

LOUISIANA RICE NOTES

Dr. Dustin Harrell

October 22, 2020

No. 2020-10



Baiting and Hunting of Migratory Birds Over Rice Fields

Hurricane Delta shattered a significant amount of rice grain from ratoon rice fields in southwest Louisiana and many first crop rice fields in northeast Louisiana. Many growers may have questions on how this shattered grain, which was caused by a hurricane, relates to the baiting laws and the legality of hunting over those fields. Therefore, I thought it would be pertinent to review the language in the law to clear up any questions related to the subject.

The law relating to the hunting of migratory waterfowl over agriculture fields is covered in the Code of Federal Regulations (CFR) document under Title 50, Chapter 1,

Subchapter B, Part 20, Subpart C, §20.21. Here is a link to the current online electronic version of the CFR for this section: [CFR Title 50 Part 20](#). The law was updated on August 8, 2019, to include wording clarifying the law as it relates to ratooning and post-disaster grain shattering events like hurricanes and storms. Here is how the current law reads specifically regarding this issue:

§20.21 What hunting methods are illegal?

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No persons shall take migratory game birds:

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(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, rice ratooning, post-disaster flooding, or normal soil stabilization practice;

Definitions of what constitutes “normal agriculture practices” and other terms within the above section are described in-depth in docket [FWS-HQ-2019-008](#). According to this document you allowed to:

Current regulations allow rice producers to grow rice to completion, harvest it,

post-harvest manipulate it, flood it, and hunt over it. Rice growers may also grow rice to completion, not harvest or manipulate it, flood the rice, and hunt over it. If a rice grower chooses to manipulate un-harvested rice, then the growing area constitutes a baited area until all grain is removed at least 10 days prior to hunting. Under this rule, growers can grow rice to completion, harvest it, let the second growth establish, and hunt over it. Growers cannot manipulate the second growth in any way that may expose seed. If the second growth is manipulated, the growing area constitutes a baited area until all grain is removed at least 10 days prior to hunting.

Regulations currently allow the grower of any crop to grow, harvest, post-harvest manipulate, flood, and hunt over the crop. A grower can raise a crop to completion, not harvest or manipulate it, then intentionally flood the crop for the purposes of hunting. If a grower does not harvest a completed crop and decides to manipulate it, the grower must adhere to the 10-day baiting rule prior to hunting. The revised regulations will allow

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hunting over a crop that is rendered “not harvestable” because of a disaster declaration under the Stafford Act and for which the Federal Crop Insurance Corporation has declared that the crop may be destroyed by flooding (and only flooding). No other manipulation is allowed. If the crop is manipulated by any means other than flooding, the growing area would be considered a baited area until all the grain is removed at least 10 days prior to hunting.

Working Lands for Wildlife: Shorebirds of Louisiana Wetlands



Financial incentives for conservation are available from the NRCS for both rice farmers and crawfish farmers through the [Working Lands for Wildlife – Wetlands Shorebirds program](#) which promotes on-farm shorebird habitat. This program targets shallow water

habitat created from late July - early November.

- Practices for crawfish farmers include holding water on crawfish or fallow fields until July 31 or August 31.
- Practices for rice farmers include closing water structures after rice or other crop harvest beginning September 1 or November 1.

Contact your local NRCS office or email Karis Ritenour at kritenour@manomet.org for more information.

Join the Louisiana Rice Text Group List

If you would like to join the Louisiana Rice Text Group, simply text **@larice** to **81010**. To unsubscribe to the group, simply text back “unsubscribe@larice” to the group.

If you would like to get the text messages by email, send an email to larice@mail.remind.com. If you would like to unsubscribe to the email messages, simply email larice@mail.remind.com with “unsubscribe” in the subject line.



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Additional Information

Louisiana Rice Notes is published periodically to provide timely information and recommendations for rice production in Louisiana. If you would like to be added to this email list, please send your request to

ddharrell@agcenter.lsu.edu.

This information will also be posted to the LSU AgCenter website where additional rice information can be found. Please visit www.LSUAgCenter.com.



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