



PERMIT TO CONDUCT RIGHT-OF-WAY HERBICIDE TREATMENT.

Permit number: ROW_2022_01

Effective April 19, 2022

Office of the Secretary, Anson B. Tebbetts

www.agriculture.vermont.gov

116 State Street • Montpelier, Vermont 05620-2901 • (802) 828-5667 • (802) 828-1410 fax

Permittee: Vermont Agency of Transportation (VTRANS), Dill Building, 2178 Airport Road, Unit A, Barre, VT, 05641

Permit conditions:

1. The permittee shall contact the Agency of Agriculture, Food & Markets one (1) business day prior to initiating this permit.
2. The permittee shall coordinate one (1) use inspection with the Agency.
3. This permit authorizes the use of herbicides this year for brush & stump treatment along the State Highway system; for maintenance activities in state-owned rest areas; for vegetation control in state-owned airports; and other safety and worker safety concerns in these areas. This permit does not allow for treatment to control terrestrial invasive plant species, if not required to meet the safety and worker safety or in compliance with specified conditions in appendix of this permit. This permit in no way authorizes the applicant to use pesticides on real estate where it has no lawful right to do so.
4. All applications shall include a spray additive to control drift.
5. At least one certified applicator shall be a member of each application crew. All label recommendations and requirements for protective clothing shall be adhered to for all applicators.
6. Proof of public notification as detailed in the permit application shall be provided to the Agency as proof that the notification occurred (e.g., copies of newspaper tear sheets, invoices).
7. Pesticides shall not enter the waters of the State. Buffers to water are:
 - a. Applications made **parallel** to surface water shall have a visible limit of 10 feet from the edge of the water when spraying glyphosate-only products, or a visible distance of 15 feet when spraying any other permitted products or mixture thereof.
 - b. Applications made at a surface water **crossing** shall have a visible limit of 30 feet from the water's edge.
 - c. Handheld or backpack sprayer applications of glyphosate-only products that have aquatic sites listed on the label may be made to within two (2) feet of surface water where required for maintenance activities or public health concerns.
8. Public and private water supplies are to be avoided.

- a. Applications shall not be made within 200 feet of a public drinking water source. For sources supplied by surface water the buffer shall be measured from the shoreline. Surface waters in a source protection area that contribute to the source shall have a buffer of 100 feet.
 - b. Applications shall not be made within 100 feet of private drinking water source; as identified by the Vermont ANR Atlas, through well owner notification to VTRANS, or identified in the field.
9. A copy of this permit and current maps identifying both public and private water supplies shall be provided to the applicator for use during application.
 10. Spray reports shall be submitted by the pesticide applicator to the Agency of Agriculture on a weekly basis.

Records may be mailed to:

Public Health & Agricultural Resource Management Division-Vermont Agency of Agriculture
116 State Street, Montpelier, VT 05620

Alternatively, they may be submitted electronically to:

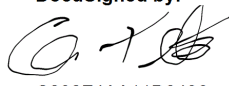
morgan.griffith@vermont.gov

11. The following pesticides may be applied up to the rates listed below and in accordance with the label:

Product name	EPA registration number	Rate not to exceed (for)
Garlon 4 Ultra	62719-527	1¼ gallons per acre (brush)
Garlon 3A	62719-37	2/3 gallons per acre (brush)
Oust Extra	432-1557	4 ounces per acre (guardrail)
Escort XP	432-1549	1/3 ounce per acre (mile markers and delineators); or 1¼ ounces per acre (guardrail, worker safety and brush)
Krenite S	42750-247	2 gallons per acre (brush)
Rodeo	62719-324	1 gallon per acre (worker safety and guardrail)
Polaris	228-534	1.5 pounds of imazapyr (6 pints) per year or 700 stems per acre
Roundup Custom	524-343	1 gallon per acre (guardrail)
Handheld or backpack treatments may use the above permitted products up to the labeled rate at a labeled site		

12. Treatment for stump removal in ledge can be done under the following conditions:
 - a. Applications must be made by cut stump surface treatment or cut stump injection methods.
 - b. Applications must be made with Garlon 3A in compliance with the product label.
 - c. Applications must be made by a Vermont certified applicator in Category 6, ROW vegetation management.
 - d. Notifications to the Agency of Agriculture, Food & Markets must be made one (1) business day prior to initiation of application, unless other arrangements have been allowed by the Agency.
 - e. A project use pesticide report will be submitted to the Agency upon completion, containing; product used, amount applied, date of application, and applicator name and company.
 - f. The Agency may observe and inspect any applications made. The Agency staff will comply with Agency of Transportation safety requirements.
13. In the event the permittee sub-contracts or assigns any of the applications authorized by this permit, the permittee shall continue to remain responsible for the conditions of this permit. This condition does not relieve any sub-contractor or assignee from compliance.
14. This application was published for public comment and forwarded with recommendation to the Secretary.
15. The Secretary reserves the right to further limit or restrict the application of pesticides approved under this permit as conditions or circumstances warrant.

Effective date April 19, 2022

DocuSigned by:

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Anson B. Tebbetts, Secretary
Agency of Agriculture, Food & Markets

Appendix 1.

In instances where control and eradication of non-native terrestrial invasive species (NNIS) is *required* under another permit or memorandum of agreement (MOA), treatment may be made if the following conditions are met:

- VTRANS complies with all other portions of its Pesticide Use Impact Assessment (PUIA) and Integrated Vegetation Management Plan (IVMP).
- VTRANS must have a permit condition or MOA issued agency which requires NNIS control. The condition in the permit or MOA must be reasonable based on the site conditions.
- All applications shall be done by a Vermont certified pesticide applicator, in category 6 (ROW).
- Chemical control cannot be used to treat NNIS;
 - In areas where NNIS are already in existence (not ‘pioneer species’); and/or
 - In areas where the NNIS is unlikely to have been introduced by VTRANS
- Chemical control of ‘pioneer species’ must have demonstrated efficacy, in a target, small-scale treatment.
- VTRANS must have documentation of introduction of pioneer species from pre-construction survey/work.
- Only NNIS that are on the noxious weed list may be chemically controlled.
- VTRANS may not chemically treat on property it has no legal right to.

These provisions are in no way to be construed for the use of chemicals to treat NNIS in ROWs where there are no line-of-sight, structural, and worker safety concerns *or* permit *or* MOA requirements.

Pesticide program manager at VTRANS, shall consult with and notify the pesticide program at the Agency of Agriculture about control measures to be used (product, timing, size) when treating under another state, federal permit or MOA condition.