United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Airport Business Center
6135 N.E. 80th Avenue Suite A-5
Portland, OR 97218-4033
503 326-2814
503 326-2969 fax

Mike Tehan
Branch Chief, Habitat Branch
NOAA Fisheries
525 NE Oregon, suite 500
Portland, Oregon 97323

March 9, 2006

Dear Mr. Tehan:

In May of 2004 USDA, APHIS and NOAA Fisheries entered into Endangered Species Act (ESA) Section 7 consultation to determine mitigation measures to protect listed fish species should APHIS undertake a grasshopper suppression program near where these species occur or near their habitat. NOAA Fisheries responded with a letter (June 15, 2006) concurring with APHIS' finding that the proposed action is "not likely to adversely affect" (NLAA) any listed fishes. At that time, the NOAA Fisheries determination was good through 2007, provided there were no changes to the proposed action or changes to the listed species. In recent contact with the NOAA Fisheries LaGrande, OR office it was learned that as of January 2, 2006 critical habitat has been designated for several of the species in the previous concurrence. This constitutes a change in the status of these species, requiring a review of the effects of the proposed action. The purpose of this letter is to request consultation between our agencies on these changes and to update some methods and the corresponding safeguard measures that may be different than mentioned in the 2004 consultation. APHIS' requests a written response with NOAA Fisheries the determination that, using the agreed upon safeguards, the proposed action is NLAA listed species.

The enclosed BA has been updated from 2004 to include the lower Columbia River coho which which was listed as a threated species after 2004 consultation began. The new BA includes the previously agreed to 0.25 miles aerial application buffers for all three liquid chemicals. The chemical diflubenzuron can be applied by ground or air. Ground application of diflubezuron was not previously addressed. The new BA also requests concurrence with a narrower buffer for ground applications. Lastly, as mentioned, the pervious concurrence was for a multi-year period. This was based on the premise that national consultation was under way and would eventually result in a national biological opinion from NOAA Fisheries covering all western states. The national consultation has begun, but will not likely be concluded in the near future. As long as there are no changes to the proposed action or to the listed species, we would prefer this consultation to cover a multi-year period until national consultation is completed.

The Plant Protection Act (PPA), Title IV, Agricultural Risk Protection Act of 2000, Section 417 mandates that APHIS control economic infestations of grasshoppers/Mormon crickets in order to protect rangeland, when requested, and provided funding is available. In order to accomplish this the APHIS Rangeland Grasshopper and Mormon Cricket Suppression Program Final Environmental Impact Statement was released in 2002 (2002 FEIS) (can be found at http://www.aphis.usda.gov/ppd/es/gh.html). The 2002 FEIS includes an analysis of

United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Airport Business Center
6135 N.E. 80th Avenue Suite A-5
Portland, OR 97218-4033
503 326-2814
503 326-2969 fax

three chemicals available to APHIS for grasshopper suppression. They are diflubenzuron, carbaryl, and Malathion. Also analyzed in the 2002 APHIS FEIS is the use of the Reduced Agent and Area Treatment (RAATS) methodology. This strategy utilizes lower than traditional doses of insecticides in combination with an application strategy that leaves untreated areas between each swath of applied insecticide.

Grasshopper suppression programs will only be conducted when potentially economically damaging populations of grasshoppers occur, funding exists, and at the written request of the land manager(s). Historically these outbreaks can occur, on any rangeland. APHIS will consider programs in Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lake, Klamath, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and, Wheeler counties in Oregon. Two Environmental Assessments (EAs), OR-06-01 and OR-06-02, were prepared by APHIS to address site specific issues with respect to potential grasshopper suppression programs in the above proposed area. These EA's are updated annually when programs are anticipated. Copies are available upon request, or can be found on the internet at http://egov.oregon.gov/ODA/PLANT/ippm_control.shtml. If needed to protect rangeland, suppression treatments could begin as early as May, but generally take place in June and July.

Treatment programs must follow strict guidelines set forth by the Agency. A copy of the 2006 Grasshopper Program Guidelines and Operational Procedures, and the 2006 Prospectus are enclosed.

The following table lists the species covered in this consultation. Their status is indicated as threatened (T) or endangered (E), and previously estasblished critical habitat (CH) is indicated by county. The seven species, or evolutionarily significant units (ESUs), with newly added CH are listed in bold type.

Common Name	**Scientific Name**		**Counties found**
Chinook Salmon (lower Columbia R.)	*Oncorhynchus (=Salmo) tshawytscha*		Hood River
Chinook Salmon (upper Columbia R. spring run)	*Oncorhynchus (=Salmo) tshawytscha*		Gilliam, Hood River, Morrow, Sherman, Umatilla, Wasco
Chinook Salmon (Snake R. fall run)	*Oncorhynchus (=Salmo) tshawytscha*		Gilliam (CH), Hood River (CH), Morrow (CH),

United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Airport Business Center
6135 N.E. 80th Avenue Suite A-5
Portland, OR 97218-4033
503 326-2814
503 326-2969 fax

			Sherman (CH), Umatilla (CH), Union, Wasco (CH), Wallowa
Chinook Salmon (Snake R. spring/summer run)	*Oncorhynchus (=Salmo) tshawytscha*		Gilliam (CH), Hood River (CH), Morrow (CH), Sherman (CH), Umatilla (CH), Union, Wasco (CH), Wallowa
Coho Salmon (lower Columbia R./SW Washington)	*Oncorhynchus (=Salmo) kisutch*		Hood River, Wasco
Chum Salmon (Columbia R.)	*Oncorhynchus (=Salmo) keta*		Hood River
Sockeye Salmon (Snake River, ID stock wherever found.)	*Oncorhynchus (=Salmo) nerka*		Hood River, Gilliam, Morrow, Sherman, Umatilla, Wasco (all CH)
Steelhead (middle Columbia R.)	Oncorhynchus (=Salmo) mykiss		Crook, Gilliam, Grant, Hood River, Jefferson, Morrow, Sherman, Umatilla, Wasco, Wheeler
Steelhead (upper Columbia R.)	Oncorhynchus (=Salmo) mykiss		Gilliam, Hood River, Morrow, Sherman, Umatilla, Wasco
Steelhead (Snake R. Basin)	*Oncorhynchus (=Salmo) mykiss*		Gilliam, Hood River, Morrow, Sherman, Umatilla, Union, Wasco, Wallowa
Steelhead (lower Columbia R.)	*Oncorhynchus (=Salmo) mykiss*		Hood River

The purpose of this consultation is to arrive at mitigation measures (buffers) that allow a determination that the proposed action will NLAA the listed species or their known migratory habitats.

United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Airport Business Center
6135 N.E. 80th Avenue Suite A-5
Portland, OR 97218-4033
503 326-2814
503 326-2969 fax

Your cooperation and timely response in assisting APHIS to meet its Endangered Species Act responsibilities are appreciated. If you have any questions regarding these requests, please contact me at (503) 326-2814 x239.

Sincerely,

Gary W. Brown
PPQ Officer
USDA, APHIS, PPQ
Portland, Oregon

w/enclosures

cc: Mitch Nelson, APHIS State Plant Health Director, Portland, OR
Charles Brown, APHIS Environmental Documentation, Riverdale, MD
Scott Hoefer, NOAA Fisheries, La Grande, OR