



# United States Department of the Interior



FISH AND WILDLIFE SERVICE

Bend Field Office

20310 Empire Avenue, Suite A100

Bend, Oregon 97701

Phone: (541) 383-7146 FAX: (541) 383-7638

File Number: 8330.I0062 (10)

File Name: APHIS Grasshopper suppression program 2010

TS Number: 10-483

TAILS: 13420-2010-I-0062

Doc Type: Final

March 2, 2010

Mr. Gary Brown  
PPQ Officer  
USDA, APHIS, PPQ  
Airport Business Center  
6135 N.E. 80th Avenue Suite A-5  
Portland, Oregon 97218-4033

Subject: Concurrence on the effects determination for listed species assessed in the "2010 Biological Assessment for USDA APHIS Rangeland Grasshopper and Mormon Cricket Suppression Programs in Oregon"

Dear Mr. Brown:

The U.S. Fish and Wildlife Service (Service) has reviewed your request for concurrence that the referenced action may affect but is not likely to adversely affect the Endangered Species Act listed threatened bull trout (*Salvelinus confluentus*); Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*); Foskett speckled dace (*Rhinichthys osculus spp.*); Hutton tui chub (*Gila bicolor spp.*); Warner sucker (*Catostomus warnerensis*); Modoc Sucker (*Catostomus microps*); Spalding's campion (*Silene spaldingii*); Howell's spectacular thelypody (*Thelypodium howellii ssp. spectabilis*); Applegate's milk vetch (*Astragalus applegatei*); Slender Orcutt grass (*Orcuttia tenuis*); and the Endangered Species Act listed endangered Borax Lake chub (*Gila boraxobius*); Lost River sucker (*Deltistes luxatus*); Shortnose sucker (*Chasmistes brevirostris*); Malheur wire-lettuce (*Stephanomeria malheurensis*); and Green's tuctoria (*Tuctoria greenei*). Your request, with the attached biological assessment containing effects determinations for impacts to Endangered Species Act listed animals and plants (USDA 2010), dated January 26, 2010, was received by us on February 1, 2010. The Service has reviewed your biological assessment requesting informal consultation. Our comments are provided in accordance with section 7 of the Endangered Species Act (87 stat. 884 as amended; 16 U.S.C. 1531 *et. seq.*).

APHIS has reached a no effect determination for the threatened Northern spotted owl (*Strix occidentalis caurina*), McFarlane's four o'clock (*Mirabilis mcfarlanei*), Gray Wolf (*Canis lupus*) and Canada lynx (*Lynx canadensis*). The Service does not have any information indicating otherwise; therefore those species will not be considered further in our review.

TAKE PRIDE<sup>®</sup>  
IN AMERICA 

The proposed action is a statewide program for grasshopper and Mormon cricket suppression activities in the following counties of Oregon: Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lake, Klamath, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler. The consultation is based on the "2010 Biological Assessment for USDA APHIS Rangeland Grasshopper and Mormon Cricket Suppression Programs in Oregon" dated January 26, 2010 (USDA 2010).

### **Effects to the Species**

The buffers are mandatory as part of the proposed action and are designed to avoid contamination of listed species habitat. APHIS believes the buffers reduce or eliminate the potential for direct exposure of the listed species and reduce the chance of indirect effects being substantial enough to adversely affect the listed species. The buffers were not derived by specific impact and distance data but are based on some field tests demonstrating the absence of detectable levels of chemical or levels below a threshold of concern, within the buffers.

APHIS's determination is that the project protective measures reduce the potential effects of the action to the point that those effects are insignificant or the probability of any adverse effect is discountable and therefore the project may affect but is not likely to adversely affect the listed species.

### **Conclusion**

The Service reviewed the project described in the biological assessment in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended. Based on the Service's review of the biological assessment we concur with APHIS's determination that grasshopper suppression actions proposed for 2010, in 18 counties of Oregon (described previously) may affect, but are not likely to adversely affect the Endangered Species Act listed threatened: bull trout (*Salvelinus confluentus*); Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*); Foskett speckled dace (*Rhinichthys osculus spp.*); Hutton tui chub (*Gila bicolor spp.*); Warner sucker (*Catostomus warnerensis*); Modoc Sucker (*Catostomus microps*); Spalding's campion (*Silene spaldingii*); Howell's spectacular thelypody (*Thelypodium howellii ssp. spectabilis*); Applegate's milk vetch (*Astragalus applegatei*); Slender Orcutt grass (*Orcuttia tenuis*); and the Endangered Species Act endangered Borax Lake chub (*Gila boraxobius*); Lost River sucker (*Deltistes luxatus*); Shortnose sucker (*Chasmistes brevirostris*); Malheur wire-lettuce (*Stephanomeria malheurensis*); and Green's tuctoria (*Tuctoria greenei*).

Our concurrence with your "not likely to adversely affect" determination for threatened and endangered species is based on the conservation measures that will be incorporated into the action. We also considered the following factors as described in the proposed action.

1. All applicable Federal, State, Tribal, and local environmental laws and regulations will be followed in conducting suppression activities.
2. Information displayed in the biological assessment on effects from application of diflubenzuron, carbaryl, and Malathion support the conclusion that adverse effects to listed species are avoided under the proposed action. APHIS will restrict or avoid insecticide applications such that indirect effects to listed species and their habitats will be insignificant and discountable.

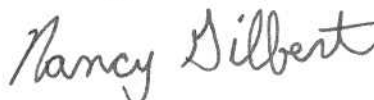
3. APHIS will avoid applying pesticides in areas of known or potential threatened and endangered species habitat to reduce direct and indirect effects consistent with Table 1 of the biological assessment (APHIS 2010). Potential indirect effects described in the assessment include reductions in insect prey for local populations of birds, impacts to aquatic environments, and effects on plant productivity from reductions in non-target pollinator insect populations.
4. Pesticides will not be applied in areas known to have a high water table, or where sub surface leaching is likely. Carbaryl bait will not be applied within 500 feet of any flowing water which contains threatened and endangered species at any time. Known migratory habitats would be treated as occupied habitat unless otherwise directed by the Service prior to treatment.
5. Aerial spray applications of Malathion, carbaryl, or diflubenzuron will not occur within 0.5 mile of any flowing or standing water which contains threatened and endangered species at any time. Ground application of Malathion, carbaryl, or diflubenzuron will not occur within 500 feet of any flowing or standing water which contains threatened and endangered species at any time. Known migratory habitats would be treated as occupied habitat unless otherwise directed by the Service prior to treatment. Aerial application of pesticides will not occur when winds exceed 10 miles per hour. To avoid drift and volatilization, aerial application of pesticides will not be conducted when it is raining or rain is imminent, when foliage is wet, when it is foggy, when temperature exceeds 80 degrees Fahrenheit, when there is air turbulence, or when a temperature inversion exists in the project area. Boundaries and buffers will be clearly marked. Aircraft used in aerial application will be equipped with systems to prevent nozzle dribble when the spray mechanism is disabled and emergency shut off valves to minimize pesticide loss in the event of broken lines, or system malfunctions.
6. All mixing and loading will be done in approved areas where spills cannot enter any body of water. All pesticide tanks will be leak proof and constructed of corrosion resistant materials. Aircraft used in aerial application will be equipped with APHIS-approved differentially corrected global positioning systems that guide pilots along desired flight paths with an accuracy of plus or minus three feet. Free flying will not be allowed.
7. APHIS will monitor insecticide applications and will document compliance with the protective measures in the biological assessment. Emphasis should be on determining the effectiveness of avoidance buffers for listed species including indirect affects to prey animals and pollinators and indirect transportation of insecticide products to non-target areas, including all water bodies.
8. APHIS will notify the Service before any application of pesticide to determine the location of any listed or proposed threatened or endangered listed species.

This concurrence is based on APHIS implementation of the avoidance and mitigation measures outlined above. To assist in future consultations we request that you provide our office a summary of your environmental monitoring activities conducted each year in which suppression activities are conducted. We would like to receive this summary prior to initiation of your next grasshopper and cricket suppression activity.

This informal consultation does not exempt APHIS from prohibition of take under section 7(o)(2) of the Endangered Species Act for any of the 15 species listed above. This informal consultation may be superseded by a future programmatic consultation and covers only those activities carried out in 2010. APHIS should consult with the Service if the proposed action or habitat conditions are changed; a new species is listed or proposed; new information reveals effects of the agency action on listed or proposed species that were not addressed in this consultation; or if critical habitat is designated that may be affected by the actions. This concludes informal consultation on the proposed actions outlined in the 2010 APHIS biological assessment in accordance with the Endangered Species Act.

The proposed action requires further coordination to inform the Service of pesticide application activities in areas of any listed threatened or endangered species. If you have any questions regarding this informal consultation, please contact Alan Mauer or me at (541) 383-7146.

Sincerely,



Nancy Gilbert  
Field Supervisor

cc: Chip Dale, ODFW, Bend, Oregon  
Craig Ely, ODFW, La Grande, Oregon  
Ted Buerger FWS, Portland, Oregon  
Gary Miller FWS, La Grande, Oregon  
Laurie Sada, FWS, Klamath Falls, Oregon

## References

US Department of Agriculture Animal and Plant Health Inspection Service (APHIS). 2010. 2010 Biological assessment for USDA APHIS rangeland grasshopper/Mormon cricket suppression programs in Oregon. January 25, 2010