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SENATE JOINT RESOLUTION NO. 322
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on February 6, 2009)

(Patron Prior to Substitute—Senator Puller)

Directing the Crime Commission to study waterfowl hunting in urban and suburban areas. Report.

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

WHEREAS, Article XI of the Constitution of Virginia declares that it is the policy of the Commonwealth to conserve and protect its natural resources; and

WHEREAS, Virginia law states that the waters "are a natural resource which should be regulated by the Commonwealth," thereby charging the state with responsibility to exercise its police powers to "establish measures to effectuate the proper and comprehensive utilization and protection of such waters"; and

WHEREAS, the Virginia Department of Game and Inland Fisheries is vested with the authority to regulate hunting activities and specifically the hunting of waterfowl in Virginia waters, and to conserve the Commonwealth's wildlife by, for example, administering the Wildlife Action Plan; and

WHEREAS, one of the Department's duties is to "(e)nforce or cause to be enforced all laws for the protection, propagation and preservation of game birds and game animals of the Commonwealth and all fish in the inland waters thereof"; and

WHEREAS, hunting is a management tool that when used wisely can control populations of species within a given habitat community and can provide for greater wildlife diversity; and

WHEREAS, in carrying out its responsibilities with respect to the hunting of waterfowl, the Department establishes waterfowl seasons, licenses waterfowl blinds, and regulates the location of waterfowl blinds; and

WHEREAS, as Virginia has become more urbanized, conflicts have arisen between local residents who live in close proximity to inland waters and engage in activities near inland waters and waterfowl hunters; and

WHEREAS, concerns have been voiced not only that such hunting activity interferes with other water-related recreational, interpretive, survey, and scientific opportunities, but also whether the risks to public safety and these activities are adversely affected when weapons are being discharged from blinds in or near populated areas and public lands; and

WHEREAS, in order to resolve the emerging conflicts between those engaged in waterfowl hunting, property owners, and those enjoying other opportunities whether on land or in the water, an attempt should be made to develop a balanced urban and suburban waterfowl hunting policy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Crime Commission be directed to study waterfowl hunting in urban and suburban areas. Specifically, the study shall be limited to urban and suburban areas in that portion of Prince William and Fairfax counties that is located north of Chopawamsic Creek, east of I-95 and south of the Woodrow Wilson Bridge.

In conducting its study, the Crime Commission shall review current waterfowl blind policies and in doing so shall:

1. Evaluate whether current rules and regulations governing waterfowl hunting in the specified urban and suburban areas include adequate criteria or guidelines for protecting public safety, including whether there are or should be standards for distances from homes, yards, parks, public lands, and human activities;

2. Evaluate the relationship of waterfowl hunting in the specified urban and suburban areas to recreational and commercial boat traffic, including fishing, canoeing, and kayaking;

3. Assess the impact waterfowl hunting in the specified urban and suburban areas has on endangered or threatened species of plants and animals; and

4. Evaluate whether there are sufficient resources to enforce the waterfowl hunting laws in the specified urban and suburban areas.

Technical assistance shall be provided by the Department of Game and Inland Fisheries. All agencies of the Commonwealth shall provide assistance to the Crime Commission for this study, upon request.

The Crime Commission shall complete its meetings by November 30, 2009, and the chairman shall 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 shall state whether the Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or

60 Senate document. The executive summary and the report shall be submitted as provided in the
61 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
62 and reports and shall be posted on the General Assembly's website.