IF YOU INTEND TO TAKE GROUPS OUT TO MONITOR (e.g., teachers taking students or Boy Scout leaders taking their pack), WE RECOMMENDED THAT YOU COVER SAFETY ISSUES WITH THE GROUP BEFORE GOING INTO THE FIELD.

I. GENERAL SAFETY PRECAUTIONS

A. Check with your family physician or county health department to discuss appropriate immunizations (tetanus, hepatitis, etc.).

B. Always wear some kind of foot protection. Never go barefoot in the stream while doing volunteer monitoring. River sandals are not recommended. Boots or old tennis shoes provide greater protection from glass, scrap metal or sharp stones that could cause injuries.

C. Be careful on riprap and slick banks. Many falls and sprained ankles have resulted from entering streams with riprap along the edge or slick, steep banks. When possible, look for a way to enter the stream without going over these materials.

D. Watch where you step. Stream rocks can be covered with algae, making them slippery. Place your feet carefully and be sure that you have a firm foothold before taking the next step.

E. If your section of stream is deep, always wear a life jacket. If the current is swift, which frequently occurs after heavy rainfall, do not enter the stream if the water is above your knees. It is difficult to maintain your balance in deep, rapidly flowing water.

F. Small children should be accompanied at all times when near the water.
G. The stream may contain pathogenic bacteria or viruses. Follow these precautions:
   1. Avoid water contact with your eyes, nose and mouth. Do not rub your eyes or bring your hands to your mouth until after you have washed your hands with soap and warm water or hand sanitizer.
   2. Avoid contact between the water and any breaks in your skin such as cuts, broken blisters, open sores, etc.

H. Safety First
   An accident is an undesirable, unplanned event resulting in physical harm, damage to property, or interruption of business. An accident may be the result of an unsafe act, such as standing up in a canoe, or an unsafe condition, such as a leaking canoe. These situations can be related. An individual’s unsafe act can result in an unsafe condition for someone else. Use common sense while monitoring and do not put yourself, or anyone else, in jeopardy.

I. Be aware of signs of methamphetamine production and waste. The materials used to make methamphetamine can be extremely toxic and flammable. Do not approach or touch anything that may look suspicious. Instead, note the location and call law enforcement when you return home. Please refer to the fact sheets at the end of this chapter for more information regarding methamphetamine waste and how to identify materials associated with its production.

II. TRESPASS

   Today’s training does not give anyone permission to trespass, including the instructors. Do not be tempted to enter land without the owner’s permission. We’ve included two state statutes (laws) that apply to trespass.

   A. **First degree trespass** (RSMo 569.140): A person commits the crime of trespass in the first degree if he knowingly enters unlawfully and remains unlawfully in a building or inhabitable structure or upon real property.
1. The property must be fenced or enclosed in a manner designed to exclude intruders OR

2. Notice against trespass is given by
   a) actual communication to the actor; OR
   b) if property is posted in a manner reasonably likely to come to the attention of intruders.

3. Maximum penalty for breaking this law is a $500 fine or 6 months in jail.

B. Second degree trespass (RSMo 569.150): A person commits the offense of trespass in the second degree if he enters unlawfully upon real property of another.

1. Since this is an offense of absolute liability, land does not have to be posted or fenced for you to be charged. One does not even have to be aware that they are on someone else’s property to be breaking the law.

2. Maximum penalty for second-degree trespass is a $200 fine (no jail time).

C. Posting property against trespass

1. Volunteers should heed any SIGNS such as: NO TRESPASSING, NO HUNTING, POSTED or KEEP OUT.

2. Also, the Purple Paint Statute (RSMo 569.145) specifies how purple paint can be used by landowners to protect their property from trespassers. We have included a short article on this law in this chapter. Volunteers should look for a vertical line of purple paint on trees or fence posts that should be at least eight inches long and spaced no more that 100 feet apart. Although the law is fairly specific about the length, height, and spacing of purple marks, it is likely that most landowners are not familiar with the specifics, so when you see purple paint, it is best to assume that it means, “Keep Out!”

If you find a spot you’d like to monitor, first visit the landowner and explain your objectives. Present your Stream Team Identification card. If permission is not granted, look for another spot.
Missouri trespass laws can be accessed via Internet:
This will take you to the statute page. Trespass is sections 569.140 and 569.150. Also, be aware that there may be additional local (county, city, etc.) laws and regulations (and fines) regarding trespass that may apply.

Selected Sections of the Revised Statutes of Missouri

Published by the

I. Missouri Department of Conservation

Effective date August 28, 1993

569.145 – Posting of property against trespassers, purple paint used to mark streets and posts, requirements – entry on posted property is trespassing in first degree, penalty. – In addition to the posting of real property as set forth in section 569.140, the owner or lessee of any real property may post the property by placing identifying purple paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such paint marks shall be placed no more than one hundred feet apart and shall be readily visible to any person approaching the property. Property so posted is to be considered posted for all purposes, and any unauthorized entry upon the property is trespass in the first degree, and a class B misdemeanor.
Missouri’s Purple Paint Statute: 
A New Way To Protect Your Property 
From Trespassers

By Deanne Hackman  
Research Associate and Adjunct Instructor  
Social Science Unit, College of Agriculture, Food, and Natural Resources  
University of Missouri – Columbia

November 8, 1995

CAUTION: Do not rely upon this information for legal advice. See an attorney for legal counseling tailored to your specific situation and needs.

During its 1993 legislative session, the Missouri legislature enacted a new statute pertaining to trespassing. The new law, the Purple Paint Statute (RSMO 569.145), provides yet another way for Missouri landowners to protect their property from trespassers. Landowners can still use “No Trespassing” signs, but the Purple Paint Statute allows landowners to mark trees or posts with purple paint as a warning to would-be trespassers. Just like a “No Trespassing” sign or actual communication to individuals that no trespassing is allowed, the purple paint marks are considered to be adequate notice to the public that no trespassing is allowed on the property.

Missouri’s law is similar to one that has been used in Arkansas since 1989. These statutes were enacted to provide landowners with an economical and easy way to keep out unwanted trespassers. The law does not require that property marked with the purple paint also be fenced thus it is an economical alternative for landowners who do not otherwise need to fence their property. Additionally, it prevents a problem encountered when using “No Trespassing” signs – purple paint marks can’t be taken down, destroyed, or stolen! Because the Purple Paint Statute is new, many people across the state are not yet aware that the statute exists. Regardless, the statute imputes notice to would-be trespassers. All land
marked with purple paint in the manner proscribed by the statute is considered to be adequate notice to the public. It fulfills the same function as a “No Trespassing” sign, a fence, or telling someone not to come onto your property.

Under Missouri’s law:
- Any owner or lessee of real property can post property with the purple paint marks.
- Purple paint marks must be placed on either trees or posts (the statute does not specifically allow the option of placing paint marks on building).
- Vertical paint lines must be at least 8 inches long (the statute does not mention a maximum length).
- The bottom edge of each paint mark must be between 3 feet and 5 feet off the ground.
- Paint marks must be readily visible to any person approaching the property.
- Purple paint marks cannot be more than 100 ft. apart.

The statute provides that any person trespassing onto property marked by purple paint can be found guilty of a first-degree trespassing charge. Any unauthorized entry onto property marked with the purple paint marks is considered a trespasser. First-degree trespassing is a Class B Misdemeanor, with potential punishment of a maximum $500 fine and/or a maximum of 6 months in jail.

Other violations which would subject a trespasser to first-degree trespass are: (1) entering a property posted with “No Trespassing” signs; (2) refusing to leave property once told to do so; and (3) coming onto land fenced against intruders.

Landowners can purchase the purple boundary posting paint at hardware stores across the state. Several paint companies have formulated a latex semi-paste product for the specific purpose of marking property. The paint can be applied in its semi-paste form or sprayed once thinned.
TRESPASS
The sportsman’s nemesis.

Private landowners have the right to prosecute trespassers, but they must sign a complaint. Conservation agents cannot simply arrest someone for trespassing.

By Tim D. Ripperger
Assistant Regional Supervisor
Clinton

TRESPASS is one of the worst blemishes on the sportsman’s image. What is trespass? Does property have to be fenced or posted? What can be done to alleviate the problems? All good questions. Here are the answers.

What is trespass?

The most basic form of trespass simply is “when someone physically enters upon another’s property.” Under the 1979 Missouri Criminal Code, there are two possible trespass violations in Missouri.

Trespass in the first degree (569.140):
1. A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
2. The person does not commit the crime of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
   1) Actual communication to the actor; or
   2) Posting in a manner reasonably likely to come to the attention of intruders.

A person must knowingly enter another’s property to be guilty of first-degree trespass. Knowingly means “intentionally” in legal terms. To be guilty of first-degree trespass, a person must knowingly enter the property, the property must be fenced or enclosed, or the property must be posted at frequent intervals. Trespass in the first degree is a class B misdemeanor; the penalty is a maximum of six months in the county jail and a $500 fine.

Trespass in the second degree (569.150):
1. A person commits the offense of trespass in the second degree if he enters unlawfully upon real property of another. This is an offense of absolute liability.

If you unlawfully enter on anyone else’s property, you could be guilty of second-degree trespass. Trespass in the second degree is an infraction. It’s punishable by a maximum $200 fine. Since it is a law of “absolute liability,” land does not have to be posted or fenced. One doesn’t even have to be aware that he is on someone else’s property.

Trespass in the second degree becomes trespass in the first degree when a property-owner asks the trespasser to leave the property and the trespasser refuses to do so.
What is the “open field” doctrine?

Law-enforcement officers may enter private lands such as fields and woods while performing certain public duties—which include enforcing fish, game and forestry laws—without being guilty of trespass.

The recent U.S. Supreme Court case of Oliver v. U.S., 4/17/84, reaffirmed and strengthened Hester v. U.S., 265 U.S. 57(1924), which says it is proper for police officers to enter and search open fields without a warrant or probable cause.

What about fishing Missouri’s rivers and streams?

Public use of Missouri’s float streams often causes conflict with private landowners. Public access to Missouri’s streams has been controlled since 1954 by Elder v. Delcour, a case decided by the Missouri Supreme Court. Navigable rivers and streams are open to all legal use by the public and fall under the control and jurisdiction of the federal government. Case law defines a navigable river as “one that as a matter of fact is susceptible of being used in its ordinary condition, as a highway for commerce over which trade and travel are or may be conducted in customary fashion.” (Sneed v. Weber, 307 S. W.2d68, and Elder v. Delcour, 269 S. W.2d17).

In the Elder v. Delcour case, the Missouri Supreme Court concluded that a public fishing right exists upon Missouri’s small, floatable streams. The court ruled that since the ownership of the fish in the stream is vested in the public, the public has a right to fish and to take fish from the streams in a legal manner. The court ruling held that persons floating or wading in the upper Meramec River, following legal entry into that stream, were not trespassing.

The Elder case has been accepted as precedent throughout the state and represents the controlling authority concerning public use of Missouri rivers and streams. Continued lawful and ethical use of Missouri’s waterways will help ensure that right for future Missourians.

What are the rights of landowners?

Private landowners should and do have the right to allow, limit or stop public use of their property. No one can force private landowners to allow the public to use their land. A common misunderstanding about the Conservation Department’s fish-stocking program is that pond owners must allow public fishing. This is not true. The Department asks that pond owners allow a reasonable amount of fishing but cannot require anyone to open his land to the public.

Landowners posting their land with signs that say “Hunting by Permission Only” seem to experience a better relationship with sportsmen. The landowner still retains the right to refuse access to the public, but the signs don’t seem as susceptible to vandalism.

Private landowners have the right to prosecute trespassers. Conservation agents cannot simply arrest someone for trespassing. A private landowner must sign a complaint. Some landowners are reluctant to prosecute trespassing friends or neighbors, and others are afraid of retaliation if they decide to prosecute. Instances of retaliation are rare in Missouri. NO one can tell a private landowner to prosecute, but landowners who prosecute seem to have fewer trespass problems.

In some instances, trespass is a major problem for landowners and sportsmen, but it doesn’t appear that way in the court system. Only 192 people were prosecuted in 1983 for trespass while hunting or fishing. That’s fewer than two cases per county statewide. Total trespass fines were $7,678. All fine money from fish and games cases goes to the state’s public school system.

Trespass is a problem all sportsmen must face each year. Don’t be tempted to hunt or fish on land without the owner’s permission. Don’t hunt or fish with others who trespass. Sportsmen’s clubs should continue to discourage trespassing, and individual hunters should refrain from crossing the wrong fence. Trespassing on another’s property is breaking the law. Only a combined effort by landowners and sportsmen can solve the trespass problem.

Reprinted from the Missouri Conservationist.
Missouri Dept. of Conservation. October, 1984
Missouri Is Number One?

An Educational Series For Stream Teams To Learn and Collect

DID YOU KNOW MISSOURI . . .

- is one of only two states to share borders with eight other states (the other being Tennessee)?
- is home of the first public university west of the Mississippi River? The University of Missouri in Columbia was established in 1839 in Columbia, and the nation’s first “homecoming” game was held there in 1911 against the Kansas Jayhawks.
- is home to the largest single outlet spring, Big Spring near Van Buren? (It’s output averages 286 million gallons per day.)
- is tops in greeting card production? (Hallmark Cards is located in Kansas City.)
- ranks first in production of cows per unit of land?
- was the first slave state to emancipate its slaves before the adoption of the 13th Amendment to the US Constitution on January 11, 1865?
- is first in the number of methamphetamine labs?

That’s right! Unfortunately, Missouri is at the top of the list when it comes to the number of methamphetamine labs. A very dubious honor, isn’t it?! In 2003, Missouri led the nation in meth lab seizures, shutting down nearly 2,800 labs. It’s sad, but unfortunately it’s something we need to be aware of.

Why do we want to bring this to your attention? It’s becoming increasingly likely that you may run across what is referred to as “meth trash” while on your adopted stream. We want you to be aware of what may be out there as evidence of meth labs, and bring your attention to things that can be extremely dangerous. For every ounce of methamphetamine produced, about a gallon of waste product is also produced. Most of the individuals producing meth do not want to simply throw their waste in the trash for fear of being caught. The majority of the time this trash is simply dumped.

The meth producing process uses a combination of household compounds. As the “cooking” is done, chemical reagents result in a highly unstable situation . . . a highly flammable and corrosive hazard which can put anyone near the process or near the byproducts at risk for serious injury.

If you find any of the items listed below, or a combination of these items, do not touch or remove any of the materials or containers. The best thing to do is to simply leave this stuff alone. Remember, safety first! It is not worth getting seriously injured. Identify and document the location. Once you return home, contact law enforcement (Conservation Agent, Sheriff’s Department, Forest Ranger, etc.) of what you found and where it is located. The county sheriff’s department qualifies for funding monies for each meth lab located. Additionally, they have the proper training and equipment to dispose of these items.

We do not want this to scare you or prevent you from protecting our Missouri stream resources. Rather, we want you to be aware of what is out there and take the proper precautions. In fact, by simply being out there and visible you can help reduce the amount of meth trash in your area. Remember, these people are dumping these materials because they do not want to be caught.

Judy Guyn, Stream Team 41, said it best, “Your presence on the rivers and in the forests can be a deterrent in itself to those who manufacture and distribute illegal drugs. Our watchful eyes and observations can be an aid to the officials and agencies who have the immense responsibility to maintain public safety.”

All we can add is please be safe at all times!

SOME THINGS TO WATCH OUT FOR:

- Soda pop bottles with a hole drilled in the lid.
  - May have plastic tubing in the hole.
  - Will usually have rock salt in the bottom and a liquid in the bottle. This may appear as a clear liquid with a chalky-colored solid on the bottom. These two products react to form hydrochloric acid.
- DO NOT PICK UP OR MOVE! Disturbing the bottle will cause the

continued on back
chemical reaction to start, producing hydrochloric acid. Breathing the chemicals can cause chemical pneumonia, which may take up to 10 years to develop and can be fatal.

- **Glass jars (e.g. Mason jar) containing what looks like water.**
  - This is most likely ether.
  - **DO NOT OPEN!** Ether has a flashpoint of 89°F and can explode. One gallon of ether is the equivalent to one stick of dynamite.

- **Propane tank, air tank, or any other tank (even a thermos) with altered fittings.**
  - This may contain anhydrous ammonia. The brass fittings may have a baby blue or green color on them.
  - **DO NOT DISTURB!** Anhydrous ammonia displaces oxygen in the air. One breath of it can cause you serious physical harm or death.

- **Firearms.**

- **Needles (could be an insulin syringe).**
  - These may have been used, reused, and shared with others. Many have been found on the river or at river accesses. In addition to the pain of being stuck, you run the risk of contracting diseases. Hepatitis B, C, & D can all be contracted from contact with infected blood. The hepatitis virus can survive for seven days in dried blood on the needle.

- **Rubber gloves.**
  - These may have been used during the meth production process and may have chemical residue on them.

- **Iodine bottles. This may be a skin irritant for some people.**

- **Baking dishware with a powdery substance which could be a residue of meth.**

- **Blister cold pill packets.**
  - You may find many empty cold tablet containers listing ephedrine or pseudoephedrine blister packs.


- **Coffee filters.**
  - You may run across LOTS of coffee filters. These will probably have a white chalky pasty substance, white crystals, or red powder on them. This will be the starch used to give the cold pills their shape.

- **A plastic container (with no liquid) with a chalky substance in the bottom.**
  - This again is the starch used to give the cold pills their shape.

- **Lithium battery containers, which may appear burnt.**

- **Empty ether cans with holes poked in the sides.**

- **Concealment containers.**
  - These may look like ordinary household products, however, the bottom may unscrew.

- **Bent spoons.**

- **Measuring cups.**

- **Funnel.**

- **Bags of table or rock salt.**

- **Weighing scales.**

- **Hot plates or portable stoves.**

Items like syringes or other medical hazards or biological waste should be shown to your group’s leader so the appropriate authorities can be contacted for proper disposal.

**Sources:**

- Much of the information for this article was taken with permission from a presentation by Sgt. Glen Buckner, Texas County Sheriff’s Department, June 29, 2004.
- The University of Missouri MU Facts [www.missouri.edu/mufacts.htm](http://www.missouri.edu/mufacts.htm)
- Mizzou Homecoming 2004 [www.mizzou.com/homecoming/history.html](http://www.mizzou.com/homecoming/history.html)
- Missouri Department of Tourism Fast Facts [www.visitmo.com/mainpage.cfm?SectionID=1&LeftNavID=1&SubNavID=0&BottomNavID=0](http://www.visitmo.com/mainpage.cfm?SectionID=1&LeftNavID=1&SubNavID=0&BottomNavID=0)
- University of Kentucky College of Agriculture “Forage News” June 2004 [www.uky.edu/Aa/Forage/Forage%20News_files/Forage%20PDFs/FORAGE%20NEWS%200604.pdf](http://www.uky.edu/Aa/Forage/Forage%20News_files/Forage%20PDFs/FORAGE%20NEWS%200604.pdf)
- Missouri’s Methamphetamine Initiative “About the Missouri Methamphetamine Initiative” [www.moguard.com/MLTF/MMI/new_page_1.htm](http://www.moguard.com/MLTF/MMI/new_page_1.htm)
One-Pot (Shake & Bake) Methamphetamine Labs

This sheet will discuss the identification and hazards of these One-Pot labs

One-Pot cooks have been discovered using a variety of plastic, glass and metal storage containers. Most often the containers of choice are clear or translucent 2-liter, 16-ounce and 20-ounce beverage bottles. These containers allow for constant monitoring during the on-going chemical process. They may appear like photographs above.

Hazards
- Corrosivity (sodium hydroxide, sulfuric acid, hydrochloric acid).
- Flammability (organic solvents).
- Reactivity (lithium).
- Inhalation (ammonia gas, acid vapors, organic solvent vapors).

Extreme caution should be used when in proximity of these containers. In the event of a rupture, chemicals may be dispersed over a wide area in addition to a possible explosion or fireball.

One-Pot containers present a chemical and fire hazard. To the extent practical, exposure should be avoided by remaining upwind of the One-Pot container. Do not stand or place your face and hands directly over the container. Fire is of immediate concern.

If you suspect a container has been used for a “one pot meth cook” do not handle. Isolate the area around the container and contact law enforcement.

For immediate assistance, contact your local law enforcement agency, hazardous materials team or the Missouri Department of Natural Resources Environmental Emergency Response spill notification hotline at 573-634-2436.