

Guidelines for the Participant Assistance Program

Purpose:

The Participant Assistance Program provides funding and other assistance to qualifying individuals, groups and organizations to ensure effective public participation in the assessment of a development that is subject to a public hearing and is deemed to have significant public interest.

Who Can Apply:

Individuals, community groups, and not-for-profit organizations may apply for participant funding under the Participant Assistance Program.

Parties who demonstrated that they meet at least one of the following criteria may be eligible:

- 1) The applicant has clearly demonstrated an interest in the potential physical, social or economic effects of the development;
- 2) The applicant is a group of persons that has an established record of concern for or has demonstrated a commitment to the interest that it represents;
- 3) The applicant's work will assist the Panel in understanding the potential effects of the development and will contribute significantly to the hearing.

Who Cannot Apply

Individuals and organizations that are not eligible for funding are:

- 1) for-profit organizations;
- 2) those who have direct commercial interests in the project; or
- 3) local governments.

What and When Funding is Available

The Minister of Conservation will announce the establishment of the Participant Assistance Program for a particular project. Following this, a public notice with a brief description of the project, information on how to apply and, the specifics of the program including the closing date for applications will be circulated through newspapers and on the Clean Environment Commission website www.cecmantoba.ca.

Expenditures that may be funded (see Eligible Expenditures)

The following expenses may be considered for funding:

- (a) professional fees for advice or assistance, including those of legal and expert advisors;
- (b) salaries of persons employed for the purpose of coordination, research and the preparation of materials, including secretarial services;
- (c) travel and accommodation expenses;
- (d) the purchase of relevant information material such as maps, documents and reports for the purpose of information, presentation and analysis;
- (e) information collection and dissemination;
- (f) accounting and audit services;
- (g) photocopying, postage and stationary;
- (h) telephone rental and charges;
- (i) translation services;
- (j) other expenditures related to the assessment that are approved by the minister.

Expenditures that will not be funded

- (a) lost income, such as wages lost as a result of attending meetings and hearings;
- (b) capital expenditures, existing salaries and overhead;

- (c) expenditures not directly related to the project assessment.

How the funding process works

Once the Minister of Conservation establishes the Participant Assistance Program for a particular project, a Participant Assistance Committee will be formed. This committee will be made up of members of the Clean Environment Commission whose job will be to assess participant assistance applications and provide funding recommendations to the minister.

Application forms and instructions will be available for downloading on the Clean Environment website or in printed form by contacting the Commission directly.

Application forms are filled out and sent to the Commission where the Participant Assistance Committee will review them. A participant assistance committee meeting will then be held where applicants will be required to explain their request and may be asked questions by the committee.

The Committee will then make recommendations to the minister regarding level of funding and any associated conditions. Should an applicant be successful, they may be requested to provide a more detailed work plan that includes any adjustments or conditions specified by the minister. Successful applicants will also be required to acknowledge they have read and understand the Participant Assistance Funding Terms and Conditions that specifies the level of funding to be provided and the conditions under which it can be spent and accounted for.

How to make an application

Application forms will be available to download from the Clean Environment Commission website www.cecmanitoba.ca, then by choosing the particular project or hearing of interest. Copies are also available by contacting the Commission at:

Manitoba Clean Environment Commission
305-155 Carlton St.
Winnipeg MB R3C 3H8
204-945-0594
1-800-597-3556 (toll free in Manitoba)
cec@gov.mb.ca

Filling out the Application

1. Insert the name of the hearing or project that funding applies to.
2. Fill in the name of the applicant or organization. Ensure all contact information is included and complete so that you can be contacted should additional information be required or to allow for notification to continue the process.
3. Please provide information about your organization including the mandate, goals and the public that you serve. You may include any organizational publications you wish that may assist in providing information about your organization and its activities.
4. Please provide the name(s), title(s) and signature(s) of the person(s) authorized by your organization to sign documents on your behalf. If the authorized person(s) does/do not match those signing subsequent documentation (Funding Terms and Conditions, statement of account), those documents will be considered null and void. **If for any reason the authorized person changes during the hearing process, please advise the Commission immediately, in writing, of this change.**
5. Please include your **non-profit and GST numbers** or if you are an individual, please include your **SIN**.
6. Please provide the source of funding for your organization and attach the two most recent years' financial statements (for non-profits). If you are an individual or ad-hoc citizen group and these documents do not exist, please explain what resources you may have to assist in your participation. If these documents or an explanation are not included, **your application will not be processed.**

Please indicate what other sources of funding may be available to you as well as any in-kind services that may be supplied by members of your group or partners. (For example, coordination of the project will be done by a volunteer; a computer for use for this project is being supplied by a local company free of charge). Also indicate what the value of the in-kind services to be provided is. (For example what is the volunteer's time worth, what would it cost

to hire someone to do this?; what would be the cost of renting the computer?).

If you do not receive Participant Assistance Funding, how will your participation be affected? Please be specific as to what activities may not take place without additional assistance.

7. How do you intend to participate? Please check off as many activities that apply. What particular topics do you wish to address? Will you be partnering with any other individuals, groups or organizations? Please list them.
8. Please provide a general activity plan that indicates the types of activities you wish to undertake and how they will contribute to the assessment of the project under review. An example will be provided. Individual formats may vary depending upon the activities and detail to be provided.
9. An estimated budget must be provided (Attachment A) that supports the activity plan. This budget summary should be developed from the information provided in Attachments B,C,D and E. (see Current Provincial Expense Rates)
10. Certification of this application is required. **Your application will not be processed until an original signed copy is received.**
11. Please indicate the availability of your spokesperson(s) to meet with the Participant Assistance Committee. Indication of general availability with your application will speed along the review of applications and the awarding of funds.
12. Please send **an electronic copy** of the completed application form to cathy.johnson@gov.mb.ca and a **signed original** to:

Manitoba Clean Environment Commission
305-155 Carlton St.
Winnipeg MB R3C 3H8

Your application will not be processed until a signed original is received.

What happens next?

When the Clean Environment Commission receives your application, it will be reviewed for completeness and to ensure that a signed certification is included. If the application is complete, the Participant Assistance Committee (PAC) will then review it for applicability to the terms of reference, content and level of financial need. A Participant Assistance meeting will then be called where the applicant will make a presentation regarding its application and the committee may ask questions of clarification.

Following this meeting the PAC will develop recommendations regarding conditions for participation and funding allocations that will be submitted to the minister. The minister will then decide on the final conditions and funding allocations. Once these decisions have been made and communicated to the applicant and the proponent, the Clean Environment Commission will then work with the applicant to finalize Funding Terms and Conditions consistent with the minister's decisions. (See Participant Assistance Funding Terms and Conditions)

Once the Terms and Conditions funds will be released dependent upon certain conditions.

Standard conditions that will apply:

- a) Up to 30% of the total funding may be made in the first installment.
- b) Additional interim advances may also be made but the total advanced will not total more than 75% of the total allocation. Interim advances will only be considered if they are requested in writing, are supported by an interim accounting of funds already spent and a cash flow forecast acceptable to the minister.
- c) Once the hearing is concluded, applicants will have **30 days** to submit an accountant certified Final Statement of Account to the PAC. The 30 days begins once the Commission's report has been submitted to the minister. In fact, recipients will have up to 90 days after the conclusion of the public input activities, while the Commission is writing the report and an additional 30 days after that in which to prepare their accounting report.

The accounting report will include a separate accounting of GST actually paid. The GST owing will not be calculated on the entire

amount spent but only for those expenditures where it was actually paid.

If this accounting report is not received 30 days after the report is sent to the minister, or 120 days after the conclusion of the public input stage, **it will not be accepted**. The recipient may then be required to pay back any and all monies advanced.

Participants will be required to have their final accounting statement certified by an accounting professional. An allowance for this will be made in the funds awarded. If the accounting statement is not certified by an accounting professional it will not be accepted and the recipient may be asked to return any funds already advanced.

Additional conditions may be prescribed by the minister on a case-by-case basis.

On completion of the hearing the PAC will review the accounting statement and determine whether the participant has complied with Terms and Conditions. The Committee will then make recommendations to the minister regarding final payment.

The minister will facilitate the final payment, recall funds or call for an audit of the recipients' books if it is considered necessary.

Participants will be required to keep their accounting information on hand for two years following the completion of the hearing, should the minister wish to have them inspected.

Participant Assistance Program Application Form

1) Assistance application is related to: _____

2) Applicant Information

Individuals, community groups, and not-for-profit organizations may apply for participant funding under the Participant Assistance Program.

Parties who demonstrated that they meet at least one of the following criteria may be eligible:

- 1) The applicant has clearly demonstrated an interest in the potential physical, social or economic effects of the development;
- 2) The applicant is a group of persons that has an established record of concern for or has demonstrated a commitment to the interest that it represents;
- 3) The applicant's work will assist the Panel in understanding the potential effects of the development and will contribute significantly to the hearing.

Name of Applicant or Organization:

Mailing Address: _____

City/Town: _____ Province: _____

Postal Code: _____ Phone: _____

Cell: _____ Fax: _____ e-mail: _____

Contact Person:

Phone: _____ Cell: _____ e-mail: _____

3) Organization Information

How many members are in your organization? _____

How many paid staff? _____

How long has your organization been in operation? _____

Please provide a list of the executive members of your organization.

What are the mandate and objectives of your organization? (please attach separate sheet or additional information as necessary).

4) Please provide the title(s), name(s), and signatures of the authorized person(s) who have signed this application and will be signing the funding agreement in the event that funding is authorized.

Title	Name	Signature

5) If you are a non-profit, please provide your non-profit number _____ and your GST number _____.

If you are an individual, please provide your SIN

6) Financial Need

What are the sources of funding for your organization (e.g. government, donations, membership fees)?

Please attach your organization's financial statements for the past two years.

Have you requested and/or obtained any funding from any other source(s) which are related to the present funding request?

How much was requested and/or received?

What in-kind services and their approximate value will be provided by your organization or partners to assist you in participation in the hearing process?

To what extent will your participation be affected if no assistance is granted? Be specific.

7) Participation Information

How will you participate? Please check off the activities you plan to take part in.

- Review the environmental impact statement submitted by the project proponent.
- Review Technical Advisory Committee comments and responses.
- Review documentation relevant to the proposed project (relevant information may include, for example, previous environmental or scientific studies, project description, land use plans etc.).
- Give information to or collect information from community members.
- Prepare for and participate in the public hearing.
- Conduct research and prepare a submission.
- Present findings to the panel.
- Provide expert testimony.
- Cross-examine the proponent, other participants and expert witnesses.
- Provide closing statement.
- Other (please specify). _____

Please describe what issues are of specific concern to you?

Has your organization contacted other potential Participants in order to bring a number of interests within one representative group? If so, please list the groups that will be part of your representation.

8) Please attach a general activity plan to this application indicating activities for which assistance is being sought, consistent with the terms of reference for the review. Please limit the activity plan to 2 to 3 printed pages. (See example).

9) Please provide an estimated budget (Attachment A), that supports your activity plan. (See Eligible Expenditures).

Please provide a list of potential legal and expert advisors, using forms in Attachments B & C.

Please provide job description(s) and staffing information for coordinator, secretarial and other support staff, as required, on Attachment D.

Please provide descriptions of other costs to be incurred on Attachment E.

10) Please have the Certification form signed by the designated representative.

Your application will not be processed until a signed original is received.

All information is being collected under authority of The Environment Act and will be used to facilitate future communication regarding the hearing and to facilitate your participation. Information provided in this application is subject to the Protection of Privacy provisions of The Freedom of Information and Privacy Protection Act. If you have any questions please contact the Commission.

Attachment A

Proposed Budget

	\$ Amount
Legal Fees:	
Professional Fees (experts):	
General Disbursements:	
Typing	
Printing	
Photocopying	
Transcripts	
Telephone Expenses (over normal base monthly costs)	
Transportation	
Accommodation	
Meals (out of town only)	
Translation	
Bookkeeping/Accounting	
Postage/Other communication expenses	
Parking	
Other: (please specify)	
Direct Expenses:	
Maps	
Research reports	
Salaries (secretarial/coordination staff)	
Total	\$

Attachment B

Legal Fees

Name of legal expert and/or firm (if known): _____

What are their specific skills relative to this review?: _____

Please describe the nature of work to be performed by legal experts and its pertinence to the Project. (e.g. research of case law related to similar circumstances in Canada, preparation of brief, presentation at hearing, cross-examination of Proponent and/or expert witnesses etc.)

Hourly or daily fee: _____

Number of hours/days required: _____

Estimated total costs (\$): _____

Attachment C

Expert Consultants

Name of expert/consultant and firm (if known): _____

What are their specific skills related to this review?: _____

Please describe the nature of work to be performed by experts and consultants and its relationship to the Project. (e.g. research background information regarding environmental effects of similar projects in Canada, preparation of presentation, act as an expert witness at hearing etc.)

Hourly or daily fee: _____

Number of hours/days required: _____

Estimated total costs (\$): _____

If there are more than one consultant/firm that you plan on utilizing for different aspects of your representation please fill out an Attachment C form for each one.

Attachment D

Staffing

Please provide summary information for all salaried staff positions that will be specifically dedicated to participating in the hearing activities. (Please fill out an Attachment D for each position).

Name of employee/position:

Duties related to the hearing activities:

Number of hours/days or % of time required: _____

Rate of Pay: _____

Benefits (% of salary): _____

Estimated total costs (\$): _____

Attachment E

Other Expenses

Travel : Please provide estimates to the best of your knowledge.

Estimated travel costs and related expenses for **legal experts**. _____

Provide the expected number persons, number of trips, destinations and reasons.

Estimated travel costs and related expenses for **consultants/experts**. _____

Provide the expected number of persons, number of trips, destinations and reasons.

Estimated travel costs and related expenses for **coordinator**. _____

Provide the expected number of trips, destinations and reasons.

Estimated travel costs and related expenses for **other staff**. _____

Provide the staff position, number of trips, destinations and reasons.

Administration and Reporting Costs:

Provide estimates on expenses related to bookkeeping: _____

banking fees: _____

An allotment will automatically be included in any awards made to be used exclusively for accounting services for the certification of the *Final Statement of Account*.

Collection and Distribution of Information:

Provide a description of the activities and products that will be purchased, prepared and distributed that are required to facilitate your representation (such costs may include typing, printing, photocopying, transcripts, postage or other communication expenses, purchase of maps and/or research reports).

Please include the duplication of presentation materials for participating parties at the hearing in these costs. The number required will be specified by the Clean Environment Commission.

Provide an estimated cost for these activities. _____

Office supplies and support:

Normal office supplies and overhead are not eligible for funding.

Allowance will be given for limited amounts of supplies (paper, file folders, printer cartridges).

Long distance charges or additional cell minutes above and beyond normal charges will be considered.

Rental of additional large office equipment (printers, scanners, and computers) with accompanying justification may be considered.

Please provide justification for and an estimate of these expenses as necessary.

Other expenses associated with the Applicant's proposed activities (please specify):

This information is being collected under the authority of the *The Environment Act* for the sole purpose of the allocation of Participant Assistance Funding.

Your information is protected by the Protection of Privacy provisions of *The Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection, contact Secretary to the Commission, 305-155 Carlton St., Winnipeg R3C 3H8, 945-7091.

10) By signing the Certification Form at the end of the application, the Applicant confirms that the requested funds are designated solely for preparation and participation in the hearing process. If the Certification Form is not signed the funding application will not be considered.

Certification

I/we hereby attest that the information I/we have provided in the attached Participant Assistance Program Application (the Application) and all supporting documentation is true, accurate and complete to the best of my/our knowledge. I/we understand that if any information provided in the Application is false or misleading, the Application may be denied funding under the Participant Assistance Program or may be required to re-pay all or some of the funding received under the Participant Assistance Program.

In the event that a participant funding award is to be made based on the Application, I/we agree that no funding will be payable unless I/we sign the Participant Assistance Funding Terms and Conditions. I/we understand that any funding received will be subject to these Terms and Conditions. I/we acknowledge that a copy of the standard Terms and Conditions was made available to me/us before signing this application form.

I/we understand that copies of any oral or written submissions during the environmental hearing process, by me/us can be used for purposes related to the administration of *The Environment Act*, including placement in the Public Registry and posting on agency websites, subject to provisions of *The Freedom of Information and Personal Privacy Act*.

By signing this Certification Form, I/we acknowledge that I/we have read, understood and agree to the Application. I/we declare that I/we are duly authorized to agree to make this application on behalf of the Applicant named in the application.

Signature

Title

Print Name

Date

11) To assist the Participant Assistance Committee in conducting a timely review of applications please indicate when representatives for your organization would generally be available for a Participant Assistance Committee meeting.

	Y	N
During regular office hours 9am-4pm	___	___
Late afternoon-early evening 4pm-7pm	___	___
Evening 7pm-9pm	___	___

Comments:

12) Please send **an electronic copy** of the completed application form and attachments to cathy.johnson@gov.mb.ca and a **signed original** to:

Manitoba Clean Environment Commission
305-155 Carlton St.
Winnipeg MB R3C 3H8

Your application will not be processed until a signed original is received.

EXAMPLE ACTIVITY PLAN (more detail may be provided as available and as necessary)

Introduction and Objective:

The proponent has provided a proposal to build a big building. Components of this proposal include the acquisition of the land, clearing and development of the land, construction and operation of the building. The XYZ Community Group has reviewed this proposal and has determined some short and long-term negative impacts on the environment and the social well-being of the local community will be experienced. The data provided does not appear to reflect the true current situation and the mitigation actions suggested do not appear to address these concerns adequately.

The XYZ Community Group intends to show that the acquisition and clearing of the property will impact on traditional uses by both the aboriginal community and local residents. We also intend to show that the construction and operation of the building will impact on the local environment by interrupting the local water table and flow patterns as well as providing pollutants to the local waterway.

Task 1: Project Coordination

A project coordinator, familiar with environmental projects, their analysis and their presentation, will be contracted to facilitate our participation, coordinate information gathering and present our findings at the hearing.

Task 2: Review in detail the proponent's proposal regarding impact on local resources and traditional use areas.

Review in detail the proponent's proposal as it relates to location within the traditional use area and its effect on the local wildlife, food sources and aesthetic value to the well-being of the community.

To accomplish this, technical assistance will be required of a consultant to assess the available inventory of natural resources and ecological communities in the area as presented by the proponent and determine if the proponent's interpretation conforms to other available and known sources of information. This comparison may include consultation with local aboriginal authorities on TEK and local community members as necessary.

Synthesis of this information will result in an inventory of possible negative effects and recommendations on how to lessen or eliminate them.

Task 3: Review in detail the proponent's proposal regarding construction standards and operation of the building on the surrounding environment.

Review in detail the proponent's proposal as it relates to construction methods and standards. To accomplish this, technical assistance will be required to assess the proposed construction standards in comparison to available more environmentally friendly technologies and practices.

An assessment of the impact on the local water table will be done and where possible alternatives that negate or lessen the impact will be suggested. The information presented by the proponent will be assessed and compared to published and local knowledge regarding the local water table and the expected short and long-term effects from the development.

Analysis of the nature and impacts of the proposed discharges from the building to the local stream will be provided. Proposed discharges will be compared to current water quality standards in Canada and expected short and long-term effects of these discharges on stream water quality, organisms living in the water and human health. Recommendations to eliminate or lessen these impacts will be provided.

Task 4: Present findings at the hearing.

The findings developed in the activities described above will be collated into a submission to the panel and presented at the hearing by the coordinator. A representative of the consulting firms hired to compile the above information will act as expert witnesses at the hearing.

Budget information has been supplied on the attached forms.

Eligible Expenditures per Section 7(1),
Participant Assistance Regulation E125.

7(1) Participant assistance may be granted only in respect of the following expenditures:

- (a) professional fees for advice or assistance, including those of legal and expert advisors;

This means fees charged by lawyers and expert technical advisors such as engineers and consultants.

- (b) salaries of persons employed for the purpose of coordination, research and the preparation of materials, including secretarial services;

This means salaries for persons that are hired specifically and only for this project and/or a portion of salaries of the organization's regular employees for the time they spend working on this project.

- (c) travel and accommodation expenses;

This means mileage (at current government rates), air travel, taxi/shuttle services and hotel rooms.

- (d) the purchase of relevant information material such as maps, documents and reports for the purpose of information, presentation and analysis;

This means the charges to purchase maps and documents as well as any technical fees required to prepare a presentation, for example: duplication of CDs or flash drives containing the presentation.

- (e) information collection and dissemination;

This means charges for information collection and distribution of said information among the members of the project committee as well as the distribution of briefs, submissions and presentations to all participants, the proponent, the Commission and others designated by the Commission.

- (f) accounting and audit services;

This means fees charged by a bookkeeper/accountant to prepare the accounting statements for submission at the end of the hearing as well as any additional audit services ordered by the Province.

This also includes any bank charges for administration of the project account.

- (g) photocopying, postage and stationary;

This means photocopying and/or printing at the most economical rate possible. This includes the duplication of copies of the presentation material, in the numbers specified, to be provided at the hearing. Postage charges for distribution of information and reasonable stationary needs, beyond normal operating expenses, for items such as paper for printing, print cartridges, file folders, labels etc.

- (h) telephone rental and charges;

This means telephone charges above and beyond normal operating costs of existing services. Established organizations with existing telephone services will only be eligible for charges above the normal monthly service fees e.g. for long distance, additional cell minutes. The installation of additional lines, if required, will be eligible only if they are pre-approved.

- (i) translation services;

This means services required to translate documents for the representatives in the project group or documents for distribution to the proponent, other participants and the commission or other pre-approved purposes.

- (j) other expenditures related to the assessment that are approved by the minister;

These may include meal expenses (out of town), at the current government rate. Alcoholic beverages are not included. Other such expenses may include the purchase of hearing transcripts and parking charges.

Other charges may be eligible but, please check with the Commission for approval before including them in your budget or in your expenditure statements otherwise you may not be reimbursed.

Note regarding GST: GST reimbursement is only available for the GST actually paid out and not on the total amount of the award. The total GST paid should be calculated from invoices and receipts where GST has been itemized.

Current Provincial Expense Rates (2011)

Meals

	In northern Manitoba	In southern Manitoba
Breakfast	\$ 7.35	\$ 6.85
Lunch	\$ 9.35	\$ 8.85
Supper	\$16.90	\$ 15.70
Per Diem	\$33.60	\$31.40
Incidentals per overnight		\$4.60

Alcoholic beverages cannot be claimed.

Mileage

	In northern Manitoba	In southern Manitoba
	44.4¢ per kilometre	40.0¢ per kilometre

Re: (Name of Project)

Participant Assistance Funding Terms and Conditions (Funding Conditions)

1. Obligations of the Participant

- a) The Participant shall proceed to participate in the (***Name of Project***) in compliance with the attached Work Plan (Schedule A) and Proposed Budget (Schedule B), as approved by the Minister based on the recommendation of the Participant Assistance Committee as reflected in the Minister's Provisional Order (or Final Order) dated _____.

- b) The Participant shall ensure that the funds received pursuant to this Order are spent entirely on Eligible Expenditures (Appendix I).

2. Financial Contribution

The Minister will provide a maximum payment to the Participant of **\$\$\$** (plus GST). The financial contribution of these funds will be for the purposes of: (***Those approved by the Minister including any special conditions***).

3. Payment Conditions

- a) Based on the accompanying Work Plan (Schedule A) and agreed upon payment schedule (Schedule C) the Minister will provide an initial payment of ***up to 30%*** of Eligible Expenditures (Appendix I) prior to commencement of the hearing.

- b) If requested in writing by the Participant, additional interim payments, not exceeding 75% of the maximum contribution, as mentioned in section 2, may be authorized based on the Work Plan, interim accounting statement and cash flow forecast, taking into account the progress of the (***Name of***

Project), after the Minister is satisfied that the initial advance payment(s) have been spent or is duly committed in writing for Eligible Expenses.

- c) In cases where the initial advance payment or part thereof has been spent, no subsequent advance payment will be considered or be paid to the Participant until a satisfactory accounting of the funds spent is provided to the Minister.
- d) The Participant shall provide a *Final Statement of Account* (Appendix II) to the Minister within 30 days after the close of the hearing. Invoices and receipts that form part of the *Final Statements of Account* shall be sufficiently detailed to allow the determination of the type of services rendered for or leased by the Participant.
- e) The Participant shall provide certification by an accounting professional that the accounting statement and accompanying invoices and receipts reflect the true costs of the expenditures incurred.
- f) The Participant shall provide a separate account of the GST incurred on these expenditures.
- g) The Participant shall ensure that all submitted mileage and meal expenses are in accordance with the current Government of Manitoba rates as set out in Appendix III.
- h) The Participant shall ensure that any airfare and hotel accommodation expenditures are obtained at the most economical rate possible.

4. Reimbursement of Funds

- a) If the Proponent notifies the Minister in writing of its decision to withdraw its application for a licence under the Act and the Minister advises the Clean Environment Commission that the environmental assessment review for the project is to be discontinued, Manitoba will provide payment only for those Eligible Expenditures incurred or irrecoverably committed prior to the decision. Any amount provided to the Participant under these Funding Conditions that was not spent or irrecoverably committed for Eligible Expenses at the time of the decision shall be paid immediately by the Participant to the Minister of Finance.

- b) Where the Minister makes a payment to the Participant under these Funding Conditions and it is subsequently determined that the Participant is not entitled to the funds by virtue of the requirements of the Act, the Regulation and these terms and conditions of payment, the amount of any excess payment, as the case may be, shall be paid immediately by the Participant to the Minister of Finance.

5. Monitoring and Reporting Requirements

- a) Up to and including 24 months after the final payment to the Participant by the Minister pursuant to these Funding Conditions, the Participant shall, at its own expense:
 - i. preserve and keep proper books, accounts and records available for audit, examination, and duplication during business hours by the Minister or any person acting on the Minister's behalf; and
 - ii. supply promptly, on request, such data regarding expenditures incurred pursuant to these Funding Conditions as Manitoba or any person acting on Manitoba's behalf may require.

- b) The Minister reserves the right to require that the Participant provide it with access to its financial statements regarding the Participant's use of the funds received by it under the Participant Assistance Program (Program). In addition upon reasonable notice the Participant shall provide to Manitoba a copy of an audited financial statement outlining the use and expenditure of funds received by the Participant under the Program.

6. Acknowledgement

The Participant recognizes that the Minister, in deciding to provide participant assistance to the Participant, has relied on the accuracy, truthfulness and completeness of the information provided by the Participant, its representatives, and agents. Funding provided is based on the understanding that the Participant will be able to carry out its proposed Work Plan in which the proposed use of the funds has been outlined.

7. Breach of Entitlement to Receive Participant Assistance

- a) The following shall constitute breaches of the right to receive participant assistance:
 - i. the Participant becomes bankrupt or insolvent;
 - ii. an order is made or resolution passed for the dissolution of the Participant, or the Participant is dissolved;
 - iii. the Participant has provided any information in the Application for Participant Assistance that is false or misleading;
 - iv. the Participant has not met or satisfied a material term or condition of these Funding Conditions and the Regulation.

- v. the funds were not used for the purpose for which they were requested as set out in the Work Plan.
- b) In the event of a breach, the Minister may in his discretion exercise one or more of the following options:
- i. suspend any obligation to provide or to continue to provide Participant Assistance including any obligation to pay an amount owing before the date of such suspension, based on a Provisional Order of Participant Assistance;
 - ii. suspend any obligation to provide or to continue to provide Participant Assistance including any obligation to pay an amount owing before the date of such suspension, based on a Final Order of Participant Assistance;
 - iii. terminate any obligation of the Minister to contribute or continue to contribute funds, including any obligation to pay an amount owing before date of such termination;
 - iv. require the Participant to re-pay to the Minister all or part of the amount received by the Participant under this Program.

8. INDEMNITY COMMITMENT OF THE PARTICIPANT

- a) The Participant shall be solely responsible for:
- i. any injury to persons (including death), damage or loss to property or infringement of rights caused by, or related to, the performance of their obligations under the Program or the breach of any term or

condition of the funding commitment by the Participant, or the officers, employees or agents of the Participant, and

- ii. any omission or wrongful or negligent act of the Participant, or of the officers, employees or agents of the Participant;

9. NO ASSIGNMENT OF PROGRAM FUNDING OR DUTIES

- a) The Participant shall not assign or transfer the funds provided or any of the rights to any other third party under this Program without first obtaining written permission from the Minister.
- b) No assignment or transfer of the Participant's proposed Work Plan shall relieve the Participant of any obligations under the Program, except to the extent they are properly performed by the Participant's permitted assigns.
- c) The duties and commitments imposed on the Participant shall be binding upon and enforceable against the executors, administrators, heirs, successors and any permitted assigns of the Participant.

10. NOTICES

- a) Any notice or other communication to Participant under this Program shall be in writing and shall be delivered personally to the Participant or an officer or employee of the Participant or sent by registered mail, postage prepaid, to:

Name and address of Participant

- b) Any notice or other communication to the Minister under this Program shall be in writing and shall be delivered or sent by registered mail, postage prepaid, to:

Participant Assistance Committee
c/o Manitoba Clean Environment Commission
305-155 Carlton St.

Winnipeg MB R3C 3H8
Attention: Secretary C. Johnson

- c) Any notice or communication sent by registered mail shall be deemed to have been received on the third business day following the date of mailing. If mail service is disrupted by labour controversy, notice shall be delivered personally.
- d) The Participant shall promptly inform the secretary of the Participant Assistance Committee in writing of any changes to the address mentioned in clause a.

11. Miscellaneous

For greater certainty a reference in these Funding Conditions to the Minister includes a person duly authorized to act on the Minister's behalf and for the purposes of the efficient implementation of the Program, certain administrative duties may be assigned to the Participant Assistance Committee from time to time in the Minister's sole discretion.

CONFIRMATION OF PARTICIPANT DUTIES

I am a duly authorized representative of **(Name of Participant or Organization)** and I have read the above terms and conditions for the use of funds that are to be provided from the Proponent to me as a Participant in the Clean Environment Commission for the **(Name of the Project)**. I understand, acknowledge and am fully aware that the Participant Assistance Funds are being provided to me for the purpose of facilitating participation by **(Name of Participant or Organization)** in the **(Name of Project)**.

At a meeting of the board or members of the **(Name of Participant or Organization)**, the funding obligations of the Participant as set out above have been explained and duly approved by a quorum of the board or the members of the organization. In particular it is understood that in accordance with s.11 of the Regulation 125/91, that if as a Participant we (I) do not comply with the conditions of the Order of the Minister, including the terms and conditions as set out in this letter, the Minister may by separate Order issued jointly or severally as against the Participant or the directors, officers or members of the Participant require the repayment of the Participant Assistance Funds in such amount as the Minister may deem appropriate.

Witness

Date

PARTICIPANT
*(signature of duly authorized
representative of the Participant)*

SCHEDULE A

Approved Activity Plan

SCHEDULE B

Approved Budget

APPENDIX I

Eligible Expenditures per Section 7(1), Participant Assistance Regulation E125.

APPENDIX II

Statement of account

APPENDIX III

Current Provincial Expense Rates