

# ABOUT PUBLIC LANDS

**Alberta**  
SUSTAINABLE RESOURCE  
DEVELOPMENT

## Information on

- Rights and Responsibilities of the Leaseholder
- Rights and Responsibilities of the Recreational User
- Contact Information

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## Questions and Answers for Leaseholders

# Recreational Access to Agricultural Public Lands

## Introduction

As stewards of Alberta's public land, you play a key part in ensuring the land is in good condition. Agricultural public lands provide benefits and enjoyment for leaseholders. This public land often possesses a natural beauty and a diversity of plant and animal life that other Albertans seek to enjoy as well.

In 2003, the Alberta government clarified the rules for recreational and exploration access on agricultural dispositions issued under the *Public Lands Act*, including *grazing leases* and *farm development leases*. The rules were contained in legislation and regulations that became effective with the passage of the *Agricultural Dispositions Statutes Amendment Act, 2003*. The legislation **balances** the needs of the leaseholders to protect the land and livestock from harm with the rights of the recreational users for reasonable access. The legislation also includes a process for addressing exploration disputes. The rules encourage communication, co-operation and respect.

The following information describes how the rules for recreational access work.

## Recreational Access

### Rights and Responsibilities of the Leaseholder

#### Does the leaseholder have to provide access to recreational users?

As the holder of a grazing lease or farm development lease, you must allow **reasonable** access to the land for recreation. The Recreational Access Regulation defines what constitutes "reasonable access".

You may have legitimate concerns about some recreational use. There are circumstances set out in the new regulations when you may restrict access or specify conditions for using your grazing or farm development lease. Generally, this would be based on protecting the land, grazing resource, or livestock from possible damage from the proposed activity, or on the timing or season of use. The Department of Sustainable Resource Development (SRD) may also add conditions or restrictions on using the land. For example, these restrictions may be placed during times of high fire hazard or to protect the land from erosion.

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Under the regulations, the leaseholder may deny access, or apply conditions to access, when:

- Access would be anything other than foot access, including bicycles, horse or other animal, or motor vehicles;
- The proposed use would occur in a fenced pasture where livestock are present or on cultivated land where a crop is growing or has not been harvested.
- Access to all or part of the agricultural disposition land has been prohibited due to a fire ban as determined by either the Provincial or municipal authority;
- The proposed use would involve hunting at a location unreasonably close to a fenced pasture where livestock of the agricultural disposition holder are present;
- The proposed use is camping; or
- The proposed use would be contrary to a recreational management plan.

## **What happens if a leaseholder denies reasonable access?**

The Department may issue an access order requiring you to allow access. If you are unsure of whether or not you can restrict access, call your local SRD office. The section titled “Settling Disagreements” further on in this pamphlet deals with resolving issues that you or a recreational user may raise.

## **Does the leaseholder have to tell the recreational user why he/she is denying access?**

**Yes.** You must explain your reason as specified under the new regulations.

## **Can I deny access whenever livestock are on the lease?**

Leaseholders are expected to follow the intent of this legislation, which is to balance the right of recreational users to access with the leaseholder’s need to protect the land or livestock from possible harm. You may restrict access to any pasture where livestock are present, but you may not restrict access to the entire lease.

## **How is crop on “cultivated land” defined?**

Cultivated land refers to annual crops and not to hayfields.

## **Can the leaseholder decide that the fire risk is too high to allow access?**

**No.** Only the province or municipality can impose a fire ban. The leaseholder can then choose to restrict access. Fire ban information is available at: <http://www.albertafirebans.ca/index.html>

or by calling your county or municipal district.

## **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 recreational users who can come on the land by adding an access condition to that lease that specifies the number. Also, in cases where there are a high number of recreational users accessing the leases, the leaseholder can ask that 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 website. Call your local SRD office for more detail.

## **What conditions can I apply to recreational access?**

You can add conditions, such as whether there are times when you might allow vehicle access. The contact form provided to you by SRD includes some standard conditions. If you place other conditions on access, Department staff will review them to ensure they are consistent with what is allowed under the legislation.

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## Rights and Responsibilities of the Recreational User

### Does the leaseholder need to be contacted before the recreational users visit?

The recreational user must contact you before accessing the land. The purpose of the contact is to provide you with information about the visit and how the visit could impact your operation. As well, you can provide the recreational user with additional information about the land.

Recreational users are required to give the leaseholder the following information:

- type of recreational activity proposed;
- time and location the activity will occur on the land;
- number of people in the group;
- name of the recreational contact person and method of contact; and
- other related information that is requested, such as the license plate numbers of vehicles used to transport people to the land.

The recreational user must always:

- pack out all litter;
- park vehicles so the approach to the land is clear;
- refrain from lighting fires without consent;
- leave gates in the same state in which they were found (e.g., closed); and
- not cause any damage to the lease land or the property of the agricultural leaseholder.

### What about other legislation?

Provisions of other legislation continue to apply. For example, this legislation only deals with **access** for hunting, while other rules for hunting including access for guiding are under the *Wildlife Act*.

## Contact information

### What contact information must be provided?

To ensure that recreational users contact you before they use the land, you must provide the Department with the name of a contact person for recreational access. The contact information must include a telephone or fax number, or e-mail address. You can also specify some conditions on access, such as whether you allow motorized vehicle access. Alternatively, you can specify that you don't want to be contacted prior to a visit, but you must inform the Department of that choice.

The Department will place this information on a public web site at:  
<http://www.srd.gov.ab.ca/land/recaccess/publicandaccess.html>

Recreational users can also call a toll-free number (1-866-279-0023) during regular business hours to find contact information.

Before going onto the land, the recreational user must get in touch with the person you have named as the contact person for your grazing or farm development lease. If this information is not provided, the recreational user can come on the land without contacting you.

### How will the privacy of the leaseholders be protected?

The website searches are based on land location. Searches by name or by lease number will not be possible. Leaseholders can choose not to put their contact information on the website. However, providing the information has important benefits to leaseholders. Doing so helps ensure the leaseholder is contacted before a recreational user comes on the land. The leaseholder can also place conditions for accessing the land, such as requiring all gates be closed.

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## **Can the leaseholder change the contact information?**

**Yes**, the leaseholder can call (780) 427-3595 to change the information. Blank forms will also be available at your local SRD office and on the Public Lands website. Once SRD has received your information, the change should only take a day to appear on the recreational access website.

## **Can the leaseholder specify on the web site times that they can be contacted?**

You can specify times, for example evenings only, as long as the recreational users have a reasonable chance to reach you.

## **What happens if a recreational user doesn't contact the leaseholder first or comply with the conditions of use?**

This may be considered a contravention of the *Public Lands Act*, and may be subject to a fine of up to \$2000. However, if a recreational user tries repeatedly to make contact, but cannot connect with you, the user may request approval from the Department to access the lease land under the basic conditions of use.

If there is a dispute between a recreational user and a leaseholder, either party can apply for a dispute resolution review. The dispute resolution process is described in the *Recreational Access Regulation*.

## **Should the leaseholder keep a record of all contacts?**

You are not required to keep a record, but it may be useful to do so. An example form that you might find useful is available from SRD offices and the Public Lands website.

## **Do these rules apply to other types of agricultural dispositions?**

If the land is under another type of agricultural disposition, recreational users do not have to contact the permit or license holder. These other types of agricultural dispositions include grazing permits, cultivation permits, grazing licenses, authorizations to harvest hay or head tax grazing permits.

## **Liability**

### **What is my liability?**

As the leaseholder, you may wonder if you have liability if recreational users become injured while on the lease. Liability is considered to be low unless the courts find that the leaseholder intentionally or negligently tried to injure a user. Recreational users are responsible for their own personal safety.

### **Is the leaseholder responsible for defining all hazards, including natural hazards?**

As a courtesy, the leaseholders should identify anything unusual that the leaseholder may have done to the lease. For example, the leaseholder may want to notify users of any non-standard fences that may be on the property.

### **Does the leaseholder need any additional liability insurance?**

It is generally recommended that agricultural producers carry liability insurance whether it is private or public land.

## **Settling Disagreements**

### **What happens if there is a disagreement between the leaseholder and recreational user?**

We encourage both leaseholders and recreational users to show respect for each other and the land. If there is a disagreement between you and the recreational user, either party may contact an SRD office.

SRD staff may then discuss the concern with both you and the recreational user to find a solution. Often this type of communication and/or mediation can help to resolve any issues. If agreement cannot be reached, a dispute resolution process is available to both parties, through a local settlement officer. The process is designed to be informal and flexible, with the goal of resolving the 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. These positions are government employees who are trained in dispute resolution. Call your local SRD Office to talk to a local settlement officer.

## **Where do I call if somebody comes on the lease without contacting me first?**

While the intent of the legislation is to encourage respect and cooperation, there may be times when stronger action must be taken. Fish and Wildlife officers have been delegated with the responsibility to respond to violations by recreational users. If you feel a violation has or is taking place, call your local Fish and Wildlife officer, or the Report-A-Poacher line at 1-800-642-3800 for assistance.

If you can, try to record information like the time, date and location of the incident; vehicle description including identifying features like dents or stickers; vehicle license plate number; description of persons involved; and details of the violation. This information will assist in the success of the investigation.

If you want to clarify the intent of the regulations or the legislation, contact your local SRD office.

## **What are the consequences of contravening the legislation?**

The focus is on providing information to leaseholders and recreational users to encourage respect and cooperation. Depending on the nature of the contravention violations may result in verbal or written warnings. Fish and Wildlife officers may also issue violation tickets to recreational users for violations of the regulation ranging from \$150 to \$500, depending on the infraction. The legislation also provides for fines up to \$2,000 and court action for recreational users or leaseholders who contravene provisions related to recreational use. At the same time, offences

by leaseholders are subject to administrative penalties under the *Public Lands Act*.

For more information about recreational access on agricultural public lands, please contact your local Sustainable Resource Development office, or visit the Department of Sustainable Resource Development's Public Lands website at:

<http://www.srd.gov.ab.ca/land/recaccess/publiclandaccess.html>

If you require further information, you can contact the following office below:

**Alberta Sustainable Resource Development  
Lands Division  
Rangeland Management Branch  
4<sup>th</sup> Floor Great West Life Building  
9920 – 108 St.,  
Edmonton, Alberta T5K 2M4  
Telephone: (780) 427-3595**