

August 6, 2024

Our File: HUME1416.2

Mr. Phil Klugman
Brofort Developments Inc.
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Via E-mail: pklugman@brofort.com

Dear Mr. Klugman

**Subject: Review of the EIS for residential development at 6165
Thunder Road considering an updated site plan**

1.0 INTRODUCTION

The purpose of this memo is to provide a minor review and update to the Environmental Impact Study (the "EIS") for the proposed development at 6165 Thunder Road, Ottawa, Ontario, (the "Site") produced by Kilgour & Associates Ltd ("KAL") and dated October 14, 2022. That EIS (appended to this memo) was written to support the construction of a commercial building and associated infrastructure (e.g., parking area and landscaping) on the Site. This memo updates the presence/absence assessment for the Site for two species at risk (SAR) trees known to occur in the broader vicinity (Black Ash and Butternut) and considers recent legislative changes affecting Black Ash specifically.

2.0 BLACK ASH REGULATIONS

Black Ash is a predominantly wetland tree species that occurs in swamps, floodplains, and fens. The species was initially listed as Endangered under the ESA on January 26, 2022. At that time, however, the Minister of MECP ordered by regulation O.Reg. 23/22 that ESA protections for Black Ash be temporarily suspended for a two-year period following its listing. As such, Black Ash and its potential for presence were contemplated within the EIS but no specific protections were listed or otherwise indicated as required at the time. No Black Ash were found on the Site regardless, despite identifying all trees present on or adjacent to it.

The delay in implementing Black Ash regulations was intended to allow activities that impact Black Ash and its habitat to proceed while the MECP established a specific recovery strategy and associated policies. In January of 2024, Black Ash was officially included for protection under the ESA. ESA clause 9 (1) (a), prohibits the killing, harm, harassment, possession, transportation, trade and/or removal of a living, healthy Black Ash tree. The MECP formally released policy guidelines specifying how those protections were to be applied in June 2024. Where Black Ash may be impacted by a proposed development, a Black Ash Assessment (BAA) must first be completed following the provincial Black Ash Assessment Guidelines: Assessment of Black Ash (*Fraxinus nigra*)

for compliance with the *Endangered Species Act, 2007*. A BAA inventories and assesses the health of every Black Ash stem over 8 cm at 1.37 m and records the number of Black Ash with a stem less than 1.37 m in height or a DBH less than 8 cm. Black Ash in poor health and/or under 8 cm DBH are exempted from protection under the ESA.

3.0 SITE SAR TREE SURVEY

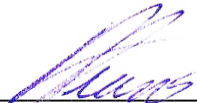
In accordance with the requirements of a BAA, the Site was searched by KAL Senior Biologist Anthony Francis on August 2, 2024. The species of all trees present on and adjacent to the site were identified. That survey also supported the requirement per Section 7.3.6 of the EIS that "If for any reason construction is delayed two or more years (summer 2024 or later), another survey for Butternut must be completed." As consistent with the findings of the EIS, no Black Ash and no Butternuts were found to be present on or adhering to the Site.

4.0 CONCLUSION

This memo confirms the absence of Black Ash and Butternut from the Site. With the confirmed absence of both trees, there are no developmental constraints applied to the Site from legislative protections for the species. Questions on the EIS and/or this memo can be addressed to the undersigned.

Respectfully submitted,

KILGOUR & ASSOCIATES LTD.



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