



Hine's Emerald Dragonfly

Re-opening the Public Comment Period on the Proposed Rule to Designate Critical Habitat

Questions and Answers

What action is the U.S. Fish and Wildlife Service taking?

We are reopening the public comment period on our **proposed rule** to designate critical habitat for the Hine's emerald dragonfly. That proposed rule was originally published in the *Federal Register* on July 26, 2006, with a subsequent **final critical habitat designation** published in the *Federal Register* on September 5, 2007.

Why is the Service reopening the public comment period on the proposed rule?

We excluded areas within the Hiawatha National Forest in Michigan and the Mark Twain National Forest in Missouri from the 2007 final critical habitat designation. We are now reconsidering those exclusions. Additionally, we are proposing a new unit on the Mark Twain National Forest in Missouri.

Is the Service reconsidering any other changes to the 2007 final critical habitat designation?

No. Although we are reopening the 2006 proposal for public comment, we are only reconsidering the portions of that proposal that relate to whether units on the Hiawatha National Forest and the Mark Twain National Forest should be excluded. In addition we are taking this opportunity to consider whether a newly discovered site in Missouri should be included. No other aspects of the 2006 proposal (and, thus, the 2007 final critical habitat designation) will be reconsidered.

Why is the Service reconsidering the exclusion of U.S. Forest Service lands from the 2007 final critical habitat designation?

On March 10, 2008, six parties filed a complaint challenging the exclusion of Forest Service lands in Michigan and Missouri from the 2007 final designation of critical habitat for the dragonfly. The Service reached a settlement agreement with the plaintiffs in which we agreed to reconsider the Federal land exclusions.

Why did the Service originally exclude National Forest lands from the critical habitat designation?

We believed that the benefits of excluding those specific areas from the designation outweighed the benefits of including them. It was our belief that the conservation actions planned and carried out for the Hine's emerald dragonfly on Mark Twain and Hiawatha National Forests provided greater conservation benefit than designating those areas as critical habitat. Detailed information on our reasons for originally excluding those areas is available in the Sept 5, 2007 *Federal Register* Notice: Designation of Critical Habitat for the Hine's Emerald Dragonfly – pages 51125 and 51126. A link to that document can be found online at <http://www.fws.gov/midwest/endangered/insects/hed/index.html>.

Why are we proposing to include an additional unit in the critical habitat designation?

During recent fieldwork, the Hine's emerald dragonfly was discovered at a site in Washington County, Missouri. We believe that this site is essential to the conservation of the Hine's emerald dragonfly, therefore, we are taking this opportunity to include it in the proposed critical habitat designation.

What is the current status of critical habitat for the Hine's emerald dragonfly?

The final critical habitat designation published on September 5, 2007, remains in place while we reconsider the exclusion of Forest Service lands from the 2006 proposed rule.

When will a final decision be made?

We will have a final decision to the *Federal Register* by April 15, 2010.

How can I submit comments on the proposal?

You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: RIN 1018-AU74; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

Where can I learn more about the Hine's emerald dragonfly and its critical habitat?

Information is online at <http://www.fws.gov/midwest/endangered/insects/hed/> or you may contact the U.S. Fish and Wildlife Service Chicago Field Office at:

John Rogner, Field Supervisor
Chicago Illinois Ecological Services Fish and Wildlife Office
1250 S. Grove, Suite 103
Barrington, Illinois 60010

Telephone: (847) 381-2253
FAX: (847) 381-2285.

If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.