



STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Law Enforcement Division

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#7C

MEMORANDUM

May 21, 2020

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Mike Maynard, Chief Game Warden

Title: **Regulation Changes: NAC Chapter 503 and NAC 503.1485**

Description: The Board of Wildlife Commissioners will hold a workshop to consider amending Nevada Administrative Code (NAC) 503 and NAC 503.1485 relating to wildlife; prohibiting the use of certain night-vision equipment and devices for locating, hunting and taking game mammals and game birds; revising the definition of “trail camera or similar device”; and providing other matters properly relating thereto.

Presenter: Mike Maynard, Chief Game Warden

Agenda No:

Summary:

The first section of this regulation addresses an addition to NAC Chapter 503 concerning what equipment or devices may be used or possessed while locating, hunting, or taking any game bird or game mammal. This section also addresses exceptions for certain sights attached to a firearm, bow or crossbow.

The second section addresses amending NAC 503.1485-3 to clean up language and regulate usage of devices that have a time lapse recording function.

Recommendation:

Adopt the language as is. These additions and changes to Chapter 503 and NAC 503.1485 address potential ethical concerns of fair chase related to constantly evolving technology.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R035-20

April 28, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 501.105 and 501.181.

A REGULATION relating to wildlife; prohibiting the use of certain night-vision equipment and devices for locating, hunting and taking game mammals and game birds; revising the definition of “trail camera or similar device”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations relating to wildlife and the means of hunting and taking wildlife. (NRS 501.105, 501.181) **Section 1** of this regulation prohibits a person from using night-vision equipment or devices while hunting or taking game mammals or game birds or while locating such mammals or birds for the purpose of hunting or taking.

Existing regulations prohibit, with limited exceptions, a person from placing, using or maintaining a trail camera or similar device during certain periods of the year and under certain circumstances. (NAC 503.1485) **Section 2** of this regulation revises the definition of “trail camera or similar device” to include any device that uses a time-lapse recording function to capture images, video or location data.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A person shall not possess or use any of the following equipment or devices while hunting or taking any game mammal or game bird or while locating game mammals or game birds for the purpose of hunting or taking, including, without limitation:

- (a) Electronic night-vision equipment;*
- (b) Electronically enhanced light-gathering devices;*

(c) Thermal imaging devices;

(d) Infrared night-vision equipment; or

(e) Any other comparable equipment or device used to enhance night-vision.

2. The provisions of subsection 1 do not limit the use of a sight attached to a firearm, bow or crossbow that:

(a) Is powered by a battery contained within the sight;

(b) Is illuminated by light gathering fiber optics; or

(c) Uses a radioactive isotope such as a tritium.

Sec. 2. NAC 503.1485 is hereby amended to read as follows:

503.1485 1. Except as otherwise provided in subsection 2, a person shall not place, maintain or use a trail camera or similar device:

(a) Except as otherwise provided in paragraph (b), at any time during the period beginning August 1 and ending December 31 of each year.

(b) At any time during the period beginning July 1 and ending December 31 of each year if the trail camera or similar device transmits, or is capable of transmitting, images, video or location data of wildlife.

(c) At any time if the placement, maintenance or use of the trail camera or similar device prevents wildlife from accessing, or alters the manner in which wildlife accesses, a spring, water source or artificial basin which is used by wildlife and collects, or is designed and constructed to collect, water.

2. The provisions of subsection 1 do not apply to:

(a) A person who is acting within the scope of his or her official duties, has clearly marked each trail camera or similar device to be used to indicate ownership and is:

- (1) An employee or authorized agent of this State;
- (2) An employee or authorized agent of a municipal or county government of this State; or
- (3) An employee or authorized agent of the Federal Government.

(b) A person who places, maintains or uses the trail camera or similar device with approval from the Department.

(c) A person who places, maintains, or uses a trail camera or similar device on private property with the permission of the landowner.

(d) A person who places, maintains or uses a trail camera or similar device to monitor the use by livestock of any water source described in paragraph (c) of subsection 1 if the owner of the trail camera or similar device is the holder of a permit to appropriate water issued by the State Engineer for the purpose of watering livestock.

3. As used in this section, “trail camera or similar device” means any device which ~~is~~:

(a) *Is* not held or manually operated by a person ; and ~~is~~

(b) *Is* used to capture images, video or location data of wildlife using heat or motion to trigger the device.

↪ *The term includes a device that uses a time-lapse recording function.*