

Lake Manitoba

2011 Flood Class Action Lawsuit

Claims Administration Procedure

All Claims are subject to payment on a pro rata basis. The net amount available for distribution to Class Members is expected to be approximately \$64 million dollars. Of that amount, up to \$15 million will be to be paid to Option One Claimants and the balance will be available to pay eligible Option Two Claimants.

To the extent that all of the Option One funds are not paid out, they will be added to the Option Two funds.

To the extent that the Option Two funds are not paid out in their entirety, any surplus so remaining shall be repaid to Manitoba.

I. Claimant Eligibility for Class Action Settlement Funds

1. **Claimants' Eligibility** for the Class Action Settlement may include:
 - 1.1. Claimants who applied to the 2011 Lake Manitoba Financial Assistance Program and:
 - 1.1.1. Whose claim was rejected by the Province of Manitoba as not being eligible,
 - 1.1.2. Who received compensation for less than the amounts of their claim amounts or
 - 1.1.3. Who have additional claim amounts that were not submitted since they did not meet the original 2011 Lake Manitoba Financial Assistance Program criteria

and now meet the Class Action Settlement criteria.
 - 1.2. Claimants who did not apply to the 2011 Lake Manitoba Financial Assistance Program and who meet the Class Action Settlement criteria.
 - 1.3. Claimants who applied to the 2011 Lake Manitoba Financial Assistance Program and who received full compensation for the amounts of their claim amounts are not eligible for the Class Action Settlement.

II. Claim Submission Process

2. **Claim Registration Form:** During the Court 90-Day Notice Period, a Claimant may submit to the Claims Administrator a **Claim Registration Form** where they request that they be included in the Class Action Settlement and acknowledge they meet the published terms of the Class Action Settlement Eligibility Criteria by checking off the applicable Eligibility Criteria and provide specific supporting evidence to demonstrate that they meet the Eligibility Criteria (e.g. Property Tax Bills, 2011 Lake Manitoba Financial Assistance Program acceptance documentation, etc.)
3. The Claims Administrator will assess each **Claim Registration Form** and communicate back to the Claimant if they meet or do not meet the Eligibility Criteria, and provide the Claimant the opportunity within a set timeframe to provide further information to potentially substantiate their eligibility.
4. **Claimant Not Eligible Communication:** If a Claimant does not meet the Eligibility Criteria, the Claims Administrator will list the reasons including, for example, at the date of the 2011 Flood:
 - 4.1. Claimant did not own property, farm, business or not-for-profit in the Lake Manitoba Flood Zone (defined in the Class Action Settlement as 30 kilometres surrounding Lake Manitoba)
 - 4.2. Claimant was not 18 years old
 - 4.3. Specific areas listed by the Claimant in the Other Section of the **Claim Registration Form** are not eligible.
5. **Claimants' Claim Option Form:** If a Claimant meets the Eligibility Criteria, the Claims Administrator will send a **Claimants' Claim Option Form** relating to the Class Action Settlement Fund. The **Claimants' Claim Option Form** submission deadline is ninety (90) days after a Claimant is notified of their eligibility. The Claimant will have the following options in their reply:
 - 5.1. **Option 1 (Potential for Nine Month Payment Timeline):** Agree to accept a Fixed Class Action Settlement payment amount, without any further action required by the Claimant or filing any further documentation, based on their agreement for the Claims Administrator to obtain from the Province the Claimant's 2011 Lake Manitoba Financial Assistance Program payments received and on the following table (A maximum total of \$15,000,000 in payments may be paid under Option 1; if all Claimants' Option 1 claims combined total greater than \$15,000,000, then the Option 1 Claims will be pro-rated):

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Lake Manitoba Financial Assistance Program	Class Action Settlement Option 1 Payment
Part A - Pasture	15% of Lake Manitoba Financial Assistance Program Payments Received
Part B - Agriculture	15% of Lake Manitoba Financial Assistance Program Payments Received
Part C - Business, Principal and Non-Principal Residence	
Lake Manitoba Financial Assistance Program Payments Received: Greater than \$100,000 \$25,000 to \$100,000 \$10,000 - \$24,999 \$5,000 - \$9,999 Less than \$5,000	\$ 15,000 Fixed Payment 7,500 Fixed Payment 2,500 Fixed Payment 1,000 Fixed Payment 500 Fixed Payment

- 5.2. The **Claimants' Claim Option Form** will list the amounts that the Claimant was compensated for each Part (if any) of the original 2011 Lake Manitoba Financial Assistance Program and their eligible Class Action Settlement Option 1 amount(s) based on the table above that they can accept instead of having the Claims Administrator reassess their original claim amounts. The Claimant can select any one or all the 2011 Lake Manitoba Financial Assistance Program parts applicable to them for Option 1 compensation. The Claimant has the option to select any of the 2011 Lake Manitoba Financial Assistance Program parts that the Claimant wants to be included in the Option 2 Claims Administrator assessment process instead of receiving the Option 1 compensation.
- 5.3. The **Claimants' Claim Option Form** will highlight that the Claims Administrator will make every reasonable effort to make all Option 1 payments within nine months of the **Claimants' Claim Option Form** deadline.

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5.4. **Option 2 (Potential Two Year Payment Period):** If a Claimant does not wish to receive the Option 1 Fixed Class Action Settlement payment amount, then the Claimant can participate in the Claims Assessment process by:

5.4.1. Authorizing Manitoba Agricultural Services Corporation to provide all the Claimants' applications, supporting documents / evidence, and details of compensation payments received under the original 2011 Lake Manitoba Financial Assistance Program to eliminate the Claimant's re-submission of supporting documentation evidence to the Claims Administrator (subject to Manitoba Agricultural Services Corporation being able to locate a specific Claimant's related documents).

5.4.2. Re-submitting their applications, supporting documents / evidence and details of compensation payments received under the original 2011 Lake Manitoba Financial Assistance Program directly to the Claims Administrator.

5.4.3. Submitting any additional claim amounts with supporting evidence as required to meet the Class Action Settlement criteria.

5.5. The **Claimants' Claim Option Form** will highlight that the Claims Administrator will make every reasonable effort to make all Option 2 payments within two years of the **Claimants' Claim Option Form** deadline.

6. **Supporting evidence** includes but is not limited to:

6.1. Ownership or Rental documents of property as at May 1, 2011, including:

6.1.1. Land Deeds

6.1.2. Property Tax Assessments – Education Provincial Tax Credit

6.1.3. Driver's license or vehicle registration.

6.1.4. Income tax records (MB 479).

6.1.5. Health Records.

6.1.6. Rental Agreements.

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- 6.2. Supplier invoices charged to Claimant with Claimant payment to the Supplier.
- 6.3. Affidavits from Suppliers who Claimants made payments to where the Claimant cannot locate past invoices / payments evidence.
- 6.4. Independent Real Estate Appraisals.
- 6.5. Independent Agronomist Reports.
- 6.6. Listing of all Government Compensation received relating to the 2011 Flood.

Differences from 2011 Lake Manitoba Financial Assistance Program

The differences between the 2011 Lake Manitoba Financial Assistance Program and the Class Action Settlement are summarized at the beginning of each section.

III. Option 2: Claims Administration Methodology

7. If the total of all Eligible Claimants' Option 2 claims is greater than the balance of the remaining Class Action Settlement Funds after the Option 1 payments have been made, then the claims will be pro-rated.

8. Exchange Solutions Inc. has identified the following major Claim Types:

A. Primary Residence, Seasonal Residence, Business or Farm Property

A.1 Principal and Non-Principal Residences Property

A.2 Business and Farm Property

A.3 Property Devaluation

A.4 Developers' Subdivision Land Devaluation

A.5 Vehicles, Farm, Recreational and Other Equipment

B. Farmland Damage and Herd Loss

B.1 Crop Production (Annual and Perennial) – 2011 and Subsequent Years

B.2 Herd (Animals)

C. Business / Not-for-Profit Entities Net Income Losses

D. Flood Cleanup and Mitigation

E. Moving / Storage / Accommodation Rental Expenses

F. Lifestyle / Personal Effort / Mental Health / Loss of Use

G. Special Circumstances

A. Primary Residence, Seasonal Residence, Business or Farm Property

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A. Primary Residence, Seasonal Residence, Business or Farm Property

The following are eligible under the Class Action Settlement Criteria:

- A. **50%** costs for Independent Real Estate Appraisals.
- B. Property and Land Devaluation up to December 31, 2013, Fair Market Values.
- C. The actual appraised Fair Market Value as at May 1, 2011, for Principal and Non-Principal (Seasonal) Residence (the limits of \$300,000 for Principal Residence and \$100,000 for Non-Principal Residences have been removed).
- D. Business and Farm properties are specifically included.
- E. Vehicles, Farm, Recreational and Other Equipment properties are specifically included.
- F. 100% of the cost of restoring building(s), infrastructure, and landscape to pre-flood condition from damages due to flooding, based on the reasonable Repair Cost or Replacement Cost, whichever is less, but no greater than the May 1, 2011, fair market value of damaged building(s), infrastructure, and landscape (the 90% limit if no permanent flood protection costs had been undertaken has been removed).
- G. The value of damage to landscaping and contents of the Non-Principal Residence, as of the date of loss. Compensation will be based on the reasonable Repair Cost or Replacement Cost, whichever is less, as determined by the Claims Administrator.
- H. All reasonable costs associated with the demolition of a building in addition to its replacement costs paid, but no greater than the May 1, 2011 Fair Market Value.
- I. All reasonable costs associated with the demolition / disposal of vehicles, farm, recreation and other equipment in addition to its replacement costs paid, but no greater than the May 1, 2011 Fair Market Value.

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Eligibility Criteria

9. An Eligible Participant is one who:
 - 9.1. Is an individual who was 18 years of age or older, partnership, corporation, cooperative, commune or First Nation as of May 1, 2011; and
 - 9.1.1. Owned or rented a Principal Residence or Non-Principal Residence located off reserve in the Lake Manitoba Flood Zone as of May 1, 2011, or
 - 9.1.2. Is a Farm or Business that owned or rented property located off reserve in the Lake Manitoba Flood Zone as of May 1, 2011.

Overall Loss, Cost and Expenses Amounts Criteria

10. The Program will reimburse Eligible Participants for reasonable losses, costs and expenses incurred as a direct result of the high-water levels in the Lake Manitoba Flood Zone as calculated by the Claims Administrator.
 - 10.1. Claims must be accompanied by sufficient evidence and documentation to verify the amount of losses, costs and expenses incurred to the satisfaction of the Claims Administrator.
 - 10.2. Eligible reasonable costs include Independent Real Estate Appraisal Reports obtained for valuing the Fair Market Value of property.
11. Amounts received or receivable from other government and non-government sources to compensate for losses shall be deducted from program payments.
12. Tax information slips required under the Income Tax Act (Canada) may be issued in the name of the Eligible Participant. Program payments cannot be assigned.
13. Acceptable supporting evidence of **Fair Market Value** of property includes:
 - 13.1. An Independent Real Estate Appraisal Report including one of the following types:
 - 13.1.1. Direct Comparison Approach
 - 13.1.2. Cost Approach

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13.1.3. Income Approach

13.2. Municipality Property Tax Assessed Value.

14. If a Claimant provides supporting evidence of reasonable eligible costs but does not provide supporting evidence of the property's Fair Market Value, then the Claimant may be eligible for the Class Action Settlement Funds relating to property claims to a **maximum of \$25,000.**

A.1 Principal and Non-Principal Residences

15. **Principal and Non-Principal Residences** – Eligible Participants who owned or occupied a Principal and / or Non-Principal Residence within the Lake Manitoba Flood Zone as of May 1, 2011, may be reimbursed for:

15.1. **Property damage** due to flooding, including:

- 15.1.1. The cost of restoring building(s), infrastructure, and landscape to pre-flood condition from damages due to flooding, based on the reasonable Repair Cost or Replacement Cost, whichever is less, as determined by the Claims Administrator, but not greater than the May 1, 2011, fair market value of damaged building(s), infrastructure, and landscape and
- 15.1.2. The value of damage to contents of the Principal and Non-Principal Residence, as of the date of loss. Compensation will be based on the reasonable Repair Cost or Replacement Cost, whichever is less, as determined by the Claims Administrator, but not greater than the May 1, 2011, fair market value.
- 15.1.3. In the event property required to be demolished and rebuilt, the amounts of demolition costs will be in addition to the cost to restore building(s), infrastructure, and landscape in 15.1.1.

A.2 Business and Farm Property

16. **Businesses** – Eligible Participants who owned or occupied a Business or Farm within the Lake Manitoba Flood Zone as of May 1, 2011, may be reimbursed for:

16.1. **Property damage** due to flooding, including:

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- 16.1.1. The cost of restoring damage to Business or Farm building(s), infrastructure and landscaping due to flooding to pre-flood condition, based on the reasonable Repair Cost or Replacement Cost, whichever is less, to a maximum of the May 1, 2011, fair market value of the asset; and
- 16.1.2. The value of damage to inventory of Business (Farm inventory is included on Farmland Section) due to flooding, as of the date of loss. Compensation will be based on the reasonable Repair Cost or Replacement Cost, whichever is less, as determined by the Claims Administrator.
- 16.1.3. Payments under 16.1.1 will be limited to a maximum of
 - 16.1.3.1. costs with supporting evidence or
 - 16.1.3.2. the current fair market value of the asset without the flood, whichever is less.
- 16.1.4. In the event property is required to be demolished and rebuilt, the amounts of demolition costs will be in addition to the cost to restore building(s), infrastructure, and landscape in 16.1.1

A.3 Property Devaluation

17. Any devaluation of the Primary Residence, Seasonal Residence, Business or Farm Property will be based on the following criteria and supporting evidence provided:
 - 17.1. If the Claimants' property continues to be owned by the Claimant, any devaluation will be calculated as the difference between:
 - 17.1.1. The May 1, 2011, appraised value of the property and
 - 17.1.2. The December 31, 2013 appraised value of the property (if lower).
 - 17.2. If the Claimants' property has been sold in an arms-length transaction between May 1, 2011 and December 31, 2013, any devaluation will be calculated as the difference between:
 - 17.2.1. The May 1, 2011, appraised value of the property and

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- 17.2.2. Selling price (if lower).
- 17.3. If the Claimants' property has been sold in an arms-length transaction after December 31, 2013, any devaluation will be calculated as the difference between:
 - 17.3.1. The May 1, 2011, appraised value of the property and
 - 17.3.2. The December 31, 2013, appraised value of the property (if lower).
- 17.4. If the Claimants' property has been sold in a NON-arms-length transaction, any devaluation will be calculated as the difference between:
 - 17.4.1. The May 1, 2011, appraised value of the property and
 - 17.4.2. The December 31, 2013, appraised value of the property (if lower).

A.4 Developers' Subdivision Land Devaluation

- 18. Any devaluation of the Property Owner / Developers' Subdivision Land will be based on the following criteria and supporting evidence provided:
 - 18.1. Subdivision zoning or rezoning had been approved by the Municipality or other government bodies prior to May 1, 2011, and
 - 18.2. If the Claimants' land continues to be owned by the Claimant, any devaluation will be calculated as the difference between:
 - 18.2.1. The May 1, 2011, appraised value of the land and
 - 18.2.2. The December 31, 2013, appraised value of the land (if lower).
 - 18.3. If the Claimants' land has been sold in an arms-length transaction between May 1, 2011 and December 31, 2013, any devaluation will be calculated as the difference between:
 - 18.3.1. The May 1, 2011, appraised value of the land and
 - 18.3.2. Selling price (if lower).

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- 18.4. If the Claimants' property has been sold in an arms-length transaction after December 31, 2013, any devaluation will be calculated as the difference between:
- 18.4.1. The May 1, 2011, appraised value of the land and
 - 18.4.2. The December 31, 2013, appraised value of the land (if lower).
- 18.5. If the Claimants' property has been sold in a NON-arms-length transaction, any devaluation will be calculated as the difference between:
- 18.5.1. The May 1, 2011, appraised value of the land and
 - 18.5.2. The December 31, 2013, appraised value of the land (if lower).

A.5 Vehicles, Farm, Recreational and Other Equipment

19. **Vehicles, Farm, Recreational and Other Equipment** damaged due to flooding, including:
- 19.1. The cost of restoring Vehicles, Farm, Recreational and Other Equipment to pre-flood condition from damages due to flooding, based on the reasonable Repair Cost or Replacement Cost, whichever is less, but no greater than the May 1, 2011 fair market value of damaged Vehicles, Farm, Recreational and Other Equipment.
 - 19.2. Payments under Article 19 will be limited to a maximum of
 - 19.2.1. repair costs with supporting evidence or
 - 19.2.2. 50% of replacement cost with supporting evidence, whichever is less (based on an average depreciated value (wear and tear) of the damaged Vehicles, Farm, Recreational and Other Equipment).
- Less: Vehicles, Farm, Recreational and Other Equipment insurance proceeds received.
- 19.3. In the event Vehicles, Farm, Recreational and Other Equipment required to be demolished or disposed of, the amounts to dispose or demolish will be in addition to the cost to restore Vehicles, Farm, Recreational and Other Equipment in 19.1.

B. Farmland Damage and Herd Loss

B. Farmland Damage and Herd Loss

The following are now eligible under the Class Action Settlement Criteria:

- A. Farmers who have revenues greater than \$10 million in their immediately prior completed fiscal year to May 1, 2011.
- B. The costs for Agronomists Reports.
- C. Crop Production Yield Losses and NET Compensation / Acre rates specifically use the Manitoba Agriculture Statistics Index as the standard for evaluating losses.
- D. Post-Flood Crop Loss criteria specifically include the years 2011, 2012 and 2013 and subsequent years if supporting evidence is provided that the identified lands were not subsequently flooded again.
- E. Costs incurred for Evacuated Animals is extended from May 31, 2012, to October 31, 2012.
- F. Evacuated Animals includes pigs and other not explicitly identified in the criteria.
- G. Rental Costs for the storage of Evacuated Animals are specifically included.
- H. Personal Travel Mileage to / from Evacuated Animal location.
- I. Herd Losses of Evacuated Animals including death, damage or injury, breeding issues and others are included for the period in which the Evacuated Animals were on the flooded lands, being transported or housed at the Animal Premises with rates based on Manitoba Agriculture Yearbook - Livestock production weight class rates or Manitoba Auction reports rate, whichever is less.

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Eligibility Criteria

20. An Eligible Participant is one who:

20.1. Is an individual who was 18 years of age or older, partnership, corporation, cooperative, commune or First Nation as of May 1, 2011; and

20.2. Is the individual or entity that:

20.2.1. Owned or leased Agricultural Land or a Farm Business located in the Lake Manitoba Flood Zone as of April 1, 2011;

20.2.2. Owned or leased the Eligible Land on April 1, 2011; or

20.2.3. Owned or leased an Animal Premises used to house Evacuated Animals during the time period starting on April 1, 2011, and ending on October 31, 2012; or

20.2.4. Was responsible for the cost of feeding the Eligible Animals, which include:

20.2.4.1. Cattle, bison, elk, sheep, goats, llamas, alpacas, horses or pigs, others and

20.2.4.2. Located within the Lake Manitoba Flood Zone; and

20.2.4.3. Meet either the following two criteria:

20.2.4.3.1. Were mature breeding animals owned or leased by the Eligible Participant, based on the number on December 31, 2010 or April 1, 2011, whichever is greater; or

20.2.4.3.2. Were other animals that the Eligible Participant was expected to graze on Pasture, as determined by the Claims Administrator. This may be based on the greater of the number of such animals on April 1, 2011, or the average inventory that the Eligible Participant was responsible to feed during

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the summer grazing season from May 28 to October 15, 2010.

Overall Loss, Cost and Expenses Amounts Criteria

21. The Program will reimburse Eligible Participants for losses, costs and expenses that:
- 21.1. Are a direct result of
 - 21.1.1. exceeding the Carrying Capacity of Animal Premises caused by housing Evacuated Animals during the period starting on April 1, 2011, and ending at October 31, 2012; or
 - 21.1.2. high water levels in the Lake Manitoba Flood Zone in the period starting on April 1, 2011, and ending on October 31, 2011.
 - 21.2. Occurred in the period starting on April 1, 2011, and ending on October 31, 2012.
 - 21.3. Are accompanied by sufficient evidence and documentation to verify the amount of losses incurred as determined by the Claims Administrator.

Eligible reasonable costs include Independent Agronomist Reports.

Less: Any compensation received for 2011 flood herd loss from the 2011 Lake Manitoba Financial Assistance Program or any other source.

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B.1 Crop Production (Annual and Perennial)

B.1.1 Perennial Crops and Land

22. **Agricultural Property Damage Caused by Flooding** - Eligible Participants may be reimbursed for damage to:

- Agricultural Infrastructure
- Improved Cropland
- Agricultural Inventory, and
- Personal Property kept for the purpose of agricultural production

that is caused by flooding in the Lake Manitoba Flood Zone based on the reasonable cost of repair or replacement, whichever is less, but not greater than the fair market value as of April 1, 2011.

Compensation for agricultural property damage will be based on:

- 22.1. Restoring Agricultural Infrastructure to pre-flood condition, to a maximum of the April 1, 2011, fair market value of the asset.
- 22.2. Flood damage (e.g. Remediation Costs for Erosion and Salinity) to Improved Cropland (e.g. Forage / Tame Hay), as determined by the Claim Administrator:
- 22.3. The cost for re-establishing perennial crops on Improved Cropland, to a maximum of the annual April 1 fair market value of the asset as determined by the Claim Administrator using the following criteria:
 - 22.3.1.1. 2011, 2012 and 2013 Reseeding costs and
 - 22.3.1.2. Crop Production Yield Loss for each year based on the Manitoba Agriculture Statistics Index as follows:
 - 2011: 100% Crop Production Yield Loss
 - 2012: 50% Crop Production Yield Loss
 - 2013: 25% Crop Production Yield Loss and

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22.3.2. At the following NET Compensation / Acre rates established by Manitoba Agriculture Statistics Index GROSS Production Value rates less 50% production costs:

CROP	Year	Yield / Acre	\$ / Tonne	Production Value	Less:	NET
					Production Costs	Compensation / Acre
Forage / Tame Hay	2011	1.9	73.00	138.70	(69.35)	69.35
	2012	1.7	73.00	124.10	(62.05)	62.05
	2013	1.7	73.00	124.10	(62.05)	62.05

22.3.3. At the sole discretion of the Claims Administrator, additional years' Crop Production Yield Loss beyond December 31, 2013, maybe considered based on the following:

22.3.3.1. Testing results evidence (e.g. Salinity) for the identified lands pre-flood are provided, and

22.3.3.2. Testing results evidence (e.g. Salinity) for the identified lands post-December 31, 2013 that continue to result in Crop Production Yield Loss, and

22.3.3.3. Supporting evidence that the identified lands were not flooded again subsequent to December 31, 2013, within the years being claimed.

22.3.4. Eligible Participants must submit supporting evidence for years' claimed, which may include:

- Independent Agronomist Reports
- Third-Party Verification Report(s)
- Suppliers' Invoices (e.g. seed purchases)
- Crop Insurance Submissions
- Other Government Submissions

Less: Any compensation received for crop loss from the 2011 Lake Manitoba Financial Assistance Program or any other source.

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- 22.4. The value as of the date of loss of damage due to flooding to agricultural inventory and personal property kept for the purpose of agricultural production.

B.1.2 Annual Crops

23. **Lost Agricultural Production in Growing Season** - Compensation is available if an Eligible Participant suffers lost production due to reduced annual crop yield and/or quality due to flooding in 2011 located in the Lake Manitoba Flood Zone.

- 23.1. The cost for lost production due to reduced annual crop yield and/or quality, to a maximum of the annual April 1 fair market value of the asset as determined by the Claim Administrator using the following criteria:

- 23.1.1. Crop Production Yield Loss for each year based on the Manitoba Agriculture Statistics Index as follows:

2011: 100% Crop Production Yield Loss (no reseeding compensation)

2012: 50% Crop Production Yield Loss Subject to Third-Party Verification Report(s)

2013: 25% Crop Production Yield Loss Subject to Third-Party Verification Report(s) and

- 23.1.2. At the following NET Compensation / Acre rates established by Manitoba Agriculture Statistics Index GROSS Production Value rates less 12.5% production costs in 2011 (cost of seeding already incurred) and 50% production costs for 2012 and 2013:

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CROP	Year	Yield / Acre	\$ / Bushel	Less:		NET Compensation / Acre
				Production Value	Production Costs	
Wheat	2011	39	6.25	243.75	(30.47)	213.28
	2012	48	6.50	312.00	(156.00)	156.00
	2013	61	8.30	506.30	(253.15)	253.15
Barley	2011	60	3.75	225.00	(28.13)	196.88
	2012	54	4.25	229.50	(114.75)	114.75
	2013	82	4.78	391.96	(195.98)	195.98
Oats	2011	67	3.00	201.00	(25.13)	175.88
	2012	83	3.25	269.75	(134.88)	134.88
	2013	106	3.41	361.46	(180.73)	180.73
Canola	2011	29	10.50	304.50	(38.06)	266.44
	2012	27	11.00	297.00	(148.50)	148.50
	2013	43	11.90	511.70	(255.85)	255.85
Other Crops	2011	Per Manitoba Agriculture Statistics Index				
	2012	Per Manitoba Agriculture Statistics Index				
	2013	Per Manitoba Agriculture Statistics Index				

23.1.3. At the sole discretion of the Claims Administrator, additional years' Crop Production Yield Loss beyond December 31, 2013, maybe considered based on the following:

23.1.3.1. Testing results evidence (e.g. Salinity) for the identified lands pre-flood are provided, and

23.1.3.2. Testing results evidence (e.g. Salinity) for the identified lands post-December 31, 2013 that continue to result in Crop Production Yield Loss, and

23.1.3.3. Supporting evidence that the identified lands were not flooded again subsequent to December 31, 2013, within the years being claimed.

23.1.4. Eligible Participants must submit Supporting Evidence for years' claimed which may include:

- Independent Agronomist Reports
- Third-Party Verification Report(s)
- Suppliers' Invoices (e.g. seed purchases)

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- Crop Insurance Submissions
- Other Government Submissions

Less: Any compensation received for crop loss from the 2011 Lake Manitoba Financial Assistance Program or any other source.

- 23.2. Land claimed under Herd Damage is not eligible under this Program.
- 23.3. For other agricultural products, an individual assessment will be carried out by the Claims Administrator to determine compensation for lost production.

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B.2 Herd (Animal)

B.2.1 Grazing Pasture Flooding

24. The Program will pay an Eligible Participant the lesser of 24.1 or 24.2.
- 24.1. The Eligible Animals as determined in clause 20 multiplied by the per-head payment rate as determined in 25.
- 24.2. The Eligible Land owned or leased by the Eligible Participant on April 1, 2011 multiplied by the per-acre payment rate as determined in 26.
25. **The per-head payment rates** used for the purpose of determining the Program payment (as outlined in 24) are based on multiplying the Livestock Pasture Requirement of an Eligible Animal by a payment rate of \$74.60 per animal unit. The following list highlights the maximum per-head payments used for Program purposes. Payment rates for animals not listed below will be as determined by the Claims Administrator.

Livestock Type Maximum Payment per Pair or Grasser.

Cattle , bison, elk, \$100.66/cow-calf pair or \$80.53/grasser

Horse \$100.66/mare-foal pair or \$80.53/grasser

Sheep, goats, llamas, alpacas \$20.13/mature female with offspring or \$16.40/grasser

26. **The per-acre payment rates** used for the purpose of determining the Program payment (as outlined in 24) are based on multiplying the Standard Pasture Carrying Capacity of the Eligible Land by a value of \$74.60 per animal unit. The following list highlights the maximum per-acre payments used for Program purposes.

Pasture Type Maximum Payment per Acre.

Native Pasture \$ 14.17

Wooded Pasture \$ 5.00

Tame Pasture \$ 33.00

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B.2.2 Infrastructure, Transportation and Storage Costs (Rent)

27. **Damage to Animal Premises Caused by Evacuated Animals** — Eligible Participants may be reimbursed for damage to a Grazing Area, Livestock Infrastructure, and personal property kept for the purpose of agricultural production at an Animal Premises and caused by housing Evacuated Animals. The compensation is based on the reasonable cost of repair or replacement, whichever is less. Compensation will be provided as below:
- 27.1. Compensation is limited to the extent that the damage can be reasonably attributed to the degree that housing the Evacuated Animals caused the Carrying Capacity of the Animal Premises to be exceeded.
 - 27.2. The damage must have occurred while the Evacuated Animals were housed at the Animal Premises during the period starting on April 1, 2011, and ending October 31, 2012.
 - 27.3. Compensation is for the costs incurred, to a maximum of the asset's April 1, 2011 fair market value.
28. **Extraordinary Transportation Costs of Evacuated Animals** — Eligible Participants will be reimbursed for extraordinary transportation costs incurred in transporting feed to Evacuated Animals or Evacuated Animals to feed due to flooding or the risk of flooding of Pasture or a Confined Feeding Operation that they own or lease in the Lake Manitoba Flood Zone.
- 28.1. Extraordinary transportation expenses do not include:
 - 28.1.1. Expenses associated with movement to an auction market for sale of animals or a change in ownership or lease of the animals.
 - 28.1.2. Expenses that the Eligible Participant would have incurred as part of normal business practices if flooding had not occurred in the Lake Manitoba Flood Zone.
 - 28.1.3. Expenses incurred prior to April 1, 2011 or the date of possession of the Evacuated Animals, whichever is later.

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- 28.1.4. Expenses incurred after October 31, 2012, or the date that the Eligible Participant is no longer responsible for feeding the Evacuated Animals, whichever is earlier.
- 28.2. Compensation is limited to the transportation cost reasonably expected based on:
 - 28.2.1. The number of Evacuated Animals that are owned or leased by an Eligible Participant in the Lake Manitoba Flood Zone.
 - 28.2.2. Moving the quantity and type of feed required by the animals from April 1, 2011, to the date that they are no longer owned or leased by the Eligible Participant or October 31, 2012, whichever is earlier.
 - 28.2.3. Compensation for transportation will be determined by the Claim Administrator and are not to exceed:
 - 28.2.3.1. 1000 km each way for animals;
 - 28.2.3.2. 500 km for forage; and
 - 28.2.3.3. 250 km for concentrates.
- 29. **Rental Costs of Evacuated Animals** — Eligible Participants will be reimbursed for rental costs incurred for storage of Evacuated Animals due to flooding or the risk of flooding of Pasture or a Confined Feeding Operation that they own or lease in the Lake Manitoba Flood Zone.
 - 29.1. The rental costs must have occurred while the Evacuated Animals were housed at the Animal Premises during the period starting on April 1, 2011, and ending October 31, 2012.
- 30. **Personal Travel Costs to / from Evacuated Animals** — Eligible Participants will be reimbursed for personal mileage costs (at the established CRA 2011- and 2012-kilometre rates) incurred travelling to / from the location of the Evacuated Animals due to flooding or the risk of flooding of Pasture or a Confined Feeding Operation that they own or lease in the Lake Manitoba Flood Zone.
 - 30.1. The personal travel mileage costs must have occurred while the Evacuated Animals were housed at the Animal Premises during the period starting on April 1, 2011, and ending October 31, 2012, based on the shortest driving distance from / to the

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Participants personal residence to the evacuated animals' location and based on the Claim Administrators sole discretion for reasonable number of trips.

B.2.3 Herd Population Losses

31. **Herd Losses of Evacuated Animals** — Eligible Participants will be reimbursed for the cost of Herd Losses due to flooding or the risk of flooding of Pasture or a Confined Feeding Operation that they own or lease in the Lake Manitoba Flood Zone, including:
 - 31.1. Animals that died or
 - 31.2. Animals that were damaged / injured resulting in lost value or
 - 31.3. Animals with breeding issues or
 - 31.4. Other Herd Losses.
32. The Herd Losses must have occurred while the Evacuated Animals were on flooded land, being transported due to evacuation or housed at the Animal Premises during the period starting on April 1, 2011, and ending October 31, 2012.
33. Compensation will be up to the Manitoba Agriculture Yearbook - Livestock production weight class rates or Manitoba Auction reports rate, whichever is less.
34. Eligible Participants must submit Supporting Evidence for years' claimed, which may include:
 - Independent Agronomist Reports
 - Third-Party Verification Report(s)
 - Calving Reports
 - Veterinarian Reports / Bills
 - Suppliers Invoices (e.g. replacing stock)
 - Insurance Submissions
 - Other Government Submissions

Less: Any compensation received for herd loss from the 2011 Lake Manitoba Financial Assistance Program or any other source..

C. Business / Not-for-Profit Entities

Net Income Losses

C. Business / Not-for-Profit Entities Net Income Losses

The following are now eligible under the Class Action Settlement Criteria:

- A. Businesses off reserve that have revenues greater than \$10 million in their completed fiscal year immediately prior to May 1, 2011.
- B. Businesses, Farmers that run non-Farm Businesses or Not-for-Profits located off reserve inside the designated Lake Manitoba Flood Zone (defined in the Class Action Settlement as 30 kilometres surrounding Lake Manitoba) and whose property was physically damaged by the 2011 Flood:
 - a. If their financial results were negatively impacted by the 2011 Flood and
 - b. Post-Flood financial results that were negatively impacted by the flood event criteria in B(a) include the years 2012 and 2013.
- C. A specific list of supporting evidence required for Claims related to financial results that were negatively impacted economically by the flood event.

Eligibility Criteria

- 35. An Eligible Participant is one who:
 - 35.1. Is an individual who was 18 years of age or older, partnership, corporation, cooperative, commune or First Nation as of May 1, 2011; and
 - 35.1.1. Is a Business (excluding Farm Agriculture or Herd Business), a non-Farm Business or Not-for-Profit entity located off reserve in the designated Lake Manitoba Flood Zone who had their financial results negatively impacted by the flood event and their property was physically damaged by the 2011 Flood.
 - 35.2. Is not a government-funded research station.

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36. Definitions of Business in the Original 2011 Lake Manitoba Financial Assistance Program (Part C):
- 36.1. "**Business**" means an individual or entity that intends to carry on activities for profit and there is evidence to support that intention (i.e. profession, trade, manufacture, etc.). Farm Businesses are not included as they are covered in the Farm Damage and Herd Loss Section.
 - 36.2. "**Farm Business**" means a Business that engages in agricultural production, including tillage of the soil, livestock production, raising poultry, dairying, fur farming, tree farming, horticulture, bee keeping, or any other activity undertaken to produce agricultural products, but does not include fish farming, the purchase and resale of agricultural products, or the commercial processing of agricultural products.

Overall Loss, Cost and Expenses Amounts Criteria

37. **Businesses and Not-for-Profits** – Eligible Participants may be reimbursed for **Business income loss** due to flooding of their property:
- 37.1. Compensation is available if a Business suffered a net income loss between the period May 1, 2011, to December 31, 2013, due to flooding of their property impacting the continuous operation of the Business. The amount of the assistance will be assessed on an individual basis and determined by the Claims Administrator.

Less: Any compensation received from the 2011 Lake Manitoba Financial Assistance Program or any other source.
38. Claimants are required to provide the following supporting evidence:
- 38.1. Listing of all operating businesses and related party businesses and transactions.
 - 38.2. Financial analysis provided by business owner respecting how the flooding of their property affected their business financial results including but not limited to:
 - 38.2.1. Sales reduction.
 - 38.2.2. Increased expenses.

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- 38.3. 2009 and 2010 Financial Statements and / or Tax Returns (both business and personal) showing pre-flood financial results for all operating and related businesses. The Claimant may submit and / or the Claims Administrator may request earlier years' Financial Statements and / or Tax Returns to assist in assessing net income losses.
 - 38.4. 2011 to 2013 Financial Statements and / or Tax Returns (both business and personal) showing post-flood financial results for all operating and related businesses.
 - 38.5. Separate listing of all government and other compensation received by the operating business, related parties and business owner personally after May 1, 2011, relating to the flood event.
 - 38.6. Separate listing of all business owners and related party's compensation paid as an expense in the business for each of the years required.
 - 38.7. A statement confirming the financial information provided including Financial Statements and / or Tax Returns are all-inclusive information relating to the affected business.
39. The Claims Administrator may request supporting evidence from the Claimants including but not limited to:
- 39.1. Sales receipts
 - 39.2. Supplier invoices
 - 39.3. Payroll records
 - 39.4. Income and sales tax forms and assessments.

D. Flood Cleanup and Mitigation

D. Flood Cleanup and Mitigation

The following are now eligible under the Class Action Settlement Criteria:

- A. Actual foregone wages greater than \$20.00 per hour for Flood cleanup and mitigation.
- B. For Principal and Non-Principal Residences, all reasonable costs incurred with flood mitigation measures, as approved by the Claims Administrator (the claim limit of \$10,000 has been removed).

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Flood Cleanup and Mitigation

40. The Program will reimburse Eligible Participants for reasonable losses incurred as a direct result of the high-water levels in the Lake Manitoba Flood Zone as calculated by the Claims Administrator.

40.1. Claims must be accompanied by sufficient evidence and documentation to verify the amount of losses incurred.

41. The **Eligible Participant's and any Non-Arms Length Labour time** for cleanup of debris and mitigation will be reimbursed at:

41.1. Minimum wage based on reasonable times determined by the Claims Administrator.

41.2. Forgone gross wages will be limited to actual lost wages based on supporting evidence provided.

41.3. For cleanup time, the Eligible Participant may be compensated for either labour or forgone wages, but not both.

42. The use of necessary equipment owned by the Eligible Participant will be reimbursed at a rate not exceeding that outlined in the Manitoba Farm Machinery Rental and Custom Rate Guide and the Heavy Equipment Association Guide Book.

43. The Claims Administrator may specify a maximum eligible payment amount and rate for labour, equipment use, removal of flood mitigation materials, and other expenses.

Less: Any compensation received from the 2011 Lake Manitoba Financial Assistance Program or any other source.

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D.1.1 Principal and Non-Principal Residences

44. **Principal and Non-Principal Residences** – Eligible Participants who owned or occupied a Principal and / or a Non-Principal Residence off reserve within the Lake Manitoba Flood Zone as of May 1, 2011, maybe reimbursed for:

- 44.1. Immediate flood mitigation measures, as approved by the Claims Administrator and based on the program guidelines for emergency protection provisions. These measures may include:
 - 44.1.1. Gross wages forgone to protect such property from flood damage and for subsequent cleanup;
 - 44.1.2. Expenses incurred for flood mitigation measures taken to protect Principal and / or a Non-Principal Residence from flood damage; and
 - 44.1.3. Expenses incurred for cleanup and removal of flood mitigation materials and debris.

D.1.2 Business Property

45. **Businesses and Not-for-Profits** – Eligible Participants who owned or occupied a Business and Not-for-Profits off reserve within the Lake Manitoba Flood Zone as of May 1, 2011, may be reimbursed for:

- 45.1. Immediate flood mitigation measures as approved by the Claims Administrator and based on the program guidelines for emergency protection provisions. These measures may include:
 - 45.1.1. Expenses (including employee hours and wages) incurred for flood mitigation measures taken to protect Business from flood damage; and
 - 45.1.2. Expenses (including employee hours and wages) incurred for cleanup and removal of flood mitigation materials and debris.

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D.1.3 Farmland Property

46. **Immediate Flood Mitigation Measures** - Eligible Participants who owned or leased Agricultural Land or a Farm Business off reserve within the Lake Manitoba Flood Zone as of April 1, 2011, may be reimbursed for:

- 46.1. Gross wages forgone in order to protect Agricultural Land, Agricultural Infrastructure and Agricultural Inventory from flood damage and for subsequent cleanup.
- 46.2. Expenses (including employee hours and wages) incurred for measures taken to protect such property from 2011 flood damage.
- 46.3. Expenses (including employee hours and wages) incurred for cleanup and removal of flood mitigation materials.

E. Moving / Storage / Accommodations Rental Expenses

E. Moving / Storage / Accommodations Rental Expenses

The following are now eligible under the Class Action Settlement Criteria:

- A. All reasonable moving, storage and accommodations rental costs incurred by off reserve Businesses, Not-for-Profits and Farms.
- B. All reasonable moving and storage costs incurred for off reserve Non-Principal Residence.

47. The Program will reimburse Eligible Participants for reasonable losses incurred as a direct result of the high-water levels in the Lake Manitoba Flood Zone as calculated by the Claims Administrator. Claims must be accompanied by sufficient evidence and documentation to verify the amount of losses incurred.

48. **Incremental living costs**, including:

- 48.1. Incremental living costs (moving, storage and accommodations rental) incurred as a result of forced temporary relocation due to the flooding of a Principal Residence, Farm, Business and Not-for-Profits Building Location(s), as determined by the Claims Administrator.
- 48.2. Incremental costs (moving and storage only) incurred as a result of forced temporary relocation due to the flooding of a Non-Principal Residence, as determined by the Claims Administrator.

Less: Any compensation received from the 2011 Lake Manitoba Financial Assistance Program or any other source.

F. Lifestyle / Personal Effort / Mental Health / Loss of Use

F. Lifestyle / Personal Effort / Mental Health / Loss of Use

49. No compensation amounts will be paid for Claims for:

- 49.1. Personal Time / Labour, Lifestyle / Loss of Use or Mental Health including but not limited to Pain and Suffering.
- 49.2. Personal Gas or other transportation.
- 49.3. Personal professional fees (e.g. legal, accounting, etc.).

G. Special Circumstances

G. Special Circumstances

50. An amount of \$1,000,000 of the total Class Action Settlement is designated for a Special Circumstances amount.
51. At the sole discretion of the Claims Administrator, a Claimants' claim amounts not listed in the Class Action Settlement Criteria may be considered for inclusion in the Special Circumstances amount.
52. Should the total amount of claims approved in the Special Circumstances category exceed \$1,000,000, payment of these claims will be made on a *pro rata* basis.