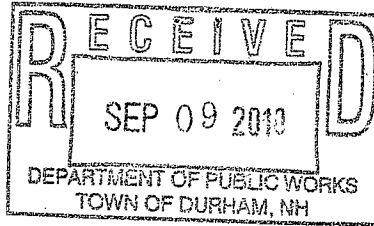


* Similar permits granted
in 2008 and 2009

New Hampshire
Department of Agriculture,
Markets & Food



Lorraine S. Merrill, Commissioner

September 6, 2010

ArborPro Plant Care Experts, LLC
Mr. Herbert Rice
10 Lyons Street
Rochester, NH 03867

RE: Special Permit on behalf of Durham Dept. of Public Works – Jackson's Landing
Restoration Program

SPECIAL PERMIT - SP-194

Dear Mr. Rice:

Your 2010 application for a Special Permit on behalf of the Town of Durham Public Works Department to apply pesticides for the control of Phragmites as part of a wetlands restoration program at Jackson's Landing, Durham, New Hampshire is hereby approved subject to the following conditions:

1. This permit is approved for the application of *Rodeo Herbicide* EPA Reg. No. 62719-324, as specified in your 2010 permit application and in accordance with the conditions of this special permit.
2. Because of the repeat applications at this site, and in anticipation of the potential for additional treatments, the Division would like an assessment of progress made in this eradication effort. Therefore, on or before December 31, 2010, the applicator shall submit to the division a brief written report summarizing all pesticide applications that were made under this permit. This must include:
 - a. The method(s) of application (including application rate/concentration);
 - b. The number of applications;
 - c. The date(s) on which application(s) was/were made;
 - d. The specific site or sites to which these applications were made;
 - e. The total quantity of each pesticide product that was applied under this permit; and
 - f. A brief assessment of relative effectiveness of the various mechanical and chemical control methods. Quantify, to the extent possible, the percentage of (or actual) area where eradication has occurred, and include a projection of what control efforts might be anticipated in 2011. Such a report may be done in corroboration with the Town of Durham Public Works Department.
 - g. If no pesticide applications are made under this permit, a report shall still be submitted indicating just what control methods were employed. If no control efforts were made, the reason for the inaction should be stated.

3. All applications shall be made in *strict* accordance with label recommendations, except as allowed under Pes 502.01(d)(1-3), under which listed invasive species (which includes phragmites – which is the listed target species of this proposal*), may be treated by applying pesticides:
 - a. at any dosage, concentration or frequency less than that specified on the label;
 - b. to any target pest not specified on the labeling if the application is to the crop, animal or the site specified on the labeling, except when the label states that pesticides shall be used only against pests specified on the label; or
 - c. by any method of application not prohibited on the label.

* **NOTE, the above allowances do not apply to any non-invasives, if any, treated under this permit. Such non-invasive species shall be treated in *strict* accordance with the label.**

4. With regard to invasives that might be physically cut down or removed in association with this project, the applicant is reminded that **disposal of all prohibited invasive plant material shall be in a manner that renders it nonliving and nonviable, as per Agr 3802.04.** Any violation of Agr 3802.04 will be considered a violation of this special permit.
5. The amended Comprehensive Shoreland Protection Act (RSA 483-B:9) prohibits any pesticide applications within 50 feet of the reference line of a public water, *except where allowed under special permit issued by the Division of Pesticide Control*. The Oyster River and associated waters are such a public waters. Under this permit the applicant is granted easement from this setback, subject to all of the conditions of the permit, and **with the understanding that no application shall be made directly to public water, or in a manner that allows pesticide to drift into or otherwise contaminate such water.**
6. Although our files do not show the proposed treatment site to be in close proximity to any *public water supplies*, or within their associated protection areas, it is the applicant's responsibility to locate all public water supplies and associated drinking-water protection areas in the vicinity of the treatment areas and to follow all setbacks and other restrictions under our Administrative Rules and this permit. Public wells and/or intakes will generally include all municipal water-supply systems or wells or intakes of public water works, and may also include water supplies to such facilities as day-care centers, certain apartments and condominiums, mobile home parks, and schools. Applicant shall operate under Best Management Practices as outlined in the *Best Management Guidelines for Protection of Groundwater*, available from the Division of Pesticide Control, when handling pesticides within any drinking-water protected areas or in close proximity to any surface water. Updated and detailed

information about public water supply locations and associated protected areas is available by registering on the internet at <http://www2.des.state.nh.us/gis/onestop/>.

7. All pesticide applications shall be done by applicators who are registered and certified within the Division of Pesticide Control.
8. No pesticide application shall be made within 400 feet of gravel packed wells used for public water supply or within 250 feet of other wells so used, as mandated by Pes 502.06.
9. Mixing and loading of pesticides shall not be performed within 400 feet of gravel packed wells used for public water supply or within 250 feet of other wells so used, as mandated by Pes 805.01(b).
10. There shall be no mixing or loading of pesticides within 250 feet of any public surface-water water supply or its tributaries.
11. There shall be no interference with water supplies or fish or other aquatic life or the habitat on which they depend, and water quality shall not be lowered below designated classification standards for surface waters defined by RSA 485-A:8 (2000).
12. The applicant shall provide notification to the Division of Pesticide Control (603-271-3550) forty-eight (48) hours in advance of any treatment under this permit.
13. In addition to the conditions of this special permit, applicant shall comply with all of the state regulations pertaining to pesticides, and to the Administrative Rules of the Pesticide Control Board.
14. This Special Permit shall expire on September 30, 2010.

If you have any questions concerning this special permit, please feel free to contact Robert Wolff of this office at 603-271-3695, or by e-mail at rwolff@agr.state.nh.us.

Sincerely yours,



David J. Rousseau, Director
Division of Pesticide Control

DR/raw

cc: Michael Lynch, Durham Department of Public Works
Pesticide Inspectors