



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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MS-ES
Falls Church, Virginia 22041



In Reply Refer To:
FWS/AES/DER/BNC/083382

Amy Blankenship
Acting Director, Environmental Fate and Effects Division
Office of Pesticide Programs
Division Mail Code 7507P
U.S. Environmental Protection Agency
1200 Pennsylvania Ave.
NW Washington, D.C. 20460

Dear Ms. Blankenship,

This letter transmits the U.S. Fish and Wildlife Service's (Service's) Draft Biological Opinion (Opinion) on the Environmental Protection Agency's (EPA's) proposed registration review decision of the herbicide simazine under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Pursuant to our collaborative efforts, we have assessed the effects of this herbicide on listed endangered and threatened species and designated critical habitat, in accordance with section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*). We received your request for formal consultation on November 12, 2021. Over the past several months, we received additional supplemental information from your staff. Additional coordination between our agencies is described in the attached Opinion. Because of the large size of the document, we have uploaded it to EPA's SharePoint site.

This Opinion is based on the information provided in the "Final National Level Listed Species Biological Evaluation for Simazine" (heretofore referred to as the "biological evaluation") provided with your request to initiate formal consultation, additional information provided by various divisions within the Office of Pesticide Programs, and other sources of information as described herein. Our draft Opinion addresses the application of simazine as described in the biological evaluation and addenda. We are providing this draft Opinion so that the EPA may release the Opinion for public comment. We plan to finalize the draft Opinion over the next few months based on feedback received in the public comment, including any comments from the EPA.

Our draft Opinion considers 696 proposed and listed species and 265 designated and proposed critical habitats. We focused our analyses in the draft on 1) species with low expected exposure to simazine (due to low overlap, usage, or conservation measures adopted prior to consultation), and 2) species with more than low levels of exposure that benefited from conservation measures

identified through the Herbicide Strategy that aimed to reduce off-site transport of simazine (i.e., listed plants and listed animals that depend on plant resources). Consideration of these measures in our analyses of species and critical habitats in this draft Opinion, which combines vulnerability and risk analyses with each species' environmental baseline and cumulative effects, was adequate to conclude that the proposed action is not likely to jeopardize the continued existence of 665 proposed and listed species and is not likely to destroy or adversely modify 252 proposed and designated critical habitats. This conclusion reflects the incorporation of conservation measures that the technical registrants have committed to implementing, including a 15-foot spray drift buffer, three points of runoff mitigation for all species, and an additional three points of runoff mitigations implemented through Pesticide Use Limitation Areas (PULAs) for some species based on their anticipated exposure and toxic effects from certain agricultural simazine uses. For 32 other listed and proposed species and 13 designated and proposed critical habitats, further analysis is required to determine the extent of effects, if any, and the resultant risk to these listed species. We intend to continue coordinating with EPA and simazine registrants between the release of this draft Opinion and the transmission of the final Opinion to gain information regarding the exposure and effects of simazine registration, as proposed, to these species and critical habitats. As such, we have not yet made determinations for these species or critical habitats.

We look forward to working with you and the registrants as we finalize the draft Opinion. If you have any questions or comments about this draft Opinion, or the consultation process in general, please feel free to contact Nancy Golden (nancy_golden@fws.gov), Branch of National Consultations.

Sincerely,

Craig Aubrey
Division of Environmental Review
Ecological Services Program
U.S. Fish and Wildlife Service Headquarters