

JUL 25 2019



323 Fitzwilliam Rd. Richmond, N.H. 03470

Cell: 603-209-5047

Home: 603-239-4005

e-mail: taylortreepeople@aol.com

July 23, 2019

Maine Board of Pesticides Control

28 State House Station

Augusta, Maine 04333-0028

To Whom It May Concern:

Enclosed is an application for a variance permit including photo's of the site, for a proposed invasive plant herbicide application for the Biddeford Pool Land Trust.

This Ocean Ave. site, I believe, was treated with herbicides by VCS of Athol, MA. In 2018 and a variance was probably applied for and possibly still valid.

The Biddeford Pool Land Trust has contracted with me to perform a follow-up selective herbicide application to any remaining or germinating invasive plants, therefore I want to be sure I have the appropriate variance in place.

I intend to schedule the treatment, if a variance is granted sometime during mid-September.

Please don't hesitate to contact me if you have any questions or concerns.

Thank You.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey M. Taylor".

Jeffrey Taylor

(Enc.'s) application & 5 photos

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

I. Jeffrey Taylor (603) 209-5047 (cell)
Name Telephone Number
Taylor's Invasive Plant Control
Company Name
323 Fitzwilliam Rd., Richmond, NH 03470
Address City State Zip

II. Same CMA-5750
Master Applicator (if applicable) License Number
Same
Address City State Zip

III. **As part of your application, please send digital photos showing the target site and/or plants and the surrounding area, particularly showing proximity to wetlands and water bodies, to pesticides@maine.gov**

IV. Area(s) where pesticide will be applied:
A point of land containing 3 +/- acres off of Ocean Ave. in Biddeford Pool, which borders the ocean. This parcel of land is one of the fee-owned properties of the Biddeford Pool Land Trust.

V. Pesticide(s) to be applied:
Rodeo, EPA Reg. #: 62719-324 and Escort XP EPA Reg. #: 342-1549

VI. Purpose of pesticide application:
This herbicide application is consistent with the goals and objectives of the Biddeford Pool Land Trust Invasive Species Management Plan as prepared by FB Environmental Associates of Portland, Maine. The purpose is to make a selective follow-up application to any invasive plants that escaped or have since germinated after the 2018 initial treatment performed by VCS of Athol, MA.

VII. Approximate dates of spray application:
Anticipated treatment time is planned for mid-September, the week of the 16th or 23rd depending
on weather.

VIII. Application Equipment:
Motorized back pack, 4 gal. sprayer and possibly a back pack hand pump depending on the target
plant density.

IX. Standard(s) to be varied from:
Chapter 29, treatments within water buffer zones; Chapter 22, outdoor applications performed by
powered equipment.

X. Method to ensure equivalent protection:
The application will be made by walking an organized grid pattern over the proposed 3+/- acre area.
The treatment will be directed at invasive plants only and away from the water shore line and
adjacent Ocean Ave and Private properties. Only enough sprayer hand throttle will be used to
adequately cover and penetrate the foliage of the plant and anti-drift additives will be used to reduce
the potential of any spray drift. Wind conditions will be constantly monitored and will cease if drift
from target plants are noticed. Early morning application is planned.

Signed: _____

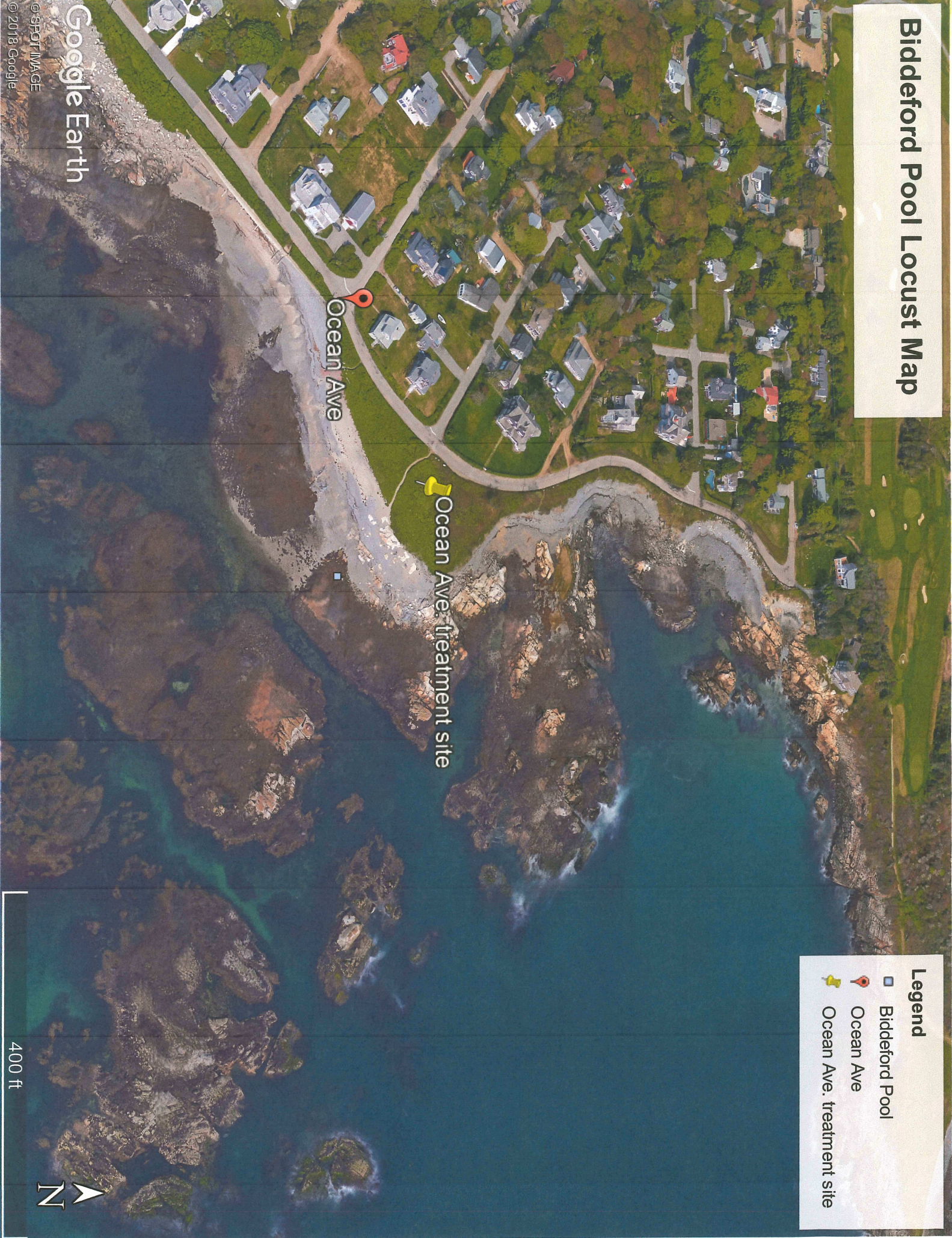
Jeffrey M. Taylor

Date: _____




7/23/19

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**
OR E-mail to: pesticides@maine.gov

Biddesford Pool Locust Map



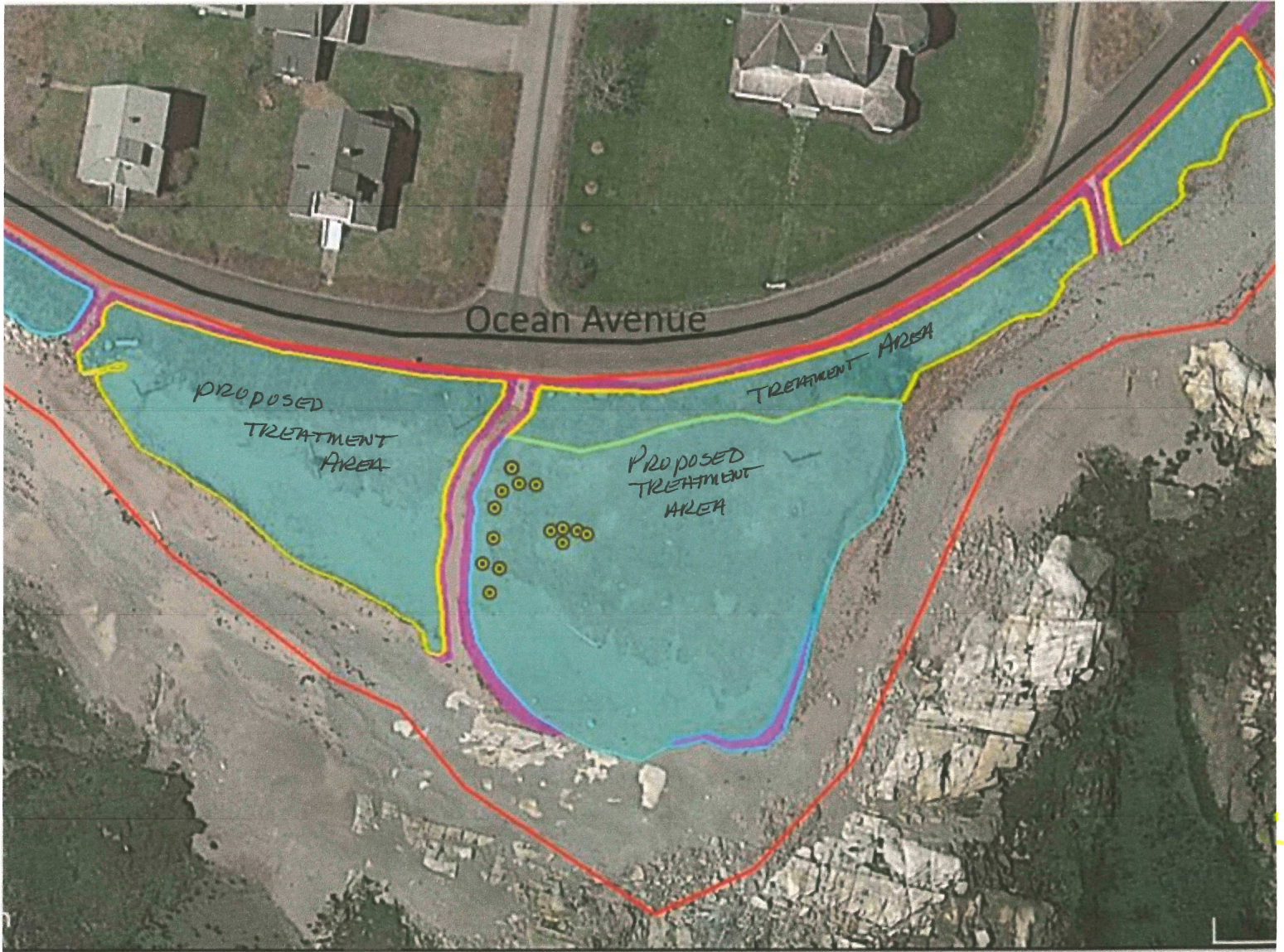
Legend

-  Biddesford Pool
-  Ocean Ave
-  Ocean Ave. treatment site

Google Earth
© SPOT/IMAGE
© 2018 Google

400 ft





t area
 rose
 weat, Honeysuckle
 rose, Bittersweet
 weat
 Honeysuckle

Biddeford Pool Land Trust
Non-Native, Invasive Plant Removal Project
Ocean Avenue Site

For polygons, species are listed in orde
 Center Point: 43 26'35.57" N, 7
 Data Sources: MEGIS, Google Earth P
 Haley Campbell, FB
 Satellite imagery collected 5/4/18; field data col

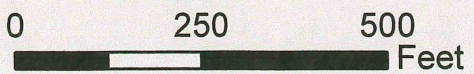


OCEAN AVE. SITE following mowing prep. fall 2017



**Biddeford Pool Land Trust
Non-Native, Invasive Plant Control Project
Ocean Avenue Site**

- Project_Area
- Road
- Parcel
- NWI Wetland
- Tidal Waterfowl/Wading Bird Habitat
- Blue Mussel Occurrence
- Shorebird Habitat



Data Sources: MEGIS, ESRI, FBE
 Coordinate System: NAD 1983
 UTM Zone 19
 Created by FB Environmental,
 April 2019



RE-growth following mowing, HONEY SUCKLE & ORIENTAL BITTERSWEET
ARE THE INTENDED TARGET VEGETATION

From: Couture, Amanda
Sent: Tuesday, August 13, 2019 8:53 AM
To: Mendelson, Meredith <Meredith.Mendelson@maine.gov>
Subject: Shorebird zoning question

Good morning,

I work over in Deering for the Board of Pesticides Control. I recently received a variance request from Biddeford Pool Land Trust to spray herbicide for invasive plants in proximity to the ocean. I had a few concerns about the request and one of them is that it appears a portion of the proposed treatment site is in Shorebird habitat, and there is also wading bird habitat nearby. I have attached the variance application and the maps. It is the last map that shows the shorebird zoning on it.

Are you the correct person to send this to or do you know who is? I am not familiar with the regulations surrounding waterfowl and sites deemed essential nesting sites. Are there restrictions around those areas that this applicator must adhere to if the variance is ultimately granted? Are there regulations that would prevent this application?

Thanks so much for any help you can offer.
fyi—I also sent the variance request to Gregg Wood at DEP to get his input on proximity to the water.

Amanda

Amanda Couture, Environmental Specialist III
Maine Dept. of Agriculture, Conservation & Forestry
Board of Pesticides Control
Office Phone: (207)-287-7593
www.thinkfirstspraylast.org

From: Allen, Brad <Brad.Allen@maine.gov>
Sent: Thursday, August 29, 2019 2:32 PM
To: Couture, Amanda
Subject: FW: Shorebird zoning question

Good afternoon Amanda. The nature of your request is generally handled by our Environmental Review staff but since the Deputy Commissioner gave you my email because it involved birds and Significant Wildlife Habitat I will respond. I have discussed your request with others in my agency including our shorebird biologist and we can provide the following recommendations as I am not aware of any additional restrictions regarding this activity. I am also not familiar with the intended products to be used but I assume they are registered and standard for invasive plant control. As wildlife biologists

charged with identifying and protecting important wildlife habitats we do support invasive species management when properly conducted with materials and treatments designed to be protective of sensitive habitats and species. The habitats of issue here are nearby Shorebird habitats that are designated Significant Wildlife Habitats pursuant to the Natural Resources Protection Act and thus these protective measures are very important. Shorebird feeding areas have a 100-foot buffer and roosting areas have a 250-foot buffer around them. If the pesticide is to be applied within the buffer, we recommend that no spraying occur within 2 hours of high tide during the peak shorebird migration window from July 15th to September 30; we believe this is sufficient to minimize disturbance of roosting birds.

Again, while I am unfamiliar with the pesticide products I will make a couple additional broad recommendations for your consideration. We prefer products with low leaching potential, low solution runoff potential, low toxicity to humans and aquatic life, and short-term persistence. Use non-persistent pesticides that are rapidly absorbed or bound to plants and surface soils, thus containing those materials to small areas. Further, avoid ground features and structures that increase the potential for discharges to waters of the State and sensitive habitats. Treat only in areas with no standing water or physical connections to waters of the State during the material's active period. And, treat in appropriate weather conditions to prevent runoff and to allow for plant and soil up-take, thereby reducing the potential for runoff and discharge to other waters. Lastly, we recommend treatment only during low wind conditions to reduce drift (<15 mph), treatment only when there is no rainfall predicted within 24 hours to allow plant and soil assimilation, thereby reducing the potential for runoff and contact to other waters, and applying with moderation, to minimize drift and effects on non-target species.

I hope this addresses your concerns regarding this treatment near and within significant shorebird habitat. Please contact me again if you have questions. Good luck, Brad Allen, Bird Group Leader,

Title 38: WATERS AND NAVIGATION
Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS
Subchapter 1: ENVIRONMENTAL PROTECTION BOARD
Article 5-A: NATURAL RESOURCES PROTECTION ACT

38 MRSA § 480-B: Definitions

10. Significant wildlife habitat. "Significant wildlife habitat" means:

A. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and [2009, c. 561, §37 (AMD) .]

B. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:

(1) Significant vernal pool habitat;

(2) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and

(3) Shorebird nesting, feeding and staging areas. [2005, c. 116, §2 (NEW) .]

[2009, c. 561, §37 (AMD) .]



Vegetation Control Service, Inc.

2342 Main Street

Athol, MA 01331

www.vegetationcontrol.com

info@vegetationcontrol.com

Tel. (978) 249-5348

(800) 323-7706

Fax: (978) 249-4784

Greetings Brad and members of the Biddeford Pool Land Trust:

Please give consideration to this proposal to contain, control and manage for invasive plants currently established along the parcel of land bordering the east side of Ocean Ave, from Fourth St to Second St.

This property, which is partially shared by the town of Biddeford, is predominately occupied by invasive plants. These plants include, but are not limited to: bush honeysuckle, oriental bittersweet, ragosa rose and multiflora rose. The percent cover of these invasives is almost 100 percent, except for the small access path from Ocean Ave to the beach area.

For many years it is obvious that these plants have been routinely cut, most likely for visual enhancement of the immediate shoreline and ocean. This has resulted in multiple layers of resprouts of unwanted invasive plants with stem diameters close to the ground at three to four inches. This dense vigorous growth, nourished by extensive root systems, out competes the opportunity for native plants and grasses to establish, survive and provide a desirable mixture of vegetation. The photos below show the state of the current vegetation at the site.





We therefore propose the following integrated vegetation management strategy to accomplish the following objectives.

- 1) Enhancement of the aesthetics and “sense of place” of the ocean side landscape.
- 2) Reduce the height of the current established plants.
- 3) Control the root systems of the invasive plants and therefore provide an opportunity for desirable native plants to become established and dominate the site.
- 4) To assist the BPLT in developing a long term invasive plant management strategy that encourages native plants to dominate the site and suppresses the invasive plant population.

We intend to accomplish these objectives by implementing a two phase project. **Phase 1** would be a heavy duty mechanical mowing and **phase 2** would be a follow up selective herbicide application.

Phase 1, Mowing

A rubber tracked skid steer equipped with a front mounted hydraulically operated flail mower would mow all the vegetation as close to the ground as possible, but not to the degree of creating soil disturbance. The advantage this equipment provides is the removal of the multi-stage stump resprouts created by repeated cutting over time. The flail mower grinds up the plants resulting in a layer of mulch that stabilizes the soil from wind and water erosion, but allows for foot access over the site for future management activities. This phase prepares the site for the recommended phase 2 selective herbicide application. This work is best scheduled prior to bud break which allows for better observation of mowing obstructions such as rocks and other non-woody debris. There will be hand cutting around obstructions, ditches, or around certain native plants not intertwined with bittersweet vines. We also intend to leave some groups of ragosa rose, especially along the perimeter beach edge, for visual enhancement and soil stabilization.

Below is a picture of a skid steer mower operating in a similar landscape at the Maine Audubon East Point Sanctuary.



Phase 2, Selective Herbicide Application

The purpose of this phase is to take advantage of the site preparation achieved by the phase 1 mowing and selectively apply herbicides to the invasive plants for the purpose of controlling future resprouting from the roots. Following one growing season of plant regrowth after the mowing, experienced state of Maine applicators will walk an organized grid pattern over the project site directing an herbicide solution mixed in water to the foliage of invasive plants. This low volume application applied using motorized backpack sprayers, minimizes the amount of herbicide applied to the leaves, which results in very little if any excess “herbicide drip” onto the ground. Anti-drift adjuvants are included in the tank mix which reduces the potential of drift and increases herbicide deposition onto target plant foliage. The phase 1 mowing will reduce the overall size of the plants, lower the many layers of stumps and provide a safer and more efficient work site for the herbicide applicators.

Below are pictures of low volume foliar treatments using motorized backpack sprayers. (Work being completed on a different site.)



The herbicides chosen for this treatment are a combination of Garlon 4 Ultra (triclopyr), EPA registration # 62719-527, and Escort XP (metsulfuron methyl), EPA registration # 432-1549. These herbicides are registered for this use by the Federal EPA and the Maine Pesticides Control Board. They control broad

leaved vegetation and have very little impact if any on the grasses that are currently present on the site. The purpose of this herbicide tank mix is to control the root system which will be resprouting and release grasses and other non-invasive monocot vegetation. Both Garlon 4 Ultra and Escort XP are labeled for use on private and public lands, rights of way, non-crop land areas, conservation reserve areas, grazed areas, seasonably dry wetlands, marshes and flood plains. This herbicide tank mix has proven very effective for VCS on other invasive plant projects, especially for control of oriental bittersweet and poison ivy.

It will be necessary to apply for and obtain a Variance, issued by the Maine Pesticides Control Board, for any herbicide applications with 25 feet of a wetland. VCS will apply for and secure this variance as a condition of our proposal.

It is my understanding and assumption that Kevin Ryan of FB Environmental will be the consultant to apply for the Maine DEP Natural Resource permit required for activities within 250 feet of the shoreline.

Future Considerations

Managing for the containment and control of invasive plants generally requires one or more follow up treatments. The most appropriate method, timing and cost of future treatments is best determined by a field assessment after a reasonable amount of time following the initial application. Many factors can influence the degree of control including the condition and density of the target plants at the time of initial treatment, the time of year, the method and herbicide used and if there was disturbance to the treated plants or site following the application. It can be expected that a small percentage of the target plants will survive, but more realistically there is the question of how much of the invasive seed bank will germinate and how much additional seed will invade from adjoining areas? All of these factors will influence the management strategy and associated cost related to follow up control methods, whether it be chemical, non-chemical or a combination of both. We will be available to perform a post application field assessment, preferably with representatives of the Biddeford Pool Land Trust, to help determine the next step in the management of invasive plants.

As we have discussed, it might be prudent to promote a neighborhood and public outreach campaign during 2017 to inform and educate the community about the threat and concerns for invasive plants and what control techniques can be successful. VCS will offer the quoted price for both phases until October 31, 2018. In the interim I would be available for assistance, if desired, with public outreach regarding the management and control of invasive plants.

Thank you for the opportunity to submit this proposal

Sincerely,

Jeffrey M. Taylor
Senior Consultant, VCS
Maine Master Applicator # 3834/26A6B

Enclosures: Aerial photo map delineating the proposed project area.



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

March 13, 2018

Andrew Powers
Vegetation Management Services, Inc.
2342 Main St
Athol, MA 01331

RE: Variance permit for CMR 01-026 Chapter 29, Biddeford Pool

Dear Mr. Powers:

In 2013 the Board of Pesticides Control authorized the Board staff to issue 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 and poison ivy control program through the end of 2018 at the Biddeford Pool Land Trust, Maine, as described in your application, 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 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



PHONE: (207) 287-2731
WWW.THINKFIRSTSPRAYLAST.ORG