

POLICY TITLE Treaty Land Entitlement Selection Improvement Compensation

BRANCH Sustainable Agriculture
DIVISION Agriculture Production, Innovation & Resilience
Policy Number ACL 23-15
Effective Date January 1, 2024, until rescinded or amended
ADM/Director Patti Rothenburger/Andrea McLean

Approved By June 17, 2025 - Original signed by:

Brenda DeSerranno, Deputy Minister-MB Agriculture

Policy Objective:

Compensate lease and permit holders for improvements made to leased or permitted ACL parcels selected under Treaty Land Entitlement (TLE) at surrender, expiry, renewal, or nomination. This policy outlines eligible improvements, assessing their value, and associated options for compensation. It ensures fairness, transparency, and consistency in application to all lease and permit parcels selected under TLE.

Relevant Legislation, Regulation, and Agreements:

Section 19(3) of the Agricultural Crown Lands Leases and Permits Regulation, M.R. 110/2024 provides Manitoba with flexibility to offer compensation in respect of improvements.

Section 8.2(3) identifies Manitoba's TLE obligations and importance in the nomination process. Additionally, Manitoba circulates recently expired parcels for TLE selection.

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

Policy

- 1) Outgoing lease and permit holders must indicate to Manitoba that they are seeking compensation for improvements located on leases and permits at the time of application for surrender, renewal, or nomination.

Agricultural Crown Lands

- 2) Where leased or permitted parcels are selected for TLE through the nomination or lease or permit transfer application process, Manitoba may negotiate with the outgoing lease or permit holder to establish a value for improvements. To be eligible for compensation for improvements on TLE selected parcels:
 - a) Outgoing lease and permit holders must be in good standing.
 - b) Outgoing lease or permit holders have not contravened the regulation or the terms and conditions of the lease or permit during its term.
 - c) Outgoing lease or permit holders that surrender must provide an improvement appraisal to Manitoba as per terms included in section 19(4.1) of the regulation.
 - d) Outgoing lease or permit holders intending to nominate or transfer leases or permits are not required to obtain an appraisal. Section 19(4.1) of the regulation does not apply in these cases.
 - e) Lease or permit parcels that are selected under TLE more than two years after cancellation or expiration are not eligible for improvement compensation under this policy.
- 3) The improvements must be located on the TLE selected forage leased or permitted lands.
- 4) If Manitoba and the outgoing lease or permit holder cannot agree upon a value, and the outgoing lease or permit holder requests valuation by appraisal,
 - a) all previous offers of compensation made by Manitoba are void.
 - b) Manitoba may assign an independent and accredited appraiser to complete an appraisal. Manitoba is responsible for selecting and compensating appraisers.
 - c) Manitoba will provide an appraisal report outlining the improvement values on the leased or permitted lands to the outgoing lease or permit holder.
 - d) Manitoba is not limited to obtaining a single appraisal report and may obtain additional appraisal reports as they see fit to provide confidence in improvement valuation or if an appraisal report is unsatisfactory to Manitoba. Manitoba may choose which appraisal report to provide to the outgoing lease or permit holder.
- 5) Improvements eligible for compensation and inclusion on an appraisal report must contribute to the forage productivity, as part of a grazing or forage harvesting system, of the parcels, and are limited to the following:
 - a) Fence and fence line clearing intended for livestock containment.
 - b) Manufactured water sources including dugouts and wells.
 - c) Electrical service connections.

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- d) Corrals and equipment for loading or sorting.
 - e) Licenced drains.
 - f) Trails and roads.
- 6) Outgoing lease or permit holders are permitted to remove improvements before expiry of the lease, and in the case of TLE selection, for a reasonable period following selection, as determined by the director.
- 7) For a lease or permit where some but not all parcels are selected under TLE and the remaining parcels in the lease or permit form an operational unit, only improvements on parcels selected for TLE are eligible for compensation from Manitoba.
- 8) For a lease or permit selected under TLE in less than its entirety and the remaining parcels in the lease or permit do not form an operational unit, improvements on all parcels of the lease or permit are eligible for compensation.
- 9) Lease or permit holders intending to surrender leases or permits that have obtained an appraisal in anticipation of the lease or permit being reallocated, are eligible for reimbursement of the appraisal cost if the lease in whole or in part is selected under TLE. This appraisal must meet all requirements for appraisals contained in ACL Policy 23-04 Improvement Appraisals and Compensation. The lease or permit holder must provide proof of payment for the appraisal.
- 10) Compensation for improvements on parcels selected under TLE will not occur if the improvements were purchased, installed, or constructed within five years of the end of the lease or permit and were funded by a Manitoba or Canada program.