§ 11-1913. Fishing preserves.

1. "Fishing preserve waters" means any artificial or man-made body of water, without limitation of size, lying wholly within the boundaries of privately owned lands, operated for the purpose of permitting the owner to provide fishing facilities to fishermen. Such waters shall not include natural streams, natural ponds or waters impounded by the damming of natural streams. The sources of water for such ponds shall be limited to surface run-off, natural springs or waters diverted from a natural stream.

2. a. The department may, in its discretion, after application on forms furnished by it, issue to an owner of such fishing preserve waters a fishing preserve license permitting the holder thereof to manage such fishing preserve waters and to possess, propagate and rear, and to take or permit others to take therefrom, fish therein legally propagated or acquired. Such license shall expire on the last day of December in the year in which it is issued unless previously revoked. A separate license is required for each body of water defined in subdivision 1 as fishing preserve waters. Two or more ponds under one ownership, supplied by one common water source and located on one continuous parcel of land, shall be considered as one body of water requiring one license.

b. The license so issued, shall:

(1) contain the name of the town and county in which such fishing preserve waters are located;

(2) specify the species of fish authorized to be stocked therein;

(3) authorize the licensee to stock, propagate, raise and release such fish in such licensed fishing preserve waters and to buy, sell or otherwise traffic in fish taken therefrom;

(4) specify the manner of identification of fish taken from the licensed waters, and

(5) specify the means of acquisition of fish stocked therein.

c. The license may also:

(1) authorize the licensee to control undesirable protected fish, wildlife and insects and specify means of control of the same.

(2) specify such other restrictions and controls for the management of the fishing preserve waters as in the judgment of the department may be deemed advisable for proper fish management.

d. The fee for the license shall be fifty dollars, payable at the time application is made.

e. The department may for cause revoke or suspend the license of any licensee.

3. Lands containing fishing preserve waters so licensed shall be posted with appropriate signs in accordance with section 11-2111.

4. A licensee or any member of his immediate family may without license issued under title 7 of the Fish and Wildlife Law, or license to take fish by net or device, take fish of any size, in any number, at any time and in any manner permitted by the license.

5. a. Any licensee, during the term of his license may sell fish taken from the licensed fishing preserve waters and may grant permission to other persons to take fish in or from the licensed fishing preserve waters and charge a fee for such fishing or for the fish taken, or, if the licensee is a club, it may impose dues permitting such angling by members of such club.

b. Persons to whom such permission to fish is granted or who have paid for the privilege of fishing in the licensed waters or dues paying members of a club which is a licensee may fish in such waters without license issued under title 7 of the Fish and Wildlife Law, or other license.

c. The licensee may prescribe such restrictions or limitations as he sees fit with respect to the size of fish, limits of catch, open season and manner of taking fish from the licensed waters. Except as specifically noted in the license, the provisions of title 13 or title 15 of the Fish and Wildlife Law shall not be applicable to fishing in such licensed fishing preserve waters.

6. a. All trout, black bass, lake trout, landlocked salmon, muskellunge, pike, pickerel and walleye taken from the licensed fishing preserve waters, shall be immediately identified on forms provided by the department as prescribed in the license or by order of the department.

b. The identification form shall accompany the fish until the same is finally prepared for consumption.

c. No fish, required to be identified as specified in paragraph a of this subdivision, taken pursuant to this section shall be possessed off the premises of the fishing preserve without such identification form, and no person shall sell such fish without such identification form.

d. Fish taken from such fishing preserves and identified as provided in this subdivision, may be possessed, bought, sold and offered for sale, and transported without restriction. Fish raised or possessed under license issued under this section may be sold at any time for scientific, exhibition, propagation or stocking purposes.

7. The holder of a fishing preserve license shall keep such records as the department may require and make annual reports to and upon forms furnished by the department. The records shall be continuous and shall be kept on the licensed premises, and the licensee shall allow any representative of the department to enter upon the premises and inspect his operations and records.

8. Farm fish ponds, previously licensed pursuant to section 11-1911, may be licensed as fishing preserves, provided that the waters so sought to be licensed under this section meet the requirements of subdivision 1 hereof, and provided further that such waters have not been stocked by the department during the five year period immediately preceding the application for fishing preserve license.

9. The department may, by special permit or authorization contained in the license, authorize the licensee to use fish toxins in the management

of the licensed waters, but unless so specifically authorized by permit or license no toxins or poisons may be introduced into the licensed waters.

10. Nothing in this section shall abridge, alter or affect the rights or liabilities, riparian or otherwise, that would otherwise exist or accrue by reason of the impounding of the water, except that fishing preserve waters are waters of the state within the meaning of section 11-0503 of the Fish and Wildlife Law and article 17 of this chapter.

11. The department may, by order made pursuant to section 11-2301, make such rules and regulations with respect to the management and operation of fishing preserves, not inconsistent with the provisions of this section, as it shall deem necessary and proper to carry into effect the provisions of this section.