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

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Commissioner

Notice: NSTAR Comment Period Extension

Pursuant to the provision of the Rights-of-Way Management Regulation, 333 CMR 11.06(3)(c), the Department of Agricultural Resources has extended the comment period for the NSTAR Gas and Electric 2014 Yearly Operational Plan for Cape Cod and Martha's Vineyard for an additional forty five (45) from the original January 3, 2014 comment period end date. The comment period is extended to the close of business Tuesday, February 18, 2014

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). NSTAR 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).

The Kenerson Group (TKG) of Athol, Massachusetts submitted a YOP to DAR for NSTAR Electric & Gas in November 2013.

In 2014 NSTAR will conduct an Integrated Vegetation Management (IVM) program on their transmission and distribution lines. The intended vegetation control program will be consistent with NSTAR's VMP (approved by DAR in 2013). In accordance with the guidelines set forth in NSTAR's VMP and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment for the IVM program.

NSTAR's YOP identifies the following 13 municipalities as locations where they intend to use herbicides to treat their electric Rights-of-Way in 2014:

Barnstable	Dennis	Harwich	Tisbury	Yarmouth
Bourne	Edgartown	Oak Bluffs	Truro	Wellfleet
Chatham	Falmouth	Sandwich		

NSTAR will only use herbicides recommended by DAR for use in Sensitive Areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive sites" instead mechanical only methods will be used to control vegetation.

Public notification, by certified mail, will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06 (2), NSTAR'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 companies 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 Section 11.02 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.

The YOP can be viewed at: http://www.kenersongroup.com/yop/capecod2014/nstar/ or http://www.mass.gov/eea/agencies/agr/pesticides/rights-of-way-vegetation-management.html

DAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), and the Head of Government (Mayor, City Manager, Chair of the Board of Selectman) of each municipality where herbicides are to be applied during the calendar year of 2014; and if applicable to the Natural Heritage Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife, the Massachusetts Water Resource Authority 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 maps 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 a city or 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 the corrected maps will be sent back to the city/town that requested the disputed changes 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 city-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 city/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:

William Hayes, Senior Transmission Arborist
NSTAR Electric & Gas Corporation
Planning Scheduling and Contract Services Department
One NSTAR Way, SE-370
Westwood, MA 02090-9230
781-441-3837 (office)

COMMENT PEROID ENDS AT THE CLOSE OF BUSINESS ON Tuesday, February 18, 2014