



Fourth Edition

CANNED HUNTS UNFAIR AT ANY PRICE

**STOP
Drive-Thru
Killing**

**Canned
Hunts**

**THE HUMANE SOCIETY
OF THE UNITED STATES**



CANNED HUNTS: UNFAIR AT ANY PRICE

JANUARY 2005 FOURTH EDITION

This report was originally written and published by The Fund for Animals, a national nonprofit animal protection organization founded to “speak for those who can’t” in 1967 by famed author and animal advocate Cleveland Amory. In January 2005, The Fund for Animals and The Humane Society of the United States joined forces. This fourth edition is published by The Humane Society of the United States. All state statutes and regulatory information are current as of December 2004. This fourth edition also includes model state legislation to ban canned hunts.

INTRODUCTION

The closing decades of the twentieth century saw the rise of a new kind of “sport” in North America: the “canned hunt.” Although canned hunts advertise under a variety of names—most frequently “hunting preserves,” “game ranches,” or “shooting preserves”—they can be identified by the two traits they all have in common: they charge their clients a fee to kill an animal; and they violate the generally accepted standards

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of the hunting community, which are based on the concept of “fair chase.” In some cases animals may be shot in cages or within fenced enclosures; in others they may be shot over feeding stations. Some of the animals are tame and have little fear of humans, while others may be tied to a stake or drugged before they are shot. But whatever method is used, the defining characteristic of a canned hunt is that the odds have been artificially manipulated against the animal so heavily

that the notion of fair chase is subverted. Canned hunts are commercial hunts that take place on private land under circumstances that virtually assure the hunter of success.

As the establishment of canned hunts increases, they are attracting more public concern about their ethical, ecological, and biological implications. After extensive research, The Fund for Animals and The Humane Society of the United States have concluded that these concerns are well founded, and we have created this report as a reference tool for use by members of the public, nonprofit organizations, legislatures, and government agencies in addressing the grave public policy issues raised by canned hunts. Section I provides an introduction and overview; explores the ethical objections to canned hunts based on standards generally accepted by the sport hunting community; raises questions about the appropriate legal analogy that should be applied to canned hunts; and discusses the serious animal health and public health issues raised by canned hunts. Section II catalogs the relevant statutes and regulations of each state with an example of a model ordinance relating to the regulation of canned hunts. (Note: This report covers canned hunts for both native and exotic mammals; canned hunts for birds will be covered in a separate report to be released at a later date.)

DESCRIPTION: THE THRILL OF THE KILL?

A sweltering summer day forces a large lion under the shade of a drooping tree amidst a bucolic landscape. She pants from the heat unconcerned at the sight of an approaching man wearing a pristine white shirt and clean, khaki pants. He stops about 100 feet from the tree and animal. As the feline lies in the relaxing shade, the man raises a rifle pointed toward the drowsy animal. An unseen voice directs the lone gunman. He shoots once and the lion, wounded and disoriented, races from the shade of the tree. Only her cries of pain can be heard and her flailing limbs seen over the grass. The voice again directs the man to shoot again after seconds have elapsed as the creature struggles for life. The

second shot finishes the job. The man nervously approaches the feline and butts her with his gun. He then gives thumbs-up to the camera, bends down and feels her coat... The camera pans out to show a tall, chain-link fence.¹

Although canned hunts are advertised as rugged, outdoor adventures, in reality they are conducted in an atmosphere of comfort and convenience. You can fly into a hunting preserve in the United States, and after a gourmet dinner, you can spend the night in a luxurious hunting lodge. The next day, you'll be given a high-powered rifle with a brief orientation to its use and driven to the "shooting area." The area is usually a fenced enclosure from which there is no escape, ranging from a few square yards to several hundred acres, depending on how strenuous you want your hunt to be.

The outcome is never really in doubt. In many cases, the hunting preserve will give a guarantee: "No kill, no pay." Whether the area is large or small, the animals are either fenced in—so that they cannot escape and have no hiding place that is secret from the guide—or they have been habituated to eating at a feeding station at the same time every day. At many ranches, the same truck that brings dinner to the feeding stations also brings the hunters. Exotic animals bought from breeders are often accustomed to people feeding them and cleaning their cages, so they have no fear of humans. They are often surplus zoo animals or retired circus performers who are too habituated to humans or too old and arthritic to run away.

The essentials are always the same regardless of the cost of the trip: an animal who is either fenced in, lured to feeding stations, or habituated to humans, and odds so heavily in the hunter's favor that there is little risk of leaving without a trophy. Most canned hunts have taxidermists on site or on call to mount your trophy, whose fate was sealed the moment you made your reservation.

Prohibiting these questionable hunting practices from being captured on tape is a standard practice of game ranches. "Video cameras [are] permitted in lodge area only—not on hunts," according to Cumberland Mountain Hunting Lodge.² Ohio's Whitetail Trophy & Exotics, Inc., warns, "Unauthorized video is considered criminal. You must have permission before using video equipment and must follow a strict set of guide lines."³ Obviously, they don't want the public to get a true picture of canned hunts. But undercover footage occasionally leaks out and the images haunt the viewers:

The Corsican ram stopped cold in his tracks, raised his head to sniff the breeze, and tried to peer through the foliage. The hunter, covered head to toe in camouflage, slowly raised to shoulder level a modern techno-marvel of levers, wheels, and pulleys and released his arrow. At the twang of the string, the ram jerked his head around—just as the razor-sharp broadhead sliced into his left flank. Letting out a bellow of pain and terror, he lunged forward into the wire fence that held him captive. The hunter, no more than twenty yards away, reloaded and shot. Another strike in the flank and another bellow as once again the ram hurled himself against the fence. A third arrow struck him in the side, a fourth high up on the back. The hunter was deliberately aiming away from the head and shoulders to avoid any risk of spoiling his trophy. "If you fall," he yelled at the ram, "fall the right way. I don't want you bending my arrow." The slowly dying animal huddled against the bottom of the fence. After six arrows, the guide put the doomed animal out of his agony with a bullet.⁴

GAME RANCHING: A NEW WAY TO SEPARATE CITY SLICKERS FROM THEIR MONEY

According to Safari Club International, an organization dedicated to big game trophy hunting, the first game ranch in the United States was the Y.O. Ranch in Mountain Home, Texas, two hours southwest of San Antonio. Founded in 1880 as a longhorn cattle ranch, the Y.O. introduced Indian blackbuck antelopes in 1953. When the blackbucks thrived, the Y.O. went into the business of exotic hunts, and ranch managers began adding other species of exotic deer including axis, sika, and fallow.⁵ Today, the Y.O. advertises “North America’s largest collection of exotic wild animals—zebras, giraffes, ostriches, sika, oryx, aoudad and eland—over 50 different species. The Y.O. is a hunting mecca for photographers, native game hunters and exotic game hunters from everywhere.”⁶

By the 1960s, inspired by the success of the Y.O. Ranch, hunting preserves and game ranches had begun to appear first in the Texas hill country and then throughout the nation.⁷ But their current burst of popularity dates only from the 1980s as they began filling a new market niche created by the paradox of fewer and fewer hunters spending more and more money on their sport.

From the 1950s through 1975, the number of hunters in America had held steady at around 10% of the population age twelve and above. But starting in 1975, a decline set in that continues to the present. According to the U.S. Fish and Wildlife Service, in 2001, the latest year for which statistics are available, only 6% of Americans sixteen and older hunted.⁸ Researchers for the hunting industry have identified several reasons for this decline, including the fact that a majority of Americans now oppose sport hunting.⁹ But only two of these factors are important in understanding the growing popularity of canned hunts.

First, since World War II, America has become an urban and suburban nation. More and more people live in cities and suburbs, while development pushes wildlife habitat farther and farther away from them. Hunting has become more time consuming and less convenient than other forms of recreation like golf or tennis.

Second, with two-career families now the norm rather than the exception, and household and child-rearing responsibilities typically shared by two working parents, hunting forays have to be fitted into a high-pressure schedule of work, parenting, and household chores. To further complicate things, in many states—including some in which hunting has long been popular, such as Texas and Maine—most land is privately owned and finding a place to hunt can be daunting due the decreased accessibility to land. Hunting trips now have to be planned, scheduled, organized—and paid for.

And the operators of game ranches and hunting preserves are well aware of this. “If you don’t have the 10 days to 2 weeks normally needed to hunt for trophies with someone else,” say the operators of Cedar Ridge Elk Ranch in North Dakota, “and you want ACTION, and you want to ‘bring it home,’ then **Cedar Ridge Elk Ranch** is the place for you.”¹⁰

The same people whose metropolitan lifestyles are incompatible with traditional hunting typically have significant disposable income to spend on recreation. And so we see that while the number of hunters is declining, the amount of money they spend is going up—dramatically. In 1991, hunters spent \$14 billion on their sport, but by 2001 that figure had risen to \$20.6 billion, an increase of 33% while the number of hunters was dropping by 17%.¹¹ The recipients of the \$21 billion spent each year by hunters include the manufac-

turers, distributors, and retailers of hunting products ranging from firearms and ammunition to archery equipment to outdoor clothing, camping gear, and related accessories. They also include hunting lodges, guides, game ranches, and hunting preserves.

There are three types of game ranches or hunting preserves operating in the United States. First, there are some that are simply large tracts of privately owned land, hundreds or even thousands of acres, which are not fenced and not stocked. No feeding stations are maintained and no crops are planted in small patches—known as “feeding plots” or “food plots”—for the purpose of attracting game. The only difference between these “ranches” and hunting on public land is that the hunter has to pay for the privilege. They are not the subjects of this report.

Second, there are game ranches or hunting preserves that specialize in native species, usually white-tailed deer or elk. These establishments “manage” the herd to produce a high-proportion of “trophy” animals by techniques adapted from the cattle industry, such as keeping the herd inside a game-proof fence to prevent dilution of the gene pool, providing high-protein food supplements, prohibiting the hunting of young bucks until their antlers reach trophy size, and culling “inferior” animals from the herd. Some game ranches buy and import stock from breeders, live animal dealers, and other ranches. For example, Forest of Antlers Outfitters in Minnesota promises “a unique hunting experience, specializing in trophy bucks,”¹² while the Triple Three Ranch in Wyoming advertises that it “control(s) the harvest and manage(s) the herd for large trophy heads.”¹³ In a letter to a Fund for Animals investigator posing as a prospective client, Triple Three owner Craig Smith wrote, “We have good trophies all through the season. Our Mule deer have averaged 24-inch spread 4x4 and five years old for the last six years. I really don’t think you can do better as far as mule deer go... Whitetail are increasing in numbers with an 18-inch spread average.”¹⁴

Third, there are game ranches and hunting preserves that deal in exotic animals, ranging all the way from African lions to Indian axis deer. Exotic species are either bred on-site or bought from breeders or dealers, and the hunting of exotics takes place in a fenced enclosure that may range from the size of a large pen to several hundred acres. This traffic in exotic animals exists in large part because many zoos depend on baby animals to attract paying customers. When these babies grow up, they must be disposed of to make room for the new crop of babies who will draw new crowds of customers. Since the public would not tolerate the animals simply being killed by the zoo, they are sold to dealers, who in turn often sell them to research laboratories, roadside petting zoos, and canned hunts. In this way, the zoos can claim to have no responsibility for their ultimate fate.¹⁵ (Exotic animals bought as “pets” and later discarded also add to the supply for canned hunts.)

The role of zoos in the commerce in wildlife, including wildlife destined to end up at canned hunts, has been extensively documented by investigative journalist Alan Green in his groundbreaking exposé *Animal Underworld*. Green notes that, “On a single day,” while he was doing his research, “AZA zoos were looking to rid themselves of six hundred mammals, nearly four

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hundred reptiles, thousands of fish, hundreds of birds, and a variety of invertebrates.”¹⁶ The AZA is the American Zoo and Aquarium Association, the trade association for the zoo industry. Green characterizes the fate of the baby animals who outgrow their public appeal this way:

*...the expendable two-year olds—along with the aged, out-of-vogue, and reproductively spent—become sacrificial lambs that are cast off, resold, and laundered on paper until they become officially “lost to follow-up.” Animals that are supposedly part of grand conservation schemes are recast as just more fodder for the dealers, brokers, auction houses, and sanctuaries that exploit them for profit, subject them to abuse, relegate them to unsuitable environments, or even worse, use them to breed new generations of product for their mercenary commerce.*¹⁷

Green concludes by asking, “Are zoo animals nothing but crowd-luring props, to be blindly disposed of when they’re no longer useful? Society castigates those who treat their mutts in such fashion.”¹⁸

Many game ranches and hunting preserves offer both native and exotic species to their customers. The following is a brief listing of species available at selected canned hunting facilities. Many establishments advertise: “Other animals upon request” or “African animals upon request.”

<i>Addax Antelope</i>	<i>Eland</i>	<i>Opossum</i>
<i>Aoudad</i>	<i>Elk</i>	<i>Oryx</i>
<i>Axis</i>	<i>Fallow Deer</i>	<i>Pere David</i>
<i>Barasingha</i>	<i>Feral Hogs</i>	<i>Raccoon</i>
<i>Bison</i>	<i>Four-Horned Sheep</i>	<i>Red Stag</i>
<i>Black Bear</i>	<i>Fox</i>	<i>Sika Deer</i>
<i>Black Hawaiian Ram</i>	<i>Gazelles</i>	<i>Spanish Goat</i>
<i>Blackbuck Antelope</i>	<i>Hog Deer</i>	<i>Texas Dall</i>
<i>Blesbok</i>	<i>Impala</i>	<i>Watusi</i>
<i>Bobcat</i>	<i>Javalina</i>	<i>White-Tailed Deer</i>
<i>Bongo Antelope</i>	<i>Kudu</i>	<i>Wild Boar</i>
<i>Buffalo</i>	<i>Moose</i>	<i>Wildebeest</i>
<i>Corsican Ram</i>	<i>Mouflon Ram</i>	<i>Yak</i>
<i>Cottontail Rabbit</i>	<i>Muntjac</i>	<i>Zebra</i>
<i>Coyote</i>	<i>Musk Ox</i>	

THE COST OF THE KILL

There are no statistics available on how much money hunters are spending on canned hunts. But a look at some of their advertisements suggests that they account for a significant portion of the 33% increase in hunters’ expenditures between 1991 and 1996. For example, the 777 Ranch near San Antonio bills itself as “Africa in Texas.” The Jim Carrey movie *Ace Ventura—When Nature Calls* was filmed at the 777 Ranch. Prices range from \$1,500 to kill a “trophy class” Indian blackbuck antelope to \$12,500 for a “record class” markhor, a Middle Eastern member of the goat family.¹⁹ This ranch’s prices are typical of what the market seems to bear.

Glen Savage Ranch in Pennsylvania charges \$5,995 for a white-tailed deer rated between 140 and 154 on the scoring scale of the Boone and Crockett Club (B&C)—an organization that maintains a kind of “Guinness Book of World Records” for big game—and \$9,995 for a buck rated between 170 and 184. For bucks with higher B&C scores, Glen Savage discreetly suggests that the prospective customer “call for pricing.”²⁰ As with most ranches and preserves, prices include lodging, meals, and field dressing the trophy animal. Hunters are willing to pay these prices for a populous native species because white-tailed deer are so heavily hunted that few outside of hunting preserves live long enough to grow trophy racks. Except when they are “culling” the herd, the operators of canned hunts do not permit their clients to kill bucks until they have grown a trophy rack.

Concerned that the industry’s emphasis on the upscale market might prove intimidating to less affluent hunters, Broken Arrow Ranch in Texas invites prospective clients to “Come to where the ‘WORKING MAN’ can afford to hunt!” Broken Arrow, which specializes in exotic deer, offers customers the chance to “kill a TROPHY deer...and a Fallow doe, stay in our modest but comfortable bunk house, receive continental breakfast for the low price of \$1350.” For the more moderate, they promise “other affordable hunting packages that will fit your needs.”²¹

Since game ranching is a new and very loosely regulated industry, there are no dependable statistics on how many game ranches and hunting preserves are now in operation. In a telephone conversation, a staff member of the Exotic Wildlife Association, the principal trade group for game ranches and hunting preserves, told a Fund for Animals investigator that the association has between 800 and 1,000 active members, of which more than 500 are in Texas, while several hundred other game ranches “work with us” on a less formal basis. He declined to speculate on the amount of money taken in annually by game ranches and hunting preserves.²²

**CANNED HUNT OPERATORS
WANT TO BE RANCHERS WHEN
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THERE’S A REASON THEY CALL THEM “RANCHES”

To prospective clients, the operators of game ranches and hunting preserves claim that they are in the hunting business. But when they talk to each other and to the government agencies that regulate hunting, they tell a different story. Then they claim that their real business is ranching, and that they are simply adapting tried and true cattle-raising techniques to an alternative form of livestock. It is no coincidence that Texas, America’s premier cattle ranching state, was home to the first game ranch—which was created on a cattle ranch—and presently hosts more than 500 game ranches.

Canned hunt operators want to be ranchers when they’re raising animals, but hunters when they’re killing them. Their point is that state game agencies should not be able to regulate game ranches and hunting preserves because their animals are domestic livestock, and state agriculture departments should not be able to regulate them because agriculture agencies have no authority to regulate hunting. Forced to choose, however, most game ranchers and hunting preserve operators would rather be regulated by state agriculture

departments, which are, on the whole, more sympathetic to canned hunts than state wildlife agencies. This strategy was first brought to public attention by Alan Green, who reports that, “In one state after another, the game farmers have pressed legislators to reclassify a growing list of animals as agricultural products, much like apples, alfalfa, and other cash crops—a change that allows them to raise, sell, and slaughter exotics without the hassle of fish-and-game department inspections or other government intrusions.”²³

Many state wildlife agencies oppose canned hunts for three primary reasons. First, since no hunting license is required to hunt exotic animals on private land, game ranches and hunting preserves—or at least those that specialize in exotics—potentially threaten a critical source of revenue for the agencies. Second, and more importantly, most state wildlife agency personnel have been educated in and are personally committed to the philosophy of “fair chase hunting.” Although dedicated supporters of sport hunting, they generally believe canned hunts are unethical and should not be allowed. All too often, however, they are reluctant to voice their views publicly for fear that opposing any kind of “hunting” will be viewed as giving aid and support to the opponents of all hunting. Third, the agencies are concerned about disease transmission (as explained in “The Risk of Disease” section).

State agriculture departments, on the other hand, tend not to judge canned hunts in terms of a long tradition and an ethical code. They often view game ranches and hunting preserves as a way to help farmers and ranchers increase the profitability of their businesses. From their point of view, allowing the hunter to “only occasionally succeed,” while the animals “generally avoid being taken” would be an inefficient way to try to turn a profit. After all, do the butchers in slaughterhouses “only occasionally succeed”? In chicken processing plants, do broiler chickens “generally avoid being taken”? Canned hunt operators and many state agriculture departments treat hunting as an alternative form of animal slaughter and hunting enclosures as outdoor slaughterhouses.

Thus far, due to their newness and their pretense at being “hunts” rather than slaughter, game ranches and hunting preserves have generally avoided the kind of regulation to which traditional livestock producers and slaughterhouses—at least in theory—are subject, such as health inspections. But most importantly, these outdoor slaughterhouses should be subject to the federal Humane Slaughter Act, which requires that an animal be rendered immediately unconscious and not allowed to suffer in the process of being slaughtered. But hunting, even under the conditions of a canned hunt, inevitably entails a significant wounding rate in which the animal suffers for a period of minutes or hours before being found and—in the euphemism of the hunting community—“dispatched.” In bow hunting—which is popular on game ranches and hunting preserves because it heightens the illusion of an authentic hunt by a skilled outdoorsman—the typical cause of death is exsanguination. The animal almost never dies immediately, and up to 50% of animals who are struck by an arrow in free-range hunting are wounded and *never retrieved*.²⁴ This is clearly inconsistent with the federal standards established in the Humane Slaughter Act and with similar standards enacted by many states. There is no way that slaughtering an animal under conditions that simulate hunting could comply with currently existing statutory requirements for the slaughter of livestock. And livestock is precisely what canned hunt operators have tried to turn these animals into.

ETHICAL OBJECTIONS FROM BOTH ENDS OF THE SPECTRUM: UNFAIR CHASE

Trophy hunting is a sport whose object is to kill sentient beings for pleasure, and that can never be ethical. It is a sport in which only the aggressor participates willingly; the victim has no choice in the matter. And it is a sport in which the stakes are dreadfully uneven; if the animal loses, he or she dies; if the hunter loses, he or she goes home empty-handed and life goes on as before. That being said, we all recognize that among ethically objectionable acts, some are more heinous than others. Due to their egregious brutality and blatant violation of the hunting community's "fair chase" standard, canned hunts inspire a higher level of outrage than more traditional forms of hunting, even to the extent that many staunch defenders of sport hunting are vocal opponents of canned hunts.

Hunting advocates defend the ethics of their sport by invoking the concept of "fair chase." Even the trophy hunting Safari Club International has a code of ethics in which the hunter pledges "to comply with all game laws in the spirit of fair chase, and to influence my companions accordingly."²⁵ "Fair chase" is left undefined. In an affidavit for hunters who wish to have a trophy buck recorded in its record books, the Boone and Crockett Club (B&C) defines fair chase as "the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging, wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such game animals."²⁶ This statement leaves several key terms, including "ethical," "sportsmanlike," and "improper advantage" undefined, although B&C does give examples of practices that violate fair chase, such as shooting an animal who is helpless when mired in deep snow or swimming in the water.

Jim Posewitz spent 32 years as a biologist with the Montana Department of Fish, Wildlife, and Parks. As founder and president of Orion: The Hunter's Institute, he is one of sport hunting's most passionate defenders, much in demand as a speaker by hunting organizations and wildlife agencies across the country. In his book, *Beyond Fair Chase*, which is widely viewed within the hunting community as the "bible" of hunting, Posewitz discusses fair chase in these terms: "Fundamental to ethical hunting is the idea of fair chase. This concept addresses the balance between the hunter and the hunted. It is a balance that allows hunters to occasionally succeed while animals generally avoid being taken."²⁷ One page later, he notes that, "The concept of fair chase is important to hunting. The general public will not tolerate hunting under any other circumstances."²⁸ Posewitz's organization, Orion, defines hunting as "the fair chase pursuit of free-roaming wildlife in a noncompetitive situation in which the animal is used for food."²⁹

Orion's definition of ethical hunting includes four elements: 1) fair chase; 2) free-roaming wildlife; 3) non-competitive; and 4) used for food. The first two elements are shared with the definition used by B&C. Since B&C exists to promote trophy hunting, its definition of fair chase does not include "a noncompetitive situation" or consuming the animal.

Fair chase is the fundamental standard put forward by defenders of hunting. All other defenses of hunting for sport depend on and derive from the notion of fair chase. But hunting on game ranches and preserves is killing for fun and bragging rights under circumstances in which the traditional defenses of hunting become meaningless. And as we have already seen, such hunting makes a mockery of the alleged ethical codes of

the hunting community. Therefore, is hunting on game ranches and hunting preserves really hunting at all, or is it something else entirely—something quite different that is masquerading as hunting?

Outdoor writer Ted Kerasote, whose popular book, *Bloodties: Nature, Culture, and the Hunt*, is an impassioned defense of hunting, including trophy hunting, has no doubt about the answer to this question: “Wildlife is not livestock. The problem comes when people are supposedly hunting these animals. That’s the problem right there.” According to Kerasote, canned hunts are turning hunting “into this caged, paid affair and it bears no resemblance to what hunting is, was, and could be. Like so many things in our world, people want to buy the product (the trophy) rather than experience the process (meeting the animal on its own terrain).”³⁰

Orion’s definition of “ethical” hunting and Kerasote’s comments provide an excellent standard for identifying canned hunts and making judgments about them by comparison to traditional hunting. *And these judgments will not be made according to the standards of the animal protection community, but according to the standards of the hunting community.* In fact, we can conclude from both Orion and B&C’s definitions that any managed situation manipulated to significantly reduce the animal’s chance to survive is a canned hunt and therefore fails to meet the hunting community’s own standard for hunting.

NO KILL, NO PAY

A hunting preserve or game ranch at which the hunter occasionally succeeds while the animal usually escapes is at a strong competitive disadvantage in today’s market. And the canned hunt operators are closely attuned to the economics of their business. They also know that a busy professional or businessperson or first-time hunter who plunks down several thousand dollars for a day of hunting does not expect to go home empty-handed. And their advertisements go out of their way to reassure prospective clients. “We specialize in *100% Success Rate* on all Whitetail rifle hunts,”³¹ brags the Oak Creek Whitetail Ranch in Missouri. By Posewitz’s standard, a rifle hunt at Whitetail does not even have a nodding acquaintance with fair chase. In one fashion or another the operators have manipulated the odds so that the hunter always succeeds and an animal always dies. Pennsylvania’s Tioga Boar Hunting Preserve tells prospective customers that hunts never require “more than two days; all hunts are guaranteed.” Nor do hunters have to be accomplished shooters since “kills are usually made from 25 to 100 yards,” a distance presenting little difficulty for a modern hunting rifle.³² And in case the prospective client is “gun shy” of vaguely worded guarantees, the European Wild Boar Hunt, a hunting preserve in Idaho, spells it out: “You are guaranteed a pig, or your money will be refunded.”³³

DON’T FENCE ME IN

Most people assume that the animal’s physical inability to escape when approached by the hunter is what makes hunting inside a fenced enclosure incompatible with fair chase. From this, they conclude that if the enclosure is large enough—say several hundred acres—the animals within it are, for all practical purposes, “free-roaming,” and the fairness of the chase is preserved. While it is true that shooting an animal within a corral or a fenced lot is a particularly heinous form of canned hunting, the animal’s physical inability to es-

cape is only one aspect of the unfairness of hunting within a fenced enclosure. A large fenced enclosure—up to hundreds or even thousands of acres—on a managed game ranch can tilt the advantage to the hunter so dramatically that the animals within cannot be considered free-roaming.

Every hunter knows that in most states most years, nearly half the deer killed during hunting season are killed on the first day. Partly this is because there are more hunters out that day, but mostly it is because the deer are caught by surprise. As soon as the sound of gunfire begins to reverberate through the woods, the deer change their feeding, drinking, and sleeping habits. If they are able, they leave the area where they are being hunted. In more built-up areas, they go onto private land, and—when they realize there are no hunters—stay there. In wilderness areas, they go into deep woods and bed down under cover during the day, only coming out at night to eat.

The point is that on a fenced hunting preserve—no matter how large the enclosure—the animals are not able to change their behavior patterns in any way that will thwart the hunter. Game ranches and hunting preserves employ “guides” whose full-time jobs are: to be intimately familiar with the entire landscape of the preserves; to know where the animals are on the preserves at all times; to know where and when they like to eat, drink, and bed down; and to know all their hiding places. Unable to escape from the guide’s backyard, so to speak, the animals are as much “sitting ducks” in a 500-acre enclosure as in a five-acre pasture. A canned hunt will take a little more time and effort on 500 acres than on a five-acre pasture, but the hunter’s chances of killing an animal are about the same either way. All that the larger area accomplishes is to give hunters the illusion that they are actually hunting an animal when in reality they are simply slaughtering with a bow or a rifle. If this were not so, hunting preserves would not be advertising “no kill, no pay.”

In their public statements, operators of game ranches and hunting preserves often claim that a facility is a canned hunt only if the animal is shot at point-blank range in a cage or fenced pasture. In an interview that aired in March 2000, for example, Ike Sugg, who was then director of the Exotic Wildlife Association, told *Date-line NBC* that any enclosure of more than a few acres can provide a fair chase hunt if there is dense cover that makes the animal hard to find.³⁴ This may sound fair to people who are unfamiliar with hunting, but it ignores the role of the guide and the fact that, once flushed, a fenced animal has no escape route.

Kerasote, also a columnist for *Sports Afield* magazine, makes much the same point, although he expresses it a bit more obliquely, when he says, “I would say that for hunting to take place there has to be a simulacrum for some original condition. Whether that’s 20 or 50 or 100 acres is irrelevant. I think one can have a legitimate hunting experience on 20 unfenced acres in upstate New York as long as there is no enclosure or barrier to turn the animal back.”³⁵

Canned hunt operators know that their clients understand that the fence and the guide are what ensure the kill while the size of the enclosure determines the realism of the illusion that actual hunting is taking place. And so they advertise both the presence of the fence and the size of the enclosure. Cedar’s Edge Game Ranch in Michigan offers “white tail and fallow deer, Russian boar, various types of sheep and upon request elk, buf-

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CANNOT BE CONSIDERED FREE-ROAMING**

falo and red deer” and has “90 acres in our enclosure with plans to fence the remaining 320 acres.”³⁶ Dav-enport Game Preserve in New York boasts “an intensely managed 250-acre enclosure which harbors many record-class trophy Whitetail and Sika deer,”³⁷ while Michigan’s WilMar Ranch has “over 100 acres enclosed for your enjoyment.”³⁸

“Game-proof” fencing of the type used by game ranches and hunting preserves can also have a serious detrimental impact on the entire ecosystem in which the fenced enclosure exists. According to a draft report prepared by a working group of the Arkansas Game and Fish Commission,

Specific problems caused by hunting within high-fence enclosures...include: (1) substantial increase in risk of disease to native free-ranging wildlife [see “The Risk of Disease” section]; (2) disruption and displacement of wildlife within their natural home range, animal densities that exceed natural biological carrying capacities, risk of escape by non-native wildlife resulting in undesirable wildlife populations established in the wild, hybridization and even threatened elimination of some native species; complications that inhibit effective enforcement of statewide hunting regulations...³⁹

Animals such as deer and bears who are displaced from portions of their native home range by fenced enclosures typically seek to replace the lost territory by extending their range or searching for a new home range altogether. This can lead to unfenced lands being stressed beyond their carrying capacity and to an increase in human-animal interactions, as displaced deer, for example, wander into suburbs looking for browse. The ultimate cause of most unwanted human-animal contact is residential development encroaching upon natural habitat. Game-proof fencing constitutes a similar encroachment and can be expected to have a similar effect, with the sole difference that the unwanted contact will not occur where the encroachment exists, but in nearby residential areas and on nearby roads and highways.

THE PRIMROSE PATH

There are other, more subtle ways than a fence to restrict the “free-roaming” nature of animals and thus remove the element of “fair chase” from the hunt, assuring the hunter of a kill. One is the use of “funnels.” A funnel is a narrow area bordered by natural or human-made barriers along which an animal must move to get to a destination, such as a food source. A trail leading from deep woods to a cornfield with a steep embankment along one side and a creek on the other is a natural funnel. A creek on one side of the trail and a fence on the other is a human-made funnel. By setting up a tree stand overlooking the trail, a guide who knows the habits of the deer living on the preserve can give his or her client a guaranteed shot at close range.

To assure that potential customers have no fears of coming home empty-handed, deer hunts at Blackhawk Farms in Louisiana “are fully guided and tree stands, blinds, and rifle stands are the norm. These stands are strategically located over funnel areas, food plots, and cut-overs and are chosen based upon deer movement patterns and wind conditions.”⁴⁰ A cut-over is an area in which the mature trees have been cut down so that young saplings, whose leaves deer like to browse, grow up in their place. By manipulating the environment, both natural and human-made, the hunt operators can then ensure a kill for their clients.

THE CONDEMNED ANIMAL ATE A HEARTY MEAL

Often used in conjunction with funnels are food plots and feeding stations. Food plots, as noted above, are small patches of land planted in a crop, such as corn, that the targeted species enjoys. Usually no bigger than a large garden, they are typically bordered by a grassy strip that leaves the animals exposed while they eat. Surrounded by woods or scattered trees that give the hunter cover, food plots turn the animals they attract into standing targets at close range. Most game ranches that use food plots plant several at a distance from one another so they can switch off randomly from one to another. Animals would soon begin to avoid a food plot that was “overhunted.” To further increase the deadliness of food plots, some operators erect permanent ground-level blinds or elevated shooting stands overlooking them. For example, RockBridge Lodge in Alabama assures clients that, “You may hunt over white oak acorns, green fields, persimmon trees, corn food plots on trails to and from bedding areas, and rest assured you will get the opportunity to launch an arrow . . . Rock-Bridge deer are fed and managed year round. Specialty crops are planted to attract and hold the game.”⁴¹ Shot at close range by hunters hidden from view, the animals have no chance.

Essentially a refinement of food plots, feeding stations are troughs in which a guide places food at the same time every day for days or weeks before taking a client to hunt over it. In this way the guide knows precisely when animals will appear at the station to eat, and the hunter doesn't have to waste time waiting for a target to show up. In a hi-tech variation, some feeding stations use automatic dispensers with electronic timers. As with food plots, feeding stations are often used in conjunction with blinds or shooting stands. Harry's Lodge in Maine takes no chances on prospective clients worrying that they may not get a point-blank shot since, “At Harry's Lodge we run our bear hunts from tree stands over baits. Because of an average of less than 20 yards from tree to bait, we are set-up especially well for all types of weapons, whether you use a gun, bow, or pistol.”⁴²

The significance of “free-roaming” for the standards of hunting is that the animal has a greater opportunity to elude the hunter and the hunter has a more difficult time in locating the animal and getting in range. It is a critical factor in the “balance” that Jim Posewitz of Orion talked about. Animals lured to food plots, feeding stations, and bait piles are as hard to find and easy to shoot as animals in a pen. Like everything else in canned hunts, the notion that an animal shot over a food plot, a feeding station, or a bait pile is free-roaming is an illusion. The appearance is there, but the truth is just the opposite.

THE RISK OF DISEASE

It is well accepted that when animals become concentrated in numbers the likelihood of disease transmission increases. Whether the concentration is caused by natural factors, influenced by artificial elements, or is the product of captivity, diseases and the intra- and inter-specific transmission of disease can flourish under such circumstances. Animals, whether wild or captive, have different susceptibilities to disease. The susceptibility of individual animals to one or more diseases is a function of, among other things, the environment, stress, genetics, nutrition, and age. If an animal's immune system is compromised as a result of the stress of captivity, poor or inadequate nutrition, or youthfulness or old age, the animal has a greater chance of being affected by disease.

Animals concentrated in a captive environment like a shooting preserve or game farm are more susceptible to a variety of diseases than are animals who live under more natural, wild conditions. This is not to say that wild animals are disease-free, as there are an abundance of diseases that afflict many wild and free-roaming species. Furthermore, admittedly, animals in captivity who are, or can be, handled can be more easily treated for disease than animals in the wild. It is doubtful, however, that those involved in the shooting preserve business provide any level of veterinary care for their captive targets. Since the killing of these animals is guaranteed, spending money on veterinary care is not cost-effective and would adversely affect profits. Since most of those who partake in canned hunts do so for a trophy to mount on a wall, as long as a disease does not affect the appearance of an animal, there would be no incentive to address the problem.

As canned hunts have proliferated in many states, concerns about disease have increased. Diseases such as tuberculosis, brucellosis, and chronic wasting disease (which is similar to bovine spongiform encephalopathy or “mad cow disease”) have been diagnosed in wild and captive wildlife.⁴³ While some are concerned about the health of individual animals held captive, more are concerned about the potential impact of disease on wild, free-roaming animals. The reality is that despite legal standards requiring fencing of shooting preserves for big game and exotic wildlife, captive wildlife can escape (as a result of human error) and, if diseased, can become a vector for disease transmission to wild animals.

THE INTRODUCTION OF A DISEASE INTO A WILD POPULATION AS A RESULT OF THE ESCAPE OF AN ANIMAL FROM A FENCED SHOOTING GALLERY POSES AN UNACCEPTABLE RISK TO OUR FREE-ROAMING WILDLIFE

For example, Montana game ranches were faced with the occurrence of tuberculosis in 1991 when an elk on a game ranch tested positive for the disease (27 other elk showed signs of exposure). Wildlife officials worried the disease could infect the neighboring Yellowstone free-roaming herd of elk.⁴⁴ In addition, the interstate transport of animals for breeding purposes adds to the increased possibility of spreading such diseases.

Michigan has been battling an outbreak of tuberculosis in deer for the past few years due to the preponderance of baiting statewide. Scott Everett, legislative counsel for the Michigan Farm Bureau, claims that “deer baiting and feeding promotes the congregation of animals in a small location. That allows for the aerosol transmission of bovine TB . . . TB is a disease created by certain conditions: stress, crowding and overpopulation. Baiting and feeding create these conditions.”⁴⁵ As baiting and feeding are common practices on canned hunts, the possibility of the spread of diseases such as tuberculosis increases.

The incubation period for chronic wasting disease (CWD) is unknown and may not manifest symptoms until transmitted to the next generation. Outbreaks have been reported in Colorado, Wyoming, South Dakota, Oklahoma, Nebraska, Montana, Wisconsin, New Mexico, and Kansas. Experts fear that CWD may reach crisis levels due to its resistance to eradication. Recent outbreaks have been linked to animals held in captivity by breeders, dealers, auctions, and game farms.

Though disease is a natural element in nature and though some diseases may have more serious consequences than others, the introduction of a disease into a wild population as a result of the escape of an animal from a fenced shooting gallery poses an unacceptable risk to our free-roaming wildlife. In some cases

the disease introduced to a wild population from an escaped captive exotic animal may be an unknown organism from which our native wildlife have no natural immunity. The consequences of such a disease outbreak could be substantial. For example, V. Geist, speaking at the 54th North American Wildlife and Natural Resources Conference, stated that “Asiatic sheep and goats on western ranches for ‘trophy hunting’ is a time bomb that will destroy bighorn sheep.”⁴⁶ Furthermore, the escape of captive wildlife—exotic or native—also poses a threat to the genetic health and purity of our wild, native populations.

CONCLUSION

In August 1995, The Fund for Animals’ former national director, Heidi Prescott (now The Humane Society of the United States’ senior vice president of Campaigns), was invited to speak at the Fourth Annual Governor’s Symposium on North America’s Hunting Heritage in Green Bay, Wisconsin. It may seem implausible to have an animal protection advocate speaking to a conference of the hunting community’s leaders; her speech, however, entitled “How Hunters Make My Job Easy,” challenged hunters to clean up their own ranks and speak out against egregious practices such as canned hunts. She asked:

What do people who may not have strong feelings about hunting either way... [think when they read] in their local newspaper about someone paying thousands of dollars to kill a tame lion or sheep on a fenced-in ranch? ... Do you think that the average person who looks at this practice thinks that hunting is a spiritual outdoor experience, and that hunters respect the wild and are the great wildlife managers and conservationists they claim to be? I can tell you what they think, because they call The Fund for Animals’ office to express their horror, their sorrow, and ask what they can do to help.⁴⁷

The Fund for Animals and The Humane Society of the United States are committed to working with hunters and state wildlife agency officials—people with whom we may never agree on many issues—to find areas where we have common ground and common interests. We believe that the issue of canned hunts is one of those areas. To animal protection advocates, a canned hunt is the inhumane killing of an animal simply for a trophy. To hunters, a canned hunt is a violation of the fair chase standard and a blight on the image of their sport. To biologists, a canned hunt is a time bomb of potential disease for native wildlife populations.

All in all, it would be difficult to find anyone who would be willing to defend canned hunts—except, perhaps, the operators who profit by breeding or trading in animals who are marked as guaranteed trophies and the hunters who lack the skill or the inclination to hunt in the wild.

SUMMARY OF STATE STATUTES AND REGULATIONS PERTAINING TO THE ESTABLISHMENT AND OPERATION OF SHOOTING PRESERVES

A review of the relevant statutes in all 50 states reveals a great disparity in laws pertaining to the establishment and operation of shooting preserves. Shooting preserves, which also are referred to as regulated shooting areas, commercial and noncommercial shooting areas, and various other names, exist in every state. Several states limit the species that can be killed within shooting preserves (only allowing the shooting, for example, of game birds) while others permit big game, trophy game, and exotic wildlife species to be hunted. Some states ban the establishment of new shooting enclosures. In many cases, the statutes are not clear in regard to the standards associated with the establishment and operation of shooting preserves, making it difficult to accurately determine what species are permitted to be killed at such facilities. In addition, in several states there are a variety of statutes relating to shooting preserves, including laws related to maintaining wildlife in captivity, wildlife importation standards, and livestock/agriculture laws—all of which affect the development and legality of shooting preserves.

The following summary is focused on the statutes and regulations most relevant to the establishment and operation of shooting preserves. This is not a complete analysis of all potentially relevant state laws and regulations. In particular, this analysis does not address agricultural or livestock laws that may be applicable to the operation of shooting preserves, management of wild animals in captivity, importation standards, or disease issues. Furthermore, in those states where only birds are permitted to be shot on shooting preserves, the analysis is limited. These laws will be more fully analyzed in a subsequent report. Recognizing these limitations, the following information provides a state-by-state summary of the status, legality, and restrictions associated with shooting preserves.

SUMMARY OF STATUS OF CANNED HUNTS FOR MAMMALS IN EACH STATE

Complete Ban on Mammals	Mammals Permitted	
Arizona Connecticut Hawaii Maryland Massachusetts Minnesota Montana Nevada Oregon Washington Wyoming	Alabama Alaska Arkansas Colorado Florida Idaho Illinois Indiana Iowa Kansas Kentucky Louisiana Maine Michigan Missouri Nebraska New Hampshire New Jersey New Mexico New York North Dakota	Ohio Oklahoma Pennsylvania Rhode Island South Carolina South Dakota Tennessee Texas Vermont West Virginia
Partial Ban on Mammals		
California ¹ Delaware ² Georgia ³ Mississippi ⁴ North Carolina ⁵ Utah ⁶ Virginia ⁷ Wisconsin ⁸		

¹ Big-horned sheep now or formerly indigenous to California permitted.

² Rabbits permitted.

³ Fox and coyote permitted.

⁴ Ban on native game animals on private shooting preserves only.

⁵ Fox hunting by dogs permitted.

⁶ Permitted on cooperative management units.

⁷ One grandfathered mammal shooting enclosure permitted.

⁸ Farm-raised deer permitted.

STATUTES AND REGULATIONS OF CANNED HUNTS IN EACH STATE

State	Statutes	Regulations
Alabama	<p>Alabama statutes authorize the commissioner of conservation and natural resources to issue an annual game breeder’s license for a fee of \$10 to permit the “raising of game birds and game or fur-bearing animals for propagating purposes in this state.” C.A. §9-11-30. The game breeder’s license does not authorize the permittee to permit the killing of the propagated animals. A separate statute, <u>Id.</u> at §9-11-261, authorizes the commissioner of Conservation and Natural Resources to issue an annual permit for a fee of \$1 to authorize the propagation of “game birds and game or fur-bearing animals . . . for the exclusive purpose of stocking private or protected lands under the ownership, supervision or control of the holder of such permit.” The statute, however, does not authorize the holder of such a permit to “dispose of any game or fur-bearing animals propagated under the permit authorized by this section.” <u>Id.</u></p>	<p>According to an official of the Alabama Department of Conservation and Natural Resources, Alabama does not regulate canned hunting facilities or shooting preserves on which mammals are hunted. These types of facilities exist but they are not common. Alabama does regulate commercial fowl hunting preserves, the transportation and importation of wildlife, and the operation of game breeders/propagators.</p>
Alaska	<p>Alaska statutes define “game” as “any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals.” A.S. §16.05.940(18). “Fish or game farming” means “the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products.” <u>Id.</u> at §(15). Buffalo, musk oxen, and elk farming is authorized by statute, with elk farming specifically regulated by the commissioner of Natural Resources. <u>Id.</u> at §03.05.010(a)(6). In addition, “whenever it is determined by the department that a surplus exists in the herds of buffalo and musk oxen under its control, the department may, under regulations adopted by it, grant the surplus or portion of it to persons, groups, associations, partnerships, or corporations for the purpose of raising and breeding the animals as domestic stock for commercial purposes, or for scientific and educational purposes.” <u>Id.</u> at §16.40.010.</p>	<p>According to an official of the Alaska Department of Fish and Game, Alaska does not have any private shooting preserves or operations.</p>
Arizona	<p>The Arizona Game and Fish Commission is authorized by statute to “adopt rules and regulations and issue licenses for the conduct of field trials, shooting preserves, private wildlife farms</p>	<p>Regulations promulgated by the Arizona Game and Fish Department specify that “a shooting preserve license allows the year-round release of pen-reared game birds as specified on the</p>

State	Statutes	Regulations
<p>Arizona <i>(cont'd)</i></p>	<p>and zoos...so as to safeguard the interests of the wildlife and people of the state." A.R.S. §17-238A. Any person holding a permit issued under this section "may, upon advance approval by the commission, buy, sell and transport wildlife legally possessed." <u>Id.</u> at §17-238C. Each permittee must file a report with the Arizona Game and Fish Department of his or her activities under the permit within 15 days after a request for such information is made by the department. <u>Id.</u></p>	<p>license, at the site specified on the license, for the purpose of hunting or shooting by persons who may be charged a fee." R12-4-414A. A shooting preserve license also permits the "import, purchase, possession, transport, trade, display for sale, offer for sale, sale, gift, propagation and export of the live wildlife specified on the license." <u>Id.</u></p> <p>A shooting preserve license may be issued only for the following game birds: chukar, mallard duck, northern bobwhite, and ringneck and whitewing pheasant. R12-4-414B 3a-d. The department may issue a license for any other wildlife but only if the "wildlife was held pursuant to a shooting preserve license prior to the effective date of this rule." (Rule effective 1989) R1-4-414B 4. To receive a license to operate a shooting preserve, several criteria must be met, including: the possible escape of the proposed species would not create an unacceptable danger to indigenous wildlife, the operation of the facility shall not pose a threat to public safety or to indigenous wildlife, and the shooting preserve must be located on private land and shall not exceed 1,000 acres. R12-4-414B 1,2,5. No hunting license is required to hunt released wildlife on a licensed shooting preserve. R12-4-414H. Wildlife imported to Arizona for release on a shooting preserve must be accompanied by a certificate of health issued by a licensed veterinarian. R12-4-414D.</p> <p>An Arizona Game and Fish Department official stated that none of the facilities grandfathered to shoot mammals in 1989 are operating under this exception and therefore "no mammals are to be permitted to be taken under a shooting preserve license currently in existence, or under one that would be issued in the future."</p> <p>Per a letter from the Arizona Game and Fish Department, Commission Rule R12-4-413 regulates private game farms and issues licenses to such establishments. It is to be noted that, "a private game farm license allows the killing of animals, but does not allow for the hunting of animals."</p>

State	Statutes	Regulations
Arkansas	Statutes with licensing guidelines for private hunting operations and for the propagation of game birds and animals were repealed.	<p>Arkansas regulations make it “unlawful to introduce or release any wildlife (native or non-native) into any situation in which they are held captive, enclosed or confined for the purpose of hunting or attempting to hunt such wildlife, or to hunt or attempt to hunt any wildlife either held captive, enclosed or confined.” Captive Wildlife Regulations at §15.03. Exceptions to this law include: 1) pen-raised game birds may be hunted in compliance with Commission Codes 15.05 et seq.; 2) fox and coyote may be hunted in compliance with Commission Codes 10.15 et seq.; and 3) native game may be hunted within a high fence enclosure consisting of 500 contiguous acres, a minimum fence height of eight feet with no cross-fencing that has the effect of reducing the size of the area to less than 500 contiguous acres, and a minimum of at least 60% of the acreage in forest cover that has been classified as timberland by the local county tax assessor in compliance with Commission Codes 15.04 et seq. <u>Id.</u> at §15.03 (1-3). Game animals include deer, elk, black bear, bobcat, coyote, fox, mink, opossum, rabbit, raccoon, and squirrel. Black bears are not permitted to be killed in high fence enclosures. It also is “illegal to chase, herd or corral deer or elk, with dogs or otherwise, in a high fence enclosure, while hunting or attempting to hunt.” <u>Id.</u></p> <p>A permit is required to operate or maintain a wildlife commercial hunting resort. <u>Id.</u> at §15.04a. A “wildlife commercial hunting resort” is “any facility, location, business, or operation that is engaged in selling for money or any other consideration the opportunity to hunt or attempt to hunt captive wildlife.” AR Game and Fish Commission Code §11-00. Hunting within such resorts is subject to the restrictions summarized above.</p>
California	Section 2124 of the Fish and Game Code states: “Except as otherwise authorized by this code or regulations adopted pursuant thereto, including, but not limited to, those provisions that authorize raising deer to produce venison for market, it is unlawful for any person to possess, transport, import, export, propagate, purchase, sell, or transfer any live mammal listed under Section	According to California regulations, “no licensed game bird club utilizing domestically reared game birds may be operated in this state except under a license issued by the department.” C.C.R. Title 14, Division 1, Subdivision 2, Chapter 9 §600. No other regulations pertaining to the establishment and operation

State	Statutes	Regulations
<p>California (cont'd)</p>	<p>2118 for the purposes of maiming, injuring, or killing the mammal for gain, amusement or sport. Furthermore, except as otherwise authorized by this code or regulations adopted pursuant thereto, the buyer of a live mammal listed in Section 2118 shall not resell the live mammal to another buyer who has the intent to maim, injure, or kill that mammal for the purposes of gain, amusement or sport." A.C.C. §2124a. This section does not apply to the meat, hide, or parts of a dead mammal. <i>Id.</i> at §2124b.</p> <p>California law specifies that "every person in possession or control of property who imposes or collects a fee for the privilege of taking birds or mammals thereon, or who imposes or collects a fee for any type of entry or use permit which includes the privilege of taking birds or mammals on the property, is maintaining a commercial hunting club if birds or mammals are taken on the property, and shall procure a commercial hunting club license." A.C.C. §3240.5. This provision, however, does not "apply to any hunting club or program licensed under other provisions of this code, or to any person who receives less than fifty dollars (\$50) per entrant and receives less than a total of five hundred dollars (\$500) between July 1 and the following June 30 for permission, entry, access, or use fees which include the privilege of hunting on property in his or her possession or control." <i>Id.</i> Section 2118 does exempt big-horned sheep now or formerly indigenous to California.</p> <p>A "domesticated game breeder's license" is required by "any person engaged in raising or importing, or who keeps in captivity, in this state domesticated game birds or domesticated game mammals which normally exist in the wild." <i>Id.</i> at §3200. This provision, however, does not apply to licensed pheasant clubs, <i>Id.</i> at §3200(a), or "licensed domesticated migratory game bird shooting areas." <i>Id.</i> at §3200(b). A "class 1" domesticated game breeder's license authorizes the "licensee to engage in all domesticated game breeding activities." <i>Id.</i> at §3202(a). Except as authorized under a domesticated game breeder's license, "any deer, elk, or bear kept in captivity may be killed only with the approval of the department, and under such regulations as the commission may pre-</p>	<p>of shooting preserves for native or nonnative game mammals were found.</p> <p>California Department of Fish and Game officials stated that canned hunts are prohibited in California and although domestic game breeding is permitted, these animals may not be "used for the purpose of maiming, injuring or killing for gain, amusement or sport."</p>

State	Statutes	Regulations
California <i>(cont'd)</i>	<p>scribe.” <i>Id.</i> at §3006. Furthermore, the state also has extensive statutes pertaining to the importation, transportation, and sheltering of wild animals. <i>Id.</i> at §2116 et seq.</p>	
Colorado	<p>Colorado law defines a “commercial wildlife park” as “a privately owned wildlife park, containing lawfully acquired captive wildlife, on which wildlife are exhibited for educational, commercial, or promotional purposes.” C.R.S. §33-1-102(4.5). “Wildlife” refers to “vertebrates, mollusks, and crustaceans, whether alive or dead, including any part, product, egg, or offspring thereof, that exist as a species in a natural wild state in their place of origin, presently or historically, except those species determined to be domestic animals by rule or regulation by the commission and the state agricultural commission.” <i>Id.</i> at §33-1-102(51). An importation license is required to import any live wildlife into the state. <i>Id.</i> at §33-6-114(2). In addition to an importation license, each imported animal must be accompanied by a valid health certificate. <i>Id.</i></p> <p>A license is also required to “operate a farm or ranch at which alternative livestock are raised.” <i>Id.</i> at §35-41.104. “Alternative livestock” is defined as “any domesticated elk or fallow deer.” <i>Id.</i> at §35-41.5-102(1). Alternative livestock shall not be considered wildlife for purposes of this article. <i>Id.</i> Such farms must have perimeter fences designed “to prevent ingress of big game wildlife and egress of alternative livestock.” <i>Id.</i> at §33-1-106(4)(a)(IV). Alternative livestock can be hunted pursuant to the issuance of a hunter education certificate. <i>Id.</i> at §35-41.109(1)(j) and §33-1-106(4)(a)(I). The captive wildlife and alternative livestock board, established by state statute (<i>Id.</i> at §33-1-121(3)(a)), must “review or initiate and consider, prior to presentation to the commission for adoption, every rule or policy that is to regulate or control, or otherwise relates to, captive wildlife or alternative livestock, the spread of disease within privately owned wildlife or alternative livestock facilities, or the importation into the state or the distribution of any wildlife or alternative livestock species.” <i>Id.</i></p>	<p>Colorado regulations require the issuance of “Commercial Wildlife Park Licenses . . . to a person or person for the operation of privately owned wildlife parks and for the related commercial use of such wildlife including: buying, selling, propagating, brokering or trading of lawfully acquired captive wildlife; charging customers to hunt on such a park; or, exhibiting wildlife for educational or promotional purposes.” Wildlife Regulations at §1104A. There are five subcategories of commercial wildlife park licenses, including three that permit hunting. These are:</p> <p>A “Big Game Hunting Park” license is “issued for hunting privately owned big game animals on private property.” <i>Id.</i> at §1104A-1. No new big game hunting park licenses shall be issued after July 1, 1996, except when change of ownership occurs on an existing big game hunting park. <i>Id.</i> at §1104A-1a. No hunting license is required to hunt animals within such parks and hunting can occur year-round. <i>Id.</i> Other provisions, including marking and disease surveillance, also apply.</p> <p>A “Wildlife Producers Park” license is “issued for trading, selling, propagation, bartering, shooting, brokering, and transporting, live wildlife (except birds) and wildlife parts.” <i>Id.</i> at §1104A-3.</p> <p>An “Upland Bird and Waterfowl Hunting and Producers Park” license is “issued for propagation and release of commercially raised upland game birds and waterfowl for preserve shooting.” <i>Id.</i> at §1104A-4.</p> <p>Other regulations delineate the facility requirements for all parks licensed by the Division, including parks licensed for captive ungulates, except big game hunting parks, and all facilities licensed to hold captive bears, wolves, or cats. <i>Id.</i> at §1108 et seq.</p>

State	Statutes	Regulations
Colorado <i>(cont'd)</i>	<p>In addition to the captive wild and alternative livestock board, the state agricultural commission also must “review the regulations concerning captive wild ungulates submitted by the division and make recommendations to the wildlife commission concerning such regulations.” <u>Id.</u> at §33-1-106(3)(a). The wildlife commission cannot pass nor implement regulations concerning captive wild ungulates without the approval of the state agricultural commission. <u>Id.</u> “Captive wild ungulates” refers to “wildlife which are ungulates lawfully acquired and held in confinement for breeding for agricultural purposes, production of meat, or other animal products; except that ‘captive wild ungulates’ does not include wildlife held or used for the purpose of hunting.” <u>Id.</u> at §33-1-106(3)(b).</p>	<p>The possession of a number of species is prohibited, except as authorized in writing by the Division of Wildlife. <u>Id.</u> at §008B. These species include: all species and hybrids of wild species in the subfamily Capriae not native to North America (exotic sheep and goats including but not limited to: mouflon, barbary sheep, tahr, chamois), Oryx sp., Addax sp., wildebeest, hartebeest, Damaliscus sp., blesbok sp., white-tailed deer, all species and hybrids of wild species in the family Suidae (European boar, Eurasian boar, Russian boar, feral hog) and the family Tayassuidae (javelina and peccary), red deer, and hybrids of elk with any other cervidae. <u>Id.</u> at §008B (1-6).</p>
Connecticut	<p>For a fee of \$25, the commissioner “may issue permits authorizing the establishment and operation of regulated private shooting preserves when in his judgment such preserves will not conflict with any reasonable prior public interest.” C.G.S.A §26-48. The commissioner of the Department of Environmental Protection is required to “govern and prescribe by regulations the size of the preserves, the methods of hunting, the species and sex of birds that may be taken, the open and closed seasons.” <u>Id.</u></p> <p>The propagation of certain species, including sika and white-tailed deer, requires a game breeder’s license. <u>Id.</u> at §26-40. This license authorizes the possession, breeding, propagating, and selling of all animals specified in this section. <u>Id.</u> However, no entity, with limited exceptions, may possess potentially dangerous animals including the lion, leopard, cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx, bobcat, wolf, coyote, or black, grizzly, or brown bears. <u>Id.</u> at §26-40a.</p> <p>Connecticut’s animal cruelty laws provide additional guidance on the use of animals. Specifically, C.G.S.A. §53-250 states that “any person who uses any animal, reptile or bird for the purpose of soliciting any alms, collection, contribution, subscription, donation or payment of money, or uses any animal or bird as a prize or award in the operation of any game or device, or exhibits any wild animals in connection with</p>	<p>Any person or organization who owns or controls by lease or agreement the hunting rights on an area may apply for a “regulated shooting preserve permit.” C.R. §26-48-1. No permit for the operation of a shooting preserve will be issued for an area “less than three hundred or more than one thousand contiguous acres.” <u>Id.</u> at §26-48-2. A shooting preserve permit authorizes the permittee to allow the “hunting of legally propagated pheasants, quail, chukar partridge and/or ducks, without regard to sex or daily and seasonal bag limits,” <u>Id.</u> at §26-48-5a, from “September fifteenth through March thirty-first of the following year.” <u>Id.</u> at §26-48-3a. The hunting of all other wildlife species not authorized under the permit “shall be in accordance with state-wide regulations governing the season, and daily and season bag limits for each particular species.” <u>Id.</u> at §26-48-3c. Each permittee must keep records including the name of each person hunting on the area, the day of the hunt, the number of game birds (pheasant, quail, chukar partridge, and ducks) killed each day, and the number of game birds liberated on the facility. <u>Id.</u> at §26-48-7(b). Such records must be submitted to the department annually. <u>Id.</u></p> <p>A Connecticut Department of Environmental Protection official stated that regulated private shooting preserves are only authorized for game birds.</p>

State	Statutes	Regulations
Connecticut <i>(cont'd)</i>	any business for the purpose of attracting trade...at any fair, exhibition or place of amusement, recreation or entertainment, or owns, keeps or has in his custody any animal...for any such purpose, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both..." This statute, however, does not apply to the exhibition of any animal by any educational institution or in a zoological garden or in connection with any theatrical exhibition or circus. <u>Id.</u>	
Delaware	<p>Under Delaware statutes "no person shall make use of any pitfall, deadfall, scaffold, cage, snare, trap, net, pen, baited hook, lure, urine or baited field or any other similar device or any drug, poison, chemicals or explosives for the purpose of injuring, capturing or killing birds or animals protected by the laws of this State, except muskrats, raccoon, opossum, minks, snapping turtles and otters, and except as otherwise expressly provided." 7 D.C.A. §704.</p> <p>Licenses are required for any person who desires to engage in the business or industry of breeding game animals or game birds. <u>Id.</u> at §561(a). A license, at the cost of \$25, is also required for any persons, clubs, or associations who desire, pursuant to regulations issued by the Department of Natural Resources and Environmental Control, to engage in experimental propagating, holding, raising, releasing, and shooting of rabbits and game birds. <u>Id.</u> at §582.</p>	Delaware regulations pertaining to the establishment and operation of shooting preserves are quite restrictive. The Division of Fish and Wildlife "may issue permits to allow the taking of captive-reared mallards during the established waterfowl season under applicable federal regulations." WR-3 §4. Permits are only issued to persons who "control at least 100 acres of land on which there is suitable waterfowl habitat; agree to follow a management plan and federal regulations; and maintain a log of guests and birds harvested." <u>Id.</u> In addition, "it shall be unlawful for any person to hunt liberated game on licensed game preserves from April 1 through October 14." WR-6.
Florida	A "private hunting preserve" includes "any area set aside by a private individual or concern on which artificially propagated game or birds are taken." F.S.A. §372.001(14). "Game" is defined as "deer, bear, squirrel, rabbits, and, where designated by commission rules, wild hogs, ducks, geese, rails, coots, gallinules, snipe, woodcock, wild turkeys, grouse, pheasants, quail, and doves." <u>Id.</u> at §372.001(11). The operation, commercially or otherwise, of a hunting preserve requires a \$70 license fee for each such preserve. <u>Id.</u> at §372.661(1). During the open season established for wild game of any species, however, a private individual may take artificially propagated game up to the legal bag limit without paying the license fee. <u>Id.</u> If a person charges a fee for taking such game, then the license fee is required and the person must comply with the rule and regulations developed by the Florida Fish and Wildlife Commission relative to the operation of	A license may be issued by the executive director of the Florida Fish and Wildlife Conservation Commission "for the establishment and operation of a private hunting preserve to allow the release and taking of captive-raised native and non-native game animals." F.A.C. 68A-12.010(1). A hunting preserve shall consist of not more than 10,000 acres. <u>Id.</u> at 68A-12.010(2). For the hunting of game mammals, the land "shall be located within a legally fenced tract." <u>Id.</u> All laws or regulations pertaining to hunting shall apply on all hunting preserves except as follows: (a) the taking of carnivorous animals is prohibited on hunting preserves. Only game birds and game mammals of the Cervidae, Suidae, and Bovidae families shall be taken on hunting preserves; (b) game mammals shall not be taken on hunting preserves while boxed or caged and shall

State	Statutes	Regulations
<p>Florida <i>(cont'd)</i></p>	<p>private hunting preserves. <i>Id.</i> A commercial hunting preserve license, which exempts patrons from other hunting licensure requirements while hunting on the licensed preserve property, costs \$500. <i>Id.</i></p> <p>A license is required to establish, maintain, and operate a private game preserve or farm, not exceeding an area of 640 acres, for the protection, preservation, propagation, rearing, and production of game birds and animals for private and commercial purposes. <i>Id.</i> at §372.16(1). All such facilities must be fenced in a manner that domestic game thereon may not escape and wild game on surrounding lands may not enter and provide sufficient food and humane treatment for the game kept thereon. <i>Id.</i> at §372.16(2). Live game from such facilities may be purchased, sold, shipped, and transported for propagation and restocking purposes only at any time. <i>Id.</i> Game may be sold for food purposes only during the open season provided by law. <i>Id.</i> Furthermore, all game “must be killed on the premises of such private game preserve or farm and must be killed by means other than shooting, except during the open season.” <i>Id.</i> Reports from the operations of such facilities are required by the Commission. <i>Id.</i></p> <p>It is unlawful to “import for sale or use, or to release within this state, any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the . . . Commission.” <i>Id.</i> at §372.265(1).</p>	<p>be taken only in accordance with the following conditions and methods:</p> <ol style="list-style-type: none"> 1. Cervidae shall be free-roaming on not less than 200 acres, with a minimum of 100 acres covered with woody vegetation. The preserve shall be completely enclosed with an eight-foot deer-proof fence. 2. Bovidae shall be free-roaming on not less than 300 acres, with a minimum of 200 acres covered with grassy vegetation. The preserve shall be completely enclosed with an eight-foot deer-proof fence. 3. Suidae shall be free-roaming on not less than 100 acres, with a minimum of 50 acres covered with woody vegetation. Dogs may be used for the hunting of Suidae but only if the area is a minimum of 300 acres, with 200 acres covered with woody vegetation. <i>Id.</i> at 68A-12.010(4)(a,b)(1,2,3). <p>In addition, “the hunting of game mammals that were produced, raised, or held at a zoological attraction, or that are tame game mammals is prohibited.” <i>Id.</i> at 68A-12.010(6). A “tame game mammal” is defined as “one that does not exhibit the flight characteristics or normal (behavior) for the species when found in the wild.” <i>Id.</i> The open season for taking native game mammals shall coincide with the established open season while nonnative hoofed stock and nonnative game birds may be taken year-round on licensed hunting preserves. <i>Id.</i> at 68A-12.010(11).</p> <p>* Instead of banning canned hunts, the Florida Fish and Wildlife Conservation Commission addressed the “humane treatment” of the animals on shooting preserves by creating regulations that apply to harvesting methods, sanitary conditions, food provision, and euthanization.</p>
<p>Georgia</p>	<p>Georgia statutes define a “commercial shooting preserve” to be “any shooting preserve open to the general public for a fee.” G.C.A. §27-1-2(18). A “private shooting preserve” is “any shooting preserve owned or leased by an individual, partnership, firm, corporation, association, or other entity and used only by the owners, members, and guests.” <i>Id.</i> at §27-1-2(54). A “shooting preserve” means “any area utilized for the purpose of shooting or taking, or shooting and taking, game birds or pen raised game</p>	<p>Georgia does not have regulations pertaining to the establishment and operation of shooting preserves.</p> <p>A subsequent letter from the Georgia Department of Natural Resources further states, “Hunting of some species of pen-raised, released game birds is allowed; shooting of animals confined in fences ‘under circumstances that virtually assure the hunter is success’ is not.”</p>

State	Statutes	Regulations
<p>Georgia (cont'd)</p>	<p>birds.” <i>Id.</i> at §27-1-2(66). Georgia statutes require that a commercial or private shooting preserve license be obtained prior to the release of “pen raised game birds,” <i>Id.</i> at §27-3-110(a), and that other conditions be met. <i>Id.</i> at §27-3-110(c)(1-3). These conditions include the requirement that “the land to comprise the preserve must consist of not more than 1,000 acres and not less than 100 acres.” <i>Id.</i> at §27-3-110(c)(1). “Game birds” is defined to include “turkey, quail, grouse, and all migratory game birds.” <i>Id.</i> at §27-1-2(35). In addition, “It shall be unlawful for any person to propagate, possess, or release on any shooting preserve any bird or animal except bobwhite quail, chukar or red-legged partridge, coturnix or Japanese quail, pheasant, mallard, and black duck unless that person has received prior written approval from the department.” <i>Id.</i> at §27-3-113. According to the Georgia Department of Natural Resources, “All exotics, referred to as Wild Animals in Georgia law, are protected against hunting under O.C.G.A. § 27-5-12 that states: ‘It shall be unlawful to shoot, kill or wound any wild animal held under a wild animal license or permit or any farmed deer for enjoyment, gain, amusement or sport.’” But Georgia does allow game preserves for fox and coyote. <i>Id.</i> at §27-2-22.1.</p> <p>Persons who desire to hold or possess any game animal or game bird for the purpose of propagation or as a pet must obtain a game-holding permit. <i>Id.</i> at §27-2-11. “Game animals” is defined to include “bear, bobcat, deer, fox, opossum, rabbit, raccoon...squirrel, cougar.” <i>Id.</i> at §27-1-2(34). But <i>Id.</i> at §27-3-113 prohibits the possession or release of any of these animals on a shooting preserve. The department may issue the permit when, “in its discretion, it determines that permit issuance is in the best interest of the game animal or game bird and in the best interest of the wildlife and the citizens of this state.” <i>Id.</i> at §27-2-11. While the statute prohibits any game animals or game birds held under such a permit from being sold, it excludes holders of valid commercial shooting preserve licenses who may charge a fee to users of such preserves who take or attempt to take such species. <i>Id.</i></p>	

State	Statutes	Regulations
Hawaii	<p>A license is required to engage in the “business of conducting a private and commercial shooting game preserve, or breeding and selling game birds,...(and) shall be issued by the department, pursuant to rules as may be adopted by the department.” H.R.S. §183D-34. The Department of Land and Natural Resources is authorized to declare, by rule, “any bird which has been or may be introduced into the State to be propagated for hunting purposes, to be a game bird within the meaning of this chapter.” <u>Id.</u> at §183D-31. Quarterly reports must be filed by private and commercial shooting preserve operators which must include, among other things, “the total number of game birds owned, killed, transported, or sold during the period under this chapter.” <u>Id.</u> at §183D-39(1-4).</p> <p>The department is also authorized, “for the purposes of preserving, protecting, conserving, and propagating wildlife,” to “establish, maintain, manage, and operate game management areas, wildlife sanctuaries, and public hunting areas on land under its control as it deems desirable and enter into agreements for taking control of privately owned lands for those purposes.” <u>Id.</u> at §183D-4.</p> <p>Hawaiian law designates the following species, when living in a wild or feral state not under domestication, as game mammals: “deer, pronghorn, goat, sheep, cattle, pig, and any other mammal that may be or has been introduced into the State and released for hunting and for which a hunting season is established by law or by rule of the department.” <u>Id.</u> at §183D-51(a). However, “nothing in this section shall permit the taking, catching, pursuing, or killing of any mammal in the legal possession or control of any person, or where otherwise prohibited by law or by rule of the department.” <u>Id.</u> at §183D-51(b).</p>	<p>Regulations promulgated by Hawaii’s Department of Land and Natural Resources, Division of Forestry and Wildlife specify that anyone licensed to operate a private or commercial shooting preserve must “comply with the provisions of Chapter 183D, Hawaii Revised Statutes and all applicable rules.” H.R.S. §13-122-16. The regulations make it clear that only game birds are permitted to be hunted on private or commercial shooting preserves.</p>
Idaho	<p>The Idaho Department of Fish and Game is “authorized to issue shooting preserve licenses for the purpose of permitting shooting of privately owned upland game birds on privately owned premises.” I.C. §36-2201. The department is authorized to make rules and regulations regarding the operation and maintenance of such facilities consistent with the statute. <u>Id.</u> Idaho</p>	<p>Idaho regulations pertaining to shooting preserves specify that a permit from the director of the Department of Fish and Game is required to operate a shooting preserve. I.A.C. 500.01. No shooting preserve permit “shall be issued except upon verification by the Department that the proposed area has suitable habitat to provide food and cover for birds re-</p>

State	Statutes	Regulations
<p>Idaho (cont'd)</p>	<p>law provides that the "game which may be hunted under this act shall be confined to artificially propagated upland game birds." <u>Id.</u> at §36-2205. However, in addition to the authorized taking of upland game birds, "one hundred percent of exotic species not established and classified as game birds in this state may also be taken under the provisions of this act." <u>Id.</u> at §36-2208. 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. <u>Id.</u></p> <p>A license or permit, issued by the director, is also necessary to "engage in any propagation or (to) hold in captivity any species of big game found wild in this state." <u>Id.</u> at §36-701(a). Any other species of wildlife, except for species of special concern or threatened and endangered species, can be held in captivity without a permit so long as the wildlife was lawfully obtained. <u>Id.</u> at §36-701(b). This requirement for a license or permit does not apply to "any domestic cervidae farm," <u>Id.</u> at §36-701(c)1, or to any "exotic wildlife." <u>Id.</u> at §36-701(c)2.</p> <p>A commercial wildlife farm license is required to "obtain, possess, preserve, or propagate any species of big game animals found wild in this state for the purpose of selling the same." <u>Id.</u> at §36-703. Such farms must be constructed so as not to contain any land where wild big game animals naturally abound and must be enclosed to prevent escape of big game commercial farm animals and prevent entry of publicly owned big game animals. <u>Id.</u> at §36-703(a)2-3. Furthermore, any person "who imports, possesses or sells any wildlife, exotic or found wild in this state, shall keep accurate records as to the dates, names and addresses of persons or facilities from which the wildlife was obtained, as well as records of disposal, purchase or sale of any wildlife in their possession or possessed during the past five (5) years." <u>Id.</u> at §36-709(c).</p>	<p>leased for hunting purposes. <u>Id.</u> at 500.07. Only "those species of upland game birds specified on the shooting preserve permit may be held and/or released on such shooting preserve facility." <u>Id.</u> at 500.04. Idaho also maintains a list of species, including Rocky Mountain elk, reindeer, caribou, bison/buffalo, gray/Hungarian partridge, pheasants or chukar partridge, and wild quail, which are permitted to be imported into the state with a license. <u>Id.</u> at 700.01 and 700.02. The importation of all species of live wildlife not listed under 700.02 is subject to consideration on a case-by-case basis. <u>Id.</u> at 700.04.</p>
<p>Illinois</p>	<p>Illinois law specifies that an "exotic game hunting area permit" is required by "any person who imports into Illinois wild or semi-domestic mammals from other states or foreign countries for the purpose of providing hunting with bow and arrow or gun with or without dogs." 520 I.A.S.</p>	<p>A representative from the Illinois Department of Natural Resources indicated that Illinois has no regulations governing the establishment and operation of shooting preserves for mammals. The official also indicated that there were</p>

State	Statutes	Regulations
<p>Illinois <i>(cont'd)</i></p>	<p>§5/3.34. Each such hunting area cannot be under 640 contiguous acres nor more than 2,560 acres in size and must be fenced in a manner capable of holding the mammals released. <i>Id.</i> In addition to the annual fee for such a permit (\$1,000), a \$10,000 bond also must be obtained “to cover damages that may occur if the mammals escape from the enclosure.” <i>Id.</i> Any mammals released into such areas “must be inspected and certified disease free from a licensed Illinois veterinarian.” <i>Id.</i> In addition to such private exotic game hunting areas, the State of Illinois also operates the Wilmington, Glen D. Palmer, and Mt. Vernon State Game Farms. <i>Id.</i> at §5/1.9-1. It is unclear what activities are permitted on these state game farms.</p>	<p>no such shooting preserves in the state. However, the statute does authorize the establishment and operation of exotic game hunting areas. Illinois does have regulations for evaluating hunting of birds on game breeding and hunting preserve areas. See 17 I.A.C. at §745 et seq.</p>
<p>Indiana</p>	<p>Under Indiana statutes, a license is required for the operation of a shooting preserve. I.S.A. §14-22-31-1. The size of a shooting preserve is limited to “not less than one hundred (100) acres and not more than six hundred forty (640) acres.” <i>Id.</i> A shooting preserve licensee “may propagate and offer for hunting” several species of waterfowl and upland game birds and “species of exotic mammals that the department determines by rule.” <i>Id.</i> at §14-22-31-7(1 and 2). The licensee is, however, prohibited from importing or keeping carnivores. <i>Id.</i> at §14-22-31-14. Hunting on a shooting preserve can only occur “during September, October, November, December, January, February, March, or April.” <i>Id.</i> at §14-22-31-10.</p> <p>A permit is required to authorize the importation of any “living wild animal” for the “purpose of release or selling for release.” <i>Id.</i> at §14-22-25-2. Such a permit may only be granted upon satisfactory proof that the specific animals intended to be imported are free of communicable disease at the time of importation, the animals will not become a nuisance, and the animals will not cause damage to a native wild or domestic species. <i>Id.</i> at §14-22-25-4.</p>	<p>An Indiana Department of Natural Resources official stated that while the possession of cervids requires a game breeders license, no cervids can be hunted or shot under this permit. Additionally no cervids may be possessed, hunted, or shot under a shooting preserve license. Facilities that breed cervids and offer shooting must keep the breeding facilities and shooting facilities completely separate. Individual white-tailed deer cannot be offered for hunting or shooting and can be sold only for breeding purposes, but charging a fee to hunt or shoot on private land is legal. No permit is required or available for a shooting operation for cervids that is not part of a game breeders or shooting preserve license and no permit is required to shoot exotic mammals on private land.</p> <p>In 2004, the Indiana Department of Natural Resources initiated efforts to completely rewrite and update regulations pertaining to canned hunts.</p>
<p>Iowa</p>	<p>Iowa statutes specify that “a person who owns or controls by lease or otherwise for five or more years, a contiguous tract of land having an area of not less than three hundred twenty acres, and who desires to establish a hunting preserve,</p>	<p>Iowa regulations closely mimic the relevant state statutes. Iowa regulations define a “hunting preserve operator’s license” as “a seasonal license which authorizes the holder to</p>

State	Statutes	Regulations
Iowa <i>(cont'd)</i>	<p>to propagate and sell game birds and their young or unhatched eggs, and shoot game birds and ungulates on the land, under this chapter or the rules of the commission, shall make application to the department for an operator's license. I.C.A. §484B.4.1 In determining if the license should be issued, the department must determine that: "(a) the proposed hunting preserve contains at least three hundred twenty acres but not more than two thousand five hundred sixty acres"; (d) "the game birds or ungulates released on the preserve will not be detrimental to wildlife"; and (e) "the proposed hunting preserve will not interfere with the normal activities of migratory birds." <i>Id.</i> at §484B.4.2(a)(d)(e). While the killing of any game bird or ungulate upon a hunting preserve is, with few exceptions, limited to the established hunting season, <i>id.</i> at §484B.10.1, the hunting season for any nonnative, pen-reared ungulates on a hunting preserve is established by the licensee. <i>Id.</i></p>	<p>establish a hunting preserve for the purpose of holding, propagating, and releasing game birds and ungulates for hunting purposes." I.A.C. §571-112.1. "Game birds" is defined as "pen-reared birds of the family gallinae and mallard ducks." <i>Id.</i> The term "ungulate," as used in the regulation, means "pen-reared, hoofed, nondomesticated mammal." <i>Id.</i> If ungulates are to be hunted on a hunting preserve, the licensee must "construct and maintain a deer-proof boundary fence...with a minimum fence height of eight feet above ground level." <i>Id.</i> at §571-112.5. Ungulates "shipped or transported into Iowa for hunting preserve purposes shall be accompanied by an approved Certificate of Veterinary Inspection." <i>Id.</i> at §571-112.11. Each hunting preserve licensee is required to submit an annual activity report no later than April 30 of the license year to the Law Enforcement Bureau of the Iowa Department of Natural Resources. <i>Id.</i> at §571-112.6.</p>
Kansas	<p>Kansas law requires that a license be obtained for the operation of a controlled shooting area. K.S.A. §32-944 and §32-945. Such areas must be not less than 160 acres nor more than 1,280 acres and are to be used for the propagation and shooting of game birds. <i>Id.</i> at §32-944. "Game bird" is defined to include "pheasant, quail, partridge, turkey, hand-raised mallard duck, prairie chicken, grouse, exotic game bird or any other bird hunted by sportspersons." <i>Id.</i> at §32-943(a). The secretary of the Department of Wildlife and Parks, however, "may issue to the licensee of a private membership licensed controlled shooting area special permits and game tags for the taking of deer for purchase by persons who are permitted by the licensee to hunt on such area." <i>Id.</i> at §32-947. Permits are required to import wildlife into Kansas. <i>Id.</i> at §32-956.</p>	<p>Under the regulations promulgated by the Kansas Department of Wildlife and Parks, each applicant for a controlled shooting area license must, among other things, identify the game birds to be released and hunted. §115-11-1(b)(4). In addition to hunting game birds on such facilities, "hunting during established seasons and in compliance with all laws and regulations governing the hunting activity may occur on a controlled shooting area for wildlife species not included in K.S.A. 32-943, and amendments thereto, or for any wildlife species not included in the license issued for that controlled shooting area." §115-11-2(j). The hunting, shooting or taking of wild migratory waterfowl, however, shall be prohibited on each controlled shooting area used for the shooting of hand-reared mallard ducks. <i>Id.</i></p>
Kentucky	<p>Kentucky statutes provide that "the commissioner of Fish and Wildlife Resources, with the approval of the commission, may contract with any landowner of the state, for a specified term of years, to set aside and maintain land as a game refuge." K.R.S. §150.240(1). Furthermore, "the commissioner, with the approval of the commission, may issue permits for public or</p>	<p>Kentucky regulations pertaining to shooting preserves provide several relevant definitions. A "commercial shooting preserve" is defined as "a shooting preserve which is open to the public and charges fees for hunting." 301 K.A.R. §2:041.1(1). A "private shooting preserve" is "a shooting preserve which is open only to members." <i>Id.</i> at §2:041.1(4). A</p>

State	Statutes	Regulations
<p>Kentucky <i>(cont'd)</i></p>	<p>commercial shooting areas, and shall adopt regulations governing same.” <i>Id.</i> at §150.240(2). Under Kentucky law a permit from the department is required by any person desiring to “propagate or hold protected wildlife.” <i>Id.</i> at §150-280. “Protected wildlife” is defined as “any wildlife for which an open or closed season for taking has been designated.” <i>Id.</i> at §150.010(25).</p>	<p>“shooting preserve” is “a place where animals are held or propagated in captivity and released to be taken by hunters.” <i>Id.</i> at §2:041.1(5). A “hoofed animal” is defined as “ungulate wildlife except wild hog and javelina.” <i>Id.</i> at §2:041.1(2).</p> <p>A permit is required for the operation of a shooting preserve. <i>Id.</i> at §2:041.3(1)(a). The hunting season for hoofed animals is set for September 1 through May 15. <i>Id.</i> at §2:041.2(3). Seasons for “other species shall conform to those in effect where the preserve is located.” <i>Id.</i> at §2:041.2(4). A shooting preserve cannot be larger than 2,000 acres. <i>Id.</i> at §2:041.5(1). A commercial shooting preserve permit holder must not release a hoofed animal unless “the preserve is a single block of land at least 300 acres,” <i>id.</i> at §2:041.8(1)(a)1, and “the preserve is fenced to contain released animals and to exclude native hoofed wildlife.” <i>Id.</i> at §2:041.8(1)(a)2. Records of the number of each hoofed species released and the name, address, hunting license number, and game killed by species by each hunter must be maintained, <i>id.</i> at §2:041.8(2)(a)1-2, and must be submitted to the department at the end of each month from September through May. <i>Id.</i> at §2:041.8(2)(b).</p>
<p>Louisiana</p>	<p>Louisiana law requires “any person, firm or corporation desiring to establish, maintain or operate a hunting preserve within the state of Louisiana to permit the releasing and shooting or taking of pen-raised game birds by the public for a fee or otherwise may apply to the Louisiana Wildlife and Fisheries Commission for a license to so do.” L.S.A. §56:651. Criteria for operating a hunting preserve include, among other things, that the property comprising such preserve shall be adequately enclosed by fence, <i>id.</i> at §56:654(2), and “only pen-raised mallard or black ducks, at least two generations removed from the wild, or pen-raised quail are approved state game birds which may be used for preserve hunting.” <i>Id.</i> at §56:654(3).</p> <p>A license is also required for any person who “desires to engage in raising, selling, or raising and selling domesticated white-tailed deer or</p>	<p>Louisiana regulations specify, as stated in the relevant statutes, that only pen-raised game birds can be released and shot on hunting preserves. L.A.C. 305 et seq. In determining if a license should be issued to permit the establishment and operation of a hunting preserve, “the Department of Wildlife and Fisheries shall base its determination on whether or not the proposed shooting area will cause conflicts with wild migratory game bird hunting, or be in violation of state and federal regulations concerning the feeding of migratory waterfowl or the use of live decoys, that the establishment of the shooting area will be in the public interest, and that the operation of a Hunting Preserve at the location specified in the application will not have a detrimental effect upon wild migratory or resident game birds.” <i>Id.</i> at 305-2-a.</p>

State	Statutes	Regulations
<p>Louisiana <i>(cont'd)</i></p>	<p>other domesticated deer native to North America; squirrels, rabbits, or other wild game quadrupeds... on breeding farms or propagating preserves of which he is owner or lessee." <i>Id.</i> at §56:171A. Any licensee "may kill or sell such animals or birds provided for in this Subpart at any time, except that domesticated species of wild game birds or wild waterfowl, killed by shooting, shall not be bought, sold or traded under the provisions of this Subpart." <i>Id.</i> at §56:172A. This provision only allows the licensee to sell or kill the animals bred or propagated under this license.</p> <p>A license also must be obtained from the commissioner of Agriculture by "whoever desires to engage in raising, selling, or raising and selling imported exotic deer and antelope, elk, and farm-raised white tail deer, for commercial purposes, on breeding farms or propagating preserves of which he is the owner or lessee." <i>Id.</i> at §3:3102A. The license issued under this provision "shall permit the licensee to breed and propagate such animals and sell them alive, or sell their parts, and to kill and transport them and sell their carcasses for food." <i>Id.</i> at §3:3102B. This provision only allows the licensee to sell or kill the animals bred or propagated under this license.</p> <p>Louisiana law prohibits the sale or use of an animal who "is presently or was formerly a part of a zoo or circus" for sport killing. <i>Id.</i> at 14:102.20.</p>	<p>Louisiana regulations also include provisions pertaining to persons licensed as game breeders. Specifically, game breeders can only keep those classes of animals for which they have been approved. <i>Id.</i> at 107-C-1-b. "Game quadrupeds and birds cannot be taken from the wild, nor can domesticated game quadrupeds or birds be released into the wild except as provided on licensed hunting preserves, and as provided by valid bird-dog training permit, field trial permit or federal falconry permit." <i>Id.</i> at 107-C-1-a. Hunting or killing of deer or other big game animals held by a licensed game breeder "by individuals other than the licensee must conform to all hunting regulations including season and hunting license requirements for the area in which the animals are confined." <i>Id.</i> at 107-C-4.</p> <p>A state official specified that hunting is not allowed on any permitted facility that is less than 300 acres in size.</p>
<p>Maine</p>	<p>Maine law specifies that the commissioner of the Department of Inland Fisheries and Wildlife may issue licenses authorizing the establishment and operation of commercial shooting areas. 12 M.R.S. §7105-A(1).</p> <p>The shooting of large game on commercial large game shooting areas is regulated by the Maine Department of Agriculture. Pursuant to agricultural statutes, a "commercial large game shooting area" means "an enclosed area in which large game are kept and a fee is charged to pursue and kill or pursue and attempt to kill large game." 7 M.R.S. §1341-1. "Large game" is defined to include "domesticated deer, domesticated boar and domesticated bison." <i>Id.</i> at §1341-5. Beginning October 1, 2000, a license is required before any person may establish or operate a commer-</p>	<p>In response to a request for the regulations pertaining to the establishment and operation of commercial shooting areas, the Maine Department of Inland Fisheries and Wildlife provided a copy of its relevant statutes. The Maine Department of Agriculture was not contacted to determine if it had regulations pertaining to the establishment and operation of a commercial large game shooting area.</p>

State	Statutes	Regulations
<p>Maine <i>(cont'd)</i></p>	<p>cial large game shooting area unless that person has a valid license issued in accordance with this section. <i>Id.</i> at §1342. The commissioner “may issue a license . . . only to a person who operated a commercial large game shooting area during the period beginning October 1, 1999 and ending March 15, 2000 and only for large game offered for harvesting within that area during that time period.” <i>Id.</i> To qualify for a license the commercial large game shooting area may not exceed 400 acres, <i>Id.</i> at §1342-2C, and must be encompassed by “fencing or other barriers sufficient to contain the species of large game contained in that shooting area.” <i>Id.</i> at §1342-2D. For facilities containing deer, the facility must be a minimum of 50 acres in size. <i>Id.</i> at §1342-2A. For all other species, the facility must be a minimum of 200 acres in size. <i>Id.</i> at §1342-2B. Large game “may not be tethered in a shooting area and must be free to roam.” <i>Id.</i> at §1342-6. The commissioner or a veterinarian is authorized to inspect each facility and to conduct tests on large game for the existence of contagious or infectious diseases. <i>Id.</i> at §1342-7.</p>	
<p>Maryland</p>	<p>The establishment of a regulated shooting ground must obtain a permit from the Department of Natural Resources. NR A.C.M. §10-906(a). The department, by regulation, must establish “the types and classes of permits and licenses . . . issued, the species of wildlife exempt from the permit and license requirement, sanitary housing or any other conditions which are necessary for the humane, safe, and healthy possession of wildlife, conditions under which captive wildlife may be hunted or released to the wild, and record keeping requirements.” <i>Id.</i> at §10-902(b).</p> <p>The Maryland General Assembly “finds and declares that it is in the public interest to insure the conservation, preservation, and condition of wildlife native to Maryland, by strictly regulating in the State the possession, importation, exportation, breeding, raising, protection, rehabilitation, hunting, killing, trapping, capture, purchase, or sale of certain wildlife which pose a possibility of: (1) harmful competition to native wildlife; (2) the introduction of a disease or pest harmful to native wildlife; . . . (and) (4) threatening native wildlife or other natural resources.” <i>Id.</i></p>	<p>Maryland regulations define a “regulated shooting area” to mean “a tract of land, including any waters, on which the licensee may release and shoot pen-reared pheasant, bobwhite quail, chukar partridge, and mallard ducks.” COMAR 08.03.13.01 A(4). A “commercial regulated shooting area” is a “regulated shooting area that is open to the public and charges a fee.” <i>Id.</i> at 08.03.13.01 A(1). A “noncommercial regulated shooting area” means a “regulated shooting area that is closed to the public or has closed membership.” <i>Id.</i> at 08.03.13.01 A(4).</p> <p>A person may not operate a noncommercial regulated shooting area without a permit. <i>Id.</i> at 08.03.13.02 (2) B(1). A person possessing a permit to operate a regulated shooting area is authorized to “raise, release, and hunt captive-raised pheasant, bobwhite quail, chukar partridge, Hungarian partridge, turkeys and mallard ducks on the permitted regulated shooting area as provided on the permit and subject to the regulations in this chapter. Turkeys may be authorized for release only on a regulated shooting area that was permitted</p>

State	Statutes	Regulations
<p>Maryland <i>(cont'd)</i></p>	<p>at §10-901. Therefore, Maryland law requires “any person desiring to possess, import, export, breed, raise, protect, rehabilitate, hunt, kill, trap, capture, purchase, or sell any wildlife, native to Maryland, (to) first obtain a permit or license from the Department.” <u>Id.</u> at §10-902.</p>	<p>to release turkeys before September 1, 1992.” <u>Id.</u> at 08.03.13.02.</p> <p>The open season for captive-raised pheasant, chukar partridge, Hungarian partridge, turkey, and flighted mallard ducks is October 1 through March 31. <u>Id.</u> at 08.03.13.05.</p> <p>A Maryland Department of Natural Resources official stated that Maryland does not permit regulated shooting areas to release anything other than game birds.</p>
<p>Massachusetts</p>	<p>Massachusetts law authorizes the director of the Department of Fisheries and Wildlife “to issue permits for the operation of commercial shooting preserves.” M.G.L.A. 131 §31. To obtain a permit the “proposed shooting preserve (must) consist(s) of a single parcel of land containing not less than one hundred acres nor more than five hundred acres, . . . the applicant produces satisfactory evidence of his ability to raise or purchase for liberation at least two hundred pheasants, quail or nonnative game birds for each one hundred acres of shooting preserve, and provided . . . that the operation of such shooting preserve does not . . . conflict with the public interest.” <u>Id.</u> A permit to operate a shooting preserve entitles the permit holder and his or her guests “to kill and take on such preserve, by shooting only, pheasants, quail, chukar partridges, Hungarian partridges, domestic ducks . . . or other nonnative game birds without regard to sex or bag limits from September fifteenth to March thirty-first, inclusive.” <u>Id.</u></p> <p>A propagator’s license or dealer’s license is also required to “engage in the propagation, cultivation, or maintenance of, or the dealing in, fish, birds, mammals, reptiles, or amphibians . . .” <u>Id.</u> at §23. A license is also necessary for any individual “to possess, maintain, buy, sell, offer for sale or have in possession for the purpose of sale, birds, mammals, reptiles or amphibians,” <u>Id.</u> at §23(4), or for any individual, club or association “to possess birds or mammals to propagate for the purpose of liberation into covers open to public hunting . . .” <u>Id.</u> at §23(5). Finally, a permit is necessary to import any wild animal. <u>Id.</u> at §19A.</p>	<p>A permit to operate a commercial shooting preserve “shall entitle the permittee, and his clients, guests, or members, to hunt, kill, and take game birds of those species and at those times and in accordance with such conditions as shall be prescribed pursuant to M.G.L. c. 131, §31 and 321 CMR 2.05.” 321 CMR §2.05. The only game birds who may be propagated or imported and liberated on a commercial shooting preserve are “ring-necked pheasant, bobwhite quail, chukar partridge, Hungarian or gray partridge, (and) captive-reared mallard ducks.” <u>Id.</u> at §2.05(15)(a-e). The only exception to this provision is that wild deer can be hunted on commercial shooting preserves “during the shotgun period or the primitive firearms period of the open deer season.” <u>Id.</u> at §2.05(19).</p> <p>In a letter, the assistant director of Wildlife of the Massachusetts Department of Fisheries and Wildlife clarified the following regulations: “1) that the Division of Fisheries & Wildlife (DFW) has authority to issue permits for the operation of Commercial Shooting Preserves where only certain farm raised birds, primarily pheasants, can be released for the purposes of hunting, 2) no mammals can be raised and liberated for hunting (on or off of Commercial Shooting Preserves), and 3) DFW has authority to issue permits for the propagation of specific wildlife species for specific reasons but, except for five species of birds (like pheasants), not for the purposes of hunting in Massachusetts.”</p>

State	Statutes	Regulations
Michigan	<p>Michigan statutes authorize the Department of Natural Resources to issue licenses permitting the establishment and operation of private shooting preserves. M.S.A. §324.41702. Birds who may be hunted under a shooting preserve license “shall be limited to artificially propagated wild turkeys and wild turkey hybrids and other artificially propagated species as prescribed by the department.” <i>Id.</i> at §324.41704. “A wild bird or wild animal of a species other than permitted to be hunted under authority of a license issued under this part shall not be hunted or killed on any shooting preserve except in accordance with the laws of this state governing the hunting of that species.” <i>Id.</i> at §324.41707.</p> <p>Exotic mammal and deer hunting on private land is regulated by the Agriculture Department’s livestock laws. Cervidae livestock facility registration is required by the Department of Agriculture. 287.955. A cervidae livestock operation is an “operation that contains 1 or more privately owned cervidae species involving the producing, growing, propagating, using, harvesting, transporting, exporting, importing, or marketing of cervidae species.” 287.952.</p> <p>A license is also required to “maintain in captivity or propagate or sell game, except as otherwise provided by law.” M.S.A. at §324.42703. A person licensed under this statute “may possess, propagate, use, buy, sell, trap, kill, consume, ship, or transport any or all of the stock designated in that license, and offspring, products, carcasses, pelts, or other parts of the stock as provided in this part.” <i>Id.</i> at §324.42705. Pursuant to this license, “all islands, enclosures, and pens used for propagation purposes shall be of a character and in a location that the department approves as satisfactory to keep in complete and continuous captivity the stock covered by the license, and shall be constructed in a manner to prevent the entrance of wild stock of the same species.” <i>Id.</i> at §324.42706(1). Any game animals “covered by a license may be taken or killed in any manner and at any time, except that game birds covered by a license may not be shot, except by the holder of a license in special situations when the department promulgates rules or the department issues orders permitting the shooting of</p>	<p>The Michigan Department of Natural Resources information circular entitled <i>Permits to Hold Wildlife in Captivity</i> summarizes the laws of Michigan in regard to maintaining wildlife in captivity. The information circular provides the following information about hunting on licensed premises: “Permittees, their employees, and clients that take, by firearm, bow, or other means, licensed mammal species upon licensed premises are not regulated by the hunting laws and hunting license laws. However, permittees, clients, and employees are always required to comply with the general statewide statutes regarding the possession and use of firearms, and bows and arrows, and other nonhunting statutes. Permittees, employees and clients are required to comply with the hunting and licensing laws when hunting nonexotic species for which other permittee is not licensed (e.g., hunting or trapping fox upon premises licensed for captive deer). Persons that have exotic species are not required to have a permit from the DNR, and are not required to comply with the hunting and hunting license laws when harvesting captive exotic species. The shooting of captive game birds is prohibited under a Permit to Hold Wildlife in Captivity. Captive game birds may be shot, but only under the authority of a Game Bird Hunting Preserve License.”</p> <p>However, the shooting of exotic mammals and deer on private property is regulated by the Michigan Department of Agriculture and not the Department of Natural Resources.</p> <p>The information circular goes on to provide specific guidance on specific types of hunts. For example, the hunting of licensed species upon licensed premises is not a regulated hunting activity; thus, no hunting laws apply to this activity except for laws governing the carrying and transportation of firearms. Similarly, the hunting of exotic species upon licensed premises is not a regulated hunting activity. The hunting of native, nonlicensed species upon licensed premises, however, is governed by all hunting and licensing laws.</p> <p>In a separate information circular entitled <i>Michigan Game Bird Hunting Preserves</i>, the rules governing the hunting of game birds on</p>

State	Statutes	Regulations
Michigan <i>(cont'd)</i>	<p>game birds." <i>Id.</i> at §324.42708(1). Furthermore, the Michigan Department of Agriculture is authorized by law to regulate the importation and transportation of captive cervidae, namely white-tailed deer and elk. <i>Id.</i> at §287.730a.</p> <p>Michigan law also limits the amount of land a person can possess for the purpose of hunting. Specifically, the law states that "a person shall not acquire, hold, or occupy by purchase, lease, or other evidence of title, possession, or right of occupancy or enclose by fences or other barriers in 1 tract an amount of real estate within this state exceeding 15,000 acres for the purpose of the preservation or propagation of game or fish or for use for yachting, hunting... or other sporting purpose." <i>Id.</i> at §324.43301.</p>	<p>licensed preserves are summarized. The only game birds permitted to be hunted on shooting preserves licensed by the Michigan Department of Natural Resources are pheasants, bobwhite quail, Hungarian partridge, wild turkeys, mallard ducks, and exotic game birds. A wildlife captivity permit is not required for a licensed game bird hunting preserve. Captive Wild Animal Commission Order §20.4(4).</p>
Minnesota	<p>A license is also required for the operation of a shooting preserve. M.S.A. §97A.115, Subd. 1. "The commissioner of the Department of Natural Resources may issue licenses to operate commercial shooting preserves and private shooting preserves if the commissioner determines that it is in the public interest and that there will not be an adverse effect on wild game bird populations." <i>Id.</i> The only species that can be released and hunted in a licensed shooting preserve "must be specified in the license and are limited to unprotected birds, adult pheasant, and bob-white quail for private shooting preserves and adult pheasant, bob-white quail, turkey, mallard duck, black duck, and other species designated by the commissioner for commercial shooting preserves." <i>Id.</i> at §97A.115, Subd. 2. This last clause may provide the commissioner with the authority to permit mammals to be released and hunted on commercial shooting preserves. But a letter from the director of the Division of Wildlife clarified that "the Department of Natural Resources (DNR) has never construed this authority to pertain to species other than game birds, and the DNR rules (Minnesota Rules, Parts 6242.0100-.0400) limit all shooting preserves to game birds." The open season for hunting in a commercial shooting preserve is continuous while the hunting season on a private shooting preserve is September 15 until December 31. M.S.A. §97A.121, Subd. 2(a-b).</p>	<p>The Minnesota Department of Natural Resources provided a summary of its shooting preserve regulations. Under these regulations, a "shooting preserve" is defined as "a privately operated facility where protected wild animals are released for shooting outside regularly established season and regulations." A license is required to operate a shooting preserve and only those species authorized on the license may be released and taken on the shooting preserve. There are two classes of shooting preserves: private and commercial. Private preserves can be licensed only in Aitkin, Becker, Carlton, Cass, Crow Wing, Norman, and Wadena Counties, and in counties to the north of those counties. Commercial preserves <i>may</i> be licensed statewide, pending approval. Private preserves are limited to 40 to 160 acres while commercial preserves are limited to 100 to 1,000 contiguous acres. The species allowed to be released on private preserves are pheasant, quail, and unprotected birds. On commercial preserves the species permitted to be released are gray partridge, mallards, pheasant, quail, black ducks, turkey, and unprotected birds. Licensees must maintain records pertaining to the operation of the preserves including the number and species of game taken.</p>

State	Statutes	Regulations
Minnesota <i>(cont'd)</i>	<p>A game farm license is required before a person “may breed and propagate fur-bearing animals, game birds, bear, moose, elk, caribous, mute swans, or deer only on privately owned or leased land.” <i>Id.</i> at §97A.105, Subd. 1 and Minnesota Rules, Parts 6242.0500-.1200. An application for such a license will not be considered until the entire game farm is enclosed sufficiently to confine the animals in a manner approved by the commissioner. <i>Id.</i> All wild animals and their offspring identified in the license within the enclosure are the property of the game farm licensee. M.S.A. §97A.105, Subd. 3. The director of the Division of Wildlife of the DNR further stated in a letter that “game farms are not licensed to conduct hunts in Minnesota.”</p>	
Mississippi	<p>As provided for in Mississippi statutes, “The Commission on Wildlife, Fisheries and Parks shall not prohibit the operation of a hunting enclosure for hunting or pursuing rabbit, fox or coyote, but the commission may prescribe regulations and require a permit for the operation of such hunting enclosures.” §49-7-34(1).</p> <p>Game animals who may be hunted under a shooting preserve license include pheasants, chukar partridges, quail, mallards, and black ducks as well as native wild animals so long as in accordance with state and federal law. <i>Id.</i> at §49-11-15.</p> <p>Mississippi law also requires that permits be obtained to “import, transfer, sell, purchase, or possess any wild animal classified (as) inherently dangerous.” <i>Id.</i> at §49-8-7. Animals declared by statute to be “inherently dangerous” includes all bears, lions, tigers, jaguars and leopards, snow leopard, cheetah, and all subspecies of cougars. <i>Id.</i> at §49-8-5(b)(ii) and (v)(A-D).</p>	<p>According to officials from the Mississippi Department of Wildlife, Fisheries, and Parks, Mississippi does not have regulations pertaining to the establishment and operation of shooting preserves for wild mammals. State law does not permit possession of exotic species. Permits are required for the possession of native wildlife.</p>
Missouri	<p>Missouri statutes define “wildlife” as “all wild birds, mammals, fish and other aquatic and amphibious forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive; and shall extend to and include any and every part of any individual species of wildlife.” A.M.S. §252.020(3). No other Missouri</p>	<p>A permit is required “to maintain and operate a licensed shooting area and to propagate, hold in captivity, and sell legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals).” 3 C.S.R. §10-9.560. “The shooting area for ungulates shall be a single body of land not less than three hundred twenty (320) acres in size, fenced so as</p>

State	Statutes	Regulations
<p>Missouri <i>(cont'd)</i></p>	<p>wildlife statute reviewed for this report either permits or prohibits the establishment and operation of a canned hunting facility.</p>	<p>to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department.” <i>Id.</i> at §10-9.565(1)(B)1. Each permittee must keep accurate records “of the number of each species acquired, propagated, sold, released, the number of each species taken and the full name and address of the taker,” <i>Id.</i> at §10-9.565(1)(B)2, and any person “taking or hunting ungulates on a licensed shooting area shall have . . . a valid licensed shooting area hunting permit.” <i>Id.</i> at §10-9.565(1)(B)3.</p> <p>Permits are necessary for exhibiting, propagating, rearing, or holding Class I and Class II wildlife in captivity. <i>Id.</i> at §10-9.353(1). Class I wildlife include mammals (except bison) native to Missouri, <i>Id.</i> at §10-9.230, while Class II wildlife includes mountain lions, wolves, and black bears and hybrids of each species. <i>Id.</i> at §10-9.240. A permit issued to maintain such species can only be issued after the applicant provides satisfactory evidence that the “stock will be secured from a legal source other than the wild stock of this state; that the applicant will confine the wildlife in humane and sanitary facilities . . . and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.” <i>Id.</i> at §10-9.353(1). None of the privileges offered by the permit “shall extend to permitting the act of hunting for such stock except that big game mammals may be shot for the purposes of herd management by the permit holder or his/her agents, but only by written authorization of the director.” <i>Id.</i> at §10-9.353(6).</p>
<p>Montana</p>	<p>Montana law includes two sections which address shooting preserves and the management of alternative livestock. Alternative livestock is defined as “a privately owned caribou, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.” M.C.A. §87-4-406(1).</p>	<p>As specified in Montana’s regulations, “the following species may be artificially propagated and hunted in shooting preserves having operating licenses or permits issued by the department under 87-4-501, et seq.: (a) pheasant, (b) quail, (c) chukar partridge, (d) turkey, (e) Hungarian partridge.” M.R. §12.6.1202(1)(a-e). Furthermore, “other species that may be added to the list in subsection (1) shall be limited to artificially prop-</p>

State	Statutes	Regulations
<p>Montana <i>(cont'd)</i></p>	<p>A ballot initiative in November 2000 amended a statute dealing with the management of alternative livestock. The amended statute specifies that “a person may not operate an alternative livestock ranch in this state without having first obtained an alternative livestock ranch license.” <u>Id.</u> at §87-4-407. A person cannot, however, apply for or be granted a license after the effective date of the act. <u>Id.</u> The 2000 ballot initiative also amended §87-4-414(2) and §87-4-412(2).</p> <p>Pursuant to an alternative livestock ranch license the “licensee may acquire, breed, grow, keep, pursue, handle, harvest, use, sell, or dispose of the alternative livestock and their progeny in any quantity and at any time of year as long as the licensee complies with the requirements of this part, except that the licensee may not allow the shooting of game animals or alternative livestock, as defined in §87-2-101 or §87-4-406, or of any exotic big game species for a fee or other remuneration on an alternative livestock facility.” <u>Id.</u> at §87-4-414(2).</p> <p>The Department of Fish, Wildlife, and Parks and the Department of Livestock have split jurisdiction over the management of alternative livestock. The Department of Fish, Wildlife, and Parks “has primary jurisdiction over alternative livestock ranches with regard to licensing, reports, recordkeeping, exterior fencing, classification of certain species under §87-4-424, unlawful capture under §87-4-418, inspection under §87-4-413, and enforcement of the functions listed in this subsection.” <u>Id.</u> at §87-4-408(1). The Department of Livestock has primary jurisdiction over “alternative livestock ranches with regard to marking, inspection, transportation, importation, quarantine, hold orders, interior facilities, health, and enforcement of the functions listed in this subsection.” <u>Id.</u> at §87-4-408(2). In addition, both departments “shall, by July 1, 2001, conduct a programmatic review of environmental impacts that may be associated with the granting of a license to operate an alternative livestock ranch.” <u>Id.</u> at §87-4-433.</p> <p>The Montana Department of Fish, Wildlife, and Parks is authorized and empowered “to issue operating licenses or permits for shooting preserves which may be privately owned and op-</p>	<p>agated species of birds that are indigenous to Montana, or have established a permanent population in Montana and are found in the wild.” <u>Id.</u> at §12.6.1202(2).</p>

State	Statutes	Regulations
<p>Montana <i>(cont'd)</i></p>	<p>erated, and to make such rules and regulations as may be necessary and proper in carrying out the purposes of this part.” <i>Id.</i> at §87-4-501. The game permitted to be hunted in shooting preserves “shall be confined to artificially propagated pheasants, quail, chukar partridges, turkeys, and such other species as the department may add from time to time.” <i>Id.</i> at §87-4-522. Any wild game found on a shooting preserve may be harvested in accordance with applicable license, game, and hunting laws pertaining to open seasons, bag and possession limits, and rules as are established regularly by the department and the U.S. fish (sic) and Wildlife Service.” <i>Id.</i> at §87-4-527.</p>	
<p>Nebraska</p>	<p>A permit is required for the operation of a game farm. R.S.N §37-465. The application for a game farm permit requires disclosure of, among other things, “the kind and approximate number of game animals, game birds, fur-bearing animals... authorized to be kept or reared on such farm or in such facility.” <i>Id.</i> at §37-465(3). The issuance of a game farm permit also allows for the importation of game animals, game birds, fur-bearing animals, and aquatic organisms except as provided in other statutory provisions. <i>Id.</i> at §37-466. Game farm permits are not, however, required for “possession or production of domesticated cervine animals as defined in section 54-701.03 which are registered with the Domesticated Cervine Animal Registry pursuant to section 54-2301.” <i>Id.</i> at §37-465. “Game animals” refers to “all antelope, cottontail rabbits, deer, elk, mountain sheep, squirrels, mountain lions, moose, and bears.” <i>Id.</i> at §37-228.</p> <p>A separate permit is required for the operation of a commercial game farm. <i>Id.</i> at §37-479. The applicant for such a permit must also comply with “all provisions of sections 37-465 to 37-469” and other statutory provisions. <i>Id.</i> Another provision requires a license to be obtained by anyone “who desires to establish a game breeding and controlled shooting area to propagate, preserve, and shoot game birds.” <i>Id.</i> at §37-484.</p>	<p>Pursuant to the Nebraska Administrative Code, “a commercial game breeding and controlled shooting area shall be defined as one which offers goods or services to clients for a fee or trade, thereby generating income and/or profit.” 163 NAC 4-015.02B1. The only birds who can be released on shooting areas for the purpose of hunting are pheasant, quail, partridge, and mallard ducks. <i>Id.</i> at §4-015.04A.</p> <p>Existing Nebraska regulations specify that it is “unlawful for any person or persons to retain wild birds or wild mammals in captivity except the following species may be kept under authority of a Captive Wildlife Permit or a Controlled Shooting Area Permit.” <i>Id.</i> at §4-0008.01A. See also <i>id.</i> at §4-008.03A. The species referred to include white-tailed deer, and bighorn sheep in some parts of the state. <i>Id.</i> The ownership of mule deer and bighorn sheep in portions of the state is banned (with the exception of grandfathered facilities). <i>Id.</i> at 4-008.07.</p> <p>A permit is necessary to purchase or possess any species of wild birds or wild mammals protected by these regulations except that species not listed on the permit and otherwise not prohibited by these regulations may be purchased at an auction or other sale. <i>Id.</i> at §4-008.01B. It is unlawful to keep any wild birds or wild mammals in captivity “unless they are confined in a manner reasonably de-</p>

State	Statutes	Regulations
<p>Nebraska <i>(cont'd)</i></p>	<p>A separate permit is required to keep “any wild birds or animals” in captivity in this state. <i>Id.</i> at §37-477. No person “shall keep in captivity... any wolf, skunk, or any member of the families Felidae and Ursidae... (except for) any person who holds a commercial game or fur farmer permit.” <i>Id.</i> at §37-477(3)(d). However, §37-481 does not require permits to keep wild birds or animals in captivity for “any bona fide circus or animal exhibit for the purpose of keeping in captivity wild birds or animals or for the purpose of selling, trading, or otherwise disposing of any wild birds or animals.”</p> <p>The Nebraska Agriculture Code requires a permit to buy, sell, possess, or own domesticated corvine. 54-2305.</p>	<p>signed to prevent escape and are given humane treatment.” <i>Id.</i> at §4-008.01E. Wild birds and wild mammals “must be placed in a semi-natural environment where they will have substantial freedom of movement. <i>Id.</i> at §4-008.02C. If ungulates are held in a pasture, the pasture fence “must consist of a permanent sheep-tight fence at least 8 feet in height and constructed in such a manner as to prohibit escape of captive animals and the possible ingress of wild ungulates.” <i>Id.</i> at §4-008.02D. While efforts must be undertaken to prevent overcrowding of wild birds and wild mammals in captivity, the disposal of surplus animals can including hunting “at any time within the confines of a sheep-tight fence...in accordance with the minimum weapon requirements established for the hunting of free ranging wild ungulates.” <i>Id.</i> at §4-008.02E3.</p>
<p>Nevada</p>	<p>Nevada laws specify that “any person who owns or controls the shooting rights or privileges on an enclosed tract of land may establish a commercial or private shooting preserve for the propagation, culture and maintenance of upland game birds pursuant to the provisions of this chapter and commission regulations.” N.R.S. §504.300. An opinion issued by the Nevada Attorney General cited in the statute specifies that shooting preserves “only may be established for the propagation, culture and maintenance of upland game birds.” AGO 85-2 (2-22-1985).</p> <p>The Nevada law also specifies that, except as provided by other statutes or by a regulation adopted by the commission, no person may “possess any live wildlife unless he is licensed by the division to do so, capture live wildlife... to stock a commercial or noncommercial wildlife facility, or possess or release from confinement any mammal for the purpose of hunting.” <i>Id.</i> at §504.295 1 (a-c).</p> <p>Furthermore, Nevada law defines the term “alternative livestock” to include species and subspecies of fallow deer, reindeer, and Rocky Mountain elk, if they are born and reared in captivity and raised on private property to pro-</p>	<p>Regulations provided by the Nevada Division of Wildlife provide general guidance for obtaining commercial and noncommercial licenses, NAC §504.451 and NAC §504.452, and the terms, conditions, and restrictions of such licenses. <i>Id.</i> at §504.458. A license is not required to possess, propagate, breed, or otherwise maintain several species of live wildlife held in captivity on private property, including California quail, Gambel’s quail, scaled quail, mountain quail, chukar, Hungarian (gray) partridge, ring-necked and white-winged pheasant, or bobwhite quail. <i>Id.</i> at §504.459-1(a-h). These species, however, may not be “hunted, except under the authority of a permit to train hunting dogs or raptors.” <i>Id.</i> at §504.459-2(c). No other regulations were provided.</p>

State	Statutes	Regulations
Nevada <i>(cont'd)</i>	duce meat or other by-products of animals or as breeding stock to produce alternative livestock. <i>Id.</i> at §501.003. However, it is unlawful to “hunt any alternative livestock reared on or derived from a farm or other operation that raises alternative livestock.” <i>Id.</i> at §503.242. The importation, possession, or propagation of alternative livestock requires a permit from the state board of agriculture. <i>Id.</i> at §576.129.	
New Hampshire	The importation, possession, selling, exhibition, or release of any live marine species or wildlife, or the eggs or progeny thereof, is prohibited unless a permit is obtained from the executive director. R.S.A. §207.14I. The executive director of the Fish and Game Department is provided the authority to adopt rules governing the importation, possession, exhibition, sale, or release of all marine species and wildlife. <i>Id.</i> at §207:14II, and “may refuse to issue a permit if he determines that such issuance may pose significant disease, genetic, ecological, environmental, health, safety, or welfare risks to persons, marine species or wildlife.” <i>Id.</i> at §207:14I. The executive director must also issue a permit to any person who intends to “propagate or sell, dead or alive, wildlife or the eggs or progeny thereof, or operate a hunting preserve...” <i>Id.</i> at §212:25I. New Hampshire statutes define “wildlife” to mean “all species of mammals, birds, fish, mollusks, crustaceans, amphibians, reptiles or their progeny or eggs which, whether raised in captivity or not, are normally found in a wild state.” <i>Id.</i> at §207:1XXXV. This provision also provides the executive director with the authority to adopt rules governing the administration of this statute. <i>Id.</i> at §212:25II.	A regulated shooting area shall include up to, but not exceed, 500 contiguous acres, Fis §808.03(a), and no regulated shooting area operation shall be conducted on land less than 50 acres. <i>Id.</i> at §808.03(b). Each regulated shooting area shall establish rules for the regulated shooting area including but not limited to shooting hours and qualifications for engaging in a shooting activity. <i>Id.</i> at §808.05(a)(1-2). All regulated shooting area permittees must file an annual report with the executive director within 30 days of the expiration date of the permit or at the time of renewal containing the number of wildlife taken from the permittee’s premises, the number of wildlife imported to the preserve, and the number and species of wildlife released onto the regulated shooting area. <i>Id.</i> at §808.08(a) and (b)(1-3).
New Jersey	New Jersey statutes require that a license be obtained by any person “desiring to engage in the business of raising and selling game birds or game animals, or both, in a wholly enclosed area of which he is the owner or lessee, or to have in captivity game birds or game animals.” N.J.S.A. §23:3-29. An additional license is also required to “operate a commercial pheasant, mallard, quail and partridge shooting preserve.” <i>Id.</i> at §23:3-29d. Game birds or animals bred or raised in the wholly enclosed area “may be killed in any manner other than shooting, except	The <i>Fish and Wildlife Digest</i> provided by the New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife, contains a summary of rules and management information for wildlife in New Jersey. The <i>Digest</i> specifies that “hunting for certain species of game birds is allowed on semi-wild and commercial shooting preserve lands that are properly licensed for the taking of such species. These species of game may be hunted on Sunday only on semi-wild or commercial shooting preserve lands... A person may

State	Statutes	Regulations
<p>New Jersey <i>(cont'd)</i></p>	<p>in the case of deer, which may be killed by shooting, at any time and the carcasses sold for food." <i>Id.</i> at §23:3-31.</p>	<p>legally hunt on semi-wild or commercial preserves for game species under license during the deer season, but no shot larger than #4 fine may be used."</p> <p>A New Jersey Fish and Wildlife official stated that New Jersey does not regulate private game preserves for animals other than game birds.</p>
<p>New Mexico</p>	<p>New Mexico law specifies that "no person shall have or maintain any park, enclosure, lake or body of water for the purpose of keeping or propagating therein any game or game fish for sale, nor shall any living game or game fish from such park, enclosure, lake or body of water be sold or offered for sale, unless the owner, proprietor or lessee thereof shall first procure a license." N.M.S.A. §17-4-8. The maximum area that may be included within any park "shall not exceed three thousand two hundred acres, and . . . every park shall be enclosed by a game proof fence which shall conform to specifications required by the state game commission." <i>Id.</i> at §17-4-12. Any wildlife held within such parks shall "be deemed the property of the licensee of the same to the extent that he may lawfully retain, pursue, capture, kill, use, sell or dispose of the game or fish therein in any quantity, in any manner and at any time of the year." <i>Id.</i> at §17-4-15. The law also requires that reports documenting, among other things, the kind, number, age, and sex of the game added and disposed be submitted to the directors of the Department of Game and Fish. <i>Id.</i> at §17-4-21.</p> <p>In addition, the "state game commission may issue licenses authorizing the establishment and operation of regulated propagated game bird shooting preserves on private land when in the judgement of the commission such areas will not conflict with any reasonable prior interest." <i>Id.</i> at §17-3-36. The commission shall establish, by regulation, the minimum and maximum size of the area, the method of hunting, open and closed seasons, and rules for the releasing, possessing, and use of legally propagated pen-raised game birds on the preserves. <i>Id.</i> at §17-3-36 (A-D). A "game bird" as used in this law (Regulated Shooting Preserve Act) means "pheasant, quail, chukar and mallards." <i>Id.</i> at §17-3-37.</p>	<p>In response to a request for New Mexico regulations pertaining to the establishment and operation of shooting preserves or similar facilities, the New Mexico Department of Game and Fish provided a copy of its regulations pertaining to the release of game birds for call pen and retriever trials and a State Game Commission document providing specifications for game-proof fencing for mammal-only Class A parks.</p>

State	Statutes	Regulations
New York	<p>New York statutes state that “no person who owns, operates or manages a facility that harbors non-native big game mammals shall knowingly permit . . . the taking on such premises by any person who pays a fee to take a live non-native big game mammal . . . by shooting or spearing of a non-native big game mammal that is tied or hobbled . . . staked or attached to any object . . . confined in a box, pen, cage or similar container of ten or less contiguous acres from which there is no means for such mammal to escape.” E.C.L. 11-1904(a)(1-4). This statute does not prohibit the canned hunting of native big game mammals nor does it prohibit the canned hunting of nonnative big game mammals if the animal is maintained in an area larger than 10 acres.</p>	<p>New York law requires a license to operate a game breeding facility and shooting preserve. All persons holding such a license “shall keep a continuous record of their operations and furnish an annual report to the department of Environmental Conservation not later than April fifth of each year.” New York Fish and Wildlife Regulations §153.1(a).</p>
North Carolina	<p>North Carolina statutes require that licenses be obtained for the operation of controlled hunting preserves operated by private persons. G.S.N.C.A. §113-273(g). The relevant statutes specify that: “controlled hunting preserves are of two types: one is an area marked with appropriate signs along the outside boundaries on which only domestically raised game birds other than wild turkeys are taken; the other is an area enclosed with a dog-proof fence on which foxes may be hunted with dogs only. A controlled fox hunting preserve operated for private use may be of any size; a controlled hunting preserve operated for commercial purposes shall be an area of not less than 500 acres or of such size as set by regulation of the Wildlife Resources Commission, which shall take into account differences in terrain and topography, as well as the welfare of the foxes.” <i>Id.</i></p>	<p>A controlled hunting preserve license entitles “the holder or holders thereof, and their guests, to kill or take, during an extended season, starting October 1 and ending March 31, on such preserves by shooting only, and without regard to sex or bag limits, domestically-raised pheasants, chukar partridges, Hungarian partridges, mallard ducks, or other game birds, except wild turkey.” North Carolina Regulations (NCR) §10H.0101. The size of a controlled hunting preserve shall consist of not less than 100 acres nor more than 1,000 acres and shall be in one block of land. <i>Id.</i> at §10H.0102(a).</p> <p>In a letter from the North Carolina Wildlife Resources Commission, the section manager of the Division of Wildlife Management stated, “With the exception of game birds, there are no other shooting preserves in North Carolina. It is unlawful to operate shooting preserves for any native or exotic game animals.”</p>
North Dakota	<p>North Dakota statutes require the issuance of a permit to “any person who desires to establish a shooting preserve.” N.D.C.C. §20.1-12.02. A “shooting preserve” is defined as “any privately owned or leased acreage on which hatchery-raised game birds are released to be hunted for a fee over an extended season.” <i>Id.</i> at §20.1-01-02 37. Game birds who may be stocked on a shooting preserve and hunted “must be artificially propagated pheasants, quail, partridges, turkeys, prairie chickens, and any other species allowed by the director” of the Game and Fish Department.” <i>Id.</i> at §20.1-12-04.</p>	<p>In response to a request for regulations regarding the establishment and operation of shooting preserves, the North Dakota Game and Fish Department provided a copy of the relevant sections of the North Dakota Century Code previously summarized.</p> <p>A North Dakota Game and Fish Department official stated that the state does not regulate shooting preserves for mammals and propagation of mammals is licensed by the North Dakota Board of Animal Health.</p>

State	Statutes	Regulations
Ohio	<p>Ohio statutes specify that “no person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve.” O.R.S. §1533.721(A). Furthermore, “no person shall operate a wild animal hunting preserve without first obtaining a wild animal hunting preserve license.” <u>Id.</u> The application for such license must contain “a list of which species of game and nonnative wildlife are to be released for hunting in the preserve (and) a description of the lands that are to constitute the preserve.” <u>Id.</u> at §1533.721(B). In determining if the license should be granted, the Division of Wildlife must determine, among other things, whether “the operation of the wild animal hunting preserve does not conflict with a prior reasonable public interest.” <u>Id.</u> at §1533.721(C)(1).</p> <p>A “wild animal hunting preserve” is defined by statutes to mean “an area of land where game and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license.” <u>Id.</u> at §1533.70(C). The statutes specifically prohibit “the hunting of game birds in a licensed wild animal hunting preserve,” <u>Id.</u> at §1533.72(F), since such hunting is authorized under a different statute. “Game” is defined to include “game birds, game quadrupeds, and fur-bearing animals.” <u>Id.</u> at §1531.01(R). “No wild animal hunting preserve shall be less than eighty acres in area,” <u>Id.</u> at §1533.731(A), and it must be surrounded by a fence at least six feet in height. <u>Id.</u></p> <p>“Game and nonnative wildlife (except for federally protected species and any species not listed on the license application for the preserve) that have been approved by the chief for such use, that have been legally acquired or propagated under the authority of a propagating license...and that are marked and tagged...may be released and hunted within the confines of the licensed wild animal hunting preserve between sunrise and sunset, without regard to sex, bag limit, or open season, and including Sundays, by licensed hunters.” <u>Id.</u> at §1533.731(B)(1). No large carnivores of the family Felidae, however, can be released for hunting or hunted in any wild animal hunting preserve. <u>Id.</u> at §1533.731(B)(2).</p>	<p>Ohio regulations provide the following standards for the establishment and operation of hunting preserves:</p> <p>It shall be unlawful to take any wild animal from a wild animal hunting preserve by any method other than hunting with a gun, with a gun and a dog, with a bow and arrow, or with a bow and arrow and dog. Provided further, no gun larger than a ten gauge shall be used in taking any wild animal. O.A.C. §1501:31-9-07(A).</p> <p>It shall be unlawful to place any type of wild animal in a wild animal hunting preserve which would not contain the animal and allow the animal to escape into the wild. <u>Id.</u> at §1501:31-9-07(B).</p> <p>It shall be unlawful to release any wild animal from a cage or holding pen and immediately shoot or attempt to take said wild animals. <u>Id.</u> at §1501:31-9-07(C).</p> <p>All holders of a wild animal hunting preserve license shall keep a record of the animals who are purchased or raised. Records shall also be maintained of persons taking any wild animal from the preserve. All information shall be recorded on forms supplied by the division of wildlife. Records shall be maintained for a period of two years and shall be open for inspection by Division of Wildlife employees during regular business hours. <u>Id.</u> at §1501:31-9-07(F).</p>

State	Statutes	Regulations
Ohio <i>(cont'd)</i>	<p>Any person who desires to “engage in the business of raising and selling game birds, game quadrupeds, or fur-bearing animals in a wholly enclosed preserve of which he is the owner or lessee, or to have game birds, game quadrupeds, or fur-bearing animals in captivity” must obtain a license. <i>Id.</i> at §1533.71. A “wholly enclosed preserve” means “an area of land that is surrounded by a fence that is at least six feet in height...where game birds, game quadrupeds, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license.” <i>Id.</i> at §1533.70.</p>	
Oklahoma	<p>Oklahoma law specifies that “no person may propagate or hold in captivity any wildlife or domesticated animals hunted for sport for commercial hunting area purposes without having procured a license for such from the director of the Department of Wildlife Conservation.” 29 O.S.A. §4-106A. Licenses shall be classified as “big game, upland game, or a combination of big game and upland game.” <i>Id.</i> at §4-106A. A big game license is required for “legally acquired exotic ungulates, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission, exotic swine, and legally acquired whitetail and mule deer, turkey and other species of big game lawfully taken.” <i>Id.</i> at §4-106A1. Operations of running pens, including those that use coyotes obtained from wild stock in such pens, are exempt from this license requirement. <i>Id.</i> at §4-106E.</p> <p>Before obtaining such a license, the applicant must demonstrate, among other things, that “such wildlife or domesticated animals hunted for sport (on the commercial hunting area) will be or have been secured from a source other than the wild stock in this state.” <i>Id.</i> at §4-106B1. Within a commercial hunting area, any commercial propagator, or any person such propagator may permit under such conditions that he or she may impose, may, subject to neither season nor bag limit, “hunt with or without dogs, shoot, shoot at, kill, use, sell, give away, transport or ship by public or private conveyance any dead or live propagated wildlife or domesticated animals hunted for sport.” <i>Id.</i> at §5-101A.</p>	<p>Oklahoma regulations specify that “no person may propagate or hold in captivity any wildlife or domesticated animals hunted for sport for commercial hunting area purposes without having procured a Commercial Hunting Area license for such from the director of the Department of Wildlife Conservation.” O.A.C. §800:25-13-3(a). Such areas “shall have year round open season and bag limit on the harvest of any legally acquired wildlife or domestic animal harvested for sport.” <i>Id.</i> at §800:25-13-3(c). If wildlife, other than birds, are to be hunted for sport, then the commercial hunting area must be enclosed by, at a minimum, a “six foot welded or woven wire or cyclone fence and must be fenced in a way to prevent animals from escaping and be capable of retaining animals within the specified area, or other similar or suitable approved fence.” <i>Id.</i> at §800:25-13-6(2). The regulations also define the tagging requirements for the different species killed on commercial hunting areas. <i>Id.</i> at §800:25-13-9. Additionally, no person may kill or injure any cat or bear in captivity or released from captivity that can grow to a weight of 50 pounds or more. <i>Id.</i> at §800:25-27-2.</p>

State	Statutes	Regulations
Oklahoma <i>(cont'd)</i>	A license is also required before any person may “breed, possess, or raise native wildlife, except fish, amphibians, aquatic reptiles, aquatic invertebrates or exotic livestock, for commercial purposes.” <u>Id.</u> at §4-107A.	
Oregon	Oregon statutes require that anyone engaged in the business of propagating game birds or game mammals for sale must obtain a wildlife propagation license. O.R.S. §497.228(1). A private hunting preserve license is required for anyone intending to engage in the business of “operating a private hunting preserve for the hunting of privately owned or propagated game birds.” <u>Id.</u> at §497.248(1). Additional standards must be met before the State Fish and Wildlife Commission will issue such a license. <u>Id.</u> at §497.248(2)(a-f).	In Oregon, “it is unlawful to hunt, kill, or attempt to hunt or kill, exotic mammals (as defined in O.A.R. 635, Division 56) or game mammals (as defined in O.A.R. 635, Division 45) held or obtained by private parties.” O.A.R. §635-064-0010. The only exceptions to this prohibition are: (1) any person may slaughter such an animal for meat, leather, or fur production; (2) any person may euthanize such an animal for scientific, health, safety, or other valid husbandry concerns; and (3) the department’s Wildlife Division Director may authorize any person to hunt or kill such an animal if the Division Director determines it would be in the best interest of sound wildlife management. <u>Id.</u>
Pennsylvania	<p>Pennsylvania law specifies that “regulated hunting grounds require a minimum of 100 acres of land, or land and water combined, on which the permittee must release one of the following species of domestically produced game birds: namely, ringneck pheasants, bobwhite quail or mallard ducks.” 34 Pa.C.S.A. §2928(a). Any of the listed species and chukar partridges “may be released only if they are listed on the permit application and propagated by the permittee or received from a legal source.” <u>Id.</u> There are two classes of regulated hunting grounds: commercial and noncommercial. A commercial regulated hunting ground is “open to the public for a fee or other charge.” <u>Id.</u> at §2928(b)(1). A noncommercial regulated hunting ground is “used by the permittee only, or guests with no fee or any charge for the use of the area or the birds.” <u>Id.</u> at §2928(b)(2).</p> <p>Pennsylvania law also states that a permit is required for any person who intends to “propagate any game bird, wild bird, game animal or wild animal which is presently found in a wild state within this Commonwealth for the purpose of sale, barter, gift or other transfer of possession.” <u>Id.</u> at §2930(a). Birds or animals raised under such a permit “may be shipped alive or may be</p>	Regulations governing the establishment and operation of regulated shooting areas specify that “the period to hunt on regulated hunting areas will be the first Monday in September through the last Saturday in April for both private and commercial areas.” 58 Pa. Code §139.5(a). Sunday hunting is prohibited on commercial areas. <u>Id.</u>

State	Statutes	Regulations
<p>Pennsylvania <i>(cont'd)</i></p>	<p>killed within the enclosure, for sale or gift, without regard to sex or numbers, at any time of the year.” <u>Id.</u> at §2930(e). However, all species of game, other than those specified on the permit, found within the licensed enclosure covered by the propagating permit “may be taken within the licensed enclosure only under the general provisions . . . governing seasons and bag limits.” <u>Id.</u> at §2930(f.1). “Game animals” are defined to include “the elk, the whitetail deer, (and) the bear.” <u>Id.</u> at §102. “Wildlife” is defined as “wild birds, wild mammals and facsimiles thereof, regardless of classification.” <u>Id.</u></p> <p>Persons engaged in the importation, possession, purchasing, selling, locating for a fee, bartering, donating, or giving away or otherwise disposing of more than one bird or one animal classified as exotic wildlife must obtain a permit to act as an exotic wildlife dealer. <u>Id.</u> at §2961, §2962(a), §2963(a). “Exotic wildlife” includes, but is not limited to, “all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, (and) wolves.” <u>Id.</u> at §2961.</p>	
<p>Rhode Island</p>	<p>Rhode Island law requires that a license be obtained to operate a “shooting preserve.” G.L. §20-2-16(4), §20-2-16.1, and §20-2-19-2. “Domestic game birds may be released and taken by shooting on shooting preserves.” <u>Id.</u> at §20-19-2. The shooting area is required to be “a single body of land not less than one hundred twenty (120) acres in size.” <u>Id.</u> at §20-19-2(1).</p> <p>A commercial game propagation license is required by any person who desires to “engage in the commercial raising or selling of wild birds, game quadrupeds, or domestic game birds.” <u>Id.</u> at §20-17-2(a). Game raised under such a license “may be bought, sold, and had in possession, live, at any season of the year for purposes of propagation.” <u>Id.</u> at §20-17-2(b). Only persons who hold a game propagation license or permit “may engage in the rearing within an enclosure of any wild birds, game quadrupeds, or domestic game, to be disposed of for purposes of propagation under any rules and regulations as shall be made from time to time by</p>	<p>According to information supplied by the Rhode Island Division of Fish and Wildlife, no regulations have been promulgated pertaining to the establishment and operation of shooting preserves.</p>

State	Statutes	Regulations
Rhode Island <i>(cont'd)</i>	the director of the Department of Environmental Management, or, in the case of domestic game, for liberation at field trials or upon game preserves." <i>Id.</i> at §20-17-1.	
South Carolina	<p>South Carolina law authorizes the Department of Natural Resources to "grant operating licenses for shooting preserves which are privately owned and operated under the terms and provisions as provided in this article." C.L.S.C. §50-11-1200. Such shooting preserves "may not be established for the purpose of extending the regular hunting seasons for native species." <i>Id.</i> No new preserve (developed after July 1, 1994) "may be licensed by the department without the approval of the majority of the legislative delegation of the county in which such preserve is to be located." <i>Id.</i> at §50-11-1210.</p> <p>In order to be licensed as a shooting preserve operator, the operator "must own or lease a minimum of one hundred contiguous acres, including water areas," and is restricted "to not more than one thousand, five hundred contiguous acres." <i>Id.</i> at §50-11-1240. The only species that can be legally killed on shooting preserves are "(1) pen-raised bobwhite quail, pheasants, Chukars, and other species designated by the department; and, (2) pen-raised mallards that conform to United States Fish and Wildlife Service standards and regulations." <i>Id.</i> at §50-11-1270. There is no bag limit on species designated as shooting preserve species. <i>Id.</i> at §50-11-1300. The shooting season on shooting preserves is "a consecutive six-month period, beginning October first and ending the following April first." <i>Id.</i> at §50-11-1290.</p> <p>The department also may approve the release of pen-raised turkeys on shooting preserves but such preserves "are restricted to not less than ten thousand contiguous acres owned by the operator" and can only be established pending the payment of a \$10,000 fee. <i>Id.</i> at §50-11-1240.</p>	<p>The following is contained in guidelines issued by the State of South Carolina regarding the establishment and operation of licensed shooting preserves.</p> <p>A shooting preserve must contain a minimum of 100 contiguous acres but may not exceed 1,500 acres. The shooting preserve season begins October 1 and ends April 1. Species which can legally be hunted on a shooting preserve are: pen-raised bobwhite quail, pheasant, chukar, and other species designated by the department. There is no bag limit on legal shooting preserve species.</p> <p>Proper care must be given to all penned animals at shooting preserves to assure: (1) clean water is provided as necessary; (2) food is wholesome, palatable, and free from contamination; (3) animals are provided adequate cover and bedding to assure safety during adverse environmental conditions; (4) excreta are removed from cages or enclosures as often as necessary to prevent contamination of the animals; (5) an effective program for the control of insects, parasites, and avian and mammalian predators is established and maintained; and (6) animals with propensity to fight or which are otherwise incompatible are kept segregated.</p> <p>Each shooting preserve operator must maintain a registration book listing names, addresses and hunting license numbers of all hunters, the dates on which they hunted, the number and types of game and shooting preserve species harvested and tag numbers affixed to each carcass or container. Operators must furnish the Department of Natural Resources a copy of the records within 60 days after the end of the shooting preserve season.</p>
South Dakota	South Dakota statutes define "shooting preserves" as "an acreage either privately owned or leased on which hatchery raised game is released for the purpose of hunting, for a fee, over an extended season." S.D.C.L. §41-10-1(1). "Any per-	The South Dakota Department of Game, Fish, and Parks has assembled a comprehensive information manual regarding the establishment and operation of private shooting preserves. The regulations contained in the manual make

State	Statutes	Regulations
<p>South Dakota <i>(cont'd)</i></p>	<p>son owning, holding or controlling, by lease or otherwise, any contiguous tract of land of not more than one thousand two hundred eighty acres, who desires to establish a shooting preserve under the regulations provided in this chapter, shall make application to the game, fish and parks commission for a shooting preserve operating permit." <i>Id.</i> at §41-10-3. Among the many criteria which have to be met by permit applicants is a determination that the "preserve would not take unfair advantage of wildlife habitat developments or wildlife population existing on those areas, or would not otherwise be detrimental to the public interest." <i>Id.</i> at §41-10-7(9).</p> <p>The species of game that may be hunted on shooting preserves "shall be mallard ducks, pheasants, quail, partridges, turkey, and such other species of game as the game, fish and parks commission may add." <i>Id.</i> at §41-10-9. A South Dakota Division of Wildlife official stated that the "hunting of mammals on 'private shooting preserves' is legal, but only under Department of Game, Fish and Parks hunting season regulations."</p>	<p>it clear that only birds may be released and hunted on shooting preserves. Details on all aspects of operating a bird shooting preserve in South Dakota are contained in the information manual.</p> <p>An official from the South Dakota Department of Fish and Game stated that while the shooting of mammals is legal on private shooting preserves, it is illegal to breed, raise, stock, or propagate mammals for this purpose.</p> <p>The South Dakota Animal Industry Board regulates the possession of privately owned captive mammals and does allow the hunting of these animals. ARDS 12:68:18.</p>
<p>Tennessee</p>	<p>Tennessee statutes specify that "it is unlawful for any person to operate a private wildlife preserve for the purpose of propagating and/or hunting any class of wildlife reared in captivity unless that person obtains the appropriate permit and operates such private wildlife preserve in accordance with the rules and regulations promulgated by the commission" of the Wildlife Resources Agency. T.C.A. §70-4-413(a). The only species that can be hunted on wildlife preserves are pen-reared and farm-reared animals. <i>Id.</i> at §70-4-413(b). Additional restrictions pertaining to exotic wildlife are contained in Tennessee's captive wildlife regulations. See <i>id.</i> at §70-4-401 et seq.</p>	<p>Tennessee regulations define a "private wildlife preserve" to mean "a privately owned or lease controlled tract of land on which a person, for a fee or otherwise, may hunt artificially propagated or pen-reared wildlife or farm-reared animals." T.W.R. §1660-1-11-.02(1)(a). "Wildlife" means "all warm-blooded animals normally found in the wild." <i>Id.</i> at §1660-1-11-.02(1)(b). "Pen" or "farm-reared animals" refers to animals who are "domesticated or raised in captivity by (sic) which normally can be found in the wild state." <i>Id.</i> at §1660-1-11-.02(1)(c).</p> <p>A permit is required to operate a private wildlife preserve. <i>Id.</i> at §1660-1-11-.02(2)(a). The permit authorizes the release of artificially propagated or pen-reared wildlife or farm-reared animals only of those species listed on the permit. <i>Id.</i> at §1660-1-11-.02(2)(b). The land area for a shooting preserve "must contain a minimum of 20 acres and may contain a maximum of 640 acres, and this land shall be in one continuous tract." <i>Id.</i> at §1660-1-11-.02(4)(a). On private shooting preserves "where big game</p>

State	Statutes	Regulations
<p>Tennessee <i>(cont'd)</i></p>		<p>mammal species are hunted the boundary shall be marked in addition to the posted signs by a woven wire fence of a minimum of 12-gauge wire and such fences shall be a minimum of 36 inches in height.” <u>Id.</u></p> <p>Wildlife purchased outside Tennessee intended to be used on private wildlife preserves must be approved by the Wildlife Resources Agency and an importation permit obtained before such wildlife may be legally possessed. <u>Id.</u> at §1660-1-11-.02(3)(a). Wildlife “indigenous to Tennessee may not be held, released, or hunted on a private shooting preserve unless specifically authorized by the shooting preserve permit.” <u>Id.</u> at §1660-1-11-.02(3)(b). More specifically, “white-tailed deer, wild turkey, and black bear are specifically prohibited from being held, released and hunted under the authority of a shooting preserve permit.” <u>Id.</u> However, “game species, excluding black bear, that are naturally occurring within the boundaries of a private shooting preserve may be hunted in accordance with statewide regulations and license/permit requirements.” <u>Id.</u></p> <p>Each shooting preserve permit holder must provide the Wildlife Resources Agency “with records showing the number and species of wildlife purchased, the name and address of the source of supply, the number and species propagated, the number and species released and the number of species taken.” <u>Id.</u> at §1660-1-11-.02(5)(a).</p>
<p>Texas</p>	<p>Texas law specifies that no person “may sell, offer for sale, purchase, offer to purchase, or possess after purchase a wild bird, game bird, or game animal, dead or alive, or part of the bird or animals,” T.C.A. §62.021(a), except if such activities are conducted “under authority of a license or permit issued under this code.” <u>Id.</u> at §62.021(c)(1). “Game animals” include “mule deer, white-tailed deer, pronghorn antelope, desert bighorn sheep...” <u>Id.</u> at §63.001. It is unlawful, however, to kill, attempt to injure, or facilitate the killing of “a dangerous wild animal that is: (A) in captivity in this state; or (B) released from captivity in this state for the purpose</p>	<p>A representative from the Texas Parks and Wildlife Department indicated that the relevant statutes largely dictated the standards under which shooting preserve operations are permitted in Texas. The only relevant regulations pertain to the cost of the licenses for the hunting cooperative, hunting leases, and for wildlife management associations. 31 T.A.C. §53.4 et seq.</p>

State	Statutes	Regulations
<p>Texas <i>(cont'd)</i></p>	<p>of being killed.” <i>Id.</i> at §62.102(1)(A-B) and §62.103(1). A “dangerous wild animal” means a lion, tiger, leopard, cheetah, hyena, bear, elephant, wolf, or rhinoceros and includes any species, subspecies, or hybrid of any of those animals. <i>Id.</i> at §62.101(2). The term “captivity,” as used in this part, means “the state of being held under control or kept caged or penned.”</p> <p>Texas agricultural law defines “exotic livestock” to mean “grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families.” <i>Id.</i> at §161.001(a)(4) (Agriculture). It is illegal to hunt exotic livestock on the land of another “without the express consent of the owner of the land to hunt for exotic animals.” <i>Id.</i> at §62.015(c) (Parks and Wildlife).</p> <p>A license is required for a person who “manages a hunting cooperative” or for an individual who “holds a hunting lease license.” <i>Id.</i> at §43.041(3)(A-B). A “hunting cooperative” means “a cooperative enterprise in which participating landowners pool their acreage and lease it for hunting purposes under the authority of a hunting lease license.” <i>Id.</i> at §43.041(1). A “hunting lease” means “the aggregate amount of land owned by one individual, partnership, firm, or corporation or the aggregate amount of land in a hunting cooperative in a county and leased for hunting purposes.” <i>Id.</i> at §43.041(2). Finally, “the owner of a tract of land included in a wildlife management association area...may apply for a wildlife management association area hunting lease license for that tract of land.” <i>Id.</i> at §43.0432.</p>	
<p>Utah</p>	<p>Utah law requires the Division of Wildlife Resources to permit the “releasing and shooting of pen-raised birds” to “any person desiring to establish, maintain, or operate a commercial hunting area within this state.” U.C.A. §23-17-6(1). This statute only authorizes the shooting of pen-raised birds on commercial hunting areas.</p>	<p>Under regulations promulgated by the Utah Department of Natural Resources, Division of Wildlife Resources, a “commercial hunting area” is defined as “a parcel of land where pen-raised or propagated game birds are released for the purpose of allowing hunters to take them for a fee.” R657-22-2(2)(a). “Game</p>

State	Statutes	Regulations
Utah <i>(cont'd)</i>	<p>Authorization from the Division of Wildlife Resources is also required before “any person may establish and maintain private wildlife farms for propagating, rearing, and keeping furbearers or birds classified as protected wildlife.” <i>Id.</i> at §23-13-8(1). Anyone with such authorization can sell or dispose of “wildlife reared upon such farms except that disposal may not include release to the wild without first securing written permission from the Wildlife Board.” <i>Id.</i> at §23-13-8(1). This statute does not authorize the propagating or shooting of any game mammal on such farms.</p>	<p>birds” is defined, for the purposes of this rule only, to include “partridge, pheasant, and quail authorized for release on a commercial hunting area.” R657-22-2(2)(b).</p>
Vermont	<p>For a fee of \$100, the Fish and Wildlife Commissioner “may issue a shooting grounds permit to operate a shooting ground upon which to propagate and release small game under regulations approved by the commissioner and upon which to release small game when regularly propagated or purchased for shooting and other purposes.” V.S.A. 10 at §5217. All small game released on such facilities “shall be fully able to care for themselves in a wild state.” <i>Id.</i> at §5220. The released small game can be “taken without regard to sex, age, or bag limits... (during a) period... fixed by the commissioner.” <i>Id.</i> at §5221. “Small game” is defined as “game birds except for turkeys; game quadrupeds except for big game; furbearers and other wild animals.” <i>Id.</i> at §4001(34). In addition, “a person shall not import or possess any live animal for the purpose of taking by hunting, unless the commissioner has issued the person an importation and possession permit.” <i>Id.</i> at §4714. The permit also requires a veterinary inspection document.</p>	<p>Vermont regulations specify that “a Regulated Shooting Ground shall be at least 200 acres in area, on lands that the Commissioner deems suitable for the purpose.” Regulation Number §690-1. Permits will be issued to operate a Regulated Shooting Ground only for the following species: mallard ducks, pheasant, quail, chukar partridge, and Hungarian partridge. <i>Id.</i> at §690-2. The open season for game bird hunting on Regulated Shooting Grounds is January 1 to December 31. <i>Id.</i> at §690-5. Records of the number and kind of birds killed, date of hunting, hunting license number, and name and address of hunter must be kept and specific records must be filed with the Fish and Wildlife Department within 40 days of the end of each season.</p>
Virginia	<p>The establishment and operation of “licensed shooting preserves” in Virginia falls under the jurisdiction of the Department of Game and Inland Fisheries. Licensed shooting preserves do not allow mammals to be killed. However, “mammal shooting preserves” allow the killing of pen-raised goats, sheep, and hogs and are regulated by the Department of Agriculture. The Virginia legislature outlawed mammal shooting preserves with the exception of three grandfathered facilities, only one of which is still in operation.</p>	<p>The Virginia Department of Game and Inland Fisheries has issued guidelines delineating the conditions under which shooting preserves must be operated in the state. Based on these guidelines, the only species that can be hunted on shooting preserves are quail, chukar, pheasant, and Hungarian partridge. Mallard ducks can also be killed either at a tower shoot or at a mallard release area. A shooting preserve must have a minimum of 100 acres and may not exceed 3,000 acres per license with each area either consisting of a single tract of land or contiguous tracts of land. As specified</p>

State	Statutes	Regulations
<p>Virginia <i>(cont'd)</i></p>	<p>Virginia law specifies that the Department of Agriculture “shall issue a license for shooting enclosures only to those enclosures which were in operation or before January 1, 1995.” C.V. §3.1-763.5:2A. These enclosures may continue to operate until the effective date of regulations promulgated on this subject, “but shall hold only those animals described in §3.1-763.5:6 and subsequently specified in regulations.” <i>Id.</i> The referenced statute specifies that “in no instance shall any animals other than goats of the genus <i>Capri</i>, sheep of the genera <i>Ammotragus</i> and <i>Ovis</i>, and hogs of the genus <i>Sus</i>, be held in such enclosures. The Board shall delineate the specific species of goats, sheep, and hogs that shall be allowed to be held in an enclosure. The importation, possession, and shooting of these animals shall be in accordance with state and federal laws and regulations.” <i>Id.</i> at §3.1-763.5:6.</p> <p>Virginia law also requires the Director of the Department of Game and Inland Fisheries to “issue licenses for all shooting preserves when such preserves meet the requirements established pursuant to regulations.” C.V. §29.1-600. The Board of Game and Inland Fisheries must “promulgate regulations necessary to carry out the provisions of this chapter, including, but not limited to, requirements for the licensing and operation of all shooting preserves located within this Commonwealth.” <i>Id.</i> at §29.1-600.1. The applicant for such a license must “release game birds and animals as may be designated by the Board.” <i>Id.</i> at §29.1-602. When the requirements specified by the Board have been met, “the licensee and such other persons as he may designate, because of payment of fees or otherwise, may hunt on the licensed premises, and shoot, possess, transport and dispose of by gift any game birds or animals of the species licensed.” <i>Id.</i> at §29.1-604. Game birds or animals not covered by the shooting preserve license “may be taken and possessed by the licensee or his guests as otherwise provided by state law or regulation.” <i>Id.</i> at §29.1-604.</p>	<p>in the guidelines, “birds and animals raised under a permit for propagation purposes must be confined in a sanitary escape-proof enclosure.” Guidelines at 10.</p> <p>The licensee must maintain a “register of names, addresses, and hunting license numbers of all hunters (successful or not), the date(s) hunted, the number of each species taken, and the numbers of the tags, or bands, placed on the game.” Guidelines at 2. Each licensee must provide an annual report to the department summarizing a variety of activities at the shooting preserve.</p>
<p>Washington</p>	<p>A permit is required in Washington to operate a game farm. R.C.W. §77.32.010(1)(e). The commission of the Department of Fish and Wildlife is required to “establish the qualifications and</p>	<p>A game farm licensed under the provisions of chapter 77.12 R.C.W. “may function as a private shooting preserve and dispose of game birds produced or acquired by released (sic)</p>

State	Statutes	Regulations
<p>Washington <i>(cont'd)</i></p>	<p>conditions for issuing a game farm license.” <i>Id.</i> at §77.12.570. Those permitted to operate a game farm must submit reports pursuant to rules developed by the director. <i>Id.</i> at §77.32.220</p>	<p>them on the designated preserve for hunting.” W.A.C. 232-12-037. Private shooting preserves “must contain a minimum of one hundred acres to a maximum of one thousand acres in a contiguous block,” <i>Id.</i> at §232-12-037(3), and “may not be located on land having a projected fall population of wild upland game birds in excess of twenty birds per one hundred acres.” <i>Id.</i> at §232-12-037(4).</p> <p>A license is required to operate a game farm. <i>Id.</i> at §232-12-027. Game farms licensed after January 1, 1992, “may purchase, possess, propagate, sell or transfer...pheasant... gray partridge...chukar partridge... quail...waterfowl.” <i>Id.</i> at §232-12-027(2)(a). Game farms licensed prior to January 1, 1992, may continue to possess, propagate, sell, and transfer wildlife they lawfully possess on January 1, 1992, by virtue of their license issued by the Department of Fish and Wildlife. <i>Id.</i> at §232-12-027(1). To obtain a game farm license the applicant must demonstrate that “the rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife,” “operating conditions are clean and humane,” and “no hazards to state wildlife exist from the operation.” <i>Id.</i> at §232-12-027(4)(b,c,d). Game farm licensees “must make annual reports no later than the 15th of January to the director.” <i>Id.</i> at §232-12-027(5).</p> <p>The lieutenant of the State of Washington Department of Fish and Wildlife Enforcement Program stated in a letter that, “ With the exception of game birds, the Department of Fish and Wildlife does not permit the captive propagation wildlife (as defined by statute). Also, the Department does not permit the hunting of captive wildlife.”</p>
<p>West Virginia</p>	<p>Under West Virginia law, only persons “legally licensed to operate private game preserves for the purpose of propagating game for commercial purposes...shall purchase or offer to purchase, sell or offer to sell, expose for sale, or have in his or her possession for the purpose of sale any wildlife...which has been designated as game animals, fur-bearing animals...or any</p>	<p>West Virginia regulations specify that “unless operated solely for the releasing of wild birds, the shooting preserve must be enclosed by fencing to prevent the ingress of native wildlife or egress of stocked wildlife species.” C.S.R. §58-64-7.9.1c. “Native wildlife” is defined as “game animals and game birds found in a wild and natural state within the boundaries of the shooting preserve.” <i>Id.</i> at §58-64-7.9.2.a.</p>

State	Statutes	Regulations
<p>West Virginia (cont'd)</p>	<p>other species of wildlife which the director of the Division of Natural Resources may designate." W.V.C.A. §20-2-11.</p> <p>The director may issue a license for privately owned commercial shooting preserves to any person if the facility is more than 300 acres but less than 3,000 contiguous acres and the exterior boundaries of each preserve shall be clearly defined and posted. <i>Id.</i> at §20-2-54 and §20-2-47. The director "shall designate the game which may be hunted under this section on which a more liberal season may be allowed." <i>Id.</i> at §20-2-54(2). The license issued by the director entitles the licensee and his or her guests or customers "to recover not more than eighty percent of the total number of each species of game bird released on the premises each year, except mallard, black duck, ring-necked pheasant, chukar partridge and other nonnative game species upon which a one hundred percent recovery may be allowed." <i>Id.</i> at §20-2-54(3). Any wild game found on a commercial shooting preserve "may be harvested in accordance with applicable game and hunting laws." <i>Id.</i> at §20-2-54(8).</p>	<p>"Stocked wildlife" means "those animals and birds that were either obtained from a licensed commercial dealer and released at the shooting preserve, imported into this State under a valid wildlife importation permit and released at the shooting preserve, or raised at the shooting preserve under a valid game farm license and released." <i>Id.</i> at §58-64-7.9.2.b. Stocked wildlife "may include any of the following: game birds, non-native game birds (such as chukar partridges), rabbits, or the hoofed stock of the families Cervidae (deer and elk), Suidae (boar), and Bovidae (buffalo)." <i>Id.</i> at §58-64-7.9.2.c. A commercial shooting preserve licensee is authorized to breed or raise wild animals or wild birds to be used as stock at shooting preserves or to import wildlife into the state for that purpose. <i>Id.</i> at §58-64-7.9.2.e and f. The licensee is authorized to establish a liberal hunting season for any species of stocked wildlife, <i>Id.</i> at §58-64-7.9.4.b., and to establish shooting limitations and restrictions on the age, sex, and number of stocked wildlife that each person may take. <i>Id.</i> at §58-64-7.9.4.d. The licensee must also maintain accurate and current records of all wildlife imported and released at the shooting preserve along with a registration book listing the name, address, and hunting license of each customer and the number and species of game taken. <i>Id.</i> at §58-64-7.9.7.a., 7.9.7.a.ii., 7.9.7.b., and 7.9.7.c. A shooting preserve report must be submitted to the chief of the Wildlife Resources Section within 10 days of the close of each fiscal year. <i>Id.</i> at §58-64-7.9.8.a.</p>
<p>Wisconsin</p>	<p>Wisconsin statutes require that a license be obtained for the establishment and operation of a "game farm" or "animal farm," W.S.A. §29.863 and §29.867(2m), "for the purpose of breeding, propagating, killing and selling game birds and game animals." <i>Id.</i> at §29.867(1). The establishment of such facilities can only be on lands owned or leased by the license applicant, <i>id.</i>, and upon payment of the license fee, the "licensee shall become the owner of all game birds or animals of the species licensed and of all of their offspring actually produced and remaining on the licensed premises." <i>Id.</i> at §29.867(3).</p>	<p>No additional regulations were provided regarding the establishment and operation of shooting preserves.</p>

State	Statutes	Regulations
<p>Wisconsin <i>(cont'd)</i></p>	<p>While the statutes do not clearly authorize a game or animal farm licensee to stock native or exotic wildlife for the purpose of shooting or hunting, a permit is required to import and/or introduce or stock any wild animal other than fish or their eggs. <i>Id.</i> at §29.745(1)(a)(1-2). Wisconsin Crimes Against Animals law specifies that “no person may instigate, promote, aid or abet as a principal, agent, employees, participant or spectator, or participate in the earnings from, or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon, any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.” <i>Id.</i> at §951.09. Nothing in this section, however, prohibits the shooting of any wild game in its wild state or the shooting of game birds and waterfowl at licensed game farms or licensed shooting preserves. <i>Id.</i> Additionally, farm-raised deer are exempt. <i>Id.</i></p> <p>The Animal Health Code allows for farm-raised deer to be hunted in a fenced enclosure that is 80 acres or larger. 95.55.</p>	
<p>Wyoming</p>	<p>Wyoming law authorizes the Wyoming Game and Fish Department to “issue licenses for game bird farms, and for the propagation, breeding, possession, use, releasing, killing, hunting, and sale of licensed birds therefrom.” W.S.A. 23-5-102. In addition, state law explicitly prohibits “private ownership of live animals classified . . . as big or trophy game animals.” <i>Id.</i> at §23-1-103.</p>	<p>In response to a request for regulations pertaining to the establishment and operation of shooting preserves, the Wyoming Game and Fish Department provided a copy of W.S.A. §23-1-103, which states that “there shall be no private ownership of live animals classified in this act as big or trophy game animals.”</p>

MODEL LEGISLATION TO BAN CANNED HUNTS

When drafting legislation based on this model language, some states may need to adapt the language to avoid conflicts with existing state statutes. In particular, the definitions of the terms “animal” and “exotic animal” may need to be altered to match definitions in existing statutes. Also, some states may choose to alter the penalties for violating the prohibitions in the statute. Care should be exercised in altering this language, however, to avoid weakening the canned hunt ban by inadvertently exempting certain species or by establishing penalties that are so mild that they render the prohibition ineffective. When considering new canned hunt legislation, state legislators and activists are urged to contact The Humane Society of the United States for assistance in using and adapting this model language.

AN ACT CONCERNING HUNTING CONFINED ANIMALS.

For the purposes of establishing a prohibition against engaging in, sponsoring, instigating, assisting, or profiting from the killing or wounding of an animal for the purpose of sport, amusement, attainment, or production of a trophy, or collection of a prize, if the animal is confined in a man-made enclosure or otherwise restrained from engaging in normal movement. Also prohibits the sale or purchase of any animal, or any part of an animal, killed or wounded in that way.

SECTION 1. Hunting Confined Animals.

(a) As used in this Section:

“Animal” means every living, sentient creature not a human being. “Exotic animal” means an animal not indigenous to this State. In the event that these definitions conflict with definitions in other Sections, the definitions in the Section take precedence for the purposes of the prohibitions defined in this Section.

(b) No person may knowingly engage in, sponsor, instigate, assist, or profit from the killing or wounding (or attempted killing or wounding) of an animal for the purpose of sport, amusement, attainment, or production of a trophy, or collection of a prize, if the animal is:

- (1) confined in a man-made enclosure, regardless of the size of the enclosure;
- (2) tied, staked, caged, or otherwise restrained from engaging in normal movement; or
- (3) released from confinement or restraint in the presence of a person for the purpose of being killed or wounded by that person.

(c) No person may knowingly purchase or sell any animal, or any part of an animal, killed or wounded in violation of subsection (b).

(d) No person may knowingly import animals from or export animals to another state for the purpose defined in subsection (b).

(e) A person who violates this Section is guilty of a felony and subject to a fine of not less than \$500 and not more than the greater of \$5,000 or twice the amount of the financial gain realized by the person from the commission of the violation.

(f) The prohibitions in this Section apply to exotic animals brought into this State as well as animals indigenous to this State.

(g) Nothing in this Section shall be construed as restricting or prohibiting:

(1) legitimate slaughter operations authorized by the federal Humane Slaughter Act;

(2) bona-fide public or state scientific, educational, or zoological institutions from receiving, holding, and displaying wildlife specimens that were legally obtained; or

(3) the legitimate hunting of wildlife as controlled by the state through statute and regulation, as long as the hunting is not subject to the prohibitions in subsection (b).

NOTES

1. "Shame on You." *CBS Morning News*. Arnold Diaz Investigations. 8 March 1995.
2. "Cumberland Mountain Hunting Lodge." Cumberland Mountain Hunting Lodge. June 2000 <www.cmhl.com>.
3. "Whitetail Trophy and Exotics, Inc." June 2000 <www.outdoorshow.net/Trips/Trips/Whitetail>.
4. This description is of an actual canned hunt that took place in 1994 and was captured on video by undercover investigators for The Humane Society of the United States.
5. Unsigned. "Hunting Exotics Where It All Started." *Safari Club International Texas Hunting Special Section*. Tucson, AZ. 2000: 1.
6. "Your Legend Begins Today." Y. O. Ranch. November 2000 <www.yoranch.com/RANCH>. According to the website, rare and endangered species are available to be photographed, but not hunted.
7. Unsigned. "Hunting Exotics Where It All Started" *Safari Club International Texas Hunting Special Section*. Tucson, AZ. 2000: 1.
8. United States Fish and Wildlife Service. *2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*. October 2002.
9. Balzer, John. "Creatures Great and-Equal?" *Los Angeles Times*. 25 December 1993.
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NOTES



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