



STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Law Enforcement Division

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MEMORANDUM

January 26, 2018

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

From: Tyler Turnipseed, Chief Game Warden

Title: **Regulation Changes: Commission General Regulation 440**

Description: The Commission will consider an NAC change to limit the use of “trail cameras”.

Presenter: Tyler Turnipseed, Chief Game Warden

Agenda No: 13B

CGR 440: Trail Cameras. This proposed change would add a new section to NAC 503.

In recent years, Nevada has seen an explosion in the popularity and use of trail cameras. What began as a person using two or three cameras to check wildlife usage of a favorite water, has grown in orders of magnitude to a point at which we now find individual water sources with dozens of cameras. We hear of individuals putting out as many as 300 cameras to cover every water source in a hunt unit, or series of hunt units. While this may not be much of a problem in areas with abundant water, Nevada has many dry, desert hunt areas with very few water sources in an entire mountain range. In many hunt units, simply by using trail cameras to cover every water source, a person can literally capture photos of every single big game animal in the entire hunt unit. Most of these hunt units have big game seasons that open in August when animals are still highly dependent on these water sources for daily water.

This rapid increase in trail camera usage is problematic for two reasons. First is a wildlife disturbance issue. Heavy traffic in and out of a water source for people to place or check their cameras provides a significant disturbance, especially when some individual waters have dozens of cameras on them. This disturbance is even more problematic when there are open seasons and some people checking their cameras for future seasons while hunters are actively hunting the current season. It may also be assumed that the very presence of a camera or multiple cameras disrupts the way some animals come to water, especially at night.

The second concern with such heavy use of trail cameras in desert hunt areas is the fair chase issue. When a person can photograph every single big game animal in a hunt area by using cameras and this occurs during the hunting season, the animal has a severely reduced ability to avoid detection by hunters.

The proposed regulation change would place limits on the use of trail cameras and similar devices. At its workshop on November 3rd, 2017, the Commission directed the Department to change the proposed regulation language to limit trail cameras in three ways; first, to prohibit transmitting trail cameras at any location and any time of the year; second, to prohibit the placement, maintenance, and use of a trail camera within 300 feet of a spring, water source or artificial basin at any time of the year; and third, to prohibit the use of any trail camera at any location from August 1st through December 31st.

The regulation would further prohibit the placement, maintenance, and use of a trail camera if it prevents wildlife from accessing, or alters the manner in which wildlife accesses a spring, water hole, or artificial basin which is used by wildlife and collects water.

The regulation defines a trail camera as any device which is not held or manually operated by a person and which is used to capture images or video using heat or motion to trigger the device.

In simple terms, this regulation would prohibit trail cameras within 300 feet of a point-source water at all times, transmitting cameras at all times, and any other camera from August 1st through December 31st.

As currently drafted, there are several exemptions in the regulation. These include wildlife monitoring by a group in consultation with the Department, use on private property, ranchers monitoring their livestock, and employees of a government agency who are acting within their official duties, and who have clearly marked the camera with ownership information.

The trail camera issue has been in front of this Commission several times, dating back to at least 2010. Various versions of a regulation have been drafted and workshopped, with this being the most current language from the November 2017 workshop. Meanwhile, the overall use of trail cameras, technology associated with trail cameras, and conflicts over the use of trail cameras have all increased dramatically.

Requests continue to come in from sportsmen and County Wildlife Advisory Boards on the eastern side of Nevada to limit the use of trail cameras. These Eastern Nevada counties have large amounts of public land and a dry climate with point source waters where trail cameras are the most effective.

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

LCB File No. R012-16

November 21, 2017

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

AUTHORITY: §1, NRS 501.105 and 501.181.

A REGULATION relating to wildlife; prohibiting a person from placing, maintaining or using a trail camera or similar device under certain circumstances; providing exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners: (1) to establish policies and adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat; and (2) in establishing such policies and adopting such regulations, to consider first the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission. (NRS 501.105) Existing law also requires the Commission to adopt regulations necessary to carry out the provisions of title 45 of NRS governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.181)

This regulation prohibits, with certain exceptions, a person from placing, maintaining or using a trail camera or similar device: (1) at any time during the period beginning August 1 and ending December 31 of each year; (2) 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 that is used by wildlife and collects, or is designed and constructed to collect, water; (3) at any time if the trail camera or similar device transmits, or is capable of transmitting, images, video or location data of wildlife; or (4) within 300 feet of a spring, water source or artificial basin that is used by wildlife and collects, or is designed and constructed to collect, water.

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

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

(a) At any time during the period beginning August 1 and ending December 31 of each year.

(b) 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.

(c) At any time if the trail camera or similar device transmits, or is capable of transmitting, images, video or location data of wildlife.

(d) Within 300 feet of a spring, water source or artificial water basin described in paragraph (b).

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 of a municipal or county government of this State;

(3) An employee of the Federal Government; or

(4) An employee of any industry or any other person who uses the trail camera or similar device in consultation with the Department.

(b) A trail camera or similar device placed, maintained or used on private property with the permission of the landowner.

(c) A trail camera or similar device placed, maintained or used to monitor the use by livestock of any water source described in paragraph (b) 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 not held or manually operated by a person and is used to capture images, video or location data of wildlife using heat or motion to trigger the device.*