



Increasing Public Access to Illinois Rivers HB1873

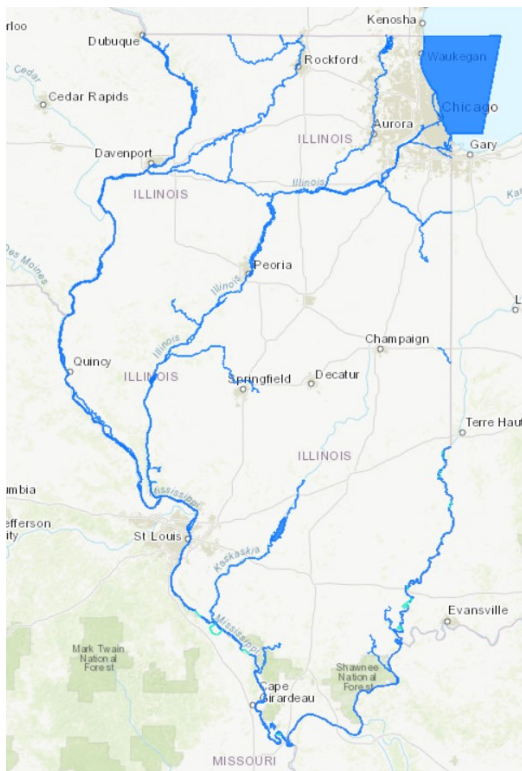


“The public right to access and use navigable waters includes all rights recognized by State or federal law, including the rights set forth in the Northwest Ordinance of 1787 and the federal navigational servitude, and all rights arising under the public trust doctrine, which shall be understood and applied in a manner consistent with the spirit of the Act to maximize the full and free enjoyment of State waters by the public.” (Synopsis of HB1873)

Illinois is bordered by 880 miles of rivers and has 87,110 miles of rivers and streams within its borders. Under current interpretation of Illinois Law, only 2 percent are considered navigable. Click [HERE](#) for a listing of public waterways and [HERE](#) for an interactive map. The remaining 98% of Illinois rivers are deemed “non-navigable” and are inaccessible to Illinois citizens.

How do Surrounding States Interpret Navigability?

IA, IN, MO, WI, all interpret navigability to include recreational watercraft, giving their citizens full access to all waterways that can support paddling.



What About Landowner Rights?

This proposed amendment DOES NOT give river users the right to trespass on private property. Paddlers can only access rivers via public access points.

Illinois Supreme Court Justice P. Scott Neville:

**“A legislative redefining of navigability in terms of recreational use will represent a beginning toward moving Illinois water law into the twenty-first century. More importantly, it is the legislative process that is the proper method to codify the recreational navigation doctrine so it can be applied to Illinois waterways.”
(Specially Concurring opinion, Holmes v. Kodat 2022 IL 127511)**

Under current interpretation of Illinois law, citizens can only legally access the rivers pictured above.

Sources:

<https://dnr.illinois.gov/education/atoz/ilriversstreams.html>

<https://illinoispaddling.org/how-illinois-water-access-law-measures-up-to-other->



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<u>Sponsor</u>	<u>Statute</u>	<u>Our Request</u>
Rep. Janet Yang Rohr (D) 41st District	Amends the Rivers, Lakes, and Streams Acts 615 ILCS 5/5	The Illinois Paddling Council is asking citizens to contact their IL State Representatives and ask them to co-sponsor this bill.

Illinois Department of Natural Resources [Statewide Comprehensive Outdoor Recreation Plan](#) (2021)

- 74% of Illinoisans surveyed agreed with the need for “more public access to lakes, rivers, and streams” (30).
- “Expansion of water-based recreational lands and facilities” is a strategic priority for IDNR (35).

2024 Illinois Paddling Council Survey of 750 IL Paddlers:

- More than HALF of Illinois paddlers were unaware that they might be trespassing when paddling on many IL rivers.
- 1 in 6 Illinois paddlers report having been threatened at some point in time for being on an Illinois river.
- 95% of Illinois paddlers are in favor of legislation guaranteeing access to IL rivers.



Creating more opportunities for recreation and paddling makes Illinois more attractive, benefits local businesses, stimulates rural economies, and increases tourism. Currently Illinoisans frequently travel to surrounding states for better paddling opportunities.

- In 2021, Illinois’ outdoor recreation economy generated 153,932 direct jobs, \$8.6 billion in wages and salaries, and made up 1.8% of Illinois' GDP.
- In 2018, 22.9 million Americans, or 7.6 percent of the U.S. population, took to rivers, streams, lakes, and oceans to participate in at least one paddling activity.
- In 2021 18.56 million Americans kayaked at least once, a 66.8% increase over 2011.
- In 2018 4.16 million youths (ages 6-17) nationwide kayaked at least once, a 165% increase ([Sources](#))