

BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)

I. Deane C. Van Dusen (207) 592-3198
Name Telephone Number

Maine Department of Transportation, Environmental Office
Company Name

16 State House Station Augusta Maine 04333
Address City State Zip

II. Area(s) where pesticide will be applied:

Selected areas within the 25-foot buffer zone near surface waters and wetlands located within MaineDOT compensatory wetland mitigation sites statewide, potential wetland mitigation banking sites, and other environmental restoration areas.

III. Pesticide(s) to be applied:

The following products may be used: Habitat™ (imazapyr); Rodeo™, Roundup Pro™, Roundup Concentrate™, and Accord Concentrate™ (glyphosate); and Garlon 3A and Garlon 4 (triclopyr).

IV. Purpose of pesticide application:

1. To control wetland and upland vegetation considered invasive in Maine. Target plants include emergent and woody species such as the non-native genotype of Common Reed (*Phragmites australis*), Purple Loosestrife (*Lythrum salicaria*), Reed Canary Grass (*Phalaris arundinacea*), European Alder (*Alnus glutinosa*), Glossy Buckthorn (*Frangula alnus*), and Morrow's honeysuckle (*Lonicera morrowii*).
2. To control weeds or grass in and around areas designated as plant beds prior to planting and during the plant establishment period.

V. Approximate dates of spray application:

June 1, 2018 to October 31, 2021

VI. Application Equipment:

Non-powered equipment including backpack and hand-held sprayers, wipe/wick applicators, and droppers/syringes for cut-stem treatment.

VII. Standard(s) to be varied from:

Chapter 29 Section 6(A) – Buffer Requirement

VIII. Reason for variance:

The variance is needed to allow MaineDOT to comply with state and federal regulatory requirements. Maine DEP and U.S. Army Corps of Engineers environmental rules and permit conditions require MaineDOT to control invasive wetland and upland emergent and woody plant species within compensatory wetland mitigation sites. The growth of invasive species may adversely affect the structure and function of the wetlands and upland buffer areas within a site. Mitigation sites typically contain restored, enhanced, preserved, or created wetlands within 25 feet of pre-existing wetlands and surface waters. The variance is also needed in order for MaineDOT and its landscape contractors to control weed and grass competition within mitigation tree and shrub planting areas located within the buffer zone.

IX. Method to assure equivalent protection:

To avoid and minimize the potential for adverse effects to non-target species from drift or runoff to surface waters during herbicide application, the following measures will be taken: using backpack spray pump pressures of less than 50 PSI, trial use of an ultra low-volume spray nozzle e.g. a Meterjet Spray Gun or equivalent, using non-volatile materials, adding a sticker-spreader-extender (e.g. Nu-Film IR) to the spray solution to adhere spray materials to leaf surface and reduce the time before the material is rain-fast, scheduling application on days when no heavy rains or winds are forecast, and ceasing spray operations during windy periods or rain events that may lead to runoff from the plants.

Signed: Deanne C Van Dusen Date: 12-12-17

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**

OR E-mail to: pesticides@maine.gov



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

14 December 2017

Mr. Deane Van Dusen
Maine Department of Transportation Environmental Office
16 State House Station
Augusta, ME 04333

RE: 2018-2020 Variance permit for CMR 01-026 Chapter 29

Dear Mr. Van Dusen:

In 2013 the Board of Pesticides Control authorized the issuance of three-year Chapter 29 permits for invasive species vegetation control. This letter will serve as your variance permit for Section 6 of Chapter 29 for your invasive species vegetation control program associated with MDOT wetland mitigation activities until December 2020, subject to the following conditions:

- 1) You must notify the Board staff if you decide to use any products not listed on the application, and all products used must be properly registered for use in Maine.
- 2) All applications must be consistent with the information provided on the variance request.
- 3) All MDOT agency personnel and contractors must comply with the product labels, state and federal regulations, and the measures outlined in Section IX of the permit application.

We will inform the Board at the next meeting that this variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Cam Lay
Director
Maine Board of Pesticides Control

CAM LAY, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



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