TEC ASSOCIATES CONSULTING ENGINEERS

19 May 2016

New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, MA 02740

RE: Massachusetts Coastal Railroad
2016 Vegetation Control Program

Dear Commission Members:

Enclosed is the Massachusetts Coastal Railroad's 2016 Yearly Operational Plan prepared in accordance with the Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00). The maps provided with this plan reflect those either recently approved or currently under review by the Commission in the Request for Determination filed by our company. These maps and updates thereof continue in effect unless modified and should be retained in your files. The identification on the maps of private drinking water supply wells remains an ongoing process. Please notify TEC Associates and the Department of Agricultural Resources of any omissions. Please also review your mailing address and the ten-digit police department emergency telephone number listed in the Plan and notify us of any revisions.

The herbicide application as proposed in the 2016 Yearly Operational Plan is scheduled as follows:

Rights-of-Way 12 - 31 July 2016

No application will take place, however, until the proposed resource delineation has been confirmed. The location of signs marking the limited and no-spray zones will be verified prior to the application. Please call TEC Associates with any questions about this Plan.

Very truly yours,
TEC ASSOCIATES

T.W. Lewis

Thomas W. Lewis

Enclosure

RECEIVED
MAY 25 2016
BY:

cc: Health Department
Mayor of New Bedford
DAR Rights-of-Way Program
Chris Podgurski, MCRR

46 Sawyer Street South Portland, Maine 04106
207/767-6068 FAX 207/767-7125

# Yearly Operational Plan

# 2016

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## MASSACHUSETTS COASTAL RAILROAD

3065 CRANBERRY HIGHWAY
EAST WAREHAM, MA 02538

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**Prepared by:**

TEC ASSOCIATES
46 SAWYER STREET
SOUTH PORTLAND, MAINE 04106

**ABSTRACT:**

**This Yearly Operational Plan (YOP) describes the vegetation management operations for the Railroad's rights-of-way scheduled for vegetation maintenance during this calendar year in compliance with the Commonwealth of Massachusetts Rights-of-Way Management Regulations 333 CMR 11.00.**

***This YOP is a companion document to the Vegetation Management Plan (VMP) which has been approved by the Department of Agricultural Resources.***

INTRODUCTION

Both Federal and State laws require railroads to manage vegetation to help insure the safe passage of people, material, and goods.

The Code of Federal Regulations mandates the safety of the railroad must be guaranteed by regular inspection and maintenance. Vegetation must be controlled so that it does not become a fire hazard, does not interfere with visibility, or impede direct visual inspections of the track structure. Vegetation must also be managed to allow for proper drainage of the track and ballast structure, to prevent tree and branch damage to cargo, and to provide safe footing and working conditions for trackside personnel. Vegetation growing along side the rails can prevent effective and adequate braking, especially in emergency situations.

The purpose of 333 CMR 11.00, Rights of Way Management, is to promote the implementation of Integrated Pest Management techniques and to establish standards, requirements, and procedures necessary to minimize the risk of unreasonable adverse effects on human heath and the environment associated with the use of herbicides to maintain rights-of-way. These regulations establish procedures which guarantee ample opportunity for public and municipal agency review and input on rights-of-way maintenance plans.

A Yearly Operational Plan or YOP must be submitted to the Department of Agricultural Resources every year herbicides are intended for use to maintain rights-of-way. The YOP provides a detailed program for vegetation management for the year. This YOP is a companion document to the Vegetation Management Plan (VMP) approved by the Department. The VMP is the long term management plan for the railroad which describes the intended program for vegetation control over a five year period.

Upon receipt of this YOP, the Department publishes a notice in the Environmental Monitor. The applicant has provided a copy of the YOP and Environmental Monitor notice to the Board of Health, Conservation Commission, and the chief elected municipal official for the city or town in which the herbicide treatment is proposed.

The Department allows a 45 day comment period on the proposed YOP beginning with publication of the notice in the Environmental Monitor and receipt of the YOP and Environmental Monitor notice by each municipality.

Public notification of herbicide applications to the right-of-way is made by registered mail under separate cover at least 21 days in advance of the treatment. Notice is made to the Department of Agricultural Resources; the Mayor, City Manager or chairman of the Board of Selectman; the Board of Heath; and the Conservation Commission of the municipality where the right-of-way lies.

Any comments on this YOP should be directed to:

Thomas W. Lewis
TEC Associates
46 Sawyer Street
South Portland, ME 04106
(207) 767-6068

MUNICIPALITIES WHERE TREATMENT DESCRIBED IN THIS YOP WILL BE MADE

Attleborough
Barnstable
Berkley
Bourne
Dartmouth
Fall River
Falmouth
Foxborough
Framingham
Freetown
Lakeville
Mansfield
Medfield
Middleborough
New Bedford
Norton
Raynham
Rochester
Sandwich
Seekonk
Sherborn
Taunton
Walpole
Wareham
Westport
Westwood
Yarmouth

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APPENDICES

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B. Maps locating the ROW and sensitive areas not readily identifiable in the field.

## I. THE COMPANY WHICH WILL PERFORM ANY HERBICIDE TREATMENT

This company or contractor will perform the herbicide treatment. Applicators are certified by the Department of Agricultural Resources in the applicator category Right-of-Way Pest Control.

Company Name RWC, Inc.

Address Lockhouse Road

P.O. Box 876

Westfield, MA 01086

Telephone # (413) 562-5681

Contact Person(s) Brian Chateauvert

## II. INDIVIDUAL REPRESENTING APPLICANT AND SUPERVISING THE YOP

Individual supervising execution of the YOP and representing the railroad.

Name & Title Chris Podgurski, President & COO

Address 3065 Cranberry Highway

E. Wareham, MA 02538

Telephone # (508) 291-7116

## III. HERBICIDES PROPOSED INCLUDING APPLICATION RATES, CARRIERS, ADJUVANTS, AND APPLICATION TECHNIQUES

Weed Control Herbicide Program for the Roadbed

The post-emergent herbicide program is aimed primarily toward keeping the ballast section and shoulder, yards, switches, signals, and highway grade crossings weed free. Areas scheduled for weed control treatments have been inspected for density of target vegetation to determine appropriate control methods. Herbicide Fact Sheets for the herbicides proposed are found in Appendix A.

| Location | Herbicide(s) | Carriers or Adjuvants | Application Technique | Application Rate |
|---|---|---|---|---|
| Sensitive area buffer zone | Aquaneat<br>Escort XP | <br><br>More<br>Grounded | Foliar<br>Foliar<br>Foliar<br>Foliar | 4 qts/acre<br>2 oz/acre<br>2-5 oz/acre<br>1-4 pts/acre |
| Non-sensitive areas | Aquaneat<br>Escort XP | <br><br>More<br>Grounded | Foliar<br>Foliar<br>Foliar<br>Foliar | 4 qts/acre<br>2 oz/acre<br>2-5 oz/acre<br>1-4 pts/acre |
| Touch-up applications | Aquaneat<br>Escort XP | <br><br>More<br>Grounded | Foliar<br>Foliar<br>Foliar<br>Foliar | 4 qts/acre<br>2 oz/acre<br>2-5 oz/acre<br>1-4 pts/acre |

Brush Control Program for Areas Adjacent to the Roadbed

The brush control program is designed to prevent the re-growth of trees and other woody vegetation in areas adjacent to the roadbed. Areas scheduled for brush control treatments are limited to target vegetation which obscures visibility or interferes with railroad signs, signals, or communication wires. Herbicide Fact Sheets for herbicides proposed may be found in Appendix A.

| Location | Herbicide(s) | Carriers or Adjuvants | Application Technique | Application Rate |
|---|---|---|---|---|
| Non-sensitive areas | None | N/A | N/A | N/A |
| Touch-up applications | None | N/A | N/A | N/A |

## IV. HERBICIDE APPLICATION TECHNIQUES AND ALTERNATIVE CONTROL PROCEDURES

Herbicide applications within the Railroad right-of-way will be preformed using low pressure application from a specialized hy-rail truck equipped with a spray boom. This method is suitable for application within the buffer zone, or restricted application zone of sensitive areas, as defined in 333 CMR 11.04. The spray vehicle is equipped with spray nozzles and controls to allow for treatment of the entire roadbed, or to selectively treat individual sections of the ballast and ballast shoulders. Within sensitive areas, a container will be used to catch any accidental dripping of herbicide. It is a trough-shaped apparatus mounted just behind and above the boom, and will be hydraulically lowered to sit underneath the spray nozzles while the vehicle is traveling through areas where herbicide spraying is prohibited.

In order to assist in rapid identification of sensitive areas in the field, a pilot vehicle will proceed approximately 1/4 mile ahead of the applicator vehicle in order to signal ahead the location of sensitive areas.

In order to provide greater mobility and decrease the amount of time required to apply the herbicide mixture in the railroad yard areas, a vehicle equipped with hoses will be used in these areas. In compliance with the Regulations for herbicide application in sensitive areas, the spray pressure from the hoses will not exceed 60 psi.

### ALTERNATIVE CONTROL PROCEDURES

No alternative vegetation control methods are feasible within the track areas of the right-of-way. No vegetation control is proposed in ballast areas where herbicide use is prohibited.

Touch-up techniques controls any target vegetation within the ballast that may have been missed or not treated during the initial phase. Control of vines and other vegetation that might creep onto the ballast from roots growing outside the original treatment boundaries can be managed as a selective, foliage, or spot spray. No more than 10% of the initially identified target vegetation on the right-of-way in any municipality may be treated during a touch-up application and the total amount of herbicide applied in any one year shall not exceed the limits specified by the label or YOP [per 11.03(8)(c)].

## V. IDENTIFICATION OF TARGET VEGETATION

Whenever and wherever possible an integrated approach to vegetation management will be implemented by encouraging plant communities that hinder the growth of target vegetation. Prior to a herbicide application, a review will be made noting location, density, and type of vegetation present. This information will be used to develop a herbicide application program that will be effective against target vegetation and minimize the amount of herbicide used.

In accordance with the Code of Federal Regulations, 49 Part 213 - Track Safety Standards, all vegetation growing in the ballast and ballast shoulder; in yards; and around switches, signals, signs and highway grade crossings is considered target vegetation and must be controlled so that it does not:

a) become a fire hazard to track-carrying structures;
b) obstruct visibility of railroad signs and signals;
c) interfere with railroad employees performing normal trackside duties;
d) prevent proper functioning of signal and communication lines; and
e) prevent railroad employees from visually inspecting moving equipment form their normal duty stations.

Woody vegetation growing in areas adjacent to the shoulder will be managed to promote the growth of low growing shrubs. Targeted woody vegetation will be that which has the potential to block visibility or invade the roadbed and/or overhead communication lines. Target vegetation will include but not be limited to the following:

Ailanthus
American Basswood
American Beech
American Hornbeam
Apple
Ash
Aspen
Birch
Black Locust
Black Tupelo
Black Walnut
Buckthorn
Butternut
Cherry
Eastern Horphornbeam
Eastern Red Cedar
Elm
Flowering Dogwood
Hawthorn
Hickory
Honey Locust
Maple
Northern Catalpa
Oak
Pine
Poplar
Sassafras
Shadbush
Spruce
Sumac

## VI. FLAGGING METHODS TO DESIGNATE SENSITIVE AREAS ON THE ROW

Sensitive areas are defined in the Rights-Of-Way Management Regulations (333 CMR 11.02) are as defined in 333 CMR 11.04, any areas within the Right-of-Way, including No-Spray and Limited-Spray Areas, in which public health, environmental or agricultural concerns warrant special protection to further minimize risks of unreasonable adverse effects. These include but are not limited to the following:

No Spray Area, any area that is both within a Right-of-Way and within:

(a) any Zone I;
(b) 100 feet of any Class A Surface Water Source;
(c) 100 feet of any tributary or associated surface water body where the tributary or associated surface water body runs within 400 feet of a Class A surface water source;
(d) 10 feet of any tributary or associated surface water body where the tributary or associated surface water body is at a distance greater than 400 feet from a Class A surface water source;
(e) a lateral distance of 100 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake;
(f) 50 feet of any identified Private Well;
(g) 10 feet of any Wetlands or Water Over Wetlands;
(h) 10 feet of the mean annual high-water line of any river; and
(i) 10 feet of any Certified Vernal Pool.

Limited Spray Area, any area that is both within a Right-of-Way and within:

(a) any Zone II or IWPA;
(b) a distance of between 100 feet and 400 feet of any Class A Surface Water source;
(c) a distance of between 10 and 200 feet of any tributary or associated surface water body where the tributary or associated surface water body runs outside the Zone A for the Class A surface water source;
(d) a lateral distance of between 100 and 200 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake;
(e) a distance of between 50 and 100 feet of any identified Private Well;
(f) a distance of between 10 and 100 feet of any Wetlands or Water Over Wetlands;
(g) a distance of between 10 feet from the mean annual high water line of any river and the outer boundary of the Riverfront Area;
(h) a distance of between 10 feet from any Certified Vernal Pool and the outer boundary of any Certified Vernal Pool Habitat; and
(i) a distance of 100 feet of any Agricultural or Inhabited Area.

Non-Sensitive Areas are upland areas and/or track not in proximity to sensitive areas and do not require specific precautions or herbicide restrictions.

Sensitive areas, no-spray areas, limited-spray areas, and non-sensitive areas will be marked at their boundaries with permanent color-coded markers. Sensitive areas considered to be readily identifiable in the field (i.e. agricultural and inhabited areas) will not be marked. The markers will be one or any combination of the following:

color-coded signs attached to posts
color-coded signs attached to the railroad ties
color-coded painted rail sections

Sensitive and non-sensitive areas will be designated by the following color-codes:

| | |
|---|---|
| white | non-sensitive areas |
| blue | sensitive area in which a minimum of 12 months shall elapse between herbicide applications |
| double blue | sensitive areas in which a minimum of 24 months shall elapse between herbicide applications. |
| yellow | no spray zone |

## VII. PROCEDURES AND LOCATIONS FOR HANDLING, MIXING, AND LOADING OF HERBICIDE CONCENTRATES

The herbicide application crew will wear protective clothing and personal safety equipment when mixing, handling, loading, or applying herbicide, including standard work clothing or coveralls, work gloves, and work boots. Latex or nitrile rubber gloves, as well as eye goggles are recommended to be worn during mixing of herbicide concentrate as some herbicides may cause mild eye and skin irritations.

Mixing and use of herbicide shall be consistent with the labeling instructions included on the packaging. The herbicide mix will be prepared from herbicide concentrate and water. In compliance with the regulations, the handling, mixing and/or loading of this material will not occur within 100 feet of any sensitive area. Wherever and whenever possible, the herbicide applicator will prepare the herbicide mix on non-porous surfaces, such as pavement or concrete.

### Sources of Water and Safeguards to Prevent Contamination

Water used for herbicide mix will be obtained from hydrants and freshwater sources. During the herbicide mix preparations and during herbicide application, strict adherence to the following safeguards will be maintained:

1) Water will be obtained using hoses equipped with anti-siphon devices to eliminate herbicide backflow.

    a) Hoses used to extract water from water bodies will be equipped with two such devices: one will be found directly behind the mouth of the hose and another will be at the coupling that joins the hose to the mix tank.

    b) Hoses used to extract water from the hydrant will utilize the same setup as described above, except that a third anti-siphon device will be found within the coupling joining the hose to the hydrant.

2) The herbicide concentrate will not be added to the tank until the water has been obtained and the application apparatus is at least 100 feet outside a sensitive area.

### Disposal of Herbicidal Wastes

Disposal of all herbicidal wastes will be the responsibility of the licensed applicator. It is the applicator's responsibility to ensure that such disposal will be carried out in an environmentally sensitive manner, in compliance with all Federal and State regulations and guidelines.

## VIII.EMERGENCY CONTACTS

In the event of a spill or emergency, information on safety precautions and cleanup procedures may be gathered from the following sources:

Herbicide Label

Herbicide Fact Sheet

Herbicide Material Safety Data Sheet

| | |
|---|---|
| Herbicide Manufacturer | |
| BASF Specialty Products | (800) 832-4357 |
| Dupont (general) | (888) 638-7668 |
| Dupont (medical emergency) | (800) 441-3637 |
| Dupont (transportation emergency) | (800) 424-9300 |
| Monsanto | (314) 694-4000 |
| Nufarm Turf & Specialty | (800) 345-3330 |
| Massachusetts Pesticide Bureau | (617) 626-1720 |
| Massachusetts DEP Emergency Response | (888) 304-1133 |
| ChemTrec | (800) 424-9300 |
| EPA National Pesticide Information Center | (800) 858-7378 |
| Massachusetts Poison Control Center | (800) 222-1222 |

Local Community Chief of Police and/or Fire Chief

| | | | |
|---|---|---|---|
| Attleborough | (508) 222-1212 | Norton | (508) 285-3300 |
| Barnstable | (508) 775-0387 | Raynham | (508) 824-2716 |
| Berkley | (508) 822-7040 | Rochester | (508) 763-5112 |
| Bourne | (508) 759-4453 | Sandwich | (508) 888-3343 |
| Dartmouth | (508) 910-1700 | Seekonk | (508) 336-8123 |
| Fall River | (508) 676-8511 | Sherborn | (508) 653-2424 |
| Falmouth | (774) 255-4527 | Taunton | (508) 824-7522 |
| Foxborough | (508) 543-4343 | Walpole | (508) 668-1212 |
| Framingham | (508) 872-1212 | Wareham | (508) 295-1212 |
| Freetown | (508) 763-4017 | Westport | (508) 636-1122 |
| Lakeville | (508) 947-0046 | Westwood | (781) 326-1903 |
| Mansfield | (508) 261-7300 | Yarmouth | (508) 775-0445 |
| Medfield | (508) 359-2315 | | |
| Middleborough | (508) 947-1212 | | |
| New Bedford | (508) 991-6300 | | |

# APPENDICES

A. Herbicide Fact Sheets as approved by the Department, herbicide labels, and MSDS.

B. Maps locating the ROW and Sensitive areas not readily identifiable in the field.

Maps provided with the Yearly Operational Plan shall remain effective for the duration of the YOP unless modified. Subsequent YOP's will contain any modifications to the maps made during the previous year.

# APPENDIX A

Below find a list of herbicides potentially in use by this Yearly Operational Plan. For a list of the exact products and rates of application to be used in this year's program please refer to page 2 of this document.

| MANUF. | PRODUCT NAME | ACTIVE INGREDIENT(S) | EPA REGISTRATION # |
|---|---|---|---|
| NUFARM AMERICAS | AQUANEAT | GLYPHOSATE | 228-365 |
| DUPONT | OUST EXTRA | SULFOMETURON METHYL METSULFURON METHYL | 352-622 |
| BASF SPECIALTY PRODUCTS | ARSENAL R.R. HERBICIDE | ISOPROPYLAMINE SALT OF IMAZAPYR | 241-273 |
| DUPONT | OUST XP | SULFOMETURON METHYL | 352-601 |
| BAYER | ESCORT XP | METSULFURON METHYL | 432-1549 |
| NUFARM AMERICAS | POLARIS AC COMPLETE | ISOPROPYLAMINE SALT OF IMAZAPYR | 228-570 |
| NUFARM SPECIALTY | RAZOR PRO | GLYPHOSATE | 228-366 |

**LABELS & MSDS SHEETS:**

To access the labels and MSDS sheets for any of the above products please follow the directions below:

1. Open your internet browser and enter the following address in the **Address bar**: http:// www.cdms.net/LabelsMsds/LMDefault.aspx
2. Near the top left of the page enter the **Product Name** (as found above) you wish to be informed about into the **Search bar** and hit the **Search button**.
3. A list of products will appear. Please be sure to reference the **Manufacture and Product Name** to locate the correct information.

**HERBICIDE FACT SHEET:**

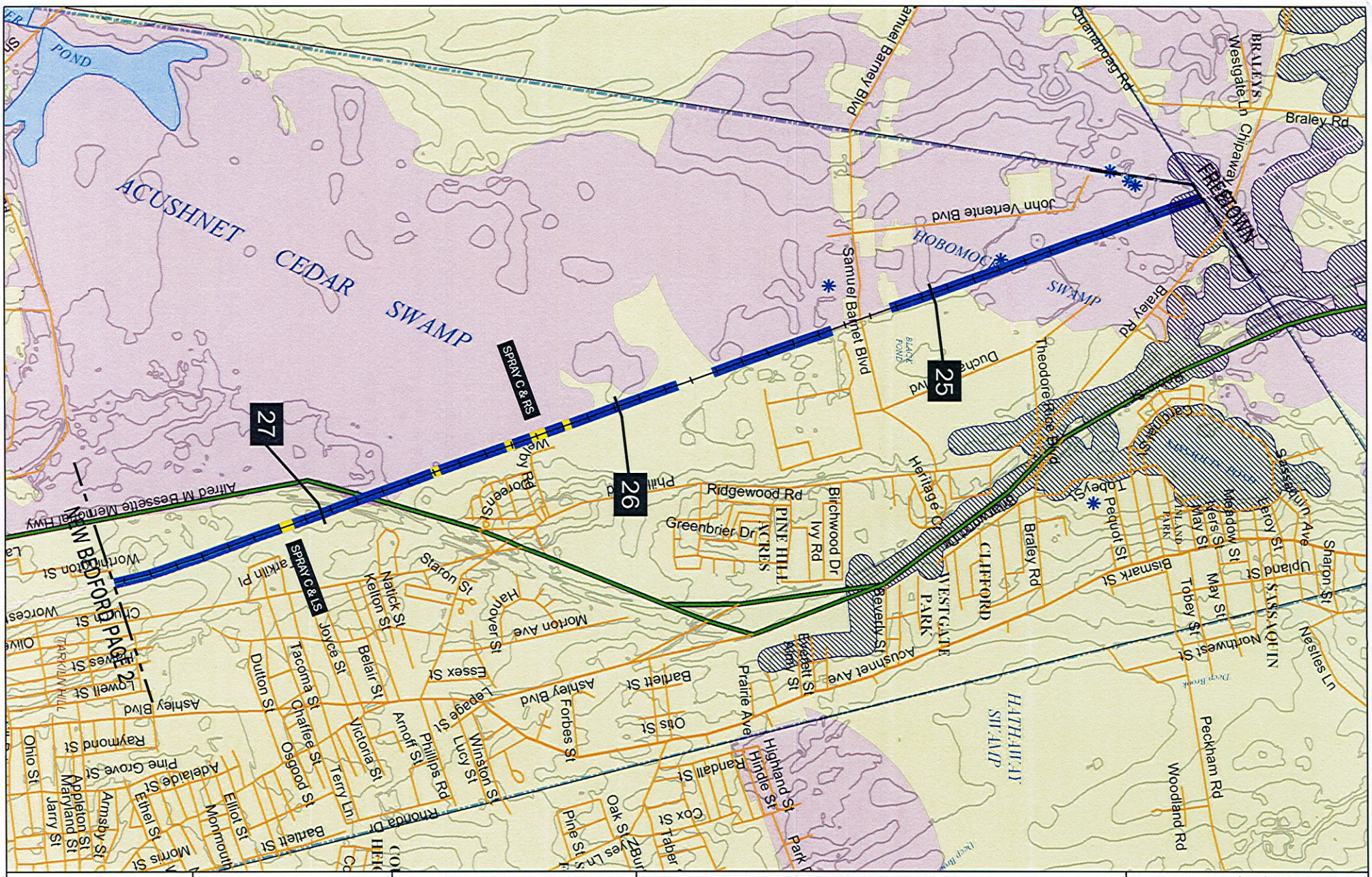
To access the herbicide fact sheets for any of the above products please follow the directions below:

1. Open your internet browser and enter the following address in the **Address bar:** http://www.mass.gov/eea/agencies/agr/pesticides/rights-of-way-sensitive-area-materials-list.html
2. Choose the link that corresponds to the **Active Ingredient** present in the product you are interested in.

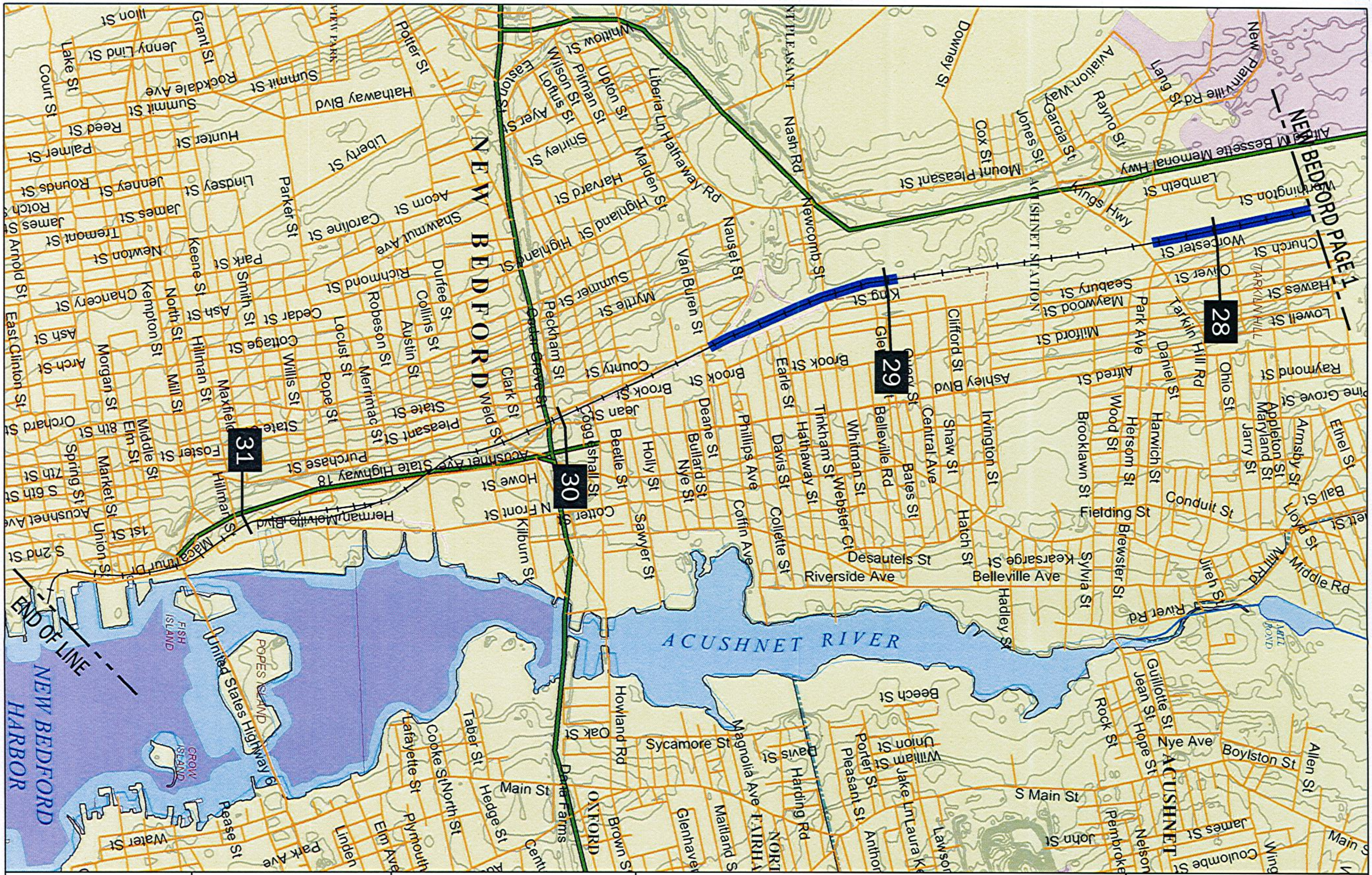
**Hard copies of any of these documents may also be obtained by calling TEC Associates office at (207) 767-6068.**

# APPENDIX B

MAPS




| | | | | | |
|---|---|---|---|---|---|
| SCALE: 1:25,000 | SHEET 1 OF 2 | TOWN OF: NEW BEDFORD | BRANCH: NEW BEDFORD SECONDARY | | DATE: 02/14/2011 |
| MASS COASTAL RAILROAD<br>68 CENTER STREET, SUITE 20 HYANNIS, MA 02601 | | LIMITED SPRAY ZONE (1 YEAR INTERVAL)<br>LIMITED SPRAY ZONE (2 YEAR INTERVAL)<br>NO SPRAY ZONE | Groundwater Source<br>Surface Water Intake<br>NHESP Vernal Pool | DEP Approved Zone I<br>DEP Approved Zone II / IWPA | Zone A<br>Zone B<br>NHESP Priority Habitat |
| TEC ASSOCIATES CONSULTING ENGINEERS<br>46 SAWYER STREET SOUTH PORTLAND, MAINE 04106 | | | | | |




| SCALE: 1:25,000 | SHEET 2 OF 2 | TOWN OF: NEW BEDFORD | BRANCH: NEW BEDFORD SECONDARY | | DATE: 02/14/2011 |
|---|---|---|---|---|---|
| MASS COASTAL RAILROAD<br>68 CENTER STREET, SUITE 20 HYANNIS, MA 02601 | | LIMITED SPRAY ZONE (1 YEAR INTERVAL) | Groundwater Source | DEP Approved Zone I | Zone A |
| TEC ASSOCIATES CONSULTING ENGINEERS<br>46 SAWYER STREET SOUTH PORTLAND, MAINE 04106 | | LIMITED SPRAY ZONE (2 YEAR INTERVAL) | Surface Water Intake | DEP Approved Zone II / IWPA | Zone B |
| | | NO SPRAY ZONE | NHESP Vernal Pool | | NHESP Priority Habitat |

# 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 Coastal 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 Coastal Railroad YOP as locations where the rights-of-way will be treated with herbicides during the 2016 calendar year are:

> Attleboro, Barnstable, Berkley, Bourne, Dartmouth, Fall River, Falmouth, Foxborough, Framingham, Freetown, Lakeville, Mansfield, Medfield, Middleborough, New Bedford, Norton, Raynham, Rochester, Sandwich, Seekonk, Sherborn, Taunton, Walpole, Wareham, Westport, Westwood, and Yarmouth..

One selective application of a DAR approved herbicide mixture is proposed to occur in the 2016 calendar year within approved areas along Massachusetts Coastal 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 2016:

CAPE MAIN LINE
Middleborough to Barnstable

| | | |
|---|---|---|
| Middleborough | Rochester | Wareham |
| Bourne | Yarmouth | Sandwich |
| Barnstable | | |

SOUTH DENNIS BRANCH
Yarmouth

FALMOUTH BRANCH
Bourne to Falmouth

Bourne Falmouth

FALL RIVER SECONDARY
Berkley to Fall River

Berkley Freetown Lakeville
Fall River

NEW BEDFORD SECONDARY
Taunton to New Bedford

Taunton Berkley Lakeville
Freetown New Bedford

WATUPPA RUNNING TRACK
Westport to Dartmouth

Dartmouth Westport

FRAMINGHAM SECONDARY
Framingham to Mansfield

Framingham Sherborn Medfield
Walpole Foxborough Mansfield

MIDDLEBOROUGH BRANCH
Attleborough to Middleborough

Attleboro Norton Taunton
Raynham Lakeville Middleborough

DEAN STREET INDUSTRIAL TRACK
Taunton

EAST JUNCTION
Attleborough to Seekonk

Attleboro Seekonk

WESTWOOD INDUSTRIAL TRACK
Westwood

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: http://www.mass.gov/agr/pesticides/rightofway/plans.htm

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. Residences can go to www.mass.gov/agr then to the Rights-of-Way page and enter their well information into the Departments 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 PERIOD ENDS AT THE CLOSE OF BUSINESS, FRIDAY JULY 8, 2016.**