



Information on

- **Recreational User's Rights and Responsibilities**
- **Contacting the Leaseholder**

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Your Guide to Recreational Use of Agricultural Public Land

Introduction

Albertans enjoy the recreational use of a wide variety of public lands throughout the province. In 2003, the Government of Alberta clarified the rules for recreational access to agricultural public lands leased for grazing or cultivation.

The new rules balance the need of the leaseholder to protect the land and livestock from harm, with the recreational user's right to access. The leaseholder is the steward of the land, working with the provincial government to manage the land wisely. Other Albertans can also enjoy the beauty of this land. Users are encouraged to treat each other, and the land, with respect so that everyone can continue to benefit from this resource in the future.

If you are a recreational user on agricultural public land, you have both rights and responsibilities as described in the questions and answers below.

Does this new legislation apply to all public lands?

No. Alberta has about 100 million acres of public land in total. The new legislation specifically applies to about five million acres of agricultural land leased for grazing and cultivation.

Only a very small amount of this land is located in the forested area of the popular foothills area of the province. Forest grazing allotments and provincial land within the Special Areas in SE Alberta are not affected by this legislation (see map).

How do I know if the land I want to access is leased for agriculture?

Public land and private land are often intermingled. It is your responsibility to know whether the land you wish to access is publicly or privately owned. Sustainable Resource Development has developed a web site (<http://www.srd.gov.ab.ca/land/recaccess/publiclandaccess.html>.) to give you information on the location of agricultural public lands, along with contact information.

The Government of Alberta encourages leaseholders to place signs on their public land leases with contact information. If you are unsure about the status of public land, you may call your local Lands Division office (see map) or call 1-866-279-0023.

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Can I access public lands leased for agriculture for recreation?

The legislation provides for “reasonable access” for recreational users. The recreational user must contact the leaseholder ahead of time about the details of the visit. Often, there will be no restriction for recreational users who want to access the area on foot. For some activities or in some areas, there may be a limit on the number of people allowed on the leased land at one time. The regulations list specific circumstances under which leaseholders can deny access to the land.

When can a leaseholder deny access?

The leaseholder can say no to access under specific circumstances. These are when:

- Access is by anything other than foot. This includes on or off-road motorized vehicles, bicycles, horses, etc., and includes access via roads or trails on the lease.
- Livestock are present in a fenced pasture, or if a crop has not yet been harvested. If livestock are not impacted by the visit, leaseholders are expected to provide access. Leaseholders are expected to follow the intent of this legislation, which is to balance the right of recreational users to access with the leaseholders’ need to protect the land or livestock from possible harm.
- There is a fire ban, as determined by a municipal or provincial authority.
- You wish to hunt in an area where livestock are nearby.

Can the leaseholder limit the number of people who come on the land?

No, but the leaseholder can discuss the concern with the Local Settlement Officer who can limit the number of people who can come on the land. Also, in cases where

Leases and special management or resource concerns exist, the leaseholder can request a recreational management plan be put in place. These plans could include restrictions on the number of people on the lease at one time. Both completed recreational management plans and limits set by a Local Settlement Officer will be included with the contact information on the web site. Call your local Lands Division office of Sustainable Resource Development for more details.

How do I find contact information for the leaseholder?

Leaseholders have provided the name of a contact person and a telephone number, facsimile number or e-mail address for you to make contact. Sustainable Resource Development has created a web site to provide this contact information. For grazing and farm development leases, contact information and any special conditions for using the land is available on the web site.

You can access this site through

<http://www.srd.gov.ab.ca/land/recaccess/publiclandaccess.html>. Step-by-step instructions are included on the site. If you do not have access to a computer, you can call 1-866-279-0023 or your local Lands Division office for the necessary information.

How long should I have to wait before getting a response from the leaseholder?

You should plan your trip well in advance and expect that it could take a few days for the leaseholder to respond to your inquiry. However, you should hear something within a week of your first call. Many leaseholders request advance notice of up to two weeks before your visit.

What if I try several times and I can't get a hold of the leaseholder?

You can contact the local Lands Division office or call 1-866-279-0023.

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What information do I need to provide to the leaseholder?

The purpose of the contact is to ensure the leaseholder has basic information about your visit. The leaseholder may also provide you with important information about the land, such as potential hazards of which you should be aware.

You will be expected to provide information such as:

- type of recreational activity;
- time and location on the land where the activity will occur;
- number of people in the group;
- name of a contact person and how this person can be reached (e.g., cell phone number); and
- any other information that may be requested, such as the names of all recreational users and license numbers of vehicles used to transport people to the land.

What are the requirements on agricultural public lands that are not under a lease?

It is not a requirement to contact the holder of a grazing permit, head tax permit, cultivation permit, hay authorization or forest grazing license. The website also displays these lands, and provides a land description. Recreational users should be aware that permits in particular often involve small parcels of land that are intermingled with private land. You should review the land description carefully, and check the county/MD map to determine if private land is present, or call the local Lands Division office.

The legislation does require the recreationist to use respect when using these lands and there are penalties for contravening the legislation.

What are my responsibilities when I visit agricultural public land?

All recreational users have duties in using the land, and should respect the land. Recreational users must:

- pack out all litter;

- park vehicles so they don't block an approach to the land;
- ensure the land, buildings or improvements are not damaged;
- leave gates in the same state in which they were found (e.g., closed); and
- ensure they have direct control of any animal they bring on the lease.

You also need to make sure that everyone in your group conducts their activities safely. From time to time, the department may impose additional conditions on using the land for public safety, land management or animal health reasons. Finally, the leaseholder may also want you to respect reasonable conditions on recreational use that have to do with access by anything other than foot, fires, camping, or when livestock or crops are present. The leaseholder can also set conditions on when they should be contacted. Recreational users have a responsibility to respect and follow those terms and conditions.

Are there specific rules for hunting and fishing on this land?

This legislation only deals with **access** for hunting. All of the rules under the *Wildlife Act* apply. You should also plan to contact the leaseholder well ahead of time in case there are specific conditions that apply to the lease.

What happens if I don't agree with the leaseholder?

We encourage both leaseholders and recreational users to show respect for each other and the land. If there is a dispute between you and the leaseholder that you cannot resolve, either party may contact the local Lands Division office.

Staff may then discuss the concern with both parties in an attempt to find a solution. Often, this type of communication/ and or mediation can help resolve issues. If agreement cannot be reached, a dispute resolution process is available to both parties, through a local settlement officer. This process is designed to be local, informal and flexible, with the goal of resolving this issue quickly and effectively.

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What is a “local settlement officer” and how do I reach one?

This is a new role created under the legislation to address issues on recreational access. The position will be filled with current government staff that will be trained in dispute resolution. Call your local Lands Division office to talk to a local settlement officer.

If there is a dispute, how do I prove that I contacted the leaseholder?

You should keep a record of your contact calls. The onus is on the recreational user to show the proper procedure has been followed to contact the leaseholder.

Are there penalties in place for contravening this legislation?

The initial focus will be providing information to leaseholders and recreational users to encourage respect and cooperation. However, in order to make any legislation enforceable, penalties have been included. Recreational users or leaseholders that contravene the provisions related to recreational use on Alberta’s public lands, and who have been convicted of an offence, may be subject to a fine of up to \$2000. Fish and Wildlife Officers have the responsibility for investigating and enforcing contraventions by recreational users, while Lands Division staff will investigate infractions by leaseholders.

What about liability?

There are two aspects to liability for damages. One is the liability of the leaseholder for injury to the recreational user, and the other is the liability for damages caused by the recreational user.

Under the legislation, recreational users on agricultural public lands are responsible for their own personal safety. As a courtesy, the leaseholder may identify hazards, but is not responsible if the recreational user comes to grief.

Recreational users should also be very careful not to cause damage to the lease land, such as erosion damage through vehicle traffic, or by igniting a wildfire.

As stewards of the land, leaseholders may be held responsible for these damages, such as the cost of firefighting especially if the fire should escape from the lease area. Many leaseholders are very concerned over fire risk from sparks from motor vehicles, or from careless tossing away of cigarettes and matches.

For more information about recreational access on agricultural public lands, please contact your local Lands Division office, or visit the Department of Sustainable Resource Development’s Lands Division web site at <http://www.srd.gov.ab.ca/land/recaccess/publiclandaccess.html>.

Rangeland Management Branch Offices (Public Lands and Forests Division)

