



PERMIT TO CONDUCT RIGHT-OF-WAY HERBICIDE TREATMENT.

Permit number: ROW_2024_16

Effective April 16, 2024

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), 2178 Airport Rd, Dill Building Unit A, Barre, Vermont 05641
[Contact Person: Brandon Garretto, (802) 279-6721]

Permit conditions:

1. The permittee shall contact the Agency of Agriculture, Food & Markets (the Agency), Morgan.Griffith@vermont.gov, one business day prior to initiating this permit.
2. Each district application crew, including sub-contractors, working under this permit shall coordinate one use inspection with the Agency, David.Huber@vermont.gov.
3. This permit authorizes the use of herbicides this year for weed, brush and stump treatment along the State Highway system and other safety and worker safety concerns in these areas. This permit does not allow for treatment to control terrestrial invasive plant species unless required for operator or worker safety, public health and/or safety needs, 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 guardrail applications shall include a spray additive to control drift.
5. At least two certified applicators shall be members 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, upon request, 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 as follows, unless the product label prescribes a greater buffer:
 - 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 feet of surface water where required for maintenance activities or public health concerns.
8. Public and potable (non-public) water sources are to be avoided.
 - a. Applications shall not be made within 200 feet of a public or potable water source, as identified by the Vermont ANR Atlas, through well owner notification to permittee, or identified in the field.
 - i. Buffer can be reduced to within 100 feet of a public non-community groundwater drinking water source.

- ii. Buffer can be reduced to within 100 feet of potable water sources in bedrock or confined surficial aquifers.
9. A copy of this permit and accompanying digital or electronic maps identifying right-of-way boundaries, surface waters, public and potable water sources, and threatened or endangered species habitats shall be provided to the applicator for use during application.
 10. The permittee or the permittee's contracted pesticide applicator shall submit to the Agency routine operational records, as required by the Vermont Rule for Control of Pesticides, on a weekly basis. For the purposes of this permit, a "week" is a seven-day timeframe that begins on a Sunday and ends on a Saturday. The routine operational records are due by close of business on the Monday immediately following the previous week's application. Should the Monday immediately following the previous week's application be a State or Federal holiday, then the routine operational records are due by the close of business on Tuesday.

Records shall be submitted electronically to: morgan.griffith@vermont.gov

11. The following pesticides may be applied in accordance with the label:

| Product name | Active ingredient | EPA registration number |
|---------------------|--|--------------------------------|
| Garlon 4 Ultra | Triclopyr | 62719-527 |
| Garlon 3A | Triclopyr | 62719-37 |
| Oust Extra | Sulfometuron methyl and metsulfuron methyl | 432-1557 |
| Escort XP | Metsulfuron methyl | 432-1549 |
| Krenite S | Ammonium salt of fosamine | 42750-247 |
| Rodeo | Isopropylamine salt of glyphosate | 62719-324 |
| Polaris | Isopropylamine salt of imazapyr | 228-534 |
| Roundup Custom | Isopropylamine salt of glyphosate | 524-343 |

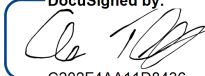
12. Treatment for stump removal in ledge can be done under the following conditions:
 - a. Applications must be made by cut stump surface treatment or cut stump injection methods.
 - b. Applications must be made with Garlon 3A in compliance with the product label.
 - c. Applications must be made by a Vermont certified applicator in Category 6, ROW vegetation management.
 - d. Notifications to the Agency must be made one 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. All operations shall be conducted in accordance with the representations made by the permittee in its permit application under these permit conditions unless, and until, the permit is amended.
15. The Secretary reserves the right to further limit or restrict the application of pesticides approved under this permit as conditions or circumstances warrant.

This application was published for public comment and forwarded with recommendation to the Secretary.

Effective date April 16, 2024

Expiration date December 31, 2024

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, Food and Markets about control measures to be used (product, timing, size) when treating under another state, federal permit or MOA condition.