THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources
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MDAR MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

DEVAL L. PATRICK Governor | TIMOTHY P. MURRAY Lieutenant Governor | RICHARD K. SULLIVAN JR. Secretary | GREGORY C. WATSON 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 by Section 11.06 (3).

A Yearly Operational Plan (YOP) has been submitted for: City of Holyoke Gas and Electric Department (HG&E).

This plan has been prepared by and submitted to the Department by: Ms. Diane M.L. Mas of Fuss & O'Neill, Inc. and Mr. Charles L. Martel of the City of Holyoke Gas and Electric Department.

Areas identified in the YOP as locations where treatment of Rights of Way with herbicides will be carried out in calendar year 2013 are: Electric transmission and distribution lines in Holyoke and Chicopee, steam and condensate lines in Holyoke, gas distribution vaults in Holyoke, canal system in Holyoke and the pathways in Lower Riverside Park in South Hadley.

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 DAR and HG&E have limited abilities 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 with which to better certify the sensitive areas in this community. Therefore, the DAR requests, and urges, the assistance of the Conservation Commission and Board of Health 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 can also be viewed at the Massachusetts Department of Agricultural Resources website at www.mass.gov/agr

A link to an online version of the YOP and a copy of this notice will be sent by the applicant (HG&E) to the Conservation Commission, Board of Health (or designated health agent), and to the head of local government or the City Mayor of the municipality where herbicides are to be applied along the rights of way during the calendar year 2013. This YOP will be posted on the Holyoke Gas & Electric Website as allowed in Section 11.06(3). Municipal agencies and officials will have forty-five (45) days following receipt of the YOP notice 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 11.02 of the Rights of Way Management Regulations.

Municipal agencies and officials are requested to forward the YOP to the appropriate official(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 DAR to the address listed below, within the forty-five day review period. If a city/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 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 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 this request. The Department will decide whether or not 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 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 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 (45) 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 on the information provided in this Notice and the procedures established for the municipal review as outlined above, should be addressed to:

Michael McClean, Rights of Way Program, Mass. Dept. Agricultural Resources, 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:

Mr. Charles L. Martel, Holyoke Gas & Electric, 99 Suffolk Street, Holyoke, Massachusetts 01040

A copy of such questions or comments should also be sent to Rights of Way Program, at the address indicated above.

Comment period ends at the close of business on Friday, April 5, 2013