

Public Rights on Rivers in Every State

1. Rivers that are navigable in canoes, kayaks, or rafts are legally navigable under federal law, with no official designation needed. Federal law confirms public rights to navigate these rivers through private land, and walk on privately-owned gravel bars and riverbanks to scout rapids, portage, fish, or simply to enjoy the river.

2. In a number of places, state and local officials deny public rights on rivers, but such policies violate federal law. Under the U.S. Constitution, state and local laws cannot deny public rights to use navigable rivers. Federal law requires state governments to hold rivers “as a public trust for the benefit of the whole community, to be freely used by all for navigation and fishery,” “freed from the obstruction or interference of private parties.”

3. It is a violation of federal law for landowners to erect fences, cables, “No Trespassing” signs, or other obstacles to public use of the water surface, beds, or banks of rivers that are navigable in canoes, kayaks, or rafts.

4. River users should avoid riverbank confrontations with landowners. Instead, they should report landowner crimes to the sheriff, district attorney, and their state legislators.



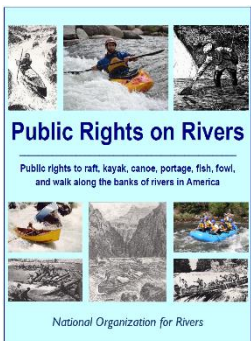
Rivers that were usable by fur trade canoes are legally navigable under federal law.



Rivers that are usable for commercial raft trips, or canoe or kayak classes or trips, are legally navigable under federal law.



Rivers and creeks used by expert kayakers were navigable in the past for lumber drives, so they are legally navigable under federal law.



Restore public rights on rivers in every state.

- Download and distribute this poster.
- Get the book *Public Rights on Rivers*.
- Join the *National Organization for Rivers*.

www.nationalrivers.org



It is a federal crime to block public use of the water, beds, or banks of navigable rivers.

Rivers are legally navigable if usable for canoeing: *Economy Light v. United States*, 256 U.S. 113 (1921). If usable for kayaking: *Atlanta School of Kayaking v. Douglasville County*, 981 F.Supp. 1469 (N.D.Ga.1997). For rafting: *Alaska v. Ahitna*, 891 F.2d 1401 (9th Cir.1989). For log drives: *United States v. Appalachian Electric*, 311 U.S. 377 (1940). For lumber drives: *Puget Sound Power v. FERC*, 644 F.2d 785 (9th Cir.1981). Public right to navigate and walk along beds and banks through private land: *Scranton v. Wheeler*, 179 U.S. 141 (1900) (private ownership of the beds and banks of rivers is “always subject to public rights to use the stream.”) *United States v. Cress*, 243 U.S. 316 (1917) (“the right of the public to use a waterway supersedes any claim of private ownership.”) *Montana v. United States*, 450 U.S. 544 (1981) (it is unlawful to block the public easement for “sports fishing and duck hunting.”). State laws cannot deny public rights to use navigable rivers: *Gibbons v. Ogden*, 22 U.S. 1 (1824) (state laws cannot deny public rights on the navigable rivers of the nation, due to the Commerce Clause and the Supremacy Clause of the U.S. Constitution.) *Atlanta School of Kayaking* (cited above) (public rights to use rivers navigable in kayaks “are determined by federal law,” not state law.) Public trust: *Martin v. Waddell*, 41 U.S. 367 (1842). Freed from obstruction: *Illinois Central v. Illinois*, 146 U.S. 387 (1892). Crime to block public use of navigable rivers: 33 U.S. Code 403. For further documentation, and information about what river users can do to restore public rights, see *Public Rights on Rivers*, available at nationalrivers.org and amazon.com.

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