

Shaun St.Pierre (BHA# 0281)
Bowfin Environmental Consulting
168 Montreal Road
Cornwall, ON
K6H 1B3

Anthony Assasly
ASCO Construction
1125 Tupper Street, Unit #1
Hawkesbury, Ontario
K6A 3T5

December 4, 2014

RE: Lot 8-10, Concession 1, Township of West Hawkesbury, United Counties of Prescott and Russell

BHA Report Number: 003

Date(s) of Butternut health assessment: August 26, 2014

Dear Anthony Assasly (ASCO Construction),

This letter is in regard to my assessment of the Butternut trees on your property. Please read this letter carefully as it contains important information about the Endangered Species Act, 2007 (ESA).

Butternut is listed as an endangered species on the Species at Risk in Ontario List, and as such, it is protected under the ESA from being killed, harmed, or removed. If you are planning to undertake an activity that may affect Butternut, you may be eligible to follow the requirements set out in section 23.7 of Ontario Regulation 242/08 under the ESA, or you may need to seek an authorization under the ESA (e.g., a permit).

Links:

Endangered Species Act, 2007:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07e06_e.htm

Ontario Regulation 242/08 (refer to section 23.7):

http://www.e-laws.gov.on.ca/html/regqs/english/elaws_regqs_080242_e.htm

Summary of changes related to Butternut:

<http://www.ontario.ca/environment-and-energy/butternut-trees-your-property>

MNR office locations:

http://www.mnr.gov.on.ca/en/ContactUs/2ColumnSubPage/STEL02_179002.html

Please visit e-laws at the link provided below for the legal requirements of eligible activities under section 23.7 of Ontario Regulation 242/08 and conditions that must be fulfilled. Information about Butternut is also available at: <http://www.ontario.ca/environment-and-energy/butternut-trees-your-property>.

If you are eligible to kill, harm or take Butternut under section 23.7 of the regulation, your first step is to submit the BHA Report and the original data forms enclosed in this package to the local MNR District Manager. Note that the MNR will not accept photocopies. The BHA Report must be submitted at least 30 days prior to registering to kill, harm, or remove a Butternut tree. During this 30 day period, no Butternut trees (of any category) may be killed, harmed, or removed, and MNR may contact you for an opportunity to examine the trees.

If MNR chooses to examine the trees, a representative of the MNR will contact you using the information you supplied when you submitted the BHA Report. After the examination has been completed, MNR will notify you if the examination results change whether you are eligible for the regulation.

If you are eligible to follow the rules in regulation under section 23.7, you may register your activity using the “Notice of Butternut Impact” form on the [MNR Registry](#) **after** the 30 day period has elapsed.

If you are **not** eligible to follow the rules in regulation under section 23.7, please contact the local Ministry of Natural Resources and Forestry (MNR) office to determine whether you will need to seek a permit. A link to the directory of MNR offices is provided in the text box on the previous page.

As a designated Butternut Health Assessor (BHA), I am providing the following Butternut Health Assessor’s Report for the trees located at the above noted property, for which I completed an assessment during the site visit on the above noted date. If there are other Butternut trees at the site that may be affected by the activity and they are not identified in this report, they too must be assessed by a BHA.

Note that municipal by-laws and legislation other than the ESA may also be applicable to the removal or harming of trees.

Please retain this letter and a copy of the BHA Report for your records, along with any other documentation you may receive from the MNR should an examination of the trees occur. If you have any questions, please do not hesitate to contact me or your [local MNR district office](#).

Sincerely,

Shaun St.Pierre (BHA # 281)



Enclosures:

1. Butternut Health Assessor's Report
2. Original data forms
3. Electronic and printed copies of the Excel data spreadsheet (BHA Tree Analysis)

Butternut Health Assessor's Report

Shaun St.Pierre (BHA# 0281)
Bowfin Environmental Consulting
168 Montreal Road
Cornwall, ON
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Anthony Assasly
ASCO Construction
1125 Tupper Street, Unit #1
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Property description: Lot 8-10, Concession 1, Township of West Hawkesbury, United Counties of
Prescott and Russell

BHA Report Number: 003

Date(s) of Butternut health assessment: August 26, 2014

Date BHA Report prepared: December 4, 2014

Map datum used: NAD83 WGS84

Total number of trees assessed in this BHA Report: 11

The assessed trees were numbered on site using white paint and white flagging tape. The numbers at the site correspond to the tree numbers used in this report.

This BHA Report includes the following tables:

- Table 1: Butternut trees proposed to be killed, harmed, or taken
- Table 2: Butternut trees that are **not** proposed to be killed, harmed or taken
- Table 3: Summary of Assessment Results

Table 1: Butternut trees proposed to be killed, harmed, or taken

Tree #	UTM coordinates	Category ¹ (1, 2, or 3 ²)	dbh ³ (cm)	Cultivated? (Y/N)	Proposed to be: (enter one: killed, harmed or taken)	Reason tree is proposed to be killed, harmed or taken:
1	18 T 529841 5049414	1	23	N	killed	Residential Development
2	18 T 529873 5049420	1	25	N	killed	
3	18 T 529863 5049403	2	5	N	killed	
4	18 T 530006 5049350	2	1	N	killed	
5	18 T 530008 5049348	2	1	N	killed	
6	18 T 529946 5049349	2	1	N	killed	
7	18 T 529925 5049394	2	1	N	killed	
8	18 T 530749 5049129	2	10	N	killed	
10	18 T 530619 5049293	1	27	N	killed	

Table 2: Butternut trees that are not proposed to be killed, harmed or taken

Tree #	UTM coordinates	Category ⁴ (1, 2, or 3 ⁵)	dbh ⁶ (cm)	Cultivate d? (Y/N)
9	18 T 530618 5049293	3	32	N
11	18 T 530617 5049287	3	29	N

¹ The extent to which the tree is affected by Butternut Canker is presented in the Excel document titled, "BHA Tree Analysis" that accompanies this BHA Report.

² The rules in regulation under section 23.7 of O. Reg. 242/08 are not applicable to Category 3 trees.

³ dbh: diameter at breast height, rounded to nearest cm (if tree is shorter than breast height, enter zero)

⁴ The extent to which the tree is affected by Butternut Canker is presented in the Excel document titled, "BHA Tree Analysis" that accompanies this BHA Report.

⁵ The rules in regulation under section 23.7 of O. Reg. 242/08 are not applicable to Category 3 trees.

⁶ dbh: diameter at breast height, rounded to nearest cm (if tree is shorter than breast height, enter zero)

Table 3: Summary of Assessment Results

Category	Total	Important information for persons planning activities that may affect Butternut:
Category 1	3	<ul style="list-style-type: none"> • A Category 1 tree is one that is affected by butternut canker to such an advanced degree that retaining the tree would not support the protection or recovery of butternut in the area in which the tree is located; and is considered “non-retainable”. • During the 30 day period that follows your submission of this BHA Report to the MNRF District Manager, no Butternut trees (of Category 1, 2, or 3) may be killed, harmed, or taken, and MNRF may contact you for an opportunity to examine the trees. • Category 1 trees may be killed, harmed or taken after the 30 day period that follows submission of this BHA Report to the MNRF District Manager, unless the results of an MNRF examination indicate that the assessment has not been conducted in accordance with the document entitled “Butternut Assessment Guidelines: Assessment of Butternut Tree Health for the Purposes of the <i>Endangered Species Act, 2007</i>”.
Category 2	6	<ul style="list-style-type: none"> • A Category 2 tree is one that is not affected by Butternut Canker, or is affected by Butternut Canker but the degree to which it is affected is not too advanced and retaining the tree could support the protection or recovery of butternut in the area in which the tree is located, and is considered “retainable”. • During the 30 day period that follows your submission of this BHA Report to the MNRF District Manager, no Butternut trees (of Category 1, 2, or 3) may be killed, harmed, or taken, and MNRF may contact you for an opportunity to examine the trees. • Activities that may kill, harm or take up to a maximum of ten (10) Category 2 trees may be eligible to follow the rules in section 23.7 of Ontario Regulation 242/08, in accordance with the conditions and requirements set out in the regulation. • Refer to e-Laws for the legal requirements of eligible activities under section 23.7 of Ontario Regulation 242/08 and conditions that must be fulfilled: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_080242_e.htm
Category 3	2	<ul style="list-style-type: none"> • A Category 3 tree is one that may be useful in determining sources of resistance to Butternut Canker, and is considered “archivable”. • Category 3 trees are not eligible to be killed, harmed or taken under section 23.7 of Ontario Regulation 242/08. • Visit the MNRF website using the link below for information on how to seek an ESA authorization, or consider an alternative that will avoid killing, harming or taking any Category 3 trees: http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/MNR_SAR_HOW_DO_GET_PER_EN.html
Cultivated	0	<ul style="list-style-type: none"> • An activity that involves killing, harming, or taking a cultivated Butternut tree that was not required to be planted to fulfill a condition of an ESA permit or a condition of a regulation, may be eligible for the exemption provided by subsection 23.7 (11) of O. Reg. 242/08. • Prior to undertaking the activity, the owner or occupier of the land on which the Butternut is located (or person acting on their behalf) will need to determine whether the exemption for cultivated trees is applicable by determining whether or not the tree

Category	Total	Important information for persons planning activities that may affect Butternut:
		<p>was cultivated as a result of the requirements for an exemption under O. Reg. 242/08 or a condition of a permit issued under the ESA. This information can be accessed by contacting the local MNR district office: http://www.mnr.gov.on.ca/en/ContactUs/2ColumnSubPage/STEL02_179002.html</p> <ul style="list-style-type: none"> The owner or occupier of the land on which the Butternut is located (or person acting on their behalf) is encouraged to append the details regarding whether the tree was planted to satisfy a requirement (e.g., the permit number or registration number) to this BHA Report for their records.
Hybrid	0	<ul style="list-style-type: none"> Hybrid Butternut trees are not protected under the ESA, but their removal may be subject to municipal by-laws and other legislation.

NOTE: This concludes the summary of the BHA Report. A complete BHA Report must include the original (hard copy) data forms (i.e., all completed sets of Form 1 and Form 2), an electronic copy of the Excel data analysis spreadsheet, and one printed copy of the Excel data analysis spreadsheet.