

EXHIBIT 10
DATE 3/17/09
SB 336

SB 336

Tuesday, February 17, 2009 12:52 AM

From:

"Todd Baier" tbaier74@gmail.com

To: joebalyeat@yahoo.com

Senator,

Please support SB 336. With the increasing prevalence of archery, black powder, and long range hunting and the diminishing field craft of the average hunter, the blood tracking dog would aid in the recovery of many big game animals. We use dogs to pursue upland game and waterfowl where they are considered an important conservation tool. I would shudder to think of the number of ducks, geese, pheasants, huns, and sharp tails we would have lost this year if not for the superb work of our dogs. This same talent could be employed under SB 336 to aid the hunter in conservation of big game species. I have lost two deer in my career as a big game hunter and nearly lost an elk. After my experience around bird dogs I believe that those deer would have been recovered with the aid of a blood tracking dog. This is anecdotal information to be sure, but I am equally positive that I am not in the minority of hunters. The language of SB 336 limits the use of dogs with a 50' leash and I think protects the fair chase ideal of Montana big game hunting.

Thank you,
Todd Baier
Billings, MT

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Representative ,

I am writing to you to ask you to support bill #336 regarding new regulation for the use of dogs to blood trail wounded game which comes before the committee tomorrow afternoon. I had the privilege to testify before the Senate fish and game committee as asked to do so by Senator Balyeat who is the sponsor of the bill. I regret that I will not be able testify before the House committee tomorrow due to work obligations as an employee with the Department of Homeland Security. The following is a written copy of my testimony before the senate committee. I thank you for your time in this matter and hope that you will support this bill.

As a brief description of my hunting resume: I have hunted for thirteen years and have taken numerous big game animals with bow, rifle, shotgun, and muzzleloader. I have hunted in a variety of states and feel privileged to be able to live and hunt in Montana . I have never guided for an outfitter, but I have guided friends and family to harvest animals, also taken with bow, muzzleloader, and rifle. I have seen dozens upon dozens of recoveries on animals over the years as well as some that were never recovered due to lack of sufficient sign and despite all our best efforts these animals went to waste.

Unfortunately that is a scenario that will inevitably happen to every hunter if they hunt long enough, even to the most accomplished individuals. No matter how much practice and preparation a person puts in, branches, wind, animals taking a step at the time of the shot, and the angle the animal is standing, all play a part in causing an animal to become wounded and sometimes impossible for the hunter to find. There are also many instances some that I have even experienced myself where the shot on the animal was perfect, but do to the way that the projectile entered at the time of impact, there was barely any visible sign to follow, and hardly enough to find the downed animal. A great deal of these situations could have had a happy ending with the use of a leashed tracking dog to aid with the recovery.

In Montana, hunting is a favored tradition as well as a way for some to make a living. As stewards of conservation it is our responsibility and duty to ensure that as little game as possible is wasted. Many of these situations are played out by the hunter wounding the animal, searching for it and when it is not found, continuing to hunt and eventually killing another animal. In this case two animals are killed and one is gone completely to waste. In all actuality someone does get to enjoy the wounded animal. The coyotes, crows, raccoons, and wolves. In this part of the country there are many times when an animal is wounded, and left for a few hours until it expires, and by the time the hunter finds the deer or elk, all he has is the leftovers from the coyotes or the wolves. The point I make, is that dogs do recover wounded game, just not the right ones. Would it not be a better solution to allow leashed dogs that are trained, to follow the trail and find the animal before it goes to waste?

Based on my experience as well as research I have conducted, I know that there are many situations of this nature that could be avoided if the use of leashed blood trailing dogs were allowed in the state of Montana . After seeing the advantage and avoidance of wasted game, close to twenty other states in recent years have changed their laws to allow for the provision of leashed trailing dogs to aid in the recovery of game. I am by no means saying that Montana needs to be "like other states", but that this activity is being utilized throughout the country with excellent results, and to my knowledge very little problems.

Author John Jeanenney has written an extensive book called " Blood Trailing Dogs for Wounded Deer" which deals with every aspect of using a dog to blood trail wounded game. Mr. Jeanenney is a retired history professor who has used dogs to blood trail over 800 wounded deer, and was the first to introduce legislation in the U.S. for the use of leashed dogs to recover wounded game. He has been doing this activity for over 30 years and in his book he shows some of the history behind the use of dogs to blood trail, including its origination in Europe where it has been practiced for literally hundreds of years. Through his influence there have been chapters set up in some states, where there are dedicated dog handlers who are on an on-call basis to help hunters retrieve deer that they have not been able to locate themselves. (Incidentally having talked to Mr. Jeanenney personally as well as he addresses in this his book, he believes based on his experience, that using a 30-50 foot leash is optimum even if not required, for many reasons, one of which is that the handler can better help the dog and gives the two of them a better connection. The concern of the dog getting tangled is almost never a problem as the leash will snake its way through the undergrowth, which is also why a longer leash is better.) The point that I am trying to make is that the use of dogs to locate wounded game is not an obscure and isolated activity, but an activity that has been put to practical application by many individuals who have been able to introduce similar legislation in their own states, some of which are not as prone to hunting as Montana is.

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At this point I would like to say that dogs are used for many purposes in our society. They are used for serious affairs such as in law enforcement to detect drugs, bombs, and narcotics, as well as search and rescue dogs to locate stranded victims in the wilderness or possibly an avalanche. As hunters we commonly use dogs to locate and retrieve geese, ducks, and upland birds such as pheasants, quail, or grouse. Even in these types of hunting, without the aid of the dog, finding a downed bird in the dense undergrowth or prairie grass is sometimes next to impossible. Would it not also be reasonable to allow LEASHED dogs to search and locate wounded big game, especially in this state where the conservation of big game is of utmost concern.

I would like to briefly address some concerns that may arise from this legislation. Some may be worried that tracking dogs may run the deer or harass general wildlife. My first response to this is not a coyote or wolf much more of a harassment than one tracking dog? Also with this legislation the dog would be on a leash so it would be difficult for it to have the opportunity to run off and cause problems, as well as a trained dog knows to ignore all other scents and distractions and stay focused on the trail of the wounded animal. I also find it ironic that the concern of bird dogs running amuck and spooking game is never a concern, even though they are not on a leash as would be the case with a trailing dog.

Some may say that deer and dogs don't mix, but in this situation the dogs are brought in after an animal has been wounded to search and recover the game, and as I previously stated, if the dog has been trained well it knows to stay on point and be focused on the task. Another factor is that an outfitter or guide has much to lose if the game is spooked out of the area, but many outfitters and guides throughout the U.S. employ the use of a trailing dog to recover wounded game, and thereby prevent the waste of an animal.

Also of concern to some, is that some think that the having the dog as a back up may encourage hunters to take long or unethical shots. From what I have seen the folks who take the time to buy a good dog, thoroughly train it, and put in all the time and effort that goes with it, are usually the type of individuals who are ethical and responsible therefore the very reason for getting the dog to begin with. As previously stated, some states where blood trailing dogs have taken root, such as New York, there are organizations that have chapters with dedicated dog handlers that are on an on-call basis, and find many deer for other hunters every year that would otherwise never have been found. It is my opinion that if this legislation causes only 10 percent more animals per year to be found, then it is well worth it. Another factor of the equation is that in some cases the hunter is never sure if the animal just sustained a superficial, non-lethal hit, or died somewhere off in woods. (again an experience I myself have had the displeasure of going through) With the use of a tracking dog, one can usually verify the lethality of the hit and thereby determine if the animal is still alive or if it will be found. At the very least the hunters mind can be put to rest as to the outcome one way or the other.

Some have expressed the concern that people may use dogs, if tracking at night, as an opportunity to poach. I believe that individuals that are prone to violate the law by illegally poaching, don't need to use blood trailing dogs as an opportunity to do so. I would also like to point out that it is already legal to track an animal at night anyway, so if an individual is inclined to poach, the availability to do so at night is already there, as well as it would be much more difficult to have a dog in tow while doing so.

The last issue is that some within Fish and Wildlife have stated that it is already legal to use dogs to track here in Montana. First, if that is the case, then why is there a problem establishing a provision that makes the law distinct? Secondly, I have personally called fish and wildlife and talked with a game warden who informed me that it was not legal to use a dog to blood trail wounded game. So there is obviously not uniformity of opinion on this issue within their organization. Being a law enforcement officer myself, I firmly believe that when the law is black and white, it benefits both the law enforcement officer as well as the citizenry as there will be no grey area and it will not be left up to interpretation by either party.

When all is said and done, the main thing in approving this bill, is that more animals will be recovered, and less will go to waste. With conservation in mind I put forth my ideas to you all and hope that I have presented my case in manner that shows the value of approving this bill."

THANKYOU,
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To whom it may concern,

I am a resident of Montana and am a federal officer with the department of homeland security. I am an avid bow hunter and would like to preface my following comments by saying that I greatly appreciate the vast hunting opportunities that this great state has to offer. The variety and abundance of wildlife are virtually unrivaled anywhere else in the country, as is the beauty of the landscape. I consider it a privilege to be able to hunt this state and do not want my comments to seem lacking respect and gratitude, but I feel that they are important to the further promotion of both ethical and moral hunting values and tradition.

Per SB 104, 2001 Legislature,

"A person who purposely, knowingly, or negligently permits a dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor and is subject to the penalty in 87-1-102(1). If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable, unless it is shown that at the time of the violation the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large."

I fully understand the need to control and regulate dogs, and that the state seems to be trying to prevent the use of dogs in the aiding of hunting and chasing deer which some states allow, as well as prevent the harassment of hoofed animals by dogs. I would like to state that I am in full agreement with this purpose. Unfortunately according to this law, there is no delineation between using a trained dog to ethically and responsibly blood trail a wounded deer for the purpose of tagging and recovery, and a dog that is allowed to knowingly or negligently harass deer without an ethical purpose, and run amock creating problems within the field. I have been bow hunting for many years now, and have had experience in seeing others, and myself as well, lose deer that were mortally wounded, and were never recovered due to the lack of sufficient evidence and sign to locate the downed animal. It is rest assured that had there been a trained, controlled dog at the time of loss, the chance of a much more favorable outcome would be tremendously higher. This is not to say that I have not seen cases that an animal was not fatally wounded, and had sustained a mere flesh wound, but it is not always possible to know that for sure on the amount of evidence at the present time, and what may seem like a superficial wound may very well not be the case. As someone who has worked with dogs in other states in order to locate wounded deer, I have found that if the animal has sustained only a superficial hit, and there is little to no amount of blood present, the canine will lose interest and not continue following it indefinitely. The hunter as well will

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soon realize that the originating shot was not lethal, and will discontinue the tracking, so as not to unfairly and unethically pursue an otherwise healthy animal.

I firmly believe that it is only **ethical and moral**, that an individual pursuing big game should be legally afforded every reasonable means to locate a wounded animal, and avoid the waste of game that he or she may have wounded. Please understand that I am not in any way advocating the use of a dog to find big game before a wound may be inflicted, nor the use of a dog to find and chase an animal that has sustained a superficial wound in the hope of **another shot opportunity**, nor the use of a dog to chase, attack, or stalk deer for any reason other than blood trailing one that has been wounded. In contrary I am trying to show that the use of a **trained, controlled dog** for the express purpose of blood trailing a wounded animal is an excellent way to stem the wasteful loss of animals that were legally pursued and have been wounded. As a hunter there is no worse feeling than losing an animal that you are sure sustained a fatal hit, and although you have searched hi and low, it cannot be found, and will most assuredly be wasted. Although it is a hunters moral responsibility to do their best to take only responsible shots, be proficient and practiced with their weapon of choice, and make quick, clean, and humane kills, there are unfortunate instances when for one reason or another, a shot is misplaced and an animal runs off and leaves little or no visible sign to follow. In these cases there are many times when the animal if given a proper amount of time, will find cover and lay down. After a while the animal will expire. The problem is, that although one may do their best to recover the expired animal there are times when it is virtually impossible, in which case the aid of a canine significantly increases the probability of the expired animal being recovered.

At this point I would like to state the irony in the fact that as a society we put our trust in canine units to detect drugs, bombs, and other contraband, yet in the case that I am presenting, we do not allow them to detect and recover wounded, expired hooved game. I would also like to point out that it is legal here in Montana to use dogs to hunt, chase, stalk, and pursue upland game birds, rabbits, raccoons, and general varmints, so should it not also be allowed to utilize their great natural sense of smell, so that a hunter may either come to realize beyond reasonable doubt that the animal was not lethally shot, or find the animal that without the aid of the dog would have otherwise gone to waste? At the very least in this all too common occurrence, could not the case be made that a very diligent and responsible effort was made to locate the wounded animal? Would not also

an attempt such as this be better than having wild dogs or coyotes find the animal as opposed to a well organized search and recovery effort by a hunter and a trained, controlled canine?

I **IMPLORE** the state of Montana to amend the aforementioned law and make a distinction and exception for the use of a well controlled canine to search for wounded **hoofed** animals. I acknowledge that there is always the possibility that there are those individuals who may abuse the privilege that this amendment would afford, by using their dogs illegally, but would remiss if I did not point out that those types of people would and do abuse the law nor matter what the law may already state. An amendment such as the one I am requesting, would ensure the best possible chance to make a good and fair recovery of wounded game, and would be fair to both the hunter and the game he pursues. I believe that it would be appropriate to state that the provision for using a canine in such a fashion must be that the dog is controlled by either leash or electronic controlled stimulation device, such as is of a common use with bird dogs, and must be under the control of the trainer/owner. It may also be appropriate to possibly make one of the requirements that handlers must be certified and licensed through the state, and demonstrate control and skill of the dog for the intended purpose of blood trailing. **Please** understand that I am trying to benefit both the hunter and the prey, and am only trying to champion ethical responsibility, and make aware that this kind of amendment would only further good stewardship of our wonderful natural resources.

I have attached a scientific study related to this matter, which is an excerpt taken from www.deersearch.org which may be a valuable website to visit when considering the above mentioned request. I am requesting that a bill be introduced to amend the law to allow for blood trailing dogs, and trust and hope that I have outlined my petition in an equitable fashion, and with the most sincerest of humility. I can only trust that those who make the final decision regarding this situation will use good conduct and reasoning, and seriously consider this request of amendment to the current law. Thank you so much for your time in this matter.

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“Interesting enough, as I researched some data I discovered that, although specific conditions apply, a total of 17 states (mainly in the Southeast) and three Canadian provinces allow the use of dogs for tracking wounded deer. Considering that the loss of one wounded deer is one too many, the idea of allowing tracking dogs may warrant more investigation.

Searching the scientific literature I came across a South Carolina study conducted by Richard Morton to determine the efficiency of archery equipment in conjunction with tracking dogs. In his study, 22 experienced archers shot 61 deer (29 bucks, 29 does, 3 fawns). Twenty of the deer (32.8 percent) fell within sight of the hunters. If bow hunters didn't see their deer fall, the services of a trained tracking dog were utilized one hour after the shot. In total, 60 out of the 61 deer (98 percent) were found within 24 hours of being shot. The one deer that wasn't recovered was reportedly hit in a non-vital area.

Morton also found that most deer reacted to being shot by taking off with their tails down (72 percent) and left a blood trail (68 percent), blood spots (23 percent), rumen material (5 percent), bone fragments (2 percent), meat (1 percent), and hair (1 percent). The average distance traveled by a shot deer was 109 yards. Most deer were not spooked (96 percent) during the search. In fact, 95 percent of the harvested deer were found dead. It took an average of 30 minutes to recover a deer once the dogs were released and 95 percent were found within 4 hours.

Morton concluded, “Our results do confirm that archery hunting can be a highly efficient means of harvesting white-tailed deer when shot selection and shooting skills are emphasized and using trailing dogs is required as part of an organized management approach.”

Another study in South Carolina by Charles Ruth, Deer Project Supervisor for the South Carolina DNR, also reflected the benefits of using trained dogs. Hunters in this study used rifles rather than bows. As in Morton's study, trained tracking dogs were brought in to recover animals that ran beyond the hunters' sight. A total of 493 deer were harvested - 305 bucks and 188 does. Ruth determined that trained trailing dogs deserved credit for the recovery of 15 to 20 percent of all those deer.

Both of these studies point out that dogs can be very beneficial and Morton's study once more prove the lethality of bow and arrows. The most obvious benefits in using dogs are in searching the woods for wounded deer when there is no blood or other signs to follow, or when conditions such as darkness; rain or snow; rough/dense terrain; or water/wetlands enter the picture.”

C.J. Winand- Outdoor writer: an excerpt taken from www.deersearch.org