

TEXAS PARKS AND WILDLIFE DEPARTMENT

EXECUTIVE DIRECTOR ORDER NO. 023-003

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.

The Executive Director finds that additional discoveries of CWD in free-ranging white-tailed deer within 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) constitute 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 is necessary to address an immediate danger.

The emergency rules require all breeder deer to be tested for CWD (with a test result of "Not Detected") by means of an approved ante-mortem (live-animal) test as a condition of transfer to another deer breeding facility and expressly prohibit the removal of an identification tag prescribed by Parks and Wildlife Code, §43.3561, from a breeder deer except to immediately replace it with an identification tag meeting the requirements of Parks and Wildlife Code, §43.3561(c) or (h).

Therefore, finding that the immediate danger to both captive and free-ranging white-tailed and mule deer populations exists, the Executive Director hereby ORDERS the adoption, on an emergency basis, of an amendment to 31 TAC §65.95, concerning Movement of Breeder Deer, and §65.611 (relating to Prohibited Acts), in response to the ongoing and most recent detections of chronic wasting disease (CWD) in additional deer breeding facilities.

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 24th day of July, 2023.



David Yoskowitz, Ph.D.
Executive Director
Texas Parks and Wildlife Department