

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS
DIVISION OF ENFORCEMENT, WILDLIFE AND FISHERIES
POST OFFICE BOX 451
JACKSON, MISSISSIPPI 39205

PUBLIC NOTICE OF INTENT NUMBER W1 3780(I)

TO: The Honorable Eric Clark
Secretary of State
Post Office Box 136
Jackson, MS 39205
AND
ALL INTERESTED PERSONS

The Mississippi Commission on Wildlife, Fisheries and Parks, at a meeting in Redwood, Mississippi on October 31, 2007 under authority of Section 25-43-3.103, Mississippi Code of 1972, made known its intent to adopt the following rules and regulations for wild animal enclosures containing white-tailed deer and/or non-native ungulates *ferae naturae* (wild by nature). This was done under authority of Section 49-7-58.4, Mississippi Code of 1972. These rules and regulations will become effective July 1, 2008.

Be it ordered this regulation supersedes Public Notice 2877.

Be it ordered that Public Notice W 3780 is hereby amended, and the following wild animal enclosure regulations are adopted.

Possession of White-tailed Deer

No person may possess a live white-tailed deer in Mississippi unless that person possesses a valid permit issued by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP). No person may sell a live white-tailed deer pursuant to Section 49-7-51, Mississippi Code of 1972.

Orphaned and Injured White-tailed Deer

Orphaned or injured white-tailed deer may not be placed in high-fenced enclosures without written permission from the MDWFP.

Facility Permit

The owner of a high-fenced enclosure containing white-tailed deer must obtain an annual Facility Permit from the MDWFP. The fee for a Facility Permit shall be Three Hundred Dollars (\$300.00) per year for high-fenced enclosures containing 300 acres or less. The fee for a Facility Permit shall be One Dollar (\$1.00) per enclosed acre for high-fenced enclosures containing more than 300 acres. The permit will be valid from July 1 through June 30. Additional commercial enclosure fees may apply pursuant to Section 49-11-5, Mississippi Code of 1972.

Enclosure Size

All high-fenced enclosures constructed for the purpose of confining white-tailed deer only or confining both white-tailed deer and non-native ungulates after the adoption of this Public Notice must contain a minimum of 300 contiguous acres of which at least 50 percent of the total enclosed area must contain suitable habitat for white-tailed deer and is not susceptible to flooding under ordinary conditions. The confinement of white-tailed deer in high-fenced enclosures less than 300 acres and constructed prior to the adoption of this Public Notice may be allowed if permitted by the MDWFP.

An existing high-fenced enclosure containing less than 10 acres, confining white-tailed deer, and registered with the MDWFP prior to the adoption of this Public Notice may be allowed but reproduction of white-tailed deer within such an enclosure is prohibited. Any offspring produced shall be reported within five days to the MDWFP and surrendered to the MDWFP.

High-Fenced Enclosures Containing White-tailed Deer:

Fence Requirements: All permitted high-fenced enclosures containing white-tailed deer must have a minimum fence height of 8 feet and a minimum gauge wire of 12½. The lower 8 feet of the fence height must be net wire.

Enclosure Management Assistance Program: All permitted high-fenced enclosures containing white-tailed deer shall be enrolled in the Enclosure Management Assistance Program (EMAP). The owner of a permitted high-fenced enclosure must work with an MDWFP approved wildlife biologist to manage the white-tailed deer herd within the enclosure. The wildlife biologist must submit an annual management plan by May 1 for the permitted high-fenced enclosure on forms provided by the MDWFP.

Breeding Pens: Controlled breeding of white-tailed deer within a high-fenced enclosure may be allowed by permit at an annual cost of Four Hundred Fifty Dollars (\$450.00). Breeding pens must be contained within a high-fenced enclosure of at least 300 contiguous acres. Each breeding pen cannot exceed a total confined area of 5 acres. A breeding plan must be submitted annually to the MDWFP. A breeding pen inventory report must be submitted annually to the MDWFP by May 1.

All white-tailed deer 1½ years of age and older within a breeding pen must be tagged in both ears with a uniquely numbered plastic ear tag and metal ear tag provided by the MDWFP. All white-tailed deer released from a breeding pen into a larger enclosure must be tagged in both ears with a uniquely numbered plastic ear tag and metal ear tag provided by the MDWFP.

Sources of White-tailed Deer: White-tailed deer may not be transported from the wild and placed into a high-fenced enclosure or a breeding pen. Permitted high-fenced enclosures and permitted breeding pens may be stocked with white-tailed deer originating from permitted high-fenced enclosures and permitted breeding pens, pursuant to the

applicable provisions of this regulation and any other applicable laws, rules, and regulations.

Movement of White-tailed Deer: No person may import a live white-tailed deer into the State of Mississippi pursuant to Section §49-7-54, Mississippi Code of 1972. White-tailed deer semen, ova, and embryos may be imported into Mississippi and translocated within Mississippi by permit. The permit must be obtained prior to importation and translocation. White-tailed deer semen, ova, and embryos must be obtained from a source within the continental United States. The importation of white-tailed deer semen, ova, and embryos from any source outside of the continental United States is prohibited. An annual report must be submitted by May 1 to the MDWFP regarding any importation or translocation of white-tailed deer semen, ova, and embryos into Mississippi.

No white-tailed deer originating from a high-fenced enclosure may be released into the wild in Mississippi. Live white-tailed deer may be exported out of Mississippi by permit if they originate from a permitted high-fenced enclosure. Transport of live white-tailed deer from a permitted high-fenced enclosure to another permitted high-fenced enclosure within Mississippi may be allowed by permit and only if the high-fenced enclosures are participating in a Chronic Wasting Disease (CWD) monitoring program. Transport permits at a cost of Twenty-five Dollars (\$25.00) per white-tailed deer must be purchased prior to transporting white-tailed deer out of Mississippi or from one permitted high-fenced enclosure to another permitted high-fenced enclosure. This permit will include, but is not limited to, mode and date of transportation, origination, destination, and parties involved. All white-tailed deer moved must be tagged with uniquely numbered plastic and metal ear tags provided by the MDWFP. Bucks moved during the deer hunting season or during a period of 10 days prior to the start of the deer hunting season must have the antlers removed immediately above the pedicle.

Chronic Wasting Disease (CWD) Monitoring Program: All target white-tailed deer within a high-fenced enclosure must be tested for CWD. Target deer are deer exhibiting clinical symptoms.

Movement of white-tailed deer from a high-fenced enclosure is allowed if the high-fence enclosure from which the deer originate is participating in a MDWFP approved CWD monitoring program.

Facility Breach: Any breach or opening in the enclosure that would allow white-tailed deer to leave the enclosure or white-tailed deer to enter the enclosure must be reported to the MDWFP within 24 hours of discovery. Any white-tailed deer which escapes from a high-fenced enclosure and causes a threat to public safety may be captured and/or euthanized by authorized representatives of the MDWFP or by any law enforcement agency by whatever means deemed necessary.

Controlled Drug Usage: The use of controlled drugs for animal capture and reproduction is governed by state and federal drug laws and controlled drugs may be used in compliance with these laws and regulations.

High-Fenced Enclosures Containing Non-native Ungulates:

Non-native ungulates within high-fenced enclosures shall be regulated according to the “Memorandum of Understanding on High-Fenced Enclosures Containing Non-native Ungulates” between the MDWFP and the Mississippi Board of Animal Health. Any regulations promulgated by the Mississippi Board of Animal Health are incorporated herein by reference as if reproduced in their entirety.

A non-native ungulate harvest report for the enclosed property shall be submitted to the MDWFP annually. This report is due to the MDWFP by May 1 of each year. There shall not be a closed season, bag limit, or weapon restriction for pursuing non-native ungulates.

Any breach or opening in a high-fenced enclosure containing white-tailed deer and non-native ungulates that would allow white-tailed deer and/or non-native ungulates to leave the enclosure or enter the enclosure must be reported to the MDWFP within 24 hours of discovery. Any white-tailed deer which escapes from a high-fenced enclosure and causes a threat to public safety may be captured and/or euthanized by authorized representatives of the MDWFP or by any law enforcement agency by whatever means deemed necessary. Any non-native ungulate which escapes from a high-fenced enclosure shall be reported to the Mississippi Board of Animal Health.

High-Fenced Enclosure Inspection

As a condition of receiving a permit hereunder, high-fenced enclosure owners/operators are declared to have consented to periodic inspections of high-fenced enclosures by the MDWFP, without warrant or notice. All high-fenced enclosures containing white-tailed deer shall be inspected by the MDWFP at least once annually. The MDWFP may inspect any high-fenced enclosure at any time where there is a reasonable belief that the high-fenced enclosure is not in compliance with these regulations. The MDWFP may enter and inspect all wild animal enclosures to issue enclosure permits, renew enclosure permits, review enclosure permits, insure compliance of enclosure rules and regulations, insure compliance with the written operational plan submitted to and approved by the MDWFP, and quarantine the enclosure. The MDWFP may inspect any required records regarding or relating to any wild animal enclosure. If a Facility Permit is revoked, the enclosure will be quarantined.

Mississippi State University Captive Deer Research Facilities

Mississippi State University Captive Deer Research Facilities are exempt from this Public Notice except for sections “Possession of White-tailed Deer” and “Orphaned and Injured White-tailed Deer”.

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Roosevelt State Park Deer Research Facility

The Roosevelt State Park Deer Research Facility is exempt from this Public Notice except for sections "Possession of White-tailed Deer" and "Orphaned and Injured White-tailed Deer".

Definitions

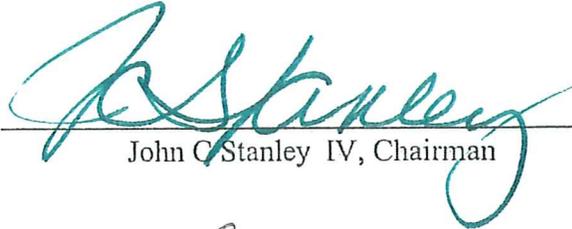
- (1) High-fenced enclosure – Any man-made or man-placed fenced structure which prevents the free ingress and/or egress of any wild animal and does or does not meet the animal's year round habitat requirements (i.e., cover, food, and water).
- (2) Wild animal – Any animal *ferae naturae* (wild by nature) whether indigenous to the State of Mississippi or not.
- (3) Non-native ungulate – a *ferae naturae* mammal having hooves and not indigenous to the State of Mississippi.

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Anyone wishing to comment on the above proposed action may do so in writing to the Executive Director, Mississippi Department of Wildlife, Fisheries and Parks, P. O. Box 451, Jackson, MS 39205, no later than December 1, 2007.

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES & PARKS

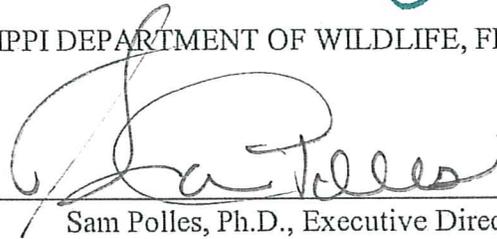
BY: _____



John C. Stanley IV, Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS

BY: _____



Sam Polles, Ph.D., Executive Director