



COLORADO

Parks and Wildlife

Department of Natural Resources

Director's Office
6060 Broadway
Denver, CO 80216
P 303.297.1192

To: Colorado Parks and Wildlife Commission

From: Heather Dugan, Acting Director

Date: July 08, 2022

Re: The Division of Parks and Wildlife recommends denying the citizen petition to amend the rule that requires firearms carried on an OHV to be stored in a fully enclosed case

To promote safety and fair chase, the Parks and Wildlife Commission requires “[a]ll firearms, except pistols and revolvers, carried on an OHV during deer, elk, pronghorn or bear season [to] be fully unloaded (both the chamber and the magazine) and *fully enclosed* in a hard or soft case (no scabbards or cases with open ends or sides).” W-2, #209(C)(1) (emphasis added). For the second time in three years, Lee Bridgman petitions the Commission to change this rule to allow OHV users to carry firearms in cases that enclose only parts of a weapon—namely, the scope, action, and trigger—rather than the whole firearm. The Division of Parks and Wildlife recommends placing the petition on the consent agenda and denying it for the reasons below. If the Commission follows this recommendation and denies the petition via the consent agenda, this memo will express its rationale.

Mr. Bridgman first petitioned the Commission to change this rule in 2020. The Division recommended denying his petition because allowing OHV users to carry firearms in cases that are less than fully enclosed would frustrate the purpose of the rule, which is to promote safety and fair chase by making OHV users’ firearms less accessible. OHV users can cover more ground in less time than other hunters. Requiring them to carry firearms in fully enclosed cases slows them down, reduces their advantage over game animals, and makes hunting accidents less likely. For these reasons, the Commission followed the Division’s recommendation and denied Mr. Bridgman’s first petition.

Mr. Bridgman’s second petition just reiterates his first. He provides no new information that would support allowing OHV users to carry firearms in cases that aren’t fully enclosed. The Division therefore recommends denying Mr. Bridgman’s second petition for the same reasons.



CITIZEN PETITION FORM

Date: July 1, 2020

Issue:	Firearm 100% Cased for Transportation
Which rule are you seeking to create or revise? Please include a copy of the rule you are proposing to create or change, preferably with the change made in redline format.	
<p>At this time I do not know the exact Rule or it's verbiage; however I have been advised that while on a ATV or UTV for certain Game Species CO DNR requires the firearm to be 100% cased. This includes Scabbards & Cases with open ends or sides. I have attached page 15 of the CO Hunting Regulations.</p> <p>While I agree with the Unloaded analogy, I believe consideration should be taken in the case of a scabbard, as well as our Alaskan Gun Guard. I believe the concept of the regulation is to provide a fair chase atmosphere, which I understand.</p> <p>In using a Alaskan Gun Guard or a Scabbard, the concept of unloaded and fair chase can still be achieved in the same manner as a full hard or soft sided case. In all of the three options listed the firearm cannot be loaded (even into the magazine), have a round cycled into the chamber, have the firearm sighted on a game animal or the firearm fired without removing the firearm from the Alaskan Gun Guard, Scabbard or hard/soft sided case. All three achieve the same goal. Yes, an individual can load a weapon and then store in any of the above, but that would in itself be illegal.</p> <p>In the Alaskan Gun Guard, we entirely wrap around the Scope, Action & Trigger assembly area, closing off the bottom with 5 reversible magnets. We have then added draw cords at each end, thus "Protecting Your Firearm Around the Stock" from the elements when transporting on an ATV, UTV, Ebike, Fat Tire Bike or just hunting on foot. The benefit of our Gun Guard it that you can use it to protect your firearm while hunting on foot or in a stand, which you cannot do with a scabbard or hard/soft sided case.</p>	
Why are you seeking to create or revise this rule? Please include a general statement of the reasons for the requested rule or revision and any relevant information related to the request.	
<p>Obviously I am requesting the consideration as it opens up a market in Colorado for our Alaskan Gun Guard to be used in the full intent of it's design (Patented). Hunters who use a ATV, UTV or Bike along with a gun rack on the handlebars or rear rack will benefit greatly from our product as it weighs only 11oz and can be folded up into a pocket. This can not be done with any other type of case. Anyone who uses either of these methods of transportation knows how dusty, muddy, wet or icy things can get when using the means of travel.</p> <p>I believe we achieve the same effect as desired in the 100% cased regulation, as when the Alaskan Gun Guard is in place in order to load, cycle, aim & fire the firearm, the Gun Guard has to be fully removed. This would be the same with a scabbard.</p> <p>More information, pictures and videos can be found on our Facebook & Instagram pages.</p> <p>FB- Alaskan Gun Guard, LLC IG- @akngunguard</p>	
Petitioner's name:	Lee H Bridgman Jr



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Department of Natural Resources

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Lee H. Bridgman Jr.
763 Wanda Dr.
North Pole, AK 99705
VIA FIRST CLASS MAIL

RE: *July 1, 2020 petition to repeal Colorado Parks and Wildlife regulation W-2, #209(C); 2 Colo. Code Regs. § 406-2:209(C), regarding off-highway vehicle (OHV) weapon restrictions during big game seasons*

Dear Mr. Bridgman:

Colorado Parks and Wildlife ("CPW") is in receipt of your petition to repeal the above-referenced regulation ("Petition" and "OHV Weapons Restrictions Regulation"). CPW denies the Petition for the reasons stated below.

Background

CPW received two separate petitions (one submitted by Mr. Bridgman dated July 1, 2020 and one submitted by Mr. Ray Stark dated July 20, 2020) related to regulation #209.C which limits how a firearm can be carried on an OHV. It states that all firearms, except pistols and revolvers, carried on an OHV during deer, elk, pronghorn or bear season must be fully unloaded (both the chamber and the magazine) and fully enclosed in a hard or soft case (no scabbards or cases with open ends or sides).

Mr. Bridgman is the owner of Alaskan Gun Guard. The company manufactures a scabbard that wraps around the scope, action & trigger areas, closing off the bottom of the firearm with five reversible magnets. He argues that when using an Alaskan Gun Guard or a scabbard, fair chase can still be achieved in the same manner as a full hard or soft-sided case, because they all require the case to be removed before the firearm can be loaded, cycled, sighted or fired.

Mr. Stark would like to see regulation #209.C changed to mimic state statute 33-6-125, C.R.S., which allows for the possession of a firearm in a motor vehicle (which includes OHVs) uncased as long as the live round is not in the chamber. He argues that regulation #209.C unfairly disadvantages hunters hunting from an OHV because a hunter cannot take the rifle out of its case or load ammunition into it until after they have stopped the OHV.

Discussion

The CPW Commission's regulation concerning citizen petitions is W-16, #1606. The CPW Commission's policy implementing this regulation is available at https://cpw.state.co.us/Documents/Commission/policy_procedures/POLICY-



Public_Rulemaking_Petitions.pdf. The policy states, among other things, that “If the Division opposes the petition, Division staff will recommend placing the petition on the consent agenda for denial with a memo from the Director or Division personnel explaining such opposition.” Id., ¶ IV(B). Denial of a petition constitutes final action by the Commission. Id., p. 3. The Division recommends the CPW Commission deny the Petitions via the consent agenda for the following reasons. If adopted, this recommendation will become the order of the CPW Commission denying the Petitions and will be effective upon mailing.

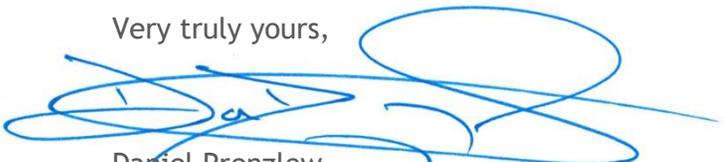
Regulation #209.C that limits how a firearm can be carried on an OHV has been in place for about 20 years. The rationale behind this regulation is to adhere to the principles of fair chase. Occupants of OHVs have much more rapid and ready access to areas that are not reachable by motor vehicle or by horse or on foot. When the Commission adopted this rule, it worked to achieve a balance of hunter accessibility and making sure that hunters do not have an improper or unfair advantage over game animals. CPW believes its current regulation continues to strike the appropriate balance among those policy concerns.

Additionally, CPW is concerned about hunter safety and ethical hunting practices. These regulations are in place to slow down and minimize hunting accidents on and around OHVs, and to help ensure more accurate and ethical shots.

Lastly, CPW is engaged in other regulatory priorities, which must take precedence at this time, including the agency’s response to the COVID-19 pandemic, unprecedented fires in the state, and record park usage.

Thank you for your interest in CPW and your interest in this important topic.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Daniel Prenzlow', is written over a large, light blue circular scribble.

Daniel Prenzlow
Director, Division of Parks and Wildlife