

STATEMENT OF CTU POLICY: FISHING ACCESS

Maintenance of public fishing access is a high priority for many Trout Unlimited members in Colorado, and maintenance of public access to coldwater fisheries has practical benefits to Colorado Trout Unlimited (CTU) and its mission, including the development of a concerned and involved constituency dedicated to the health of rivers. CTU also respects the property rights of riparian landowners, and Colorado law indicates that private land includes the ownership of the bed and banks of streams.

The Colorado Attorney General's office has issued an opinion that individuals may float on the surface of waters through private lands without committing criminal trespass, so long as they do not touch the bed or banks. There nonetheless remains significant debate about whether Colorado law provides for a "right to float" or whether floating over private property constitutes a civil trespass. Current efforts to resolve this debate include ongoing litigation on the Lake Fork of the Gunnison; CTU has taken no position on that litigation as it will only clarify what is permissible under current law rather than changing law to the detriment of boating anglers or landowners. The Department of Natural Resources has also convened a stakeholder forum in an effort to promote dialogue and resolve conflict on this issue.

CTU has never supported measures to claim additional public access at the expense of landowners. Accordingly, CTU did not support the so-called "Fair Fishing Initiative." In contrast, CTU opposed amendments to HB 1091 because we concluded, based on guidance from our attorney, that the legislation would result in a loss of existing public fishing access

On rivers such as the Gunnison, Arkansas, and Rio Grande, float fishing is a major activity for CTU members and others, as well as an important part of local economies. At the same time, riparian landowners have legitimate concerns about trespass by anglers that walk on the bed and banks of the river, drag anchor while passing through private land, and/or engage in other acts of trespass or vandalism. In some situations, excessive fishing pressure can also pose risks to the long-term health of a trout fishery.

Accordingly, it is the position of Colorado Trout Unlimited, through its delegates to the 2002 annual membership meeting:

- that CTU shall support programs for expansion of public fishing access through purchase or lease of fishing rights from willing sellers;
- that CTU shall not support measures to expand public access by diminishing the vested property rights of any riparian landowners;
- that CTU shall not support efforts to reduce existing rights of public access;
- that CTU shall encourage continued efforts between landowners and boaters to resolve access disputes through constructive dialogue;
- that CTU shall support efforts to address the legitimate problems associated with excessive fishing pressure, including consideration as appropriate of expanded law enforcement, establishment of limited entry fisheries, adoption of protective fishing regulations, and education of Trout Unlimited members and the public-at-large about ethical angling practices including respect for private property.

Adopted at the Annual Membership Meeting, Redstone, CO, April 20, 2002