

TEXAS PARKS AND WILDLIFE DEPARTMENT

EXECUTIVE DIRECTOR ORDER NO. 021-007

Under the provisions of Parks and Wildlife Code, §12.027, if the Texas Parks and Wildlife Commission (the Commission) or the Executive Director of the Texas Parks and Wildlife Department (Executive Director) finds that there is an immediate danger to a species authorized to be regulated by the Department, the Commission or the Executive Director may adopt emergency rules as provided by Government Code, §2001.034.

White-tailed deer and mule deer are game animals subject to regulation by the Commission under the provisions of various chapters of the Parks and Wildlife Code, including Chapters 43 (Subchapters E, L, R, and R-1), 61, 62, and 63. Chronic Wasting Disease (CWD) is a fatal neurodegenerative disorder that affects some cervid species, including white-tailed deer and mule deer. On June 22, 2021, the Executive Director found that the discovery of CWD in Texas deer breeding facilities regulated under Parks and Wildlife Code, Chapter 43, Subchapter L and regulations adopted pursuant to that subchapter (31 TAC Chapter 65, Subchapters B and T) created an immediate danger to the white-tailed deer and mule deer resources of Texas and that the adoption of rules on an emergency basis with fewer than 30 days' notice was necessary to address an immediate danger.

The emergency rule was filed on June 22, 2021 and subsequently was replaced by a modified emergency rule filed on July 19, 2021 and published in the August 6, 2021, issue of the *Texas Register* (46 TexReg 4759). The modified rule was filed with a designated expiration date of October 19, 2021 in order to preserve a total of 120 days of effectiveness, which is the statutory limit for the period of effectiveness of an initial emergency rule. Under the provisions of Government Code, §2001.034, a state agency may extend the effectiveness of an emergency rule for an additional 60 days. The Executive Director finds that an extension of the emergency rules is necessary to continue their effectiveness in protecting both captive and free-ranging white-tailed and mule deer populations.

Therefore, finding that the immediate danger to both captive and free-ranging white-tailed and mule deer populations continues to exist, the Executive Director hereby ORDERS a 60-day extension of new 31 TAC §65.100. This order is effective immediately upon filing, and authorizes publication of a Notice of Extension of Emergency Adoption in the *Texas Register*.

This order is issued pursuant to §12.027 of the Texas Parks and Wildlife Code and §2001.034 of the Texas Government Code and is effective immediately.

Signed this the 11th day of October, 2021.



Carter Smith
Executive Director
Texas Parks and Wildlife Department