

# Earn Income from Recreational Uses



Ex-CRP land can provide income for owners by charging bird watchers and other recreational users.

Those Conservation Reserve Program acres are for the birds. These acres can provide income for owners by charging “birders” (bird watchers) fees on expired CRP acres, or on land remaining in some form of a conservation use, including forestry and wetlands.

Other recreational uses to consider for which fees can be charged include hunting, shooting preserves, fishing, hiking, picnicking, camping, cross country skiing, and wildlife photography. Also, firewood cutting, horseback riding, mushroom hunting, rock hunting, small plot gardening, and all-terrain vehicle and snowmobile driving.

There are two good reasons why this potential exists.

- A tremendous increase in the recreational use of public land much of which is under-maintained and under-funded with no relief in sight.
- An increase in urban sprawl, creating a growing population’s desire for links with nature and less open space.

Some or all of these activities can be conducted in conjunction with forestry, idle meadowland, and wetlands preservation and expansion, all of which attract a variety of wildlife.

A wildlife biologist and/or forester should be consulted to help determine which species of wildlife are best suited for your land. The specialists need to know your goals for the land and how much money and time you are willing to spend in managing your target wildlife species.

Financial aid may be available from state and federal programs which provide cost-

share payments, leases or easements, or incentive payments for certain wildlife or forest management practices. Your wildlife or forestry professional, state district foresters, and offices of the County Extension, Consolidated Farm, and Natural Resources Conservation services have the necessary information. Other financial aid sources include Quail Unlimited, The Ruffed Grouse Society, Pheasants Forever, Ducks Unlimited and Waterfowl USA. These private groups often offer landowners equipment rentals, labor, seed, and possibly cost-share for various management practices.

Some land owners even develop agreements with hunters who provide seed and/or labor for wildlife management in return for hunting rights.

Before making a decision on any of these uses, a look at land owner legal liability for the safety of recreational users and the need for additional liability insurance is most advisable. Consult your insurance provider and/or attorney for advice.

Here’s a look at opportunities for some of the suggested recreational uses:

- Fee hunting—Fee hunting tends to be most popular in states with smaller proportions of public land. Hunting is prohibited in Indiana’s state-owned parks and forests but is permitted in state-owned fish and wildlife areas.

While basic access fees are not likely to provide a major source of income, they can still be worth the effort. For example, fees charged for deer hunting vary from \$2-\$10 an acre annually in some areas of the

country. A 200-acre tract could bring in \$400 to \$2,000 a year.

Fee hunting, particularly for the growing Indiana deer population, can be a good method of wildlife management. But some wildlife enthusiasts object vehemently.

The opportunity also exists for a landowner to increase hunting earnings by formation of a hunt club whose members would pay dues to hunt deer, duck, turkey, pheasants, and other small game. The same goes for fishing where farm lakes are of sufficient size. Drawbacks from fee hunting include people problems and costs for getting started. A landowner might have to contend with hunters on the land at odd hours, personality conflicts, and frequent calls of inquiry about prices. Fee hunting arrangements and club rules may solve trespass problems and give the landowner more control of who is on the property.

Costs, especially in the beginning, can include a lawyer's fee for drawing up a lease, posting areas posing safety hazards, barricading hazardous areas, fence repair, advertising, and liability insurance.

- "Birding"—This is a leisure-time, non-consumptive wildlife activity. It appears to be more popular than hunting.

An estimated 66 percent of Hoosiers, or almost three million persons, enjoy this activity in Indiana. Many other persons seek places to observe other wildlife—deer, raccoons, and the flora. Some like to study trees, noting each species bark and leaf characteristics. Others photograph wild flowers.

The property needs to be maintained in a way that regularly attracts ample numbers of the desired

species. Creation and maintenance of wetlands, food plots, feeding stations, and nesting sites are good methods of attracting many of them. In addition, the provision of blinds or viewing platforms and trails will make the property more attractive and valuable to recreational users.

The opportunity for opening up private land to these and other recreational uses is increasing because the finite amount of public land will not satisfy demand.

Another opportunity is a bed and breakfast operation on your farm to house birders, other nature lovers and hunters.

Yet another opportunity—sales of bird feeders, seed, and houses. One recent study shows Hoosiers spent \$26 million just for bird seed in one year. Another \$7 million was spent on nest boxes, bird houses, bird feeders, and bird baths.

## Risk Management

Of prime importance is consideration of liability, particularly in our litigious society, and how to limit risk. Indiana common law recognizes 3 types of visitors to private land—trespassers, invitees, and licensees.

In general, a landowner's liability for damages suffered by a trespasser on the land is limited. A landowner is not required to warn a trespasser of any dangers present on the land, but may not engage in any willful conduct that may cause injury.

But liability increases for landowners who give persons permission to use the land; they further increase when fees are charged. The landowner has a duty to warn licensees, persons who enter the land with the owner's express or implied consent,

of any latent dangers on the premises of which the owner has knowledge. The landowner is required to repair the dangers or warn the visitor of their existence.

A landowner owes the highest duty to invitees, persons who enter the land for the owners benefit. Invitees include persons who are charged fees for hunting or other activities. In this case, a landowner must inspect the premises for hazards and make it safe for this purpose. This includes repairs, removing any danger, or adequately warning invitees of hazards. A landowner who fails to carry out this duty may be considered negligent and liable for damages for any injuries suffered.

In all cases, there is a higher duty of care owed to children regardless of their status as a visitor. Indiana also has a recreational use statute which helps limit liability when a fee is not charged for recreational use. If captive-reared and released species are offered for hunting, Indiana's Licensed Shooting Preserve Statute should be consulted.

## Leases Are Advised

A properly executed lease and/or a waiver of release is advised. It could provide protection against legal liability. The basic contents of a lease could be:

- Access to hunting and other recreational rights.
- Description of tract and size to be used. This also could include a map showing off-limit areas, hazards, and condition of property.
- Species to be hunted and other permitted activities, such as dog training, photography, and camping.
- Permitted hunting methods—guns, bows, dogs, traps, stands.

- Payment—amount or kind and due date.
- Length of lease—day, week, month, season, or year.
- Guest privileges.
- Liability statements—indemnity clause, holding harmless clause, and safety rules. For safety reasons, the lease could prohibit use of alcoholic beverages and campfires by lessees while on lessor's property and limit use of vehicles.
- Duties of lessee—Closing gates and repair of damages caused by lessees.
- Duties of lessor—Maintaining roads and unlocking of gates.
- Provisions requiring damage deposits.
- Limitations on hunting rights' assignments to others by the lessee.

- Provisions for terminating or continuing a lease.
- Many lease agreements require the lessee to carry the liability coverage. Consult your insurance provider or legal counsel.

### **Suggested Reading**

FNR 126 ***Birding in Indiana***

University of Tennessee AES  
Publication 677 ***Extra Farm  
Income Through Hunting***

Colorado State University CES  
XCM-117 ***Wildlife and Recreation  
Workbook***

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