

CSC Project Synopsis -- 2012

Project Title: Advice to conservation land managers on legal issues involved in the use of trail cameras

Goal: Trail cameras (motion-triggered, untended cameras) are now inexpensive and commonly available. Trail cameras are powerful tools for conservation planning and recently have been used to document cryptic animals, estimate animal populations, and document animals' use of special habitats and particular landscape features such as culverts. Trail cameras also have the potential to assist in monitoring or managing human use of conservation land, including both positive uses (documenting numbers of users) and negative uses (catching vandals, trash dumpers, wood thieves, and prohibited ATV use).

There are, however, legal issues with the use of covert cameras. These can include violation of people's expectation of privacy, accidental photography of abutters, and use of covertly acquired images for publicity or as evidence of a crime. LTA confirms it knows of no existing, legally researched guidance for land trusts on the use of trail cameras. Ted Clemens confirms he knows of no such research applicable to Rhode Island. All parties contacted expressed an interest in the issue.

This project will contract a legal opinion on the issues involved in the use of trail cameras on conservation land for a variety of uses, including documenting wildlife and human uses. The legal opinion will be incorporated with other information on camera use, including citations to published information on scientific uses, into a fact sheet that will be made available on the Land & Water Partnership website.

Brief Description: RINHS will request proposals from law firms with suitable expertise for an opinion on appropriate practices and safeguards for use of trail cameras, including highlighted areas of particular concern and particular practices to reduce risk. RINHS will convene a small committee of land trust leaders to review and accept the best offer, provide guidance to the firm, and review and accept the resulting opinion. RINHS will compile a draft fact sheet, circulate it for comments, revise it as necessary, and deliver it to the Land & Water Partnership for posting on its website. At the request of LTA, RINHS will provide it with the opinion and fact sheet.

Deliverables: The deliverables for this project are:

A written legal opinion on issues surrounding land trusts' use of trail cameras

A fact sheet on best practices for land trusts' use of trail cameras

Timetable and Benchmarks:

January	Circulate RFP to law firms
February	Contract for an opinion, meet with firm
May	Review opinion, ask questions, provide feedback, accept opinion
July	Circulate draft fact sheet

September Post final fact sheet

Budget:

Amount	Purpose
\$6,000	legal opinion
\$1,000	RINHS organizes committee, drafts and revises fact sheet

Total \$ 7,000

Payments will be made to RINHS.

Attn:

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Project oversight will be done by: David Gregg, Executive Director, RINHS