

Updated: August 2017

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, 49-1-41

*RULE 8.5 DECOMMISSION OF ENCLOSURES CONTAINING WHITE-TAILED DEER.*

A. Enclosures and/or permitted facilities preventing the free ingress and egress of wild animals, may, by fully complying with the terms, conditions, and provisions of this rule, cease operations as a wildlife enclosure, without being in violation of 40 MISS. ADMIN. CODE, Part 2, Rule 8.2.D.6.

B. Before an enclosure may be decommissioned, the enclosure owner must submit a decommission application to the MDWFP. After receipt of the application, the enclosure owner will be contacted by an employee of the MDWFP, designated by the Executive Director, to begin the process. Every application for decommissioning shall be evaluated on a case-by-case basis.

C. Biologists from the Wildlife Bureau of the MDWFP will inspect the facility and evaluate the risks of ceasing operations based upon an established set of criteria for releasing captive animals into the wild. Such criteria have been developed by and in consultation with the State Veterinarian and other professionals to assess the risk of introducing disease into the wildlife population and/or domestic livestock.

1. Criteria for “low risk” and “high risk” facilities may only be altered based upon clear and convincing evidence of significant changes in technology, biological testing, or other objective methods for identifying risk factors such as disease. Copies of applicable criteria may be provided upon request.

2. Other factors affecting risk evaluation may include, but are not limited to: evidence of movement of deer between facilities, reasonable belief of importation of deer from outside the state, or other instances of noncompliance with established rules for the operations of wildlife enclosures.

3. Presence of breeding facilities – at the time of the request or at any time during the existence of the facility - and/or other species (exotics) will qualify a facility as “high risk.”

D. The MDWFP, in consultation with the State Veterinarian, shall develop a Decommissioning Plan for the requesting facility. Plan methods have been developed by and in consultation with the State Veterinarian and other professionals to address the risk of introducing disease into the wildlife population and/or domestic livestock. Copies of applicable methods may be provided upon request.

E. Upon receipt of the Decommissioning Plan, the facility may begin decommissioning operations with the guidance of technical staff from the MDWFP. Issuance of a Decommissioning Plan shall be made contingent upon the understanding that the facility is consenting to periodic inspection and review of decommissioning operations by the MDWFP,

the State Veterinarian, or any of their designees. All animal disease sampling/testing shall be subject to the oversight of the MDWFP and the State Veterinarian.

F. All costs associated with the decommissioning process shall be borne by the facility owner.

G. Methods for decommissioning high-fenced enclosures containing white-tailed deer may include depopulation, genetic testing, and lethal disease testing.

H. If enclosures contain exotic, non-native animals, as defined in MISS. CODE ANN. §75-33-3, the enclosures must be depopulated of those exotic animals, and the depopulation must be verified by the MDWFP, prior to decommissioning, or the fence must remain intact. MISS. CODE ANN. §49-7-80 prohibits the release of exotics into the wild. Depopulation of exotic, non-native animals may include legal trade as regulated by the Mississippi Board of Animal Health, or euthanasia.

I. Any enclosure that has fully complied with its Decommissioning Plan, as certified by the MDWFP and the State Veterinarian, may have the gates completely removed, all or part of the fence completely removed, or the fence lowered to a height of four (4) feet or less for a minimum of twenty-five (25) percent of the linear footage of the fence, so as to allow the ingress and egress of wild animals.

J. If an enclosure requesting to be decommissioned contains feral hogs, and the facility has prevented, and continues to prevent, the free ingress and/or egress of those feral hogs, the facility must be depopulated of the entire feral hog population, or the fence must remain intact, at a minimum height of four (4) feet, to prevent the movement of feral hogs onto adjacent properties.

K. Failure to substantially comply with the Decommissioning Plan may result in denial of decommissioning and/or citations for violations of Commission regulations as provided in MISS. CODE ANN. §49-7-101.

History: February 2016.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, 49-7-58, 49-7-58.1, 49-7-58.2, 49-7-58.3, and 49-7-58.4.

*RULE 8.6 ENCLOSURES THAT PREVENT THE FREE INGRESS AND EGRESS OF WHITE-TAILED DEER – ADMINISTRATIVE QUARANTINE.*

A. Administrative Quarantine.

1. An enclosure suspected of violating any applicable law, rule, or regulation regarding enclosures that prevent the free ingress and egress of white-tailed deer, may be placed under administrative quarantine until any investigation is concluded.