THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources
251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr

MDAR MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

DEVAL L. PATRICK Governor | TIMOTHY P. MURRAY Lieutenant Governor | RICHARD K. SULLIVAN JR. Secretary | SCOTT J. SOARES Commissioner

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 rights of way, a 5-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 under these regulations.

A YOP have been submitted for:

The **Town of Scituate, Public Grounds Division, Department of Public Works**

These plans have been prepared by and submitted for:

George Story, Public Grounds Division, Department of Public Works

Areas identified in the YOP as locations where treatment of Rights of Way with herbicides will be carried out in calendar year 2012 are: Streets and Roads in the Town of Scituate

Public Review:

The DAR in particular seeks the verification of sensitive area locations reported in the YOP. The DPW itself has a limited ability to survey the geography, land use, and the water supplies through which the rights of way are located. However, other City Departments may have most of this information readily available, and the particular knowledge to better certify the sensitive areas in this community. Therefore, the DPW requests and urges the assistance of the Conservation Commission and the Board of Health in reviewing the completeness and accuracy of the maps contained in the submitted documents. The DAR has established the following procedures for this review.

The YOP, and a copy of this notice will be sent by the applicant, Town of Scituate DPW to the Conservation Commission, Board of Health (or other designated health agent), and to the head of government (City Mayor) of the community where herbicides are to be applied along the rights of way during the calendar year 2012. Municipal agencies and officials will have forty-five (45) days following receipt of the plans to review maps contained in the documents that indicate the location of "sensitive areas not readily identifiable in the field" for inaccuracies and omissions. "Sensitive Areas" are defined in Section 11.02 (a-f) of the Rights of Way Management Regulations.

Municipal agencies and officials are requested to forward the YOP to the appropriate officials 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 a City or Town needs more time to carry out this review, it should send a written request for an extension to the DAR and state why there is a "good cause" for requesting additional time.

All corrections are required to be made by the applicant, and corrected maps sent back to the City or Town before the YOP can be considered "approved" by the DAR 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 DAR and the City or Town, which requested the disputed changes, within fifteen (15) days of receipt of the request. The DAR will decide whether or not the YOP should be approved without the requested changes. The DAR will consider the "final approval" of a YOP individually for each municipality.

The final twenty one (21) days of the public review period con serve concurrently to provide public notification as required by Section 11.07 of the Rights of Way Management Regulations, if the applicant has a approved VMP and if all the requisite City or 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 DAR.

The Massachusetts Department of Agricultural Resources now has the Private Well Registry online. Residences can go to www.mass.gov/agr then to the Rights-of-Way page and enter their well information into the Departments database.

Failure by the City or Town to respond to the applicant's submission of the YOP within the forty-five (45) day public review period will be considered by the DAR to indicate agreement by the municipal officials with the sensitive area demarcations as provided by the applicant in their YOP.

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

Rights of Way Program
Dept. of Agricultural Resources
Pesticide Bureau
251 Causeway Street, Suite 500
Boston, MA 02114-2151

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

George Story
Public Grounds Division, DPW
600 Chief Justice Cushing Hwy
Scituate, MA 02066

A copy of such questions or comments should also be forwarded to the Right of Way Program at the address previously indicated

COMMENT PEROID ENDS AT THE CLOSE OF BUSINESS, Friday, May 25, 2012