

TEXAS PARKS AND WILDLIFE DEPARTMENT

EXECUTIVE DIRECTOR ORDER NO. 023-006

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 transmissible, fatal neurodegenerative disorder that affects some cervid species, including white-tailed deer and mule deer.

The Executive Director finds that the recent discovery of CWD in a white-tailed deer within a deer breeding facility regulated under Parks and Wildlife Code, Chapter 43, Subchapter L, and rules adopted pursuant to authority delegated to the Commission and the Department under 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 that immediate danger.

On September 7, 2023, the department received confirmation that a six-year-old female deer in a deer breeding facility located in Kimble County had been confirmed positive for CWD. The emergency rule establishes a CWD surveillance zone consisting of all properties wholly or partially within a two-mile radius of the index facility, within which special provisions apply to the movement and transport of white-tailed deer and their carcasses and parts, and requires hunters that harvest a white-tailed deer or other CWD susceptible species within the SZ to bring the harvested animal to a TPWD check station for collection of a sample for CWD testing.

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 §65.82, concerning Surveillance Zones; Restrictions, in response to the most recent detection of chronic wasting disease (CWD) in a deer breeding facility.

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 29th day of September, 2023.



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