

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, & PARKS

Wednesday, September 19, 2018
1505 Eastover Drive, Jackson, MS 39211
No Educational Session / 8:30 a.m. Business Session

MINUTES OF THE BUSINESS SESSION – 8:30 AM

PRESENT: Commission Chairman Bill F. Cossar, Commissioners Scott Coopwood, Robert Taylor, Billy Mounger, and Clay Wagner.

Among the MDWFP staff attending were: Dr. Sam Polles, Executive Director; Robert Cook, Deputy Executive Director; Michael Bolden; Jennifer Head; Charles Knight; Col. Steve Adcock; Larry Pugh; Russ Walsh; and counsel, Doug Mann, Special Assistant Attorney General. Chairman Cossar welcomed guest, Senator Mike Seymour, when he arrived later in the meeting.

Chairman Cossar, having noted for the minutes that a quorum was present, gaveled the meeting to order at 8:30 a.m.

OPENING PRAYER

Commissioner Billy Mounger opened the meeting with prayer.

MINUTES

ACTION: Upon motion by Commissioner Mounger and seconded by Commissioner Wagner, the minutes of the August 16, 2018 Commission meeting were unanimously approved.

AGENDA

Chairman Cossar asked if there were any changes to the agenda. The Executive Director requested adding "WMA Name Change" under OTHER BUSINESS.

ACTION: Commissioner Mounger moved to approve the agenda for September 19, 2018, as amended, Commissioner Wagner seconded the motion and the motion carried.

PUBLIC COMMENTS

Regan Martin – Davis/Diamond Island.

Martin stated that he was speaking on behalf of several landowners at Davis/Diamond Island. Approximately 12-15 hunting clubs are located there. Both island locations are on the West side of the Mississippi River, 20 miles from where the CWD positive deer was located. Martin stated that most of the hunters on Davis/Diamond Island are Louisiana residents and abide by Louisiana hunting laws and seasons, even though the island is in Warren County, Mississippi. Hunters rely on supplemental feeding of protein and corn for deer there. His request was to exempt Davis/Diamond Island from the supplemental feeding ban restriction in the CWD Management Zone. This is the only island in the CWD Management Zone.

Col. Steve Adcock, MDWFP Chief of Law Enforcement, informed Mr. Martin that MDWFP has a reciprocal agreement so that either Mississippi or Louisiana hunting licenses may be used on the island; however, hunters must abide by Mississippi hunting seasons and rules. Mr. Martin stated that he would inform the hunting clubs to change to Mississippi rules.

Russ Walsh, MDWFP Wildlife Executive Staff Officer, stated that only 14 samples have been collected on Davis Island and more are needed before a recommendation to change CWD Management Zone regulations could be made. Walsh and Martin agreed to coordinate efforts to collect more samples.

Joey Buchanan, Oxford, MS

1. Bowhunting Regulations.

Buchanan is a Certified Bowhunter Education Instructor and Founder of the Mississippi Traditional Bowhunters. His request was to allow broadhead tipped arrows for the purpose of hunting feral hogs in February on WMAs during small game season. The law states that wild hogs may be killed during any open WMA hunting season with weapons and ammunition legal for that season; currently broadhead arrows are not small game legal in February.

Discussion followed. The Executive Director stated that WMA rules have already been printed for this year; however, the Commission could vote to change WMA rules for the following year or allow a Special Permit for Nuisance Animals to change the WMA rule for this year. More discussion followed. It was concluded for staff to come back in October with suggested language for Commission consideration.

2. Against Hunting over Feeders.

Buchanan stated, "As a lifelong bowhunter and active member in numerous bowhunting organizations state and national, I am 100% against allowing bowhunters to hunt over feeders." Buchanan felt that this creates an open door for other requests to shoot wildlife over feeders to enhance youth experience.

LICENSE SALES REPORT

Jason Thompson, Director of License/Boat Division, presented the License Sales Report for the month of August 2018. The total revenue for the end of August is up 20% and license sales up 14%.

Highlights of Bolden's report are listed below:

- Resident license sales – up 16%
 - Sportsman's License Sales – up \$92,250
 - All Game Hunting/Fresh Water – up \$32,950
 - Small Game/Freshwater – up 3%
 - 3-day Freshwater Fishing – up 18%
- Non-resident licenses – up 40%
 - Small Game Hunting – up \$20,805
 - 7-day Small Game – up \$27,0000
 - Freshwater Fishing – all categories are up
 - All Game Hunting Lic – up 57%
 - Spring Turkey Permit – up 30 licenses
- Lifetime Licenses – up 17%
- Permit category – down \$14,000 but will even out next month
- 3,100 exempt licenses were sold to AIM students

WILDLIFE

Wildlife Bureau Update

Walsh distributed the booklet, "Wildlife Bureau Update, September 2018" which highlighted various Wildlife Bureau activities over the summer months from technical site visits, to habitat management activities, to biological sampling, to disease training classes.

Discussion followed on the excitement dove season brings to Mississippi and how this is a great way to attract young people to hunting.

40 Miss. Admin. Code Part 2, Chapter 2 – White-tailed Deer:

A. PROPOSED & TEMPORARY:

- **Rule 2.4 – Supplemental Feeding of Wild Animals Outside of Wildlife Enclosure**

Walsh presented the following four (4) rule changes. Commissioner Coopwood asked if there was a process by which each proposed change could be addressed separately so he could voice his opposition to one of the proposed changes. Counsel advised the Chair that each proposed change could be addressed separately as line items.

1. **Section C (6)** – Supplemental Feeding of Wild Animals:
For bobwhite quail management from May 2 – September 1, milo, grain sorghum, and/or wheat may be evenly broadcast at a rate not to exceed 50 pounds per acre.

ACTION: By motion of Commissioner Mounger and seconded by Commissioner Taylor, the Commission unanimously approved this PROPOSED and TEMPORARY change to Rule 2.4.

2. **Section C (8)** – Supplemental Feeding of Wild Animals:
Supplemental feeding is prohibited from March 1 to the last day of spring turkey season.

ACTION: By motion of Commissioner Mounger and seconded by Commissioner Taylor, the Commission unanimously approved this PROPOSED and TEMPORARY change to Rule 2.4.

3. **Section D** – Supplemental Feeding During Any Hunting Season:
Language in this section was deleted in order to make it lawful to hunt less than 100 yards from feed or a feeder.

ACTION: By motion of Commissioner Taylor and seconded by Commissioner Mounger, the Commission approved this PROPOSED and TEMPORARY change to remove this language in Rule 2.4. Commissioner Coopwood was recorded as voting “no”.

4. **Section G (1)** – Chronic Wasting Disease Zone:
“Supplemental feeding of white-tailed deer outside of enclosures is prohibited within any MDWFP-defined CWD Management Zone.”

ACTION: By motion of Commissioner Mounger and seconded by Commissioner Taylor, the Commission unanimously approved the Proposed amended language to Section G (1).

- **Rule 2.7 – Prohibition on Cervid Carcass Importation to Protect Mississippi from Chronic Wasting Disease**

Walsh presented the following Proposed and Temporary rule changes:

1. Prohibit importation of cervid carcasses from ANY state, regardless of CWD status.
2. Prohibit transportation of any portion of a cervid carcass outside of an MDWFP-defined CWD Management Zone from Arkansas or Louisiana lands east of the Mississippi River that lie within that zone.
3. This rule does not apply to any portions of white-tailed deer originating from land outside of an MDWFP-defined CWD Management Zone between the Mississippi River levees in Arkansas and Louisiana.

ACTION: By motion of Commissioner Mounger and seconded by Commissioner Wagner, the Commission unanimously approved all three PROPOSED and TEMPORARY recommended changes to Rule 2.7.

B. PROPOSED:

- **Rule 2.8 – Prohibition on Use of Natural Cervid Urine**

As instructed by the Commission at the last meeting, Wildlife presented Proposed Rule 2.8 to implement synthetic only deer urine for hunting purposes beginning July 1, 2019. After this date it will be unlawful to use scents or lures that contain natural cervid urine, biofluids, or biological material since CWD scientific research indicates infection prions are found in bodily fluids of cervids.

ACTION: By motion of Commissioner Wagner and seconded by Commissioner Coopwood, the Commission unanimously approved Proposed Rule 2.8 as presented.

PROPOSED – 40 Miss. Admin. Code Part 2, Chapter 3 – Wild Turkey:

- **Rule 3.4 – Mandatory Harvest Reporting for Wild Turkeys**

As instructed by the Commission at the last meeting, Wildlife presented the MDWFP 2019 Mandatory Turkey Harvest Reporting System, which will be known as “Game Check” to continue uniform terminology between states.

Before moving a turkey from the point of harvest, hunters must document their name and harvest date on a harvest reporting record. Hunters will be required to carry on their person one of three following methods of harvest reporting records:

1. MDWFP harvest reporting app on a smartphone with the hunter’s profile and subsequent harvest history;
2. A paper copy of the MDWFP harvest reporting record; or
3. Hunter provides own card.

The harvest reporting record will be considered current when it contains the hunter’s full name, harvest date for each turkey, and harvest reporting confirmation number for each turkey.

Possession of a harvest reporting record that is incomplete or otherwise inconsistent may be considered a violation of this rule.

All hunters, regardless of license exemption status, must report information from their harvest reporting record to the MDWFP by 10 PM on the day of harvest by one of three ways (1) MDWFP smartphone app; (2) MDWFP web portal; or (3) telephone.

ACTION: By motion of Commissioner Wagner and seconded by Commissioner Mounger, the Commission unanimously approved Proposed Rule 3.4 as presented.

PROPOSED – 40 Miss. Admin. Code Part 2, Chapter 8 – Regulations regarding Animals in Captivity & Enclosures:

- **Rule 8.2 – Regulations for Enclosures Preventing the Free Ingress & Egress of Wild Animals White-tailed Deer**

Walsh presented the following changes to Rule 8.2:

1. Rule Name Change - Replace "Wild Animals" with "White-tailed Deer"
2. **Section B** – High Fenced Enclosures
 - a. *To be eligible for registration, an applicant may not have a conviction for a Class I wildlife violation within five (5) years prior to his or her application. A conviction for a violation of Miss. Code Ann. Section 49-7-54 shall be an absolute disqualification for registration to operate a high-fenced enclosure containing white-tailed deer.*
 - b. *Data for each deer harvested from inside the enclosure must be collected and recorded on MDWFP-provided data sheets and submitted annually by March 15.*
 - c. *All 1.5 year old or older white-tailed deer that die of natural causes within breeding pens must be tested for CWD. All target white-tailed deer within a high-fenced enclosure or breeding pen must be tested for CWD. Additionally, up to ten (10) adult deer harvested in an enclosure annually must be tested for CWD. If no samples are submitted from harvested deer, MDWFP will coordinate the sampling of required deer with the enclosure owner.*
 - d. Breaches in the fence structure.... 'repaired within a timely manner (not to exceed 2 weeks)'
 - e. *Any white-tailed deer that is identified (e.g. ear tags or other identifiable markings) as having escaped from a high-fenced enclosure, and is in the immediate vicinity, shall be immediately captured by the enclosure owner or an authorized representative. If a captured white-tailed deer is not deemed a disease risk, it may be returned to the facility as authorized by MDWFP. Upon no action by the enclosure owner, the deer shall be captured and/or euthanized by authorized representatives of the MDWFP or by any law enforcement agency by whatever means deemed necessary.*
3. **Section C** – Captive Breeding Pens
 - a. *No portion of any breeding pen may be within six (6) feet of the external enclosure fence.*
 - b. *All white-tailed deer 1.5 years of age and older within a breeding pen and all white-tailed deer released from a breeding pen into a larger enclosure must be tagged with a uniquely numbered ear tag and MDWFP-provided metal ear tag.*
4. **Section D** – Transportation of live white-tailed deer for stocking or breeding purposes from a registered high-fenced enclosure to another registered high-fenced enclosure within Mississippi may be allowed only if the originating high-fenced enclosures:
 - a. *Have participated in a Chronic Wasting Disease (CWD) monitoring program and submitted data from the year prior to movement.*
 - b. *Passed all current enclosure facility and breeding pen inspections.*

- c. *Have had no violations of any of the provisions of this regulation during the year prior to movement.*
 - d. *All white-tailed deer moved must be tagged with uniquely numbered plastic 'tags' and 'MDWFP-provided' metal ear tags.*
5. **Section E - Compliance**
- a. *MDWFP personnel and the enclosure operator may develop a plan to come into compliance in an area of deficiency. The MDWFP may continue to enter and inspect the enclosure to assess the progress of the compliance effort.*
 - b. *Any enclosure not in compliance with this rule and/or plan may have any of its registered or permitted activities temporarily suspended until such time as the operator can come into full compliance.*
 - c. *If an enclosure fails to comply with a specified plan, the MDWFP Executive Director and Commission on Wildlife, Fisheries, and Parks will be notified of potential actions for ensuring compliance.*

ACTION: By motion of Commissioner Mounger and seconded by Commissioner Taylor, the Commission unanimously approved Proposed Rule 8.2 as presented.

CWD Update

The estimated cost for CWD sampling will be \$20 per sample, totaling \$600,000 for this season. Funding for CWD comes directly out of the MDWFP General Fund. A request was made to the State Legislature to help fund CWD testing during the last Session but none was appropriated.

Walsh stated that 25 states now have tested positive for CWD. Arkansas had one hot spot in 2016 and now has discovered several areas. New York had two deer test positive in 2005 and has had no other incidents.

FISHERIES

Larry Pugh, Director of Fisheries Bureau, presented the following Rules 3.1, 3.2, 3.4, 3.5 for Final adoption. He stated that no written comments had been received over the past 30 days.

FINAL – 40 Miss. Admin. Code Part 4, Chapter 3:

- Rule 3.1 - Reciprocal Agreement between Alabama and Mississippi

FINAL – 40 Miss. Admin. Code Part 3, Chapter 3:

- Rule 3.2 - Commercial Paddlefish Regulations
- Rule 3.4 - Paddlefish HMU's Open Periods & Quotes
- Rule 3.5 – Paddlefish Permit Applications

ACTION: By motion of Commissioner Wagner and seconded by Commissioner Coopwood, the Commission unanimously approved Final Rules 3.1, 3.2, 3.4, and 3.5 as presented.

Wounded Warrior Fishing Event Requests – Lake Calling Panther and Lake Lincoln

Pugh presented a request from Copiah County Baptist Association to wave license requirements for their first Wounded Warrior Fishing Events to take place at Lake Calling Panther and Lake Lincoln.

ACTION: By motion of Commissioner Wagner and seconded by Commissioner Coopwood, the Commission unanimously approved the exemption requests as presented. Commissioner Taylor added that he would like to see the Foundation sponsor these events in the future.

LAW ENFORCEMENT

Law Enforcement Update

Col. Steve Adcock, Chief of Law Enforcement, presented a handout to the Commission which highlighted dove & alligator opening season law enforcement duties. Officers contacted 865 alligator hunters, 295 vessels, and 36 citations were issued for non-compliance with alligator hunters. Officers contacted 4,128 dove hunters, checked 403 dove fields, 20 baited fields, and 253 citations were issued for dove hunting violations. Both dove and alligator season opened on the same weekend this year.

License Reinstatement Requests

Adcock presented the following two license reinstatement requests. Each violator was asked to come forward and state the circumstances of his arrest before the Commission. Both violators had paid their fines and attended the Hunter Education class as required for restitution.

- *James Palmertree, French Camp*

Palmertree informed the Commission that he was arrested November 2015 for headlighting. In July 2016 he was riding in a truck with several unloaded guns in the truck. He plead guilty and paid \$2,200 in fines. He did not shoot anything.

MOTION: By motion of Commissioner Mounger and seconded by Commissioner Taylor, Palmertree's license was reinstated by unanimous consent with the stipulation that if he has another violation in the next year, his license will be taken away.

- *John Sartin, Ridgeland*

Sartin informed the Commission that he was arrested December 2016 for headlighting. He was a minor at the time and was given a one-year probation. Sartin did shoot and kill a deer in Glucktstadt near the Germantown High School. He left the area and returned later to load the deer into his truck. He hid his gun under a school bus but did not know

an officer was watching. The officer had been alerted to the gun fire and was waiting for someone to come for the deer.

MOTION: By motion of Commissioner Taylor and seconded by Commissioner Mounger, Sartin's license was reinstated by unanimous consent with the stipulation that if he has another violation in the next year, his license will be taken away.

OTHER BUSINESS

WMA Name Change

Commissioner Coopwood announced the renaming of MDWFP's newest management area (WMA) after lifelong conservationist, outdoorsman, and current Governor of the State of Mississippi, Phil Bryant.

Phil Bryant WMA, purchased July 2018, was briefly referred to as "Steele Bayou WMA," pending adoption of a formal name. It is comprised of bayous, cypress sloughs, and well-managed bottomland hardwoods and is located in Issaquena and Warren Counties, south of Mahannah WMA. Plans are to open the WMA for the 2019-2020 hunting season.

ACTION: By motion of Commissioner Taylor and seconded by Commissioner Mounger, the Commission unanimously approved the renaming of Steele Bayou WMA to Phil Bryant WMA.

NEXT MEETING DATE

The next Commission meeting date was set for Wednesday, October 17, 2018. There will be no Educational Session. The Business Session will begin at 1:30 p.m. The meeting will take place at Circle M Plantation, 4588 Paulette Road, Macon, MS 39341.

EXECUTIVE SESSION

The Chairman asked if there was a need for an Executive Session. The Executive Director stated that there was need for Executive Session to discuss litigation.

ACTION: Commissioner Wagner made a motion to close the meeting to determine the need for Executive Session for a strategy session involving potential litigation, and personnel matters regarding the job performance of specific individuals in specific positions. Commissioner Coopwood seconded the motion and the Commission voted unanimously to close the meeting.

Counsel announced to those present that the meeting was now closed to determine the need for Executive Session for a strategy session involving potential litigation, and personnel matters regarding the job performance of individuals in specific positions.

The meeting was closed, and the room cleared.

Discussion followed.

ACTION: Commissioner Wagner made a motion to enter Executive Session to discuss transactions in litigation. Commissioner Coopwood seconded the motion and the Commission voted unanimously to enter Executive Session.

Counsel announced to those present outside the meeting room that the Commission had entered Executive Session for a strategy session involving potential litigation, and personnel matters regarding the job performance of individuals in specific positions.

Dr. Polles and Chief Adcock updated the Commission on a law enforcement matter that had occurred in Jones County, which may result in litigation against the Department.

A brief discussion followed.

No action was required of the Commission.

Related to the discussion of the Jones County matter, Dr. Polles and Chief Adcock informed the Commission that the agency had retained the services of two (2) outside consultants, one with experience in law enforcement and one with experience as a prosecutor, to periodically review and update the law enforcement bureau's training and perform internal investigations when needed.

A brief discussion followed.

No action was required of the Commission.

ACTION: There being no further items for discussion in Executive Session, Commissioner Wagner made a motion to open the meeting. Commissioner Taylor seconded the motion and the Commission voted unanimously to open the meeting.

Counsel announced to any members of the public outside the meeting that the Commission had exited Executive Session and opened the meeting. No votes were taken.

ADJOURNMENT

There being no further business before the Commission, Chairman Cossar gaveled the meeting into adjournment.



Bill F. Cossar, CHAIRMAN



Date

Scott Coopwood, VICE CHAIRMAN

Date