

2008 Manitoba Forage Assistance Program

Program Terms and Conditions

1. Purpose of the Program:

The purpose of this program is to provide assistance to Manitoba livestock producers who are short of hay, grain and straw due to drought/excess moisture conditions.

2. Definitions:

2.1. "Concentrated Feedstuffs" Concentrated feedstuffs include grain, pelleted screenings and complete feed rations that have been transported to provide feed to Eligible Animals. Other energy and protein Concentrated Feedstuffs will be considered for eligibility by a MAFRI expert committee. Concentrated Feedstuffs are eligible to the following geographical areas; namely the RM's of St. Laurent, Coldwell, Siglunes, Grahamdale, Fisher, Bifrost, Eriksdale, Armstrong, Gimli, Alonsa, Mossey River, Ethelbert, Mountain South and Lawrence, areas of Northern Affairs jurisdiction and the First Nations of Peguis, Fisher River, Lake Manitoba, Ebb and Flow, Sandy Bay, Little Saskatchewan, Lake St. Martin, Dauphin River, Kinonjeoshtegon, O-Chi-Chak-Ko-Sipi and Skownan, and Pinaymootang.

2.2 "Eligible Animals" Eligible livestock include the following animals: beef cattle, dairy cattle fed to produce beef, bison, elk, sheep, goats, deer, equine ranching and llamas that have been continuously owned by the applicant from August 1, 2008 until at least the time of application and are located in the province of Manitoba.

2.3 "Eligible Feed" Eligible feed is hay and straw and Concentrated Feedstuffs.

2.4 "Minister" means the Manitoba Minister of Agriculture, Food and Rural Initiatives.

2.5 "Program" means the Manitoba Forage Assistance Program, which in abbreviated form is known as "MFAP".

2.6 "Program Termination" means the end of the Program as set out in Section 8.

3. Eligible Applicants:

3.1 An Eligible Applicant is one who:

a) owned or leased the Eligible Animals as of August 1, 2008; and has continued to own or lease the Eligible Animals as of the date of application.

b) is liable to pay Manitoba income tax under the federal *Income Tax Act* or *The Income Tax Act* (Manitoba), or is specifically exempted from filing income tax but is a permanent resident of the Province of Manitoba.

3.2 Any of the following that meet the specifications of 3.1 may apply: individuals, partnerships, cooperatives, corporations and communes.

3.3 Research stations, universities and other government funded agencies are not eligible.

4. Application:

4.1 Eligible Applicants are required to submit a completed application in the prescribed form.

4.2 Application forms are to be completed by the Eligible Applicant with the assistance of an authorized Manitoba Agriculture, Food and Rural Initiatives (MAFRI) representative. The MAFRI representative is responsible for signing the form, thereby attesting that the information provided by the Eligible Applicant is complete and reasonable given the drought/excess moisture conditions in the area.

5. Signatures:

5.1 Designates of the Eligible Applicant are not permitted to sign the Program application or other Program documentation, unless they are a duly authorized power of attorney, proof of which is to be provided with the signed document.

5.2 In the case of corporations, partnerships, cooperatives and communes, the Program application and other Program documentation must be signed by a properly authorized person(s). If the person(s) who signs is not properly authorized to do so, they will be held personally liable. Proof of authorization may be required by Program administrators.

6. Verification of Information Provided by Applicant:

6.1 The Eligible Applicant agrees to supply to MAFRI, AAFC, MASC or their representative, on request, any relevant documentation requested to administer this program.

6.2 The Eligible Applicant agrees to on-site audits by MAFRI, AAFC or MASC at any time to verify program eligibility and to evaluate and enforce the provisions of this program.

7. Payments:

7.1 Subject to the termination provisions outlined in Section 8, and any pro-rating of payments that is required to stay within budget, the payment rate will be as follows:

- for straw -	\$0.20/metric tonne/loaded mile
- for hay -	\$0.15/metric tonne/loaded mile
- for concentrated feedstuffs	\$0.09/metric tonne/loaded mile
- for cows, bulls, bison, elk and equine ranching -	\$0.085/head/loaded mile
- for calves, feeder cattle, deer -	\$0.06/head/loaded mile
- for all other eligible animals -	\$0.04/head/loaded mile

Eligibility for other feedstuffs will be as deemed allowable by Manitoba's Representative. Distance that Eligible Feed and livestock has been transported must be a minimum of 25 miles (40 km) to a maximum of 300 miles (480 km). Distance that concentrated feedstuffs have been transported must be a minimum of 25 (40 km) to a maximum of 150 miles (240 km). Assistance is available under this program for transport of Eligible Feed and livestock that have been transported between August 1, 2008 and May 31, 2009.

Transport of animals that is considered to be a normal management practice of the producer will not be eligible for assistance under this program. This would include, for example, transport to community pastures, feed lots, auction marts and bull test stations.

7.2 Payments will be limited to the feed requirements from August 1, 2008 to May 31, 2009 of the number of Eligible Animals as determined by MAFRI.

7.3 Payments will be made on a final basis.

7.4 Program payments cannot be assigned.

7.5 Program payments cannot be deferred to a subsequent tax year.

7.6 Tax information slips required under the federal *Income Tax Act* will be issued in the name of the applicant.

7.7 Other amounts received from other government and non-government sources to cover transportation costs may be deducted from Program payments.

8. Termination of the Program:

8.1 The Minister may terminate the Program at any time, without prior notice to applicants, if:

a) the Government of the Province of Manitoba determines that the Program should not continue;

b) there are insufficient funds to continue the Program as contemplated.

8.2 The Program will terminate at the earlier of the date determined in Section 8.1 or June 30, 2009.

9. Assistance by the Eligible Applicant to Manitoba Agriculture, Food and Rural Initiatives (MAFRI) and Manitoba Agricultural Services Corporation (MASC) Staff Doing Verification of the Forage Assistance Program:

9.1 The owner or person in charge of a place where the animals and feed are kept shall give MAFRI staff all reasonable assistance to enable MAFRI/MASC staff to carry out their duties and shall furnish MAFRI/MASC staff with any information that may be reasonably required.

9.2 The Eligible Applicant will present the animals and feed in a manner and under such conditions as the MAFRI/MASC staff member considers necessary to carry out verification of the MFAP application.

9.3 The Eligible Applicant shall indemnify the Province of Manitoba and its appointed representatives against any loss, damage or award arising from any demand, claim or proceeding claiming for animals or personal injury (including death), accident or property damage occurring during the verification process by MAFRI/MASC staff.

10. Appeals:

An appeal process will be established by the Minister.

11. Refunds/Overpayments:

If it is determined that a Payment has been received in contravention of the Program eligibility requirements and/or the laws of the province of Manitoba and federal laws of Canada the portion of the Payment issued by each of Canada and Manitoba will be considered a debt to the respective Crowns. Eligible Applicants agree to refund to the Canada and the Province of Manitoba any payment received under this Program that is not in accordance with these Program Terms and Conditions, within 30 days of notice being provided to them. Failure to make such repayment creates a debt owing to the Crown in Right of Manitoba that can be set off against any money the Crown owes to the applicant. Interest on overpayments will be charged at an annual rate of 7.25%.

12. False or Misleading Information:

Eligible Applicants who provide false or misleading information under this Program forgo all rights to any Program benefit for which the Eligible Applicant would otherwise be eligible and are liable to repay all Program payments received, and may be subject to prosecution.

13. Ministerial Discretion:

The Minister has the absolute discretion to determine any payments under this Program notwithstanding the Program Terms and Conditions.

14. Debts to Government or Third Parties:

The Minister has the right to deduct from Program payments any amount due and owing to the Province of Manitoba or the Manitoba Agricultural Services Corporation.

15. No Liability:

The Eligible Applicant acknowledges that neither Agriculture and Agri-food Canada, the Province of Manitoba, MAFRI or MASC or its appointed Program administrators, are liable to the Eligible Applicant, the Eligible Applicant's heirs, administrators and assigns for personal injury, property damage, or any other damage, injury, claim or loss whatsoever arising out of this Program and the Eligible Applicant's participation in it.

16. Representations and Warranties:

16.1 The Eligible Applicant represents and warrants that the person signing is duly authorized to make this application, bind the Eligible Applicant, and, in the case of a partnership, bind the partners to these Program Terms and Conditions on the basis of joint liability.

17. Final Date for Applications

17.1 Applications must be submitted no later than June 30, 2009.