



His Vision

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Our Mission

February 6, 2024

Delegate Patrick A. Hope, Chair
House Courts of Justice Committee
General Assembly Building
201 North 9th Street,
Richmond, Virginia 23219

Dear Chair Hope,

The Theodore Roosevelt Conservation Partnership, a national conservation, hunting, and fishing advocacy organization dedicated to guaranteeing all Americans quality opportunities to hunt and fish, remains strongly opposed to HB 928 as substituted. The TRCP has nearly 5,000 members who are Virginia residents, as well as partner organizations including the Virginia Saltwater Sportfishing Association and American Sportfishing Association, headquartered in the Commonwealth.

The House subcommittee amendments and substitutions adopted do not alleviate our concerns that the provisions of HB 928 are both unreasonable and unjustifiable, as they afford special protections for commercial fishermen and commercial fishing vessels over all other anglers and boaters in the Commonwealth. The substituted bill text could still, in effect, eliminate access to fishing opportunities for recreational anglers and boaters who should be afforded the same access and protections as commercial fishing operators.

The current wildlife and fishing regulations within the Code of Virginia apply equally to all citizens, regardless of license, gear, or vessel type. Section 29.1-554.1¹ of the Code of Virginia states that any person who impedes any fishing of any species of fish is guilty of a Class 3 misdemeanor. This means that everyone on the water is subject to the same rules of conduct and the same rights to safety and property. HB 928, which would subject anyone interfering with commercial fishing activity to a Class 1 misdemeanor, would discriminate against recreational anglers and boaters by giving commercial fishermen extra protections under the law while on the water, and would subject anglers and boaters to more severe criminal punishments (including jail time) than if a commercial fisherman were to interfere with a recreational angler, for example.

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¹ Code of Virginia 29.1-554.1: <https://law.lis.virginia.gov/vacode/title29.1/chapter5/section29.1-554.1/#:~:text=Impeding%20lawful%20fishing%20in%20inland%20waters%3B%20penalty.,of%20any%20species%20of%20fish.>

Section 29.1-338² of the Code of Virginia subjects all citizens to the same licensing penalties for committing any related offenses. Under HB 928, the penalties placed on the public's ability to apply for and keep a hunting, trapping, and/or fishing license would be much more severe if they were to be found guilty of interfering with commercial fishing activities, than if a commercial fisherman were to be found guilty of the same offenses. Once again, HB 928 would discriminate against all Virginians except commercial fishermen by eliminating their ability to fish, hunt, and/or trap for charges that commercial fishermen would not be subject to.

There are multiple boating safety laws already written into law in Virginia that complement the current laws described above. Section 29.1-735³ of the Code of Virginia allows the Marine Resources Commission to adopt reasonable vessel operation rules to reduce the risk of collision, personal injury, and property damage. Section 29.1-738.01⁴ of the Code of Virginia states that improper boating is subject to a Class 3 misdemeanor, while Section 29.1-738.03⁵ states that reckless operation of a motorboat or vessel is subject to a Class 1 misdemeanor. There is no legal justification for separate protections for commercial fishing vessel operators and not others on the water in any other type of vessel or motorboat. Boating safety laws and wildlife and fishing laws must be applied equally under the law, regardless of the activity the public is engaged in.

As representatives for the recreational angling and boating community in Virginia, and along the Atlantic coast, we urge you to oppose HB 928 and maintain the current legal statutes that afford equal protections to safety and property for all Virginians. Thank you for your consideration.

Sincerely,

Jaclyn Higgins

Forage Fish Program Manager

Theodore Roosevelt Conservation Partnership

² Virginia Code 29.1-338: <https://law.lis.virginia.gov/vacode/title29.1/chapter3/section29.1-338/>

³ Code of Virginia 29.1-735: <https://law.lis.virginia.gov/vacode/title29.1/chapter7/section29.1-735/>

⁴ Code of Virginia 29.1-738.01: <https://law.lis.virginia.gov/vacode/title29.1/chapter7/section29.1-738.01/>

⁵ Code of Virginia 29.1-738.03: <https://law.lis.virginia.gov/vacode/title29.1/chapter7/section29.1-738.03/>