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Crested Butte

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## Closure of lands to recreationists questioned

by Gary Sprung

With the theft last week of "no trespassing" signs posted by cowboy Tom Gray on the Peanut Mine Road, the conflict between rancher

Irma Kapushion and recreationists has escalated one small step. Mt. Crested Butte Police Chief Roland Turner, whose office represents the county sheriff

in the upper East River area, reports no formal trespassing complaints have been received yet.

Research shows that some of the closures instituted by

Kapushion probably have questionable validity. According to County Attorney Rikki Santarelli, the Peanut Mine Road is an official county road up to the Peanut Mine. Therefore, the

junction with the Slate River, before the turn-off point for the Lower Loop trail.

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Kapushion probably have questionable validity. According to County Attorney Rikki Santarelli, the Peanut Mine Road is an official county road up to the Peanut Mine. Therefore, the public is allowed on the road up to that point. The stolen signs had been posted by Gray, an employer for Kapushion, on the cattle guard by the O'Neal residence.

The lands along that road from the cattle guard to the mine are owned by Crane Corporation, formerly the parent company of Colorado Fuel and Iron, and administered by Crane's subsidiary, Evergreen Company. Evergreen agent Jim Wark told the C&P that Kapushion definitely has the authority to exclude people from those lands and that Evergreen also wants them closed. He agreed that travel on the road to the mine is okay.

North of the mine are more private lands with several owners and the road there has also been posted. But about one mile north of the mine, the road (once a railroad line) enters public lands administered by the Bureau of Land Management (BLM).

BLM District Ranger Terry Reed produced a topographic map of this piece of land; the map clearly shows that the public lands begin south of the road's

junction with the Slate River, before the turn-off point for the Lower Loop trail.

Gray apparently has posted a "no trespassing" sign on public land, at the point where the trail begins.

Reed said that BLM lands are managed under the multiple use philosophy and ranchers holding grazing permits may not exclude the public.

But Kapushion pointed out to the C&P that the public must cross private land to get to that public land and she claims authority to close those private lands.

Kapushion also claims authority to close public travel on Smith Hill, the ridge between the Slate River and Washington Gulch. Bicycle riders have traditionally ridden a loop between the two drainages over the ridge. One key section of that loop is a low quality road extending from the Slate River road north to the Smith Hill mine.

Santarelli believes that Smith Hill Road is a public way, at one time a county road. He makes that judgment from an old map stored in the Gunnison County Courthouse, but qualifies his opinion as "not conclusive" because the map has unknown validity. Proof would be a difficult process.

Santarelli emphasized that the road may be public, but is not part of the county's

# Recreation land closure questioned

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official road system and the county will not maintain it.

Kapushion said she has a letter from Jake Kochevar who owns some of the Smith Hill land and also "takes care of all the Smith Hill property that I lease. He absolutely wants no bikers, hikers or campers there," she said.

John Leverett offered a statement contradicting Kapushion's. He said he manages 350 acres of Smith Hill land owned by Dan Walker of Dallas and Kapushion leases 106 acres of that. He called her authority to close the land "debatable...never made perfectly clear" in the lease.

Leverett is in the process of purchasing 40 of the 350 acres. "I do not think they are overstepping their bounds," he commented. He said that Walker invites visitors who like to bicycle there. But Leverett does not want motorcycles on Smith Hill.

Records at the courthouse show that beside Kochevar, eight other individuals own Smith Hill lands.

On the entirely private lands south of Crested Butte known as The Bench and Gibson Ridge, travel by the public is prohibited by Kapushion's lease with Evergreen.

For several years a running

race called the "Grin and Bear It Trail Run" has used that property under a separate agreement between race organizer Keith Austin and Evergreen. This year Evergreen insisted that Austin sign a contract with Kapushion. The contract states that if anybody uses the land before the day of the race, Kapushion may cancel the event.

Austin has put \$500 out of his pocket into the race and asks for cooperation from the public. He asks that no one travel on The Bench or Gibson Ridge and that people refrain from causing damage like tearing down "no trespassing" signs.