

Finding a pot to peeve in

Curtis Seltzer

**BLUE GRASS, Va.**—Curmudgeonliness is a valued perk of getting older. It excuses ill-temper. It frees me from situations that require moderate sociability. It can be blamed on aging. I've worked hard to train others to expect it.

It takes effort to be nice after 65. And for what? Curmudgeons rank somewhere between nice and not nice. If, as baseball's Leo Durocher, observed, "Nice guys finish last," the odds are that we curmudgeons will finish in the middle of the pack. So why fight Destiny?

One curmudgeonly opportunity flew in this weekend and landed in my hand, which, as it turned out, caught two in the bush. I will explain.

I like birds, and I like most birders I've met over the years. But....

The high-elevation mountain valley where I live is part of a songbird flyway and provides habitat to many species, including eagles and hawks. It's also claimed by about two dozen warbler species, one of which -- the Golden-winged Warbler (GWW) -- is found in only one spot in the Commonwealth of Virginia—directly across from my woodlot driveway.

The GWW is in decline, partly from loss of habitat, partly from hybridization with Blue-winged Warblers and partly from nest parasitism from Brown-headed Cowbirds. For that reason, Virginia birders flock to my driveway.

On Saturday mornings, it's not unusual to see a convoy of clean SUVs and Prius Hybrids from Richmond crawling up our narrow, two-lane county road toward the crest of Wimer Mountain. At our entranceway, hardwood forest runs to the top of Devil's Backbone on the East, and a couple of thousand acres spread out to the North, West and South.

On the west side of this hard-surface road about 150 yards short of the Virginia-West Virginia border, lies a strip of early-succession woods -- scrub pasture that's been abandoned to multiflora rose and blackberry brambles, young trees and a mishmash of other vegetation -- all at about 3,000 feet. Here, the GWW hangs out, about two miles uphill from where we live.

Opposite this sweet spot, my gravel driveway leads into our woods. A 16-foot-long, metal farm gate is generally left open.

Several years ago, I tacked up a regulation, yellow POSTED sign at eye level on a tree next to the left post where the gate latches. Hunters and locals have always respected the posting of this land.

The sign reads: "POSTED Private Property." It specifically prohibits trespassing, among other no-nos. My name and address are on the sign.

The words are easily readable from the center of the paved road, about 25 feet away. You could enter my driveway without seeing this sign only if you were keeping both eyes closed and wearing an execution mask.

We've never refused anyone permission to come on to the property, with one exception. I've allowed people to hunt, hike, bird and cut firewood, as long as they ask permission first and agree that we are not responsible or to be held liable for unanticipated events, such as bee stings, snake bites, sprained ankles, attacks by blackberry thorns, bear chases, skunk sprays, trees falling on heads and whatever else can happen to a woodland visitor.

I did turn down a local woman who asked that her daughters be allowed to ride their horses on our trails whenever they wanted. I felt reasonably sure that had I agreed, we would have soon been served with a personal-injury suit.

For reasons that I don't understand, the birders who've appeared at our driveway over the years often behave as if they were still in their own backyards.

On Saturday morning as I walked up to the state line for exercise, I passed about 15 vehicles *parked in* the east half of the paved road, on either side of my driveway. Some 35 birders had wadded up in the middle of the road itself, looking for the GWW. I greeted several with a huff here and a puff there, introduced myself to a retired pathologist who has a weekend place nearby, walked to the border and reversed direction.

As I approached our driveway, I saw a woman about 25 yards inside our property behind some bushes. This was not the first, or the second or the fifth time that I had stumbled upon birders in our woods. I knew the routine.

"Madam," I said, "this is private property. It is posted. This means that you are not supposed to be here. I do not want the liability exposure if you were to get hurt."

She quickly buttoned her pants, which she had been either pulling up or down. I suggested that the next neighbor up -- a fellow birder -- would let her use her facilities.

I asked her and her husband whether they had seen the POSTED sign that was not five feet from where they were then standing.

Every birder I've caught in flagrant trespass claimed to have never seen my POSTED signs.

I've always found their selective eyesight interesting. They were, after all, out in the road for only one reason—to look around. Saturday was bright, sunny, clear weather. Everyone carried binoculars that reached from their shoulders to their knees. Several had spotting scopes powerful enough to have peeped in on home movies shown on Pluto.

No, they said, they had “missed it.”

Missing the POSTED sign would be like sitting at your computer desk and failing to see the screen in front of you.

I invoked a word for the organic waste product of a mature, intact male found locally as a large, domesticated ungulate.

The husband then said in a helpful way that if I had mounted the sign on the right gate post, he and his wife would have certainly been able to see it. It's always entertaining to watch birders shed responsibility and reverse blame.

I then said something curmudgeonly to the effect that he and his wife should get their tail feathers off my land immediately. He may have feared that he himself was about to be mounted on the right gate post as a warning to future trespassers.

They may have taken me seriously because at the time I was wearing a T-shirt with a drawing of a grizzly bear, holding a salmon in its mouth above the word “Sushi.”

This exchange of pleasantries set the now-gathered flock atwitter, and they took wing.

Two years ago, I was driving home from our county seat on a major, two-lane highway with a 55-mph speed limit. I was on a passing stretch, going about 50, with an SUV about 150 feet in front of me traveling a little slower.

Without warning, the SUV came to a brake-squealing stop...in the middle of the right lane. Out poked a pair of birder binoculars.

With heroic restraint, I quietly suggested to the woman driving that it might be a bit safer in similar circumstances to use her right turn signal, slow, pull over and come to a full stop *off* the paved road.

“Well, nobody is around,” she said, miffed. “Who cares?”

Had I -- Mr. Nobody -- rear-ended her, I would have been charged with failing to maintain control of my vehicle and thrown into maximum security. Headlines would have screamed: “Bully assaults bird lady. Quick police response avoids big flap. Nuthatch may testify.”

On the day I sent out this column, I walked to the state line. As I was coming home, I found a white Suburban with Virginia plates parked on the paved road next to a ditch and an embankment. The older birder couple had

stopped just beyond a blind curve and had not activated their flasher. A car moving uphill at 45 mph would have crashed into it.

I politely suggested that they park off the road on the apron on the other side where their vehicle would not create an accident hazard. Virginia law prohibits parking on the hard surface of a road where no curb is present.

“Oh, we won’t be that long,” the woman said. Apparently, she believed that it’s okay to break the law if it’s only for as much time as she wanted.

I have pondered these episodes, now numbering about a dozen.

Had the group asked for permission to bird in our woods, I would have agreed—always have. I guess it’s the arrogance of not bothering to ask that sets me off.

I don’t understand why birders think they can park in the middle of a public road, because they’re birders.

It doesn’t seem to register with them that people live and work in rural bird habitats, that we have the same property rights and expectations here as they do at their homes, and that trespass is a fact which is not subject to feigned ignorance.

It’s always good to get a big dose of self-righteousness off your chest, especially when it’s enriched by well-cured curmudgeonliness. I wish it was more fun than it is.

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