

TEXAS PARKS AND WILDLIFE DEPARTMENT

EXECUTIVE DIRECTOR ORDER NO. 015-001

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.

Alligator gar are a nongame fish subject to regulation by the Commission under the provisions of Parks and Wildlife Code, Chapter 67. Under the provisions of agency rules at 31 TAC §57.977, the Executive Director of the department may temporarily prohibit the take of alligator gar in places where they are spawning or are about to spawn. The Executive Director finds that recent heavy rainfall in the upper Trinity River watershed has created environmental conditions conducive for alligator gar spawning, and that because of the vulnerability of alligator gar to harvest during spawning events, coupled with the infrequent presence of suitable spawning conditions, there is therefore an immediate danger to alligator gar resources in the river extent between the State Highway (S.H.) 31 crossing in Henderson and Navarro counties downstream to the S.H. 7 crossing in Houston and Leon counties. The need to protect alligator gar during spawning activity creates an imperative necessity to engage in emergency rulemaking. The Executive Director also finds that due to the immediate nature of the threat it is necessary to adopt the rule with fewer than 30 days' notice. The Executive Director hereby authorizes the adoption, on an emergency basis, an amendment to 31 TAC §57.977 to prohibit the take of alligator gar in the Trinity River between the S.H. 31 crossing in Henderson and Navarro counties downstream to the S.H. 7 crossing in Houston and Leon counties, to be effective immediately upon filing, and authorizes publication of a Notice of Emergency Adoption in the Texas Register. The Executive Director further orders department staff to provide appropriate notice to the public that the take or attempted take of alligator gar in an affected area is prohibited.

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

Signed this the 12th day of May, 2015.

A handwritten signature in black ink, appearing to read "Carter Smith". The signature is fluid and cursive, with a large loop at the end.

Carter Smith
Executive Director
Texas Parks and Wildlife Department