

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, & PARKS

Wednesday, January 15, 2020
1:00 p.m. Business Session
Cotton House Hotel, Cleveland

MINUTES OF THE BUSINESS SESSION – 1:00 PM

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

Among the MDWFP staff attending were: Dr. Sam Polles, Executive Director; Robert Cook, Deputy Executive Director; Michael Bolden, Col. Steve Adcock, Larry Pugh, Russ Walsh, and counsel, Doug Mann, Special Assistant Attorney General. The Chairman welcomed Elizabeth Colene; Nott Wheeler, member of Mississippi Levee Board; Hank Burdine, writer for Delta Magazine and member of Mississippi Levee Board; and his wife, Cindy Coopwood.

OPENING PRAYER

Deputy Executive Director Robert Cook opened the meeting with prayer.

MINUTES

ACTION: Upon motion by Commissioner Taylor and seconded by Commissioner Cossar, the minutes of the December 11, 2019 Commission meeting were unanimously approved.

AGENDA

The Executive Director stated that the agenda needed to be amended as follows:

License Sales Report – change presenter to Michael Bolden
Other Business - add Executive Order to close Wolf Lake

ACTION: Upon motion by Commission Wagner and seconded by Cossar, the agenda was unanimously approved as amended.

PUBLIC COMMENTS

Chairman Coopwood stated that the question being brought forward today concerns private property rights on areas where the river has flooded onto private land. Is it legal or considered trespassing for hunters to boat onto this flooded area of private property and hunt on their land?

Glen Williams, Attorney, came forward representing private property owners. He requested guidance from the Commission to determine the boundaries in a waterway during a flood. How can we, as landowners, enforce our rights against trespassers?

Pete Fulgham, hunter – came forward and stated that this had been decided by multiple Attorney General opinions in Mississippi and Arkansas, and in litigation in the Federal Courts. Mr. Fulgham's interpretation of the law states that wherever he can anchor his boat, he can hunt. National River Law Association gave him documentation which he keeps in his boat at all times to support his rights to hunt in the public waterways.

Mike Thompson, Game Manager for two hunting clubs and retired Deputy Sheriff, came forward and stated that the Attorney General's ruling states that flood waters give no access. The property he manages has a drainage canal on each side of their property and normally it is not navigable except during a flood. Hunters are taking boats into these filled canals and hunting deer. He has managed this property for 49 years and has never had any problems with hunters bringing boats onto their property until the last two years. He brought a map showing where the hunters are accessing their property.

Doug Mann, Special Assistant Attorney General, was asked to comment and stated that Mississippi Code Annotated, Section 51-1-4 (3) states that anyone crossing the natural bank of a public waterway is trespassing. The Code further states: "Floodwater which has overflowed the banks of a public waterway is not part of the public waterway." The problem is no one can tell you where the natural bank of the public waterway is during a flood, except perhaps the landowner. One solution is to mark that bank, when it is not in flood stage, so that your property line is visible. Another solution may be to engage in litigation between the various parties, to get the question before a court of competent jurisdiction. However, more amicable agreements between user groups have also enjoyed success. There is no one answer, just use common sense and try not to leave the waterway by crossing over the "natural bank." Respect each other's rights.

Col. Steve Adcock, Chief of Law Enforcement – Floodwaters which have overflowed the natural banks of a public waterway are not part of the public waterway. The public cannot go beyond the natural banks of a public waterway without permission. You can only use oxbow lakes if you can access them without trespassing across private lands to get there. When using a public waterway, if you go beyond normal wetland vegetation into hardwoods, you are probably trespassing. Trespassing must be witnessed by the officer or whoever is signing the affidavit.

Discussion followed and more issues and problems were presented. In conclusion, it was decided that there was no one answer and nothing was really resolved.

LICENSE SALES REPORT

Michael Bolden, Deputy Administrator, presented the License Sales Report for the month of December, 2019. The total revenue for the end of December is down 3.63% compared to 5% in November.

Highlights of his report are listed below:

- Resident license sales – down 2.19%
 - Res 3-day freshwater – up 22%
 - WMA permits – up 3%
- Non-resident licenses – down 4.07%
 - NR freshwater – up 6.57%
 - NR 3 day freshwater – up 6%
 - NR 1 day freshwater – up 22%
- Other Licenses category – down 9.43%
- Lifetime Licenses – down 10.09%

Fall turkey permits - 434 more were sold this past season vs last year
Spring turkey permits – up 17%

WMA App User Totals

- iOS WMA Users Total: 15,316
- Android WMA Users Total: 4,990
- Total WMA App Downloads: 20,306

November 2019 WMA App Users

- iOS WMA Users: 4,298
- Android WMA Users: 1,139

Auto Renewals

- Since February 2019 a total of 43,486 customers have signed up for Auto Renewal
- 7,407 customers have signed up for Auto Renewal in the month of December.

License Packages

- As of January 13, 2020, there has been a total of 5,553 license packages sold.

WILDLIFE

2019-2020 Deer Season Update

Russ Walsh, Wildlife Bureau Chief of Staff, gave a quick overview of deer harvesting in the Delta and Southwest Mississippi. Deer season started off well with cold weather and the deer harvest numbers were up. A substantial Hemorrhagic Disease (blue-tongue) outbreak in late September and early October in the north and central Mississippi areas.

The South Delta has had lower deer sightings this year, which was expected. Hopefully with the abundance of acorns this year and plenty of nourishment for the deer going into spring and summer, we will have a good harvest season next fall. The Southwestern Region harvest is off to a good season. Hunters were seeing more deer and deer harvest was actually trending well.

Chronic Wasting Disease (CWD) Update

Walsh informed the Commission that 21 deer tested positive for CWD since October 1, 2019 in Mississippi (18 from Benton County and 3 from Marshall County). He presented a handout to the Commission with maps of counties in Mississippi and Tennessee which tested positive for CWD. Tennessee has tested 585 CWD-positive deer in seven counties directly above Mississippi. Around 5,000 samples in Mississippi have been collected, compared to 7,500 samples last year, which are lower than expected, especially in the North Mississippi counties. There are still two weeks left in this hunting season.

Proposed North MS CWD Management Zone Extended Season

Walsh presented another handout which proposed a Special 2-day Hunting Season (February 8-9) in all counties in the North MS CWD Management Zone. This would allow additional samples to be collected and further reduce deer density which is a key element in mitigating the spread of CWD.

Special Season Hunting Regulations

- North MS CWD Management Zone (19 counties listed below are included)
 - Sunflower, Leflore, Carroll, Grenada, Tallahatchie, Yalobusha, Quitman, Panola, Lafayette, Pontotoc, Union, Tate, DeSoto, Marshall, Benton, Tippah, Alcorn, Lee and Prentiss Counties
- February 8 – 9, 2020 (Saturday/Sunday)
- Mandatory CWD sample submission on day of harvest for all harvested deer
 - Existing CWD drop-off freezers may be utilized
 - 1 physical check station will be in each of the five CWD-positive counties (Benton, Marshall, Tallahatchie, Panola, and Pontotoc)
- Legal weapons:
 - Hunters may use weapon of choice on private lands.
 - Primitive weapons may be used on Graham Lake, Hell Creek, Malmaison, O'Keefe, Tuscumbia Unit 1, and Upper Sardis WMAs and Holly Springs National Forest
 - Muzzleloader/Youth Gun on Charles Ray Nix and Tuscumbia Unit 2 WMAs
 - No other WMAs are open for deer hunting during this Special Season.
- Still hunting only on public and private lands.

Bag Limits for February 8–9, 2020 Special Season (in addition to Regular Season)

- Private Lands, Upper Sardis WMA, and Holly Springs National Forest
 - 2 bucks (1 buck per day and 1 may be sub-criteria)
 - 5 does
- Wildlife Management Areas
 - Graham Lake, Hell Creek, Malmaison, O'Keefe, Charles Ray Nix, and Tuscumbia Unit 1 & Unit 2 WMAs
 - 2 bucks (1 buck per day and both must meet antler criteria)

- 5 does

ACTION: Commissioner Mounger moved to approve the Special Two-Day Hunting Season for all counties in the North MS CWD Management Zone with the stipulation that the public announcement includes “the Special Season bag limits are in addition to the Regular Season”. Commissioner Cossar seconded the motion and the motion carried.

LAW ENFORCEMENT

Law Enforcement Update

Col. Adcock presented a handout to the Commission which highlighted license violations for the month of December and officer work details, such as Hunter Education Classes and Hope Outdoors Disability Hunt.

Outreach Program Update

Michelle Carter, Director of Outreach Programs, presented a handout to the Commission highlighting recruitment of public and private schools for MSSP in the Forest Municipal School District and the following counties: Winston, Scott, Bolivar, Coahoma, Sunflower, Tate, Panola, and Quitman. She and Law Enforcement officers also visited Meridian, Coahoma, Northwest, and Mississippi Delta Community Colleges to recruit prospective candidates for the 2020 Law Enforcement Cadet Class.

OTHER BUSINESS

Flood Closure Zone 2 A Request

There was a request made by Harry Dendy at the December 2019 Commission meeting to modify the Zone 2A flood closure area to extend South of the Big Black River so that displaced deer could be included in a “no hunt zone”. The Zone 2A refers to an Executive Order issued during a prior high-water event, where closures of deer season and WMAs required more specificity than is currently in the rules. Mr. Dendy’s request would require a change to 40 Miss. ADMIN. CODE, Part 4, Rule 1.5 - *Regulations Regarding the Taking, Catching, or Killing of Any Wild Bird, or Wild Animal on Lands affected by Flood Waters*. At the December meeting the Commission referred this request to staff for review and presentation at a later meeting.

Russ Walsh presented a handout to the Commission disclosing the proposed rule change language if the Commission voted in favor of this change. However, the recommendation by the Wildlife and Law Enforcement Bureaus was not to support a change to Rule 1.5. The proposed expansion of the closure area would include a large portion of the hill region on Claiborne County, which is not directly impacted by rising Mississippi River flood waters. There are adequate avenues of escape to higher ground for wildlife fleeing rising floodwaters in the proposed area; therefore, closure of the proposed area during high water was not recommended. Staff recommendation was to leave Rule 1.5 as it is for the time being. Maps

were presented showing Mississippi River Closure Zones and the proposed addition to Zone 2A.

ACTION: The Commission took into consideration this request and by recommendation of the MDWFP staff the Commission decided to not take any action on Mr. Dendy's request to change Rule 1.5. The rule will remain the same.

Executive Orders

Legal Counsel explained that the following Executive Orders had been issued by Executive Director Polles on behalf of the Commission due to temporary high water and flooding:

- **Emergency Closure of Hunting Season: Mahannah & Phil Bryant WMAs**
- **Emergency Closure of Recreational Boating Activity during Temporary High Water Emergency: Wolf Lake, Yazoo County**

ACTION: Upon motion made by Commissioner Wagner and seconded by Commissioner Cossar, the Commission unanimously ratified the Executive Orders issued in January due to flooding caused by high waters of the Mississippi River. A copy of each Executive Order has been appended to the minutes.

CONSERVATION AWARDS

Chairman Coopwood asked Stephanie McGarrh and John Ruskey to come forward and accept framed Conservation Award certificates for their excellent efforts in promoting Mississippi's outdoor sporting opportunities and natural resources through social media.

A round of applause followed as they accepted their awards.

NEXT MEETING DATE

Date: Monday, February 17, 2020
Location: Quail Ridge Conference Center, Louisville
Time: No Educational Session; 9:30 a.m. Business Session

EXECUTIVE SESSION

The Executive Director stated that there was no need for Executive Session.

ADJOURNMENT

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



Scott Coopwood, CHAIRMAN

2/17/20
Date



Robert Taylor, VICE CHAIRMAN

2/17/20
Date

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, & PARKS

EXECUTIVE ORDER:

EMERGENCY CLOSURE OF HUNTING SEASON;
MAHANNAH and PHIL BRYANT WILDLIFE MANAGEMENT AREAS

PURSUANT TO the authority set forth in MISS. CODE ANN. §49-1-29(a), the Executive Director, with the approval of the Mississippi Commission on Wildlife, Fisheries, and Parks, hereby finds that the unusual heavy rainfall during the month of December 2019 and January 2020, has resulted in extraordinarily high water levels and backwater flooding in the (Mississippi) South Delta.

The Executive Director finds that rising backwater from the Steele Bayou will soon inundate the Mahannah WMA headquarters, main entrance roads, and ATV trails. The Executive Director further finds that the high water levels present an imminent threat and peril to the public health, safety, welfare, and infrastructure, and that deer and small game hunting opportunities should be set aside and/or closed until the waters recede.

Effective January 14, 2020, areas set forth below shall be closed to all hunting except waterfowl.

- Mahannah Wildlife Management Area (WMA) waterfowl draw hunts are hereby cancelled. Any associated areas within the Phil Bryant WMA, open to waterfowl draw hunts, are also hereby closed.
- Mahannah WMA will be open to waterfowl hunting DAILY.
- All hunting shall end at noon.
- Access will be managed on a day to day basis as the conditions change or permit.
- All portions of Mahannah WMA will be open to waterfowl hunting EXCEPT the waterfowl sanctuary.
- The main access road to the WMA headquarters is currently closed.

SO ORDERED, this the 14th day of January, 2020.



SAM POLLES, Ph.D.
EXECUTIVE DIRECTOR

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, & PARKS

In Re: Suspension/Closure of Recreational Boating activity during temporary high water emergency.

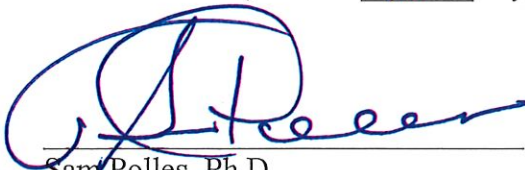
EXECUTIVE ORDER

PURSUANT to the authority set forth in MISSISSIPPI CODE ANNOTATED '59-21-111, the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, with the approval of the Commission, has ordered the suspension of all recreational boating activity on the lake or lakes listed below, due to emergency flooding and high water resulting from unusually heavy rainfall events. This suspension of privileges applies **ONLY** to recreational boating and not to any boating activity that must be employed for the safe transportation of persons to and from a home or dwelling or other legitimate purpose. Any boating activity during the suspension period shall be conducted in a reasonable manner, minimizing any wake created, or otherwise conducted to minimize any negative effects on surrounding property. The lake or lakes set forth below shall remain closed to recreational boating only, until further notice:

LAKE: Wolf Lake, Yazoo County, Mississippi

IT IS THEREFORE ORDERED that the lake or lakes listed above shall be closed to recreational boating activity, in order to protect the health, safety and welfare of the general public, until further notice. Any boating shall be conducted according to a Dead Slow; Leave No Wake, standard. Failure to comply with this order may subject an individual to criminal liability.

SO ORDERED, this the 15th day of **January, 2020**.



Sam Polles, Ph.D.
Executive Director