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MAY 22 2017
LAW ENFORCEMENT

May 19, 2017

Mike Lee
PO Box 200701
Helena, MT 59620-0701

via email: FWPDogTraining@mt.gov as a copy

RE: NEW RULE I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS

Dear Mr. Lee;

Thank you for allowing members of the public to submit comment on the proposed rule referenced above. I am a 42 year resident of Montana as well as a lifelong outdoor enthusiast. Over the last 3 years or so, I have taken up the sport of recreational dog training for pointing hunting dogs and became a member of the North American Versatile Hunting Dog Association (NAVHDA) to help train my Wirehaired Pointing Griffon. The Mission of this organization is as follows:

"The North American Versatile Hunting Dog Association (NAVHDA) is a nonprofit corporation whose purpose is to foster, promote, and improve the versatile hunting dog breeds in North America; to conserve game by using well trained reliable hunting dogs before and after the shot; and to aid in the prevention of cruelty to animals by discouraging nonselective and uncontrolled breeding, which produces unwanted and uncared for dogs."

Many of us fear that this new rule will inhibit our ability to perform the needed training to fulfill our mission. However, I also recognize that we may not fully understand where this rule fits in and therefore respectfully request that a public hearing be held to allow a full discussion of the issues the pertain to the new rule.

In addition, I submit the following comments and thoughts about the rule and what I have read to date.

From the May 17, 2017 Press Release:

"The new rule is in response to the recent instances of large-scale dog trainers coming to Montana to train bird hunting dogs on wild birds, often on public land. These trainers are often working with dozens of dogs, follow on horses and are in the field at a time that is problematic for gamebirds – when hen birds are raising their broods."

RESPONSE: It seems that this is not an applicable issue to warrant a new rule in the first place. The statement lacks full facts as to whether the trainers had a permit in the first place. Secondly, it states that they were using wild game birds that I am pretty sure was already a violation of the rules. Were they issued a citation?

"Flushing coveys of young birds can break up family groups, which can impact bird survival rates and push birds out of their preferred habitat. It can also scatter birds, making them hard to hunt in the fall."

RESPONSE: Agreed. However, I fail to see how the limited number of trainers makes a significant impact as compared to general recreationalists. An untrained lab or other breed with natural bird drive would be much more harmful in the field on a Sunday walk than a well-trained bird dog that learns how to control their desires with proper training and exposure to bird work. If an area is sensitive and important for bird habitat, it ought to be closed to all access as I do not see how this rule is the appropriate tool to solve this issue. It seems that the prior application for training included ample protections for wild game birds even though it did require flushing the wild birds prior to training. My opinion is that this would have minimal impact as compared to all the other users that are not controlled. All the trainers I know avoid any area that they observe nesting wild birds. Again, our goal is to eventually hunt those wild birds.

From the New Application as Proposed:

The definition included in the new application states Bird nesting areas is defined as "Any area within the requested location(s) within which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest."

RESPONSE: I am not sure what "the targeted game bird(s) refers to. When training, the targeted game bird is well known as to location and species. If this refers to game birds of Montana, then this is very problematic. There are game birds nearly everywhere it seems. Whether they are grouse, huns, or pheasants. Any field with good cover where we would want to train seems to qualify in this text. It is already hard enough to find suitable grounds for training where the land owner will allow us to hunt.

From the Proposed Rule:

(a) "bird nesting area" means any area within the state which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest;

RESPONSE: Same as above. This seems to severely limit opportunity to train

(d) "open fields" means any area of natural surroundings where wildlife may naturally occur and may include bird nesting areas, management areas, or game preserves.

RESPONSE: Does this apply to Private Property? It seems like it does to me. Does the FWP have authority to control what a private property owner does on their property when it does not pertain to wildlife? It would seem to me that if I had property that meets this definition, then I should still be able to train with pigeons or other non-game birds.

(2) A person wishing to train dogs in open fields must apply for a permit by filing an application on a form provided by the department at the regional office in the region where the person will conduct such activity.

RESPONSE: Would this include all training or just training with pen reared game birds? Can we use Pigeons for example without a permit? In the past it has been my understanding that no permit was required but this language seems to be contrary to that.

"REASON: In recent years, the department has received both written and verbal complaints regarding massive dog training occurrences, primarily in Eastern Montana on both private and public ground. The dog training that has been documented includes as many as 60 dogs and also includes the use of horses. This happens in the months prior to hunting season and has had negative effects on the local bird populations and has decreased opportunity for the hunting public.

The Fish and Wildlife Commission was also approached by bird hunters who were noticing a large decrease in the available birds during the hunting season. The commission in turn asked the department to do something to curtail the large-scale dog training."

RESPONSE: I have already addressed the first comment earlier. However, I also do not see any facts to support the second statement about negative effects on the local bird population. I also do not see any factual information in relation to the second statement. This is simply opinion of the hunters who obviously do not like the presence of the trainers. What about the effect of our increasing raptor population, coyotes, fox, etc? Perhaps the birds are just hiding better and they need better trained bird dogs. ☺

In addition to the above comments I make the following observations. We would actually prefer more flexibility with the dog training process. We appreciate clearer definitions as to where you can and cannot train so that perhaps we would not need to apply for specific properties in the future. I more transportable permit would be better for our training needs.

Many of our NAVHDA training events are attended by several dogs and handlers. This allows for a concentration of dogs on one property rather than being spread out. However, if this new rule limited our use of the property where we have permission to do such training, then those same trainers would likely all go to other grounds and one dog and trainer has the same effect as multiple in that the birds are likely to be cleared out whether there is one dog or 10.

Perhaps with some clarity to the definitions would result in a more workable solution that is mutually beneficial. Thank you for considering my thoughts and concerns.

Respectfully;

Jason Rice
3017 Queen Street
Missoula, MT 59801

(406) 240-4265
Landworks.jasonr@yahoo.com

Jo Ann Kish

494 Lewis & Clark Trail
Bozeman, MT 59718
406-209-7473
kishj597@gmail.com

May 16, 2017

Mike Lee
PO Box 200701
Helena, MT 59620-0701

Dear Mr. Lee

I am writing you concerning proposed ARM 12-473. This is an unnecessary burden on dog trainers and is simply overreach on the part of state government. I understand that there is an individual trainer whom is a problem on public lands. May I suggest to you that we need to enforce current laws regarding dog training and poaching rather than writing another rule that regulates dog trainig and requires permitting. If this person is killing wild birds out of season or is disturbing wild birds during nesting season then by all means do what is necessary to stop such behavior. Posecute him for poaching and training on wild birds during nesting season. I think posting such person in the act in a public forum would be enough to change such behavior promptly. I know I would be seeking a different trainer. There are few things I hold more dear than public lands in Montana. My great grandparents were homesteaders in this state and I am fearful of the demands we place upon it. A way of life and respect for our wild lands and its inhabitants is quickly vanishing. The bigger problem with our publicly owned wildlife and land is the wholesale destruction of it through rescource extraction, proximity to development and overgrazing. Put the blame on loss of upland birds and there habitat on those whom have the greatest impact on their reproduction. I oppose ARM 12-473.

Sincerely yours,

Jo Ann Kish

Jo Ann Kish

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MAY 22 2017
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Overby Law Office, P.C.

C. Frederick Overby*

General Willson Building
101 East Main Street, Suite C, Bozeman, Montana 59715
Telephone 406.994.0000 • Toll Free 877.917.0300 • Facsimile 406.585.5888
www.overbylaw.com

RECEIVED
MAY 18 2017
LEGAL UNIT
FISH WILDLIFE & PARKS

May 15, 2017

Via US 1st Class Mail & Via email kgangstad@mt.gov

Ms. Kaedy Gangstad
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Re: Montana Administrative Register Notice 12-473
Permitting to Train Bird Dogs

Gentlemen;

Please accept this submission as public comment in criticism of and in opposition to the above referenced proposed rule.

It is submitted as a private individual; however, many persons and groups to include the Big Sky Epagneul Breton Gun Dog Club members, of which I am one, are all potentially affected by the rule.

The proposed rule, which was apparently largely prompted by one situation with a trainer near Scobey, is overkill and is much too broad. It will negatively impact many Montana citizens, who do not abuse the ability to recreate with and reasonably train their dogs. The rule can be more narrowly tailored to address the claimed abuses which are largely a result of persons from out of state who are training large numbers of dogs for economic benefit. The rule could be written so as to apply to only persons from out of state, or who are commercially training unusually large numbers of dogs (greater than eighteen or some other reasonable number), and so as to not impact upon persons who are simply training their own dogs and not doing so for significant commercial advantage.

From the legal standpoint of drafting of a rule, regulation, or statute the proposed rule is overly broad and unduly burdensome, and is being enacted without adequate public notice, reasonable due process, and time for reasonable study and comment.

* Licensed to Practice in Montana, Georgia, Alabama

If enacted in its present form, it will potentially lead to unnecessary litigation to have a court address the problems in the proposed rule.

The rule can be more narrowly tailored to accomplish its objective, without unfairly and over broadly affected persons who are residents of Montana and who presently enjoy reasonable recreational opportunities to enjoy and recreate with their dogs.

This is to request that the Department place the matter on hold, not enact the rule, and to study the matter to attempt to draft a rule which is more reasonably workable to address the perceived abuses by a few persons. Alternatively, this is a request that the Department consider a formal hearing, prior to rule implementation.

It is requested that this and all other public comments be made a part of the official record of this matter, so that a court may consider the opposition, if the matter cannot be worked out at the administrative level and stage of development of a proposed regulation.

Thanks for your careful attention to this matter. My email is fredoverby@overbylaw.com, and I desire to receive future updates concerning this matter to the extent that any persons giving comment are to receive any updates.

Sincerely,

C. Frederick Overby
Belgrade, Montana

CFO/clr

To Mike Lee -
this comment
was also submitted
electronically
Thanks!

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MAY 1 8 2017
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June 7, 2107

Enforcement Division **Attention: Mike Lee**
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 50620-0702
e-mail: FWPDogTraining@mt.gov

I enthusiastically endorse the proposed new rule and encourage the recent efforts of the Montana Fish, Wildlife and Parks Department to regulate and bring order to the chaos and disorder surrounding the subject of large scale commercial bird dog training by non-resident individuals from the Southern states.

By way reference: I am a retired airline pilot. My hobby for forty years has been wild bird hunting behind my dogs whom I have trained myself in New Jersey and New York. I have wild bird hunted from Maine to Oregon and all the Western states in between. Also Canada, Mexico and Argentina.

My first choice is to hunt in Montana! The people of Montana are friendly, honest and hard working (in New Jersey we also have wild birds, but they all have guns and shoot back!)

I have hunted birds in Montana for approximately 15-20 years in regions #1, 2,3,4,6 and7. As an Easterner, the "big sky" spaces and the people have captured my heart. Also, my niece has married into a third generation Montana family in Great Falls.

Why am I angry? This past fall I hunted in region #6, in one small city (Scobey), at the same motel that I have stayed at many times. I and several other bird hunters counted 5 to 6 commercial dog trainers from Texas, Georgia, South Carolina. Each with large dog trailers and strings of staked out young bird dogs, 60 or more dogs, mostly white pointers. (It looked like the movie set for 1001 Dalmatians!)

The heart of the matter: I had conversations with many bird hunters – two who had driven from Alaska, three from Ontario Canada, two from Maine, three from Illinois, and several from Montana. The single big question from all of them: WHERE ARE THE BIRDS? At one block Management area that I always hunt on the first day, NO birds all day, with a good dog.

I applaud the F.W.P. personnel who do a great job with the limited resources available. But as professionals and amateurs, we know that if wild birds are pushed too hard they leave! Or maybe they've been shot up below recruitment levels for coveys/flocks. The wild bird population of Montana is a treasure of the "treasure State". My hope is that the treasure doesn't disappear.

Thank you for your time and your efforts.

Gordon Young,

Princeton, New Jersey

6/3/17

Bob Martin
P.O. Box 2104
Hamilton, MT 59840

Mr. Michael Lee
Dept. of Fish, Wildlife and Parks
P.O. Box 200701
Helena, MT 59620

Dear Mr. Lee:

This letter concerns Administrative Register Notice 12-473 (the proposed rule regarding the training of bird dogs in open fields outside of hunting seasons).

It seems that too many out of state dog trainers are invading Montana and imposing excessive harassment on Montana's game bird populations. The solution is simple! Soak the hell out of them, eliminate the use of horses (they can get off of their fat lazy asses and WALK!), and do it in a manner that does NOT seriously impact Montana bird hunters.

The non-resident fee for this should be about $75.00 annually. The resident fee - $5.00. (a token fee not unlike the newly imposed aquatic insect fee).

Montana falconers, like me, also need to be given special consideration, as our season runs till the end of March.

Sincerely,

Bob Martin
Montana Falconers Association

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JUN 0 6 2017
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June 1, 2017

273 Whistling Pines Road
Miles City, MT 59301

Enforcement Division
Attn: Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 59620-0701

Dear Mr. Lee;

I thank you for taking the time to attend the Upland Game Bird Enhancement Program Citizens Advisory Council held in early May. Your presentation on the proposed rulemaking was interesting and as I am sure you can appreciate, generated significant discussion. I, as the chair of this CAC was particularly interested. I have been on the CAC since it was established, so have an interest in maintaining healthy habitats, strong upland game bird populations and providing for optimal hunting conditions for both resident and non-resident upland game bird hunters. I own two bird hunting dogs which furthers my personal interest. This letter is my own and does not necessarily reflect the feeling of the other members of the CAC.

The proposal should have been vetted through those who train hunting dogs, both professionally and non-professionally, as well as those individuals who are committed to enhancing and maintaining upland game bird habitats. This could and should of occurred by reaching out to those interested entities prior to the beginning of the formal comment period. If such an advisory council were to be formed, I would appreciate the opportunity to participate.

There is a reason why essentially all of the surrounding states and provinces do not allow commercial dog training during the nesting and brood rearing season. The impact on upland game bird populations can be locally significant. There is research to support this. Most bird dog owner I know are true conservationists. There needs to be a place for the non-commercial Montana dog owner to work their dogs throughout the year. As the rule is currently written, it may be unlawful for a bird dog owner to take their dogs for a walk in an area potentially support nesting upland game birds. This needs to be rectified.

Specific comments:

1. Definition: (a) "bird nesting area": What is a "targeted game birds"? What does this mean? Any lands in Montana which support perennial vegetation, either native or introduced should be considered a "bird nesting area".
2. Definitions: (b) "game preserve": What is meant by "federal natural agency for the purpose of game protection or propagation"? This could be better stated as, "...managed by the state or federal agency specifically for the purpose of..."
3. Definitions: © "management area" as defined would apply to all federal and state land management agencies. Essentially all of the federal lands are managed for this purpose. Replace "federal natural agency" with "federal land management agency".
4. Definitions: (d) "open fields": As defined, open fields could apply to almost any lands in Montana, especially those which are comprised of native and/or perennial vegetation. Certainly

bird nesting could potentially occur on virtually all lands I described. Secondly, FWP participates in a program with USDA which shares the same title, "Open Fields". Change "Open Fields" to "Upland Game Bird Nesting Habitat".

5. (2) There is no differentiation between commercial dog trainers and those Montana residents who own one to three dogs and are not commercially producing or training dogs.
    a. Target the commercial dog trainer in this rule making, while at the same time installing some restrictions on non-commercial trainers. As an example, limit the number of dogs which can be trained to no more than three dogs/day for commercial or non-commercial trainers.
    b. No commercial dog training should be allowed from May 1 through August 15.
    c. Permits would be allowed for all commercial trainers or for non-commercial trainers with four or more dogs.
    d. Permits would only be good for the FWP region issued and requests for permits could be denied by the respective FWP regions based on upland game bird populations, weather conditions, quality of nesting habitat, etc.
6. 4.(i) MCA 87-4-195 (5)(a) states, 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; and (ii) the training is more than one mile from any bird nesting or management area or game preserve. Does this refer to "wild" game birds only? A differentiation needs to be made between wild and pen-reared upland game birds. How do you determine whether a bird is killed? Research has indicated flushing young coveys of birds, especially repeatedly, results in mortality. This rule would be difficult to enforce and as a result. I don't think you could make an argument that in natural habitat you could ever be more than one mile from any bird nesting. Is "bird nesting" specific to upland game birds? If it refers to all birds, there would be no instance where birds could be trained from May through mid-August. Who would have the burden of proof as to whether there were or were not nesting birds within one mile of a dog training site?
7. Other: Restrictions for private vs public lands need to be clearly defined. All lands should be treated equally as FWP has authority over management of Montana's wildlife.

In summary, take whatever measures are necessary to protect Montana's upland game bird resources. This is a prized Montana resource and should not be compromised to benefit so few individuals. Again, please consider putting together a task group to better formulate the rule. Although time is of the essence, it is important to slow down and develop the best product possible.

Thank you for the opportunity to comment.

Sincerely,

Dale C. Tribby

Dale C. Tribby

cc: Dan Vermillion
Chairman-Fish and Wildlife Commission
P.O. Box 668
Livingston, MT 59047

Martha Williams
Director-MFWP
P.O. Box 200701
Helena, MT 59620

Dear Mr. Mike Lee;

Thank you for the opportunity to comment regarding a permit process for training dogs in the fields during the off season. I am an avid bird hunter and spend a considerable time hunting birds in Montana especially in the northeastern part of the state. I am strongly in favor of a permit system, but I am opposed to commercial and even small training operations running and training their dogs during critical breeding, nesting and rearing of young. It is only common sense that dogs should not be allowed in all fields during these times. I can only imagine the number of young birds that are caught by dogs being allowed to scour the fields during these critical times for birds. I am also opposed to any training prior to the September opening as it greatly impacts my hunting experience when birds are scattered and extremely wary and difficult to hunt.

Thanks for considering my comments. Protect our birds!!

Sincerely,

Robert De Jong
1930 Mountain Meadow Lane, Victor, Mt. 59875

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JUN 0 6 2017
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Mike Lee
P O Box 200701
Helena, Mt 59620-0701

Dear Mr Lee

Re :FWP comment on new permitting process for training dogs in field.

We live in paradise, and when everyone wants a piece of what we have here in Montana we need to practice caution. Since all wildlife belongs to all Americans , (wildlife knows no boundaries)we need to take extra precautions to protect all wildlife. There seems to be a push to commercialize our wildlife, I say "our" as a concerned American citizen.. I don't hunt or fish but I care deeply about our wildlife. I don't want it commercialized, I don't believe the Lacey act is strong enough. I don't want dog training done on our wildlife. Not on birds, bears, dear, or lions wolves, coyotes and smaller cats. I don't like people from out of state killing our predators or small critters for target practice or any other stupid reason. For someone to say I love the wildlife thats why I kill it is insanity. I have always had faith in the practices of FWP. I say to you, do what you have to do to protect our animals, all of them. You know what is right and what is wrong. Sicing dogs on nesting birds — No Way!!!!

Respectfully

Judy Ward
P O Box 637
Lolo, Mt 59847

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JAMES F. GORE - CONSULTANT IN WILDLIFE MANAGEMENT

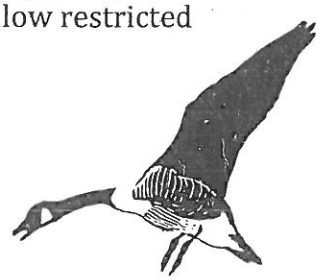
May 29, 2017
Attn: Mike Lee
Montana Fish, Wildlife and Parks
P.O. Box 200701,
Helena, Mt. 59620-0701
Email: FWPDogTraining@mt.gov

Dear Mr. Lee,

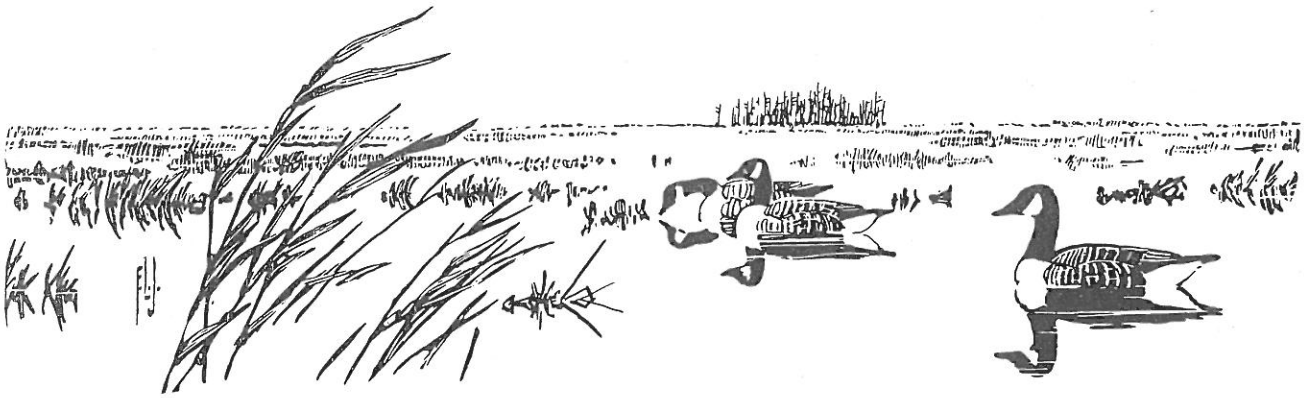
I have two Labrador retrievers and do occasionally train my dogs in fields that may have nesting birds. Any field in Montana from April to September could have birds of some sort nesting on the ground. Is your rule aimed at protecting all birds or only game birds? The type of training that most sport dog owners like me, with only one or two dogs, would occasion would be of a dispersed, short duration that may temporarily disturb nesting birds. This low level disturbance is not likely to cause abandonment or destruction of the nesting effort. Requiring a permit for such low level practices is unwarranted.

I can understand that a major commercial "many dog" training operation that is concentrated on a local area, would disturb nesting birds to the point of nest failure. That practice should be "permitted" and controlled.

Your proposed rules raise many questions. I request that the Department conduct public meeting/hearings for "affected public" input. I also request that the Department assemble a sporting dog owning sportsperson advisory group (5-9 people) to assist in working out the logical and specific rules to allow restricted training-dog large operations.



James F. Gore, 127 Crestview Lane, Missoula, Mt. 59803



DEDICATED TO PROGRESSIVE WILDLIFE MANAGEMENT THROUGH PROFESSIONAL PRINCIPLES

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Circle, MT
A Great Place to be Around

CIRCLE CHAMBER OF COMMERCE & AGRICULTURE

May 26, 2017

Enforcement Division
Attn: Mike Lee
Department of FW&P
PO Box 200701
Helena MT 59620-0701

To Whom It May Concern;

The proposed action in the Montana Administrative Register Notice 12-473 regarding Dog Trials held in Eastern Montana would mean an economic decrease for our small community that has the privilege of hosting a Dog Trail. This event brings several folks to our community who purchase groceries, hotels, rent trailer parking lots, purchase gas and fuel, eat at our restaurants and bars, utilize the veterinary clinic, the medical facility and most likely other businesses. I know that in previous years, the one bakery we had in town used to get $2,000 - $3,000 of business in the short time the dog trial was going on (this may not seem like much but in a small town as ours, this could keep you in business).

There are many birds in our area, it does not seem logical that the dog trials are depleting the entire supply. To my knowledge the trials here are located on private property and if neighboring landowners are not in favor, they would not have to allow access to the dog trial attendees. It is my understanding that some of the shelter belts in this area were planted mostly for the use of sheltering for the birds to nest so that the landowner could in turn hunt the birds that he had helped survive.

Please take into consideration the economic impact that you could have on the small towns where these events are hosted when making your final decision.

Thank you,

Jana Hance

Jana Hance
Secretary

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MAY 30 2017
LAW ENFORCEMENT

Tom Leach
3450 Lake Pointe Drive
Harrisonburg, VA 22801

May 22, 2017

Mr. Mike Lee
Enforcement Division, Department of Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

Regarding "*the matter of the adoption of New Rule 1 pertaining to permits for dog training*:" I am strongly in favor of such a rule being enacted.

As one of those upland hunters who complained about the practice of pre-season dog training on Montana's young-of-the-year game birds, I welcome your Department's efforts to adopt regulations to control this activity. As the situation currently stands, the resource is being degraded and enforcement is impossible. Having discussed this problem with several wardens in the northeastern portion of the state, I am confident enforcement can be accomplished and the resource protected, given the necessary tools (i.e. regulations). I would offer these suggestions:

1. Regional offices should issue the permits. Permits should be free.

2. Permits should be valid from August 15 to September 1 of each year.

3. Permits should identify suitable, pre-screened locations for training (i.e. township, range, section, etc.).

4. Permits should be displayed on the dashboard of any parked, unattended vehicle.

5. Training should be limited to no more than four dogs per day on any one location.

While these pre-season regulations will curtail the most egregious activities from taking place, unless some training restrictions are put in place <u>after</u> opening day – after September 1 – enterprising large-scale commercial dog trainers will simply delay their activities until the upland bird season opens, then flood onto public lands absent any restrictions whatsoever. Abundant evidence already exists to this effect!

Unless the Department addresses the latter problem, problems will continue (see enclosed letter to the FWP Director). Commercial activities are supposed to be regulated and are generally deemed incompatible on Montana's public lands. Even though *dog training* is listed among the Commission's

commercial activities identified to be regulated, no regulation is in place to curtail this activity. Sorry to say, *these people thrive on loopholes*.

You may contact me by cell phone (540)209-2893 or via email at jeleach48@hotmail.com.

Sincerely,

Tom Leach

24 May 2017 Emailed to: FWPDogTraining@mt.gov & Hand Delivered

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P.O. Box 200701 Helena, MT 59620-0701

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MAY 25 2017
FISH, WILDLIFE PARKS
DIRECTOR'S OFFICE
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MAY 30 2017
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RE: Comments on proposed New Rule I – Permits for Dog Training

Mr. Lee:

As a party affected by FWP's proposal to adopt new rules that would regulate the training of bird hunting dogs, I hereby submit the following brief comments in response to the proposal as outlined in paragraph 3 of Montana Administrative Register Notice 12-473, dated 12 May 2017. As currently written, I cannot support the proposed rule. It's so ambiguous, arbitrary, capricious, and half-baked that it should be scrapped and a rigorous public outreach process initiated. FWP should prepare a detailed white paper outlining the perceived problem(s), nature and extent of wild game bird harassment by professional dog trainers and the geographic areas affected, and then meet with Montana bird hunters to discuss potential solutions in public meetings. Once and only once a consensus is reached should FWP initiate formal rulemaking to regulate dog training in Montana!

Here's a partial list of some potential issues and discussion topics to start the stakeholder process:

- Provide a draft outline of the dog training permit application; including a list of applicable areas, application costs, criteria for requiring a permit, etc.
- What review and analysis procedures will be used for determining permit issuance?
- What conditions will be cause permit revocation? Will there be an appeal process?
- Will the permits be issued by FWP headquarters in Helena or by the individual regional offices? If issued by the ROs, how will FWP HQ management guarantee consistent application of the permitting rules?
- How many dog training permits will be granted to residents and how many to non-residents?
- Where is the peer-reviewed scientific evidence that proves the current tradition of training bird dogs on wild game birds is harming bird populations?
- Will the rule apply to all private and state lands in Montana? How about all lands within the boundaries of the Indian Reservations? What about federal lands?
- Where does FWP believe the Montana legislature granted them the authority to regulate the training of dogs? MAR Notice #12-473 references 87-4-913 and 87-4-915, MCA. As written and passed by state lawmakers, the first stature only applies to game bird farm operations, and the second statute only applies to permitting and operation of field trials. A hunter training his/her bird dog afield in Montana is no more like a professional dog trainer competing in a 'field trial' than a rider exercising their horse afield is like a professional jockey racing a thoroughbred in the Kentucky Derby!

If FWP will only engage the bird hunting dog fraternity I'm sure there will be many more comments. Bird hunters with dogs want abundant game birds just as much as anyone. For without birds there is no reason for bird hunting dogs, and for most of us, there is no reason to hunt birds without our dogs!

Respectfully submitted,
Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

Robert K. Jeffrey

25 May 2017 Emailed to: FWPDogTraining@mt.gov and Hand Delivered

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MAY 25 2017
FISH, WILDLIFE PARKS
DIRECTOR'S OFFICE

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P.O. Box 200701 Helena, MT 59620-0701

RE: Public Hearing Request for proposed New Rule I – Permits for Dog Training

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MAY 30 2017
LAW ENFORCEMENT

Mr. Lee:

As a party affected by FWP's proposal to adopt new rules that would regulate the training of bird hunting dogs, I hereby submit this written request for a public hearing as per the requirements contained in paragraph 5 of Montana Administrative Register Notice 12-473, dated 12 May 2017. Furthermore, I respectively request that FWP hold separate public hearings in each of FWP's regional offices (i.e., Billings, Missoula, Bozeman, Great Falls, Glasgow, Kalispell and Miles City) to offer more opportunity for interested members of the public to participate. I believe that offering public hearings in each of the FWP regional offices would help meet Director Williams's stated goal of making FWP more "inclusive, transparent and fair" [http://fwp.mt.gov/doingBusiness/insideFwp/default.html].

Respectfully submitted,

Robert K. Jeffrey

Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

RECEIVED
MAY 31 2017
LAW ENFORCEMENT

May 26, 2017

Mr. Mike Lee
MT Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59601

Dear Mr. Lee:

Here are some thoughts on regulations and permits regarding the training of bird dogs. These comments are my own but I hope that you will take into account the concerns of the Big Sky Upland Bird Association in making final decisions.

I'm glad to see that FWP is addressing this issue, since at least some surrounding states and provinces have already done so. For example, Saskatchewan charges nonresident trainers $100 for a license, plus $10 per dog. The license specifies a training area and requires landowner permission. No training is allowed between April 1-July 15.

North Dakota charges nonresident professional trainers $100 for a license, and nonresident "amateur" trainers who bring more than 4 dogs $25. I'm not sure how the professional vs. amateur status is decided or enforced. No training is allowed between April 1-July 15 on private land, and April 1-August 15 on WMAs.

I believe Montana should charge nonresident trainers $100 for a license, plus $10 per dog (same as Sask.) Because Montana has been late to the party, surrounding states and provinces have in essence exported the dog training pressure to Montana. I feel it is important that we get ahead of the curve in protecting our upland gamebird resource in a rapidly changing world.

When I started hunting birds in Montana in the early 1970s, well trained bird dogs and super-serious bird hunters were relatively scarce. All you need to do now is check the campgrounds and motels in places like Malta, Plentywood, Scobey, and Lewistown when bird seasons open to see that things have changed considerably. You will see license plates from almost every state along with dog trailers, motorhomes, travel trailers and so on. It's not unusual anymore to see guys with a dozen bird dogs in tow. Some of them arrive during summer to train and stay several months to hunt. Eastern Montana has become ground zero for bird dog people from all over the country (if you don't believe me, check out the on-line bird dog groups on Facebook, etc.). Most of the people online have hunted birds in Montana, plan to hunt birds in Montana, or dream about hunting birds in Montana.

All this may be good for the local economy, but how does it impact the gamebird resource (which should come first) and Montana hunters? I believe it stands to reason that when young gamebird broods are disturbed on a regular basis it subjects them to greater stress and makes them more susceptible to predation, bad weather, etc. In mid-July young sharptails and Huns aren't very big and re-nesting pheasants are often quite tiny even in

September. For that reason I don't believe any training on wild birds should be allowed between April 1 and at least August 1. On national wildlife refuges and federal waterfowl production areas, running dogs is not currently allowed outside of authorized hunting seasons.

While there are still plenty of sharp-tailed grouse in Montana, the trajectory of the species has been a slow decline across the West. While dog training mortality may not be a huge factor in the well-being of the species, it has the potential to reduce covey size and diminish hunting quality in some areas. It also matters in an ethical sense if not a purely biological one. I believe it is wise to err on the safe side and try to look ahead when managing our wonderful upland gamebird resource. I think we can all agree we want to have sharp-tailed grouse and Huns for future generations of Montana hunters.

Thanks for the opportunity to comment.

Dave Books
736 Sparta St.
Helena, MT

Cc: Ken McDonald

May 22, 2017

Mike Lee
PO Box 200701
Helena, MT 59620-0701

via email: FWPDogTraining@mt.gov as a copy

RE: NEW RULE - I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS

Dear Mr. Lee;

Thank you for allowing members of the public to submit comment on the proposed rule referenced above. I represent the Big Sky Chapter of the North American Versatile Hunting Dog Association (NAVHDA) as President this year. Our club currently has 36 members throughout Montana. Several of them have voiced their individual concerns, including myself.

The Mission of the NAVHDA organization is as follows:

"The North American Versatile Hunting Dog Association (NAVHDA) is a nonprofit corporation whose purpose is to foster, promote, and improve the versatile hunting dog breeds in North America; to conserve game by using well-trained, reliable hunting dogs before and after the shot; and to aid in the prevention of cruelty to animals by discouraging nonselective and uncontrolled breeding, which produces unwanted and uncared for dogs."

Many of us fear that this new rule will inhibit our ability to perform the needed training to fulfill our mission. However, we also recognize that we may not fully understand where this rule fits in. Therefore, **we respectfully request that a public hearing be held to allow a full discussion of the issues pertaining to the new rule.**

We would actually prefer more flexibility with the dog training process. We would appreciate clearer definitions as to where you can and cannot train. This would eliminate the need to apply for specific properties in the future. A more transportable permit would be better for our training needs.

Many of our NAVHDA training events are attended by several dogs and handlers. This allows for a concentration of dogs on one property rather than being spread out. However, if this new rule limited our use of the property where we have permission to do such training, then those same trainers would likely go to other grounds. One dog and trainer has the same effect as multiple in the sense that the birds are likely to be cleared out whether there is one dog or 10.

Perhaps some clarity to the definitions would result in a more workable solution that is mutually beneficial. Thank you for considering our thoughts and concerns.

Respectfully;

Jason Rice
President – Big Sky Chapter NAVHDA

(406) 240-4265
Landworks.jasonr@yahoo.com

RECEIVED
MAY 25 2017
LAW ENFORCEMENT

May 17, 2017

Mr. Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,

I am writing regarding Administrative Register Notice 12-473; the proposed rule regarding training bird dogs in open fields outside of hunting season. I am a full-time professional pointing dog trainer, and a year-round resident of the State of Montana. I am writing to you to request a public hearing on this issue, and to share with you some of my thoughts regarding dog training outside of the gun hunting season. A vague and poorly worded rule has the potential to unfairly limit the activities of concerned outdoorsmen, and put an end to my chosen career as a bird dog trainer here in Montana.

Before I state any of my concerns, I would first ask a few questions so that I can better understand FWP's motivations for enacting the above-referenced rule.

First, what is the reason for enacting this rule? If it is to protect nesting and newly-fledged birds, that can be addressed by setting training season dates that would keep dogs out of the field during incubation and the early fledging stage.

Second, is it the intention of the department to track or limit nonresident trainers who come to Montana to train bird dogs? If that is the case, the issue could be simply resolved by requiring nonresident trainers to buy a permit, and limiting the number of nonresident permits issued each year.

Third, is it the motivation of the department to prevent dog trainers from harassing family groups of birds to the point that the resource is negatively affected? If so, the department should publish guidelines that would specify acceptable training practices.

Finally, is the intent of this rule to protect and preserve the state's native gamebird population? If so, an environmental impact study would first have to be conducted in order to determine threats to the resource – I suspect that habitat loss (i.e., the loss of native prairie, sage steppe, and CRP), overgrazing, haying and harvesting at detrimental times, and other agricultural factors affect the resource more profoundly than any other factor.

There are a few points in the "REASON" paragraph of the rule that I feel are significant. First, there is a reference to "massive dog training occurrences" including "as many as 60 dogs and includes the use of horses". I have been training bird dogs from horseback for over 20 years, and cannot comprehend how the number of dogs in a trainer's camp, or the use of horses, can negatively impact resident gamebirds.

A trainer can only work a given number of dogs – typically 10-12 dogs per day. Those not familiar with horseback dog training need to understand that training dogs from horseback is not conducted

like a fox hunt, with great numbers of dogs loosed together and a mounted brigade of handlers in chase. To the contrary, a handler rides behind 2-4 dogs at a time and generally must stop running dogs by late morning because temperatures make it unsafe to continue training. If there are 10 dogs in camp or 10,000, the number of bird contacts per day stays roughly the same. Additionally, many of the dogs in some trainers' camps may pass the entire summer without ever seeing a wild bird – instead they are kept in condition by running in a harness attached to a four-wheeler, and are "yard-worked" on pigeons or pen-raised birds.

The other point in the "REASON" paragraph which raises questions is the statement which reads "this... has had negative effects on local bird populations". Is this statement based on any proven scientific data which would take into consideration the following factors: weather (hail, drought, a cold and wet spring, a harsh winter, etc.), several years' worth of population trends (lek counts, harvest data, road censuses, etc.), an assessment of changes in local agricultural practices (loss of native prairie, loss of CRP, timing of harvest, grazing practices, etc.), and so on? Or is this simply anecdotal information, and the opinion of a handful of people who may have a negative view of bird dog trainers in general?

And in Paragraph 10 of the proposed rule, the verbiage states "the above-referenced rule will not significantly and directly impact small businesses". That statement is inaccurate. Unable to train dogs on wild birds outside of the hunting season, or required by a permit to only work dogs in a handful of specifically designated areas, I will be unable to stay in business. Additionally, the hotels, restaurants, laundromats, filling stations, and grocery stores in small towns across Montana will suffer without a seasonal influx of field trial competitors and the pro handlers who handle their dogs, and hunters who rely on trainers to prepare their dogs during the off-season.

I understand that legislative changes in Canada and the Dakotas are pushing more seasonal bird dog trainers into Montana, and recognize that managing the issue may become necessary. Why not address it the same way FWP handles other nonresident sporting interests? Issue permits to nonresidents, limiting the number of permits if necessary. And in cases where there are complaints regarding a specific trainer's behavior, specifically address those issues with the involved parties. The idea of issuing training permits wherein trainers designate specific training areas is fundamentally flawed because it will require trainers to work dogs repeatedly over the same ground, thereby forcing birds off those areas – which is the problem specifically noted in the verbiage of the proposed rule.

I believe that it is critically important for lawmakers to understand the dynamics of the activity they are regulating. In the case of off-season bird dog training, it must be understood that the issue is not the number of dogs or horses in each trainer's camp; the issue is how the birds are worked, and how frequently they are worked. It is widely accepted in the bird dog culture that after an initial covey rise, it is unethical and careless to continue to work dogs on the singles from that covey, particularly on hot days or near dusk. Trainers who work the covey rise and then take their dogs out of the area do no harm to game birds. Additionally, the trainers who I know personally maintain a lengthy list of training areas, and they rotate through those fields at regular intervals so as not to interfere with the life cycles of the birds they're training on.

In closing, I hope that you and all those at Montana Fish, Wildlife, and Parks will recognize that the bird dog community has the greatest vested interest in the well-being of Montana's gamebirds.

Given the opportunity to contribute, I believe we can help craft regulations that are clear, specific, and beneficial to the resource without causing hardship to those of us who are the most concerned about the sage hens, sharptailed grouse, pheasants, and partridge who depend on our stewardship and right action.

Thank you,

John McIltrot
Seranoa Kennels
841 Stiles Rd.
Broadview, MT 59015
406-321-3557

5-19-17

Mr Mike Lee,

My name is David Kirkland. I am an avid bird hunter and a member of the Missouri Headwaters Gun Dog Club. I was today made aware of a proposal regarding gun dog training. (Auth 87-4-913 IMP 87-4-915) I am against this proposal as written and I think it deserves a Public Hearing.

Thank you for your consideration

David Kirkland
1709 Driftwood Drive
Bozeman MT 59715
davidandjuliek@gmail.com

RECEIVED
MAY 24 2017
LAW ENFORCEMENT

Franklin S. "Buck" Heard
659 Fred Webb Road
Moultrie, GA 31768
229-985-2748 home, 229-891-8327 cell

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

May 19, 2017

Mr. Mike Lee
FWP Enforcement Division
Montana Department of Fish, Wildlife and Parks
P. O. Box 200701
Helena, MT 59620-0701

RE: Montana Administrative Register Notice 12-473

Dear Mr. Lee:

My wife and I are amateur dog trainers and spend about twelve weeks in Montana each year, arriving mid-July and leaving the first of October. During this period of time, we spend approximately $3000-$4000 on horse feed, dog feed, groceries and supplies for our camp.

We recently purchased a residence and have leased land to establish a more permanent home there. We will be paying taxes there starting this year.

There are over a hundred dog trainers in Montana each year. These trainers make a significant economic impact on your state. During the period we are there, we also attend field trials. The visitors for these trials also affect your state's economy in a positive manner.

We feel implementation of the training restrictions as proposed would negatively affect Montana. We love your State and strive to conserve its beauty and bounty, shooting no birds in our training program. It is our desire to attend any hearing you hold on this matter. Would you please advise us of the date and time for all meetings on this Administrative Register Notice as cited above.

Sincerely,

Buck Heard

Buck Heard

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

May 17,2017

Enforcement Division
Attn. Mike Lee
Department of Fish Wildlife and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee

I understand there has been a newly enacted regulation preventing training of upland game bird dogs between May 15 and September I5th. According to the proposed adoption dated 5-12-2017 this applies to owned private lands and /or leased BLM/State School Lands where upland game birds may be present. As the owner of four upland bird dogs as well as being a Montana resident and hunter, I object to this thoughtless regulation in the strongest of terms.

I am not aware of any attempt to solicit input from resident or non-resident hunters or dog owners on this issue; I visit the FWP website as well as read both the Bozeman and Billings newspapers. I have not seen anything until 5-12-17 regarding any hearings or comments requested on a rule making process.
I also note that many bird hunting seasons start around September 1, all in fact except for Pheasant. So how can a hunter/owner possibly prepare his/her dogs for the season that starts Sept 1 if no training is permitted until Sept 15?

I do not believe "massive dog training with as many as 60 dogs and also including the use of horses" has occurred on any public lands. Any dog training that may have occurred has been on private land with the permission of the owner(s). If the owners do not permit it they will call the Sheriff for trespassing. If horses have been used; so what? What is more Montana than a horse. I believe horses are also used in many forms of hunting as well as rounding up livestock. I know that when I train dogs outside of legal hunting seasons that I will fire a starter (blank) pistol to ensure the dog is steady. There is nothing illegal about a starter pistol and no birds are killed or injured. I do not believe that this has had "negative effects on the hunting public" nor on decreased opportunity for the hunting public. Any decreased opportunity has been the result of poor behavior on the part of the public such as failure to secure permission, leaving gates open, strewing trash and beer cans and driving trucks/orv's across croplands.

Frankly, I can't imagine that land owners, dog trainers, outfitters, or retail merchants who receive income from the above legitimate activities are going to be very happy about the loss of revenue or services this will result in. In fact, I know they won't; as a phone call today to an owner of 15,000 acres in eastern Montana where I have permission to hunt and train in return for helping with fences and rounding up cattle revealed that he didn't know anything about it.

I believe this was a thoughtless and secretive process designed to keep the public in all its forms in the dark and to deny the democratic process. I have been training, working, and hunting my

own bird dogs as a Montana resident since 1998. I have never seen another owner nor worked dogs myself before July 15 because of both nesting and Spear/awl grass concerns (I will be happy to educate you on the canine infection Nocardia in the likely hood you are not familiar with it).

The regulations need to be rescinded.

Sincerely,

John "Pat" Lockhart
3155 Trail Creek Rd.
Bozeman, Mt. 59715

cc. Governor Steve Bullock; Rep Kerry White

May 18, 2017

Enforcement Division
Attn: Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 59620-0701

Subject: Proposed New Rule for MCA 87-4-915(5)(a)

Dear sirs:

I am requesting that a public hearing be held on the Department of Fish, Wildlife and Parks proposed rule on dog training. The proposed rule was drafted with absolutely no input or advanced notice from the hunting dog community. The proposal has already brought significant backlash to your agency even though few dog owners in the state are aware of it. It is poorly written, overly encompassing and vague. The rule creates more questions than it answers.

There is virtually no acre in Montana that is rule would not technically impact. The Department would require dog handlers to have a training permit during the winter months when no nesting activity occurs. The permit would be required even while the waterfowl season is open. Dog handlers would have to go back through a bureaucratic process each time they had the opportunity to train on a new piece of private property.

Please add my name to the list of individuals and groups requesting a public hearing.

Sincerely,

Randy Piearson
5525 Treasure Canyon Drive
Helena, Montana 59602

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

CC:
Dan Vermillion
Box 668
Livingston, MT 59047

Richard Stuker
1155 Boldt Road
Chinook, MT 59523

Logan Brower, Commissioner
P.O. Box 325
Scobey, MT 59263

Mr. Lee,

I'm deeply concerned that the proposed regulation to require permits before training dogs on (what would seem) most public lands in Montana would be devastating to my one-time profession and continuing way of life.

It's not possible to know where every bird on every square foot of public land is located, and requiring dog trainers, like me, to keep one mile away from them would simply be impossible. I hunt my dogs all fall and run them all summer to keep them in shape, on both public and private land. How could I possibly comply with this proposed regulation? How can anyone determine that there are no nesting birds within a mile of wherever anyone chooses to run his dogs?

If pro trainers with huge strings of dogs are causing problems in eastern Montana, then limit their use, not those of us with just a handful of dogs who need a place to work and train our dogs elsewhere in the state. #of dogs

Although it's certainly possible that someone with a string of 60 dogs could impact wild birds in a limited area, that's just not possible for the vast majority of us who are training and exercising one to three dogs. Although my dogs occasionally put up wild birds on their summer training runs, those instances are far from common.

The proposed regulation is will do far more damage to the thousands of dedicated bird hunters and their dogs in this state than it will ever benefit nesting birds. This idea is a solution in search of a problem.

Dave Carty
Bozeman, MT
Pointing dog columnist, "Gun Dog Magazine"

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

Tana Kradolfer
5075 Clearview Rd
Belgrade, MT 59714
406-388-4974
tana@truegritbrits.com
May 16, 2017

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

Enforcement Division
Atttn: Mike Lee
Dept of Fish Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

I am directly affected by the proposed new rule pertaining to permits for dog training, ARN 12-473. I request a public hearing be scheduled regarding the rule prior to implementation. As Montana natives my husband and I have hunted upland birds in Montana with our Brittany bird dogs for most of our adult lives. We are stunned that you would implement such an overly broad and burdensome rule without adequate public notice.

Possibly those individuals implementing this new rule have under estimated the importance of bird dogs in the upland bird hunting experience and somehow have failed to understand that the process of getting a bird dog trained and ready for hunting season is integral to the integrity of the hunt and as important a time honored tradition as the actual hunting season itself.

Sincerely,

Tana Kradolfer

Tana Kradolfer

Belgrade, MT

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

May 18, 2017

To All Concerned Parties at FWP:

I would like to respond to the letter I received on May 18th, 2017, concerning rule changes to train dogs on state lands. This proposal is an example of the land use tension between affected parties on multi-use issues. In this case, the rights of bird hunters are valued over the rights of dog trainers, because of a couple of isolated events.

1. I hereby formally request a public hearing on this issue.
2. I am asked to "submit data, views, and arguments" to you by May 26th, 2017. Rather short time-table, is it not?
3. Please make available to all contacted parties FWP's "data, views, and arguments" to support your conclusions on the proposed rule changes. For example:
    a. How was the "one mile from any bird nesting" arrived at? Any and all birds? Upland birds only?
    b. I believe that any area on public ground one mile from "any nesting area" *would not be appropriate for dog training. What should I do then?* Are my rights to use public property as a dog trainer lesser than that of a bird hunter?
    c. How did FWP arrive at this conclusion? What is your data and where is that data that supports this one mile exclusion zone?
4. You gave yourselves at FWP longer to get this notice out to the public than we are given opportunity to respond. This feels unfair and seems like FWP does not really want public input.
5. I think I understand the reasoning behind this rule change, however, I suggest that it is inappropriately broad, sweeping and arbitrary in it's scope and intent.
    a. How does your proposal remedy the situation? You cite your reason as 60 dog events and horses. There is nothing here about limiting horses and dogs, just a blunt instrument of complete denial of access.
    b. To "train dogs in open fields expires September 1st of each year". I understand this is a convenient day for FWP, as it's the traditional upland bird opener. However, this negatively impacts dog trainers' ability to train dogs for events that occur later in the fall. For example, I am currently qualified to run a dog in National Amateur Field Trial for Springer Spaniels, the event begins on the 29th of November, where would you like me to train my dog on our public land?
    c. When will the closed season end? My training season is year-round.
6. Please define dog training.
    a. If I am walking on public land and give my dog any command twice, does that constitute training?

7. Do you have studies that proves the anecdotal statement that dog training correlates to fewer birds? If so, I would like to see that data.
8. Your letter also states that at item 10 the "above-referenced rule will not significantly and directly impact small business", you do realize that FWP has a list of people who raise birds to sell to dog trainers, right? Not being able to sell their birds just might have an impact on them. Are they aware of your intentions?
9. *I will send this via USPS and email, since the time allotted does not give me time* to rely on the USPS to deliver in time. I have documented that mail can take two and one half weeks to reach Belgrade/Bozeman from Dillon.
10. Many of us are fighting to keep "public lands in public hands", its disheartening to have to fight FWP for access to the same. The dog trainers you wish to deny access to their training grounds are in many cases the same bird hunters you claim to seek to help.

Best,

Eric Hammer
2200 Carter Creek Rd
Dillon MT 59725
406 925 3864
ewhammer55@gmail.com

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

I am writing regarding the proposed restriction on bird dog training in Montana. My understanding is your office has made this decision based on complaints from some individuals who were bothered by a dog trainer with a large number of dogs and horses. Certainly a hearing would be appropriate as the issue is more complex than it may seem.

To preface my comments, let me tell you about me and my history. I worked for the U.S. Forest Service for thirty-two years. For seven years I worked in enforcement and investigations. I am also aware of the decision making processes used by most agencies. In addition, I have trained pointing dogs for forty-seven years and trained, judged and field trialed in many areas from Montana to New England, to the deep south.

There is a great history in summer dog training in northern states and Canada. Years ago, trainers would take the trains from the deep south to training grounds on the prairies. Most of the prominent bloodlines of pointing dogs go back to dogs trained on the prairie birds. I have trained in different prairie areas for thirty-five years. Many of the field English setters go back to dogs we have worked and field trialed over the years. No one that I know of begins training until July 15th, which has been the common legal and ethical starting date. Most trainers leave before the hunting seasons. I have observed no impacts on game birds from this activity. They are generally in the same locations when we leave. They are certainly not shot or killed.

There are also economic benefits for the small communities. Most of us spend a significant amount of money in communities that would not appear to be thriving. Housing, groceries, fuel, etc. I have been at a camp in South Dakota for the last seven years. It has become a welcoming family setting with ranchers and dog/horse people sharing meals and at times labor. People have trained in the area for many, many years and the bird populations were the best last year. Weather and loss of CRP do impact bird numbers.

Please consider my input and history.

Thank you.

Jim Tande
15163 County Road 18
Park Rapids, MN 56470
PH. 229-894-9296
E-mail. tandedogs@gmail.com

5 - 18 - 17

Mike Lee

Department of Fish Wildlife and Parks

PO Box 200701

Helena, Montana 59620

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

Dear Mr. Mike Lee;

I am writing in to express my opposition to the Administrative Register Notice 12-473 and respectfully request that a public meeting is held to address the reasons for a dog training permit and to discuss possible alternative solutions to the problem of complaints due to large scale out of state dog training operating in Eastern Montana.

It is my opinion that the current proposed permit requirements will have a significant negative impact on my ability to train my personal gun dog and field trial dogs during the off season which is necessary to have a well- trained dog for hunting and my sport of field trials. I also believe that there are more direct and effective methods to prevent the impact of large scale dog training operations than a statewide permit requirement.

In any case, I ask that I have the opportunity to voice my objections to the proposed permit requirements and ask that you listen to a broader audience than the Upland Bird Enhancement Council prior to making a decision that has a significant negative effect on bird hunters, and gun dog enthusiasts.

Sincerely,

Marcos L. Puiggari,DVM.

500 South 5th St West

Missoula, MT. 59801

(406) 728-4605/381-9223

mlp@mpuiggari.com

P.O.Box 377
Gallatin Gateway, MT 59730
Tel. 406 763 4443
sandimandell@aol.com

RECEIVED
MAY 2 2 2017
LAW ENFORCEMENT

Mike Lee
Dept. FWP
P.O. Box 200701
Helena, MT 59620-0701

May 19, 2017

Re. Notice 12-473 No. 9 "Permit to Train Dogs..."

Dear Mike,

I am writing to request a hearing, and to oppose this proposed action. I have been a bird hunter in Montana for nearly three decades. I also like to train my dog and compete in field trials, as well as simply hike with my wife and dog in open areas. In the lifetime I've spent in this activity I don't believe I've done as much damage to bird populations (if any at all) while training as would a single day's limit while hunting.

I'm a retired MSU professor and, like many, have had recent medical issues which are somewhat limiting; I have one English Setter remaining. In the time I have now, being out with my dog in the fields or mountains is most important. As I understand this rule, my frequent outings in many public and private open areas would require an unmanageable array of permits listing each potential area, and with signatures from the wonderful but busy landowners who have already given me training permission. Game birds (pheasant, partridge, grouse) may nest almost anywhere we go, mountain trails around Bozeman to Eastern Montana, on private or public land. My dog is well trained, steady to the flush of birds, and I keep away from areas where there may be nests or very young birds (but not a mile away!). I am always "training or retraining" my dog in various respects when we are out, whether or not we are looking for birds. This permit process is impractical, and would prevent me from my almost daily outings in the wide range of trails and fields which my wife and I like to frequent.

While I am more restricted now, I have competed in field trials all around the region, with and without horses. Bird hunting is also important to me, but I do limit my kill. I have developed several champion setters, bred others, and sold many dogs to hunters in Montana. The quality of hunting dogs depends on their breeding, which is demonstrated in competition at least every

few generations. This requires intensive training under a variety of conditions, on different types of birds. Dog trainers are critically dependent on one thing: bird populations. Year after year in the same areas! We self-police, avoiding critical times and over exposure to training. I've visited professional and amateur dog camps, and I can understand how a typical hunter might think they do great damage. If they did, there wouldn't be trainers in the same areas each year. In fact, trainers resent the overhunting which seems to occur in some locations. As FWP experts will testify, bird populations depend mostly on habitat and weather during the hatching period.

I would agree that training should be avoided from about mid-May through mid-July, so that disturbances are kept to a minimum. Trainers I know routinely observe this. Other than that, I see no need or practicality to a permit system. The proposed system would be unnecessarily restrictive to many dog owners like me, who treasure their time out with their dogs and do no harm to the birds, which they also treasure.

I hope you hold a hearing where we can discuss this before an unnecessary system is put in place based on a few misimpressions, and to the detriment of many Montanans.

Sincerely

John F. Mandell

John F. Mandell

REESE CREEK
STATION

RECEIVED
MAY 22 2017
LAW ENFORCEMENT

May 17, 2017

Enforcement Division
Attn: Mike Lee
Department of Fish, Wildlife and Parks
Post Office Box 200701
Helena, Montana, 59620-0701

Dear Mr. Lee,

It has come to my attention that the Fish, Wildlife & Parks has proposed a regulation regarding the training of bird dogs on certain areas of public and private land in Montana. Specifically, the location and dates allowed and the penalties for breaching these details.

In the spirit of communication and collaboration, I would formally request that Fish, Wildlife & Parks host a review meeting of said regulations prior to adopting them.

The bird dog community is a passionate one! We are made up of weekend hunters, falconers and field trialers. We own dozens of breeds of dogs and many own numerous ones. And several of us utilize horses to hunt! To regulate this concern takes more then hearsay and innuendo and should embrace ultimate professionalism. Many members of the bird dog community are former professionals from the wildlife and biology areas. Others are farmers and ranchers, but, all are owners of years of experience in the fields of Montana.

I would hope that the Fish, Wildlife & Parks would enjoy this contribution to the effort we all share: preservation of our natural resource.

Thanks you!

Sincerely,

Tom Nygard

Thomas Nygard

THOMAS NYGARD | REESE CREEK STATION - 13345 SPRINGHILL ROAD - BELGRADE, MONTANA 59714 | (406) 223-3636

Mr. Lee,

I am writing to vehemently request a public review of MCA 87-4-915 Dog training. The requirement of permits and especially the dates for training in the field are grossly orientated. Obviously no one at FWP inquired of our neighboring states what dates they have specified for training.

Please schedule a public hearing as soon as may be convenient.

RECEIVED
MAY 17 2017
LAW ENFORCEMENT

Sincerely,

Glen Conroe

Lee, Michael

From: Gordon Young <gfyoung37@gmail.com>
Sent: Wednesday, June 07, 2017 7:44 PM
To: FWP Dog Training
Subject: New Regulation for Dog Training
Attachments: letter to FWP.docx

Attention: Mike Lee

June 7, 2107

Enforcement Division **Attention: Mike Lee**
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 50620-0702
e-mail: FWPDogTraining@mt.gov

I enthusiastically endorse the proposed new rule and encourage the recent efforts of the Montana Fish, Wildlife and Parks Department to regulate and bring order to the chaos and disorder surrounding the subject of large scale commercial bird dog training by non-resident individuals from the Southern states.

By way reference: I am a retired airline pilot. My hobby for forty years has been wild bird hunting behind my dogs whom I have trained myself in New Jersey and New York. I have wild bird hunted from Maine to Oregon and all the Western states in between. Also Canada, Mexico and Argentina.

My first choice is to hunt in Montana! The people of Montana are friendly, honest and hard working (in New Jersey we also have wild birds, but they all have guns and shoot back!)

I have hunted birds in Montana for approximately 15-20 years in regions #1, 2,3,4,6 and7. As an Easterner, the "big sky" spaces and the people have captured my heart. Also, my niece has married into a third generation Montana family in Great Falls.

Why am I angry? This past fall I hunted in region #6, in one small city (Scobey), at the same motel that I have stayed at many times. I and several other bird hunters counted 5 to 6 commercial dog trainers from Texas, Georgia, South Carolina. Each with large dog trailers and strings of staked out young bird dogs, 60 or more dogs, mostly white pointers. (It looked like the movie set for 1001 Dalmatians!)

The heart of the matter: I had conversations with many bird hunters – two who had driven from Alaska, three from Ontario Canada, two from Maine, three from Illinois, and several from Montana. The single big question from all of them: WHERE ARE THE BIRDS? At one block Management area that I always hunt on the first day, NO birds all day, with a good dog.

I applaud the F.W.P. personnel who do a great job with the limited resources available. But as professionals and amateurs, we know that if wild birds are pushed too hard they leave! Or maybe they've been shot up below recruitment levels for coveys/flocks. The wild bird population of Montana is a treasure of the "treasure State". My hope is that the treasure doesn't disappear.

Thank you for your time and your efforts.

Gordon Young,

Princeton, New Jersey

Lee, Michael

From: cferrin@bresnan.net
Sent: Wednesday, May 31, 2017 9:28 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

The impetus for the permit process is the complaints of a multitude of dogs being trained in eastern Montana .It would therefore be logical to create a very involved and fairly expensive process to deter this practice . It would also follow ,perhaps , that MFW and Parks will not take into account people like me . I am an Upland Bird specialist. The phrase does not imply skill , just that it is the only hunting I participate in. I am born and raised in Billings and I hunt with my partner Hattie the dog. I would like to tune us up on live birds before the season starts . I don't oppose a permit with specific rules. I do worry that your office might forget about us and those like us when you create rules for dog training permits . Please e-mail me any information on this topic and process .

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Michael Kennedy <mike@crashdynamix.com>
Sent: Wednesday, May 31, 2017 12:13 PM
To: FWP Dog Training
Subject: Dog training

Hello Mike,
I received a copy of the Glacier Gun Dog Club request for permission to train bird dogs during upland bird nesting season and generally in the area where birds nest.
Most experienced trainers are also responsible conservationists and would never advocate for training during nesting. I am a member of the Deutsch Kurzaar club of Germany/north america. We hold our tests purposely early spring and late fall. We train on private lands using pigeons and do not go near nesting or young wild birds.
To imagine the impact remember that all of these dogs released in the field search fanatically and find nesting birds. The hens are driven from the nests and often will not return and secure the hatch. The impact in terms of numbers is huge.
For the sake of bird numbers the rule must stand and be enforced.

Regards
Mike Kennedy

406 342 5616

Sent from my iPhone

Lee, Michael

From: allendunbar77@gmail.com
Sent: Wednesday, May 31, 2017 11:08 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Other states, including both North and South Dakota where dog training during summer months is popular, have successfully adopted rules and regulations similar to what you are proposing. I would suggest that you consider and define a time period during which dog training is allowed, so as to not interfere with nesting and early brood raising - such as prohibiting training from May 1st, through July 15th, and allowing dog training on all accessable grounds from July 15th, or other reasonably determined date, until the opening of bird hunting season (September 1st). After that time, a hunting license would be required. I suspect that you may want specific permits for various types of 'dog trainers' - resident amateur trainers, resident professional trainers, non-resident amateur trainers, non-resident professional trainers, etc. (in this context, an amateur would be defined as training his or her personal dogs - a professional trains dog for fee, and receives compensation from the owners of the dogs.
Regarding bird redistribution cause by dog training activities - there was a study done on the Ft. Pierre National Grassland recently regarding such practice. The bottom line of the study, is that while birds Prairie Chickens and Sharptail grouse) were somewhat (not majorly) redistributed, such dog training activities did not affect the resulting population, but were still accessable for hunting and harvest on adjacent properties.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: geoffglbrt@yahoo.com
Sent: Wednesday, May 31, 2017 7:11 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I adamantly support a permitting system for hunters with dogs. One that clearly defines areas and rules for doing such. I am an avid hunter myself, and over the last few years I have witnessed a measurable increase in dog owners training their dogs in the off-season. While I understand the need to train ones dog, I have primarily witnessed their actions resulting in harassment of flocks of upland game birds with young, and in several cases the illegal taking if animals (dogs catching, killing and wasting of birds). I have documented and reported at least on incident in the hills nearby Missoula (where posted signs prohibit such activities) but the owners brush it off. In my mind the activity is s akin to hunting out of season. I certainly don't stalk and shoot elk in off season. Thanks for considering. Geoff

---

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: willmed@msn.com
Sent: Thursday, May 25, 2017 8:57 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Please adopt whatever rules are necessary to prevent large-scale dog training which disturbs any wild bird nesting, breeding or feeding habitat. Please enforce the rules you adopt.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: xerxesllewellins@gmail.com
Sent: Wednesday, May 24, 2017 9:30 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I train dogs professionally in Gray, GA. I have been training pointing dogs since elementary school in the 70's when my dad purchased our 1st English Setter. I now have a grouse camp in the Upper Peninsula of MI. I plan to make a hunting trip for a month to Montana in September then hunt at my camp until the end of MI's early grouse season. I restrict all my training to areas that are not populated by wild birds. I do not want to disturb or even have the chance of limiting a chicks chance to survive until adulthood. Keep these trainers off of wild birds until the beginning of the hunting season!!! It certainly makes an impact on the success of birds making it to maturity. All of this training with pointing dogs can be simulated by using pigeons in launchers in areas not populated by wild upland game birds or by pen raised game birds. Again please restrict access to these areas by unleashed dogs!!

Sincerely,

David J. "Hatchet" Kunselman,
Xerxes Llewellins,
Gray, GA 31210
502 221 5039

Thank you for taking the time to consider my statement.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: michaelshepard7@gmail.com
Sent: Wednesday, May 24, 2017 9:19 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

This is one thing that needs to be addressed and stopped. I have seen this occur twice and did not agree with it. I train my dogs with duck scent and wings saved from earlier hunts, and have no problem being trained that way.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: ludellaheaton@hotmail.com
Sent: Monday, May 22, 2017 3:11 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I believe that not only are permits needed but the permits should be sold. All permits should be limited to 5 dogs, and a permit should only be good for a single month of usage. A permit should be $125.00. It also need to be enforced. My reasoning is, trainers will contact local farmers and ranchers to train on their private property and "wander" onto public lands where the permit is needed without purchasing the permit. If a trainer is "caught" on public lands with no permit, there needs to be monetary consequences. These trainers are not short on money, the law needs to be enforced.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Bresnan2 <xcalibur83@bresnan.net>
Sent: Saturday, May 20, 2017 6:00 PM
To: FWP Dog Training
Subject: Dog training

Greetings,

I agree with the proposed rules as written and would submit that the rules should go further. These commercial training operations should have much greater oversight to prevent damage to any property, harm to dogs, horses and any wildlife. I also propose that birds are not the only wildlife that is being damaged by these operations. Commercial training operations should be required to be licensed to operate in the state. Others are benefiting from Montana's treasures and leave carnage for Montana remediate.

Gareld Cox
901 Senora Avenue
Billings Montana
59105
406.698.1068

Lee, Michael

From: bclabsmt@gmail.com
Sent: Saturday, May 20, 2017 7:27 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Other states thAt I have prohibit the training of dogs during the entire nesting period. That seemed work well. Regarding the use of public lands and birds for the purpose training dogs for profit, I suggest thAt also prohibited. Some yeArs ago I owned and operated lab. Breeding and training facility in CO. I raised a couple hundred pheasants and chuckles. For training purposes. I achieved better results using this method than I would trying to find and use wild birds. They transition from pen birds to wild very easily. Without the obvious down sides of using public lands and birds. Make your changes well known with a notice of a stiff fine. It's not difficult to determine who the pros. Are.
If they are caught and lie, and lasted after investigation it is apparent.Have a provision to double the fines. Same rules res. And non res.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Anne Pearse Hocker <aph948@gmail.com>
Sent: Friday, May 19, 2017 3:35 PM
To: Lee, Michael
Cc: Anne P Hocker
Subject: Re: Options

Well, questions re: width of ankle jess and length of tether vs. strength of tarsus/leg bone could be addressed with communications with the Peregrine Fund or Dr. Pat Redig, DVM, Minnesota (raptor expert, whose son is a permittee in Livingston). This won't work as a solution for gun practice, obviously, but it is worth considering for options where the objective is scenting, honoring and flushing.
Best wishes for a reasoned solution,
Anne

"We must always take sides. Neutrality helps the oppressor, never the victim." Elie Weisel

Sent from my iPad

> On May 19, 2017, at 2:55 PM, Lee, Michael <milee@mt.gov> wrote:
>
> Dog trainers already have the option of using pen raised upland game birds for training and many do. I issue about 40 of those permits each year. Here's a link to that information. Using jesses is an interesting idea.
>
> http://fwp.mt.gov/fishAndWildlife/licenses/wildlifePossession/captiveDogTraining.html
>
> Michael Lee, Game Warden
> Commercial Permitting/IWVC Admin.
> Fish, Wildlife and Parks Enforcement
> milee@mt.gov
>
>
>
> -----Original Message-----
> From: Anne Pearse Hocker [mailto:aph948@gmail.com]
> Sent: Friday, May 19, 2017 2:40 PM
> To: Lee, Michael <milee@mt.gov>
> Cc: Anne P Hocker <aph948@gmail.com>
> Subject: Options
>
> I know this sounds crazy at first glance, but if the dog trainers could use the same fields over and over and use captive raised birds on jesses (eliminating the release into the wild and also reducing the cost overhead), would this give them the opportunity to do training setups without disturbing the wild birds? If the mission is to get a scent, point, honor and flush, would a pen-raised pheasant or chucker on jesses and a long tether not do the job? Or is the human scent of the designated planter going to mess with the dog's brain?
> Serious inquiry. Banders and trappers use jessed pigeons all the time.
>
> Anne
>
> "We must always take sides. Neutrality helps the oppressor, never the victim." Elie Weisel
>
> Sent from my iPad

Lee, Michael

From: Scott Moon <smoontana@live.com>
Sent: Friday, May 19, 2017 6:50 AM
To: FWP Dog Training
Subject: Dog training proposal

I support this proposal only if there are clear rules banning the hunting of wild birds native to that area out of season. It should not include training with non native planted birds, or infringe on that activity in any other way.

Lee, Michael

From: Buffalo Rancher <radzyker@yahoo.com>
Sent: Thursday, May 18, 2017 8:24 AM
To: Lee, Michael; Adam Walker; Al Harmata; Alex Bittner; Allyson Cowan; Anne Hocker; Ben Williams; Betty Wagner; Brandi Sieminski; Brett Bruggeman; Carlos Rodriques; Charles Gilmore; Charles Heckler; Chris "Boomer" Hesley; Christopher Merker; Claire Hager; Craig Campbell; Craig Underwood; Dana Clarck; David and Joyce Barker; David Coffin; David Crump; Ethan Canney; Gabriel Jones; Gary Ohman; Gerald Geiger; Glen Sweet; Greg Depner; Greg Windtberg; Harold Williams; Heather Blandford; Ian Pogue; James Arnold; James Chaffin; Jay Sumner; Jay Tischendorf; Jay Tischendorf (2); Jeff Ewelt; Jeff Jallings; Jeff redig; Jeff Shapiro; Jeffrey Sternad; Jerry Jacobs; Jim Morrissey; Jim Wagner; John and Anne McPartlin; John Hays; John McItrot; John Seabury; Joseph Sabol II; Judith King; Justin Sasser; Karl Pentecost; Kate Davis; Kathryn Williams; Ken White; Kevin Farley; Kevin Thompson; Kirk Hohenberger; Larry Bates; Larry McMullen; Lynsi DeWaard; Mark & Michelle Seybert; Mark Bolton; Mathew Klindworth; Matt Blandford; Michael Crago; Michael Vermeulen; Mike Petersen; Natasha Leong; Nathan Birr; Neal Donaldson; Noel Ferguson; Rainer Conell; Ralph Rogers; Ray Gilbertson; Richard Burnett; Rick Green; Robert Hollister; Robert Martin; Robert McDonald; Rocky Connell; Rodney Foster; Rodney Sykes; Ronald Schaeffer; Ryan Hallows; Sam Newville; Scott Geiger; Shauna Shephenson; Skip Tubbs; Sophie Hoopman; Steve Holton; Steven Olson; Thomas Anderson; Thomas Mutchler; Timothy Snyder; Tony Head; Troy Reichert
Subject: Re: Dog Training

For your consideration:

NEW RULE I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS (1) For purposes of this rule, the following definitions apply:
(a) "bird nesting area" means any area within the state***, which has been identified by the department,*** which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest;

(A.) Targeted game bird(s) are…..

(b) "game preserve" means an area that is owned and managed by the state or federal natural agency for the purposes of game protection and propagation;
(c) "management area" means any property managed by the state or federal natural agency for the purposes of maintaining wildlife habitat, wildlife propagation or public hunting access;
(d) "open fields" means ~~***any area of natural surroundings where wildlife may naturally occur and may include***~~ bird nesting areas, management areas, or game preserves ***and those areas within one mile of them.***

(2) A person wishing to train dogs in open fields must apply for a permit by filing an application on a form provided by the department at the regional office in the region where the person will conduct such activity.

(A.) Training dogs means training dogs for use as hunting dogs in pursuit of game. Training dogs does not mean training dogs for other interests that do not involve activities under the perview of the department.

(3) Permits to train dogs in open fields expire September 1 of each year.
(4) Permit holders must follow the terms and conditions set forth in the permit.

Lee, Michael

From: Buffalo Rancher <radzyker@yahoo.com>
Sent: Thursday, May 18, 2017 8:27 AM
To: Lee, Michael; Adam Walker; Al Harmata; Alex Bittner; Allyson Cowan; Anne Hocker; Ben Williams; Betty Wagner; Brandi Sieminski; Brett Bruggeman; Carlos Rodriques; Charles Gilmore; Charles Heckler; Chris "Boomer" Hesley; Christopher Merker; Claire Hager; Craig Campbell; Craig Underwood; Dana Clarck; David and Joyce Barker; David Coffin; David Crump; Ethan Canney; Gabriel Jones; Gary Ohman; Gerald Geiger; Glen Sweet; Greg Depner; Greg Windtberg; Harold Williams; Heather Blandford; Ian Pogue; James Arnold; James Chaffin; Jay Sumner; Jay Tischendorf; Jay Tischendorf (2); Jeff Ewelt; Jeff Jallings; Jeff redig; Jeff Shapiro; Jeffrey Sternad; Jerry Jacobs; Jim Morrissey; Jim Wagner; John and Anne McPartlin; John Hays; John McIltrot; John Seabury; Joseph Sabol II; Judith King; Justin Sasser; Karl Pentecost; Kate Davis; Kathryn Williams; Ken White; Kevin Farley; Kevin Thompson; Kirk Hohenberger; Larry Bates; Larry McMullen; Lynsi DeWaard; Mark & Michelle Seybert; Mark Bolton; Mathew Klindworth; Matt Blandford; Michael Crago; Michael Vermeulen; Mike Petersen; Natasha Leong; Nathan Birr; Neal Donaldson; Noel Ferguson; Rainer Conell; Ralph Rogers; Ray Gilbertson; Richard Burnett; Rick Green; Robert Hollister; Robert Martin; Robert McDonald; Rocky Connell; Rodney Foster; Rodney Sykes; Ronald Schaeffer; Ryan Hallows; Sam Newville; Scott Geiger; Shauna Shephenson; Skip Tubbs; Sophie Hoopman; Steve Holton; Steven Olson; Thomas Anderson; Thomas Mutchler; Timothy Snyder; Tony Head; Troy Reichert
Subject: Re: Dog Training

"purview" not "perview"

Lee, Michael

From: jayhansonoutdoors@gmail.com
Sent: Thursday, May 18, 2017 8:16 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

This is a good start; the problem continues to grow in the Lewistown area. Dog breeders, trainers are showing up earlier every year. While nest may be over mid-July, the chicks are very small and vulnerable. Feedback:
1) Nesting area is very vague. Virtually the entire state east of the mountains is nesting area for species such as Huns.
2) Add language such as Field Trials to "training". Field Trials are a part of the problem and aren't necessarily training. Don't create a legal loophole.
3) Maybe a standard date is the easiest. My vote would be Aug 15th, but Aug 1 may be more tolerable by the public.

Jay Hanson
Lewistown, MT

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Larry Bates <bigskyperegrine@yahoo.com>
Sent: Tuesday, May 16, 2017 7:23 AM
To: Lee, Michael
Subject: Dog Training

Mr. Lee,

Thank you for the letter concerning dog training in game bird nesting areas, as it is nice to know about these kinds of disturbing behaviors on the part of selfish others. I rarely get to eastern Montana, however it has normally been a very good place for bird hunting and to hear of declines of this nature due to the careless actions of others is offensive. Thank you so much for working to safeguard those areas, as they are very important to me and many other bird hunters in Montana. Larry Bates

Lee, Michael

From: montanahunts@aol.com
Sent: Monday, May 15, 2017 5:26 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I am in total support of the effort to limit the stress placed on wild birds through training. As a bird hunter I feel that there are ample opportunities for us upland hunters to train our dogs. I especially feel that trainers that utilize horses and large groups of dogs are the worst offenders in this area. The guy who hunts on foot with one or two dogs will have very little effect on stressing the birds and lowering populations. I think MT FWP is doing the right thing here to protect wild bird populations. I have lived in Montana over 20 yrs and have seen the ridiculous growth of the horse and dog "trainers" and hope this new rule helps decrease pressure on our birds.

Thanks,

steve hunts
Bozeman, mt

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Steve Hunts <montanahunts@aol.com>
Sent: Monday, May 15, 2017 5:21 PM
To: FWP Dog Training
Subject: NEW RULE I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS

I am in total support of the effort to limit the stress placed on wild birds through training. As a bird hunter I feel that there are ample opportunities for us upland hunters to train our dogs. I especially feel that trainers that utilize horses and large groups of dogs are the worst offenders in this area. The guy who hunts on foot with one or two dogs will have very little effect on stressing the birds and lowering populations. I think MT FWP is doing the right thing here to protect wild bird populations. I have lived in Montana over 20 yrs and have seen the ridiculous growth of the horse and dog "trainers" and hope this new rule helps decrease pressure on our birds.

Thanks,

steve hunts
Bozeman, mt

Lee, Michael

From: jim younk <jvyounk@hotmail.com>
Sent: Friday, June 09, 2017 8:15 PM
To: FWP Dog Training
Subject: Bird dog training

Dear Mr. Lee

It has come to my attention that the Montana FWP is proposing to reduce opportunities for sportsmen in Montana. I refer to the proposal to curtail training of bird dogs. The information I have received states that field trial and training activities that have taken place outside the breeding season "has had negative effects on the local bird populations and has decreased opportunity for the hunting public."

The information also states that FWP was "approached by bird hunters who were noticing a large decrease in the available birds during the hunting season."

FWP provides no information to support these claims, and no studies have been done to investigate them.

I find this quite ridiculous. If I see people riding dirt bikes in July on trails in the area where I hunt elk in October, are those dirt bikes to blame because I didn't see as many elk as last year?

FWP needs to make management decisions based on scientific studies and investigation, not because you received complaints.

James Younk
Boise, Idaho

Lee, Michael

From: josh.sutherland@live.com
Sent: Thursday, June 01, 2017 5:57 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

This rule or proposed rule is way to vague and impossible to enforce. Myself and many others travel to Montana every fall/spring for field trial events and this proposed rule would affect us greatly. We do not train on nesting birds or move young birds till they die. It lacks any sort of data besides hunters complaining that there are no birds. How would you accurately identify a nest in a 1 mile radius? Is the Director or CO's going to go walk around and inspect every square mile for nests to determine where dogs can be trained? Please do not adopt this ridiculous rule.

Josh Sutherland

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: clhanso1617@yahoo.com
Sent: Saturday, May 27, 2017 11:12 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

It would seem that the MFWP is proposing regulations that are prompted by a small number of uneducated individuals with regards to upland birds. Montana needs to look closer at this situation and the regulations they are proposing that would effectively make any bird dog training illegal.
I am an English Setter owner, amateur field trialer and avid upland bird hunter for over 20 years. While living in Minnesota I was also a Woodcock bander under direction of the US Fish Wildlife and Parks. This is done in the Spring with having a pointing dog locate the chicks and hen and placing bands on the birds. I have hunted, trialed and trained dogs from Colorado to Pennsylvania. I currently live in Sheridan WY and train on wild birds in late Summer to tune up older dogs and improve young dogs.
The proposed rule that you can not train on a "bird nesting area" would effectively eliminate any training. A sharptail grouse or hungarian partridge can "make a reasonable attempt to produce a nest" in any grassland that is over ankle high!
There is a long tradition of professional trainers and amateurs alike coming from the South East and Midwest to the northern prairies to train in late Summer on wild birds. I believe that it is a federal law that training is not allowed from April 15 through July 15. The major circuit horseback field trials then start on the northern prairies and work their way to the South through the Fall and Winter. Many of these trainers have a long tradition of working the same area each year. It is the last thing that we would want to do is have a negative impact on bird populations. The pros would effectively be putting themselves out of business. I can not speak on behalf of the flushing breeds, their training methods or even if there are any pros coming to Montana to train.
I would ask the question as to what documentation or study has been done to prove that there has been a "negative effects on the local bird population"? While the uneducated observer seeing a large number of dogs and horses would assume the worst it has to be remembered that these dogs primary purpose is to point birds and not catch them. After 20 years I have only seen one casualty and that was an adult woodcock that was caught and killed by a dog during the Spring banding season. Also it need to be remembered that the training areas that are used by handlers on horseback often times have hundreds of cattle.
I would hope that MFWP looks at this issue closer before passing unrealistic laws just to satisfy a small uneducated minority. It also seems rather ridiculous for the average hunter or average amateur field trialer with 2 or 3 dogs to have to buy a permit to train dogs especially if that included private land.

Chad Hanson
Sheridan WY

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: rb452pc@centurylink.net
Sent: Wednesday, May 24, 2017 2:52 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

As a Dog handler, owner, trainer I find your document confusing and vague and lacking sufficient evidence to form an opinion. It is not clear to me what you want to do and why.
I also believe that this should be conducted with public comment and more thought.
Sincerely
Russell L. Bush
123 Short Court
Kalispell Mt. 59901
760-644-1156

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Richard Juntunen <rma.juntunen@gmail.com>
Sent: Wednesday, May 24, 2017 2:07 PM
To: FWP Dog Training
Subject: Dog Training in Upland Game Bird Nesting Areas

Mike,

The proposed rule has the following issues and potential problems that I can foresee as a resident sportsmen in Montana who has had hunted with dogs for 42 years in Montana.

1) I think almost any area in Montana could easily be within 1 mile of nesting game birds. So apparently anyone who walks a bird dog would require a permit and could be subject to a game warden stop and ticket.

2) Dog training activity is not defined and I am training my dog all the time. Most dog owners will tell you that training is every day in some way. So again I would be subject to a game warden stop and potential ticket every time I walk my dog or dogs.

3) The rule does not define large scale professional training, which is the problem you are trying to address, but instead lumps all bird dog owners in this category. I would think you have enough important work to do instead of burdening the people who are paying your salary and are your biggest supporters?

4) Your definition for "open fields" appears to extend your authority to private land where I do not think the law is enforceable.

5) Most management areas that I have hunted or walked my dogs on already have posted rules to protect nesting birds. Why do you need another permit?

6) The problem appears to be in counties in eastern Montana but instead of focusing on this issue you want alienate every bird hunter in Montana and require a dog training permit of everyone with a bird dog. How many new permits would be required? Where will the FWP get the manpower to manage this new program.

Richard Juntunen

--

Lee, Michael

From: William Madden <kentuckygunmaker@bresnan.net>
Sent: Wednesday, May 24, 2017 10:20 AM
To: FWP Dog Training
Cc: Sam Robinson; Jim Hoschouer
Subject: MFWP Proposed Dog Training Rule
Attachments: MFWP Proposed Dog Training Rule.pdf

William L. Madden, Jr.
Attorney at Law
P. O. Box 921
Bozeman, MT 59771
Email: kentuckygunmaker@bresnan.net

May 24, 2017

Sent via email: FWPDogTraining@mt.gov

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P. O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

This letter is written in **opposition** to the Department's Notice of Proposed Adoption of New Rule 1 Permit to Train Dogs in Upland Bird Nesting Areas and to request a **public hearing** thereon. For the reasons discussed more fully below, the proposed rule, if adopted, would be invalid because (1) it directly conflicts with the statute (MCA §87-4-915(6)(a)) relied upon as authority for its implementation; (2) the Department lacks express statutory authority to adopt the proposed rule; and (3) it is either overbroad, hence not reasonably necessary to addressing its declared purpose of curtailing large-scale dog training, or is otherwise arbitrary, capricious or an abuse of discretion.

(1) The proposed rule is invalid because it directly conflicts with the statute relied upon as authority for its implementation.

Under the proposed rule, a permit from the Department would be required to train dogs in "open fields" of the state, being "any area of natural surroundings where wildlife may occur and may include "[game] bird nesting areas, management areas or game preserves," Rule 1(1)(d) & (2). MCA §87-4-915 (5(a)) (sic 6(a)) is cited as the statutory authority for the rule's implementation.

However, that statute expressly provides that "[d]ogs may be trained in open fields at any time <u>without permission</u> of the director" if "game birds are not killed or captured during training" and if "the training is more than 1 mile from any bird nesting or management area or game preserve." (Emphasis supplied) In direct conflict with the statute, the proposed rule would require a permit to train dogs under such circumstances, thereby rendering it invalid, were to be adopted. MCA §2-4 305(6) ("A rule is not valid or effective unless it is (a) consistent and not in conflict with the statute.")

(3) The proposed rule is invalid because it is not reasonably tailored to address the objective sought to be achieved, hence is impermissibly overbroad or is otherwise arbitrary, capricious or an abuse of discretion.

The Montana Administrative Procedure Act (MAPA) requires that administrative rules be "reasonably necessary to effect the purpose of the statute," and that the proposed rule contain a statement of the "reasonable necessity" for the proposed action. MCA §§2-4-305(6) and 2-4-302. (Emphasis supplied) In its statement of "REASON" for the proposed rule, the Department states that the proposed rule is necessary to "curtail the large-scale dog training" that takes place "in the months prior to hunting season" which has "negative effects on the local bird populations and has decreased opportunity for the hunting public".

In my personal experience, "massive dog training occurrences primarily in Eastern Montana" have and continue to occur, both within and outside of the hunting season, with definite negative effects on both bird populations and the hunting experience. I have witnessed broken family groups and birds as jumpy and wild on the first day of the season as is usually not seen until much later.

So, there is definitely a need to curtail large-scale dog training. The problem is that the proposed rule is not narrowly tailored to achieving that objective. **In fact, it doesn't even address large-scale dog training activities at all!**

Instead, the proposed rule seeks to prohibit all dog training, whether "massive" in scale or not, of whatever kind, not just in nesting areas or during the nesting season, but wherever and whenever it takes place, unless a permit is first obtained from the Department. Although the Rule's title suggests that it is limited to dog training in game bird nesting areas and the statement of REASON claims the rule is necessary to curtail large-scale dog training activities, neither are true. Both are a ruse. Under the guise of regulating "massive dog training occurrences" and training in bird nesting areas, the Department proposes instead to require a permit from everyone who trains a dog anywhere in the state, including someone like myself who has one dog, does not train during the bird nesting season, does not plant or kill any birds, but uses "open fields" to expose the dog, and to monitor, correct and teach desired hunting dog behavior. My dog and I, and those like me, are not a part of the problem. Yet, we are scooped up in the regulatory dragnet and forced into getting a permit from the Department without any justification. Clearly, this is unacceptable. The rule is unquestionably overbroad and heavy handed. There is no "reasonable necessity" for including us in the group of "large scale dog training" activities that needs to be monitored and controlled. It is invalid. MCA §2-4-305 (6) and 2-4-302 op. cit.

Moreover, MCA §2-4-704 (2)(a) provides that an agency rule is invalid where it is, among other things, "(vi) arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion." While the overreach complained of above is also clearly "arbitrary or capricious," the proposed rule contains other examples, as well.

One is the lack of any clear demarcation between what is permitted outright and that which requires a permit. "Training," for example, is not defined. There is a continuum of dog handling activities from a simple walk in the field, to exposure, to corrective actions, to teaching behavior such as pointing

staunchness. Where along this continuum is a permit required? Apparently all of the above would require a permit, even though those at the lower end are of little, if any, concern. To require a permit in such circumstances is arbitrary, capricious and an abuse of discretion.

Another example is "open fields." As defined in the proposed rule, it includes "any area of natural surroundings where wildlife may occur." That would include my two acre yard as well as the 14 acre park adjacent to my property in both of which game birds can occasionally be found. Is this really something with which the Department ought to concern itself? Clearly not. It is arbitrary, capricious and an abuse of discretion for the Department to try to regulate such areas and those like them.

As written, the proposed rule requires anyone seeking to train a dog in any manner anywhere in the state to first apply for a permit. I work my dog on a number of state land sections or fishing access sites, depending on whether someone else is there or not. If occupied, I go to another. In other words, oftentimes I don't know where I will train until I am on the site. Under the proposed rule, I apparently am going to have to get a permit for a specific site in advance, and, if I change location, I have to go back to the Department for a new permit. That is not going to happen. Again, this is patently arbitrary, capricious and an abuse of discretion.

In summary, the proposed rule, if adopted, would be invalid for any number of the reasons listed above. **It should be withdrawn.**

Because there is a necessity to curtail large-scale dog training in the state, I encourage the Department to pursue such course, but do it right. Go first to the Legislature. Ask it by statute to specifically and narrowly address the problem of large-scale dog training activities and to expressly confer upon the Department authority to adopt necessary implementing regulations. This time make an effort early on to involve affected interest groups in the process. Better legislation and regulations will result with less uncertainty and misunderstanding than that which accompanies the present proposal.

Sincerely,

William L. Madden, Jr.

cc: Sam Robinson, Missouri Headwaters Gundog Club
Jim Hoschouer, Pheasants Forever

Lee, Michael

From: Mitch Hurt <wildbirdhunting@gmail.com>
Sent: Wednesday, May 24, 2017 7:01 AM
To: FWP Dog Training; Shannon Nygard; Tom Nygard
Subject: FWP regulations on dog training

Just wanted to voice my opinion on the proposed regulation on restricting dog training in the late spring and summer months. I am not a professional dog trainer but have bird dogs that I raise and train for my bird hunting outfitting servic here in Montana and south Texas in the winter.

I am not for the new proposed regulations due to the fact that I regularly run my dogs year round in the prairies and mountains around my home in Livingston, Montana. I am concerned that I will not be able to go for a hike with my dogs to get them and myself exercise due to the fact there is nesting birds of all species in the fields around my house and along the trails in the mountains.

When we moved into our home 12 miles south of Livingston there was 2-4 coveys of Hungarian Partridge present in regular locations near and around my house. I raise and train 1-2 puppies per year and currently have 27 Pointers and Labs that I have for my hunting business. We have lived here for 15 years and my dogs are trained and exercised daily in the area around my house where the partridge live. In the spring the dogs will find and point, flush whatever paired up huns until nesting season starts at the point I still run and train dogs in the same areas but very rarely see the huns at all. I have never seen a baby hun hen that could not yet fly and my dogs have never in 15 years ever caught a baby hun. About mid August each year I start seeing the coveys in the same locations I see them every year. Numbers of covey and covey size seems mostly to depend on we had a warm dry spring or cold wet spring and the survival of the hatchlings. We also have red fox, coyotes, peregrine falcon, sharp-shinned hawk and cooper's hawk that I see regularly here and they don't seem to have any impact on the bird numbers either. We do have good cover and habitat to protect the birds.

On my hikes that I do in the mountains days per week most always with dogs we regularly see ruffed and dusky grouse on those walks until nesting season which is right now. We still hike each week but are not seeing any grouse at all. As far as I know we have never discovered a nest that I have noticed. I usually hike with my labs who all are trained to hunt upland birds and due to my guiding business hunt daily from September 1 through the last Sunday in February in Texas. I would say they are pretty good and love to hunt and find any birds. When the grouse are hatched and we do come across the fledglings, the mother tries to get my and the dogs attention and then flies up on a nearby limb and sticks her tongue out at my now grown labs. I try to watch what the fledgling birds do which is to scatter a short distance and freeze in the cover. It is great to see how they disappear. I send my dogs on past them not wanting to disturb them any more but even if they do go back where the young birds are, which at this point in their development cannot fly, they have never once caught a bird. My goal on my hikes is not to train dogs on birds but to get us exercise and enjoy the outdoors but to know that we always have some impact on wildlife and have interaction with it.

I know it just makes sense to just not enter the field with dogs during the nesting season and the times they are raising their young but the reality is they only have little impact on their survival each year. In my opinion weather each year during this time makes the impact on them. Cold, wet springs and summer hail storms are what I fear most. Good habitat is equally as important. The habitat is poor it doesn't matter if you run dogs or not. You won't have birds.

Another point to ponder is if our dogs good at finding and destroying nests and developing birds what impact would coyotes, fox bobcats etc. have on them. When it comes to finding game they are the experts due to the fact they do it to live and feed their young. Our dogs are mere amateurs when compared to them. If our dogs could fi

nesting birds and their young then the wild predators would probably wipe them out. I think the nesting birds and young have little to no odor that protects them at this time from predation.

Thank you very much for listening to my concerns!

Mitch Hurt
Paradise Valley Guide Service outfitter 6840
406-223-4919

Lee, Michael

From: Jack Hutson <outdoorsmen@cableone.net>
Sent: Wednesday, May 24, 2017 12:38 AM
To: FWP Dog Training
Subject: Review and Public Comment

Hello Mr. Lee,

As a responsible dog owner and sportsman I should have agreed with the proposal to curb training of bird dogs in the off-season. Should have, but I do not. The proposal has all of the recognizable characteristics of a knee-jerk reaction or an issue shared by a relatively small - *vocal* - group.

*If there is a notable effect on nesting bird populations, produce the research. That is what a prudent agency would do to prevent further litigation. *"...has had negative effects on the local bird populations and has decreased opportunity for the hunting public"*. Compared to where? Was there a control area? Over-all, the game bird populations are down throughout the state. Did dogs cause that? Cattle, as well as horses, are ranged throughout the region. Will there need to be permits for them as well? Where's the proof? You have it, I am certain, so it will be a simple matter of showing the public.

* "*In recent years, the department has received both written and verbal complaints regarding massive dog training occurrences..."* Just what is "*massive*"? Millions? Tens of thousands? 60, can you quantify this? If training is taking place on public ground, aren't permits required for such *massive* undertakings - be it training dogs or rock concerts? Why the need for additional regulations? Surely, this is not happening as it is being portrayed? All over the state - really? And the *"written and verbal complaints"*, they have nothing in common? Like, the same person or family or organization - really? You sound like another government agency being "*played*" by a special interest.

* *"(2) A person wishing to train dogs in open fields must apply for a permit by filing an application on a form provided by the department at the regional office in the region where the person will conduct such activity".* What was described can mean just about any patch of ground. Wheat stubble to football. On private ground, unless it can provide their research that shows the ground is a lek or nesting ground for a specific bird, I would suggest the state is over-stepping a bit.

Get the public involved to prove this is above board and has no other aim than the issue presented. Manage those areas without turning the entire state up-side-down with an across the board policy. Many of these training activities can be licensed (if not already) and take place in areas (and dates) that are agreeable to all parties. (Except those that have recently moved to the area and just don't like the idea of training with live - domestically produced - birds.)

Respectfully,

Jack Hutson

Lee, Michael

From: tjwhitney69@yahoo.com
Sent: Tuesday, May 23, 2017 11:13 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Very vague and pretty much impossible for F&G wardens to enforce. What differentiates someone taking a dog (or a couple dogs) for a walk through a field vs. training? What about cow dogs or sheep dogs. Do they not also flush young coveys of birds while doing their job? What about coyotes, fox, etc.? Do they not disturb/flush coveys of young birds? And they do it 24/7, 365 days a year..... not just an hour or two a couple times a week when someone is out training their dog.

I can understand the concern with professional trainers who bring in 50 or 60 dogs to Montana to train, or professional trainers who reside in Montana who are in the field with different dogs all day long, but the average gundog owner who trains a pup every 10 years or so or who has maybe 2 or 3 dogs that need a little pre-season polishing have virtually no impact on game bird populations.....

What constitutes a nesting area? How could this possibly be defined? What about private property? Would a person not be able to train their dog on their own personal property if they happened to have a couple of acres where a pheasant might nest every now and then? Are we talking about training on wild birds, or the person who buys or traps a few pigeons and uses those for training?

This looks like opening up the proverbial can of worms to me.....

Tim Whitney
Chinook, MT

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Ben Deeble <bddeeble@gmail.com>
Sent: Tuesday, May 23, 2017 1:52 PM
To: FWP Dog Training
Cc: Todd Cross; Jay Gore; Glenn Marangelo; Archie Petersen; Tom Deveny; Bob Jeffrey
Subject: Comments: dog training rule 1
Attachments: BSUBA_dogtraining_ltr_logo_final.pdf

Hello Mr. Lee:

Find the comments of seven board members of the Big Sky Upland Bird Association attached.

Thank you for considering our comments.

Regards,
Ben Deeble, pres.

Lee, Michael

From: Jeff - McPartlin Realty <jeff@mcpartlinrealty.com>
Sent: Tuesday, May 23, 2017 12:10 PM
To: Lee, Michael
Subject: Notice of Proposed Adoption of New Rule 1/Dog Training

Dear Mr. Lee,

Thank you for the information regarding the 'Notice in the matter of the adoption of New Rule 1 pertaining to permits for dog training'. I was impressed with the timely and well thought out repsonse submitted to you by Mr. Kevin Thompson on May 17, 2017.

Living in the near vicinity of the Freezeout Lake Management Area I have noticed some drastic changes over the past twenty years or so. I realize that this is only one small area where sportsmen go to hunt upland game birds and migratory waterfowl when compared to the size of our great State of Montana. However, the changes that I am referring to and which have occured over the past couple of decades are, in my opinion significant.

In the late 1970's and through the 1980's a drive along Freezeout Lake in the early morning or late afternoon hours during the months extending from October through February, would show a substantial to large concentration of pheasants as well as anywhere from one or two to several coveys of Hungarian Partridge. As winter would set in and cold temperatures and snow arrive, the game birds could be seen not only in the early morning and late afternoon hours, but throughout the entire day. Quite often while the pheasants and partridge were noticed congregating under the protection of bushes gathering in what warmth they could from the sunshine, any number of sharp-tailed grouse could be seen balancing on the top branches of those same bushes. As one drove along the paved, and often pot-holed asphalt road bordering the lake, game birds, primarily pheasants, would frequently be seen running from one side of the road to the other as well as flying out from cover or flying back into cover. There certainly did not seem to be any shortage of upland game birds in those days.

The concentraion of game birds would herald the arrival of such predatory birds as Golden Eagles, Bald Eagles, Goshawks, Prairie Falcons and occasionally Gyrfalcons. Some individuals of these raptors would establish winter territories and be seen off and on throughout the season until the spring migration and nesting seasons arrived. In addition to the above species, any number of North American Rough-Legged Hawks as well as Northern Harriers and Short-Eared Owls would readily be identified by those who took the time to go and view the wildlife of that area.

Many times during those years I would observe sportsmen with their dogs. Sometimes I would simply stop to enjoy the view of pointers and setters working the cover. At times I would speak to the sportsmen, some of whom were hunting and others simply handling and exercising their dogs. They seemed to be a courteous and dedicated group of folks who appeared to simply enjoy being afield with their dogs, and not uncommonly in sub-zero weather. For the most part, the dogs that I saw seemed to be pretty well under the control of their handlers and as eager to take to the field as their masters.

Over the years I have noticed a very steady decline in upland game birds in the Freezeout Area. In recent years is has been rather rare, instead of the norm, to see pheasants crossing the road in any kind of numbers. Sighting a covey of Hungarian Partridge now seems to be a noteworthy event. Seeing more than one or two coveys in a day is rare compared to years ago when spotting several coveys on any given day was nothing out of the ordinary.

Corresponding to this decline in game birds, I have noticed a very steady decline in the number of wintering raptors that would find pheasants, grouse and partridge much to their liking. In no way could I or would I ever think that the decline in the game bird numbers could even remotely be tied to the activities of hunters/sportsmen and their bird dogs. What I do feel is a possible contributing factor are the agricultural practices of recent years. Fields are often plowed almost up to the roads so that years of former suitable cover for game birds has been eradicated.On the Fairfield Bench, miles of stubble fields in the wide open spaces offer little or no cover to the upland game birds for protection or nesting, where, in previous years, cover was plentiful.

Perhaps, at least in some cases, current farming and ranching practices might possibly be considered as a direct cause of habitat destruction with the insidious result that generations of wildlife have suffered to accomodate bank accounts. There are many conscientious landowners. I know several of them. They respect the wildlife and the land.

Unfortunately not all of those who control large blocks of ground necessarily adhere to these precepts. When I happen to pass by some of these areas and see the "No Hunting" signs, I think to myself how true those two words are, No Hunting. Because there is little or no cover in areas where these signs are often seen, there certainly is No Hunting as there is nothing to hunt !

Progress and Bureaucracy sometimes proceed with tunnel vision. Regarding the game bird populations in the Freezeout Lake Area, I have been saddened and shocked by what I have seen transpire in recent times when I compare my observations to those of years gone by. If the dog handlers are to face further legislation to regulate and possibly inhibit their use and enjoyment of Montana, I would think that some consideration might be given to the possibility that probably the vast majority of these folks already live with a common sense approach to working their dogs. I have a couple of very close friends who are expert dog handlers and trainers. They are also very conscientious sportsmen who fully understand that with no wild upland game birds to hunt, there is no need for devoting the number of hours that they do to train, exercise and hunt with their dogs.

Perhaps if the training of dogs in the field needs to be further legislated, similar other ground predators such as coyote, fox, bobcat, mink, badger, racoon,weasel and skunk to name a few, should also have to adhere to any pending rules and regulations should they become the law of the land. And while were at it, how about legislation to penalize those who drop their cats off in the wild to fend for themselves. Feral cats have to be considered as a destructive force for many species of wildlife. Maybe some of the fees required by the dog trainers could be proportionately reduced if they could show that their dogs successfully removed a feral cat from the environment.

Very Sincerely , Jeff McPartlin

Lee, Michael

From: buzard@tetonwireless.net
Sent: Tuesday, May 23, 2017 11:31 AM
To: FWP Dog Training
Subject: Hearing Request - Proposed ARM 12-473

To: Mike Lee, Montana Department of Fish, Wildlife and Parks

Subject: ARM 12-473

Request for Public Hearing

As a member of a sporting dog club with ties to AKC and NSTRA pointing dog competitions, a farming and ranching family and associate of a "Pro Trainer" I find the proposed ARM unacceptable for the following reasons.

1. It is another attack on our rights as private property owners in Montana. We are already being forced to live behind electric fences to protect livestock from bears. As stewards of the land we should have the right to determine who and when individuals have access to our property. The "Pro Trainer" I am associated with has invested considerable resources over the past 20 years by improving the property. They have refurbished an old homestead house and contributed to the construction of a large metal pole barn, corrals, and fencing. Again as the training is conducted on private property it should be up to the land owner to determine access.
   Question: How many land owners have complained about the "pro trainers" utilizing their property?

2. The one mile boundary rule is completely unreasonable. This would shut out training on most stubble fields and grazing pastures in our area.

3. Economic: There are NSTRA (National Shoot To Retrieve) AKC (American Kennel Club) and Retriever trials held in the state. Competitors come to Montana from throughout the United States and Canada. They expect of have areas to "work" their dogs. The trialers are a definite economic boost while they are here. The proposed ARM would effectively bring an end to these events.

4. FWP – Landowner Relations: The proposed ARM would add another log to the fire the bear management actions has ignited. Ranchers and farmers I have contacted would use the adoption of the proposed ARM in their decision to allow bird hunters access to their property. I know we will and so will a number or our neighbors.

Recommendation: Over the past 20 years we have imposed the following restriction on our property and with the cooperation of neighbors their property.

There is no access or dog training on the properties from the 15th of April to the 15th of July.

This has worked and the dog owners have respected the decision.

Gordon Bechard 224 2nd Ave SE Dutton MT PH: 406-868-9515

Lee, Michael

From: aemerry@msn.com
Sent: Monday, May 22, 2017 9:42 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

This is my public comment to the proposed rule: The proposed rule is too broad, intrusive and an over reach of government into the public domain. If I wanted to take my dog for a walk it could be (and would be) used against every day people like me. How rules like this even get considered is beyond me and is a violation of my god given rights. This type of rule is an open door to more ridiculous rules that simply can't be followed and will eventually lead to the banning of dogs and people from public lands. Like all government rules this one will eventually be misused to serve some special interest group. The last part of this proposal states that ?as many as 60 dogs and also includes the use of horses? as being the reasoning for the proposal but I cannot believe that 60 dogs in the state of Montana are causing this much havoc! Every thing is a ?might or possible? without any real facts or studies. That means you?re trying to regulate something that hasn?t even happened. Give me a break.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: chipwesterman@gmail.com
Sent: Saturday, May 20, 2017 8:23 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Hello,

I'm writing to comment on the Proposed Adoption Pertaining to Permits for Dog Training. I am strongly opposed for two reasons. First, there appears to be no science whatsoever supporting the idea that the training activities in question cause any actual harm. Complaints are not evidence in any sense and at most, they should be cause to study the issue and develop some valid science. Second, even if the problem hypothesized was real, the proposed regulation is overly broad and badly written. In particular, the definitions of "bird nesting area" and "open fields" are so inclusive that the regulation would leave almost anyone running even a single bird dog anyplace with grass or sage outside of hunting season in legal jeopardy and at the mercy of enforcement discretion. Creating that situation is not a reasonable reaction to concern about "massive dog training occurrences" with 60 dogs being run from horseback. If that sort of thing is studied properly and found to cause actual, significant harm, it could certainly be addressed with narrower language that only affects those engaged in the behavior in question.

Remember - "Science is the Proper Tool for Discharge of Wildlife Policy." Please do not put a very onerous regulation in place based solely on some complaints and anecdotal evidence. This proposal should be dropped immediately and if it isn't, a well-publicized statewide series of public hearings is certainly needed. It's a terrible proposal.

Thank you,
Chip Westerman

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Greg Munther <gmunther12@gmail.com>
Sent: Friday, May 19, 2017 1:41 PM
To: FWP Dog Training; Greg Munther; Robert Jeffrey
Subject: proposed dog rule

I read the rule.....I am supportive of meaningful and enforceable regulations as they may positively affect game bird populations, however

1) no apparent starting date? but termination date Sept 1.
2) basically I cant run/exercise my dog on on any lands that might have a game bird nesting such as forest grouse, huns, and other species means I cant run my dog on any such habitat without a permit?
3) What will a permit do except more hassle for bird dog owners? If I come to the FWP office and say I want to run my dog in the forest or grasslands anywhere in western Montana, will I have to be geographic specific ? I like to vary where I walk while running my dog for both my and the dogs variety. I run my dog several times a week....if I change locations will I need another permit? I take my dog fishing with me....there are obviously ruffed grouse...perhaps blue grouse....will I need a permit?
4) If someone has a non-hunting dog will they have to get a permit? How will enforcement know if my dog hunts or not? A poodle, a spaniel, a chow, a rotwheiller? Some breeds are bred for hunting but are not trained to hunt. This could be called racial profiling?
5) Is there science to say running a dog occasionally over a landscape hurts bird populations?
6) I suspect any adverse effect is after birds hatch..... That would mean starting date of June 1?

In conclusion, if the issue is training at a large scale then please modify the proposal to fit the issue and not create yet another impediment to taking your dog for a run.

Greg Munther
1295 Lena Lane
Missoula, MT 59804

Lee, Michael

From: Larry McMullen <pdlgsltd@yahoo.com>
Sent: Friday, May 19, 2017 11:00 AM
To: Lee, Michael
Subject: regarding Administrative Register Notice 12-473

May 19, 2017

Mr. Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,

I am writing regarding Administrative Register Notice 12-473; the proposed rule regarding training bird dogs in open fields outside of hunting season. I am not a professional bird dog trainer, but I do train bird dogs and hunt with them. Help from professional bird dog trainers has positively impacted my dogs and training methods. I have attended field trails and have an understanding of the professional side of bird dog training.

The proposed rule is too broad, any perceived problems could be handled in less intrusive ways and it will impact people in Montana that make a living training dogs and communities that gain economic benefit from dog trainers.

First of all, it makes no sense that professional bird dog training is impacting game bird populations. If it were, the trainers themselves would be the first to want change, because their livelihoods depend on wild bird populations. The trainers I know put conservation of upland game populations as an extremely high priority and take many steps to make sure they do not negatively impact the resource.

Secondly, the claim that professional bird dog training is impacting game bird populations seems completely anecdotal. Where is the science to back this claim up? I am a science teacher and teach my students that decisions in government should be based on solid science. I see nothing resembling science to base this rule change on.

Third, I have seen upland game bird populations decrease in my many years hunting in Montana. But, it is not from professional bird dog trainers. It is from habitat loss and degradation, pure and simple. If you want to do something to help game bird populations, as well as populations of all grassland species, then you should address this problem first and foremost.

I have trained and hunted upland game in many fields in Montana that I know professional trainers use as well. I have never observed any effect of their activities on bird populations in these fields.

Sincerely,

Larry McMullen
2610 Lyndale Ln.
Billings, MT 59102

Lee, Michael

From: landworks.jrice@yahoo.com
Sent: Friday, May 19, 2017 7:57 AM
To: FWP Dog Training
Subject: Proposed Dog Training Rule
Attachments: ltr.FWP.Dog Training.docx

Please see my letter attached. I will also send it via mail as well.

Jason Rice

Sent from Mail for Windows 10

Lee, Michael

From: David Ted Johnson <davidjoh@hawaii.edu>
Sent: Thursday, May 18, 2017 2:22 PM
To: FWP Dog Training
Subject: Administrative Register Notice 12-473

Dear Mr. Mike Lee of Montana FWP:

I am writing regarding Administrative Register Notice 12-473 – the proposed rule regarding training bird dogs in open fields outside the hunting season. I live in Hawaii, own 3 bird dogs, and bird hunt in Montana. I have also paid to have my dogs trained by Mr. John McIltrot in Broadview, MT and Mr. Butch Nelson in Denton, MT (which involved payment of approximately $10,000 to these two Montana residents).

If it is passed, this rule will have almost no positive consequences and many negative ones. I urge you to do what you can to prevent it from becoming official Montana policy.

Thanks for your consideration.

Sincerely,

David T. Johnson, Professor of Sociology and Adjunct Professor of Law at the University of Hawaii at Manoa in Honolulu, Hawaii; home tel 808-261-1899

Home address: 1275 Maleko Street, Kailua, Hawaii, 96734

Lee, Michael

From: Mike Spies <mikespies45@gmail.com>
Sent: Thursday, May 18, 2017 11:25 AM
To: FWP Dog Training
Subject: Proposed dog training regulations and permits

Hold a public hearing - this will effect a lot of Montanans AND tourists and have a negative impact on the state. It is only fair that those being regulated be heard.

I am in Montana every July, August, and September to train my bird dogs on wild game birds. I do not kill any birds and the birds my dogs find and point are flushed and a blank gun is fired at the flush. The birds fly off a little way, then return by the next day. This training does not drive birds out of the country nor does it decrease the number of game birds available to those out of state bird shooters who arrive after the season opens.

The proposed regulations apparently sprang into being at the behest of a small group of land owners in the Scobey area (in the far northeastern corner of Montana). Friction has been building between the landowners and a professional bird dog trainer. The land owners want to sell bird hunts and feel that the dog trainer scatters the birds while training in the pre-bird season dog training period - July 15 to August 31. Add to this the apparently abrasive attitude of the trainer and there 'ya go - a new state law that will punish everyone.

More effective ways to disturb/scatter game birds prior to the season...

1. Build lots of new oil roads, fraking ponds and well sites, etc.

2. Fail to order enough local rainfall, or too much, or allow hail to fall on your hunting/ranching area when the birds are nesting.

3. Cut your hay, wheat, barley, etc. before nesting is completed. This will produce lots of dead/dying young game birds for the crows, vultures, and four footed consumers.

4. Spray pesticides and herbicides on the earth.

5. Take land out of CRP for crop production.

6. Eliminate ground cover and edge cover for game birds by discing and planting marginal ground.

Personally, I think running some dogs across the countryside is very far down from the top of the list of problems faced by game birds in Montana. But it might help a few people at the expense of many others.

Mike Spies

Carson City, NV

Lee, Michael

From: Jon Jeffries <JonJeffries@msn.com>
Sent: Thursday, May 18, 2017 10:49 AM
To: FWP Dog Training
Subject: Request Public Hearing on ARM 12-473

ATTN: Mike Lee
Consider this as a request for a public hearing on ARM 12-473. Please advise when/where a public hearing will be held.
I object to this regulation in its entirety for the following reasons:
1) The publicly declared purpose of this proposed permitting process is to restrict and control out-of-state commercial dog trainers that bring large numbers of dogs into Montana to train on a seasonal basis. The proposal, as written, does not specifically exclude recreationists and non-commercial dog trainers to pursue their avocation. This leaves too much discretion on the part of wardens and other personnel. There are no provisions or explanations allowing an individual to engage in recreation or to exercise and/or train a limited number of dogs without a permit. This privilege should be detailed within the confines of ethical behavior and on property not otherwise restricted by law.

2) The proposed permitting process should more specifically state what commercial dog trainers may or may not do in order to be welcome in Montana and to pursue their livelihood. Without more clarity this process is an artificial restraint of trade.

3) The proposed permitting process infringes on the rights of private property.

4) The new Director of FWP has titled her opening message and policy as stated on the FWP website as being "INCLUSIVE, TRANSPARENT, FAIR." There was nothing inclusive, transparent or fair in the process leading up to this proposed permitting procedure. By copy I am requesting that Ms Williams review the decision making process and sponsorship that led to such an onerous proposal without sufficient input from affected Montana residents.

5) The permit exhibit references the time period from January until September as being applicable. This is too broad a time period and is highly arbitrary. Neighboring states have dealt with this topic with much more specific and enforceable regulations. Typically in those regulations, "commercial" is defined and restrictive dates are April 15 to August 1 (varies). In addition, there are explicit exclusions for individual recreationists. Montana should follow suit.

Jon Jeffries

CC: Martha Williams, Director
1420 E. Sixth
Helena, MT 59620

Lee, Michael

From: WILLIAM STAPLETON <wcstapleton@sbcglobal.net>
Sent: Thursday, May 18, 2017 9:20 AM
To: FWP Dog Training
Subject: Bird dog training

Mr. Lee,

I am writing concerning the proposed regulations on dog training. The impact of dog training on upland game birds is damn near non existent. Trainers typically do not head to the prairies until late July which by then the vast majority of young of the year are fletched out and are already to wing. The economic impact brought to particular regions of the state by pro and amateur trainers alike is substantial. Field trialing, training bird dogs for both competition and hunters alike in the training season is priceless to the development of thousands of dogs each year. Every one of these animals represent an owner and potentially countless future owners by the pups that are sold to our ur future generations of hunters and conservationists. I hope for trainers and hunting dog enthusiasts you seriously reconsider this bill. I personally gained access to 50,000 acres this year to run n a summer camp in to train some time f the finest competition dogs in the country. Hopefully I get the opportunity to use the properties and be a viable source of revenue for the local community for many years to come.

Bill

Ramblin River Kennels
Bill Stapleton
(414) 294-3503

Lee, Michael

From: mlp@mpuiggari.com
Sent: Thursday, May 18, 2017 12:13 AM
To: FWP Dog Training
Subject: Proposed dog training legislation

Dear Sirs; I would like you to reconsider the proposed dog training permit rule and allow a public hearing to hear opinions and discuss other potential solutions to the problems. I fear this rule will significantly restrict my ability to train my personal pointing dogs and prepare them for hunting and field trials. I believe there are ways to allow training on wild birds that will not harm the resource. If the purpose of the rule is to shut down large summer bird dog camps, isn't there another way to do this without creating a very burdensome permit system that affects responsible bird hunters and field trialers and their ability to use public lands to train dogs on wild birds. Sincerely, Marcos L Puiggari, D.V.M. 500 S 5th St West Missoula, MT. 59801, 406-381-9223

Lee, Michael

From: FWP General
Sent: Wednesday, May 17, 2017 11:37 AM
To: FWP Dog Training
Subject: FW: Proposed permit requirements for training gundogs on wild birds

From: mlp [mailto:mlp@mpuiggari.com]
Sent: Wednesday, May 17, 2017 11:18 AM
To: FWP General <fwpgen@mt.gov>
Subject: Proposed permit requirements for training gundogs on wild birds

Dear Sirs; I am opposed to the new proposed permit requirements for use of public and private lands for dog training on wild birds. While I understand that there may be a few that abuse the privilege. Permit requirements are very burdensome and unfair to the majority that respect the resource. I hope that a meeting can be held to discuss other potential solutions to the problem. Sincerely, Marcos Puiggari,D.V.M.

Sent from my Verizon, Samsung Galaxy smartphone

Lee, Michael

From: Tyler Haddix <tylerhaddix@hotmail.com>
Sent: Wednesday, May 17, 2017 8:31 AM
To: FWP Dog Training
Subject: Dog training

To FWP,
First of all I live and hunt birds a lot in eastern Montana and I don't for a minute believe this is as big of a problem as you have stated. I would like you to show the data that indicate that dog trainers have reduced the number of upland birds in an area, as you state. This is again an knee jerk reaction to a few people that complain to FWP.

The 1 mile distance from any bird nesting is vague. This would basically include all lands in eastern Montana, since a "bird" nest is likely to be found in any 1 mile radius area.

This whole rule needs to be reworked, where large training operations get some sort of license or permit to train on public lands, but it does not negatively affect sportsman who train their hunting dogs.

Thanks for listening.
Tyler Haddix

Sent from my iPhone

Lee, Michael

From: Dan Hoke <dhoke@dunfur.com>
Sent: Wednesday, May 17, 2017 7:07 AM
To: FWP Dog Training
Subject: dog training

I've hunted Montana for upland birds since the 80's. Dog training really hasn't affected the area's that I hunt. Bird populations are not affected by dog trainers.
Really farm practices, weather and lack of nesting cover are your biggest problems. If you can't address the three prior named problems, then don't blame the dog trainers.
Typically, government agencies would rather curtail any activity, just so they don't have to manage it. Don't let that be the case here.
I am a dog trainer but I've never came to Montana to dog train.

Respectfully,
Dan Hoke
Cheney, Wa.

Lee, Michael

From: Jo Ann Kish <kishj597@gmail.com>
Sent: Tuesday, May 16, 2017 3:03 PM
To: FWP Dog Training
Subject: ARM 12-473

Mr. Mike Lee,

I am opposed to ARM 12-473 and request an open hearing on field training of dogs on wild birds. Although I rarely have opportunity to train my dogs on wild birds this is the best training for hunting dogs. Healthy wild birds that are mature enough to fly produce premier dogs for field trials and hunting. Dog training does not required the killing of wild birds nor is it desirable to have a dog catch an immature bird. This proposed regulation is unnecessary. Whom is going to decide that a dog trainer is affecting local bird populations and based on what science? Are the locals just complaining because they see this person out working his dogs everyday? Is this trainer killing wild birds? that would be poaching. Is the trainer running dogs on wild birds at a time that they would be unable to fly or still nesting? We already have a regulation for this too. As far as the number of dogs a trainer has it is none of my business or that of the state's. It is a business and it is up to the trainer to determine how many dogs he can train. And yes horses are necessary for such training. The training of numerous canines requires lots of leg work following such dogs. I have 4 hunting dogs..It takes some serious leg work to keep up with them. Without a horse it would be impossible to train a sufficient number of dogs to make it a profitable business. I oppose ARM 12-473. I will support legislation that would demand the permitting of individuals and corporations to use our public resources for profit based on DEVELOPMENT, RESOURCE EXTRACTION and GRAZING. These are the big gorillas that impact upland bird survivability and reproduction. Let's kick them in the backside. It seems to me that you may or may not have a problem with an individual trainer. I know 3 that work in the state and some from out of state. They are fine people trying to make a living like the rest of us. All of them understand that they will be out of business without wild birds, bird hunters and their dogs. Thanks for your time. I look forward to attending an open hearing on this proposed rule.

Jo Ann Kish
494 Lewis and Clark Trail
Bozeman,MT 59718
406-209-7473

Lee, Michael

From: Gangstad, Kaedy
Sent: Tuesday, May 16, 2017 8:10 AM
To: FWP Dog Training
Subject: FW: Bird Dog Training Regulations
Attachments: 170515153626_0001.pdf

From: Candace Rochford [mailto:Candacerochford@overbylaw.com]
Sent: Monday, May 15, 2017 4:39 PM
To: Gangstad, Kaedy <kgangstad@mt.gov>
Cc: Fred Overby <Fredoverby@overbylaw.com>
Subject: Bird Dog Training Regulations

Ms. Gangstad,
Please find attached a letter from Mr. Overby regarding the Montana Administrative Register Notice 12-473.
Thank you for your time,
Regards,

Candace Rochford
Overby Law Office, P.C.
101 East Main Street, Suite C
Bozeman, MT 59715
phone: 406.994.0000
fax: 406.585.5888
www.overbylaw.com

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Lee, Michael

From: Merry, Matthew <Merry.Matthew@principal.com>
Sent: Monday, May 15, 2017 2:34 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473 Dog Training

Hi Mike Lee,

I am requesting a Public Hearing regarding the Dog Training Law 12-473. I want to start off by saying I am a member of the SHARPTAIL Chapter as well as the Big Sky Chapter with NAVHDA here in Montana.

For the state of Montana to purpose such restrictions on the off season to train our dogs will only hurt the average Montana upland game bird hunter. The Big Sky Chapter trains every other Saturday within 1 mile of Benton Lake Wildlife Preserve, North of Great Falls on privet land. The new law would hurt the entire clubs existence if we are not able to train in a controlled setting in this location.

My experience with training a bird dog, is that it takes a lot of birds to make a bird dog. The birds I have used have been Captive Breed and Pin Raised with very few birds ever being killed. At $17.00 a Pheasant $13.00 a Chucker, $15.00 a Duck and $5.00 a Pigeon. It only makes sense to shoot the Pigeon for a reward and to take home your expensive birds for another day of training. What I'm trying to say is that no wild birds are harmed during this training process.

Bird dogs are trained to hunt, search, and retrieve. **Not kill**, Killing is my job. When I'm on public lands in the off season and my dog finds a wild bird he points it. No bird is killed. I give him a pat on his head say good boy.

For the Montana Fish Wild Life & Parks to claim that **one** professional dog trainer from out-of-state with a string of **sixty dogs as well as horses** near Scobey, is the results of this restriction is hard to believe**.** I would like to see the truck and trailer alone that holds 60 dogs and 2 horses together. Just to see one guy running 60 dogs all together would be a sight to see! I ask that to have a Public Hearing for the benefit of all bird hunters who respect the Montana laws in the off season. This isolated situation is no reason to affect an entire sport. What was witnessed may have been field trials where people came from all over the country using farm raised birds, running 2 to 3 dogs at a time using horses as transportation.

I have immense respect and admiration for the what the FWP's have done and continue to do for our land, animals, and hunter's alike, which is why this Law seems so out of nature and upsetting to me as a law abiding outdoors man. I really don't think this new law is for the protection of wild birds but another restriction for hunter making it harder for us to enjoy this great sport.

I feel that if Montana Fish Wild Life & Parks are so concerned about the upland game bird population. We should be pushing for bring back the habitats that hold the birds like the CRP program that has now stopped. Working with farmers on educating them to cut the crops from the center out, so they are not killing all of the chicks during harvest and haying time. Likewise working with the county's to not mow the ditches during the nesting season.

Mike, I urge you to stand behind the Hunter's and Fisherman of Montana and around the country. After all, without us you wouldn't have a job. The day PETA and the complainers start paying the fish wildlife and parks is the day you should support them.

MATTHEW MERRY, LUTCF
Financial Representative

Principal Securities Registered Representative

100 1st Ave N Suite 1
PO Box 3467
Great Falls, MT 59403-3467

(406) 761-1408
FAX: (406) 727-2441
merry.matthew@principal.com

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Lee, Michael

From: ken barrett <kenbarrett4@gmail.com>
Sent: Monday, May 15, 2017 11:00 AM
To: FWP Dog Training
Subject: Proposed regulations

To whom it may concern:

It's come to my attention that new regulations regarding permits for training bird dogs are being considered. Before taking any actions, I ask that you reflect on how these new regulations might impact a long standing tradition and the people who participate in it. The vast majority are individuals dog owners and/or small-time breeders and trainers, who we depend upon for producing our pups and dogs. Most are ardent supporters of FWP and comply with the law and insist others do the same.

At a time when FWP personnel and economic resources are stretched to the maximum and the Department needs all the support and friends it can muster, new and unnecessary regulations could have a chilling effect on upland hunters and their support for FWP. New and onerous laws could be so off-putting to individual bird dog owners, small-time breeders and trainers as to cause them to quit the sport and/or discourage new people from entering into it. The last thing FWP needs is less support from its constituency, while adding the burden of more oversight and enforcement to its agenda!

I certainly hope you listen to the concerns of the upland bird hunting community and take the appropriate actions. A long and time-honored tradition depends upon it.

Sincerely,

Ken Barrett

Lee, Michael

From: Merry, Ronald <Merry.Ronald@principal.com>
Sent: Monday, May 15, 2017 10:18 AM
To: FWP Dog Training
Cc: Merry, Ronald; Merry, Matthew
Subject: New Rule 1 Permit to Train Dogs in Upland game bird nesting areas

Mike Lee,
Please accept this email in opposition to the new ruling your department is trying to establish. My son and I are training our new hunting dog and your new rule will hinder greatly our ability to continue working with the dog. I own farmland on the edge of Great Falls. We have received a permit to work with domestic birds during this training. Your new rule will eliminate our opportunity since it lies within the limitations you describe on the rule. Any abuse must is probably being done by commercial breeders and trainers. Therefore, I suggest you rethink what you are trying to accomplish. I look forward to having a reply on this issue. Thanks for your time.

Ronald B Merry CLU, ChFC, LUTCF

Special Marketing Developer
Financial Representative
Principal Securities Registered Representative
Financial advisor
CA Ins. Lic. # OC98389

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Merry.ronald@principal.com

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Lee, Michael

From: sellersra@msn.com
Sent: Monday, May 15, 2017 3:23 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I am opposed to this proposal for several reasons. Number one is that it is not limited to the most sensitive period of May, June and July. Number two is that it does not appear to allow training on private ground with the permission of the land owner and the use of captive raised birds (eg. pigeons, quail etc.). Number 3 is taht it seems to target those most dedicated upland bird hunters who expend the most effort to train their dogs.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Kirk Moffitt <kirkm@fishermt.com>
Sent: Tuesday, May 16, 2017 10:48 AM
To: FWP Dog Training
Subject: Dog Training on public lands

Gentlemen,

I would like to comment on the proposed new regulations on dog training on public lands. I suggest that there is a time frame from April 15 through August 15 when there is no dog training on public lands, during the nesting period for upland birds.

Disrupting the nesting cycle and scattering the young birds has serious effects on the survival of the young birds. The out of state trainers that come to Montana with 40 – 60 dogs and hammer the areas where young birds are trying to survive is detrimental to the survival rate. The destroy the nests and scatter the birds which severely damages the rate of nestling survival.

The requirement for permits should be limited to commercial trainers , and they should only be issued during the non-nesting time frame.

I am an avid upland bird hunter, and have raised and trained my Brittanies for 40 years, and would never train on wild birds during the nesting season. I was the Chairman of the Yellowstone Chapter of Pheasants Forever for 15 years, and know the importance of working to improve he survival rate of the spring hatch and the young birds.

Please include my comments on this issue.

Thank you,

Kirk Moffitt

FISHER CONSTRUCTION INC.

Kirk Moffitt
Safety Director
Direct: 406.867.7565
Office: 406.259.2854
Fax: 406.259.1153
kirkm@fishermt.com

From: Lee, Michael [mailto:milee@mt.gov]
Sent: Monday, May 15, 2017 3:14 PM
To: Adam Walker; Al Harmata; Alex Bittner; Allyson Cowan; Anne Hocker; Ben Williams; Betty Wagner; Brandi Sieminski; Brett Bruggeman; Carlos Rodriques; Charles Gilmore; Charles Heckler; Chris "Boomer" Hesley; Christopher Merker; Claire Hager; Craig Campbell; Craig Underwood; Dana Clarck; David and Joyce Barker; David Coffin; David Crump; Ethan Canney; Gabriel Jones; Gary Ohman; Gerald Geiger; Glen Sweet; Greg Depner; Greg Windtberg; Harold Williams; Heather Blandford; Ian Pogue; James Arnold; James Chaffin; Jay Sumner; Jay Tischendorf; Jay Tischendorf (2); Jeff Ewelt; Jeff Jallings; Jeff redig; Jeff Shapiro; Jeffrey Sternad; Jerry Jacobs; Jim Morrissey; Jim Wagner; John and Anne McPartlin; John Hays; John McIltrot; John Seabury; Joseph Sabol II; Judith King; Justin Sasser; Karl Pentecost; Kate Davis; Kathryn Williams; Ken White; Kevin Farley; Kevin Thompson; Kirk Hohenberger; Larry Bates; Larry McMullen; Lynsi DeWaard; Mark & Michelle Seybert; Mark Bolton; Mathew Klindworth; Matt Blandford; Michael Crago; Michael Vermeulen; Mike Petersen; Natasha Leong; Nathan Birr; Neal Donaldson; Noel Ferguson; Rainer Conell; Ralph Rogers; Ray Gilbertson; Richard Burnett; Rick Green; Robert Hollister; Robert Martin; Robert McDonald; Rocky Connell; Rodney Foster; Rodney Sykes; Ronald Schaeffer; Ross and Karen Radzykewycz; Ryan Hallows; Sam Newville; Scott Geiger; Shauna Shephenson; Skip Tubbs; Sophie Hoopman; Steve Holton; Steven Olson; Thomas Anderson; Thomas Mutchler; Timothy Snyder; Tony Head; Troy Reichert
Subject: Dog Training

For those of you that are also involved in dog training, the attached proposed ARM notice is in response to massive professional dog trainers that are training dogs on wild birds during the summer months, in Northeast Montana in particular. The ARM will put some definition to what is currently in state statute. If you have any questions, let me know.

Michael Lee, Game Warden
Commercial Permitting/IWVC Admin.
Fish, Wildlife and Parks Enforcement
PO Box 200701
Helena, MT 59620-0701
Phone: (406) 444-4039
Fax: (406) 444-7894
milee@mt.gov

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From: Lee, Michael [mailto:milee@mt.gov]
Sent: Monday, May 15, 2017 3:14 PM
To: Adam Walker; Al Harmata; Alex Bittner; Allyson Cowan; Anne Hocker; Ben Williams; Betty Wagner; Brandi Sieminski; Brett Bruggeman; Carlos Rodriques; Charles Gilmore; Charles Heckler; Chris "Boomer" Hesley; Christopher Merker; Claire Hager; Craig Campbell; Craig Underwood; Dana Clarck; David and Joyce Barker; David Coffin; David Crump; Ethan Canney; Gabriel Jones; Gary Ohman; Gerald Geiger; Glen Sweet; Greg Depner; Greg Windtberg; Harold Williams; Heather Blandford; Ian Pogue; James Arnold; James Chaffin; Jay Sumner; Jay Tischendorf; Jay Tischendorf (2); Jeff Ewelt; Jeff Jallings; Jeff redig; Jeff Shapiro; Jeffrey Sternad; Jerry Jacobs; Jim Morrissey; Jim Wagner; John and Anne McPartlin; John Hays; John McIltrot; John Seabury; Joseph Sabol II; Judith King; Justin Sasser; Karl Pentecost; Kate Davis; Kathryn Williams; Ken White; Kevin Farley; Kevin Thompson; Kirk Hohenberger; Larry Bates; Larry McMullen; Lynsi DeWaard; Mark & Michelle Seybert; Mark Bolton; Mathew Klindworth; Matt Blandford; Michael Crago; Michael Vermeulen; Mike Petersen; Natasha Leong; Nathan Birr; Neal Donaldson; Noel Ferguson; Rainer Conell; Ralph Rogers; Ray Gilbertson; Richard Burnett; Rick Green; Robert Hollister; Robert Martin; Robert McDonald; Rocky Connell; Rodney Foster; Rodney Sykes; Ronald Schaeffer; Ross and Karen Radzykewycz; Ryan Hallows; Sam Newville; Scott Geiger; Shauna Shephenson; Skip Tubbs; Sophie Hoopman; Steve Holton; Steven Olson; Thomas Anderson; Thomas Mutchler; Timothy Snyder; Tony Head; Troy Reichert
Subject: Dog Training

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Michael Lee, Game Warden
Commercial Permitting/IWVC Admin.
Fish, Wildlife and Parks Enforcement
PO Box 200701
Helena, MT 59620-0701
Phone: (406) 444-4039
Fax: (406) 444-7894
milee@mt.gov

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Lee, Michael

From: Kevin Thompson <kevin@greenrealtymt.com>
Sent: Wednesday, May 17, 2017 8:44 AM
To: Lee, Michael; 'Adam Walker'; 'Al Harmata'; 'Alex Bittner'; 'Allyson Cowan'; 'Anne Hocker'; 'Ben Williams'; 'Betty Wagner'; 'Brandi Sieminski'; 'Brett Bruggeman'; 'Carlos Rodriques'; 'Charles Gilmore'; 'Charles Heckler'; 'Chris "Boomer" Hesley'; 'Christopher Merker'; 'Claire Hager'; 'Craig Campbell'; 'Craig Underwood'; 'Dana Clarck'; 'David and Joyce Barker'; 'David Coffin'; 'David Crump'; 'Ethan Canney'; 'Gabriel Jones'; 'Gary Ohman'; 'Gerald Geiger'; 'Glen Sweet'; 'Greg Depner'; 'Greg Windtberg'; 'Harold Williams'; 'Heather Blandford'; 'Ian Pogue'; 'James Arnold'; 'James Chaffin'; 'Jay Sumner'; 'Jay Tischendorf'; 'Jay Tischendorf (2)'; 'Jeff Ewelt'; 'Jeff Jallings'; 'Jeff redig'; 'Jeff Shapiro'; 'Jeffrey Sternad'; 'Jerry Jacobs'; 'Jim Morrissey'; 'Jim Wagner'; 'John and Anne McPartlin'; 'John Hays'; 'John McIltrot'; 'John Seabury'; 'Joseph Sabol II'; 'Judith King'; 'Justin Sasser'; 'Karl Pentecost'; 'Kate Davis'; 'Kathryn Williams'; 'Ken White'; 'Kevin Farley'; 'Kirk Hohenberger'; 'Larry Bates'; 'Larry McMullen'; 'Lynsi DeWaard'; 'Mark & Michelle Seybert'; 'Mark Bolton'; 'Mathew Klindworth'; 'Matt Blandford'; 'Michael Crago'; 'Michael Vermeulen'; 'Mike Petersen'; 'Natasha Leong'; 'Nathan Birr'; 'Neal Donaldson'; 'Noel Ferguson'; 'Rainer Conell'; 'Ralph Rogers'; 'Ray Gilbertson'; 'Richard Burnett'; 'Rick Green'; 'Robert Hollister'; 'Robert Martin'; 'Robert McDonald'; 'Rocky Connell'; 'Rodney Foster'; 'Rodney Sykes'; 'Ronald Schaeffer'; 'Ross and Karen Radzykewycz'; 'Ryan Hallows'; 'Sam Newville'; 'Scott Geiger'; 'Shauna Shephenson'; 'Skip Tubbs'; 'Sophie Hoopman'; 'Steve Holton'; 'Steven Olson'; 'Thomas Anderson'; 'Thomas Mutchler'; 'Timothy Snyder'; 'Tony Head'; 'Troy Reichert'
Cc: Gangstad, Kaedy; FWP Dog Training
Subject: RE: Dog Training

Thanks for sending this notice; it is so unfortunate that FWP has to be burdened with such a small issue that affects a small number of people and a small number of birds. I do agree that professional dog trainers and the normal hunter with a few dogs should not be in the fields chasing game birds during nesting and brooding seasons which is approximately April 20th – July 31st . I would be agreeable to some rule or regulation for dates of this manner but the proposal is too broad and not specific enough. A rule or regulation can be put in the hunting guide and should not be a permit like a permit to have pheasants. The time, effort and expense it takes to draft up a free permit would be ridiculous. FWP have much bigger issues they should be working on.

The FWP has done a very good job with opening up land through the block management system and they should improve on this with habitat requirements. There are lots of Block management

lands that do not have birds or other species because the land is void of cover because it was plowed, sprayed or over grazed. Land owners should be encouraged and paid more if they have better habitat. The public land like state, BLM etc is a joke how it is being managed. The FWP should be more involved with securing access and improving habitat on the public lands. If wildlife is the property of the state then how can lease holders plow up, fence and destroy thousands of acres of public land where native species will never live there again? These are the issues FWP should be focusing on instead of someone running a dog without a permit.

Unfortunately the natural world is shrinking because so much land has been destroyed. In Montana we still have natural Prairies which have become very rare especially east of the Missouri River. The reason Montana is seeing more hunting and fishing pressure is because other states have gone too far and there are no more large areas to run dogs and hunt. The reason Montana is experiencing such much river traffic is because other states don't have stream access laws like Montana does. FWP needs to ensure their existence by protecting the resources for the public. Every hunter I know would like to see the FWP play a better role in making public hunting more accessible and affordable. Every hunter I know would be glad to pay more for their hunting licenses if they had better access and more places to hunt and fish. Thanks for your time, kt

Lee, Michael

From: Dave Noell <dnjnoell@gmail.com>
Sent: Wednesday, May 17, 2017 4:14 PM
To: FWP Dog Training
Subject: Dog training rule suggestions Att. Mike Lee

Mike, Thank you again for your time on the phone this afternoon. It lessened my concerns about the intent of what your department is hoping to accomplish.

You asked for me to write you with suggestions and I hope these help.

As we talked earlier, the proposed rule, as presently written, is difficult for both the state and the individual to understand exactly what it means.

I suggest that since non resident professional dog trainers are the origin of the complaints that the rule needs to address them explicitly. As I said on the phone, dog pros are not looking to harm the resource. It is in their self interest to have good bird populations to train their dogs. Requiring that a non resident purchase a license would allow the state to know the scope of their activity. In my opinion the license should not be punitive and should be comparable to what North and South Dakota charge. The permit could and perhaps should have dates where training is allowed and when it is not allowed. I think something on the order of no training allowed from May1st to the latter part of July would cover the period when the birds are on the nest and when the young are too young to fly well.

There are a small number of resident dog train pros. Any permit for them should be for no more than a nominal fee. This again would give the state information concerning the scope of their activity.

I think that resident amateur trainers should be left alone. It would be impossible to draw legal distinctions between a serious amateur such as myself and a first time hunting dog owner just starting out. It would be a shame to have new dog owners run afoul of a rule they may well not even know exists.

You could consider a nominal fee for a non resident amateur trainer. Anyone coming from a great distance is a serious amateur. I would expect there are only a modest number who would fall into this category. It is likely not worth the administrative effort.

The rule should be written in a manner that does not put the legality of organized field trials in an impossible position with the rule. As I said on the phone the pointing dog trails in Montana have a nation wide reputation. The club has also donated significant amounts of money to various local organizations such as their voluntary emergency response and ambulance service. These trials do not harm the resource in any measurable way. The rule should not put these activities in legal limbo. Perhaps the rule should expressly exempt field trials/hunt tests sanctioned by recognized governing bodies, such as the AFTCA, NAVHDA and similar groups.

Let me finish by saying that every pro dog trainer I have met has not wanted to harm the resource. They can't train their dogs if they ruin the bird populations. Every dog pro I've met works hard for the income they make. They do it because they love dogs, birds, horses and being outdoors. They are not looking to cause a problem. They could not come to the same farmers' or ranchers' land year after year if they were anything other than a good neighbor. Montana is very fortunate to still have both open land and strong bird numbers. A big reason dog pros are now showing up in bigger numbers is that those two things are disappearing from many areas. It would be a shame if we can not find a way to conserve our bounty and accommodate an honest human endeavor. The proposed rule as presently written will create chaos and largely end an activity that has alway strived to be a good neighbor.

Thank you again for your time.

David Noell

Lee, Michael

From: Charles Hjerpe <sue.hjerpe@gmail.com>
Sent: Wednesday, May 17, 2017 5:22 PM
To: FWP Dog Training
Cc: Charles Hjerpe; Austin Turley
Subject: Bird Dog Training in MT

Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701, Helena, MT 59620-0701

Dear Mr. Lee:

The following letter was sent to the Billings Gazette, today. I have a couple of suggestions for dealing with the "Scobey problem", which are to be found in the last 2 paragraphs, below:

I am an 83-year old retired veterinarian, living in Davis, California. During recent summers, I have attended and entered dogs in quite a few wild bird pointing dog field trials that have been conducted within Montana, mostly in the Malta and Circle areas. It is quite evident to me, that the Montana Department of Fish, Wildlife and Parks (FW&P) has no clue about or interest in what has been going on with the development of the bird dog field trialing sport in MT, during the past 14 years or so, since the initiation of the Montana Open Shooting Dog Championship in 2003. It sounds like the out-of-state hunters have more influence with them than their fellow MT sportsmen and sportswomen have. The sport of bird dog field trialing is based on the premise that game birds are at risk for population declines, if not actual extinction, due to the encroachment of civilization and certain intensive farming practices on their habitat. Consequently, the emphasis should be placed on their conservation, rather than on their harvest, based on the realization that a person with a good bird dog can have (at least) ten times more fun with a live wild game bird than with a dead one. When our dogs point a bird, they are trained to stand rigidly until we flush the bird, it flies away, and we fire a blank cartridge. Then they must continue to stand until we mount our horses and send them ahead with the blast of a whistle. They are not allowed to chase off in the direction that the bird flew away in.

Following retirement from the School of Veterinary Medicine at UC Davis in 1994, I spent 2 months out of every summer, from 1994 through 2003, training my field trial bird dogs (pointers) on wild pheasants on a large ranch near Richardton, ND. During 8 of those 10 summers, I had plenty of wild pheasants to train on. However, during 2 of those summers, my dogs found very few pheasants and, as a result, little or no satisfactory training was achieved. During one of those years, the cause of the pheasant die off was clearly evident to the Richardton area farmers and ranchers. A severe blizzard arrived during the month of April and lasted for more than a week. During severe winter storms, the local pheasant population customarily seeks shelter by hovering behind farm buildings, wooden fences, wind breaks and hay stacks, and obtain their nourishment by picking oat and other plant seeds out of the hay bales. After the storm was over and the snow had melted, thousands of pheasant carcasses were found lying around the farm yards throughout the area. Although I know that winter weather in eastern Montana is much less severe than in North Dakota, I still think it is more likely that the reduction in the pheasant population around Scobey last fall resulted from winter kill, rather than from the activity of a single grumpy bird dog trainer with horses.

I know, from my own experience, that continuous daily training of bird dogs in a single location with horses (or without horses) will cause a temporary dislocation of game birds from the training area, whether they be pheasants, Hungarian partridges or sharp-tailed grouse. However, by utilizing 2 or 3 training areas that are located a mile or more distant from one another, and utilizing them in a fixed rotation, the number of birds found (pointed) in a particular habitat will not be discernibly reduced by dog training, assuming that no birds are shot during training. When birds are relocated, during intense training activity, they will usually just temporarily move to the other side of the nearest perimeter fence, until you go somewhere else to train for several days to a week, during which time they will return.

Even when training on alternate days, in areas where suitable and sufficient escape cover and feed and water are present, pheasant populations will generally be well maintained on a training area.

Montana sportsmen and sportswomen should (probably) attempt to unite behind a common sense FW&P policy of prohibiting dog training on wild game birds, during their nesting period, from something like May 1 through July 1, even though we all know that our fully trained dogs rarely ever catch or even chase a bird during training, and that our young, untrained dogs rarely ever catch even a baby bird that is just learning to fly. We have full control of our dogs, while they are loose in the field, and to allow them to pursue and catch any kind of game would be contrary to our expectations for them, and we do not permit it. We generally handle and train our dogs from horseback, to facilitate our control of them (and, frankly, because many of us are too old to be physically able to keep up with them on foot, or to train more than one of them in a single day).

In the areas of MT (such as Scobey) where pheasant numbers during the hunting season appear to have been a problem, FW&P could consider closing those areas to dog training for a couple of days to a week prior to the opening of the pheasant hunting season, and would probably achieve as much as if they had totally stopped all dog training for the entire summer. However, if there was any evidence that a dog trainer was shooting wild pheasants during training, then that activity would be the area to focus on. However, all rational dog trainers have a built-in disincentive to kill wild birds, since each one shot is one less that is available to train on.

Sincerely,

Charles A. Hjerpe, DVM
Davis, CA

Lee, Michael

From: Michael Spies <mike@autohomeus.com>
Sent: Thursday, May 18, 2017 10:24 AM
To: FWP Dog Training
Subject: Proposed dog training regulations - permiting

I come to Eastern Montana every summer to train my bird dogs on wild birds. I am not a professional trainer but an enthusiastic amateur. As you no doubt know the regulations provide that no one will run dogs off-leash between May 15 and July 15 to allow nesting to be completed and young birds to grow to flight capability. I commend and follow these rules.

The proposed permitting rules, as written, are capricious and unsupported by any scientific observations. My own experience while both training and later hunting does not indicate that dog training forces birds to abandon a cover area and that, if flushed, they are back in the same area within 24 hours.

Game bird densities in Eastern Montana are dependent on a great number of factors - local weather, availability of food, loafing and roosting cover, crop type, harvesting periods (harvesting not only disturbs birds, it kills many young of the year), development of oil well roads, drill pads and fraking ponds, etc. These activities WILL force game birds to relocate away from the disturbed area.

I am requesting a hearing to air public comments and present the Department's reasons for these additional regulations in an open forum. I would welcome a chance to participate.

Michael Spies
2421 Louis Road
Palo ALto, CA 94303
650-269-4862

Lee, Michael

From: Bob Hollister <bob@hollisterlongwings.com>
Sent: Thursday, May 18, 2017 1:56 PM
To: Lee, Michael
Cc: Tony Head
Subject: ARM Notice 12-473

Dear Mike,

This letter is my official response to your request for comment on ARM Notice 12-473 and replaces my previous comments to you dated May 16, 2017. I apologize for not carefully reading the notice before responding, and did not intend my response to be part of the public record, but a personal response to your mail.

I am a falconer, rancher, and wildlife biologist from Ballantine, MT. I manage my ranches specifically for game birds and other wildlife and participate in sustainable agricultural practices to maximize game bird production. I also maximize habitat for other wildlife such as waterfowl, big game and non-game species. I own, breed, and train bird dogs, and utilize them for hunting both with a gun and with my falcons. The ARM notice and proposed Rule will negatively affect me personally, and many people I know, so I offer these comments for the public record. **I am against the proposed rule as written**.

I understand the concern about the impact of professional dog training and large scale field trials and dog training camps on local game bird populations and share some of these concerns. **I am in favor of restricting these activities on public land** at certain times of the year, but **do not favor a permit system**, nor do I agree with the broad limits it puts on private landowners, individual dog owners, and others who want to run or train their dogs on private land. This rule would unnecessarily impact the individual bird dog owner as well as professional dog trainers, and place **unnecessary burden and cost on FWP and affected parties** to apply for and administer the permits. It is also vague and subjective as it **does not define what the "terms and conditions" would be** that a permittee would have to follow if issued a permit. It should be noted that while these activities of concern may impact local game bird populations, the total impact on state-wide populations of game birds is minuscule and impossible to calculate. It is my view that this issue should be addressed in a different fashion that would alleviate concerns and potential impacts, while maintaining the freedom of individuals, professionals, and land owners.

As written, the rule restricts activities on "open fields" which, as defined would include all public and private land where wildlife or game birds exist. This is far too broad as are the dates of restricted activity. As written the rule implies a dog owner would be restricted from running their dog from the end of gun season to September 1 (the beginning of gun season). This is unnecessary as critical breeding season dates for native grouse and exotics are April 1 to September 1. Activities of concern outside of these dates will have no impact on local game bird populations or breeding success. Finally, it should be noted that **this proposed rule negatively effects individual dog owners** and trainers which have **no impact** on bird populations locally or otherwise. **If FWP wants to increase the bird populations in Montana then the focus should be on habitat degradation such as overgrazing, burning and spraying sage, industrial winter wheat farming, use of pesticides and herbicides, haying and grazing game bird breeding areas during critical times of the year, and other direct mortality and environmental factors.** As wildlife biologists you know that these activities are the main limiting factors on bird populations, not dog training. While some restrictions should be placed on dog training, I feel that this proposed rule goes too far.

The following are my suggestions for regulating dog training in Montana:

1. **No permit should be required for any Montana citizen to train bird dogs. A simple date restriction** is all that is necessary and **should apply only to public lands or lands managed by FWP that contain bird habitat.**

2. **Recommended dates for restrictions for dog training on public lands should be April 1 to September 1.**

3. **Private lands should not be included in this restriction**. If FWP wants to regulate activities on private land that really effect game birds then they should be regulating land use.

On a scale of activities that effect game bird populations in Montana , bird dog training isn't even in the top 100. Understand that if a

field trial or training camp is located on private land then the land already has good land use and populations of birds. If you are going to regulate that, then you better start regulating the real factors on private land that limit bird numbers (mentioned in text above). While dog trials and training dogs should be discouraged during the breeding and brood rearing season on private as well as public land, to target such a small group with local or limited effect while ignoring the big problems seems unbalanced. For instance, FWP signed off on the Trans Canada Pipeline project in eastern Montana. This project by your own determination will effect 22 sage grouse leks. This translates into permanent destruction of habitat forever, and the killing of thousands of sage grouse over many years. To allow this kind of habitat destruction and permanent loss of habitat and then require permits to train a bird dog on private land seems ironic. Since no birds are actually killed during these dog training events on private land it would be hard for FWP to regulate this activity anyway, especially when so many other factors are the real cause of bird declines. If you are going to try and regulate the flushing of a family group of birds by a dog trainer, then you better get ready to regulate the flushing of bird groups, and indeed the killing of thousands of birds during spring haying and grazing and other operations on private land in Montana...a far greater cause of disturbance and direct mortality. You are regulating something that has no large scale impact while allowing activities that have the greatest impact. **This rule would prevent individual dog owners from running their dog on their own land or any private land for a significant portion of the year.** This would not only be unenforceable, but punishes dog owners who present no impact on bird populations, locally or otherwise.

4. I agree that **large scale dog training and field trials need to be regulated on public land**, and that these **activities on private land during critical times should be discouraged**.
However this rule as written oversteps its intent by restricting legal activities on private land and the activities of private individual dog owners using private landand who's impact is negligible.

Thank you for the opportunity to respond and express my views on this proposed rule. In general I feel that FWP does a great job managing our wildlife resources in a complex social and political environment.

Sincerely,

Bob Hollister
Ballantine, MT

Lee, Michael

From: moose_tracks@juno.com
Sent: Thursday, May 18, 2017 4:05 PM
To: FWP Dog Training
Subject: Fw: RE: Dog Training
Attachments: RE: Dog Training

Dear Mr. Lee,
I heartily agree with everything Mr. McIltrot describes in his letter to you concerning the proposed regulation for dog training on wild game birds. He explains why there is a need for public hearings on this proposal and details alternative approaches that would be far superior to the current proposal.

I urge the Fish and Wildlife Department to hold public hearings to discuss this measure before proceeding any further.

Thank you,
David Crump

Please note: forwarded message attached

From: "John McIltrot" <johnmciltrot@gmail.com>
To: "'Lee, Michael'" <milee@mt.gov>
Subject: RE: Dog Training
Date: Wed, 17 May 2017 21:24:14 -0600

Lee, Michael

From: wnankive@hotmail.com
Sent: Sunday, May 21, 2017 6:50 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Professional dog trainers training large numbers of dogs on public lands should at a minimum be regulated if not totally disallowed. No one should be allowed to train dogs on public lands prior to a specific date probably August 1st. It might also be appropriate to consider the same kind of regulation on block management units that offer upland bird hunting.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Kyle Christensen <kyledchristensen@gmail.com>
Sent: Tuesday, May 23, 2017 10:54 AM
To: FWP Dog Training
Subject: Dog Training

Mike

I am emailing you to express concern for the proposed changes with the dog training regulation. I am not a resident of the great State of Montana but I send my dogs to a trainer in Montana, John McIltrot of Seranoa Kennels in Broadview. In sending my dogs to John I spend thousands of dollars in my training bill that adds to the economy of Montana. John spends money on fuel, dog food, and many other items derived from his business of training bird dogs.

While the problem may seem very complex the solutions are very simple.

Solution #1 - Time restrictions on dog training May 1st-August 1st
Solution #2 - Annual permit required
Solution #3 - No other recreation activities that potentially can impact game bird nesting during the above timeframes.

Dog trainers are being targeted by this rule but many outdoor recreation activities can have adverse affects on game birds. An example of this is in my home State of Utah there is an area where sage grouse are struggling to survive in a traditional habitat. This habitat area has become extremely popular with the OHV crowd. At least once a year I hear of someone running over sage grouse for sport with their OHV. This area is also popular with rabbit hunters who face no regulation. It is common to see long skirmish lines of .22 wielding rabbit hunters year round in this area. The USF has denied our bird dog club a permit to hold a field trial in this area, but does nothing to stop the OHV use in this area. I cannot provide hard data but I'm positive that the OHV use has had the greatest negative impact on sage grouse populations in this area.

Thank You for reading my email.

--

Kyle Christensen
801-541-4006
Associate Broker
Coldwell Banker

Lee, Michael

From: Hal and Meg Williams <hmwillia@msn.com>
Sent: Thursday, May 25, 2017 2:33 PM
To: Lee, Michael
Subject: RE: Dog Training

Hello Michael,

Thank you for returning my call the other day and answering my questions.

For me the answer to the situation you are trying to address is simple and that is to close nesting/brooding areas (basically anywhere someone would want to run/train a bird dog) during the critical dates of April through July. I have bird dogs (two) and am religious about running them, even in the "off" season, but I don't take them into the field during the above months. I run them down dirt roads during that time. I don't want to be disturbing nesting or brooding game birds. As a hunter, that's just cutting my own throat. I don't see this policy being any kind of hardship on the average bird dog hunter. Could it impact professional dog trainers or field trialers? Yes, possibly. But I think they could find a way to still run/train during those months without running braces of dogs and horses through nesting/brooding areas with the full intent of finding wild game birds. If it is closed to all, no one in the dog world has an advantage.

As for the permitting approach described in the ARM, I see that as too much trouble/time/expense for the F, W & P possibly without the goal being achieved.

My best,

Hal Williams

Sent from Mail for Windows 10

From: Lee, Michael
Sent: Monday, May 15, 2017 3:15 PM
To: Adam Walker; Al Harmata; Alex Bittner; Allyson Cowan; Anne Hocker; Ben Williams; Betty Wagner; Brandi Sieminski; Brett Bruggeman; Carlos Rodriques; Charles Gilmore; Charles Heckler; Chris "Boomer" Hesley; Christopher Merker; Claire Hager; Craig Campbell; Craig Underwood; Dana Clarck; David and Joyce Barker; David Coffin; David Crump; Ethan Canney; Gabriel Jones; Gary Ohman; Gerald Geiger; Glen Sweet; Greg Depner; Greg Windtberg; Harold Williams; Heather Blandford; Ian Pogue; James Arnold; James Chaffin; Jay Sumner; Jay Tischendorf; Jay Tischendorf (2); Jeff Ewelt; Jeff Jallings; Jeff redig; Jeff Shapiro; Jeffrey Sternad; Jerry Jacobs; Jim Morrissey; Jim Wagner; John and Anne McPartlin; John Hays; John McIltrot; John Seabury; Joseph Sabol II; Judith King; Justin Sasser; Karl Pentecost; Kate Davis; Kathryn Williams; Ken White; Kevin Farley; Kevin Thompson; Kirk Hohenberger; Larry Bates; Larry McMullen; Lynsi DeWaard; Mark & Michelle Seybert; Mark Bolton; Mathew Klindworth; Matt Blandford; Michael Crago; Michael Vermeulen; Mike Petersen; Natasha Leong; Nathan Birr; Neal Donaldson; Noel Ferguson; Rainer Conell; Ralph Rogers; Ray Gilbertson; Richard Burnett; Rick Green; Robert Hollister; Robert Martin; Robert McDonald; Rocky Connell; Rodney Foster; Rodney Sykes; Ronald Schaeffer; Ross and Karen Radzykewycz; Ryan Hallows; Sam Newville; Scott Geiger; Shauna Shephenson; Skip Tubbs; Sophie Hoopman; Steve Holton; Steven Olson; Thomas Anderson; Thomas Mutchler; Timothy Snyder; Tony Head; Troy Reichert
Subject: Dog Training

For those of you that are also involved in dog training, the attached proposed ARM notice is in response to massive professional dog trainers that are training dogs on wild birds during the summer months, in Northeast Montana in

particular. The ARM will put some definition to what is currently in state statute. If you have any questions, let me know.

Michael Lee, Game Warden
Commercial Permitting/IWVC Admin.
Fish, Wildlife and Parks Enforcement
PO Box 200701
Helena, MT 59620-0701
Phone: (406) 444-4039
Fax: (406) 444-7894
milee@mt.gov

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Lee, Michael

From: candj@3rivers.net
Sent: Sunday, May 28, 2017 3:53 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

There will be confusion due to language "open fields"; "any area of natural surroundings where wildlife may naturally occur and may included bird nesting areas, management areas or game preserves"...."dogs may be trained in open fields at any time without permission of the director"....
There should be NO training of bird dogs in any areas, open fields included, where game birds may nest. Dogs should not be trained during nesting times of wild birds and during those times post-nesting when game bird broods might be subject to scattering and negative impacts of not being able to regroup with the broods. Science shows this negatively impacts brood size, etc. Too, trainers must not be allowed to release more than 2-3 dogs at a time and have them under their immediate control while in the field. Large groups of young untrained dogs can, and often will, scatter and pursue coveys into the next county when chased by young dogs being trained and allowed to roam out of immediate control of handlers.
This activity has been allowed too long in our state and has had negative impacts on wild bird populations as well as local economies. Out-of-state dog handlers have had their way the past several years when brining in huge packs of young dogs to train at the expense of wild huns and grouse.
I own pointing dogs. I believe bird dogs should not be allowed any where where wild birds nest and rear broods, perhaps as early as 15 April and as late as 15 August. Our wild bird resources must be protected. Thanks for considering my comments. Respectfully-Craig Mathews

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This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: wyowarden@gmail.com
Sent: Friday, May 26, 2017 6:49 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

There should be a portion of the year where dog training on public land is prohibited. May through July would be a good start. This may need to include parts of April and August to protect species or locations where nesting is initiated earlier or brood rearing lasts longer. No take of public birds should be permitted outside of hunting seasons.

Permits should be issued for private land where pen raised gamebirds will be used for training. Our public resource should not be used by trainers when they can be permitted to purchase and possess pen raised birds. These bird should be required to be toe-clipped or banded to clearly identify them as privately owned birds. Training should only be allowed for species that are not naturally present on the property. Example: Permits will be issued to use chukar for training in pheasant country. Pigeons and Eurasion Collared Doves should be allowed for dog training without a permit.

No training should be allowed on MTFWP properties or lands enrolled in Block Mgmt. programs. Protect these areas for blue collar, do it yourself hunters. Professional trainers are under a profit motive and should buy pen raised birds and train on private land that they own or lease. The wildlife resource doesn't owe anyone an income.

Thanks for the opportunity to comment.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Mark Wendling <superiorpointers@gmail.com>
Sent: Monday, May 29, 2017 10:51 AM
To: FWP Dog Training
Subject: MAR Notice No. 12-473

Mr. Lee,

The New Rule 1 Permit to Train Dogs in Upland Game Bird Nesting Areas appears to be a well intentioned regulation to address a legitimate, and growing problem. Unfortunately, it is vague, likely unenforceable, addresses the problem only superficially, and is not founded on the best available science. I have raised, trained, and hunted bird dogs for fifty eight years, and was an active participant in horseback field trials for half of that time. I have extensive experience training bird dogs on the prairies, and in the woods, and offer the following observation/recommendations.

Virtually all habitat is a "nesting area" for some game bird species. All of Montana must, therefore, be considered a "nesting area". Ruffed grouse and spruce grouse nest in woodlands, as do woodcock. This proposed rule would, additionally appear to allow a trainer to work dogs on sharptails in prairie habitat during the nesting season by claiming to be "targeting" ruffed grouse – or to work dogs on blue grouse in high alpine meadows while claiming to be "targeting" huns. The "nesting area" language makes no sense in Montana's current ordinance, and should not be used in a new ordinance. The term "open fields" is ambiguous and equally inappropriate, and should also be eliminated. Montana needs to start over, "with a clean sheet of paper".

Montana should implement a statewide ban on all dog training from April 15th through August 15th to ensue adequate protection of both breeding game birds, and songbirds. Sharptails and sage grouse are beginning to visit leks, ruffed grouse are drumming, and huns are typically pairing up in mid-April. In years with an early spring, these birds will be on nests in May. Climate change will likely accelerate this timing. In a normal nesting season, most birds of the year should be able to fly far enough to evade mammalian predators by mid-August. Working dogs prior to mid-August, however, will inevitably result in young dogs in training catching and killing weak flyers. It also disperses family groups, increasing mortality due to predation. In a year when the first nests are unsuccessful due to a weather event, second – and sometimes, in the case of pheasants, third – hatches are especially vulnerable. I have personally had young dogs catch and kill pheasants that were unable to fly on September 15th. A closure expiring August 15th will allow Montana residents sufficient time to "tune up" their bird dogs prior to the state's traditional September 1st season opener. An April 15th through August 15th closure should, in my opinion, be instituted statewide on both public and private land. At a minimum, it should be applied to all state and federal owned land which, I feel compelled to point out, belongs to all Montana/United States citizens.

Additionally, bird dog trainers should be limited to working off leash a maximum of six dogs daily. This number is sufficient to accommodate virtually all resident Montana bird hunters and field trailers, but will discourage out of state professional trainers with large numbers of dogs who currently have a disproportionate, negative impact on the resource. Note that forty years ago, the great majority of professional bird dog trainers spent their summers in Saskatchewan and Manitoba. Restrictions to protect the Canadian resource forced most into the Dakotas, where their presence has become controversial among residents. This is undoubtedly a factor in their increased presence in Montana. While I have empathy for those who train large numbers of bird dogs for compensation to make a modest living, it seems shortsighted to allow them to negatively impact the resource – and ultimately the state economy - while doing so.

Professional dog trainers, compared to out of state bird hunters, provide overall negligible economic benefit to local communities. Traveling bird hunters buy licenses, fuel, lodging, and meals, and spend exponentially more money in local communities. Montana's game bird resource should, therefore, be managed in a way that cultivates – not discourages – the growing tourism from traveling wingshooters. It should be managed in a manner which nurtures healthy, robust populations. This requires reasonable, prudent protections of breeding game birds and their young of the year. A

comprehensive, science based Montana bird dog training regulation is, therefore, required not only to protect the state's natural resources, but to foster sustainable economic growth.

Sincerely,
Mark Wendling
Superior Pointers
Bayfield, Wisconsin
715-779-5599

Sent from Mail for Windows 10

Lee, Michael

From: johnsonrni747@gmail.com
Sent: Friday, June 02, 2017 9:01 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Observation. I've been hunting game birds in eastern Montana for several years, starting in early September and finishing up in late October. A few years back (with the Oil Boom in North Dakota) the 'bird dog trainers' that use to train in ND moved west to Montana, hammering the areas I'm familiar with from Wolf Point to Malta. (I know some of these folks). What I've noticed is that when this happened, the 8 to 10 bird broods of Sharp Tail and Huns that I was use to seeing in early September have digressed to 3 or 4 bird flushes (If your lucky) at least on the public lands. My only explanation is that they are being busted up (dog trainers) by the time hunting season opens in September. I don't know what the effect this is having on chick mortality but I suspect it isn't good. I'd at least push the permitted training back to a date in August, and end it on September the 1st.

Thank you for allowing my input..

Roger L. Johnson ALS# 12/09/1936-27 (as you can see I'm a bit long in the tooth)

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: raypearson@gmail.com
Sent: Friday, May 12, 2017 10:52 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Once again Montana is being loved to death. The industrial dog training camps come to the high plains because it is the best place to do what they do. There is also no doubt that they have an impact on wild bird populations and need regulation. My only question is how do you define nesting areas?

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: helenajhawk@yahoo.com
Sent: Monday, May 22, 2017 9:32 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Hmm, I am pretty sure there is no where in the State of Montana that is not within one mile of a bird nesting area. Now if we are talking "game" birds that is a bit different, but still I would guess most of the state would fit that limitation. I am not against making new rules to protect our game resources. I am, however, against poorly written bureaucratic mumbo jumbo. Maybe you all need to take some time to get it right before you issue a new set of restrictions. Oh yeah, while you are at it, go ahead and add a charge for those commercial trainers and also maybe you ought to assess the risk of increased heart worm due to the importation of those "cracker" dogs. I would hate to see another zebra mussel or CWD-like brouhaha develop involving out-of-state dogs.

Also can't find any place to register my name, so the above comment can be credited to Gary Sturm, Helena, Montana.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: huntingaddict64@gmail.com
Sent: Wednesday, May 17, 2017 2:48 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I am an owner and trainner of my own bird dogs. Currently it is hard to find a place to train because of the current regulations. If the rule is hard and fast on nesting area then we will have almost no where to train - this is a problem. I think this should be address not on where we can train but on how many dogs the permit allows us to train. I think a permit for like 5-10 dogs would be sufficient. Also we should be allowed to train on public land as long as we follow the rules about marking the birds. The most realistic places to train are those with cover thus area that may hold bird. The problem here is not where we/they train, it is the number of dogs using that area to train in. So I believe that the permit should limit the number of dogs trained in a particular section(s) of prime nesting habitat. Those habitats that are marginal i.e. not prime should have less restrictions.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: cldsmith@msn.com
Sent: Friday, May 26, 2017 4:32 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

The proposed rule would impose a huge, statewide administrative burden on FWP and the public to solve a much narrower and site specific problem. The stated reason for the proposed rule is to address the impacts of "massive dog training occurrences" in eastern Montana including up to 60 dogs. In response to this unique problem, FWP is proposing to require every person who trains a dog in an open field within 1 mile of a "bird nesting area" to obtain a permit. Given the distribution of game birds and the locations suitable for dog training, this will in effect require everyone who trains a dog to obtain a permit. FWP will have to issue hundreds, if not thousands of permits. It would even require me to get a permit to throw bumpers for my dog in my front yard in the suburbs of Helena, because there are Huns that nest in the BLM lands adjacent to my lot. This is "overkill" to solve a problem that appears to be caused by a few individuals.

A more rational and practical approach would be to for the rule to prohibit commercial training without a permit and/or set some maximum number of dogs that can be trained without a permit. Sample language for the rule would be to add the following subsection to the definitions:

(e) ?commercial dog training? means training a dog that is intended for sale or training a dog for financial remuneration.?

and revise Section (2) to read:

(2) A person may not engage in commercial dog training in open fields within one mile of a bird nesting area, game preserve, or management area without first obtaining a permit from the department. A person wishing to commercially train dogs in open fields must apply for a permit by filing an application on a form provided by the department at the regional office in the region where the person will conduct such activity.

This approach would solve the problem that initiated this rule making without adversely impacting thousands of individuals who train their own dogs.

I would also like to go on record as requesting a hearing on this rule making.

Thanks,

Chris Smith
Helena

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Olivia <oliviacbxs@gmail.com>
Sent: Monday, May 15, 2017 1:17 PM
To: FWP Dog Training
Subject: Dog training permit

Dear Mr Lee,

Although I can see that there may be a need to regulate "massive dog training occurrences" in Montana, I am very concerned that the proposed "permit to train dogs in upland game bird nesting areas" has been developed with little or no input from the dog training community in Montana. The vast majority of people who train gundogs in Montana, do so in in a manner that would have no more impact on nesting birds than many other normal recreational or agricultural activities. For example, it is perfectly OK for a rancher to run cattle or cut hay in sensitive bird nesting areas. It is also perfectly OK for people to camp, hike, ride bicycles, ATVs etc. I am very concerned about the development of a permit system for ALL dog training activities in these areas and the potential impact this will have on many people who, like me, train their own personal dogs for upland bird hunting and or field events (e.g. field trials or hunt tests). Almost all of these people go out to train either alone or with some friends and would have minimal, if any, impact on bird nesting areas.The majority of us are bird hunters and are very aware of the necessity to provide good habitat for nesting and indeed we contribute in multiple ways to conservation and habitat restoration projects throughout Montana.

Sincerely,
Olivia Steele-Mortimer
255 Meadowlark lane
Hamilton, MT 59840

Lee, Michael

From: Alex Burks <alex.burks@nex21.com>
Sent: Monday, May 15, 2017 10:51 AM
To: FWP Dog Training
Subject: proposed regulations on "Open Field Dog Training" ,MARN 12-473

Ladies and Gentlemen:

I am writing this e-mail to request an open hearing on MARN 12-473. I think there are several negative impacts on the sportsmen of Montana on the way this regulation is written. I live in Billings but will do my best to attend this meeting when it is scheduled.

I am not personally opposed to a reasonable permit for Pro Trainers with a large string of dogs but I don't want to get fined for stopping on a state section or BLM property to run my two pointing dogs. I already buy a State Lands Recreational Permit every year. The way this new regulation is written I would not be able to stop and run my dogs on random state sections on a trip across Montana because the training permit is only valid for a specific location that is legally spelled out on the permit.

I think the better way to go is a closed nesting period and then NO Permits for non-commercial dog owners.

Best regards,

Alex Burks
Parts Sales Manager
Blue Diamond Parts
205-612-4386
alex.burks@nex21.com

"Continous efforts – not strength or intelligence – is the key to unlocking our potential." Winston Churchill

Lee, Michael

From: c merker <c_merker@yahoo.com>
Sent: Sunday, June 18, 2017 10:28 PM
To: Kevin Thompson
Cc: Lee, Michael; Adam Walker; Al Harmata; Alex Bittner; Allyson Cowan; Anne Hocker; Ben Williams; Betty Wagner; Brandi Sieminski; Brett Bruggeman; Carlos Rodriques; Charles Gilmore; Charles Heckler; Chris Boomer Hesley; Claire Hager; Craig Campbell; Craig Underwood; Dana Clarck; David and Joyce Barker; David Coffin; David Crump; Ethan Canney; Gabriel Jones; Gary Ohman; Gerald Geiger; Glen Sweet; Greg Depner; Greg Windtberg; Harold Williams; Heather Blandford; Ian Pogue; James Arnold; James Chaffin; Jay Sumner; Jay Tischendorf; Jay Tischendorf (2); Jeff Ewelt; Jeff Jallings; Jeff redig; Jeff Shapiro; Jeffrey Sternad; Jerry Jacobs; Jim Morrissey; Jim Wagner; John and Anne McPartlin; John Hays; John McIltrot; John Seabury; Joseph Sabol II; Judith King; Justin Sasser; Karl Pentecost; Kate Davis; Kathryn Williams; Ken White; Kevin Farley; Kirk Hohenberger; Larry Bates; Larry McMullen; Lynsi DeWaard; Mark & Michelle Seybert; Mark Bolton; Mathew Klindworth; Matt Blandford; Michael Crago; Michael Vermeulen; Mike Petersen; Natasha Leong; Nathan Birr; Neal Donaldson; Noel Ferguson; Rainer Conell; Ralph Rogers; Ray Gilbertson; Richard Burnett; Rick Green; Robert Hollister; Robert Martin; Robert McDonald; Rocky Connell; Rodney Foster; Rodney Sykes; Ronald Schaeffer; Ross and Karen Radzykewycz; Ryan Hallows; Sam Newville; Scott Geiger; Shauna Shephenson; Skip Tubbs; Sophie Hoopman; Steve Holton; Steven Olson; Thomas Anderson; Thomas Mutchler; Timothy Snyder; Tony Head; Troy Reichert; Gangstad, Kaedy; FWP Dog Training
Subject: Re: Dog Training

Kevin: Aldo Leopold once wrote that "ecologists are doomed to live in a world of wounds", such as u illustrate and I cringe every day i drive down the road.
DNRC is bound by state laws that force them to maximize income for schools. FWP is shackled by Helena conservatives that value profit over landscape health. Thank
Gov. Bullock for vetoing numerous bills this year that would have made things much worse for fish n wildlife. His executive order did make DNRC "consider" sage grouse habitat, but still bound by the income rule. With the latest election results things are only going to get worse. Until people start to vote for landscape health, don't blame FWP as they have no power over land use (after all that's socialism!). As a result i think that is why u see FWP make the rules they do, out of frustration in trying to do something for wildlife but within strict political limitations.
"Cheers", chris m

Sent from my iPad

On Jun 13, 2017, at 8:01 AM, Kevin Thompson <kevin@greenrealtymt.com> wrote:

> Attached are some photos that will make most outdoorsmen or women cry!! We all got or heard about the notice of the possibilities of more regulations because of the impact on dogs being in the field during nesting periods. As we all know habitat is the key ingredient to ensure stable populations of wildlife. It is very hard to control private ground but when it comes to public land, the ground should be managed for wildlife

and public uses. If wildlife is the property of the state then how can state and federal lease holders get away with wiping out thousands of game birds and other wildlife species. The FWP should be on top of this because they will lose their jobs when there is no more wildlife to manage. The FWP should know what is going on and doing something about this mass destruction. I encourage everyone to be the squeaking wheel and complain. Unfortunately if no one complains nothing will get done. Please forward this to everyone you know and hopefully it will reach someone who can start a change.

The attached photos are of a state field near Billings Montana that is heavily used by folks to run their dogs and hunt. With the heavy pressure this field still had four Montana species of game birds using it and even had a sharptail grouse lek on it. About 22 years ago about 440 acres of this field was put into CRP. The portion of the section of state land that was not converted was too steep to improve so was left with natural vegetation with coulees full of Berry bushes and perfect winter escape cover for game birds. About two years ago this field came out of CRP and the rancher poisoned about 160 acres of it, added more fence then the following year he put into straight alfalfa. This year he has poisoned another 160 acres which kills everything and he just got done haying the alfalfa. Hello folks!!! It is the first week in June which is the hatching time for game birds!!!! WTF!! This guy just wiped out every game bird in those two fields and

the FWP and the DNRC aren't doing anything to protect their livelihood. Please pass this along and make a call to your local DNRC which the numbers can be found on this site. http://dnrc.mt.gov/contact-dnrc

Make calls today!!! kt

<IMG_2965.jpg>

Lee, Michael

From:	Kevin Thompson <kevin@greenrealtymt.com>
Sent:	Wednesday, June 14, 2017 7:26 AM
To:	Jim R. Robinson
Cc:	Lee, Michael; 'Adam Walker'; 'Al Harmata'; 'Alex Bittner'; 'Allyson Cowan'; 'Anne Hocker'; 'Ben Williams'; 'Betty Wagner'; 'Brandi Sieminski'; 'Brett Bruggeman'; 'Carlos Rodriques'; 'Charles Gilmore'; 'Charles Heckler'; 'Chris \"Boomer\" Hesley'
Subject:	FW: Dog Training
Attachments:	IMG_2965.jpg

Attached is a photo that will make most outdoorsmen or women cry!! We all got or heard about the notice of the possibilities of more regulations because of the impact on dogs being in the field during nesting periods. As we all know habitat is the key ingredient to ensure stable populations of wildlife. It is very hard to control private ground but when it comes to public land, the ground should be managed for wildlife and public uses. If wildlife is the property of the state then how can state and federal lease holders get away with wiping out thousands of game birds and other wildlife species. The FWP should be on top of this because they will lose their jobs when there is no more wildlife to manage. The FWP should know what is going on and doing something about this mass destruction. I encourage everyone to be the squeaking wheel and complain. Unfortunately if no one complains nothing will get done. Please forward this to everyone you know and hopefully it will reach someone who can start a change.

The attached is a photo of a state field near Billings Montana that is heavily used by folks to run their dogs and hunt. With the heavy pressure this field still had four Montana species of game birds

using it and even had a sharptail grouse lek on it. About 22 years ago about 440 acres of this field was put into CRP. The portion of the section of state land that was not converted was too steep to improve so was left with natural vegetation with coulees full of Berry bushes and perfect winter escape cover for game birds. About two years ago this field came out of CRP and the rancher poisoned about 160 acres of it, added more fence then the following year he put into straight alfalfa. This year he has poisoned another 160 acres which kills everything and he just got done haying the alfalfa. Hello folks!!! It is the first week in June which is the hatching time for game birds!!!! WTF!! This guy just wiped out every game bird in those two fields and the FWP and the DNRC aren't doing anything to protect their livelihood. This photo shows the hayed portion on the right, on the left is the field that is dying from being poisoned and in the back left of the photo is the remaining 160 acres. Please pass this along and make a call to your local DNRC which the numbers can be found on this site. http://dnrc.mt.gov/contact-dnrc

Make calls today!!! kt

Lee, Michael

From: pubdir@mt.gov
Sent: Monday, June 05, 2017 9:21 AM
To: Lee, Michael
Subject: ARM 12-473

Email sent from: Mark Blasdel - Email: Sen.Mark.Blasdel@mt.gov Email Body: Mike,

I hope this email finds you well. I have been receiving a lot of feedback on this proposed rule and have a couple of questions about the process in how it is instituted or denied. It is my understanding that there has been at least one letter submitted that has a large percentage of those that would be affected by its passage. In reading Item number 6 on page 586, what does it take for those affected to have a public hearing and does this rule automatically go to the EQC committee for hearing as well? Who adopts the final rule? The Department, EQC, or does this go before the Commission as well for adoption?

Thank you for your time and consideration on this matter.

Sincerely,

Senator Mark Blasdel

Lee, Michael

From: Jeff Herbert <jefftherbert@gmail.com>
Sent: Thursday, June 08, 2017 12:29 PM
To: FWP Dog Training
Subject: Public Comment on Proposed Rule
Attachments: Comments on Draft ARM Dog Training.docx

Mike,
I am submitting my comments on the proposed rule via the attachment to this email. Thanks for the opportunity.

Jeff Herbert
Helena, MT

June 8, 2017

MT FWP
Enforcement Division
Attn: Mike Lee
PO Box 200701
Helena, MT 59620-0701

Re: Proposed Rule to Train Dogs in Upland Game Bird Nesting Areas

I appreciate the opportunity to offer the following comments relative to the proposed Rule 1.

As I understand the situation, the proposed rule is being promulgated to further define MCA 87-4-915 (5)(a) for enforcement purposes and to offer protection to the upland game bird resources and public hunting opportunity. As currently written, it creates a number of significant issues.

The problem statement focuses on a large-scale commercial training operations conducted on both private and public lands. It indicates these events have had negative population level impacts as well as decreased public hunting opportunity associated with these upland game bird populations. I can appreciate the concern of resident bird hunters where this has occurred.

However, a clearly stated objective is lacking in the proposed rule. The lack of an objective and possible criteria for understanding how the proposed rule helps achieve that objective creates a significant dilemma for decision-makers and the public alike. I would suggest that something along the lines of the following would add clarification to the discussion – To conserve wild upland game bird resources and maintain high quality upland bird hunting opportunities while providing reasonable dog training options for the upland game bird hunter and trainer.

Unfortunately, large-scale commercial operations and individual hunter/trainer and or club training opportunities have all been consolidated under a single rule. If the issue is large commercial operations why not focus on that component and reduce a significant administrative burden for both the Department and the public that is being created by the proposed rule? What insights can be gained from how neighboring provinces and adjacent states have handled this situation? Do these jurisdictions differentiate between resident and non-resident trainers or between professional and amateur trainers? Are there a specified number of dogs to be trained that can initiate a permit requirement? Are the restrictions similar or different between public and private lands?

Wild upland game birds are a public trust resource whether they occur on public or private land. However, access to those birds and the areas they inhabit can be markedly different based on land ownership. In addition, some private lands have

been purchased and enhanced for the specific purpose of gun dog training. Furthermore, application of this rule across lands administered by MT FWP, DNRC, Bureau of Land Management, Forest Service or the Bureau of Reclamation may require additional administrative protocols, especially as it pertains to commercial operations. When and how will that occur? Finally, how does the Department proceed so as to be careful that the proposed rule does not create incentives for commercial operations to lease/purchase important private lands that are currently enrolled in upland game bird habitat enhancement programs?

New and or expanded definitions for bird nesting areas, game preserves, management areas and open fields that have been provided are far too broad, somewhat redundant and certainly dated (which indicates problems with the existing statute). Other important land management functions like Fishing Access Sites and Block Management Areas are not mentioned. In fact it begs the question - in the long run, is it more effective to add a rule or modify statute?

Combining the expanded definition of bird nesting areas with the existing "more than 1 mile" language restriction virtually eliminates most habitat that is suitable for some form of limited dog training. For example, Hungarian partridge and ring-necked pheasant are widely distributed at low densities, even in areas with moderate residential development or designated park areas (City, County, State). Under the proposed rule, if suitable nesting habitat was available in the northwest corner of a section, it prohibits training in approximately 4 square miles of adjacent landscape. Is that appropriate?

By virtue of the existing statute, the proposed rule focuses on nesting areas when in fact the problem arises during the brood rearing period. Obviously, the two are linked from a biological and distribution standpoint. The primary nesting season for all species should be protected and the hunting/dog training community should strongly endorse that priority. From a timing standpoint, the proposed rule should focus any new restrictions on the brood rearing period above and beyond the primary nesting season, and should be explicit in doing so.

It's highly unlikely that existing population survey protocols can provide adequate metrics to measure the affect of on-going training activities on the game bird resource or the effectiveness of the proposed rule. Intense and frequent training activities might certainly be expected to influence bird distribution and possibly juvenile survival but those results will largely be anecdotal and a function of hunter perception. This conundrum seems to underscore the need to deal more effectively with commercial operations on public lands rather than a broad-brush approach that encompasses resident dog owners/trainers across all jurisdictions. How does the Department intend to assess the effectiveness of the new rule?

Currently, individuals can use both pigeons and quail in their efforts to develop pointing dogs, spaniels and retrievers with no general restrictions. Does the proposed rule preclude these options if that training occurs within a bird nesting

area during the brood rearing period where wild birds are present? Furthermore, the language as proposed, could conceivably be used to restrict retriever training in areas where wild birds are nesting (or brood rearing) even though that is not the stated purpose of the rule. How does the Department ensure that does not happen?

Development of the proposed rule would benefit greatly from the input of those stakeholders with a vested interest in maintaining both the wild game bird resources as well as those with an interest in training bird dogs to enhance hunting opportunities. In many cases, these represent the same people who are typically advocates for conservation programs. I would hope that this public process draws on that expertise to the greatest extent possible.

Sincerely,

Jeff Herbert
541 South Davis
Helena, MT 59601

Lee, Michael

From: McDonald, Ken
Sent: Wednesday, May 31, 2017 8:04 AM
To: Lee, Michael; Hawkaluk, Aimee
Subject: FW: ARM 12-473

fyi

Ken McDonald
Wildlife Division Administrator
Montana Fish, Wildlife and Parks
PO Box 200701
Helena, MT 59602
406-444-5645
kmcdonald@mt.gov

From: Seranoa [mailto:seranoakennels@gmail.com]
Sent: Tuesday, May 30, 2017 4:53 PM
To: McDonald, Ken <kmcdonald@mt.gov>
Subject: ARM 12-473

Sent from my iPhone

Begin forwarded message

Mr. Ken McDonald
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,

I am writing regarding Administrative Register Notice 12-473; the proposed rule regarding training bird dogs in open fields outside of hunting season. I am a full-time professional pointing dog trainer, and a year-round resident of the State of Montana. I am writing to you to request a public hearing on this issue, and to share with you some of my thoughts regarding dog training outside of the gun hunting season. A vague and poorly worded rule has the potential to unfairly limit the activities of concerned outdoorsmen, and put an end to my chosen career as a bird dog trainer here in Montana.

Before I state any of my concerns, I would first ask a few questions so that I can better understand FWP's motivations for enacting the above-referenced rule.

First, what is the reason for enacting this rule? If it is to protect nesting and newly-fledged birds, that can be addressed by setting training season dates that would keep dogs out of the field during incubation and the early fledging stage.

Second, is it the intention of the department to track or limit nonresident trainers who come to Montana to train bird dogs? If that is the case, the issue could be simply resolved by requiring nonresident trainers to buy a permit, and limiting the number of nonresident permits issued each year.

Third, is it the motivation of the department to prevent dog trainers from harassing family groups of birds to the point that the resource is negatively affected? If so, the department should publish guidelines that would specify acceptable training practices.

Finally, is the intent of this rule to protect and preserve the state's native gamebird population? If so, an environmental impact study would first have to be conducted in order to determine threats to the resource – I suspect that habitat loss (i.e., the loss of native prairie, sage steppe, and CRP), overgrazing, haying and harvesting at detrimental times, and other agricultural factors affect the resource more profoundly than any other factor.

There are a few points in the "REASON" paragraph of the rule that I feel are significant. First, there is a reference to "massive dog training occurrences" including "as many as 60 dogs and includes the use of horses". I have been training bird dogs from horseback for over 20 years, and cannot comprehend how the number of dogs in a trainer's camp, or the use of horses, can negatively impact resident gamebirds.

A trainer can only work a given number of dogs – typically 10-12 dogs per day. Those not familiar with horseback dog training need to understand that training dogs from horseback is not conducted like a fox hunt, with great numbers of dogs loosed together and a mounted brigade of handlers in chase. To the contrary, a handler rides behind 2-4 dogs at a time and generally must stop running dogs by late morning because temperatures make it unsafe to continue training. If there are 10 dogs in camp or 10,000, the number of bird contacts per day stays roughly the same.

Additionally, many of the dogs in some trainers' camps may pass the entire summer without ever seeing a wild bird – instead they are kept in condition by running in a harness attached to a four-wheeler, and are "yard-worked" on pigeons or pen-raised birds.

The other point in the "REASON" paragraph which raises questions is the statement which reads "this… has had negative effects on local bird populations". Is this statement based on any proven scientific data which would take into consideration the following factors: weather (hail, drought, a cold and wet spring, a harsh winter, etc.), several years' worth of population trends (lek counts, harvest data, road censuses, etc.), an assessment of changes in local agricultural practices (loss of native prairie, loss of CRP, timing of harvest, grazing practices, etc.), and so on? Or is this simply anecdotal information, and the opinion of a handful of people who may have a negative view of bird dog trainers in general?

And in Paragraph 10 of the proposed rule, the verbiage states "the above-referenced rule will not significantly and directly impact small businesses". That statement is inaccurate. Unable to train dogs on wild birds outside of the hunting season, or required by a permit to only work dogs in a handful of specifically designated areas, I will be unable to stay in business. Additionally, the hotels, restaurants, laundromats, filling stations, and grocery stores in small towns across Montana will suffer without a seasonal influx of field trial competitors and the pro handlers who handle their dogs, and hunters who rely on trainers to prepare their dogs during the off-season.

I understand that legislative changes in Canada and the Dakotas are pushing more seasonal bird dog trainers into Montana, and recognize that managing the issue may become necessary. Why not address it the same way FWP handles other nonresident sporting interests? Issue permits to nonresidents, limiting the number of permits if necessary. And in cases where there are complaints regarding a specific trainer's behavior, specifically address those issues with the involved parties. The idea of issuing training permits wherein trainers designate specific training areas is fundamentally flawed because it will require trainers to work dogs repeatedly over the same ground, thereby forcing birds off those areas – which is the problem specifically noted in the verbiage of the proposed rule.

I believe that it is critically important for lawmakers to understand the dynamics of the activity they are regulating. In the case of off-season bird dog training, it must be understood that the issue is not the number of dogs or horses in each trainer's camp; the issue is how the birds are worked, and how frequently they are worked. It is widely accepted in the bird dog culture that after an initial covey rise, it is unethical and careless to continue to work dogs on the singles from that covey, particularly on hot days or near dusk. Trainers who work the covey rise and then take their dogs out of the area do no harm to game birds. Additionally, the trainers who I

know personally maintain a lengthy list of training areas, and they rotate through those fields at regular intervals so as not to interfere with the life cycles of the birds they're training on.

In closing, I hope that you and all those at Montana Fish, Wildlife, and Parks will recognize that the bird dog community has the greatest vested interest in the well-being of Montana's gamebirds. Given the opportunity to contribute, I believe we can help craft regulations that are clear, specific, and beneficial to the resource without causing hardship to those of us who are the most concerned about the sage hens, sharptailed grouse, pheasants, and partridge who depend on our stewardship and right action.

Thank you,

John McIltrot
Seranoa Kennels
841 Stiles Rd.
Broadview, MT 59015
406-321-3557

Sent from my iPhone

Lee, Michael

From: Steve Cosby <sandcconstruction@yahoo.com>
Sent: Friday, May 26, 2017 10:23 PM
To: FWP Dog Training
Subject: Hearing Request and Comments - FWP Permit to Train Dogs in Upland Game Bird Nesting Areas
Attachments: GGDC FWP Dog Training Permit Response Final.docx

Mike,

Please find attached a letter from the Board of Directors and Officers of the Glacier Gun Dog Club located in Kalispell, MT. We look forward to hearing from you regarding our request for a hearing and to discuss the comments we included in our attached letter.

On behalf of the Glacier Gun Dog Club,
Steve Cosby

Steve Cosby
S & C Construction, Inc.
(406) 862-2690 (Office)
(406) 862-2698 (Fax)
(406) 249-9725 (Cell)
sandcconstruction@yahoo.com

Final

Glacier Gun Dog Club - Flathead Valley Montana
PO Box 10382
Kalispell, MT 59904

Montana Fish Wildlife and Parks
Enforcement Division Attn Mike Lee
PO Box 200701
Helena, MT 59620-0701

Sent Via Email "FWPDogTraining@mt.gov

Mike,

This letter is written expressing the Glacier Gun Dog Club Board of Director's request for a public hearing in which to express and submit our data, views, and arguments orally and in writing regarding the FWP proposed Permit to Train Dogs in Upland Game Bird Nesting Areas. The Glacier Gun Dog Club is a local Flathead Valley club comprising 30-40 members whose mission is to provide a vehicle for our members to train and test our gun dogs and our dog handling skills during the non-hunting season. In addition to training days where our more experienced club members share their expertise with our younger club members, our club sponsors fun hunts for our members to test ourselves and our dogs in realistic field scenarios. We typically use pen raised chukars for our fun hunts and the hunts are held on private property either in the Flathead Valley or just north of Polson. We train our gun dogs and have our fun hunts on those same grounds usually in the spring and early summer. Following are a few of our initial comments and questions in reviewing your proposed rule:

1a) The definition of "bird nesting areas" seems broad, but based on the current draft permit language which includes 'bird nesting areas" under the definition of "open fields", we are okay with it. If, however, the definition of "bird nesting areas" were used as a means of restricting or prohibiting dog training, one could eliminate just about any piece of rural Montana property for dog training as all rural Montana could arguably be considered by someone as a potential "bird nesting area".

1c) Does "management area" include Block Management Areas?

1d) The definition of "open fields" seems broad also, but based on the current draft permit language which allows dog training on "open fields", we are okay with it.

2) How would this new proposed permit differ from the currently required field trial permit? Field Trials (Fun Hunts in our club's vernacular) are a form of dog training. Would both be required? Would the proposed Permit to train dogs in open fields obtained by a club apply for all members of that club for that season?

3) Current draft language ... "Permit to train dogs in open fields expire on September 1 of each year." Note .... hunting itself is a dog training exercise.

4) What "terms and conditions set forth in the permit" are anticipated?

REASON) Regarding these statements in the REASON section "The dog training that has been documented includes as many as 60 dogs and also includes the use of horses" ... when training dogs and

running dogs in field trials, hunt tests, fun hunts, etc. all dogs run in the same clearly defined and relatively small fields, usually less than 10 acres, and are worked over planted pen raised birds only after that field has been cleared of any wild game birds. There is usually only one dog out at any one time in the field when training. The same with field trials, hunt tests, fun hunts, etc. but occasionally, a field trial, hunt test, or fun hunt may run their tests in braces (two dogs in the field working together).

Also, the statement "This happens in the months prior to hunting season and has had negative effects on the local bird populations and has decreased opportunity for the hunting public. The Fish and Wildlife Commission was also approached by bird hunters who were noticing a large decrease in the available birds during the hunting season." ... this seems to be a broad general statement blaming the poor hunting or decrease in available birds on "dog training" with no backup evidence or study conducted to arrive at this conclusion. As most hunters know, there are many many reasons why a particular area may have experienced poor hunting during a particular season (weather, farming practices, hunting pressure, predators, etc) and to blame it on "dog training" is a stretch and biased to say the least.

Thank you, Mike, for your efforts in putting together this Permit to Train Dogs in Upland Game Bird Nesting Areas. We look forward to hearing from you regarding our club's request for a hearing to discuss the above and other comments and questions. Please keep our club informed on the timing of the hearings through our club secretary, Jesse Lasater-Keller at jesslasater@yahoo.com.

The Glacier Gun Dog Club Board of Directors and Officers,

BOARD:

Todd Robins

Pete Olson

Phil Sutsos

Roger Allick

Ed Lasater

Ole Netteberg

Gary Whitman

Gary Moses

OFFICERS:

Steve Cosby, President

John Attard, Treasurer

Jesse Lasater-Keller, Secretary

Lee, Michael

From: Brent Underdahl <birddogger@bresnan.net>
Sent: Friday, May 26, 2017 8:06 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473

Hi

I request that you hold a public hearing re: **Montana Administrative Register Notice 12-473.** There is a lot of confusion and this rule is very poorly written. It is imparative that you hold a public hearing and not just implement rules blindly and with malase towards Montana Sportsoman that you have exhibited.

Brent Underdahl
29 Treasure State Drive
Great Falls, MT 59404

Lee, Michael

From: Adam Sammons <adamolboy@yahoo.com>
Sent: Friday, May 26, 2017 8:44 AM
To: FWP Dog Training
Subject: Public hearing

All,

I am curious to know whether or not there will be a public hearing on the new dog training rules. If not, I would like to request a public hearing regarding the new dog training rules. Please let me know when and where the hearing will be so that I may attend. Thank you.

Thanks,

Adam Sammons

adamolboy@yahoo.com
106 Michael Grove Avenue
Bozeman, MT 59718
Cell: (406)600-9980

Lee, Michael

From: Robert Jeffrey <robertkjeffrey@msn.com>
Sent: Thursday, May 25, 2017 4:06 PM
To: FWP Dog Training
Subject: Comments on Proposed New Dog Training Rule
Attachments: Dog_Train_Proposed_Rule_Comments_RKJ.docx; Dog_Train_Rule_Hearing_Request_RKJ.docx

Importance: High

Attached are two (2) MS Word documents pertaining to FWP's proposed rule to regulate dog training. One document is a request for a public hearing on the rule, and the other is comments on the proposed rule. Please enter both into the official public record for this proposal as outline in MAR Notice #12-473. Please confirm receipt of this email and both documents.

Respectfully submitted,

Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

24 May 2017

Emailed to: FWPDogTraining@mt.gov & Hand Delivered

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P.O. Box 200701 Helena, MT 59620-0701

RE: Comments on proposed New Rule I – Permits for Dog Training

Mr. Lee:

As a party affected by FWP's proposal to adopt new rules that would regulate the training of bird hunting dogs, I hereby submit the following brief comments in response to the proposal as outlined in paragraph 3 of Montana Administrative Register Notice 12-473, dated 12 May 2017. As currently written, I cannot support the proposed rule. It's so ambiguous, arbitrary, capricious, and half-baked that it should be scrapped and a rigorous public outreach process initiated. FWP should prepare a detailed white paper outlining the perceived problem(s), nature and extent of wild game bird harassment by professional dog trainers and the geographic areas affected, and then meet with Montana bird hunters to discuss potential solutions in public meetings. Once and only once a consensus is reached should FWP initiate formal rulemaking to regulate dog training in Montana!

Here's a partial list of some potential issues and discussion topics to start the stakeholder process:

- Provide a draft outline of the dog training permit application; including a list of applicable areas, application costs, criteria for requiring a permit, etc.
- What review and analysis procedures will be used for determining permit issuance?
- What conditions will be cause permit revocation? Will there be an appeal process?
- Will the permits be issued by FWP headquarters in Helena or by the individual regional offices? If issued by the ROs, how will FWP HQ management guarantee consistent application of the permitting rules?
- How many dog training permits will be granted to residents and how many to non-residents?
- Where is the peer-reviewed scientific evidence that proves the current tradition of training bird dogs on wild game birds is harming bird populations?
- Will the rule apply to all private and state lands in Montana? How about all lands within the boundaries of the Indian Reservations? What about federal lands?
- Where does FWP believe the Montana legislature granted them the authority to regulate the training of dogs? MAR Notice #12-473 references 87-4-913 and 87-4-915, MCA. As written and passed by state lawmakers, the first stature only applies to game bird farm operations, and the second statute only applies to permitting and operation of field trials. A hunter training his/her bird dog afield in Montana is no more like a professional dog trainer competing in a 'field trial' than a rider exercising their horse afield is like a professional jockey racing a thoroughbred in the Kentucky Derby!

If FWP will only engage the bird hunting dog fraternity I'm sure there will be many more comments. Bird hunters with dogs want abundant game birds just as much as anyone. For without birds there is no reason for bird hunting dogs, and for most of us, there is no reason to hunt birds without our dogs!

Respectfully submitted,
Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

25 May 2017 Emailed to: FWPDogTraining@mt.gov and Hand Delivered

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P.O. Box 200701 Helena, MT 59620-0701

RE: Public Hearing Request for proposed New Rule I – Permits for Dog Training

Mr. Lee:

As a party affected by FWP's proposal to adopt new rules that would regulate the training of bird hunting dogs, I hereby submit this written request for a public hearing as per the requirements contained in paragraph 5 of Montana Administrative Register Notice 12-473, dated 12 May 2017. Furthermore, I respectively request that FWP hold separate public hearings in each of FWP's regional offices (i.e., Billings, Missoula, Bozeman, Great Falls, Glasgow, Kalispell and Miles City) to offer more opportunity for interested members of the public to participate. I believe that offering public hearings in each of the FWP regional offices would help meet Director Williams's stated goal of making FWP more "inclusive, transparent and fair" [http://fwp.mt.gov/doingBusiness/insideFwp/default.html].

Respectfully submitted,

Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

Lee, Michael

From: Jeff Cornell <jcornell@glaciersir.com>
Sent: Thursday, May 25, 2017 12:13 PM
To: FWP Dog Training
Subject: Register Notice 12-473 --regarding bird dog training rule--public hearing requested

Hello, my wife and I own 5 labrador retrievers that we hunt with and run field trials with. We train year around and consider our dogs to be a great conservation tool when hunting. This rule appears to be way to vague and harsh for most dog trainers-especially amateurs like ourselves. Addressing the concerns about out-of-state professional dog trainers bothering wild birds seems like a reasonable concern that is not being addressed specifically enough for our liking. The vagueness and comprehensiveness appears to address much more than what we think is reasonable and logical. Please make a public hearing for this rule as it is way too important to slide by the public without their input. Thank you for your consideration. Jeff & Judy Cornell, Choteau, MT

Lee, Michael

From: Steve Woodruff <woodruffsp@gmail.com>
Sent: Thursday, May 25, 2017 10:24 AM
To: FWP Dog Training
Cc: June Lederer
Subject: Letter on proposed rule from WMRC
Attachments: WMRC Training Permit Letter.docx

Mike Lee and FWP:
Please accept the attached letter from the Western Montana Retriever Club, regarding the Department's proposed dog-training rules.
Steve Woodruff

May 20, 2017

Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

The Western Montana Retriever Club and its more than 40 active members are potentially affected by the Department's proposed rule to require permits for training dogs. On behalf of our membership, we, the nine undersigned board members of the WMRC, respectfully request that the Department extend the comment period for the proposed rule and hold public hearings on the proposed rule.

Thousands of Montana sportsmen and –women own and train hunting dogs. Dog training is a legitimate, traditional activity that constructively engages people in the outdoors. Further, well-trained hunting dogs are important assets to conservation, vastly increasing game bird recovery and reducing wounding losses. Expenditures related to training dogs for hunting, hunt tests and field trials are significant. The Department's proposed rule has potential far-reaching negative impacts that the proposal has not adequately addressed.

The notice published in the Montana Administrative Register on May 12 describes as the reason for the proposed rule "written and verbal complaints regarding massive dog-training occurrences, primarily in Eastern Montana on both private and public ground." The notice asserts "negative effects on the local bird populations and has decreased the opportunity for the hunting public." Additionally, the Notice states that complaints prompted the Fish and Wildlife Commission to ask the Department to "do something to curtail the large-scale dog training."

The Western Montana Retriever Club has several concerns that argue for extending this rule-making process, holding hearings and revising or abandoning the proposal:

1. The Department has provided far too little information for Montanans to meaningfully participate in this rule-making. The extent of the problem has not been adequately documented to the public, making it impossible to gauge the need for the rule, much less make judgments about the likely effectiveness of the rule.
2. Dog training is not typically a large-scale event. Training hunting dogs is a continual process, often conducted daily in a variety of settings – usually among one or several people. For many Montanans, dog training is something integrated with a variety of other outdoor activities – not always a discrete activity. It makes little sense to require all Montana sporting-dog owners to obtain permits for dog training when the issue the Department seeks to address is rare, isolated, large-scale training events held in localized areas of Eastern Montana.
3. Existing laws prohibit the taking of game outside hunting seasons. Other laws protect game and non-game wildlife. The Department does not need to institute a permit system for dog training in order to enforce existing wildlife-protection laws.

4. The proposed rule does not define dog training.
5. Western Montana Retriever Club sponsors and many of its members participate in competitive field trials and hunt tests. Nothing in the information provided by the Department related to the proposed rule addresses these activities, which involve dogs competing and testing. We oppose the rule outright if its effect would be to inhibit the ability to hold hunt tests and field trials.
6. Montana is blessed by abundant wildlife populations. Virtually all of Montana is potential upland-bird nesting habitat, and practically all of the state is within a mile of potential bird-nesting areas. So in practical terms this rule appears to apply to all dog trainers in all areas of the state. Again, requiring all sporting-dog owners and trainers everywhere to obtain permits is overkill when addressing isolated problems.
7. The Department has not explained at all – much less made a compelling case – how the proposed permits would solve the stated concern regarding one or more large-scale training events in Eastern Montana.
8. The Department has not addressed enforcement of its proposed permit system. Requiring conscientious Montanans to obtain permits for training dogs is unfair unless the Department has the ability and intent to fairly ensure compliance.
9. The Department has not made any readily apparent attempt to balance the benefits of the proposed permit system against the negative effects for Montanans and wildlife. We urge the Department to explore a range of alternatives to address the problem it has identified. On its face, the proposed permit system is overbroad, creates potential for unintended consequences, would be difficult to enforce, and seems unlikely to serve its intended purpose.

The Western Montana Retriever Club and its members would be happy to work with the Department in the pursuit of collaborative solutions to the issues cited as the basis for the proposed permit system for dog training. As it stands, we have serious concerns with the proposed rule and cannot support it. We urge the Department, at the least, to hold hearings and extend the comment period. Moreover, we believe it would be prudent for the Department to slow down, provide much more information and outreach to the public, and to involve dog owners and trainers in exploring alternatives.

Sincerely,

June Lederer (President), Ed Nesselroad (Vice President), Char Hay (Secretary), Armand Fangsrud (Treasurer), and Board Members Jim Buckley, Allen Hay, Dan Sieckman, Barney White and Jack White

Lee, Michael

From: Amanda Drysdale <amanda_drysdale@yahoo.com>
Sent: Wednesday, May 24, 2017 10:03 PM
To: FWP Dog Training
Subject: Dog business

Pls include a working dog group in your considerations for legislation.
Respectfully,
Amanda Drysdale
119 Paradise Valley Rd
Bozeman, Bzn. 59715

Sent from my iPhone

Lee, Michael

From: pathowe@mt.net
Sent: Wednesday, May 24, 2017 9:04 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I am writing to request a hearing on the MAR Notice 12-473. This proposed rule is vaguely written with what appears to be little knowledge or at least great misinformation of what exactly goes on in training and conditioning of bird dogs.This proposal is written to accommodate statutes already in existence also so poorly written they have not been enforced in the past and for good reason. This proposal says this rule change will have little or no impact on business. For anyone with the intent of moving to the pro level that is a very inaccurate statement. There also seems to be little understanding on how this proposal will effect even the average bird dog owner from developing a bird dog, let alone the first time dog owner. This proposal lumps in most public land as management areas for wildlife, land that has not been actively managed for wildlife, just set aside from development.

This proposal puts the decline of wild bird population, real or imagined, on the backs of dog owners and comes across as vindictive toward dog owners. There is no science to back your claims of detriment to birds from dog training. However, there are hard facts. According to the USDA, in 2007 Montana had just under 3.5 million acres of CRP and 18,496 contracts for CRP. As of April 2017 there are just over 1.3 million acres of CRP with only 7,919 contracts. This is just about 2/3 less acres in CRP and less than half of the contracts. You can be sure the loss of this much habitat will have an effect on bird numbers.

Exercise should not be included in the definition of training. One thing I worry about with this pending rule is because I have sporting dogs and when I am out just exercising the dogs with no intent of working them on birds, I will be singled out because I have pointing dogs. Where someone with a herding dog or other breed doing the same thing gets a free pass.

Lastly, in the proposal, the fact that there are not clear rules on what the criteria are for obtaining a permit, leaves room for malfeasance. Leaving it up to the discretion of a person in the department makes room for accusations against the person who approves or disapproves the permits.

I am not saying that there are not potential problems now or on the horizon with dog training, but let?s identify those clearly, document with science and come up with solutions such as limiting the number of non-resident trainers. Don?t force Montana residents to have to leave the state so we can train. Responsible dog trainers now voluntarily stay out of nesting areas during the brood nesting and early brood rearing period. In my view setting dates much like Canyon Ferry WMA uses, closing the area to off leash dogs sometime in March until the first week or so of July would be a good way to enforce the 1 mile from nesting area if running in open fields. For instance, information from your own department shows that FWP has approved leases on Canyon Ferry WMA, an area that is actually actively managed for wildlife, that permits cutting of hay on leased ground on the WMA as early as June 25. If it is acceptable to cut hay on a WMA just 15 days after the peak of the hatch and destroy the nesting habitat, then certainly it should be acceptable to train a bird dog in the open fields in early July, as is done in other states.

You just don?t put your dog in the closet when the season closes and bring him out the week before the season opens. That?s what is so special about owning dogs and being a dog trainer/upland hunter, we choose to make such a large a commitment and lifestyle choice to enjoy our passion. We strive to improve the breed of our choice, have a class bird dog and a great companion in the field. It?s also the reason no one cares more about game birds than bird dog owners. Let?s come together and get to a solution that works for the birds and the people that care most about them, Montana sporting dog owners.
Thank you,
Pat Howe

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: lesliehowe@mt.net
Sent: Wednesday, May 24, 2017 9:01 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I am requesting a hearing on the proposed permit to allow training dogs in the open field: MAR Notice 12-473. This proposed rule includes poor definitions, an incomplete and nonsensical timeline, does not appear to be based on facts, allows too much room for interpretation by the Department, and could indeed have a significant negative impact on small businesses. More discussion is needed with all interested parties at the table before proceeding. This proposal shows a misunderstanding of how dog training is accomplished. This rule needs to be withdrawn and revised with more consideration to all the facts and the consequences for all dog owners, not just out of state dog trainers. It reads as discriminatory against dog owners and the very people that care the most about the birds, bird hunters.

In case a hearing is not held, please consider the following comments:
◆ If the reason for writing the rule was to have clear definitions, this was not accomplished in the proposed rule. The definitions provided are very unclear. If a ?bird nesting area? is any area within the state which the targeted game bird(s) could make a reasonable attempt to produce a nest, then I would venture a guess that any square mile of Montana is considered nesting area. ?Game preserve? and ?management area? definitions could be any state or federal land in Montana if the interpretation is left open to FWP staff. ?Open fields? could be interpreted as private land or in someone?s back yard if the definition provided is used. These definitions are not clear and leave too much room for interpretation by the Department to not grant permits.
◆ The timeline for the permits is not clearly stated and realistically should only be when birds are nesting and rearing their young. Regardless of the start date, the proposed rule would make it impossible to ever exercise, condition, or train any dogs.
◆ How many complaints were received? Were the complaints received statewide? If this was an isolated incident with one out of state trainer with 60 dogs and horses, handle it in that region, limit the number of out of state permits, make the permit for a reasonable number of dogs being trained, make the timeframe for the permit for only during the months when birds nest. Don?t punish all dog owners for the actions of a few.
◆ What data was used to show training dogs in open fields decreases bird populations? How many birds are killed by haying and other activities on leased land? When are people with state leases allowed to hay? Are flushing bars required so birds don?t get killed? Are there any regulations or permits required of other people that have a much higher potential to harm wild birds while in the field?
◆ Where in Montana were the bird numbers decreasing during hunting season? Could other factors have caused a decrease in bird population, such as hail or other inclement weather conditions or predators or loss of habitat?
◆ Regarding the requirements of 2-4-111 MCA, how was it determined adoption of the proposed rule will not significantly and directly impact small businesses? Dog trainers with one or a few dogs could be significantly impacted if a permit is not granted. Undue hardship would be created by their inability to earn a living or by having to travel long distances to train their dogs. This also does not consider other Montana businesses that won?t benefit from providing lodging, meals, groceries, gasoline, and other services to trainers and dog owners who may go to other states instead to train.
Thank you for your consideration,
Leslie Howe

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Austin Turley <austinturleymt@yahoo.com>
Sent: Wednesday, May 24, 2017 7:28 PM
To: FWP Dog Training
Subject: Working Group

Mr. Lee,

I am writing to request that there be a working group formed to discuss the new dog training regulations with the FW&P.

I am very interested in the new regulations and think those affected have a lot of good input to add.

Sincerely,
Austin Turley

Lee, Michael

From: Ralph Sweet <ralphsweet2@yahoo.com>
Sent: Wednesday, May 24, 2017 7:04 PM
To: FWP Dog Training
Subject: The new Rule 1

Dear FWP,

I respectfully request a public hearing for The new Rule 1 concerning requiring permits for bird dog training in the state of Montana.

After reviewing the proposal this problem sounds like an out-of stater-issue. It seems to me that the simplest, cheapest, and most enforcible cure is for Montana to require all persons training bird dogs within the state to possess a current resident hunting licence. Provision should be made for non-residents participating in club sanctioned events like hunt tests and field trials.

Requiring all Montanans who participate in bird dog training to get a permit looks like government over-reach. But it is a great way for the state to stop all bird dog training and to endear environmentalists and anti-hunters.

Respectfully,
Ralph Sweet
3368 S 26th Ave
Bozeman, MT 59718
406-580-8024

Lee, Michael

From: ED WOODS Owner <edsusan4046@centurylink.net>
Sent: Wednesday, May 24, 2017 4:05 PM
To: FWP Dog Training
Subject: permits for dog training

In accordance with Mt. admin. register notice 12-473 I hereby request a public hearing for New Rule 1. Whoever authored this rule, as well as the supervisors who let it go forward, have damaged the reputation of FWP.
It shows a lack of knowledge of the subject matter as well as a serious lack of common sense. Looking forward to learning the identities of such people and having a very detailed discussion of the rule.
Ed Woods
Bozeman

Lee, Michael

From: Jeff Herbert <jefftherbert@gmail.com>
Sent: Wednesday, May 24, 2017 3:20 PM
To: FWP Dog Training
Cc: McDonald, Ken
Subject: Proposed Administrative Rule for Dog Training
Attachments: GDC Letter Proposed ARM 5192017.docx

Mike,
Please find attached a letter from a diverse group of dog training organizations requesting a public hearing on the subject of adoption of New Rule 1. Please let me know if you have any questions. Thanks.

Jeff Herbert

Mike Lee, Enforcement Division
Montana Fish, Wildlife and Parks
PO Box 2007001
Helena, MT 59620

Re: Proposed Administrative Rule Requiring Permit to Train Dogs in Upland Game Bird Nesting Areas

We the undersigned, as officers of the respectively noted organizations, are submitting this formal request for a public hearing (or hearings) as part of the public comment process on the proposed administrative rule implementing a permit to train dogs in upland game bird nesting areas. Our combined memberships far exceed the 25-person metric outlined in the press release as criteria for conducting a public hearing. We understand the nature of the issue that has prompted this rule making process but we have significant concerns with the proposed rule as currently written.

We do this as advocates for the upland game bird resources in Montana and the quality habitats that support those public trust resources. We are passionate about our gun dogs and developing well-trained dogs for hunting, testing and breeding purposes. As currently developed, we believe these rules are far too broad in their application, create an undue administrative burden and are ambiguously written. We believe that involvement of the dog training community in conjunction with other stakeholders in a work group to help re-formulate these rules would substantially improve the effectiveness of this effort.

Thank you,

Missouri Headwaters Gun Dog Club – Sam Robinson, President, 117 Members
Helena Valley Gun Dog Club – Jeff Herbert, President, 39 Members
Treasure State Retriever Club – Steve Babcock, President, 24 Members
Montana Brittany Club – Bob Meyers, Vice President, 20 Members
Montana Sharptail Chapter NAVHDA – John Arkins, President, 65 Members
Big Sky Chapter NAVHDA - Jason Rice, President, 36 Members
Golden Triangle Sporting Dog Club – Scott Schissler, President, 50 Members

Lee, Michael

From: Ray Larrondo <basquohunter@msn.com>
Sent: Wednesday, May 24, 2017 1:32 PM
To: FWP Dog Training
Subject: Public hearing request

I strongly encourage a public hearing on the dog training proposal. If the proposal was put into action without any input from sportsmen, dog trainers, field trial clubs, or landowners who open their property up to any of the previous it would be a great disservice to these individuals and the state as a whole.

Thank You
Ray Larrondo

Sent from my iPhone

Lee, Michael

From: Richard Hughes <rv58hughes@gmail.com>
Sent: Tuesday, May 23, 2017 10:57 PM
To: FWP Dog Training
Subject: Administrative Notice 12-473

Mike Lee

Department of Fish Wildlife and Parks

Enforcement Division

PO Box 200701

Helena, MT 59620 – 0701

Dear Mr. Lee:

I'm writing on behalf of the 62 members of the Big Sky National Shoot to Retrieve Association. We are a statewide group of bird-dog enthusiasts. At our business meeting on May 20, 2017 the matter of administrative notice 12 – 473 which pertains to the permits for dog training was discussed. There was much confusion and misunderstanding within our membership. Our organization feels it would best serve the public interest to have a public hearing and have more clarification on this proposed legislation.

Thank you

Richard Hughes

President

Big Sky NSTRA

To whom it may concern:

I have hunted upland birds in Montana several years, I also enter pointing dog competitions in many locations in Montana.

I am President of the Northwest NSTRA Region with 90 members, several of whom also hunt and compete in Montana. We agree with the Big Sky Region of holding public hearings regarding the above administrative rule.

Thank you.

Jerry Youmans
Lewiston, Idaho
President Northwest Region NSTRA

Lee, Michael

From: Andreafmahorney@gmail.com
Sent: Tuesday, May 23, 2017 10:48 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

Id like to propose a public hearing. I am a member of the National Shoot to Retrieve Org. Running dogs at these trials requires clearing the proposed fields of wild birds and releasing farmed game birds for the trial. These events have upwards of 60 dogs and horseback judges. It can be assumed that our org. Trials can be viewed as disrupting the natural flow but we are releasing birds for the events not training on wild game and do our best to have a clear field to begin with.
Educating the general public about our Org. And many others who do the same system for their training and trialing all with releasing birds only, no wild birds are seen.

I would like to more fully understand how these changes will effect us as well.
Please have a public hearing, let's get these questions cleared up.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Jerry Youmans <jerryyoumans@cableone.net>
Sent: Tuesday, May 23, 2017 10:38 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473 (rules regarding bird dog training)

To whom it may concern:

I have hunted upland birds in Montana several years, I also enter pointing dog competitions in many locations in Montana.

I am President of the Northwest NSTRA Region with 90 members, several of whom also hunt and compete in Montana. We agree with the Big Sky Region of holding public hearings regarding the above administrative rule.

Thank you.
Jerry Youmans
Lewiston, Idaho

Sent from my iPhone

Lee, Michael

From: Zeb Breuckman <zeb.breuckman@gmail.com>
Sent: Tuesday, May 23, 2017 10:35 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473 (rules regarding bird dog training)

I would like to request that a public hearing be held regarding Montana Administrative Register Notice 12-473 (rules regarding bird dog training).

If the concern is large scale training operations, I believe the rule should only apply to professional dog trainers. At minimum, there should be exceptions for small groups, or infrequent gatherings of larger groups.

Something along the lines of "Groups of less than 10 dogs may be trained without a permit, and infrequent training sessions, which do not occur more than once per every 60 days within 50 miles of the prior training session do not require a permit"

If a small group or infrequent training session exemption from permitting requirements is not made, the department should, at a minimum, state the criteria for denial of a permit request, the amount of advanced notice needed for granting of a permit, and how permit requests will be accepted.

Thank you,
Zeb Breuckman

Lee, Michael

From: Dale Ikuta <ikuta1015@netscape.net>
Sent: Tuesday, May 23, 2017 10:30 PM
To: FWP Dog Training
Subject: dog training

I request that a public hearing be held for public comment.
Dale Ikuta ikuta1015@aim.com

Lee, Michael

From: John Hudgens <john@yellowdogflyfishing.com>
Sent: Tuesday, May 23, 2017 4:39 PM
To: FWP Dog Training
Subject: Proposed regulations on dog training

Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena 59620

Dear Mr. Lee,

I hope this letter finds you well. I'm writing regarding Administrative Register Notice 12-473, the proposed rule regarding training bird dogs in open fields outside of the hunting season. I'd like to voice my request for a public hearing on this issue, and to share with you some of my thoughts regarding dog training outside of the gun hunting season. I fear that this rule has the potential to unfairly limit the activities and practices of dedicated outdoorsmen with a vested interest in the sport of bird hunting with dogs, as well as many others who consider dogs to be an indelible part of their respective recreational interests and/or careers (from sled-dog racers to search and rescue groups). While I could list many other groups that would be affected by these regulations, I will focus specifically on concerns I share with other outdoor enthusiasts whose passion for training bird dogs is integral to who they are and how they recreate in Montana.

In truth, there are few places that offer the vast landscape and habitat that's required to work big running bird dogs, and Montana certainly has gained the reputation as the very best (the common adage, "the last best place", is appropriate here). Paragraph 10 of the proposed rule states "the above-referenced rule will not significantly and directly impact small businesses". While many may see this as a fair assumption, Montana's rural communities, specifically prairie and grassland regions, don't receive much traffic and funds from sources other than members of the bird dog and upland game hunting community. Dog trainers and field trial events bring significant economic benefits to these communities during the off-season and beyond that, there are a number of recognized dog trainers from Montana whose careers and livelihoods would most certainly be ruined if this proposed law were to be enacted.

I understand that legislative changes in Canada and the Dakotas are pushing more seasonal bird dog trainers into Montana, and I recognize that managing the issue may become necessary. But why not address it the same way that FWP handles other nonresident sporting interests? Issue permits to nonresidents, limiting the number of permits if necessary. And in cases where there are complaints regarding a specific trainer's behavior, specifically address those issues with the involved parties. The idea of issuing training permits wherein trainers designate specific training areas is fundamentally flawed because it will require trainers to work dogs repeatedly over the same ground, thereby forcing birds off those areas – which is the problem specifically noted in the verbiage of the proposed rule. Further, the issue of enforcement will surely be a controversial and costly one and will likely create more problems than it solves.

If the rule is in place to protect nesting and newly-fledged birds, then that should be addressed by setting seasonal training dates that would keep dogs out of the field during incubation and early fledging stages. If the rule is to track or limit non-resident trainers who come to Montana to train bird dogs, the solution could be resolved by requiring non-resident trainers to buy a permit and by

limiting the number of non-resident permits issued each year, which is a potential way to increase funding for FWP. If the motivation of the department is to prevent dog trainers from harassing family groups of birds to the point that the resource is negatively affected, then I would encourage published guidelines that would specify acceptable training practices. If the rule is to protect gamebird populations, then an environmental impact study should be conducted in order to determine threats to gamebirds beyond the most suspected reasons that negatively affect populations such as habitat loss, spring and summer weather, overgrazing, haying and harvesting at detrimental times, and other agricultural factors affect the resource more profoundly than any other factor. Right now, the environmental rationale for passing this law is weak at best.

One of the greatest flaws of this rule is that there is no clear definition for what constitutes "training" of dogs. One could argue that taking a non-sporting dog out on a hike off-leash in an area where these birds nest could be considered a "training" activity because the owners are instructing them to "come" or "heel" or "sit". So while this rule appears to target those of us with sporting breeds, the loosely defined terms in the proposal mean that this rule could theoretically apply to any dog that is accompanying its owner in a wilderness area identified as a nesting zone. Surely FWP doesn't want to expose themselves to the public backlash that would ensue when other dog owners realize that their recreational activities with their dogs will be limited as a result of this law being passed. There is a large amount of gray area surrounding this entire proposal and it is likely to upset citizens who take their dogs out for reasons other than training for bird hunting. In a place like Montana, where it is uncommon to not own a dog, this could conflate into a public relations nightmare for FWP. And for what?

If there is no public hearing on this issue, then Montana Fish, Wildlife and Parks could potentially enact a rule that would dramatically change the lifestyle and--in some cases--the careers of Montana residents who care more about prairie habitat, agricultural stewardship, rural communities and lifestyles, wildlife habitat, gamebird populations and sporting traditions than any other interest group. The dog trainers and their clients are the demographic that donate and support grassroots conservation organizations and efforts and have a real voice on many of the issues that threaten our natural resources because their livelihoods are so dependent to the well-being of these resources. People who believe in having well-trained bird dogs and who spend a majority of their time walking prairie grasslands are the ones who demonstrate sporting ethics and real stewardship of the prairie grasslands the way they should be demonstrated. I'd gamble to say that the bird dog community would be open to permits, seasonal training dates to protect newly fledged birds, published guidelines of ethical training practices in the field, and an environmental impact study on the survivorship of gamebirds under the pressure of dogs.

I hope that Montana Fish, Wildlife, and Parks will recognize that the bird dog community is deeply invested in the well-being of Montana's gamebirds and their habitat(s). Given the opportunity to contribute, I believe we can help form regulations that are clear, specific, and beneficial to the resource without causing confusion to some or hardship to others (like myself) who are the most concerned about the sage grouse, sharptailed grouse, pheasants, and partridge who depend on our stewardship for survival.

Thank you in advance for considering my concerns and I hope my voice speaks loudly for other sportsmen and women who feel the same way I do about Montana's precious wildlife resources.

John

John Hudgens
Yellow Dog Flyfishing Adventures

(406) 585-8667 P
(406) 585-8657 F
www.yellowdogflyfishing.com

213 South Willson Avenue
Bozeman, MT 59715

Lee, Michael

From: Dave Heine <dave@daveheine.com>
Sent: Tuesday, May 23, 2017 3:03 PM
To: FWP Dog Training
Cc: tyler@topnotchturf.com
Subject: 12-473

Dear Mike:
I was reading through the administrative rules and was a little bit confused by the new bird-dog training permit system and the rules that are being proposed. I feel this should be tabled until the language can be better hashed out in the proposal and maybe there be more science involved from the biologists. I believe we have a tremendous upland gamebird resource in Montana. I feel that this is overlooked by the biologists in this state as most of the emphasis is put on big game.
We are very committed on our Flathead Valley farm to wildlife. To the point that we donated a conservation easement to the Montana Land Reliance. Would this law mean that I can't run my dogs through my hayfields without a permit? That's how I read it.
Hopefully we can have some hearings and educate the public and also clarify some of these rules. A mile is a long distance in the Flathead Valley.
Thank you for your efforts and your consideration.

Dave Heine M.A., ARA
Accredited Rural Appraiser/Broker
240 1st Avenue West
Kalispell, MT 59901
406-890-2117 phone
406-890-2119 fax
406-253-4991 cell
www.daveheine.com

Lee, Michael

From: gmunther12@gmail.com
Sent: Tuesday, May 23, 2017 2:27 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

I have previously submitted comments on the proposed rule but now am modifying my response to specifically ask for a public hearing on the proposed dog training permit rule.
Thank you....Greg Munther, 1295 Lena Lane, Missoula, MT 59804

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Michael Wignot <MWIGNOT@hydrometrics.com>
Sent: Monday, May 22, 2017 5:38 PM
To: FWP Dog Training
Subject: Request for public hearing on New Rule I to train dogs in upland game bird nesting areas
Attachments: Letter to MLee MTFWP 5-22-17 dog training ARM.docx

Mike Lee,
Attached is a letter from me requesting a public hearing on the proposed New Rule I to train dogs in upland game bird nesting areas ARM. Please consider my comments and request for a public hearing.
Thank you
Mike

Michael R. Wignot, P.E.
President
Hydrometrics, Inc.
3020 Bozeman Avenue
Helena, MT 59601
(406)443-4150 ext. 124

Enforcement Division

Attn: Mike Lee

Department of Fish, Wildlife and Parks

P.0 Box 200701

Helena, MT 59620-0701

I am writing to request a public hearing on the proposed "New Rule I Permit to train dogs in upland game bird nesting areas". I currently train my single hunting dog and this rule appears it could impact my training even though it is reportedly geared towards the large scale trainers who come in to Montana from out of state. It has many elements that appear to be up to interpretation (ie, "training is more than 1 mile from any bird nesting...area..") that could be used to refuse any or all permits for training. I am also a member of several gun dog clubs who are very responsible in their training and areas for training. I believe this rule could unduly harm their ability to continue training and testing as they have conducted in the past. I also believe the permits should be good all year long and not expire on September 1 as some individuals may need to train for longer periods as tests may be later in the season. For these reasons I believe a public hearing is necessary to hear comments from those who may be impacted by this rule. FWP should also consider developing a working group that would include representatives from Montana gun dog clubs in order to make sure any new rule does not unduly impact these groups. Thank you for considering my comments.

Mike Wignot

76 Saddle Mountain Drive, Clancy, MT 59634

Cell – 406-431-6916

Lee, Michael

From: Mark VanArtsdale <mark@oldsunproperties.com>
Sent: Monday, May 22, 2017 9:19 AM
To: FWP Dog Training
Subject: 12-473

I am requesting a public hearing for notice 12-473.
Thanks
Mark VanArtsdale

Sent from my iPad

Lee, Michael

From: Greg Sievers <greg.sievers57@gmail.com>
Sent: Sunday, May 21, 2017 11:26 PM
To: FWP Dog Training
Subject: Gun Dog training - Land Use

Dear Secretary Corey Stapleton, MT. FWP and Staff:
regarding:
http://www.mtrules.org/gateway/shownoticefile.asp?TID=7779

I am a member of the local Bozeman "Missouri Headwaters Gun Dog Club". I am also an ethical hunter, conscientious public land user, and have been an avid bird & big game hunter for 41 years.

I have just been made aware that the State FWP has plans to move ahead with rule-making that directly affects me and our Club in a negative manner. I request that the State provide a public hearing in this matter so to receive more accurate input from land users like ourselves.

While the circumstances in eastern Montana, and/or origin stated in the rule making may require your attention and oversight by the FWP Department, the current wording in this rule is far to broad and restrictive. One size does not fit all. I wish to have an opportunity to address the Department and provide input prior to any such 'rules' being adopted. Wording and application should fit each District or Region and not be sweeping statewide legislation.

I have been lucky to hunt behind both my retrievers & pointers for decades. I have always prided myself in the number of days I spend afield and my hunting ethics. Seasonal practice on public land is crucial to maintain this level of discipline in my dog. Our weekly user group is only typically about 12 members out of a club size of over one hundred.

thank you for consideration in this matter. I look forward to working with you for the betterment of both the FWP and all users.

Greg Sievers
250 Evening Star Lane
Bozeman, MT 59715

970-218-7256 cell

Lee, Michael

From: Phil Matteson <pkjmatteson@msn.com>
Sent: Sunday, May 21, 2017 10:51 AM
To: FWP Dog Training
Subject: Letter opposing New Rule I pertaining to permits for dog training and request for public hearing

May 21, 2017

Enforcement Division, ATTN: Mike Lee,
Dept of FWP,
P.O. Box 200701
Helena, MT 59620-0701

Dr. Mr. Lee,

This letter is in response to the adoption of NEW RULE I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS.

I am a Montana resident. I operate a small kennel, producing limited numbers of gundogs and providing training for my progeny. I pay taxes on my income from this business. I proudly show my dogs working pen raised birds in the field to prospective puppy buyers. I often provide buyers of my puppies with training. That is what separates the serious gun dog breeders from the backyard breeders. I annually get my FWP permit to train with pen raised game birds. I have been an active member and participant with multiple gundog clubs in Montana for many years. It is my opinion that the gun dog club members are some of the most conservation minded people in Montana. We all love watching our dogs work and without good bird numbers there would be nothing to watch. These folks are generally active and generous supporters of Ducks Unlimited, Pheasants Forever, as well as MT FWP.

My concern with the draft of this new rule is that it is overly broad in definitions. By the definitions of "bird nesting area" and "open fields", any suitable bird habitat for dog training is covered under the rule. I have been a member of 3 gundog clubs in this state. Our training and testing involves only the use of pen raised game birds, homing pigeons and barn pigeons in extremely controlled situations. I have participated in events hosted by multiple other gundog clubs using pen raised birds. I have never seen gundog clubs intentionally training dogs on wild birds out of season! I know in my own experience that when game birds are nesting on our own property we avoid those areas with the dogs. When the dog clubs are preparing to train in an area, a "sweep" of the training area is made with staunch pointing dogs and any nesting sites are flagged and that area is avoided with very limited disruption to the nesting sight. We all recognize that destroying a hen, her nest, or separating chicks from mother, will result in less birds for us all later on. This new rule puts the decision to allow me to responsibly train my own dogs on my own property (which I manage better for game than most public land is managed) squarely on two FWP individuals, either of who may or may not decide to

allow it for any reason they choose. If it is suitable habitat for training dogs, it meets the definitions of open fields and bird nesting areas.

I am confused why the MT FWP is choosing to place additional regulations and potential limitations on the good allies they have in their resident bird dog folks because of a few out of state problems. There are laws on the books which state that dogs harassing wildlife is an offense. Let's be clear: If the person who is training 60 dogs with horses on state land, doesn't have a permit for training with pen raised game birds, then they are obviously harassing the wild nesting birds. If they apply for the permit for pen raised birds for training, hold the limit to 50 birds like the rest of us. If they get the permit, go out and monitor their activity on public land and see if they are in compliance. If not, charge them! You say you are getting complaints on these folks. I will wager you haven't gotten complaints on the rest of us and our training methods. Don't make more rules and screw with the legitimate folks when there are already mechanisms in place to deal with the problem folks.

There are also laws pertaining to private business use, and "concentrated use" of public lands. Instead of creating a new law which may shut down your supportive bird dog base of citizens, charge these out of state profiteers and shut them down. I am offended by such unethical and unsportsmanlike behavior and support all logical efforts to stop it. This rule reminds me of how the anti gun lobby tries to make examples of issues already covered by existing laws to try to pass new laws to make responsible citizens lives more complicated.

This rule, proposed as it is, makes the responsible citizens of Montana who train gundogs ethically, feel as though you are lumping us all together with the few problem trainers coming here from out of state. You were aware of our concerns after the Upland Gamebird Enhancement Program Advisory Council meeting. The very title on the agenda, "Permitting and dog training on wild birds" indicates a complete lack of understanding of the issue. We don't train our dogs on wild birds! That is reckless and irresponsible harassment of the resource. Anyone who is doing that should be held accountable. Please don't remove our ability to use public and private property ethically in the our efforts to train our gun dogs. We need suitable habitat to be able to properly train. The issue is not where training will be allowed. It is intentional misuse of the public resource (wild birds) in a harassing manner for personal profit.

The obvious intent of this rule is to be able to refuse to allow gun dog training wherever FWP chooses. Please explain why we should believe we will be given permission to continue our responsible and ethical training practices when this rule is going to be used to shut some down. Their logical argument will be, "Why can the dog clubs or private land owners get a permit and I can't?"

This rule has the potential to significantly and directly impact my business in a negative way.

By this letter, I am requesting a public hearing on this action. I am also requesting a copy of this letter be provided to each person involved in the decision making regarding this action.

Respectfully,

Phil Matteson

Cascade, MT

Lee, Michael

From: Huffine, David E. <DHuffine@mcguirewoods.com>
Sent: Sunday, May 21, 2017 7:51 AM
To: FWP Dog Training
Cc: 'austinturleymt@yahoo.com'; John McIltrot
Subject: Bird Dog Training Regulations

Mr. Lee:

I am writing to express concerns about the new regulations and permitting on bird dog training. My state of residence is North Carolina but approximately 12 years ago, I began making an annual pilgrimage to Montana, primarily to train dogs and hunt upland birds. Three years ago, I leased a house near Melville, MT from ranching friends to allow me to train in the off-season and until late November when I return to North Carolina. The ranch is approximately 25,000 acres and I also have permission to work my dogs on neighboring ranches. Typically, I have 6 to 8 dogs in various states of training. I am an amateur trainer and my dogs are solely for my enjoyment. Half of my dogs are hunting dogs and the others are field trial prospects. They are trained and worked similarly.

On most days, my "training" consists of turning my dogs out of the kennel and letting them run on the ranch. We do some "yard work" but the offseason is the time to get and keep them in shape. We occasionally have contact with upland birds but much of the work is for fitness and handling. I don't know if exercising my dogs constitutes "training" under your regulations simply because they are a bird dog breed. They certainly leave footprints but they are similar to the footprints of cattle dogs and pets that also inhabit the ranch.

In my 12 years of training in Montana, I have never seen one of my dogs disturb nesting gamebirds. Our bird population is steady here and may be increasing as I train more and hunt them less. In short, I/we "do no harm" with the offseason training. None of my neighbors complain and the Big Timber vets and feed stores certainly enjoy the contributions my dogs make to the community economy.

Your regulations and permitting seem to be overreaching if they are designed to impede or control the activities out of state pros who show up for several weeks with 60 dogs. For small amateurs and part-time residents like me, obtaining legal descriptions and permits for our ranch and neighboring ranches is burdensome and has limited benefits to the State and your gamebird populations. I suspect that for every pro that comes to your state, there are 20 amateurs who do no harm to your upland populations. We are good for your economy and I suggest that we give more than we take in regard to the gamebirds. It is unlikely that I would leave Montana as I intend to retire here shortly but my dollars might stop in the Dakotas for the month of August.

I hope you will reconsider your regulations and request that you hold a public hearing to hear objections and alternatives from others who train upland dogs. Perhaps you limit the restrictions to nesting season. Perhaps you exclude private lands entirely. I think there are many option for your consideration and hope you will be open to alternatives.

David Huffine
Wilmington, North Carolina
Melville, Montana

This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

Lee, Michael

From: Allan Gadoury <al@6xoutfitters.com>
Sent: Saturday, May 20, 2017 3:01 PM
To: FWP Dog Training
Subject: Dog training rule

I think you should schedule a public hearing on the proposed FWP dog training rule.

Allan Gadoury
305 W Lamme ST
Bozeman, MT 59715
406-586-3806

Lee, Michael

From: Tom Robinson <tjrmt@mtopticom.net>
Sent: Saturday, May 20, 2017 2:44 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473 (rules regarding bird dog training)

I have read the subject notice and am not sure what you intend to do or how this will affect the Missouri Headwaters Gun Dog Club and the training we do in the field. I feel what you are proposing is too broad and leaves too much to the interpretation of somebody not familiar with the issue. I am sure the intent is good but there needs to be public input.

Thank you.

Lee, Michael

From: Gary Whitman <gary@whitmanandmurray.com>
Sent: Saturday, May 20, 2017 12:32 PM
To: FWP Dog Training
Cc: 'Jason Rice'; 'Jeff Kershner'; 'Todd Wheeler'; 'Cascade Griffons'; lmtroyer@hotmail.com
Subject: new rules regarding training hunting dogs in nesting areas

Dear Mr. Lee:

Having hunted birds and trained hunting dogs in Montana for 60 years, I find your new rules very vague and in part not necessary.
The vast majority of bird hunters I have hunted and trained with are very careful not to unduly expose their dogs to nesting areas.
These are the birds we will be hunting in the Fall. When training dogs we use homing pigeons, wild pigeons and other pen raised birds.
It allows you to setup dog for a particular training situation. These procedures very seldom effect the wild bird nesting and habitat areas.

Over the years I find fewer and fewer places to train my dogs. If a nesting area within a mile keeps one from training , in the near future between more people not allowing us to train and more rules- it will be nearly impossible to have reliable hunting dogs.

I have been a member of the North America Versatile Hunting Association and a test judge for 30 years. It goes without saying that well trained
hunting dogs conserve game by finding and retrieving shot/wounded birds much more efficiently then untrained dogs.

In summary, I find these proposed rules extremely vague, unnecessary and will in fact hurt the bird population. Birds shot but not found means that many more birds will have to be shot for a limit. Thank you for the opportunity to express my concerns .

(I respectfully request a public hearing be held to allow a full discussion of the issue that pertains to permits for training dogs in upland game bird areas.)

Sincerely Gary Whitman

Lee, Michael

From: Jeff Kershner <kershnerjeff@gmail.com>
Sent: Saturday, May 20, 2017 8:19 AM
To: FWP Dog Training
Subject: Request for hearing on Proposed rule
Attachments: Dog training rule change.docx

Attached is a letter that requests a hearing on the proposed changes to dog training location/timing. Thank you for your consideration.

Jeff Kershner

May 18, 2017

Mike Lee
Enforcement Division
Montana Fish, Wildlife and Parks

Dear Mr. Lee:

Thank you for notifying me of the proposed rule change regarding the training of hunting dogs within the state. I currently train dogs for personal use and assist with training as a member of the both the Big Sky and Montana Sharptail Chapters of the North American Versatile Hunting Dog Association. I believe that the training of bird dogs, done correctly, is a valuable way to promote the conservation of game birds. In all of our training we consciously try to avoid wild game birds during the nesting and breeding season by using planted feral pigeons and birds raised specifically for dog training. We understand that wild birds are the future of our hunting and try to protect them.

Your letter states that complaints have been registered regarding large dog training operations in eastern Montana. You also state that these operations have had negative consequences on local bird populations and reduced hunting opportunities. While this may be the case, it is unclear whether there is data to support this conclusion or whether this is the opinion of local hunters who observed decreased numbers during the hunting season. As you know, wild bird populations undergo dramatic increases and decreases on an annual basis depending on weather conditions, hatching success, available food and predation. Without understanding these influences on bird populations, as well as the potential influence of these large training operations it would be difficult to attribute cause and effect.

I'm also concerned that we've used what I consider an outlier training operation to make wholesale changes in a set of statutes that has worked well over a broad area of the state. Are we adding a rule that will influence the large number of careful dog trainers based on the actions of one or two bad operators? If so that seems to be the worst kind of government intervention.

For many of us, wild bird populations exist in the general areas we train. Certainly it would be difficult to find any place in our current training areas that are over a mile from potential nesting habitat. This part of the rule states that we would all have to contact the director to get permission each year for permission to train almost everywhere in the state. This seems not only impractical, but unreasonable given the staff limitations of the department and how much time each request might take.

I would make the following suggestions:

First, if there are clearly training operations that are violating the current rules and creating significant impacts to local bird populations, punish the offenders. The majority of amateur and professional trainers, and bird dog training organizations try very hard to protect wild bird populations.

Second, initiate studies to determine the effect of different types of dog training on wild bird populations before making wholesale rule changes without data. Biologists within MFWP, conservation organizations and at our universities should be enlisted to help. Once we understand if there are effects of dog training on wild bird populations, then we can determine if current regulations are adequate or craft regulations that are based on data and not on hearsay. Understanding the natural cycles of bird populations and how dog training may or may not influence these populations will help us all protect the wild birds that are an important part of Montana's hunting heritage.

Third, I would request that a public hearing be conducted by the Department so that members of the public can participate before any potential changes to existing rules be finalized.

Respectfully,

Jeff Kershner
12720 Camp Creek Rd.
Manhattan, MT. 59741

Lee, Michael

From: Eric Hammer <ewhammer55@gmail.com>
Sent: Saturday, May 20, 2017 7:55 AM
To: FWP Dog Training
Subject: Proposed rule change

May 18, 2017

To All Concerned Parties at FWP:

I would like to respond to the letter I received on May 18th, 2017, concerning rule changes to train dogs on state lands. This proposal is an example of the land use tension between affected parties on multi-use issues. In this case, the rights of bird hunters are valued over the rights of dog trainers, because of a couple of isolated events.

1. I hereby formally request a public hearing on this issue.

2. I am asked to "submit data, views, and arguments" to you by May 26th, 2017. Rather short time-table, is it not?

3. Please make available to all contacted parties FWP's "data, views, and arguments" to support your conclusions on the proposed rule changes. For example:

   a. How was the "one mile from any bird nesting" arrived at? Any and all birds? Upland birds only?

   b. I believe that any area on public ground one mile from "any nesting area" would not be appropriate for dog training. What should I do then? Are my rights to use public property as a dog trainer lesser than that of a bird hunter?

   c. How did FWP arrive at this conclusion? What is your data and where is that data that supports this one mile exclusion zone?

4. You gave yourselves at FWP longer to get this notice out to the public than we are given opportunity to respond. This feels unfair and seems like FWP does not really want public input.

5. I think I understand the reasoning behind this rule change, however, I suggest that it is inappropriately broad, sweeping and arbitrary in it's scope and intent.

   a. How does your proposal remedy the situation? You cite your reason as 60 dog events and horses. There is nothing here about limiting horses and dogs, just a blunt instrument of complete denial of access.

   b. To "train dogs in open fields expires September 1st of each year". I understand this is a convenient day for FWP, as it's the traditional upland bird opener. However, this negatively impacts dog trainers' ability to train dogs for events that occur later in the fall. For example, I

am currently qualified to run a dog in National Amateur Field Trial for Springer Spaniels, the event begins on the 29th of November, where would you like me to train my dog on our public land?

c. When will the closed season end? My training season is year-round.

6. Please define dog training.

a. If I am walking on public land and give my dog any command twice, does that constitute training?

7. Do you have studies that proves the anecdotal statement that dog training correlates to fewer birds? If so, I would like to see that data.

8. Your letter also states that at item 10 the "above-referenced rule will not significantly and directly impact small business", you do realize that FWP has a list of people who raise birds to sell to dog trainers, right? Not being able to sell their birds just might have an impact on them. Are they aware of your intentions?

9. I will send this via USPS and email, since the time allotted does not give me time to rely on the USPS to deliver in time. I have documented that mail can take two and one half weeks to reach Belgrade/Bozeman from Dillon.

10. Many of us are fighting to keep "public lands in public hands", its disheartening to have to fight FWP for access to the same. The dog trainers you wish to deny access to their training grounds are in many cases the same bird hunters you claim to seek to help.

Best,

Eric Hammer

2200 Carter Creek Rd

Dillon MT 59725

406 925 3864

ewhammer55@gmail.com

Lee, Michael

From: WALTER <prof.wwmii@comcast.net>
Sent: Saturday, May 20, 2017 4:32 AM
To: FWP Dog Training
Subject: There needs to be a public hearing on the

proposed dog training rule.
All the best.
Walter Manley II
545 Springhill School Road
Belgrade, MT 59714
Cell: 850 766 0800

Sent from XFINITY Connect Mobile App

Lee, Michael

From: jimmy lewis <jimmylewismontana@gmail.com>
Sent: Friday, May 19, 2017 9:17 PM
To: FWP Dog Training
Subject: Public Hearing Proposed Dog Training Rule

I am requesting a public hearing on the proposed dog training rule.

Thank you,

Jimmy Lewis

Jimmy Lewis
Freelance Writer/Educator
320 Middle Cottonwood Lane
Bozeman, MT 59715
406.580.8466
jimmylewismontana@gmail.com

Website: https://sites.google.com/site/jimmylewismontana/home?overridemobile=true
Follow me on Twitter: @jimmylewismt

Lee, Michael

From: Brice C <bridmtn@hotmail.com>
Sent: Friday, May 19, 2017 3:55 PM
To: FWP Dog Training
Subject: Dog Training Reswtrictions

To Whom it Concerns,

I am a member of the Missouri River Gun Dog Club that uses the Headwaters State Park area for dog training. I feel there should be a hearing so that those who train gun dogs on the property of concern have a voice in any implementation or changes in the rules.

Thank you,

Brice Chjmielowiec

Lee, Michael

From: Jack Weiss <weiss126.j@gmail.com>
Sent: Friday, May 19, 2017 2:21 PM
To: FWP Dog Training
Subject: Permit for dog training

I live I BOZEMAN I feel a public hearing should be held before this is adopted

Our dog club has over 125 member this would be very negative to our training

Jack Weiss
586 6365

Sent from my iPhone

Lee, Michael

From: Ron Adlington <rbadlington@gmail.com>
Sent: Friday, May 19, 2017 2:12 PM
To: FWP Dog Training
Subject: New Rule 1 Permit to Train Dogs in Upland Game Bird Nesting Areas

Enforcement Division
Att: Mike Lee

Thank you for sending me the Notice of Proposed Adoption

I would like to request a Public Hearing on the New Rule 1. I understand that there is a problem but feel the wording need to be revised. The Rule should be discussed with the Public.

I am an Amateur Retriever trainer. I compete in Field Trials and Hunt Tests and hunt upland birds, ducks and geese with my 2 Labrador Retrievers.
The amount of Public Land available in Montana gives me a great variety of land on which to train. It is a joy. I feel this new rule would seriously limit the number of places that I could train.

The wording is very unclear. Does "Open Fields" refer to just Public Land or Public AND Private Land?

In my opinion, Private Land owners would be reluctant to sign a permit application. Allowing Enforcement officers on their property is just another reason to say no to us.

Not training within 1 mile of any upland bird potential nesting area would basically include ALL of Montana!

I feel a permit fee should be assessed all Professional Trainers who wish to train in the State and a substantially higher fee for out of State Pros. Perhaps they should only be allows to train on private land.

Thank You.

Ron Adlington
94 Hardin Lane
Bozeman MT 59718
406 580 3104
rbadlington@gmail.com

Lee, Michael

From: Priscilla Robinson <ygspriscilla@hotmail.com>
Sent: Friday, May 19, 2017 1:56 PM
To: FWP Dog Training
Subject: Training permits/dogs

It has been brought to my attention that FWP intends to place into enforcement new regulations for dog training without contemplating any public input. I would wish that you would reconsider and have public meetings on this matter across the state. Thank you Dog training enthusiast/ bird hunter Priscilla Robinson

Sent from my iPhone

Lee, Michael

From: Shannon Taylor <svtaylor55@gmail.com>
Sent: Friday, May 19, 2017 1:53 PM
To: FWP Dog Training
Subject: public hearing on new dog training rule

Dear FWPs,
I request a public hearing on the new dog training rule:

Montana Administrative Register Notice 12-473 (rules regarding bird dog training)

Thank you,

Shannon Taylor
862 Cougar Drive
Bozeman, MT
59718

Lee, Michael

From: Jim Lovell <jlovell@confluenceinc.com>
Sent: Friday, May 19, 2017 1:29 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473 (rules regarding bird dog training)

To Whom it Concerns:

I am writing in regards to the Montana Administrative Register Notice 12-473 (rules regarding bird dog training). The proposed rule changes will affect me directly. I support the general intent of the rule change, but in my opinion it needs to be revised to avoid being overly broad. I request that a public hearing be held to solicit input from dog trainers who may have an interest in this matter so a rule can be developed that more appropriately addresses the problem without placing undue burden on responsible dog trainers. Thank you kindly for considering my request for a public hearing.

Sincerely,

Jim Lovell
President
Stream Ecologist

CONFLUENCE
consulting incorporated

Phone: (406) 585-9500
Cell: (406) 581-1244
Email: jlovell@confluenceinc.com
Address:PO Box 1133, Bozeman, Montana 59771
Website:www.confluenceinc.com

Lee, Michael

From: David Kirkland <davidandjuliek@gmail.com>
Sent: Friday, May 19, 2017 1:23 PM
To: FWP Dog Training
Cc: Sheppard, Sam
Subject: Proposed changes to dog training regulations

My name is David Kirkland. I am an avid bird hunter. Today I was made aware of the proposals Auth: 87-4-913, MCA and IMP 87-4-915, MCA. I am against these proposals as written and I believe they deserve a public hearing.

Thank you for your consideration
David Kirkland
1709 Driftwood Drive
Bozeman Mt 59715 davidandjuliek@gmail.com

Sent from my iPad

Lee, Michael

From: sven bone <svenbone@gmail.com>
Sent: Friday, May 19, 2017 1:14 PM
To: FWP Dog Training
Subject: Notice 12-473 no public hearing

Montana Administrative Register Notice 12-473 shows **NO PUBLIC HEARING CONTEMPLATED**

Please hold a public hearing regarding the proposed rule changes for dog training.

Thanks and have a great weekend,
Sven Bone

Lee, Michael

From: brian warnock <quailbrw@gmail.com>
Sent: Friday, May 19, 2017 1:14 PM
To: FWP Dog Training
Cc: Robinson Priscilla
Subject: Proposed dog training rule

I request a public hearing

Sent from my iPad

Lee, Michael

From: Don Walker <drwbigsky@gmail.com>
Sent: Friday, May 19, 2017 1:14 PM
To: FWP Dog Training
Subject: New dog training rules

I request that the Department have a public meeting on the above matter, In order to hear all sides and different solutions. It seems to me that everyone's ability to train their dog is being changed and restricted because of a couple large events. Why not regulate the large events not everyone in Montana who may want to do a little training on their dog.

Thank You
Don Walker
Sent from my iPad

Lee, Michael

From: Olivia <oliviacbxs@gmail.com>
Sent: Friday, May 19, 2017 1:06 PM
To: FWP Dog Training
Subject: Re: Dog training permit

In reference to the proposed dog training permit, see my previous email below, I am requesting a Public hearing for this bill.

Sincerely,
Olivia Steele-Mortimer
255 Meadowlark lane
Hamilton, MT 59840

On Mon, May 15, 2017 at 1:17 PM, Olivia <oliviacbxs@gmail.com> wrote:

Dear Mr Lee,

Although I can see that there may be a need to regulate "massive dog training occurrences" in Montana, I am very concerned that the proposed "permit to train dogs in upland game bird nesting areas" has been developed with little or no input from the dog training community in Montana. The vast majority of people who train gundogs in Montana, do so in in a manner that would have no more impact on nesting birds than many other normal recreational or agricultural activities. For example, it is perfectly OK for a rancher to run cattle or cut hay in sensitive bird nesting areas. It is also perfectly OK for people to camp, hike, ride bicycles, ATVs etc. I am very concerned about the development of a permit system for ALL dog training activities in these areas and the potential impact this will have on many people who, like me, train their own personal dogs for upland bird hunting and or field events (e.g. field trials or hunt tests). Almost all of these people go out to train either alone or with some friends and would have minimal, if any, impact on bird nesting areas.The majority of us are bird hunters and are very aware of the necessity to provide good habitat for nesting and indeed we contribute in multiple ways to conservation and habitat restoration projects throughout Montana.

Sincerely,
Olivia Steele-Mortimer
255 Meadowlark lane
Hamilton, MT 59840

Lee, Michael

From: Margo Ellis-Lingohr <huntswlabs@live.com>
Sent: Friday, May 19, 2017 12:36 PM
To: FWP Dog Training
Subject: Montana Administrative REgister Notice 12-473 rules requarding bird dog training

At this time I feel that a public hearing is needed to work through this process. The use of training permits would only put further constraints on the FWP personnel in trying to enforce this new rule. Education and clearer guidelines for the areas that could be affected are what is in order.

Thank yoiu

Margo Ellis-Lingohr
Hunting Retriever Club
Region 14A Field Representative

"Any woman who does not thoroughly enjoy tramping across the country on a clear, frosty morning with a good gun and a pair of dogs does not know how to enjoy life." ~ Annie Oakley
><((((> ><((((> ><((((> ><((((>

Lee, Michael

From: Sandy Becker <sandy.becker5@gmail.com>
Sent: Thursday, May 18, 2017 3:04 PM
To: FWP Dog Training
Subject: ARM 12-473

Hello -- I own 3 upland bird dogs and enjoy hunting with my sister and her husband. All three of us are life long citizens of Montana.

I am concerned with some of the possible new regulations in ARM 12-473 and am requesting a public hearing to clarify and to discuss our concerns. Please allow citizens to be involved in this process.

Please reply to let me know the FWP has received this email. Thank you.

Sandra Becker
4338 Palisades Park Dr.
Billings, MT 59106
406-498-5236

Lee, Michael

From: Bob Hollister <bob@hollisterlongwings.com>
Sent: Thursday, May 18, 2017 9:15 AM
To: Lee, Michael
Subject: recending my letter dated May 16th 2017

Dear Mike,
This letter is to formally recend my letter commenting on ARM notice 12-473 dated May 16th 2017. I wrote this as a personal mail to respond to you personally from my cell phone without carefully reading the notice attached to your mail. I will be submitting a new letter that can be part of the public record that will include a detailed response to the wpording in the proposed rule. Furthermore I request that you do hold a public hearing on this issue so that all parties can air their views to FWP with regard to this issue.
Thank You ,
Bob Hollister
406-698-6674

Lee, Michael

From: John McIltrot <johnmciltrot@gmail.com>
Sent: Wednesday, May 17, 2017 9:24 PM
To: Lee, Michael
Subject: RE: Dog Training

May 17, 2017

Mr. Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,

I am writing regarding Administrative Register Notice 12-473; the proposed rule regarding training bird dogs in open fields outside of hunting season. I am a full-time professional pointing dog trainer, and a year-round resident of the State of Montana. I am writing to you to request a public hearing on this issue, and to share with you some of my thoughts regarding dog training outside of the gun hunting season. A vague and poorly worded rule has the potential to unfairly limit the activities of concerned outdoorsmen, and put an end to my chosen career as a bird dog trainer here in Montana.

Before I state any of my concerns, I would first ask a few questions so that I can better understand FWP's motivations for enacting the above-referenced rule.

First, what is the reason for enacting this rule? If it is to protect nesting and newly-fledged birds, that can be addressed by setting training season dates that would keep dogs out of the field during incubation and the early fledging stage.

Second, is it the intention of the department to track or limit nonresident trainers who come to Montana to train bird dogs? If that is the case, the issue could be simply resolved by requiring nonresident trainers to buy a permit, and limiting the number of nonresident permits issued each year.

Third, is it the motivation of the department to prevent dog trainers from harassing family groups of birds to the point that the resource is negatively affected? If so, the department should publish guidelines that would specify acceptable training practices.

Finally, is the intent of this rule to protect and preserve the state's native gamebird population? If so, an environmental impact study would first have to be conducted in order to determine threats to the resource – I suspect that habitat loss (i.e., the loss of native prairie, sage steppe, and CRP), overgrazing, haying and harvesting at detrimental times, and other agricultural factors affect the resource more profoundly than any other factor.

There are a few points in the "REASON" paragraph of the rule that I feel are significant. First, there is a reference to "massive dog training occurrences" including "as many as 60 dogs and includes the use of horses". I have been training bird dogs from horseback for over 20 years, and cannot comprehend how the number of dogs in a trainer's camp, or the use of horses, can negatively impact resident gamebirds.

A trainer can only work a given number of dogs – typically 10-12 dogs per day. Those not familiar with horseback dog training need to understand that training dogs from horseback is not conducted like a fox hunt, with great numbers of dogs loosed together and a mounted brigade of handlers in chase. To the contrary, a handler rides behind 2-4 dogs

at a time and generally must stop running dogs by late morning because temperatures make it unsafe to continue training. If there are 10 dogs in camp or 10,000, the number of bird contacts per day stays roughly the same. Additionally, many of the dogs in some trainers' camps may pass the entire summer without ever seeing a wild bird – instead they are kept in condition by running in a harness attached to a four-wheeler, and are "yard-worked" on pigeons or pen-raised birds.

The other point in the "REASON" paragraph which raises questions is the statement which reads "this... has had negative effects on local bird populations". Is this statement based on any proven scientific data which would take into consideration the following factors: weather (hail, drought, a cold and wet spring, a harsh winter, etc.), several years' worth of population trends (lek counts, harvest data, road censuses, etc.), an assessment of changes in local agricultural practices (loss of native prairie, loss of CRP, timing of harvest, grazing practices, etc.), and so on? Or is this simply anecdotal information, and the opinion of a handful of people who may have a negative view of bird dog trainers in general?

And in Paragraph 10 of the proposed rule, the verbiage states "the above-referenced rule will not significantly and directly impact small businesses". That statement is inaccurate. Unable to train dogs on wild birds outside of the hunting season, or required by a permit to only work dogs in a handful of specifically designated areas, I will be unable to stay in business. Additionally, the hotels, restaurants, laundromats, filling stations, and grocery stores in small towns across Montana will suffer without a seasonal influx of field trial competitors and the pro handlers who handle their dogs, and hunters who rely on trainers to prepare their dogs during the off-season.

I understand that legislative changes in Canada and the Dakotas are pushing more seasonal bird dog trainers into Montana, and recognize that managing the issue may become necessary. Why not address it the same way FWP handles other nonresident sporting interests? Issue permits to nonresidents, limiting the number of permits if necessary. And in cases where there are complaints regarding a specific trainer's behavior, specifically address those issues with the involved parties. The idea of issuing training permits wherein trainers designate specific training areas is fundamentally flawed because it will require trainers to work dogs repeatedly over the same ground, thereby forcing birds off those areas – which is the problem specifically noted in the verbiage of the proposed rule.

I believe that it is critically important for lawmakers to understand the dynamics of the activity they are regulating. In the case of off-season bird dog training, it must be understood that the issue is not the number of dogs or horses in each trainer's camp; the issue is how the birds are worked, and how frequently they are worked. It is widely accepted in the bird dog culture that after an initial covey rise, it is unethical and careless to continue to work dogs on the singles from that covey, particularly on hot days or near dusk. Trainers who work the covey rise and then take their dogs out of the area do no harm to game birds. Additionally, the trainers who I know personally maintain a lengthy list of training areas, and they rotate through those fields at regular intervals so as not to interfere with the life cycles of the birds they're training on.

In closing, I hope that you and all those at Montana Fish, Wildlife, and Parks will recognize that the bird dog community has the greatest vested interest in the well-being of Montana's gamebirds. Given the opportunity to contribute, I believe we can help craft regulations that are clear, specific, and beneficial to the resource without causing hardship to those of us who are the most concerned about the sage hens, sharptailed grouse, pheasants, and partridge who depend on our stewardship and right action.

Thank you,

John McIltrot
Seranoa Kennels
841 Stiles Rd.

Broadview, MT 59015
406-321-3557

From: Lee, Michael [mailto:milee@mt.gov]
Sent: Monday, May 15, 2017 3:14 PM
To: Adam Walker <walkersauce@gmail.com>; Al Harmata <alan.harmata@montana.edu>; Alex Bittner <birdingbear@hotmail.com>; Allyson Cowan <allyc2007@gmail.com>; Anne Hocker <aph948@gmail.com>; Ben Williams <ben.ew1972@gmail.com>; Betty Wagner <betty@wirelessalliance.net>; Brandi Sieminski <smns49@hotmail.com>; Brett Bruggeman <bbruggeman@live.com>; Carlos Rodriques <sword1131@gmail.com>; Charles Gilmore <batwingtech@gmail.com>; Charles Heckler <ipewik@yahoo.com>; Chris "Boomer" Hesley <ducksanddogs8@gmail.com>; Christopher Merker <c_merker@yahoo.com>; Claire Hager <cishager@yahoo.com>; Craig Campbell <cmcampbell1952@aol.com>; Craig Underwood <craigunderwood58@gmail.com>; Dana Clarck <falconess2000@yahoo.com>; David and Joyce Barker <mjbarker53@hotmail.com>; David Coffin <dcperegrine@gmail.com>; David Crump <moose_tracks@juno.com>; Ethan Canney <ethancanney@gmail.com>; Gabriel Jones <gfalconhawk@gmail.com>; Gary Ohman <gohman@outlook.com>; Gerald Geiger <hilinepeales@hotmail.com>; Glen Sweet <gwshunts@yahoo.com>; Greg Depner <gdep57@gmail.com>; Greg Windtberg <bergmt@aol.com>; Harold Williams <hmwillia@msn.com>; Heather Blandford <4thedogs11@gmail.com>; Ian Pogue <pogueik@yahoo.com>; James Arnold <silvergos@gmail.com>; James Chaffin <james.chaffin@umontana.edu>; Jay Sumner <peregrine@blackfoot.net>; Jay Tischendorf <tischendorfj@hotmail.com>; Jay Tischendorf (2) <jay_tischendorf@merck.com>; Jeff Ewelt <director@zoomontana.org>; Jeff Jallings <tchstar@msn.com>; Jeff redig <birdmanmt@gmail.com>; Jeff Shapiro <up.si.down@hotmail.com>; Jeffrey Sternad <falcongun@centurytel.net>; Jerry Jacobs <jerryke7pdk@gmail.com>; Jim Morrissey <ssimontana@gmail.com>; Jim Wagner <jim@wirelessalliance.net>; John and Anne McPartlin <jeff@mcpartlinrealty.com>; John Hays <josahay@aol.com>; John McIltrot <johnmciltrot@gmail.com>; John Seabury <jmseabury@yahoo.com>; Joseph Sabol II <jobysabol@gmail.com>; Judith King <kinggoogs@gmail.com>; Justin Sasser <sasserjustin@yahoo.com>; Karl Pentecost <jkpentecost@yahoo.com>; Kate Davis <raptors@montana.com>; Kathryn Williams <hhgirl422@gmail.com>; Ken White <ken.white@demdaco.com>; Kevin Farley <greybird06@yahoo.com>; Kevin Thompson <kevin@greenrealtymt.com>; Kirk Hohenberger <hohenkp@gmail.com>; Larry Bates <bigskyperegrine@yahoo.com>; Larry McMullen <pdlgsltd@yahoo.com>; Lynsi DeWaard <lynsirs@gmail.com>; Mark & Michelle Seybert <hiking8@msn.com>; Mark Bolton <markboltondesign@gmail.com>; Mathew Klindworth <mattklindworth@yahoo.com>; Matt Blandford <mcblan4d@gmail.com>; Michael Crago <maxcastplus@gmail.com>; Michael Vermeulen <vmikenancy@aol.com>; Mike Petersen <drmp@tworiverspethospital.com>; Natasha Leong <natasha_leong@hotmail.com>; Nathan Birr <nbirr@yahoo.com>; Neal Donaldson <peregrinn@aol.com>; Noel Ferguson <nferguson24@gmail.com>; Rainer Conell <rainerphotography@gmail.com>; Ralph Rogers <nafanew@ttc-cmc.net>; Ray Gilbertson <grousage@hotmail.com>; Richard Burnett <evergreenweed@yahoo.com>; Rick Green <rgreen454@gmail.com>; Robert Hollister <bob@hollisterlongwings.com>; Robert Martin <jobobmillcreek@gmail.com>; Robert McDonald <macbirdman@hotmail.com>; Rocky Connell <rockwood69@gmail.com>; Rodney Foster <whitegyr1@centurytel.net>; Rodney Sykes <flymt1962@gmail.com>; Ronald Schaeffer <rschaeffer@fldye.com>; Ross and Karen Radzykewycz <radzyker@yahoo.com>; Ryan Hallows <rhallows@carroll.edu>; Sam Newville <MTNewvilles@outlook.com>; Scott Geiger <scottred51geiger@yahoo.com>; Shauna Shephenson <ssherard@tu.org>; Skip Tubbs <skip@integra.net>; Sophie Hoopman <hoopman.sv@gmail.com>; Steve Holton <sdholton1975@gmail.com>; Steven Olson <247quail4u@gmail.com>; Thomas Anderson <hilgardlog@aol.com>; Thomas Mutchler <falconmt@aol.com>; Timothy Snyder <snyder@mt.net>; Tony Head <creativeproperty@msn.com>; Troy Reichert <bigskybusa@gmail.com>
Subject: Dog Training

For those of you that are also involved in dog training, the attached proposed ARM notice is in response to massive professional dog trainers that are training dogs on wild birds during the summer months, in Northeast Montana in particular. The ARM will put some definition to what is currently in state statute. If you have any questions, let me know.

Michael Lee, Game Warden
Commercial Permitting/IWVC Admin.
Fish, Wildlife and Parks Enforcement
PO Box 200701
Helena, MT 59620-0701
Phone: (406) 444-4039
Fax: (406) 444-7894
milee@mt.gov

This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify this office by telephone and return this message to the Law Enforcement Division of Montana Fish, Wildlife and Parks immediately.

Lee, Michael

From: mtansey1@gmail.com
Sent: Wednesday, May 17, 2017 6:46 PM
To: FWP Dog Training
Subject: Montana Administrative Register Notice 12-473

May 17, 2017

Mr. Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,

As a resident hunting dog owner and amateur trainer I am concerned with the new regulations, Montana Administrative Register Notice 12-473.

Per note

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be greater than 25 persons based on the number of people in Montana who bird hunt with bird dogs.

I would like to request a public hearing.

Thank you,
Michelle Tansey
2031 Molt Rapelje Rd
Molt, MT 59057

Sent from my iPad

Lee, Michael

From: Austin Turley <austinturleymt@yahoo.com>
Sent: Wednesday, May 17, 2017 5:59 PM
To: Austin Turley; FWP Dog Training
Subject: Meeting on proposed dog training regulations

May 17, 2017

Mr. Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,

I am a lifelong resident of Montana. I have been training my pointing dogs for nearly 30 years and not once has any landowner taken issue to me. I realize with the likely influx of trainers from North Dakota due to CRP loss in that state that managing our resource could become necessary. Unfortunately I find the presently drafted regulations to be nearly impossible to comply with or enforce.

Over the years I have personally witnessed three game wardens stop and watch my activities, one which came over and talked to me at the end of the day. All said wardens tried to park as to be unnoticed, hence my belief I have surely been watched on other occasions. Point being, most of us are trying to do our best for the bird population while training our animals. It is the ethics of the trainer, not the number of dogs or horses they use that need to be of concern.

For years, most all Montana trainers I am aware of have taken upon themselves to abide by certain self imposed codes: no training between may 15 to july 15 on wild birds, don't work young birds over repeated flushes, don't work unbroken dogs on extremely young birds, don't work young birds in heat of day. We have all imposed similar rules on ourselves for years due to our desire to protect our resource.

The definition of (a) "bird nesting area" means any area within the state which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest; and the rule (ii) the training is more than 1 mile from any bird nesting or management area or game preserve. makes training a bird dog near impossible. The whole outdoors is a possible nesting area. By these two statements it is my opinion that training or hunting with a dog in Montana would be outlawed for there no date to this law, and it is impossible to be in the field and train on birds while being in excess of one mile from where they could nest.

I understand and believe the intentions behind this law are for the well being of the resource, but the language is unacceptable.

Protecting our resource not only involves the training of dogs, but the management the land thru ranching, farming, and mineral/oil exploration. This state has repeatedly shown its lack of support for gamebirds by failing to address the primary loss due to the management of their habitat. Managing training of dogs needs to be done in conjunction with ranching, farming, and exploration management if strong bird populations are to be continued for generations to come.

With that, Mr. Lee I would like to request a public hearing on these regulations.

Austin Turley
2031 Molt Rapelje RD
Molt, MT
59057

Lee, Michael

From: Tana Kradolfer <tanabanana.k@gmail.com>
Sent: Wednesday, May 17, 2017 11:34 AM
To: FWP Dog Training
Subject: public hearing request
Attachments: upland bird hearing letter.pdf

Dear Mr. Lee, Please see my attached letter of request for a hearing regarding ARN12-473. Tana Kradolfer

Tana Kradolfer
5075 Clearview Rd
Belgrade, MT 59714
406-388-4974
tana@truegritbrits.com
May 16, 2017

Enforcement Division
Atttn: Mike Lee
Dept of Fish Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

I am directly affected by the proposed new rule pertaining to permits for dog training, ARN 12-473. I request a public hearing be scheduled regarding the rule prior to implementation. As Montana natives my husband and I have hunted upland birds in Montana with our Brittany bird dogs for most of our adult lives. We are stunned that you would implement such an overly broad and burdensome rule without adequate public notice.

Possibly those individuals implementing this new rule have under estimated the importance of bird dogs in the upland bird hunting experience and somehow have failed to understand that the process of getting a bird dog trained and ready for hunting season is integral to the integrity of the hunt and as important a time honored tradition as the actual hunting season itself.

Sincerely,

Tana Kradolfer

Belgrade, MT

Lee, Michael

From: Maevans1988@gmail.com <Maevans1988@gmail.com>
Sent: Tuesday, May 16, 2017 8:05 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Proposed Adoption Pertaining to Permits for Dog Training

How will this affect people such as myself that only train one dog? I live an area of the state that would be impossible to train my dog anywhere without being within a mile of any potential bird nesting areas. Additionally, telling people that they cant train dogs on privately owned land seems a bit extreme. I believe a public hearing on this legislation is justified to allow people express their concerns and allow for debate.

Are these large training operations being run by residents? I know a lot of guys from out of state travel here specifically to train dogs. I wouldn't be opposed to stoping this or making non residents pay a large fee for licensing.

Thanks Matt Evans.

This e-mail was generated from the 'Notice of Proposed Adoption Pertaining to Permits for Dog Training' Public Notice Web Page.

Lee, Michael

From: Matt Evans <maevans1988@gmail.com>
Sent: Tuesday, May 16, 2017 7:55 AM
To: FWP Dog Training
Subject: Dog Training

How will this affect people such as myself that only train one dog? I live an area of the state that would be impossible to train my dog anywhere without being within a mile of any potential bird nesting areas. Additionally, telling people that they cant train dogs on privately owned land seems a bit extreme. I believe a public hearing on this legislation is justified to allow people express their concerns and allow for debate.

Are these large training operations being run by residents? I know a lot of guys from out of state travel here specifically to train dogs. I wouldn't be opposed to stoping this or making non residents pay a large fee for licensing.

Thanks Matt Evans.

Lee, Michael

From: Bob Myers <bobmyers@bresnan.net>
Sent: Tuesday, May 16, 2017 7:43 AM
To: FWP Dog Training
Subject: NEW RULE I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS

I am writing to request a **public hearing** in the matter of rulemaking as announced in Montana Administrative Register Notice 12-473 No. 9 05/12/2017.

As an avid bird dog enthusiast and resident of Montana, I believe the proposed rule is:

- Vastly overbroad as it relates to the reason for the rule
- Indiscriminant in addressing the target stated as the reason for the rule
- Arbitrary as to determination of locations where birds might nest
- Unenforceable given the limited enforcement resourced of the Department
- Capricious in its proposed application
- Non-scientific as to the implied impact of dog training on bird populations

In my opinion, the Department should desist from any further rulemaking in this regard which would impact the general population of gun dog owners.

Please notify me when sufficient requests have been received to trigger a public hearing.

Bob Myers
3155 Tizer Road
Helena, MT 59602
406-422-0213
bobmyers@bresnan.net

Lee, Michael

From: Don Leal <donleal@wispwest.net>
Sent: Monday, May 15, 2017 9:30 PM
To: FWP Dog Training
Subject: ARM 12-473

As an Montana hunter and owner of 3 sporting dogs I am requesting an open hearing on ARM 12 -473 in order to find out more about the proposed action and its origin. In addition, I would like to express my views on it.

I don't feel there was adequate notification about this action as well as discussion from people like me who would be greatly affected.

Sincerely

Donald R Leal

Sent from my iPad

Lee, Michael

From: Dave Noell <dnjnoell@gmail.com>
Sent: Monday, May 15, 2017 8:25 AM
To: FWP Dog Training
Subject: Proposed regulations concerning training bird dogs

Dear Mr. Mike Lee

I just learned of the proposed rule to require a permit in order to legally train bird dogs outside of normal hunting seasons. As a longtime Montanan, I have owned bird dogs for the last 25 years. For many of those years I have trained on a friend's ranch while also making use of horses in the training. You could call me a passionate amateur dog trainer.

The proposal is very troubling to say the least. It is VERY ambiguous in its definition of "bird nesting area" among other concerns. From what I understand there is no distinction made for whether birds are actually nesting or not.

It also troubles me that a rule such as this could be implemented without ANY feedback from the community most affected.

I am asking for a public hearing of this proposed rule. There are too many unanswered concerns and uncertainties to do otherwise.

If this e-mail is not suitable for the purpose of asking for a public hearing, then please respond stating exactly how I need to make that request.

Sincerely

David Noell

Lee, Michael

From: Paul McGinnis <pmc9241@hotmail.com>
Sent: Friday, May 12, 2017 2:47 PM
To: FWP Dog Training
Subject: NOTICE OF PROPOSED ADOPTION Attn: Mike Lee

Mr. Lee,

In the matter of the adoption of New Rule I pertaining to permits for dog training, I am requesting a public hearing on this matter.

Paul McGinnis
Treasure State Retriever Club
Dillon, Montana
406-660-0378

BROWN'S LAKE OUTDOOR ADVENTURES
BROWN'S LAKE KENNELS
~~6028 HWY 312 East~~ 5730 Retriever Rd
Billings, MT 59105
Phone: ~~406-373-5410~~ 406-672-1204
Dr. Ron Reitz, Trainer/Owner

2

Mike Lee, FWP
PO BOX 200701
Helena MT
59620701

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OCT 17 2017
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Hi Mike

Please excuse the old stationery! And thanks to your Associate for allowing this old man the opportunity to comment (Dog Training Issue) in longhand and belatedly! I have trained dogs (over 1000) all my life and still have four in training. I turned beagles out in the cornfield when I was only 8-9 years old and did my best to get a glimpse of the rabbit (Pennsylvania). I will be 78 in December.

Serious and professional dog trainer generally train:

- on private land,
- with their own legally obtained birds and do not train with naturally occurring birds in the training area,
- in areas free of nesting birds and make every effort
- NOT train in areas with nesting waterfowl or upland birds in order to better provide training for dogs; my own back yard @ three ponds produced over 50 young mallards even though I drilled my dogs in those ponds nearly every week this Spring, and
- dogs are usually worked one-at-a-time and or as a Brace for some breeds. The image of 60 dogs running wild as in a pack of wolves running down an elk doesn't apply ..., and

BROWN'S LAKE OUTDOOR ADVENTURES
BROWN'S LAKE KENNELS
~~6028 HWY 312 East~~ 573a Retriever Rd
Billings, MT 59105
Phone: ~~406-373-5410~~ 406672 1204
Dr. Ron Reitz, Trainer/Owner

- if or when ~~the~~ inadvertent damage to a nest occurs one must weigh the occasional and relatively insignificant mortality against predation by skunks, snakes, coons, raptors, feral cats, wading birds including cranes + herons, members of the owl family, without mentioning snapping turtles, weasels, mink, magpies, crows, ravens and fox and coyotes. And, hard winters!

There is a dog training motto adopted by the Montana Retriever Club here in Billings. "Save a Cripple, Train a Retriever!" Every cripple found and returned to the hunter is another bird for the daily bag and negates shooting another!! Dogs find thousands of lost or crippled birds each season here in Montana. I own a "specialty" retriever who has trailed cripples over a mile, caught them and returned them to me as a part of the daily limit and bag!

There is a somewhat related irony here in that my own current retriever training occurs on private ground watered by an Irrigation System that has existed for a century or so... within that system there exists two species of snail and both have a parasitic fluke that is released into dabbling ducks viscera upon ingestion... the ducks have about 5 days to live + then die! There are no wild dabblers on the grounds. FWP is aware of this! I have burned thousands of rotting ducks over

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Training dogs in Montana, or anywhere else;

- provides jobs and contributes to the area economies,
- results in contributing powerfully to a heritage of hunting with trained dogs ... I, and many dog people I am close to, would not hunt birds without having my dog "buds" along doing the work, getting excited and loving the day,
- is important to the continued improvement of the hunting breeds of dog ... this preservation of instinct and the desire to hunt goes hand-in-hand in the development of dogs that are all of the above, trainable and eager to please their hunting partners, those of us who are lucky to hunt with these great animals,

Mike, I'm going to insert a bias here + a bit of a social statement ... the dogs representing the breeds in question should not be confused with the dogs heeling around the arena trying to impress Judges with their conformation to a standard consisting largely of "appearance!" We're speaking of dogs that may be Ad-Awful in looks but they are the product of Decades of work conducted to [illegible]

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Standard. The dogs that assume the rigors of these every-day comparisons are bred quality x quality trying to amplify even more the outstanding and positive traits. These dogs, the "get" of knowledgeable breedings, are unobtainable without the opportunity to train, prove and demonstrate in the field where hunting occurs.

Thanx Mike for putting up with the script and I hope you didn't have to call in an interpreter??

Thanx again for this opportunity.
Perhaps our paths will cross in the pheasant fields of Eastern Montana?

Regards,
Ron Reitz

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DIRECTOR'S OFFICE

October 7, 2017

Martha Williams
Director
Department of Fish, Wildlife and Parks (DFWP)
State of Montana
Enforcement Division
Attention: Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 59620-0701
Email: FWPDogTraining@mt.gov

Subject: In the Matter of the Adoption of New Rule I Pertaining to Dog Training MAR Notice No. 12-473 Pertaining to the Proposed Adoption of the Above-stated Rule at Page 585 of the 2017 Montana Administrative Register, Issue Number 9

Dear Ms. Williams:

The following public comment is submitted as a matter of record in consideration of the subject as stated above. This public comment is timely as required by comment submission no later than October 13, 2017, MAR Notice No 12-473, 17-9/8/17, certified to the Secretary of State August 28, 2017.

- The proposed rule (SAB) Rule regulates the use of land not owned nor supported by state DFWP funding to the detriment of private land owners and thereby, unlawfully restricts and regulates use of said land by the rightful land owners without recourse. Further, it implies unlimited access by enforcement officials to private lands, ranches, and homesteads of Montana residents for enforcement of such proposed regulation without addressing limits to privacy or recourse for damage and interference to landowners conducting farming, cattle, and other economic activities on their land.
- There has not been evidence presented that existing regulations have allowed canine training activities on currently regulated state public or private grounds that has established damaged to or a decline in wild bird populations. Further, there is no financial evidence that establishes a negative impact to the economic income from resident and non-resident gaming and fishing activities in the State of Montana as a result of canine training or gaming activities.
- The cited single objection to an incident of multiple horses and vast numbers of dogs (60+) was an activity that was under the permit jurisdiction of the Department of Fish, Wildlife and Parks of the State of Montana, and as such, was subject to existing regulatory enforcement. If in fact a problem did exist, the said Department had existing regulatory authority to take enforcement action to withdraw the permit. Failing to adequately enforce existing regulations, if that is the case, should not be a precursor to change. If staff was unable to enforce the current regulation, how is it demonstrated they will be more successful in enforcing the proposed new regulation?
- Implementation of the proposed language is without consideration of the potential significant economic impact to the State of Montana. Wildlife and gaming activities is a substantial income

stream to the State of Montana that currently states a $200 million budget deficit exists. As I recall from news commentary while in Montana in September, each State department was instructed by the Governor to identify a 10% reduction in their budget in order the balance the overall state budget. There is no economic impact study that identifies the loss of revenue that will be experienced by the State of Montana as a result of the regulatory actions of the Department of Fish, Wildlife and Parks of the State of Montana. Prior to implementing the proposed change, recommend that an economic impact statement be completed and provided to the rule decision making authorities for their consideration by the State Office of Budget Management and Planning.

  - There is a geometric economic cash flow that benefits Montana from the activities of professional canine trainers. Their presence measurably supports a variety of positive economic revenues from land owners' fees to local sales by businesses.
  - More significantly, for each trainer, the economic benefit and cash flow gained by the State of Montana is multiplied by the owners and associated sportsman's that interface with canine trainers. These sportsman purchase gaming licenses and execute economic sales in communities thorough the state because they come to Montana for game related activities and fishing. As a trainer moves to another state, these sportsmen's most likely will no longer come to Montana but follow their canine trainer to his new location. They will economically support other states and result in a loss of revenue currently flowing to Montana.

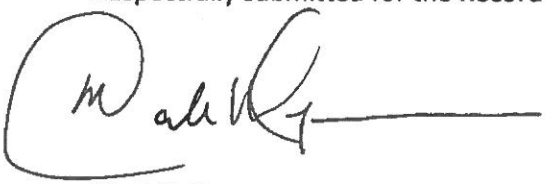
- The proposed language regarding a definition of "nesting area" is ambiguous and therefore effectively unenforceable. The previous definition "which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest" was more specific and understandable. Further, this proposed new definition impacts the use of any ground upon which canines can be trained using domestically procured fowl for such purposes (e.g., pigeons, chukars, etc,) as "nesting activities" can and are conducted in public parks, golf courses, football fields, and backyards in the City of Helena. Therefore, the suggested new regulatory definition of "nesting areas" effectively prevents all training of canines in the State of Montana in any location unless specifically permitted. The permitting process as allowed for "permits to train dogs with captive birds" is cumbersome at best for constituents and a challenge to administer effectively given the already acknowledged DFWP enforcement challenges regarding canine training activities.
- Successfully nesting and brood rearing for upland and migratory waterfowl is biologically supported in the spring and early summer. The proposed limitation of training until August 31st, is unnecessarily restrictive and addresses a biological condition (nesting and brood rearing) which has been completed. Further, gaming studies in some other States that have regulations protecting nesting and brood rearing activities in support of the economic benefit of their State to further gaming activities allow training beginning July 15th. Protecting nesting activities is to the benefit of all sportsman and trainers and serves to protect economic benefits that the State of Montana currently receives from canine sportsman. However, restricting activity from July 15th through August 31st may negate a significant financial funds flow that Montana now receives from sportsman as it precludes the principal time period each year during which pointing breeds are trained prior to the field trial competition season and wild bird gaming in

September. Recommend reconsideration of the date for conclusion of restrictions regarding the number of canines permitted to be trained each day from August 31st to July 15th for pointing breeds.

- As written, the limitation of four canines being trained a day may not be easily enforceable. In reality, effective training for pointing breed dogs requires electronic control and visual observation of the canine a field. Normally, there are only two canines a field at any one time and sometimes with young canines three. You cannot observe and correct more than that. As a result, your will never see more than three canines a field at one time for pointing breed canines. What may happen is that a run will be competed, and new dogs will be sent a field. Your proposed regulation does not prevent this from happening because you may never see more than three dogs a field at any one time, but in fact, could train many more dogs in a single day.
- The proposed regulations are all inclusive of "canines" and does not delineate between the difference training practices and uses of canine athletes. For example, canines based upon breed characteristics perform game pointing, waterfowl retrieving, companionship, security, herd protection, hunting, treeing, tracking, agility competition, disabled service support, etc. The proposed regulation is a "one size fits all" approach that fits no one canine properly.
- Significant lands exist within the geographic confines of the State of Montana not under state regulatory oversight or authority, e.g., the Crow Nation and United States Federal Lands. The proposed regulations appear not to be consistent with federal nor Native American regulatory efforts and may create a morass of confusion for residents and sportsman alike.
- The cited "REASON" MAR Notice No. 12-473 17-/8/17 states that "the department has received both written and verbal complaints regarding dog training occurrences." Further, DFWP states "... this proposed rulemaking will help keep Montana from being detrimentally set apart as the easiest state in which to train a large number of dogs." In the first case, DFWP has regulatory authority to address concerns regarding canine training in place. The inability to adequately enforce the existing regulations should not be a precursor to a decision to end the activities of residents, sportsman, and out of state visitors that support the local Montana tax base and revenues when choosing training locations. Second, the suggested impact upon bird populations as the result of canine training is not consistent with the reality that if populations were actually impacted, the trainers would have already stopped coming. Bird populations in the thousands of square miles of Montana are more logically impacted by climate, available CRP, farming operations, fires, etc. than canine training. In reference to the second quoted staff comment, it clearly opines a staff prejudice against canine sportsman's and training and that DFWP simply desires constituents to train canines in other states. I question whether the DFWP intent represents the opinion of the majority and is in the best interest of all Montana residents and businesses. Finally, Montana is only one of many choices for canine trainers throughout the western United States. From experience, it is not currently the chosen local of most. I urge pragmatism and a clear view when choosing to portray Montana as hostile to environmentalists, sportsmen's, and visitors in general as it appears you may do with the staff statement in the "REASON" for the proposed change to existing regulations. The risk you may face in presenting

issues as has been done by staff is that national sportsman's organizations and businesses will publicize this perception nationally. It may well impact the decision of sportsmanship throughout the country as to where they invest their time and money, whether canine training or otherwise.

Respectfully submitted for the Record MAR Notice No. 12-473,



Mark R. Keegan

52 Deerwood Drive
Littleton, CO 80127

Cf:

The Honorable Llew Jones
1102 4th Avenue SW
Conrad, MT 59425-1919

American Kennel Club
Government Affairs and Legislative Activities
8051 Arco Corporate Drive, Suite 100
Raleigh, NC 27617-3390

Purina Corporation
Office of Consumer Affairs
PO Box 2530
Largo, FL 33779

Steve Smith, Editor
The Pointing Dog Journal
2779 Aero Park Drive
Traverse City, MI 49686

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Written Comment:

Montana Rule MAR No. 12-473

After attending the meeting at the Region 1, HQ in Kalispell on October 10, 2017, it would appear that this is now moved to a legislation hearing.
I am amateur gun dog training and have been training my own dogs for over twenty years and I find it very hard to find places to train.
The rule is totally unnecessary and it a total over reach and is without any scientific finding to support the rule.

It appears this was all generated by an unsubstantiated complaint which has been withdrawn.
I thought it was the Department of Fish, wildlife and parks to lookout for the interest of those who hunt and support the agency.

Trained hunting dogs, wither pointers, flushes and trailers are an asset to hunting, they recover game birds, track wounded elk and deer.
With the advent of steel shot I can't count the number of ducks I have shot with what is a normal clean kill shot to have the bird fly off hundreds of yards from where it was shot.
Without a dog these birds are lost and wasted. But this comes from hours of training.

The hypothesis that we should not have dogs within a mile of a nesting area is really not realistic.
By that thinking we should not farming operations, hiking, bird watching and conducting photography within a mile of a nesting site.

I totally oppose this rule and future legislation; a well-trained dog will not disturb a nesting site or bird. It can be called off any attempt to do so.
The dogs are put in situation of distraction so they can be called off and with modern electronics a dog can humanely controlled and located.
I spend many dollars in the community in training my dog, with ammunition; cost of pen raised birds, gasoline; veterinary care and associated sporting goods! In addition to hunting licenses and permits.

It seems to me this is a total waste of the legislature's time. Working with the gun dog community I think you could come up with a better solution to the whole issue.

Respectfully Submitted

Russell L. Bush
123 Short Court
Kalispell, Mt. 59901
October 12, 2017 15:10 hours.

10 October 2017 Emailed to FWPDogTraining@mt.gov & U.S. Mail

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P.O. Box 200701 Helena, MT 59620-0701

RE: Comments on Proposed New Rule I – Dog Training – Revised 8 Sept. 2017

Mr. Lee:

As a party affected by FWP's proposal to adopt new rules that would regulate the training of bird hunting dogs, I hereby submit the following brief comments in response to the amended proposal as outlined in Montana Administrative Register Notice 12-473, initially dated 12 May 2017 and republished on 8 September 2017. As currently written after revisions, the rule has been improved but I still cannot support it. Specifically, the language in the proposal under New Rule I, section (4) is unacceptable. The part about obtaining permission from private landowners is fine – that's just common sense and the law. What I strenuously object to is the following language: ***"This rule does not preclude further site-specific management rules or conditions on public and private lands"***. This language is too arbitrary and capricious; it would let FWP do anything they want with no checks and balances. There must be some sort of criteria, performance measures, or other type of metric written into the rule that once triggered would authorize this type of broad action by FWP.

As I mentioned in my first comment letter on this proposed dog training rule, I believe FWP must terminate this rule making process and begin a rigorous public outreach process with the affected parties. FWP should prepare a detailed white paper outlining the perceived problem(s), nature and extent of wild game bird harassment by professional dog trainers, the geographic areas affected and a review of how neighboring US States and Canadian Provinces deal with this issue. Then FWP should meet with bird hunters, landowners, professional dog trainers and other potentially affected parties to develop potential rules/solutions using a consensus process in a public forum. Only once a consensus is reached should FWP initiate rulemaking to regulate dog training in Montana!

In closing, I must comment on how frustrated I am with FWP's handling of this issue. If FWP had openly engaged the affected parties last winter, after the 2016 upland game bird hunting season, much of this controversy might have been ameliorated! But like the proverbial "bull in a china shop", FWP charged ahead with formal rulemaking without consulting with the parties who have the most to gain and lose from this rule: the Montana bird hunters. Now here we are in the middle of the Montana upland game bird season wasting our time commenting on a poorly written rule instead of hunting! Bird hunters with dogs want abundant game birds just as much as anyone else, and probably more so. For without birds there's no reason for bird hunting dogs, and for most of us, there is no reason to hunt birds without our dogs. So, engage us at the FRONT END of the process, not at the bull's rear.

Respectfully submitted,

Robert K. Jeffrey

Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

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CC: Martha Williams, FWP Director

Ron Adlington

From: "Ron Adlington" <rbadlington@gmail.com>
Date: Thursday, October 5, 2017 9:00 PM
To: <FWPDogTraining@mt.gov>
Subject: New rule 1 pertaining to dog training

Att: Mike Lee

I attended the Public Hearing In Billings Oct 2, 2017. Here are my comments for the EQC as requested.

The current law is uninforcable according to one of the Officers from Region 6 who spoke at the public hearing.

The proposed rule talking about within 1 mile of nesting area would include all of Montana according to Aimee Hawkaluk, Rule Reviewer.
Eliminating dog training from April 1 to April 31 (except for 4 or less dogs in a group) would eliminate 90% of dog training in the state. And this includes PRIVATE land!

The current Rule and the proposed rule make dog training impossible. It is my recommendation that the EQC have Retriever, Spaniel and Pointer experts and a couple of Dog Pros on their committee so they will be able to understand how all the different breed training works. This is essential in my opinion. Also, a lot of the FWP comments were based on hearsay rather than science. A wildlife biologist should be on the committee as well.
Common sense needs to be applied to all aspects. Wild birds do need to be protected but look closely at how much disturbance is caused by the dogs compared to haying CRP in July, like this year. Why not wait to hay until late August?

The rights of owners of private land must be considered. The State should be very careful when trying to regulate what can be done on private land. A lot of landowners have spent a lot of money to develop dog training properties and actually enhance wild bird nesting. Lawsuits would ensue!

The State encourages hunting. The population loves it! It is an economic resource. Bird hunting behind a good dog is a pleasure. Training is required to get a good dog. Retrieval is often impossible without a dog. A means of retrieval is required by law. For a lot of people, professional help is needed to train their dog. Pros need space. Amateurs like me need space. You cannot train a dog in a horse arena. Land an open fields are required.

If there is science to show that pointer Pros are a problem in Eastern Montana then

regulate them. Do not stop the rest of us from training our dogs because of them. We require groups of people and dogs in order to train.

I am retired, live in Bozeman, have 2 labs and train my dogs 5 days a week to compete in Field Trails and Hunt Tests and then hunt Upland birds and Waterfowl in the fall. I train with 4 or 5 others who have at least 2 dogs each. Sometimes we enlist a Pro trainer to help us. We are not unique in the state. There are 140 people in our Missouri Headwaters Headwaters Gun Dog Club club here in the Gallatin Valley. I own our home and 4 rental properties in Montana, pay property tax, Montana State and Federal tax and have very few write offs. I and other dog trainers are good for the economy. Use common sense when you re-write the dog training laws so that they work for everyone and I can continue to play with my dogs!

Thank You

Ron Adlington
94 Hardin Lane
Bozeman Mt 59718
406 580 3104

rbadlington@gmail.com

October 9, 2017

Montana Fish, Wildlife & Parks
Enforcement Division
Attn: Mike Lee
PO Box 200701
Helena, MT 59620-0701

Re: MAR Notice 12-473 Issue No 9, Proposed Adoption of New Rule 1 Pertaining to Dog Training

The Helena Valley Gun Dog Club (HVGDC) appreciates the opportunity to provide comment to the Department on amended New Rule 1. We concur with some of the changes made by FWP to the initial rule that was overly broad and administratively burdensome. However, we continue to have issues with certain language within the New Rule 1 as amended and the existing statute. While there was significant public comment on the initial rule, we believe the process used to arrive at these changes would have benefited from direct discussions with the organized gun dog training community prior to this second publication. That perspective as it relates to the training of retrievers, flushing dogs and pointers would have helped add clarity to the proposed language and in dealing more effectively with the issue at hand.

There appear to be 2 overlapping regulatory objectives under existing statute and the proposed rule. From a resource conservation standpoint, the statute speaks to training dogs in bird nesting areas. As a practical matter, most dog-training occurs in areas where game birds or upland nesting ducks are potentially nesting, albeit at varying nest densities and maybe more importantly, with varying degrees of nest success and brood survival. Dog training activities may or may not contribute to any of those metrics. Second, the rationale for the new rule is to deal specifically with an issue that arose from the training of large numbers of dogs on wild birds in certain locations prior to the opening of the hunting season. These are two very different issues with significant implications in terms of training opportunities and outcomes.

The training of all three types of gun dogs have been lumped into a single category as the Department seeks to deal with the more recent issue of disturbance to wild game bird resources by professional trainers with many dogs during the mid to late summer period. Existing statutory language and the new proposed rule reference this broadly in terms of game bird nesting areas and nesting activities when technically the issue is primarily one of intent to train mostly pointing dogs on wild upland game birds during the brood rearing period. With that said, HVGDC would like to offer a brief summary of basic dog training scenarios by gun dog type that are intended to help focus the rule change on the type of activity that is problematic.

Retrievers: This generally includes marking and handling drills. Multiple helpers or dog handlers help "throw" marks or "plant" blind retrieves that can occur on land and/or water. Only one dog is run at a time using the same pattern of marks or

blinds for most dogs. At a typical club training session we may have 6 dog owners present with a total of 5 – 10 dogs. Objects to retrieve typically include plastic bumpers, pigeons and occasionally dead ducks or dead pheasants (game farm birds). Shooting live flyers (game farm birds) is currently conducted under exiting permits. Training of hunting/hunt test dogs versus field trial dogs differs primarily in the distance and complexity of marks and blind retrieves. Under the training elements described above, there is no intent to focus or target wild upland or migratory game birds for training purposes. There may be a disturbance factor associated with the above noted training but brood-rearing hens can move away from these patterned drills.

Flushing Dogs: Mainly involves spaniels and occasionally retriever breeds. Typically involves training to run a consistent ground pattern to the front of the hunter. Drills can include the handler and up to 2 additional helpers. Multiple dog owners may be involved. Usually 1 dog is run at a time but a brace (2) may be released as well. This may involve the use of pigeons that are planted or placed in launchers. Additional drills include steadiness to flush, handling and retrieving. Drills conducted using pen-reared game birds (pheasants or chukars) require a permit when shot. Given adequate ground cover, the above training scenario can be accomplished within a fairly small area (5-10 acres). These dogs can benefit from late summer sessions that include training on broods and adults of wild upland game birds in "open" fields. Migratory game birds are not a focus.

Pointing Dogs: Typical training sessions can vary greatly but generally require more acreage to work the dogs. Drills include basic commands that need to be re-enforced in the field as well as encounters with planted or wild birds. For training purposes either 1 or 2 dogs can be run at a time and additional help is required for certain training sessions that include shooting over the dog. Planted birds such as pigeons or quail can be used without a permit to work on specific drills that include staunchness on point, steadiness to flush and shot, honoring another dog's point and retrieving. Hunting or hunt test dogs trained by hunters/handlers on foot require less ground for these training scenarios than do field trial dogs with handlers on horseback. In general, the development of a pointing dog benefits the most from encounters with wild upland game birds and learning to hunt objectives in various types of cover. This type of training by both individuals and professional trainers has historically occurred across the northern prairies of the U.S. and prairie Canada during the brood rearing period of mid-July through August on sharp-tailed grouse, Hungarian partridge and ring-necked pheasants. To a much more limited extent, training on mountain grouse during this same period may occur.

General: Organized gun dog clubs across the state vary greatly in terms of membership and types of dogs being trained. Some are weighted heavily to the retrieving breeds while others have a very strong pointing dog component. Flushing spaniels run the same gamut. Training grounds are a mix of private and public lands. Individuals have purchased land across the state for dog training purposes. Pro-trainers have gravitated to certain parts of the state, including the lower Flathead

Valley and scattered locations in the central and eastern portions. Individuals can accomplish some of the above-mentioned training elements by themselves and do so quite often with any of the three types of gun dogs. Given this broad range of activities, we do not believe a one size fits all approach will achieve a balanced outcome.

We have just been informed that the proposed New Rule 1 has now been withdrawn based on legislative intervention. We hope to get some clarification on how that process might unfold using both the Environmental Quality Council (EQC) and the 2019 Legislative Session during the Helena public hearing scheduled for Tuesday evening, October 10. Given some of the unknowns, we see little value in offering other specific recommendations at this time relative to the proposed rule. We as a club of dog owners, trainers and avid hunters recognize several needs – to conserve our upland game bird and migratory bird resources and the habitats they depend upon, to perpetuate the highly valued recreational opportunities those birds resources offer to the public and to responsibly maintain reasonable gun dog training options across the state. While one never knows where a legislative process might go, we strongly recommend that the Department consider convening a balanced stakeholders group to help frame a responsible course of action.

Sincerely,

Jeff Herbert, President
Helena Valley Gun Dog Club

Judy Rasmuson
387 Flathead Creek Road
Wilsall, MT 59086

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This COMMENT is in reference to Discussion of new Rule 1 pertaining to Dog Training.
I attended the Public Comment Meeting in Billings, MT on October 2, 2017.
[The FWP announced at the beginning of the meeting that continuing FWP work on Rule 1 has been suspended while the EQC studies the perceived problem. The EQC will suggest to the Legislature how it, the Legislature should proceed. Further, the FWP said that since the Legislature wont meet until 2019, status quo will be the operative mode. Dog Training in Montana will continue with whatever present restrictions and enforcements have been in place in the past. FWP also urged all that were present to make oral and written comments so that EQC could gather data for the Legislature.]

1. Bad law gives goverment a bad name. Make good laws and govern wisely. Prohibiting dog training in Montana from April 1 through August 31, even with the caveat "of no more than four dogs per day", essentially, legally eliminates 90+ % of all dog training in the State. It prohibits countless professionals and amateurs from pursuing their business and their sport. It criminalizes a large class of law abiding citizens.

2. Is this Rule intended to correct episodes of "bad "behavior in eastern MT? and in so doing, punish everyone else for this isolated behavior? Restricting dog training on public/private lands to fix scattered problems in eastern Montana is bad law. Are there really dog training problems throughout the state? That need to be addressed in such a prohibitive manner? To punish the many to solve the supposed egregious behavior of a few makes no sense. It is bad law.

3. Is this Rule intended to increase the production of wild birds throughout Montana? If so, than many other activities must be addressed that have far more impact than isolated dog training. For instance, the haying of CRP land probably destroys more coveys than can be counted. Gives new meaning to the phrase "The Grim Reaper".

4. Is this Rule intended to eliminate all hunting dog professional trainers and most amateur training groups in Montana? Is there a reason that these people are bad eggs? Hunting in Montana is encouraged by the State for sport and for economic reasons. Hunting with a well trained dog is one of the great pleasures in life.
- Without land to train on, hunting dog training is impossible. You can't teach a dog to point quail in your rec room. You can't expect your newspaper retrieving Labrador to find a cripple without being trained.
- Many people have moved to Montana to partake of hunting and dog sports. These are people who buy land, pay taxes and are part of the social/economic fabric of the state. Does the State intend to eradicate these people, their businesses and their sport?
- Professional dog trainers raise the bar of expertise and give dog owners the chance to maximize their dogs' potential. Please don't vilify these professionals. They work hard, have long hours and don't depend upon government handouts for their yearly income. Yes, many use public land to train dogs, but they are part of the taxpaying public too.
- Hunting dog trials are endemic through the state and have been for decades. These trials include all breeds - pointers, retrievers, spaniels, etc. National Championships have utilized Montana land along with countless weekend trials. Does the State intend to criminalize the underpinnings of these events?

Judy Rasmuson
387 Flathead Creek Road
Wilsall, MT 59086

5. The language in the REASON portion of FWP's write-up, *"includes as many as 60 dogs at one time as well as the use of horses"*, seems meant to rile the public into "how dare they!" indignation. This language speaks to ignorance of how dogs are trained, be they pointers, spaniels, retrievers, coon hounds. No pointer trainer has ever let 60 dogs loose to run riot over the prairie. They are released in braces, 2 or 3 braces at a time, and carefully monitored from horseback. They may train 60 dogs over the space of days but not in one fell swoop.
- Please find out how different breeds are trained and then study the impact different modes of dog training actually have on the environment as well as on bird hunting in Montana.
- Be careful, informed and impartial. Please don't blindly follow what might be self serving complaints.

6. Continuing under the REASON portion of FWP's write up, it says that *"the Fish and Wildlife Commission was also approached by bird hunters who were noticing a large decrease in the number of available birds in certain areas during hunting season."* This implies that this anecdotal reporting of bird decrease is due to dog training. Where are the studies to prove this? We have all noticed bird fluctuations that have nothing to do with pointer training in eastern Montana. Some of these fluctuations are deep and long term. Let there be sound science underlying any proposed statutes, saving the State from cavalierly taking away dog trainers' lively hoods.

7. Further down under the REASON write-up, the FWP states, *"other states and provinces have similarly implemented restrictions on some types of dog training."* When asked at the meeting, what was the basis of those restrictions, the FWP reps had no answer other than "I don't know".
- Don't point to other states and say "they regulate, so we can too". There are little or no studies to support the premise that dog training is a detriment to the environment.
- Don't just piggy back on other states ignorant law making because some people are upset about large scale pointer training in eastern Montana. Is it the fact that these pointer trainers are "out of state" that makes the training so heinous? and fair game for the locals to grouse about?

8. *"...this proposed rulemaking will help keep Montana from being detrimentally set apart as the easiest state in which to train large numbers of dogs."* This sentence in the REASON informs me of the anti-dog training attitude that is behind this proposed rule. One of the reasons, I and many people have come to Montana is that hunting and dogs are not pariahs in this state. Why should it be "hard" to train dogs in this state?

9. If there are sound environmental reasons to limit pointer training in eastern Montana, than address this problem. Please don't over regulate a sector that doesn't need regulation particularly from a distance with an overly broad hand. Local directives have worked well in the parts of Montana with which I am familiar, the Mission and the Gallatin Valleys in particular.

Judy Rasmuson
387 Flathead Creek Road
Wilsall, MT 59086

10. The FWP reps said that this proposed Rule 1 was an attempt to limit the blanket statute [Section 87-4-915 (5)(a)] that essentially forbids all dog training anywhere in Montana without express permission from the director. The proposed Rule 1 was an attempt to provide clarity by directing when and how people could legally train dogs in Montana. They also stated that Rule 1 was meant to limit commercial business.
- From the discussions at the Billings Public Comment Meeting, this proposed Rule 1 doesn't clarify but rather very specifically prohibits even further any dog training in Montana and as I stated before, it criminalizes activites that have been allowed for generations.

11. Section 87-4-915 (5)(a) provides that dogs may be trained in open fields at any time without permission of the director only if

(a) live game birds are not killed or captured during training
(b) the training is more than one mile from any bird nesting or management area or game preserve.

[According to FWP, agency regulations dating from 1972 were codified into this statute by the Legislature in 1982.]
- When asked at the meeting, why local game wardens didn't step in to solve the problem of game bird disturbance by the pointer trainers, the answer was that the wardens didn't think their cases would have any impact with the local judges.
- So...is it easier to solve a local knotty problem by kicking the problem "upstairs"? Or are these game wardens asking for clarity on interpreting the above vague and probably overreaching statute?
- the FWP reps agreed that this statute probably forbade dog training in most if not all of Montana due to there being few places that weren't within a mile of a bird nesting site. They stated that this dog training prohibition probably extends to all private lands as well.

12. The above cited statute is overly broad and restrictive. The (b) clause is probably not enforceable on private land without considerable legal battles for the State. Further, even if the State had the will to enforce this statute on private land, the financial cost could be prohibitive, especially in these lean budgetary times.

13. The use of "bird nesting" as the core measurement of all the dog training regulation in Montana effectively eliminates all dog training on state grounds and possibly private. If the State persists in using this denominator as its guiding principle for protection of upland game birds and migratory game birds, than why stop with dog training? Should cattle and sheep grazing be curtailed? Should walking and hiking in wilderness areas be under newer and more stringent regulations? Should boating and fishing near duck nesting be banned? Let us hope that common sense prevails and that the Legislature wont use protection of all bird nesting as a reason to ban hunting dog training and sport from the State.

Judy Rasmuson
387 Flathead Creek Road
Wilsall, MT 59086

14. Solutions

a.) Determine, through study, if there is an actual problem with bird production in eastern Montana that is caused by training pointers.

b.) If study shows a long term correlation, than write law or regulation that is specific to the actual problem. Give the game wardens a law or regulation that addresses the actual problem.

b.) Establish non-training seasons on public land that is consistent with current science and past history. There are already closed seasons on various state lands throughout Montana. These current closings seem to work well. Don't dilute these established closings by allowing people, groups or businesses with 4 or fewer dogs to train "out of season."

c.) At present, various groups lease state lands for dog training purposes. There is little indication that these leases which include local stipulations, interfere with bird production. If there is interference, take it case by case and don't target a whole sector to solve an individual problem.

d.) Eliminate private property from any dog training prohibition. Enforcement of this prohibition will be spotty and will detrimentally target small land owners where it is easy for a warden to "look over the fence." It is up to the land owner to steward game on their property within the already existing statutes and regulations regarding hunting, etc. Please don't be part of "taking" of private land. Just because you can, doesn't mean that you should.

15. Non-solutions

a.) Don't use the number of dogs a person, group or business train in a day as criteria for dog training in Montana. This is a red herring. It is a poor measuring stick. The number of dogs has little to do with impact on grounds. What could impact the grounds is how the trainer uses the grounds for training not the number of dogs.

b.) Don't assume that commercial dog training is bad. These professionals aren't puppy millers. They run legitimate small businesses that are in demand by residents of this state.

c.) Don't assume that out of state trainers are bad for Montana. These people spend money in the state. They hire Montanans. They pay lease money to landowners. Their clients come back to hunt in Montana bringing in more revenue to the state. Further more, they have clients that reside within Montana...and who vote.

NEW RULE 1 PERMISSION TO TRAIN DOGS IN GAME BIRD NESTING AREAS

(1) For purpose of this rule, the following definition applies

(a) "bird nesting" refers to the nesting activities and habitat of upland game birds and migratory game birds.

(2) A person, party, group, or business wishing to train dogs under the provisions of 87-4-915(5), MCA, has the permission of the director to train dogs within one mile of any bird nesting or management area or game preserve only if live game birds are not killed or captured during training, and if the person, party, group, or business is training:

(a) not more than four dogs per day: or

(b) more than four dogs per day between September 1 and March 31.

(3) Permission is not granted for training more than four dogs per day per person, party, group, or business within one mile of any bird nesting or management area or game preserve between April 1 and August 31.

(4) This rule does not preclude further site-specific management rules or conditions on public and private lands. Landowner permission must still be obtained for training activities.

(5) This rule does not apply to activities otherwise licensed or permitted by Fish, Wildlife and Parks, such as regulated hunting activities, permitted field trials and permits to train dogs with captive game birds.

Saturday, September 30, 2017

To whom it may concern at Montana State Fish, Wildlife and Parks,

This is in regards of new rules pertaining to dog training. The following comments are in no particular order.

1) The timing of your public hearings seem to be bent on minimizing public participation, again. Kind of like the short turn around time allowed on comment originally. Holding them on the Tuesdays after the opener of ducks, and the opener of pheasants, the high holy days of the people whom you hope to control by your new regulations, seems to be ill timing. Those of us who have to travel to engage in those activities will not be likely to hit the road again to attend one of your meetings. Not everyone lives in one of the cities where you're holding these meetings. Surely, you did think of this when you set these dates, right?
2) I am not certain how these new proposed rules actually affect people who's activities you hope to limit. If it's the out-of-state people who target Montana as an easy state to train in, why not just say no out-of-state training of dogs in the state? You seem to be set on visiting the sins of the out-of-staters by punishing the local good guys.
3) I feel as though I'm in a poker game with the state of Montana. Naturally, your opening gambit for the limit on dogs to be trained at any given time will naturally be low. So I would suggest that we settle on a happy medium, if you think 60 is too high and I think four to small, can we settle on say, 35 dogs?
4) I'm unclear on some things, for example if I have a permit to train with captive game birds and I'm on private land that is not a game preserve and the adjacent property is a game preserve, would I be in violation of this new rule? Didn't take long to get in the weeds did it? Will it come down to the whims of my local game warden?
5) Finally, what's the penalty going to be for not being in compliance with this new rule? You might find that the out-of-stater's that you hope to control might just laugh and say send me the bill.

Best wishes,

Eric Hammer

Eric Hammer 2200 Carter Creek Rd., Dillon, MT 59725

RECEIVED
OCT 0 5 2017
LAW ENFORCEMENT

Glenn Elison
91 Burly Beach Road
Lewistown, MT 59457
September 22, 2017

Mr. Mike Lee
Montana Fish, Wildlife and Parks
PO Box 200701
Helena, MT.
59620-0701

Dear Mr. Lee,

I am writing to comment on the recent FWP proposal to regulate commercial bird dog training in Montana. I support the proposed regulation.

I have lived in Montana for years and I am an avid upland bird hunter. I train my own dogs but I do not run my dogs on wild birds before the season opens in early September because of my concern for disrupting family groups or the inevitable mortality on young game birds that are not flight capable or weak fliers. As a practicing wildlife biologist for over forty years, I believe that repeated flushes of young family groups have an adverse impact on survival.

The increasing appearance of large commercial operations in eastern Montana by out-of-state trainers represents another example of inappropriate exploitation of wild resources that belong to all Montanans. These trainers, mostly from out of state, are paid large sums of money to train dogs. Their activities are at the expense of local hunters and other Montanans.

Large scale commercial dog training in Montana has become an industry, and it needs to be regulated like other industries impacting Montana wildlife. I support FWP's efforts to regulate commercial dog training, which can impact young game birds. Thank you for considering these comments.

Sincerely yours,

Glenn Elison

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SEP 26 2017
LAW ENFORCEMENT

RECEIVED
SEP 25 2017
LAW ENFORCEMENT

2

November-March Address
406/350-2661
PO Box 939
Lewistown, Montana 59457

Outdoor Writing
E-Mail: thomasdon@me.com

Photography
Website: www.donthomasbooks.com

April-October Address
907/828-3423
PO Box 19244
Thorne Bay, Alaska 99919

• • • SPRING CREEK ENTERPRISES • • •
E. Donnall Thomas Jr.

Dear Mr. Lee,

I am writing in regard to the recent FWP proposal to begin regulating commercial bird dog training in Montana, which I support.

I have lived in eastern Montana since 1973, hunt upland birds, and train my own dogs. However, I do not run my own dogs on wild birds before the season opens on September 1 as a matter of personal restraint. I feel that repeated flushes of young family groups prior to that have to have an adverse impact on survival.

Furthermore, the increasing appearance of large commercial operations in eastern Montana by out-of-state trainers represents just another example of inappropriate exploitation of wild resources that belong to all Montanans. These trainers are paid large sums of money by wealthy individuals to train their dogs at the expense of local hunters.

My only concern about the current proposal, as I understand it, is that it will cause problems for enforcement and does not go far enough. If a warden observes someone running four dogs in August, how will he or she know there are not four more—or forty—chained out behind a barn somewhere?

Large scale commercial dog training in Montana has become an industry, and it needs to be regulated like other industries impacting Montana wildlife—guiding, for example. I support FWP efforts to begin this process and hope you will take my concerns into consideration.

Don Thomas
Lewistown

406-350-2661
thomasdon@me.~~net~~ com

2

SEPT. 20, 2017

MIKE LEE AT MT FWP ENFORCEMENT:

I STRONGLY OPPOSE DOG TRAINING ON AREAS UNDER STATE CONTROL AT ANY TIME, AT ANY DISTANCE DURING THE NESTING, BREEDING SEASON OF ALL GAME BIRD SPECIES.

THE BIRD HUNTING COMMUNITY, WHO HAVE BEEN FOUND TRAINING THEIR DOGS, HAVE LOST THEIR CONNECTION WITH HUNTING/TRAINING ETHICS AND THE SCIENCE (BIOLOGY) OF REPRODUCTION OF BIRDS. IN THIS INSTANCE. TEACH THIS. MONTANA EXPECTS IT OF YOUR DEPARTMENT. Pat Rodney

Dear Mike Lee

I am writing this letter because I tried to e-mail you and could not get it done. I am concerned about the subject of changing the laws about dog training in Montana. I have trained bird dogs and hunted in Montana for over 40 years. My concern is the way some of the proposals are written. Cannot train or exercise on ground where a game bird might be within a mile. That is almost any field in the state of Montana. I have trained dogs in little fields of 10 to 60 acres for years very seldom do I disrupt any nesting of game birds. Most bird hunters are very concerned about the hatching of game birds because we hunt them. I can understand why some bird hunters are concerned about big pro trainers training big bunches of dogs on ranches during the nesting season or horse back trials on wild birds during the nesting season. If that's all we need address can we make the laws and permits towards fixing that problem. Not making laws that would stop anyone from training any dog on any land during nesting season or from having a field trial on lands during the nesting season. Already have laws concerning field trial permits and requirements not to hurt the game birds there. Even have laws on the requirement of dog training permits. I am afraid the bird hunters that want this new law are going to hurt themselves. Most of the field trials in Montana supply their own game birds for the event.

Yours sincerely John Attard

1059 2nd street W.N.
Columbia Falls Mt
jattard101@charter.net
406-892-5990
406-261-7109

RECEIVED
SEP 21 2017
LAW ENFORCEMENT

Jo Ann Kish

494 Lewis and Clark Trail
Bozeman, MT 59718
(406)209-7473
kishj597@gmail.com

September 15, 2017

Mike Lee
Enforcement Division MT FWP
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee

I vehemently oppose the original proposed rule and its alternative rule MCA 87-4-915(5)(a). The New Rule I Permission to Train Dogs in Game Bird Nesting Areas. This rule change is unnecessary and malicious. If a rule change is necessary to prevent the destruction of game bird nests it should simply be to limit training on these areas from April 1 to July 15. It should be applied to all. No matter how many or few dogs someone is training. This rule change is designed to rid the state of all amatuer and professional dog trainers. I have had the privilege of knowing 4 professional dog trainers. I have personally worked with 3 of them. Professional trainers do come to Montana to use a public rescource but it is not in their best interest to destroy it. They are more concerned about game bird populations than farmers, and hunters. They know that their successes are built on healthy bird populations. Professional trainers contribute to our local economy by leasing land and using local services such as veterinarians. They provide a valuable service to serious minded dog owners and breeders of high quality bird dogs. The loss of professional trainers destroys the selection process of the upland hunting dog. Without them the genetics of these dogs will be lost in short order.

If there are individual cases of abuse by trainers disrupting nests and killing birds out of season I would support their prosecution to the fullest extent of the law.

Game bird populations have always fluctuated from year to year based on many different factors, droughts, fire, overharvesting, ferrel cats and over grazing to name a few. Professional trainers are an easy target for unsubstantiated claims of abuse. I urge you and the FWP Commission to oppose this rule change.

Sincerely yours,

Jo Ann Kish

RECEIVED
SEP 2) 2017
LAW ENFORCEMENT

Written Comment

Name: Cheryl Talley
Address: 1159 LaBrant Ridge Kalispell 59901
E-mail: ctalley@montanasky.net

Since about 80% of dog trainers and field trialers go south for the winter, meetings and working groups should be in spring or summer! so those most affected can participate.

The economic impact is WAY bigger than most people realize. Montana is a premier training area.

October 2, 2017

Mike Lee
PO Box 200701
Helena, MT 59620-0701

via email: FWPDogTraining@mt.gov as a copy

RE: NEW RULE I PERMISSION TO TRAIN DOGS IN GAME BIRD NESTING AREAS

Dear Mr. Lee;

Thank you for allowing members of the public to submit comment on the proposed rule referenced above. I represent the Big Sky Chapter of the North American Versatile Hunting Dog Association (NAVHDA) as President this year. Our club currently has 36 members throughout Montana. Several of them have submitted comments regarding this issue voicing their individual concerns, including myself.

The Mission of the NAVHDA organization is as follows:

"The North American Versatile Hunting Dog Association (NAVHDA) is a nonprofit corporation whose purpose is to foster, promote, and improve the versatile hunting dog breeds in North America; to conserve game by using well trained reliable hunting dogs before and after the shot; and to aid in the prevention of cruelty to animals by discouraging nonselective and uncontrolled breeding, which produces unwanted and uncared-for dogs."

I originally submitted comments on behalf of the club with grave concerns about our ability to fulfill our mission with the new rule. In first reading this new version I called you on September 28, 2017 to get some clarification as there seemed to be some conflicts in how I read the rule.

You explained to me that the intent of this rule is to only regulate how "wild game birds" are used for training. As I now understand it, the MT FWP has no intention to change the regulations on training with pen raised birds of any species in any location. In other words, only 87-4-915(5)(a), MCA is being clarified with this proposed rule which state that:
"(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. "

Further, it is my understanding that 87-4-915(5)(b), MCA is the law that has allowed us to train in the past and that this law as stated below allows us use pen raised birds with a permit and is worded as follows:

"(5) (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."

Our first concern is that this rule was ever interpreted to allow trainers to use wild game birds for training purposes. We understand that one can't help but run into wild birds when enjoying the outdoors, but we would think that the purposeful use of wild birds is harassment of game and shouldn't be allowed. That being said, we now understand that it has been interpreted otherwise.

How does **87-6-204 (1) MCA play into this conversation? The rule states that:**

"Hunting or fishing during closed season. (1) A person may not hunt <u>or attempt to hunt</u>:

(a) any game animal or game bird or fish for or catch any fish during the closed season on any species of game animal, game bird, or fish; or

(b) an upland game bird until the commission provides an open season on that upland game bird. The open season on mourning doves is restricted to the open season on upland game birds."

If the rule must be clarified, then we have the following suggested edits to make sure that future interpretations to not preclude us to continue training and testing the way we currently do. Below is a marked up version of your proposed rule with our suggested edits in **BOLD CAPITAL LETTERS**.

NEW RULE I ~~PERMIT~~ PERMISSION TO TRAIN DOGS IN ~~UPLAND~~ GAME BIRD NESTING AREAS (1) For purposes of this rule, the following definition~~s apply~~ applies:

(a) "bird nesting ~~area~~" refers to the nesting activities and habitat of upland game birds and migratory game birds. ~~means any area within the state which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest;~~

~~(b)"game preserve" means an area that is owned and managed by the state or federal natural agency for the purposes of game protection and propagation;~~

~~(c)"management area" means any property managed by the state or federal natural agency for the purposes of maintaining wildlife habitat, wildlife propagation or public hunting access;~~

~~(d)"open fields" means any area of natural surroundings where wildlife may naturally occur and may include bird nesting areas, management areas, or game preserves.~~

(2) A person, party, group, or business wishing to train dogs ~~in open fields must apply for a permit by filing an application on a form provided by the department at the regional office in the region where the person will conduct such activity.~~ under the provisions of 87-4-915(5)(a), MCA, has the permission of the director to train dogs within one mile of any bird nesting or management area or game preserve using only captive reared game birds. Under no circumstances will live **WILD** game birds be intentionally hunted, killed or captured during training outside of the designated game bird hunting seasons. ~~Permit holders must follow the terms and conditions set forth in the permit.~~ This rule does not preclude further site-specific management rules or conditions on public and private lands. Landowner permission must still be obtained for training activities….

(3) This rule does not apply to activities otherwise licensed or permitted by Fish, Wildlife and Parks, **IN ACCORDANCE WITH 87-4-915(5)(B), MCA** such as regulated hunting activities, permitted field trials and permits to train dogs with captive game birds,

As mentioned in our first letter, we would prefer more flexibility with the dog training process. We appreciate clearer definitions as to where you can and cannot train so that perhaps we would not need to apply for specific properties in the future. A more transportable permit would be better for our training needs.

Thank you for holding the hearings and we hope that we can preserve our State's wildlife with good regulation and excellent dog training.

Respectfully;

Jason Rice
President – Big Sky Chapter NAVHDA

(406) 240-4265
Landworks.jasonr@yahoo.com

Gangstad, Kaedy

From: Linda Johnson <lrjohnson1@gmail.com>
Sent: Friday, October 13, 2017 11:19 PM
To: Lee, Michael
Subject: Dog training regulations

In reference to: Dog training regulations

First, it must be said that the constituents of this great state appreciate the efforts of the Environmental Quality Council in their efforts to protect and maintain the exceptional attributes of Montana. Thank you.

We realize a thorough knowledge of each proposal is essential.As such you have received a great deal of information and opinions from land owners, hunters, andamateur as well as professional dog trainers. I am confident you have been informed that in regards to retrievers one dog is trained at a time and a maximum of 2-4 pointers/flushers are trained at one time. A professional may have many dogs (usually 10-25) but only a few are in the field training at a time and usually under absolute control. At least in regards to all the retrievers and many of the pointer/flushers wild fowl is not pursued, disturbed, or killed.Cage raised birds are used for retrieval or placed in the field to be found, pointed and flushed.

Dog trainers (amateur and professional) have bought, developed (often with tribal input or Ducks Unlimited or Pheasants Forever), and maintained grounds that provide abundant new water features and grasslands devoid of noxious weeds. Indeed millions of dollars have been spent for the betterment and maintenance of Montana's lands and wildlife.

I have read the two written complaints provided to WFP which were against out of state dog trainers. Neither were first hand knowledge of the manner of dog training on public school land. These were written by out of state hunters (probably hunting with trained dogs). Their reports are based on second hand reports and supposition. Supposition that 1) dogs are disturbing large sections of land (unobserved) , 2) the wild fowl population is constantly been decreasing (?data), and 3) that dog training is responsible for ? decreased bird population. I can certainly attest from

35 yrs of retriever training in Montana that the dogs are under control and are used on a small portion of the land (land that 95% of the time is on private land bought, developed and maintained specifically to enhance good flora and promote abundant wild fowl). Any land use of other private land is with the permission of land owners obeying any requests of said land owners. Public land is rarely used but under obeisance of all laws and regulations.

I know the EQC desires to make the most knowledgeable and equitable regulations and laws. In such I would ask the EQC to establish a working group on hunters, land owners, legislators, hunting dog enthusiasts and dog trainers(amateur and professional) to investigate in depth complaints and any detrimental effects (if any) of dog training by:

1)researching the wild fowl population in states/provinces before and after institution of regulatory restrictive laws,

2) if there is shown to be an above decrease to determine the causes of said decrease which may be multifactorial (drought, climate change, predator change, etc),

3)balance any detriment done by a few with the abundant good provided by the many.

As such if legislation is deemed necessary that it be as narrow as possible to target those responsible and not effect respectable Montanans who are respecting the land and protecting our wildlife.

Thank you,
Linda Johnson MD

Sent from my iPad

Gangstad, Kaedy

From: John McIltrot <seranoakennels@gmail.com>
Sent: Friday, October 13, 2017 10:50 PM
To: Lee, Michael
Subject: MAR Notice No. 12-473 Pertaining to the Proposed Adoption of the Dog Training Rule

Dear Mr. Lee,

This email pertains to the proposed rule regarding bird dog training in Montana.

Having attended hearings in both Billings and Bozeman, it is evident to me that the department is now aware of the lengthy list of problems associated with the proposed rule. I trust that my comments, along with the comments in the letter I sent to you in May of this year, and additional letters and emails you have received regarding the issue, will be passed along to EQC now that the proposal has been withdrawn.

Critical points regarding the issue include:

- The proposed rule would bring significant economic hardship upon Montana bird dog trainers, as well as the businesses they and their customers support. As trainers leave Montana in response to the proposed rule, they and their customers will spend their money in other states.
- There has not been evidence presented that existing regulations have allowed canine training activities (on currently regulated state, public, or private grounds) to damage or cause a decline in wild bird populations.
- Limiting the number of dogs in a trainer's camp, or limiting the number of dogs run per day, will have no bearing on protecting the resource. In order to protect the resource, there should be no dogs allowed in the field during the nesting/brooding period, which has been established by neighboring states and provinces as May 15 – July 15
- Language regarding "bird nesting area" is ambiguous and confusing
- Failing to distinguish between canine disciplines, i.e., pointers, retrievers, flushing breeds, tracking breeds, search and rescue dogs, and so on, creates a morass of confusion and unfairly affects some breeds and disciplines

I am a full-time professional pointing dog trainer who trains primarily from horseback, and I am a full-time resident of the state of Montana. Thusly, I have a vested interest in this issue. For the record, I urge FWP and EQC to acquire a better understanding of what bird dog training really is, and to work with a user group to help formulate rules and regulations which protect the resource without undermining the rights of those of us who support and depend on it.

Thank you,

John McIltrot
Seranoa Kennels
841 Stiles Rd.
Broadview, MT 59015
seranoakennels@gmail.com

Gangstad, Kaedy

From: lesliehowe@mt.net
Sent: Friday, October 13, 2017 9:23 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

I am a volunteer for a habitat organization and a bird dog owner and bird hunter. I understand the importance of good habitat for birds and other wildlife. I have skin in the game on all sides of this issue. I have participated in a number of fundraising activities and habitat projects over the years. I understand the importance of giving back and making more habitat, which makes more birds.

I help my husband train our dogs. Although we are not professional trainers, we have both received training from a professional trainer. Our choice to have quality bird dogs as well as good family companions is a year-round hobby. Our pointing dogs require a lot of exercise all year. When we train we need birds and since we are hunters, wild birds are preferred. We don?t run or train our dogs during nesting season and don?t hunt where we train to ensure the birds will be there for us the next year.

I find it hard to believe that a proposed rule change can be written singling out dog trainers as the reason for perceived low bird numbers without seemingly any understanding of the facts. If wild bird numbers are down, a number of factors can be in play. To name a few there are weather events, predators, loss of habitat (such as CRP), haying (even on WMAs where dog training is not permitted within a mile) that not only takes away habitat at a critical time during the nesting period but can kill chicks and destroy nests, (over) grazing on leased state land, and mismanagement of WMAs.

It is unfathomable that anyone could believe small business or local economies won?t be significantly impacted by limiting dog training. The numerous comments at the hearing should put to rest any doubts about how much money is generated in small communities by dog training and field trials in Montana.

Developing a workgroup that includes a variety of stakeholders is imperative for a fair solution to the issue presented. This group should minimally include bird hunters, amateur and professional dog trainers, landowners, business owners/community leaders, and FWP staff. Conservation groups may also be able to provide facts to help the group make decisions. Fix the badly written law and come up with a rule that looks at the facts and takes all sides of the issue into consideration.

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: pathowe@mt.net
Sent: Friday, October 13, 2017 5:47 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

As a member of several upland bird conservation organizations with an AAS degree in Natural Resources Conservation and an avid dog trainer and upland hunter, I have tried to look at this as objectively as possible. I have followed this process from the release of the first permit attempt to the informational meeting at the Upland Game Bird Council in Helena to where we are now. A working group has been asked for several times now, starting at that Upland Game Bird Council meeting, but no attempt has been made to start one. Up to this point I have seen no evidence that there is a problem of dog training reducing bird numbers. Every year thousands of upland hunters pick up a shotgun and head out into the fields and actually kill upland birds. And if the habitat is there and the weather cooperates, they will do it again the next year in the very same location and on and on it goes, if the habitat is there, with no decline in bird numbers due to hunting. What FWP is now saying is that far fewer, in fact thousands fewer people and dogs that are just pointing birds or even chasing a bird while training will make a difference by declining the bird populations!

One of the worst things that can happen in training young pointing dogs is that the dogs catch a bird. Trainers do everything they can to not let that happen. They need birds that are mature enough to fly away. This is one reason wild birds are so valuable in training pointers; they won?t be caught. This is also why trainers I know voluntarily don?t work dogs on wild birds between April to mid July. My dogs have never caught a wild bird in almost 20 years and I have trained in the same locations for years. I care about the birds. I don?t even hunt where I train, though others might, so I can do everything I can to ensure birds will be there to train with and they are indeed always there. We control the dogs in various ways. No one is behind a predator ensuring control and they hunt every single day, 24 hours a day, from the air and the ground, yet the birds still manage to survive to be hunted every fall.

?Life after CRP? is a pamphlet FWP put out a few years back. That is what we are dealing with here. The most popular bird to hunt yet the least likely bird to train with in Montana is the pheasant. Montana has lost about 2 million acres of CRP habitat in the last 10 years leaving us with about 1 million acres today. The bird most effected by CRP loss is the pheasant. CRP loss affects all birds but native birds thrived here long before CRP was created. However, this loss makes a real difference in how difficult it is to find birds. I do not believe it is a coincidence that the 2 regions where FWP stated the complaints of dog training are coming from are the 2 regions hardest hit by CRP/habitat loss. The unbelievable lack of understanding about what goes on with bird dog training and what it takes to develop a top notch bird dog that trainers, pros and amateurs alike, want to develop to trial and/or hunt over is turning the dog trainer for the unsuccessful bird hunter into what the wolf is for the unsuccessful elk hunter.

Another point is the youth hunts now conducted before the regular season. As someone that mentors in those hunts I have seen the difference myself in how easy the birds are to find during the youth hunt, and just 2 weeks later how much more wary they have become. The youth hunters don?t kill many birds but in most cases it takes lots of bird contacts and lots of misses before they finally connect to harvest a bird. They educate a lot of birds. The rewards far outweigh the small impact the hunts have, but hunters may have more difficulty finding the birds if they hunt where the youth hunts took place. The reality is, birds are harder to find now, folks need to put in more effort.

Where FWP has science they chose to ignore it. I have spoken to the Upland Game Bird Council and FWP many times about the waste of funds now used to release pen raised pheasants in Montana that could instead be used on habitat. If stocking birds did work the ares that are stocking birds would be over run with pheasants by now. Study after study says stocking is ineffective, yet when asked about changing the statute, time and again it was said if we take this to the legislature we don?t know what will happen with it. Yet in this case with dog training, with no science and little knowledge about dog training, this is going to the legislature where we don?t know what will happen with it. It was after all the legislature that came out with the totally vague and unenforceable one mile from a nest or possible nest site law

we have now that can?t be enforced and FWP wants clarified.

I also see a complete lack of understanding in the economics and the business aspect of dog training by Montana resident professionals for the Montana economy. As someone who wants to go pro in the future this is concerning. In the first proposal from FWP it stated and I quote, ?With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.? This was signed off by the FWP director and the rule reviewer! For this reason alone I believe a working group is necessary. You can?t make good law without all the facts. The resource and Montana resident trainers, amateur and professional, must be a priority. No one cares more about birds than a bird dog owner/trainer and that holds especially true for Montana residents. It is often said, no birds, no bird dog. We can protect the resource and the business and hobby of bird dog training, but not without a clear understanding of what is going on and what is needed on all sides. The real answer to more upland birds is in habitat. That is one thing I believe everyone can agree on right now.

This fall I mentored in a Pheasants Forever youth hunt for pheasants using my pointing dogs on Canyon Ferry WMA. The young hunter took his first 2 pheasants ever that Saturday. On the following Monday I was doing business in Helena and his mother recognized me from a photo the father had taken of me with his son. She told me how excited her son and husband were and that they were already looking for a bird dog! Let?s be sure that boy has the ability to find a well-bred dog and either train it with his dad or have a pro train it right here in Montana so he and his dad can have years of enjoyment together hunting upland birds over a trained bird dog.

Thank you for your consideration in this matter,
Pat Howe

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: Linda Johnson <lrjohnson1@gmail.com>
Sent: Friday, October 13, 2017 4:34 PM
To: FWP Dog Training
Subject: Dog training regulations

In reference to: Dog training regulations

First, it must be said that the constituents of this great state appreciate the efforts of the Environmental Quality Council in their efforts to protect and maintain the exceptional attributes of Montana. Thank you.

We realize a thorough knowledge of each proposal is essential.As such you have received a great deal of information and opinions from land owners, hunters, and amateur as well as professional dog trainers. I am confident you have been informed that in regards to retrievers one dog is trained at a time and a maximum of 2-4 pointers/flushers are trained at one time. A professional may have many dogs (usually 10-25) but only a few are in the field training at a time and usually under absolute control. At least in regards to all the retrievers and many of the pointer/flushers wild fowl is not pursued, disturbed, or killed.Cage raised birds are used for retrieval or placed in the field to be found, pointed and flushed.

Dog trainers (amateur and professional) have bought, developed (often with tribal input or Ducks Unlimited or Pheasants Forever), and maintained grounds that provide abundant new water features and grasslands devoid of noxious weeds. Indeed millions of dollars have been spent for the betterment and maintenance of Montana's lands and wildlife.

I have read the two written complaints provided to WFP which were against out of state dog trainers. Neither were first hand knowledge of the manner of dog training on public school land. These were written by out of state hunters (probably hunting with trained dogs). Their reports are based on second hand reports and supposition. Supposition that 1) dogs are disturbing large sections of land (unobserved) , 2) the wild fowl population is constantly been decreasing (?data), and 3) that dog training is responsible for ? decreased bird population. I can certainly attest from

35 yrs of retriever training in Montana that the dogs are under control and are used on a small potion of the land (land that 95% of the time is on private land bought, developed and maintained specifically to enhance good flora and promote abundant wild fowl). Any land use of other private land is with the permission of land owners obeying any requests of said land owners. Public land is rarely used but under obeisance of all laws and regulations.

I know the EQC desires to make the most knowledgeable and equitable regulations and laws. In such I would ask the EQC to establish a working group on hunters, land owners, legislators, hunting dog enthusiasts and dog trainers(amateur and professional) to investigate in depth complaints and any detrimental effects (if any) of dog training by:

1)researching the wild fowl population in states/provinces before and after institution of regulatory restrictive laws,

2) if there is shown to be an above decrease to determine the causes of said decrease which may be multifactorial (drought, climate change, predator change, etc),

3)balance any detriment done by a few with the abundant good provided by the many.

As such if legislation is deemed necessary that it be as narrow as possible to target those responsible and not effect respectable Montanans who are respecting the land and protecting our wildlife.

Thank you,
Linda Johnson MD

Sent from my iPad

Gangstad, Kaedy

From: don risingsunretrievers.com <don@risingsunretrievers.com>
Sent: Friday, October 13, 2017 3:39 PM
To: FWP Dog Training; Lee, Michael
Subject: Rule 1 concerns & comments

Don Remien
Rising Sun Retrievers Inc.
53586 Marsh Creek Rd.
Charlo, MT 59824
406–544-6369
don@risingsunretrievers.com
dfrdogdodo@gmail.com

October 13, 2017

Reference: Comments on FWP Rule 1 pretaining to dog training in Montana.

To whom it may concern:

My name is Don Remien. I have been a professional retriever trainer in the Mission Valley for 38+ years. I find it interesting, if not funny that in that period of time there has never been an issue or concern about dog training presented like this before?

On October 10th I attended the FWP meeting concerning the issue in Kalispell. > I had intended to speak but I found that a majority of my questions were asked by others and to a certain degree answered by FWP so I won't repeat the flaws of the proposed rule. > I also understand that "Rule 1" has been abandoned.

On October 12th along with two other interested dog people I traveled to Helena and met with Mike Lee. The purpose of our trip was to obtain copies of the "written complaints" •• As rumored there were only two! > Both of those were written and presented by persons from out-of-state! > When questioned Mr. Lee stated that there were also other verbal complaints but there were no records kept and that the "commissioner" who received the complaints was now deceased • Mr. Lee also stated that Rule 1 was no longer in play BUT they were pursuing a "STATUTE" concerning dog training & dog trainers • This "statue" was to be put together by the EQC then presented to the 2019 legislature to vote on • No studies or additional data was planned to be done by the FWP concerning the impact of dog training on any types of wildlife, birds or land before the "statute" was presented to the legislature!

>> I found it ironic that a LAW could be passed by OUR REPRESENTATIVES with no concrete data or proof of any kind of environmental or wildlife damage or harm caused by training dogs!! • I also found it ironic that when questioned at the October 10th meeting not one warden or FWP representative at any of the combined 4 meetings had ever witnessed ANY TYPE of dog training!

>> Soooo ... the sportsman and dog trainers in Montana will potentially be governed by a LAW that has no basis of proof .. or even common sense?? Several people volunteered to take "anyone" from the FWP interested to go out with

them and observe
dog training of any or all types!! Takers??

>> Personally in the Mission Valley almost 100% of the Field Trial Retriever training is done on private property. Only pen raised, tagged, banded or toe clipped birds are used - In any group only one dog is out of time - At last count there were 20 properties which have been developed with extensive ponds at great cost for training Field Trail Retrievers. These properties provide nesting and resting habitat for ALL species of birds and wildlife!

>> NOTE: In the retriever field trial game a dog is judged on how "STRAIGHT" the dog goes to the retrieve <> THERE IS NO QUESTING INVOLVED!!

>> On another note I personally live next to the Ninepipes State Wildlife Refuge > Limiting training on private property within a mile of any refuge or "nesting habitat" would pretty much illuminate all training in this valley!! ~~ This would be a huge economic loss not only to the community but the state to which we pay taxes.

<> Thank you for looking at my comments and concerns. I hope you take them into deep consideration before you proceed with any proposals. <> It is common knowledge that the State of Montana right now is basically financially broke ~ I'm wondering where the money is coming from for this wild goose/dog chase??

Sincerely,
on Remien

D

Gangstad, Kaedy

From: don risingsunretrievers.com <don@risingsunretrievers.com>
Sent: Friday, October 13, 2017 3:39 PM
To: FWP Dog Training; Lee, Michael
Subject: Rule 1 concerns & comments

Don Remien
Rising Sun Retrievers Inc.
53586 Marsh Creek Rd.
Charlo, MT 59824
406–544-6369
don@risingsunretrievers.com
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Sincerely,
on Remien

D

Gangstad, Kaedy

From: tbaier74@gmail.com
Sent: Friday, October 13, 2017 1:42 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

Dog training on private land should be unfettered by any more legislation or regulation. More study needs to be done. At the meetings the government couldn't provide the number of resident dog trainers, number of out of state dog trainers nor could they site any studies done in Montana as to dog training affecting bird numbers. This seems to be a knee jerk reaction to a very localized problem. I encourage the government gather all the pertinent information prior to enacting any legislation.

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: mhg4556@gmail.com
Sent: Friday, October 13, 2017 1:36 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

I am writing to comment on the recent FWP proposal to regulate commercial bird dog training in Montana.
I don?t believe this regulation will reduce mortality to ground nesting birds nor is enforceable.
I haven?t located any studies on the impacts to ground nesting birds by dog trainers working in the field during the nesting and fledgling seasons, but I have observed what my hunting dog will do to them. That?s why during the nesting and fledgling seasons, I don?t walk my dog where I?d expect to find upland gamebirds nesting.
I recommend that all commercial dog trainers be required to have a permit by FWP. First, we need to determine how many are in the state and where they operate. During the nesting and fledgling seasons, I also think they must be required to use captive raised birds. One local dog breeder that also manages his property for upland gamebird habitat uses homing pigeons for training his own dogs to avoid impacts to the upland birds on his property. It is working very well and should be an example/requirement for all other dog trainers.
Hopefully, the comments you receive during this public comment period will result in an adequate regulation.

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: Mark Thibeault <mark@tbohq.com>
Sent: Friday, October 13, 2017 10:35 AM
To: FWP Dog Training
Subject: Pertaining to Dog Training MAR Notice No. 12-473

10/12/2017

Enforcement Division

Attn: Martha Williams, Mike Lee & Kaedy Gangstad

Department of Fish, Wildlife & Parks

P.O. Box 200701

Helena, MT

59620-0701

Dear Ms. Martha Williams, Mr. Mike Lee & Ms. Kaedy Gangstad,

I am writing this in support of upland dog trainers and their concern with the purposed issue pertaining to Dog Training Mar Notice #12-473.

First, you need to know that I am not a professional gun dog trainer but rather an avid sportsman and primarily an upland bird hunter. I work for a living and do not have the time necessary to train dogs and rely on folks like John McIltrot: Seranoa Kennels where I get well trained, great dispositioned, started dogs. The fate of Notice 12-473, as proposed, will effect my ability to enjoy something I spend a great amount of time doing—hunting wild birds.

To that, I have included comments I support from letters you already have on file.

Respectfully,

Mark Thibeault
POB 624
Lewistown, MT
59457

mark@tbohq.com
579-7528

"All of us standing in opposition to this proposed rule are here not because we wish to diminish a resource, but because we demand that it be preserved and protected wisely and fairly. We demand rules and legislation that are based on science and good sense. We demand that decision makers understand our husbandry of both our dogs and the birds we train on.

It is the role and duty of MTFWP to balance rights and resources fairly and justly, and to make decisions based on facts, unbiased research, and input from knowledgeable individuals. I struggle with the fact that in many instances, consumptive interests such as farming, grazing, and energy extraction are frequently given carte blanche while non-consumptive interests—bird dog training, for instance—become heavily restricted. MTFWP has found itself in one of those rare situations where doing what is right is not appreciably more difficult than doing what is wrong."

John McIltrot, Seranoa Kennels

- "The proposed rule (SAB) Rule regulates the use of land not owned nor supported by state DFWP funding to the detriment of private land owners and thereby, unlawfully restricts and regulates use of said land by the rightful land owners without recourse. Further, it implies unlimited access by enforcement officials to private lands, ranches, and homesteads of Montana residents for enforcement of such proposed regulation without addressing limits to privacy or recourse for damage and interference to landowners conducting farming, cattle, and other economic activities on their land.
- There has not been evidence presented that existing regulations have allowed canine training activities on currently regulated state public or private grounds that has established damaged to or a decline in wild bird populations. Further, there is no financial evidence that establishes a negative impact to the economic income from resident and non-resident gaming and fishing activities in the State of Montana as a result of canine training or gaming activities.
- The cited single objection to an incident of multiple horses and vast numbers of dogs (60+) was an activity that was under the permit jurisdiction of the Department of Fish, Wildlife and Parks of the State of Montana, and as such, was subject to existing regulatory enforcement. If in fact a problem did exist, the said Department had existing regulatory authority to take enforcement action to withdraw the permit. Failing to adequately enforce existing regulations, if that is the case, should not be a precursor to change. If staff was unable to enforce the current regulation, how is it demonstrated they will be more successful in enforcing the proposed new regulation?
- Implementation of the proposed language is without consideration of the potential significant economic impact to the State of Montana. Wildlife and gaming activities is a substantial income stream to the State of Montana that currently states a $200 million budget deficit exists. As I recall from news commentary while in Montana in September, each State department was instructed by the Governor to identify a 10% reduction in their budget in order the balance the overall state budget. There is no economic impact study that identifies the loss of revenue that will be experienced by the State of Montana as a result of the regulatory actions of the Department of Fish, Wildlife and Parks of the State of Montana. Prior to implementing the proposed change, recommend that an economic impact statement be completed and provided to the rule decision making authorities for their consideration by the State Office of Budget Management and Planning.
    - There is a geometric economic cash flow that benefits Montana from the activities of professional canine trainers. Their presence measurably supports a variety of positive economic revenues from land owners' fees to local sales by businesses.
    - More significantly, for each trainer, the economic benefit and cash flow gained by the State of Montana is multiplied by the owners and associated sportsman's that interface with canine trainers. These sportsman purchase gaming licenses and execute economic sales in communities thorough the state because they come to Montana for game related activities and fishing. As a trainer moves to another state, these sportsmen's most likely will no longer come to Montana but follow their canine trainer to his new location. They will economically support other states and result in a loss of revenue currently flowing to Montana.
- The proposed language regarding a definition of "nesting area" is ambiguous and therefore effectively unenforceable. The previous definition "which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest" was more specific and understandable. Further, this proposed new definition impacts the use of any ground upon which canines can be

trained using domestically procured fowl for such purposes (e.g., pigeons, chukars, etc,) as "nesting activities" can and are conducted in public parks, golf courses, football fields, and backyards in the City of Helena. Therefore, the suggested new regulatory definition of "nesting areas" effectively prevents all training of canines in the State of Montana in any location unless specifically permitted. The permitting process as allowed for "permits to train dogs with captive birds" is cumbersome at best for constituents and a challenge to administer effectively given the already acknowledged DFWP enforcement challenges regarding canine training activities.

- Successfully nesting and brood rearing for upland and migratory waterfowl is biologically supported in the spring and early summer. The proposed limitation of training until August 31st, is unnecessarily restrictive and addresses a biological condition (nesting and brood rearing) which has been completed. Further, gaming studies in some other States that have regulations protecting nesting and brood rearing activities in support of the economic benefit of their State to further gaming activities allow training beginning July 15th. Protecting nesting activities is to the benefit of all sportsman and trainers and serves to protect economic benefits that the State of Montana currently receives from canine sportsman. However, restricting activity from July 15ththrough August 31st may negate a significant financial funds flow that Montana now receives from sportsman as it precludes the principal time period each year during which pointing breeds are trained prior to the field trial competition season and wild bird gaming in September. Recommend reconsideration of the date for conclusion of restrictions regarding the number of canines permitted to be trained each day from August 31st to July 15th for pointing breeds.
- As written, the limitation of four canines being trained a day may not be easily enforceable. In reality, effective training for pointing breed dogs requires electronic control and visual observation of the canine a field. Normally, there are only two canines a field at any one time and sometimes with young canines three. You cannot observe and correct more than that. As a result, your will never see more than three canines a field at one time for pointing breed canines. What may happen is that a run will be competed, and new dogs will be sent a field. Your proposed regulation does not prevent this from happening because you may never see more than three dogs a field at any one time, but in fact, could train many more dogs in a single day.
- The proposed regulations are all inclusive of "canines" and does not delineate between the difference training practices and uses of canine athletes. For example, canines based upon breed characteristics perform game pointing, waterfowl retrieving, companionship, security, herd protection, hunting, treeing, tracking, agility competition, disabled service support, etc. The proposed regulation is a "one size fits all" approach that fits no one canine properly.
- Significant lands exist within the geographic confines of the State of Montana not under state regulatory oversight or authority, e.g., the Crow Nation and United States Federal Lands. The proposed regulations appear not to be consistent with federal nor Native American regulatory efforts and may create a morass of confusion for residents and sportsman alike.
- The cited "REASON" MAR Notice No. 12-473 17-/8/17 states that "the department has received both written and verbal complaints regarding dog training occurrences." Further, DFWP states "... this proposed rulemaking will help keep Montana from being detrimentally set apart as the easiest state in which to train a large number of dogs." In the first case, DFWP has regulatory authority to address concerns regarding canine training in place. The inability to adequately enforce the existing regulations should not be a precursor to a decision to end the activities of residents, sportsman, and out of state visitors that support the local Montana tax base and revenues when choosing training locations. Second, the suggested impact upon bird populations as the result of canine training is not consistent with the reality that if populations were actually impacted, the trainers would have already stopped coming. Bird populations in the thousands of square miles of Montana are more logically impacted by climate, available CRP, farming operations, fires, etc. than canine training. In reference to the second quoted staff comment, it clearly opines a staff prejudice against canine sportsman's and training and that DFWP simply desires constituents to train canines in other states. I question whether the DFWP intent represents the opinion of the majority and is in the best interest of all Montana residents and businesses. Finally, Montana is only one of many choices for canine trainers throughout the western United States. From experience, it is not currently the chosen local of most. I urge pragmatism and a clear view when choosing to portray Montana as hostile to environmentalists, sportsmen's, and visitors in general as it appears you may do with the staff statement in the "REASON" for the proposed change to existing regulations. The risk

you may face in presenting issues as has been done by staff is that national sportsman's organizations and businesses will publicize this perception nationally. It may well impact the decision of sportsmanship throughout the country as to where they invest their time and money, whether canine training or otherwise."

Mark Keegan - letter 10/7/2017

Gangstad, Kaedy

From: Dtbeams@gmail.com
Sent: Friday, October 13, 2017 5:41 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

Please don't pass unnessary laws to restrict dog training. You have bigger and more important issues to deal with. If every kid in the state had the opportunity to own and train a bird dog vs. playing video games we'd all be better off. Please don't shackle the simple joy of dog training with bureaucratic and largely uninforcible rules.

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: craigroberts@midrivers.com
Sent: Thursday, October 12, 2017 9:33 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

My name is Craig Roberts. I object to your proposed rule that would allow training of dogs during the nesting/brood rearing period between April 1 and August 31. Disturbing nesting hens will increase nest abandonment. Scattering broods comprised of young chicks will result in increased mortality. Hens will renest following nest abandonment, which commonly occurs in July and into early August. It is inconceivable to me that the department would allow training of dogs on WMA's that are managed for upland game bird production.
Why do some WMA's require dogs be leashed from April 1 to August 31? All WMA's containing upland bird habitat should have this restriction.
Upland game birds are exposed too enough hazards during the nesting and brood rearing period. Do not add dog training to the list of hazards. Especially on Montana FWP WMA's.
Thank you.
Craig Roberts
908 West Washington Street
Lewistown, MT
(406) 366-3987

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: katiebill <katiebill@bridgeband.com>
Sent: Thursday, October 12, 2017 5:49 PM
To: FWP Dog Training

My husband and I have been upland game hunting in Mt for 20 years. There is nothing more disappointing than arriving at a block management to hunt our 2 dogs and be told that it was recently hunted by commercial dog trainers having 20 to 30 dogs. They definitely scatter the birds, breaking up the covies and groupings. This puts unnecessary pressure and stress on the birds, and makes them more wary. Birds need to hang out together for their comfort and safety, not to be scattered. The commercial hunters running their dogs seem to be out of state. They should not be allowed to work the dogs in Mt. Even if from Mt, running high numbers of dogs is not fair to the birds nor to the small time hunter.
Please see what you can do to stop this running of commercial dogs.

Sent from my Verizon Wireless 4G LTE smartphone

Gangstad, Kaedy

From: tom healy <dogs.edu@gmail.com>
Sent: Thursday, October 12, 2017 5:09 PM
To: FWP Dog Training
Subject: Dog Training Rules

Dog Training Comments

Submitted by Tom Healy, PO Box 533, Whitefish, MT 59937
Thank you Montana Fish Wildlife and Parks and interested legislators for consideration of issues as they pertain to training bird dogs in the state of Montana.

Public land and public wildlife should be at the forefront of all decisions regarding dog training in the state of Montana. Traditions such as walking and horseback field trials can be maintained, while improving management and stewardship of wild bird resources. Montana has become a destination during late summer – not just for professional bird dog trainers, but a growing number of serious amateurs from around the country. A working committee comprised of FWP Staff, Legislators, professional trainers, and representatives from conservation organizations and a large number of sanctioned and local "bird dog clubs," could be convened to address the issue. Discussion points could include:
Enforcement of commercial permitting laws that already exist as they apply to Public Lands.

Enforcement of Recreational Use Permit laws that already exist as they apply to School Trust Lands.

Consideration of a "Season" for non-lethal training on wild birds, beginning July 15.

Consideration of a moratorium on training on public lands for one week prior to hunting season.

A license fee, with non-resident and resident fees, as well as individual and commercial fees for training on wild birds during the set training season.
Delineate "captive reared" gamebirds from wild game birds as they pertain to the "training season."

Allow bird dog clubs that are registered with the Secretary of State's office to register with FWP as legal "resellers of captive reared game birds" so they can be the intermediary between club members and registered game bird producers.

Require any dog owner, whether bird dog or casual dog-walker, to leave the area immediately upon encountering any wild game bird nest.

Rules as originally proposed would be difficult to interpret and enforce, such as distances from nesting game birds (picture the windbreak with nesting grey partridge outside of the farmhouse,) and numbers of dogs being trained (would a setter being trained basic obedience and a German wirehair learning to "bloodtrack" count toward a professional bird dog trainer's quota?).

I would consider sitting on a temporary committee prior to any legislative action.

Gangstad, Kaedy

From: moose_tracks@juno.com
Sent: Thursday, October 12, 2017 2:13 PM
To: Lee, Michael; seranoakennels@gmail.com
Subject: Hunting Dog Regulations

Mike,

I had intended to attend the Kalispell meeting for discussing the proposed hunting dog regulations, but some family issues prevented me from going. Thus, I am sending you the comments that I would have made had I attended that event. I hope you will include them in your collection of hunter/dog trainer feedback.

1. It seems to me that simple enforcement of the current rule forbidding hunting dogs from running on public land during the nesting season would deal with this issue all by itself. I do not understand the need for additional restrictions.

2. One of the most effective, additional rules -- if we insist on adding any -- would be a restriction on landowners cutting, mowing or haying any acreage included in the CRP program during the nesting season. This is far more damaging.

3. Perhaps a permitting system could be developed for out-of-state dog trainers with a life-time ban on training in Montana for anyone violating the states current regulations.

Thanks,
David Crump

Written Comment

Name: Bert Lindler
Address: 2523 Klondike Court 59808
E-mail: blindler@montana.com

I would like to see the department or FWC form a working group to:

1) Determine whether dog training is affecting the nesting populations of game birds

2) If dog training is affecting populations of game birds, in exactly what ways is the population being affected?

3) What legislative or administrative regulations are in place in other Western states to control dog training and its effects on nesting populations of game birds?

4) Does Montana need any changes in its regulations to protect nesting game birds from dogs during dog training?

The working group needs to include:

- private landowners
- dog trainers
- bird watchers
- Federal Fish and Wildlife Service refuge manager
- State wildlife management area manager
- legislators

A map should be created showing the "bird nesting areas" or other areas where regulations would apply. Is there anywhere in Montana that isn't within one mile of a "bird nesting area"?

Rob and Cindy Erhardt

PO Box 84

Ronan MT

This letter is being offered because of concerns for a proposed new Rule 1 or statue pertaining to dog training.

I grew up in rural Montana as a third generation Montanan and a good part of my youth was spent hunting and fishing and in the outdoors. My grandfather was a rancher. I learned from both my grandfather and father a respect for our heritage and for the outdoors.

Several years ago, I made a choice to pursue a career as a professional retriever trainer. I started my business by learning my craft from other training professionals through employment / apprenticeship. My wife and I saved our money and after 8 years in the former capacity decided to start our own business. Twelve years ago, we invested in property in the Mission Valley of Montana and became a part of the community. We have employees and provide jobs and purchase most of our supplies locally. We pay taxes and consider ourselves to be an important part of the local economy.

We also have many colleagues that have similar enterprises here in the Mission Valley and throughout the state and have a similar benefit to the local economies.

Our clients come from in and out of state. When here they spend money locally at hotels, restaurants, and stores. They often choose to vacation here and enjoy many of the recreational opportunities available. This includes hunting and often hunting with a trained retriever.

We are very concerned about the proposed rule. It would unfairly and significantly impact our business. It suggests that our profession has caused a decline in bird populations in Montana. I would ask "are there studies or science that support this?" My experience has been that there are many factors that contribute to game bird populations and that our profession is not one of them.

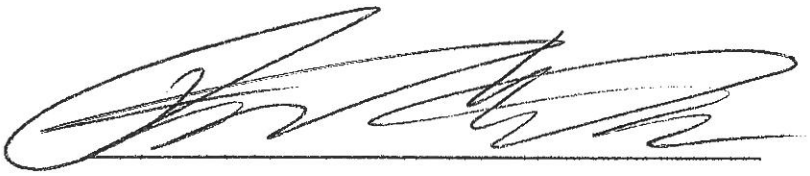
This proposal would prohibit us from training dogs for a good portion of the year. It is overly broad and unfair and will do irreparable damage to our business. Using "bird nesting" as a core measurement of all dog training regulation potentially eliminates dog training not only on Public lands but also eliminates it from Private grounds which is where we do 100% of our training. We understand the reason for this action is because of Out of State Pointing Dog trainers that may be misusing public land. Why should we

be punished for the possible misdeeds of others. We run responsible businesses. There are better and more reasonable solutions.

Solutions

1. Study the problem and determine what the dynamics are that affect long term game bird production. Then, based on science, develop a proposal to address those issues. We suspect that there is greater significance of habitat quality and availability to game bird populations than exist for dog training. If there is a correlation then devise a rule or statute to specifically address those concerns.
2. Eliminate private property from any dog training prohibition. Enforcement of this would at best be spotty and not in the public interest. Sufficient statutes exist to deal with abuses on private land.
3. Establish non- training seasons on public lands that is consistent with current science and history. State and Federal Waterfowl production areas have done this for years.

We run legitimate small businesses and look to our state agencies and government to make good decision and to recommend reasonable rules and statues.



Rob Erhardt

Owner Silvertip Retrievers

Lake County Commissioners *406-883-7204* *Fax (406) 883-7283*

LAKE COUNTY

106 4th Ave. E. *Polson, Mt. 59860*

October 6, 2017

Aimee Hawkaluk
Rule Reviewer

Martha Williams
Director Dept. of Fish, Wildlife and Parks

RE: MAR notice No. 12-473 p.585 of the 2017 Montana Administrative Register, Issue No. 9

The Lake County Commissioners find your proposed regulations to be overly broad and far reaching. They would have a very detrimental impact on dog training here in the Mission Valley. We do not believe that the current practices have the negative effect on nesting birds that these rules are hoping to correct. Most of our trainers are working on private land and the dogs are under control. All land in Montana is within one mile of nesting birds and isn't that a blessing. The Lake County Commissioners and the dog trainers in the Mission Valley area want to keep it that way. We do not believe it will take this restrictive of rules to accomplish that end.

Lake County Commissioners

Gale Decker, Chairman | Dave Stipe, Member | William D. Barron, Member

Gangstad, Kaedy

From: Gunderson, Steve
Sent: Wednesday, October 11, 2017 2:50 PM
To: Dave Heine; FWP Dog Training
Cc: theresa@manzellaformontana.com; Blasdel, Mark; 'Richard Hughes'; mark@oldsunproperties.com
Subject: Re: dog training/ birds

Dave,
I agree that there seems to be a lack of scientific basis for this rule. I asked for Director Williams to continue to hold the informational meeting so we could glean more public input. It sounds like my suggestion had merit. I will be interested in seeing and hearing what data the FWP brings to the next EQC meeting in January. Thank you for your input!

Steve

Representative Steve Gunderson
Montana House District 01

Helena Address:	Committees:	Home Address:
Capitol Building	Business and Labor	310 Conifer Rd
PO Box 200400	Natural Resources	Libby, MT 59923
Helena, MT 59620-0400	Local Government	Phone: (406) 334-4370
Phone: (406) 444-4800	Interim - EQC	Email: rep.steve.gunderson@mt.gov

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana Law. As such, email sent or received, it's sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana Law.

From: Dave Heine <dave@daveheine.com>
Sent: Wednesday, October 11, 2017 2:07 PM
To: FWP Dog Training
Cc: Gunderson, Steve; theresa@manzellaformontana.com; Blasdel, Mark; 'Richard Hughes'; mark@oldsunproperties.com
Subject: dog training/ birds

Dear FW P and Montana legislators:
I think the public meetings last night made it very clear that dog trainers are upland bird and waterfowl's best friend. It was also clear that there is no science behind this proposed rule. I really think that FW P needs to take a hard look at the relationship between landowners and sportsmen and what they can do to bridge this gap in Montana. I have been to South Dakota numerous times hunting and while I enjoy hunting in Montana much more , the experience in South Dakota is incredible. Farmers come up to you in the restaurant ask if you have a place to hunt ,business people ask you how your hunting is; it goes on and on. They have a tremendous marketing program promoting upland birds and hunting. Their biologists are also very helpful and their knowledge is very impressive. I am sorry but I can't say that

about our biologists. I used to call and ask questions but I was told "just get in the field and see what you can find". Let's raise the bar.

We need to kill anymore further attempts at regulating dog training until there's some solid evidence that there is an impact caused by dog training. Until then I think Fish Wildlife and Parks needs to take a hard look at a program where we can introduce kids to bird hunting. We recently had a youth hunt in the Flathead that was sponsored by Pheasants Forever and it was a frustrating process. Certain individuals in the department were excited others were really dragging their feet and pooh-poohing it. The morning youth hunt was an incredible success. Men volunteered their morning with their bird dogs to help kids harvest their first Pheasants. I helped a young girl with a single mother who is hooked on shooting and absolutely had a blast. Her mom said she's excited for rifle season and wants to shoot a deer. This is just one small example. We have a "hooked on fishing" why don't we get a "handing down our hunting heritage" program"?

In 2014, Fish Wildlife and Parks wanted to amend their exotic species classifications. This is ARM 12.6. 2208 and 12.6. 2215..
There were a list of animals like Argali sheep and African clawed frogs and other really nasty sounding critters listed. Also listed to be regulated and prohibited were Valley Quail which used to live in Western Montana in the early 1900s. Today they live in Idaho. There is no science for this rule and Valley Quail have no impact on native species in Montana. I have had biologists within the department shrugged her shoulders when I asked them where the science was behind this proposal. We've got to get the politics out of game management. Valley Quail are a tremendous word for training puppies. They are better flyers than bobwhite quail and more durable.

I would like to know what needs to do to bring back the ability for Montanans to use Valley Quail for training dogs. The current bird hunting regulations talk about Valley Quail like they are feral pigs here to destroy and maim our state and hunters are encouraged to shoot them all. This kind of emotional gibberish needs to quit as this does not help relationship between Montana hunters, fishermen, hikers and landowners to name a few groups that have friction.

Looking forward to enhancing our upland experience.

Dave Heine M.A., ARA
Accredited Rural Appraiser/Broker
240 1st Avenue West
Kalispell, MT 59901
406-890-2117 phone
406-890-2119 fax
406-253-4991 cell
www.daveheine.com

Gangstad, Kaedy

From: Dave Heine <dave@daveheine.com>
Sent: Wednesday, October 11, 2017 2:07 PM
To: FWP Dog Training
Cc: Gunderson, Steve; theresa@manzellaformontana.com; Blasdel, Mark; 'Richard Hughes'; mark@oldsunproperties.com
Subject: dog training/ birds

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Looking forward to enhancing our upland experience.

Dave Heine M.A., ARA
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240 1st Avenue West
Kalispell, MT 59901

406-890-2117 phone
406-890-2119 fax
406-253-4991 cell
www.daveheine.com

Gangstad, Kaedy

From: Darlene Sullivan <darsulli@aol.com>
Sent: Wednesday, October 11, 2017 12:38 PM
To: Lee, Michael
Subject: Proposed dog training restrictions: A Letter from Rudy's Owner

October 11, 2017
32655 Two Creek Lane
Charlo, Montana 59826

Mr. Lee:

My best friend and and I were immediately surprised and angered when we heard that dog training in the state of Montana faces legislation or rules to curtail our way of life. Rudy, my best friend, is a nine year old labrador retriever. He has learned basic and advanced training here in Montana. We spent hundred of thousands of dollars for property in the area. We have done business with the local car dealers, bought our furniture from a local store, employed painters, electricians, concrete workers, and carpenters. Our tax bill comes and we pay it. A couple of days a week we visit Harvest Foods for a bone for him and supplies for me. (I read this paragraph to Rudy and he said they should be begging for more like us instead the other way around.)

Our way of life includes training with friends and other dogs about 5 months a year. We always train on private property. We start around 9:00 in the morning. There are various ways of getting a training test set up. We work with a professional trainer. He employs two guys that help him. They arrange the field to teach both us and our dogs new concepts. Since only one dog can run a test at a time, the other dogs remain in their owners cars or trucks until it is their turn.

Some days in the summer we travel to other states for AKC approved field trials. Rudy has won some trials but needs a couple of more point for his title. He does not want to quit or be curtailed now!

After dog training we may join friends for dinner at a local restaurant for dinner or we come and do a little wildlife photography, have supper and go to bed. We are eager for the next day.

My dog and I are hopeful that anyone in position to make laws or rules, come spend a day with us. We are respectful of all wildlife. We are uncertain as to why our retriever training way of life is in jeopardy.

My beautiful dog and I are concerned. We are also relentless tax payers with boundless energy. We are hopeful that with your help, our way of life can be preserved.

Respectfully submitted,

Darlene Sullivan

Gangstad, Kaedy

From: Dave Noell <dnjnoell@gmail.com>
Sent: Tuesday, October 10, 2017 10:04 PM
To: FWP Dog Training
Subject: Dog train Rule 1 revision

I am David S. Noell and have long owned and enjoyed pointing dogs. This revision is misguided in numerous ways. One that I mentioned during the video meeting I attended in Billings, is that the limit of 4 dogs/day is very unreasonable both for individual with more dogs than that, or a small group of friends each with two or three dogs.

As was mentioned in the meeting this revision would allow some to train their dogs all year long including the nesting season. Every person with pointing dogs that I know stays out of the field when birds are nesting and also when the young birds can not fly well. It would be far better to make any restrictions based of this time period rather than placing a limit on how many dogs can be trained each day.

The revisions are a thinly veiled attack on professional trainers. Even though during the meeting it was clear that the state does not know how many trainers there are or where they are working in the state. There is nothing evil about being a professional dog trainer. The result of any revision should not have the result being the effective elimination of pro trainers. They should be able to obtain a license at a cost that is not punitive to their livelihood. They should be able to train on wild birds during the same time periods as does an individual such as myself.

It is unfortunate that in the REASON: portion of the proposal that such a misleading sentence as "60 dogs at one time as well as the use of horses" is part of the state's position. That is a wholly inaccurate description of how pointing dogs are trained. Also the use of horses is totally irrelevant. They only allow for the trainer to be better at his/her job.

The claim that hunters were noticing a large decrease in bird numbers in some areas was unsupported by any data. Nor was any other factor mentioned as being a possible cause. This is no way to enact policy.

Dog trainers, both individuals or professionals DO NOT run their dogs on wild birds during the nesting season. The reasons are both ethical and practical. We fully realize the implications for the birds. Also having a dog find a nest of very young birds is absolutely something no one want their dog to encounter. That only makes training the dog more difficult.

The existing rule is full of ambiguity that should be clarified, however this proposed version only makes things worse.

Thank you

David Noell

Comment On New Rule 1 Proposal On Dog Training in Montana

From: Jon Gravning
43324 Eli Gap Rd
Polson MT59860
406-883-1800
jvgravning@hotmail.com

As a retired USFWS biologist with 36 years experience, a bird hunter of 43 years and a retriever trainer of 31 years, I find it incomprehensible that a science-based conservation agency can propose a regulation that will essentially eliminate an industry and sport that actually promotes the conservation of upland and migratory bird populations.

It is a proven fact that a well trained dog is an invaluable tool that saves game birds. A well trained dog is capable of retrieving birds that would otherwise be lost. I have filled my daily bag limit several times over the years without firing a shot because my dog recovered birds wounded and lost by hunters without trained dogs.

From the REASONS page you have provided the public, it appears you have decided to punish the entire dog training community for the sins of a couple "bad apples." Where is the proof that dog training is a state-wide problem that justifies such a prohibitive solution? To punish the many to solve the supposed bad behavior of a few makes no sense.

Your REASONS say the Fish and Wildlife Commission was approached by bird hunters who were noticing a large decrease in the number of available birds in certain areas during the hunting season. The commission in turn requested that the department act to curtail the impacts of large scale dog training during the nesting season. First off, dog training on federal, state and tribal management areas during the nesting season is already illegal. So why weren't these offenders cited and arrested? Seems a much simpler solution to the problem than new legislation. Secondly, where is your data that shows that dog training is the cause for this decrease? Over what period of time was this decrease documented? A single season? A decade? Could it be that the real cause is a wet cold spring or the loss of several million acres of CRP in the last decade? Since when does the observations of a few disappointed hunters constitute scientific proof that a few instances of unscrupulous dog trainers has caused a population crash?

Retriever trainers in the Mission Valley have created hundreds of acres of wildlife habitat at their own expense and effort on private land. Dog training properties in the Mission Valley are some of the most meticulously maintained properties in the valley. You will find more noxious weeds on federal, state and tribal land than you will on any dog trainers property. Dog trainers have spent thousands of dollars creating training ponds that provide habitat for both game birds and non-game wildlife. The one acre training pond on my own property produced two successful broods of mallards this year and is visited regularly by ducks, geese, trumpeter swans, yellow headed blackbirds, snipe, killdeer, pheasants and partridge to mention just a few. Most of these properties are closed to hunting and provide refuge to birds from hunting pressure during the hunting season.

These proposed regulations appear to be based on emotional, irrational reaction to isolated incidents with no basis in fact to justify them. Without a doubt, if adopted or passed, this will end up in the courts.

Gangstad, Kaedy

From: Betsy McCracken <browndogs@gci.net>
Sent: Tuesday, October 10, 2017 8:29 PM
To: FWP Dog Training
Subject: Re: proposed changes to dog training regulations.

Okay. Thank you very much.

Betsy

From: FWP Dog Training <FWPDogTraining@mt.gov>
Date: Tuesday, October 10, 2017 at 2:28 PM
To: Betsy McCracken <browndogs@gci.net>
Subject: RE: proposed changes to dog training regulations.

Here are links to the proposed Administrative Rule found on our web site.

http://fwp.mt.gov/news/publicNotices/rules/pn_0233.html

http://fwp.mt.gov/fwpDoc.html?id=82645

From: Betsy McCracken [mailto:browndogs@gci.net]
Sent: Monday, October 09, 2017 11:03 AM
To: FWP Dog Training <FWPDogTraining@mt.gov>
Subject: re: proposed changes to dog training regulations.

Hi Mike,

Was there, or will there be a formal (publised) public notice about the proposed regulations changes? I have not been able to find one.

Also, would you please forward me the relevant proposed regulation changes aimed at addressing the issue?

Thank you very much,

Betsy

10 October 2017 Emailed to FWPDogTraining@mt.gov & U.S. Mail

Enforcement Division
Attn: Mike Lee
Montana Department of Fish, Wildlife and Parks
P.O. Box 200701 Helena, MT 59620-0701

RE: Comments on Proposed New Rule I – Dog Training – Revised 8 Sept. 2017

Mr. Lee:

As a party affected by FWP's proposal to adopt new rules that would regulate the training of bird hunting dogs, I hereby submit the following brief comments in response to the amended proposal as outlined in Montana Administrative Register Notice 12-473, initially dated 12 May 2017 and republished on 8 September 2017. As currently written after revisions, the rule has been improved but I still cannot support it. Specifically, the language in the proposal under New Rule I, section (4) is unacceptable. The part about obtaining permission from private landowners is fine – that's just common sense and the law. What I strenuously object to is the following language: ***"This rule does not preclude further site-specific management rules or conditions on public and private lands"***. This language is too arbitrary and capricious; it would let FWP do anything they want with no checks and balances. There must be some sort of criteria, performance measures, or other type of metric written into the rule that once triggered would authorize this type of broad action by FWP.

As I mentioned in my first comment letter on this proposed dog training rule, I believe FWP must terminate this rule making process and begin a rigorous public outreach process with the affected parties. FWP should prepare a detailed white paper outlining the perceived problem(s), nature and extent of wild game bird harassment by professional dog trainers, the geographic areas affected and a review of how neighboring US States and Canadian Provinces deal with this issue. Then FWP should meet with bird hunters, landowners, professional dog trainers and other potentially affected parties to develop potential rules/solutions using a consensus process in a public forum. Only once a consensus is reached should FWP initiate rulemaking to regulate dog training in Montana!

In closing, I must comment on how frustrated I am with FWP's handling of this issue. If FWP had openly engaged the affected parties last winter, after the 2016 upland game bird hunting season, much of this controversy might have been ameliorated! But like the proverbial "bull in a china shop", FWP charged ahead with formal rulemaking without consulting with the parties who have the most to gain and lose from this rule: the Montana bird hunters. Now here we are in the middle of the Montana upland game bird season wasting our time commenting on a poorly written rule instead of hunting! Bird hunters with dogs want abundant game birds just as much as anyone else, and probably more so. For without birds there's no reason for bird hunting dogs, and for most of us, there is no reason to hunt birds without our dogs. So, engage us at the FRONT END of the process, not at the bull's rear.

Respectfully submitted,

Robert K. Jeffrey
2111 9th Ave.
Helena, MT 59601

CC: Martha Williams, FWP Director

October 10, 2017

Reference: Comments on New Rule 1 pertaining to dog training

To whom it may concern:

Please consider the following comments regarding the proposed bird dog training regulations. All individuals signed below are long term Eastern Montana residents who are amateur dog trainers, hunters, and more importantly Montana landowners. This proposed rule places additional state government over regulation on our private property investments. Our properties have been developed for both training dogs and fostering wild bird habitat. This legislation is attacking the time and money we have placed in our property improvements and also our Montana lifestyle.

- To be clear there are current regulations placed on professional dog trainers, as well as private individuals, prohibiting them from public land use during a specified time period. To create more regulations would be akin to reducing gun violence by passing more laws and not enforcing regulations currently existing!
- Before the state looks to regulate private land activity it should first look at its management of Montana public lands and current habitat programs. If the state is genuinely serious about enhancing game bird numbers they should address public land abuses such as overgrazing school land trust, allowing the haying of wildlife management areas prior to July 15th, and currently offering landowners habitat enhancement programs that are insufficiently funded.
- We would also like to know how many alleged complaints the state has received along with the specifics of those complaints.
- The concept of training within one mile of bird nesting habitat is so nebulous that it defies a logical common sense description. This portion of new rule 1 is a grey area that will prove to be unenforceable. This wording allows the rule to be based completely on the officer's mood and how they feel towards the individuals training.
- As private landowners we believe in the opportunity for value added economics. If a landowner can raise additional revenue by leasing out training property doesn't that help our Montana farmers and ranchers add value to their operations? As private landowners if the state were to adopt rules that were to negate this potential revenue said landowners would be more apt to disallow hunting totally!

In conclusion if a problem exists it is not caused by dog training practices. That is a narrow minded view that doesn't take into account land mismanagement and the environment. It is incumbent on the state to better manage available resources that enhance and increase hunting opportunities not make misguided attempts to restrict or potentially inhibit current hunting opportunities. Thank you for the opportunity to voice our concerns and comments. We look forward to further dialogue should it become necessary.

Tim Averett	Craig Averett	Bill Nankivel	Ross Farber
Sidney, MT	Sidney, MT	Fairview, MT	Glendive, MT

Gangstad, Kaedy

From: capflyfish@msn.com
Sent: Tuesday, October 10, 2017 10:05 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

David B Morrison
40374 Robertson Rd
Ronan, MT 59864

I am offering these comments over concern for the creation of a Rule and / Or statue that deals with Dog training. Per a statement from the Department:
The purpose of this rule is to limit disturbance and mortality of nesting birds from training large numbers of dogs without unduly restricting training of single or small numbers of dogs. In recent years, the department has received both written and verbal complaints regarding dog training occurrences. The dog training that has been documented includes as many as 60 dogs at one time as well as the use of horses. When this happens during the nesting and brood rearing season, it can result in negative impacts on bird populations and decreased opportunity for the hunting public. Speaking to the value of healthy game bird populations, other states and provinces have similarly implemented restrictions on some types of dog training. In addition to protecting this wild resource, this proposed rulemaking will help keep Montana from being detrimentally set apart as the easiest state in which to train large numbers of dogs.
The intent of the contemplated rule may seem to be worthwhile, however, this is a classic example of an idea with unintended consequences borne out of ignorance about dog training overall. First it makes no distinction about what dogs are being trained. It also suggests that the department needs to have more authority over private lands. And it does not define what a ?nesting bird area? is which could be argued to be a majority of the state. The result is a broad sweeping recommendation that will hurt many professional and amateur bird dog trainers and other types of dog trainers. The activity that is described is a very small segment of dog trainers both amateur and professional. It also is said that the activity is documented. It would be helpful if this documentation was available for public viewing.

Montana has a long history of being a place where dog training activity has been welcomed. Several organizations and individuals have invested in land primarily for training dogs. And because of this rule and or statute we may lose the ability to use our land for dog training both commercially and privately.

We expect our government to make reasonable rules and statutes and not to react to comments that are not fact and science based. The above suggest that there is a correlation between dog training (pointers) and bird populations but offers no science to back up the statement. The department has an Upland Game Bird Management Strategic Plan with guiding principles that recommendations and actions be Science based and Habitat focused. I believe that bird populations fluctuate more because of habitat degradation and weather cycles. I have been a lifelong bird hunter and have always hunted with dogs, both pointers and retrievers and I have never seen the type of impacts suggested.
I also have trained with professional retriever trainers within Montana that train more than four dogs. To restrict or eliminate their business is not justified nor reasonable. They are hardworking and responsible small business men and women. And I am certain that this also applies to many pointing dog trainers. I have never seen a professional pointing dog trainer turn out sixty dogs on horseback and run them across the country. Typically, one or two braces are put down and then monitored on horseback. However, if this has happened as suggested it is most certainly very isolated instances. Why adopt a broad sweeping rule or statue to deal with an isolated incident or incidents?
Training hunting dogs both by amateurs and professionals insures that these dogs are effective when in the field by not only locating birds but by finding and retrieving downed birds and cripples. This helps protect and preserves a valuable

public resource. I can?t imagine trying to train a pointer in my back yard or to train a retriever without land and water. No one will argue that preserving our wild birds and waterfowl is not important but there are better solutions.

1. If there is a legitimate concern then let?s do a study to document the problem and the causes and develop a science and fact-based plan. If there is a long-term correlation then write a law that specifically addresses it.
2. Make sure that there is not an unintended consequence that would eliminate most dog training for portions of the year especially on private land. It would be very difficult to enforce and could unfairly restrict use.
3. Most public land that is available for groups or individuals to train on have stipulations in place that protect game birds and waterfowl. Why adopt something that affects an entire segment of dog owners / trainers to solve an individual problem.
4. Give game wardens a law or regulation that allows for them to address specific abuses. We wouldn?t allow individuals to harass deer and elk during fawn and calving seasons but we don?t prohibit ranchers from grazing their cattle. Land use can be compatible with different activities.
5. Consider the implications of proximity. A mile may not be excessive for a big running long ranging pointer but a mile is a long way for a retriever.
6. Remember dog training is not only pointers but also retrievers, beagle, corgi, herding dogs, and other breeds. AKC now recognizes nine distinct categories of field competition with sub categories of breed or performance specialties (Six categories of Field Trials). These dogs need training and need land and water for training.

Don't use the number of dogs a person, group, or business train in a day as criteria for dog training in Montana. It is a poor measuring stick. The number of dogs has little to do with impact on grounds.

What could affect the grounds is how the trainer uses the grounds for training not the number of dogs.

Don't assume that commercial dog training is bad. They run legitimate small businesses that are in demand by residents of this state.

Don't assume that out of state trainers are bad for Montana. These people spend money in the state. They hire Montanans. They pay lease money to landowners. Their clients come back to hunt in Montana bringing in more revenue to the state. And they have clients like myself that live within Montana...and who vote.

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: Juanita Ross <jross@rssmt.com>
Sent: Tuesday, October 10, 2017 9:02 AM
To: FWP Dog Training
Subject: Use of public lands for bird dog training.

The public often does not hear of this type of activity because it is not talked about, not is it something the public necessarily participates in. I grew up in a hunting family, and while I do not hunt, not do I care to, I find this has some problems with it!

1. The use of horseback riders with large numbers of dogs is not a sport. This is taking unfair advantage of the bird/fowl life that has no chance to get away.
2. Training dogs in large packs is not a normal part of hunting and is certainly not sport connected. It is most likely for profit for the benefit of whomever is approaching a hunting sport in this manner. Are they paying fees or obtaining permits for training other people's dogs in this manner: for the use of anyone's land to use this approach – most likely not. It is totally for their profit. This is running packs of dogs basically – disgusting offense against wildlife!
3. This needs to stop! If this were being done on our family ranch or any other ranch – just about guarantee it would not be occurring.
4. This is against every ethical guideline I can think of.

Stop this and do not allow our public lands to be used for such disgraceful practice and private profit.

Respectfully submitted,

Juanita S. Ross, MS, CRC, LCPC

October 7, 2017

Martha Williams
Director
Department of Fish, Wildlife and Parks (DFWP)
State of Montana
Enforcement Division
Attention: Mike Lee
Department of Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 59620-0701
Email: FWPDogTraining@mt.gov

Subject: In the Matter of the Adoption of New Rule I Pertaining to Dog Training MAR Notice No. 12-473 Pertaining to the Proposed Adoption of the Above-stated Rule at Page 585 of the 2017 Montana Administrative Register, Issue Number 9

Dear Ms. Williams:

The following public comment is submitted as a matter of record in consideration of the subject as stated above. This public comment is timely as required by comment submission no later than October 13, 2017, MAR Notice No 12-473, 17-9/8/17, certified to the Secretary of State August 28, 2017.

- The proposed rule (SAB) Rule regulates the use of land not owned nor supported by state DFWP funding to the detriment of private land owners and thereby, unlawfully restricts and regulates use of said land by the rightful land owners without recourse. Further, it implies unlimited access by enforcement officials to private lands, ranches, and homesteads of Montana residents for enforcement of such proposed regulation without addressing limits to privacy or recourse for damage and interference to landowners conducting farming, cattle, and other economic activities on their land.
- There has not been evidence presented that existing regulations have allowed canine training activities on currently regulated state public or private grounds that has established damaged to or a decline in wild bird populations. Further, there is no financial evidence that establishes a negative impact to the economic income from resident and non-resident gaming and fishing activities in the State of Montana as a result of canine training or gaming activities.
- The cited single objection to an incident of multiple horses and vast numbers of dogs (60+) was an activity that was under the permit jurisdiction of the Department of Fish, Wildlife and Parks of the State of Montana, and as such, was subject to existing regulatory enforcement. If in fact a problem did exist, the said Department had existing regulatory authority to take enforcement action to withdraw the permit. Failing to adequately enforce existing regulations, if that is the case, should not be a precursor to change. If staff was unable to enforce the current regulation, how is it demonstrated they will be more successful in enforcing the proposed new regulation?
- Implementation of the proposed language is without consideration of the potential significant economic impact to the State of Montana. Wildlife and gaming activities is a substantial income

stream to the State of Montana that currently states a $200 million budget deficit exists. As I recall from news commentary while in Montana in September, each State department was instructed by the Governor to identify a 10% reduction in their budget in order the balance the overall state budget. There is no economic impact study that identifies the loss of revenue that will be experienced by the State of Montana as a result of the regulatory actions of the Department of Fish, Wildlife and Parks of the State of Montana. Prior to implementing the proposed change, recommend that an economic impact statement be completed and provided to the rule decision making authorities for their consideration by the State Office of Budget Management and Planning.

  - There is a geometric economic cash flow that benefits Montana from the activities of professional canine trainers. Their presence measurably supports a variety of positive economic revenues from land owners' fees to local sales by businesses.
  - More significantly, for each trainer, the economic benefit and cash flow gained by the State of Montana is multiplied by the owners and associated sportsman's that interface with canine trainers. These sportsman purchase gaming licenses and execute economic sales in communities thorough the state because they come to Montana for game related activities and fishing. As a trainer moves to another state, these sportsmen's most likely will no longer come to Montana but follow their canine trainer to his new location. They will economically support other states and result in a loss of revenue currently flowing to Montana.

- The proposed language regarding a definition of "nesting area" is ambiguous and therefore effectively unenforceable. The previous definition "which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest" was more specific and understandable. Further, this proposed new definition impacts the use of any ground upon which canines can be trained using domestically procured fowl for such purposes (e.g., pigeons, chukars, etc,) as "nesting activities" can and are conducted in public parks, golf courses, football fields, and backyards in the City of Helena. Therefore, the suggested new regulatory definition of "nesting areas" effectively prevents all training of canines in the State of Montana in any location unless specifically permitted. The permitting process as allowed for "permits to train dogs with captive birds" is cumbersome at best for constituents and a challenge to administer effectively given the already acknowledged DFWP enforcement challenges regarding canine training activities.
- Successfully nesting and brood rearing for upland and migratory waterfowl is biologically supported in the spring and early summer. The proposed limitation of training until August 31st, is unnecessarily restrictive and addresses a biological condition (nesting and brood rearing) which has been completed. Further, gaming studies in some other States that have regulations protecting nesting and brood rearing activities in support of the economic benefit of their State to further gaming activities allow training beginning July 15th. Protecting nesting activities is to the benefit of all sportsman and trainers and serves to protect economic benefits that the State of Montana currently receives from canine sportsman. However, restricting activity from July 15th through August 31st may negate a significant financial funds flow that Montana now receives from sportsman as it precludes the principal time period each year during which pointing breeds are trained prior to the field trial competition season and wild bird gaming in

September. Recommend reconsideration of the date for conclusion of restrictions regarding the number of canines permitted to be trained each day from August 31st to July 15th for pointing breeds.

- As written, the limitation of four canines being trained a day may not be easily enforceable. In reality, effective training for pointing breed dogs requires electronic control and visual observation of the canine a field. Normally, there are only two canines a field at any one time and sometimes with young canines three. You cannot observe and correct more than that. As a result, your will never see more than three canines a field at one time for pointing breed canines. What may happen is that a run will be competed, and new dogs will be sent a field. Your proposed regulation does not prevent this from happening because you may never see more than three dogs a field at any one time, but in fact, could train many more dogs in a single day.
- The proposed regulations are all inclusive of "canines" and does not delineate between the difference training practices and uses of canine athletes. For example, canines based upon breed characteristics perform game pointing, waterfowl retrieving, companionship, security, herd protection, hunting, treeing, tracking, agility competition, disabled service support, etc. The proposed regulation is a "one size fits all" approach that fits no one canine properly.
- Significant lands exist within the geographic confines of the State of Montana not under state regulatory oversight or authority, e.g., the Crow Nation and United States Federal Lands. The proposed regulations appear not to be consistent with federal nor Native American regulatory efforts and may create a morass of confusion for residents and sportsman alike.
- The cited "REASON" MAR Notice No. 12-473 17-/8/17 states that "the department has received both written and verbal complaints regarding dog training occurrences." Further, DFWP states "... this proposed rulemaking will help keep Montana from being detrimentally set apart as the easiest state in which to train a large number of dogs." In the first case, DFWP has regulatory authority to address concerns regarding canine training in place. The inability to adequately enforce the existing regulations should not be a precursor to a decision to end the activities of residents, sportsman, and out of state visitors that support the local Montana tax base and revenues when choosing training locations. Second, the suggested impact upon bird populations as the result of canine training is not consistent with the reality that if populations were actually impacted, the trainers would have already stopped coming. Bird populations in the thousands of square miles of Montana are more logically impacted by climate, available CRP, farming operations, fires, etc. than canine training. In reference to the second quoted staff comment, it clearly opines a staff prejudice against canine sportsman's and training and that DFWP simply desires constituents to train canines in other states. I question whether the DFWP intent represents the opinion of the majority and is in the best interest of all Montana residents and businesses. Finally, Montana is only one of many choices for canine trainers throughout the western United States. From experience, it is not currently the chosen local of most. I urge pragmatism and a clear view when choosing to portray Montana as hostile to environmentalists, sportsmen's, and visitors in general as it appears you may do with the staff statement in the "REASON" for the proposed change to existing regulations. The risk you may face in presenting

issues as has been done by staff is that national sportsman's organizations and businesses will publicize this perception nationally. It may well impact the decision of sportsmanship throughout the country as to where they invest their time and money, whether canine training or otherwise.

Respectfully submitted for the Record MAR Notice No. 12-473,

[Original Signed]

Mark R. Keegan

52 Deerwood Drive
Littleton, CO 80127

Cf:

The Honorable Llew Jones
1102 4th Avenue SW
Conrad, MT 59425-1919

American Kennel Club
Government Affairs and Legislative Activities
8051 Arco Corporate Drive, Suite 100
Raleigh, NC 27617-3390

Purina Corporation
Office of Consumer Affairs
PO Box 2530
Largo, FL 33779

Steve Smith, Editor
The Pointing Dog Journal
2779 Aero Park Drive
Traverse City, MI 49686

Gangstad, Kaedy

From: Betsy McCracken <browndogs@gci.net>
Sent: Monday, October 09, 2017 11:03 AM
To: FWP Dog Training
Subject: re: proposed changes to dog training regulations.

Hi Mike,

Was there, or will there be a formal (publised) public notice about the proposed regulations changes? I have not been able to find one.

Also, would you please forward me the relevant proposed regulation changes aimed at addressing the issue?

Thank you very much,

Betsy

October 9, 2017

Montana Fish, Wildlife & Parks
Enforcement Division
Attn: Mike Lee
PO Box 200701
Helena, MT 59620-0701

Re: MAR Notice 12-473 Issue No 9, Proposed Adoption of New Rule 1 Pertaining to Dog Training

The Helena Valley Gun Dog Club (HVGDC) appreciates the opportunity to provide comment to the Department on amended New Rule 1. We concur with some of the changes made by FWP to the initial rule that was overly broad and administratively burdensome. However, we continue to have issues with certain language within the New Rule 1 as amended and the existing statute. While there was significant public comment on the initial rule, we believe the process used to arrive at these changes would have benefited from direct discussions with the organized gun dog training community prior to this second publication. That perspective as it relates to the training of retrievers, flushing dogs and pointers would have helped add clarity to the proposed language and in dealing more effectively with the issue at hand.

There appear to be 2 overlapping regulatory objectives under existing statute and the proposed rule. From a resource conservation standpoint, the statute speaks to training dogs in bird nesting areas. As a practical matter, most dog-training occurs in areas where game birds or upland nesting ducks are potentially nesting, albeit at varying nest densities and maybe more importantly, with varying degrees of nest success and brood survival. Dog training activities may or may not contribute to any of those metrics. Second, the rationale for the new rule is to deal specifically with an issue that arose from the training of large numbers of dogs on wild birds in certain locations prior to the opening of the hunting season. These are two very different issues with significant implications in terms of training opportunities and outcomes.

The training of all three types of gun dogs have been lumped into a single category as the Department seeks to deal with the more recent issue of disturbance to wild game bird resources by professional trainers with many dogs during the mid to late summer period. Existing statutory language and the new proposed rule reference this broadly in terms of game bird nesting areas and nesting activities when technically the issue is primarily one of intent to train mostly pointing dogs on wild upland game birds during the brood rearing period. With that said, HVGDC would like to offer a brief summary of basic dog training scenarios by gun dog type that are intended to help focus the rule change on the type of activity that is problematic.

Retrievers: This generally includes marking and handling drills. Multiple helpers or dog handlers help "throw" marks or "plant" blind retrieves that can occur on land and/or water. Only one dog is run at a time using the same pattern of marks or

blinds for most dogs. At a typical club training session we may have 6 dog owners present with a total of 5 – 10 dogs. Objects to retrieve typically include plastic bumpers, pigeons and occasionally dead ducks or dead pheasants (game farm birds). Shooting live flyers (game farm birds) is currently conducted under exiting permits. Training of hunting/hunt test dogs versus field trial dogs differs primarily in the distance and complexity of marks and blind retrieves. Under the training elements described above, there is no intent to focus or target wild upland or migratory game birds for training purposes. There may be a disturbance factor associated with the above noted training but brood-rearing hens can move away from these patterned drills.

Flushing Dogs: Mainly involves spaniels and occasionally retriever breeds. Typically involves training to run a consistent ground pattern to the front of the hunter. Drills can include the handler and up to 2 additional helpers. Multiple dog owners may be involved. Usually 1 dog is run at a time but a brace (2) may be released as well. This may involve the use of pigeons that are planted or placed in launchers. Additional drills include steadiness to flush, handling and retrieving. Drills conducted using pen-reared game birds (pheasants or chukars) require a permit when shot. Given adequate ground cover, the above training scenario can be accomplished within a fairly small area (5-10 acres). These dogs can benefit from late summer sessions that include training on broods and adults of wild upland game birds in "open" fields. Migratory game birds are not a focus.

Pointing Dogs: Typical training sessions can vary greatly but generally require more acreage to work the dogs. Drills include basic commands that need to be re-enforced in the field as well as encounters with planted or wild birds. For training purposes either 1 or 2 dogs can be run at a time and additional help is required for certain training sessions that include shooting over the dog. Planted birds such as pigeons or quail can be used without a permit to work on specific drills that include staunchness on point, steadiness to flush and shot, honoring another dog's point and retrieving. Hunting or hunt test dogs trained by hunters/handlers on foot require less ground for these training scenarios than do field trial dogs with handlers on horseback. In general, the development of a pointing dog benefits the most from encounters with wild upland game birds and learning to hunt objectives in various types of cover. This type of training by both individuals and professional trainers has historically occurred across the northern prairies of the U.S. and prairie Canada during the brood rearing period of mid-July through August on sharp-tailed grouse, Hungarian partridge and ring-necked pheasants. To a much more limited extent, training on mountain grouse during this same period may occur.

General: Organized gun dog clubs across the state vary greatly in terms of membership and types of dogs being trained. Some are weighted heavily to the retrieving breeds while others have a very strong pointing dog component. Flushing spaniels run the same gamut. Training grounds are a mix of private and public lands. Individuals have purchased land across the state for dog training purposes. Pro-trainers have gravitated to certain parts of the state, including the lower Flathead

Valley and scattered locations in the central and eastern portions. Individuals can accomplish some of the above-mentioned training elements by themselves and do so quite often with any of the three types of gun dogs. Given this broad range of activities, we do not believe a one size fits all approach will achieve a balanced outcome.

We have just been informed that the proposed New Rule 1 has now been withdrawn based on legislative intervention. We hope to get some clarification on how that process might unfold using both the Environmental Quality Council (EQC) and the 2019 Legislative Session during the Helena public hearing scheduled for Tuesday evening, October 10. Given some of the unknowns, we see little value in offering other specific recommendations at this time relative to the proposed rule. We as a club of dog owners, trainers and avid hunters recognize several needs – to conserve our upland game bird and migratory bird resources and the habitats they depend upon, to perpetuate the highly valued recreational opportunities those birds resources offer to the public and to responsibly maintain reasonable gun dog training options across the state. While one never knows where a legislative process might go, we strongly recommend that the Department consider convening a balanced stakeholders group to help frame a responsible course of action.

Sincerely,

Jeff Herbert, President
Helena Valley Gun Dog Club

Gangstad, Kaedy

From: Butch Kallem <bkallem@mt.net>
Sent: Saturday, October 07, 2017 10:06 AM
To: FWP Dog Training
Subject: Training Dogs

This is another terrible overreach by FW&P's. You folks will not be happy until you have forced the public off public land. This regulation is senseless and wrong. There is absolutely no reason stop dog training on public land. You folks forget who actually owns that land - it isn't you.

Time to fire the top 30% of FW&P and get someone in there that works for the public, not like the Gestapo and against the public.

--
Butch Kallem
WildWood Manufacturing, LLC
Ulm, Montana
406-866-3198
www.wildwood-mfg.com

Gangstad, Kaedy

From: Janice Leach <jeleach48@hotmail.com>
Sent: Friday, October 06, 2017 6:03 PM
To: FWP Dog Training
Subject: Comments re: Proposed Dog Training Regulation

Dear Mr. Mike Lee,

I sincerely appreciate the opportunity to comment on the proposed regulation.

First of all, FWPs proposal to restrict "pre-season training" to four dogs or less per day is a positive step and I welcome it. However, I still have a serious concerns that the proposed reduction in the number of dogs per day - solely by itself - will not solve the problem.

Let me describe an actual case from the 2017 pre-season to illustrate my point. One individual from North Carolina arrived in Daniels County towing an RV on or about August 1 and he brought with him less than the four dogs your proposed regulation states. During the next four-weeks , this individual conducted training on both private and public lands, and he did so on a day-after-day basis. To repeat, what this one individual did was to conduct training **on a day-after-day basis** for four straight weeks during the pre-season.

Accidental capture can certainly cause mortality, but so can repeated scattering of young-of-the-year chicks before they reach an age where they can successfully re-gather as a family group or covey. I would argue this one individual's extended training routine with less than four dogs per day - even assuming no accidental capture occurred - still negatively impacted overall recruitment to some degree.

Your proposal would allow training to occur within one mile of any bird nesting or management area from April 1 to August 31, with absolutely no limitations whatsoever, other than the number of dogs to be trained per day at four or less. I would respectfully suggest some limitations on "location" (especially on publicly-owned lands) and "duration" are appropriate.

Ironically enough, one or two days prior to the September 1 opening day, this person departed Daniels County and traveled to another county north of Great Falls to hunt. You have to wonder "why" Daniels County was good enough to train dogs in for four consecutive weeks, and yet not good enough to hunt in after the season opened. Perhaps the answer partially lies in the ready availability of *State School Trust Lands* in Daniels County ... meaning that unrestricted pre-season access on publicly-owned land was assured.

Sincerely,

Tom Leach
3450 Lake Pointe Drive
Harrisonburg, VA 22801
(540)209-2893

Gangstad, Kaedy

From: Ron Adlington <rbadlington@gmail.com>
Sent: Thursday, October 05, 2017 9:01 PM
To: FWP Dog Training
Subject: New rule 1 pertaining to dog training

Att: Mike Lee

I attended the Public Hearing In Billings Oct 2, 2017. Here are my comments for the EQC as requested.

The current law is uninforcable according to one of the Officers from Region 6 who spoke at the public hearing.

The proposed rule talking about within 1 mile of nesting area would include all of Montana according to Aimee Hawkaluk, Rule Reviewer.
Eliminating dog training from April 1 to April 31 (except for 4 or less dogs in a group) would eliminate 90% of dog training in the state. And this includes PRIVATE land!

The current Rule and the proposed rule make dog training impossible. It is my recommendation that the EQC have Retriever, Spaniel and Pointer experts and a couple of Dog Pros on their committee so they will be able to understand how all the different breed training works. This is essential in my opinion. Also, a lot of the FWP comments were based on hearsay rather than science. A wildlife biologist should be on the committee as well.
Common sense needs to be applied to all aspects. Wild birds do need to be protected but look closely at how much disturbance is caused by the dogs compared to haying CRP in July, like this year. Why not wait to hay until late August?

The rights of owners of private land must be considered. The State should be very careful when trying to regulate what can be done on private land. A lot of landowners have spent a lot of money to develop dog training properties and actually enhance wild bird nesting. Lawsuits would ensue!

The State encourages hunting. The population loves it! It is an economic resource. Bird hunting behind a good dog is a pleasure. Training is required to get a good dog. Retrieval is often impossible without a dog. A means of retrieval is required by law. For a lot of people, professional help is needed to train their dog. Pros need space. Amateurs like me need space. You cannot train a dog in a horse arena. Land an open fields are required.

If there is science to show that pointer Pros are a problem in Eastern Montana then regulate them. Do not stop the rest of us from training our dogs because of them. We require groups of people and dogs in order to train.

I am retired, live in Bozeman, have 2 labs and train my dogs 5 days a week to compete in Field Trails and Hunt Tests and then hunt Upland birds and Waterfowl in the fall. I train with 4 or 5 others who have at least 2 dogs each. Sometimes we enlist a Pro trainer to help us. We are not unique in the state. There are 140 people in our Missouri Headwaters Headwaters Gun Dog Club club here in the Gallatin Valley. I own our home and 4 rental properties in Montana, pay property tax, Montana State and Federal tax and have very few write offs. I and other dog trainers are good for the economy. Use common sense when you re-write the dog training laws so that they work for everyone and I can continue to play with my dogs!

Thank You

Ron Adlington
94 Hardin Lane
Bozeman Mt 59718
406 580 3104

rbadlington@gmail.com

Gangstad, Kaedy

From: 2meadowlarks@gmail.com
Sent: Wednesday, October 04, 2017 8:14 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

There seems to be a growing number of dog trainers moving into eastern Montana during the summer months to train large numbers of bird dogs. These are large commercial trainers that bring in large numbers of client dogs with the sole purpose of making big bucks off a Mt. resource during a very critical time in the upland birds life cycle. I am concerned that any training during critical mating, nesting and rearing of young during these critical times could mean a loss of birds due to dogs catching young birds, disturbing nesting birds and scattering young broods that may not get back together again. It only makes common sense to not allow this type of activity during these critical times. I don't see this as a difficult decision to make. FWP is responsible to protect our resources so please do the responsible thing. Thank you for the opportunity to comment, Bob De Jong

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This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: FWP Wildlife
Sent: Wednesday, October 04, 2017 3:00 PM
To: Lee, Michael
Subject: FW: ** Email from fwp.mt.gov **

-----Original Message-----
From: McDonald, Ken
Sent: Wednesday, October 04, 2017 1:24 PM
To: FWP Wildlife
Subject: RE: ** Email from fwp.mt.gov **

Mike Lee in Enforcement

Ken McDonald
Wildlife Division Administrator
Montana Fish, Wildlife and Parks
PO Box 200701
Helena, MT 59602
406-444-5645
kmcdonald@mt.gov

-----Original Message-----
From: FWP Wildlife
Sent: Wednesday, October 4, 2017 9:37 AM
To: McDonald, Ken <kmcdonald@mt.gov>
Subject: FW: ** Email from fwp.mt.gov **

Ken,
Who is collecting the bird dog training comments?

Thanks,
Jenn

-----Original Message-----
From: Douglas Meyer [mailto:greypointe@sbcglobal.net]
Sent: Tuesday, October 03, 2017 4:12 PM
To: FWP Wildlife
Subject: ** Email from fwp.mt.gov **

Name: Douglas Meyer
Phone Number: 913-515-2536
Email: greypointe@sbcglobal.net

Weighing on MT's concerns about summer bird dog training. I have been going "north" for many years to expose bird dogs to running in cooler temperatures and encountering young game birds. I go around July 25th each year and work for about seven weeks. I am retired and an amateur field trialer with from 7-12 dogs at any one time. I go to North Dakota by the way. Game birds are of critical importance to me (and ALL field trailers). We work to break our dogs steady to flight and blank pistol firing after flush. We do everything we can to avoid stress on the birds we work and

recommend that training and working dogs NOT start until after successful nesting seasons or around July 15 of each year. Since I return to the same private land in ND each summer, the well being of nesting and young birds is of utmost importance to me. I no longer hunt but appreciate those who do and hope spring rainfall, winter snows and all other conditions are conducive to excellent game bird production and survival. My experience is that occasionally a late hatch will be encountered and we get away from those birds as soon as possible. We want to mortality and certainly do not want our training compromised by the possibility of a dog catching a bird! I am pretty sure that what I describe is true of 95% of anyone who makes the trip "north" or "west" to work on the prairie environs. Thank you for considering these comments. I know a drought occurred in MT and the western Dakotas and stressed the environment, resulted in cutting CRP, etc and overall hurt ground nesting birds and other species. Most of the trainers who go north actually exercised dogs and worked on pigeons and other alternatives due to lack of cover and in some cases scarcity or wariness of the wild game birds that remained. Mother Nature has a way of taking care of itself and field trial dogs that are broke or breaking are non-consumptive towards the precious resource. I want and need to see those birds next year again and want to do all I can to protect and encourage their survival. Thank you for conserving these remarks. Periodically in other states, this issue has arisen. Some of the most ethical and concerned upland resource conservationists are the pointing dogs folks who train or field trial on these birds. Our trials involve no taking of game as all contact ceases after flush as our dogs are sent on to try and find another covey or bird in their allotted time. Good luck with your hearings and listening tour. Believe me, the seven weeks I spend each summer add to the overall revenue in the state as I rent housing, buy food and fuel, etc plus truly enjoy your state(s). Many of us attend the trials at Circle, MT in August and I also travel to Saskatchewan each summer with horse and dogs crossing the border. You should join us sometime and watch the beauty of your state from the back of a good horse watching bird dogs search for wild game. It is a thing of beauty. Doug Meyer Tonganoxie, KS 66086

Gangstad, Kaedy

From: Scheermd@gmail.com
Sent: Wednesday, October 04, 2017 9:49 AM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

This would effectively nullify the all of dog training industry in the state. Local clubs would not be able to train. Local Mom and pop trainers would be put out of business. Local breeders would not be able to work with local buyers. Private land is private and people should be able to training there.
The proposed dates are in the middle of hunting season when people hunt they don?t train during those dates. I can understand if you want to limit training with horses and more then 20 dogs. As the current rules are written it would be a vast over reach from the target of this rule. I encourage you all to specifically talk with local chapters of NAVHDA, pheasants forever, Yellowstone hunt club and other such organizations.
Thank you
Zach Scheer MD
Billings MT

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: Sherri Shoop <sherri-clint@mail.com>
Sent: Tuesday, October 03, 2017 1:43 PM
To: FWP Dog Training
Subject: Permits

The four dog permit is an excellent idea. We reside in the Beaverhead- Deer Lodge NF and a group of dog trainers use Trail Creek Road, mainly Elk Creek or Hogan's cabin area to train. We think everyone should be allowed to use the forest land except when it negatively effects others. This year we had five pigeons come to our home. One was horribly wounded. For three years we've had the pigeons.
Clint went to the group to inform them of our problem. They said they weren't an organization , just a group of people, so where does the responsibility lie. One of the woman offered to come to our home to shoot or trap the birds. Now their hobby would be in our yard. The responsibility is then on us.
It is disgusting to see these wounded birds!
Clint told them, the answer is to get better shooters and take care of the problem before they left the site.
I also wonder how relaxing it is to be camping and all the trainers descend upon the field to start shooting on Sunday morning?
Maybe the permit system would put the liability and responsibility back onto the users. NO ONE has the right to create a nuisance for someone else, or abuse our public lands.

Sherri and Clint Shoop
6777 Highway 43
Wisdom, Mt 59761
406-961-7178
Sent from Mail for Windows 10

Gangstad, Kaedy

From: Cassity, Scott <SCassity@giac.org>
Sent: Tuesday, October 03, 2017 1:23 PM
To: Lee, Michael
Cc: Williams, Martha
Subject: Rule MAR Notice 12-473

Importance: High

Mr. Lee:

I am a Montana landowner (6979 Rising Eagle Rd, Bozeman MT) and sportsman and wanted to let you and the commission know that I **OPPOSE** the proposed rule for PERMISSION TO TRAIN DOGS IN GAME NESTING AREAS. The RULE as written and amended is a vague and does not make economic, biological or common sense. The wording of several sections is vague... "(2) A person, party, group....wishing to train within one mile of a bird nesting area... not more than 4 dogs per day...." The description of bird nesting area is completely wide-open and could be interpreted in a very broad manner in the state of MT which effectively encompasses the whole state. Therefore, no dog training in the state of MT. Is that the intent of this rule? Also, are you trying to make bird hunters/professional trainers/field trailers leave the state of MT?

Below are further points and/or recommendations for consideration:

1. Proposed rule changes will have a significant negative impact on Montana businesses. Professional bird dog trainers will see a significant reduction of and impact on their business, as well as the businesses those trainers support.
2. Amateur bird dog field trailers who train or summer camp in Montana will have to go to other prairie states to train. Summer camps are traditionally held July 15 through September 1; these activities would not be allowed under the proposed rule changes. Field trailers and amateur/pro summer camps bring vital income to small eastern Montana towns and businesses during the summer months.
3. Abuse of the resource of wild gamebirds by one or a few trainers **should not penalize all** those who treat the resource responsibly and have good relationships with landowners and local residents.
4. The dates of April 1 through September 1 for trainers of more than four dogs per day should be changed to a more reasonable May 15 through July 15.
5. **Oil & Gas, Farming and Ranching** practices have a far more significant impact on nesting gamebirds...like the Sage Grouse!
6. Training bird dogs on the prairie is a tradition and practice that goes back several generations to the late 1880s. Developing competitive bird dogs and work on native birds occurs every summer on the prairies of North and South Dakota, Montana, and Canada, and there is no evidence of negative impact on wild bird populations. This is not the first time in history that a trainer has irritated locals and landowners. However; most are responsible and do not abuse the resource. A more direct way of dealing with such individuals is needed without wide restrictions on all. Permits for non-resident trainers would be a more acceptable solution for example.
7. The proposed rule ***allows training during nesting season***, which flies in the face of good sense and sound management practices. None of us who run/train dogs wish to disrupt nesting and brooding activities, which take place predominantly during the period of May 15 – July 15 each year.

Respectively,

Scott Cassity
6979 Rising Eagle Rd

Bozeman, MT 59715

Ph: 865 803-2030

Scott Cassity

Tana Kradolfer
5075 Clearview Rd
Belgrade, MT 59714
406-388-4974
tana@truegritbrits.com
September 27, 2017

[Recipient Name]
Atttn: Mike Lee
Dept of Fish Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Lee:

In #3 of the proposed new rule for permission to train dogs you have specified a four dog limit per day for dog training within one mile of any bird nesting or management area or game preserve between April 1 and August 31st. For decades bird dog owners and trainers have respected the nesting birds and refrained from any activities with bird dogs anywhere near a nesting bird between April 1 and July 15. We have left the birds alone and kept our dogs in shape by roading them with ATV's and taking them for runs and walks on/in mountain trails, dirt roads, and dog parks and training them in designated areas on pen raised birds. The professional trainers that I have worked with don't even consider getting summer training camps set up until towards the end of July. By allowing 4 dogs per day to be trained from 4/1-8/31 you are essentially inviting those irresponsible pro trainers you are trying to shut down to arrive prior to July 15 and begin the supposed abuses they are accused of even earlier than the traditional July 15th Date! It is a huge mistake to allow 4 dogs per day to be training during the proposed time frame and dismantles a long standing code of conduct in this state that has served both birds and birddogs very well for many years. Why on earth would you want to eliminate this long standing cooperative effort on the part of the sportsman? No one should be training in open fields during the nesting season, no one!

If you persist in implementing this poorly designed, unenforceable rule you will have succeeded in throwing all nesting birds under the bus along with upland birddogs, their owners and their trainers. It's time to sit down with the bird dog owners, breeders and trainers to come up with a workable solution for regulating out of state professional bird dog trainers in Montana that will accomplish its intended purpose.

Sincerely,

Tana Kradolfer

Belgrade, MT

Enforcement Division, ATTN: Mike Lee,
Dept of FWP,
P.O. Box 200701
Helena, MT 59620-0701

Dr. Mr. Lee,

Thank you for considering the following information in "*the matter of the adoption of New Rule I pertaining to dog training*."

First, let me state that I understand and support the stated intent of what you are trying to accomplish. We all want to prevent abuse of our natural resources .

I am addressing concerns which will specifically relate to the activities of the Big Sky Chapter of the North American Versatile Hunting Dog Association. (NAVHDA) The mission statement of NAVHDA is "The North American Versatile Hunting Dog Association is a nonprofit corporation whose purpose is to foster, promote, and improve the versatile hunting dog breeds in North America; <u>to conserve game by using well trained reliable hunting dogs on both land and water;</u> and to aid in the prevention of cruelty to animals by discouraging nonselective and uncontrolled breeding, which produces unwanted and uncared for dogs."*(Emphasis added)*

The Big Sky Chapter of the North American Versatile Hunting Dog Association was founded in 1977. We are a licensed nonprofit entity and are affiliated with NAVHDA International. The foundation of the club has always been interested members who are committed to help each other have the best trained dogs for the field and at home. The club conducts yearly sanctioned NAVHDA hunt tests. We are not competing. We are testing our dogs against a standard. No monetary prizes are given. We sponsor a number of training and exposure days throughout the spring and summer. These training days are generally attended by approximately 8-15 people. Our members are generally very conservation minded people who are active supporters of groups such as Ducks Unlimited and Pheasants Forever. We care tremendously about the birds. We live here. We know that the nests in the spring are what produces our birds to hunt in the fall.

On our typical training and exposure days, approximately 3/4 of the attendees are new owners of pups or young dogs. We utilize captive raised birds or feral pigeons in a very small area of available private land for each phase of the training repeatedly with each pup. During nesting season, we first sweep the area with a staunch pointing dog before beginning the training. If nesting birds or chicks are found, the pointing dog can be removed without harm to the nesting hen and the area is flagged and we move on until we find a clean area to train in. This is common practice each time we train. I personally train my own dogs on my private property using this process and have successful hatches of pheasants, huns and waterfowl every year with minimal disturbance, simply by keeping young dogs away from the nesting sites and young chicks.

The main problem with the amended language in this rule is the restriction of *not more than 4 dogs per day*. Our club operates on volunteers, many of whom travel from all over the state. We simply cannot do more training days with volunteers to accommodate such restrictive numbers. The alternative to allowing us to continue to carefully operate as we have in the past is that those 8-15 people each year with limited experience and young bird dogs will go to some public land and attempt training on their own, with no precautions such as are taken by the chapter, resulting in far more nesting disturbances than would occur during our sanctioned chapter events.

The rule as worded with the 4 dog per day restriction would simply end our ability to conduct training days. Well trained dogs are an important conservation tool. Birds that are shot but not recovered, result in more birds being shot for a limit. We believe that our training days contribute to conservation of birds. Members of your department have trained with us over the years. We invite you to come see us in operation for yourselves.

A secondary concern is that this language appears to sanction planned and knowing training of dogs on wild birds in the off season. Wild birds should never be intentionally harassed by dog training.

Please consider changing the wording in the rule to allow an exclusion on the numbers of dogs per day for sanctioned events sponsored by legitimate nonprofit clubs.

Please also consider changing the wording in the rule to more clearly differentiate that clubs and individuals may train with feral pigeons or permitted captive raised game birds regardless of this rule.

Thank you for your consideration,

Phil Matteson

Cascade, MT

Gangstad, Kaedy

From: Vicky Maclean <agillabs@mcn.net>
Sent: Friday, September 29, 2017 1:09 PM
To: FWP Dog Training
Subject: question

I am not 100% clear on section 5. The proposed new rules do not apply to those of us who train with captive game birds? right? so retriever people who just use pen raised ducks and pheasants are exempt?
vicky maclean

Gangstad, Kaedy

From: Rob Erhardt <gotlabs2@yahoo.com>
Sent: Friday, September 29, 2017 8:16 AM
To: FWP Dog Training
Subject: Dog training ATT; Mike Lee

Hello Mike,

This is Robert Erhardt owner of Silvertip Retrievers and have a few questions about the Law change about Dog Training

We train retrievers for AKC Retriever Field Trials. We have about 18 to 20 properties here developed for training.

-----1 what is the definition of a nesting area???????

------2 and how is private land affected by this that has been developed exclusively for retriever training

----- 3 we are located in lake county on a reservation how is this affected by this proposal ???/

I am going to one of the meetings but i would like to gather as much info as possible

Is there someone i could contact to visit with

Thanks Robert Erhardt

$06-471-1046

Sent from my iPad

Gangstad, Kaedy

From: jeff.broadbent@usu.edu
Sent: Wednesday, September 27, 2017 2:40 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

Mr. Mike Lee
Department of Fish, Wildlife, and Parks
PO Box 200701
Helena, MT 59620

Dear Mr. Lee,
I am writing regarding Administrative Register Notice 12-473; the proposed rule regarding training bird dogs in open fields outside of hunting season. I am not a Montana resident, but I have a very good friend by the name of John McIltrot who is, and who has worked tirelessly for several years to build a living for he and his family as a full-time professional pointing dog trainer. John?s Seranoa kennel is the embodiment of his professional dreams and a proud legacy of his incredible work ethic. If this rule is approved, it will very likely destroy the livelihood John has worked so many years to build.

In reading the proposed rule, my first reaction was that there must literally be hundreds of professional pointing dog trainers in Montana for FWP to determine that their activities were having a negative impact on upland bird numbers and propose this rule. However, my own research indicates there are actually very, very few; I could only identify half a dozen trainers ?statewide- through an internet-based business search.

This leads me to question the basis for proposing this rule? The ?REASON? paragraph includes the statement ?this? can result in negative effects on bird populations?, yet Montana, like most other states, already prohibits running hunting dogs in upland bird nesting areas during the nesting season (May 15-July 15). The state also permits cutting of CRP grasslands for hay after July 15, and that activity has a far more detrimental effect on young upland birds than dog training. If the concern truly is to protect late nesting or newly-fledged birds, then I ask that FWP adopt training season dates that are longer than the current May 15-July 15 period, but not so severe as the proposed April 1-August 31 dates.

As context, I believe it is vitally important for FWP to understand how a professional dog trainer works his pupils. My first-hand knowledge of the methods used by professional bird dog trainers also leads me to have a very skeptical view of the complaint that is cited in the proposed rule regarding someone running 60 dogs are one time. In actual practice, professional dog training from horseback is inherently limited in the number of dogs than can be run each day ? typically 10-12, due to summertime heat. Training must stop by late morning because warm temperatures make it unsafe for dogs to exercise. Moreover, that handler only works 2-4 dogs at a time so that he or she can carefully monitor each dog in the field. Given these numbers, it seems logical to conclude that if Montana upland bird numbers are not faring well, it is not because the half-dozen professional bird trainers scattered around the state are running too many dogs in the field.

In closing, I want to assert that this proposed rule will significantly and directly impact small businesses in Montana. If professional trainers like John are unable to train dogs on wild birds outside of the hunting season, or required by a permit to only work dogs in a handful of specifically designated areas, they will lose an important part of their clientele and have a difficult time staying in business. I suggest that instead of crafting a rule that will push these businesses out of Montana, FWP would better serve the public interest if it were to partner with them to craft a rule that is more specific and beneficial to the resource.

Thank you for the opportunity to comment,

Jeff Broadbent, PhD

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: weiss126.j@gmail.com
Sent: Monday, September 18, 2017 2:42 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

I am in total support of this rule. I hope it eliminates the Professional trainers from Texas, OK, and certain southern states. Let them train in their own states. They bring trailers full of dogs that they are being paid to train. This is not the average hunter training his or her dog.

I believe it also eliminates the use of horses as well and I totaly support that. If I am wrong on the horses change the rule to eliminate use of horses in training.

I think the 1 mile distance is not enough. These type of dogs can cover 1 mile in minutes. Make it at lease 2-3 or more.

Please keep up your good work

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Gangstad, Kaedy

From: Greg Munther <gmunther12@gmail.com>
Sent: Sunday, September 17, 2017 9:21 PM
To: FWP Dog Training
Subject: Proposed dog training rules

I had commented earlier on the proposal as written several months ago....which were way too restrictive.

The rules as currently proposed in Sept 17 appear to be reasonable. I would hope any permitting of more than 4 dogs at one time would be rather unusual and not be permitted without specific knowledge of the bird populations that would be impacted.

Greg Munther
1295 Lena Lane
Missoula Montana 59804

Gangstad, Kaedy

From: mhattlestad@gmail.com
Sent: Saturday, September 16, 2017 10:04 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

Please yes.. new rules like this are welcomed and necessary. There's always a few whom will take advantage- trainers from all over the the US I'm sure- whom will take advantage of any type of accessible habitat, work dogs, shoot birds and leave sloppy seconds for others later. Please do not hesitate , make your rule even more restrictive for pro dog trainers if possible! Thank you Thank you for addressing this. I love Montana!

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: Bob Cebuhar <bobcebuhar@gmail.com>
Sent: Friday, September 15, 2017 12:01 AM
To: FWP Dog Training

Montana has regulations and laws that prohibit the harassment of wildlife. How do these hotshots get away with harassing our wild bird populations year round?????
It's not right and needs to be stopped!
Let them do their training on private lands, but stop it on public lands.

Gangstad, Kaedy

From: al@6xoutfitters.com
Sent: Thursday, September 14, 2017 7:38 PM
To: FWP Dog Training
Subject: Public Comment: Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training

Any hearings should be postponed until after the upland bird season. We are busy hunting or working.
Sincerely
Allan Gadoury

This e-mail was generated from the 'Notice of Public Hearings and Extension of Public Comment on Proposed Adoption Pertaining to Dog Training' Public Notice Web Page.

Gangstad, Kaedy

From: Jay Hanson <jayhansonoutdoors@gmail.com>
Sent: Tuesday, September 12, 2017 2:53 PM
To: FWP Dog Training
Subject: New Proposal

The latest proposal actually seems to be taking a step backward, not forward.

Enforcing the current rule of 1 mile is preferred to opening up that nesting radius to 3 or 4 dogs in June, July and early August.
4 dogs can still wreak havoc on nesting birds. (Also, why is that number the threshold? Why not 2 or 3?) Of course no admits to killing birds accidentally, but keep in mind that often these dogs are also young and able to catch young sharptail or Huns and most often, young pheasants that typically hatch later. I have had my dogs flush hen pheasants off of their nests in June while on a check cord and due to the violent nature of it, they have crushed their own eggs. Those are also dead birds. Lastly, I have seen young pheasants fly inaccurately into water and into barbed wire fences.

If in doubt, play it safe and error on the side of the birds, not dog trainers. As it stands now, a new rule with less teeth is being offered as a solution.

--
Jason Hanson

Lewistown, MT
406-697-4479