

Discuss and take appropriate action on herbicide spraying on County Road 328.

Commissioner Mehevec stated Road & Bridge provided information to Dr. Ron Kasper stating the county has not sprayed on County Road 328.

No action taken on this agenda item.

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RONALD KASPER MD

P.02



CENTRAL TEXAS PLASTIC SURGERY

MEMBERS  
AMERICAN SOCIETY OF  
PLASTIC AND RECONSTRUCTIVE  
SURGEONS, INC.

RONALD W. KASPER, M.D., F.A.C.S.  
TIMOTHY M. MCGEE, M.D.

COSMETIC, RECONSTRUCTIVE AND HAND SURGERY

October 19, 1998

John C. Doerfler  
Williamson County Courthouse  
710 Main St., #201  
Georgetown, Texas 78626

Dear Judge Doerfler:

I am writing concerning numerous trees which have been destroyed on my property along Texas County Road 328 because of the spraying of the herbicide, Hyvar, by the Williamson County Road and Bridge Department. The spraying of the herbicide occurred on June 24, 1996. I am enclosing documentation that the spraying was done by Mr. Eugene Marek and the licensing of the Hyvar being under Mr. Jerry Mehevek, County Commissioner for Pct.4 of Williamson County. It is my understanding that this is not the first incident involving the careless use of the herbicide, Hyvar.

Attached also is a letter from Dennis Brown, Consulting Arborist, who has personally examined my property. I am concerned that if this practice of spraying is not better regulated, or even better discontinued, more trees will be needlessly killed.

I appreciate your time in reviewing this information and any consideration you can give to this serious situation.

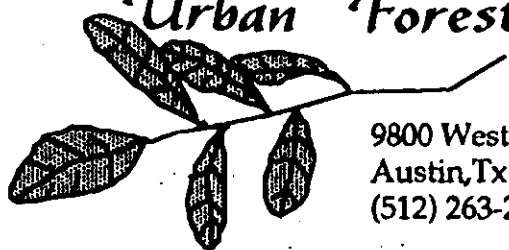
Sincerely,

Ronald W. Kasper, M.D.

encl:

# Urban Forestry Resources

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9800 Westward Dr.  
Austin, Tx 78733-3144  
(512) 263-2798

October 4, 1998

Dr. Ron Kasper  
2750 CR 110  
Georgetown, TX 78626

Dr. Kasper:

You contacted me regarding making a determination of value for several trees that allegedly had been damaged due to the application of a herbicide (Hyvar) to the county road right-of-way adjacent to your property by Williamson County. You had notice the sudden decline of several trees on your property in 1997. According to you, the county has admitted application of the herbicide Hyvar on certain areas of right-of-way.

On 8/19/98 you accompanied me as I inspected your property along County Road 328 in Williamson County, Texas. You showed me two areas of suspicious trees. The first area was made up primarily of live oak (*Quercus virginiana*). While there was a pattern of mortality, the symptoms I saw are not totally consistent with exposure to Hyvar. However, the second area you took me to, down the road and close to the creek area, had symptoms and mortality that is classic of that presented by the herbicide Hyvar.

I also noted that there were many oak species along the right-of-way that had been improperly pruned and left unpainted, apparently by county crews. This treatment left those trees vulnerable to infection and spread of the disease, oak wilt. If such an infection started in those trees, it would spread to adjacent oak trees and create losses as bad or worse than the use of the herbicide. There was, however, no evidence of oak wilt in any trees at the time of my inspection.

At the time of my inspection, 8 trees on your property were determined to be dead or not recoverable and 7 other trees were exhibiting symptoms of herbicide uptake. The active ingredient of Hyvar, bromacil, is a powerful agent that is absorbed by the roots, where it is taken up to the leaves and interferes with the photosynthetic process vital to a tree. As the leaves fail to carry on their processes, they are shed; and new leaves are produced as long as the tree has energy to produce them. Often, subsequent flushes of growth reoccur until the tree actually expends its stored reserves to manufacture them. At that point, the tree dies. Hyvar would be my weapon of choice, if I wanted to kill trees. Since this herbicide has particular longevity in the soil and plant, it is impossible to offer an accurate prognosis for the symptomatic trees I saw.

I can, if you so desire, establish an accurate and defensible appraisal of the dead trees. The damaged trees, if still alive by that time, might have a damage value attached to them. An extensive study and appraisal process takes many factors into consideration. Without undertaking such an appraisal, I would estimate the value of the 8 dead trees on your property to be in the vicinity of \$15,000. I can make no estimate of the other affected trees, because their conditions are not stable.

Williamson County's use of this herbicide product was a phenomenal overkill. It would suggest that the county government has failed to recognize transitions that these rural areas have undergone in recent years. There is little heavy agricultural use in these areas now. Instead, there is a

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migration to smaller agricultural uses and landowner investments in creating a higher quality of life than that of the more urban areas of the county and metropolitan area. Trees present a large part of this quality of life and thus may hold higher values than if they provided only shelter or windbreak. It is a shame that your beautiful trees seem to have fallen victim to this oversight.

Please let me know if you have any questions or decide you would like an appraisal undertaken.

Respectfully submitted,



Dennis Brown  
Consulting Arborist



Discuss and take appropriate action on restricting or eliminating use of herbicide HYVAR.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To eliminate the use of HYVAR except what is left in stock to be used on railroad right-of-way only.

Vote: Motion failed 2 - 2 with Commissioner Heiligenstein and Commissioner Mehevec voting against the motion.

< Clerk copy here >

November 3, 1998

**HERBICIDES CURRENTLY IN USE BY U.R.S.:**

- 1) **Plateau** - Plateau is used as a foliage spray primarily to control Johnson grass and to promote Bermuda grass release. This product is not a sterilant.
- 2) **Arsenal** - Arsenal is a foliage spray used to control Johnson grass, Bermuda grass and Georgia Cane. It is applied to the edge of the pavement to prevent damage by encroaching plant growth. This product is not a sterilant.
- 3) **Garlon 3A** - Garlon 3A is a contact spray used to control broadleaf weeds and trees. It is not a sterilant.
- 4) **Tardon 101** - Tardon 101 is a contact spray used to control broadleaf weeds and trees. It is not a sterilant.
- 5) **Round-Up Pro** - Round-Up Pro is used to control Johnson grass. It is not a sterilant.
- 6) **Hyvar YL** - Hyvar YL is a sterilant used to control trees in certain areas where desirable trees are not present. Hyvar YL is the only product used by U.R.S. that is a sterilant, the others are contact sprays that effect only the portion of the plant or trees sprayed, with minimum residual effects.