§ 11-1321. Other prohibited acts.

1. No person shall take fish (a) by use of explosives or (b) by shutting or drawing off water.

2. Explosives shall not be used or possessed in or on the waters of the state or shores or islands thereof except for mining or mechanical purposes. Possession of explosives in such places by any person shall be presumptive evidence of violation of this subdivision.

3. Bass, walleye, trout, lake trout and salmon shall not be disturbed on spawning beds in the closed season, nor shall their spawn or milt be taken from spawning beds at any time.

4. Any noise or disturbance of waters or the banks thereof by any means with intent to drive fish into a net, which practice is commonly known as thumping, is prohibited unless expressly permitted in the terms of a license or permit issued by the department.

5. No person owning, leasing, operating or maintaining a dam holding back water which such person knows or has reason to know is inhabited by fish shall draw off such water in such quantities as to cause directly the loss of a substantial number of fish within the impoundment, if such person knows or has reason to know that such loss is likely to occur, without the written permission of the department. The provisions of this subdivision shall not apply, (a) to the federal government or any agency or subdivision thereof, (b) to any hydropower project licensed by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), (c) in the event of an emergency, such as fire, flood, storm, drought, and the like, where the drawing off of such impounded water is required for public safety or public health, (d) to any artificial or man-made body of water lying wholly within the boundaries of privately owned or leased lands and operated as a farm pond, licensed farm fish pond, licensed fishing preserve water or licensed private trout or bass hatchery, or (e) to any city having a population of one million or more.

6. No person taking or assisting in the taking of fish in other than the marine and coastal district, as described in section 13-0103 of this chapter shall discard any fish carcass or parts thereof into the waters of this state or upon any public lands contiguous to and within one hundred feet of such waters or upon any private lands contiguous to and within one hundred feet of such waters unless such lands are owned by such person or unless such person enters or remains with the permission of the owner of record or his representative or agent. The provisions of this section shall not be deemed to prohibit: the return to the water of live fish or fish required to be returned to the water pursuant to section 11-1301 or 11-1303 of this chapter or rules and regulations promulgated pursuant thereto; the use of fish or parts thereof as bait; the discarding of fish carcasses or parts thereof into waters not within one hundred feet of any shore; the proper disposal of fish carcasses or parts thereof into suitable garbage or refuse collection systems or by burial; or the incidental cleaning of fish for consumption except that no wastes resulting from such cleaning of fish may be disposed of in waters or lands contiguous to and within one hundred feet of any public boat launching sites or public docking facilities or on such sites or facilities except by proper disposal into suitable garbage or refuse collection systems or by burial.

7. Spears, spear guns and underwater guns shall not be possessed by any person on any body of water within the Adirondack park boundary nor within a distance of two hundred feet of the high water mark of any body of water within the Adirondack park boundary at any time when the use of spears in the taking of fish from such body of water within the Adirondack park boundary is not permitted by law or regulation of the department; except that nothing contained herein shall be construed to prevent the possession of spears in any dwelling or building within two hundred feet of the high water mark of such body of water.

8. Spears, spear guns, underwater guns, and snatch hooks shall not be possessed by any person on Lake George nor within a distance of two hundred feet of the high water mark of such lake, except in a dwelling or building, at any time when the use of such devices in the taking of fish in such lake is not permitted by law or regulation of the

department.

9. Pacific salmon shall not be taken by hooking, snatching or snagging. Pacific salmon taken by hooking, snatching or snagging shall not be possessed, transported or otherwise trafficked in.