

# LICENCE OF OCCUPATION FOR WIND EXPLORATION APPLICATION PACKAGE

## Applications are restricted to a maximum area of 15,000 hectares.

For proposed wind farm developments, applicants must follow a two-stage process by first applying for wind exploration rights through a Licence of Occupation for Wind Exploration. Once a Licence of Occupation has been obtained the applicant can collect wind exploration data.

In order to obtain a Wind Farm Lease and an associated Licence of Occupation to construct and operate a wind farm a Power Purchase Agreement or an Open Access Transmission Tariff from NB Power must first be obtained unless the applicant can 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).

The Licence of Occupation requirement for wind exploration may be waived if the applicant provides the Department of Natural Resources and Energy Development (DNRED) with wind exploration data pertaining to the area of interest of the proposed wind farm.

A **Licence of Occupation for Wind Exploration** is a legal agreement authorizing the temporary occupation and use of Crown land to erect temporary test towers, take meteorological measurements, and/or conduct environment monitoring activities. An application for a Licence of Occupation must include at least one test tower site and may include up to five (5) test tower sites; an application must include the proposed locations for all test towers. Additional test towers may be permitted at the discretion of the Minister of Natural Resources and Energy Development or his designate, and should be requested at the time of the application. A Licence of Occupation may be granted for a period of up to three (3) consecutive years, and may be extended at the discretion of the Minister or his designate, where it can be demonstrated that the applicant requires additional time for the completion of EIA requirements, to obtain approvals from other agencies, or any other delay beyond the applicant's control.

An **Option** may be issued over lands covered by a Licence of Occupation.

The term of the Option must run concurrent with the term of the Licence. During the active period of the Licence, the option holder will have the exclusive first right to apply for a Wind Farm Lease. If the Licensee does not exercise their option during the term of the Licence of Occupation, the lands become available, on a first-come, first-served basis, for wind exploration and/or development.

A Licence of Occupation for Wind Exploration without an associated Option will allow DNRED to issue Licences of Occupation for Wind Exploration to other applicants over the same lands subject to the location criteria and minimum setbacks set out in policy.

Wind power exploration applications will only be accepted if they are more than 500 m of:

- an application under review for a Licence of Occupation for Wind Exploration that includes an Option,
- wind test tower sites under a Licence of Occupation,
- lands within an existing Option, or
- other wind farm leases.

The placement of all wind test towers situated within a Licence of Occupation for Wind Exploration or wind turbines situated within a wind farm lease, shall conform to the prescribed location constraints and setbacks as indicated in the table below.

LAND USE/COVER	SETBACKS*
Crown lands boundaries, lakes, watercourses and wetlands.	150 m, or 1.5 x height of turbine, whichever is greatest
Coastal features (e.g., coastal wetlands, estuaries, beaches and dunes)	500m
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	500 m, or 5 x height of turbine, whichever is greatest

under the <i>Community Planning Act</i>	
Existing recreational, institutional and residential areas, and areas designated for those purposes in a plan adopted under the <i>Community Planning Act</i> .	500 m, or 5 x height of turbine, whichever is greatest
Other built-up areas, e.g. industrial areas	150 m, or 1.5 x height of turbine, whichever is greatest
Communication, fire, airport and other tower structures	500 m, or 5 x height of turbine, whichever is greatest
Archaeological and Historical Sites (listed by the Department of Tourism, Heritage & Culture)	
Wind power Option areas, wind test towers and wind farms, either existing or under application review; unless occupied by, or part of, applicant's proposal	500 m, or 5 x height of turbine, whichever is greatest
Endangered species habitat ( <i>NB Endangered Species Act</i> ); important migratory bird nesting sites and migration routes ( <i>Migratory Birds Convention Act</i> ); important water-bird breeding colonies; national wildlife refuges; wildlife management areas ( <i>Fish &amp; Wildlife Act</i> )	1000 m

**\*From the centre of a wind test tower or turbine**

**IMPORTANT NOTE:** The applicant may apply all location constraints along with their setbacks in the electronic copy of the GPS coordinates. This will have a financial impact on the annual rental, i.e. so that the applicant will be charged only on the "useable" portion of the area applied for.

Note that other site-specific setbacks or buffers may be imposed to address concerns identified during the review process.

**Areas to be Avoided**

In addition to areas covered by the minimum setback requirements, the following areas shall not be available for wind power exploration and/or wind farm development:

- Protected Natural Areas (PNAs) and candidate sites;
- Park lands;
- Operational quarries or mining sites;
- Economically viable peat lands (areas with available peat of one metre or deeper);
- Existing Crown Land Leases except where the lease use may be compatible with wind power exploration and prior consent of the lessee is obtained;
- Other site-specific bird, fish, wildlife and environmental concerns, identified during the review process or within the EIA, if applicable.

**Applications Over Existing Rights**

Applications for wind exploration on Crown lands with an existing commitment (right) may be considered. DNRED will notify all affected right-holders of any new wind exploration applications and/or approvals that may affect the subject lands.

DNRED will also review the possibility of a wind exploration application over an existing lease, by consulting with the lessee. Consent from the lessee is required in order to allow DNRED to amend the existing lease by withdrawing the identified and unused portions from the existing lease, if the wind exploration application is approved.

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

## APPLICATION FEES

\$862.50 non-refundable (\$750.00 plus \$112.50 HST)

\*Fees are established in accordance with the *Lands Administration Regulation - Crown Lands and Forests Act* and are subject to change.

## PROCESS

Your application will be reviewed by the Department in consultation with other agencies. The review process is expected to take between 6 and 21 weeks and may take longer depending on the complexity of the application.

**Permits and Authorizations:** Compliance is required with all laws whether rural community, municipal, provincial or federal, and may include obtaining all required permits and authorizations such as: building permit, harvesting permit, quarry permit, watercourse and wetlands alteration permit, and petroleum storage licence.

**Information:** Contact the DNRED Land Use Application Service Centre at the toll-free number 1-888-312-5600 or at [www.gnb.ca/naturalresources](http://www.gnb.ca/naturalresources).

## IF YOUR APPLICATION IS APPROVED

Once your application is evaluated and approved, a letter from the Department will inform you of other requirements which may include the following:

### **Requirements that WILL be requested upon issuance of the lease:**

**Annual Rent:** Rents are invoiced annually on April 1, established in accordance with the *Lands Administration Regulation, Crown Lands and Forests Act* and are subject to change.

**Annual Property Taxes:** The Lessee is responsible for paying the annual property taxes on the leased property.

**Liability Insurance:** Liability insurance in the amount of \$5,000,000 minimum, listing "Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Natural Resources and Energy Development" as additional-insured.

**Amendments to the Site Development Plan (SDP):** If the licence area is modified, test towers are relocated to sites not specified in the original SDP, or if any major works, other than those approved in the original SDP, are proposed on the site, the SDP has to be amended, re-submitted electronically and re-approved by DNRED.

**Inspections:** There will be a minimum of one site inspection during the term of the licence, to verify compliance with policy requirements and the Site Development Plan.

**Wind Test Data:** Licensees are required to submit all wind test data to DNRED upon expiration of the wind exploration licence agreement, regardless of whether the site will be developed for wind power production.

### **Requirements that MAY be requested upon approval of the application**

**Environmental Insurance:** Environmental Remediation Insurance must be purchased and maintained by the Lessee. It is intended to cover the cost of rehabilitating the Crown land should an environmental accident occur.

**Other terms and conditions may apply.**

**Application Form - Licence of Occupation for Wind Exploration**

Department of Natural Resources and Energy Development  
 Land Use Application Service Centre  
 P.O. Box 6000  
 Fredericton NB E3B 5H1  
 Courier Address: 1350 Regent St., Fredericton, NB, E3C 2G6  
 Tel: 1-888-312-5600 Fax: (506) 457-4802



<b>APPLICANT</b>		<i>Please Print</i>	
Name or Company Name		Date of Birth (YYYY-MM-DD)	
Mailing address (Street-apartment, City/Town, Province, Postal Code)			
Language Preference:		Contact Person:	
<input type="checkbox"/> English <input type="checkbox"/> French			
Correspondence Preference:		Email Address:	
<input type="checkbox"/> Canada Post <input type="checkbox"/> E-mail			
Telephone (home)	Telephone (work)	Fax	Cellular phone
Applicant Status: <input type="checkbox"/> Individual <input type="checkbox"/> Municipality <input type="checkbox"/> Company (attach Certificate of Incorporation)			
<input type="checkbox"/> Other, specify:			
Funding		If the proposed project will be referenced in an application for provincial or federal financial assistance or funding, indicate the organization(s):	
Charitable Registration # (if not-for-profit):			

**INTENDED USE OF THE LAND**

Application type <input type="checkbox"/> With Exclusive Lease Option <input type="checkbox"/> Without Exclusive Lease Option
Note: An Option provides first right to apply for a wind farm lease. Without an option, another wind exploration application may impact your research and exploration activities.
<b>Provide a detailed description of planned activities and/or anticipated construction. Indicate any activities involving new or existing watercourse crossings. If work is proposed along the shore of inland or coastal waters, indicate how far it will extend below the Ordinary High Water Mark (OHWM). Show location of these planned improvements on the Site Development Plan attached (Appendix A).</b>
<b>Indicate number of test tower sites and approximately how long the licence will be required (maximum of 3 years). If any work will be contracted out, please provide Name of Contractor: _____</b>
No. of test tower sites: _____
Length of licence: Years _____ Months _____
<b>Indicate any site-specific concerns.</b>

**LOCATION**

PID number(s)

<http://geonb.snb.ca/geonb/>

Adjacent PID(s)

Estimated size of the site (ha)

(maximum of 15,000 ha)

**SITE DESCRIPTION**

Describe the current use and condition of the subject Crown land. Describe other known land uses, services, utilities and/or seasonal activities located on or adjacent to the subject area.

Is there access to the site?

 No
  Yes, specify:
  Public
  Private (If private, please provide written consent to use access)
**PAYMENT & SIGNATURE**

Indicate the method of payment used for application fee

 Money Order (made payable to the Minister of Finance) Cheque (made payable to the Minister of Finance) Visa  Mastercard

Credit Card Number:

Expiry date:

Name on Credit Card:

Signature of Cardholder:

 Yes I am 19 years of age or over

Signature of applicant

Date

20

x

**REQUIRED ATTACHMENTS**

Application fee: \$862.50 non-refundable (\$750.00 plus \$112.50 HST)

Map and/or aerial photo: available online at <http://geonb.snb.ca/geonb/>

Geographic data for test towers and exploration area

Site Development Plan (Appendix A)

**SITE DEVELOPMENT PLAN FOR WIND EXPLORATION**

**Department of Natural Resources and Energy Development  
Wind Exploration Site Development Plan**

**Applicant's Name:** \_\_\_\_\_

**Location of Crown Land:** \_\_\_\_\_

The Site Development Plan is required so that applicants can describe all proposed alterations, activities and improvements that may occur or may be developed upon Crown land during the entire term of the Licence of Occupation with (or without) an Option for wind power exploration. This should also describe any required rehabilitation prior to the termination of the Licence and/or any other remediation or restoration that may be needed to satisfy various approvals issued by government during the term of occupation. Once approved, the Site Development Plan will be considered part of the Licence of Occupation issued by the Department of Natural Resources and Energy Development under the *Crown Lands and Forests Act*. Any deviation from the approved plan without prior written consent of the Minister of Natural Resources and Energy Development or his designate may warrant immediate cancellation of the Licence. Development guidelines:

- a) No construction shall occur unless it has been authorized by this plan or an approved amendment thereof;
- b) The lessee shall insure that all construction, repairs or renovations meets health, environmental, safety, zoning, fire, building or other standards and codes.

**SECTION 1: DEVELOPMENT**

1. Clearly state the total number of meteorological test tower sites and provide a detailed description of their design, dimensions and instrumentation. Describe in detail all planned or anticipated construction and be specific about any equipment to be used (improvements to or construction of access roads, removal of timber, excavations, pouring foundations, structures, storage facilities, parking areas, etc.). Be sure to describe any other land uses, utilities and/or any seasonal activities that may occur throughout the entire term of the occupation. Please indicate the location of these improvements on the Site Plan (Described in Section 4). The Licensee must also provide details regarding any proposed geotechnical investigations that may be required during the term of occupation on the licenced land. It should be noted that the size of areas to be cleared and the use of bulldozers will be limited and strictly monitored.
2. Provide a timetable which details each component of development (e.g., for each and every meteorological test tower and geotechnical investigation site within the exploration area) throughout the term of occupation. This would include projected start and completion dates for each phase of development.
3. Will any activities or developments associated with the proposed uses and/or improvements occur on adjoining freehold lands? If so, provide ownership details, and, if the applicant is not the owner, proof that the landowner(s) consents.
4. Describe in detail any fuel or hazardous product storage facilities maintained or to be maintained on the subject Crown lands including the type of fuel and/or hazardous products, the amount stored, the type of storage container or structure and indicate its location(s) on the Site Plan.

**SECTION 2: MAINTENANCE**

1. Describe in detail any repairs or maintenance which will be required on an annual or periodic basis in order to satisfy any required government approvals. This would include any improvements to access, etc. Also include the name of the contractor if the work is to be contracted out.

Repair/Maintenance Activity	Timing (monthly, annually, seasonally, etc.)	Equipment/Materials (be specific about type of equipment to be used)

**SECTION 3: REHABILITATION**

Provide a Rehabilitation Plan which describes in detail all of the steps that will be taken to dismantle and remove each meteorological test tower and all associated improvements from the exploration area in order to return each site to a condition acceptable to the Minister in the eventuality that the Licence of Occupation expires or is terminated.

This would include the removal of foundations, outbuildings, guys and anchors, stockpiled construction materials and other debris, the removal and disposal of any fuels and storage tanks, and garbage and any other waste. The Licensee must also describe any reclamation activities such as the replacement of any overburden removed during development, any required reseeding and/or replanting anywhere within the exploration area.

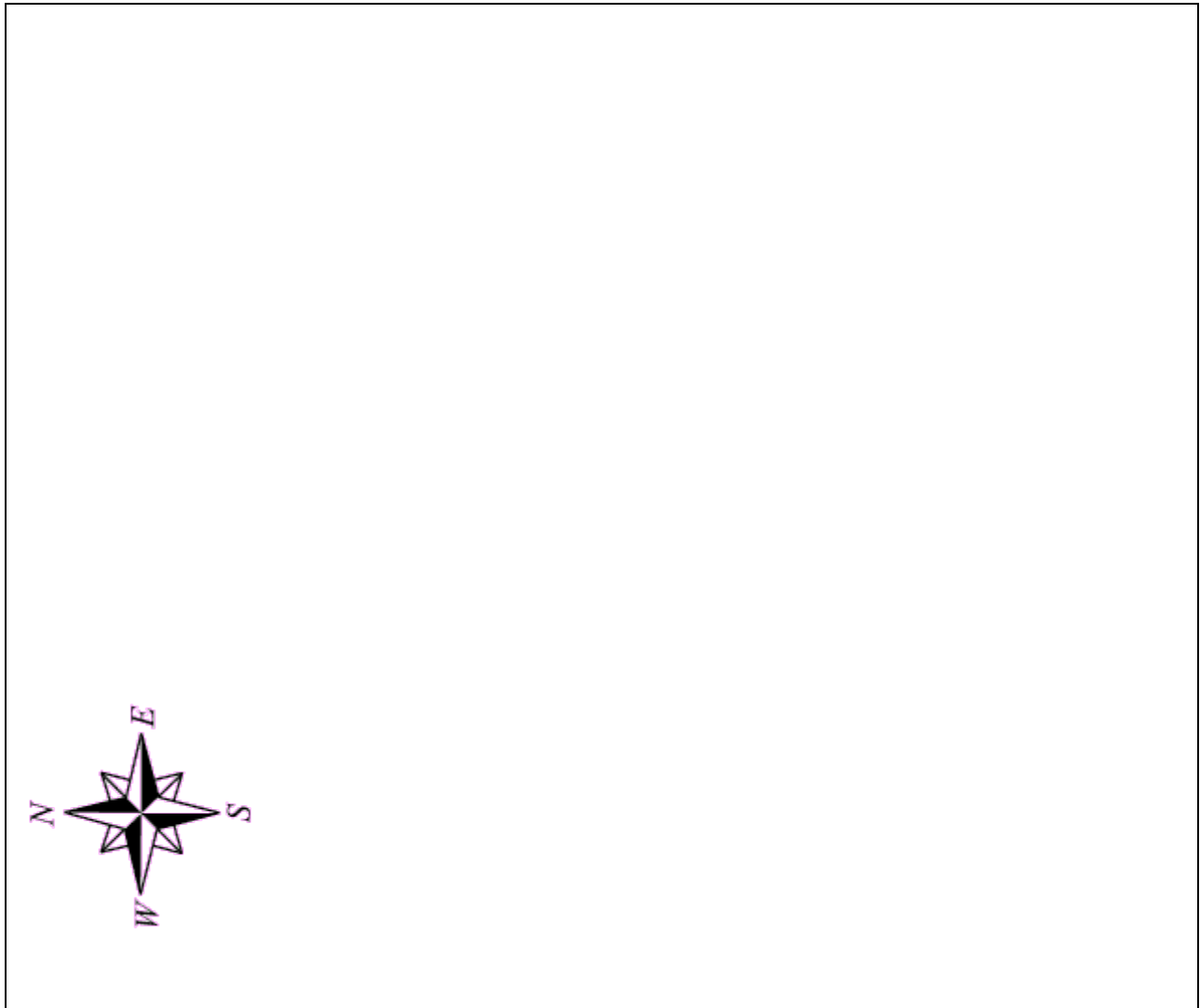
In terms of geotechnical investigations, the plan must describe in detail the steps taken to rehabilitate every site immediately after investigations have been completed (capping bore holes, replacing overburden, berming access, etc.).

The Rehabilitation Plan must also include projected start and completion dates for each component and a statement regarding how long the Licensee anticipates it will take to complete all rehabilitation from start to completion.



**SECTION 4: SITE PLAN**

Use the space below or provide a detailed plan showing the location and dimensions of all existing, planned and/or anticipated improvements that may be developed on the subject Crown land (and, if applicable, on any adjoining lands) at each test tower location. Include site boundaries (using CRCS NAD 83 GPS coordinates), footprints of each test tower (including guys and anchors), distances to all watercourses, roads, and any other significant features.



**APPENDIX A**  
**Licence of Occupation**  
**For Wind Exploration**

*No construction or development shall occur unless it is contained in the Site Development Plan or is approved as an amendment to the Licence of Occupation. Any amendments to the Site Development Plan must be addressed to the Director of Crown Lands Branch at the following address:*

*Land Use Application Service Centre  
Director of Crown Lands Branch  
Department of Natural Resources and Energy Development  
P. O. Box 6000  
Fredericton, N. B.  
E3B 5H1*

*This Site Development Plan and all approved amendments will form part of the Licence of Occupation issued by the Department of Natural Resources and Energy Development and will be subject to the terms and conditions contained in the Schedule "C".*

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**Date Submitted**

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**Applicant for Licence of Occupation**

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**Director of Crown Lands**