



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III  
COMMISSIONER

HENRY JENNINGS  
DIRECTOR

April 30, 2009

Deane Van Dusen  
Maine Department of Transportation (MDOT)  
Environmental Office  
16 State House Station  
Augusta, ME 04333

Dear Mr. Van Dusen:

This letter will serve as your agency's Chapter 29 variance permit for your 2009 vegetation control program associated with MDOT wetland mitigation activities. The Board authorized the staff to approve Chapter 29 variance requests at their May 2, 2008 meeting. Please bear in mind that MDOT's variance permit requires agency contractors and personnel to adhere to the measures outlined in Section IX of the permit application.

We will alert the Board at its May 8, 2009 meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings  
Director  
Maine Board of Pesticides Control

**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, 2009 to October 31, 2009

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: \_\_\_\_\_

*Seamus C. Van Dine*

Date: 4-10-09

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

**OR E-mail to: [pesticides@maine.gov](mailto:pesticides@maine.gov)**