

CROWN LAND POLICY AND WIND FARMS

1. *Crown lands will be available for use in wind farm developments for interconnection with the Manitoba Hydro electrical system.*
2. *Crown lands will be available for wind farm proposals that are for remote and isolated communities where it is intended as an alternative and / or supplementary source of electrical energy for the community.*
3. *Crown lands will only be made available directly to the proposed developer and not to a “third party”.*
4. *Crown lands which are already be under disposition (e.g., lease) may be made available where the wind farm development is in the provincial interest.*
5. *Where the wind farm development requires Crown land which is presently under lease, the lessee will firstly be asked to voluntarily surrender the specific areas needed for the wind farm development. If a satisfactory agreement can not be reached, only then will formal cancellation of lease rights be considered.*
6. *Crown land lessees who may lose all or a portion of their leased land will be compensated for direct costs they may incur, e.g., costs of moving fences and other issues such as land damage and disturbance. All such costs will be borne by the wind farm developer.*
7. *In the case where wind farm development has already been approved and there are outstanding disagreements respecting such things as the location of access roads, fences, etc., the issue will be forwarded to the Crown Land ADM Committee for resolution.*
8. *Applications to use Crown lands for wind farm development in Provincial Parks, Ecological Reserves, Wildlife Management Areas, and Protected Areas will not be accepted.*
9. *Other specific Crown lands may be precluded from wind farm development as identified through the normal application processing procedures and Environment Act licensing process, e.g., Crown lands located in the vicinity of waterfowl staging areas are to be avoided, recreation areas and Crown lands required for public purposes, e.g., highway development and/or expansion, winter roads, stock pile sites, drains, etc. are not generally available.*
10. *When all required approvals have been received and conditions fulfilled, including any required approval from the Province and Manitoba Hydro, the Crown land on which the wind turbine towers are located will remain Crown land but will be made available to the proponent by way of long term renewable lease.*
11. *Easements will be issued for transmission lines and access routes where required.*
12. *A license of occupation will be issued for Crown lands within the wind farm borders but not required for turbines, transmission lines and access routes.*
13. *Crown lands that are identified for wind farm development will be reserved to proponents in accordance with the general principle of “first-come-first-served.”*
14. *Until the Province and Manitoba Hydro establish other proponent eligibility criteria for wind farm developments, standard Crown Land and Property Agency eligibility criteria will be used in determining whether a Crown land application for wind farm development will be accepted.*
15. *Applications for the use of Crown lands for proposed wind farms will be accepted by the Crown Land and Property Agency and processed as per normal procedures, which includes review by but not limited to local municipalities, community councils, First Nations, affected government departments, Crown corporations, co-management boards, for Treaty Land Entitlement, etc., provided the applicant indicates, among other things, information respecting:*
 - *the proposed specific locations of towers needed to assess the wind resource, if they occur on Crown land, and*
 - *the borders of the area that the wind farm would be located should the assessment of the wind resource be positive.*

16. *The application may include all components for the wind farm project, including but not limited to: wind turbines, maintenance buildings, plant facilities, transmission lines and roads.*
17. *The Crown Land and Property Agency will not accept Crown land applications for wind farm projects that overlap other existing wind farm applications or tenures that are in good standing.*
18. *The issuance of a Crown land permit, lease, licence or easement, etc. may include such conditions as deemed appropriate, including but not limited to regulatory and other requirements, approvals, permits, etc. that departments may identify.*
19. *The Crown Land and Property Agency will coordinate the necessary other leases, agreements, etc. that may be required with other departments where the wind farm Crown land application includes Crown lands held and administered by other departments, e.g., Manitoba Transportation, Manitoba Water Stewardship.*
20. *All costs including survey costs will be the responsibility of the developer.*
21. *The disposition of the Crown land approved for the location of meteorological – anemometer towers to test the wind resource will be by general permit.*
22. *A conditional licence of occupation will be issued in favour of the applicant for those Crown lands within the borders of a proposed wind farm where no objections have been received during the circulation and review phase.*
23. *A conditional general permit will be issued for those sites chosen for the wind turbine towers pending all other required approvals, agreements and erection of the towers.*
24. *Conditions of the licence of occupation may include requirements for agreements with, but not limited to: Manitoba Hydro, affected lessees, municipalities, or other departments who hold and manage land, e.g., Manitoba Transportation, Manitoba Water Stewardship, etc.*
25. *The general permit for test sites and the conditional licence of occupation for the project area will automatically expire after a five (5) year period. A reasonable time extension will be allowed where a specified level of investment (e.g., setting up a wind test tower) has been made and/or when there are extenuating circumstances, including but not limited to, completion of an environmental assessment as may be required under The Environment Act.*
26. *The application for a wind farm project will be limited to an area that includes no more than 40,000 hectares of Crown land and private land.*
27. *Applications to use Crown lands for non-intensive uses (e.g., hay and grazing) within the licence of occupation will be accepted and processed as per normal procedures subject to advising the applicant that all or a portion of the area may be required for wind turbine sites, for access and other associated requirements of the wind farm development.*
28. *Applications to use Crown lands for intensive uses, e.g. (residences) within the licence of occupation will be accepted and processed as per normal procedures subject to consulting with the wind farm proponent and determining whether the site will be required for the wind farm. If required, the application will be declined.*
29. *No application to sell Crown land within the licence of occupation will be accepted until the wind farm has been completed and it is operational or until the location of all wind turbine sites, access roads, and associated facilities have been identified and confirmed by the proponent.*
30. *The developer will be required to have a decommissioning plan for the wind farm and the means to implement the plan.*
31. *All decommissioning costs will be the responsibility of the developer and will be a condition of the lease and Environment Act Licence. Evidence of financial security will be in a form acceptable to the Province and in an amount sufficient to cover the costs of decommissioning of the wind farm and could include for example, but not limited to, a renewed performance bond, letter of financial security, lump sum payment, annual payment, etc.*