

**AGREEMENT UNDER S.23 OF O.REG. 242/08 MADE UNDER THE
ENDANGERED SPECIES ACT, 2007**

FILE #: KV-231-001-10

THIS AGREEMENT made in duplicate as of April 29/2010

BETWEEN:

HER MAJESTY THE QUEEN in right of Ontario as represented
by the Minister of Natural Resources

(the "Minister")

AND:

THE CORPORATION OF THE CITY OF OTTAWA

(the "Developer")

WHEREAS subsections 9(1) and 10(1) of the *Endangered Species Act, 2007* prohibit certain activities with respect to a species that is listed on the SARO List as an extirpated, endangered or threatened species;

AND WHEREAS section 23 of Ontario Regulation 242/08 provides that clause 9(1)(a) and subsection 10(1) of the Act do not apply to a person who is carrying out an undertaking authorized through certain development processes if the person complies with an agreement entered into between the person and the Minister;

AND WHEREAS the Developer is building a road extension that is an undertaking authorized before June 30, 2008 under the Municipal Class Environmental Assessment approved under the *Environmental Assessment Act* on October 4, 2000 and amended on February 14, 2005 to which section 23 of the Regulation applies;

AND WHEREAS the Minister is of the opinion that the Agreement requires the Developer to take reasonable steps to minimize adverse effects on the Species specified herein;

AND WHEREAS the Minister is of the opinion that if the Agreement is complied with, the development activities will not jeopardize the survival or recovery of the Species specified herein in Ontario;

AND WHEREAS the Minister is of the opinion that the Agreement does not conflict with any obligation of the Minister to ensure the implementation of any action under subsection 11(9) of the Act that is in existence on the Effective Date;

NOW THEREFORE the Minister and the Developer agree as follows:

**ARTICLE 1
DEFINITIONS and GENERAL PROVISIONS**

Access to this public document is restricted for legitimate scientific and environmental protection purposes only. Although we wish to promote the protection of the South March Highlands, we also need to protect the species-at-risk from those who would exploit or destroy them – including developers, poachers, and certain staff members within the municipality of Ottawa and the provincial government who have been co-opted by the process of unsustainable development in the SMH.

You may obtain a full copy of this document by forwarding this document to Paul Renaud (paul@renaud.ca) with a brief explanation of who you are and why you need to access it. Provided that your reasons are consistent with the purposes above, instructions on how to obtain this document will then be provided to you.

Accredited researchers, registered field naturalists, and registered members of the South March Highlands – Carp River Conservation Inc., will have no difficulty in obtaining access to these materials.