

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

Title 40: Wildlife, Fisheries, and Parks

Part 2: Wildlife

Part 2, Chapter 5: Regulations regarding alligators.

RULE 5.1 GENERAL REGULATIONS REGARDING ALLIGATORS.

A. Feeding or enticement of alligators.

1. No person shall intentionally feed or entice with feed any wild American alligator (*Alligator mississippiensis*). However, this shall not apply to:

a. Those persons feeding alligators maintained in protected captivity for educational, scientific, commercial, or recreational purposes; or

b. Department personnel, or persons licensed or authorized by the Mississippi Department of Wildlife, Fisheries, and Parks (herby referred to as the Department) when capturing/relocating alligators by baiting or enticement.

B. Prima facie evidence of intent to violate laws protecting alligators. The following shall constitute *prima facie* evidence of the intent to violate the provisions of this regulation or any other regulations regarding the protection of alligators.

1. The display or use of a light in a place where alligators are known to be present or may be present, in a manner capable of disclosing the presence of alligators, together with the possession of spear guns, snare poles, snatch hooks, or harpoons, customarily used for taking of alligators during the period between one (1) hour after sunset and one (1) hour before sunrise.

C. No live alligators may be transported within or through the State of Mississippi, except as provided below, without a transportation permit from the Executive Director or his designee.

D. The practice known as alligator wrestling for exhibition, or otherwise, is prohibited. Alligator wrestling is defined as anyone who unnecessarily provokes, agitates, corrals, or incites defensive behavior of an alligator. Such activity shall be deemed harassment of wildlife and/or animal cruelty.

E. General Provisions for the taking, possession, and sale of alligator eggs, alligators, and parts thereof.

1. It shall be unlawful for any person to disturb an alligator nest; to buy, sell, take, or possess alligator eggs; to buy, sell, hunt, kill, catch, chase, harass, or possess alligators or parts thereof except under permit from the Department.

2. Nothing in this rule, however, shall prohibit the possession of lawfully acquired cured and mounted trophies or articles manufactured from the skins or hides or other parts of alligators, provided the mounted trophies are identified with the original export hide tag number from the state of origin.

3. Any alligator or any part thereof, seized or otherwise acquired by the Department may be sold.

4. Alligator eggs, alligators, or parts thereof lawfully obtained outside the State may be imported only under permit from the Department, and must be shipped or transported in compliance with the alligator laws of the state of origin.

F. Taking and Disposal of Nuisance Alligators Statewide.

1. Designated agent trappers of the Department shall be authorized to take, possess and kill only those alligators designated by permit issued by an authorized representative of the Department.

2. No person shall take, possess, or kill any alligator except as authorized by this rule. A designated agent trapper of the Department shall take, kill, or possess alligators only in the manner specified by this section.

3. Those persons engaged in alligator ranching or otherwise dealing with alligators shall be eligible for appointment as an agent trapper subject to the provisions of this rule.

4. Selection and review:

a. Applicants shall complete an agent trapper application form supplied by the Department and a thorough background investigation shall be conducted by a trained investigator.

b. The investigator shall have no previous association or familiarity with the applicant and shall not reside nor work in the same county as the applicant.

c. The results of the background investigations shall be reviewed by the Alligator Program Coordinator and by the Region Administrator in the region in which the applicant resides.

d. Qualified applicants shall then be personally interviewed by the Alligator Program Coordinator and a panel appointed by the Executive Director or his designee.

e. The names of applicants nominated by these panels shall be submitted to the Executive Director for final consideration and appointment.

f. The number of appointments shall be based on "as needed" basis determined by the Region Administrator or the Alligator Program Coordinator.

g. Selected agent trappers shall enter into a contract to take and possess nuisance alligators in accordance with this rule.

5. Qualification and liability of agent trappers. The Department will determine that each agent/trapper:

- a. Shall reside in the region in which the application is made.
- b. Shall possess the experience and ability to handle wild alligators.
- c. Shall be capable of supplying all equipment necessary to take alligators.
- d. Shall have sufficient time to adequately and efficiently take designated alligators.
- e. Shall not have been convicted of any Class I wildlife violation, felony, or violation of any wildlife laws or regulations within five (5) years.
- f. Shall assume personal liability for health, welfare, and safety while acting as an agent trapper in a manner and form acceptable to the Department.

6. Conditions governing operations of authorized agent trappers:

a. Before harvesting an alligator, the agent trapper will be issued a permit in writing or electronically by the Department. Permits will be for specific alligator nuisance complaints except as follows:

i. In areas of chronic nuisance complaints, where regular and repeated alligator surveys indicate high alligator densities, multiple permits to harvest a predetermined number of alligators from designated management units may be issued without specific nuisance complaints.

ii. Permits to harvest alligators without specific nuisance complaints may only be issued by the Executive Director or his designee. Permits shall specify the designated location, the number of alligators to be harvested, size limits, and dates of permitted harvest.

b. No agent trapper shall possess any live alligator for more than seven (7) days except by special written permit from the Department.

c. The agent trapper may occasionally be requested to capture small non-threatening alligators for translocation.

d. No alligator shall be taken by the use or aid of a gun without written authorization, unless the agent trapper is in the presence of a Departmental representative.

e. A nuisance alligator tag furnished by the Department to the agent trapper shall be immediately attached to any alligator killed by an agent trapper. No person shall possess any untagged alligator hide or unidentified alligator meat or parts.

f. Alligator hides and meat must be stored in a sanitary and secure manner and may only be sold in compliance with Section (H) of this rule.

g. Each agent trapper may be assisted by not more than five (5) assistants approved by the Executive Director or his designee, provided that no such assistant shall operate or conduct any trapping activity except in the presence of the agent trapper.

h. Assignment of alligators to be taken and the issuance of nuisance alligator tags to an agent trapper shall be discontinued upon receipt of verified information and belief by the Executive Director that the agent trapper has:

- i. Attempted to generate alligator complaints.
- ii. Taken alligators in excess of authorization.
- iii. Failed to promptly respond to an assigned complaint.
- iv. Been convicted of a violation of any statute or regulation concerning fish or wildlife.
- v. Violated any portion of this rule.
- vi. Acted incompetently in carrying out the responsibilities of his assignments.
- vii. Fails to complete an annual report as requested.

i. Following a review by the Commission on Wildlife, Fisheries, and Parks, the procedure for which shall be the same as set forth in MISS. CODE ANN. §49-7-27, the contract of the agent trapper shall be considered to have been breached by the agent trapper and shall be terminated.

j. Any alligator agent trapper or licensed rancher who has been charged with a violation of any fish or wildlife regulation or felony shall have his privileges to harvest, sell, or otherwise handle alligators or alligator parts suspended pending the outcome of any legal proceedings against him.

k. Any licensed alligator rancher who has also been appointed as an agent trapper who fails to obtain proper permits before harvesting, selling, or transporting alligators of wild origin to his ranching facility shall be in direct violation of MISS. CODE ANN. §49-7-47, harvesting of alligators for commercial purposes without a permit, and shall therefore be guilty of a Class I violation as specified by that code.

G. Regulations Governing the Operation of Alligator Ranches: Alligator ranches may be established and operated and alligators, eggs, and hides may be possessed only under permit by the Department and subject to the following restrictions and conditions:

1. General provisions:

a. The premises of alligator ranches shall be subject to inspection by Department personnel at any time.

b. Complete written records of all changes in alligator stocks shall be kept and made available for examination by Department personnel. Shipping tickets, invoices, or bills of lading shall be maintained to show source of supply or disposition of alligator stock.

c. No permittee or his agent or employee shall receive or transfer any alligator, or alligator egg, meat hides or parts except in compliance with Section H of this rule.

d. The permittee shall disclose source and ownership of alligators and provide documentation of inventory of initial and subsequent numbers of all alligator eggs and alligators, including breeding females and offspring. Documentation shall be sufficient to demonstrate the inventory is commensurate with production and survival levels for captive populations as measured against professionally accepted biological standards.

e. Permits to establish and operate alligator ranches are not transferrable except when incident to sale or other transfer of ownership of the facility where transferees of the facility have met criteria established by Department rule and subject to the approval of the permit transfer by the Department.

f. The permittee shall provide security of facility premises necessary to ensure that no alligators, eggs, or parts thereof can be moved in or out of the alligator ranch without the permittee's knowledge.

g. The Department shall issue forms to each alligator rancher to be completed annually. These forms shall be submitted to the Alligator Program Coordinator as requested.

h. Alligator ranch and egg/hatchling producing facility permittees shall be licensed at an annual fee of \$100.00.

i. The Department shall not issue an alligator ranch permit to any person who has been convicted of any violations of this rule, any Class I violation, or any felony for ten (10) years following such conviction. The Department shall revoke any alligator ranch permit of any person convicted of any violation of this rule, any Class I violation, or any felony.

j. Upon revocation of an alligator ranch permit, the permittee shall have six (6) months to dispose of legally acquired alligator stock. Alligator stock may not be disposed of to corporations or partnerships of which, by determination of the Department, the permittee is a

principal. Permittee must report disposition of alligator stock to the State within 30 days of final disposition. This report shall specify stock disposed of and recipients of this stock.

k. No ranches shall be permitted in areas subject to regular or periodic flooding.

l. No additional alligator ranch applications will be accepted nor approved after May 15, 2014. Existing licensed alligator ranches may continue to operate per these regulations. For a captive alligator egg/hatchling producing facility, applications may be accepted for consideration by the Commission. Applications must include a complete business plan proposal, maps, financial plan, and other documents as requested. Applications will be reviewed by a panel appointed by the Director prior to submission to the Commission for approval for its consideration. Upon permit approval, any egg/hatchling producing facility shall be subject to the same rules, regulations, specifications, and inspections as described in this Rule for an alligator ranch.

m. Failure to conduct commercial propagation within a twenty-four (24) month period will be deemed non-commercial and will result in revocation of the ranch license.

2. Specifications for alligator ranches:

a. Pens or holding facilities shall be constructed in a manner to prevent escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility.

b. The permittee shall provide rearing tanks (of concrete, fiberglass, plastic, or metal construction) for alligators less than four (4) feet in length but the Department may, at its discretion, allow alligators three (3) to four (4) feet in length to be confined in outdoor facilities. Alligators less than two (2) feet in length shall be housed separately from those two (2) to four (4) feet in length. Onsite propagation facilities will also provide ponds, nest sites, and spacing for breeding adults, and artificial incubators. The Department, at its discretion, may specify specific spacing requirements and stocking rates for propagation facilities.

c. The permittee shall make all alligator eggs produced on the ranch available for inspection by September 15 of each nesting year. All alligator eggs shall be in containers having not more than one (1) layer of eggs at one (1) incubation facility on each alligator ranch. Only viable alligator eggs will be credited to the egg inventory. Eggs laid after September 15 may be collected and added to the egg inventory if egg development characteristics indicate a laying date after September 1, and nests are verified by Department personnel prior to being collected.

d. Alligator ranch permittees shall furnish alligator housing of sufficient size and design as provided by regulation, such that alligators shall be kept in a humane and sanitary manner.

3. Permittees may obtain a permit from the Department to receive eggs or alligators from other states provided that the stock was legally acquired and that the permittee complies with the requirements set forth in the General Provisions (1) (b) of this rule and the rules of the state of origin.

4. Additional specifications for raising alligator hatchlings:

a. The Department may, at its discretion, require marking of baby alligators and may provide specifications for markings.

b. Rearing tanks shall contain dry and wet areas of sufficient surface area to permit all alligators to completely submerge in water and completely exit from water and orient in any direction without touching the sides of the tank. Dry areas may be in the form of constructed platforms installed in each tank designed in such a fashion as to permit alligators to completely exit the water and rest on the platforms. The Department may, at its discretion, require specific alligator stocking rates for specific facilities. These requirements shall be made in writing. Failure to comply with these recommendations shall constitute a violation of this rule.

c. Rearing tank(s) must be readily drainable for purposes of inventory.

H. Sale of Alligators

1. No operator or agent trapper shall sell any live alligator unless the Live Alligator Sales Form has been submitted and approved. No sale of live alligators shall be approved unless the operator verifies to the satisfaction of the Department that the alligators were hatched and reared at his facility or purchased as provided by regulation. Approval for sale of live alligators shall only be given for sales to licensed ranchers, licensed fur buyers, or those permitted under scientific collection, academic, or other special permits.

2. Alligators or the skins, meat, or parts from such alligators, raised on the premises of alligator ranches, harvested by alligator agent trappers or purchased as provided by these regulations may be sold only in accordance with the following restrictions and conditions:

a. Harvest of alligators: No operator or agent trapper shall sell or transfer any alligator prior to issuance of a CITES tag for each alligator to be harvested. Licensed ranchers must complete a Harvest and Sales Report Form and submit it within 24 hours of the time of harvest. Agent trappers must have a copy of the Alligator Harvest and Disposition Form in their possession at the time of harvest.

b. Any alligator killed under the authority of this section shall immediately be tagged with a CITES tag furnished to the operator by the Department at a cost of one dollar (\$1.00) each for licensed ranchers and no fee shall be charged for agent trappers per tag. Such tag shall remain attached to the alligator hide at all times, and it shall be unlawful for any person to possess any untagged alligator hides. CITES tags are only valid within the calendar year issued. Unused tags from a previous year may be exchanged, at no cost, for tags of the current year.

c. Rules for transporting live or dead unskinned alligators to commercial processing facilities:

i. Licensed ranchers or agent trappers desiring to transport live or dead unskinned alligators to a commercial processing facility may do so only after purchasing/acquiring CITES tags. Viable eggs or live hatchlings for transfer or sale to an approved facility do not require CITES tags, but do require approved submission of a Live Alligator Sales Form prior to being transported.

ii. Licensed ranchers must submit an Alligator Harvest and Sales Report Form provided by the Department prior to transporting alligators.

iii. Agent trappers must be in possession of copies of Alligator Harvest Permit and Disposition Forms issued for those specific alligators being transported.

3. Rules governing alligator and alligator hides and parts buyers:

a. Any resident dealer or buyer who solicits business through the mails, or by advertising, or who travels to buy alligator skins shall be deemed a resident state dealer and shall be required to buy a Resident Fur Dealers License.

b. A non-resident dealer or buyer shall be required to buy a Non-resident Fur Dealers License.

c. All dealers and buyers shall complete an annual report at the conclusion of each calendar year and submit this report to the Department. This report shall contain a true and accurate record of commerce in alligator hides, meat and parts on forms provided by the Department.

4. Sale of Alligator Meat: No person shall possess or sell alligator meat except as authorized by regulation. Only alligator ranchers and alligator agent trappers may sell alligator meat produced and harvested on an alligator ranch or lawfully acquired by an alligator agent trapper provided that:

a. Alligator meat is labeled or tagged by alligator ranchers or alligator agent trappers by tags approved by the Department.

b. Each label or tag is labeled to indicate the number of pounds of meat, the date tagged, the name of the rancher or agent trapper, and the hide tag number corresponding to the alligator from which the meat was taken.

c. Alligator ranchers and agent trappers handling meat for human consumption shall comply with the health and sanitation requirements of all applicable federal, state, and local authorities.

d. Alligator ranchers and agent trappers shall maintain written records of all alligator meat sales on standard forms supplied by the Department and such records shall be open to inspection by Department personnel. The records of all meat tagged shall contain the data specified in section (H) (4) (b) of this regulation.

e. Any person who is otherwise properly licensed to do so, may resell or possess alligator meat for resale, processing or other commercial uses provided that the meat remains labeled or tagged with the original label or tag issued.

f. All alligator meat purchased shall remain labeled or tagged until the meat is prepared for consumption or packaged for retail sale provided each retail package retains original tag number.

g. Cartons containing lawfully acquired alligator meat tagged and labeled in accordance with this regulation may be shipped in intrastate or interstate commerce.

5. Alligator parts may be sold in accordance with the provision of this rule and also subject to the following:

a. Alligator ranchers and alligator agent trappers may sell the feet, viscera, or skeletal parts of alligators subject to the condition that all such sales are documented to show the kind and quantity of items sold and the name and address of each buyer who purchases for resale. Parts are to be placed in containers and tagged with tags supplied by the Department to indicate the contents by weight or number, the date packaged, the name of the rancher or agent trapper, and the original tag number(s) from which the parts were taken.

b. Any alligator skull sold shall be permanently and visibly labeled with the identifying alligator tag number of the alligator from which the skull was taken.

c. Manufactured goods wholly or partly composed of the hide of any alligator, the teeth, skull, or other skeletal material or organs of any alligator or any item made therefrom may only be sold in accordance with the following:

i. No person shall sell alligator products without maintaining documentary evidence showing the name and address of the supplier of such products.

ii. All such alligator products and documentary evidence of their acquisition, which shall include evidence of their source of acquisition, and original tag number(s) attached to the alligator hide(s) from which the parts were taken shall be available for inspection upon request of Department personnel.

iii. No person shall sell such alligator products manufactured from a species declared to be endangered or threatened by the U. S. Fish and Wildlife Service.

History: Revised March 2016

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-47.