

**SUBJECT: ALLOCATION OF CROWN LANDS
FOR WIND POWER PROJECTS**

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1.0 Policy Statement

1.1 Objective The objective of this policy is to provide a consistent approach in the allocation of Crown lands for wind power exploration and wind farm developments.

1.2 Policy DNR recognizes the economic and environmental benefits of generating electricity from wind energy. Furthermore, the Department understands that energy developers are interested in Crown lands for wind power generation. It is also important to recognize that wind developers expect a fair, balanced and consistent approach for allocating Crown lands for wind power. As a steward of Crown lands in New Brunswick, the Department is obligated to protect and enhance the value of Crown lands, and to manage these lands in a sustainable manner. This policy provides guidelines for wind power development on Crown lands.

It is the policy of the Department of Natural Resources that suitable Crown lands may be made available for wind exploration and for wind farm development subject to the location criteria and the terms and conditions described in this policy.

2.0 Purpose

The purpose of this policy is to establish criteria for the allocation of Crown lands administered by the Province of New Brunswick for wind power exploration and wind farm development.

3.0 Background

3.1 Wind Energy The use of wind energy to generate electricity may provide many economic and environmental benefits to the people of New Brunswick. Commercial wind power generation facilities (i.e., wind farms) have the potential to supply sustainable energy at a competitive cost compared to conventional energy sources. Investment in wind power exploration and development has been steadily growing because of the Province's commitment to generate energy from renewable sources. To date three wind farms have been developed in New Brunswick.

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3.0 Background, Continued

3.2 Wind Power RFP by NB Power Several private companies have shown an interest to conduct wind exploration and to develop wind farms on Crown lands in response to several Requests for Proposals (RFP) initiated by NB Power. These RFP's were announced for the development of wind power generation facilities. Companies were invited to own and operate wind farms and sell a fixed amount of energy to NB Power. Under the *New Brunswick Energy Blueprint*, NB Power is also being mandated to pursue a significant increase in renewable generation. While New Brunswick obtains 28 per cent of its in-province electricity demand from wind, biomass, hydro and other renewable sources, the provincial government will increase its commitment to renewable energy by ensuring that this amount is increased to a minimum of 40 per cent by 2020.

3.3 Inter-Departmental Cooperation The Province has established a single-entry point for all wind power projects on Provincial lands. The Department of Natural Resources (DNR) and the Departments of Agriculture, Aquaculture and Fisheries, Transportation and Infrastructure, Supply and Services and Business New Brunswick are implementing a Memorandum of Understanding (MOU) for a Province-wide 'Wind Power Single-Entry Point'. Any applicant interested in pursuing wind development on Provincial Crown lands can apply through DNR, regardless of which Provincial Department has administration and control of the land.

3.4 Wind Exploration Activities Wind exploration usually precedes wind farm development. During the wind exploration stage developers may undertake field testing to determine the potential for wind farm development in a particular area. Wind exploration activities are comparable to mineral, oil and natural gas exploration where developers may stake "wind claims" onto large areas of Crown land for possible future development. Based on the data collected during exploration, proponents may move to the second stage and apply to develop a wind farm within the exploration area.

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3.0 Background, Continued

3.5 Wind Farm Construction & Operation

Wind farm development usually occurs after exploration when an ideal area of land has been identified. A wind farm consists of turbines, each occupying a small footprint of land, connected by access and distribution corridors: all of which connect to an electrical substation and then to NB Power's transmission system. The size of the parcel of land occupied by a wind turbine is usually proportional to the height of the turbines and the diameter of the blades. The distance between the turbines is dependant on the local wind regime. The corridors connecting each individual turbine accommodate the installation of buried or overhead electrical cables and access throughout the wind farm. Although wind farms to date are expansive linear developments, individual turbines only occupy an area of between 0.6 and 1.0 hectares. The construction and operation of a wind farm would likely trigger an Environmental Impact Assessment (EIA) under the *Clean Environment Act*.

3.6 Development Constraints

Wind farms have certain development constraints that need to be considered. Assemblies of tall, tower-like structures visually alter the landscape and may have a negative impact on the local wildlife (especially birds and bats). Public safety is also an essential consideration. Therefore, careful planning is needed to accommodate these developments on Crown land and minimize the environmental impacts so that the people of New Brunswick may reap the benefits of sustainable energy.

4.0 Definitions

Dispositions Licences of Occupation (for exploration, construction, and access and collection), Wind Farm Leases and rights-of-way/easements issued in accordance with Regulation 2009-62, the Lands Administration Regulation, *Crown Lands and Forests Act*.

Wind Exploration Data collection using meteorological test towers and various field tests (e.g., geotechnical studies) used to determine an area's wind energy potential and the layout of a proposed wind farm.

Wind Turbine Consists of a rotor assembly (a hub and blades), a nacelle (electrical generator) and a tower. Its "footprint" includes the tower base, the foundation and a service area around the base.

Access & Collection System A network of service roads within the wind farm and cables that collect electrical energy from each turbine.

Electrical Substation A facility that collects, transforms and transfers the electrical energy from the wind farm to the transmission grid.

MW "MW" = Megawatt, a unit of electrical power, 1 MW = 1000 kW.

Stand-alone System A small wind energy system that is not connected to the transmission grid and would meet the energy requirements of individual dwellings, farms, or businesses.

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4.0 Definitions, Continued

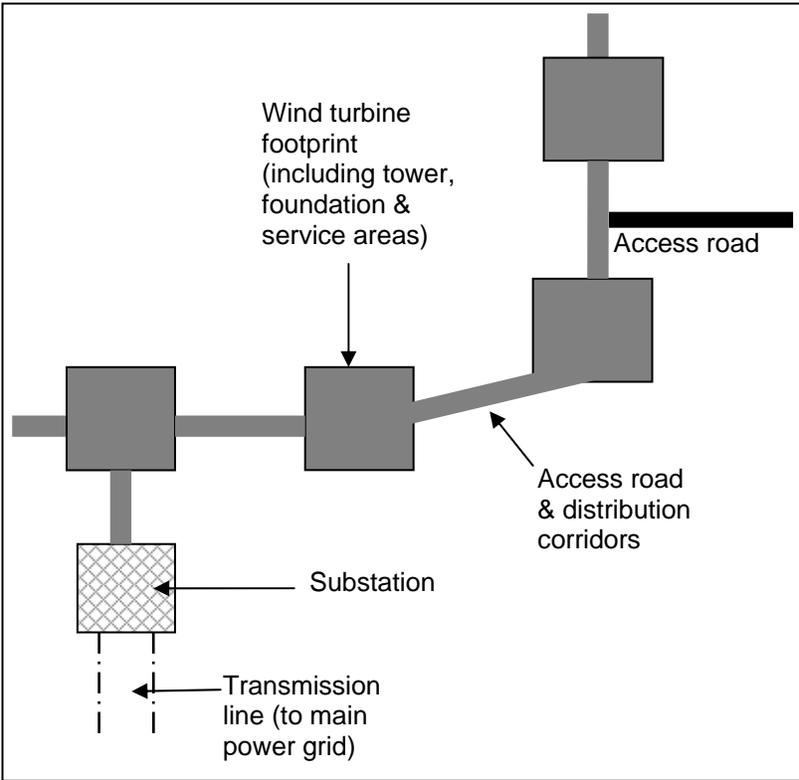


Figure 1: Sample Wind Farm Layout

5.0 Scope and Application

5.1 Applies to This policy applies to Crown lands under DNR jurisdiction for:

- New Licences of Occupation for Wind Exploration;
 - New Wind Power Option Agreements;
 - Renewals of existing Licences for wind exploration;
 - Renewals of existing Option Agreements;
 - New Wind Farm Leases and associated Licences for Construction and for Access and Distribution;
 - Renewals, amendments, and assignments of Wind Farm Leases and associated Licences of Occupation.
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5.2 Submerged Crown Lands This policy does not apply to submerged Crown lands below the ordinary high water mark.

6.0 Authority

- Section 4, *Crown Lands and Forests Act*
 - Section 23, *Crown Lands and Forests Act*
 - Section 24, *Crown Lands and Forests Act*
 - Section 26, *Crown Lands and Forests Act*
 - Section 55.1, *Crown Lands and Forests Act*
 - Regulation 2009-62, *Lands Administration Regulation – Crown Lands and Forests Act*
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7.0 Granting Dispositions for Wind Power Projects

7.1 Granting Dispositions through a Two-Stage Process

Dispositions for wind power projects over Crown lands will be granted through a two-stage, integrated process:

- Stage One: A Licence of Occupation for Wind Exploration and an Option Agreement providing the first right to apply for a Wind Farm Lease over the same exploration area; and,
 - Stage Two: A Wind Farm Lease and an associated Licence of Occupation for Access and Distribution authorizing the construction and operation of a wind farm.
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7.2 Exemption to the Two-stage Process

Applicants may be exempt from the two-stage process if the applicant can provide wind exploration data pertaining to the area of interest of the proposed wind farm.

7.3 Transmission Lines

Wind farm developments also involve the construction of electrical transmission lines (TL) which connect the facility to the Provincial power grid. This should be taken into account when applying for a wind farm. However, TL's impacting Crown lands will require a separate disposition in the form of an easement granted to the New Brunswick Power Corporation.

8.0 Wind Power Project Location Criteria

8.1 Location Constraints

The siting of all meteorological test towers situated within a wind exploration licence area, and all wind turbines within a wind farm shall conform to the prescribed location constraints and setbacks. However, the constraints or setback(s) may be reduced if the applicant can provide scientific evidence to justify a reduction. In some circumstances setback distances may also be increased for reasons of public safety. In addition, applicants may not be provided the authority to locate a wind turbine or other infrastructure in a location that could interfere with the rights of mineral and/or oil and natural gas claimants in the area. Therefore, you would be required to consult with existing claimants to ensure that any potential issues can be mitigated. Should you wish to exercise the option to apply for a Wind Farm Lease, written proof of consultation with claimants must accompany the application.

8.2 Site-specific Setbacks

Where wildlife or other environmental concerns are identified DNR may impose a site-specific setback or buffer. Site-specific setbacks may also be imposed to address concerns identified during a review initiated by the Department of Environment (DENV) under the Environmental Impact Assessment Regulation, *Clean Environment Act*.

8.3 Areas to be Avoided

The following areas shall not be available for wind power exploration or development:

- National and Provincial Parks, and Park lands held by the Minister under the *Parks Act*;
 - Operational quarries and mine sites;
 - Economically viable peat lands (areas with available peat of one metre or deeper);
 - Existing Crown land leases, except as provided in Sections 8 and 11 of this Policy;
 - Deer Wintering Areas, Old Forest Communities and Habitats, Eastern Habitat Joint Venture sites, RAMSAR sites and International Shorebird Reserves; or
 - Any other site-specific fish, wildlife and environmental areas identified during DNR's review process or during the EIA.
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8.0 Wind Power Project Location Criteria, Continued

8.4 Minimum Setbacks

LAND USE/COVER	SETBACKS
Crown lands boundaries, lakes, watercourses, and wetlands	A minimum of 150 m, or 1.5 x height of turbine, whichever is greatest
Coastal features (e.g., coastal wetlands, estuaries, beaches and dunes)	500 m
Public highways, roads and streets (including roads and streets within the boundaries of a city, town or village), designated as highways under the <i>Highways Act</i> ; and areas designated for those purposes in a plan adopted under the <i>Community Planning Act</i>	500 m from the edge of the right-of-way, or 5 x height of turbine, whichever is greatest
Crown woods access roads	Assessed on a case-by-case basis
Existing recreational, institutional and residential areas, and areas designated for those purposes in a plan adopted under the <i>Community Planning Act</i>	A minimum of 500 m
Industrial areas (e.g., industrial parks, mines, quarries, etc.)	Assessed on a case-by-case basis
Protected Natural Areas and candidate PNA's	150 m, or 1.5 x height of turbine, whichever is greatest
Telecommunication, fire, airport and other tower structures	
Archaeological and historic sites listed by the Department of Wellness, Culture and Sport	500 m, or 5 x height of turbine, whichever is greatest
Other wind exploration area boundaries, meteorological test towers, wind turbines and other associated infrastructure either existing or under application review	
Endangered species habitat (<i>Endangered Species Act</i>)	500 m
National Wildlife Areas and Migratory bird Sanctuaries	500 m
Important migratory bird nesting sites and migration routes (<i>Migratory Birds Convention Act</i>) and important water-bird breeding colonies (<i>Fish & Wildlife Act</i>);	1000 m
Bat migration routes and hibernacula	5 km

9.0 Stage One: Wind Power Exploration

9.1 Licence of Occupation for Wind Exploration

A Licence of Occupation is used to secure the right to use Crown lands for wind exploration.

A Licence of Occupation for exploration:

- May authorize the Licensee to install meteorological test towers, collect wind data, and/or conduct environmental and/or geotechnical studies, preliminary survey work, and other investigations;
 - May, at the discretion of the Minister or Minister's Designate, authorize any number of test towers in a single Licence ;
 - May be granted for a period of up to three consecutive years.
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9.2 Extension of Licence to Explore

The term of a Licence of Occupation to explore may be renewed, at the discretion of the Minister or the Minister's Designate, to allow for:

- The registration of a project under the EIA Regulation or the completion of EIA requirements;
 - Approvals from other agencies;
 - The preparation of proposals in response to an RFP announced by NB Power;
 - Delays beyond the Licensee's control; or
 - The collection of additional data or the completion of research activities.
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9.3 Option Agreement

Option Agreements are issued in conjunction with a Licence of Occupation for Wind Exploration. The option grants the Licensee with the exclusive right to apply for a Wind Farm Lease within the exploration area, subject to final approval. Applicants should indicate whether or not they wish to obtain an Option Agreement during the application process.

9.4 Terms of Option Agreement

- The term of an Option Agreement will run concurrently with the term of the Licence of Occupation to explore, i.e., for a period of up to three consecutive years;
 - In accordance with the *Crown Lands and Forests Act*, the Minister must obtain the approval of the Lieutenant-Governor in Council prior to entering into any Option Agreement;
 - If the Licensee does not exercise the Option during the allotted agreement term, the lands will become available, on a first-come, first-served basis, for wind exploration and/or development.
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10.0 Evaluation of Wind Exploration Applications

10.1 Basic Eligibility

Applications for wind exploration will be dealt with on a first-come, first-served basis.

Wind power exploration applications may be accepted so long as they do not overlap onto:

- Other Licences of Occupation for Wind Exploration with Option Agreements;
- Existing applications for a wind power licences or leases; or
- Wind Farm Leases and associated Licences of Occupation for Construction and/or for Access and Distribution.

Unless the applicant, Licensee or Lessee holds these other dispositions.

The Department may refuse an application if wind power exploration is considered to be incompatible with an existing land use.

Existing Crown land leases will be excluded from all Licences of Occupation and Option Agreements.

10.2 Notification and Consent of Disposition-holders

The Department will review the suitability of a wind exploration application over an existing lease, by consulting with the Lessee. Consent from the Lessee is required in order for the Department to amend the existing lease by withdrawing the identified and unused Crown lands from the existing lease, if the wind exploration application is approved.

The Branch or Department that administers the lease will consult with the Lessee.

The wind exploration applicant or Licensee will be obliged to pay all costs associated with amendment of the existing lease, including survey and registration costs.

10.3 GPS Delineation Map

The applicant must submit a description of the boundaries of the exploration area (GIS shape-files are preferred) that satisfies the following requirements:

- A GPS delineation map, derived from GPS coordinates. All GPS coordinates used must conform to standards prescribed by DNR;
 - A plan using known UTM contours;
 - Existing PID boundaries;
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10.0 Evaluation of Wind Exploration Applications, Continued

10.3 GPS Delineation Map (continued)

All exploration areas must form a single continuous parcel of land and all connecting corridors must be no less than 100 metres in width.

The applicant may also choose to apply any or all of the relevant setbacks (e.g., watercourses, public highways, etc.) in order to more accurately define the proposed exploration area.

10.4 Site Development Plan

An approved Site Development Plan (SDP) will form part of the Licence of Occupation, and will provide a project summary. The SDP shall describe all exploration activities to be undertaken throughout the entire term of occupation and will include:

- A plan showing the boundaries, dimensions and size of the proposed wind exploration licence area;
 - GPS coordinates for every proposed meteorological test tower site that will be installed at any time throughout the term of occupation;
 - Existing or proposed access to each test tower site;
 - All lakes, watercourses, wetlands, roads and recreational trails within or near the proposed wind exploration licence area;
 - Construction details for test towers and related facilities, including excavations, construction materials used, access improvements, timber removal, use of heavy equipment, etc.;
 - The location of any other existing infrastructure and development within the proposed exploration licence area;
 - A rehabilitation plan detailing the decommissioning and removal of test towers and other infrastructure, and site rehabilitation (e.g., re-planting) to be implemented prior to the expiry or termination of the licence.
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10.5 Site Location Review

The siting of all wind test tower sites and related facilities are subject to the setbacks and constraints detailed in Section 6 of this Policy. Each location contained in any application is also reviewed to confirm the existence of any existing claims or commitments. The review does not replace any requirements to register a project under the Environmental Impact Assessment Regulation, *Clean Environment Act*, or a Federal assessment under the *Canadian Environmental Assessment Act*.

11.0 Requirements of Wind Exploration Disposition-holders

11.1 Site Development

Once a Licence of Occupation for Wind Exploration is effective, the licensee may begin to install test towers and related facilities in accordance with the approved SDP.

The SDP must be amended and re-approved by DNR if:

- Any test towers are relocated; or
 - Before any major works, other than those approved in the original SDP, are undertaken within the exploration area.
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11.2 Early Termination with Cause

The licensee shall commence with installation of test towers, monitoring stations or related facilities within twelve months after the issuance of the Licence of Occupation to explore. Failure to comply may lead to a termination of the licence, unless the licensee can provide DNR with just cause as to the nature of any delay, and the anticipated date of installation.

11.3 Inspections

DNR staff may inspect sites throughout the term of the disposition to ensure compliance.

11.4 Compliance with Relevant Legislation

All relevant Provincial and Federal legislation must be adhered to, and the licensee must obtain all the necessary approvals, permits, licences or authorizations prior to the commencement of any work.

11.5 Existing Access Roads

Wherever possible, existing access roads must be used to access exploration sites.

11.6 Environmental Considerations

Any new infrastructure on licensed lands is to be constructed and maintained so as to minimize loss of flora, fauna or aquatic life.

11.7 Storage of Petroleum Products

The Licensee must comply with the *Policy on Storage of Petroleum Products on Crown Lands*.

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11.0 Requirements of Wind Exploration Disposition-holders, Continued

11.8 Wind Test Data Licensees are required to submit all wind test data to DNR upon request. In accordance with the *Crown Lands and Forests Act*, all wind data is confidential for a period of five years after submission.

11.9 Site Rehabilitation The Licensee is responsible for removal of any improvements and for the rehabilitation of all disturbed land as a result of construction, testing or any other activities. Licensees will also be required to rehabilitate the site to the satisfaction of the Minister after decommissioning test sites and prior to the expiry or termination of the Licence of Occupation.

12.0 Stage Two: Wind Farm Development, Construction and Operation

12.1 Wind Farm Dispositions A Wind Farm Lease and an associated Licence of Occupation are used to authorize the construction and operation of a wind farm on Crown lands in the following manner:

- A single Wind Farm Lease (exclusive use) will be issued for all wind turbine and electrical substation sites; and
- An associated Licence of Occupation (non-exclusive use) will be issued to authorize all connecting access roads and distribution lines within the wind farm (see Fig. 2).

At the discretion of the Minister or Minister's Designate, a Wind Farm Lease may be used to encompass all wind turbine sites and associated infrastructure, including electrical substations, distribution lines and access roads.

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12.0 Stage Two: Wind Farm Development, Construction and Operation, Continued

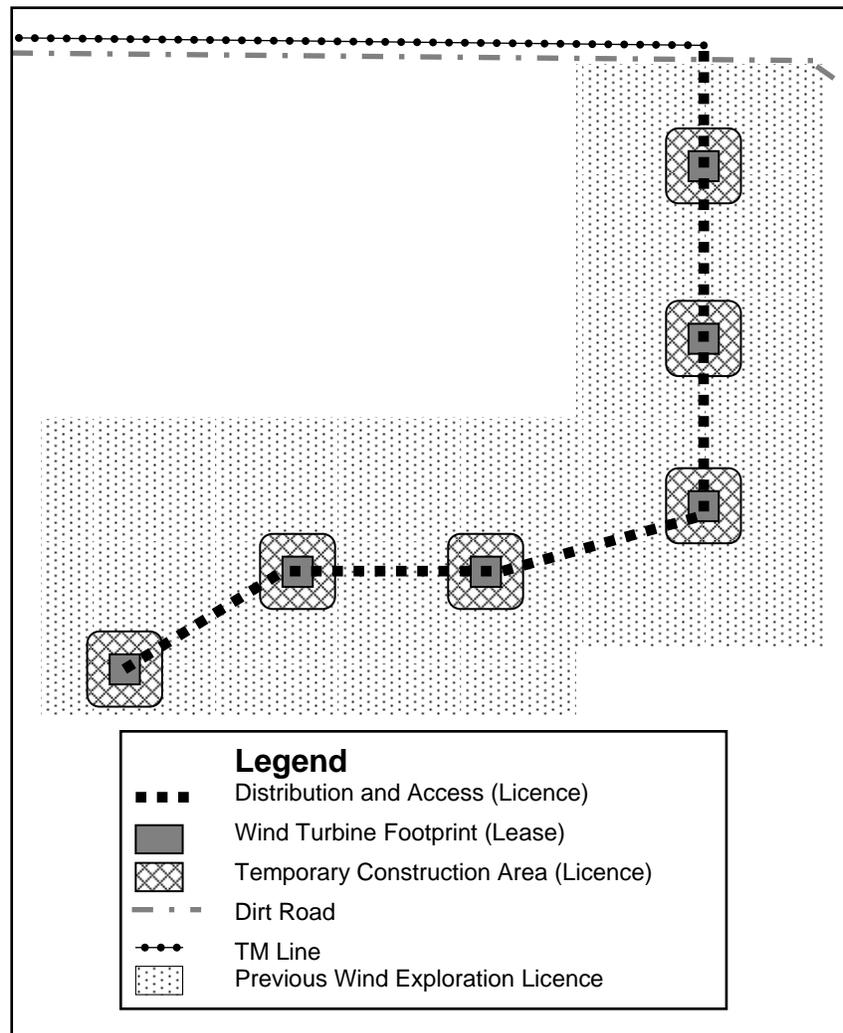


Figure 2: Wind Farm Rights

12.2 Temporary Licence during Construction

A temporary Licence of Occupation may be issued should an area of Crown land larger than the actual lease footprint be needed during the construction phase of the wind farm.

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12.0 Stage Two: Wind Farm Development, Construction and Operation, Continued

12.3 Term of Wind Farm Tenure

The Minister may issue a Wind Farm Lease for a term of less than 20 years. Having obtained the Lieutenant-Governor in Council's approval, the Minister may issue a Wind Farm Lease for a term of 20 years up to a maximum of 30 years.

The Minister or Minister's Designate may issue a Licence of Occupation for Access and Distribution for a maximum term of 20 years.

12.4 Transmission Lines

Wind farm tenure only permits the construction and operation of a wind farm facility and does not confer the right to build electrical transmission lines across Crown lands. Tenure for transmission lines from a wind farm must be applied for, and may be issued separately in the form of an easement.

13.0 Evaluation of Wind Farm Applications

13.1 Basic Eligibility

Wind power Option Agreements provide the first right to submit applications for wind farm development over the agreement lands, at any time during the agreement term. The applicant must be in good standing with no outstanding balances due.

The Department may refuse an application if wind farm development is considered to be incompatible with an existing land use.

Existing Crown land leases will be excluded from all Wind Farm Leases and associated Licences of Occupation.

13.2 Notification and Consent of Disposition-holders

The Department will review the suitability of a wind farm application over an existing Crown land lease by consulting with the Lessee. Consent from the Lessee is required in order for the Department to amend the existing lease by withdrawing the identified unused Crown lands from the existing lease, if the wind farm application is approved.

Any wind power projects affecting lands held by another Provincial Department will proceed in accordance with the MOU governing the single-entry point process. DNR acts as the single-entry point and all such projects shall proceed in accordance with the MOU and associated procedures. The Branch or Department which administers the lease will consult with the Lessee. The wind farm applicant will be obliged to pay all costs associated with amendment of the existing lease, including survey and registration of amended leases.

13.3 Location Map

All applications for Wind Farm Leases and Licences of Occupation for Access and Distribution must be accompanied by a plan showing:

- The boundaries, dimensions and size of the proposed wind farm, including proposed turbine sites;
 - The layout of existing or proposed access corridors and the electrical distribution (i.e., collection) system;
 - All lakes, watercourses, wetlands, roads and recreational trails within or near the proposed wind farm;
 - The location of any other infrastructure (e.g., electrical substation, meteorological test towers, service areas, etc.) within the proposed wind farm;
 - The location of an existing or proposed transmission line corridor to connect to the wind farm electrical substation.
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13.0 Evaluation of Wind Farm Applications, Continued

13.4 Site Development Plan

An approved Site Development Plan (SDP) will form part of the Wind Farm Lease and associated Licences of Occupation. The SDP will provide a project summary describing all exploration activities to be undertaken throughout the entire term of the lease and will include:

- A plan showing the boundaries, dimensions and size of the proposed wind farm;
- The proposed location of all wind turbines, meteorological test towers, electrical substation(s) and all related infrastructure that will be constructed at any time throughout the term of the lease;
- Existing or proposed access throughout the wind farm;
- All lakes, watercourses, wetlands, roads and trails within or near the proposed wind farm area;
- Construction details for every wind turbine, each test tower and all related facilities, including excavations, construction materials used, access improvements, timber removal, use of heavy equipment, etc.;
- The location of any other existing infrastructure and development within the proposed wind farm area;
- Timeline for the proposed project, including construction schedules;
- Rehabilitation plans for any disturbed lands as a result of construction activities;
- A rehabilitation plan detailing the decommissioning and removal of all turbines, electrical substation and collection system, and other infrastructure, and site rehabilitation (e.g., removal of foundations, anchors, re-planting trees) to be implemented prior to the expiry or termination of the lease and/or associated licences.

13.5 Business Plan

In the absence of a Power Purchase Agreement or an Open Access Transmission Tariff from NB Power, the applicant must provide a Business Plan which:

- Provides cost estimates and funding requirements for the proposed plan; and
- Demonstrates that the capital required to develop the wind farm is secured (e.g., letter of credit from a bank).

13.6 Project Location Review

All applications for wind farms for which the applicant does not hold an existing wind exploration licence may be screened in accordance with the prescribed setbacks and constraints detailed in Section 6 of this Policy.

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13.0 Evaluation of Wind Farm Applications, Continued

13.7 EIA Registration

Any wind farm application that corresponds to one of the undertakings described in Schedule “A” of the Environmental Impact Assessment Regulation, *Clean Environment Act*, must be registered with the Minister of Environment to determine whether completion of an Environmental Impact Assessment (EIA) is required.

Should a wind power project require registration under the EIA Regulation, DNR will not provide an approval for a wind farm until:

- A Certificate of Determination is issued by the Minister of Environment; or
- The Lieutenant-Governor in Council gives approval for the undertaking, following the completion of a required EIA.

If the Lieutenant-Governor refuses to approve the undertaking, DNR will reject the wind farm application.

13.8 Review Agencies

DNR may call upon the expertise of any governmental and non-governmental review agencies for evaluation of a wind farm application, including evaluation of the Site Development Plan.

13.9 Conformity to Existing Plans and Zoning By- laws

If the proposed wind farm shall be located in an area where a municipal plan, rural plan, basic planning statement or zoning by-laws or regulations are in effect, the development must conform to these or the applicant must apply for an amendment.

For any application that requires an amendment, DNR may undertake the evaluation of the application but will not make a final offer to the applicant until the amending by-law or regulation has been enacted.

Where the application to amend a plan and/or zoning by-law or regulation is rejected, DNR will reject the application.

13.10 Consultation with First Nations

The Department may require applicants to consult with First Nation communities should there be a need to mitigate any impacts to Aboriginal or Treaty Rights in accordance with any relevant policy developed by the Province of New Brunswick.

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13.0 Evaluation of Wind Farm Applications, Continued

13.11 Public Consultation

Notwithstanding any requirement to register a wind farm development under the Environmental Impact Assessment Regulation, *Clean Environment Act*, the applicant will notify all impacted disposition and right-holders within the vicinity of the proposed wind farm (e.g., mineral claimants, Crown land Lessees, etc.).

DNR may require that public consultation take place with respect to the wind farm proposal. This may include:

- Public notifications (in both official languages) in no less than one weekday and one weekend edition of at least one local and one regional newspaper that serves the area in which the wind farm is proposed. The notification shall:
 - Describe the proposed use;
 - Show the location of the proposed wind farm;
 - Indicate to whom comments are to be forwarded;
 - Indicate that the names of individuals who have concerns with the proposal will be kept confidential; however, DNR may share the concerns that were identified with the applicant, and
 - Identify a deadline for submitting comments.

- Written notification to landowners located within one kilometre distance of the site on which the wind farm is being proposed. The letter shall:
 - Describe the proposed use;
 - Show the location of the proposed wind farm lease;
 - Indicate to whom comments are to be forwarded;
 - Indicate that the names of individuals who have concerns with the proposal will be kept confidential; however, DNR may share the concerns that were identified with the applicant, and
 - Identify a deadline for submitting comments.

Public consultation may not be required for a wind farm application if public consultation is required as part of an EIA or a re-zoning request; and for any wind farm authorization amendments, renewals or assignments.

14.0 Requirements of Wind Farm Disposition-holders

14.1 Lands Administration Regulation

The wind farm disposition-holder must abide by all the requirements of the Lands Administration Regulation, *Crown Lands and Forests Act*.

14.2 Survey of Wind Farm

Before a wind farm authorization is issued, the disposition-holder shall, at their own expense, have a New Brunswick Land Surveyor prepare a coordinated Subdivision Plan on which coordinates shown were derived from ties to adjusted NB Monuments or HPN Monuments, along with a description of the surveyed area, and submit these to the Department for approval.

A Subdivision Plan will be required:

- For all new wind farms;
- For any additions or withdrawals of Crown land from the lease.

The Subdivision Plan must show all proposed wind turbines, service areas, and all related infrastructure, including electrical substations. The access and electrical collection system must also be shown on the survey. The survey must comply with the *Community Planning Act*.

14.3 Registration of Lease

Before a Wind Farm Lease is issued, the Department may require the applicant to obtain either an approval or an exemption under the *Community Planning Act* for registration of the parcel created by the lease. After the Wind Farm Lease is issued, the Department may require the Lessee to register the lease and submit proof of registration within a specified time period.

In every circumstance the Lessee is responsible for bearing all costs associated with the registration of tenure documents and/or title (e.g., transfer of leased lands from the Land Registry System to the Land Titles System for mortgage purposes).

14.4 Liability Insurance

The Lessee must provide proof of public liability insurance in the amount of \$2,000,000.00 per incident, for the duration of the authorization. “Her Majesty the Queen in Right of the Province of New Brunswick” must be named as an “additional-insured” in the policy.

A copy of the policy and a certificate of insurance must be provided to the Department upon request.

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14.0 Requirements of Wind Farm Disposition-holders, Continued

14.5 Compliance with Relevant Legislation

All relevant Provincial and Federal legislation must be adhered to, and the disposition-holder must obtain all the necessary approvals, permits, licences or authorizations prior to any work done on the lands. These include but are not limited to the following:

- *Watercourse and Wetland Alteration Permit, Clean Water Act*
 - *Oversized Load Permit, Motor Vehicle Act*
 - *Building Permit, Provincial Building Regulation*
 - *Tower Marking and Lighting, Civil Aviation Regulation*
 - *Watershed Protected Area Designation Order, Clean Water Act*
 - *Wellfield Protected Area Designation Order, Clean Water Act*
 - *Determination under the Environmental Impact Assessment Regulation, Clean Environment Act*
 - *Coastal Areas Protection Policy*
 - *Policy on the Storage of Petroleum Products on Crown Lands*
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14.6 Environmental Requirements

Any infrastructure on the lands is to be constructed and maintained to minimize loss of flora, fauna or aquatic life.

14.7 Assignments

Authorizations may not be assigned to third parties, successors, assigns or beneficiaries, unless written permission is obtained from the Minister.

14.8 Site Development Plan

Once the Wind Farm Lease and associated Licence(s) of Occupation have been approved construction of turbines and related infrastructure may commence in accordance with the approved SDP.

The SDP has to be amended and re-approved by DNR if:

- The wind farm area is modified; or
 - Before any works, other than those approved in the original SDP, are undertaken on the site.
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14.9 Early Termination with Cause

Wind farm construction must be initiated within twelve months of issuance of authorization. The site must be fully developed within three years of issuance of the authorization. Failure to comply may lead to a termination of the authorization, unless the disposition-holder can provide DNR with just cause as to the nature of any delay, and evidence of progress towards construction and development.

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14.0 Requirements of Wind Farm Disposition-holders, Continued

14.10 Site Inspections

All newly authorized wind farms may be inspected by DNR staff on an annual basis, until the wind farm is fully developed and becomes operational. Existing wind farms will be inspected by DNR staff prior to renewal, and upon cancellation, or at any other time DNR deems necessary.

14.11 Public Safety

Disposition-holders shall be responsible for the installation and upkeep of safety fencing and public safety information signs around the bases of wind turbines, substations and associated infrastructure.

All precautionary measures shall be taken by the disposition-holder to ensure public safety, including the posting of warning signs at the perimeter of the wind farm, and at all public access points to the wind farm.

14.12 Site Rehabilitation

Disposition-holders are responsible for the rehabilitation of all disturbed land as a result of construction or use of infrastructure on authorized lands.

Disposition-holders will be required to rehabilitate the site after the wind farm is decommissioned and prior to the expiry or termination of the authorization to the satisfaction of the Minister.

15.0 Inquiries

15.1 Written Inquiries

Inquiries concerning this policy may be made in writing to:
Director, Crown Lands Branch
Department of Natural Resources
P.O. Box 6000, Fredericton, N.B. E3B 5H1

15.2 Phone Inquiries

Inquiries may be made by phone by calling the Land Use Application Service Centre at 1-888-312-5600

15.3 E-mail Inquiries

E-mail inquiries concerning this policy may be made by e-mailing the Land Use Application Service Centre at CL_TCweb@gnb.ca.
