United States Department of Agriculture
Animal and Plant Health Inspection Service

Rangeland Grasshopper and Mormon Cricket Suppression Program

Record of Decision—National Environmental Policy Act Process

This record of decision concludes the environmental impact statement (EIS) process for the Animal and Plant Health Inspection Service (APHIS) Rangeland Grasshopper and Mormon Cricket Suppression Program. Pursuant to regulations implementing procedural provisions of the National Environmental Policy Act (NEPA), a record of decision for this matter must be prepared and published not sooner than 30 days after publication of the notice of availability of the final environmental impact statement; the notice of availability for that statement was published in the *Federal Register* (FR) (67 FR 42253) by the United States Environmental Protection Agency (EPA) on June 21, 2002.

The NEPA implementing regulations require that records

- State what decision is being made;
- Identify alternatives considered in the environmental impact statement process;
- Specify the environmentally preferable alternative;
- Discuss preferences based on relevant factors—economic and technical considerations, as well as national policy considerations, where applicable; and
- State how all of the factors discussed entered into the decision.

Records must also indicate whether the ultimate decision has been designed to avoid or minimize environmental harm and, if not, why not. 40 Code of Federal Regulations (CFR) § 1505.2(a), (b), and (c).

Satisfying the requirements for the record of decision would be a fairly straightforward task if this was a "conventional" environmental impact statement process. However, the impact statement process relative to this record is programmatic in nature, treats relevant issues and alternatives by stage of technological development,[1] and does not involve any specific "proposal," as that term is defined in the NEPA implementing regulations.[2] The purpose of this impact statement process was to conduct, in a public process, a thorough re-examination of tools and strategies available to program officials and of generalized environmental effects likely to result from using those tools and strategies when responding to land managers' urgent needs to control grasshopper and Mormon cricket infestations. It is in the site-specific application of these tools and strategies that NEPA documents, as well as records reflecting the foregoing requirements, will be developed.

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[1] 40 CFR § 1502.4(c).

[2] "'Proposal' exists at that stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated." 40 CFR § 1508.23.

Still, it is appropriate here to announce the results of our re-examination and to do so in a manner consistent with the requirements for records of decision.

What decision is being made?

Several alternatives are available to APHIS when requested to suppress economically damaging outbreaks of grasshoppers and Mormon crickets. Each of those alternatives which are discussed below are considered based on the conditions present in a given outbreak. This EIS discusses the results of our re-examination of tools and strategies available to agency program officials and of the environmental effects these tools and strategies when responding to land managers' urgent needs to suppress grasshopper and Mormon cricket outbreaks. This EIS does not decide which alternative will be selected. However, all reasonable options available to the agency for dealing with grasshopper and Mormon cricket infestations have been adequately considered, including consideration of generalized environmental effects. Decisions about whether, how, and when to employ the tools and strategies discussed in the impact statement will be made as the need to suppress infestations at specific sites arises. All such decisions will usually be informed by a separate NEPA process and document.

What alternatives were considered in the impact statement process?

The EIS considers a range of alternatives that are available to the agency when called upon by land managers to suppress grasshopper or Mormon cricket outbreaks. Other than the "no action" alternative, the document explores effects associated with the use of various insecticides, namely carbaryl, diflubenzuron, and malathion as well as treatment strategies, namely complete area coverage and the recently developed alternative of treating alternating swaths of rangeland with insecticides at reduced application rates that is known as reduced agent area treatments (RAATs). The use of any insecticide poses some risk to environmental quality, although every precaution is taken to minimize the risk in program operations. It appears that the reduced agent area treatment strategy, when feasible to use, can reduce risks even further than complete area coverage, while assuring acceptable suppression levels.

Some commenters, including EPA, suggested that integrated pest management should have been a separate alternative in this document. It should be noted that the RAATs alternative was developed, in part, during the Grasshopper Integrated Pest Management Program that took place in the 1990s. Integrated pest management concepts, such as not directly treating alternate swaths and leaving those areas as refuges for natural grasshopper predators and diseases, are incorporated into the RAATs approach to grasshopper suppression.

The alternatives described in the EIS were chosen for two main reasons. First, the nature of this impact statement process does not lend to considering other alternatives. This is a broad emergency response program, unique to this agency, for which no specific need for action has been identified by land management agencies benefiting from the program. The impact statement examines program treatment alternatives by stage of technological development, consistent with the NEPA implementing regulations found at

40 CFR § 1502.4(c)(3). The application of other alternatives, including use of integrated pest management strategies by land managers prior to resorting to emergency suppression tactics, is in no way restricted by this program.

Second, the only way for dealing with grasshopper and Mormon cricket outbreaks, with all reasonable alternatives (such as forecasting, prevention and, a more broad emphasis on integrated pest management), is to conduct the impact statement process jointly with area land managers. An invitation to do so was extended by this agency in its notice of intent to prepare the environmental impact statement. 65 FR 49533-34 (2000). Although no land managers responded to that invitation, this agency remains open to cooperating in considering the full range of reasonable alternatives for dealing with grasshopper and Mormon cricket problems in a larger context, should land managers lead such an effort in the future.

What is the environmentally preferable alternative?

Ideally, the environmentally preferable alternative would be to prevent grasshopper and Mormon cricket infestations from occurring, thereby obviating the need for emergency responses. The wherewithal for achieving that result, however, resides with area land managers, not APHIS, although we are fully prepared to work with area land managers in an effort to promote pest prevention practices.

From the standpoint of alternatives considered in the EIS, clearly the reduced agent area treatment strategy is environmentally preferable, although not necessarily applicable for every emergency response request received from area land managers. Whether or not the reduced agent area treatment strategy may be available to meet an immediate need for suppression activities depends on a number of factors that must be assessed on a case-by-case basis. APHIS is committed to conducting, in cooperation with area land managers, timely surveys of western rangelands, effective treatments when requested and warranted, and necessary follow up activities. In this manner, we will ensure that actions necessary to suppress grasshopper and Mormon cricket outbreaks will be conducted in the most environmentally sensitive manner.

Are there preferences among alternatives and, if so, upon what factors are they based?

Programmatically, there is a preference for using the reduced agent area treatment strategy whenever biologically, economically, and operationally practical. This preference, which is based principally on technical and environmental factors, may be outweighed by exigencies, such as public safety concerns, and other factors, including biological considerations, beyond the control of this agency. In such cases, traditional rates and complete area coverage may be required in order to immediately and effectively suppress grasshopper and Mormon cricket populations.

How did factors described above enter into the decision?

We are guided in the first instance by our enabling legislation, which stipulates that "on request of the administering agency or the agriculture department of an affected State, the Secretary, to protect rangeland, shall immediately treat Federal, State, or private lands that are infested with grasshoppers or Mormon crickets at levels of economic infestation, unless the Secretary determines that delaying treatment will not cause greater economic damage to adjacent owners of rangeland." 7 United States Code (U.S.C.) § 7717(c)(1). The requirement for immediate treatment on request, however, does not preclude use of reduced agent area treatment, nor does it mean that this agency will turn a blind eye to environmental concerns. Conversely, as stewards of the environment, APHIS complies fully to the objectives of NEPA, the Endangered Species Act, and other environmental laws, regulations, and executive orders. Indeed, it is APHIS' goal to protect rangeland with an environmental awareness as circumstances dictate. This has prompted us to prepare the programmatic EIS as a foundation for subsequent site-specific NEPA analyses.

Has the agency's program been designed to avoid or minimize environmental harm?

Contrary to the views expressed by EPA in its August 1, 2002, letter regarding the Final EIS, mitigation measures are thoroughly considered, at both the program and operational levels. With experience gained over the years, the APHIS Rangeland Grasshopper and Mormon Cricket Suppression Program has built measures into its operational procedures to safeguard environmental quality. Further opportunities to avoid or minimize environmental harm associated with program operations only begin with this impact statement process which identifies potential site-specific environmental concerns on the operational level. It is at the site-specific level, where further analyses, consistent with the provisions of NEPA, the Endangered Species Act, and other environmental requirements, will be conducted and measures to avoid or minimize adverse effects will be adopted.

It is noteworthy that, in more than a decade of assessing program operations at the site-specific level, no environmental significance for NEPA purposes was ever detected following appropriate evaluations. Wherever appropriate, additional measures to protect and enhance environmental quality in program operational areas have been adopted for a great many site-specific actions. This pattern of concern and accommodation for environmental values is built into program operations and will continue to be promoted in the future at the site-specific level pursuant to NEPA and other environmental requirements.

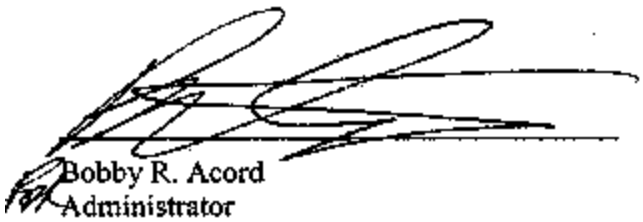
Response to comments

APHIS has thoroughly considered the views and recommendations of EPA's Office of Federal Activities contained in its August 1, 2002, letter, including concerns expresses for program effects on sensitive species populations, for development of non-chemical alternatives, and for remaining current with respect to available risk data on human health

and the environment among other issues. To the extent it has been appropriate and possible to treat these issues efficiently in a programmatic EIS, we have done so. Until such time as there is a proposal to take specific action to meet a particular need, we cannot be certain just what issues may be involved. Another letter dated July 18, 2002, from Crompton Corporation contained information regarding the Reregistration Eligibility Decision for diflubenzuron. That information will also be incorporated in future site-specific analyses.

Conclusion

This programmatic EIS will serve as the foundation for further environmental review at the site-specific level where further analyses will be made based on site-specific information that is not now known. The programmatic EIS fulfills the purpose for which it was prepared.



10/15/02

Bobby R. Acord
Administrator
Animal and Plant Health Inspection Service

Date