



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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[MASS.GOV/MASSWILDLIFE](https://www.mass.gov/masswildlife)

COMMONWEALTH OF MASSACHUSETTS

DIVISION OF FISHERIES AND WILDLIFE

PUBLIC HEARING NOTICE

321 CMR 3.02

In accordance with the Mass. Gen. Laws, Ch. 131, Sec. 5, and Ch. 30A, Sec. 2, NOTICE is hereby given that the Division of Fisheries and Wildlife will hold a hybrid public hearing on Tuesday, August 15, 2023, 1:00 p.m., at the Division of Fisheries and Wildlife's Field Headquarters, Richard Cronin Building, 1 Rabbit Hill Road, off North Drive, Westborough, Massachusetts, on proposed regulatory amendments to 321 CMR 3.02 Hunting of Particular Game in Massachusetts. The proposed amendments extend the dates of the deer archery season in Wildlife Management Zones 1-9 by two weeks.

Interested persons can attend the hearing and provide oral comments either in person or via a Zoom video webinar. The Hearing Officer, MassWildlife staff, and Board members will be present at the physical meeting location given above. Note that the hearing, which will begin at 1:00 p.m., will be held in the same webinar as the August monthly business meeting (begins at 10:00 a.m.) and the Board governance meeting (begins at 12:00 p.m.) Attendees can enter and exit the webinar at any time. Instructions for how to join can be found at [Mass.gov/MassWildlife/FWBoard](https://www.mass.gov/MassWildlife/FWBoard).

The proposed regulatory amendments relative to 321 CMR 3.02 are posted at [Mass.gov/MassWildlife/Hearings](https://www.mass.gov/MassWildlife/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 hybrid hearing. The instructions to join the webinar are also contained in the draft regulations document posted on the public hearings page above. Written public comments will be accepted for 2 weeks after the hearing, until Tuesday, August 29, 2023, 5:00 p.m.

Please note: If you have a disability or medical condition and would like to request special accommodation or if you will require language interpretation services, please contact Susan Sacco via email at your earliest convenience: susan.sacco@mass.gov.

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

MASSWILDLIFE

3.02: Hunting. Particular Game

...

(4) Hunting and Tagging of Deer. In accordance with the authority vested in me by M.G.L. c. 131, §§ 5 and 72, I hereby declare an open season for the hunting of deer in Massachusetts, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(4), and unless the context requires otherwise, the following words or phrases shall have the following meanings:

...

Scent means an odoriferous substance, natural or artificial, which replicates or mimics the natural odor or bodily secretions of deer or other wild animals, the purpose of which is to attract deer pursuant to the hunting thereof or to mask the body odor or scent of humans hunting deer.

Shotgun Deer Season means that portion of the open season prescribed in 321 CMR 3.02(4)(b)3.

Unloaded Primitive Firearm means a primitive firearm which lacks one or more of the components of a loaded primitive firearm.

Youth Deer Hunt means the season, which is to occur on the fourth Saturday following Labor Day, when minors 12 through 17 years of age may hunt deer as provided in M.G.L. c. 131, § 14 and 321 CMR 3.02(4)(b)5.

Youth Deer Hunt Permit means a special permit issued by the Director exclusively to minors 12 through 17 years of age which allows them to hunt for deer during the Youth Deer Hunt.

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

(b) Open Season. The open season shall be in five periods as follows:

1. Beginning the last Monday in October and ending the following Saturday, any three days of which may be selected by the Director, there shall be a special season for paraplegics exclusively, who may hunt deer by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. Such hunting shall be limited to those specified areas designated by the Director. During this special season, nothing shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.

2. a. ~~In zones 1-9, beginning on the sixth Monday prior to Thanksgiving and ending on the first Saturday after Thanksgiving, all days inclusive, there shall be a special season for archers exclusively and during this period deer may be hunted only by means of a bow and arrow. In all zones 10-14, beginning on the eighth Monday prior to Thanksgiving and ending on the first Saturday after Thanksgiving, all days inclusive, except on the tribal lands of the Wampanoag Tribe of Gay Head in the Town of Aquinnah in Dukes County, there shall be a special season for archers exclusively and during this period deer may be hunted only by means of a bow and arrow.~~

b. Beginning on the third Monday prior to the first Monday in November and ending on the last day of the primitive firearms season as specified in 321 CMR 3.02(4)(b)4., all days inclusive, and only on the tribal lands of the Wampanoag Tribe of Gay Head in the town of Aquinnah in Dukes County, there shall be a special season for archers. During this period, deer may be hunted only by means of a bow and arrow, provided that during the shotgun deer season for Zone 13 as provided for in 321 CMR 3.02(4)(b)3., and during the primitive firearms season as provided for in 321 CMR 3.02(4)(b)4., deer may also be hunted with such firearms as are specified for those seasons.

3. Beginning the first Monday after Thanksgiving and ending the second Saturday thereafter, all days inclusive except Sunday, deer may be hunted throughout Massachusetts by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow.

4. The primitive firearms period of the open season is intended to provide an opportunity to hunt deer in a manner similar to the way our forefathers hunted in the mid-1800's. The primary consideration is to limit the weapons to a type similar to those in common use during that period of history. Basically, that means a single shot, muzzle-loading firearm with limited range and firepower. Secondly, the hunter participating in this season should have a relative degree of solitude significantly different from the hunting pressure which is characteristic of the shotgun deer season.

...

(9) Hunting of Wild Turkey in Massachusetts. In accordance with M.G.L. c. 131, § 5, the Director shall declare an annual open season on wild turkeys, subject to the following:

...

(h) Permissible Hunting Methods.

1. During the spring season, a person may hunt wild turkey only by means of a bow and arrow as specified in 321 CMR 3.01(3) or a shotgun not larger than ten gauge, and shot not larger than size four.

2. Beginning the sixth Monday prior to Thanksgiving and ending the second Saturday thereafter, a person may hunt wild turkey only by means of either a bow and arrow as specified in 321 CMR

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

3.02: continued

3.01(3) or a shotgun not larger than ten gauge, and shot not larger than size four.

3. At all other times during the fall season not specified in 321 CMR 3.02(9)(h)(2), a person may hunt wild turkey only by means of a bow and arrow as specified in 321 CMR 3.01(3) in any Zone that has a concurrent exclusive archery deer season as specified in 321 CMR 3.02(4)(b)(2)(a).

3.02: Hunting. Particular Game

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Youth Deer Hunt means the season, which is to occur on the fourth Saturday following Labor Day, when minors 12 through 17 years of age may hunt deer as provided in M.G.L. c. 131, § 14 and 321 CMR 3.02(4)(b)5.

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

(b) Open Season. The open season shall be in five periods as follows:

1. Beginning the last Monday in October and ending the following Saturday, any three days of which may be selected by the Director, there shall be a special season for paraplegics exclusively, who may hunt deer by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. Such hunting shall be limited to those specified areas designated by the Director. During this special season, nothing shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.

2. a. In all zones, beginning on the eighth Monday prior to Thanksgiving and ending on the first Saturday after Thanksgiving, all days inclusive, except on the tribal lands of the Wampanoag Tribe of Gay Head in the Town of Aquinnah in Dukes County, there shall be a special season for archers exclusively and during this period deer may be hunted only by means of a bow and arrow.

b. Beginning on the third Monday prior to the first Monday in November and ending on the last day of the primitive firearms season as specified in 321 CMR 3.02(4)(b)4., all days inclusive, and only on the tribal lands of the Wampanoag Tribe of Gay Head in the town of Aquinnah in Dukes County, there shall be a special season for archers. During this period, deer may be hunted only by means of a bow and arrow, provided that during the shotgun deer season for Zone 13 as provided for in 321 CMR 3.02(4)(b)3., and during the primitive firearms season as provided for in 321 CMR 3.02(4)(b)4., deer may also be hunted with such firearms as are specified for those seasons.

3. Beginning the first Monday after Thanksgiving and ending the second Saturday thereafter, all days inclusive except Sunday, deer may be hunted throughout Massachusetts by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow.

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1. During the spring season, a person may hunt wild turkey only by means of a bow and arrow as specified in 321 CMR 3.01(3) or a shotgun not larger than ten gauge, and shot not larger than size four.

2. Beginning the sixth Monday prior to Thanksgiving and ending the second Saturday thereafter, a person may hunt wild turkey only by means of either a bow and arrow as specified in 321 CMR 3.01(3) or a shotgun not larger than ten gauge, and shot not larger than size four.

3. At all other times during the fall season not specified in 321 CMR 3.02(9)(h)(2), a person may hunt wild turkey only by means of a bow and arrow as specified in 321 CMR 3.01(3) in any Zone that has a concurrent exclusive archery deer season as specified in 321 CMR 3.02(4)(b)(2)(a).

