

**CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION
SUMMARY OF PUBLIC COMMENTS
EXPLANATORY STATEMENT FOR FINAL REGULATIONS**

Proposed Amendments to Sections 26-48a-1, 26-55-3, 26-57-2, 26-66-2, 26-66-3, 26-66-4, 26-66-14, and 26-86a-1; and repealing Section 26-57-1 of the Regulations of Connecticut State Agencies.

Proposed Amendments to Hunting and Trapping Regulations

Statement of Purpose: The proposed amendments are intended to: remove the “longrifle” limitation on the array of .22 caliber rimfire ammunition to be used for hunting on State-owned lands; allow junior pheasant hunting training days on both State and private land; make provisions for the hunting of chukar and Hungarian partridge consistent with the pheasant hunting season; allow the hunting season for grey squirrels to begin on September 1st and continue through February 28th eliminating the currently divided season; eliminate the prohibition on the taking of wild birds or mammals during the spring wild turkey season for those species for which there is no closed season, and for those species that have a spring hunting season; require the use of steel-shot when coot or rail hunting; clarify when a person needs to register a deer; reduce the daily and season bag limits for the taking of snapping turtles; update regulations regarding permits for the transportation and disposal of vehicle killed deer to be consistent with statutes; and eliminate the need for permits for the transportation and disposal of deer carcasses by highway departments.

The Department held a public hearing to receive comments on the proposed amendment on February 25, 2016. The hearing record was continued until March 10, 2016 at 4:30 pm for submission of written comments. Following is the wording of the proposed amendment as presented at the public hearing, a summary of comments received and the Department’s responses, and the recommended final wording for the amendment.

Organizations and Individual Persons in Support of the Amendments to the Regulations

Four organizations (Coalition of Connecticut Sportsmen, Connecticut Fur Harvesters Association, Nutmeg State Council of Sportsmen, American Hunting Dog Club) and three people support the proposed regulatory amendments with some commending the Department for expanding hunting opportunities. The American Hunting Dog Club and one person expressed concerns that prohibiting the use of lead shot while hunting snipe would increase the likelihood of a hunter unintentionally violating State law as those otherwise legally using lead shot while hunting American woodcock would not know that they had taken snipe with lead shot until the bird was harvested.

Organizations and Individual Persons in Opposition of the Amendments to the Regulations

One organization (Connecticut Votes for Animals) and sixteen people presented or submitted testimony in opposition to hunting in general and specifically the expansion of hunting. One

person commented that the changes would not increase tourism or viability of subsistence hunting in our State and increasing the available dates would increase risks for non-hunters.

Proposed Amendments at Time of Public Hearing of February 25, 2016

Section 1. Subsection (a) of Section 26-48a-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-48a-1. Pheasant season, bag limits, tags, use and reporting

(a) (1) The open season for taking pheasant shall be from the third Saturday in October through the last day in February.

(2) The second Saturday in October shall be designated as junior pheasant hunting training day. On this day, only hunters having a valid Connecticut junior firearms hunting license and pheasant harvest stamp may hunt [on private lands with permission of the landowner]. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license. The adult mentor shall not carry a firearm.

(3) The daily bag limit shall not exceed two pheasants and the season bag limit shall not exceed ten pheasants, except as provided in subsection (j) of this section.

Public Comments Received and the Department's Responses Thereto on Section 26-48a-1

Comment: One organization (Connecticut Fur Harvesters Association) and one person supported allowing junior hunters to hunt on State land during junior pheasant hunter training days whereas originally youth were only allowed to participate in such events on private land. They noted this change is a positive towards supporting the "No Child Left Inside" initiative.

Comment: One organization (Connecticut Votes for Animals) and three people opposed increasing opportunities for youth hunting.

Response: Existing state laws and agency regulations allow youth between the age of 12 and 16 years of age to hunt only when accompanied by a licensed adult hunter. Such rules recognize regulated hunting as a legitimate and lawful recreational activity. The objective of the junior hunting training days is to teach young hunters how to hunt safely and ethically. It is an extension of the training that youth, who have already consciously decided to become hunters, experienced during their Conservation Education/Firearms Safety training. Further, it teaches the benefits of responsible use of natural resources and the value of wildlife as a renewable, free-ranging source of human sustenance in an active outdoor recreational setting shared by a youth and a mentor.

Recommended wording: As proposed

Sec. 2. Section 26-55-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-55-3. Possession of Salamanders and Turtles

(a) No person shall possess in excess of three (3) Spotted Salamanders, (*Ambystoma maculatum*), at any time.

(b) No person shall possess in excess of three (3) Marbled Salamanders, (*Ambystoma opacum*), at any time.

(c) Repealed June 11, 2014.

(d) Repealed June 11, 2014.

(e) Repealed June 11, 2014.

(f) Repealed June 11, 2014.

(g) No person shall possess in excess of [thirty (30)] ten (10) adult Common Snapping Turtles, (*Chelydra serpentina*), at any time. This restriction shall not apply to turtles that can be documented as being bred in captivity and legally obtained.

(h) No person shall possess in excess of one (1) Spotted Turtle, (*Clemmys guttata*), at any time.

Public Comments Received and the Department's Responses Thereto on Section 26-55-3

Comment: Four organizations (Council on Environmental Quality, Jonah Center for Earth and Art, Mystic Aquarium, Bruce Museum) and thirteen people commended the Department for addressing snapping turtle conservation needs and adding protections for snapping turtles, but believe that commercial trapping and harvest of snapping turtles should be banned completely or reduced to a limit of one. Those opposed to commercial trade and harvest did not believe that any take from the wild was sustainable. They noted that the restrictions proposed by the Department are not based upon available data but were pleased that the species conservation issues were being addressed. They noted the actions of other states to prohibit commercial harvest of snapping turtles and the need for protection until more information becomes known about their population and status in Connecticut.

Two people submitted written testimony to applaud the Department for its well-intentioned efforts to stop the wholesale taking of snapping turtles, but expressed concern that the proposals were too broad to protect the species in Connecticut. Commenters further questioned whether the Department had population level studies to support the new rules and whether an estimate of the numbers of turtles that could be removed to sustain population viability was available. They noted that while the species is listed by the International Union for the Conservation of Nature (IUCN) as a species of least concern across its range, the listing does not take into consideration status in specific regions or watersheds. They further expressed the belief that the proposed season limits had the potential to decimate local populations, especially if the number of trappers is not regulated and noted concerns about methods used to dispatch turtles, lack of income reporting, and human health due to contaminated tissue used for human consumption. The commenters' preference was for a total ban on the taking of snapping turtles or a temporary ban until such time that population data is obtained, urging the Department to err on the side of caution.

Response: The Department agrees that unregulated harvest of snapping turtles is unsustainable. The Department has reviewed similar regulations from other states. Based on a review of the species life history, consultation with professionals in other jurisdictions and our best professional judgment, we believe a phased approach to protect this species from unsustainable

use is warranted.

Comment: One organization (Jonah Center for Earth and Art) and thirteen people submitted comments that snapping turtles are known to accumulate certain environmental contaminants such as PCB's and heavy metals and should not be used for human consumption.

Response: While some states have issued site-specific or watershed-based advisories, the Connecticut Department of Public Health has concluded the foundation for prohibiting take based on public health concerns is insufficient.

Comment: Two people commended the Department for addressing snapping turtle conservation needs and adding protections for snapping turtles, but believed the regulations would be improved by further restrictions due to the lack of sufficient population density data to justify an open season, especially for commercial purposes. The commenter noted that the particular facts of turtle biology suggest a likelihood of population decline with harvest limits as proposed. Low reproductive and survival rates in Northern populations, delayed maturity of 10-20 years before nesting and the particular danger posed by the removal of mature females were cited. A US Forest Service report citing that "the northern population of snapping turtles cannot sustain even minimal exploitation by humans" was noted. Consultation with other expert biologists and the Department of Public Health was urged to address the population threats of commercial take and public health risks associated with turtle meat consumption. The commenter also submitted a comprehensive overview of snapping turtle biology containing numerous references that was compiled by a turtle researcher from Maine in addition to several other references for consideration.

One organization (Bruce Museum) commented that snapping turtles in Connecticut are heavily affected by highway-related traffic mortality. The commenter believed that hundreds of large, reproductive females are killed yearly on our roads and highways as they make overland travel during annual nesting forays. The loss of one mature female from a populations represents the removal of an approximate reproductive output in excess of 30 eggs annually, over the course of a 40-80 year lifespan. It has been well documented by turtle biologists in every part of the world that the unnatural removal of mature females from any population can and will cause a population decline. These declines can take decades until they are noticed due to turtles' long lifespan. Recovery of populations can take additional decades, if it is even possible. When you factor in the unnecessary harvest of females for human consumption, the other threats work in negative synergy, which excessively and effectively decimate populations. In addition, much of this harvest does little for the economy in our State beyond the small price the trappers receive for their specimens. Much of the harvest of North American turtle species ends up in Asian markets. These markets fuel even more trade in turtles around the world for pets and human consumption. This trade is happening daily, is relentless in its greed, and has been continuing since the early 1990s, and shows no signs of halting.

Response: Common snapping turtles (*Chelydra serpentina*) are a long-lived species with delayed sexual maturity and high juvenile mortality rates. Connecticut has had 300 years of turtle harvesting for personal use with no documented population decline. Recent harvest increases to meet commercial demand may lead to population level declines therefore greater limits are

called for to constrain harvest.

Recommended wording: As proposed

Sec. 3. Section 26-57-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-57-2. Permits for the transportation and disposal of vehicle killed deer

(a) No person shall transport a deer, moose or black bear killed or seriously wounded as the result of a collision with a motor vehicle without a [deer] Wildlife transportation permit.

(b) For the purposes of subsection (a) of this section, a [deer] Wildlife transportation permit shall be defined as [that] the WKIR form (EPW-8) [Deer Kill Incident Report (DKIR) printed by the Commissioner, containing the following information (1) date; (2) location; (3) sex and weight of the deer; (4) disposition of carcass; (5) vehicle information; and (6) other remarks the officer may wish to note, which shall be completed and signed by the Connecticut State Police, local police or Department of Environmental Protection Conservation officer on site. The DKIR shall be designated as the permit by which a person may claim and transport a deer killed or wounded by a motor vehicle after inspection of such deer and issuance of a DKIR by any Connecticut State Police, local police or Department of Environmental Protection Conservation officer as authorized by section 26-86 of the Connecticut General Statutes. The white and canary copies of DKIR reports shall be routed to the Department of Environmental Protection by the officer within 30 days of issuance] as prescribed by the commissioner and issued by a municipal or state law enforcement officer or a WKIR confirmation number as the number generated by the Wildlife Kill Incident Report electronic reporting system.

Public Comments Received and the Department's Responses Thereto on Section 26-57-2

Comment: One person commented that this regulation change will make it harder to pick up and utilize a road killed deer than to go out and shoot a deer and take it home to utilize it. In their opinion the regulation requiring a permit from a warden or state trooper to utilize a road kill deer will insure that these deer are taken by those who break the law and the family and friends of public works employees is unfair. They went on to note that to just require anyone who picks up a road kill deer to have in possession the same deer tag a hunter uses, and have them call it in. One other person was concerned that extending this provision to include bear and moose needs to be regulated to prevent intentional taking of animals.

Response: Requiring the public to have an incident report to legally possess a road killed deer has been in place for over 40 years and is not proposed to be changed. What is being proposed is expanding reporting to include bear and moose, and simplifying the reporting process.

Recommended wording: As proposed

Sec. 4. Section 26-66-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-66-2. State-owned, State-leased, and Permit-required Hunting Areas; Weapons

(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,] larger than .22 caliber 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. 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 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 in 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 shooting range areas on such land. This provision shall not apply to persons holding a valid permit to hunt deer on such land with a 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.

(c) During the period from the last day in February to the third Saturday in October, rifles, pistols or revolvers without regard to caliber, and shotgun ammunition of any load may be used in the legal hunting or taking of wildlife, or for any other legal purpose, on state-leased and permit-required hunting areas only with written permission of the landowner or lessee of the land.

(d) Hunting or possession of any hunting weapon is prohibited in any park or forest recreation area except at predetermined times in such areas as are set aside by the commissioner or the commissioner's designee and posted for such purposes.

(e) Starting the third Saturday in October through the last day in February, hunting or shooting is prohibited on any permit-required hunting area without a written permit or other authorization from the Department of Energy and Environmental Protection or an authorized agent of the Department except on lands owned by the Department of Energy and Environmental Protection designated as a permit-required hunting area, a written permit or other authorization from the Department is required from the third Saturday in October through the first Saturday in December unless otherwise posted. All such written permits or other authorizations shall be returned to the Department, or its authorized agent, within forty-eight hours following expiration

of such permit or authorization. Records kept by any authorized agent in issuing such permits or authorizations shall be available for inspection by any state conservation officer or other Department official during normal business hours.

Public Comments Received and the Department's Responses Thereto on Section 26-66-2

Comments: Two organizations (Coalition of Connecticut Sportsmen, Nutmeg State Council of Sportsmen) and one person supported removing the "longrifle" limitation on the array of .22 caliber rimfire ammunition to be used for hunting on State-owned lands.

Recommended wording: As proposed

Sec. 5. Section 26-66-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-66-3. Open Hunting Seasons and Bag Limits for Upland Game Birds and Quadrupeds

The following seasons are subject to the closures provided in subsections (i) and (j) of this section:

(a) The open season for taking chukar partridge and Hungarian partridge shall be from the third Saturday in October through the [second Saturday in January] last day in February. The daily bag limit shall not exceed two chukar partridge or two Hungarian partridge, and the season bag limit shall not exceed ten chukar partridge or ten Hungarian partridge.

(b) The open season for taking European hare and cottontail rabbit shall be from the third Saturday in October through the last day of February. The daily bag limit shall not exceed one European hare and three cottontail rabbits, and the season bag limit shall not exceed ten European hare and twenty-five cottontail rabbits. The open season for taking ruffed grouse shall be from the third Saturday in October through the last day of November. The open season for taking gray squirrel shall be [a split season starting] from the first day in September [and running through the last day of September and starting the third Saturday in October and continuing] through the last day of February. The daily bag limit shall not exceed one ruffed grouse and eight gray squirrels and the season bag limit shall not exceed eight ruffed grouse and forty gray squirrels.

(c) The open season for taking snowshoe rabbit shall be from the third Saturday in November through January 31. The daily bag limit shall not exceed two and the season bag limit shall not exceed ten.

(d) The open season for taking raccoon and opossum shall be from the third Saturday in October through the third Saturday in January. During the shotgun season for hunting deer, raccoon and opossum hunting will not be permitted during the daylight hours from one-half hour before sunrise to one-half hour after sunset. The daily bag limit shall not exceed five for raccoon. There shall be no daily or seasonal bag limits on opossum.

(e) The open season for taking quail shall be from the third Saturday in October and continue for two consecutive weeks, except that the season shall continue through the [second Saturday in January] last day in February on the following state-controlled field trial or dog training areas: Dr. John E. Flaherty Field Trial Area, Mansfield Hollow Dam, Nod Brook Management Area

and Sugarbrook Field Trial Area. The daily bag limit shall not exceed two and the season bag limit shall not exceed ten.

(f) There shall be no open season on [Hungarian partridge,] northern and southern flying squirrel, mink, moose, muskrat, beaver, otter, Canada lynx, harbor seal, pine marten, Indiana bat, black bear, fisher, bobcat and mountain lion (felis concolor).

(g) There shall be no closed season except as provided in section 26-66-1 (c) and subsection (j) of this section and no daily or season bag limits on any of the following species: coyote, porcupine, red squirrel, weasel, or skunk.

(h) The open season for taking red fox and gray fox shall be from the third Saturday in October through the last day in February. The daily bag limit shall not exceed three and the season limit shall not exceed thirty, in combination.

(i) There shall be a closed season for all hunting and the training of dogs from the second Saturday in October through 7:00 a.m., e.d.t. on the third Saturday in October except for turkey and archery deer hunting; rail and gallinule hunting in tidal marsh; waterfowl hunting; coyote hunting; the hunting of foxes and rabbits under the provisions of section 26-39 of the Connecticut General Statutes as amended; hunting on licensed private shooting preserves operating under the provisions of section 26-48 of the Connecticut General Statutes as amended; junior pheasant hunting training day under the provisions of Section 26-48a-1(a) of the Regulations of Connecticut [state agencies] State Agencies; field trials held under the provisions of section 26-51 and section 26-52 of the Connecticut General Statutes as amended, the training of dogs under the provisions of Section 26-49 of the Connecticut General Statutes as amended; or the training of hunting dogs on any area approved by the Department for this purpose.

[(j)] [There shall be no open season for hunting any wild game birds or mammals other than turkeys during the open spring turkey season beginning the last Wednesday in April and ending the last Saturday in May.]

[(k)](j) The open season for taking woodchuck shall be from March 15 through November 15.

Public Comments Received and the Department's Responses Thereto on Section 26-66-3

Comments: Two organizations (Connecticut Fur Harvesters Association, Nutmeg State Council of Sportsmen) supported making provisions for the hunting of chukar and Hungarian partridge consistent with the pheasant hunting season; allowing the hunting season for grey squirrels to begin on September 1st and continue through February 28th eliminating the currently divided season; eliminating the prohibition on the taking of wild birds or mammals during the spring wild turkey season for those species for which there is no closed season, and for those species that have a spring hunting season.

Comment: Six people commented increasing the available dates would only put more hikers and non-hunters in danger of injury from hunting accidents.

Response: Hunting is one of the safest outdoor recreational activities. Nationwide statistics have consistently demonstrated that youth and mentored hunters are among the safest in the field. There has not been a single incident involving a youth hunter injuring a non-hunter in Connecticut.

Recommended wording: As proposed

Sec. 6. Section 26-66-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-66-4. Wild Fowl and Shore Birds

The open season daily bag limit and possession limit for migratory game birds and the method of taking such game birds shall be the same as the open season, daily bag limit, possession limit and methods of taking fixed for such birds by the regulations of the United States Fish and Wildlife Service made under the provisions of an act of Congress relating to migratory birds, and as provided under the provisions of section 26-91 of the Connecticut General Statutes, except as provided in section 26-66-1(c) of the Regulations of Connecticut State Agencies.

(a) No person, except the commissioner, may construct or place any permanent blind or structure for hunting of waterfowl on state-controlled lands or waters. Any such permanent blind or structure may be removed or destroyed by the commissioner at any time.

(b) All waterfowl hunting on state-controlled lands and waters of Great Island, Old Lyme and Ragged Rock Creek, Old Saybrook, shall be from waterfowl hunting blinds only, except that cripples may be recovered by shooting within the area open to hunting.

(c) Waterfowl hunting in the Niantic River in the towns of Waterford and East Lyme is subject to the following regulations:

(1) Hunting is prohibited from shore or in the intertidal area without the permission of the riparian property owner;

(2) Hunting is prohibited in the water areas northerly of an east and west line which touches the southern tip of Sandy Point and includes Keeny Cove;

(3) Hunting from boats is permitted only along the midline of the river;

(4) Hunting is prohibited in Smith Cove and the channel entering Smith Cove in East Lyme.

(d) Waterfowl hunting is prohibited in Alewife Cove and entrance channel, Waterford and New London, and in Jordan Cove, north from the mean high water line on the northern side of the sand spit and island.

(e) Except during the regular duck season scaup, scoter, eider and old squaw may be hunted only in coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge.

(f) There shall be no waterfowl hunting on or from the tidal waters of the inlet between Cuttings Road, Compo Beach Road and Owenoke Park, known as Gray's Creek, Westport.

(g) There shall be no waterfowl hunting in Cove Pond (Holly Pond) Stamford and Darien north of the dam.

(h) The open season for taking crows shall be from the second Saturday in January through the last Saturday in March and on Wednesday, Friday, and Saturday from the second Saturday in August through November 30.

(i) There shall be no waterfowl hunting in the tidal waters of Cove Harbor within 100 feet of the mean high tide mark of the Darien shore.

(j) Except when specifically authorized by the United States Fish and Wildlife Service for use during a special hunting season and as published in the migratory bird hunting guide, no person shall take migratory game birds with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

(k) Waterfowl hunting in the Thames River in the Town of Waterford is prohibited in Smith Cove northwest and above the railroad tracks, and from the shores and waters in the vicinity of Mamacoke Island in Mamacoke Cove westward of a line running from the easternmost point of land at Harrison's Landing due north to the point where it intersects the southernmost tip of Mamacoke Island, and from the shores and waters within the unnamed cove west of Mamacoke Island southward of a line running due east from the southernmost point of shoreline of the unnamed waterbody west of the railroad tracks, the shores and waters of which shall also be closed to waterfowl hunting, to a point intersecting the shoreline of Mamacoke Island.

(l) Waterfowl hunting shall be prohibited in the area of Mason's Island known as Ram Point Cove inland of a line extending from the high water mark on the southernmost tip of Ram Point to the southernmost tip of Mason's Island bordering the eastern side of Ram Point Cove.

(m) There shall be no waterfowl hunting in the Black Hall River in Old Lyme in the area bordered on the south by Route 156 and on the north by the first upstream railroad crossing.

(n) No person shall kill or wound any waterfowl without making a reasonable effort to retrieve the bird. Any bird which is killed or wounded and not retrieved shall count in the daily bag total.

(o) A waterfowl hunting party shall include no more than 6 individuals with a minimum distance of 100 yards between parties.

(p) There shall be no waterfowl hunting in Assekonk Swamp, North Stonington.

(q) For waterfowl, coot, snipe and rail hunting, only the following shot shall be used:

(1) Non-toxic steel shot no larger than BB steel, or

(2) Bismuth-tin alloy (97% bismuth and 3% tin), Tungsten Polymer, or tungsten iron shot or tungsten-matrix (95.9% tungsten: 4.1 % polymer), tungsten-nickel-iron (Hevishot) or any other nontoxic shot approved for use by the United States Fish and Wildlife Service no larger than number two. No person may possess lead shot while waterfowl hunting.

(r)

(1) There shall be no waterfowl hunting in any direction within a 500 foot radius of the mean high tide mark at Merwin Point in Milford.

(2) There shall be no waterfowl hunting within the area bounded by the shoreline and a line from the southernmost extension of the 500 foot radius at Merwin Point in Milford referenced in subdivision (1) of this subsection westward to the southeastern shoreline at Pond Point in Milford.

(s) Waterfowl hunting is prohibited in the area known as the Cedar Point peninsula, shoreward of a line extending from the southerly tip of the stone breakwall at the eastern end of Compo Beach to the tip of Cedar Point and to the westerly tip of Owenoke Point in Westport.

(t) There shall be no waterfowl hunting in or from the banks of the Mystic River between Route 1 and Route 27 in Mystic and Groton.

(u) There shall be no waterfowl hunting in or from the banks of Ash Creek north of a line drawn from the northern end of the steel railing on the fishing pier in Fairfield to the northern end of the stone seawall in Bridgeport at the mouth of the creek where it enters Long Island Sound.

(v) Waterfowl hunting is prohibited from the shore and water in the Giant's Neck area of East Lyme at the mouth of the Pataguanset River northward of a line running due west from the south end of the fixed pier located at the Giant's Neck Boat Association Launch to the south end of the breakwall located at the end of Point Road.

(w) Waterfowl hunting is prohibited from the shores and waters of Long Island Sound in Greenwich as follows:

- (1) In Greenwich Cove, north of a line extending from the easternmost point of land at Willowmere Point to the northernmost point of land on the peninsula immediately north of Meadow Place.
- (2) In Cos Cob Harbor, north of a line extending due east from the southeasternmost point of land at the power plant property off of Sound Shore Road to the shoreline adjacent to Glen Avon Road.
- (3) In Greenwich Harbor, Smith Cove and Indian Harbor, north of a line extending from the northernmost tip of the area known as Round Island on the west side of Greenwich Harbor to the southernmost tip of the peninsula at the end of Indian Field Road.
- (4) In Byram Harbor, north of a line extending northeastward from the end of Dock Road to the southeastern most tip of Gamecock Island across Byram Harbor to the southern most tip of the unnamed peninsula immediately west of Harbor Drive.
- (x) Waterfowl hunting is prohibited from the shores and waters of the Branford River in Branford from Route 1 south to Montowese Avenue.
- (y) Waterfowl hunting is prohibited from the shores and waters in Post Cove in Deep River southward of the dike that extends across the northern edge of the cove.
- (z) Waterfowl hunting is prohibited from the shores and waters in the area known as Long Shore Club Park in Westport shoreward of a line extending from the westerly tip of Owenoke Point to the southwest tip of Hendricks Point.
- (aa) Waterfowl hunting at Plum Bank Marsh Wildlife Management Area in Old Saybrook is prohibited north and east of a line extending from Southview Circle southeast to Gull Lane.
- (bb) Waterfowl hunting is prohibited from the shores and waters of the Quinnipiac River in New Haven south from a line extending from the southernmost tip of Granis Island at the mouth of Hemingway Creek, across the river to Lombard Street to the Route 1 Bridge.
- (cc) Waterfowl hunting is prohibited from the shores and waters of the Housatonic River in Milford and Stratford southward from the I-95 bridge to a line extending from Edgemont Road in Milford across the river to Riverview Place in Stratford.

Public Comments Received and the Department's Responses Thereto on Section 26-66-4

Comment: One organization (American Hunting Dog Club) and one person opposed the use steel shot when snipe hunting because snipe, though not considered waterfowl, may be found when hunting woodcock. Snipe, as are woodcock, have always been considered a migratory upland game bird. By associating snipe with waterfowl and the use of steel shot, upland bird hunters could find themselves in violation if they have lead shot in their possession.

Response: The Department agrees with the commenters, and will amend the proposed regulations deleting reference to using steel shot for snipe hunting.

Amendment Revised Based on Comments Received

Recommended Final Wording: Section 6. Subsection (q) of section 26-66-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-66-4. Wild Fowl and Shore Birds

(q) For waterfowl, coot and rail hunting, only the following shot shall be used:

- (1) Non-toxic steel shot no larger than BB steel, or
 - (2) Bismuth-tin alloy (97% bismuth and 3% tin), Tungsten Polymer, or tungsten iron shot or tungsten-matrix (95.9% tungsten: 4.1 % polymer), tungsten-nickel-iron (Hevishot) or any other nontoxic shot approved for use by the United States Fish and Wildlife Service no larger than number two. No person may possess lead shot while waterfowl hunting.
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Sec. 7. Section 26-66-14 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-66-14. Seasons, Bag Limits, and Methods for Taking Reptiles

- (a) There shall be no open season for taking Bog Turtles, (*Glyptemys muhlenbergii*), Wood Turtles, (*Glyptemys insculpta*), Diamondback Terrapins, (*Malaclemys terrapin*), Eastern Box Turtles, (*Terrapene c. carolina*), and Spotted Turtles, (*Clemmys guttata*) in any developmental stage.
- (b) The open season for taking Black Rat Snakes, *Elaphe o. obsoleta*, shall be from May 1 through August 31. During the open season, Black Rat Snakes shall only be taken by hand or hand-held implement. The daily and season bag limit shall not exceed one (1). However, there shall be no open season for taking eggs of this species.
- (c) Repealed
- (d) Seasons, bag limits, size restrictions, methods and gear limitations for taking common Snapping Turtles (*Chelydra serpentina*).
 - (1) The open season for taking snapping turtles shall be from July 15 through September 30.
 - (2) The daily bag limit shall be five (5) and the seasonal bag limit shall be [thirty (30)] ten (10).
 - (3) During the open season only snapping turtles having a straight line upper shell (carapace) length of 13 inches minimum shall be taken. There is no open season for taking snapping turtle eggs. Nests shall not be disturbed without prior authorization from the Department of Energy and Environmental Protection.
 - (4) Snapping Turtles may be taken by hand, dip net, turtle hook, floating or non-floating turtle trap, and personally attended hook and line only. The use of firearms, poison, explosives, seines, gill nets or fyke nets is prohibited.
 - (5) No person may set, place or attend more than three (3) total turtle traps at any given time. Traps used shall be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least one inch wide at the narrowest measurement. All traps shall have a functional escape hole provided with a minimum diameter in all directions of 7.5 inches to allow the passage of fish and small turtles. Trap size shall not exceed 4 feet x 4 feet x 4 feet, except that hoopstyle traps may be up to 84" in total length. Traps shall be tagged with a plate or tag visible above the water line bearing the Conservation Identification Number of the user. No person shall use a turtle trap without obtaining a snapping turtle trapping endorsement on such person's Conservation License. Such endorsement shall be issued without fee and shall be carried at all times while engaged in turtle trapping. Only the operator identified on the tag may tend the trap. All traps shall be lifted or tended and emptied of catch at least once in a 24 hour period. Any wildlife otherwise protected shall be immediately released at the point of capture.

(6) No person shall use a turtle trap on any body of water owned, leased or otherwise under control of the department without written authorization from the department.

(7) The restrictions in subdivisions (1), (2), (3) and (5) of this subsection shall not apply to private pond or lake owners or owners of aquaculture facilities trapping for the purposes of releasing turtles back into the wild at another location.

Public Comments Received and the Department's Responses Thereto on Section 26-66-14

Comment: Two organizations (Mystic Aquarium, Jonah Center for Earth and Art) and one person recommended reducing the daily limit to one snapping turtle per day.

Response: The proposed changes address the conservation concerns and provide for a modest level of recreational harvest for personal consumption which preserves the historic tradition of snapping turtle harvest in Connecticut. The proposed possession limit of 10 turtles represents a further significant decrease in the number of turtles allowed to be taken.

Comment: One organization (Jonah Center for Earth and Art) recommended banning trapping in certain areas, or limiting trapping to certain areas only. Cromwell Meadows should be one area where this trapping is completely illegal.

Response: There isn't sufficient evidence that any one area is more heavily trapped than another and effecting snapping turtle populations. Therefore restricting take of snapping turtles from certain areas and not others is unjustified.

Comment: One organization (Jonah Center for Earth and Art) recommended limiting trapping to the use of only one style or description of trap and tag, for which photographs can be provided so that citizens can monitor the activity.

Response: The Department believes the trap design and size requirements in this section provide ample information to be able to identify the purpose of the trap. Providing the public with photographs isn't necessary, because the Department's Environmental Conservation Police provide the enforcement for determining legal trapping.

Comment: One person commented that in the first year of regulation, DEEP issued 400 required turtle trapping "endorsements". In 2015, 450 turtle trapping endorsements were issued. No one knows how many turtles are taken. Because the species cannot sustain itself when adults are taken, the possible taking of 13,500 adult snappers must be curtailed. If the proposed reduced season and possession limits are adopted, from 30 down to 10, and the number of endorsements remains around 400 to 450, 4,000 adult snapping turtles would be too many to be taken from the wild. It would be devastating to Connecticut's snapping turtle populations. The institutionalized taking of snapping turtles should halt now.

Response: There are several reasons to believe the number of turtles taken is substantially lower than projected from a simple expansion of the number of persons holding a turtle endorsement and allowable take. Many of those who have obtained an endorsement based are nuisance wildlife control officers who acquired the endorsement so as to be able to address

occasional nuisance turtle events. Other people may apply for an endorsement to recreationally take turtles occasionally. As a State agency, the Department first considers protection of wild populations when making management decisions but also weighs the needs and wants of the public. The Department doesn't have any evidence that all endorsed trappers are maximizing the take of snapping turtles.

Recommended wording: As proposed

Sec. 8. Section 26-86a-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 26-86a-1. Check Stations and Reporting

- (a) Any person taking a deer during the seasons as established 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, muzzleloader or bow and arrow on days or Deer Management Zones 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 other persons hunting with a free landowner deer season permit.
- (c) No person shall register or allow to be registered in their name, any deer which they did not legally kill.
- (d) No person shall possess any deer affixed with a metal possession seal unless such deer has been registered at an official deer check station.
- (e) The metal possession seal shall remain attached to any deer so marked until it is cut up and packaged for consumption.
- (f) Any deer registered at an official deer check station shall be subject to the collection of biological data, including but not limited to the removal of teeth, lower jaw and organs.
- (g) No person shall submit any deer killed other than during a regulated sport hunting deer season to be recognized by the state for any official trophy program or officially verified by the state for use in any national official record book entries.
- (h) No person shall affix a metal possession seal to any deer not properly tagged in accordance with section 26-86a-2 (c) of the Regulations of Connecticut State Agencies.
- (i) No person other than an authorized operator of an official Department of Energy and Environmental Protection check station shall possess or affix a metal possession seal to any deer carcass. The authorized check station operator or their designated employee shall personally affix the metal possession seal on the deer carcass being registered.
- (j) The operator of any deer check station shall maintain accurate records of any information required by the department in registering legally taken deer and or in operating such check

station. Such records shall be made available for inspection by any State Conservation Officer or other Department official during normal business hours.

Public Comments Received and the Department's Responses Thereto on Section 26-86a-1

Comment: One organization (Coalition of Connecticut Sportsmen) commented that person hunting private land should be required to register deer taken, as do hunters on State land.

Response: The Department is able to gather enough information from deer killed on State land to make good management decisions maintaining a healthy population. Therefore any information from private land hunting is unnecessary.

Sec. 9. Section 26-57-1 of the Regulations of Connecticut State Agencies is repealed.

Public comments received, but not addressed in the hearing report.

Comment: One organization (Coalition of Connecticut Sportsmen) commented that there should be night hunting for coyotes as there are for raccoons.

Response: Night hunting was not addressed in the Department's Notice of Intent to amend regulations. As such, people likely to be affected by this issue were not apprised of the proposal. Consequently, this comment will not be addressed.

Comment: One organization (Nutmeg State Council of Sportsmen) recommended the following issues be changed:

- The addition to the "open hunting season" for quail to all areas, until the last day in February, (like Pheasant, Chukar and 'Hungarian Partridge), and not just the "specified areas" as is the current regulation.
- The removal of the .22 cal "long rifle" limitation in the "Trappers" section of the regulations.
- The addition of 'Hungarian Partridge' to the list of birds allowed in the Field Trial Regulations and Dog Training Regulations.

Response: The aforementioned issues were not addressed in the Department's Notice of Intent to amend regulations. As such, people likely to be affected by this issue were not apprised of the proposal. Consequently, this comment will not be addressed.

Hearing Officer's Recommendations

The hearing officer has reviewed all comments received at the February 25, 2016 public hearing and all written comments received as of 4:30 p.m. on March 10, 2016. The Department received a total of forty-four public comments regarding the proposed amendments. All issues of concern have been addressed in this document to my satisfaction. Based on review of the information

and the aforementioned responses, the hearing officer recommends that the Commissioner of Energy and Environmental Protection proceed with the proposed amendment to the regulations governing hunting and trapping.