

From: **Robert Hyams** <robert@gmavt.net>
Date: Tue, Dec 5, 2017 at 10:57 PM
Subject: Re: Bill to address invasives in AoT ROWs
To: Mike Yantachka <myantachka.dfa@gmail.com>
Cc: Sue Smith <ssmith@gmavt.net>

Mike:

Thank for taking this on. The draft is short and to the point - VTRANS would no longer be able to say that their permit doesn't allow it. What it doesn't say is whether they would support a town's effort to proactively take on exotic invasive plant infestations in a timely and efficient manner.

VTRANS has elucidated a policy that is not necessarily contrary to the town's objectives. In VTRANS Best Management Practice entitled "Roadside Terrestrial Invasive Plants", signed by Scott Rogers, Director of Operations Division, 9-10-201, the BMP lists as guiding principles:

- Create consistent requirements throughout the state that prevent the spread of invasive species;
- Create mechanisms and standards for addressing environmentally sensitive areas, riparian areas, steep slopes, wetlands, rare & endangered species and their habitats

On page 5, they discuss the value of early detection and response, consistent with the Town of Charlotte's objectives and practices.

There must be an emphasis on early detection and eradication of new populations. Control measures are far more likely to be successful, as well as significantly less expensive, on small, young population rather than on larger, more established populations.

One can make the case that they already have the mechanism to do this (3rd paragraph below). They make it clear that they do not want other parties to apply herbicide in the ROW (1st paragraph below.) this is fine as long as VTRANS is more than capable of performing this work.

BMP # 14

Herbicide Use: The intent to use herbicides to control invasive plants in the highway rights-of-ways is specific to preventing highway infrastructure damage and costly maintenance. Most importantly, it is intended to protect the traveler by addressing safety concerns and highway workers health when threatened by poisonous plants. Only VTRANS Certified Pesticide Applicators and or VTRANS Certified

Pesticide Applicator Contractors listed on the Department Agriculture Food and Markets (VDAFM) Spray Permit will apply herbicides to VTTrans right-of-ways.

It is not the intent of this BMP to eradicate or control all invasive plants in the rights-of-ways. With that said VTTrans, is willing to work other people interested in controlling these plants for their own reasons. A permit to work in the highway right-of-ways may be issued to those people by VTTrans. However, no herbicides will be allowed to be sprayed with this VTTrans permit.

On an annual basis, VTTrans solicits a recommendation from the Vermont Pesticide Advisory Council (V.P.A.C.) to spray herbicides as part of a Permit Spray Request which is then sent to the Secretary of Agriculture Food and Markets for approval. VTTrans will include the request to spray for some invasive plants as part of its overall spray program. Along with expert resources; VTTrans will follow V.P.A.C.'s recommendation to control certain invasives based on their experiences with these plants and the effectiveness of these methods.

REGULATORY NOTE: All Vermont Pesticide Rules and Regulations will be followed for invasive plants control in addition to specific language written in the Pesticide Permit. VTTrans Priority Invasive Plants and Preferred Control Methods will also be reviewed by V.P.A.C. and approved by the (VDAFM) on an annual basis. Plants or methods to control them may be added or deleted based on their recommendations.

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And finally, we agree with VTRANS call for a statewide, inclusive, comprehensive effort to manage invasive plants (page 5, excerpt below.) Short of that, we would expect VTRANS to be supportive of a town's initiative to take on invasives, particularly those that were likely spread by VTRANS operations.

The following BMPs have been demonstrated to be very effective in the prevention of spreading invasive plants during construction activities and for roadside mowing in Vermont and other states. **It is not a BMP designed for**

the overall control of invasive plants. This would require a much more comprehensive effort , which would include an Integrated Vegetation Management Plan (IVMP) on a statewide basis with multiple stakeholders and partners.

Thanks again for your attention to this issue. Let us know if we can be of help.

Robert Hyams

Sue Smith