

## RULES AND REGULATIONS

## FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-4646.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

On December 30, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 65213-65214) advising that sufficient evidence was on file to support a determination that the Socorro isopod was an endangered species pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq. That proposal summarized the factors affecting the species as follows:

## SUMMARY OF THE FACTORS AFFECTING THE SPECIES

The Socorro isopod occupies the outflow of a thermal aquatic habitat called Sedillo Spring which is located near the base of the Socorro Mountains southwest of Socorro, N.M. The species is of particular interest and importance in that it is one of only two fully freshwater isopods in the family *Sphaeromidae*. The problem of how this species arrived at its present state of evolutionary adaptation is of concern to isopod specialists and concept of land-locked fauna is of concern to biologists as a whole.

The Socorro isopod is endangered today because of destruction and modification of its habitat. The Socorro thermal area extends at least two miles along the front of the Socorro Mountains and at least half a mile westward of it. Within this thermal area, water issues from three springs (Socorro, Sedillo and Cook). Sedillo Spring appears to have followed a separate drainageway for a short distance before being dissipated into underlying permeable fan gravels. During late Pleistocene and early Holocene time, waters from Socorro and Cook Springs fed into a cienega that extended about one-half mile eastward from Cook Spring. In recent years these springs have been greatly altered by municipal and private water development projects. All of the flow is presently intercepted at the surface and is capped off, the water being piped primarily to the city of Socorro. This capping off of the springs has resulted in the loss of the entire original habitat of the Socorro isopod.

Today, the Socorro isopod survives only within the confines of the partially open conduit system of an abandoned bathhouse referred to as "Evergreen". This artificial habitat is supplied with water from Sedillo Spring and, because that spring is only a few hundred feet away, the water emerges

with much of the original water quality and thermal characteristics retained. Because of the direct link between Sedillo Spring and the "Evergreen" bathhouse, the present population of isopods is thought to have originated from Sedillo Spring. Apparently, when the spring was capped and their natural habitat destroyed, some of the isopods made their way into the conduits and were able to survive in that environment. It is not known whether these isopods ever occurred in Cook or Socorro Springs. The conduits in which the species now occurs consist of less than 90 feet of iron pipe, and are entirely on privately owned land.

At present, the population of the Socorro isopod in the conduits is estimated to number only 2,449 animals. Current threats to these animals, in addition to their dependence on a highly restricted and fragile ecosystem, include reduced water flow in time of drought (such a condition existed this summer), and periodic cleaning and dredging of the conduit system.

## SUMMARY OF COMMENTS

In the proposed rulemaking to list the Socorro isopod as endangered, the public was given 60 days in which to comment. A press release was prepared by the Service, and several newspaper articles were published on the proposed action. The Governor of the State of New Mexico was contacted at that time and requested to waive the 90 day Governor's comment period authorized by the Act so that the isopod could be listed at the close of the 60 day public comment period. On January 25, 1978, the Governor of New Mexico (through the New Mexico Department of Game and Fish) notified the Service that he favored the listing and would waive his 90 day comment period. No other comments concerning the proposed rulemaking were received by the Service.

## CONCLUSION

Since the Governor of New Mexico concurs with the listing of this species as endangered, and the general public and scientific community have presented no evidence to refute the data contained in the proposed rulemaking, the Service is now proceeding with the final determination that the Socorro isopod is an endangered species pursuant to the Endangered Species Act of 1973.

## EFFECT OF THE RULEMAKING

This rulemaking will give the Socorro isopod all of the protection from "take" provided by Section 9 of the Act as implemented by 50 CFR 17.21. In addition, the listing of this species will allow for such benefits of the Act as cooperative research, Federal aid

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## Title 50—Wildlife and Fisheries

## CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

## PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

## Listing of the Socorro Isopod as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Socorro isopod (*Exophaeroma thermophilus*), which occurs only near Socorro, Socorro County, N.M., to be an endangered species. A review of the status of this isopod reveals: (1) That less than 2,500 individuals exist; (2) that its entire natural habitat has been so modified that, in its current condition, it is not usable by the species; and (3) that the species continues to survive precariously in an artificial habitat that it has adopted. This rule provides needed protection for the Socorro isopod in its present artificial habitat and will possibly lead to a reestablishment of the species elsewhere in the wild.

DATE: This rule becomes effective April 26, 1978.

**RULES AND REGULATIONS**

and land acquisition which could assist in the establishment of the species in a natural ecosystem elsewhere.

Under Section 7 of the Act, and the regulations implementing that Section, 50 CFR Part 402, all Federal agencies will now be required to assure that their actions do not jeopardize the continued existence of this species. They will also be required to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of the Socorro isopod. The procedural regulations implementing Section 7 of the Act were published on January 4, 1978 in 50 CFR Part 402 (43 FR 870).

**NATIONAL ENVIRONMENTAL POLICY ACT**

An environmental assessment has been prepared and is on file in the Ser-

vice's Washington Office of Endangered Species. It addresses this action as it involves the Socorro isopod. The assessment is the basis for a decision that this determination is not 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.

The primary author of this rule is John L. Paradiso, Office of Endangered Species 202-343-7814.

Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the Code of Federal Regulations is amended by adding the Socorro isopod to the list, under "Crustaceans" (previously reserved), as follows:

§ 17.11 Endangered and threatened wildlife.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion endangered	Status	When listed	Special rules
Crustaceans: Isopod, Socorro.	<i>Exosphaeroma thermophilus</i>	NA .....	U.S.A. (New Mexico).	Entire...	E .....	36	NA

NOTE.—The Service has determined that this document does not contain a major action requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: March 17, 1978.

**ROBERT S. COOK,**  
*Acting Director,*  
*Fish and Wildlife Service.*

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