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Subject: : Paflyfish General Forum

Topic: : Fishing access: A story of people, property and profits

Re: Fishing access: A story of people, property and profits

Author: : GreenWeenie

Date: : 2013/3/5 13:34:42

URL:

But it can still be taken away and therefore it is not a right it is a privilege.

Quote:

The water, the fish, the wildlife, etc. Those are public, NOT private. Even if you own the land, you don't own exclusive rights to the wildlife found on it. That's not part of what your cousin bought. And if your reason for posting is to have exclusive access to them, or to profit from them, then it's simply wrong.

If I own the land I control who accesses my land and what they can and can't do on my land. I agree, I may not "own" the wildlife but since they are on my property, maybe permanently, maybe temporary, I certainly can control who has access to them because I own the land.

Hunting is a bit different than fishing because you are right in one regard, water itself cannot be privately owned whereas land can. I know there are some real issues out west with float boaters fishing in "private" waters. In these instances they have every right to float the river and fish these privately owned stretches because they are floating on publically owned water and the fish aren't privately owned BUT they have no right to touch the stream bottom or ground in any capacity including anchoring or dragging anything to slow them down. They can fish all they want but just don't touch the privately owned ground.

With hunting, you don't float on air or water to hunt you walk on the ground, which is privately owned. So while the landowner doesn't own the wildlife, he certainly owns the land that you need permission to touch so he absolutely controls who has access to these publically owned creatures that are on his land. What you are basically saying is anybody who won't allow the public to access their property at anytime to shoot, catch or take pictures of the wildlife isn't allowed to have wildlife on their property. So can I stop by your place during rabbit season to shoot a few and I have the right to do that because you don't own that rabbit according to your logic.

But what is the public? I am the public, you are the public so if the public owns the rights to the wildlife, what does that mean? Who has more rights you are I? Or the two people standing next to us? I want to shoot them, you don't so the compromise is on your land you can declare it no hunting and on my land I can hunt. End of story.

Interesting thoughts, could you float a stream through privately owned land, shoot an elk that's in the stream and as you float by wrap a lasso around the rack and drag him out as long as you never touch bottom? Or could you fly a helicopter over land, shoot an elk and drop a lasso to pick him up?

I agree the public should not pay for stocking of fish or pheasant or whatever on private land but the question is — a stream is 10 miles long and the middle 5 miles runs through private property and is posted so there is no access. Assume the stream is either not navigable or not classified so one cannot walk within the mean high water bank. So should the state not stock the waters above and below for the public to enjoy or should the state spray paint their fish and every week check out the private water and relocate their fish back to their water? And to be fair, the landowner should have the right to remove and relocate all trash that floats into his stretch of the water from the public water above because that is public trash.

Quote:

And you do not have control over management rights on your land. If the fish and game commissions want to make your land no fishing or no hunting, they have every right to do so.

Based on everything I am aware of, they have ZERO right to tell me what I can and can't do on my property. In fact the laws even say a person can fish on their own property without a license.

I get where you are coming from but this appears to be your opinion and not the law. If otherwise, please cite references.