

TEXAS PARKS AND WILDLIFE DEPARTMENT
EXECUTIVE DIRECTOR ORDER NO. 015-009

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 (the Department) 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 August 18, 2015, the Executive Director found that the discovery of CWD in a Texas deer breeding facility regulated under Parks and Wildlife Code, Chapter 43, Subchapter L and regulations adopted pursuant to that subchapter (31 TAC Chapter 65, Subchapter 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 the immediate danger. The emergency adoption appeared in the September 4, 2015, issue of the *Texas Register* (40 TexReg 5566).

The Department subsequently proposed interim rules to replace the emergency rules (40 TexReg 6856). The adoption of the interim rules was approved by the Commission in a duly noticed meeting on November 5, 2015. The interim rules will replace the emergency rules and the emergency rules will be withdrawn simultaneously upon the effectiveness of the interim rules. However, the interim rules will not take effect prior to December 15, 2015, the expiration date of the initial 120-day period of effectiveness for the emergency rules. Under the provisions of Government Code, §2001.034, a state agency may extend the effectiveness of an emergency rule for an additional 60 days. An extension of the emergency rules is necessary to continue their effectiveness until the adoption of the interim rules can be filed and take effect, which will take place prior to the expiration of the 60-day extension. Therefore, the entirety of the 60-day extension will not be necessary.

Therefore, finding that the immediate danger of CWD to native deer continues to exist, the Executive Director hereby ORDERS a 60-day extension of 31 TAC §§65.90-65.93. 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 is effective immediately.

Signed this the 14th day of December, 2015.



Carter Smith
Executive Director
Texas Parks and Wildlife Department