

# ABOUT PUBLIC LANDS



- 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 are not affected by this legislation (see the attached 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://www3.gov.ab.ca/srd/land/recaccess/>) to give you information on the location of agricultural public lands, along with contact information. The maps and leaseholder contact information will be available

September 1, 2003. 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 Public Lands Office (see attached map) or 1-866-279-0023.

### **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 when:

- Access is by anything other than foot.
- 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. Moving a few cattle from one pasture to another to prevent recreational access is an example of not following the intent of the legislation.
- There is a fire ban, as determined by a municipal or provincial authority.
- You wish to hunt in an area where livestock are nearby.
- You want to camp.
- The proposed use would be contrary to a recreational management plan for the lease.

### **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 there is a high number of recreational users accessing the leases, 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 Public Lands office of Sustainable Resource Development for more details.

### **How do I find contact information for the leaseholder?**

Sustainable Resource Development has created a web site to provide contact information. For grazing and farm development leases, contact information and any special conditions for using the land is available on the web site.

Starting September 1, 2003 you can access this site through

<http://www3.gov.ab.ca/srd/land/recaccess/>.

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 Public Lands 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.

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

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

### **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 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. They include:

- 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?**

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 Public Lands 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 informal and flexible, with the goal of resolving this issue quickly and effectively.

**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 who will be trained in dispute resolution. Call your local Public Lands 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 who 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.

For more information about recreational access on agricultural public lands, please contact your local Public Lands Office, or visit the Department of Sustainable Resource Development's Public Lands web site at <http://www3.gov.ab.ca/srd/land/recaccess/>.

## Rangeland Management Branch Offices (Public Lands Division)

