

Normal Agricultural Operations and Dove Hunting in Texas

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Dove hunting draws thousands of Texans to the field each year for the kickoff of the annual fall hunting season. To increase dove harvest, many hunters engage in preseason scouting to determine flyways and bird concentrations over natural feeding areas and water sources. Over the past several years, decoys have become used more widely to entice birds to fly within shooting distance.

Many hunters go to the extra effort of establishing crops in an attempt to create the ideal dove hunting location. However, because it is the hunter who is responsible for determining whether a field has been seeded legally, hunters need to know and make sure areas they hunt are in accordance with Texas State and Federal laws prohibiting baiting. Hunters can also benefit from understanding ways that seed-bearing crops can be legally planted to attract doves. **Remember that the rules for hunting doves are not the same as for waterfowl. Additional restrictions apply to waterfowl hunting.**

The problem: baiting

Doves are migratory birds, and dove hunting is therefore regulated by the Federal Migratory Bird Treaty Act, which specifically prohibits baiting. Under federal law, baiting is

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. [Title 50, Code of Federal Regulations, Part 20.11 (k)]

Further, the federal law defines a baited area as:

... 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. [Title 50, Code of Federal Regulations, Part 20.11 (j)]



Figure 1. Doves are migratory birds protected by the Federal Migratory Bird Treaty Act.

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The confusion: What are normal agricultural operations, and what is baiting?

Farmers and ranchers have adopted various planting strategies over the years, most with varying degrees of success. Some of these strategies, while providing acceptable stand establishment, may be viewed as an operation that leads to baiting of doves.

Regarding what is to be considered a normal agricultural operation versus an operation designed solely to bait birds, federal law states:

In the course of normal farming and ranching operations, some agricultural seed is left exposed on the ground and can serve as “bait” for migratory birds, including doves. If seed is left out in the open as a “normal agricultural operation,” the law considers this acceptable to hunt over. A problem arises, however, as to what constitutes a “normal agricultural operation.”

For the purpose of the Migratory Bird Treaty Act “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. [Title 50, Code of Federal Regulations, Part 20.11 (h)]

In Texas, the official recommendations are produced by the Texas AgriLife Extension Service. Recommendations on planting practices that include suggested species, planting methods, and planting dates are based on data obtained from Texas AgriLife Research scientists, Texas AgriLife Extension Service specialists, and others. Although Texas AgriLife Extension Service specialists do not dictate how farming operations are conducted, they do make recommendations for practices that are designed to offer the greatest potential for establishment success.

When it comes to establishing winter pasture for livestock, certain practices regarding planting method and planting date have been used successfully for several years. Notable among these practices is that seed of small grains—such as wheat, oat, rye, barley, and triticale—should be incorporated into the soil.

This incorporation may be accomplished by using a grain drill on either a prepared seedbed or by sod-seeding into a short, existing, warm-season perennial grass sod. On a prepared seedbed, seed may be broadcast and followed with either a light disking or dragging operation. Broadcast seed should be applied at a somewhat higher seeding rate than with a drill.

Annual ryegrass or forage legume seed may also be broadcast onto a prepared seedbed or into an existing warm-season perennial grass sod. On a prepared seedbed, seed should be lightly harrowed or dragged, or a broadcast operation should be followed with a cultipacker. If overseeding into a short, warm-season perennial grass sod, help ensure better stand establishment by light disking either before or immediately after seeding.

If these recommended practices are used, a few seeds will always be left exposed, but as noted above in the description of baiting, this is entirely legal.

Timing is also critical for the successful establishment of winter pasture. Hunters should plant about 6 to 8 weeks before the historical first frost date. Planting earlier exposes the cool-season seedlings to adverse heat and possible drought with potentially catastrophic effects.

If the goal is to attract doves to ensure a good hunting season, it is absolutely legal to establish a seed-bearing crop before hunting season and manipulate that field in many ways that will attract large numbers of birds. Regarding this practice, federal law states:

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. [Title 50, Code of Federal Regulations, Part 20.11 (g)]

Manipulation, as defined by federal law is:

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. [Title 50, Code of Federal Regulations, Part 20.11 9(l)]

Beginning in March each year, various seed-bearing crops can be planted **for the sole purpose of attracting doves** (Table 1). Also, before dove season, strips or fields can be mowed or disked to attract birds. The strips or fields could be mowed at any time during the hunting season, if desired, to continue to scatter seed.

This practice helps maintain an adequate population of doves throughout the hunting season. Depending on the soil type, some seed-bearing crops are better suited for certain areas than others.

Thus, rather than participate in questionable winter pasture establishment practices that may be viewed as baiting, you can legally use spring and summer seed-bearing crops to provide the seed-bearing crops desired by doves.

Table 1. Seed-bearing crops for attracting doves.

Crop	Planting date	Seeding rate ¹ (lb/ac)
Browntop millet	March–September	20–30
Buckwheat	March	40–50
Dove proso millet	March–September	20–30
German millet	March–August	15–20
Grain sorghum	April–June	10–20
Japanese millet	March–September	20–30
Partridge pea	March–September	5–7
Pearl millet	April–September	25–30
Sunflower (Peredovik)	April	10–15
WGF grain sorghum	April–June	8–10
White-grain milo	April–June	10–20
White proso millet	March–September	20–30

¹Broadcast seeding rates. If drilled, reduced by 50–60%.



Figure 2. Browntop millet is a seed-bearing crop that can be used to attract doves.

The hunter’s responsibility

It has often been stated that “ignorance of the law is no excuse.” This is especially true for dove hunters. It is the responsibility of the individual hunter to know the law and to be aware of the circumstances surrounding each hunting opportunity.

Federal law states that the hunter is responsible for determining whether or not a field is baited. Before hunting, address the following points to help ensure a legal hunt:

- ▶ 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 the seed there 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 be unrelated to the manipulation or harvest.
- ▶ Look closely for seed and grain on prepared agricultural fields. Is the seed there solely as the result of a normal agricultural planting or for agricultural soil erosion control?



Figure 3. Sunflowers can be planted in April to attract doves.

Table 2. Seed companies selling blends of seed-bearing crops for doves.

Blend name	Seed company	Contact number
Bird Buffet Spring Blend	Pogue Agri Partners	830-583-3456
Bird Master Game Plot Mixture	East Texas Seed Company	800-888-1371
South Texas Dove & Quail Mix	Douglas King Seed Company	888-DKSEEDS
Spring Dove Mix	Turner Seed Company	800-722-8616
Spring Gamebird Blend	MBS Seed Company	800-627-2939
Upland Game Bird Mix	Tecomate Wildlife Systems	888-MAX-GAME
Wingmaster Dove Mix	Pennington Seed Company	800-285-SEED

- ▶ Know the planting, harvesting, and other agricultural practices that are recommended for the areas that you hunt.
- ▶ Abandon the hunt if you find grain or feed in an area and are uncertain about the reason it is there. **Remember that the rules for hunting doves differ from those for waterfowl. Additional restrictions apply to waterfowl hunting.**

Several seed companies in Texas sell blends of various seed-bearing crops (Table 2). The use of blends may help ensure that at least one or two species are adapted to your location and will provide crops that mature at different times of the year. Most of the blends contain browntop millet (has a reputation for reseeding), dove proso millet, grain sorghum, sunflower, German millet, and other crops.

For more information

For more information, see the following publications or contact the local Texas Parks and Wildlife game warden or local U.S. Fish and Wildlife Service Office of Law Enforcement.

- ▶ Evers, G.W., D.H. Bade, and S.A. Reeves, Jr. 1995. *Annual Winter Pasture Establishment, Management, and Utilization*. MP-1769.
- ▶ Miller, Travis D. 1999. *Stand Establishment of Small Grains and Annual Grasses for Grain and Winter Pastures*. SCS-1999-23.
- ▶ Redmon, Larry A. and Monte Rouquette, Jr. 2000. *Wildlife Forage Areas for White-Tailed Deer*. SCS-2000-24.



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