

## Agricultural Crown Lands

### POLICY TITLE     **Definitions Policy**

**BRANCH**                     Land Use and Ecosystems Resilience  
**DIVISION**                 Agriculture Production and Resilience  
**Policy Number**            ACL 23-09  
**Effective Date**            January 1, 2024, until rescinded or amended  
**Replaces Policy**         ACL 01-04  
**ADM/Director**             Patti Rothenburger/Andrea McLean

**Approved By**

April 2, 2024 - Original signed by   
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Brenda DeSerranno, Deputy Minister-MB Agriculture

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**Policy Objective:**

This policy defines terms that are used in the administration of the Agricultural Crown Land Program. These terms and their definitions as presented below support the interpretation and application of Agricultural Land policies.

**Relevant Legislation, Regulation, and Agreements:**

- The Crown Lands Act
- The Agricultural Crown Lands Leases and Permits Regulation

**Policy**

- 1) **Modern lease** means a forage lease issued after October 1, 2019. Modern lease term length is 15 years from the date of issue. Modern leases are eligible for five-year extensions with the completion of an approved forage management plan.
- 2) **Legacy lease** means a forage lease originally issued before October 1, 2019 that has not been renewed or transferred. A holder of a legacy lease will receive a three-month cancellation notice for non-payment and the lease may be cancelled if payment is not received within the three-month notice period.
- 3) **Renewed legacy lease** means a legacy lease that has been renewed at least once or has been transferred through a unit transfer or family transfer at least once. At the time of renewal, new lease terms and conditions may be applied.
- 4) **Legacy permit** means a renewable permit issued before October 1, 2019.

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- 5) **Renewal permit** means a permit issued after October 1, 2019. The permit may be renewed annually up to 14 times.
- 6) **Ban** (*'banned', 'banning'*) means a set of conditions that apply to a current or former lease or permit holder that restrict acquisition and management of leases and permits. See Policy Lease and Permit Holder Bans ACL 23-08.
- 7) **In good standing** means a status held by a lease or permit holder that permits acquisition and management of leases and permits. In good standing status is achieved by ensuring
  - a) accounts are paid in full with no financial arrears;
  - b) there are no instances of fraud in any application process in the last five calendar years; and
  - c) the holder is not under investigation for cancellation.
- 8) **Higher and better use**, means, in the sole and absolute discretion of the Director, the use of the land for something other than agriculture that will result in the greatest value. While not an exhaustive list, some examples of "higher and better use" include
  - a) commercial, industrial or resource development;
  - b) cottage lot development; and
  - c) transitioning a forage disposition to a cropping disposition.
- 9) **Public work** means, in the sole and absolute discretion of the Director, any work constructed, maintained, or otherwise related to a public purpose or a public benefit including, without limitation, a "public work" as defined by *The Public Works Act*.
- 10) **Alternate land use** means, in the sole and absolute discretion of the Director, any use for a purpose other than
  - a) perennial or annual forage production, in the case of a forage lease or permit; and
  - b) annual crop production, in the case of a cropping lease or permit.

While not an exhaustive list, some examples of potential "alternate land use" include

  - c) Ecological Reserve, Provincial Park, Provincial Forest;
  - d) lands set aside for research purposes;
  - e) Wildlife Management Area or other resource management requirement;
  - f) recreational development;
  - g) energy projects.

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- 11) **Active involvement** means the lease or permit holder regularly and consistently takes part in, and is financially responsible for, any agricultural production and care of livestock on leased or permitted lands. Only the lease or permit holder, an employee, or immediate family member of the lease or permit holder, may provide work or care of livestock.
- 12) **Custom grazing** means the grazing of livestock that are not owned by the lease or permit holder on the leased or permitted lands. The lease or permit holder must be actively involved in, and fully responsible for, the care and control of the livestock and must be responsible for all expenses related to grazing the livestock and maintaining pastures and related items.
- 13) **Forage Management Plan** means a document that outlines practices to support sustainable management and improved forage productivity and is specific to lands under lease by the lease holder named in the plan.