



Recent Amendments to Recreational Access Regulations

The Recreational Access Regulations (RAR) lay out the rules around access to Crown land under grazing disposition for the purposes of recreation. At AGLA's 2024 AGM, before the consultation for the amendments started, Minister of Forestry and Parks Todd Loewen promised leaseholders there would not be sweeping changes but rather tweaks to update the regulations.

Minister Loewen struck the 'Minister's Advisory Committee for Public Lands and Recreation' for consultation on possible amendments. AGLA had a seat on this committee, which met five times between May and September 2024. Recommendations were submitted to the Minister for amendments; some of which he heeded, some of which he didn't.

Overall, the amendments introduce several modernizations and administrative updates with a couple changes regarding departmental power. As with any legislative or regulatory change, it is how the associated policies are implemented and interpreted on the ground that will show how harmful or helpful they can be to leaseholder rights.

Modernization of Communication Methods

One of the changes is the removal of outdated references to fax as a means of communication. As fax machines have largely fallen out of use, this update replaces them with more contemporary methods, including video conferencing and texting. This adjustment reflects the shift toward more efficient, digital forms of communication.

Expansion of Recreational Activities

Another update involves the inclusion of electric bicycles (e-bikes) within the definition of bicycles under the regulation. Additionally, the regulation now includes target shooting as a recognized activity on grazing leases. Leaseholders have voiced concerns around target shooting due to safety reasons and also with the mess that is left behind. There have been cases where calves have nibbled and swallowed plugs from shotguns and has proven fatal as they get lodged in the digestive system. Adding target shooting in the list of recognized activity does not equal permission or encouragement to engage in this activity. Leaseholders are within their rights to deny access to individuals engaged in target shooting.

Introduction of Purpose and New Provisions

A notable addition to the regulation is the inclusion of a clear purpose, something that was previously lacking. This purpose sets a framework for how the regulations should be interpreted and enforced. The purpose is “to govern access to agricultural disposition land in a manner that benefits Albertans and recognizes the economic, social and environmental importance of the land.”

A new provision in Section 9 of the regulations under ‘Duties of the recreational user’ allows leaseholders to provide "reasonable instruction" to recreational users. While these instructions are not enforceable by law, the department states they are to foster open communication, enhance safety, and build trust between leaseholders and recreational users. The department anticipates developing additional policies around this section to ensure effective implementation.

The department tells us that this amendment’s value to leaseholders is that it gives leaseholders the ability to bring disputes forward under this section, allowing the Land Stewardship Officer (LSO) to impose terms and conditions on the recreational user. This process is intended to encourage collaborative solutions.

Biosecurity Considerations

Biosecurity is also included in the recent changes. A new amendment allows leaseholders to restrict access to their land due to biosecurity risks, with oversight from the director. While most biosecurity issues will continue to be governed by the Canadian Food Inspection Agency (CFIA) and other provincial regulations, this new provision allows leaseholders to bring their concerns directly to the director. In turn, the director can impose conditions on lease access to mitigate biosecurity threats.

Recreational Management Plans and Ministerial Powers

In terms of recreational management, the regulations have seen a shift in power dynamics. While a recreational management plan (RMP) still requires the leaseholder's agreement to be implemented, recent amendments have expanded the minister's ability to amend or cancel an RMP following consultation with the leaseholder. Previously any changes had to have the agreement of the leaseholder. This change gives the minister more authority in ensuring "reasonable recreation". This increase in power is concerning for AGLA since there is a difference between agreement and consultation. The policy development around this amendment and how it is implemented on the ground will determine if it increases leaseholder liability.

In a related amendment, terms and conditions for accessing leases can now be amended or removed by an LSO or director if they determine that the conditions are no longer necessary, if the lease has been assigned to a new leaseholder, or if it is necessary to ensure reasonable access for recreational users. Previously, LSOs or directors could only impose terms and conditions; they were not authorized to amend or remove them. The department describes this as an administrative update aimed at improving efficiency and responsiveness. Again, policy development and implementation play a role in how this affects the leaseholder.

Increased Fines for Violations

Changes to the *Provincial Offences Procedure Act*, which governs the fines for violations under the Recreational Access Regulation (RAR), have also been introduced. The amendments see an increase in fines for twenty-one offences under the RAR, most of which have been raised by \$100 to \$150 per offence. This increase in fines is welcome and aims to discourage non-compliant behavior.

Non-Regulatory Changes

The consultation leading up to the changes in RAR highlighted a few areas that needed improvement that fall outside amendments to this regulation. It was noticeably apparent that familiarity around the grazing lease instrument, its role in Crown land management and the value of the leaseholder is basically non-existent to those who are not in the system. This includes those who seek to access grazing leases for recreation. The department has committed to working on expanding education information as well as exploring options for improving enforcement. In addition, the department is also researching improvements for processes like dispute timelines, data collection around recreational access, fire bans and IT solutions.

Regulatory Changes Outside RAR

The department has told us that they are exploring how to improve access for commercial recreation users (including outfitters) on agricultural dispositions. This was a topic of discussion at the Minister's Advisory Committee, but commercial activity (including outfitting) is not covered under RAR. Changes would have to be made to the *Public Lands Act Regulations*. AGLA is watching carefully for this consultation since it has the potential to change leaseholder rights. Government should not be looking at increasing the rights of one (small) group of Albertans by decreasing the rights of another.

Conclusion

These recent amendments to grazing lease regulations primarily focus on modernization, administrative updates, and expanding the powers of the minister and other authorities. The department claims that these changes will not dramatically alter the long-term sustainability of grazing leases, and they reflect a commitment to adapting regulations to contemporary needs and challenges. As with everything, intent and results are two different things. It is the policy and implementation that will determine the results of these amendments and if they actually succeed in maintaining the integrity of grazing leases and protecting land resources.