

NOTICE OF RULE ADOPTION—FINAL RULE

FILED
MAR 29 2007
MISSISSIPPI
SECRETARY OF STATE

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
MUSEUM OF NATURAL SCIENCE

MS Dept. of Wildlife, Fisheries and Parks
c/o Sam Polles, Ph.D., Executive Director
1505 Eastover Drive
Jackson, MS 39211-6374
(601) 432-2400
Sharon@mdwfp.state.ms.us

Specific Legal Authority Authorizing the promulgation of
Rule: 49-1-29; 25-43-3.103
449-5-107

Reference to Rules repealed, amended or suspended by the
Proposed Rule: M3-3201

Date Rule Proposed: February 28, 2007

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Regulations relative to nongame wildlife in need of management.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date: March 21, 2007
Time: 1:30 p.m.
Place: Jackson, Mississippi

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and


This rule as adopted is without variance from the proposed rule.

This rule as adopted is differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: April 30, 2007


Executive Director

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
P.O. BOX 451
JACKSON, MISSISSIPPI 39205

PUBLIC NOTICE NO. M4-3201-I

TO: The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205
AND
ALL INTERESTED PERSONS

The Mississippi Commission on Wildlife, Fisheries and Parks, at a meeting in Crawford, Mississippi on February 28, 2007, under authority of Section 25-43-7, Mississippi Code of 1972, made known its intent to, and thirty days thereafter did, adopt the following regulations under authority of Section 49-5-107 relative to nongame wildlife in need of management:

Be it ordered that Public Notice No. M3-3201 is hereby repealed.

I. Nongame species in need of management.

The following species of nongame wildlife are deemed to be in need of management:

NONGAME AMPHIBIANS

SALAMANDERS

<i>Ambystoma cingulatum</i>	FLATWOODS
<i>Ambystoma maculatum</i>	SPOTTED
<i>Ambystoma opacum</i>	MARbled
<i>Ambystoma talpoideum</i>	MOLE
<i>Ambystoma texanum</i>	SMALLMOUTH
<i>Ambystoma tigrinum tigrinum</i>	EASTERN TIGER
<i>Amphiuma means</i>	TWO-TOED AMPHIUMA
<i>Amphiuma tridactylum</i>	THREE-TOED AMPHIUMA
<i>Cryptobranchus alleganiensis</i>	HELLBENDER
<i>Desmognathus auriculatus</i>	SOUTHERN DUSKY
<i>Desmognathus conanti</i>	SPOTTED DUSKY
<i>Eurycea cirrigera</i>	TWO-LINED
<i>Eurycea longicauda</i>	LONGTAIL
<i>Eurycea guttolineata</i>	THREE-LINED
<i>Eurycea quadridigitata</i>	DWARF
<i>Hemidactylium scutatum</i>	FOUR-TOED
<i>Plethodon ventralis</i>	SOUTHERN ZIGZAG
<i>Plethodon mississippi</i>	MISSISSIPPI SLIMY
<i>Plethodon websteri</i>	WEBSTER'S SALAMANDER
<i>Pseudotriton montanus</i>	MUD SALAMANDER
<i>Pseudotriton ruber</i>	RED SALAMANDER
<i>Necturus alabamensis</i>	BLACKWARRIOR
<i>Necturus beyeri</i>	GULF COAST WATERDOG
<i>Necturus maculosus</i>	MUDPUPPY

<i>Notophthalmus viridescens</i>	EASTERN NEWT
<i>Siren intermedia</i>	LESSER SIREN

TOADS

<i>Bufo americanus</i>	AMERICAN
<i>Bufo quercicus</i>	OAK
<i>Bufo terrestris</i>	SOUTHERN
<i>Bufo nebulifer</i>	GULF COAST
<i>Bufo fowleri</i>	FOWLER'S

FROGS

<i>Acris crepitans</i>	NORTHERN CRICKET
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<i>Acris gryllus</i>	SOUTHERN CRICKET
<i>Hyla avivoca</i>	BIRD-VOICED TREE
<i>Hyla chrysoscelis</i>	COPE'S GRAY TREE
<i>Hyla cinerea</i>	GREEN TREE
<i>Hyla femoralis</i>	PINE WOODS TREE
<i>Hyla gratiosa</i>	BARKING TREE
<i>Hyla squirella</i>	SQUIRREL TREE
<i>Hyla versicolor</i>	GRAY TREE
<i>Pseudacris brachyphona</i>	MOUNTAIN CHORUS
<i>Pseudacris crucifer</i>	SPRING PEEPER
<i>Pseudacris nigrata</i>	SOUTHERN CHORUS
<i>Pseudacris ornata</i>	ORNATE CHORUS
<i>Pseudacris feriarum</i>	SOUTHEASTERN CHORUS
<i>Gastrophryne carolinensis</i>	NARROWMOUTH FROG
<i>Scaphiopus holbrookii</i>	EASTERN SPADEFOOT
<i>Rana areolata circumlosa</i>	NORTHERN CRAWFISH
<i>Rana heckscheri</i>	RIVER
<i>Rana palustris</i>	PICKEREL
<i>Rana sphenoccephala</i>	SOUTHERN LEOPARD

NONGAME REPTILES

<i>Macrochelys temminckii</i>	ALLIGATOR SNAPPER
<i>Chelydra serpentina</i>	COMMON SNAPPER
<i>Chrysemys dorsalis</i>	SOUTHERN PAINTED
<i>Deirochelys reticularia</i>	CHICKEN
<i>Graptemys geographica</i>	COMMON MAP
<i>Graptemys gibbonsi</i>	PASCAGOULA MAP
<i>Graptemys pseudogeographica</i>	MISSISSIPPII MAP
<i>Graptemys pulchra</i>	ALABAMA MAP
<i>Graptemys ouachitensis</i>	OUACHITA MAP
<i>Malaclemys terrapin</i>	DIAMONDBACK TERRAPIN
<i>Pseudemys concinna</i>	RIVER COOTER
<i>Terrapene carolina</i>	BOX
<i>Trachemys scripta</i>	RED EARED SLIDER
<i>Kinosternon subrubrum</i>	EASTERN MUD

TURTLES

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 Non-game species in need of management
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<i>Sternotherus carinatus</i>	RAZORBACK MUSK	<i>Agkistrodon contortrix</i>	COPPERHEAD
<i>Sternotherus minor</i>	STRIPENECK MUSK	<i>Agkistrodon piscivorus</i>	COTTONMOUTH
<i>Sternotherus odoratus</i>	STINKPOT	<i>Crotalus adamanteus</i>	EASTERN DIAMONDBACK
<i>Apalone mutica</i>	SMOOTH SOFTSHELL	<i>Crotalus horridus</i>	CANEBRAKE RATTLER
<i>Apalone spinifera</i>	SPINY SOFTSHELL	<i>Sistrurus miliarius</i>	PYGMY RATTLER
LIZARDS			
<i>Anolis carolinensis</i>	GREEN ANOLE	NONGAME MAMMALS	
<i>Sceloporus undulatus</i>	EASTERN FENCE	SHREWS AND MOLES	
<i>Ophisaurus attenuatus</i>	SLENDER GLASS	<i>Sorex longirostris</i>	SOUTHEASTERN SHREW
<i>Ophisaurus mimicus</i>	MIMIC GLASS	<i>Blarina carolinensis</i>	SOUTHEASTERN SHORT- TAILED SHREW
<i>Ophisaurus ventralis</i>	EASTERN GLASS	<i>Cryptotis parvus</i>	LEAST SHREW
<i>Eumeces laticeps</i>	BROADHEAD SKINK	<i>Scalopus aquaticus</i>	EASTERN MOLE
<i>Eumeces anthracinus</i>	COAL SKINK	BATS	
<i>Eumeces fasciatus</i>	FIVE-LINED SKINK	<i>Myotis austroriparius</i>	SOUTHEASTERN MYOTIS
<i>Eumeces inexpectatus</i>	SOUTHEASTERN	<i>Myotis lucifugus</i>	LITTLE BROWN MYOTIS
<i>Scincella lateralis</i>	GROUND SKINK	<i>Myotis septentrionalis</i>	LONG-EARED MYOTIS
<i>Cnemidophorus sexlineatus</i>	SIX-LINED RACERUNNER	<i>Lasiurus borealis</i>	EASTERN RED HOARY
SNAKES			
<i>Carphophis amoenus</i>	WORM	<i>Lasiurus cinereus</i>	NORTHERN YELLOW
<i>Cemophora coccinea</i>	SCARLET	<i>Lasiurus intermedius</i>	SEMINOLE
<i>Coluber constrictor priapus</i>	SOUTHERN BLACK RACER	<i>Lasiurus seminohus</i>	SILVER-HAIRED
<i>Coluber constrictor latrunculus</i>	BLACKMASK RACER	<i>Lasionycteris noctivagans</i>	EASTERN PIPISTRELLE
<i>Diadophis punctatus</i>	RINGNECK	<i>Pipistrellus subflavus</i>	BIG BROWN
<i>Elaphe guttata guttata</i>	CORN OR RED RAT	<i>Eptesicus fuscus</i>	EVENING
<i>Elaphe obsoleta spiloides</i>	GRAY OR TEXAS RAT	<i>Nycticeius humeralis</i>	RAFINESQUE'S BIG-EAR
<i>Farancia abacura</i>	MUD	<i>Corynorhinus rafinesquii</i>	BRAZILIAN FREE-TAIL
<i>Heterodon platirhinos</i>	EASTERN HOGNOSE	<i>Tadarida brasiliensis</i>	SQUIRRELS
<i>Lampropeltis calligaster</i>	PRAIRIE KING	<i>Tamias striatus</i>	EASTERN CHIPMUNK
<i>Lampropeltis getula holbrooki</i>	SPECKLED KING	<i>Glaucomys volans</i>	SOUTHERN FLYING
<i>Lampropeltis getula nigra</i>	BLACK KING	<i>Marmota monax</i>	WOODCHUCK
<i>Lampropeltis triangulum sypila</i>	RED MILK	MICE	
<i>Lampropeltis t. elapsoides</i>	SCARLET KING	<i>Reithrodontomys fulvescens</i>	FULVOUS HARVEST
<i>Masticophis flagellum</i>	COACHWHIP	<i>Reithrodontomys humulis</i>	EASTERN HARVEST
<i>Nerodia cyclopion</i>	GREEN WATER	<i>Peromyscus gossypinus</i>	COTTON
<i>Nerodia erythrogaster</i>	PLAINBELLY WATER	<i>Peromyscus leucopus</i>	WHITE-FOOTED
<i>Nerodia fasciata</i>	SOUTHERN WATER	<i>Peromyscus maniculatus</i>	DEER
<i>Nerodia clarkii</i>	GULF SALT MARSH	<i>Peromyscus polionotus</i>	OLD FIELD
<i>Nerodia rhombifer</i>	DIAMONDBACK WATER	<i>Ochrotomys nuttalli</i>	GOLDEN
<i>Nerodia sipedon</i>	NORTHERN WATER	<i>Microtus pinetorum</i>	WOODLAND VOLE
<i>Opheodrys aestivus</i>	ROUGH GREEN	<i>Zapus hudsonius</i>	MEADOW JUMPING
<i>Regina grahami</i>	GRAHAM'S CRAYFISH	RATS	
<i>Regina ridiga</i>	GLOSSY CRAYFISH	<i>Oryzomys palustris</i>	MARSH RICE
<i>Regina septemvittata</i>	QUEEN SNAKE	<i>Sigmodon hispidus</i>	HISPID COTTON
<i>Rhadinaea flavilata</i>	PINE WOODS	<i>Neotoma floridana</i>	EASTERN WOOD
<i>Storeria dekayi</i>	BROWN	NONGAME FISH	
<i>Storeria occipitomaculata</i>	REDBELLY	<i>Pternotropis welaka</i>	BLUENOSE SHINER
<i>Tantilla coronata</i>	SOUTHEAST CROWNED		
<i>Thamnophis proximus</i>	WESTERN RIBBON		
<i>Thamnophis sauritus</i>	EASTERN RIBBON		
<i>Thamnophis sirtalis</i>	COMMON GARTER		
<i>Virginia striatula</i>	ROUGH EARTH		
<i>Virginia valeriae</i>	SMOOTH EARTH		
<i>Micrurus fulvius</i>	EASTERN CORAL		

This list of nongame wildlife deemed to be in need of management includes 32 species of small mammals, one species of freshwater fish, and all native species of reptiles and amphibians except those considered endangered or those whose use is regulated by other rules of the Commission, such as the American alligator and bullfrogs. It does not include commercially recognized genetic color mutants, such as albinos and other color variants, of native reptiles and amphibians. For purposes of this rule, nongame wildlife in need of management shall be referred to as nongame reptiles, nongame amphibians, nongame mammals, nongame fish, or nongame wildlife.

II. Possession of nongame wildlife from Mississippi populations for personal use.

(1) No person shall possess more than a total of 20 nongame reptiles, nor more than a total of 20 nongame amphibians, nor more than 10 nongame mammals, nor more than 4 nongame fish, except as otherwise provided by these regulations, other regulations of the Commission, or by scientific collecting permits issued by the Department of Wildlife, Fisheries, and Parks. Of the nongame reptiles and nongame amphibians that may be possessed, no more than four (4) can be of the same species or subspecies, except for the alligator snapping turtle (*Macrochelys temminckii*); and of the nongame mammals that may be possessed, nor more than 2 (two) can be of the same species.

(2) Only one (1) specimen of the alligator snapping turtle (*Macrochelys temminckii*) may be possessed except as otherwise provided by these regulations or by scientific collecting permits issued by the Department of Wildlife, Fisheries, and Parks. Alligator snapping turtles may not be taken from the wild between 1 April and 30 June. Any alligator snapping turtle taken from the wild must have a top shell (carapace) length of 24 inches or greater.

(3) Any resident who takes or possesses nongame wildlife must hold a valid Resident Small Game Hunting/Freshwater Fishing License.

(a) However, a person who does not hold a valid Resident Small Game Hunting/Freshwater Fishing License may kill a venomous snake if that snake presents a reasonable danger to human life, or may kill a nonvenomous snake on lands in which the record title is vested in such person or on lands which contain the principal residence of such person. A snake or the parts of a snake killed under such circumstances by a person who does not hold a Resident Small Game Hunting/Freshwater Fishing License must be disposed of or left to decompose naturally and it or its parts may not enter commercial trade nor be retained in possession.

(b) A person who does not hold a valid Resident Small Game Hunting/Freshwater Fishing License may also kill any nongame mammals which enter into or take up residence in buildings or destroy or damage yards, plants, domestic animals, or agricultural products. A nongame mammal killed under such circumstances by a person who does not hold a Resident Small Game Hunting/Freshwater Fishing License must be disposed of or left to decompose naturally and it or its parts may not enter commercial trade nor be retained in possession.

(4) Any nonresident who takes or possesses nongame wildlife shall hold a valid Nonresident All Game Hunting License.

(a) However, a person who does not hold a valid Nonresident All Game Hunting License may kill a venomous snake if that snake presents a reasonable danger to human life. A snake or the parts of a snake killed under such circumstances by a person who does not hold a Nonresident All Game Hunting License must be disposed of or left to decompose naturally and it or its parts may not enter commercial trade nor be retained in possession.

(5) Nongame wildlife or their parts taken from wild populations for personal use may not be bought, sold, offered for sale, bartered, or exported for sale.

(6) Containers or cages holding venomous snakes shall be prominently labeled with the words "DANGER" along with the common name of the species in a conspicuous place.

III. Captive propagation of nongame wildlife for commercial purposes.

Nongame wildlife may be propagated in captivity for commercial purposes only under permit from the Department of Wildlife, Fisheries and Parks. The permit shall be valid for one year, shall be signed by the Executive Director of the Department of Wildlife, Fisheries, and Parks or his designee, and is subject to the following conditions and restrictions:

- (1) The propagator shall indicate the species or subspecies of nongame wildlife, by both scientific and common name, which will be propagated in captivity.
- (2) The propagator shall be a resident of Mississippi and the propagation facilities shall be located in Mississippi.
- (3) The propagator shall provide evidence of possessing the equipment and experience necessary for successful propagation of nongame wildlife in captivity.
- (4) The propagator shall provide evidence that the facilities in which captive propagation is to take place are adequate for the species and numbers for which a permit is requested.
- (5) The propagator shall be at least sixteen (16) years of age.
- (6) The propagator shall hold a valid commercial fishing license.

IV. General provisions covering the operation of a commercial captive propagation facility for nongame wildlife.

- (1) The premises of the commercial captive propagation facility shall be subject to inspection by Department personnel at all times.
- (2) Complete written records of all changes in nongame wildlife breeding stock shall be kept and made available for examination by Department personnel. Shipping tickets, invoices, or bills of lading shall be maintained for five years from the date of transaction to show source of supply or disposition of nongame wildlife. Each commercial propagator shall provide a summary report to the Department upon requesting renewal of a commercial captive propagation permit. Data to be included in the report shall pertain to both breeding stock and specimens raised for resale. This report shall indicate the numbers, by species and subspecies, of all nongame wildlife that were bought or sold during the permit year, the name of the seller or purchaser, and the complete address and telephone number of the seller or purchaser.
- (3) Permits to establish and operate commercial captive propagation facilities for nongame wildlife are not transferable except when incident to sale or other transfer of ownership of the facility, where transferees of the facility have met criteria established by Department rules and the Department has approved the transfer.
- (4) The permittee shall provide security of the facility premises necessary to ensure that nongame wildlife, their eggs, or parts thereof, cannot be moved in or out of the facility premises without the permittee's knowledge.
- (5) The Department shall not issue a commercial captive propagation permit for nongame wildlife to any person who has been convicted of any violation of the regulations of the Department relating to nongame wildlife for five years following such conviction. The Department shall revoke any existing commercial captive propagation permit for nongame wildlife upon the permittee's conviction of any violation of regulations of the Department relating to nongame wildlife, upon conviction of any Class I Fish or Wildlife violation, or upon conviction under any Federal conservation statute.
- (6) Upon revocation of a commercial captive propagation permit for nongame wildlife, the permittee shall have six (6) months to dispose of legally acquired nongame stock. Nongame stock

may not be disposed of to corporations or partnerships in which, by determination of the Department, the permittee is a principal. Permittee must report disposition of nongame stock to the Department within 30 days of final disposition. This report shall specify nongame stock disposed of and recipients of this stock.

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

(8) Containers or cages holding venomous snakes shall be prominently labeled with the words "DANGER" along with the common name of the species in a conspicuous place.

(9) Propagation facilities shall be inspected annually, at the permittee's expense, by a certified wildlife biologist of the permittee's choice. For the purposes of this rule, a certified wildlife biologist is a person that has been certified by the Wildlife Society and who has the appropriate documentation to verify such certification. The annual inspection shall include, but not be limited to, the following:

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

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

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

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

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

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

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

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

V. Propagation of nongame wildlife for commercial purposes.

(1) Any person who holds a valid commercial captive propagation permit may possess up to eight (8) individuals of any species or subspecies of nongame reptile taken from the wild in Mississippi, and up to sixteen (16) individuals of any species of nongame amphibian taken from the wild in Mississippi, and up to four (4) individuals of any species of nongame mammals, and up to eight (8) specimens of nongame fish, for breeding purposes only.

(2) Additional specimens of nongame wildlife may be possessed, for breeding purposes, if and only if those specimens originated outside of Mississippi, were reared in captivity by a person holding a valid Mississippi commercial captive propagation permit, as permitted by other sections of this rule, or by permit. Documentary evidence of the place of origin of the additional specimens and that they were legally obtained must be maintained by the captive propagator.

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

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

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

(c) The name, address, and telephone number of the shipper of the nongame wildlife.

(d) The date and approximate time that the shipment is expected to enter Mississippi.

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

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

(g) The name and driver's license number of the person driving the transport vehicle, if different from that of the shipper.

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

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

(5) The offspring of nongame wildlife reared in a captive propagation facility by any person with a valid commercial captive propagation permit shall become the property of the permittee.

VI. Selling captive-propagated nongame wildlife or their parts.

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

(1) Nongame wildlife or their parts may be bought, sold, or exported for sale only if they were born or hatched in captivity in the facilities of a person holding a valid commercial captive propagation permit. Nongame wildlife or their parts taken from wild Mississippi populations may not be bought, sold, offered for sale, or exported for sale.

(2) A captive propagator shall provide to the purchaser at the time of purchase an invoice or bill of sale preprinted with the name and address of the propagator, and with the following: "Mississippi Commercial Captive Propagation Permit No. ____". The invoice or bill of sale shall list the name and address of the purchaser, the date of the purchase, and the number by species or subspecies using both scientific and common names, of the nongame wildlife or their parts that are being purchased. The purchaser shall retain the invoice or bill of sale for as long as the nongame wildlife or parts remain in his possession.

(3) The purchaser of nongame wildlife or their parts may resell these items with the following restrictions:

(a) No person shall sell nongame wildlife or their parts without maintaining documentary evidence showing the name and address of the supplier of such wildlife or parts, and no person shall sell nongame wildlife or their parts unless said nongame wildlife or their parts were originally legally obtained from a Mississippi commercial captive propagation facility.

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

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

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

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

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

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

(1) All nongame wildlife imported or exported under an importer's permit must have originated outside of Mississippi or have been purchased from a person holding a nongame wildlife captive propagation permit. The importer shall maintain documentary evidence of the origin of his stock through receipts, bills of lading, invoices, or valid collecting permits from the state in which the wildlife originated.

(2) Each importer shall keep complete records of all nongame wildlife in his possession for the year in which the permit is valid, including records showing the point of origin of imported nongame wildlife, from whom they were acquired, to whom they were sold, how many of each species were sold, and shall provide a summary report to the Department upon requesting a renewal of an importer's permit. The report shall show the numbers of each species of nongame wildlife imported under the permit, the number dying while in the permittee's possession, and the number exported. The summary report shall also include a profit/loss statement for the importation facility covering the previous twelve (12) months.

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

(4) An application for an importer's permit shall be made on forms provided by the Department of Wildlife, Fisheries and Parks. The cost of the permit shall be \$500.

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

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

(7) Upon revocation of an importer's permit for nongame wildlife, the permittee shall have six months to dispose of legally acquired nongame stock. Nongame stock may not be disposed of to corporations or partnerships in which, by determination of the Department, the permittee is a principal. Permittee must report disposition of nongame stock to the Department within 30 days of final disposition. This report shall specify nongame stock disposed of and recipients of this stock.

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

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

(10) Importation facilities shall be inspected annually, at the permittee's expense, by a certified wildlife biologist of the permittee's choice. The annual inspection shall include, but not be limited to, the following:

(a) The premises of the importation facility to verify the existence of and to locate on a scale map of the facility the following:

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

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

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

(c) Disposal procedures for imported wildlife that die while in possession of the importation facility.

(11) The certified wildlife biologist shall prepare, at the permittee's expense, a report detailing the results of the inspection. The report may include photographs, line drawings, maps, tables, photocopies of documents, and/or charts, and shall include information on the physical structures of the importation facility and the condition of the captive wildlife present. This report must be submitted to the Department of Wildlife, Fisheries, and Parks and deemed acceptable by that agency before an importation permit can be renewed.

VIII. Collection of the common snapping turtle for commercial purposes.

The common snapping turtle (*Chelydra serpentina*) may be taken from the wild in Mississippi for commercial purposes under the following conditions:

(1) A resident of Mississippi who wishes to take common snapping turtles for commercial purposes must possess a valid Resident Commercial Fishing License and a resident commercial common snapping turtle permit issued by the Department of Wildlife, Fisheries, and Parks. The fee for the resident commercial common snapping turtle permit shall be \$25.00. This permit shall be valid for one year, be issued on a fiscal year basis, and shall be signed by the Executive Director of the Department of Wildlife, Fisheries, and Parks or his designee.

(2) A nonresident must possess a valid Nonresident Commercial Fishing License and a nonresident commercial snapping turtle permit issued by the Department of Wildlife, Fisheries, and Parks. The fee for the nonresident commercial common snapping turtle permit shall be \$100.00. This permit shall be valid for one year, shall be issued on a fiscal year basis, and shall be signed by the Executive Director of the Department of Wildlife, Fisheries, and Parks or his designee.

(3) There are no possession limits for common snapping turtles for those persons who hold valid commercial common snapping turtle permits.

(4) No person with either a resident or nonresident commercial common snapping turtle permit shall possess any common snapping turtles taken from the wild with a carapace (upper shell) length of less than twelve (12) inches.

(5) Nonresidents and residents who take common snapping turtles from the wild for commercial purposes must provide the Department of Wildlife, Fisheries, and Parks with an annual report of their commercial activities during the permit year. This report shall include:

(a) The locations (counties and bodies of water) and numbers of common snapping turtles that were taken each month from each county and each water body during the permit year;

(b) To whom the common snapping turtles were sold, including the complete names, address, and telephone numbers of the buyers as well as the dates and locations of each transaction and the numbers of turtles, both live and dressed, that were sold.

(6) Any person who buys common snapping turtles or their parts from a person holding a commercial snapping turtle permit for the purpose of reselling the turtles or their parts at the retail level shall be designated a common snapping turtle retailer, and any person who buys common snapping turtles or their parts for the purpose of selling them at the wholesale level shall be designated a common snapping turtle wholesaler.

(7) Resident common snapping turtle wholesalers shall be required to purchase a Resident Fur Buyers license.

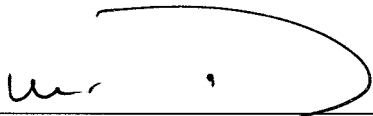
(8) Nonresident common snapping turtle wholesalers and nonresident common snapping turtle retailers who travel to buy common snapping turtles or their parts within the State of Mississippi shall be required to purchase a Nonresident Fur Buyers license.

IX. Penalties for violations.

Penalties for violation of any section of these regulations shall be as provided in 49-5-115 of the Mississippi Code.

Witness my hand and seal this the 28 day of February, 2007.

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND PARKS

By: 
William C. Deviney, Jr., Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS

By: 
Sam Polles, Ph.D., Executive Director

I certify this to be a
True and correct copy:


Executive Director

Sharon Miller
Notary

