

## TEXAS PARKS AND WILDLIFE DEPARTMENT

### EXECUTIVE DIRECTOR ORDER NO. 023-007

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.

On July 24, 2023, the Executive Director authorized the filing of emergency amendments to 31 TAC §65.95 and §65.911 (48 TexReg 4338) in response to the discovery of CWD in free-ranging white-tailed deer in 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). On November 20, 2023, those rules will have been in effect for 120 days. On November 2, 2023, the Commission adopted an amendment to §65.95. The Notice of Adoption will be filed by the Department at some point in the future; however, the Executive Director has determined that the emergency action with respect to §65.95 must remain in effect due to the continuing immediate danger posed to native and captive deer populations by the transfer of breeder deer between breeding facilities. Therefore, this emergency action will have a maximum effectiveness of 60 days to preserve the statutory limitation of a total of 180 days for any emergency rule.

The emergency rule requires breeder deer to be ante-mortem tested prior to transfer to another breeding facility.

Therefore, finding that the immediate danger to both captive and free-ranging white-tailed and mule deer populations continues to exist, the Executive Director hereby ORDERS a 60-day extension of the emergency action affecting 31 TAC §65.95. This order is effective immediately upon filing, and authorizes publication of a Notice 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 20th day of November, 2023.



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