

May 20, 2014

TO: Wild Sheep Working Group/WAFWA

FROM: Rich Harris, Washington Department of Fish and Wildlife

Subject: Results of informal jurisdictional poll of agency regulations regarding wild sheep horns/skulls picked-up by citizens.

Background: In the state of Washington, we are considering asking the Fish and Wildlife Commission to approve a revision of our current regulations regarding the legality and/or conditions allowing citizens to retain and/or sell bighorn heads picked-up in the field. While we await decisions on how to best re-write our regulations, there is consensus both at headquarters and the field level that our current regulations are written ambiguously, allowing staff to interpret them variously. As a lead up to that, I began to investigate how others states/provinces regulate this. A short discussion of this during the WSWG meeting in Reno, January 21, 2014, resulted in a decision to poll representatives from each jurisdiction for purposes of providing a single document summarizing the various approaches adopted. Thanks to Clay Brewer for editing and disseminating the survey.

Results: Raw results are contained in the accompanying Excel spreadsheet, "Picked_up horns survey results_final_052014". I contacted 19 jurisdictions, and received responses from 17. In a few cases, I used my best judgment to interpret the answers as intended when responses left it unclear. If I've misinterpreted any jurisdictional responses, I apologize for the error and would ask that you feel free to contact me with a correction.

1. Can citizens simply pick up and retain horns found in the field without a requirement to have the agency inspect them?

Fifteen of the 17 responding jurisdictions do not allow this, at least for rams. (The questionnaire left ambiguity about whether ewe horns might be legally retained without agency inspection). Alaska and Arizona allow citizens to retain heads/horns, in neither case requiring a written permit.

2. Can citizens legally retain horns found in the field after first having brought them to the relevant agency for inspection?

Of the 15 jurisdictions prohibiting simple possession, 7 reported that possession subsequent to agency inspection was permissible if the animal was deemed to have died from natural causes. In addition, in Yukon it is permissible to retain the horns following inspection if "everything is in order" (these are, after all, Canadians). Eight reported that possession was not allowed even following inspection.

3. Are horns pinned/plugged by the agency if brought in?

Three jurisdictions reported that they do not pin/plug picked-up horns (Arizona, which allows possession without inspection; Nevada, which allows possession if the animal died of natural causes, and New Mexico, which does not allow possession). Eleven jurisdictions pin/plug these horns.

4. If picked-up horns are plugged, are marks differentiated in some way from those used for legally harvested animals?

Five of the 11 jurisdictions that plug horns brought in by the general public have either a coloring or numbering system that allows differentiation from legally harvested animals.

5. May individuals sell horns to others?

Eleven jurisdictions prohibit sale (even as some allow personal possession). Jurisdictions that either explicitly allow sale, or for which I could find no specific prohibition, are Alaska (but only after removing horns from skull/core), Arizona, South Dakota (via a public auction), Texas, Utah, and Wyoming.

6. When retained by the agency, are some/all heads auctioned or sold to raise funds?

Nine jurisdictions reported some sort of auction/sale of heads coming into their possession; 8 had no such program.

7. If auction/sale, is it administered by the agency or a group outside direct agency control?

Split about down the middle; 5 of the 9 jurisdictions use an outside organization to administer these sales, 4 do it in-house.

8. If not sold, what uses are horns put to?

Twelve of the 8 jurisdictions reporting that they do not sell horns use them for scientific or educational display. (Evidently, the survey instrument was a bit vague here; some jurisdictions probably do a combination of auction and retention for science/education).

9. Other findings of note:

Some jurisdictions contain regulations that specifically name bighorns, generally providing more restrictive regulation for them than other species. For example, Montana regulations state clearly "It is illegal to possess a bighorn sheep head/horn picked up in the wild". Idaho specifically names bighorn sheep as a species from which parts may be sold (which is otherwise lawful). Regulations in some jurisdictions leave the ultimate decision for a director or designee via language such as "It is illegal...unless possessing a permit issued by the department [or director]", but leaving unstated the criteria for the providing such a permit.

Discussion

There seems little consistency among jurisdictions, either in the specific regulations governing possession and sale of picked-up heads/horns of wild sheep, or even in the underlying philosophy. It

seems possible to identify a few jurisdictions at the tails of the distribution of regulation, with Montana probably being on one tail ('don't even pick them up, just leave them') along perhaps with B.C. ("illegal to possess parts worth > \$200 unless legally harvested"), and Arizona being on the other ('OK to pick up and sell without agency inspection or approval'). Between these 2 extremes, however, it would be difficult to rank jurisdictions based on the totality of these regulations.

The current patchwork of regulations tends to produce a consistent stream of questions to agencies of the sort "If I picked-up a skull elsewhere, can I possess it here", and "If grandpa left me a mounted skull, legally harvested elsewhere, can I sell it here?"

It may be beyond the scope of the WSWG to attempt to harmonize these regulations. However, it might still be useful to work on a statement of intent, i.e., why is possession and/or sale of wild sheep heads/horns, even if from animals dying naturally, a source of greater concern to agencies than, for example, elk antlers"?