

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
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DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

GREGORY C. WATSON  
Commissioner

Pursuant to the provisions of the **Rights of Way Management Regulations, 333 CMR 11:00**, in order to apply herbicides to control vegetation along rights of way, a 5 year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the (DAR) Department of Agricultural Resources. Therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

A Yearly Operational Plan (YOP) has been submitted for: MassDOT- Highway Division Districts 2, 3 and 5. This plan has been prepared by and submitted to the Department by:

George Batchelor, Supervisor of Landscape Design  
MassDOT - Highway Division  
10 Park Plaza  
Boston, MA 02116

Areas identified in the YOP as locations where treatment of Rights of Way with herbicides will be carried out in calendar year 2014 are:

<i><b>Routes</b></i>	<i><b>Municipalities</b></i>	<i><b>Target</b></i>
<b>DISTRICT 2</b>		
I-90	Brimfield, Chicopee, Ludlow, Palmer, Warren, West Springfield, Westfield & Wilbraham	GBC
I-91	Barnardston, Chicopee, Deerfield, Easthampton, Greenfield, Hatfield, Holyoke, Longmeadow, Northampton, Springfield, West Springfield, and Whately	GBC
I-291	Chicopee, Springfield	GBC
I-391	Chicopee	GBC
Route 57 Ramps to Routes 75 and 159	Agawam	GBC
<b>DISTRICT 3</b>		
I-190	Worcester	GBC
I-290	Worcester	GBC
Route 146	Millbury	GBC
	Worcester	GBC
Route 9	Framingham, Natick	GBC
Section of Route 20	Marlborough	GBC
I-495 Ramps, Exit 23C	Marlborough	GBC
<b>DISTRICT 5</b>		
Route 1	Foxboro, Walpole, Sharon, Norwood	GBC
Route 3	Plymouth, Kingston, Duxbury, Marshfield, Norwell, Pembroke, Rockland, Hanover, Hingham	GBC

Route 24	Avon, Berkley, Bridgewater, Brockton, Freetown, Raynham, Stoughton, Taunton, West Bridgewater	GBC
I-95	Attleboro, N. Attleboro, Mansfield, Foxboro, Norwood, Sharon, Walpole	GBC
I-295	Attleboro, North Attleboro	GBC
I-495	Wareham, Middleborough, Rochester, Bridgewater, Taunton, Raynham, Norton, Mansfield	GBC

**Public Review**

The Department of Agricultural Resources (DAR) 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" municipality in reviewing the completeness and accuracy of the maps contained in the submitted document. The DAR 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 Selectmen) of the municipality where herbicides are to be applied along the rights of way during the calendar year 2014. Municipal agencies and officials will have forty-five (45) days following receipt of the YOP to review the maps contained in the document that indicate the location of "sensitive areas not readily identifiable in the field" for inaccuracies and omissions. "Sensitive areas" will be defined as in Section 11.02 a-f.

The YOP may be viewed on DAR's website: <http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html>

Municipal agencies and officials are requested to forward the YOP to other 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 DAR to the address listed below, within the forty-five day review period. If the city or town needs more time to carry out this review, it should send a written request for an extension to the DAR 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 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 YOP should be approved with or without the requested changes. The DAR will consider the "final approval" of a YOP individually for the municipality.

The final (21) twenty-one days of the public review period can serve concurrently to provide public notification 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 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 applicant's submission of the YOP within the forty-five day public review period will be considered by the DAR 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:

Michael W. McClean  
 Right of Way Program  
 Massachusetts Department of Agricultural Resources  
 Pesticide Bureau  
 251 Causeway Street, Suite 500  
 Boston, Massachusetts 02114

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

George Batchelor, Supervisor of Landscape Design  
MassDOT - Highway Department  
10 Park Plaza  
Boston, MA 02116

A copy should be sent to the Right of Way program at the above address.

**COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS, Friday, May 9, 2014**