



Province of Alberta

PUBLIC LANDS ACT

RECREATIONAL ACCESS REGULATION

Alberta Regulation 228/2003

With amendments up to and including Alberta Regulation 41/2025

Current as of March 26, 2025

Office Consolidation

© Published by Alberta King's Printer

Alberta King's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

Copyright and Permission Statement

The Government of Alberta, through the Alberta King's Printer, holds copyright for all Alberta legislation. Alberta King's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and copyright is acknowledged in the following format:

© Alberta King's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 41/2025)

ALBERTA REGULATION 228/2003

Public Lands Act

RECREATIONAL ACCESS REGULATION

Table of Contents

- 1 Interpretation
- 1.1 Purpose

Part 1

Access for Recreational Purposes

- 2 Local settlement officers and directors
- 3 Other requirements unaffected
- 4 Contact information
- 5 Contact before access
- 6 Duty to allow access
- 7 Terms and conditions
- 8 Access not restricted or prohibited
- 9 Duties of recreational user
- 9.1 Guidance to recreational users
- 10 Recreational management plans
- 11 Terms and conditions
- 12 Director's order
- 12.1 Availability of publications

Part 2

Dispute Resolution

- 13 Application to resolve dispute
- 14 Combining applications
- 15 Review and decision by local settlement officer
- 16 Review of decision by director
- 17 Review does not operate as stay
- 18 Decision binding
- 19 Request for information
- 20 Procedure
- 21 Dismissal of frivolous matters
- 22 Extension of time

Part 3 Miscellaneous

- 23** Fees and costs
- 24** Service

Part 4 Expiry and Coming into Force

- 25** Expiry
- 26** Coming into force

Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Public Lands Act*;
- (b) “agricultural disposition” means the following agricultural dispositions under the Act:
 - (i) a grazing lease;
 - (ii) a grazing permit;
 - (iii) a farm development lease;
 - (iv) a cultivation permit;
 - (v) a grazing licence;
 - (vi) an authorization to harvest hay;
 - (vii) a head tax grazing permit;
- (c) “bicycle” means any cycle on which a person may ride, regardless of the number of wheels it has, and includes a power bicycle but does not include a motorcycle or moped;
- (d) “crop” means an annual crop, but does not include forages grown for winter use or tame or native hay;
- (e) “director” means a person who is designated as a director under section 2;
- (e.1) “firearm” means a pistol, rifle, gun, slingshot, bow and arrow or any other device that discharges a potentially harmful missile;
- (f) “local settlement officer” means a person who is designated as a local settlement officer under section 2;

- (g) “motor vehicle” means a device in, on or by which a person may be transported or drawn and that is propelled by any power other than muscular power and includes, without limitation, an off-highway vehicle within the meaning of section 117 of the *Traffic Safety Act*, other than a motor boat;
- (h) “party” means an agricultural disposition holder and a person who for recreational purposes exercises access or wishes to exercise access to the agricultural disposition land;
- (i) “recreational management plan” means a recreational management plan listed in the document titled *Directory of Recreational Management Plans* published by the Minister’s department, as amended or replaced from time to time;
- (j) “recreational purposes” includes, without limitation, any of the following activities when carried out for recreational purposes:
 - (i) hunting within the meaning of the *Wildlife Act*;
 - (ii) camping;
 - (iii) fishing;
 - (iv) boating, swimming and other water sports;
 - (v) berry picking, mushroom picking and picking of other fruits or herbs;
 - (vi) picnicking;
 - (vii) hiking;
 - (viii) nature study and viewing or photographing scenic sites;
 - (ix) snow skiing, snowshoeing, skating, sledding and other winter sports;
 - (x) hang-gliding;
 - (xi) hot air ballooning;
 - (xii) bicycling;
 - (xiii) the use of animals for transportation;
 - (xiv) the use of motor vehicles;

- (xv) the discharge of firearms for the purposes of target shooting.

(2) A reference in this Regulation to a local settlement officer or a director is to be read as a reference to the local settlement officer or director with power pursuant to a designation or authorization under section 2 to exercise jurisdiction in the area of Alberta in which the relevant agricultural disposition land is located.

AR 228/2003 s1;221/2004;227/2006;41/2025

Purpose

1.1 The purpose of this Regulation 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.

AR 41/2025 s3

Part 1 Access for Recreational Purposes

Local settlement officers and directors

2(1) The Minister may in writing designate persons or classes of persons who are employees of the Government and under the Minister's administration as local settlement officers or directors for the purposes of this Regulation.

(2) A designation of a local settlement officer or director must describe the area in Alberta in which the local settlement officer or director may exercise jurisdiction under this Regulation.

(3) Notwithstanding subsection (2), where the Assistant Deputy Minister responsible for public lands considers it appropriate to do so, the Assistant Deputy Minister may, in writing, authorize a director or local settlement officer other than the director or local settlement officer who is designated in respect of a particular area to exercise jurisdiction under this Regulation in that area.

(4) A person who has been designated under subsection (1) as a local settlement officer or a director may in writing designate any employee of the Government who is under the Minister's administration as an acting local settlement officer or director to act in the local settlement officer's or director's place in the event of the local settlement officer's or director's absence or inability to act.

Other requirements unaffected

3(1) Nothing in this Regulation negates a requirement under the Act or any other law to obtain for recreational purposes a licence,

permit, approval, activity pass or other authorization in connection with the use of agricultural disposition land.

(2) Where a disposition is required for a related business or commercial enterprise that a recreational access user intends to carry on, the recreational access user must obtain the disposition before entering the agricultural disposition land.

AR 228/2003 s3;227/2006;109/2021

Contact information

4(1) The holder of an agricultural disposition that is a grazing lease or a farm development lease shall provide to the Minister in the form and manner and at the time requested by the Minister the name and the telephone number or e-mail address of the person who will act as the agricultural disposition holder's contact person for the purposes of section 5.

(2) The Minister shall keep a record of the information referred to in subsection (1) and shall make the information available to the public in a manner the Minister considers appropriate.

(3) Without limiting the means by which the Minister may make information available under subsection (2), the Minister may post the information on a website.

AR 228/2003 s4;41/2025

Contact before access

5(1) A person who for recreational purposes wishes to gain access to land that is the subject of an agricultural disposition that is a grazing lease or a farm development lease to use the land shall contact the disposition holder's contact person and provide the following information to that person:

- (a) the number of persons wishing to gain access to the land and, if the disposition holder's contact person requests it, their names and the licence numbers of the vehicles that will be used to transport those persons to the land;
- (b) the name of a person who will act as a contact for the person or persons wishing to gain access and the means by which that person may be contacted;
- (c) the recreational purpose for which access is desired, the proposed date, time and duration of the access and the location, in as much detail as is practicable, at which the recreational purpose will be carried out.

(2) Subsection (1) does not apply in respect of agricultural disposition land where the holder of the agricultural disposition

- (a) fails to comply with section 4(1), or
- (b) has provided notice in writing to the Minister that contact under subsection (1) is not required.

(3) Subject to subsection (4), a person shall not enter land referred to in subsection (1)

- (a) if the person has not complied with subsection (1), or
- (b) if the agricultural disposition holder's contact person does not respond to contact made under subsection (1).

(4) Where

- (a) after reasonable attempts, a person wishing to gain access is unable to contact an agricultural disposition holder's contact person under subsection (1), or
- (b) the agricultural disposition holder's contact person does not respond to contact made under subsection (1)

a local settlement officer may, after conducting any inquiry that he or she considers appropriate, allow access to the land subject to any terms and conditions he or she considers appropriate.

(5) In the event of a dispute, the onus is on the person wishing to gain access to prove that this section has been complied with.

AR 228/2003 s5;227/2006

Duty to allow access

6(1) Where a person wishing to gain access for recreational purposes to land that is the subject of an agricultural disposition that is a grazing lease or a farm development lease to use the land complies with section 5, the agricultural disposition holder shall allow access to the agricultural disposition land unless one or more of the following circumstances exist:

- (a) the proposed use would involve the use of one or more bicycles, animals for transportation or motor vehicles;
- (b) the proposed use would occur
 - (i) in a fenced pasture unit where livestock are present in accordance with the terms and conditions of the agricultural disposition and the Act, or
 - (ii) on cultivated land on which a crop is growing or has not been completely harvested;

- (c) a fire ban imposed by a competent authority under any law in force in Alberta is in effect in respect of all or part of the agricultural disposition land;
 - (d) the proposed use would involve hunting within the meaning of the *Wildlife Act* at a location that is unreasonably close to a fenced pasture in which livestock of the agricultural disposition holder are present in accordance with the terms and conditions of the agricultural disposition and the Act;
 - (d.1) the proposed use would involve the discharge of a firearm or use of an explosive at a location that is unreasonably close to a fenced pasture in which livestock of the agricultural disposition holder are present in accordance with the terms and conditions of the agricultural disposition and the Act;
 - (d.2) the proposed use would involve the discharge of a firearm for the purposes of target shooting or the use of an explosive for those purposes;
 - (e) the proposed use is camping;
 - (f) the proposed use would be contrary to a recreational management plan, to terms and conditions imposed under section 10 or 11 or to an order of a director under section 12.
- (2) Where the agricultural disposition holder is in compliance with section 4(1) and
- (a) the person wishing to gain access fails to comply with section 5, or
 - (b) one or more of the circumstances referred to in subsection (1) exists,

the agricultural disposition holder may

- (c) refuse access to the person wishing to gain access, or
 - (d) allow access subject to any terms or conditions imposed under section 7.
- (3) Where an agricultural disposition holder refuses access under subsection (2)(c), the holder shall give to the person wishing to gain access reasons orally or in writing as to why access was refused.

AR 228/2003 s6;227/2006;58/2017;41/2025

Terms and conditions

7 In allowing access for recreational purposes to land that is the subject of an agricultural disposition that is a grazing lease or a farm development lease, an agricultural disposition holder may, subject to the approval of the Minister, impose any reasonable terms and conditions that the holder considers are necessary in respect of use and access as they relate to matters referred to in section 6(1)(a) to (e).

AR 228/2003 s7;227/2006

Access not restricted or prohibited

8 Unless access is restricted or prohibited

- (a) by a recreational management plan,
- (b) under section 10(4)(a),
- (c) by a term or condition imposed under section 10(4)(b) or 11, or
- (d) by an order of a director under section 12,

the holder of an agricultural disposition that is a grazing permit, cultivation permit, grazing licence, authorization to harvest hay or head tax grazing permit shall not restrict or prohibit access for recreational purposes to the agricultural disposition land by persons who wish to use the land for recreational purposes.

AR 228/2003 s8;227/2006

Duties of recreational user

9(1) No person who for recreational purposes uses agricultural disposition land that is subject to a grazing lease or farm development lease shall

- (a) litter on the agricultural disposition land,
- (b) bring an animal onto the agricultural disposition land, or allow an animal to enter or remain on the agricultural disposition land unless the animal is under the direct control of the person,
- (c) park a vehicle within the boundaries of the agricultural disposition land or block an approach to the land without the consent of the agricultural disposition holder,
- (d) set, light or maintain a fire on the agricultural disposition land without the consent of the agricultural disposition holder,

- (e) enter or use any building or improvement on the agricultural disposition land without the consent of the agricultural disposition holder, or
- (f) cause any damage to the agricultural disposition land or the property of the agricultural disposition holder.

(2) A person who for recreational purposes uses agricultural disposition land that is subject to a grazing lease or farm development lease shall

- (a) leave gates and other property on the agricultural disposition land in the same condition and state that they were in before the recreational use,
- (b) forthwith advise the agricultural disposition holder or the agricultural disposition holder's contact person designated under section 4 of any damage to property or other matters of concern that arose as a result of the activity of the recreational user while on the land,
- (c) comply with an applicable recreational management plan, if any,
- (d) comply with the terms and conditions, if any, imposed by the agricultural disposition holder under section 7,
- (e) comply with any prohibitions or restrictions under section 10(4)(a),
- (e.1) comply with the terms and conditions, if any, imposed under section 10(4)(b) or 11, and
- (f) comply with an order of a director under section 12, if any.

(3) No person who for recreational purposes uses agricultural disposition land that is subject to a grazing permit, cultivation permit, grazing licence, authorization to harvest hay or head tax grazing permit shall

- (a) litter on the agricultural disposition land,
- (b) bring an animal onto the agricultural disposition land, or allow an animal to enter or remain on the agricultural disposition land unless the animal is under the direct control of the person,
- (c) park a vehicle so that it blocks an approach to the agricultural disposition land,

- (d) enter or use a building or improvement on the agricultural disposition land, or
- (e) cause any damage to the agricultural disposition land or the property of the agricultural disposition holder.

(4) A person who for recreational purposes uses agricultural disposition land that is subject to a grazing permit, cultivation permit, grazing licence, authorization to harvest hay or head tax grazing permit shall

- (a) leave gates and other property on the agricultural disposition land in the same condition and state that they were in before the recreational use,
- (b) comply with an applicable recreational management plan, if any,
- (c) comply with any prohibitions or restrictions under section 10(4)(a),
- (c.1) comply with the terms and conditions, if any, imposed under section 10(4)(b) or 11, and
- (d) comply with an order of a director under section 12, if any.

AR 228/2003 s9;227/2006

Guidance to recreational users

9.1(1) The holder of an agricultural disposition may give reasonable guidance to a person using the agricultural disposition land for recreational purposes for the purposes of

- (a) preventing harm from disease, infectious agents, biological agents or toxins to the health and safety of persons, animals or vegetation on the land,
- (b) preventing harm to the health and safety of persons using the land from causes other than those described in clause (a),
- (c) preventing damage to the land, or
- (d) ensuring persons using the land avoid areas where livestock are present.

(2) Guidance under subsection (1) may be given by the disposition holder

- (a) in writing,

- (b) verbally,
 - (c) by email, or
 - (d) by other electronic means, as approved by the Minister.
- AR 41/2025 s6

Recreational management plans

10(1) The Minister may establish recreational management plans that apply in respect of agricultural disposition land.

(2) The Minister shall not establish a recreational management plan unless the Minister first secures the agreement to the plan of all persons who hold agricultural dispositions in respect of land to which the plan applies.

(2.1) The Minister shall not amend or cancel a recreational management plan unless the Minister is satisfied that all persons who hold agricultural dispositions in respect of the land to which the plan applies have been consulted with respect to the proposed amendment or cancellation of the plan.

(3) Where there is a conflict between a recreational management plan and

- (a) a provision of this Part, or
- (b) an order made or a term or condition imposed under this Part,

the recreational management plan is paramount.

(4) The Minister may

- (a) prohibit or restrict access to, or
- (b) impose terms and conditions respecting recreational use of and access to,

agricultural disposition land pending the establishment of a recreational management plan in respect of the land.

(5) Agricultural disposition holders, contact persons and persons exercising access for recreational purposes to agricultural disposition land shall comply with any recreational management plan that applies in respect of the land.

AR 228/2003 s10;227/2006;41/2025

Terms and conditions

11(1) A local settlement officer or a director may impose any terms and conditions respecting recreational use of and access to agricultural disposition land that the local settlement officer or director considers are necessary for the purposes of proper land management, public safety or animal health.

(1.1) A local settlement officer or director may amend or remove a term or condition at any time if the local settlement officer or director is satisfied that

- (a) the term or condition is no longer necessary,
- (b) the agricultural disposition that is subject to the term or condition has been assigned to another disposition holder under the Act or this Regulation, or
- (c) amending or removing the term or condition is required to ensure reasonable access to the land that is subject to the disposition to persons who wish to use the land for recreational purposes.

(1.2) A local settlement officer or director may impose one or both of the following conditions respecting access to agricultural disposition land for recreational purposes that the local settlement officer or director considers are necessary for the purposes of proper land management, public safety or animal health:

- (a) a restriction on the number of persons who may access the land;
- (b) where multiple persons wish to gain access to the land, a requirement that access be allocated to those persons in accordance with a method determined by the local settlement officer or director.

(2) In the case of an agricultural disposition that is a grazing lease or a farm development lease, a local settlement officer or director may not impose terms and conditions under subsection (1), (1.1) or (1.2) without first consulting with the holder of the grazing lease or farm development lease in the form and manner the local settlement officer or director considers appropriate.

(3) When a request for review is received under subsection (2), the local settlement officer shall provide a copy of the request to the other party.

AR 228/2003 s11;41/2025

Director's order

12(1) A director may, with respect to agricultural disposition land described in the access order, issue an access order to

- (a) prohibit access for recreational purposes to all or part of the agricultural disposition land,
- (a.1) require the agricultural disposition holder to restrict access to all or part of the agricultural disposition land if the director is satisfied that doing so is necessary to prevent harm from disease, infectious agents, biological agents or toxins to the health and safety of persons, animals or vegetation on the land,
- (b) require the agricultural disposition holder to permit reasonable access for recreational purposes to all or part of the land, or
- (c) require a person who is exercising access to agricultural disposition land to comply with a provision of the Act or this Regulation or with any term or condition that is validly imposed under this Regulation,

subject to any terms and conditions that the director considers appropriate.

(2) An access order under this section operates notwithstanding any provision of this Regulation.

(3) Where a director makes an access order under this section, the director shall

- (a) provide a copy of the access order to the holder of the agricultural disposition land to which the access order relates, and
- (b) otherwise make the access order available to the public in the form and manner that the director considers appropriate.

AR 228/2003 s12;227/2006;41/2025

Availability of publications

12.1 The following shall be published on the Department's website and copies made available in a manner determined by the Minister:

- (a) terms and conditions approved by the Minister under section 7;
- (b) recreational management plans;

- (c) prohibitions or restrictions imposed under section 10(4)(a);
- (d) terms and conditions imposed under section 10(4)(b) or 11.

AR 227/2006 s11

Part 2

Dispute Resolution

Application to resolve dispute

13(1) Where a dispute arises between the holder of an agricultural disposition that is a grazing lease or a farm development lease and a person who is exercising access or wishes to exercise access to the agricultural disposition land for recreational purposes, and the dispute relates to

- (a) the allowing or refusal of access to the agricultural disposition land,
- (b) the imposition of a term or condition by the agricultural disposition holder under section 7, or
- (c) the making of contact under section 5,

and the parties are unable to resolve the dispute, either party may apply to a local settlement officer to have the dispute resolved under this Part.

(2) An application must be made in writing, must be provided to the local settlement officer within 7 days of the date that the dispute arose, and must contain

- (a) the grounds for the application,
- (b) a description of the relief requested by the applicant, and
- (c) an address for the applicant.

(3) When an application is received under subsection (1), the local settlement officer shall provide a copy of the application to the other party.

AR 228/2003 s13;41/2025

Combining applications

14 Where a local settlement officer receives more than one application under section 13, the local settlement officer may combine the applications for the purposes of dealing with them under this Regulation.

Review and decision by local settlement officer

15(1) Where a local settlement officer receives an application that complies with section 13, the settlement officer shall review the dispute and make a determination in accordance with this Regulation and any rules made under section 20.

(2) On conducting a review the local settlement officer may

- (a) deny access to all or part of the agricultural disposition land for recreational purposes;
- (b) require the agricultural disposition holder to allow access to all or part of the agricultural disposition land for recreational purposes, subject to any terms and conditions the local settlement officer considers appropriate;
- (c) give any directions with respect to the making of contact under section 5 that the local settlement officer considers appropriate.

(3) The local settlement officer shall forthwith provide a copy of the local settlement officer's decision to the parties.

Review of decision by director

16(1) Any party may request a review of a local settlement officer's decision under section 15 by a director.

(2) A request for review must be in writing and must be provided to the local settlement officer within 7 days after receipt of notice of the local settlement officer's decision, and must contain

- (a) a copy of the local settlement officer's decision,
- (b) the grounds upon which the review is requested,
- (c) a description of the relief requested by the applicant, and
- (d) an address for the applicant.

(3) When a request for review is received under subsection (2), the local settlement officer shall provide a copy of the request to the other party.

(4) A local settlement officer who receives a request for review that complies with subsection (2) shall forthwith forward it to a director.

(5) On reviewing the local settlement officer's decision the director may

- (a) confirm, reverse or vary the decision;
- (b) order any thing a director may order in an access order under section 12;
- (c) make any decision that the local settlement officer could have made.

(6) In a review under this section the director must consider the material provided under subsection (2) but may accept new information if the director considers that the new information is relevant to the dispute.

(7) The director shall provide written notice of the director's decision to the parties.

AR 228/2003 s16;41/2025

Review does not operate as stay

17 Where a request for review of a decision of a local settlement officer is made under section 16, the decision of the local settlement officer remains in effect pending the director's decision under section 16.

Decision binding

18 The parties are bound by and shall comply with a decision of a local settlement officer or director under this Part.

Request for information

19(1) A local settlement officer or a director may by notice in writing request a party to provide any information that the local settlement officer or director considers is necessary to enable him or her to carry out his or her powers and duties under this Part.

(2) A party who receives a request under subsection (1) shall comply with it within 7 days after it is received.

Procedure

20(1) Subject to this section, the Assistant Deputy Minister responsible for public lands may establish rules governing the procedure to be followed by local settlement officers and directors in carrying out their powers and duties under this Part.

(2) Before making a decision on a dispute under this Part, a local settlement officer or a director may hold preliminary discussions with the parties and any other persons the local settlement officer or director considers appropriate for the purpose of resolving the

dispute including, without limitation, determining any preliminary issues that are relevant to the dispute.

(3) A local settlement officer or director may, with the consent of the parties, engage the services of any persons the local settlement officer or director considers appropriate for the purpose of assisting him or her in resolving the dispute.

(4) A review by a local settlement officer under section 15 or by a director under section 16 may be conducted, as the local settlement officer or director considers appropriate, by means of one or more of the following:

- (a) discussions;
- (b) meetings held in person or by a method of electronic or telephonic communication that enables all persons attending the meeting to hear and communicate with each other instantaneously, including teleconferencing and computer network-based or internet-based communication platforms;
- (c) written submissions.

AR 228/2003 s20;41/2025

Dismissal of frivolous matters

21 A local settlement officer reviewing a dispute and a director reviewing the decision of a local settlement officer may at any time dismiss the application or the request for review where the local settlement officer or director considers that the application or request for review is frivolous or vexatious or without merit.

Extension of time

22 A local settlement officer or director may, before or after the expiry of the period, extend a time period referred to in section 13(2), 16(2) or 19(2) where the local settlement officer or director considers that there are sufficient grounds for doing so.

Part 3 Miscellaneous

Fees and costs

23 A local settlement officer and a director may, as provided for in an order of the Minister under section 9.1 of the Act, charge fees and costs for things done and services provided under this Regulation.

Service

24 A document provided under section 12(3)(a), 13, 15(3), 16 or 19 is sufficiently provided if it is

- (a) personally provided to the person to whom it is directed,
- (b) sent by ordinary or registered mail addressed to the person at the last known address for that person, or
- (c) repealed AR 41/2025 s13.
- (d) sent by electronic mail to the person's e-mail address.

AR 228/2003 s24;41/2025

Part 4

Expiry and Coming into Force

Expiry

25 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2035.

AR 228/2003 s25;20/2010;48/2015;58/2017;40/2022;41/2025

Coming into force

26 This Regulation comes into force on the date on which section 3(23) of the *Agricultural Dispositions Statutes Amendment Act, 2003* comes into force.



Printed on Recycled Paper 