May 29, 2018

Environmental Quality Council
Joe Kolman, Environmental Policy Analyst

OPTIONS FOR BIRD DOG REGULATION

Introduction & Issues

The EQC is examining possible changes to laws enforced by the Department of Fish, Wildlife, and Parks (DFWP) for the training of bird dogs and field trials. Field trials are examinations to determine the ability of dogs to point, flush, or retrieve game birds. The DFWP issues permits for field trials.

Dog training is allowed in open fields without DFWP permission if:

- Live game birds are not killed or captured;
- Training is more than 1 mile from any bird nesting area; management area; or game preserve.

Critics of the current law say it's a dog barking up the wrong tree. Open field is not defined. Is it a back yard? Twenty acres? There are a lot of bird nests in Montana. It might be hard to find an open field that is more than 1 mile from a nest. Earlier in the interim, the EQC examined the history of the current law as well as how bird dogs are regulated in other states.

Option 1

Option 1 eliminates dog training regulations. However DFWP would still issue field trial permits. The department could:

- deny the permit if the field trial wouldn't be in the best interest of game birds; or
- condition the approval of the permit to protect birds.

Game birds used in the field trial would need to be tagged or marked. The taking of an untagged game bird during a field trial must be reported immediately to the department if:

- it is outside of the established season for the untagged game bird; or
- the person taking the game bird is not licensed to take that species.

Option 2

Option 2 includes the same requirements as Option 1 for field trials. It also requires that game birds used to train bird hunting dogs be tagged or marked. If an untagged or unmarked bird is killed during the training, the taking must be reported to the FWP if:

- it is outside of the established season for the game bird; or
- the person does not hold a permit for that species.