

Subject ONSHORE WINDPOWER DEVELOPMENT ON CROWN LAND – NON-COMPETITIVE APPLICATION		Procedure PL 4.10.04	
Compiled by Renewable Energy Program		Date Issued May 9, 2013	
Replaces Directive Title Same	Number Same	Dated July 5, 2010	Page 1 of 25

This document provides procedural direction to implement Policy PL 4.10.04 Onshore Windpower Development on Crown Land.

1.0 WINDPOWER APPLICATION

1.1 Application for Crown Land

Prior to submitting an application, Applicants are strongly encouraged to undertake pre-consultation with the Ministry District Office and review all available planning and information tools available online including the: Crown Land Use Policy Atlas, Ministry of Northern Development and Mines (MNDM) website (e.g. Claim maps) and the Ministry's Renewable Energy Atlas.

Applicant initiated requests to change grid cells configurations that are not based on recommendations and/or advice from the Ministry, will be subject to an administrative fee. Addition of Crown land to existing applications will not be permitted and will require a new application.

- a) Applicants will submit the following information to the Renewable Energy Program, in the prescribed manner:
- Windpower Application for Crown Land;
 - grid cell maps; and
 - application fee (non-refundable) cheque made payable to the Minister of Finance.

Ministry District or Regional offices, or Zone offices cannot accept and/or date stamp a windpower application.

- b) A maximum of 44 contiguous grid cells may be applied for with a single application. An Applicant must be an individual or a legal entity that is eligible to hold land in Ontario.
- c) In certain cases (e.g. complex terrain), up to three non-contiguous grid cell groupings in close proximity may be considered as one application, although they may total no more than 44 grid cells. To qualify for this consideration, the Applicant must provide written rationale such as: the excluded area between

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requested cell groups has no commercial wind energy potential or that it is the intent of the Applicant to have a contiguous windpower project and the excluded lands are not Crown lands, but lands that the Applicant has secured rights to.

- d) The Renewable Energy Program (REP) will, upon receipt of the application, record the date and time stamp on all maps and applications. Applications must be received by the REP in the manner prescribed by the Ministry, to be considered valid.

1.1.1 Application Receipt

The REP staff will:

- a) Receive the Windpower Application for Crown Land package and application fee;
- b) Review the application for completeness and ensure that there are no cells overlapping with existing applications and advise the Applicant accordingly;
- c) Verify that the grid cells requested have been identified correctly and enter location of the grid cell group into the Renewable Energy Program database;
- d) Forward hard copies of the applications and maps to the applicable Ministry District office(s) with copies to Renewable Energy Coordinators (RECs), the Provincial Mining Recorder and other relevant agencies. Electronic versions of grid cells (including date received) are also sent to the District office, the Ministry Lands Business Unit for identification in land tenure databases, and the Mining Recorder's office, for recording as a pending disposition under the Public Lands Act. To ensure orderly management of Crown land, the District may request a surface rights withdrawal of the unalienated Crown lands between the turbines, where alienation of the surface rights for mining activities would be incompatible with operation of a windpower project. Where a single application is geographically situated within more than one Ministry administrative district, a lead District will be determined. Ontario Parks Zone Managers will be notified where appropriate; and
- e) Process the non-refundable application fee within 30 days of receiving the application.

1.2 Application Review

Upon receiving the date-stamped Windpower Application for Crown Land form and grid cell map(s) from the REP, the District will:

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- a) Complete an initial Ministry review of the application based on natural resource values mapping (e.g. LIO Editor) land tenure information, land use direction contained within the Crown Land Use Policy Atlas and other relevant information sources to identify areas where land use policies or other values may prohibit or limit windpower development and associated infrastructure development (e.g. transmission corridors and roads).
- b) Advise the Applicant of areas where development may be limited or prohibited due to statutory, regulation or land use policy, as per Section 2.0 of the Onshore Windpower Development on Crown Land policy, and what parts of the application would be denied.
- c) Notify Aboriginal communities of the application for windpower grid cells, to seek initial response and feedback. The Ministry will work with the Ministry of the Environment and other ministries and/or agencies to determine the list of Aboriginal communities to notify.
- d) Within 60 days of receiving the application, the Ministry will prepare a Site Information Package (SIP) for the Applicant.

The site information package will include any known information that the Ministry has within at least 550 metres of the proposed windpower project, the list of Aboriginal communities, and identification of other sources of information that the Applicant should review to assist in making their decision on proceeding with a proposal.

- e) Within 30 days of the delivery of the SIP, the Ministry will hold a site information meeting with the Applicant. The purpose of this meeting will be to review the SIP and other information the Applicant has obtained relative to the site, as well as to outline the full scope of the process involved in developing a windpower project on Crown land.

Applicants are encouraged to identify transmission and access corridor requirements. District staff may wish to consider accepting an Application for Crown land for these lands. Where applicable, Applicants should be advised that easements or other tenure may be required within the area they have applied for, to ensure access and transmission for other developments. Adjoining windpower Applicants will be encouraged to share access and transmission corridors.

1.3 Applicant Decision to Proceed

Within 30 days of the site information meeting, the Applicant must submit the Windpower Applicant Declaration Form confirming in writing with the District that they wish to proceed. Should the Applicant decline to proceed, or fail to respond in

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30 days, the site will be made available to other Applicants and the District will notify the appropriate regional office, REP, Aboriginal community(ies) and any other agency previously informed of the application.

1.3.1 Aboriginal Notification

Upon receipt of the Windpower Applicant Declaration Form, the District will notify Aboriginal communities identified through the process in 1.2 (c). Any information received by the Ministry from Aboriginal communities will be forwarded to the Applicant and addressed as part of the consultation report, consistent with the Renewable Energy Approval Regulation and Approval and Permitting Requirements Document.

1.3.2 Public and Municipal Notification

The Applicant will conduct public notification within 60 days of submitting the Windpower Application Declaration Form.

The public notification will, at a minimum, consist of an advertisement placed in local newspaper(s), with the intent of ensuring sufficient notice to local residents. Notification will include the following:

- contact information, including Applicant and/or company name;
- full mailing address, including postal code and telephone number;
- map and description of the application area (lots, concessions, township);
- description of the project proposal (testing or development);
- invitation to provide comments on the project, specifying the deadlines (30-day period); and
- optional additional information (e.g. background, company information, etc.)

The Applicant is responsible for providing the District in advance, with the date that the notification will appear in the newspaper(s) and a copy of the advertisement. The District will inform the REP of this date.

Public notification will have different content depending upon the activity:

- when windpower testing is being conducted, the notice will indicate that the installation of windpower testing facilities is being proposed for the purpose of determining the viability of the wind resources in the area; and
- where no wind testing is to be conducted, the public notification will indicate that a windpower development is being proposed.

Feedback from the public notification will form part of the consultation report, which will be reviewed by the government as part of the review of a windpower project,

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consistent with the Renewable Energy Approval Regulation and the Approval and Permitting Requirements Document.

In addition, the District will advise local municipality(ies) and conservation authority(ies) of the application.

1.3.3 Applicant of Record Status

Following Aboriginal, public and agency notification, the District Manager will either issue the Applicant of Record letter or deny issuance of the Applicant of Record letter, based on legislative, regulatory or policy reasons.

If the decision is made to issue the Applicant of Record letter, the District will request, collect, and processes payment of the grid cell fees plus bid fees / non-competitive fees and issue the Applicant of Record letter with a copy provided to the REP and the appropriate regional office. These fees are non-refundable and subject to applicable taxes.

The Applicant of Record letter grants the Applicant the ability to pursue required approvals and permits for development of a windpower testing project or a windpower project.

The Applicant of Record letter will include milestones related to development of the windpower testing project and/or a windpower project. Provided established timelines are followed, the Applicant will continue to be recognized by the Ministry as the Applicant of Record associated with a grid cell or grid cell grouping as identified in the Windpower Applicant Declaration Form.

If at anytime through the process the Applicant makes a decision to withdraw from the site, they will advise the District in writing. A copy of this correspondence will be forwarded to the REP and the appropriate regional office. The appropriate regional office will advise the Mining Recorder.

2.0 PORTABLE TESTING EQUIPMENT

Prior to the completion of the site release application process, the ministry will permit wind resource testing on Crown land using portable testing equipment (i.e. trailers or other vehicles). Applicants must comply with the requirements for windpower testing projects established in the Ministry's Approval and Permitting Requirements Document including the opportunity for Aboriginal, public and agency notification.

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3.0 MAINTAINING APPLICANT OF RECORD STATUS

Once Applicant of Record status is awarded, the Applicant will be subject to various milestones and reporting requirements to ensure that projects are progressing through the subsequent development processes within reasonable timelines.

These milestones will ensure that Crown land identified for potential renewable energy projects is not being unduly occupied over the long term without development proceeding and thereby impacting the ability of the area to be used for other purposes.

Where an Applicant does not meet the milestones established to maintain Applicant of Record status, the District Manager may cancel the Applicant of Record status with 30 days notice, and make the identified grid cells available for other Crown land management activities, including other applications for renewable energy projects.

3.1 Milestones - Testing Facilities on Crown Land

Where an Applicant has identified to the Ministry that they wish to pursue approvals for a windpower testing project on Crown land, the following milestones will apply:

- a) Within 180 days of receiving the Applicant of Record letter, an Applicant must submit a complete submission for the windpower testing project, consistent with the Ministry's Approval and Permitting Requirements Document;
- b) Within 180 days of the issuance of all of the required approvals and permits the Applicant will install the windpower testing project;
- c) Within 1080 days (approximately three years) of installing the windpower testing project, the Applicant will need to demonstrate suitable procurement such as an accepted Feed-In Tariff application or a power purchase agreement. The Ministry will review the procurement application/agreement to ensure that the proposed energy production of the facility reasonably optimizes the geography applied for; and
- d) Once an Applicant of Record has completed testing and demonstrated suitable procurement, they will provide written annual updates to the District Manager. Where reasonable progress has not been made, the Ministry may cancel the Applicant of Record status with 30 days notice.

The Ministry may grant extensions to testing timelines in exceptional circumstances, supported by documentation of the rationale for the extension.

The Applicant of Record may decide at any time during the testing period that they wish to proceed with the development of a windpower project.

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Applicants may choose to begin some preliminary work related to other approvals and permits during the testing period, such as conducting baseline flora and fauna studies. This work would be conducted in accordance with any applicable policies, procedures or guidelines and with input from the Ministry and other applicable agencies. As the full scope of the project has not yet been identified, Applicants should be advised that any work done at this stage may not fully satisfy the requirements of the Ministry or other agencies.

Wind testing equipment on Crown land will be authorized by a land use permit.

Prior to completion of the testing phase, the Applicant will, in accordance with the terms of their Applicant of Record letter, provide the District with written confirmation of whether they wish to proceed with development of a windpower project.

3.2 Milestones - Testing on Adjacent Private Land

Where the Windpower Application Declaration Form indicates that the Applicant will seek to develop a windpower testing project on adjacent private land, the Applicant will still be subject to the timelines established in Section 3.1 to remain the Applicant of Record associated with a grid cell or grid cell grouping.

3.3 Milestones - No Windpower Testing

Where an Applicant identifies in their Windpower Application Declaration Form that they do not wish to undertake windpower testing (Crown land or adjacent private land), the Applicant will have one year from the time the Applicant of Record letter is received to demonstrate suitable procurement, that generally being an accepted Feed-In Tariff application or other power purchase agreement. The Ministry will review the procurement application/agreement to ensure that the proposed energy production of the facility reasonably optimizes the geography applied for.

Once an Applicant has demonstrated suitable procurement, they will provide written annual updates on the status of the project to the District Manager. Where reasonable progress has not been made, cancellation of the application may result with 30 days notice.

4.0 RENEWABLE ENERGY APPROVAL PROCESSES

Windpower projects are generally subject to the renewable energy approval process established under the Environmental Protection Act and the Ministry's Approval and Permitting Requirements Document for Renewable Energy Projects.

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5.0 SURVEY REQUIREMENTS, TENURE AND RENT

Following the Ministry's decision to proceed with the necessary permits and approvals, the District will instruct the Applicant of Record to submit an application for Crown land and a current corporate profile from the jurisdiction in which they were incorporated. The Ministry will also provide survey instructions to the Applicant of Record.

5.1 Survey Requirements

The following survey options may be directed by the Ministry:

1. where there are large distances between the turbines, individual turbine locations may be surveyed as separate parts on the survey plan for inclusion in the lease;
2. where the turbines occupy a small area and/or are located in close proximity to each other, these areas may be surveyed as one part on the survey plan for inclusion in the lease; and
3. where there are clusters of turbines occupying small areas and/or they are located in close proximity to each other, these areas may be surveyed as separate parts for inclusion in the lease.

Survey instructions should give consideration to public safety and/or potential encroachment onto adjacent lands (e.g. area under tenure should ensure that if a turbine were to collapse, no part of the turbine, including the blades, would encroach onto adjacent lands) and the areas surveyed should generally not be larger than needed to meet these needs. The District will consult with the Office of the Surveyor General prior to issuing survey instructions.

Easements required for electrical collector lines between the turbines shall be surveyed as separate parts on the survey plan.

The Applicant will obtain an approved Crown land survey consistent with PL 2.06.01 Survey Plan Approval and the Instructions Governing Ontario Crown Land Surveys and Plans (November 2010).

The Applicant will be responsible for the procurement and costs of a survey and Crown land plan preparation and registration by an Ontario Land Surveyor. The District must issue survey instructions prior to any surveying of Crown land.

Grid cells or parts of grid cells not under Crown tenure, may be made available for other Crown land management activities.

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5.2 Land Use Authorization

The Ministry recognizes the importance of tenure security for the occupation of Crown land.

The Ministry may issue a comfort letter to indicate Crown's commitment to the issuance of future tenure such as Lease Letters Patent and easements. The comfort letter may provide details to the proponent of the Crown's commitment to consent to future transactions. The proponent will be required to submit a detailed sketch of the facilities.

Upon the completion of necessary requirements, MNR will issue or enter into the appropriate permits, instruments or agreements as referred to in Appendix B, "Section 2. Windpower Authorizations, Rents and Fees"

Issuance of permits or tenure documents, as well as associated fees, will comply with the appropriate Ministry directives.

Tenure documents such as easements for transmission lines associated with the Lease Letters Patent for wind turbines will run coterminous with the term of the Lease Letters Patent.

The purpose section on all requisitions must clearly identify that the tenure is for windpower purposes (e.g. "to authorize a windpower project", "to authorize electrical collector lines associated with a windpower project.").

Following preparation of a tenure document (other than a land use permit), the Crown Land Registry will advise MNDM of the issuance by copy of the document. MNR will provide MNDM with an electronic version of the surveyed area.

The District will submit the necessary documentation to MNDM related to any required surface rights withdrawal, consistent with PL 3.03.03 Withdrawal and Reopening of Surface and/or Mining Rights - Section 35, Mining Act.

5.3 Fees and Rents

In addition to fees and rents established in Ministry Crown land management policies, there are several rents and fees specifically associated with windpower testing and windpower development (See Appendix B).

While Section 3.1 of the PL 6.01.02 Crown Land Rental Policy provides that the policy does not apply for energy generation agreements (e.g. waterpower lease, wind energy lease), some fees and rents (where stipulated in Appendix B) of the current

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procedure will mirror the fees and rents set out in the PL 6.01.02 Crown Land Rental Policy.

5.4 Reconfiguration of Applications

Reconfiguration of applications will be allowed in the following circumstances:

- request will result in the application area becoming smaller;
- request will result in the amalgamation and/or splitting of applications where the applications are in the exact same name and there will be no new grid cells from those in the original applications; and/or
- request is submitted following submission of the Windpower Applicant Declaration Form and all required fees as outlined in Appendix B.

The Ministry will not consider requests from Applicants to include new grid cells in the area of their application. Any such requests must be submitted through an open window, using the application process outlined in this Procedure.

6.0 REFERENCES

6.1 Statutory

- Environmental Protection Act
- Mining Act
- Provincial Parks and Conservation Reserves Act
- Public Lands Act
- Renewable Energy Approval Regulation (O. Reg. 359/09) MOE 2009

6.2 Policies and Procedures

- Approval and Permitting Requirements Document for Renewable Energy Projects (APRD) (MNR 2009)
- PL 2.06.01 Survey Plan Approval Policy
- PL 3.03.04 Public Lands Act Work Permits
- PL 4.02.01 Application Review and Land Disposition Process
- PL 4.10.03 Utility Corridors on Public Land
- PL 4.10.04 Onshore Windpower Development on Crown Land (Policy)
- PL 4.11.04 Easements (Grants of)
- PL 6.01.02 Crown Land Rental Policy
- PL 6.02.01 Administrative Fees for Public Land Transactions Policy

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APPENDIX A - Grid Cell Description

This appendix shall not to be used for the purposes of describing a lease document or other document to be registered in the Land Registry Office. Such a document requires a legal description and therefore must comply with the applicable requirements as set out in the “INSTRUCTIONS GOVERNING ONTARIO CROWN LAND SURVEYS AND PLANS, November 1, 2010” and in appropriate acts and regulations.

The following guidelines relate to grid cells for wind testing:

1. The Province of Ontario shall be divided into grid areas to be known as grid cells.
2. A grid cell shall be bounded by lines of geographic latitudes and longitudes based on the NAD 83 (CSRS98) datum.
3. Grid cell limits shall be set using latitudes and longitudes in increments of 30 seconds of the series 50° 00' 00”, 50° 00' 30”, 50° 01' 00”, 50° 01' 30”, which series may be extended as required. This also determines the numerical sequencing for grid cells.
4. The area of a grid cell will vary depending on the latitude and longitude, but generally will be within 45 hectares to 65 hectares.
5. Every grid cell shall be referred to by its reference number contained within the grid cell.
6. A windpower application may consist of one or more contiguous grid cells, to a maximum of 44 contiguous grid cells per application.
7. Grid cells that only have one common corner are not deemed to be contiguous.
8. In certain cases (e.g. complex terrain), up to three non-contiguous grid groups in close proximity, totalling no more that 44 grid cells, may be considered as one grid group.
9. A grid cell shall not be further subdivided.
10. All Applicants are required to follow the mapping instructions outlined in the Renewable Energy internet site related to defining their project area.

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APPENDIX B - Windpower Activities, Authorizations, Fees and Rents

All fees and rents are subject to tax, if applicable.

1. Definition of Windpower Fees and Rents

Application Fee: paid at the time of application submission by all Applicants. This fee is non-refundable except in the case of unsuccessful bidders through a competitive process.

Administrative Fee: A fee for completing transactions, such as making changes to applications (e.g. Section 5.4 of the procedure and Wind Rents and Fees below for more detail).

Base Land Rent: A base land rent will be applied to the area under the land use permit (if applicable) and under the subsequent Lease Letters Patent. This rent is payable annually at the beginning of the calendar year and will be replaced by the Wind Land Rental Charge and Administrative Land Rent once the wind power project is operational.

- **During the testing period:** The Base Land Rent fee will be based on the MNR policy PL 6.01.02 “Crown Land Rental Policy”, for the footprint of the testing facility.
- **During the development period:** The Base Land Rent fee will be paid for the area occupied by the wind turbines. The Ministry commissioned zonal appraisal reports will be used to set a land value per hectare. The base land rent shall be reviewed and adjusted based on the review of the zonal value average for the applicable zone.

Grid Cell Fee: This fee is paid for the opportunity to be recognized as the Applicant of Record on the lands applied for and to pursue wind testing and approvals for that area.

Non-Competitive Opportunity to Explore Fee: Paid by Applicants in the non-competitive application process. This fee does not apply to off-grid communities.

Competitive Bid Value: Paid by Applicants in the Ministry initiated competitive bid process. The bid value is the amount that is bid above the minimum grid cell (or tract) fee.

Wind Land Rental Charge: An annual rental charge applies on operational wind farms. It is paid in quarterly instalments, and is based on the total installed kilowatt capacity (the manufacturer's rated power capacity) of all turbines in the project. (See Calculation of the Wind Land Rental Charge in Section 3 below)

The Wind Land Rental Charge will not be applied to an off-grid community.

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Administrative Land Rent: An annual administrative land rent for the Crown land occupied to facilitate the generation of windpower, that will replace the base land rent and will be applied in addition to the Wind Land Rental Charge, once the wind power project is operational except for off-grid communities.

2. Windpower Authorizations, Rents and Fees

Chart 1 - Application-Related Fees (not related to Authorizations)	
Fee Type	Fee Amount
Application Fees	\$1,000
Non Competitive Opportunity to Explore	\$20,000 (\$17,699.12+ \$2,800.88 in HST)
Competitive Opportunity to Explore	Bid amount (determined by the applicant)
Grid Cell Fee	\$300 per grid cell. These are also the minimum amounts for competitive bids
Administrative fees related to application alterations	\$200

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Chart 2 - Activity Types, Corresponding Authorizations and Related Fees and Rents

Activity/Improvement Type	Authorization/ Public Lands Act (PLA) Authority	Details	Annual Rents/Fees and One-time Fees associated with Issuance of Authorizations
Construction Activities associated with windpower testing facilities or a windpower development project	Work Permit (O. Reg. 453/96 made under the PLA)	<ul style="list-style-type: none"> - For those construction activities that are prescribed in the Work Permit – Construction Regulation (O. Reg. 453/96), including roads. - Detailed sketch required - Work permits are not a land use occupational authority. They do not authorize the occupation of Crown land but authorize the construction activities as described above. 	N/A
	Letters of authority – (Subsection 27(1) of PLA)	<ul style="list-style-type: none"> - For those construction activities that are not prescribed in the Work Permit – Construction Regulation (O. Reg 453/96), including a meteorological testing tower, a wind turbine, transmission and distribution lines. - Detailed sketch required - In this scenario, Letters of Authority are not a land use occupational authority. They do not authorize the occupation of Crown land but authorize the construction activities as described above. 	N/A
Testing Equipment (i.e. meteorological testing tower)	Land Use Permit (O. Reg. 973 made under the PLA)	For the footprint of the meteorological testing tower	Initial (one time) and annual fees based on MNR policy PL 6.01.02 “Crown Land Rental Policy”

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Activity/Improvement Type	Authorization/ Public Lands Act (PLA) Authority	Details	Annual Rents/Fees and One-time Fees associated with Issuance of Authorizations
Wind Turbines	Land Use Permit (O. Reg. 973 made under the PLA)	<ul style="list-style-type: none"> - During construction, at the request of the applicant, as interim authority to occupy Crown land where the survey requirements for a lease have not yet been completed - Detailed sketch required - The term will generally be for two years or less 	Initial (one time) based on MNR policy PL 6.01.02 “Crown Land Rental Policy” and Base Land Rent based on zonal values
		<ul style="list-style-type: none"> - During operation (for Off-Grid Community projects only) - Detailed sketch required - Ten (10) year term; will be re-issued for the life of the project 	Initial (one-time) based on MNR policy PL 6.01.02 “Crown Land Rental Policy” and Base Land Rent based on zonal values
	Lease Letters Patent (Section 16 of PLA)	<ul style="list-style-type: none"> - During development/ construction phase if survey requirements have been completed and during operation phase (except for Off-Grid Community projects) - Crown Land Plan of Survey (Reference Plan) required as prerequisite - Twenty five (25) year term with extension option for an additional 15 years - Lease will be registered on title 	<ul style="list-style-type: none"> - Initial (one time) fee based on MNR policy PL 6.01.02 “Crown Land Rental Policy” - If issued during development/construction, annual Base Land Rent, based on zonal values - Once the facility is operational, the Base Land Rent is replaced by an annual

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			Administrative Land Rent of \$1,000, and Wind Land Rental Charge (see Appendix B, section 3. Calculation of the Wind Land Rental Charge), paid quarterly
Activity/Improvement Type	Authorization/ Public Lands Act (PLA) Authority	Details	Annual Rents/Fees and One-time Fees associated with Issuance of Authorizations
Electrical Distribution and/or Transmission Lines	Land Use Permit (O. Reg. 973 made under the PLA)	<ul style="list-style-type: none"> - Detailed sketch required - Ten (10) year term; will be re-issued for life of project - If, at the request of the proponent, an easement is required instead of an LUP and the survey requirements for the easement are not yet completed, and LUP will be issued as interim authority for a term of two (2) years or less 	<ul style="list-style-type: none"> - Initial (one time) fee based on MNR policy PL 6.01.02 “Crown Land Rental Policy” - Annual rent based on MNR policy PL 4.10.03 “Utility Corridors on Public Land Policy”
	Grant of Easement (Section 21 of PLA)	<ul style="list-style-type: none"> - If, at the request of the proponent and if acceptable to MNR, an easement may be issued instead of a LUP - Crown Plan of Survey (Reference Plan) required as prerequisite - The term will be coterminous with the Lease - Easement will be registered on title 	<ul style="list-style-type: none"> - Initial (one time) fee based on MNR policy PL 4.11.04 “Easements (Grants of) Policy” - Annual rent based on MNR policy PL 4.10.03 “Utility Corridors on Public Land Policy”

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Activity/Improvement Type	Authorization/ Public Lands Act (PLA) Authority	Details	Annual Rents/Fees and One-time Fees associated with Issuance of Authorizations
Roads	Road Use Management Strategy and Agreement (Crown Land Roads Manual)	<ul style="list-style-type: none"> - Provides a clear outline of how roads will be used, their life expectancy and specifies the responsibility for maintenance and ultimate closure - Detailed sketch required - Required for the life of the project 	N/A
	Land Use Permit (O. Reg. 973 made under the PLA)	<ul style="list-style-type: none"> - Occupational authority that grants exclusive use of roads on Crown land is generally not granted (MNR policy PL 3.03.01 “Free Use Policy”). - However, where MNR directs that the road is to be available only for the exclusive use of the proponent, a LUP will be issued - Detailed sketch required - Ten (10) year term; will be reissued for the life of the project 	Initial (one time) and annual fees based on MNR policy PL 6.01.02 “Crown Land Rental Policy”
	Grant of Easement (Section 21 of PLA)	<ul style="list-style-type: none"> - A long term authority, where the developer has requested registered tenure for the road, where the Crown desires the lands to be available for other uses and where it is compatible with MNR resource management objectives - Easement will be registered on title - Crown Plan of Survey (Reference Plan) required - The term will be coterminous with the Lease 	Initial (one-time) fee and annual rent based on MNR policy PL 4.11.04 “Easements (Grants of) Policy”

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Activity/Improvement Type	Authorization/ Public Lands Act (PLA) Authority	Details	Annual Rents/Fees and One-time Fees associated with Issuance of Authorizations
Transformer Station	Letters Patent (Section 16 of PLA)	- Grants fee simple interest in land - Crown Plan of Survey (Reference Plan) required as a prerequisite - Patent will be registered on title	Market value as per MNR policy PL 6.01.01 “Sale Price Policy”
	Lease Letters Patent (Section 16 of PLA)	- At the discretion of MNR, may be included in the Lease issued for the wind turbines instead of issuance of fee simple Letters Patent - Crown Plan of Survey (Reference Plan) required	Refer to the fees and rents associated with the Lease
Other Administrative fees related to such transactions as consent to transfer, assign, renew/extend, mortgage are based on MNR policy PL 6.02.01 “Administrative Fees for Public Lands Transactions Policy”			

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3. Calculation of the Base Land Rent: for the tenure period based on the total number of hectares authorized.

Base Land Rent for the area occupied by Wind Turbines

$$= \text{Land Value (land locked zonal rate per hectare)} \times \text{Area} \times 100\% \text{ (impact on fee simple)} \times 10\% \text{ rate of return} + \text{CPI}$$

Chart 3 – Zonal Values	
Zone	Land values
NW Zone	\$454.00 per hectare (\$184.00 per acre)
NE Zone	\$294.00 per hectare (\$119.00 per acre)
SC Zone	\$1030.00 per hectare (\$417.00 per acre)
SE Zone	\$986.00 per hectare (\$399.00 per acre)
SW Zone	\$8,798.00 per hectare (\$3,562.00 per acre)

Note: The zonal values are subject to adjustment based on updated zonal value reports

4. Calculation of the Wind Land Rental Charge

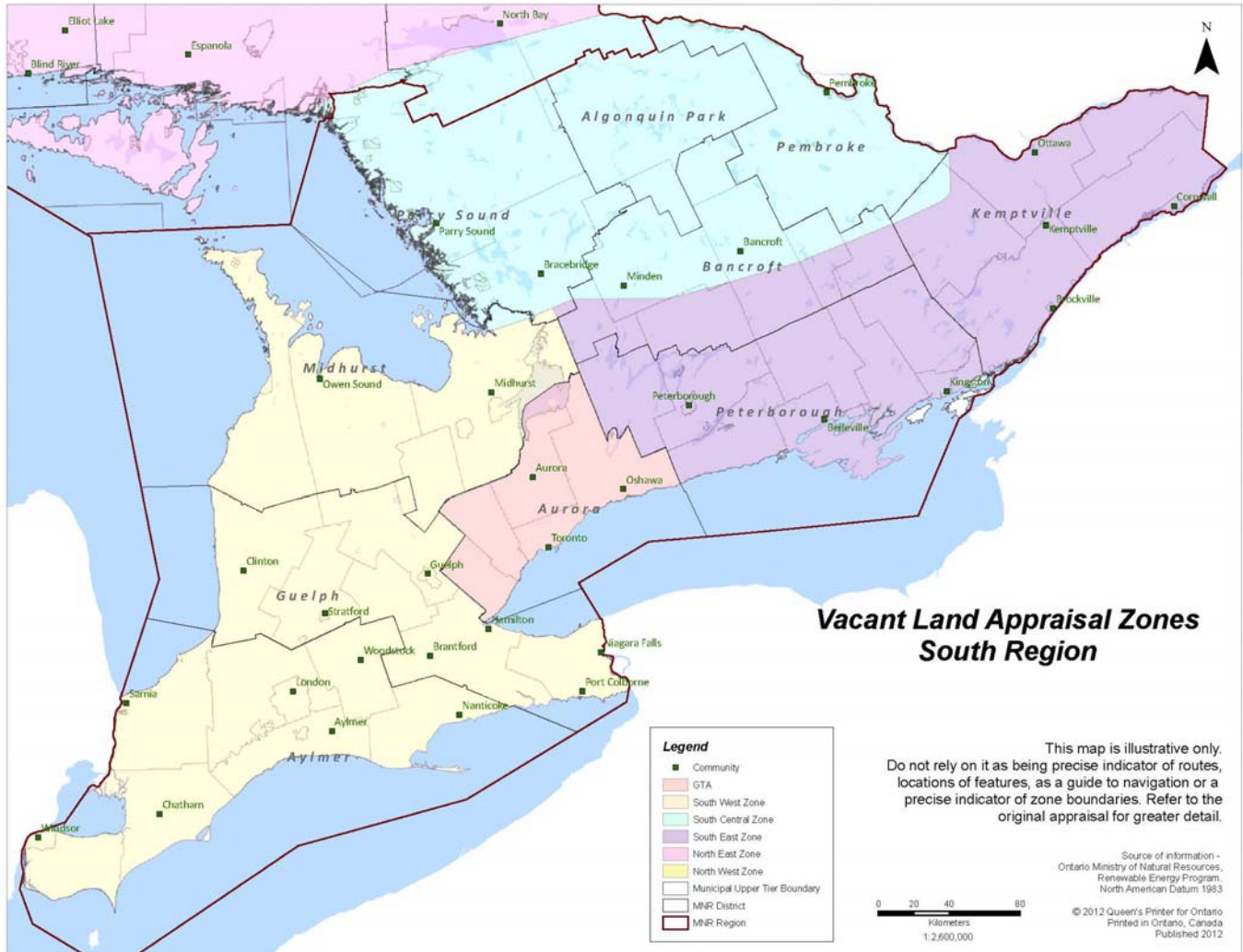
Annual Wind Land Rental Charge = (Total installed capacity in kilowatts x (8760 hours per year) x (30 percent capacity factor) x (3 percent rate of return) x (average price per kilowatt hour based on the price of electricity as detailed in the supply contract for the site).

Note: The Wind Land Rental Charge will not be applied as a portion of the rent for an Off-Grid Community.

Example for one megawatt (1,000 kW) of anticipated total installed capacity:

Annual Wind Land Rental Charge = (1,000 kW) x (8760 hours) x (0.30 capacity) x (0.03 rate of return) x (\$0.09 per kWh (example rate only — actual rate to be based on the price of electricity as set by the appropriate power purchase agreement at the time of lease issuance.)
= \$7095.60 per megawatt of total installed capacity annually.

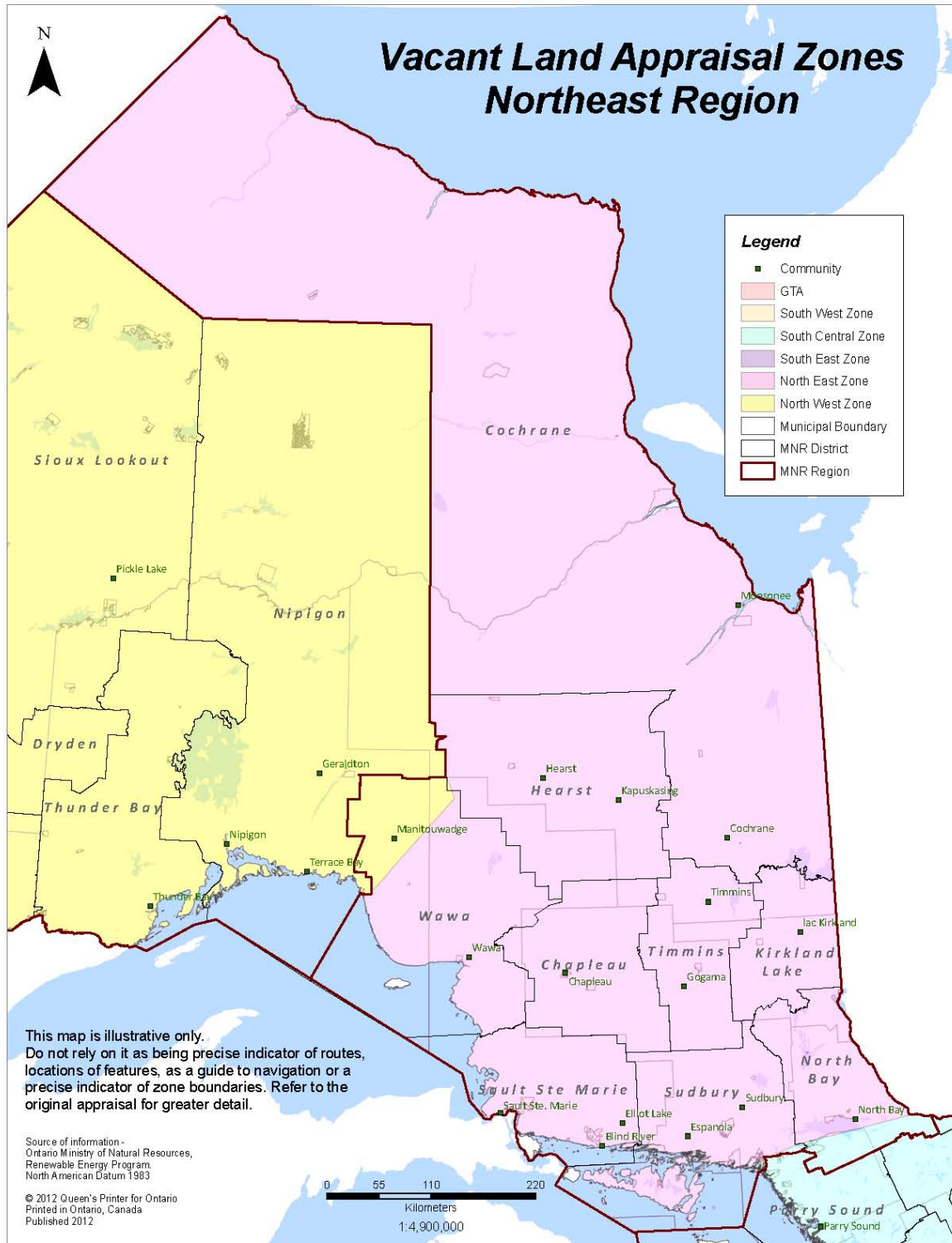
Zonal Land Value Map – Southern Ontario



Zonal Land Value Map – Northwestern Ontario



Zonal Land Value Map – Northeastern Ontario



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APPENDIX C - Mining Rights and Oil and Gas Leases

The information provided below provides guidance only and is not intended as legal advice. Further direction should be sought from MNR and MNDM staff.

It is the responsibility of the Applicant to fully investigate the status of the lands that they are applying for and to negotiate any required agreements with tenure or claim holders.

Staked Mining Claim

Staked prior to windpower application: Mining claim holder has a first right of refusal to the surface rights, pursuant to Section 50 of the Mining Act. The windpower Applicant must obtain the consent of the claim holder and have them release the rights to the surface. Written release must be filed in the Provincial Recording Office, of MNDM in the prescribed manner.

If the mining claim holder will not release the right, the matter may be referred to the Mining and Lands Commissioner.

Should a mining claim holder release their rights to the surface, they retain the right to proceed with mineral exploration work. The windpower Applicant must ensure that they do not cause any damage to any exploration workings or claim posts installed by the claim holder. Damage to exploration work is subject to compensation pursuant to Section 79(3) of the Mining Act. The mining claim holder must ensure that they do not cause any damage to any installations made by the windpower Applicant. The mining claim holder is subject to compensation to the windpower Applicant pursuant to Section 79(2) of the Mining Act. Both the windpower Applicant and the mining claim holder have the right to pursue their respective interests.

Staked after the windpower application: Pursuant to Section 28(2) and (3) of the Mining Act, the mining claim holder is subject to the prior application made under the Public Lands Act and the windpower application may proceed.

Mining Claim holders will be included as stakeholders in the stakeholder consultation.

The mining claim holder has the right to proceed with mineral exploration work. The windpower Applicant must ensure that they do not cause any damage to any exploration workings or claim posts installed by the claim holder. Damage to exploration work is subject to compensation pursuant to Section 79(3) of the Mining Act. The mining claim holder must ensure that they do not cause any damage to any installations made by the windpower Applicant. The mining claim holder is subject to compensation to the windpower Applicant pursuant to Section 79(2) of the Mining Act. Both the windpower Applicant and the mining claim holder have the right to pursue their respective interests.

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Mining Leases

Surface and Mining Rights Lease: The windpower Applicant is encouraged to work with the holder of the mining lease to come to an agreement that would allow for the windpower Applicant to proceed.

In some circumstances, the Crown may have an opportunity to exercise rights under the Mining Act to enable the windpower application to proceed.

Mining Rights Lease: the Ministry can issue a surface rights lease for the Windpower project. The windpower Applicant and the mining rights holder would have to work together to come to an agreement regarding the use of the surface to access the land and must ensure that no damage is caused to the installations or workings of either party, subject to Section 79 of the Mining Act.

Oil and Gas Leases:

The windpower Applicant is encouraged to work with the holder of the oil and gas lease to come to an agreement that would allow for the windpower Applicant to proceed.

In some circumstances, the Crown may have an opportunity to exercise rights under the Mining Act to enable the windpower application to proceed.

APPENDIX D - Windpower Application Process

