

Be aware of where you are when roaming public lands



Tips from the Posse

By Mark Rackay

It was mid-September and I was spending the day at one of my favorite hiking areas. The place is about 15 miles outside of Lake City, where a large tract of Bureau of Land Management (BLM) land abuts National Forest lands.

I usually drive my truck in a couple of miles to a small creek. From this creek, I take off on foot, watching the abundant wildlife consisting of elk, deer, bear and the occasional lion. This area also has some caves and signs of past civilizations that used this land long before my arrival on the scene.

On this particular morning, I headed down the trail to my jumping off point. As I rounded a tight area between rocks and trees, I was almost run down by a person in a jeep coming straight at me. The occupant of the jeep skidded to a stop, and a 5-foot-nothing rascal jumped out yelling and screaming at me in a most incoherent tone. I am sure rascal is not the word I called him, but it will work here.

This rascal pounded on my hood and told me how I was an interloper in his private property. I began to feel more than just a little bit threatened by this man, so I piled out of my truck so I could better defend myself.

Now, I would like to say that it was my 6-foot-plus tall and 200 and never-you-mind-pound stature that immediately calmed him down, but I rather suspect it was my jewelry. My jewelry, specifically a black opal-colored Glock 17 on my belt, seemed to change the rascal's attitude, mellowing him out a bit.

The rascal loaded back up in his jeep and fled the scene, vowing to return with the Hinsdale County High Sheriff. He claimed that the sheriff was going to throw me in jail for the rest of my natural born life, feeding me nothing but bread and water, so I would starve. I assured the rascal I would be in the area most of the day and



There are thousands upon thousands of acres of public lands in our state. Be ever cautious of a "rascal" who tries to tell you otherwise. (Mark Rackay/Special to the Montrose Daily Press)

was more than happy to have a discussion with the sheriff.

For a time, I thought that this rascal was just a troll, living under a cattle guard, trying to extort money from people in the form of a trespass fee. But then, it all became abundantly clear to me. Further up the trail, I found a rather elaborate hunting camp set up. Obviously, he was trying to keep people away from a hunting area he wanted all to himself and his friends or clients, as the case may be.

Federal lands are open to the public, even when ranchers have permits to run cattle on them. Ranchers are granted an allotment by the BLM and the United States Forest Service (USFS). These allotments are not the same as a lease, so they cannot keep people off public lands that are within their allotments. These allotments are under the jurisdiction of the federal government.

It is not unusual to run into a person like the rascal who is trying to protect a "secret spot" from the general public, but it is illegal for someone to try it. Keep in mind that arguing with a rascal about your legal access, even though you are within your legal rights, is not worth being the victim of a capital crime. The graveyard is full of people, and many weathering tombstones will bear me out on this, who were killed when they were within "their legal rights." Better to leave and seek the assistance of law enforcement.

I had a chance to speak with Joe Lewandowski, the Southwest Region public information officer

for Colorado Parks and Wildlife, about closures of public lands. Lewandowski, who I respectfully call "Joseph" because that is my middle name, had this to say:

"Colorado State Trust Lands are leased by a variety of businesses, including ranchers, farmers, solar farms, wind turbines, oil, gas and mineral operations. Some of those properties can be closed to the public depending on the type of use. Trust lands, were established by the federal government to provide states a method of using land to raise money for educational purposes. Besides being leased, those lands can be sold. State wildlife areas are public, but CPW reserves the right to impose seasonal closures to protect wildlife, mainly during the winter months. Some wetlands, mainly in the San Luis Valley, are closed at certain times of the year to protect nesting habitat and activity."

I asked Sheriff Gene Lillard of Montrose County just what an outdoor person should do if they encounter a similar situation as I had with the rascal.

Sheriff Lillard said, "In the event you run into someone that is trying to keep you off federal lands, it is best to leave and avoid confrontation. Get as much information as you can, to include names, if possible, license plate numbers and a GPS location of the incident. If this occurred on federal lands, it is best to contact the law enforcement division of the BLM, or the National Forest Rangers. They are the agencies

Remember that Colorado does not require private lands to be fenced or posted, so it is up to you to be sure of your location.

I was positive of my location on public BLM lands that particular day. I never did see the rascal again, but never really expected to. Maybe he moved his hunting camp somewhere else. And yes, I did report him to the BLM office.

Mark Rackay is a columnist for the Mon-

trose Daily Press and avid hunter who travels across North and South America in search of adventure and serves as a director for the Montrose County Sheriff's Posse. For information about the posse call 970-252-4033 (leave a message) or email info@mcspi.org.

For outdoors or survival related questions or comments, feel free to contact him directly at his email elkhunter77@icloud.com.

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