

TITLE 36
FISH AND GAME

CHAPTER 22
SHOOTING PRESERVES

36-2201. PURPOSE. It is the intent of the legislature by this act to provide for and control the establishment and operation of shooting preserves and to do so in such a manner as to be in the best public interest. Pursuant thereto the director of the Idaho fish and game department is hereby authorized to issue shooting preserve licenses for the purpose of permitting shooting of privately owned upland game birds on privately owned premises as hereinafter provided.

Further, the Idaho fish and game commission is hereby authorized to make rules and proclamations consistent with and for the purpose of carrying out, administering and enforcing the provisions of this act. During the shooting preserve season, the hunting and shooting of upland game birds on such preserves shall be open to any holder of a valid license of the proper class following payment of the required shooting fee established by the licensed shooting preserve operator.

[36-2201, added 1977, ch. 324, sec. 1, p. 906; am. 1998, ch. 170, sec. 14, p. 590.]

36-2202. SHOOTING PRESERVE LICENSE. Upon receipt of a completed application of a type and form prescribed by the director, his representative shall inspect the proposed shooting preserve premises and facilities where such upland game birds are to be propagated, raised and released. If the department finds that the proposed operation and area meet all of the requirements of law and related rules and proclamations adopted by the fish and game commission, the application shall be approved and the license issued. Upon payment of the annual fee as provided in this act, shooting preserve licenses issued under the provisions hereof shall be and continue in force from the date of issuance until and including the thirtieth day of June thereafter. Application for renewal thereof must be made during the thirty (30) days immediately preceding said expiration date.

Operating licenses or permits may be issued to any person, partnership, association or corporation for the operation of shooting preserves that meet the requirements herein prescribed.

[36-2202, added 1977, ch. 324, sec. 1, p. 906; am. 1998, ch. 170, sec. 15, p. 591.]

36-2203. STANDARDS. (a) Each shooting preserve shall contain a minimum of one hundred sixty (160) acres in any tract of land (including water area, if any) and shall be restricted to not more than one thousand six hundred (1,600) acres (including water area, if any) in the event the land is leased by the licensee or four thousand (4,000) acres (including water area, if any) in the event the land is owned by the licensee. Tracts included in the preserve do not need to be contiguous. A licensee shall be granted only one (1) shooting preserve license. Multiple licenses shall not be used to circumvent the maximum acreage restriction.

(b) The tract or tracts of land concerned must be owned or leased by the licensee; must be adaptable to use as a game breeding and/or controlled

shooting area; must not encompass any public land or limit any existing access to public land; must be of such nature that the game birds propagated and/or released thereon are not likely to become diseased and a menace to other wildlife; and the operation of a shooting preserve must be of such a nature as to not likely work a fraud upon persons paying a fee to hunt thereon.

(c) No license shall be granted for any shooting preserve, any portion of which is within one (1) mile of any state or federal park, wilderness area, refuge or wildlife management area operated by the state or federal government unless the commission finds that:

1. The state or federal park, wilderness area, refuge or wildlife management area is less than one hundred sixty (160) acres in size;
2. The state or federal park, wilderness area, refuge or wildlife management area is open to public hunting; and
3. Licensing the proposed shooting preserve will not affect the management of the state or federal park, wilderness area, refuge or wildlife management area.

(d) Any person who, on June 30, 2005, holds a license for the operation of a shooting preserve pursuant to the provisions of this chapter, shall be accorded "grandfather rights," and are therefore exempt from the prohibition against the tract or tracts of land constituting a preserve encompassing any public land or limiting any existing access to public land as provided for by this act. Notwithstanding the expansion of any preserve on or after July 1, 2005, this exemption shall apply only to the tract or tracts of land constituting the licensed preserve on June 30, 2005. "Grandfather rights" shall be deemed to have been abandoned by any such license holder that fails to obtain a shooting preserve license renewal on an ongoing annual basis.

[36-2203, added 1977, ch. 324, sec. 1, p. 906; am. 1988, ch. 204, sec. 1, p. 385; am. 1990, ch. 250, sec. 1, p. 719; am. 1997, ch. 349, sec. 1, p. 1035; am. 2005, ch. 368, sec. 1, p. 1168.]

36-2204. BOUNDARIES. The exterior boundaries of such shooting preserve shall be clearly defined and posted with appropriate signs erected around the perimeter at intervals of one hundred fifty (150) feet or less if unfenced unless specified otherwise by commission rule. If the boundary of the shooting preserve is fenced, such signs must be posted at intervals of not more than five hundred (500) feet unless specified otherwise by commission rule.

[36-2204, added 1977, ch. 324, sec. 1, p. 907; am. 2004, ch. 18, sec. 1, p. 20.]

36-2205. GAME BIRDS. (a) Game which may be hunted under this act shall be confined to artificially propagated upland game birds.

(b) A minimum release of two hundred (200) upland game birds of each species to be hunted on each shooting preserve must be made on the licensed area during the shooting preserve season.

(c) Artificially propagated upland game birds released on a shooting preserve must be:

- (1) Marked by clipping the terminal joint of a single toe on either foot as evidenced by a healed scar; or
- (2) Banded with a leg band of a type not removable without breaking or mutilating, such tag to be supplied by the fish and game department at

cost. One (1) such band shall be securely affixed to one (1) leg of each bird released and shall remain affixed on the bird until the bird is prepared for consumption; or

(3) Marked in a manner specified by commission rule.

(d) Any wild upland game bird incidentally taken upon a shooting preserve, at any time other than the general open season therefor, must be marked then and there with a tag that has been issued to the shooting preserve licensee by the Idaho fish and game department. Said bird shall count as part of the permittee's shooting preserve limit. The fee for such tags shall be as specified in section [36-416](#), Idaho Code, per bird.

During the general hunting season for the taking of upland game birds, all wild birds harvested on shooting preserves will be subject to the laws applicable to such wild birds and related rules and proclamations of the Idaho fish and game commission.

[36-2205, added 1977, ch. 324, sec. 1, p. 907; am. 1990, ch. 281, sec. 1, p. 787; am. 1998, ch. 170, sec. 16, p. 591; am. 2000, ch. 211, sec. 32, p. 571; am. 2004, ch. 18, sec. 2, p. 20.]

36-2206. FEES. Fees for shooting preserve permits shall be the fee as specified in section [36-416](#), Idaho Code, per year.

[36-2206, added 1977, ch. 324, sec. 1, p. 908; am. 2000, ch. 211, sec. 33, p. 571.]

36-2207. LICENSE TO SHOOT IN A PRESERVE. Every person taking game birds upon a shooting preserve must secure an appropriate hunting license of the proper class authorizing the hunting of upland game birds or a license entitling the person to whom issued to hunt upland game birds on a licensed shooting preserve only. A license of this kind may be had by any person upon payment of the fee as specified in section [36-416](#), Idaho Code.

[36-2207, added 1977, ch. 324, sec. 1, p. 908; am. 2000, ch. 211, sec. 34, p. 572.]

36-2208. LIMITATION ON TAKING. Artificially propagated upland game birds released on licensed shooting preserves may be taken during the shooting season provided in this act but the total number taken on any shooting preserve during any such season shall not exceed eighty-five per cent (85%) of the total number of the individual species of said birds released thereon during the license year. Provided, however that, in addition to the authorized taking of upland game birds, one hundred per cent (100%) of exotic species not established and classified as game birds in this state may also be taken under the provisions of this act. Shooting preserve operators may provide their own shooting limitations and restrictions as to the sex and number of those species that may be taken by shooting preserve hunters. All birds released under this act shall be at least fourteen (14) weeks of age before liberation and must possess full plumage.

[36-2208, added 1977, ch. 324, sec. 1, p. 908.]

36-2209. SHOOTING SEASON. The season for shooting in any manner and for any purpose on licensed game preserves shall be from August 15 to April 15,

inclusive. Shooting hours shall be the same as established for wild upland game birds by the Idaho fish and game commission.

[36-2209, added 1977, ch. 324, sec. 1, p. 908.]

36-2210. BIRDS TAKEN OUTSIDE BOUNDARIES. The taking or shooting of any and all artificially propagated and marked upland game birds that leave the shooting preserve area shall be subject to related provisions of the law and the rules and proclamations of the Idaho fish and game commission, notwithstanding the fact of leg bands attached to said birds.

[36-2210, added 1977, ch. 324, sec. 1, p. 908; am. 1998, ch. 170, sec. 17, p. 592.]

36-2211. CARE OF BIRDS. All permittees shall conform to the requirements of the fish and game commission with respect to the care of and sanitary provisions for such birds on licensed premises, or on any licensed game farm premises where such birds are being reared or otherwise held. Upland game birds and exotic game birds not so classified which are shipped into this state from another state may only be released following approval by the director of the fish and game department or his authorized representative.

[36-2211, added 1977, ch. 324, sec. 1, p. 908.]

36-2212. TRANSFER OF LICENSE. Upon application to the director of the Idaho fish and game department and a determination being made by him that the provisions of this act will be met and complied with by the transferee, any shooting preserve license may be transferred to another person or to another location upon sale of the real property concerned.

[36-2212, added 1977, ch. 324, sec. 1, p. 909.]

36-2213. REGISTRATION BOOK. Each shooting preserve operator shall maintain a registration book listing the names, addresses and hunting license numbers of all shooters; the date on which they hunted; the amount of game taken, by sex and species; and the band numbers affixed to each carcass so taken. An accurate record likewise must be maintained of the total number, by sex and species, of game received and/or purchased and the date and number, by sex, of all species released. These records shall be open to inspection by an authorized representative of the Idaho fish and game department at any reasonable time.

[36-2213, added 1977, ch. 324, sec. 1, p. 909.]

36-2214. PROHIBITIONS. Only dead birds which have been killed by shooting and which have been properly tagged shall be removed from the premises licensed under this act, and it shall be unlawful for any person to thereafter sell or attempt to sell or to buy or attempt to buy any such birds.

[36-2214, added 1977, ch. 324, sec. 1, p. 909.]

36-2215. REVOCATION, SUSPENSION AND NONRENEWAL. The director of the Idaho fish and game department may either refuse to issue or refuse to renew or may suspend or may revoke any shooting preserve license if the said director finds that such licensed shooting preserve or the operator thereof

does not meet, or is not complying with the provisions of this act or rules adopted hereunder, or if such property or areas are otherwise being operated in any unlawful or illegal manner.

[36-2215, added 1977, ch. 324, sec. 1, p. 909.]