Case 9:09-cv-00147-DWM-JCL Document 86-4 Filed 06/02/10 Page 1 of 1 Statement of Gary Marbut

Development of 12-guage "beanbag" ammunition in 2005

I have hand-loaded my own ammunition for handguns and rifles since about 1970, including casting bullets for many of the calibers I shoot. Since I usually shoot over 10,000 rounds of ammunition annually in practice and shooting competition, I'd guess that I've hand-loaded over 1/4 million rounds of ammunition in my lifetime.

During the Autumn of 2005, I worked on development of "beanbag" ammunition to be used in a 12-guage shotgun for bear adversity training. I wanted a relatively accurate round that would thump an invading bear as hard as a fastball pitcher thrown by a major-league pitcher. I wanted ammunition that would definitely get a bear's attention, but which would not break a bear's skin or cause any permanent injury - a firearm owner's equivalent of throwing a rock at a bear. This, I surmised, would allow me to train intruding bears to stay out of the apple tree at my rural residence and leave my dog alone.

I documented development of this beanbag round of ammunition in 2005 at: http://marbut.com/beanbag

The presentation at this URL has been unchanged since.

See attached **Exhibit A** as a reproduction of the Website page where I documented my developmental work on the beanbag ammunition in 2005.

Since development, I have had opportunity to test this ammunition on intruding bears. Before doing so, I discussed the proposed testing with Jamie Jonkle, the bear biologist for Region 2 of the Montana Department of Fish, Wildlife and Parks (FWP). Jamie was very encouraging, and expressed a wish that all rural homeowners would also engage in similar, non-lethal bear adversity training.

My tests of the beanbag ammunition showed dramatic and positive results. I have hit three bears in my yard with beanbags. All three left the yard at the highest speed they could achieve. None of the three have ever returned (they were identifiable by unique coloration and markings). In all three cases I recovered used beanbags from my lawn that had bounced off of the target bears, one with some black bear hairs still attached.

In 2005, I delivered a manila envelope with ten rounds of my handloaded beanbag 12-guage ammunition to FWP Region 2 Director Mack Long for Jamie Jonkle to test in his work with bears. I discussed this with Jamie on the phone in 2006.

Jamie found the ammunition very effective. He asked if I could load several boxes of this specialty ammunition to sell to FWP for bear biologists to use in their work. I declined, telling Jamie that I lacked the requisite federal license to load and sell ammunition to FWP.

Dated this 31st day of March, 2010

Gary Marbut, Owner B.I.T. Enterprises