

# *The Provincial Lands (Agriculture) Regulations*

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[Chapter P-31.1 Reg 1](#) (effective March 13, 2017) as amended by Saskatchewan Regulations [136/2017](#), [19/2019](#), [97/2019](#), [67/2020](#) and [37/2022](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.



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## CHAPTER P-31.1 REG 1

### *The Provincial Lands Act, 2016*

#### PART 1

#### **Preliminary Matters**

##### **Title**

**1-1** These regulations may be cited as *The Provincial Lands (Agriculture) Regulations*.

##### **Definitions**

**1-2** In these regulations:

“**Act**” means *The Provincial Lands Act, 2016*;

“**agricultural lease**” means a lease of provincial land for the purpose of cultivating crops, grazing livestock, producing or harvesting hay or operating a domestic game farm;

“**domestic game farm**” means a domestic game farm as defined in *The Domestic Game Farm Animal Regulations*;

“**domestic game farm animal**” means a domestic game farm animal as defined in *The Domestic Game Farm Animal Regulations*;

“**holder of security**” means a holder of a security interest;

“**lending institution**” means any of the following:

- (a) a bank;
- (b) a credit union;
- (c) a financing corporation, loan corporation or trust corporation within the meaning of *The Trust and Loan Financing Corporations Act, 1997*;
- (d) Farm Credit Canada;
- (e) any other person approved by the minister;

“**livestock**” means any grazing animal that is raised in captivity, but does not include any domestic game farm animals;

“**minister**” means the member of the Executive Council responsible for the administration of *The Agriculture Administration Act*;

“**mineral development**” means the development of a mineral but does not include an oil and gas development or an activity related to exploring for a mineral;

“**mineral development lease**” means a lease of provincial land for the purpose of mineral development;

**“noxious weed”** means a plant designated by order of the minister as a noxious weed pursuant to *The Weed Control Act*;

**“nuisance weed”** means a plant designated by order of the minister as a nuisance weed pursuant to *The Weed Control Act*;

**“oil and gas development”** means:

(a) the development of an oil or gas well and related activities regulated by *The Oil and Gas Conservation Act*; and

(b) sequestration activities related to CO<sub>2</sub> or other substances;

but does not include activities related to exploring for oil and gas or assessing suitability for sequestration;

**“oil and gas development lease”** means a lease of provincial land for the purpose of oil and gas development;

**“pest”** means an animal, insect or disease declared to be a pest pursuant to *The Pest Control Act*;

**“prohibited weed”** means a plant designated by order of the minister as a prohibited weed pursuant to *The Weed Control Act*;

**“sand and gravel development lease”** means a lease of provincial land for the purpose of sand and gravel development.

**“security interest”** means the interest of the holder of security granted in a lease and consented to by the minister pursuant to section 2-26 of the Act and these regulations;

**“security lease”** means a lease of provincial land mentioned in clause 3-1(1)(h).

17 Mar 2017 cP-31.1 Reg 1 s1-2; 29 Mar 2019  
SR 19/2019 s3.

#### Application

**1-3** These regulations apply to provincial lands managed and administered by the minister.

17 Mar 2017 cP-31.1 Reg 1 s1-3.

#### Prescribed Acts

**1-4(1)** For the purposes of clause 1-3(1)(b) of the Act, *The Pastures Act* and *The Forest Resources Management Act* are prescribed Acts.

(2) The Acts mentioned in subsection (1) and any regulations enacted pursuant to those Acts prevail if there is any conflict between:

(a) *The Provincial Lands Act, 2016* or any regulations enacted pursuant to that Act; and

(b) the Acts mentioned in subsection (1) or any regulations enacted pursuant to those Acts.

17 Mar 2017 cP-31.1 Reg 1 s1-4.

**PART 2**  
**Sale of Provincial Land**

**Minister authorized to sell provincial land**

**2-1** The minister may sell provincial land and any improvements located on the provincial land:

- (a) if the provincial land is subject to an agricultural lease, in accordance with section 2-2;
- (b) if the provincial land is vacant provincial land, in accordance with section 2-3;
- (c) if the provincial land is vacant provincial land that encompasses an area that is less than a quarter section, in accordance with section 2-4; or
- (d) if the provincial land is to satisfy a treaty land entitlement claim or to assist the Government of Canada in fulfilling specific claims settlements for First Nations, in accordance with section 2-5.

17 Mar 2017 c P-31.1 Reg 1 s2-1.

**Sale to lessee of agricultural lease**

**2-2(1)** The minister may sell provincial land that is subject to an agricultural lease and any improvements located on that land to the lessee of the provincial land if the minister considers the sale to be in the public interest.

(2) Subject to section 2-6, the price for the provincial land and improvements sold pursuant to subsection (1) is to be determined:

- (a) by the ministry in accordance with accepted appraisal practices and procedures;
- (b) by an accredited appraiser whose qualifications and procedures are acceptable to the minister; or
- (c) by the ministry using a combination of the valuations resulting from valuations made in accordance with clauses (a) and (b).

(3) The following factors shall be considered by the ministry or by the accredited appraiser when determining the price in accordance with subsection (2):

- (a) the attributes of the provincial land, including but not limited to its location and any special features of the provincial land;
- (b) the value of the improvements sold with the provincial land.

(4) Notwithstanding subsection (2), if the lessee's application to purchase is received by the minister before April 1, 2018, the minister may reduce the sale price of the leased provincial land sold in accordance with this section by 10% of the sale price determined pursuant to subsection (2).

(5) Subsection (4) applies only to provincial land being leased pursuant to sections 3-4 to 3-7 and:

- (a) that is under cultivation; or

- (b) that at any time was under cultivation other than:
    - (i) provincial land that was part of a community pasture program administered by the Government of Canada or an agency of the Government of Canada; or
    - (ii) provincial land that is leased by a co-operative that is incorporated, continued or registered pursuant to *The Co-operatives Act, 1996*.
- (6) This section does not apply to any provincial land leased pursuant to sections 3-4 to 3-7 if the minister is satisfied that withholding the leased provincial land from sale would be in the public interest.

17 Mar 2017 c P-31.1 Reg 1 s2-2; 22 Dec 2017  
SR 136/2017 s3.

**Sale of vacant provincial land**

**2-3(1)** In this section:

**“agency agreement”** means an agency agreement as defined in *The Real Estate Act*;

**“brokerage”** means a brokerage as defined in *The Real Estate Act*;

**“public sale”** means a sale that is conducted:

- (a) by tender;
  - (b) by public auction;
  - (c) pursuant to an agency agreement with a brokerage; or
  - (d) by advertisement of the sale in a newspaper or other publication or the posting of a notice on the ministry’s website and any other public website.
- (2) If the minister considers the sale to be in the public interest, the minister may sell vacant provincial land by way of public sale and may establish any of the following:
- (a) a minimum price for which the vacant provincial land will be sold;
  - (b) any criteria that must be met by a person to be eligible to purchase the vacant provincial land.

17 Mar 2017 c P-31.1 Reg 1 s2-3.

**Sale of parcel less than a quarter section**

**2-4(1)** Subject to subsection (2) and if the minister considers the sale to be in the public interest, the minister may sell vacant provincial land to a person if:

- (a) the vacant provincial land consists of less than a quarter section of land; and

- (b) the person owns land that:
  - (i) is adjacent to the provincial land mentioned in clause (a); or
  - (ii) is located in the same quarter section of land as the provincial land mentioned in clause (a).
- (2) If there is more than 1 person who meets the qualifications set out in clause (1)(b), the vacant provincial land must be sold in accordance with section 2-3.
- (3) Subject to section 2-6, the price for the vacant provincial land must be:
  - (a) with respect to a sale mentioned in subsection (1), determined in accordance with subsection 2-2(2); and
  - (b) with respect to a sale mentioned in subsection (2) determined in accordance with subsection 2-3(2).

17 Mar 2017 cP-31.1 Reg 1 s2-4.

**Sale for treaty land entitlement or specific claims settlement purposes**

**2-5** Notwithstanding any other provision in these regulations, for the purposes of satisfying or discharging any obligation or undertaking of the Government of Saskatchewan pursuant to a Framework Agreement as defined in *The Treaty Land Entitlement Implementation Act* or assisting the Government of Canada in fulfilling specific claims settlements for First Nations, the minister may sell provincial land on those terms and conditions that the minister considers necessary.

17 Mar 2017 cP-31.1 Reg 1 s2-5.

**Sale price of provincial land that is subject to oil and gas development lease**

**2-6(1)** If provincial land sold pursuant to this Part is subject to an oil and gas development lease, the final sale price of the provincial land is the amount A, adjusted to the nearest \$100, calculated in accordance with the following formula:

$$A = P + E$$

where:

P is the price of the provincial land determined in accordance with section 2-2 or 2-4;

E is the present value of the future earnings expected to have been received by the Crown with respect to the oil and gas development lease for the expected remaining life of the oil and gas production.

- (2) The interest rate to be used to determine the present value of future earnings is the prime lending rate of the financial institution holding the general revenue fund that is in effect on the date that the calculation in subsection (1) is made.

17 Mar 2017 cP-31.1 Reg 1 s2-6.

**Sale agreement**

**2-7(1)** Any sale of provincial land pursuant to this Part must be made pursuant to a written sale agreement that includes any terms and conditions that the minister considers necessary.

(2) Any person who intends to purchase provincial land pursuant to this Part shall, within the period set by the minister, provide the minister with a signed copy of the agreement mentioned in subsection (1) and any other documents that the minister may require.

(3) If a person who intends to purchase provincial land pursuant to this Part fails to comply with subsection (2), the minister may:

(a) notify the person that the proposed sale of provincial land to that person will not proceed; and

(b) refund to that person, without interest, any funds paid by that person to the minister with respect to the proposed sale.

17 Mar 2017 cP-31.1 Reg 1 s2-7.

**Additional payments on balance outstanding on sale agreement**

**2-8(1)** Notwithstanding any provision of this Part, or the terms and conditions of any sale agreement, a purchaser may pay the whole or any part of any balance outstanding of the purchase price without notice or penalty.

(2) Any partial payment made in accordance with subsection (1) does not postpone or otherwise affect the obligation of the purchaser to make payments as required by the sale agreement.

17 Mar 2017 cP-31.1 Reg 1 s2-8.

**Termination of lease on sale**

**2-9** If provincial land that is subject to a lease is sold to the lessee, the sale terminates the lease and the lessee remains liable for the payment of any outstanding rent or other fees relating to the provincial land that is sold.

17 Mar 2017 cP-31.1 Reg 1 s2-9.

**Reinstating sale agreement**

**2-10** Notwithstanding any other provision of this Part, if a purchaser has defaulted on a sale agreement and the minister has terminated the sale, the minister may agree to reinstate the sale if:

(a) the purchaser has remedied the default;

(b) the provincial land that is the subject of the sale has not been otherwise sold or transferred;

(c) no disposition has been issued with respect to the provincial land that is the subject of the sale; and

(d) the purchaser and the minister agree to the revised terms and conditions of the sale agreement.

17 Mar 2017 cP-31.1 Reg 1 s2-10.

PART 3  
**Leasing of Provincial Land**

DIVISION 1  
**Criteria respecting Leases and Lessees**

**Categories of leases**

**3-1(1)** The minister may lease provincial land for any of the following purposes:

- (a) the cultivation of crops;
  - (b) the grazing of livestock;
  - (c) the production or harvesting of hay;
  - (d) the operation of a domestic game farm;
  - (e) an oil and gas development;
  - (f) a mineral development;
  - (g) a sand and gravel development.
  - (h) the holding of provincial land by a lending institution that held a security interest in a lease of the provincial land in the circumstances in which the lease with respect to which the security interest had been granted was cancelled in accordance with the Act and these regulations.
- (2) The minister may lease provincial land for a purpose other than a purpose authorized by subsection (1) if the minister considers the lease to be in the public interest.

17 Mar 2017 c P-31.1 Reg 1 s3-1; 29 Mar 2019  
SR 19/2019 s4.

**Selection of lessees**

**3-2(1)** The minister may lease provincial land:

- (a) when a lease terminates, to the lessee who held the lease before termination;
- (b) with respect to an agricultural lease of vacant provincial land, to the person selected in accordance with the lessee selection policy established by the minister;
  - (b.1) with respect to an agricultural lease that is issued subsequent to a security lease and for which the lending institution that held the security lease has recommended a lessee, to the person recommended by the lending institution if the minister is satisfied that the person:
    - (i) is a Canadian citizen or permanent resident of Canada;
    - (ii) is 18 years of age or older;
    - (iii) has all existing accounts with the minister in an acceptable state; and
    - (iv) has otherwise met the requirements of the minister's lessee selection policy;

- (c) with respect to an oil and gas development lease or a mineral development lease:
    - (i) to the person who holds mineral rights underlying the leased land;
    - (ii) to the person who holds mineral rights to be accessed from the leased land;
    - (iii) to a person who has the consent of a person mentioned in subclause (i) or (ii); or
    - (iv) to any person the minister considers appropriate in the circumstances;
  - (d) with respect to a sand and gravel development lease:
    - (i) to a person who holds a licence over the area of the proposed lease issued in accordance with clause 4-4(1)(b);
    - (ii) to another ministry;
    - (iii) to a municipality;
    - (iv) to a government agency; or
    - (v) to any other person;
  - (d.1) with respect to a security lease, to the lending institution that held a security interest in a lease that has been cancelled in accordance with the Act and these regulations; and
  - (e) with respect to a lease issued in accordance with subsection 3-1(2), to any person the minister considers appropriate in the circumstances.
- (2) The minister shall cause the selection policy mentioned in clause (1)(b) to be published on the ministry's website and made available to the public in any other manner the minister considers appropriate.

17 Mar 2017 cP-31.1 Reg 1 s3-2; 29 Mar 2019  
SR 19/2019 s5.

**Eligibility for certain leases**

**3-2.1** Before being eligible to hold a security lease, or to recommend a lessee to the minister for a lease mentioned in clause 3-2(1)(b.1), a lending institution described in clause 3-2(1)(d.1) must pay any moneys owing or that have accrued in relation to the lease in which the lending institution held security, including rent, taxes, charges, rates and assessments.

29 Mar 2019 SR 19/2019 s6.

**Control of access**

**3-3** Unless otherwise specified in the lease and subject to the Act and these regulations, a lessee has the right to control access to the provincial land that is subject to the lease.

17 Mar 2017 cP-31.1 Reg 1 s3-3.

**Authorization to withdraw land**

**3-3.1(1)** In this section:

**“public improvement”** means a public improvement as defined in *The Highways and Transportation Act, 1997*;

**“public utility”** means a public utility as defined in *The Municipalities Act*.

(2) For the purposes of clause 2-16(4)(a) of the Act, additional circumstances under which a disposition may be amended include the creation, construction, widening, relocation or closure of, or any work of public improvement or public utility that impacts, a street, road, lane or roadway, by the Minister of Highways, a city, a municipality or a northern municipality.

20 May 2022 SR 37/2022 s3.

DIVISION 2  
**Agricultural Leases**

**Calculation of rent - cultivation**

**3-4(1)** In this section:

**“insurable crop”** means a crop that is insurable by the Saskatchewan Crop Insurance Corporation;

**“risk zone”** means a risk zone as established by the Saskatchewan Crop Insurance Corporation.

(2) The annual rent payable by a lessee of provincial land leased for the cultivation of crops is the amount R calculated according to each risk zone in accordance with the following formula for each cultivated acre (hectare):

$$\sum_{i=1}^n \left( \frac{(C_i \times P_i \times Y_i)}{A} \right) \times S = R$$

where:

A is the total number of acres (hectares) in each risk zone devoted to insurable crops and summerfallow;

C is the total number of acres (hectares) for each insurable crop grown in the risk zone where the provincial land is situated as reported to the Saskatchewan Crop Insurance Corporation for the year previous to the year in which the annual rent for each cultivated acre (hectare) will become payable;

n is the total number of insurable crops as recorded by the Saskatchewan Crop Insurance Corporation in each risk zone;

P is the price projected to be received for each insurable crop as determined by the Saskatchewan Crop Insurance Corporation for the year in which the annual rent for each cultivated acre (hectare) will become payable;

S is the percentage of the weighted crop value for each insurable crop that must be charged for each soil type as determined by the Saskatchewan Crop Insurance Corporation according to the following:

Class A & B soils - 18%

Class C & D soils - 17%

Class E & F soils - 16%

Class G & H soils - 15%

Class J & K soils - 14%

Class M & N soils - 13%

Class O & P soils - 12%;

Y is the long term average summerfallow yield for each insurable crop on each soil type in each risk zone as determined by the Saskatchewan Crop Insurance Corporation.

17 Mar 2017 cP-31.1 Reg 1 s3-4.

**Calculation of rent - grazing**

**3-5** The annual rent payable by a lessee of provincial land leased for the grazing of livestock is the amount AR determined in accordance with the following formula:

$$AR = \text{price} \times 46 \times \text{use factor} \times 12.75\% \times \text{animal unit month rating}$$

where:

animal unit month rating is the number of animal unit months applicable to the provincial land in question as rated by the Saskatchewan Assessment Management Agency or as determined by the minister to reflect the current grazing capacity of the land;

price is the average price of cattle marketed from October 1 to November 30 of the preceding year as published by the ministry, for markets in Saskatchewan, weighted as follows:

Feeder steers 500-600 pounds: 35.0%

Feeder heifers 500-600 pounds: 15.0%

Feeder steers 800-900 pounds: 17.0%

Feeder heifers >800 pounds: 21.0%

Slaughter D1-D2 cows 12.0%; and

use factor is 0.8.

17 Mar 2017 cP-31.1 Reg 1 s3-5; 20 May 2022  
SR 37/2022 s4.

**Calculation of rent - production or harvesting of hay**

**3-6** The annual rent payable by a lessee of provincial land leased for the production or harvesting of hay is:

(a) if the hay is consumed by cattle owned by the lessee, the amount AR determined in accordance with the formula set out in section 3-5, but with a use factor of 1.6; or

(b) if the hay is sold, in accordance with section 3-4, with any necessary modification.

17 Mar 2017 cP-31.1 Reg 1 s3-6.

**Calculation of rent - domestic game farms**

**3-7** The annual rent payable by a lessee of provincial land leased for the operation of a domestic game farm is equal to the greatest amount of rent that would be payable if the land was leased for:

- (a) the cultivation of crops;
- (b) the grazing of livestock; or
- (c) the production or harvesting of hay.

17 Mar 2017 cP-31.1 Reg 1 s3-7.

**Increased rent payable for certain provincial land**

**3-8(1)** Notwithstanding any other provision of these regulations except section 3-10, but subject to subsections (2) and (3), the annual rent payable as otherwise calculated pursuant to sections 3-4 to 3-7 is increased by 45% for the period commencing on and after January 1, 2018.

(2) Subsection (1) applies only to provincial land being leased pursuant to sections 3-4 to 3-7:

- (a) that is under cultivation; or
- (b) that at any time was under cultivation other than:
  - (i) provincial land that was part of a community pasture program administered by:
    - (A) the Government of Saskatchewan or an agency of the Government of Saskatchewan; or
    - (B) the Government of Canada or an agency of the Government of Canada;
  - (ii) provincial land that is leased by a co-operative that is incorporated, continued or registered pursuant to *The Co-operatives Act, 1996*.

(3) This section does not apply to any provincial land leased pursuant to sections 3-4 to 3-7 if the minister is satisfied that withholding the leased provincial land from sale would be in the public interest.

17 Mar 2017 cP-31.1 Reg 1 s3-8; 22 Dec 2017  
SR 136/2017 s4; 29 Mar 2019 SR 19/2019 s7;  
20 May 2022 SR 37/2022 s5.

**Reduction of rent for uncontrollable natural event**

**3-9(1)** Notwithstanding sections 3-4 to 3-7 but subject to subsection (2), the minister may reduce the rent for any agricultural lease if the lessee establishes to the satisfaction of the minister that the leased provincial land could not be used during the year for the purpose for which the lease was issued because of an uncontrollable natural event.

(2) Subsection (1) does not apply if:

- (a) insurance coverage was available for the uncontrollable natural event that made the provincial land unusable; or
- (b) the provincial land could have been used had the lessee employed sound farm management practices.

17 Mar 2017 cP-31.1 Reg 1 s3-9.

**P-31.1 REG 1** PROVINCIAL LANDS (AGRICULTURE)**Minister may reduce rent for agricultural lease**

**3-10** Notwithstanding sections 3-4 to 3-8, the minister may reduce the rent payable by the lessee of an agricultural lease, but any reduction shall not reduce the rent to an amount that is less than the lesser of:

- (a) the annual rent as calculated pursuant to those sections for the same provincial land for the preceding year; and
- (b) the annual rent actually payable for the same provincial land for the preceding year.

17 Mar 2017 cP-31.1 Reg 1 s3-10; 20 May  
2022 SR 37/2022 s6.

**Reduced rent when clearing or breaking provincial land**

**3-11(1)** A lessee may clear or break provincial land only if authorized in writing by the minister.

(2) Notwithstanding sections 3-4 to 3-6, if a lessee is authorized to clear or break provincial land pursuant to subsection (1), in order to offset some or all of the costs incurred by the lessee in improving the provincial land, the minister may, for any period determined by the minister, continue to charge rent pursuant to the lease as though the provincial land had not been improved.

17 Mar 2017 cP-31.1 Reg 1 s3-11.

**Rent for lease with more than 1 use**

**3-12(1)** An agricultural lease may authorize more than 1 agricultural use on a parcel of provincial land.

(2) Rent for a lease described in subsection (1) must be calculated based on the area of provincial land that is subject to each use.

17 Mar 2017 cP-31.1 Reg 1 s3-12.

**Authorization required to graze certain animals**

**3-13(1)** Subject to subsection (2), no lessee shall graze or permit to be grazed on leased provincial land livestock owned by a person other than the lessee.

(2) The minister may, on any terms and conditions acceptable to the minister, authorize in writing the grazing of livestock owned by a person other than the lessee.

(3) An authorization issued by the minister pursuant to subsection (2) expires on the last day of the year in which the authorization was given, unless the authorization states otherwise.

17 Mar 2017 cP-31.1 Reg 1 s3-13.

**Management of land - grazing**

**3-14(1)** No lessee holding an agricultural lease that is used for grazing livestock shall fail to manage the provincial land that is the subject of the lease in a manner that uses all of the provincial land without impairing the normal reproduction of the forage vegetation on that provincial land.

(2) If, in the minister's opinion, a lessee described in subsection (1) is not fulfilling the requirements set out in subsection (1), the minister may require the lessee:

- (a) to construct fences and develop water facilities that may in the minister's opinion be necessary to ensure that the use of the provincial land complies with subsection (1); and
- (b) to increase or decrease the number of livestock grazed by the lessee on that provincial land in any year if, in the minister's opinion, the use made by the lessee is insufficient or excessive.

17 Mar 2017 cP-31.1 Reg 1 s3-14.

**No game farm lease permitted on wildlife habitat and ecological lands**

**3-15** No lease for the operation of a domestic game farm is to be issued on provincial lands that are designated as wildlife habitat and ecological lands pursuant to *The Wildlife Habitat Protection Act*.

17 Mar 2017 cP-31.1 Reg 1 s3-15.

**Conditions for issuing lease for domestic game farm**

**3-16** The minister may issue a lease of provincial land for the operation of a domestic game farm only if:

- (a) at least 75% of each parcel of provincial land to be leased has been cultivated or seeded to tame forage; and
- (b) the provincial land to be leased is surrounded by land owned or leased by the person proposing to use the provincial land as a domestic game farm.

17 Mar 2017 cP-31.1 Reg 1 s3-16.

**Obligation to pay rent in case of early termination**

**3-17** If the minister consents to the early termination of an agricultural lease in accordance with section 2-14 of the Act, the agricultural lessee is:

- (a) relieved of the obligation to pay rent for the year in which the early termination occurs if the consent is given and the lessee has completely vacated the provincial land before April 1 of that year; and
- (b) obligated to pay rent for the year if the conditions set out in clause (a) have not been satisfied.

17 Mar 2017 cP-31.1 Reg 1 s3-17.

**DIVISION 3**

**Leases for Oil and Gas Development or Mineral Development**

**Evidence of compliance with other obligations**

**3-18** Before the minister issues a lease pursuant to this Division, the proposed lessee of an oil and gas development lease or mineral development lease shall provide evidence satisfactory to the minister that the proposed lessee has complied with all approvals required by other ministries of the Crown and other government agencies respecting the oil and gas development or mineral development.

17 Mar 2017 cP-31.1 Reg 1 s3-18.

**Calculation of rent and development fees - oil and gas development**

**3-19(1)** Subject to subsection (3), the annual rent and fees payable by a lessee of an oil and gas development lease is the amount calculated in accordance with Tables 1 and 3 of the Appendix.

(2) **Repealed.** 20 Dec 2019 SR 97/2019 s3.

(3) Subject to subsection (3.1), the annual rent and fees payable by a lessee of provincial land for the purpose of oil and gas development on provincial land that was formerly part of a community pasture program administered by the Government of Canada or an agency of the Government of Canada is the amount set out in the lease for the term of the lease or until the lease terminates.

(3.1) On 60 days' written notice to a lessee mentioned in subsection (3), the minister may amend the amount of the annual rent and fee payable by the lessee, and the amended amount is the amount to be paid by the lessee.

(4) **Repealed.** 29 Mar 2019 SR 19/2019 s8.

(5) In addition to the amount required to be paid in accordance with subsection (1), the lessee of an oil and gas development lease shall pay to the lessee of an agricultural lease of the provincial land from which the oil and gas development lease was removed a one-time payment equal to the value of any crop damage suffered by the lessee of the agricultural lease as a result of the oil and gas development.

(6) If the lessee of the agricultural lease mentioned in subsection (5) and the lessee of the oil and gas development lease mentioned in subsection (5) are not able to agree on the amount payable in accordance with subsection (5), the minister may determine the loss, and the lessee of the oil and gas development lease shall pay that amount to the lessee of the agricultural lease.

17 Mar 2017 c P-31.1 Reg 1 s3-19; 29 Mar 2019 SR 19/2019 s8; 20 Dec 2019 SR 97/2019 s3.

**Reduction of rent and fees**

**3-19.1** A lessee who holds an oil and gas development lease on or after April 1, 2019 and who is otherwise required to pay annual rent or fees pursuant to subsection 3-19(1) between April 1, 2019 and the day on which this section comes into force is entitled to a reduction in the annual rent or fee equal to the positive difference between:

- (a) the amount of the annual rent or fee that is payable for that lease pursuant to Table 1 of the Appendix as set out in that Table on the day before the day on which this section comes into force; and
- (b) the amount of the annual rent or fee that is payable for that lease pursuant to Table 1 of the Appendix as set out in that Table on the day on which this section comes into force.

20 Dec 2019 SR 97/2019 s4.

**Calculation of rent and development fees - mineral development**

**3-20** The annual rent and development fees payable by a lessee of a mineral development lease is fair market value as determined by the minister.

17 Mar 2017 c P-31.1 Reg 1 s3-20.

**Reclamation and restoration obligations**

**3-21(1)** The lessee of an oil and gas development lease shall, before the expiration or termination of the lease and at the lessee's expense:

- (a) comply with the reclamation and associated obligations in *The Oil and Gas Conservation Act* and the regulations and directives issued pursuant to that Act;
- (b) provide evidence satisfactory to the minister that the lessee has complied with the obligations set out in clause (a); and
- (c) either:
  - (i) restore the surface of the provincial land as nearly as is practicable to the condition that the surface was in before the lease was issued as determined by the minister; or
  - (ii) if it is not practicable to restore the surface to the condition mentioned in subclause (i), provide to the minister a restoration plan to restore the provincial land to a different condition.

(2) The minister may:

- (a) approve the restoration plan mentioned in subclause (1)(c)(ii); and
- (b) impose terms and conditions on the approval.

(3) The lessee of a mineral development lease shall, before the expiration or termination of the lease and at the lessee's expense:

- (a) comply with the reclamation and associated obligations required by other ministries of the Crown and other government agencies respecting the mineral development;
- (b) provide evidence satisfactory to the minister that the lessee has complied with the obligations set out in clause (a); and
- (c) either:
  - (i) restore the surface of the provincial land as nearly as is practicable to the condition that the surface was in before the lease was issued as determined by the minister; or
  - (ii) if it is not practicable to restore the surface to the condition mentioned in subclause (i), provide to the minister a restoration plan to restore the provincial land to a different condition.

(4) The minister may:

- (a) approve the restoration plan mentioned in subclause (3)(c)(ii); and
- (b) impose terms and conditions on the approval.

(5) The lessee of the oil and gas development lease or mineral development lease shall comply with:

- (a) the restoration plan approved by the minister pursuant to subsection (2) or (4); and
- (b) all terms and conditions imposed on the approval by the minister.

(6) The minister may extend the term of an oil and gas development lease or mineral development lease, including the obligation to continue paying rent and fees, if any reclamation or restoration obligation mentioned in this section remains outstanding at the expiration of the lease.

(7) If the minister extends the term of an oil and gas development lease pursuant to subsection (6), the lessee shall pay rent and fees at a rate of 50% of the rent and fees payable pursuant to section 3-19.

17 Mar 2017 cP-31.1 Reg 1 s3-21.

#### DIVISION 4 Sand and Gravel Development Leases

##### Requirement to provide development plan

**3-22(1)** Before the minister issues a lease pursuant to this Division, the proposed lessee of a sand and gravel development lease shall provide to the minister a development plan that:

- (a) identifies how the surface soil will be removed and stored;
- (b) provides details on when the quarrying operations will commence and proceed over the course of the quarrying;
- (c) provides details on how the quarrying site will be secured and signed; and
- (d) provides a plan for the reclamation and restoration of the quarrying site, including the following:
  - (i) how the excavation will be sloped and contoured;
  - (ii) how the soil will be replaced and vegetation returned to the site.

(2) If the minister is satisfied with the development plan mentioned in subsection (1), the minister may:

- (a) approve the development plan; and
  - (b) impose terms and conditions on the approval.
- (3) The lessee of the sand and gravel development lease shall comply with:
- (a) the development plan approved by the minister; and
  - (b) all terms and conditions imposed on the approval by the minister.

17 Mar 2017 cP-31.1 Reg 1 s3-22.

##### Calculation of rent, fees and royalty

**3-23** The annual rent, fees and royalty payable by the lessee of a sand and gravel development lease is the amount calculated in accordance with Tables 2 and 3 of the Appendix.

17 Mar 2017 cP-31.1 Reg 1 s3-23.

**Annual return**

**3-24** Every lessee of a sand and gravel development lease shall ensure that:

- (a) an annual production return is prepared for each year; and
- (b) the annual production return mentioned in clause (a) is submitted to the minister not later than January 31 in the year following the year for which the annual production return was prepared.

17 Mar 2017 c P-31.1 Reg 1 s3-24.

**Records for royalty purposes**

**3-25(1)** Every lessee of a sand and gravel development lease shall keep at or near each quarry records, satisfactory to the minister, of all sand and gravel taken from the quarry, showing the following:

- (a) the quantity of sand and gravel excavated and crushed;
- (b) the dates the sand and gravel were hauled from the lease area;
- (c) the quantity of sand and gravel used for the following purposes:
  - (i) municipal;
  - (ii) public;
  - (iii) commercial;
  - (iv) private.

(2) In the absence of the records kept in accordance with subsection (1), or if the minister does not consider those records to be satisfactory:

- (a) for the purpose of establishing royalties, the minister may determine the quantity of sand and gravel extracted; and
- (b) the lessee shall pay royalties on the quantity determined pursuant to clause (a).

17 Mar 2017 c P-31.1 Reg 1 s3-25.

**Delay of quarrying operations or lack of use of quarry**

**3-26(1)** If the lessee of a sand and gravel development lease has not commenced operations at the quarry within 1 year after the date on which the lease was issued or has not used the quarry for a period of more than 1 year, the minister may at any time give written notice, in a manner determined by the minister, requiring the lessee to satisfy the minister that the delay or lack of use is reasonable.

(2) If, within 21 business days after the giving of notice pursuant to subsection (1), the lessee has not satisfied the minister that the delay or lack of use is reasonable, the minister may give written notice, in a manner determined by the minister, informing the lessee that:

- (a) the lessee is required to commence or resume quarrying within a period specified by the minister, and if quarrying is not commenced or resumed within the period specified, subject to subsection (3), the lease is cancelled; or
- (b) subject to subsection (3), the lease is cancelled.

(3) Notwithstanding that a notice has been given in accordance with subsection (2), the lessee of a sand and gravel development lease shall comply with the reclamation and restoration obligations set out in section 3-27.

17 Mar 2017 cP-31.1 Reg 1 s3-26.

**Reclamation and restoration obligations**

**3-27(1)** The lessee of a sand and gravel development lease shall, before the expiration or termination of the lease and at the lessee's expense:

- (a) provide to the minister a reclamation and restoration plan mentioned in clause 3-22(1)(d) that has been updated to the reclamation and restoration standards that are in place at the time of the expiration or proposed termination of the lease; or
  - (b) if a reclamation and restoration plan was not provided by the lessee, provide a reclamation and restoration plan.
- (2) The minister may:
- (a) approve the reclamation and restoration plan mentioned in subsection (1); and
  - (b) impose terms and conditions on the approval.
- (3) The lessee of the sand and gravel development lease shall comply with:
- (a) the reclamation and restoration plan approved by the minister; and
  - (b) all terms and conditions imposed on the approval by the minister.
- (4) The minister may extend the term of the sand and gravel development lease, including the obligation to continue paying rent and fees, if any reclamation or restoration obligation mentioned in this section remains outstanding at the expiration or proposed termination of the lease.

17 Mar 2017 cP-31.1 Reg 1 s3-27.

**DIVISION 4.1**  
**Security Leases**

**Security leases**

**3-27.1(1)** A security lease may be held for up to 2 years.

(2) The annual rent payable by the lessee under a security lease for land that is subject to the lease and that is used for the purpose of:

- (a) the cultivation of crops must be calculated in accordance with section 3-4;
  - (b) grazing must be calculated in accordance with section 3-5; and
  - (c) the production or harvesting of hay must be calculated in accordance with section 3-6.
- (3) Notwithstanding any other provision of these regulations, the lessee of a security lease is not eligible to receive any compensation or rental reduction to which a lessee of an agricultural lease is entitled by these regulations.

29 Mar 2019 SR 19/2019 s9.

**DIVISION 5  
Other Leases**

**Policies with respect to other leases**

**3-28** The minister shall cause any policy with respect to a lease or category of lease authorized by subsection 3-1(2) to be published on the ministry's website and made available to the public in any other manner the minister considers appropriate.

17 Mar 2017 c P-31.1 Reg 1 s3-28.

**Rent for other leases**

**3-29** The annual rent payable for provincial land leased in accordance with subsection 3-1(2) is the fair market value as determined by the minister.

17 Mar 2017 c P-31.1 Reg 1 s3-29.

**PART 3.1  
Granting Security in Leases**

**Leases in which security may be granted**

**3.1-1** A lessee may grant security in any of the following leases if the land that is subject to the lease is not land that is governed by section 3-8:

- (a) an agricultural lease of provincial land for the purpose of cultivating crops;
- (b) an agricultural lease of provincial land for the purpose of grazing livestock;
- (c) an agricultural lease of provincial land for the purpose of producing or harvesting hay.

**Application for consent – security in lease**

**3.1-2(1)** On application by a lessee mentioned in section 3.1-1, the minister may:

- (a) consent to the grant of security in the lease to a lending institution if:
  - (i) the lending institution that is the proposed holder of security has entered into an agreement with the minister that is satisfactory to the minister;
  - (ii) the minister is satisfied that the instrument creating the security interest is acceptable; and
  - (iii) the lessee satisfies the minister that the lessee:
    - (A) is in good standing with the ministry and with any other agent of the Crown; and
    - (B) is not in arrears with respect to any taxes owing to a municipality; or
- (b) refuse to consent to the grant of security in the lease:
  - (i) if the lessee has contravened the Act, these regulations or any term or condition of the lease; or
  - (ii) on any other grounds the minister considers appropriate.

(2) If the minister refuses to consent to the grant of security in the lease, the minister shall notify the applicant and give written reasons for the decision.

(3) For the purposes of granting security in a lease, on the application of the lending institution and the lessee, the lessee may request that the minister cancel the existing lease and the minister may, if the minister is satisfied that the other requirements of this section are met:

- (a) cancel the lease; and
- (b) issue a new lease that:
  - (i) will be subject to the security; and
  - (ii) contains any terms and conditions that the lending institution, the lessee and the minister consider appropriate.

**Cancellation of lease on default**

**3.1-3(1)** In this section, “**default**” means the failure of the lessee who granted security in a lease pursuant to section 3.1-1:

- (a) to pay the amount secured by the grant of the security when due; or
  - (b) to comply with a term or condition of the grant of the security that entitles the holder of security to request that the minister cancel the lease.
- (2) A lending institution that is the holder of security and that wishes to request the cancellation of a lease in which it holds a security interest shall provide the minister with notice in writing that the lessee is in default and request that the minister cancel the lease.
- (3) Subject to section 8-4 of the Act, on application by a lending institution that is the holder of security pursuant to subsection (2), the minister may:
- (a) cancel the lease; and
  - (b) issue a security lease to the lending institution.

29 Mar 2019 SR 19/2019 s10.

PART 4  
**Permits, Licences, Easements and Utilization Dispositions**

DIVISION 1  
**Permits**

**Definition for Part**

**4-1** In this Part, “**utilization disposition**” does not include a sale, transfer, lease, permit, licence or easement with respect to provincial land.

17 Mar 2017 cP-31.1 Reg 1 s4-1.

**Categories of permits**

**4-2(1)** The minister may issue a permit with respect to provincial land to a person for any of the following purposes:

- (a) the cultivation of crops;
- (b) the grazing of livestock;
- (c) the production or harvesting of hay.

(2) The minister may issue a permit for a purpose other than a purpose authorized by subsection (1) if the minister considers the permit to be in the public interest.

17 Mar 2017 cP-31.1 Reg 1 s4-2.

**Rent for permits**

**4-3** The annual rent payable by a person who is issued a permit mentioned in subsection 4-2(2) is the fair market value as determined by the minister.

17 Mar 2017 cP-31.1 Reg 1 s4-3.

**DIVISION 2**

**Licences, Easements and Utilization Dispositions**

**Categories of licences, easements and utilization dispositions**

**4-4(1)** The minister may issue a licence or utilization disposition with respect to provincial land for any of the following purposes:

- (a) to explore for any of the following:
  - (i) sand and gravel;
  - (ii) oil and gas;
  - (iii) other minerals;
  - (iv) any other material in, on or under the provincial land;
- (b) to reserve provincial land for the purpose of obtaining a sand and gravel development lease;
- (c) to remove material for construction;
- (d) to determine suitability for carbon sequestration;
- (e) to conduct surveys for the purpose of planning or constructing easements or the construction of roads;
- (f) to harvest timber located on the provincial land or on adjacent land;
- (g) to temporarily store material or equipment when engaged in construction activities associated with:
  - (i) an easement;
  - (ii) an oil and gas development; or
  - (iii) a mineral development;
- (h) to conduct research;
- (i) to evaluate, test and plan for the development of renewable energy;
- (j) to carry out any other purpose if the minister considers a licence or utilization disposition for that purpose to be in the public interest.

(2) The minister may issue an easement on provincial land for the purpose of preparing, constructing, erecting, operating and maintaining the following:

- (a) public utilities;
- (b) pipelines;
- (c) services required for oil and gas developments or mineral developments.

(3) The minister may issue an easement on provincial land for a purpose other than a purpose authorized by subsection (2) if the minister considers the easement to be in the public interest.

17 Mar 2017 cP-31.1 Reg 1 s4-4.

#### **Fees**

**4-5(1)** Subject to subsection (2), a person who acquires a licence or utilization disposition issued pursuant to subsection 4-4(1) shall pay:

- (a) any applicable fee set out in Tables 1, 2 and 3; or
- (b) if no fee is set out, the fee determined by the minister.

(2) A person who acquires a licence or utilization disposition to reserve provincial land for the purpose of obtaining a sand and gravel development lease issued pursuant to clause 4-4(1)(b) shall pay any applicable fee calculated in accordance with Tables 2 and 3 of the Appendix.

(3) Subject to subsection (4), a person who acquires an easement issued pursuant to section 4-4 shall pay:

- (a) any applicable fee set out in Table 3; or
- (b) if no fee is set out, the fee determined by the minister.

(4) A person who acquires an easement issued pursuant to clause 4-4(2)(c) shall pay any applicable fee calculated in accordance with Tables 1 and 3 of the Appendix.

(5) The minister may pay an amount equal to any portion of the fees received pursuant to this section, as determined by the minister, to the person holding an agricultural lease of the provincial land with respect to which the licence, easement or utilization disposition is issued.

17 Mar 2017 cP-31.1 Reg 1 s4-5.

#### **General provisions governing licences for sand and gravel**

**4-6(1)** Subject to subsection (2), a licence to reserve provincial land for the purpose of obtaining a sand and gravel development lease issued in accordance with clause 4-4(1)(b) confers on the licence holder for the term of the licence a right to apply for a sand and gravel development lease with respect to any provincial land described in the licence.

(2) A person mentioned in subsection (1) shall comply with Division 4 of Part 3 before a sand and gravel development lease is issued.

(3) Subject to subsection (4), a person may hold a right mentioned in subsection (1) to a maximum of 1 280 acres (518 hectares) in:

- (a) all of the person's licences issued in accordance with clause 4-4(1)(b); and
- (b) all sand and gravel development leases.

(4) Subsection (3) does not apply to the ministry over which the member of the Executive Council responsible for the administration of *The Highways and Transportation Act, 1997* presides.

17 Mar 2017 cP-31.1 Reg 1 s4-6.

**General provisions governing easements**

4-7(1) An easement issued in accordance with this Part:

- (a) conveys to the holder of the easement the right of entry and exit on the right of way for the purposes named in the easement agreement;
- (b) vests in the holder of the easement title to the holder's installations, materials and equipment, whether or not those installations, materials and equipment are or become affixed to the real property; and
- (c) does not convey to the holder of the easement any mines or minerals or water on, in or under the right of way.

(2) The holder of an easement shall:

- (a) in the laying down, construction, installation, reconstruction, replacement, repair or inspection of its lines, apparatus, equipment and accessories, except when the easement agreement or the minister otherwise directs, bury all pipes to a depth of not less than 18 inches (46 centimetres);
- (b) identify each surface structure with a visible marker to reduce the incidence of damage to machinery, implements, vehicles and equipment;
- (c) after the laying down, construction, installation, reconstruction, replacement, repair or inspection of its lines, apparatus, equipment and accessories, cause the surface of the ground to be:
  - (i) restored, as nearly as is practicable, to the condition the provincial land was in before the entry on and use by the holder of the easement; or
  - (ii) restored to a condition acceptable to the minister as being equivalent to the condition the provincial land was in before the entry on and use by the holder of the easement; and
- (d) if the minister directs, and at the expense of the holder of the easement, on discontinuance of the use of the right of way for the purposes named in the easement agreement:
  - (i) dig out, pull up and remove all pipes, poles, wires, anchors, manholes and other fixtures and appurtenances; and
  - (ii) restore the surface of the right of way, as nearly as is practicable, to the condition the provincial land was in before the entry on and use by the holder of the easement.

17 Mar 2017 cP-31.1 Reg 1 s4-7.

**Access to certain provincial land**

4-8(1) Notwithstanding the terms and conditions of any lease or permit issued pursuant to these regulations, the minister may, in a licence, easement or utilization disposition, authorize the holder of the licence, easement or utilization disposition to enter on to the provincial lands that are the subject of a lease or permit.

(2) In issuing a licence, easement or utilization disposition, the minister may impose on the holder of the licence, easement or utilization disposition any terms and conditions that the minister considers necessary or advisable, including a term or condition that imposes an obligation on that person to compensate the lessee or permit holder for any damage done to:

- (a) the lessee's or permit holder's property; or
- (b) an improvement.

(3) Unless a lessee or permit holder otherwise consents to access, before authorizing access in a licence, easement or utilization disposition in accordance with this section, the minister shall give the lessee or permit holder 10 business days' written notice of the intention to issue the licence, easement or utilization disposition.

17 Mar 2017 c P-31.1 Reg 1 s4-8.

**PART 5****Cancellation of Dispositions****Cancellation of certain dispositions**

5-1 Notwithstanding the terms or conditions of the disposition, if the minister considers it to be in the public interest, the minister may cancel a disposition other than a sale or transfer by providing:

- (a) 2 years' written notice; or
- (b) written notice in accordance with any shorter notice period that may be provided for in the disposition.

17 Mar 2017 c P-31.1 Reg 1 s5-1.

**Cancellation or withdrawal of provincial land from certain dispositions**

5-2 Notwithstanding the terms or conditions of the disposition, the minister may cancel a disposition other than a sale or transfer or withdraw provincial land from the disposition if the minister intends to issue one or more of the following with respect to all or a portion of the same provincial land included in the disposition:

- (a) an oil and gas development lease;
- (b) a mineral development lease;
- (c) a sand and gravel development lease;
- (d) a lease issued in accordance with subsection 3-1(2);
- (e) a permit issued in accordance with subsection 4-2(2).

17 Mar 2017 c P-31.1 Reg 1 s5-2.

**Notice required**

**5-3(1)** Before cancelling a disposition other than a sale or transfer in accordance with section 2-15 of the Act, or before cancelling a disposition other than a sale or transfer or withdrawing provincial land from a disposition in accordance with section 5-2, the minister shall give the disposition holder 21 business days' written notice of:

- (a) the cancellation of the disposition; or
- (b) the withdrawal of provincial land from the disposition.

(2) The notice mentioned in subsection (1) is to specify the date of the cancellation.

17 Mar 2017 c P-31.1 Reg 1 s5-3.

**Compensation for withdrawal - oil and gas development lease**

**5-4(1)** If the minister withdraws provincial land from an agricultural lease for the purpose of issuing an oil and gas development lease, the minister shall compensate the lessee of the agricultural lease in accordance with this section.

(2) Every lessee of an agricultural lease from which provincial land has been withdrawn pursuant to section 5-2 for the purpose of issuing an oil and gas development lease is entitled to receive a one-time payment of \$500.

(3) If more than 1 well is drilled pursuant to an oil and gas development lease on provincial land withdrawn from an agricultural lease, the lessee of the agricultural lease with respect to that provincial land is entitled to receive a one-time payment in the amount of \$500 for:

- (a) the second well; and
- (b) each additional well.

(4) Subject to subsection (5), in the second and every subsequent year after provincial land has been withdrawn for the purpose of issuing an oil and gas development lease, the lessee of the agricultural lease from which provincial land has been withdrawn pursuant to section 5-2 is entitled to a reduction in rent in the amount of \$200 for each well located on the provincial land that was withdrawn from the agricultural lease.

(5) The maximum annual reduction in rent to which a lessee of an agricultural lease is entitled pursuant to subsection (4) is 30% of the annual rent otherwise payable pursuant to the agricultural lease.

17 Mar 2017 c P-31.1 Reg 1 s5-4.

**Compensation for withdrawal - wind power development lease**

**5-5(1)** If the minister withdraws provincial land from an agricultural lease for the purpose of issuing a lease for the development of wind power, the minister shall compensate the lessee of the agricultural lease in accordance with this section.

(2) Every lessee of an agricultural lease from which provincial land has been withdrawn pursuant to section 5-2 for the purpose of issuing a lease for the development of wind power is entitled to receive a one-time payment of \$500.

(3) If more than 1 wind power turbine is placed pursuant to a lease for the development of wind power on provincial land withdrawn from an agricultural lease, the lessee of the agricultural lease with respect to that provincial land is entitled to receive a one-time payment in the amount of \$500 for:

- (a) the second wind power turbine; and
- (b) each additional wind power turbine.

(4) Subject to subsection (5), in the second and every subsequent year after provincial land has been withdrawn for the purpose of issuing a lease for the development of wind power, the lessee of the agricultural lease from which provincial land has been withdrawn pursuant to section 5-2 is entitled to a reduction in rent in the amount of \$200 for each wind power turbine located on the provincial land that was withdrawn from the agricultural lease.

(5) The maximum annual reduction in rent to which a lessee of an agricultural lease is entitled pursuant to subsection (4) is 30% of the annual rent otherwise payable pursuant to the agricultural lease.

17 Mar 2017 cP-31.1 Reg 1 s5-5.

**Compensation for withdrawal - sand and gravel development lease**

**5-6** If the minister withdraws provincial land from an agricultural lease for the purpose of issuing a sand and gravel development lease, the minister shall make:

- (a) a one-time payment of \$200 to the lessee of the agricultural lease from which provincial land has been withdrawn pursuant to section 5-2; and
- (b) a one-time payment of \$50 for each acre (0.405 hectare) withdrawn up to 10 acres (4.05 hectares) and \$20 for each acre (0.405 hectare) withdrawn in excess of 10 acres (4.05 hectares) to the lessee of the agricultural lease mentioned in clause (a).

17 Mar 2017 cP-31.1 Reg 1 s5-6.

**No further compensation**

**5-7** Subject to sections 5-4 to 5-6, the holder of a disposition is not entitled to any compensation with respect to:

- (a) the cancellation of the disposition; or
- (b) the withdrawal of provincial land from the disposition.

17 Mar 2017 cP-31.1 Reg 1 s5-7.

**Prescribed period for cancellation for non-payment of tax**

**5-8** For the purposes of subsection 2-17(1) of the Act, the prescribed period is 5 business days.

17 Mar 2017 cP-31.1 Reg 1 s5-8.

**Prescribed category for grant in lieu of non-payment of tax**

**5-9** For the purposes of subsection 2-20(3) of the Act, the prescribed category is provincial land administered by the minister.

17 Mar 2017 cP-31.1 Reg 1 s5-9.

**PART 6****Improvements****Definitions for Part**

**6-1** In this Part:

**“improvements”** means:

- (a) any building or structure on provincial land;
- (b) any fixtures attached to provincial land; or
- (c) any beneficial changes to provincial land, including the following:
  - (i) the clearing and breaking of provincial land;
  - (ii) dams;
  - (iii) dugouts;
  - (iv) summerfallow;
  - (v) the sowing of perennial forage or seed crops;

**“lessee”** means the lessee of an agricultural lease.

17 Mar 2017 cP-31.1 Reg 1 s6-1.

**Construction of improvements**

**6-2** No lessee shall construct any improvement that is a building or structure unless the lessee has obtained the prior written consent of the minister.

17 Mar 2017 cP-31.1 Reg 1 s6-2.

**Use and removal of improvements**

**6-3(1)** Notwithstanding any other law but subject to subsection (2), a lessee:

- (a) has no rights of any kind in an improvement other than to use it pursuant to the lease; and
- (b) has no right to remove improvements.

(2) The minister may enter into an agreement, on any terms and conditions that the minister considers advisable, to allow a lessee to remove improvements that are specified in the agreement.

17 Mar 2017 cP-31.1 Reg 1 s6-3.

**Purchase of improvements**

**6-4(1)** The minister may purchase any improvements that remain on provincial land after the cancellation, termination or expiration of a lease.

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(2) The minister may determine the value of improvements for the purpose of subsection (1) and that value is binding on the lessee.

17 Mar 2017 cP-31.1 Reg 1 s6-4.

**Prescribed improvements**

**6-5** For the purposes of subsection 2-25(3) of the Act, any improvement specified in an agreement entered into by the minister in accordance with subsection 6-3(2) is a prescribed improvement.

17 Mar 2017 cP-31.1 Reg 1 s6-5.

**Forfeiture of prescribed improvements**

**6-6** For the purposes of subsection 2-25(3) of the Act, a prescribed improvement is forfeited if:

- (a) the minister has provided 21 business days' written notice that the prescribed improvement will be forfeited; and
- (b) the former lessee does not remove the prescribed improvement in accordance with the agreement.

17 Mar 2017 cP-31.1 Reg 1 s6-6.

## PART 7 General

**General provisions**

**7-1(1)** The disposition holder shall, in the exercise of the rights that are the subject of the disposition:

- (a) cause as little damage as possible to the provincial land or any improvement located on the provincial land;
- (b) leave no hazard on the provincial land; and
- (c) ensure that no noxious weeds, nuisance weeds, prohibited weeds or pests are brought on to or spread on the provincial land.

(2) No disposition holder shall fail to comply with subsection (1).

17 Mar 2017 cP-31.1 Reg 1 s7-1.

**General terms and conditions**

**7-2(1)** No disposition holder shall fail to:

- (a) comply with the terms and conditions of the disposition; and
- (b) use every part of the provincial land that is subject to the disposition for the purpose for which the disposition was issued.

(2) On entering into a disposition, every disposition holder is deemed to indemnify the Crown and all persons mentioned in section 8-5 of the Act from any claims, actions and demands for anything done by the disposition holder in the exercise of the rights granted pursuant to the disposition.

17 Mar 2017 cP-31.1 Reg 1 s7-2.

**Maximum area for certain disposition holders**

**7-3(1)** Subject to subsection (2), without the approval of the Lieutenant Governor in Council, the minister shall not issue to a single disposition holder a lease or licence, or any combination of lease or licence, with respect to more than 25 000 acres (10 117 hectares) of provincial land.

(2) Subsection (1) does not apply to the following:

(a) a lease or licence, or any combination of lease or licence, if approval was granted in accordance with subsection (1) with respect to a previous disposition to the disposition holder, and the disposition is for substantially the same provincial land for which the approval was previously granted;

(b) a sand and gravel development lease, or a licence issued pursuant to clause 4-4(1)(b), issued to the ministry over which the member of the Executive Council responsible for the administration of *The Highways and Transportation Act, 1997* presides.

(3) In determining a single disposition holder's holdings for the purpose of this section, the minister shall include all of the provincial land that is the subject of any lease or licence, or any combination of lease or licence, in the disposition holder's name.

17 Mar 2017 c P-31.1 Reg 1 s7-3.

**Lessee or permit holder to manage provincial land**

**7-4** No lessee and no permit holder shall fail to actively manage the activity occurring on the land that is leased or subject to a permit for the purpose for which the lease or permit was issued.

17 Mar 2017 c P-31.1 Reg 1 s7-4.

**Weeds or pests**

**7-5(1)** In this section:

“**contain**” means contain as defined in *The Weed Control Act*;

“**eradicate**” means eradicate as defined in *The Weed Control Act*.

(2) No lessee and no permit holder shall fail to take measures to do the following with respect to the provincial land that is the subject of his or her lease or permit:

(a) eradicate prohibited weeds;

(b) eradicate, contain and control noxious weeds;

(c) control nuisance weeds;

(d) destroy, control and prevent the spread of pests.

(3) If a lessee or permit holder fails to comply with subsection (2), in addition to any other action the minister may choose to take, the minister may:

(a) enter, or authorize entry of an officer appointed pursuant to section 4-1 of the Act, on the provincial land that is the subject of the lease or permit and expend public moneys:

(i) for the eradication, control or containment of prohibited weeds, noxious weeds and nuisance weeds or pests; or

(ii) to repay to any municipality its expenses for the purposes mentioned in subclause (i) with respect to the provincial land that is the subject of the lease or permit, if the expenses were first authorized by the minister in writing; and

(b) recover any expenditure made in accordance with clause (a):

(i) as additional rent in arrears;

(ii) as a debt due to the Crown; or

(iii) by adding the expenditure to the purchase price as an instalment in arrears when the provincial land is held pursuant to a sale agreement.

17 Mar 2017 cP-31.1 Reg 1 s7-5.

**Interest on overdue rent, development fees and other fees**

**7-6(1)** Every person who is liable to pay rent, a development fee or any other fee pursuant to these regulations with respect to a disposition shall pay interest to the Crown at a rate equal to the prime lending rate of the financial institution holding the general revenue fund plus 3%.

(2) The interest mentioned in subsection (1) begins to accumulate on the first of the month following the billing date and ends at the beginning of the month in which payment is made in full.

17 Mar 2017 cP-31.1 Reg 1 s7-6.

**Fees for services**

**7-7** Every person requesting a service described in Table 1, 2 or 3 of the Appendix shall pay the fee for the service set out opposite the description of the service.

17 Mar 2017 cP-31.1 Reg 1 s7-7.

**Contraventions for which administrative penalties may be assessed - Table 4**

**7-8** For the purposes of section 7-4 of the Act, the minister may assess a penalty for a contravention of provisions of the Act, the regulations or the terms and conditions of a disposition that are set out in Table 4 of the Appendix against any disposition holder.

17 Mar 2017 cP-31.1 Reg 1 s7-8.

**Maximum administrative penalty**

**7-9** The maximum amount of an administrative penalty is \$10,000.

17 Mar 2017 cP-31.1 Reg 1 s7-9.

**PART 8**  
**Repeal, Transitional and Coming into Force**

**Sask Reg 145/68 repealed**

**8-1** The Provincial Lands Regulations, being Saskatchewan Regulations 145/68, are repealed.

17 Mar 2017 cP-31.1 Reg 1 s8-1.

**Continuance of certain discounts**

**8-2** Notwithstanding the enactment of these regulations and notwithstanding any other Act or law, subsection 1(3.1) of Part II of The Provincial Lands Regulations, being Saskatchewan Regulations 145/68, continues to apply to the sale of leased provincial lands pursuant to these regulations if the sale was commenced but not concluded before the repeal of The Provincial Lands Regulations, being Saskatchewan Regulations 145/68.

17 Mar 2017 cP-31.1 Reg 1 s8-2.

**Transitional**

**8-3(1)** Subject to subsections (2) and (3), any lease, permit, licence, easement or other disposition issued pursuant to The Provincial Lands Regulations, being Saskatchewan Regulations 145/68, continues to be a lease, permit, licence, easement or utilization disposition pursuant to these regulations and may be dealt with as if issued pursuant to these regulations.

(2) Any sand and gravel lease issued pursuant to The Provincial Lands Regulations, being Saskatchewan Regulations 145/68 that does not include a removal authorization is deemed to be a sand and gravel development licence issued pursuant to clause 4-4(1)(b) of these regulations.

(3) Any sand and gravel lease issued pursuant to The Provincial Lands Regulations, being Saskatchewan Regulations 145/68 that includes a removal authorization:

(a) is deemed to be a sand and gravel development lease with respect to that portion of the sand and gravel lease over which a removal authorization has been given; and

(b) is deemed to be a sand and gravel development licence with respect to that portion of the sand and gravel lease over which a removal authorization has not been given and the sand and gravel development licence is deemed to be issued pursuant to clause 4-4(1)(b) of these regulations.

17 Mar 2017 cP-31.1 Reg 1 s8-3.

**Coming into force**

8-4(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Provincial Lands Act, 2016* comes into force.

(2) If section 1 of *The Provincial Lands Act, 2016* comes into force before the day on which these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

17 Mar 2017 c P-31.1 Reg 1 s8-4.

**Appendix**

TABLE 1  
**Rent and fees for oil and gas development leases and easements**  
[Sections 3-19, 4-5 and 7-7]

<b>Item</b>	<b>Description</b>	<b>Fee (\$)</b>
1	First Year Oil and Gas Development Lease Fee (includes well site and access roads)	1,651/acre for the first 3.5 acres (1.42 hectares) and 1,222/acre for each additional acre (0.405 hectare)
2	Annual Oil and Gas Development Lease Rent (includes well site and access roads)	674/acre for the first 3.5 acres (1.42 hectares) and 245/acre for each additional acre (0.405 hectare)
3	First Year Battery Sites Lease Fee (includes battery site and access roads)	1,793/acre for the first 3.5 acres (1.42 hectares) and 1,222/acre for each additional acre (0.405 hectare)
4	Annual Battery Sites Lease Rent (includes battery site and access roads)	816/acre for the first 3.5 acres (1.42 hectares) and 245/acre for each additional acre (0.405 hectare)
5	Temporary Work Space (one-time charge):	550 per acre (0.405 hectare)
6	Easement (one-time charge):	1,100 per acre (0.405 hectare)
7	Multiple well heads	500 per well head

20 Dec 2019 SR 97/2019 s5; 20 May 2022 SR 37/2022 s7.

**TABLE 2**  
**Sand and gravel development,**  
**construction material and exploration fees**  
*[Sections 3-23, 4-5 and 7-7]*

<b>Item</b>	<b>Description</b>	<b>Fee - general (\$)</b>	<b>Fee - if lessee a ministry of the Crown (\$)</b>	<b>Fee - if lessee a municipality (\$)</b>
1	Annual fee for sand and gravel development licence	2 per acre (0.405 hectare)	No charge	2 per acre (0.405 hectare)
2	Annual rent for sand and gravel development lease	10 per acre (0.405 hectare)	No charge	10 per acre (0.405 hectare)
3	Fee associated with sand and gravel development lease (occupied land)	200, plus 200 per acre (0.405 hectare) for the first 10 acres (4.05 hectares), and 170 per acre (0.405 hectare) for each additional acre (0.405 hectare) after the first 10 acres (4.05 hectares)	200, plus 50 per acre (0.405 hectare) for the first 10 acres (4.05 hectares), and 20 per acre (0.405 hectare) for each additional acre (0.405 hectare) after the first 10 acres	200, plus 200 per acre (0.405 hectare) for the first 10 acres (4.05 hectares), and 170 per acre (0.405 hectare) for each additional acre (0.405 hectare) after the first 10 acres (4.05 hectares)
4	Fee associated with sand and gravel development lease (vacant land)	150 per acre (0.405 hectare) for the first 10 acres (4.05 hectares), and 20 per acre (0.405 hectare) for each additional acre (0.405 hectare) after the first 10 acres (4.05 hectares)	No charge	150 per acre (0.405 hectare) for the first 10 acres (4.05 hectares), and 20 per acre (0.405 hectare) for each additional acre (0.405 hectare) after the first 10 acres (4.05 hectares)
5	Royalty for sand and gravel removed if sand and gravel used by lessee	0.20 per cubic metre	No charge	No charge
6	Royalty for sand and gravel removed if sand and gravel sold or otherwise used by another person	0.20 per cubic metre	0.20 per cubic metre	0.20 per cubic metre
7	Construction material withdrawal fee	150, plus 150 per acre (0.405 hectare) of land disturbed	No charge	150, plus 150 per acre (0.405 hectare) of land disturbed
8	Test Holes			
	(a) created by backhoe or auger	5 per excavation	No charge	5 per excavation
	(b) created by dragline	10 per excavation	No charge	10 per excavation
9	Exploration licence land access fee	0.50 per acre (0.405 hectare)	No charge	0.50 per acre (0.405 hectare)

TABLE 3  
**General Fees**  
 [Sections 3-19, 3-23 and 7-7]

Item	Description	Fee (\$)
1	Issuing or amending a disposition (includes a sale agreement)	200 per lease to a maximum of 2,000
2	Assignment of a disposition between family members (lease or permit)	200
	Assignment of oil and gas development lease	200 per lease to a maximum of 2,000
	Lease or permit assignments	Greater of 200 and equivalent of 1 year's rent
	All other assignments	200
2.1	Application fee to request minister's consent to a grant of security in a lease	200
3	For recording a name change	100
	Due to spousal election	No charge
4	For issuing a certified copy of any document	4 per page Minimum charge of 20
5	Seismic licence fees on vacant land	435 per km on cultivated lands; 250 per km on grazing lands; access charge of 185 per km; minimum charge of 150 per quarter section crossed
6	Land valuation fees—charged to lessee if land purchase does not occur	300 for first parcel; 100 for each subsequent parcel, to a maximum of 1,000 per application
7	Easement (other than easement required for oil and gas developments) (one-time charge):	
	Domestic water pipeline	100 per acre (0.405 hectare)

Item	Description	Fee (\$)
	Easement required for public utility	(a) the amount payable by the tariff of the public utility; (b) no charge if the easement is required to provide a service line to a primary producer
	Easement required for activity regulated by National Energy Board	As set by tariff of the National Energy Board
	All other easements	780 per acre (0.405 hectare)
8	Annual wild rice licence fee	2.50 per hectare
9	Time spent by the ministry for providing services not otherwise provided for in this Appendix	15 per half hour or portion of a half hour of staff time

29 Mar 2019 SR 19/2019 s12; 12 Jne 2020 SR 67/2020 s2; 20 May 2022 SR 37/2022 s7.

**TABLE 4**  
**Contraventions for which an administrative penalty may be assessed**  
[Section 7-8]

Item	Description of contravention	Provision
1	Allowing livestock owned by a person other than the lessee to be grazed on provincial land without an authorization	Section 3-13 of the regulations
2	Over or under grazing	Section 3-14 of the regulations
3	Allowing noxious weeds, nuisance weeds, prohibited weeds or pests to be brought on to or spread on provincial land	Section 7-1 of the regulations
4	Failure to use every part of the provincial land for the purpose for which the disposition was issued	Section 7-2 of the regulations
5	Failure to actively manage leased provincial land	Section 7-4 of the regulations
6	Failure to eradicate, contain or control prohibited weeds, noxious weeds or nuisance weeds or to destroy, control or prevent the spread of pests	Section 7-5 of the regulations

17 Mar 2017 cP-31.1 Reg 1.

