

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



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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 Department of Agricultural Resources (DAR). A Kinder Morgan Company: Tennessee Gas Pipeline Company (Tennessee) has submitted and holds a current VMP, 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 DAR in late Summer-early Fall 2015. In 2015 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 DAR in 2011). 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 as part of their IVM program.

Tennessee will only use herbicides recommended by DAR 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; maps of the ROW which included mapped sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

The DAR seeks to verify the location of sensitive areas defined in 333 CMR 11.02 & 11.04 and 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 available for viewing and download at <http://www.mass.gov/eea/agencies/agr/pesticides/rights-of-way-vegetation-management.html> and also 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 DAR 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 DAR 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. 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 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 DAR.

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 DAR 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:

Michael McClean
Director of Rights-of-Way Programs
Massachusetts State Pesticide Bureau
251 Causeway Street, Suite 500
Boston, MA 02114-2151

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

Toya Campbell
EHS - Project Permitting
KINDER MORGAN
1001 Louisiana St.
Houston, TX 77002

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS ON FRIDAY, AUGUST 21, 2015