

## Water Program Terms and Conditions

### 1.0 PURPOSE AND DESCRIPTION

The objective of the Water Program (the “Program”) is to support primary producers enhancing agricultural water management to support continued growth and long-term success of the agriculture industry. The Program has two streams: the **On-Farm Irrigation Stream**, and the **On-Farm Water Supply Stream**. An Applicant may apply to one or both streams.

Projects under the On-Farm Irrigation Stream must be operational within one year of a Program grant payment. Applicants to the On-Farm Water Supply Stream must have completed construction and obtained *Water Act* (Alberta) approvals (if required) before applying to the Program and be operational within one year of Program grant payment.

Applicants must include detailed project information and invoices in their applications. If the Minister approves an application, the Minister will notify the Applicant before paying the grant.

There is limited funding in the Program. Applications will be considered on a case-by-case basis, will be assessed against program eligibility criteria, and will be subject to program funding constraints. Submission of a completed application does not guarantee that the Applicant will receive payment under this Program.

### 2.0 DEFINITIONS

2.1 In these Terms and Conditions:

**Applicant:** means a person who submits an application.

**Application:** means an application for funding under the Program.

**Approval Letter:** means the correspondence from the Minister to an Eligible Applicant approving the Eligible Activity for funding under the Program.

**Category:** means a category of Project Types under a Stream, as set out in a Funding List.

**Construction Sheet:** has the meaning given in the On-Farm Water Supply Stream Funding List.

**Crown Land:** means land owned by the Provincial Crown or Federal Crown.

**Eligible Applicant:** means an Applicant that has been approved to participate in the Program.

**Eligible Activity:** means the parts of the Project that have been approved under the Program.

**Eligible Expenses:** means expenses that are eligible for funding under the Program.

**Environmental Checklist:** means a checklist provided to a potential Applicant to document if the potential negative impacts of a Project are not likely to require mitigation.

**Federal Crown:** means His Majesty in Right of Canada.

**Fiscal Year:** means the period from April 1 until March 31 of the following year.

**Funding List:** means a document that identifies projects that may be completed and costs that may be incurred under the Program, as well as minimum construction specifications and pertinent regulatory requirements, as posted on the Program Website. See the **On-Farm Irrigation Stream Funding List** and the **On-Farm Water Supply Stream Funding List**.

**Grant:** means funds payable to an Eligible Applicant under this Program.

**In-Kind Contributions:** means non-monetary contributions that defray the total cost of the Project, including the fair market value attributed for goods and the fair market value attributed for the provision of equipment required in the planning, conducting or managing of the Project that requires no outlay of cash.

**Minister:** means the Minister of Alberta Agriculture and Irrigation and his authorized representative(s).

**Operable:** means that works are able to permanently deliver water for their intended use.

**Parcel:** means land in Alberta owned or leased by the Applicant that is irrigated by a single irrigation system.

**Primary Producer:** means an individual or a corporation registered in Alberta that is responsible for the day-to-day management and work for a crop, bee, or livestock operation.

**Program:** means the Sustainable Canadian Agricultural Partnership Water Program.

**Program Application Form:** means the application form for the Program, as posted on the Program Website.

**Program Term:** means the period from April 1, 2023 to March 31, 2028.

**Program Terms and Conditions:** means these the terms and conditions.

**Program Website:** means the Minister's website for this Program, at <https://www.alberta.ca/sustainable-cap.aspx>.

**Project:** means an Applicant's proposed activities under the Program, as described in the Application.

**Project Type:** means a type of project that is eligible for funding under a Stream, as set out in the Funding List.

**Provincial Crown:** means His Majesty in Right of Alberta.

**Stream:** means a stream of the Program, being either the On-Farm Irrigation Stream or the On-Farm Water Supply Stream.

**Sustainable Canadian Agricultural Partnership (Sustainable CAP):** means the Federal-Provincial-Territorial Sustainable Canadian Agricultural Partnership.

### 3.0 ON-FARM IRRIGATION STREAM – SPECIAL TERMS & CONDITIONS

#### 3.1 Eligible Applicants

**3.1.1** To be an Eligible Applicant under the On-Farm Irrigation Stream, an Applicant must:

- a) be a Primary Producer,
- b) be responsible for input costs for a crop, bee, or livestock operation that produces at least \$25,000 worth of farm commodities annually,
- c) not be a landlord whose only interest in a crop, bee or livestock operation is ownership of the land,
- d) be liable to pay Alberta income tax or corporate tax (or claim losses) on income from the production of farm commodities under the *Income Tax Act (Canada)* or the *Alberta Corporate Tax Act*,
- e) not have been previously approved for funding under this Stream for the same Project Type and Parcel as the one that is the subject of the Application, and
- f) not be an entity identified at section 5.1.1 as being ineligible for the Program.

**3.1.2** The Minister may approve an Indigenous applicant as an Eligible Applicant under the On-Farm Irrigation Stream even though the Applicant does not meet the requirements under section 3.1.1. The Program is committed to supporting the success of Indigenous business in the agriculture and food sector. It is understood that Indigenous businesses may have distinct characteristics reflective of regulatory, operational, cultural, and other factor affecting their business history and operation. The Program aims for flexibility in its delivery in order to reduce barriers and ensure its accessibility. In this provision, “Indigenous” means First Nations, Inuit, or Métis.

#### 3.2 Eligible and Ineligible Activities

**3.2.1** To be an Eligible Activity under the On-Farm Irrigation Stream, the Project must:

- a) be of a Project Type that is under this Stream in the Funding List,
- b) conform to the “Requirements and Supporting Information” stated in the Funding List for that Project Type, and
- c) be located on an irrigated agricultural operation in Alberta that is actively farmed by the Applicant at the time the Project is completed.

**3.2.2** The following may not be part of an Eligible Activity under the On-Farm Irrigation Stream:

- a) projects that do not meet the criteria of the Project Types set out in the “Project Type” and “Requirements and Supporting Information” columns of the Funding List,
- b) activities listed in the “Ineligible Expenses” column of the Funding List for the relevant Project Type, as well as costs in respect of activities listed in the column,
- c) repair or maintenance of existing equipment,
- d) activities conducted, equipment purchased, or projects constructed prior to April 1, 2023, and

- e) any other project deemed ineligible by the Minister.

### **3.3 Eligible and Ineligible Expenses**

**3.3.1** To be an Eligible Expense under the On-Farm Irrigation Stream, an expense must:

- a) be of a type listed in the “Eligible Expense” column of the Funding List for the Project Type, and
- b) conform to the “Requirements and Supporting Information” stated in the Funding List for that Project Type.

**3.3.2** The following are not eligible for funding under this Stream:

- a) expenses listed in the “Ineligible Expenses” column of the Funding List for the relevant Project Type, as well as expenses in respect of activities listed in that column,
- b) expenses that do not conform to the “Requirements and Supporting Information” column of the Funding List for the relevant Project Type,
- c) costs for any on-farm irrigation equipment for irrigation expansion,
- d) costs for the purchase or installation of used on-farm irrigation equipment,
- e) equipment that has already received payment under the Program, and
- f) ineligible expenses listed at section 5.2.1.

**3.3.3** There shall be no payment of the Grant in respect of Eligible Expenses for an Eligible Activity in the On-Farm Irrigation Stream unless the Eligible Applicant has paid at least ten (10) percent of the total Eligible Expenses for that Eligible Activity by the date that the Application is submitted.

### **3.4 Conduct of the Eligible Activity**

**3.4.1** An Eligible Applicant must do the following when conducting its Eligible Activity under the On-Farm Irrigation Stream:

- a) conduct its Eligible Activity in accordance with the “Requirements and Supporting Information” for the relevant Project Type, as stated in the Funding List,
- b) have obtained all required approval(s) and authorizations(s) such as from regulatory (from agencies, landowners, and right-of-way holders) before starting its Eligible Activity, or alternatively after written confirmation has been obtained by the Eligible Applicant from the relevant government department that an approval for the project is not required,
- c) be completed in accordance with all applicable laws, including those related to public health and safety, labour codes and standards, care, and use of animals in research, wildlife habitat, and environmental protection, and
- d) meet the requirements of all applicable federal and provincial legislation, including licenses.

**3.4.2** The Eligible Activity must be Operable within one (1) year after the date of the first payment to the Eligible Applicant under the Program.

### 3.5 Funding Levels

- 3.5.1** The maximum grant payable under the On-Farm Irrigation Stream is \$30,000 per Eligible Applicant per Fiscal Year of the Program. Subject to section 6.7.1, the minimum grant per Application is \$500.
- 3.5.2** The maximum grants payable in respect of a Parcel, for the duration of Sustainable CAP, regardless of the Applicant, are:
- \$15,000 for a Project Type under the “System Purchases” Category, or
  - \$5,000 for a Project Type under the “System Upgrades” Category.
- 3.5.3** Eligible Expenses for Eligible Activities under this Stream must be cost-shared at 25% Grant and 75% Eligible Applicant. Funding received through any other Sustainable CAP programs may not be used toward the cost-share requirements of this Program.

## 4.0 ON-FARM WATER SUPPLY STREAM – SPECIAL TERMS & CONDITIONS

### 4.1 Eligible Applicants

- 4.1.1** To be an Eligible Applicant under the On-Farm Water Supply Stream, an Applicant must:
- be a Primary Producer,
  - be responsible for input costs for a crop, bee, or livestock operation that produces at least \$25,000 worth of farm commodities annually,
  - not be a landlord whose only interest in a crop, bee or livestock operation is ownership of the land,
  - be liable to pay Alberta income tax or corporate tax (or claim losses) on income from the production of farm commodities under the *Income Tax Act* (Canada) or the *Alberta Corporate Tax Act*, and
  - not be an entity identified at section 5.1.1 as being ineligible for the Program.
- 4.1.2** The Minister may approve an Indigenous applicant as an Eligible Applicant under On-Farm Water Supply Stream even though the Applicant does not meet the criteria set out at section 4.1.1. The Program is committed to supporting the success of Indigenous business in the agriculture and food sector. It is understood that Indigenous businesses may have distinct characteristics reflective of regulatory, operational, cultural, and other factor affecting their business history and operation. The Program aims for flexibility in its delivery in order to reduce barriers and ensure its accessibility. In this provision, “Indigenous” means First Nations, Inuit, or Métis.

### 4.2 Eligible and Ineligible Activities

- 4.2.1** To be an Eligible Activity under the On-Farm Water Supply Stream, the Project must:
- be of a Project Type that is under this Stream in the Funding List,
  - conform to the “Requirements and Supporting Information” stated in the Funding List for that Project Type,
  - have been completed by the date the Application is submitted,
  - be on land within Alberta that is actively farmed by the Applicant by the date the



Application is submitted, and is:

- i) private land,
  - ii) Crown Land under grazing lease disposition or cultivation lease disposition to an individual or a corporation under the authority of the *Special Areas Act* (Alberta), or
  - iii) Crown Land under grazing lease disposition, farm development lease disposition or a forest grazing license to an individual or a corporation under the authority of the *Public Lands Act* (Alberta),
- e) be the subject of a submitted license application under the *Water Act*, if the Act requires a license, and
- f) have all other required regulatory approvals and have met all applicable legislated requirements concerning water, land, and the environment.

**4.2.2** The following may not be part of an Eligible Activity under the On-Farm Water Supply Stream:

- a) projects that do not meet the criteria of the Project Types set out in the “Project Type” and “Requirements and Supporting Information” columns of the Funding List,
- b) activities listed in the “Ineligible Expenses” column of the Funding List for the relevant Project Type, as well as costs in respect of activities listed in the column,
- c) a dugout, dam and spring development project that is not on a Construction Sheet provided by a Water Specialist, or does not follow construction specifications in a Construction Sheet provided by a Water Specialist,
- d) water hauling or temporary piping costs,
- e) repair, maintenance, or replacement of existing equipment,
- f) water source development for field scale irrigation in Alberta irrigation districts,
- g) energy sources where an existing program addresses installation costs,
- h) Activities conducted, equipment purchased, expenses incurred, or projects constructed prior to April 1, 2023, and
- i) any other project deemed ineligible by the Minister.

### **4.3 Eligible and Ineligible Expenses**

**4.3.1** To be an Eligible Expense under the On-Farm Water Supply Stream, an expense must:

- a) be of a type listed in the “Eligible Expense” column of the Funding List for the Project Type, and
- b) conform to the “Requirements and Supporting Information” stated in the Funding List for that Project Type.

**4.3.2** Expenses that are not eligible for funding under this Stream are:

- a) expenses listed in the “Ineligible Expenses” column of the Funding List for the relevant Project Type, as well as expenses in respect of activities listed in the column,
- b) expenses that do not conform to the “Requirements and Supporting Information” column of the Funding List for the relevant Project Type,
- c) expenses incurred for an Eligible Activity under the On-farm Water Supply

- Stream that is not completed by the date the Application is submitted, and
- d) ineligible expenses listed at section 5.2.1.

#### 4.4 Conduct of the Eligible Activity

- 4.4.1** An Eligible Applicant must do the following when conducting its Eligible Activity under the On-Farm Water Supply Stream:
- a) conduct its Eligible Activity in accordance with the “Requirements and Supporting Information” for the relevant Project Type, as stated in the Funding List,
  - b) have obtained all required approval(s) and authorizations(s) (such as from regulatory agencies, landowners, and right-of-way holders) before starting its Eligible Activity,
  - c) if required by the Minister, obtain written confirmation from the relevant government department that an approval for the Eligible Activity is not required,
  - d) complete the Eligible Activity in accordance with all applicable laws, including those related to public health and safety, labour codes and standards, care and use of animals in research, wildlife habitat, and environmental protection, and
  - e) meet the requirements of all applicable federal and provincial legislation, including licenses.
- 4.4.2** An Eligible Applicant under the On-Farm Water Supply Stream must have its Eligible Activity Operable within one (1) year after the date of the first Program payment for that Eligible Activity.

#### 4.5 Funding Levels

- 4.5.1** The maximum grant payable under the On-Farm Water Supply Stream is \$35,000 per Eligible Applicant over the duration of the Program Term. Subject to section 6.7.1, the minimum grant per Application is \$500.
- 4.5.2** The maximum grants payable to an Eligible Applicant are:
- a) \$15,000 total for all Eligible Activities under the “Standard Incentives” Category. In addition, the maximum grant per “New or Expanded Water Source Development” is \$7,500,
  - b) \$20,000 total for all Eligible Activities under the “Special Incentives” Category,
  - c) \$12,000 total for all Eligible Activities of the “Well Decommissioning” Project Type. In addition, the maximum grant for a well less than 500’ in depth is \$2,000, and the maximum grant for a well greater than or equal to 500’ in depth is \$6,000,
  - d) \$6,000 total for all Eligible Activities of the “Well Pit Conversions” Project Type. In addition, the maximum grant for a single Eligible Activity is \$2,000, and
  - e) \$2,000 total for all Eligible Activities of the “Wetland Assessments” Project Type.
- 4.5.3** Eligible Expenses for Eligible Activities under this Stream must be cost-shared as follows:

- a) For Eligible Activities under the “Standard Incentives” Category:
  - i) All Project Types: 75% Eligible Applicant / 25% Grant,
- b) For Eligible Activities under the “Special Incentives” Category:
  - i) “Well Decommissioning” Project Type: Eligible Applicant share is 50% for 1 Eligible Activity, 40% for 2 Eligible Activities, and 25% for 3 Eligible Activities,
  - ii) “Well Pit Conversion” Project Type: same as at (b)(i),
  - ii) All other Project Types: 50% Eligible Applicant / 50% Grant.

Funding received through any other Sustainable CAP programs may not be used toward the cost-share requirements of this Program.

## 5.0 INELIGIBILITY PROVISIONS APPLICABLE TO BOTH STREAMS

### 5.1 Ineligible Applicants

5.1.1 The following are not eligible to apply to the Program:

- a) agribusinesses offering custom services, consulting services or general services to agricultural clients (includes commercial applicators),
- c) an applied research organization or post-secondary institution that owns and manages land for production of an agricultural commodity for sale,
- d) federal, provincial, and municipal government, agencies, and institutions, and
- e) any other person deemed by the Minister to be ineligible.

### 5.2 Ineligible Expenses

5.2.1 In addition to the ineligible costs specified under section 3.3.2 and 4.3.2 for each Stream, the following are not eligible for reimbursement under the Program:

- a) costs incurred before the beginning of the Program Term,
- b) GST, and
- c) any other cost deemed by the Minister to be ineligible.


## 6.0 APPLICATION PROCESS

6.1 There is limited funding in the Program. Applications will be considered for approval on a case-by-case basis. Applications will be evaluated and recommended for approval according to the eligibility criteria and funding constraints.

6.2 An Application must include:

- a) a completed Program Application Form which is signed by the Applicant (including, for applications to the On-Farm Water Supply Stream, a completed Environmental Checklist),
- b) invoices/receipts and documentation, satisfactory to the Minister, setting out the expenses that the Applicant wishes to claim as Eligible Expenses, with proof that the Applicant incurred and paid those expenses for the Project. (Invoices, receipts and proofs of payment need to be itemized and in the name of the Applicant),
- c) Documentation, satisfactory to the Minister, of the In-Kind Contributions, if



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- applicable, that the Applicant wishes to claim as Eligible Expenses, with proof that Applicant made the In-Kind Contributions for the Project,
- d) photos of the Project, if required by the Project Application Form,
  - e) approvals from the landowner or proof of right-of-way, as required on the Program Application Form,
  - f) if applicable, copies of any written confirmation the Applicant received from government departments pursuant to section 4.4.1(c) that approvals were not required for the Project, and
  - g) any supplementary information requested by the Minister.
- 6.3** In determining whether to approve a Project under the On-Farm Water Supply Stream, the Minister may require Applicants to submit pictures of Projects, and the Minister may conduct site inspections.
- 6.4** The deadline to submit an application to be considered for funding in the current Fiscal Year is stated on the Program Website.
- 6.5** The Applicant consents to the Minister releasing any information contained in the Application, or related to it, and obtained by the Minister in the course of verifying the Application, to any other government department, agency or other body for the purposes of verifying the Applicant's eligibility for this Program, or its eligibility for payment under this Program, or both. The Applicant expressly authorizes the Minister to obtain information from any government department, agency or other body to verify its eligibility for this Program or its eligibility for payment under this Program.
- 6.6** Acceptance of an Application under this Program creates no obligation on the part of the Provincial Crown or Federal Crown to provide licenses or approvals under any applicable legislation, including the Canadian Environmental Assessment Act.
- 6.7** The Minister may reject any Application that is inaccurate, ineligible, or incomplete in the sole discretion of the Minister, as well as any Application for which the Grant payable would be \$500 or less.
- 6.7.1** A payment request in an application that is less than \$500 will only be considered when that Application is the second application submitted with respect to an approved Eligible Activity, and this second Application is only being submitted with respect to the components of that approved Eligible Activity that are required to make the approved Eligible Activity Operable.
- 6.8** No Eligible Applicant may add additional claims for Eligible Expenses after an Application has been submitted.
- 6.9** An Application will not be considered complete unless the Applicant Declaration is signed, and all required supporting documentation is provided to the satisfaction of the Minister.
- 6.10** Applications must be signed by the Applicant or on behalf of the Applicant by a properly authorized representative. The Minister may require evidence of authorization. Personal designates are not permitted to sign Applications unless they have Power of Attorney (submitted with the Application). Personal representatives can sign on behalf of estates.

- 6.11 Submission of an Application does not entitle an Eligible Applicant to a Grant.
- 6.12 The Applicant acknowledges that the Grant will not be sufficient to cover the entire cost of the Project, and that the Applicant shall be solely responsible for raising funds from other sources to complete the Project. The Applicant acknowledges that the Grant is the only financial assistance the Minister will provide under the Program to an Eligible Applicant for its Eligible Activity.
- 6.13 The Minister may transfer an application submitted to the Program to another Alberta Sustainable Canadian Agricultural Partnership program to be evaluated for eligibility if the Applicant's Application under the Program is ineligible and the Applicant has consented as required in the Application.
- 6.14 Applications submitted in a Fiscal Year but not funded that year may be considered for funding in a subsequent fiscal year.
- 6.15 An Applicant who provides false, misleading, or incomplete information under this Program forgoes all rights to benefit from this Program.

## 7.0 GRANT TERMS

### 7.1 Grant

- 7.1.1 **Payment of Grant** – Subject to these Program Terms and Conditions, the Minister will contribute a one-time payment in the amount outlined in the Approval Letter, by way of a grant (the “Grant”) to the Eligible Applicant for the purposes of the Eligible Activities.
- 7.1.2 **Amount of Grant** – The Minister shall provide support for the Eligible Expenses for the Eligible Activities on a cost-shared basis as set out in these Program Terms and Conditions. The total amount of the Grant payable to the Eligible Applicant, pursuant to the *Ministerial Grants Regulation* (AR 215/2022), and subject to section 3.3.3 and the other provisions of these Program Terms and Conditions, shall be based upon Eligible Expenses that are claimed by the Eligible Applicant and approved by the Minister. The amount of the Grant stated in the Approval Letter shall be adjusted so the total amount of the Grant equals all Eligible Expenses claimed by the Eligible Applicant and approved by the Minister during the Project Term, after application of the cost-share requirement, but in no event shall the amount of the Grant exceed the amount stated in the Approval Letter.

If the Eligible Expenses claimed by the Applicant and approved by the Minister during the Project Term are ultimately less than the amount stated in the Approval Letter, the Grant will be reduced upon review by and at the absolute discretion of the Minister, and the Eligible Applicant shall immediately repay the difference to the Minister.

If the total amount of funding from federal, provincial and municipal governments exceeds 100% of the Eligible Expenses incurred by the Eligible Applicant, the amount of the Grant shall be adjusted so that the total government funding for Eligible Expenses does not exceed 100% of these expenses.

- 7.1.3 **Farm Support Payments** – Payments of the Grant may be considered farm support payments, and AGR-1 tax slips will be issued in the name of the Eligible Applicant, if

applicable.

**7.1.4 No Other Financial Assistance** – The Eligible Applicant acknowledges that the Grant may not be sufficient to cover the entire cost of the Eligible Activity and that the Eligible Applicant shall be solely responsible for raising funds from other sources to complete the Eligible Activity. The Eligible Applicant acknowledges that the Grant is the only financial assistance the Minister will provide to the Eligible Applicant for the Eligible Activity.

**7.1.5 Subject to Appropriation** – If federal or provincial funding levels are changed to the extent that the money available to the Minister to make the Grant is reduced or eliminated, the Minister may, in his sole discretion, cancel or reduce the amount of the Grant. The Eligible Applicant acknowledges that federal and provincial funding levels may change and is not undertaking the Eligible Activity solely in reliance on funding from the Minister.

## 7.2 Payments

**7.2.1 Reimbursement** – Grant payments will be made on a reimbursement basis based on the Eligible Expenses incurred and claimed by the Applicant, as part of the Application, and approved by the Minister during the Project Term.

**7.2.2 Determination and Approval of Eligible Expenses** – The Minister has the sole discretion to approve or not approve a claimed expense as an Eligible Expense, and may determine the amount of an Eligible Expense where:

- a) the Minister considers the amount of a claimed Eligible Expense to be over fair market value or otherwise unreasonable, or not reflective of the actual out-of-pocket cost, or
- b) the Eligible Applicant fails to establish the amount of an Eligible Expense to the satisfaction of the Minister.

**7.2.3 No Assignment or Deferral** – Eligible Applicants cannot assign or defer any payment under this Program.

**7.2.4 Maintain Ownership** – With the exception of items that are permanently affixed to the Eligible Applicant's land that is sold, the Eligible Applicant shall not return, sell or trade any items for which the Eligible Applicant has received a payment under the Program for at least three (3) years after the date the payment is received.

## 7.3 Inspection, Audit and Evaluation

**7.3.1 Inspection** – For three (3) years following the date an Application was submitted, the Minister and their representatives, at reasonable times and upon reasonable notice to the Eligible Applicant, may attend the farming or business operation of the Eligible Applicant for the purpose of examining items pertinent to the Eligible Activity in order to assess whether the Eligible Applicant is in compliance with the Program Terms and Conditions.

**7.3.2 Audit and Evaluation** – For six (6) years following the date an Application was submitted, the Eligible Applicant shall keep and make available to the Minister all records, books of account, income tax returns, invoices, databases, and audit and evaluation reports in relation to the Project that are necessary for the audit and evaluation of the

Project.

- 7.4 Cooperation** – The Eligible Applicant shall cooperate with the Minister in the completion of any verification, audit, evaluation, or inspection of the Eligible Activity or of the Grant.
- 7.5 Repayment** – The Eligible Applicant must repay, by the date specified by the Minister, all amounts of the Grant that the Minister determines (whether through an inspection, audit, evaluation or other process) to have been paid in respect of an expense that is not an Eligible Expense.

## 7.6 Non-Compliance

**7.6.1 Default** – If, after making a payment under the Program, the Minister determines that:

- a) an Eligible Applicant is not eligible under the Program,
- b) a claimed expense is not an Eligible Expense,
- c) an Eligible Applicant has breached these Program Terms and Conditions, or
- d) an Eligible Applicant received a payment under the Program not in accordance with the Program Terms and Conditions,

the Minister may demand the Eligible Applicant immediately repay to the Minister up to the full amount of the Grant. Any such amount shall be a debt due to and recoverable by the Provincial Crown. The Eligible Applicant shall repay any amount owing by the deadline specified by the Minister.

**7.6.2 Change in Control** – From the Effective Date until three (3) years after the Project Term, the Eligible Applicant shall not, without the prior written consent of the Minister, cause or suffer to exist any sale, transfer, assignment or pledge of interest which would result in a change of control of the Eligible Applicant, or of the disposition of all or substantially all of the assets of the Eligible Applicant.

**7.7 Repayments** – The Eligible Applicant shall pay the Provincial Crown all amounts due under these Program Terms and Conditions within 30 days of the date of the notice by the Minister, or such other date specified by the Minister. Failure to make repayment as required creates a debt owing to the Provincial Crown that can be set off against any money the Provincial Crown owes to the Applicant. The Minister may deduct from the Grant any amount owed to the Provincial Crown or Federal Crown.

## 8.0 COMMUNICATIONS AND DISCLOSURE OF INFORMATION

- 8.1** The Eligible Applicant shall not make any public announcement regarding the Minister's funding of an Eligible Activity except in consultation with the Minister, and with the approval of the Minister as to the content of the announcement.
- 8.2** Communications and communication materials related to an Eligible Activity must be approved by the Minister.
- 8.3** The Eligible Applicant shall adhere to the Sustainable CAP communication standards for all communications related to an Eligible Activity, by ensuring
- a) the Sustainable CAP graphic standard, the official mark “Alberta”, and the official mark “Canada” are applied and represented in this order, and

b) the official mark “Canada” and official mark “Alberta” are identified equally.

Electronic copies of the Sustainable CAP graphic standard, the official mark Alberta and the official mark Canada may be obtained from the Minister upon request.

**8.4** The Eligible Applicant acknowledges and agrees that Minister may disclose this Agreement and its contents by any means chosen by the Minister, including by tabling it before the Legislature. The Eligible Applicant further acknowledges and agrees that the Minister will publicly disclose the following information relating to the Agreement in accordance with the *Fiscal Planning and Transparency Act*: grant recipient name, amount of the grant, the program under which the grant is paid, and the payment date. The Eligible Applicant also acknowledges and agrees that the Federal Crown is authorized to publicly release the grant recipient’s name, the amount of the grant, and the general nature of the Eligible Activity.

**8.5** Information and records maintained by the Minister relating to this Agreement are subject to the *Freedom of Information and Protection of Privacy Act* (Alberta). This Act allows any person a right of access to records in the custody or under the control of a public body, subject to limited and specific exceptions.

## **9.0 INTELLECTUAL PROPERTY**

**9.1** The Eligible Applicant shall own all intellectual property, including any copyright, it develops while conducting the Eligible Activity. The Minister may use, for non-commercial purposes, the intellectual property delivered in the Eligible Applicant’s reporting (including excerpts therefrom), and the Eligible Applicant shall, upon request, provide to the Minister any specific licenses or authorizations as may be required, including waivers of moral rights.

## **10.0 REPRESENTATIONS AND WARRANTIES**

**10.1** The Applicant represents and warrants:

- a) it has made full, true and plain disclosure to the Minister of all facts relating to the Project that are material to this Program, including without limitation all sources of funding from federal, provincial and municipal governments,
- b) it is not aware of any discussions to effect a sale, transfer, assignment or pledge of interest which would result in a change of the control of the Applicant or of the disposition of all or substantially all the assets of the Applicant,
- c) it has the necessary financial resources to complete the Project,
- d) it has adequate human resources, experience, and skills to carry out its responsibilities for the Project,
- e) no application has been made for the same Project by any other person, including without limitation, a person who is not arms-length or a related person as defined by the *Income Tax Act* (Canada) or by a shareholder, member or partner who is actively carrying on farming or business on behalf of a corporation,
- f) no member of the House of Commons or the Senate shall derive any financial advantage from the Grant that would not be permitted under the *Parliament of Canada Act*,
- g) no current or former federal public office holder or federal public servant to whom the *Conflict of Interest Act* (Canada), the Conflict of Interest Code for Members of the House of Commons, or the Values and Ethics Code for the Public Sector and the Policy on Conflict of Interest and Post-Employment applies shall derive any advantage or benefit from the Grant unless the provision or receipt of such advantage or benefit is in



- compliance with such legislation, codes and policies,
- h) any person lobbying, as that term is defined in the *Lobbyists Registration Act* (Canada), on the Applicant's behalf is registered pursuant to that Act,
  - i) it has the power and authority and all necessary licenses and permits to own and operate its properties and carry on its operations, and to perform its obligations under these Program Terms and Conditions,
  - j) there is presently no action, suit, or proceeding being brought or pending or threatened against or affecting the Applicant which could affect its operations, properties, or financial condition or its ability to complete the Project,
  - k) If the Project requires authorization by an agency, that the Applicant obtained such approval prior to the commencement of the Project, and
  - l) it is in compliance with all laws, orders, and authorizations which relate to or affect it and is not subject to any order of any court or other tribunal affecting its operations.

## 11.0 MINISTERIAL GRANTS REGULATION

11.1 Payments under this Program are grants subject to the *Ministerial Grants Regulation* (AR 215/2022). In addition to complying with these Program Terms and Conditions, an Eligible Applicant must comply with the Regulation.

## 12.0 CHANGES TO THE PROGRAM

12.1 The Minister may change or terminate the Program at any time without notice. Any revisions to the Program, the Program Application Form, the Program Terms and Conditions and/or Funding Lists will be posted on the Program Website.

12.2 Applications are subject to the Program Terms and Conditions and the relevant Funding List as posted on the Program Website as of the date that the Application was received by the Minister.

## 13.0 MINISTERIAL DISCRETION

13.1 The Minister has the absolute discretion to determine the eligibility of any Applicant, Project, or Eligible Expense under the Program. Notwithstanding anything in these Program Terms and Conditions, the Minister has the absolute discretion to not approve any Application or claimed expense. The decision of the Minister is final.