

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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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 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). The YOP was prepared in accordance with a 5 year Vegetation Management Plan (VMP) which was submitted to DAR by the former Massachusetts Turnpike Authority, now known as Massachusetts Department of Transportation, Highway Division (MassDOT) and approved in 2007.

A Yearly Operational Plan (YOP) has been submitted for: The Massachusetts Department of Transportation, Highway Division. This plan has been prepared by and submitted to the Department by: Linda Smith, MassDOT.

Municipalities identified in the YOP as locations where treatment of Rights of Way with herbicides will be carried out in calendar year 2010 are:

Ashland, Auburn, Becket, Blandford, Boston, Brimfield, Brookline, Charlton, Chicopee, Framingham, Grafton, Hopkinton, Lee, Ludlow, Millbury, Montgomery, Natick, Newton, Otis, Oxford, Palmer, Russell, Southborough, Stockbridge, Sturbridge, Upton, Warren, Wayland, West Springfield, West Stockbridge, Westborough, Westfield, Weston, Wilbraham

The applicant has described in the YOP the aforementioned Rights of Way as sites that are scheduled for treatment.

Public Review

The proposed YOP presents no changes from the YOP submitted by the applicant and approved by DAR in 2009. A letter detailing internet viewing of the YOP and 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 each municipality where herbicides are to be applied along the rights of way during the calendar year 2010. A hard copy will be provided upon request. Municipal agencies and officials will have forty-five (45) days following receipt of the YOP to review information contained in the document. In accordance with 333 CMR 11.02 the applicant submitted Requests for Determination of Applicability (RDA) and received approval from communities in which sensitive areas were targeted for spraying. Sensitive areas were marked and located on maps and contained in the YOP.

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality. 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 comments will be addressed by the applicant 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 without the requested changes. 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 a notification or 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 should be addressed to:

Linda S. Smith
Massachusetts Dept of Transportation
Highway Divisions
668 South Ave
Weston, MA 02193

Copies of all comments and questions should be also sent to:

Michael W. McClean
Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS, Friday, May 21, 2010