
Subject: : Paflyfish General Forum

Topic: : The future of fly-fishing

Re: The future of fly-fishing

Author: : pcray1231

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URL:

Yeah, the tide is against us, and we're stuck trying to protect what we have. It's gonna get worse but its not a lost cause, there's already a fair bit of public water. Our options, as I see it, are as follows:

1. Obtain more public land. Pick your own organization for wherever you feel is best. Conservatories, the PFBC, the PGC, watershed associations, etc. I think TU needs to pick up the mantle too, but thus far they've been a periphery player. Make it a state forest, national forest, state park, SGL, PFBC land, whatever, its public and access is protected. Fight fire with fire, by buying land. Leasing is an alternative as well. A public institution leasing to retain access to property that is not for sale, and the collective cost is much less than joining a private club to lease the land. However, you may find yourself in a bidding war for eternity.

Capitalism says they have the right to buy and lease land. But so do we. The bigger the pool of people the less \$ per person. "The public" is a pretty large pool of people. Most are willing to pay a few extra bucks for a license, and a fair number would be willing to donate money if they understood exactly what the money was being used for.

2. The legal front. LJ mentioned pollution protections, such as not allowing clubs to stock and/or feed fish in the water. That would lessen the attractiveness for creating a club on water that must be stocked, but not so much for water the club intends to remain a wild fishery. I also think there's plenty of fighting room in navigability laws. For medium and large streams, I hold that history (both in fact and legislative history) has shown a large number of them to be navigable, and thus open to the public below the high water mark or whatever. Unfortunately most of them have not been tested by the courts in recent history. It'd turn into a messy stream by stream court battle. We've already fought a couple of them and won every single one that I'm aware of. I think there's room for a whole lot more. We need to not only win the cases, but sue the pants off landowners for all lost business and recreational opportunities due to their illegal posting. This might make it lucrative for lawyers, essentially allowing the wrongful landowner to pay the legal bills and not us. Fight back, on most larger streams the law is on our side!!!

I've heard the argument that fighting this would cause more landowners to post. It's a good argument, and probably true in the short term. But there will come a point when there's more to be gained than lost by fighting. And when that time comes, it'd be much better if half the battles were already fought.

Some group needs to spend some library time and create a "list" of streams that have a history of navigation, with evidence. And then they need to make it clear to the public and the landowners exactly what the law says about these streams. I'm willing to be part of such a research group, but I'd need a lot of help.....