



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

Kim Kratz
Oregon Habitat Director
NOAA Fisheries
1201 NE Lloyd Blvd, Suite 1100
Portland, Oregon 97232

March 2, 2010

Dear Mr. Kratz:

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 National Marine Fisheries Service (NMFS) and APHIS to ensure that any grasshopper suppression programs conducted by APHIS in Oregon are in full compliance with the ESA.

The informal local consultation process has been used since 2003 to obtain concurrence from your agency on the effects determinations made by APHIS. The last concurrence letter from NMFS expired September 30, 2009. A new consultation and NMFS concurrence is needed for 2010.

In consultation with your Agency, APHIS has prepared a 2010 Biological Assessment (BA) which arrives at a determination of may affect but not likely to adversely affect (NLAA) 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 also provides information necessary to determine the effect the proposed action may have on essential fish habitat (EFH) as required by the Magnuson-Stevens Fisheries Conservation and Management Act (MSA).

With this letter, APHIS is requesting concurrence with our determination for listed and proposed species, critical habitat, and essential fish habitat that may occur in Oregon within the area of the proposed 2010 grasshopper suppression program. A written response from NMFS is requested indicating whether you concur with the may affect but "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.



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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

- 2010 APHIS NMFS Biological Assessment
- 2010 APHIS Grasshopper Program Treatment Guidelines (EA Appendix 1)
- 2010 Environmental Monitoring Plan
- 2010 Statement of Work (Prospectus)

cc: Mitch Nelson, APHIS State Plant Health Director, Portland, OR
Walt Wilson, NMFS LaGrande Field Office, LaGrande, OR



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