Rules of
Department of Conservation
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

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Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

3 CSR 10-4.105 Title; Authority

PURPOSE: This rule defines the Wildlife Code, provides that its rules are severable and establishes enforcement authority.

The rules of the Conservation Commission and statutory laws not inconsistent therewith shall constitute the *Wildlife Code of Missouri*, designated as the "Code." The rules of the Conservation Commission are severable and if any rule or portion of this Code is held invalid, the remainder shall not be affected. The boldface caption for any rule does not affect the meaning of the rule. All authorized agents of the department and all duly constituted peace officers are authorized to enforce the provisions of this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1967, effective Dec. 31, 1967. Amended: Filed July 30, 1987, effective Jan. 1, 1988.

***Marsh v. Bartlett 343 Missouri 526**, 121 SW2d 737 (1938). As regards administrative authority found in the Wildlife Code, violations of the Code are not unconstitutional delegations of legislative power because punished as offenses. "Regulatory" authority of the Conservation Commission includes ordinarily the means to adjust, order or govern by rule or established mode; direct or manage according to certain standards or rules.*

***Schley v. Conservation Commission of Missouri**, 329 SW2d 736 (Mo. 1959). Rules promulgated by the Missouri Conservation Commission, especially those bearing criminal penalties, are subject to the same rule of definiteness as statutes.*

3 CSR 10-4.110 General Prohibition; Applications

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

(1) No bird, fish, crayfish, mussel, amphibian, reptile, mammal, or other form of wildlife, including their homes, dens, nests, eggs, and larvae in Missouri shall be molested, pursued, taken, hunted, trapped, tagged, marked, enticed, poisoned, killed, transported, stored, served, bought, sold, given away, accepted, possessed, propagated, imported, exported, or liberated to the wild in any manner, number, part, parcel, or quantity, at any time, except as specifically permitted by these rules and any laws consistent with Article IV, sections 40–46 of the *Constitution of Missouri*; however, this Code shall not apply to other invertebrates except as specifically provided.

(2) All hours and times listed in this Code shall be based on prevailing local time unless specifically designated otherwise.

(3) Except as otherwise provided in this Code, wildlife may be taken only by holders of the prescribed permits and in accordance with prescribed methods.

(4) Birds, game mammals, furbearers, fish, bullfrogs and green frogs, mussels, crayfish, and common snapping and soft-shelled turtles may be taken only within the limits and during the open seasons prescribed in this Code; provided, in a situation of emergency where the public interest justifies extraordinary salvage measures to prevent or minimize waste, the director may authorize the taking and possession of wildlife by provisions other than those established in this Code, for a period not to exceed ninety (90) days.

(5) No person, corporation, municipality, county, business, or other public or private entity shall cause or allow any deleterious substance to be placed, run, or drained into any of the waters of this state in quantities sufficient to injure, stupefy, or kill fish or other wildlife which may inhabit such waters.

(6) No person shall administer, by any means, any contraceptive or reproductive inhibitor to any species of wildlife outside of captivity in Missouri without written authorization of the director.

(7) No person who takes or possesses any wildlife shall wantonly leave or abandon any portion of such wildlife commonly used as human food.

(8) With landowner permission, any species listed in the Approved Aquatic Species List in 3 CSR 10-9.110 may be released into privately owned impoundments which are designated as waters of the state by virtue of having been stocked by the state, or because they are owned jointly, or as tenants in common or by corporate shareholders. Statewide seasons, methods, and limits for all species will apply to these waters.

(9) The release of transgenic fish or wildlife into the wild is prohibited without written authorization of the director. Transgenic fish or wildlife may be possessed and used only as authorized by 3 CSR 10-9.110.

(10) Within the Chronic Wasting Disease (CWD) Containment Zone (comprising Adair, Chariton, Linn, Macon, Randolph, and Sullivan counties), the placement of grain, salt products, minerals, and other consumable natural or manufactured products is prohibited. The following exceptions apply:

(A) Feed placed within one hundred (100) feet of any residence or occupied building; or

(B) Feed placed in such a manner to reasonably exclude access by deer; or

(C) Feed and minerals present solely as a result of normal agricultural or forest management or crop and wildlife food production practices.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. 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. Emergency amendment filed April 28, 1993, effective May 9, 1993, expired June 7, 1993. Amended: Filed Dec. 29, 1992, effective June 7, 1993. Sections (5), (6), and (10) changed to 3 CSR 10-9.110, effective Jan. 31, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed June 27, 1996, effective March 1, 1997. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed June 11, 1998, effective March 1, 1999. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005.*

Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed May 25, 2012, effective Oct. 30, 2012.

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

3 CSR 10-4.111 Endangered Species

PURPOSE: This rule extends special protection to endangered wildlife and lists those species considered to be threatened with extinction.

(1) The importation, transportation, sale, purchase, taking or possession of any endangered species of wildlife, or hides or other parts thereof, or the sale or possession with intent to sell of any article made in whole or in part from the skin, hide or other parts of any endangered species of wildlife is prohibited; provided, that this rule shall not apply to legally acquired wildlife held under permit or held by a public zoo or museum or to articles manufactured before January 1, 1973. Endangered wildlife taken legally outside Missouri may be imported, transported or possessed, but may not be sold or purchased without written approval of the director.

(2) The exportation, transportation or sale of any endangered species of plant or parts thereof, or the sale of or possession with intent to sell any product made in whole or in part from any parts of any endangered species of plant is prohibited.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(A) Mammals: gray bat, Ozark big-eared bat, Indiana bat, black-tailed jackrabbit, spotted skunk.

(B) Birds: northern harrier, interior least tern, Swainson's warbler, snowy egret, king rail, Bachman's sparrow, peregrine falcon, American bittern, greater prairie-chicken.

(C) Reptiles: western chicken turtle, Blanding's turtle, Illinois mud turtle, yellow mud turtle, Mississippi green water snake, massasauga rattlesnake.

(D) Amphibians: eastern hellbender, Ozark hellbender.

(E) Fishes: lake sturgeon, pallid sturgeon, taillight shiner, Neosho madtom, spring cavefish, harlequin darter, goldstripe darter, cypress minnow, central mudminnow, crystal darter, swamp darter, Ozark cavefish, Niangua darter, Sabine shiner, mountain madtom, redfin darter, longnose darter, flathead chub, Topeka shiner.

(F) Mussels: Curtis pearlymussel, Higgins' eye, pink mucket, fat pocketbook, ebonyshell, elephant ear, winged mapleleaf, sheepnose, snuffbox, scaleshell.

(G) Other Invertebrates: American burying beetle, Hine's emerald dragonfly, Tumbling Creek cavesnail.

(H) Plants: small whorled pogonia, Mead's milkweed, decurrent false aster, Missouri bladderpod, geocarpon, running buffalo clover, pondberry, eastern prairie fringed orchid, western prairie fringed orchid, Virginia sneezeweed.

(4) To provide essential protection to endangered species, the director may establish refuges not to exceed one (1) square mile for not more than sixty (60) days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. Amended: Filed July 13, 1976, effective Dec. 31, 1976. Amended: Filed June 27, 1977, effective Jan. 1, 1978. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed Aug. 1, 1983, effective Jan. 1, 1984. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. 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 Jan. 15, 1993. 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 May 6, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Dec. 18, 2000, effective May 30, 2001. Amended: Filed Dec. 19, 2001, effective May 30, 2002. Amended: Filed Aug. 30, 2002, effective Jan. 30, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed April 17, 2006, effective Nov. 30, 2006. Amended: Filed Oct. 10, 2008, effective March 30, 2009.*

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

3 CSR 10-4.112 Importation or Sale of Live Grass Carp and Walking Catfish Prohibited

(Rescinded January 1, 1980)

AUTHORITY: sections 40 and 45, Mo. Const. Art. IV. This version of rule filed Aug. 15, 1973, effective Dec. 31, 1973. Rescinded: Filed July 30, 1979, effective Jan. 1, 1980.

3 CSR 10-4.113 Ginseng

PURPOSE: This rule establishes certain requirements for possession and trade in the medicinal plant ginseng. These requirements are necessary to secure federal approval for export of ginseng, in which trade is restricted under the Convention on International Trade in Endangered Species. The principal market for ginseng is China and other Asian countries.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs). The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within one hundred feet (100') of the parent plants. Plants or roots of wild ginseng taken in Missouri, or acquired from outside the state, may be purchased, sold, transported, or exported in dried form only from September 15 through March 15; provided, wet or undried roots may be purchased, sold, transported, or exported from September 1 through March 15 and certified roots may be possessed, purchased, sold, transported, or exported throughout the year in accordance with this rule.

(2) Wild and cultivated Missouri ginseng plants or roots exported from the state must be accompanied by a numbered certificate of origin on forms provided by the department. Roots may be imported from other states, territories or countries only with appropriate certification of origin. Uncertified roots that have been received from outside the state must be returned to that state for certification within thirty (30) days of receipt. Uncertified Missouri wild roots may be possessed only from September 1 through March 15.

(3) Any person, group, or business that purchases ginseng roots in Missouri for resale must register annually with the department as a ginseng dealer, and submit quarterly reports of all transactions within fifteen (15) days of the preceding buying period and an annual report of inventory, 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.missouriconservation.org. Annual registration shall be contingent upon compliance with this rule and receipt of the required reports. All records required by this rule shall be retained for three (3) years.

(4) Any person, group or business that purchases ginseng roots in Missouri for resale, but is registered as a ginseng dealer in another state and does not purchase or sell ginseng roots from an address in the state, is not required to register with the department as a ginseng dealer.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Aug. 9, 1988, effective Jan. 1, 1989. Amended: Filed Aug. 8, 1989, effective Jan. 1, 1990. Amended: Filed June 29, 1990, effective Jan. 1, 1991. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Dec. 29, 1997, effective May 30, 1998. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 10, 2008, effective March 30, 2009.

3 CSR 10-4.115 Special Regulations for Department Areas
(Rescinded September 30, 2001)

NOTE: Information covered in this rule is found at 3 CSR 10-11.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. Amended: Filed April 5, 1976, effective July 12, 1976. Amended: Filed June 8, 1976, effective July 12, 1976. Amended: Filed July 13, 1976, effective Aug. 12, 1976. Amended: Filed July 13, 1976, effective Oct. 16, 1976. Amended: Filed Aug. 11, 1976, effective Dec. 31, 1976. Amended: Filed Oct. 20, 1976, effective Feb. 11, 1977. Amended: Filed Feb. 23, 1977, effective April 11, 1977. Amended: Filed May 5, 1977, effective June 11, 1977. Amended: Filed May 5, 1977, effective Aug. 11, 1977. Amended: Filed June 3, 1977, effective Oct. 1, 1977. Amended: Filed June 27, 1977, effective Oct. 1, 1977. Amended: Filed June 27, 1977, effective Dec. 1, 1977. Amended: Filed July 29, 1977, effective Nov. 11, 1977. Amended: Filed March 13, 1978, effective April 13, 1978. Amended: Filed May 22, 1978, effective Sept. 15, 1978. Amended: Filed July 5, 1978, effective Aug. 11, 1978. Amended: Filed July 5, 1978, effective Oct. 12, 1978. Amended: Filed July 5, 1978, effective Dec. 1, 1978. Amended: Filed Aug. 4, 1978, effective Nov. 11, 1978. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Amended: Filed Sept. 5, 1978, effective Oct. 12, 1978. Amended: Filed Nov. 1, 1978, effective Dec. 11, 1978. Amended: Filed Jan. 22, 1979, effective March 11, 1979. Amended: Filed Feb. 22, 1979, effective June 11, 1979. Amended: Filed April 25, 1979, effective Aug. 11, 1979. Amended: Filed May 22, 1979, effective Sept. 15, 1979. Amended: Filed May 22, 1979, effective Dec. 1, 1979. Amended: Filed June 25, 1979, effective Aug. 11, 1979. Emergency amendment filed July 30, 1979, effective Oct. 1, 1979, expired Jan. 25, 1980. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 31, 1979, effective Jan. 12, 1980. Amended: Filed Sept. 27, 1979, effective Jan. 1, 1980. Amended: Filed Nov. 28, 1979, effective March 14, 1980. Amended: Filed Feb. 28, 1980, effective June 12, 1980. Amended: Filed April 2, 1980, effective July 11, 1980. Amended: Filed June 27, 1980, effective Oct. 11, 1980. Amended: Filed June 27, 1980, effective Aug. 11, 1980. Amended: Filed Aug. 1, 1980, effective Nov. 14, 1980. Amended: Filed Aug. 29, 1980, effective Oct. 11, 1980. Amended: Filed Nov. 24, 1980, effective March 13, 1981. Amended: Filed Dec. 22, 1980, effective April 11, 1981. Emergency amendment filed April 1, 1981, effective April 11, 1981, expired May 15, 1981. Amended: Filed April 6, 1981, effective May 11, 1981. Amended: Filed June 1, 1981, effective Sept. 11, 1981. Amended: Filed June 29, 1981, effective Aug. 14, 1981. Amended: Filed July 31, 1981, effective Nov. 13, 1981. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed Sept. 8, 1981, effective Dec. 11, 1981. Amended: Filed Jan. 29, 1982, effective March 11, 1982. Amended: Filed March 4, 1982, effective April 11, 1982. Amended: Filed March 26, 1982, effective May 14, 1982. Amended: Filed April 19, 1982, effective Aug. 12, 1982. Amended: Filed June 1, 1982, effective Sept. 11, 1982. Emergency amendment filed June 24, 1982, effective July 4, 1982, expired Aug. 12, 1982. Emergency amendment filed June 30, 1982, effective July 30, 1982, expired Nov. 26, 1982. Amended: Filed June 30, 1982, effective Aug. 12, 1982. Amended: Filed July 27, 1982, effective Sept. 11, 1982. Amended: Filed Aug. 31, 1982, effective Oct. 11, 1982. Amended: Filed Nov. 29, 1982, effective March 11, 1983. Amended: Filed Dec. 17, 1982, effective April 11, 1983. Emergency amendment filed Jan. 25, 1983, effective Feb. 5, 1983, expired May 5, 1983. Amended: Filed Feb. 25, 1983, effective June 11, 1983. Amended: Filed March 31, 1983, effective May 12, 1983. Amended: Filed April 25, 1983, effective June 11, 1983. Amended: Filed May 27, 1983, effective July 11, 1983. Amended: Filed June 24, 1983, effective Aug. 11, 1983. Amended: Filed Aug. 1, 1983, effective Sept. 11, 1983. Amended: Filed Aug. 1, 1983, effective Jan. 1, 1984. Amended: Filed Aug. 29, 1983, effective Oct. 11, 1983. Amended: Filed Sept. 23, 1983, effective Nov. 11, 1983. Amended: Filed Oct. 28, 1983, effective Feb. 11, 1984. Amended: Filed Feb. 24, 1984, effective June 11, 1984. Amended: Filed April 12, 1984, effective May 11, 1984. Amended: Filed April 30, 1984, effective June 11, 1984. Emergency amendment filed May 15, 1984, effective May 25, 1984, expired July 12, 1984. Amended: Filed May 29, 1984, effective July 12, 1984. Amended: Filed July 5, 1984, effective Aug. 11, 1984. Amended: Filed Aug. 3, 1984, effective Sept. 14, 1984. Amended: Filed Sept. 4, 1984, effective Oct. 11, 1984. Emergency amendment filed Oct. 16, 1984, effective Nov. 1, 1984, expired Jan. 15, 1985. Amended: Filed Nov. 2, 1984, effective Dec. 14, 1984. Amended: Filed Dec. 4, 1984, effective Jan. 11, 1985. Amended: Filed March 5, 1985, effective April 11, 1985. Amended: Filed April 4, 1985, effective May 11, 1985. Amended: Filed May 6, 1985, effective June 14, 1985. Amended: Filed July 8, 1985, effective Aug. 11, 1985. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed Sept. 3, 1985, effective Dec. 1, 1985. Amended: Filed Sept. 30, 1985, effective Nov. 1, 1985. Amended: Filed Nov. 6, 1985, effective Dec. 13, 1985. Amended: Filed Jan. 10, 1986, effective Feb. 14, 1986. Amended: Filed Jan. 31, 1986, effective March 1, 1986. Amended: Filed March 12, 1986, effective May 30, 1986. Amended: Filed April 28, 1986, effective June 1, 1986. Amended: Filed June 25, 1986, effective Aug. 1, 1986. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Sept. 5, 1986, effective Oct. 11, 1986. Amended: Filed Sept. 30, 1986, effective Nov. 1, 1986. Amended: Filed Nov. 5, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 6, 1987, effective March 1, 1987. Amended: Filed Feb. 10, 1987, effective March 14, 1987. Amended: Filed April 29, 1987, effective June 1, 1987. Amended: Filed June 10, 1987, effective July 11, 1987. Amended: Filed July 30, 1987, effective Sept. 1, 1987. Amended: Filed July 30, 1987, effective Jan. 1, 1988. Amended:

Filed Sept. 2, 1987, effective Oct. 11, 1987. Amended: Filed Oct. 2, 1987, effective Nov. 12, 1987. Amended: Filed Nov. 24, 1987, effective Jan. 1, 1988. Amended: Filed Feb. 3, 1988, effective March 11, 1988. Amended: Filed Feb. 3, 1988, effective June 1, 1988. Amended: Filed March 22, 1988, effective May 1, 1988. Amended: Filed May 10, 1988, effective June 11, 1988. Amended: Filed June 7, 1988, effective July 11, 1988. Amended: Filed Sept. 12, 1988, effective Oct. 14, 1988. Amended: Filed Feb. 28, 1989, effective March 27, 1989. Amended: Filed Feb. 28, 1989, effective Jan. 1, 1990. Amended: Filed March 28, 1989, effective May 1, 1989. Amended: Filed June 1, 1989, effective July 1, 1989. Amended: Filed Sept. 11, 1989, effective Oct. 13, 1989. Amended: Filed Feb. 9, 1990, effective May 1, 1990. Rescinded and readopted: Filed May 31, 1990, effective Jan. 1, 1991. Emergency amendment filed Aug. 23, 1990, effective Sept. 3, 1990, expired Dec. 31, 1990. Amended: Filed Feb. 1, 1991, effective June 10, 1991. Amended: Filed April 26, 1991, effective Oct. 31, 1991. Emergency amendment filed Dec. 31, 1991, effective Feb. 15, 1992, expired June 13, 1992. Amended: Filed Dec. 31, 1991, effective May 14, 1992. Amended: Filed Feb. 11, 1992, effective June 25, 1992. Amended: Filed March 25, 1992, effective Sept. 6, 1992. Emergency amendment filed April 10, 1992, effective May 11, 1992, expired May 31, 1992. Amended: Filed April 28, 1992, effective Jan. 15, 1993. Emergency amendment filed Sept. 1, 1992, effective Oct. 1, 1992, expired Jan. 20, 1993. Amended: Filed Sept. 1, 1992, effective April 8, 1993. Amended: Filed March 24, 1993, effective Sept. 9, 1993. Amended: Filed April 21, 1993, effective Oct. 10, 1993. Amended: Filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed June 9, 1993, effective Dec. 9, 1993. Amended: Filed Dec. 21, 1993, effective Jan. 1, 1994. Amended: Filed June 13, 1994, effective July 1, 1994. Amended: Filed July 29, 1994, effective Jan. 1, 1995. Amended: Filed Jan. 30, 1995, effective April 1, 1995. Amended: Filed May 30, 1995, effective June 10, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 25, 1996, effective May 10, 1996. Amended: Filed June 27, 1996, effective July 15, 1996. Amended: Filed April 25, 1996, effective Jan. 1, 1997. Amended: Filed Dec. 18, 1996, effective March 31, 1997. Amended: Filed April 29, 1997, effective May 15, 1997. Amended: Filed Sept. 5, 1997, effective Sept. 18, 1997. Amended: Filed Oct. 9, 1997, effective Nov. 1, 1997. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Jan. 29, 1998, effective March 1, 1998. Amended: Filed May 6, 1998, effective July 1, 1998. Amended: Filed July 8, 1998, effective July 20, 1998. Amended: Filed Aug. 3, 1998, effective Jan. 1, 1999. Amended: Filed Sept. 3, 1998, effective Sept. 15, 1998. Amended: Filed June 11, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective June 1, 1999. Amended: Filed May 10, 1999, effective June 1, 1999. Amended: Filed July 14, 1999, effective Aug. 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 11, 1999, effective March 2, 2000. Amended: Filed Dec. 20, 1999, effective May 30, 2000. Amended: Filed April 24, 2000, effective Sept. 30, 2000. Amended: Filed July 19, 2000, effective Dec. 30, 2000. Amended: Filed Dec. 18, 2000, effective May 30, 2001. Rescinded: Filed April 30, 2001, effective Sept. 30, 2001.

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities
(Rescinded September 30, 2001)

NOTE: Information covered in this rule is found at 3 CSR 10-12.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Jan. 1, 1991. Amended: Filed Nov. 26, 1990, effective April 29, 1991. Amended: Filed April 26, 1991, effective Oct. 31, 1991. Amended: Filed July 29, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Emergency amendment filed April 25, 1996, effective May 6, 1996, expired Nov. 1, 1996. Amended: Filed March 26, 1996, effective Aug. 30, 1996. Amended: Filed April 25, 1996, effective Jan. 1, 1997. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Aug. 3, 1998, effective Jan. 1, 1999. Amended: Filed May 6, 1998, effective March 1, 1999. Amended: Filed Jan. 21, 1999, effective June 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 11, 1999, effective March 2, 2000. Amended: Filed Feb. 7, 2000, effective July 30, 2000. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed Feb. 6, 2001, effective July 30, 2001. Rescinded: Filed April 30, 2001, effective Sept. 30, 2001.

3 CSR 10-4.117 Prohibited Species

PURPOSE: This rule establishes a list of species that may not be possessed in Missouri.

(1) Prohibited species may not be imported, exported, transported, sold, purchased or possessed alive in Missouri without written approval of the director.

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(A) Mammals: Any species of flying fox or fruit bat of the genus *Pteropus*; any species of mongoose or meerkat of the genera *Atilax, Cynictis, Helogale, Herpestes, Ichneumia, Mungos*, or *Suricata*; any species of the Indian wild dog, red dog, or dhole of the genus *Cuon*; any species of the multimammat rat or mouse of the genus *Mastomys*; raccoon dog, *Nyctereutes procyonoides*; brushtail possum, *Trichosurus vulpecula*;

(B) Birds: pink starling or rosy pastor, *Sturnus roseus*; species of dioch (including the subspecies black-fronted, red-billed, or Sudan dioch), *Quelea quelea*; Java sparrow, *Padda oryzivora*; red whiskered bul-bul, *Pycnonotus jocosus*;

(C) Fishes: Live fish or viable eggs of black carp (*Mylopharyngodon piceus*); snakehead fish of the genera *Channa* or *Parachanna* (or the generic synonyms of *Bostrychoides*, *Ophicephalus*, *Ophiocephalus*, and *Parophiocephalus)*; walking catfish of the family *Clariidae*; and

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *Orconectes rusticus*; marbled crayfish, *Procambarus marmorkrebs*; Australian crayfish of the genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; quagga mussels, *Dreissena rostriformis bugensis*; mystery snails of the genus *Cipangopaludina*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008, effective March 30, 2009. Amended: Filed Sept. 30, 2010, effective March 1, 2011. Amended: Filed Sept. 19, 2012, effective March 1, 2013.*

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

3 CSR 10-4.118 Public Use of Certain Department Buildings

PURPOSE: This rule establishes standards and procedures for authorizing public use of certain department-owned or leased buildings.

(1) Except as otherwise provided in this Code, by special area regulations or as stipulated by the director, business hours of department buildings may be established by the site administrator. Public use of department buildings for purposes other than the primary building function is prohibited, except that use by other government entities or not-for-profit organizations involved in fish, forestry and/or wildlife resources conservation may be authorized, at times and under conditions that do not interfere with the department building function.

(2) Special Building Use Permit.

(A) Any person, organization or government entity seeking use of a department building must apply for a special building use permit on forms provided by the department.

(B) Failure to properly complete and provide all requested information on the application shall result in denial of a permit.

(C) Applications may be submitted by mail, in person to the site administrator during established business hours or to another designated location, but must be received at least seven (7) days prior to the date of the requested building use.

(D) A permit shall be issued or denied by the site administrator no later than three (3) calendar days following receipt of the completed application.

(E) The permit shall specify the conditions, including any restrictions, under which the permittee is authorized to conduct an activity during a time period specified. Upon expiration of a permit, a new permit may be issued based on a new application.

(F) The site administrator shall issue permits on a first-come, first-served basis.

(G) The site administrator may disapprove an application or cancel an issued permit, including an activity in progress, if the activity violates any provisions or restrictions of the permit.

(H) Nothing in this rule shall prevent the site administrator from reserving certain times for official government business; setting aside certain days and times for maintenance, construction or repair; preempting an approved use to allow for official government business; or prohibiting use to all applicants.

(I) Services normally provided at a building shall be provided without charge. The applicant may be required to pay costs for utilities, maintenance, supporting physical arrangements or additional personnel over and above the services normally provided. The site administrator may require a deposit in the amount of estimated additional costs before issuing a permit. Payment of additional costs may be waived by the site administrator where it is impractical to identify the additional costs or where the amount is small.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed May 6, 1998, effective March 1, 1999.

3 CSR 10-4.120 Boundary Waters

PURPOSE: This rule provides for reciprocal fishing and hunting privileges on boundary waters through agreements with adjoining states.

The privileges of fishing or hunting on boundary waters common to Missouri and an adjoining state shall be as mutually agreed upon by the Missouri Conservation Commission and the equivalent authorities of the adjoining state.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 19, 1957, effective Dec. 31, 1957.

3 CSR 10-4.125 Inspection

PURPOSE: This rule provides authority for enforcement officers to inspect permits, wildlife and devices or facilities used to take, possess or transport wildlife, to ascertain whether provisions of the Wildlife Code are being violated.

Every person, business concern or organization possessing, taking, transporting or using the wildlife or forestry resources of this state in any manner shall permit any agent of the department or any peace officer to inspect his/her permit(s), or temporary permit authorization number(s), and picture identification; to inspect and count any wildlife in his/her possession; and to inspect any devices or facilities used in taking, attempting to take, possessing or transporting wildlife, subject to the provisions of section 252.100, RSMo in order that such officer may ascertain whether this Code or the statutes pertaining to wildlife or forestry are being violated. No person, business concern or organization shall refuse to permit such inspection, or interfere with any officer in such inspection.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. Amended: Filed June 27, 1977, effective Jan. 1, 1978. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Aug. 11, 1999, effective March 1, 2000.

3 CSR 10-4.130 Owner May Protect Property; Public Safety

PURPOSE: This rule establishes provisions for capturing or killing wildlife that is damaging private property to prevent further damage.

(1) Subject to federal regulations governing the protection of property from migratory birds (including raptors), any wildlife except white-tail deer, mule deer, elk, turkeys, black bears, mountain lions, and any endangered species which beyond reasonable doubt is damaging property may be captured or killed by the owner of the property being damaged, or by his/her representative, at any time and without permit, but only by shooting or trapping except by written authorization of the director or, for avian control, of his/her designee. Wildlife may be so controlled only on the owner's property to prevent further damage.

(2) Except as otherwise authorized by an agent of the department—

(A) Use of traps shall be in compliance with 3 CSR 10-8.510.

(B) Wildlife so captured or killed must be reported to an agent of the department within twenty-four (24) hours.

(3) Wildlife captured or killed shall be disposed of only in accordance with the instructions of an agent of the department.

(4) White-tail deer, mule deer, elk, turkeys, and endangered species that are causing damage may be killed only with the permission of an agent of the department and by methods authorized by him/her.

(5) Black bears that are causing damage may be killed only with the permission of an agent of the department and by methods authorized by him/her, except that they may be killed without prior permission if they are attacking or killing livestock or domestic animals, or attacking humans. Black bears killed under this rule must be reported immediately to an agent of the department and the intact black bear carcass, including pelt, must be surrendered to the agent within twenty-four (24) hours.

(6) Mountain lions may be killed without prior permission if they are attacking or killing livestock or domestic animals, or if they are threatening human safety. Any

mountain lion killed under this rule must be reported immediately to an agent of the department and the intact mountain lion carcass, including pelt, must be surrendered to the agent within twenty-four (24) hours.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed July 30, 1987, effective Jan. 1, 1988. Amended: Filed Aug. 9, 1988, effective Jan. 1, 1989. Amended: Filed Aug. 8, 1989, effective Jan. 1, 1990. Amended: Filed May 10, 1991, effective Jan. 1, 1992. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed March 19, 2007, effective Aug. 30, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed May 31, 2011, effective Oct. 30, 2011.*

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

3 CSR 10-4.134 Importation of Fish and Fish Eggs
(Rescinded January 31, 1994)

AUTHORITY: sections 40 and 45 of Art, IV, Mo. Const. This version of rule filed Aug. 18, 1969, effective Dec. 31, 1969. Amended: Filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed July 30, 1987, effective Jan. 1, 1988. Rescinded: Filed June 9, 1993, effective Jan. 31, 1994.

3 CSR 10-4.135 Transportation

PURPOSE: This rule establishes provisions for the transportation of wildlife into, within, and out of the state.

(1) Wildlife legally taken by sport hunting and fishing may be possessed and transported into, within, or out of this state as personal baggage of the taker, who has in his/her possession the required permit, or by other lawful possessor. Except for deer and turkeys taken in Missouri, persons possessing wildlife taken by another shall plainly label that wildlife with the full name, address, and permit number of the taker and the date taken, except that Missouri limits shall apply on Missouri waters unless otherwise provided by reciprocal agreement. Deer and turkeys reported in accordance with established procedures, when labeled with the full name, address, date taken, and Telecheck confirmation number of the taker, may be possessed, transported, and stored by anyone. Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier, except cervid carcasses or cervid carcass parts. The importation, transportation, or possession of cervid carcasses or cervid carcass parts taken from or obtained outside of Missouri is prohibited, except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached; hides or capes from which all excess tissue has been removed; antlers; antlers attached to skull plates or skulls cleaned of all muscle and brain tissue; upper canine teeth; and finished taxidermy products. Carcasses or parts of carcasses with the spinal column or head attached may be transported into the state only if they are reported to an agent of the department within twenty-four (24) hours of entering the state and then taken to a licensed meat processor or taxidermist within seventy-two (72) hours of entry. Licensed meat processors and taxidermists shall dispose of the discarded tissue in a properly permitted landfill.

(2) In addition to personal transportation, legally possessed commercial fish, frogs, deer hides, squirrel and rabbit pelts, and furbearer pelts and carcasses may be shipped by mail, express and freight, when truly labeled with the names and addresses of shipper and addressee, shipper's permit number, or Telecheck confirmation number, as required, and the contents of each package. Wildlife breeders, taxidermists, fur dealers, and tanners may ship according to regulations specifically provided for such permittees. Wildlife shall not be accepted for shipment unless the shipper shall have complied with the provisions of this rule.

(3) Notwithstanding other provisions of this rule, the transportation of waterfowl and other migratory birds shall be in accordance with applicable federal regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. Amended: Filed April 20, 1978, effective Aug. 15, 1978. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed Aug. 24, 2005, effective Jan. 30, 2006. Amended: Filed Oct. 13, 2005, effective April 30, 2006. Amended: Filed March 6, 2006, effective Aug. 30, 2006. Amended: Filed Sept. 25, 2009, effective March 1, 2010. Amended: Filed Jan. 4, 2011, effective July 1, 2011.*

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

3 CSR 10-4.136 Giving Away Wildlife

PURPOSE: This rule establishes the provisions by which the taker may give wildlife to another person.

Wildlife legally taken and possessed may be given to another only by the taker after completion of the day's fishing or hunt. Any wildlife given to another shall continue to be included in the daily limit of the taker for the day when taken. Wildlife, except deer and turkeys taken in Missouri, shall be labeled with the full name, address and permit number of the taker, species and the date when taken. Deer and turkeys taken in Missouri shall be labeled with the full name and address of the taker, the date taken, and the Telecheck confirmation number of the deer or turkey. Wildlife received as a gift shall be included in the possession limit of the recipient.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 17, 1966, effective Dec. 31, 1966. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Aug. 8, 1989, effective Jan. 1, 1990. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 24, 2005, effective Jan. 30, 2006.

3 CSR 10-4.137 Wildlife Identification

PURPOSE: This rule establishes provisions for identifying the taker and possessor of wildlife as a means of enforcing permits, limits and other regulations.

The taker and/or possessor of any wildlife shall keep the wildlife separate or distinctly identifiable from wildlife taken or possessed by another. When not personally attended, the wildlife shall be plainly labeled with the full name and address of the taker and/or possessor, except as provided in 3 CSR 10-6.405, 3 CSR 10-7.431 and 3 CSR 10-7.455.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. Amended: Filed July 30, 1987, effective Jan. 1, 1988.

Amended: Filed May 10, 1990, effective Jan. 1, 1991. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Aug. 24, 2005, effective Jan. 30, 2006.

3 CSR 10-4.138 Possession and Daily Limit

PURPOSE: This rule aids in enforcing daily limits and restricts the release of fish that have been rendered incapable of survival.

Except as provided in 3 CSR 10-6.405, any wildlife taken into actual possession, unless released unharmed immediately, shall continue to be included in the daily limit of the taker for the day when taken.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1968, effective Dec. 31, 1968. Emergency amendment filed July 31, 1992, effective Sept. 1, 1992, expired Dec. 3, 1992. Amended: Filed April 28, 1992, effective Dec. 3, 1992. Amended: Filed May 30, 1995, effective Jan. 1, 1996.

3 CSR 10-4.140 Possession, Storage and Processing

PURPOSE: This rule establishes conditions under which wildlife may be possessed and stored.

(1) Wildlife legally taken or acquired may be possessed and stored, preserved or under refrigeration only at the possessor's home, camp, place of lodging or in a commercial establishment. Turkeys may be possessed or stored not later than February 15 next following the close of the season when taken.

(2) All stored wildlife, except deer and turkeys taken in Missouri, shall be labeled with the owner's full name, address and permit number, as required, species and date of placing in storage. If taken in another state or country, it also shall bear the export certificate, if required. Stored deer and turkeys taken in Missouri shall be labeled with the full name and address of the taker, the date taken, and the Telecheck confirmation number of the deer or turkey.

(3) The manager of any commercial processing or cold storage plant shall possess, process or store deer only under the provisions of 3 CSR 10-10.744. Deer left for processing at any commercial processing plant shall be claimed by the owner by May 1 following the season when taken. All commercially-processed deer not claimed and picked up or stored by May 1 following the season when taken shall be considered abandoned and must be reported immediately to an agent of the department for disposal.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. Amended: Filed April 20, 1978, effective Aug. 15, 1978. Amended: Filed Aug. 4, 1978, effective Nov. 11, 1978. Amended: Filed Feb. 22, 1979, effective June 11, 1979. 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 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. Amended: Filed May 10, 1991, effective Jan. 1, 1992. Emergency amendment filed July 31, 1992, effective Sept. 1, 1992, expired Dec. 3, 1992. Amended: Filed April 28, 1992, effective Dec. 3, 1992. Amended: Filed May 6, 1998, effective March 1, 1999. Amended: Filed June 11, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 24, 2005, effective Jan. 30, 2006.

3 CSR 10-4.141 Right to Possess Wildlife

PURPOSE: This rule prohibits individuals from keeping wildlife taken illegally or while trespassing.

Any person in possession of wildlife that was taken in violation of any rule or regulation of this Code, or while in violation of the trespass statutes of the state of Missouri, shall have no right to possession of said wildlife.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002, effective March 1, 2003.

3 CSR 10-4.145 Preparing and Serving Wildlife

PURPOSE: This rule provides for preparing and serving wildlife as food and for exchanging certain raw fish for processed fish.

(1) Any person possessing wildlife legally may serve it in his/her home or camp, or deliver it in person to any place customarily engaged in serving food and, within seven (7) days of delivery, may have it prepared and served to him/her. The wildlife shall be labeled with the full name, address and, where required, permit number or for deer and turkeys Telecheck confirmation number of the taker and this information, together with the species and number of wildlife and the date of delivery, shall be recorded by the recipient.

(2) Carp, sucker, buffalo and drum may be delivered to a commercial processor and exchanged for processed fish.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1969, effective Dec. 31, 1969. Amended: Filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 24, 2005, effective Jan. 30, 2006. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007.

3 CSR 10-4.150 Legality of Wildlife Taken Outside of Missouri

PURPOSE: This rule establishes conditions where wildlife may be imported from other states.

The laws in effect where wildlife is taken shall determine the legal take and possession limits, except that Missouri limits shall apply on Missouri waters unless otherwise provided by reciprocal agreement. Fish taken in another state on a sport fishing permit by methods not permitted in Missouri may not be possessed on waters of the state. This Code shall apply immediately when wildlife is transported into Missouri, except for interstate shipment neither originating in nor destined for Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. Amended: Filed July 13, 1976, effective Dec. 31, 1976. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed April 28, 1992, effective Jan. 15, 1993.

Op. Atty. Gen. No. 32, Geekie (5-28-54). *The state of Missouri extends its ownership or control of wildlife not only to that found or reduced to possession within this state, but also to that which may be imported and the Conservation Commission may lawfully require persons engaged in retail merchandising of fish to obtain a permit even though these fish may have been lawfully acquired from sources outside the state of Missouri.*