

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

INTRODUCTION

This document accompanies the 2024 Environmental Assessment (EA) titled “Minnesota Cooperative Spongy moth (*L. dispar*) Project Slow-the-Spread”, developed by the Minnesota Department of Agriculture (MDA), and the U.S. Forest Service, State, Private and Tribal Forestry (Forest Service, SP&TF). The EA is a site-specific analysis of the potential effects of implementing the Minnesota Cooperative spongy moth (*L. dispar*) Slow-the-Spread Project in 2024 which is referenced as the proposed action. The Forest Service, SP&TF is integrally involved in proposing, planning, funding, and implementing this project. As such, we are required by the 2012 Supplemental Environmental Impact Statement and its Record of Decision to conduct site specific project level environmental analyses and to document those in accordance with agency NEPA implementing procedures. In addition to the EA and this Decision Notice and Finding of No Significant Impact, the Forest Service, SP&TF requires Work and Safety Plans before funding will be approved. In the absence of federal funding, MDA may implement the proposed action on state and private lands in accordance with Minnesota state laws and MDA departmental policies and without the need to fulfill Forest Service, SP&TF requirements.

This Decision Notice and Finding of No Significant Impact is for public and private lands in Minnesota.

SUMMARY OF PROPOSED ACTION

MDA in cooperation with Forest Service, SP&TF proposes to conduct *L. dispar* treatment work on a total of 170,144 acres. The Forest Service, SP&TF would cooperate and cost share with MDA on the application which includes 35 mating disruption blocks on 167,183 acres and 7 blocks totaling 2,691 acres with bacterial insecticide *Bacillus thuringiensis subsp. Kurstaki* (BtK) (EA table 1, site maps in EA Appendix B).

The objective for this 2024 proposed action is to slow the spread and buildup of spongy moth populations that are located within or in very close proximity to the slow-the-spread (STS) Action Area (also known as STS Action Zone) in Minnesota.

Mating disruption treatments would be aerially applied in a single application from June through July. Btk treatments would be applied aerially either once or twice depending on program objectives. In blocks with two BtK applications planned, the second application would take place 7-14 days after the first. BtK treatments would be applied during late May through early June. If funding is approved, the Forest Service, SP&TF will cost-share treatments with MDA. The Forest Service, SP&TF in cooperation with MDA will administer the mating disruption treatments.

DECISION

The EA discusses two alternatives for dealing with the spongy moth slow-the-spread activities in Minnesota. The EA documents a site-specific environmental analysis conducted jointly by MDA and the Forest Service, SP&TF for federally supported slow-the-spread spongy moth treatment

activities in 2024. 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”, and the 1995 Final Environmental Impact Statement (FEIS) also 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 ROD for the FEIS was signed in 1996. 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, SP&TF **would not** cooperate with MDA in conducting the proposed treatments in 2024, and
- 2) Alternative 2, The Forest Service, SP&TF and MDA **would** cooperate in 2024, if funding is approved, in mating disruption treatments. Mating disruption would be applied over 35 sites and 167,183 acres, and BtK would be applied over 7 sites and 2,961 acres, as described in the EA.

Based upon the analysis documented in this EA and the SEIS, it is my decision that the objectives of the proposed action and the needs of the people of Minnesota are best met by Alternative 2.

RATIONALE FOR DECISION

The general policy of the U.S. Forest Service 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 2018 Farm Bill (P.L. 115-334, Sec 8 [16 U.S.C. 2104], Forest Health Protection) reauthorizes the basic charter of the Cooperative Forestry Assistance Act of 1978 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 *Lymantria dispar* policy (1990) assigns the Forest Service and the Animal and Plant Health Inspection Service (APHIS) the responsibility to assist states in protecting non-Federal lands from *L. dispar* damage. On November 28, 2012, the Deputy Chief of the Forest Service, SP&TF, signed a Record of Decision (ROD) for the SEIS. The SEIS and ROD

document the Forest Service decision to support suppression, eradication, and slow-the-spread strategies for *L. dispar* management. The ROD and SEIS specify that implementation of this alternative will require the completion of site-specific analyses conducted and documented in accordance with agency NEPA implementing procedures.

My decision to choose Alternative 2 as the preferred alternative is based upon compliance with, and the authority granted by, the federal laws and regulations previously described and within Forest Service policy. This project complies with the Standards as described in the Forest Service Manual (FSM 3430).

I did not choose Alternative 1 for the following reasons:

Alternative 1 does not meet our responsibility to assist the State in protecting non-Federal lands from *L. dispar* damage, nor does it support the general Forest Service policy of protecting forest-related values from damaging insect and disease outbreaks. Alternative 1 is likely to result in the widespread establishment and population buildup of spongy moth in Minnesota and more rapid spread to neighboring uninfested areas.

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 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). The site-specific EA evaluates the environmental consequences (effects) of the proposed action and no action alternatives.

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

1. Impacts from the applications are limited to the treatment areas.
2. Based on the analysis reported in the SEIS, FEIS, and the EA, there is no indication that the general public will experience severe adverse health or safety effects from mating disruption products.
3. Mating disruption treatments will not adversely affect parklands, wetlands, or ecologically critical areas.
4. There is no known credible scientific controversy over the effects of the proposed action and it will help to maintain the quality of the environment, as it existed prior to *L. dispar* infestations. The treatment products are registered for treating *L. dispar* 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 listed threatened or endangered species has been considered. The U.S. Fish & Wildlife Service was consulted, and a letter of concurrence was received. For federally listed species our determinations were either no effect or not likely to adversely effect.
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 and local governments.

This analysis and the SEIS that it is tiered to were performed in compliance with Executive order 12898 (addressing environmental justice). This project may be implemented after this document has been signed.

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DATE: _____