

The Wildlife Damage Compensation Program Regulations

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Chapter F-8.001 Reg 33 (effective September 12, 2007).

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 33
The Farm Financial Stability Act

Title

- 1** These regulations may be cited as *The Wildlife Damage Compensation Program Regulations*.

Interpretation

- 2(1)** In these regulations:

- (a) **“account”** means the Wildlife Damage Compensation Account established in the fund pursuant to section 4;
 - (b) **“Act”** means *The Farm Financial Stability Act*;
 - (c) **“commercial agricultural products”** means annual seeded field crops, perennial field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees, leafcutter bee shelters, honey bees and honey bee hives;
 - (d) **“corporation”** means the corporation appointed pursuant to section 5 to administer the program and the account;
 - (e) **“crop year”** means the period commencing on August 1 in one year and ending on July 31 in the following year;
 - (f) **“forecast market value”** means the price set by the corporation at the beginning of any crop year for each grade of commercial agricultural product based on the expected market price for that grade of commercial agricultural product for that crop year;
 - (g) **“honey bee hive”** includes associated equipment and brood;
 - (h) **“leafcutter bee shelter”** includes associated equipment and larvae;
 - (i) **“producer”** means a producer of commercial agricultural products;
 - (j) **“program”** means the Wildlife Damage Compensation Program established pursuant to section 3;
 - (k) **“wildlife”** means ducks, geese, sandhill cranes, white-tailed deer, mule deer, antelope, elk, moose, bison or bear, that have not been held in captivity.
- (2)** For the purposes of Part IV of the Act:
- (a) commercial agricultural products are prescribed as commodities; and
 - (b) producers of commercial agricultural products are prescribed as producers.

Program established

3 The Wildlife Damage Compensation Program is established pursuant to subsection 22(1) of the Act.

21 Sep 2007 cF-8.001 Reg 33 s3.

Account established

4(1) The Wildlife Damage Compensation Account is established in the fund for the purpose of administering the program pursuant to clause 24(2)(a) of the Act.

(2) The Minister of Finance is authorized to deposit into the account:

(a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and

(b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.

(3) The Minister of Finance is authorized to make loans out of the general revenue fund to the corporation, to be deposited into the account, for the purposes of the program.

(4) The account consists of:

(a) all contributions mentioned in subsection (2);

(b) all loans mentioned in subsection (3);

(c) all other contributions from the Government of Canada that are directed to the account for the purposes of the program;

(d) all other moneys appropriated by the Legislature for the purposes of the program;

(e) all moneys received from the minister responsible for the administration of *The Wildlife Act, 1997* for the purposes of the program;

(f) all earnings on investments of the account; and

(g) all moneys donated to the account for the purposes of the program.

(5) All compensation payable to producers in accordance with these regulations is to be paid from the account.

21 Sep 2007 cF-8.001 Reg 33 s4.

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Corporation appointed

5(1) The Saskatchewan Crop Insurance Corporation is appointed, pursuant to clause 26(1)(b) of the Act, to:

- (a) administer the program; and
- (b) administer the account for the purposes of the program.

(2) For the purpose of administering the program and the account, the corporation has:

- (a) all the powers given to it pursuant to *The Crop Insurance Act*; and
- (b) any other power necessary to administer the program and the account.

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

- (a) appoint or engage any professional and technical personnel that may be required and determine their salaries and other remuneration;
- (b) employ any officers and other employees that the corporation considers necessary for its purposes;
- (c) make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;
- (d) police and audit program compliance;
- (e) enter into any agreement with any person, agency, organization, association, institution or body that the corporation considers advisable;
- (f) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
- (g) use any moneys received in the account to make payments to producers pursuant to the program;
- (h) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
- (i) dispose of any investment made pursuant to clause (h), subject to the terms of the investment, in any manner, on any terms and in any amount that the corporation considers advisable.

Producer eligible for compensation

6 A producer is eligible for compensation in accordance with these regulations for losses to commercial agricultural products resulting from damage caused by wildlife.

21 Sep 2007 cF-8.001 Reg 33 s6.

Determination of loss

7 The corporation, after inspecting the damaged commercial agricultural product before it is harvested, shall determine the loss eligible for compensation by estimating:

- (a) in the case of annual seeded field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees and honey bees, the harvestable production lost as a result of the damage caused by wildlife;
- (b) in the case of perennial field crops:
 - (i) the cost of replacing the plants damaged by wildlife if the plants are completely destroyed; or
 - (ii) an amount based on the damage by wildlife to the plants if the plants are not completely destroyed;
- (c) in the case of leafcutter bee shelters damaged by wildlife, the cost of repairing or replacing those shelters;
- (d) in the case of honey bee hives damaged by wildlife, the cost of replacing those hives; or
- (e) in the case of annual seeded field crops contaminated by the excreta of wildlife, the cost of cleaning the crops to remove the excreta.

21 Sep 2007 cF-8.001 Reg 33 s7.

Determination of compensation

8(1) Subject to subsections (4) and (6), in the case of damage to annual seeded field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees and honey bees, the corporation shall pay to the producer 80% of the loss estimated pursuant to clause 7(a), calculated by the corporation based on:

- (a) the grade of that commercial agricultural product, as determined by the corporation, at the time the damage is adjusted; and
- (b) the forecast market value of the grade of that commercial agricultural product for the crop year in which the loss occurred.

(2) Subject to subsections (4) and (6), in the case of damage to perennial field crops, the corporation shall pay to the producer 80% of the loss estimated pursuant to clause 7(b).

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(3) Subject to subsection (6), in the case of damage to leafcutter bee shelters or honey bee hives, the corporation shall pay to the producer 80% of the loss estimated pursuant to clause 7(c) or 7(d), as the case may be.

(4) An amount payable by the corporation pursuant to subsection (1) or (2) may be reduced by an amount the corporation considers appropriate if, in the corporation's opinion, it is agronomically feasible to produce another crop of that commercial agricultural product in the same growing season on the area damaged by wildlife.

(5) Subject to subsection (6), in the case of harvested field crops contaminated by wildlife excreta, the corporation shall pay to the producer 80% of the cost, as determined by the corporation, of cleaning to remove the excreta pursuant to clause 7(e).

(6) No payment shall be made for a commercial agricultural product pursuant to this section if, in the opinion of the corporation, the amount of compensation is less than \$100 for that commercial agricultural product.

21 Sep 2007 cF-8.001 Reg 33 s8.

Restrictions on payment

9 The corporation shall not make any payment pursuant to section 8 if, in the corporation's opinion:

- (a) any portion of the damaged commercial agricultural product is harvested before an inspection by the corporation;
- (b) the producer has not made every reasonable effort to harvest the commercial agricultural product to avoid winter damage by wildlife;
- (c) the producer has not made every reasonable effort to utilize prevention measures offered by the department within the meaning of *The Environmental Management and Protection Act, 2002*, and all other reasonable prevention measures, to control damage caused by wildlife to the commercial agricultural products;
- (d) a payment has been made in the same crop year under the unseeded acreage provisions of *The Crop Insurance Regulations* with respect to the same acres for which compensation for damage to the commercial agricultural products is requested;
- (e) the commercial agricultural products have been seeded too late to be reasonably expected to mature; or
- (f) in the case of damage to leafcutter bees, leafcutter bee shelters, honey bees or honey bee hives caused by bear ravaging, private insurance is available to cover those losses, whether the producer has purchased that insurance or not.

21 Sep 2007 cF-8.001 Reg 33 s9.

No payment if access by hunters has been unduly restricted

10(1) The corporation shall not make any payment pursuant to section 8 if access to the land by hunters licensed pursuant to *The Wildlife Act, 1997* or the regulations made pursuant to that Act has been unduly restricted by the producer.

(2) A restriction on access is not undue if the intent of the restriction is to:

- (a) protect persons, buildings or property;
- (b) protect livestock in a manner consistent with the producer's normal livestock operations;
- (c) control or restrict vehicular travel; or
- (d) manage or limit the number of hunters.

21 Sep 2007 cF-8.001 Reg 33 s10.

Producer eligible for compensation

11 A producer is eligible for compensation in accordance with these regulations for losses to the following commodities resulting from damage caused by wildlife:

- (a) stacked hay;
- (b) silage bales;
- (c) honey or associated equipment and brood.

21 Sep 2007 cF-8.001 Reg 33 s11.

Determination of loss

12 The corporation, after inspecting the stacked hay, silage bales, or honey or associated equipment and brood damaged by wildlife, shall determine the loss eligible for compensation by estimating the volume of the stacked hay, silage bales, or honey or associated equipment and brood damaged by wildlife.

21 Sep 2007 cF-8.001 Reg 33 s12.

Determination of compensation

13(1) In this section, “**storage yard site**” means a site where stacked hay, silage bales or honey or associated equipment and brood is stored by a producer.

(2) If there is more than one storage yard site on a quarter-section of land or a river lot, the combination of storage yard sites on that quarter-section or river lot is deemed to be one storage yard site.

(3) Subject to subsection (4), the corporation shall pay to the producer 80% of the loss estimated pursuant to section 12 at a price that reflects the value of the damaged commodity, as determined by the corporation, to a maximum of \$5,200 per storage yard site.

(4) No payment shall be made pursuant to this section if, in the opinion of the corporation, the amount of compensation is less than \$100 per storage yard site.

21 Sep 2007 cF-8.001 Reg 33 s13.

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Restrictions on payment

14 The corporation shall not make any payment pursuant to section 13 if:

- (a) the producer has not made every reasonable effort to utilize prevention measures offered by the department within the meaning of *The Environmental Management and Protection Act, 2002*, and all other reasonable prevention measures, to control damage caused by wildlife to stacked hay, silage bales, or honey or associated equipment and brood; or
- (b) in the case of damage to honey or associated equipment and brood caused by bear ravaging, private insurance is available to cover those losses, whether the producer has purchased that insurance or not.

21 Sep 2007 cF-8.001 Reg 33 s14.

Application for compensation

15 A producer who is eligible for compensation pursuant to these regulations and who wishes to obtain compensation shall:

- (a) apply to the corporation on a form provided by the corporation and within a period determined by the corporation;
- (b) solemnly declare that the contents of the form mentioned in clause (a) are true; and
- (c) at the time the application is submitted or at any subsequent time, supply the corporation with any information the corporation may require in order to determine the producer's eligibility for compensation.

21 Sep 2007 cF-8.001 Reg 33 s15.

Reconsideration and revision by corporation

16(1) Within 30 days after a determination by the corporation pursuant to these regulations, an applicant may request, in writing, that the corporation reconsider the determination.

(2) If the corporation receives a request pursuant to subsection (1), the corporation shall reconsider the determination and may confirm, reverse or vary that determination.

(3) Nothing in these regulations entitles an applicant to a hearing before the corporation.

(4) Subject to subsection (5), the corporation may revise a determination of compensation made pursuant to these regulations:

- (a) after reinspecting the damaged commercial agricultural product to which the determination relates; or
- (b) after receiving information that the initial determination was incorrect.

(5) The corporation must complete any revision of a determination made pursuant to these regulations within six years after the last day of the crop year with respect to which the determination relates.

21 Sep 2007 cF-8.001 Reg 33 s16.

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Fiscal year

17 The fiscal year of the program and the account is the fiscal year of the corporation.

21 Sep 2007 cF-8.001 Reg 33 s17.

Annual report

18 The corporation shall report on the activities of the program and the account in its annual report prepared pursuant to *The Crop Insurance Act*.

21 Sep 2007 cF-8.001 Reg 33 s18.

R.R.S. c.F-8.001 Reg 7 repealed

19 *The Big Game Damage Compensation Program Regulations* are repealed.

21 Sep 2007 cF-8.001 Reg 33 s19.

R.R.S. c.F-8.001 Reg 9 repealed

20 *The Waterfowl Damage Compensation Program Regulations* are repealed.

21 Sep 2007 cF-8.001 Reg 33 s20.

Transitional

21(1) In this section:

- (a) **“Big Game Damage Compensation Account”** means the Big Game Damage Compensation Account that was established pursuant to *The Big Game Damage Compensation Program Regulations*, as those regulations existed on the day before the coming into force of these regulations;
 - (b) **“Waterfowl Damage Compensation Account”** means the Waterfowl Damage Compensation Account that was established pursuant to *The Waterfowl Damage Compensation Program Regulations*, as those regulations existed on the day before the coming into force of these regulations.
- (2) On the coming into force of these regulations:
- (a) all assets and liabilities, as at the day these regulations come into force, of the Big Game Damage Compensation Account and the Waterfowl Damage Compensation Account are transferred to and become the assets and liabilities of the account; and
 - (b) any action or proceeding by or against the Big Game Damage Compensation Account and the Waterfowl Damage Compensation Account may be continued, commenced or brought by or against the account.

21 Sep 2007 cF-8.001 Reg 33 s21.

Coming into force

22 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

21 Sep 2007 cF-8.001 Reg 33 s22.