

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 8: Regulations regarding animals in captivity and enclosures.

RULE 8.2 REGULATIONS FOR ENCLOSURES PREVENTING THE FREE INGRESS AND EGRESS OF WHITE-TAILED DEER.

A. Possession of White-tailed Deer.

1. No person may possess a live white-tailed deer in Mississippi unless that person possesses a valid permit issued by the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP).

2. No person may sell a live white-tailed deer pursuant to MISS. CODE ANN. §49-7-51.

3. Orphaned or injured white-tailed deer may not be placed in high-fenced enclosures without written permission from the MDWFP.

B. High-Fenced Enclosures

1. A high-fenced enclosure is man-made or man-placed fenced structure, or combination of fencing and terrain features, which prevents the free ingress and/or egress of any white-tailed deer.

2. Facility Registration

a. The owner of a high-fenced enclosure containing white-tailed deer must notify the MDWFP of the existence of the enclosure, and register the enclosure with the MDWFP, in order to obtain an annual permit from the MDWFP, that will be valid from July 1 through June 30. To be eligible for registration, an applicant may not have a conviction for a Class I wildlife violation within five (5) years prior to his or her application. A conviction for a violation of MISS. CODE ANN. §49-7-54, shall be an absolute disqualification for registration to operate a high-fenced enclosure containing white-tailed deer.

b. The fee for a Facility Registration shall be Three Hundred Dollars (\$300.00) per year for high-fenced enclosures containing 300 acres or less. The fee for a Facility Registration shall be One Dollar (\$1.00) per enclosed acre for high-fenced enclosures containing more than 300 acres.

c. Additional commercial enclosure fees may apply pursuant to MISS. CODE ANN. §49-11-5.

3. Enclosure Size: All high-fenced enclosures constructed for the purpose of confining white-tailed deer only or confining both white-tailed deer and non-native ungulates must contain a minimum of 300 contiguous acres of which at least 50 percent of the total enclosed area must contain suitable habitat for white-tailed deer and is not susceptible to flooding.

a. The confinement of white-tailed deer in high-fenced enclosures less than 300 acres and constructed prior to 2008, may be allowed if permitted by the MDWFP.

b. An existing high-fenced enclosure containing less than 10 acres, confining white-tailed deer, and registered with the MDWFP prior to 2008, may be allowed but reproduction of white-tailed deer within such an enclosure is prohibited. Any offspring produced shall be reported within five days to the MDWFP and surrendered to the MDWFP.

4. Fence Requirements: All registered high-fenced enclosures containing white-tailed deer must have a minimum fence height of 8 feet and a minimum gauge wire of 12½. The lower 8 feet of the fence must be net wire. However, the Commission may register an enclosure having a fence structure that does not conform to these standards if the effect of the existing fence is to restrict the free ingress and egress of wild animals.

5. White-tailed Deer

a. All registered high-fenced enclosures containing white-tailed deer shall be enrolled in the Enclosure Management Assistance Program (EMAP) and shall work with an MDWFP-approved wildlife biologist to manage the white-tailed deer herd.

b. Data for each deer harvested from inside the enclosure must be collected and recorded on MDWFP-provided data sheets and submitted annually by Mar 15.

c. Chronic Wasting Disease (CWD) Monitoring Program:

i. All 1.5 year old or older white-tailed deer that die of natural causes within breeding pens must be tested for CWD. All target white-tailed deer within a high-fenced enclosure or breeding pen must be tested for CWD. Target deer are deer exhibiting clinical symptoms.

ii. Each high-fenced enclosure shall submit viable samples for CWD testing, annually, in a number equal to one (1) deer per each two hundred (200) acres of fenced land, whether the deer's mortality was due to natural causes, as set forth above, or harvested by means of hunting. Enclosures with acreages not evenly divisible by 200 will round up to nearest 200 acres (e.g., 315 acres would be 400). For the purpose of this rule, to be a "viable sample," the sample must include two (2) retropharyngeal lymph nodes from each deer.

6. Non-native ungulates

a. High-fenced enclosures with non-native ungulates shall be regulated

according to the “Memorandum of Understanding on High-Fenced Enclosures Containing Non-native Ungulates” between the MDWFP and the Mississippi Board of Animal Health. Any regulations promulgated by the Mississippi Board of Animal Health are incorporated herein by reference as if reproduced in their entirety.

b. A non-native ungulate harvest report for the enclosed property shall be submitted to the MDWFP annually by May 1. There shall not be a closed season, bag limit, or weapon restriction for pursuing non-native ungulates.

7. Facility Breach

a. Breaches in the fence structure of any registered facility, whether effected by natural or man-made causes, *force majeure*, or other, that would allow white-tailed deer and/or non-native ungulates to leave the enclosure or enter the enclosure must be reported to the MDWFP within 24 hours of discovery and repaired within a timely manner (not to exceed 2 weeks) to the standards set forth in the paragraph titled “Fence Requirements.”

b. Any white-tailed deer that is identified (e.g. ear tags or other identifiable markings) as having escaped from a high-fenced enclosure, and is in the immediate vicinity, shall be immediately captured by the enclosure owner or an authorized representative. If a captured white-tailed deer is not deemed a disease risk, it may be returned to the facility as authorized by MDWFP.

Upon no action by the enclosure owner, the deer shall be captured and/or euthanized by authorized representatives of the MDWFP or by any law enforcement agency by whatever means deemed necessary.

c. Any non-native ungulate which escapes from a high-fenced enclosure shall be reported to the Mississippi Board of Animal Health.

8. High-Fenced Enclosure Inspection

a. All high-fenced enclosures containing white-tailed deer shall be inspected by the MDWFP at least once annually. Additionally, any registered high-fenced enclosure owners/operators are declared to have consented to periodic inspections of high-fenced enclosures by the MDWFP, without warrant or notice.

b. The MDWFP may enter and inspect all wild animal enclosures to:

- i. Issue, review, and/or renew enclosure registration;
- ii. Ensure compliance of enclosure rules, regulations, and MDWFP-approved written operational plan;
- iii. Inspect any required records regarding or relating to any wild animal enclosure;

iv. Inspect any high-fenced enclosure at any time there is a reasonable belief that the high-fenced enclosure is not in compliance with these regulations; or

v. Quarantine the enclosure.

C. Captive Breeding

1. Controlled breeding of white-tailed deer within a high-fenced enclosure may be allowed by permit at an annual cost of Four Hundred Fifty Dollars (\$450.00).

2. A breeding plan and inventory report must be submitted annually to the MDWFP by May 1.

3. Breeding Pens

a. Each breeding pen must be contained within a high-fenced enclosure of at least 300 contiguous acres and no portion of any breeding pen may be within six (6) feet of the external enclosure fence.

b. Each breeding pen cannot exceed a total confined area of 5 acres.

c. All white-tailed deer 1½ years of age and older within a breeding pen and all white-tailed deer released from a breeding pen into a larger enclosure must be tagged with a uniquely numbered ear tag.

4. Artificial Insemination

a. White-tailed deer semen, ova, and embryos may be imported into and translocated within Mississippi by permit. The permit must be obtained prior to importation and translocation.

b. White-tailed deer semen, ova, and embryos must be obtained from a source within the continental United States.

c. An annual report must be submitted by May 1 to the MDWFP regarding any importation or translocation of white-tailed deer semen, ova, and embryos into Mississippi.

D. Movement of White-tailed Deer

1. No person may import a live white-tailed deer into the State of Mississippi pursuant to MISS. CODE ANN. §49-7-54.

2. No white-tailed deer originating from a high-fenced enclosure may be released into the wild in Mississippi.

3. White-tailed deer may not be transported from the wild and placed into a high-fenced enclosure or a breeding pen.

4. Transportation

a. Transport permits at a cost of Twenty-five Dollars (\$25.00) per white-tailed deer must be purchased prior to transporting white-tailed deer from one registered high-fenced enclosure or breeding pen to another registered high-fenced enclosure or breeding pen.

b. Transportation of live white-tailed deer for stocking or breeding purposes from a registered high-fenced enclosure to another registered high-fenced enclosure within Mississippi may be allowed only if the originating high-fenced enclosures:

i. Have participated in a Chronic Wasting Disease (CWD) monitoring program and submitted data from the year prior to movement.

ii. Passed all current enclosure facility and breeding pen inspections.

iii. Have had no violations of any of the provisions of this regulation during the year prior to movement.

c. All white-tailed deer moved must be tagged with uniquely numbered plastic tags and MDWFP-provided metal ear tags. Bucks moved 10 days prior to the start or during the deer hunting season must have the antlers removed immediately above the pedicle.

E. Compliance:

1. MDWFP personnel and the enclosure operator may develop a plan to come into compliance in an area of deficiency. The MDWFP may continue to enter and inspect the enclosure to assess the progress of the compliance effort.

2. Any enclosure not in compliance with this rule and/or plan may have any of its registered or permitted activities temporarily suspended until such time as the operator can come into full compliance.

3. If an enclosure fails to comply with a specified plan, the MDWFP Executive Director and Commission on Wildlife, Fisheries, and Parks will be notified of potential actions for ensuring compliance.

F. Controlled Drug Usage: The use of controlled drugs for animal capture and reproduction is governed by state and federal drug laws and controlled drugs may be used in compliance with these laws and regulations.

G. Mississippi State University Captive Research Facilities: Mississippi State University Captive Deer Research Facilities are exempt from this rule, except for sections “Possession of White-tailed Deer” and “Orphaned and Injured White-tailed Deer”.

H. Definitions

1. High-fenced enclosure – Any man-made or man-placed fenced structure, or combination of fencing and terrain features, which prevents the free ingress and/or egress of any white-tailed deer.

2. Wild animal – Any animal wild by nature whether indigenous to the State of Mississippi or not.

3. Non-native ungulate – a wild by nature mammal having hooves and not indigenous to the State of Mississippi.

History: Revised April 2021.

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.

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MDWFP, in order to obtain an annual permit from the MDWFP, that will be valid from July 1 through June 30. To be eligible for registration, an applicant may not have a conviction for a Class I wildlife violation within five (5) years prior to his or her application. A conviction for a violation of MISS. CODE ANN. §49-7-54, shall be an absolute disqualification for registration to operate a high-fenced enclosure containing white-tailed deer.

d. The fee for a Facility Registration shall be Three Hundred Dollars (\$300.00) per year for high-fenced enclosures containing 300 acres or less. The fee for a Facility Registration shall be One Dollar (\$1.00) per enclosed acre for high-fenced enclosures containing more than 300 acres.

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b. Data for each deer harvested from inside the enclosure must be collected and recorded on MDWFP-provided data sheets and submitted annually by Mar 15.

c. Chronic Wasting Disease (CWD) Monitoring Program:

i. All 1.5 year old or older white-tailed deer that die of natural causes within breeding pens must be tested for CWD. All target white-tailed deer within a high-fenced enclosure or breeding pen must be tested for CWD. Target deer are deer exhibiting clinical

symptoms. ~~Additionally, up to ten (10) adult deer harvested in an enclosure annually must be tested for CWD. If no samples are submitted from harvested deer, MDWFP will coordinate the sampling of required deer with the enclosure owner.~~

ii. Each high-fenced enclosure shall submit viable samples for CWD testing, annually, in a number equal to one (1) deer per each two hundred (200) acres of fenced land, whether the deer's mortality was due to natural causes, as set forth above, or harvested by means of hunting. Enclosures with acreages not evenly divisible by 200 will round up to nearest 200 acres (e.g., 315 acres would be 400). For the purpose of this rule, to be a "viable sample," the sample must include two (2) retropharyngeal lymph nodes from each deer.

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