

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

**2008 Cooperative Gypsy Moth Project**  
**Brownstown Ranger District**  
**Hoosier National Forest**  
**Monroe County, Indiana**  
**Sections 21-23, 26-28, 34, and 35,**  
**Township 7 North, Range 1 East**

**United States Department of Agriculture Forest Service**  
**Hoosier National Forest**  
**Northeastern Area State and Private Forestry**  
**and**  
**Indiana Department of Natural Resources**  
**Division of Entomology and Plant Pathology**  
**Division of Forestry**

**February 2008**

**DECISION NOTICE**

**AND**

**FINDING OF NO SIGNIFICANT IMPACT**

**USDA FOREST SERVICE**  
**BROWNSTOWN RANGER DISTRICT**  
**HOOSIER NATIONAL FOREST**

**INTRODUCTION**

This Decision Notice (DN) and Finding of No Significant Impact (FONSI) accompany the 2008 Cooperative Gypsy Moth Project environmental assessment (EA). The Indiana Department of Natural Resources (IDNR), Division of Entomology and Plant Pathology and Division of Forestry and the United States Department of Agriculture (USDA) Forest Service (USFS), Northeastern Area State and Private Forestry and Hoosier National Forest jointly prepared the EA. The EA presents a site-specific analysis of the potential effects of implementing the proposed action or any of the other alternatives considered.

The IDNR, in cooperation with the USFS, proposes treating one site on the Brownstown Ranger District of the Hoosier National Forest in Monroe County, Indiana. Mating disruption (pheromone flakes) would be used at the 15 gram rate on the proposed treatment site which totals 1,535 acres of National Forest System land. The objective for this cooperative project is to eliminate reproducing populations from the treatment site.

**DECISION**

Based upon my review of the needs identified in the EA, the alternatives and analysis, and comments and concerns received during public scoping and the public notice and comment period, I have decided to implement Alternative 2 as described.

Alternative 2 implements mating disruption using pheromone flakes prior to the emergence of male moths. Treatment will consist of one aerial application of pheromone flakes applied in mid-June to early July. Mating disruption relies on the attractive characteristics of the gypsy moth sex pheromone, disparlure. The objective of the mating disruption treatment is to saturate the treatment site with enough pheromone sources to confuse the male moths and prevent them from finding and mating with female moths. Considered specific to gypsy moth, mating disruption is not known to cause impacts to nontarget organism populations, water quality, microclimate, or soil productivity and fertility (USDA 1995, Vol. II, p. 4-67).

The alternative selected meets the project objective of eradicating increasing populations of gypsy moth in the proposed treatment site.

My decision does not implement any project specific mitigation described in the analysis (EA, Section 4.2). The likelihood of impacts to karst species is minimal. My decision does include implementation of the mitigation described in Section 4.8 of the EA along with suggested monitoring.

## RATIONALE FOR THE DECISION

The general policy of the USFS 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 2002 Farm bill (P.L. 107-171d) reauthorized the Cooperative Forestry Assistance Act, which grants authority to the Secretary of Agriculture to assist state officials through cooperative programs to control forest insects and diseases on non-federal forestlands 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.

I have based my selection of Alternative 2 on compliance with and the authority granted by the federal laws and regulations previously described and with USDA policy. This project complies with the Forest Pest Management Control Project Standards as described in the Forest Service Manual (FSM 3430) and the Cooperative Control Project Participation Criteria as described in Chapter 10 of the Forest Service Handbook (FSH 3409.11). This project complies with USFS policy to protect and preserve the forest resources of the nation against destructive forest insects and diseases (USDA 1995, Vol. II, p. 1-3).

The USDA Departmental Gypsy Moth Policy (USDA 1990) assigns the USFS and 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, Joan M. Comanor, Deputy Chief of the USFS for State and Private Forestry, and Donald F. Husnick, Deputy Administrator of APHIS for Plant Protection and Quarantine, signed a Record of Decision (ROD) (USDA 1996) for the Final Environmental Impact Statement (FEIS). The FEIS and ROD document the decision by USDA to support eradication, slow-the-spread, and suppression 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 National Environmental Policy Act (NEPA) and the environmental policy and procedures of the USDA (USDA 1996, p.1).

I selected Alternative 2 for implementation as it best meets the objectives of the proposal with the least likelihood of additional impacts to the surrounding ecosystem.

Implementation of Alternative 2 also addresses one of the “Four Threats” to the health of the nation’s forest and grasslands by implementing treatment to eradicate an invasive pest species from the proposed treatment site.

Implementation of the project will also protect ecosystems across boundaries by reducing the threat of gypsy moth populations increasing and spreading across boundaries to lands of other ownerships.

Implementation of this project has a minimal impact on the ground. However, taking no action at this time could result in unnecessary impacts on the vegetation, wildlife, and wilderness resources in the future.

#### OTHER ALTERNATIVES CONSIDERED

The EA discusses several alternatives for treating gypsy moth populations in the proposed treatment site. Three of the alternatives developed were carried forward to analysis of effects. The EA documents a site-specific environmental analysis of three-action alternatives as well as a No Action alternative. The analysis was conducted jointly by IDNR and USFS for federally supported gypsy moth activities in 2008. The EA is tiered (40 CFR 1502.20; 1508.28) to the 1995 Final Environmental Impact Statement (FEIS) entitled “Gypsy Moth Management in the United States: a cooperative approach” (USDA 1995).

The EA includes a site-specific discussion of:

1. Purpose and need for action
2. Alternatives, including the proposed action
3. Affected environment
4. Environmental consequences

The four alternatives that were considered in detail in this analysis were:

1. No action
2. Mating disruption
3. Btk
4. Btk and mating disruption

My selection of Alternative 2 is compatible with the preferred alternative discussed in the FEIS and selected in the Record of Decision, January 1996.

I did not select one of the other alternatives for the following reasons:

**Alternative 1, No Action:** –This alternative allows populations to establish and spread. Damage and regulatory action would result sooner than if an action alternative is selected. Regulatory action would quarantine Monroe County. Quarantine would affect forest management activities and uses. Gypsy moth trappings surveys would continue to monitor the increasing populations. The National Environmental Policy Act requires consideration of a No Action alternative; however, this alternative does not meet the objectives described in the EA. Selection of this

alternative would allow populations to establish, reproduce, and spread at a quicker rate than any action alternative.

**Alternative 3, Btk:** – Btk is effective at eliminating gypsy moth populations at low levels. Egg mass surveys conducted did not detect egg masses in the proposed treatment site. Therefore, I did not select the use of Btk. This alternative would affect any larval stages of other Lepidoptera spp. that would be present at the time of treatment. Btk does not affect the adult stages of lepidoptera and few other lepidoptera species have larval stages present at the time Btk applications would be made. Although impacts would likely be minimal, Alternative 2 eliminates this risk.

**Alternative 4, Btk and Mating disruption:** – Very low population levels are present in the site and no egg masses were found. The flexibility to use Btk in combination with mating disruption was not needed.

## PUBLIC INVOLVEMENT

The need for action first became apparent during the summer of 2007. December 4, 2007, staff from IDNR, Division of Entomology and Plant Pathology and Hoosier National Forest held a public meeting at Bloomington High School South in Bloomington, Indiana. Notice of the meeting appeared on the Indiana Department of Natural Resources, Division of Entomology website, as well as the Hoosier National Forest website. Notice of the meeting was also posted in the *Hoosier Times* on Sunday, November 25, 2007 and Sunday, December 2, 2007. It also appeared in the Bloomington *Herald Times* on Thursday, November 29, 2007. The Hoosier National Forest also placed a Legal Notice in the Sunday November 25, 2007 *Hoosier Times*. The *Hoosier Times* is the Hoosier National Forest paper of record and is published in Bloomington, Indiana.

Over 120 individuals, organizations, and media outlets also received notice of the meeting in a November 19, 2007 mailing. Eleven people attended the meeting on December 4, 2007. Meetings details are described in the EA in both Section 1.5 and Appendix A.

On December 20, 2007 a detailed Proposed Action and Preliminary Alternatives for 30-day Notice and Comment for the 2008 Gypsy Moth Project was sent to the same list of 120 individuals, organization, and media outlets. Three individuals responded during the 30-day comment period with comments all favorable to the selection of Alternative 2. One individual responded outside the 30-day comment period. Comment letters and agencies responses to them are in the project record for this project, which is on file at the Hoosier National Forest Supervisor's Office in Bedford, Indiana 47421.

## FINDING OF NO SIGNIFICANT IMPACT

I find that implementing 2008 Cooperative Gypsy Moth Project will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed and will not be prepared. "Significance" as used in the NEPA, 42 U.S.C. 4321 *et seq.*, requires consideration of both the context (here a local context) and intensity (severity of the impact) of the Federal action. I based my finding on the following factors.

## Context

Alternative 2 is consistent with the *Forest Plan* forest-wide guidance and management area direction. The context of the action is local to the general area surrounding the proposed treatment site in the Hoosier National Forest. No effects will extend beyond that area.

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. There will be no significant effects, beneficial or adverse, resulting from implementation of this proposed treatment. The 2008 Cooperative Gypsy Moth Project EA discusses the environmental effects of implementing any of the alternatives, including the selected alternative in Section 3.0 (USDA FS 2008).
2. Public health and safety will not be significantly affected by the proposed treatment or the selected alternative (USDA 1995, Vol. III, p. 8-1 through 8-6) (USDA FS 2008). Notification of the public will occur prior to aerial application
3. There will be no significant effects on unique characteristics of the area. Historical sites in the proposed treatment site have been inventoried and evaluated for effects.
4. Based on public participation and involvement of resource specialists, I do not expect the effect on quality of the human environment to be highly controversial. This does not mean that the decision will be acceptable to all people, as some will feel their needs and interests are not being served by my decision. The selected actions are similar to activities that have been initiated on lands throughout Indiana and other states. The anticipated effects are reasonably predictable and therefore the effects are not highly controversial. It is my professional judgment that the significant biological, economic, and social issues are adequately addressed in the 2008 Cooperative Gypsy Moth Project EA. Disrupt II is registered for 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 effects on the human environment that are highly uncertain or involve unique or unknown risks. The 2008 Cooperative Gypsy Moth Project EA (Section 3) adequately evaluates the anticipated effects of this proposed treatment.
6. The actions are not likely to establish a precedent for future actions that may be implemented to meet goals and objectives of the *Forest Plan*. 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. Treatment materials are not highly controversial and will help to maintain the quality of the environment, as it existed prior to gypsy moth infestations.

8. There are no known significant cumulative effects between this project and other projects either implemented or planned on areas separated from the proposed treatment site. There are no reasonable foreseeable future projects to be considered at this time. The FEIS (USDA 1995) analyzed and demonstrated that neither cumulative environmental nor human health risks are associated with the use of treatment materials.
9. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Because the action is not a ground disturbing activity it will not cause loss or destruction of significant scientific, cultural, or historical resources. The Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology, concurred with these findings in a letter dated December 6, 2007, signed by James A Glass, Ph.D., the Deputy State Historic Preservation Officer.
10. Based on the findings of the Biological Evaluation prepared for Federally threatened and endangered species, the actions described, the location, and the subsequent review and concurrence by the USDI Fish and Wildlife Service (FWS) made the determination that the treatment area is utilized by Indiana bat (*Myotis sodalis*). The FWS stated that “potential treatment effects (aerial application of mating disruptor – pheromone flakes) are unlikely to pose significant risk to highly mobile, solitary, male Indiana bats. However, if maternal colonies of the Indiana bat should occur in proximity to the treatment area, increased risk is more likely.” Treatment effects from mating disruption is likely to be insignificant. The January 11, 2008 letter from USDI Fish and Wildlife Service, signed by Scott Pruitt, Field Supervisor for the Bloomington Field Office, can be found in the project record on file at the Hoosier National Forest Supervisor’s Office.
11. 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 and state governments.

## CONSISTENCY WITH LAWS AND REGULATIONS

On December 22, 2004, the Under Secretary of Agriculture approved regulations for National Forest System land management planning (36 CFR 219, published in the Federal Register on January 5, 2005). These regulations became known as the 2005 Planning Rule. On March 30, 2007, the court in *Citizens for Better Forestry v. USDA Civ. No. 05-1144* and *Defenders of Wildlife v. Johanns Civ. No. 04-4512*, in the Northern District of California, enjoined the Forest Service from implementation and use of the 2005 Planning Rule. On July 3, 2007, the same court refused to amend its prior judgment and affirmed that the March 30, 2007 order applied nationwide. The result of these two rulings is that the entire Forest Service is currently operating under the prior planning rule, adopted in November 2000 at 36 CFR 219 and subsequently interpreted in an Interpretative Rule at 69 Fed. Reg. 58055 (September 29, 2004). This project is planned under the regulation at 36 CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in making

this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

This decision to implement Alternative 2 is consistent with the intent of the *Forest Plan's* long term goals and objectives listed in Chapter 2 of the *Forest Plan*. Implementing the actions in the 2008 Cooperative Gypsy Moth Project EA will meet the *Forest Plan* goals for:

- Maintain and Restore Sustainable Ecosystems
  - Emphasize native plant and animal species and communities in management
  - Develop and maintain stands of the appropriate composition and structure to meet management goals
  - Emphasize prevention and control in the integrated pest management program through appropriate means.

Project design is in conformance with *Forest Plan* standards and guidelines.

This analysis was performed in compliance with Executive Order 12898 (Environmental Justice, February 11, 1994). This project may be implemented after this document has been signed.

*/s/ Kenneth G. Day*

*February 1, 2008*

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KENNETH G. DAY  
Forest Supervisor  
Hoosier National Forest

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Date:

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