

**ACR 6** – Establish an annual statewide harvest limit by nonresidents of 65 rams per year over a three year period.

**SUBMITTED BY:** Mike McCrary

**MEETING ACR SUBMITTED FOR:** Statewide Regulations in March 2016

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Establish a new regulation under 5 AAC Chapter 92, or amend 5 AAC 92.008. Harvest guideline levels.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** According to ADF&G, Dall Sheep populations in Alaska statewide have declined over twenty percent since 1990. See ADF&G, DWC, “Trends in Alaska Sheep Populations, Hunting and Harvests” (2014), p. 4, stating a 1990 point estimate of 56,740 sheep (range estimate of 53,900 – 62,400 sheep), a 2000 point estimate of 50,850 sheep (range estimate of 48,300 – 55,900 sheep), and a 2010 point estimate of 45,010 sheep (range estimate of 42,800 – 49,500 sheep). Also, according to ADF&G, in the fourteen areas for which it issues reports, sheep populations trends currently are: (1) decreasing in four areas, (2) stable or decreasing in two areas, (3) stable at low levels in two areas, (4) unknown in one area, (5) stable in four areas, and (6) stable or increasing in one area. *Id.* at 7.

In other words, only one populations of fourteen populations shows any sign of increasing. Given that the 20-percent decline is over twenty years, and that the trends for most populations are that they fall toward the decreasing or low levels rather than toward increasing or high levels, the assertion that normal variability accounts for this 20-percent decline over twenty-five years since 1990 (*id.* at 7) seems questionable. A more reasonable explanation may be that there are too many people chasing too few sheep.

This proposal would promote population growth by reducing hunting pressure, and **would also avoid putting residents on a drawing permit system.**

**WHAT SOLUTION DO YOU PREFER?** Adopt a new regulation, 5 AAC 92.NEW or amend 5 AAC 92.008 (Harvest Guideline Levels) to provide that the annual statewide harvest of sheep by nonresident hunters shall be managed by the Department so that in any three year period the annual statewide harvest by nonresidents does not exceed an average of 65 rams per year.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a conservation purpose or reason:** The decline in sheep populations since 1990 corresponds generally to an increase in the nonresident percentage of the overall harvest. See *id.* p. 14. This proposal would reduce hunting pressure and promote population growth, without putting residents on a permit drawing system. This ACR would address both the decline in sheep populations and the increasing nonresident percent of harvest by limiting the nonresident harvest.

**b) to correct an error in regulation:** No applicable.

**c) to correct an effect on a hunt that was unforeseen when a regulation was adopted:**  
Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The Board and the State will lack a concrete conservation plan that may increase the sheep population and reverse the overall downward population trend.

Also, by excluding 5 AAC 92.008 from the regular cycle of the statewide call, the Board appears to be acting contrary to the right of the public to petition, under the Administrative Procedure Act at AS 44.62.220, for the Board to adopt a regulation that would establish a statewide harvest guideline for Dall sheep.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR seeks to rebuild sheep populations by restricting nonresident harvest, because the nonresident harvest has increased in terms of the percentage of overall harvest as sheep populations have declined.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE** This request is also allocative. This proposal should be eligible for current statewide call, but the Board and Board Support staff seem to think it should be rejected outright, so this ACR is an alternative way to get the proposal before the board.

The new information that should compel the Board to consider this ACR is that the Board and the Board Support Staff are denying to the public its right under the Administrative Procedure Act, at AS 44.62.220, to petition the Board to adopt a STATEWIDE regulation as proposed here. The Board (and Board Support staff) seem to have excluded 5 AAC 92.008 from the statewide call despite the fact that the regulations in 5 AAC 92, including 5 AAC 92.008, are statewide regulations. Furthermore, the Board Support staff have said they would reject a proposal to amend 5 AAC 92.008, as proposed here, simply because other aspects of 5 AAC 92.008 are regional. However, this proposal is STATEWIDE, not regional. To exclude it from the current call, or to reject it as an ACR, provides no opportunity for the public to propose such a regulation as proposed here, either as 5 AAC 92.NEW or as an amendment to 5 AAC 92.008.

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.** Former assistant guide, hunter, conservationist; former member of Anchorage Fish and Game Advisory Committee.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.** To the best of my knowledge, this ACR has not been considered previously, either as a proposal or as an ACR.