

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, & PARKS

Wednesday, August 20, 2014

2:30 p.m.

1505 Eastover Drive, Jackson, MS



MINUTES OF THE MEETING

PRESENT: Chairman Bryan Jones, Commissioners Charles Rigdon and Bill F. Cossar.

ABSENT: Commissioners William "Billy" Deviney and Clay Wagner

Among the MDWFP staff attending were: Dr. Sam Polles, Executive Director; Larry Castle, Michael Bolden, Libby Hartfield, Chad Dacus, Col. Steve Adcock, Jason Thompson, Jim Walker, and Doug Mann, Special Assistant Attorney General.

Chairman Jones welcomed House WFP Committee Chairman Scott Bounds.

MINUTES

ACTION: Upon motion made by Commissioner Rigdon and seconded by Commissioner Cossar, the minutes of July 14, 2014 were unanimously approved as presented.

TODAY'S AGENDA

ACTION: Upon motion by Commissioner Cossar and seconded by Commissioner Rigdon, today's agenda was unanimously approved as presented.

LICENSE SALES REPORT

License Sales Report

Mr. Jason Thompson, License/Boat Registration Division Director, presented the License Sales Report for the month of July, 2014. He informed the Commission that total license sales were sluggish in July with a 3% decrease from last year.

His report included the following cumulative sales (comparing July, 2014 to July, 2013):

- Resident category was down \$11,000; regardless of a 5% increase in Small Game Freshwater Fishing licenses and 77 more shooting range permits sold.

- Non-resident category was down with one highlight of 26 more User Permits sold
- Other Licenses – sales were similar to last year
- Lifetime category – up \$7,500

Even though July sales were slow, the weekly reports for the first two weeks in August indicate that sales have improved with Resident sales up 9% and overall sales up 6%.

PARKS

FINAL Rule - 40 Miss. Admin. Code Pt. 6, Chapter 1 (Compilation) General Regulations for MS State Parks

Libby Hartfield, Director, Education and Recreational Services, affirmed that no comments had been received concerning the PROPOSED Parks Rule last month. Approval of the Final Rule was requested.

ACTION: Upon motion made by Commissioner Rigdon and seconded by Commissioner Cossar, the Commission voted unanimously to approve the FINAL Park rule above.

WILDLIFE

Chad Dacus, Wildlife Bureau Director, stated that he had two FINAL rules for consideration. He received two comments, which have been included in the Public Comments section of the agenda.

ACTION: Chairman Jones tabled consideration of the rules until after the Public Comments have been received.

FISHERIES

Larry Pugh, Fisheries Bureau Director, presented a handout to the Commissioners highlighting the following PROPOSED changes to Paddlefish rules to 40 MS Administrative Code, Part 3:

PROPOSED RULE - Rule 3.2 – Regulations Regarding the Commercial Harvest of Paddlefish and Paddlefish Eggs

- Allow resident and non-resident processors and processing agents
- Delete Paddlefish harvest zone authorization card
- Insert definition of “Paddlefish Zone Quota”
- Two zones open (not concurrently): 37-inch length limit on Coldwater Zone and 35-inch harvest on the MS River
- Established quota (as specified in 3.4) with MDWFP closing that zone once quota is reached and makes it illegal to fish zone once closed
- Anyone who processes Paddlefish must have a Paddlefish Processor Permit or a Paddlefish Processing Agent Permit

PROPOSED RULE - Rule 3.4 – Regulations regarding Paddlefish Management Zones and the Periods Open to the Commercial Harvest of Paddlefish

- 2 zones open (not concurrently) with established quotas: Coldwater Zone – 140 and Miss. River Zone – no harvest quota
- The harvest of Paddlefish will be prohibited in each management zone once the zone quota has been reached and notification of such has been made to all Paddlefish permit recipients.

PROPOSED RULE - Rule 3.5 – Procedures for Obtaining Paddlefish Permits for the Commercial Harvest of Paddlefish and Paddlefish Eggs and Reporting Requirements for Paddlefish Harvest

- Allow resident and non-resident processors and processing agents
- Delete Paddlefish harvest zone authorization card
- Permit fees

Permit	MS	TN	AR	AL
Harvester	\$1,000	\$1,200	\$ 525	\$ 850
Helper	\$ 200		\$ 100	
Resident Processor	\$1,000	\$1,000	\$1,000	\$ 776
Non-resident Processor	\$2,000	\$1,500	\$2,000	\$1,000
Processing Agent	\$ 200			

The Commission inquired on the Paddlefish caviar process. Mr. Pugh stated that he will share a film with the Commission depicting the entire processing method at a future date.

ACTION: Upon motion made by Commissioner Rigdon and seconded by Commissioner Cossar, the Commission voted unanimously to approve PROPOSED Rules 3.2, 3.4, and 3.5 as presented.

PUBLIC COMMENTS

Brad Young, Executive Director, Mississippi Wildlife Federation (MWF): Mr. Young expressed concerns with proposed changes to Rule 2.4 which would allow the feeding of grain to wildlife throughout the year. Mr. Young pointed out that shooting wild hogs over bait has proven to be an ineffective means of controlling wild hog populations. Experts agree that the most effective technique for reducing hog numbers is a coordinated trapping effort.

Chairman Jones stated that his comments were well taken. With the complexity and difficulty of trapping hogs, the Commission asked if MWF could fund assistance for the landowners as a service to trap hogs. Mr. Young stated that MWF could facilitate workshops but it would be up to the landowners to do the rest.

A letter was written by Mr. Young to the Commission listing his concerns, which has been appended to the minutes.

Mr. Brian Murphy, CEO/Wildlife Biologist, Quality Deer Management Association (QDMA): Mr. Murphy submitted a letter to the Commission with similar concerns regarding Rule 2.4. A copy was provided in the Commissioners' folders and has been appended to the minutes.

WILDLIFE

Chad Dacus, Wildlife Bureau Director, presented the following recommendations to the Commission from the Law Enforcement and Wildlife Bureaus in regard to the Commission-requested changes to the Supplemental Feeding and Nuisance Animal rules below:

- **FINAL RULE - 40 MS Admin. Code, Part 2, Rule 2.4 Supplemental Feeding of Wild Animals**
- **FINAL RULE - 40 MS Admin. Code, Part 2, Rule 7.1 – General Regulations for the taking of Nuisance Animals**

Recommendations included:

- If a supplemental feeding program is used for deer, a complete pelletized ration is recommended. This is a feed mixture in the form of a pellet that is nutritionally adequate for deer and contains crude protein, crude fat, crude fiber, vitamins, minerals, and does not contain any animal byproducts. The feeding of shelled corn, rice bran, soybeans, and cotton seed hulls alone does not meet the nutritional requirements of deer.
- Peer-reviewed, published research by the Southeast Cooperative Wildlife Disease Study (SCWDS) has demonstrated that juvenile wild turkeys fed aflatoxin-laden diets (i.e., corn) for as little as two weeks undergo serious physiological stress including decreased food consumption, decreased growth rates, decreased liver-to-body weights, liver enzyme alternations, blood disorders, and other signs of liver damage. Although these consequences are most extreme at high aflatoxin levels, they are present even at low levels. A follow-up study by SCWDS in Georgia also revealed that concentrations of aflatoxins in the range that can be detrimental to wild turkeys can be found in corn sold as "wildlife feed."
- Potential issues for law enforcement officers, especially by allowing corn during the turkey seasons.
- A copy of the staff recommendations to each rule was provided in the Commissioners' folders and has been appended to the minutes.

ACTION: Upon motion made by Commissioner Cossar and seconded by Commissioner Rigdon, the Commission voted unanimously to approve the FINAL Rules 2.4 and 7.1 as presented.

LAW ENFORCEMENT

Boating Officer of the Year Award

Major Jerry Carter presented a plaque to each of the following regional officers for outstanding performance in the line of duty as a boating law enforcement officer:

- Msgt. Larry Rowan (North Region)
- Msgt. Gilbert Barham (Central Region)
- Corp. Caleb Miller (South Region)

Msgt. Gilbert Barham was selected to receive the overall Mississippi Boating Officer of the Year Award and will vie for the regional and national title.

Shikar-Safari Club Officer of the Year Award

Shikar-Safari Club International is a conservation-based organization that presents awards annually to wildlife law enforcement officers in all states, provinces, and territories in the United States and Canada. This year's award honored Msgt. Terry Miles whose efforts demonstrated outstanding performance and achievement among sworn fish and wildlife law enforcement personnel in Mississippi. Col. Steve Adcock, Chief of Law Enforcement, presented the award to Miles.

2014 National LawFit Challenge Team

Col. Adcock acknowledged last month the outstanding performance of the MDWFP Conservation Officer team in the 2014 National LawFit Challenge. As promised, he proudly presented each member of the team to the Commission: Chris Reed, Ron McMillan, Marcus Christon, Justin Gates, Bob Oliveri, Don Fairley, and Caleb Miller. He completed the introductions with a slide show of the team competing in assorted events at the 2014 National LawFit Challenge.

Citation Report

Col. Adcock briefed the Commission on 835 citations issued statewide between July 4 and August 14. The new McHenry Shooting Range welcomed 500 customers this past month; while the Turcotte Range saw 1,176. Officers worked varied events this past month including the Wildlife Extravaganza, handling nuisance gators, and instructing ATV training classes.

Reinstatement Request

Col. Adcock brought before the Commission one request for reinstatement from Mr. Christopher Keen. The Commission was advised that Mr. Keen had taken the hunter education course and paid his fine.

- Christopher Keen, Clinton, MS
Mr. Keen stated that he was fresh out of college in 2011 and made a multitude of mistakes including headlighting and shooting a deer. He paid a \$2,000 fine. Mr. Keen acknowledged his mistake.

ACTION: Upon motion made by Commissioner Cossar and seconded by Commissioner Rigdon, the Commission voted unanimously to reinstate Mr. Keen's license.

OTHER BUSINESS

No other business was presented.

NEXT MEETING DATE

Wednesday, September 17, 2014 @ 2:30 p.m., 1505 Eastover Drive, Jackson

EXECUTIVE SESSION

ACTION: Upon motion made by Commissioner Rigdon and seconded by Commissioner Cossar, the Commission voted unanimously to close the meeting to determine the need for Executive Session. The Commission determined that Executive Session was needed for discussions regarding ongoing criminal investigations and transactions in land. Upon motion made by Commissioner Rigdon and seconded by Commissioner Cossar, the Commission voted unanimously to enter into Executive Session.

Dr. Polles informed the Commission of a couple of matters that appeared to involve mishandling of funds. The state auditor is assisting in the reviews. It is too early to know if there were any intentional acts of misfeasance committed.

Dr. Polles then updated the Commission on a pending land purchase. An agreement has been reached and the contract is in process.

Dr. Polles informed the Commission of a tract of land adjacent to the Clark Creek Natural Area that has come onto the market. He requested authority to proceed with appraisals.

Upon motion made by Commissioner Rigdon and seconded by Commissioner Cossar, the Commission voted unanimously to authorize the Department to proceed with appraisals of the land adjacent to the Clark Creek Natural Area.

Dr. Polles informed the Commission that a tract of land may be available in Bolivar County along the Mississippi River; however, there was no definite information at this time.

There was no other business for discussion in Executive Session.

Upon motion made by Commissioner Cossar and seconded by Commissioner Rigdon, the Commission voted unanimously to end Executive Session and open the meeting.

ADJOURNMENT

There being no further business to discuss, Chairman Jones gaveled the meeting into adjournment.



Bryan Jones, CHAIRMAN



Date

Charles Rigdon, VICE CHAIRMAN

Date

August 11, 2014

Commissioner Bill Cossar
P.O. Box 433
Charleston, MS 38921

Dear Commissioner Cossar,

The Mississippi Wildlife Federation (MWF) appreciates the time and hard work that the Commission on Wildlife, Fisheries and Parks puts forth on behalf of Mississippi's natural resources. MWF understands that a balance must often be reached between the best management of our native wildlife and fisheries resources and the protection of those resources from non-native and invasive species.

I am writing to express the concerns of the Mississippi Wildlife Federation over the proposed changes to Rule 2.4: Supplemental Feeding of Wild Animals Outside of Wildlife Enclosures. MWF firmly believes that wild hogs are one of the greatest threats to our native wildlife populations and habitats and we applaud the previous efforts of the Commission to eliminate this growing concern. However, our immediate concerns lie with the proposed allowance of the feeding of grain to wildlife throughout the year based on the following reasons:

1. The proposed changes are contradictory to the current feeding regulations which were developed by MDWFP Wildlife Bureau staff and provide the maximum benefit to other species of wildlife that will likely utilize any form of supplemental feed, particularly white-tailed deer.
2. Experts have shown that the opportunistic shooting of wild hogs over bait has proven to be an ineffective means of controlling wild hog populations. Hogs become wary very quickly and alter their feeding patterns accordingly making this technique ineffective. Experts agree that the most effective technique for reducing hog numbers is a coordinated trapping effort.
3. An Animal Control Permit system is currently in place through MDWFP which allows for the use of grains to trap or opportunistically kill wild hogs on a property. Adhering to this current permit system will allow MDWFP biologists and law enforcement personnel to collect data on the number of permits administered year to year, the spread of wild hogs into other areas of the state and the number of animals removed from the population during a given time.
4. While the liberalization of the wildlife feeding regulation is intended to allow the opportunistic shooting of wild hogs, there is no way to prevent other species of wildlife from utilizing the grain as well. This raises several disease concerns that could negatively impact other species of wildlife ranging from white-tailed deer and turkeys to migratory songbirds.
5. The allowance of this regulation could be interpreted as one more "step" towards the legalization of hunting wildlife over bait by those who oppose or simply do not understand the proud tradition that Mississippi has maintained in regard to ethical hunting.

The Mississippi Wildlife Federation welcomes the opportunity to work with the Commission and MDWFP staff to formulate new rules and strategies that will help alleviate the growing epidemic of wild hogs in Mississippi while protecting other species of native wildlife and our proud tradition of ethical hunting. If you would like to discuss this issue further, please contact me at (601) 605-1790 or via email at byoung@mswf.org. Thank you for your consideration of our concerns.

Sincerely,

Brad Young
MWF Executive Director



P.O. Box 160 • Bogart, GA 30622

Phone (800) 209-3337 • fax (706) 353-0223 • www.QDMA.com

Date: August 18, 2014
To: Commissioner Bryan Jones
Subject: Rule 2.4 – Supplemental Feeding of Wild Animals Outside of Enclosures

Commissioner Jones:

On behalf of the Quality Deer Management Association (QDMA), I am writing voice our concerns regarding proposed changes to Rule 2.4 – Supplemental Feeding of Wild Animals Outside of Enclosures. The QDMA is a 501-(C) 3 national nonprofit wildlife conservation organization with 55,000 members in all 50 states, with Mississippi ranking 7th nationally in membership. QDMA's mission is to ensure the future of white-tailed deer, wildlife habitat and our hunting heritage.

Let me begin by stating that we appreciate the stated goal of this change regarding increasing the harvest of wild hogs. Wild hogs are one of the greatest threats to wildlife habitat and wildlife populations in the U.S. However, there are several potential negative ramifications and/or unintended consequences of the proposed rule change.

- 1) It would provide de-facto legalization of baiting for all wildlife, thereby circumventing MDWFP's long-standing recommendations not to legalize baiting for wildlife – namely white-tailed deer and wild turkey.
- 2) It would create significant law enforcement challenges, especially during the deer season when anyone could claim they were simply hog hunting, even if they were baiting for deer.
- 3) Given the likely abuse during the deer season, this would greatly increase the amount of bait on the landscape and potentially lead to increased productivity/survival of numerous species – including hogs, raccoons, and even deer.
- 4) It is unclear why the proposed rule change is necessary when MDWFP already has the authority to issue Animal Control permits which allow recipients to use bait to trap/kill hogs. Keeping this authority in the hands of MDWFP biologists decreases potential for abuse while enabling data collection and direct landowner engagement.

Given the above, we respectfully encourage you to reconsider the proposed rule change. However, we also recognize the strong public demand for the use of bait for hog hunting/control – even if numerous studies have shown little, if any, impact of opportunistic shooting over bait to control hog populations. **A reasonable compromise would be to exclude the use of bait during the deer season. This would enable use of bait throughout most of the year for those genuinely interested in hog control without providing de-facto legalization of baiting for deer and complicating law enforcement.**

Thank you in advance for your time and consideration. Feel free to contact me with any questions.

Respectfully,

Brian Murphy
CEO / Wildlife Biologist



MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS
Jackson Office
1505 Eastover Drive
Jackson, MS 39211 – 6322



TO: Commission on Wildlife, Fisheries, and Parks
FROM: Law Enforcement and Wildlife Bureau Staff
DATE: August 20, 2014
SUBJECT: Recommendations Regarding Changes to Admin Rules

Commissioners,

Following the July Commission meeting, Law Enforcement Bureau and Wildlife Bureau administration met to discuss potential issues regarding the Commission-requested changes to the Supplemental Feeding and Nuisance Animal rules. These requested changes create potential issues for law enforcement officers, especially by allowing corn during the turkey season.

If a supplemental feeding program is used for deer, a complete pelletized ration is recommended. This is a feed mixture in the form of a pellet that is nutritionally adequate for deer and contains crude protein, crude fat, crude fiber, vitamins, minerals, and does not contain any animal byproducts. The feeding of shelled corn, rice bran, soybeans, and cotton seed hulls alone does not meet the nutritional requirements of deer.

Peer-reviewed, published research by the Southeast Cooperative Wildlife Disease Study (SCWDS) has demonstrated that juvenile wild turkeys fed aflatoxin-laden diets (i.e., corn) for as little as 2 weeks undergo serious physiological stress including decreased food consumption, decreased growth rates, decreased liver-to-body weights, liver enzyme alterations, blood disorders, and other signs of liver damage. Although these consequences are most extreme at high aflatoxin levels, they are present even at low levels. A follow-up study by SCWDS in Georgia also revealed that concentrations of aflatoxins in the range that can be detrimental to wild turkeys can be found in corn sold as "wildlife feed."

Attached are the Law Enforcement Bureau and Wildlife Bureau recommendations.

Col. Steve Adcock
Chief of Law Enforcement

Chad M. Dacus
Wildlife Bureau Director



MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS
Jackson Office
1505 Eastover Drive
Jackson, MS 39211 – 6322



Staff Recommendations

40 Admin Code Pt. 2, Chap. 4, Rule 2.4: *Supplemental Feeding of Animals* ~~Outside Enclosures~~

- Leave feed requirements as is.
 - Corn is only allowed in feeders from July 1 – September 30 and December 1 – the last day in February.
 - Feed may not be poured, piled, or placed directly on the ground.
- Remove “curtilage of the home” provision.
 - “Feeders within the curtilage of the home or business. “Curtilage of the home or business” means the area encompassing the grounds immediately surrounding any business, home, or group of homes used in the activities of domestic life, and may or may not be enclosed by a fence or other barrier. However, wild animals may not be hunted or taken over any feeder within the curtilage of a home or business.”
 - Back yard feeding promotes the view of wild animals as pets and not as game animals.
 - This allows people to “bait” deer around homes, neighborhoods, and hunting camps.
 - If they want to “feed” animals, the same regulations should apply.
- Remove enclosure exemption.
 - This exemption makes it difficult for law enforcement to enforce baiting inside an enclosure.
 - If enclosure owners want to “feed” animals, the same regulations should apply inside and outside an enclosure.



MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Jackson Office
1505 Eastover Drive
Jackson, MS 39211 – 6322



Staff Recommendations

40 Admin Code Pt. 2, Chap. 7, Rule 7.1: *General Regulations for the Taking of Nuisance Animals*

- Change wording to be congruent with HB 864
 - Permit requirements.
 - Increased fine structure for transport of hogs without a permit
- Add the following to Required information for a Live Wild Hog Transportation Permit
 - Physical address of the final destination
 - Driver's license number of driver of the transport vehicle
- Section G, Item 4
 - No recommended changes. This should be left as in the original Rule
 - Wild hogs may be hunted with the aid of feed/bait with the following exceptions:
 - Any food or food products may be placed upon the ground, above the ground, in any type container year round for the purpose of hunting wild hogs, except whole, chopped, or ground-up grains may not be used.
 - Grain or grain products may be used, if placed inside any legally designed live capture-type trapping device for the sole purpose of trapping wild hogs.
- Change section I.: "Exceptions to nuisance animal regulations may be allowed by making application to the MDWFP for an Animal Control Permit" to:
 - Animal Control Permit for Hogs:
 1. Corn may be poured, piled, placed directly on the ground.
 2. Hogs may be killed directly over the bait.
 3. Permits may be issued for a period up to 6-months and may be renewed.
 4. Any wild hog captured under an Animal Control Permit may not be transported live.
 5. No other species may be hunted or killed under this permit.
 6. Areas must be clear of all bait for 10 days prior to hunting game animals.

**BEFORE THE MISSISSIPPI COMMISSION ON
WILDLIFE, FISHERIES, AND PARKS**

**In Re: Authority to execute easements, licenses, and grant access across lands
 controlled by the Commission.**

ORDER

THIS MATTER, came before the Mississippi Commission on Wildlife, Fisheries and Parks, at its regularly scheduled meeting on July 14, 2014, at the request of the Executive Director, to grant him authority to consider all requests for easements, rights-of-way, or otherwise to have access across lands controlled by the Commission, and where appropriate, to execute any such instrument as shall be needed to grant the requested access. Although the Commission has granted this authority to the Executive Director in the past, there have been occasions where the party requesting access has also requested documentary evidence of the Executive Director's authority to execute the instrument.

THE COMMISSION finds that the request is well-founded and shall be granted.

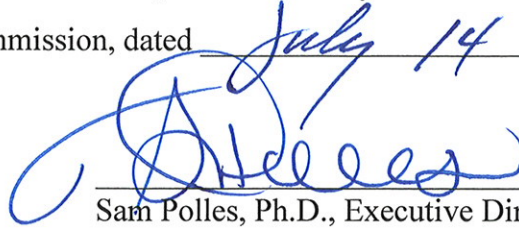
THEREFORE, pursuant to the authority set forth in MISS. CODE ANN. §49-5-71, the Commission hereby orders that Sam Polles, Ph.D., Executive Director of the Mississippi Department of Wildlife, Fisheries, and Parks, is hereby authorized to execute any easement, right-of-way, surface use license, or other instrument granting access on, across or over lands under the control of the Commission on Wildlife, Fisheries, and Parks, without requiring the prior consent of the Commission, as long as the Executive Director deems such to be in the best interest of the Department, the Commission and the State of Mississippi.

SO ORDERED, this the 14th day of July, 2014.



Bryan Jones, Chairman
Mississippi Commission on Wildlife,
Fisheries, and Parks

I, **Sam Polles, Ph.D.**, hereby certify that the Order attached hereto, is a true and correct Order of the Commission on Wildlife, Fisheries and Parks, as authorized by a vote taken and spread upon the minutes of such meeting of the Commission, dated July 14, 2014.

A handwritten signature in blue ink, appearing to read "S. Polles", is written over a horizontal line.

Sam Polles, Ph.D., Executive Director
Mississippi Department of Wildlife,
Fisheries, and Parks