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March 11, 2014

To the Leadership of the Environment Committee

**Re: HB-5080 AN ACT CONCERNING DEER MANAGEMENT
PROGRAMS ON PRIVATE PROPERTY AND AUTHORIZING BOW
AND ARROW HUNTING ON PRIVATE PROPERTY ON SUNDAY**

I am writing in reference to the above pending legislation and related aspects of that issue that should be of particular concern to the Committee, specifically the clear unconstitutionality of the current restriction on Sunday Hunting.

There are multiple Connecticut Supreme Court cases striking down Sunday blue laws in various contexts. *Fair Cadillac-Oldsmobile Isuzu Partnership v. Bailey*, 229 Conn. 312, 640 A.2d 101, (1994) and *Caldor's Inc. v. Bedding Barn, Inc.*, 177 Conn. 304, 306, 417 A.2d 343 (1979). The state has officially declared we are overpopulated with deer in Fairfield County and elsewhere, a fact that is not reasonably debatable per the DEEP's official publications. Despite that you can't hunt a deer on your own property on a Sunday during hunting season. I own over 7 and ½ acres in North Stamford in a place that is overrun with deer. Additionally the Connecticut Constitution provides even greater protections than the federal; see *Leydon v. Greenwich* 257 Conn. 318, 347, 777 A.2d 552 (2001). This is clearly unconstitutional and simply makes no sense. I am part of some hunting groups and will be bringing a constitutional challenge to the law if this bill is not passed this session. Obviously it is not in the State's interest, particularly in these budget times, to expose itself to such a lawsuit as well as the lost revenue from allowing the additional hunting on weekends, which would attract out of state hunters.

From a policy perspective there are various indisputable facts which compel support for this legislation: 1. Deer and other wildlife species are increasing, while the numbers of hunters is decreasing. 2. Deer/Car collisions, Lyme disease occurrence, and property damage are increasing. 3. Hunting is the ONLY population management technique available for Deer. 4. DEEP Wildlife Management has resulted in population balance on most State lands; Deer overpopulation problems are on privately owned lands.

5. Increases Harvest: About 20-22% of Deer are taken by bow; 6-8% by muzzleloader; the remainder by rifle/shotgun 70-75%. DEEP is tasked to properly manage wildlife populations by statute. This restrictive bill provides a minimal addition to the management scheme for controlling Deer populations, but may be adequate. The deer harvest on Saturdays during the firearms season is 76% greater than the average harvest on weekdays, the same probably applies to bowhunting. The addition of Sundays during the private land season would add approximately 15 hunting days within the current season framework, but is expected to increase harvest rates by 20 to 28%. Inclement weather on Saturdays, significantly reduces take and management. **DEEP Supports Sunday Hunting.** 6. Eliminates the last remaining CT Blue Law (43 States have Sunday Hunting, those that do not are of the original 13 colonies). 7. There has NEVER been a CT bowhunting fatality and no hunter to public accidents are recorded - data is readily available demonstrating no reasoned jeopardy.

Most important in the attempt to maintain the status quo is ignoring obvious ecological problems (Forest regeneration, non-game species), and public safety (Deer/Car Collisions (CT Economic Impact from Deer-Vehicle Collisions \$4,846,000 (Romin and Bissonette, 1996*)), public health (Lyme disease), property damage problems —clearly not in the public interest.

- Increases tourism and keeps CT hunters/revenue in the state rather than traveling to NY/RI which have Sunday hunting; Allows "working people" an additional day of recreation; Eliminates the last vestige of an antiquated and religiously discriminatory "blue law." Does NOT affect other recreationalists on State lands (PRIVATE LAND ONLY). If there is a downside to sportsmen, it may be a shortening of seasons as wildlife comes into balance with management goals, which may please hunting opponents.

I would therefore request that the Committee as a group use its influence to get this bill called for a vote and passed to avoid a serious, unnecessary and costly constitutional conflict. Any help on this would be greatly appreciated.

Sincerely,



Brenden P. Leydon