

---

Subject: : Conservation

Topic: : High water mark?

Re: High water mark?

Author: : troutbert

Date: : 2009/5/22 11:40:41

URL:

Quote:

skeeter wrote:

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 :)

Good stuff here. Some other ways of looking at this are that you need to be within the channel of the river. First take a look around and see if you can identify the relatively flat surface that is the floodplain. Then follow that towards the river, and you will see a break in slope. In other words the flat surface sudden breaks downward towards the water. On an outside bend this is often a cut-bank, which has a very steep obvious drop, often nearly vertical drop. On an inside bend, you often have a point bar, which gradually slopes up from the water to the floodplain. But even there, you can usually identify where the point bar ends and the floodplain begins. Because the slope is going from horizontal (floodplain) to a steeper slope angling down towards the water. And you will see the change in vegetation.

There will be trees on the bank, but only early successional vegetation on the point bar. Meaning grasses, herbaceous (non-woody) plants, and shrubby stuff, such as low willows. Because that area gets periodically scoured and the vegetation gets wiped out and starts over again.

Where the riparian vegetation is wacked and the banks have been highly altered, it's harder to tell. But still if you

look around, you can see the flat surface that is the floodplain. You are not allowed on there, it's private property. But then you will see the sharp break in slope. Below that you are inside the channel of the river and if they harass you they are breaking the law.