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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2005), are available in the listed participating libraries, as selected by the Missouri State Library:

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

EXECUTIVE ORDER 06-31

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri, including but not limited to the counties of Butler, Crawford, Dunklin, Iron, Madison, New Madrid, Perry, Phelps, Reynolds, Ripley, St. Francois and Washington; and

WHEREAS, the severe weather that began on September 22, 2006 and continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, local officials are continuing to provide updated damage reports to the State Emergency Operations Center; and

WHEREAS, the citizens and communities of Missouri are still recovering from the effects of the March and April 2006 severe storms; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on October 23, 2006, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of September, 2006.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
06-32**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri, including but not limited to the counties of Butler, Crawford, Dunklin, Iron, Madison, New Madrid, Perry, Phelps, Reynolds, Ripley, St. Francois and Washington; and

WHEREAS, the severe weather that began on September 22, 2006 has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

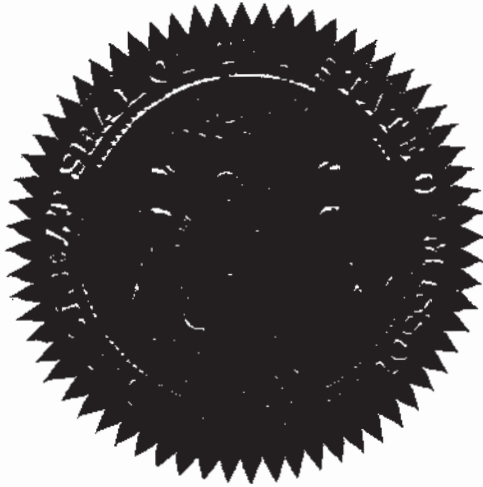
WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, Executive Order 06-31 was issued on September 23, 2006, declaring Missouri to be in a State of Emergency; and

WHEREAS, to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of the public health and safety during the period of the emergency and the subsequent recovery period. The authority granted by this Order shall terminate on October 23, 2006 unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26th day of September, 2006.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

Under 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."

Entirely 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.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking 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.

If 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*.

An 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.

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

PROPOSED AMENDMENT

3 CSR 10-4.117 Prohibited Species. The commission proposes to amend subsection (2)(D).

*PURPOSE: This amendment adds mysterysnails of the genus **Cipangopaludina** to the list of species that may not be possessed in Missouri.*

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

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *Orconectes rusticus*; Australian crayfish of the

genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; **mysterysnails of the genus *Cipangopaludina*.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Oct. 2, 2006.

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, Assistant 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 AMENDMENT

3 CSR 10-4.145 Preparing and Serving Wildlife. The commission proposes to amend section (1).

PURPOSE: This amendment corrects a reference that wildlife labeling requirements apply to the taker of such wildlife, including the Telecheck confirmation number.

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

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1969, effective Dec. 31, 1969. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.*

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, Assistant 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 10-5.310 Resident Lifetime Conservation Partner Permit.

The commission proposes to amend subsections (1)(A), (B), (C), (D), and (E).

PURPOSE: This amendment provides consistency in the way references to numbers are listed throughout the Wildlife Code.

(1) To chase, pursue, take, possess and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds (including migratory birds; except wild turkey) and mammals (except deer), and to sell furbearers taken by hunting. Fee:

(A) For persons age **fifteen** (15) and under: five hundred fifty dollars (\$550)

(B) For persons age **sixteen** (16) [to] through **twenty-nine** (29): eight hundred dollars (\$800)

(C) For persons age **thirty** (30) [to] through **thirty-nine** (39): seven hundred dollars (\$700)

(D) For persons age **forty** (40) [to] through **fifty-nine** (59): six hundred dollars (\$600)

(E) For persons age **sixty** (60) [to] through **sixty-four** (64): seven hundred dollars (\$700)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-5.315 Resident Lifetime Fishing Permit. The commission proposes to amend subsections (1)(A), (B), (C), (D), and (E).

PURPOSE: This amendment provides consistency in the way references to numbers are listed throughout the Wildlife Code.

(1) To pursue, take, possess and transport fish (including trout), frogs, mussels, clams, turtles, crayfish and live bait. Fee:

(A) For persons age **fifteen** (15) and under: Two hundred seventy-five dollars (\$275)

(B) For persons age **sixteen** (16) [to] through **twenty-nine** (29): Four hundred dollars (\$400)

(C) For persons age **thirty** (30) [to] through **thirty-nine** (39): Three hundred fifty dollars (\$350)

(D) For persons age **forty** (40) [to] through **fifty-nine** (59): Three hundred dollars (\$300)

(E) For persons age **sixty** (60) [to] through **sixty-four** (64): Thirty-five dollars (\$35)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-5.320 Resident Lifetime Small Game Hunting Permit.

The commission proposes to amend subsections (1)(A), (B), (C), (D), and (E).

PURPOSE: This amendment provides consistency in the way references to numbers are listed throughout the Wildlife Code.

(1) To chase, pursue, take, possess and transport birds (including migratory birds; except wild turkey), mammals (except deer) and frogs, and to sell furbearers taken by hunting. Fee:

(A) For persons age **fifteen** (15) and under: Two hundred seventy-five dollars (\$275)

(B) For persons age **sixteen** (16) [to] through **twenty-nine** (29): Four hundred dollars (\$400)

(C) For persons age **thirty** (30) [to] through **thirty-nine** (39): Three hundred fifty dollars (\$350)

(D) For persons age **forty** (40) [to] through **fifty-nine** (59): Three hundred dollars (\$300)

(E) For persons age **sixty** (60) [to] through **sixty-four** (64): Thirty-five dollars (\$35)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-5.330 Resident Small Game Hunting and Fishing Permit. The commission proposes to amend the title of this rule.

PURPOSE: This amendment changes the title of the rule to make it consistent with other rules and more descriptive of the privileges conveyed.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.230. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-5.351 Resident Firearms Any-Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment provides consistency in identifying permitted limits.

To pursue, take, possess and transport [a] **one (1)** deer of either sex statewide during the firearms deer hunting season. Fee: seventeen dollars (\$17).

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 June 5, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006.

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, Assistant 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 Antlerless Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment provides consistency in identifying permitted limits.

To pursue, take, possess and transport [an] **one (1)** antlerless deer during the firearms deer hunting season. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-5.375 Resident Cable Restraint Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment will reduce the cost of the Cable Restraint permit from twenty-five dollars (\$25) to ten dollars (\$10).

To attempt to take or take by cable restraint device only and to possess, transport and sell furbearers. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. Fee: [twenty-five dollars (\$25)] **ten dollars (\$10)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment is a reduction in cost of the permit, and will result in a revenue loss to the Missouri Department of Conservation. The permit fee is being reduced from twenty-five dollars (\$25) to ten dollars (\$10), for a reduction of fifteen dollars (\$15) per trapper. 271 Missouri resident trappers bought this permit in 2005. 271 trappers and hunters × \$15 fee reduction × 5 years = \$20,325 total revenue loss to MDC.

PRIVATE COST: This proposed amendment is a reduction in cost of the permit, and will result in a cost savings to Missouri resident trappers. The permit fee is being reduced from twenty-five dollars (\$25)

to ten dollars (\$10), for a cost savings of fifteen dollars (\$15) per trapper. 271 Missouri resident trappers bought this permit in 2005. 271 trappers and hunters \times \$15 cost savings \times 5 years = \$20,325 total cost savings to trappers.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 5 Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.375 Resident Cable Restraint Permit

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$20,325

III. WORKSHEET

This amendment is a reduction in cost of the permit, and will result in a revenue loss to the Missouri Department of Conservation. The permit fee is being reduced from \$25 to \$10, for a reduction of \$15 per trapper. 271 Missouri resident trappers bought this permit in 2005.

271 trappers & hunters X \$15 fee reduction X 5 years = \$20,325 total revenue loss to MDC.

IV. ASSUMPTIONS

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 5 Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.375 Resident Cable Restraint Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Resident trappers	n/a	\$20,325 cost savings
		To resident trappers.

III. WORKSHEET

This amendment is a reduction in cost of the permit, and will result in a cost savings to Missouri resident trappers. The permit fee is being reduced from \$25 to \$10, for a cost savings of \$15 per trapper. 271 Missouri resident trappers bought this permit in 2005.

271 trappers & hunters X \$15 cost savings X 5 years = \$20,325 total cost savings to trappers.

IV. ASSUMPTIONS

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-5.440 Daily Fishing Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the daily fishing permit from five dollars fifty cents (\$5.50) to seven dollars (\$7.00).

To pursue, take, possess and transport fish, frogs, mussels, clams, turtles, crayfish and live bait. Fee: *five dollars fifty cents (\$5.50) seven dollars (\$7)* per day. A permit may be purchased for multiple days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

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 cost private entities approximately three hundred eighty thousand four hundred seventy-five dollars (\$380,475) in the aggregate per year. This is based on 253,650 daily fishing permits sold \times \$1.50 increase per permit. \$380,475 per year \times the assumed 5 year life of the regulation = \$1,902,375 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.440 Daily Fishing Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
253,650 daily fishing permit buyers	N/A	\$1,902,375

III. WORKSHEET

253,650 daily fishing permit buyers X \$1.50 increase per permit sold = \$380,475 aggregate cost per year.
\$380,475 per year X the assumed 5 year life of the regulation = \$1,902,375 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-5.460 Licensed Hunting Preserve Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies that only permitted species may be pursued under this permit.

To pursue, take, possess and transport **only** pheasants, exotic partridges, quail, and ungulates (hoofed animals) from a licensed 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 Oct. 2, 2006.

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, Assistant 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 Hunting Preserve Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies that only specified species may be pursued under this permit.

To pursue, take, possess and transport **only** pheasants, exotic partridges, quail, and ungulates (hoofed animals) from a licensed 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 Oct. 2, 2006.

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, Assistant 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 10-5.540 Nonresident Fishing Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident fishing permit from thirty-five dollars (\$35) to forty dollars (\$40).

To pursue, take, possess and transport fish, frogs, mussels, clams, turtles, crayfish and live bait. Fee: [thirty-five dollars (\$35)] **forty dollars (\$40)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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 cost private entities approximately two hundred fifty-eight thousand two hundred thirty dollars (\$258,230) in the aggregate per year. This is based on 51,646 nonresident fishing permit buyers × \$5 increase in permits sold. \$258,230 per year × the assumed 5 year life of the regulation = \$1,291,150 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5- Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.540 Nonresident Fishing Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
51,646 nonresident permit buyers	N/A	\$1,291,150

III. WORKSHEET

51,646 nonresident fishing permit buyers X \$5.00 increase per permit sold = \$258,230 aggregate cost per year. \$258,230 per year X the assumed 5 year life of the regulation = \$1,291,150 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-5.545 Nonresident Small Game Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident small game hunting permit from sixty-five dollars (\$65) to seventy-five dollars (\$75).

To chase, pursue, take, possess and transport birds (except wild turkey), mammals (except deer and furbearers) and frogs, and to chase furbearers for training dogs during the closed season. Fee: ~~sixty-five dollars (\$65)]~~ **seventy-five dollars (\$75).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.270. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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 cost private entities approximately forty-six thousand eighty dollars (\$46,080) in the aggregate per year. This is based on 4,608 nonresident small game hunting permit buyers × \$10 increase in permits sold. \$46,080 per year × the assumed 5 year life of the regulation = \$230,400 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.545 Nonresident Small Game Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4,608 nonresident permit buyers	N/A	\$230,400

III. WORKSHEET

4,608 nonresident small game hunting permit buyers X \$10.00 increase per permit sold = \$46,080 aggregate cost per year. \$46,080 per year X the assumed 5 year life of the regulation = \$230,400 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**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 increases the price of the nonresident firearms any-deer hunting permit from one hundred forty-five dollars (\$145) to one hundred seventy-five dollars (\$175), removes the surcharge for certain states, and provides consistency in identifying permitted limits.

To pursue, take, possess and transport [a] **one (1)** deer of either sex statewide during the firearms deer hunting seasons. 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.] **one hundred seventy-five dollars (\$175).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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 cost private entities approximately three hundred twenty-seven thousand one hundred seventy dollars (\$327,170) in the aggregate per year. This is based on 10,164 nonresident deer permit buyers × \$30 increase in permits sold = \$304,920 plus 4,450 nonresident deer permit buyers × \$5 increase in permits sold = \$22,250. \$327,170 per year × the assumed 5 year life of the regulation = \$1,365,850 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
14,614 nonresident permit buyers	N/A	\$1,365,850

III. WORKSHEET

10,164 nonresident deer permit buyers X \$30.00 increase per permit sold = \$304,920 plus 4,450 nonresident deer permit buyers X \$5 increase per permit sold = \$22,250; total \$327,170 aggregate cost per year. \$327,170 per year X the assumed 5 year life of the regulation = \$1,365,850 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

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

PURPOSE: This amendment provides consistency in identifying permitted limits.

To pursue, take, possess and transport [an] **one (1)** antlerless deer during the firearms deer hunting season. A Nonresident Firearms Any-Deer Hunting Permit or a Nonresident Managed Deer Hunting Permit is required as a prerequisite to this permit. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment provides consistency in identifying permitted limits.

To pursue, take, possess and transport [an] **one (1)** antlerless deer during the archery hunting season. A Nonresident Archer's Hunting Permit is required as a prerequisite to this permit. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective Sept. 30, 2004. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 increases the price of the nonresident managed deer hunting permit from one hundred forty-five dollars (\$145) to one hundred seventy-five dollars (\$175) and removes the surcharge for certain states.

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.] **one hundred seventy-five dollars (\$175).**

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, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006.

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 cost private entities approximately seven hundred fifty-five dollars (\$755) in the aggregate per year. This is based on 23 nonresident managed deer permit buyers \times \$30 increase in permits sold = \$690 plus 13 nonresident deer permit buyers \times \$5 increase in permits sold = \$65. \$755 per year \times the assumed 5 year life of the regulation = \$3,775 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
36 nonresident permit buyers	N/A	\$3,775

III. WORKSHEET

23 nonresident managed deer permit buyers X \$30.00 increase per permit sold = \$690 plus 13 nonresident deer permit buyers X \$5 increase per permit sold = \$65; total \$755 aggregate cost per year. \$755 per year X the assumed 5 year life of the regulation = \$3,775 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-5.560 Nonresident Archer's Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident archer's hunting permit from one hundred twenty dollars (\$120) to one hundred fifty dollars (\$150).

To pursue, take, possess and transport deer and wild turkey during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons. Fee: *[one hundred twenty dollars (\$120)] one hundred fifty dollars (\$150)*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.275. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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

PRIVATE ENTITY COST: This proposed amendment will cost private entities approximately one hundred thirteen thousand two hundred fifty dollars (\$13,250) in the aggregate per year. This is based on 3,775 nonresident archery permit buyers × \$30 increase in permits sold. \$13,250 per year × the assumed 5 year life of the regulation = \$66,250 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.560 Nonresident Archer's Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3,775 nonresident permit buyers	N/A	\$566,250

III. WORKSHEET

3,775 nonresident archery permit buyers X \$30.00 increase per permit sold = \$113,250 aggregate cost per year. \$113,250 per year X the assumed 5 year life of the regulation = \$566,250 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident turkey hunting permits—for the spring season from one hundred forty-five dollars (\$145) to one hundred seventy-five dollars (\$175) and for the fall season from ninety-five dollars (\$95) to one hundred five dollars (\$105).

(1) To pursue, take, possess and transport wild turkey during the prescribed season.

(A) Spring Season Permit. Fee: *[one hundred forty-five dollars (\$145)]* **one hundred seventy-five dollars (\$175)**.

(B) Fall Season Permit. Fee: *[ninety-five dollars (\$95)]* **one hundred five dollars (\$105)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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 cost private entities approximately two hundred sixty-nine thousand six hundred dollars (\$269,600) in the aggregate per year. This is based on 8,845 nonresident spring turkey hunters × \$30 increase in permits sold = \$265,350 plus 425 nonresident fall turkey hunters × \$10 increase in permits sold = \$4,250. \$269,600 per year × the assumed 5 year life of the regulation = \$1,348,000 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.565 Nonresident Turkey Hunting Permits

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9,270 nonresident hunters	N/A	\$1,348,000

III. WORKSHEET

8,845 nonresident spring turkey hunters X \$30.00 increase per permit sold = \$265,350 aggregate cost per year plus 425 nonresident fall turkey hunters X \$10 increase per permit sold = \$4,250; total \$269,600 aggregate cost per year. \$269,600 per year X the assumed 5 year life of the regulation = \$1,348,000 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of nonresident furbearer hunting and trapping permit from eighty dollars (\$80) to one hundred twenty dollars (\$120).

To chase, pursue, take, possess, transport and sell furbearers. Fee: *[eighty dollars (\$80)] one hundred twenty dollars (\$120).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.292. Original rule filed June 29, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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

PRIVATE ENTITY COST: This proposed amendment will cost private entities approximately six thousand forty dollars (\$6,040) in the aggregate per year. This is based on 151 nonresident furbearer hunting and trapping permit buyers \times \$40 increase in permits sold. \$6,040 per year \times the assumed 5 year life of the regulation = \$30,200 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5- Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
151 nonresident permit buyers	N/A	\$30,200

III. WORKSHEET

151 nonresident furbearer hunting and trapping permit buyers X \$40.00 increase per permit sold = \$6,040 aggregate cost per year. \$6,040 per year X the assumed 5 year life of the regulation = \$30,200 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**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 provides consistency in identifying permitted limits.

To pursue, take, possess and transport [a] **one (1)** deer of either sex 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, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006.

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, Assistant 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 subsection (2)(D).

PURPOSE: This amendment corrects the spelling of the word *gaging*.

(2) Permits Required.

(D) Any person possessing a valid sport fishing license issued by the state of Kentucky, or who is legally exempted from those license requirements, without further permit or license, may fish in the Mississippi River within the boundary of Missouri adjacent to the state of Kentucky. For the purposes of these reciprocal fishing privileges, the river is defined as the main channel and immediate side or secondary channels or chutes. It does not include oxbow or floodplain lakes, or backwaters that extend onto the floodplain or up tributaries when the Mississippi River level exceeds thirty-three feet (33') at the Cairo, Illinois [*gaging*] **gaging** station.

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 Oct. 2, 2006.

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, Assistant 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 amend sections (1), (6) and (7) of this rule.

PURPOSE: This amendment updates methods for fishing that are consistent with current practices and clarifies methods allowed for taking species covered in this chapter other than fish.

(1) Fish may be taken by the use of pole and line, trotline, throwline, limb line, bank line, jug line, gig, longbow, crossbow, underwater spearfishing, snagging, snaring[,] or grabbing [*and falconry*], but only as specifically authorized in 3 CSR 10-6.415 through [3 CSR 10-6.620] **3 CSR 10-6.550**. No person may attempt to take fish by rock or hand fishing, with or without hook except as specifically authorized in 3 CSR 10-6.511. **Live bait, mussels, clams, bullfrogs, green frogs, common snapping turtles and soft-shelled turtles may be taken only as specifically authorized in 3 CSR 10-6.605 through 3 CSR 10-6.620.**

(6) Fish not hooked in the mouth or jaw, except those legally taken by snagging, snaring, grabbing, gig, longbow, crossbow[,] or underwater spearfishing [*or falconry*] must be returned to the water unharmed immediately.

(7) Fish legally taken by snagging, snaring, grabbing, gig, longbow, crossbow[,] or underwater spearfishing [*or falconry*] shall be retained by the taker and included in the prescribed daily limit.

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 Oct. 2, 2006.

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, Assistant 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 10-6.505 Black Bass. The commission proposes to amend sections (1), (2) and (4).

PURPOSE: This amendment establishes a fifteen-inch (15") minimum length limit and a daily limit of one (1) smallmouth bass in Joachim Creek and updates methods for fishing that are consistent with current practices.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass and all black bass hybrids, except:

(A) The daily limit may include no more than one (1) smallmouth bass on the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, the Gasconade River from the Highway Y bridge (Pulaski County) to the Highway D bridge (Phelps County), the Jacks Fork River from the Highway 17 bridge to the Highway 106 bridge, the James River from the Hooten Town bridge (Stone County Road A-90) to the Highway 13 bridge, **Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County)**, Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,/] or jug line [and falconry].

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, including Pools 20-26 on the Mississippi River, except as follows:[—]

1. On the Meramec, Big and Bourbeuse rivers and their tributaries, there is no length limit on spotted (Kentucky) bass.

2. On the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, **Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County)**, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, the Big River from Leadwood Access to its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, Osage Fork of the Gasconade River from Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (Stone County Road A-90) to Highway 13 bridge, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

5. On the Elk River, all black bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

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 Oct. 2, 2006.

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, Assistant 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 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,/] or jug line [and falconry].

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 Oct. 2, 2006.

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, Assistant 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 10-6.515 Crappie. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,/] or jug line [and falconry].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-6.520 Muskellunge, Northern Pike, Grass Pickerel, Chain Pickerel. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,/] or jug line [and falconry].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-6.525 Paddlefish. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, snagging, grabbing, trotline, throwline, limb line, bank line[,/] or jug line [and falconry].

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 Oct. 2, 2006.

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, Assistant 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 10-6.530 Rock Bass (goggle-eye) and Warmouth. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,/] or jug line [and falconry].

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 Oct. 2, 2006.

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, Assistant 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 10-6.533 Shovelnose Sturgeon. The commission proposes to amend subsections (2)(A) and (B).

PURPOSE: This amendment removes snagging, snaring or grabbing as methods permitted for taking shovelnose sturgeon and updates methods for fishing that are consistent with current practices.

(2) Methods and Seasons.

(A) Shovelnose sturgeon may be taken by pole and line, trotline, throwline, limb line, bank line[,] or jug line [and falconry] throughout the year.

[(B) Shovelnose sturgeon may be taken by snagging, snaring or grabbing from March 15 through May 15 and from September 15 through January 31, except:

1. In the Osage River downstream from U.S. Highway 54 to its confluence with the Missouri River and in the impounded waters of Lake of the Ozarks and Truman Lake, shovelnose sturgeon may be taken by these methods only from March 15 through April 30.

2. In the Mississippi River, shovelnose sturgeon may be taken by these methods from March 15 through May 15 and from September 15 through December 15.

3. On Lake of the Ozarks and its tributaries, Osage River below U.S. Highway 54 and Truman Lake and its tributaries, no person shall continue to snag, snare or grab for any species after taking a daily limit of two (2) paddlefish.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-6.535 Trout. The commission proposes to amend sections (2) and (5).

PURPOSE: This amendment removes the trout permit as a requirement for catch-and-release trout fishing in Stone Mill Spring Branch and updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [and falconry], except as further restricted in this rule.

(5) Permits: A trout permit, in addition to the prescribed fishing permit, is required to possess and transport trout except in areas where a daily fishing tag is required. A trout permit is required in addition to the prescribed fishing permit for fishing at:

[(C) Stone Mill Spring Branch in Pulaski County.]

[(D)] (C) Lake Taneycomo from the closed fishing zone seven hundred sixty feet (760') below Table Rock Dam downstream to the Highway 65 bridge.

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 Oct. 2, 2006.

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, Assistant 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 section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [and falconry].

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 Oct. 2, 2006.

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, Assistant 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 10-6.545 White Bass, Yellow Bass, Striped Bass. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,/]
or jug line [and falconry].

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 Oct. 2, 2006.

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, Assistant 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 amend section (1) and subsections (2)(A), (D) and (F).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices and allows the atlatl as a legal method for taking other fish.

(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, **atlatl**, longbow, crossbow, snaring, snagging[,/]
or 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.

(2) Methods and Seasons.

(A) Fish included in this rule may be taken by pole and line, trotline, throwline, limb line, bank line[,/]
or jug line [and falconry] throughout the year.

(D) Fish included in this rule may be taken by gig **or atlatl** from streams and impoundments between sunrise and midnight from September 15 through January 31, and from impounded waters between sunrise and sunset throughout the remainder of the year.

(F) Fish included in this rule may be taken from waters existing temporarily through overflow outside the banks of a river or ditch by gig, **atlatl**, underwater spearfishing, longbow, crossbow, snagging or grabbing between sunrise and sunset throughout the year.

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 Oct. 2, 2006.

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, Assistant 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 (2) and add a new section (6).

PURPOSE: This amendment changes terminology in the rule to maintain consistency and prohibits the use of bighead carp and silver carp as live bait.

(2) Methods.

(A) Live bait may be taken by a [minnow] trap with throat opening not to exceed one and one-half inches (1 1/2") in any dimension, dip net, throw net, pole and line, or a seine not more than twenty feet (20') long and four feet (4') deep, of a mesh not more than one-half inch (1/2") bar measure.

(6) Bighead carp and silver carp may not be used as live bait but may be used as dead or cut bait.

[(6)] (7) Live bait, as defined in this code, obtained from waters of the state, may not be transported from the state or sold.

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 Oct. 2, 2006.

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, Assistant 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 subsections (1)(J), (L) and (O) and add new subsections (1)(P) and (S).

PURPOSE: This amendment establishes a process for persons with disabilities; provides more specific information regarding the use of electronic calls for hunting; prohibits the use or possession of electronic calls except as authorized in another rule; allows the use of the atlatl with dart as a hunting method for small game; and prohibits the use of poisons or tranquilizing drugs to hunt, pursue or take wildlife.

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

(J) Slingshot and atlatl. Slingshots and atlatls may be used to take wildlife (except deer and turkey) during the prescribed hunting seasons. **Darts containing any drug, poison, chemical or explosive are prohibited.**

(L) Electronic Calls. Electronic calls may be used to pursue and take crows and furbearers, but without the aid of an artificial light or night vision equipment. **Electronic calls or electronically activated calls may not be used or possessed while hunting other species of wildlife except as specifically authorized.**

(O) Any properly licensed person [having a physical disability that would prevent them from hunting or taking wildlife by methods prescribed in this chapter] with disabilities, as defined in this Code, may [attempt to] hunt and 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] a physician's statement 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] physician's statement to the department within ten (10) days of receiving the exemption.

(P) Any properly licensed person having a physical disability that would prevent them from hunting or taking wildlife by archery methods prescribed in this chapter, may hunt wildlife with a crossbow in lieu of a longbow, provided while hunting s/he carries a physician's statement 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.

[(P)] (Q) Hunter Orange. During the urban counties, youth, November, and antlerless 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 hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement 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 counties during the antlerless portion of the firearms deer hunting season.

[(Q)] (R) Computer-Assisted Remote Hunting. Except as otherwise permitted in this Code, wildlife may be taken only in the immediate physical presence of the taker and may not be taken by use of computer-assisted remote hunting devices.

(S) **Wildlife may not be hunted, pursued or taken with the use of poisons or tranquilizing drugs.**

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 Oct. 2, 2006.

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, Assistant 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 10-7.415 Quail: Seasons, Limits. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment creates a special youth-only season for hunting quail.

(1) Quail may be taken from November 1 through January 15. Daily (limit: eight (8) quail; possession limit: sixteen (16) quail.

(2) **Youth at least six (6) but not older than fifteen (15) years of age may take quail during the last full weekend of October. Daily limit: eight (8) quail; possession limit: sixteen (16) quail.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1973, effective Oct. 15, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-7.430 Pheasants: Seasons, Limits. The commission proposes to add a new section (2) and renumber subsequent sections.

PURPOSE: This amendment creates a special youth-only season for hunting pheasants.

(2) **Youth at least six (6) but not older than fifteen (15) years of age may take male pheasants during the last full weekend of October north of Interstate 70, and also in that portion of St. Charles County lying south of Interstate 70. Daily limit: two (2) male pheasants; possession limit: four (4) male pheasants.**

[(2)](3) Male pheasants may be taken from December 1 through December 12 in Dunklin, New Madrid, Pemiscot and Stoddard

counties. Daily limit: one (1) male pheasant; possession limit: one (1) male pheasant.

[(3)](4) A foot or the fully feathered head must be left attached to all pheasants during transportation and storage.

[(4)](5) No pheasants may be in the immediate possession of persons while hunting other wildlife in counties or portions of counties closed to pheasant hunting.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-7.450 Furbearers: Hunting Seasons, Methods. The commission proposes to amend section (1).

PURPOSE: This amendment shortens the furbearer hunting season by moving the closing date from February 15 back to January 31, and changes the dates of possession of pelts and the last date for registering and/or tagging of bobcat or their pelts from March 1 to February 15.

(1) Badger, bobcat, gray fox, opossum, raccoon, red fox, and striped skunk may be taken in any numbers by hunting from November 15 through [February 15] **January 31**. Pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 15 through [March 1] **February 15**, (except as provided in 3 CSR 10-10.711), except that bobcats or their pelts shall be delivered by the taker to an agent of the department for registration or tagging before selling, transferring, tanning or mounting, but not later than [March 1] **February 15**. Furbearers may be purchased and sold only under provisions of this rule, Chapter 10, and 3 CSR 10-4.135. No person shall accept payment for furbearers taken by another.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 section (2) and subsection (4)(B).

PURPOSE: This amendment makes two editorial changes.

(2) Traps, snares and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address. Wildlife held in traps, snares or cable restraint devices may be killed or removed only by the user. Conibear or other killing-type traps set under water and colony traps set under water shall be attended and wildlife removed at least once every forty-eight (48) hours. All other traps, snares and cable restraint devices must be attended daily and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals and Conibear or other killing-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 cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any [resident] residence or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

(4) Use of Snares and Cable Restraint Devices:

(B) Furbearers may be taken by trapping through the use of cable restraint devices during specified seasons (3 CSR 10-8.515) by holders of a Cable Restraint Permit, after completing the cable restraint training course. Cable restraint devices (as defined in 3 CSR 10-20.805) must have a loop size of twelve inches (12") in diameter or smaller when set, and the bottom of set restraint cable loop must be at least six inches (6") or greater above the ground. Cable restraint devices must be anchored solid or staked in a location not allowing entanglement (such as rooted, woody vegetation greater than one-half inch (1/2") in diameter), and shall not be capable of extending to within twelve inches (12") of a fence, nor shall be set using a drag, or used with a kill-pole. Cable restraint devices may not be used within one hundred fifty feet (150') of any residence, occupied building, or a driveway leading to a residence.

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 Oct. 2, 2006.

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, Assistant 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 sections (1), (3), (4), (5), (7) and (8) and subsections (2)(A) and (C).

PURPOSE: This amendment shortens the general furbearer trapping season by moving the closing date from February 15 back to January 31. It also changes the dates of possession of pelts and the last date for registering and/or tagging of bobcats and otters or their pelts from March 1 to February 15, except for otters taken in Otter Management Zone E, to not later than March 4.

(1) Badger, bobcat, coyote, gray fox, mink, opossum, raccoon, red fox, and striped skunk may be taken in any numbers by trapping from November 15 through *[February 15]* **January 31**. Beaver and nutria may be taken in any number by trapping from November 15 through March 31. Traps may not be placed or set before November 15 and must be removed by midnight of the last day of the applicable trapping season.

(2) Otters and muskrats may be taken by trapping during specified seasons and in specified limits described below:

(A) A season limit of five (5) otters, and muskrats in any numbers may be taken from November 15 through *[February 15]* **January 31** in Otter Management Zones A, C, and D, described as:

1. Otter Management Zone A—That portion of northwest Missouri from the Iowa border and west of a line running south on Worth County Hwy. F to Mo. Hwy. 46; south on Mo. Hwy. 46 to U.S. Hwy. 136; south on U.S. Hwy. 136 to U.S. Hwy. 169; south on U.S. Hwy. 169 to Mo. Hwy. 31; south on Mo. Hwy. 31 to U.S. Hwy. 36; east on U.S. Hwy. 36 to U.S. Hwy. 69; south on U.S. Hwy. 69 to Mo. Hwy. 10; east on Mo. Hwy. 10 to Mo. Hwy. 13; south on Mo. Hwy. 13 to Interstate Hwy. 70; west on Interstate Hwy. 70 to Mo. Hwy. 131; south on Mo. Hwy. 131 to Mo. Hwy. 2; west on Mo. Hwy. 2 to the Kansas line.

2. Otter Management Zone C—That portion of eastern Missouri east and south of a line running west from the Illinois border on Interstate Hwy. 270 to Interstate Hwy. 44; west on Interstate Hwy. 44 to Mo. Hwy. 68; south on Mo. Hwy. 68 to Mo. Hwy. 32; and north of a line comprised of Mo. Hwy. 32 east to St. Francois County Hwy. OO; south on St. Francois County Hwy. OO to St. Francois County Hwy. T; east on St. Francois County Hwy. T to Mo. Hwy. 51; and west of Mo. Hwy. 51 to the Illinois line.

3. Otter Management Zone D—That portion of southwest Missouri west and south of a line running north from the Arkansas border on Mo. Hwy. 37 to U.S. Hwy. 60; east on U.S. Hwy. 60 to Mo. Hwy. 39; north on Mo. Hwy. 39 to U.S. Hwy. 160; west on U.S. Hwy. 160 to the Kansas line.

(C) A season limit of twenty (20) otters and muskrats in any numbers may be taken from November 15 through *[February 15]* **January 31** in Otter Management Zone B, described as:

1. Otter Management Zone B—The remainder of the state not in Otter Management Zone A, C, D, or E, as described above.

(3) Except in Otter Management Zone E, Conibear or other killing-type traps with a jaw spread less than eight inches (8") and foot-hold

traps with an inside width at the jaw post less than six inches (6") are prohibited in water sets after *[February 15]* **January 31**. In Otter Management Zone E, Conibear or other killing-type traps with a jaw spread less than eight inches (8") and foot-hold traps with an inside width at the jaw post less than six inches (6") are prohibited for trapping beavers after February 20.

(4) Except as provided in 3 CSR 10-10.711, pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 15 through *[March 1]* **February 15**, pelts of beaver may be possessed, transported, consigned for processing and sold by the taker from November 15 through April 10, and tagged bobcats and otters or their pelts may be possessed and sold throughout the year. Bobcats or their pelts shall be delivered by the taker to an agent of the department for registration or tagging; otters shall be delivered by the taker to an agent of the department only in the Otter Management Zone of harvest for registration or tagging. Bobcats and otters shall be registered or tagged before selling, transferring, tanning or mounting not later than *[March 1]* **February 15**, except for otters taken in Otter Management Zone E, not later than March 4. It shall be illegal to purchase or sell untagged bobcats and otters or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. (Certain Department of Health and Senior Services rules also govern how furbearer carcasses might be utilized.)

(5) Rabbits may be taken by trap from November 15 through *[February 15]* **January 31** within prescribed hunting limits, but carcasses may not be sold.

(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. Live coyotes, red fox and gray fox may not be possessed after *[March 1]* **February 15**. These animals may be held for no longer than 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 April 15. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.

(8) Furbearers may be taken by trapping through the use of cable restraint devices from December 15 through *[February 15]* **January 31**, by holders of a Cable Restraint Permit. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. Cable restraint devices must be used according to 3 CSR 10-8.510.

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 Oct. 2, 2006.

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, Assistant 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 10-9.105 General Provisions. The commission proposes to amend section (2).

PURPOSE: This amendment adds all other exotic partridges, in addition to chukars, to the list of species authorized for use in field trials.

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

Approved Confined Wildlife Species List

Species Code No.	Common Name	Scientific Name
Class I Wildlife Breeders		
Game Birds		
	Grouse, Blue	<i>Dendragapus obscurus</i>
	Grouse, Greater Sage-	<i>Centrocercus urophasianus</i>
	Grouse, Gunnison Sage-	<i>Centrocercus minimus</i>
	Grouse, Ruffed	<i>Bonasa umbellus</i>
	Grouse, Sharp-tailed	<i>Tympanuchus phasianellus</i>
	Grouse, Spruce	<i>Falcapennis canadensis</i>
	Partridge, Gray	<i>Perdix perdix</i>
	Pheasant, Ring-necked (all subspecies)	<i>Phasianus colchicus</i>
	Ptarmigan, Rock	<i>Lagopus mutus</i>
	Ptarmigan, White-tailed	<i>Lagopus leucurus</i>
	Ptarmigan, Willow	<i>Lagopus lagopus</i>
	Quail, Bobwhite (all subspecies)	<i>Colinus virginianus</i>
	Quail, California	<i>Callipepla californica</i>
	Quail, Gambel's	<i>Callipepla gambelii</i>
	Quail, Mountain	<i>Oreortyx pictus</i>
	Quail, Scaled	<i>Callipepla squamata</i>
	Turkey, Wild (all subspecies)	<i>Melagris gallopava</i>
Mammals		
	Armadillo, Nine-banded	<i>Dasypus novemcinctus</i>
	Badger	<i>Taxidea taxus</i>
	Beaver	<i>Castor canadensis</i>
	Bobcat	<i>Lynx rufus</i>
	Chipmunk, Eastern	<i>Tamias striatus</i>
	Coyote	<i>Canis latrans</i>
	Deer, Mule	<i>Odocoileus hemionus</i>
	Deer, White-tailed	<i>Odocoileus virginianus</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>
	Fox, Red	<i>Vulpes vulpes</i>
	Groundhog (Woodchuck)	<i>Marmota monax</i>
	Mink	<i>Mustela vison</i>
	Muskrat	<i>Ondatra zibethicus</i>
	Opossum	<i>Didelphis virginiana</i>
	Otter, River	<i>Lontra canadensis</i>
	Rabbit, Eastern Cottontail	<i>Sylvilagus floridanus</i>
	Rabbit, Swamp	<i>Sylvilagus aquaticus</i>
	Raccoon	<i>Procyon lotor</i>
	Squirrel, Eastern Gray	<i>Sciurus carolinensis</i>
	Squirrel, Fox	<i>Sciurus niger</i>
	Squirrel, Franklin's Ground	<i>Spermophilus franklinii</i>
	Squirrel, Thirteen-lined Ground	<i>Spermophilus tridecemlineatus</i>
	Squirrel, Southern Flying	<i>Glaucomys volans</i>
	Weasel, Least	<i>Mustela nivalis</i>
	Weasel, Long-tailed	<i>Mustela frenata</i>
Amphibians		
Salamanders		
	Newt, Central	<i>Notophthalmus viridescens</i>
	Salamander, Tiger	<i>Ambystoma tigrinum</i>
Frogs and Toads		
	Bullfrog	<i>Rana catesbeiana</i>
	Frog, Green (Bronze)	<i>Rana clamitans</i>
	Frog, Southern Leopard	<i>Rana sphenoccephala</i>
	Toad, American	<i>Bufo americanus</i>
	Treefrog, Eastern (Cope's) Gray	<i>Hyla versicolor/chrysocephala</i>
	Treefrog, Green	<i>Hyla cinerea</i>
Reptiles		
Turtles		
	Cooter, River	<i>Pseudemys concinna</i>
	Slider, Red-eared	<i>Trachemys scripta elegans</i>
	Softshell, Smooth	<i>Apalone mutica</i>

Species Code No.	Common Name	Scientific Name
	Softshell, Spiny	<i>Apalone spinifera</i>
	Turtle, Ornate Box	<i>Terrapene ornate</i>
	Turtle, Alligator Snapping	<i>Macrochelys temminckii</i>
	Turtle, Common Map	<i>Graptemys geographica</i>
	Turtle, Common Musk (Stinkpot)	<i>Sternotherus odoratus</i>
	Turtle, Common Snapping	<i>Chelydra serpentina</i>
	Turtle, Mississippi Mud	<i>Kinosternon subrubrum</i>
	Turtle, Southern Painted	<i>Chrysemys picta dorsalis</i>
	Turtle, Three-toed Box	<i>Terrapene carolina triunguis</i>
	Turtle, Western Painted	<i>Chrysemys picta belli</i>
Lizards		
	Lizard, Eastern Collared	<i>Crotaphytus collaris</i>
	Lizard, Prairie (Fence)	<i>Sceloporus consobrinus (undulates)</i>
	Lizard, Slender Glass	<i>Ophisaurus attenuatus</i>
	Lizard, Texas Horned	<i>Phrynosoma cornutum</i>
Snakes		
	Skink, Five-lined	<i>Eumeces fasciatus</i>
	Bullsnake	<i>Pituophis catenifer sayi</i>
	Kingsnake, Prairie	<i>Lampropeltis calligaster</i>
	Kingsnake, Speckled	<i>Lampropeltis getula holbrooki</i>
	Snake, Black Rat	<i>Elaphe obsoleta obsoleta</i>
	Snake, Eastern Garter	<i>Thamnophis sirtalis sirtalis</i>
	Snake, Eastern Hog-nosed	<i>Heterodon platirhinos</i>
	Snake, Great Plains Rat	<i>Elaphe guttata emoryi</i>
	Snake, Red Milk	<i>Lampropeltis triangulum sypila</i>
	Snake, Red-sided Garter	<i>Thamnophis sirtalis parietalis</i>
	Snake, Western Hog-nosed (Dusty and Plains)	<i>Heterodon nasicus</i>
Class II Wildlife Breeders		
	Bear, Black (& hybrids)	<i>Ursus americanus</i>
	Copperhead	<i>Agkistrodon contortrix</i>
	Cottonmouth	<i>Agkistrodon piscivorus</i>
	Lion, Mountain (& hybrids)	<i>Puma concolor</i>
	Rattlesnake, Pygmy	<i>Sistrurus miliarius</i>
	Rattlesnake, Timber (Canebrake)	<i>Crotalus horridus</i>
	Wolf, Gray (& hybrids)	<i>Canis lupus</i>
Game Bird Hunting Preserves		
	Partridges, Exotic (all species)	
	Pheasants (all species)	
	Quail (all species)	
Big Game Hunting Preserves		
	Antelope, Pronghorn	<i>Antilocapra americana</i>
	Boar, Wild (including feral hogs, razorback hogs, European boars and other pig species)	
	Caribou (Reindeer)	<i>Rangifer tarandus</i>
	Deer, Fallow	<i>Dama dama</i>
	Deer, Mule	<i>Odocoileus hemionus</i>
	Deer, Red	<i>Cervus species</i>
	Deer, Sika	<i>Cervus nippon</i>
	Deer, White-tailed	<i>Odocoileus virginianus</i>
	Elk	<i>Cervus elaphus</i>
	Goat, Mountain	<i>Oreamnos americanus</i>
	Moose	<i>Alces alces</i>
	Sheep, Bighorn	<i>Ovis canadensis</i>
	Sheep, Dall	<i>Ovis dalli</i>
	Ungulates (other species)	deer, antelope deer, goats, sheep, etc.
Wildlife Hobby		
	Badger	<i>Taxidea taxus</i>
	Beaver	<i>Castor canadensis</i>
	Bobcat	<i>Lynx rufus</i>
	Coyote	<i>Canis latrans</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>

Species Code No.	Common Name	Scientific Name
	Fox, Red	<i>Vulpes vulpes</i>
	Groundhog (Woodchuck)	<i>Marmota monax</i>
	Mink	<i>Mustela vison</i>
	Muskrat	<i>Ondatra zibethicus</i>
	Opossum	<i>Didelphis virginiana</i>
	Otter, River	<i>Lontra canadensis</i>
	Pheasant, Ring-necked (all subspecies)	<i>Phasianus colchicus</i>
	Quail, Bobwhite (all subspecies)	<i>Colinus virginianus</i>
	Rabbit, Eastern Cottontail	<i>Sylvilagus floridanus</i>
	Rabbit, Swamp	<i>Sylvilagus aquaticus</i>
	Raccoon	<i>Procyon lotor</i>
	Squirrel, Eastern Gray	<i>Sciurus carolinensis</i>
	Squirrel, Fox	<i>Sciurus niger</i>
	Weasel, Least	<i>Mustela nivalis</i>
	Weasel, Long-tailed	<i>Mustela frenata</i>
Wildlife Collector's Permit	Species and numbers of each are limited to those specified on the permit.	
Resident Falconry Permit	Birds of prey as permitted under 3 CSR 10-9.422.	
Hound Running Area Operator and Dealer Permit	Coyote	<i>Canis latrans</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>
	Fox, Red	<i>Vulpes vulpes</i>
Field Trial Permit	<i>[Chukars]</i>	<i>[Alectoris graeca]</i>
	Ducks, Mallard	<i>Anas platyrhynchos</i>
	Partridges, Exotic (all species)	
	Pheasants (all species)	
	Quail (all species)	
Dog Training Area Permit	Partridges, Exotic (all species)	
	Pheasants (all species)	
	Quail (all species)	

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 paragraph (3)(D)1.

PURPOSE: This amendment prohibits the use of bighead carp and silver carp as live bait.

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

(D) That the privileges of this section do not apply to taking or possession in, or from waters of the state, waters stocked by the state, or water subject to movement of fishes into and from waters of the state, except:

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

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

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

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

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

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

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 Oct. 2, 2006.

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, Assistant 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 Appendix A.

PURPOSE: This amendment provides clarification of requirements for enclosure of cage flooring.

APPENDIX A

CAGE, PEN OR OTHER ENCLOSURE STANDARDS FOR CLASS II WILDLIFE
3 CSR 10-9.220 (3) (Revised 06/24/96, 03/01/03, 03/01/07)

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. 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 Oct. 2, 2006.

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, Assistant 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 provisions of this rule.

PURPOSE: This amendment makes an editorial change.

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

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

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, Assistant 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 10-9.353 Privileges of Class I and Class II Wildlife Breeders. This rule established privileges and requirements for wildlife breeders.

PURPOSE: This rule is being rescinded and readopted to provide better organization and clarification.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 2, 2006.

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, Assistant 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 10-9.353 Privileges of Class I and Class II Wildlife Breeders

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

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be 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%) on a written examination provided by the department.

(2) Such wildlife may be used, sold, given away, transported or shipped; provided, that state and federally-designated endangered species may not be sold without the written approval of the director; that skunks may not be imported, bought, sold, transported, given away or otherwise disposed of; that live raccoons, foxes and coyotes may not be imported; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section (9) of this rule.

(3) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state and as provided in section (11) of this rule; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise. Permittees holding birds must be participants, in good standing, of the National Poultry Improvement Plan.

(4) Cities, towns and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply,

no permit will be issued by the department. Persons possessing Class II wildlife must comply with all requirements of section 578.023, RSMo.

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

(6) No Class I or Class II wildlife breeder permit is required for non-residents possessing a valid permit issued in another state to exhibit legally possessed wildlife at special events, not to exceed seven (7) consecutive days; provided that:

(A) Notification is made to an agent of the department prior to entry of wildlife into the state.

(B) Exhibited wildlife may not be sold, offered for sale, or given away.

(C) All other provisions of this chapter shall apply, including mobile temporary exhibit confinement standards as specified in 3 CSR 10-9.220.

(7) No state permit shall be required of individuals holding migratory waterfowl under valid federal authorization; except that migratory waterfowl held in captivity may be hunted only as provided in 3 CSR 10-9.625 of this Code.

(8) No state permit shall be required for the propagation, sale or display of birds of prey by persons holding a valid federal permit; provided that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit.

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

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

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

(A) Animals shall be tagged or marked in a method allowing each individual animal to be uniquely identified.

(B) Animals imported into Missouri must come from a herd that is enrolled and has achieved a status two (2) or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—two (2) years of surveillance, advancement, and successful completion of program requirements.

(C) Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program.

(12) Effective January 1 of each year, one hundred percent (100%) of all elk, elk-hybrids, mule deer, and white-tailed deer, defined as Class I wildlife in 3 CSR 10-9.230, over twelve (12) months of age that die of any cause within a Class I wildlife breeder operation, shall

be tested for chronic wasting disease at a federally approved laboratory, up to an annual total of ten (10) animals in the aggregate, except:

(A) No testing is required for Class I wildlife breeder operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having a status less than three (3) as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

(B) No testing is required for elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's chronic wasting disease monitoring program as from a status five (5) herd—five (5) years of surveillance, advancement, and successful completion of program requirements.

(C) One hundred percent (100%) of all elk, elk-hybrids, mule deer and white-tailed deer that are imported into Missouri that are from a herd having a status less than three (3) as documented through a United States Department of Agriculture or state-sponsored chronic wasting disease monitoring program that die of any cause within a Class I wildlife breeder operation shall be tested for chronic wasting disease at a federally approved laboratory.

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

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

(15) Any sale, shipment or gift of wildlife by a Class I or Class II wildlife breeder shall be accompanied by a written statement giving his/her permit number and showing the number of each species and the name and address of the recipient. No wildlife of any kind may be liberated unless specific permission has been granted on written application to the conservation agent in the district where the release is to be made.

(16) None of these privileges shall extend to permitting the act of hunting for such stock except that big game mammals may be killed for purposes of herd management by the permit holder or his/her agents, but only with authorization from an agent of the department.

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

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

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Oct. 2, 2006.

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, Assistant 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 10-9.359 Class I and Class II Wildlife Breeder: Records Required. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment requires each wildlife breeder to submit a report of wildlife transactions to include a record of the death of individual animals.

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, or which have died, on forms provided by the department. These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the wildlife breeder and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.753. This version of rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-9.425 Wildlife Collector's Permit. The commission proposes to amend section (2).

PURPOSE: This amendment provides clarification that advance notification must be made with a conservation agent or the Protection Division regional supervisor.

(2) General Requirements for Permit Holders. Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or **Protection Division** regional supervisor in the county or area as to where and when the collecting will be done. The permit holder's name, address and wildlife collector's permit number shall be on all trapping and netting devices. The traps, nets or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the 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.

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 Oct. 2, 2006.

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, Assistant 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 10-9.560 Licensed Hunting Preserve Permit. The commission proposes to amend section (1).

PURPOSE: This amendment provides further clarification of which species of animals may be hunted on licensed hunting preserves under this permit.

(1) To maintain and operate a licensed hunting preserve and to propagate, hold in captivity, hunt and sell **only** legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. This rule previously filed as 3 CSR 10-10.760. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-9.565 Licensed Hunting Preserve: Privileges. The commission proposes to amend subsections (1)(A) and (B).

PURPOSE: This amendment provides better organization of the rule; clarifies which species of game birds may be used on game bird hunting preserves; and requires such birds to be obtained only from sources who are participants, in good standing, of the National Poultry Improvement Plan. In addition, this amendment clarifies that licensed big game hunting preserves cannot be cross-fenced into portions less than the minimum acreage of three hundred twenty (320) acres.

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve **only** legally acquired pheasants, exotic partridges, quail, and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird Hunting Preserve.

1. *[The] A* game bird hunting preserve shall be a single body of land not less than one hundred sixty (160) acres and no more than six hundred forty (640) acres in size. Game bird hunting preserves may be dissected by public roads, and shall be posted with signs specified by the department. *[Hunting preserve permits will not be issued for areas:]*

2. Only pheasants, exotic partridges and quail may be used on game bird hunting preserves, and such game birds must be obtained from a legal source who is a participant, in good standing, of the National Poultry Improvement Plan.

3. Permits for game bird hunting preserves will not be issued:

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

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

[2.] 4. Any person taking or hunting game birds on a licensed hunting preserve shall have in his/her possession a valid small game hunting permit or licensed hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit. Licensed hunting

preserve hunting permits may be issued to persons without requiring display of a hunter education certificate card for use on game bird hunting preserves; provided s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card.

[3.] 5. Game birds **may be taken in any number** on a hunting preserve **and** may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number and species taken, and name of the hunting preserve; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the hunting preserve permittee. *[Game birds may be taken in any numbers on these preserves.]*

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

[5.] 7. The permittee may exercise privileges provided in 3 CSR 10-9.353 for game birds held under this permit in propagation **or holding** facilities within or directly adjacent to the game bird hunting preserve. Propagation **or holding** facilities may be separated from the hunting preserve by a public road, but must be directly adjacent. Any such propagation **or holding** facilities shall meet standards specified in 3 CSR 10-9.220. Other propagation **or holding** facilities not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

(B) Big Game Hunting Preserve.

1. The big game hunting preserve for ungulates shall be a fenced single body of land, not dissected by public roads, and not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size. **The hunting preserve shall not be cross-fenced into portions of less than three hundred twenty (320) acres.** The hunting preserve shall be fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. Fence height shall meet standards specified in 3 CSR 10-9.220. **Fencing for hogs shall be constructed of twelve (12) gauge woven wire, at least five feet (5') high, and topped with one (1) strand of electrified wire. An additional two feet (2') of such fencing shall be buried and angled underground toward the enclosure interior. A fence of equivalent or greater strength and design to prevent the escape of hogs may be substituted with written application and approval by an agent of the department.**

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

A. Animals shall be tagged or marked in a method allowing each individual animal to be uniquely identified.

B. Animals imported into Missouri must come from a herd that is enrolled and has achieved a status two or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—two (2) years of surveillance, advancement, and successful completion of program requirements.

C. Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program.

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

A. No testing is required for big game hunting preserve operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having

a status less than three as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

B. No testing is required for elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's chronic wasting disease monitoring program as from a status five herd—five (5) years of surveillance, advancement, and successful completion of program requirements.

C. One hundred percent (100%) of all elk, elk-hybrids, mule deer and white-tailed deer that are imported into Missouri that are from a herd having a status less than three as documented through a United States Department of Agriculture or state-sponsored chronic wasting disease monitoring program that die of any cause within a big game hunting preserve shall be tested for chronic wasting disease at a federally approved laboratory.

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

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

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

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

8. Big game hunting preserve permittees shall report escaped animals immediately to an agent of the department.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 Trial Permit. The commission proposes to amend sections (6) and (7).

PURPOSE: This amendment allows any species of exotic partridges to be used; requires birds to be obtained from participants of the National Poultry Improvement Plan; changes transportation and possession requirements for mallards to comply with federal rules; removes the option of marking captive-reared mallard ducks by banding, to eliminate any possibility of confusion with wild waterfowl banding activities; and re-orders portions of the rule for clarification and understanding.

(6) For game bird field trials:

(A) Designated shooters, under the field trial permit, may shoot only legally obtained **captive-reared** quail, pheasants, [chukars] **exotic partridges** and mallard ducks. **Such birds must be obtained from sources who are participants, in good standing, of the National Poultry Improvement Plan. The permit holder may purchase quail and pheasants no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial.**

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

(C) **Captive-reared quail, pheasants, exotic partridges and mallard ducks may be taken in any number during field trials and may be possessed and transported after the trials by any person when accompanied by a receipt listing the date, number and species, and name, address and permit number of the field trial permittee. In addition, a fully feathered wing or head must remain attached to mallards.**

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-9.627 Dog Training Area Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the species which may be utilized under this permit.

To operate a dog training area, and to purchase, hold, release and shoot on the training area **only** legally acquired pheasants, exotic partridge and quail. Fee: twenty dollars (\$20).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10-9.628 Dog Training Area: Privileges. The commission proposes to amend section (1).

PURPOSE: This amendment clarifies the species which may be utilized under this permit, and establishes a requirement that game birds must be obtained from participants in the National Poultry Improvement Plan.

(1) A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area **only** legally acquired pheasants, exotic partridge and quail. **Such game birds must be obtained from a legal source who is a participant, in good standing, of the National Poultry Improvement Plan.** Receipts for all game birds purchased or held must be maintained, and are subject to inspection by an authorized agent of the department at any reasonable time. Game birds held for more than twenty-four (24) hours must be confined in facilities that meet standards specified in 3 CSR 10-9.220.

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

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, Assistant 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 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to amend sections (2) and (12).

PURPOSE: This amendment provides for commercial fishing in certain streams, establishes restrictions on the use of commercial fishing gear and corrects a reference to a previous section of the rule.

(2) Trammel nets and gill nets must be attended at all times by the permittee's immediate presence *[on the waters]* where nets are set. **For purposes of this section, immediate presence is defined as within sight of the location of set equipment in order to personally claim or identify such equipment during inspection by an agent of the department.** Hoop nets may be left set and unattended for not more than forty-eight (48) hours. All other commercial fishing equipment may be left set and unattended for not more than twenty-four (24) hours.

(12) The possession of extracted eggs of any fish species, except as provided in section *[(8)] (9)* of this rule, is prohibited while on waters of the state and adjacent banks.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RULE

3 CSR 10-10.735 Sale of Live Bait

PURPOSE: This rule establishes a registration requirement for sellers of live bait and consolidates other regulations regarding bait sales.

(1) Any person, group or business that sells live bait, as defined in 3 CSR 10-6.605, must register annually with the department as a live bait dealer. (Initial registration may occur at any time. Annual registration in successive years shall occur on or after January 1, but prior to March 1. Registration forms may be obtained by contacting the Department of Conservation or by visiting www.mdc.mo.gov).

(2) Live bait may not be sold if obtained from the waters of the state except when taken by a licensed commercial fisherman from commercial waters. Live bait purchased or obtained from a licensed commercial fisherman or other legal sources must be species listed in the Approved Aquatic Species List (3 CSR 10-9.110(3)(F)).

(3) Live bait obtained as described in this rule may be possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.125 Field Trials. The commission proposes to amend section (4).

PURPOSE: This amendment allows any species of exotic partridges to be used; requires birds to be obtained from participants of the National Poultry Improvement Plan; changes transportation and possession requirements for mallards to comply with federal rules; removes the option of marking captive-reared mallard ducks by banding, to eliminate any possibility of confusion with wild waterfowl banding activities; and re-orders portions of the rule for clarification and understanding.

(4) **For game bird field trials:**

(A) Designated shooters, under the field trial special use permit, may shoot only legally obtained **captive-reared** quail, pheasants, [chukars] exotic partridges and mallard ducks. **Such birds must be obtained from sources who are participants, in good standing, of the National Poultry Improvement Plan. The permit holder may purchase quail and pheasants no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial.**

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

(C) Captive-reared quail, pheasants, exotic partridges and mallard ducks may be taken in any number during field trials and dressed carcasses may be possessed and transported after the trials by any person when accompanied by a receipt listing the date, number and species, and name, address and permit number of the field trial permittee. In addition, a fully feathered wing or head must remain attached to mallards.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.140 Camping. The commission proposes to amend section (1) and add subsection (1)(B).

PURPOSE: This amendment will permit river-approach camping by boaters at specified MDC river access sites along the Missouri River.

(1) Camping is permitted only within areas designated by signs or brochures or as **provided in subsection (1)(B) of this rule.** Stays are limited to a period of fourteen (14) consecutive days in any thirty (30)-day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen (14)-day period. Total camping days on all [Department of Conservation] department lands are limited to thirty (30) days within one (1) calendar year. Camping requests in excess of thirty (30) days within a calendar year may be granted with a special use permit. On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or any mechanical device which causes disturbance to other campers. Camping fees are required at some areas. Groups of more than ten (10) people must obtain a special use permit prior to camping.

(B) Persons traveling the Missouri River by boat may camp on any suitable site within one hundred (100) yards of the river and moor overnight adjacent to camp but outside the navigation channel between April 1 and September 30 on the following conservation areas:

1. Bob Brown Conservation Area
2. Columbia Bottom Conservation Area
3. Cooley Lake Conservation Area
4. Deroin Bend Conservation Area
5. Diana Bend Conservation Area
6. Dupree Memorial Conservation Area
7. Eagle Bluffs Conservation Area
8. Grand Pass Conservation Area
9. Howell Island Conservation Area
10. Lower Hamburg Bend Conservation Area
11. Marion Bottoms Conservation Area

12. Monkey Mountain Conservation Area
13. Nishnabotna Conservation Area
14. Overton Bottoms (South) Conservation Area
15. Pelican Island Natural Area
16. Plowboy Bend Conservation Area
17. Rush Bottoms Conservation Area
18. Saint Stanislaus Conservation Area
19. Smoky Waters Conservation Area
20. Tate Island Conservation Area
21. Thurnau Conservation Area
22. Weldon Spring Conservation Area
23. Wolf Creek Bend Conservation Area
24. Worthwine Island Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.160 Use of Boats and Motors. The commission proposes to amend paragraph (1)(A)2.

PURPOSE: This amendment allows only department-owned boats to be used on Blind Pony Lake Conservation Area.

(1) Boats, including sailboats, may be used on lakes and ponds designated as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats, and personal watercraft as defined in section 306.010, RSMo, are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.

1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On **Blind Pony Lake Conservation Area and Hunnewell Lake Conservation Area**, only department-owned boats may be used.

3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. No other restrictions in this section apply to this area.

5. On Bellefontaine Conservation Area, boats are prohibited.

6. Outboard motors of any size may be used on Overton Bottoms Conservation Area, but must be operated at slow, no-wake speed.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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 eliminates the use of private boats on Blind Pony Lake to reduce the risk of a zebra mussel infestation of the lake. Department-owned boats will be offered to users at a rate of \$5/day, subject to availability. We estimate that one hundred eighty (180) boat customers per year will rent boats at Blind Pony Lake who currently use their own boats. 180 boats rented per year \times \$5 per boat = \$900 \times 5 years = \$4500.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 11 Special Regulations for Department Areas
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-11.160 Use of Boats and Motors

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Anglers at Blind Pony Lake who currently use their own boats		\$4500

III. WORKSHEET

This proposed regulation eliminates the use of private boats on Blind Pony Lake to reduce the risk of a zebra mussel infestation of the lake. Department-owned boats will be offered to users at a rate of \$5/day, subject to availability. We estimate that 180 boat customers per year will rent boats at Blind Pony Lake who currently use their own boats.

180 boats rented per year X \$5 per boat X 5 years = \$4500.

IV. ASSUMPTIONS

Number of boat rentals is based on historic sales data.

Based on an average five-year life cost. All fees are reviewed annually and adjustments made as needed—normally within five years.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (1) and (3)-(28).

PURPOSE: This amendment modifies hunting activities on selected conservation areas.

(1) Hunting is permitted on department areas, except as further restricted by signs, area brochures or this chapter. Unless otherwise provided in this chapter, statewide permits, seasons, methods and limits apply. **An area daily hunting permit may be required in addition to statewide permits.**

(3) Hunting is prohibited on public fishing access areas less than forty (40) acres in size except for deer hunting as authorized in the *annual 2006 Fall Deer and Turkey Hunting Regulations and Information* booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(4) Hunting is prohibited on the following department areas except for deer hunting as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet:

(JJ) Great Spirit Cave Conservation Area

(KK) Grundy Memorial Wildlife Area

[[JJ]] (LL) Ronald and Maude Hartell Conservation Area

[[KK]] (MM) James R. Harter Conservation Area

[[LL]] (NN) Ruth and Paul Henning Conservation Area

[[MM]] (OO) Hickory Canyons Natural Area

[[NN]] (PP) Houston Forestry Office

[[OO]] (QQ) Hurley Radio Facility

[[PP]] (RR) Hurricane Deck Towersite

[[QQ]] (SS) Jefferson City Radio Facility

[[RR]] (TT) Joplin Towersite

[[SS]] (UU) Juden Creek Conservation Area

[[TT]] (VV) LaPetite Gemme Prairie Conservation Area

[[UU]] (WW) Lebanon Forestry Office

[[VV]] (XX) Lebanon Towersite

(YY) Lenox Towersite

[[WW]] (ZZ) Lichen Glade Conservation Area

[[XX]] (AAA) Limpp Community Lake

[[YY]] (BBB) Lipton Conservation Area

[[ZZ]] (CCC) Little Osage Prairie

[[AAA]] (DDD) Lower Taum Sauk Lake

[[BBB]] (EEE) Malta Bend Community Lake

[[CCC]] (FFF) Mansfield Shop

[[DDD]] (GGG) Maple Flats Access

[[EEE]] (HHH) Maple Woods Natural Area

[[FFF]] (III) Miller Community Lake

[[GGG]] (JJJ) Mint Spring Conservation Area

[[HHH]] (KKK) Mount Vernon Prairie

[[III]] (LLL) Neosho District Headquarters

[[JJJ]] (MMM) New Madrid Forestry Office

[[KKK]] (NNN) Niawathe Prairie Conservation Area

[[LLL]] (OOO) Northeast Regional Office

[[MMM]] (PPP) Northwest Regional Office

[[NNN]] (QQQ) Onyx Cave Conservation Area

[[OOO]] (RRR) Ozark Regional Office

[[PPP]] (SSS) Parma Woods Range and Training Center (south portion)

[[QQQ]] (TTT) Pawhuska Prairie

[[RRR]] (UUU) Pelican Island Natural Area

[[SSS]] (VVV) Perry County Community Lake

[[TTT]] (WWW) Perryville District Headquarters

[[UUU]] (XXX) Pickle Springs Natural Area

[[VVV]] (YYY) Pilot Knob Towersite

[[WWW]] (ZZZ) Plad Towersite

[[XXX]] (AAAA) Port Hudson Lake Conservation Area

[[YYY]] (BBBB) Powder Valley Conservation Nature Center

[[ZZZ]] (CCCC) Ray County Community Lake

[[AAAA]] (DDDD) Resource Science Center

[[BBBB] Riverwoods Conservation Area/

[[CCCC]] (EEEE) Rocheport Cave Conservation Area

[[DDDD]] (FFFF) Rockwoods Reservation

[[EEEE]] (GGGG) Rockwoods Towersite

(HHHH) Rolla Public Contact Office

[[FFFF]] (IIII) Runge Conservation Nature Center

[[GGGG]] (JJJJ) Rush Creek Conservation Area

(KKKK) Ryden Cave Conservation Area

[[HHHH]] (LLLL) Saeger Woods Conservation Area

[[IIII]] (MMMM) Salem Maintenance Center

[[JJJJ]] (NNNN) F. O. and Leda J. Sears Memorial Wildlife Area

[[KKKK]] (OOOO) Sedalia Conservation Service Center

[[LLLL]] (PPPP) Shawnee Mac Lakes Conservation Area

[[MMMM]] (QQQQ) Shepherd of the Hills Fish Hatchery

[[NNNN]] (RRRR) Sims Valley Community Lake

[[OOOO]] (SSSS) Southeast Regional Office

[[PPPP]] (TTTT) Southwest Regional Office

[[QQQQ]] (UUUU) Springfield Conservation Nature Center

[[RRRR]] (VVVV) Julian Steyermark Woods Conservation Area

[[SSSS]] (WWWW) Sullivan Office

[[TTTT]] (XXXX) Thirtyfour Corner Blue Hole

[[UUUU]] (YYYY) Tower Rock Natural Area

[[VVVV] Tri-City Community Lake/

[[WWWW]] (ZZZZ) Twin Borrow Pits Conservation Area

[[XXXX]] (AAAAA) Tywappity Community Lake

[[YYYY]] (BBBBB) Ulman Towersite

[[ZZZZ]] (CCCCC) Upper Mississippi Conservation Area (Clarksville Refuge)

[[AAAAA]] (DDDDD) Vandalia Community Lake

[[BBBBB]] (EEEE) Wah-Kon-Tah Prairie (portion south of Highway 82)

[[CCCCC]] (FFFFF) Wah-Sha-She Prairie

[[DDDDD]] (GGGGG) Walnut Woods Conservation Area

[[EEEE]] (HHHHH) Warrenton Office

[[FFFFF]] (IIIII) White Aloe Creek Conservation Area

[[GGGGG]] (JJJJJ) Wildcat Glade Natural Area

[[HHHHH]] (KKKKK) Walter Woods Conservation Area

[[IIIII]] (LLLLL) Mark Youngdahl Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas **except for deer hunting as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet:**

(C) Bois D'Arc Conservation Area

[[C]] (D) Branch Towersite

[[D]] (E) Brickley Hollow Access

[[E]] (F) Gerhild and Graham Brown Memorial Wildlife Area

[[F]] (G) Catawissa Conservation Area

[[G]] (H) Charity Access

(I) Columbia Bottom Conservation Area

[[H]] (J) Crooked Creek Conservation Area

[[I]] (K) Cuvire Island Conservation Area (mainland portion)

[[J]] (L) Diamond Grove Prairie Conservation Area

[[K]] (M) Dorris Creek Prairie Conservation Area

- [(L)] (N) Dorsett Hill Prairie Conservation Area
- [(M)] (O) Arthur Dupree Memorial Conservation Area
- [(N)] (P) Eagle Bluffs Conservation Area
- [(O)] (Q) Peter A. Eck Conservation Area
- [(P)] (R) Earthquake Hollow Conservation Area
- [(Q)] (S) Ferguson-Herold Conservation Area
- [(R)] (T) Fort Leonard Wood Towersite
- [(S)] (U) Larry R. Gale Access
- [(T)] (V) Grand Bluffs Conservation Area
- [(U)] (W) Horse Creek Prairie Conservation Area
- [(V)] (X) Anthony and Beatrice Kendzora Conservation Area
- (Y) LaBarque Creek Conservation Area**
- [(W)] (Z) Liberty Bend Conservation Area
- [(X)] (AA) Little Bean Marsh Conservation Area
- [(Y)] (BB) Little Dixie Lake Conservation Area
- [(Z)] (CC) Little Prairie Conservation Area
- [(AA)] (DD) Little River Conservation Area
- [(BB)] (EE) Caroline Sheridan Logan Memorial Wildlife Area
- [(CC)] (FF) Lone Jack Lake Conservation Area
- [(DD)] (GG) Lost Valley Fish Hatchery
- [(EE)] (HH) William Lowe Conservation Area
- [(FF)] (II) Alice Ahart Mansfield Memorial Conservation Area
- [(GG)] (JJ) Marais Temps Clair Conservation Area
- [(HH)] (KK) Mo-No-I Prairie Conservation Area
- [(II)] (LL) Mon-Shon Prairie Conservation Area
- [(JJ)] (MM) Pacific Palisades Conservation Area
- [(KK)] (NN) Guy B. Park Conservation Area
- [(LL)] (OO) Parma Woods Range and Training Center (north portion)
- (PP) Pelican Island Natural Area**
- (QQ) James A. Reed Memorial Wildlife Area**
- [(MM)] (RR) Reform Conservation Area
- [(NN)] (SS) Rocky Barrens Conservation Area
- (TT) Saint Stanislaus Conservation Area**
- [(OO)] (UU) Dr. O. E. and Eloise Sloan Conservation Area
- [(PP)] (VV) Sunbridge Hills Conservation Area
- [(QQ)] (WW) Tipton Ford Access
- [(RR)] (XX) Treaty Line Prairie Conservation Area
- (YY) Tri-City Community Lake**
- [(SS)] (ZZ) Valley View Glades Natural Area
- [(TT)] (AAA) Archie and Gracie VanDerhoef Memorial State Forest
- [(UU)] (BBB) Victoria Glades Conservation Area
- [(VV)] (CCC) Vonaventure Memorial Forest and Wildlife Area
- [(WW)] (DDD) Wig Wam Access
- [(XX)] (EEE) Wolf Bayou Conservation Area
- [(YY)] (FFF) Young Conservation Area

(6) Firearms firing single projectiles are prohibited, except during managed deer hunts, and except furbearers treed with the aid of dogs may be taken with a twenty-two (.22) caliber firearm on the following department areas:

[(D) Truman Reservoir Management Lands (Clinton Wildlife Management Area)]

[(7) Firearms firing single projectiles are prohibited, except during managed deer hunts on the following department areas:

- (A) Bois D'Arc Conservation Area
- (B) Columbia Bottom Conservation Area
- (C) James A. Reed Memorial Wildlife Area
- (D) Pelican Island Natural Area
- (E) Saint Stanislaus Conservation Area]

[(8)] (7) Firearms hunting is prohibited on the following department areas:

- (A) Boston Ferry Conservation Area
- (B) Jim Bridger Urban Conservation Area

- (C) Jamesport Community Lake
- (D) J. Thad Ray Memorial Wildlife Area
- (E) Lon Sanders Canyon Conservation Area
- (F) Henry Jackson Waters and C.B. Moss Memorial Wildlife Area

[(9)] (8) Use or possession of lead shot is prohibited for hunting [in designated zones] on the following department areas:

- (A) Black Island Conservation Area**
- [(A)] (B) Bob Brown Conservation Area
- [(B)] (C) Columbia Bottom Conservation Area
- [(C)] (D) Cooley Lake Conservation Area
- [(D)] (E) Coon Island Conservation Area
- [(E)] (F) Duck Creek Conservation Area
- [(F)] (G) Eagle Bluffs Conservation Area
- [(G)] (H) Fountain Grove Conservation Area
- [(H)] (I) Four Rivers Conservation Area
- [(I)] (J) Grand Pass Conservation Area
- [(J)] (K) B. K. Leach Memorial Conservation Area
- [(K)] (L) Little Bean Marsh Conservation Area
- [(L)] (M) Little River Conservation Area
- [(M)] (N) Marais Temps Clair Conservation Area
- [(N)] (O) Montrose Conservation Area
- [(O)] (P) Nodaway Valley Conservation Area
- [(P)] (Q) Otter Slough Conservation Area
- [(Q)] (R) Schell-Osage Conservation Area
- [(R)] (S) Settle's Ford Conservation Area
- [(S)] (T) Ted Shanks Conservation Area
- [(T)] (U) Ten Mile Pond Conservation Area

[(10)] (9) On Otter Slough Conservation Area, turkey hunting is prohibited.

[(11)] (10) On Duck Creek Conservation Area (south of Highway Z), Eagle Bluffs Conservation Area and Grand Pass Conservation Area fall firearms turkey hunting is prohibited.

[(12)] (11) On Weldon Spring Conservation Area, spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is permitted under statewide seasons, methods, and limits. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

[(13)] (12) On [designated portions of] Peck Ranch Conservation Area, spring turkey hunting is permitted [only with a Managed Turkey Hunting Permit in addition to prescribed statewide permit] under statewide regulations. Fall turkey hunting is [prohibited] permitted under statewide regulations in designated areas only.

[(14)] (13) On Caney Mountain Conservation Area: [(fenced portion), spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the managed hunt. Fall firearms turkey hunting is permitted under statewide regulations except during scheduled managed deer hunts. Squirrel hunting is permitted during the prescribed season except from September 1 through November 30.]

(A) On the designated fenced portion of the area:

1. Spring turkey hunting is permitted by holders of a valid spring turkey hunting permit who have been selected to participate in the managed hunt.

2. Firearms squirrel hunting is permitted from the fourth Saturday in May through August 31, and December 1 through February 15.

3. Fall turkey hunting is permitted under statewide regulations.

(B) On the remainder of the area, spring turkey hunting, firearms squirrel hunting, and fall turkey hunting are permitted under statewide regulations.

[(15)] (14) On August A. Busch Memorial Conservation Area:

(A) Rabbits may be hunted only with shotgun from January 1 through February 15, except on designated portions where special management restrictions apply. The daily limit is four (4) rabbits.

(B) Doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(C) Squirrels *[and groundhogs]* may be hunted only with shotgun from the fourth Saturday in May through October 15 **and from January 1 through February 15.**

(D) Groundhogs may be hunted only with shotgun from the day following the prescribed spring turkey hunting season through October 15.

[(D)] (E) Furbearers may only be hunted from 6:00 p.m. to 6:00 a.m. from December 15 through the end of the prescribed furbearer season. Coyotes may be taken only by shotgun during daylight hours from the fourth Saturday in May through September 30 and from December 15 through March 31, except coyotes may be taken during managed deer hunts by participants possessing a valid Managed Deer Hunting Permit and the prescribed hunting permit.

[(E)] (F) Spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is prohibited. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

[(F)] (G) Quail hunting is permitted only during managed quail hunts.

[(16)] (15) On James A. Reed Memorial Wildlife Area:

(A) Rabbits may be taken between sunrise and sunset from December 1 through the end of the statewide season by holders of a valid area daily hunting permit.

(B) Doves may be taken only in *[assigned] designated areas [from assigned shooting stations]* from noon to sunset each Monday through Friday, except Labor Day, during the statewide season by holders of a valid area daily hunting permit.

(C) Squirrels may be taken between sunrise and sunset from December 1 through the end of the statewide season by holders of a valid area daily hunting permit.

(D) Turkey, furbearer, and quail hunting are prohibited except during managed hunts.

[(17)] (16) On Bois D'Arc Conservation Area and White River Trace Conservation Area, quail and dove hunting are permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting **[tag] permit**. Quail may be taken only by holders of a valid area daily hunting **[tag] permit** until the area is posted closed based on harvest surveys.

[(18)] (17) On Lake Paho Conservation Area, doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

[(19)] (18) On Eagle Bluffs Conservation Area, William R. Logan Conservation Area and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to 5:00 p.m. during the September portion of statewide season by holders of a valid area daily hunting **[tag] permit**.

[(20)] (19) On Marais Temps Clair Conservation Area:

(A) Dove hunting is permitted only until 1:00 p.m. daily.

(B) Quail, rabbit, pheasant, woodcock, squirrel, groundhog, furbearer, turkey and crow hunting is prohibited.

(C) All hunters must possess a valid daily hunting **[tag] permit**.

[(21)] (20) On Robert E. Talbot Conservation Area, quail may be taken only by holders of a valid area daily hunting **[tag] permit**.

[(22)] (21) Quail hunting is permitted only until 1:00 p.m. daily from November 1 through December 15 on the following department areas:

(A) Capps Creek Conservation Area

(B) Reform Conservation Area

(C) Dr. O. E. and Eloise Sloan Conservation Area

(D) Robert E. Talbot Conservation Area

(E) Whetstone Creek Conservation Area

[(23)] (22) On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting **[tag] permit**.

[(24)] (23) On Lake Girardeau Conservation Area, hunting is permitted only from November 1 through April 1.

[(25)] (24) On Settle's Ford Conservation Area, hunting of wildlife other than waterfowl is prohibited in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season.

[(26)] (25) Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the prescribed waterfowl season on the following department areas:

(A) Bob Brown Conservation Area

(B) Columbia Bottom Conservation Area

(C) Coon Island Conservation Area

(D) Duck Creek Conservation Area

(E) Eagle Bluffs Conservation Area

(F) Fountain Grove Conservation Area

(G) Grand Pass Conservation Area

[(H)] B. K. Leach Memorial Conservation Area

[(I)] (H) Marais Temps Clair Conservation Area

[(J)] (I) Montrose Conservation Area

[(K)] (J) Nodaway Valley Conservation Area

[(L)] (K) Otter Slough Conservation Area

[(M)] (L) Schell-Osage Conservation Area

[(N)] (M) Ted Shanks Conservation Area

[(O)] (N) Ten Mile Pond Conservation Area

[(27)] (26) On the portion of Nodaway River bordered by the portion of Nodaway Valley Conservation Area which has been designated a waterfowl refuge, all hunting is prohibited from October 15 through the end of the prescribed waterfowl season.

[(28)] (27) On Burr Oak Woods Conservation Area, spring turkey hunting is permitted only by persons under sixteen (16) years of age holding a Managed Turkey Hunting Permit in addition to the prescribed turkey hunting permit; provided, s/he is hunting in the immediate presence of a properly licensed adult who has in his/her possession a valid hunter education certificate card.

(28) On B. K. Leach Memorial Conservation Area, hunting of wildlife other than waterfowl is allowed during prescribed seasons, except that from October 15 through the end of the prescribed waterfowl season other wildlife may be hunted only by archery methods and only in designated areas.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001,

effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.200 Fishing, General Provisions and Seasons. The commission proposes to amend section (4).

PURPOSE: This amendment adds Fire Lake to the list of areas where fishing is prohibited during the waterfowl hunting season.

(4) On Prairie Lake and Fire Lake (Weldon Spring Conservation Area), fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to amend paragraph (1)(B)11. and renumber subsequent paragraphs.

PURPOSE: This amendment adds Femme Osage Slough at Weldon Spring Conservation Area to the list of areas where carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons.

(1) On lakes and ponds, fish may be taken only with pole and line and not more than three (3) poles may be used by one (1) person at any time, except as otherwise provided in this chapter.

(B) Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following department areas or individually named lakes:

1. Atlanta Conservation Area
2. Bismarck Conservation Area
3. Blackjack Access
4. Bob Brown Conservation Area
5. Columbia Bottom Conservation Area
6. Cooley Lake Conservation Area
7. Deer Ridge Conservation Area
8. Deroin Bend Conservation Area
9. Duck Creek Conservation Area
10. Eagle Bluffs Conservation Area
11. Femme Osage Slough (Weldon Spring Conservation Area)

- [11.] 12. Connor O. Fewel Conservation Area
- [12.] 13. Fountain Grove Conservation Area
- [13.] 14. Four Rivers Conservation Area
- [14.] 15. Franklin Island Conservation Area
- [15.] 16. Grand Pass Conservation Area
- [16.] 17. Hunnewell Lake Conservation Area
- [17.] 18. King Lake Conservation Area
- [18.] 19. Kings Prairie Access
- [19.] 20. Lake Paho Conservation Area
- [20.] 21. Lamine River Conservation Area
- [21.] 22. B. K. Leach Memorial Conservation Area
- [22.] 23. Limp Community Lake
- [23.] 24. Little Compton Lake Conservation Area
- [24.] 25. Locust Creek Conservation Area
- [25.] 26. Manito Lake Conservation Area
- [26.] 27. Marais Temps Clair Conservation Area
- [27.] 28. Nodaway County Community Lake
- [28.] 29. Nodaway Valley Conservation Area
- [29.] 30. Otter Lake (Otter Slough Conservation Area)
- [30.] 31. Peabody Conservation Area
- [31.] 32. Ralph and Martha Perry Memorial Conservation Area
- [32.] 33. Haysler A. Poague Conservation Area
- [33.] 34. Pony Express Lake Conservation Area
- [34.] 35. Rebel's Cove Conservation Area
- [35.] 36. Schell-Osage Conservation Area
- [36.] 37. Henry Sever Lake Conservation Area
- [37.] 38. Settle's Ford Conservation Area
- [38.] 39. Ted Shanks Conservation Area
- [39.] 40. H. F. Thurnau Conservation Area
- [40.] 41. Truman Reservoir Management Lands
- [41.] 42. Worth County Community Lake
- [42.] 43. Worthwine Island Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to amend section (2).

PURPOSE: This amendment reduces the daily limit for black bass to two (2) on Jerry P. Combs Lake (Little River Conservation Area).

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

(G) Jerry P. Combs Lake (Little River Conservation Area)

[(G)] (H) Robert G. DeLaney Lake Conservation Area

[(H)] (I) Happy Holler Lake (Happy Holler Lake Conservation Area)

[(I)] (J) J. N. "Turkey" Kearn Memorial Wildlife Area

[(J)] (K) Lake Paho Conservation Area

[(K)] (L) Lone Jack Lake Conservation Area

[(L)] (M) Maple Leaf Lake Conservation Area

[(M)] (N) Port Hudson Lake Conservation Area

[(N)] (O) James A. Reed Memorial Wildlife Area

[(O)] (P) Schell Lake (Schell-Osage Conservation Area)

[(P)] (Q) Weldon Spring Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to amend section (2).

PURPOSE: This amendment increases the minimum length limit for black bass from fifteen inches (15") to eighteen inches (18") on Jerry P. Combs Lake (Little River Conservation Area).

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area

2. Apple Creek Conservation Area

3. Atkinson Lake (Schell-Osage Conservation Area)

4. Baltimore Bend Conservation Area

5. Bilby Ranch Lake Conservation Area

6. Binder Community Lake

7. Buffalo Bill Lake (Pony Express Lake Conservation Area)

8. August A. Busch Memorial Conservation Area (except Lakes 33 and 35)

9. Castor River Conservation Area

10. Che-Ru Lake (Fountain Grove Conservation Area)

[11.] Jerry P. Combs Lake (Little River Conservation Area)]

[12.] 11. Deer Ridge Lake (Deer Ridge Conservation Area)

[13.] 12. General Watkins Conservation Area

[14.] 13. Jamesport Community Lake

[15.] 14. J. N. "Turkey" Kearn Memorial Wildlife Area

[16.] 15. Limpin Community Lake

[17.] 16. Lone Jack Lake Conservation Area

[18.] 17. Maple Leaf Lake Conservation Area

[19.] 18. Nodaway County Community Lake

[20.] 19. Otter Slough Conservation Area

[21.] 20. Perry County Community Lake

[22.] 21. Pony Express Lake (Pony Express Lake Conservation Area)

[23.] 22. Ray County Community Lake

[24.] 23. James A. Reed Memorial Wildlife Area

[25.] 24. Rinquelin Trail Community Lake

[26.] 25. Schell Lake (Schell-Osage Conservation Area)

[27.] 26. Ted Shanks Conservation Area

[28.] 27. Tobacco Hills Lake (Guy B. Park Conservation Area)

[29.] 28. Vandalia Community Lake

[30.] 29. Weldon Spring Conservation Area

[31.] 30. Worth County Community Lake

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bellefontaine Conservation Area

2. Lakes 33 and 35 (August A. Busch Memorial Conservation Area)

3. Belcher Branch Lake Conservation Area

4. Jerry P. Combs Lake (Little River Conservation Area)

[4.] 5. Robert G. Delaney Lake Conservation Area

[5.] 6. Happy Holler Lake (Happy Holler Lake Conservation Area)

[6.] 7. Lake Paho Conservation Area

[7.] 8. Port Hudson Lake Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to amend section (1).

PURPOSE: This amendment establishes closed hours for uses other than fishing and other conservation-related recreation at Buchanan County (Gasper Landing), Kirksville (Spur Pond), Macon County (Fairgrounds Lake) and Pemiscot County (Triangle Boat Club Access).

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

(C) Buchanan County (Gasper Landing)

[(C)](D) Empire District Electric Company (Ozark Beach Recreation Area)

[(D)](E) Department of Mental Health (Marshall Habilitation Center Lake)

[(E)](F) Green City Lake

[(F)](G) Higbee (City Waterworks Lake)

*[(G)](H) Kirksville (Hazel Creek Lake, **Spur Pond**)*

[(H)](I) Lancaster (New City Lake, Paul Bloch Memorial Pond)

[(I)](J) LaPlata City Lake

(K) Macon County (Fairgrounds Lake)

[(J)](L) Marceline (Marceline City Lake, Old Marceline City Reservoir)

[(K)](M) Memphis (Lake Showme)

[(L)](N) Milan (Elmwood Lake)

[(M)](O) Monroe City (Route J Reservoir)

(P) Pemiscot County (Triangle Boat Club Access)

[(N)](Q) Rockaway Beach Access

[(O)](R) Sedalia Water Department (Spring Fork Lake)

[(P)](S) Springfield City Utilities (Fellows Lake, Lake Springfield, Tailwaters Access)

[(Q)](T) Watershed Committee of the Ozarks (Valley Water Mill Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 1, 2001, effective Oct. 30, 2001. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend paragraphs (1)(A)1. and (1)(C)4.

PURPOSE: This amendment establishes provisions for harvesting bullfrogs and green frogs at the City of Columbia's A. Perry Philips Park Lake and Stephens Lake and corrects the name of Maramec Spring Park.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, longbow, snagging, snaring, grabbing or pole and line except as further restricted in this chapter.

(A) Longbows may not be used to take frogs on the following areas:

1. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, **A. Perry Philips Park Lake, Stephens Lake, Twin Lake**)

2. Farmington (Giessing Lake, Hager Lake and Thomas Lake)

3. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

4. James Foundation (Scioto Lake)

5. Mark Twain National Forest (department managed portions)

6. Mexico (Lakeview Lake, Kiwanis Lake)

7. Moberly (Rothwell Park Lake, Water Works Lake)

8. Odessa (Lake Venita)

(C) The taking of frogs is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center, except on Ashland Lake

2. Bennett Spring State Park

3. Mark Twain National Forest (Carmen Springs Management Area)

4. Maramec Spring [*Trout*] Park

5. Montauk State Park

6. Roaring River State Park

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.130 Fishing, General Provisions and Seasons. The commission proposes to amend section (1).

PURPOSE: This amendment clarifies that fishing in waters owned by other entities, but managed by the department is permitted under statewide regulations unless otherwise provided.

(1) Fishing, under statewide permits, [and] seasons, **methods and limits**, is [allowed on areas managed by the department under cooperative agreement except as otherwise provided] **permitted except as further restricted** in this chapter.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed June 4, 2004, effective Nov. 30, 2004. Amended: Filed May 23, 2006, effective June 15, 2006. Amended: Filed Oct. 2, 2006.

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, Assistant 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 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend paragraph (2)(C)11.

PURPOSE: This amendment eliminates an unneeded regulation on a lake no longer managed by the department.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasis Park Lake)
2. Bridgeton (Kiwanis Lake)
3. Columbia (Twin Lake)
4. Ferguson (January-Wabash Lake)
5. Jennings (Koeneman Park Lake)
6. Kirksville (Hazel Creek Lake)
7. Kirkwood (Walker Lake)
8. Overland (Wild Acres Park Lake)
9. Sedalia Water Department (Spring Fork Lake)

10. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

11. St. Louis City (Benton Park Lake, Boathouse Lake, [Clifton Heights Park Lake,] Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

12. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

13. Unionville (Lake Mahoney)

14. University of Missouri (South Farm R-1 Lake)

15. Wentzville (Community Club Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.155 Fishing, Stone Mill Spring Branch. The commission proposes to amend subsections (1)(B) and (1)(C).

PURPOSE: This amendment removes the trout permit as a requirement for fishing in Stone Mill Spring Branch.

(1) On Stone Mill Spring Branch:

(B) Trout fishing is permitted from March 1 through October 31. The daily limit is four (4) trout, and no person shall continue to fish for any species after having four (4) trout in possession. *[Fishing in designated trout waters is permitted only by holders of a valid trout permit.] All anglers must have a valid trout permit to possess and transport trout.*

(C) Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. from November 1 through the last day in February as posted. *[Fishing in designated trout waters is permitted only by holders of a valid trout permit.]* Only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. Fish may not be possessed on these waters.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 4, 2004, effective Nov. 30, 2004. Amended: Filed Oct. 2, 2006.

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, Assistant 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 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to add new sections (4) and (43) and amend sections (5), (11) and (31).

PURPOSE: This amendment adds the definition of atlatl and dart; establishes a definition for persons with disabilities; will change some of the requirements of cable and break-away devices that can be used to safely capture furbearing animals; corrects the lengths of shovelnose sturgeon that may be harvested by commercial methods in the Mississippi River; and clarifies requirements for a lessee to ensure consistency with those of landowners.

(4) Atlatl: A rod or narrow board-like device used to launch, through a throwing motion of the arm, a dart five to eight feet (5'-8') in length.

[(4)] (5) Backwater: Any flowing or nonflowing water lying exclusively within the floodplain of a river and connected to that river at any water level below official flood stage, as designated by the U.S. Army Corps of Engineers for the portion of the river where backwater is occurring. Backwater shall not include tributary streams and ditches, but may include side channels, chutes, sloughs, bayous, oxbows and blew holes.

[(5)] (6) Cable restraint device: A device for the live-capture of certain furbearers in a non-water set by use of a cable loop made of [non-stainless, multi-strand] stranded steel cable, not greater than five feet (5') long (not including extensions), with a diameter of not less than five sixty-fourths inch (5/64") and equipped with a commercially manufactured breakaway rated at [two hundred eighty-five pounds (285 lbs.)] three hundred fifty pounds (350 lbs.) or less, a relaxing-type lock, a stop device that prevents it from closing to less than two and one-half inches (2 1/2") in diameter, and an anchor swivel, but shall not be equipped with a compression-type choke spring, or be otherwise mechanically-powered.

[(6)] (7) Cervid: All species of the deer family (family Cervidae) including those commonly known as white-tailed, mule, fallow, sika, red, musk, Pere David's deer, moose, caribou, reindeer, elk, or wapiti, and all deer-hybrids.

[(7)] (8) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.

[(8)] (9) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact

between wildlife and humans is restricted to the handlers, performers or other circus employees.

[(9)] (10) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.

[(10)] (11) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association or society where meals, lodging or other services or facilities are furnished for a consideration, price or fee.

[(11)] (12) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3) and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and soft-shelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon [upto] twenty-four inches to thirty-two inches [(30)](24"-32") in length (measured from tip of snout to fork of tail). In the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River, commercial fish also include shovelnose sturgeon twenty-four inches to thirty inches (24"-30") in length (measured from tip of snout to fork of tail).

[(12)] (13) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of the Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.

[(13)] (14) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the Constitution of Missouri (see also Article IV, Section 12).

[(14)] (15) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.

[(15)] (16) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.

[(16)] (17) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of Constitution of Missouri (see also Article IV, Section 12).

[(17)] (18) Director: The director of the Department of Conservation.

[[18]] (19) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.

[[19]] (20) Domicile: The place where a person has his/her true, fixed and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.

[[20]] (21) Field trial: An organized event, contest, demonstration or trial of dogs whether or not prizes or awards of any kind are offered and where dogs may be used to chase, locate, pursue or retrieve wildlife.

[[21]] (22) Firearms: Pistols, revolvers and rifles propelling a single projectile at one (1) discharge including those powered by spring, air or compressed gas, and shotguns not larger than ten (10) gauge.

[[22]] (23) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, 3 CSR 10-12.135 and 3 CSR 10-12.150.

(A) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.

(B) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(C) Artificial lure—A lure constructed of any material excluding soft plastic bait and natural and scented bait as defined in (A) or (B) above.

(D) Fly—An artificial lure constructed on a single-point hook, using any material except soft plastic bait and natural and scented bait as defined in (A) or (B) above, that is tied, glued or otherwise permanently attached.

[[23]] (24) Furbearing animals: Furbearers: Badger, beaver, black bear, bobcat, coyote, gray fox, long-tailed weasel, mink, mountain lion, muskrat, nutria, opossum, raccoon, red fox, river otter, spotted skunk and striped skunk.

[[24]] (25) Game birds: American coot, American woodcock, common snipe, crows, ducks, Eurasian collared-dove, geese, gray partridge, mourning dove, northern bobwhite quail, ring-necked pheasant, ruffed grouse, sora rail, Virginia rail, white-winged dove and wild turkey.

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

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

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

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

(D) *Lepomis gulosis*, commonly known as warmouth bass.

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

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

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

(H) *Polyodon*, all species, commonly known as paddlefish, spoon-bill.

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

(J) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

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

(L) *Scaphirhynchus platyrhynchus*, commonly known as shovelnose sturgeon, hackleback, sand sturgeon.

[[26]] (27) Game mammals: Cottontail rabbit, deer, fox squirrel, gray squirrel, groundhog (woodchuck), jackrabbit, swamp rabbit and furbearers as defined.

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

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

[[29]] (30) Invertebrate: Any animal lacking a backbone; this includes all animal phyla other than *Chordata*. (Examples include insects and other arthropods, flatworms, roundworms, segmented worms and mollusks.)

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

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

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

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

[[34]] (35) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rules (3 CSR 10-7.431 and 3 CSR 10-7.436).

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

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

[[37]] (38) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

[(38)] (39) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

[(39)] (40) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. In the case of corporate ownership only registered officers of corporations meet this definition.

[(40)] (41) Open season: That time when the pursuing and taking of wildlife is permitted.

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

(43) Persons with disabilities: A person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)

[(42)] (44) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

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

[(44)] (46) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

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

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

[(47)] (49) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. In the case of corporate ownership only registered officers of corporations meet this definition.

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

[(49)] (51) Snare: A device for the capture of furbearers in a water-set by use of a cable loop. Snares must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

[(50)] (52) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

[(51)] (53) Store and storage: Shall also include chilling, freezing and other processing.

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

[(53)] (55) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

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

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

[(56)] (58) Ungulate: Hoofed animals.

[(57)] (59) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-II.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

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, Assistant 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.