

**Legislative Regulation
Review Committee**

2011-026

Department of Energy and Environmental Protection

REGARDING HUNTING

STATE OF CONNECTICUT

REGULATION
OF

Department of Energy and Environmental Protection

Hunting

Proposed amendments to sections 26-66-1, 26-66-2, 26-86a-1, 26-86a-6, 26-86a-10, and 26-86a-12 of the Regulations of Connecticut State Agencies.

Section 1. Subsections (q) and (r) of Section 26-66-1 of the Regulations of Connecticut State Agencies are amended to read as follows:

(q) Rifles and handguns using centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is heavier than 20 grains and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed and pistols or revolvers using ammunition larger or heavier than .22 rim fire long rifle cartridge shall not be used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any private land during the private land [shotgun/rifle] shotgun rifle deer season as specified in section 26-86a-6(b)(7) [26-86a-6(d)] of the Regulations of Connecticut State Agencies. This provision relating to rifle, [and] shotgun and revolver ammunition shall not apply to persons holding valid landowner, private land shotgun rifle and/or [rifle] revolver deer permits. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies.

(r) No person shall hunt, pursue, wound or kill any wildlife from September 1 through the last day of February without wearing above the waist at least a total of four hundred square inches of fluorescent orange clothing visible from all sides. This provision does not apply to:

(1) archery deer hunting [during the open season for hunting deer with bow and arrow] from September 15 through the second Tuesday before Thanksgiving, and January 1 through January 31;

(2) archery deer hunting [during the private land muzzleloader or shotgun/rifle deer seasons] from the second Wednesday before Thanksgiving through December 31 while hunting from an elevated tree stand more than 10 feet from the ground [in zones designated by the commissioner];

(3) archery and firearms turkey hunting;

(4) waterfowl hunting from blinds or boats or from a stationary position;

(5) crow hunting from a blind or a stationary position;

(6) hunting raccoon and opossum from one-half hour after sunset to one-half hour before sunrise; or

(7) deer hunting by a landowner on his own property. [; or

(8) archery hunting on state lands designated by the commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide as open to bowhunting only while hunting from an elevated stand more than ten feet from the ground.]

Section 2. Subsections (a) and (b) of Section 26-66-2 of the Regulations of Connecticut State Agencies are amended as follows:

(a) Any rifle or handgun using centerfire ammunition may not be used to hunt on state-owned land. Any rifle or handgun that uses rim fire ammunition having a cartridge case longer than that of a .22 long rifle cartridge case and the projectile of which is heavier than 20 grains [, muzzleloading rifles larger than .36 caliber or using any projectile other than round ball, crossbows] and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-owned land, including state forests. Muzzleloading rifles larger than .36 caliber or using any projectile other than round ball shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-owned land, including state forests, except as provided for in section 26-86c of the Connecticut General Statutes. Crossbows shall not be possessed or used for the purposes of hunting except as defined in section 26-66-1(b) of the Regulations of Connecticut State Agencies. This provision shall not apply to rifles, shotguns, muzzleloaders, or revolvers possessed by persons transporting legally killed and properly tagged deer taken on private lands to check stations located on state-owned properties, approved [rifle] shooting range areas or deer hunting with shotgun or muzzleloader during the open season on such land. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified section 26-66-4(t) of the Regulations of Connecticut State Agencies.

(b) Rifles of any caliber and shotgun ammunition of any shot load larger or heavier than number two shot shall not be possessed and pistols or revolvers of any caliber shall not be used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-leased or permit-required hunting area during the period starting the third Saturday in October through the last day in February, except by landowners, lessees, their spouses, lineal descendants and regular employees on land owned or leased by them. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies. This provision shall not apply to combination rifle-shotgun firearms when the rifle portion thereof is, or has been made, inoperative, or to approved [rifle]shooting range areas on such land. This provision shall not apply to persons holding a valid permit to hunt deer on such land with revolver, shotgun, rifle or muzzleloader. Trappers actively engaged in legal trapping and raccoon hunters may use handguns using ammunition having a cartridge case not longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is not heavier than 20 grains.

Section 3. Subsections (a) and (b) of Section 26-86a-1 of the Regulations of Connecticut State Agencies is amended as follows:

(a) Any person taking a deer during the [archery, muzzleloader and/or free landowner] seasons as established [in] pursuant to section 26-86a of the Connecticut General Statutes shall report within 24 hours by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection. All persons issued a deer permit that are contacted by the Department for the purposes of surveying deer hunting activity shall complete a hunting season activity report by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection.

(b) Any person, taking a deer with a shotgun, rifle, revolver, or bow and arrow on days specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection shall register such deer and have a metal possession seal affixed to the carcass at an official Department of Energy and Environmental Protection deer check station. Such deer shall be registered on the same date taken. This provision shall not apply to owners and [lineal descendants hunting on their own property] other persons hunting with a free landowner deer season permit.

Section 4. Section 26-86a-6 of the Regulations of Connecticut State Agencies is amended as follows:

(a) The hours for hunting deer authorized under the regulated sport hunting season permits shall be 1/2 hour before sunrise to sunset--prevailing time standard. The hours for hunting deer authorized under deer damage permits issued per Sec. 26-82 shall be from 1/2 hour before sunrise to 1/2 hour after sunset--prevailing time standard.

(b) The open [season for hunting deer with bow and arrow on state land] seasons shall be [two distinct hunting periods]:

(1) [the first period starting on]for archery deer hunting on state lands open to archery deer hunting and firearms deer hunting, from September 15 [and continuing] through the second Tuesday before Thanksgiving Day and [the second period starting on] from the fourth Wednesday after Thanksgiving Day [and continuing] through [the last day of] December 31; [. On]

(2) for archery deer hunting on state lands open to archery deer hunting and closed to firearms deer hunting, and on private lands [and on those state lands designated by the commissioner and listed in his applicable annual Connecticut hunting and trapping guide as open to bow hunting only], [the deer bow hunting season shall run] from September 15 through [the last day of] December 31; [. On those]

(3) for archery deer hunting on private lands in deer management zones designated by the commissioner and listed in the applicable annual Connecticut hunting and trapping guide, [the open season for hunting deer with a bow and arrow shall start on] from September 15 [and continue] through [the last day of] January 31; [. A hunter who hunts with a bow and arrow during the firearms deer seasons shall comply with the fluorescent orange clothing requirements under Section 26-66-1(r), tagging requirements under Section 26-86a-2(c) and check station requirements under Section 26-86a-1(b).

(c) The open season for hunting deer with muzzleloader on state land shall start the second Wednesday after Thanksgiving day and end after fourteen consecutive days.

(d) The open season for hunting deer with shotgun or rifle on private land shall start on the second Wednesday before Thanksgiving day and end after twenty-one consecutive days. The two Saturdays prior to the second Wednesday before Thanksgiving shall be designated as junior deer hunting training days. On these days, only hunters having a valid Connecticut junior firearms hunting license and a private land shotgun/rifle deer season permit may hunt on private lands for which they have written permission from the landowner. The accompanying adult mentor shall have a valid Connecticut hunting license, a valid deer permit and written landowner permission for the same property. The adult mentor shall not carry a firearm.

(e) The open season for hunting deer with shotgun on state land shall be two separate seasons, one starting the second Wednesday before Thanksgiving day and ending after ten consecutive days, the other starting two days after Thanksgiving and ending after eleven consecutive days. The two Saturdays prior to the second Wednesday before Thanksgiving day shall be designated as junior deer hunting training days. On these days, only hunters having a valid Connecticut junior hunting license may hunt on state lands for which they have a valid state land shotgun deer permit. The accompanying adult mentor shall have a valid Connecticut hunting license and a valid deer permit. The adult mentor shall not carry a firearm.

(f) The open season for hunting deer with muzzleloader on private land shall start the second Wednesday after Thanksgiving day and end on December 31st.

(g) In those areas of the state as designated by the Commissioner, there shall be a special season for the taking of antlerless deer only with a muzzleloader, rifle or shotgun on private land only. This season shall start on the fourth Wednesday before Thanksgiving and end on the second Tuesday before Thanksgiving day.]

(4) for muzzleloader deer hunting on state lands, from the second Wednesday after Thanksgiving Day through the fourth Tuesday after Thanksgiving Day;

(5) for muzzleloader deer hunting on private land, from the second Wednesday after Thanksgiving Day through December 31;

(6) for shotgun deer hunting on state lands there shall be two seasons:

(A) season A from the second Wednesday before Thanksgiving Day through the first Friday after Thanksgiving Day;

(B) season B from the first Saturday after Thanksgiving Day through the second Tuesday after Thanksgiving Day;

(7) for shotgun or rifle deer hunting on private land, from the second Wednesday before Thanksgiving Day through the second Tuesday after Thanksgiving Day;

(8) for revolver, as defined in section 29-27 of the Connecticut General Statutes, with a cartridge of .357 caliber or larger and subject to the revolver carry permit provisions of subsection (b) of section 29-28 of the Connecticut General Statutes, deer hunting on 10 or more acres of private land, the seasons shall be:

(A) by persons authorized to hunt deer pursuant to a free private land deer permit, as provided for in section 26-86a of the Connecticut General Statutes, and a revolver deer permit, from November 1 through December 31;

(B) by other residents of the state authorized to hunt deer pursuant to a private land shotgun rifle deer permit and a revolver deer permit, from the second Wednesday before Thanksgiving Day through the second Tuesday after Thanksgiving Day.

(c) Special seasons shall be:

(1) for rifle, shotgun or muzzleloader on private land in areas of the state designated by the Commissioner for antlerless deer only, from the fourth Wednesday before Thanksgiving through the second Tuesday before Thanksgiving Day;

(2) for shotgun deer hunting on state land by persons authorized to hunt deer pursuant to a Connecticut junior firearms hunting license and a state land shotgun deer permit, and accompanied by an adult simultaneously authorized to hunt deer pursuant to a Connecticut hunting license and a deer permit, the third and second Saturdays before Thanksgiving Day. The adult mentor shall not carry a firearm.

(3) for shotgun or rifle deer hunting on private lands by persons authorized to hunt deer on the subject property pursuant to a Connecticut junior firearms hunting license, a private land shotgun rifle deer permit and written permission of the landowner, the junior firearms permit holder shall be accompanied by an adult who is authorized to hunt deer on the subject property simultaneously authorized to hunt deer on the subject property pursuant to a Connecticut hunting license, private land shotgun rifle deer permit and written permission of the landowner, the third and second Saturdays before Thanksgiving Day. The adult mentor shall not carry a firearm.

Section 5. Section 26-86a-10 of the Regulations of Connecticut State Agencies is amended as follows:

(a) In such areas of the state as designated by the Commissioner and listed in the applicable annual Connecticut Hunting and Trapping Guide, during the private land [muzzleloader season] firearms deer hunting seasons specified in [Section 26-86a-6(f)] Sections 26-86a-6(b)(5) and 26-86a-6(7) of the Regulations of Connecticut State Agencies [and during the private land shotgun/rifle season as specified in Section 26-86a-6(d) of the Regulations of Connecticut State

Agencies], a person possessing a valid archery permit may use a bow and arrow to hunt deer on private land provided [:

(1) Any] any deer killed with a bow and arrow during the said muzzleloader and shotgun/rifle seasons shall be identified with a tag pursuant to section 26-86a-2(c) of the Regulations of Connecticut State Agencies. In addition, any deer killed with a bow and arrow on days specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection shall be registered at an official deer check station pursuant to section 26-86a-1(b) of the Regulations of Connecticut State Agencies.

[(2) Any person hunting with a bow and arrow during the said muzzleloader and shotgun/rifle seasons shall wear above the waist a minimum of 400 square inches of fluorescent orange clothing visible from all sides at all times except as provided in section 26-66-1(r) of the Regulations of Connecticut State Agencies.]

Section 6. Section 26-86a-12 of the Regulations of Connecticut State Agencies is amended as follows:

(a) No person shall use a deer decoy to take or attempt to take any deer during the [shotgun, rifle or muzzleloader] firearms deer hunting seasons as defined in subsections (4), (5), (6), (7) or (8) [(c), (d), (e) and (f)] of section 26-86a-6**(b)**.

(b) No person shall transport a deer decoy during the bow and arrow deer season, as defined in [subsection (b)] subsections (1), (2) and (3) of section 26-86a-6**(b)**, unless decoy displays at least 400 square inches of fluorescent material visible from all sides.

STATEMENT OF PURPOSE: To amend and adopt regulations which govern the hunting of deer to effect technical changes to clarify interpretations of the regulations, and to incorporate the use of a revolver consistent with Public Act 10-99 and Department of Energy and Environmental Protection's (DEEP) authority under sections 26-66 and 26-86a of the Connecticut General Statutes. Specifically, the proposed changes clarify the periods during which archers shall wear fluorescent orange, clarify the start and end date of various seasons, and incorporate the use of a revolver during certain deer hunting seasons on private lands 10 acres or larger; clarify who and when someone may hunt deer using a revolver; establish tagging and reporting requirements for deer taken with a revolver; and expand limitations on the use of deer decoys to include the periods during which revolvers may be used. These regulations are necessary to minimize the risk of hunting related shooting incidents during deer hunting seasons. By defining the periods during which such private land deer permittees and residents may use a revolver to hunt deer, these regulations reduce the risk that a resident hunting deer with a revolver on the private land of another person will mistakenly shoot a camouflaged bow and arrow hunter.

CERTIFICATION

Page 1 of 1 pages

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section ___ of the General Statutes.

Section 26-66 and 26-86a of the General Statutes, as amended by Public Act No. 10-99 of the Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on May 17, 2011 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on the 22 day of June 2011

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____.

TITLE, DULY AUTHORIZED	DATE	SIGNED(Head of Board, Agency or Commission)	OFFICIAL
In Witness Whereof:	8/9/11	Robert E. Kelly Jr. Director, Planning & Program Development	
Commissioner/DEEP			

Approved by the Attorney General as to legal sufficiency	SIGNED	OFFICIAL
TITLE, DULY AUTHORIZED		8/25/11
in accordance with Sec. 4-169, as amended, C.G.S.:	Joseph Rubin	
	ASSOC. ATTY. GENERAL	

- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED(Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172. as amended, of the General Statutes.

DATE	SIGNED(Secretary of the State)	BY

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.