

UNAUTHORIZED WATER CONTROL WORKS OR STRUCTURES PLACED ON AGRICULTURAL CROWN LANDS

I. OBJECTIVE

To establish a method for charging rehabilitation costs for restoring the natural landscape if unauthorized water control works as defined in The Water Rights Act, or any other structures are found on agricultural Crown lands.

II. AUTHORITY

The Minister of Agriculture, Food and Rural Initiatives has the authority to control and manage lands designated as agricultural Crown land.

The authorities are outlined in:

Chapter C340 – The Crown Lands Act;

Regulation 288/88 for the administration of land designated agricultural Crown lands;

The Minister of Water Stewardship has the authority to control and manage water control works.

The authorities are outlined in:

Chapter W80 – The Water Rights Act;

By appointment under the Order In Council for Statutes Responsibility.

III. COMPLIANCE

1. On unoccupied agricultural Crown land, costs of rehabilitation will be charged to persons proven to have initiated the unauthorized activity. Investigation and enforcement actions will be undertaken by Manitoba Conservation or Manitoba Water Stewardship and by Manitoba Agriculture, Food and Rural Initiatives using appropriate legislation, and will be treated as unauthorized possession of Crown land.
2. The Lessee/Permittee is responsible for unauthorized water control works or structures on leased lands unless they notify Manitoba Agriculture, Food and Rural Initiatives or Water Stewardship, when someone else is initiating works on the leased or permitted lands.

When the Lessee/Permittee notifies Manitoba Agriculture, Food and Rural Initiatives of unauthorized water control works or structures, Manitoba

Agriculture, Food and Rural Initiatives and the appropriate government department will initiate the appropriate action based on circumstances found.

3. On lands occupied by an agricultural Lessee/Permittee, the costs of rehabilitation will be dealt with as follows:

(a) Lessee/Permittee will be asked to identify the person who constructed the drainage works or structures.

(b) If Lessee/Permittee initiated the work, the Lessee/Permittee may be given the option to apply for a licence, provided it is not considered to be negatively impacting other lands, or having negative downstream impacts. If the licence is denied, an Order to rehabilitate the land by a specific date, at the Lessee/Permittee's cost, and to the standards provided by Manitoba Agriculture, Food and Rural Initiatives, the Lessor, will be issued.

(c) If the work is not completed to the proper standards by the appropriate date, the Lessor may hire a contractor to do the ordered work at the Lessee's expense. The Crown Lands and Property Agency will invoice costs, plus administrative/management expenses of Manitoba Agriculture, Food and Rural Initiatives, to the Lessee; or

If the work is not completed to the proper standards by the appropriate date, Water Stewardship may hire a contractor to do the ordered work and Water Stewardship will invoice the cost to the Lessee/Permittee. If the Lessee/Permittee fails to pay Water Stewardship within thirty (30) days, Water Stewardship will invoice Manitoba Agriculture, Food and Rural Initiatives for the work completed. This will result in the lease or permit indemnity requirement being brought to bear on the lessee/permittee. Manitoba Agriculture, Food and Rural Initiatives will then instruct the Crown Lands and Property Agency to invoice the Lessee/Permittee.

(d) The invoiced amount, when collected, will be applied to the Lessee's account.

(e) The Lessee/Permittee may request that the invoice payments be divided into annual payments of no less than \$3,000.00. Interest will be charged on the outstanding balance.

(f) If the invoice has not been paid before the end of the annual billing period, the Lease or Permit will be put into cancellation for non-payment.

Note: Whenever in this policy the context so requires or allows, the singular number shall be read as if the plural was expressed and the masculine gender as if the feminine or neuter, as the case may require.

EFFECTIVE JANUARY 1, 2011



**HONOURABLE CHRISTINE MELNICK
MINISTER OF WATER STEWARDSHIP**



**HONORABLE STAN STRUTHERS
MINISTER OF AGRICULTURE, FOOD
AND RURAL INITIATIVES**