



DIVISION OF FISHERIES & WILDLIFE

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PUBLIC HEARING NOTICE 321 CMR 3.02(2)

In accordance with the Massachusetts General Laws, Chapter 131, Sections 5 and 63, and Chapter 30A, Section 2, NOTICE is hereby given that the Division of Fisheries and Wildlife will hold a public hearing on Tuesday, April 19, 2022, at 10:00 a.m., on the 2022-2023 Migratory Game Bird Seasons via a Zoom video webinar with the Hearing Officer, MassWildlife staff, and Board members, with the public joining via computer or phone line.

Please note that the hearing, which will begin at 10:00 a.m., will be held in the same webinar as the April monthly business meeting (begins at 9:00 a.m.; [meeting notice](#)). Attendees can enter and exit the webinar at any time. Instructions for how to join are below.

Join from a PC, Mac, iPad, iPhone or Android device:

<https://us02web.zoom.us/j/85225507946?pwd=WXorYVpkNVI5V3psRzQ3WEt2OUZQUt09>

Passcode: e7NWFv

Or join by phone: 929-205-6099

Webinar ID: 852 2550 7946

Passcode: 411752

The proposed regulatory amendments relative to the 2022-2023 migratory game bird seasons are posted at <https://www.mass.gov/service-details/fisheries-and-wildlife-board-public-hearings-on-proposed-regulatory-amendments> so that interested persons can review them and provide written comments prior to the hearing and oral comments during the public-comment portion of the virtual hearing. Due to the migratory game bird season filing requirements of the U.S. Fish and Wildlife Service, the Fisheries and Wildlife Board must vote to approve the 2022-2023 migratory bird seasons at the close of the hearing. Therefore, please note: **There will be no written comment period after this public hearing.**

Mark S. Tisa, Ph.D., M.B.A.
Director

Please note

If you have a disability or medical condition and would like to request special accommodations or will require translation services, please contact Susan Sacco via email at your earliest convenience:

susan.sacco@mass.gov.

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321 CMR 3.02(2) Migratory Game Bird Regulations

(b) Open seasons. The dates of the open seasons for the various species herein mentioned, the daily bag limits, possession limits, and related matters are shown in Table 1.

TABLE 1. OPEN SEASONS, ALL DATES INCLUSIVE.

Species	Open Season	Daily Bag	Possession Limit
Sora Rail	Sep. 1 - Nov. <u>7</u>	5	15
Virginia Rail	Sep. 1 - Nov. <u>7</u> 6	10	30
Snipe	Sep. 1 - Dec. 16	8	24
Woodcock	Oct. 1 - Nov. 22	3	9
Ducks ^A Berkshire	Oct. 11 <u>10</u> - Nov. 27 <u>26</u> Dec. 6 <u>5</u> - Dec. 25 <u>24</u>	6* 6*	18* 18*
Ducks ^A Central	Oct. 11 <u>10</u> - Nov. 27 <u>26</u> Dec. 13 <u>12</u> - Jan <u>Dec. 31</u>	6* 6*	18* 18*
Ducks ^{A,C} Coastal	Oct. 16 <u>15</u> - Oct. 23 <u>22</u> Nov. 24 <u>23</u> - Jan. 22 <u>24</u>	6* 6*	18* 18*
American Coot	Same Dates as Ducks	15	45
Mergansers ^B	Same Dates as Ducks	5*	15*
Geese Berkshire (except blue & snow)	Oct. 10 <u>1</u> - Nov. 13 <u>12</u>	1	3
Geese Central (except blue & snow)	Oct. 11 <u>10</u> - Nov. 27 <u>26</u> Dec. 13 <u>12</u> - Jan <u>Dec. 31</u>	2 2	6 6
Geese Coastal (except blue & snow)	Oct. 16 <u>15</u> - Oct. 23 <u>22</u> Nov. 30 <u>24</u> - Jan. 29 <u>27</u>	2 2	6 6
Early Canada Goose ^{CB} (Statewide)	Sep. 1 - Sep. 23 <u>4</u>	15	45
Late Canada Goose (Central)	Jan. 15 <u>18</u> - Feb. 11 <u>15</u>	5	15
Late Canada Goose (North Coastal)	Jan. 31 <u>25</u> - Feb. 15	5	15
<u>Late Canada Goose (Berkshire)</u>	<u>Dec. 15 - Feb. 15</u>	<u>5</u>	<u>15</u>
Snow & Blue Goose (Berkshire)	Same Dates as Ducks	15	45
Snow & Blue Goose (Central)	Same Dates as Ducks	15	45
Snow & Blue Goose (Coastal)	Same Dates as Canada Goose	15	45
Late Snow & Blue Goose (Central)	Same as Late Canada Goose	15	45
Late Snow & Blue Goose (North Coastal)	Same as Late Canada Goose	15	45
Sea Ducks ^D (Scoter, Eider, Long-tailed duck)	Nov. 15 - Jan. 22	5**	15**
Brant (Coastal Only)	Nov. 24 <u>26</u> - Jan. 22 <u>20</u>	2	6
Falconry (Ducks and Coot only, no Geese)	Oct. 2 <u>1</u> - Feb. 32	3*	9*
Youth Waterfowl Hunt ^{EC} (Ducks, Coots, Mergansers and Geese Only)	Sept. 25 <u>24</u> & Oct. 98	6*	18*
Veterans and Active Military Personnel Waterfowl Hunt (Ducks, Coots, Mergansers and Geese only) ^{EC}	Sept. 25 <u>24</u> & Oct. 98	6*	18*

* Singly or in the aggregate

~~** In Sea duck zone (Count as regular ducks in all other zones): five singly or in the aggregate, but no more than four scoter, four eider (one female), four long-tailed duck (old squaw) in the daily bag, 15 in possession, but no more than 12 scoter, 12 eider (three females), 12 long-tailed ducks.~~

3.02: continued

A. The daily bag for ducks may contain no more than six ducks, ~~and no more than four of any species that are not~~unless additionally restricted as indicated below.

Species	Daily Bag	Possession Limit
American Black Duck	2	6
Hooded Merganser	2	6
Redhead	2	6
Canvasback	2	6
Mallard	2 (only 1 female)	6 (only 3 females)
Scaup	1	3
Scaup (coastal zone Dec. 31 - Jan. 22)	2	6
Fulvous Whistling Duck	1	3
Mottled Duck	1	3
Wood Duck	3	9
Northern Pintail	1	3
Scoter ^D	4 <u>3</u>	12 <u>9</u>
Long-tailed Duck ^D	4 <u>3</u>	12 <u>9</u>
Eider ^D	4 <u>3</u> (only 1 female)	12 <u>9</u> (only 3 females)
All other duck species	4 <u>6</u>	12 <u>18</u>

~~B. Daily bag of mergansers may not include more than two Hooded Mergansers; no more than six Hooded Mergansers in possession.~~

~~C.~~ For Early Canada Goose season only, hunting hours are ½ hour before sunrise to ½ hour after sunset.

~~D. Scoter, Eider, and Long-tailed duck shall be hunted only in coastal waters and rivers and streams seaward of the first upstream bridge during the open sea duck season. Any other sea ducks taken in the Central and Berkshire zones shall be counted toward the regular daily duck bag.~~

~~E.~~ On September ~~25~~24, ~~2021-2022~~ and October ~~9~~8, ~~2021-2022~~, there shall be a veterans and active military personnel waterfowl hunt in all counties of the state for Veterans (as defined in 38 USC, § 101) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters shall possess a Massachusetts Hunting or Sporting License, a Massachusetts Waterfowl Stamp, and Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). On September ~~25~~24, ~~2021-2022~~ and October ~~9~~8, ~~2021-2022~~, there shall be a youth waterfowl hunt in all counties of the state for minors 12 through 17 years of age only. During the veterans and active military personnel and youth waterfowl hunts, such participants may hunt ducks, geese, mergansers, and coot during the period from ½ hour before sunrise to sunset, with a bag limit of six, possession 18, singly or in the aggregate, subject to the species restrictions in 321 CMR 3.02(2): ~~Table 1A and 1B~~. During the youth waterfowl hunt all such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts Waterfowl Stamp. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt but may carry the minor's firearm when unloaded and cased. During this youth waterfowl hunt, minors 12 through 14 years of age shall not be required to possess a hunting or sporting license and a Massachusetts and Federal Migratory Bird Hunting and Conservation stamp. Minors 15 years of age shall possess a Massachusetts hunting or sporting license and a Massachusetts waterfowl stamp but need not possess a Federal Migratory Bird Hunting and Conservation stamp. Minors 16 and 17 years old shall possess a Massachusetts hunting or sporting license, a Massachusetts waterfowl stamp, and a Federal Migratory Bird Hunting and Conservation stamp. All minors shall otherwise conform to all provisions of M.G.L. c. 131 and 321 CMR 3.02(2) not excepted or specified in 321 CMR 3.02(2)(b): ~~Table 1~~CE.

(c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except that hunting hours for the Early Canada Goose seasons shall be from ½ hour before sunrise to ½ hour after sunset, and except as provided in 321 CMR 3.01(1)(n).

(d) Falconry. Notwithstanding the dates of the open seasons and the bag and possession limits as prescribed in 321 CMR 3.02(2)(b) and Table 1 thereof, ducks and coots may be hunted or taken with falcons by licensed falconers from October ~~21~~, ~~2021-2022~~ through February ~~32~~, ~~2022-2023~~. The bag limits for such falconry hunting shall be three birds daily or nine in possession, singly or in the aggregate, subject to the limitations prescribed in 321 CMR 3.02(2)(b), Table 1, footnotes A through ~~EC~~. Hunting with falconry on Sundays is prohibited.

3.02: continued

(e) Restrictions.

1. Migratory game birds shall not be hunted by the aid of salt, bait, grain of any kind, or other feed or means similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are hunting or attempting to hunt or take them.
2. Migratory game birds mentioned in 321 CMR 3.02(2) may be hunted only with bow and arrow or with a shotgun not larger than ten gauge, fired from the shoulder, or by falconry. Automatic loading or hand-operated repeating shotguns capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal, plastic or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined, shall not be used in the hunting of migratory game birds.
3. A person shall not hunt migratory game birds by means or aid of any motor-driven land, water or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of such birds either for himself or for others.
4. A person shall not hunt migratory game birds from, or by means of, a sinkbox (battery), live duck or live goose decoys or domesticated fowl or any kind.
5. A person shall not kill or cripple any migratory game bird pursuant to 321 CMR 3.02(2) without making a reasonable effort to retrieve the bird and include it in his daily bag.

321 CMR 3.02(2) Migratory Game Bird Regulations

(b) Open seasons. The dates of the open seasons for the various species herein mentioned, the daily bag limits, possession limits, and related matters are shown in Table 1.

TABLE 1. OPEN SEASONS, ALL DATES INCLUSIVE.

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Sora Rail	Sep. 1 - Nov. 7	5	15
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Snipe	Sep. 1 - Dec. 16	8	24
Woodcock	Oct. 1 - Nov. 22	3	9
Ducks ^A Berkshire	Oct. 10 - Nov. 26 Dec. 5 - Dec. 24	6* 6*	18* 18*
Ducks ^A Central	Oct. 10 - Nov. 26 Dec. 12 - Dec. 31	6* 6*	18* 18*
Ducks ^{A, C} Coastal	Oct. 15 - Oct. 22 Nov. 24- Jan. 24	6* 6*	18* 18*
American Coot	Same Dates as Ducks	15	45
Mergansers	Same Dates as Ducks	5*	15*
Geese Berkshire (except blue & snow)	Oct. 10 - Nov. 12	1	3
Geese Central (except blue & snow)	Oct. 10 - Nov. 26 Dec. 12 - Dec. 31	2 2	6 6
Geese Coastal (except blue & snow)	Oct. 15 - Oct. 22 Nov. 28- Jan. 27	2 2	6 6
Early Canada Goose ^B (Statewide)	Sep. 1 - Sep. 23	15	45
Late Canada Goose (Central)	Jan. 18- Feb. 15	5	15
Late Canada Goose (North Coastal)	Jan. 25- Feb. 15	5	15
Late Canada Goose (Berkshire)	Dec. 15 - Feb. 15	5	15
Snow & Blue Goose (Berkshire)	Same Dates as Ducks	15	45
Snow & Blue Goose (Central)	Same Dates as Ducks	15	45
Snow & Blue Goose (Coastal)	Same Dates as Canada Goose	15	45
Late Snow & Blue Goose (Central)	Same as Late Canada Goose	15	45
Late Snow & Blue Goose (North Coastal)	Same as Late Canada Goose	15	45
Brant (Coastal Only)	Nov. 24 - Jan. 20	2	6
Falconry (Ducks and Coot only, no Geese)	Oct. 1 - Feb. 2	3*	9*
Youth Waterfowl Hunt ^C (Ducks, Coots, Mergansers and Geese Only)	Sept. 24 & Oct. 8	6*	18*
Veterans and Active Military Personnel Waterfowl Hunt (Ducks, Coots, Mergansers and Geese only) ^C	Sept. 24 & Oct. 8	6*	18*

* Singly or in the aggregate

3.02: continued

A. The daily bag for ducks may contain no more than six ducks, unless additionally restricted as indicated below.

Species	Daily Bag	Possession Limit
American Black Duck	2	6
Redhead	2	6
Canvasback	2	6
Mallard	2 (only 1 female)	6 (only 3 females)
Scaup	1	3
Scaup (coastal zone Dec. 31 - Jan. 22)	2	6
Fulvous Whistling Duck	1	3
Mottled Duck	1	3
Wood Duck	3	9
Northern Pintail	1	3
Scoter	3	9
Long-tailed Duck	3	9
Eider	3 (only 1 female)	9 (only 3 females)
All other duck species	6	18

B. For Early Canada Goose season only, hunting hours are ½ hour before sunrise to ½ hour after sunset.

C. On September 24, 2022 and October 8, 2022, there shall be a veterans and active military personnel waterfowl hunt in all counties of the state for Veterans (as defined in 38 USC, § 101) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters shall possess a Massachusetts Hunting or Sporting License, a Massachusetts Waterfowl Stamp, and Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). On September 24, 2022 and October 8, 2022, there shall be a youth waterfowl hunt in all counties of the state for minors 12 through 17 years of age only. During the veterans and active military personnel and youth waterfowl hunts, such participants may hunt ducks, geese, mergansers, and coot during the period from ½ hour before sunrise to sunset, with a bag limit of six, possession 18, singly or in the aggregate, subject to the species restrictions in 321 CMR 3.02(2): *Table 1A*. During the youth waterfowl hunt all such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts Waterfowl Stamp. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt but may carry the minor's firearm when unloaded and cased. During this youth waterfowl hunt, minors 12 through 14 years of age shall not be required to possess a hunting or sporting license and a Massachusetts and Federal Migratory Bird Hunting and Conservation stamp. Minors 15 years of age shall possess a Massachusetts hunting or sporting license and a Massachusetts waterfowl stamp but need not possess a Federal Migratory Bird Hunting and Conservation stamp. Minors 16 and 17 years old shall possess a Massachusetts hunting or sporting license, a Massachusetts waterfowl stamp, and a Federal Migratory Bird Hunting and Conservation stamp. All minors shall otherwise conform to all provisions of M.G.L. c. 131 and 321 CMR 3.02(2) not excepted or specified in 321 CMR 3.02(2)(b): *Table 1C*.

- (c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except that hunting hours for the Early Canada Goose seasons shall be from ½ hour before sunrise to ½ hour after sunset, and except as provided in 321 CMR 3.01(1)(n).
- (d) Falconry. Notwithstanding the dates of the open seasons and the bag and possession limits as prescribed in 321 CMR 3.02(2)(b) and Table 1 thereof, ducks and coots may be hunted or taken with falcons by licensed falconers from October 1, 2022 through February 2, 2023. The bag limits for such falconry hunting shall be three birds daily or nine in possession, singly or in the aggregate, subject to the limitations prescribed in 321 CMR 3.02(2)(b), Table 1, footnotes A through C. Hunting with falconry on Sundays is prohibited.

3.02: continued

(e) Restrictions.

1. Migratory game birds shall not be hunted by the aid of salt, bait, grain of any kind, or other feed or means similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are hunting or attempting to hunt or take them.
2. Migratory game birds mentioned in 321 CMR 3.02(2) may be hunted only with bow and arrow or with a shotgun not larger than ten gauge, fired from the shoulder, or by falconry. Automatic loading or hand-operated repeating shotguns capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal, plastic or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined, shall not be used in the hunting of migratory game birds.
3. A person shall not hunt migratory game birds by means or aid of any motor-driven land, water or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of such birds either for himself or for others.
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