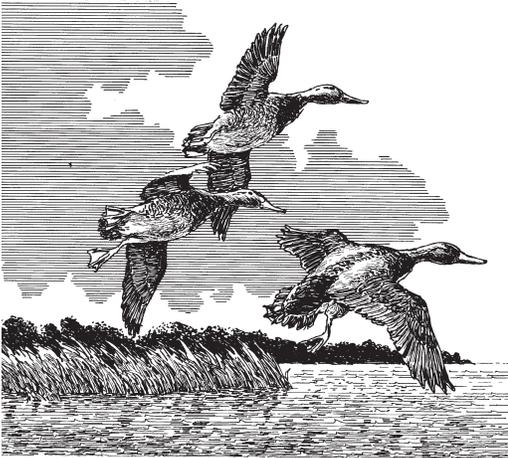


Managing Agricultural Areas for Migratory Bird Hunting



Hunting doves and waterfowl in agricultural areas is considered by many to be one of the most enjoyable forms of hunting, but hunters must be familiar with the regulations, especially those about baiting.

No Baiting Allowed

Regulations governing the hunting of migratory game birds are found in Title 50 of the Code of Federal Regulations 20.21 (i). This regulation states: "No persons shall take migratory game birds by the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is baited."

Baiting Defined

Baiting means the direct or indirect placing, exposing, depositing, distributing or scattering of salt, grain or other feed that could serve as a lure or attraction for migratory game birds to, on or over any areas where hunters are attempting to take them.

Baited Area Defined

Baited area means any area on which salt, grain or other feed has been placed, exposed, deposited, distributed or scattered, if that salt, grain or other feed could serve as a lure or attraction for migratory game birds to, on or over areas where hunters are attempting to take them. Any such area will remain a baited area for 10 days following the complete removal of all such salt, grain or other feed.

10-Day Waiting Period and Distance

An area is considered baited for 10 days after the bait has been completely removed because birds habitually return to the same area for several days after their food supply no longer exists. Hunting over a baited area is illegal throughout the 10-day period.

How close to bait can you hunt without breaking the law? There is no set distance. Court rulings vary depending on the circumstances. The influence of any bait will increase or decrease depending on many factors, including topography, weather and bird flight patterns, and only can be determined on a case-by-case basis. Remember, however, that the law prohibits hunting if bait is present that could lure or attract birds "to, on or over areas where hunters are attempting to take them."



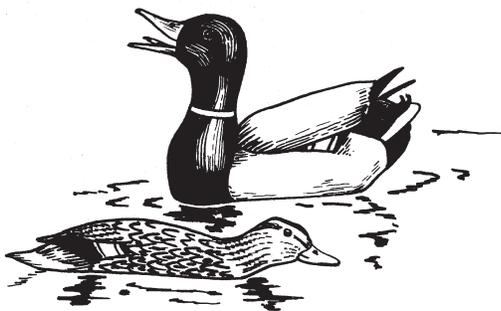
Areas Not Considered Baited

The taking of any migratory game bird, including waterfowl, coots and cranes, is allowed on or over the following lands or areas that are not otherwise baited areas:

- a. Standing crops or flooded standing crops (including aquatics); standing, flooded or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice.
- b. From a blind or other place of concealment camouflaged with natural vegetation.
- c. From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed.
- d. Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

Waterfowl Exception

The taking of waterfowl, coots and cranes on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation **is prohibited**. For a complete listing of all federal regulations regarding waterfowl baiting and other hunting information go to: http://www.fws.gov/le/HuntFish/waterfowl_baiting.htm



Definitions

Normal agricultural planting, harvesting, or post-harvest manipulation: means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of state extension specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

Normal agricultural operation: means a normal agricultural planting, harvesting, post-harvest manipulation or agricultural practice that is conducted in accordance with official recommendations of state extension specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

Normal soil stabilization practice: means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of state extension specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

Manipulation: means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, disking, rolling, chopping, trampling, flattening, burning or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed or other feed after removal from or storage on the field where grown.

Natural vegetation: means any non-agricultural, native or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation.

Bona fide: means “in good faith” or “without fraud.” The agricultural operation or wildlife planting must be accomplished “in good faith” and not as a ruse to circumvent the regulations.

Dove Field Management

The baiting regulation does not prohibit the taking of doves on or over areas where grain or other feed has been distributed or scattered in the following instances.

- a. Lands or areas where seeds or grains have been scattered solely as the result of normal agricultural operations, which include normal agricultural harvestings, normal agricultural post-harvest manipulations or normal agricultural practices.
- b. Lands planted by means of sowing seeds onto a prepared seedbed, where seeds have been scattered solely as the result of a normal agricultural planting, a planting for agricultural soil erosion control or a planting for post-mining land reclamation. Seeds must be adequately covered according to guidelines of the Louisiana extension specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.
- c. Lands or areas where grain or feed has been distributed or scattered solely as the result of the manipulation of an agricultural crop or other feed on the land where grown.
- d. Lands planted as wildlife food plots, provided the seed is planted in a manner consistent with Louisiana Cooperative Extension Service recommendations for the planting of wildlife food plots.
- e. Lands planted as pasture improvements or for the purpose of grazing livestock.

The U.S. Fish and Wildlife Service will not make a distinction between agricultural fields planted with the intent to gather a crop and those planted without such intent provided the planting is carried out in a manner consistent with the recommendations of State Extension Specialists.



Dove Hunting on Agricultural Lands

Agricultural lands offer good dove hunting. You can hunt doves in fields where grain has been distributed or scattered solely as the result of a normal agricultural operation. A normal agricultural operation includes normal agricultural plantings, harvestings or post-harvest manipulations as well as other normal agricultural practices if they are conducted in accordance with recommendations of state extension specialists of the Cooperative Extension Service of the U.S. Department of Agriculture. For a complete listing of all federal regulations regarding the hunting of doves over agricultural lands, go to www.fws.gov/le/pdffiles/Dove_hunting_baiting.pdf

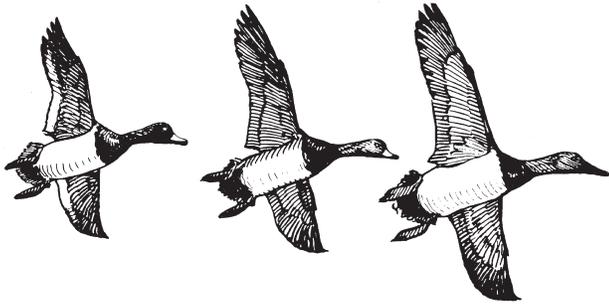
For additional information on the official recommended agricultural practices in Louisiana from specialists with the Cooperative Extension Service, contact Dr. Don Reed at dreed@agcenter.lsu.edu or (225)683-5848.

For additional information on federal regulations or for clarification, contact the U.S. Fish and Wildlife Service's Special Agents at the following locations:

Slidell (985) 882-3756

Lafayette (337) 291-3114

Monroe (318) 325-1735



Hunter Responsibility

The migratory bird hunting regulations are established under the authority of the Migratory Bird Treaty Act. This is a strict liability statute, which means that guilt may be established without having to prove that the hunter had knowledge of or intent to violate the law. Unfortunately, a number of hunters may find themselves shooting on a baited field without knowing it is baited. The hunter has the responsibility to determine if the field is baited.

What can a hunter do to carry out this responsibility?

- 1) Become familiar with the migratory bird hunting regulations prior to the hunting season.
- 2) Ask the host or owner if the field is baited. Ask if any grain or feed has been on the area the previous 10 days. If so, determine if the area qualifies for hunting under one of the exceptions.
- 3) Look before you hunt. Prior to hunting, look over the hunt area. If any grain or feed is found, determine if it qualifies for one of the exceptions. If no grain or feed is visible, look for other signs of baiting. For example, if there are an unusually large number of doves coming to a freshly plowed field, look closely under the soil for grain that is not part of a normal or bona fide (good-faith) agricultural operation or procedure.



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