

## Recreational Use of the Cedar River

This brochure focuses on recreational use of the Cedar River in Mitchell County. Its purpose is to clarify the types and limits of recreational uses allowable on the river and adjoining land, particularly when the adjoining land is privately owned. This brochure has been prepared using the most current legal interpretations and codes.

### FUNDAMENTALS

At least 84% of fatalities nationwide involved individuals who were not wearing a life jacket. All boats are required to have at least one personal flotation device (PFD) or life vest for each person onboard. PFDs must be readily accessible in an emergency<sup>1</sup>. All children under the age of 13 on a vessel are required to wear a PFD.

Registration is not required for inflatable vessels, seven feet or less in length, and canoes and kayaks 13 feet or less in length that have no motor or sail<sup>2</sup>.

Consumption of alcohol on the water may lead to poor judgment and increased risk of drowning. The river is public property and subject to the governing laws<sup>3</sup>. If you plan to drink alcohol on the river, please drink responsibly.

WHO OWNS THE RIVER? Rivers, the water as well as the land under the water, have unique ownership rights and conditions as defined by state and federal law. A common question from landowners as well as river users relates to who owns the river and what rights people have to use it for recreational purposes. The Cedar River is designated as a navigable river<sup>4</sup>. This status relates to ownership rights of the river channel and banks.

WHERE CAN PEOPLE ACCESS THE RIVER? While the water in the Cedar River is public, the land under the river is generally owned by private landowners<sup>5</sup>. Therefore, the public can get onto and off the Cedar River from any public land; this includes public boat access points and city parks and rural wildlife areas adjoining the river. Once on the river, paddlers sometimes come across hazards and obstructions that require them to use land under the water or on the streambank.

### USING THE RIVER

Low water conditions can be common during summer and fall months. These conditions may require paddlers to physically move their boats across dry sandbars and shallow channel bottoms to navigate the channel. Iowa law gives them the right to do this as well as to avoid channel obstruction.

Log jams blocking part or all of the river channel can be dangerous for river users due to changes in the water flow. These types of blockages can occur on the Cedar River. If river users encounter log jams, they have the right to walk their boats (to portage) up and along the top of the streambank to avoid the obstruction. This movement, and other non-destructive activities, are considered to be incidental to navigation by Iowa law<sup>6</sup>.

In addition to portaging over and around in-stream hazards, permitted activities include fishing and hunting, swimming, wading and even lunching on sandbars<sup>6</sup>. Camping on sandbars (without express permission from the landowner) is not legally permitted.

### ASSOCIATED ISSUES SURROUNDING RIVER USE:

Beyond portaging over and around in-stream hazards and other incidental uses, river users are prohibited from entering private property without permission. Iowa trespass laws are clear about this. Entering privately owned land next to the river without the express permission of the owner or remaining there after being notified or requested to leave by the owner is considered criminal trespass<sup>7</sup>.

Iowa recreational use statute encourages landowners to open their land and water to others for recreational uses including swimming and boating by receiving immunity from liability except for injuries resulting from the landowner's willful or malicious acts<sup>7</sup>.

Small litter as well as illegal dumping are an issue on some Iowa rivers. Disposing of empty beverage containers, cigarette butts, food waste packaging, and other debris in or near the river is illegal in Iowa<sup>8</sup>. Large debris and solid waste, including tires, appliances, construction and demolition waste, farm waste, trash and hazardous chemicals cannot be dumped in rivers or on streambanks regardless of who owns the land<sup>9</sup>. Fines or penalties may vary based on the jurisdiction where the littering incident occurs (county or municipal jurisdictions).

Electrified fences crossing the river channel are sometimes used to contain livestock. These fences can be a hazard to river uses and block navigation depending on water levels. Landowners have the right and responsibility to erect fences across the stream as necessary to confine livestock, as long as it affords safe boater passage<sup>10</sup>. In circumventing these barriers paddlers should use the least invasive strategy possible. All such barriers should be left as they were found.

The use of motorized vehicles, including ATVs, in all parts of certain navigable streams, such as the Cedar in Mitchell County, is prohibited at all times and conditions<sup>11</sup>. Specific exceptions exist and relate to agricultural access.

#### BEHAVE ON THE RIVER AS A GUEST!

- Obey state and local rules and regulations. Access the river only from public lands and access points
- Respect private property. Never trespass to gain access. (And remember, "No camping allowed")
- Be considerate to others while on the water. Give anglers a wide berth.
- Be considerate to local residents and landowners.
- Never litter. Always pack out trash.
- Respect wildlife by observing from a safe distance.
- Leave artifacts and natural features undisturbed.
- Be Safe. Wear your PFD. Limit Alcohol Consumption

For more information, visit: <http://www.iowadnr.gov/paddlingsafety>

To Report illegal activity, rude behavior, foul language, loud music and other rude behavior contact Mitchell County Sheriff's Department: 641-732-4740 (dial 911 for emergencies)

Conservation Officer: Jacob Fulk: 319-240-9174 (respond to fish, boating and wildlife violations and criminal trespass concerns)

TIP (*Turn in Poachers/ fish and game crime reporting*) HOTLINE:  
1-800/532-2020 ([www.iowadnr.gov/tip](http://www.iowadnr.gov/tip), <http://tipofiowa.org/>)

Environmental Spills Hotline: 515-725-8694

Mitchell County Conservation Offices: 641-732-5204

<sup>1</sup>(pfd) Iowa Code 462.A WATER NAVIGATION REGULATIONS

<sup>2</sup>(boat registration) Iowa Code 462A WATER NAVIGATION REGULATIONS

<sup>3</sup>[alcohol use] Iowa Code 123.46 CONSUMPTION OR INTOXICATION IN PUBLIC PLACES

<sup>4</sup>[West Fork is navigable?] Iowa Code 462A.2, 462.69 IOWA WATER NAVIGATION REGULATIONS;

<sup>5</sup>[non-meandered] Iowa Code 462A.2, 462.69 IOWA WATER NAVIGATION REGULATIONS

<sup>6</sup>[avoid channel obstructions in non-meandered channel ] Iowa Attorney General Opinion: Smith to Kremer, State Representative, 2-6-96 (#96-2-3)

<sup>7</sup> [trespass] Iowa Code 716.7 IOWA DAMAGE AND TRESPASS TO PROPERTY REGULATIONS; Iowa Attorney General Opinion: Smith to Kremer, State Representative, 2-6-96 (#96-2-3).

<sup>8</sup> [littering] Iowa Code 455B.363 LITTER

<sup>9</sup>[dumping and farm waste] Iowa Code 455B.307 Dumping; IOWA ADMINISTRATIVE CODE 567 — 100.4(455B)

<sup>10</sup>[electric fence] Iowa Code 657.2(3) WHAT DEEMED NUISANCES and Iowa Attorney General Opinion: Smith to Kremer, State Representative, 2-6-96 (#96-2-3)

<sup>11</sup> [ATV in channel] Iowa Administrative Code 571, Chapter 49 OPERATION OF MOTOR VEHICLES IN MEANDERED STREAMS, NAVIGABLE STREAMS AND TROUT STREAMS; Iowa Code 321I.14.g ALL TERRAIN VEHICLES