



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF FOOD AND AGRICULTURE
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Secretary

ARGEO PAUL CELLUCCI
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JONATHAN L. HEALY
Commissioner

NOTICE

Pursuant to the provisions of the Rights-of-Way Management Regulation, 333 CMR 11.00, in order to apply herbicides to control vegetation along railroad rights-of-way, a five-year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Food and Agriculture. Therefore, notice of receipt of a YOP and procedures for public review are hereby given as required by Section 11.06 (3).

A Yearly Operational Plan has been submitted for: CONRAIL Consolidated Rail Corporation.

This plan has been prepared and submitted to the Department of Food and Agriculture by: TEC Associates of South Portland, Maine.

Municipalities identified in the CONRAIL YOP as locations where the rights-of-way will be treated with herbicides during the 1998 calendar year are:

Ashland, Attleboro, Auburn, Becket, Berkley, Berlin, Bolton, Boston, Braintree, Brimfield, Brookfield, Brookline, Cambridge, Charlton, Chester, Clinton, Dalton, Dartmouth, Dedham, East Brookfield, Everett, Fall River, Fitchburg, Foxborough, Framingham, Freetown, Grafton, Hinsdale, Holliston, Huntington, Lakeville, Lancaster, Leicester, Leominster, Mansfield, Marlborough, Medfield, Middlefield, Millbury, Monson, Montgomery, Natick, New Bedford, Newton, Northborough, Norton, Norwood, Oxford, Palmer, Pittsfield, Quincy, Richmond, Russell, Seekonk, Sherborn, Somerville, Southborough, Spencer, Springfield, Sterling, Sudbury, Taunton, West Brookfield, West Springfield, West Stockbridge, Walpole, Warren, Washington, Wellesley, Westborough, Westfield, Weston, Westwood, Wilbraham, Worcester.

Conrail's vegetation control program for 1998 will be consistent with the VMP as approved by the DFA and involves an Integrated Pest Management (IPM) approach. Under the 1998 program, brush control will be limited to manual or mechanical cutting in sensitive areas. In non-sensitive areas one foliar or basal application will be conducted to selectively treat brush adjacent to the shoulder using a DFA approved herbicide mixture.

One pre-emergent herbicide application will take place in non-sensitive areas in selected yards. A pre-emergent application is prescribed in order to prevent the establishment of pest vegetation and to reduce future reliance on herbicides.

One selective post-emergent herbicide application will take place in ballasted ROW areas and is limited to eradicating existing vegetation in non-sensitive areas and in buffer zones. These areas will be selectively treated using DFA approved herbicide mixtures. Areas that do not have vegetation will not be treated.

Herbicide applications to yards, the roadbed, and areas adjacent to the shoulder will be conducted with a spray truck and/or a backpack sprayer according to the guidelines set forth in the VMP and YOP. Sensitive areas as defined by the Rights-of-Way Management Regulations will receive the full protection afforded by those regulations. All herbicide applications will be done by an applicator properly licensed by the DFA Pesticide Bureau and fully trained in herbicide mixing, handling, and application methods. Applications will commence following approval of the YOP by the DFA. Pre-emergent applications to approved areas will begin in the spring and conclude by mid May. Post-emergent applications will begin in early June and will be followed by a late summer touch-up application.

The YOP contains the names and application rates of the herbicides proposed for use along with DFA approved herbicide fact sheets for each product. Additionally, the YOP contains the names of the herbicide applicator and YOP supervisor, and procedures for mixing and handling herbicide concentrates. A description of sensitive area flagging methods is included along with updates of sensitive area maps for each town.

PUBLIC REVIEW

The Department of Food and Agriculture (DFA) in particular seeks the verification of sensitive area locations reported in the Yearly Operational Plan (YOP). The Department itself has a limited ability to survey the geography, land use, and the water supplies, in all the communities through which the rights-of-way are located. Municipalities, however, have most of this information readily available, and the particular knowledge with which to better certify the sensitive areas in their communities. Therefore, the Department requests, and urges, the assistance of the affected municipalities, in reviewing the completeness and accuracy of the maps contained in the submitted document. The DFA has established the following procedures for this review.

Yearly Operational Plans (YOP) and a copy of this notice will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), and to the Head of Government (Mayor, City Manager, Chair of the Board of Selectman) of each municipality where herbicides are to be applied along the Rights-of-Way during the calendar year. Municipal agencies and officials will have (45) forty-five days, following receipt of the Yearly Operational Plan to review the maps contained in the document that indicate the location of "sensitive areas not readily identifiable in the filed" for inaccuracies and omissions. "Sensitive Areas" will be defined as in Section 11.01 a-f.

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality qualified to certify the accuracy of sensitive area locations as indicated on the maps. The maps should be "corrected" and returned to the applicant, also a copy of the maps with these corrections indicated should be sent to the Department of Food and Agriculture at the address listed below within the forty-five day review period. If a city or town needs more time to carry out this review, it should send a written request for an extension to the DFA and cite why there is a "good cause" for requesting additional time.

All corrections will be required to be made by the applicant, and corrected maps sent back to the city/town before the YOP can be considered "approved" by the Department for vegetation maintenance in that municipality. Any dispute on the part of the applicant regarding corrections made by the municipal authorities, should be indicated in writing to the Department and to the city/town which requested the disputed changes within (15) fifteen days of receipt of the request. The Department will decide whether or not the YOP should be approved without the requested changes. The DFA will consider the "final approval" of a YOP individually for each municipality.

The final (21) twenty one days of the public review period may serve concurrently to provide public notification as required by section 11.07 of the Rights-of-Way Management regulation, if the applicant has an approved VMP and if all the requisite city/town

offices which have received copies of the YOP have completed their review and corrections have been duly made by the applicant and approved by the Department.

A failure by the city/town to respond to the applicants submission of the YOP within the forty five (45) day public review period, will automatically be considered by the DFA to indicate agreement by municipal officials with the sensitive area demarcations as provided by the applicant in their YOP.

Any questions or comments on the information provided in this Notice and the procedures established for the municipal review as outlined above, should be addressed to:

Dennis Guastalli
Supervisory Inspector
Massachusetts Pesticide Bureau
100 Cambridge Street
Boston, Massachusetts 02202

Comm. & Rpts from Other
Officers #2

S-207

Communication was received
from Mayor Duehay, transmitting
a letter from Dennis Guastalli,
Supervisory Inspector,
Mass. Pesticide Bureau, transmitting
notificatino of the Rights-of Way
Management Regulatin, 333 CMR 11.00,
in order to apply herbicices to
control vegetation along railroad
rights-of way.

In City Council March 30, 1998

PLACED ON FILE