

Summary

Meeting dates: September 28, 2017

Agenda item: Petition to amend WAC 220-414-060 Muzzleloading firearms - Decision

Presenter: Jerry Nelson, Ph.D., Deer and Elk Section Manager, Wildlife Program

Background summary:

The Commission received a petition from Martin Freitas on August 25, 2017 requesting that the WAC pertaining to muzzleloading firearms, WAC 220-414-060, be amended to allow the use of centerfire cartridge primers (209 primers) as a source of ignition. Currently the rule requires ignition on muzzleloading firearms to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the weather. "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being enclosed by an integral part of the weapon proper. The rule does not allow primers designed to be used in modern cartridges.

For the 2009-2011 three-year hunting season package, the Department worked with the Enforcement, Washington Muzzleloaders Association, Borderline Bassin' Contenders, GMAC, and the hunting public to revisit muzzleloader hunting rules and make recommendations to the Commission to revamp the rules. In 2009, in addition to adding 34 GMUs to muzzleloader deer hunting and 5 GMUs to muzzleloader elk hunting, the Commission also added 2 days to the early muzzleloader deer season.

The Commission also considered the equipment restrictions pertaining to muzzleloaders. The primary equipment topics considered in the public process were types of powders; sighting systems including scopes; projectiles; muzzleloader handguns; and ignition systems. The Department recommended and the Commission adopted a change to allow all types of projectiles. The Department also recommended and the Commission adopted clarifying language and definitions pertaining to required calibers, new definitions related to muzzleloader handguns, when a muzzleloader is considered to be loaded, and restrictions on muzzleloading firearms depending on which type of game is being hunted. Based on the input from the entities mentioned above, no other equipment changes were recommended by the Department or adopted by the Commission.

At that time the Commission made it clear to the Department that they were not interested in "modernizing" the allowed equipment for muzzleloader hunting any further than what had been adopted in 2009. The Commission's rationale was to stick to the core values and intent of creating a "primitive weapon season". Currently, the more technologically advanced muzzleloader equipment and sighting systems are allowed during modern firearm seasons.

Based on this background and the previous guidance given to the Department by the Commission, the Department recommends that this petition be denied.

Policy issues(s) you are bringing to the Commission for consideration:

Determining the criteria and restrictions for equipment to be used for muzzleloader hunting. Pursuant to RCW 34.05.330, the Department has 60 days from receipt of a "Petition for Adoption, Amendment or Repeal of a State Administrative Rule," to either:

- a) Deny the petition in writing, stating the reasons for the denial, specifically addressing the concerns raised by the petitioner, and where appropriate, the alternative means by which it will address the concerns raised by the petitioner; or
 - b) Initiate rule-making proceedings.
 - c)
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Public involvement process used and what you learned:

The Commission received a petition to amend WAC 220-414-060 on August 25, 2017. The petitioner was notified the Commission would formally consider the petition on September 28, 2017.

Action requested:

The Department requests that the Commission deny the petition to amend WAC 220-414-060.

Draft motion language:

I move to deny the petition to amend WAC 220-414-060 to allow the use of centerfire cartridge primers (209 primers) as a source of ignition.

Justification for Commission action:

The petition request is not consistent with direction provided by the Commission to the Department in 2009, and previous public involvement conducted by the Department for the 2009-2011 three-year hunting season package with respect to the muzzleloader hunting rules.

Communications Plan:

Written response to the petitioner.
