

**TEXAS PARKS AND WILDLIFE DEPARTMENT
EXECUTIVE DIRECTOR ORDER NO. 017-007**

Under the provisions of Parks and Wildlife Code, §§12.027, 43.045, 43.0722, 44.003, 45.002; 47.031, 65.0071, 66.017, 71.010, 76.1031, 77.0361, 78.108, and 81.301, the Executive Director of the Texas Parks and Wildlife Department ORDERS the adoption, on an emergency basis with less than 30 days' notice, of new 31 TAC §57.979, to extend the period of validity of specific licenses issued by the department, beginning September 1, 2017 and continuing until September 30, 2017.

Following the landfall of Hurricane Harvey in Aransas County on August 25, 2017, many counties experienced record-breaking precipitation levels and catastrophic flooding or were otherwise impacted, forcing the department to close licensing offices. For certain licenses that must be purchased or renewed in person, these affected licensing offices often provide the most convenient and timely location for license purchase or renewal. Because the department's license year is the same as the state fiscal year (September 1 of one year through the immediately following August 31), it is possible that some licensees who for whatever reason had not purchased or renewed their licenses by August 25 have therefore faced considerable difficulty in purchasing or renewing those licenses in time for the new license year that begins September 1.

Under Parks and Wildlife Code, §12.027, if the commission or the executive director finds that strict compliance with existing department rules would in any way prevent, hinder, or delay necessary action in coping with a disaster declared by the governor, the commission or the executive director may adopt emergency rules as provided by Chapter 2001, Government Code.

The Executive Director finds that compliance with existing department rules governing certain licenses would hinder necessary action in coping with the disaster caused by Hurricane Harvey. Department personnel on the Texas Gulf coast are significantly and critically involved in disaster response, search and rescue, and recovery operations; diverting any of those energies to license issuance activities would be a hindrance to those activities. Attempting to open and operate department offices in these areas would similarly hinder efforts to cope with the disaster.

For these reasons, the director finds that adoption of this rule on an emergency basis on less than 30 days' notice as provided by Parks and Wildlife Code, §12.027, is necessary and in the best interest of the State of Texas.

The Executive Director also hereby authorizes publication of a Notice of Adoption of Emergency Rulemaking in the *Texas Register*.

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

Signed this the 1st day of September, 2017.



Carter Smith
Executive Director
Texas Parks and Wildlife Department

LICENSING RULES
EMERGENCY ADOPTION PREAMBLE

1. Introduction.

Pursuant to Parks and Wildlife Code, §§12.027, 43.045, 43.0722, 44.003, 45.002; 47.031, 65.0071, 66.017, 71.010, 76.1031, 77.0361, 78.108, and 81.301, the Texas Parks and Wildlife Department (the department) adopts, on an emergency basis, new §57.979, concerning Licenses – Extension of Period of Validity.

The emergency action extends the period of validity for specific licenses for a period of 30 days in response to disruptions created by Hurricane Harvey, applicable to licenses purchased for the 2016-17 license year.

Following the landfall of Hurricane Harvey in Aransas County on August 25, 2017, many counties experienced record-breaking precipitation levels and catastrophic flooding or were otherwise impacted, forcing the department to close licensing offices. For certain licenses that must be purchased or renewed in person, these affected licensing offices often provide the most convenient and timely location for license purchase or renewal. Because the department's license year is the same as the state fiscal year (September 1 of one year through the immediately following August 31), it is possible that some licensees who for whatever reason had not purchased or renewed their licenses by August 25 have therefore faced considerable difficulty in purchasing or renewing those licenses in time for the new license year that begins September 1.

Under Parks and Wildlife Code, §12.027, if the commission or the executive director finds that strict compliance with existing department rules would in any way prevent, hinder, or delay necessary action in coping with a disaster declared by the governor, the commission or the executive director may adopt emergency rules as provided by Chapter 2001, Government Code.

Under Parks and Wildlife Code, §43.045, a hunting cooperative lease license is valid for the period from September 1 or another date set by the commission through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §43.0722, a private bird hunting area license is valid from September 1 or another date set by the commission through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §44.003, a game breeder's license is valid on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §45.002, a game bird breeder's license is valid from

September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §47.031, the period of validity of a commercial license issued under the authority of that chapter begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §65.0071, the license period for a wholesale or retail alligator dealer's permit begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §66.017, a salt water trotline tag is valid on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §71.010, the license period for a wholesale or retail fur dealer license is September 1 or another date set by the commission through August 31 of the next year or another date set by the commission,

Under Parks and Wildlife Code, §77.0361, the period of validity of a commercial license issued under the authority of that chapter begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Under Parks and Wildlife Code, §81.301, the commission may establish rules necessary to implement Parks and Wildlife Code, Chapter 81, Subchapter D, which includes the establishment of a period of validity for a wildlife management association area lease license.

On August 23, 2017, Governor Greg Abbott declared a State of Disaster in Aransas, Austin, Bee, Calhoun, Chambers, Colorado, Brazoria, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Harris, Jackson, Jefferson, Jim Wells, Karnes, Kleberg, Lavaca, Liberty, Live Oak, Matagorda, Nueces, Refugio, San Patricio, Victoria, Waller, Wharton and Wilson counties in response to the anticipated landfall of Hurricane Harvey. On August 24, 2017, Governor Abbott extended the declaration of the State of Disaster to include Atascosa, Bexar, Brazos, Caldwell, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Grimes, Guadalupe, Hardin, Jasper, Kerr, Lee, Leon, Madison, Montgomery, Newton, Tyler, Walker, Washington, and Willacy counties.

The department has determined that compliance with existing department rules governing certain licenses would hinder necessary action in coping with the disaster. Department personnel on the Texas Gulf coast are significantly and critically involved in disaster response, search and

rescue, and recovery operations; diverting any of those energies to license issuance activities would be a hindrance to those activities. Attempting to open and operate department offices in these areas would similarly hinder efforts to cope with the disaster.

For these reasons the director finds that adoption of this rule on an emergency basis on less than 30 days' notice as provided by Parks and Wildlife Code, §12.207 is necessary in order to provide an additional 30 days of validity to specific 2016-17 licenses.

2. Text.

§57.979. Licenses – Extension of Period of Validity.

(a) This section applies only to licenses identified in subsection (b) of this section that were purchased or renewed after September 1, 2016.

(b) The expiration date of the licenses listed in this section is extended to September 30, 2017.

(1) Resident Wholesale Fur Dealer (Type 109);

(2) Game Animal Breeder (Type 110);

(3) Class 1 Commercial Game Bird Breeder (Type 116);

(4) Class 2 Commercial Game Bird Breeder (Type 127);

(5) Non-Resident Wholesale Fur Dealer (Type 141);

(6) Private Bird Hunting Area (Type 152);

(7) Hunting Cooperative (Small – Type 182);

(8) Hunting Cooperative (Medium – Type 183);

(9) Hunting Cooperative (Large – Type 184);

(10) Hunting Cooperative Participating Landowner's Fee (Type 185);

(11) Wildlife Management Association Area Hunting Lease License (Small – Type 195);

(12) Wildlife Management Association Area Hunting Lease License (Medium – Type 196);

(13) Wildlife Management Association Area Hunting Lease License (Large – Type 197);

(14) Wildlife Management Association Area Hunting Lease Participating Landowner's Fee (Type 198);

(15) Retail Fish Dealer (Type 302);

- (16) Resident Commercial Fishing Boat (Type 304);**
(17) Resident Commercial Oyster Boat (Type 306);
(18) Saltwater Trotline Tag (Type 307);
(19) Resident Commercial Oyster Boat Captain (Type 309);
(20) Bait Dealer's Individual (Type 312);
(21) Wholesale Fish Dealer (Type 314);
(22) Wholesale Fish Dealer's Truck (Type 315);
(23) Retail Fish Dealer's Truck (Type 316);
**(24) Resident Commercial Mussel and Clam Fisherman's License (Type
320);**
- (25) Resident Shell Buyer (Type 324);**
(26) Class A Menhaden Boat License (Type 325);
(27) Resident Sport Oyster Boat (Type 328);
(28) Class B Menhaden Boat License (Type 329);
(29) Resident Commercial Gulf Shrimp Boat (Type 330);
(30) Resident Commercial Shrimp Boat Captain (Type 333);
(31) Individual Bait Shrimp Trawl Tag (Type 334);
(32) Bait Shrimp Dealer (Type 335);
(33) Resident Commercial Bay Shrimp Boat (Type 336);
(34) Resident Commercial Bait Shrimp Boat (Type 337);
(35) Resident Commercial Crab Fisherman License (Type 338);
(36) Non-Resident General Commercial Fisherman (Type 340);
(37) Non-Resident Commercial Finfish Fisherman License (Type 361);
(38) Resident Commercial Oyster Fisherman (Type 370);
(39) Resident Commercial Finfish Fisherman (Type 371);
(40) Resident General Commercial Fisherman (Type 372);
(41) Finfish Import License (Type 380);
(42) Non-Resident Commercial Fishing Boat (Type 404);
(43) Non-Resident Commercial Oyster Boat (Type 406);
(44) Non-Resident Commercial Oyster Boat Captain (Type 409);
(45) Non-Res. Commercial Mussel and Clam Fisherman (Type 420);
(46) Non-Resident Sport Oyster Boat (Type 428);
(47) Non-Resident Commercial Gulf Shrimp Boat (Type 430);
(48) Non-Resident Commercial Shrimp Boat Captain (Type 433);

- (49) Non-Resident Commercial Bay Shrimp Boat (Type 436);**
- (50) Non-Resident Commercial Bait Shrimp Boat (Type 437);**
- (51) Non-Resident Commercial Crab Fisherman (Type 438);**
- (52) Non-Resident Commercial Oyster Fisherman (Type 470);**
- (53) Bait Dealer Business Building (Type 515);**
- (54) Bait Dealer Business Vehicle (Type 516);**
- (55) Resident Retail Alligator Dealers Permit (Type 544);**
- (56) Non-Resident Retail Alligator Dealers Permit (Type 545);**
- (57) Resident Wholesale Alligator Dealers Permit (Type 546);**
- (58) Non-Resident Wholesale Alligator Dealers Permit (Type 547);**
- (59) Resident All Water Fishing Guide (Type 610);**
- (60) Resident Paddlecraft Guide (Type 650);**
- (61) Non-Resident All Water Fishing Guide (Type 710); and**
- (62) Non-Resident Paddlecraft Guide (Type 750).**

(c) Except for the change in expiration date of certain licenses as specifically provided by subsections (a) and (b) of this section, all rules of the Texas Parks and Wildlife Department remain in effect and are unchanged by this section, including but not limited to size and bag limits.

This agency hereby certifies that the emergency adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

Issued in Austin, Texas, on