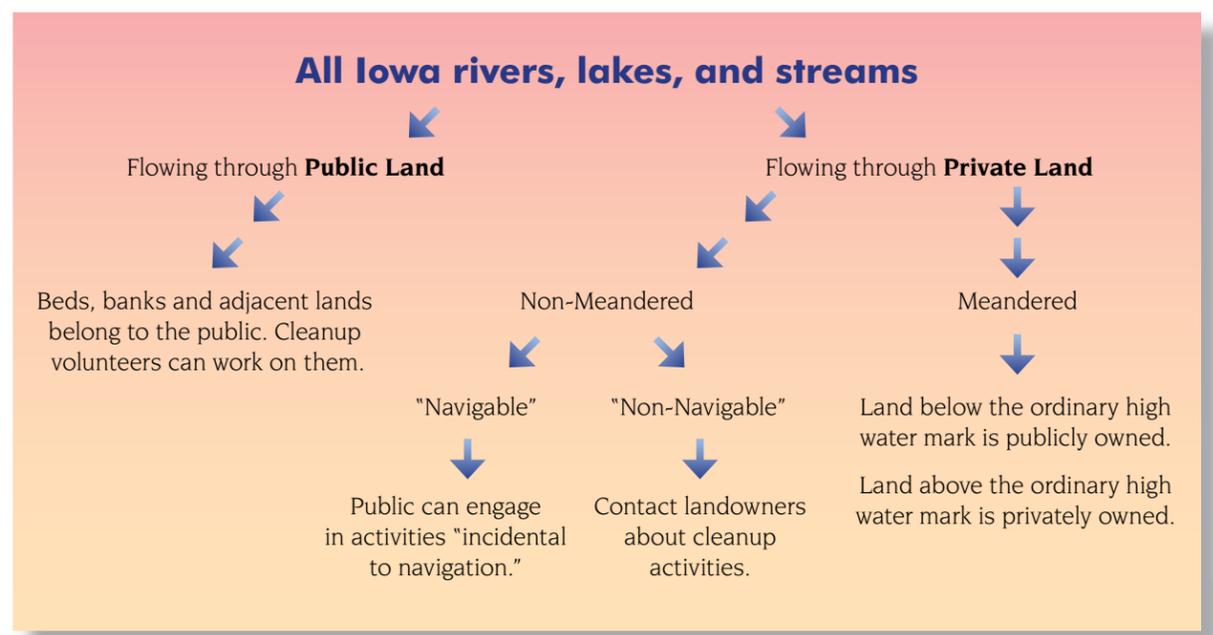




Land Ownership Guide for Watershed Cleanups

Water Fact Sheet 2006-10

March 2006



Communication

As in the case with public lands, cleanup organizers should notify private landowners of their plans before the cleanup begins.

Fences Across Streams

Watershed cleanup participants may encounter barriers when floating rivers and streams. Landowners along non-meandered streams have the right to erect fences across the stream as necessary to confine livestock, as long as it affords safe boater passage. In bypassing these barriers, paddlers should be courteous, respectful, and use the least invasive strategy possible. All such barriers should be left as they were found, unimpacted by those who pass through them.

Final Word

The guiding principle in watershed cleanup activities can be summed up in one word – respect; respect for the environment, respect for the land, and respect for the people, both those who are engaged in the activity and those who own land in the watershed. A little respect can go a long way.

Original photo for painted image on p. 3 by IOWATER volunteer Bill Graham.

Project AWARE web site: www.iowaprojectaware.com

A little respect
can go a long way.
A little respect
can go a long way.

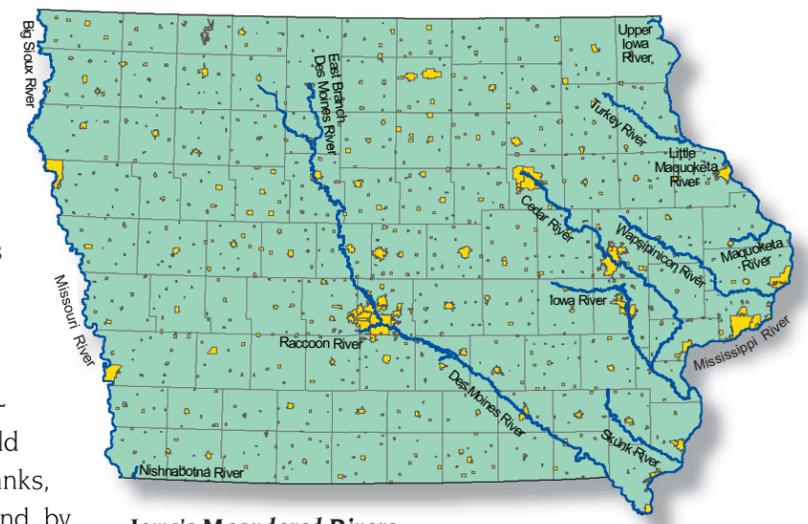


Prepared by
Iowa Department of Natural Resources, Geological Survey
109 Trowbridge Hall, Iowa City, IA 52242-1319

Printed on Recycled Paper

A river can wander through the land in any way it pleases. People, however, face a few legal restrictions when following rivers, lakes, and streams through privately owned land. Care must be taken not to trespass on private property.

As a result, watershed cleanup participants and organizers should understand the laws governing land ownership – specifically, those laws about land adjacent to or beneath bodies of water. A little basic knowledge can help cleanup personnel avoid conflicts with landowners and keep the project going smoothly.



Iowa's Meandered Rivers
Yellow areas show incorporated municipalities.

Public Land

On bodies of water that flow through publicly owned land, cleanup volunteers should not face problems. They can work in all banks, beds, and surrounding areas. Since this land, by definition, belongs to the public, cleanup participants have the right to use it.

Still, cleanup organizers should coordinate with the caretakers of this land (e.g., state park managers) and inform them of project details (volunteer numbers, activities planned, event location and time, etc.).

Private Land

When bodies of water flow through privately held land, some legal restrictions apply. In Iowa, these considerations center on the terms **"meandered"** and **"non-meandered."**

"Meandered" Rivers

Certain rivers and lakes in Iowa are designated as "meandered." This has nothing to do with how curvy a body of water is, but refers to the way in which it was measured during the original surveys of the state. Using chains, surveyors "meandered" bodies of water they encountered, meaning they measured the formations with a series of straight lines.

A river can wander...
A river can wander...

Cleanup activities... Cleanup activities...

Meandered Stream Guide Basics

- In Iowa, rivers, lakes and streams flowing through private land are classified as "meandered" or "non-meandered." Most fall into the latter category.
- These classifications have nothing to do with how curvy the bodies of water are, but refer to survey methods. The classifications determine ownership of banks and beds.
- In "meandered" bodies of water, the public owns land below the high water mark, including beds. Land above the high water mark belongs to adjacent landowners.
- In "non-meandered" bodies of water, private landowners own all of the land adjacent to and underneath the water, including banks and beds.
- While most waterways are classified as non-meandered, most of these are considered "navigable." In this case, the public may float and engage in activities "incidental to navigation."
- Cleanup activities on navigable bodies of water should be considered more a privilege than a right. If landowners object to removing debris from beds and banks of non-meandered streams, use tact and diplomacy and respect their concerns, rather than asserting a right.

Public land: All beds, banks, and surrounding land in publicly held areas (e.g., state parks). Land below the high water mark on meandered bodies within private land.

Private land: Land above the high water mark on meandered bodies within private land. All land, including banks and beds, on non-meandered bodies is private land.

According to the state's legal codes, all bodies of water defined as "meandered" fall under the jurisdiction of the Iowa Department of Natural Resources (DNR), **even when they flow through privately held land.** Therefore, some of the land surrounding and underpinning these bodies of water belongs to the public.

Here's how it works: On rivers and lakes designated as meandered, land **above** the ordinary high water mark belongs to surrounding private landowners, while land below this mark, including banks and beds, belongs to the state.

Land below the high water mark is therefore public, and all citizens have the right to muck around in it at their leisure. Sandbars along the state's meandered rivers, for example, belong to the state.

What about land above the high water mark? Treat this as private land, and avoid trespassing on it.

"Non-meandered" Rivers

If a body of water flows through privately held land but is considered "**non-meandered,**" it will have a different set of rules. Private landowners own all of the land adjacent to and underneath these bodies of water. This includes all beds and banks. (Note: Most of Iowa's aquatic resources are designated as non-meandered.)

"Incidental to navigation"

Can volunteers ever clean up trash on non-meandered streams?

Yes, and here's why: state law permits the public to float "any navigable lake or stream" and

Cleanup activities on navigable bodies of water should be considered more a privilege than a right.



participate in activities "incidental to navigation, including fishing, swimming and wading." Cleanup activities may be considered "incidental to navigation," which would make them permissible.

"Navigable" Streams

The term "navigable" applies to a stream "which can support a vessel capable of carrying one or more persons during a total of a six-month period in one out of every ten years." If questionable, it's best to follow landowners' wishes. If they object to volunteers removing trash from the beds or banks of a non-meandered river, please refrain from such activity, apologize, and depart.

Trespassing

The general public should not be subject to criminal trespass when engaged in activities considered "incidental to navigation."

A privilege, not a right

Still, cleanups should be considered a privilege, not a right. If landowners object to removing debris from streambeds and banks of non-meandered streams, use tact and diplomacy rather than asserting a right to clean up trash. A respectful apology before promptly departing will help eliminate or minimize confrontations.

...more a privilege than a right.
...more a privilege than a right.