Subject: : Conservation
Topic: : High water mark?
Re: High water mark?
Author: : skeeter
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URL:

The Ordinary High Water Mark (OHWM) is a term/"mark" used by the ACOE/DEP that dictates jurisdiction on a waterway or open water habitat (pond) as Waters of the US and/or Waters of the State/ Commonwealth under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The term OHWM refers to "*that line on the shore established by the fluctuations of surface water indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and the presence of litter or debris*".

So essentially every stream you fish has an OHWM and is considered Jurisdictional Waters of the US and/or Waters of the Commonwealth of Pennsylvania regardless because they all flow to Traditionally Navigable Waterways (TNW) for a Relatively Persistent time frame (i.e. perennial-"year around" or seasonal-"3 or more mths"). And trust me you are always finding trout or fish in a perennial waterway.

I wish I had my photos from when I fished the LJ. I would doctor them up to show the OHWM to the best of my ability, but truly if you are walking on cobbles, gravels, point bars, benches, etc or your in the water (flood waters do not count) you are within the OHWM. Also another way is to stay within the edge of water and treeline, trees (over 5") do not grow within the channel, if they do they don't last long :)