

The Waterfowl Damage Compensation Program Regulations

Repealed

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

being

Chapter F-8.001 Reg 9 (consult Table of Regulations of Saskatchewan for effective date) as amended by Saskatchewan Regulations 74/2001, 56/2003 and 107/2004.

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 9
The Farm Financial Stability Act

Title

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

Interpretation

2 In these regulations:

- (a) **“account”** means the Waterfowl Damage Compensation Account established in the fund pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“corporation”** means the corporation appointed pursuant to section 5 to administer the program and the account;
- (d) **“crop year”** means the period commencing on August 1 in one year and ending on July 31 in the following year;
- (e) **“field crops”** means annual seeded crops and perennial crops;
- (f) **“forecast market value”** means the price set by the corporation at the beginning of any crop year for each grade of crop based on the expected market price for that grade of crop for that crop year;
- (g) **“program”** means the Waterfowl Damage Compensation Program established pursuant to section 3;
- (h) **“waterfowl”** means ducks, geese and sandhill cranes, that have not been held in captivity.

3 Apr 98 cF-8.001 Reg 9 s2.

Program established

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

3 Apr 98 cF-8.001 Reg 9 s3.

Account established

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

(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 earnings on investments of the account; and
 - (f) all other 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.
- (6) At the end of each fiscal year of the account, any surplus moneys remaining in the account are to be retained in the account as a reserve for payments to be made pursuant to subsection (5) in subsequent years.
- (7) Notwithstanding subsection (6), where the minister is of the opinion that there is a surplus in the account that is not needed for the purposes of the program, the minister may direct that the surplus be paid into any other account of the fund as defined in clause 21(b) of the Act.

3 Apr 98 cF-8.001 Reg 9 s4; 26 Oct 2001
SR 74/2001 s3; 11 Jly 2003 SR 56/2003 s2.

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 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.

3 Apr 98 cF-8.001 Reg 9 s5.

Producer eligible for compensation

6 A producer of a commercial agricultural crop in Saskatchewan is eligible for compensation in accordance with these regulations for losses to field crops resulting from damage caused by waterfowl.

3 Apr 98 cF-8.001 Reg 9 s6.

Determination of loss

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

- (a) in the case of annual seeded crops, the harvestable production lost as a result of the damage caused by waterfowl; or
- (b) in the case of perennial crops:
 - (i) the cost of replacing the plants damaged by waterfowl where the plants are completely destroyed; or
 - (ii) an amount based on the damage by waterfowl to the plants where the plants are not completely destroyed.

3 Apr 98 cF-8.001 Reg 9 s7.

Determination of compensation

8(1) Subject to subsections (3) and (4), in the case of damage to annual seeded crops, 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 the crop, as determined by the corporation, at the time the damage is adjusted; and
- (b) the forecast market value of that grade of crop for the crop year in which the loss occurred.

(2) Subject to subsections (3) and (4), in the case of damage to perennial crops, the corporation shall pay to the producer 80% of the loss estimated pursuant to clause 7(b).

(3) An amount payable by the corporation pursuant to subsection (1) or (2) may be reduced by any amount the corporation considers appropriate where, in the corporation's opinion, it is agronomically feasible to produce another crop in the same growing season on the area damaged by waterfowl.

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

3 Apr 98 cF-8.001 Reg 9 s8; 19 Nov 2004 SR
107/2004 s2.

Restrictions on payment

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

- (a) any portion of the damaged field crop is harvested before an inspection by the corporation;
- (b) the producer has not made every reasonable effort to harvest the field crop to avoid damage by waterfowl; or
- (c) the producer has not made every reasonable effort to utilize prevention measures offered by the Department of Environment and Resource Management, and all other reasonable prevention measures, to control damage caused by waterfowl to field crops.

3 Apr 98 cF-8.001 Reg 9 s9.

Application for compensation

10 An eligible producer 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 reasonably require to consider the producer's application for compensation.

3 Apr 98 cF-8.001 Reg 9 s10.

Reconsideration on application

11(1) Within 30 days after a determination of compensation by the corporation pursuant to these regulations, an applicant may request, in writing, that the corporation reconsider the determination.

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

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

3 Apr 98 cF-8.001 Reg 9 s11.

Revision of determination

12(1) Subject to subsection (2), the corporation may revise a determination of compensation made pursuant to these regulations:

(a) after reinspecting the damaged area of the field crop to which the determination relates; or

(b) after receiving information that the initial determination was incorrect.

(2) 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.

3 Apr 98 cF-8.001 Reg 9 s12.

Fiscal year

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

3 Apr 98 cF-8.001 Reg 9 s13.

Annual report

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

3 Apr 98 cF-8.001 Reg 9 s14.

