

FIRST DRAFT



NATIONAL PARKS SERVICE/Special to the Sentinel

A mural of Cochetopa Pass appears in a rotunda in the old federal courthouse in St. Louis. The pass, which lies between Gunnison and Saguache, was utilized by travelers for centuries and was considered by many to be a prime spot for a section of a transcontinental railroad. However, this never came to pass.

Railroads left once-critical Cochetopa Pass in the dust

There are four murals in the rotunda of the old federal courthouse in St. Louis, painted in 1862. Three of them depict events from St. Louis's history. One looks to the future, as it was understood in the midst of the Civil War. That fourth mural is called "Westward the Star of Empire Takes its Way," alternately titled "Cochetopa Pass," which means "Buffalo Gate" in Ute. Cochetopa pass in Colorado was where St. Louis boosters such as former Missouri Sen. Thomas Hart Benton and mural painter Carl Wimar expected a transcontinental railroad to go on its way to California.



BOB SILBERNAGEL

Cochetopa Pass lies between Gunnison and Saguache on a gravel county road through national forest lands. Another version, now called North Pass, crosses the Continental Divide a few miles to the north on paved Colorado Highway 114. Both have been called Cochetopa Pass at various times, and each was used by pack trains and wagons in years past. From the top of the pass to the Uncompahgre Valley, travelers used a variety of routes. Wagons generally stayed close to the Gunnison River and probably crossed it in several places before coming out in the area of Cimmaron River and Cimmaron Pass. Earlier horseback travelers and pack trains probably stayed farther south crossing what we know as Blue Mesa before also reaching the Cimmaron. Although Wimar had traveled up the Missouri River and painted numerous scenes of the

West, he never visited Cochetopa Pass. His courthouse mural is a highly dramatized version of a drawing completed during the Capt. John W. Gunnison Expedition of 1853. Cochetopa Pass had been in use long before that time, however. Archaeologists have found evidence of human visitation to the area dating back millennia. Fur trader and mountain guide Antoine Leroux, for whom Leroux Creek on Grand Mesa is named, wrote about the pass in April 1853 for a Missouri newspaper. He said the pass had been known to the Spaniards since they first settled in New Mexico, and that it had been known to the Utes and other Indians long before that.

Benton, a powerful promoter of U.S. westward expansion, wanted a transcontinental railroad that ran through Missouri and he believed Cochetopa Pass was the key to that route. He pushed for a government-funded exploration of this route, hoping his son-in-law, John C. Fremont, would be chosen to lead the expedition. Instead, Gunnison received the important assignment. He didn't complete the mission, however. He was killed by Indians near Sevier Lake in Utah, and his assistant, Lt. E.G. Beckwith, wrote the expedition report, concluding the route would be too costly for a railroad. Although a flurry of railroad building in the late 19th century saw rail lines constructed through many difficult mountain passes and canyons, no railroad was ever constructed

over Cochetopa Pass. It wasn't that the pass itself was troublesome. Both Beckwith and Gwinn Harris Heap, who traveled over the pass earlier in 1853 with the Beale Expedition, marveled at how gradual the ascent and descent to the pass were. Fremont put together a privately funded expedition and traversed Cochetopa Pass in January of 1854 with wagons, just to prove that the pass would be suitable for winter travel.

Leroux said Cochetopa Pass was routinely used by traders from Taos when the main branch of the Old Spanish Trail through Abiquiu, New Mexico, and west into Utah was too snowy. Cochetopa Pass was regularly used by trader Antoine Roubidoux when he traveled between Taos and his fur trading post on the Gunnison River near present-day Delta.

In 1858, when the U.S. Army was looking for a way to supply troops involved in fighting Mormons in Utah, it constructed what became known as the Salt Lake Wagon Road over Cochetopa Pass. It ran from the Salt Lake Valley to Fort Union in northern New Mexico. When my wife, Judy, and I camped with a friend near Cochetopa Pass earlier this month, a Rio Grande National Forest ranger told us that the gravel road to the top of Cochetopa Pass remains open to vehicular traffic 10 months out of the year, and rarely sees very deep snow.

So, it's easy to see why people like Benton, Wimar and Fremont believed Cochetopa Pass could be part of a transcontinental railroad route.

What happened? Beckwith gave some indication in his expedition report. It wasn't the top of Cochetopa Pass that was the problem, but the landscape encountered afterward. "Seven miles below this point the Cochetopa Creek enters Grand (Gunnison) River in a bottom eight or nine miles in length ... From this point until we reached the Uncompahgre River, our route followed a very rough and broken country ... it is by far the most difficult and expensive section upon the route for the construction of a road."

Equally important, engineers — working first on railroads and later on highways — found more direct routes through the mountains and canyons from Colorado's Front Range to the Western Slope. As a result, it was no longer necessary to travel south almost to New Mexico, then north through the San Luis Valley and over Cochetopa Pass to reach the mining areas and agricultural regions of western Colorado.

Cochetopa Pass became a route less traveled, despite having once been one of the most important mountain passes in the West.

Jon Horn of Alpine Archaeological Consultants in Montrose, who has done extensive research on the Northern Branch of the Old Spanish Trail and Cochetopa Pass, provided much of the information for this column. Information also came from the Rio Grande National Forest, the National Park Service and the reports of Lt. E.G. Beckwith and Gwinn Harris Heap.

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ALPINE ARCHAEOLOGICAL CONSULTANTS/Special to the Sentinel

A modern-day view of the actual Buffalo Gate near Cochetopa Pass.

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Appellate court tosses marijuana conviction

By PAUL SHOCKLEY
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The Colorado Court of Appeals last week invalidated the marijuana-related conviction of a Mesa County woman, which happened just 26 days before Colorado legalized possession of small amounts of marijuana consistent with Amendment 64. Pamela Boyd was convicted by a jury on Nov. 14, 2012, of possession of marijuana, a petty offense, and felony attempted distribution of marijuana, all stemming from her arrest in a sting operation coordinated by local police.

Judge cites non-specific amendment language in ruling

Via proclamation of Gov. John Hickenlooper on Dec. 10, 2012, Colorado legalized possession of 1 ounce or less of marijuana. In a ruling from the Court of Appeals issued in March 2014, a three-judge panel of the court ruled Amendment 64 must be retroactively applied, potentially impacting all convictions for possession of less than an ounce of marijuana or marijuana concentrate. The ruling is under review by the Colorado Supreme Court.

"Had the drafters of Amendment 64 intended to limit (the amendment) to future conduct only, they could have included 'on or after' language in the effective date clause ... they chose not to do so," Court of Appeals Judge Gale Miller wrote in her ruling in Boyd's case. The Court of Appeals' ruling let stand Boyd's conviction for the more serious charge, attempted distribution of marijuana.

Boyd and her boyfriend were

approached by an undercover officer, who purchased marijuana from the boyfriend, according to the ruling. The boyfriend reportedly put the cash received from the deal on the van's dashboard and they drove away.

Boyd and her boyfriend were then arrested in a traffic stop. Officers found a small amount of marijuana and the cash from the deal in Boyd's pocket, according to the ruling. Boyd had a prior conviction for distribution of marijuana.

BLOTTER COMPILED BY SENTINEL STAFF

Residents escape house fire

Working smoke detectors helped residents of a 2900 Road home get to safety after a fire started in the attic early Sunday morning, according to the Grand Junction Fire Department.

Firefighters were called to the home at 2903 North Court at 12:38 a.m. Sunday.

Firefighters extinguished a blaze in the attic from the kitchen. The attic had extensive fire damage and the interior part of the home had heat, smoke and water damage.

No one was injured in the blaze. The cause of the fire is currently under investigation.

According to the Grand Junction Police Department:

lice Department:

Someone entered a vehicle in the 1900 block of Rood Avenue on Monday and stole items valued at less than \$300.

Stanley Klickner, 55, was arrested Friday on suspicion of felony menacing in the 1600 block of Dolores Street.

The Mesa County Sheriff's Office did not release crime reports Sunday.

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