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HOUSE JOINT RESOLUTION NO. 689

Offered January 14, 2009

Prefiled January 13, 2009

*Requesting the Department of Game and Inland Fisheries and the Marine Resources Commission to clarify the public's right to float, fish, and navigate the waters of the Commonwealth. Report.*

Patron—Saxman

Referred to Committee on Agriculture, Chesapeake and Natural Resources

WHEREAS, in 2000 the voters in Virginia amended the Constitution of Virginia, declaring in Article XI, Section 4 the right of the people to "hunt, fish, and harvest game"; and

WHEREAS, Article XI, Section 1 states that "it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings"; and

WHEREAS, § 28.2-1200 of the Code of Virginia asserts that "the beds of the bays, rivers, creeks and shores of the seas" within the Commonwealth, not conveyed by special grant of the King of England or by the Commonwealth, remain the property of the Commonwealth and "may be used as a common by all the people of the Commonwealth for the purpose of fishing, fowling, hunting, and taking and catching oysters and other shellfish"; and

WHEREAS, § 62.1-11 of the Code of Virginia charges the Commonwealth with the responsibility to exercise its police powers to "establish measures to effectuate the proper and comprehensive utilization and protection of such waters"; and

WHEREAS, conflicts have arisen between landowners and those wanting to use the waters for public recreation; and

WHEREAS, such water-use conflicts raise serious legal issues as to the extent of the public's right of access to the waterways of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Game and Inland Fisheries and the Marine Resources Commission clarify the public's right to float, fish, and navigate the waters of the Commonwealth.

Technical and legal assistance shall be provided by the Office of the Attorney General. All agencies of the Commonwealth shall provide assistance to the Department of Game and Inland Fisheries and the Marine Resources Commission, upon request.

The Chairman of the Board of Game and Inland Fisheries and the Commissioner of the Marine Resources Commission shall jointly submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2010 Regular Session of the General Assembly. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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