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SENATE BILL NO. 987

Offered January 15, 2020

A BILL to amend and reenact §§ 29.1-340, 29.1-341.1, 29.1-344, 29.1-345, and 29.1-349 of the Code of Virginia, relating to hunting waterfowl; duck blinds.

Patron—Stuart

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-340, 29.1-341.1, 29.1-344, 29.1-345, and 29.1-349 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-340. Hunting waterfowl from unlicensed blinds and without season license.

It shall be unlawful to hunt migratory waterfowl on the public waters and shores east of Interstate Route 95 in the Commonwealth from unlicensed stationary or floating blinds. For the purposes of this article, the term "public waters" means public waters which that are navigable in fact. Any person hunting waterfowl shall also have a season license to hunt and, prior to applying to license a stationary blind in public waters, a state and federal duck stamp.

§ 29.1-341.1. Number of stationary blinds permitted; when erected.

Clubs or individuals Notwithstanding the provisions of § 29.1-340, clubs holding stationary waterfowl blind licenses in Virginia Beach may continue to renew no more than two stationary blinds in the public waters in any one season. Individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

Each Notwithstanding the provisions of § 29.1-340, each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting stationary blinds on their shoreline, and the prior right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located farther than halfway across the body of water from the riparian owner's shoreline, except on the shores and waters of Back Bay in the City of Virginia Beach where such blinds are limited to (i) the riparian owner's shoreline at the mean low water mark or (ii) blinds erected and licensed by the riparian owner in 2011. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates. When such a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee.

§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.

Unless Notwithstanding the provisions of § 29.1-340, unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been erected and marked within the time stated as specified in § 29.1-344, in any year, the owners of riparian rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose priority for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a blind. The blind shall not be located in a marked navigation channel on the site selected. In addition, the blind must be at least 500 yards from any other stationary blind, and the license for that season must be properly affixed to the structure. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates.

§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected stationary blind of another without the consent of the licensee, or within 150 yards of a residence without the consent of the landowner, except when in active pursuit of a visible visibly crippled waterfowl which that was legally shot by the person.

B. No person shall erect a stationary blind in the public waters within 500 yards of any other licensed blind without the consent of the licensee. Any person who violates this subsection shall be guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore, the trial court shall immediately revoke the blind owner's license for the stationary blind where the

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59 offense was committed. The blind owner may be eligible for a license in the following open season
60 upon the same conditions that would apply to a new applicant. When a license for a stationary blind has
61 been revoked, the blind shall be destroyed by the former licensee.