



Rules of
Department of Conservation
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

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**Title 3—DEPARTMENT OF
CONSERVATION**

**Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined
Wildlife: Privileges, Permits, Standards**

3 CSR 10-9.105 General Provisions

PURPOSE: This rule establishes general provisions for the chapter, to be consistent with the format of other chapters.

(1) Any person holding wildlife in captivity in any manner shall have in his/her possession the prescribed permit or evidence of exemption. The commission may suspend, revoke, or deny a permit or privilege for cause, but not until an opportunity has been afforded for a hearing before the commission or its authorized representative. The hearings under this section shall be a contested case pursuant to Chapter 536, RSMo, and any person aggrieved by a final decision shall be entitled to judicial review as provided in Chapter 536, RSMo.

(2) Permits listed in this chapter may be obtained only upon satisfaction of all requirements imposed by this code, including payment of fees at the time of application.

(3) Permits listed in this chapter are nontransferable. No permit or permit application referenced in this chapter may be loaned, falsified, altered, or misrepresented in any manner.

(4) The acceptance of a permit listed in this chapter shall constitute an acknowledgement of the duty to comply with the provisions of this code.

(5) Except as provided in 3 CSR 10-9.425, permits listed in this chapter are valid from July 1 through June 30 of the prescribed permit year(s) listed on the permit.

(6) Confined wildlife held within the provisions of this chapter, and any facilities used to hold such wildlife are subject to inspection by a conservation agent at any reasonable time. Refusal to allow access for an inspection shall constitute sufficient cause for suspension or revocation of permit privileges.

(7) Confined wildlife held under permit within the provision of this chapter shall include only those species listed on the following Approved Confined Wildlife Species List.



Approved Confined Wildlife Species List

Permittee Type/Classification	Common Name	Scientific Name
Class I Wildlife Breeders		
Game Birds		
	Ducks, Mallard	<i>Anas platyrhynchos</i>
	Grouse, Blue	<i>Dendragapus obscurus</i>
	Grouse, Greater Sage-	<i>Centrocercus urophasianus</i>
	Grouse, Gunnison Sage-	<i>Centrocercus minimus</i>
	Grouse, Ruffed	<i>Bonasa umbellus</i>
	Grouse, Sharp-tailed	<i>Tympanuchus phasianellus</i>
	Grouse, Spruce	<i>Falcipectnis canadensis</i>
	Partridge, Gray	<i>Perdix perdix</i>
	Pheasant, Ring-necked (all subspecies)	<i>Phasianus colchicus</i>
	Ptarmigan, Rock	<i>Lagopus mutus</i>
	Ptarmigan, White-tailed	<i>Lagopus leucurus</i>
	Ptarmigan, Willow	<i>Lagopus lagow</i>
	Quail, Bobwhite (all subspecies)	<i>Colinus virginianus</i>
	Quail, California	<i>Callipepla californica</i>
	Quail, Gambel's	<i>Callipepla gambelii</i>
	Quail, Mountain	<i>Oreortyx pictus</i>
	Quail, Scaled	<i>Callipepla squamata</i>
	Turkey, Wild (all subspecies)	<i>Meleagris gallopava</i>
Mammals		
	Badger	<i>Taxidea taxus</i>
	Bobcat	<i>Lynx rufus</i>
	Chipmunk, Eastern	<i>Tamias striatus</i>
	Coyote	<i>Canis latrans</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>
	Fox, Red	<i>Vulpes Vulpes</i>
	Groundhog (Woodchuck)	<i>Marmota monax</i>
	Mink	<i>Mustela vison</i>
	Muskrat	<i>Ondatra zibethicus</i>
	Opossum	<i>Didelphis virginiana</i>
	Otter, River	<i>Lontra canadensis</i>
	Rabbit, Eastern Cottontail	<i>Sylvilagus floridanus</i>
	Rabbit, Swamp	<i>Sylvilagus aquaticus</i>
	Raccoon	<i>Procyon lotor</i>
	Squirrel, Eastern Gray	<i>Sciurus carolinensis</i>
	Squirrel, Fox	<i>Sciurus niger</i>
	Squirrel, Franklin's Ground	<i>Spermophilus franklinii</i>
	Squirrel, Thirteen-lined Ground	<i>Spermophilus tridecemlineatus</i>
	Squirrel, Southern Flying	<i>Glaucomys Volans</i>
	Weasel, Least	<i>Mustela nivalis</i>
	Weasel, Long-tailed	<i>Mustela frenata</i>
Amphibians		
Salamanders		
	Salamander, Tiger	<i>Ambystoma tigrinum</i>
Frogs and Toads		
	Bullfrog	<i>Lithobates catesbeianus</i>
	Frog, Green (Bronze)	<i>Lithobates clamitans</i>
	Frog, Southern Leopard	<i>Lithobates sphenoccephalus</i>
	Toad, American	<i>Anaxyrus americanus</i>
	Treefrog, Eastern (Cope's) Gray	<i>Hyla versicolor/chrysocephalis</i>
	Treefrog, Green	<i>Hyla cinerea</i>



Permittee Type/Classification	Common Name	Scientific Name
Reptiles Turtles	Cooter, River	<i>Pseudemys concinna</i>
	Slider, Red-eared	<i>Trachemys scripta elegans</i>
	Softshell, Smooth	<i>Apalone mutica</i>
	Softshell, Spiny	<i>Apalone spinifera</i>
	Turtle, Ornate Box	<i>Terrapene ornata</i>
	Turtle, Alligator Snapping	<i>Macrochelys spp.</i>
	Turtle, Common Map	<i>Graptemys geographica</i>
	Turtle, Common Musk (Stinkpot)	<i>Sternotherus odoratus</i>
	Turtle, Common Snapping	<i>Chelydra serpentina</i>
	Turtle, Mississippi Mud	<i>Kinosternon subrubrum</i>
	Turtle, Southern Painted	<i>Chrysemys dorsalis</i>
	Turtle, Three-toed Box	<i>Terrapene carolina triunguis</i>
	Turtle, Western Painted	<i>Chrysemys picta belli</i>
	Lizards	Lizard, Eastern Collared
Lizard, Prairie (Fence)		<i>Sceloporus consobrinus (undulates)</i>
Lizard, Slender Glass		<i>Ophisaurus attenuatus</i>
Lizard, Texas Horned		<i>Phrynosoma cornutum</i>
Skink, Five-lined		<i>Plestiodon fasciatus</i>
Snakes	Bullsnake	<i>Pituophis catenifer sayi</i>
	Kingsnake, Prairie	<i>Lampropeltis calligaster</i>
	Kingsnake, Speckled	<i>Lampropeltis getula holbrooki</i>
	Snake, Black Rat	<i>Pantherophis obsoletus</i>
	Snake, Eastern Garter	<i>Thamnophis sirtalis sirtalis</i>
	Snake, Eastern Hog-nosed	<i>Heterodon platirhinus</i>
	Snake, Great Plains Rat	<i>Pantherophis emoryi</i>
	Snake, Red Milk	<i>Lampropeltis triangulum sypila</i>
	Snake, Red-sided Garter	<i>Thamnophis sirtalis parietalis</i>
	Snake, Western Hog-nosed (Plains)	<i>Heterodon nasicus</i>
Class II Wildlife Breeders	Bear, Black (& hybrids) legally obtained under a valid Class II Wildlife Breeder Permit prior to August 30, 2021	<i>Ursus americanus</i>
	Copperhead	<i>Agkistrodon contortrix</i>
	Cottonmouth	<i>Agkistrodon piscivorus</i>
	Lion, Mountain (& hybrids) legally obtained under a valid Class II Wildlife Breeder Permit prior to August 30, 2021	<i>Puma concolor</i>
	Rattlesnake, Pygmy	<i>Sistrurus miliarius</i>
	Rattlesnake, Timber (Canebrake)	<i>Crotalus horridus</i>
	Wolf, Gray legally obtained under a valid Class II Wildlife Breeder Permit prior to August 30, 2021	<i>Canis lupus</i>
Class III Wildlife Breeders	Deer, Mule and their hybrids	<i>Odocoileus hemionus</i>
	Deer, White-tailed and their hybrids	<i>Odocoileus virginianus</i>
	Elk and their hybrids (unless raised for food production and not commingled with mule deer and white-tailed deer and their hybrids)	<i>Cervus elaphus</i>
	Wildlife Exhibitors Permit	Species of wildlife permitted under 3 CSR 10-9.370.



Permittee Type/Classification	Common Name	Scientific Name	
Game Bird Hunting Preserves	Ducks, Mallard	<i>Anas platyrhynchos</i>	
	Partridges, Exotic (all species)	All species	
	Pheasants (all species)	All species	
	Quail (all species)	All species	
Big Game Hunting Preserves	Antelope, Pronghorn	<i>Antilocapra Americana</i>	
	Boar, Wild (including feral hogs, razorback hogs, European boars and other pig species)		
	Caribou (Reindeer)	<i>Rangifer tarandus</i>	
	Deer, Fallow	<i>Dama dama</i>	
	Deer, Mule	<i>Odocoileus hemionus</i>	
	Deer, Red	<i>Cervus</i> species	
	Deer, Sika	<i>Cervus nippon</i>	
	Deer, White-tailed	<i>Odocoileus virginianus</i>	
	Elk	<i>Cervus elaphus</i>	
	Goat, Mountain	<i>Oreamnos americanus</i>	
	Moose	<i>Alces alces</i>	
	Sheep, Bighorn	<i>Ovis canadensis</i>	
	Sheep, Dall	<i>Ovis dalli</i>	
	Ungulates (other species)	deer, antelope deer, goats, sheep, etc.	
	Wildlife Hobby Permit	Badger	<i>Taxidea taxus</i>
		Bobcat	<i>Lynx rufus</i>
Coyote		<i>Canis latrans</i>	
Fox, Gray		<i>Urocyon cinereoargenteus</i>	
Fox, Red		<i>Vulpes Vulpes</i>	
Groundhog (Woodchuck)		<i>Marmota monax</i>	
Mink		<i>Neovison vison</i>	
Muskrat		<i>Ondatra zibethicus</i>	
Opossum		<i>Didelphis virginiana</i>	
Otter, River		<i>Lontra canadensis</i>	
Pheasant, Ring-necked (all subspecies)		<i>Phasianus colchicum</i>	
Quail, Bobwhite (all subspecies)		<i>Colinus virginianus</i>	
Rabbit, Eastern Cottontail		<i>Sylvilagus floridanus</i>	
Rabbit, Swamp		<i>Sylvilagus aquaticus</i>	
Raccoon		<i>Procyon lotor</i>	
Squirrel, Eastern Gray		<i>Sciurus carolinensis</i>	
Squirrel, Fox		<i>Sciurus niger</i>	
Weasel, Least		<i>Mustela nivalis</i>	
Weasel, Long-tailed	<i>Mustela frenata</i>		
Wildlife Collector's Permit	Species and numbers of each are limited to those specified on the permit.		
Resident Falconry Permit	Birds of prey as permitted under 3 CSR 10-9.422.		
Hound Running Area Operator and Dealer Permit	Coyote	<i>Canis latrans</i>	
	Fox, Gray	<i>Urocyon cinereoargenteus</i>	
	Fox, Red	<i>Vulpes Vulpes</i>	
Field Trial Permit	Ducks, Mallard	<i>Anas platyrhynchos</i>	
	Partridges, Exotic (all species)	All species	
	Pheasants (all species)	All species	
	Quail (all species)	All species	
Dog Training Area Permit	Ducks, Mallard	<i>Anas platyrhynchos</i>	
	Partridges, Exotic (all species)	All species	
	Pheasants (all species)	All species	
	Quail (all species)	All species	



AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed Sept. 30, 2010, effective March 1, 2011. Amended: Filed Sept. 27, 2013, effective March 1, 2014. Amended: Filed Feb. 9, 2018, effective July 30, 2018. Amended: Filed Jan. 29, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.106 Confined Wildlife Permits: How Obtained, Replacements

PURPOSE: This rule moves the language in 3 CSR 10-9.630 to the beginning of Chapter 9 for easier reference and better organization.

Confined wildlife permits and replacements for them may be issued only through the department office in Jefferson City upon receipt of proper application and the required permit fee. A service fee of three dollars (\$3) is required for a replacement confined wildlife permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.630. Original rule filed May 9, 2002, effective March 1, 2003.

3 CSR 10-9.110 General Prohibition; Applications

PURPOSE: This rule prohibits the pursuit, taking, possession, or any use of wildlife except as provided in the Code.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Possession of Native Species.

(A) A maximum of five (5) specimens of

any native wildlife not listed in 3 CSR 10-4.110(4) or 3 CSR 10-9.240, except endangered species, bats, dusty hog-nosed snake, Kirtland's snake, western fox snake, and alligator snapping turtles, may be taken and possessed alive by a resident of Missouri without permit, but these animals shall not be bought or sold. Bones, skins, shells, and other parts of such wildlife may be possessed for personal use without permit, but these wildlife parts in any form shall not be bought or sold. Wildlife held under this subsection may not be transported (or shipped) from the state.

(B) Native invertebrates listed in the current *Missouri Species and Communities of Conservation Concern Checklist* booklet, which is hereby incorporated in this Code by reference, may only be collected and held by holders of a Wildlife Collector's Permit and only as prescribed in 3 CSR 10-9.425. This booklet is published annually in January by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions to the Checklist.

(2) Except for federally-designated endangered species and species listed in 3 CSR 10-4.117 and 3 CSR 10-9.240, the following may be bought, sold, possessed, transported, and exhibited without permit: Asian clams (*Corbicula* species) taken from impoundments that are not waters of the state; bison; amphibians, reptiles, and mammals not native to Missouri except those mammals located in a licensed big game hunting preserve; and those birds (except ring necked pheasants and gray partridge) not native to the continental United States.

(3) Fish and crayfish may be bought, sold, transported, propagated, taken, and possessed by any person without permit throughout the year in any number or size and by any method providing—

(A) That person has in his/her possession a dated, written statement showing the number or weight of each species and the weight of extracted fish eggs (raw or processed) of each species, as proof that such animals or fish eggs were obtained from other than waters of the state or from a licensed commercial fisherman, provided that animals or fish eggs from outside the state were legally obtained from a commercial source;

(B) That person shall keep a dated receipt that includes the number or weight of each species and the weight of extracted fish eggs (raw or processed) of each species, that were sold or given away and the name, address,

and signature of the recipient. These receipts shall be retained for three (3) years and shall be made available for inspection by an authorized agent of the department at any reasonable time;

(C) That person is in compliance with all provisions of this Code pertaining to importation, purchase, or sale of endangered species, and importation of live fish or viable fish eggs of the family *Salmonidae*;

(D) Except as further provided in this rule, live crayfish, other than those prohibited in 3 CSR 10-4.117, may be imported, bought, or sold only for—

1. Human consumption; or

2. Scientific research conducted by, or food for confined animals held by, an authorized representative of a university, college, school, incorporated city, state, or federal agency, publicly-owned zoo or wildlife or research organization, or other qualified individual;

(E) Only the Virile (or "Northern") crayfish (*Faxonius virilis*) may be purchased for re-sale or sold for use as live bait. Live Virile (or "Northern") crayfish may not be imported into the state;

(F) That the privileges of this section do not apply to taking or possession in, on, or from waters of the state, waters stocked by the state, or waters subject to movements of fishes into and from waters of the state, except—

1. Animals defined as live bait and possessed under provisions of this section may be possessed on the waters of the state for use as live bait except that bighead carp and silver carp may not be used as live bait but may be used as dead or cut bait;

2. Fish cultured by a commercial fish producer that remain in a man-made impoundment following inundation by flooding from waters of the state as defined in this Code shall be considered the property of the impoundment owner; provided the remaining fish species are the same as were present in the impoundment prior to inundation. Any other fish species in the impoundment shall be considered the property of the state and not available for sale, and shall be returned unharmed immediately to the waters of the state when harvested; and

3. With the written authorization of the director, a privately owned impoundment that is entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and that is designated as waters of the state, may be used for the commercial production of species listed in the Approved Aquatic Species List in 3 CSR 10-9.110 (3)(G) that were not stocked by the department, provided that—



A. The impoundment owner has in his/her possession a dated, written statement showing the number or weight of each species stocked as proof that such animals were legally obtained from other than waters of the state or from a licensed commercial fisherman;

B. The species being produced may be harvested by the methods and under the conditions specified in the director's written authorization. All other species caught during culture activities must be returned unharmed immediately to the water; and

C. Statewide seasons, methods, and limits apply for all other species;

(G) That the privileges of this section apply only to the following:

1. Species listed in the Approved Aquatic Species List (including all subspecies, varieties, and hybrids of the same bought, sold, transported, propagated, taken, and possessed for purposes of aquaculture, but excluding transgenic forms);

2. Species frozen or processed for sale as food products;

3. Species incapable of surviving in fresh water;

4. Fish held only in aquaria, tanks, or other containers having water or solid wastes discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body;

5. Species other than fish held only in aquaria, tanks, or other containers that have the following specifications: all containers including the drain pipe or stand pipe must be completely covered with an intact screen of a maximum mesh size of one-sixteenth inch (1/16") square, and having water or solid wastes discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body; and

6. Species or systems that do not meet the conditions of one (1) of paragraphs 1. through 5. above that have been inspected by a representative of the department and received prior written approval from the director. Only closed systems from which the escape of live organisms (including eggs, parasites, and diseases) is not possible will be approved. A system is considered closed when it is contained securely within an enclosed structure having no discharge of water or solid wastes. Any water or solid wastes removed from the system shall be disposed only into septic systems or municipal

waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources. Outdoor impoundments are not considered closed systems; and

(H) Approved Aquatic Species List.

1. Fishes.

- A. Alligator gar (*Lepisosteus spatula*)
- B. American eel (*Anguilla rostrata*)
- C. Atlantic salmon (*Salmo salar*)
- D. Bighead carp (*Hypophthalmichthys nobilis*)
- E. Bigmouth buffalo (*Ictiobus cyprinellus*)
- F. Black bullhead (*Ameiurus melas*)
- G. Black crappie (*Pomoxis nigromaculatus*)
- H. Blue catfish (*Ictalurus furcatus*)
- I. Bluegill (*Lepomis macrochirus*)
- J. Blue sucker (*Cycleptus elongatus*)
- K. Bluntnose minnow (*Pimephales notatus*)
- L. Bowfin (*Amia calva*)
- M. Brook trout (*Salvelinus fontinalis*)
- N. Brown bullhead (*Ameiurus nebulosus*)
- O. Brown trout (*Salmo trutta*)
- P. Channel catfish (*Ictalurus punctatus*)
- Q. Coho salmon (*Oncorhynchus kisutch*)
- R. Common carp (*Cyprinus carpio*)
- S. Cutthroat trout (*Oncorhynchus clarkii*)
- T. Fathead minnow (*Pimephales promelas*)
- U. Flathead catfish (*Pylodictis olivaris*)
- V. Freshwater drum (*Aplodinotus grunniens*)
- W. Gizzard shad (*Dorosoma cepedianum*)
- X. Golden shiner (*Notemigonus crysoleucas*)
- Y. Golden trout (*Oncorhynchus aguabonita*)
- Z. Goldfish (*Carassius auratus*)
- AA. Grass carp (*Ctenopharyngodon idella*)
- BB. Green sunfish (*Lepomis cyanellus*)
- CC. Largemouth bass (*Micropterus salmoides*)
- DD. Longear sunfish (*Lepomis megalotis*)
- EE. Longnose gar (*Lepisosteus osseus*)
- FF. Mosquitofish (*Gambusia affinis*)
- GG. Muskellunge (*Esox masquinongy*)
- HH. Northern pike (*Esox lucius*)
- II. Orangespotted sunfish (*Lepomis humilis*)
- JJ. Paddlefish (*Polyodon spathula*)

- KK. Pumpkinseed (*Lepomis gibbosus*)
 - LL. Quillback (*Carpionodes cyprinus*)
 - MM. Rainbow trout (*Oncorhynchus mykiss*)
 - NN. Redear sunfish (*Lepomis microlophus*)
 - OO. River carpsucker (*Carpionodes carpio*)
 - PP. Sauger (*Sander canadensis*)
 - QQ. Shortnose gar (*Lepisosteus platostomus*)
 - RR. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)
 - SS. Smallmouth bass (*Micropterus dolomieu*)
 - TT. Spotted bass (*Micropterus punctulatus*)
 - UU. Spotted gar (*Lepisosteus oculatus*)
 - VV. Striped bass (*Morone saxatilis*)
 - WW. Threadfin shad (*Dorosoma petenense*)
 - XX. Walleye (*Sander vitreus*)
 - YY. Warmouth (*Lepomis gulosus*)
 - ZZ. White bass (*Morone chrysops*)
 - AAA. White crappie (*Pomoxis annularis*)
 - BBB. White sucker (*Catostomus commersoni*)
 - CCC. Yellow bullhead (*Ameiurus natalis*)
 - DDD. Yellow perch (*Perca flavescens*)
2. Crustaceans.
- A. Calico ("papershell") crayfish (*Faxonius immunitis*)
 - B. Freshwater prawn (*Macrabrachium rosenbergii*)
 - C. Pacific white shrimp (*Litopenaeus vannamei*)
 - D. Red swamp crawfish (*Procambarus clarkii*)
 - E. Virile (or "Northern") crayfish (*Faxonius virilis*)
 - F. White River crawfish (*Procambarus acutus*)

(I) Fish listed on the Approved Aquatic Species List in subsection (3)(H) of this rule, may be exhibited without permit.

(4) Live fish, their eggs, and gametes of the family *Salmonidae* (trouts, char, salmon) may be imported to the state only by the holder of a salmonid importation permit and any other appropriate state permit. An importation permit shall be required for each shipment and will be issued at no charge. Application forms for the salmonid importation permit can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. The application for salmonid importation permit must be received not less than fifteen (15) nor more



than eighty (80) days prior to the proposed date of shipment. Prior to permit issuance, the immediate source of the importation must be currently certified as negative for viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state, must have been certified negative for the previous three (3) consecutive years, and must not pose a threat of introducing unwanted species. When importing live fish, the immediate source of importation must be certified as currently free of *Salmincola* spp. Certification will only be accepted from federal, state, or industry personnel approved by the department and only in accordance with provisions on the permit application form. Fish, eggs, and gametes imported under this permit are subject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule was previously filed as 3 CSR 10-4.110(5), (6), and (10). Original rule filed June 26, 1975, effective July 7, 1975. Amended: Filed July 15, 1976, effective Dec. 31, 1976. Amended: Filed April 20, 1978, effective Aug. 15, 1978. Amended: Filed July 15, 1978, effective Oct. 12, 1978. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed July 27, 1982, effective Jan. 1, 1983. Amended: Filed Aug. 1, 1983, effective Jan. 1, 1984. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed July 30, 1987, effective Jan. 1, 1988. Amended: Filed Aug. 8, 1989, effective Jan. 1, 1990. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Amended: Filed May 10, 1991, effective Jan. 1, 1992. Amended: Filed April 28, 1992, effective Feb. 26, 1993. Emergency amendment filed Dec. 29, 1992, effective Jan. 9, 1993, expired May 8, 1993. Amended: Filed Dec. 29, 1992, effective June 7, 1993. This version of rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed July 9, 1997, effective March 1, 1998. Amended: Filed May 6, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed June 1, 2001, effective*

Oct. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004, effective March 30, 2005. Amended: Filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed April 17, 2006, effective Sept. 30, 2006. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Aug. 14, 2007, effective Jan. 30, 2008. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed March 23, 2009, effective March 1, 2010. Amended: Filed Sept. 25, 2009, effective March 1, 2010. Amended: Filed Sept. 30, 2010, effective March 1, 2011. Amended: Filed March 7, 2011, effective July 30, 2011. Amended: Filed Sept. 12, 2011, effective March 1, 2012. Amended: Filed Sept. 19, 2012, effective March 1, 2013. Amended: Filed Sept. 27, 2013, effective March 1, 2014. Amended: Filed Sept. 17, 2014, effective March 1, 2015. Amended: Filed Aug. 29, 2016, effective March 1, 2017. Amended: Filed Aug. 29, 2017, effective March 1, 2018. Amended: Filed March 1, 2019, effective July 30, 2019. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.220 Wildlife Confinement Standards

PURPOSE: This rule establishes standards to be followed by those holding wildlife in captivity to assure the animals are confined in humane and sanitary conditions and in ways that prevent escape.

(1) Cages, pens, or other enclosures for confining wildlife shall be well braced, securely fastened to the floor or ground, covered with a top as required, and constructed with material of sufficient strength to prevent escape. Animals may not be released to the wild and must be confined at all times in cages, pens, or enclosures except in lead or drag races, or birds held under a falconry permit or as otherwise permitted in this chapter. Except for unweaned young, Class II wildlife and bobcat, American badger, coyote, red fox, and gray fox may not roam freely anywhere within a residence or inhabited dwelling. The following requirements shall be met:

(A) Any person holding any wildlife in confinement under permit within the provision of this chapter shall report all escapes immediately to a conservation agent;

(B) Clean drinking water shall be available

in adequate amounts at all times. Semiaquatic animals, such as beaver and muskrat, shall be provided a pool of sufficient water depth for the animal to completely submerge;

(C) A shelter shall be provided for security and protection from inclement weather. Shade or an overhead structure shall be provided in warm seasons;

(D) Confined wildlife shall be fed daily or as required with a diet appropriate to the species and the age, size, and condition of the animal. Feeding containers shall be kept clean and uneaten food removed within a reasonable time;

(E) Animal wastes shall be removed daily and disposed of properly. If bedding is provided, it shall be cleaned out and replaced every two (2) weeks;

(F) Facilities for holding captive-reared migratory waterfowl must be designed to prevent escape to surrounding properties and managed to prevent contact with non-captive migratory waterfowl. Captive-reared mallard ducks may be temporarily released for flight exercise beginning one (1) hour after sunrise. Facilities must be designed to re-capture such ducks, and a reasonable effort must be made to re-capture them by one (1) hour after sunset each day; and

(G) Captive-reared mallard ducks must be physically marked prior to six (6) weeks of age by removal of the hind toe from the right foot, or by tattooing of a readily discernible number or letter or combination thereof on the web of one (1) foot. Other captive-reared migratory waterfowl must be physically marked prior to six (6) weeks of age by at least one (1) of the following methods and as provided in federal regulations:

1. Removal of the hind toe from the right foot;

2. Pinioning of a wing; provided that this method shall be the removal of the metacarpal bones of one (1) wing or a portion of the metacarpal bones which renders the bird permanently incapable of flight;

3. Banding of one (1) metatarsus with a seamless metal band; and

4. Tattooing of a readily discernible number or letter or combination thereof on the web of one (1) foot.

NOTE: For federal regulations on migratory waterfowl, see Title 50, Parts 20 and 21 of the Code of Federal Regulations.

(2) Cages, pens, or other enclosures for Class I and Class III wildlife shall meet the following standards:



Species	Minimum Enclosure Space (sq. ft.)	Space Per Each Additional Animal (sq. ft.)	Enclosure Height (ft.)
(A) American Badger	30	6	4
(B) Beaver	40	8	5
(C) Bobcat	32	8	6
(D) Coyote	80	25	6
(E) E. Cottontail Rabbit	15	3	3
(F) Fox Squirrel	9	3	4
(G) Gray Fox	40	8	5
(H) Gray Squirrel	9	3	4
(I) Groundhog	12	3	5
(J) Mink	9	3	2
(K) Muskrat	12	5	3
(L) Otter	36	6	4
(M) Raccoon	24	6	5
(N) Red Fox	40	8	5
(O) Virginia Opossum	12	3	3
(P) Wease	9	3	2
(Q) Cervids	500	125	See 3 CSR 10-9.220(3)

(3) Cages, pens, or other enclosures of individuals permitted to hold cervids shall meet the standards and requirements provided in this section:

(A) Cages, pens, or other enclosures.

1. All fencing shall extend at least a minimum of eight feet (8') high for its entire length, and consist of not smaller than twelve and one-half (12 1/2) gauge woven or high-tensile woven wire, not smaller than six (6) gauge welded wire, not smaller than nine (9) gauge chain link, or wood planks.

2. Spacing between vertical wires and wooden planks shall not exceed six and one-half inches (6 1/2").

3. If two (2) or more fences are combined, one (1) above the other, the fences shall be overlapped at least six inches (6") and firmly attached to each other at intervals no greater than three feet (3') or combined and firmly attached to each other at intervals no greater than twelve inches (12") apart.

4. The fence shall be installed and maintained to provide not more than three inches (3") of ground clearance for its entire length.

(B) Right-of-way.

1. The fence right-of-way shall be cleared of woody vegetation less than six inch (6") diameter at breast height for a minimum distance of six feet (6') on the outside of the fence on land(s) under his/her control and six feet (6') on the inside of the fencing. For enclosures and additions constructed after June 30, 2019, the fence right-of-way shall be cleared of all woody vegetation for a mini-

imum distance of six feet (6') on the outside and the inside of the fencing.

2. All dead trees with a height greater than the distance to the fence on land(s) under his/her control shall be felled.

(C) Fence posts shall extend at least a minimum of eight feet (8') high, shall be of sufficient strength, and placed to maintain fence integrity.

(D) Gates shall be locked, latched, and constructed to meet or exceed the standards of the fence.

(E) Water gaps and stream crossings shall be constructed and maintained in a condition to prevent ingress and egress of cervids at all times.

(F) If topographic, natural, or other conditions exist that enable cervids to pass through, under, or over the fence, the permit holder shall be required to supplement the fence with additional, stronger or higher fence posts, special grading, additional fencing, or other measures to prevent ingress and egress of cervids at all times.

(G) Fencing shall be maintained in a condition to prevent ingress and egress of cervids at all times.

(4) Care of confined turtles shall meet requirements set out in section (1). At least ten (10) gallons of water shall be provided for each adult aquatic turtle over four inches (4") in shell length, and three (3) gallons of water shall be provided for each hatchling or turtle under four inches (4") in shell length. At

least four (4) square feet of ground space shall be provided for each box turtle over three inches (3") in shell length and one (1) square foot of ground space shall be provided for each hatchling or turtle under three inches (3") in shell length.

(5) Cages, pens, or other enclosures for confining Class II wildlife shall be constructed to prevent direct physical contact with the public. At a minimum, this may be accomplished by a secondary barrier of wire mesh no smaller than eleven and one-half (11 1/2) gauge with openings of no more than nine (9) square inches, with a minimum distance of three feet (3') between animal cage and public and a minimum height of six feet (6'). Doors shall remain locked at all times with appropriate locks and chains. Enclosures shall be constructed with a den, nest box, or connected housing unit that can be closed off and locked with the animal inside, or be a divided cage with a door between the compartments, to allow servicing and cleaning. The enclosure mesh size or spacing of bars shall be sufficient to prevent escape. A barrier system of wet or dry moats or structures, as approved by the American Association of Zoological Parks and Aquariums, will meet these requirements.

(A) Class II wildlife shall be confined in cages, pens, enclosures, or in buildings of sufficient strength with restraints affixed to all windows, doors, or other means of entry or exit.

(B) Cages, pens, or other enclosures for Class II wildlife shall meet the standards outlined in Appendix A of this rule, which is included herein.

(6) Mobile temporary enclosures and wildlife auction/sale facilities may be used to confine wildlife, except Class III wildlife, for no more than fourteen (14) days and shall meet the following criteria:

(A) Facilities or enclosures shall be of sufficient size to ensure that each animal or compatible groups of animals can stand erect, turn about freely, and lie naturally. Facilities or enclosures shall be designed to provide fresh air, be free from injurious drafts and engine exhaust fumes, and provide adequate protection from the elements. The structural strength of the facilities shall be sufficient to contain the wildlife and to withstand the normal rigors of transportation;

(B) Class I wildlife facilities or enclosures shall contain doors that are locked when unattended, but easily accessible at all times for emergency removal of the wildlife;

(C) Facilities or enclosures for Class II wildlife and bobcat, American badger, coyote, red fox, and gray fox shall be designed to



prevent direct physical contact by the public and constructed of steel or case-hardened aluminum. Facilities or enclosures must have at least two (2) openings which are easily accessible at all times for emergency removal of the wildlife. Doors shall be locked at all times; and

(D) Venomous reptiles shall only be transported in a strong escape-proof enclosure capable of withstanding a strong impact. Enclosures shall be locked and prominently labeled with the owner's full name, address, telephone number, list of species being transported, and a sign labeled VENOMOUS.

(7) Other wildlife native to Missouri not listed in sections (2) and (5) and in rule 3 CSR 10-9.110, and birds native to the continental United States, shall be cared for and confined in facilities that provide comparable requirements for similar size animals as listed in this rule.

(8) Requirements of this rule shall not apply to wildlife under the care of a veterinarian or rehabilitation center, or to animals legally held in publicly owned zoos and American Zoo and Aquarium Association (AZA) accredited not-for-profit facilities.

(9) Other variations from requirements of this rule shall be only as specifically authorized by the director.



APPENDIX A

CAGE, PEN, OR OTHER ENCLOSURE STANDARDS FOR CLASS II WILDLIFE

3 CSR 10-9.220 (5)

Species	Enclosure Space (sq. ft.)	Space per Each Additional Animal	Enclosure Height (feet)	Cage Material
Black Bear or hybrids	150	50% larger	8(w/top) or 10(w/o top - 12 after 3/03)	Not smaller than 9 gauge steel chain link; top required for 8-foot enclosure; 3-foot lean-in on top of fence acceptable for 10-foot enclosure. (For enclosures constructed after 3-1-03, height (without top) must be 12 feet with 3-foot lean-in on top; two strands of hot wire (8000-10000 volt) on fence, one strand on lean-in, one strand along bottom or middle of fence; 4-inch concrete floor or non-rust 9 gauge chain link buried 2 feet and angled underground toward enclosure interior, or for pens anchored flush with ground, 3-foot interior dig-out panel required at ground surface.)
Mountain Lion or hybrids	200	50% larger	8	Not smaller than 11 gauge steel chain link; top required
Wolf	200	50% larger	6	Not smaller than 9 gauge steel chain link; 4-inch concrete floor or non-rust 9 gauge chain link buried 2 feet and angled underground toward enclosure interior, or for pens anchored flush with ground, 3-foot interior dig-out panel required at ground surface; top required, except 8-foot fence with 3-foot lean-in acceptable for wolves.
Venomous Snakes	(Perimeter must be 1 1/2 times length of longest snake)	25% larger		When on public display outside approved confinement facility, any side of exhibit cage exposed to the public shall have a double glass or escape-proof double mesh barrier designed to prevent contact between venomous reptile and the public.



AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule was previously filed as 3 CSR 10-3.020. Original rule filed Nov. 2, 1984, effective Feb. 11, 1985. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed May 10, 1991, effective Jan. 1, 1992. Amended: Filed June 2, 1992, effective Feb. 26, 1993. Amended: Filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed Oct. 12, 1994, effective March 30, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed May 6, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Nov. 25, 2003, effective April 30, 2004. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed June 13, 2014, effective Jan. 30, 2015. Amended: Filed Feb. 26, 2015, effective July 30, 2015. Amended: Filed Dec. 14, 2018, effective June 30, 2019. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.223 Wildlife Movement: Certification, Requirements

PURPOSE: This rule clarifies that all wildlife held or transported in confinement shall comply with applicable state and federal animal health standards and movement requirements.

(1) All persons holding or transporting wildlife in confinement shall comply with applicable state and federal regulations for animal health standards and movement requirements. These records shall be maintained on the premises and shall be subject to inspection by a conservation agent at any reasonable time for a period of at least five (5) years.

(2) Live white-tailed deer, white-tailed deer-hybrids, mule deer, mule deer-hybrids, raccoons, foxes, and coyotes may not be imported into this state. The movement of Class III wildlife held under permit within the provisions of this chapter shall also comply with 3 CSR 10-9.354 and 3 CSR 10-9.565.

(3) Live skunks may not be imported, bought, sold, transported, given away, or otherwise disposed of in this state.

(4) Live Eastern cottontail rabbits, swamp rabbits, and jackrabbits may only be imported or transported into this state, as follows:

(A) Eastern cottontail rabbits, swamp rabbits, and jackrabbits originating from a state or country where Rabbit Hemorrhagic Disease (RHD) has been diagnosed in the prior twelve (12) months may not be imported or transported into Missouri. Eastern cottontail rabbits, swamp rabbits, and jackrabbits originating from a state or country other than those where RHD has been diagnosed in the prior twelve (12) months may be imported only by the holder of an entry permit issued by the state wildlife veterinarian;

(B) Any person requesting entry of such rabbits or hares shall submit a Certificate of Veterinary Inspection to the state wildlife veterinarian. To obtain an entry permit from the state wildlife veterinarian, the Certificate of Veterinary Inspection must state the following:

1. All eastern cottontail rabbits, swamp rabbits, and jackrabbits in the shipment have been examined within seventy-two (72) hours of shipment for and found free of communicable diseases and have originated from a single premise that has no signs of a communicable disease;

2. There has been no movement of rabbits or hares onto the originating premises within thirty (30) days prior to the shipment; and

3. No rabbits in the shipment have had contact with free-ranging wild rabbits or hares within thirty (30) days prior to the shipment; and

(C) For the purposes of this section, the term Certificate of Veterinary Inspection means a legible record made on an official form of the state of origin, issued by an accredited licensed veterinarian. The official Certificate of Veterinary Inspection shall state that the animal(s) are free of visible signs of contagious, infectious, or communicable disease and describe the animal(s) by species, breed, sex, and age.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.230 Class I Wildlife

PURPOSE: This rule establishes a new category for certain wildlife—wildlife inherently dangerous to humans and the provisions for private ownership of these species.

Class I wildlife shall include birds (including ring-necked pheasants and gray partridge) native to the continental United States, and those species of mammals (except bison and those listed in 3 CSR 10-9.240 and 3 CSR 10-9.250) and nonvenomous reptiles and amphibians native to Missouri. Permits to hold Class I wildlife in confinement will only be issued for the specific species of wildlife approved for each permit type on the Approved Confined Wildlife Species List in 3 CSR 10-9.105.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed Dec. 26, 2002, effective May 30, 2003. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

3 CSR 10-9.240 Class II Wildlife

PURPOSE: This rule identifies those species that can only be held under provisions of a Class II wildlife breeder permit.

Class II wildlife shall include copperheads, cottonmouths, timber rattlesnakes, pygmy rattlesnakes, massasauga rattlesnakes, mountain lions or mountain lion-hybrids, wolves or wolf-hybrids, and black bears or black bear-hybrids. Permits to hold Class II wildlife in confinement will only be issued for the specific species of wildlife approved for each permit type on the Approved Confined Wildlife Species List in 3 CSR 10-9.105.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 6, 1993, effective Jan. 31, 1994. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

3 CSR 10-9.250 Class III Wildlife

PURPOSE: This rule defines Class III wildlife and clarifies that permits to hold cervids in confinement will only be required for those species of Class III wildlife listed on the Approved Confined Wildlife Species List.

Class III wildlife shall include all cervids as defined in 3 CSR 10-20.805. Permits to hold Class III wildlife in confinement are only required for the specific species of wildlife approved for each permit type on the



Approved Confined Wildlife Species List in 3 CSR 10-9.105.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.

3 CSR 10-9.350 Class I Wildlife Breeder Permit

PURPOSE: This rule establishes a permit for wildlife breeders.

(1) To exercise the privileges of a Class I wildlife breeder. Fee: fifty dollars (\$50).

(2) The following exemptions to the Class I Breeder Permit requirements of this chapter shall apply:

(A) A Class I wildlife breeder permit shall not be required for wildlife legally held by publicly owned zoos, or Association of Zoos and Aquariums (AZA) accredited not-for-profit facilities; however, such wildlife may not be held for personal use;

(B) A Class I wildlife breeder permit shall not be required of individuals holding migratory birds under valid federal authorization; except that a Class I Wildlife Breeder Permit or a Licensed Hunting Preserve Permit is required if captive-reared mallard ducks are held for the purpose of sale to or use in hunting preserves, field trials, or dog training areas, as prescribed in this chapter. Captive-reared mallard ducks may not be hunted except as prescribed in 3 CSR 10-9.565, 3 CSR 10-9.625, or 3 CSR 10-9.628 of this Code, and federal regulations. All captive-reared migratory waterfowl must be confined and marked as prescribed in 3 CSR 10-9.220.

NOTE: For federal regulations on migratory waterfowl, see Title 50, Parts 20 and 21 of the Code of Federal Regulations; and

(C) A Class I Wildlife Breeder Permit shall not be required for the propagation, sale, or display of birds of prey by persons holding a valid federal permit; provided that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.750. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. Amended: Filed May 22, 1978, effective Sept. 15, 1978. Amended: Filed Aug. 29, 1980, effective Jan. 1, 1981. Emergency amendment filed Nov. 2, 1992, effective Jan. 1, 1993, expired Jan. 15, 1993. Amended: Filed June 2, 1992, effective Jan. 15, 1993. Amended: Filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

3 CSR 10-9.351 Class II Wildlife Breeder Permit

PURPOSE: This rule establishes a new permit for holders of wildlife classified as inherently dangerous to humans.

(1) To exercise the privileges of a Class II wildlife breeder, except these privileges may only be exercised for black bears and black bear-hybrids, mountain lions and mountain lion-hybrids, and wolves obtained under a valid Class II Wildlife Breeder Permit prior to August 30, 2021. Fee: two hundred fifty dollars (\$250).

(2) The following exemptions to the Class II breeder permit requirements of this chapter shall apply:

(A) Wolf-hybrids are exempt from permit requirements; and

(B) Wildlife legally held by publicly owned zoos, or Association of Zoos and Aquariums (AZA) accredited not-for-profit facilities are exempt from permit requirements; however, such wildlife may not be held for personal use.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Jan. 29, 2021, effective Aug. 30, 2021.

3 CSR 10-9.352 Class III Wildlife Breeder Permit

PURPOSE: This rule establishes a Class III Wildlife Breeder Permit for breeders holding Class III wildlife that is required to be permitted and establishes the permit exemptions.

(1) To exercise the privileges of a Class III wildlife breeder. Fee: fifty dollars (\$50).

(2) The following exemptions to the Class III Wildlife Breeder Permit requirements of this chapter shall apply:

(A) Class III wildlife held in confinement that are not listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 are exempt from permit requirements; and

(B) Elk raised for food production and that are held separate so as to prevent commingling with other cervids listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 are exempt from permit requirements.

(3) For purposes of this chapter, animals are

commingling or commingled if they have direct contact with each other, have less than ten feet (10') of physical separation, or have indirect contact through shared equipment, pasture, or water sources. Animals are considered to have commingled if they have had such contact with a Chronic Wasting Disease (CWD)-positive animal or contaminated premises within the last five (5) years.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders

PURPOSE: This rule establishes privileges and requirements for wildlife breeders. It has been reorganized from an older version to provide better organization and understanding; and to clarify that migratory waterfowl may be reared and held in captivity as provided in federal regulations but that such waterfowl may only be hunted as provided in 3 CSR 10-9.625 of this Code.

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be held in confinement by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location indicated on the permit. Class I wildlife may also be propagated or reared at a specific location listed on the permit, and Class I and Class II gamebirds, amphibians, and reptiles may be propagated, reared, or exhibited by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location listed on the permit. Applicants for a Class II Wildlife Breeder permit must qualify by passing with a score of at least eighty percent (80%) on a written examination provided by the department.

(2) Such wildlife may be possessed, used, sold, given away, transported, or shipped; provided, the provisions of 3 CSR 10-9.223 are followed and that state and federally-designated endangered species may not be sold without the written approval of the director; that black bears and black bear-hybrids, mountain lions and mountain lion-hybrids, and wolves may not be sold or given away to the holder of a Class II wildlife breeder permit; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section (5) of this rule.

(3) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the



wild stock of this state; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.

(4) Cities, towns, and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply, no permit will be issued by the department. Persons possessing Class II wildlife must comply with all requirements of section 578.023, RSMo.

(5) Wildlife, except skunks, foxes, coyotes, and raccoons may be shipped, transported, or consigned to a wildlife breeder by nonresidents without a Missouri wildlife breeder permit, but that wildlife shall be accompanied by appropriate permit or other proof of legality in the state of origin. Persons purchasing wildlife at consignment sales shall obtain a wildlife hobby or appropriate wildlife breeder permit prior to the purchase, except nonresidents may possess and transport purchased wildlife without permit for forty-eight (48) hours following close of the sale.

(6) Notification of the date and place of any public sale of consigned wildlife shall be provided to the conservation agent of the county in which the sale will be held not less than thirty (30) days prior to the sale.

(7) All black bears and black bear-hybrids, mountain lions and mountain lion-hybrids, and wolves defined as Class II wildlife in 3 CSR 10-9.240 and introduced into a Class II wildlife breeder operation and/or currently held under such permit are subject to the following requirements:

(A) Animals shall be permanently tagged or marked with an identification number via a subcutaneous microchip Passive Integrated Transponder tag (PIT tag) provided by the department implanted along the animal's back between the shoulder blades, which uniquely identifies each individual animal;

(B) A blood or tissue sample sufficient for DNA analysis for each animal shall be submitted to the department upon request; and

(C) The holder of a Class II wildlife breeder permit shall report the death, sale, or transfer of any animal within three (3) days to a conservation agent, including the identification number from the animal's subcutaneous microchip. Microchips shall not be reused in other animals.

(8) The holder of a Class I or Class II wildlife breeder permit may exhibit wildlife at the

locations of wildlife consignment sales for the purpose of sale. Class I and Class II gamebirds, amphibians, and reptiles may be exhibited by the holder of the appropriate Class I or Class II wildlife breeder permit at locations other than those listed on the permit.

(9) Any sale, shipment, or gift of wildlife by a Class I or Class II wildlife breeder shall be accompanied by a written statement giving the breeder permit number and showing the number of each species and the name and address of the recipient.

(10) The holder of a Class I wildlife breeder permit may sell legally acquired game bird eggs or dressed or processed quail, pheasants, and partridges at retail and to commercial establishments under provisions of 3 CSR 10-10.743, provided all sales are accompanied by a valid invoice, and the required records are maintained by the wildlife breeder.

(11) No Class I or II wildlife may be liberated unless specific permission has been granted on written application to the conservation agent in the county where the release is to be made.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. Amended: Filed July 20, 1977, effective Jan. 1, 1978. Amended: Filed May 22, 1978, effective Sept. 15, 1978. Amended: Filed Feb. 28, 1980, effective June 12, 1980. Amended: Filed Aug. 29, 1980, effective Jan. 1, 1981. Amended: Filed April 6, 1981, effective July 11, 1981. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed July 27, 1982, effective Jan. 1, 1983. Amended: Filed Nov. 28, 1983, effective April 12, 1984. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Emergency amendment filed Nov. 2, 1992, effective Jan. 1, 1993, expired Feb. 26, 1993. Amended: Filed June 2, 1992, effective Feb. 26, 1993. Amended: Filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed May 6, 1998, effective March 1, 1999. Emergency amendment filed March 11, 2002, effective March 21,*

2002, terminated Aug. 27, 2002. Amended: Filed March 11, 2002, effective July 30, 2002. Emergency amendment filed Aug. 14, 2002, effective Aug. 24, 2002, expired Feb. 10, 2003. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Aug. 14, 2002, effective March 30, 2003. Amended: Filed Dec. 30, 2003, effective May 30, 2004. Amended: Filed Aug. 30, 2004, effective Jan. 30, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Rescinded and readopted: Filed Oct. 2, 2006, effective March 30, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed March 23, 2009, effective March 1, 2010. Amended: Filed Sept. 25, 2009, effective March 1, 2010. Amended: Filed March 12, 2010, effective Aug. 30, 2010. Amended: Filed June 13, 2014, effective Jan. 30, 2015. Amended: Filed Feb. 26, 2015, effective July 30, 2015. Amended: Filed April 9, 2020, effective Sept. 30, 2020. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.354 Privileges of Class III Wildlife Breeders

PURPOSE: This rule establishes the privileges and requirements for Class III wildlife breeders.

(1) Except as otherwise provided in 3 CSR 10-9.352, Class III wildlife may be propagated, bought, sold, reared, or held in captivity by the holder of the appropriate Class III Wildlife Breeder Permit only at the specific location identified on the permit. Applicants for a Class III Wildlife Breeder Permit must qualify with a score of at least eighty percent (80%) on a written examination provided by the department to test their knowledge of these regulations. The privileges and requirements of this rule shall apply only to those species (including their hybrids) listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 for Class III Wildlife Breeders.

(2) Such Class III wildlife shall be moved, transported, or received by the holder of Class III Wildlife Breeder Permit in accordance with the following:

(A) Only the holder of a Class III Wildlife Breeder Permit with movement qualified status may receive or move permitted Class III wildlife within and outside of the state; in addition to any certificates required by the importing state. Class III Wildlife Breeder



Permit holders will attain and maintain movement-qualified status if they—1) maintain a complete and accurate inventory (including identification requirements) as required in this chapter, 2) conduct Chronic Wasting Disease testing as required in this chapter, and 3) maintain all fences as required in this chapter. The holder of a Class III Wildlife Breeder Permit will lose movement qualified status if, after issuance of a notice of discrepancy by the department specifying the violation of any of the requirements in this section, the permit holder fails to correct the deficiency within thirty (30) days. Movement qualified status will be reinstated when the permit holder receives notice from the department that the discrepancy has been corrected;

(B) Class III wildlife transported within the state must be accompanied by a Movement Certificate issued by the department prior to movement and transported on the date specified on the Movement Certificate for transfer. The Movement Certificate must be complete, accurate, and contain the official identification, age, gender, species, complete address of both the origin and destination, complete name and address of both the buyer and seller, and the permit numbers of all parties to the transaction. The original Movement Certificate must accompany the shipment. A complete copy showing acceptance of the shipment by the buyer shall be submitted to the department within fourteen (14) days of shipment, and a copy shall be maintained by the herd of origin for at least five (5) years, unless otherwise documented in a department-provided database. Movement of Class III wildlife within the state may only occur between movement-qualified Class III breeders or from movement-qualified Class III breeders to hunt-qualified licensed big game hunting preserves; and

(C) Movement of any Class III wildlife without an approved Movement Certificate or maintaining non-movement qualified status for over ninety (90) days, except as otherwise provided, shall be sufficient cause for permit suspension or revocation.

(3) Applications for a Class III Wildlife Breeder Permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source that is the holder of a Class III Wildlife Breeder Permit with movement-qualified status; that the applicant will confine the wildlife in facilities that meet the standards specified in 3 CSR 10-9.220; and that the applicant will prevent all other hoofed wildlife from becoming part of the enterprise. Any person applying for a Class III Wildlife Breeder Permit shall complete an application involving an on-site inspection by a conservation agent of the area prior to and following construction activities

to determine that all provisions of this rule are met before a permit is issued.

(4) The holder of a Class III Wildlife Breeder Permit may not hunt its stock but may kill animals within its herd for purposes of herd management only with written authorization from a conservation agent.

(5) The holder of a Class III Wildlife Breeder Permit shall report escaped or otherwise missing animals or the entry of any free-ranging animals immediately to a conservation agent.

(6) Animal identification requirements for Class III wildlife.

(A) All permitted Class III wildlife must be identified with two (2) unique animal identification numbers for each animal. One (1) of the animal identification numbers must be from the United States Department of Agriculture-approved animal identification numbering system that uniquely identifies individual animals. The second animal identification number must be a dangle tag that is unique for the individual animal within the herd and linked to the same animal and herd. The unique animal identification numbers may be used on two (2) separate identification devices on the same animal to fulfill the identification requirements.

(B) Natural additions to the herd must be identified by March 31 each year. At least one (1) animal identification device must be visible or readable from a distance during herd inventories.

(C) Removal of official identification devices is prohibited, unless otherwise approved by the state wildlife veterinarian.

(7) Testing requirements for Class III wildlife.

(A) For purposes of this section, an eligible mortality means any mortality of a cervid at least twelve (12) months of age. The permit holder must test all eligible mortalities for Chronic Wasting Disease (CWD), a transmissible spongiform encephalopathy. Samples must be collected by an accredited veterinarian or department-certified collector. Samples must be submitted to a diagnostic laboratory approved by the United States Department of Agriculture (USDA) for CWD testing within thirty (30) days of death. For purposes of this section, an ante-mortem CWD test is not valid unless it is performed by an accredited veterinarian on retropharyngeal lymph node, rectal mucosa, or tonsillar tissue with at least six (6) lymphoid follicles submitted within thirty (30) days of collection on an animal that is at least eighteen (18) months of age and has not been a source of ante-mortem testing within the prior twenty-

four (24) months. The department reserves the right to require additional sampling and testing during disease investigations or morbidity/mortality events.

(B) At least eighty percent (80%) of samples submitted during the permit year must produce valid results by the diagnostic laboratory. To be considered a sample that produced a valid result, the sample must have been suitable, testable, and not rejected for any other reason. If less than eighty percent (80%) of samples are valid, then the permit holder must provide sufficient replacement samples to achieve this requirement. Replacement samples may consist of either post-mortem sample(s) at a one to one (1:1) ratio taken from other animal(s) of similar age and time in the facility, if possible; or ante-mortem samples at a three to one (3:1) ratio taken from other animal(s) of similar age and time in the facility, if possible; or valid post-mortem sample results obtained from a licensed big game hunting preserve for any cervid that can be traced to the Class III permit holder's facility within the past twelve (12) months.

(C) Class III wildlife breeders possessing more than ten (10) cervids on March 31 of any year must submit a minimum number of valid CWD sample(s) during the subsequent twelve (12) months (April 1 to March 31 of the following year). The minimum sample requirement equals the number of cervids on March 31 multiplied by two and five tenths percent (2.5%), with the result rounded up. If valid samples submitted during this period do not meet the minimum requirement, valid replacement samples shall be provided. If needed to achieve the minimum requirement, replacement samples may consist of either post-mortem sample(s) at a one to one (1:1) ratio taken from other animal(s) of similar age and time in the facility, if possible; or ante-mortem samples at a three to one (3:1) ratio taken from other animal(s) of similar age and time in the facility, if possible; or valid post-mortem sample results obtained from a licensed big game hunting preserve for any cervid that can be traced to the Class III wildlife breeder's facility within the past twelve (12) months. Class III wildlife breeders possessing ten (10) or fewer cervids on March 31 for two (2) consecutive years shall submit a minimum of at least one (1) valid CWD sample from an eligible mortality for testing by the end of the second year. Class III wildlife breeders with five (5) or fewer cervids that do not meet this minimum requirement shall lose their movement-qualified status, but shall not have their permit suspended or revoked solely for noncompliance with this requirement.



(D) Samples in which the infectious CWD prion is detected using immunohistochemistry (IHC) or is confirmed at the USDA National Veterinary Services Laboratory will be considered a CWD positive. Any facility with a positive sample will immediately be quarantined by the state wildlife veterinarian, and no Movement Certificates allowing movement into or out of the facility will be issued except as authorized by the state wildlife veterinarian in accordance with an approved herd disease response plan. Additionally, any facility that is or has been in possession of a cervid that was in a CWD positive facility shall be quarantined, and no Movement Certificates allowing movement into or out of the facility will be issued until it is determined that the facility is not epidemiologically linked to the CWD positive cervid, or further testing determines that the suspect cervid is not a confirmed positive.

(E) In the event of a mass casualty/death event, the director of the department may exempt the holder of a Class III wildlife breeder permit from the CWD testing requirements. For an exemption to be granted, the following conditions apply:

1. All mass casualty/mortality event exemption requests must originate from an accredited veterinarian, be submitted in writing to the state wildlife veterinarian, and accompanied by appropriate confirmatory laboratory tests; and

2. The department will have access to collect and submit disease samples from all known cases of mortality for cervids associated with the mass casualty/mortality event. The Class III wildlife breeder must take reasonable steps to ensure that the carcasses and/or heads are sufficiently preserved in order to allow disease samples to be taken.

(F) The holder of a Class III Wildlife Breeder Permit must ensure that all CWD test results required by this section shall be submitted to the state wildlife veterinarian by the USDA-approved diagnostic laboratory within seven (7) days of completion of testing.

(8) In the event of confirmed positive results from a Chronic Wasting Disease test, the permit holder shall comply with a herd disease response plan approved by the department. The plan may include, but not be limited to, quarantine requirements, testing requirements, partial or total depopulation, premises cleaning and disinfection, additional fencing requirements, and restocking guidelines. Failure to comply with an approved herd disease response plan may result in the suspension or revocation of permit privileges.

(9) All other provisions of this chapter shall apply, including confinement standards as

specified in 3 CSR 10-9.220.

(10) Within thirty (30) days from the revocation or expiration of a Class III Wildlife Breeder Permit for any reason and prior to removing any fencing, the permit holder must remove all animals from the premises prior to removing any fencing either by depopulation with approval by an agent of the department, transfer to another Class III permit holder, or transfer to a licensed big game hunting preserve. Facilities with a CWD positive within the past five (5) years must depopulate upon revocation or expiration of their permit.

(11) New permits for Class III wildlife breeding facilities for white-tailed deer, white-tailed deer hybrids, mule deer, or mule deer hybrids will not be issued for a period of five (5) years within twenty-five (25) miles of a location where Chronic Wasting Disease-positive animal(s) have been confirmed by the department; except, new permits may be issued during this time period for the existing location of a Class III wildlife breeding facility with a valid permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.359 Class I and Class II Wildlife Breeder: Records Required

PURPOSE: This rule requires each wildlife breeder to submit a report of his/her activities.

Each Class I and Class II wildlife breeder shall maintain a complete, accurate, and current record, by date, of all transactions showing the place of origin and the numbers and species of wildlife which were possessed, propagated, bought, sold, consigned, brokered, transported, shipped, given away, used, or which have died, on forms provided by the department. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouri-conservation.org. These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the wildlife breeder and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo

2016. This rule was previously filed as 3 CSR 10-10.753. This version of rule filed Aug. 16, 1973, effective Dec. 31, 1973. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed June 13, 2014, effective Jan. 30, 2015. Amended: Filed Feb. 26, 2015, effective July 30, 2015. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.360 Class III Wildlife Breeder: Inventory and Records Required

PURPOSE: This rule requires all Class III wildlife breeders to conduct and maintain records associated with herd inventory that will facilitate the tracking of movement, disease, and deaths for each facility.

(1) Herd inventory records must be complete, accurate, and up to date containing the following for each animal: all unique identification numbers, species, date of birth, gender, date of acquisition, complete address of source, complete address and name of current and previous owner, date of removal, destination of any animal removed, copies of all movement certificates (if department database is not utilized), mortality date, cause of death (if known), official Chronic Wasting Disease test results for all animals twelve (12) months of age or older at time of death, and method and location of carcass disposal. These herd inventory records must be maintained to provide accountability for all purchases, sales, movement, births, and mortality. These records shall be maintained on the premises of the wildlife breeder for a period of at least five (5) years or on a department-provided database and shall be subject to inspection and copying by an authorized agent of the department at any reasonable time. Refusal to allow access to or copying of inventory records shall constitute sufficient cause for the suspension or revocation of the permit.

(2) Each Class III wildlife breeder will complete an annual physical herd inventory in the presence of an accredited veterinarian in which all animals within the herd are visually inspected. Individual identification must be verified and recorded on a herd inventory



signed by the accredited veterinarian. Any animal in which identification cannot be visually inspected will be restrained by the permit holder. An inventory of all animals shall be maintained on a form or database provided by the department, kept accurate and up to date, and reconciled by March 31 each year. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Any animal not accounted for on the herd inventory by March 31 each year shall constitute an eligible mortality required to be tested for CWD under 3 CSR 10-9.354, and a valid replacement sample must be provided.

(3) Movement certificates must be retained in paper form or on a database provided by the department.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.370 Wildlife Exhibitor Permit

PURPOSE: This rule establishes a permit to maintain and operate a wildlife exhibit containing Class I wildlife, Class II wildlife, and native fish other than those listed on the Approved Aquatic Species List, except, coyotes, foxes, raccoons, skunks, native bats, and prohibited species.

(1) To maintain and operate a wildlife exhibit in accordance with 3 CSR 10-9.371 holding Class I wildlife as defined in 3 CSR 10-9.230, Class II wildlife as defined in 3 CSR 10-9.240, and native fish not listed on the Approved Aquatic Species List in 3 CSR 10-9.110(3)(H), except coyotes, foxes, raccoons, skunks, native bat species, and prohibited species as defined in 3 CSR 10-4.117. All wildlife must be obtained in accordance with federal regulations, if applicable, and must originate from a legal source other than the wild stock of this state.

(2) Any person applying for a Wildlife Exhibitor Permit shall complete an application involving on-site inspections of the exhibit facilities prior to and following construction activities by a conservation agent to determine that all provisions of this rule and 3 CSR 10-9.371 are met before a permit is issued. Fee: one thousand dollars (\$1,000).

(3) The following exemptions to the Wildlife Exhibitor Permit requirements of this chapter shall apply:

(A) A Wildlife Exhibitor Permit shall not be required for wildlife legally held by publicly owned zoos, or Association of Zoos and Aquariums (AZA) accredited not-for-profit facilities; however, such wildlife may not be held for personal use;

(B) A Wildlife Exhibitor Permit shall not be required of individuals holding migratory birds under valid federal authorization. All captive-reared migratory waterfowl must be confined and marked as prescribed in 3 CSR 10-9.220.

NOTE: For federal regulations on migratory waterfowl, see Title 50, Parts 20 and 21 of the Code of Federal Regulations;

(C) A Wildlife Exhibitor Permit shall not be required for the propagation, sale, or display of birds of prey by persons holding a valid federal permit; provided that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit; and

(D) Wolf-hybrids are specifically exempted from the requirements of this rule, 3 CSR 10-9.371, and 3 CSR 10-9.372.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.371 Wildlife Exhibitor Privileges

PURPOSE: This rule establishes the privileges and requirements for wildlife exhibitors.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Subject to federal regulations, wildlife specified in 3 CSR 10-9.370(1) may be held in confinement and exhibited by the holder of a Wildlife Exhibitor Permit only at a specific location indicated on the permit, except as

otherwise provided in section (6) of this rule. Applicants for an exhibitor permit to hold Class II wildlife must qualify by passing with a score of at least eighty percent (80%) on a written examination provided by the department.

(2) Such wildlife may not be propagated, but may be bought, imported, exported, given away, transferred, transported, or shipped; provided, the provisions of 3 CSR 10-9.223 are followed; and that wildlife may be transferred or given away only to the holder of the appropriate permit, where required.

(3) Wildlife that will become a part of the enterprise shall be limited to the species specified on the wildlife exhibitor's permit. A permit may be granted after satisfactory evidence by the applicant that all fish and wildlife held as a part of the enterprise will be secured from a legal source other than the wild stock of this state and their descendants; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; that the applicant will confine fish and aquatic or semi-aquatic invertebrates in humane and sanitary facilities that meet the standards specified for closed systems defined in 3 CSR 10-9.110(3)(G)6.; and that the applicant will prevent the wild stock of this state from becoming a part of the enterprise.

(4) Wildlife exhibit facilities shall become accredited by the Association of Zoos and Aquariums (AZA) within three (3) years of the issuance of the initial Wildlife Exhibitor Permit for the facility, regardless of any changes in ownership or permittee. If there is a change of ownership or permittee prior to the initial accreditation of a wildlife exhibit facility, the director may, but is not required to, authorize a period of no more than (2) years for the new permittee to attain AZA accreditation. If an event occurs that requires a wildlife exhibit facility that is accredited by the AZA to reprocess for accreditation, the wildlife exhibit facility shall become accredited by the AZA within two (2) years after the event that required the facility to reprocess for accreditation, regardless of any subsequent changes in ownership or permittee. The director may authorize a one- (1-) time extension to the AZA accreditation requirement for a period of one (1) year, provided the permittee is in process of obtaining AZA accreditation. After the permittee's initial accreditation by the AZA, the permittee shall continue to maintain AZA accreditation of the wildlife exhibit facility. Except as otherwise provided in this section, failure to obtain or maintain



AZA accreditation shall be sufficient cause for the department to revoke the current year's wildlife exhibitor permit and deny renewal of the permit for the following year.

(5) Cities, towns, and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply, no Wildlife Exhibitor Permit will be issued by the department. Persons possessing Class II wildlife must comply with all requirements of section 578.023, RSMo.

(6) Reptiles and amphibians may be exhibited at locations other than those listed on the permit, provided mobile temporary exhibit confinement standards as specified in 3 CSR 10-9.220 shall apply.

(7) Any shipment, transfer, or gift of wildlife by a wildlife exhibitor shall be accompanied by a written statement giving the wildlife exhibitor permit number and showing the number of each species, the species and unique identification number for each animal, if applicable, and the name and address of the recipient. No wildlife of any kind may be liberated to the wild.

(8) Wildlife held under the provisions of this rule must be confined in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220 and the standards specified for closed systems defined in 3 CSR 10-9.110(3)(G)6. for fish and aquatic or semi-aquatic invertebrates. Each cage, tank, or enclosure shall be labeled, correctly identifying the animal(s) held in the cage, tank, or enclosure by common and scientific name.

(9) If the mortality rates of any species of wildlife held in accordance with this rule are deemed excessive by the state wildlife veterinarian, it shall be sufficient cause for the department to remove the authorization to hold that species from the permittee's Wildlife Exhibitor Permit. Authorization to hold such wildlife may be denied until the permittee demonstrates to the state wildlife veterinarian that the cause of the excessive mortality has been corrected.

(10) The requirements of 3 CSR 10-9.353(7) shall apply to all black bears and black bear-hybrids, mountain lions and mountain lion-hybrids, and wolves held under a Wildlife Exhibitor Permit, and all other animals, except fish less than ten (10) inches in total length, shall be permanently tagged or marked within five (5) days of acquisition

with an unique identification number that identifies each individual animal. The department may require a blood or tissue sample sufficient for DNA analysis, registration, and identification of an individual animal upon the request of a conservation agent. The tags or marks used to identify individual animals shall not be reused on other animals. Removal of identification tags or marks is prohibited, unless otherwise approved by a conservation agent.

(11) The holder of a Wildlife Exhibitor Permit shall report the acquisition, death, transfer, or gift of any animal belonging to a species of fish or wildlife listed in the current *Missouri Species and Communities of Conservation Concern Checklist* booklet, Revised January 2020, which is hereby incorporated in this Code by reference, that are listed with a State or Federal status of Endangered or Threatened, to a conservation agent within three (3) days of the acquisition, death, transfer, or gift of the animal. This report shall include the specific disposition of the animal, including the name, address, and permit number if applicable, of the person the animal was given or transferred to. This booklet is published annually in January by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions to the Checklist.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.372 Wildlife Exhibitor Permit: Records Required

PURPOSE: This rule establishes the record keeping requirements for the holder of a Wildlife Exhibitor Permit.

(1) Each permit holder shall maintain an accurate permanent record, by date, of all transactions involving each animal held, acquired, imported, exported, transferred, given away, disposed of, or which have died, including the species and quantity, individual identification number of each animal if applicable, place of origin, the name, address, and permit number, where required, of each seller or transferee on a form approved by the

department. The permit holder shall also establish and maintain a system of inventory in a format approved by the department that includes an up-to-date and accurate list of all wildlife currently held, including the species and quantity, individual identification number of each animal if applicable, and the location of all reptiles and amphibians held in confinement at locations other than the location indicated on the permit.

(2) These records and applicable state and federal animal health records and permits for each animal, including documentation for each animal showing it was obtained from a legal source other than the wild stock of the state, shall be maintained on the premises of the exhibit and shall be subject to inspection by a conservation agent at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.415 Wildlife Rehabilitation Permit

PURPOSE: This rule is being established to provide specific authority for qualified individuals or entities to hold wildlife for rehabilitation.

(1) A permit to take, possess, transport and hold in captivity for rehabilitation, sick or injured wildlife of Missouri origin. Wildlife may not be propagated, sold, exhibited, given away, held more than one hundred twenty (120) days, released or otherwise disposed of except as authorized by an agent of the department. This permit may be issued only to individuals or organizations qualified to rehabilitate wildlife through graduation from a school of veterinary medicine or other substantive training and experience in wildlife rehabilitation.

(2) Species authorized to be held are limited to those specified on the permit. Any traps, nets or other devices used to take sick or injured wildlife under this permit shall be attended daily, or be constantly attended if so stated on the permit, and labeled with the permit holder's full name and address. The names and addresses of persons assisting under the direct supervision of the holder of the permit shall be submitted to the local conservation agent in writing before assistance



can be rendered. This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements. The wildlife rehabilitation permit is not valid until signed.

(3) Animals held for rehabilitation must remain at the location specified on the permit or a veterinarian's premises except as otherwise authorized in writing by the director. The permit holder will confine the wildlife for public safety in a humane and sanitary condition acceptable to the Department of Conservation.

(4) Each permit holder shall maintain a current record, on forms furnished by the department, of each animal received, rehabilitated, destroyed, or released. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. These records shall be available for inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.615. Original rule filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed Aug. 29, 1983, effective Jan. 1, 1984. Amended: Filed Dec. 4, 1984, effective March 11, 1985. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Amended: Filed Sept. 10, 1991, effective Feb. 6, 1992. Changed to 3 CSR 10-9.415, effective Jan. 1, 1994. Amended: Filed Oct. 10, 2008, effective April 30, 2009.

3 CSR 10-9.420 Wildlife Hobby Permit

PURPOSE: This rule establishes a permit to possess certain forms of wildlife for personal use but not for sale.

(1) A wildlife hobby permit authorizes the holder to purchase, possess and propagate not more than fifty (50) ring-necked pheasants and bobwhite quail, in the aggregate, for personal use only and not for sale; and to hold in captivity not more than one (1) game mammal purchased from a Missouri wildlife breeder permit holder, except that Class II wildlife, hooved mammals and skunks may not be held under this permit. Game mammals may be held in captivity but may not be propagated or sold. This permit shall be obtained prior to receipt of wildlife. The permittee must furnish proof that game mam-

mals and birds were legally obtained. Wildlife must be confined in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220. Wildlife may be disposed of only in accordance with instructions of an agent of the department but may not be released, sold or given away. The permittee is subject to all provisions of section 578.023, RSMo.

(2) Banded birds possessed under this permit may be temporarily released and recaptured when training dogs. Any device used to recapture birds in accordance with this provision must be labeled with the user's full name, address and wildlife hobby permit number and be attended daily. Fee: ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.620. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. Amended: Filed July 13, 1976, effective Dec. 31, 1976. Amended: Filed Aug. 31, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 29, 1980, effective Jan. 1, 1981. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Aug. 8, 1989, effective Jan. 1, 1990. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Emergency amendment filed Nov. 2, 1992, effective Jan. 1, 1993, expired Jan. 15, 1993. Amended: Filed June 2, 1992, effective Jan. 15, 1993. Amended: Filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed April 24, 2000, effective March 1, 2001.

3 CSR 10-9.425 Wildlife Collector's Permit

PURPOSE: This rule establishes a permit under which wildlife may be taken for scientific purposes.

(1) A permit to collect, possess, mount, or preserve wildlife for scientific related purposes.

(A) Wildlife Collector's Permit for Scientific Purposes. Wildlife collector's permits may be granted to an authorized representative of a university, college, school, incorporated city, state or federal agency, publicly-owned zoo, or wildlife or research organization or other qualified individual; provided, that the collection shall be used exclusively for scientific, educational or museum purposes. Fee: five dollars (\$5).

(B) Wildlife Collector's Permit for Special Collections of Wildlife. Wildlife collector's

permits may be issued to professionally qualified individuals who charge a fee for biological studies for specific projects where the potential results are of sufficient public value and interest to justify special collection of wildlife. Fee: fifty dollars (\$50).

(2) General Requirements for Permit Holders. Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or Protection Division regional supervisor in the county or area as to where and when the collecting will be done. The permit holder's name, address, and wildlife collector's permit number shall be on all trapping and netting devices. The traps, nets, or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the department. Wildlife held under a wildlife collector's permit may be propagated but shall not be sold or exhibited commercially. When holding live specimens, permit holders are required to adhere to wildlife confinement standards set forth in 3 CSR 10-9.220. Wildlife removed from the wild and held in captivity at locations other than the point of capture are not to be returned to the wild unless specifically approved on the permit. Assistants in the field must be under the direct, in-person supervision of the permit holder at all times. This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements.

(3) The wildlife collector's permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector's permit report to the department within thirty (30) days of the permit's expiration date. Issuance of permits for the following year shall be conditioned on compliance with this Code, specified conditions of the permit, and receipt of a satisfactory wildlife collector's permit report. Stream Teams, Discover Nature Schools classes, and department volunteers, working on department authorized programs or wildlife collection projects, are exempt from the requirements of this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Changed to 3 CSR 10-9.425, filed March 24, 1993 and*



May 13, 1993, effective Jan. 1, 1994. Amended: Filed May 9, 2002, effective Jan. 1, 2003. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed Sept. 25, 2009, effective March 1, 2010. Amended: Filed Sept. 17, 2014, effective March 1, 2015.

*Original authority: 252.240, RSMo 1972, amended 1984.

3 CSR 10-9.430 Bird Banding

PURPOSE: This rule authorizes bird banding by persons holding a federal permit.

Birds may be livetrapped for banding and released by persons holding a valid federal permit in addition to a Missouri Wildlife Collector's Permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. * This rule previously filed as 3 CSR 10-9.610. Original rule filed July 23, 1974, effective Dec. 31, 1974. Changed to 3 CSR 10-9.430, effective Jan. 1, 1994. Amended: Filed Sept. 30, 2010, effective March 1, 2011.*

*Original authority: 252.240, RSMo 1972, amended 1984.

3 CSR 10-9.440 Resident Falconry Permit

PURPOSE: This rule establishes a permit for residents of the state to engage in falconry.

To take, possess alive, care for, and train birds of prey (raptors) and to use birds of prey to take other wildlife in accordance with 3 CSR 10-9.442 and federal falconry regulations. Fee: one hundred dollars (\$100). This permit shall remain valid for three (3) years.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. * This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Changed to 3 CSR 10-9.440, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 30, 2010, effective March 1, 2011. Amended: Filed Aug. 29, 2016, effective March 1, 2017.*

*Original authority: 252.040, RSMo 1945, amended 1989.

3 CSR 10-9.442 Falconry

PURPOSE: This rule establishes provisions for hunting with birds of prey.

(1) Birds of prey may be taken, transported, possessed, or used to take wildlife by holders of a falconry permit, to be issued only to residents qualified by passing with a score of at least eighty percent (80%) a written examination meeting federal standards and whose facilities and equipment meet requirements specified in this rule. The barter, sale, purchase, importation, or exportation of raptors without a permit is prohibited. If a permittee allows his/her permit to lapse for a period of less than five (5) years, the permit may be reinstated at the level previously held. A permittee who allows his/her permit to lapse five (5) years or longer must pass the written examination with a score of at least eighty percent (80%), at which point the permit may be reinstated at the level previously held.

(2) Only designated species and numbers of birds of prey may be possessed and each bird shall bear a numbered, non-reuseable marker provided by the department. Documented health problems or injuries caused by the band may qualify the permit holder for an exemption to the banding requirement for that raptor, in which case a copy of the exemption paperwork must remain in the permittee's possession when transporting or flying the raptor. If the bird with documented health issues caused by the band is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon an International Organization for Standardization (ISO)-compliant microchip must be used. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(A) Cottontail and swamp rabbits may be taken from October 1 to March 31. Daily limit: six (6) rabbits, including no more than two (2) swamp rabbits; possession limit: twelve (12) rabbits, including no more than four (4) swamp rabbits;

(B) Squirrels may be taken from the fourth Saturday in May to February 15. Daily limit: ten (10) squirrels; possession limit: twenty (20) squirrels;

(C) Quail may be taken from October 1 to January 15. Daily limit: three (3) quail; possession limit: six (6) quail;

(D) Migratory game birds to include only doves, ducks, mergansers, and coots may be taken, possessed, transported, and stored only as provided in federal regulations and this Code. (Regulations for doves, ducks, mergansers, coots, and other migratory game birds are determined annually by the commission following receipt of regulations pre-

scribed by the Secretary of the Interior under authority of the Federal Migratory Bird Treaty Act. See 3 CSR 10-7.440.);

(E) Pheasants of either sex may be taken in the areas and during the periods and within the bag and possession limits listed in 3 CSR 10-7.430;

(F) Other wildlife may be taken only within the specified seasons and bag limits, except that pheasants, quail, turkeys, and game mammals may be taken outside of the specified falconry seasons with a daily limit of one (1) per raptor per day;

(G) Permittees may use legally obtained and captive-reared quail, pheasants, exotic partridges, and mallard ducks for training of falconry raptors. Quail, pheasants, and exotic partridges shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked by removal of the hind toe from the right foot or by tattooing a readily discernable number or letter or combination on the web of one (1) foot; and

(H) Game birds held for more than twenty-four (24) hours must be confined as specified in 3 CSR 10-9.220. For mallard ducks, such facilities must be designed and managed to immediately recapture any unharvested ducks.

(3) A nonresident who holds a valid falconry permit and a valid Missouri hunting permit may use birds of prey properly licensed in other states to take wildlife during the open season. Properly licensed falconry raptors may, without further permit, be entered and used by nonresidents to take wildlife in any regional or national falconry field trial authorized by letter from the director.

(4) An applicant for a permit shall submit an application with information including the number of raptors possessed and the species, age, sex, date of acquisition, and source of each. An applicant under eighteen (18) years of age must have a parent or legal guardian co-sign the application. Falconry permits are issued by classes as follows:

(A) Apprentice Class—A permittee shall be at least twelve (12) years old and shall have a sponsor holding a general or master falconry permit. A sponsor shall have no more than three (3) apprentices at any one (1) time. An apprentice may possess only one (1) wild caught, captive-bred, or hybrid raptor of the order *Accipitriformes*, *Strigiformes*, or *Falconiformes* except the following: Osprey, swallow-tailed kite, Mississippi kite, bald eagle, white-tailed eagle, Steller's sea-eagle, northern harrier, Swainson's hawk, ferruginous hawk, sharp-shinned hawk, golden eagle, peregrine falcon, prairie falcon, flammulated owl, burrowing owl, barn owl, long-eared owl, and short-eared owl and may



obtain not more than two (2) raptors from the wild during the twelve- (12-) month reporting period. An apprentice permittee may not possess a bird taken from the wild as a nestling or that is imprinted on humans;

(B) General Class—A permittee shall be at least sixteen (16) years old and shall have a letter from his/her sponsor documenting at least two (2) years' experience in falconry at the apprentice level, including maintaining, training, flying, and pursuing wildlife with the raptor(s) for at least four (4) months each calendar year. A general falconer may not possess more than three (3) wild caught, captive-bred, or hybrid raptors of the family *Accipitridae*, or of the family *Falconidae*, or of the family *Strigidae*; but not to include any eagle or any threatened or endangered species. A general falconer shall not obtain more than two (2) raptors from the wild during the twelve- (12-) month reporting period;

(C) Master Class—A permittee shall have at least five (5) years' experience in falconry at the general class level and shall not possess more than five (5) wild raptors of the family *Accipitridae*, or of the family *Falconidae*, or of the family *Strigidae*; but not to include more than three (3) golden eagles (*Aquila chrysaetos*). A master falconer shall not obtain more than two (2) raptors from the wild during the twelve- (12-) month reporting period. A master falconer may possess any number of captive-bred or hybrid raptors; provided, the captive-bred raptors are trained in the pursuit of wild game and used in hunting; and

(D) The twelve- (12-) month reporting period begins July 1 and ends June 30 of the following year.

(5) Facilities for raptors (mew and/or weathering area) shall be inspected and certified to meet the following standards:

(A) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions, and each bird shall be provided enough area to allow it to fully extend its wings. If raptors are untethered, all openings must be secured to prevent injury or escape, such as with vertical bars spaced narrower than the body width of the smallest raptor housed in the facility, heavy-duty netting, or other such measures and materials. There shall be adequate perches, a secure door easily closed, and at least one (1) opening for sunlight. The floor shall be well drained and shall permit easy cleaning. Tethered raptors may be kept inside the permittee's residence if a suitable perch is provided;

(B) Outdoor (weathering area) facilities shall be fenced and covered with netting or wire or roofed. The enclosed area shall be

large enough to ensure that birds flying from a perch cannot strike the fence. Raptors shall be provided at least one (1) covered perch and protection from excessive sun, wind, and inclement weather; and

(C) Falconry raptors may be temporarily kept outside in the open if they are in the immediate presence of the permittee or a designated helper.

(6) Applicants for falconry permits shall possess the following equipment:

(A) Jesses (straps attached to the legs)—at least one (1) pair of jesses constructed of pliable leather or suitable synthetic material for use when any raptor is flown free;

(B) Leashes and swivels—at least one (1) flexible, weather-resistant leash and one (1) strong swivel of acceptable falconry design;

(C) Bath container—a suitable container for each raptor which must be wider than the length of the raptor;

(D) Outdoor/portable perches—a weathering area perch of acceptable design for each raptor; and

(E) Weighing device—a reliable scale or balance suitable for weighing the raptors held.

(7) Raptors may be taken from the wild only as follows:

(A) Raptors shall be taken only in a humane manner. Any device used to take birds of prey shall be labeled with the name and address of the user and shall be personally attended by the user at all times;

(B) Young birds not yet capable of flight (eyasses/nestlings), except ospreys, northern harriers (marsh hawks), sharp-shinned hawks, Swainson's hawks, peregrine falcons, bald eagles, Mississippi kites, barn owls, short-eared owls, and long-eared owls, may be taken only by a general or master falconer, and no more than two (2) eyasses may be taken by a falconer during the twelve- (12-) month reporting period. The permittee must leave at least one (1) young in any nest or aerie from which an eyass is taken;

(C) Any permittee may recapture any raptor wearing falconry equipment or an escaped captive-bred raptor at any time, including those species not authorized for possession. Recaptured raptors do not count toward the authorized possession limit but must be reported to an agent of the department within five (5) business days. Recaptured raptors must be returned to the permittee who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of an agent of the department;

(D) Only American kestrels and great

horned owls may be taken when over one (1)-year old (haggard). Birds not listed in subsection (7)(B) of this rule may also be taken when over one (1) year old, but only when taken under a depredation or special purpose permit by a general or master falconer. A master falconer, in any twelve- (12-) month period, may take up to two (2) golden eagles from the wild only in a livestock depredation area (declared by the United States Department of Agriculture (USDA) Wildlife Services or by the governor) during the time the depredation area is in effect;

(E) Resident master falconers may take passage peregrine falcons from September 20 through October 20 in accordance with the annual allocation established by the United States Fish and Wildlife Service for the take of passage peregrine falcons in Missouri. Each resident master falconer may take one (1) passage peregrine falcon from the wild annually, but only in accordance with the number of raptors that may be taken by a permittee from the wild during the twelve- (12-) month reporting period. The season will remain open during the prescribed season dates or until the annual allocation of passage peregrine falcons have been captured. Falconers must contact the falconry program coordinator prior to each capture attempt to determine if the annual allocation has been reached, and falconers taking a peregrine falcon must contact the falconry coordinator to report the capture by 10:00 p.m. on the day of capture. Falconers capturing a peregrine after the allocation has been met must immediately release the bird upon notification by the falconry program coordinator that their capture was in excess of the annual allocation. Banded peregrine falcons may not be taken and must be released immediately at the location of capture. Nonresident master falconers may take passage peregrine falcons in accordance with this subsection and subsection (7)(F) of this rule; provided the director may authorize nonresident falconers to take no more than fifty percent (50%) of the annual allocation of passage peregrine falcons; and

(F) Nonresidents who have valid falconry permits, with written authorization of the director, may take from the wild and, when banded, possess and transport raptors under conditions and at those places and times as the director may specify; providing, that this person shall possess a valid Missouri nonresident hunting permit. (Note: Persons transporting raptors so taken into another state also may need permission for the transfer from the other state.)

(8) Special Provisions.



(A) A falconry permit does not authorize the capture or release of raptors or the practice of falconry on public lands if such use is prohibited on those lands, or on private property, without permission from the landowner.

(B) A hybrid raptor flown for falconry must have two (2) separate, attached, functioning radio transmitters to determine location. The permanent release of a hybrid or non-native raptor is prohibited. Wild-caught raptors native to Missouri may be released to the wild at any time and without authorization; however, no captive-bred raptor shall be released to the wild without written authorization from the Department of Conservation. Markers shall be removed from permanently-released birds and surrendered to the department.

(C) Except as provided in this section, all feathers (including body feathers) collected from any falconry golden eagle that are not needed for imping (method of repairing broken feathers), and all golden eagle carcasses including all feathers, talons, and other parts, must be sent to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. Feathers from all other captive raptors may be retained by permittees for imping purposes only.

(D) Permittees may trap, take, trade, or transfer raptors only with a photocopy of Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) or electronic reporting at <http://permits.fws.gov/186A> submitted to the department within ten (10) business days of the action, and no money or other consideration may be involved, except that permittees may purchase, sell, or barter only captive-bred raptors marked with a seamless, numbered band. A permittee must notify the department within five (5) business days of any change in facility location.

(E) A permittee shall report by July 31 each year a listing of all raptors possessed on June 30, by species, marker number, sex, age, and the date and source of acquisition. The same information shall be reported for raptors possessed or acquired since the previous report but no longer possessed, with the source and date acquired and the date and reason for termination of possession.

(F) Raptors that are bred in captivity and utilized for falconry shall not be treated as threatened or endangered species for purposes of this rule.

(G) Except as provided in section (2), the permittee shall leave any accidentally killed animal where it lies, except that the raptor may feed upon the animal prior to leaving the site of the kill.

(H) Hacking (temporary release to the wild) is an approved method for conditioning raptors for falconry. Only general and master falconers may hack falconry raptors. Any raptor being hacked must be a species the permittee is authorized to possess and counts toward the permittee's possession limit. Any hybrid raptor being hacked must have two (2) separate, attached, functioning radio transmitters during hacking. No falconry bird may be hacked near the nesting area of a federally-threatened or -endangered bird species, or in any location where the raptor is likely to disturb, harm, or take a federally-threatened or -endangered animal species.

(I) Raptors held by general and master falconry permittees and used primarily for falconry may be used for public conservation education programs that must include information regarding the biology, ecological roles, and conservation needs of raptors; programs that do not address falconry and conservation education are not allowed. A fee not to exceed the amount necessary to recover participation costs is allowed. The permittee assumes all potential liability associated with such programs.

(J) Raptors held by a permittee may be cared for by another permittee at either permittee's facility for up to one hundred twenty (120) consecutive days. Birds receiving such care remain in possession of the original permittee and do not count toward the possession limit of the care-giving permittee. The original permittee must provide to the care-giving permittee a signed and dated statement authorizing the temporary possession and indicating duration of care and the privileges granted to the care-giving permittee along with federal form 3-186A showing original possession of the raptors. Raptors held by a permittee may be cared for by a non-permittee for up to forty-five (45) consecutive days, but only at the permittee's facility; birds under such care may not be flown for any reason.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. * This rule previously filed as 3 CSR 10-7.442. Original rule filed July 22, 1974, effective Dec. 31, 1974. Amended: Filed July 13, 1976, effective Oct. 11, 1976. Amended: Filed April 20, 1978, effective July 1, 1978. Emergency amendment filed July 28, 1978, effective Sept. 1, 1978, expired Dec. 29, 1978. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Amended: Filed Nov. 1, 1978, effective Dec. 29, 1978. Amended: Filed July 27, 1982, effective Jan. 1, 1983. Amended: Filed Oct. 22, 1982, effective Dec. 11, 1982. Amended: Filed April 25, 1983, effective Aug. 11, 1983. Amended: Filed Aug. 29,*

1983, effective Jan. 1, 1984. Amended: Filed Nov. 28, 1983, effective April 12, 1984. Amended: Filed Nov. 6, 1985, effective Dec. 13, 1985. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Sept. 2, 1987, effective Oct. 11, 1987. Amended: Filed Sept. 12, 1988, effective Oct. 14, 1988. Emergency amendment filed Sept. 11, 1989, effective Sept. 22, 1989, expired Jan. 15, 1990. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Emergency amendment filed Aug. 30, 1990, effective Oct. 1, 1990, expired Jan. 20, 1991. Amended: Filed Aug. 30, 1990, effective Feb. 14, 1991. Emergency amendment filed Sept. 10, 1991, effective Sept. 21, 1991, expired Jan. 15, 1992. Amended: Filed Sept. 10, 1991, effective Feb. 6, 1992. Emergency amendment filed Sept. 1, 1992, effective Sept. 11, 1992, expired Jan. 8, 1993. Amended: Filed Sept. 1, 1992, effective April 8, 1993. Amended: Filed Sept. 10, 1993, effective Sept. 21, 1993. Amended: Filed April 21, 1993, effective Jan. 1, 1994. Changed to 3 CSR 10-9.442, effective Jan. 1, 1994. Amended: Filed Aug. 30, 1994, effective Sept. 9, 1994. Amended: Filed Aug. 30, 1995, effective Sept. 10, 1995. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Aug. 27, 1996, effective Sept. 6, 1996. Amended: Filed Aug. 29, 1997, effective Sept. 9, 1997. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Sept. 3, 1998, effective Sept. 15, 1998. Amended: Filed Sept. 1, 1999, effective Sept. 11, 1999. Amended: Filed Aug. 28, 2000, effective Sept. 7, 2000. Amended: Filed Aug. 30, 2001, effective Sept. 15, 2001. Amended: Filed Aug. 30, 2002, effective Sept. 10, 2002. Amended: Filed Sept. 5, 2003, effective Sept. 19, 2003. Amended: Filed Aug. 30, 2004, effective Sept. 10, 2004. Amended: Filed Aug. 24, 2005, effective Sept. 6, 2005. Amended: Filed Aug. 23, 2006, effective Sept. 6, 2006. Amended: Filed Aug. 14, 2007, effective Sept. 1, 2007. Amended: Filed Aug. 6, 2008, effective Sept. 1, 2008. Amended: Filed March 23, 2009, effective March 1, 2010. Amended: Filed Aug. 14, 2009, effective Sept. 1, 2009. Amended: Filed Sept. 30, 2010, effective March 1, 2011. Amended: Filed Sept. 27, 2013, effective March 1, 2014. Amended: Filed Feb. 9, 2018, effective July 30, 2018. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

**Original authority: 252.040, RSMo 1945, amended 1989.*



3 CSR 10-9.560 Licensed Hunting Preserve Permit

PURPOSE: This rule establishes a permit for licensed shooting areas.

(1) To maintain and operate a licensed hunting preserve and to buy, propagate, hold in captivity, hunt, and sell only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals), except hogs may only be propagated, held in captivity, and hunted on big game hunting preserves approved specifically for hogs by the department on or before January 30, 2015.

(2) Any person applying to establish a licensed hunting preserve shall complete an application involving on-site inspections of the area prior to and following construction activities by an agent of the department to determine that all provisions of this rule and 3 CSR 10-9.565 are met before a permit is issued. The Licensed Hunting Preserve Permit holder may designate an authorized representative on the permit to act on the permit holder's behalf, but the Licensed Hunting Preserve Permit holder shall be responsible for compliance with the permit requirements. If the authorized representative changes, the licensed hunting preserve permit holder shall provide updated information to the department. Fees:

- (A) Game Bird Hunting Preserve \$100 valid for one (1) year
(B) Big Game Hunting Preserve \$250 valid for one (1) year

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. * This rule previously filed as 3 CSR 10-10.760. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. Amended: Filed July 20, 1977, effective Jan. 1, 1978. Amended: Filed Jan. 30, 1984, effective June 11, 1984. Amended: Filed Jan. 30, 1984, effective June 11, 1984. Amended: Filed June 9, 1993, effective July 1, 1994. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed June 13, 2014, effective Jan. 30, 2015. Amended: Filed Feb. 26, 2015, effective July 30, 2015. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

*Original authority: 252.040, RSMo 1945, amended 1989.

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges

PURPOSE: This rule sets out the privileges and requirements for licensed shooting areas.

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals) specifically authorized by the Approved Confined Wildlife Species List in 3 CSR 10-9.105(7) for game bird hunting preserves and big game hunting preserves for hunting throughout the year, under the following conditions:

- (A) Game Bird Hunting Preserve.
1. A game bird hunting preserve shall be a single body of land not less than one hundred sixty (160) acres and no more than six hundred forty (640) acres in size. Game bird hunting preserves may be dissected by public roads, and shall be posted with signs specified by the department.
2. Only legally obtained and captive-reared: pheasants, exotic partridges, quail, and mallard ducks may be used on game bird hunting preserves.
3. Permits for game bird hunting preserves will not be issued—

A. For areas within five (5) miles of any location where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application;

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife; and

C. For preserves using captive-reared mallard ducks, within five (5) miles of the following areas:

- (I) Brown (Bob) Conservation Area
(Wildlife Refuge)
(II) Clarence Cannon National Conservation Area
(III) Columbia Bottom Conservation Area
(IV) Coon Island Conservation Area
(V) Duck Creek Conservation Area
(VI) Eagle Bluffs Conservation Area
(VII) Fountain Grove Conservation Area
(VIII) Four Rivers Conservation Area

- (IX) Grand Pass Conservation Area
(X) Leach (B. K.) Memorial Conservation Area
(XI) Loess Bluffs National Wildlife Refuge
(XII) Marais Temps Clair Conservation Area
(XIII) Mingo National Wildlife Refuge
(XIV) Montrose Conservation Area
(XV) Nodaway Valley Conservation Area
(XVI) Otter Slough Conservation Area
(XVII) Schell-Osage Conservation Area
(XVIII) Settle's Ford Conservation Area
(XIX) Shanks (Ted) Conservation Area
(XX) Swan Lake National Wildlife Refuge
(XXI) Ten Mile Pond Conservation Area

4. Mallard ducks must be held in covered facilities that meet standards specified in 3 CSR 10-9.220, and may be possessed, released, and used on game bird hunting preserves only under the following conditions:

A. Mallard ducks may be taken, possessed, transported, and stored only as provided in this Code and federal regulations;

B. Mallard ducks must be physically marked prior to six (6) weeks of age by removal of the hind toe from the right foot, or by tattooing of a readily discernible number or letter or combination thereof on the web of one (1) foot;

C. Mallard ducks may be temporarily released for the sole purpose of flight training beginning one (1) hour after sunrise each day. Covered facilities must be designed to re-capture such ducks, and a reasonable effort must be made to re-capture them by one (1) hour after sunset each day; and

D. Mallard ducks may be released and taken only from September 1 through February 15 by hunting methods from one (1) hour after sunrise to one (1) hour before sunset, and only non-toxic shot may be used. Covered facilities must be designed and managed to re-capture any unharvested mallard ducks, and a reasonable effort must be made to re-capture ducks by one (1) hour after sunset each day;

E. Ducks which are not captive-reared may not be hunted on preserves using captive-reared mallard ducks, and all waterfowl except captive-reared mallard ducks must be flushed from the immediate hunting area prior to hunting activity.

5. Any person taking or hunting game birds on a licensed hunting preserve shall have in his/her possession a valid small game



hunting permit or licensed hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit. Licensed hunting preserve hunting permits may be issued to persons without requiring display of a hunter education certificate card for use on game bird hunting preserves; provided s/he is hunting in the immediate presence of a properly licensed adult hunter age eighteen (18) or older who has in his/her possession a valid hunter education certificate card or was born before January 1, 1967.

6. Game birds, other than captive-reared mallard ducks, may be taken in any number on a hunting preserve and may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number, and species taken, and name of the hunting preserve; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the hunting preserve permit holder.

7. Captive-reared mallard ducks may be taken in any number on a hunting preserve and may be possessed and transported from the preserve only when accompanied by receipt listing the date, number, and species taken, and the hunting preserve permit holder's name and address. In addition, the marked foot must remain attached to mallard ducks.

8. The hunting preserve permit holder may exercise privileges provided in 3 CSR 10-9.353 for game birds held under this permit in propagation or holding facilities within or directly adjacent to the game bird hunting preserve. Propagation or holding facilities may be separated from the hunting preserve by a public road, but must be directly adjacent. Any such propagation or holding facilities shall meet standards specified in 3 CSR 10-9.220. Other propagation or holding facilities not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule; *NOTE: (See rule 3 CSR 10-7.440, and for federal regulations on migratory waterfowl, see Title 50, Parts 20 and 21 of the Code of Federal Regulations.)*

(B) Big Game Hunting Preserve.

1. A big game hunting preserve for ungulates shall be a fenced single body of land, not dissected by public roads, and not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size. The hunting preserve shall not be cross-fenced into portions of less than three hundred twenty (320) acres. The hunting preserve shall be fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from

becoming a part of the enterprise and posted with signs specified by the department. Fence requirements shall meet standards specified in 3 CSR 10-9.220. Fencing for hogs shall be constructed of twelve (12) gauge woven wire, at least five feet (5') high, and topped with one (1) strand of electrified wire. An additional two feet (2') of such fencing shall be buried and angled underground toward the enclosure interior. A fence of equivalent or greater strength and design to prevent the escape of hogs may be substituted with written application and approval by an agent of the department.

2. Breeding enclosure(s) contained within or directly adjacent to the big game hunting preserve must obtain a separate Class III Wildlife Breeder Permit for those species (including their hybrids) listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 for Class III wildlife breeders. Any animal entering a big game hunting facility may not reenter a breeding facility. All cervids entering a big game hunting preserve must maintain one (1) of the identification requirements contained in 3 CSR 10-9.354(6)(A). Any natural additions must meet one of these identification requirements upon harvest or death for record-keeping purposes.

3. Any person taking or hunting ungulates on a big game hunting preserve shall have in his/her possession a valid licensed hunting preserve hunting permit. The permittee shall attach to the leg of each ungulate taken on the hunting preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be labeled with the licensed hunting preserve permit number.

4. The holder of a Big Game Hunting Preserve Permit may only receive animals and conduct hunts if they maintain hunt qualified status. Big Game Hunting Preserve Permit holders will attain and maintain hunt qualified status if they maintain inventory records (including identification requirements) as required in this chapter, submit Chronic Wasting Disease samples as required in this chapter, and maintain all fences as required in this chapter. A Big Game Hunting Preserve Permit holder will lose hunt qualified status if, after issuance of a notice of discrepancy by the department indicating violations of any of the requirements of this paragraph, the permit holder fails to correct the deficiency within thirty (30) days, or longer if approved by a conservation agent pursuant to a corrective action plan. Hunt-qualified status will be reinstated when the permit holder receives notice from the department that the discrepancy has been corrected. Receiving animals or conducting

hunts in violation of this paragraph or maintaining non-hunt qualified status for ninety (90) consecutive days or more shall be sufficient cause for permit suspension or revocation.

5. The holder of a Big Game Hunting Preserve Permit must test mortalities of male cervids over twelve (12) months of age for Chronic Wasting Disease (CWD), a transmissible spongiform encephalopathy as provided in this rule. Samples must be collected by an accredited veterinarian or department-certified collector. Samples must be submitted to a diagnostic laboratory approved by the United States Department of Agriculture (USDA) for CWD testing within thirty (30) days of death.

6. For purposes of this section, eligible mortalities mean mortalities of all male cervids at least twelve (12) months of age occurring between April 1 of the previous permit year and March 31 of the current permit year. Any new permit holder or permit holder as of July 1, 2021, that failed to test one hundred percent (100%) of all mortalities during the previous permit year shall have Tier 1 status, and shall test one hundred percent (100%) of eligible mortalities. Any permit holder as of July 1, 2021, who can demonstrate they tested one hundred percent (100%) of all mortalities during the previous permit year or any Tier 1 permit holder that submits the required valid samples of eligible mortalities during the previous year shall have Tier 2 status, and shall test fifty percent (50%) of eligible mortalities.

7. At least eighty percent (80%) of required tests as described in the previous paragraph must produce valid sample results by the diagnostic laboratory. To be considered a sample that produced a valid test result, the sample must have been suitable, testable, and not rejected by the diagnostic laboratory for any other reason. If less than eighty percent (80%) of samples are valid, then the permit holder must provide sufficient samples to achieve the eighty percent (80%) requirement. Replacement samples may consist of either post-mortem samples at a one to one (1:1) ratio, or ante-mortem samples at a three to one (3:1) ratio from other animal(s) of similar age and time in the facility. For purposes of this rule, an ante-mortem CWD test is not valid unless it is performed by an accredited veterinarian on retropharyngeal lymph node, rectal mucosa, or tonsillar tissue with at least six (6) lymphoid follicles submitted within thirty (30) days of collection on an animal that is at least eighteen (18) months of age and has not been source of ante-mortem testing within the prior twenty-four (24) months.

8. Samples in which the infectious CWD prion is detected will be considered



CWD-suspect pending confirmation at the USDA National Veterinary Services Laboratory. Any facility with a CWD-suspect or confirmed positive sample will immediately be quarantined by the state wildlife veterinarian, and no movement certificates allowing movement into the facility will be issued except as authorized by the state wildlife veterinarian in accordance with an approved herd disease response plan. Additionally, any facility that is or has been in possession of a deer that was in a CWD-suspect or CWD-confirmed positive facility shall be quarantined, and no movement certificates allowing movement into the facility will be issued until it is determined that the facility is not epidemiologically linked to the CWD suspect or confirmed positive deer or is determined upon further testing that the suspect deer is not a confirmed positive.

9. Big game hunting preserve permittees shall report escaped animals, and entry of any free-ranging cervids into the facility immediately to a conservation agent.

10. The holder of a Big Game Hunting Preserve Permit must ensure that all CWD test results required by this section are submitted to the state wildlife veterinarian by the USDA-approved diagnostic laboratory within seven (7) days of completion of testing. In the event of confirmed positive results from a Chronic Wasting Disease test, the permit holder shall comply with a herd disease response plan approved by the department. The plan may include, but not be limited to, quarantine requirements, testing and depopulation, premises cleaning and disinfection, additional fencing requirements, and restocking guidelines. Failure to comply with an approved herd disease response plan may result in the suspension or revocation of permit privileges.

11. All Class III cervids listed on the Approved Confined Species List in 3 CSR 10-9.105 for Class III wildlife breeders acquired by a holder of a Big Game Hunting Preserve Permit must be individually identified on a Movement Certificate issued by the department. A Movement Certificate must be completed by the breeder and list the official identification, age, gender, species, complete address of both the origin and destination, and the complete name, address, and permit number of all parties to the transaction. The original form must accompany the shipment and a copy shall be maintained for at least five (5) years by the permit holders, unless otherwise documented in a department-provided database. All other cervids and ungulates acquired by a holder of a Big Game Hunting Preserve Permit must be individually identified on a Breeder's Movement Certificate issued by the Missouri Department of Agriculture. A Breeder's Movement Certifi-

cate must be completed by the breeder and contain complete and accurate information including the official identification, age, gender, species, complete address of birth, origin, and destination, and complete address and name of buyer and seller. The Breeder's Movement Certificate must accompany the shipment and a copy maintained for at least five (5) years by the permit holder. The source of all Class III cervids listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 for Class III wildlife breeders must be a Class III breeder facility. The source of all other cervids must be a herd that is enrolled in a United States Department of Agriculture approved Chronic Wasting Disease herd certification program.

12. New permits for big game hunting preserves will not be issued for a period of five (5) years within twenty-five (25) miles of a location where Chronic Wasting Disease-positive animal(s) have been confirmed by the department; except, new permits may be issued during this time period for the existing location of a big game hunting preserve with a valid permit.

13. Live cervids imported into the state shall not be held in a licensed big game hunting preserve. Only cervids born inside the state of Missouri may be propagated, held in captivity, and hunted on big game hunting preserves. Prior to accepting any cervid, the big game hunting preserve must obtain evidence that the cervid was born inside the state of Missouri, such as relevant portions of the breeder's herd certification inventory and movement certificates. The big game hunting preserve shall maintain such documentation for five (5) years and provide to the department upon request.

14. Within thirty (30) days from the revocation or expiration of a licensed Big Game Hunting Preserve Permit for any reason and prior to the removal of any fencing, the permit holder must remove all animals from the premises either by depopulation with approval by a conservation agent, or transfer to a licensed big game hunting preserve with approval by the state wildlife veterinarian. Facilities with a CWD positive within the past five (5) years must depopulate upon revocation or expiration of their permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. * This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. Amended: Filed June 3, 1976, effective Sept. 12, 1976. Amended: Filed July 20, 1977, effective Jan. 1, 1978. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 30, 1984, effective June 11, 1984. Amended: Filed March 5, 1985, effective June 14, 1985.*

Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 25, 1996, effective March 1, 1997. Emergency amendment filed March 11, 2002, effective March 21, 2002, terminated Aug. 27, 2002. Amended: Filed March 11, 2002, effective July 30, 2002. Emergency amendment filed Aug. 14, 2002, effective Aug. 24, 2002, expired Feb. 10, 2003. Amended: Filed Aug. 14, 2002, effective March 30, 2003. Amended: Filed Aug. 30, 2002, effective June 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed March 4, 2004, effective Aug. 30, 2004. Amended: Filed Aug. 30, 2004, effective Jan. 30, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006, effective March 30, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed March 23, 2009, effective March 1, 2010. Amended: Filed June 13, 2014, effective Jan. 30, 2015. Amended: Filed Feb. 26, 2015, effective July 30, 2015. Amended: Filed April 9, 2020, effective Sept. 30, 2020. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required

PURPOSE: This rule requires that licensed hunting preserves maintain records on the premises that would include information on species, purchase, sale, propagation, health certification, applicable permits and harvest, on a form furnished by the Department of Conservation.

(1) Big game hunting preserve permittees shall keep a daily log that completely and accurately contains the number of each species held, acquired, propagated, released, taken, and the full name, address, and permit number (if applicable) of each buyer, seller, shooter, and/or taker, on forms provided by the department or on a department-provided database. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Big Game Hunting Preserve permit holders must establish and maintain a complete and accurate system of inventory for all acquired ungulates that includes the following for each animal: permanent physical identification, species, date of birth, gender, date of acquisition, complete



address of source, complete address and name of both the current and previous owner, mortality date, cause of death (if known), official Chronic Wasting Disease test results as required in 3 CSR 10-9.565(1)(B)5., method and location of carcass disposal, and the numbers from the Licensed Hunting Preserve Permit of the hunter and locking leg seal (if applicable). All applicable state and federal animal health and movement records (including certificates of veterinary inspection), inventory records, breeder inventory records, if applicable, and testing records shall be maintained on the premises of the licensed big game hunting preserve for at least five (5) years and shall be subject to inspection and copying by a conservation agent at any reasonable time.

(2) Game bird hunting preserve permittees shall keep a complete, accurate, and permanent record of the number of each species acquired, propagated, sold, released, the number of each species taken, and the full name and address of the taker.

(3) These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the licensed hunting preserve and shall be subject to inspection by an authorized agent of the department at any reasonable time.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. *Emergency rule filed March 11, 2002, effective March 21, 2002, expired Sept. 16, 2002. Original rule filed March 11, 2002, effective July 30, 2002. Amended: Filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed June 13, 2014, effective Jan. 30, 2015. Amended: Filed Feb. 26, 2015, effective July 30, 2015. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021.*

**Original authority: 252.040, RSMo 1945, amended 1989.*

3 CSR 10-9.570 Hound Running Area Operator and Dealer Permit

PURPOSE: This rule establishes a permit for operation of a running area for training or racing hounds.

To maintain and operate a hound running area and to purchase, transport, propagate, hold in captivity and sell to or release legally acquired foxes and coyotes into a permitted hound running area. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005.

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements

PURPOSE: This rule sets out the privileges and requirements for hound running areas.

(1) A permit may be granted after satisfactory evidence by the applicant that his/her stock is from a legal source and that the foxes and coyotes will be confined in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220. All stock acquired must be from legal sources within the state.

(2) A hound running area shall be a single body of land as specified on the permit, fenced to enclose and contain all released foxes and coyotes and to exclude all others, and posted with signs provided by the department. New areas approved after March 1, 2005 must be at least forty (40) acres in size. A minimum of one (1) dog-proof escape area (culvert, brush pile, fenced refuge or other suitable structure) shall be provided per each twenty-five (25) acres, and be available for use by foxes and coyotes any time dogs are present on the area. Escape areas shall not be located immediately adjacent to each other.

(3) The holder of a Hound Running Area Operator and Dealer Permit may obtain live foxes and coyotes from a holder of a valid Resident Commercial Live Coyote and Fox Trapping Permit as prescribed in 3 CSR 10-10.788 and 3 CSR 10-10.789. Ear tags attached to foxes and coyotes in accordance with 3 CSR 10-10.789 shall remain on each fox or coyote obtained from a Resident Commercial Live Coyote and Fox Trapping Permit holder. Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit or a holder of a Hound Running Area Operator and Dealer Permit. Foxes and coyotes may be held in temporary confinement facilities on the hound running area or another location specified on the permit. These foxes and coyotes may only be released into a permitted hound running area and must be individually marked with ear tags provided by the department for which the permittee shall pay fifty cents (50¢) per tag. These animals may not be given away, released to the wild or exported, except with written authorization of the director.

(4) Foxes and coyotes in a hound running area may be chased with dogs, but not with the intent to capture or kill.

(5) Prior to being chased, all newly-acquired foxes and coyotes shall be provided a minimum of seven (7) days to acclimate to the area. Wildlife held under this permit are subject to inspection by an agent of the department and this inspection may include removal of reasonable samples for biological examination.

(6) Any person releasing dogs on a hound running area shall have in his/her possession a valid Missouri small game hunting permit, except that Missouri residents fifteen (15) years of age and under and sixty-five (65) years of age and over are exempt from this requirement.

(7) The hound running area operator/dealer shall keep an accurate permanent record on forms provided by the department of the supplier's full name and address and number of each species held, captured, purchased, sold, propagated, released on the area, or otherwise disposed of. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouri-conservation.org. Ear tag numbers must also be recorded for each animal released into the area. These records are subject to inspection by an agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Amended: Filed March 2, 2020, effective Aug. 30, 2020.

3 CSR 10-9.605 Wildlife Collector's Permit (Moved to 3 CSR 10-9.425)

3 CSR 10-9.610 Bird Banding (Moved to 3 CSR 10-9.430)

3 CSR 10-9.615 Wildlife Rehabilitation Permit (Moved to 3 CSR 10-9.415)



3 CSR 10-9.620 Wildlife Hobby Permit (Moved to 3 CSR 10-9.420)

3 CSR 10-9.625 Field Trial Permit

PURPOSE: This rule establishes a permit to conduct field trials and sets requirements for conducting these trials.

(1) To conduct a field trial on lands other than those owned or leased by the department, application for a permit must be made to the department by a resident, and post-marked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be chased or pursued, approximate number of hunters, approximate number of dogs, and starting and closing dates. A single trial permit shall not cover a period of more than ten (10) consecutive days. Fee: twenty dollars (\$20).

(2) Each permit holder shall record the names and addresses of all participants for each trial held, and shall maintain these records for one (1) year following the closing date of the trial. These records shall be subject to inspection by an authorized agent of the department at any reasonable time.

(3) Future permits shall be conditioned on compliance with this rule. Receipt by the department of unresolved and repeated complaints from area landowners concerning operation of the field trial may result in permit denial.

(4) A field trial permit does not authorize trespass.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey, black bear, firearms deer, or firearms elk hunting season except on established field trial areas. Permits for raccoon field trials will be valid during nighttime hours and provide for casting no more than four (4) dogs at one (1) time during or five (5) days prior to the spring turkey hunting season and during all but the November portion of the firearms deer hunting season and in open counties during the firearms portion of the elk hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be chased by dogs under control, but may be pursued and taken only during the open seasons and only by persons possessing a valid hunting permit, except as provided in section (6) of this rule. The sponsoring organization

shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided with a complete list of the names and addresses of all participants before the trial.

(6) For game bird field trials—

(A) Designated shooters, under the field trial permit, may shoot only legally obtained and captive-reared: quail, pheasants, exotic partridges, and mallard ducks. The permit holder may purchase quail, pheasants, and mallard ducks no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial;

(B) Quail, pheasants, and exotic partridges shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked by removal of the hind toe from the right foot, or by tattooing a readily discernible number or letter or combination on the web of one (1) foot;

(C) Legally obtained quail, pheasants, exotic partridges, and mallard ducks may be taken in any number during a field trial and may be possessed and transported from the field trial area by persons other than the field trial permit holder only when accompanied by a receipt listing the date, number, and species, and name, address, and permit number of the field trial permit holder. In addition, the marked foot must remain attached to mallard ducks.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016.* Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. Amended: Filed July 30, 1979, effective Nov. 11, 1979. Amended: Filed Aug. 31, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed July 30, 1987, effective Jan. 1, 1988. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Amended: Filed April 28, 1992, effective Jan. 15, 1993. Amended: Filed June 9, 1993, effective July 1, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed May 6, 1998, effective March 1, 1999. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed

Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 2, 2006, effective March 30, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed Sept. 17, 2014, effective March 1, 2015. Amended: Filed Aug. 29, 2017, effective March 1, 2018. Amended: Filed June 28, 2019, effective Dec. 30, 2019. Amended: Filed Sept. 4, 2020, effective Feb. 28, 2021.

*Original authority: 252.040, RSMo 1945, amended 1989.

3 CSR 10-9.627 Dog Training Area Permit

PURPOSE: This rule establishes a permit to operate a bird dog training area.

To operate a dog training area, and to purchase, hold, release and shoot on the training area only legally obtained and captive-reared: pheasants, exotic partridges, quail, and mallard ducks. Fee: twenty dollars (\$20).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed June 9, 1993, effective July 1, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed March 19, 2007, effective April 1, 2007.

3 CSR 10-9.628 Dog Training Area: Privileges

PURPOSE: This rule clarifies the privileges and responsibilities under this permit by creation of a new rule, and clarifies that more than one (1) dog training area permit may be issued for the same tract of land.

(1) A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area only legally obtained and captive-reared: pheasants, exotic partridges, quail and mallard ducks. Captive-reared mallard ducks may be taken, possessed, transported, and stored only as provided in this chapter and federal regulations. Such ducks must be physically marked prior to six (6) weeks of age by removal of the hind toe from the right foot, or by tattooing of a readily discernible number or letter or combination thereof on the web of one (1) foot. Receipts for all game birds purchased or held must be maintained, and are subject to inspection by an authorized agent



of the department at any reasonable time.

(2) Game birds held for more than twenty-four (24) hours must be confined in covered facilities that meet standards specified in 3 CSR 10-9.220. For mallard ducks, such facilities must be designed and managed to immediately re-capture any unharvested ducks.

(3) Dog training areas shall be a single tract of land not more than forty (40) acres in size and posted with signs as specified or provided by the department. These signs can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. Multiple dog training area permits may be issued for a single tract of land.

(4) Shooting privileges shall be limited to the individual dog training area permit holder and not more than two (2) training assistants, whose names shall be listed on the permit application and the dog training area permit. All shooters shall possess the prescribed hunting permit. Only non-toxic shot may be used for taking mallard ducks.

(5) Game birds taken while dog training, other than mallard ducks, may be possessed and transported from the area only when accompanied by a receipt listing the date, number and species taken, and the dog training area permit holder's name and permit number; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the dog training area permit holder.

(6) Captive-reared mallard ducks taken while dog training may be possessed and transported from the area only when accompanied by a receipt listing the date, number and species taken, and dog training area permit holder's name and permit number. In addition, the marked foot must remain attached to mallard ducks.

NOTE: (For federal regulations on migratory waterfowl, see Title 50, Parts 20 and 21 of the Code of Federal Regulations.)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.627. Original rule filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006, effective March 30, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed Oct. 10, 2008, effective April 30, 2009.

3 CSR 10-9.630 Confined Wildlife Permits: How Obtained, Replacements (Rescinded March 1, 2003)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed June 9, 1993, effective July 1, 1994. Rescinded: Filed May 9, 2002, effective March 1, 2003.

3 CSR 10-9.640 Licensed Trout Fishing Area Permit

PURPOSE: This rule establishes a Licensed Trout Fishing Area Permit.

To maintain and operate a licensed trout fishing area, and to stock legally acquired trout. Fee: one hundred dollars (\$100).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000, effective July 1, 2001.

3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements

PURPOSE: This rule delineates the privileges and requirements associated with the Licensed Trout Fishing Area Permit.

(1) A representative of the department shall inspect each proposed licensed trout fishing area to determine that it meets all requirements of this rule before a permit is issued.

(2) Permits will not be issued for water areas where:

(A) The department manages trout populations that are maintained by stocking or natural reproduction.

(B) The release of trout is likely to jeopardize any wildlife designated as a state or federal threatened or endangered species.

(C) There is not year-round trout habitat.

(3) A permittee may release legally-acquired rainbow trout or brown trout for fishing and harvest throughout the year, under the following conditions:

(A) The immediate source of the trout to be stocked must be currently certified as negative for viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state, must have been certified negative for the previous three (3)

consecutive years, and must not pose a threat of introducing unwanted species. The immediate source of trout to be stocked must be certified as currently free of *Salmincola spp.* except that this requirement will not apply to trout stocked from a trout production facility contiguous with the licensed trout fishing area. Certification will only be accepted from federal, state, or industry personnel approved by the department and only in accordance with provisions of fish importation permit regulations (see 3 CSR 10-9.110(4)).

(B) The permittee shall keep an accurate record of all trout of each species released into and taken from the licensed trout fishing area. These records shall be subject to inspection by an authorized agent of the department at any reasonable time. The permittee shall provide each customer or guest with a receipt indicating the date and number of trout taken. Customers or guests must retain this receipt during transport and storage of the trout.

(4) Customers or guests may fish for and take rainbow trout and brown trout in any numbers within the licensed trout fishing area without additional permits.

(5) A Licensed Trout Fishing Area Permit is not required for stocking trout into an impoundment that is not subject to movement of fishes to and from waters of the state and is entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 24, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Sept. 25, 2009, effective March 1, 2010.*

**Original authority: 252.240, RSMo 1972, amended 1984.*