

ORIGINAL SIGNED 7/29/04

Ms. Laurie Allen
Acting Director, Office of Protected Resources
National Marine Fisheries Service - 13th floor
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Allen:

The Office of Pesticide Programs (OPP), US Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses eleven (11) Evolutionarily Significant Units (ESU's) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened, and one pesticide active ingredient registered by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), for uses within the range of the listed ESUs. The pesticide active ingredient subject to this request is ***1,3-dichloropropene (1,3-D)***, a soil fumigant used to control nematodes and certain soil diseases. 1,3-D is registered for use on soils to be planted with all food and feed crops.

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.

1,3-D has moderate toxicity to fish and high toxicity to invertebrates in laboratory tests. However, based on the best available data on usage, environmental fate characteristics, the habitat for the individual ESU's and other information, OPP has determined that some 1,3-D uses may affect but are not likely to adversely affect eleven listed Pacific salmon and steelhead ESUs; and 1,3-D use will have no effect on the remaining fifteen ESUs.

A summary table at the back of the attached analysis indicates the specific determinations made for each of the 26 ESUs. I am requesting your concurrence, under the informal consultation process, on OPP's determination that the registered use of 1,3-D is not likely to adversely affect the following listed Pacific salmon and steelhead ESU's: Lower Columbia Chinook Salmon, Puget Sound Chinook Salmon, Sacramento River winter-run Chinook Salmon, Snake River fall-run Chinook Salmon, Snake River spring/summer-run Chinook Salmon, Upper Columbia spring-run Chinook Salmon, Upper Willamette Chinook Salmon, Columbia River

Chum Salmon, Middle Columbia River Steelhead, Snake River Basin Steelhead, Upper

Columbia River Steelhead.

OPP is working toward a final endangered species program which is expected to be final within a year. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such bulletins, and pesticide product label reference to them, that OPP intends to implement and enforce protections for listed species, including any necessary protections for listed salmon and steelhead.

I look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to contact me on (703) 305-5239, or your technical staff may contact Ann Stavola or Nikiba Daughtry our review biologists, at (703) 305-5354 and (703) 305-6460, respectively.

enclosures

Sincerely,

Arthur-Jean B. Williams, Chief
Environmental Field Branch
Field and External Affairs Division (7506C)

cc: Craig Johnson