



# Best practices for managing non-resident waterfowl hunters

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## Introduction

Though the numbers of waterfowl hunters are declining across North America, demand for quality hunting is not. Accordingly, duck and goose hunters are traveling more than ever, driving a multimillion-dollar system of outfitters and lodges as well as supporting hotels, restaurants, groceries, and other businesses. These non-resident hunters also often are irritants to resident hunters, who contend that the non-residents tie up access to good hunting.

In response, several jurisdictions in the United States and Canada have considered or implemented ways to limit non-resident waterfowl hunters. These have included lottery draws for non-resident licenses, substantially higher license fees, short-term non-resident licenses (i.e., no full-season licenses for non-residents), banning or limiting guide services on public lands, and limiting non-resident access on state lands. U.S. courts consistently have ruled that such restrictions are legal if there is a rational basis for them and they are not excessive.

Yet any limitations on hunting may well have unintended consequences. Across the continent, the hunting population is declining in sheer numbers and as a

percentage of the overall population. Waterfowl hunters are no exception. By some estimates, there are half as many duck and goose hunters as there were 50 years ago. By limiting access to good hunting opportunities, governmental agencies may be undermining their concurrent push to recruit, retain, and reactivate hunters — seen as a critical component in the preservation of North America’s hunting heritage.

In 2023, the Max McGraw Wildlife Foundation convened a group of highly respected waterfowl managers and scientists to consider best practices for managing non-resident hunters. These recommendations can be used as guidelines or as a starting point for discussion about the need for restrictions in any jurisdiction in North America, and are the product of decades of experience managing waterfowl and waterfowl hunting. They also reflect the principles expressed in the North American Model of Wildlife Conservation.

The recommendations apply solely to waterfowl management. Although many jurisdictions limit non-resident licenses for big game, the issues differ significantly and do not apply to waterfowl.

# Recommendations

In designing these recommendations, the McGraw working group followed a four-part philosophy:

1. All waterfowl management decisions should be based in scientific fact, and made only after sufficient data are analyzed and professionally reviewed.
2. Preferential treatment for any group runs counter to the democracy of hunting, a key principle of the North American Model of Wildlife Conservation, and should be avoided. It is especially important to avoid preferential treatment for commercial enterprises that profit from a shared public resource.
3. Upon review, it is seldom necessary to limit non-resident hunters across an entire state or province. If necessary, limits and restrictions should be imposed only in the areas subject to the most pressure.
4. As waterfowl is a resource shared across multiple provinces and states, government agencies should collaborate with their counterparts and relevant conservation organizations to develop shared strategies for licensing issues.

*Specific recommendations follow:*

## **I Collaboration with other entities**

Since its formation more than 70 years ago, the flyway management system has proven to be an effective approach to the cooperative management of migratory birds across North America. It enables productive partnerships and collaboration among state wildlife agencies, Canadian provincial and territorial governments, the United States Fish and Wildlife Service, and Environment and Climate Change Canada.

The establishment of the North American Wetlands Conservation Act in 1989 underscored the importance of this cooperative management system. Each year, millions of dollars in the form of NAWCA grants and state duck stamp funds flow across international borders for the sake of wetland conservation and, by extension, waterfowl. Putting limitations on the numbers of non-resident hunters from the places that provide that money could have unforeseen consequences to the continued flow of conservation funding.

The private sector contributes millions of dollars to international wetland and waterfowl conservation. In recognition of that, member-based conservation organizations have long participated in discussions pertaining to waterfowl regulations that can affect them and their sizable, generous memberships.

Changes in hunting regulations and licensing can affect various partners of the shared waterfowl management enterprise in different ways. Therefore, it is important that any such changes under consideration be communicated early to the partners in the flyway management system. Unlike big game populations, migratory waterfowl are a shared resource among multiple states and provinces and regulations affecting that resource should be drafted in cooperation with all interests.









## Enforce existing regulations before imposing new ones

Guide-outfitter associations exist in every Canadian province and most U.S. states. They are generally non-profit organizations set up to represent their members' interests.

These associations are membership based, with their own code of ethics or conduct, and are self-policing but lack enforcement power. Guide and outfitter associations serve in an advisory capacity to, and generally maintain an arms-length working relationship with, these government agencies.

In most provinces, guides and outfitters are required to hold operating licenses issued by provincial agencies. These regulations generally prohibit unlicensed guides

and outfitters from operating on a regional or province-wide basis, although enforcement can be challenging given shortages of field staff, vast geographic areas, and remoteness of operations.

But if existing provincial, state, or in some instances federal laws and regulations already govern these operations, every effort should be made to enforce existing regulations as opposed to introducing new regulations aimed at a particular segment of the hunting, fishing, or recreation-based public. If there is a perception that some rogue outfitters are operating without a license, they should be prosecuted under existing regulations before instituting a broader policy that affects far more people.

# Avoiding preferential treatment

## Lodges and outfitters

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The North American Model of Wildlife Conservation holds that wildlife is a public trust, owned by no one and held by government for the benefit of all. An essential unifying belief among the model's architects was the concept of democracy in hunting, based on the writings of Theodore Roosevelt and Aldo Leopold — equal access for all, with individuals held responsible for respecting private property rights and behaving ethically throughout the hunting experience. This remains a common tenet among wildlife managers.

It is critical to understand and recognize those actions and policy decisions that lead to the increased privatization of waterfowl resources — a direct conflict with the model's principles. Over the years, private outfitters, lodge owners, guides, and booking agencies have worked to have wildlife management agencies adopt one or more of the following license procedures:

- Allocate a block of waterfowl hunting licenses/permits directly to businesses, enabling them to offer “package” trips including a guaranteed license for their customers;
- Prioritize a certain number of waterfowl licenses/permits to be placed in a drawing for their specific area, increasing the odds of their potential customers drawing a permit.

Other variations exist, but the goal is the same: A shift from the democratic system of equal access and opportunity for all to a system that subsidizes private businesses in their quest for customers. There are significant ramifications for wildlife agencies if such changes are adopted, both in the political process of changing the existing licensing systems and the actual management of the new system.

The first consideration is an increasingly involved public with a far wider spectrum of opinions and expectations, as well as unprecedented ability to track, assess, and oppose any proposed policy that affects

their own opportunities. Any agency that imposes a change in waterfowl license allocations without first welcoming public involvement and collaboration is asking for sustained and vocal opposition from its customers and its professional counterparts.

Second, any licensing system that prioritizes or guarantees a certain number of licenses to a special group will be subject to political pressure by other special interests seeking the same preferential treatment. Where does an agency draw the line, and what happens if the overall number of licenses must later be restricted due to unanticipated declines in the duck and goose populations?

Economic theory also suggests that carving out a special number of waterfowl permits for outfitters opens the door to price inflation, as the outfitters would enjoy guaranteed access to a limited commodity. It is preferable to allow hunters to select outfitters based on their locations, operations, and reputations, not because they have licenses for sale.

In a totally fair and free market, good waterfowl outfitters and lodges will thrive and bad ones probably will go out of business. The ability to secure limited licenses should not be part of the equation.

## Conservation NGOs

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There has been discussion over the years about the benefits of allocating a certain number of non-resident licenses to non-profit conservation groups that host benefactors and other potential supporters on hunting trips. Most non-profits have opposed such a system, even though they supposedly would benefit.

If such an allocation were implemented, it would underscore a “class system” of conservation donors and put the non-governmental organizations in the untenable position of having to allocate limited licenses among their supporters. Almost surely, they would not have enough licenses to meet their needs.



## Legacy licenses

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Landowner licenses for non-resident hunters are an important element of fostering long-term waterfowl habitat management. Individual landowners or groups of landowners, such as hunting clubs, have demonstrated the ability to provide and manage superior habitat for waterfowl across the continent. Guaranteeing licenses to landowners who practice sustained management on their fee-title lands benefits hunters throughout the flyways.

Individual agencies also would have to decide whether such non-resident landowner exemptions would transfer to subsequent owners or club members. Not allowing such transfers would gut the value of many properties held only for duck hunting. Potential buyers are unlikely to pay top dollar if they have no assurances that they can use the property year after year.

It is not advisable to provide a non-resident lottery exemption for landowners who rely on public land for the bulk of their hunting. This gives those landowners an unfair advantage in accessing land that is open to all, while depriving others of opportunity. This guts the very spirit behind the creation of public land.

Therefore, we recommend that no hunters — resident or non-resident — receive preferential treatment allowing them to hunt waterfowl on public lands. If non-resident landowners or club members receive a

special license, it should be restricted for use on their own property.

## Public lands and outfitters

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As discussed in the previous section, a basic tenet implicit in the North American Wildlife Model is that public and Crown lands are open to all. Allowing commercial hunting operations to use readily accessed public lands is a bad idea, particularly if those operations are given preferential treatment in acquiring limited non-resident licenses. In fact, some states have taken measures to prohibit commercial operations on public land.

There is an exception. Certain areas of North America are so vast or remote that outfitters provide a valued service to the public without compromising others' ability to access the land. In such areas, the appropriate government agencies should regulate the use of public lands by commercial guide services.

## Private lands and outfitters

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A common complaint is that outfitters frequently lease land and cut off access by "freelance" hunters, resident and non-resident alike. Even in areas where leasing is prohibited, it is common to be told that an outfitter has exclusive rights to land, even if the outfitter seldom hunts there.

This limitation of access is another challenge to efforts to retain hunters and the critical dollars they provide for conservation. All agencies should review their leasing regulations. Topics to be covered should include:

- Should outfitters "register" their leases with government agencies, allowing the governments to tax the income paid to the property owners?
- Should those leased lands be listed publicly to minimize the possibility of conflict between the leaseholders and freelance hunters?
- Could leases be treated not as exclusive rights but rather as prioritized access? If an outfitter does not plan to hunt a leased field for several days, should others be able to receive permission to hunt there?





## | Lotteries

While non-resident permit lotteries have been used for waterfowl, they have not proven to be an optimal system for managing non-resident hunting pressure. As discussed previously, guaranteeing a set number of non-resident licenses for outfitters gives an enormous and potentially unfair economic boon to outfitters, and non-residents are unlikely to book trips with guide services if they must rely on the odds of drawing a coveted permit.

Moreover, hunting pressure usually varies widely across a state or province. If a lottery system is necessary, it would be more effective to limit the draw to those zones that experience the most pressure. Other areas of a state or province could offer unlimited licenses until such time that pressure increases.

Before implementing a lottery, sufficient data should be collected and analyzed to understand the true extent of the perceived problem. It is a given that all duck hunters

believe their chosen areas are overcrowded, even though there are fewer hunters every year. By surveying hunters and implementing short-term licensing requirements, agencies can make their decisions based on fact rather than anecdote.

For example, a short experiment limiting non-resident hunters to renewable short-term permits would provide a clear picture of how many non-residents set up home base in a state or province and stay for weeks or months, and may give insight into the number of people who may be operating as unregistered/illegal outfitters. This would give agencies a way to combat abuses of the system without hampering innocent hunters.

Further, following with scientifically sound surveys of non-resident and resident hunters will help determine where hunting pressure is greatest. This will allow targeted lotteries or other limitations in specific areas without affecting those who want to hunt elsewhere.

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*The views expressed in this paper reflect the personal opinions of the authors and should not be taken as an official statement or position taken by their organizations.*



### **About the Max McGraw Wildlife Foundation**

The Max McGraw Wildlife Foundation is the nation's most prominent advocate for creative and entrepreneurial thought in conservation and a leader in conservation communications. It was created more than 60 years ago by the visionary conservationist Max McGraw, founder of McGraw-Edison Co.

Headquartered on 1,250 acres in Dundee, Illinois, McGraw aims to secure the future of hunting, fishing and land management through science, demonstration, education, and communication.



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