

Trail cameras: Information on proposed rulemaking to prohibit their use for the take of wildlife

- At its Dec. 4, 2020 meeting, the Arizona Game and Fish Commission voted unanimously (5-0) to open the proposed rulemaking and begin the **public process** for potential future regulation of passive trail/game cameras used for the **take of wildlife**. Live action cameras were previously banned for the take of wildlife in 2018. [R12-4-303(A)(5)]
- The proposed language forwarded for comment by the Commission would simply treat both live action and passive trail/game cameras the same by banning trail/game cameras for the use of take.
- The public process includes an opportunity for the public to comment. Comments are encouraged and will be accepted by email at rulemaking@azgfd.gov from Jan. 1, 2021 through Feb. 1, 2021. See last page for other methods of submitting comment.
- The proposed language reads: “A person shall not use a trail camera, or images from a trail camera, for the purpose of taking or aiding in the take of wildlife, or locating wildlife for the purpose of taking or aiding in the take of wildlife.”
- If approved, trail cameras used for research, general photography, cattle operations or any other reason other than the take of wildlife would remain legal.
- “Take” means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or placing or using any net or other device or trap in a manner that may result in capturing or killing wildlife.
- “Trail camera” means an unmanned device used to capture images, video, or location data of wildlife.
- The Commission is considering regulating trail cameras as a result of public concerns:
 - Concerns over the use of trail cameras as it relates to Fair Chase. Commission Policy on Fair Chase includes: “...new or evolving technologies and practices that provide hunters or anglers with an improper or unfair advantage in the pursuit and taking of wildlife, or may create a public perception of an improper or unfair advantage...” This applies to areas where water is primarily point source water and game cannot escape detection.
 - Concerns that the use of trail cameras has become an increasing source of conflict between and amongst hunters, including the sense of ownership over a water source and hunting area.

- Concerns that frequent visits to set/check trail cameras are creating a significant disturbance to wildlife during extended dry periods of the year.
- Concerns among some livestock operators that frequent visits to set/check trail cameras are negatively affecting livestock operations.
- Concerns over the potential biological effects of setting/checking trail cameras on point source waters, especially during the ongoing drought.
- Concerns stemming from photos being taken of other people in the field by trail cameras.
- Complaints about the high numbers of trail cameras on the landscape and water sources, and concerns over the high number of trail cameras that may be on the landscape in the future as the population in Arizona continues to grow rapidly, technology continues to improve, prices go down, and availability increases.
- Complaints about damage to and theft of trail cameras.
- There is now potential monetization of game cameras to include services to place, monitor, check and sell camera images. If those services increase, the numbers of cameras and their use for take could dramatically increase.
- Public concerns about trail cameras have also been raised with the State Legislature. Legislation has previously been introduced that has so far not advanced because the Commission maintains the authority to examine this issue through rulemaking. At the request of the Commission, it was pulled.
- The Commission and Department used the research and recommendations presented by the 2018 Article 3 Rule Review Team to develop the proposed language regulating the use of trail cameras. Alternatives considered in 2018 included:
 - No action or no restrictions on use.
 - Prohibit live-action cameras (currently in effect).
 - ¼ mile restriction around water sources.
 - Species specific (e.g. prohibit for take of deer and elk, big game).
 - Specific units or zones (North/South).
 - Camera registration and label system.
 - Camera season (open and closed dates).
 - Complete ban on use (live-action and passive cameras)
- The Commission will hear and vote on final rulemaking at the March 19, 2021 Commission meeting.
- Any change to the current trail camera rule will not go into effect prior to January 1, 2022.

- See the [Notice of Proposed Rulemaking](#) language (also posted at <https://www.azgfd.com/Agency/Rulemaking/> (scroll down to Article 3 Taking and Handling of Wildlife Notice of Proposed Rulemaking))
- Once the Notice of Proposed Rulemaking is published, it will open a comment period that will run from **Jan. 1, 2021 through Feb. 1, 2021**. Comment can be submitted through:

Email: rulemaking@azgfd.gov

U.S. Mail: Arizona Game and Fish Department, Attn.: Celeste Cook, Rules and Policy Manager, 5000 W. Carefree Hwy., Phoenix, Arizona 85086.