

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 A. STATEWIDE HUNTING PROCLAMATION

DIVISION 2. OPEN SEASONS AND BAG LIMITS

31 TAC §65.42

Pursuant to Parks and Wildlife Code, §12.027, and Government Code, §2001.034, the executive director of the Texas Parks and Wildlife Department (the department) adopts, on an emergency basis, an amendment to 31 TAC §65.42, concerning Deer.

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.

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

The department's executive director has determined that during the course of recent rulemaking, the provisions of §65.42(b)(2)(I) - (K) and paragraphs (3) - (7) were inadvertently removed from TAC in a manner inconsistent with the requirements of Government Code, Chapter 2001, governing notice of proposed rules, and should not have been removed. The unintended removal of the provisions (which affect seasons, bag limits, special provisions, and restrictions) creates an emergency condition and an immediate danger to white-tailed deer populations regulated by the department, necessitating the adoption of rules on an emergency basis with fewer than 30 days' notice. The department cannot remedy the situation via the normal rulemaking process, as some deer seasons affected are already open and the danger to the species is immediate. Therefore, the emergency amendment is necessary to eliminate that danger. The amendment reinstates the missing provisions. The department establishes deer seasons on an annual basis and will remedy the issue via the normal rulemaking process prior to the 2027-2028 deer 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.

§65.42. *Deer.*

(a) (No change.)

(b) White-tailed deer. The open seasons and bag limits for white-tailed deer shall be as follows.

(1) (No change.)

(2) North Zone. The general open season for the counties listed in this paragraph is from the first Saturday in November through the first Sunday in January.

(A) - (H) (No change.)

(I) In Andrews, Bailey Castro, Cochran, Dallam, Dawson, Deaf Smith, Gaines, Hale, Hansford, Hartley, Hockley, Lamb, Lubbock, Lynn, Martin, Moore, Oldham, Parmer, Potter, Randall, Sherman, Swisher, Terry, and Yoakum counties, the bag limit is three deer, no more than one buck and no more than two antlerless.

(J) In Crane, Ector, Loving, Midland, Ward, and Win-kler counties:

(i) the bag limit is three deer, no more than one buck and no more than two antlerless; and

(ii) antlerless deer may be taken by MLDP tag only.

(K) In all other counties, there is no General Season.

(3) Antler Restrictions. In each county for which antler restrictions are imposed under the provisions of this subsection:

(A) a legal buck is a buck deer with:

(i) at least one unbranched antler; or

(ii) an inside spread of 13 inches or greater;

(B) no person may take more than one buck with an inside spread of 13 inches or greater; and

(C) a person who takes a buck deer in violation of sub-paragraph (A)(ii) of this paragraph is prohibited from subsequently har-vesting any buck deer with branched antlers on both main beams in that county.

(4) Special Late General Seasons.

(A) There is a special late general season during which harvest is restricted to antlerless and unbranched antlered deer, as fol-lows:

(i) in the counties listed in paragraph (1)(A) and (B) of this subsection: 14 consecutive days starting the first Monday fol-lowing the third Sunday in January;

(ii) in the counties listed in paragraph (2)(A) - (C) and (E) of this subsection: 14 consecutive days starting the first Mon-day following the first Sunday in January.

(iii) In all other counties there is no special late gen-eral season.

(B) The bag limit during a special late general season is the bag limit established for the county for the general open season and is not in addition to any other bag limit.

(5) Archery-only open seasons.

(A) There shall be an archery-only open season in all counties in which there is an open general season.

(B) The open season is from the Saturday closest to September 30 for 35 consecutive days.

(C) The bag limit in any given county is as provided for that county during the general open season.

(D) No MLDP tag is required to hunt antlerless deer unless MLDP tags have been issued for the property.

(E) Antlerless deer may be taken on USFS lands during an archery-only season.

(6) Muzzleloader-only open seasons, and bag and possession limits shall be as follows. In Anderson, Angelina, Austin, Bastrop, Bell (East of IH 35), Bowie, Brazoria, Brazos, Brewster, Burleson, Caldwell, Camp, Cass, Chambers, Cherokee, Colorado, Comal (East of IH 35), Culberson, Delta, DeWitt, Ellis, Fannin, Falls, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Hays (East of IH 35), Henderson, Hopkins, Houston, Hunt, Jackson, Jasper, Jeff Davis, Jefferson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Marion, Matagorda, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Presidio, Rains, Red River, Reeves, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Travis (East of IH 35), Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Williamson (East of IH 35), Wilson and Wood counties, there is an open season during which deer may be taken only with a muzzleloader.

(A) The open season is 14 consecutive days starting the first Monday following the first Sunday in January.

(B) The bag limit for buck and antlerless deer is as specified in this section for the general season in the county or portion of a county in which take occurs.

(C) Antlerless deer may be taken on USFS lands during a muzzleloader-only season.

(7) Special Youth-Only Seasons. There shall be special youth-only general hunting seasons in all counties where there is a general open season for white-tailed deer.

(A) The early open season is the Friday, Saturday, and Sunday immediately before the first Saturday in November.

(B) The late open season is 14 consecutive days starting the first Monday following the first Sunday in January.

(C) Bag limits, provisions for the take of antlerless deer, and special requirements in the individual counties listed in paragraph (2)(A) - (G) of this subsection shall be as specified for the first two days of the general open season in those counties, except as provided in subparagraph (D) of this paragraph.

(D) Provisions for the take of antlerless deer in the individual counties listed in paragraph (2)(G) of this subsection shall be as specified in those counties for the period of time from the second Saturday of November through the Sunday immediately following Thanksgiving Day.

(E) Other than on properties where MLDP tags have been issued under the provisions of §65.29(c)(2) of this title, only licensed hunters 16 years of age or younger may hunt deer during the seasons established by this paragraph, and any lawful means may be used.

(F) The stamp requirement of Parks and Wildlife Code, Chapter 43, Subchapter I, does not apply during the seasons established by this paragraph.

(G) Antlerless deer may be taken on USFS lands during special youth-only deer seasons.

(c) (No change.)

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.

Filed with the Office of the Secretary of State on October 8, 2026.

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