



Protecting Montana's wildlife,  
land, waters and hunting & fishing  
heritage for future generations.

Jan. 19, 2018

Sen. Chas Vincent  
Chairman  
Montana Environmental Quality Council  
Legislative Environmental Policy Office  
State Capitol Building  
1301 E. 6th Ave., Room 171  
P.O. Box 201704  
Helena MT 59620-1704

Dear Chairman Vincent and Council members,

The Montana Wildlife Federation was formed over 80 years ago when hunters joined landowners to restore depleted wildlife in our state. Many of our members are game bird hunters, avid dog trainers and bird dog owners. We have promoted laws and programs that support abundant wildlife, habitat and public access.

All of us, including professional trainers, have a vested interest in the well-being of our game birds and the habitat on which they depend. While we would all agree that habitat loss is where we should be focusing our collective efforts, we must also look at our own activities through a science-based approach to determine how those activities impact the resource.

Before we embark on a legislative solution we encourage the council to consider a more educational approach combined with limited regulatory changes, an approach that may have more impact toward benefitting game bird populations.

Such an approach would include the following key elements:

1. Development of appropriate dog training practices in cooperation with the professional dog training community, gamebird hunters and landowners. Proposed practices to be covered, avoidance of known nesting and brood rearing habitat, frequency of contact with coveys and broods and timing of training sessions to least impact family avian groups.
2. A thorough examination of existing science based research on impacts of dog training on game bird populations. Encourage additional research where needed.
3. Establish time period when focused training of dogs on wild birds is prohibited. This should cover the nesting and brood rearing periods, suggest April 1 through August 15.

This would not include training on privately owned pen raised birds in areas where likely hood of contact with wild birds would be limited.

4. Define areas where all training of dogs is prohibited. Suggest state wildlife management areas and waterfowl production areas be prohibited to all dog training from April 1 to August 15 annually.
5. Establish a permit for any professional training gun dogs on private or public lands. Professional trainer being defined as any person who trains any breed of gun dog for remuneration which is a basis for his livelihood.
6. Amend or revise existing statutes, code and rules as necessary.

While we understand the concern over professional trainers coming to the state to train large number dogs, we believe that all dog trainers whether professional or private should be held to the same standards in regards to protecting or gamebird resource. When it comes to protection of our wild birds from dog training activity we believe that it is limiting disturbance during the nesting and brood rearing period, frequency of contact and timing of training that is most critical to survival of wild birds, thus our emphasis on education with minimal regulation.

Thank you for considering our comments. We look forward to working with the EQC to develop a bill that would meet the needs of trainers and bird dog owners while also protecting our valued public wildlife.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Gevock". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nick Gevock

Conservation Director



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January 20, 2018

Environmental Quality Council  
PO Box 201704  
Helena, Montana 59620-1704

**RECEIVED**

JAN 20 2018

**LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE**

Email Chairman Vincent: [cvvincent@hotmail.com](mailto:cvvincent@hotmail.com)

Re: "Bird dog statute" section 87-4-915 (5)(a), MCA

Dear TherChairman Vincent and Council members:

I am writing a few follow up comments to the comments I made at your meeting last week. I very much appreciate you and your council taking this issue so seriously. You and the council seemed to get it, I was worried that our issue was so esoteric. I actually have a hard time explaining what we do to friends and acquaintances who haven't witnessed or training personally.

I have six points with further elaboration below:

1. Since the Bird dog statute, section 87-4-915 (5)(a), MCA was adopted thirty five years ago, it apparently has been either ignored or was not known by any applicable law enforcement agency and dog owners alike.
2. Hunting and by extension, bird hunting with dogs is a major part of Montana's culture heritage.
3. Well trained dogs are a benefit to society in general, and well trained hunting dogs particularly benefit our wildlife resources.
4. The huge majority of people who go to the trouble to learn how to train, then actually take the time to train, do so due to a personal concern for preserving wildlife.
5. "Dog training" is as diverse as the many different dog breeds and activities that exist.





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6. I don't believe the dog training problem which was the catalyst for this action, has been studied, analyzed or defined, so any proposed solution is premature.

Item #1 is self-explanatory. I firmly believe you would be hard pressed to find one square mile, in the State of Montana, not including our largest cities, that didn't have a bird nest at during some part of the year, so virtually every single person who trains dogs here, is or has been in violation of that existing rule.

Item #2. Between all the myriad dog breeds and various activities, working with and training dogs is hugely popular across our whole state.

Item #3. I remember the day when most of the hunters I encountered out in the field, didn't possess a dog at all, and the few that did were untrained. There was lots of shouting, rock throwing and general chaos involved. I can't tell you how many birds were shot, crippled or otherwise lost in the bush. Aldo Leupold, the great 20<sup>th</sup> century conservationist once said, "The greatest conservation tool a man can possess is a well-trained retriever".

I've noticed a huge improvement over the last 20 years in the level of competence of hunting dog encountered in the field. I attribute this to the growth of training programs accessible to average Joe and Jane hunter.

Item #4. With item #3 in mind, that naturally leads to #4, dog training is hard, complicated, takes a real commitment in time and effort. People take on this arduous task because they care. People like that are not "bad actors"; they are people who care deeply about game and habitat.

Item #5. It would be a mistake to assume all dog training is the same. There are people in our state training dogs for obedience, agility, tracking,



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dock diving, therapy, various services, retriever field trials, retriever hunt test, upland flushing, shoot to retrieve, upland pointer, general hunting dogs and others too much to list. I personally hunt my Golden's in the upland and marsh as well as run field trials, and one of my dogs is a certified Therapy dog that I take to hospitals and assisted living homes.

Item #6. I would expect Montana FWP not to overreact to a small number of complaints, but to investigate and if necessary, do a large study to see if there is a problem with dogs disturbing nesting birds on public or private land.

Bear in mind that bird populations fluctuate widely over the years due to change in habitat, wet and dry years, late springs, predators, etc. I believe FW&Ps biologist have a good handle on this. I don't believe they have done any study of how dog trainers affect nesting birds negatively versus the positive of well trained dogs working the fields and marsh in the fall. By the way, all State and Federal waterfowl production areas, refuges and management areas are already closed to any human activity during nesting season.

**Conclusion:**

I propose that you just eliminate clause *ii* "***the training is more than 1 mile from any bird nesting or management area or game preserve***" from the statute. Instruct FW&Ps investigate to see if there really is a problem. If there is, reconvene and discuss solutions to that problem after it is more clearly defined.

Sincerely yours,

John Robinson  
Kalispell Montana

CELL 406-249-4146

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**From:** Todd [<mailto:toddb8877@gmail.com>]

**Sent:** Monday, March 19, 2018 11:05 AM

**To:** Kolman, Joe <[jkolman@mt.gov](mailto:jkolman@mt.gov)>

**Subject:** bird dog training

Joe,

I hope I have the correct email. I am president of the Montana Brittany Club and we agreed as a club on the following statement concerning the bird dog training issue:

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Montana Brittany Club statement

principles:

1. Well-bred/trained dogs preserve game birds and provide optimum hunting experiences for our Montana hunters. Therefore, individual/private hunting dog training and professional dog training should be encouraged to flourish in Montana.

*Well bred/trained dogs hunt in control of the hunter, do not chase/harass birds, provide closer better shots for the hunter and find a higher percent of downed birds so less birds are wasted.*

2. Hunting dog events such as field trials, hunt tests, shoot to retrieve, natural ability tests, help create and encourage well trained hunting dogs and provide the breeding stock that all hunters depend on for good quality dogs - therefore should be encouraged in Montana.

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-When it comes to regulations, we feel that "good quality less, is more."

-We feel that the State should not regulate hunting dog training on private

lands.

-We feel that the State should not regulate hunting dog training on public lands except on areas with special game bird management criteria.

-We feel that training times/dates should not be regulated. The vast majority of hunters and trainers do not want to damage the game bird population in any way!

*If anything, we would rather see a short regulation about not harassing nesting and young flightless game birds - that could be enforced on an individual basis.*

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We would like to see the following changes (strike-outs) below:

## Montana Code Annotated 2017

TITLE 87. FISH AND WILDLIFE

CHAPTER 4. COMMERCIAL ACTIVITIES

Part 9. Game Bird Farms

### Field Trials – Permits

**87-4-915. Field trials -- permits.** (1) As used in this section, "field trial" means an examination to determine the ability of dogs to point, flush, or retrieve game birds.

(2) Applicants for a permit to conduct a field trial shall apply to the director upon a form furnished by the department for that purpose. The application must be signed and sworn to by the applicant, stating the applicant's name and address, the name and address of any national affiliate, the place for the field trial clearly defined, the date or dates of the proposed field trial, whether live birds are to be used, and any other information required by the director to determine the advisability of granting permission for the proposed field trial. ~~The application must state that if a permit is granted, the applicant will carefully flush all wild game birds from fields used for the field trial each day before the field trial begins and will not permit dogs to run free in fields that have not been carefully flushed.~~ The application must be presented to the director not less than 20 days prior to the date proposed for the field trial.

(3) The director may refuse any application that the director determines is not in the best interests of the protection, preservation, propagation, and conservation of game birds in this state. Any denial by the director of an application must state the reasons for denial and must be mailed to the applicant within 10 days of receipt of the application.

~~(4) All live game birds used in a field trial must be tagged before being planted or released and may be planted or released only in the presence of a representative of the department. If an untagged bird is shot during any field trial, the person to whom the permit was issued shall immediately replace it with a live bird.~~

(5) (a) Dogs may be trained in open fields at any time without permission of the director only if:

(i) live game birds are not killed or captured during training; ~~and~~

(ii) ~~the training is more than 1 mile from any bird nesting or management area or game preserve.~~

(b) A person may train dogs with a method that will kill birds acquired from a game bird farm ~~only after receiving a written permit from the department and only in compliance with the terms of the permit.~~

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Thanks,

Todd Breitenfeldt

406-498-5236

Montana Brittany Club

Sent from [Mail](#) for Windows 10