

## SCHEDULE A

### 2021 CANADA - BRITISH COLUMBIA FLOOD RECOVERY PROGRAM for FOOD SECURITY

#### TERMS AND CONDITIONS

##### 1. PURPOSE:

To provide financial assistance to agricultural producers in the southwest, southeast, central and northwest areas of British Columbia and Vancouver Island who were affected by flooding and landslides from November 14-16, 2021, which will help them deal with the associated Extraordinary Costs.

##### 2. DEFINITIONS:

- 2.1 **Acceptable Documentation** means receipts or documentation which in the Program Administrator's sole discretion proves eligibility for the Payment.
- 2.2 **Applicant** means a person or entity that has applied under the Program.
- 2.3 **BC Minister** means the British Columbia Minister of Agriculture & Food, and their duly authorized representatives.
- 2.4 **Breeding Livestock** are Eligible Livestock that are:
- Females with offspring at side or pregnant. For greater certainty, their offspring are not eligible as Breeding Livestock;
  - Females kept with the intention of breeding, milking or laying;
  - Males of reproductive age used for reproduction.
- 2.5 **Category 1 Farm** means an Eligible Applicant:
- with yearly gross revenues as reported on the most recent tax year prior to the Flood event, for income tax purposes of at least \$10,000 but not more than \$2 million;
  - employing not more than the equivalent of 20 full-time employees; and,
  - an owner-operated enterprise where the individual owner-operator is acting as a day-to-day manager and owns at least 50% of the business.
- 2.6 **Category 2 Farm** means an Eligible Applicant that is not a Category 1 Farm as defined in Section 2.5 of these Terms and Conditions.
- 2.7 **Designated Area** means the Regional Districts in the Province which have been identified by Emergency Management British Columbia ("EMBC") as impacted by Flooding and as indicated on the reference map in Schedule A of these Terms and Conditions. [Disaster Financial Assistance for local communities - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov2/industry/food_agriculture/food_security/Disaster_Financial_Assistance_for_local_communities_-_Province_of_British_Columbia_(gov.bc.ca))
- 2.8 **Eligible Applicant** means a person or entity that has applied under the Program and meets the conditions set out in Section 3 of these Terms and Conditions.
- 2.9 **Eligible Livestock** are domestic ungulates, poultry or bees owned or leased by an Eligible Applicant as of November 1, 2021.

- 2.10 **Eligible Farm Production Equipment** means equipment essential to the operation of an Eligible Applicants' farm.
- 2.11 **Eligible Farm Structure** means a structure in use that is essential to the operation of an Eligible Applicants farm (e.g. wells, barns, ditches, drain tiles, retaining walls).
- 2.12 **Extraordinary Costs** means costs that in the sole discretion of the Program Administrator are considered to be directly related to the impacts of Flooding and are beyond normal operational costs incurred by the Eligible Applicant.
- 2.13 **Feed Available** is the number of tons of hay or hay equivalent owned by the Eligible Applicant. It includes: hay and silage produced by the Eligible Applicant in 2021 and carried over from prior years, feed provided by Emergency Management BC or donated by any other party, any insurance payment for lost forage in 2021 and the amount of feed normally purchased in previous years. Feed Available does not include hay or hay equivalent that is deemed Lost Feed.
- 2.14 **Flooding** means the overland flooding in the Designated Area which resulted in the provincial state of emergency as declared by the Minister of Public Safety and Solicitor General, on November 17<sup>th</sup>, 2021.
- 2.15 **General Application Form** means the form that an Eligible Applicant, as described in Section 4 of these Terms and Conditions, must complete to be considered for eligibility to the Program.
- 2.16 **Loss Schedule** means the form that must be completed for each Payment type described in Section 6 of these Terms and Conditions, which an Eligible Applicant is claiming for.
- 2.17 **Lost Feed** means hay, grain or hay equivalent that has been damaged, lost or destroyed by Flooding that an Eligible Applicant had available for feeding their Breeding Livestock.
- 2.18 **Market Livestock** means Eligible Livestock raised for the purpose of sale, with an intention not to breed.
- 2.19 **Market Asset** means a plant which is raised to be sold and is not used for the production, reproduction or multiplication of products intended for sale.
- 2.20 **Marketing Delay** means the Eligible Applicant experiences a extraordinary delay in the ability to market their Market Livestock as a direct result of Flooding (e.g. transportation unavailable, processor unable to accept product)
- 2.21 **On-farm Accommodation** means a structure that is only used for the housing of employees that are essential to the operation of the farm. Employees occupying On-farm accommodation must not own any portion of the farm and must be full time employees of the Eligible Applicant while occupying the On-Farm Accommodation.
- 2.22 **Payment** means financial assistance paid to Eligible Applicants as stipulated in Section 6 of these Terms and Conditions.
- 2.23 **Productive Asset** means a perennial plant that is used for the production, reproductive or multiplication of an agricultural commodity.
- 2.24 **Program** means the 2021 Canada-British Columbia Flood Recovery Program for Food Security.

- 2.25 **Program Administrator** is the Business Risk Management Branch (BRMB) of the British Columbia Ministry of Agriculture & Food.
- 2.26 **Receipted Costs** means documentation which demonstrates goods or services were purchased or sold or provided in-kind.
- 2.27 **Uninsurable** means third party (e.g. commercial insurance) or Production Insurance is unavailable or not readily available for overland flood, water damage, and water seepage.

### 3. ELIGIBILITY:

- 3.1 An Eligible Applicant is an agricultural producer who has been impacted by the provincial state of emergency for Flooding in 2021, has applied to the Program, and
- is a taxable entity (e.g. individual, corporation or trust), limited partnership, commune, cooperative, or First Nation Band;
  - has their main farmstead in British Columbia and files farm income tax (T1 General including form T2042 or T1273 and T2 if incorporated) or is a producer who leases land in British Columbia for the purpose of overwintering bees and receives the necessary inspections and permits from the British Columbia government;
- 3.1.1 For Applicants that are not required to file farm income tax, Acceptable Documentation that demonstrates the production and sale of agricultural commodities must be provided;
- owned or leased crop production land or Eligible Livestock within the Designated Area as of November 14, 2021 and, if applying for losses to bees (Section 6.10), the Applicant must be duly registered under the *Animal Health Act* for British Columbia and must have a valid beekeeper producer number; and
  - is not a research station or government funded agency or institution.

### 4. APPLICATION PROCESS:

- 4.1 Applicants are required to sign and submit a General Application Form and the required supporting information requested on that form.
- For each payment type being applied for in Section 6, a separate Loss Schedule must be completed, signed, and accompanied by the required Acceptable Documentation.
- 4.2 No more than one application may be made per Applicant.
- It is the responsibility of the Eligible Applicant to ensure that no other application to the Program or related programs has been made in respect of the Payment types being applied for in Section 6.
  - A completed General Application must be received by the Program Administrator by August 31, 2022.
- 4.3 Unless otherwise specified in Section 6, Loss Schedule Payments Applicants are applying for must be received by the Program Administrator by August 31, 2022.
- Where the information provided on a Loss Schedule has changed, the Eligible Applicant

must submit a revised Loss Schedule by the revision deadline specified in Section 6 for each Payment type being applied for.

- 4.4 General Applications and Loss Schedules that are mailed will be accept by the Program Administrator as being received on time if the post mark indicates a date that is on or before the specified deadlines.

Applications may be delivered by:

Fax: 250 861-7490

Email: [AgriRecovery@gov.bc.ca](mailto:AgriRecovery@gov.bc.ca)

In person or mail to:

British Columbia Ministry of Agriculture & Food  
Business Risk Management Branch  
200 - 1690 Powick Rd  
Kelowna BC V1X 7G5

- 4.5 The Program Administrator may reject any application that is inaccurate or incomplete.

## 5. SIGNATURES:

- 5.1 Designates are not permitted to sign the General Application Form or other Program documentation on behalf of an individual, unless they are an attorney under a duly authorized power of attorney or an executor/executrix for that individual, proof of which is to be provided with the signed applications.
- 5.2 In the case of corporations, limited partnerships, cooperatives and communes, the General Application Form and other Program documentation must be signed by a properly authorized person with signing authority on behalf of the corporation, limited partnership, cooperative or commune. If the person who signs is not properly authorized to do so, that person will be deemed to have submitted the application in their personal capacity and will be responsible for all amounts paid to them or for any overpayments owed by them under this Program. Proof of authorization may be required by Program Administrator.
- 5.3 Applicants must sign a declaration confirming that they agree to these Program Terms and Conditions.

6. **PAYMENTS:** Subject to Sections 3 (Eligibility), 12 (Debts to Government or Third Parties), and 13 (Stacking of Assistance for Applicants), the Program will provide financial assistance to an Eligible Applicant based on the following Payment criteria

### 6.1 Flooding Clean-up

Where Flooding has resulted in the requirement to clean agricultural land or buildings owned or leased by an Eligible Applicant, one or more of the following assistance payments will be made for Extraordinary Costs incurred by the Eligible Applicant's on eligible Flooding Clean-up activities required for return to production:

- 6.1.1 on farm or casual labour Payment of \$25 per hour;
- 6.1.2 where owned or borrowed equipment is employed a Payment equal to:
- 90% of the rates listed in the Province of BC Equipment Rental Rate Guide will be made to a Category 1 Farm, or
  - 70% of the rates listed in the Province of BC Equipment Rental Rate Guide will be made to a Category 2 Farm; and/ or

- 6.1.3 an assistance payment equal to:
- a) 90% of the Receipted Costs for repairs will be made to a Category 1 Farm, or
  - b) 70% of the Receipted Costs for repairs will be made to a Category 2 Farm.
- 6.1.4 Eligible flooding clean-up activities include those activities that are necessary to return to production, including but not limited to the following:

| <b>Land Repairation Clean-up</b>   | <b>Agricultural Building Clean-up</b>   | <b>General Clean-up</b>   |
|--|---|---|
| <ul style="list-style-type: none"> <li>- Leveling</li> <li>- Debris removal</li> <li>- Soil testing</li> </ul> | <ul style="list-style-type: none"> <li>- Preparation for flood clean-up (drying)</li> <li>- Removal of contaminated materials</li> <li>- Disinfection</li> <li>- Veterinarian assessment</li> </ul> | <ul style="list-style-type: none"> <li>- Carcass Disposal</li> <li>- Dead plant removal</li> <li>- Dead plant disposal</li> <li>- Slurry pit clean-up</li> <li>- Spoiled feed removal</li> <li>- Environmental assessment and clean-up</li> </ul> |

- 6.1.5 Expenses claimed for Payment under Section 6.1.1, 6.1.2 and 6.1.3 will be evaluated for reasonableness by the Program Administrator based on area averages and required clean-up practices.
- 6.1.6 Where the total amount claimed under Sections 6.1 and 6.2 with respect to a specific item, facility or area of land exceeds its pre-Flooding market value, the sum of Payments made under Sections 6.1 and 6.2 with respect to that item, facility or area of land will be limited to 90% of its pre-Flooding market value for a Category 1 Farm or 70% of its pre-Flooding market value for Category 2 Farm.
- 6.1.7 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.1 changes, an Applicant must provide a revised Loss Schedule to the Program Administrator on or before December 1, 2023, unless the Program Administrator is provided Acceptable Documentation demonstrating why the Flooding Clean-up was unable to be completed by this date, then the completion date will be moved to December 31, 2024

## **6.2 Repair of Uninsurable Farm Structure and Farm Production Equipment**

Where due to Flood damage an Eligible Applicant has or will incur Extraordinary Costs to remove or repair Uninsurable Eligible Farm Structures and Uninsurable Eligible Farm Production Equipment on land that they lease or own and the removal or repair is required for the Eligible Applicant's return to production, an assistance payment equal to:

- 6.2.1 on farm or casual labour Payment of \$25 per hour;
- 6.2.2 where owned or borrowed equipment is employed a Payment equal to:
- a) 90% of the rates listed in the Province of BC Equipment Rental Rate Guide will be made to a Category 1 Farm, or
  - b) 70% of the rates listed in the Province of BC Equipment Rental Rate Guide will be made to a Category 2 Farm; and/ or
- 6.2.3 an assistance payment equal to:
- a) 90% of the Receipted Costs for repairs will be made to a Category 1 Farm, or

b) 70% of the Receipted Costs for repairs will be made to a Category 2 Farm.

6.2.4 Payment will only be made on Receipted Costs for removal and repairs completed before December 1, 2023.

6.2.5 For the purposes of Payment under Section 6.2, Eligible Farm Structures and Eligible Farm Production Equipment include, but are not limited to the following and additional structures and equipment at the discretion of the Program Administrator:

| <b>Eligible Farm Structures</b>   | <b>Eligible Farm Production Equipment</b>   |
|---|---|
| <ul style="list-style-type: none"><li>- Wells</li><li>- Barns</li><li>- Access road</li><li>- Ditches</li><li>- Drain tiles</li><li>- Retaining walls</li></ul> | <ul style="list-style-type: none"><li>- Irrigation</li><li>- Milking equipment</li><li>- Pumps</li><li>- Fans</li><li>- Power poles</li></ul> |

6.2.6 On-farm Accommodations and facilities provided by the Eligible Applicant to farm employees may be considered Eligible Farm Structures for the purposes of Payment under Section 6.2 if the Eligible Applicant can provide sufficient evidence to demonstrate to the Program Administrator that the employee on-farm accommodations or facilities, or portion thereof, are essential to the operation of the Eligible Applicant's farm.

6.2.7 The Eligible Applicant must be able to provide proof of Uninsurability of Eligible Farm Structures and Eligible Farm Production Equipment. The Program Administrator reserves the right to decline Payments if inability to insure is not sufficiently established.

6.2.8 Where the cost of the repair is equal to or exceeds the pre-Flooding market value and the Eligible Farm Structure or Eligible Farm Production Equipment must be replaced, a Payment of up to 70% for Category 2 Farm or 90% for Category 1 Farm of the damaged or destroyed Farm Structure or Farm Production Equipment pre-Flooding market value will be made.

6.2.9 To be eligible for Payment under Section 6.2 for Uninsurable Farm Structures, Eligible Applicants may be required to submit quotations and receive a pre-approval from the Program Administrator for any work including the removal, repair, replacement or construction of the Farm Structures. Work relating to Farm Structures not pre-approved may not be eligible for Payment under Section 6.2.

6.2.10 The Program Administer may determine that a partial Payment of up to 50% of anticipated Receipted Costs may be made under Section 6.2 to an Eligible Applicant in advance of the Eligible Applicant incurring Receipted Costs with proof of Acceptable Documentation.

6.2.11 Where a partial Payment was made under Section 6.2.6 in advance of the Eligible Applicant incurring Receipted Costs, the Eligible Applicant must complete the removal or repair of the item for which the advanced payment was made by December 1, 2023. If the removal or repair has not been completed by this date, the Eligible Applicant will be deemed to be in non-compliance with these Terms and Conditions, and the assistance Payment provided for under Section 6.2 must be repaid to the Program as per Section 10.1.

6.2.12 As per Section 6.1.6, where the total amount claimed under Sections 6.1 and 6.2 with respect to a specific Farm Structure or Farm Production Equipment exceeds its pre-

Flooding market value, the sum of Payments made under Sections 6.1 and 6.2 with respect to that structure or equipment will be limited to 90% of its pre-Flooding market value for a Category 1 Farm or 70% of its pre-Flooding market value for a Category 2 Farm.

6.2.13 A revised Loss Schedule for payment under Section 6.2 can be submitted to the Program Administrator before or on December 1, 2023, unless the Program Administrator is provided Acceptable Documentation demonstrating why the removal or repair work was unable to be completed by this date, then the revised Loss Schedule can be submitted by December 1, 2024.

6.2.14 Acceptable Documentation of Receipted Costs must be submitted to the Program Administrator by December 1, 2023, unless the Program Administrator is provided Acceptable Documentation demonstrating why the removal or repair work was unable to be completed by this date, then the completion date will be moved to December 1, 2024.

### **6.3 Rental of Alternative Facility or Pasture**

Where Flooding has destroyed or made inoperable an owned or leased Eligible Farm Structure (e.g., greenhouse, milking facility or poultry facility) or pasture, and an Eligible Applicant incurs Extraordinary Costs to rent an alternate so production can be continued, an assistance payment equal to:

- a) 90% of the Receipted Costs for the alternate facility rental will be made to a Category 1 Farm, or
- b) 70% of the Receipted Costs for the alternate facility rental will be made to a Category 2 Farm.

6.3.1 Payment will only be made for Receipted Costs incurred before December 1, 2022.

6.3.2 Other situations where Eligible Applicants have incurred Extraordinary Costs due to the required rental of specialized alternative facilities may be considered for Payment (e.g., host animals, temporary foreign worker accommodation) where the Eligible Applicant can provide sufficient evidence to demonstrate to the Program Administrator that the specialized alternative facilities are essential to the operation of the Eligible Applicant's farm and where, with respect to on-farm employee accommodations or facilities, the accommodations or facilities were provided by the Eligible Applicant to farm employees.

6.3.3 The Program Administrator may determine that a partial Payment of up to 50% of anticipated Receipted Costs may be made under Section 6.3 to an Eligible Applicant in advance of the Eligible Applicant incurring Receipted Costs with proof of Acceptable Documentation.

6.3.3.1 Where a partial Payment was made under Section 6.3.3 in advance of the Eligible Applicant incurring Receipted Costs, the Eligible Applicant must rent the alternative facility or pasture the advanced payment was made in respect of by December 1, 2022. If the rental cost has not been incurred by this date, the Eligible Applicant will be deemed to be in non-compliance with these Terms and Conditions, and the assistance Payment provided for under Section 6.3 must be repaid to the Program as per Section 10.1.

6.3.4 A revised Loss Schedule for payment under Section 6.3 can be submitted to the Program Administrator before or on December 1, 2022.

6.3.5 Acceptable Documentation of Receipted Costs must be submitted to the Program Administrator by December 1, 2022.

#### 6.4 Extraordinary Transportation Costs

Where Flooding has damaged agricultural land or Eligible Farm Structures owned or leased by an Eligible Applicant and Extraordinary Costs are required to relocate Eligible Livestock, Feed Available, water, stored crop and crop inputs to a safe storage or production site an assistance payment equal to:

- a) 90% of the Receipted Costs for the relocation costs will be made to a Category 1 Farm, or
- b) 70% of the Receipted Costs for the relocation costs will be made to a Category 2 Farm.

6.4.1 Extraordinary Costs eligible for Payment under Section 6.4 include the costs of labour, handling and transportation. Extraordinary Cost for labour, handling and transportation will be limited to the rates as listed in the Province of BC Equipment Rental Rate Guide.

6.4.2 To be eligible for payment under 6.4, the initial relocation of Eligible Livestock, Feed Available, water, stored crop and crop inputs must have occurred between the removal date of the EMBC evacuation alert and December 1, 2022.

6.4.3 Receipted Costs for transportation to return Eligible Livestock, stored crop and crop inputs to the farm operation site used by the Eligible Applicant prior to the Flooding are also eligible for Payment under Section 6.4.

6.4.4 For greater clarity, if you have received Payment for feed under Section 6.5, you are not eligible for a Payment of the same feed under Section 6.4.

6.4.5 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.4 changes, an Applicant must provide a revised Loss Schedule to the Program Administer before or on December 1, 2022.

6.4.6 Acceptable Documentation of Receipted Costs must be submitted to the Program Administrator by December 1, 2022.

#### 6.5 Lost Feed for Breeding Livestock

Where Flooding has resulted in Lost Feed, requiring the Eligible Applicant to purchase additional feed to continue livestock production of their Breeding Livestock, an assistance payment calculated as follows will be made to assist the Eligible Applicant continue to feed their Breeding Livestock until no longer than June 1, 2022:

6.5.1  $\text{Payment} = (\text{Tonnes of Lost Feed for Breeding Livestock} \times \text{\$Regional Price for Hay/ton}) - \text{Applicable Third-Party Loss Payments/donations (e.g. Insurance)}$

| Region                           | Price for Hay/Ton for Category 1 | Price for Hay/Ton for Category 2 |
|----------------------------------|----------------------------------|----------------------------------|
| Fraser Valley / Vancouver Island | \$378                            | \$294                            |
| Central Interior                 | \$243                            | \$189                            |

6.5.2 If feed grain or mixed feed rations are required for Breeding Livestock, price per ton used to calculate assistance Payment amount will be determined by the Program Administrator.



- 6.5.3 If organic feed is required for Breeding Livestock, in order to maintain organic certification, Payment eligibility and the price per ton used to calculate assistance Payment amounts will be determined by Program Administrator (e.g., organic dairy).
- 6.5.4 If the Flooding has resulted in damaged or destroyed feed that was intended for both the Eligible Applicant's Market Livestock and Breeding Livestock, Payment eligibility and any assistance Payment amount will be determined at the discretion of the Program Administrator based on industry averages feeding and management practices. For clarity, Payments under Section 6.5 are not intended to assist Eligible Applicants with feeding Market Livestock.
- 6.5.5 The Program Administrator may conduct audits to ensure Eligible Applicants maintain Breeding Livestock receiving feed assistance under Section 6.5 for the entire duration of support provided.
- 6.5.6 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.5 changes, an Applicant must provide a revised Loss Schedule to the Program Administrator before or on August 31, 2022.

## **6.6 Feeding Due to Marketing Delay**

Where Flooding has caused a Marketing Delay resulting in an Eligible Applicant incurring Extraordinary Costs to feed Market Livestock and the number of days the marketing is delayed exceeds 10% of the normal production cycle, a payment will be made as follows:

- 6.6.1  $\text{Payment} = (\# \text{ of Market Livestock} \times \text{days delayed}) \times 70\%$  of daily feeding value as determined by proper animal feeding and management practices.
- 6.6.2 For clarity, where the duration of the Marketing Delay experienced by an Eligible Applicant is 10% or less of the duration of the normal production cycle for the Market Livestock experiencing a Marketing Delay, the Eligible Applicant is not eligible for Payment under Section 6.6.
- 6.6.3 Cattle less than 18 months of age are ineligible for Payment under Section 6.6.
- 6.6.4 Program Administrator will determine reasonability of an Eligible Applicant's reported Marketing Delay being incurred, based on industry averages feeding and management practices, where supporting Acceptable Documentation clearly proves an Extraordinary Cost has been incurred.
- 6.6.5 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.6 changes, an Applicant must provide a revised Loss Schedule to the Program Administrator before or on August 31, 2022.

## **6.7 Veterinary Costs**

Where an Eligible Applicant has incurred Extraordinary Costs for a licensed veterinarian to treat Eligible Livestock injured by Flooding or their movement away from Flooding, a payment equal to:

- a) 90% of the Receipted Costs will be made to a Category 1 Farm, or
  - b) 70% of the Receipted Costs will be made to a Category 2 Farm.
- 6.7.1 Payment will only be made on Receipted Costs for licensed veterinarian treatment beginning between November 14, 2021, and June 1, 2022.

- 6.7.2 The Extraordinary Costs eligible for Payment under Section 6.7 are limited to a maximum value of the animal to be determined by the Program Administrator. Any Extraordinary Cost in excess of the maximum value will be ineligible for Payment.
- 6.7.3 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.7 changes, an Applicant must provide a revised Loss Schedule to the Program Administer before or on August 31, 2022.
- 6.7.4 Acceptable Documentation of Receipted Costs must be submitted to the Program Administrator by August 31, 2022.

**6.8 Uninsurable Breeding Livestock Mortality**

Where injuries caused by Flooding or the movement away from Flooding, have resulted in the death or euthanasia of an Eligible Applicant's Uninsurable Breeding Livestock, an assistance payment will be calculated as follows:

- 6.8.1  $\text{Payment} = (\# \text{ of deceased Uninsurable Breeding Livestock by Class } \times \text{ Mortality Value per Head}) - \text{Applicable third-party loss Payment (e.g. Insurance)}$

| Eligible Livestock Type | Breeding Livestock by Class | Mortality Value per Head for Category 1 | Mortality Value per Head for Category 2 |
|-------------------------|-----------------------------|---|---|
| Beef                    | Bull                        | \$4,500.00                              | \$3,500.00                              |
|                         | Bred Cow                    | \$1,848.00                              | \$1,438.50                              |
|                         | Bred Heifer                 | \$1,848.00                              | \$1,438.50                              |
| Sheep                   | Ram                         | \$446.00                                | \$347.20                                |
|                         | Ewe                         | \$300.00                                | \$243.60                                |

- 6.8.2 Payment for Flooding caused mortality of Uninsurable Breeding Livestock not listed in the above table will be based a per head value determined by the Program Administrator.
- 6.8.3 Payment will only be made on Flooding mortality losses that occurred after November 14, 2021 and prior to January 31, 2022.
- 6.8.4 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.8 changes, an Applicant must provide a revised Loss Schedule to the Program Administer before or on August 31, 2022.

**6.9 Perennial Crops and Crop Land**

Where Flooding has killed perennial crop plants and damaged land on land owned or leased by an Eligible Applicant and Extraordinary Costs will be incurred to replant those crops and prepare the land for planting, one or more of the following assistance payments will be made:

- 6.9.1 a payment for preparing the land and the replanting of perennial crops which the Eligible Applicant intended to use as Productive Assets, calculated as follows:

$$\text{Payment} = (\# \text{ of acres dead by Productive Asset Crop Type } \times \text{ Value per Acre})$$

| Productive Asset Crop Type | Value per Acre |
|----------------------------|----------------|
|----------------------------|----------------|

|                              |   |
|------------------------------|---|
| Astilbe                      | \$59,250                                      |
| Blueberry                    | \$8,270                                       |
| Cranberry                    | \$13,955                                      |
| Daffodils                    | \$24,215                                      |
| Garlic                       | \$25,280                                      |
| Grapes                       | \$3,630                                       |
| Hemerocallis                 | \$63,700                                      |
| Hops                         | \$8,305                                       |
| Hostice                      | \$95,880                                      |
| Nursery Grasses (ornamental) | \$38,565                                      |
| Peony                        | \$70,860                                      |
| Perennial Forage             | \$880   |
| Raspberry                    | \$14,485                                      |
| Strawberries                 | \$6,245                                       |
| Tulips                       | \$43,385                                      |
| Other                        | To be determined by the Program Administrator |

6.9.1.1 For clarity, Flood killed crops which were intended to be used by the Eligible Applicant as Market Assets are not eligible for Payment under section 6.9.1.

6.9.2 a payment for preparing the land for replanting of annual forage or one of the below crops calculated as follows:

$$\text{Payment} = (\# \text{ of acres dead by Crop Type} \times \text{Value per Acre})$$

| Crop Type                   | Value per Acre                                |
|-----------------------------|---|
| Endive                      | \$70  |
| Silage Corn & Annual Forage | \$35  |
| Sod                         | \$9,785                                       |
| Vegetables                  | \$70  |
| Other                       | To be determined by the Program Administrator |

6.9.3 To be eligible for Payment under Section 6.9 the Eligible Applicant must:

6.9.3.1 provide Acceptable Documentation (e.g. photographs, maps) confirming the number of Flood killed acres; and

6.9.3.2 if requested, provide an opportunity for the Program Administrator to inspect and confirm the number of Flood destroyed acres or the tillage or herbicide application.

6.9.4 The Eligible Applicant must provide the Program Administrator five business days notice before commencing tillage or herbicide application on the acres being claimed for flood loss and, if requested, allow the Program Administer to inspect the area prior to commencing tillage or herbicide application.

6.9.5 Payment will only be made for perennial crops and crop land that is being put back into production.

- 6.9.6 Payments will be made in advance of replanting.
- 6.9.7 Preparing the land for replanting and the replanting of crops for which an assistance Payment was provided under Section 6.9 must be completed by December 31, 2023, unless the Program Administrator is provided Acceptable Documentation demonstrating that the plants are unavailable by this date, then the completion date will be moved to December 31, 2024. If the crop has not been replanted by the applicable date, the Eligible Applicant will be deemed to be in non-compliance with these Terms and Conditions, and the assistance Payment provided for that crop must be repaid to the Program as per Section 10.1.
- 6.9.8 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.9 changes, an Applicant must provide a revised Loss Schedule to the Program Administrator before or on Dec 1, 2023, unless the Program Administrator is provided Acceptable Documentation demonstrating why the replanting was unable to be completed by this date, then the completion date will be moved to December 1, 2024.

**6.10 Hives and Extraordinary Bee Mortality**

Where Flooding has destroyed an Eligible Applicant's owned hives and their associated colonies or, if a remaining hive and its associated colony has a bee mortality of greater than 30% an assistance payment will be made to assist the Eligible Applicant.

|                    | <b>Price for Category 1 Farms</b> | <b>Price for Category 2 Farms</b> |
|--------------------|-----------------------------------|-----------------------------------|
| Hives and Colonies | \$450                             | \$350                             |
| Colonies           | \$225                             | \$175                             |

- 6.10.1 Payment will only be made on the basis of Acceptable Documentation that evidences replacement of each hive and the associated colony or a replacement colony before December 1, 2022.
- 6.10.2 If requested, the Eligible Applicant must provide an opportunity for the Program Administer to inspect the hives. The inspection will confirm the number of colonies, the number of dead or unviable colonies and that management practices were adequate over the winter to provide a reasonable chance of survival.
- 6.10.3 If the information used to assess an Applicant's eligibility for or the amount of a Payment under Section 6.10 changes, an Applicant must provide a revised Loss Schedule to the Program Administer before or on December 1, 2022

**6.11** The Program Administrator has the sole discretion to determine eligibility, cause and validity of losses, establish values and to approve or limit Payments. For certainty, and without limiting the generality of the foregoing, the Program Administrator may impose limits on amounts otherwise payable under the Program where all claims made under the 2021 Canada-British Columbia Flooding Recovery Initiative exceed the amount of funds available.

**6.12** All Payments are subject to the following conditions:

- 6.12.1 Payments will only be made when it exceeds \$250.00.
- 6.12.2 Payments will be limited to a maximum of \$3 million for the Eligible Applicant.
- 6.12.3 Payments can be made to the Eligible Applicant in multiple instalments.
- 6.12.4 Payments will be reduced if losses:

- 6.12.4.1 are not considered Extraordinary Costs;
- 6.12.4.2 are covered by insurance or a third-party loss Payment (e.g. Disaster Funding Assistance, EMBC) the Eligible Applicant receives or is entitled to; or
- 6.12.5 Payments where Insurance was deemed available will be denied by the Program.
- 6.12.6 Cashing a Program Payment cheque by an Eligible Applicant indicates satisfaction with the calculation of the Payment.
- 6.12.7 Tax information slips required under the Income Tax Act (Canada) will be issued in the name of the Eligible Applicant.
- 6.12.8 Payments will be considered as allowable income, except for payments under Sections 6.1, 6.2 and 6.3 which are non-allowable income, for the purposes of the AgriStability program in the program year only.
- 6.12.9 Program payments will not be considered allowable income for the calculation of reference margins under the AgriStability program.
- 6.12.10 Payments will not be considered allowable revenue for the purposes of the AgriInvest program.
- 6.12.11 Flooding losses may be inspected by the Program Administrator prior to Payment being issued.

## **7. TERMINATION OF THE PROGRAM:**

The Program may be terminated or amended by British Columbia or Canada at any time, without prior notice.

## **8. VERIFICATION AND DECLARATIONS:**

- 8.1 The Eligible Applicant agrees to supply the Program Administrator and Agriculture and Agri-Food Canada, on request, with all documentation or information required to verify, administer the Program.
- 8.2 The Eligible Applicant agrees to provide access, on request, to its documents and all information related to the Program to the Program Administrator and Agriculture and Agri-Food Canada for the purposes of Program audits and evaluation.
- 8.3 The Eligible Applicant agrees to provide access, at any reasonable hour and on request, to its premises, excluding a place, or part of a place, used exclusively for residential purposes, to the Program Administrator and Agriculture and Agri-Food Canada for the purposes of Program audits and evaluation.
- 8.4 The Applicant expressly authorizes the Program Administrator to obtain information from any provincial or federal government department, agency or third Party for the purposes of verifying the contents of the General Application or any Loss Schedule or any other information provided by the Applicant under this Program.
- 8.5 The Applicant consents to the Program Administrator releasing any information provided by the Applicant or obtained as outlined in Section 8.4 to any provincial or federal government department, agency or Third Party for the purposes of verifying information provided in the

General Application, or Loss Schedules, or determining the Applicant's eligibility for the Program.

## **9. WAIVER OF LIABILITY:**

The Applicant acknowledges that, Canada, the Province of British Columbia, Agriculture and Agri-Food Canada and British Columbia Ministry of Agriculture & Food, and their officers, servants or agents are not liable to the Applicant, the 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 Applicant's participation in it.

## **10. REFUNDS/OVERPAYMENTS:**

10.1 If it is determined by the Program Administrator, that a payment to the Applicant under the Program was in contravention of these Terms and Conditions, it will be considered as a debt owing by the Applicant for at least one of the reasons below. Then the BC Minister may require the person to repay some or the entire over payment back to the Program. Until it is repaid, the amount of the payment or overpayment will be considered to be a debt owing by the Applicant to Canada and British Columbia (as represented by the Business Risk Management Branch (BRMB) of the British Columbia Ministry of Agriculture & Food).

10.1.1 The Applicant was not an Eligible Applicant;

10.1.2 The Applicant's losses are not considered to be Extraordinary Costs;

10.1.3 The Applicant's losses are considered to be Extraordinary Costs but are not eligible for Payment under section 6 of the Program;

10.1.4 The Applicant was overpaid by the Program;

10.1.5 The Applicant has not complied with the Terms and Conditions of the Program; or

10.1.6 The Applicant provided false or misleading information in the application.

10.2 The Applicant agrees to refund any overpayments received from the Program back to British Columbia within 30 days of notice being provided to them by the Program Administrator. The Applicant's failure to refund such payment by that deadline may result in the debt for that amount being set off against money owed by British Columbia Ministry of Agriculture to the Applicant. Interest charges for unpaid amounts will be compounded monthly based on current bank lending rates and will be added to any debt not repaid by the prescribed deadline.

## **11. FALSE OR MISLEADING INFORMATION:**

Applicants who provide false or misleading information to the Program Administrator for the purposes of the Program forego all rights to Program payments, are liable to repay all Program payments they have received and may be subject to prosecution.

## **12. DEBTS TO GOVERNMENT OR THIRD PARTIES:**

The BC Minister has the right to deduct from Program payments any amount due and owing by the Applicant to British Columbia.

## **13. STACKING OF ASSISTANCE FOR APPLICANTS:**

- 13.1 The Eligible Applicant agrees, on request by the Program Administrator, to disclose other sources of financial assistance from, but not limited to, the federal, provincial, or municipal governments in respect of the Purpose of this Program, as described in Section 1.
- 13.2 If payment is made under this Program, the Program Administrator is subrogated to the Eligible Applicant's rights concerning payment from, but not limited to, the federal, provincial, or municipal governments in respect of the Purpose of this Program.
- 13.3 Payments received, including but not limited to, from the Provincial and Federal Compensation, Disaster Financial Assistance Regulation or Commercial Insurance will be deducted from the applicable Program Payments.

#### **14. REPRESENTATIONS AND WARRANTIES:**

The Applicant represents and warrants that the person signing the Program application and other Program documents is duly authorized to bind the Applicant and, in the case of a partnership, bind the partners to these Terms and Conditions on the basis of joint and several liabilities.

#### **15. APPEALS:**

- 15.1 The Program Administrator is authorized to receive, assess, verify, and initiate payments relating to applications under the Program. A person who disputes a decision of the Program Administrator (the objector) has 21 calendar days from the date of payment or of notice of the decision in which to register an objection to the decision, as described in Section 15.2.
- 15.2 Objections and supporting documentation must be made in writing and received within the appeal period by the British Columbia Ministry of Agriculture & Food at the following address:

**2021 Canada – British Columbia Flood Recovery Program  
for Food Security Appeal Committee**  
*Business Risk Management Branch  
Ministry of Agriculture & Food  
200 - 1690 Powick Rd  
Kelowna BC V1X 7G5*

or by email to [AgriRecovery@gov.bc.ca](mailto:AgriRecovery@gov.bc.ca)

- 15.3 The BC Minister will appoint an Appeals Committee to review any objections and supporting information received within the appeal period.
- 15.4 The Appeals Committee will advise the objector as to the outcome of that review.

#### **16. CHANGES TO PROGRAM OR PROGRAM CONDITIONS:**

- 16.1 The Program Administrator may correct clerical errors, mathematical errors, or omissions made in the Terms and Conditions, or in other communications pertaining to the Program, and may make any resulting changes.