

STATE LAND DEPARTMENT POLICY MEMO NO. 16-1

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AMENDED: N/A

TO: DIVISION DIRECTORS

FROM: LISA A. ATKINS
COMMISSIONER

SUBJECT: GPS-BASED RECREATIONAL ACTIVITIES

PURPOSE

The purpose of this policy memorandum is to establish a policy framework for engaging in GPS-based recreational activities under a recreational permit while on State Trust land.

SCOPE

GPS-based recreational activities are authorized on State Trust Land under a recreational permit. While Trust lands are not “public” lands, certain recreational uses are permitted on Trust Lands and are managed by ASLD’s Natural Resource Division.

This policy is subject to revision.

POLICY

GPS-based outdoor activities include, but are not limited to, geocaching, virtual recreation, earthcaching, and waymarking. The following is an explanation of ASLD’s regulation of these activities.

1) Liability

- a) ASLD does not assume any additional liability for injuries that might occur on State Trust land when an individual engages in GPS-based recreational activities. A.R.S. § 33-1551(A) explicitly states the extent of ASLD’s liability: “[a] public or private owner, easement holder, lessee, tenant, manager, or occupant of premises is not liable to a recreational or educational user except on a showing that the owner, easement holder, lessee, tenant, manager or occupant was guilty of willful, malicious or grossly negligent conduct that was a direct cause of the injury to the recreational or educational user.”

2) Personal Property

- a) A.R.S. § 37-503(E) gives ASLD the authority to establish terms for disposing of property left behind on State Trust land. Caches left behind are not ASLD's responsibility to manage and track. The objects placed must be of nominal intrinsic and/or personal value. ASLD deems all caches to be temporary in nature and is not liable for repayment of the value of items left behind. Further, all caches placed on State Trust land are subject to removal and destruction by ASLD or its representatives at any time, and ASLD will not be responsible for notifying cache placers or seekers of any land status change related to future lease, sale or any other disposition of its land where caches may have been placed. By executing and securing an ASLD recreation permit, all geo-based recreationists agree to these conditions and assume no future right to land use as a result of cache placement.

3) Minimal Impacts

- a) Any alteration of State Trust land may have an adverse impact on the land's value. Thus, any permitted activities must pose little to no impact to the landscape. Natural objects may not be altered, plants may not be removed, trash must be carried out, and there must not be any ground disturbance. Objects placed cannot be larger than a typical shoe box and must not contain any hazardous or harmful substance or objects.

4) Cost

- a) Recreational use of Trust land requires reimbursement to the Trust through a recreational permit. Each individual GPS-based recreationist must obtain an individual or family permit. Permit applications can be found on ASLD's website. Group recreational permits are not available to GPS-based recreationists, and ASLD reserves the right to prohibit access to large groups of geo-cachers at any time. All recreationists will be responsible for identifying closed access areas and obeying posted Trespass signs on Trust land. More information related to Closures and lawful recreation areas are available on ASLD's website: land.az.gov.

5) Education and Outreach

- a) ASLD will provide information to GPS-based recreationists about their responsibilities when engaged in permitted activities on State Trust land. ASLD will also encourage recreationists to maintain the land they use through clean-up initiatives and self-regulation. ASLD will also work with other land owners and managers to educate the public on access and recreating responsibly.