



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

Nancy Gilbert
US Fish & Wildlife Service
20310 Empire Ave., Suite A100
Bend, OR 97701

March 3, 2009

Dear Nancy Gilbert:

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), in conjunction with Federal, State, and local cooperators, is preparing for possible grasshopper/ Mormon cricket suppression programs on rangeland in eastern Oregon again this year. The Plant Protection Act of 2000 (7 U.S.C. § 7717) directs APHIS to respond to land manager requests for assistance. Endangered Species Act (ESA), Section 7 consultations are proceeding between our agencies at the national level for the entire program area (17 western states). However, these national consultations will not be completed in time for this season. Therefore, this letter is to request an informal exchange of Section 7 consultation information between the FWS and APHIS to ensure that any grasshopper suppression programs conducted by APHIS in Oregon are in full compliance with the ESA.

In consultation with your Agency, APHIS has prepared a 2009 Biological Assessment (BA) which arrives at a determination of no effect or not likely to adversely affect for each listed species and corresponding critical habitat which occur in the proposed suppression (action) area of Oregon. Where it is determined that the action may affect a listed species or its habitat, the BA specifies mitigation measures that are designed to reduce the potential effects to the point where they are not likely to adversely affect the listed species or its habitat. This BA will also address the chemical diflubenzuron (Dimilin) and the RAATs (Reduced Agent-Area Treatment) strategy as treatment alternatives which were not considered in the last National Programmatic Biological Opinion, October 3, 1995.

The informal local consultation process has been used the past six years to obtain concurrence from your agency on the effects determinations made by APHIS. For this season there are no changes in the chemicals available or the methods of application. We are proposing essentially the same mitigation measures that were agreed to in the 2008 consultation for species considered then. Two plant species not previously considered, are now thought to exist in Lake County. Protective measures for these new Oregon species are added to this BA.



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With this letter, APHIS is requesting concurrence with our determination for listed and proposed species, and listed and proposed critical habitat that may occur in Oregon within the area of the proposed 2009 grasshopper suppression program. Please provide any coordination necessary with the FWS Klamath Falls Office for areas of Klamath and Lake Counties. A written response from FWS is requested indicating whether you concur with the "no effect" and the "not likely to adversely affect" determinations in the Biological Assessment.

Enclosed are program guides and information to assist you in understanding how our treatment programs operate. Missing is the 2009 Aerial Application Statement of Work (SOW), which is pending. I will forward this document as soon as it arrives. However in the meantime refer to the 2008 SOW as I anticipate few changes in the new document.

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

- 2009 APHIS Biological Assessment
- 2009 APHIS Grasshopper Program Treatment Guidelines (EA Appendix 1)
- 2008 Environmental Monitoring Report
- 2009 Environmental Monitoring Plan

cc: Mitch Nelson, APHIS State Plant Health Director, Portland, OR
Kemper McMaster, F&WS, State Supervisor, Portland Fish and Wildlife State Office
Laurie Sada, F&WS, Field Supervisor, Klamath Falls Fish and Wildlife Office



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