

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, & PARKS

Thursday, December 16, 2021

**No Educational Session 11 AM Business Session
1505 Eastover Drive, Jackson, MS**

11 AM BUSINESS SESSION MINUTES

PRESENT: Commission Chairman William Mounger, Commissioners Scott Coopwood, and Bill F. Cossar, Leonard Bentz, and Gary Rhoads.

Among the MDWFP staff attending were Dr. Sam Polles, Executive Director; Lynn Posey, Deputy Executive Director; Larry Pugh, Jennifer Head, Brian Ferguson, Col. Jerry Carter, Russ Walsh, Andre Hollis, Charles Knight, Angel Rohnke, Jerry Brown, Jason Thompson, and Drew Malone, Special Assistant Attorney General. Chairman welcomed Chairman of House Committee for Wildlife, Fisheries, and Parks, Representative Bill Kinkade.

OPENING PRAYER

Commissioner Scott Coopwood opened the meeting with prayer.

MINUTES

ACTION: Upon motion by Commissioner Cossar and seconded by Commissioner Coopwood, the Commission meeting minutes of November 18, 2021, were unanimously approved.

AGENDA

No changes to the agenda.

LICENSE SALES REPORT

Brian Ferguson, Director of Administrative Services, presented the License Sales Report for the month of November 2021. The total revenue for the end of November is down less than 1% from last year.

Highlights of his report are listed below:

- Resident license sales – down 1.73%
- Resident WMA User Permit – up by 1, 249 permits (4%)
- Non-resident license sales – down 3.46%
- NR All Game Hunting – up 4.46%
- Lifetime License category – down 10%

Total autorenewal customers equaled 30,346, which is 5,000 more than last year. License packages sold from July 1, 2021 to November 30, 2021 equaled 16,451.

WILDLIFE

FINAL– 40 Miss. Admin. Code Part 2, Chapter 1 – Wildlife Management Areas (WMA).

- **Rule 1.13 – Malmaison WMA Regulations**

The following presentations were made prior to Commission consideration of FINAL Rule 1.13.

Col. Jerry Carter, Chief of Law Enforcement, presented a drone video filmed at 4 a.m. on Opening Day of Waterfowl Season at the Malmaison Scatters. He stated that 62 citations were issued, and 263 officer man-hours were recorded that weekend.

Capt. Jason Young gave a report on whether there were any issues on the 100-yard buffer set in the PROPOSED Rule 1.13 approved by the Commission at the November 2021 meeting. Young reported that no issues were noted in their presence. No plain-clothes officers were in the Scatters, but plans are being made to include plain-clothes officers. The first three boats in the video were given citations for breaking the wake zone.

Commissioner Bentz wanted to publicly state for the record that some of the Commissioners were criticized for the wrong reasons during this past month concerning changes to Rule 1.13. The changes made were an attempt to abide with a court order. If this problem is not resolved, Bentz recommended making the Scatters a draw hunt.

Russ Walsh, Wildlife Chief of Staff, reported to the Commission that public comments received during the past 30 days were – 50 in support of the proposed change to Rule 1.13 and 1,018 were against. The Commissioners had the opportunity to review these comments prior to the meeting.

Walsh then presented a CWD UPDATE in a handout to the Commission. New CWD-positive detections for the current sampling year are: Arkansas – 96; Mississippi – 15; and Tennessee 334. Samples received so far for testing total 1,982. MDWFP's goal is to sample 10,000 deer. Last year 8,000 samples were received. Walsh reviewed the rules and regulations for CWD which are outlined in the MDWFP 2021/22 CWD Regulations and Best Management Practices brochure on the MDWFP website.

Chairman Mounger, in his opening statement on Proposed Rule 1.13, gave an overview of the 180,159 public land and water acreage which MDWFP has acquired over the years. The agency is currently managing around 600,000 acres. Recently the Commission purchased 18,000 acres of public land for the Phil Bryant WMA, 3,500 acres for Canemount WMA, and 1,200 acres for William Deviney WMA, 1,200 acres at Rosedale, and 840 acres at Oxberry, which is near Malmaison WMA. U.S. National Forests would add another 1 million acres. Mounger emphasized that MDWFP and the Commission are focused on providing more land for public hunting and recreational opportunities.

	<u>OWN</u>	<u>LEASE</u>	<u>TOTAL ACREAGE</u>
State Parks	20,326	3,397	23,723
Wildlife Bureau	136,480	15,913	152,393
Fisheries Bureau	<u>3,213</u>	<u>830</u>	<u>4,043</u>
Agency Total	160,019	20,140	180,159

Chairman Mounger thanked everyone for their comments and ideas concerning PROPOSED Rule 1.13. The Chairman read all the comments prior to the meeting, which he noted were sincere and made many valid points. MDWFP records show that 53 were in favor of the proposed rule change and 1,015 were against. (Three comments which were shown as "against" were actually "for" the rule change.) He noted that even some Leflore County Hunting Association members were against the proposal.

Mounger continued that it was obvious from the comments that the public had not recently been made aware that MDWFP and this Commission were involved in a lawsuit and an "Agreed Final Judgment" over the Malmaison/Leflore County Hunting Association boundary line. This judgment occurred in 2015 before the current members of the Commission were appointed. Mounger requested that this "Agreed Final Judgment" be recorded into the minutes; thus, refreshing memories and giving perspective. Chairman Mounger then proceeded to read into the record Civil Action No. G15-0071 as ordered by the Chancery Court of Leflore County, Mississippi on the 30th day of November, 2015:

*3. The Defendants, the Mississippi Department of Wildlife, Fisheries, and Parks and Mississippi Commission on Wildlife, Fisheries, and Parks shall, no later than 30 days from and after the date of entry of this Agreed Final Judgment, adopt, publish and enforce, pursuant to the Administrative Procedures Act, a regulation or regulations for all public hunting areas and specifically for the Malmaison Wildlife Management Area ("WMA"), placing the public on notice of the re-marked boundary between the LCHFA and the Malmaison WMA and **discouraging hunting in close proximity to the said boundary line, so as to avoid liability for trespass and to promote safety.** Such regulation(s) shall, at a minimum, include language placing the hunting public on notice of the agreed boundary between the Malmaison WMA and the Plaintiff. Such regulation(s) shall also incorporate language discouraging physical trespass upon the lands of the plaintiff and hunting practices which may result in trespass upon the lands of the Plaintiff, whether direct or indirect. Said regulation(s) shall include language*

warning that violations may result in criminal liability for trespass and/or violation(s) of the WMA rules.

This court order was signed by the Leflore County Chancery Court Judge (name ineligible) and Attorneys for the Leflore County Hunting and Fishing Association, Secretary of State C. Delbert Hosemann, Jr., Attorney General Jim Hood, the Mississippi Commission of Wildlife, Fisheries, and Parks, and Mississippi Department of Wildlife, Fisheries, and Parks.

The spirit of the Commissioners' motion last month was to give clarity to this "Agreed Final Judgment." MDWFP has worked hard to abide by this judgment since 2015 as illustrated in 40 Administrative Code, Part 2, Rule 1.13 B.7.viii, which was inserted as part of the minutes in November 2021. Right now – today – Rule 1.13 B.7.viii. says:

"Additionally, placement of stands, blinds or other hunting positions/apparatus on or near the boundary line, may place the hunter within **shotgun range** of hunters on adjacent private property. Therefore, hunters should set their hunting positions a safe distance from the line."

The Commission has been working hard to give clarity to this court order on what distance from the boundary is considered "close" and what is a "safe" distance from the property line to hunt. Also questioned was whether different types of ammunition alter the shotgun range. The main point after all discussion being that the "100-yard buffer" proposed at the last meeting was made to protect the hunter and to satisfy the court.

Mounger continued by stating that this is a unique situation at Malmaison WMA due to the "Agreed Final Judgment." Anything done here would not set a precedent for any other WMAs. There are no other lawsuits, therefore, there are no other WMAs under this stipulation. Since the public had no knowledge of the lawsuit, many of the public comments reflected confusion on a precedent.

Chairman Mounger thanked everyone for their comments and passion for waterfowl. "As one who appreciates waterfowl, their biology, and amazing migration patterns, I and this Commission want to promote affordable, good quality, public hunting opportunities that are safe."

ACTION: In light of the comments received during the past 30 days and today, Commissioner Coopwood made a motion that the Commission **WITHDRAW** the proposed rule change with the understanding that law enforcement officers patrol this area heavily until the end of the season. Commissioner Cossar seconded the motion and the motion carried.

PUBLIC COMMENTS

Katelin Bishop, Olive Branch, MS - Ms. Bishop was against the proposed rule change and commented that the buffer zone tends to crowd hunters closer together and provides less land on which to hunt. She presented a map to the Commission noting the best hunting areas and

the buffer lines. She claimed that the buffer lines prevented hunters from being able to get to some of the best hunting areas further into the WMA.

Roger Easley, Leflore County Hunting and Fishing Association – Mr. Easley stated that this lawsuit needs to be enforced and can it be enforced without a distance stated. No accidents have occurred yet; but there have been several close calls, so it is a safety issue. Mr. Easley stated that MDWFP needed more officers in the Malmaison, some on the shoreline and some in boats, so that a safe distance from boundary lines could be maintained. Discussion followed.

Walter Morrison, Board Member of the Mississippi Wildlife Federation – Mr. Morrison felt like the Commission reached a responsible decision on the Malmaison and the Commission's decision speaks to the process. Mr. Morrison thanked the Commission for allowing him to speak.

Representative Bill Kinkade, Chairman, House Committee on Wildlife, Fisheries, & Parks In light of the motion made by Commissioner Coopwood to withdraw the rule change, Chairman Kinkade withdrew his request to appear before the Commission.

Dr. Sam Polles, Executive Director of MDWFP, presented a map for the Commission to review with the public hunting holes on the Scatters mentioned by Ms. Bishop and Mr. Easley. Polles complimented the law enforcement officers in the room for the really hard decisions they are required to make in the line of duty on the Scatters..

PARKS

Parks Update

Andre Hollis, Director of Park Operations, presented a report comparing Parks revenue in November, 2021 with November, 2020. The total revenue for the month of November, 2021 was up \$165,305 from November last year. Reservations for RV camping and cabin rental increased from \$403,656 in 2020 to \$552,882 in 2021, increasing revenue by \$149,226. Total gross revenue was up \$988,798 from last year for a total of \$4,099,690 for July 1 – Nov. 30, 2021.

Hollis presented a handout to the Commission with pictures of AmeriCorps' projects at several state parks during November. AmeriCorps will be volunteering on November 29 – December 3, at George P. Cossar State Park, and December 6-17 at Clarkco State Park. Tishomingo State Park participated in a local Christmas Parade and their float won First Place.

MUSEUM OF NATURAL SCIENCE

Museum of Natural Science (MMNS) Update

Charles Knight, Director of MMNS, presented an Admissions & Revenue Report for the Museum. Highlights of his presentation included:

- Revenue for admissions is up by 33%.
- Revenue from the Museum Gift Shop is up 50%.
- Miscellaneous Revenue is also up.
- Total revenue is up by \$129,282 from last year.
- Pictures were shown depicting "Snow Much Fun" Christmas Event held December 9-10.

FINAL– 40 Miss. Admin. Code Part 6, Chapter 1 – General Regulations for the Mississippi State Parks

- **Rule 1.1 State Park Fees (Museum of Natural Science)**

Knight stated that no public comments were received. He reminded the Commission that this rate increase would increase fees for the Museum by \$2.00 for each group except the Educational Group which would be increased by \$1.00. This would amount to \$178,000 increase in revenue.

ACTION: Commissioner Cossar moved to approve FINAL Rule 1.1 State Park Fees. Commissioner Coopwood seconded the motion and the motion carried.

LEFLEUR'S BLUFF EDUCATION & TOURISM COMPLEX

LeFleur's Bluff Education & Tourism Complex Update

Angel Rohnke, Director of the LeFleur's Bluff Education and Tourism Complex, presented the following updates:

- 4,000 Visitors to the new playground during the first week.
- 1,000 Visitors on opening day following the Ribbon Cutting.
- Thanked the MDWFP staff for capturing the first day on video.
- Spotters Adventure Trail – will connect the two museums.
- Outdoor Amphitheatre – The Den – multi-purpose facility.
- Plans are to open Spotters Adventure Trail & The Den in late spring/early summer 2022.

COMMUNICATIONS & OUTREACH

Communication & Outreach Update

Josh Carver, Communication/Outreach Manager, presented the following updates:

- Produced a video on the state of CWD and the deer herd in MS with Dr. Bronson Strickland (MSU), Russ Walsh, & William McKinley.

- Planned media coverage of the LeFleur's Bluff playground Ribbon Cutting Event, including Facebook Live broadcast by media team and drone support from MIS.
- Attended Wildlife Coordinators Meeting at Choctaw WMA to plan out content for promotional purposes.
- Weekly meetings with Children's Museum and MMNS on activities for the Spotters Adventure Trail.
- Distributed promotional materials for multiple youth events attended by MDWFP biologists and conservation officers.
- Marketing Campaigns – CWD Multi-state Grant with 2.8 million impressions and reaching 318,000 people; Shooting Facility with 142,635 impressions and reaching 73,457 people; and MMNS events reaching 281,661 people.
- Seasonal email campaigns – up 11% with 177,000 opens.
- License Package Marketing with 7,284 page views; 1,122 transactions, and \$26,850 revenue generated.
- Social Media:
 - Facebook has 85.1K followers (up 2.2%); 513K people reached (up 68.5%); and 1,739 net new followers (up 585%)
 - Instagram has 9,940 followers and 20.9K accounts reached (up 98%) and 223 website visits (up 182%)
- Notable posts:
 - Eastern Spotted Skunk
 - Alligators going Dormant
 - Hack & Squirt Management
 - Wild Hogs: Where, When, How
 - Name the Snake
- State Parks Instagram
 - Biking at a State Park
 - MS State Parks App
 - Paul B Johnson Park Highlight
- Fall pictures taken at the parks and events below by our new photographer, Blythe Summers, were included in the Commission packet.
 - LeFleur's Bluff Playground
 - Trace State Park
 - Tombigbee State Park
 - JP Coleman State Park
 - Tishomingo State Park
 - William C. "Billy" Deviney WMA
 - Holmes Co. Lake Fish Stocking
 - MMNS Wild About Gobblers Event

The Commission requested that Josh introduce members of his team. The Media, Marketing, Graphics team members introduced were: Jennifer Head, Communication/Outreach Director; David Bean, Matt Goss, Jennifer Shows, Blythe Summers, Scooter Whatley, and Rusty Bush (not present). Rusty Bush will be returning to work at MDWFP the week after Christmas following a long recovery battle with COVID.

LAW ENFORCEMENT

Law Enforcement Update

Col. Jerry Carter, Chief of Law Enforcement, reported 1,059 citations issued for the month of November with "No License" being number one and "Hunting from a Public Road" was number two. Officers checked for supplemental feeding and compliance. Officers issued 501 citations during the opening weekend of waterfowl season (Nov. 26-28). Over 5,013 waterfowl and deer hunters were encountered during this period. Cadets are now in week seven of their training. Officers assisted with the MSSP qualifier at Turcotte Range. Roughly 1,000 kids are involved in the shooting sports program. The McHenry Sporting Clay Trail Project pictures showed dirt being added to support an asphalt foundation. Shooting range customer counts are: McIvor – 557; Turcotte – 1,108; and McHenry – 714.

License Reinstatement Requests

Col. Carter presented the following license reinstatement requests. Each violator was asked to come forward and state the circumstances of their arrest before the Commission.

- **Gwendolyn Sumrall, Ovett, MS**

Sumrall was arrested for headlighting and paid \$3,000 in fines. She shot a buck from the side of the road outside her car window after dark.

ACTION: By motion of Commissioner Bentz and seconded by Commissioner Cossar, Sumrall's license was reinstated by unanimous consent with the stipulation that she will serve the entire three years for a second offense.

- **River Keaton, Preston, MS**

Keaton was part of a group that shot a deer after dark and then proceeded to film while beating the deer to death. One of the boys posted the video on social media. The violator who shot the deer came forward last month.

The Commission emphasized the seriousness of hunting after dark, cruelty to an animal, and encouraging others to follow suit by posting their video on public media.

ACTION: By motion of Commissioner Bentz and seconded by Commissioner Cossar, Keaton's license was reinstated by unanimous consent with the stipulation that he will serve the entire three years for a second offense.

OTHER BUSINESS – PART 1

Dr. Sam Polles, Executive Director, requested permission to add Law Enforcement Promotions to the "Other Business" on the agenda.

ACTION: Commissioner Bentz made a motion to approve amending the agenda to add items to the OTHER BUSINESS. Commissioner Coopwood seconded the motion and the Commission voted unanimously to amend the agenda.

LAW ENFORCEMENT PROMOTIONS and PINNING

Recent promotions of three MDWFP Law Enforcement Officers were acknowledged by a pinning ceremony. Col. Carter asked Lt. Col. Scottie Jones and Maj. Megan Fedrick to come forward to be pinned and Maj. Chris Reed to come forward and recognized for his promotion.

- Lt. Col. Scottie Jones (promoted from Major) will serve as Assistant Chief of Law Enforcement.
- Major Megan Fedrick (promoted from Captain) will administer Education and Outreach Programs, including Hunter Education, Boater Education, the Mississippi Scholastic Shooting Program, and the agency's state shooting facilities.
- Major Chris Reed will now assume responsibilities as Law Enforcement Administrator for the Central Region, overseeing 25 counties and 42 officers.

The Commission and attendees ended the ceremony with a round of applause.

NEXT MEETING DATE

Date: Thursday, January 20, 2022
Location: The Lyric Hotel, Clubhouse C & D, Cleveland
Time: 1 p.m. Business Session

EXECUTIVE SESSION

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

ACTION: Commissioner Bentz made a motion to close the meeting to determine the need for Executive Session. Commissioner Rhoads seconded the motion and the Commission voted unanimously to close the meeting.

Drew Malone, Special Assistant Attorney General, announced to those present that the meeting was now closed to determine the need for Executive Session.

The meeting was closed, and the room cleared. Discussion was held and it was determined that there was a need to discuss personnel matters involving job performance of specific employees in specific positions, transactions in real property, and pending litigation.

ACTION: Commissioner Cossar made a motion to enter Executive Session to discuss job performance of specific employees in specific positions, transactions in real property, and pending litigation. Commissioner Rhoads seconded the motion and the Commission voted unanimously to enter Executive Session.

Mr. Malone announced to those present outside the meeting room that the Commission had entered Executive Session to discuss job performance of specific employees in specific positions, transactions in real property, and pending litigation.

Dr. Polles followed-up the announcement of the recent promotions in Law Enforcement and advised the Commission on efforts to fill the vacancies created by attrition and promotion. This included a report on the current class at MCOTA. No action was required of the Commission.

Dr. Polles and Art Kennard informed the Commission of several tracts of land that had been previously discussed as being desirable for purchase. More specifically, a tract in Marion County was ready for appraisals. The Commission voiced their support and encouragement for staff to proceed on the Marion County tract. No vote was required.

Kennard also informed the Commission of several tracts of land which are currently managed by Pascagoula WMA and the owner wishes to donate the land to MDWFP. No action was taken at this time.

Counsel updated the Commission on a tort claim matter. Other litigation was discussed, but no action was required of the Commission.

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

Mr. Mann announced to those individuals located outside the Commission Room that the meeting had re-opened.

OTHER BUSINESS – PART 2DONATION OF LAND

The Executive Director asked permission to bring forth a Donation of Land item for consideration, which was discussed during the Executive Session.

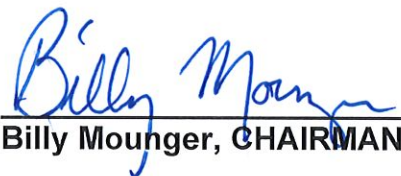
ACTION: Commissioner Cossar made a motion to add the Donation of Land to the agenda, seconded by Commissioner Coopwood, and the motion carried.

Art Kennard came forward to inform the Commission that the Land Trust for South Mississippi had several tracts of land which they had purchased for mitigation from a violation of the Clean Water Act. These tracts are in-holdings at the Pascagoula River WMA and are currently being managed as part of the WMA by the MDWFP. The Land Trust wants to donate the tracts to the MDWFP so that the agency will have full control and continue to manage the land for wildlife. All that is needed is for the Commission to spread its acceptance of the donation across the minutes of a public meeting.

ACTION: It being the intent of the Commission to spread upon its minutes its acceptance of a donation of land from the Land Trust for South Mississippi, to the MDWFP, to be managed in perpetuity as a wildlife habitat and as part of the Pascagoula River Wildlife Management Area, Commissioner Bentz made a motion that the donation be accepted. Commissioner Cossar seconded the motion, and the Commission voted unanimously to accept the donation from the Land Trust.

ADJOURNMENT

There being no further business before the Commission, Commissioner Cossar moved to adjourn, seconded by Commissioner Coopwood, and the motion carried. Chairman Mounger gaveled the meeting into adjournment.


Billy Mounger, CHAIRMAN


Date


Bill Cossar, VICE CHAIRMAN


Date