

derived from Article 66C, sections 203 and 245 of the Code. Both sections duplicate each other.

4-502. FISH LADDERS FOR DAMS ON WATERS OF STATE.

(A) CONSTRUCTION AND MAINTENANCE REQUIRED. - EVERY OWNER OF A DAM ON WATERS OF THE STATE SHALL CONSTRUCT ON THE DAM AND KEEP REPAIRED AT LEAST ONE FISH LADDER IF THE DEPARTMENT DEEMS IT NECESSARY FOR ASCENDING AND DESCENDING OF FISH. EVERY FISH LADDER SHALL BE CONSTRUCTED TO ALLOW ANADROMOUS FISH FREE COURSE UP AND DOWN THE WATERS AT ALL TIMES.

(B) APPLICATION. - ANY PERSON INTENDING TO CONSTRUCT A DAM ON WATERS OF THE STATE SHALL FILE AN APPLICATION WITH THE DEPARTMENT. EACH APPLICATION SHALL CONTAIN SUFFICIENT INFORMATION TO ENABLE THE DEPARTMENT TO DETERMINE THE NECESSITY FOR CONSTRUCTING A FISH LADDER. THE DEPARTMENT SHALL ADVISE THE APPLICANT OF ITS DETERMINATION.

(C) APPROVAL OF CONSTRUCTION PLANS. - THE DEPARTMENT AND ANY OTHER UNIT HAVING JURISDICTION SHALL APPROVE THE CONSTRUCTION PLAN BEFORE THE DAM IS CONSTRUCTED.

(D) PAYMENT OF MONEY INSTEAD OF CONSTRUCTING FISH LADDER. - IF THE OWNER, OPERATOR, OR LESSEE OF A DAM ENTERED INTO AN AGREEMENT PRIOR TO JULY 1, 1955, TO PAY THE STATE AN ANNUAL PERIODIC SUM OF MONEY INSTEAD OF BEING REQUIRED TO ERECT A FISH LADDER OR INSTEAD OF BEING REQUIRED TO CONSTRUCT AND MAINTAIN ANY FISH WAY OR FISH LADDER PURSUANT TO THE PROVISIONS CONTAINED IN ANY CHARTER PREVIOUSLY GRANTED TO ANY CORPORATION BY ANY SPECIAL OR GENERAL STATE LAW, THE PROVISIONS OF THE CHARTER OR AGREEMENT REMAIN IN EFFECT. THE AMOUNT OF MONEY PAID TO THE STATE DURING EACH YEAR MAY NOT BE LESS THAN FOUR AND ONE-HALF PERCENT OF THE ESTIMATED COST TO ERECT THE FISH LADDER, BUT NOT TO EXCEED \$4,000 ANNUALLY. ANY MONEY PAID TO THE DEPARTMENT SHALL BE USED TO MANAGE, REAR, AND DISTRIBUTE THE FISH ACTUALLY PLACED IN THE WATER AND TO ACQUIRE ANY NECESSARY FACILITY FOR THESE PURPOSES. ONE-HALF OF THE FUNDS RECEIVED ON BEHALF OF THE CONOWINGO DAM ACROSS THE SUSQUEHANNA RIVER SHALL BE CREDITED TO THE STATE [[GAME PROTECTION]] FISHERIES MANAGEMENT AND PROTECTION FUND.

(E) EXCEPTIONS TO THIS SECTION. - THE PROVISIONS OF THIS SECTION DO NOT CHANGE ANY TERM, CONDITION, OR