

# **Texas Parks & Wildlife COMMISSION POLICY MANUAL**

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## TABLE OF CONTENTS

PREFACE .....	3
CP-001 .....	5
CP-002 .....	10
CP-003 .....	11
CP-004 .....	12
CP-005 .....	14
CP-006 .....	15
CP-007 .....	16
CP-008 .....	17
CP-009 .....	19
CP-010 .....	21
CP-012 .....	23
CP-013 .....	24
CP-014 .....	25
CP-015 .....	26
CP-016 .....	27
CP-017 .....	30
CP-018 .....	31
CP-019 .....	32
CP-020 .....	34
CP-021 .....	35
CP-022 .....	36
HISTORY .....	37

## **PREFACE**

### **TEXAS PARKS AND WILDLIFE DEPARTMENT HISTORY AND MISSION**

Texas Parks and Wildlife Department (TPWD) was created in 1963 with the merger of the Texas Game and Fish Commission and the State Parks Board. The merger allowed more centralized control and effective management of the state's natural resources. In 1967, TPWD was given responsibility for acquisition and administration of state historic sites and structures. With passage of the Wildlife Conservation Act of 1983, TPWD was also given the authority for managing fish and wildlife resources (except oysters and shrimp) in all Texas counties. In 1985, the Texas Legislature extended the authority to manage shrimp and oysters, a role previously held almost exclusively by the legislature.

The mission of TPWD is to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations. TPWD currently oversees approximately 50 wildlife management areas and over 80 state parks, historic sites, and natural areas. TPWD has thirteen divisions responsible for protecting, interpreting, and managing cultural and natural resources: Coastal Fisheries, Communications, the Executive Office, Financial Resources, Human Resources, Information Technology, Infrastructure, Inland Fisheries, Law Enforcement, Legal, State Parks, Support Resources, and Wildlife.

### **TEXAS PARKS AND WILDLIFE DEPARTMENT PHILOSOPHY**

In fulfilling our mission, TPWD will:

- be a recognized national leader in implementing effective natural resources conservation and outdoor recreational programs.
- serve the state of Texas, its citizens, and our employees with the highest standards of service, professionalism, fairness, courtesy, and respect.
- rely on the best available science to guide our conservation decisions.
- responsibly manage agency finances and appropriations to ensure the most efficient and effective use of taxpayer and user fee resources.
- attract and retain the best, brightest, and most talented workforce to successfully execute our mission.

### **TEXAS PARKS AND WILDLIFE COMMISSION**

The Texas Parks and Wildlife Commission (Commission) consists of nine members appointed by the Governor with the advice and consent of the Senate. Commission members serve staggered terms of six years, with the terms of three members expiring every two years.

The Governor designates a presiding officer or chair of the Commission from among the members. The Commission elects a vice-chair from among its members to serve a two-year term.

The Governor fills vacancies on the Commission, while vacancies in the office of chair and vice-chair are filled in the same manner as the original appointment or election.

Members of the Commission serve without pay but are entitled to reimbursement for their actual expenses incurred in attending meetings and to compensatory per diem as provided in the General Appropriations Act.

## CP-001

# OVERVIEW AND MEETINGS OF THE TEXAS PARKS AND WILDLIFE COMMISSION

## COMMISSION OVERVIEW

### Official Name of the Commission

Texas Parks and Wildlife Commission (Commission)

### Election of Officers of the Commission

The Commission shall elect from among its members a vice-chair to serve a two-year period expiring the succeeding odd-numbered year.

### Duties of the Commission

The Commission's chief responsibility is the adoption of policies and rules to carry out all programs of Texas Parks and Wildlife Department (TPWD). The Commission approves the annual operating budget and the biennial appropriations request for submission to the Legislature, sets TPWD policy as required by statute, and appoints an Executive Director charged with the implementation of the daily administration and operations of TPWD.

Duties of the Commission directed by the Legislature are contained in [Parks and Wildlife Code, Chapter 11](#). Regulations prescribing additional duties and requirements approved by previous actions of the Commission are found in the Texas Administrative Code (TAC) and this manual.

### Duties of Officers

The Governor shall designate a member of the Commission as the presiding officer (Chair) of the Commission. The Chair presides over all meetings of the Commission. The Vice-Chair performs the duties of Chair in case of the Chair's absence or disability. Should the office of the Chair become vacant, the Vice-Chair shall serve until the Governor names a successor.

### Committees

The Chair is delegated the authority to establish such committees as may be necessary to execute the duties and responsibilities of the Commission ([Parks and Wildlife Code §11.0162](#)).

## COMMISSION MEETINGS

### Schedule and Location

All Commission meetings, regular and special, shall be open to the public except where closed or executive sessions are authorized by the Texas Open Meetings Act ([Gov't Code, Chapter 551](#)).

The Commission may meet as often as necessary but shall meet at least on a quarterly basis. The Commission shall also hold an annual public meeting to receive public comments concerning any issue relating to the Commission's regulatory powers and duties.

The Commission determines the frequency of meetings, taking into consideration the needs of TPWD. Five members constitute a quorum, the minimum number of members that must be present at any meeting to deliberate and take action.

In accordance with [Parks and Wildlife Code §61.103](#), statewide hunting and fishing proclamations must be adopted by a quorum of the Commission at a meeting held at the Commission's office in Austin. Additionally, a proclamation may be adopted at any special or regular meeting of the Commission, for which the date and time are designated by the Commission.

### **Transaction of Business**

The Commission may transact official business only when in session and shall not be bound in any way by any statement or action on the part of any individual member except when such statement or action is in pursuance of specific instructions of the Commission as a body. No final action shall be taken by the Commission except in open meeting and in accordance with the Texas Open Meetings Act ([Gov't Code, Chapter 551](#)).

### **Agenda**

Prior to each meeting, the Executive Director, in cooperation with the Chair, shall prepare and submit to each member of the Commission an agenda outlining matters that will be considered by the Commission (and such other matters, materials, and information as members have requested to be included for consideration).

### **Rules of Order**

In its deliberations, the Commission shall be governed by Roberts' Rules of Order, Revised, except as otherwise provided herein or by statute. The Executive Director shall serve as Sergeant-at-Arms.

## **MEETING GOVERNANCE AND PUBLIC COMMENT**

### **Overview**

The Commission respects the right of the public to offer input and comment as an important part of the Commission's decision-making process at its meetings.

Commission meetings are governed by this policy subject to the laws of the State of Texas and the United States Constitution. The Texas Open Meetings Act generally requires the Commission provide public notice of specific matters it intends to deliberate and act upon at a meeting of a quorum of Commissioners. The Commission also must provide an annual opportunity for public comment on any matters within its jurisdiction, even if those matters are not listed on the agenda for that meeting, provided that the Commission may not take action in response to such general public comment in the absence of a specific agenda item that gives notice of possible Commission action ([Parks and Wildlife Code §11.015](#)).

Commission meetings, including those identified as work sessions, are open to the public, as provided in the Texas Open Meetings Act. In general, the Commission does not take action on

the listed agenda items during work session meetings, and there is no opportunity for public comment. In some instances, the Commission may take emergency action during a work session meeting or reorder the agenda to deliberate and take action during the work session meeting to provide an efficient and orderly meeting.

The Commission may modify the open meeting and public comment procedures during declared disasters and other emergency situations, and in such instances will provide public notice of any changes.

### **Public Comment on Agenda Items Posted for Possible Commission Action**

At meetings of the Commission where the Commission has given notice that it intends to or may act upon a specific matter, members of the public are invited to offer oral<sup>1</sup> public comment on those specific matters. Oral public comment in those Commission meetings is subject to the reasonable, content-neutral limits described in this policy. This policy enables voices to be heard in Commission meetings while allowing the Commission to conduct, in an orderly manner, its public business as the law requires. The presiding officer, at their discretion, may modify the public comment policy during a meeting. Any modifications will be reasonable and content neutral.

Prior to any Commission vote or action on a particular agenda item, each person who wishes to speak must sign up on a form that is made available by the Clerk a reasonable time prior to the start of such meeting at the location of the meeting or as instructed in the public notice of the meeting.

After the presiding officer has called the specific agenda item to be considered, following any TPWD staff or other scheduled presentations, the presiding officer will announce an opportunity for oral comments on the specific agenda item. Members of the public who have timely submitted the form to offer public comment on the specific item will be called individually in the order determined by the presiding officer. All comments must be directly relevant to the specific agenda item.

Each person who seeks to offer comment is limited to a total time of not more than three minutes. A “stoplight” system is used to signal how much time a speaker has remaining. The yellow light means that a speaker’s time is almost over. The red light means that a speaker’s time is up, and the speaker must leave the podium. The presiding officer, at their discretion, may modify these time limits and rules during a particular meeting.

In addition to the oral public comments, the public can submit written comments by mail, email, in person, and online prior to action by the Commission. Written comments submitted in person should be submitted to the Clerk of the Commission (TPWD staff handling registration) with at least 15 copies at least 1 hour prior to the start of the meeting at which Commission action may

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<sup>1</sup> Upon request, TPWD provides auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, and large print or Braille documents. In determining the type of auxiliary aid or service, TPWD gives primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting notice several days before the meeting by mail, telephone, or RELAY Texas. TTY: 7-1-1.

be taken. All written comments will be made available to the Commissioners. Comments may also be made electronically at [https://tpwd.texas.gov/business/feedback/public\\_comment/](https://tpwd.texas.gov/business/feedback/public_comment/) or delivered or mailed to: Executive Office, Texas Parks and Wildlife Department, 4200 Smith School Rd., Austin, TX 78744. The deadline for submission of written comments may be modified for rulemaking items and land transaction items in accordance with other applicable law, including but not limited to the Texas Administrative Procedure Act ([Gov't Code, Chapter 2001](#)) and [Parks and Wildlife Code, Chapter 26](#).

### **Public Comment at an Annual Public Meeting (General Public Comment Sessions)**

At least once per year, the Commission holds an annual public meeting (as required by [Parks and Wildlife Code §11.015\(b\)](#)) at which general comments may be made by the public to the Commission. At these sessions, individuals have an opportunity to speak on any topic within the jurisdiction of the Commission. During a general public comment meeting, the Commission may not take action on the topics that are raised.

Prior to the beginning of a general public comment session, each person who wishes to make oral comments must complete, sign, and deliver to the Clerk a registration form that is made available by the Clerk a reasonable time prior to the start of such meeting at the location of the meeting. Individuals not providing oral testimony may still submit written comments. All written comments and documentation provided by both speakers and non-speakers should be submitted to the Clerk of the Commission (TPWD staff handling registration) with at least 15 copies at least 1 hour prior to the start of the meeting.

During the general public comment session, the presiding officer shall determine the order in which persons who have submitted the registration form on time shall offer their oral comments.

Comments by any one speaker shall be limited to no more than two minutes during general public comment sessions. A "stoplight" system is used to signal how much time a speaker has remaining. The yellow light means that a speaker's time is almost over. The red light means that a speaker's time is up, and the speaker must leave the podium.

Groups of people who wish to address one topic are encouraged to confer and appoint one or more representatives to deliver the group's comments rather than offering repetitious comments. The presiding officer, at their discretion, may reasonably modify these time limits and rules during a meeting.

### **Rules of Conduct for All Persons in Attendance at Commission Meetings**

All speakers who address the Commission are prohibited from making profane or personally threatening remarks or comments to TPWD staff, to any member of the Commission, or to others in attendance. Any person who does so or engages in any behavior that substantially disrupts the orderly conduct of any Commission meeting shall, at the discretion of the presiding officer, be removed from the meeting room. During public comment on specific noticed action items (not a "general public comment" session), the presiding officer, at their discretion, may limit or prohibit speakers from making comments that do not relate to the specific noticed agenda item. Failure of



a speaker or a member of the audience to comply with the presiding officer's direction to cease comments or behavior that violates these rules is grounds for removal from the meeting room. Substantial disruption of a Commission meeting is a violation of [Penal Code §42.05](#) (Class B Misdemeanor).

## **RECORDS**

### **Minutes of Commission Meetings**

Copies of the official minutes of each meeting of the Commission may be held within the Executive Office and are sent to the Texas State Library and Archives Commission (TSLAC), Archives and Information Services (ARIS) Division for preservation. Official copies of all Commission minutes shall be sent to the TPWD Records Management Branch, which is responsible for permanent retention of the minutes in accordance with the TPWD Records Retention Schedule. The Records Management Branch is also responsible for creating and sending the microfilm of the minutes to TSLAC. All Commission transcripts shall be published on the official TPWD website. These documents shall be available to any citizen desiring to examine them.

## **CP-002**

# **GENERAL POLICIES OF THE TEXAS PARKS AND WILDLIFE COMMISSION**

It is the policy of the Commission to:

- welcome suggestions from the public, solicit professional and technical advice, and consider the input of all citizens.
- conduct deliberations and arrive at decisions acting as a full Commission.
- provide the Executive Director with the opportunity to be heard and render advice and recommendations on all matters under consideration by the Commission prior to final Commission action.
- give direction and support to the Executive Director in carrying out the policies established by the Commission and in the discharge of general administrative duties and responsibilities.
- develop, maintain, and update a strategic plan.
- monitor the programs of TPWD to determine if TPWD's goals are being achieved.
- maintain a system of strong authority and responsibility and maintain the separation of program and administrative services unless recommended otherwise by the Executive Director and approved by the full Commission.
- support efforts to ensure equal employment opportunity and nondiscrimination on the basis of race, color, religion, age, sex, national origin, or disability in the provision of services and in personnel practices and procedures.
- request all advisory committees associated with TPWD to adopt these policies as appropriate.

## **CP-003**

# **RESPONSIBILITIES OF THE TEXAS PARKS AND WILDLIFE COMMISSION**

The Commission shall be responsible to the public for the overall conduct of TPWD with specific reference to:

- responsibility for the management and administration of TPWD funds.
- responsibility for explaining the financial needs of TPWD to the legislative bodies responsible for making budgetary appropriations.

The Commission shall adhere to the following guidelines:

- The Commission or any of its individual members should not take any direct responsibility for administering TPWD.
- The Commission should exercise its responsibility of explaining TPWD to the public, outlining its programs and policies and defending its actions.
- The Commission should also exercise its responsibility of representing and explaining to TPWD staff public reaction to TPWD programs and administrative procedures.
- The Commission will maintain familiarity with the federal and state constitutional provisions, statutes, and regulations directly affecting TPWD, and as appropriate, the Commission may seek the advice of the TPWD General Counsel.
- The Commission should assume responsibility for leadership in securing appropriate legislation to further existing programs or to provide for new and additional programs for the benefit of Texas citizens.
- The Commission should require that manuals be prepared to establish rules and procedures for carrying out the administrative responsibilities of TPWD.
- The Commission shall be responsible for preserving and conserving the resources of the State while preventing depletion and waste of those resources. This will necessitate giving biological data precedence over economic and political considerations.

Each Commission member should:

- have a good understanding of TPWD's mission and the importance of TPWD programs.
- have capacity to see TPWD objectively in relation to changing needs and to be receptive to changes necessary to meet such needs.
- understand TPWD policy on the difference in function between Commission and TPWD staff, and work in genuine accord with this policy.
- keep informed of developments in the various program areas appropriate to the work of TPWD.
- serve actively on the Commission, attend all Commission meetings regularly unless valid reasons prevent, and carry out all Commission assignments promptly.
- make constructive suggestions and criticisms regarding TPWD through the appropriate channels.

## **CP-004**

# **ESTABLISHING NEW POLICIES AND AMENDING OR RESCINDING EXISTING POLICIES**

The purpose of this policy is to establish requirements and best practices for the development, review, approval, and revision of all Texas Parks and Wildlife (TPW) Commission policies.

Policies state the Commission's intent or position on a given subject and provide a basis for consistent decision-making and resource allocation. Commission policies are approved by vote of the TPW Commissioners.

## **ESTABLISHING NEW AND AMENDING EXISTING POLICIES**

Requests for development or revisions of Commission policies may be initiated by any TPWD employee with approval of their Division Director. Prior to submission to the Commission Chair, policies are reviewed and approved by TPWD General Counsel, Chief Operating Officer (COO) and the Executive Director, in accordance with TPWD Policy on Developing and Revising Policies, Procedures, Plans, and Manuals ([PD-04-01](#)) and the Procedure on Developing and Revising Policies, Procedures, Plans, and Manuals ([PD-04-01A](#)).

All actions of the Commission that establish policy should be incorporated into a statement of policy enacted by a motion of approval at a Commission meeting.

An existing policy should be amended by appropriate motion of approval by the Commission. All amended policies published must show the date the amended policy is effective. Revisions involving only **minor** edits to an existing Commission policy may forego Division Director review but must receive final approval by the Executive Director before submission to the Chair. The term "minor edits" means document revisions that are incidental in nature, such as minor content rearrangement, formatting changes, or correcting misspellings, grammatical errors, or outdated links. The Chair may approve minor edits without a motion of approval and vote of the Commission.

The Policy Branch of the Support Resources Division is responsible for coordinating the development or revision of Commission policies.

## **RESCINDING EXISTING POLICY**

An existing policy should be rescinded by appropriate motion of approval by the Commission as of the date of such action or at an established future date, but the effective date cannot be made retroactive.

## **DOCUMENT IDENTIFICATION**

TPW Commission Policies use a systematic series of numbers and letters to identify and differentiate each policy. The Policy Branch and Legal Division staff, in consultation with the Executive Office, are responsible for assigning a title and document identifier at the time of

approval. The purpose of this policy is to establish requirements and best practices for the development, review, approval, and revision of all Texas Parks and Wildlife (TPW) Commission policies.

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## **CP-005**

### **TRAVEL AND USE OF STATE PROPERTY AND SERVICES**

#### **TRAVEL**

Members of the Commission are entitled to reimbursement for their actual expenses incurred in attending meetings and to the per diem as provided in the General Appropriations Act ([Parks and Wildlife Code §11.016](#)). Only those expenses authorized by the General Appropriations Act may be reimbursed.

#### **USE OF STATE PROPERTY AND SERVICES**

Members of the Commission may use state property and services to carry out official state business. Any personal use of state property, services, personnel, or other things of value is prohibited.

Members of the Commission have access to non-public information, and they may not use or disclose such information to benefit themselves or another.

## **CP-006**

### **GIFTS, PRIVATE GRANTS, DONATIONS, AND BEQUESTS**

The Commission is authorized to accept all bequests, gifts, and grants of money or property made to TPWD for carrying out the purpose set forth in the Parks and Wildlife Code. No person shall ever receive any payment for solicitation of any gift.

Current regulations require that gifts of money or property in the amount of \$500 or more be approved by the Chair or Vice-Chair, or another commissioner authorized to accept gifts in accordance with Commission budget policy. While the regulations allow certain TPWD staff to accept gifts contingent on Commission approval, any gift of real property or interests in real property may only be accepted by the Commission ([31 TAC §51.70](#)).

However, a commissioner may not accept any gift, regardless of value, from an entity associated with, or engage in professional travel to, a country on the U.S. Department of Commerce's foreign adversaries list defined in [15 CFR §791.4](#) ([Executive Order GA-48](#)).

## **CP-007**

### **REQUESTS FOR INFORMATION**

It is the policy of the Commission that all requests for information received by the Commission regarding functions and services of TPWD be acknowledged and forwarded at the earliest possible time to the appropriate TPWD staff. The Public Information Act, [Gov't Code, Chapter 552](#), governs how the Commission responds to requests for public information. It is the desire of the Commission that all requests for information be treated uniformly, as required under the Public Information Act. Requests will be responded to without regard to the position, occupation, or status of the requestor, or the method by which the request was submitted.

Public information is defined as information that was made, transmitted, maintained, or received in connection with the official business of TPWD ([Gov't Code §552.002](#)). This is regardless of whether the information is maintained in a private account or on a private device. However, the Commission is not required to create new information not already in existence to respond to a request. If a member of the Commission maintains information that is responsive to a request made under the Public Information Act, they will promptly provide that information to the appropriate TPWD staff member.



## **CP-008**

# **PROTECTION, CONSERVATION, AND MANAGEMENT OF NATURAL AND CULTURAL RESOURCES**

## **PURPOSE**

This policy is established in recognition of the statutory responsibility of the Commission and TPWD to protect, conserve, manage, and interpret the state's natural and cultural resources, and to aid in minimizing adverse impacts on these resources.

## **GENERAL POLICY STATEMENT**

It shall be the policy of the Commission that TPWD activities be conducted, and TPWD facilities be managed, using sound principles of natural and cultural resource management in order to protect, conserve, and provide for the wise use and enjoyment of the state's resources. These management principles shall be consistent with other TPWD objectives and legal obligations. Further, TPWD will serve as a model of compliance with the letter and spirit of natural and cultural resource laws and regulations.

When conducting TPWD activities and managing TPWD facilities, the following areas of responsibility will be considered.

### **Toxic and Hazardous Substances**

The management of TPWD activities and facilities may require the use of toxic or hazardous substances, including pesticides and herbicides. Responsible application and use of those substances must be undertaken only by personnel trained in their use, with equipment appropriate for use of the substances, and in full compliance with applicable laws. Alternatives to the use of those substances should be considered and adopted wherever practicable. Where alternatives are not available or practicable, the use of those substances should be kept to the minimum necessary to accomplish each task.

### **Sustainability**

TPWD recognizes that sustainability is an important component of natural and cultural resource management. As a conservation agency, TPWD strives to lead in the area of sustainability and will encourage staff to participate in sustainable practices. In support of these efforts, TPWD will focus on four major categories: energy efficiency, water conservation, clean air and transportation, and waste management and recycling. In addition, TPWD will strive to integrate climate resilience efforts into the conservation of fish and wildlife, vegetation communities, and ecosystem functions, as well as the human use of natural systems.

In addressing sustainability, TPWD must balance the need for sustainability with the operational realities of TPWD sites and facilities (e.g., long-term maintenance, repair, life-cycle costs). Prior to implementing sustainability measures, TPWD will consider feasibility and efficacy.

### **Natural and Cultural Resource Review**

Internal TPWD resource review processes will be implemented to apply to permits and grant applications received or submitted by TPWD; major planning and management initiatives developed by TPWD; major construction and renovation projects undertaken by TPWD; and any departmental activity potentially affecting endangered resources. TPWD divisions will develop review processes to ensure TPWD actions are consistent with natural and cultural resource laws and with recommendations made by TPWD on projects proposed by other regulated entities.

The Executive Director is specifically directed to institute measures to ensure accountability for compliance with this policy, and may direct as appropriate, periodic audits for all TPWD programs and activities.

### **Public Outreach**

As part of the review processes and/or in order to encourage public awareness of conservation principles, TPWD will distribute informational materials, develop programs, and provide other opportunities to engage with the public about TPWD's conservation activities and the importance thereof to the public. The Executive Director shall authorize staff to implement efforts to educate the public about the value and importance of natural communities, cultural use of the natural environment, biodiversity, ecological principles, and natural and cultural resource management.

## **CP-009**

### **BUDGET POLICY**

It is the policy of the Commission to authorize the Executive Director or their designee to increase, decrease, or otherwise adjust the budget during the fiscal year based on revenue and expenditure information. Changes to the budget may include:

- Adjust the budget to bring unexpended balances forward from the prior fiscal year's approved budgets.
- Adjust the budget for transfers between budgetary units, major expense categories, or line items.
- Adjust the budget to increase funds to allow payment of appraisal fees, witness fees, and investigation expenses on land acquisition and construction projects.
- Approve and/or execute contracts and agreements necessary in the daily operation of TPWD. Revenues derived from interagency agreements may be budgeted and expended.
- Adjust the budget for appropriated revenues, such as the sale of equipment, donations, concessions, escrow, refunds, insurance proceeds, and publications revenue, so long as the expenditures are in agreement with the stated program goals and there will be sufficient cash to cover the budgeted amounts during the relevant fiscal year.
- Approve and/or execute construction, repair, or renovation budgets, contracts, agreements, and change orders (if necessary) to complete a project.
- Adjust the budget from one TPWD facility major repair or development project to another or from available revenue to cover increased project costs or changes in scope.
- Allocate super combo license revenue to the related stamp funds according to the documented methodology and authorize the related transfers of revenue to appropriate accounts.
- Adjust the budget to cover the costs of lawsuits or settlements if deemed to be in the best interest of TPWD.
- Adjust the budget to place a TPWD facility into reasonable operation when its condition poses a health or safety hazard or seriously hampers its ability to function.
- Authorize classification changes anytime during a fiscal year, provided that such changes have been thoroughly justified and funds are available.
- Increase the number of positions when new facilities are placed into operation and/or new programs are implemented, staying within the authorized full-time equivalency (FTE) limit.
- Adjust the budget to make capital expenditures for construction projects funded in part with proceeds of bonds issued by the Texas Public Finance Authority.
- Approve and/or execute the reimbursement of construction project costs with the proceeds of tax-exempt bonds issued by the Texas Public Finance Authority, pursuant to federal Internal Revenue Code guidelines.

Any budget adjustments that exceed a threshold of \$250,000, excluding federal and bond funds, require the prior approval of the Chair, Vice Chair, or Commissioner designee through such means as a conference call or memo.

Donations or gifts exceeding \$500 shall be accepted on a monthly basis by the Chair, Vice-Chair, or commissioner designee, with Commission acknowledgement of the acceptance of the donations at each scheduled Commission meeting.

Subject to notification of the Commission of any changes to previously discussed purposes or uses of funds, TPWD is authorized to use dedicated accounts and sub-accounts for purposes consistent with those outlined in relevant law including administrative rules as set forth in the Texas Administrative Code.

## **REVIEW**

The Commission shall review this policy at least annually.

## CP-010

### THE ROLE OF THE EXECUTIVE DIRECTOR IN RELATION TO THE COMMISSION AND THE PUBLIC

**The Executive Director is accountable to the Commission for the overall operation of TPWD. Except as otherwise provided by law or directed by the Commission, the Executive Director may delegate to any employee of TPWD except the issuance of agency policy as they find necessary to carry out the Executive Director's assigned powers and duties.**

- The Executive Director shall take the initiative in interpreting programs to the Commission, in suggesting new ideas or plans to the Commission, and presenting matters for Commission consideration.
- The Executive Director shall make recommendations to the Commission concerning the affairs of TPWD.
- Together with the Chair and the members of the Commission, the Executive Director shall be responsible for preparing agendas for Commission meetings and for preparing reports for the meetings.
- The Executive Director shall act as the official TPWD representative with the public and shall keep the public informed through reports to the Commission regarding the operations of TPWD programs.
- The Executive Director is responsible for informing the Commission of the federal and state constitutional provisions, statutes, and regulations directly affecting TPWD.
- The Executive Director is responsible for ensuring compliance with all Commission policies and state and federal laws and regulations concerning TPWD.
- The Executive Director shall notify the Commission of any instance in which their actions are at variance with federal and state laws and regulations and Commission policies.
- The Executive Director is responsible for exercising control over all divisions of TPWD, and appointing, supervising, and removing staff.
- The Executive Director shall keep the Commission advised of the financial condition and future needs of TPWD.
- The Executive Director, with the aid of the Commission or its duly appointed committee, is responsible for preparing the budget requirements and reports for the Commission to submit to the Legislature and for budgetary administration of all appropriations to TPWD, including federal funds.
- The Executive Director shall prepare and submit the state plans for services to be provided by TPWD programs in accordance with federal requirements and regulations.
- The Executive Director shall have authority to execute contracts on behalf of TPWD.
- The Executive Director is responsible for development of uniform guidance and operational procedures that comply with applicable state and federal laws.
- The Executive Director shall be responsible for developing and maintaining an adequate and qualified internal affairs office and internal audit unit. The Internal Affairs Office is accountable to the Executive Director for the investigation of certain

departmental complaints, problems, and allegations of criminal misconduct. The Internal Audit unit is accountable directly to the Commission.

- The Executive Director shall be responsible for representing and explaining to the Commission public reaction to TPWD programs and administrative procedures.
- The Executive Director shall have authority to receive, acknowledge, and investigate complaints on behalf of the Commission under the Veteran's Employment Preferences statute ([Gov't Code, Chapter 657](#)) in order to facilitate the Commission's final review and decision.
- The Executive Director is authorized to grant easements as described in CP-020 Authority of the Executive Director Regarding Easements.

## **CP-012**

### **EMPLOYEES SEEKING PUBLIC OFFICE**

**The Commission does not believe that it would be in the best interest of TPWD for any employee to continue working for TPWD after becoming a candidate for any partisan public office,** nor would it be considered good policy for employees of TPWD to retain their position while running for partisan public office due to the possible political conflicts and reflections that might be cast upon TPWD with the community.

The Commission has therefore resolved that TPWD employees who desire to become candidates for any partisan public elective office shall resign from their position prior to or at the time of announcing their candidacy.

Nothing in this policy prohibits an employee from seeking or holding a non-partisan position on the governing bodies of school districts, cities, towns, or other local governmental districts as provided by law unless the employee's salary is completely paid for by federal funds ([5 U.S.C. §1502\(a\)\(3\)](#)). If TPWD employees serve as members of these governing bodies, they may not receive a salary for that service ([Texas Constitution Art. XVI, §40\(b\)](#)).

## **CP-013**

### **OUT-OF-STATE TRAVEL FOR DEPARTMENT EMPLOYEES**

It is the policy of the Commission that employees, in the performance of their state duties, traveling out-of-state, including to Canada, Mexico, Hawaii, Alaska, and U.S. possessions, must ensure prior approval from their Division Director and the Chief Operating Officer (COO). For international travel outside the U.S., Canada, or Mexico, employees must ensure prior approval from their Division Director, COO, and the Executive Director.



## **CP-014**

### **NAMING DEPARTMENT LANDS, FEATURES, AND FACILITIES**

**The Commission establishes the following criteria for considering names for TPWD land or features in order of preference for:**

- prominent natural geographic features, (e.g., Palo Duro Canyon and Elephant Mountain);
- outstanding natural resources, (e.g., Palmetto and Chaparral);
- significant historic events or personages, in the case of historic sites and parks, (e.g., Ft. Richardson and Stephen F. Austin);
- predominant man-made natural resources, such as lakes or impoundments, (e.g., Lake Whitney and Caddo Lake);
- names of features long established by local custom, (e.g., Black Gap or Dinosaur Valley);
- nationally prominent Texans of contemporary times who have consistently made significant contributions of national or international interest, (e.g., Lyndon B. Johnson and Dwight D. Eisenhower);
- donations of property to TPWD when naming is a condition of the gift (e.g., Muse and Kronkosky);
- TPWD employees who lost their lives in the line of duty (e.g., Justin Hurst and James E. Daughtrey);
- nearby towns or communities that were influential in establishment of the area, or that would add significant geographical reference (e.g., Abilene and Tyler);
- prominent Texans of contemporary times who have contributed to the acquisition of the property (e.g., Dan A. Hughes); and
- other criteria as deemed relevant by the Commission.

**The Executive Director may grant naming rights for TPWD facilities to corporate sponsors, foundations, or individuals when:**

- there is a significant sponsorship fee or donation provided to the TPWD;
- the naming right is defined in advance; and
- the naming right becomes null and void if the facility does not continue to be operated by TPWD.

## **CP-015**

### **OFFICIAL NONPROFIT PARTNER**

**As provided in [Parks and Wildlife Code §11.205](#), the Commission designated Texas Parks and Wildlife Foundation (Foundation) as the official nonprofit partner of TPWD.** The Commission finds that the Foundation has worked in cooperation with TPWD and is dedicated to meeting TPWD goals.

The Foundation may use state money to acquire property or engage in construction activities, and accept gifts, grants, and donations to further TPWD goals. The Foundation may solicit and accept sponsorships from private entities. The Foundation shall comply with [Parks and Wildlife Code §11.206](#) and the regulations governing non-profit partners in [31 TAC Chapter 51, Subchapter G](#).

## CP-016

### INVESTMENT POLICY

All funds paid to TPWD pursuant to [Parks and Wildlife Code §11.042](#) or allocated to TPWD pursuant to [Tax Code §151.801](#) must be deposited in the treasury with two exceptions: the Operation Game Thief Fund and the Texas Park Development Fund ([Parks and Wildlife Code §21.101](#)). The Operation Game Thief Fund is held outside the treasury and, as authorized by [Parks and Wildlife Code §12.201](#), is invested according to rules adopted by the Operation Game Thief Committee. Therefore, the investment of the Operation Game Thief Fund is not governed by this Investment Policy. Although not required, the Texas Park Development Fund is and will continue to be deposited in the treasury and invested by the Comptroller of Public Accounts.

[Parks and Wildlife Code §11.065](#) requires the Commission to adopt rules for investment of the Lifetime License Endowment Account. The Lifetime License Endowment Account is and will continue to be deposited in the treasury and invested by the Comptroller of Public Accounts.

In addition, TPWD has established an account at the Texas Treasury Safekeeping Trust Company, an organization created by the Texas Legislature to invest and safeguard funds for the state and various subdivisions whose sole shareholder and director is the Comptroller of Public Accounts.<sup>2</sup> TPWD's account at the Texas Treasury Safekeeping Trust Company is for the purpose of accepting donations of marketable securities which shall be held only until accepted by the Commission. Donations of marketable securities shall be sold promptly upon acceptance by the Commission and the proceeds shall be deposited into the treasury.

Finally, the Centennial Parks Conservation Fund is established as a trust fund outside the treasury to be used only for the creation and improvement of state parks ([Tex. Const. Art. III, §49-e-1](#)). This fund is held and invested through the Texas Treasury Safekeeping Trust Company in accordance with [Parks and Wildlife Code Ch. 21A](#) and is therefore not subject to this investment policy.

### OBJECTIVES OF TPWD

- Suitability of the investment for TPWD requirements
- Preservation and safety of the principal
- Liquidity
- Marketability
- Diversification of the portfolio
- Yield

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<sup>2</sup> TPWD jointly manages another Texas Treasury Safekeeping Trust Company account for the purpose of holding funds recovered under federal and state laws by the designated natural resource trustees for the State of Texas (TPWD, General Land Office, and Texas Commission on Environmental Quality) for restoration of natural resources lost or injured by the unauthorized discharge or release of oil or hazardous substances. A decision on use and any investment of these funds is exclusively the joint decision of the designated natural resource trustees and does not involve the Commission.

## POLICY GUIDELINES

- TPWD funds shall be held in the state treasury and invested by the Comptroller of Public Accounts under [Gov't Code §404.024](#).
- Mitigation funds distributed to TPWD shall be deposited in the state treasury and accounted for separately.
- Bank accounts authorized by [Gov't Code §§403.241-403.252](#) and the General Appropriations Act (petty cash accounts and imprest accounts for the purchase of evidence and/or information and surveillance) should be either interest-bearing accounts or accounts with no fees. Any interest earned in excess of bank fees shall be deposited in the General Revenue Fund. The establishment of any petty cash or imprest bank accounts must be approved by the TPWD Chief Financial Officer (Signature and Approval Policy [OP-03-03](#)). Continuance of bank accounts is dependent upon timely and accurate records keeping and reporting.

## TEXAS PUBLIC FUNDS INVESTMENT ACT: INVESTMENT OFFICER DESIGNATION AND REPORTING

- Pursuant to [Gov't Code §2256.004](#), the Texas Public Funds Investment Act (PFIA) does not apply to TPWD funds that are deposited into the state treasury and which are managed by the Comptroller of Public Accounts in accordance with [Gov't Code §404.024](#).
- In the event that TPWD funds are deposited outside of the state treasury and become subject to the PFIA, the TPWD Executive Director, or the Executive Director's designee, shall identify and designate an Investment Officer or Investment Officers ([Gov't Code §2256.005](#)).
  - The designated TPWD Investment Officer(s) shall perform the functions and responsibilities required by the PFIA.
  - The Investment Officer(s) shall attend investment training at least once each state fiscal biennium from a program recommended by the Texas Higher Education Coordinating Board.
  - The Investment Officer(s) are required to disclose any personal business or familial relationship with a business organization offering to sell investments to TPWD.
  - The Investment Officer(s) are required to provide a written copy of this Investment Policy to every business organization engaging in investment activity and must obtain written acknowledgement that the policy was received and reviewed, and that appropriate procedures and controls are in place to preclude unauthorized transactions.
  - The Investment Officer(s) will ensure that all TPWD funds outside the state treasury held in bank accounts are insured by FDIC up to the FDIC deposit insurance limit, currently \$250,000. If at any time deposits exceed the FDIC deposit insurance limit in any financial institution, the custodian of the affected

account(s) is required to obtain collateralizations that meets state requirements to cover the amount exceeding the deposit insurance limit.

- The Investment Officer(s) shall prepare reports of investment transactions for all funds managed under the PFIA within 45 days of the end of each quarter and distribute them to the members of the Commission, the Executive Director, and the Chief Financial Officer, as required by [Gov't Code §2256.023](#). These quarterly reports shall comply with statutory requirements for content.
- To the extent that the Texas Legislature modifies any provision of the PFIA that is applicable to TPWD's funds, the Investment Officer(s) shall prepare a report summarizing those legislative changes to the PFIA and distribute it to the members of the Commission, the Executive Director, and the Chief Financial Officer within six months of the end of a regular legislative session.

## **REVIEW**

The Commission shall review this policy at least annually pursuant to [Gov't Code §2256.005](#).

**CP-017****AUTHORITY OF THE EXECUTIVE DIRECTOR REGARDING OFF-SITE  
DRILLING FOR THE DEPARTMENT**

In situations in which minerals are owned or held in trust by TPWD, the Commission hereby delegates the authority to make recommendations for TPWD property that is nominated for mineral lease to the Executive Director, under the following conditions:

- no surface occupancy of department property is authorized;
- bonus, royalty, rental, and other payments to the department for department minerals are consistent with or higher than market conditions in the area; and
- the Executive Director reports to the Commission all recommendations made pursuant to this delegation of authority.

## **CP-018**

### **USE OF TECHNOLOGICAL SOLUTIONS**

TPWD shall use appropriate technological solutions to continue to improve TPWD's ability to carry out its mission. TPWD shall ensure that the public is able to interact with TPWD on the Internet. TPWD will continue to explore methods for providing information to the public and obtaining public input as technological innovations and methods of communication evolve.

## **CP-019**

### **ALTERNATIVE DISPUTE RESOLUTION**

#### **USE OF ALTERNATIVE DISPUTE RESOLUTION**

The Commission encourages the use of Alternative Dispute Resolution (ADR) procedures to resolve internal and external disputes under the agency's jurisdiction, as provided in the Governmental Dispute Resolution Act ([Gov't Code, Chapter 2009](#)).

ADR uses a wide variety of processes, both informal and formal, that are intended to achieve conflict resolution through agreement of the parties to the conflict. Those processes include but are not limited to mediation, arbitration, conciliation, consensus building, information exchange, public hearings, and facilitated meetings.

TPWD will determine whether ADR is appropriate for use in a dispute and may consult with other entities, such as the Office of the Attorney General.

#### **ALTERNATIVE DISPUTE RESOLUTION PROCEDURES**

The ADR procedures used by TPWD shall conform with [Gov't Code, Chapter 2009](#), and to the extent possible, the [Alternative Dispute Resolution Guidelines](#) developed by the State Office of Administrative Hearings.

ADR procedures used under this policy supplement and do not limit other dispute resolution procedures available for use by TPWD. Any resolutions reached will be by the voluntary agreement of the parties.

#### **ALTERNATIVE DISPUTE RESOLUTION COORDINATOR**

The TPWD General Counsel or another appropriate agency employee shall serve as the TPWD ADR Coordinator. The ADR Coordinator shall implement this policy, serve as a resource for training needed to implement this policy, and collect data concerning the effectiveness of ADR used by TPWD.

In addition, as appropriate and to the extent that funds are available, TPWD may contract with a qualified neutral third party to facilitate an ADR process. In facilitating an alternative dispute resolution process, the ADR Coordinator and any neutral third party with whom TPWD contracts will comply with applicable professional standards and guidelines.

#### **TYPES OF DISPUTES**

Among the matters that should be considered for ADR are rule development, contract disputes, contested cases, employment disputes, and litigation, subject to the following:

- **Vendor and contract dispute resolution:** The resolution of claims brought by bidders or contractors who are aggrieved in connection with a contract solicitation, evaluation, or award process will conform with the Commission's rule in [31 TAC §51.350](#). The resolution of certain breach of contract claims by contractors will conform with the



requirements of [Gov't Code, Chapter 2260](#) and the Commission's rules in [31 TAC Chapter 51, Subchapter J](#).

- **Employment dispute resolution:** The resolution of personnel complaints and disciplinary matters will be handled in accordance with the applicable Human Resources and Personnel policies.

## **RULEMAKING**

To the extent possible and practicable, in developing rules, TPWD staff is encouraged to seek input from the public and from persons and groups that may be impacted by the rule. Such input should be obtained in a manner that is likely to provide the most meaningful participation by the public and by impacted persons or groups. Such input should be in addition to the notice and comment requirements of the rulemaking provisions of the Administrative Procedure Act ([Gov't Code, Chapter 2001](#)). The mechanisms that staff are encouraged to employ in seeking input include but are not limited to the following:

- solicitation of input through the TPWD website or surveys;
- informal meetings with potentially impacted persons and groups;
- meetings with the appropriate advisory committee appointed by the Chair or an ad hoc committee of experts or interested persons or representatives of the public appointed by the Director in accordance with TPWD's rules regarding advisory committees ([31 TAC §51.601](#)); and
- negotiated rulemaking in accordance with the Negotiated Rulemaking Act ([Gov't Code, Chapter 2008](#)).

In determining whether to solicit input in developing a recommendation for proposed rule, staff should consider the significance of the anticipated rule and the scope of its impact. If it is determined that the solicitation of input is appropriate in developing a rulemaking recommendation, staff should strive to select a method of soliciting input that is most likely to obtain meaningful and representative input. In determining the appropriate method of soliciting input, staff should consider, among other things, the size and location of the population impacted by the rule (including whether the impact is localized or statewide), the nature of the impact (e.g., financial, recreational), the extent of the impact, whether there are competing interests, and the degree to which persons impacted are sophisticated in the rulemaking process.

## CP-020

### AUTHORITY OF THE EXECUTIVE DIRECTOR REGARDING EASEMENTS

The Commission has delegated to the Executive Director, or the Executive Director's designee, the authority to negotiate terms and conditions for the granting and/or renewal of certain easements for third-party use of TPWD lands, and to renew those easements consistent with TPWD policies and procedures. At the Executive Director's sole discretion, the Executive Director may refer to the Commission the granting or renewal of any easement. All easements and renewals must be consistent with TPWD policy and applicable statutes.

The Executive Director may grant easements on **TPWD lands** that:

- are for third parties for the sole or primary purpose of providing service to TPWD lands or facilities; or
- are for driveways that existed on TPWD lands prior to June 1, 2014.

The Executive Director may renew easements on **TPWD lands** that:

- were previously approved by the Commission or by the Executive Director;
- were issued by the Texas General Land Office; or
- were encumbered upon the land at the time of acquisition by TPWD.

The Executive Director may acquire easements on **private lands** that:

- are for the sole or primary purpose of providing service to TPWD lands or facilities.

## **CP-021**

### **USE OF EMINENT DOMAIN AUTHORITY FOR PARK ACQUISITION**

TPWD is authorized to acquire park sites devoted to public use through condemnation with payment of adequate compensation ([Parks and Wildlife Code §21.103](#)). The Commission recognizes eminent domain is an extraordinary power with immense impact to private landowners. The Commission recognizes the importance of its relationships with private landowners to manage fish and wildlife resources and will not exercise the power of eminent domain to take residences, farms, or ranches.

The Commission will limit the use of its eminent domain authority to involuntarily take private property for park sites to only exceptional and unusual circumstances as specified by this policy.

An “exceptional and unusual circumstance” means when property was previously dedicated to public use as a park and the property owner rejects an offer(s) to voluntarily convey the property. In exercising the power of eminent domain, the Commission will consider factors like the amount of public investment in the property, the level of public support for the acquisition, the number of visitors served by the property while dedicated to public use, and the natural and cultural resources of the property.

This policy does not restrict the Commission’s use of eminent domain when requested by the property owner(s), such as when necessary to clear title for a donation or sale of the property to TPWD.

## **CP-022**

### **NEW PARK DEVELOPMENT**

The purpose of this policy is to require the Texas Parks and Wildlife Department (TPWD) to develop a plan for the development and timely opening of new state parks following the full acquisition and assemblage of the land. The plan must outline a phased approach to public access ensuring sound planning, design, and construction practices while safeguarding the property's natural, cultural, and historic resources. The plan shall specify key milestones for each phase, including:

- **Phase 1: Facilitated Public Day Use**  
Within 12 months: park open for facilitated public day use (e.g., public hunts, guided tours, special events, fishing, paddling, birding).
- **Phase 2: Expanded Public Day Use**  
Within 18 months: park open for expanded public day use with access to basic essential components (e.g., limited trails, parking areas, restrooms).
- **Phase 3: Park Open**  
Within 48 months: park open with appropriate roads, utilities, and communications and facility infrastructure.

TPWD may develop additional park enhancements and infrastructure beyond the established timeline to address operational needs, public demand, and conservation priorities.

Additionally, TPWD will provide detailed updates on the progress of each state park development phase, including the types of public access available. This information will be accessible on the state parks' webpage(s). To ensure transparency and accountability, staff will report annually to the Commission on progress towards meeting key milestones for the development of new state parks.

## HISTORY

In 2023, the TPWD Commission and TPWD Executive Office staff determined the need to develop a policy to define the Commission's use of eminent domain, as defined in statute. The policy development was led by the Legal Division.

## REVISIONS

- **2025 May 22:** The following motion was adopted by the Texas Parks and Wildlife Commission at the Commission Meeting on May 22, 2025, making the revised policies effective immediately:  
*"The Texas Parks and Wildlife Commission adopts Commission Policy CP-022, New Park Development, attached as Exhibit A."*
- **2025 February 1:** Minor revisions were made to CP-006 Gifts, Private Grants, Donations, and Bequests due to Executive Order GA-48 from November 2024 regarding state agency/state employee interactions with certain foreign adversaries.
- **2024 August 1:** Minor revisions were made to CP-016 Investment Policy which added reference to the Centennial Parks Conservation Fund.
- **2024 May 23:** The following motion was adopted by the Texas Parks and Wildlife Commission at the Commission Meeting on May 23, 2024, making the revised policies effective immediately:  
*"The Texas Parks and Wildlife Commission adopts revised Commission Policy CP-001, Overview and Meetings of the Texas Parks and Wildlife Commission, attached as Exhibit A."*
- **2024 May 3:** Minor revisions were made to CP-002 which revised policy language from "support diversity and inclusion" to "support efforts" pertaining to agency equal employment opportunity and non-discrimination practices.
- **2023 November 1:** Minor revisions were made to CP-004 Establishing New Policies and Amending or Rescinding Existing Policies which updated the process of approval of Commission policies "by resolution" to "by a motion of approval" to align with current procedures.
- **2023 August 24:** The following motion was adopted by the Texas Parks and Wildlife Commission at the Commission Meeting on August 24, 2023, making the revised policies effective immediately:  
*"The Texas Parks and Wildlife Commission adopts Commission Policy CP-021, Use of Eminent Domain Authority for Park Acquisition, attached as Exhibit A."*
- **2022 August 25:** The following motion was adopted by the Texas Parks and Wildlife Commission at the Commission Meeting on August 25, 2022, making the revised policies effective immediately:

*“The Texas Parks and Wildlife Commission adopts revised policies as listed in Exhibit A and rescinds Commission Policy CP-011. This Commission action is effective immediately and will remain in effect until repealed by the Commission voting in public session.”*

TPWD prohibits discrimination on the basis of race, color, religion, national origin, disability, age, and gender, pursuant to state and federal law. To request an accommodation or obtain information in an alternative format, please contact TPWD on a Text Telephone (TTY) at (512) 389-8915 or by Relay Texas at 7-1-1 or (800) 735-2989. If you believe you have been discriminated against by TPWD, please contact:

- TPWD, 4200 Smith School Road, Austin Texas 78744, (512) 389-4800, (800) 792-1112, or TTY (512) 389-8915; or
- Office for Diversity, Inclusion and Civil Rights, Department of the Interior, 1849 C Street, NW, Washington, D.C. 20240; or
- U.S. Department of Homeland Security, Office of Civil Rights and Civil Liberties Compliance Branch, Mail Stop #0190 2707, Martin Luther King, Jr. Ave., SE Washington, D.C. 20528, (202) 401-1474 or (866) 644-8360

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