

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 30—Animal Health**  
**Chapter 2—Health Requirements for Movement of**  
**Livestock, Poultry and Exotic Animals**

**PROPOSED AMENDMENT**

**2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri.** The director is amending section (5) subsections (A)–(E) and deleting the second (D).

*PURPOSE: This amendment clarifies the use of certified facsimile or certified photocopy of Equine Infectious Anemia test chart and makes provisions for equidae to enter Missouri on a six (6)-month passport.*

(5) *Equidae*.

(A) All *equidae* (except nursing foals accompanied by their dams) must be accompanied by a current VS Form 10-11 (or later revision), showing the graphic description of all markings needed for identification and an official Certificate of Veterinary Inspection showing—

1. *[Identification and description of all equidae listed on the certificate]* **A current VS Form 10-11 (or later revision) showing the graphic description of all markings needed for identification; and**

2. *[An official negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to entry, the name of the state/federal approved laboratory, and the test accession number assigned by the laboratory]* **An Official Certificate of Veterinary Inspection (health certificate) showing:**

**A. Identification and description of each and every *equidae* listed on the health certificate; and**

**B. Negative test results of an official Equine Infectious Anemia (EIA) test within twelve (12) months prior to entry, the name of the EIA accredited testing laboratory, and the test accession number assigned by the laboratory.**

(B) *[Photocopies or facsimile copies]* **A certified photocopy or certified facsimile of the VS Form 10-11 may be accepted [if they are legible and bear certification by the testing veterinarian or testing laboratory that it is an official copy] for the purpose of travel or exhibition, but not for change of ownership (including leasing or gifting):**

1. **A certified photocopy is one obtained from the testing veterinarian or accredited testing laboratory bearing seal or signature in the lower right hand corner along with the date of certification in some ink color other than black.**

2. **A certified facsimile may be obtained only from the testing veterinarian or accredited testing laboratory and must bear the facsimile imprint of the originating facility clearly across the top of the page. It must also bear the date of the facsimile either along the top or in the lower right hand corner.**

(C) *[All managed or sponsored events, such as trail rides, rodeos or competitions must require an official negative EIA test within twelve (12) months prior to the event. The manager or sponsor of each assembly or event is responsible for insuring that each animal admitted or participating is accompanied by an official Certificate of Veterinary Inspection and a VS Form 10-11 (or later revision) showing proof of a negative EIA test, and shall not admit or allow participation of animals not so certified. Such animals cannot congregate with other equidae. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may be assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.]* **For purpose of travel and exhibition, Missouri will accept six (6)-month passports from states with which there is a reciprocal agreement. These passports must meet the following criteria:**

1. **Proof of a negative EIA test within thirty (30) days of the date of application of the passport;**

2. **Permanent identification for each horse by means of registered brand, legible tattoo or electronic identification (microchip); to be recorded on the passport and the VS Form 10-11, along with other identifying characteristics;**

3. **Veterinary inspection; and**

4. **In the event of confirmed vesicular stomatitis in any of the states with which reciprocal agreements exist, use of the six (6)-month passports will be suspended.**

(D) *Equidae* entering Missouri moving directly from a farm-of-origin (defined as maintained on premises for at least one hundred

twenty (20) days) to a licensed livestock market/sale *[must]* may be accompanied by a waybill or owner/shipper statement showing origin and destination, **in lieu of the Certificate of Veterinary Inspection.**

*[(D) All equidae consigned to a licensed Missouri market/sale must have proof of a negative EIA test within twelve (12) months prior to sale or have blood samples for EIA testing collected at the market prior to sale at the seller's expense. The animal will sell test-pending with an announcement made at the time of sale that the animal is under quarantine to the buyer until negative test results are received.]*

(E) Alteration or substitution of any information on any VS Form 10-11, **including certified photocopy and certified facsimile**, or Certificate of Veterinary Inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

*AUTHORITY: section 267.645, RSMo [1994] 2000. This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002. Amended: Filed May 14, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) depending on the number of equidae entering Missouri.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Brette Jones, D.V.M., Veterinarian II, PO Box 630 Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) day after publication of this notice in the Missouri Register. No public hearing scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 2—Health Requirements for Movement of  
Livestock, Poultry and Exotic Animals**

**PROPOSED AMENDMENT**

**2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri.** The director proposes to amend section (4) subsections (A)–(I) and to delete subsection (4)(J).

*PURPOSE: This amendment adds requirement of EIA testing for the use of equidae on publicly owned forests, parks or trails and clarifies the handling of a positive test result by this agency to prevent and eradicate the spread of diseases that potentially pose a threat to the equine population.*

(4) *Equidae.*

(A) *[All equidae (except nursing foals accompanied by their dams) sold, traded, exchanged, or otherwise involved in a change of ownership or leasing must have an official negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to change of ownership or lease. All change of ownership or leasing must be accompanied by a completed VS Form 10-11 (or a later revision) accurately*

*written, showing graphic descriptions of all markings needed for identification.] Change of Ownership:*

1. All *equidae* (except nursing foals accompanied by their dams) sold, traded, exchanged, leased, gifted, donated, relinquished or otherwise involved in a change of ownership must have an official negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to the change of ownership or lease;

2. All change of ownership or leasing must be accompanied by the original owner's copy of the VS Form 10-11 (or later revision) complete and accurately written, showing graphic descriptions of all marking needed for identification;

3. No photocopies or facsimiles of VS Form 10-11 (or later revision) are valid for change of ownership or leasing.

(B.) *[Missouri equidae may move directly from a farm-of-origin (defined as maintained on premises for at least one hundred twenty (120) days) to a licensed Missouri livestock market/sale without a negative EIA test, but must be accompanied by a waybill or owner/shipper statement showing origin and destination. All farm of origin equidae moving to a licensed Missouri livestock market/sale without a negative EIA test will have blood samples for EIA testing collected at the market before the sale at seller's expense. The animal will sell test-pending with an announcement made at the time of sale that the animal is under quarantine to the buyer until negative test results are received.] Livestock Market/Sale:*

1. Missouri origin *equidae* may move directly from a farm-of-origin (defined as maintained on premises for at least one hundred twenty (120) days) to a licensed Missouri market/sale without a negative EIA test, but must be accompanied by an owner/shipper statement showing origin and destination;

2. All farm-of-origin *equidae* moving to a licensed Missouri market/sale without a negative EIA test will have blood samples for EIA testing collected at the market/sale before the sale at seller's expense;

3. The animal(s) will sell test-pending with an announcement made at the time of sale that the animal(s) is under quarantine to the buyer until negative test results are received. The animal(s) is not to leave Missouri nor be sold again under the terms of the test-pending quarantine until released by receipt of official negative test results.

(C.) *[Equidae assembled at boarding, breeding or training stables shall be tested negative for EIA within the preceding twelve (12) months. The owner or manager of the premises shall be responsible for maintaining proof of current negative EIA tests for each animal. These records shall be available for inspection by state/federal regulatory personnel.] Boarding, Breeding and Training Facilities.*

1. All *equidae* assembled at boarding, training or breeding stables shall be tested negative for EIA within the preceding twelve (12) months;

2. The owner/manager of the premises is responsible for maintaining proof of current negative EIA test for each animal. Since this record is for stable files only and for regulatory personnel inspection a photocopy or facsimile is acceptable in this situation;

(D.) *Equidae* owned, leased or rented by a business or public entity *[that congregate with privately owned equidae or other equidae offering the same service must have an official negative EIA test within the preceding twelve (12) months. The owners or managers shall be responsible for maintaining proof of current negative test for each animal being used for the service. These records shall be available for inspection by state/federal regulatory personnel]:*

1. *Equidae* owned, leased or rented by a business or public entity that congregate with privately owned *equidae* or other

*equidae* offering the same service must have an official negative EIA test within the preceding twelve (12) months.

2. The owners or managers shall be responsible for maintaining proof of current negative test for each animal being used for the service. These records shall be available for inspection by state/federal regulatory personnel.

(E) All managed or sponsored trail rides, rodeos or competitions must require an official negative EIA test within twelve (12) months prior to the event.

1. The manager or sponsor of each assembly or event shall be responsible for ensuring that each animal is accompanied by proof of an official negative EIA test and shall not allow *equidae* not so certified to participate in the event or to congregate with other *equidae*.

2. These records shall accompany the animal and shall be available for inspection by state/federal regulatory personnel as well as show/event personnel establishing compliance with regulation.

3. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may result in assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.

(F) [The manager of each assembly or event shall be responsible for ensuring that each animal is accompanied by proof of an official negative EIA test and shall not allow animals not so certified to participate in the event or to congregate with other *equidae*. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may result in assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation. These records shall accompany the *equidae* and shall be available for inspection by state/federal regulatory personnel.] Any riding, driving, packing, field trials, etc., using *equidae* on publicly owned forests, parks or trails requires proof of an official negative EIA test within the preceding twelve (12) months by VS Form 10-11 (or later revision) including certified photocopy or certified facsimile of the VS Form 10-11.

1. A certified photocopy is one obtained from the testing veterinarian or accredited testing laboratory bearing seal or signature in the lower right hand corner along with the date of certification of the photocopy in some ink color other than black.

2. A certified facsimile is one obtained from the testing veterinarian or accredited testing laboratory bearing the facsimile imprint of the origination facility clearly across the top of the page. The form must be complete and legible. It must show the date of transmission either along the top or in the lower right hand corner.

(G) Alteration or substitution of any information on any VS Form 10-11, including certified photocopy and certified facsimile, or Certificate of Veterinary Inspection shall cause the document to be invalid and in violations of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

(H) Procedures for Handling Missouri EIA Positive [Animals] *Equidae*.

1. Upon notification of a positive EIA test from [a state/federal approved] any accredited laboratory, the positive animal(s) will be permanently identified by microchip, quarantined, and isolated at least two hundred (200) yards from any other *equidae*.

2. [A second test on the positive animals is permissible within thirty (30) days of the first positive test. The second sample will be drawn by state or federal regulatory personnel. The second test sample will be submitted to a Department of Agriculture Animal Health Diagnostic Laboratory. The owner may request that sample be split, and submit one to a private laboratory of their choice at

their own expense. There will be no laboratory charge for retests of positive or exposed animals submitted to the Department of Agriculture Animal Health Diagnostic Laboratories. If the owner chooses not to test the positive animal a second time, the owner or a representative of the owner must decide within fifteen (15) days the disposition of the positive animal with the following options:] All *equidae* determined or believed to be exposed to the positive animal will be quarantined, permanently identified by microchip, and blood collected by a state/federal regulatory veterinarian or a licensed accredited deputy veterinarian acting under the direction of the state veterinarian for official EIA testing.

[A. Freeze-branded on the left side of the neck, and sent to slaughter on a VS Form 1-27 shipping permit issued by a state/federal regulatory official; or

B. Euthanasia with a written statement from the attending veterinarian including date and disposition of animal(s); or

C. Freeze-branded, permanently identified and, permanently quarantined, agreeing to abide by all stipulations required by signing MO Form 350-1052.]

3. [Upon receipt of the second positive test from the state-operated laboratory and the confirmation of the positive test from the National Veterinary Services Laboratory in Ames, Iowa, the owner or a representative of the owner must decide within fifteen (15) days the disposition of the positive animal with the following options:] The original reactor animal is to be tested a second time within thirty (30) days of the first positive test. The second sample will be drawn by state or federal regulatory personnel and will be submitted to a Department of Agriculture Animal Health Diagnostic Laboratory. The owner may request that the sample be split and submit one (1) to a private accredited laboratory of their choice at their own expense. There will be no laboratory charge for retests of positive or exposed animals submitted to the Department of Agriculture Animal Health Diagnostic Laboratories.

[A. Freeze-branded on the left side of the neck, and sent to slaughter on a VS Form 1-27 shipping permit issued by a state/federal regulatory official; or

B. Euthanasia with a written statement from the attending veterinarian including date and disposition of animal(s); or

C. Freeze-branded, permanently identified and, permanently quarantined, agreeing to abide by all stipulations required by signing MO Form 350-1052.]

4. [All other *equidae* owned, managed or leased will be placed under quarantine for forty-five (45) days after removal of the last known positive animal. Two (2) negative tests will be required to be released from quarantine. The first test at the time of exposure, and the second test at the end of the quarantine period. All exposed animals will be identified by electronic microchip. Samples will be drawn by state or federal regulatory personnel and submitted to a Department of Agriculture Animal Health Diagnostic Laboratory (at no charge). These requirements may be waived at the discretion of the state veterinarian. Arrangements must be made through the state veterinarian's office if owners prefer that samples be drawn by their private veterinarian.] Upon confirmation of positive status by a state veterinary laboratory and the National Veterinary Services Laboratory, the positive animal will be freeze-branded on the left side of the neck with an alpha-numeric code that indicates the state of Missouri (by the number 43), EIA positive by (AP), the last digit of the year, followed by the positive EIA case number for that year. The freeze-brand will be a minimum of two inches (2") high and seven (7) characters long.

5. [Foals from EIA positive dams will acquire passive antibody to EIA in the colostrum and may test positive for more than six (6) months. In these cases, the foal will be quarantined for at least sixty (60) days and have a negative test at the end of the quarantine period before being commingled with other equines.] The owner or a representative of the owner must decide within fifteen (15) days the disposition of the positive animal with the following options:

A. Ship to an approved slaughter establishment on a VS Form 1-27 shipping permit issued by a state/federal official; or  
B. Euthanasia with a written statement from the attending veterinarian including date and disposition of the animal(s); or

C. Permanently quarantined, with the owner agreeing to abide by all the stipulations required by signing MO Form 350-1052.

6. All other *equidae* owned/managed or leased will be placed under quarantine for sixty (60) days after removal of the last known positive animal. Two (2) negative EIA tests will be required to be released from quarantine. The first test at the time exposure was discovered and the second test sixty (60) days or later after the removal of the last known positive animal.

A. All exposed animals will be permanently identified by electronic microchip.

B. Blood samples will be drawn by state or federal regulatory personnel and submitted to a Department of Agriculture Animal Health Diagnostic Laboratory (at no charge).

C. Foals from EIA positive mares will acquire passive antibody to EIA in the colostrum and may test positive for more than six (6) months. In these cases, the foal will be quarantined for at least sixty (60) days after weaning and up to one (1) year of age pending negative EIA test results. If the animal is still test-positive by one (1) year of age, it is considered infected and will be handled as such.

7. Violation of quarantine by any person in possession of the positive animal(s) or exposed animal(s) or refusal to test or to allow microchip implanting will be in violation of section 267.603, RSMo and may result in civil penalties not to exceed one thousand dollars (\$1,000) for each violation and penalties not to exceed five hundred dollars (\$500) for each day such person fails to cooperate as required.

(I) [Violation of quarantine or refusal to test will be in violation of section 267.603, RSMo, and may result in civil penalties not to exceed one thousand dollars (\$1,000) for each violation and penalties not to exceed five hundred dollars (\$500) for each day such person fails to implement test as required.] *Brucellosis in Equidae*. All equine showing signs of fistulous withers or poll evil will be tested for brucellosis. Samples must be submitted to the state/federal Brucellosis Diagnostic Laboratory in Jefferson City, Missouri. All positive animals will be shipped to slaughter on a VS Form 1-27 shipping permit or be placed under a special order of quarantine.

[J] *Brucellosis in Equidae*. All equine showing signs of fistulous withers or poll evil will be tested for brucellosis. Samples must be submitted to the state/federal Brucellosis Diagnostic Laboratory in Jefferson City, Missouri. All positive animals will be shipped to slaughter on a VS Form 1-27 shipping permit or be placed under a special order of quarantine.]

**AUTHORITY:** section 267.645, RSMo [1994] 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 14, 2002.

**PUBLIC COST:** This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 2—Health Requirements for Movement of  
Livestock, Poultry and Exotic Animals**

**PROPOSED AMENDMENT**

**2 CSR 30-2.040 Animal Health Requirements for Exhibition.** The director is amending subsections (6)(B)–(G) and adding subsection (6)(H).

**PURPOSE:** This proposed amendment clarifies the use of certified facsimiles and certified photocopies of Equine Infectious Anemia test chart and makes provisions for *equidae* to exhibit on a six (6)-month passport.

(6) Exhibition Requirements on Horses and Other *Equidae*.

(B) [All organized, managed or sponsored *equidae* shows, rodeos, or competitions will require proof of a negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to the event. An official Certificate of Veterinary Inspection and VS Form 10-11 (or later revision) showing graphic descriptions of all marketings needed for identification must accompany each animal showing—] All *equidae* (except nursing foals accompanied by their dams) must be accompanied by:

1. [Identification and description of all *equidae* listed on the certificate;] A current VS Form 10-11 (or later revision) showing the graphic description of all markings needed for identification.

2. [Negative EIA test date, negative test results, the name of the state/federal approved laboratory and the test accession number assigned by the testing laboratory;] Out-of-state *equidae* must be accompanied by an official Certificate of Veterinary Inspection showing:

A. Identification and description of all *equidae* listed on the certificate; and

B. Negative test results of an official Equine Infectious Anemia (EIA) test within twelve (12) months prior to entry for each animal, the name of the EIA accredited testing laboratory and the test accession number assigned by the laboratory.

[3. Photocopies or facsimile copies of the VS Form 10-11 may be accepted if they are legible and bear certification by the testing veterinarian or testing laboratory that it is an official copy; and

4. Missouri origin *equidae* are exempt from the Certificate of Veterinary Inspection requirement.]

(C) [The board, organization or manager of each assembly or event is responsible for insuring that each animal admitted or participating is accompanied by an official Certificate of Veterinary Inspection showing proof of a negative EIA test, and shall not admit or allow participation of

animals not so certified. Untested animals cannot congregate with other equidae. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may be assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.] A certified photocopy or certified facsimile of the VS Form 10-11 may be accepted for the purpose of travel or exhibition but not for change of ownership (including leasing or gifting).

1. A certified photocopy is one obtained from the testing veterinarian or accredited testing laboratory bearing seal or signature in the lower right hand corner along with the date of certification of photocopy in some ink color other than black.

2. A certified facsimile may be obtained only from the testing veterinarian or accredited testing laboratory and must bear the facsimile imprint of the originating facility clearly across the top of the page. It must also bear the date of the facsimile either along the top or in the lower right hand corner.

(D) [Alteration or substitution of any information on any VS Form 10-11 or Certificate of Veterinary Inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.] For purposes of travel and exhibition, Missouri will accept six (6)-month passports from states with which there is a reciprocal agreement. These passports must meet the following criteria:

1. Proof of negative EIA test within thirty (30) days of the date of application of the passport.

2. Permanent identification for each horse by means of registered brand, legible tattoo, or electronic identification (microchip); to be recorded on the passport and the VS Form 10-11 (or later revision), along with other identifying characteristics.

3. Veterinary inspection.

4. In the event of confirmed vesicular stomatitis in any of the states with which reciprocal agreements exist, use of the six (6)-month passport will be suspended.

(E) [No EIA test is required on suckling foals that are accompanied by their dams. All weaned foals must be tested.] The board, organization or manager of each assembly or event is responsible for insuring that all equidae admitted or participating are accompanied by an official Certificate of Veterinary Inspection or six (6)-month passport, showing proof of a negative EIA test, and shall not admit or allow participation of equidae not so certified. Untested equidae cannot congregate with other equidae. The owner of each animal is also responsible to comply with the requirements under sections 267.010 to 267.730, RSMo, and may be assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.

(F) [Venezuelan Equine Encephalomyelitis (VEE) vaccination is required on all equidae entering from any state in which the disease has been diagnosed within the past twelve (12) months. A special prior permit number must be obtained and also listed on the health Certificate.] Alteration or substitution of any information on any VS Form 10-11 (or later revision), including certified photocopy and certified facsimile or Certificate of Veterinary Inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

(G) [Any sick equidae at an exhibition may be excused by the official inspecting veterinarian. When an official inspecting veterinarian is present, all equidae will be subject to daily inspection. Any equidae entering without proper health certification and tests when required will be excused from the show until proper documents and tests are obtained.] Venezuelan Equine Encephalomyelitis (VEE)

vaccination is required within fourteen (14) days of entry on equidae originating from states in which VEE has been diagnosed within the preceding twelve (12) months. An entry permit is also required on equine from those states.

(H) Any sick equidae at an exhibition may be excused by the official inspecting veterinarian. When an official inspecting veterinarian is present, all equidae will be subject to daily inspection. Any equidae entering without proper health certification and test when required will be excused from the show until proper documentation and tests are obtained.

*AUTHORITY: section 267.645, RSMo [1994] 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002. Amended: Filed May 14, 2002.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 6—Livestock Markets

### PROPOSED AMENDMENT

**2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian.** The director is amending subsections (5)(B)–(D).

*PURPOSE: This proposed amendment clarifies handling of a positive test result disclosed at a livestock market and the necessity of original documentation of EIA test for all equidae presented for sale to prevent and eradicate the spread of diseases that potentially pose a threat to the equine population.*

(5) Required Testing and Handling of Equidae.

(B) All equidae presented at [a] any licensed livestock market/sale for the purpose of change of ownership, [whether by sale, trade, or exchange will be identified by backtag provided by the state veterinarian or other method approved by the state veterinarian and recorded on an MO 350-1138 form. Color-coded backtags will be used as follows:] not having proof of an official negative EIA test within the preceding twelve (12) months shall have blood samples for EIA testing collected before the sale at the seller's expense. The animal will sell test-pending with an announcement made at the time of the sale that the animal is under quarantine to the buyer until negative test results are received. The buyer is not to take the animal(s) out of Missouri, nor is that animal to change ownership again until negative test results are received. No equidae will be released from any licensed market/sale without a current, negative EIA test or test-pending quarantine. The market/sale veterinarian will issue a quarantine on all test-pending equidae. One (1) copy of all quarantines and

MO 350-1138 forms completed for each sale will be sent to the state veterinarian's office.

1. *White-Equidae* are being sold with a current negative EIA test; and

2. *Red-Equidae* are being sold EIA test-pending under quarantine.]

(C) All *equidae* [presented] concentrated [at any licensed livestock market/sale] for the purpose of [change of ownership not having proof of an official negative EIA test within the preceding twelve (12) months shall have blood samples for EIA testing collected before the sale at the seller's expense.] sale, trade, exchange or otherwise involved in a change of ownership at a licensed market/sale with proof of a current, official negative EIA test must present the completed VS Form 10-11 (or later revision) test record accurately completed, showing graphic descriptions of all markings needed for identification, to the market veterinarian before the sale. No photocopies or facsimiles of the VS Form 10-11 (or later revision) will be accepted for change of ownership. The [animal will sell test-pending with an announcement made at the time of the sale that the animal is under quarantine to the buyer until negative EIA test results are received. No animal will be released from any licensed market/sale without a current negative EIA test or a test-pending quarantine. The market/sale veterinarian will issue quarantine on all test-pending animals. One (1) copy of all quarantines and MO 350-1138 forms completed for each sale will be sent to the state veterinarian's office.] seller must have the original owner's copy (yellow) of a current negative EIA test shown on a VS Form 10-11 (or later revision), date of bleeding within the previous twelve (12) months. Verification of each animal to the VS Form 10-11 (or later revision) shall be the responsibility of the market veterinarian. If, in the opinion of the market/sale veterinarian, the information shown on the VS Form 10-11 (or later revision) does not match the animal(s) being offered for sale, or the test form has been altered, the market veterinarian shall confiscate the form; mark the document "invalid" and the animal(s) will be tested at the seller's expense prior to sale.

(D) All *equidae* [concentrated for the purpose of sale, trade, exchange or otherwise involved in a change of ownership at a licensed market/sale with proof of a current, official negative EIA test must present the completed VS Form 10-11 (or later revision) test record accurately completed, showing graphic descriptions of all markings needed for identification to the market veterinarian before the sale. Verification of animal(s) to the VS Form 10-11 (or later revision) shall be the responsibility of the market veterinarian. If, in the opinion of the market veterinarian, the information shown on the VS Form 10-11 (or later revision) does not match the animal being offered for sale, or the test form has been altered, the market veterinarian shall confiscate the form, mark the document "invalid," and the animal will be tested at the seller's expense prior to sale. All confiscated forms shall be sent to the state veterinarian's office.] presented at a licensed livestock market/sale for the purpose of change of ownership, whether by sale, trade or exchange will be identified by backtag provided by the state veterinarian or other method approved by the state veterinarian and recorded on a MO 350-1138 form. Color-coded backtags will be used as follows:

1. *White-Equidae* are being sold with a current negative EIA test; and

2. *Red-Equidae* are being sold EIA test-pending under quarantine to the buyer not to leave Missouri nor change ownership until buyer receives negative test results.

*AUTHORITY: section 277.160, RSMo [Supp. 1998] 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002. Amended: Filed May 14, 2002.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

#### PROPOSED AMENDMENT

**3 CSR 10-4.130 Owner May Protect Property.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment provides more flexibility for wildlife damage control businesses.*

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

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

(A) [u/Use of traps shall be in compliance with 3 CSR 10-8.510. *Wildlife may be so controlled only on the owner's property to prevent further damage.*]

(B) [w/Wildlife so captured or killed must be reported to an agent of the department within twenty-four (24) hours *and shall be disposed of only in accordance with his/her instructions.*]

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

(4) Deer, turkey, black bears and endangered species that are causing damage may be killed only with the permission of an agent of the department and by method authorized by him/her. Mountain lions attacking or killing livestock or domestic animals, or attacking human beings, may be killed without prior permission, but the kill must be reported immediately to an agent of the department and the mountain lion carcass must be surrendered to him/her within twenty-four (24) hours.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED RULE**

**3 CSR 10-4.141 Right to Possess Wildlife**

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

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

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.205 Permits Required; Exceptions.** The commission proposes to amend subsections (1)(A) and (F) and delete subsection (1)(J) of this rule and reletter the remaining subsections.

*PURPOSE: This amendment restricts permit exemptions for landowners to residents only and provides an age range for youth to participate in special youth-only hunts.*

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(A) A **resident** landowner or lessee, as defined in this Code, may hunt, trap or fish as prescribed in Chapters 6, 7 and 8 without permit (except landowner deer hunting permit and migratory bird hunting permit as prescribed), but only on land s/he owns or, in the case of the lessee, upon which s/he resides, and may transport and possess wildlife so taken.

(F) Any person at **least six (6) and under [twelve (12)] sixteen (16)** years of age may purchase a Youth Deer and Turkey Hunting Permit without display of a hunter education certificate card, and may take one (1) [antlered] deer of **either sex** statewide, [or one (1) antlerless deer in a deer management unit where any-deer permits are issued,] during [any portion of] the firearms deer hunting seasons except that only an antlerless deer may be taken in [units] seasons open [during the January portion of the firearms deer hunting season] **only to antlerless deer**; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; 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. Youth Deer and Turkey Hunting Permit holders attaining the age of eleven (11) during the prescribed permit year, and who have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkey taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits.

[(J)] *The director may issue special authorization to persons with disabilities to pursue and take wildlife by methods not prescribed in the hunting and fishing rules if the disability prevents hunting or fishing by prescribed methods.*

[(K)] (J) For educational purposes, the director may waive fishing permit or tag requirements for specified periods at specified sites and may authorize fishing in restricted waters.

[(L)] (K) Any resident of Missouri having a visual acuity not exceeding 20/200 in the better eye with maximum correction, or having twenty degrees (20°) or less field of visual concentric contraction, and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a certified statement of eligibility from a licensed ophthalmologist or optometrist or from a licensed physician.

[(M)] (L) Any resident of Missouri with cerebral palsy or mental retardation as defined in section 630.005, RSMo, and who is so severely disabled that s/he cannot fish alone, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he is accompanied by a licensed adult fisherman and possesses a certified statement of eligibility from a licensed physician qualified to evaluate and treat the developmentally disabled.

[(N)] (M) Any honorably discharged resident veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the Veterans Administration.

*[(O)] (N)* Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land.

*[(P)] (O)* Any person may fish without permit, trout permit and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June.

*[(Q)] (P)* A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable.** The commission proposes to amend section (2) of this rule.

*PURPOSE: This amendment establishes a minimum age and increases the maximum age for eligibility to purchase a Youth Deer and Turkey Hunting Permit.*

(2) A permit for the taking of wildlife may be issued only to an individual and may be used only by the individual to whom it is issued. No permit, application for permit, method exemption, Missouri Conservation Heritage Card or special hunting or fishing tag may be loaded, predated, falsified, altered or misrepresented in any manner, except that a Missouri Conservation Heritage Card may be presented by another to purchase permits on behalf of the person named thereon. No firearms hunting permit shall be issued without containing the hunter education certificate card number; except that a Youth Deer and Turkey Hunting Permit may be issued to persons **at least six (6) and under [twelve (12)] sixteen (16)** years of age without requiring display of a hunter education certificate card.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions.** The commission proposes to amend section (6) of this rule.

*PURPOSE: This amendment establishes a minimum age and increases the maximum age of those eligible to obtain a Youth Deer and Turkey Hunting Permit.*

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that Youth Deer and Turkey Hunting Permits may be sold to persons **at least six (6) and under [twelve (12)] sixteen (16)** years of age without requiring display of a hunter education certificate card.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RESCISSION**

**3 CSR 10-5.350 Resident Firearms Deer Hunting Permit.** This rule provided for the pursuit, taking and transporting of antlered deer statewide during firearms deer hunting season.

*PURPOSE: This rule is being rescinded as it is duplicated in provisions of 3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.265. This version of rule filed*



July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed May 9, 2002.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

**PURPOSE:** This amendment addresses the addition of a statewide any-deer hunting permit and elimination of the firearms deer hunting permit.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. Fee: eleven dollars (\$11).

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.353 Resident Firearms Second Bonus Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

**PURPOSE:** This amendment addresses the addition of a statewide any-deer hunting permit and elimination of the firearms deer hunting permit.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. Fee: seven dollars (\$7).

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.425 [Urban] Antlerless-Only Archery Deer Hunting Permit.** The commission proposes to amend the title of this rule.

**PURPOSE:** This amendment changes the title of the rule.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed May 9, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.460 Licensed [Shooting Area] Hunting Preserve Hunting Permit.** The commission proposes to amend provisions of this rule.

**PURPOSE:** This amendment renames licensed shooting area to licensed hunting preserve.

To pursue, take, possess and transport pheasants, exotic partridges, quail and ungulates (hoofed animals) from a licensed [shooting area] hunting preserve. Fee: ten dollars (\$10).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.285. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.465 Three-Day Licensed [Shooting Area] Hunting Preserve Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment renames licensed shooting area to licensed hunting preserve.*

To pursue, take, possess and transport pheasants, exotic partridges, quail and ungulates (hoofed animals) from a licensed [shooting area] hunting preserve. Fee: five dollars (\$5) for three (3) consecutive days.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.287. Original rule filed June 25, 1979, effective Oct. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RESCISSION**

**3 CSR 10-5.550 Nonresident Firearms Deer Hunting Permit.** This rule provided for the pursuit, taking and transporting of antlered deer statewide during firearms deer hunting season.

*PURPOSE: This rule is being rescinded as it is duplicated in provisions of 3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.280. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 4, 2002. Rescinded: Filed May 9, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment addresses the addition of a statewide any-deer permit, elimination of the firearms deer hunting permit, and raises the price of the permit.*

To pursue, take, possess and transport [an antlered deer statewide or] a deer of either sex [in a specified deer management unit] statewide during the firearms deer hunting season[s]. Fee: one hundred forty-five dollars (\$145); except that for residents of states bordering Missouri where the total cost for a nonresident to hunt deer is in excess of one hundred twenty-five percent (125%) of Missouri's deer hunting permit cost, the fee for those states' residents hunting in Missouri shall be one hundred seventy dollars (\$170). These states include: Iowa, Illinois, Kansas and Oklahoma.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed Aug. 30, 2001, effective March 20, 2002. Amended: Filed Feb. 4, 2002. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment clarifies the requirement for buying a nonresident any-deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus permit before a nonresident second bonus permit may be purchased.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. A **Nonresident Firearms Any-Deer Hunting Permit is required as a prerequisite to this permit.** Fee: seventy-five dollars (\$75).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment clarifies the requirement for buying a nonresident any-deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus permit before a nonresident second bonus permit may be purchased.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. A **Nonresident Firearms First Bonus Permit is required as a prerequisite to this permit.** Fee: fifty dollars (\$50).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for nonresident managed deer hunting permits for residents of bordering states whose fees for nonresident any-deer hunting permits is in excess of 125% of what Missouri charges nonresidents.

To pursue, take, possess and transport deer during a prescribed managed deer hunt. Fee: one hundred forty five dollars (\$145); **except that for residents of states bordering Missouri where the total cost for a nonresident to hunt deer is in excess of one hundred twenty-five percent (125%) of Missouri's deer hunting permit cost, the fee for those states' residents hunting in Missouri shall be one hundred seventy dollars (\$170).** These states include: Iowa, Illinois, Kansas and Oklahoma.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed Aug. 30, 2001, effective March 30, 2002. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RESCISSION**

**3 CSR 10-5.575 Nonresident Landowner Firearms Deer Hunting Permit.** This rule provided for the pursuit, taking and transporting of antlered deer statewide during firearms deer hunting season.

*PURPOSE:* This rule is being rescinded as it is duplicated in provisions of 3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Rescinded: Filed May 9, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment addresses the addition of a statewide any-deer permit and elimination of the firearms deer hunting permit.*

To pursue, take, possess and transport [an antlered deer from qualifying land statewide or] a deer of either sex [in a specified deer management unit] from qualifying land statewide during the firearms deer hunting season by nonresident landowners as defined in this Code. Fee: seventy-five dollars (\$75).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment clarifies the requirement for buying a nonresident any deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus*

*permit before a nonresident second bonus permit may be purchased.*

To pursue, take, possess and transport an antlerless deer from qualifying land in a specified deer management unit during the firearms deer hunting season, by nonresident landowners as defined in this Code. **A Nonresident Landowner Firearms Any-Deer Hunting Permit is required as a prerequisite to this permit.** Fee: forty dollars (\$40).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment clarifies the requirement for buying a nonresident any deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus permit before a nonresident second bonus permit may be purchased.*

To pursue, take, possess and transport an antlerless deer from qualifying land in a specified deer management unit during the firearms deer hunting season by nonresident landowners as defined in this Code. **A Nonresident Landowner Firearms First Bonus Deer Hunting Permit is required as a prerequisite to this permit.** Fee: twenty-five dollars (\$25).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.405 General Provisions.** The commission proposes to amend sections (2) and (4).

*PURPOSE: This amendment modifies the reciprocal fishing privileges of persons licensed by the state of Kansas.*

(2) Permits Required.

(B) Any person possessing a valid sport fishing license issued by the state of Kentucky[,/] or Arkansas [or Kansas], or who is legally exempted from those license requirements, without further permit or license, may fish in the flowing portions of the Mississippi[,/] or St. Francis [or Missouri] rivers within the boundary of Missouri adjacent to the state where that person is licensed.

(C) Any person possessing a valid sport fishing license issued by the state of Illinois, Tennessee, **Kansas** or Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish in the Mississippi and Missouri rivers and their backwaters within the boundary of Missouri adjacent to the state where that person is licensed. These persons may also fish in the Missouri portion of any oxbow lakes through which the state boundary passes.

(4) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

(B) Regulations of the state where the person is licensed shall apply in Arkansas boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, Tennessee, Nebraska and Kansas boundary waters. Persons licensed in Illinois, Tennessee, **Kansas** and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

(D) Persons licensed in Arkansas[, Kansas,/] or Kentucky may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

(E) Persons licensed in Illinois, Tennessee, **Kansas** or Nebraska may fish from or attach devices or equipment to land under the jurisdiction of Missouri.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.410 Fishing Methods.** The commission proposes to add section (14).

*PURPOSE: This amendment provides for special authorization from the director for persons with disabilities to take certain types of aquatic species.*

**(14) The director may issue special authorization to properly licensed persons with disabilities to pursue and take fish, mussels and clams, bullfrogs and green frogs, turtles and live bait by methods not prescribed in this chapter and Chapters 11 and 12 if the disability prevents fishing by prescribed methods.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.415 Restricted Zones.** The commission proposes to amend sections (1) and (3).

*PURPOSE: This amendment establishes a two hundred twenty-five feet (225') no-fishing zone on the Osage River immediately below Bagnell Dam.*

(1) The following zones are closed to all fishing:

**(E) Osage River within two hundred twenty-five feet (225') below Bagnell Dam.**

*[(E)] (F) Osage River/Lake of the Ozarks within five hundred twenty-five feet (525') on the left descending bank and nine hundred seventy-seven feet (977') on the right descending bank below Truman Dam in the U.S. Army Corps of Engineers' restricted zone.*

*[(F)] (G) St. Francis River within two hundred twenty-five feet (225') below Wappapello Dam.*

(3) Fish may be taken by all prescribed methods except trotlines, throwlines and limb lines from:

**(B) Osage River from the no-fishing zone below Bagnell Dam to U.S. Highway 54. Snagging, snaring and grabbing are also excluded in this zone.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.540 Walleye and Sauger.** The commission proposes to amend sections (1) and (4).

*PURPOSE: This amendment opens the St. Francis River and its tributaries to the harvest of walleye and sauger and establishes an eighteen inch (18") minimum length limit on these species on these waters.*

(1) Daily Limit: Four (4) in the aggregate, except:  
*[(B) On the waters of Wappapello Lake and its tributaries, including the St. Francis River and its tributaries above Wappapello Dam, all walleye and sauger must be returned to the water unharmed immediately after being caught.]*

(4) Length Limits: All walleye and sauger less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught, except:

(A) All walleye and sauger less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught from Bull Shoals Lake and its tributaries, Current River and its tributaries, Eleven Point River and its tributaries, Long Branch Lake, Norfork Lake and its tributaries *[and]*, Table Rock Lake and Wappapello Lake and its tributaries including the St. Francis River and its tributaries above Wappapello Dam.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments*

*must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.550 Other Fish.** The commission proposes to add one section and amend sections (1) and (3).

*PURPOSE: This amendment eliminates the daily limit on certain non-native fishes, and establishes restrictions on the handling and use of bowfin and shovelnose sturgeon and their eggs.*

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish, is fifty (50) in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, jug line or underwater spearfishing. The daily limit if taken by gig, longbow, crossbow, snaring, snagging, grabbing and falconry is twenty (20) in the aggregate. **Bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.**

(B) In the Mississippi River, the daily and possession limit for fish included in this rule, **except bighead carp, common carp, goldfish, grass carp and silver carp,** is one hundred (100) in the aggregate.

(3) Fish taken under this rule may be used as bait; **except that bowfin and shovelnose sturgeon, or parts thereof (including eggs), may not be used as bait.**

**(4) Bowfin and shovelnose sturgeon must remain whole and intact while on waters of the state or adjacent banks.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.605 Live Bait.** The commission proposes to amend section (1).

*PURPOSE: This amendment eliminates the daily limit on certain non-native fishes.*

(1) Daily Limit: In the aggregate, one hundred fifty (150) crayfish, freshwater shrimp, frogs (except bullfrogs and green frogs), tiger salamander larvae and those species of fish not defined as game fish in 3 CSR 10-7.11/20.805, except that bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.410 Hunting Methods.** The commission proposes to amend subsection (1)(M) and add subsections (1)(O) and (1)(P).

*PURPOSE: This amendment clarifies baiting; provides for special authorization from the director for persons with disabilities to take certain types of wildlife; and, requires all hunters except those hunting migratory game birds to wear hunter (fluorescent) orange during the youth-only, November, and antlerless-only portions of the firearms deer hunting season.*

(1) Wildlife may be hunted and taken only in accordance with the following:

(M) *[During and ten (10) days prior to migratory bird, turkey and deer hunting seasons,] [n]* No person shall place or scatter grain or other food items in a manner that *[it]* subjects any hunter to violation of baiting rules, as defined by federal regulations and in 3 CSR 10-7.435 and 3 CSR 10-7.455 of this Code.

(O) **Any properly licensed person having a physical disability that would prevent them from hunting or taking wildlife by methods prescribed in this chapter, may attempt to take wildlife from a stationary vehicle, or may hunt wildlife with a crossbow in lieu of a longbow, provided while hunting s/he carries an affidavit provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt with a crossbow and/or from a stationary vehicle. This disabled person shall provide a copy of the signed affidavit to the department within ten (10) days of receiving the exemption.**

(P) **Hunter Orange.** During the youth-only, November, and antlerless-only portions of the firearms deer hunting season, all hunters shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This require-

**ment shall not apply to migratory game bird hunters, to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited, to hunters on federal or state public hunting areas where deer hunting is restricted to archery methods, or to hunters in closed deer management units during the antlerless-only portion of the firearms deer hunting season.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits.** The commission proposes to amend subsections (1)(A), (B) and (D).

*PURPOSE: This amendment increases the maximum age of youth eligible to purchase a Youth Deer and Turkey Hunting Permit.*

(1) Turkeys may be pursued, taken, killed, possessed or transported only as permitted in this rule.

(A) Spring Season. Spring season annually will begin on the Monday closest to April 21. A person possessing the prescribed turkey hunting permit may take turkeys according to the season length and bag limit established annually by the Conservation Commission; except that a person **at least six (6) and under [twelve (12)] sixteen (16)** years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) male turkey or turkey with visible beard during the season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(B) Fall Firearms Season. Fall season annually will begin on the second Monday in October and be fourteen (14) days in length. A person possessing the prescribed turkey hunting permit may take two (2) turkeys of either sex during the season; provided, only one (1) turkey may be taken during the first seven (7) days of the season, and only one (1) turkey may be taken per day; except that a person **at least six (6) and under [twelve (12)] sixteen (16)** years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) turkey of either sex during the season. Turkeys may be taken only by shotgun with shot no larger than No. 4 or longbow; without the use of dogs, bait, recorded calls or live decoys; from one-half (1/2) hour before sunrise to sunset in all counties except: Dunklin, McDonald, Mississippi, New Madrid,

Newton, Pemiscot and Scott. Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys. A person, while in the act of pursuing or hunting turkey on a fall firearms permit, shall not have both a firearm and longbow on his/her person.

(D) Youth Spring Season. The **two (2)**-day Youth Spring Season will begin annually on the Saturday nine (9) days prior to the Monday opening of the Spring Season. A Missouri resident possessing a Youth Deer and Turkey Hunting Permit or the prescribed turkey hunting permit and who is *[15]* **at least six (6) and under sixteen (16)** years of age *[or less]* on the opening day of the Youth Spring Season may take only one (1) male turkey or turkey with visible beard during the Youth Spring Season. A turkey harvested during the Youth Spring Season will count towards an individual's Spring Season bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird during the first week of the Spring Season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

**PROPOSED AMENDMENT**

**3 CSR 10-8.510 Use of Traps.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the frequency with which killer-type (Conibear-type traps) must be visited.*

Traps shall be metal traps with smooth or rubber jaws only, Egg-type traps, live traps or snares set under water only, but shall not include pitfalls, deadfalls, snares set in a dryland set, nets and colony traps. Traps and snares shall be plainly labeled, on durable material, with the user's full name and address *[and shall be attended daily]*. **Wildlife shall be removed or released from all traps daily, except for killer (Conibear-type) traps set under water, and they shall be attended and wildlife removed at least once every forty-eight (48) hours.** Traps may not be set in paths made or used by persons or domestic animals and Conibear-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only traps may not be set within one hundred fifty feet (150') of any residence or occupied building located within the established bound-

aries of cities or towns containing ten thousand (10,000) or more inhabitants. No killer or Conibear-type trap with a jaw spread greater than five inches (5") shall be used in any dryland set but these traps may be set under water and traps with a jaw spread not greater than eight inches (8") may be set six feet (6') or more above ground level in buildings. Snares must have a loop fifteen inches (15") or less in diameter when set and must have a stop device that prevents the snare from closing to less than two and one-half inches (2 1/2") in diameter. Snares must be constructed of cable that is at least five sixty-fourth inches (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel. Homes, dens or nests of furbearers shall not be molested or destroyed.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

**PROPOSED AMENDMENT**

**3 CSR 10-8.515 Furbearers: Trapping Seasons.** The commission proposes to amend section (7) of this rule.

*PURPOSE: This amendment modifies the length of time red fox, gray fox, and coyotes may be held after capture; modifies the privileges of the Hound Running Operator and Dealer Permit; and, allows trappers who have constructed holding facilities as prescribed in 3 CSR 10-9.220 to house and sell live coyotes and foxes throughout the year.*

(7) Red fox, gray fox and coyotes may be taken alive during established seasons by prescribed methods and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator's Permit. Red fox and gray fox may not be possessed after February 4; coyotes may not be possessed after February 25. These animals may be held for no longer than *[twenty-four (24)]* **seventy-two (72)** hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220, **and after approval by an agent of the department.** Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer and name and permit number of the hound running area operator/**dealer** receiving each individual animal. These records shall be kept on forms provided by the department and submitted to **an agent of the department** by March 15. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.



*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 9—Wildlife Code: Confined Wildlife:**  
**Privileges, Permits, Standards**

**PROPOSED RULE**

**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.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 9—Wildlife Code: Confined Wildlife:**  
**Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.110 General Prohibition; Applications.** The commission proposes to amend section (3).

*PURPOSE:* This amendment clarifies tiger salamander larvae; establishes receipt requirements in order to possess extracted fish eggs; establishes record-keeping requirements for the sellers of aquatic animals and extracted fish eggs; establishes a means by which privately-owned impoundments that are classified as waters of the state by virtue of being stocked by the state may be used for certain aquaculture activities; and, adds the freshwater prawn to the Approved Species list.

(3) Fish, **tiger salamander larvae and crayfish [and salamanders]** 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 [quantity] **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.

[(B)](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*.

[(C)](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)(E) 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.**

((D))/(E) That the privileges of this section apply only to 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), species frozen or processed for sale as food products, species incapable of surviving in fresh water, species held only in aquaria or other closed containers having water discharged only into approved municipal waste treatment facilities or on-site waste treatment systems that include sand filtration or chlorination, or with written authorization of the director.

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. Gizzard shad (*Dorosoma cepedianum*)
- H. Threadfin shad (*Dorosoma petenense*)
- I. Rainbow trout (*Oncorhynchus mykiss*)
- J. Golden trout (*Oncorhynchus aquabonita*)
- K. Cutthroat trout (*Oncorhynchus clarkii*)
- L. Brown trout (*Salmo trutta*)
- M. Brook trout (*Salvelinus fontinalis*)
- N. Coho salmon (*Oncorhynchus kisutch*)
- O. Northern pike (*Esox lucius*)
- P. Muskellunge (*Esox masquinongy*)
- Q. Goldfish (*Carassius auratus*)
- R. Grass carp (*Ctenopharyngodon idella*)
- S. Common carp (*Cyprinus carpio*)
- T. Golden shiner (*Notemigonus crysoleucas*)
- U. Bluntnose minnow (*Pimephales notatus*)
- V. Fathead minnow (*Pimephales promelas*)
- W. Blue Sucker (*Cycleptus elongatus*)
- X. Bigmouth buffalo (*Ictiobus cyprinellus*)
- Y. Black bullhead (*Ameiurus melas*)
- Z. Yellow bullhead (*Ameiurus natalis*)
- AA. Brown bullhead (*Ameiurus nebulosus*)
- BB. Blue catfish (*Ictalurus furcatus*)
- CC. Channel catfish (*Ictalurus punctatus*)
- DD. Flathead catfish (*Pylodictis olivaris*)
- EE. Mosquitofish (*Gambusia affinis*)
- FF. White bass (*Morone chrysops*)
- GG. Striped bass (*Morone saxatilis*)
- HH. Green sunfish (*Lepomis cyanellus*)
- II. Pumpkinseed (*Lepomis gibbosus*)
- JJ. Warmouth (*Lepomis gulosus*)
- KK. Orangespotted sunfish (*Lepomis humilis*)
- LL. Bluegill (*Lepomis macrochirus*)
- MM. Longear sunfish (*Lepomis megalotis*)
- NN. Redear sunfish (*Lepomis microlophus*)
- OO. Smallmouth bass (*Micropterus dolomieu*)
- PP. Spotted bass (*Micropterus punctulatus*)
- QQ. Largemouth bass (*Micropterus salmoides*)
- RR. White crappie (*Pomoxis annularis*)
- SS. Black crappie (*Pomoxis nigromaculatus*)
- TT. Yellow perch (*Perca flavescens*)
- UU. Sauger (*Stizostedion canadense*)
- VV. Walleye (*Stizostedion vitreum*)
- WW. Freshwater drum (*Aplodinotus grunniens*)
- XX. Bighead carp (*Hypophthalmichthys nobilis*)

2. Crustaceans.

- A. Freshwater prawn (*Macrobrachium rosenbergii*)  
[A.] B. Northern crayfish (*Orconectes virilis*)  
[B.] C. White river crayfish (*Procambarus acutus*)  
[C.] D. Red swamp crayfish (*Procambarus clarkii*)

3. Amphibians.

- A. Tiger salamander larvae (*Ambystoma tigrinum*)

(4) Live fish, their eggs and gametes of the family *Salmonidae* (trouts, char, salmon) may be imported to the state only by the holder of a 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 *[incorporated into this rule by reference]* **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 subject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. 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. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.220 Wildlife Confinement Standards.** The commission proposes to amend sections (1), (3), (4), (5) and (6).

*PURPOSE: This amendment provides clarification that certain standards of care apply to both Class I and Class II wildlife, including mobile, temporary and exhibit facilities.*

(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.

(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 public and a minimum height of six feet (6'). Doors shall remain locked at all times with appropriate locks and chains. Enclosures shall be constructed with a den, nest box or connected housing unit that can be closed off and locked with the animal inside, or be a divided cage with a door between the compartments, to allow servicing and cleaning. The enclosure mesh size or spacing of bars shall be sufficient to prevent escape. A barrier system of wet or dry moats or structures, as approved by the American Association of Zoological Parks and Aquariums, will meet these requirements. *[Restraint by tethering only is prohibited for Class II animals.]*

(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.

*[(C) Mobile temporary exhibit and exotic animal auction/sale facilities used to confine Class II wildlife for no more than fourteen (14) days shall meet the following criteria:*

1. *Facilities shall be designed to prevent direct physical contact by the public and constructed of steel or case hardened aluminum of sufficient size to ensure that each animal or compatible groups of animals can stand erect, turn about freely and lie naturally. The structural strength of the facility shall be sufficient to contain the wildlife and to withstand the normal rigors of transportation. Doors shall be locked, but easily accessible at all times for emergency removal of the wildlife.*

2. *Facilities shall be designed to provide fresh air, free from injurious drafts and engine exhaust fumes, with adequate protection from the elements, and with emergency removal openings.*

3. *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.*

(4) *In addition, 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 mammals and birds shall be fed daily 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.]*

(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.

*[(5)] (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 [adequate space, comparable to requirements listed in sections (2) and (3) for similar size animals, and shall be provided requirements set out in section (4).] comparable requirements for similar size animals as listed in this rule.*

*[(6) Care of captive turtle shall meet requirements set out in section (4). 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.]*

(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 *[(3) and (4)] (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 05/24/96)

Page 1

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. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.351 Class II Wildlife Breeder Permit.** The commission proposes to amend this rule.

*PURPOSE:* This amendment changes the Class II wildlife breeder permit from one hundred fifty dollars (\$150) to two hundred fifty dollars (\$250).

To exercise the privileges of a Class I and Class II wildlife breeder. Fee: [one] two hundred fifty dollars [(\$150)] (\$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.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
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Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders.** The commission proposes to amend sections (1) and (5) of this rule.

*PURPOSE:* This amendment requires applicants for a Class II wildlife breeder permit to pass a written examination and comply with state law regarding Class II wildlife.

(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.**

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

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule originally filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Amended: Filed March 11, 2002. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
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Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.359 Class I and Class II Wildlife Breeder: Records Required.** The commission proposes to amend provisions of this rule and remove the forms following the rule from the Code of State Regulations.

*PURPOSE:* This amendment requires wildlife breeders to maintain applicable records of state and federal animal health standard certificates and permits for each animal in possession.

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 [on forms provided by the department] 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. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
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Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.425 Wildlife Collector's Permit.** The commission proposes to amend sections (1), (2) and (3).

*PURPOSE:* This amendment establishes two (2) types of wildlife collector permits under which wildlife may be taken for scientific related purposes, and a fee for each permit.

(1) A permit to collect, possess, mount or preserve wildlife for scientific related purposes: [only 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; provided, that the collection shall be the property of the sponsor named in the permit and shall be used exclusively for scientific, educational or museum purposes. 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.]

(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] Wildlife collector's permits may be issued to professionally qualified individuals for specific projects where the potential results are of sufficient public value and interest to justify special collections of wildlife.]

[[3]] (2) **General Requirements for Permit Holders.** Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or 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. [The wildlife collector's permit is not valid until signed.]

(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. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**PROPOSED AMENDMENT**

**3 CSR 10-9.560 Licensed [Shooting Area] Hunting Preserve Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment modifies the application process, fee structure and extends the permit period to address needs expressed by area operators.

(1) To maintain and operate a licensed [shooting area] 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 [Shooting Area]

<b>Hunting Preserve</b>	\$100 valid for one (1) year
<b>(B) [Big Game Shooting Area]</b>	\$300.]
<b>Big Game Hunting Preserve</b>	<b>\$750 valid for three (3) years</b>

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.570 Hound Running Area Operator/'s/ and Dealer Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the name of the permit and modifies the privileges of the permit.

To maintain and operate a hound running area and to purchase transport, propagate, hold in captivity and sell to or release [on that area] 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.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.575 Hound Running Area: Privileges, Requirements.** The commission proposes to amend sections (3) and (7) of this rule.

*PURPOSE:* This amendment allows trappers who have constructed holding facilities as prescribed in 3 CSR 10-9.220 to house and sell live coyotes and foxes throughout the year.

(3) The holder of a Hound Running Area Operator/'s/ 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 [the permittee's] 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 [sold,] given away, released to the wild or exported, except with written authorization of the director.

(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.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.625 Field [and Retriever] Trial Permit.** The commission proposes to amend sections (1), (4)–(6) and to delete section (8).

*PURPOSE:* This amendment will change the permit requirements for field trials held on private lands. Other changes delete portions of the rule that previously applied to department land, modify the definition, and delete other language no longer needed.

(1) To conduct a field [or retriever] 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 postmarked 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. *[Permits and conditions for trials at August A. Busch Memorial Conservation Area, St. Charles County, James A. Reed Memorial Wildlife Area, Jackson County, Pony Express Conservation Area, DeKalb County and Whetstone Creek Conservation Area, Callaway County, may be obtained from the respective area manager upon receipt of proper application postmarked not less than thirty (30) days prior to the trial.] Fee: twenty dollars (\$20).*

(4) A field *[or retriever]* 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 trials 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) *[Dogs entered in trials may be exercised on a specific area described on a trial permit for a period not to exceed three (3) days prior to the trial. Designated gunners may shoot quail, pheasants, chukars and mallard ducks legally obtained and banded for identification, under the field trial permit, but the names of gunners shall be presented to an agent of the department at least two (2) hours before the trial begins. Fee: fifteen dollars (\$15).] Designated gunners, under the field trial permit, may shoot only quail, pheasants, chukars and mallard ducks legally obtained and marked with a permanent avian leg band prior to release.*

*[(8) A permit is not required for lead or drag races.]*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards  
PROPOSED RESCISSION**

**3 CSR 10-9.630 Confined Wildlife Permits: How Obtained, Replacements.** This rule provided procedures for obtaining miscellaneous permits and replacement permits.

*PURPOSE: This rule is being rescinded and moved to 3 CSR 10-9.106 for easier reference and better organization.*

*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.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements.** The commission proposes to amend subsection (3)(B).

*PURPOSE: This amendment clarifies the reporting requirements associated with a Licensed Trout Fishing Area Permit.*

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

(B) The permittee shall keep an accurate record of all trout of each species *[acquired, propagated, sold, held and]* 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.

*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.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*