make it illegal for any person subject to the jurisdiction of the United States to take (including capture, harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

The July 1, 1994, policy of the Service (59 FR 34272) requires identification of those activities that would or would not constitute a violation of section 9 of the Act, to the maximum extent practicable at the time a species is listed. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities within a species' range.

The Service believes that, based on the best available information, the following are actions that will not result in a violation of section 9:

(1) Possession of legally acquired Hine's emerald dragonflies; and

(2) Federally approved projects that include, but are not limited to, activities, such as discharge of fill material, draining, ditching, tiling, pond construction, stream channelization or diversion, or diversion or alteration of surface or ground water flow into or out of wetlands (i.e., due to roads, impoundments, discharge pipes, stormwater detention basins, etc.) when such activity is conducted in accordance with section 7 of the Act.

Activities that the Service believes could potentially harm the Hine's emerald dragonfly and result in "take", include, but are not limited to:

(1) Unauthorized collecting or handling of the species;

(2) Unauthorized destruction/ alteration of the species' habitat (i.e., discharge of fill material, draining, ditching, tiling, pond construction, stream channelization or diversion, or diversion or alteration or contamination of surface or ground water flow into or out of wetlands (i.e., due to roads, impoundments, discharge pipes, stormwater retention basins, etc.);

(3) Burning, cutting or mowing of wetland vegetation, if conducted in an untimely or inappropriate manner (e.g., when dragonflies would be killed or injured or their occupied habitat would be degraded or rendered unsuitable);

(4) Pesticide application in or near occupied wetland that results in the destruction, alteration or contamination of the species' aquatic habitat; (5) Herbicide or fertilizer application in or near occupied wetlands that results in the destruction or alteration of existing wetland vegetation—that is, which kills vegetation upon which the Hine's emerald dragonfly depends, or causes nutrient enrichment which encourages the growth of invasive exotic plants;

(6) Discharges or dumping of toxic chemicals, silt, or other pollutants (i.e., sewage, oil and gasoline) into waters used by the species; and

(7) Interstate and foreign commerce (commerce across State and international boundaries) and import/ export (as discussed earlier in this section) without prior obtainment of an endangered species permit.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Questions regarding whether specific activities, such as collecting, burning, mowing or pesticide application, will constitute a violation of section 9 should be directed to the Field supervisor of the appropriate Service, Ecological Services Field office as follows: in Illinois, the Chicago Field Office, 1000 Hart Road, Suite 180, Barrington, Il 60010 (708/381-2253) and, in Wisconsin, the Green Bay Field Office, 1015 Challenger Court, Green Bay, WI 54311 (414/433-3803) Requests for copies of the regulations regarding listed wildlife, and inquiries about prohibitions and permits may be addressed to Chief, Division of Endangered Species (see Addresses section).

The known Hine's emerald dragonfly populations are threatened by a highway project and a proposed quarrying operation in Illinois, and potentially threatened by commercial development and orchard pesticide spraying in Wisconsin. Due to the need to make Federal funding, protection, and other measures immediately available to protect this species and its habitat, the Service finds good cause in accordance with 5 U.S.C. 553 (d)(3), to make this final rule effective upon publication.

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Act, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

- Bick, G.H. 1983. Odonata at Risk in the Conterminous United States and Canada. Odonatologica 12: 209–226.
- Cashatt, E.D., and B.G. Sims. 1993. Illinois 1993 Critical Habitat and Recovery Investigations for the Hine's Emerald Dragonfly (*Somatochlora hineana* Williamson). Report prepared for the U.S. Fish and Wildlife Service by the Illinois State Museum, Springfield, IL. 11pp.
- Cashatt, E.D., et. al. 1992. Illinois 1992 Critical Habitat and Recovery Investigations for the Hine's Emerald Dragonfly. Report prepared for the U.S. Fish and Wildlife Service by the Illinois State Museum, Springfield, IL. 20pp. + Appendix.
- Cashatt, E.D. 1991. A Vulnerable species: The Ohio Emerald Dragonfly. The Living Museum 53(2):29–30.
- Cashatt, E.D., and T.E. Vogt. 1990. The Illinois 1990 Status Survey for the Ohio Emerald Dragonfly (*Somatochlora hineana* Williamson). Report prepared for the U.S. Fish and Wildlife Service by the Illinois State Museum, Springfield, IL. 20pp.
- Cashatt, E.D., and T.E. Vogt. 1991. The Illinois 1991 Survey for the Hine's Emerald Dragonfly (*Somatochlora hineana* Williamson). Prepared for the U.S. Fish and Wildlife Service by the Illinois State Museum, Springfield, IL, and Wisconsin Department of Natural Resources, Bureau of Endangered Resources, Madison, WI. 13pp.
- Montgomery, B.E. 1953. Notes and Records of Indiana Odonata, 1951–1952. Proceeding of the Indiana Academy of Science. 62: 200–202.
- Price, H.F. 1958. Additional Notes on the Dragonflies of Northwestern Ohio. Ohio Journal of Science. 58: 50–62.
- Smith, W. 1993. Wisconsin Endangered and Threatened Species Investigation. Report prepared for the U.S. Fish and Wildlife Service by the Wisconsin Department of Natural Resources, Bureau of Endangered Species, Madison, WI. 13pp.
- Vogt, T.E. 1991. Results of 1991 Status Survey for Somatochlora hineana Williamson in Michigan. Report prepared for Michigan Natural Features Inventory, Mason Building, Lansing, Michigan, and the U.S. Fish and Wildlife Service by the Wisconsin Department of Natural Resources, Bureau of Endangered Species, Madison, WI. 24pp.