

## AFGA Position on Recreational Access to Public Leased Land

The population within the Province of Alberta has over the last number of years grown at a very rapid rate which has put a strain on the public assets and its ability to manage this growth and the demands that come along with it. In today's society there is a lot of pressure that is being put on the work force and performance demands are ever increasing. As a result, the residents of Alberta have a need to get out of their work environment, out of the cities, and towns and reconnect with nature and the natural environment. This connection with the land has been proven to be an integral part of the human experience and that it is beneficial for Albertans to have this experience in an effort to better understand their place in the ecosystem and the diversity of the Province as a whole. For this reason, it is the position of AFGA that all Albertans have access to ALL of Alberta's crown lands, with few exceptions, including forested public lands, reclaimed industrial public leases and grazing/agricultural dispositions. This access should be available for a multitude of activities including hunting, fishing, hiking, bird watching, etc.

Public Land is as the name implies...Public!

Currently:

1. use is increasing rapidly and as such the demands on the public land are also increasing,
2. the current regulation is complex given the various rules regarding different types of dispositions involved and the numerous dispositions themselves with varying conditions attached to each,
3. the amount of land involved is significant, more than 5,000,000 acres in agricultural and grazing dispositions alone,
4. access regulations are too onerous and do not suit the type of access most were looking for, i.e. two weeks' notice,
5. getting the information out to the public is lacking particularly to someone that is new to the process,
6. many lease holders view this land as being their own and manage access to it as they do their deeded lands
7. these lease holders are profit driven "A lease is taken on with the expectation of being able to make a profit, ..." from AGLA's briefing notes from a meeting with Auditor General, July 27, 2015
8. lease holders apply access restrictions based on so called rights however rights to the land should always be maintained to the benefit of the owner – The Public.

AFGA's Position:

1. public lands need to be accessible by the public for recreational use,
2. access to these public lands should involve being able to arrive at the property to be accessed, have a sign specifying the terms of said access, and as long as those can be followed they should be allowed immediate access.
3. there needs to be multiple sources of readily available information on access and conditions of access. The conditions should be standardized as much as possible.
4. AFGA does not advocate the unconditional use of the land but rather that there be a set of defined rules as to the allowed activities and the responsibilities that come with those activities.
5. there needs to be a clear definition of rights – ownership rights/lease holder rights/recreational (access) rights.

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- a. the “rights” granted to the leaseholder need to be reviewed and dealt with in the spirit of the grazing lease program and the Public Trust Doctrine,
  - b. the lease holder needs to have some rights under the lease, however those rights need to be in regards to the grass (product) of the land and not the land itself,
  - c. sense of ownership needs to be redefined to make this very clear, the rights of the land owner (the public) determine who has access to the land not the lease holder,
  - d. public land must be maintained under the Public Trust where no one individual should receive more benefit from the land than another,
  - e. profit should also pertain only to the grass that they lease and not to the land itself,
  - f. income attributed to the land should accrue to the owner of the land – the public
    - i. all surface disturbance fees as well as all lease revenue from the oil and gas sector,
    - ii. as per the Auditor General’s report, these revenues being handed over to the leaseholder is a misuse of the Public Trust as it pertains to the management of public land,
    - iii. this practice rejects the public trust doctrine that these assets are to be held to the benefit of the public,
    - iv. every other land owner in the Province receives those revenues so why should it be any different for the owner of these lands – The Public
    - v. funds received from this source could be used by the public to restore, enhance, and improve habitat on public land and to fund awareness programs in regards to the value of these natural landscapes and how we can provide recreational access while maintaining the environmental integrity of land itself.
6. Costs of maintenance, loss of area for grass/crop production (oil/gas disturbances) should be addressed through adjusting (reducing) lease payments from leaseholders,
7. Reasonable access should always be permitted for the public to enjoy being out on public lands. As time goes on, it will become more and more important that people have the opportunity to connect with nature to enjoy activities that have been traditional to them and their families and to provide the opportunity to create new family traditions.