



Forest
Service

Eastern Region, Morgantown Field
Office
State and Private Forestry

180 Canfield Street
Morgantown, WV 26505

File 3400/1950

Date: March 30, 2023

Code:

Route To:

Subject: Pennsylvania Department of Conservation and Natural Resources
FY 2023 *Lymantria dispar dispar* Suppression Project Analysis and Documentation

To: Spongy moth Suppression File

The National Environmental Policy Act (NEPA) of 1969 requires detailed environmental analysis of any proposed federal action that may affect the human environment. The courts regard federally funded state actions as federal actions. The US Forest Service provides financial assistance for spongy moth cooperative suppression projects that are conducted by states in compliance with US Forest Service guidelines and policies.

For this specific project, Pennsylvania Department of Conservation and Natural Resources (DCNR) has requested federal cost share assistance and they are responsible for program implementation, assessment, and analysis. The Pennsylvania spongy moth suppression project is conducted by the Division of Forest Pest Management, Bureau of Forestry, Department of Conservation and Natural Resources, under authority of Act No. 18 of 1995 (see Chpt. 3. Section 302(4)), with the purpose of reducing spongy moth populations in order to mitigate the aesthetic, economic, and environmental losses caused by spongy moth caterpillars feeding on all forested areas within the Commonwealth. Evaluation of the PA suppression program is the responsibility of DCNR.

The Record of Decision (ROD) for the Final Gypsy Moth Supplemental Environmental Impact Statement (SEIS) was signed on December 5, 2012, and selected to continue with the current direction of the USDA National Spongy Moth Management Program as decided in the 1995 Final Environmental Impact Statement (see SEIS Vol. II, Chpt. 1, pp. 4-5). The USDA agencies selected the alternative which includes suppression, eradication, and slow-the-spread strategies to manage spongy moth in the United States. Due to the location of these infestations, suppression would be the objective on this project.

Per the ROD (p. 27), [t]his decision continues the requirement of the USDA National Spongy Moth Management Program that specific spongy moth treatments may be authorized only after analysis of the site-specific environmental effects, carried out in accordance with the National Environmental Policy Act and any other applicable legal requirements.

After review and evaluation of DCNR environmental assessment documenting the analysis, I have determined that the state-prepared assessment is consistent with NEPA Section 102 requirements, including, “the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, alternatives to the proposed action, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term



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productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.” [NEPA, Sec. 102 C]

The USDA-FS supports an integrated pest management approach to invasive species response. For this type of cooperator-designed and implemented spongy moth suppression project we are providing financial assistance. The treatments being proposed by DCNR were analyzed and approved in the FSEIS/ROD for suppression projects.

The USDA has broad discretionary, statutory authority to conduct spongy moth management activities. Following is a list of the laws granting authority to the USDA (FSEIS, Vol. II, Chpt. 1, p. 7; Appendix B, p. 2; SEIS ROD, pp. 1 and 8; 1995 FEIS, Vol. II, page 1-8).

1. Plant Protection Act of 2000, as amended (7 U.S.C. 7701- 7759).
2. The Plant Quarantine Act of 1912, as amended [7 U.S.C. sections 151-165, 167].
3. The Federal Plant Pest Act of 1957, as amended [7 U.S.C. sections 150aa-150jj].
4. The Department of Agriculture Organic Act of 1944, as amended [7 U.S.C. section 147a].
5. Cooperation with State Agencies in Administration and Enforcement of Certain Federal Laws [7 U.S.C. section 450].
6. The Cooperative Forestry Assistance Act of 1978 [16 U.S.C. section 2101], as amended by the Forest Stewardship Act of 1990 [16 U.S.C. section 2101].
7. Endangered Species Act of 1973 [16 U.S.C. sections 1531-1536, 1538-1540].
8. National Historic Preservation Act of 1966, as amended [16 U.S.C. section 101].
9. Clean Water Act of 1972, [33 U.S.C. section 402; National Pollutant Discharge Elimination System (NPDES)].
10. COMPLIANCE WITH THE ENDANGERED SPECIES ACT. No direct or indirect impacts to federally listed species are anticipated under the proposed action. See correspondence with USDA Fish and Wildlife Service (attached).
11. COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT.
12. COMPLIANCE WITH THE CLEAN WATER ACT. The Environmental Protection Agency authorizes the NPDES program to state governments. State agencies are enabled to perform the permitting, administrative and enforcement aspects of the NPDES program. NPDES permit #PA0270776 is effective from September 1, 2018, to August 31, 2023. Permits and supporting documentation for this project can be located by contacting Pennsylvania Department of Conservation and Natural Resources Bureau of Forestry | Division of Forest Health 400 Market Street, 6th Floor, PO Box 8552 | Harrisburg, PA 17105-8552 (717)-783-2066

Date: 04/03/2023

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