

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**2009 Minnesota Cooperative Gypsy Moth Project
for Cook, Lake, Winona, and Houston Counties**

by
**United States Department of Agriculture – Forest Service
Minnesota Department of Agriculture**

May 2009

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

INTRODUCTION

This document accompanies the 2009 Environmental Assessment (EA) titled "2009 Minnesota Cooperative Gypsy Moth Project for Cook, Lake, Winona, and Houston Counties". This project has been proposed and analyzed in a joint effort involving the Minnesota Department of Agriculture (MDA), the USDA Forest Service, Superior National Forest (SNF) and the USDA Forest Service, Northeastern Area State & Private Forestry (NA S&PF). The EA is a site-specific analysis of the potential effects of implementing a gypsy moth slow the spread project in 2009 which is referenced as the proposed action.

NA S&PF is proposing to provide both technical and financial assistance on this project. The National Environmental Policy Act of 1969 (NEPA) guidelines must be followed anytime a project is proposed that involves Federal funding, and which has the potential to significantly affect the human environment. In the absence of Federal funding, MDA is free to implement the proposed action on non-federal lands without fulfilling NEPA or NA S&PF procedures.

SUMMARY OF PROPOSED ACTION

As part of the gypsy moth Slow-the-Spread (STS) program, the Minnesota Department of Agriculture (MDA) proposes a cooperative project with the United States Department of Agriculture Forest Service, State and Private Forestry (USFS S&PF), Grand Portage Reservation and Superior National Forest (SNF) to treat 11 sites in 4 counties for gypsy moth in northeastern and southeastern Minnesota (see EA Table 1; EA Appendix A for maps). The proposed treatment areas are primarily forested and have a combined area of approximately 108,532 acres. Approximately 2072 acres of proposed treatment area (all mating disruption) are on SNF lands. The objective for this proposed action is to slow the spread of gypsy moth in Minnesota by reducing or eliminating pioneer gypsy moth populations in the Slow-the-Spread (STS) Action Zone.

Btk would be aerially applied to two sites in northeastern Minnesota in accordance with label directions between late May and late June, depending on gypsy moth development and weather conditions. A second application of Btk is proposed 5-10 days after the first. The mating disruption treatment would be aerially applied to all other sites in accordance with label directions in June, July, or August, depending on gypsy moth development and weather conditions. If funding is approved, NA S&PF would cost-share treatments on lands with MDA. The overall operational and administrative aspects of the treatments will be directed by MDA.

DECISION

The EA titled "2009 Minnesota Cooperative Gypsy Moth Project for Cook, Lake, Winona, and Houston Counties" documents a site-specific environmental analysis conducted jointly by the MDA, SNF, and NA S&PF for federally supported gypsy moth treatment activities in 2009. The EA is tiered (40 CFR 1502.20; 1508.28) to the 1995 Final Environmental Impact Statement entitled "Gypsy Moth Management in the United States: a cooperative approach" (FEIS) (USDA 1995). The EA includes a site-specific discussion of: 1) the purpose and need for action, 2) the alternatives, including the proposed action, 3) the affected environment, and 4) the environmental consequences of the proposed action.

The EA considers in detail four alternatives for dealing with the gypsy moth populations in northeast and southeast Minnesota. The four alternatives that were considered in detail in this analysis were:

- 1) Alternative 1, No Action: No measures to control gypsy moth would be undertaken in the area of the proposed project. NA S&PF **would not** cooperate with MDA and SNF in conducting the proposed treatments in 2009,
- 2) Alternative 2, Btk: NA S&PF, SNF, and MDA **would** cooperate, if funding is approved, in applying Btk,
- 3) Alternative 3, Mating disruption: NA S&PF, SNF, and MDA **would** cooperate, if funding is approved, in applying mating disruption,
- 4) Alternative 4, Btk and Mating disruption (the preferred alternative): NA S&PF, SNF, and MDA **would** cooperate, if funding is approved, in applying Btk and mating disruption.

Based upon the analysis documented in this EA and the 1995 FEIS, it is my decision that the objectives of the proposed action and the needs of the people of Minnesota are best met by Alternative 4. This alternative is compatible with the preferred alternative discussed in the FEIS and selected in the associated Record of Decision, January 1996. A separate Decision Notice will be issued by the SNF Forest Supervisor for SNF lands.

RATIONALE FOR DECISION

The general policy of the USDA-FS is to protect forest-related values from damaging insect and disease outbreaks. This policy stems from the Plant Protection Act of 2000 (7 U.S.C. section 7701), the Cooperative Forestry Assistance Act of 1978, as amended (P.L. 95-313), which incorporates provisions of the Forest Pest Control Act of 1947, and the Cooperation with State Agencies in Administration and Enforcement of Certain Federal Laws (7 U.S.C. section 450). These laws provide for Federal and State cooperation in forest insect and disease management. The Cooperative Forestry Assistance Act has been reauthorized by the 2002 Farm Bill (P.L. 107-171d) and grants authority to the Secretary of Agriculture to assist state officials through cooperative programs to control forest insects and diseases on non-Federal forest lands of all ownerships. These programs have several purposes: 1) to enhance the growth and maintenance of trees and forests, 2) to promote the stability of forest-related industries, and associated employment, through the protection of forest resources, 3) to conserve forest cover on watersheds, shelterbelts, and windbreaks, 4) to protect outdoor recreation opportunities and other forest resources, and 5) to extend timber supplies by protecting wood products, stored wood, and wood in use.

The USDA Departmental gypsy moth policy (USDA 1990) assigns the USDA-FS and the USDA Animal and Plant Health Inspection Service (APHIS) the responsibility to assist states in protecting non-Federal lands from gypsy moth damage. On January 16, 1996, the Deputy Chief of the USDA-FS for State and Private Forestry signed a Record of Decision (ROD) (USDA 1996) for the 1995 FEIS. The FEIS and ROD document the USDA-FS's decision to support suppression, eradication, and slow-the-spread strategies for gypsy moth management. The ROD and FEIS specify that implementation of this alternative will require the completion of site-specific analyses conducted in accordance with NEPA, and its implementing regulations, and the environmental policy and procedures of the USDA-FS (USDA 1996, p. 1).

My decision to choose **Alternative 4** as the preferred alternative is based upon compliance with, and the authority granted by, the federal laws and regulations previously described and within USDA-FS policy. This project complies with the Forest Pest Management Control Project Standards as described in the USDA-FS Manual (FSM 3430) and the Cooperative Control Project Participation Criteria as described in Chapter 10 of the USDA-FS Handbook (FSH

3409.11). This project conforms to USDA-FS policy to protect and preserve the forest resources of the nation against destructive forest insects and diseases (USDA 1995, Vol. II, p. 1-3).

I did not choose **Alternative 1 (No Action)** because it does not meet our responsibility to assist the State in protecting lands from gypsy moth damage. Further, it does not meet our responsibility to assist State resource managers, Federal resource managers, and Tribal nations in protecting lands from damaging insect and disease outbreaks. If northeast and southeast Minnesota were to become generally infested with gypsy moth, populations could then spread to nearby federal and non-federal lands. Alternative 1 is likely to result in the local establishment and population buildup of gypsy moth in northeast and southeast Minnesota and more rapid spread to neighboring uninfested areas.

I did not choose **Alternative 2 (Btk)** or **Alternative 3 (Mating disruption)** because while they could meet our responsibility to assist the State in protecting lands from gypsy moth damage and supports the general USDA-FS policy of protecting forest-related values from damaging insect and disease outbreaks, they have some disadvantages. Given the population levels present in 2009, both types of treatments (Btk and mating disruption) are needed to achieve maximum project effectiveness.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the EA and carefully considered the issues and concerns expressed by the citizens of Minnesota. Based on the site-specific environmental analysis documented in the EA, I have determined that implementing this decision in the manner described will not cause significant environmental impacts or adverse effects. Therefore, an environmental impact statement is not needed for this project. This decision was made after considering the following: There are no significant effects when considering context and intensity of the project (40 CFR 1508.27). Application of Btk and mating disruption would occur on approximately 109,217 acres of private, state, federal, and tribal land, a small percentage of the forested acres in the area. The site-specific EA evaluates the environmental consequences (effects) in that particular context.

The intensity of any effects are minimal for the following reasons:

1. Impacts from the applications are limited to the treatment areas.
2. There is no indication that the general public will experience any adverse health or safety effects from Btk or mating disruption products.
3. Btk and mating disruption products will not adversely affect parklands, wetlands, or ecologically critical areas.
4. The proposed treatments are not highly controversial and will help to maintain the quality of the human environment as it existed prior to gypsy moth infestations. The products proposed for treatments are EPA registered for treating gypsy moth and will be applied according to label requirements. This meets the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (7 USC 136) as amended.
5. There are no known unique risks associated with this project.

6. The decision to proceed is based upon the results of a site-specific environmental analysis conducted in accordance with NEPA. Decisions regarding future actions will be made in a similar manner.
7. The EA identified no cumulative effects for the proposed project.
8. The action will not affect any item listed on, or eligible for listing on, the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.
9. The possibility of impacting Federally or State listed threatened or endangered species has been considered and discussed with the U.S. Fish & Wildlife Service, the Minnesota Department of Natural Resources Natural Heritage Program, and other relevant groups. They do not view the gypsy moth treatment activities proposed in 2009 as a threat to any Federally or State listed species or critical habitat.
10. The proposed action complies and is consistent with all federal, state and local laws or requirements imposed for protection of the environment. The action is a cooperative project that has been planned, funded and will be implemented by agencies representing federal, state, local and tribal governments.

This analysis and the FEIS that it is tiered to were performed in compliance with Executive order 12898 (addressing environmental justice). The portion of this project that is covered by this decision will not be implemented on National Forest System lands, thus the decision is not subject to the USFS appeals process. This project may be implemented after this document has been signed.

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