

# Wisconsin Waterfowl Baiting Regulations

Effective Sept. 1, 2000

## BAITING FOR WATERFOWL & COOT – STATE & FEDERAL RULES

The State of Wisconsin adopted the Federal Migratory Bird Baiting Regulations in 2000. Therefore, a violation of the Federal rules is also a violation of state law. These regulations use several key terms to clarify the conditions under which you may legally hunt waterfowl or coot that are being attracted to bait or artificial food sources. These definitions are provided in this document to help you understand what is and is not legal. It is your responsibility to know and obey all State and Federal Baiting laws that govern this sport. The following is a summary of these rules. For further information, go to: [www.fws.gov/le/huntfish/waterfowl\\_baiting.htm](http://www.fws.gov/le/huntfish/waterfowl_baiting.htm).

### It is illegal to:

Hunt, take, kill, capture or pursue migratory waterfowl or coots by the method or 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**. The following practices are legal:

1. Hunting with the aid of standing crops or flooded standing crops; standing, flooded, or manipulated natural vegetation; croplands flooded after harvested; or lands or areas where seeds or grains have been scattered solely as the result of the following:
  - a. A normal agricultural planting,
  - b. A normal agricultural harvest,
  - c. A post-harvest manipulation, and
  - d. An agricultural soil stabilization practice

**NOTE: It is not legal to hunt waterfowl being attracted to grains that are exposed or scattered by other normal agricultural practices.**

2. Hunting from a blind camouflaged with natural vegetation.
3. Hunting from a blind or 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.
4. Hunting from 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. Hunters are cautioned that while conducting these activities, any intentional scattering of grains will create a baited area.
5. The placement and use of sand, shell grit, or artificial corn used to attract, lure or decoy waterfowl or coots is allowed.

**It is important to understand that the law prohibits hunting waterfowl or coots if bait is present that could lure or attract birds "to, on, or over areas where hunters are attempting to take them."**

### Examples of prohibited activities or locations:

It is not legal to hunt waterfowl on or over areas where farmers feed grain to livestock, store grain, or engage in **other normal agricultural practices** that are not part of a normal agricultural planting, normal harvest, manipulation after a harvest is complete, or a planting for agricultural soil stabilization. You also cannot hunt waterfowl on or over ponds or waters where fish farmers feed food to their fish, or on or over areas where wildlife is fed.

Seeds that remain on the surface of the ground as the result of planting wildlife food plots or planting for erosion control on a construction site are examples of activities or situations that would constitute a baited area that may not be hunted since these are not plantings undertaken for the purpose of producing **and** gathering a crop, agricultural soil erosion control, or post-mining land reclamation. It is not legal to hunt waterfowl over such areas. Hunting over the germinated and growing vegetation at these sites is legal if not manipulated.

If, for whatever reason, an agricultural crop or a portion of an agricultural crop has not been or could not be harvested (i.e., equipment failure, weather, insect infestation, disease, etc.) and the crop or remaining portion of the un-harvested crop is manipulated, then the area is considered a baited area and cannot be hunted for waterfowl or coot.

**Distance - How close to bait or a baited area can you hunt without breaking the law?** There is no set distance. Court rulings vary depending on circumstances. The influence of bait will increase or decrease depending on such factors as topography, weather, and waterfowl flight patterns. The question of distance can only be answered on a case-by-case basis.

**Feeding waterfowl** – It is illegal to feed waterfowl, coots or doves for recreational viewing purposes unless the feed is contained within an elevated bird feeding device or structure that prevents access by deer. Feeders must be located within 50 feet of a dwelling devoted to human occupancy or a business open to the public. Feeding waterfowl by hand is allowed, provided feed is not placed more than 30 feet away from the person doing the feeding, and the person makes all reasonable attempts to clean up the unconsumed feed before moving a distance greater than 30 feet from the deposited feed. **It is not legal to hunt waterfowl, coots or doves over feed placed for the purpose of feeding by these methods.**

It is not legal to hunt deer, bear waterfowl or other species (except doves) over crops or wildlife food plots that are manipulated prior to harvest. This is a common practice for Doves, but performing such manipulation will make hunting all other species on or over such areas, or being attracted to such areas illegal.

*Seeds or grains that are scattered, deposited or otherwise made available to waterfowl by any "Normal Agricultural Practice or Operation" other than the 4 specific agricultural operations listed above in 1. a.- d.. would constitute a "Baited Area" and **waterfowl may not be hunted over such areas**. This would include waste materials from canning plants or old spoiled grains or silage disposed of by field spreading the material, even if these practices are normal agricultural practices and recommendations of the State Extension Specialists.*

## Areas of Potential Confusion or Misinterpretation of the Baiting Rules

1. Wisconsin Waterfowl & Dove Baiting rules & definitions are different than the baiting rules for deer, bear and other game.
2. The use and application of the term “Normal Agricultural Practice”
  - **It is legal** to hunt Doves, Deer, Bear or game other than Waterfowl over feed or bait deposited all normal agricultural practices.
  - **It IS NOT legal** to hunt waterfowl that are being attracted to seeds or grain that are deposited or exposed by all normal agricultural practices. It is only legal to hunt waterfowl over grain or seeds deposited or exposed by 4 normal agricultural practices. They are a normal planting, normal harvesting, post harvest manipulation or normal agricultural soil stabilization practice.
3. The meaning of the terms “Normal Agricultural Harvest” & “Normal Agricultural Planting”
  - These are Normal Agricultural Practices, but there are others that are not allowed for hunting Waterfowl.
  - A normal agricultural planting or harvest to be legal for hunting waterfowl over must be done in a manner recommended by the State Extension Specialists of the Cooperative State Research, Education, and Extension Service of the U.S. Dept. of Agriculture and for the purpose of producing and gathering a crop.
  - For hunting doves the crops do not have to be planted for the purpose of harvest, but must be planted in accordance with USDA’s recommendations.

---

### Definitions:

“**Bait**” means any salt, grain, seeds or other feed that could serve as a lure to attract migratory game birds.

“**Baiting**” means the direct or indirect placing, exposing, depositing, distributing, manipulating 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**” 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.

“**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. This term 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, but does not include planted millet unless the millet has grown on its own in subsequent years after the year of planting.

“**Normal agricultural planting**” is a planting undertaken for the purpose of producing **and** gathering a crop. Normal plantings do not involve the placement of grain in piles or other concentrations.

“**Normal agricultural harvest**” is a harvest undertaken for the purpose of gathering a crop. The arrangement of harvested grain in long rows or piles, or when redistributed on the field should raise questions about the legality of the area for waterfowl hunting.

“**Normal agricultural operation**” means a normal agricultural planting, harvesting, post-harvest manipulation, **or other 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.

“**Normal soil stabilization practice**” means a planting for agricultural soil erosion control or post-mining land reclamation

“**Post-harvest manipulation**” means a manipulation of a field or crops after the harvest and removal of grain. A normal post-harvest manipulation first requires a normal agricultural harvest and removal of grain before any manipulation of remaining agricultural vegetation, such as corn, wheat or oat stubble. You should be aware that although you can hunt doves over manipulated agricultural crops, you cannot hunt waterfowl over such manipulated agricultural crops except after the field has been subject to a normal harvest and removal of grain (i.e., post-harvest manipulation).

**NOTE:** To be considered normal, all such planting and harvesting must be conducted in accordance with official recommendations of the State Extension Specialists of the Cooperative State Research, Education, and Extension Service of the U.S. Dept. of Agriculture. Relevant factors to be considered normal include recommended planting dates, proper seed distribution, seed bed preparation, application rate, and seed viability. However, the U.S. Fish & Wildlife Service will continue to make final determinations about whether official recommendations were followed.

### REFERENCES:

[www.fws.gov/le/huntfish/waterfowl\\_baiting.htm](http://www.fws.gov/le/huntfish/waterfowl_baiting.htm).  
[www.fws.gov/le/huntfish/dovebaiting.htm](http://www.fws.gov/le/huntfish/dovebaiting.htm)

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of the Interior, Washington, D.C. 20240.

This publication is available in Braille, audio cassette, large print or computer format upon request. To order, call 608-266-8204.

