

TO: Vermont Pesticide Advisory Council

CC to: Neil Kamman; David Mears; Laura diPietro,VAAFAM; Kenneth Toppin, USGS; Daniel Delabruere, VT Rail Division

FROM: Sylvia Knight  
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DATE: April 28, 2015

SUBJECT: Comments on Right-of-way permits and management

My comments fall in 5 areas: Montpelier no-spray area; railroad maintenance in Charlotte; comment on NEC Railway permit; coordination with DEC watershed planning efforts; and thanks for the Sharepoint site.

1. I wish to be on record as supporting Montpelier citizens in requesting that no herbicides be used along the track in Montpelier from the I-89 interstate exchange to Pioneer Street. Lack of coordination between Montpelier residents and VT Railway officials cannot be used to support herbicide use in that corridor this year. Montpelier citizens made efforts to work with the Railroad. We all deserve to know why their efforts were not honored.

2. Railroad maintenance in Charlotte needs proactive attention. In mid-March we came home on a Thursday evening at 10pm to find bright lights and a work crew trying to remove old rotten ties from frozen soil and replace steel rails just north of Ferry Road in a populated area. The work was being done just beyond the no-spray zone above the Pringle Brook culvert. A foreman informed us that two railcars had derailed that afternoon. I am concerned about the condition of the railroad given its role in carrying heavy loads of OMYA slurry and petroleum fuel to Burlington. But let me be clear that lack of railbed maintenance is *not* a reason for more herbicide use, but a call for preventive maintenance by VT Railway Inc in places where herbicides are not appropriate. Several old rotten ties have been replaced but about 20 feet of rail ties are submerged in soil, not a good condition, considering the load it carries. I have photos of the rail bed.

3. Thanks to the New England Central Railroad for their declaration of 15-ft buffers from water on their ROWs. While we do not yet have evidence of whether this buffer will keep glyphosate out of waters of the state, it does indicate a level of watershed awareness to be encouraged in some meaningful way. I recommend that USGS do water sampling for glyphosate at sites adjacent to this railroad and adjacent to VT Railway where 10- and 2-foot buffers are used, and compare results.

4. Whether or not you decide to discuss ROW permits in a watershed context at this meeting, I urge that a working relationship with watershed planners in Dept of Environmental Conservation be initiated before your next meeting if at all possible. I wrote to you in 2013 about the watershed context: the comments were posted on the sharepoint site, but there was no consideration of the content. Watershed planning has advanced since then under pressure from EPA, and VPAC can no longer remain aloof from that effort. It is part of your statutorial mandate to suggest policies leading to more effective management and reduction of

pesticides. If resources for adequate data mapping are lacking, you can certainly point that out in the context of a larger planning process. See ADDENDUM below showing areas where both VT Railway and VELCO ROWs affect the same streams in some years, where glyphosate and surfactants may be used close to water.

5. Sincere thanks to Razelle and Jenn LaVallee for getting the VPAC Sharepoint site organized, and for posting permit applications before this meeting. This is a new and very welcome level of accountability and help to members of the public who want to know which and how right-of-ways are to be treated.

#### ADDENDUM:

#### STREAMS CLOSE TO L.CHAMPLAIN AFFECTED BY MULTIPLE ROW PERMITS

Mouth of Little Otter Creek at Hawkins Bay inlet (VELCO & RR)

Lewis Creek near estuary with Lake Champlain (VELCO & RR)

Kimball Brook near Town Farm Bay (VELCO & RR)

Thorp Brook near Town Farm Bay (VELCO & RR)

Holmes Creek (VELCO & RR)

La Platte River (VELCO, RR, highway)

Potash Brook (VELCO, RR, substation applications)

Stevens Brook (VELCO, RR)

Missisquoi River and Bay (RR, Highway 78, I-89)