

Ministry of
Natural Resources
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Director's Opinion

**Provided for the purposes of
Subsection 33 (1) of O. Reg 63/09 under the *Pesticides Act***

HAVING RECEIVED an application from [REDACTED] on behalf of the Port Frank Beach Homeowners Association and their Agents (the "Applicant") pursuant to subsection 33 (4) of Ontario Regulation 63/09 (the "Regulation") under the *Pesticides Act*, a copy of said application being attached hereto (the "Application");

AND HAVING CONSIDERED that the Application pertains to the following proposed project:

*Control and management of the invasive species European Phragmites (*Phragmites australis* ssp. *australis*) in order to enhance the protection and restoration of an established freshwater coastal dune ecosystem plant species particularly described in the Application (the "Project"); Refer to the Appendix A attached reference map;*

AND HAVING CONSIDERED that the Ministry of Natural Resources (the "Ministry") has completed a review of the Application including a proposal to control and manage the invasive species European Phragmites (*Phragmites australis* ssp. *australis*) in order to enhance the protection and restoration of an established freshwater coastal dune ecosystem as submitted by the Applicant;

AND HAVING CONSIDERED that the pesticide which the Applicant intends to use in carrying out the Project (the "Pesticide") is a pesticide prescribed for the purposes of subsection 7.1 (1) of the *Pesticides Act*;

AND HAVING CONSIDERED that the Project would:

1. Manage and control invasive plant species such as European Phragmites (*Phragmites australis* ssp. *australis*) which may be detrimental to the health of persons or the environment or the economy of Ontario.
2. Enhance restoration efforts that would benefit existing freshwater coastal dune ecosystem and plant species such as Long-leaved Reed Grass (*Calamovilfa longifolia*) which has a Global Conservation Status Rank of G5T5 (Secure) and a National/Subnational Conservation Status Rank of S5 (Secure); and Marram Grass (*Ammophila breviligulata*) which has a Global Conservation Status Rank of G5 (Secure) and a National/Subnational Conservation Status Rank of S4 (Apparently Secure) through:
 - a) the protection of the species habitat
 - b) the restoration of the species habitat
 - c) the management of the species habitat;

by the application of Glyphosate to invasive species;

AND HAVING CONSIDERED that integrated pest management is a knowledge-intensive management system that involves a series of pest management evaluations, decisions and actions and may include prevention, monitoring, action thresholds or control;

AND HAVING CONSIDERED the alternative pest management control methods for carrying out the Project, as considered by the Applicant and identified in the Application, including;

- The work will be done using back pack sprayers and by hand wicking in late fall when there are few visitors to the beach.
- Pesticide will not be applied in an area over water, standing water, or wetlands.
- The previous methods used include; hand pulling, cutting and removal of seed heads.
- After initial spraying, volunteers will continue to monitor and cut seed heads.
- Snow fencing will be set up to create dunes and Marram grass will be planted.

The undersigned is of the opinion that:

1. The purpose for which the Pesticide is to be used is to:
 - i. Manage and control invasive plant species such as European Phragmites (*Phragmites australis ssp. australis*) which may be detrimental to the health of persons or the environment or the economy of Ontario.
 - ii. Enhance restoration efforts that would benefit existing freshwater coastal dune ecosystem and plant species such as Long-leaved Reed Grass (*Calamovilfa longifolia*) which has a Global Conservation Status Rank of G5T5 (Secure) and a National/Subnational Conservation Status Rank of S5 (Secure); and Marram Grass (*Ammophila breviligulata*) which has a Global Conservation Status Rank of G5 (Secure) and a National/Subnational Conservation Status Rank of S4 (Apparently Secure) through:
 - a. the protection of the species habitat
 - b. the restoration of the species habitat
 - c. the management of the species habitat;
2. The use of the Pesticide would be in accordance with integrated pest management principles.

This written opinion with respect to the Project is provided to Frank Letourneau of Dover Agri-Serv Inc. (the "Authorized Person(s)") for the purpose of paragraph 33 (1) (b) of the Regulation.

In providing this opinion, I am relying on the contents of the Application and any supporting documentation as being true and accurate.

This opinion is valid until **November 4, 2011** and applies to the Project at the following location:

The Port Franks Homeowners Association beachfront property that runs along the Lake Huron shoreline in front of Bond Rd., Sanderson Rd., Hazelwood Dr., and Leighton Dr. (Hazelwood Dr. Plan 36 PT LT 38C LRW PEN2); Refer to the Appendix A attached reference map.

The Authorized Person(s) is wholly responsible for ensuring that the use of the Pesticide would not otherwise be authorized under subsection 7.1 (2) of the *Pesticides Act* (see subsection 33 (7) of the Regulation).

Nothing in this opinion shall be interpreted as requiring the Authorized Person(s) to carry out the Project or to use any particular pesticide in relation thereto, or as recommending or directing the manner or specific area within the boundaries of the Site in which a pesticide is to be used.

The Authorized Person(s) is wholly responsible for carrying out the Project, as an independent party, and nothing in this opinion shall be interpreted as creating a relationship of agency, joint venture, partnership or employment between the Ministry and the Authorized Person(s).

The Ministry shall not be liable to the Authorized Person(s) or any of their directors, officers, employees, agents and volunteers for any costs, losses, claims, liabilities or damages howsoever caused arising out of or in any way related to the Project.

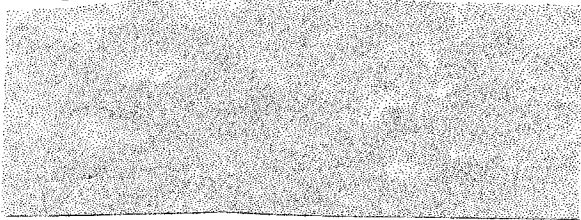
Nothing in this opinion shall be relied upon by any person in any way or for any purpose other than for paragraph 33 (1) (b) of the Regulation.

The Authorized Person(s) is wholly responsible for ensuring compliance with all applicable laws in carrying out the Project.

In relying upon this opinion for the purpose of paragraph 33 (1) (b) of the Regulation, the Authorized Person(s) accepts all of the foregoing.

Any questions regarding the application or use of a pesticide shall be directed to the Ontario Ministry of the Environment.

Signed

A large rectangular area that has been redacted with a grey stippled pattern, obscuring the signature of the authorized person.

Ontario Ministry of Natural Resources

Date

October 18, 2010