

MHGDC Special Board Meeting Minutes

3/16/09

The special meeting of the MHGDC Board of Directors was called to order at 7:00 PM.

Board Members Present: Al Gadoury, Greg Johnson, Randy Setzer, Jeff Squire, Peter Bakun, David French, Scott Benowitz

Subject: Review of Administrative Rules of Montana (ARM), Montana Code Annotated (MCA) and MHGDC Missouri Headwaters State Park Restricted Use Agreement as they pertain to MHGDC use of Missouri Headwaters State Park and permits for game birds for dog training.

The MHGDC and individual members are facing procedural changes to the way we acquire permits to use upland game birds for dog training and field trials, and using these birds in dog training and field trials. The Board spent time reviewing the ARMs, MCAs and the Restricted Use Permit to determine what is and is not allowed, and how the rules might affect the way MHGDC carries out their dog training sessions and trials.

SHOOTING GAME BIRDS AT STATE PARKS AND FISHING ACCESS SITES

1. ARM 12.8.201 states “The following regulations shall govern the use of all lands or waters under the control, administration, and jurisdiction of the Montana Department of Fish, Wildlife and Parks. These areas are hereinafter referred to as "designated recreation areas".”

Findings: The training grounds, Blackbird and Fairweather FAS are designated recreation areas.

2. ARM 12.8.202 states “No person may discharge any firearm, fireworks, explosives, air or gas weapon, or arrow from a bow, on or over either land or water, from April 1 to the opening date of archery season each year, unless the designated area is otherwise posted. Areas, or portions of areas, may be closed to shooting when the director determines there is undue hazard to human life or property.”

Further, The MHGDC Restricted Use Permit for the Headwaters State Park states that “no live ammunition will be discharged in the park and gravel pit areas from April 1 to September 30. The use of poppers in gravel pit areas may only be used during the period of the first of April to the end of May.”

Findings: This language is not consistent with what the club is doing and has been doing. The Use Permit must be changed. Our training grounds are not posted to allow discharge of firearms between April 1 and the opening of archery season. FWP should post this area allowing the discharge of firearms.

FWP has authorization to close portions of our use area to shooting as described above.

Board action: We will request that they post the site. We will agree to the no shooting zone as described by Randy who negotiated the zone with Sam Sheppard. But Randy will ask Sam about an alternative location for the shooting zone.

3. ARM 12.8.203 states “No person may permit an animal to run at large in a designated public recreation area. ... From April 1 through September 15 of each year unless otherwise posted, the animal must be physically restrained or on a leash under ten feet in length in hand or anchored at all times.”

This ARM also states “Ranging, grazing, watering or allowing livestock in designated recreation areas is prohibited except where specifically permitted or when authorized by lease, license or other written agreement with the department.”

Finding: The MHGDC Restricted Use Permit allows dog training and field trials. It should specifically address the dog restrictions stated in ARM 12.8.203 so it is clear that dogs can run in the horse pasture.

Board action: We will request FWP add language to our Restricted Use Permit to specifically address the dog restrictions in ARM 12.8.203.

PERMITS FOR UPLAND GAME BIRDS FOR DOG TRAINING AND FIELD TRAILS

1. The FWP grants permits to kill game birds in dog training (ARM 12.6.206). Dog training is defined as the “handling, exercising, teaching, instructing, and disciplining of dogs in the skills and techniques of hunting and retrieving game birds characterized by the absence of judging, awards, or any fees related to the shooting of game birds.” This language is also printed on the permit to kill game birds for dog training.

Finding: Based on this language, our picnic trials that use game birds (pheasant & chukar) are not considered dog training, but would be considered a field trial as defined in Montana Code Annotated (MCA) 87-14-915; field trial is defined as “an examination to determine the ability of dogs to point, flush, or retrieve game birds.”

2. Our Restricted Use Agreement for the State Park allows MHGDC to use the “horse pasture” for “dog training and field trials”. The Permit states the number of “organized competitions” that can be held during a calendar year. An “event” is defined as a licensed field or hunting trial.

Findings: If our picnic trials that use game birds are indeed “field trials”, our special use agreement needs to be modified to allow for additional “organized competitions”.

Board action: we discussed replacing language in fun trial rules and newsletter, website to clarify we are training, not testing. We also discussed requesting Use Permit allow for additional fun trials. Board voted to table this item, and let the Spaniel Group decide what they want to do.

3. ARM 12.6.215 states “A person using captive-reared birds in the training of dogs or raptors must have a permit issued by the department”. I could not find in the ARMs or MCAs where a permit can be issued to a group, such as the MHGDC.

Finding: Individual members of the MHGDC who want to kill game bird farm birds for training their own dog must have an individual permit to do so.

4. ARM 12.6.220 states that “captive-reared birds may only be killed by the permittee or persons accompanying the permittee and assisting in training”.

Finding: A MHGDC member can kill a game bird farm bird for another member who is training their dog without the shooter having to have a permit. However, the dog owner must have a permit.

5. ARM 12.6.220 states “Captive-reared birds killed during raptor or dog training must remain in the possession of the permittee unless the permittee transfers the birds to a person who also possesses a valid permit. The permittee may assign ownership of killed birds to a non-permit holder by written documentation that is signed by the permittee.”

Finding: If a MHGDC member gives a game farm bird killed during dog training to someone else, a signed note needs to go with the bird. This ARM does not apply to field trials.

6. The upland game bird permit for dog training requires that “dog training must be more than a mile from any bird nesting or management area or game preserve”. This language comes from MCA 87-4-915.

Finding: Our Restricted Use Permit should address this, which is providing exclusion to this requirement.

Board action: request language in Restricted Use Permit to provide exclusion to this requirement.

7. ARM 12.6.220 states “all captive-reared birds used must have a streamer of fluorescent surveyor tape conspicuously attached to the leg prior to release at training site”. This ARM applies to dog training. "Captive-reared birds" means live, upland game birds reared in captivity and purchased from a game bird farm.

Finding: Must use tape when using captive-reared birds. Quail and pigeons are not captive-reared birds.

Board action: we will use orange surveyor tape for dog training.

8. Our permit for the MHGDC AKC ESS field trail requires, and MCA 87-4-915 states “All live game birds used in a field trial must be tagged before being planted or released, and may be planted or released only in the presence of a representative of the department. If an untagged bird is shot during any field trial, the person to whom the permit was issued must immediately replace it with a live bird.”

Finding: How can MHGDC assure compliance if FWP doesn't participate? We need to tag field trial birds (chukar & pheasants) but the MCA does not define “tagged”.

Board action: we will use orange surveyor tape for field trials.

9. ARM 12.6.1602 requires purchaser of game farm birds from out of state vendors to have an import permit from Department of Livestock. ARM 32.3.201 defines “animals” to include “poultry”, and “poultry” to include pigeons and pheasants. Chukar and quail are not included in the definition of poultry. ARM 32.3.202 states “Unless otherwise specifically provided in this rule all animals and poultry transported or moved into the state of Montana must be accompanied by an official health certificate or a permit, or both, which must be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals.” ARM 32.3.207 explains how to obtain a permit from DOL by calling (406) 449-2976 or 449-2043 and will be issued in the name of the person or entity in Montana receiving the animal(s) shown thereon.”

Finding: Determine whether we need a permit to import pheasants from out of state by contacting DOL.

Board action: Greg will contact DOL to determine whether we need an import permit.

Other Business: Randy will send out a special newsletter with a copy of a blank bird permit for members to fill out and send to FWP. Randy will also provide instructions on how to fill out the application.

Julie described that money was transferred from the DA Davidson account into the checking account to cover the costs for field trial birds.