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ORIGINAL SIGNED 12-1-03

Ms. Laurie Allen
Acting Director, Office of Protected Resources
National Marine Fisheries Service - 13th Floor
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Allen:

The Office of Pesticide Programs (OPP), U. S. Environmental Protection Agency (EPA), respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses 20 Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened and one pesticide active ingredient registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for uses within the range of the listed ESUs. The pesticide active ingredient subject to this request is ***chlorothalonil*** which is a fungicide used to control various diseases on crops and some non-crop sites. Chlorothalonil is registered for many crops, but is used primarily on potatoes, tomatoes, celery, onions, and fruits. It is also registered for use on golf courses and other turf, residential areas (but not home lawns), and as a preservative/mildewicide in paints, grouts, and other products. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility.

Chlorothalonil has high laboratory toxicity to fish and aquatic invertebrates and somewhat less toxicity on aquatic plants. OPP has determined that any effects of concern would be directly on listed salmon and steelhead and would vary for different uses and ESUs. Chlorothalonil would not affect salmon and steelhead food or cover, nor adversely modify their Critical Habitat from any of the registered uses. OPP has further determined that some uses of chlorothalonil may affect nine salmon and steelhead ESUs, may affect but is not likely to adversely affect eleven ESUs, and will have no effect on six ESUs. There will be no effect of chlorothalonil residential use, use on golf course greens and tees, or as a paint preservative on any ESU.[1] I am requesting formal consultation relative to the 9 ESUs for which a "may affect" determination has been made.

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[1] *See* Memorandum, with attached analysis, from Larry Turner, Ph.D., Senior Scientist, Environmental Field Branch, OPP, EPA, to Arthur-Jean B. Williams, Chief, Environmental Field Branch, OPP, EPA, November 30, 2003 (attached).

I am requesting your concurrence on our determination that use of chlorothalonil is not likely to adversely affect 11 ESUs. The specific determinations for each ESU are summarized in a table at the end of the enclosed assessment.

The primary threats for the ESUs subject to this consultation have been the continued development of the western states for a variety of human-related activities, including residential and commercial development, agriculture, and forestry, along with genetic swamping of certain ESUs by unrelated hatchery stocks. These activities have resulted in barriers to upstream and downstream migration, loss of available water, reduced water quality, physical modification of aquatic and riparian habitat. Excessive harvesting may also have played a role in their decline. Listing of these salmon and steelhead ESUs has sensitized the public to the need to provide protection. As a result, California has included them in their "Interim Measures" county bulletins for protecting endangered and threatened species, thus providing protection from pesticide use. Washington state has formed a task force which is working with NMFS and others to address pesticide use in that state. Oregon has developed specific projects that involve pesticide use and salmon and steelhead. We are unaware of any specific measures in place in Idaho that address pesticides.

OPP developed an analysis of the effects of chlorothalonil on ecological non-target organisms as part of its broad effort to re-register existing pesticides. In this review, potential effects on fish were of concern at the highest labeled application rates. As a result of that analysis, some high rates of chlorothalonil on agricultural and non-agricultural sites have been reduced, but these have not been sufficient to preclude concerns where chlorothalonil may be used broadly at maximum application rates. Therefore, some protective measures may be appropriate.

OPP is currently working towards a final endangered species program which is expected to become final in several months. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such county bulletins, along with pesticide label references to these bulletins, that OPP intends as its primary means of implementing and enforcing its protections for salmon and steelhead and other listed species.

We look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to call me at (703) 305-5239, or your staff may contact my Senior Scientist, Dr. Larry Turner at (703) 305-5007.

Enclosures

Sincerely,

Arthur-Jean B. Williams, Chief
Environmental Field Branch (7506C)

cc: Craig Johnson