



**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.

Any person holding wildlife in captivity in any manner shall have in his/her possession the prescribed permit or evidence of exemption. Renewal of permits is conditioned on compliance with provisions of the Wildlife Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997.

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.

(1) 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, 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.

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

(3) Fish, tiger salamander larvae 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 the *Wildlife Code of Missouri* pertaining to importation, purchase, or sale of endangered species, and importation of live fish or viable fish eggs of the family *Salmonidae*.

(D) 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.

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.

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)(F) 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.

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

(E) 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).

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

3. Species incapable of surviving in fresh water.

4. Species held only in aquaria, tanks or other containers having water 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.

5. Species held only in a closed system from which the escape of live organisms (including eggs, parasites and diseases) is not possible. The species to be held and the system to be used must receive prior written approval from the director.

(F) Approved Aquatic Species List.

1. Fishes.

A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)



- C. Spotted gar (*Lepisosteus oculatus*)
- D. Longnose gar (*Lepisosteus osseus*)
- E. Shortnose gar (*Lepisosteus platostomus*)
- F. Bowfin (*Amia calva*)
- G. American eel (*Anguilla rostrata*)
- H. Gizzard shad (*Dorosomacepedianum*)
- I. Threadfin shad (*Dorosoma petenense*)
- J. Rainbow trout (*Oncorhynchus mykiss*)
- K. Golden trout (*Oncorhynchus aquabonita*)
- L. Cutthroat trout (*Oncorhynchus clarkii*)
- M. Brown trout (*Salmo trutta*)
- N. Brook trout (*Salvelinus fontinalis*)
- O. Coho salmon (*Oncorhynchus kisutch*)
- P. Northern pike (*Esox lucius*)
- Q. Muskellunge (*Esox masquinongy*)
- R. Goldfish (*Carassius auratus*)
- S. Grass carp (*Ctenopharyngodon idella*)
- T. Common carp (*Cyprinus carpio*)
- U. Bighead carp (*Hypophthalmichthys nobilis*)
- V. Golden shiner (*Notemigonus crysoleucas*)
- W. Bluntnose minnow (*Pimephales notatus*)
- X. Fathead minnow (*Pimephales promelas*)
- Y. River carpsucker (*Cariodes carpio*)
- Z. Quillback (*Carpionodes cyprinus*)
- AA. White sucker (*Catostomus commersoni*)
- BB. Blue sucker (*Cycleptus elongatus*)
- CC. Bigmouth buffalo (*Ictiobus cyprinellus*)
- DD. Black bullhead (*Ameiurus melas*)
- EE. Yellow bullhead (*Ameiurus natalis*)
- FF. Brown bullhead (*Ameiurus nebulosus*)
- GG. Blue catfish (*Ictalurus furcatus*)
- HH. Channel catfish (*Ictalurus punctatus*)
- II. Flathead catfish (*Pylodictis olivaris*)
- JJ. Mosquitofish (*Gambusia affinis*)
- KK. White bass (*Morone chrysops*)
- LL. Striped bass (*Morone saxatilis*)
- MM. Green sunfish (*Lepomis cyanellus*)
- NN. Pumpkinseed (*Lepomis gibbosus*)
- OO. Warmouth (*Lepomis gulosus*)

- PP. Orangespotted sunfish (*Lepomis humilis*)
- QQ. Bluegill (*Lepomis macrochirus*)
- RR. Longear sunfish (*Lepomis megalotis*)
- SS. Redear sunfish (*Lepomis microlophus*)
- TT. Smallmouth bass (*Micropterus dolomieu*)
- UU. Spotted bass (*Micropterus punctulatus*)
- VV. Largemouth bass (*Micropterus salmoides*)
- WW. White crappie (*Pomoxis annularis*)
- XX. Black crappie (*Pomoxis nigromaculatus*)
- YY. Yellow perch (*Perca flavescens*)
- ZZ. Sauger (*Stizostedion canadense*)
- AAA. Walleye (*Stizostedion vitreum*)
- BBB. Freshwater drum (*Aplodinotus grunniens*)
- 2. Crustaceans.
 - A. Freshwater prawn (*Macrobrachium rosenbergii*)
 - B. Northern crayfish (*Orconectes virilis*)
 - C. White river crayfish (*Procambarus acutus*)
 - D. Red swamp crayfish (*Procambarus clarkii*)
 - E. Papershell crayfish (*Orconectes immunis*)
- 3. Amphibians.
 - A. Tiger salamander larvae (*Ambystoma tigrinum*)
- (4) Live fish, their eggs and gametes of the family *Salmonidae* (trout, char, salmon) may be imported to the state only by the holder of a fish importation permit and any other appropriate state permit. This importation permit shall be issued at no charge, for each shipment, to a person who has applied upon a special form furnished by the department which is included herein, if this application is received not less than fifteen (15) nor more than eighty (80) days prior to the shipment, and if the shipment is considered not detrimental to the fisheries resources of the state. This permit will be issued only if the immediate source of the importation is certified negative for Viral Hemorrhagic Septicemia, Infectious Pancreatic Necrosis, Infectious Hematopoietic Necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state. 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 sub-

ject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.



**MISSOURI DEPARTMENT OF CONSERVATION
APPLICATION FOR IMPORTATION OF SALMONID FISHES**

Date of Application: _____
 Expected Date of Salmonid Shipment Arrival: _____
 Applicant: _____
 Address: _____
 Telephone Number: _____ Fax: _____
 Species to be Imported: _____
 Number to be Imported: Fish: _____ Disinfected Eggs: _____ Green Eggs/Milt: _____
 (All eggs must be disinfected upon arrival.)
 Name of Carrier: _____
 Hatchery Destination: _____
 Source of Fish - Name of Company: _____
 Address of Company: _____
 Phone Number of Company: _____

Provisions: Fish Health Certification papers for sources of fish or eggs must be included with this application. Sources must have been certified annually by American Fisheries Society Bluebook procedures, or by other procedures approved by the department. Certification will only be accepted from federal, state, or industry personnel approved by the department. Diseases of concern are listed on the back of this form. Fish or eggs from sources which are positive or suspect for diseases not found in Missouri will not be allowed for importation. Importation from sources which are positive for diseases already found in Missouri will be denied if their importation may cause additional risk, such as increased virulence, increased drug resistance, or the potential to expand the distribution of diseases. Additional disease certification may be required from sources with a special risk, such as an area with a disease not routinely checked for by health inspections.

Certifier Information: Please provide Name(s), Address(es), Telephone and Fax Number(s), Qualifications (Degrees, Licenses, Accreditations, Certifications, etc.), and Employer(s):

This application and all required papers and documentation should be mailed to the Fish Pathology Laboratory, Missouri Department of Conservation, 2630 N. Mayfair, Springfield, MO 65803. The application must be received not less than 15, nor more than 80 days prior to the date of shipment. The importation permit issued by the Missouri Department of Conservation must accompany the shipment into Missouri.



Disease Considerations for Salmonid Importation into Missouri
(common acronyms for are bolded)

An importation permit will be issued only if the immediate source of the importation is certified negative for: Viral Hemorrhagic Septicemia (**VHS** or **VHSV**), Infectious Pancreatic Necrosis (**IPN** or **IPNV**), Infectious Hematopoietic Necrosis (**IHN** or **IHNV**), Whirling Disease, *Myxobolus cerebralis* (**WD**, **SWD**, or **SW**), or other diseases which may threaten fish stocks within Missouri.

Certification for Whirling Disease, *Myxobolus cerebralis* may not be required if only unfertilized eggs and milt (without water) are being imported for research purposes in an indoor laboratory inspected by the Missouri Department of Conservation and if strict handling and disinfection procedures of shipping containers, equipment, and biological specimens are followed. No resultant fish or fish tissue can leave the inspected site except as properly prepared biological samples. Additional clarification will be made available upon request.

Safe Handling Tips:

Eggs should always be properly disinfected with an FDA approved disinfectant.

Shipping containers not returned to the source should be sterilized with a 50% chlorine solution or incinerated.



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

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 wild animals 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 must be confined at all times

in cages, pens or enclosures except in lead or drag races or birds held under a falconry permit. 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) 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.

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

(C) Captive 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.

(D) 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.

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

Species	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) Mink	9	3	2
(J) Muskrat	12	5	3
(K) Nine-Banded Armadillo	12	4	2
(L) Otter	36	6	4
(M) Raccoon	24	6	5
(N) Red Fox	40	8	5
(O) Virginia Opossum	12	3	3
(P) Weasel	9	3	2
(Q) White-Tailed Deer	500	125	8
(R) Woodchuck	12	3	5

(3) 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 pub-

lic 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.

(4) Care of captive 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) Mobile temporary exhibit and wildlife auction/sale facilities may be used to confine wildlife for no more than fourteen (14) days and shall meet the following criteria:

(A) Facilities 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 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 shall contain doors that are locked when unattended, but easily accessible at all times for emergency removal of the wildlife.

(C) Facilities 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 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.

(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.

(6) Other wildlife native to Missouri not listed in sections (2) and (3) 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.

(7) Requirements of this rule shall not apply to wildlife under the care of a veterinarian or rehabilitation center, or to animals legally held in circuses, publicly-owned zoos, bona fide research facilities or on fur farms whose sole purposes are to sell pelts or live animals to other fur farms and whose facilities meet generally accepted fur farming industry standards and adhere to provisions of sections (1), (3), and (5) of this rule. 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
 3CSR10-9.220 (3) (B) (Revised 05/24/98)

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Species	Enclosure Space (sq. ft.)	Space Per Each Additional Animal	Enclosure Height (feet)	Cage Material
Black Bear or hybrids	150	50% larger	8 or 10	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.
Mountain Lion or hybrids	200	50% larger	8	Not smaller than 9 gauge steel chain link for leopards; 11 gauge steel chain link for all other species; top required.
Wolf or hybrids	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; 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. 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.

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 bullfrogs and green frogs and 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 nonvenomous reptiles and amphibians native to Missouri. Elk defined as livestock pursuant to the Revised Statutes of Missouri section 277.020 that are held separate so as to prevent commingling with mule deer and white-tailed deer are exempt from permit requirements.

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.

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 copperhead snakes, cottonmouth snakes, timber rattlesnakes, pygmy rattlesnakes, massasauga rattlesnakes, mountain lions or mountain lion-hybrids, wolves or wolf-hybrids and black bears or black bear-hybrids.

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.

3 CSR 10-9.350 Class I Wildlife Breeder Permit

PURPOSE: This rule establishes a permit for wildlife breeders.

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

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.

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.

To exercise the privileges of a Class I and Class II wildlife breeder. Fee: two hundred fifty dollars (\$250).

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.

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

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

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

(2) 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 and as provided in section (3) of this rule; 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.

(3) All elk, elk-hybrids, mule deer, and white-tailed deer, defined as Class I wildlife in 3 CSR 10-9.230, introduced into a Class I wildlife breeder operation shall meet the following requirements:

(A) Animals shall be tagged or marked in a method allowing individual animal identification.

(B) Animals imported into Missouri must come from a herd that is enrolled and has achieved a status three (3) or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

(C) Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program. Effective January 1, 2004, the minimum herd status requirement will annually increase by one (1) level until January 1, 2006 when all introduced animals shall come from herds that have achieved a status three (3) or higher—three (3) years of surveillance, advancement, and successful completion of program requirements.

(4) Effective January 1 of each year, one hundred percent (100%) of all elk, elk-hybrids, mule deer, and white-tailed deer, defined as Class I wildlife in 3 CSR 10-9.230, over twelve (12) months of age that die of any cause within a Class I wildlife breeder operation, shall be tested for chronic wasting disease at a federally approved laboratory, up to an annual total of ten (10) animals in the aggregate, except:

(A) Class I wildlife breeder operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having a status less than three (3) as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

(B) Elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's Chronic Wasting Disease Monitoring



Program as status five (5) herds—five (5) years of surveillance, advancement, and successful completion of program requirements.

(5) All permits issued by the state veterinarian's office allowing cervids to enter Missouri and all chronic wasting disease test results must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time. All test results documenting a positive case of chronic wasting disease shall be reported immediately to an agent of the department.

(6) The wildlife may be used, sold, given away, transported or shipped; provided, that state and federally-designated endangered species may not be sold without the written approval of the director; that skunks may not be imported, bought, sold, transported, given away or otherwise disposed of; that live raccoons, foxes and coyotes may not be imported; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section (10) of this rule.

(7) 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.

(8) No Class I or Class II wildlife breeder permit is required for wildlife legally held by circuses, publicly-owned zoos or *bona fide* research facilities; however, those wildlife may not be held for personal use. Physical contact between humans and Class I and Class II wildlife in circuses must be restricted to the handlers, performers or other circus employees.

(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 his/her permit number and showing the number of each species and the name and address of the recipient. No wildlife of any kind may be liberated unless specific permission has been granted on written application to the conservation agent in the district where the release is to be made.

(10) 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.

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

(12) The holder of a Class I or Class II wildlife breeder permit may exhibit wildlife at locations other than those listed on the permit.

(13) None of these privileges shall extend to permitting the act of hunting for such stock except that big game mammals may be shot for purposes of herd management by the permit holder or his/her agents, but only by written authorization of the director.

(14) No state permit shall be required of individuals holding migratory waterfowl under valid federal authorization.

(15) No state permit shall 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.

(16) The holder of a Class II wildlife breeder permit shall report escaped animals immediately to an agent of the department.

(17) The holder of a Class I wildlife breeder permit may sell legally-acquired dressed or processed quail, pheasants, partridges and game bird eggs 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.

(18) Animal health standards and movement activities shall comply with all state and federal regulations.

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

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 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, transported, shipped, given away or used, on forms provided by the department. 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. 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.

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.

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.

(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. These records shall be available for inspection by an authorized agent of the commission at any reasonable time.

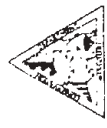


WILDLIFE REHABILITATION REPORT FORM*

Species	Date Received	County of Origin	Received From: (Name & Address)	Adult or Juvenile?	Disposition/Date?	If released, list exact release site (county, Department Area, landowner's name, etc.)	
						County:	Location:

* Required by Rule 3CSR10-9.615 of the Wildlife Code of Missouri; subject to inspection by an authorized agent of the Commission at any reasonable time.

1. A or J
 2. Disposition
 D = Died
 E = Euthanized
 R = Released
 C = Still in captivity



Missouri Department of Conservation

WD/90

**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, hoofed 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 mammals 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 II, 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 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 the conservation agent or 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 director. 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. The names and addresses of persons collecting under the direct supervision of the holder of the permit shall accompany the application for the permit. Field collection must be conducted under the in-person supervision of the permit holder. 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 Wildlife Code rules and regulations, specified conditions of the permit and receipt of a satisfactory wildlife collector's permit report. Department volunteers, working on authorized wildlife collection projects, are exempt from the requirements of this section.

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

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.

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

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, and possess alive, birds of prey and to use birds of prey to take other wildlife. Fee: sixty dollars (\$60). This permits shall remain valid for three (3) years from date of issuance.

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

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 only 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.

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreusable marker provided by the department. 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 Saturday before Memorial Day to February 1. Daily limit: two (2) squirrels; possession limit: four (4) squirrels.

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

(D) Doves may be taken from September 1 to December 16 from one-half (1/2) hour before sunrise to sunset. Daily limit: three (3) doves; possession limit: six (6) doves, except that any waterfowl taken by falconers must be included within these limits.

(E) Ducks, mergansers and coots may be taken from one-half (1/2) hour before sunrise to sunset as follows: in the North Zone, September 6 through September 21 and September 24 through December 23; in the Middle Zone, September 6 through September 21 and October 1 through December 30; and, in the South Zone, September 6 through September 21 and October 22 through January 20. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

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

(G) Other wildlife may be taken only within the specified seasons and bag limits, except that nonmigratory game species may be taken outside of the specified falconry seasons with a daily limit of one (1) per raptor per day.

(3) Nonresidents with valid Missouri hunting permits may use birds of prey properly licensed in other states to take wildlife during the open season; provided, that these properly licensed falcons, without further permit, may be entered and used by nonresidents to take wildlife in any regional or national falconry field trial authorized by letter from the director.

(4) Applicants for permits shall submit an application with information including the number of raptors possessed and the species, age, sex, date of acquisition and source of each. Falconry permits are issued by classes as follows:

(A) Apprentice Class—Permittees shall be at least fourteen (14) 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) American kestrel (*Falco sparverius*) or one (1) red-tailed hawk (*Buteo jamaicensis*) or one (1) red-shouldered hawk (*Buteo lineatus*) and may obtain not more than one (1) replacement raptor during any twelve (12)-month period.

(B) General Class—Permittees shall be at least eighteen (18) years old and shall have at least two (2) years' experience in falconry at the apprentice level. A general falconer may not possess more than two (2) raptors of the family *Accipitridae*, or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) 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 for replacements during any twelve (12)-month period.

(C) Master Class—Permittees shall have at least five (5) years' experience in falconry at the general class level and shall not possess more than three (3) raptors of the family *Accipitridae*, or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) of the family *Strigidae*; but not to include any golden eagle (*Aquila chrysaetos*) except by written federal authorization, nor more than one (1) threatened species, nor any endangered species. A master falconer shall not obtain more than two (2) raptors taken from the wild for replacements during any twelve (12)-month period.

(5) Applicants' facilities for raptors shall be inspected and certified to meet the following standards. Applicants may utilize only one (1) facility (mews or weathering area) provided it meets all requirements for protection described in this section.

(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. There shall be adequate perches, a secure door easily closed and at least one (1) window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and shall permit easy cleaning.

(B) Outdoor (weathering area) facilities shall be fenced and covered with netting or wire or roofed, except for perches more than six and one-half feet (6 1/2') high. The enclosed area shall be large enough to ensure that birds flying from a perch cannot strike the fence. Raptors shall be provided adequate perches and protection from excessive sun, wind and inclement weather.

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

(A) Jesses—at least one (1) pair of Alymeri jesses or similar type 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 two to six inches (2–6") deep and wider than the length of the raptor.

(D) Outdoor perches—a weathering area perch of acceptable design for each raptor.

(E) Weighing device—a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than one-half (1/2) ounce (fifteen (15) grams).

(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 attended by the user daily.

(B) Young birds not yet capable of flight (eyasses), except 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 from May 1 to May 7 and from June 1 to June 30, and no more than two (2) eyasses, one (1) of which may be a Cooper's hawk, may be taken by a falconer during this period.

(C) First year (passage) birds may be taken from September 1 to January 21; provided that permittees may retrap only their marked raptor at any time.



(D) Only American kestrels and great horned owls may be taken when over one (1)-year old, except that raptors other than those listed in subsection (7)(B) of this rule, when taken under a depredation or special purpose federal permit may be used by general and master falconer.

(E) Nonresidents who have valid falconry permits issued by their state of residence, 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 must secure permission for the transfer from the other state.)

(8) Special Provisions.

(A) Persons lawfully possessing raptors prior to December 31, 1976, in excess of the number permitted under this rule, or who fail to meet the requirements of this rule, may retain but not replace these raptors, which shall be identified by permanent markers.

(B) No raptor shall be released to the wild without written authorization from the Department of Conservation. Markers shall be removed from these birds and surrendered to the department.

(C) Feathers from captive birds may be retained and exchanged by permittees only for imping purposes.

(D) Permittees may trade or transfer raptors with other permittees only with a photocopy of Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) submitted to the department within five (5) working days of the transfer 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, and that resident permittees may transfer raptors to other resident permittees for temporary holding provided a letter stating the names and addresses of both permittees and the raptor marker number is furnished to and in the possession of the permittee holding the raptor. The permittee temporarily holding these raptors may exercise them.

(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.

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

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 propagate, hold in captivity, and sell legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals).

(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. Fees:

- (A) Game Bird Hunting Preserve \$100 valid for one (1) year
- (B) Big Game Hunting Preserve \$750 valid for three (3) years

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. This rule previously filed as 3 CSR 10-10.760. 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.

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 legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

- (A) Game Bird Hunting Preserve.

1. The 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. Hunting preserve permits will not be issued for areas—

A. Within five (5) miles of any area 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.

2. Any person taking or hunting game birds on a licensed hunting preserve shall have in his/her possession a valid hunting small game 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 who has in his/her possession a valid hunter education certificate card.

3. Game birds taken on a hunting preserve 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 permittee. Game birds may be taken in any numbers on these preserves.

4. The permittee must release during the shooting season at least one (1) game bird per acre of hunting preserve, with at least one-half (1/2) of the birds to be bobwhite quail, if quail are to be hunted outside the statewide season. All birds shall be from a source approved by the department.

5. Any propagation facilities contained within or adjacent to the game bird hunting preserve shall meet standards specified in 3 CSR 10-9.220. Breeding enclosures not contained within or adjacent to the hunting preserve are not covered under the privileges of this rule.

(B) Big Game Hunting Preserve.

1. The 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 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 height shall meet standards specified in 3 CSR 10-9.220.

2. All elk, elk-hybrids, mule deer, and white-tailed deer introduced into a big game hunting preserve shall meet the following requirements:

A. Animals shall be tagged or marked in a method allowing individual animal identification.

B. Animals imported into Missouri must come from a herd that is enrolled and has achieved a status three (3) or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

C. Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program. Effective January 1, 2004, the minimum herd status requirement will annually increase by one (1) level until January 1, 2006 when all introduced animals shall come from herds that have achieved a status three (3) or higher—three (3) years of surveillance, advancement, and successful completion of program requirements.

3. Effective January 1 of each year, one hundred percent (100%) of all elk, elk-hybrids, mule deer, and white-tailed deer over twelve (12) months of age that die of any cause within a big game hunting preserve operation, shall be tested for chronic wasting disease at a federally approved laboratory, up to an annual total of ten (10) animals in the aggregate, except:

A. Big game hunting preserve operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having a status less than three (3) as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

B. Elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's Chronic Wasting Disease Monitoring Program as status five (5) herds—five (5)

years of surveillance, advancement, and successful completion of program requirements.

4. All permits issued by the state veterinarian's office allowing cervids to enter Missouri and all chronic wasting disease test results must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time. All test results documenting a positive case of chronic wasting disease shall be reported immediately to an agent of the department.

5. The permittee may exercise privileges provided in 3 CSR 10-9.353 only for species held within breeding enclosure(s) contained within or directly adjacent to the big game hunting preserve. Any such breeding enclosure(s) shall meet standards specified in 3 CSR 10-9.220. Breeding enclosures may be separated from the hunting preserve by a public road, but must be directly adjacent. Other breeding enclosures not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

6. 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.

7. Animal health standards and movement activities shall comply with all state and federal regulations.

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

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 current record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve and the full name, address, and permit number (if applicable) of each buyer, seller, shooter and/or taker, on forms provided by the department.

(2) Game bird hunting preserve permittees shall keep an accurate 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. 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.

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 into a permitted hound running area legally acquired foxes and coyotes. 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.

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. 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 trapping permit as prescribed in 3 CSR 10-8.515(7). 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. 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 small game hunting permit.

(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. 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.

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, extending through a period of not more than ten (10) consecutive days for any single trial permit. 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 or firearms deer hunting seasons except on established field trial areas. Permits for raccoon field trails will be valid during nighttime hours and provide for casting no more than four (4) dogs at one time during or five (5) days prior to the spring turkey 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) Designated gunners, under the field trial permit, may shoot only quail, pheasants, chukars and mallard ducks legally obtained. Quail, pheasants and chukars shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked with a permanent avian leg band, removal of the hind toe from the right foot, or tattooing of a readily discernible number or letter or combination on the web of one foot.

(7) The permit holder may purchase quail and pheasants no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial.

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

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 legally acquired pheasants, exotic partridge and quail. 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.

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 legally acquired pheasants, exotic partridge and quail. 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. Game birds held for more than twenty-four (24) hours must be confined in facilities that meet standards specified in 3 CSR 10-9.220.

(2) Dog training areas shall be a single tract of land not more than forty (40) acres in size and posted with signs, which sign is included herein, specified by the department. Multiple dog training area permits may be issued for a single tract of land.

(3) Shooting privileges shall be limited to the individual permittee and not more than two (2) training assistants, whose names shall be listed on the permit application and specified in the permit. All shooters shall possess the prescribed hunting permit.

(4) Game birds taken on a dog training area 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 permittee'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 permittee. Legally acquired game birds may be taken in any numbers on such areas.



**DOG TRAINING
AREA
BOUNDARY**

**OPERATED UNDER MISSOURI CONSERVATION
COMMISSION PERMIT**



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.

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 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. Certification will only be accepted from federal, state or industry personnel approved by the department and only in accordance with provisions of the 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.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective March 1, 2003.