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

CHARLES D. BAKER	KARYN E. POLITO	MATTHEW A. BEATON	JOHN LEBEAUX
Governor	Lieutenant Governor	Secretary	Commissioner

NOTICE

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

A Yearly Operational Plan has been submitted for: Massachusetts Central Railroad

This plan has been prepared and submitted to the Department of Agricultural Resources by: TEC Associates of South Portland, Maine.

Municipalities identified in the Massachusetts Central Railroad YOP as locations where the rights-of-way will be treated with herbicides during the 2018 calendar year are:

Barre Hardwick Palmer New Braintree Ware

One selective application of a DAR approved herbicide mixture is proposed to occur in the 2018 calendar year within approved areas along the Massachusetts Central Railroad rights-of-way. Public notification (by certified mail) will be provided to the chief elected official, Board of Health, and Conservation Commission in each affected municipality at least twenty-one days prior to any herbicide application.

Hi-rail vehicles equipped with herbicide application equipment will be used to treat the rights-of-way. This post emergent program is targeted toward the eradication of woody and herbaceous plant species germinating within the railroad roadbed and around other fixtures including but not limited to: switches, signals, signs, and highway grade crossings.

"Sensitive" areas as defined by the Rights-of-way Management Regulations will receive the full protection afforded by those Regulations. All herbicide applications will be done by an applicator properly licensed by the Department of Agricultural Resources Pesticide Bureau and fully trained in herbicide mixing, handling, and application methods.

The applicant has described the following rights-of-way as sites that have been scheduled for herbicide treatment in 2018:

MAIN LINE
-Palmer to Barre-

Palmer	Ware	Hardwick
New Braintree		Barre

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 municipalities, in reviewing the completeness and accuracy of the maps contained in the submitted document. The DAR has established the following procedures for this review:

The YOP may be viewed online at the following web address:
https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmps-yops-and-notices

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 Selectman) of each municipality where herbicides are to be applied along the Rights-of-Way during the calendar year. Municipal agencies and officials will have (45) forty-five days, following receipt of the Yearly Operational Plan 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 11.01 a-f.

Municipal agencies and officials are requested to forward the YOP to the appropriate officials(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 Department of Agricultural Resources 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 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 the 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 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 (21) twenty one days of the public review period may serve concurrently to provide public notification as required by section 11.07 of the Rights-of-Way Management regulation, 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 (45) day public review period, will automatically be considered by the DAR to indicate agreement by municipal officials with the sensitive area demarcations as provided by the applicant in their YOP.

The Massachusetts Pesticide Bureau now has the Private Well Registry online. Residents can go to www.mass.gov/agr then to the Rights-of-Way page and enter their well information into the Department's database.

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:

Rights-of-Way Program
Massachusetts Pesticide Bureau
251 Causeway Street, Suite 500
Boston, Massachusetts 02114-2151

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

Thomas W. Lewis
TEC Associates
46 Sawyer Street
South Portland, Maine 04106

A copy should also be sent to the Rights-of-Way Program at the above address.

COMMENT PEROID ENDS AT THE CLOSE OF BUSINESS (5 PM) ON MONDAY, JUNE 25, 2018.