

4-406. LEASED WATER OR LAND.

(A) APPLICATION OF OWNER FOR REFUGE. - IF A PERSON WHO OWNS OR CONTROLS ANY SUITABLE AREA OF WATER OR LAND DESIRES TO HAVE IT SET ASIDE AS A FISH REFUGE, HE MAY APPLY TO THE DEPARTMENT, GIVING A DESCRIPTION OF THE AREA OF WATER OR LAND, INCLUDING A SPECIFIC LOCATION, MAP, OR SKETCH SHOWING AN OUTLINE OF THE AREA OF WATER OR LAND AND THE LOCATION OF ANY STRUCTURE OR IMPROVEMENT, AND THE NATURE OF THE AREA OF LAND OR WATER, SUCH AS WOODLAND, ABANDONED FARM LAND, OR CULTIVATED LAND, OR LAKE, POND, MARSH, OR IMPOUNDED STREAM.

(B) EXECUTION AND CONTENTS OF LEASE. - THE DEPARTMENT MAY EXAMINE THE AREA OF WATER OR LAND TO DETERMINE IF IT IS SUITABLE FOR FISH PROTECTION AND MANAGEMENT. IF THE AREA OF WATER OR LAND IS ACCEPTABLE AS A FISH REFUGE, THE DEPARTMENT SHALL NOTIFY THE OWNER OF THIS FACT. THE OWNER SHALL SIGN A LEASE VESTING THE STATE WITH EVERY FISHING RIGHT IN THE AREA WITHOUT CHARGE. THE LEASE ALSO SHALL PROVIDE THAT NEITHER THE OWNER, HIS FAMILY, AGENTS, TENANTS, NOR ANY OTHER PERSON MAY FISH IN THE AREA OF WATER OR LAND AND THAT, HE WILL MAKE EVERY EFFORT TO PROTECT THE FISH REFUGE FROM FOREST FIRES, FISHING, OR ANY VIOLATION OF ANY STATE CONSERVATION LAW. THE LEASE OR AGREEMENT SHALL CONTINUE IN FORCE FOR AN UNINTERRUPTED PERIOD OF AT LEAST 5 YEARS.

(C) EFFECT OF SALE OF PROPERTY UPON WHICH NO CHARGE IS MADE; TERMINATION OF LEASE. - IF THE PERSON WHO OWNS OR CONTROLS THE AREA OF WATER OR LAND NAMED IN ANY LEASE ON WHICH THERE IS NO CHARGE SELLS THE AREA OF WATER OR LAND, THE AREA IS RELEASED FROM THE OPERATION OF THE LEASE UNLESS THE PURCHASER AGREES TO ALLOW IT TO REMAIN UNDER THE LEASE. EITHER THE DEPARTMENT OR THE OWNER OF THE AREA OF WATER OR LAND MAY RESCIND ANY LEASE FOR WHICH THERE IS NO CHARGE MADE PURSUANT TO THIS SECTION AFTER GIVING 90 DAYS WRITTEN NOTICE OF INTENT TO TERMINATE THE LEASE TO THE OTHER PARTY.

REVISOR'S NOTE: This section is new language derived from Article 66C, section 192 of the Code.

4-407. RULES AND REGULATIONS.

THE DEPARTMENT MAY ADOPT AND PROMULGATE, AND POST, RULES AND REGULATIONS FOR THE PROPER USE AND