

Rules of
Department of Conservation
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Definitions

Title	Page
3 CSR 10-11.805 Definitions	3

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission Chapter 11—Wildlife Code: Definitions

NOTE: The rule published in the current version of this chapter may not be effective. A rule's effective date is found in the authority section at the end of the rule. If a rule's effective date has not yet arrived, the previous edition of the rule would be the rule still in effect. Previous editions of this rule may be available on the Office of the Secretary of State's previous edition web site at <http://mosl.sos.mo.us/csr/3csrpe.htm> or by contacting the agency.

3 CSR 10-11.805 Definitions

PURPOSE: This rule defines words and terms used in the Code.

- (1) For the purpose of this Code, the following definitions shall govern unless a different meaning is stated or clearly evident from the context.
- (2) Antlered deer: A deer having at least one (1) antler not less than three inches (3") long.
- (3) Arm of lake: An inlet or bay of a water impoundment, including all impounded tributaries, smaller arms and coves thereof other than those specifically excepted.
- (4) Backwater: Any flowing or nonflowing water lying exclusively within the floodplain of a river and connected to that river at any water level below official flood stage, as designated by the U.S. Army Corps of Engineers for the portion of the river where backwater is occurring. Backwater shall not include tributary streams and ditches, but may include side channels, chutes, sloughs, bayous, oxbows and blew holes.
- (5) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.
- (6) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact between wildlife and humans is restricted to the handlers, performers or other circus employees.
- (7) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.
- (8) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association or society where meals, lodging or other services or facilities are furnished for a consideration, price or fee.
- (9) Commercial fish: All fish except shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid and lake sturgeon and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and soft-shelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail).
- (10) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.
- (11) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).
- (12) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.
- (13) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.
- (14) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of *Constitution of Missouri* (see also Article IV, Section 12).
- (15) Director: The director of the Department of Conservation.
- (16) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.
- (17) Domicile: The place where a person has his/her true, fixed and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.
- (18) Field or retriever trials: An organized contest, demonstration or trial of dogs where prizes or awards of any kind are offered and where dogs under control are used to chase, pursue or retrieve wildlife.
- (19) Firearms: Pistols, revolvers and rifles propelling a single projectile at one (1) discharge including those powered by spring, air or compressed gas, and shotguns not larger than ten (10) gauge.
- (20) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-4.115, 3 CSR 10-4.116, 3 CSR 10-6.415, and 3 CSR 10-6.535:
- (A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.
- (B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).
- (C) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.
- (D) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or

smell and any fly, lure or bait containing or used with such substances.

(21) Furbearing animals: Furbearers: Mink, muskrat, opossum, river otter, striped skunk, spotted skunk, badger, beaver, raccoon, long-tailed weasel, red fox, gray fox, bobcat, mountain lion, black bear and coyote.

(22) Game birds: Geese, ducks, ring-necked pheasant, gray partridge, ruffed grouse, wild turkey, northern bobwhite quail, Virginia rail, sora rail, American coot, American woodcock, common snipe, mourning dove and crows.

(23) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(A) *Ambloplites*, all species of rock bass, commonly known as goggle-eye, redeye, shadow bass, Ozark bass.

(B) *Lepomis gulosus*, commonly known as warmouth bass.

(C) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike hybrid, northern pike, chain pickerel, grass pickerel.

(D) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(E) *Micropterus*, all species of black bass, and their hybrids, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Polyodon*, all species, commonly known as paddlefish, spoonbill.

(G) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(H) *Pylodictis*, commonly known as flat-head catfish, goujon, yellow cat, river cat.

(I) *Morone*, all species and their hybrids, commonly known as white bass, yellow bass, striped bass.

(J) *Oncorhynchus* and *Salmo*, all species commonly known as salmon and trout.

(K) *Stizostedion*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

(24) Game mammals: Deer, fox, squirrel, gray squirrel, groundhog (woodchuck), cottontail rabbit, swamp rabbit, jack rabbits, and furbears as defined.

(25) Grab: The act of snagging or attempting to snag a fish by means of a pole, line and hook manipulated by hand.

(26) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

(27) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

(28) Lessee: Any Missouri resident who resides on at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.

(29) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

(30) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. This definition includes compound bows.

(31) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rule (3 CSR 10-7.435).

(32) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

(33) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

(34) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

(35) Night vision equipment: Optical devices (that is, binoculars or scopes) using light

amplifying circuits that are electrical or battery powered.

(36) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. Corporate ownerships do not apply under this definition.

(37) Open season: That time when the pursuing and taking of wildlife is permitted.

(38) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

(39) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

(40) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing or trotlines or other tackle normally attached in a fixed position.

(41) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

(42) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county or municipal funds or labor.

(43) Pursue or pursued: Includes the act of trying to find, to seek or to diligently search for wildlife for the purpose of taking this wildlife.

(44) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.

(45) Sell: To exchange for compensation in any material form and the term shall include offering for sale.

(46) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

(47) Store and storage: Shall also include chilling, freezing and other processing.

(48) Take or taking: Includes killing, trapping, snaring, netting or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting or use of any net, trap, device, contrivance or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

(49) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

(50) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

(51) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not 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 including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

(52) Zoo: Any publicly-owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. Amended: Filed June 3, 1976, effective Sept. 12, 1976. Amended: Filed July 13, 1976, effective Dec. 31, 1976. Amended: Filed July 20, 1977, effective Jan. 1, 1978. Amended: Filed April 20, 1978, effective Aug. 15, 1978. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979.

Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed June 27, 1980, effective Oct. 11, 1980. Amended: Filed April 22, 1981, effective Aug. 14, 1981. Amended: Filed June 1, 1981, effective Aug. 14, 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. Emergency amendment filed Feb. 24, 1984, effective March 5, 1984, expired June 15, 1984. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. 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 May 10, 1990, effective Jan. 1, 1991. Amended: Filed May 10, 1991, effective Jan. 1, 1992. Amended: Filed Oct. 11, 1990, effective July 1, 1992. Amended: Filed June 2, 1992, effective Jan. 15, 1993. Amended: Filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed July 6, 1994, effective Jan. 1, 1995. Amended: Filed Jan. 30, 1995, effective June 30, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed June 11, 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 Feb. 6, 2001, effective July 30, 2001.