



DIVISION OF FISHERIES & WILDLIFE

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COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE
PUBLIC HEARING NOTICE

321 CMR 3.02(6) and 3.03(2)

In accordance with the Mass. Gen. 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, September 28, 2021, 9:30 a.m., on proposed regulatory amendments to 321 CMR 3.02(6): Hunting of Pheasants, Quail, and Ruffed Grouse and 3.03(2): Special Regulations for Northeast Wildlife Management Area (Martin H. Burns Wildlife Management Area) via a Zoom video webinar with the Hearing Officer, MassWildlife staff, and Board members, and the public joining via computer or phone line.

Please note that the hearing, which will begin at 9:30 a.m., will be held in the same webinar as the September monthly business meeting (begins at 9:00 a.m.; [Mass.gov/MassWildlife/FWBoard](https://www.mass.gov/masswildlife/fwboard)). 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:

Please click this URL to join.

<https://us02web.zoom.us/j/86999110010?pwd=M0dqRTlJSS8rcVRJVnFySElScHd1Zz09>

Passcode: tirQM3

Or join by phone: Dial 312 626 6799

Webinar ID: 869 9911 0010

Passcode: 476480

The proposed regulatory amendments relative to 321 CMR 3.02(6) and 3.03(2) are posted at [Mass.gov/MassWildlife-Public-Hearings](https://www.mass.gov/masswildlife-public-hearings), 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 filing requirements, the Fisheries and Wildlife Board must vote on the proposed regulatory amendments 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

MASSWILDLIFE

3.02(6): Hunting of Pheasants, Quail, and Ruffed Grouse

In accordance with the authority vested in me by M.G.L. c. 131, § 5, I hereby declare an annual open season for the hunting of pheasants, bobwhite quail, and ruffed grouse, subject to the following:

(a) Definitions. For the purposes of 321 CMR 3.02(6), the following words or phrases shall have the following meanings:

Shotgun Deer Season means that season when it is lawful to hunt deer with a shotgun as provided for in 321 CMR 3.02(4)(b)3.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

(b) Open Seasons and Zones.

1. ~~Cock~~Pheasants may be hunted throughout Massachusetts from the first Saturday after Columbus Day to November 30;

~~2. Hen pheasants may be hunted from the first Saturday after Columbus Day to November 30 in Zones 01 through 12, except in the Town of Hull in Plymouth County, and except eastward of a line running from the New Hampshire border southerly on Route I-95 to the junction with Route I-495, southerly on Rt. I-495 to the junction with Route 95, northerly on Rt. 95 to the junction with Routes I-93/128, easterly on Rts. I-93/128 to the junction with Route 3, southerly on Rt. 3 to the junction with Route 228, and northerly on Rt. 228 to the Hull town line; provided, that on any wildlife management areas which are stocked with pheasant or quail as listed in 321 CMR 3.01(1)(n) and which are eastward of the boundary line delineated by 321 CMR 3.02(6)(b)2, the taking of both cock and hen pheasants is lawful;~~

~~3.~~2. Ruffed grouse may be hunted throughout Massachusetts from the first Saturday after Columbus Day to November 30th;

~~4.~~3. Bobwhite quail may be hunted in Zones 11 through 14 from the first Saturday after Columbus Day to November 30th.

(c) Season Closure. Notwithstanding the provisions of 321 CMR 3.02(6)(b), there shall be no open season for the hunting or possession of ~~cock or hen~~ pheasant, ruffed grouse, or bobwhite quail during the shotgun deer season.

(d) Youth Hunter Training Program. Minors between the ages of 12 and 17, who qualify and are properly enrolled with the Director may participate in a training program in the hunting of

upland game birds on the first six Saturdays preceding Columbus Day, as specified annually by the Director;

(e) Falconry. Licensed falconers holding a valid hunting or sporting license and hunting with or by means of a falcon or other raptor may take ruffed grouse, pheasants, and bobwhite quail from the first Saturday after Columbus Day to March 15th, provided, that said falconers shall abide by all other applicable provisions of M.G.L. c. 131 and 321 CMR while pursuing game. Falconers who hunt pheasant or quail are required to possess a Pheasant and Quail Permit per 321 CMR 3.02(6)(h).

(f) Hunting Hours. The hunting hours on each calendar day of the open season shall begin at ½ hour before sunrise and end ½ hour after sunset except as provided in 321 CMR 3.01(1)(n).

(g) Bag Limits. A person shall not kill or take more than the following bag limits:

1. two pheasants in one day, nor possess at any time more than four ~~nor take more than six in one season~~;
2. three ruffed grouse in one day, nor possess at any time more than six nor take more than 15 in one season;
3. four bobwhite quail in one day, nor possess at any time more than eight ~~nor more than 20 in one season~~; provided,
4. that for properly enrolled minors participating in the upland game bird training program as specified in 321 CMR 3.02(6)(d), the daily bag limit shall be two ~~cock~~ pheasants or two bobwhite quail.

(h) Permit Requirements. A person shall not hunt, take or possess pheasants or bobwhite quail harvested within Massachusetts unless they possess a current valid Pheasant and Quail Permit if aged 15 years or older. No permit shall be required for the hunting or possession of pheasants or quail harvested on licensed commercial shooting preserves in accordance with 321 CMR 2.05. The display of such Pheasant and Quail Permit shall be as provided in 321 CMR 2.11(6).

Regulatory Authority: M.G.L. c. 131, § 5.
Last Revised: 9-14-12.

3.03(2): ReservedSpecial Regulations for Northeast Wildlife Management Area Special Regulations for Hunting on the Martin H. Burns Wildlife Management Area in the Town of Newbury, Massachusetts.

By the authority vested in me, pursuant to 321 CMR 3.01(1)(r) as established in accordance with the provisions of M.G.L. c. 131, § 6, I hereby establish the following special regulations in accordance with 321 CMR 3.01(1)(r) governing hunting on the Martin H. Burns Wildlife Management Area in the Town of Newbury, Massachusetts, during the prescribed open season for upland game birds.

(a) ~~A controlled hunting system is hereby initiated that shall require a person, duly licensed or otherwise authorized to hunt in Massachusetts, to register prior to hunting at a registration booth on certain days and time periods on the Martin H. Burns Wildlife Management Area during the established hunting seasons for upland game birds. Such designated days shall be: opening day of the established pheasant season, the four consecutive Saturdays immediately following the opening day of the established pheasant hunting season, and Veteran's Day.~~

(b) ~~On designated days, not more than a predetermined number of hunters to be set by the Division of Fisheries and Wildlife, but which shall not exceed 200, will be permitted to hunt on this area between the hours of sunrise and sunset.~~

(c) ~~On designated days, only those hunters first to register, but not to exceed the predetermined number to be allowed to hunt on the area for that designated day, will be permitted to hunt; except that, as registered hunters complete hunting and check out, other hunters will be permitted to enter to maintain the predetermined number established for that designated day.~~

(d) ~~On designated days, the hunter, upon registration, may receive an arm band which he shall display on his outer clothing on either of his upper arms while hunting during the prescribed time period established under 321 CMR 3.03(2)(b). Upon leaving the area he shall check out at a prescribed checkout point and return said arm band to a representative of the Division of Fisheries and Wildlife.~~

(e) ~~On designated days, the operator of each vehicle, upon registration, may receive a parking permit, which shall be displayed inside the windshield while the person or persons in said vehicle are on the area during the prescribed time period established under 321 CMR 3.03(2)(b). Upon leaving the area, the operator of each vehicle shall return said permit to a representative of the Division of Fisheries and Wildlife.~~

(f) ~~On designated days, the registration booth will be located at the Martin H. Burns Wildlife Management Area headquarters off Orchard Street in the Town of Newbury.~~

(g) ~~On designated days, the checkout point will be located at the Highfield Street gate in the Town of Newbury.~~

~~(h) A person shall not leave designated parking areas until sunrise for the purpose of hunting.~~

~~(i) On days preceding designated days, no person shall be on the area after one hour before sunset, except as authorized under 321 CMR 3.01(1)(o).~~

~~(j) On designated days, no person shall enter the area between the hours of 3:00 A.M. and 1½ hours before sunrise.~~

~~(k) Persons entering the area between the hours of 1½ hours before sunrise and sunset must enter the area through the registration booth entrance located off Orchard Street in the Town of Newbury. All other points of entry shall be illegal.~~

~~(l) A person hunting at the Martin H. Burns Wildlife Management Area shall abide by and adhere to 321 CMR 3.03(2) and any other pertinent law or regulation including 321 CMR 3.01(1).~~

~~Regulatory Authority: M.G.L. c. 131, § 6 and 321 CMR 3.01(1)(r).~~

~~Last Revised: 12-3-93~~

3.02(6): Hunting of Pheasants, Quail, and Ruffed Grouse

In accordance with the authority vested in me by M.G.L. c. 131, § 5, I hereby declare an annual open season for the hunting of pheasants, bobwhite quail, and ruffed grouse, subject to the following:

(a) Definitions. For the purposes of 321 CMR 3.02(6), the following words or phrases shall have the following meanings:

Shotgun Deer Season means that season when it is lawful to hunt deer with a shotgun as provided for in 321 CMR 3.02(4)(b)3.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

(b) Open Seasons and Zones.

1. Pheasants may be hunted throughout Massachusetts from the first Saturday after Columbus Day to November 30;
2. Ruffed grouse may be hunted throughout Massachusetts from the first Saturday after Columbus Day to November 30;
3. Bobwhite quail may be hunted in Zones 11 through 14 from the first Saturday after Columbus Day to November 30.

(c) Season Closure. Notwithstanding the provisions of 321 CMR 3.02(6)(b), there shall be no open season for the hunting or possession of pheasant, ruffed grouse, or bobwhite quail during the shotgun deer season.

(d) Youth Hunter Training Program. Minors between the ages of 12 and 17, who qualify and are properly enrolled with the Director may participate in a training program in the hunting of upland game birds on the first six Saturdays preceding Columbus Day, as specified annually by the Director;

(e) Falconry. Licensed falconers holding a valid hunting or sporting license and hunting with or by means of a falcon or other raptor may take ruffed grouse, pheasants, and bobwhite quail from the first Saturday after Columbus Day to March 15, provided, that said falconers shall abide by all other applicable provisions of M.G.L. c. 131 and 321 CMR while pursuing game. Falconers who hunt pheasant or quail are required to possess a Pheasant and Quail Permit per 321 CMR 3.02(6)(h).

(f) Hunting Hours. The hunting hours on each calendar day of the open season shall begin at ½ hour before sunrise and end ½ hour after sunset except as provided in 321 CMR 3.01(1)(n).

(g) Bag Limits. A person shall not kill or take more than the following bag limits:

1. two pheasants in one day, nor possess at any time more than four;
2. three ruffed grouse in one day, nor possess at any time more than six nor take more than 15 in one season;
3. four bobwhite quail in one day, nor possess at any time more than eight; provided,
4. that for properly enrolled minors participating in the upland game bird training program as specified in 321 CMR 3.02(6)(d), the daily bag limit shall be two pheasants or two bobwhite quail.

(h) Permit Requirements. A person shall not hunt, take or possess pheasants or bobwhite quail harvested within Massachusetts unless they possess a current valid Pheasant and Quail Permit if aged 15 years or older. No permit shall be required for the hunting or possession of pheasants or quail harvested on licensed commercial shooting preserves in accordance with 321 CMR 2.05. The display of such Pheasant and Quail Permit shall be as provided in 321 CMR 2.11(6).

Regulatory Authority: M.G.L. c. 131, § 5.

Last Revised: 9-14-12.

3.03(2): Reserved

