UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF PREVENTION,
PESTICIDES AND
TOXIC SUBSTANCES

June 23, 2006

James Lecky, Director
Office of Protected Resources
National Marine Fisheries Service
13th Floor – 1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Lecky:

Attached is EPA's effects determination for metolachlor and 25[1] Evolutionarily Significant Units (ESUs) of listed Pacific salmonids. The refinements reflected in the attached determination were developed during our consultation with your office which we initiated on November 29, 2002. As a result of changes in this determination, I respectfully withdraw our November 29, 2002 request to your office for formal consultation relative to this action and request your concurrence on our determination that use of the pesticide metolachlor is not likely to adversely affect 25 listed Pacific salmonid ESUs.

We had previously determined that use of metolachlor had no effect on 6 ESUs; we requested informal consultation for our determination relative to 5 ESUs; and we requested formal consultation for our determination relative to 15 ESUs. The potential effects to Pacific salmonids were due to metolachlor's potential effects to aquatic vascular plants. The refinements conducted and incorporated into our assessment during consultation, relative to this concern, have resulted in a determination that there will be no effect to any of the subject ESU's from effects to aquatic vascular plants.

Refinements also have led to a determination that use of metolachlor may affect but is not likely to adversely affect the species indirectly from deposited sediment in spawning/rearing areas. For this to occur, a number of factors must exist: a sufficient quantity of the pesticide

[1] EPA's assessment was conducted relative to 26 listed Pacific Salmonid ESUs. However, the National Marine Fisheries Service has declined to list one of the 26 ESUs (see Federal Register Vol 71. No 12, Thursday, January 19, 2006 page 3033: Endangered and Threatened Species:Withdrawl of Proposals to List and Designate Critical Habitat for the Oregon Coast Evolutionarily Significant Unit (ESU) of Coho Salmon) and therefore, the assessment currently focuses on 25 ESUs.

must be used; a sufficient quantity of the pesticide must contact soil or seedlings; this soil or seedlings must be in denuded areas; and these denuded areas must be near high quality rearing and spawning gravels. If all of these factors exist, the re-growth of plants in these areas could be delayed and increased sediment loading to nearby gravels in streams could occur. However, metolachlor usage is low and bare ground areas near high quality spawning and rearing gravels are expected to be rare. Accordingly, metolachlor's effects on sedimentation of spawning gravels may affect but is not likely to adversely affect any of the subject Pacific salmonid ESUs nor adversely affect critical habitat through effects to riparian vegetation. Please also be aware that refined usage information from the Washington State Department of Agriculture's (WSDA) GIS dataset for cropland in Washington, was not used in this assessment at this time because EPA has not yet reviewed WSDA's Quality Assurance/Quality Control procedures. However, should EPA conduct a favorable evaluation of those procedures, this refined usage information would likely result in even further reductions in the potential estimated risk to these species.

I appreciate the assistance of your staff during our consultation. Hearing their questions and suggestions allowed us to articulate our results in a more comprehensible manner. The most recent questions and comments which were relayed to Sid Abel on April 4, 2005 have been considered in this assessment in the following manner:

- A table of abbreviations and definitions has been added (immediately after Table of Contents)

- Sections 2.5 and 3.6.1 have been edited and revised to better clarify the use of the terms "intial area of concern" and "action area".

- Sections 2.5, 2.5.1, and 2.5.2 have been edited and revised to better describe the way dilution was addressed in determining action area.

- The relative importance of spray drift, runoff, groundwater recharge, volatilization and long range atmospheric transport are discussed in Sections 2.4.5, 2.5.2, 3.4, 4.3.1, 4.3.2a-k, and Figures 4.3.2ja and 4.3.2jb.

- The relative importance of irrigation water is addressed in Sections 2.4.5, 2.5.2, and 4.3.2h.

- Section 2.5 identifies the source of and citation for land cover data (USGS and USDA). Because the GIS data are an amalgamation of other datasets they are not identified as being from a particular year but rather the 1990's. The GIS data used in this assessment are the most current acceptable data available.

The effects determination on which we requested consultation was completed prior to the development of the EPA's Overview Document and the Service's counterpart regulations.

However, the refinements made to our determination during consultation have resulted in this determination now being consistent with our Overview Document and an NLAA finding under the counterpart regulations. Nonetheless, I look forward to receiving your concurrence on this determination. Please let me know if you have any questions regarding this request. I can be reached on 703-305-6467.

Enclosure

Sincerely,

original signed by /s/

Arthur-Jean B. Williams
Associate Director
Environmental Fate and Effects Division (7507P)

cc: Maria Boroja, NMFS
Renne Lohoefener, Ph.D, USFWS