



Rules of
Department of Conservation
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions

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Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission Chapter 20—Wildlife Code: Definitions

3 CSR 10-20.805 Definitions

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

(1) For the purpose of this Code the following definitions shall govern unless a different meaning is stated or clearly evident from the context.

(2) Antlered deer: A deer having at least one (1) antler not less than three inches (3") long.

(3) Antlered elk: An elk having at least one (1) antler not less than six inches (6") long.

(4) Arm of lake: An inlet or bay of a water impoundment, including all impounded tributaries, smaller arms, and coves thereof other than those specifically excepted.

(5) 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.

(6) 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.

(7) Bicycle: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen inches (14") in diameter, except scooters and similar devices; also includes electric bicycles as defined in this rule.

(8) Bow: A device drawn and held by hand and not fastened to a stock nor to any other mechanism that maintains the device in a drawn position. This definition includes longbows, recurve bows, and compound bows.

(9) 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 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 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.

(10) 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.

(11) Chase or chased: The act of using dogs to follow wildlife or feral swine for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife or feral swine.

(12) 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.

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

(14) 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.

(15) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3), alligator gar, 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 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 chan-

nel, blue, and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least thirty-two inches (32") in length (measured from eye to fork of tail) and shovelnose sturgeon twenty-four inches to thirty-two inches (24"-32") in length (measured from tip of snout to fork of tail) upstream from Melvin Price Locks and Dam.

(16) 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.

(17) 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).

(18) 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.

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

(20) Department: The Department of Conservation 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).

(21) Director: The director of the Department of Conservation.

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

(23) 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.



(24) Drowning set: Trap or snare sets constructed with a solid fiber or steel rod or cable, anchored at each end, having a drowning lock attached to the trap or snare allowing the trap or snare to only slide one (1) way, and located in water at a depth sufficient for drowning.

(25) Electric bicycle: Any two (2)- or three (3)-wheeled device equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of not more than seven hundred fifty (750) watts, and which meets one (1) of the following three classes:

(A) "Class 1 electric bicycle," an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour;

(B) "Class 2 electric bicycle," an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour; or

(C) "Class 3 electric bicycle," an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

(26) Established field trial area: One (1) contiguous tract of privately-owned land that is fenced or enclosed in a manner to reasonably prevent dogs pursuing or chasing wildlife from leaving the area, where the primary use of the land is for training dogs to pursue and chase wildlife or to conduct field trials.

(27) 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.

(28) 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.

(29) 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.

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

(31) Game birds: American coot, American woodcock, 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, wild turkey, and Wilson's snipe.

(32) 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 goggle-eye (commonly known as Ozark bass, rock bass, shadow bass) and their hybrids.

(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 gulosus*, commonly known as warmouth.

(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*, *Salvelinus*, and *Salmo*, all species commonly known as salmon, char, and trout.

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

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

(J) *Pylodictis*, commonly known as flat-head 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, hackle-back, sand sturgeon.

(33) Game mammals: Black bears, cottontail rabbit, deer, elk, fox squirrel, gray squirrel, groundhog (woodchuck), jackrabbit, swamp rabbit, and furbearers as defined.

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

(35) Handgun: Any firearm originally designed, made, and intended to fire a projectile (bullet) from one (1) or more barrels when held in one (1) hand, and having a short stock designed to be gripped by one (1) hand at an angle to and extending below the line of the bore(s), with a barrel less than sixteen inches (16") in length, measured from the face of the bolt or standing breech (excluding any muzzle device not permanently attached to the barrel), and an overall length less than twenty-six inches (26") as measured between the muzzle of the barrel and the rearmost portion of the firearm (excluding any pistol brace, muzzle device, or other firearm accessory not permanently attached to the firearm). The use of a pistol brace is specifically authorized, and a second hand may be used for support when firing.

(36) 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.

(37) Invasive fish: Shall include fish defined as prohibited in 3 CSR 10-4.117(C) and the following:

(A) Bighead carp (*Hypophthalmichthys nobilis*); and

(B) Silver carp (*Hypophthalmichthys molitrix*).

(38) 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.)

(39) 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.

(40) 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.

(41) 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).

(42) 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.

(43) Multi-use trail: A trail upon which hiking and at least one (1) of the following other activities are allowed concurrently: bicycling and equestrian use.

(44) 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.

(45) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle; including any firearm capable of having the powder or propellant loaded from the breech, provided the bullet or projectile(s) is/are capable of being loaded only from the muzzle.

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

(47) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) contiguous 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.

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

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

(50) 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.)

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

(52) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod, fly rod, or ice fishing tackle commonly known as a tip-up, 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.

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

(54) 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.

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

(56) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) contiguous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past, except ownership of at least twenty (20) acres in one (1) contiguous tract is required to qualify for resident landowner privileges to hunt bears, deer, elk, and turkey. For the purposes of this definition, settlors, revocable, and permissible distributees are defined as found in section 456.1-103 of the *Revised Statutes of Missouri*. In the case of corporate ownership of land or land held in trust, persons defined as landowners include Missouri residents who are—

(A) General partners of resident limited liability partnerships, limited partnerships, or limited liability limited partnerships, and general partners of general partnerships formed by written agreement;

(B) Officers of resident or foreign corporations;

(C) Managing members of resident limited liability companies;

(D) Officers of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*;

(E) Settlers of a revocable trust; and

(F) Permissible distributees of an irrevocable trust.

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

(58) Snag or snagging: The act of hooking or attempting to hook a fish in a part of the body other than the mouth or jaw by means of a pole, line, and hook. Snagging is characterized by a repeated drawing or jerking motion of the pole, line, and hook or by trolling with an unbaited hook rather than enticement by bait or lure.

(59) 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.

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



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

(62) Take or taking: Includes killing, trapping, snaring, netting, or capturing in any manner, any wildlife or feral swine, 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 or feral swine.

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

(64) 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.

(65) 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.

(66) Ungulate: Hoofed animals.

(67) 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.

(68) 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. and section 252.040, RSMo 2016. * This rule previously filed as 3 CSR 10-II.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed March 4, 2004, effective Aug. 30, 2004. Amended: Filed June 4, 2004, effective Nov. 30, 2004.*

Amended: Filed July 16, 2004, effective Dec. 30, 2004. Amended: Filed Oct. 8, 2004, effective March 30, 2005. Amended: Filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed May 21, 2007, effective July 1, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008, effective July 1, 2009. Amended: Filed March 23, 2009, effective March 1, 2010. Amended: Filed March 7, 2011, effective July 30, 2011. Amended: Filed March 12, 2013, effective Aug. 30, 2013. Amended: Filed Aug. 29, 2017, effective March 1, 2018. Amended: Filed Aug. 28, 2018, effective March 1, 2019. Amended: Filed May 29, 2019, effective Feb. 29, 2020. Amended: Filed March 2, 2020, effective Aug. 30, 2020. Amended: Filed Sept. 4, 2020, effective Feb. 28, 2021. Amended: Filed Jan. 22, 2021, effective Aug. 30, 2021. Amended: Filed Aug. 27, 2021, effective Feb. 28, 2022.

**Original authority: 252.040, RSMo 1945, amended 1989.*