

Regulatory Activities Associated with Monsanto and Scotts Petition to Determine Non regulatory Status for Roundup Tolerant Creeping Bentgrass

In a notice published in the Federal Register on January 5, 2004 (69 FR 315–317, Docket No. 03–101–1), APHIS announced the receipt of the Monsanto/Scotts petition and solicited comments on whether the subject creeping bentgrass would present a plant pest risk. We solicited comments concerning our notice for 60 days, ending March 5, 2004.

Federal Register notices related to this petition can be viewed at http://www.aphis.usda.gov/brs/brs_fedregister.html#env under the headings "Availability of Petition for Nonregulated Status" and "Notice of Environmental Impact Statements." A summary of these notices, the scoping process, and the current status follows.

Decision to Prepare an EIS

On September 24, 2004, APHIS published in the Federal Register (69 FR 57257–57260, Docket No. 03–101–2) a notice advising the public of our decision to prepare an EIS as part of our consideration of petition 03–104–01p. Our decision was based on several factors:

- (1) data associated with the petition,
- (2) a report prepared by the Weed Science Society of America (WSSA) on the weed management implications associated with the potential deregulation and commercialization of glyphosate tolerant and glufosinate tolerant creeping bentgrass varieties (http://www.aphis.usda.gov/brs/pdf/Resistant_Bentgrass_Final_Report.pdf),
- (3) our preliminary risk assessment (http://www.aphis.usda.gov/brs/aphisdocs/03_10401p_ra.pdf), and
- (4) public comments received in response to the January 5, 2004, Federal Register notice.

Scoping

Pursuant to 40 CFR 1501.4(d), APHIS initiated the scoping process as mandated by the National Environmental Policy Act, beginning with the previously cited January 2004 Federal Register notice. The comment period for the September 2004 notice of intent was scheduled to close on October 24, 2004, but in a Federal Register notice published on November 18, 2004 (Docket No. 03–101–3, 69 FR 67532–67533), we reopened that comment period until December 2, 2004, to give interested parties additional time to respond. On April 11, 2005, APHIS published a notice (70 FR 18352–18353, Docket No. 03–101–4) announcing public scoping meetings. The meetings were held in Chevy Chase, MD, on May 3, 2005, and in Corvallis, OR, on May 18, 2005. On October 12, 2005, we published a notice (Docket No. 03-101-5, 70 FR 59312-59313) seeking specific information regarding glyphosate use to control grasses to inform our EIS, including but not limited to details of those programs that focus on weed management in nonagricultural lands. BRS also conducted a survey of federal land managers regarding the potential implications for vegetation management and threatened or endangered species on federally-

managed lands that could result from of the presence of glyphosate tolerant grasses if APHIS were to grant the petition for deregulation of glyphosate tolerant creeping bentgrass. Comments and survey responses received during the scoping period will be used to inform the draft EIS.

You may read comments that we received in response to dockets related to this petition in our reading room. The reading room is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Comments submitted in response to the notices cited here may be viewed on the Internet on the following Web sites.

Docket 03-101-1 and Docket 03-101-2

Go to <https://web01.aphis.usda.gov/Bentgrass.nsf>.

Docket 03-101-4 and Docket 03-101-5

Go to the *Regulations.gov* Web site at <http://www.regulations.gov>.

Select search for "All documents (opened and closed)";

In the drop down menus select "Animal and Plant Health Inspection Service" Select document type "Notices"

In the key word search enter APHIS-2005-0029

Select "Exact phrase".

The second document to appear, APHIS-2005-0029-0073, contains the related documents for both dockets.

Status: As part of the regulatory review process on the petition, a December 2003 version of the "Perspective" document on the biology and ecology of *Agrostis stolonifera* comprised much of the APHIS BRS preliminary risk assessment, which has been referenced in several Federal Register notices relating to the petition. The Perspective's scientific information played an important part in the APHIS-BRS decision to prepare an Environmental Impact Statement (EIS) and has been useful for some aspects of the EIS drafting. This white paper Perspective document has been peer-reviewed in accordance with the December 2004 directive of the Office of Management and Budget for peer review of scientific information and can be viewed at http://www.aphis.usda.gov/about_aphis/creeping_bentgrass.shtml.

The draft EIS, and the analysis regarding threatened and endangered species in compliance with the Endangered Species Act, are being written. When the draft EIS is completed, we will publish a notice in the Federal Register announcing its availability and inviting the public to comment on it. The draft EIS will be posted on our website. We are in the process of compiling a distribution list of those individuals who previously commented on FR notices, and whose names will be included in the draft EIS. These may elect to receive a copy of the EIS. Following our consideration of the comments received, APHIS will prepare a final EIS; its

availability will also be announced in the Federal Register along with a public comment period, after which the Record of Decision will be issued.

FOR FURTHER INFORMATION CONTACT:

Dr. Susan M. Koehler, BRS, APHIS, 4700
River Road, Unit 147, Riverdale, MD
20737-1238; (301) 734-4886.