

**STUDY ON
THE DANGEROUS CONFLICT BETWEEN
DUCK HUNTERS AND FISHERMEN
USING THE SAME PUBLIC WATERS
REPORTED TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA**

HOUSE DOCUMENT NO. 2

**COMMONWEALTH OF VIRGINIA
DIVISION OF PURCHASES OF SUPPLY
RICHMOND
1979**

TO: The Honorable John N. Dalton
Governor of Virginia

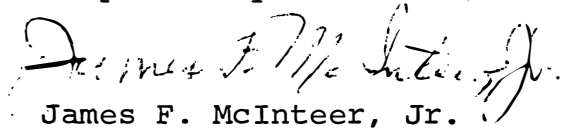
and

The General Assembly of Virginia

The report contained herein is pursuant to the House Joint Resolution No. 164 of the 1978 Session of the General Assembly of Virginia.

This report comprises the response by the Commission of Game and Inland Fisheries to the request that a study be made of the dangerous conflict between duck hunters and fishermen using the same public waters in Virginia.

Respectfully submitted,

A handwritten signature in cursive script, reading "James F. McInteer, Jr.", is written over the typed name.

James F. McInteer, Jr.
Acting Executive Director

HOUSE JOINT RESOLUTION NO. 164

Requesting the Commission of Game and Inland Fisheries to undertake a study of the dangerous conflict between duck hunters and fishermen using the same public waters.

Patrons--Grayson and Bagley, R.M.
Agreed to by the House of Delegates, March 8, 1978
Agreed to by the Senate, March 6, 1978

WHEREAS, approximately thirty thousand Virginia sportsmen enjoy duck hunting each year; and

WHEREAS, approximately four hundred thousand Virginians enjoy fresh water sport fishing each year; and

WHEREAS, fishing and duck hunting are both conducted on many of the same rivers, streams, lakes, and other bodies of water throughout the Commonwealth; and

WHEREAS, many bass and crappie fishermen practice their sport during duck hunting season with the possibility that the two types of sportsmen may disrupt each other's activity, even bringing about the risk of personal injury or death; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission of Game and Inland Fisheries is hereby requested to undertake a study of the often dangerous conflict occurring between hunters of migratory waterfowl and recreational fishermen while using the same public waters to practice their respective sports. The study shall include, but not be limited to, an examination of the possibility of prohibiting fishing within five hundred yards of licensed blinds occupied by hunters of migratory waterfowl so as to prevent potential injuries.

The Commission is hereby requested to report its findings along with any suggested recommendations, to the Governor and the General Assembly not later than November one, nineteen hundred seventy-eight.

I PROCEDURE

Only July 10, 1978 a questionnaire, requesting information on all known conflicts between fishermen and duck hunters, was mailed to 47 members of the Commission's Fish, Game and Law Enforcement Divisions stationed in that area of Virginia east of Interstate Route 95.

On August 3, 1978 approximately 1200 copies of the following news release were mailed to Virginia's newspapers, radio stations, television stations, outdoor writers and Game Commission personnel.

"The Commission of Game and Inland Fisheries has scheduled a Public Hearing to study conflict between hunters of migratory waterfowl and recreational fishermen while using the same public waters to practice their respective sports. The study was initiated as the result of a Joint Resolution passed by the 1978 General Assembly which requested the Commission of Game and Inland Fisheries to undertake the study. The Resolution instructs the Game Commission to consider possible legislation which would prohibit fishing within five hundred yards of licensed blinds occupied by hunters of migratory waterfowl so as to prevent potential injuries.

The Public Hearing will be held beginning at 7:30 P.M. on Friday, August 18, 1978 at the College of William and Mary in Williamsburg, Virginia, at the Campus Center.

Persons interested in submitting written comment on the subject should address their communications to Chester F. Phelps, Executive Director, Commission of Game and Inland Fisheries,

Box 11104, Richmond, Virginia 23230. The final record of the meeting will be held open for a period of ten days following the event. Individuals desiring to express their views in person can, if they wish, write and request a place on the agenda or make their wishes known at the meeting."

On August 18, 1978, a public hearing was held at the Campus Center, College of William and Mary, Williamsburg, Virginia. Those in attendance included the Honorable George Grayson, a total of 34 fishermen and duck hunters and the following Game Commission personnel:

James F. McInteer, Jr. - Assistant Director
Jack Hoffman - Chief, Fish Division
R. H. Cross, Jr. - Chief, Game Division
Major Lewis Brandt - Assistant Chief, Law Enforcement
Division
Fairfax Settle - Game Biologist

Minutes of the meeting were transcribed and are available for public inspection at the office of the Commission of Game and Inland Fisheries.

A total of eight letters were received from fishermen and duck hunters in response to the news release of August 3, 1978.

II Summary

Four of the 47 respondents to the questionnaire sent to Game Commission employees reported that they knew of instances of conflict between fishermen and duck hunters. On Northwest River in the City of Chesapeake (November, 1975) several duck hunters fired over the occupants of a canoe at low-flying birds. On two occasions (October and November, 1977) on Morris Creek in Charles City County, bass fishermen, traveling at high speeds, came dangerously close to occupied floating duck blinds. On Back Bay (October, 1977) there were two reports of bass and crappie fishermen fishing very close to occupied duck blinds.

Eleven of the 34 people attending the public hearing addressed the subject and their comments were recorded. Four of the speakers appeared as fishermen, four as duck hunters and three of the speakers stated that they both hunt and fish. Their suggestions, plus those received by mail, were as follows:

1. Prohibit fishing on public waters during the 50-day duck season.
2. Prohibit fishing within 500 yards of a licensed, occupied blind.
3. Prohibit harassment of waterfowl with high-powered boats which also cause bank erosion.
4. Encourage organized hunters and fishermen to get together, with the Commission of Game and Inland Fisheries if they desire, and agree on how the problem might be resolved without legislation.
5. Set the duck hunting season later in winter when few people are fishing.

6. Discontinue the scheduling of bass fishing tournaments during the duck season.

7. Prohibit bass fishing in December and January.

8. Provide restrictive fishing regulations for the Chickahominy River only.

9. Declare small creeks and guts, wholly contained in any one marsh, to be non-navigable and, therefore, subject to posting against trespass.

10. Require owners to mark their blinds in such a manner that a fisherman or boater can, at a reasonable distance, determine whether or not the blind is occupied.

IV CONCLUSION

Based on our survey of Game Commission personnel, the public hearing and response by mail, the conflict between bass fishermen and duck hunters is not a widespread problem but one which has occurred most often in areas where bass fishing tournaments are frequently held. In these areas, it appears that boats, traveling past occupied blinds, are disturbing duck hunters to a greater degree than are those people who are actually fishing.

The conflict involves primarily annoyance and mutual interference between users of public waters for different but legitimate purposes (hunting, fishing, and navigation), rather than physical danger to the persons whose activities are in conflict.

The majority of those contacted during our investigation were of the opinion that past problems have resulted from the actions of a few inconsiderate people. These represent a very small percent of the users of the public waters for both recreational and commercial purposes. Furthermore, it was the concensus of respondents that restrictive legislation will unduly penalize many people who have never been involved in the subject controversy.

The Commission of Game and Inland Fisheries should utilize the Agency's public information and education resources to endeavor to bring about better understanding and voluntary cooperation between fishermen and waterfowl hunters in the areas most susceptible to mutual interference and conflicts of interest.

