


Agricultural Crown Lands

POLICY TITLE **Legacy Lease Nomination Policy**

BRANCH **Land Use and Ecosystems Resilience**
DIVISION **Agriculture Production and Resilience**
Policy Number **ACL 23-02**
Effective Date **January 1, 2024, until rescinded or amended**
ADM/Director **Patti Rothenburger/Andrea McLean**

Approved By

April 2, 2024 - Original signed by 

Brenda DeSerranno, Deputy Minister-MB Agriculture

Policy Objective:

Enable holders of **legacy leases**, **renewed legacy leases** and **renewable legacy permits** to nominate the next lease holder and initiate the issuance of **modern leases and modern renewable permits**¹ to a nominee selected by the leaseholder.

Relevant Legislation, Regulation, and Agreements:

Section 8.1 of the Agricultural Crown Lands Leases and Permits Regulation, M.R. 99/2023 outlines provisions for nominating a new leaseholder, including:

- obtaining a nomination certificate,
- applying for a nomination certificate,
- eligibility to obtain a nomination certificate,
- guiding Director decision-making to grant a nomination certificate,
- expiry of a nomination certificate, and
- nominating the next eligible leaseholder.

Under the Treaty Land Entitlement (TLE) Framework Agreement, Manitoba has a legal duty to offer unencumbered Crown lands for TLE selection. The agreement outlines processes and commitments Manitoba Agriculture follows when allocating agricultural Crown lands.

Policy

- 1) Applications for a Nomination Certificate shall be submitted on a form approved by the Director.
 - a) Manitoba Agriculture will not accept incomplete nomination applications and the applicant will be asked to resubmit the application; and

¹ For bold text, see Definitions Policy ACL 23-09

Agricultural Crown Lands

- b) Applications will be accepted and processed based on two deadlines of May 1st and October 1st.
- 2) Nomination certificates activated by nominees will result in the issuance of a new **modern lease**² to the nominee as of January 1 following activation of the certificate.
- 3) A lease or permit resulting from the Nomination will not be allocated while outstanding fees or rent remains unpaid.
- 4) The TLE selection circulation process will follow the Treaty Land Entitlement Framework Agreement and Manitoba's internal TLE process guidelines and will not be accelerated for nomination purposes.
- 5) Manitoba Agriculture will not speculate on TLE selections or concerns with Aboriginal or Treaty rights. Manitoba cannot indicate to any party the potential for a parcel or parcels to be selected through TLE or to be identified to affect exercise of Aboriginal or Treaty rights.
- 6) In the case that some but not all parcels on one lease are selected under TLE or identified to affect exercise of Aboriginal or Treaty rights, the selected parcels will be removed from the lease. The Director may issue a nomination certificate to the applicant for the lease parcels available for nomination.
- 7) In the case that some parcels on the lease or permit, for which an application for a nomination certificate has been made, are governed by other Manitoba departments or municipal governments, approval is required from the governing entity. In cases where no approval is granted, the parcels will be excluded from the nomination certificate. For clarity, these parcels remain on the original lease and can continue to be leased until the original lease is cancelled.
- 8) The outgoing leaseholder and nominee are responsible for settling the transfer of improvement ownership. Manitoba Agriculture plays no role in determining the value of improvements nor satisfying any terms, conditions, or payments related to the nomination. Manitoba Agriculture considers the lease holder to be the owner of the improvements.

² See Definitions Policy ACL 23-09