

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, to apply herbicides to control vegetation along rights-of-way (ROW), a five year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Massachusetts Department of Agricultural Resources (MDAR). A Kinder Morgan Company: Tennessee Gas Pipeline Company (Tennessee) has submitted and holds a current VMP (2016-2020), therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3): Tennessee submitted a YOP to MDAR on May 27, 2020.

In 2020 Tennessee will conduct an Integrated Vegetation Management (IVM) program on their pipeline ROW in the Kamposoa Bog Drainage Basin in Stockbridge, Massachusetts. The intended vegetation control program will be consistent with Tennessee's VMP (approved by MDAR in 2016). In accordance with the guidelines set forth in the 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 MDAR for use in Sensitive Areas. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive areas" instead mechanical only methods will be used to control vegetation.

Public notification will be provided to Stockbridge 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 adjuvants proposed for use; alternative control measures, a list of the application company and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; a map of the treatment area which included mapped sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

The MDAR seeks to verify the location of sensitive areas defined in 333 CMR 11.02 & 11.04 and reported in the YOP. MDAR 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. MDAR, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

MDAR 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 Chair of the Board of Selectman; and to the Natural Heritage Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife and the Massachusetts Department of Conservation and Recreation. 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 map should then be "corrected" and returned to the applicant and a copy should be sent to MDAR at the address listed below within the forty-five day review period.

If the town needs more time to carry out this review, it should send a written request for an extension to MDAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make all corrections and a corrected map will be sent back to the town within fifteen days of receipt of the request. MDAR will decide whether the YOP should be approved without the requested changes. MDAR 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 333 CMR 11.07, if the applicant has an approved VMP and if all the requisite town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by MDAR.

A failure by the town to respond to the applicant's submission of the YOP within the forty-five day period will automatically be considered by MDAR to indicate agreement by the municipal officials with the sensitive area demarcations 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 outlined above should be addressed to:

Clayton Edwards
ROW Coordinator
Massachusetts Department of Agricultural Resources, Pesticide Division
251 Causeway Street, Suite 500
Boston, MA 02114-2151

Any questions or comments regarding the YOP should be addressed to:

Matt Trusz
Operations Supervisor
KINDER MORGAN
1615 Suffield Street
Agawam, MA 01001-0286
(413) 355-6062

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS (5pm) ON Friday, August 21, 2020