

NOTICE OF INFRACTION

Notice No. U 100286

Issuing Agency: [ ] DOH [ ] DMH [ ] DCRA [ ] DDOE [ ] FEMS [x] Other DDOT/UFA

5/25/2022 Date of Service

5403 D St., SE

Location of Infraction: Type of Location: [x] Vacant Lot [ ] Construction Site [ ] Occupied [ ] Other

HIP D Street Partners, LLC
H2 Development, LLC
H2 Design Build, LLC
Proper Tree Care, LLC

Business/Company Name Charge as Respondent (circle): YES NO Telephone Number
Zimar, Donald E.
Yancey, Harvey

Individual Name (Last, First, Middle) Charge as Respondent (circle): YES NO Telephone Number
3467 14th St., NW, 2nd floor (Harvey Yancey, HIP D Street Partners, LLC, H2 Design Build, LLC, H2 Development, LLC)
PO Box 825 (Don Zimar)
10105 Residency Rd., Suite 207 (Proper Tree Care)

Mailing/Email Address
Washington DC 20010 (Harvey Yancey, HIP D Street Partners, LLC, H2 Design Build, LLC, H2 Development, LLC)
Bristow VA 20136 (Don Zimar)
Manassas VA 20110 (Proper Tree Care, LLC)
City State Zip Code

Business License/Permit Type Business License/Permit No.

You are charged with violating the District of Columbia laws or regulations stated below. You MUST answer the charge(s) within 15 calendar days of the date of service noted above (20 calendar days if you received this by mail). You must indicate below each infraction whether you ADMIT, ADMIT WITH EXPLANATION or DENY. Instructions on back.

If you DENY one or more of the infractions, you must appear for a hearing. You will receive a separate order from the Office of Administrative Hearings advising you where and when to appear for your hearing.

Table with 3 columns: D.C. Code § 8-651.04a AND/OR 24 D.C. Municipal Regulations § 3700.1, Fine for Infraction, \$76,338.45

Nature of Infraction Removal, as defined in 24 DCMR § 3799.1, of two (2) protected Heritage Trees in violation of D.C. Official Code § 8-651.04a. Please see attached memo for additional details.

Date of Infraction April-July, 2021 Time of Infraction Previous Infractions Committed 1 2 3 4

ANSWER: [ ] ADMIT (Pay Fine) [ ] DENY (Appear for a Hearing) [ ] ADMIT WITH EXPLANATION (Hearing by Mail)

Signature Total Fines and Penalties \$ \$76,338.45

WARNING: If you fail to answer each charge on this Notice within 15 calendar days of the date of service (20 calendar days if you received this by mail), you will be subject to a penalty equal to twice the amount of the fine, in addition to the fine itself, and to the entry of a default order without additional notice. You also may be subject to other penalties and actions allowed by law including suspension or non-renewal of your license or permit, the sealing of your business, a lien being placed on your property, and attachment of your equipment. For information, call (202) 442-9094.

I personally declare under penalty of perjury that I observed and/or determined that the infraction(s) charged have been committed. I further certify under penalty of perjury that (CHECK ONE):

- [ ] the Respondent is not in the military service of the United States.
[ ] the Respondent is in the military service of the United States.
[x] I am unable to determine whether the Respondent is in the military service of the United States.

Inspector's/Investigator's Signature John O'Neill Date 25th May 2022 Badge/Identification Number 100

I sign my name below to acknowledge receipt of this Notice and not as an admission of guilt or liability to the charge(s) listed.

Respondent's Signature Print Name Date Telephone Number

GOVERNMENT OF THE DISTRICT OF COLUMBIA

YOU ARE REQUIRED TO ANSWER THIS NOTICE OF INFRACTION WITHIN 15 DAYS OF THE DATE OF SERVICE TO AVOID THE ASSESSMENT OF ANY MONETARY PENALTIES AUTHORIZED BY LAW. YOU HAVE THE RIGHT TO REQUEST A HEARING. YOUR ANSWER MUST BE RECEIVED BY THE 15<sup>TH</sup> DAY AFTER THE DATE OF SERVICE. YOU MAY ANSWER EACH INFRACTION IN ONE OF THE FOLLOWING WAYS:

TO ADMIT THE INFRACTION(S) AND PAY THE FINE(S), ON THIS NOTICE AND WITHIN 15 DAYS OF THE DATE OF SERVICE:

- CHECK THE "ADMIT" BOX UNDER THE INFRACTION(S) LISTED ON THE REVERSE SIDE OF THIS NOTICE AND SIGN YOUR NAME ON THE SIGNATURE LINE(S).
MAKE A PERSONAL CHECK, CASHIER'S CHECK, OR MONEY ORDER PAYABLE TO THE D.C. TREASURER (NO CASH ACCEPTED BY MAIL) FOR THE TOTAL AMOUNT IF FINES AND PENALTIES DUE (SEE REVERSE) FOR THE INFRACTION(S) YOU ARE ADMITTING. NOTE THAT THERE WILL BE A \$30.00 FEE FOR ALL RETURNED CHECKS. WRITE THE NOTICE NUMBER (UPPER RIGHT CORNER OF REVERSE SIDE OF THIS NOTICE) ON THE FRONT OF YOUR CHECK OR MONEY ORDER. MAKE A PHOTOCOPY OF THIS NOTICE FOR YOUR RECORDS.
COMPLETE ALL INFORMATION REQUESTED BELOW IN SECTION A AND SECTION B AND COMPLETE AND SIGN THE DECLARATION IN SECTION B.
AFTER COMPLETING ALL REQUIRED INFORMATION, ENCLOSE FULL PAYMENT WITH THIS NOTICE IN AN ENVELOPE WITH REQUIRED POSTAGE AND MAIL TO:

441 4<sup>TH</sup> ST. NW, SUITE 450 NORTH
WASHINGTON, D.C. 20001
(202) 442 - 9094

ALTERNATIVELY, YOU MAY APPEAR IN PERSON TO SUBMIT THIS NOTICE WITH PAYMENT AND REQUIRED INFORMATION AT THE ABOVE ADDRESS ON WEEKDAYS.

TO ADMIT THE INFRACTION(S) WITH EXPLANATION AND REQUEST A HEARING BY MAIL, ON THIS NOTICE AND WITHIN 15 DAYS OF THE DATE OF SERVICE:

- CHECK THE "ADMIT WITH EXPLANATION" BOX UNDER EACH INFRACTION(S) LISTED ON THE REVERSE SIDE OF THIS NOTICE AND SIGN YOUR NAME ON THE SIGNATURE LINE(S).
COMPLETE ALL INFORMATION REQUESTED BELOW IN SECTION A AND SECTION B AND COMPLETE AND SIGN THE DECLARATION IN SECTION B.
ALTHOUGH A PLEA OF ADMIT WITH EXPLANATION IS AN ADMISSION OF LIABILITY, YOU MAY PREPARE AND SUBMIT ANY WRITTEN EXPLANATION, AFFIDAVITS, OR OTHER EVIDENCE EXPLAINING THE CIRCUMSTANCES SURROUNDING THE INFRACTION THAT YOU BELIEVE JUSTIFIES A REDUCTION OF THE FINE. AN ADMINISTRATIVE LAW JUDGE WILL REVIEW THE EVIDENCE IN YOUR CASE AND ISSUE A RULING IN WRITING. FAILURE TO SUBMIT SUFFICIENT RELEVANT EVIDENCE OF MITIGATING CIRCUMSTANCES MAY RESULT IN A FAILURE TO OBTAIN ANY REDUCTION OR SUSPENSION OF THE FINE. WRITE THE NOTICE NUMBER ON THE FRONT OF ANY DOCUMENT SUBMITTED. MAKE A PHOTOCOPY OF THIS NOTICE FOR YOUR RECORDS.
AFTER PROVIDING ALL REQUIRED INFORMATION, ENCLOSE THIS NOTICE TOGETHER WITH ANY EXPLANATION, AFFIDAVITS, OR OTHER EVIDENCE YOU WISH TO SUBMIT IN AN ENVELOPE WITH REQUIRED POSTAGE AND MAIL TO THE FOLLOWING ADDRESS:

441 4<sup>TH</sup> ST. NW, SUITE 450 NORTH
WASHINGTON, D.C. 20001
(202) 442 - 9094

ALTERNATIVELY, YOU MAY APPEAR IN PERSON TO SUBMIT THIS NOTICE WITH THE REQUIRED INFORMATION AT THE ABOVE ADDRESS ON WEEKDAYS. AT THE SAME TIME, YOU MUST ALSO SUBMIT ANY EXPLANATION, AFFIDAVITS, OR OTHER EVIDENCE YOU WISH TO HAVE CONSIDERED BY THE ADMINISTRATIVE LAW JUDGE.

TO DENY THE INFRACTION(S) AND REQUEST TO APPEAR IN PERSON FOR A HEARING, ON THIS NOTICE AND WITHIN 15 DAYS OF THE DATE OF SERVICE:

- CHECK THE "DENY" BOX UNDER THE INFRACTION(S) LISTED ON THE REVERSE SIDE OF THE NOTICE AND SIGN YOUR NAME ON THE SIGNATURE LINE(S).
YOU WILL RECEIVE A HEARING NOTICE IN THE MAIL. IF YOU FAIL TO APPEAR AT THE DATE AND TIME AFTER YOU REQUEST A HEARING IN PERSON, YOU WILL BE SUBJECT TO ENTRY OF A DEFAULT ORDER AND THE HEARING MAY PROCEED TO A FINAL JUDGMENT IN YOUR ABSENCE. BRING ALL EVIDENCE WITH YOU TO THE HEARING. MAKE A PHOTOCOPY OF THE NOTICE FOR YOUR RECORDS. YOU WILL BE NOTIFIED BY MAIL IF YOUR HEARING DATE AND TIME ARE CHANGED.
PROVIDE ALL THE INFORMATION REQUESTED BELOW IN SECTION A. YOU DO NOT NEED TO FILL IN AND SIGN BELOW IN SECTION B UNLESS YOU HAVE ALSO ADMITTED OR ADMITTED WITH EXPLANATION ONE OF THE CHARGED INFRACTIONS.
AFTER PROVIDING ALL REQUIRED INFORMATION, ENCLOSE THIS NOTICE IN AN ENVELOPE WITH REQUIRED POSTAGE AND MAIL TO FOLLOWING ADDRESS:

441 4<sup>TH</sup> ST. NW, SUITE 450 NORTH
WASHINGTON, D.C. 20001
(202) 442 - 9094

ALTERNATIVELY, YOU MAY APPEAR IN PERSON TO SUBMIT THIS NOTICE WITH THE REQUIRED INFORMATION AT THE ABOVE ADDRESS ON WEEKDAYS.

Section A--To be completed by all respondents:

Name (print): \_\_\_\_\_ Daytime Telephone \_\_\_\_\_
Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Section B--To be completed by all respondents Admitting or Admitting with Explanation:

I hereby declare under penalty of perjury that I have received this Notice, answered each infraction as indicated on the reverse side, and \_\_\_CORRECTED or \_\_\_NOT CORRECTED (check only one) all the infraction(s) listed on the NOTICE that were ADMITTED or ADMITTED WITH EXPLANATION.

Signature \_\_\_\_\_ Date \_\_\_\_\_

WARNING: SUBMISSION OF A FALSE STATEMENT IS A CRIME PUNISHABLE UNDER D.C. CODE § 22-2514.



**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 One Judiciary Square  
 441 Fourth Street, NW  
 Washington, DC 20001-2714  
 (202) 442-9094 Phone (202) 442-4789 Fax



Case Number(s): 2022-DDOT-UI00286

**CERTIFICATE OF SERVICE**

You must send copies of any papers you file at OAH to the other party. By signing this form, you are stating that you sent copies.

My Name: JOHN O'NEIL

My Address: 250 M ST., SE  
WASHINGTON DC 20003  
 City State Zip Code

My Telephone Number(s): 202-527-5633

My Fax #: \_\_\_\_\_

I have sent a copy of this document to the other party HIP D STREET PARTNERS, LLC (their name), on

5/25/2022 (date):

- By **Fax** to this number: \_\_\_\_\_
- By **Mail** to the address below, OR
- By **Hand-delivery** to the address below

By EMAIL TO:

3467 14<sup>TH</sup> ST., NW, 2ND FLOOR  
 (Address of other party)

admin1@h2designbuild.co

WASHINGTON DC 20010  
 City State Zip Code

John O'Neil  
 My Signature

5/25/2022  
 Date



**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 One Judiciary Square  
 441 Fourth Street, NW  
 Washington, DC 20001-2714  
 (202) 442-9094 Phone (202) 442-4789 Fax



Case Number(s): 2022-DDOT-UI00286

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You must send copies of any papers you file at OAH to the other party. By signing this form, you are stating that you sent copies.

My Name: JOHN O'NEILL

My Address: 250 M ST., SE  
WASHINGTON DC 20003  
 City State Zip Code

My Telephone Number(s): 202-527-5633

My Fax #: \_\_\_\_\_

I have sent a copy of this document to the other party H2 DEVELOPMENT, LLC (their name), on

5/25/2022 (date):

- By **Fax** to this number: \_\_\_\_\_
- By **Mail** to the address below, OR
- By **Hand-delivery** to the address below

3467 14<sup>TH</sup> ST., NW, 2ND FLOOR  
 (Address of other party)  
WASHINGTON DC 20010  
 City State Zip Code

By EMAIL TO:  
admin1@h2designbuild.co

John O'Neill  
 My Signature

5/25/2022  
 Date



**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 One Judiciary Square  
 441 Fourth Street, NW  
 Washington, DC 20001-2714  
 (202) 442-9094 Phone (202) 442-4789 Fax



Case Number(s): 2022- DDOT- U100286

**CERTIFICATE OF SERVICE**

You must send copies of any papers you file at OAH to the other party. By signing this form, you are stating that you sent copies.

My Name: JOHN O'NEILL

My Address: 250 M ST., SE  
WASHINGTON DC 20003  
 City State Zip Code

My Telephone Number(s): 202-527-5633

My Fax #: \_\_\_\_\_

I have sent a copy of this document to the other party HARVEY YANCEY (their name), on

5/25/2022 (date):

- By **Fax** to this number: \_\_\_\_\_
- By **Mail** to the address below, OR
- By **Hand-delivery** to the address below

3467 14<sup>TH</sup> ST., NW, 2ND FLOOR  
 (Address of other party)  
WASHINGTON DC 20010  
 City State Zip Code

By EMAIL TO:  
hyancey@h2designbuild.co

John O'Neill  
 My Signature

5/25/2022  
 Date



**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 One Judiciary Square  
 441 Fourth Street, NW  
 Washington, DC 20001-2714  
 (202) 442-9094 Phone (202) 442-4789 Fax



Case Number(s): 2022-DDOT-U100286

**CERTIFICATE OF SERVICE**

You must send copies of any papers you file at OAH to the other party. By signing this form, you are stating that you sent copies.

My Name: JOHN O'NEILL

My Address: 250 M ST., SE  
WASHINGTON DC 20003  
 City State Zip Code

My Telephone Number(s): 202-527-5633

My Fax #: \_\_\_\_\_

I have sent a copy of this document to the other party H2 DESIGN BUILD, LLC (their name), on

5/25/2022 (date):

- By **Fax** to this number: \_\_\_\_\_
- By **Mail** to the address below, OR
- By **Hand-delivery** to the address below

By EMAIL TO:

3467 14<sup>TH</sup> ST., NW, 2ND FLOOR  
 (Address of other party)  
WASHINGTON DC 20015  
 City State Zip Code

invoice@h2designbuild.co

John O'Neill  
 My Signature Date 5/25/2022



**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 One Judiciary Square  
 441 Fourth Street, NW  
 Washington, DC 20001-2714  
 (202) 442-9094 Phone (202) 442-4789 Fax



Case Number(s): 2022-DDOT-U100286

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You must send copies of any papers you file at OAH to the other party. By signing this form, you are stating that you sent copies.

My Name: JOHN O'NEIL

My Address: 250 M ST., SE  
WASHINGTON DC 20003  
 City State Zip Code

My Telephone Number(s): 202-527-5633

My Fax #: \_\_\_\_\_

I have sent a copy of this document to the other party PROPER TREE CARE, LLC (their name), on

5/25/2022 (date):

- By **Fax** to this number: \_\_\_\_\_
- By **Mail** to the address below, OR
- By **Hand-delivery** to the address below

10105 RESIDENCY RD., SUITE 207  
 (Address of other party)

MANASSAS VA 20110  
 City State Zip Code

By EMAIL TO:

Support@ProperTreeCare.com

John O'Neil  
 My Signature

5/25/2022  
 Date



**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 One Judiciary Square  
 441 Fourth Street, NW  
 Washington, DC 20001-2714  
 (202) 442-9094 Phone (202) 442-4789 Fax



Case Number(s): 2022-DDOT-U100286

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My Name: JOHN O'NEIL

My Address: 250 M ST., SE  
WASHINGTON DC 20003  
 City State Zip Code

My Telephone Number(s): 202-527-5633

My Fax #: \_\_\_\_\_

I have sent a copy of this document to the other party DON ZIMAR (their name), on

5/25/2022 (date):

- By **Fax** to this number: \_\_\_\_\_
- By **Mail** to the address below, OR
- By **Hand-delivery** to the address below

PO Box 825  
 (Address of other party)  
BRISTOW VA 20136  
 City State Zip Code

By EMAIL TO:  
donzimar@gmail.com

John O'Neil  
 My Signature Date



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION**



**d. Urban Forestry Division**

John O’Neill  
250 M St., SE, Suite 400  
Washington, D.C. 20003  
john.oneill@dc.gov  
(202) 527 – 5633

HIP D Street Partners, LLC  
3467 14<sup>th</sup> St., NW, 2<sup>nd</sup> floor  
Washington, DC 20010  
admin1@h2designbuild.co

Harvey Yancey  
3467 14<sup>th</sup> St., NW, 2<sup>nd</sup> floor  
Washington, DC 20010  
hyancey@h2desingbuild.co

H2 Design Build, LLC  
3467 14<sup>th</sup> St., NW, 2<sup>nd</sup> floor  
Washington, DC 20010  
invoice@h2designbuild.co

H2 Development, LLC  
3467 14<sup>th</sup> St., NW, 2<sup>nd</sup> floor  
Washington, DC 20010

Don Zimar  
PO Box 825  
Bristow, VA 20136-0825  
donzimar@gmail.com

Proper Tree Care, LLC  
c/o David Gass  
10105 Residency Rd., Suite 207  
Manassas, VA 20110  
Support@ProperTreeCare.com

May 25, 2022

**Violations of the Urban Forest Preservation Act of 2002, Amended 2016—Memorandum to accompany  
Notice of Infraction U-100286**

**Property belonging to HIP D STREET PARTNERS, LLC**

**Square: 5295, Lot: 0039**

**H2 DEVELOPMENT, LLC**

**Square: 5295, Lot: 0002**

## **I. HERITAGE TREE LAW**

This memorandum is intended to serve as supporting documentation for Notice of Infraction U-100286. This Notice of Infraction alleges that H2 Development, LLC, HIP D Street Partners, LLC, H2 Design Build, LLC, Harvey Yancey, Don Zimar, and Proper Tree Care, LLC (Respondents) removed two (2) protected Heritage Trees at 5403 D St., SE (Square: 5295, Lots: 0002, 0039) (the Property). A Heritage Tree is defined as a tree in the District of Columbia with a circumference of 100 inches or more when measured at 4.5 feet. D.C. Code § 8-651.02(3A). It is unlawful for any person or nongovernmental entity to top, cut down, remove, girdle, break or destroy a Heritage Tree. D.C. Code § 8-651.04a(a). Permits for the removal of a Heritage Tree will be issued at no cost if the tree is hazardous or if it is a specimen of a species that is exempted from the law through regulation. D.C. Code § 8-651.04a(b)(1)(A)-(B).

The fine for removing a Heritage Tree without a permit is \$300 per inch of circumference. D.C. Code § 8-651.04a(c).

## **II. INFRACTION**

### **a. DDOT Investigation of 5403 D St., SE**

On February 6, 2022, Respondent Don Zimar, a local arborist, sent an email to several DDOT-UFD staff members with the purpose of arranging a preliminary site visit to a development property owned by Respondent Hip D Street Partners, LLC. The property was located at 5403 D St., SE. Mr. Zimar was contracted to Respondent and tasked with creating a Tree Preservation Plan for the project. Mr. Zimar was employed by Respondent Proper Tree Care, LCC at the time. The main lot was a large, partially-wooded lot that had been in the possession of H Street Community Development Corp. for twenty-two years when it was

purchased by Respondent HIP D Street Partners, LLC, on October 23, 2020, for \$1,650,000. A smaller parcel adjacent to the large lot was purchased by H2 Development, LLC, on March 29, 2021. Among the trees on the two parcels when they changed hands were two Heritage-sized white oak (*Quercus alba*) trees (Trees T39 and T46) in good condition. *See* Images 1-2, *infra*.

In his February 6 email, Mr. Zimar attached a “courtesy” Tree Preservation Plan. The plan did not propose to preserve any trees on the Property, but made allowances for the preservation of trees on land contiguous to the proposed development, including trees on DDOT-managed land. Mr. Zimar’s Tree Preservation Plan included site positions and sizes for each of the trees. This Notice of Infraction uses Mr. Zimar’s numbering system and size measurements.

Mr. Tan shared Mr. Zimar’s request with Supervisory Forester Duff McCully, who had not been included on Mr. Zimar’s February 6 email. Mr. McCully is Mr. Tan’s direct supervisor. Mr. McCully was familiar with Trees T39 and T46. He had a recent memory of the specific trees being in good health and he found it hard to believe that the trees had died and become hazardous so quickly. Mr. McCully recommended making a site visit as soon as possible.

Mr. Tan and Mr. McCully made an initial site visit on Tuesday, February 8, 2022. They observed injection holes around the base of each tree near the point where the trunk of the tree transitioned to the root flare. *See* Image 3, *infra*. Mr. McCully and Mr. Tan believed the injection holes were consistent with the use of an Arborjet injection system, or similar trunk injection system. *See* Image 4, *infra*. A trunk injection system is used to introduce chemicals such as fungicides directly into a tree’s vascular system. Although trunk injection systems wound trees by penetrating their bark at the injection sites, they deliver a more targeted application of chemicals, which prevents exposure to nearby vegetation and prevents environmental contamination through wind drift.

Mr. McCully and Mr. Tan immediately suspected that a trunk injection system had been used to introduce poison, rather than salutary agents, into the trees. Each injection hole they observed was about the size of a penny and penetrated about two inches into the trunk of the tree. In all, Mr. Tan and Mr. McCully discovered nine injection holes around the base of Tree T39 and eight injection holes around the base of Tree T46. *See Image 5, infra.* Mr. Tan believes the number is an undercount and there are likely at least ten injection sites per tree.

In addition to the injection holes, Mr. Tan and Mr. McCully observed that Trees T39 and T46 both had a number of dead leaves in the canopy. *See Images 6-7, infra.* Under normal conditions, healthy trees produce ethylene, which causes the leaf petiole to detach from its parent stem. Trees that die suddenly while their leaves are on cannot manufacture the ethylene needed to break down the cellular connection between a leaf's stem and its parent branch. Because there were many dead leaves still attached to the tree, Mr. Tan and Mr. McCully theorized that the trees died suddenly sometime after putting out their first flush of leaves in the spring of 2021.

Finally, Mr. Tan and Mr. McCully observed that two trees on neighboring property—Tree T40 on DDOT property and Tree T60 on private property—still appeared to be in good health and had not seen a dramatic decline despite the fact they were of the same species as Trees T39 and T46 and of a comparable size to them. *See Images 8-9, infra.*

The existence of the injection holes, in addition to Mr. McCully's belief that the trees had seen a dramatic decline in health, led Mr. Tan and Mr. McCully to suspect that Trees T39 and T46 had been poisoned through the introduction of an herbicide into their vascular systems. On the afternoon of February 8, 2022, after returning from his site visit, Mr. Tan sent an email to various DDOT-UFD staff requesting assistance with an expanded investigation of the Property.

**b. DDOT Investigation of 2440 Shannon Pl., SE**

Urban Forester James Biddle, who works on the same team as Mr. McCully and Mr. Tan, heard about the suspected tree poisoning at 5403 D St., SE, and wondered if the same thing had happened to trees at 2440 Shannon Pl., SE, a property in his arborist zone. The property sits across Howard Road from the Anacostia Metro Station. In 2014, the District of Columbia purchased the Property from WMATA for \$1,550,000. In the summer of 2018, the Office of the Deputy Mayor for Planning and Economic Development (DMPED) solicited bids from developers to develop the site. At the time of the solicitation, there were two healthy trees growing at 2440 Shannon Pl., SE: a Heritage-sized American elm (*Ulmus americana*) and a Special-sized American elm. *See* Images 10-11, *infra*. DMPED received only one bid, from Howard Road Community Partners, LLC, a group consisting of Respondent H2 Design Build, LLC and ASSET Management Consulting. Howard Road Community Partners, LLC was selected to exclusively negotiate for the disposition and development of 2440 Shannon Pl., SE. Based on two appraisals of the property, the District of Columbia agreed to sell the property to Howard Road Community Partners, LLC for \$1.

Although 2440 Shannon Pl., SE, had not yet been transferred to Howard Road Community Partners, LLC, on February 9, 2022, Don Zimar applied for a permit (# 88933) to remove the two trees on site, listing Respondent Harvey Yancey, principal of Respondent H2 Design Build, as the owner. The permit was automatically assigned to Mr. Biddle for review. At the time, Mr. Biddle did not know that the District of Columbia was still in possession of the property and had no reason to question the false statement that Mr. Yancey was the owner.

In the permit application, Mr. Zimar argued that both trees likely died of Dutch Elm Disease (DED). DED is a pathogenic fungus that closes the vascular system of its host plants. It

is widespread among American elms, including the American elm population in the Washington, D.C. region, and trees that become infested with DED usually succumb quickly. Mr. Biddle reasonably believed that the elms at 2440 Shannon Pl., SE, had died of DED. He issued the permit on February 11, 2022, without visiting the site because he had personal knowledge that the trees were clearly dead and hazardous.

Mr. Biddle first learned of the suspected poisoning at 5403 D St., SE, on February 15, 2022. Upon hearing about the case, Mr. Biddle wondered if the elm trees at 2440 Shannon Pl., SE, had been poisoned instead of succumbing to DED, as he originally thought. He drove to the property the next day but found a tall chain-link fence ran the perimeter of the property and restricted access to the property. Despite his lack of access, Mr. Biddle was able to take pictures of what he believed were injection holes around the base of the 41.5” American elm, the tree closer to the fence. *See Images 12-13, infra.*

During a phone call later that day, Mr. Biddle explained the situation to Lead Forester John O’Neill. Mr. O’Neill advised Mr. Biddle to leave the permit in “Issued” status, so as not to draw the attention of Respondent while they conducted an investigation.

**c. District of Columbia Employee Divulges the Existence of the Investigation at 2440 Shannon Pl. to Respondent**

On February 16, 2022, Mr. Biddle emailed Mark Corneal, a Senior Project Manager at DMPED, who was listed as the project manager for the 2440 Shannon Pl. site. Mr. Biddle informed Mr. Corneal that he sought to gain access to 2440 Shannon Pl. in order to inspect trees that died “under curious circumstances.” Mr. Corneal forwarded Mr. Biddle’s email to Chris Everett, a Development Manager at DMPED. Mr. Biddle inquired by email whether Mr. Everett would share the code to the locked gate at 2440 Shannon Pl., SE, since he was concerned about “the rapid deaths of the trees” and a “series of mysterious holes” on the root flare of at least one

of the trees. Mr. Everett responded with general information about the property but did not share the access code.

On February 22, 2022, Mr. Biddle contacted Mr. Everett by phone to inquire again about access to 2440 Shannon Pl., SE. Mr. Everett told Mr. Biddle he was working on it.

On the morning of Tuesday, March 1, 2022, Mr. McCully happened to be driving by 2440 Shannon Pl., SE, and he observed that the two dead elm trees had been removed. *See* Image 14, *infra*.

Mr. Biddle suspected the trees were removed by Respondents because they had heard about the DDOT-UFD investigation. Mr. Biddle called Mr. Everett, who admitted to Mr. Biddle that he informed Respondent H2 Design Build, LLC that DDOT-UFD wanted access to 2440 Shannon Pl., SE, to investigate how the trees died. Mr. Everett had no knowledge of the parallel investigation at 5403 D St., SE.

Upon learning that Mr. Everett had divulged the fact of the DDOT-UFD investigation to Respondent, DDOT-UFD staff urged Mr. Tan to drive by 5403 D St., SE, to ensure that Trees T39 and T46 had not been removed as well. Mr. Tan traveled to the site on the afternoon of March 1, 2022. When he arrived on site, Mr. Tan observed that Trees T39 and T46 were still standing. He further observed that the injection holes, which had previously been exposed to the air, were now stuffed with tree debris in an apparent attempt to conceal them from detection. *See* Images 15-16, *infra*. No natural processes could have introduced the tree debris into the injection holes; some of the debris could later only be removed with pliers. Mr. Tan did not find any injection holes that had not been stuffed with tree debris.

#### **d. Plant Tissue Sample Collection at 5403 D St., SE**

On Thursday, March 3, 2022, DDOT-UFD staff went to 5403 D St., SE, to take plant tissue samples from Trees T39 and T46. Mr. O'Neill collected leaf samples from T39 and T46. While collecting leaf samples, Mr. O'Neill observed cicada damage on Tree T39. Mr. O'Neill believed that the cicada damage indicated the trees were alive at the time cicada egg-laying activity was occurring in June 2021. Cicadas will not lay eggs in dead tissue because their offspring will need to feed on living roots.

While Mr. O'Neill collected leaf samples, Mr. McCully, Mr. Tan, and Urban Forester Sam Doan collected plant tissue samples from the trunks and root collars of the trees, focusing on the parts of the tree surrounding the injection holes. Using new, factory-sealed drill bits for each tree, the three arborists drilled and collected the shavings on a clean cloth set out underneath the injection sites, Image 17, *infra*, before transferring the shavings to plastic containers. Mr. McCully also took multiple samples from each tree with an increment borer. Mr. McCully added the core samples to the plant tissue samples taken from the trunks of their respective trees.

While taking samples, all arborists on site reported being able to smell a strong chemical smell while drilling into the trees' trunks. Mr. Doan characterized the smell as "like a chemical cabinet," referring to his experience conducting plant healthcare operations in the private sector. Mr. Doan's experience running the DDOT-UFD sawmill has made him familiar with the odors associated with various wood products. He believed the smell emanating from Trees T39 and T46 was not a naturally occurring product of the white oak species.

On the same day they collected the samples, Mr. O'Neill and Mr. McCully took the samples back to DDOT HQ at 250 M St., SE. Because they had collected a large volume of



trunk tissue from Tree T46, they divided it into two samples. They labeled the bags and containers before sending them to Pacific Agricultural Laboratory in Oregon. The lab received the samples on March 8, 2022, and ran two tests on each of the five samples. The first test looked for evidence of glyphosate in plant tissue. The second test looked for evidence of chlorinated herbicides in plant tissue.

**e. Results of Plant Tissue Analysis at 5403 D St., SE**

DDOT-UFD staff received the results of the tests on March 22, 2022. *See* Images 18-22, *infra*. The trunk tissue samples of both trees showed high amounts of herbicides 2,4-D and picloram. 2,4-D and picloram are chemicals that appear together in Tordon, an off-the-shelf herbicide. The leaf samples of both trees showed amounts of picloram, indicating that the herbicide had been translocated throughout the trees' canopies.

**f. Results of Plant Tissue Analysis at 2440 Shannon Pl., SE**

On March 1, 2022, the same day DDOT-UFD staff discovered the trees at 2440 Shannon Pl., SE, had been removed, Mr. Everett sent an email to Mr. Biddle with a four-digit code to unlock the gate at that property. Mr. Biddle went to the property a couple days later and was able to open the gate using the code.

Mr. Biddle returned to 2440 Shannon Pl., SE, at a later date, with the purpose of collecting samples from the tree debris remaining on site, but discovered that the lock had been changed.

On April 12, 2022, Mr. Biddle returned to 2440 Shannon Pl., SE, and removed a link in the chain, adding his own lock in its place. With access to the property, Mr. Biddle proceeded to collect plant tissue samples by himself. Because the two elms had already been removed, he collected stump grindings from the locations where the trees had been growing. Mr. Biddle

made an effort to collect plant tissue near the outside edges of the stump grinding areas, as those areas were proximate to where the introduction of herbicides would have occurred. The outermost parts of the tree are also where a tree's conductive tissue is located in its stem. He collected one plant tissue sample for each elm tree that had been on site.

Mr. Biddle left the samples in bags on Mr. O'Neill's desk at 250 M St., SE, where they remained undisturbed. Mr. O'Neill and Mr. McCully labeled the samples and shipped them to Pacific Agricultural Laboratory on April 19, 2022. The samples were received on May 2, 2022.

DDOT-UFD staff received the results of the tests on May 17, 2022. *See Images 23-24, infra.* Both samples showed evidence of 2,4-D and picloram, the same herbicides that were found in plant tissue samples taken from 5403 D St., SE.

**g. Reports That Respondent Harvey Yancey Solicited Tree Poisoning Services**

On May 13<sup>th</sup>, 2022, Mr. Biddle and Mr. McCully went to inspect a development project unrelated to any Respondents. The Project Arborist for the project (Arborist 1) is the owner of a local treecare company.

While Mr. Biddle verified tree measurements on the property, Mr. McCully and Arborist 1 talked on the street in front of the property. Arborist 1 complained to Mr. McCully of what he thought of as the difficult permitting process in the District of Columbia. Arborist 1 informed Mr. McCully that a developer had even approached him to seek his services for the poisoning of two elm trees near the Anacostia Metro Station. Arborist 1 described a site with two healthy elm trees, one of which was Heritage-sized and one of which was Special-sized. Mr. McCully recognized this description as 2440 Shannon Pl., SE. Mr. McCully asked Arborist 1 if he could remember who had solicited him to poison the trees. Arborist 1 said he could not remember.

Mr. McCully asked Arborist 1 if the name of the person who had solicited him to poison the trees was Harvey Yancey, and Arborist 1 confirmed that it was.

Though they began speaking of other topics, Arborist 1 soon brought up Mr. Yancey again, saying that Mr. Yancey had asked him to look at trees on another property. Although Arborist 1 couldn't recall where the property was, he described a partially-wooded corner lot with large, Heritage-sized white oak trees in the rear of the property. Arborist 1 reported that he offered to help Mr. Yancey get permits for the tree removals but Mr. Yancey ultimately declined. Mr. McCully believed Arborist 1 was describing 5403 D St., SE.

Arborist 1 stated that Mr. Yancey had yet to pay him for his work.

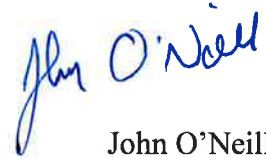
#### **h. Conclusions**

Based on the positive poison analyses, showing the same herbicides in the plant tissue of trees at two different locations owned or managed by Respondents; the effort to conceal the injection holes from detection by stuffing them with tree debris; and the evidence that Respondent Harvey Yancey had tried to solicit other tree service providers to poison the trees, DDOT-UFD staff concluded that Respondents destroyed Trees T39 and T46 by deliberately introducing poisonous herbicides into the trees' vascular systems.

### **III. FINE**

Because Respondents destroyed the protected Heritage Trees by poisoning them, they are liable for the statutory fine. Measurements of Tree T39 and Tree T46 were provided on the courtesy Tree Preservation Plan attached to Mr. Zimar's February 6 email. Tree T39 had a DBH measurement of 42.7" and Tree T46 had a DBH measurement of 38.3". The collective circumference of the trees, then, is 254.4615" ( $81 \times \pi (3.1415)$ ). Applying the minimum

statutory fine of \$300 per each inch of circumference yields a fine of \$76,338.45 (254.4615 x 300), when rounding down to the nearest cent.



John O'Neill  
Lead Forester

**d. Urban Forestry Division**

250 M St., SE  
Washington, DC 20003  
(202) 527-5633

Additional witnesses: James Biddle  
Urban Forester, Ward 7

Mark Tan  
Urban Forester, Ward 7

Duff McCully  
Supervisory Forester, Wards 7 & 8

Kasey Yturalde  
Forest Health and Community Outreach Specialist

Sam Doan  
Urban Forester



Image 1. Screenshot from Nearthmap aerial survey. Flyover conducted on July 3, 2020. All trees appear to have healthy canopies.



Image 2. Screenshot from Nearthmap aerial survey. Flyover conducted on July 15, 2021. Tree T39 and T46, circled in red, appear to be severely compromised, with little to no canopy.



Image 3. Bore holes in Tree T39 that Mr. McCully and Mr. Tan observed during their February 8, 2022, site visit. Photo taken by Mark Tan on February 8, 2022.



Image 4. Image of Arborjet trunk injection system. Screenshot captured by John O'Neill from perennialgreenlawn.com on May 17, 2022.



Image 5. Pink flags marking locations of bore holes around Tree T39. Photo taken by Mark Tan on March 3, 2022.





Image 6. Wilted leaves observed on Tree T46. Photo taken by Mark Tan March 1, 2022.



Image 7. Wilted leaves observed on Tree T39. Photo taken by Mark Tan on March 1, 2022.



Image 8. Screenshot from Nearmap aerial survey. Flyover conducted on July 3, 2020. Screenshot shows canopies of T39, T46, T40, and T60.



Image 9. Screenshot from Nearmap aerial survey. Flyover conducted on July 15, 2021. Screenshot shows canopies of T39, T46, T40, and T60.



Image 10. Screenshot from Nearmap aerial survey. Flyover conducted on July 3, 2020. The two elm trees appear to have healthy canopies. Screenshot taken by John O’Neill on May 4, 2022.



Image 11. Screenshot from Nearmap aerial survey. Flyover conducted on July 15, 2021. Trees 1 and 2, circled in red, appear to be severely compromised, with little to no canopy. Screenshot taken by John O’Neill on May 4, 2022.



Image 12. Bore hole observed in the root flare of Tree T1 at 2440 Shannon Pl., SE. Photo taken by James Biddle on February 16, 2022.



Image 13. Bore hole observed in the root flare of Tree T1 at 2440 Shannon Pl., SE. Photo taken by James Biddle on February 16, 2022.



Image 14. Property at 2440 Shannon Pl., SE, after the trees on site had been removed and their stumps grinded. Photograph taken by James Biddle on March 1, 2022.



Image 15. Debris stuffed into a bore hole in Tree T39 in an effort to conceal it from detection. Photograph taken by Mark Tan on March 1, 2022.





Image 16. Debris stuffed into a bore hole in Tree T46 in an effort to conceal it from detection. Photograph taken by Mark Tan on March 1, 2022.



Image 17. Bore hole in Tree T39, after debris has been removed but prior to collecting plant tissue samples. Photo taken by Mark Tan on March 3, 2022.



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District of Columbia Government - Urban Forestry  
250 M St. SE  
Washington, DC 20003

Report Number: P220262  
Report Date: March 22, 2022  
Client Project ID:

Client Sample ID: T 39 Sample 1  
PAL Sample ID: P220262-02  
Sample Type: Plant tissue

Sample Date: 03/03/2022  
Received Date: 03/08/2022  
Extraction Date: 03/14/2022

Certificate of Analysis

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPe, Ver. B.1 (LC-MS/MS)</b>									
03/15/2022	AMPA	ND	0.12		03/15/2022	Glyphosate	ND	0.030	
<b>FDA PAM II Method 180.292 (GC-MS)</b>									
03/18/2022	2,4,5-T	ND	0.033		03/18/2022	2,4,5-TP	ND	0.033	
03/18/2022	2,4-D	ND	0.033		03/18/2022	2,4-DB	ND	0.033	
03/18/2022	Bentazon	ND	0.033		03/18/2022	Chlorpyrifos	ND	0.033	
03/18/2022	Dicamba	ND	0.033		03/18/2022	Dichlorprop	ND	0.033	
03/18/2022	MCPA	ND	0.033		03/18/2022	MCPP	ND	0.033	
03/18/2022	Picloram	1.3 mg/kg	0.033		03/18/2022	Quinclorac	ND	0.033	
03/18/2022	Triclopyr	ND	0.033						

Notes and Definitions

Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

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Image 18. Lab analysis results of Tree T39, Sample 1 (leaves).



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Report Number: P220262  
Report Date: March 22, 2022  
Client Project ID:

Client Sample ID: T 39 Sample 2  
PAL Sample ID: P220262-04  
Sample Type: Plant tissue

Sample Date: 03/03/2022  
Received Date: 03/08/2022  
Extraction Date: 03/14/2022

**Certificate of Analysis**

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPe, Ver. 8.1 (LC-MS/MS)</b>									
03/15/2022	AMPA	ND	0.12		03/15/2022	Glyphosate	ND	0.030	
<b>FDA PAM II Method 180.292 (GC-MS)</b>									
03/19/2022	2,4,5-T	ND	33		03/19/2022	2,4,5-TP	ND	33	
03/19/2022	2,4-D	230 mg/kg	33		03/19/2022	2,4-DH	ND	33	
03/19/2022	Bentazon	ND	33		03/19/2022	Clpyralid	ND	33	
03/19/2022	Dicamba	ND	33		03/19/2022	Dichlorprop	ND	33	
03/19/2022	MCPA	ND	33		03/19/2022	MCTP	ND	33	
03/19/2022	Picloram	200 mg/kg	33		03/19/2022	Quinclorac	ND	33	
03/19/2022	Triflopyr	ND	33						

**Notes and Definitions**

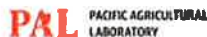
Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

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Image 19. Lab analysis results of Tree T39, Sample 2 (trunk plant tissue).



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Report Number: P220262  
Report Date: March 22, 2022  
Client Project ID:

Client Sample ID: T 39 Sample 3  
PAL Sample ID: P220262-05  
Sample Type: Plant tissue

Sample Date: 03/03/2022  
Received Date: 03/08/2022  
Extraction Date: 03/14/2022

Certificate of Analysis

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPe, Ver. 8.1 (LC-MS/MS)</b>									
03/15/2022	AMPA	ND	0.12		03/15/2022	Oxyphosate	ND	0.030	
<b>FDA PAM II Method 180.292 (GC-MS)</b>									
03/19/2022	2,4,5-T	ND	34		03/19/2022	2,4,5-TP	ND	34	
03/19/2022	2,4-D	870 mg/kg	34		03/19/2022	2,4-DB	ND	34	
03/19/2022	Bentazone	ND	34		03/19/2022	Clopyralid	ND	34	
03/19/2022	Dicamba	ND	34		03/19/2022	Diclofoprop	ND	34	
03/19/2022	MCPA	ND	34		03/19/2022	MCPP	ND	34	
03/19/2022	Picloram	460 mg/kg	34		03/19/2022	Quinclorac	ND	34	
03/19/2022	Triclopyr	ND	34						

Notes and Definitions

Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

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Image 20. Lab analysis results of Tree T39, Sample 3 (trunk plant tissue).



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Washington, DC 20003

Report Number: P220262  
Report Date: March 22, 2022  
Client Project ID:

Client Sample ID: T46 Sample 1  
PAL Sample ID: P220262-01  
Sample Type: Plant tissue

Sample Date: 03/03/2022  
Received Date: 03/08/2022  
Extraction Date: 03/14/2022

### Certificate of Analysis

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPe, Ver. 8.1 (LC-MS/MS)</b>									
03/15/2022	AMPA	ND	0.12		03/15/2022	Glyphosate	ND	0.00	
<b>FDA PAM II Method 188.292 (GC-MS)</b>									
03/18/2022	2,4,5-T	ND	0.034		03/18/2022	2,4,5-TP	ND	0.034	
03/18/2022	2,4-D	ND	0.034		03/18/2022	2,4-DH	ND	0.034	
03/18/2022	Bentazone	ND	0.034		03/18/2022	Clpyralid	ND	0.034	
03/18/2022	Desmetho	ND	0.034		03/18/2022	Dichloropop	ND	0.034	
03/18/2022	MCPA	ND	0.034		03/18/2022	MCTP	ND	0.034	
03/18/2022	Piclosen	2.1 mg/kg	0.34		03/18/2022	Quinclorac	ND	0.034	
03/18/2022	Triclopyr	ND	0.034						

#### Notes and Definitions

Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

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Image 21. Lab analysis results of Tree T46, Sample 1 (leaves).



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Report Number: P220262  
Report Date: March 22, 2022  
Client Project ID:

Client Sample ID: T 46 Sample 2  
PAL Sample ID: P220262-03  
Sample Type: Plant tissue

Sample Date: 03/03/2022  
Received Date: 03/08/2022  
Extraction Date: 03/14/2022

Certificate of Analysis

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPe, Ver. 8.1 (LC-MS/MS)</b>									
03/15/2022	AMPA	ND	0.12		03/15/2022	Glyphosate	ND	0.030	
<b>FDA PAM II Method 18B.392 (GC-MS)</b>									
03/19/2022	2,4,5-T	ND	34		03/19/2022	2,4,5-TP	ND	34	
03/19/2022	2,4-D	3900 mg/kg	340		03/19/2022	2,4-DB	ND	34	
03/19/2022	Bentazon	ND	34		03/19/2022	Clogymid	ND	34	
03/19/2022	Dicamba	ND	34		03/19/2022	Dichloroprop	ND	34	
03/19/2022	MCPA	ND	34		03/19/2022	MCPP	ND	34	
03/19/2022	Picloram	990 mg/kg	34		03/19/2022	Quinclorac	ND	34	
03/19/2022	Triclopyr	ND	34						

Notes and Definitions

Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

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Image 22. Lab analysis results of Tree T46, Sample 2 (trunk plant tissue).



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250 M St. SE  
Washington, DC 20003

Report Number: P220538  
Report Date: May 17, 2022  
Client Project ID:

Client Sample ID: T1 Sample 1  
PAL Sample ID: P220538-01  
Sample Type: Plant tissue

Sample Date: 04/12/2022  
Received Date: 05/02/2022  
Extraction Date: 05/11/2022

### Certificate of Analysis

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPa, Ver. 8.1 (LC-MS/MS)</b>									
05/06/2022	AMPA	ND	0.12		05/06/2022	Glyphosate	ND	0.030	
<b>PDA PAM II Method 180.292 (GC-MS)</b>									
05/16/2022	2,4,5-T	ND	0.0092		05/16/2022	2,4,5-TP	ND	0.0092	
05/16/2022	2,4-D	0.71 mg/kg	0.092		05/16/2022	2,4-DB	ND	0.0092	
05/16/2022	Bromoxynil	ND	0.0092		05/16/2022	Clepyrid	ND	0.0092	
05/16/2022	Dicamba	ND	0.0092		05/16/2022	Dichlorprop	ND	0.0092	
05/16/2022	MCPA	ND	0.0092		05/16/2022	MCTP	ND	0.0092	
05/16/2022	Picloram	4.1 mg/kg	0.092		05/16/2022	Quinclorac	ND	0.0092	
05/16/2022	Triclopyr	0.012 mg/kg	0.0092						

#### Notes and Definitions

Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

The results contained in this report relate only to the items tested.  
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Image 23. Lab analysis results of the Heritage-sized elm at 2440 Shannon Pl., SE (trunk plant tissue).





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Steilwood, OR 97140

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250 M St. SE  
Washington, DC 20003

Report Number: P220538  
Report Date: May 17, 2022  
Client Project ID:

Client Sample ID: T2 Sample 2  
PAL Sample ID: P220538-02  
Sample Type: Plant tissue

Sample Date: 04/12/2022  
Received Date: 05/02/2022  
Extraction Date: 05/11/2022

**Certificate of Analysis**

Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes	Analysis Date	Analyte	Amount Detected	LOQ (mg/kg)	Notes
<b>EURL QuPPe, Ver. 8.1 (LC-MS/MS)</b>					05/06/2022	Glyphosate	ND	0.010	
<b>FDA PAM II Method 189.292 (GC-MS)</b>					05/16/2022	2,4,5-TP	ND	0.0594	
05/16/2022	2,4,5-T	ND	0.0594		05/16/2022	2,4-DB	ND	0.0594	
05/16/2022	2,4-D	0.20 mg/kg	0.0594		05/16/2022	Clepyralid	ND	0.0594	
05/16/2022	Bromoxynil	ND	0.0594		05/16/2022	Dichlorprop	ND	0.0594	
05/16/2022	Dicamba	ND	0.0594		05/16/2022	MCPA	ND	0.0594	
05/16/2022	MCPA	ND	0.0594		05/16/2022	Quinclorac	ND	0.0594	
05/16/2022	Picloram	0.79 mg/kg	0.0594						
05/16/2022	Triclopyr	ND	0.0594						

**Notes and Definitions**

Notes	Definition
LOQ	Limit of Quantitation
ND	Not Detected
*	Not included under current scope of accreditation

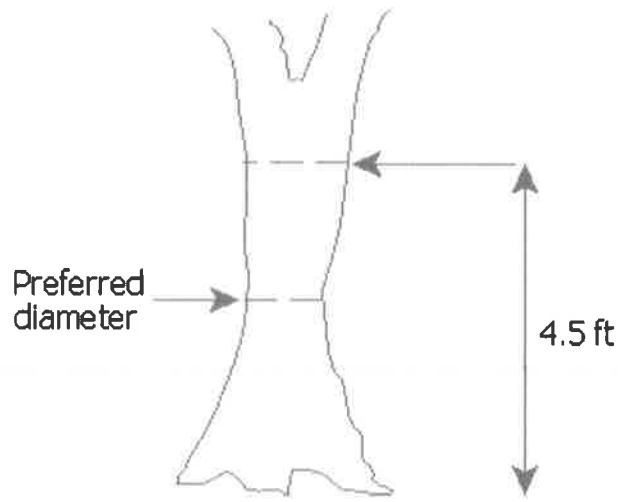
The results contained in this report relate only to the items tested.  
The results reflect the condition of the samples as received by PAL.  
Samples will be stored for a minimum of 60 days after the final report is issued, as described in our Quality Manual.  
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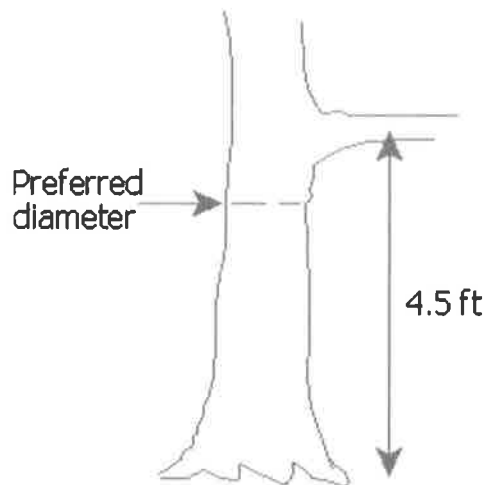
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Image 24. Lab analysis results of the Special-sized elm at 2440 Shannon Pl., SE (trunk plant tissue) (Mr. O'Neill erroneously identified the sample as "Sample 2". Mr. Biddle only collected one sample from Tree T2).

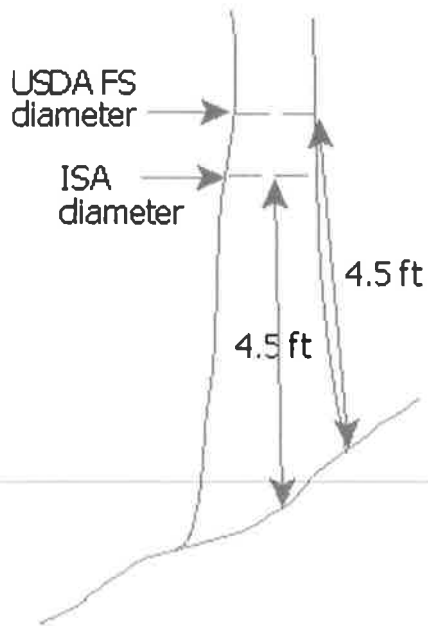
Appendix A—From the International Society of Arboriculture’s *Guidelines for Developing and Evaluating Tree Ordinances* (10/31/2001)



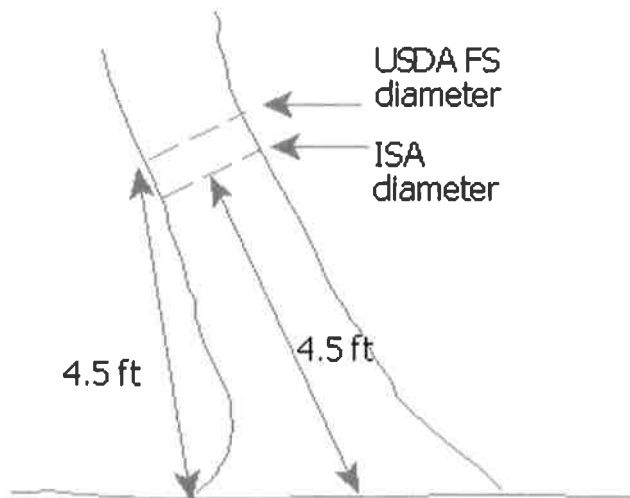
1. The tree tapers in such a way that the diameter at a point below 4.5 ft is actually smaller than the diameter at 4.5 ft. Measure diameter at the smallest point and record the height at which diameter was measured on the data sheet.



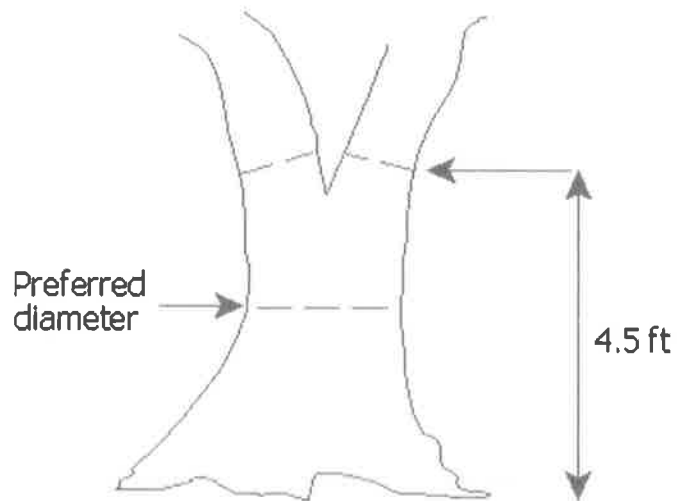
2. Tree has branches or bumps which interfere with DBH measurement. Measure DBH below the branch or bump. Some references say to measure a foot below the branching point, which assumes this point is the smallest diameter of the trunk below 4.5 ft. US Forest Service measures DBH immediately above point where bumps or branches cease to affect diameter of the stem. The underlying concept is to measure the diameter that would be closest to the expected DBH if branches or other irregularities were not present. Record the height at which the diameter measured.



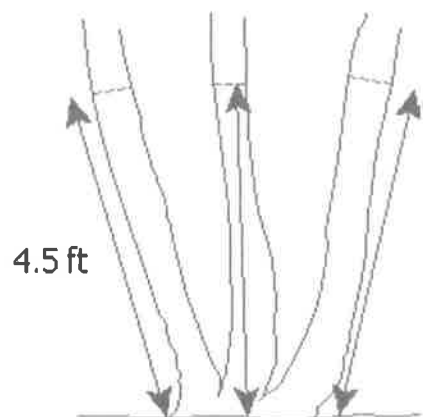
3. Vertically growing tree is on a slope. There are several commonly accepted ways to find the DBH height. Probably the easiest method is to measure diameter 4.5 ft from the ground on the upper side of the slope. This method is used by the US Forest Service. Some references (e.g., International Society of Arboriculture's Tree Appraisal Manual) say to measure 4.5 ft from the midpoint of the trunk along the slope. However, finding the location of the trunk midpoint is probably subject to more error than finding the upper side of the trunk, so the USFS method is likely to be more repeatable than the ISA method.



4. Tree leans. There are several commonly accepted ways to find the DBH height. The US Forest Service measures 4.5 ft up the stem in the direction of the lean. Some references (e.g., ISA) say to measure 4.5 ft from the midpoint of the lean. As noted under 3 above, the USFS method is probably less prone to error and more readily repeatable by different observers.



5. Tree forks below DBH or near DBH. The measurement is recorded at the narrowest part of the main stem below the fork. The height of the DBH measurement and the fork should be noted (e.g., 3 ft diameter @ 2 ft [Forks @ 4 ft]).



6. Tree splits into several trunks close to ground level. Measure DBH of each trunk separately, using the principals shown in categories 1-5 above. The DBH for the tree is found by taking the square root of the sum of all squared stem DBHs.