

CITIZEN PETITION FORM

Date: July 1,2020

Issue:	Firearm 100% Cased for Transportation
<p>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>	
<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>	
<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>	
<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

ILLEGAL ACTIVITIES

If convicted of these felony violations, you can face a lifetime license suspension:

1. **FELONY OFFENSE:** To kill and abandon big game. It is illegal to remove only the hide, antlers or other trophy parts and leave the carcass in the field.
2. **FELONY OFFENSE:** To sell, buy or offer to sell or buy big game.
3. **FELONY OFFENSE:** To solicit someone to illegally kill big game for commercial gain or provide outfitting services without required registration.

IT IS ALSO AGAINST THE LAW TO:

4. Have a loaded (in the chamber) rifle or shotgun in or on any motor vehicle. Muzzleloading rifles are considered unloaded if the percussion cap or shotshell primer is removed, or if the powder is removed from flashpan. It is illegal for anyone to have a loaded electronic-ignition muzzleloader in or on a motor vehicle: The chamber must be unloaded or the battery must be disconnected and removed from its compartment.
5. Carry firearms (except handguns) on an OHV during deer, elk, pronghorn and bear seasons unless they are unloaded in the chamber and magazine. **Firearms (except handguns) and bows carried on an OHV must be fully enclosed in a hard or soft case. Scabbards or cases with open ends or sides are prohibited.** This does not apply to landowners or their agents who carry a firearm on an OHV to take depreddating wildlife on property they own or lease.
6. Establish a permanent structure or plant vegetation on CPW-owned land or waters. Only portable blinds and tree stands for big-game hunting can be erected on CPW land, and no more than 30 days prior to the season during which they will be used. No nails can be driven into trees. Man-made materials for blinds or stands must be removed within 10 days after the season they are used in ends. The owner's Customer Identification (CID) number and dates of use must be visible on outside of portable blinds or underside of tree stands. Placement of blinds or stands does not reserve them for personal use; they may be used on first-come, first-served basis.
7. Hunt carelessly or discharge a firearm or release an arrow disregarding human life or property.
8. Operate or ride a snowmobile with a firearm unless it's completely unloaded and cased, or with a bow unless it's unstrung or cased. **Compound bows must be cased, not unstrung.**
9. Shoot from or use a motor vehicle, motorcycle, off-highway vehicle, snowmobile or aircraft to hunt, intercept, chase, harass or drive wildlife.
10. Use aircraft to hunt, to direct hunters on the ground or to hunt the same day or day after a flight was made to find wildlife.
11. Use computer-assisted remote technology (any device, equipment or software used to remotely control a weapon, including the Internet) to hunt or fish. Hunters and anglers must be physically present in the immediate vicinity while hunting and fishing.
12. Use unmanned or remote-control drones to look for, scout or detect wildlife.
13. Use live-action game cameras to locate, surveil, or aid or assist in locating or surveiling game wildlife in order to take/try to take game wildlife during the same or following day. "Live-action game camera" is any device capable of recording and transmitting photographic/video data *wirelessly* to a remote device (such as a computer or smart phone). This doesn't include game cameras that record photographic/video data and store such data for later use, *as long as the device cannot transmit data wirelessly.*
14. Use a drone to look for/scout/detect game wildlife.
15. Hunt under the influence of alcohol or controlled substances.
16. Use artificial light as an aid in hunting.
17. Use poison, drugs or explosives to hunt or harass wildlife.
18. Fail to extinguish a campfire completely.
19. Fail to make a reasonable attempt to track and kill animals you wound or may have wounded. It is against the law to pursue wounded wildlife that goes on private property without first obtaining permission from landowner or person in charge.
20. Fail to reasonably dress, care for and prepare edible wildlife meat for human consumption. At a minimum, the four quarters, tenderloins and backstraps are edible meat. Internal organs are not considered edible meat.

HUNTER ORANGE & PINK

HUNTERS MUST WEAR FLUORESCENT ORANGE OR PINK

Law requires hunters to wear at least 500 square inches of **SOLID DAY-LIGHT FLUORESCENT ORANGE OR FLUORESCENT PINK** material on an outer garment above the waist while hunting deer, elk, pronghorn, bear or moose with any firearm license. A fluorescent orange or pink hat or head covering, visible from all directions, is also required.

This includes all muzzleloader hunters. It also includes archery hunters who hunt during rifle season. Archers hunting with an archery bear, deer, elk, pronghorn or moose license, or licensed for private land hunting through the Ranching for Wildlife program do not have to wear fluorescent orange or pink, but should consider wearing it to increase safety while in the field.

Auction- and raffle-license holders do not have to wear orange or pink when hunting with archery equipment when no rifle seasons are open. If using a ground blind or pop-up blind, hunters should display orange or pink that is visible from all directions on the outside of the blind.

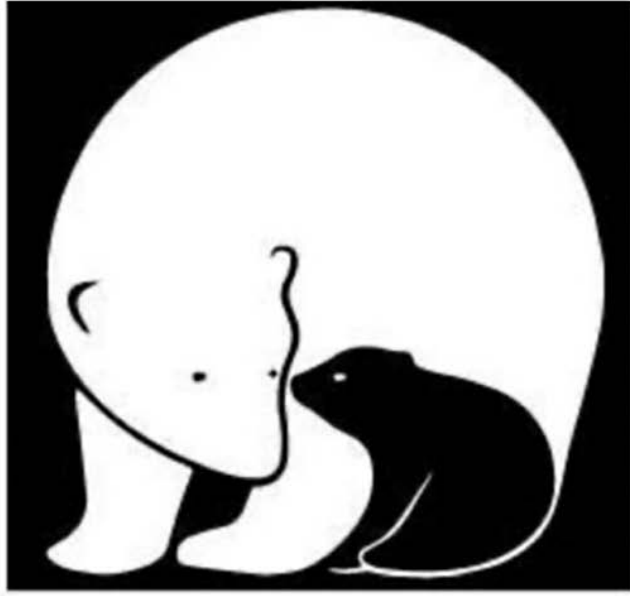
CAMOUFLAGE ORANGE OR PINK DOES NOT QUALIFY!



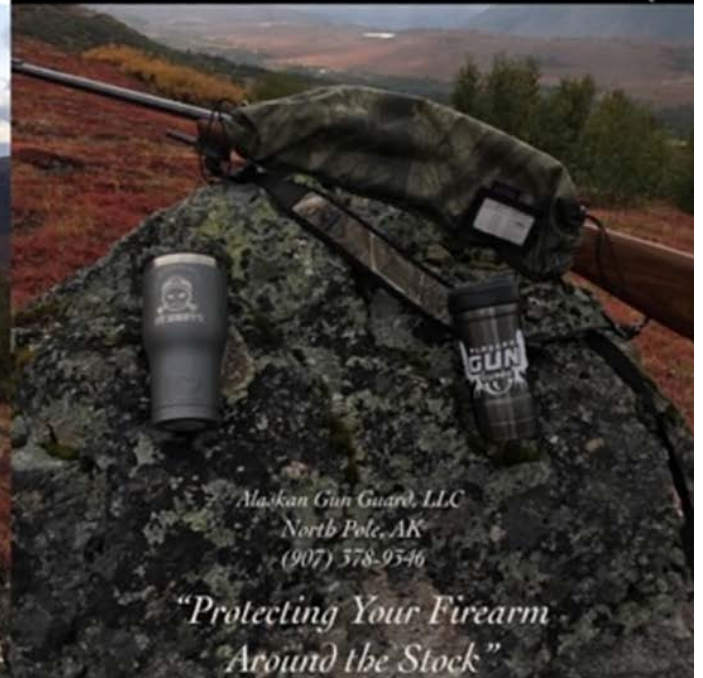
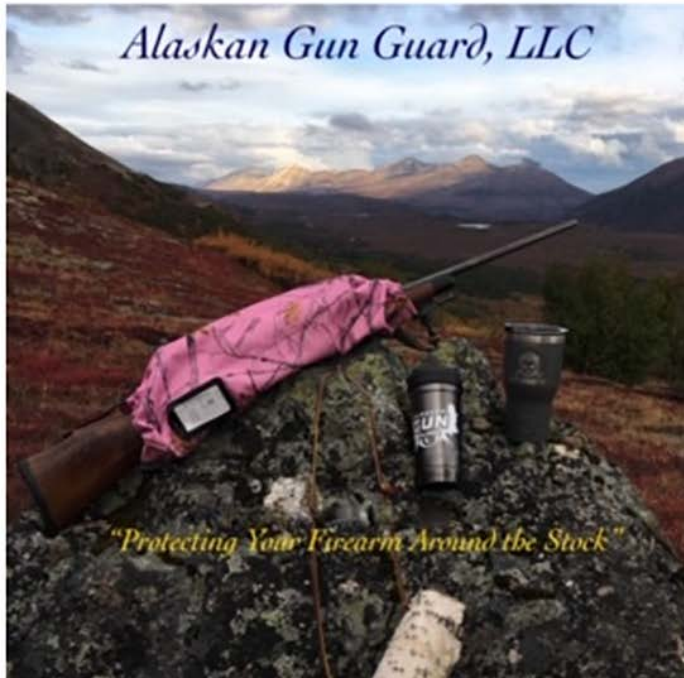
Mesh garments are legal but not recommended. CPW strongly recommends wearing daylight fluorescent orange or fluorescent pink clothes in the field, even if you're not hunting. Wearing orange or pink is for hunter safety, as big-game animals don't see these colors like we do. Movement, sound and smell are what give hunters away.



21. Hunt with rifles, handguns or shotguns firing a single slug, or archery equipment within an area 50 feet on each side of the center line of any state highway or municipal or county road, as designated by the county.
22. Discharge any firearm or release an arrow from, upon or across any public road.
23. Party hunt (i.e. harvest someone else's game or let someone harvest yours).
24. Interfere with hunters. This includes distracting or frightening prey; causing prey to flee by using light or noise; chasing prey on foot or by vehicle; throwing objects; making movements; harassing hunters by using threats or actions; erecting barriers to deny access to hunting areas; intentionally injecting yourself into the line of fire. Violators face prosecution and may have to pay victim's damages and court costs.
25. For two or more people on the ground, in a vehicle or vessel to use electronic devices to communicate information that violates any wildlife law or regulation.
26. Use dogs.
27. Hunt big game over bait, whether or not the person hunting personally placed the bait. Bait means to put, expose, distribute or scatter salt, minerals, grain, animal parts or other food as an attraction for big game. Salt or mineral blocks used for normal agricultural purposes are not considered bait. Scent sticks that smell like food are illegal for bears.
28. Kill cubs or bears accompanied by one or more cubs. A cub is a bear less than a year old.
29. Hunt bears in their dens.
30. Have a carcass, hide, skull, claws or parts of bears or mountain lions without a valid hunting license or unless authorized by CPW.
31. Sell, trade, barter or offer to sell, trade or barter bear gall bladders or edible portions of bears.
32. Hunt on private land without first obtaining permission from landowner or person in charge.
33. Post, sign or indicate that public lands, not under an exclusive-control lease, are private.
34. Use State Land Board properties not leased and signed by CPW, unless permission is given by the lessee.



MADE IN ALASKA











CITIZEN PETITION FORM

Date: July 20, 2020

Issue: Carrying a firearm on a motorized vehicle/horse

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.

See original rule attachment 1 page 3

I would like it changed to the following:

"All firearms, except pistols, revolvers and black powder rifles carried on any vehicle or horse must be unloaded in the chamber".

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.

See attachment 2 page 4

Petitioner's name: Ray Stark

Attachment 1 original rule

Chapter W-2 #209.C. Off - Highway Vehicle (OHV) Weapon Restrictions during Big Game Seasons

"1. 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). All bows carried on an OHV during any deer, elk, pronghorn or bear season must be fully enclosed in a hard or soft case (no scabbards or cases with open ends or sides). This regulation shall not apply to any person; any member of such person's family, or an employee or agent of the person, carrying a firearm on an OHV for the purpose of taking depredating wildlife on property owned or leased by the person, pursuant to §§33-3-106 or 35-40-100.2, C.R.S."

Page 4

Attachment 2

Dear Commissioners;

The Department has a regulation on the books that I would like to see changed as it is punitive to those of us that require an ATV to hunt.

Currently, Hunting from an ATV/UTV requires that the hunter have no bullets in the rifle and the rifle must be totally encased in a hard/soft case.

If I hunt from a horse I can have a bullet in the chamber and carry the rifle in an open scabbard or over my shoulder. Nothing in the Department regulations says I can't shoot from the back of a horse! Ludicrous as that sounds.

Hunting from a motor vehicle I can have the rifle uncased with bullets in the gun but none in the chamber. From a safety standpoint that seems reasonable.

State statutes 33-6-125 states that on a motor vehicle (self propelled device) which includes ATV, UTV's etc. the rider can have bullets in the gun but not the chamber. And can apparently have the rifle slung over a shoulder.

I would simply like to see the Game and Fish regulation rewritten to mirror state statute .

My reasoning is ATV's, UTV's etc are limited to travel on designated roads and trails. This in itself puts the ATV hunter at a disadvantage unless the hunter is still able to walk around in the woods. We all know the only animal you are likely to see from a trail or road is one traveling from point A to point B. Once you see an animal you have to stop, take off your helmet and gloves, take the rifle out of the hard case and try to get a bullet into the gun when you have freezing fingers. There are a few bullets in the snow up there somewhere to prove my point. Basically, an ATV hunter has little or no chance to harvest an animal. The last elk I shot was in 2007 and at that time I could still walk around in the woods.

Your positive consideration to this matter would be greatly appreciated.



COLORADO

Parks and Wildlife

Department of Natural Resources

Director's Office
1313 Sherman St., Suite 618
Denver, CO 80203
P 303.866.3203 | F 303.866.3206

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.

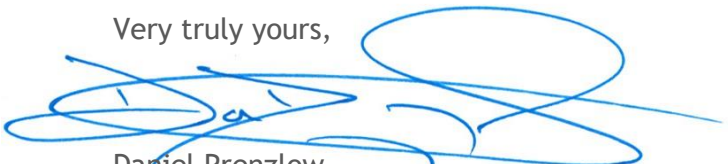
Regulation #209.C that limits how a firearm can be carried on an OHV has been in place for about 20 years. The rationale behind this regulation is to adhere to the principles of fair chase. Occupants of OHVs have much more rapid and ready access to areas that are not reachable by motor vehicle or by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