

HOUSE BILL NO. 288

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 22, 2024)

(Patron Prior to Substitute--Delegate Wiley)

A BILL to amend and reenact §§ 29.1-344 and 29.1-345 of the Code of Virginia, relating to stationary
blinds for waterfowl; providing location of blinds to Department of Wildlife Resources.

Be it enacted by the General Assembly of Virginia:

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

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

A. 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. The
Department shall coordinate with the Marine Resources Commission to determine if the proposed location
will encroach upon an existing oyster planting ground lease or an existing aquaculture permit location and
shall not issue such a license without the consent of the leaseholder or permittee. 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.

26 B. At the time of the license transaction pursuant to subsection A, the licensee shall provide the
27 unique location of each stationary waterfowl blind to the Department, identified as standardized latitude
28 and longitude coordinates, using the decimal degrees format with a minimum of five digit precision. The
29 Department shall publish such coordinates by November 1 of each year, excluding any customer personal
30 information, on its website in a searchable, publicly accessible, and conspicuous manner. The Department
31 shall coordinate with the Marine Resources Commission to determine if the proposed location will
32 encroach upon an existing oyster planting ground lease or an existing aquaculture permit location and
33 shall not issue such a license without the consent of the leaseholder or permittee.

34 **§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.**

35 A. Unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been
36 erected and marked within the time stated as specified in § 29.1-344, in any year, the owners of riparian
37 rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose
38 priority for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining
39 in the public waters shall belong to whoever first obtains a license and erects a stake or a blind. The blind
40 shall not be located in a marked navigation channel on the site selected. The Department shall coordinate
41 with the Marine Resources Commission to determine if the proposed location will encroach upon an
42 existing oyster planting ground lease or an existing aquaculture permit location and shall not issue such a
43 license without the consent of the leaseholder or permittee. In addition, the blind must be at least 500 yards
44 from any other stationary blind, and the license for that season must be properly affixed to the structure.
45 When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and
46 longitude coordinates.

47 B. At the time of the license transaction pursuant to subsection A, the licensee shall provide the
48 unique location of each stationary waterfowl blind to the Department, identified as standardized latitude
49 and longitude coordinates, using the decimal degrees format with a minimum of five digit precision. The
50 Department shall publish such coordinates by November 1 of each year, excluding any customer personal
51 information, on its website in a searchable, publicly accessible, and conspicuous manner. The Department
52 shall coordinate with the Marine Resources Commission to determine if the proposed location will

53 encroach upon an existing oyster planting ground lease or an existing aquaculture permit location and
54 shall not issue such a license without the consent of the leaseholder or permittee.

55 **2. That the provisions of this act shall become effective on January 1, 2025.**

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