Subject: : Paflyfish General Forum
Topic: : Maps with access points?
Re: Maps with access points?
Author: : pcray1231
Date: : 2013/5/9 10:25:23
URL:

Quote:

> I've got a question that sort of ties in with this. Once I've located a public access point and am actually in the water, can I cross through private property if I stay in the water? I know you can't cross posted property to access the water, but from what I've read it seems you are ok once you are on in the stream. Is this correct?

It depends whether the water is navigable or not. If navigable, staying in the water is ok. If non-navigable, the stream is private property, and keeping your feet wet does nothing.

Determining whether it's navigable is no easy task. Generally speaking, you can safely assume the following are navigable:

Ohio, Allegheny, Monongahala, Yough, Kiskiminetas, Susquehanna (plus E and W branches), Juniata, Little Juniata, Lehigh, Schulykill, Delaware. I could be missing one or two.

But then you have THIS list. This is what the DCNR holds to be navigable. But note that the DCNR has no legal say, and a court must decide what is navigable and what is not. many of these have not yet been tested in court. And many are posted. If caught, you could be charged with trespassing. At which point, you could fight it on grounds of navigability. DCNR should side with you, but it's up to a court to decide who's right. If you lose, you pay the trespassing fee plus court costs. If you win, the rest of us will be grateful for the risk you took in proving navigability.