

---

Subject: : Paflyfish General Forum

Topic: : Who owns the trout?

Re: Who owns the trout?

Author: : pcray1231

Date: : 2013/3/1 9:32:03

URL:

Quote:

Trout on private property = ownership by property owner.

That is incorrect. There are multiple reasons. #1 is that free roaming wildlife are all public property. Deer, for instance, are not owned by those who own the ground under them. That owner may control access. But the wildlife itself is public property, and we have granted our government control over management via the social contract. The landowner must still follow management laws (though we sometimes grant them special priveleges in the law, for instance killing deer for crop damage). #2 is that ALL flowing water in the state is owned by the public, so trout in streams are not on private property, they are IN public property.

In the case of a non-navigable stream, a landowner can own the streambed, but the public still owns the water itself. In a navigable stream, the public owns both the streambed and the water.

Now, where this gets a little tricky is stillwater. For instance, a private pond. If you stock fish in a private pond, do you own the fish, or just the access? I dunno. Same goes for raising deer inside a fence, I think. I think management laws still apply in both cases? Which would mean the animals themselves are still owned by the people? How can this jive, for instance, what defines a domesticated farm animal, like a cow, from a deer? Or what separates a "for consumption" fish farm vs. a private recreation pond? I don't know the answers to these questions.