

**ORANGE COUNTY
COMMISSION FOR THE ENVIRONMENT**

MEMORANDUM

To: Board of County Commissioners
Frank Clifton, Interim County Manager

From: Johnny Randall and Michelle Kempinski, Co-Chairs

Date: November 17, 2009

Re: Recommendation for Discontinuing the Spraying of Herbicides
on Roadsides and Utility Rights-of-Way in Orange County

Over the past year the Orange County Commission for the Environment (CFE) has considered the use of herbicides to manage the growth of vegetation along roadsides and utility rights-of-way. The CFE has also discussed the value of those roadsides and rights-of-way as habitat for native plants and wildlife.

The attached resolution, adopted by the CFE, recommends that all use of herbicides to manage roadsides and rights-of-way in Orange County be discontinued, and that mowing be reinstated as the sole means of managing unwanted growth of trees and shrubs in those areas.

This resolution is a follow-up to a December 2006 memorandum to the Board of Commissioners in which the CFE provided thoughts and recommendations on the use of herbicides on roadsides and utility rights-of-way. A copy of that memorandum is attached for your reference (Attachment 2).

Members of the Commission for the Environment (CFE) are available to answer any questions and are willing to present its recommendations at an upcoming Board of Commissioners meeting.

Attachments

ORANGE COUNTY COMMISSION FOR THE ENVIRONMENT

RESOLUTION

**to Discontinue the Spraying of Herbicides
on Roadsides and Utility Rights-of-Way in Orange County, NC**

WHEREAS the roadsides and utility rights-of-way of Orange County support numerous plant species that occur in these open habitats; and

WHEREAS many of these plant species occur no where else in the county except for roadsides (such as Indian paintbrush and yellow-fringed orchid); and

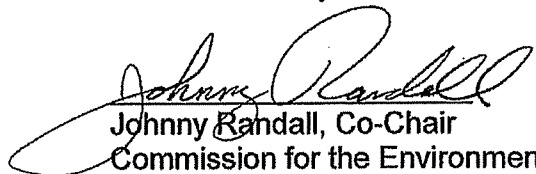
WHEREAS this particular vegetation assemblage embodies much of the remnant Piedmont prairie flora and represents a historical pre-European settlement vegetation; and

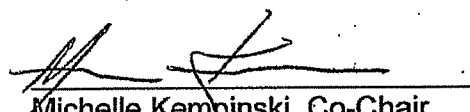
WHEREAS the roadsides of Orange County also create habitat for numerous animal species, possess tremendous aesthetic value, and provide and a sense of place; and

WHEREAS vegetation management using herbicides is causing loss of this distinctive vegetation and detracting from the aesthetic value of our colorful and extraordinary roadsides; and

NOW, THEREFORE BE IT RESOLVED that the Orange County Commission for the Environment recommends to the Orange County Commissioners that all roadside and rights-of-way management with herbicides be stopped and that mowing be reinstalled as the sole means of management.

This the 10th day of November, 2008.


Johnny Randall, Co-Chair
Commission for the Environment


Michelle Kempinski, Co-Chair
Commission for the Environment

*Orange County
Commission for the Environment*

Memorandum

To: Barry Jacobs, Chair
Board of County Commissioners

From: Hervey McIver and Johnny Randall, Co-Chairs

Date: December 4, 2006

Re: Comments from the Commission for the Environment Regarding
the Use of Herbicides in Utility and Roadside Rights-of-Way

In September, the Board of Orange County Commissioners referred to the Commission for the Environment (CfE) for comment concerns raised by citizens regarding herbicide use by Duke Power within their powerline rights-of-way alongside a public road. This memo expresses the thoughts and recommendations of the CfE on herbicide use in general and on the value of rights-of-way as wildlife and native plant habitat.

In recent years, utility companies maintaining rights-of-way have moved away from mowing to the use of herbicides for controlling woody vegetation. The NC DOT (to a limited extent) and railroad companies also use herbicides to control woody vegetation within their rights-of-way. The use of herbicides to control woody vegetation is becoming more common because of cost (labor and equipment) and logistical (steep slopes and vehicular access) issues.

In response to an inquiry into the Duke Power incident, a company representative stated in an e-mail that, in the case in question, a combination of Accord concentrate (diluted to 3.1%) and Arsenal was used. Glyphosate is the active ingredient in Accord and is non-selective in its lethal effect on plants. Imazapyr, the active ingredient in Arsenal, is a broadleaf-specific herbicide that has non-selective plant effects through soil activity.

The Commission for the Environment has concerns about herbicide use in all rights-of-way since even broadleaf-specific herbicides affect non-target plants via soil activity. The loss of vegetation on these sites has negative impacts on the environment and natural diversity.

Our specific concerns are outlined below.

1. Roadsides and utility rights-of-way represent a documented refugium for many common and rare native grasses and herbaceous plants that

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are adapted to the open habitats once maintained by fire and grazing. Prior to European settlement much of Orange County was predominated by prairie-like and open woodland ecosystems maintained by frequent, low-intensity, fires and grazing (by buffalo). Mowing has been the standard roadside management tool for over a century and is still commonly used across the US, which to a large extent mimics the effects of fire and grazing by removing woody plants. Herbicide use, therefore, threatens these remnant ecosystems within rights-of-way.

2. Application of herbicides, even those that target broadleaf and woody plants, can kill grasses and other monocots through soil activity. In addition to refugium disruption, soil erosion is greatly increased without a consistent herbaceous plant cover.
3. Rights-of-way are vulnerable to invasive plant colonization, which is compounded when gaps are created with herbicide use. Invasive plants are a serious threat to native plant communities, and their colonization and spread should be discouraged.
4. Herbicide application often results in unavoidable, inadvertent, or careless drift onto non-target plants outside the right-of-way. (Herbicide drift is the reason that the herbicide complaint was made to the County Commissioners in the first place.) While applicators must be State certified, there are inevitably mistakes made, such as excessive drift and overspray.
5. Rights-of-way with dead or dying plants during the growing season are an aesthetic concern. The NC DOT Roadside Environmental Unit's mission is: "To provide roadside elements for a statewide highway system that are safe, environmentally sound, attractive and responsive to the public's needs." The Orange County CfE fully endorses this goal and believes that a no herbicide policy best supports the Roadside Environmental Unit's mission.

Recommendations: The CfE recommends that the County engage all companies and public agencies that use herbicides to control woody vegetation in order to determine: 1) what herbicides are used and in what manner, 2) what are the limitations of returning to mechanical rights-of-way clearing, and 3) the locations of rare plants, specialized plant communities, and sensitive ecosystems (e.g., stream sides) that should only be maintained with mowing or hand-cutting.

These discussions should seek to remediate our concerns and lead to changes in woody vegetation control practices. These talks should be coordinated, if possible, with any similar existing negotiations between concerned governmental agencies such as the NC Natural Heritage Program, NC Division of Parks and Recreation, NC DOT, and the various utilities.

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