



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS
Department of Agricultural Resources
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Notice

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

A YOP for Tennessee Gas Pipeline Company was submitted to DAR in June 2007 identifying its pipeline right of way located adjacent to Chestnut Street, in Upton, as one location where they intend to use herbicides to treat their pipeline ROW in 2007, for invasive plant species, in accordance with special condition 23 of Wetland Order of Condition with DEP File Number 311-560.

The intended vegetation control program will be consistent with Tennessee's approved 2007 VMP and uses an Integrated Vegetation Management approach. In accordance with the guidelines set forth in Tennessee's VMP and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment.

Tennessee will only use herbicides recommended by DFA for use in Sensitive Areas. Pursuant to 333 CMR 11.04, no herbicides will be applied within 10 feet of any water course, or water body; within 400 feet of any municipal water supply well; within 100 feet of any Class A public surface water, within 100 feet of any tributary or associated surface water body located with the Zone A of a Class A public surface water source, or within 10 feet of any tributary or associated surface water body located outside of the Zone A of the Class A public surface water source, or within fifty feet of any private drinking water supply well.

Public notification, by certified mail, will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06(2), Tennessee's YOP includes the identification of target vegetation; methods of identifying, marking, and protecting Sensitive Areas; application techniques; the herbicides, application rates, carriers, and adjuvant proposed for use; alternative control measures, the name of the applicator and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps locating the ROWS and Sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

The DAR seeks to verify the location of Sensitive Areas defined in Section 11.04(1-5) reported in the YOP. DAR itself has a limited ability to survey the geography, land use and water supplies in all the communities through

which ROWs pass. Municipalities have most of this information readily available, and the particular knowledge with which to better certify the Sensitive Areas in their communities. DAR, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

DAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), and the Head of government (Mayor, City Manager, Chair of the Board of Selectman) of each municipality where herbicides are to be applied along the ROWs during the calendar year of 2007. Municipal agencies and officials will have forty-five days, following receipt of the YOP, to review its map for inaccuracies and omissions in the location of "Sensitive Areas not readily identifiable in the field."

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality qualified to certify the accuracy of the Sensitive Areas indicated on the maps. The maps should then be "corrected" and returned to the applicant and a copy should be sent to DAR 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 DAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make all corrections and the corrected maps will be sent back to the city/town that requested the disputed changes with fifteen days of receipt of the request. DAR will decide whether or not the YOP should be approved without the requested changes. DAR will consider the "final approval" of a YOP individually for each municipality.

The twenty-one day public review period of the Municipal ROW Notification Letter may serve concurrently with the forty-five day YOP review period in order to provide public notifications as required by section 11.07 of the Rights-of-Way Management Regulations, if the applicant has an approved VMP and if all the requisite city-town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by DAR.

A failure by the city/town to respond to the applicants' submission of the YOP within the forty-five day period will automatically be considered by DAR to indicate agreement by the municipal officials with the Sensitive Area demarcations provided by the applicant in their YOP.

Any additional questions or comments on any information provided as part of the proposed YOP should be addressed in writing to:

Stephen Morawski
Tennessee Gas Pipeline Company
8 Anngina Drive
Enfield, CT 06082

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

Rights of Way Program
Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114-2151

The Department will accept written testimony concerning the Tennessee Gas Pipeline Company YOP until the close of business August 8, 2007