



March 20, 2024

Chair Robinson, Vice Chair Tabor, Commissioners:

On behalf of the Montana Chapter of Backcountry Hunters & Anglers, we submit the following comments on the proposed 2024-2025 Migratory Bird Regulations.

Our members and supporters value our fair-chase hunting heritage and the wild public lands and waters habitat needed to support it.

Regarding the proposal to lift a ban on waterfowl hunting on an 87-mile stretch of the lower Yellowstone River, from the mouth of the Bighorn River to the Custer/Rosebud County line, Montana BHA understands and sympathizes with both sides of this issue.

In July, at the very beginning of this process, we had heard nothing but support for the proposal and we added this to our scoping comments: “we support expanding waterfowl opportunities within the framework of the existing federally controlled seasons in whatever areas of Montana that the shared public resource can sustain. The area between the confluence of the Bighorn and Yellowstone Rivers to the Rosebud-Custer County seems like it now fits that description. Let's open it.”

Recently, however, as the idea has gained more attention, we’re now hearing that the ban on hunting this section of river provides sanctuary for the birds, and once hunters start shooting at them the fear is that they might not remain in the area. When hunting in the area is good, we certainly understand why sportsmen and women wouldn’t want to see things change.

We are empathetic to this position and ask that the Commission carefully consider these concerns and continue to discuss with local biologists.

On the other hand, we also ask that the Commission weigh the opportunity for the public to hunt our public water.

We’ve heard from many public hunters who would love to hunt our public wildlife on our public water, and they argue there’s no biological reason why they shouldn’t be able to do that.

Relatedly, there’s a lot more at play in terms of duck and geese numbers when you consider improvements to water quality, wildlife management, and habitat since 1958 when this closure was implemented. For example, the Clean Water Act was passed in 1972, Clean Air Act in 1970 and Land and Water Conservation Fund in 1964. A nationwide ban on non-toxic shot for



waterfowl was passed in 1991. And there have been great changes to land-use in the area now as well, with no shortage of ag lands for birds to feast on.

Additionally, as you know, **FWP surveyed hunters** on this and of the 123 who responded, 79 percent said it would be acceptable or very acceptable to reopen this stretch of water to waterfowl hunting; comparatively, only 9 percent found this proposal to be unacceptable or very unacceptable (the remaining 12 percent were neutral). So there's clearly a hunter contingent who wants to see this opened back up as well.

Montana BHA sympathizes with the access and opportunity arguments from both sides of this issue, and our board lacks agreement on the best action. For that reason, we are not advocating for the hunting closure or the reopening but do want to stress the importance of gathering good biological and social data, specifically through mandatory reporting and careful monitoring, should this stretch of river be reopened.

Thank you for the opportunity to comment, and for your careful consideration.

-Jake Schwaller, Billings, MT

Volunteer Eastern Montana Conservation Leader
The Montana Chapter of Backcountry Hunters & Anglers

