

The notion of public lands



Tips from the Posse

By Mark Rackay

I spent several decades in a state where public lands were basically non-existent. There were a few National Parks, and a handful of state-regulated access areas, but their use was very limited. When the government steps in to controlling of the use, and manner of use, of the public lands, the problems arise.

Of my decades of fishing time in the Florida Keys, much of it was spent in Everglades National Park. The park encompasses 1.5 million acres, and 300 thousand of them are covered with saltwater in Florida Bay and the Gulf of Mexico (or, Gulf of America). Those 300K acres included some of the best saltwater fishing in North America.

Locals had open access to those waters for many decades until the federal government decided to take over because of environmental concerns. Without getting deep into this controversy, the main problem with the ecosystem of the Everglades stemmed from contaminants from the sugar industry further inland, and the natural flow of freshwater that was destroyed, damaged, and polluted by development and agriculture abuse. Naturally, the government put all kinds of new, and many of them useless, regulations on the sports minded people who just wanted to fish in the area, never really tackling the multi-billion-dollar industry that was causing the problems.

In Colorado, we have so much public land, that we take it for granted. Spend some time where there isn't any, and your outlook will change. Within minutes

of our home, we can hike, fish, hunt, camp, backpack, and take part in a multitude of other outdoor activities. But it may change if we don't change our outlook.

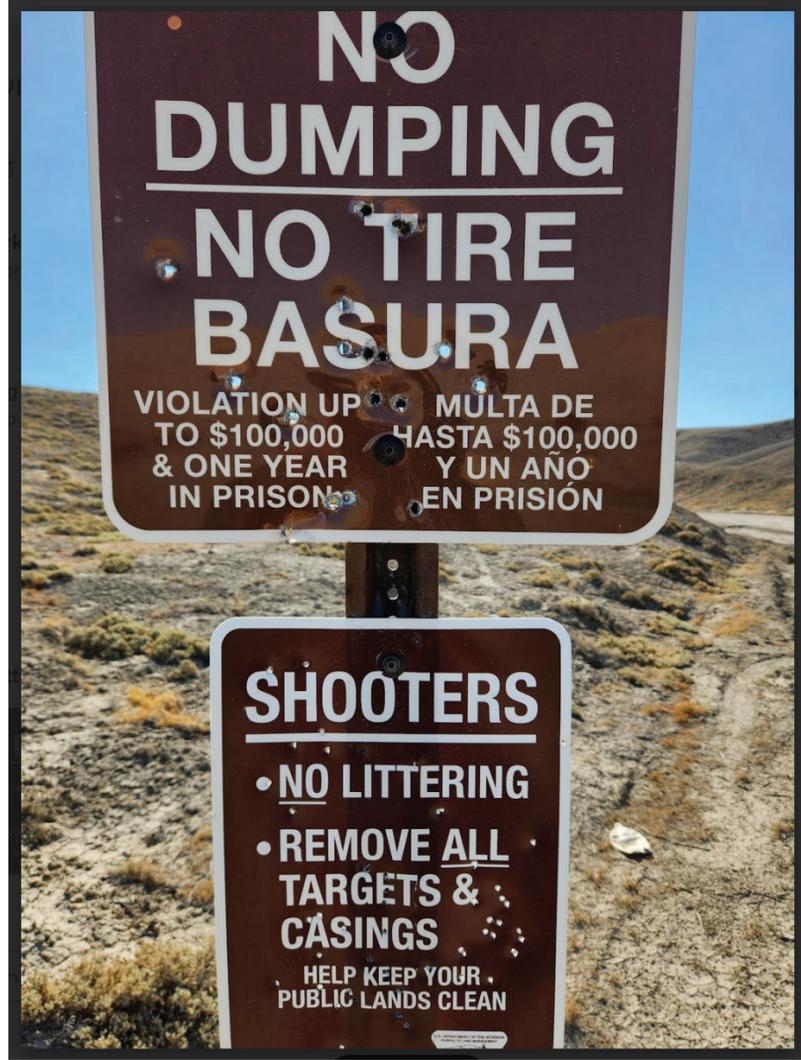
By the numbers, 36% of Colorado is public land. This equates to 24 million acres of the state's total 66 million acres. The management/ownership of these lands shows the Bureau of Land Management (BLM) manages 8.3 million acres, the Forest Service manages 16 million acres, and the National Park Service manages 456 thousand acres.

Some 60 percent of the land on Colorado's Western Slope is publicly owned. The Western Slope is home to the Grand Mesa, Uncompahgre, and Gunnison National Forests, which together exceed 3 million acres. For comparison, the playing field itself of a football field is about 1.32 acres.

In Montrose County, a significant portion of the land is publicly owned. Roughly two-thirds of the county's area is comprised of government managed lands, including Black Canyon of the Gunnison National Park, Gunnison Gorge Recreation and Wilderness Area, and Uncompahgre National Forest, and many acres of BLM land. Montrose County is approximately 1,434,240 acres in total, with around 800,000 acres open to recreation.

The concept of public ownership of resources, particularly waterways, dates all the way back to ancient Roman law, recognizing the public right to common resources like air, water and the sea. The public trust doctrine was later affirmed in English common law and the American legal system. Formal recognition in the US is traced back to the 1842 Supreme Court Case *Martin v. Waddell*. It was further expanded with an 1892 case, *Illinois Central Railroad v. Illinois*, solidifying the state's role as trustee of these public resources.

In short, the public trust doctrine, an important concept in environmental law, has been the basis of legal



Doing things like this to signs on BLM lands give all of us a black eye, especially the ethical gun owners and shooters. It is a sad day when we have to tell people not to dump garbage on our lands and to pick up after themselves. (Courtesy photo/Mark Rackay)

arguments regarding access of the public to beaches and streams on public and private lands, and limits the uses of privately held wetlands. In other words, it is where your legal right of access to public lands comes from. It can also be where your access is taken away comes from.

As I learned in Florida, the National Park Service (NPS) can deny access to park land and create closed areas, and it is not considered a violation of the public trust doctrine. This power also lies with the Forest Service and the BLM.

The NPS Organic Act of 1916 directs the NPS to conserve park resources unimpaired for future generations' enjoyment. This means they have a responsibility to protect natural resources, and visitor safety, even if it requires limiting and closing access.

We need to take a look

at our public lands and the abuses those lands are enduring. Earlier this year, we encountered many problems on our public lands with homeless camps in areas of Simms Mesa, Transfer Road, Dave Wood Road, the Uncompahgre River corridor north and south of town, and at least a half dozen other areas.

Upon an inspection of these areas, authorities encountered hypodermic needles, endless amounts of plastic, wood, scrap metal, campers, burned out campers, cars, trash bags full of hazardous waste, and human waste. They also found rock walls being built and stacked up to build shelters using native rocks that were intentionally displaced and left intentionally. Cedar trees, sage brush, and native plants and shrubbery completely destroyed by squatters either by fire or simply cut down and left

on the ground, are visible in several of these areas.

In the words of the late Billy May, "But wait, there's more." Take a ride out to just about any of the BLM areas East of town, and you will encounter all kinds of garbage, dumped off by lazy people. The BLM area near the landfill is full of trash, probably dumped by people who went to the landfill, found it closed, and didn't want to have to come back.

That same BLM area is a place I occasionally visit to do a little recreational target shooting. It is easy access, safe, and close to home. On a recent trip, I saw new signs posted by BLM telling people No Littering and reminding shooters to pick up their targets and spent brass. To me, that seems like a "no brainer," to clean up after yourself, but it isn't. I find broken bottles, cans, boxes, and all kinds of junk, left

over by lazy and careless people.

The icing on the cake for me, was a return trip past those new signs a couple weeks later. Some ignorant people shot those new signs up. Not only is that illegal, but it is also uncalled for, and wrong on every level. This nonsense gives all ethical gun owners a bad name, and it needs to stop immediately.

I doubt that the people who do this kind of vandalism are readers of this paper. They probably can't even read at all. But if you witness or encounter anyone dumping trash, destroying the flora and fauna, or otherwise trashing our public lands, please, report it.

Contact law enforcement right away, don't take the law in your own hands. Get license plates, descriptions of vehicles and persons, and contact WestCo Dispatch with detailed information. Be the best witness you can be. There simply aren't enough deputies, park rangers, or BLM officers to handle this problem without help from all of us who recreate there.

It is very disheartening to see people abusing and not respecting our public lands, and all of us recreate in these areas frequently with our families. We need to find a solution to the cause of this problem and be sure it stops immediately. We don't want a situation where we encounter a new sign that says, "Closed Area."

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The fun of fall is outdoors

By KRISTIN COPELAND
FRIENDS OF YOUTH AND NATURE

Growing up in a rural community in Colorado, I learned to recognize the signs of Fall approaching by the changing temperatures, changes in daylight and changes in the activities I, and the folks around me did. An obvious change in activity is going back to school. Each of us has our own traditions in our communities and families with the changing

seasons and it recently dawned on me that in my community, we had some special activities that I will call the 3 H's.

H #1 is Harvesting. The late harvest of corn, alfalfa, and other crops have narrow windows from the field to market to stay viable. In my school, many older kids in farming families would be pulled out of school to help with the harvest. And, many of those farmers and families would be out until the middle of the night,

on harvesting equipment, to maximize crop potentials. I remember going inside near bedtime and seeing the lights out in the fields when I was going to sleep.

H #2 is Hunting. Soon after harvest season, came hunting season. Many of the families in our area participated in one or more of the big game seasons. Elk, deer, moose, pronghorn, and other big game species provided a freezer of food

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It's so much fun harvesting late sweet peaches from the North Fork Valley. (Courtesy photo)

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