

April 25, 2012

Dear Municipal Official:

In compliance with 333 CMR 11.07, *21 day herbicide application notification*, this letter is to inform you that Tennessee Gas Pipeline Company (Tennessee) intends to selectively apply herbicides along gas pipeline rights-of-way in your municipality.

As detailed in Tennessee's Five Year Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP), this treatment is conducted as a component of an integrated vegetation management (IVM) program that also utilizes mechanical and natural control techniques.

Tennessee's current Five Year Vegetation Management Plan (2011-2015) and the 2012 YOP are posted at the following website (hard copy(s) available upon request):

<http://www.kenersongroup.com/yop/2012/TennesseeGas/>

As described in the VMP and YOP, the program will consist of a summer selective foliage treatment between June 4 and October 19, 2012, and, as necessary, summer and fall CST or Basal treatments to December 31, 2012. Please note: the exact treatment dates are dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, No herbicide applications will occur before the conclusion of the 45 day YOP review period, the 21 day treatment notice and the 48 hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

Commonwealth of Massachusetts recommended herbicides for use in *sensitive areas* listed in Section 6 of the YOP will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators using hand held equipment. Copies of the manufacturers' herbicide labels and fact sheets are also included in the YOP Appendices 3 & 4.

The work will be performed by one of the following companies:

Vegetation Control Service, Inc.
2342 Main Street
Athol, MA 01331
(978) 249-5348

Lewis Tree Service
300 Lucius Gordon Drive
West Henrietta, NY 14586
(413) 237-9870

Asplundh Tree Expert Co.
224 Gould Rd.
Weare, NH 03281
(603) 529-1690

Lucas Tree Experts
PO Box 616
Plymouth, NH 03264
(603) 536-1166

This informational 21-day notification is in compliance with Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. Tennessee's vegetation management program is subject to federal and state regulations; by statute, local permits or rulings are not applicable.

cc: DAW
cc
PM

For inquiries concerning safety of the herbicides, please contact:

Director of Rights-of-Way Programs
Massachusetts State Pesticide Bureau
Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114-2151
Telephone: (617) 626-1781

Please contact me if you have any questions about the application and monitoring of the vegetation control program.

Sincerely,



Steve Morawski,
Principal Environmental Representative
(860) 763-6012

Enclosures: 45 Day YOP Notice Review and Comment Document
21 Day YOP notice
Environmental Monitor Notice
Map(s)

Notice Sent to: Chief Elected Municipal Official
Board of Health
Conservation Commission
Massachusetts Water Resources Authority
Massachusetts Department of Conservation and Recreation
Massachusetts Pesticide Bureau

April 25, 2012

45 Day Yearly Operational Plan Public Notice, Review and Comment Period

Dear Municipal Officials:

In compliance with 333 CMR 11.06, *45 Day Yearly Operational Plan Public Notice, Review and Comment*, please review Tennessee Gas Pipeline Company's (Tennessee) 2012 Yearly Operational Plan at the following website (hard copy(s) available upon request):

<http://www.kenersongroup.com/yop/2012/TennesseeGas/>

Tennessee's Yearly Operational Plan (YOP) details specific information pertaining to the intended 2012 program.

Please review the enclosed YOP map(s) that locate the right-of-way corridors and the plotted location of known *sensitive areas* including public and private drinking water supplies. If there are any additional *sensitive areas* located on or near the rights-of-way, please advise us as soon as possible so we may establish permanent records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.

Also, please review the enclosed hard copy of the Environmental Monitor Notice, published under the Massachusetts Environmental Policy Act (MEPA) at

<http://www.env.state.ma.us/mepa/emonitor.aspx>.

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Map(s)

Notice Sent to: Chief Elected Municipal Official
Board of Health
Conservation Commission
Massachusetts Water Resources Authority
Massachusetts Department of Conservation and Recreation
Massachusetts Pesticide Bureau

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



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 pipeline rights-of-way (ROW), a five year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Food and Agriculture (DFA). Therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

A YOP for Tennessee Gas Pipeline Company was submitted to DFA in April 2012.

Tennessee's 2012 YOP identifies the following municipalities where they intend to use herbicides to target large woody vegetation along its rights of way in Adams, Agawam, Arlington, Billerica, Bolton, Burlington, Charlton, Cheshire, Clinton, Danvers, Dracut, Easthampton, East Longmeadow, Essex, Everett, Framingham, Granville, Gloucester, Hamilton, Hampden, Holland, Holyoke, Hudson, Lancaster, Lanesborough, Lee, Leominster, Longmeadow, Lunenburg, Lynn, Lynnfield, Malden, Marlboro, Melrose, Monson, Monterey, North Adams, Northampton, Otis, Peabody, Pittsfield, Reading, Revere, Richmond, Sandisfield, Saugus, Southwick, Southampton, Stockbridge, Sturbridge, Tewksbury, Tolland, Tyringham, Wales, Wenham, Westfield, Wilmington, Winchester, Woburn.

The intended vegetation control program will be consistent with Tennessee's VMP and uses an Integrated Vegetation Management approach. In accordance with the guidelines set forth in Tennessee's VMP and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment.

Tennessee will only use herbicides recommended by DFA for use in Sensitive Areas. Pursuant to 333 CMR 11.04, no herbicides will be applied within 10 feet of any water course, or water body; within 400 feet of any municipal water supply well; within 100 feet of any surface water utilized as a public water supply, or within fifty feet of any private drinking water supply well.

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), Tennessee's YOP includes the identification of target vegetation; methods of identifying, marking, and protecting Sensitive Areas; application techniques; the herbicides, application rates, carriers, and adjuvant proposed for use; alternative control measures, the name of the applicator and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps locating the ROWS and Sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

The DFA seeks to verify the location of Sensitive Areas defined in Section 11.02(a-f) reported in the YOP. DFA 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. DFA, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

DFA 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 along the ROWs during the calendar year of 2011. 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 DFA 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 DFA 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 with fifteen days of receipt of the request. DFA will decide whether or not the YOP should be approved without the requested changes. DFA 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 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 that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by DFA.

A failure by the city/town to respond to the applicants' submission of the YOP within the forty-five day period is automatically considered by DFA to indicate agreement by the municipal officials with the Sensitive Area demarcations provided by the applicant in their YOP.

Any additional questions or comments on any information provided as part of the proposed YOP should be addressed in writing to:

Stephen Morawski
Tennessee Gas Pipeline Company
8 Anngina Drive
Enfield, CT 06082

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:

Rights of Way Programs

Massachusetts State Pesticide Bureau
251 Causeway Street, Suite 500
Boston, MA 02114-2151

The Department will accept written testimony concerning the Tennessee Gas Pipeline Company YOP until the close of business Friday, June 8 2012.