

## **R657. Natural Resources, Wildlife Resources.**

### **R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access.**

#### **R657-56-1. Purpose and Authority.**

Under the authority of Sections 23-14-3(2), -18, and 23-14-19, this rule provides the procedures, standards, and requirements to administer a walk-in access program in the State of Utah to compensate private landowners for a recreational lease of their property for allowing free public walk-in access to fish, hunt, or trap.

#### **R657-56-2. Definitions.**

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
  - (a) "Private landowner" means any individual, partnership, corporation, or association that possesses the legal right on private property to grant a recreational lease.
  - (b) "Recreational lease activities" means recreation limited to fishing, hunting or trapping as provided in the recreational lease agreement.
  - (c) "WIA" means walk-in access.
  - (d) "WIFA" means walk-in fishing access, which provides free public access to fish waters located on private property as provided in the recreational lease agreement, and includes trapping when the landowner designates this activity in the WIFA recreational lease agreement.
  - (e) "WIHA" means walk-in hunting access, which provides free public access to hunt private property as provided in the recreational lease agreement, and includes trapping when the landowner designates this activity in the WIHA recreational lease agreement.
  - (f) "Contiguous block" means a polygon of land that is connected as a single mass.

#### **R657-56-3. Walk-In Access Enrollment Procedures.**

- (1) A private landowner with eligible property may participate in the WIA program.
- (2) A private landowner interested in participating in the WIA program must submit an enrollment form to the appropriate division office by March 1, and provide:
  - (a) evidence of property ownership, or if leasing the private property a copy of the lease agreement; and
  - (b) the private landowner's signature.
- (3) Enrollment forms are available at the appropriate division office or through the division's web site.

#### **R657-56-4. Walk-In Access Recreational Lease Agreement.**

- (1) The division and private landowner shall prepare and agree to the terms in a WIA recreational lease agreement by May 1.
- (2) Terms in the WIA recreational lease agreement shall include private landowner and division responsibilities, including the provisions as provided in Sections R657-56-8 and R657-56-9, and compensation necessary to provide free public access for fishing, hunting, or trapping on private property.

(3) The amount of compensation to be paid to the private landowner participating in the WIA program shall be determined by:

- (a) the type of recreational lease activity allowed on the private property;
- (b) the duration of the recreational lease agreement; and
- (c) the number of acres of private land or pond, or miles of stream or river available for free public walk-in access.

(4) Upon mutual agreement, the division may provide in-kind habitat improvement materials or labor on WIA property in lieu of monetary payment to the landowner for free public walk-in access.

#### **R657-56-5. Walk-In Hunting Access Program Requirements.**

(1) Private property enrolled in the WIHA Program must provide suitable wildlife habitat to support the recreational lease activity described in the WIHA recreational lease agreement, and:

- (a) contain no less than an 80 acre contiguous block of land;
- (b) contain no less than a 40 acre contiguous block of wetland or riparian land; or
- (c) provide an access corridor to comparable tracts of isolated public land open to free public hunting or trapping.

(2)(a) Division personnel shall evaluate proposed WIHA property to determine if the property provides suitable wildlife habitat and wildlife for the designated recreational lease activity.

(b) If the property is approved for the designated recreational lease activity, the division and private landowner may enter into the WIHA recreational lease agreement as provided in Section R657-56-4.

#### **R657-56-6. Walk-In Fishing Access Requirements.**

(1) Private property enrolled in the WIFA Program must provide suitable fishing waters and fish to support the recreational lease activity described in the WIFA recreational lease agreement, and:

- (a) contain a minimum 0.25 miles of stream or river;
- (b) contain a minimum 5 acres of pond; or
- (c) the property provides an access corridor to comparable fishing waters on isolated public land open to public fishing.

(2)(a) Division personnel shall evaluate proposed WIFA property to determine if the property provides suitable fishing waters and fish.

(b) If the property is approved for the designated recreational lease activity, the division and private landowner may enter into the WIFA recreational lease agreement as provided in Section R657-56-4.

#### **R657-56-7. Walk-In Hunting and Fishing Access Compensation.**

(1) The amount of compensation payment to a landowner is determined by the acreage that will be used for the WIA program, and the recreational lease activity allowed on the private property using the base rate fee as provided in the recreational lease agreement.

(2) A bonus fee will be added to the base rate fee when a private landowner initially enrolls private property in the recreational lease agreement for additional

consecutive years as follows:

- (a) five percent will be added for two years; or
- (b) ten percent will be added for three years.

**R657-56-8. Walk-In Access Program Landowner Responsibilities.**

- (1) Each private landowner enrolled in the WIA program must provide:
  - (a) free public walk-in access for recreational lease activities as provided in the recreational lease agreement; and
  - (b) private land with suitable wildlife habitat to support the recreational lease activity; or
  - (c) an access corridor to comparable tracts of isolated public land open to free public fishing, hunting or trapping.
- (2) Each private landowner must indicate the type of landowner authorization required for the public to use the WIA for fishing, hunting, or trapping, as follows:
  - (a) authorization is not required to access the property;
  - (b) registration at a WIA site is required prior to accessing the property; or
  - (c) contacting the landowner is required prior to accessing the property.
- (3) The private landowner must transfer to the division, the recreational lease of their property for the recreational lease activities designated in the WIA recreational lease agreement.

**R657-56-9. Walk-In Access Program Division Responsibilities.**

The division shall provide:

- (1) evaluations of wildlife habitat, and wildlife on the proposed WIA property as provided in Subsections R657-56-5(2)(a) or R657-56-6(2)(a);
- (2) WIA recreational lease agreement forms;
- (3) WIA registration forms and boxes when applicable;
- (4) signs for enrolled WIA property;
- (5) law enforcement during applicable fishing, hunting, or trapping seasons;
- (6) maps of approved and enrolled WIA locations and requirements as provided in the recreational lease agreement; and
- (7) compensation payments to landowners following successful completion of the terms of the WIA recreational lease agreement.

**R657-56-10. Termination of Walk-In Access Recreational Lease Agreement.**

- (1) The WIA recreational lease agreement may be:
  - (a) terminated for any reason by either party upon 30 days written notice; or
  - (b) amended at any time upon written agreement by the landowner and the division.
- (2) If a WIA recreational lease agreement is terminated as provided in Subsection (1)(a), prior to the ending date specified in the recreational lease agreement, the compensation payment fee shall be prorated based upon the recreational lease activity provided and the number of days that access was provided.
- (3) Restriction of public use by the landowner of the private property enrolled in the WIA program in violation of the recreational lease agreement may void all or a portion of the WIA recreational lease agreement.

(4) Any change in private landownership of enrolled WIA property may terminate the WIA recreational lease agreement.

(5) Misrepresentation of enrolled private property in the WIA program shall terminate the WIA recreational lease agreement.

**R657-56-11. Liability Protection for Walk-In Access Private Landowner.**

Landowner liability may be limited when free public access is allowed on private property enrolled in the WIA program for the purpose of any recreational lease activities as provided in Title 57, Chapter-14 of the Utah code.

**R657-56-12. Licenses, Permits and Seasons.**

(1) Any person accessing WIA private lands to fish, hunt, or trap must obtain and possess the required valid license or permit for the recreational lease activity, and must adhere to the respective rules and proclamations established by the Wildlife Board.

(2)(a) If enrolled WIA property requires prior private landowner authorization or any other requirement as provided in the recreational lease agreement, any person entering enrolled WIA private lands to fish, hunt, or trap must comply with said requirements.

(b) The division shall provide to the public maps of approved and enrolled WIA locations and requirements as determined in the recreational lease agreement.

**R657-56-13. Right to Deny Access.**

The division or the private landowner reserves the right to deny a person access to the WIA property described in the recreational lease agreement for causes related to, but not limited to, intoxication, damage to WIA property, violations of conditions provided in the recreational lease agreement, or any wildlife violation committed on WIA property.

**R657-56-14. Prohibited Activities.**

(1) It is unlawful for any person to access WIA property in violation of the recreational lease agreement, or refuse to leave WIA property when requested by the landowner, a division representative, or a peace officer.

(2) Any person accessing WIA property in violation of Subsection (1) may further be subject to criminal trespass prosecution as provided in Sections 23-20-14 and 76-6-206.

**R657-56-15. Walk-In Access Advisory Committee.**

(1) A WIA Advisory Committee shall be created consisting of five members nominated by the five division Supervisors, and approved by the Director.

(2) The committee shall include:

(a) two sportsmen representatives;

(b) two agricultural representatives;

(c) one elected official; and

(d) the division's Wildlife Section Chief, or designee.

(3) The committee shall be chaired by the Wildlife Section Chief, or designee, who shall be a non-voting member.

- (4) The committee will:
  - (a) hear complaints dealing with fair and equitable treatment of anglers, hunters, or trappers on enrolled WIA property;
  - (b) hear complaints dealing with fair and equitable treatment of WIA private landowners; and
  - (c) make advisory recommendations to the Director.
- (5) The Wildlife Section Chief shall determine the agenda, time, and location of the WIA Advisory Committee meetings.
- (6) The director may mitigate or resolve issues dealing with complaints.
- (7) Members of the advisory Committee shall serve a term of four years, except members may be appointed for a term of two years to ensure that the term of office are staggered.
  - (a) The Wildlife Section Chief is not subject to a term limitation..

**KEY:** wildlife, private landowners, public access

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**Notice of Continuation:** none/new rule

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