



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

**2022 *Lymantria dispar* (formerly Gypsy Moth)  
Slow-the-Spread Project**

**Laurentian Ranger District, Lake County Minnesota**

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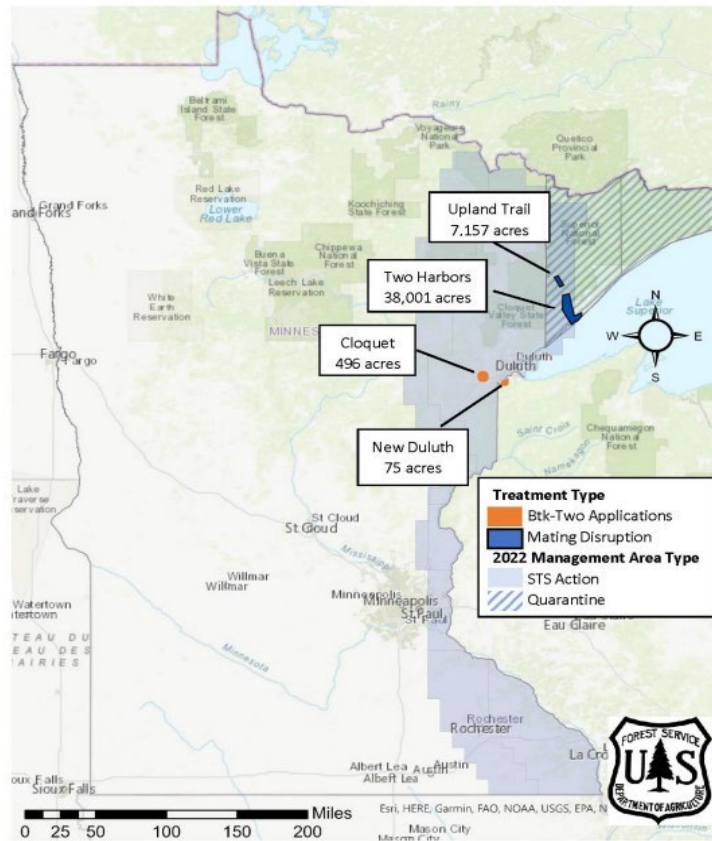
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## INTRODUCTION

The Minnesota Department of Agriculture (MDA) proposes a cooperative project with the USDA Forest Service's Eastern Region State and Private Forestry (Forest Service S&PF) and the Superior National Forest (SNF) to treat *L. dispar* populations in Minnesota that are along an area referred to as the Slow The Spread (STS) Action Area (also known as STS Action Zone). The agencies have completed an environmental assessment (EA) that documents the analysis to treat four sites in three counties totaling approximately 45,729 acres in 2022. Two sites (571 acres) would be treated with the bacterial insecticide-Bacillus thuringiensis subsp. kurstaki (Btk), and two sites (45,158 acres) with a mating disruption (MD) treatment. This decision will consider only the mating disruption (MD) treatment type proposed on National Forest System lands in Lake County. The 2022 STS Action Area in Minnesota is shown in figure 1 in the EA and below.

This decision notice utilizes the analysis and findings of the [2022 EA](#) and project record. Treatment and management of *L. dispar* has occurred since 1996, with the signing of a 1995 environmental impact statement (EIS). The EIS was supplemented in August 2012 with a final Supplemental Environmental Impact Statement ([SEIS](#)) titled "Gypsy Moth Management in the United States: A Cooperative Approach" and with further human health and ecological risk assessments. The EA tiers to those risk assessment and the SIES (EA p.5).

## 2022 Proposed *L. dispar* Treatments



**Figure 1.** Location of 2022 proposed STS treatment blocks in Minnesota. Blocks highlighted by treatment type; mating disruption (blue) or Btk (orange). The 2022 STS Action Area in Minnesota is shown in gray. Treatment blocks are not drawn to scale.

## Purpose and Need

The objective of the Minnesota Cooperative Slow-the-Spread (STS) *L. dispar* Project is to slow the spread and buildup of *L. dispar* populations that are located within or in very close proximity to the STS Action Area in Minnesota.

*Lymantria dispar* is an exotic insect to North America, in which the caterpillars feed on the leaves of a wide variety of trees and shrubs. In the Great Lakes region, highly preferred hosts include oaks, aspens, paper birch, basswood, and willows, all common trees in Minnesota. High numbers of *L. dispar* caterpillars can cause a substantial public nuisance and reduce tree growth and overall tree health. Following large outbreaks, some tree mortality can occur, especially when outbreaks persist in any given area for two to three successive years. Widespread caterpillar outbreaks can alter water quality, wildlife habitat, microclimate, and soil fertility (SEIS appendix L).

## Decision

The EA discusses two alternatives for dealing with the *L. dispar* slow-the-spread activities in Minnesota. The EA documents a site-specific environmental analysis conducted jointly by MDA and the Forest Service, S&PF for federally supported slow-

the-spread *L. dispar* treatment activities in 2022. The EA is tiered (40 CFR 1502.20; 1508.28) to the 2012 Supplemental Environmental Impact Statement (SEIS), titled “Gypsy Moth Management in the United States: A Cooperative Approach”. The Record of Decision (ROD) for the SEIS was signed by the U.S. Forest Service in 2012. 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 two alternatives that were considered in detail in this analysis were:

1. Alternative 1, No Action. The Forest Service and S&PF would not cooperate with MDA in conducting the proposed treatments in 2022.
2. Alternative 2, Proposed Action. The Forest Service, S&PF and MDA would cooperate in 2022, if funding is approved, in applying Btk and mating disruption treatments. Btk would be applied on two sites and mating disruption on two sites, as described in the EA.

Upon reviewing the 2022 EA and the project record, I have decided to implement alternative 2. See EA, section 2.3 for a description of alternative 1 and 2. My decision is to apply a pheromone (Disparlure) that disrupts gypsy moth mating on about 13,772 acres of National Forest System lands in summer 2022. The treatments are located in the southeast area of the Laurentian Ranger District in two separate blocks (figure 1 in EA).

In a separate decision notice, Eastern Region State and Private Forestry proposes to treat two sites (571 acres) with the bacterial insecticide *Bacillus thuringiensis* subsp. *kurstaki* (Btk) and an additional 31,957 acres using Mating Disruption pheromone treatments (disparlure) on adjacent and nearby ownerships. Together, these treatments on blocks of mixed land ownership will reduce mortality of trees such as birch and aspen on the landscape.

### **Reasons for the Decision**

The Superior National Forest has a responsibility to protect National Forest System (NFS) land from *L. dispar* (gypsy moth) damage. The Eastern Region State and Private Forestry is responsible for coordinating Forest Service *L. dispar* related activities and for coordinating with states in protecting NFS land, as established in the USDA departmental *L. dispar* policy. Interagency planning and implementation are essential to successfully slowing the spread of *L. dispar* (gypsy moth) in Minnesota (Superior NF Land and Resource Management Plan or Forest Plan, Ch. 2, p. 2-19, desired conditions D-ID-1 and D-ID-2).

The Slow-the-Spread (STS) program is a national program aiming to reduce the spread of *L. dispar* from its natural rate of spread of approximately 20 km/yr. to less than 7 km/yr. The STS program has identified and recommends the proposed sites be treated. The STS program includes a detailed protocol for selection and prioritization of treatment sites at the website [Slow the Spread of \*L. dispar\*](#).

The MDA completed a “2021 Minnesota *L. dispar* Program, Summary Report” that documents the moth catch and alternate life stage data that was used to support 2022 treatment recommendations (EA p. 2). A copy of that report is on file at the MDA. The

Minnesota *L. dispar* Program Advisory Committee (GYMPAC) reviewed and concurred with the proposed 2022 treatment plan. See sections 6.0 and 7.0 in the EA for GYMPAC members.

### **Other Alternatives Considered**

Section 2 of the EA considers several alternatives, including a no action alternative (alternative 1). Under this alternative, the MDA would not receive funding from the Forest Service-S&PF to conduct *L. dispar* treatments in 2022. Local *L. dispar* populations would likely build and spread to surrounding areas. This is not a proposed action because damage and regulatory action would occur sooner than if other alternatives are selected. The MDA and the Forest Service would continue to monitor populations.

Other treatment options available for use under the SEIS were eliminated from consideration in alternative 2 or an additional alternative (EA p.10). These treatments included using one or more of the following:

- Diflubenzuron (*Dimilin*)
- Gypchek
- Tebufenozide (*Mimic*)
- Sterile insect technique
- Mass trapping

### **Public Involvement & Collaboration and Tribal Consultation**

The Superior National Forest, Minnesota Department of Agriculture, and State and Private Forestry have been conducting *L. dispar* moth treatments in northeastern Minnesota since 2005. We have completed extensive public involvement and many people are familiar with the purpose and scope of activities for *L. dispar* treatments. We continued this public involvement for the 2022 treatment season.

The MDA compiled a contact list of local leaders in each proposed treatment block. An email was sent to the local leaders informing them of upcoming outreach activities. Printed materials were attached to these emails to provide leaders with the necessary information to answer questions about the treatments. Virtual presentations were requested and made to the County Board of Commissioners for Lake County and the Cloquet City Council. The MDA mailed informational postcards to property owners inside proposed treatment block boundaries. The Fond du Lac Band of Chippewa and the 1854 Treaty Authority were consulted as part of this public outreach. A second postcard will be sent as a reminder to residents as the treatment date approaches. This postcard will also remind residents of the low-flying aircraft on the treatment dates. Local law enforcement, emergency care facilities, poison control, and the 911 system will be notified prior to application.

The initial postcards mailed to all property owners contained relevant information on the virtual informational meetings. The MDA hosted four virtual meetings, with two taking place for each proposed type of treatment; two for blocks to be treated with Btk (Cloquet and New Duluth), and two for blocks to be treated with mating disruption (Two Harbors NE and Upland Trail). The latter two treatment blocks include Superior

National Forest System lands. Finally, the Laurentian District Ranger sent a letter to all individuals interested in receiving notifications about Superior National Forest proposed activities.

No comments were received during scoping or the draft EA comment period about use of the mating disruptor disparlure on Superior National Forest lands.

## **Finding of No Significant Impact**

I have reviewed the direct, indirect, and cumulative effects of the proposed activities in the EA for the project. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives as disclosed in the EA.

Implementing regulations for the National Environmental Policy Act (NEPA) (40 CFR 1508.27)<sup>1</sup> provide criteria for determining the significance of effects. Significant, as used in NEPA, requires consideration of both context and intensity.

### **Context**

Context means that the significance of an action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality. This project is a local action that does not have international, national, regional, or Statewide importance. Significance varies with the setting of the proposed action. For instance, for a site-specific action, significance would usually depend upon the effects in the locale rather than in the world. Both short- and long-term effects are relevant (40 CFR 1508.27). The disclosure of effects in the EA found the actions limited in context. The project area is limited in size and the activities limited in duration (EA, section 1.1 and figure 1). Effects are local in nature and are not likely to significantly affect regional or national resources (EA sections 4.1 to 4.4). Project mitigations minimize and avoid adverse impacts to the extent that such impacts for some resources are not measurable, even at the local level (EA pp. 10-13).

### **Intensity**

Intensity measures the severity, extent, or quantity of effects. I utilized information from the effects analysis of the EA and the references in the project record to determine the following intensity factors. The EA and supporting attachments appropriately and thoroughly considered effects through the analyses in response to concerns and issues raised by the public. We have taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. **Environmental Effects** – Environmental effects associated with the project are discussed in the Environmental Consequences sections of the EA (EA sections 4.1 to 4.4). The impacts are within the range of those identified in the Forest Plan

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<sup>1</sup> While this EA was prepared under the 2020 CEQ NEPA regulations, the intensity factors covered in this FONSI both cover those named in the 2020 CEQ NEPA regulations (1501.3(b)(2)) and those in the 1978 CEQ NEPA regulations (1508.27) because the CEQ NEPA regulations are currently undergoing rulemaking and may change.

Environmental Impact Statement and would not have significant impacts on resources identified and described in the EA.

2. **Public Health or Safety** – Treatment activities would be conducted in a safe manner to protect the public (EA sections 1.7, 2.3.1, and 4.1).
3. **Unique Characteristics of the Area** – There are no anticipated adverse effects to historic places or loss of scientific, cultural, historical, or other unique resources. The National Historic Preservation Act provides specific guidance for the preservation of prehistoric and historic resources when federal actions may have an adverse impact on these resources. In Minnesota, the State Historic Preservation Officer (SHPO) was informed of the proposed action. The Minnesota State Historic Preservation Office has agreed that no historic properties would be affected by the proposed undertaking. Correspondence regarding this consultation is on file at MDA (EA, p. 17). The project area is distant from the Boundary Waters Canoe Area Wilderness (BWCAW) and would have no adverse effects. The Two Harbors block (figure 1) is adjacent to the Marble Lake Lookout Research Natural Area which does allow for controlling of non-native invasive species. There would be minimal overspray onto adjacent areas when mitigation measures are followed (EA p. 12).

The Upland Trails treatment block contains approximately 180 acres of the Phantom Lake Roadless Area Conservation Rule (RACR) area (project record). However, the proposed action does not contain any restricted activities to RACR areas such as road construction or timber harvesting, so there would be no effect to the area's roadless status (Federal Register vol. 66, no. 9, 2001).

4. **Controversy** – The effects of the proposed alternative on various resources is not considered to be highly controversial by professionals, specialists, and scientists from associated fields of forestry, wildlife biology, entomology, recreation, fuels, etc. I do not believe that there is significant controversy over the effects of this project (EA sections 3.1 to 3.3 and 4.1 to 4.4).
5. **Uncertainty** – Scoping did not identify highly uncertain, unique, or unknown risks. The technical analyses conducted for determinations of the impacts to the resources are supportable with the use of accepted techniques, reliable data, and professional judgment documented throughout the EA and the project record. Therefore, I conclude that there are not highly uncertain, unique, or unknown risks. (EA sections 3.1 to 3.3 and 4.1 to 4.4)
6. **Precedent** – This decision does not establish a precedent for future action with significant effects because it only authorizes one site-specific application that will not have any significant effects and does not compel future action.
7. **Cumulative Impact** – There are no significant cumulative effects on the environment, either when combined with the effects created by past and concurrent projects, or when combined with the effects from natural changes taking place in the environment or from reasonably foreseeable future projects of this type. Refer to Environmental Consequences sections of the EA (EA section 4.3).
8. **Properties on or eligible for the National Register of Historic Places** – Because this treatment is aerial, cultural resources will not be affected (EA section 3.3).

9. **Endangered or threatened species** – This project would have no effect on Canada lynx or grey wolf, the SNF’s endangered or threatened species, or its critical habitat. This project may affect but is not likely to adversely affect the northern long-eared bat or critical habitat. Refer to section 3.2 of the EA and the biological assessment and evaluation.
10. **Legal requirements for environmental protection** – This action complies with other federal, state, and local laws and requirements imposed for the protection of the environment (EA pp.7-8). In addition to the environmental laws listed above, relevant laws include the National Environmental Policy Act; National Forest Management Act; Clean Air Act; Clean Water Act; Cooperative Forestry Assistance Act; Federal Insecticide, Fungicide, and Rodenticide Act; and Minnesota Statutes on controlling pests.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the 2022 Minnesota Cooperative *Lymantria dispar* (formerly gypsy moth) Slow-the-Spread Project in Lake County is not a major federal action and that its implementation will not significantly affect the quality of the human environment.

#### **Findings Required by Other Laws and Regulations**

I have considered relevant laws, regulations and agency direction. I find the analysis complies with the National Forest Management Act, National Environmental Policy Act, Cooperative Forestry Assistance Act, Plant Protection Act, Endangered Species Act, Federal Insecticide, Fungicide, and Rodenticide, Clean Air Act, National Historic Preservation Act, and the Clean Water Act. I have considered direction in FSM 1950 and FSH 1909.15 and find the analysis and my decision consistent with that direction.

The Healthy Forest Restoration Act (HFRA) provides for expedited vegetation treatments on National Forest System land that are currently experiencing disease or insect epidemics; or are at risk of such epidemics because of conditions on adjacent land. Use of this authority requires a determination that an epidemic exists by consulting with forest health specialists. The 2018 Farm Bill (P.L. 11-224, sec 8[16 U.S.C. 2104] reauthorizes the charter of the Cooperative Forestry Act of 1978 providing authority to the USDA and state cooperation in management of forest insects and diseases.

As the Responsible Official for National Forest System land of the Superior National Forest, I have reviewed the EA and project record and determined that this project is authorized under Title IV of the Healthy Forests Reforestation Act of 2003.

I have reviewed this action in accordance with Executive Order 12898 (consideration of environmental justice). I find scoping was adequate to inform low income and underrepresented populations/groups that may be affected by this action. No concerns of disproportionate health or environmental effects surfaced. Adverse effects of this action will be very minor or not apparent. Therefore, I find my decision will not disproportionately create high and adverse health or environmental effects to low income or underrepresented populations.



### **Administrative Review and Objection Process**

The 2022 *Lymantria dispar* (formerly Gypsy Moth) Slow-the Spread Project was subject to the objection process; pursuant to 36 CFR 218, subparts A and B. No comments were received during public scoping or the 30-day comment period; therefore, an objection period is not required. Specific written comments are required to gain eligibility to object. Regulations are located at [www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5421929.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5421929.pdf)

### **Implementation**

An objection period is not required as there were no specific comments received during comment periods. Implementation may begin immediately following the signing of this Decision Notice and Finding of No Significant Impact. Implementation on National Forest System lands is anticipated in summer 2022.

For additional information on this decision, contact Linda Merriman, NEPA Coordinator at [linda.merriman@usda.gov](mailto:linda.merriman@usda.gov).

### **Responsible Official for actions on Superior National Forest:**

**SUNNY LUCAS**

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Date: 2022.05.03 15:34:23 -05'00'

5/3/2022

Sunny Lucas, Acting Laurentian District Ranger

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