

Rosemary Fleguel  
405 Latourell Rd.  
Mountain, ON  
K0E 1S0

Kerr-Ming Lee  
4 Grenwich Circle  
Ottawa, ON  
K2C 4C6

May 16, 2021

RE: Single Category 1 Bn  
BHA Report Number: 002-006-21  
Date(s) of Butternut health assessment: May 15, 2021

Dear Kerr-Ming,

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

Best regards,

Rosemary Fleguel  
Designated Butternut Health Assessor (#002)  
rosefleguel@gmail.com  
613 858 3678

Enclosures:

1. Information from the Ministry of Natural Resources and Forestry about Butternut and the *Endangered Species Act, 2007*
2. Butternut Health Assessor's Report
3. Copied data forms
4. Electronic copies of the Excel data spreadsheet (BHA Tree Analysis)

Ministry of Natural  
Resources and Forestry

Ministère des Richesses  
naturelles et des Forêts

**Species At Risk**  
P.O. Box 7000, 300 Water Street  
Peterborough ON K9J 8M5

**Espèces en péril**  
C.P. 7000, 300, rue Water  
Peterborough ON K9J 8M5



The enclosed Butternut Health Assessor's Report documents the results of the Butternut health assessment that was conducted by the designated Butternut Health Assessor (BHA) identified in the top section of the report. If there are other Butternut trees (of any size or age) at the site that may be affected by the activity and they are not identified in the enclosed BHA Report, they too must be assessed by a designated BHA.

Butternut is listed as an endangered species on the Species at Risk in Ontario List, and as such, it is protected under the *Endangered Species Act, 2007* (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).

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 Ministry of Natural Resources and Forestry (MNRF) District Manager. Note that MNRF cannot accept photocopies or scanned electronic copies of the data forms.

**Note regarding changes:**

If the enclosed BHA Report does not identify which Butternut tree(s) are proposed to be killed, harmed, or taken in Table 1 (i.e., if "unknown" is indicated in the second last column of Table 1), or, if the information in the last two columns of Table 1 has changed since the date this BHA Report was produced, **do not make any edits to the BHA Report**. Instead, please attach a cover letter that identifies which Butternut tree(s) are proposed to be killed, harmed, or taken (by referencing the tree identification numbers) when you submit the enclosed BHA Report to the local MNRF District Manager.

The BHA Report must be submitted at least 30 days prior to registering an eligible activity 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 MNRF may contact you for an opportunity to examine the trees. If MNRF chooses to examine the trees, a representative of MNRF will contact you using the information you supplied when you submitted the BHA Report.

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 [MNRF 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 MNRF district office to determine whether you will need to seek an authorization (e.g., a permit). A link to the directory of MNRF offices is provided below.

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 information and a copy of the BHA Report (including copies of all data forms) for your records, along with any other documentation you may receive from MNRF should an examination of the trees occur. If you have any questions, please contact your local MNRF district office.

**Links:**

*Endangered Species Act, 2007:*

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_07e06\\_e.htm](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/regs/english/elaws\\_regs\\_080242\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_080242_e.htm)

MNRF Office Locations:

<https://www.ontario.ca/government/ministry-natural-resources-and-forestry-regional-and-district-offices>

## Butternut Health Assessor's Report Number: 002-006-21

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405 Latourell Rd.  
Mountain, ON  
K0E 1S0

Kerr-Ming Lee  
4 Grenwich Circle  
Ottawa, ON  
K2C 4C6

Site location: 540 Lakehurst Rd., Rockcliffe Village

Date(s) of Butternut health assessment: May 15, 2021)

Date BHA Report prepared: May 16, 2021

Map datum used:  NAD83  WGS84'

Total number of trees assessed in this BHA Report: 1

The assessed trees were numbered on site using white tree marking paint. The numbers at the site correspond to the tree numbers referenced in this report.

This BHA Report includes the following tables:

- Table 1: Butternut Trees Assessed
- Table 2: Trees Determined by BHA to be Butternut Hybrids
- Table 3: Summary of Assessment Results

Table 1: Butternut Trees Assessed

Tree #	UTM coordinates	Category <sup>1</sup> (1, 2, or 3)	dbh <sup>3</sup> (cm)	Cultivated? (Y/N)	Proposed to be: (enter one: unknown <sup>4</sup> , killed, harmed or taken)	If tree is proposed to be killed, harmed, or taken, indicate reason tree is proposed to be killed, harmed or taken:
1	E0447365 N5033311	1	88	N	Killed	Building new house

<sup>1</sup> 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.

<sup>2</sup> Category 3 trees are not eligible to be killed, harmed or taken under section 23.7 of Ontario Regulation 242/08.

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

<sup>4</sup> In this column, "unknown" indicates that at the time of assessment, there are no proposals to kill, harm or take this tree that are known to the BHA.

Tree #	UTM coordinates	Category <sup>1</sup> (1, 2, or 3 <sup>2</sup> )	dbh <sup>3</sup> (cm)	Cultivated? (Y/N)	Proposed to be: (enter one: unknown <sup>4</sup> , killed, harmed or taken)	If tree is proposed to be killed, harmed, or taken, indicate reason tree is proposed to be killed, harmed or taken:

Table 2: Trees Determined by BHA to be Butternut Hybrids

Tree #	UTM coordinates	Method used (genetic testing or field identification):

Table 3: Summary of Assessment Results

Result:	Total #:	Important information for persons planning activities that may affect Butternut:
Category 1	1	<ul style="list-style-type: none"> <li>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”.</li> <li>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.</li> <li>Category 1 trees may be killed, harmed or taken <b>after</b> 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</li> </ul>

Result:	Total #:	Important information for persons planning activities that may affect Butternut:
		document entitled "Butternut Assessment Guidelines: Assessment of Butternut Tree Health for the Purposes of the <i>Endangered Species Act, 2007</i> ".
Category 2		<ul style="list-style-type: none"> <li>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".</li> <li>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.</li> <li>Activities that may kill, harm or take up to a <b>maximum of ten (10)</b> 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.</li> <li>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: <a href="http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_080242_e.htm">http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_080242_e.htm</a></li> <li>Activities that may kill, harm or take more than ten (10) Category 2 trees are not eligible to follow the rules in section 23.7 of Ontario Regulation 242/08. Contact the local MNRF district office for information on how to seek an ESA authorization (e.g., a permit) or consider an alternative that would be eligible for the regulation.</li> </ul>
Category 3		<ul style="list-style-type: none"> <li>A Category 3 tree is one that may be useful in determining sources of resistance to Butternut Canker, and is considered "archivable".</li> <li>Category 3 trees are not eligible to be killed, harmed or taken under section 23.7 of Ontario Regulation 242/08.</li> <li>Contact the local MNRF district office for information on how to seek an ESA authorization, or consider an alternative that will avoid killing, harming or taking any Category 3 trees.</li> </ul>
Cultivated		<ul style="list-style-type: none"> <li>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.</li> <li>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 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 MNRF district office.</li> <li>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.</li> </ul>
Hybrid		<ul style="list-style-type: none"> <li>Hybrid Butternut trees are not protected under the ESA, but their removal may be subject to municipal by-laws and other legislation.</li> </ul>

### Butternut Health Assessor's Comments:

There are 2 other butternut trees within the 25m buffer along the west property line at 540 Lakehurst Rd. on Dan & Karen George's property at 534 Lakehurst Rd. that will be removed at the same time as the butternut tree at 540 Lakehurst. Both BHA Reports have been submitted together.

This concludes the summary of the BHA Report. A complete BHA Report must also include:

1. All original (hard copy) data forms (i.e., all completed sets of Form 1 and Form 2), and

2. Electronic and printed copies of the Excel data analysis spreadsheet.