



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

AUG 12 2010

Kenneth R. Seeley
Chief, Environmental and Risk Analysis Services
Animal and Plant Health Inspection Service
4700 River Road
Riverdale, MD 20737

Dear Dr. Seeley:

NOAA's National Marine Fisheries Service (NMFS) received your request for concurrence on the Animal and Plant Health Inspection Service's (APHIS) proposal to suppress grasshopper and mormon cricket populations within 17 western states in accordance with the Endangered Species Act (ESA) of 1973, as amended. After reviewing the proposed action, NMFS believes the Snake River steelhead (*Oncorhynchus mykiss*), Middle Columbia River steelhead, Upper Columbia River steelhead, Lower Columbia River steelhead, Snake River fall Chinook salmon (*O. tshawytscha*), Snake River spring summer Chinook salmon, Upper Columbia River spring run Chinook salmon, Lower Columbia River Chinook salmon, Sacramento winter-run Chinook salmon, Lower Columbia River coho salmon, and Columbia River chum salmon will be present in the action area.

Snake River steelhead were listed as threatened on August 18, 1997 (62 FR 43937), and reaffirmed as threatened on January 5, 2006 (71 FR 834). Middle Columbia River steelhead were listed as threatened on March 25, 1999 (64 FR 14517), and reaffirmed on January 5, 2006. Upper Columbia River steelhead were listed as endangered on August 18, 1997, and upgraded to threatened on January 6, 2006. Lower Columbia River steelhead were listed as threatened on March 19, 1998 (63 FR 13347), and reaffirmed as threatened on January 5, 2006. Critical habitat was effectively designated for Snake River steelhead, Middle Columbia River steelhead, Upper Columbia River steelhead, and Lower Columbia River steelhead on January 2, 2006 (70 FR 52630).

Snake River fall run Chinook salmon, Snake River spring/summer Chinook salmon, were listed as threatened on April 22, 1992 (57 FR 14653), and reaffirmed as threatened on June 28, 2005 (70 FR 37160). Upper Columbia River spring run Chinook salmon were listed as endangered on March 24, 1999 (64 FR 14308), and reaffirmed as endangered on June 28, 2005. Lower Columbia River Chinook salmon were listed as threatened on March 24, 1999, and reaffirmed as threatened on June 28, 2005. Sacramento winter-run Chinook salmon were listed as endangered on January 4, 1994 (59 FR 440) and reaffirmed as endangered on June 28, 2005. Sacramento winter-run Chinook salmon critical habitat was designated on June 16, 1993 (58 FR 33212).



Critical habitat was designated for Snake River fall run Chinook salmon on December 28, 1993 (58 FR 68543). Most recently, critical habitat for Snake River spring/summer Chinook salmon was designated on October 25, 1999 (64 FR 57399). Critical habitat was effectively designated for Upper Columbia River spring run Chinook salmon and Lower Columbia River Chinook salmon on January 2, 2006.

Lower Columbia River coho salmon were listed as threatened on June 28, 2005 and no critical habitat has been designated. The Columbia River chum salmon were listed as threatened on March 25, 1999 (64 FR 14507), and reaffirmed as threatened on June 28, 2005. Critical habitat for Columbia River chum salmon was effectively designated on January 2, 2006.

The purpose of the APHIS grasshopper and mormon cricket suppression project is to manage rangelands by maintaining pest population densities below economically damaging levels. The decision to treat rangelands is based on the number of grasshoppers in an area, grasshopper and plant species composition, life-cycle stage of the grasshoppers, range condition, the economic significance of the infestation, and whether it is economically and logistically feasible to conduct an effective program.

APHIS proposes to use the pesticides carbaryl, malathion, and diflubenzuron to control grasshopper and mormon cricket populations. In order to minimize the possibility of some pesticide reaching salmonids habitat, APHIS is taking a number of precautions. They will use reduced area agent treatments in all areas adjacent to salmonids habitat, which essentially establishes the appropriate buffer and then alternately treats 100 foot wide bands of land, leaving untreated 100 foot areas between them, cutting the amount of pesticide applied in half. Furthermore, APHIS will use ultra-low-volume sprays, which are between 50 and 66% of the EPA recommended rate. Pesticides will not be aerially applied in 3,500 foot buffer zones for carbaryl or malathion or in 1,500 foot buffer zones for diflubenzuron along stream corridors. Pesticides will not be applied when wind speeds exceed 10 miles per hour. APHIS will attempt to avoid pesticide application if the wind is blowing towards salmonid habitat. And finally, APHIS will avoid pesticide applications when precipitation is likely or during temperature inversions.

NMFS analyzed the potential for adverse effects to Pacific salmonid species in the action area that may occur as a result of this project. The project will minimize exposure to pesticides by using the mitigation measures above. The minimal exposure will likely avoid any response to the pesticides. Recent biological opinions on the use of malathion (November 18, 2008) and carbaryl (April 20, 2009) identified the buffer sizes being used in this project. In those cases, exposure was still expected. However, this project will be applying the pesticides from ultra-low-volume sprays at 50 to 66% of the EPA label rate. Because APHIS proposes using less than the label application rate, under restrictive environmental conditions, and with appropriately sized buffers around occupied habitat and critical habitat, the likelihood of exposure to these pesticides is low.

NMFS believes this project is not likely to adversely affect Snake River steelhead, Middle Columbia River steelhead, Upper Columbia River steelhead, Lower Columbia River steelhead,

Snake River fall Chinook salmon (*O. tshawytscha*), Snake River spring summer Chinook salmon, Upper Columbia River spring run Chinook salmon, Lower Columbia River Chinook salmon, Sacramento winter-run Chinook salmon, Lower Columbia River coho salmon, and Columbia River chum salmon. Additionally, this project is not likely to adversely affect designated critical habitat for Snake River steelhead, Middle Columbia River steelhead, Upper Columbia River steelhead, Lower Columbia River steelhead, Snake River fall run Chinook salmon, Snake River spring/summer Chinook salmon, Upper Columbia River spring run Chinook salmon, Lower Columbia River Chinook salmon, and Columbia River chum salmon.

This concludes consultation for this proposed project in accordance with 50 C.F.R. §402.14(b)(1). Consultation must be reinitiated if new information becomes available revealing the effects of the action on listed species in a manner or to an extent not previously considered, the project plans change, if the action is subsequently modified in a manner that causes an effect to listed species that was not considered, or if a new species or critical habitat is designated that may be affected by this action.

If you have any questions concerning this consultation, please contact Jason Kahn at (301) 713-1401 ext. 146.

Sincerely,


James H. Lecky
Office Director,
Office of Protected Resources