



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20450

JUL 16 1982

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

MEMORANDUM

TO: William Miller, Product Manager
Registration Division (TS-767)

THRU: David Coppage, Section Head *DC*
Section 3, EEB, HED (TS-769)

THRU: Clayton Bushong, Chief *CB*
Ecological Effects Branch, HED (TS-769)

SUBJECT: Transmittal of OES Biological Opinion on Terbufos
Registration for Use on Sorghum and Soybeans

Attached is OES's response to the consultation on the registration of Counter 15G on sorghum and soybeans. Their response is as we discussed earlier. If the registrant agrees to label nonuse in counties where the indicated endangered species occur, then there is no need for a formal consultation. If the registrant wants unrestricted use, then OES will require 90 days to render a biological opinion, which will probably still indicate restriction from those counties.

William S. Rabert

William S. Rabert, Biologist
Ecological Effects Branch, HED

Attachment

1 page w/attachment



ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE

WASHINGTON, D.C. 20240

JUL 9 1982

In Reply Refer To:
FWS/OES EPA-82-6

JUL 12 1982

Mr. Clayton Bushong
Chief, Ecological Effects Branch
Hazard Evaluation Division (TS-769)
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

Dear Mr. Bushong:

This is in response to your letter dated June 14, 1982, regarding the proposed registration of Counter 15G (terbufos) for use on sorghum and soybeans. We have reviewed your proposed prohibitions to protect listed Endangered and Threatened species. With the exception of the Attwater's greater prairie chicken (Tympanuchus cupido attwateri), we concur that the registration of Counter 15G will not affect listed species if the proposed prohibitions are imposed.

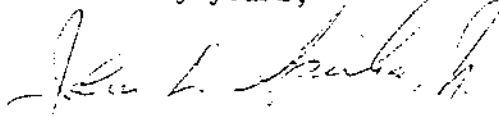
The Attwater's prairie chicken may be adversely affected in the Texas counties of Galveston and Ft. Bend, unless prohibitions for use of Counter 15G also include these counties. Waller County may be excluded from your proposed prohibitions since no reliable sightings have occurred in this county since 1977. This is largely attributed to habitat loss.

We base our conclusions on the Attwater's prairie chicken upon survey data for 1980-82 and crop use patterns (Texas Field Crop Statistics 1979, USDA) for counties harboring prairie chickens. Enclosed for your information is a copy of the 1980-82 survey data.

If it is the intent of EPA to register Counter 15G with the proposed prohibitions stated in your June 14, 1982, letter, then Section 7 consultation must be initiated as this action may affect the Attwater's greater prairie chicken. However, including the Texas counties of Galveston and Ft. Bend in the proposed restrictions for use of this pesticide would eliminate these potential impacts, and formal Section 7 consultation would not be required since listed Threatened or Endangered species would not be affected.

We appreciate the cooperative spirit of the Environmental Protection Agency in assuming its responsibilities under the Endangered Species Act. If you have any further questions, please contact Wayne Milstead or Earl Possardt at 235-2760. We would appreciate hearing from your office concerning your final determination regarding proposed restrictions for the registration of Counter 15G.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John L. Spinks, Jr.", written in a cursive style.

John L. Spinks, Jr.
Chief, Office of Endangered Species

Enclosure

* Attwater's Prairie Chicken Survey Data, 1980-82

	1980	1981	1982
Aransas	76	38	20
Austin	326	234	246
Brazoria	20	20	20
Colorado	186	184	280
Ft Bend	54	44	48
Galveston	96	110	104
Goliad	34	100	62
Harris	1	4	0
Refugio	726	658	438
Victoria	64	64	64
Total	1583	1450	1282

* Source; 1980 data, Attwater's Prairie Chicken Recovery Plan Technical Draft

1981-82 data, Refuge Manager, Attwater's Prairie Chicken National Wildlife Refuge, telephone conversation June 21, 1982.