

*The
Intensive Livestock
Operation
Environmental
Rehabilitation
Program
Regulations*

being

[Chapter F-8.001 Reg 43](#) (effective August 12, 2011; expires March 31, 2015).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER F-8.001 REG 43
The Farm Financial Stability Act

Title

1 These regulations may be cited as *The Intensive Livestock Operation Environmental Rehabilitation Program Regulations*.

Interpretation

2 In these regulations:

- (a) **“Act”** means *The Farm Financial Stability Act*;
- (b) **“applicant”** means a livestock producer who applies for a program payment;
- (c) **“application”** means an application for a program payment made pursuant to section 8;
- (d) **“approved plan”** means a plan as defined in *The Agricultural Operations Act* that:
 - (i) is approved by the minister pursuant to that Act; and
 - (ii) sets out the manner in which the waste from an intensive livestock operation is to be managed or stored;
- (e) **“breeder association”** means:
 - (i) a bison breeder association within the meaning of *The Bison Breeder Associations Loan Guarantee Regulations*;
 - (ii) a cattle breeder association within the meaning of *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*; or
 - (iii) a sheep breeder association within the meaning of *The Sheep Breeder Associations Loan Guarantee Regulations*;
- (f) **“custom feeder”** means a person who has entered into a contract with the owner of livestock that are the subject of an application to care and feed for those livestock;
- (g) **“eligible applicant”** means an eligible applicant as described in section 5;
- (h) **“eligible expenditures”** means the expenditures set out in section 10;
- (i) **“eligible project”** means a project undertaken by an eligible application that complies with the requirements of section 6;
- (j) **“feeder association”** means:
 - (i) a bison feeder association within the meaning of *The Bison Feeder Associations Loan Guarantee Regulations*;

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- (ii) a cattle feeder association within the meaning of *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*; or
- (iii) a sheep feeder association within the meaning of *The Sheep Feeder Associations Loan Guarantee Regulations*;
- (k) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (l) **“intensive livestock operation”** means an intensive livestock operation as defined in *The Agricultural Operations Act*;
- (m) **“livestock producer”** means:
 - (i) an individual who:
 - (A) is 18 years of age or older;
 - (B) resides in Saskatchewan and can provide evidence satisfactory to the minister of the individual’s Saskatchewan residence; and
 - (C) is the owner or custom feeder of the livestock that are the subject of an application;
 - (ii) a corporation and its subsidiaries, a co-operative, a partnership or a communal organization that:
 - (A) in the minister’s opinion, carries on business principally in Saskatchewan; and
 - (B) is the owner or custom feeder of the livestock that are the subject of an application; or
 - (iii) an Indian band:
 - (A) whose reserve land is in Saskatchewan; and
 - (B) that is the owner or custom feeder of the livestock that are the subject of an application;
- (n) **“other governmental assistance”** means any rebates, grants or other financial assistance, including in-kind contributions, received from the Government of Canada, the Government of Saskatchewan or any municipal government respecting eligible expenditures or an eligible project;
- (o) **“owner”**, with respect to livestock, means a person who is:
 - (i) the owner of the livestock;
 - (ii) the lessee of the livestock;
 - (iii) a member of a breeder association, who has a breeder contract with the breeder association with respect to the livestock; or
 - (iv) a member of a feeder association, who has a feeder contract with the feeder association with respect to the livestock;
- (p) **“program”** means the Intensive Livestock Operation Environmental Rehabilitation Program established pursuant to section 3;

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(q) “**program payment**” means a payment made to an eligible applicant pursuant to the program;

(r) “**reserve land**” means reserve land within the meaning of the *Indian Act* (Canada).

19 Aug 2011 cF-8.001 Reg 43 s2.

Program established

3(1) The Intensive Livestock Operation Environmental Rehabilitation Program is established.

(2) The purpose of the program is to provide financial assistance to intensive livestock producers to rehabilitate outdoor pens and manure storage and containment systems.

19 Aug 2011 cF-8.001 Reg 43 s3.

Minister to administer program

4(1) The minister shall administer the program.

(2) For the purpose of administering the program, the minister may:

- (a) exercise the powers given to the minister pursuant to the Act; and
- (b) do any other thing that the minister considers necessary to administer the program.

(3) Without limiting the generality of subsection (2), for the purpose of administering the program, the minister may:

- (a) enter into any agreement that the minister considers advisable with any person, agency, organization, association, institution or body; and
- (b) undertake research, conduct studies and provide information to agricultural producers, eligible applicants or persons who, in the minister’s opinion, may become eligible applicants in relation to eligible projects or the program.

19 Aug 2011 cF-8.001 Reg 43 s4.

Eligible applicants

5(1) A person is eligible to apply for a program payment if:

- (a) the person is a livestock producer that operates an intensive livestock operation with an approved plan;
- (b) in the case of an individual, partnership, corporation, co-operative, communal organization or Indian band, the individual, partnership, corporation, co-operative, communal organization, or Indian band filed or will file an income tax return respecting farm income in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made, that shows or will show to the satisfaction of the minister that a substantial portion of the individual’s, partnership’s, corporation’s, co-operative’s, communal organization’s or Indian band’s income was derived from farm income in Saskatchewan; and

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- (c) in the case of an individual, partnership or corporation, the individual, each partner of the partnership or the corporation filed or will file an income tax return respecting farm income from livestock operations in Saskatchewan for the year preceding the year for which an application is made.
- (2) Notwithstanding subsection (1):
- (a) no agency of the Government of Saskatchewan or Government of Canada is eligible to apply for a program payment; and
- (b) no person who owns or operates a research station that is funded in whole or in part by a government mentioned in clause (a) is eligible to apply for a program payment.

19 Aug 2011 cF-8.001 Reg 43 s5.

Eligible projects

6 For the purposes of these regulations, an eligible project is a project in Saskatchewan that:

- (a) is undertaken by an eligible applicant;
- (b) involves the rehabilitation of existing outdoor pens and manure storage and containment systems;
- (c) is commenced on or after June 1, 2010 and is completed on or before December 31, 2012;
- (d) is not eligible for funding pursuant to the Provincial Disaster Assistance Program established pursuant to *The Emergency Planning Act*;
- (e) complies with the other requirements of these regulations; and
- (f) is determined by the minister to be an eligible project.

19 Aug 2011 cF-8.001 Reg 43 s6.

Application for payment

7(1) An eligible applicant intending to receive a program payment must apply to the minister on an application form supplied by the minister.

- (2) On an application, the applicant must:
- (a) specify the type and number of livestock with respect to which the application is made;
- (b) confirm that the applicant is the owner or custom feeder of the livestock mentioned in clause (a);
- (c) identify the location of the proposed eligible project by including the legal land description and the rural municipality or Indian reserve in which the land is situated;
- (d) provide documentation that the minister may require to determine if the eligible applicant operates an intensive livestock operation with an approved plan;

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- (e) declare that no other application for a program payment has been made or is to be made respecting the same eligible project; and
 - (f) provide the minister with any additional information that the minister may reasonably require to determine the applicant's eligibility, or project's eligibility, for a program payment.
- (3) If an applicant is a corporation or a subsidiary of a corporation or is a co-operative, a partnership, a communal organization or an Indian band, the minister may, for the purposes of verifying residency and compliance with these regulations, require the applicant to provide the names of the shareholders, partners, members or other individuals, as the case may be, who are associated with the applicant.

19 Aug 2011 cF-8.001 Reg 43 s7.

Application deadline

8(1) In this section, “**application deadline date**” means:

- (a) March 31, 2012; or
 - (b) a date not later than May 1, 2012 that is specified by the minister if, in the opinion of the minister, the later date is necessary to fulfil the purposes of the program.
- (2) If the minister specifies a later date pursuant to clause (1)(b), the minister shall cause that date to be made public in any manner that the minister considers appropriate, including posting the date on the website of the ministry over which the minister presides.
- (3) Subject to subsection (4), an application for a program payment pursuant to these regulations must be received by the minister or, in the case of an application that is mailed, be postmarked, on or before the application deadline date.
- (4) The minister may consider an application that is postmarked after the application deadline date if the minister is satisfied that extenuating circumstances exist making it unreasonable or impossible for the application to have been postmarked on or before that date.

19 Aug 2011 cF-8.001 Reg 43 s8.

Approval of application

9 Subject to section 14, on receipt of an application made by an eligible applicant, the minister may approve the eligible project if the minister is satisfied that:

- (a) the applicant is an eligible applicant;
- (b) the project is an eligible project;
- (c) the eligible applicant has complied with these regulations; and
- (d) there are sufficient moneys to fund the application.

19 Aug 2011 cF-8.001 Reg 43 s9.

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Eligible expenditures

10(1) Subject to subsection (3) and sections 12 and 14, the minister may approve as eligible expenditures any of the expenditures mentioned in subsection (2), if the minister is satisfied that those expenditures were incurred by an eligible applicant for an eligible project.

(2) For the purposes of subsection (1), the following are the expenditures that may be approved:

- (a) charges related to materials and construction required to rehabilitate the clay base and concrete pads of livestock pens;
- (b) costs related to trucking or hauling the clay mentioned in clause (a) to livestock pens;
- (c) charges related to materials and construction required to rehabilitate manure storage systems and secondary manure containment systems;
- (d) costs related to excavating, hauling, placement and compaction of clay to rebuild the clay base of existing outdoor livestock pens and earthen manure storage and containment systems;
- (e) costs related to any engineering and geotechnical work associated with the project;
- (f) costs related to the reconstruction of corrals, fencing, watering systems and feed bunks in clay based pens damaged by excess moisture;
- (g) any other costs that the minister is satisfied are specifically required for the execution of the eligible project.

(3) The following are not eligible to be approved as eligible expenditures:

- (a) costs related to normal operations and maintenance of livestock pens;
- (b) taxes;
- (c) costs of items or of services that the minister is satisfied are not specifically required for the execution of the eligible project;
- (d) any other expenditures that the minister determines are ineligible.

19 Aug 2011 cF-8.001 Reg 43 s10.

Claim for program payments

11(1) To make a claim for a program payment, the following information must be submitted to the minister:

- (a) a claim in a form provided by the minister for all eligible expenditures that have been paid for the eligible project;
- (b) a copy of all receipts, invoices, bills or other documents, in a form satisfactory to the minister, with respect to the eligible expenditures that state:
 - (i) the date the expenditure was incurred;
 - (ii) the date payment was made;

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- (iii) the amount of taxes paid;
 - (iv) a detailed description of the expenditure; and
 - (v) information that identifies the applicant and the eligible project;
- (c) evidence satisfactory to the minister respecting any in-kind services were provided and evidence satisfactory to the minister to demonstrate that the rates for in-kind claimed are justified;
- (d) a declaration satisfactory to the minister setting out any other governmental assistance received by the eligible applicant with respect to the eligible project.
- (2) The minister may require an eligible applicant to supply the minister with any additional information that the minister may reasonably require to evaluate the claim or ensure compliance with these regulations, including original receipts for costs claimed.
- (3) No eligible applicant shall supply any false or misleading information to the minister on any application form or in response to any request for information from the minister.
- (4) An eligible applicant shall provide the minister with any changes to the information on any application form as soon as possible after that information changes.
- (5) An eligible applicant shall allow the minister or any person designated by the minister to inspect:
- (a) the eligible project that is the subject of the application; and
 - (b) any records, whether or not at the same location as the eligible project mentioned in clause (a), that the minister considers necessary or relevant to evaluate the claim or ensure compliance with these regulations.

19 Aug 2011 cF-8.001 Reg 43 s11.

Program payments

12(1) For the purposes of this section, “**related to**” means, with respect to an eligible applicant, to be:

- (a) an affiliate, a subsidiary or an associate, within the meaning of *The Business Corporations Act*, of the eligible applicant;
 - (b) another person who, within the meaning of *The Business Corporations Act*, controls the eligible applicant; or
 - (c) a partner of the eligible applicant.
- (2) Subject to subsections (3) and (4), if the minister is satisfied that an eligible applicant has complied with these regulations and has provided the minister with any information that the minister may reasonably require, the minister may make a program payment to the eligible applicant respecting the eligible project that is the subject of the application.

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- (3) Subject to subsection (4), the amount of a program payment to an eligible applicant for an eligible project is not to exceed 75% of the eligible expenditures for the eligible project less any other governmental assistance.
- (4) The maximum amount of program payments that may be paid to an eligible applicant and to persons related to the eligible applicant is \$250,000.
- (5) If an eligible applicant fails to comply with these regulations, the minister may deny the claim for a program payment.
- (6) If the minister denies a claim for a program payment, the minister shall notify the applicant in writing.

19 Aug 2011 cF-8.001 Reg 43 s12.

Overpayments

13(1) The minister may declare all or any portion of a program payment made to an eligible applicant pursuant to these regulations to be an overpayment if the minister is satisfied that:

- (a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
 - (b) the applicant has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or
 - (c) the applicant has failed to comply with these regulations.
- (2) If the minister declares all or any portion of a program payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

19 Aug 2011 cF-8.001 Reg 43 s13.

Termination if moneys fully utilized

14(1) Notwithstanding any other provision of these regulations, if the minister determines that moneys available for the purposes of the program have been fully allocated, the minister may refuse to approve any application and the applicant is not eligible to receive any program payment with respect to that application.

- (2) If the minister makes a determination pursuant to subsection (1), the minister may cause the effective date of the determination:
- (a) to be posted on the Internet website of the ministry over which the minister presides; and
 - (b) to be made public in any other manner that the minister considers appropriate.

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- (3) The effective date of the determination may be an earlier date than the date on which the minister makes public the effective date of the determination.
- (4) The program is terminated on the effective date of the determination as made public by the minister.

19 Aug 2011 cF-8.001 Reg 43 s14.

Coming into force

- 15(1)** These regulations come into force on the day on which they are filed with the Registrar of Regulations.
- (2) These regulations expire on March 31, 2015.

19 Aug 2011 cF-8.001 Reg 43 s15.

