

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date, April 14, 2011

Agenda Item: Modification of muzzleloader/shotgun ammunition regulations for Weapons Restriction Areas

Division: Enforcement

Action Needed:

Approval of Proposed (Tentative) Rule **Approval of Final Rule/Action** _____
 Endorse Course of Action _____ **None - information only**

Time Needed on Agenda for this Presentation: 20 minutes

Background (Brief description of the issue, decision to be made, history, etc.): Weapons Restriction Areas (WRA) were established to allow for the harvest of animals in areas where residences, adjacent populations and development preclude the use of “high-powered” firearms. Weapons are currently limited to shotgun, muzzleloader, traditional handgun and archery as harvest means. However, the technology that has developed in the area of ammunition for both shotguns and muzzleloaders has increased both the range and velocity of these firearms. These increases can bring muzzleloaders and shotguns to near high power rifle capabilities, extending the effective range well out beyond the popular 100 yard benchmark that is often used in these issues. The use of this ammunition has the potential to defeat the purpose of limitations on weapons in these areas, along with that, creating potential public safety issues. The enhanced ammunition is readily available at sporting goods stores throughout the state and many hunters have inquired about the legality of their use. Because of the growing number of WRA’s and often, their relative size (such as the Gallatin and Helena Valleys) this is becoming an issue that requires attention. To adopt new rules would make the regulations current with the technology that is available (they have not been modified since the early 1990’s) and provide clear direction for hunters hunting in WRA’s.

Public Involvement Process & Results (Brief description of the type of public involvement and summary of what we heard from the public): A group consisting of wardens, a legislator (who had concerns about regulation ambiguity,) a local muzzle-loading firearms enthusiast and a professional gunsmith (with extensive experience in muzzle-loading firearms and ammunition characteristics) met to discuss the various new types of ammunition available for shotguns and muzzleloaders and develop appropriate, clear language that could be adopted so as to maintain the safety margin of hunting in WRA’s. This group developed draft wording for the Big Game Regulations and passes it to the Commission for consideration, public review and adoption. At its’ January 2011, meeting, the FWP Commission tentatively adopted a rule clarifying ammunition limitations on WRA’s. For a number of reasons, the posting and announcement of the proposal did not occur until January 28. The comment period was therefore extended to close on February 22 to adequately accommodate public review and comment. Comments were solicited for response by email/snail mail and also through the FWP website.

A total of 212 comments were received on the proposal. Of those 58 concurred with the proposal or agreed in concept with the proposal but offered technical modifications for types of ammunition; 141 comments disagreed with the proposal. 12 comments simply offered information and 1 comment did not address the issue directly.

The comments were very thoughtful and often, provided additional information beyond basic comments. There has been a significant amount of work done on new muzzleloader and shotgun loads. Copies of papers or articles on that work were included with many of the comments. Additionally, manufacturer data was supplied

by some who commented. As with many areas of interest, it was not uncommon for some of the information to conflict. This appeared to be due in part to whether the research was conducted independently or by ammunition manufacturers, and whether information was general ballistic data or being utilized to justify or discuss the conventionally-held view that o shotguns and muzzle loading weapons provide a safer hunting environment than center fire rifles. In all, however, it appears that there remains no overall consensus in the shooting community as to whether using these loads in developed areas is appropriate or not.

Alternatives and Analysis (Brief description of alternative solutions with analysis of the pros and cons of each):

- Leave regulations as is. This would allow for the enhanced ammunition and pose potential public safety risks at WRA's. To this point, the current regulations have been adequate to allow hunting opportunities in developed areas.
- Adopt new rules that would allow for big game hunting in developed areas but at the same time, minimize the possibility of properly handled firearms presenting risks to the public and property in the area.

Agency Recommendation & Rationale (Brief description of our recommendation to the Commission and the reasons for it): The agency believes that for the time being, and due to the large amount of public comment and information, the regulations (such as those articulated in the 2010 Deer, Elk and Antelope Regulations) regarding Weapon Restriction Areas should remain in place. Those read as follows:

Weapons Restriction Areas

• Weapons restrictions are in effect in some hunting districts. Such restrictions are stated in the license/permit description and/or with a specific date range. The following equipment restrictions apply to Weapons Restriction Areas:

- **Muzzleloaders**

- must not be capable of being loaded from the breech of the barrel;
- may not be loaded with any pre-prepared paper or metallic cartridges;
 - must be ignited by a percussion, flintlock, matchlock, or Wheelock mechanism;
- must be a minimum of .45 caliber;
- may have no more than two barrels; and
- must only use plain lead projectiles, not sabots or similar projectiles.

- **Traditional Handguns:**

- is not capable of being shoulder mounted;
- has a barrel length of less than 10 ½ inches;
- chambers only a straight wall cartridge, not originally developed for rifles.

- **Shotgun:**

- a shouldered, breech-loaded or muzzle-loaded firearm with a smooth bore and/or rifled barrel and/or rifled choke device designed to fire shot or slugs.

- **Archery:** See legal archery equipment in this section.

- **Crossbows:** Legal in weapons restriction areas unless exception noted in specific hunting district regulations.

The current regulations do allow for the use of sabots in shotguns inasmuch as they only address what a shotgun is rather than what can be fired in it.

We anticipate that with increasing development and growth, particularly around larger towns and cities in Montana, WRA's are likely to be established more and more. In addition, current, existing WRA's need to be regularly re-evaluated by the regions, both by staff and through public review to ensure that circumstances have not changed to where the use of any firearm would endanger public safety.

Proposed Motion (Draft language the Commission could use to adopt the agency recommendation): **I move that the regulations for Weapons Restriction Areas be maintained as currently written.**

