Signed: January 17, 2003

Don R. Knowles, Director
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Knowles,

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 request for informal consultation addresses three herbicides, registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), for their forestry operation uses within the range of all Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened. The pesticides subject to this request contain the active ingredients triclopyr triethylamine, imazapyr and its isopropylamine salt, and sulfometuron-methyl which are registered for, among other things, forestry operation uses that may occur within the range of listed salmon and steelhead. 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.

Imazapyr is registered for corn and a number of non-crop uses including forest uses. Sulfometuron-methyl is registered for rice and a variety of non-crop uses including forests. Triclopyr triethylammonium is registered for a corn, rice, sorghum, a variety of nut crops, and many non-crop uses including forests. We do not have data for the Pacific Northwest, but we do note that annual forestry uses of these herbicides in California over the past four years have been 1152-14,167 pounds of active ingredient of imazapyr, 131-1235 pounds of active ingredient of sulfometuron-methyl, and 168-5292 pounds of active ingredient of triclopyr triethylammonium.

The two attached analyses provide considerably more detail. One of these, which was originally done for another purpose, covers all uses of triclopyr triethylammonium. The analysis for imazapyr and sulfometuron-methyl were developed specifically for this consultation request. In these analyses we conclude no direct effects of any of these forestry herbicides on listed anadromous Pacific salmonids. For the triclopyr triethylammonium, we also conclude no indirect effects or adverse modification of Critical Habitat. For the imazapyr and the sulfometuron-methyl, we conclude a remote chance that there could be indirect effects on the cover of salmon and steelhead, which could also be considered adverse modification of Critical Habitat. But regardless of how it is framed, we firmly believe that these latter two herbicides are not-likely-to-adversely-affect the salmon and steelhead or their habitat.

The 26 salmon and steelhead ESUs occur throughout western watersheds, except the Colorado River, that drain into the Pacific Ocean. The primary threats for these ESUs 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 up stream and down stream 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 and salmonids.

OPP is currently working towards a final endangered species program. We have published a proposed implementation program and are preparing other documents for public input with respect to consultation processes. We are continuing to develop 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 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 (2)

Sincerely,

|s|

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

cc: Craig Johnson