

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, AND PARKS
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Title 40: Wildlife, Fisheries, and Parks

Part 5: Museum of Natural Science

Part 5, Chapter 1: General regulations for the Mississippi Museum of Natural Science.

Rule 1.1 GENERAL REGULATION REGARDING USE OF THE MUSEUM BY OUTSIDE PARTIES. Public Notice M1 3821 is hereby amended.

A. Rental of Mississippi Museum of Natural Science for Meetings and Events

1. Each individual, organization, association, or other entity shall enter into a written agreement with the museum as set forth in standard operating procedures.
2. All scheduled uses shall be reserved at least fifteen (15) days in advance. Reservations will be taken no more than twelve (12) months in advance.
3. The maximum number of attendees is 3,000.
4. The museum facilities are not available for meetings and/or functions to any organization, association, or other groups or entities that discriminate based on race, color, creed, religion, gender, and/or national origin.

B. Deposit and Payment

1. Deposit: To reserve the facilities, Client shall pay the Museum a non-refundable deposit of \$200 payable upon the execution of the Agreement. If deposit is not received, the Agreement shall terminate and be of no further force or effect. The requested date of the facilities rental will not be confirmed until the deposit is paid and the Agreement is signed. The deposit shall be applied in full as a credit against payment due to the Museum under this Agreement.
2. Payment: Client agrees to pay the Museum a fee, for facility rental requested for the event, (\$200 of this amount will have been paid as a deposit). The remaining balance of the facility rental is due 7 business days after the event. Following the event, the Client will be invoiced and agrees to pay for any additional cost incurred. Fees are to be determined based on current local market rental fees.
3. Security: A minimum of one security officer must be present during every event. The cost of this service is included in the price of the facility rental. Additional security personnel will be paid for by client and may be required based on the number of guests attending the event and the amount of space rented. Security requirements are determined at the sole discretion of the Museum. Client will be notified prior to the event if any such additional security personnel are deemed necessary.

4. Janitorial: Normal and usual housekeeping is included with the facility rental. Additional janitorial workers may be required due to clean-up above and beyond standard cleaning. Client will be notified during or immediately following an event if any such additional janitorial personnel are deemed necessary. The Client is responsible for removal of garbage, boxes, etc. from each event. The client is responsible for the removal of all client provided tables, chairs, podiums, and risers from the public areas.

5. Access Times: Please be aware that the Museum does not close to the public until 5 p.m. daily. So that we do not infringe on our visitors' access to exhibits and education areas during operating hours, the following access times are in effect for move-in and set-up:

a. Access to loading dock beginning at 3:00 p.m. to unload and assemble materials;

b. Access to patios, and kitchen at 4:30 p.m.;

c. Lower and upper lobby access beginning at 5:00 p.m.

C. Conduct During Event

1. Compliance: The Client agrees to comply with all policies, practices, rules, and regulations of the Museum listed below and its sole discretion may determine compliance of the Client.

2. Damages: Client assumes full responsibility for any and all damages to the physical premises and property of the Museum and for any and all personal injuries caused by Client, Client's guests, and/or Client's independent contractor that may occur during any such time premises are occupied by the Client, Client's independent contractors, or Client's guests. Client agrees to defend, indemnify, and hold harmless the Museum and MDWFP from all claims, lawsuits or other actions, including claims for damages, costs and/or attorney fees.

3. Restricted Areas: To ensure the safety and security of the Museum and its contents as well as minimize liability to the Client, all non-rented areas are off-limits to the Client, Client's independent contractor(s). Any of these individuals found in an off-limits area may be asked to leave the premises.

4. Operations: Client, Client's guests, and Client's independent contractor(s) must comply with any requests made of them by the Museum staff. Museum staff and janitorial personnel are provided by the Museum for your event.

5. Event Conclusion: Client is responsible for ensuring that all events must conclude no later than the time specified on the Facility Rental Agreement. After that time, the Museum will be accessible only to staff designated for the breakdown and clean up of the event. All events must be scheduled to conclude no later than 10 p.m. unless otherwise agreed upon.

6. Electrical Cords: All electrical cords and equipment cables used must be installed so as not to present a hazard for guests and must be in accordance with NEC and NFPA 70E safety guidelines. Electrical cords may not be taped to the floors in prominent walkways. Museum may request the repair or replacement of any damaged or faulty cables or equipment to ensure the safety of all personnel and guests. The Museum does not supply electrical cords to Clients.

7. Cut Flowers: All cut flowers are to come from a florist so as to minimize the chance of introducing insects in the collections and exhibits.

8. Prohibited Activities: The following activities are strictly prohibited in indoor facilities:

a. Cigarette and cigar smoking or smokeless tobacco anywhere inside the Museum;

b. Smoking, fog, or haze producing equipment of any kind;

c. Open flames of any kind; Candles (unless enclosed in a hurricane lamp or similar device or votive);

d. Food and beverage in non-designated areas;

e. Any materials nailed, or taped to any ceilings, walls, floors, or furnishings inside or outside of the building;

f. Helium balloons;

g. Throwing of rice, confetti, birdseed, or other materials (This includes metallic "confetti" or "glitter" like products scattered on guest tables or buffets);

h. Potted plants containing dirt are prohibited in the lobbies and exhibit halls;

i. Under no circumstances should food, drink, or trash be left in the building overnight.

9. Invitation: A copy of the invitation and/or any announcement for the event must be reviewed by the Museum. The Client agrees to make all reasonable changes to the copy if any are requested by the Museum.

10. Vendor Load-In and Load-Out: Arrangements regarding access to the Museum for deliveries, set-up, and removal of equipment must be reviewed in advance with the Event Coordinator (Museum contact that is assigned to your event). It is the Client's sole responsibility to inform independent contractors of Museum rules, regulations, policies, and procedures. The Museum must receive a list of all vendors with contact information no later than

one week prior to event. The following guidelines explain the responsibilities of the Client and Client's independent contractor(s).

11. Costs: Client bears the responsibility for all costs associated with outside vendors (caterers, florists, entertainment, etc.).

12. License and Proof of Insurance: All outside vendors used for the event must file copies of current business licenses, certificates of insurance, and proof of worker's compensation with the Museum.

13. Deliveries: Vendors must check-in with Museum Security upon arrival. Once the vendor has finished unloading or loading, the vendor's vehicle must be moved to the parking lot so that others may utilize the dock area. Vendors are not allowed to park personal vehicles in the dock area.

14. Load-Out: Arrangements must be made in advance with all vendors to return and pick-up client provided items immediately following the event. The Museum is not responsible for any lost or stolen supplies, equipment, or other property that is left overnight. Vendors are responsible for clean-up and removal of all rented items.

15. Staging: All staging must occur on the loading dock area and not in hallways. For fire safety reasons, all hallways and doorways must be kept clear of tables and equipment at all times.

16. Dollies or Hand Trucks: Client must provide appropriate dollies or hand trucks for the setup and removal of supplies. The floor in the Museum is especially susceptible to damage, so we must strictly prohibit any sliding or dragging of equipment on its surface. All risers and moveable items placed on the floor require rubber bearings. The Museum does not provide any staff to help unload or load equipment.

17. Trash Disposal: All vendor trash must be properly bagged and disposed of by Client's vendors in the dumpster located outside.

18. Supplies and Equipment: The Museum does not provide any supplies or equipment. All equipment and necessary materials are the responsibility of the Client and vendors.

19. Kitchen Equipment: Because of the limitations of space and equipment in the Museum, Client's catering vendors should prepare food off-site. Caterers are responsible for maintaining cleanliness in the Museum during the event and returning the kitchen to its original state.

20. Checkout: Before departing, all vendors are responsible for checking out with the Museum Representative. The Client will compensate the Museum for any damage to facilities and property of the Museum caused by Client, Client's guest or Client's vendor.

21. Exhibits: Exhibits form an integral part of the Museum's educational mission. In addition to galleries, exhibits are also located in other public areas. Once positioned, these exhibits are considered "permanent" and cannot be moved from their locations for any reason.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-1-55.

Part 5, Chapter 2: Regulations regarding non-game and endangered species.

RULE 2.1 REGULATIONS REGARDING FALCONRY. Public Notice W 1923 is hereby amended.

A. In addition to falconry regulations found in Title 50 Code of Federal Regulations Part 21, published October 8, 2008 the following regulations are enacted for falconry in Mississippi:

1. Permits will become valid when issued by the Department and will expire on the fifth June 30th following their issuance unless a different period is specified on the permits or renewals. Permits are renewable. Permits shall not be transferred to other persons. Permits may be revoked or renewals denied for violation of provisions of this regulation. Permit cost will be \$100.00.

2. An apprentice falconer shall possess only the following raptors: American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), or red-shouldered hawk (*Buteo lineatus*).

3. An apprentice falconer must capture from the wild his or her first raptor and hunt with said bird for one complete hunting season.

4. No falconer may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the Department within 10 calendar days of any such transaction.

5. Nonresident Taking:

a. Before taking or attempting to take a raptor from the wild in Mississippi, a nonresident must have a valid General or Master level falconry permit from his state of residence, a Mississippi nonresident hunting license and a special Mississippi nonresident taking permit.

b. Special Mississippi nonresident taking permits shall be issued only to those nonresidents whose states of residence provide the same privileges to residents of Mississippi.

c. Nonresident falconers will be allowed to take one (1) legal raptor per year in Mississippi.

6. Transport: Holders of Mississippi falconry permits may transport within Mississippi the raptors held under their permits and remove the raptors from Mississippi for meets, trials, and hunting in other states and bring them back again into Mississippi without obtaining Mississippi importation permits; provided, however, that such permission to remove raptors from and return them to Mississippi is invalid if the falconry permittee fails to obtain any permit or license required for his activities by the state into which he takes the raptors.

7. A falconry permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued in accordance with appropriate federal and state regulations.

8. Captive Propagation: Raptor propagation and activities associated with it are permitted in accordance with Title 50, Code of Federal Regulations, Part 21.30. Additionally, a Mississippi propagation permit is required. All permittees shall submit one copy of each federally-required report to the Department at the same time as submitted to federal authorities.

9. A permittee that is a holder of valid federal and state raptor propagation permits may sell, purchase or barter, or offer for sale, purchase or barter, captive-bred raptors marked with seamless bands or ISO compliant microchips to other permittees who are authorized to possess the raptors.

10. An officer of the Department may inspect the falconry permittee's raptors, records, facilities or equipment at any reasonable hour.

B. The Department shall allow the take of Peregrine Falcons in accordance with the U.S. Fish and Wildlife Service document, "Final Environmental Assessment Plan on the Take of Migrant Peregrine Falcons from the Wild for Use in Falconry, and Reallocation of Nestling/Fledgling Take," August 2008.

C. Take of peregrine falcons from the wild is limited to the time period specified by Service rules. Take is limited to permittees that have received a peregrine take permit from the Department and the conditions associated with that permit.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-37.

RULE 2.2 REGULATIONS REGARDING TURTLES AND TORTOISES. Public Notice 2552 is hereby amended.

A. Be it ordered that the taking, possessing, transporting, exporting processing, selling, offering for sale, or shipping of the eggs of any species of turtle or tortoise is prohibited unless specifically authorized by a valid scientific collecting permit.

B. Be it further ordered that the introduction of gasoline, kerosene, or any other chemical into the burrows dug by a gopher tortoise (*Gopherus polyphemus*), whether or not those burrows are occupied by gopher tortoises or have been abandoned, is prohibited.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-5-113.

RULE 2.3 REGULATIONS REGARDING NON-GAME WILDLIFE IN NEED OF MANAGEMENT. Public Notice M4 3201 is hereby amended.

A. Nongame Species In Need Of Management: Definitions.

1. Nongame species in need of management in Mississippi include:

a. 32 species of small mammals, one species of freshwater fish, and all native species of reptiles and amphibians except those regulated by other rules of the Commission on Wildlife, Fisheries and Parks.

b. Species not regulated by this Public Notice include:

- i. endangered reptiles and amphibians
- ii. reptiles and amphibians considered game species (Bullfrog, Pig Frog, Bronze Frog)
- iii. American Alligator
- iv. Commercially recognized genetic color mutants, such as albinos or other color variants, of nongame wildlife in need of management

2. For the purposes of this rule, nongame species in need of management may be referred to as nongame reptiles, nongame turtles, nongame snakes, nongame lizards, nongame amphibians, nongame frogs, nongame salamanders, nongame mammals, nongame fish, or nongame wildlife.

B. The following species of nongame wildlife are deemed to be in need of management and are regulated by this Public Notice:

NONGAME AMPHIBIANS			
SALAMANDERS			
<i>Ambystoma cingulatum</i>	FLATWOODS	<i>Pseudotriton ruber</i>	RED SALAMANDER
<i>Ambystoma maculatum</i>	SPOTTED	<i>Necturus beyeri</i>	GULF COAST WATERDOG
<i>Ambystoma opacum</i>	MARbled	<i>Necturus louisianensis</i>	RED RIVER WATERDOG
<i>Ambystoma talpoideum</i>	MOLE	<i>Necturus maculosus</i>	MUDPUPPY
<i>Ambystoma texanum</i>	SMALLMOUTH	<i>Notophthalmus viridescens</i>	EASTERN NEWT
<i>Ambystoma tigrinum tigrinum</i>	EASTERN TIGER	<i>Siren intermedia</i>	LESSER SIREN
<i>Amphiuma means</i>	TWO-TOED AMPHIUMA	TOADS	
<i>Amphiuma tridactylum</i>	THREE-TOED AMPHIUMA	<i>Bufo americanus</i>	AMERICAN
<i>Cryptobranchus alleganiensis</i>	HELLBENDER	<i>Bufo quercicus</i>	OAK
<i>Desmognathus auriculatus</i>	SOUTHERN DUSKY	<i>Bufo terrestris</i>	SOUTHERN
<i>Desmognathus conanti</i>	SPOTTED DUSKY	<i>Bufo nebulifer</i>	GULF COAST
<i>Eurycea cirrigera</i>	TWO-LINED	<i>Bufo fowleri</i>	FOWLER'S
<i>Eurycea longicauda</i>	LONGTAIL	FROGS	
<i>Eurycea guttolineata</i>	THREE-LINED	<i>Acris crepitans</i>	NORTHERN CRICKET
<i>Eurycea quadridigitata</i>	DWARF	<i>Acris gryllus</i>	SOUTHERN CRICKET
<i>Hemidactylum scutatum</i>	FOUR-TOED	<i>Hyla avivoca</i>	BIRD-VOICED TREE
<i>Plethodon ventralis</i>	SOUTHERN ZIGZAG	<i>Hyla chrysoscelis</i>	COPE'S GRAY TREE
<i>Plethodon mississippi</i>	MISSISSIPPI SLIMY	<i>Hyla cinerea</i>	GREEN TREE
<i>Plethodon websteri</i>	WEBSTER'S SALAMANDER	<i>Hyla femoralis</i>	PINE WOODS TREE
<i>Pseudotriton montanus</i>	MUD SALAMANDER		

<i>Hyla gratiosa</i>	BARKING TREE	<i>Pseudacris feriarum</i>	SOUTHEASTERN CHORUS
<i>Hyla squirella</i>	SQUIRREL TREE	<i>Gastrophryne carolinensis</i>	NARROWMOUTH FROG
<i>Hyla versicolor</i>	GRAY TREE	<i>Scaphiopus holbrookii</i>	EASTERN SPADEFOOT
<i>Pseudacris brachyphona</i>	MOUNTAIN CHORUS	<i>Rana areolata circulosa</i>	NORTHERN CRAWFISH
<i>Pseudacris crucifer</i>	SPRING PEEPER	<i>Rana heckscheri</i>	RIVER
<i>Pseudacris foquettei</i>		<i>Rana palustris</i>	PICKEREL
<i>Pseudacris nigrita</i>	SOUTHERN CHORUS	<i>Rana sphenoccephala</i>	SOUTHERN LEOPARD
<i>Pseudacris ornata</i>	ORNATE CHORUS		

NONGAME REPTILES

TURTLES

<i>Macrochelys temminckii</i>	ALLIGATOR SNAPPER
<i>Chelydra serpentina</i>	COMMON SNAPPER
<i>Chrysemys dorsalis</i>	SOUTHERN PAINTED
<i>Deirochelys reticularia</i>	CHICKEN
<i>Graptemys geographica</i>	COMMON MAP
<i>Graptemys gibbonsi</i>	PASCAGOULA MAP
<i>Graptemys pseudogeographica</i>	MISSISSIPPI MAP
<i>Graptemys pulchra</i>	ALABAMA MAP
<i>Graptemys ouachitensis</i>	OUACHITA MAP
<i>Malaclemys terrapin</i>	DIAMONDBACK TERRAPIN
<i>Pseudemys concinna</i>	RIVER COOTER
<i>Terrapene carolina</i>	BOX
<i>Trachemys scripta</i>	RED EARED SLIDER
<i>Kinosternon subrubrum</i>	EASTERN MUD
<i>Sternotherus carinatus</i>	RAZORBACK MUSK
<i>Sternotherus minor</i>	STRIPENECK MUSK
<i>Sternotherus odoratus</i>	STINKPOT
<i>Apalone mutica</i>	SMOOTH SOFTSHELL
<i>Apalone spinifera</i>	SPINY SOFTSHELL

LIZARDS

<i>Anolis carolinensis</i>	GREEN ANOLE
<i>Sceloporus undulatus</i>	EASTERN FENCE
<i>Ophisaurus attenuatus</i>	SLENDER GLASS
<i>Ophisaurus mimicus</i>	MIMIC GLASS
<i>Ophisaurus ventralis</i>	EASTERN GLASS
<i>Plestiodon laticeps</i>	BROADHEAD SKINK
<i>Plestiodon anthracinus</i>	COAL SKINK
<i>Plestiodon fasciatus</i>	FIVE-LINED SKINK
<i>Plestiodon inexpectatus</i>	SOUTHEASTERN
<i>Scincella lateralis</i>	GROUND SKINK
<i>Aspidoscelis sexlineatus</i>	SIX-LINED RACERUNNER

SNAKES

<i>Carphophis amoenus</i>	WORM
<i>Cemophora coccinea</i>	SCARLET
<i>Coluber constrictor priapus</i>	SOUTHERN BLACK RACER
<i>Coluber constrictor latrunculus</i>	BLACKMASK RACER

<i>Diadophis punctatus</i>	RINGNECK
<i>Pantherophis guttata guttata</i>	CORN OR RED RAT
<i>Pantherophis obsoleta spiloides</i>	GRAY OR TEXAS RAT
<i>Farancia abacura</i>	MUD
<i>Heterodon platirhinos</i>	EASTERN HOGNOSE
<i>Lampropeltis calligaster</i>	PRAIRIE KING
<i>Lampropeltis getula holbrooki</i>	SPECKLED KING
<i>Lampropeltis getula nigra</i>	BLACK KING
<i>Lampropeltis triangulum sypila</i>	RED MILK
<i>Lampropeltis t. elapsoides</i>	SCARLET KING
<i>Masticophis flagellum</i>	COACHWHIP
<i>Nerodia cyclopion</i>	GREEN WATER
<i>Nerodia erythrogaster</i>	PLAINBELLY WATER
<i>Nerodia fasciata</i>	SOUTHERN WATER
<i>Nerodia clarkii</i>	GULF SALT MARSH
<i>Nerodia rhombifer</i>	DIAMONDBACK WATER
<i>Nerodia sipedon</i>	NORTHERN WATER
<i>Opheodrys aestivus</i>	ROUGH GREEN
<i>Regina grahamii</i>	GRAHAM'S CRAYFISH
<i>Regina ridiga</i>	GLOSSY CRAYFISH
<i>Regina septemvittata</i>	QUEEN SNAKE
<i>Rhadinaea flavilata</i>	PINE WOODS
<i>Storeria dekayi</i>	BROWN
<i>Storeria occipitomaculata</i>	REDBELLY
<i>Tantilla coronata</i>	SOUTHEAST CROWNED
<i>Thamnophis proximus</i>	WESTERN RIBBON
<i>Thamnophis sauritus</i>	EASTERN RIBBON
<i>Thamnophis sirtalis</i>	COMMON GARTER
<i>Virginia striatula</i>	ROUGH EARTH
<i>Virginia valeriae</i>	SMOOTH EARTH
<i>Micrurus fulvius</i>	EASTERN CORAL
<i>Agkistrodon contortrix</i>	COPPERHEAD
<i>Agkistrodon piscivorus</i>	COTTONMOUTH
<i>Crotalus adamanteus</i>	EASTERN DIAMONDBACK
<i>Crotalus horridus</i>	CANEBRAKE RATTLER
<i>Sistrurus miliarius</i>	PYGMY RATTLER

NONGAME MAMMALS

SHREWS AND MOLES

<i>Sorex longirostris</i>	SOUTHEASTERN SHREW
<i>Blarina carolinensis</i>	SOUTHEASTERN SHORT-TAILED SHREW
<i>Cryptotis parvus</i>	LEAST SHREW
<i>Scalopus aquaticus</i>	EASTERN MOLE

BATS

<i>Myotis austroriparius</i>	SOUTHEASTERN MYOTIS
<i>Myotis lucifugus</i>	LITTLE BROWN MYOTIS
<i>Myotis septentrionalis</i>	NORTHERN LONG-EARED MYOTIS
<i>Lasiurus borealis</i>	EASTERN RED
<i>Lasiurus cinereus</i>	HOARY
<i>Lasiurus intermedius</i>	NORTHERN YELLOW
<i>Lasiurus seminolus</i>	SEMINOLE
<i>Lasionycteris noctivagans</i>	SILVER-HAIRED
<i>Perimyotis subflavus</i>	TRI-COLORED
<i>Eptesicus fuscus</i>	BIG BROWN
<i>Nycticeius humeralis</i>	EVENING
<i>Corynorhinus rafinesquii</i>	RAFINESQUE'S BIG-EAR
<i>Tadarida brasiliensis</i>	BRAZILIAN FREE-TAIL

SQUIRRELS

<i>Tamias striatus</i>	EASTERN CHIPMUNK
<i>Marmota monax</i>	WOODCHUCK
<i>Glaucomys volans</i>	SOUTHERN FLYING

MICE

<i>Reithrodontomys fulvescens</i>	FULVOUS HARVEST
<i>Reithrodontomys humulis</i>	EASTERN HARVEST
<i>Peromyscus gossypinus</i>	COTTON
<i>Peromyscus leucopus</i>	WHITE-FOOTED
<i>Peromyscus maniculatus</i>	DEER
<i>Peromyscus polionotus</i>	OLDFIELD
<i>Ochrotomys nuttalli</i>	GOLDEN
<i>Microtus pinetorum</i>	WOODLAND VOLE
<i>Zapus hudsonius</i>	MEADOW JUMPING

RATS

<i>Oryzomys palustris</i>	MARSH RICE
<i>Sigmodon hispidus</i>	HISPID COTTON
<i>Neotoma floridana</i>	EASTERN WOOD

NONGAME FISH

<i>Pternotropis welaka</i>	BLUENOSE SHINER
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C. Possession of Nongame Species in Need of Management for Personal Use.

1. Nongame wildlife taken from the wild for personal use may not be bought, sold, offered for sale, bartered, exported for sale, nor exhibited except as otherwise provided by these regulations, other regulations of the Commission, by scientific collecting permits, or by other permits issued by the Mississippi Department of Wildlife, Fisheries, and Parks.

2. License requirements for possession of nongame species for personal use.

a. Mississippi Resident - Valid Resident Sportsman's License, All Game Hunting / Freshwater Fishing License, or Small Game Hunting/Freshwater Fishing License.

b. Nonresident – Valid Nonresident All Game Hunting License.

D. Limits for possession of nongame species for personal use.

1. Nongame Amphibians.

a. Possession limit of no more than twenty (20) individuals.

b. Take from the wild not to exceed 20 per license year.

c. Specimens in possession or taken from the wild not to exceed more than four (4) individuals of any species or subspecies.

2. Nongame Snakes and Nongame Lizards.

- a. Possession limit of no more than twenty (20) individuals.
- b. Take from the wild not to exceed twenty (20) per license year.
- c. Specimens in possession or taken from the wild not to exceed more than four (4) individuals of any species or subspecies.
- d. Containers or cages holding venomous snakes shall be prominently labeled with the words "DANGER" along with the common name of the species in a conspicuous place.

3. Nongame Turtles.

- a. Alligator Snapping Turtles (also called Loggerhead Snapping Turtles).
 - i. Possession limit - No more than one (1) individual with a top shell length (carapace length) of 24 inches or greater.
 - ii. Take from the wild not to exceed more than one (1) individual per license year.
- b. Common Snapping Turtles, Smooth Softshell Turtles, and Spiny Softshell Turtles.
 - i. Daily bag limit of no more than one (1) individual of any of the three species.
 - ii. Possession limit and take from the wild not to exceed four (4) individuals of any of the three species per license year.
- c. All Other Nongame Turtles.
 - i. Possession limit of no more than ten (10) individuals.
 - ii. Take from the wild not to exceed ten (10) individuals per license year.
 - iii. Specimens in possession or taken from the wild not to exceed more than four (4) individuals of any species or subspecies.

E. Seasons. No specimens of any species of nongame turtle may be taken from the wild between April 1st and June 30th except by permit issued by the Mississippi Department of Wildlife, Fisheries, and Parks.

F. Collection of the Common Snapping Turtle for Commercial Purposes.

1. New permits for commercial collecting of the common snapping turtle (*Chelydra serpentina*) will not be issued after the effective date of this rule.

2. All existing permits for the commercial collection of common snapping turtles will end on the expiration date indicated on the permit and will not be renewed.

G. Nongame Mammals and Nongame Fish.

1. Possession limit of no more than 10 nongame mammals.

2. Take from the wild of nongame mammals not to exceed 10 per license year.

3. Specimens of mammals in possession or taken from the wild not to exceed two (2) of the same species.

4. Possession limit of no more than four (4) nongame fish.

5. Take from the wild of nongame fish not to exceed four (4) per license year.

H. Exceptions to License Requirements: Residents. A resident who does not hold a Valid Resident Sportsman's License, All Game Hunting / Freshwater Fishing License, or Small Game Hunting/Freshwater Fishing License may kill a nongame snake or a nongame mammal under the following conditions:

1. The venomous snake presents a reasonable danger to human life.

2. The venomous or a non-venomous snake is on lands in which the record title is vested in such persons, or on lands which contain the principal residence of such person.

3. The nongame mammals have entered into or taken up residence in buildings or destroyed or damaged yards, plants, domestic animals, or agricultural products.

4. Nongame mammals or snakes killed under such circumstances must be disposed of or left to decompose naturally and they or their parts may not enter commercial trade nor be retained in possession.

I. Exceptions to License Requirements: Nonresidents. A person who does not hold a Nonresident All Game Hunting License may kill a nongame snake or a nongame mammal under the following conditions:

1. If the venomous snake presents a reasonable danger to human life.

2. If the nongame mammal or nongame snake has entered into a building being rented or leased by the nonresident.

3. Nongame snakes or nongame mammals killed under such circumstances or their parts must be disposed of or left to decompose naturally and may not be retained in possession nor enter into commercial trade.

J. Possession of Nongame Wildlife In Need of Management for Commercial Purposes.

1. Captive Propagation for Commercial Purposes.

a. Nongame wildlife may be propagated in captivity for commercial purposes only under permit from the Department of Wildlife, Fisheries and Parks.

b. Commercial purposes include taking, possessing, transporting, exporting, selling, offering for sale, shipping, bartering, exhibiting, or in any way using nongame wildlife in need of management for monetary or financial gain.

2. Permits. A permit shall be required for Commercial Captive Propagation, subject to the following requirements and conditions:

a. The permit shall be valid for one year and shall be signed by the Executive Director of the Department of Wildlife, Fisheries, and Parks or his designee.

b. The propagator shall indicate the species or subspecies of nongame wildlife, by both scientific and common name, which will be propagated in captivity.

c. The propagator shall be a resident of Mississippi and the propagation facilities shall be located in Mississippi.

d. The propagator shall provide evidence of possessing the equipment and experience necessary for successful propagation of nongame wildlife in captivity.

e. The propagator shall provide evidence that the facilities in which captive propagation is to take place are adequate for the species and numbers for which a permit is required.

f. The propagator shall be at least sixteen (16) years of age.

g. The propagator shall hold a valid commercial fishing license.

h. Permits to establish and operate commercial captive propagation facilities for nongame wildlife are not transferable except when incident to sale or other transfer of ownership of the facility, where transferees of the facility have met criteria established by Department rules and the Department has approved the transfer.

3. Non-issuance and Revocation of Permits.

a. The Department may not issue a commercial captive propagation permit for nongame wildlife to any person who has been convicted of any violation of the regulations of the Department relating to nongame wildlife for five years following such conviction.

b. The Department shall revoke any existing commercial captive propagation permit for nongame wildlife upon the permittee's conviction of any violation of regulations of the Department relating to nongame wildlife, upon conviction of any Class I Fish or Wildlife violation, or upon conviction under any Federal conservation statute.

c. Upon revocation of a commercial captive propagation permit for nongame wildlife, the permittee shall have six (6) months to dispose of legally acquired nongame stock.

d. Nongame stock may not be disposed of to corporations or partnerships in which, by determination of the Department, the permittee is a principal.

e. Permittee must report disposition of nongame stock to the Department within 30 days of final disposition. This report shall specify nongame stock disposed of and recipients of this stock.

f. A captive propagation permit may not be renewed unless the person holding that permit has acquired breeding stock, has established a breeding facility, and is attempting to propagate nongame wildlife in captivity.

K. General Provisions Concerning the Operation of a Commercial Captive Propagation Facility for Nongame Wildlife.

1. The premises of the commercial captive propagation facility shall be subject to inspection by Department personnel at all times.

2. Complete written records of all changes in nongame wildlife breeding stock shall be kept and made available for examination by Department personnel.

3. Shipping tickets, invoices, or bills of lading shall be maintained for five years from the date of transaction to show source of supply or disposition of nongame wildlife.

4. Each commercial propagator shall provide a summary report to the Department upon requesting renewal of a commercial captive propagation permit. Data to be included in the report shall pertain to both breeding stock and specimens raised for resale. This report shall indicate the numbers, by species and subspecies, of all nongame wildlife that were bought or sold during the permit year, the name of the seller or purchaser, and the complete address and telephone number of the seller or purchaser.

5. The permittee shall provide security of the facility premises necessary to ensure that nongame wildlife, their eggs, or parts thereof, cannot be moved in or out of the facility premises without the permittee's knowledge.

6. No provision of this rule shall authorize any person to keep in captivity any nongame wildlife in violation of any city or county ordinance.

7. Containers or cages holding venomous snakes shall be prominently labeled with the words ADANGER@ along with the common name of the species in a conspicuous place.

8. Propagation facilities shall be inspected annually, at the permittee=s expense, by a wildlife biologist of the permittee=s choice. The annual inspection shall include, but not be limited to, the following:

a. The premises of the captive propagation facility to verify the existence of and to locate on a scale map of the facility the following:

b. The ponds, buildings, pens, cages, or other mechanisms and structures designed to hold captive breeding stock.

c. The ponds, buildings, pens, cages, or other mechanisms and structures designed to hold offspring of captive breeding stock prior to their sale.

d. Security features of the propagation facility that prevent the movement of captive wildlife into or out of the facility.

e. Verification that the wildlife species listed on the captive propagation permit are present at the facility, and if it can be accomplished in less than thirty minutes, whether breeding stock of these species are present in the numbers claimed on the captive propagation application form. This should not be construed to mean that a census of captive wildlife is to be made.

f. An examination of records of acquisitions of breeding stock made in the previous twelve months. This should include records of both specimens acquired from outside of the State of Mississippi and of specimens acquired by permit within the State of Mississippi. These records should indicate the number and species that were acquired and include appropriate documentation that the specimens were legally obtained, including permits, bills of sale, and similar documentation.

g. The wildlife biologist shall prepare, at the permittee=s expense, a report detailing the results of the inspection. The report may include photographs, line drawings, maps, tables, photocopies of documents, and/or charts, and shall include information on the physical structures of the captive propagation facility, the captive wildlife present, and data on any new breeding stock added to the facility in the previous twelve (12) months. This report must be submitted to the Department of Wildlife, Fisheries, and Parks and deemed acceptable by that agency before a captive propagation permit can be renewed.

L. Acquisition of Breeding Stock for a Commercial Captive Propagation Facility.

1. Any person who holds a valid commercial captive propagation permit may possess, for breeding purposes only:

a. Up to eight (8) individuals of any species or subspecies of nongame reptile taken from the wild in Mississippi.

b. Up to sixteen (16) individuals of any species of nongame amphibian taken from the wild in Mississippi.

c. Up to four (4) individuals of any species of nongame mammals.

d. Up to eight (8) specimens of nongame fish.

2. Additional specimens of nongame wildlife may be possessed, for breeding purposes only, if and only if those specimens

a. Originated outside of Mississippi.

b. Were reared in captivity by a person holding a valid Mississippi commercial captive propagation permit.

c. As permitted by other sections of this rule.

d. By permit.

e. Documentary evidence of the place of origin of the additional specimens and that they were legally obtained must be maintained by the captive propagator.

3. If specimens of nongame wildlife are acquired from outside of Mississippi by a person holding a valid commercial captive propagation permit and transported to that person's facility within Mississippi by someone other than the propagation permit holder, the holder of the captive propagation permit must notify the District Office of the Department of Wildlife, Fisheries, and Parks of the district in which his facility is located, and provide in writing the following information to the Regional Office:

a. The name, address, telephone number, and permit number of the commercial captive propagation permit holder who will be receiving the shipment on nongame wildlife.

b. The species of nongame wildlife and number of each that will be shipped.

c. The name, address, and telephone number of the shipper of the nongame wildlife. The date and approximate time that the shipment is expected to enter Mississippi.

d. The route over which the shipment will travel in Mississippi, starting at the state border and proceeding to the location of the propagator's facility.

e. The type, make, model, and license plate number of the vehicle which will be used to transport the nongame wildlife.

f. The name and driver=s license number of the person driving the transport vehicle, if different from that of the shipper.

g. The person driving the transport vehicle must have a bill of lading which includes the information required in subsections a, b, and c, above.

4. Nongame wildlife which are used for breeding purposes by a captive propagator may be replaced upon death by individuals of the same species or subspecies from wild Mississippi populations only if a permit is obtained from the Department of Wildlife, Fisheries, and Parks.

M. Selling Captive Propagated Nongame Wildlife or Their Parts.

1. Nongame wildlife and their parts may enter into commercial trade in accordance with the provisions of this rule subject to the following:

a. Nongame wildlife or their parts may be bought, possessed, transported, exported, sold, offered for sale, shipped, bartered, or exhibited for commercial purposes only if they were born or hatched in captivity in the facilities of a person holding a valid commercial captive propagation permit.

b. Nongame wildlife or their parts taken from wild Mississippi populations may not be bought, possessed, transported, exported, sold, offered for sale, shipped, bartered, or exhibited for commercial purposes.

c. A captive propagator shall provide to the purchaser at the time of purchase an invoice or bill of sale preprinted with the name and address of the propagator, and with the following: "Mississippi Commercial Captive Propagation Permit No. ____".

d. The invoice or bill of sale shall list the name and address of the purchaser, the date of the purchase, and the number by species or subspecies using both scientific and common names, of the nongame wildlife or their parts that are being purchased.

e. The purchaser shall retain the invoice or bill of sale for as long as the nongame wildlife or parts remain in his possession.

2. The purchaser of nongame wildlife or their parts may resell these items with the following restrictions:

a. No person shall sell nongame wildlife or their parts without maintaining documentary evidence showing the name and address of the supplier of such wildlife or parts.

b. No person shall sell nongame wildlife or their parts unless said nongame wildlife or their parts were originally legally obtained from a Mississippi commercial captive propagation facility.

3. All nongame wildlife or their parts and the documentary evidence of their source of acquisition shall be available for inspection upon request by Department personnel.

4. Living specimens of nongame wildlife displayed or advertised for resale shall be clearly marked as captive-propagated specimens.

5. Any person who buys nongame wildlife or its parts from a captive propagator for the purpose of reselling the nongame wildlife or its parts at the retail level, and whose wildlife-related business is conducted primarily at the retail level, shall be termed a Wildlife Retailer. Any person who buys nongame wildlife or its parts from a captive propagator for the purposes of reselling the nongame wildlife or its parts at the wholesale level, and whose wildlife-related business is conducted primarily at the wholesale level, shall be termed a Wildlife Wholesaler.

6. Resident Wildlife Wholesalers shall be required to purchase a Resident Fur Buyers license or to possess a nongame importation permit.

7. Nonresident Wildlife Wholesalers and nonresident Wildlife Retailers who solicit business through the mails, by advertising, or who travel to buy nongame wildlife or its parts within the State of Mississippi shall be required to purchase a Nonresident Fur Buyers License.

N. Importation of nongame wildlife originating from outside of Mississippi for commercial purposes.

1. Nongame wildlife may be imported and exported for commercial purposes only under permit from the Department of Wildlife, Fisheries, and Parks. This permit, valid for one year from date of issuance and signed by the Executive Director or his designee, is subject to the following conditions and restrictions:

a. All nongame wildlife imported or exported under an importer's permit must have originated outside of Mississippi or have been purchased from a person holding a nongame wildlife captive propagation permit.

b. The importer shall maintain documentary evidence of the origin of his stock through receipts, bills of lading, invoices, or valid collecting permits from the state in which the wildlife originated.

c. Each importer shall keep complete records of all nongame wildlife in his possession for the year in which the permit is valid, including records showing the point of origin of imported nongame wildlife, from whom they were acquired, to whom they were sold, how many of each species were sold.

d. Each importer shall provide a summary report to the Department upon requesting a renewal of an importer's permit, and the report shall show the following:

i. Numbers of each species of nongame wildlife imported under the permit.

ii. Number dying while in the permittee's possession.

iii. Number of each species exported.

iv. A profit/loss statement for the importation facility covering the previous twelve (12) months.

e. The premises of the importer's facility and his records relating to the importation and exportation of nongame wildlife shall be subject to inspection by Department personnel at all times.

f. An application for an importer's permit shall be made on forms provided by the Department of Wildlife, Fisheries and Parks.

g. The cost of the permit shall be \$500.

h. An importer of nongame wildlife shall display prominently in his place of business a sign with the following: "NONGAME IMPORTER PERMIT NO._____. WE DO NOT BUY OR SELL ANIMALS COLLECTED IN MISSISSIPPI."

2. The Department shall revoke any existing importer's permit for nongame wildlife upon the permittee's conviction of any violation of regulations of the Department relating to nongame wildlife, upon conviction of any Class I Fish or Wildlife violation, or upon conviction under any Federal conservation statute.

a. Upon revocation of an importer's permit for nongame wildlife, the permittee shall have six months to dispose of legally acquired nongame stock.

b. Nongame stock may not be disposed of to corporations or partnerships in which, by determination of the Department, the permittee is a principal.

c. Permittee must report disposition of nongame stock to the Department within 30 days of final disposition.

d. This report shall specify nongame stock disposed of and recipients of this stock.

3. The permittee shall provide security of the facility premises necessary to ensure that nongame wildlife, their eggs, or parts thereof, cannot be moved in or out of the facility premises without the permittee's knowledge. The permittee shall not release and shall take suitable measures to prevent the escape of nongame wildlife in his possession.

4. The permittee shall maintain and treat all nongame wildlife in possession in a humane manner. Adequate and appropriate food, water, and shelter from the elements shall be provided, and holding cages will be maintained in a sanitary condition. Diseased or dead nongame wildlife shall be disposed of in such a manner so as to prevent the transmission of bacteria or other pathogens to native nongame wildlife.

5. Importation facilities shall be inspected annually, at the permittee=s expense, by a wildlife biologist of the permittee=s choice. The annual inspection shall include, but not be limited to the premises of the importation facility to verify the existence of and to locate on a scale map of the facility the following:

a. The ponds, buildings, pens, cages, or other mechanisms and structures designed to hold imported wildlife.

b. Security features of the importation facility that prevent the movement of captive wildlife into or out of the facility.

c. Verification that the wildlife species held in captivity are treated in a humane manner, that they have adequate and appropriate food, water, and shelter from the elements, and that holding cages or other holding facilities are maintained in a sanitary condition.

d. Disposal procedures for imported wildlife that die while in possession of the importation facility.

6. The certified wildlife biologist shall prepare, at the permittee=s expense, a report detailing the results of the inspection.

7. The report may include photographs, line drawings, maps, tables, photocopies of documents, and/or charts, and shall include information on the physical structures of the importation facility and the condition of the captive wildlife present.

8. This report must be submitted to the Department of Wildlife, Fisheries, and Parks and deemed acceptable by that agency before an importation permit can be renewed.

O. Penalties for violations.

Penalties for violation of any section of these regulations shall be as provided in MISS. CODE ANN. §49-5-115.

RULE 2.4 ENDANGERED AND THREATENED SPECIES: DESIGNATION AND REGULATIONS. Public Notice M2 3357 is hereby amended.

A. The Official State List of Endangered Species is as follows:

MUSSELS:

Alabama Moccasinshell (*Medionidus acutissimus*)
Black Clubshell (*Pleurobema curtum*)
Cumberlandian Combshell (*Epioblasma brevidens*)
Delicate Spike (*Elliptio arctata*)
Fat Pocketbook (*Potamilus capax*)
Inflated Heelsplitter (*Potamilus inflatus*)
Kidney Shell (*Ptychobranhus fasciolaris*)
Monkeyface (*Quadrula metanevra*)
Mucket (*Actinonaias ligamentina*)
Orange-nacre Mucket (*Hamiota perovalis*)
Ovate Clubshell (*Pleurobema perovatum*)
Purple Wartyback (*Cyclonaias tuberculata*)
Pyramid Pigtoe (*Pleurobema rubrum*)
Rabbitsfoot (*Quadrula cylindrica cylindrica*)
Sheepnose (*Plethobasus cyphus*)
Slabside Pearlymussel (*Lexingtonia dolabelloides*)
Snuffbox (*Epioblasma triquetra*)
Southern Clubshell (*Pleurobema decisum*)
Southern Combshell (*Epioblasma penita*)
Southern Pink Pigtoe (*Pleurobema taitianum*)
Southern Round Pigtoe (*Pleurobema marshalli*)
Spike (*Elliptio dilatata*)
Stirrupshell (*Quadrula stapes*)

CRAYFISH:

Camp Shelby Burrowing Crayfish (*Fallicambarus gordonii*)

INSECTS:

American Burying Beetle (*Nicrophorus americanus*)
Mitchell's Satyr Butterfly (*Neonympha mitchellii mitchellii*)

FISH:

Alabama Shovelnose Sturgeon (*Scaphirhynchus suttkusi*)
Bayou Darter (*Etheostoma rubrum*)
Bigeye Shiner (*Notropis boops*)
Crystal Darter (*Crystallaria asprella*)
Frecklebelly Madtom (*Noturus munitus*)
Greenside Darter (*Etheostoma blennioides*)
Gulf Sturgeon (*Acipenser oxyrinchus desotoi*)
Ironcolor Shiner (*Notropis chalybaeus*)
Northern Madtom (*Noturus stigmosus*)
Pallid Sturgeon (*Scaphirhynchus albus*)
Pearl Darter (*Percina aurora*)
Slender Madtom (*Noturus exilis*)
Slenderhead Darter (*Percina phoxocephala*)
Southern Redbelly Dace (*Phoxinus erythrogaster*) (Western Mississippi disjunct populations only)
Suckermouth Minnow (*Phenacobius mirabilis*)

AMPHIBIANS:

Mississippi Gopher Frog (*Rana sevosa*)
Cave Salamander (*Eurycea lucifuga*)
Green Salamander (*Aneides aeneus*)
Hellbender (*Cryptobranchus alleganiensis*)
One-toed Amphiuma (*Amphiuma pholeter*)
Spring Salamander (*Gyrinophilus porphyriticus*)

REPTILES:

Black Pine Snake (*Pituophis melanoleucus lodingi*)
Eastern Indigo Snake (*Drymarchon corais couperi*)
Rainbow Snake (*Farancia erytrogramma*)
Southern Hognose Snake (*Heterodon simus*)
Atlantic Ridley (*Lepidochelys kempi*)
Black-knobbed Sawback (*Graptemys nigrinoda*)
Gopher Tortoise (*Gopherus polyphemus*)
Green Turtle (*Chelonia mydas*)
Hawksbill Turtle (*Eretmochelys imbricata*)
Leatherback Turtle (*Dermochelys coriacea*)
Loggerhead Turtle (*Caretta caretta*)
Alabama Redbelly Turtle (*Pseudemys alabamensis*)
Ringed Sawback (*Graptemys oculifera*)
Yellow-blotched Sawback (*Graptemys flavimaculata*)

BIRDS:

American Swallow-tailed Kite (*Elanoides forficatus*)
Bachman's Warbler (*Vermivora bachmanii*)
Bewick's Wren (*Thryomanes bewickii*)
Brown Pelican (*Pelecanus occidentalis*)
Ivory-billed Woodpecker (*Campephilus principalis*)
Least Tern (*Sterna antillarum*) (Interior population nesting along the Mississippi River only)
Mississippi Sandhill Crane (*Grus canadensis pulla*)
Peregrine Falcon (*Falco peregrinus*)
Piping Plover (*Charadrius melodus*)
Red-cockaded Woodpecker (*Picoides borealis*)
Snowy Plover (*Charadrius alexandrinus*)
Wood Stork (*Mycteria americana*)

MAMMALS:

Black Bear (*Ursus americanus*)
Florida Panther (*Puma concolor coryi*)
Gray Bat (*Myotis grisescens*)
Indiana Bat (*Myotis sodalis*)
West Indian Manatee (*Trichechus manatus*)
Whales, Order Cetacea, excluding Family Delphinidae

B. It shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale or shipment, and for any common or contract carrier knowingly to transport or receive for shipment any species on the above list except as may be permitted by the Commission under Section 49-5-111 of the Nongame and Endangered Species Conservation Act.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-5-107.

Part 5, Chapter 3: Criteria for inclusion in the Mississippi Scenic Streams program.

RULE 3.1 MISSISSIPPI SCENIC STREAMS PROGRAM Public Notice 3661 is hereby amended.

A. CRITERIA FOR SCENIC STREAM DESIGNATION: Minimum Standards

1. Each stream or segment of stream subject to evaluation for candidacy and possible inclusion into Mississippi's Scenic Streams Stewardship Program must be on the State of Mississippi's list of officially designated "PUBLIC WATERS". If this requirement is met, then the stream must meet at least ONE of the following requirements:

a. Listed as a stream recreational area in a publication by a government agency, or by a statewide conservation group, professional association, or recreation organization.

b. Traverses or is adjacent to a state or national park, forest, refuge, wildlife management area, monument or other major public land.

c. Exhibits existing or potential use for recreational boating (motorized boating, rowing, canoeing, kayaking or tubing).

d. Possesses accessible unique scenic or historical sites.

e. Supports plants and/or animals that are unique or of special concern.

2. If the stream or segment of stream in question meets the above standards it will be subjected to the evaluation system listed below that addresses (1) BIOLOGICAL, (2) PHYSICAL, (3) HUMAN INTERACTION and (4) HISTORICAL criteria. Scores will be determined within each of these four criteria areas and then summed for a total score. A minimum score will determine whether the stream or section of stream is eligible for nomination as a candidate stream for the Mississippi Scenic Stream Stewardship Program. For those considered eligible, scores will be used to establish priorities among the streams with streams receiving the highest score(s) receiving attention first. Ultimate inclusion into the system will be through agency and legislative processes.

B. BIOLOGICAL CRITERIA:

Mississippi enjoys a rich heritage of flora and fauna associated with stream ecosystems. For measurement and comparative purposes, the biological status of Mississippi streams can be categorized by professional freshwater biologists experienced with the state's aquatic fauna and their supporting ecosystems. The biological status of a stream can be based upon available historical information, recent information and personal experience. Streams are assigned one of four ratings based on consensus of two or more professional freshwater biologists designated by the state:

1. Superior - Known to support high aquatic species diversity AND endangered or threatened species or species of concern.

2. Significant - Known to support high aquatic species diversity OR endangered or threatened species or species of concern.

3. Viable - Known to support a viable aquatic plant and animal community including exploitable fishery resources.

4. Non-viable or unknown - Very low aquatic species diversity, OR aquatic plant and animal community obviously degraded, stressed by environmental perturbation OR there is insufficient information on the system OR lack of consensus by biologists conducting the evaluation.

C. PHYSICAL CRITERIA:

Stream ecosystem functioning and aesthetic qualities from human perspective are determined to a large degree by physical features. In this regard there are three integrated components: (1) watershed and/or floodplain, depending on stream type, (2) riparian (stream side) zones, and (3) channel(s). Connectivity among these components is critical to biological interactions with stream environments and to human recreational activities (e.g., canoeing, boating, swimming, fishing, camping, hunting) associated with streams. Special interest features (e.g., waterfalls, natural meanders and access to backwater locations, bluffs, sand and/or gravel bars, large trees) should be noted and given consideration. The physical status of Mississippi streams can be categorized by the biological team (mentioned above) in conjunction with a state-employed specialist experienced in development of state parks and recreational areas. Streams are assigned one of four ratings based on consensus of team members:

1. Superior - Unaltered channel, relatively stable, undisturbed stream banks (minimum average width per linear mile of stream channel is 100 feet on both banks) with mature growth woody vegetation of characteristic riparian flora (e.g., tupelo gum, cypress, river birch); at least 35% of the watershed forested or, if a floodplain river ecosystem, maintains connectivity with its floodplain (i.e., at least 35% of the floodplain subject to overbank flooding at least once every two years) OR contains physical features of special interest.

2. Significant - Channel not altered within last 5 years. Undisturbed, or moderately disturbed stream banks (minimum average width per linear mile of stream channel is 50 feet on both banks), but stable with vigorous regenerating vegetative growth; 10-15% of

watershed forested or, if a floodplain river ecosystem, at least 15% of the floodplain subject to overbank flooding at least once every two years.

3. Protective - Channel not altered within last 5 years. Stream banks relatively stable but moderately disturbed (minimum average width per linear mile of stream channel is 35 feet on both banks) and with patchy, regenerating vegetative growth. Watershed with highly fragmented forests or, if a floodplain river ecosystem, at least 15% of the floodplain subject to overbank flooding at least once every five years.

4. Poor - Channel altered within last 5 years OR lack of consensus by members of the evaluation team.

D. HUMAN INTERACTION CRITERIA:

The Scenic Streams Stewardship Program for Mississippi should help link persons to their cultural heritage through interactions with stream resources. Interactions can be consumptive (e.g., fishing), non-consumptive (e.g., swimming, canoeing, camping), or founded on aesthetics. A spectrum of human value systems regarding streams precludes implementation of precise definition. There are, however, two broad categories that should be evaluated by a team composed of biologists, recreation specialists and environmental (i.e. water) quality professionals: water quality and public use.

1. Water Quality (Criteria adapted from those used by the Mississippi Department of Environmental Quality)

2. Uses - Public Water Supply (PWS), Recreation (REC), Fish and Wildlife (FW)

3. Support of Use:

a. Fully Supporting:

i. PWS - No drinking water source restrictions or advisories, and no waters requiring more than conventional treatment.

ii. REC - No bathing area closures or restrictions in effect during reporting period; OR not more than 10% of the fecal coliform samples examined during the last six years exceed a density of 400 per 100 ml.

iii. FW - No fish consumption restrictions or bans are in effect. Criterion exceeded in 10% or less of measurements for any one physical or chemical pollutant or stressor; OR reliable data indicate functioning, sustainable biological communities (flora and fauna) none of which has been modified beyond the natural range of the reference condition.

b. Partially Supporting:

i. PWS - Public water supply provided by the stream requires more than conventional treatment due to contaminant concentrations in source water.

ii. REC - On average, one bathing area closure per year of less than one week's duration; OR fecal coliform exceed 400 per 100 ml in more than 10% of the samples examined.

iii. FW - Waters used for fishing, but listed currently by the Mississippi Department of Environmental Quality as having a "restricted consumption" advisory. Criterion for anyone physical or chemical pollutant or stressor for which a state numerical water quality standard exists is exceeded in 11-25% of the measurements; OR at least one biological assemblage (e.g., fish, macro-invertebrates, or algae) indicates less than full support with moderate modification of the biological community noted.

c. Not Supporting:

i. PWS - One or more contamination-based closures of a drinking water source.

ii. REC - On average, one bathing area closure per year of more than one week's duration; OR more than one area closure per year or fecal coliform exceed 2000 per 100 ml in more than 10% of the samples examined.

iii. FW - Waters used for fishing, but currently listed by the Commission on Environmental Quality as having a "no consumption" advisory; or a "commercial fishing" ban. Criterion for anyone physical or chemical pollutant or stressor for which a state numerical water quality standard exists is exceeded in more than 25% of the measurements; OR at least one biological assemblage (e.g., fish, macroinvertebrates, or algae) indicates non-support with severe modification of the biological community noted.

4. Note: POSTED WATERS: Surface waters may be officially posted for a number of reasons to protect the health and welfare of the public. These reasons include fish consumption advisories; commercial fishing bans; contact recreation restrictions or bans; and closures of public water supply sources. Support of Use score will be reduced by 50% for the presence of one or more postings formally adopted for a stream.

E. Level of Confidence in Degree of Use Support

1. Extensive Amount of Monitoring Data

a. PWS - An assessment based on ambient monitoring data collected from "source water" very near a public water supply system intake, and sufficient to determine the presence of Safe Drinking Water Act contaminants. Finished water monitoring data is also reviewed.

b. REC - An assessment based on monitoring data collected two to three times a week annually or during key seasons.

c. FW - An assessment based on the analysis of multiple sampling events for two consecutive years during the past five years for which fish tissues were analyzed for a comprehensive suite of parameters; OR physical and chemical data were collected over at least three of the last five years with sufficient frequency and parametric coverage to capture acute events, chronic conditions and all other potential physical and chemical impacts. Sediment quality may also have been monitored. In addition, toxicant sampling is included, as well as water column and sediment toxicity; OR biological data are derived from direct biological and habitat measures during key seasons of the year using an eco-regional reference condition approach and two organism groups (e.g., aquatic insects and fish).

2. Moderate Amount of Monitoring Data

a. PWS - An assessment based on "finished water" monitoring data and sufficient ambient monitoring data collected from "source water" to determine the likely presence of Safe Drinking Water Act contaminants. The ambient monitoring is not necessarily in close proximity to a public water system intake.

b. REC - An assessment based on monitoring data from at least monthly visits to a site during a minimum of a two-year period. An intensive bacteriological survey with many samples collected over a period of a few days would also be in this assessment level.

c. FW - An assessment based on the analysis of multiple sampling events during the past five years (not necessarily consecutive) for which fish tissues were analyzed for a selected suite of parameters.

d. Physical and chemical data were collected over at least three of the last five years with sufficient frequency and parametric coverage to capture acute events and most potential physical and chemical impacts and includes toxicant sampling and/or toxicity sampling as appropriate. Biological data are derived from direct biological and habitat measures during key seasons of the year.

3. Limited Amount of Monitoring Data

a. PWS - An assessment based on "finished water" monitoring data. Ambient monitoring data collected from "source water" are limited and mayor may not be in close proximity to the public water system intake.

b. REC - An assessment based on monitoring data from multiple visits to a site for less than a two-year period. The multiple visits generally occur less often than monthly or are part of a limited special study.

c. FW - An assessment based on the analysis of one sampling event during the past five years for which fish tissues were analyzed for a single parameter or a limited suite of parameters.

d. Physical and chemical data, while routinely collected, are limited in frequency or period of record to critical periods of the year, or to short term special studies; but include toxicant sampling and or toxicity testing as appropriate. Biological data are derived from limited screening level information.

4. Scoring: Overall Water Quality Score = (USE + DEGREE) x (CONFIDENCE)
Where: USE is the Designated Use, DEGREE is the degree of Use Support, and CONFIDENCE is the level of Confidence in the Use Support determination.

F. Public Use

1. Criteria – Economics, Access, Navigability, Sensory, Fishing, Camping.

2. Evaluation.

a. Economics:

i. High - recreational activities support more than four privately owned recreational-based services (e.g., launching ramps, tackle stores, canoe rentals, camping areas).

ii. Medium - recreational activities support two to four privately owned recreational-based services.

iii. Low - recreational activities support less than two privately owned recreational-based services.

b. Access:

i. High - more than three access points which permit launching of small boats (less than or equal to 14 feet total length) or canoes.

ii. Medium - two to three access points which may not permit launching of small boats or canoes.

iii. Low - less than two access points which may not permit launching of small boats or canoes.

c. Navigability:

i. High - water depth and flow allow year round use by small boats or canoes and the stream is free from obstructions that completely block the stream channel.

ii. Medium - water depth and flow may restrict year round use by small boats or canoes and the stream may possess some across-channel obstructions.

iii. Low - water depth and flow only permit seasonal use by small boats or canoes and the stream possesses numerous obstructions, many of which completely block the stream channel.

d. Sensory:

i. Sight:

(a) High - no visible signs of pollution or foreign discharges or materials.

(b) Medium - few locations with visible signs of pollution or foreign discharges or materials.

(c) Low - generally degraded by visible signs of pollution or foreign discharges or materials.

ii. Sounds:

(a) High - only occasional and intermittent noises from residential, recreational or rural roads, settlements and agricultural/forestry operations.

(b) Medium-occasional highway, railroad, agricultural/forestry operation noises and frequent residential or recreational noises.

(c) Low - frequent noise of any type or occasional industrial or urban noises.

iii. Odors:

(a) High - no unnatural odors present.

(b) Medium - occasional unnatural odors present, but they are not strong (e.g., industrial, residential, agricultural).

(c) Low - unnatural odors occur often or a strong odor occurs at one or more locations.

e. Fishing:

i. High - Populations of sport and commercial fishes support or could support viable fisheries for more than 5 species.

ii. Medium - Populations of sport and commercial fishes support or could support viable fisheries for two to five species.

iii. Low - Populations of sport and commercial fishes support or could support viable fisheries for less than two species.

f. Camping: (Note: Most overnight trips on streams incorporate linear distances of between 12 and 15 miles of stream channel.)

i. High - More than six upland or sandbar campsites exist along stream sections appropriate for overnight trips by small boats or canoes OR at least one campsite every 2-3 miles.

ii. Medium - Between three and six upland or sandbar campsites exist along stream sections appropriate in length for overnight trips by small boats or canoes OR at least one campsite every 4-5 miles.

iii. Low - Fewer than three upland or sandbar campsites exist along stream sections appropriate in length for overnight trips by small boats or canoes OR fewer than one campsite every 4-5 miles.

G. HISTORICAL CRITERIA:

Mississippi has a rich and varied history with respect to its streams. The natural history of flora and fauna reveals dynamic interactions of these organisms with our stream ecosystems. Prior to European settlement, Native Americans tended to use streams as the focal points for their civilizations. European exploration and settlement utilized streams as the highways for commerce and conquest. All of these factors tend to leave their traces along our streams. Thus an important component of determining special status for streams in Mississippi rests within the realm of their historical significance and subsequently their ability to help us better know ourselves. Within each level of evaluation the three historical components are addressed: natural history, prehistoric, historic. These criteria should be evaluated by professional historians employed by the State of Mississippi.

1. Highly Significant - Natural history, prehistoric and/or historic features are known to exist in association with the stream.

2. Important - There is a high to medium probability that natural history, prehistoric and/or historical features exist in association with the stream.

3. Poor - There are no known features and the probability of them existing is low.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 51-4-7.