Appendix – Planting and Environmental Release Reports

Introduction

This appendix clarifies and describes the planting/release information APHIS requires for environmental releases conducted under the permit process. Planting/release information (i.e., location, size and date) must be provided when a permit is submitted to APHIS prior to planting/release or outdoor placement of plants or environmental subject to these regulations.

A report is the submission of required information; a notice is the alert of some action to occur in the near future.

- For information on what, when and how to submit all reports and notices, refer to the permit conditions.
- For information on reports and notices submitted through ePermits, also consult "ePermits BRS Reports and Notices User Guide" (see https://epermits.aphis.usda.gov/epermits/xml_schema/BRS_Reports_and_Notices_User_Guide.pdf).
- If CBI is involved, submit both a CBI and CBI-deleted version.

APHIS allows planting/release information to be provided in two stages in order to meet the permit requirements as stated in 7 CFR 340.4. At the time of submission of a permit, certain general information about each planting/release location is allowed. However, specific information must be provided in one or more subsequent planting/release reports.

The information in this appendix is intended for all applicants, especially those who do not include specific planting/release location information in their original permit.

Submission of Planting/Release or Other Environmental Release Information

For plants, there are three types of environmental releases under permit: plantings of seed, transplanting of plants, and the outdoor placement or transplanting of plants grown in containers. For each of these releases, defined here as "planting" events, a planting report is required so that the location, size, and duration of all plant environmental releases are known. An historical synonym for a planting report is a "post-planting report."

For microbes or insects, an environmental release (release) occurs each time the regulated article is released into the environment.

Environmental release information supports three critical APHIS regulatory functions. It is used to (1) evaluate the permit and other analyses for the planned environmental release, (2) verify compliance through inspections, and (3) monitor and respond to regulatory incidents, and emergency management situations, such as severe weather events.

As stated in the regulation, APHIS requires three types of information related to the environmental releases under permit. They are the location, size of planting/release, and date of the environmental release. This information must be provided when the permit is submitted to APHIS prior to environmental release. However, a permit is typically submitted many months

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prior to the expected date of release, which has made it difficult for the responsible person to predict, and for APHIS to know, the exact release site, size, and release date at the time the permit was submitted. In order to meet this requirement, APHIS allows this information to be provided in two stages.

In the first stage, the State and County of each location, at least one GPS coordinate, a maximum planted area, and the proposed start and end dates of the release are provided with the permit application. This information shall be sufficient for APHIS permit review and TES and NEPA analysis.

In the second stage, following permit issuance, the actual location (which must be situated within the State and County authorized), size of the planting/release and planting/release date must be submitted in a planting/release report within the required time frame. Each of these planting/release reports must be submitted according to the permit conditions and must include the data described below. Note, however, that the permit applicant may define a planting/release and its associated start date in ways that are meaningful, convenient, or important to their processes. Regardless of how each planting/release is defined, it's corresponding planting/release report must include the required information.

Submit the information requested to APHIS as in the Supplemental Permit Conditions. Below is additional information on what to submit and when to submit the planting/release reports.

Planting/Release Reports: What to Submit

1. Location. The location must be assigned, by the applicant, a Location Unique ID that exclusively identifies one release site for the location described in the permit. The Location Unique ID is used, among other reasons, to link all reports for the same release site. If this Unique ID has been assigned previously as part of the permit submitted via ePermits, then the same Unique ID must be used in the planting/release report. The Unique ID may be meaningful words or a coded string of alphanumeric characters. The same Unique ID may be used for the same location on different permits (or notifications), but must be unique within each permit (or notification).

The location must be described either in the form of at least one (and no more than six) GPS coordinate(s) for the release site. If only one required GPS coordinate is provided, it must define the northwest corner, or the northwestern-most point, of the planting/release.

2. Planting/Release Unique ID. If more than one planting/release is to be made at this location (e.g., different times or different release sites within the same location) under this permit, provide a planting/release Unique ID. This identifier typically will be used to designate different release sites planted/released at different times within temperate locations, or for different planting/release times on the same release sites within tropical locations. A single planting/release may span several days. An extended planting/release period—planned or unplanned (e.g., poor weather)—may b**e** divided into two or more plantings/releases that each

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have a different planting/release Unique ID. The planting/release Unique ID may be meaningful words or a coded string of alphanumeric characters, such as "P1" or "planting_n" or "release_n".

3. Planting/release start date. The date of each planting/release occurrence in the relevant release site (i.e., with this Location Unique ID) must be provided.

4. Size of release. The applicant must report the amount of regulated material planted or otherwise released in acres. In most cases, the applicant must provide the area occupied only by the regulated article(s) for the planting/release occurrence on the planting/release date. Border rows may optionally be included in the reported area; however, the acres planted/released over all planting/release occurrences must sum to be equal to or less than the authorized area provided in the issued permit. Consequently, it is possible to exceed the allowable acreage if border rows are included in the reported area.

Note that total area planted/released (regulated plus border rows, etc.) may be provided optionally in addition to area planted/released only to the regulated article(s).

Report Only New Information
When providing a planting/release report, submit only previously unreported planting information; do not submit previously reported plantings/releases on the same site unless it is a new planting/release.

Report Sites Not to be Planted or Released
Identify in planting/release reports any release sites included in the permit that will not be planted at all under the permit. Identify these sites as soon as you know that they will not be planted.

Do not identify sites as "not planted" or "not released" if they will be, or are likely to be, planted/released later under the permit. Only note a site as "not planted" or "not released" in a planting/release report if you are certain no planting/release will occur at a given site before the permit expires. All sites must be accounted for in the Final Planting/Release Report that is submitted within 6 months after the end of the release.

<u>Planting/Release Reports: Due Date</u>

All required planting/release information must be provided in a report, preferably as an electronic file according to the permit conditions. When multiple plantings/releases are made under a single permit, a planting/release report must be submitted for each planting/release; however, the permit holder may actually define these as one or more plantings/releases, depending on factors that are meaningful, convenient, or important to their processes. For example, if two plantings/releases are made during the month of May, the planting/release information may be submitted in either one or two reports.

In general, APHIS currently uses the date of submission stated on a planting/release report as the date of receipt. This is the practice for both electronically and conventionally mailed reports.

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Consequently, if the date on a planting/release report, or its attached cover letter, memorandum, email, or postmarked envelope is no later than the date provided in the permit conditions, the report will be deemed on time unless there is reason to believe the date is not accurate. If no date of submission appears on or with the report, then a verifiable tracking report from the delivery service will be used to determine the actual date of submission (i.e., the date sent). When there is no date on or with the planting/release report and no tracking record available, APHIS will use the actual date the report was received by APHIS as the date of receipt.

For Multiple Plantings (Plants) or Releases (Microbes)

If the plantings/releases occur with more than 30 days in between, these should appear on separate planting/release reports; however, for reporting purposes, the permit holder may define separate plantings/releases that occur at intervals shorter than 30 days.

Examples of Non-Compliance

1. Required report "late"
If APHIS does not receive a planting/release report containing the required information by the date in the permit conditions the report will be deemed late.

2. Required report "not provided"
If APHIS does not receive a planting/release report containing the required information 31 or more days after the due date, the requirements specified in 7 CFR 340.4(b) have not been met, and the absent report will be considered a compliance infraction. APHIS identifies as "not provided" any planting/release report that is submitted 31 or more calendar days following the due date.

3. Required report 'incomplete"
If APHIS receives a planting/release report that does not contain required information, then the requirement specified in 7 CFR 340.4(b) have not been met. An incomplete report will be considered a compliance infraction.

Late and/or missing reports are subject to enforcement actions including the issuance of a notice of non-compliance and/or a warning letter, and the potential assessment of a civil penalty.

12/13/2011 "USDA-APHIS-BRS User's Guide Permit, Appendix – Planting and Environmental Release Reports" updates USDA-APHIS-BRS User's Guide Notification and Appendix A Planting/Environmental Release Report Requirements" Version 3/28/11 to be specific to Permits