

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of NEW)	NOTICE OF ADOPTION,
RULES I, II, and III, the amendment)	AMENDMENT, AND REPEAL
of ARM 12.6.1602 and 12.6.1610,)	
and the repeal of ARM 12.6.206,)	
12.6.210, 12.6.215, 12.6.220,)	
12.6.225, 12.6.230, and 12.6.1601A)	
pertaining to field trial regulations,)	
game bird dog training, and game)	
bird farms)	

TO: All Concerned Persons

1. On November 20, 2020, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-533 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 2093 of the 2020 Montana Administrative Register, Issue Number 22.

2. The department has adopted the following rule as proposed: New Rule I (12.6.1605).

3. The department has adopted the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE II (12.6.1607) DISEASE PREVENTION (1) All captive-reared game birds used for dog training shall ~~originate~~ be purchased from a licensed Montana game bird farm. Birds purchased from out of state must be from a National Poultry Improvement Plan (NPIP) provider sources.

AUTH: 87-3-604, 87-4-913, MCA
IMP: 87-3-603, MCA

NEW RULE III (12.6.1608) PROOF OF PURCHASE OF CAPTIVE-REARED GAME BIRDS USED IN DOG TRAINING (1) remains as proposed.

(2) Proof shall be in the form of a receipt or, alternatively, the birds may be banded with a leg band approved by the department. The receipt must state the following:

- (a) and (b) remain as proposed.
- (c) sex of birds (if known);
- (d) remains as proposed.
- (e) name of the purchaser and date of purchase.

AUTH: 87-3-604, 87-4-913, MCA
IMP: 87-3-603, MCA

4. The department has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.6.1602 PURCHASE AND SALE OF GAME BIRDS (1) remains as proposed.

(2) Game bird farm operators shall provide proof of purchase to the purchaser in the form of a receipt or, alternatively, the birds may be banded with a leg band approved by the department. The receipt must state the following:

(a) and (b) remain as proposed.

(c) sex of birds (if known);

(d) remains as proposed.

(e) name of purchaser and date of purchase.

(3) remains as proposed.

AUTH: 87-4-913, MCA

IMP: 87-4-902, 87-4-911 MCA

12.6.1610 NATIONAL POULTRY IMPROVEMENT PLAN (1) and (2) remain as proposed.

(3) Game bird farm licensees who do not maintain a breeding flock over-the winter to hatch out offspring for sale ~~birds, but purchase~~ must acquire their eggs or chicks from NPIP certified sources ~~do not need to acquire NPIP certification~~.

(4) remains as proposed.

AUTH: 87-4-913, MCA

IMP: 87-4-906, 87-4-908 MCA

5. The department has repealed the following rules as proposed: ARM 12.6.206, 12.6.210, 12.6.215, 12.6.220, 12.6.225, 12.6.230, and 12.6.1601A.

6. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: The department received comments in support of the administrative rules as proposed.

RESPONSE #1: The department appreciates the participation and support in this rulemaking process.

COMMENT #2: A comment was received concerning large out of state training operations. The comment suggested putting a rule in place that would not allow dogs to be off leash on public lands except for during a specific season.

RESPONSE #2: This comment is outside the scope of this rulemaking. This rulemaking proposal only addresses using captive-reared birds for dog training.

COMMENT #3: The department received a few comments concerning the requirement of NPIP certification for smaller producers/licensees within the state.

RESPONSE #3: Comments received were regarding the existing rule language related to NPIP certification. The department is proposing to require birds to be acquired from an NPIP source if the bird farm does not overwinter birds to produce offspring for sale. All major bird egg or chick suppliers are NPIP certified.

COMMENT #4: The department received a comment regarding the "captive-reared bird" language in NEW RULE I. The comment questioned whether or not a land agency could allow training on wild birds.

RESPONSE #4: Nothing in statute or this proposal limits or regulates the use of wild birds for dog training. This activity would be covered under public land agency use rules.

COMMENT #5: The department received a comment concerning that the sex of birds is sometimes indistinguishable until they reach a certain age.

RESPONSE #5: The department has amended the language in response to this comment to require the sex of the bird on receipts if the sex is known.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Hank Warsech
Hank Warsech
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 2, 2021.