

EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE

SUBCHAPTER N. MIGRATORY GAME BIRD PROCLAMATION

31 TAC §65.314

Pursuant to Parks and Wildlife Code, §12.027 and §64.024, and Government Code, §2001.034, the executive director of the Texas Parks and Wildlife Department (the department) and the Parks and Wildlife Commission (commission) adopts, on an emergency basis, an amendment to 31 TAC §65.314, concerning Doves (Mourning, White-Winged, White-Tipped, White-Fronted Doves).

Under Parks and Wildlife Code, §12.027, if the commission or the 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, Chapter 2001. Under Parks and Wildlife Code, §64.024, the commission may adopt an emergency regulation governing the hunting or possession of migratory game birds if the commission finds that an emergency condition affecting the supply or condition of migratory game birds exists, and rulemaking authority with respect to migratory game birds is delegated to the executive director under §64.022 and 31 TAC §65.313.

The department's executive director has determined that the dates listed in §65.314(b)(3)(B), during which specific daily bag limits apply in the South Zone and Special White-winged Dove Area, create an emergency condition and an immediate danger to dove species authorized to be regulated by the department and have the potential to affect the supply or condition of migratory game birds, and that the adoption of rules on an emergency basis with fewer than 30 days' notice is necessary to address this immediate danger and emergency condition.

The emergency rules will initially be in effect for 120 days but may be extended for an additional 60 days.

The department has determined that because the dates listed in §65.314(b)(3)(B), during which specific bag limits apply for dove seasons in the South Zone and Special White-winged Dove Area refer to the 2022-2023 dove seasons, the effect is to remove bag limits for doves in the South Zone and Special White-winged Dove Area for the 2023-2024 dove seasons, which creates the possibility of excessive harvest, which in light of severe prolonged drought and high temperatures over much of the state,

could result in severe impacts to dove populations far into the future. The department cannot remedy the situation via the normal rulemaking process, as dove season is already open and the danger to the species is immediate. Therefore, the emergency amendment is necessary to eliminate that danger. The amendment replaces the reference to last year's dove seasons dates with the correct dates for this year's remaining dove seasons in the South Zone and Special White-winged Dove Area, adjusted for calendar shift, which is necessary to preserve the season structure for opening and closing on specific days of the week. The department establishes dove seasons on an annual basis and will address the issue via the normal rulemaking process prior to the 2024-2025 dove seasons.

The rule is adopted on an emergency basis under Parks and Wildlife Code, §12.027, which authorizes the commission or the department's executive director to adopt emergency rules if there is an immediate danger to a species authorized to be regulated by the department, Parks and Wildlife Code, §64.024, which authorizes the commission to adopt an emergency regulation governing the hunting or possession of migratory game birds if the commission finds that an emergency condition affecting the supply or condition of migratory game birds exists, Parks and Wildlife Code, 64.022, which authorizes the commission to delegate rulemaking authority with respect to migratory game birds to the executive director, and 31 TAC §65.313, which authorizes the executive director to engage in rulemaking pursuant to §64.022.

§65.314. Doves (Mourning, White-Winged, White-Tipped, White-Fronted Doves).

(a) Zones.

(1) North Zone: That portion of the state north of a line beginning at the International Bridge south of Fort Hancock; thence north along FM 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to Interstate Highway 20; thence northeast along Interstate Highway 20 to Interstate Highway 30 at Fort Worth; thence northeast along Interstate Highway 30 to the Texas-Arkansas state line.

(2) Central Zone: That portion of the state between the North Zone and the South Zone.

(3) South Zone and Special White-winged Dove Area: That portion of the state south of a line beginning at the International Toll Bridge in Del Rio; thence northeast along U.S. Highway 277 Spur to U.S. Highway 90 in Del Rio; thence east along U.S. Highway 90 to State Loop 1604; thence following Loop 1604 south and east to Interstate Highway 10; thence east along Interstate Highway 10 to the Texas-Louisiana State Line.

(b) Seasons; Daily Bag Limits.

(1) North Zone.

(A) Dates: September 1 - November 12, 2023 and December 15-31, 2023.

(B) Daily bag limit: 15 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-tipped doves per day.

(2) Central Zone.

(A) Dates: September 1 - October 29, 2023 and December 15, 2023 - January 14, 2024.

(B) Daily bag limit: 15 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-tipped doves per day.

(3) South Zone and Special White-winged Dove Area.

(A) Dates: September 1-3 and 8-10, 2023; September 14 - October 29, 2023; and December 15, 2023 - January 21, 2024.

(B) Daily bag limit:

(i) from September 8-10, 2023 [~~2-4 and 9-11, 2022~~]; 15 white-winged doves, mourning doves, and white-tipped (white-fronted) doves, in the aggregate to include no more than two mourning doves and two white-tipped (white-fronted) doves per day.

(ii) from September 14 - October 29, 2023 [~~30, 2022~~] and December 15, 2023 - January 21, 2024 [~~December 17, 2022 - January 22, 2023~~]; 15 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-tipped (white-fronted) doves per day.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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