

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Madison Cave Isopod**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes the Madison Cave isopod (*Antrolana lira*) to be a Threatened species. This action is being taken because this species, which is restricted to a single cave and adjacent fissure in Augusta County, Virginia is threatened by vandalism and mercury pollution. The proposed rule would provide protection to wild populations of this species.

DATES: Comments from the public must be received by January 5, 1981.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/ 235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Madison Cave isopod (*Antrolana lira*) is an eyeless and unpigmented crustacean of the family Cirolanidae (Bowman, 1964). It has been found only in three small pools of water in Augusta County, Virginia (Holsinger, in press). Two of these pools are in Madison Cave and the other is in a small nearby fissure. This species is of great scientific interest because of its uniqueness and its relationship to ocean-living members of the same family. The continued existence of this species is threatened by human visitation to the cave and mercury pollution in the South River (Bolgiano, 1980).

The cave has been operated as a commercial attraction at various times in the past. It is now in private ownership and the owner has gated the entrance to discourage visitation.

The Madison Cave isopod was proposed as a Threatened species on January 12, 1977 in a publication in the

Federal Register (42 FR 2507-2515). That proposal was withdrawn on December 10, 1979 (44 FR 70796-70797) as a result of changes in listing procedures directed by the 1978 amendments to the Endangered Species Act. Oral communications with the owner of Madison Cave and Dr. John R. Holsinger of Old Dominion University, and a report on mercury contamination in the South River (Bolgiano, 1980) have provided significant new information on which to base this reproposal of Threatened status for the Madison Cave isopod.

Factors Affecting the Species

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) states:

"General—(1) The Secretary shall be regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range.
- (2) Overutilization for commercial, sporting, scientific, or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or man-made factors affecting its continued existence."

This authority has been delegated to the Director.

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the Madison Cave isopod, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Unauthorized visitation to Madison Cave has resulted in trash accumulation and siltation in the pools of water that are the habitat of the Madison Cave isopod. In addition, persons standing on the steep talus banks of the pools cause the clay talus to creep into the pools (Holsinger, in press). These factors are reducing the size and quality of the very limited habitat of this species.

2. *Overutilization for commercial, sporting, scientific or educational purposes.* Not applicable to this species.

3. *Disease or predation.* Not applicable to this species.

4. *The inadequacy of existing regulatory mechanisms.* There are no known local, State, or Federal laws that protect this species.

5. *Others natural or man-made factors affecting its continued existence.* This species is exposed to mercury contamination from the nearby South River (Bolgiano, 1980). Since the water level changes in the pools occupied by

the Madison Cave isopod are correlated with those in the South River (Holsinger, in press), there is apparently a subterranean connection between the pools and river. The original source of the mercury pollution was an E. I. du Pont de Nemours and Company factory at Waynesboro, Virginia.

Critical Habitat

Designation of Critical Habitat for the Madison Cave isopod would not be prudent. A major threat to this species is visitation of Madison Cave. Designation of Critical Habitat would require publication of a map and a precise description of the locality. Advertising the location of the cave to the general public would increase the incidence of unauthorized visitation.

Effect of This Proposal

Regulations published in Title 50 CFR 17.31 set forth a series of general prohibitions and exceptions which apply to all Threatened species. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Threatened species under certain circumstances. Regulations governing permits are at 50 CFR 17.32.

All of these prohibitions and exceptions apply to the Madison Cave isopod through 50 CFR 17.31, except for a special rule proposed at 50 CFR 17.46 which would allow taking of the species for scientific purposes without Federal permits.

Federal agencies must confer with the Service if they determine that their action is to jeopardize this proposed species. If published as a final rule this proposal would require Federal agencies to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the Madison Cave isopod. Provisions for Interagency Cooperation are codified at 50 CFR Part 402.

This proposed rule would not have a significant effect on any individual or local, State, or Federal agency.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and

effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;
- (2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;
- (3) Additional information concerning the range and distribution of this species.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Note.—The Service has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Primary Author

The primary author of this proposed rule is Dr. Steven M. Chambers, Office

of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703-235-1975).

References Cited

Bolciano, R. W. 1980. Mercury contamination of the South, South Fork Shenandoah, and Shenandoah Rivers. Virginia State Water Control Board Basic Data Bulletin 46.
 Bowman, T. E. 1964. *Antrolana lira*, a new genus and species of troglotic cirrolanid isopod from Madison Cave, Virginia. International Journal of Speleology 1:229-236.
 Faust, B. 1964. Saltpetre caves and Virginia history. Econo Print, Falls Church, Virginia.
 Holsinger, J. R. In press. Freshwater and terrestrial isopod crustaceans (Order Isopoda). Proceedings of the Endangered and Threatened Plants and Animals of Virginia Conference, 1978

Regulation Promulgation

1. It is proposed to amend § 17.11 by adding the following, in alphabetical order, to the list of animals

§ 17.11 Endangered and Threatened Wildlife.

Species common name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
CRUSTACEANS:						
Isopod, Madison Cave	USA(VA)	N/A	T		N/A	17.46

2. It is further proposed that § 17.46 be amended by adding a new paragraph (a) as follows:

§ 17.46 Special rules—crustaceans.

(a) Madison Cave isopod (*Antrolana lira*).

(1) All provisions of § 17.31 (a) and (b) apply to this species except that it may be taken for scientific purposes without Federal permits issued pursuant to these regulations: *Provided*, That all other Federal, State, or local laws, regulations, ordinances or other restrictions or limitations have been complied with.

Dated: September 29, 1980.

Lynn A. Greenwalt,
 Director, Fish and Wildlife Service.

{FR Doc. 80-31014 Filed 10-3-80; 8:45 am}

BILLING CODE 4310-55-M