

1501:31-1-02

Definition of terms.

As used in rules 1501:31-1-01 to 1501:31-40-29 of the Administrative Code, the following respective terms shall mean:

- (A) "Accompany" as it relates to youth hunters and hunters with apprentice licenses means going along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communications.
- (B) "Amphibians" include *Acris crepitans crepitans* (Eastern cricket frog), *Ambystoma barbouri* (streamside salamander), *Ambystoma jeffersonianum* (Jefferson salamander), *Ambystoma laterale* (blue-spotted salamander), *Ambystoma maculatum* (spotted salamander), *Ambystoma opacum* (marbled salamander), *Ambystoma texanum* (small-mouthed salamander), *Ambystoma tigrinum* (Eastern tiger salamander), *Anaxyrus americanus americanus* (American toad), *Anaxyrus fowleri* (Fowler's toad), *Aneides aeneus* (green salamander), *Cryptobranchus alleganiensis alleganiensis* (Eastern hellbender), *Desmognathus fuscus* (Northern dusky salamander), *Desmognathus ochrophaeus* (Allegheny mountain dusky salamander), *Eurycea bislineata* (Northern two-lined salamander), *Eurycea cirrigera* (Southern two-lined salamander), *Eurycea longicauda longicauda* (long-tailed salamander), *Eurycea lucifuga* (cave salamander), *Gyrinophilus porphyriticus duryi* (Kentucky spring salamander), *Gyrinophilus porphyriticus porphyriticus* (Northern spring salamander), *Hemidactylium scutatum* (four-toed salamander), *Hyla chrysoscelis* (Cope's gray treefrog), *Hyla versicolor* (gray treefrog), *Lithobates catesbeianus* (American bullfrog), *Lithobates clamitans* (green frog), *Lithobates palustris* (pickrel frog), *Lithobates pipiens* (Northern leopard frog), *Lithobates sphenoccephalus* (Southern leopard frog), *Lithobates sylvaticus* (wood frog), *Necturus maculosus maculosus* (common mudpuppy), *Notophthalmus viridescens viridescens* (red-spotted newt), *Plethodon cinereus* (Eastern red-backed salamander), *Plethodon glutinosus* (Northern slimy salamander), *Plethodon richmondi* (Southern ravine salamander), *Pseudotriton montanus diastictus* (midland mud salamander), *Pseudotriton ruber ruber* (Northern red salamander), *Pseudacris brachyphona* (mountain chorus frog), *Pseudacris crucifer* (spring peeper), *Pseudacris triseriata* (Western chorus frog), *Scaphiopus holbrookii* (Eastern spadefoot).
- (1) "Collectable amphibians" include *Ambystoma barbouri* (streamside salamander), *Ambystoma jeffersonianum* (Jefferson salamander), *Ambystoma maculatum* (spotted salamander), *Ambystoma opacum* (marbled salamander), *Ambystoma texanum* (small-mouthed salamander), *Ambystoma tigrinum* (Eastern tiger salamander), *Anaxyrus americanus americanus* (American toad), *Anaxyrus fowleri* (Fowler's toad), *Desmognathus fuscus* (Northern dusky salamander), *Desmognathus ochrophaeus* (Allegheny mountain dusky salamander), *Eurycea bislineata* (Northern two-lined salamander), *Eurycea cirrigera* (Southern two-

lined salamander), *Eurycea longicauda longicauda* (long-tailed salamander), *Gyrinophilus porphyriticus duryi* (Kentucky spring salamander), *Gyrinophilus porphyriticus porphyriticus* (Northern spring salamander), *Hyla chrysoscelis* (Cope's gray treefrog), *Hyla versicolor* (gray treefrog), *Lithobates catesbeianus* (American bullfrog), *Lithobates clamitans* (green frog), *Lithobates palustris* (pickerel frog), *Lithobates pipiens* (Northern leopard frog), *Lithobates sphenoccephalus* (Southern leopard frog), *Lithobates sylvaticus* (wood frog), *Necturus maculosus maculosus* (common mudpuppy), *Notophthalmus viridescens viridescens* (red-spotted newt), *Plethodon cinereus* (Eastern red-backed salamander), *Plethodon glutinosus* (Northern slimy salamander), *Plethodon richmondi* (Southern ravine salamander), *Pseudacris brachyphona* (mountain chorus frog), *Pseudacris crucifer* (spring peeper), *Pseudacris triseriata* (Western chorus frog), *Pseudotriton ruber ruber* (Northern red salamander).

- (C) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, or not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.
- (D) "Artificial lure" means a manufactured lure other than a fly, constructed with a single, double, or treble hooks, not containing any natural or prepared food substances but may include synthetic imitations of such. Including soft plastic lures, synthetic grubs or synthetic eggs not containing natural food substances.
- (E) "Baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered and such area shall remain a baited area for ten days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:
- (1) The taking of all mourning doves and migratory game birds, including waterfowl, on or over standing crops, flooded standing crops, including aquatics, flooded harvested crop-lands, grain crops properly shucked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting, or if you restore and manage wetlands as habitat for waterfowl and other migratory birds, you can manipulate the naturally occurring vegetation in these areas and make them available for hunting; and

- (2) The taking of all mourning doves and migratory game birds, except waterfowl, on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes; provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.
- (F) "Baiting" means the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshelled corn, wheat or other grain, salt or other feed so as to constitute for such wild turkeys, mourning doves or migratory birds, a lure, attraction or enticement to, on or over any area where hunters are attempting to take them.
- (G) "Bag limit" means the number, measurement, or weight of any kind of clams, mussels, crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.
- (H) "Blind" means any type of constructed shelter or device that conceals a person pursuing a wild animal.
- (I) "Body gripping trap" means a device used to capture or restrain an animal by the body.
- (J) "Buyer" means a person who buys or otherwise acquires ginseng for resale or trade.
- (K) "Cage trap" means a device used to capture or restrain an animal that fully encloses the animal within wood, wire, plastic or metal.
- (L) "Camping unit" means a car trailer, modified motor vehicle or tent accommodating not more than four persons. The limit of four persons does not apply to children under six years of age.
- (M) "Captive white-tailed deer" means legally acquired deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section 1533.71 or 1533.721 of the Revised Code.
- (N) "Channels" or "passages" means those narrow bodies of water lying between islands or between an island and the mainland in lake Erie.
- (O) "Chief" means chief of the Ohio division of wildlife.
- (P) "Certificate of competency" means a card certifying a student has successfully completed a hunter safety course administered by a state or provincial wildlife agency or the "National Rifle Association"; or a card certifying the person listed thereon

has successfully completed a trapper education course administered by a state or provincial wildlife agency.

(Q) "Cervidae" means all members of the deer family which includes but is not limited to caribou, moose, elk and deer.

(R) "Class A Aquaculture Species" means:

- (1) The following species: alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), Atlantic salmon (*Salmo salar*), bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus niger*), black bullhead (*Ameiurus melas*), black crappie (*Pomoxis nigromaculatus*), black redhorse (*Moxostoma duquesnei*), blackstripe topminnow (*Fundulus notatus*), bluegill (*Lepomis macrochirus*), bluntnose minnow (*Pimephales notatus*), bowfin (*Amia calva*), brook stickleback (*Culaea inconstans*), brook trout (*Salvelinus fontinalis*), brown bullhead (*Ameiurus nebulosus*), brown trout (*Salmo trutta*), burbot (*Lota lota*), central mudminnow (*Umbra limi*), chain pickerel (*Esox niger*), channel catfish (*Ictalurus punctatus*), chinook salmon, (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), common carp (*Cyprinus carpio*), common shiner (*Luxilus cornutus*), creek chub (*Semotilus atromaculatus*), creek chub sucker (*Erimyzon oblongus*), cutthroat trout (*Oncorhynchus clarkia*), emerald shiner (*Notropis atherinoides*), fathead minnow (*Pimephales promelas*), flathead catfish (*Pylodictis olivaris*), freshwater drum (*Aplodinotus grunniens*), gizzard shad (*Dorosoma cepedianum*), golden redhorse (*Moxostoma erythrurum*), golden shiner (*Notemigonus crysoleucas*), goldfish (*Carassius auratus*), grass pickerel (*Esox americanus*), greater redhorse (*Moxostoma valenciennesi*), green sunfish (*Lepomis cyanellus*), highfin carpsucker (*Carpionodes velifer*), Iowa darter (*Etheostoma exile*), lake chubsucker (*Erimyzon sucetta*), lake trout (*Salvelinus namaycush*), lake whitefish (*Coregonus clupeaformis*), largemouth bass (*Micropterus salmoides*), least darter (*Etheostoma microperca*), longear sunfish (*Lepomis megalotis*), longnose gar (*Lepisosteus osseus*), mooneye (*Hiodon tergisus*), muskellunge (*Esox masquinongy*), Northern hog sucker (*Hypentelium nigricans*), Northern pike (*Esox Lucius*), orangespotted sunfish (*Lepomis humilis*), pumpkinseed (*Lepomis gibbosus*), quillback (*Carpionodes cyprinus*), rainbow smelt (*Osmerus mordax*), rainbow trout (*Oncorhynchus mykiss*), redear sunfish (*Lepomis microlophus*), redbfin shiner (*Notropis umbratilis cyanocephalus*), river carpsucker (*Carpionodes carpio*), river redhorse (*Moxostoma carinatum*), rock bass (*Ambloplites rupestris*), sauger (*Stizostedion canadense*), scarlet shiner (*Lythrurus fasciolaris*), shorthead redhorse (*Moxostoma macrolepidotum*), silver redhorse (*Moxostoma anisurum*), silver shiner (*Notropis photogenis*), smallmouth bass (*Micropterus dolomieu*), smallmouth buffalo (*Ictiobus bubalus*), spotfin shiner (*Cyprinella spiloptera*), spottail shiner (*Notropis*

hudsonius), spotted bass (*Micropterus punctulatus*), spotted sucker (*Minytrema melanops*), steelcolor shiner (*Cyprinella whipplei*), tilapia (*Tilapia* spp. or *Oreochromis* spp.), walleye (*Stizostedion vitreum*), warmouth (*Lepomis gulosus*), Western mosquitofish (*Gambusia affinis*), white bass (*Morone chrysops*), white crappie (*Pomoxis annularis*), white sturgeon (*Acipenser transmontanus*), white sucker (*Catostomus commersoni*), yellow bullhead (*Ameiurus natalis*), yellow perch (*Perca flavescens*), papershell crayfish (*Orconectes immunis*), rusty crayfish (*Orconectes rusticus*), white river crayfish (*Procambarus acutus*), the following snails: (*Physella gyrina*), (*Physella integra*), (*Planorbella trivolvis*), (*Helisoma anceps*), (*Ferrissia rivularis*), (*Campeloma decisum*), (*Elimia livescens*), (*Stagnicola elodes*).

- (2) The following species outside of the lake Erie drainage basin: white bass X striped bass hybrid (*Morone chrysops* X *morone saxatilis*), striped bass (*Morone saxatilis*), sauger X walleye hybrid (*Stizostedion canadense* X *stizostedion vitreum*), blue catfish X channel catfish hybrid (*Ictalurus furcatus* X *ictalurus punctatus*), threadfin shad (*Dorosoma petenense*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), paddlefish (*Polyodon spathula*), shortnose gar (*Lepisosteus platostomus*), skipjack herring (*Alosa chrysochloris*), and blue catfish (*Ictalurus furcatus*).
- (3) The following species outside the Ohio river drainage basin: cisco or lake herring (*Coregonus artedi*).
- (4) The following species outside the Grand river and Chagrin river drainage basins: brook trout (*Salvelinus fontinalus*).
- (5) The following species when naturally occurring within the watershed of the aquaculture facility according to Thoma, R.F., and R.F. Jezerinac, 2000, "Ohio Crayfish Shrimp Atlas." "Ohio Biological Survey Miscellaneous Contributors" No. 7. 28pp: Allegheny crayfish (*Orconectes obscurus*), Sanborn's crayfish (*Orconectes sanbornii*), Northern clearwater crayfish (*Orconectes propinquus*), Northern crayfish (*Orconectes virilis*), spiny stream crayfish (*Orconectes cristavarius*), rock crawfish (*Cambarus carinirostris*), Ortmann's mudbug (*Cambarus ortmanni*), Teays river crayfish (*Cambarus sciotensis*), Ohio crawfish (*Cambarus* sp.), big water crayfish (*Cambarus robustus*), great plains mudbug (*Cambarus* sp.), paintedhand mudbug (*Cambarus* sp.), digger crayfish (*Fallicambarus fodiens*), Sloan's crayfish (*Orconectes sloanii*).

(S) "Class B Aquaculture Species" means:

- (1) The following species: barramundi (*Lates calcarifer*) trapdoor snail (*Viviparus* sp.), Melanthero snail (*Lymnaea* sp.), red swamp crayfish (*Procambarus clarkii*), and Australian red claw crayfish (*Cherax quadricarinatus*).
 - (2) The following species within the lake Erie drainage basin: white bass X striped bass hybrid (*Morone chrysops* X *morone saxatilis*), striped bass (*Morone saxatilis*), sauger X walleye hybrid (*Stizostedion canadense* X *stizostedion vitreum*), blue catfish X channel catfish hybrid (*Ictalurus furcatus* X *ictalurus punctatus*), threadfin shad (*Dorosoma petenense*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), paddlefish (*Polyodon spathula*), shortnose gar (*Lepisosteus platostomus*), skipjack herring (*Alosa chrysochloris*), and blue catfish (*Ictalurus furcatus*).
 - (3) The following species within the Ohio river drainage basin: cisco or lake herring (*Coregonus artedii*).
 - (4) The following species within the Grand river and Chagrin river drainage basins: brook trout (*Salvelinus fontinalis*).
 - (5) The following species when the aquaculture facility is outside of the watershed where the species naturally occurs according to Thoma, R.F., and R.F. Jezerinac, 2000, "Ohio Crayfish Shrimp Atlas." "Ohio Biological Survey Miscellaneous Contributors" No. 7. 28pp: Allegheny crayfish (*Orconectes obscurus*), Sanborn's crayfish (*Orconectes sanbornii*), Northern clearwater crayfish (*Orconectes propinquus*), Northern crayfish (*Orconectes virilis*), spiny stream crayfish (*Orconectes cristavarius*), rock crawfish (*Cambarus carinirostris*), Ortmann's mudbug (*Cambarus ortmanni*), Teays river crayfish (*Cambarus sciotoensis*), Ohio crawfish (*Cambarus* sp.), big water crayfish (*Cambarus robustus*), great plains mudbug (*Cambarus* sp.), paintedhand mudbug (*Cambarus* sp.), digger crayfish (*Fallicambarus fodiens*), Sloan's crayfish (*Orconectes sloanii*).
- (T) "Clay pigeon" means a circular clay target no larger than two hundred millimeter in diameter.
- (U) "Closed season" means that period of time during which the taking of wild animals protected by Chapters 1531. and 1533. of the Revised Code is prohibited.
- (V) "Collector" means a person who harvests ginseng.
- (W) "Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72 of the Revised Code.

- (X) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division order and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), big mouth buffalo (*Ictiobus cyprinellus*), grass carp, (*Ctenopharyngodon idella*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpionodes cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo and quillback (*Carpionodes* sp., *Catostomus* sp., *Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone chrysops*), white perch (*Morone americanua*), yellow perch (*Perca flavescens*) and (*Perca fluviatilis*). When the common name of a fish is used in Chapter 1531. or 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.
- (Y) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill net.
- (Z) "Controlled hunt" means any controlled opportunity, as authorized by the chief of the division of wildlife, to take wild animals, open to any person that meets stated criteria, and only through a random drawing or selection process and issuance of a permit to the person or persons selected, allowing them to participate in that opportunity at a specified location and time or any controlled opportunity to take wild animals administered by a political subdivision of the State of Ohio, as authorized by the chief of the division of wildlife.
- (AA) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.
- (BB) "Crossbow" means a device for propelling an arrow by means of traverse limbs and a string, mounted on a stock at least twenty-five inches in length, and having a working safety.
- (CC) "Cultivated ginseng" means the plant species *Panax Quinquefolius* L., also known as *Panax Quinquefolium* L., which is growing in tilled beds under shade of artificial structures or under natural shade and is cultivated according to standard ginseng horticultural practices.

- (DD) "Dealer" means a person who buys or otherwise acquires ginseng for resale or trade.
- (EE) "Dealer state registration permit" means a permit issued by the chief of the Ohio division of wildlife authorizing a dealer to buy or otherwise acquire ginseng for resale and export ginseng from the state.
- (FF) "Deer" means white-tailed deer (*Odocoileus virginianus*).
- (GG) "Division order," "division of wildlife order," or "order of the division of wildlife" means any written order, rule or regulation of the chief of the division of wildlife.
- (HH) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.
- (II) "Electric-Powered All-Purpose Vehicle (EPAPV)" means any battery-powered self propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes. "Electric-Powered All-Purpose Vehicle" does not include a utility vehicle as defined in section 4501.01 of the Revised Code, any vehicle or aircraft that is required to be registered under Chapter 4503. or 4561. of the Revised Code, or any vehicle that is excluded from the definition of "motor vehicle" as provided in division (B) of section 4501.01 of the Revised Code.
- (JJ) "Electronic Catch Reporting System" means a computerized electronic database system for the capture, transmission and management of commercial fishing data.
- (KK) "Falconry" means taking game with a trained raptor, or with a trained raptor and a dog, and includes the training of a raptor to take game.
- (LL) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.
- (MM) "Federal regulations" means the current U.S. fish and wildlife service regulations and standards governing falconry.
- (NN) "Field trials" shall mean the using or working of dogs or raptors that are being tested or judged in their performance in finding, tracking, trailing, pointing, hunting or retrieving game birds, by persons other than the owner or handler.

- (OO) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.
- (PP) "Firing line" means a designated zone, area, or location on any division range where shooters may fire from.
- (QQ) "Fish" means cold-blooded vertebrate having fins.
- (RR) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.
- (SS) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person, in order for the other person to engage in fishing.
- (TT) "Fly" means a lure constructed on a single-point hook of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon, or nylon thread or floss, with or without spinner.
- (UU) "Foot encapsulating trap" means a device used to capture or restrain an animal with a trigger enclosed within a housing only accessible through a single opening when set.
- (VV) "Foothold trap" means a device used to capture or restrain an animal by the foot.
- (WW) "Fur farm" means any area used exclusively for raising furbearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.
- (XX) "Furbearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, bobcats and fishers.
- (YY) "Game" includes game birds, game quadrupeds, and furbearing animals.
- (ZZ) "Game birds" includes mourning doves, Eurasian collared-doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, mergansers and crows.
- (AAA) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, elk, black bears, wild boar, feral swine, and porcupines.

(BBB) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(CCC) "Ginseng" means wild or cultivated ginseng.

(DDD) "Green wild ginseng" means freshly collected wild ginseng root which has not been dried out and which is still pliable.

(EEE) "Grower" means a person who grows ginseng in cultivated plots according to standard ginseng horticultural practices.

(FFF) "Haggard birds" means raptors after their first year of life in the wild.

(GGG) "Harvest" means to pick, cut, dig, root up, gather or otherwise collect ginseng.

(HHH) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether the acts result in killing or wounding or not. It includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(III) "Ice fishing shelter" means something taken to or used on a frozen body of water as protection or cover from the weather.

(JJJ) "Imping" means the repair of a broken feather on a raptor by attaching a molted feather or a feather from another bird to the stub of the damaged feather.

(KKK) "Island" means a rock or land elevation above the waters of lake Erie having an area of five or more acres above water.

(LLL) "Lake Erie sport fishing district" means the Ohio waters of lake Erie, its embayments including Maumee bay, Sandusky bay, east harbor, middle harbor, west harbor and the entire length of all tributaries, or to the first dam or designated landmark as follows:

Vermilion river - state route 2 bridge

Black river - state route 611 bridge

Rocky river - Detroit road bridge

Cuyahoga river - Harvard road bridge

Euclid creek - state route 283 bridge

Chagrin river - state route 283 bridge

Arcola creek - U.S. route 20 bridge

Wheeler creek - U.S. route 20 bridge

Cowles creek - U.S. route 20 bridge

Indian creek - U.S. route 20 bridge

Grand river - state route 535 bridge

Conneaut creek - main street (downtown Conneaut) bridge

Ashtabula river - east 24th street bridge

(MMM) "Lake Erie yellow perch management units" means the geographic area within the lake Erie fishing district by which yellow perch quotas are allocated. Ohio's yellow perch quotas for each lake Erie yellow perch management unit are derived from the total allowable catch (TAC) established by the lake Erie committee of the Great Lakes fishery commission. Each lake Erie yellow perch management unit derives from the home range of a yellow perch stock for which the quota management system was instituted.

(1) Unit 1

(a) Lake Erie yellow perch management unit one shall consist of all waters in Lucas, Ottawa and Erie counties between east and west boundaries as defined:

(i) The west boundary is the Michigan-Ohio state line beginning in Maumee bay and extending northeast to the United States-Canada international line in lake Erie including all waters in Lucas and Ottawa counties.

(ii) The east boundary begins at the Huron pier lighthouse, extends along an imaginary line running northeast to the eighty-two degree, thirty minute meridian and thenceforth along the meridian north to the United States-Canada international line.

(2) Unit 2

(a) Lake Erie yellow perch management unit two shall consist of all waters in Lorain and Cuyahoga counties between west and east boundaries as defined:

(i) The west boundary shall begin in the Huron river, including all boat ramps or marinas connected to the Huron river, then extending from the Huron pier lighthouse along an imaginary line northeast to the eighty-two degree, thirty minute meridian and thenceforth along that meridian north to the United States-Canada international line.

(ii) The east boundary begins at the Fairport harbor light, extends north along the eighty-one degree, twenty minute meridian to the United States-Canada international line.

(3) Unit 3

(a) Lake Erie yellow perch management unit three shall consist of all waters in Lake and Ashtabula counties between west and east boundaries as defined:

(i) The west boundary shall begin in the Grand river at the state route 535 bridge, including all boat ramps and marinas connected to the Grand river and extending from the Fairport harbor light along the eighty-one degree, twenty minute meridian north to the United States-Canada international line.

(ii) The east boundary shall be the Ohio-Pennsylvania state line extending from the shoreline north to the United States-Canada international line.

(NNN) "Loaded firearm" means a firearm that has cartridges or shells in either the chamber, or magazine, or both.

(OOO) "Longbow" or "bow" means a device for propelling an arrow by means of limbs, and a string which is hand-held, hand-drawn, and held in a drawn position by hand or a hand-held mechanical release or by a mechanical device with a working safety.

(PPP) "Marker" means a federally approved identification device bearing a serial number which must be attached to a raptor used in falconry.

(QQQ) "Measurement of fish" means length from end of nose to the longest tip or end of tail.

- (RRR) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.
- (SSS) "Migratory bird preservation facility" means any residence or place of business which, for hire or other consideration, or any cold-storage facility or locker plant which, for hire or other consideration, or any hunting club which in the normal course of operation, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.
- (TTT) "Migratory game birds" mean waterfowl, rails, mourning doves, Eurasian collared-doves, cranes, cormorants and shorebirds.
- (UUU) "Minnow" means any fish of the Cyprinidae family; including common carp but not other carp or goldfish.
- (VVV) "Motor-driven conveyance" means anything having wheels, tracks, or runners, propelled or drawn by power other than human muscular power.
- (WWW) "Motor vehicle" means ~~any~~every vehicle, ~~including mobile homes and recreational vehicles, that is~~ propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires: ~~"Motor vehicle" does not include utility vehicles as defined in division (VV) of section 4501.01 of the Revised Code, except~~ motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-drilling machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers ~~that are~~ designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road, street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
- (XXX) "Muskrat spear" means any device used in spearing muskrats.
- (YYY) "Mussel" means any bivalve mollusk including all native and nonnative mussels and clams.
- (ZZZ) "Muzzleloading rifle" and "muzzleloading shotgun" means a primitive weapon that is loaded exclusively from the muzzle, and has a permanent breech plug or when said breech plug is removed renders the weapon inoperable, or incapable of firing modern-day ammunition.
- (AAAA) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(BBBB) "Natural habitat" means the environment in which a species exists as a natural population.

(CCCC) "Nestling or eyass" means young raptors not yet capable of flight.

(DDDD) "Net" means fishing devices with meshes composed of twine or synthetic material, and includes but is not limited to trap nets, fyke nets, crib nets, carp aprons, dip nets and seines, except minnow seines and minnow dip nets.

(EEEE) "New applicant for a commercial fishing license" means any person who was not licensed in the previous fishing season or did not hold in reserve a commercial fishing license in the previous fishing season. Such person must meet the pre-application qualifications set forth in section 1533.342 of the Revised Code for a person who was not licensed in the previous fishing season.

(FFFF) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.

(GGGG) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.

(HHHH) "Nonresident" means any person who does not qualify as a resident.

(IIII) "Nuisance wild animal" means a wild animal that interferes with the use or enjoyment of property, is causing a threat to public safety, or may cause damage or harm to a structure, property, or person.

(JJJJ) "Ohio ginseng management program" means the program established by the Ohio division of wildlife, under the guidance of the federal wildlife permit office of the U.S. fish and wildlife service, to achieve a sustained yeild of ginseng so that harvesting efforts will not be detrimental to the survival of the species.

(KKKK) "Ohio wild ginseng" means the plant species *Panax Quinquefolius L.*, also known as *Panax Quinquefolium L.*, which is growing in an uncultivated state or has been collected from its native habitat in an uncultivated state, notwithstanding whether the ginseng occurs naturally from that habitat or was introduced or increased in abundance by sowing ginseng seed or by transplanting ginseng plants from other areas and performing no other cultivation practices.

(LLLL) "Open season" means that period of time during which the taking of wild animals protected by such chapters is permitted.

(MMMM) "Out-of-state" means ginseng originating from a state other than Ohio.

- (NNNN) "Part fillet" means a piece of flesh taken or cut from one side of a fish.
- (OOOO) "Passage birds" means raptors in their first year of life and having immature plumage and capable of flight.
- (PPPP) "Permanent-type tree stand" means any apparatus or structure designed or used to hold or conceal a person except such apparatus or structure that can be taken to and returned daily from the place of use.
- (QQQQ) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it.
- (RRRR) "Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, trailer or house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure or business trip.
- (SSSS) "Possession" means both actual and constructive possession and any control of things referred to.
- (TTTT) "Primitive weapons" shall mean single shot muzzleloading rifles, .38 caliber or larger, or any muzzleloading shotguns using single ball or rifled slug, crossbows and longbows and arrows.
- (UUUU) "Rails" (Rallidae), means coots, gallinules and sora and other rails.
- (VVVV) "Raptor" means any live bird of the family Falconidae or Accipitridae, other than a bald eagle (*Haliaeetus leucocephalus*).
- (WWWW) "Rearing unit" means any of the following when associated to an aquaculture facility:
- (1) "Cages" means an open or covered, enclosed structure constructed with netting, mesh or any porous material, allowing natural water interchange. These structures may be floating, suspended, or fixed to the substrate but still permitting water interchange from below.
 - (2) "Enclosures and pens" means water areas confined by netting, mesh and other barriers allowing uncontrolled water interchange and distinguished by the fact that enclosures occupy the full water column between substrate and surface; pens and enclosures will generally enclose a relatively large volume of water.

- (3) "Hatcheries" means installations for housing facilities for breeding, nursing and rearing seed of fish, or invertebrates to fry, fingerlings or juvenile stages.
- (4) "Ponds and tanks" means artificial units of varying sizes constructed above or below ground level capable of holding and interchanging water.
- (5) "Raceways" means artificial units constructed above or below ground level capable of high rates of water interchange.
- (XXXX) "Reef" means any location, not connected to a mainland or island, that has a depth less than twenty feet and a slope of greater than 13 degrees (1 foot change in depth over 330 feet).
- (YYYY) "Relaxing lock" means a lock that stops tightening the snare loop when the captured animal stops pulling against the snare.
- (ZZZZ) "Reptiles" includes *Agkistrodon contortrix mokasen* (Northern copperhead), *Apalone mutica mutica* (midland softshell turtle), *Apalone spinifera spinifera* (Eastern spiny softshell turtle), *Carphophis amoenus amoenus* (Eastern wormsnake), *Carphophis amoenus helenae* (Midwestern wormsnake), *Chelydra serpentina serpentina* (snapping turtle), *Chrysemys picta marginata* (midland painted turtle), *Clemmys guttata* (spotted turtle), *Clonophis kirtlandii* (Kirtland's snake), *Coluber constrictor constrictor* (Northern black racer), *Coluber constrictor foxii* (blue racer), *Crotalus horridus* (timber rattlesnake), *Diapophis punctatus edwardsii* (Northern ring-necked snake), *Emydoidea blandingii* (Blanding's turtle), *Graptemys geographica* (Northern map turtle), *Graptemys ouachitensis* (ouachita map turtle), *Heterodon platirhinus* (Eastern hog-nosed snake), *Lampropeltis getula nigra* (Eastern black kingsnake), *Lampropeltis triangulum triangulum* (Eastern milk snake), *Nerodia erythrogaster neglecta* (copper-bellied watersnake), *Nerodia sipedon sipedon* (common watersnake), *Nerodia sipedon insularum* (Lake Erie watersnake), *Opheodrys aestivus aestivus* (Northern rough snake), *Opheodrys vernalis* (smooth greensnake), *Pantherophis alleghaniensis* (Eastern ratsnake), *Pantherophis gloydi* (Eastern foxsnake), *Plestiodon fasciatus* (common five-lined skink), *Plestiodon laticeps* (broad-headed skink), *Podarcis muralis* (common wall lizard), *Regina septemvittata* (queensnake), *Sceloporus undulatus* (Eastern fence lizard), *Scincella lateralis* (little brown skink), *Sistrurus catenatus catenatus* (Eastern massasauga), *Sternotherus odoratus* (Eastern musk turtle), *Storeria dekayi dekayi* (Northern brownsnake), *Storeria dekayi wrightorum* (midland brownsnake), *Storeria occipitomaculata occipitomaculata* (Northern red-bellied snake), *Terrapene carolina carolina* (Eastern box turtle), *Thamnophis brachystoma* (short-headed gartersnake), *Thamnophis butleri* (Butler's gartersnake), *Thamnophis radix* (plains gartersnake), *Thamnophis sauritus sauritus* (common ribbonsnake), *Thamnophis sirtalis sirtalis*

(Eastern gartersnake), *Trachemys scripta elegans* (red-eared slider), *Virginia valeriae valeriae* (Eastern smooth earthsnake).

(1) "Collectable reptiles" includes *Carphophis amoenus amoenus* (Eastern wormsnake), *Carphophis amoenus helenae* (Midwestern wormsnake), *Chrysemys picta marginata* (midland painted turtle), *Coluber constrictor constrictor* (Northern black racer), *Coluber constrictor foxii* (blue racer), *Diapophis punctatus edwardsii* (Northern ring-necked snake), *Graptemys geographica* (Northern map turtle), *Heterodon platirhinos* (Eastern hog-nosed snake), *Lampropeltis triangulum triangulum* (Eastern milk snake), *Nerodia sipedon sipedon* (common watersnake), *Pantherophis alleghaniensis* (Eastern ratsnake), *Plestiodon fasciatus* (common five-lined skink), *Plestiodon laticeps* (broad-headed skink), *Podarcis muralis* (common wall lizard), *Sceloporus undulatus* (Eastern fence lizard), *Sternotherus odoratus* (Eastern musk turtle), *Storeria dekayi dekayi* (Northern brownsnake), *Storeria dekayi wrightorum* (midland brownsnake), *Storeria occipitomaculata occipitomaculata* (Northern red-bellied snake), *Thamnophis butleri* (Butler's gartersnake), *Thamnophis sauritus sauritus* (common ribbonsnake), *Thamnophis sirtalis sirtalis* (Eastern gartersnake), *Trachemys scripta elegans* (red-eared slider).

(AAAAA) "Resident" means any person who has resided in this state for not less than six months next proceeding the date of making application for a license.

(BBBBB) "Round" when used in describing fish means with head and tail intact.

(CCCCC) "Sell" or "sale" means barter, exchange, or offer or expose for sale.

(DDDDD) "Shorebirds," means woodcock, Wilson's, or jacksnipe.

(EEEEEE) "Shotgun" means a shoulder firearm with a smooth inner surface barrel or a barrel with shallow grooves or rifling on the inner surface as long as the grooved or rifled barrel is stamped by the original manufacturer indicating a commonly recognized shotgun gauge.

(FFFFFF) "Sinkbox" means a raft or any type of low floating device having a depression which affords the hunter a means of concealing himself below the surface of the water.

(GGGGG) "Small game" includes pheasants, quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, Hungarian partridge, chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coot, gallinules, ducks, geese, brant, crows, rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, and groundhogs or woodchucks.

- (HHHHH) "Snagging," "snag," and "snatch hooks" shall mean taking with a hook or hooks, so as to pierce and hook a fish in a part of the body other than inside the mouth.
- (IIII) "Snare" means a device used to capture or restrain an animal by means of a loop which closes under the force of the animal pulling against it.
- (JJJJ) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.
- (KKKKK) "State certification of legal taking" means a legal document attesting to the fact that a specific lot of ginseng was legally harvested in the issuing state during a particular harvest year.
- (LLLLL) "TAC" means the total allowable catch of walleye and yellow perch for lake Erie as determined annually by the lake Erie committee of the Great Lakes fishery commission. TAC refers to the maximum sustainable amount of walleye (in numbers) and yellow perch (in pounds) that can be removed from lake Erie during a specific year over a defined geographical area.
- (MMMMM) "Take" or "taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. It includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.
- (NNNNN) "Target area" means a designated zone, area, or location where targets are placed in front of a backstop.
- (OOOOO) "Taxidermy product" means a product created by art or operation of preparing, stuffing, and/or mounting the skins or other parts of dead animals for exhibition in a lifelike state or form.
- (PPPPP) "Tip-up" means a device consisting of a hook and line attached to a spring or other device which is capable of raising a small flag or other signaling device when a fish is biting or is hooked.
- (QQQQQ) "Transport" or "transportation" means carrying or moving or causing to be carried or moved.
- (RRRRR) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is

designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether the means result in capturing it or not. It includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether the means result in capturing or not.

(SSSSS) "Tributary" means a stream that flows into a larger body of water.

(TTTTT) "Trotline" means a device for catching fish consisting of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.

(UUUUU) "Vessel Monitoring System (VMS)" means a system or mobile transceiver unit for use on vessels through the installation of a satellite-tracking device to automatically receive and transmit vessel information to include vessel location and speed.

(VVVVV) "Waterfowl" (Anatidae), means brant, wild ducks, mergansers, geese and swans.

(WWWWW) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(XXXXX) "Whole to include part" means that every provision relating to any wild animal protected by Chapters 1531. and 1533. of the Revised Code applies to any part thereof with the same effect as it applies to the whole.

(YYYYY) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.

(ZZZZZ) "Wild animal hunting preserve" means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

(AAAAA) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals.

(BBBBB) "Wild birds" includes game birds and nongame birds.

(CCCCC) "Wild Boar" or "feral swine" means members of the Suidae family to include but not limited to wild pig, wild hog, feral hog, feral pig, Old world swine, razorbacks,

European wild boar, Russian wild boar, and members of the Tayasuidae family to include but is not limited to collared peccary or javelina.

(DDDDDD) "Wildlife ornamental product" means a product or item which is enhanced aesthetically by the addition of wild animals or parts thereof during its manufacture and/or display.

(EEEEEE) "Wild quadrupeds" includes game quadrupeds and furbearing animals.

Effective:

Five Year Review (FYR) Dates: 2/9/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 1531.06, 1531.08, 1531.10
Rule Amplifies: 1531.06, 1531.08, 1531.10
Prior Effective Dates: 01/02/1981, 06/01/1981, 01/25/1982, 06/01/1982, 11/12/1982, 05/31/1983, 06/07/1983, 05/03/1984 (Emer.), 08/01/1984, 06/01/1985, 04/20/1987, 06/01/1988, 07/14/1988 (Emer.), 10/17/1988, 01/15/1994, 05/16/1994, 11/01/1997, 11/12/1999, 07/05/2000, 01/01/2001, 02/01/2002, 07/19/2002, 01/01/2004, 01/01/2006, 06/01/2006, 07/01/2007, 07/01/2008, 11/24/2008, 07/01/2009, 11/27/2009, 07/01/2010, 07/01/2011, 07/01/2012, 01/01/2013, 07/11/2013, 07/01/2014, 03/01/2015, 11/09/2015, 01/01/2017, 01/01/2018