

# Allocation

*Overview of allocation and regulations for determining Resident and Nonresident Sheep Permit allocation in selected western states and Alaska*



# Western State Sheep Allocations

- Colorado – no more than **10%** of draw permits to NR
- Idaho – up to **10%** of drawing permits to NR
- Nevada – **10%** to NR; formula for increased NR allocation based on RES opportunity
- New Mexico – 6% to NR; **10%** to NR and RES who have contracted a Guide
- Montana – **10%** of limited Permits to NR; no allocation for unlimited areas, managed by harvest quota
- Utah – **10%** of drawing permits to NR
- Wyoming – **25%** of drawing permits to NR

# Authority to establish NR Quota

For a few states, the non-resident allocation is established and set in Statute by the state legislature (e.g., Wyoming).

For many states, authority is granted from the Legislature to the Board or Commission to determine the allocation (e.g., Alaska).

Federal Case Law –

1978 - Montana Outfitter Lester Baldwin vs. State of Montana

- Baldwin claimed that it was unconstitutional for the state to require nonresidents to pay more for elk licenses
- Court ruled in favor of the state with relevant points;
- Equality in access to MT elk is not basic to the maintenance or well being of the Union;
- By its nature... a state may prefer its residents over residents of another state, or condition the enjoyment of the nonresident upon such terms as it sees fit.

# USO Outfitters vs. State of Arizona

- Arizona sued by USO Outfitters based on the protection of interstate commerce provided by the Constitution
- Claimed that limiting NR hunters violated the Constitution because commercial outfitting and guiding was a business that crossed state lines
- Original court case found in favor of Arizona
- The U.S. Ninth Circuit Court of Appeals overturned and ruled in favor of USO; several states then sued by USO
- Sen. Reid (D-NV) with co-sponsors Sen. Stevens (R-AK), Sen. Baucus (D-MT), and others introduced legislation to protect the states

# Relevant text of the Reid bill that was later signed into law by President Bush in 2005

- (a) In general – it is the policy of Congress that it is in the public interest for each state to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife...or the fees charged in connection with issuance of licenses or permits for hunting or fishing.
- (b) Construction of Congressional Silence – Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (Commerce Clause) to the regulation of hunting and fishing by a State or Indian tribe

# Relevant Alaska Statutes

**AS Sec. 16.05.256. Nonresident and nonresident alien permits.** - Grants authority to the Board of Game to limit the take of big game by nonresidents or nonresident aliens through a permit system.

**AS Sec. 16.05.258. Subsistence use and allocation of fish and Game.** – Describes the Boards of Fish and Game role in working with the Department (Commissioner) to identify fish stocks and game populations used for subsistence, differentiate among uses and users, adopt regulations for the subsistence use of or elimination of non-subsistence consumptive use, etc.

# Board of Game Policy

## 2007-173-BOG Nonresident Draw Permit Allocation Policy

- Allocations will be determined on a case by case basis and will be based upon the historical data of nonresident and resident allocation over the past 10 years
- Each client will provide proof of having a signed guide-client agreement when applying for permits
- Contracting guides shall be registered in the area prior to the drawing
- When a guide signs a guide-client agreement, the guide is providing guiding services and therefore must be registered for the use area at that time

# Alaska Sheep Allocations (Draw)

- Tok Management Area (TMA) – 10% of permits to nonresidents
- Delta Controlled Use Area (DCUA) – 10 % of permits to nonresidents
- 13D – 20% of permits to nonresidents
- 14A – 10% of permits to nonresidents
- 14C – 10% of permits to nonresidents



# Judging Sheep Horns under Alaska's Full-curl Regulation

*Overview of the Department's efforts to standardize  
the methods for judging legal rams and improving  
consistency determining full-curl across the state*

# Legal Ram Evaluation Guide

- Committee of experienced ADF&G staff put together a DRAFT document as a guide to standardize methods and improve consistency statewide for judging sheep horns under the full-curl regulation
- This DRAFT document has been reviewed by the Division's Management Coordination Team, sheep managers, and sheep research biologists.
- Alaska Wildlife Troopers reviewed the document and provided comments to the Division
- APHA, BGCSB, AK WSF, SCI, AOC members and others will all be shown the document and asked to provide comments over the next month
- Plans are to present the document to the Board of Game in March
- Training and orientation with ADF&G and AWT staff prior to sheep season

# Definition of Full-curl horn

Full-curl horn of a male (ram) Dall sheep means that

- (a) The tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or
- (b) Both horn tips are broken, or
- (c) The sheep is at least eight years of age as determined by horn growth annuli.

# Measuring the Curl\*

- Perfect Circle Test – often done with the use of a length (12-15") of ABS or PVC pipe to match the outer circle of the horn; to identify the 360 degrees of a circle = legal
- Stick Test – locating a stick across the base of both horn which extends to both sides; one or both horns touch or cross the plane created by the stick = legal
- Horn Base / Tip Angle test – measuring the direction that the tip grows compared to the direction that the base grows; the angles for both are the same = legal

\* Only one of the methods has to meet the legal standard to be considered full-curl

# Both Horn tips are broken

Broken, as it applies to the horn tips of male (ram) Dall sheep, means:

The lamb tip is completely absent; horn tips that are chipped or cracked are not broken if part of the lamb tip is present;

The lamb tip is the section of a horn that is grown during the first 6 months of a sheep's life. Characteristics of the lamb tip include:

- a length of less than four inches,
- the inside surface of the lamb tip is often distinctly concave when compared to the remainder of the horn, and
- the lamb tip is the section of horn distal of the first annulus, which is the swelling of the horn that forms during the first winter of life.

# The sheep is at least 8 years old\*\*

Aging Sheep by counting Horn Annuli and understanding horn growth

- Sheep are born around the end of July
- Horn growth is relatively continuous through the first year of life although there is still an annulus formed during the first winter
- The lamb tip represents the first summer of life and is counted as the first annulus
- Annuli are formed during the winter and do not actually represent the date of birth of an animal, but the year of life it is in
- Horn growth normally slows with each consecutive year of life after age three (a small percentage of sheep will not follow this general rule)
- False annuli may be present and be mistakenly counted as annuli

\*\* There are pictures with diagrams used in the document to describe counting annuli and aging sheep