

## **“BY INDICTMENT”**

This is the information of Marko Goluz, a peace officer (the “informant”) of Environment Canada. The informant says that he has reasonable and probable grounds to believe and does believe that:

### **Count 1**

Donald Ender Waite and Damon Scott Calderwood, on or about June 11, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 6(a) of the Migratory Birds Regulations by unlawfully disturbing a nest or nest shelter of a migratory bird, namely, a Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section (13)(1)(a) of the Migratory Birds Convention Act, 1994.

### **Count 2**

Donald Ender Waite and Damon Scott Calderwood, on or about June 12, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 6(a) of the Migratory Birds Regulations by unlawfully disturbing a nest or nest shelter of a migratory bird, namely, a Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section (13)(1)(a) of the Migratory Birds Convention Act, 1994.

### **Count 3**

Donald Ender Waite and Damon Scott Calderwood, on or about June 13, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 6(a) of the Migratory Birds Regulations by unlawfully disturbing a nest or nest shelter of a migratory bird, namely, a Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section (13)(1)(a) of the Migratory Birds Convention Act, 1994.

### **Count 4**

Donald Ender Waite and Damon Scott Calderwood, on or about June 11, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 32(1) of the Species at Risk Act by unlawfully harassing individuals of a wildlife species that is listed as an endangered species, namely the Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section 97(1)(a) of the Species at Risk Act.

### **Count 5**

Donald Ender Waite and Damon Scott Calderwood, on or about June 12, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 32(1) of the Species at Risk Act by unlawfully harassing individuals of a wildlife species that is listed as an endangered species, namely the Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section 97(1)(a) of the Species at Risk Act.

### **Count 6**

Donald Ender Waite and Damon Scott Calderwood, on or about June 13, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 32(1) of the Species at Risk Act by unlawfully harassing individuals of a wildlife species that is listed as an endangered species, namely the Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section 97(1)(a) of the Species at Risk Act.

### **Count 7**

Donald Ender Waite and Damon Scott Calderwood, on or about June 11, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 33 of the Species at Risk Act by unlawfully damaging the residence of a wildlife species that is listed as an endangered species, namely the Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section 97(1)(a) of the Species at Risk Act.

### **Count 8**

Donald Ender Waite and Damon Scott Calderwood, on or about June 12, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 33 of the Species at Risk Act by unlawfully damaging the residence of a wildlife species that is listed as an endangered species, namely the Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section 97(1)(a) of the Species at Risk Act.

### **Count 9**

Donald Ender Waite and Damon Scott Calderwood, on or about June 13, 2007, near the junction of Road 22 and Black Sage Road, between the municipalities of Osoyoos and Oliver, in the Province of British Columbia, contravened section 33 of the Species at Risk Act by unlawfully damaging the residence of a wildlife species that is listed as an endangered species, namely the Yellow-breasted Chat (*Icteria virens auricollis*) thereby committing an offence under section 97(1)(a) of the Species at Risk Act.