



COLORADO

Parks and Wildlife

Department of Natural Resources

Director's Office
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TO: Mr. Lee H Bridgman Jr and Mr. Ray Stark

RE: *July 1, 2020 and July 20, 2020 petitions 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 and Mr. Stark:

Colorado Parks and Wildlife (“CPW”) is in receipt of your petitions to repeal the above-referenced regulation (“Petitions” and “OHV Weapons Restrictions Regulation”). CPW denies the Petitions 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. 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.

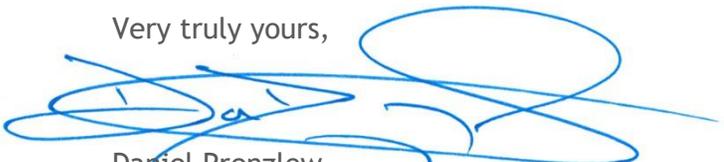
Regulation #209.C that limits how a firearm can be carried on an OHV has been in place for about 20 years. The rationale behind this regulation is to adhere to the principles of fair chase. Occupants of OHVs have much more rapid and ready access to areas that are not reachable by motor vehicle or by 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