

**NOTICE OF MEETING
VILLAGE OF FOX POINT
VILLAGE BOARD MEETING**

**SCHWEMER HALL – MUNICIPAL BUILDING
7200 N. SANTA MONICA BLVD
FOX POINT, WI 53217**

**TUESDAY
JANUARY 12, 2021
7:00 P.M.**

NOTE: THE VILLAGE BOARD WILL BE MEETING ENTIRELY VIRTUALLY VIA TELEPHONIC AND VIDEO CONFERENCING. THE GOVERNING BODY WILL NOT BE PRESENT AT VILLAGE HALL. THIS MEETING IS OPEN TO ALL CITIZENS THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT sbotcher@villageoffoxpoint.com.

Zoom Participant Information

<https://us02web.zoom.us/j/87554940040>

Dial: (312) 626-6799

Meeting ID: 875 5494 0040

AGENDA

- 1. Roll Call**
- 2. Persons desiring to be heard**

At this time, individuals can address the Village Board on one or more topics for up to three-minutes with time extensions at the Village President's discretion. Per Fox Point Emergency Proclamation No. 3, there will be no citizen comments received during this meeting other than during this "persons desiring to be heard" agenda item, and during the public hearing noted in item 4, below, to avoid confusion and preserve order during the virtual meeting. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees.

- 3. Committee Reports**

- a. Plan Commission**

The Village Board will hear a report on the draft Comprehensive Plan.

- 4. Public Hearing**

- a. Conditional Use Permit for Spring North Corporation, d/b/a, Pantry 41, 8000 North Port Washington Road, Fox Point**

The Village Board will hear comments and input regarding a proposed Conditional Use Permit for Spring North corporation, d/b/a, Pantry 41, 8000 North Port Washington, Fox Point, for a gas station and convenience store.

NOTICE: *After the Village Board set this public hearing the Applicant requested to delay its Plan Commission appearance. The Village Board has not received a Plan Commission recommendation at this time. Village staff therefore believe it is likely that the Village Board will adjourn the public hearing to a later date and time certain, which may be the regular February 9, 2021 Village Board meeting.*

- 5. Consent Agenda** – All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.
- a. Approve the minutes of the December 8, 2020 Village Board meeting.
(Pages 1-6)
 - b. Accept the quotes from multiple vendors in an amount not to exceed \$25,850 for the spring tree order purchase and authorize the Village Manager to execute the necessary purchase orders per the Village Forester's memorandum dated January 4, 2021.
(Pages 7-9)
 - c. Approve Change Order No. 1 from Kapur & Associates in an amount not to exceed \$7,987 for additional design activities related to the 2021 road and utility project and authorize the Village President and Village Clerk/Treasurer to sign the change order per the Director of Public Works' memorandum dated January 6, 2021.
(Pages 10-14)
 - d. Adopt Resolution to recognize and support Martin Luther King Day in Memory of Rev. Dr. Martin Luther King, Jr. in the Village of Fox Point.
(Page 15)
 - e. Approve payment of the bills in the amount of \$335,518.92 for the period December 1, 2020 through December 31, 2020 per the report submitted by the Village Manager.
(Pages 16-26)
- 6. Unfinished Business**

- a. **Proposal of Marek Landscaping with regard to product safety of herbicides that Marek Landscaping proposes to use, in addition to possible action regarding the proposal of Marek Landscaping in the amount not to exceed \$16,652 for maintenance activities along Indian Creek**

The Village Board will receive a report regarding product safety of herbicides that Marek Landscaping proposes to use and the Board may act on the Proposal of Marek Landscaping in the amount not to exceed \$16,652 for maintenance activities along Indian Creek.
(Pages 27-65)

- b. **Consideration and possible action on Lake Drive design considerations**

The Village Board will receive a report from the Village Manager and Director of Public Works regarding additional design considerations outside the scope of the three-party agreement with the Department of Transportation and Kapur & Associates and may act on the report including, but not limited to, directing staff to solicit public input on various options.
(Pages 66-71)

7. New Business

- a. **Consideration of Ordinance to Repeal and Re-Create Section 745-13 B. (6), 745-14, 745-15, 745-16 B. (6) And 745-17 B. (6) of the Village of Fox Point Zoning Code Concerning Residence Districts**

The Village Board will consider and may act on an Ordinance to Repeal and Re-Crete Section 745-13 B. (6), 745-14, 745-15, 745-16 B. (6), And 745-17 B. (6) of the Village of Fox Point Code Concerning Residence Districts.

(Pages 72-77)

b. Consideration and possible action on the Beach Drive coastal resiliency design proposals.

The Village Board will receive a report from the Director of Public Works regarding the proposals received to prepare a design for the Beach Drive coastal resiliency project including shoreline stabilization, sanitary sewer relocation, stormwater improvements and other shoreland improvements and may consider and act to award the project to one of the four consultants who submitted proposals to the Village.

(Pages 78-83)

c. Discussion and possible action concerning dissolving the Special Comprehensive Plan Committee

The Village Board will discuss and may act concerning dissolving the Special Comprehensive Plan Committee.

d. Village Facilities Master Plan

The Village Board will discuss and may act on initiating and advancing a comprehensive Village facility plan that would include a new (a) Village Hall, (b) DPW complex, and (c) the repurposing of Longacre North (pavilion, pool or splash pad, and ice rink) as the Village “community heart”.

8. Future Agenda Items

The Village Board will act on any Trustee requests to place additional matters on an upcoming agenda, without discussion.

9. Announcements

The following individuals will be given the opportunity to make announcements at the meeting in regard to (i) actions taken since the previous Village Board meeting on behalf of the Village, (ii) future Village activities and (iii) communications received from citizens. These matters will not be discussed or acted on, and Board members shall not comment on matters announced by others. Referrals may be made to committees and/or individuals.

- a. Village President Frazer
- b. Trustee Fonstad
- c. Trustee Symchych
- d. Trustee Sumner
- e. Trustee Tirado
- f. Trustee Kravit
- g. Trustee Ollman
- h. Village Manager Scott Botcher

10. Adjourn

NEXT REGULAR VILLAGE BOARD MEETING:

February 9, 2021

7:00 P.M.

PLEASE NOTE:

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. Also, upon reasonable notice, best efforts will be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. "Persons requiring an interpreter or other assistance should contact the Village Clerk's office 72 hours prior to the meeting. Notice is hereby given that a majority any other board, commission or committee may be present at the meeting to gather information about a subject in which they are interested. This constitutes a meeting of any other board, commission or committee pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 2d 408 (1993), and must be noticed as such, although said boards, commissions or committees will not take any formal action at this meeting."

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A meeting and public hearing Fox Point Village Board was held virtually via telephonic and video conferencing on Tuesday, December 8, 2020 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:02 p.m. and asked the Village Clerk-Treasurer to take roll call. Roll Call of the Village Board present included:

Village President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Christine Symchych
Trustee Liz Sumner
Trustee Marty Tirado
Trustee Greg Ollman
Trustee Bill Kravit-(Joined Zoom at 7:16 pm)

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Building Inspector Michael Rakow, and Village Clerk Treasurer Kelly Meyer.

Notice of the meeting was provided to the North Shore Now and to all others as required by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

Persons desiring to be heard

President Frazer opened Persons desiring to be heard and clarified the rules.

Marilyn Franklin, 7870 N Regent Road

Ms. Franklin noted her concerns regarding the future of the North Shore Library and encouraged the Village Board to take part in initiating or take part in discussions with the remaining three communities.

Elizabeth Aelion, 210 W Bergen Court

Ms. Aelion remarked on concerns regarding the village 2021 budget with regard to the absence of the Lake Drive project allocation in the budget on pre-construction costs of \$624,000, and the budget item for village plowing of private roads.

Ms. Aelion is in support of taking the initiative for the future North Shore Library.

Ms. Aelion is suggesting the Board allow public comment during an agenda item, as well as at the beginning of the meeting.

Sheila Glynn-Criqui, 8065 N Mohawk Road

Ms. Glynn-Criqui commented on the proposed Conditional Use Permit related to the Spring North Corps Development at the corner of Port Washington Road and Bradley Road. She is vehemently opposed having a 24-hour gas station and convenience store.

Village Attorney Eric Larson made clarifications with regard to persons desiring to be heard relative to the public hearing on the proposed Conditional Use Permit Application submitted by Spring North Corp., d/b/a, Pantry 41 at 8000 North Port Washington Road. At and following the public hearing, the Village Board will be basing its decision similar to how a judge would base his/her decision on the evidence at trial. Just as a judge would not consider evidence outside of the trial, the Village Board should not receive evidence outside of the public hearing (part of the trial) either; the Board should wait for that trial to happen; the trial will include the public hearing. The comments made at the public hearing are evidence and should be presented at that time.

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Without objection, President Frazer stated the Village Board will not hear any other comments for those persons desiring to be heard, related to the public hearing on the proposed Conditional Use Permit Application submitted by Spring North Corp., d/b/a Pantry 41 at 8000 N. Port Washington Road. Persons desiring to be heard on this item are invited back to be heard during the scheduled public hearing.

Trustee Kravit joined the Village Board Zoom meeting at 7:16 p.m.

Without objection and hearing no other remarks, President Frazer closed the public comment period.

Committee Reports – Plan Commission

President Frazer commented neither Trustee Fonstad nor he participated in the Plan Commission meeting on December 7, 2020 regarding the review of the proposed Conditional Use Permit Application Spring North Corp., d/b/a Pantry 41 at 8000 N. Port Washington Road for reasons consistent with the Village Attorney's recommendations; therefore, Village Attorney Larson will report on this agenda item.

Attorney Larson reported the Plan Commission tabled this item and requested some additional plans at their meeting in January. The Plan Commission offered no recommendation to the Village Board and will take it up again on January 4, 2021 at 5:45 p.m.

Village Manager Scott Botcher clarified the specific items or clarifications that were requested by the Plan Commission from the applicant: parking and parking places, the opening hour request (24/7), additional detail on a lighting plan, and detail on liquor sales (kind and quantity).

Attorney Larson commented he has recommended that Village Board members do not participate in this matter until it comes before the Board. Mr. Larson cautioned the Village Board not to participate, even as an observer, to preserve its ability to act in an unbiased manner based on the facts presented and for the reasons already described.

Public Hearing: Conditional Use Permit for Spring North Corporation, d/b/a, Pantry 41, 8000 North Port Washington Road, Fox Point

Modified motion by Trustee Fonstad, seconded by President Frazer and carried by roll call vote (7-0) to postpone the public hearing to the Village Board's next meeting on January 12, 2021, with the modification of the meeting time of 7:00 p.m., and via the medium of Zoom.

Consent Agenda

- a. Approve the minutes of the November 2, 2020 and November 23, 2020 Village Board meetings.
- b. Accept the proposal of Wachtel Tree Science in an amount not to exceed \$42,000 for the 2021 Forestry Services and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 1, 2020.
- c. Accept the proposal of Wachtel Tree Science in an amount not to exceed \$15,000 for administration of the 2021 Emerald Ash Borer initiative and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 1, 2020.

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- 108 d. Accept the proposal of Kapur & Associates in an amount not to exceed \$13,771 for design of
109 the lining of sanitary sewer mains and storm sewers at various locations in the Village and
110 authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director
111 of Public Works' memorandum dated December 1, 2020.
112
- 113 e. Accept the proposal of Kapur & Associates in an amount not to exceed \$14,941 for design of
114 the spot repair and replacement of sanitary sewer mains and storm sewers at various locations
115 in the Village and authorize the Village President and Village Clerk/Treasurer to sign the
116 contract per the Director of Public Works' memorandum dated December 1, 2020.
117
- 118 f. Accept the proposal of Kapur & Associates in an amount not to exceed \$14,932 for the
119 televising of approximately 15,000 linear feet of sanitary sewers and authorize the Village
120 President and Village Clerk/Treasurer to sign the contract per the Director of Public Works'
121 memorandum dated December 1, 2020.
122
- 123 g. Accept the proposal of Ruekert Mielke in an amount not to exceed \$35,740 for GIS services and
124 data/site maintenance and authorize the Village President and Village Clerk/Treasurer to sign
125 the contract per the Director of Public Works' memorandum dated December 1, 2020.
126
- 127 h. Accept the proposal of MSA Professional Services, Inc. in an amount not to exceed \$15,000 to
128 provide a review and analysis of the sinkholes that have formed around the Milwaukee
129 Metropolitan Sewerage District's (MMSD's) MIS manholes and authorize the Village President
130 and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum
131 dated December 1, 2020.
132
- 133 i. Adopt Resolution to designate International Migratory Bird Day to be on May 8, 2021 in the
134 Village of Fox Point.
135
- 136 j. Accept the proposal of Marek Landscaping in an amount not to exceed \$16,652 for
137 maintenance activities along Indian Creek and authorize the Village President and Village
138 Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated
139 December 1, 2020.
140
- 141 k. Accept the proposal of Marek Landscaping in an amount not to exceed \$5,998 for Emerald Ash
142 Borer related maintenance activities along the Indian Creek woods and authorize the Village
143 President and Village Clerk/Treasurer to sign the contract per the Director of Public Works'
144 memorandum dated December 1, 2020.
145
- 146 l. Approve payment of the bills in the amount of \$307,554.25 for the period November 1, 2020
147 through November 30, 2020 per the report submitted by the Village Manager.
148

149 Trustee Sumner requested the removal of consent agenda items h, i, and j.
150

151 *Motion made by President Frazer, seconded by Trustee Ollman, and carried by roll call*
152 *vote (7-0), the Village Board approved the consent agenda, absent consent agenda*
153 *items h, i, and j.*
154

155 **Comprehensive Plan Special Committee Report**
156

157 The Village Board received and discussed a report from Assistant Village Manager
158 Michael Pedersen regarding the Comprehensive Plan Special Committee.
159

160 Assistant Village Manager Michael Pedersen reported the Special Committee had not
161 met since the last Village Board meeting. Therefore, there is no update since that meeting. The

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special committee will meet Friday, December 11, 2020 at 8 a.m. A new comprehensive plan draft should be available on December 9, 2020.

Proposal of MSA Professional Services, Inc. in an amount not to exceed \$15,000 to provide a review and analysis of the sinkholes [Item H]

Motion made by Trustee Fonstad, seconded by President Frazer, the Village Board accepts the proposal of MSA Professional Services, Inc. in an amount not to exceed \$15,000 to provide a review and analysis of the sinkholes that have formed around the Milwaukee Metropolitan Sewerage District's (MMSD's) MIS manholes and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 1, 2020 and as outlined on the Village Board agenda.

Village Board discussion ensued.

President Frazer called the question.

Motion passed, 5-2 (Opposed: Trustee Ollman, and Trustee Sumner)

Resolution to designate International Migratory Bird Day to be on May 8, 2021 in the Village of Fox Point [Item I]

Motion made by Trustee Sumner, seconded by Trustee Fonstad, and carried by roll call vote (7-0) to Adopt Resolution to designate International Migratory Bird Day to be on May 8, 2021 in the Village of Fox Point, with the grammatical change from "health bird" to "healthy bird".

Proposal of Marek Landscaping in an amount not to exceed \$16,652 for maintenance activities along Indian Creek [Item J]

Motion made by President Frazer, seconded by Trustee Kravit, and carried by roll call vote (7-0) to postpone the proposal of Marek Landscaping in an amount not to exceed \$16,652 for maintenance activities along Indian Creek until the next Village Board meeting on January 12, 2021 with directions to staff to come back with information regarding the product safety of the herbicides that Marek Landscaping proposes to use.

Resolution Awarding the Sale of \$1,004,000 General Obligation Refunding Bond, Series 2021

Village Manager Scott Botcher gave a brief overview and introduced Robert W. Baird & Company Director Justin Fischer to give his presentation. Mr. Fischer gave a brief synopsis of the Sale General Obligation Refunding Bond, Series 2021.

Amended motion made by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), the Board adopted the new amended Resolution Awarding the Sale amended amount of \$1,006,000 General Obligation Refunding Bond, Series 2021, as emailed to the Board members on December 7, 2020 and considered on December 8, 2020.

Report on status of North Shore Library by President Frazer

President Frazer gave a brief public report regarding the status of the North Shore Library.

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Consideration of Ordinance to Repeal and Re-create Section 756-44 of the Village of Fox Point Village Code Concerning Construction of Decks

Motion made by President Frazer, seconded by Eric Fonstad, and carried by roll call vote (7-0), the Board adopted an Ordinance to Repeal and Re-create Section 756-44 of the Village of Fox Point Village Code Concerning Construction of Decks, as set forth on pages 83 through 89 of the agenda packets.

Consideration of Conditional Use Permit for Spring North Corporation, d/b/a, Pantry 41, 8000 North Port Washington Road, Fox Point

By unanimous consent and without objection, there was no action taken on agenda item 7d.

Consideration and possible action on the proposed two-party agreement with Kapur and Associates for the design of non-participatory items along North Lake Drive in the Village of Fox Point

Motion made by Trustee Fonstad, seconded by President Frazer, the Board will take no action on agenda item 7e tonight and the Board requests the Director of Public Works to come forward in January with a revised agreement, reflecting a narrower scope, that will identify necessary costs for project-related initial work ("first steps") to be considered at the January 12, 2021 Village Board meeting.

A brief discussion regarding the costs of the project followed.

President Frazer called the question.

Motion carried by roll call vote (7-0).

Future Agenda Items – None.

Closed Session

Motion made by President Frazer, seconded by Trustee Kravit, and carried by roll call vote (7-0) to move into closed session at 8:51 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(e) to Deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: Specifically, to review and discuss the 1985 Joint Library Agreement entered into by Glendale, Fox Point, River Hills and Bayside and issues and opportunities arising from Glendale's notice of withdrawal. (Participating in the closed session will be the Village Board, Village Manager, Assistant Village Manager, Village Clerk, and Village Attorney.)

President Frazer asked to pause the continuation of the meeting. The closed session resumed at 8:54 p.m.

Reconvene into Open Session

Motion made by Trustee Fonstad, seconded by Trustee Ollman, and carried by roll call vote (7-0), to reconvene into open session at 9:45 p.m. (Opposed-Trustee Kravit)

President Frazer stated the Village Board took no action on item 9a.

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Announcements

Trustee Tirado announced the 2020 Fall General Election Presidential recount total cost to the Village of Fox Point was \$2,231.30. The Village expects to get reimbursed for this cost.

Adjourn

Motion made by President Frazer, seconded by Trustee Tirado, and carried by roll call vote (7-0); the Village Board adjourned the Village Board meeting at 9:48 p.m.

Respectfully submitted,

*Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer*



To: Village Board

From: John T. Gall, Village Forester 

Through: Scott A. Botcher, Village Manager 

CC: Scott Brandmeier, Village Engineer/DPW Director 

DATE: January 4, 2021

RE: Acceptance of Quotes for Trees for Spring 2021 Planting Program

Background

Each year Village crews remove insect or disease infested, dead, dying/hazardous and storm damaged trees in the rights-of-way or other public property throughout the Village. In order to assist in maintaining the tree canopy in the Village, a diverse species mix of replacement trees are being planted where appropriate replanting sites exist.

Fiscal Note

Quotes were received from 6 qualified nurseries and were opened on December 23, 2020, as shown on the attached summary of quotes. Based on selecting the low and best unit pricing for each tree species, Johnson's Nursery, Inc., Menomonee Falls, Wisconsin, Leaves Inspired Tree Nursery, Chilton, Wisconsin, McKay Nursery Company, Waterloo, Wisconsin, Timberline Trees LLC, Oconto, Wisconsin and Wayside Nurseries, Mequon, Wisconsin are the low bidders for a total award of \$25,850.00.

\$10,896.00 (includes delivery charges) for this purchase is recommended to come from Account 40-91600-833, Emerald Ash Borer Tree Replacement. The balance of \$14,954.00 to come from Account 40-91600-824 Tree Planting.

Staff Recommendation

Staff recommends that the Village Board accept the quotes of Johnson's Nursery, Leaves Inspired Tree Nursery, McKay Nursery Company, Timberline Trees and Wayside Nurseries, in the respective amounts of \$8,534.00, \$5,119.00, \$1,500.00, \$4,733.00 and \$5,964.00 and authorize the Village Manager to execute purchase orders on behalf of the Village.

VILLAGE OF FOX POINT SPRING 2021 TREE PLANTING AWARD LIST (December 23, 2020)

QUANTITY	SPECIES	SIZE	JOHNSON'S	SUBSTITUTION	LEAVES INSPIRED	SUBSTITUTION	MCKAY	SUBSTITUTION	TILLMANN	SUBSTITUTION	TIMBERLINE	SUBSTITUTION	WAYSIDE	SUBSTITUTION	AWARD TOTAL
8	Autumn Fantasy Maple	2 - 2.5"	\$197.00		\$145.00		\$195.00		N/A		N/A		\$197.00		\$1,160.00
1	State Street Miyabei Maple	2 - 2.5"	\$197.00		\$160.00		\$225.00		\$161.50		\$140.00		\$170.00		\$140.00
6	Fall Fiesta Sugar Maple	2 - 2.5"	\$197.00		N/A		N/A		\$161.50		\$160.00		\$168.00		\$960.00
4	Norwegian Sunset Maple	2 - 2.5"	N/A		N/A		N/A		N/A		\$150.00		\$150.00		\$600.00
1	Summer Splendor Tatarian Maple	2 - 2.5"	N/A		N/A		N/A		N/A		\$135.00		N/A		\$135.00
2	Three-flowered Maple	2 - 2.5"	\$292.00		\$142.00	1.5"	N/A		N/A		N/A		N/A		\$584.00
3	Robin Hill Serviceberry	2 - 2.5"	\$161.00	1.75"	N/A		N/A		N/A		N/A		N/A		\$483.00
1	Cumulus Serviceberry	2 - 2.5"	\$197.00		N/A		N/A		N/A		N/A		N/A		\$197.00
3	Fort McNair Horsechestnut	2 - 2.5"	\$292.00	1.75"	\$179.00	2.5" Baumanii	\$215.00	1.5"	N/A		\$152.00		\$230.00		\$456.00
5	Early Glow Buckeye	2 - 2.5"	\$292.00		\$179.00	2.5" Baumanii	N/A		N/A		N/A		N/A		\$1,460.00
3	Yellow Buckeye	2 - 2.5"	N/A		\$179.00		N/A		N/A		N/A		N/A		\$537.00
2	Speaeth's Alder	2 - 2.5"	\$159.00		N/A		N/A		N/A		N/A		N/A		\$318.00
1	Bitternut Hickory	2 - 2.5"	\$348.00	Shagbark Hickory	N/A		N/A		N/A		N/A		N/A		\$348.00
5	Fire King Musclewood	2 - 2.5"	\$311.00		N/A		\$175.00	WI Strain	N/A		N/A		N/A		\$1,555.00
1	Northern Catalpa	2 - 2.5"	\$197.00		\$168.00		\$195.00		N/A		N/A		\$155.00		\$155.00
1	Golden Glory Dogwood	2 - 2.5"	\$197.00		N/A		N/A		N/A		N/A		\$165.00		\$165.00
14	Chicagoland Hackberry	2 - 2.5"	\$216.00	Hackberry species	\$184.00	2 - 3" Hackberry Species	\$210.00	Hackberry Species	\$190.00	Only (5) Available	N/A		\$200.00	Hackberry Species	\$2,576.00
1	Katsuratree	2 - 2.5"	\$187.00	1.75"	N/A		\$175.00	#15 Grow Bag	N/A		N/A		\$225.00		\$225.00
2	Yellowwood	2 - 2.5"	\$373.25		\$204.00		N/A		N/A		N/A		N/A		\$408.00
1	Princeton Sentry Ginkgo	2 - 2.5"	\$366.00		N/A		\$225.00	#15 Grow Bag	\$194.75		N/A		\$285.00		\$285.00
5	Decaf Kentucky Coffeetree	2 - 2.5"	N/A		N/A		\$260.00		N/A		N/A		N/A		\$1,300.00
1	Tamarack	6 ft.	\$172.00	7 ft.	\$155.00		\$225.00		N/A		N/A		\$150.00		\$150.00
5	Moraine Sweetgum	2 - 2.5"	\$174.00	1.75"	\$178.00	(3) Worplesdon	N/A		N/A		N/A		N/A		\$870.00
8	Tuliptree	2 - 2.5"	\$235.00		\$190.00	1.75" Emerald City	N/A		N/A		N/A		\$195.00		\$1,560.00
1	Cucumbertree Magnolia	2 - 2.5"	\$235.00	Butterflies	N/A		N/A		N/A		N/A		N/A		\$235.00
2	Emerald Spire Crabapple	2 - 2.5"	\$135.00	1.75"	N/A		N/A		N/A		N/A		N/A		\$270.00
1	Donald Wyman Crabapple	2 - 2.5"	\$159.00		N/A		\$185.00		N/A		N/A		N/A		\$159.00
5	Royal Raindrops Crabapple	2 - 2.5"	\$159.00		\$144.00		\$195.00		\$142.50		N/A		\$120.00		\$600.00
4	Ironwood	2 - 2.5"	\$174.00	1.75"	N/A		\$205.00	1.75"	\$166.25		N/A		\$212.00		\$848.00
1	Serbian Spruce	6 ft.	\$182.00		N/A		\$220.00	5 ft.	N/A		N/A		\$175.00		\$175.00
1	Eye Stopper Corktree	2 - 2.5"	\$235.00		N/A		N/A		N/A		N/A		N/A		\$235.00
8	Exclamation London Planetree	2 - 2.5"	\$161.00	1.75"	N/A		\$140.00	# 15 Grow Bag	N/A		N/A		\$175.00		\$1,400.00
1	Bur Oak	2 - 2.5"	\$254.00		N/A		\$225.00		\$171.00		\$152.00		\$240.00		\$152.00
7	Schuettei Oak	2 - 2.5"	\$235.00		N/A		\$210.00	Swamp White Oak	N/A		N/A		N/A		\$1,645.00
1	Sentry American Linden	2 - 2.5"	\$197.00		\$163.00	Boulevard	\$240.00		N/A		N/A		\$166.00		\$166.00
1	Redmond Linden	2 - 2.5"	\$178.00		\$163.00		\$240.00		N/A		N/A		\$166.00		\$163.00
5	Accolade Elm	2 - 2.5"	\$197.00		\$181.00	(4) Only 2.5"	\$210.00	Princeton	\$152.00		\$140.00		\$160.00		\$700.00
8	New Horizon Elm	2 - 2.5"	\$197.00		\$144.00		\$210.00		\$152.00		\$140.00		\$160.00		\$1,120.00

VILLAGE OF FOX POINT SPRING 2021 TREE PLANTING AWARD LIST (December 23, 2020)

QUANTITY	SPECIES	SIZE	JOHNSON'S	SUBSTITUTION	LEAVES INSPIRED	SUBSTITUTION	MCKAY	SUBSTITUTION	TILLMANN	SUBSTITUTION	TIMBERLINE	SUBSTITUTION	WAYSIDE	SUBSTITUTION	AWARD TOTAL
2	Triumph Elm	2 - 2.5"	\$197.00		\$144.00		\$210.00		\$152.00		\$135.00		\$160.00		\$270.00
132	TOTAL TREES												TOTAL TREE AWARD (less delivery)		\$24,765.00

DELIVERY CHARGE \$175.00 for (40 - 50) trees \$275.00 less than 33 trees \$10/ tree \$200 minimum \$175.00 1 to 25 trees \$200.00 \$235.00 per load \$260.00 26 to 50 trees 60-70 trees/load

TOTALS INCLUDE DELIVERY CHARGE	
\$8,534.00	TOTAL JOHNSON'S NURSERY
\$5,119.00	TOTAL LEAVES INSPIRED TREE NURSERY
\$1,500.00	TOTAL MCKAY NURSERY COMPANY
\$4,733.00	TIMBERLINE TREES, LLC
\$5,964.00	TOTAL WAYSIDE NURSERIES
\$25,850.00 Grand Total	



To: Village of Fox Point Village Board
From: Scott Brandmeier, Director of Public Works *SB*
Through: Scott Botcher, Village Manager *SB*
Date: January 6, 2021
Re: Recommendation for Acceptance of Change Order No. 1 for the 2020 Road and Utility Reconstruction Project Design

Kapur & Associates was retained to perform the design of the road and utility project for the Village of Fox Point. Originally, the contract signed in 2019 anticipated that all of the roads would be reconstructed in 2020; however, due to budgetary limitation and that the Village received a grant for Santa Monica, design activities for Regent Road and Santa Monica were shifted so as to be ready for 2021 construction.

The change order requested by Kapur and detailed in the attached documentation includes time and effort to prepare an LRIP grant application (which was successful in the award of \$200,000 to the Village), additional meetings due to the shift in construction schedule for two of the roads, additional survey at Regent Court No. 3 for a storm pipe extension, preparation of a landscape plan around the bioretention area on Acacia, evaluation of the storm pipe in the 6400 block of Santa Monica, preparation of an additional GIPP application to be submitted to MMSD, preparation of design documents for bridge deck repairs on Santa Monica, and completion of fire protection calculations for Goodrich Lane. The change order also includes a credit for the Santa Monica water main design.

I have reviewed the hours and associated costs and find that the requested change order of \$7,987 is reasonable. Therefore, it is my recommendation that Change Order No. 1 from Kapur & Associates in an amount not to exceed \$7,987 be approved and that the Village Board authorize the Village President and Village Clerk/Treasurer to sign the change order on behalf of the Village.



7711 N. Port Washington Road
Milwaukee, WI 53217
T: 414.751.7200 • F: 414.354.4117

Contract Change Order No. 1
Design for 2020 Road and Utility Reconstruction Project
Between Village of Fox Point and Kapur
December 08, 2020

The Contract document made and entered into by and between the Village of Fox Point and Kapur, signed by the Village on August 14, 2019, is hereby amended as set forth as follows, which is annexed and made a part of the original contract.

A. The scope of work includes additional field and office time for collection of data and design work as attached in Appendix A and Memo.

Our fees for the additional engineering services is \$7,987.00 and detailed in the attached Fee Schedule.

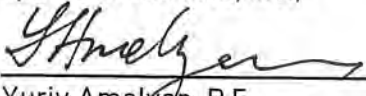
B. Contract Amount

The following is a summary of the revised contract amount:

Original Contract Amount.....	\$59,976.00
Additional Fees (Contract Change Order No. 1).....	\$ 7,987.00
Revised Contract Amount.....	\$67,963.00

Receipt of signed copy of this document will constitute an executed agreement.

For Kapur & Associates, Inc.,

By: 
Yuriy Amelyan, P.E.,
Associate/Senior Project Manager

Date: 12-08-2020

For the Village of Fox Point,

By: _____
Douglas H. Frazer
Village President

Date: _____

By: _____
Kelly Meyer
Village Clerk/Treasurer

Date: _____





7711 N. Port Washington Road Milwaukee, WI 53217
T: 414.751.7200 • F: 414.351.4117

Memo

Date: December 8, 2020
To: Scott Brandmeier, Village of Fox Point
From: Cole McCraw, Yuriy Amelyan
RE: 2020 Road and Utility Reconstructions Project Additional Efforts

Kapur was retained by the Village of Fox Point to design the 2020 Road and Utility Reconstruction Project in August 2019. During design, it was recognized that some additional tasks within or near the project should be performed to improve the end-product and cost-effectiveness of the project. A summary of those tasks is presented below.

Preparation of WisDOT grant applications

Kapur completed grant applications for the following WisDOT programs:

1. Municipal Local Supplement (MLS)
2. Local Road Improvement Programs (LRIP)
 - a. Municipal Street Improvement Discretionary Program (MSID)
 - b. Municipal Street Improvement for cities and villages with a population less than 20,000 (MSILT)

Applications were submitted for Santa Monica Boulevard roadway funding. The Village received funding from these sources.

Additional meetings in 2020

The original project was scheduled to be constructed in 2020; however, the project was divided into two years of design and construction. This resulted in additional design review meetings.

Additional survey at Regent Road #3 for extension of 15" pipe to Indian Creek and survey of sanitary manholes near Dean Road and Regent Road

A 15" corrugated metal pipe conveys storm water from Regent Road #3 to the west through a private property to a swale near the Village tennis courts. The swale is consistently wet and muddy, so Kapur evaluated the option of directional drilling a new pipe to Indian Creek from the discharge point of the 15" pipe.

At 8341 N. Regent Road, the existing sanitary sewer runs underneath a building structure. To determine rerouting options, Kapur surveyed the depth of surrounding sanitary manholes.

Landscaping plan for proposed bioretention at Acacia Road

During construction, the bio-retention on the east end of Acacia Road drew the input of the surrounding residents. Many requested that the bioretention facility be planted with landscaping features. Kapur prepared a landscaping plan for the facility. The proposed bioretention on the west





end of Acacia Road will be proposed with a similar planting strategy.

Storm pipe feasibility evaluation at 6428 Santa Monica Boulevard

Kapur evaluated the feasibility of installing a new storm pipe into the back yard of 6428 Santa Monica Boulevard through an easement. The resident said that water sits at a low point between their property and their neighbors to the north. It was determined that elevation constraints make this pipe installation difficult and inefficient on a basis of cost.

Additional MMSD GIPP application and final report preparation

Various green infrastructure facilities were designed as part of the project, and the Village typically pursues grant funding from Milwaukee Metropolitan Sewerage District (MMSD) through their Green Infrastructure Partnership Program (GIPP). A bioretention facility was constructed in 2020 as part of the 2020 Utility Reconstruction project. The other facilities on the west end of Acacia Road (at Santa Monica) and on Regent Road #3 will be constructed in 2021. Since the construction is in two funding years instead of one, an additional GIPP application and associated closeout documents will need to be submitted.

Santa Monica Boulevard bridge deck repairs

During design, the Village and Kapur noticed locations on the bridge over the railroad that would be valuable to repair as part of the project while the roadway is being reconstructed. Some concrete areas are spalled or otherwise damaged. Kapur provided recommendations for repair based on past WisDOT experience.

Fire protection calculation for Goodrich Lane private road

The Village is replacing the water main on Goodrich Lane private road. This work was originally bid in 2019 along with Calumet Road. The Village requested that an additional fire flow calculation be done on the proposed hydrants at Goodrich Lane private road.

Santa Monica full water main design omission (credit)

The original RFP for Santa Monica Boulevard called for a full, open-cut replacement of the water main. The Village hired a consultant to do a trenchless evaluation of the condition of the existing main. After the investigation, it was determined that the water main did not need to be completely replaced. A few spot replacements will still be performed, but due to the omission of the design efforts, the design cost can be credited to the Village.



Out-of-scope work on 19048101

	Item	Personnel	Hours	Rate	Subtotal	Total
1	Preparation of DOT grant applications (MLS, LRIP MSILT, LRIP MSID)					
		Robbie	14	\$ 88	\$ 1,232	
		Cole	7	\$ 88	\$ 616	
	Item total:					\$ 1,848
2	Additional meetings in 2020 (2 additional)					
		Yuriy	3	\$ 155	\$ 465	
		Jeremy	3	\$ 109	\$ 327	
		Cole	3	\$ 88	\$ 264	
	Item total:					\$ 1,056
3	Additional survey at Regent Road #3 for extension of 15" pipe to Indian Creek and sanitary manholes at Dean and Regent					
4	Fire protection calculation for Goodrich Lane private road					
		Robbie	2	\$ 88	\$ 176	
	Item total:					\$ 176
10	Santa Monica full water main design omission (credit)					
		Yuriy	1	\$ 155	\$ (155)	
		Jeremy	2	\$ 109	\$ (218)	
		Cole	18	\$ 88	\$ (1,584)	
		Tech	8	\$ 80	\$ (640)	
	Item total (credit):					\$ (2,597)
	All items total:					\$ 7,987

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

RESOLUTION NO. 2021-xx

**RESOLUTION TO RECOGNIZE MARTIN LUTHER KING DAY IN MEMORY OF REV. DR.
MARTIN LUTHER KING, JR IN THE VILLAGE OF FOX POINT**

BE IT RESOLVED, that the Village of Fox Point does hereby proclaim Monday, January 18, 2021, as REV. DR. MARTIN LUTHER KING, JR. DAY and we encourage honoring the legacy of Rev. Dr. Martin Luther King, Jr.

Whereas, Rev. Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice, and opportunity for all, and challenged all people to participate in the never-ending work of building a more perfect union; and

Whereas, Rev. Dr. Martin Luther King, Jr. believed immensely in the power of individual action and collective hope to create a brighter future; and

Whereas, Dr. King dreamt that his children would, like all of us, one day live in a nation where they will not be judged by the color of their skin but by the content of their character; and,

Whereas, Rev. Dr. Martin Luther King, Jr. taught us to see the commonality of our dreams, our hopes and our fears - the threads, truths and dignity that bind us together as human beings; and

Whereas in 1983, Congress passed and President Ronald Reagan signed legislation creating the Martin Luther King, Jr. holiday, which is now observed in more than 100 countries; therefore,

BE IT RESOLVED, the Village of Fox Point does support recognition of this Martin Luther King Day in memory of Rev. Dr. Martin Luther King, Jr.

Passed and Adopted by the Village Board, Village of Fox Point this 12th of January, 2021.

Douglas H. Frazer
Village President

Kelly A. Meyer, *CMC/WCMC*
Village Clerk/Treasurer

This is to certify that the attached is true and correct list of bills due for a period from December 1- 31, 2020, in the total amount of \$335,518.92. Each bill has been approved in writing by the official department head or employee authorized to incur the obligations and which bills have been audited by the undersigned pursuant to resolution of the Village Board.



Scott Botcher
Village Manager
Village of Fox Point

This is to certify that the above listed accounts and demands have been presented and allowed and ordered paid by the Village Board at a meeting thereof held on January 12, 2021.

Douglas H. Frazer
Village President

Kelly A. Meyer
Village Clerk/Treasurer
Village of Fox Point

VILLAGE OF FOX POINT

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10-13100 ACCOUNTS RECEIVABLE - SUNDRY						
535	MUNICIPAL LAW & LITIGATION	4894	VILLAGE ATTORNEY	12/10/2020	1,410.00	12/10/2020
Total 10-13100 ACCOUNTS RECEIVABLE - SUNDRY:					1,410.00	
10-21520 GROUP LIFE						
18	SECURIAN FINANCIAL GROUP I	ADJUST11/1/21	ADJUSTMENT	12/22/2020	39.54	12/22/2020
18	SECURIAN FINANCIAL GROUP I	JANUARY 2021	LIFE INSURANCE	12/10/2020	818.13	12/10/2020
Total 10-21520 GROUP LIFE:					857.67	
10-21525 UNION DUES						
185	FOX POINT POLICE PROT. ASS	DECEMBER 2020	POLICE DUES	12/10/2020	495.00	12/10/2020
Total 10-21525 UNION DUES:					495.00	
10-21530 DEFERRED COMPENSATION						
375	NORTH SHORE BANK, FSB	PR1210202	Deferred Comp NICHOLAS Pay	12/09/2020	50.00	12/10/2020
375	NORTH SHORE BANK, FSB	PR1210202	Deferred Comp NORTH SHORE	12/09/2020	1,115.00	12/10/2020
375	NORTH SHORE BANK, FSB	PR1224202	Deferred Comp NICHOLAS Pay	12/21/2020	50.00	12/22/2020
375	NORTH SHORE BANK, FSB	PR1224202	Deferred Comp NORTH SHORE	12/21/2020	615.00	12/22/2020
814	GREAT-WEST TRUST COMPAN	PR1210201	Deferred Comp WI DEFER - PRE	12/09/2020	4,734.14	12/10/2020
814	GREAT-WEST TRUST COMPAN	PR1210201	Deferred Comp WI DEFER - RO	12/09/2020	437.31	12/10/2020
814	GREAT-WEST TRUST COMPAN	PR1224201	Deferred Comp WI DEFER - PRE	12/21/2020	4,334.14	12/22/2020
814	GREAT-WEST TRUST COMPAN	PR1224201	Deferred Comp WI DEFER - RO	12/21/2020	437.31	12/22/2020
101991	VANTAGEPOINT TRANSFER AG	PR1210201	Deferred Comp ICMA-PRETAX	12/09/2020	1,016.43	12/10/2020
101991	VANTAGEPOINT TRANSFER AG	PR1224201	Deferred Comp ICMA-PRETAX	12/21/2020	1,016.43	12/22/2020
Total 10-21530 DEFERRED COMPENSATION:					13,805.76	
10-21540 GARNISHMENT						
797	WI SCTF	PR12112020	PIN#6238393 ID#55200	12/10/2020	193.86	12/10/2020
Total 10-21540 GARNISHMENT:					193.86	
10-51200-395 COUNTY COURT FEES						
330	MILWAUKEE COUNTY TREASU	NOVEMBER 2020	DRIVER SUR/JAIL FEE	12/01/2020	340.00	12/04/2020
552	WISCONSIN, STATE OF - COUR	NOVEMBER 2020	NOVEMBER	12/01/2020	1,096.21	12/04/2020
Total 10-51200-395 COUNTY COURT FEES:					1,436.21	
10-51300-218 VILLAGE ATTORNEY						
535	MUNICIPAL LAW & LITIGATION	4894	VILLAGE ATTORNEY	12/10/2020	6,245.30	12/10/2020
Total 10-51300-218 VILLAGE ATTORNEY:					6,245.30	
10-51300-219 VILLAGE PROSECUTOR						
965	PADWAY & PADWAY LTD	OCT/NOV/DEC 202	PROSECUTOR	12/17/2020	1,912.50	12/18/2020
Total 10-51300-219 VILLAGE PROSECUTOR:					1,912.50	
10-51420-311 POSTAGE						
415	POSTMASTER	2020TAXBILLS	TAX BILL PERMIT 4153	12/07/2020	1,253.96	12/08/2020
Total 10-51420-311 POSTAGE:					1,253.96	
10-51520-213 VILLAGE AUDIT						
194	BAKER TILLY VIRCHOW KRAUS	BT1728256	FINANCIAL STATEMENT	12/29/2020	2,575.00	12/29/2020

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Total 10-51520-213 VILLAGE AUDIT:					2,575.00	
10-51530-210 CONTRACT SERVICES						
2706	ASSOCIATED APPRAISAL CON	151578	MONTHLY	12/01/2020	39.96	12/04/2020
Total 10-51530-210 CONTRACT SERVICES:					39.96	
10-51600-210 CONTRACT SERVICES						
45	KEY BENEFIT CONCEPTS, LLC	2261393	POST EMPLOYMENT / PENISIO	12/08/2020	5,200.00	12/10/2020
265	GREATAMERICAN FINANCIAL S	28227595	MONTHLY COPIER	12/01/2020	231.00	12/04/2020
265	GREATAMERICAN FINANCIAL S	28414688	MONTHLY	12/29/2020	231.00	12/29/2020
405	PITNEY BOWES INC.	3312418197	QUARTERLY FEES	12/01/2020	480.57	12/04/2020
477	TAYLOR COMPUTER SERVICES	21280	WINDOWS LICENSE	12/16/2020	396.47	12/18/2020
789	DO IT NOW CLEANING LLC	198	MONTHLY CLEANING	12/07/2020	1,583.37	12/10/2020
789	DO IT NOW CLEANING LLC	217	MONTHLY CLEANING	12/21/2020	1,583.37	12/29/2020
904	CKC GRAPHICS & SIGNS	4242	VINYL	12/16/2020	30.00	12/18/2020
906	HUBER, CHAD A	01-2020	INITIAL SET UP	12/07/2020	162.50	12/10/2020
940	ONTECH SYSTEMS, INC.	52929	REMOTE	12/07/2020	105.00	12/10/2020
940	ONTECH SYSTEMS, INC.	53008	AGREEMENT RMM	12/07/2020	1,185.00	12/10/2020
940	ONTECH SYSTEMS, INC.	53009	STORAGECRAFT	12/07/2020	186.00	12/10/2020
940	ONTECH SYSTEMS, INC.	53400	REMOTE	12/21/2020	280.00	12/22/2020
Total 10-51600-210 CONTRACT SERVICES:					11,654.28	
10-51600-222 TELEPHONE UTILITIES						
848	WINDSTREAM	73280709	ACCT #205607369	12/10/2020	160.42	12/10/2020
2691	CENTURYLINK-BUSINESS SVC.	180314746	87619173	12/10/2020	.47	12/10/2020
5312	AT & T- VILLAGE	NOVEMBER 2020	414 351-8900 758 7	12/07/2020	38.30	12/10/2020
Total 10-51600-222 TELEPHONE UTILITIES:					199.19	
10-51600-223 WATER/SEWER UTILITIES						
186	FOX POINT, VILLAGE OF - W/U	8/1-11/1/2020	VH WATER AND SEWER	12/01/2020	802.85	12/04/2020
Total 10-51600-223 WATER/SEWER UTILITIES:					802.85	
10-51600-234 VILLAGE HALL MAINTENANCE						
360	NASSCO INC.	S269993.001	FLOOR PAD	12/21/2020	24.82	12/22/2020
360	NASSCO INC.	S2700011.001	FLOOR PAD	12/21/2020	43.54	12/22/2020
502	VILLAGE HARDWARE - VH	203358/1	BULB	12/10/2020	11.69	12/18/2020
1583	NEPTUNE CROSS CONNECTIO	20340	REPAIR	12/08/2020	626.10	12/10/2020
2241	ITU ABSORB TECH, INC	A000072211	TOWEL DISPENSER	12/08/2020	178.02	12/10/2020
Total 10-51600-234 VILLAGE HALL MAINTENANCE:					884.17	
10-51600-310 SUPPLIES/MISC EXPENSES						
161	EMPLOYEE DATA FORMS, INC.	2021 CALENDAR	EMPLOYEE DATA CALENDARS	12/07/2020	37.75	12/10/2020
2476	RITEWAY BUSINESS FORMS	20-85263	YEAR END SUPPLIES	12/01/2020	270.09	12/04/2020
5033	OFFICE DEPOT -US COMMUNIT	139080884001	37360205-VLG	12/01/2020	56.66	12/04/2020
5033	OFFICE DEPOT -US COMMUNIT	139170535001	37360205-VLG	12/01/2020	36.32	12/04/2020
Total 10-51600-310 SUPPLIES/MISC EXPENSES:					400.82	
10-51700-156 UNEMPLOYMENT COMPENSATION						
181	UNEMPLOYMENT INSURANCE	000010481218	VLG	12/10/2020	917.94	12/10/2020

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Total 10-51700-156 UNEMPLOYMENT COMPENSATION:					917.94	
10-51700-511 GROUP HEALTH - RETIREES						
433	RESNICK, AMY	12	HEALTH INSURANCE REIMBUR	12/01/2020	481.12	12/04/2020
435	RIES, DANIEL	28	HEALTH	12/01/2020	634.56	12/04/2020
638	KRIEFALL, DONALD A	56	HEALTH INSURANCE REIMBUR	12/01/2020	70.00	12/04/2020
Total 10-51700-511 GROUP HEALTH - RETIREES:					1,385.68	
10-52100-220 GAS UTILITIES						
536	WE-ENERGIES	11/17-12/21/20	6286-911-140	12/28/2020	638.31	12/29/2020
Total 10-52100-220 GAS UTILITIES:					638.31	
10-52100-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	11/17-12/21/20	0699-070-169	12/28/2020	1,687.34	12/29/2020
536	WE-ENERGIES	11/17-12/21/20	9299-448-560	12/28/2020	33.93	12/29/2020
Total 10-52100-221 ELECTRIC UTILITIES:					1,721.27	
10-52100-222 TELEPHONE UTILITIES						
848	WINDSTREAM	73280709	ACCT #205607369	12/10/2020	100.25	12/10/2020
892	SPECTRUM	120120OTA	10404038090401-6001	12/09/2020	17.67	12/10/2020
2136	VERIZON WIRELESS	9868456591	785223225-00001	12/15/2020	203.66	12/18/2020
2691	CENTURYLINK-BUSINESS SVC.	180314746	87619173	12/10/2020	.46	12/10/2020
2973	TIME WARNER CABLE	70433001120120	070433001	12/09/2020	456.28	12/10/2020
5312	AT & T- VILLAGE	NOVEMBER 2020	414 351-8900 758 7	12/07/2020	23.94	12/10/2020
Total 10-52100-222 TELEPHONE UTILITIES:					802.26	
10-52100-223 WATER/SEWER UTILITIES						
186	FOX POINT, VILLAGE OF - W/U	8/1-11/1/2020	POLICE WATER AND SEWER	12/01/2020	1,361.92	12/04/2020
Total 10-52100-223 WATER/SEWER UTILITIES:					1,361.92	
10-52100-232 VEHICLE MAINTENANCE						
1171	CUSTOM TOP SHOP, INC.	23001	REPAIR	12/09/2020	175.00	12/10/2020
102081	GOODYEAR AUTO SERVICE CE	336041	TIRES/INSP	12/09/2020	584.00	12/10/2020
Total 10-52100-232 VEHICLE MAINTENANCE:					759.00	
10-52100-233 EQUIPMENT MAINTENANCE						
2633	WILEAG	Dues2021	ANNUAL	12/15/2020	350.00	12/18/2020
4007	FOX POINT POLICE PETTY CAS	12/02/2020	PETTY CASH POLICE	12/07/2020	21.98	12/10/2020
5839	LEXISNEXIS	1246411-20201201	MONTHLY FEE	12/03/2020	33.50	12/04/2020
102114	RAY O'HERRON CO, INC	2066927	CARTRIDGES	12/03/2020	912.00	12/04/2020
Total 10-52100-233 EQUIPMENT MAINTENANCE:					1,317.48	
10-52100-234 BUILDING MAINTENANCE						
1762	SOS ELECTRONICS	20-12012	ELECTRIC STRIKE	12/09/2020	483.00	12/10/2020
4777	BATTERIES PLUS -	33951365	PD BATTERIES	12/03/2020	33.90	12/04/2020
Total 10-52100-234 BUILDING MAINTENANCE:					516.90	
10-52100-310 SUPPLIES/EXPENSES						
2161	MID-STATES ORG. CRIME INFO	93105-2539	ANNUAL DUES	12/14/2020	150.00	12/29/2020

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5033	OFFICE DEPOT -US COMMUNIT	138377671001	37360205 POLICE	12/03/2020	74.79	12/04/2020
Total 10-52100-310 SUPPLIES/EXPENSES:					224.79	
10-52100-330 CLOTHING ALLOWANCE						
473	STREICHER'S	1445095	HUBER	12/09/2020	23.98	12/10/2020
473	STREICHER'S	1445097	OBREMSKI	12/09/2020	34.99	12/10/2020
473	STREICHER'S	1465396	WIESMUELLER	12/15/2020	83.97	12/18/2020
473	STREICHER'S	1468147	DUBNICKA	12/03/2020	54.00	12/04/2020
473	STREICHER'S	1468148	BROUWER	12/03/2020	101.94	12/04/2020
473	STREICHER'S	1468257	HUBER	12/03/2020	159.99	12/04/2020
473	STREICHER'S	1469049	HUBER	12/09/2020	115.95	12/10/2020
473	STREICHER'S	1469051	WIESMUELLER	12/09/2020	130.96	12/10/2020
473	STREICHER'S	1469052	WICHMAN	12/09/2020	19.98	12/10/2020
473	STREICHER'S	1470173	ADAMAITIS	12/15/2020	85.39	12/18/2020
473	STREICHER'S	CM287672	CM-WEISMUELLER	12/15/2020	94.99	12/18/2020
473	STREICHER'S	11471433	HANNA	12/17/2020	365.93	12/18/2020
909	THE UNIFORM SHOPPE OF GR	305292	ADAMITAS	12/09/2020	62.85	12/10/2020
1294	Galls, LLC,-	17204079	GROSSMUELLER	12/16/2020	399.93	12/18/2020
5325	WILL ENTERPRISES	304319	SHIRTS	12/15/2020	98.86	12/18/2020
Total 10-52100-330 CLOTHING ALLOWANCE:					1,643.73	
10-52100-334 JANITORIAL SUPPLIES						
393	PACKERLAND RENT-A-MAT INC.	2734740	POLICE 10586-10586	12/09/2020	105.86	12/10/2020
Total 10-52100-334 JANITORIAL SUPPLIES:					105.86	
10-52100-335 SCHOOL EXPENSES						
511	WAUKESHA COUNT TECH. COL	S0732323	SCHOOL	12/28/2020	125.00	12/29/2020
4398	WCPA	4448	SGT DUBNICKA	12/03/2020	80.00	12/04/2020
Total 10-52100-335 SCHOOL EXPENSES:					205.00	
10-53100-233 GIS MAINTENANCE						
39	RUEKERT MIELKE, INC.	134344	GIS DATA	12/07/2020	360.00	12/10/2020
Total 10-53100-233 GIS MAINTENANCE:					360.00	
10-53200-400 MATERIALS						
327	MENARD'S - MILWAUKEE	21600	POST	12/01/2020	161.94	12/04/2020
Total 10-53200-400 MATERIALS:					161.94	
10-53300-221 STREET LIGHTS - ELECTRIC						
536	WE-ENERGIES	10/30-12/2/20	3449-647-735	12/08/2020	187.04	12/10/2020
536	WE-ENERGIES	11/3-12/6/20	7083-911-529	12/18/2020	19.87	12/22/2020
Total 10-53300-221 STREET LIGHTS - ELECTRIC:					206.91	
10-53300-405 STREET MATERIALS						
458	SHERWIN INDUSTRIES, INC.	SC046102	FIBER MIX	12/21/2020	553.70	12/22/2020
1800	MENARD'S - GERMANTOWN	93105	CL HOL	12/07/2020	6.98	12/10/2020
Total 10-53300-405 STREET MATERIALS:					560.68	
10-53310-400 MATERIALS						
4888	CARLIN SALES	392122-00	MISC	12/21/2020	54.50	12/22/2020

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4888	CARLIN SALES	392160-00	BLUE TAPE	12/21/2020	81.75	12/22/2020
Total 10-53310-400 MATERIALS:					136.25	
10-53400-221 BUS STOP-ELECTRIC						
536	WE-ENERGIES	11/3-12/6/20	3217-867-834	12/18/2020	17.88	12/22/2020
536	WE-ENERGIES	11/3-12/6/20	6885-091-092	12/18/2020	17.88	12/22/2020
536	WE-ENERGIES	11/3-12/6/20	7018-222-713	12/18/2020	19.90	12/22/2020
536	WE-ENERGIES	11/3-12/6/20	9024-478-778	12/18/2020	17.88	12/22/2020
Total 10-53400-221 BUS STOP-ELECTRIC:					73.54	
10-53700-300 MISCELLANEOUS EXPENSE						
2241	ITU ABSORB TECH, INC	7583870	SHOP	12/08/2020	11.51	12/10/2020
2241	ITU ABSORB TECH, INC	7588081	SHOP	12/08/2020	11.51	12/10/2020
2241	ITU ABSORB TECH, INC	7592195	SHOP	12/08/2020	11.51	12/10/2020
Total 10-53700-300 MISCELLANEOUS EXPENSE:					34.53	
10-53700-341 REPAIR PARTS						
591	CUMMINS INC.	F682488	HEATER COOLANT	12/08/2020	228.57	12/10/2020
665	LAKESIDE INTERNATIONAL TR	1322857	MISC	12/08/2020	171.42	12/10/2020
1178	R.N.O.W., INC	59036	PARTS	12/08/2020	13,636.73	12/10/2020
1178	R.N.O.W., INC	59106	PARTS	12/08/2020	728.69	12/10/2020
4554	TERMINAL SUPPLY CO.	8578600	SOLENOID	12/08/2020	60.93	12/10/2020
Total 10-53700-341 REPAIR PARTS:					14,828.34	
10-53700-342 TIRES						
413	POMP'S TIRE SERVICE, INC.	60225289	TIRES	12/08/2020	1,312.00	12/10/2020
413	POMP'S TIRE SERVICE, INC.	60225291	TIRES	12/08/2020	526.44	12/10/2020
413	POMP'S TIRE SERVICE, INC.	60225292	TIRES	12/08/2020	628.56	12/10/2020
413	POMP'S TIRE SERVICE, INC.	60225293	TIRES	12/08/2020	1,105.48	12/10/2020
Total 10-53700-342 TIRES:					3,572.48	
10-53700-343 FUEL						
43	AUTO PARTS & SERVICE	831205	DEF	12/08/2020	52.45	12/10/2020
1337	HERBST OIL, INC	75602	FUEL	12/08/2020	1,046.18	12/10/2020
1337	HERBST OIL, INC	75668	FUEL	12/08/2020	431.33	12/10/2020
1337	HERBST OIL, INC	76010	FUEL	12/08/2020	333.78	12/10/2020
1337	HERBST OIL, INC	76403	FUEL	12/08/2020	785.56	12/10/2020
Total 10-53700-343 FUEL:					2,649.30	
10-53700-344 OIL						
1636	PLYMOUTH LUBRICANTS	6181438	PRO PERFORMANCE	12/08/2020	3,781.52	12/10/2020
1636	PLYMOUTH LUBRICANTS	6181773	CREDIT	12/08/2020	899.72	12/10/2020
1636	PLYMOUTH LUBRICANTS	6181774	PRO PERFORMANCE	12/08/2020	644.65	12/10/2020
Total 10-53700-344 OIL:					3,526.45	
10-53800-222 TELEPHONE UTILITIES						
848	WINDSTREAM	73280709	ACCT #205607389	12/10/2020	140.36	12/10/2020
5312	AT & T- VILLAGE	NOVEMBER 2020	414 351-8900 756 7	12/07/2020	33.52	12/10/2020
Total 10-53800-222 TELEPHONE UTILITIES:					173.88	

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10-53800-223 WATER/SEWER UTILITIES						
186	FOX POINT, VILLAGE OF - W/U	8/1-11/1/2020	VH WATER AND SEWER	12/01/2020	802.85	12/04/2020
Total 10-53800-223 WATER/SEWER UTILITIES:					802.85	
10-53800-224 CELL PHONES						
2136	VERIZON WIRELESS	9868221181	787066169-00001	12/16/2020	203.58	12/18/2020
Total 10-53800-224 CELL PHONES:					203.58	
10-53800-300 MISCELLANEOUS EXPENSE						
727	WI DEPT. OF JUSTICE	ZYFRJLYo	BACKGROUND CHECK DPW	12/15/2020	7.00	12/18/2020
905	MARCO TECHNOLOGIES, LLC	INV8180295	PHONE	12/07/2020	675.50	12/10/2020
905	MARCO TECHNOLOGIES, LLC	INV8199725	DPW SETUP	12/07/2020	112.50	12/10/2020
905	MARCO TECHNOLOGIES, LLC	INV8199726	DPW SETUP	12/07/2020	75.00	12/10/2020
2241	ITU ABSORB TECH, INC	7583872	DPW	12/08/2020	26.73	12/10/2020
2241	ITU ABSORB TECH, INC	7588083	VILLAGE	12/08/2020	209.15	12/10/2020
2241	ITU ABSORB TECH, INC	7592197	DPW	12/08/2020	26.73	12/10/2020
Total 10-53800-300 MISCELLANEOUS EXPENSE:					1,132.61	
10-55200-435 PLAYGROUND MATERIALS						
846	MIDWEST ARBORIST SUPPLIES	61846	GRIPS	12/22/2020	311.40	12/29/2020
Total 10-55200-435 PLAYGROUND MATERIALS:					311.40	
10-55440-220 GAS UTILITIES						
536	WE-ENERGIES	11/3-12/6/20	5214-367-035	12/18/2020	375.43	12/22/2020
Total 10-55440-220 GAS UTILITIES:					375.43	
10-55440-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	11/3-12/6/20	5630-222-240	12/18/2020	152.39	12/22/2020
Total 10-55440-221 ELECTRIC UTILITIES:					152.39	
10-55440-450 SKATE RINK MATERIALS						
186	FOX POINT, VILLAGE OF - W/U	8/1-11/1/2020	LONGACRE PAVILION	12/01/2020	961.02	12/04/2020
186	FOX POINT, VILLAGE OF - W/U	8/1-11/1/2020	L, ICE RINK	12/01/2020	98.06	12/04/2020
327	MENARD'S - MILWAUKEE	22794	POST	12/17/2020	58.86	12/18/2020
502	VILLAGE HARDWARE - VH	203711/1	PAVILLION	12/22/2020	17.09	12/29/2020
502	VILLAGE HARDWARE - VH	203751/1	PAVILLION	12/23/2020	23.26	12/29/2020
Total 10-55440-450 SKATE RINK MATERIALS:					1,158.29	
21-71000-400 MATERIALS						
281	LINCOLN CONTRACTORS SUP	N15100	MARKING PAINT	12/01/2020	34.32	12/10/2020
101806	USA BLUEBOOK	416189	FLAG	12/01/2020	95.05	12/10/2020
Total 21-71000-400 MATERIALS:					129.37	
21-72000-220 GAS UTILITIES						
536	WE-ENERGIES	11/3-12/6/20	2417--882-521	12/18/2020	12.13	12/22/2020
Total 21-72000-220 GAS UTILITIES:					12.13	
21-72000-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	11/3-12/6/20	1670-928-034	12/18/2020	31.81	12/22/2020

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536	WE-ENERGIES	11/3-12/6/20	2417--882-521	12/18/2020	147.61	12/22/2020
Total 21-72000-221 ELECTRIC UTILITIES:					179.42	
21-73000-226 MMSD CHARGES						
290	MMSD	254-20	AUG-OCT	12/14/2020	105,637.65	12/18/2020
290	MMSD	5/1-7/31/20ADDINV	ADDITIONAL INV TEST	12/14/2020	4,988.66	12/18/2020
Total 21-73000-226 MMSD CHARGES:					110,626.31	
21-73000-400 MATERIALS						
50	BADGER METER, INC.	80064618	SERVICE UNIT	12/01/2020	74.79	12/18/2020
2136	VERIZON WIRELESS	9868221181	787066169-00001	12/16/2020	37.50	12/18/2020
Total 21-73000-400 MATERIALS:					112.29	
22-53650-310 SUPPLIES/EXPENSES						
102093	TULIP CORPORATION	78853	RECYCLING BINS	12/04/2020	2,137.00	12/10/2020
Total 22-53650-310 SUPPLIES/EXPENSES:					2,137.00	
23-55420-220 GAS UTILITIES						
536	WE-ENERGIES	11/3-12/6/20	8294-368-584	12/18/2020	10.89	12/22/2020
Total 23-55420-220 GAS UTILITIES:					10.89	
23-55420-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	11/3-12/6/20	8294-368-584	12/18/2020	57.20	12/22/2020
Total 23-55420-221 ELECTRIC UTILITIES:					57.20	
23-55420-223 WATER/SEWER UTILITIES						
186	FOX POINT, VILLAGE OF - W/U	8/1-11/1/2020	POOL WATER AND SEWER	12/01/2020	1,650.42	12/04/2020
Total 23-55420-223 WATER/SEWER UTILITIES:					1,650.42	
24-44430 ELECTRICAL PERMIT						
915	HUIRAS, ROBERT	1.055195	REFUND PERMIT	12/10/2020	76.75	12/10/2020
Total 24-44430 ELECTRICAL PERMIT:					76.75	
24-52400-210 CONTRACT SERVICES						
535	MUNICIPAL LAW & LITIGATION	4894	VILLAGE ATTORNEY	12/10/2020	890.70	12/10/2020
2256	SAFE BUILT	007340-IN	INSPECTIONS	12/18/2020	765.00	12/22/2020
Total 24-52400-210 CONTRACT SERVICES:					1,655.70	
24-52400-224 CELL PHONES						
2136	VERIZON WIRELESS	9868221181	787066169-00001	12/16/2020	35.00	12/18/2020
Total 24-52400-224 CELL PHONES:					35.00	
24-52400-310 SUPPLIES/EXPENSES						
473	STREICHER'S	11468834	BATTERY/HOLDER	12/04/2020	57.73	12/10/2020
Total 24-52400-310 SUPPLIES/EXPENSES:					57.73	

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25-53410-400 MATERIALS						
281	LINCOLN CONTRACTORS SUP	N15100	MARKING PAINT	12/01/2020	34.32	12/10/2020
101806	USA BLUEBOOK	416189	FLAG	12/01/2020	95.05	12/10/2020
Total 25-53410-400 MATERIALS:					129.37	
25-53420-400 MATERIALS						
1000	GREAT LAKES POWER VAC, LL	9324	VACUUM CATCH BASINS	12/23/2020	4,120.05	12/29/2020
3259	HYQUIP, LLC- WAUKESHA	00452445	HOSE ASSEMB	12/08/2020	51.12	12/10/2020
Total 25-53420-400 MATERIALS:					4,171.17	
25-53800-210 CONTRACT SERVICES						
535	MUNICIPAL LAW & LITIGATION	4894	VILLAGE ATTORNEY	12/10/2020	30.00	12/10/2020
2136	VERIZON WIRELESS	9868221181	787068189-00001	12/16/2020	30.00	12/18/2020
Total 25-53800-210 CONTRACT SERVICES:					60.00	
25-91500-800 WPDES COMPLIANCE PROGRAM						
39	RUEKERT MIELKE, INC.	134344	GIS DATA	12/07/2020	499.50	12/10/2020
Total 25-91500-800 WPDES COMPLIANCE PROGRAM:					499.50	
25-91500-833 STORM SEWER SYSTEM IMPROVE.						
5986	WSO GRADING & EXCAVATING	6	GOODRICH INFRASTRUCTURE	12/01/2020	2,362.50	12/10/2020
5986	WSO GRADING & EXCAVATING	7	GOODRICH INFRASTRUCTURE	12/01/2020	12,477.22	12/10/2020
Total 25-91500-833 STORM SEWER SYSTEM IMPROVE.:					14,839.72	
40-91100-814 COMPREHENSIVE PLAN						
856	VIERBICHER ASSOC. INC.	16	COMP UPDATE	12/16/2020	215.00	12/18/2020
856	VIERBICHER ASSOC. INC.	17	COMP UPDATE	12/16/2020	250.00	12/18/2020
Total 40-91100-814 COMPREHENSIVE PLAN:					465.00	
40-91500-801 STREET RESURFACING						
357	MUNSON INC.	0053991	INDIAN CREEK PARK	12/01/2020	11,373.00	12/04/2020
1073	WI DEPT. OF TRANSPORTATIO	3950000196782	DESIGN	12/16/2020	1,072.05	12/18/2020
Total 40-91500-801 STREET RESURFACING:					12,445.05	
40-91600-800 STORMWATER ROAD PROJECT						
39	RUEKERT MIELKE, INC.	134344	GIS DATA	12/07/2020	1,451.70	12/10/2020
5986	WSO GRADING & EXCAVATING	4074	BEACH	12/01/2020	1,551.00	12/10/2020
Total 40-91600-800 STORMWATER ROAD PROJECT:					3,002.70	
40-91600-824 TREE PLANTING						
617	JOHNSON'S NURSERY	72880*	TREES	12/21/2020	103.50	12/22/2020
Total 40-91600-824 TREE PLANTING:					103.50	
40-91600-833 TREE REPLACEMENT						
69	WALLACE TREE & LANDSCAPE	165	STUMP TREAT/REMOVAL	12/02/2020	19,167.33	12/04/2020
69	WALLACE TREE & LANDSCAPE	169	STUMP TREAT/REMOVAL	12/29/2020	20,720.76	12/29/2020
Total 40-91600-833 TREE REPLACEMENT:					39,888.09	

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40-91600-849 BEACH DRIVE-SHORELINE EROSION						
535	MUNICIPAL LAW & LITIGATION	4894	VILLAGE ATTORNEY	12/10/2020	130.00	12/10/2020
Total 40-91600-849 BEACH DRIVE-SHORELINE EROSION:					130.00	
50-53100-233 GIS MAINTENANCE						
39	RUEKERT MIELKE, INC.	134344	GIS DATA	12/07/2020	972.00	12/10/2020
Total 50-53100-233 GIS MAINTENANCE:					972.00	
50-81000-601 SOURCE OF WATER SUPPLY						
378	NORTH SHORE WATER COMMI	56	MONTHLY	12/01/2020	19,127.28	12/04/2020
Total 50-81000-601 SOURCE OF WATER SUPPLY:					19,127.28	
50-81000-651 MAINTENANCE OF MAINS						
281	LINCOLN CONTRACTORS SUP	N15100	MARKING PAINT	12/01/2020	34.32	12/10/2020
474	CORE & MAIN LP	N480556	REPAIR CPLG	12/10/2020	165.00	12/29/2020
2241	ITU ABSORB TECH, INC	7583871	WATER DEPT	12/08/2020	8.34	12/10/2020
2241	ITU ABSORB TECH, INC	7588082	WATER	12/08/2020	44.80	12/10/2020
2241	ITU ABSORB TECH, INC	7592196	WATER DEPT	12/08/2020	8.34	12/10/2020
4332	DORNER COMPANY	155419-IN	SERVICE	12/15/2020	300.00	12/29/2020
Total 50-81000-651 MAINTENANCE OF MAINS:					560.80	
50-81000-654 MAINTENANCE OF HYDRANTS						
908	WISCONSIN HYDRANT REPAIR	20178	REPAIR	12/07/2020	1,157.32	12/10/2020
Total 50-81000-654 MAINTENANCE OF HYDRANTS:					1,157.32	
50-81000-800 CAPITAL OUTLAY						
39	RUEKERT MIELKE, INC.	134344	GIS DATA	12/07/2020	1,451.70	12/10/2020
535	MUNICIPAL LAW & LITIGATION	4894	VILLAGE ATTORNEY	12/10/2020	70.00	12/10/2020
3252	MIDWEST METER INC.	0126431-IN	BRACKET	12/01/2020	214.64	12/18/2020
4542	SEH, INC.	393699	LAKE DR DESIGN	12/16/2020	7,145.84	12/18/2020
4542	SEH, INC.	397138	LAKE DR DESIGN	12/08/2020	2,056.50	12/10/2020
Total 50-81000-800 CAPITAL OUTLAY:					10,938.68	
50-81000-844 NSWC CAPITAL PROJECTS						
378	NORTH SHORE WATER COMMI	12/09/20 PUMP 5	HIGH PUMP REMOVAL	12/21/2020	25.26	12/22/2020
378	NORTH SHORE WATER COMMI	12/15/20 RESERVO	RESERVOIR UPGRADE	12/21/2020	13,179.21	12/22/2020
Total 50-81000-844 NSWC CAPITAL PROJECTS:					13,204.47	
50-81000-903 SUPPLIES AND EXPENSE						
50	BADGER METER, INC.	80064618	SERVICE UNIT	12/01/2020	74.78	12/18/2020
Total 50-81000-903 SUPPLIES AND EXPENSE:					74.78	
50-81000-921 OFFICE SUPPLIES AND EXPENSE						
2136	VERIZON WIRELESS	9868221181	787066169-00001	12/16/2020	37.50	12/18/2020
Total 50-81000-921 OFFICE SUPPLIES AND EXPENSE:					37.50	
50-81000-923 OUTSIDE SERVICES EMPLOYED						
2839	CITY WATER LLC	736	MONTHLY	12/07/2020	6,000.00	12/10/2020

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Total 50-81000-923 OUTSIDE SERVICES EMPLOYED:					6,000.00	
70-12100 TAXES RECEIVABLES						
360	TARNOFF, LAWRENCE R OR JIL	21883	OVERPAYMENT TAXES	12/22/2020	566.25	12/29/2020
554	COLLIS, JAMES OR LINNEA	21807	OVERPAYMENT OF TAXES	12/21/2020	72.47	12/22/2020
880	SCOTT, JAMES S OR MARILYN	21448	OVERPAYMENT	12/16/2020	1.00	12/22/2020
881	HENAK, ROBERT R OR ELLEN	21302	OVERPAYMENT	12/14/2020	142.21	12/22/2020
882	BURKHAM, JEREMY	21657	OVERPAYMENT	12/18/2020	642.59	12/22/2020
883	BULTMAN, RALPH OR MARY KA	21654	OVERPAYMENT	12/18/2020	300.27	12/22/2020
884	NADEEM, UZMA	21680	OVERPAYMENT	12/18/2020	.72	12/22/2020
913	TOMASINI, DIANNE	21256	OVERPAYMENT	12/10/2020	966.80	12/18/2020
914	PETERS, JUDITH	21261	OVERPAYMENT	12/10/2020	518.74	12/18/2020
1826	ELLWEIN, JAMES D	21897	OVERPAYMENT TAXES	12/23/2020	121.09	12/29/2020
2625	MAJDALANI, JOHN P	21955	OVERPAYMENT TAXES	12/23/2020	235.23	12/29/2020
5557	CHOICE OR, BENNETT	21667	OVERPAYMENT OF TAXES	12/18/2020	57.76	12/22/2020
5557	CHOICE OR, BENNETT	21667**	OVERPAYMENT OF TAXES	12/18/2020	500.00	12/29/2020
5805	GILDAY, SARAH A	21885	OVERPAYMENT TAXES	12/22/2020	639.13	12/29/2020
Total 70-12100 TAXES RECEIVABLES:					4,784.26	
Grand Totals:					335,518.92	

Date Approved: _____

Village Manager: _____

Village Board: _____

Indian Creek is approximately 6.5 acres of mixed wetland, riparian stream, and wet prairie habitat. The project site has been restored back from a concrete streambed and now includes a diverse composition of native plant species. The professional and precise use of herbicides have played an important role in the project's success. Best management practices are always used (and always changing) when controlling plants and include cutting taproots, collecting seed heads, bagging and disposing of plants off site, and, when necessary, herbicide application. In 2020 there were two different chemicals used during maintenance visits conducted by Marek Landscaping, LLC's Stewardship Team, triclopyr and glyphosate. All staff who apply herbicides are licensed and certified with the Wisconsin Department of Trade, Agriculture and Consumer Protection. All necessary PPE is worn during loading, unloading, mixing, and application including closed toed shoes, pants, long sleeves, chemical resistant gloves, and safety glasses. Spill kits are kept in all trucks in the event of an accident or spill at a job site.

Triclopyr is a selective herbicide used for broadleaf plants and woody plants, such as trees and shrubs. **A total of 23.4 fluid ounces of Garlon3A was applied over the course of 3 visits.** In this case, triclopyr was used to target purple loosestrife, willow, ash, cottonwood, and buckthorn. There are two different forms of triclopyr, both a salt and an acid formulation. The salt formulation, often referred to as Triclopyr3A, is licensed for use in and around water and is the formulation that was applied at Indian Creek. Purple loosestrife is a highly aggressive, invasive perennial plant species. The woody species treated with triclopyr were either invasive or undesirable species to the location they were growing. The stream bed is designed to remain open and allow water to flow freely throughout without banking or damming. Any trees or shrubs that are growing throughout the stream bed or riparian bank are controlled to keep the stream functioning as designed. Attachment 1 includes an article produced by the WI DNR and states the following, "Impacts on Fish and Other Aquatic Organisms: Testing indicates that the aquatic formulation of triclopyr is practically non-toxic to fish and invertebrates. Species tested included catfish, trout, bluegill, minnows, crayfish and water fleas (*Daphnia* sp.). Triclopyr is slightly toxic to mallards, but at concentrations well above (400x) the highest allowed application rate." The highest allowed application rate is 2 gallons of Garlon 3A per acre per year. Indian Creek is approximately 6.5 acres total, allowing for a maximum of up to 13 gallons to be applied safely per year. A total of 23.4 fluid ounces (0.18 gallons) was applied to the entire site over the course of three visits in 2020.

Glyphosate is a nonselective herbicide that is used for the control of both broadleaf plants and grasses. AquaNeat is a formulation of glyphosate that is licensed for use in and around water and is the formulation that was applied at Indian Creek. AquaNeat was used to control cattails, thistles, teasels, reed canary grass, common burdock, and other invasive or undesirable plant species. **A total of 161.6 fluid ounces of Aquaneat was applied over the course of seven visits.** This product does not have a maximum rate per acre to apply. But, compared to the recommended rate for purple Loosestrife, as stated on the product label, 4 pints (64 fluid ounces) of AquaNeat should be applied per acre for successful control. Indian Creek is approximately 6.5 acres and at the recommended rate of 64 oz per acre, it would be a total of 3.25 gallons of this product applied per treatment. A total of 161.6 fluid ounces (1.26 gallons) was applied to the entire site over the course of seven visits in 2020.

Any other questions or comments, please feel free to contact Jamie Van directly.

Jamie Van, Restoration Ecologist
Marek Landscaping, LLC
Office: (414)272-0242 ext. 1003

Triclopyr Chemical Fact Sheet

Formulations

Triclopyr was initially registered with the EPA in 1979 and was reregistered in 1997. Triclopyr acid has different formulations for aquatic and terrestrial use. The active ingredient triethylamine salt (3,5,6-trichloro-2-pyridinyloxyacetic acid), commonly called triclopyr, is the formulation registered for use in aquatic systems. It is sold both as a liquid (Renovate 3™) as well as a granular form (Renovate OTF™) for control of submerged, emergent and floating-leaf vegetation. There is also a liquid premixed formulation (Renovate Max G™) that contains triclopyr plus 2,4-D, another aquatic herbicide.

Aquatic Use and Considerations

Triclopyr is used to treat the invasive Eurasian watermilfoil (*Myriophyllum spicatum*). Desirable native species that may also be affected include native milfoils, water shield (*Brasenia schreberi*), pickerelweed (*Pontederia cordata*), and lilies (*Nymphaea* spp. and *Nuphar* spp.).

Triclopyr is a systemic herbicide that moves throughout the plant tissue and works by interfering with cell growth and division. Following treatment, plant growth will be abnormal and twisted, and then plants will die within two to three weeks after application. Plants will decompose over several weeks.

Triclopyr needs to be applied to plants that are actively growing. A water body should not be treated with triclopyr if there is an outlet, or in moving waters such as rivers or streams. If there is water movement at a treated site, higher concentrations or a repeated application may be required.

Post-Treatment Water Use Restrictions

There are no restrictions on swimming, eating fish from treated water bodies, or pet/livestock drinking water use. Before treated water can be used for irrigation, the concentration must be below one part per billion (ppb), or at least 120 days must pass. Treated water should not be used for drinking water until concentrations of triclopyr are less than 400 ppb.

Herbicide Degradation, Persistence and Trace Contaminants

Triclopyr is broken down rapidly by light and microbes and has a half-life (the time it takes for half of the active ingredient to degrade) of about a day. Dissipation studies in lakes indicate that the half-life in natural systems ranges from 0.5 to 7.5 days. Lakes with more organic matter in the soil will have more rapid degradation.

The initial breakdown products of triclopyr are TCP (3,5,6-trichloro-2-pyridinol) and TMP (3,5,6-trichloro-2-methoxyridine). TCP and TMP appear to be slightly more toxic to aquatic organisms than triclopyr; however the peak concentration of these degradates is very low following treatment, so that they do not pose a concern to aquatic organisms. The half-lives for TCP and TMP are similar to those of triclopyr.

Triclopyr doesn't bind to soil, and limited leaching of triclopyr and its degradation products may occur. It likely is not mobile enough to contaminate groundwater, and EPA has determined that the evidence of possible leaching is not sufficient to require further study.

Impacts on Fish and Other Aquatic Organisms

Testing indicates that the aquatic formulation of triclopyr is practically non-toxic to fish and invertebrates. Species tested included catfish, trout, bluegill, minnows, crayfish and water fleas (*Daphnia* sp.). Triclopyr is slightly toxic to mallards, but at concentrations well above (400x) the highest allowed application rate. Water pH will affect toxicity because greater exposure to triclopyr will occur in low pH water. Tests have not been conducted in low pH water except for salmon species. However, the margin of safety in the toxicity tests that were conducted suggest that even in low pH water there would not be toxic effects on fish.

Tests on the degradation product TCP indicate that acute effects to bluegill and rainbow trout would not occur at label usage rates, although it is slightly more toxic than triclopyr. The degradation product TMP is moderately toxic to fish, but after treatment is found only in low proportions if it is detected at all. The EPA has requested additional data to evaluate the fate of the degradation product TCP in aquatic systems as well as its chronic toxicity to fish.

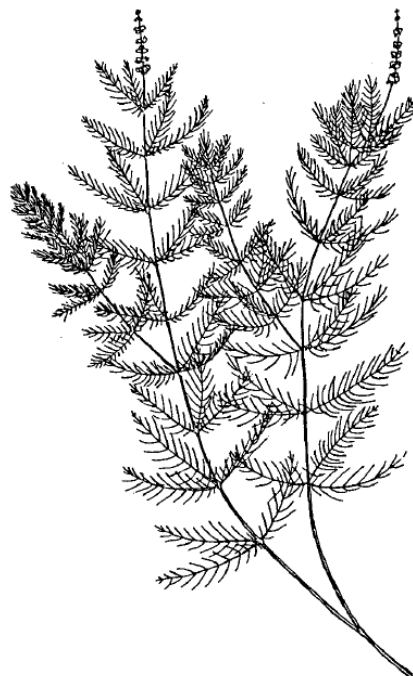
Triclopyr and TCP do not bioaccumulate and clear from fish and crayfish tissues at rates similar to that which occurs in the water. TMP does appear to bioaccumulate in fatty fish tissues, such as inedible and visceral tissues, but does not persist in fish following TMP disappearance from the water.

Human Health

The risk of acute exposure to triclopyr would be primarily to chemical applicators. Concentrated triclopyr does not pose an inhalation risk, but can cause skin irritation and eye corrosion. Persons who mix or apply triclopyr need to protect their skin and eyes from contact. In its consideration of exposure risks, the EPA believes no significant risks will occur to recreational users of water treated with triclopyr.

Triclopyr does not show evidence of birth defects, reproductive toxicity or genetic mutations in mammals tested. Triclopyr is not metabolized by humans and the majority is excreted intact. Some tumors of breast tissue

occurred in tests on rodents; however there was no consistent pattern and insufficient evidence to list triclopyr as a carcinogen. Based on its low acute toxicity to mammals, and its rapid disappearance from the water column due to light and microbial degradation, triclopyr is not considered to pose a risk to water users.



For Additional Information

Environmental Protection Agency
Office of Pesticide Programs
www.epa.gov/pesticides

Wisconsin Department of Agriculture, Trade,
and Consumer Protection
<http://datcp.wi.gov/Plants/Pesticides/>

Wisconsin Department of Natural Resources
608-266-2621
<http://dnr.wi.gov/lakes/plants/>

Wisconsin Department of Health Services
<http://www.dhs.wisconsin.gov/>

National Pesticide Information Center
1-800-858-7378
<http://npic.orst.edu/>



Aqua Neat[®]

Aquatic Herbicide

FOR USE ON EMERGED AQUATIC WEEDS AND
BRUSH IN AQUATIC SITES. FOR USE IN FORESTRY
(INCLUDING WEED CONTROL IN CHRISTMAS
TREE PLANTATIONS), RIGHTS-OF-WAY, HABITAT
RESTORATION AREAS, NON-CROP AND OTHER
LISTED APPLICATION SITES.

ACTIVE INGREDIENT:

Glyphosate, N-(phosphonomethyl)glycine,
in the form of its isopropylamine salt* 53.8%

OTHER INGREDIENTS: 46.2%

TOTAL: 100.0%

*Contains 648 grams per litre or 5.4 pounds per U.S. gallon of the active ingredient,
glyphosate, in the form of its isopropylamine salt. Equivalent to 480 grams per litre or
4 pounds per U.S. gallon of the acid, glyphosate.

KEEP OUT OF REACH OF CHILDREN CAUTION / PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la
explique a usted en detalle. (If you do not understand the label, find
someone to explain it to you in detail.)

SEE INSIDE BOOKLET FOR FIRST AID AND
ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or
Exposure, Call CHEMTREC
(800) 424-9300

For Medical Emergencies Only,
Call (877) 325-1840

EPA Reg. No. 228-365

Manufactured for
Nufarm Americas Inc.
150 Harvester Drive
Burr Ridge, IL 60527



**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION / PRECAUCION**

Harmful if inhaled. Avoid breathing spray mist. Remove contaminated clothing and wash clothing before reuse. Wash thoroughly with soap and water after handling.

FIRST AID	
IF INHALED	• Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.	

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear long-sleeved shirt and long pants and shoes plus socks. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exists, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Control Statements: When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users Should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

ENVIRONMENTAL HAZARDS

For aquatic uses, do not contaminate water when disposing of equipment washwaters. Treatment of aquatic weeds can result in oxygen depletion or loss due to decomposition of dead plants. This oxygen loss can cause fish suffocation.

For terrestrial uses, do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark.

In case of, SPILL OR LEAK, soak up and remove to a landfill. Do not contaminate water when disposing of equipment washwaters or rinseate.

PHYSICAL OR CHEMICAL HAZARDS

Spray solutions of this product should be mixed, stored and applied using only stainless steel, aluminum, fiberglass, plastic and plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read the entire label before using this product. Use strictly in accordance with label precautionary statements and directions.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protection equipment (PPE) and Restricted-Entry Interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the Restricted-Entry Interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, shoes plus socks, and chemical-resistant gloves Category A (such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber) > 14 mils.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses. Keep people and pets off treated areas until spray solution has dried to prevent transfer of this product onto desirable vegetation.

PRODUCT INFORMATION

DO NOT APPLY THIS PRODUCT USING AERIAL SPRAY EQUIPMENT EXCEPT UNDER CONDITIONS AS SPECIFIED WITHIN THIS LABEL OR CURRENT SUPPLEMENTAL LABELING ISSUED BY MANUFACTURER.

This product, a water-soluble liquid, mixes readily with water and nonionic surfactant to be applied as a foliar spray after dilution and thoroughly mixing with water in accordance with label instructions for the control or destruction of many herbaceous and woody plants.

Always use the higher rate of this product per acre within the specified range when vegetation is heavy or dense. When treating dense multi-canopied sites or woody vegetation or difficult-to-control herbaceous or woody plants.

This product moves through the plant from the point of foliage contact to and into the root system. Visible effects on most annual weeds occur within 2 to 4 days but on most perennial brush species may not occur for 7 days or more. Extremely cool or cloudy weather following treatment may slow the activity of this product and delay visual effects of control. Visible effects are a gradual wilting and yellowing of the plant which advances to complete browning of above-ground growth and deterioration of underground plant parts.

Unless otherwise directed on this label, delay application until vegetation has emerged and reached the stages described for control of such vegetation under the "WEEDS CONTROLLED" section of this label.

Unemerged plants arising from unattached underground rhizomes or root stocks of perennials or brush will not be affected by the spray and will continue to grow. For this reason best control of most perennial weeds or brush is obtained when treatment is made at late growth stages approaching maturity.

Always use the higher rate of this product per acre within the specified range when vegetation is heavy or dense.

Do not treat weeds or brush under poor growing conditions such as drought stress, disease or insect damage, as reduced control may result. Reduced results may also occur when treating weeds or brush heavily covered with dust.

Reduced control may result when applications are made to any weed or brush species that have been mowed, grazed or cut, and have not been allowed to regrow to the recommended stage for treatment.

Rainfall or irrigation occurring within 6 hours after application may reduce effectiveness. Heavy rainfall or irrigation within 2 hours after application may wash the product off the foliage and a repeat treatment may be required.

Mixing this product with herbicides or other materials not instructed in this label may result in reduced performance. However, unless otherwise prohibited on this label or the label of an intended tank mix product may be applied in combination with any herbicide registered for the same site, timing, and method of application. Observe the most restrictive label statements of various tank mix products used. TO THE FULLEST EXTENT PERMITTED BY LAW, BUYER AND ALL USERS ARE RESPONSIBLE FOR ALL LOSS OR DAMAGE IN CONNECTION WITH THE USE OR HANDLING OF MIXTURES OF THIS PRODUCT OR OTHER MATERIALS THAT ARE NOT EXPRESSLY SPECIFIED IN THIS LABEL.

For best results, spray coverage should be uniform and complete. Do not spray weed foliage to the point of runoff.

When this product comes in contact with soil (on the soil surface or as suspended soil or sediment in water) it is bound to soil particles. Under labeled use situations, once this product is bound to soil particles, it is not available for plant uptake and will not harm off-site vegetation where roots grow into the treatment area or if the soil is transported off-site. Under labeled use conditions, the strong affinity of this product to soil particles prevents this product from leaching out of the soil profile and entering ground water. The affinity between this product and soil particles remains until this product is degraded, which is primarily a biological degradation process carried out under both aerobic and anaerobic conditions by soil micro flora.

This product does not provide residual weed control. For subsequent residual weed control, follow a label-approved herbicide program. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used. Read **"WARRANTY DISCLAIMER"** and **"LIMITATION OF LIABILITY"** before buying or using. If items are not acceptable, return at once unopened. Buyer and all users are responsible for all loss or damage in connection with the use of handling of mixtures of this product or other materials that are not expressly specified in this label.

For more product information, call toll-free 1 -800-852-5234.

ATTENTION

AVOID CONTACT WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS, OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, SINCE SEVERE INJURY OR DESTRUCTION MAY RESULT. AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of plant or crop injury occurring from the use of this product is greatest when winds are gusty or in excess of 5 miles per hour or when other conditions, including lesser wind velocities, will allow spray drift to occur. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) which are likely to drift. AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or other unintended consequences. When not in use, keep container closed to prevent spills and contamination.

MIXING AND APPLICATION INSTRUCTIONS

APPLY THESE SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING DESIRED VOLUMES. HAND-GUN APPLICATIONS SHOULD BE PROPERLY DIRECTED TO AVOID SPRAYING DESIRABLE PLANTS. NOTE: REDUCED RESULTS MAY OCCUR IF WATER CONTAINING SOIL IS USED, SUCH AS WATER FROM PONDS AND UNLINED DITCHES.

TANK MIXTURES

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance. Mix labeled tank mixtures of this product with water as follows:

1. Place a 20 to 35 mesh screen or wetting basket over filling port.
2. Through the screen, fill the spray tank one-half full with water and start agitation.
3. If a wettable powder is used, make a slurry with the water carrier, and add it SLOWLY through the screen into the tank. Continue agitation.
4. If a flowable formulation is used, premix one part flowable with one part water. Add diluted mixture SLOWLY through the screen into the tank. Continue agitation.
5. If an emulsifiable concentrate formulation is used, premix one part emulsifiable concentrate with two parts water. Add diluted SLOWLY through the screen into the tank. Continue agitation.
6. Continue filling the spray tank with water and add the required amount of this product near the end of the filling process.
7. Where nonionic surfactant is recommended, add this to the spray tank before completing the filling process.
8. Add individual formulations to the spray tank as follows: wettable powder, flowable, emulsifiable concentrate, drift control additive, water soluble liquid followed by surfactant.

Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation is required to resuspend the mixture before spraying is resumed. To prevent or minimize foam, avoid the use of mechanical agitators, place the filling hose below the surface of the spray solution, terminate by-pass and return lines at the bottom of the tank and if needed use an approved anti-foam or defoaming agent.

Screen size in nozzle or line strainers should be no finer than 50 mesh. Carefully select proper nozzle to avoid spraying a fine mist. For best results with conventional ground application equipment, use flat fan nozzles.

Clean sprayer and parts immediately after using this product by thoroughly flushing with water.

For best results with conventional ground application equipment, use flat fan nozzles. Check for even distribution of spray droplets.

When using this product, mix 2 or more quarts of a nonionic surfactant per 100 gallons of spray solution. Use a nonionic surfactant labeled for use with herbicides. The surfactant must contain 50 percent or more active ingredient.

Always read and follow the manufacturer's surfactant label instructions for best results.

These surfactants should not be used in excess of 1 quart per acre when making broadcast applications.

Colorants or marking dyes approved for use with herbicides may be added to spray mixtures of this product. Colorants or dyes used in spray solutions of this product may reduce performance, especially at lower rates or dilutions. Use colorants or dyes according to the manufacturer's label instructions.

Clean sprayer and parts immediately after using this product by thoroughly flushing with water and dispose of rinsate according to labeled use or disposal instructions.

Carefully observe all cautionary statements and other information appearing in the surfactant label.

APPLICATION EQUIPMENT AND TECHNIQUES

This product may be applied with the following application equipment:

Aerial - Fixed Wing and Helicopter

Broadcast Spray

Controlled Droplet Applicator (CDA) - Hand-held or boom-mounted applicators which produce a spray consisting of a narrow range of droplet sizes.

Hand-Held and High-Volume Spray Equipment* - Knapsack and backpack sprayers, pump-up pressure sprayers, handguns, handwands, lances and other hand-held and motorized spray equipment used to direct the spray onto weed foliage.

*This product is not registered in California or Arizona for use in mistblowers.

Selective Equipment - Recirculating sprayers and wiper applicators. See the appropriate part of this section for specific instructions and rates of application.

APPLICATION INFORMATION

Observe the following directions to minimize off-site movement during aerial application of this herbicide. Minimization of off-site movement is the responsibility of the grower, Pest Control Advisor, and aerial applicator.

AERIAL EQUIPMENT

Use the specified rates of this product and surfactant in 3 to 20 gallons of water per acre as a broadcast spray, unless otherwise specified. See the "WEEDS CONTROLLED" section of this label for specific rates. Unless otherwise specified, do not exceed 1.5 pints per acre. Aerial applications of this product may only be made as specified in this label.

AVOID DRIFT - DO NOT APPLY DURING LOW-LEVEL INVERSION CONDITIONS, WHEN WINDS ARE GUSTY OR UNDER ANY OTHER CONDITION WHICH WILL ALLOW DRIFT. DRIFT MAY CAUSE DAMAGE TO ANY VEGETATION CONTACTED TO WHICH TREATMENT IS NOT INTENDED. TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Coarse sprays are less likely to drift; therefore, do not use nozzles or nozzle configurations which dispense spray as fine spray droplets. Do not angle nozzles forward into the airstream and do not increase spray volume by increasing nozzle pressure above the manufacturer's instructions.

Drift control additives may be used. When a drift control additive is used, read and carefully observe the precautionary statements and all other information appearing in the additive label.

Ensure uniform application - To avoid streaked, uneven or overlapped application, use appropriate marking devices.

Thoroughly wash aircraft, especially landing gear, after each day of spraying to remove residues of this product accumulated during spraying or from spills. PROLONGED EXPOSURE OF THIS PRODUCT TO UNCOATED STEEL SURFACES MAY RESULT IN CORROSION AND POSSIBLE FAILURE OF THE PART. LANDING GEAR ARE MOST SUSCEPTIBLE. The maintenance of an organic coating (paint) which meets aerospace specification MIL-C-38413 may prevent corrosion.

For use of this product by air in California see additional instructions in "FOR AERIAL APPLICATION IN CALIFORNIA ONLY" Section.

FOR AERIAL APPLICATION IN CALIFORNIA ONLY

EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF SPRAY WITH FOLIAGE, GREEN STEMS, OR FRUIT OF DESIRABLE CROPS, PLANTS, TREES, OR OTHER DESIRABLE VEGETATION SINCE SEVERE DAMAGE OR DESTRUCTION MAY RESULT.

Written Directions

A written direction MUST be submitted by or on behalf of the applicator to the Fresno County Agricultural Commissioner 24 hours prior to the application. This written direction MUST state the proximity of surrounding crops, and that conditions of each manufacturer's applicable product label(s) and this label have been satisfied.

Aerial Applicator Training and Equipment

Aerial application of this herbicide is limited to pilots who have successfully completed a Fresno County Agricultural Commissioner and California Department of Pesticide Regulation approved training program for aerial application of herbicides. All aircraft must be inspected, critiqued in flight, and certified at a Fresno County Agricultural Commissioner approved fly-in. Test and calibrate spray equipment at intervals sufficient to insure that proper rates of herbicides and adjuvants are being applied during commercial use. Applicator must document such calibrations and testing. Demonstration of performance at Fresno County Agricultural Commissioner approved "fly-ins" constitutes such documentation, or other written records showing calculations and measurements of flight and spray parameters acceptable to the Fresno County Agricultural Commissioner.

Application at night

Do not apply this product by air earlier than 30 minutes prior to sunrise and/or later than 30 minutes after sunset without prior permission from the Fresno County Agricultural Commissioner.

Aquatic and Other Noncrop Sites

When applied as directed and under the conditions described in the "Weeds Controlled" section of the label booklet for this product, this herbicide will control or partially control the labeled weeds growing in the following industrial, recreational and public areas, or other similar sites.

Aquatic Sites-including all bodies of fresh and brackish water which may be flowing, nonflowing or transient. This includes lakes, rivers, streams, ponds, seeps, irrigation and drainage ditches, canals, reservoirs, estuaries and similar sites.

If aquatic sites are present in the noncrop areas and are part of the intended treatment, read and observe the following directions: There is no limit on the use of treated water for irrigation, recreation or domestic purposes.

Consult local state fish and game agency and water control authorities before applying this product to public water. Permits may be required to treat such water.

NOTE: Do not apply this product within 1/2 mile upstream of an active potable water intake in flowing water (i.e., river, stream, etc.) or within 1/2 mile of an active potable water intake in a standing body of water such as a lake, pond or reservoir. To make aquatic applications around and within 1/2 mile of active potable water intakes, the water intake must be turned off for a minimum period of 48 hours after the application. The water intake may be turned on prior to 48 hours if the glyphosate level in the intake water is below 0.7 parts per million as determined by laboratory analysis. These aquatic applications may be made ONLY in those cases where there are alternative water sources or holding ponds which would permit the turning off of an active potable water intake for a minimum period of 48 hours after application.

This product does not control plants which are completely submerged or have a majority of their foliage underwater.

AVOID DRIFT - DO NOT APPLY WHEN WINDS ARE GUSTY OR UNDER ANY OTHER CONDITION WHICH WILL ALLOW DRIFT. DRIFT MAY CAUSE DAMAGE TO ANY VEGETATION CONTACTED TO WHICH TREATMENT IS NOT INTENDED. TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Use the following guidelines when aerial applications are made near crops or desirable perennial vegetation after bud break and before total leaf drop, and/or near other desirable vegetation or annual crops.

1. Do not apply within 100 feet of all desirable vegetation or crop(s).
2. If wind up to 5 miles per hour is blowing toward desirable vegetation or crop(s), do not apply within 500 feet of the desirable vegetation or crop(s).
3. Winds blowing from 5 to 10 miles per hour toward desirable vegetation or crop(s) may require buffer zones in excess of 500 feet.
4. Do not apply when winds are in excess of 10 miles per hour or when inversion conditions exist.

FOR AERIAL APPLICATION IN FRESNO COUNTY, CALIFORNIA ONLY

From February 15 through March 31 only. For aerial application outside of these dates, refer to the "FOR AERIAL APPLICATION IN CALIFORNIA ONLY" section printed above.

APPLICABLE AREA

This supplement only applies to the area contained inside the following boundaries within Fresno County, California only.

North: Fresno County line

South: Fresno County line

East: State Highway 99

West: Fresno County line

BOOM EQUIPMENT

For control of weed or brush species listed in this label using conventional boom equipment - Use the specified rates of this product and surfactant in 3 to 30 gallons of water per acre as a broadcast spray, unless otherwise specified. See the "WEEDS CONTROLLED" section of this label for specific rates. As density of vegetation increases, spray volume should be increased within the specified range to ensure complete coverage. Carefully select correct nozzle to avoid spraying a fine mist. For best results with ground application equipment, use flat fan nozzles. Check for even distribution of spray droplets.

HAND-HELD AND HIGH-VOLUME EQUIPMENT

Use Coarse Sprays Only

For control of weeds listed in this label using knapsack sprayers or high-volume spraying equipment utilizing handguns or other suitable nozzle arrangements - Prepare a 0.75 to 2 percent solution of this product in water, add a nonionic surfactant and apply to foliage of vegetation to be controlled. For specific rates of application and instructions for control of various annual and perennial weeds, see the "WEEDS CONTROLLED" section in this label.

Applications should be made on a spray-to-wet basis. Spray coverage should be uniform and complete. Do not spray to point of runoff. This product may be used as a 5 to 8 percent solution plus 0.5 to 1 fluid ounce non-ionic surfactant per gallon spray solution for low-volume directed sprays for spot treatment of trees and brush. It is most effective in areas where there is a low density of undesirable trees or brush. If a straight stream nozzle is used, start the application at the top of the targeted vegetation and spray from top to bottom in a lateral zig-zag motion. Ensure that at least 50 percent of the leaves are contacted by the spray solution. For flat fan and cone nozzles and with hand-directed mist blowers, mist the application over the foliage of the targeted vegetation. Small, open-branched trees need only be treated from one side. If the foliage is thick or there are multiple root sprouts, applications must be made from several sides to ensure adequate spray coverage.

For use in knapsack sprayers, it is suggested that the specified amount of this product be mixed with water in a large container. Fill sprayer with the mixed solution and add the correct amount of surfactant.

Prepare the desired volume of spray solution by mixing the amount of this product in water as shown in the following table:

SPRAY SOLUTION

DESIRED VOLUME	AMOUNT OF PRODUCT					
	0.75%	1.0%	1.25%	1.5%	5.0%	8.0%
1 Gallon	1.0 fl. oz.	1.33 fl. oz.	1.66 fl. oz.	2.0 fl. oz.	6.0 fl. oz.	10.25 fl. oz.
25 Gallons	1.5 pts.	1.0 qt.	1.25 qts.	1.5 qts.	5.0 qts.	2.0 gals.
100 Gallons	3.0 qts.	1.0 gals.	1.25 gals.	1.5 gals.	5.0 gals.	8.0 gals.

2 Tablespoons = 1 fluid ounce

SELECTIVE EQUIPMENT

For terrestrial application, this product may be applied through a shielded applicator, or a wiper applicator after dilution and thorough mixing with water to listed weeds growing in any non-crop site specified on this label.

- A shielded applicator directs the herbicide solution onto weeds, while shielding desirable vegetation from the herbicide.
- A wiper applicator applies the herbicide solution onto weeds by rubbing the weed with an absorbent material containing the herbicide solution.

AVOID CONTACT WITH DESIRABLE VEGETATION.

This section summarizes the general weed control spectrum and rates of application for this herbicide. Additional information specific to individual use patterns is detailed in following sections.

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions. The following drift management requirements must be followed to avoid off-target drift movement from aerial applications. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

1. The distance of the outer most operating nozzles on the boom must not exceed 3/4 the length of the rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downward more than 45 degrees. Where states have more stringent regulations, they must be observed.

The applicator should be familiar with and take into account the information covered in the [Aerial Drift Reduction Advisory Information](#).

Importance of Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see Wind, Temperature and Humidity, and Temperature Inversions sections of this label).

Controlling Droplet Size

- **Volume** - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** - Do not exceed the nozzle manufacturer's specified pressures. For many nozzle types, lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure. Higher pressure reduces droplet size and does not improve canopy protection.
- **Number of Nozzles** - Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle Orientation** - Orienting nozzles so that the spray is released backwards, parallel to the air stream produces larger droplets than other orientations. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- **Nozzle Type** - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.
- **Boom Length** - For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.
- **Application Height** - Applications must not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications must not occur during a local, low level temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of the smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

WEEDS CONTROLLED

ANNUAL WEEDS

Apply to actively growing annual grasses and broadleaf weeds.

Allow at least 3 days after application before disturbing treated vegetation. After this period the weeds may be mowed, tilled or burned. See "DIRECTIONS FOR USE", "PRODUCT INFORMATION" and "MIXING AND APPLICATION INSTRUCTIONS" for labeled uses and specific application instructions.

Broadcast Application - Use 1-1/2 pints of this product per acre plus 2 or more quarts of a nonionic surfactant per 100 gallons of spray solution, if weeds are less than 6 inches tall. If weeds are greater than 6 inches tall, use 2-1/2 pints of this product per acre plus 2 or more quarts of an approved nonionic surfactant per 100 gallons of spray solution.

Hand-Held, High-Volume Application - Use a 3/4 percent solution of this product in water plus 2 or more quarts of a nonionic surfactant per 100 gallons of spray solution and apply to foliage of vegetation to be controlled.

When applied as directed under the conditions described in this label, this product plus nonionic surfactant WILL CONTROL the following ANNUAL WEEDS:

Balsamapple**

Momordica charantia

Barley

Hordeum vulgare

Barnyardgrass

Echinochloa crus-galli

Bassia, fivehook

Bassia hyssopifolia

Bluegrass, annual

Poa annua

Bluegrass, bulbous

Poa bulbosa

Brome*

Bromus spp.

Buttercup

Ranunculus spp.

Cheat

Bromus secalinus

Chickweed, mouseear

Cerastium vulgatum

Cocklebur

Xanthium strumarium

Corn, volunteer

Zea mays

Crabgrass

Digitaria spp.

Dwarf dandelion

Krigia cespitosa

False dandelion

Krigia cespitosa

Falseflax, smallseed

Camelina microcarpa

Fiddleneck*

Amsinckia spp.

Flax leaf fleabane*

Conyza bonariensis

Fleabane

Erigeron spp.

Foxtail

Setaria spp.

Foxtail, Carolina

Alopecurus carolinianus

Groundsel, common

Senecio vulgaris

Horseweed/Marestail

Conyza canadensis

Kochia*

Kochia scoparia

Lambsquarters, common

Chenopodium album

Lettuce, prickly*

Lactuca scariola

Morningglory

Ipomoea spp.

Mustard, blue

Chorispora tenella

Mustard, tansy

Descurainia pinnata

Mustard, tumble

Sisymbrium altissimum

Mustard, wild

Sinapis arvensis

Oats, wild

Avena fatua

Panicum*

Panicum spp.

(continued)

Pennycress, field
Thlaspi arvense
Pigweed, redroot
Amaranthus retroflexus
Pigweed, smooth
Amaranthus hybridus
Ragweed, common*
Ambrosia artemisiifolia
Ragweed, giant*
Ambrosia trifida
Rocket, London
Sisymbrium irio
Rye
Secale cereale
Ryegrass, Italian*
Lolium multiflorum

Sandbur, field
Cenchrus spp.
Shattercane
Sorghum bicolor
Shepherd's-purse
Capsella bursa-pastoris
Signalgrass, broadleaf
Brachiaria platyphylla
Smartweed, Pennsylvania
Polygonum pensylvanicum
Sowthistle, annual*
Sonchus oleraceus
Spanishneedles*
Bidens bipinnata
Spurry, umbrella
Holosteum umbellatum

Stinkgrass
Eragrostis cilianensis
Sunflower*
Helianthus annuus
Thistle, Russian
Salsola kali
Velvetleaf*
Abutilon theophrasti
Wheat
Triticum aestivum
Witchgrass
Panicum capillare

*Apply 3 pints of this product per acre.

**Apply with hand-held equipment only.

Annual weeds will generally continue to germinate from seed throughout the growing season. Repeat treatments will be necessary to control later germinating weeds.

PERENNIAL WEEDS

Apply this product as follows to control or destroy most vigorously growing perennial weeds. Unless otherwise directed, allow at least 7 days after application before disturbing vegetation.

See individual control instructions for specific weeds following the table. For other perennials listed on this label, apply 4-1/2 to 7-1/2 pints of product per acre as a broadcast spray or as a 3/4 to 1-1/2 percent solution with hand-held equipment. Apply when target plants are actively growing and most have reached early head or early bud stage of growth.

Add 2 or more quarts of a nonionic surfactant per 100 gallons of spray solution to the rates of this product given in this list. See the "PRODUCT INFORMATION", "DIRECTIONS FOR USE" and "MIXING AND APPLICATION" sections in this label for specific uses and application instructions.

NOTE: If weeds have been mowed or tilled, do not treat until regrowth has reached the recommended stages. Fall treatments must be applied before a killing frost.

Repeat treatments may be necessary to control weeds regenerating from underground parts or seed.

When applied as specified under the conditions described, this product plus surfactant WILL CONTROL the following PERENNIAL WEEDS:

Alfalfa
Medicago sativa
Alligatorweed*
Alternanthera philoxeroides
Anise/Fennel
Foeniculum vulgare
Artichoke, Jerusalem
Helianthus tuberosus
Bahiagrass
Paspalum notatum
Bermudagrass
Cynodon dactylon
Bindweed, field
Convolvulus arvensis
Bluegrass, Kentucky
Poa pratensis
Blueweed, Texas
Helianthus ciliaris
Brackenfern
Pteridium spp.
Bromegrass, smooth
Bromus inermis

Canarygrass, reed
Phalaris arundinacea
Cattail
Typha spp.
Clover, red
Trifolium pratense
Clover, white
Trifolium repens
Cogongrass
Imperata cylindrica
Cordgrass
Spartina spp.
Cutgrass, giant*
Zizaniopsis miliacea
Dallisgrass
Paspalum dilatatum
Dandelion
Taraxacum officinale
Dock, curly
Rumex crispus
Dogbane, hemp
Apocynum cannabinum

Fescue
Festuca spp.
Fescue, tall
Festuca arundinacea
Guineagrass
Panicum maximum
Hemlock, poison
Conium maculatum
Horsenettle
Solanum carolinense
Horseradish
Armoracia rusticana
Ice Plant
Mesembryanthemum crystallinum
Johnsongrass
Sorghum halepense
Kikuyugrass
Pennisetum clandestinum
Knapweed
Centaurea repens
Lantana
Lantana camara

(continued)

Lespedeza: common, services

Lespedeza striata
Lespedeza cuneata

Loosestrife, purple

Lythrum salicaria

Lotus, American

Nelumbo lutea

Maidencane

Panicum hematomon

Milkweed

Asclepias spp.

Muhly, wirestem

Muhlenbergia frondosa

Mullein, common

Verbascum thapsus

Napiergrass

Pennisetum purpureum

Nightshade, silverleaf

Solanum elaeagnifolium

Nutsedge: purple, yellow

Cyperus rotundus

Cyperus esculentus

Orchardgrass

Dactylis glomerata

Pampas grass

Cortaderia jubata

Paragrass

Brachiaria mutica

Phragmites**

Phragmites spp.

Quackgrass

Agropyron repens

Reed, giant

Arundo donax

Ryegrass, perennial

Lolium perenne

Smartweed, swamp

Polygonum coccineum

Spatterdock

Nuphar luteum

Starthistle, yellow

Centaurea solstitialis

Sweet potato, wild*

Ipomoea pandurata

Thistle, artichoke

Cynara cardunculus

Thistle, Canada

Cirsium arvense

Timothy

Phleum pratense

Torpedograss*

Panicum repens

Tules, common

Scirpus acutus

Vaseygrass

Paspalum urvillei

Velvetgrass

Holcus spp.

Waterhyacinth

Eichornia crassipes

Waterlettuce

Pistia stratiotes

Waterprimrose

Ludwigia spp.

Wheatgrass, western

Agropyron smithii

*Partial control.

**Partial control in southeastern states. See specific instructions below.

Alligatorweed - Apply 6 pints of this product per acre as a broadcast spray or as a 1-1/4 percent solution with hand-held equipment to provide partial control of alligatorweed. Apply when most of the target plants are in bloom. Repeat applications will be required to maintain such control.

Bermudagrass - Apply 7-1/2 pints of this product per acre as a broadcast spray or as a 1-1/2 percent solution with hand-held equipment. Apply when target plants are actively growing and when seedheads appear.

Bindweed, field/Silverleaf Nightshade/Texas Blueweed - Apply 6 to 7-1/2 pints of this product per acre as a broadcast spray west of the Mississippi River and 4-1/2 to 6 pints of this product per acre east of the Mississippi River. With hand-held equipment, use a 1-1/2 percent solution. Apply when target plants are actively growing and are at or beyond full bloom. For silverleaf nightshade, best results can be obtained when application is made after berries are formed. Do not treat when weeds are under drought stress. New leaf development indicates active growth. For best results apply in late summer or fall.

Brackenfern - Apply 4-1/2 to 6 pints of this product per acre as a broadcast spray or as a 3/4 to 1 percent solution with hand-held equipment. Apply to fully expanded fronds which are at least 18 inches long.

Cattail - Apply 4-1/2 to 6 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment. Apply when target plants are actively growing and are at or beyond the early-to-full bloom stage of growth. Best results are achieved when application is made during the summer or fall months.

Cogongrass - Apply 4-1/2 to 7-1/2 pints of this product per acre as a broadcast spray. Apply when cogongrass is at least 18 inches tall and actively growing in late summer or fall. Allow 7 or more days after application before tillage or mowing. Due to uneven stages of growth and the dense nature of vegetation preventing good spray coverage, repeat treatments may be necessary to maintain control.

Cordgrass - Apply 4-1/2 to 7-1/2 pints of this product per acre as a broadcast spray or as a 1 to 2 percent solution with hand-held equipment. Schedule applications in order to allow 6 hours before treated plants are covered by tidewater. The presence of debris and silt on the cordgrass plants will reduce performance. It may be necessary to wash targeted plants prior to application to improve uptake of this product into the plant.

Cutgrass, giant - Apply 6 pints of this product per acre as a broadcast spray or as a 1 percent solution with hand-held equipment to provide partial control of giant cutgrass. Repeat applications will be required to maintain such control, especially where vegetation is partially submerged in water. Allow for substantial regrowth to the 7- to 10-leaf stage prior to retreatment.

Dogbane, hemp/Knapweed/Horseradish - Apply 6 pints of this product per acre as a broadcast spray or as a 1-1/2 percent solution with hand-held equipment. Apply when target plants are actively growing and most have reached the late bud-to-flower stage of growth. For best results, apply in late summer or fall.

Fescue, tall - Apply 4-1/2 pints of this product per acre as a broadcast spray or as a 1 percent solution with hand-held equipment. Apply when target plants are actively growing and most have reached the boot-to-head stage of growth. When applied prior to the boot stage, less desirable control may be obtained.

Guineagrass - Apply 4-1/2 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment. Apply when target plants are actively growing and when most have reached at least the 7-leaf stage of growth.

Johnsongrass/Bluegrass, Kentucky/Bromegrass, smooth/Canarygrass, reed/Orchardgrass/Ryegrass, perennial/Timothy/Wheatgrass, western - Apply 3 to 4-1/2 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment. Apply when target plants are actively growing and most have reached the boot-to-head stage of growth. When applied prior to the boot stage, less desirable control may be obtained. In the fall, apply before plants have turned brown.

Lantana - Apply this product as a 3/4 to 1 percent solution with hand-held equipment. Apply to actively growing Lantana at or beyond the bloom stage of growth. Use the higher application rate for plants that have reached the woody stage of growth.

Loosestrife, purple - Apply 4 pints of this product per acre as a broadcast spray or as a 1 to 1-1/2 percent solution using hand-held equipment. Treat when plants are actively growing at or beyond the bloom stage of growth. Best results are achieved when application is made during summer or fall months. Fall treatments must be applied before a killing frost.

Lotus, American - Apply 4 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment. Treat when plants are actively growing at or beyond the bloom stage of growth. Best results are achieved when application is made during summer or fall months. Fall treatments must be applied before a killing frost. Repeat treatment may be necessary to control regrowth from underground parts and seeds.

Maidencane/Paragrass - Apply 6 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment. Repeat treatments will be required, especially to vegetation partially submerged in water. Under these conditions, allow for regrowth to the 7- to 10-leaf stage prior to retreatment.

Milkweed, common - Apply 4-1/2 pints of this product per acre as a broadcast spray or as a 1-1/2 percent solution with hand-held equipment. Apply when target plants are actively growing and most have reached the late bud-to-flower stage of growth.

Nutsedge: purple, yellow - Apply 4-1/2 pints of this product per acre as a broadcast spray, or as a 3/4 percent solution with hand-held equipment to control existing nutsedge plants and immature nutlets attached to treated plants. Apply when target plants are in flower or when new nutlets can be found at rhizome tips. Nutlets which have not germinated will not be controlled and may germinate following treatment. Repeat treatments will be required for long-term control.

Pampasgrass - Apply a 1-1/2 percent solution of this product with hand-held equipment when plants are actively growing.

Phragmites - For partial control of phragmites in Florida and the counties of other states bordering the Gulf of Mexico, apply 7-1/2 pints per acre as a broadcast spray or apply a 1-1/2 percent solution with hand-held equipment. In other areas of the U.S., apply 4 to 6 pints per acre as a broadcast spray or apply a 3/4 percent solution with hand-held equipment for partial control. For best results, treat during late summer or fall months when plants are actively growing and in full bloom. Due to the dense nature of the vegetation, which may prevent good spray coverage and uneven stages of growth, repeat treatments may be necessary to maintain control. Visual control symptoms will be slow to develop.

Quackgrass/Kikuyugrass/Muhly, wirestem - Apply 3 to 4-1/2 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment when most quackgrass or wirestem muhly is at least 8 inches in height (3- to 4-leaf stage of growth) and actively growing. Allow 3 or more days after application before tillage.

Reed, giant/ice plant - For control of giant reed and ice plant, apply a 1-1/2 percent solution of this product with hand-held equipment when plants are actively growing. For giant reed, best results are obtained when applications are made in late summer to fall.

Spatterdock - Apply 6 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment. Apply when most plants are in full bloom. For best results, apply during the summer or fall months.

Sweet potato, wild - Apply this product as a 1-1/2 percent solution using hand-held equipment. Apply to actively growing weeds that are at or beyond the bloom stage of growth. Repeat applications will be required. Allow the plant to reach the recommended stage of growth before retreatment.

Thistle: Canada, artichoke - Apply 3 to 4-1/2 pints of this product per acre as a broadcast spray or as a 1-1/2 percent solution with hand-held equipment for Canada thistle. To control artichoke thistle, apply a 2 percent solution as a spray to wet application. Apply when target plants are actively growing and are at or beyond the bud stage of growth.

Torpedograss - Apply 6 to 7-1/2 pints of this product per acre as a broadcast spray or as a 3/4 to 1-1/2 percent solution with hand-held equipment to provide partial control of torpedograss. Use the lower rates under terrestrial conditions, and the higher rates under partially submerged or a floating mat condition. Repeat treatments will be required to maintain such control.

Tules, common - Apply this product as a 1-1/2 percent solution with hand-held equipment. Apply to actively growing plants at or beyond the seedhead stage of growth. After application, visual symptoms will be slow to appear and may not occur for 3 or more weeks.

Waterhyacinth - Apply 5 to 6 pints of this product per acre as a broadcast spray or apply a 3/4 to 1 percent solution with hand-held equipment. Apply when target plants are actively growing and at or beyond the early bloom stage of growth. After application, visual symptoms may require 3 or more weeks to appear with complete necrosis and decomposition usually occurring within 60 to 90 days. Use the higher rates when more rapid visual effects are desired.

Waterlettuce - For control, apply a 3/4 to 1 percent solution using hand-held equipment to actively growing plants. Use higher rates where infestations are heavy. Best results are obtained from mid-summer through winter applications. Spring applications may require retreatment.

Waterprimrose - Apply this product as a 3/4 percent solution using hand-held equipment. Apply to plants that are actively growing at or beyond the bloom stage of growth, but before fall color changes occur. Thorough coverage is necessary for best control.

Other perennials listed on this label - Apply 4-1/2 to 7-1/2 pints of this product per acre as a broadcast spray or as a 3/4 to 1-1/2 percent solution with hand-held equipment. Apply when target plants are actively growing and most have reached early head or early bud stage of growth.

WOODY BRUSH AND TREES

See individual control instructions for specific woody brush and trees to be controlled in the following table. For partial control of other woody brush and trees listed in the table, apply 3 to 7.5 pints of this product per acre as a broadcast spray or as a 0.75 to 10 percent solution with hand-held equipment.

Apply the specified rate of this product plus 2 or more quarts of a nonionic surfactant per 100 gallons of spray solution when plants are actively growing and, unless otherwise directed, after full-leaf expansion. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late Summer or Fall after fruit formation.

Applied as a 5 to 8 percent solution as a directed application as described in the "HAND-HELD AND HIGH-VOLUME EQUIPMENT" section, this product will control or partially control all species listed in this section of the label. Use the higher rate of application for dense stands and larger woody brush and trees.

In arid areas, best results are obtained when application is made in the Spring or early Summer when brush species are at high moisture content and are flowering. Ensure thorough coverage when using hand-held equipment. Symptoms may not appear prior to frost or senescence with Fall treatment.

Allow 7 or more days after application before mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if Fall treatments are made following a frost.

Application Rates¹

METHOD OF APPLICATION	APPLICATION RATE	SPRAY VOLUME (Gallons/Acre)
Broadcast		
Aerial	1.5 to 7.5 qts./ acre	5 to 30
Ground	1.5 to 7.5 qts./ acre	10 to 60
Spray-to-Wet		
Handgun, Backpack, Mistblower	0.75% to 2.0% by volume	Spray-to-Wet
Low Volume Directed Spray²		
Handgun, Backpack, Mistblower	5.0% to 10.0% by volume	Partial Coverage

¹ Where repeat applications are necessary do not exceed 8.0 quarts per acre per year.

² For low volume directed spray applications, coverage should be uniform with at least 50 percent of the foliage contacted. For best results, coverage of the top one-half of the plant is important.

NOTE: If brush has been mowed or tilled or trees have been cut, do not treat until regrowth has reached the recommended stage of growth.

When applied as specified under the conditions described, this product plus surfactant CONTROLS or PARTIALLY CONTROLS the following woody brush plants and trees:

Alder

Alnus spp.

Ash*

Fraxinus spp.

Aspen, quaking

Populus tremuloides

Bearclover, Bearmat

Chamaebatia foliolosa

Birch

Betula spp.

Blackberry

Rubus spp.

Broom:

French

Cytisus monspessulanus

Scotch

Cytisus scoparius

Buckwheat, California*

Eriogonum fasciculatum

Cascara*

Rhamnus purshiana

Catsclaw*

Acacia greggi

Ceanothus

Ceanothus spp.

Chamise

Adenostoma fasciculatum

Cherry:

Bitter

Prunus emarginata

Black

Prunus serotina

Pin

Prunus pensylvanica

Coyote brush

Baccharis consanguinea

Creepers, Virginia*

Parthenocissus quinquefolia

Dewberry

Rubus trivialis

Dogwood

Cornus spp.

Elderberry

Sambucus spp.

Elm*

Ulmus spp.

Eucalyptus, bluegum

Eucalyptus globules

Hasardia*

Haplopappus squamosus

Hawthorn

Crataegus spp.

Hazel

Corylus spp.

Hickory

Carya spp.

Holly, Florida; Brazilian Peppertree

Schinus terebinthifolius

Honeysuckle

Lonicera spp.

Hornbeam, American

Carpinus caroliniana

Kudzu
Pueraria lobata
Locust, black*
Robinia pseudoacacia
Manzanita
Arctostaphylos spp.
Maple:
Red**
Acer rubrum
Sugar
Acer saccharum
Vine*
Acer circinatum
Monkey Flower*
Mimulus guttatus
Oak:
Black*
Quercus velutina
Northern pine
Quercus palustris
Post
Quercus stellata
Red
Quercus rubra
Southern red
Quercus falcata
White*
Quercus alba

Persimmon*
Diospyros spp.
Poison Ivy
Rhus radicans
Poison Oak
Rhus toxicodendron
Poplar, yellow*
Liriodendron tulipifera
Prunus
Prunus spp.
Raspberry
Rubus spp.
Redbud, eastern
Cercis canadensis
Rose, multiflora
Rosa multiflora
Russian-olive
Elaeagnus angustifolia
Sage: black, white
Salvia spp.
Sagebrush, California
Artemisia californica
Salmonberry
Rubus spectabilis
Salt cedar*
Tamarix spp.
Saltbush, Sea myrtle
Baccharis halimifolia

Sassafras
Sassafras albidum
Sourwood*
Oxydendrum arboreum
Sumac:
Poison*
Rhus vernix
Smooth*
Rhus glabra
Winged*
Phus copallina
Sweet gum
Liquidambar styraciflua
Swordfern*
Polystichum munitum
Tallowtree, Chinese
Sapium sebiferum
Thimbleberry
Rubus parviflorus
Tobacco, tree*
Nicotiana glauca
Trumpet creeper
Campsis radicans
Waxmyrtle, southern*
Myrica cerifera
Willow
Salix spp.

*Partial control

**See below for control or partial control instruction.

See the "DIRECTIONS FOR USE" and "MIXING AND APPLICATION INSTRUCTIONS" sections in this label for labeled use and specific application instructions.

Apply the product as follows to control or partially control the following woody brush and trees.

Alder/Blackberry/Dewberry/Honeysuckle/Oak, Post/Raspberry - For control, apply 4-1/2 to 6 pints per acre as a broadcast spray or as a 3/4 to 1-1/4 percent solution with hand-held equipment.

Aspen, Quaking/Hawthorn/Trumpet creeper - For control, apply 3 to 4-1/4 pints of this product per acre as a broadcast spray or as a 3/4 to 1-1/4 percent solution with hand-held equipment.

Birch/Elderberry/Hazel/Salmonberry/Thimbleberry - For control, apply 3 pints per acre of this product as a broadcast spray or as a 3/4 percent solution with hand-held equipment.

Broom: French, Scotch - For control, apply a 1-1/4 to 1-1/2 percent solution with hand-held equipment.

Buckwheat, California/Hasardia/Monkey Flower/Tobacco, Tree - For partial control of these species apply a 3/4 to 1-1/2 percent solution of this product as a foliar spray with hand-held equipment. Thorough coverage of foliage is necessary for best results.

Catsclaw - For partial control, apply a 1-1/4 to 1-1/2 percent solution with hand-held equipment when at least 50 percent of the new leaves are fully developed.

Cherry: Bitter, Black, Pin/Oak, Southern Red/Sweet Gum/Prunus - For control, apply 3 to 7-1/2 pints of this product per acre as a broadcast spray or as a 1 to 1-1/2 percent solution with hand-held equipment.

Coyote brush - For control, apply a 1-1/4 to 1-1/2 percent solution with hand-held equipment when at least 50 percent of the new leaves are fully developed.

Dogwood/Hickory/Salt cedar - For partial control, apply a 1 to 2 percent solution of this product with hand-held equipment or 6 to 7-1/2 pints per acre as a broadcast spray.

Eucalyptus, bluegum - For control of eucalyptus resprouts, apply a 1-1/2 percent solution of this product with hand-held equipment when resprouts are 6- to 12-feet tall. Ensure complete coverage. Apply when plants are actively growing. Avoid application to drought-stressed plants.

Holly, Florida/Waxmyrtle, southern - For partial control, apply this product as a 1-1/2 percent solution with hand-held equipment.

Kudzu - For control, apply 6 pints of this product per acre as a broadcast spray or as a 1-1/2 percent solution with hand-held equipment. Repeat applications will be required to maintain control.

Maple, Red - For control, apply as a 3/4 to 1-1/4 percent solution with hand-held equipment when leaves are fully developed. For partial control, apply 2 to 7-1/2 pints of this product per acre as a broadcast spray.

Maple, Sugar/Oak; Northern Pine, Red - For control, apply as a 3/4 to 1-1/4 percent solution with hand-held equipment when at least 50 percent of the new leaves are fully developed.

Poison Ivy/Poison Oak - For control, apply 6 to 7-1/2 pints of this product per acre as a broadcast spray or as a 1-1/2 percent solution with hand-held equipment. Repeat applications may be required to maintain control. Fall treatments must be applied before leaves lose green color.

Rose, multiflora - For control, apply 3 pints of this product per acre as a broadcast spray or as a 3/4 to 1-1/2 percent solution with hand-held equipment. Treatments should be made prior to leaf deterioration by leaf-feeding insects.

Sage, black/Sagebrush, California/Chamise/Tallowtree, Chinese - For control of these species, apply a 3/4 percent solution with hand-held equipment. Thorough coverage of foliage is necessary for best results.

Saltbush, Sea myrtle - For control, apply this product as a 1 percent solution with hand-held equipment.

Willow - For control, apply 4-1/2 pints of this product per acre as a broadcast spray or as a 3/4 percent solution with hand-held equipment.

Other woody brush and trees listed in this label - For partial control, apply 3 to 7-1/2 pints of this product per acre as a broadcast spray or as a 3/4 to 1-1/2 percent solution with hand-held equipment.

NON-CROP USES

See "PRODUCT INFORMATION" and "MIXING AND APPLICATION INSTRUCTIONS" sections of this label for essential product performance information and the following "NON-CROP" sections for specific uses.

EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OR SPRAY WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE TURFGRASSES, TREES, SHRUBS OR OTHER DESIRABLE VEGETATION SINCE SEVERE DAMAGE OR DESTRUCTION MAY RESULT.

Repeat treatments may be necessary to control weeds regenerating from underground parts or seeds. Where repeat applications are necessary, do not exceed 8 quarts of this product per acre per year.

This product does not provide residual weed control. For subsequent weed control, follow a label-approved herbicide program.

Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used.

INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS

When applied as directed for "NON-CROP USES", under conditions described, this product may be used to control the listed weeds.

Non-Crop Sites - This product may be used to control the listed weeds in terrestrial noncrop sites and/or in aquatic sites within these areas:

airfields; airports; alleys, lanes, trails & access roads; around commercial or industrial structures or outbuildings; around farm and ranch structures and outbuildings; around ornamental gardens; around ornamental trees & shrubs; bare ground; beaches; campgrounds; construction sites; ditch banks; drive-in theaters; driveways & ramps; dry ditches & canals; fences & fencerows; firebreaks; golf courses; gravel yards; habitat restoration & management areas; highways & roadsides (including aprons, medians, guardrails & right of ways); industrial plant sites; industrial areas; lumber yards; mulched areas; natural areas; paths and trails; parking areas; parks; paved areas; petroleum & other tank farms; pumping installations; pipeline, power, telephone & utility rights-of-way; power stations; preplant to turf & ornamental plants; railroad rights-of-way; recreation areas; refineries; resorts; schools; sidewalks; sports areas; storage areas; substations; tennis courts; uncropped farmstead areas; uncultivated non-agricultural areas; vacant lots; walkways; wastelands; & wildlife habitat areas

When applied as directed for "NON-CROP USES", under conditions described, this product may be used to control the listed weeds in terrestrial non-crop sites within these areas: Habitat Restoration & Management Area, Pipeline, Power, Telephone & Utility Rights-of-Way and Pumping Installations.

This product is a non-selective herbicide that is diluted and applied to the foliage of actively growing weeds as a spot or broadcast application. It is absorbed by the leaves and moves throughout the stem and roots to control the entire plant. Visible symptoms may require a week or more to appear, with burndown usually occurring in 2 to 4 weeks. Symptoms are a gradual wilting and yellowing of the sprayed plant followed by deterioration of both shoots and roots. This product has no herbicide activity in the soil and will not wash or leach to affect nearby vegetation. Any ornamental species may be planted in treated areas 7 days or more after application. For most effective results, delay mowing, clipping, planting or sodding of treated areas for at least 7 days after application. This allows time for this product to move within the plant.

For specific rates of application and instructions for control of particular annual weeds, perennial weeds, woody brush and trees, see the "WEEDS CONTROLLED" section of this label. These applications may be made to large affected areas or as spot treatments. For general use in small areas, see alternative instructions below under "Small Area Treatment With Hand-held Sprayers".

Unless the "Agriculture Use Requirements" on this label are observed, the following restrictions apply:

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climactic modification and being grown in ornamental gardens or parks, or on golf courses or lawns and grounds.

AVOID SPRAY DRIFT CONTACT WITH DESIRABLE LAWN GRASSES, FLOWERS, VEGETABLES, SHRUBS OR TREES. DO NOT CONTACT GREEN BARK OF TREES OR SHRUBS. IF DESIRABLE VEGETATION IS CONTACTED, WASH IMMEDIATELY WITH WATER.

Depending on the type of non-crop application, this product may be applied with boom equipment, high-volume spray equipment and hand-held sprayers as described in the respective portions of the "APPLICATION EQUIPMENT AND TECHNIQUES" section of the label. Additionally, the product may be applied with recirculating sprayers, shielded applicators, or wiper applicators in any non-crop site specified on this label. See the "Selective Equipment" part of "APPLICATION EQUIPMENT AND TECHNIQUES" section of this label for information on proper use and calibration of this equipment.

Small Area Treatment With Hand-held Sprayers

Add 2.25 to 4.5 fluid ounces of this product plus 0.5 to 1 fluid ounce of nonionic surfactant to 1 gallon of clean water. Use the low rate for many grasses and annual weeds. Use the higher specified rate for control of perennials and brush. Use pump-up sprayer, backpack sprayer or other sprayer suitable for small areas. Adjust equipment to deliver a coarse spray pattern. USE OF HOSE-END SPRAYERS OR SPRINKLER-TYPE DEVICES MAY NOT BE USED.

TANK MIXTURES FOR NON-CROP SITES

When applied as a tank mixture, this product provides control of the emerged annual weeds and partial control of the emerged perennial weeds listed in this label. When applied as a tank mixture, the following residual herbicides will provide preemergence control of the weeds listed in the individual product labels.

This product PLUS Diuron
This product PLUS Krovar® I
This product PLUS Princep®, Caliber®90, Simazine 4L, 80W or 90DF
This product PLUS Surflan®75W, Surflan AS
This product PLUS Ronstar®50WP
This product PLUS Spyder or Spyder Extra
This product PLUS ProClipse
This product PLUS Polaris AC Complete

When tank mixing with residual herbicides, add a nonionic surfactant at 0.5 to 1 percent by volume of spray solution. See the "APPLICATION EQUIPMENT AND TECHNIQUES" section of this label before preparing these tank mixtures.

Read and carefully observe the label claims, precautionary statements, specified use rate and all other information on the labels of all products used in these tank mixtures.

Use according to the most restrictive label directions for each product in the mixture.

CONTROL OF EMERGED WEEDS

Note: For backpack sprayer and handgun applications, see the "HAND-HELD AND HIGH VOLUME EQUIPMENT" section for specified rates.

Annual Weeds

Apply 1.5 pints per acre of this product in these tank mixtures when weeds are less than 6 inches tall and 2.25 pints per acre when weeds are more than 6 inches tall.

Perennial Weeds

For partial control of perennial weeds using these tank mixtures, apply 1.5 to 7.5 pints per acre of this product. Follow these recommendations in the "WEEDS CONTROLLED" section of this label for stage of growth and rate of application for specific perennial weeds.

PREEMERGENCE WEED CONTROL

For preemergence weed control, refer to the individual product labels for specific non-crop sites, rates, carrier volumes and precautionary statements.

Mix only the quantity of spray solution which can be used during the same day. Do not allow these tank mixtures to stand overnight as this may result in reduced weed control.

BROADCAST APPLICATION FOR WEED CONTROL IN CHRISTMAS TREE PLANTATIONS

NOTE: IF THIS PRODUCT IS IMPROPERLY APPLIED, IT HAS THE POTENTIAL TO CAUSE SEVERE INJURY TO CHRISTMAS TREES. FOLLOW ALL LABELED DIRECTIONS.

This product may be applied as a broadcast spray over established Christmas trees. To prevent drift onto nearby desirable crops or vegetation, ensure that adequate buffers are maintained.

The following Christmas tree species are approved for this application:

- Douglas Fir (*Pseudotsuga menziesii*)
- Fir species (*Abies* spp.)
- Spruce species (*Picea* spp.)

Do not apply this product until trees have completed at least a full growing season since planting or transplanting. Do not apply within 1 full year prior to tree harvest.

In the fall, applications may only be made after the formation of final conifer resting buds. Final resting buds must be in the dormant stage and fully hardened. If applications are made at any other time, unacceptable Christmas tree injury may occur.

Avoid spray pattern overlap, as injury may result.

Apply 24 fluid ounces of this product per acre in 5 to 30 gallons of water per acre.

NOTE: ADDING SURFACTANTS, ADDITIVES CONTAINING SURFACTANTS, OR ANY OTHER ADDITIVES TO THIS PRODUCT MAY RESULT IN SEVERE CHRISTMAS TREE INJURY.

In some areas, this product may be used at rates from 24 to 48 fluid ounces per acre. Consult your local Nufarm representative for specific instructions if you require rates that exceed 24 fluid ounces per acre.

Do not use drift control additives as they may increase Christmas tree injury. Do not use other herbicides in a tank mix with this product as Christmas trees could be severely injured.

SILVICULTURAL SITES AND RIGHTS-OF-WAY

NOTE: DO NOT USE AS AN OVER-THE-TOP BROADCAST SPRAY IN SILVICULTURAL NURSERIES.

When applied as directed for "NON-CROP USES" under conditions described this product controls undesirable vegetation listed on this label. This product also suppresses or controls undesirable vegetation listed on this label when applied at specified rates for release of established coniferous species listed on this label.

For specific rates of application and instructions for control of various brush, annual and perennial weeds, see the "WEEDS CONTROLLED" section of this label. For specific rates of application for release of listed coniferous species, see the "CONIFER RELEASE" part of this section of the label.

Where repeat applications are necessary, do not exceed 8 quarts of this product per acre per year.

Aerial Application

This product may be applied using aerial spray equipment for silvicultural site preparation, conifer release and rights-of-way treatments. See the "APPLICATION EQUIPMENT AND TECHNIQUES" part of the "MIXING AND APPLICATION INSTRUCTIONS APPLICATION EQUIPMENT AND TECHNIQUES" section of this label for information on how to apply this product by air. DO NOT APPLY THIS PRODUCT BY AIR TO RIGHTS-OF-WAY SITES IN THE STATE OF CALIFORNIA.

SITE PREPARATION

Following preplant applications of this product, any silvicultural species may be planted.

POST DIRECTED SPRAY

In established silvicultural sites, use as a spray on the foliage of undesirable vegetation. Care must be exercised to avoid contact of spray, drift or mist with foliage or green bark of desirable species.

CONIFER RELEASE

For release, apply at the end of the first growing season, except in California. Vegetation of target weeds or trees should not be disturbed prior to treatment or until visual symptoms appear after treatment. Symptoms of treatment are slow to appear, especially in woody species treated in late Fall. **Injury may occur to conifers treated for release, especially where spray patterns overlap or the higher rates are applied or when applications are made during periods of active conifer growth.**

Applications must be made after formation of final conifer resting buds in the fall or prior to initial bud swelling in spring. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Use the following rates for conifer release to control or partially control the weeds listed in the "WEEDS CONTROLLED" section of this label.

For release of the following conifer species:

Douglas Fir <i>Pseudotsuga menziesii</i>	Fir <i>Abies</i> spp.	Hemlock <i>Tsuga</i> spp.	Pines* <i>Pinus</i> spp.	Spruce <i>Picea</i> spp.
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*Includes all species except eastern white pine, loblolly pine or slash pine.

Apply 2.25 to 3 pints of this product per acre except in Washington and Oregon, west of the crest of the Cascade Mountains. For Spring treatments west of the crest of the Cascade Mountains, apply 1 quart of this product per acre before conifer bud swell for control of annual weeds. For Fall treatments in Washington and Oregon, west of the crest of the Cascade Mountains, apply 1.5 to 2.25 pints of this product per acre before any major leaf drop of deciduous species. Add 10 fluid ounces nonionic surfactant per 2 pints of this product. In Maine, up to 4.5 pints per acre may be used for the control of difficult weeds.

Note for Douglas fir release: Ensure that surfactant has been adequately tested for Douglas fir safety and follow manufacturer's specifications for rate of application.

For release of Western hemlock, apply 1 quart of this product per acre.

For release of the following conifer species:

Loblolly Pine <i>Pinus taeda</i>	Eastern white pine <i>Pinus strobus</i>	Slash pine <i>Pinus elliotii</i>
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Late Season Application - Apply 2-1/4 to 3 pints of this product in a minimum of 5 gallons of spray solution per acre during early autumn. Nufarm does not recommend the use of a crop oil concentrate or MSO (methylated seed oil) based surfactant for use in southern conifer species release with this product. The addition of a tested and approved southern conifer release surfactant is recommended. Applications made prior to September 1 or when conditions are conducive to rapid growth of conifers will create the potential for increased injury in the form of tip and/or needle burn. Injury may decrease with later applications. Some autumn colors are acceptable at time of application. Apply prior to frost or leaf drop of undesirable plants.

Applications made according to label directions will release loblolly pine, eastern white pine and slash pine by reducing competition from the following species:

Ash <i>Fraxinus</i> spp.	Hawthorn <i>Crataegus</i> spp.	Oak, Post <i>Quercus stellata</i>	Poplar, yellow <i>Liriodendron tulipifera</i>	Sumac, Smooth <i>Rhus glabra</i>
Cherry, Black <i>Prunus serotina</i>	Locust, Black <i>Robinia pseudoacacia</i>	Oak, Southern Red <i>Quercus falcata</i>	Sassafras <i>Sassafras albidum</i>	Sumac, Winged <i>Rhus copallina</i>
Cherry, Pin <i>Prunus pensylvanica</i>	Maple, Red <i>Acer rubra</i>	Oak, White <i>Quercus alba</i>	Sourwood <i>Oxydendrum arboreum</i>	Sweetgum <i>Liquidambar styraciflua</i>
Elm <i>Ulmus</i> spp.	Oak, Black <i>Quercus velutina</i>	Persimmon <i>Diospyros</i> spp.	Sumac, Poison <i>Rhus vernix</i>	

Apply only to those sites where woody brush and trees listed in this label constitute the majority of the undesirable species.

THIS PRODUCT PLUS SPYDER TANK MIXTURES FOR CONIFER RELEASE FROM HERBACEOUS WEEDS

To release Loblolly pines, Slash, Red pine and Virginia pine from herbaceous weeds, tank mixtures of this product with Spyder will provide control of annual weeds listed in the "WEEDS CONTROLLED" section of this and the Spyder label, and partial control of the perennial weeds listed below.

Apply 12 to 18 fluid ounces of this product plus 2 to 4 fluid ounces of Spyder in 10 to 30 gallons of spray solution per acre. Nufarm does not recommend the use of a crop oil concentrate or MSO (methylated seed oil) based surfactant for use in southern conifer species release with this product. The addition of a tested and approved southern conifer release surfactant is recommended. Make application to actively growing weeds as a broadcast spray over the top of the young Loblolly pine, Red pine, Slash pine and Virginia pine.

This tank mixture may be applied using aerial equipment. When applying by air, use the specified rate in 5 to 15 gallons of spray solution per acre. This product plus Spyder tank mixtures may not be applied by air in California.

For control of annual weeds below 12 inches in height (or runner length on annual vines), use the lower rates of both products.

Use the higher rates of both products when annual weeds are in more advanced stages of growth and approaching flower or seed formation.

Use the higher rates of both products for partial control of the following perennial weeds. Use the lower rates for suppression of growth.

Bahiagrass <i>Paspalum notatum</i>	Dock, curly <i>Rumex crispus</i>	Fescues, tall <i>Festuca arundinacea</i>	Poorjoe* <i>Diodia teres</i>	Vaseygrass <i>Paspalum urvillei</i>
Broomsedge <i>Andropogon virginicus</i>	Dogfennel <i>Eupatorium capilliflorum</i>	Johnsongrass* <i>Sorghum halepense</i>	Trumpet creeper** <i>Campsis radicans</i>	Vervain, blue <i>Verbena hastata</i>

*Control at the higher rates

**Suppression at the higher rates only.

Pine damage may occur or can be accentuated if treatment takes place when young trees are under stress from drought, flood water, insects or disease, or are in an active growth stage.

Read and observe the cautionary statements and all other information appearing on the labels of all herbicides used.

Note To User: This product must not be used in areas where adverse impact on federally designated endangered/threatened plant or aquatic species is likely. Prior to making applications, the user of this product must determine that no such species are located in or immediately adjacent to the area to be treated.

WIPER APPLICATIONS

For wick or wiper applications, mix 1 gallon of this product with 2 gallons of clean water to make a 33 percent solution. Addition of a nonionic surfactant at a rate of 10 percent by volume of total herbicide solution is recommended.

Wiper applications can be used to control or suppress annual and perennial weeds listed on this label. In heavy weed stands, a double application in opposite directions may improve results. See the "WEEDS CONTROLLED" section in this label for specified timing, growth stage and other instructions for achieving optimum results.

CUT STUMP APPLICATION

Woody vegetation may be controlled by treating freshly cut stumps of trees and resprouts with this product. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut vegetation close to the soil surface. **Apply a 50 to 100 percent solution of this product to the freshly-cut surface immediately after cutting.** Delay in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

When used according to directions for cut stump application, this product will control, partially control or suppress many types of woody brush and tree species, some of which are listed below:

Alder <i>Alnus</i> spp.	Eucalyptus <i>Eucalyptus</i> spp.	Maple <i>Acer</i> spp.	Reed, Giant <i>Arundo donax</i>	Sycamore <i>Platanus occidentalis</i>
Coyote Brush <i>Baccharis consanguinea</i>	Hickory <i>Carya</i> spp.	Oak <i>Quercus</i> spp.	Salt cedar <i>Tamarix</i> spp.	Tan Oak <i>Lithocarpus densiflorus</i>
Dogwood <i>Cornus</i> spp.	Madrone <i>Arbutus menziesii</i>	Poplar <i>Populus</i> spp.	Sweet gum <i>Liquidambar styraciflua</i>	Willow <i>Salix</i> spp.

INJECTION AND FRILL APPLICATIONS

Woody vegetation may be controlled by injection or frill application of this product. Apply this product using suitable equipment which must penetrate into the living tissue. Apply the equivalent of 1 ml of this product per each 2 to 3 inches of trunk diameter (DBH). This is best achieved by applying a 25 to 100 percent concentration of this product either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow runoff to occur from frill or cut areas in species that exude sap freely after frills or cutting. In species such as these, make frill or cut at an oblique angle so as to produce a cupping effect and use undiluted material. For best results, applications should be made during periods of active growth and after full leaf expansion.

Control		Suppression	
Oak	<i>Quercus</i> spp.	Black Gum	<i>Nyssa sylvatica</i>
Poplar	<i>Populus</i> spp.	Dogwood	<i>Cornus</i> spp.
Sweetgum	<i>Liquidambar styraciflua</i>	Hickory	<i>Carya</i> spp.
Sycamore	<i>Platanus occidentalis</i>	Maple, Red	<i>Acer rubrum</i>

WETLAND SITES

This product may be used in and around water (aquatic areas) and wetlands found in forestry and in power, telephone and pipeline rights-of-way sites including where these sites are adjacent to or surrounding domestic water supply reservoirs, supply streams, lakes and ponds. Read and observe the following before making applications in and around water.

Consult local public water control authorities before applying this product in and around public water. Permits may be required to treat in such areas.

There is no restriction on the use of treated water for irrigation, recreation or domestic purposes.

Note: Do not apply this product directly to water within 0.5 mile upstream of an active potable water intake in flowing water (i.e., river, stream, etc.) or within 0.5 mile of an active potable water intake in a standing body of water such as a lake, pond or reservoir. To make aquatic applications around and within 0.5 mile of active potable water intakes, the water intake must be turned off for a minimum period of 48 hours after application. These aquatic applications may be made ONLY in those cases where there are alternative water sources or holding ponds which would permit the turning off of an active potable water intake for a minimum period of 48 hours after the application. This restriction does not apply to intermittent inadvertent overspray of water in terrestrial use sites.

Do not spray open bodies of water where woody brush, trees and herbaceous weeds do not exist. The maximum application rate of 3.75 quarts per acre must not be exceeded in a single over-water broadcast application except as follows, where any specified rate may be applied:

- Stream crossings in utility right-of-way.
- Where applications will result in less than 20 percent of the total water area being treated.

WILDLIFE HABITAT RESTORATION AND MANAGEMENT AREAS

This product is for the restoration and/or maintenance of native habitat and in wildlife management areas.

Habitat Restoration and Maintenance

When applied as directed, exotic and other undesirable vegetation may be controlled in habitat management areas. Applications may be made to allow recovery of native plant species, to open up water to attract waterfowl, and for similar broad-spectrum vegetation control requirements in habitat management areas. Spot treatments may be made to selectively remove unwanted plants for habitat enhancement. For spot treatments, care should be exercised to keep spray off of desirable plants.

Wildlife Food Plots

This product may be used as site preparation treatment prior to planting wildlife food plots. Apply as directed to control vegetation in the plot area. Any wildlife food species may be planted after applying this product, or native species may be allowed to re-infest the area. If tillage is needed to prepare a seedbed, wait 7 days after applying this product before tilling to allow for maximum effectiveness.

WIPER APPLICATIONS

For wick or wiper applications, mix 1 gallon of this product with 2 gallons of clean water to make a 33 percent solution. Addition of a nonionic surfactant at a rate of 10 percent by volume of total herbicide solution is recommended.

Wiper applications can be used to control or suppress annual and perennial weeds listed on this label. In heavy weed stands, a double application in opposite directions may improve results. See the "WEEDS CONTROLLED" section in this label for specified timing, growth stage and other instructions for achieving optimum results.

CUT STUMP APPLICATION

Woody vegetation may be controlled by treating freshly cut stumps of trees and resprouts with this product. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut vegetation close to the soil surface. **Apply a 50 to 100 percent solution of this product to the freshly-cut surface immediately after cutting.** Delay in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

When used according to directions for cut stump application, this product will control, partially control or suppress many types of woody brush and tree species, some of which are listed below:

Alder <i>Alnus</i> spp.	Eucalyptus <i>Eucalyptus</i> spp.	Maple <i>Acer</i> spp.	Populus spp. Reed, Giant <i>Arundo donax</i>	Sweet gum <i>Liquidambar styraciflua</i>
Coyote Brush <i>Baccharis consanguinea</i>	Hickory <i>Carya</i> spp.	Oak <i>Quercus</i> spp.	Salt cedar <i>Tamarix</i> spp.	Sycamore <i>Platanus occidentalis</i>
Dogwood <i>Cornus</i> spp.	Madrone <i>Arbutus menziesii</i>	Poplar		Tan Oak <i>Lithocarpus densiflorus</i>

INJECTION AND FRILL APPLICATIONS

Woody vegetation may be controlled by injection or frill application of this product. Apply this product using suitable equipment which must penetrate into living tissue. Apply the equivalent of 1 ml of this product per 2 to 3 inches of trunk diameter. This is best achieved by applying 25 to 100 percent concentration of this product either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying dilute material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow runoff to occur from frill or cut areas in species that exude sap freely after frills or cutting. In species such as these, make frill or cut at an oblique angle so as to produce a cupping effect and use undiluted material. For best results, applications should be made during periods of active growth and full leaf expansion.

Control		Suppression	
Oak	<i>Quercus</i> spp.	Black Gum*	<i>Nyssa sylvatica</i>
Poplar	<i>Populus</i> spp.	Dogwood	<i>Cornus</i> spp.
Sweetgum	<i>Liquidambar styraciflua</i>	Hickory	<i>Carya</i> spp.
Sycamore	<i>Platanus occidentalis</i>	Maple, Red	<i>Acer rubrum</i>

*This product is not approved for this use on this species in the state of California.

INJECTION METHOD FOR CONTROL OF JAPANESE KNOTWEED (*Polygonum cuspidatum*) & GIANT KNOTWEED (*Polygonum polystachyum*)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.

This label must be in the possession of the user at the time of application.

All applicable directions and precautions in the AquaNeat Herbicide label booklet must be followed.

See the "PRODUCT INFORMATION" and "MIXING AND APPLICATION INSTRUCTIONS" sections of this product's label booklet for essential product performance information.

This product may be used for control of Japanese knotweed and giant knotweed using individual stem treatment. Individual knotweed stems may be treated by injecting up to 5 ml of undiluted this product directly into the hollow stem just below a node. A hole suitable for injecting the herbicide should be made through both sides of the stem using an awl or other convenient pointed tool about 6 inches above the ground, just below a node. (Nodes are circular thickenings or scars surrounding the stem where leaves are or were previously attached.) The herbicide is then injected into this hole. Each stem of the knotweed plant must be treated.

This product can be injected using any injection device capable of delivering a 5 ml dose. For convenience and accuracy, a hand-operated injection device designed to deliver repeated pre-measured doses from a supply reservoir is recommended.

Commercially available dose measuring equipment may be adapted for this purpose. Calibrate the device to deliver a dose of 5 ml per injection cycle. A sharpened hollow probe for puncturing the stem and delivery of the herbicide can also be integrated into the delivery system.

Restriction: Do not apply more than 7.5 quarts of this product per acre. At 5 ml per stem, 7.5 quarts is sufficient to treat a maximum of 1,420 stems per acre.

RELEASE OF BERMUDAGRASS OR BAHAGRASS ON NONCROP SITES
RELEASE OF DORMANT BERMUDAGRASS AND BAHAGRASS

When applied as directed, this product will provide control or suppression of many winter annual weeds and tall fescue for effective release of dormant bermudagrass or bahagrass. Make applications to dormant bermudagrass or bahagrass.

For best results on winter annuals, treat when weeds are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is in or beyond the 4- to 6-leaf stage.

WEEDS CONTROLLED

Rate for control or suppression of winter annuals and tall fescue are listed below.

Apply the specified rates of this product in 10 to 25 gallons of water per acre, plus 2 quarts nonionic surfactant per 100 gallons of total spray volume.

WEEDS CONTROLLED OR SUPPRESSED*

NOTE: C = Control
S = Suppression

WEED SPECIES	AQUANEAT AQUATIC HERBICIDE (FLUID OZ/ACRE)					
	6	9	12	18	24	48
Barley, little <i>Hordeum pusillum</i>	S	C	C	C	C	C
Bedstraw, catchweed <i>Galium aparine</i>	S	C	C	C	C	C
Bluegrass, annual <i>Poa annual</i>	S	C	C	C	C	C
Chervil <i>Chaerophyllum tainturieri</i>	S	C	C	C	C	C
Chickweed, common <i>Stellaria media</i>	S	C	C	C	C	C
Clover, crimson <i>Trifolium incarnatum</i>	.	S	S	C	C	C
Clover, large hop <i>Trifolium campestre</i>	.	S	S	C	C	C
Speedwell, corn <i>Veronica arvensis</i>	S	C	C	C	C	C
Fescue, tall <i>Festuca arundinacea</i>	.	.	.	.	S	S
Geranium, Carolina <i>Geranium carolinianum</i>	.	.	S	S	C	C
Henbit <i>Lamium amplexicaule</i>	.	S	C	C	C	C
Ryegrass, Italian <i>Lolium multiflorum</i>	.	.	S	C	C	C
Vetch, common <i>Vicia sativa</i>	.	.	S	C	C	C

*These rates apply only to sites where an established competitive turf is present.

RELEASE OF ACTIVELY GROWING BERMUDAGRASS

NOTE: USE ONLY ON SITES WHERE BAHAGRASS OR BERMUDAGRASS ARE DESIRED FOR GROUND COVER AND SOME TEMPORARY INJURY OR YELLOWING OF THE GRASSES CAN BE TOLERATED.

When applied as directed, this product will aid in the release of bermudagrass by providing control of annual species listed in the "WEEDS CONTROLLED" section in this label, and suppression or partial control of certain perennial weeds.

For control or suppression of those annual species listed in this label, use 3/4 to 2-1/4 pints of this product as a broadcast spray in 10 to 25 gallons of spray solution per acre, plus 2 quarts of a nonionic surfactant per 100 gallons of total spray volume. Use the lower rate when treating annual weeds below 6 inches in height (or length of runner in annual vines). Use the higher rate as size of plants increases or as they approach flower or seedhead formation.

Use the higher rate for partial control or longer-term suppression of the following perennial species. Use lower rates for shorter-term suppression of growth.

- Bahagrass Johnsongrass**
- Dallisgrass Trumpet creeper*
- Fescue (tall) Vaseygrass

*Suppression at the higher rate only.

**Johnsongrass is controlled at the higher rate.

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment but regrowth will occur under moist conditions. Repeat applications in the same season are not recommended, since severe injury may result.

BAHIAGRASS SEEDHEAD AND VEGETATIVE SUPPRESSION

When applied as directed in the "NONCROP SITES" section in this label, this product will provide significant inhibition of seedhead emergence and will suppress vegetative growth for a period of approximately 45 days with single applications and approximately 120 days with sequential applications.

Apply this product 1 to 2 weeks after full green-up of bahiagrass or after the bahiagrass has been mowed to a uniform height of 3 to 4 inches. Applications must be made prior to seedhead emergence. Apply 5 fluid ounces per acre of this product, plus 2 quarts of an approved nonionic surfactant per 100 gallons of total spray volume in 10 to 25 gallons of water per acre.

Sequential applications of this product plus nonionic surfactant may be made at approximately 45-day intervals to extend the period of seedhead and vegetative growth suppression. For continued vegetative growth suppression, sequential applications must be made prior to seedhead emergence.

Apply no more than 2 sequential applications per year. As a first sequential application, apply 3 fluid ounces of this product per acre plus nonionic surfactant. A second sequential application of 2 to 3 fluid ounces per acre plus nonionic surfactant may be made approximately 45 days after the last application.

ANNUAL GRASS GROWTH SUPPRESSION

For growth suppression of some annual grasses, such as annual ryegrass, wild barley and wild oats growing in coarse turf on roadsides or other industrial areas, apply 3 to 4 ounces of this product in 10 to 40 gallons of spray solution per acre. Mix 2 quarts of a nonionic surfactant per 100 gallons of spray solution. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments made after seedhead emergence may cause injury to the desired grasses.

AQUATIC SITES

When applied as directed and under the conditions described in the "WEEDS CONTROLLED" section in this label, this product will control or partially control the labeled weeds growing in aquatic sites.

Aquatic Sites - This product may be applied to emerged weeds in all bodies of fresh and brackish water which may be flowing, non-flowing or transient. This includes lakes, rivers, streams, ponds, estuaries, rice levees, seeps, irrigation and drainage ditches, canals, reservoirs, wastewater treatment facilities, wildlife habitat restoration and management areas, and similar sites.

If aquatic sites are present in the noncrop area and are part of the intended treatment, read and observe the following directions:

This product does not control plants which are completely submerged or have a majority of their foliage under water.

There is no restriction on the use of treated water for irrigation, recreation or domestic purposes.

Consult local state fish and game agency and water control authorities before applying this product to public water. Permits may be required to treat such water.

NOTE: Do not apply this product directly to water within 1/2 mile up-stream of an active potable water intake in flowing water (i.e., river, stream, etc.) or within 1/2 mile of an active potable water intake in a standing body of water such as lake, pond or reservoir. To make aquatic applications around and within 1/2 mile of active potable water intakes, the water intake must be turned off for a minimum period of 48 hours after the application. The water intake may be turned on prior to 48 hours if the glyphosate level in the intake water is below 0.7 parts per million as determined by laboratory analysis. These aquatic applications may be made **ONLY** in those cases where there are alternative water sources or holding ponds which would permit the turning off of an active potable water intake for a minimum period of 48 hours after the applications. This restriction does not apply to intermittent inadvertent overspray of water in terrestrial use sites.

For treatments after drawdown of water or in dry ditches, allow 7 or more days after treatment before reintroduction of water to achieve maximum weed control. Apply this product within 1 day after drawdown to ensure application to actively growing weeds. Floating Mats of vegetation may require retreatment. Avoid wash-off of sprayed foliage by spray boat or recreational boat backwash or by rainfall within 6 hours of application. Do not re-treat within 24 hours following the initial treatment.

Applications made to moving bodies of water must be made while traveling upstream to prevent concentration of this herbicide in water. When making any bankside applications, do not overlap more than 1 foot into open water. Do not spray in bodies of water where weeds do not exist. The maximum application rate of 7-1/2 pints per acre must not be exceeded in any single broadcast application that is being made over water.

When emerged infestations require treatment of the total surface area of impounded water, treating the area in strips may avoid oxygen depletion due to decaying vegetation. Oxygen depletion may result in fish kill.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Do not store below 32°F or above 100°F. Store in original container in a well-ventilated area separately from fertilizer, feed, and food stuffs. Avoid cross-contamination with other pesticides.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mix, or rinsate is a violation of federal law. If these wastes cannot be disposed of according to label instructions, contact the state agency responsible for pesticide regulation or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL [HANDLING]:

[**Note to Reviewer:** The following statement will be included on all Final Printed Labels bearing multiple Container Disposal (Container Handling) statements] **NOTE:** This product is available in multiple containers. Refer to the Net Contents section of this products labeling for the applicable "Nonrefillable" or "Refillable" designation. Follow the container disposal [handling] instructions below that apply to your container type / size. [**Note to Reviewer:** The bracketed section headers will be included when multiple container types / sizes are listed on the label.]

[**Nonrefillable Containers 5 Gallons or Less:**] Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. **Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke

[**Nonrefillable containers larger than 5 gallons:**] Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse as follows:** Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

[**Refillable containers larger than 5 gallons:**] Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

[**Refillable containers larger than 5 gallons:**] Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT. **If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.**

(RV121211)

AquaNeat is a registered trademark of Nufarm, Inc.

Specimen Label

ELEMENT® 3A

Specialty Herbicide

®Trademark of Dow AgroSciences LLC

For the control of woody plants, broadleaf weeds in range and pasture, forests and non-crop areas, including manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, roadsides, railroads, fence rows, non-irrigation ditch banks, and around farm buildings; and applications to grazed areas, and establishment and maintenance of wildlife openings, and in Christmas tree plantations and aquatic sites.

For use in New York State, comply with Section 24(c) Special Local Need labeling for Element 3A, SLN NY-110005.

Active Ingredient:

triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic acid, triethylamine salt	44.4%
Other Ingredients	55.6%
Total	100.0%

Acid equivalent: triclopyr - 31.8% - 3 lb/gal

Precautionary Statements

Hazard to Humans and Domestic Animals

EPA Reg. No. 62719-37

DANGER

Corrosive • Causes Irreversible Eye Damage • Harmful If Swallowed Or Absorbed Through Skin • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reaction In Some Individuals

Do not get in eyes or on skin or clothing.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Protective eyewear
- Chemical resistant gloves (≥14 mils) such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the WPS (40 CFR 170.240(d)(4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

First Aid

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or

First Aid (Cont.)

doctor. Do not give anything by mouth to an unconscious person. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Note to Applicator: Allergic skin reaction is not expected from exposure to spray mixtures of Element 3A herbicide when used as directed.

Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.

Environmental Hazards

Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Under certain conditions, treatment of aquatic weeds can result in oxygen depletion or loss due to decomposition of dead plants, which may contribute to fish suffocation. This loss can cause fish suffocation. Therefore, to minimize this hazard, do not treat more than one-third to one-half of the water area in a single operation and wait at least 10 to 14 days between treatments. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas. Consult with the State agency for fish and game before applying to public water to determine if a permit is needed.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Physical or Chemical Hazards

Combustible. Do not use or store the product near heat or open flame.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Shoes plus socks
- Protective eyewear
- Chemical-resistant gloves (≥14 mils) such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for Agricultural Pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Entry Restrictions for Non-WPS Uses: For applications to non-cropland areas, do not allow entry into areas until sprays have dried, unless applicator and other handler PPE is worn.

Storage and Disposal

Do not contaminate water, food, or feed by storage and disposal. Open dumping is prohibited.

Pesticide Storage: Store above 28°F or agitate before use.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Storage and Disposal (Cont.)

Nonrefillable containers 5 gallons or less:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable containers 5 gallons or larger:

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

Nonrefillable containers 5 gallons or larger:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

General Information for Forests and Non-Crop Areas

Use Element® 3A specialty herbicide for the control of woody plants and broadleaf weeds in range and pasture, forests and non-crop areas including manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, roadsides, railroads, fence rows, non-irrigation ditch banks, and around farm buildings, and applications to grazed areas, and establishment and maintenance of wildlife openings, and in Christmas tree plantations and aquatic sites.

Obtain Required Permits: Consult with appropriate state or local water authorities before applying this product to public waters. State or local public agencies may require permits.

General Use Precautions and Restrictions

For use in New York State, comply with Section 24(c) Special Local Need labeling for Element 3A, SLN NY-110005.

When applying this product in tank mix combination, follow all applicable use directions, precautions and limitations on each manufacturer's label. **Note:** If tank mixing with Rodeo® herbicide, mix the Element 3A with at least 75% of the total spray volume desired and ensure that Element 3A is well mixed before adding the Rodeo to avoid incompatibility.

Chemigation: Do not apply this product through any type of irrigation system.

Do not apply Element 3A directly to, or otherwise permit it to come into direct contact with, grapes, tobacco, vegetable crops, flowers, or other desirable broadleaf plants. Do not permit spray mists containing Element 3A to drift onto such plants.

It is permissible to treat non-irrigation ditch banks, seasonally dry wetlands (such as flood plains, deltas, marshes, swamps, or bogs), and transitional areas between upland and lowland sites.

Water treated with Element 3A may not be used for irrigation purposes for 120 days after application or until residue levels of Element 3A are determined by laboratory analysis, or other appropriate means of analysis, to be 1 ppb or less.

Seasonal Irrigation Waters: Element 3A may be applied during the off-season to surface waters that are used for irrigation on a reasonable basis provided that there is a minimum of 120 days between applying Element 3A and the first use of treated water for irrigation purposes, or until residue levels of Element 3A are determined by laboratory analysis, or other appropriate means of analysis, to be 1 ppb or less.

Irrigation Canals/Ditches: Do not apply Element 3A to irrigation canals/ditches unless the 120-day restriction on irrigation water usage can be observed or residue levels of Element 3A are determined by laboratory analysis, or other appropriate means of analysis, to be 1 ppb or less.

- Do not apply to salt water bays or estuaries.
- Do not apply directly to un-impounded rivers or streams.
- Do not apply on ditches or canals currently being used to transport irrigation water or that will be used for irrigation within 4 months following treatment. It is permissible to treat irrigation and non-irrigation ditch banks.
- Do not apply where runoff water may flow onto agricultural land as injury to crops may result.
- When making applications to control unwanted plants on banks or shorelines of moving water sites, minimize overspray to open water.
- The use of a mistblower is not recommended.
- Apply no more than 2 lb ae of triclopyr (2/3 gallon of Element 3A) per acre per growing season on range and pasture sites, including rights-of-way, fence rows or any area where grazing or harvesting is allowed.
- On forestry sites, Element 3A may be used at rates up to 6 lb ae of triclopyr (2 gallons of Element 3A) per acre per year.
- For all terrestrial use sites other than range, pasture, forestry sites, and grazed areas, the maximum application rate is 9 lb ae of triclopyr (3 gallons of Element 3A) per acre per year.

For use in New York State, comply with Section 24(c) Special Local Need labeling for Element 3A, SLN NY-110005.

Precautions for Potable Water Intakes for Emerged Aquatic Weed Control

See chart below for specific setback distances near functioning potable water intakes. **Note:** Existing potable water intakes which are no longer in use, such as those replaced by potable water wells or connections to a municipal water system, are not considered to be functioning potable water intakes. These setback restrictions do not apply to terrestrial applications made adjacent to potable water intakes.

Area Treated (acres)	Element 3A Application Rate			
	2 qt/acre	4 qt/acre	6 qt/acre	8 qt/acre
Setback Distance (ft)				
4	0	200	400	500
>4 - 8	0	200	700	900
>8 - 16	0	200	700	1000
>16	0	200	900	1300

To apply Element 3A around and within the distances noted above from a functioning potable water intake, the intake must be turned off until the triclopyr level in the intake water is determined to be 0.4 parts per million (ppm) or less by laboratory analysis or immunoassay.

- **Recreational Use of Water in Treatment Area:** There are no restrictions on use of water in the treatment area for recreational purposes, including swimming and fishing.
- **Livestock Use of Water from Treatment Area:** There are no restrictions on livestock consumption of water from the treatment area.

Grazing and Haying Restrictions

Except for lactating dairy animals, there are no grazing restrictions following application of this product.

- **Grazing Lactating Dairy Animals:** Do not allow lactating dairy animals to graze treated areas until the next growing season following application of this product.
- Do not harvest hay for 14 days after application.
- Grazed areas of non-cropland and forestry sites may be spot treated if they comprise no more than 10% of the total grazable area.

Slaughter Restrictions: During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

Avoiding Injurious Spray Drift

Make applications only when there is little or no hazard from spray drift. Small quantities of spray, which may not be visible, may seriously injure susceptible plants. Do not spray when wind is blowing toward

susceptible crops or ornamental plants that are near enough to be injured. It is suggested that a continuous smoke column at or near the spray site or a smoke generator on the spray equipment be used to detect air movement, lapse conditions, or temperature inversions (stable air). If the smoke layers or indicates a potential of hazardous spray drift, do not spray.

Aerial Application: For aerial application on rights-of-way or other areas near susceptible crops, apply through a Microfoil† or Thru-Valve boom†, or use an agriculturally labeled drift control additive. Other drift reducing systems or thickened sprays prepared by using high viscosity inverting systems may be used if they are made as drift-free as mixtures containing agriculturally labeled thickening agents or applications made with the Microfoil or Thru-Valve boom. Keep spray pressures low enough to provide coarse spray droplets. Spray boom should be no longer than 3/4 of the rotor length. Do not use a thickening agent with the Microfoil or Thru-Valve booms, or other systems that cannot accommodate thick sprays. Spray only when the wind velocity is low (follow state regulations). Avoid application during air inversions. If a spray thickening agent is used, follow all use recommendations and precautions on the product label.

†Reference within this label to a particular piece of equipment produced by or available from other parties is provided without consideration for use by the reader at its discretion and subject to the reader's independent circumstances, evaluation, and expertise. Such reference by Dow AgroSciences is not intended as an endorsement of such equipment, shall not constitute a warranty (express or implied) of such equipment, and is not intended to imply that other equipment is not available and equally suitable. Any discussion of methods of use of such equipment does not imply that the reader should use the equipment other than as advised in directions available from the equipment's manufacturer. The reader is responsible for exercising its own judgment and expertise, or consulting with sources other than Dow AgroSciences, in selecting and determining how to use its equipment.

Spray Drift Management

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications:

1. The distance of the outer most operating nozzles on the boom must not exceed 3/4 the length of the rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they should be observed.

The applicator should be familiar with and take into account the information covered in the following Aerial Drift Reduction Advisory. [This information is advisory in nature and does not supersede mandatory label requirements.]

Aerial Drift Reduction Advisory

Information on Droplet Size: The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see Wind, Temperature and Humidity, and Temperature Inversions).

Controlling Droplet Size:

- **Volume** - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** - Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types, lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- **Number of Nozzles** - Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle Orientation** - Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- **Nozzle Type** - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length: For some use patterns, reducing the effective boom length to less than 3/4 of the rotor length may further reduce drift without reducing swath width.

Application Height: Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind: Drift potential is lowest between wind speeds of 2 to 10 mph. However, many factors, including droplet size and equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. **Note:** Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity: When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions: Applications should not occur during a local, low level temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of the smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas: The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Ground Equipment: To aid in reducing spray drift, Element 3A should be used in thickened (high viscosity) spray mixtures using an agriculturally labeled drift control additive, high viscosity invert system, or equivalent as directed by the manufacturer. With ground equipment, spray drift can be reduced by keeping the spray boom as low as possible; by applying 20 gallons or more of spray per acre; by keeping the operating spray pressures at the lower end of the manufacturer's recommended pressures for the specific nozzle type used (low pressure nozzles are available from spray equipment manufacturers); and by spraying when wind velocity is low (follow state regulations). In hand-gun applications, select the minimum spray pressure that will provide adequate plant coverage (without forming a mist). Do not apply with nozzles that produce a fine-droplet spray.

High Volume Leaf-Stem Treatment: To minimize spray drift, do not use pressure exceeding 50 psi at the spray nozzle and keep sprays no higher than brush tops. An agriculturally labeled thickening agent may be used to reduce drift.

Plants Controlled

Woody Plant Species

alder	dogwood	salt cedar ²
arrowwood	elderberry	salmonberry
ash	elm	sassafras
aspen	gallberry	scotch broom
Australian pine	hazel	sumac
bear clover (bearmat)	hornbeam	sweetbay magnolia
beech	kudzu ¹	sweetgum
birch	locust	sycamore
blackberry	madrone	tanoak
blackgum	maples	thimbleberry
Brazilian pepper	mulberry	tulip poplar
cascara	oaks	waxmyrtle
ceanothus	persimmon	western hemlock
cherry	pine	wild rose
chinquapin	poison ivy	willow
choke cherry	poison oak	winged elm
cottonwood	poplar	
crataegus (hawthorn)	salt-bush	
Douglas fir	(<i>Baccharis</i> spp.)	

¹For complete control, re-treatment may be necessary.

²Use cut surface treatments for best results.

Plants Controlled (Cont.)

Annual and Perennial Broadleaf Weeds

bindweed	lambsquarter	Spanish needles/
burdock	Mexican petunia	common beggarthicks
Canada thistle	plantain	tansy ragwort
chicory	purple loosestrife	tropical soda apple
curly dock	ragweed	vetch
dandelion	smartweed	wedelia
field bindweed		wild lettuce

Purple Loosestrife (*Lythrum salicaria*)

Purple loosestrife can be controlled with foliar applications of Element 3A. For broadcast applications, use a minimum of 4 1/2 to 6 lb ae of triclopyr (6 to 8 quarts of Element 3A) per acre. Apply Element 3A when purple loosestrife is at the bud to mid-flowering stage of growth. Follow-up applications for control of regrowth should be made the following year in order to achieve increased control of this weed species. For all applications, a non-ionic surfactant should be added to the spray mixture. Follow all directions and use precautions on the label of the surfactant. Thorough wetting of the foliage and stems is necessary to achieve satisfactory control. A minimum spray volume of 50 gallons per acre is recommended for ground broadcast applications.

If using a backpack sprayer, a spray mixture containing 1% to 1.5% Element 3A or 5 to 7.6 fl oz of Element 3A per 4 gallons of water should be used. All purple loosestrife plants should be thoroughly wetted.

Application Methods

Use Element 3A at rates of 3/4 to 9 lb ae of triclopyr (1/4 to 3 gallons of Element 3A) per acre to control broadleaf weeds and woody plants. In all cases, use the amount specified in enough water to give uniform and complete coverage of the plants to be controlled. Use only water suitable for spraying. Use an agriculturally labeled non-ionic surfactant for all foliar applications. When using surfactants, follow the use directions and precautions listed on the surfactant manufacturer's label. Use the higher concentrations of surfactant in the spray mixture when applying lower spray volumes per acre. The order of addition to the spray tank is water, spray thickening agent (if used), additional herbicide (if used), and Element 3A. Surfactant should be added to the spray tank last or as recommended on the product label. If combined with emulsifiable concentrate herbicides, moderate continuous adequate agitation is required.

Before using any recommended tank mixtures, read the directions and all use precautions on both labels. **Note:** If tank mixing with Rodeo® herbicide, mix the Element 3A with at least 75% of the total spray volume desired and ensure that Element 3A is well mixed before adding the Rodeo to avoid incompatibility.

For best results, apply when woody plants and weeds are actively growing. When hard to control species such as ash, blackgum, choke cherry, elm, maples, oaks, pines, or winged elm are prevalent and during applications made in late summer when the plants are mature and during drought conditions, use the higher rates of Element 3A alone or in combination with Tordon® 101 Mixture specialty herbicide. (Tordon 101 Mixture is a restricted use pesticide. See product label.) Tordon 101 Mixture is not registered for use in the states of California and Florida.

When using Element 3A in combination with 2,4-D 3.8 lb amine, like DMA 4 IVM, or low volatile ester herbicides, generally the higher rates should be used for satisfactory brush control.

Use the higher dosage rates when brush approaches an average of 15 feet in height or when the brush covers more than 60% of the area to be treated. If lower rates are used on hard to control species, resprouting may occur the year following treatment.

On sites where easy to control brush species dominate, rates less than those listed may be effective. Consult State or Local Extension personnel for such information.

Foliage Treatment With Ground Equipment

High Volume Foliage Treatment

For control of woody plants, use Element 3A at the rate of 3 to 9 lb ae of triclopyr (1 to 3 gallons of Element 3A) per 100 gallons of spray solution, or Element 3A at 3/4 to 3 lb ae of triclopyr (1 to 4 quarts of Element 3A) may be tank mixed with 1/4 to 1/2 gallons of 2,4-D 3.8 lb amine, like DMA 4 IVM, or low volatile ester or Tordon 101 Mixture and diluted to make 100 gallons of spray solution. Apply at a volume of 100 to 400 gallons of total spray per acre depending upon size and density of woody plants. Coverage should be thorough to wet all leaves, stems, and root collars. (See General Use Precautions and Restrictions.) Do not exceed maximum allowable use rates per acre (see table below). Tordon 101 Mixture is not registered for use in the states of California and Florida.

Maximum Labeled Rate versus Spray Volume per Acre

Total Spray Volume (gal/acre)	Maximum Rate of Element 3A		
	Range and Pasture Sites ¹ (gal/100 gal of spray)	Forestry Sites ² (gal/100 gal of spray)	Other Non-Cropland Sites ³ (gal/100 gal of spray)
400	Do not use	0.5	0.75
300	Do not use	0.67	1
200	Do not use	1	1.5
100	0.67	2	3
50	1.33	4	6
40	1.67	5	7.5
30	2.33	6.65	10
20	3.33	10	15
10	6.67	20	30

¹Do not exceed the maximum use rate of 2 lb ae of triclopyr (2/3 gal of Element 3A)/acre/year.

²Do not exceed the maximum use rate of 6 lb ae of triclopyr (2 gal of Element 3A)/acre/year.

³Do not exceed the maximum use rate of 9 lb ae of triclopyr (3 gal of Element 3A)/acre/year on non-cropland use sites other than rangeland, pasture, forestry, and grazed areas.

Low Volume Foliage Treatment

To control susceptible woody plants, apply up to 15 lb ae of triclopyr (5 gallons of Element 3A) in 10 to 100 gallons of finished spray. The spray concentration of Element 3A and total spray volume per acre should be adjusted according to the size and density of target woody plants and kind of spray equipment used. With low volume sprays, use sufficient spray volume to obtain uniform coverage of target plants including the surfaces of all foliage, stems, and root collars (see General Use Precautions and Restrictions). For best results, a surfactant should be added to all spray mixtures. Match equipment and delivery rate of spray nozzles to height and density of woody plants. When treating tall, dense brush, a truck mounted spray gun with spray tips that deliver up to 2 gallons per minute at 40 to 60 psi may be required. Backpack or other types of specialized spray equipment with spray tips that deliver less than 1 gallon of spray per minute may be appropriate for short, low to moderate density brush.

Tank Mixing: As a low volume foliar spray, up to 9 lb ae of triclopyr (3 gallons of Element 3A) may be applied in tank mix combination with 1/2 to 1 gallon of Tordon K or 1 to 2 gallons of Tordon 101 Mixture in 10 to 100 gallons of finished spray. Tordon 101 Mixture and Tordon K are not registered for use in the states of California and Florida.

Broadcast Applications With Ground Equipment

Apply using equipment that will assure uniform coverage of the spray volumes applied. To improve spray coverage, add an agriculturally labeled non-ionic surfactant as described later under Directions for Use. See Maximum Labeled Rate versus Spray Volume per Acre table above for relationship between mixing rate, spray volume and maximum application rate.

Woody Plant Control

Foliage Treatment: Use 6 to 9 lb ae of triclopyr (2 to 3 gallons of Element 3A) in enough water to make 20 to 100 gallons of total spray per acre or 1 1/2 to 3 lb ae of triclopyr (1/2 to 1 gallon of Element 3A) may be combined with 1 to 2 gallons of 2,4-D 3.8 lb amine, like DMA 4 IVM, or low volatile esters or Tordon 101 Mixture in sufficient water to make 20 to 100 gallons of total spray per acre. Tordon 101 Mixture is not registered for use in the states of California and Florida.

Broadleaf Weed Control

Use Element 3A at rates of 1 to 4 1/2 lb ae of triclopyr (1/3 to 1 1/2 gallons of Element 3A) in a total volume of 20 to 100 gallons of water per acre. Apply any time during the growing season. Element 3A at 1 to 3 lb ae of triclopyr (1/3 to 1 gallon of Element 3A) may be tank mixed with 1/2 to 1 gallon of Tordon K, Tordon 101 Mixture or 2,4-D 3.8 lb amine, like DMA 4 IVM, or low volatile herbicides to improve the spectrum of activity. Tordon 101 Mixture and Tordon K are not registered for use in the states of California and Florida.

Aerial Application (Helicopter Only)

Aerial sprays should be applied using suitable drift control. (See General Use Precautions and Restrictions.) Add an agriculturally labeled non-ionic surfactant as described under Directions for Use. See Maximum Labeled Rate versus Spray Volume per Acre table above for relationship between mixing rate, spray volume and maximum application rate.

Foliage Treatment (Non-Grazed Rights-of-Way)

Non-grazed areas: Use 6 to 9 lb ae of triclopyr (2 to 3 gallons of Element 3A) or 3 to 4 1/2 lb ae of triclopyr (1 to 1 1/2 gallons of

Element 3A) in a tank mix combination with 1 to 2 gallons of 2,4-D 3.8 lb amine, like DMA 4 IVM, or low volatile esters or Tordon 101 Mixture, and apply in a total spray volume of 10 to 30 gallons per acre. Use the higher rates and volumes when plants are dense or under drought conditions. Tordon 101 Mixture is not registered for use in the states of California and Florida.

Interspersed areas in non-grazed rights-of-ways that may be subject to grazing may be spot treated if the treated area comprises no more than 10% of the total grazable area.

Cut Surface Treatments

Individual plant treatments such as basal bark and cut surface applications may be used on any use site listed on this label at a maximum use rate of 2.67 gallons of Element 3A (8 lb ae of triclopyr) per acre. These types of applications are made directly to ungrazed parts of plants and, therefore, are not restricted by the grazing maximum rate of 2/3 of a gallon of Element 3A (2 lb ae of triclopyr) per acre.

To control unwanted trees of hardwood species such as elm, maple, oak and conifers in labeled sites, apply Element 3A, either undiluted or diluted in a 1 to 1 ratio with water, as directed below.

With Tree Injector Method

Apply by injecting 1/2 milliliter of undiluted Element 3A or 1 milliliter of the diluted solution through the bark at intervals of 3 to 4 inches between centers of the injector wound. The injections should completely surround the tree at any convenient height. **Note: No Worker Protection Standard worker entry restrictions or worker notification requirements apply when this product is injected directly into plants.**

With Hack and Squirt Method

Make cuts around the tree trunk at a convenient height with a hatchet or similar equipment so that the cuts overlap slightly and make a continuous circle around the trunk. Spray 1/2 milliliter of undiluted Element 3A or 1 milliliter of the diluted solution into the pocket created between the bark and the inner stem/trunk by each cut.

With Frill or Girdle Method

Make a single girdle through the bark completely around the tree at a convenient height. The frill should allow for the herbicide to remain next to the inner stem and absorb into the plant. Wet the cut surface with undiluted or diluted solution.

Both of the above methods may be used successfully at any season except during periods of heavy sap flow of certain species - for example, maples.

Stump Treatment

Spray or paint the cut surfaces of freshly cut stumps and stubs with undiluted Element 3A. The cambium area next to the bark is the most vital area to wet.

Forest Management Applications

For best control from broadcast applications of Element 3A, use a spray volume which will provide thorough plant coverage. Recommended spray volumes are usually 10 to 25 gallons per acre by air or 10 to 100 gallons per acre by ground. To improve spray coverage of spray volumes less than 50 gallons per acre, add an agriculturally labeled non-ionic surfactant as described under Directions for Use. Application systems should be used to prevent hazardous drift to off-target sites. Nozzles or additives that produce larger droplets of spray may require higher spray volumes to maintain brush control.

Forest Site Preparation (Not for Conifer Release)

Use up to 6 lb ae of triclopyr (2 gallons of Element 3A) and apply in a total spray volume of 10 to 30 gallons per acre or Element 3A at 3 to 4 1/2 lb ae of triclopyr (1 to 1 1/2 gallons of Element 3A) may be used with 1 to 2 gallons of Tordon 101 Mixture or 2,4-D 3.8 lb low volatile ester in a tank mix combination in a total spray volume of 10 to 30 gallons per acre. Use a non-ionic agricultural surfactant for all foliar applications as described under Directions for Use. Tordon 101 Mixture is not registered for use in the states of California and Florida.

Note: Conifers planted sooner than one month after treatment with Element 3A at less than 4 lb ae of triclopyr (1 1/3 gallons of Element 3A) per acre or sooner than two months after treatment at 4 to 9 lb ae of triclopyr (1 1/3 to 3 gallons of Element 3A) per acre may be injured. When tank mixtures of herbicides are used for forest site preparation, labels for all products in the mixture should be consulted and the longest recommended waiting period before planting observed.

Directed Spray Applications for Conifer Release

To release conifers from competing hardwoods such as red maple, sugar maple, striped maple, sweetgum, red and white oaks, ash, hickory, alder, birch, aspen, and pin cherry, mix 3 to 6 lb ae of triclopyr (1 to 2 gallons of Element 3A) in enough water to make 100 gallons of spray mixture. To improve spray coverage, add an agriculturally labeled non-ionic surfactant as described under Directions for Use. The spray mixture should be directed onto foliage of competitive hardwoods using knapsack

or backpack sprayers with flat fan nozzles or equivalent any time after hardwoods have reached full leaf size, but before autumn coloration. The majority of treated hardwoods should be less than 6 feet in height to ensure adequate spray coverage. Care should be taken to direct spray away from contact with conifer foliage, particularly foliage of desirable pines.

Note: Spray may cause temporary damage and growth suppression where contact with conifers occurs; however, injured conifers should recover and grow normally. Over-the-top spray applications can kill pines.

Broadcast Applications for Conifer Release in the Northeastern United States

To release spruce, fir, red pine and white pine from competing hardwoods, such as red maple, sugar maple, striped maple, alder, birch (white, yellow or gray), aspen, ash, pin cherry and *Rubus* spp. and perennial and annual broadleaf weeds, use Element 3A at rates of 1 1/2 to 3 lb ae of triclopyr (2 to 4 quarts of Element 3A) per acre alone or with 2,4-D amine, like DMA 4 IVM, or 2,4-D ester to provide no more than 4 lb ae per acre from both products. Apply in late summer or early fall after conifers have formed their over wintering buds and hardwoods are in full leaf and prior to autumn coloration.

Broadcast Applications for Douglas-Fir Release in the Pacific Northwest and California

To release Douglas-fir from susceptible competing vegetation such as broadleaf weeds, alder, blackberry or Scotch broom, apply Element 3A at 1 to 1 1/2 lb ae of triclopyr (1 1/3 to 2 quarts of Element 3A) per acre alone or in combination with 4 lb per acre of atrazine. Mix all sprays in a water carrier with a non-ionic surfactant. Apply in early spring after hardwoods begin growth and before Douglas fir bud break ("early foliar" hardwood stage) or after Douglas fir seasonal growth has "hardened off" (set winter buds) in late summer, but while hardwoods are still actively growing. When treating after Douglas fir bud set, apply prior to onset of autumn coloration in hardwood foliage. **Note:** Treatments applied during active Douglas fir shoot growth (after spring bud break and prior to bud set) may cause injury to Douglas fir trees.

Christmas Tree Plantations

Use Element 3A for the control of woody plants and annual and perennial broadleaf weeds in established Christmas tree plantations. For best results, apply when woody plants and weeds are actively growing. Element 3A does not control weeds which have not emerged at the time of application. If lower rates are used on hard to control woody species, resprouting may occur the year following treatment. Brush over 8 feet tall is difficult to treat efficiently using hand equipment such as backpack or knapsack sprayers. When treating large brush or trees or hard to control species such as ash, blackgum, choke cherry, elm, hazel, madrone, maples, oaks or sweetgum, and for applications made during drought conditions or in late summer when the leaves are mature, use the higher rates of Element 3A or use cut surface application methods. For foliar applications, apply in enough water to give uniform and complete coverage of the plants to be controlled. Applications made under drought conditions may provide less than desirable results.

Use Precautions:

- Do not use on newly seeded grass until well established as indicated by vigorous growth and development of secondary root system and tillering
- Newly seeded turf (alleys, etc.) should be mowed two or three times before any treatment with Element 3A.
- Do not reseed Christmas tree areas treated with Element 3A for a minimum of three weeks after application.
- Do not use Element 3A if legumes, such as clover, are present and injury cannot be tolerated.

Spray Preparation

The order of addition to the spray tank is water, drift control agent (if used), non-ionic agricultural surfactant and Element 3A. Continue moderate agitation while mixing and spraying. Use a non-ionic agricultural surfactant for all applications. When using surfactants, follow use directions and precautions listed on the manufacturer's label. Use the higher recommended concentrations of surfactant in the spray mixture when applying lower spray volumes per acre. **Note:** If tank mixing with Rodeo herbicide, mix the Element 3A with at least 75% of the total spray volume desired and ensure that Element 3A is well mixed before adding the Rodeo to avoid incompatibility.

Application

Apply in late summer or early autumn after terminal growth of Christmas trees has hardened off, but before leaf drop of, target weeds. Apply at a rate of 3/4 to 1 3/4 lb ae of triclopyr (2 to 5 pints of Element 3A) per acre as a foliar spray directed toward the base of Christmas trees. Use sufficient spray volume to provide uniform coverage of target plants (20 to 100 gallons per acre). **Do not apply with 2,4-D.** Application rates of Element 3A recommended for Christmas trees will only suppress some well established woody plants that are greater than 2 to 3 years old (see

table below). Broadcast sprays may also be applied in bands between the rows of planted trees. Use spray equipment that will assure uniform coverage of the desired spray volume.

Spray solution from Element 3A can cause needle and branch injury to Christmas trees. To minimize injury to Christmas trees, direct sprays so as to minimize contact with foliage. Blue spruce, white spruce, balsam fir and Fraser fir are less susceptible to injury than white pine and Douglas fir.

Restriction: Apply Element 3A only to established Christmas trees that were planted at least one full year prior to application.

Application Rates and Species Controlled:

Element 3A		
2 pints/acre (3/4 lb ae of triclopyr)	3 to 4 pints/acre (1 1/2 lb ae of triclopyr)	5 pints/acre (1 3/4 lb ae of triclopyr)
clover dandelion dock, curly lambquarters lespedeza plantain, broadleaf plantain, buckhorn ragweed, common vetch	bindweed, field (TG) blackberry ¹ chicory (S) fireweed ivy, ground lettuce, wild oxalis poison ivy smartweed (TG) thistle, Canada (TG) violet, wild Virginia creeper ¹	arrowwood (SDL) aspen beech (SDL) birch (SDL) chinquapin cottonwood (SDL) elderberry grape, wild mulberry (SDL) poplar (SDL) sassafras (SDL) sumac (SDL) sycamore (SDL)

(TG) Top growth control, retreatment may be necessary

(S) Suppression

(SDL) Seedlings less than 2 to 3 years old

¹Use 4 pint per acre rate

Directed Applications

To control hardwoods such as red maple, sugar maple, striped maple, sweetgum, red and white oaks, ash, alder, birch, aspen, and pin cherry, mix 4 to 20 fl oz of Element 3A in enough water to make 3 gallons of spray mixture. For directed applications, do not exceed 6 lb ae of triclopyr (2 gallons of Element 3A) per acre per year. To improve coverage, add a non-ionic agricultural surfactant to the spray. This spray mixture should be directed onto foliage of competitive hardwoods using knapsack or backpack sprayers with flat fan nozzles or equivalent any time after hardwoods have reached full leaf size, but before autumn coloration (when plants are actively growing). The majority of treated hardwoods should be less than 8 feet in height to ensure adequate spray coverage. **Note:** To prevent Christmas tree injury, care should be taken to direct spray away from contact with Christmas tree foliage.

Cut Surface Treatments

When treating large brush or trees or hard to control species such as ash, blackgum, choke cherry, elm, hazel, madrone, maples, oaks, salt cedar or sweetgum, and for applications made during drought conditions or in late summer when the leaves are mature, use cut surface treatments. (See directions for Cut Surface Treatments in preceding section of this label.)

Wetland Sites in Forests and Non-Crop Areas

Element 3A may be used within forests and non-crop sites to control target vegetation in and around standing water sites, such as marshes, wetlands, and the banks of ponds and lakes and transition areas between upland and lowland sites.

For control of woody plants and broadleaf weeds in these sites, follow use directions and application methods on this label for forestry and non-cropland sites.

Use Precautions:

Minimize overspray to open water when treating target vegetation in and around non-flowing, quiescent or transient water. When making applications to control unwanted plants on banks or shorelines of flowing water, minimize overspray to open water. **Note:** Consult local public water control authorities before applying this product in and around public water. Permits may be required to treat such areas.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty Disclaimer

Dow AgroSciences warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Dow AgroSciences or the seller. All such risks shall be assumed by buyer.

Limitation of Remedies

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Dow AgroSciences' election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use, and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Dow AgroSciences or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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Revisions:

1. Revise list of use sites to add range and pasture and aquatic sites; remove "industrial" before non-crop; remove sentence: Use within production forests and industrial non-crop sites (including those listed above) may include applications to control target vegetation in and around standing water sites, such as marshes, wetlands, and the banks of ponds and lakes.
2. Add reference to New York 24(c) label
3. Remove "production" before "forests" and "industrial" before "non-crop" throughout label.
4. Use Precautions: add Note for tank mixing with Rodeo.
5. Maximum Rate table: change "rangeland" to "range"
6. Application Methods: add note for tank mixing with Rodeo.
7. Move section "Cut Surface Treatments" to be under the "Foliage Treatment (Non-Grazed Rights-of-Way)" section
8. Spray Preparation: add Note for tank mixing with Rodeo

Specimen Label



Dow AgroSciences



SPECIALTY HERBICIDE

®Trademark of The Dow Chemical Company ("Dow") or an affiliated company of Dow

For the control of woody plants, broadleaf weeds in range and pasture, forests and non-crop areas, including manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, roadsides, railroads, fence rows, non-irrigation ditch banks, and around farm buildings; and applications to grazed areas, and establishment and maintenance of wildlife openings, and in Christmas tree plantations and aquatic sites.

For use in New York State, comply with Section 24(c) Special Local Need labeling for Garlon 3A, SLN NY-110005.

GROUP	4	HERBICIDE
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Active Ingredient:

Triclopyr: 2-[(3,5,6-trichloro-2-pyridinyl)oxy] acetic acid, triethylamine salt.....	44.4%
Other Ingredients.....	55.6%
Total	100.0%

Acid equivalent: triclopyr - 31.8% - 3 lb/gal

Precautionary Statements

Hazard to Humans and Domestic Animals

EPA Reg. No. 62719-37

DANGER

Corrosive • Causes Irreversible Eye Damage • Harmful If Swallowed Or Absorbed Through Skin • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reaction In Some Individuals

Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Protective eyewear
- Chemical resistant gloves (≥14 mils) such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

First Aid

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Note to Applicator: Allergic skin reaction is not expected from exposure to spray mixtures of Garlon 3A herbicide when used as directed.

Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.

Environmental Hazards

Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Under certain conditions, treatment of aquatic weeds can result in oxygen depletion or loss due to decomposition of dead plants, which may contribute to fish suffocation. This loss can cause fish suffocation. Therefore, to minimize this hazard, do not treat more than one-third to one-half of the water area in a single operation and wait at least 10 to 14 days between treatments. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas. Consult with the State agency for fish and game before applying to public water to determine if a permit is needed.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Physical or Chemical Hazards

Combustible. Do not use or store the product near heat or open flame.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Shoes plus socks
- Protective eyewear
- Chemical-resistant gloves (≥14 mils) such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for Agricultural Pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Entry Restrictions for Non-WPS Uses: For applications to non-cropland areas, do not allow entry into areas until sprays have dried, unless applicator and other handler PPE is worn.

Storage and Disposal

Do not contaminate water, food, or feed by storage and disposal. Open dumping is prohibited.

Pesticide Storage: Store above 28°F or agitate before use.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Nonrefillable containers 5 gallons or less:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable containers 5 gallons or larger:

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

Nonrefillable containers 5 gallons or larger:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Product Information

Use Garlon® 3A specialty herbicide for the control of woody plants and broadleaf weeds in range and pasture, forests and non-crop areas including manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, roadsides, railroads, fence rows, non-irrigation ditch banks, and around farm buildings, and applications to grazed areas, and establishment and maintenance of wildlife openings, and in Christmas tree plantations and aquatic sites.

Obtain Required Permits: Consult with appropriate state or local water authorities before applying this product to public waters. State or local public agencies may require permits.

Use Precautions

It is permissible to treat non-irrigation ditch banks, seasonally dry wetlands (such as flood plains, deltas, marshes, swamps, or bogs), and transitional areas between upland and lowland sites.

When making applications to control unwanted plants on banks or shorelines of moving water sites, minimize overspray to open water.

Use Restrictions

For use in New York State, comply with Section 24(c) Special Local Need labeling for Garlon 3A, SLN NY-110005.

Chemigation: Do not apply this product through any type of irrigation system.

Do not apply Garlon 3A directly to, or otherwise permit it to come into direct contact with, grapes, tobacco, vegetable crops, flowers, or other desirable broadleaf plants. Do not permit spray mists containing Garlon 3A to drift onto such plants.

Do not apply to salt water bays or estuaries.

Do not apply directly to un-impounded rivers or streams.

Do not apply on ditches or canals currently being used to transport irrigation water or that will be used for irrigation within 4 months following treatment. It is permissible to treat irrigation and non-irrigation ditch banks.

Do not apply where runoff water may flow onto agricultural land as injury to crops may result.

Do not apply with a mistblower.

Water treated with Garlon 3A may not be used for irrigation purposes for 120 days after application or until residue levels of Garlon 3A are determined by laboratory analysis, or other appropriate means of analysis, to be 1 ppb or less.

Seasonal Irrigation Waters: Garlon 3A may be applied during the off-season to surface waters that are used for irrigation on a seasonable basis provided that there is a minimum of 120 days between applying Garlon 3A and the first use of treated water for irrigation purposes, or until residue levels of Garlon 3A are determined by laboratory analysis, or other appropriate means of analysis, to be 1 ppb or less.

Irrigation Canals/Ditches: Do not apply Garlon 3A to irrigation canals/ditches unless the 120-day restriction on irrigation water usage can be observed or residue levels of Garlon 3A are determined by laboratory analysis, or other appropriate means of analysis, to be 1 ppb or less.

Maximum Use Rates

- Apply no more than 6 lb ae of triclopyr (2 gallons of Garlon 3A) per acre per year on aquatic sites.
- Apply no more than 2 lb ae of triclopyr (2/3 gallon of Garlon 3A) per acre per growing season on range and pasture sites, including rights-of-way, fence rows or any area where grazing or harvesting of hay is allowed.
- On forestry sites, Garlon 3A may be used at rates up to 6 lb ae of triclopyr (2 gallons of Garlon 3A) per acre per year.
- For all terrestrial use sites other than range, pasture, forestry sites, and grazed/hayed areas, the maximum application rate is 9 lb ae of triclopyr (3 gallons of Garlon 3A) per acre per year.

Precautions for Potable Water Intakes for Emerged Aquatic Weed Control

See chart below for specific setback distances near functioning potable water intakes. **Note:** Existing potable water intakes which are no longer in use, such as those replaced by potable water wells or connections to a municipal water system, are not considered to be functioning potable water intakes. These setback restrictions do not apply to terrestrial applications made adjacent to potable water intakes.

Area Treated (acres)	Garlon 3A Application Rate			
	2 qt/acre	4 qt/acre	6 qt/acre	8 qt/acre
Setback Distance (ft)				
4	0	200	400	500
>4 - 8	0	200	700	900
>8 - 16	0	200	700	1000
>16	0	200	900	1300

To apply Garlon 3A around and within the distances noted above from a functioning potable water intake, the intake must be turned off until the triclopyr level in the intake water is determined to be 0.4 parts per million (ppm) or less by laboratory analysis or immunoassay.

Recreational Use of Water in Treatment Area: There are no restrictions on use of water in the treatment area for recreational purposes, including swimming and fishing.

Livestock Use of Water from Treatment Area: There are no restrictions on livestock consumption of water from the treatment area.

Grazing and Haying Restrictions

Grazing green forage:

- There are no grazing restrictions for livestock or dairy animals on treated areas.

Haying (harvesting of dried forage)

- Do not harvest hay for 14 days after application.

Slaughter Restrictions: During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

Avoiding Injurious Spray Drift

Make applications only when there is little or no hazard from spray drift. Small quantities of spray, which may not be visible, may seriously injure susceptible plants. Do not spray when wind is blowing toward susceptible crops or ornamental plants that are near enough to be injured. It is suggested that a continuous smoke column at or near the spray site or a smoke generator on the spray equipment be used to detect air movement, lapse conditions, or temperature inversions (stable air). If the smoke layers or indicates a potential of hazardous spray drift, do not spray.

Aerial Application: For aerial application on rights-of-way or other areas near susceptible crops, apply through a Microfoil[†] or Thru-Valve boom[†], or use an agriculturally labeled drift control additive. Other drift reducing systems or thickened sprays prepared by using high viscosity inverting systems may be used if they are made as drift-free as mixtures containing agriculturally labeled thickening agents or applications made with the Microfoil or Thru-Valve boom. Keep spray pressures low enough to provide coarse spray droplets. Spray boom should be no longer than 3/4 of the rotor length. Do not use a thickening agent with the Microfoil or Thru-Valve booms, or other systems that cannot accommodate thick sprays. Spray only when the wind velocity is low (follow state regulations). Avoid application during air inversions. If a spray thickening agent is used, follow all use recommendations and precautions on the product label.

[†]Reference within this label to a particular piece of equipment produced by or available from other parties is provided without consideration for use by the reader at its discretion and subject to the reader's independent circumstances, evaluation, and expertise. Such reference by Dow AgroSciences is not intended as an endorsement of such equipment, shall not constitute a warranty (express or implied) of such equipment, and is not intended to imply that other equipment is not available and equally suitable. Any discussion of methods of use of such equipment does not imply that the reader should use the equipment other than as advised in directions available from the equipment's manufacturer. The reader is responsible for exercising its own judgment and expertise, or consulting with sources other than Dow AgroSciences, in selecting and determining how to use its equipment.

Spray Drift Management

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications:

1. The distance of the outer most operating nozzles on the boom must not exceed 3/4 the length of the rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they must be observed.

The applicator should be familiar with and take into account the information covered in the following Aerial Drift Reduction Advisory. [This information is advisory in nature and does not supersede mandatory label requirements.]

Aerial Drift Reduction Advisory

Information on Droplet Size: The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see Wind, Temperature and Humidity, and Temperature Inversions).

Controlling Droplet Size:

- **Volume** - Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** - Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types, lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.

- **Number of Nozzles** - Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle Orientation** - Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- **Nozzle Type** - Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length: For some use patterns, reducing the effective boom length to less than 3/4 of the rotor length may further reduce drift without reducing swath width.

Application Height: Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind: Drift potential is lowest between wind speeds of 2 to 10 mph. However, many factors, including droplet size and equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential.

Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity: When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions: Applications should not occur during a local, low level temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of the smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas: The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Ground Equipment: To aid in reducing spray drift, Garlon 3A should be used in thickened (high viscosity) spray mixtures using an agriculturally labeled drift control additive, high viscosity invert system, or equivalent as directed by the manufacturer. With ground equipment, spray drift can be reduced by keeping the spray boom as low as possible; by applying 20 gallons or more of spray per acre; by keeping the operating spray pressures at the lower end of the manufacturer's recommended pressures for the specific nozzle type used (low pressure nozzles are available from spray equipment manufacturers); and by spraying when wind velocity is low (follow state regulations). In hand-gun applications, select the minimum spray pressure that will provide adequate plant coverage (without forming a mist). Do not apply with nozzles that produce a fine-droplet spray.

High Volume Leaf-Stem Treatment: To minimize spray drift, do not use pressure exceeding 50 psi at the spray nozzle and keep sprays no higher than brush tops. An agriculturally labeled thickening agent may be used to reduce drift.

Weed Resistance Management:

Triclopyr, the active ingredient in this product, is a Group 4 herbicide based on the mode of action classification system of the Weed Science Society of America. Any weed population may contain or develop plants resistant to Group 4 herbicides. Resistant weeds may dominate the weed population if these herbicides are used repeatedly in the same field. Such resistant weed plants may not be effectively managed using Group 4 herbicides but may be effectively managed utilizing other herbicides alone or in mixtures from a different herbicide Groups that are labeled for control of these weeds and/or by using cultural or mechanical practices. However, a herbicide mode of action classification by itself may not adequately address specific weeds that are resistant to specific herbicides. Consult your local company representative, state cooperative

extension service, professional consultants or other qualified authorities to determine appropriate actions for treating specific resistant weeds.

Best Management Practices:

Proactively implementing diversified weed control strategies to minimize selection for weed populations resistant to one or more herbicides is recommended. A diversified weed management program may include the use of multiple herbicides with different modes of action and overlapping weed spectrum with or without tillage operations and/or other cultural practices. Research has demonstrated that using the labeled rate and directions for use is important to delay the selection for resistant weeds. Scouting after a herbicide application is important because it can facilitate the early identification of weed shifts and/or weed resistance and thus provide direction on future weed management practices. One of the best ways to contain resistant weed populations is to implement measures to avoid allowing weeds to reproduce by seed or to proliferate vegetatively. Cleaning equipment between sites and avoiding movement of plant material between sites will greatly aid in reducing the spread of resistant weed seed.

Plants Controlled

Woody Plant Species

alder	dogwood	salt cedar ²
arrowwood	elderberry	salmonberry
ash	elm	sassafras
aspen	gallberry	scotch broom
Australian pine	hazel	sumac
bear clover (bearmat)	hornbeam	sweetbay magnolia
beech	kudzu ¹	sweetgum
birch	locust	sycamore
blackberry	madrone	tanoak
blackgum	maples	thimbleberry
Brazilian pepper	mulberry	tulip poplar
cascara	oaks	waxmyrtle
ceanothus	persimmon	western hemlock
cherry	pine	wild rose
chinquapin	poison ivy	willow
choke cherry	poison oak	winged elm
cottonwood	poplar	
crataegus	salt-bush	
(hawthorn)	(<i>Baccharis</i> spp.)	
Douglas fir		

¹For complete control, re-treatment may be necessary.

²Use cut surface treatments for best results.

Annual and Perennial Broadleaf Weeds

bindweed	Mexican petunia	tansy ragwort
burdock	plantain	tropical soda apple
Canada thistle	purple loosestrife	vetch
chicory	ragweed	wedelia
curly dock	smartweed	wild lettuce
dandelion	Spanish needles/	
field bindweed	common beggarthicks	
lamb'squarter		

Purple Loosestrife (*Lythrum salicaria*)

Purple loosestrife can be controlled with foliar applications of Garlon 3A. For broadcast applications, use a minimum of 4 1/2 to 6 lb ae of triclopyr (6 to 8 quarts of Garlon 3A) per acre. Apply Garlon 3A when purple loosestrife is at the bud to mid-flowering stage of growth. Follow-up applications for control of regrowth should be made the following year in order to achieve increased control of this weed species. For all applications, a non-ionic surfactant should be added to the spray mixture.

Maximum Labeled Rate versus Spray Volume per Acre

Total Spray Volume (gal/acre)	Maximum Rate of Garlon 3A		
	Range and Pasture Sites ¹ (gal/100 gal of spray)	Forestry Sites ² (gal/100 gal of spray)	Other Non-Cropland Sites ³ (gal/100 gal of spray)
400	Do not use	0.5	0.75
300	Do not use	0.67	1
200	Do not use	1	1.5
100	0.67	2	3
50	1.33	4	6
40	1.67	5	7.5
30	2.33	6.65	10
20	3.33	10	15
10	6.67	20	30

¹Do not exceed the maximum use rate of 2 lb ae of triclopyr (2/3 gal of Garlon 3A)/acre/year.

²Do not exceed the maximum use rate of 6 lb ae of triclopyr (2 gal of Garlon 3A)/acre/year.

³Do not exceed the maximum use rate of 9 lb ae of triclopyr (3 gal of Garlon 3A)/acre/year on non-cropland use sites other than rangeland, pasture, forestry, and grazed/hayed areas.

Follow all directions and use precautions on the label of the surfactant. Thorough wetting of the foliage and stems is necessary to achieve satisfactory control. A minimum spray volume of 50 gallons per acre is needed for ground broadcast applications.

If using a backpack sprayer, a spray mixture containing 1% to 1.5% Garlon 3A or 5 to 7.6 fl oz of Garlon 3A per 4 gallons of water should be used. All purple loosestrife plants should be thoroughly wetted.

Application Methods

Use Garlon 3A at rates of 3/4 to 9 lb ae of triclopyr (1/4 to 3 gallons of Garlon 3A) per acre to control broadleaf weeds and woody plants. In all cases, use the amount specified in enough water to give uniform and complete coverage of the plants to be controlled. Use only water suitable for spraying. Use an agriculturally labeled non-ionic surfactant for all foliar applications. When using surfactants, follow the use directions and precautions listed on the surfactant manufacturer's label. Use the higher concentrations of surfactant in the spray mixture when applying lower spray volumes per acre. The order of addition to the spray tank is water, spray thickening agent (if used), additional herbicide (if used), and Garlon 3A. Surfactant should be added to the spray tank last or as recommended on the product label. If combined with emulsifiable concentrate herbicides, moderate continuous adequate agitation is required.

Before using any recommended tank mixtures, read the directions and all use precautions on both labels. **Note:** If tank mixing with Rodeo[®] herbicide, mix the Garlon 3A with at least 75% of the total spray volume desired and ensure that Garlon 3A is well mixed before adding the Rodeo to avoid incompatibility.

For best results, apply when woody plants and weeds are actively growing. When hard to control species such as ash, blackgum, choke cherry, elm, maples, oaks, pines, or winged elm are prevalent and during applications made in late summer when the plants are mature and during drought conditions, use the higher rates of Garlon 3A alone or in combination with Tordon[®] 101 Mixture specialty herbicide. (Tordon 101 Mixture is a restricted use pesticide. See product label.) Tordon 101 Mixture is not registered for use in the states of California and Florida.

When using Garlon 3A in combination with 2,4-D 3.8 lb amine, like DMA 4 IVM, or low volatile ester herbicides, generally the higher rates should be used for satisfactory brush control.

Use the higher dosage rates when brush approaches an average of 15 feet in height or when the brush covers more than 60% of the area to be treated. If lower rates are used on hard to control species, resprouting may occur the year following treatment.

On sites where easy to control brush species dominate, rates less than those listed may be effective. Consult State or Local Extension personnel for such information.

Foliage Treatment With Ground Equipment High Volume Foliage Treatment

For control of woody plants, use Garlon 3A at the rate of 3 to 9 lb ae of triclopyr (1 to 3 gallons of Garlon 3A) per 100 gallons of spray solution, or Garlon 3A at 3/4 to 3 lb ae of triclopyr (1 to 4 quarts of Garlon 3A) may be tank mixed with 2,4-D amine, like DMA 4 IVM, or low volatile ester or Tordon 101 Mixture and diluted to make 100 gallons of spray solution. Apply at a volume of 100 to 400 gallons of total spray per acre depending upon size and density of woody plants. Coverage should be thorough to wet all leaves, stems, and root collars. (See Use Precautions and Restrictions.) Do not exceed maximum allowable use rates per acre (see table below). Tordon 101 Mixture is not registered for use in the states of California and Florida.

Low Volume Foliage Treatment

To control susceptible woody plants, apply up to 15 lb ae of triclopyr (5 gallons of Garlon 3A) in 10 to 100 gallons of finished spray. The maximum volume of the finish spray applied to an acre is limited by the maximum use rate per site type (See Maximum Use Rates section - Range and Pasture, Grazing, Haying sites 2 lb ae, Forestry sites 6 lb ae, and all other sites 9 lb ae triclopyr). The spray concentration of Garlon 3A and total spray volume per acre should be adjusted according to the size and density of target woody plants and kind of spray equipment used. With low volume sprays, use sufficient spray volume to obtain uniform coverage of target plants including the surfaces of all foliage, stems, and root collars (see General Use Precautions and Restrictions). For best results, a surfactant should be added to all spray mixtures. Match equipment and delivery rate of spray nozzles to height and density of woody plants. When treating tall, dense brush, a truck mounted spray gun with spray tips that deliver up to 2 gallons per minute at 40 to 60 psi may be required. Backpack or other types of specialized spray equipment with spray tips that deliver less than 1 gallon of spray per minute may be appropriate for short, low to moderate density brush.

Tank Mixing: As a low volume foliar spray, up to 9 lb ae of triclopyr (3 gallons of Garlon 3A) may be applied in tank mix combination with Tordon K or Tordon 101 Mixture in 10 to 100 gallons of finished spray. The maximum volume of the finish spray applied to an acre is limited by the maximum use rate per site type (See Maximum Use Rates section - Range and Pasture, Grazing, Haying sites 2 lb ae, Forestry sites 6 lb ae, and all other sites 9 lb ae triclopyr). Tordon 101 Mixture and Tordon K are not registered for use in the states of California and Florida.

When applying this product in tank mix combination, follow all applicable use directions, precautions and limitations on each manufacturer's label. **Note:** If tank mixing with Rodeo® herbicide, mix the Garlon 3A with at least 75% of the total spray volume desired and ensure that Garlon 3A is well mixed before adding the Rodeo to avoid incompatibility.

Broadcast Applications With Ground Equipment

Apply using equipment that will assure uniform coverage of the spray volumes applied. To improve spray coverage, add an agriculturally labeled non-ionic surfactant as described later under Directions for Use. See Maximum Labeled Rate versus Spray Volume per Acre table above for relationship between mixing rate, spray volume and maximum application rate.

Woody Plant Control

Foliage Treatment: Use 6 to 9 lb ae of triclopyr (2 to 3 gallons of Garlon 3A) in enough water to make 20 to 100 gallons of total spray per acre or 1 1/2 to 3 lb ae of triclopyr (1/2 to 1 gallon of Garlon 3A) may be combined with 2,4-D amine, like DMA 4 IVM, or low volatile esters or Tordon 101 Mixture in sufficient water to make 20 to 100 gallons of total spray per acre. Tordon 101 Mixture is not registered for use in the states of California and Florida.

Broadleaf Weed Control

Use Garlon 3A at rates of 1 to 4 1/2 lb ae of triclopyr (1/3 to 1 1/2 gallons of Garlon 3A) in a total volume of 20 to 100 gallons of water per acre. Apply any time during the growing season. Garlon 3A at 1 to 3 lb ae of triclopyr (1/3 to 1 gallon of Garlon 3A) may be tank mixed with Tordon K, Tordon 101 Mixture or 2,4-D amine, like DMA 4 IVM, or low volatile herbicides to improve the spectrum of activity. Tordon 101 Mixture and Tordon K are not registered for use in the states of California and Florida.

Aerial Application (Helicopter Only)

Aerial sprays should be applied using suitable drift control. (See Use Precautions and Restrictions.) Add an agriculturally labeled non-ionic surfactant as described under Directions for Use. See Maximum Labeled Rate versus Spray Volume per Acre table above for relationship between mixing rate, spray volume and maximum application rate.

Foliage Treatment (Non-Grazed Rights-of-Way)

Non-grazed areas: Use 6 to 9 lb ae of triclopyr (2 to 3 gallons of Garlon 3A) or 3 to 4 1/2 lb ae of triclopyr (1 to 1 1/2 gallons of Garlon 3A) in a tank mix combination with 2,4-D amine, like DMA 4 IVM, or low volatile esters or Tordon 101 Mixture, and apply in a total spray volume of 10 to 30 gallons per acre. Use the higher rates and volumes when plants are dense or under drought conditions. Tordon 101 Mixture is not registered for use in the states of California and Florida.

Interspersed areas in non-grazed rights-of-ways that may be subject to grazing may be spot treated if the treated area comprises no more than 10% of the total grazable area.

Cut Surface Treatments

Individual plant treatments such as basal bark and cut surface applications may be used on any use site listed on this label at a maximum use rate of 2.67 gallons of Garlon 3A (8 lb ae of triclopyr) per acre. These types of applications are made directly to ungrazed parts of plants and, therefore, are not restricted by the grazing maximum rate of 2/3 of a gallon of Garlon 3A (2 lb ae of triclopyr) per acre.

To control unwanted trees of hardwood species such as elm, maple, oak and conifers in labeled sites, apply Garlon 3A, either undiluted or diluted in a 1 to 1 ratio with water, as directed below.

With Tree Injector Method

Apply by injecting 1/2 milliliter of undiluted Garlon 3A or 1 milliliter of the diluted solution through the bark at intervals of 3 to 4 inches between centers of the injector wound. The injections should completely surround the tree at any convenient height. **Note: No Worker Protection Standard worker entry restrictions or worker notification requirements apply when this product is injected directly into plants.**

With Hack and Squirt Method

Make cuts around the tree trunk at a convenient height with a hatchet or similar equipment so that the cuts overlap slightly and make a continuous circle around the trunk. Spray 1/2 milliliter of undiluted Garlon 3A or 1 milliliter of the diluted solution into the pocket created between the bark and the inner stem/trunk by each cut.

With Frill or Girdle Method

Make a single girdle through the bark completely around the tree at a convenient height. The frill should allow for the herbicide to remain next to the inner stem and absorb into the plant. Wet the cut surface with undiluted or diluted solution.

Both of the above methods may be used successfully at any season except during periods of heavy sap flow of certain species - for example, maples.

Stump Treatment

Spray or paint the cut surfaces of freshly cut stumps and stubs with undiluted Garlon 3A. The cambium area next to the bark is the most vital area to wet.

Forest Management Applications

For best control from broadcast applications of Garlon 3A, use a spray volume which will provide thorough plant coverage. Recommended spray volumes are usually 10 to 25 gallons per acre by air or 10 to 100 gallons per acre by ground. To improve spray coverage of spray volumes less than 50 gallons per acre, add an agriculturally labeled non-ionic surfactant as described under Directions for Use. Application systems should be used to prevent hazardous drift to off-target sites. Nozzles or additives that produce larger droplets of spray may require higher spray volumes to maintain brush control.

Forest Site Preparation (Not for Conifer Release)

Use up to 6 lb ae of triclopyr (2 gallons of Garlon 3A) and apply in a total spray volume of 10 to 30 gallons per acre or Garlon 3A at 3 to 4 1/2 lb ae of triclopyr (1 to 1 1/2 gallons of Garlon 3A) may be used with Tordon 101 Mixture or 2,4-D low volatile ester in a tank mix combination in a total spray volume of 10 to 30 gallons per acre. Use a non-ionic agricultural surfactant for all foliar applications as described under Directions for Use. Tordon 101 Mixture is not registered for use in the states of California and Florida.

Note: Conifers planted sooner than one month after treatment with Garlon 3A at less than 4 lb ae of triclopyr (1 1/3 gallons of Garlon 3A) per acre or sooner than two months after treatment at 4 to 6 lb ae of triclopyr (1 1/3 to 2 gallons of Garlon 3A) per acre may be injured. When tank mixtures of herbicides are used for forest site preparation, labels for all products in the mixture must be consulted and the longest recommended waiting period before planting observed.

Directed Spray Applications for Conifer Release

To release conifers from competing hardwoods such as red maple, sugar maple, striped maple, sweetgum, red and white oaks, ash, hickory, alder, birch, aspen, and pin cherry, mix 3 to 6 lb ae of triclopyr (1 to 2 gallons of Garlon 3A) in enough water to make 100 gallons of spray mixture. To improve spray coverage, add an agriculturally labeled non-ionic surfactant as described under Directions for Use. The spray mixture should be directed onto foliage of competitive hardwoods using knapsack or backpack sprayers with flat fan nozzles or equivalent any time after hardwoods have reached full leaf size, but before autumn coloration. The majority of treated hardwoods should be less than 6 feet in height to ensure adequate spray coverage. Care should be taken to direct spray away from contact with conifer foliage, particularly foliage of desirable pines.

Note: Spray may cause temporary damage and growth suppression where contact with conifers occurs; however, injured conifers should recover and grow normally. Over-the-top spray applications can kill pines.

Broadcast Applications for Conifer Release in the Northeastern United States

To release spruce, fir, red pine and white pine from competing hardwoods, such as red maple, sugar maple, striped maple, alder, birch (white, yellow or gray), aspen, ash, pin cherry and *Rubus* spp. and perennial and annual broadleaf weeds, use Garlon 3A at rates of 1 1/2 to 3 lb ae of triclopyr (2 to 4 quarts of Garlon 3A) per acre alone or with 2,4-D amine, like DMA 4 IVM, or 2,4-D ester to provide no more than 4 lb ae per acre

from both products. Apply in late summer or early fall after conifers have formed their over wintering buds and hardwoods are in full leaf and prior to autumn coloration.

Broadcast Applications for Douglas-Fir Release in the Pacific Northwest and California

To release Douglas-fir from susceptible competing vegetation such as broadleaf weeds, alder, blackberry or Scotch broom, apply Garlon 3A at 1 to 1 1/2 lb ae of triclopyr (1 1/3 to 2 quarts of Garlon 3A) per acre alone or in combination with 4 lb per acre of atrazine. Mix all sprays in a water carrier with a non-ionic surfactant. Apply in early spring after hardwoods begin growth and before Douglas fir bud break ("early foliar" hardwood stage) or after Douglas fir seasonal growth has "hardened off" (set winter buds) in late summer, but while hardwoods are still actively growing. When treating after Douglas fir bud set, apply prior to onset of autumn coloration in hardwood foliage. **Note:** Treatments applied during active Douglas fir shoot growth (after spring bud break and prior to bud set) may cause injury to Douglas fir trees.

Christmas Tree Plantations

Use Garlon 3A for the control of woody plants and annual and perennial broadleaf weeds in established Christmas tree plantations. For best results, apply when woody plants and weeds are actively growing. Garlon 3A does not control weeds which have not emerged at the time of application. If lower rates are used on hard to control woody species, resprouting may occur the year following treatment. Brush over 8 feet tall is difficult to treat efficiently using hand equipment such as backpack or knapsack sprayers. When treating large brush or trees or hard to control species such as ash, blackgum, choke cherry, elm, hazel, madrone, maples, oaks or sweetgum, and for applications made during drought conditions or in late summer when the leaves are mature, use the higher rates of Garlon 3A or use cut surface application methods. For foliar applications, apply in enough water to give uniform and complete coverage of the plants to be controlled. Applications made under drought conditions may provide less than desirable results.

Use Precautions:

- Newly seeded turf (alleyways, etc.) should be mowed two or three times before any treatment with Garlon 3A.

Use Restrictions:

- Do not use on newly seeded grass until well established as indicated by vigorous growth and development of secondary root system and tillering
- Do not reseed Christmas tree areas treated with Garlon 3A for a minimum of three weeks after application.
- Do not use Garlon 3A if legumes, such as clover, are present and injury cannot be tolerated.

Spray Preparation

The order of addition to the spray tank is water, drift control agent (if used), non-ionic agricultural surfactant and Garlon 3A. Continue moderate agitation while mixing and spraying. Use a non-ionic agricultural surfactant for all applications. When using surfactants, follow use directions and precautions listed on the manufacturer's label. Use the higher recommended concentrations of surfactant in the spray mixture when applying lower spray volumes per acre. **Note:** If tank mixing with Rodeo herbicide, mix the Garlon 3A with at least 75% of the total spray volume desired and ensure that Garlon 3A is well mixed before adding the Rodeo to avoid incompatibility.

Application

Apply in late summer or early autumn after terminal growth of Christmas trees has hardened off, but before leaf drop of, target weeds. Apply at a rate of 3/4 to 1 3/4 lb ae of triclopyr (2 to 5 pints of Garlon 3A) per acre as a foliar spray directed toward the base of Christmas trees. Use sufficient spray volume to provide uniform coverage of target plants (20 to 100 gallons per acre). **Do not apply with 2,4-D.** Application rates of Garlon 3A directed for Christmas trees will only suppress some well established woody plants that are greater than 2 to 3 years old (see table below). Broadcast sprays may also be applied in bands between the rows of planted trees. Use spray equipment that will assure uniform coverage of the desired spray volume.

Spray solution from Garlon 3A can cause needle and branch injury to Christmas trees. To minimize injury to Christmas trees, direct sprays so as to minimize contact with foliage. Blue spruce, white spruce, balsam fir and Fraser fir are less susceptible to injury than white pine and Douglas fir.

Restriction: Apply Garlon 3A only to established Christmas trees that were planted at least one full year prior to application.

Application Rates and Species Controlled:

Garlon 3A		
2 pints/acre (3/4 lb ae of triclopyr)	3 to 4 pints/acre (1 1/2 lb ae of triclopyr)	5 pints/acre (1 3/4 lb ae of triclopyr)
clover	bindweed, field (TG)	arrowwood (SDL)
dandelion	blackberry ¹	aspen
dock, curly	chicory (s)	beech (SDL)
lambquarters	fireweed	birch (SDL)
lespedeza	ivy, ground	chinquapin
plantain, broadleaf	lettuce, wild	cottonwood (SDL)
plantain, buckhorn	oxalis	elderberry
ragweed, common	poison ivy	grape, wild
vetch	smartweed (TG)	mulberry (SDL)
	thistle, Canada (TG)	poplar (SDL)
	violet, wild	sassafras (SDL)
	Virginia creeper ¹	sumac (SDL)
		sycamore (SDL)

(TG) Top growth control, retreatment may be necessary

(S) Suppression

(SDL) Seedlings less than 2 to 3 years old

¹Use 4 pint per acre rate

Directed Applications

To control hardwoods such as red maple, sugar maple, striped maple, sweetgum, red and white oaks, ash, alder, birch, aspen, and pin cherry, mix 4 to 20 fl oz of Garlon 3A in enough water to make 3 gallons of spray mixture. For directed applications, do not exceed 6 lb ae of triclopyr (2 gallons of Garlon 3A) per acre per year. To improve coverage, add a non-ionic agricultural surfactant to the spray. This spray mixture should be directed onto foliage of competitive hardwoods using knapsack or backpack sprayers with flat fan nozzles or equivalent any time after hardwoods have reached full leaf size, but before autumn coloration (when plants are actively growing). The majority of treated hardwoods should be less than 8 feet in height to ensure adequate spray coverage. **Note:** To prevent Christmas tree injury, care should be taken to direct spray away from contact with Christmas tree foliage.

Cut Surface Treatments

When treating large brush or trees or hard to control species such as ash, blackgum, choke cherry, elm, hazel, madrone, maples, oaks, salt cedar or sweetgum, and for applications made during drought conditions or in late summer when the leaves are mature, use cut surface treatments. (See directions for Cut Surface Treatments in preceding section of this label.)

Wetland Sites in Forests and Non-Crop Areas

Garlon 3A may be used within forests and non-crop sites to control target vegetation in and around standing water sites, such as marshes, wetlands, and the banks of ponds and lakes and transition areas between upland and lowland sites.

For control of woody plants and broadleaf weeds in these sites, follow use directions and application methods on this label for forestry and non-cropland sites.

Use Precautions:

Minimize overspray to open water when treating target vegetation in and around non-flowing, quiescent or transient water. When making applications to control unwanted plants on banks or shorelines of flowing water, minimize overspray to open water. **Note:** Consult local public water control authorities before applying this product in and around public water. Permits may be required to treat such areas.

Terms and Conditions of Use

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2. Replacement of amount of product used.

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9330 Zionsville Road
Indianapolis, IN 46268

Label Code: D02-101-041
Replaced Label: D02-101-040
LOES Number: 010-00084
EPA accepted 02/25/16

Revisions:

1. Added Crop Group 4 Herbicide box MOA, Weed Resistance Management and Best Management Practices language.
2. Updated Active Ingredient section.
3. Updated the Hazard to Human and Domestic Animals section.
4. Updated language under Engineering Controls section.
5. Updated the User Safety Recommendations section.
6. Updated the Use Precautions and Use Restrictions sections.
7. Added the title for Maximum Use Rates section and updated section.
8. Added/updated the Grazing and Haying Restriction as follow:

Grazing and Haying Restrictions

Grazing green forage:

- There are no grazing restrictions for livestock or dairy animals on treated areas.

Haying (harvesting of dried forage)

- Do not harvest hay for 14 days after application.

Slaughter Restrictions: During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

9. Removed all tank mix partner rates throughout the label.
10. Added the following sentence to direct users to the Maximum Use Rates section: The maximum volume of the finish spray applied to an acre is limited by the maximum use rate per site type (See Maximum Use Rates section - Range and Pasture, Grazing, Haying sites 2 lb ae, Forestry sites 6 lb ae, and all other sites 9 lb ae triclopyr).
11. Corrected 4 to 9 lb ae of triclopyr to 4 to 6 lb and update 3 gallons of Garlon 3A to 2 gallons.
12. Changed the word recommended to directed throughout the label.



To: Village Board

From: Scott A. Botcher, Village Manager 

cc: Scott Brandmeier

Date: January 6, 2021

Re: Lake Drive Discussion

I want to offer my clarification and insight to the Lake Drive matter prior to your deliberation.

The State is simply proposing resurfacing Lake Drive in its existing configuration; no more, no less. We are under no obligation nor incentivized to do any accelerated capital expenditures as a result of this project. You are not obligated to act simply because the State is resurfacing.

It may make sense to consider doing some things IF you think they are important enough to do them now; items such as bike paths, crosswalks, water utility work and storm water work. Given the narrow scope of the State project, even if you think any or all of these projects are eventually desirable, there is no pressing reason to do them now unless you choose to do so. Little the State will do here necessitates the Village modifying or accelerating any capital expenditures.

There is, however, one item on the list you should consider—the water utility improvements between Daisy Lane and Goodrich on Lake Drive. The contemplated water utility improvements would include replacing the water mains at each cross-street and replacing valves and hydrants in this area. Doing these improvements now substantially reduces the probability of having to cut open a freshly resurfaced street due to aged and inferior water infrastructure in this most problematic stretch of Lake Drive prior to the State improving Lake Drive again (which could be 20 years or longer).

Scott will present detail on this potential water utility project, but internally we have discussed this being a 2023 project, with project design obviously occurring prior to that.

Otherwise, while doing more improvements than the water utilities might be nice to do, I also see no reason to needlessly accelerate capital expenditures just because Lake Drive is being resurfaced unless you choose to do so independently of the State's action.

VILLAGE HALL

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414-351-8900 | Fax 414-351-8909



Water Utility Recommendations

Lake Drive Paving Project – 2024

The State of Wisconsin Department of Transportation (DOT) is planning on paving Lake Drive along the entire extent through the Village of Fox Point in 2024 or 2025. The DOT considers this to be a perpetuation project and only contemplates paving projects on state highways every 25-30 years. The last time Lake Drive was paved was approximately 1998. As the road will be repaved, it makes the most economical sense to address any infrastructure issues in and around Lake Drive at this time.

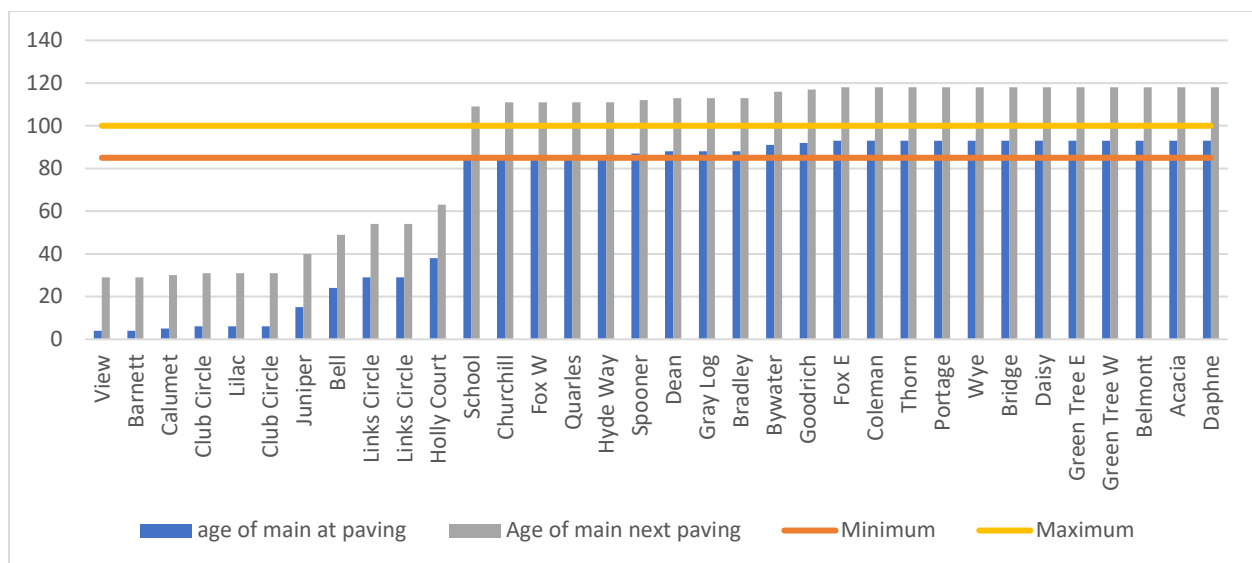
History:

Profile: Lake Drive is significantly thicker than the average road in the Village of Fox Point. There is a roughly 8-inch base of concrete below 5-6 inches of surface asphalt. This thick base complicates repairs for the water utility. First, water can become trapped underneath the base and run for a significant distance before surfacing, which makes locating the break point difficult. Typically, the utility will use an acoustic surveyor to listen over the water main to help determine where the leak is originating. Unfortunately, if there is a lot of traffic (as is the case along Lake Drive) or a lot of asphalt and concrete, this will obscure the ability of the listening device to pinpoint the leak. In addition, the repair process is slower due to the 12 inches of pavement and base the excavator is forced to break through.

Traffic: Lake Drive is a main route for business traffic into downtown for the North Shore communities. As such, this road is very busy during peak hour travel in the morning and afternoon. Interruptions of this route are difficult at best. During construction and main breaks, road closed signs are not always honored by the public and staff is always needed to re-direct drivers that ignore the road closed signs.

Water Infrastructure: The route for the 12-inch water main in Lake Drive varies. On the north and south extents, the existing water main is outside of the pavement along the east side of the right of way. Between roughly Daisy Lane and Goodrich Lane, the water main is located in the northbound lane of Lake Drive. This also coincides with the road transitioning through a series of curves. The road is also lined by wooded areas along this portion which further impedes sight lines. This makes for a dangerous work environment for both crew and commuters, as construction crews are in and out of

traffic lanes and around blind curves while making the necessary repairs. In addition to the safety concerns of the location, the water infrastructure under Lake Drive is aging. Some of this infrastructure will be 93 years old at the time of the paving project. As is shown in the graph below, the two horizontal lines represent the minimum and maximum useful life for watermain – which is roughly 80 to 100 years. This is derived from the attached Public Service Commission of Wisconsin depreciation tables. The mains represented in the graphs are the smaller 6- and 8-inch crossings along Lake Drive. The majority of these mains are in the range of “end of life cycle”, and will all certainly be past their useful life cycle at the time of the next State paving project. Smaller water mains also have thinner pipe walls, so they cannot weather the corrosion cycle as well as a 12-inch water main, which has a thicker pipe wall.



Typical risk analysis will take into consideration two factors: Likelihood of failure, and impact (consequence) of failure. As shown in the chart below, due to the infrastructure entering the end of its useful life, the likelihood of a main break is “Likely to Very Likely”, and for the areas where the main is under pavement – and in blind curves – the impact of the break is significant. Based on this assessment, the risk of doing nothing with this segment of water main is high.

	Impact				
	Negligible	Minor	Moderate	Significant	Severe
Likelihood	Very Likely	Low Med	Medium	Med Hi	High
	Likely	Low	Low Med	Medium	Med Hi
	Possible	Low	Low Med	Medium	Med Hi
	Unlikely	Low	Low Med	Low Med	Medium
	Very Unlikely	Low	Low	Low Med	Medium

Priorities: In looking at the water infrastructure in the project boundaries, Water Utility staff recommend the following actions:

1. **Replace Laterals along Lake Drive:**
 - a. There are 10 lead laterals within the project boundaries. The WDNR will soon force utilities to replace all lead laterals, so prior to resurfacing the road we recommend replacing these laterals.
 - b. Also, copper laterals are beyond the PSCW depreciation window. The water laterals will be 93 years old in 2024. Standard PSC depreciation for laterals is 45 – 60 years and they are already well beyond their useful life. So, it is recommended that these also be replaced.
2. **Crossing Water Mains:** The water mains that connect to the Lake Drive 12-inch water main are typically smaller in diameter. 8-inch and 6-inch water mains have much thinner pipe walls than the 12-inch water main. These smaller mains have a much higher probability of failure in the next 25 years than the 12-inch Lake Drive watermain. Recently we had two failures on the 6-inch pipe that feeds Thorn Lane. One of these failures was on the edge of Lake Drive. Field observations showed the pipe was heavily corroded, indicative of the other small diameter crossing mains. One failure was a large (softball sized) blow hole, the other was a crack around the pipe. This represents two different modes of failure. The blow hole is indicative of spot corrosion in a small area, the crack around is indicative of long line corrosion or pipe wall thinning over the entire length of the pipe. If this pipe is representative of the rest of the pipe along the project, replacement of the crossing mains should be a

- high priority. If the board feels that the Utility should expand the SEH study to include these crossing mains rather than just replace these mains, the Utility would support this expenditure.
3. **Problem valves within the project boundaries:** There are seven 12-inch valves that have not held during water main breaks along this project. If the existing 12-inch pipe will remain, we should replace these valves before resurfacing. This will minimize the area of isolation during water main repair in the future, inconveniencing fewer residents during the repair process.
 4. **12-inch water main under pavement:** (Daisy Lane north to Goodrich Lane) The water utility recommends the Village replace this section of water main. Several sections of this water main were recommended to be replaced by the consultant (SEH). The other sections are a safety concern during water main breaks due to the location in the road and on the curves/bends along the road. If not replaced, future water main breaks will result in the pavement being tore up and traffic rerouted around the main break.
 5. **12-inch water main outside of pavement:** Based on the risk matrix, the water utility does not recommend replacing this watermain (north of Goodrich and south of Daisy). The water main is technically at the end of its useful life, however the SEH study indicates that the probability of its failure is relatively low, and based on location of the watermain (outside of pavement) the consequence of failure is lower.

As the manager of the water utility, I wanted to provide the Village Board with information and analysis to assist you with making capital improvement decisions regarding this project. If you have any additional questions regarding this analysis, please do not hesitate to contact me at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jim Voigt', with a stylized flourish extending to the right.

Jim Voigt

Village of Fox Point Water Utility/City Water LLC

414.559.8656

jim.voigt@citywaterusa.com

Wisconsin Municipal Water Utilities											
Benchmark Ranges of Depreciation Rates											
Effective Date is January 1, 2008											
		Service Life			Net Salvage			Recommended			
Account		Range of Years			Range of Percents			Range of Deprec.			Recommended
Number	Account Title	Min	Max		Min	Max		Min	Max		Depreciation Rate
	Transmission and Distribution Plant										
✓ 341	Structures and Improvements	30	- 40		-15%	- 0%		✓ 2.5%	- 3.8%		3.2%
✓ 342	Distribution Reservoirs and Standpipes	50	- 65		-10%	- 0%		✓ 1.5%	- 2.2%		1.9%
✓ 343	Transmission and Distribution Mains	85	- 100		-10%	- 0%		✓ 1.0%	- 1.3%		1.3%
✓ 345	Services	45	- 60		-30%	- 0%		✓ 1.7%	- 2.9%		2.9%
✓ 346	Meters	16	- 25		0%	- 0%		✓ 4.0%	- 6.3%		5.5%
✓ 348	Hydrants	55	- 75		-20%	- 0%		✓ 1.3%	- 2.2%		2.2%
✓ 349	Other Transm. and Distribution Plant	15	- 30		0%	- 0%		✓ 3.3%	- 6.7%		5.0%



To: Village Board
From: Scott A. Botcher, Village Manager *SAB*
cc: Mike Rakow, Inspector
Date: January 6, 2021
Re: Inspector Code Updates

In your packet you will find some proposed code changes drafted by Mr. Larson following discussions with the Building Inspector.

In a nutshell, currently our code (in this portion) is cumbersome, citing other codes as cross reference, requiring the user to go back and forth and making utilization and comprehension more difficult.

The Inspector has recommended inserting the actual language in each section where this intersectional referencing is occurring.

No change in the actual code is recommended nor would be accomplished should you approve this ordinance.

Thank you.

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-CREATE SECTIONS 745-13 B. (6),
745-14, 745-15, 745-16 B. (6) AND 745-17 B. (6) OF THE VILLAGE OF FOX
POINT ZONING CODE CONCERNING RESIDENCE DISTRICTS

WHEREAS, the Village of Fox Point Village Board has initiated this zoning amendment pursuant to Section 745-35 of the Village of Fox Point Zoning Ordinance and Wisconsin Statutes Sections 61.35 and 62.23(7), upon the recommendation of the Village Building Inspector, and has referred the matter to the Village Plan Commission for report and recommendation; and

WHEREAS, the Village Building Inspector, in consultation with the Village Attorney, has recommended revisions be made to the residential zoning district regulations of the Village Code, to make the provisions more user friendly, and less susceptible to misinterpretation, by eliminating certain internal code references and instead directly describing the regulations that apply in each residential district; and

WHEREAS, the changes contemplated herein do not modify the substance of the regulations applicable to each zoning district, these changes only make the provisions more clear; and

WHEREAS, the Plan Commission of the Village of Fox Point has recommended to the Village Board of the Village of Fox Point that said amendments to the Zoning Code be made; and

WHEREAS, a public hearing was conducted by the Village Board of the Village of Fox Point on _____, after due notice was provided pursuant to Section 745-35 of the Village of Fox Point Village Code and Wisconsin Statutes Section 61.35 and 62.23; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Fox Point having carefully reviewed the recommendation of the Plan Commission of the Village of Fox Point, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of the granting of such a zoning amendment on the health, safety and welfare of the community and having given due consideration to the municipal problems involved as well as the impact on the affected properties hereby determines that the public necessity, convenience, general welfare and good zoning practice requires that the zoning amendment be granted.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 745 of the Village of Fox Point Village Code entitled “Zoning,” Section 745-13 entitled “A-1 Residence District,” Subsection B entitled, “Areas and Yards,” Subsection (6), the introductory paragraph only, and not the subsections that follow is hereby repealed and recreated as follows:

- (6) No single-family residence built or existing in this district shall have a height greater than ~~35 feet above the lowest point of the lot grade abutting the structure, except if located in the A-1, A-2, A-3, or B District. Any single-family residence located in the A-1, A-2, A-3, or B District shall not have a height greater than~~ 40 feet from the grade abutting the structure on the front side of the structure, with the exception ~~in the A-1 District~~ that, upon application to the Board of Appeals, the Board of Appeals may grant a special exception ~~under the conditions as further set forth in this subsection. Any single-family residence located in the A-1 District and constructed~~ on a lot of not less than 80,000 square feet in total area ~~may apply to the Board of Appeals for a special exception from any height limitation~~ upon the following criteria:

SECTION 2: Chapter 745 of the Village of Fox Point Village Code entitled “Zoning,” Section 745-14 entitled “A-2 Residence District,” is hereby repealed and recreated as follows:

§ 745-14 A-2 Residence District.

- A. ~~The provisions of this chapter in respect to an A-1 Residence District above set forth shall apply to an A-2 Residence District, except that the open area required by § 745-13B(1) above shall be 30,000 square feet; the side yard required by § 745-13B(3) above shall be 15 feet, and the width required by § 745-13B(5) above shall be 100 feet.~~
- B. ~~The height limitations of single-family residence structures shall be governed by § 745-13B(6).~~
- A. Uses. In an A-2 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. Areas and yards. In an A-2 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 30,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the lot or exceed a height of 25 feet.
- (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the

Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and 15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.

- (3) A side yard of not less than 15 feet shall be provided for on each side of every building.
- (4) A rear yard of not less than 20 feet shall be provided for every building.
- (5) Every lot on which a building is erected shall have ~~an average a~~ minimum width of 100 feet.
- (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure. For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.

SECTION 3: Chapter 745 of the Village of Fox Point Village Code entitled "Zoning," Section 745-15 entitled "A-3 Residence District," is hereby repealed and recreated as follows:
§ 745-15 A-3 Residence District.

- ~~A. The provisions of this chapter in respect to an A-1 Residence District above set forth shall apply to an A-3 Residence District, except that the open area required by § 745-13B(1) above shall be 20,000 square feet; the side yard required by § 745-13B(3) above shall be 12 feet, and the width required by § 745-13B(5) above shall be 90 feet.~~
- ~~B. The height limitations of single-family residence structures shall be governed by § 745-13B(6).~~
- A. Uses. In an A-3 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. Areas and yards. In an A-3 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
 - (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 20,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the

lot or exceed a height of 25 feet.

- (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and 15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
- (3) A side yard of not less than 12 feet shall be provided for on each side of every building.
- (4) A rear yard of not less than 20 feet shall be provided for every building.
- (5) Every lot on which a building is erected shall have ~~an average a~~ minimum width of 90 feet.
- (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure. ~~For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.~~

SECTION 4: Chapter 745 of the Village of Fox Point Village Code entitled "Zoning," Section 745-16 entitled "B Residence District," Subsection B entitled, "Areas and Yards," Subsection (6) is hereby repealed and recreated as follows:

- (6) ~~The height limitations of single-family residence structures shall be governed by § 745-13B(6).~~ No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure. For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.

SECTION 5: Chapter 745 of the Village of Fox Point Village Code entitled "Zoning," Section 745-17 entitled "C Residence District," Subsection B entitled, "Areas and Yards," Subsection (6) is hereby repealed and recreated as follows:

- (6) ~~The height limitations of single-family residence structures shall be governed by § 745-13B(6).~~ No single-family residence built or existing in this district shall have

a height greater than 35 feet above the lowest point of the lot grade abutting the structure. ~~from the grade abutting the structure on the front side of the structure.~~ For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.

SECTION 6: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 7: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 8: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2020.

VILLAGE OF FOX POINT

Douglas H. Frazer, Village President

ATTEST:

Kelly Meyer, Village Clerk

Published and/or posted this _____ day of _____, 2020.



To: Village of Fox Point Village Board
From: Scott Brandmeier, Director of Public Works
Through: Scott Botcher, Village Manager
Date: January 6, 2021
Re: Discussion and Possible Action Related to the Beach Drive Coastal Resiliency Project

Throughout 2020, staff has been working with consultants and contractors to temporarily stabilize the shoreline along North Beach Drive. As part of that effort, staff also has worked with Wisconsin Emergency Management (WEM) who submitted a coastal resiliency grant application to the Federal Emergency Management Agency (FEMA) on our behalf for the coastal resiliency project. As noted previously, the project has been selected by FEMA but the funding has not yet been awarded as we work with them on various aspects including questions regarding the preliminary design, cost estimates, and environmental assessments.

While the behind-the-scenes activities continue with FEMA and WEM, staff received approval from WEM to proceed with the selection of a consultant for the final design of the project as long as the selected consultant appropriately identifies pre-award design costs. As such, a request for proposal (RFP) was submitted to eight consultants on October 29, 2020 with proposals due December 9 and interviews scheduled with the consultants the week of December 14. Each of the consultants along with their estimated cost and hours is identified in the attached table. Three of the four consultants were within what one could consider a reasonable range from the midpoint of the three proposals (plus/minus fifteen percent) with the anomaly being Miller Engineers at approximately \$34,000 for design and bidding for the project. As staff interviewed each of the consultants, questions were posed regarding their cost and hours and they were given an opportunity to revisit their hours and costs based on the interview and expectations for the project. Two of the four consultants (Miller and MSA) modified their costs with Miller increasing their hours and cost by approximately sixty percent and MSA reducing their cost by about thirteen percent and their hours by about 100.

From an overall proposal perspective, all of the consultants were asked questions specifically related to their proposal in order to clarify items contained therein as well as "standard" questions which were the same for each of the four groups interviewed. These standard questions and the abbreviated responses are shown on the attached table for comparative purposes.

Upon review of each of the proposals and evaluation of the responses to the interview questions, the following points were derived:

- All four of the consultants will use the Army Corps manual to assist in their design efforts so I wouldn't expect to see the revetment design change too much. Two of the consultants (GZA and Smith Group) have noted that they would not attempt the beach nourishment due to concerns that wind and wave action will wash the material away (although it could be re-deposited in the future depending on water levels, etc.). Miller, as noted in the table, would not change anything on the preliminary design and MSA has not reviewed it in significant detail. *I will note that I reached out to some of the references listed by the consultants with one of them being Egg Harbor, WI. In that particular case, attempts were made (at the request of the community) to create a beach but each attempt (until the design was modified) resulted in the sandy material being washed away. While I am not a coastal engineer, I do have concerns about the placement of material that may eventual wash away as this obviously results in increased construction and long-term maintenance costs to the Village. This concern is borne out by the presentations from the consultants, the data included in their proposals, and some of the research I have completed.*
- Two of the four (GZA and Smith Group) include the preparation of easements in their proposals while the other two consultants do not include this cost. *This may or may not be a critical item to consider when awarding the project. If the only area that is completed is the southern stretch of Beach Drive, then easements will not be needed; if, however, we also tackle the northern stretch of Beach Drive, then additional access/construction easements may be necessary.*
- Three of the four (MSA, GZA and Smith) have some experience with FEMA related projects; Miller does not. *I raise this point because the funding level is quite large (for the Village) and reporting requirements can be daunting. Given that the anticipated funding is greater than \$750,000, a single audit will need to be performed by the Village and I am of the opinion documentation and reporting requirements will be critical in order to adequately comply with the FEMA and single audit requirements.*
- The Smith Group was the only one to touch extensively on the permitting schedule associated with the project. The other three consultants also touched on the necessary permits for the project with GZA including communication from the DNR noting that the two parties have already discussed the project and the necessary permits and how GZA would approach the project design and construction. *With respect to the schedule, the Smith Group is of the opinion that the design schedule should not be aggressively approached (condensed into approximately three to four months) but should be extended over an approximate six-month period to ensure the Village obtains "regular" permits as opposed to "emergency" permits that may need to be modified.*

- GZA was the only one to have done a pre-proposal evaluation of the project and proposed a couple of different designs within their proposal. *One of the things I look for in a proposal and during the interview is whether a consultant has invested some time and effort into evaluating the project. As noted, Miller is of the opinion the preliminary design should not be changed while the Smith Group and MSA have not performed a preliminary evaluation of the currently proposed design. GZA, on the other hand, clearly invested resources to evaluate the preliminary design and prepare schematics of their proposed revetment area.*
- GZA and the Smith Group both propose additional design concepts aside from the preliminary design where MSA may have a design concept based on resident input and Miller would not change anything.
- All four consultants include public information meetings and outreach with the community to discuss other concepts that may be desirable. *As noted previously, I am anticipating that this project will also include storm water improvements, including possible green infrastructure, in order to manage the storm water prior to discharge to the lake. Additionally, there may be other habitat improvements incorporated into the shoreland portion of the project depending on resident input.*
- MSA will have a geotechnical engineer available but is not planning to perform any borings; Smith Group has an additional allowance of \$20,000 for geotechnical work; and GZA and Miller have included the cost of performing geotechnical investigations in their proposals. *I do believe that geotechnical work is important to this project – particularly the relocation of the sanitary sewer. By performing a geotechnical investigation, a consultant is better able to plan for subsurface conditions and is able to identify those conditions in the bid specifications and drawings.*
- Miller will use the existing bathymetric survey data; MSA will look to obtain the survey data from Miller; and GZA included survey costs (bathymetric and shoreland) in their proposal. *The preliminary work that Miller performed is obviously beneficial to them but I should be able to request the data from them and provide it to the other consultants. That said, I do believe additional survey work from the west side of the road east toward the edge of the shoreline is important to obtain and do appreciate that GZA has included this cost in their proposal.*

The process I use to evaluate the consultants includes a ranking system for each of eight different criteria which are related to the proposal, the team, the cost, and how they perform during the interview. In particular, the eight criteria include past record of performance, quality and content of the proposal, technical competence of the team, familiarity with this type of project, good approach to the project, ability to complete the work timely, cost, interview presentation and uniqueness, and comfort level with the project team. I rank each of the consultants on a scale of 1 to 5 which is described as follows:

- A score of 3 means the consultant meets my expectations and is the average score a consultant can obtain. For instance, if their cost is within the budgetary range of what is expected for the project, the consultant will receive a score of 3.

- A score less than 3 means they do not meet the expectations; that is, there may be grammatical and spelling errors in the proposal (pointing to an attention to detail), the cost may be way too high as compared to the pre-proposal estimated cost, or they do not have a good project team or adequate experience.
- A score greater than 3 means they exceed expectations; that is, their cost is within the range of what is expected but they are providing value added services, they have a solid project team, they proposed designs that haven't been previously considered, or they have a wealth of experience.

The average that a consultant can score for the eight different criteria is 24 with the highest score being a 40. The Smith Group scored the highest at 32.5 points with MSA at 32 points and GZA at 31.5 points; Miller scored 26.5 points – still above average but lower than the others mainly due to cost, the size of the project team and their approach to the project.

As explained above, all four consultant groups have quite a bit of shoreline experience. If the only determining factor is cost, Miller Engineers should be selected for the project. I will note that I am concerned that Miller does not have an adequate number of hours to address the design expectations associated with a federally funded FEMA project (even with their modified cost proposal increasing the cost to about \$55,000) and I anticipate change orders resulting from the selection due to the fact that easements are not included in their proposal and additional work will likely be needed to coordinate survey and work with FEMA.

In contrast, if the selection is based on the compilation of the scores regardless of cost, the Smith Group, MSA and GZA would all be appropriate selections to perform the work. In particular, it appears that MSA, GZA and the Smith Group have more extensive FEMA experience and appear to have accounted for this in their proposals given the cost estimates and hours.

Beach Drive Coastal Resiliency Project Proposals									
Consultant	Submit Proposal	Team with?	Design Tasks		Construction Management		Post Construction Grant Reporting		Notes
			Hours	Cost	Hours	Cost	Hours	Cost	
Miller Engineers & Scientists	Yes	Nobody	400	\$ 54,520.00	274	\$ 35,180.00			The hours and cost reflect the revised estimate from Miller. These hours and cost reflect the original estimate from Miller.
			250	\$ 33,740.00	227	\$ 29,535.00			
MSA	Yes	Freshwater Engineering	1,448	\$ 189,504.00	314	\$ 38,878.00	80	\$ 12,108.00	The hours and cost reflect the revised estimate from MSA. These hours and cost reflect the original estimate from MSA.
			1,546	\$ 216,869.00	284	\$ 38,940.00	88	\$ 13,989.00	
GZA Environmental	Yes	Kapur & Associates	1,090	\$ 146,200.00					
Stormwater Solutions	Yes	Smith Group (Lead)	1,279	\$ 187,399.00					Include an additional \$20,000 for geotechnical work (total estimated cost proposal of \$207,000)
The Walbec Group	No								
Baird Group	No								
Applied Ecological Services	No								
Ruekert Mielke	No								

Beach Drive Coastal Resiliency Project Proposals								
Consultant	1	2	3	4	5	6	7	8
Miller Engineers & Scientists	Took a minimalist approach based on economics of protecting the shoreline; would not have changed anything.	Have not managed large FEMA projects.	"Struggle through."	On a project in Cleveland, WI, had a mistake in construction staking and worked with staff to cut down on the "oops."	Anticipate that, based on lake levels and their design, that sand will fill in over the sandy/gravel transition layer.	Easements not included in proposal; would provide residents with facts and data to convince them of the necessity of the work.	Use the Army Corps manual to obtain the size of the stone and revetment as a baseline and then Mr. Miller will adjust based on his experience; will look at the open water fetch as well.	No other options - simply anticipate modifications to the existing proposal based on resident input.
MSA/Freshwater	Did not think about it much but didn't see any big issues with the block as they are temporary; they would be removed as part of their solution.	Lake Delton but the process is different now than it was then; will work with FEMA on the necessary submittals and documentation.	NA	None; they would look at the model and dynamics so they don't have failure.	Use the FEMA flood insurance study for water elevations and wave runup.	Will have to factor in an uncooperative resident if necessary; easements not included in the proposal.	Coastal modeling from the Corps plus FLOW 3D.	Would use the preliminary design but wouldn't limit themselves to a revetment and may consider off shore islands or a do-nothing scenario.
GZA Environmental/Kapur	Would have changed the block placement but noted that the block were placed where they could be.	Post-Katrina and Hurricane Sandy support.	Track invoices for reporting required by FEMA.	Not necessarily a failure but worked with a contractor on a difference of opinion in WFB.	Will design pipe outfalls to be out of the 100-year wave runup and place toe boulders below the low water datum.	Easements included. Will work with residents on their needs and talk about the benefits of the design.	Use the Army Corps program and provide for a safety factor by increasing the size of rock from what is shown in the manual.	Four
Smith Group/SSE	Would have added geotextile fabric and bedding stone but are of the opinion it has served its purpose in protecting the shoreline.	Yes - Euclid, OH - pre-disaster mitigation funding (two phases), Racine and Saxon Harbor (Lake Superior)	NA	Not necessarily a failure but have had to make design changes in the field based on conditions encountered.	The high water will be handled up to a certain elevation and the revetment stone will be the protective layer; sand will "disappear" in high water, drift back in in low water conditions.	Easements included and will explain the benefits of the work to the affected property owners. If work isn't able to be done due to lack of easement in an area, the shoreline could be impacted.	Numerical analysis/models.	Three to four concepts.
Questions Asked: 1. Regarding the temporary protective structures, what would you do differently and why? 2. Ever manage a large federal project before with all of the reporting required? If so, please provide us with an example of how it was handled. 3. If not, how do you plan to handle the reporting requirements? 4. Have you had a design fail and, if so, what was done to fix it in the field? 5. How will your design account for fluctuations in water levels? 6. How do you handle easement issues with uncooperative parties? Does your proposal include preparation of temporary construction easements if needed? 7. Explain how you will size the revetment and the program you will use to do so. 8. Please identify the number of conceptual designs provided for the Village.								