

**Iowa Department of Natural Resources  
Natural Resources Commission**

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**ITEM**

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**INFORMATION**

**TOPIC**

Chapter 61, State Parks and Recreation Areas: Petition for Rulemaking

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On September 18, 2008, the Department received a petition, requesting the Department to modify 571 IAC chapter 61 to allow fitness swimmers to swim outside buoyed areas, a practice prohibited by the current regulations.

561 IAC 5.4(2) requires the Commission to grant or deny the Petition within 60 days unless the petitioner agrees to a longer period. The Department has met with Mr. Block, and he has agreed to an extension regarding Commission action on his petition. The Department will present additional information, which may include a Notice of Intended Action to modify 571 IAC chapter 61 or a recommendation not to institute a Notice of Intended Action to modify 571 IAC chapter 61, at the regular meeting of the Commission, scheduled to be held in December 2008.

Kevin Szcodronksi, Parks Bureau Chief  
Conservation and Recreation Division  
November 13, 2008

Attachment: Petition for rule-making received September 18, 2008

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SEP 18 2008

Director's Office

Scott Block (Petitioner)  
1721 Blake Blvd SE  
Cedar Rapids IA 52403

- 1) I am seeking an amendment to the rule which is "swimmers must stay within swim buoys at all times."
- 2) I am issuing solutions to the reasons as why the DNR has created a law that prevents fitness swimming. Other sports are allowed within the shores of our state parks that are just as dangerous. I will show that fitness swimming can be a reasonable and safe use of the Iowa state park waters.
- 3) A) Safety of Swimmer and visibility to watercraft: A swimmer outside of the buoys must tow a personal lifesaving device, but not necessarily a "life jacket". I believe a lifeguard lifesaving tube would work well for this purpose. These tubes are made to be attached to swimmer and dragged in the water. These tubes are designed support at least two people. I would also recommend that an official diver's flag be attached to the top of the tube. With these devices, a swimmer would become extremely visible and therefore would limit the possibility of being hit by a watercraft. This flotation device would also be available for the swimmer in the case if one can not swim back to shore.  
b) Safety to other people watching from the shore: I propose to allow swimming Outside the buoys from the hours of 5 AM to 9 AM. This would eliminate a lot of "spectators" from even thinking about attempting to swim without following the regulations. This would limit the young viewers (under 14 years of age). Children should also be supervised by an adult at all times. If a swimmer were to swim outside of the buoys without the proper requirements, then a citation or warning would be issued. This would be same to as if a boater were not to have lifejackets or running lights upon a boat.

These provisions should provide adequate protection so that a compromise could be reached between fitness swimmers and the DNR.

I request that at least one Commission member be present upon my petition review.

  
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