the end of the abdomen in the male, and the shape of the vulvar lamina in the female.

Cashatt and Vogt (1990) indicated that the Illinois habitat of the Hine's emerald dragonfly consists of complex wetlands with small, calcareous or underlying limestone bedrock, and shallow, springfed streams that drain into wet meadows and cattail marshes. These marshes are found primarily along the Des Plaines River drainage in Illinois. Wisconsin habitat consists of small, calcareous, marshy streams and associated cattail marshes on dolomite bedrock.

Price (1958) reported collecting a total of 21 specimens in Williams County, Ohio from Mud Lake in 1949 (now Mud Lake State Nature Preserve) and Bridgewater Township in 1956; and from the Toledo Oak Openings Metropark in 1952, 1953, and 1956 (referred to as Oak Openings State Park by Price) Lucas County, Ohio. Until recently, the species was reported only from Ohio and Indiana (Montgomery 1953, Bick 1983). Recent investigations indicate that the species has apparently been extirpated from Ohio. The species' status in Indiana is currently uncertain. An adult male was documented to be the last collected specimen from Gary, Indiana, on June 22, 1945 (Montgomery 1953, Bick 1983, Cashatt and Sims 1993).

No additional information on the distribution of this species was available until 1990, when the Service supported

investigations in Wisconsin by Vogt and Cashatt (1990), in Illinois by Cashatt and Vogt (1990), and in Michigan by Vogt (1991). These investigations confirmed the presence of remnant populations in Wisconsin and Illinois. In Wisconsin, Vogt and Cashatt (1990) surveyed 27 potential sites in nine eastern counties. They found the species at six sites in Door County, and the sites are roughly on about one-third of private, State, and private (non-profit) conservation lands. Twenty-one sites were surveyed in Michigan with no new occurrences found. In Illinois, Cashatt and Vogt (1990) surveyed 28 potential sites in five counties and reported the dragonfly present at five sites in Cook, DuPage, and Will Counties. Within these three counties, two sites are on private lands and the remaining sites are on public lands. The Service also supported additional investigations in Illinois by Cashatt and Vogt (1991), Cashatt, Sims, and Wiker (1992), and in Wisconsin by Vogt and Cashatt (1991), and Smith (1993). Cashatt and Sims (1993) conducted further surveys and located two relatively small sites in Cook County, Illinois with one site each on private and public land, bringing the total number of Illinois sites to seven.

Hine's emerald dragonfly is listed as endangered by the International Union for the Conservation of Nature, is on the Illinois State endangered species list, will be proposed for listing as endangered in Wisconsin, and has been assigned Global Element Rank of G1G2 (critically imperiled globally) by The Nature Conservancy.

## **Previous Federal Action**

On May 22, 1984, the Service published in the Federal Register Notice of Review (49 FR 21664) its first list of invertebrate animal species being considered for listing under the Act. Hine's emerald dragonfly (under the common name of Ohio emerald dragonfly) was designated a category 2\* species with its range consisting of Ohio and Indiana. Category 2 includes those taxa for which proposing to list as endangered or threatened is possibly appropriate, but for which substantial data on biological vulnerability and threats are not currently available to support proposed rules. The asterisk indicated that authentic records had not been obtained since 1963 and that some of the taxa in this category were possibly extinct. The January 6, 1989, Notice of Review (54 FR 554) assigned Hine's emerald dragonfly to category 2, and on November 21, 1991, (56 FR 58804) the dragonfly was reassigned to category 1. Category 1 includes species for which the Service now possesses

sufficient information to support a listing as threatened or endangered.

On October 4, 1993, the Service published (58 FR 51604) a proposal to list Hine's emerald dragonfly as an endangered species. A notice (58 FR 64927) extending the public comment period and public hearing request deadline was published on December 10, 1993, to provide sufficient time for submission of comments and requests for public hearings. A notice of a public hearing and reopening of the comment period was published May 12, 1994 (59 FR 24678), and the public hearing was held May 25, 1994. Based on status surveys, documentation addressing the fragmented habitat, the small size and disjunct distribution of the remnant populations, and the immediacy of threats to the remnant populations, the Service determines that the species warrants protection under the Act.

## **Summary of Comments and Recommendations**

In the October 4, 1993, proposed rule (58 FR 51604) and associated notifications, all interested parties were invited to submit factual reports or information that may contribute to the development of a final rule. The comment period was reopened and extended until January 3, 1994, (58 FR 64927) to accommodate submission of comments and requests for public hearings. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and invited to comment. Newspaper notices inviting general public comment were published in the Chicago Tribune (Chicago, Illinois) on November 10, 1993, and the Green Bay Press Gazette (Green Bay, Wisconsin) on November 10 and December 9, 1993.

A total of 50 comments, including four State agencies, one county representative, ten industrial and pest control companies, six scientific organizations and environmental group representatives, and 29 individuals, were received; 33 of those comments supported, none opposed, and 17 were neutral on the proposed action. One of the supporting comments had seven signatures, and three of the supporting comments had two signatures each.

A public hearing was requested on December 20, 1993, by Mr. Jerome M. Viste, representing the Door County Environmental Council, Incorporated, and Mr. George M. Reynolds, representing Reynolds & Company. Notices announcing the hearing were published in the Green Bay Press Gazette (Wisconsin) on May 12, 1994, the Chicago Tribune (Illinois) and the