



**Waterfowl Blind Complaints**  
**Ver. 2021.09**  
**SOP 218**

**This SOP is intended as a guide for handling waterfowl blind complaints. DWR does not have the authority to revoke any person's license nor prohibit them from hunting their blind without due process, which would be through the court system.**

**Legal references: 29.1-340; 29.1-344; 29.1-351.1; 2015 Va Acts ch. 255; 2020 Va. Acts chs. 307 and 308; 4VAC15 Chapter 260.**

**A) Definitions**

*Stationary Blind* - A structure erected at a fixed location either on the shores of the public waters or in the public waters for the purpose of hunting and shooting waterfowl. A stationary blind shall be (1) of such size and strength that it can be occupied by and conceal one or more hunters, or (2) large enough to accommodate and conceal a boat or skiff from which one or more hunters intend to hunt or shoot waterfowl.

*Off Shore Stake Blind* - A specific location in the public waters where a stake is licensed for the purpose of hunting and shooting waterfowl from a licensed floating blind. Valid only in the counties of Caroline, King George, Essex, Westmoreland and Richmond.

*Abandoned Blind* - Once the blind license in the public water expires the blind is now considered abandoned and subject to claim by a non-riparian stationary blind licensee.

*Intend to hunt or shoot waterfowl* - The officer may use all resources such as license history, personal observations and direct questioning to determine whether the licensee intends to hunt the blind.

*Number of Stationary non-riparian blinds or offshore stake blind site* - Each licensee may obtain no more than two non-riparian stationary waterfowl blind licenses and four offshore stake blind licenses.

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*Conceal* -To hide from common observation. If the blind is up against the shore, the water facing portion of the blind shall hide the hunter(s) or boat from common observation. A blind in the open water should hide hunter(s) or a boat on 3 to 4 sides.

*Size and Strength* - A blind shall be of such size and strength that it will accommodate at least one hunter or be of such size as to conceal a boat used in hunting waterfowl. Based on training and experience, the officer shall take into consideration the logistics of concealing and swinging a firearm on moving waterfowl, as well as what a reasonable and prudent waterfowl hunter would construct to hunt waterfowl.

*Rights of riparian landowner* - Exclusive privileges of licensing blinds on his/her shoreline and prior rights of licensing and erecting blinds in the public waters in front of such shoreline. Owners of riparian rights are not required to obtain a stationary blind license when hunting waterfowl from such a blind located on the riparian owner's property. However, a stationary blind license shall be required in order to afford the riparian owner the protections provided by the Code of Virginia.

*Non-riparian rights* - A non-riparian owner may license a location in public waters in front of un-staked/unlicensed riparian lands providing no other location within 500 yards has been licensed.

*Riparian area* - This includes the riparian owner's shoreline and the public waters in front of that shoreline. Riparian 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.

*Hunting grounds* - Applies to floating blinds in the counties of Fairfax, Prince William and Stafford and shall mean any public waters used or suitable to hunt waterfowl.

*Legally licensed blind or offshore stake site* - Shall mean that the blind or stake site has been licensed by DWR.

**B) Non-compliant waterfowl blinds:** those whose licensing and location are governed by the Code of Virginia and include the following:

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a) Riparian:

- 1) A new blind that was not licensed the previous year, that is not built or staked with the new license affixed, by June 30; or if staked by June 30, but not replaced by a blind by November 1.
- 2) A blind licensed the previous year, but not licensed in the current year by August 15; or not built or staked with the new license affixed, by August 31; or if staked by August 31, not replaced by a blind by November 1.

b) Non-riparian in public waters:

- 1) A blind licensed the previous year, but not licensed in the current year by August 15; or not built or staked by August 31; or if staked by August 31, not replaced by a blind by November 1.
- 2) A **new** blind that is not built by November 1 with the license affixed.

c) A non-riparian licensed blind within 500 yards of a previously licensed blind without consent of the other blind's owner.

d) A blind located at a latitude/longitude in conflict with the latitude/longitude provided on that blind license (within a reasonable margin of error with GPS coordinates) or does not match the written described area.

e) A blind located in a City/County in conflict with the City/County provided on the blind license.

f) A non-riparian blind staked or erected on the lands of another without permission.

g) An offshore blind stake site or floating blind located within 150 yards of a residence without consent of the residence owner.

h) A riparian blind that is outside of the legal riparian area or in water deeper than 8 feet at mean high tide, nor more than halfway across the body of water from said riparian shoreline.

i) A non-riparian blind located in a marked navigation channel.

j) A blind that is licensed in a prohibited area as described by law or regulation.

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- k) Application for a stationary blind license in the public waters without a license to hunt or state and federal stamps.
- l) A blind or off-shore blind stake left unlawfully in the public waters.
- m) A floating blind not removed from the hunting grounds after sunset.
- n) Any non-riparian blind or offshore stake blind site licensed after the licensee met their allowed allotment by law.
- o) Placing a stationary blind greater than 300 yards from shore in the counties of Fairfax, Prince William or Stafford.
- p) Offshore stake site hunting further than 25 yards from site.
- q) Failing to replace a stationary blind or offshore blind stake within 30 days if destroyed.
- r) Virginia Beach damaged stationary blinds (29.1-345.2) failing to place reflective marker.
- s) Licensing, erecting a blind or hunting in a prohibited area.

**C) Investigations and Documentation**

- a) Questions or issues with waterfowl blinds received by headquarters staff and DWR Customer Service will normally be forwarded to the communications center for the creation of a call for service for the appropriate city/county and district. Officers will handle these calls as they would others. If a non-compliant blind is identified, officers will investigate and inspect as needed.
- b) Officers will inspect waterfowl blinds in their districts according to a schedule driven by the various licensing, staking, and construction deadlines, or as needed and as directed by supervision.

**D) Complaint of Stationary Waterfowl Blind within 500 yards of Another Stationary Waterfowl Blind:**

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- a) Where a party complains that a stationary waterfowl blind has been placed within 500 yards of that party's blind, inform the complaining party that an action for civil trespass against the person who placed the offending blind may be brought under Section 29.1-349(B) of the Code of Virginia and that the Department does not have jurisdiction over the matter. An officer will not investigate or take enforcement action of any kind for such complaints/disputes.

**E) Complaint of hunting within 150 yards of a residence or 500 yards (400 yards in the counties of Fairfax, Prince William and Stafford) of a legally licensed blind, or offshore stake blind license as per 29.1-349(A); L1-2 (6); L1-3(2).**

- a) If feasible the officer should investigate the complaint.
- b) Take the coordinates of the offended residence or blind and the offending hunter(s). A laser range finder may be used if feasible.
- c) If the officer takes enforcement action it is their burden to prove beyond a reasonable doubt that the offending hunter(s) were within the prohibited distance and that the blind was legally licensed or the structure was a residence. Officers shall consider the limitations of equipment and training faced in accurately measuring distances. If criminal charges are placed, the officer will normally be expected to subpoena the complaining or offended party to testify in court.

**F) For all other blind violations listed in Section B**

- a) The officer should investigate and document their findings.
- b) When feasible the officer should consult supervision prior to placing a criminal charge(s) or issuing written warnings involving a blind violation.

**G) Reporting in RMS**

- a) Create a case report of type HVBLIND. Required information for the case includes the following items:

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- 1) Detailed case narrative.
- 2) Any written or email correspondence concerning the blind license between the officer and the licensee.
- 3) Latitude/longitude of the blind site and other pertinent coordinates and measurements.
- 4) Photographs taken at the blind site – entered as evidence.
- 5) Customer information including name, address, DWR customer ID #.
- 6) The code/regulation violation and if criminal charges or a warning were issued.

**H) Requests for blind license information from the general public**

- a) Upon receiving a request from a member of the general public for the customer information of a blind license, the officer shall consider it a request under the Freedom of Information Act (FOIA) and perform the following:
  - 1) Obtain the requestor's email address, mailing address, contact number, and information they are requesting.
  - 2) Promptly mail this information to [foia@dwr.virginia.gov](mailto:foia@dwr.virginia.gov). FOIA requests are time sensitive and will be submitted promptly without delay.
  - 3) Create a CFS to document the service requested

**I) Requests from licensees to document their compliance with the blind laws**

- a) When a licensee requests that DWR document their compliance with the blind laws the officer should.
  - 1) Tell the licensee that we do not provide that service, including maintaining a file of text messages, emails or pictures.