



Entry onto Private Lands

Policy: E-1.1

Established: December 2024

A. PURPOSE

This policy provides direction to Department employees who have reason to go onto private land in the performance of their official duties. The purpose of the policy is to comply with constitutional and other legal directives regarding private property and to promote respectful relationships with private landowners while performing the Department's mission for management of public wildlife resources.

B. BACKGROUND

Idaho's wildlife are recognized by our state constitution and statutes as important public resources of our state, including continued supplies for public hunting, fishing, and trapping. Wildlife occur on an array of working landscapes and on federal, state, tribal, and private lands in Idaho.

Wildlife management is a complex challenge, involving competing interests and expectations related to the value of wildlife resources; access for hunting, fishing, trapping, and other wildlife activities; private property interests; and other biological and social considerations. To achieve our mission, the Department conducts proactive and responsive activities on both government-owned and private lands, such as activities to address: taking of wildlife, public safety, wildlife damage to crops and domestic animals, and other wildlife conflicts; wildlife health and population monitoring; and habitat conservation.

As certified state peace officers, the Department's conservation officers also have broader law enforcement responsibilities to support public safety and welfare, particularly in our rural communities and backcountry where fewer resources and personnel may be available.

Our federal and state constitution also recognize the rights of people to be secure in their persons, homes, papers and effects against "unreasonable searches and seizures" by the government. While federal and Idaho court decisions distinguish privacy expectations for warrantless law enforcement entry onto portions of private property that are "open fields" (areas away from homes), the Department provides additional direction to promote respect for property ownership and cooperative efforts for managing our wildlife resources on private lands.

C. GUIDELINES RELATED TO ENTRY ONTO PRIVATE LANDS

1. General

The work of wildlife management and rural law enforcement is not always predictable, and this policy cannot address all circumstances. The Department depends on staff judgment, and staff-supervisor communication, to appropriately balance our official duties for management of public resources and law enforcement while respecting private property interests and legal protections. Supervisory and field staff must be thoughtful as to the justification, timing, method of entry, duration, and respectful conduct involving entry onto private property.

Respectful conduct should avoid impacts to crops, livestock, fencing and gates, roads, trails, off-trail areas, logging operations and other legitimate private property activities. Respectful conduct should also avoid disturbing the quarry of legal hunting, trapping, and angling activities.



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Department staff will not enter anyone's home, other living space, barns, sheds, other outbuildings or curtilage (the area surrounding the home with a heightened expectation of privacy) unless: (1) the owner/resident has consented; (2) there is an immediate public safety threat; or (3) if they are a conservation officer and have a court-issued warrant or are acting under a recognized, legal exception to the warrant requirement (see below).

Hunting, fishing, and trapping activities generally occur in "open field" areas away from the home. While federal and state constitutional law does not require a warrant for law enforcement entry to these areas, the Department will limit its entry onto private property (where it is not open to public access) for the regulation of these activities in a way that narrows government intrusion, through a combination of obtaining landowner consent, judiciously applying the use of court-issued warrants and warrant exceptions, restricting use of cameras on private property, and focused structuring of compliance activities (such as those based on creel surveys and license checks) based on knowledge of where the regulated activity occurs.

Before entering private property not open to public access, the Department will have consent from the landowner (or local representative) to perform activities for managing or monitoring wildlife, with limited exceptions (see below).

2. In-person Outreach and Other Proactive Contacts

Respect and communication are cornerstones of successful relationships. When practical, IDFG regional employees with public contact responsibilities (such as conservation officers, landowner-sportsmen coordinators, and bear conflict/outreach personnel) should proactively reach out to owners of private property with significant wildlife interactions. These outreach efforts to owners (or their local representatives) should focus on exchanging contact information and address potential future entry by Department employees regarding wildlife management activities, wildlife conflicts, and enforcement patrol efforts to contact hunters, anglers, trappers or investigate suspicious activity.

In-person public outreach contacts for introductory or informational purposes (such as public safety contacts, "Bear Aware" education, or requests for access), should be made via the routes used by visitors and service providers to the property – using established driveways, walking pathways. Staff should conduct introductory/outreach visits, so they are brief, minor impositions to convey basic information unless the landowner/resident wants to extend the length and scope of the visit.

3. Imminent Safety/Injured Wildlife

Department staff apply [Idaho Wildlife Public Safety Policy No: W 3.0 and companion guidelines](#) for addressing public safety concerns regarding wildlife and responding to orphaned, injured and problem wildlife situations.

Department staff may enter private property to address imminent threats to public safety or domestic animals when it is not practical to obtain landowner consent.

In situations where the Department would respond to non-imminent public safety threats involving orphaned, injured and problem wildlife on lands not open to the public access, the Department will generally get landowner consent before entry. If consent cannot be readily obtained, judgment



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considerations for Department entry include; whether entry may be made with limited intrusion to private property; and the potential for the situation to become an imminent safety threat; and the need to assist injured wildlife to prevent undue suffering.

4. Rights-of-way, Easements, and Public Access Routes and Areas

Department staff may enter “open fields” private property that is open to public access or to access for a use specified under Idaho law (such as road and navigable stream public right-of-way, easement for ditch maintenance, lands open to public access under the Department’s Access Yes and Large Tracts programs, recorded easements for public access or a particular Department use, etc.).

5. Consent/Order for Specific Management and Monitoring Actions

Department staff must have landowner consent or legal administrative/judicial order to enter private property to perform agency wildlife management activities involving setting traps, hazing, net gunning captures, securing/removing attractants, installing trail cameras or using similar equipment for detecting/monitoring wildlife, constructing fencing, or installing deterrence measures.

6. Entry to Captive Wildlife Facilities

Entry to private property to make reasonable inspection of captive wildlife (commercial and non-commercial facilities, falconry, etc.) is limited to staff identified by the Regional Supervisor or Regional Conservation Officer and may include veterinary and other staff from outside the region as needed for appropriate conduct of the inspection. Authorities for captive wildlife inspections by designated staff are described in: Idaho Code 36-709 and IDAPA 13.01.200.05 (commercial captive wildlife facilities, private ponds and parks, and other locations holding captive wildlife, or any fur farm or domestic Cervidae farm regulated by the Idaho State Department of Agriculture); IDAPA 13.01.10.550.05 (bird shooting preserves); and IDAPA 13.01.14.200.03 (captive raptors and falconry facilities).

7. Entry to “Open Field” Locations Not Open to General Public Access

a. Compliance Checks

Department creel surveys and angler compliance checks are important to fishery management. For example, these tools are a fundamental part of the regulatory framework that allows Idaho to obtain authorization to support salmon and steelhead fishing under the federal Endangered Species Act. To support effective creel survey and compliance checks, conservation officers and designated creel survey staff can enter private property in river and stream corridors, including land adjacent to any navigable stream public-right-of-way where anglers are observed. These brief interactions may be extended based on voluntary angler participation or reasonable articulable suspicion or probable cause of violation.

Conservation officers may make entry to “open fields areas” not open to public access to make brief inquiries of individuals regarding hunting and trapping activities, licenses/tags and access permission or to check bait sites or traps. Entry will be based on landowner consent, officer observation, or reliable third-party reporting of regulated activity occurring at the location. These brief interactions may be extended based on voluntary hunter/trapper participation or reasonable



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articulable suspicion or probable cause of violation. Officers will be thoughtful as to how to limit intrusion to private property and legitimate activities based on circumstances, such as making checks near parking locations or timing checks to avoid disturbing quarry.

b. Warrants and Recognized Exceptions to Warrant Requirements

As certified peace officers, conservation officers can enter private property to execute a court-issued warrant or under court-recognized exceptions to constitutional warrant requirements for search and seizures. Among these exceptions are consent by the property owner, hot pursuit, exigent circumstances, checks on individual welfare (referred to as welfare checks), community caretaker, violations committed in officer presence, and brief stops and inquiries based on reasonable articulable suspicion.

c. Use of Trail cameras and Similar Equipment

Trail cameras (also called remote/game cameras) or similar surveillance equipment will only be used for law enforcement purposes with: (1) landowner consent; (2) the approval of the Regional Conservation Officer based on reasonable articulable suspicion of hunting, fishing, or trapping violations; or (3) a court-issued warrant. *(See Paragraph 5 above for limitation of use of trail cameras for wildlife management/survey purposes).*