

Subject: : Fly Fishing Locations

Topic: : New list of Public owned streambeds

Re: New list of Public owned streambeds

Author: : Swattie87

Date: : 2013/1/22 8:19:17

URL:

melvin - For the purposes of this discussion on whether the streambed is to be considered public, "navigable" refers to whether the stream in question historically had been used as a commerce route (and thus the need to protect that commerce route). To the courts, this is what they must consider in the event of a dispute, not necessarily the Webster's definition. If the courts declare a stream navigable, then the streambed (to the ordinary high water mark) becomes public land, and fair game to standing/sitting/fishing/swimming/whatever, not just floating through. Landowners can still restrict access by posting their land on the banks, and you would be trespassing if you stepped beyond the high water mark, but as long as you stay in the streambed, you could legally pass through the otherwise posted land.

Disclaimer - The courts still have not approved many of the streams on the list referenced in this thread. Wading through posted land on these streams right now would still fall into a gray area within the law and you would risk a trespass violation from the landowner that you would likely have to fight in the courts.