

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

Title 40: Wildlife, Fisheries, and Parks

Part 1: General Administrative Rules of the Mississippi Commission on Wildlife, Fisheries, and Parks, and the Mississippi Department of Wildlife, Fisheries, and Parks.

Part 1, Chapter 1: ORGANIZATION AND METHOD OF OPERATION OF THE MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND PARKS, AND THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS. Public Notice AI-3I83 is hereby amended.

RULE 1.1 The following rules set forth the organization and method of operation of the Mississippi Commission on Wildlife, Fisheries and Parks and the Mississippi Department of Wildlife, Fisheries and Parks.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 1.2 The Commission.

A. The Mississippi Commission on Wildlife, Fisheries and Parks is a five (5) member commission consisting of members appointed by the Governor, with the advice and consent of the Senate. Members are appointed from each of the five (5) Congressional districts as those Districts existed prior to the 2000 Census. Members serve five (5) year terms and the terms are staggered so that a commissioner rotates off the Commission each year.

B. The Commission has the general authority to enforce the wildlife, fisheries and natural resource conservation laws of the State of Mississippi through its regulatory powers. The Commission is the primary policy making entity for the conservation and preservation of the wildlife, fisheries and related natural resources of the state.

C. The Commission conducts its business through the holding of monthly meetings. Meetings are open to the public and are conducted according to the Mississippi Open Meetings Law and Robert's Rules of Order.

D. The day-to-day business of the Commission is conducted by the Department under the authority of the Commission. The Department also provides such administrative and clerical support to the Commission as is needed.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 1.3 The Department.

A. The Mississippi Department of Wildlife, Fisheries and Parks is an agency of the Executive Branch of Mississippi State Government. The Department is responsible for the

enforcement of the wildlife, fisheries and natural resource conservation laws of the State of Mississippi and for implementing the policies and regulations of the Commission.

B. Organization.

1. Divisions. The Department is divided into two (2) macro-divisions based upon programmatic and functional differences:

a. Law Enforcement, Wildlife and Fisheries Division: consists of the Office of Law Enforcement, Office of Wildlife, and Office of Fisheries. Each Office is headed by a Chief who reports to the Director of Law Enforcement, Wildlife and Fisheries. The primary mission of the Office of Law Enforcement is to enforce the wildlife and fisheries laws, boating, and hunter safety laws of the state. The Office of Wildlife conducts research into the management of the wildlife and other natural resources of the state and manages the state's Wildlife Management Areas. The Office of Fisheries conducts research into the state's freshwater fisheries resources and manages the state's public fishing lakes.

b. Parks and Administrative Services Division: consists of all state parks and all administrative service divisions of the Department, including, but not limited to Accounting, Budget, Accounts Payable, Payroll, Property, Purchasing and Fleet Services. The Director of Parks and the directors of each support division report to the Executive Officer who is the head of the Parks and Administrative Services Division.

C. Operations.

1. The Department conducts its business operations Monday through Friday at the central office located at 1505 Eastover Drive, Jackson, Mississippi. Regular business hours are 8:00 A.M. to 5:00 P.M. The Department may be reached by calling (601) 432-2400.

2. The Department also operates three (3) regional offices across the state.

3. Contact information for the regional offices, the state parks, state lakes and wildlife management areas may be found on the Internet at www.mdwfp.com or by calling the state office at the number above.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

Part 1, Chapter 2: Administrative Procedures for Informal Appearances before the Commission on Wildlife, Fisheries and Parks.

RULE 2.1 Commission meetings are held monthly at various sites around the state. Commission meetings are open to the general public and are conducted pursuant to the Mississippi Open Meetings Act and related laws. For information regarding the time and place of Commission meetings, please contact the Mississippi Department of Wildlife, Fisheries and Parks at (601) 432-2400.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 2.2 Any person wishing to appear before the Commission to make an oral presentation may do so by sending his or her request, in writing, to the Commission, in care of the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks at 1505 Eastover Drive, Jackson, Mississippi 39211. Requests must be received no later than ten (10) days prior to the Commission meeting for the requestor to be considered to be placed on the agenda. Requests should state clearly the name, address, telephone number, subject matter to be addressed and an estimated length of time for the presentation. Any special needs such as audio/visual equipment or other needs should be addressed in the request. Requestors will be notified as soon as possible after receipt of the request as to whether or not they will be placed on the Commission's agenda.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 2.3 Persons attending a Commission meeting who may wish to comment on a topic appearing on the agenda for that meeting may request to be recognized during the "Public Comment" portion of the meeting. Such requests must be made to the Chairman, immediately prior to the meeting. Such requests will only be granted if time allows. Groups of persons with similar interests or opinions that they wish to express to the Commission are urged to put forward one (1) spokesperson for the group.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

Part 1, Chapter 3: Administrative Procedures for Formal Hearings on, and Review of Commission Rules and Regulations.

RULE 3.1 Purpose.

The following rules shall control public hearings and hearings within the jurisdiction of the of the Mississippi Commission on Wildlife, Fisheries and Parks (hereinafter referred to as the "Commission") and, the Mississippi Department of Wildlife, Fisheries and Park ("MDWFP"), required by the Administrative Procedures Law, Section 24-43-19 of the Mississippi Code of 1972, as amended.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.2 Scope of Rules.

These rules govern the conduct of public hearings on proposed changes to existing Commission rules and regulations, and the contesting of proposed rules, as well as requests for the Commission to reconsider its decisions on the adoption of rules and regulations.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.3 Written Comments.

Written comments on proposed rules and regulations, are encouraged and they may be submitted to the Executive Director of MDWFP or to the individual designated in the Administrative Procedures Law Filing Notice as the person to contact. If public hearings are conducted, written comments may be submitted no later than ten (10) working days prior to the Commission meeting, at the last public hearing, or at such other time as set forth in the notice of the hearing. Written comments presented at the public hearings will be included as a part of the record of the public hearing.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.4 Public Hearings.

For the purpose of these rules, "public hearing" means a hearing that is conducted by Commission and/or MDWFP prior to the adoption of a rule, regulation or action on a public notice and it does not refer to a regularly scheduled Commission meeting. Public hearings shall be conducted only when required by statute or when the Commission or MDWFP determines that public hearings are warranted to provide additional public input prior to the adoption of a rule, regulation or action on a public notice.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.5 Notice of Public Hearings.

If the determination is made to hold public hearings, then notification to the public shall be published in a newspaper having general circulation in the county or counties affected by the proposed rules, regulations or public notices. The Commission or Executive Director of MDWFP may order such additional publication as deemed necessary and appropriate. The notice should include the reason or purpose of the hearing, references to the rules and regulations involved and the date, time, and place of the hearing and the deadline for submitting written comments. The notice should be published at least three (3) days prior to the date of the hearing. Additional notification will be provided to individuals that have personally requested notification pursuant to MISS. CODE ANN. § 25-43-7(i).

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.6 Conduct of Public Hearing.

A. Public hearings will be conducted at such times, locations and facilities selected by the MDWFP. Representatives of the Commission or employees of the MDWFP will preside over the public hearing. Prior to the commencement of the hearing, individuals in attendance will sign in on forms or registers provided by MDWFP. At that time, they will indicate whether they wish to make oral comments at the public hearing. Those individuals who indicate that they wish to make oral comments will be called on to do so before the end of the public hearing. Any individual called on to make oral comments may waive his election to do so. Individuals not indicating their election to speak at the time that they sign in at the hearing will not be called on

to make oral comments, will not be allowed to "pass" their remarks until later in the hearing and will not be allowed to allot any unused time to another individual.

B. Comments during the hearing must address the subject of the hearing. Comments on matters other than the subject of the hearing will not be allowed and will not be part of the consideration of the Commission or Department on the proposed rule, regulation or public notice. The representative or employee of MDWFP who is selected to preside over the public hearing will announce before the commencement of oral comments the length of time each individual will be allowed to make comments. The time limit will be set after considering the number of individuals requesting time for oral comments and the total time available to conduct the entire public hearing.

C. The presiding representative or employee will make any additional orders, decisions and ruling which in his judgment are necessary for the orderly, fair, and efficient conduct of the public hearing.

D. Presentations on proposed rules, regulations and public notices may be allowed at the discretion of the Executive Director of MDWFP or the presiding representative of the Commission or employee of the Department.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.7 Contesting Proposed Rules.

Persons desiring to contest the making of any rule, regulation or public notice, may do so by attending the public meetings on the proposed rule, regulation or public notice, and stating there the basis of their objection. Alternatively, persons opposed to proposed rules, regulations, or public notices may object thereto by filing a written objection to the rules, regulations, or public notices with the Commission no later than the time allowed for written comments. Only persons complying with one of the two methods of objecting to proposed rules, regulations or public notices will be allowed to petition the Commission for reconsideration of the rule, regulation, decision or public notice.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 3.8 Petition for Reconsideration Before the Commission.

A. After the Commission has acted upon a rule, regulation or public notice, any party(ies) opposed to the rule, regulation or public notice, that complies with Section 7 above, may request reconsideration of the Commission's decision by filing a Petition for Reconsideration. The Petition for Reconsideration must be filed within fourteen (14) days of the final adoption of the rule, regulation or public notice.

B. Petitions for Reconsideration of the issuance, denial or revocation of permits may be made by any party requesting same, being denied same, or having same revoked, and if made, the petition must be in accordance with the other terms of this document. The Petition for

Reconsideration must be filed within fourteen (14) days of the decision to issue, deny or revoke the permit. Petitions for Reconsideration of decisions on permits will be conducted in accordance with the provisions of paragraph 4 below and Article II of this document. When a Petition for Reconsideration is filed by an objector to the issuance of a permit, the applicant / recipient may be required to defend the decision of the Commission.

C. The Petition shall state specifically the points of law or facts which the party requesting the reconsideration believes the Commission overlooked or misapprehended, and shall contain a statement of the action which the party wishes the Commission to take. The Petition shall contain such argument in support of the Petition as the requesting party wishes to present, but in no event shall the Petition exceed fifteen (15) pages in length (exclusive of exhibits). The Petition must be typed or double-spaced. The original and ten (10) copies of the Petition for Reconsideration must be filed with the Commission through MDWFP. Filing may be accomplished by mail, but filing shall be considered timely only if the Petition is received within the time period described above.

D. The Commission will consider the Petition for Reconsideration at its next regular meeting which occurs more than ten (10) days following the Petition's filing. The Commission may (1) make a final disposition of the Petition by either granting or denying the requested action without further argument; (2) request a response from MDWFP prior to making a final disposition; (3) set the matter for an evidentiary hearing; or (4) make such further order as it deems appropriate under the circumstances. Once a Petition for Reconsideration has been considered and ruled on by the Commission, no further requests for reconsideration will be allowed.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

Part 1, Chapter 4: Procedures for Conducting Evidentiary Hearings.

RULE 4.1 Requesting an Evidentiary Hearing.

A. The following procedures shall govern formal hearings and requests for reconsideration.

B. Any person, firm or corporation that has a license of permit suspended or revoked may request an evidentiary hearing within fourteen (14) days from the date of the Commission action.

C. The Commission on Wildlife, Fisheries and Parks can order and require and evidentiary hearing on any matter within its jurisdiction.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 4.2 Setting the Hearing.

A. The Commission on Wildlife, Fisheries and Parks shall fix the time and place of such hearing and shall notify all parties thereto by certified mail. Individuals coming before the Commission may appear personally, by counsel, or both, produce witnesses and cross-examine witnesses.

B. The Commission shall delegate one of its members to act as the presiding officer or obtain the services of counsel from the Attorney General's Office to act as the presiding officer for the Commission.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 4.3 Witnesses.

The Commission on Wildlife, Fisheries and Parks is not authorized to issue subpoenas. Parties to an evidentiary hearing are responsible for assuring the attendance of their witnesses.

Source: MISS. CODE ANN. §§25-43-2.104, 49-1-29, and 49-4-4.

RULE 4.4. Pre-filing Testimony and Documents.

A. Direct testimony of each witness to be relied upon during the hearing shall be pre-filed with the Commission on Wildlife, Fisheries and Parks and copies of the same shall be mailed to all parties seven (7) days prior to the hearing, except that in the discretion of the Commission on Wildlife, Fisheries and Parks this requirement may be modified or waived. Parties which cull "adverse" witnesses shall not be required to submit pre-filed testimony as contemplated in this paragraph. At least seven (7) days prior to the hearing, all parties involved shall exchange copies of all exhibits that will be introduced during the hearing indicating the party offering and the witness who will sponsor each. The presiding officer may permit an exception to these requirements when witnesses or exhibits are necessary for rebuttal or impeachment. Failure to submit the above referenced exhibits and the pre-filed testimony of witnesses and exhibits may result in the exclusion of same from the hearing. Also, the presiding officer, in his discretion, may call a pre-hearing conference prior to any hearing to establish hearing guidelines and clarify issues.

B. Should the Commission on Wildlife, Fisheries and Parks waive the above mentioned requirement for pre-filed testimony, then at least seven (7) days before the hearing, all parties involved shall exchange a list of all witnesses each will call during the hearing, a brief statement of the testimony expected from each witness, and copies of all exhibits as set forth in Section 4.1 above.

Source: MISS. CODE ANN. Sections 25-43-2.104, 49-1-29, and 49-4-4.

Part 1, Chapter 5: Declaratory Opinions: Procedure for Requesting.

Introduction: The purpose of the following rules are to provide procedures for making a request of the Mississippi Commission on Wildlife, Fisheries and Parks, acting by and through the

Mississippi Department of Wildlife, Fisheries and Parks, for a declaratory opinion as per the provisions set forth in MISS. CODE ANN., § 25-43-2.103(2).

RULE 5.1 Scope.

These rules set forth the Mississippi Department of Wildlife, Fisheries and Parks (hereinafter "MDWFP") rules governing the form and content of requests for declaratory opinions, and the MDWFP's procedures regarding the requests, as required by MISS. CODE ANN. §25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.2 Persons Who May Request Declaratory Opinions.

Any person with a substantial interest in the subject matter may request a declaratory opinion from the MDWFP by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the MDWFP's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the agency" means the agency has a constitutional or statutory grant of authority in the subject matter at issue.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.3 Subjects Which May Be Addressed In Declaratory Opinions.

The MDWFP will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the MDWFP or (2) a rule promulgated by the Commission. The MDWFP will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.4 Circumstances Under Which Declaratory Opinions Will Not Be Issued.

The MDWFP may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

- A. lack of clarity concerning the question presented;
- B. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

C. the statute or rule upon which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

D. the facts presented in the request are not sufficient to answer the question presented;

E. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

F. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;

G. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

H. the question presented by the request concerns the legal validity of a statute or rule;

I. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;

J. no clear answer is determinable;

K. the question presented by the request involves the application of a criminal statute or a sets of facts which may constitute a crime;

L. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

M. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;

N. a similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such a opinion would constitute the unauthorized practice of law;

O. where issuance of a declaratory opinion may adversely affect the interests of the State, the MDWFP or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;

P. the question involves eligibility for a license, permit, certificate or other approval by the MDWFP or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.5 Written Request Required.

Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the MDWFP, in care of the Executive Director.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.6 Where to Send Requests.

All requests must be mailed, delivered or transmitted via facsimile to the MDWFP, at its principal place of business being 1505 Eastover Drive, Jackson, Mississippi 39211, or by facsimile to (601) 432-2024. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.7 Name, Address and Signature of Requestor.

Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.8 Question Presented.

Each request shall contain the following:

- A. a clear and concise statement of all facts on which the opinion is requested;
- B. a citation to the statute or rule at issue;
- C. the question(s) sought to be answered in the opinion, stated clearly;
- D. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
- E. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and
- F. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.9 Time for the MDWFP's Response.

Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the MDWFP shall, in writing:

A. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;

B. decline to issue a declaratory opinion, stating the reasons for its action; or

C. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the MDWFP, whichever is sooner.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.10 Opinion Not Final for Sixty Days.

A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the MDWFP may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.11 Notice by the MDWFP to Third Parties.

The MDWFP may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.12 Public Availability of Requests and Declaratory Opinions.

Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the MDWFP's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or

exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: MISS. CODE ANN. §§25-43-2.103(2), 49-1-29, and 49-4-4.

RULE 5.13 Effect of a Declaratory Opinion.

The MDWFP will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the MDWFP and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the MDWFP shall be binding only on the MDWFP and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: MISS. CODE ANN., §§ 25-43-2.103(2), 49-1-29, and 49-4-4

Part 1, Chapter 6: Public Records: Procedure for Requesting

RULE 6.1 Purpose. The following rules and procedures whereby public records of the Commission and/or Department of Wildlife, Fisheries, and Parks, except those that may be specifically exempt by law, may be made available to any person who makes a request to view, examine, and/or obtain copies of same. The following rules and procedures shall apply:

A. Records may be examined during normal business hours, Monday through Friday, except holidays, or otherwise when the offices of the Department may be closed.

B. No charges will be made for examining records in the Department's offices located at 1505 Eastover Drive, Jackson, Hinds County, Mississippi 39211.

C. Persons requesting copies of records shall make their requests in writing to the Executive Director, Mississippi Department of Wildlife, Fisheries, and Parks, 1505 Eastover Drive, Jackson, MS 39211-6374.

D. Copies of any records that may be reproduced on a copy machine without special handling may be obtained at a cost of twenty cents (\$0.20) per page at the Department's offices. For machine copies that are to be mailed, a cost of twenty-five cents (\$0.25) per page, will be charged.

E. On requests for special computer-run listings, price quotations will be made on an individual basis according to the information desired, as print-outs vary in length, complexity and amount of computer charges associated with producing them. In like manner, individual price quotations will be made on requests for any records that must be transcribed or reconstituted in some physical form other than that in which they may normally be used or kept by the Department.

F. In accordance with provisions of the Mississippi Public Records Act of 1983, the cost of searching, reviewing and/or duplicating records, and mailing, if applicable, must be collected by an agency in advance of complying with a request.

G. Copies of requested records will be mailed upon receipt of payment by certified check or money order made payable to the Mississippi Department of Wildlife, Fisheries, and Parks, 1505 Eastover Drive, Jackson, Mississippi 39211-6374.

Source: MISS. CODE ANN., §§ 25-61-1, *et. seq.*, 49-1-29, and 49-4-4

Part 1, Chapter7: Easements, Rights-Of-Way and Access to MDWFP Lands: Procedure for Requesting. Public Notice 3777 is hereby amended.

RULE 7.1 EASEMENTS.

A. Any entity or person desirous of obtaining an easement, right-of way or other access over, on or across lands controlled by the Mississippi Commission on Wildlife, Fisheries and Parks, must submit his or her request, in writing, to the Commission, in care of the Executive Director of the Department of Wildlife, Fisheries and Parks, 1505 Eastover Drive, Jackson, MS, 39211-6374 .

B. Such request should include a sketch or plat of the state lands which will be the subject of any proposed access conveyance, which clearly depicts the route or area affected by the request, plus any other such pertinent documentation (deeds, leases, etc.) which may be helpful.

C. Supporting documentation should demonstrate that no other viable route of access exists to allow the requestor to reach his/her property. The request will be evaluated upon the criteria set forth herein and the demonstrated lack of access to the requestor's property by any other route.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-5-71.

RULE 7.2 PERPETUAL EASEMENTS.

It is the policy of the Commission that a perpetual easement may only be granted to a sister agency of state government, counties or municipalities. A perpetual easement may be granted to a public utility, where indicated.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-5-71.

RULE 7.3 SURFACE USE LICENSE.

It is the policy of the Commission in response to a request for access from an individual - where the request is made to allow the individual to access his or her property that is contiguous, or otherwise closely situated, to the state lands - to grant that individual a surface use license, where

appropriate, that will inure to the benefit of the requestor/grantee only. Any such surface use license shall be specific to the grantee and shall not run with the land. Any surface use license for access shall terminate upon the grantee's death, conveyance of the property to a subsequent grantee or the occurrence of any other event which would make the continuance of the surface use license no longer feasible.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-5-71.

Part 1, Chapter 8: License. General Regulations applicable to sale and types of licenses to hunt, trap or fish.

Rule 8.1 BECOMING A LICENSE AGENT. Public Notice No. 3366 is hereby amended.

A. In order to become a license agent an applicant must:

1. Submit an individual faithful performance bond in the minimum amount of \$5,000.00. The amount of said bond may be increased in multiples of \$5/000.00 should any audit of the agent by the MDWFP subsequently discover irregularities in agent's record keeping, failure to submit "no sales reports", failure to promptly remit on or before the tenth (10th) day of each successive month or any other irregularity or discrepancy. The requirement for additional bonding in order for the license agent to continue to be licensed will be recommended by the assigned auditor, and notice to the agent for the additional bond amounts will be mailed by U.S. Postal Service mail by the Director of the License Bureau. Bonds must be secured from and countersigned by a licensed surety company, and forwarded to the Mississippi Department of Wildlife, Fisheries and Parks, License Bureau, P O. Box 451, Jackson, Mississippi 39205-0451.

2. Any company acting as a surety upon the bond of a license agent must comply with MISS. CODE ANN. §83-27-1 *et seq.* No additional licenses will be delivered to such agent until such bond is received by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP).

3. All bonds will be continuous. The bonding companies are required to give the MDWFP written notice of cancellation 30 days prior to cancellation.

4. Bonds on companies, firms and corporations are not accepted.

5. Applicants assigned to military bases who are bonded as a result of their profession, shall be allowed to waive the bond requirement as set out in Section A., provided bonding company furnishes a letter to the MDWFP to the effect that the performance bond shall encompass the activity of selling hunting and fishing licenses and that said bond shall indemnify the MDWFP in the event of any loss.

B. License Agent Rules and Regulations:

1. Agent must sign and return the original copy of the Trust Certificate shipped with each license order immediately upon delivery. Check the quantities and serial numbers

assigned before returning the Trust Certificate. If shipment does not agree with Trust Certificates, notify the Accounting Department immediately. Unsigned or unreturned Trust Certificates will delay the shipment of future license orders.

2. Licenses to be issued on consignment only.

3. All revenue from license sales must be reported by the 10th of each month. If no licenses are sold, submit a "No Sales Report" by the 10th of each month. Failure to submit sales report will be monitored by the MDWFP and reported to the appropriate bonding company, quarterly.

4. Cashier's checks or money orders are preferred as payment with sales report.

5. Void and unsold licenses must be reported separately from license sales. All sections of the license must be returned in order to receive credit, with the exception of the Agent's copy of the license form. Void licenses must be returned within thirty (30) days of issuance.

6. Agents should allow three (3) to five (5) days processing time for all license orders.

7. The MDWFP reserves the right to alter the quantity of a license order relative to the bond amount.

8. The MDWFP shall exercise its authority to audit license agents and employees of the MDWFP at any reasonable time during the fiscal year in accordance with Rule 2.2 of this Part.

9. Licenses supplied by the MDWFP will be the only licenses honored by Officers of the MDWFP.

10. Agents shall NOT SWAP licenses with other agents. License numbers are pre-assigned and cannot be transferred.

11. Agents must collect the full face value shown on the license plus an agent fee for each license sold as prescribed by statute or MDWFP regulation. Agent fee is to be retained by the agent and not reported to the MDWFP.

12. Agent shall not issue refunds for licenses. Refer all requests for refunds to the MDWFP License Department.

13. Duplicate license are only issued by MDWFP. Prices for duplicate licenses are \$5.00 for each license whether for a resident or non-resident. The MDWFP reserves the right to discontinue this duplicate policy at any time.

14. Agents will be responsible for all license forms, game tags and stamps issued to them, and must account to the MDWFP for all such licenses, tags and stamps, whether sold, unsold, voided, lost, misplaced or stolen. For each license, tag or stamp not properly accounted-for, the Agent will be charged the fee applicable to the most expensive license, game tag or stamp then currently sold by the MDWFP. Credit will not be given for lost, stolen or misplaced licenses or licenses destroyed by fire unless agent provides proper certified documentation which is satisfactory to the MDWFP. In the event of loss of licenses by fire, theft, or robbery, sworn statements, police or fire marshal's reports, as the case may be, must be submitted and received by the MDWFP office in Jackson within ten (10) working days of the occurrence. Agents may, at the discretion of the Commission, be required to appear before the Commission to testify as to the loss of any license for whatever reason.

C. Any individual bonded to sell licenses may have his/her privilege terminated by the Commission on Wildlife, Fisheries and Parks for any of the following acts or omissions:

1. Back-dating licenses;
2. Failure to properly date licenses;
3. Failure to submit all revenue collected from the sale of licenses during the reporting period;
4. Failure to submit the "No Sale Report" during the reporting period when appropriate;
5. Failure to take adequate precautions to protect licenses and monies from loss due to fire, theft, robbery and burglary;
6. Falsifying licenses to include, but not limited to, aiding in the securing of a license under an assumed name or in which an address other than the legal place of domicile is given, or knowingly issuing a license to any person not legally entitled to same;
7. Failure to comply with any statute, rule, or regulation governing license agents.

D. An individual whose privilege to sell licenses has been terminated, may petition the Commission on Wildlife, Fisheries, and Parks to reinstate this privilege after a period of not less than three (3) years has elapsed from the date of termination.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-17.

Rule 8.2 AUDIT OF LICENSE AGENTS. Public Notice No. 2471 is hereby amended.

The Department of Wildlife, Fisheries, and Parks shall have the authority to audit license agents and employees of the Department at any time during the fiscal year. Such audit shall be conducted at any reasonable time. In addition to any other legal rights and remedies available at

law for the failure of a license agent or employee of the Department to comply with this or any other statute, any license agent or employee of the Department who fails to comply with the license agent's rules and regulations outlined in the manual supplied by the Department of Wildlife, Fisheries, and Parks, may have his or her privilege to sell licenses terminated by the Department, for such period of time as the Department may deem appropriate.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-17.

Rule 8.3 REQUIREMENTS FOR OBTAINING RESIDENT HUNTING AND FISHING LICENSES. Public Notice Number 3135 is hereby amended.

A. Requirement to Possess Valid License

Any resident or nonresident who hunts, takes or traps any wild animal, bird or fish must possess a valid license issued by the commission, unless specifically exempted under Title 49, Chapter Seven (7), Mississippi Code of 1972.

B. Requirement to Carry Valid License on Person

A holder of a resident or nonresident license is required to carry the license on his person while engaged in hunting, trapping or fishing. any penalty for not carrying a license while engaged in hunting, trapping or fishing shall be waived if the person can verify purchase of a license prior to the date of the violation.

C. Fishing License

Any person who resides within the State of Mississippi shall be entitled to receive a resident fishing license.

D. Hunting or Combination Hunting/Fishing License

1. Any person domiciled within the State of Mississippi shall be entitled to receive a resident hunting license or resident combination hunting/fishing license.

2. The domicile of a person is that person's principal or primary home or place of abode. A "principal or primary home or place of abode" is that home or place in which a person's habitation is fixed and to which he, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence. The burden of proving domicile shall be on the person claiming such status. A person holding a current driver's license shall be deemed to be domiciled within the state issuing the license. If a person does not hold a current driver's license, the following evidence or other reliable evidence may be considered in establishing, but is not necessarily determinative of, domicile: residence for income or other tax purposes, homestead exemption receipt, or any other means prescribed by the department. In the case of minors, domicile of a parent or legal guardian shall be used as evidence of the child's domicile. For the purpose of this license application, "minor" is defined as a person under 18 years of age.

3. Any person claiming domicile but unable to comply with the foregoing requirements may apply to the Jackson office for a resident hunting license or combination hunting/fishing license. In such case, the Department may prescribe other means of proving domicile.

E. Issuance of Resident License to a Non-domiciliary of the state

A non-domiciliary of the state may be issued a resident hunting or fishing license or combination resident hunting/fishing license upon providing the following:

1. A current identification card from a Mississippi college or university;

2. A current military identification card showing that the person is an active member of the Armed Forces (excluding Reserves and the National Guard) and proof that the person is stationed on a military base in Mississippi.

F. Penalty for submitting false information on application.

In accordance with Section 49-7-21 (5), Mississippi Code of 1972, any person who obtains a license under an assumed name or makes a materially false statement to obtain a license is guilty of a felony and shall be subject to a fine of Two Thousand Dollars (\$2,000.00) or may be imprisoned for a term not to exceed one (1) year or both.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-3.

Rule 8.4 NON-RESIDENT HUNTING AND FISHING LICENSE & FEE PROGRAM. Public Notice No. L8-3430 is hereby amended.

A. Non-Resident required to Possess License

1. Effective July 1, 1994, license will be required of all non-residents fishing in the fresh or marine waters or hunting in the State of Mississippi, except minors who have not reached the age of sixteen (16) years.

2. Non-Resident Defined.

Any person not entitled to receive a resident fishing license under the provisions of Section 49-7-3, Mississippi Code of 1972, shall be considered a non-resident for purposes of obtaining a fishing license.

3. Any person not entitled to receive a resident hunting license under the provisions of Section 49-7-3, Mississippi Code of 1972, shall be considered a non-resident for purposes of obtaining a hunting license.

4. No non-resident twelve (12) to fifteen (15) years of age, nor any non-resident born on or after January 1, 1972, may hunt, kill, take, chase or trap any wild animal or bird

without having acquired and having in his/her possession, proof of satisfactory completion of an approved hunter education course.

B. Agent's Issuance Fee:

The agent's issuing fee for non-resident license shall be:

1. \$3.00 fee for each license (except the 3-day fishing license);
2. \$2.00 fee for each 3-day fishing license;
3. \$1.00 fee for each 1-day freshwater fishing license;
4. \$1.00 fee for each state waterfowl stamp;
5. \$1.00 fee for each fall turkey permit; and
6. No Fee for trapping, fur dealer, and shooting preserve license

C. Expiration Date:

All licenses shall be good from the date of issuance through June 30 following such issuance with the exception of 3 and 7 -day license and the non-resident fur dealer's license. The non-resident fur dealer's license will expire one year from date of issuance.

D. Replacement Policy:

License and waterfowl stamps, with the exception of all 3 and 7 -day licenses, will be replaced at a charge of \$5.00 each when lost or destroyed. The licensee must submit an application for duplicate license as supplied by the Department, along with a cashier's check or money order in the amount of \$5.00 for each duplicate license and/or stamp.

E. Policy on Shooting Preserves:

1. Non-residents hunting on shooting preserves shall be required to possess either a regular non-resident hunting license or special non-resident shooting preserve license as prescribed in this public notice. The shooting preserve license is good for the entire shooting preserve season on any such property in the state, for the taking of legal shooting preserve game only.

2. In accordance with Section 49-11-21, Mississippi Code of 1972, non-residents hunting wild game found on shooting preserves shall be required to possess a regular non-resident hunting license in addition to the shooting preserve license prescribed in this public notice.

F. License Types and prices for Non-Residents:

1. Fishing:

a. Annual Fishing (Freshwater) Required for fishing in the freshwaters of Mississippi: \$50.00

b. 3-Day Fishing (Freshwater) Required for fishing in the freshwaters of Mississippi for three (3) consecutive calendar days (not a 72-hour period): \$15.00

c. 1-Day Fishing (Freshwater) Required for fishing in the freshwaters of Mississippi for one (1) calendar day: \$8.00

2. Hunting:

a. All Game Hunting - Required for hunting all game and fowl in Mississippi as provided by law. Hunters hunting during special archery or primitive weapon seasons will be required to purchase an archery/primitive weapon permit in addition to this license. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. Hunters hunting deer, fall turkeys, and spring turkeys will be required to purchase a deer permit, fall turkey permit, and/or spring turkey permit, respectively, in addition to this license: \$300.00

b. All Game Hunting (Ages 16, 17, and 18) - Required for hunting all game and fowl in Mississippi as provided by law. Hunters hunting during special archery or primitive weapon seasons will be required to purchase an archery/primitive weapon permit in addition to this license. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. Hunters hunting deer, fall turkeys, and spring turkeys will be required to purchase a deer permit, fall turkey permit, and/or spring turkey permit, respectively, in addition to this license. Available to any non-resident who has not yet reached the age of 19 years: \$110.00

c. 3-Day All Game Hunting - Archery I Primitive Weapon - Required for hunting all game and fowl in Mississippi as provided by law. This license includes all game and archery/primitive weapon hunting. Hunter hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. Hunters hunting deer, fall turkeys, and spring turkeys will be required to purchase a deer permit, fall turkey permit, and/or spring turkey permit, respectively, in addition to this license. This license is valid for three (3) consecutive calendar days (not a 72-hour time period): \$125.00

d. 7-Day All Game Hunting - Required for hunting all game and fowl in Mississippi as provided by law. Hunters hunting during special archery or primitive weapon seasons will be required to purchase an archery/primitive weapon permit in addition to this license. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. Hunters hunting deer, fall turkeys, and spring turkeys will be required to purchase a deer permit, fall turkey permit, and/or spring turkey permit,

respectively, in addition to this license. This license is valid for seven (7) consecutive calendar days (not a 168 hour time period): \$125.00

e. 7-Day All Game Hunting (Ages 16, 17, and 18) - Required for hunting all game and fowl in Mississippi as provided by law. Hunters hunting during special archery or primitive weapon seasons will be required to purchase an archery/primitive weapon permit in addition to this license. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. Hunters hunting deer, fall turkeys, and spring turkeys will be required to purchase a deer permit, fall turkey permit, and/or spring turkey permit, respectively, in addition to this license. This license is valid for seven (7) consecutive calendar days (not a 168-hourtime period). Available to any non-resident who has not yet reached the age of 19 years: \$60.00

f. Archery / Primitive Weapon Permit - Required for hunting deer during special archery/primitive weapon seasons. This license must be purchased in addition to an all-game hunting or 7-day all-game hunting license: \$75.00

g. General Crossbow Permit - Required for hunting deer with a crossbow during primitive weapon and gun deer seasons. This license must be purchased in addition to an all-game hunting or 7 -day all-game hunting license: \$20.00

h. Deer Permit - Required for hunting deer during all deer seasons. This license must be purchased in addition to an any all game, 7-day all game, or 3-day all game hunting license: \$5.00

i. Spring Turkey Permit - Required for hunting turkey during spring turkey season. This license must be purchased in addition to an any all game, 7-day all game, or 3-day all game hunting license: \$20.00

j. Fall Turkey Permit - Required for hunting turkey during fall either-sex seasons. This license must be purchased in addition to an any all game, 7-day all game, or 3-day all game hunting license: \$20.00

k. Small Game Hunting - Required for hunting all game and fowl, excluding deer and turkey, in Mississippi as provided by law. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license: \$75.00

l. 7-Day Small Game Hunting - Required for hunting all game and fowl, excluding deer and turkey, in Mississippi as provided by law. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. This license is valid for 5 consecutive calendars days (not a 168-hour period): \$30.00

m. Special 7-Day Combination Hunting/Fishing - Special license valid only for nonresidents who are in the state on official business or attending an official convention sanctioned by the Department, wherein the state would benefit from the issuance of the license.

Valid for hunting all game and fowl, including deer and turkey, for fishing in any county in the state, and for hunting using primitive weapons and bow and arrow, as provided by law. Hunters hunting waterfowl will be required to purchase both a state and a federal waterfowl stamp in addition to this license. This license is valid for 7 consecutive calendar days (not a 168 hour time period). This special license is issued only by the Executive Director or his designee. The Executive Director shall keep a permanent record of each license issued including the name and address of the person receiving the license and the reason the license was issued: \$32.00

3. Miscellaneous:

a. Commercial Fishing (Freshwater) - Required for fishing for commercial purposes and selling or peddling fish at retail or selling or shipping same at wholesale, as to markets, dealers, or canning plants within the State of Mississippi. Each piece of equipment must be tagged. This license is also required of any non-resident who brings fish into the state from the outside of the state for the purpose of resale to a wholesale or retail dealer or to the consumer. This license is also required of any non-resident engaged in the business of selling minnows for resale for bait purpose: \$200.00/License \$3.00/per tag

b. Trapper - Required of all non-resident trappers or their assistants/helpers who are sixteen (16) years or older for trapping in the State of Mississippi. Non-resident trappers are subject to the statutes and regulations applicable to Mississippi resident trappers: \$205.00

c. Fur Dealer - Required of all non-residents regardless of age, who buy furbearing animals from trappers and hunters. Such license shall be valid one (1) year from date of issuance, unless suspended or revoked. Non-resident fur dealers are subject to the statutes and regulations applicable to Mississippi resident fur dealers: \$205.00

d. Shooting Preserve - Required for hunting on shooting preserves in lieu of regular non-resident hunting license. Shooting preserve license is valid for entire shooting preserve season, for the taking of legal shooting preserve game only. NOTE: In accordance with Section 49-11-21, Mississippi Code of 1972, non-residents hunting wild game found on shooting preserves shall be required to possess a regular non-resident hunting license in addition to the shooting preserve license prescribed in this public notice: \$13.00

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-8.

Rule 8.5 LIFETIME LICENSES & FEE PROGRAM. Public Notice No. 3476.002 is hereby amended.

A. Types of lifetime license authorized:

1. RESIDENT:

a. Lifetime Sportsman License available to a resident person between the ages of birth through twelve (12) years of age inclusive for a fee of \$500.00.

b. Lifetime Sportsman License available to a resident person over twelve (12) years of age for a fee of \$1,000.00.

B. NON~RESIDENT:

1. Lifetime Sportsman License available to a native son or daughter at a fee of \$1,500.00.

C. Issuance of lifetime license:

1. License to be issued from the Department of Wildlife, Fisheries and Parks headquarters in Jackson, Mississippi, only.

2. Application for lifetime license for residents under the age of 12 years must be accompanied by a certified copy of the birth certificate of the individual to be named as the license holder.

3. Resident lifetime license applicant must prove that they have been domiciled in the State of Mississippi for a minimum of 18 months immediately prior to issuance of such license. The domicile of a person is that person's principal or primary home or place of abode. A "principal or primary home or place of abode" is that home or place in which a person's habitation is fixed and to which he, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence. The burden of proving domicile shall be on the person claiming such status. A person holding a current driver's license shall be deemed to be domiciled within the state issuing the license. If a person does not hold a current driver's license, the following evidence or other reliable evidence may be considered in establishing, but is not necessarily determinative of, domicile: residence for income or other tax purposes, homestead exemption receipt, or any other means prescribed by the department. In the case of minors, domicile of a parent or legal guardian shall be used as evidence of the child's domicile. For the purpose of this license application, "minor" is defined as a person under 18 years of age.

4. Applicant's social security number as well as original issue date shall be affixed to license.

5. Applicant for a native son or daughter non-resident lifetime sportsman license must provide a certified copy of the original birth certificate showing that the applicant was born in Mississippi and/or if the parent's address was in Mississippi at the time of birth as shown on the birth certificate.

D. Privilege of Lifetime License

1. Lifetime Licenses are available in three types. Each type of Lifetime License allows you to hunt and/or fish during a legal season and to take any game or fish, except waterfowl, without the purchase of additional license or permits unless required by law. Lifetime

License holders must still purchase state and federal waterfowl stamps to hunt waterfowl. Also, an additional permit is required for the use of a crossbow.

2. The lifetime license allows fishermen to take fish, crabs, oysters, shrimp, and any other saltwater fish authorized to be taken under recreational permit. Sportsmen must carry a second form of identification, either a driver's license or some other form of photo ID, when hunting or fishing with a lifetime license.

E. Penalty for submitting false information on application.

In accordance with Section 49-7-21(5), Mississippi Code of 1972, any person who obtains a license under an assumed name or makes a materially false statement to obtain a license is guilty of a felony and shall be subject to a fine of Two Thousand Dollars (\$2,000.00) or may be imprisoned for a term not to exceed one (1) year or both.

F. Expenditure of lifetime license income

1. The Commission on Wildlife, Fisheries and Parks shall establish the Wildlife Endowment Fund in the State Treasury.

2. All proceeds from the sale of lifetime licenses shall be deposited into said fund.

3. The Commission shall invest the assets of the fund and the interest obtained from any investment shall be deposited into the fund.

4. No expenditures shall be made from the principal of the Wildlife Endowment Fund.

5. The income earned and accruing from the investment of the fund shall be spent only in furthering the conservation of wildlife resources and the operations of the Mississippi Department of Wildlife, Fisheries and Parks in accomplishing the purposes of the department.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-151 through 155.

Rule 8.6 RULES AND REGULATIONS PERTAINING TO THE ADMINISTRATION OF EXEMPT HUNTING AND FISHING LICENSES. Public Notice 3474 is hereby amended.

A. Any resident citizen of the State of Mississippi who has reached the age of sixty-five (65) years, or any resident citizen who is blind, paraplegic, or a multiple amputee, or who has been adjudged by the Veterans Administration as having a total service-connected disability, or has been adjudged totally disabled by the social Security Administration or the Railroad Retirement Board, shall not be required to purchase a hunting or fishing license to engage in the activities of hunting or fishing.

B. Effective July 1, 1993, exempt hunting and fishing licenses will no longer be issued by the offices of the circuit clerks of the counties of Mississippi.

C. All exempt hunting and fishing license issued prior to July 1, 1993 because of age exemption shall continue to be valid.

D. A person claiming a license exemption because of age who does not have an age-exempt hunting and fishing license issued prior to July I, 1993, shall have in his possession and on his person, while engaged in the activities of hunting or fishing, proof of residency and proof of age.

E. Railroad Retirement Board: Persons adjudged totally disabled by the Railroad Retirement Board must obtain letter from the Board certifying their disability. The letter shall be renewed annually.

F. Veteran's Administration: Persons adjudged to have a total service connected disability by the Veteran's Administration must obtain a letter from the Veteran's Administration certifying their disability. The letter shall be renewed annually.

G. Social Security Administration: Persons adjudged totally disabled by the Social Security Administration must obtain letter from Social Security certifying their disability. The letter shall be renewed annually.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-5.

Rule 8.7 RESIDENT APPRENTICE LICENSES. Public Notice 3813 is hereby amended.

A. An apprentice hunting license is offered to residents who do not have the required certificate of hunter education. An apprentice license may be purchased only one (1) time by a resident and the apprentice hunting licensee must be accompanied by a licensed or exempt resident hunter at least twenty-one (21) years of age, when hunting.

B. All annual licenses are valid for one (1) year after date of issuance. A three (3)-Day Apprentice Sportsman License shall be valid for three (3) consecutive days from the date of issuance.

C. Apprentice License Privileges:

1. Apprentice Sportsman License	\$32.00
2. Apprentice All Game Hunting & Freshwater Fishing License	\$17.00
3. Apprentice Small Game Hunting & Freshwater Fishing License	\$13.00
4. Apprentice 3 Day Sportsman License	\$7.00

D. A reasonable processing fee and agent fee will be associated with each apprentice license privilege sold through the Mississippi Department of Wildlife, Fisheries, & Parks.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-5(1)(f).

Rule 8.8 RULES AND REGULATIONS PERTAINING TO THE REINSTATEMENT OF HUNTING, TRAPPING, AND FISHING PRIVILEGES. Public Notice 3797 is hereby amended.

A. Any person whose hunting, trapping and fishing privileges have been revoked as the result of a conviction of head lighting deer, under Section 49-7-95, Mississippi Code of 1972, may have those privileges reinstated only when the following requirements are met:

1. Individuals must have satisfactorily completed a Hunter Education course approved by the Department of Wildlife, Fisheries and Parks. The Department's Internet course will not be accepted and the course must be taken after the date of conviction.

2. Individuals must also meet all other requirements for reinstatement as set forth in 49-7-95, Mississippi Code of 1972.

3. Individuals can make written application for reinstatement of their hunting, fishing and trapping privileges at any office of the Department of Wildlife, Fisheries and Parks. This application must be accompanied by certification that the applicant has satisfactorily completed an approved hunter education course at a time after the effective date of revocation of his/her hunting, fishing, trapping as well as proof of compliance of any other requirements for reinstatement as stated in 49-7-95, Mississippi Code of 1972.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, 49-7-27, and 49-7-95.

Rule 8.9 RULES AND REGULATIONS PERTAINING TO THE USE OF CROSSBOWS. Public Notice 3407 is hereby amended.

A. DEFINITION: A crossbow shall be defined as a device designed to launch an arrow that consists of a small bow, either conventional (recurve) or compound, mounted transversely upon a stock so as to be deployed in a fashion similar to a rifle.

B. Any eligible person may purchase a special license to hunt deer and small game with a crossbow, provided that any person obtaining such special license must also hold a valid Mississippi hunting license unless exempt from procuring a license under §§ 49-7-2 and or 49-7-5, Mississippi Code of 1972.

C. SPECIAL CROSSBOW LICENSE:

1. PERSONS ELIGIBLE FOR SPECIAL CROSSBOW LICENSE:

a. Any person sixty-five years of age or older; or

b. Any person having a disability which totally and permanently prevents the person from using a long bow or other conventional archery equipment. Such disability must be certified by one (1) physician duly licensed to practice medicine in the State of Mississippi.

c. Any eligible person may purchase a special license to hunt deer, turkey and small game with a crossbow, provided that any person obtaining such special license must also hold a valid Mississippi hunting license to take deer and turkey, and small game unless exempt under §49-7-2 and/or §49-7-5, Mississippi Code of 1972, from procuring a license.

2. FEE FOR SPECIAL CROSSBOW LICENSE:

The fee for a Special Crossbow License shall be \$5.00 for residents and \$10.00 for nonresidents.

3. APPLICATION FOR SPECIAL CROSSBOW LICENSE:

a. Special Crossbow Licenses will be issued at the Jackson office only.

b. Applicants sixty-five (65) years of age or older must present proof of age.

c. Applicants under sixty-five (65) must present statements on letterhead from one (1) physician licensed to practice medicine in Mississippi certifying that the applicant has a disability which totally and permanently prevents him from using a long bow or other conventional archery equipment.

d. Applicants must also present a valid Mississippi hunting license, or proof of his exemption.

4. SEASON DATES FOR SPECIAL CROSSBOW LICENSE:

a. Deer and Turkey: Deer may be hunted with a Special Crossbow License during the respective seasons on deer and turkey.

b. Small Game: Small game may be hunted with a Special Crossbow License during those periods when open season for the particular small game animal coincides with any open season on deer.

D. GENERAL CROSSBOW LICENSE

1. PERSONS ELIGIBLE FOR GENERAL CROSSBOW LICENSE:

a. All Residents and Non-Residents are eligible to purchase a General Crossbow License. A person required to have a hunting license must have a license to take deer and turkey in order to obtain a General Crossbow License.

2. FEE FOR GENERAL CROSSBOW LICENSE:

a. The fee for a General Crossbow License shall be \$10.00 for Residents and \$20 for Non-Residents.

3. SEASON DATES GENERAL CROSSBOW LICENSE:

a. The General Crossbow License is only valid during primitive weapon and gun season for deer

b. Small Game may be hunted with a General Crossbow License during those periods when open season for the particular small game animal coincides with any open gun or primitive weapons season on deer.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, and 49-7-38.

Part 1, Chapter 9: Uncategorized. Other Regulations of the Commission with varying application.

RULE 9.1 CLOSURE OF THE YOCKANOOKANY RIVER TO FISHING. Public Notice 2735 is hereby amended.

A. The Mississippi Commission on Wildlife Conservation at its regular monthly meeting held in Jackson, Mississippi, on August 18, 1987, made known its intent to adopt immediately under the authority of Section 49-1-29(k) of the Mississippi Code of 1972, the following closing of commercial fishing on a portion of the Yockanookany River, in Attala and Leake counties:

B. Tests conducted by the Mississippi Department of Natural Resources and confirmed by the U.S. Environmental Protection Agency have shown that fish from the Yockanookany River system between Highway 35 (Kosciusko Crossing) and Highway 429 (Thomastown Crossing) contain levels of Polychlorinated Bi-Phenyls (PCB) above the action level of 2 parts per million (ppm) set by the Environmental Protection Agency, therefore,

C. BE IT ORDERED that effective this date, the Yockanookany River System between Highway 35 and Highway 429 is closed to commercial fishing;

D. BE IT FURTHER ORDERED, that any person or persons taking sportfish from these waters are hereby warned that the eating of fish from these waters could be harmful to human health.

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

RULE 9.2 CLOSURE OF THE WOLF RIVER.

A. MISS. CODE ANN., §51-4-19 states, "This chapter does not confer upon any member of the public the right to the use of or access to private lands within the boundary of a designated

scenic stream area and any unauthorized use is trespass and subject to the penalties provided for trespass offenses."

B. BE IT ORDERED, that that the Wolf River Scenic Stream area is hereby closed to all public access.

C. Any violation of this order is a Class III misdemeanor as set forth in MISS. CODE ANN. §49-7-101, and may further subject the violator to criminal liability for trespass.

Source: MISS. CODE ANN., §§ 49-1-29, 49-4-4, 49-4-13 and 51-4-19.