

## APPROVAL

**Province of Nova Scotia  
Environment Act, S.N.S. 1994-95, c.1 s.1**

**APPROVAL HOLDER:** DEPARTMENT OF FISHERIES AND AQUACULTURE

**SITE PID:** 00911347

**APPROVAL NO:** 2020-2702876-00

**EXPIRY DATE:** December 31, 2021

**Pursuant to Part V of the *Environment Act*, S.N.S. 1994-95, c.1 s.1 as amended from time to time, approval is granted to the Approval Holder subject to the Terms and Conditions attached to and forming part of this Approval, for the following activity:**

Pesticide - Application of Pesticide - Surface Watercourse  
Eradication of smallmouth bass



**Administrator:** Marc Theriault

**Effective Date:** October 9, 2020

The Minister's powers and responsibilities under the Act with respect to this Approval have been delegated to the Administrator named above. Therefore, any information or notifications required to be provided to the Minister under this Approval can be provided to the Administrator unless otherwise advised in writing.

# TERMS AND CONDITIONS OF APPROVAL

## Nova Scotia Environment

**Approval Holder:** DEPARTMENT OF FISHERIES AND AQUACULTURE

**Project:** Piper Lake

**Site:**

<b>PID</b>	<b>Civic #</b>	<b>Street Name</b>	<b>Street Type</b>	<b>Community</b>	<b>County</b>
00911347				WILLOWDALE	PICTOU COUNTY

**Approval No:** 2020-2702876-00

**File No:** 35200-30-PIC-2020-2702876

### Reference Documents

- Application submitted June 23, 2020 and attachments.
- Supplemental information and Appendices to address July 29, 2020 initial application review.

### 1. Definitions

- Act means Environment Act, 1994-95, c.1, s.1 , and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- Department means the Department of Environment, and the contact for the Department for this approval is:  
Nova Scotia Environment  
Eastern Region, Pictou Office  
20 Pumphouse Road  
Granton, Nova Scotia B2H 5C6  
  
Phone: (902) 396-4194  
Fax: (902) 396-4765
- Minister means the Minister of Environment and includes any person delegated the authority of the Minister.
- Site means a place where a designated activity and/or undertaking is occurring or may occur.

- e. Surface Watercourse means a watercourse as defined in the Environment Act, excluding groundwater.

## 2. Scope

- a. This Approval (the "Approval") relates to the Approval Holder(s) and their application and all documentation submitted to the Department prior to the issuance of this approval for the Application of Pesticide situated at or near Piper Lake.
- b. The Approval Holder(s) shall ensure the designated activity is carried out in accordance with this Approval and reference documents, including the application and supporting documentation.

## 3. General

- a. The Approval Holder(s) shall conduct the Designated Activity in accordance with the following provisions:
  - i. The Act, as amended from time to time;
  - ii. Any standard adopted by the Department, as amended from time to time, which includes but is not limited to the following:

Aquatic Invasive Species Regulations; SOR/2015-121 under the Federal FISHERIES ACT;  
Environmental Code of Practice for Pesticides;  
NOXFISH® FISH TOXICANT II Label (#2107-3386) Pest Control Product Registration No. 33247;  
Safety Data Sheet for Rotenone (Product Code # 13995; CAS # 83-79-4);  
and  
Safety Data Sheet for Noxfish Fish Toxicant II (PMRA No. 33247).

- b. Nothing in this Approval relieves the Approval Holder(s) of the responsibility for obtaining and paying for all licenses, permits, approvals or authorizations necessary for carrying out the work authorized to be performed by this Approval which may be required by municipal by-laws, provincial or federal legislation, or other organizations. The Minister does not warrant that such licenses, permits, approvals or other authorizations will be issued.
- c. If there is a discrepancy between the reference documents and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- d. Upon any changes to the Registry of Joint Stock Companies information, the Approval Holder(s) shall provide a copy to the Department within five business days.
- e. The Approval Holder(s) shall ensure that this Approval, or a copy, is present at the treatment site or loading/mixing site when the spray program is occurring and

that personnel directly involved in the designated activity are made fully aware of the terms and conditions which pertain to this Approval.

- f. If this work is being undertaken on land owned by a person other than the Approval Holder(s); written authorization to treat the property from the landowner shall be forwarded to the Department before the work is undertaken. If this written authorization was submitted at the time of application for approval; it is not necessary to resubmit.

#### **4. Operation**

- a. Equipment and supplies at mixing/loading sites shall be stored and maintained to prevent an adverse effect from a uncontrolled pesticide release.
- b. Pesticide shall not be applied within 60 m (measured horizontally) of a well or other source of domestic water.
- c. If the buffer zone indicated on the manufacturer's product label is greater than the buffer zones indicated in this Approval, the distance on the manufacturer's product label shall apply.

#### **5. Notification**

- a. The Approval Holder(s) shall notify the Department at least 48 hours, but not more than 7 days, prior to commencement of the spray program.
- b. Once the spray program commences, the Approval Holder(s) shall keep the Department up to date with the progress of the spray program as per an arrangement deemed acceptable by the Department.
- c. The Approval Holder(s) shall publish newspaper advertisements in a manner acceptable to the Department outlining the spray program at least 20 days before spraying commences. The Approval Holder(s) shall forward to the Department proof that the media notice has been published prior to program commencement.

#### **6. Contingency Plan**

- a. The Approval Holder(s) shall adhere to the contingency plan on file with the Department during an uncontrolled release or other emergency involving pesticides. A copy of the plan shall be at the treatment site or mixing/loading area at all times when the work is being undertaken.
- b. The Approval Holder(s) shall ensure that the Contingency Plan is reviewed and updated whenever equipment or products change. The Contingency Plan is to be dated to reflect the most recent update.
- c. The Approval Holder(s) shall prepare and submit a Contingency Plan for review and acceptance by the Department. The Contingency Plan shall include, but is not limited to, the following:

- i. criteria levels at which mitigation actions for well interference will be triggered and
- ii. a description of the relevant mitigation actions to be taken
- d. A copy of the Contingency Plan is to be maintained on Site at all times and is to be available for review immediately upon request by the Department.
- e. The Approval Holder(s) shall ensure that all employees are trained in accordance with the contingency plan and shall keep a record of training at the facility for a minimum period of five (5) years.
- f. A copy of the current contingency plan shall be sent to the local fire department.
- g. The Approval Holder(s) shall ensure that all necessary materials and equipment are available at all times to respond to emergencies in accordance with the Facility's Contingency Plan.

## **7. Site Specific Conditions**

- a. Pesticide products shall be stored, mixed, applied, handled and disposed of in accordance with the product label and safety protocols provided in the Approval Holder(s) application package and supplemental information.
- b. Unlimited number of treatments (applications of pesticide) will not be permitted. Engage the Department prior to any additional/subsequent treatments.
- c. The Approval Holder(s) shall ensure that all access points to all sites have posted signs deemed acceptable by the Department no less than 4 days prior to pesticide application. [The Department recognizes previous posting of similar signage by DF&A around Piper Lake since October 2019] All signs shall include at a minimum:
  - i. include a space for colored fluorescent decals which shall be applied when the program commences;
  - ii. display the following wording "Do Not Consume, Use or Swim in the lake until after November 30, 2020";
  - iii. Pesticide trade name (active ingredient), PCP number, and Approval No.;
  - iv. Emergency contact names, number(s) and associated DF&A website; and
  - v. Reason for the necessity of using this pesticide.
- d. No pesticide product will be applied beyond October 30th, unless authorized by the Department.
- e. Application of pesticide must be in accordance with the product label. When applied by boat the product shall be released below the surface. No fixed wing craft application shall be undertaken.

- f. The Approval Holder(s) will monitor lake levels throughout the treatment program including at least four (4) weeks following treatment. Pre-treatment water levels at all wetland infiltration areas and the outlet berm shall be demarcated (e.g., stakes, flags) to gauge against the “Caution” risk level outlined in the Approval Holder(s) cautionary approach to monitoring lakes level.
- g. The Approval Holder(s) shall monitor weather forecasting, including the Canadian Hurricane Tracking ([https://weather.gc.ca/hurricane/track\\_e.html](https://weather.gc.ca/hurricane/track_e.html)) to determine the timing window for pesticide application based on the lack of precipitation:
  - i. Treatment must not proceed when precipitation (rain) events > 20mm per 48 hours or 50mm over a 14-day period are predicted.
  - ii. No pesticide is to be applied if lake water level (depth) is greater than the “Caution” risk level outlined in the Approval Holder(s) cautionary approach to monitoring lakes level.
- h. The Approval Holder(s) shall place and monitor live fish boxes (yellow perch) downstream of the berm as a rapid screening for rotenone presence in accordance with their Monitoring and Contingency Plans provided to the Department. In the event one or more downstream screening fish exhibit behaviour deemed a result from rotenone exposure, the Approval Holder(s) will:
  - i. Immediately report this incident to the Department.
  - ii. Follow emergency and contingency plans as submitted to the Department.
- i. Post-treatment monitoring of the bidirectional wetland (WL2) as well as other wetlands will follow the plans on file with the Department, and in addition shall include the following:
  - i. Visual assessment for WL1, 2, 3, 4 and 5 to record any adverse signs to the floral/faunal assemblages. This visual inspection will take place during the next growing season (noting that immediately after treatment may coincide with the dormant, winter season).
  - ii. As part of the long-term ecological monitoring, a comprehensive assessment of wetland 'WL2' will be conducted 2-3 years following final treatment and compared to the pre-treatment assessment (2019). This assessment report shall be submitted to the Department before the end of 2025.
- j. Surveys of the invertebrate community will be undertaken to monitor impacts as well as re-colonization success. The post-treatment survey will depend on the timing of the pesticide program, to be conducted during a favourable season to capture insect life-stages comparable to the pre-treatment survey. This assessment report shall be submitted to the Department before the end of 2025.
- k. Several times per day following treatment, the Approval Holder(s) shall monitor for culled fish and other aquatic organic materials subjected to Noxfish Fish

Toxicant II treatment, with organisms collected and temporarily stored according to the plan submitted in the Approval application package.

- i. Disposal of the culled fish and other aquatic organic materials subjected to Noxfish Fish Toxicant II treatment will follow the plan submitted to the Department, and accommodate Aboriginal cultural practices as agreed on during consultation.
- I. The Approval Holder(s) will submit a summary report to the Department no later than 90 days following completion of the pesticide treatment program. Any environmental or biological assessment reports shall be submitted according to the deadlines outlined in this Approval or the application package.