

THIS AGREEMENT made this day of , 2010

BETWEEN:

THE GOVERNMENT OF PRINCE EDWARD ISLAND, as represented by
the Minister of Transportation and Infrastructure Renewal,

(hereinafter referred to as the "Minister")

OF THE FIRST PART

AND:

THE GOVERNMENT OF PRINCE EDWARD ISLAND, as represented by
the Minister of Environment, Energy and Forestry,

(hereinafter referred to as the "Environment Minister")

OF THE SECOND PART

AND:

DUCKS UNLIMITED CANADA, a body corporate duly incorporated under
the laws of Canada, a corporation with headquarters in Stonewall,
Manitoba;

(hereinafter referred to as the "Ducks Unlimited Canada")

OF THE THIRD PART

WHEREAS the Minister is the owner in fee simple of the property identified as
property number 878918 lying and being at DeGros Marsh, Lot or Township No. Fifty Five
(55), Kings County, Province of Prince Edward Island, and more particularly described in
Schedule "A" attached herein (hereinafter referred to as the "property");

AND WHEREAS the Environment Minister is responsible for management and care
of the property;

AND WHEREAS the property referred to as Number 878918 above is subject to two
Restrictive Covenants between the Government of Prince Edward Island and Ducks
Unlimited Canada, the first dated the 9th day of December, A.D. 1997, and registered in the
Office of the Registrar of Deeds for Kings County, on the 11th day of December, A.D. 1997,
in Book 366, Page 41, as Document Number 2311, and the second dated the 1st day of
March, A.D. 2000, and registered in the Office of the Registrar of Deeds for Kings County,
on the 1st day of March, A.D. 2000, in Book 421, Page 1, as Document Number 425;

AND WHEREAS the Environment Minister seeks to enter into an agreement with
the Minister in order that the Environment Minister may designate the property as a Natural
Area pursuant to clause 3(1)(a) of the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap.
N-2;

AND WHEREAS Ducks Unlimited Canada is in agreement with the property being
designated as a Natural Area pursuant to clause 3(1)(a) of the *Natural Areas Protection
Act*, R.S.P.E.I. 1988, Cap. N-2;

AND WHEREAS the Minister is desirous of having the land managed in accordance
with the management plan attached and marked as Schedule "B";

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

In consideration of the mutual covenants and the mutual developments to be
derived herein;

SCHEDULE "A"

PROVINCIAL PROPERTY # 878918

Parcel 1

ALL THAT PARCEL OF LAND situate, lying and being on lot or township no. 54, in Kings County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING on the north shore of Mosquito Creek, in the division line between Townships Numbers 54 and 55;

THENCE northwestwardly along said north shore of Mosquito Creek and northeastwardly along the southern shore of the Marsh known as North Marsh or Crooked Creek, to the said division line;

THENCE south along the division line to the place of commencement.

CONTAINING 14 acres of land, a little more or less.

BEING the lands described in a deed from the Estate of Joseph J. MacLellan to Joseph Bennett MacLellan dated the 22nd day of July, A.D. 1980 and registered in the Kings County Registry Office on the 3rd day of October, A.D. 1980 as Document no. 1459, Liber 144, Folio 78.

Parcel 2

ALL THAT PARCEL OF LAND situate, lying and being on lot or township no. 55, in Kings County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point located in the northern boundary of Mosquito Creek where the same meets the division line of township numbers 54 and 55;

THENCE in a northwardly direction along the said division line of township numbers 54 and 55 for a distance of 1700 feet or to a point located 50 feet north of a stream;

THENCE in a northeastwardly direction and maintaining a distance of 50 feet north of the said stream to a point located in the western boundary of land now or lately in possession of Ernie and Joy Fitzpatrick (formerly in possession of Donald Walker);

THENCE in a southwardly direction along the western boundary of land now or lately in possession of Ernie and Joy Fitzpatrick for a distance of 2000 feet, a little more or less, to Mosquito Creek, aforesaid;

THENCE westwardly along said Creek to the point at the place of commencement.

CONTAINING 26 acres of land, a little more or less.

BEING and intended to be a portion of the lands conveyed by Joseph Bennett MacLellan to Orville MacDonald and Margaret MacDonald by deed of conveyance dated June 5, 1996 and registered in the Kings County Registry Office on June 13, 1996, in Book 332, at page 50, as Document No. 1091.

Parcel 3

ALL THAT PARCEL OF LAND situate, lying and being on lot or township no. 55, in Kings County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point located two thousand three hundred and thirty feet (2230) south of Route 311 on the western boundary of other lands now or formerly in the possession of the grantor being PID # 167635.

THENCE East parallel to Route 311 a distance of 670 feet or to lands now or formerly in the possession of Bernard and Dianne Nabuurs.

THENCE South along the western boundary of said Nabuurs property to Mosquito Creek.

THENCE West to other lands of the said grantor as above described and being Parcel 2.

THENCE North following the eastern boundary of Parcel 2 as above described to the point or place of commencement.

CONTAINING by estimation 27 acres of land, a little more or less.

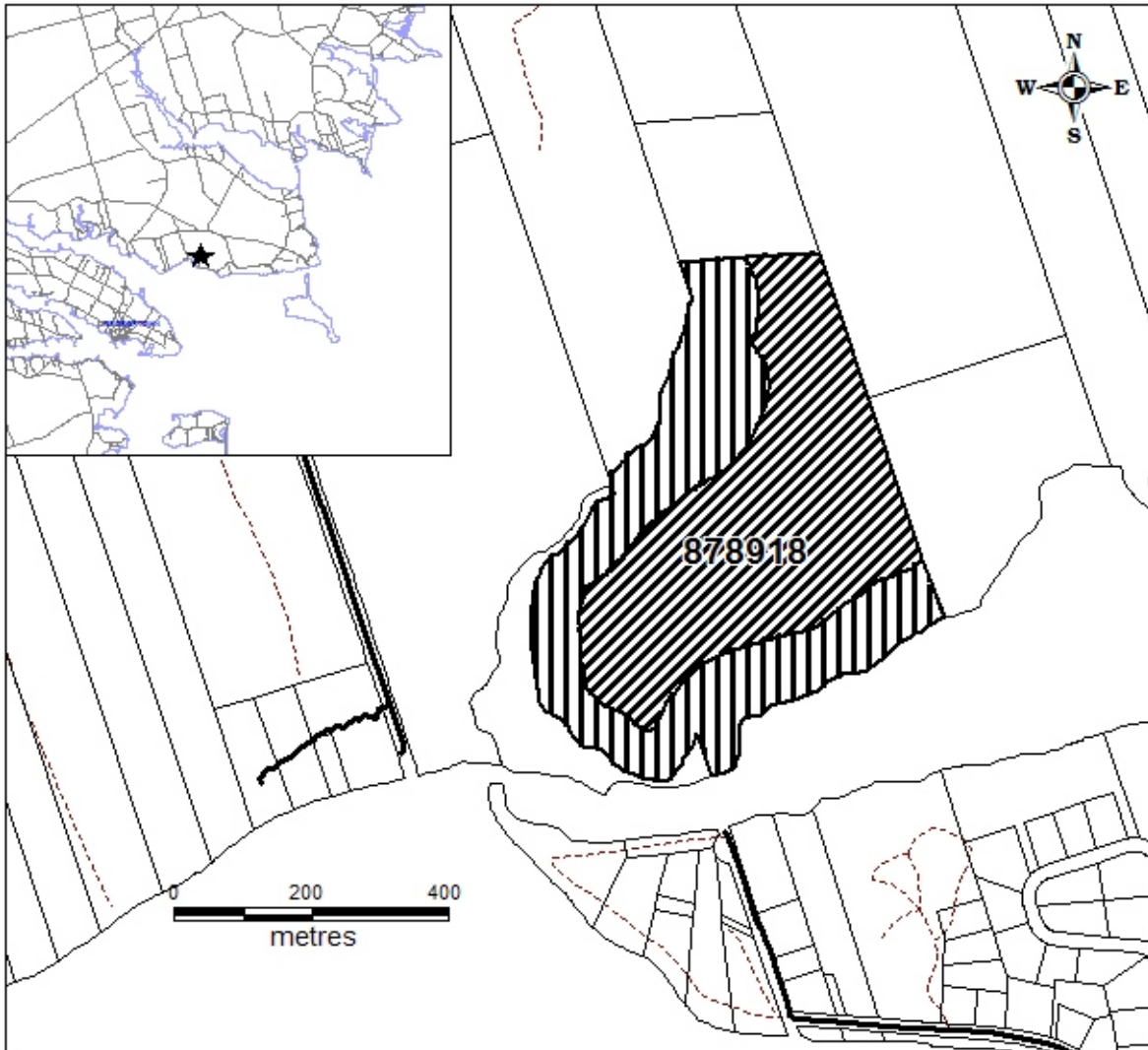
TOGETHER with the use of a 30 foot right-of-way in favour of Parcel 3, located along the western boundary of property now or formerly in the possession of Bernard and Dianne Nabuurs, from the southern boundary of Route 311, to the northern boundary of lands herein described.

ABOVE described right-of-way, being partially described in a Deed of Conveyance from Ernie Fitzpatrick to Orville and Margaret MacDonald dated the 4th day of March, 1999, and registered in the Queens County Registry Office in Book 396, Page 45, as Document # 484.

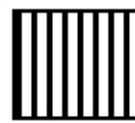
Further being illustrated on the appended map Schedule "A1".

Schedule "A1"

Degros Marsh Salt Marsh Natural Area
Property# 878918



THIS MAP IS A GRAPHICAL REPRESENTATION. IT IS NOT INTENDED TO BE USED TO CALCULATE EXACT DIMENSIONS OR AREAS. IT MAY NOT BE FREE FROM ERROR OR OMISSION BUT CARE HAS BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY.



Core Area



Buffer Area



Property Location

**SCHEDULE “B”
DEGROS MARSH SALT MARSH NATURAL AREA**

DEFINITIONS

Natural Area has the meaning as set out in the *Natural Areas Protection Act*. It includes both Property Core, and if present, Property Buffer.

Property Core Area or Core means that area containing the primary feature, the salt marsh, which is the principal reason for protection of the Natural Area and its associated habitats, and is identified in North to South lines on the attached map.

Property Buffer Area or Buffer means the area of the property surrounding and/or adjacent to the Core, and is identified in diagonal lines running Northeast to Southwest on the attached map.

Property Area or Site Area means the total area within the boundaries of the property as set out in Schedule “A” and consists of both the Property Core Area, and if present, the Property Buffer Area.

Total Site Area is the collective site area of all properties identified for designation under the *Natural Areas Protection Act*, making up the entire DeGros Marsh Salt Marsh Candidate Natural Area.

S-rank is a code which identifies the species and community rarity or conservation status at a sub-national (provincial) scale. In this document:

S1 means - **Extremely rare**, may be especially vulnerable to extirpation (typically 5 or fewer occurrences or very few remaining individuals);

S2 means - **Rare**, may be vulnerable to extirpation due to rarity or other factors (6 to 20 occurrences or few remaining individuals);

S3 means - **Uncommon**, or found only in a restricted range, even if abundant at some locations (21 to 100 occurrences);

SE - **Exotic**, an exotic established in the province (e.g., Purple Loosestrife or Coltsfoot); may be native in nearby regions;

SNA - **Not Applicable**, a species that is not a suitable target for conservation activities.

Note: The species and community S-rank codes are developed by Provincial, Federal and Atlantic Canada Conservation Data Centres experts and the data is maintained at the Atlantic Canada Conservation Data Centre. These experts establish the S-ranks based on the best available knowledge which includes the number of occurrences as well as other data.

**DEGROS MARSH SALT MARSH NATURAL AREA
MANAGEMENT PRINCIPLES**

All Natural Areas will be managed in accordance with the following principles:

1. The core of such areas will be protected and managed to perpetuate or improve the natural features for which they are recognized.
2. Development will be restricted to those activities which accommodate uses yet recognize the need for protection. This will include educational promotion while ensuring the health and safety of those visiting the site.
3. Use of the area will be in keeping with the protection of the natural features for which the site was recognized.
4. A minimum non-development buffer of 60 metres will be incorporated as part of a natural area where appropriate and when opportune and managed accordingly.
5. Existing development which does not conform to the other management principles will be tolerated. All new development must conform with these principles.
6. Activities such as hunting, trapping, fishing and berry picking are permitted subject to the conditions and restrictions set out herein and all other applicable legislation.

MANAGEMENT GUIDELINES

DeGros Marsh is recognized for its salt marsh and mud flats exposed at low tide. The area is extensively used by wildlife.

Site management will be for the protection of the salt marsh and associated plants and animals, while permitting educational and recreational use of the area.

Natural Area Management Plan

SITE:	DeGros Marsh Salt Marsh Natural Area
CLASS:	Educational
PROPERTY NUMBER:	878918
PROPERTY OWNER:	Government of Prince Edward Island
DESIGNATION DATE:	<i>Natural Areas Protection Act</i> - _____, 2010
EXISTING USE:	Salt Marsh
PROPOSED USE:	Natural Area
PROPERTY AREA:	27.1 ha (67.0 ac)
SITE AREA:	27.1 ha (67.0 ac)
PROPERTY CORE AREA:	12.8 ha (31.6 ac)
PROPERTY BUFFER AREA:	14.3 ha (35.3 ac)
TOTAL SITE AREA:	38.9 ha (96.1 ac)
MANAGING AGENCY:	P.E.I. Department of Environment, Energy and Forestry (Forests, Fish and Wildlife Division) and other such parties as may be determined through agreement.

DESCRIPTION:

DeGros Marsh supports typical salt marsh wildlife, including waterfowl, and is important for fish and plant species. There is also shorebird use in the area.

GOALS:

Site management should ensure preservation of the salt marsh and conservation of associated plants and animals. It should also promote the educational and recreation uses of the area.

OBJECTIVES:

To preserve the area in its current state and promote the understanding of salt marshes through education.

MANAGING ACTIVITIES:

The following are general managing activities:

1. Property boundary lines may be determined and delineated.
2. The area will be monitored on a regular basis to ensure that no illegal activity is occurring and to gather information.
3. Interpretive information on the natural area may be prepared and made available for the public.

Prohibitions are specified in NAPA regulations. The following managing activities are exceptions to the regulations and, unless specified, they apply to both core and buffer.

4. Signs may be erected to identify the area as a natural area.
5. Inventory work which allows for specimen and/or data collection for educational and scientific purposes including but not limited to:
 - (i) Collection of plants with S1, S2 or S3 in their sub-national rarity ranks (S-rank) listing with the Atlantic Canada Conservation Data Centre shall only occur in the amount of a maximum of one individual collected for every 20 individuals found;
 - (ii) Collection of animals for educational and scientific purposes shall be in accordance with Provincial and Federal legislation.
6. Plants with SE or SNA in their S-rank listing with the Atlantic Canada Conservation Data Centre may be manually cut, mulched, or removed as biologically appropriate.
7. Activities flowing from the restrictive covenant with Ducks Unlimited Canada are permissible with appropriate watercourse alteration permits.
8. Vehicular traffic will be restricted to areas designated for that purpose (e.g. for forest management in the buffer).
9. Interpretive information on the natural area may be prepared and made available for the public.
10. Wildfires will be actively fought both inside and outside the natural area.
11. The forest in the buffer may be managed in accordance with a management plan approved by the managing agency with provisions that treatments do not damage the salt marsh.

SCHEDULE "C"

ORDER OF DESIGNATION OF CROWN LAND AS A NATURAL AREA

WHEREAS pursuant to the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap.N-2 S 3(1)(a), I am empowered to designate any area of Crown land as a Natural Area;

AND WHEREAS the area of Crown land identified by property number 878918, lying and being at DeGros Marsh, Lot or Township Number Fifty Five (55), Kings County, Province of Prince Edward Island, and more particularly described in Schedule "A" attached hereto has been identified as an area which merits protecting and preserving;

AND WHEREAS the Crown landowner, the Minister of Transportation and Infrastructure Renewal, is in agreement with the said lands being designated as a Natural Area and is desirous of having the land managed in accordance with the management plan attached and marked as Schedule "B";

AND WHEREAS I have published the required notice and considered public representations as required by *Natural Areas Protection Act* clause 3(4);

I THEREFORE HEREBY ORDER that Crown lands identified as property number 878918, lying and being at DeGros Marsh, Lot or Township Number Fifty Five (55), in Kings County, Province of Prince Edward Island, and more particularly described in Schedule "A" attached herein is designated as a Natural Area.

DATED this day of , 2010.

WITNESS

Richard E. Brown
Minister
Department of Environment, Energy and
Forestry