

## **Appendix B: Permits and Landowner Permission Materials**

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## Sample Face to Face Permission Dialogue

Hi. How are you today?

My name is \_\_\_\_\_ and I'm working with \_\_\_\_\_ on an invasive species control project. We are working to control perennial pepperweed, which is a recent plant invader to this region. Have you heard of pepperweed? (*Wait for a response.*)

We are particularly concerned about pepperweed because it is spreading quite rapidly. Its seeds are transported in with the tides, and it can be found hundreds of yards from its source.

We have been mapping in your neighborhood, and believe there is pepperweed growing on or near your property.

Last spring we presented a plan to the (\_\_\_\_\_ Town's Name Here) conservation commission, and got permission to treat pepperweed anywhere we find it, as long as we have landowner permission. Are you the landowner here? (if yes ask for permission, if they are a tenant, ask for contact info for the landowner.)

Today I am collecting signatures to allow treatment. Would you be willing to sign a permission form? It would be great if you could grant us permission to use both herbicide and to pull by hand.

### Responses:

**(Yes)** Great. Please check the first box and sign here, with your address.

**(No to herbicide)** Would you be willing for us to treat it manually (pulling) or to commit to treating it yourself?

**(Questions About herbicide):** Answer them to the best of your ability. Write down the questions you don't know the answer to. Refer them to a contact for herbicide questions.

**(No):** Can you tell me what you are concerned about? (*Try to answer their concerns, and/or ask if they are willing to pull or mow the pepperweed on their land, or would be open to volunteers pulling on it. Take this opportunity to help educate landowners, rather than confront.*)

Thank you very much!

## Sample Phone Dialogue

Hi, \_\_\_\_\_

My name is \_\_\_\_\_ and I'm working with \_\_\_\_\_ in an effort to control an invasive species in the region called perennial pepperweed.

We have been mapping in your neighborhood, and believe there is pepperweed growing on or near your property. Have you heard of perennial pepperweed? (*Wait for a response.*)

The pepperweed is a problem, not only in our salt marshes, but also in agricultural land. It is thought to be toxic to horses. This plant is a particularly difficult invader, as the seeds are spread by the tides, so it can be found hundreds of yards from an original patch. We are particularly concerned about pepperweed in your neighborhood because...\_\_\_\_\_ (*Look at a map and be prepared with a reason\**) We are working to control pepperweed and are looking for your help.

We have gone to the conservation commission in \_\_\_\_\_ (Name of their town here) and have gotten permission to treat the pepperweed. We have their permission to proceed, as long as we have landowner permission.

I'm calling today to ask you and your neighbors for permission.

The outbreak in your area is very large. The most effective means to control it is to use herbicide. Would you be willing to grant permission to herbicide treatment?

Responses:

(Yes) Great. I can send you a permission letter via email right now. Can you give me your email address? \_\_\_\_\_

Please fax a signed copy \_\_\_\_\_.

Or mail to \_\_\_\_\_

(Questions): Answer them to the best of your ability. Write down the answers you don't know the answer to.

(No) Can you tell me what you are concerned about? (Try to answer their concerns, and/or ask if they are willing to pull or mow the pepperweed on their land, or would be open to volunteers pulling on it.)

Thank you very much!

\*(Please tailor this to each region) Example: Controlling pepperweed on Eagle Hill Road will help prevent spread to other sites in Plum Island Sound.

## Permission Letter (Conservation Commission Permission Received)

(Edit and Copy this onto your letterhead)

Dear Landowner,

My name is \_\_\_\_\_ and I am an \_\_\_\_\_ (title) for \_\_\_\_\_ (Your organization). \_\_\_\_\_ (Your organization or partnership) has initiated an effort to map and control perennial pepperweed, a non-native invasive plant, in \_\_\_\_\_ (Your region). The goal of the Perennial Pepperweed Program is to control the spread and possibly eradicate pepperweed in \_\_\_\_\_ (Your region).

During surveys in \_\_\_\_\_ (year(s)), we noticed pepperweed growing in the salt marsh and road sides on or near your property. We believe controlling pepperweed in this area key to stopping the spread of pepperweed in \_\_\_\_\_ (Your region). We have seen that pepperweed spreads quite rapidly with the tide. Acting now will help protect clear land, and reduce the impact in areas already exposed to it.

I am writing to ask your permission to treat any pepperweed which may be growing on your property. We have permission from the Conservation Commission in \_\_\_\_\_ (town) for our control plan which will use both herbicide application and hand pulling to kill and remove the plant. The plan requires several years of follow-up surveys and treatments to ensure full control. To proceed with this plan, we need your permission.

Because the pepperweed in the region is at great risk of spreading, we have written several grants with the hope of receiving funding to expand our control efforts in Ipswich. With funding, we hope to be able to treat Pepperweed on your property. Please fill out the permission slip indicating how you would like to participate in this project. Thank you for your assistance and please feel free to contact me or stop by with any questions.

Sincerely,

*Your Name*

*Your Title*

*Your Address*

## Permission Letter (Conservation Commission Permission Pending)

*(Edit and Copy this onto your letterhead)*

Dear Landowner,

My name is \_\_\_\_\_ and I am an \_\_\_\_\_ (Title) for \_\_\_\_\_ (Your Organization). \_\_\_\_\_ (Your organization), has initiated an effort to map and control perennial pepperweed, a non-native invasive plant, in \_\_\_\_\_ (region). The goal of the Perennial Pepperweed Program is to control the spread and possibly eradicate pepperweed in \_\_\_\_\_ (region).

During surveys \_\_\_\_\_ (when) we noticed pepperweed growing on or near your property. We believe controlling pepperweed in this area is key to stopping the spread of Pepperweed in \_\_\_\_\_ (region). We have seen that pepperweed spreads quite rapidly with the tide. Acting now will help protect clear land, and reduce the impact in areas already exposed to pepperweed.

I am writing to ask your permission to treat any pepperweed which may be growing on your property. We will seek permission from the Conservation Commission in \_\_\_\_\_ (town) for our control plan which will use both herbicide application and hand pulling to kill and remove the plant. The plan requires several years of follow-up surveys and treatments to ensure full control. To proceed with this plan, we need your permission. The permitting process may take several months to complete, thus we are now working to collect permissions in preparation for the conservation commission approval.

Because the pepperweed in the region is at great risk of spreading, we have written several grants with the hope of receiving funding to expand our control efforts in \_\_\_\_\_ (town). With funding, we hope to be able to treat pepperweed on your property. Please fill out the permission slip and return it to me as soon as possible. Thank you for your assistance and please feel free to contact me or stop by with any questions.

Sincerely

*Your Name*

*Your Title*

*Your Address*

## Permission Form

(You may want to put this on your letterhead  
Mail or email permission slips to land owners for signatures.)

Date: \_\_\_\_\_

I \_\_\_\_\_ (owners name),

\_\_\_ Give \_\_\_\_\_ (*Your organization*) and their partners permission to control perennial pepperweed on my property using herbicides and other mechanical methods such as pulling and removing plant material.

\_\_\_ Give \_\_\_\_\_ (*Your organization*) and their partners permission to control perennial pepperweed on my property using only mechanical methods. I do not approve of the use of herbicides on my property.

\_\_\_ Would like more information about the perennial pepperweed. Please contact me at phone/email below.

\_\_\_ Do not give \_\_\_\_\_ (*Your organization*) permission to enter my property.

Signature: \_\_\_\_\_

Phone or Email: \_\_\_\_\_

Address: \_\_\_\_\_

Please return this form to:

Your Name

Your Address

# RDA Permitting Form Example



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Newbury  
City/Town

## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### A. General Information

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:  
U. S. Fish and Wildlife Service sarah\_janson@fws.gov  
Name E-Mail Address  
8 Plum Island Turnpike  
Mailing Address  
Newburyport MA 01950  
City/Town State Zip Code  
978-465-5753 978-465-2807  
Phone Number Fax Number (if applicable)
2. Representative (if any):  
Firm  
Sarah Janson  
Contact Name E-Mail Address  
Mailing Address  
City/Town State Zip Code  
Phone Number Fax Number (if applicable)

### B. Determinations

1. I request the Newbury Conservation Commission make the following determination(s). Check any that apply:  
 a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.  
 b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.  
 c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.  
 d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:  
Newbury  
Name of Municipality  
 e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>Please see map and Area Description</u>	<u>Newbury</u>
<u>Street Address</u>	<u>City/Town</u>
<u>Assessors Map/Plat Number</u>	<u>Parcel/Lot Number</u>

- b. Area Description (use additional paper, if necessary):

We proposed a Perennial Pepperweed control area within which we will employ various techniques to eradicate Pepperweed. The area is bounded by Rt 1 to the west, the Parker River National Wildlife Refuge boundary to the east and the Newbury jurisdictional boundary to the south and north. Pepperweed grows primarily in salt marshes and riparian corridors, and that is the habitat in which the work will be done. The landowners of the properties will be identified and their permission obtained in writing before control work begins.

- c. Plan and/or Map Reference(s):

<u>Pepperweed in Newbury</u>	<u>April 2010</u>
<u>Title</u>	<u>Date</u>
<u> </u>	<u> </u>
<u>Title</u>	<u>Date</u>
<u> </u>	<u> </u>
<u>Title</u>	<u>Date</u>

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Our goal is to improve wetland and salt marsh conditions by selectively targeting and removing the invasive plant Perennial Pepperweed (*Lepidium latifolia*). We do not expect any negative impacts to the wetlands, but in fact enhancement of the habitat and ecological community. This is part of a larger project to eradicate Perennial Pepperweed from the Great Marsh and Essex Co., MA.

Trained staff and volunteers have and will continue to locate and record locations of Pepperweed stands in Ipswich. The USFWS will keep a record of known locations, treatment at the locations and efficacy of the treatment.

We will control Pepperweed with both mechanical and chemical control techniques. Mechanical control will consist of hand pulling of the plant or seed-head cutting by trained staff and volunteers. Pulled plant material will be removed from the site and destroyed.

Chemical control will consist of herbicide application by Massachusetts certified pesticide applicators applying wetland approved herbicides effective against Perennial Pepperweed. We anticipate using Rodeo and Escort. To reduce impact to non-target organisms and reduce drift, applicators will be trained in Pepperweed identification, specifically target Pepperweed plants and apply herbicide when wind speeds are less than 15 mph and rain is not anticipated within 24 hours. Applicators will strictly adhere to instruction on the herbicide label.





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**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Our project may be exempt from the wetland protection act's "Notice of Intent" requirement. As states under the Applicability heading contained within the Massachusetts Wetland Protection Act (WPA) 310 CMR 10.00: Wetlands Regulations, "Any construction in or near a wetland resource, including intertidal and subtidal habitat, is subject to the provisions of the WPA." Our project is not a construction project.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

U. S. Fish and Wildlife Service  
Name  
6 Plum Island Turnpike  
Mailing Address  
Newburyport  
City/Town  
MA  
State  
01950  
Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant  
Date

Signature of Representative (if any)  
Date