



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

September 7, 2010

Commissioner Scott Soares
Massachusetts Department of Agricultural Resources
251 Causeway Street
Suite 500
Boston, MA 02114

Re: Natural Heritage and Endangered Species Program position statement on the use of herbicides on utility Rights-of-Way

Dear Commissioner Soares:

The Massachusetts Division of Fisheries and Wildlife (DFW) is responsible for the conservation of all of the Commonwealth's native biological diversity. Within DFW the Natural Heritage and Endangered Species Program (NHESP) is responsible for the conservation of 176 animal species and 259 plant species protected by the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) (MESA). In addition, the NHESP is responsible for the conservation of hundreds of species that are not hunted, fished, trapped or commercially harvested.

In New England, as both forest cover and development have increased over the last century, the decline of shrubland and grassland habitats, and the plants and animals that depend on them, has been well documented. Utility Rights-of-Way in Massachusetts, including transmission lines for electrical distribution networks, gas pipelines, and water lines, maintain important early successional habitat for hundreds of species of plants and animals of conservation concern. These include MESA-protected state-listed species and species that are recognized as suffering a regional decline-- many of which are shrubland dependent birds such as Prairie Warbler and Eastern Towhee.

Utilities are required by Massachusetts law and regulation (under the authority of the Department of Agricultural Resources, DAR; 333 CMR 11.00) to develop Integrated Management Plans for vegetation management. Guidelines direct utilities to develop plans that apply mechanical, chemical and biological control strategies to meet their vegetation management goals. Although the focus of utility companies is on the safe and efficient delivery of services to the consumer, many state-listed plants and animals, and other declining species, are increasingly dependent on the early successional habitat conditions that result from careful Rights-of-Way management.

Through DAR's Rights-of-Way Vegetation Management Program, five year and annual operational plans are reviewed by a technical committee. Sensitive areas that include water supplies, wetlands, and protected species habitats are identified and mapped. DAR screens herbicides and maintains a list of products that have been approved for use in sensitive areas when scientific evidence indicates the products have negligible potential to cause environmental harm. NHESP staff serve on the Rights-of-Way Technical Committee and the NHESP reviews all operating plans that intersect with Priority Habitat delineated for the protection of state listed species. Utilities consult with NHESP on applying the best

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management practices necessary to sustain or prevent harm to hundreds of populations of protected plant and animal species.

Many Rights-of-Way managers combine mechanical management with spot applications of herbicides to effectively and efficiently manage problem vegetation, and provide safe and reliable service to consumers. While mechanical vegetation management plays an important role, this technique alone is not always adequate, and in some situations can exacerbate problems created by invasive or woody species. The same concerns hold true for the management of early successional habitats for state-listed species. Mechanical methods alone do not always achieve the diversity of habitat features that these species require, and therefore, the targeted application of herbicides is often necessary for the creation and maintenance of certain early successional habitat features.

In summary, the NHESP believes that the methods of vegetation management developed by utility companies with DAR and NHESP oversight, including the targeted use of herbicides, are both environmentally sensitive and necessary to maintain key habitats.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end.

Thomas W. French, Ph.D.
Assistant Director

cc: Michael McClean, Pesticide Board, DAR