

# South Carolina Waterfowl Hunting and Baiting



**DNR**



# Waterfowl Hunting and Baiting

Waterfowl and other migratory birds are a national resource protected under the Migratory Bird Treaty Act. Federal regulations define key terms for hunters and land managers, and clarify conditions under which you may legally hunt waterfowl. As a waterfowl hunter or land manager, it is your responsibility to know and obey all Federal and State laws that govern the sport.



Waterfowl baiting regulations apply to ducks, geese, swans, coots and cranes.

**Federal regulations are more restrictive for waterfowl hunting than for hunting doves and other migratory game birds. While unharvested agricultural crops may be manipulated to attract doves for hunting, manipulation of an unharvested agricultural crop to attract waterfowl for hunting creates a baited area.**

In South Carolina many hunters and landowners manage native vegetation and planted agricultural crops to attract waterfowl for hunting. The Federal law is different for the management of these two food sources and hunters should pay particular attention to the differences.

## What Is Baiting?

You cannot hunt waterfowl 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 waterfowl 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 waterfowl.

## The 10-Day Rule

A baited area remains off limits to hunting for 10 days after all salt, grain, or other feed has been completely removed. This rule recognizes that waterfowl will still be attracted to the same area even after the bait is gone.

## WATERFOWL HUNTING OVER AGRICULTURAL LANDS

---

Nothing in the regulations prohibits the taking of migratory game birds, including waterfowl, on or over unharvested crops, flooded unharvested crops (including aquatics) or flooded harvested croplands. You can hunt waterfowl over fields of unharvested crops. You can hunt over unharvested crops that have been flooded. You can flood fields after crops are harvested and use these areas for waterfowl hunting. **The presence of seed or grain in an agricultural area rules out waterfowl hunting unless the seed or grain is scattered solely as the result of a normal agricultural planting, normal agricultural harvesting, normal agricultural post-harvest manipulation or a normal agricultural soil stabilization practice.**

Important to understanding the law is a familiarity with what is meant by normal agricultural operations: that is, what constitutes the accepted agricultural practices in South Carolina for planting, harvesting, and post harvest manipulation of agricultural crops. The Clemson University Cooperative Extension Service is the authority for determining what is a normal agricultural practice in South Carolina.



### Planting

A normal agricultural planting is undertaken for the purpose of producing a crop. The United States Fish and Wildlife Service does not make a distinction between agricultural fields planted with the intent to harvest a crop and those planted without such intent so long as the planting is in accordance with recommendations from the Clemson University Cooperative Extension Service.

Normal agricultural plantings do not involve the placement of seeds in piles

or other heavy concentrations. Relevant factors include recommended planting dates, proper seed distribution, seedbed preparation, and 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 from the Clemson University Cooperative Extension Service.

## Harvesting & Post Harvest Manipulation

A normal agricultural harvest is undertaken for the purpose of gathering a crop. In general, the presence of long rows, piles, or other heavy concentrations of grain should raise questions about the legality of the area for waterfowl hunting.

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 stubble or rice stubble. In South Carolina, the Clemson University Cooperative Extension Service recognizes the rotary mowing (bushhogging) of corn stubble after combining or picking as a normal agricultural practice.

To be considered normal, an agricultural planting, agricultural harvesting, and agricultural post-harvest manipulation must be conducted in accordance with recommendations of the Clemson University Cooperative Extension Service. However, the U.S. Fish and Wildlife Service will continue to make the final determination about whether these recommendations were followed.

## Manipulation of Agricultural Crops

You **cannot** legally 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). Post-harvest manipulation includes, but is not limited to, such activities as mowing, shredding, discing, rolling, trampling, flattening, burning, or herbicide treatments. Grain or seed which is present as a result of manipulation that took place prior to a normal harvest is bait. For example, no waterfowl hunting could legally occur on or over a field where an unharvested corn crop has been mowed or knocked down by a motorized vehicle. Kernels of corn would be exposed and/or scattered.

If, for whatever reason, an agricultural crop or a portion of an agricultural crop has not been harvested (i.e. equipment failure, weather, insect infestation, disease, etc.) and the crop or remaining portion of the crop has been manipulated, then the area is a baited area and cannot be legally hunted over for waterfowl. For example, no waterfowl hunting could legally occur on or over a field of corn that has been partially harvested and the remainder mowed. Waterfowl hunting would be legal over a field where a portion of the field has been harvested and the remainder of the field has not been harvested or manipulated.

## Wildlife Food Plots

You cannot legally hunt waterfowl over **freshly planted** wildlife food plots where grain or seed has been distributed, scattered, or exposed because these plots are not normal agricultural plantings or normal soil stabilization practices. You cannot legally hunt waterfowl over wildlife food plots where the unharvested agricultural crop has been manipulated by mowing, shredding, disking, burning or other means.

## Other Agricultural Concerns

You cannot hunt waterfowl on or over areas where farmers feed grain to livestock, store grain, or engage in other normal agricultural practices that do not meet the definition of a normal agricultural planting, harvest, or post-harvest manipulation.

## HUNTING OVER NATURAL VEGETATION

Natural vegetation is any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules.

Natural vegetation does not include planted millet (like browntop and Japanese millet) because of its use as both an agricultural crop and a species of natural vegetation for moist soil management. However, planted millet that grows on its own in subsequent years is considered natural vegetation.



If you restore and manage wetlands as habitat for waterfowl and other migratory birds, you can manipulate the natural vegetation in these areas and make them available for hunting. Mowing and burning of natural vegetation are common habitat management practices in South Carolina.

Natural vegetation does not include plants grown as agricultural crops. Under no circumstances can you hunt waterfowl over crops manipulated prior to a normal harvest. Nor can you hunt waterfowl over manipulated wildlife food plots or manipulated plantings for soil stabilization.

## PROBLEM AREAS

---

### Feeding Waterfowl and Other Wildlife

Many people feed waterfowl for the pleasure of bird watching. It is illegal to hunt waterfowl in an area where such feeding has occurred that could lure or attract migratory game birds to, on, or over any area where hunters are attempting to take them. The 10-day rule applies to such areas, and any salt, grain, or feed must be gone 10 days before hunting. The use of sand and shell grit is not prohibited.

In some areas, it is a legal hunting practice to place grain to attract some State-protected game species (i.e. white-tailed deer). But these areas would be illegal for waterfowl hunting, and the 10-day rule would apply.

### Distance

How close to bait can you hunt without breaking the law? There is no set distance. 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. Distance will vary depending on the circumstances and such facts as topography, weather, and waterfowl flight patterns. Therefore, this question can only be answered on a case-by-case basis.

### What Is Legal?

You can hunt waterfowl on or over or from:

- Unharvested crops or flooded unharvested crops, including aquatic plants.
- Standing, flooded, or manipulated natural vegetation.
- Flooded harvested croplands.
- Lands or areas where grains have been scattered solely as the result of a normal agricultural planting, harvesting, or post-harvest manipulation.
- 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.
- Unharvested or flooded unharvested crops where grain is inadvertently scattered solely as the result of hunters entering or leaving the area, placing decoys, or retrieving downed birds. Hunters are cautioned that while conducting these activities, any intentional scattering of grain will create a baited area.

## What Is Illegal

Some examples of areas where you cannot hunt waterfowl include:

- Areas where grain or seed has been top-sown and the Cooperative Extension Service does not recommend the practice of top sowing (see section on Wildlife Food Plots).
- Crops that have been harvested outside of the recommended harvest dates established by the Cooperative Extension Service (including any subsequent post-harvest manipulations).
- Unharvested crops that have been trampled by livestock or subjected to other types of manipulations that distribute, scatter, or expose grain.
- Areas where grain is present and stored, such as grain elevators and grain bins.
- Areas where grain is present for the purpose of feeding livestock.
- Freshly planted wildlife food plots that contain exposed grain.
- Croplands where a crop has been harvested and the removed grain is redistributed or “added back” onto the area where grown.

## THE HUNTER'S RESPONSIBILITY

As a waterfowl hunter, you are responsible for determining whether your proposed hunting area is baited. Before hunting, you should:

- Familiarize yourself with Federal and State waterfowl hunting regulations.
- Ask the landowner, your host or guide, and your hunting partners if the area has been baited and inspect the area for the presence of bait.
- Suspect the presence of bait if you see waterfowl feeding in a particular area in unusually large concentrations or displaying a lack of caution.
- Look for grain or other feed in the water, along the shore, and on the field. Pay particular attention to the presence of spilled grain on harvested fields and seeds planted by means of top sowing.
- Confirm that scattered seeds or grains on agricultural lands are present solely as the result of a normal agricultural planting, normal agricultural harvesting, normal agricultural post-harvest manipulation, or normal agricultural soil stabilization practice by consulting with the Cooperative Extension Service.
- Abandon the hunting site if you find grain or feed in an area and are uncertain about why it is there.



## 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 what activities constitute baiting and when lands or other areas would be considered baited before such areas are hunted. If you bait or direct that an area be baited and allow waterfowl hunting to proceed, you risk being charged with an offense that carries significant penalties.

## OVERVIEW OF OTHER REGULATIONS

Additional Federal and State regulations apply to waterfowl hunting, including those summarized below.

***Illegal hunting methods.*** You cannot hunt waterfowl:

- With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10-gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance.
- From a sink box or any other low floating device that conceals you beneath the surface of the water.
- From a motorboat or sailboat, unless you shut the motor off or furl the sail and the vessel is no longer in motion.
- Using live birds as decoys.
- While possessing any shot other than approved nontoxic shot. A listing of approved nontoxic shot types is available at [www.fws.gov/migratorybirds/issues/nontoxic shot/nontoxic.htm](http://www.fws.gov/migratorybirds/issues/nontoxic%20shot/nontoxic.htm)
- 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).
- Using recorded or electrically amplified birdcalls or sounds, or imitations of these calls and sound.
- 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.

***Shooting hours.*** You cannot hunt waterfowl except during the hours open to shooting.

***Closed season.*** You cannot hunt waterfowl 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 waterfowl you may legally 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 responsible effort to retrieve all waterfowl 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.
- Tagging.** You cannot put or leave waterfowl 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.
- Rallying.** You cannot hunt waterfowl that have been concentrated, driven, rallied, or stirred up with a motorized vehicle or sailboat.
- Dressing.** You cannot completely field-dress waterfowl before taking them from the field. The head or one fully-feathered wing must remain attached to the birds while you transport them to your home or to a facility that processes waterfowl.
- Dual violation.** A violation of State waterfowl hunting regulations is also a violation of Federal regulations.
- Duck stamp.** If you are 16 or older, you must carry on your person an unexpired Federal migratory bird hunting and conservation stamp. You must validate your duck stamp by signing it in ink across the face before hunting. You must also have a valid South Carolina duck stamp privilege.
- Migratory Bird Harvest Information Program (HIP).** Unless exempt from license requirements in the State where you are hunting, you must enroll in the HIP and carry proof of current enrollment while hunting.
- Protected birds.** Federal law prohibits the killing of non-game migratory birds. Protected birds that you could encounter while waterfowl hunting include songbirds, eagles, hawks, owls, vultures, herons, egrets, and woodpeckers.

**Banded birds.** Waterfowl hunters are encouraged to report banded birds to the U.S. Fish and Wildlife Service toll-free bird band report hotline at 1-800-327-2263.

## THE PENALTY

---

A violation of the baiting laws in South Carolina may be prosecuted in state or federal court. The maximum penalty in state court is a fine up to \$500, plus court costs, or up to 30 days imprisonment for each offense. The maximum fine in federal court is a fine up to \$15,000 and / or up to 6 months imprisonment for each offense. A person convicted of hunting waterfowl over bait will be assessed 10 points against their privilege to hunt and fish in the state. Upon accumulating 18 points a person loses their privileges to hunt and fish in the state for one year. Federal magistrates have the authority to suspend a person's privilege to hunt in all states as a part of the sentence imposed on a violator. Additionally, South Carolina may seek restitution for birds taken illegally.



## SOME FINAL REMINDERS

---

1. The **daily** bag limit for waterfowl is set annually and may change from year to year. Individual species bag limits may also change from year to year. The **possession limit** is **two times** the daily bag limit. Consult the annual Migratory Bird Regulations published by the South Carolina Department of Natural Resources for seasons and bag limits.
2. If birds are placed in the care of another sportsman, the birds must be tagged with the name and address of the hunter who killed the birds, the hunter's signature, the total number of birds involved by species, and the date the birds were killed. The tagging requirement does not come into effect until the hunter has left the place where the birds were taken and has arrived at his car, his main means of land transportation, his home, or a temporary lodging place. Therefore, in the area where the birds are taken, an individual is only allowed to possess the daily bag limit.
3. Hunters must make an effort to retrieve any downed bird and include it in his or her daily bag.
4. Remember to purchase and have on your person a hunting license, federal and state duck stamps (or number) and a migratory bird permit.

5. Check your auto loading or repeating shotgun. It must be plugged so as to be limited to three shells or consecutive shots.

6. Songbirds, hawks, eagles and owls are protected by state and federal laws and should not be targets of the thoughtless gunner. Any person violating the law by taking these birds will be punished with a fine up to \$500.

7. In South Carolina, waterfowl are a valuable resource enjoyed by many citizens in our state. Healthy populations depend on the combined efforts of sound law enforcement and the ethical hunting standards of our state's sportsmen. Only when law enforcement officers, landowners and sportsmen all cooperate in good faith to act for the good of the resource and fair hunting, will baiting violations be significantly reduced.

## FREQUENTLY ASKED QUESTIONS

---

1. Can I hunt ducks or geese over a harvested corn or sorghum field?

**Yes, if the field was planted, harvested and any post harvest manipulation was in accordance with official recommendations of the Cooperative Extension Service in South Carolina.**

2. Can I harvest part of the corn crop in my pond, leave the rest unharvested, and then flood and legally hunt over it?

**Yes. Fish and Wildlife Service Regulations allow you to harvest part of a crop in accordance with official recommendations of the Cooperative Extension Service in South Carolina and legally hunt over the field, provided you do not manipulate the remaining unharvested crop.**

3. After a cornfield is combined is it legal to mow the corn stubble prior to flooding the field?

**Yes. The Cooperative Extension Service in South Carolina has stated that mowing of corn stubble is a normal post harvest agricultural manipulation.**

4. May I mow part of my unharvested cornfield to create open water areas for ducks to land?

**No. If any grain or other feed has been placed, exposed, deposited, distributed or scattered that could serve as a lure or attraction for waterfowl to, on, or over areas where hunters are attempting to take them, such areas would be considered baited. The area would remain a baited area for ten days following the COMPLETE removal of all such grain or other feed. The mowing of unharvested corn (or any planted agricultural crop) for any purpose is an illegal manipulation of the crop and makes the field baited. Other illegal manipulations of unharvested crops include disking, shredding and burning.**

5. I planted Japanese millet in my duck pond last year. This year I didn't plant it and I have a "volunteer" stand in the same area, mixed in with the panic grass and other native vegetation. Can I legally mow and burn the millet along with the native vegetation?

**Yes. You may legally manipulate Japanese millet (and other agricultural millets) that has sprouted voluntarily the second year after planting. You may not manipulate millets the year in which you plant them.**

6. Can I camouflage my duck blind with corn stalks?

**Yes. It is legal to camouflage your duck blind with corn stalks provided that your use of the corn stalks does not expose, deposit, distribute, or scatter grain.**

7. Can I mow paths through my unharvested corn crop to make it easier to get to the blind?

**No. Mowing pathways through an unharvested cornfield or any other unharvested planted agricultural crop is considered a manipulation of an unharvested agricultural crop. Any seed or grain scattered as a result would be considered bait. If you do this then the field is considered baited.**

8. If I accidentally knock down corn while going to and from my blind, is the field considered baited?

**No. Federal regulations allow for the take of waterfowl over unharvested or flooded unharvested 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. Caution is warranted in this situation and you should make all possible efforts to minimize contact with crops. The excessive running of boats or riding across unharvested crops to create paths to the blind can result in a baited field. The U.S. Fish and Wildlife Service reserves the right to make the final determination.**

9. Can I turn hogs or cattle into an unharvested crop grown in the field, then flood it and hunt ducks over it?

**No. It is illegal to hunt waterfowl over crops that have been trampled by livestock or subjected to other manipulations that distribute, scatter or expose grain.**

10. Can I hunt ducks or geese over wildlife food plots?

**Yes. However, you may not hunt waterfowl over freshly planted food plots where grain or seed has been distributed, scattered or exposed or on food plots where the unharvested crop has been manipulated by mowing or other means.**

11. Can I hunt ducks or geese over a dove field?

**Yes. Any grain present would have to be the result of a normal agricultural planting, harvesting, post harvest manipulation or normal soil stabilization practice. Any grain present as a result of any manipulation outside of the above mentioned actions would be considered bait and would need to be removed 10 days prior to hunting.**

12. May I use a portion of my waterfowl impoundment as a dove field and mow down some crop for September dove season then flood the remaining unharvested crop later in the fall for duck hunting?

**To be legal in this scenario, the impoundment would have to pass the 10-day rule for baiting. All of the grain exposed by manipulating the crop for doves would have to be gone at least 10 days before the field could be legally hunted for waterfowl.**

**The land manager should be extremely careful when attempting to manage a waterfowl impoundment for both ducks and doves.**

13. If I am camping, how many ducks may I have in possession in my camp or ice chest?

**The possession limit for ducks in South Carolina is twice the daily bag limit. This is the number you may have in possession at your camp. You can only possess, have in custody or transport the daily bag limit at or between the place where taken (blind) and either; A) your principal means of land transportation (car) or B) your camp. The possession limit does not negate the hunter's restriction to shoot only the daily bag limit in any one day. If you break camp, and are traveling back to your car (principal means of land transportation) by ATV or boat, you may transport your possession limit. Any time you leave camp to hunt, birds left at the camp must have a tag attached signed by the hunter, stating the hunter's address with the date taken and the total number and species.**

**For questions concerning waterfowl hunting and baiting regulations contact the your regional office listed below:**

#### **Region 1-Clemson**

Law Enforcement  
864-654-1671, Ext 18,  
Wildlife Section-864-654-1671, Ext 24

#### **Region 2-Florence**

Law Enforcement-843-661-4766,  
Wildlife Section-843-661-4768

#### **Region 3-Columbia**

Law Enforcement-803-734-4303,  
Wildlife Section -803-734-3886

#### **Region 4 Charleston**

Law Enforcement-843-953-9301,  
Wildlife Section -843-953-5291



**To Report Wildlife Violations call: 1-800-922-5431**

**dnr.sc.gov**

**This brochure is a summary of regulations from Title 50 Code of Federal Regulations part 20 promulgated by the United States Fish and Wildlife Service and information provided by the Clemson University Cooperative Extension Service. To view complete Federal Regulations go to the following: <http://www.gpoaccess.gov/cfr/index.html>**



**DNR**



Printed on recycled paper

Total printing cost \$7,286.00

Total quantity 25,000

Total cost per copy \$.029

07WL5625

The South Carolina Department of Natural Resources an Equal Opportunity Employer prohibits discrimination on the basis of race, color, gender, national origin, disability, religion or age. Direct all inquiries to the Office of Human Resources, PO Box 167, Columbia, SC 29202