

WAFWA COMMISSIONERS' COMMITTEE

BRIEFING PAPER



Issue Topic #3

Fair Chase and New Technologies

WAFWA Mid-Winter Meeting
January 6, 2021

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WAFWA Issue Topics Response 2021 Mid-Winter Meeting Virtual Platform

State: **Alaska Dept of Fish & Game**
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Fair Chase & New Technology

Alaska is often viewed as the mecca for hunting big game animals in one of the wildest, untamed landscapes in North America. It's rich hunting history and abundant natural resources were not lost on Alaska lawmakers, and even Alaska's constitution includes language for people to utilize Alaska's wildlife, and to develop and manage it using the sustained yield principle. With the continual advancement of technology, the methods and means used to hunt big game in Alaska has changed, and discussions regarding "fair chase hunting" are had by lawmakers, wildlife managers, and hunters alike.

The Boone and Crockett Club 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 animals. Every hunter who heads out into the field makes their own decisions on the use of current technology based not only on their personal beliefs, but on the statutory regulations passed by the Alaska Board of Game (BOG). The BOG is the state's regulatory authority that passes regulations to conserve and develop Alaska's wildlife resources and are charged with making allocative and regulatory decisions. During the BOG proposal process, many public proposals to change regulations are based on current technological advancements in weaponry, hunting accessories, communications, and motorized access.

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TOPIC 3
FAIR CHASE-NEW TECHNOLOGIES
WAFWA-WINTER 2021

Arizona Game and Fish Commission and Department Fair Chase Committee-Objective Statement

Monitor and evaluate emerging and evolving technologies and practices and maximize the Department's outreach efforts related to fair chase in order to increase the public's voluntary acceptance of the principles outlined in the Commission's Fair Chase Policy and Rules.

Policy and Rule Review Process

Criteria used to evaluate whether a new technology or practice is a Fair Chase issue:

- Does the technology or practice allow a hunter or angler to locate or take wildlife without acquiring necessary hunting and angling skills or competency?
- Does the technology or practice allow a hunter or angler to pursue or take wildlife without being physically present and pursuing wildlife in the field?
- Does the technology or practice make harvesting wildlife almost certain, and/or the technology or practice prevent wildlife from eluding detection and/or take?

Technologies or Practices Reviewed

R12-4-216 Crossbow Permit

- The rule was clarified to indicate that only a person with a valid Crossbow Permit may use a pre-charged pneumatic weapon using arrows or bolts during an archery-only season.
 - Crossbow applicant must have qualifying disability
- Allow a Crossbow Permit holder to use a pre-charged pneumatic weapon using bolts or arrows for the take of wildlife.

R12-4-101 Definitions

- "Handgun" means a firearm designed and intended to be held, gripped, and fired by one or more hands, not intended to be fired from the shoulder, and that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a barrel for each single pull of the trigger.
- Define terms "bow," "crossbow," "handgun," "muzzleloading shotgun," "pneumatic weapon," "rifle," and "shotgun" to aid in facilitating a consistent interpretation of Commission Orders and rules.
- Amend the definition of "aircraft" to include drones to aid in facilitating a consistent interpretation of Commission rules.
- Clarify that artificial flies and lures do not include chemical and organic attractants to minimize the mortality of fish, particularly trout mortalities because trout tend to gulp the lure deeper, resulting in a 30 to 90% mortality rate after being released.
- Define "device," "hybrid device," "muzzleloading shotgun," "pneumatic weapon," "rifle," and "shotgun" to aid in facilitating a consistent interpretation of Commission Orders and rules.
- Define "smart device" to aid in facilitating a consistent interpretation of Commission rules.

R12-4-303 Unlawful Devices and Ammunition

- Remove the phrase "designed for military use" and specify that any ammunition that does not expand on impact shall not be used for the take of wildlife to make the rule more concise.
- Prohibit the use of projectiles that contain a secondary propellant to proactively address emerging technology.
- Prohibit the use or possession of a smart device while taking wildlife to proactively address emerging technology.
- Prohibit the discharge of hybrid device, arrow, or bolt while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident, to increase consistency between statute and rules.
- A person shall not use a live-action trail camera, or images from a live-action, 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.
- Prohibit the use of a satellite or other device or images from a satellite or other device that orbits the earth and is equipped to produce and transmit images for the purpose of taking or aiding in the taking of wildlife.
 - Taking or aiding in the take of wildlife, or
 - Locating wildlife for the purpose of taking or aiding in the take of wildlife.
 - This subsection does not prohibit the use of mapping systems or programs.

R12-4-304 Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

- Allow the use of a hybrid device for the taking of aquatic wildlife provided all components of the device are authorized for the take of that species.
- Establish foot pounds of energy requirements wherever a pre-charged pneumatic weapon is authorized for that species. This change is in response to customer comments received by the Department.
- Authorize the use of a pre-charged pneumatic weapon for the take of bison and elk.
- Authorize the use of ceramic or ceramic coated broadheads for the take of wildlife to address technological advances in the archery industry.
- The minimum feet per second (FPS) requirement (for persons using a pre-charged pneumatic weapon using arrows or bolts for the take of bison), is corrected to indicate 250 is the minimum FPS requirement.

2020

The committee only reviewed one product over the calendar year, the HuntScan Big Game Detection Tool (www.thehuntscan.com). This product is a downloadable app for a mobile phone that can be used to connect to higher end spotting scopes. The app advertises that it enhances the spotter's ability to identify game on the landscape. Field tests conducted by an AZGFD Wildlife Manager did not demonstrate decidedly improved results. While this is an artificial intelligence that possesses the ability to learn, this technology is currently not deemed to be a significant game changer. The product will continue to be reviewed but there is no recommendation to the Commission at this time.

**Briefing Paper — Commissioners Committee
Utah Division of Wildlife Resources
Winter WAFWA, January 2021**



Subject: Fair chase and new technology

Background: The widespread availability and use of affordable new technologies has the potential to negatively affect wildlife. Some of these technologies and practices also appear to violate the standards of fair chase.

Current Status: The Utah Division of Wildlife Resources (DWR) is monitoring and assessing the use of the following technologies and practices as they relate to wildlife and hunting:

Airguns — In recent years, the Utah Wildlife Board approved the use of airguns for big game hunting. The DWR will survey hunters in 2021 to assess whether airguns are increasing in use and popularity. Airgun companies have been making progress toward paying the Pittman-Robertson excise tax on airgun purchases.

Trail cameras — Utah does not currently regulate the use of trail cameras for hunting, but they have become very popular among hunters. At the public's request, the DWR is planning to take a closer look at the use of trail cameras, particularly those that can transmit images in real time. Costs for these cameras have dropped, and satellite-transmitting cameras are now on the market. The DWR will survey hunters about the use of trail cameras in 2021 and, depending on the results, may need to take legislative action. Some western states have passed laws regulating the types of trail cameras hunters may use.

Night vision scopes and optics — During Utah's 2020 deer hunt, an animal was tracked over the course of multiple days and nights with night vision optics. Many hunters felt this violated fair chase standards. The Utah Wildlife Board has asked the DWR to review the use of night vision optics for hunting. The DWR will include questions about night vision scopes and optics in its 2021 hunter survey and then decide whether regulatory action is necessary.

Drones — Utah already has both a state law and an administrative rule that prohibit the use of drones in scouting, pursuing and hunting wildlife.

Baiting — In Utah, it is legal to hunt big game animals over bait. There has been extensive public discussion about baiting and whether it violates fair chase standards. Some hunters favor it, while others oppose it. The DWR will include questions about baiting in its 2021 hunter survey and then evaluate whether regulations are necessary.

The DWR's Position: As caretakers and stewards of the state's wildlife, the DWR believes that Utah currently has adequate state laws and rules in place to protect wildlife from many emerging technologies. With that said, DWR personnel will continue to

closely monitor this issue and address any unforeseen developments that may negatively impact wildlife.

Key Dates: The DWR plans to survey hunters about various new technologies and preferred hunting practices in 2021. DWR personnel will continue their efforts to monitor new trends and ensure that emerging technologies do not harm wildlife. If current laws are deemed inadequate, the DWR will seek updates to state code and administrative rules or work toward new legal protections.

Key Publics: Key publics include hunters, conservation organizations, the general public, agricultural interests, environmental groups and government officials.

Fair Chase and Ethics

WAFWA Briefing Paper – December 2020



Fair Chase and Technology

The use and application of innovative technologies and imagery in hunting has drawn an increasing amount of attention, both from hunters and by wildlife agencies. In particular, the use of drones for the scouting, hunting and taking of wildlife presents a growing threat to fair chase or the North American Model of Wildlife Conservation. In January 2014, Colorado was the first state to take regulatory action to address this problem by prohibiting the use of drones to scout for, hunt or take wildlife. Colorado Parks and Wildlife (CPW) staff do use drones for research, management, and law enforcement purposes, as allowed under guidance from CPW's Director in the form of an agency administrative directive.

Colorado's General Assembly and the Colorado Parks and Wildlife Commission have attempted to address the concept of fair chase through a variety of state statutes, regulations, and even a Commission policy. State statutes prohibit hunting from a motor vehicle; using an aircraft to locate, pursue, or hunt wildlife; or to engage in computer-assisted remote hunting. Parks and Wildlife Regulations further prohibit baiting, use of dogs for most big game hunting, smart-rifles, live-action cameras, and drones as an aid in hunting or taking wildlife.



Source: outdoorbuddies.org

Fair Chase Policy and Accommodation Requests

In the face of new and evolving technologies, CPW staff and the Colorado Parks and Wildlife Commission take fair chase into account when considering potential changes to Colorado's regulations. The purpose of the Commission's [Fair Chase Policy](#) is to "establish guidelines to facilitate continuous review of evolving technologies and practices to ensure the ethical, sportsmanlike, and lawful pursuit of free-ranging wild game animals is done in a manner which does not give the hunter, angler, or trapper an improper or unfair advantage". This policy, adopted in 2016, also urges CPW staff to consider enhanced public safety, improving hunter competency and participation, as well as accommodations for those individuals with disabilities, when making recommendations to the Commission on the appropriateness of these technologies for hunting.

CPW may not allow the use of a technology generally, but may make reasonable accommodations for persons with disabilities (as defined by the Americans with Disabilities Act) or to enhance the safety of persons and/or property. Hunters with a disability must complete a [request form](#) if seeking an accommodation for:

- Shooting from a stationary motor vehicle and/or OHV
- Use of an assistant to track and dispatch wounded game
- Use of the exterior or a vehicle to support a firearm
- Use of a crossbow or draw-lock device during archery season.

Idaho Department of Fish and Game
Commissioner Issues Report to the Western Association of Fish and Wildlife Agencies
Winter 2021

Issue Topic #3: Fair Chase and New Technology

This issue is a continuation of the discussion “Technology and Ethics” discussed at the Commissioner meeting at the 2020 Winter meeting.

Idaho statutes already define many unlawful uses of technology in consideration of fair chase (Idaho Code 36-1101). Hunting from a motorized vehicle including unmanned aircraft (drone), molesting wildlife with a motorized vehicle, hunting from a helicopter, and hunting with artificial lights (except raccoon) are a few of the issues addressed in statute.

In addition to statutory restrictions, the Idaho Fish and Game Commission (Commission) has the authority to define lawful technology for hunting through rulemaking.

Both the Commission and Idaho Department of Fish and Game (IDFG) recognize that there are many perspectives about technology and its role in fair chase and the public has had many opportunities to offer input to the Commission about this issue over many years. The Commission routinely considers aspects of fair chase and technology when setting seasons or adopting rules for legal methods of take and they often receive requests to incorporate new technology. Concerns about implications to fair chase is a key policy consideration articulated by the Commission when considering new technology. Prior to any decision about allowing new technology, the Commission consults with the Department and the public and often participates in demonstrations of the requested equipment to inform their decision. In addition, the Commission views requests for new technology through the lens of how adopting new technology may affect hunting opportunity, particularly primitive weapon seasons (archery and muzzleloader).

From 2006-2009 the Commission conducted a thorough review of archery and muzzleloader equipment and adopted some adjustments to rules to address interests expressed by a broad spectrum of hunters and to respond to changes in technology that had occurred during the previous decade. In July 2014, staff presented a workshop to the Commission about the history of method-of-take restrictions particularly in “primitive weapon” hunts. These forums led to a general Commission policy to avoid further technology creep particularly in primitive weapon hunts.

In 2018, the Commission did establish new rules for the lawful use of airguns in general and short-range hunts after substantial investigation and public input demonstrating there were not biological, fair chase, or opportunity issues with the framework ultimately adopted by the Commission.

Concerns about fair chase and technology also led the Commission to discuss rulemaking to regulate use of trail cams as an aid to hunting but because input from the hunting community was divided and enforcement would be exceptionally challenging, the Commission did not pursue rules.

The Commission recently acted in May 2020 to deny a petition requesting rulemaking to allow lighted nocks. The following is an excerpt from the Commission's letter to deny this petition that provides the Commission's perspective.

Determination and Findings

The Commission makes the following determinations and findings.

The Commission will not conduct rulemaking to authorize lighted nocks for use in big game archery seasons.

The Commission has previously heard and considered the balance between advancements in archery technology and maintaining the primitive nature of primitive weapon seasons. From 2006 to 2009, the Commission conducted a thorough review of archery and muzzleloader equipment rules and adopted some adjustments to address concerns expressed by a broad spectrum of hunters. In July of 2014, Department staff presented a workshop to the Commission on the history of method-of-take restrictions. At the time of the 2014 workshop, the Commission felt that it was important to maintain the nature of Idaho's primitive hunts. Currently, the Commission still finds it is important to maintain the nature of primitive weapon hunts.

While the Commission understands and applauds the desire of archery hunters to do everything they can do to cleanly and ethically take big game, the Commission also believes it is imperative to scrutinize the cumulative impact of technology creep in primitive hunts. Compound bows become a more effective weapon every year, shooting arrows faster. Yearly, the number of animals taken in archery seasons keeps on continuing to increase, at least in part due to advances in technology. It is unavoidable that increased take during archery and other primitive weapon seasons will only result in lost opportunity in the future. That is, if take of big game animals continues to increase during archery seasons, the Commission may need to respond by limiting opportunity through mechanisms such as shorter seasons, caps on tags, or transitioning from general to controlled hunts. For these reasons, the Commission denies the petition to initiate rulemaking because it finds the current regulatory framework surrounding Idaho archery seasons best maintains the primitive nature of archery seasons.

Western Association of Fish and Wildlife Agencies Winter 2021

Commissioners' Committee Topic Briefing – Kansas

Fair Chase and New Technology

Fair chase is defined as whether the animal has a reasonable chance to elude the hunter. Every hunter operates under a set of personal ethics, which often include considerations of fair chase. Some regulations attempt to ensure fair chase, but are probably not effective in influencing hunter ethics. What is considered ethical and fair chase may vary dramatically in different parts of the country, due to local culture and long-standing traditions.

Discussions about fair chase come up at Kansas Wildlife, Parks and Tourism Commission meetings whenever new types of equipment or hunting methods are proposed. Since the department's regulations are permissive, they are specific on what types of equipment and methods of take are legal.

Recently a Federal Premium Ammunition representative requested the Commission consider allowing a new product called the FireStick, which is a plastic cartridge that contains a charge of black powder, loaded from the breech of a specific muzzleloader. The FireStick accepts a 209 primer for ignition. The bullet must still be loaded from the front of the muzzle. The product is marketed for its safety because of the ease in which the muzzleloader can be unloaded, as well as increased accuracy since the powder charge is consistent and there is no crud ring build-up. Loading also appears to be easier and quicker than more traditional muzzleloaders. It does not qualify as a muzzleloader under Kansas' current regulations, which require components to be loaded from the front of the muzzle nor is it allowed during the general firearm seasons.

Commissioners talked about whether it fit in what many consider to be a primitive muzzleloader-only season, even though in-line muzzleloading rifles with scopes are currently allowed. While it's easy to argue that the FireStick would have no impact on a deer's ability to elude the hunter, fair chase could be considered within what is expected during a muzzleloader-only season.

Fair chase was also discussed when the Kansas Commission passed a regulation that allows the use of lights, night vision and thermal imaging equipment to hunt coyotes at night. Hunters have consistently expressed interest in using this equipment at Commission meetings and through the annual furharvester survey. There was also word of impending legislative action that would allow this type of hunting.

It's difficult to include coyotes in a discussion about fair chase in Kansas because coyotes are not defined in statute as furbearers or game animals and as such can be killed with very few restrictions, including the use of vehicles and two-way radios. Coyotes may be hunted year-round, 24 hours per day. Until this regulation was adopted, only licensed animal damage control permit holders and landowners experiencing livestock losses

were allowed to use artificial lights, night vision and thermal imaging to take coyotes. This new regulation allows that equipment to be used by special permit from January-March. The equipment may not be used from a vehicle, and is not allowed on public land. While there were concerns about safety, deer poaching and fair chase from Commission members and department staff, research of other states where the equipment is allowed indicated it is no less safe than other types of hunting and poaching incidents didn't increase. In the end, the Commission and staff felt a regulation with acceptable restrictions was preferable to a legislative bill that might have been more difficult to enforce and accept.

The debate over new technology and fair chase often boils down to personal equipment choices and expanding opportunities. Should crossbows be allowed during the archery season? Many "traditional" bowhunters opposed the change, but there is no arguing that it allowed a whole new segment of the population to enjoy archery hunting.



WAFWA Commissioners Committee Brief – **Issue 3. Fair Chase and new technology**

Fair chase and ethics are two issues that have initiated more protective measures in the form of education and regulatory constraints than any other topics relating to our natural resources. The primary motivator of sportspersons has transitioned from the thrill of the hunt to success in capturing their quarry regardless of the method. Some of this undoubtedly relates to societal trends to include; current generations experience with ample opportunities to harvest a variety of wildlife, time availability complicated by the opportunity to participate in many other activities and a reduction in respect for the outdoors in general. Limited access to lands to hunt and complex regulations have also contributed to this shift in societal values.

Challenges:

- Use of technology to give advantages of game location (aircraft and drones, radio collars, wireless trail cameras, etc.).
- Use of bait and baited sites (often paired with trail cameras)
- Modified weaponry to include air guns, air bows
- Social media bragging boards

Current Solutions:

- Education of youth through Hunter Education courses
- Youth mentoring opportunities with trained mentors (positive influences)
- Statutes/Regulations

Potential Solutions:

- More recognition of positive behavior
- Continue to remind of good ethics and fair chase strategies (so not just once at Hunter Ed)
- Provide outreach efforts on agency social media sites and stories in magazines about good examples of this behavior
- Show the damaging impacts / consequences of poor ethics
- Increase enforcement presence

Trail Cameras

The Nebraska Game and Parks Commission currently does not restrict the use of trail cameras on private or public lands within the state. There are no restrictions that limit electronically sending notification or pictures of wildlife in a wireless environment from trail cameras to other devices (computer, tablet, cell phone). As technology continues to improve and change, this may be an area where future legislation will need to be considered.

Airbows

Airbows are currently illegal to use in Nebraska as they do not meet the statutory definition for archery equipment or firearms. They also do not meet our regulations for big game hunting. Since no legal method of take is identified in our regulations for rabbits and squirrels in Nebraska, airbows would be legal for hunting those species.

Airguns

Airguns are not legal to use in the harvest of big game species in Nebraska as they do not meet our regulatory definitions for weapons allowed. As well there is some ambiguity in Nebraska statute regarding their status as a firearm. Airguns could be legally used to hunt rabbits and squirrels in Nebraska, as we do not identify legal weapons for taking those species.

Use of Drones when hunting

The use of drones (or any aircraft, as drones are considered aircraft under Nebraska statutes) to spot or relay the position of game animals is prohibited by state statutes and agency regulations. As well, the remote firing of a weapon from a drone (or any aircraft) is prohibited. While no violations have been encountered, based on the volume of inquiries there is substantial interest in using drones to spot and take wildlife. Similarly, every year we investigate the illegal use of fixed wing aircraft that are reported or suspected of being used to relay the location of game to hunters on the ground. However, cases are rarely made due to the complexity of investigations and establishing clear evidence.

Additional concerns have also been raised about the use of drones by those seeking pictures of rare species (eg. whooping cranes) which can result in unintentionally harassing or hazing wildlife, which is not legal. There are also concerns about the potential intentional use of drones to harass wildlife (eg. waterfowl, big game) from one landholding to another (from where hunters do not have permission to hunt) to lands where they do.



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Western Association of Fish and Wildlife Agencies Nevada Department of Wildlife Commissioner's Committee Meeting Issue Topics

3. Fair chase and new technology

With the ever-evolving world of technology constantly coming up with new and improved gadgets to help sportsmen in their pursuit of a successful hunt, it was only a matter of time before state agencies across the country would be forced to address this growing world of high-tech hunting. The Nevada Department of Wildlife has amended or created several regulations tackling topics such as drones, smart scopes, electronically enhanced visual aids such as night vision, thermal imaging, and trail cameras that transmit video in real time. In all of these cases, the Department's Law Enforcement Division has been forced to walk the line between the natural progression of technology and the question of fair chase; an ethical code that hunters live by that promotes an ethical, sportsmanlike and lawful pursuit that does not give the hunter an improper advantage over such animals; especially with the use of technology.

In June of 2016, the Nevada Board of Wildlife Commissioners added language to Nevada Administrative Code (NAC) 501.200 prohibiting the use of drones 48 hours before any big game season. While it was agreed the regulation already covered drones, the Commission added the language "unmanned aerial vehicle" to further clarify the regulation. What had once been an expensive novelty, had grown into something everyone could own and now stream video directly to the user. The advantage is significant for a hunter to follow an animal in real time with a live streaming video from the air. Drones also take a key component to hunting off the table. Hunters no longer need to go out into the wilderness to scout for an animal. Now they can simply sit on the tailgate of their truck and let the drone do the work.

In September of that same year, the Commission passed a change to regulation NAC 503.142, which made it illegal to hunt a big game animal with any firearm equipped with a sighting system using a computer or electronically controlled firing mechanism. This change was in response to the development of laser-tracking "smart rifles." These rifles acquire "laser lock" on a target and then automatically fire the round when the riflescope's crosshairs meet up with the laser lock point. The scopes are Wi-Fi enabled to show real time images to anyone wirelessly hooked up to it and allow for shooting the rifle without even looking through the scope. This is just another example of technology attempting to move away from the traditional view of what is and is not ethical hunting.

In 2018 the Commission passed a regulation restricting the use of trail cameras after several water holes in Nevada began flashing like a Hollywood movie set in the time leading up to big game hunting seasons. Some individuals were reported to have as many as 300 cameras set up in one hunt area. In some areas, animals are dependent on these limited water sources that have heavy animal traffic on trails granting access to them, especially during hunt seasons. The cameras were causing a significant disturbance to wildlife. The regulation now prohibits the use of a trail camera from August 1 through December 31 of each year, or July 1 through December 31 if the camera is capable of transmitting the images or video. Further restriction on time lapse functions were added by the Commission in 2020 in NAC 503.

Electronically enhanced visual aids such as night vision and thermal imaging was addressed by the Commission in 2020, in a change to NAC 503 specifically targeting the unethical usage of such devices to pursue game at night, lie in wait, then utilize the technology to track animals hiding in brush even in daylight hours. The regulation addressed pursuit of a game mammal or bird and was unanimously supported by the commission.

Other emerging concerns are the increasing modifications to muzzleloaders which greatly increase the speed and accuracy of such devices. This calls into question the definition of a "primitive or traditional" hunt season when utilizing a muzzleloader with a bolt action, primer/powder charge breech loaded, sabot round, and a rifled barrel, capable of accurately taking an animal at 200 yards.

One could argue that based on the ease of operation and what would assume would be more precise and consistent level of accuracy, this technology is taking the muzzle-loading technology clearly beyond traditional muzzleloaders. It leads to question if the technological aid should be allowed in what has been considered as a primitive weapon hunt.

With all these questions, the Department had to weigh the desire of the public, the well-being of the animals and the question of ethical hunting into every decision. Going forward, future challenges to balance ethical hunting, generational expectations and new technology will be an ongoing factor in wildlife management oversight.



WAFWA Issue Topics, Mid-Winter 2021

State: New Mexico

Agency Director: Michael B. Sloane

Fees for Wildlife Management Areas (WMAs) –

To access WMAs and all State Game Commission (SGC) lands in New Mexico, each hunter or angler must possess a Habitat Management and Access Validation (HMAV) and the proper license, valid during eligible hunt dates published in the New Mexico Hunting and Fishing Rules and Information booklet. Each properly-licensed hunter or angler may be accompanied by up to three (3) guests.

Individuals or groups accessing a WMA for Wildlife-Associated Recreation (example: wildlife viewing, photography, etc.), must have at least one out of every four adults in possession of at least one (1) hunting license, fishing license, trapping license **or** Habitat Management and Access Validation (HMAV), valid for the current license year. Youth under the age of 18 are exempt from license and validation requirements.

For more information visit <http://www.wildlife.state.nm.us/conservation/state-game-commission-lands/>.

Shed Hunting–

New Mexico Department of Game and Fish does not currently issue any closures, on public land, specifically for shed hunting. There are areas of the state that are closed to access for various activities that may include shed hunting, but there are no areas that are closed for this reason only.

Fair Chase–

In 2019, the New Mexico State Game Commission passed a Fair Chase Rule that allows the Department to withhold location data that could be used to harm an animal or population, or could be used contrary to fair chase principals. Location data that is less specific can be shared with the public, and location data to be used for scientific or management purposes can be shared if the cooperators enter into a data sharing agreement with the Department.

Other rules specific to Fair Chase include:

- Hunting or shooting at any animal from an aircraft or drone or flying an aircraft in any manner which causes any non-domesticated animal to move from its place of rest or change its direction of travel.
- Use of any cellular, Wi-Fi or satellite camera for the purpose of hunting or scouting remotely for any big game animal.

Oregon Department of Fish and Wildlife
WAFWA Mid-Winter Meeting – January 2021
Fair Chase and New Technology

Oregon's hunting regulations, adopted by the Oregon Fish and Wildlife Commission (Commission), in some respects have remained relatively conservative through the years. The Oregon Department of Fish and Wildlife (Department) has evaluated and proposed changes to the Oregon Big Game Regulations to address potential issues and balance changes with advancing technology and maintaining fair chase.

Many of the regulation changes have been incremental and resulted from proposed language to allow or prohibit certain devices or equipment as new technology became available. The primary consideration was most commonly driven by implications on violations of fair chase, hunter success rates, and potential biological impacts.

As technologies that improve a hunter's chance of success have become more affordable, the need has risen for regulation changes to maintain fair chase standards, maintain relatively primitive archery and muzzleloader equipment, and balance hunter success rates with opportunity. Some of the Department's most recent regulation changes related to technology have centered on optics and the timing of their use. In Oregon, the use of any artificial light for hunting any wildlife was prohibited, including scopes with laser sights or other weapon mounted sights which project a beam to the target including a beam not visible such as from a rangefinder incorporated into the scope. This language was expanded in 2019 to prohibit scopes that receive information from a rangefinder or any electronic device (e.g. Bluetooth technology between scope and rangefinder or through a cell phone).

In 2019, a notable rule change occurred where the use of infrared or night vision equipment was prohibited not only for hunting but also scouting or locating wildlife for the purposes of hunting. This is notable because beyond prohibiting hunting by individuals who recently spent time in an aircraft, very few big game regulations regarding pre-hunt activities exist. Throughout all of these regulation changes, certain exemptions had to be made to not unintentionally exclude other devices or activities such as exempting the use of trail cameras (that may use infrared).

As new technologies emerge, regardless of their function and connection to hunting, broad regulation language will be tested and often refined to address the true intent. One example of this evolving rule language is the attachment of electronic devices to archery equipment. Originally, no electronic device could be attached to a bow or arrow such as electronic sights. In 2016, regulation language was modified to allow lighted arrow nocks as they provided no advantage to increase hunter success. Those same regulations were again modified in 2019 allowing cameras to be attached to bows but limiting camera devices to possess no other functions such as range finding.

The use of remote-controlled equipment for hunting is also a category that has come into potential conflict with fair chase. Oregon statute prohibits the use of internet and computer-assisted hunting whereby a computer or other device remotely controls the aiming and discharge of a weapon. In 2016, the Department implemented language prohibiting the use of drones (i.e. unmanned vehicle) for angling, hunting, trapping, scouting, or aiding in those activities by harassing, tracking, locating,

or scouting wildlife, or interfering in the acts of a person who is lawfully angling, hunting, or trapping.

Crossbows use is also very restrictive in Oregon; they are not legal for hunting any game animal. Crossbows can be used to hunt unprotected wildlife such as coyotes, jackrabbits, and nutria. The Commission has declined to adopt Department staff recommendations to allow the use of crossbows several times. The first consideration occurred in 2010 when the Department proposed crossbows be allowed for hunters with certain types of disabilities. Most recently, the Department proposed allowing crossbows for use in hunts where centerfire firearms are allowed. The recommendation was not adopted by the Commission, noting concern from some hunters opposed because any limited allowed use of crossbows would likely be expanded in the future (the slippery slope). An additional concern expressed by archery hunters was that any technology that increases hunter success could result in reduced hunting opportunity during archery seasons in the future.

The Department expects to continue to revisit and possibly refine regulation language as new equipment, technology, and questions arise. A current example is a new muzzleloader where the powder is encapsulated in plastic cartridge (loaded from the breech and ignited by a 209 sized primer) and the projectile is the only component loaded from the muzzle.



Topic 3: Fair Chase and New Technology

*Western Association of Fish & Wildlife Agencies
Winter Meeting – January 2021*

Fair Chase, as defined by the Boone and Crockett Club, is “the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, big game animal in a manner that does not give the hunter an improper or unfair advantage over the game animals.”

Texas Parks and Wildlife Department (TPWD) encourages hunters to respect wildlife of all kinds and has certain laws in place to ensure the responsible use of wildlife resources. One of the most important laws addressing this topic prevents the waste of game (Parks and Wildlife Code §62.011), requiring hunters to make a reasonable effort to retrieve downed game and use all major edible pieces of meat from the animal.

While these laws encourage certain ethical hunting activities, 95 percent of land in Texas is privately owned and TPWD respects the right of private landowners and their hunters to decide what they feel constitutes fair chase within the limits established by the Parks and Wildlife Code. Although the TPW Commission has authority to determine lawful means and methods, the Parks and Wildlife Code does not direct the TPW Commission to consider ethics or fair chase as a factor in adopting the statewide hunting proclamation. With the technological advancements seen in the outdoor industry over the past few years, the fair chase line can become blurred at times. Below are a few specific hunting products from this category and TPWD’s approach on each:

Air Guns/Arrow Guns – After a significant amount of staff research, the Texas Parks and Wildlife Commission passed rules in August 2018 to allow alligators, game animals, furbearers, squirrels, and non-migratory game birds (except eastern turkey) to be hunted with pre-charged air guns and arrow guns, provided projectiles meet certain bullet weight/muzzle velocity standards ensuring efficacy. Arrows or bolts used with an arrow gun must conform to the same standards for projectiles for archery. Arrow guns may not be used to hunt deer or turkey during archery seasons.

Crossbows – The Texas Legislature passed a law in 2009 making it legal for anyone to use a crossbow during both the Archery Only and General Seasons; however, regulations in a four-county area in north Texas and some units of public hunting land, still restrict crossbow use during the Archery Only season to persons with permanent upper limb disabilities.

Drones/UAVs - Except with permits issued by TPWD, the use of drones to hunt, drive, capture, take, count, or photograph any wildlife is unlawful. This includes locating wounded animals as well.

Muzzleloaders – Texas currently defines a muzzleloader as any firearm that is loaded only through the muzzle (as opposed to breech-loading firearms). A cap and ball firearm in which the powder and ball are loaded into a cylinder is not considered a muzzleloader. Muzzleloader deer seasons are restricted to muzzleloading firearms only.

Trail Cameras – The use of trail cameras to scout hunting areas has been a part of the mainstream hunting culture in the U.S. for several years. There are no regulations preventing the use of trail cameras in Texas, including those with remote photo upload capabilities.

The topic of fair chase and ethical hunting in a state with flexible deer management regulations can be a challenge at times. TPWD will never be able to regulate ethics so the approach of the agency is to put common-sense regulations and hunter education programs in place that will encourage the responsible use of our wildlife resources, enforce those regulations through capable law enforcement, and trust our landowners/hunters to do the right thing in the field.

There are also angling-related technological advancements that have raised fair-chase concerns from some in the angling community. These items include, but are not limited to, the use of drone technology to locate schooling fish, the use of remote-controlled boats or drones to carry baits to areas otherwise inaccessible by anglers, and the use of underwater cameras with 3D mapping tied to GPS chart plotters. TPWD Law Enforcement maintains the current position that the act of fishing does not occur until the hook hits the water. Drone use is currently legal if the machine is not physically moving a bait through the water. TPWD has previously denied the use of remote-controlled boats for fishing use as they would physically drag the lure.

Determining whether certain fishing technology or methods of capture are unethical and potentially create some “improper or unfair advantage” over the fish is often subjective and debatable. Whether a technology or fishing method is so effective that it causes population-level effects is another issue and one that TPWD continues to monitor closely.

Issue Topic #3: Fair Chase and New Technology

Washington Department of Fish and Wildlife

December 4, 2020

Ethical pursuit of game is often referred to as Fair Chase. This concept of fair chase is a fundamental part of the North American Model of Wildlife Management. The Tenet that speaks to this loudest addresses the fairness of access to hunting and states that wildlife should be allocated by law. This democratizes hunting, with the premise that everyone has an opportunity to hunt.

Technology advances continue to blur the lines as state wildlife agencies struggle to keep up. These technologies can be split into three fundamental groups, 1) technologies to improve the hunting implement, 2) technologies that improve a hunter's ability find and monitor their favorite quarry and 3) technologies that help a hunter's ability to attract or call in wildlife for harvest.

Improving the hunting implement:

It is difficult to keep up with the innovations that fall under this topic. There a lot of regulations in Washington that deal with this topic. It is illegal to use infrared night vision equipment to hunt deer and elk. It is unlawful to have any electrical equipment attached to bow and arrow except illuminated nocks. It is illegal to have a scope on a muzzleloader.

There are many improvements to hunting implements; some are electronic, and others are engineering. Many of these improvements are related to hunting implements that we often refer to as primitive.

Long distance shooting and sometimes hunting is becoming more common. This has always been popular, but it required calculations of ballistics and wind speed, some specialized equipment, and lots of practice. Advances in aiming electronics now do all the work for you. With the aid of these electronics, a shooter can simply find the target in the scope and click a button while the device does the rest. Firearms manufacturers are also producing new bullets that retain their velocity at great distances. These things combined have a potential for hunters to shoot at a thousand yards or more with little practice or experience, which will continue to push ethical conversations around long-distance shots.

There are many innovations related to primitive hunting implement such as bows and muzzleloaders. Muzzleloaders are now available that allow the shooter to load the charge and primer as a unit from the breach and only the projectile is loaded from the muzzle. This has a potential for faster reloading and increased accuracy at longer distances. Depending on the type of powder used, add a scope and a muzzleloader becomes, essentially, as effective as a modern firearm.

Improvements related to bows often include electronics such as range finding sights and devices that can be mounted on the arrow to help a hunter find it after the shot. A new breadcrumbnock uses blue tooth technology to guide you to your shot arrow. We are currently proposing rule changes that would allow the use of this nock since it only increases the likelihood of finding wounded game.

The ability to scout virtually:

Trail camera use has exploded in recent years and many of the newest trail cameras send pictures or video to the users phone the moment they are captured. Now one can be in the comfort of their home while the camera does the work. WDFW does not currently regulate trail camera use. A proposal to do so did not gain public support. Many of these are used for security cameras as well as a hunting aids which makes them difficult to regulate on private lands. Regulating the use on public land, is perceived as unfair by the public land hunter that may not have access to tracts of private land.

Electronic decoys and calling devices:

These devices have been around for a long time.

It is currently illegal to hunt turkey, deer, and waterfowl with the aid of electronic decoys or calls in Washington. We are considering allowing them for white geese during a special late white goose-only season.

Washington, like many other states, struggles with trying to regulate ethics. The examples above are only a few and often rise out of a need to promote a sense of fairness while also assuring that the take method provides for a clean kill. The technology is moving faster than regulations can and we strive to do our best to keep up and balance with the ethics of Fair Chase.