

**MONTANA FISH, WILDLIFE & PARKS
HUNTING SEASON / QUOTA CHANGE SUPPORTING INFORMATION**

**Species: Waterfowl
Region: 7
Hunting District: 701
Year: 2023**

1. Describe the proposed season / quotas changes and provide a summary of prior history (i.e., prior history of permits, season types, etc.).

The proposed change is to remove the Yellowstone River waterfowl hunting closure.

By Fish and Wildlife Commission action, an approximately 87-mile portion of the Yellowstone River is closed to waterfowl hunting (Figure 1). The closure stretches between the confluence of the Bighorn and Yellowstone Rivers to the Rosebud-Custer County line. The closure includes the normal stream flow and includes all islands, backwaters and sandbars.

The restriction on waterfowl hunting was established in 1958 when Canada goose populations were much lower. The original intent was to keep Canada geese in the area longer to provide increased opportunity for hunters. The closure is a waterfowl hunting restriction only and is not a waterfowl refuge, meaning there are other activities occurring in the closure area that disturb waterfowl.

2. What is the objective of this proposed change? This could be a specific harvest amount or resulting population level or number of game damage complaints, etc.

The objective of the proposed change is to:

- Remove a hunting regulation that has no biological basis.
- Simplify hunting regulations.
- Remove restriction that reduces management options for landowners.
- Diversify waterfowl hunting opportunities
- Increase waterfowl hunting access.

3. How will the success of this proposal be measured? This could be annual game or harvest surveys, game damage complaints.

The National Migratory Bird Harvest Survey conducted by the U.S. Fish and Wildlife Service FWP informs how many people hunted, how many days they hunted and how many birds they harvest in each county. Although FWP can use this report as a tool monitor waterfowl hunting effort and harvest in the impacted area (Rosebud and Treasure County), it would be difficult to measure the impact of the proposed measure as hunter harvest and effort in the area is largely dependent upon weather conditions and migration patterns.

The success of the proposed change will be measured by public feedback.

4. What is the current population's status in relation to the management objectives? (i.e., state management objectives from management plan if applicable; provide current and prior years of population survey, harvest, or other pertinent information).

Most of the Canada geese in eastern Montana are associated with the Hi-Line Population. The Central Flyways Council's population objective for Canada goose in the Hi-Line Population is 275,000 to 300,000. Data from mid-winter waterfowl surveys show that the Hi-Line Population increased from 40,000 in the early 1970s to nearly 500,000 estimated in 2022 (Figure 2). An FWP survey in 1961 counted 546 Canada geese from the mouth of Bighorn River to North Dakota. Survey efforts in recent years, for the same area, now yield over 100,000 Canada geese. There is no biological justification for restricting waterfowl hunting on this portion of the Yellowstone River.

5. Provide information related to any weather/habitat factors, public or private land use or resident and nonresident hunting opportunity that have relevance to this change (i.e., habitat security, hunter access, vegetation surveys, weather index, snow conditions, and temperature / precipitation information).

The morphology of the Yellowstone River is of importance to the distribution of geese. The area of the river that is off limits to waterfowl hunting has a high number of islands, a higher sinuosity and greater shore-line kilometers than many other sections of the Yellowstone River. The closed section of the river also has thermal influences from the Bighorn River that infuses warmer tailrace waters. As a result, the section of Yellowstone River closed to waterfowl hunting is less prone to icing. For this reason, the closed portion of the river typically supports a high density of waterfowl during the fall. Aerial surveys have documented sections of the Yellowstone and Bighorn River above and below the closure area supported high densities of geese prior to ice up (Figure 3). Another factor that influences that influences waterfowl distribution are agriculture practices. Waterfowl concentrations tend to coincide with small grain production and areas in which large number of cattle are fed that provide food sources to waterfowl.

The term "refuge" has been frequently applied to the waterfowl hunting closure. The Yellowstone River waterfowl hunting closure is not a refuge but instead a restriction on one specific activity, waterfowl hunting below the high-water mark of the river. It is legal to hunt waterfowl from the bank of the river, as long as one is above the high-water mark and they can successfully retrieve their downed game without crossing the high/low water mark. There are disturbances such as deer hunting, upland game bird hunting, fishing, that occur in stream, on islands and land adjacent to the portion of river closed to waterfowl hunting.

Typically, the main pulse of migrating geese reach the Yellowstone River the second or third week in November. In most years, the river becomes inaccessible to most watercraft because of ice shelves that form around the first or second week in December (last year ice shelves formed mid-November). Most years the icing of the river coincides with a shift in hunting activities. As the general rifle season ends, check station and Block Management Program data shows that waterfowl hunting activity also increases around the first or second week in December.

In compliance with Montana Stream Access Law, it is legal to hunt waterfowl between the ordinary high-water marks without gaining permission of adjacent private landowners. As a result, the proposal would increase waterfowl hunting access on approximately 87 river miles (~14,500 acres) to resident and nonresident waterfowl hunters.

6. Briefly describe the contacts you have made with individual sportsmen or landowners, public groups or organizations regarding this proposal and indicate their comments (both pro and con).

In 2011, FWP conducted a landowner and waterfowl hunter survey. The survey results indicated 69% of landowners and 79% of hunters opposed or neither supported nor opposed the waterfowl hunting closure (Figure 4 and Figure 5). In general, some landowners within the closure area believe the hunting restriction lessens the potential of trespassing above the high-water mark of the river. Some landowners would prefer hunters to gain permission through private land to hunt waterfowl on the river while others would prefer not to be contacted and support hunters utilizing the public access opportunity. Overall, landowners recognize that Canada goose populations have increased and most agree that an increased goose harvest is sustainable and/or needed.

In general, waterfowl hunters that primarily utilize field hunting methods and who have access to private land for waterfowl hunting in the area support the closure. Field hunters often refer to the closure as a "refuge" and advocate that the hunting restriction increases quality of the field hunting in the area. Largely, these waterfowl hunters want to keep the river closed to waterfowl hunting. As previously noted, high concentrations of geese have been observed in areas if the Yellowstone and Bighorn River that are open to waterfowl hunting.

Sportsmen that are not exclusively field hunters have generally expressed opposition towards the waterfowl hunting restriction. These hunters have stated that there are adequate waterfowl numbers to support hunting on and off the river. Waterfowl hunters that value ducks tend to oppose the closure more as ducks use the river to a greater degree in their daily activities and are less ubiquitous in the field in comparison to geese. Largely,

hunters that are not exclusively field-based goose hunters value the public access opportunity afforded to them by Montana's Stream Access Law and have expressed that the restriction reduces their access and hunting opportunities.

Submitted by: [Signature]
Date: 4/19/23
Approved: [Signature]
Regional Supervisor / Date

Disapproved / Modified by: _____
Name / Date

Reason for Modification:



Figure 1: Location of Yellowstone River waterfowl hunting closure. 87-mile section of river where waterfowl hunting is restricted is depicted in red.

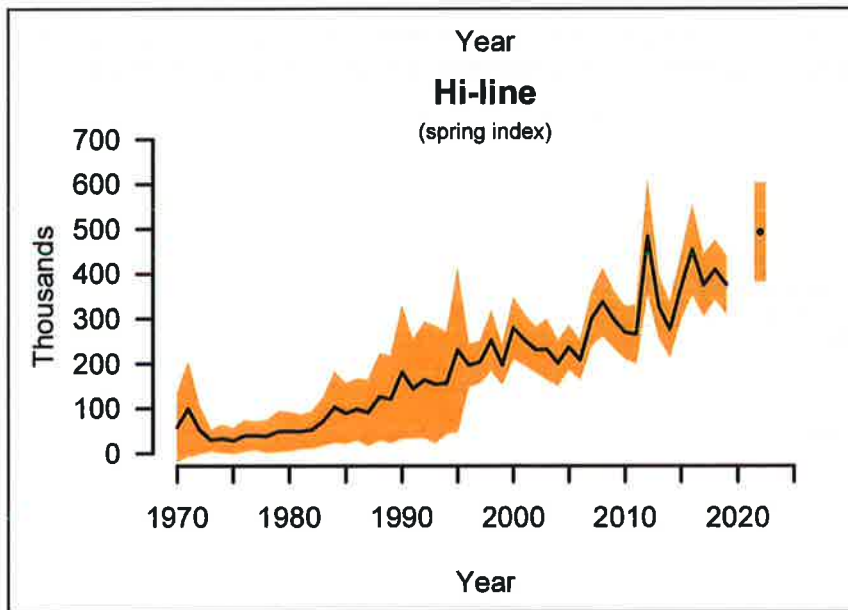


Figure 2: Abundance indices of Canada geese in the Hi-Line population. U.S. Fish and Wildlife Service. 2022. Waterfowl population status, 2022. U.S. Department of the Interior, Washington, D.C. USA.

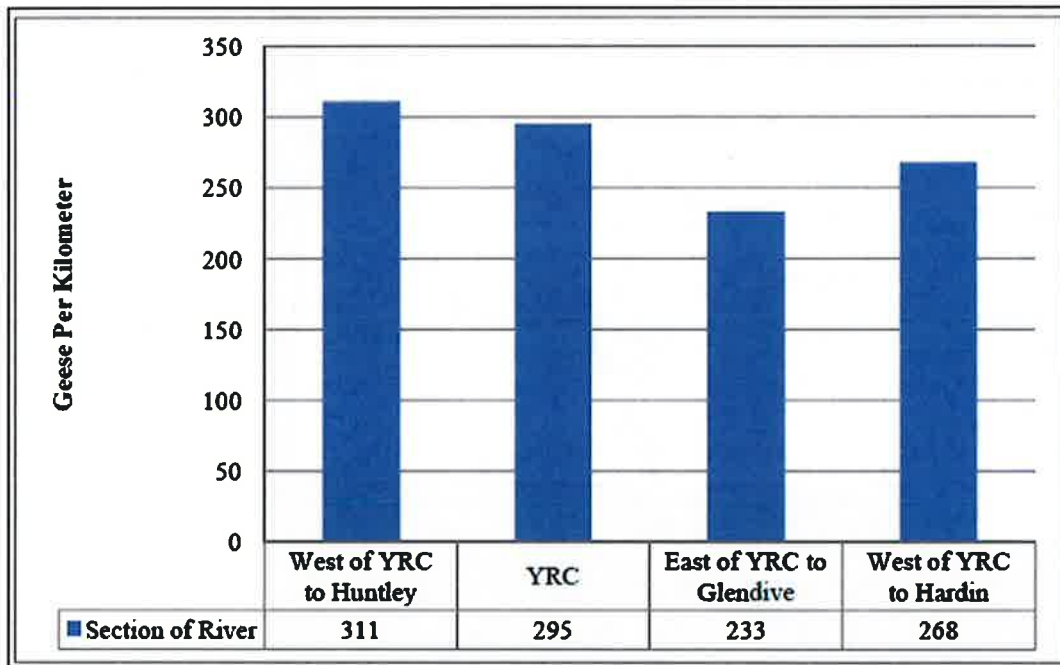


Figure 3: Estimated number of Canada geese in sections of Yellowstone River including closure area and adjacent portions of Yellowstone and Bighorn Rivers open to waterfowl hunting.

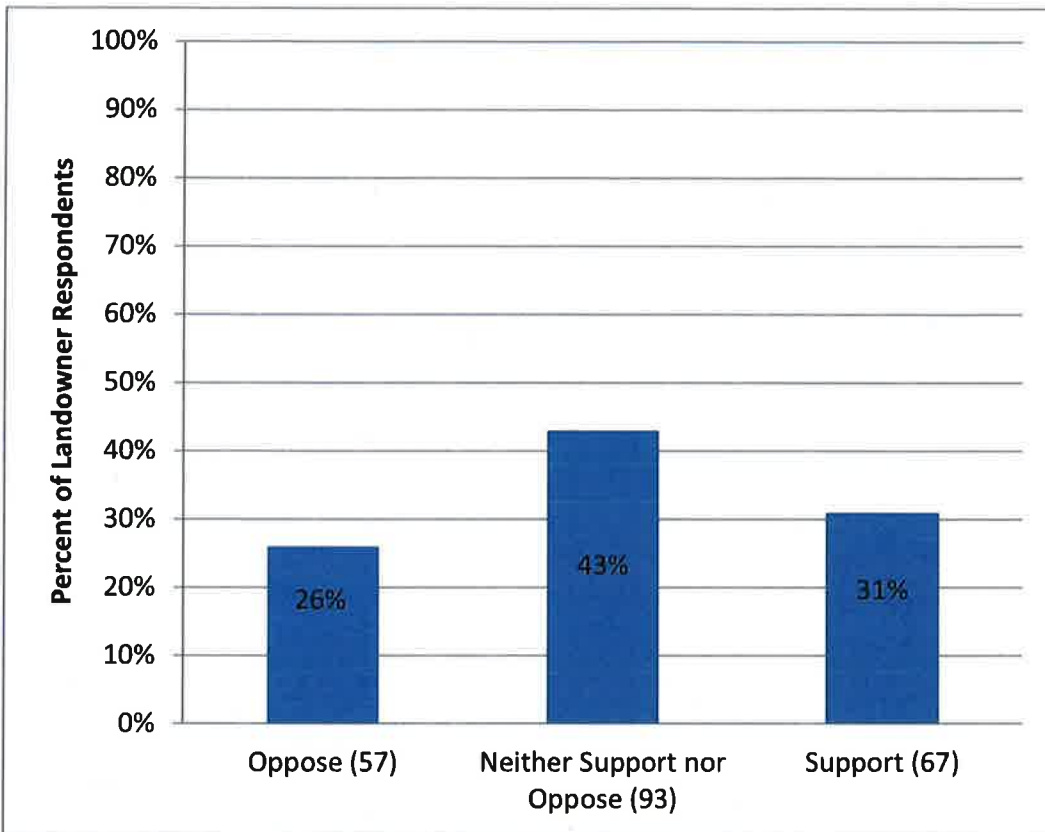


Figure 4: Landowner response to... "To what extent do you support or oppose the waterfowl hunting closure?".

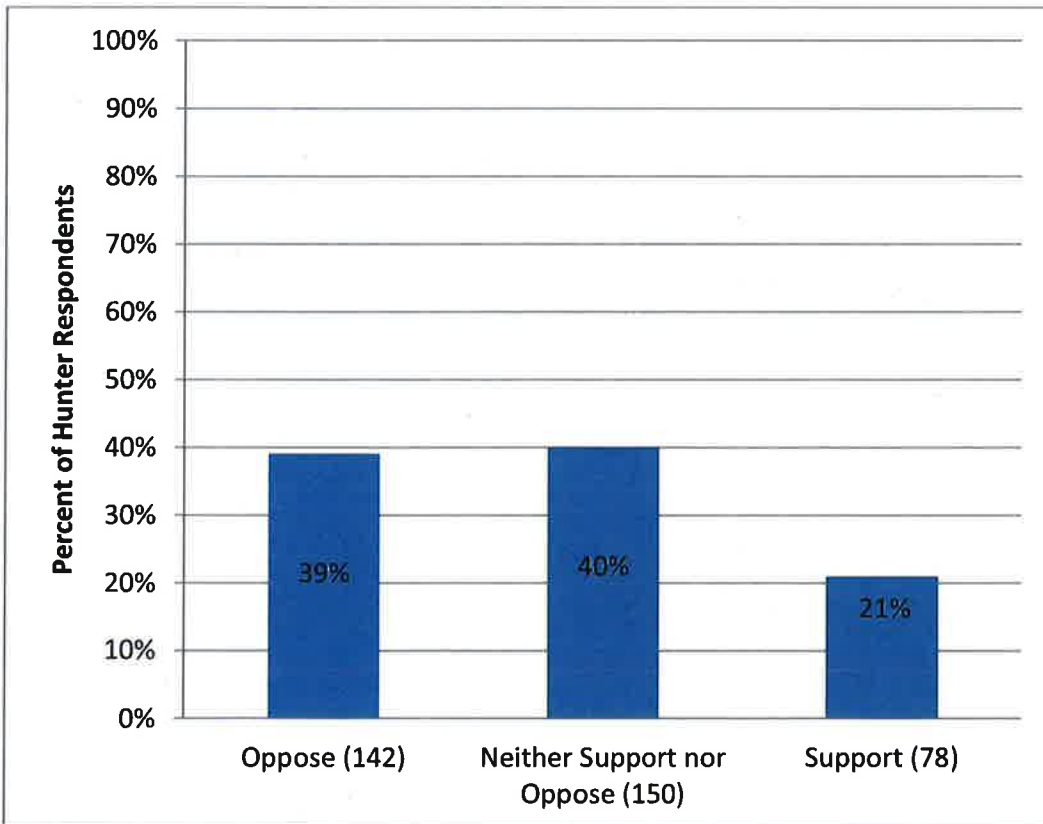


Figure 5: Hunter response to... "To what extent do you support or oppose the waterfowl hunting closure?".

