

# Federal Migratory Game Bird Hunting Reference Sheet

The following is a synopsis of Federal Regulations that pertain to the hunting of migratory game birds. Persons requiring more information should go to <http://www.fws.gov/hunting/whatres.html>, where they will find a complete version of the 50 CFR Part 20. When State law is different from the following Federal law the hunter must comply with the most restrictive law.

## What hunting methods are illegal?

### No persons shall take migratory game birds:

- With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;
- With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells. This restriction does not apply during dates States have selected under the Conservation Order for light geese (i.e. greater and lesser snow and Ross's geese).
- From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;
- From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;
- From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased;
- By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;
- By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. This restriction does not apply during dates States have selected under the Conservation Order for light geese (i.e. greater and lesser snow and Ross's geese) or those selected.
- By means or aid of any motor driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird;
- 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.

### It is legal to take migratory game birds including waterfowl, coots, and cranes, on or over the following lands or areas that are not otherwise baited areas:

- 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;
- From a blind or other place of concealment camouflaged with natural vegetation;
- 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
- 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.

It is **legal** to take migratory game birds, **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.

### **Wanton waste of migratory game birds**

No person shall kill or cripple any migratory game bird without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

### **Non-toxic Shot**

No person may take ducks, geese (including brant), or coots while possessing shot (either in shotshells or as loose shot for muzzleloading) other than approved non-toxic shot. For a list of approved non-toxic shot, see (<http://www.fws.gov/birds/bird-enthusiasts/hunting/nontoxic.php>)

### **Opening Day of a Season**

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

### **Field Possession Limit**

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

## **AVIAN INFLUENZA**

### **WHAT DELAWARE HUNTERS SHOULD KNOW**

The ongoing outbreak of highly pathogenic avian influenza (HPAI) H5 in the United States is now the largest such outbreak in the country's history. HPAI has been confirmed in wild, captive, commercial and backyard birds in 21 states since December 2014 and agriculture and industry representatives anticipate a possible outbreak in the Atlantic Flyway in fall 2015. There continues to be no human infection recognized in association with these outbreaks.

As part of a national surveillance program, Delaware Division of Fish and Wildlife personnel will be conducting field examinations of hunter killed birds during this year's waterfowl seasons. Hunters will be asked for permission to examine their harvested birds and to collect fecal and throat swabs from each bird. The bird will then be returned to the hunter.

**Very important - Anyone handling game birds/waterfowl or equipment that came in contact with game birds/waterfowl should not visit any backyard poultry or commercial poultry site to avoid the potential of transferring HPAI virus to those premises.**

Hunters are advised to not handle any obviously sick or dead birds found while hunting and to report any groups of sick or dead birds to the Division of Fish and Wildlife at (302) 739-9912

Persons handling harvested game birds or waterfowl should take precautions and wear personal protective equipment (PPE) to minimize the human health risks and the potential for contracting avian influenza. To date, there have been no cases of HPAI infection in humans in the United States. The risk of human infection is considered by health experts to be very low. However, for personal health we recommend that anyone handling game birds should:

- Wear rubber gloves while cleaning birds.
- Wash hands with soap and water immediately after handling game. If soap and water are not available, use alcohol wipes.
- Wash all tools and work surfaces with soap and water. Then, disinfect them.
- Avoid cross-contamination. Keep uncooked game in a separate container, away from cooked or ready-to-eat foods.

## Definitions:

- **Migratory Birds** are birds protected by federal law as a result of treaties signed with other countries. Protected migratory birds are listed in Title 50 Code of Federal Regulations, Section. 10.13. This list includes almost all birds found in the United States with the exception of the house sparrow, feral pigeon (commonly called rock dove), European starling, Eurasian collared-dove, mute swan, and upland game birds (which are protected by state laws).
- All migratory birds are protected. However, a subset of migratory birds classified as migratory game birds and may be hunted in accordance with State and Federal regulations. The list of migratory game birds includes species of ducks, geese (including brant), swans, doves and pigeons, cranes, rails, coots, gallinules and moorhens, woodcock and snipe, if there is an open season.
- **Daily bag limit** means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.
- **Aggregate daily bag limit** means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one species or for any one specified geographic area in which taking occurs.
- **Possession limit** means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.
- **Aggregate possession limit** means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.
- **Personal abode** means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel or rooming house used during a hunting, pleasure or business trip.
- **Migratory bird preservation facility** means:
  - Any person who, at their residence or place of business and for hire or other consideration; or
  - Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or
  - Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.
- **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 Extension Service of the U.S. Department of Agriculture.
- **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 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 conducted in accordance with official recommendations of State Extension Specialists of the Cooperative 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 ten 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 non-agricultural, 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.