

## **Dove Hunting and Baiting**

Mourning doves and other migratory birds are a national resource protected under the Migratory Bird Treaty Act. The mourning dove is the most hunted migratory game bird in North America, and dove hunting is a popular sport in many parts of this country. Federal and State regulations help ensure that these birds continue to thrive while providing hunting opportunities.

Regulatory changes adopted by the Federal government in 1999 define key terms for hunters and landowners with respect to baiting, and clarify conditions under which you may hunt doves and other migratory game birds. The goal of these rules is not to regulate farming, but to ensure that you understand those practices that are compatible with dove hunting and those that are not.

As a hunter or land manager, it is your responsibility to know and obey all Federal and State laws that govern the sport. This web page reviews Federal rules on baiting, incorporates current U.S. Fish and Wildlife Service enforcement policy, and summarizes other Federal regulations for dove hunting.

Please remember that Federal regulations are more restrictive for waterfowl hunting than for dove hunting. For information on waterfowl hunting, carefully review the Federal regulations and visit the companion web page on waterfowl hunting and baiting.

### **Definitions from Title 50, Code of Federal Regulations, Part 20.11**

*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 State Research, Education, and Extension Service of the U.S. Department of Agriculture. (Note: By policy, the Service does not make a distinction between agricultural fields planted with the intent to harvest and those planted without such intent as long as the planting is in accordance with Cooperative Extension Service recommendations.)

*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 State Research, Education, and Extension Service of the U.S. Department of Agriculture. (Note: By policy, the Service recognizes pasture lands and wildlife food plots planted for enhancement of wildlife as normal agricultural operations provided they are planted in accordance with Cooperative Extension Service recommendations for production of a crop.)

*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 State Research, Education, and Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

*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.

*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.

*Manipulation* means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, discing, 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 nonagricultural, 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.

### **Excerpts from Title 50, Code of Federal Regulations, Part 20.21(i)**

No persons shall take migratory game birds:

(i) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. However, nothing in this paragraph prohibits:

(1) The taking of any migratory game bird, including waterfowl, coots, and cranes, on or over the following lands or areas that are not otherwise baited areas -

(i) 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;

(ii) From a blind or other place of concealment camouflaged with natural vegetation;

(iii) 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; or

(iv) 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.

(2) The taking of any migratory game bird, except 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.

## **What This Means**

You cannot hunt doves or any other migratory game bird by the aid of baiting or on or over any baited area where you know or reasonably should know that the area is or has been baited.

Baiting is the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas where hunters are attempting to take them. A baited area is any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or feed could serve as a lure or attraction for migratory game birds.

## **The 10-Day Rule and Distance**

The 10-day rule recognizes that removing bait does not remove the lure created, and that doves will habitually still be attracted to the same area even after the bait is gone. A baited area remains off limits to hunting for 10 days after all salt, grain, or other feed has been completely removed.

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 dove flight patterns, and can only 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."

## **What is Legal?**

You can hunt doves on, over, or from:

- 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.
- Lands planted by means of top-sowing or aerial seeding 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.
- 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. Standing crops.
- Lands planted as wildlife food plots, provided the seed is planted in a manner consistent with Cooperative State Research, Education, and Extension Service recommendations for the planting of wildlife food plots. In states without Cooperative Extension Service recommendations for the planting of food plots, the seed must be planted in accordance with Extension Service guidelines for producing a crop.
- Lands planted as pasture improvements or for the purpose of grazing livestock. (The 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).

- Standing or manipulated natural vegetation.
- A blind or other place of concealment camouflaged with natural vegetation.
- A blind or other place of concealment camouflaged with vegetation from agricultural crops, provided your use of such vegetation does not expose, deposit, distribute or scatter grain or other feed. You should be aware that seeds or grains from such vegetation could create a baited area.

### **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 State Research, Education, and Extension Service.

You can also hunt doves over lands planted by means of top sowing or aerial seeding where seeds have been scattered solely as the result of a normal agricultural planting or a normal soil stabilization practice.

### **Planting and Harvesting**

Planted seeds and grains that have not sprouted are very attractive to doves. Lands planted by means of top-sowing or aerial seeding can be hunted where seeds are present solely as the result of a normal agricultural planting or normal soil stabilization practice.

A normal agricultural planting is a planting undertaken for the purpose of producing or gathering a crop. Normal plantings do not involve the placement of grain in piles or other concentrations. Plantings must follow Cooperative State Research, Education, and Extension Service recommendations. Relevant factors include recommended planting dates, proper seed distribution, seed bed preparation, application rate, and seed viability.

A normal soil stabilization practice is a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with recommendations of State Extension Specialists.

The planting of wildlife food plots is considered a normal agricultural operation in many areas of the country. In many states, State Extension Specialists provide recommendations for the planting of wildlife food plots. Doves may be hunted over wildlife food plots planted in accordance with these recommendations. In those states where the Cooperative State Research, Education, and Extension Service does not issue recommendations for the planting of wildlife food plots, doves may be hunted over these plots where seed has been planted in a manner consistent with the guidelines for producing a crop. However, seeds freshly planted or otherwise distributed for the purpose of luring, attracting, or enticing doves within gun range will be considered baiting. To avoid any question, planting of wildlife food plots should occur early enough to allow time for the seeds to germinate.

You may hunt doves over manipulated grain crops, such as corn, wheat, milo, sorghum, millet, sunflower, and buckwheat.

### **Other Agricultural Practices**

Agricultural activities other than planting or harvesting also scatter grain or other feed in agricultural areas. You can hunt doves in such areas provided the agricultural operation involved is a normal agricultural practice (i.e., one that produces livestock or a crop) and follows recommendations of State Extension Specialists. Examples include "hogged down" fields (where livestock have been allowed to enter fields and feed on standing crops) and feedlots (small enclosed areas where farmers feed livestock to increase their weight). You cannot, however, hunt in an area where grain, salt, or other feed has been placed to improve dove hunting.

### **Pasture Lands**

Doves may be hunted over lands planted for the purpose of developing pasture as well as over lands planted for the purpose of pasture improvements. In both cases, the planting must be carried out in a manner consistent with recommendations of State Extension Specialists.

### **Manipulation of Crops and Other Vegetation**

Agricultural crops, other feed, and natural vegetation may be manipulated to improve dove hunting. Manipulation means the alteration of natural vegetation or agricultural crops by activities such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. Manipulation does not include the distributing or scattering of seeds, grains, or other feed after removal from or storage on the field where grown. You should be aware that although you can hunt doves over manipulated agricultural crops, you cannot hunt waterfowl over manipulated agricultural crops except after the field has been subject to a normal harvest and removal of grain (i.e., post-harvest manipulation).

### **The Hunter's Responsibility**

As a hunter, you are responsible for determining whether or not a field is baited. Before hunting, you should:

- Familiarize yourself with Federal and State migratory game bird hunting regulations.
- Ask the landowner, your host or guide, and your hunting partners if the area has been baited.
- Suspect the presence of bait if you see doves feeding in a particular area in unusual concentrations or displaying a lack of caution.
- Look for grain or other feed in the area. Is it present solely as the result of an allowed normal agricultural operation? Where crops have been manipulated or harvested, look for the presence of grain that may not be related to the manipulation or harvest.
- Look closely for seed and grain on prepared agricultural fields. Is it present solely as the result of a normal agricultural planting or a planting for agricultural soil erosion control? Know what

planting, harvesting, and other agricultural practices are recommended for the areas that you hunt.

- Abandon the hunt if you find grain or feed in an area and are uncertain about why it is there.
- Remember that the rules for hunting doves and waterfowl are not the same. Additional restrictions apply to waterfowl hunting.

### **Other Responsibilities**

If you prepare lands for hunting, participate in such preparations, or direct such preparations, it is important for you to know and understand what practices constitute baiting. You should know prior to hunting what activities constitute baiting and when lands or areas would be considered baited. If you bait or direct that an area be baited and allow hunting to proceed, you risk Federal charges.

### **Overview of Other Regulations**

Other Federal and State regulations apply to hunting doves and other migratory game birds, including the following:

*Unplugged shotguns.* You cannot hunt migratory game birds with a shotgun that can hold more than three shells, unless you plug it with a one-piece filler that cannot be removed without disassembling the gun.

*Motorized vehicles.* You cannot hunt migratory game birds from or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft (if you are a paraplegic or are missing one or both legs, you may hunt from a stationary car or other stationary motor-driven land vehicle or conveyance).

*Shooting hours.* You cannot hunt migratory game birds except during the hours open to shooting.

*Closed season.* You cannot hunt migratory game birds during the closed season.

*Daily bag limit.* You can take only one daily bag limit in any one day. This limit determines the number of doves you can have in your possession while in the field or while in route back to your car, hunting camp, home, or other destination.

*Wanton waste.* You must make a reasonable effort to retrieve all doves that you kill or cripple and keep these birds in your actual custody while in the field. You must immediately kill any wounded birds that you retrieve and count those birds toward your daily bag limit. Your birds must remain in your possession while in the field. You cannot give your birds to another person in the field regardless of whether or not they are properly tagged.

*Tagging.* You cannot put or leave migratory game birds at any place or in the custody of another person unless you tag the birds with your signature, address, number of birds identified by species, and the date you killed them.

*Dual violation.* A violation of a State migratory game bird regulation is also a violation of Federal regulations.

*Migratory Bird Harvest Information Program (HIP)*. Each hunter is required to enroll in the HIP and carry proof of such enrollment.

*Protected birds*. Federal law prohibits the killing of non-game migratory birds. Protected birds that you may encounter while dove hunting include songbirds, eagles, hawks, owls, vultures, killdeer, nighthawks, herons, egrets, and woodpeckers.

A normal agricultural planting is a planting undertaken for the purpose of producing or gathering a crop. Normal plantings do not involve the placement of grain in piles or other concentrations. Plantings must follow Cooperative State Research, Education, and Extension Service recommendations. Relevant factors include recommended planting dates, proper seed distribution, seed bed preparation, application rate, and seed viability.

A normal soil stabilization practice is a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with recommendations of State Extension Specialists.

The planting of wildlife food plots is considered a normal agricultural operation in many areas of the country. In many states, State Extension Specialists provide recommendations for the planting of wildlife food plots. Doves may be hunted over wildlife food plots planted in accordance with these recommendations. In those states where the Cooperative State Research, Education, and Extension Service does not issue recommendations for the planting of wildlife food plots, doves may be hunted over these plots where seed has been planted in a manner consistent with the guidelines for producing a crop. However, seeds freshly planted or otherwise distributed for the purpose of luring, attracting, or enticing doves within gun range will be considered baiting. To avoid any question, planting of wildlife food plots should occur early enough to allow time for the seeds to germinate.

You may hunt doves over manipulated grain crops, such as corn, wheat, milo, sorghum, millet, sunflower, and buckwheat.

### **Other Agricultural Practices**

Agricultural activities other than planting or harvesting also scatter grain or other feed in agricultural areas. You can hunt doves in such areas provided the agricultural operation involved is a normal agricultural practice (i.e., one that produces livestock or a crop) and follows recommendations of State Extension Specialists. Examples include "hogged down" fields (where livestock have been allowed to enter fields and feed on standing crops) and feedlots (small enclosed areas where farmers feed livestock to increase their weight). You cannot, however, hunt in an area where grain, salt, or other feed has been placed to improve dove hunting.

### **Pasture Lands**

Doves may be hunted over lands planted for the purpose of developing pasture as well as over lands planted for the purpose of pasture improvements. In both cases, the planting must be carried out in a manner consistent with recommendations of State Extension Specialists.

### **Manipulation of Crops and Other Vegetation**

Agricultural crops, other feed, and natural vegetation may be manipulated to improve dove hunting. Manipulation means the alteration of natural vegetation or agricultural crops by activities such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. Manipulation does not include the distributing or scattering of seeds, grains, or other feed after removal from or storage on the field where grown. You should be aware that although you can hunt doves over manipulated agricultural crops, you cannot hunt waterfowl over manipulated agricultural crops except after the field has been subject to a normal harvest and removal of grain (i.e., post-harvest manipulation).

### **For More Information**

The Federal migratory game bird hunting regulations can be found in 50 CFR Part 20. If you have additional questions about dove hunting and the law, contact the nearest U.S. Fish and Wildlife Service law enforcement office or one of the Service regional law enforcement offices. You should also consult State fish and wildlife agencies to determine what State regulations apply.