

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 1. GENERAL PROCEDURES SUBCHAPTER R. ZERO AGRICULTURAL PEST AND DISEASE GRANT PROGRAM

4 TAC §§1.1200 - 1.1206

The Texas Department of Agriculture (Department) adopts new Texas Administrative Code, Title 4, Part 1, Chapter 1, Subchapter R, §§1.1200 - 1.1206 relating to the establishment, implementation, and administration of the Zero Agricultural Pest and Disease Grant Program (Program), including eligibility, use of funds, application, and reporting requirements.

Section 1.1200 outlines the purpose of the Program. Section 1.1201 provides the authority for and outlines the method of administration of the Program. Section 1.1202 delineates the applicant eligibility requirements to participate in the Program. Section 1.1203 describes allowable activities for use of funds in the Program. Sections 1.1204, 1.1205, and 1.1206 identify requirements related to Program administration, including the application process and requirements, and reporting requirements. The foregoing rules are adopted without changes to the proposal published in the June 30, 2023, issue of the *Texas Register* (48 TexReg 3444) and will not be republished.

SUMMARY OF COMMENTS AND AGENCY RESPONSE

The public comment period on the proposed rules began June 30, 2023 and ended July 31, 2023.

COMMENT: The Department received one comment from Plains Cotton Growers, Inc., which expressed strong support for the proposed rules and creation of the Program.

AGENCY RESPONSE: The Department appreciates the comment submitted in support of the proposed rules and creation of the Program.

The new rules are adopted pursuant to §12.016 of the Code, which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code and to implement Chapter 71, Subchapter E of the Code, which directs the Department to establish a plant pest and disease detection and surveillance program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 30, 2023.

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Susan Maldonado

General Counsel

Texas Department of Agriculture

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For further information, please call: (512) 463-6591



TITLE 22. EXAMINING BOARDS

PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

SUBCHAPTER B. LICENSING REQUIREMENTS

22 TAC §463.8

The Texas Behavioral Health Executive Council adopts amendments to §463.8, relating to Licensed Psychological Associate. Section 463.8 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1700) and will not be republished.

Reasoned Justification.

The adopted amendments correct typographical errors in subsections (a)(3), (b)(3), and (c)(3). The adopted amendment to subsection (a)(2) will allow for the supervised experience from an internship, practicum, or the like to count towards licensure if it is obtained under an individual licensed as an LSSP, instead of only under the supervision of a psychologist. Subsection (c)(5) has been amended to allow a provisionally licensed psychologist to count supervision hours obtained towards the independent practice requirements as an LPA. Subsection (d) has been deleted to correspond with the adopted change to §463.11, which deletes the gap requirements for when supervised experience was obtained and when an application was submitted. Subsection (f) extends a grandfathering provision for degrees in psychology that began before August 31, 2019. And subsection (g) creates a way for applicants with deficiencies to petition for permission to remediate certain areas of deficiency.

List of interested groups or associations against the rule.

The Texas Association of School Psychologists

Summary of comments against the rule.

A commenter disagreed with this rule change because the commenter has been licensed as an LPA and LSSP since the 1990s and the commenter believes there should be a grandfathering provision added to the independent practice status supervised experience requirements for those licensees who may no longer have documentation of the supervision they received under a psychologist if it occurred a long time ago.

A commenter disagreed with this rule change because the commenter stated that the training and scope of practice for an LSSP and LPA are dissimilar. LSSPs specialize in knowledge of the school system and IDEA eligibility criteria and not the many diagnoses listed in the DSM. Therefore, LPAs are not competent to practice in a school setting, having an LSSP supervise an LPA would not remedy this type of deficiency in competence, and LSSPs are not trained to supervise LPAs beyond the scope of practice for an LSSP.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

A Commenter voiced support for these rule changes. The commenter opined that Texas has a shortage in its mental health workforce and the commenter believes some of these rule changes may help address some of the issues preventing otherwise qualified applicants from obtaining licensure.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. A grandfathering provision was not considered in the original proposal so adopting the rule with such an amendment would be outside the scope of the original proposal. Documentation of supervised experience is required for all applicants by §882.2 so a waiver of this requirement would not be possible.

The Executive Council acknowledges the differences in the education, training, and scope of practice between LSSPs and LPAs. The amended rule does not expand the scope of practice for LPAs, this rule amendment does not allow for LPAs to conduct the practice of school psychology in a school setting. What this rule amendment does is allow for applicants that have completed at least six hours of structured supervised experience, such as in internship or practicum, under the supervision of a licensed psychologist or an LSSP to be eligible to apply for an LPA. Before an LPA can independently conduct the practice of psychology, the LPA must obtain at least 3,000 hours of supervised experience delivering psychological services under the supervision of a licensed psychologist. Therefore, an LPA must have practiced under the supervision of a licensed psychologist for at least two years before an LPA can practice psychology independently, and the Executive Council, along with the Texas State Board of Examiners of Psychologists, believes this will ensure that future LPAs are competent to provide psychological services to the public.

The Executive Council appreciates the supportive comments.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

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For further information, please call: (512) 305-7706



PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §681.35

The Texas Behavioral Health Executive Council adopts new §681.35, relating to Informed Consent. Section 681.35 is adopted without changes to the proposed text as published in

the March 31, 2023, issue of the *Texas Register* (48 TexReg 1703) and will not be republished.

Reasoned Justification.

This adopted new rule transfers the existing requirements for informed consent from current §681.41 to this new rule, and it adds new language in subsection (d). Subsection (d) is intended to create a standard by which informed consent can be provided by licensees to clients while licensees are employed by agencies or institutions, where obtaining signed documentation may not be possible or easily accomplished. The adopted new rule requires the same level of notice and public protection that is currently required, while also creating a regulation that is not overly burdensome or impossible to comply with for licensees.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter voiced opposition to this rule because the commenter opined that it was confusing. The commenter's questions centered around the new language in subsection (d), wondering if the written documentation required by this subsection must be made in a session note and whether it needs to be signed by the recipient of services. Further the commenter questioned whether this rule would allow a licensee to provide services to a minor child without a signed informed consent.

Another commenter disagreed with this rule because the commenter felt the rule creates an informed consent that will be multiple pages in length, that the added information is easily provided via public display in an office, and a counselor is not often certain which techniques could be used in the course of treating a client so when new or different techniques or treatments are used it will require additional informed consent which will in turn lead to larger storage requirements.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

A commenter, agreeing with the rule, questioned whether the rule waives the specific informed consent requirement for LPCs and LPC Associates, such as a licensee working at an inpatient medical facility that has a general medical consent but not a counseling specific informed consent.

A commenter agreed with the rule change but felt that subsection (c), regarding the need to obtain the appropriate documentation of legal authority for a parent or guardian to consent the services of a minor child, was either duplicative or insufficient. Additionally, the commenter felt subsection (d) sets up an unintended conflict when a client lacks the capacity to provide consent.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. The requirements listed in subsections (a) through (c) of this rule are identical to those that are contained in current §681.41. Subsection (d) contains the only new rule language, and this language requires licensees to provide the same notice to clients as a typical signed informed consent. The only difference is if a licensee is employed by an agency or institution the signature of the client is not required but a licensee is still required to document that all the same required elements

of an informed consent were provided to the client and the client consented.

The rule does not specify where such documentation must be entered so long as it is maintained in the client's records. This new rule language does not modify who has legal authority to provide consent for services, a minor child still lacks the legal authority to provide consent for services so a legally authorized individual, such as a parent or guardian, is still required to provide consent.

The elements required to be in an informed consent have not changed, so the commenter's assertion that this rule will lengthen the requirements is inaccurate. One of the purposes of this rule is to ensure that a client is given sufficient notice of the agreement being entered into between the licensee and client, e.g., counseling purposes, goals, and techniques; payment arrangements; and the limits on confidentiality. If a licensee makes a material change to this agreement then an updated informed consent regarding the changes is required under the current rules and will continue to be required under this new rule.

This new rule does not waive the informed consent requirements for any LPCs and LPC-Associates, it only waives the requirement for the client's signature on an informed consent when a licensee is employed by an agency or institution.

Subsection (c) of this new rule contains the same language in current §681.41, and the Council does not find the language in subsection (c) to be unclear. Subsection (c) unambiguously states that if a licensee is providing services to a minor client that is named in a custody agreement or court order, then the licensee must obtain, review, and abide by the custody agreement or court order, as well as any applicable part of a divorce decree. Additionally, new subsection (d) does not modify the requirement that an individual must first have the legal authority to consent for service, so the Council does not see any unintended conflict caused by this subsection.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications neces-

sary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.36

The Texas Behavioral Health Executive Council adopts new §681.36, relating to Client Records. Section 681.36 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1704) and will not be republished.

Reasoned Justification.

This adopted new rule transfers the existing requirements for records from current §681.41 to this new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter voicing opposition to this rule stated that subsection (c) puts unnecessary responsibility on a licensee when agencies and institutions own the client's records and thus should remain the property of the agency or institution.

Another commenter opposed this rule opining that it is unreasonable for clinicians to keep records until the client reaches 18 years and then five years after that, and the commenter would like for the requirement to change to 7 years for all clients, regardless of the age of the client. The commenter believes this requirement is too costly to comply with and the commenter cannot recall ever receiving a request for records from a family of a child five years after they had become an adult.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. While the wording of new subsection (c) may be slightly different than current §681.41, the requirements are the same. As this subsection states, licensees are required to maintain a client's records, but if a licensee is employed with an agency or institution and this employer maintains the client's records then the licensee is not required to maintain a duplicate set of the client's records.

The requirement of subsection (b) of this rule are the same as current §681.41. On November 19, 2020, the requirements for the retention of client records were amended from a 6 year requirement to the current 7 seven years from the date of termination of services, or 5 years after the client reaches the age of majority, whichever is greater. This change was not only done with the consent of the Texas State Board of Examiners of Professional Counselors but identical changes to the retention of records rules for all the other Boards under the Executive Council were also made. This was done to standardize the retention of records rules for all licensees under the Executive Council. And this was also done to align the record retention requirements with the Executive Council's rule that governs the timeliness of complaints, §884.1. Therefore, during the period of time that a complaint can be timely filed against a licensee the licensee is required to maintain the client's records. That way a licensee will still have the relevant client records pertaining to a complaint if one is timely filed. Any changes to the records retention period in a Board's rules must take all of these factors into consideration, and at this time the Executive Council does not see the need to change this requirement.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied

with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.37

The Texas Behavioral Health Executive Council adopts new §681.37, relating to Billing and Financial Arrangements. Section 681.37 is adopted with changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1706) and will be republished. The adopted changes make grammatical and technical corrections to subsection (a)(3) and (5) but substantially does not change the rule.

Reasoned Justification.

This adopted new rule transfers the existing requirements for billing and financial arrangements from current §681.41 to this new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter opined that this rule appears to prohibit licensees from advertising on websites or in trade publications when it actually prohibits illegal quid-pro-quo referrals or kickbacks, the commenter feels subsection (b) is confusing and should be reworded.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenter. The language in subsection (b) is taken from current §681.41, and this language was taken from §503.401(a)(4) of the Occupations Code. This statute and rule does not prohibit licensees from advertising, but the wording of the rule was specifically chosen in an effort to correlate this rule with the statutory language, so the Executive Council does not see a need to change this language at this time.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.37. *Billing and Financial Arrangements.*

(a) Billing Requirements.

(1) A licensee must bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual written agreement.

(2) Relationships between a licensee and any other person used by the licensee to provide services to a client must be so reflected on billing documents.

(3) Upon the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.

(4) A licensee may not knowingly overcharge a client.

(5) A licensee may not submit to a client or a third party payor a bill for counseling treatment intervention the licensee knows or should know is improper, unreasonable, or unnecessary. However, nothing in this rule should be construed to prevent a licensee from submitting a bill for an unkept appointment.

(b) In accordance with §503.401(a)(4) of the Act, a licensee must not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage.

(c) A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. Compliance with the Treatment Facilities Marketing Practices Act, Texas Health and Safety Code Chapter 164, will not be considered as a violation of state law relating to illegal remuneration.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.38

The Texas Behavioral Health Executive Council adopts new §681.38, relating to Conflicts, Boundaries, Dual Relationships, and Termination of Relationships. Section 681.38 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1707) and will not be republished.

Reasoned Justification.

This adopted new rule transfers the existing requirements regarding conflicts, boundaries, dual relationships, and termination of relationships with clients from current §681.41 to this new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter voiced opposition to this rule by stating that the prohibition of non-therapeutic relationships was too vague and restrictive for special populations and small communities, such as the deaf community. The commenter requested adding clarifying language to the rule that prohibits non-therapeutic relationships with current or former clients in which the therapist has power, authority, or detrimental influence over the client.

Another commenter voiced opposition to the prohibitions against non-therapeutic relationships with clients contained in subsection (d) of the rule. The commenter opined that the absolute prohibition against romantic or sexual relationships with clients is appropriate, but the commenter asserts that a growing body of research suggests that not all boundary crossing with clients is bad and in some instances can be helpful. The commenter requested amending the rule to focus on prohibiting harm that

could reasonably have been anticipated instead of having an absolute prohibition against all non-therapeutic relationships.

Lastly, a commenter voiced concern and confusion regarding subsection (b) of the rule, wondering what the purpose of this part of the rule was and asserting that it will require a licensee to inform prospective clients that all services are being provided because the licensee needs the income. Additionally, the commenter felt subsection (c) was too vague and asked for further guidance or examples of how to define and measure professional boundaries.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. With the exception of subsection (d), the language in this rule is identical to the language in current §681.41. While grammatical changes have been made to subsection (d) these changes were made for the purposes of clarity, the substance of this subsection has not changed, so its requirements and prohibitions are the same. Licensees engaging in non-therapeutic relationships with clients has been prohibited under §681.41 since at least 2003. And in 2010 the prohibition against non-therapeutic relationships, found in §681.41, was amended to the standard that it is today. A licensee may not engage in a non-therapeutic relationship with a client unless it begins more than two years after the end of the therapeutic relationship, the non-therapeutic relationship is consensual, not the result of exploitation by the licensee, and is not detrimental to the client. Additionally, a licensee may not engage in sexual contact with a client unless it begins more than five years after the end of the therapeutic relationship, the non-therapeutic relationship is consensual, not the result of exploitation by the licensee, and is not detrimental to the client.

The language in subsection (b) is identical to what is currently in §681.41, and this language has existed in the rule since at least 2010. This subsection allows licensees that are providing professional counseling services to a client to promote other activities, services, or products that either facilitate the counseling process or help achieve counseling goals, but if the licensee has a personal or business interest in these other activities, services, or products then the licensee must disclose the interest to the client and must not exert any undue influence over the client when promoting these activities, services, or products.

The language in subsection (c) is identical to what is currently in §681.41, and this language has existed in the rule since at least 2003. Previously the requirement for licensees to set and maintain professional boundaries was followed by a prohibition against dual relationships which was defined as non-therapeutic relationships. In 2010 this part of §681.41 was amended with the same language as stated in subsection (c) of this rule, and it was followed by the prohibitions against non-therapeutic relationships similar to those stated in subsection (d). If the commenter is looking for more guidance or information as to how to understand and comply with subsection (c) then the commenter can look to subsection (d).

At this time, the Texas State Board of Professional Counselors and the Executive Council do not find it necessary or appropriate

to change the standards listed in subsections (b), (c), or (d) which have all existed for a long time.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.41

The Texas Behavioral Health Executive Council adopts amended §681.41, relating to General Ethical Requirements. Section 681.41 is adopted without changes to the proposed text

as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1709) and will not be republished.

Reasoned Justification.

Subsections (e), (f), (h), (i), (j), (k), (l), (m), (n), (q), (r), (s), (t), (v), (w), and (x) have been deleted from this rule because these subsections have been moved to and adopted in separate rules to organize the rules of practice in a more accessible and intuitive manner. Additionally, subsection (u) was deleted because it was duplicative, the same requirement already exists in §681.45.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires

state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on September 1, 2023.

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Darrel D. Spinks
Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.52

The Texas Behavioral Health Executive Council adopts amended §681.52, relating to Parenting Facilitation. Section 681.52 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1712) and will not be republished.

Reasoned Justification.

An amendment to §681.41 has been adopted, so a corresponding amendment to subsection (y) of this rule has been adopted.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

A commenter agreed with the proposed rule amendment but also opined that parent facilitators should not allow for the medical care of a child to be an issue for debate for the parents.

Agency Response.

Issues regarding the medical care of a child are beyond the scope of the proposed amendments to this rule. These adopted amendments update a rule citation in subsection (y) of the rule because of a change made to §681.41. Therefore the Executive Council declines to adopt any changes to this rule regarding any issues of potential debate between parents, such as the medical care of a child.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules nec-

essary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
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Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §681.205

The Texas Behavioral Health Executive Council adopts amended §681.205, relating to Schedule of Sanctions. Section 681.205 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1715) and will not be republished.

Reasoned Justification.

Amendments to §681.41 and new §§681.35, 681.36, 681.37, and 681.38 have been adopted, so corresponding amendments to this rule must also be adopted.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 882. APPLICATIONS AND LICENSING

SUBCHAPTER F. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, VETERANS, AND MILITARY SPOUSES

22 TAC §882.61

The Texas Behavioral Health Executive Council adopts amendments to §882.61, relating to Special Licensing Provisions for Service Members and Military Spouses. Section 882.61 is adopted with changes to the proposed text as published in the July 14, 2023, issue of the *Texas Register* (48 TexReg 3797) and will be republished.

Reasoned Justification.

The adopted amendments better align this rule with both state and federal law regarding licensing exemptions for service members and military spouses. The rule is adopted with changes in response to recent amendments made to Section 55.0041 of the Occupations Code by S.B. 422, 88th Leg., R.S. (2023).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Lastly, the Executive Council adopts this rule pursuant to the authority found in §55.0041 of the Tex. Occ. Code which instructs licensing agencies to adopt rules to recognize the out-of-state license of a service member and a military spouse.

§882.61. Special Licensing Provisions for Service Members and Military Spouses.

(a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:

(1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;

(2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state, and:

(A) has actively used the license during the two years immediately preceding the date of application; or

(B) holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;

(3) the service member or military spouse submits proof of residency in this state (e.g. copy of a permanent change of station order) and a copy of the service member's or military spouse's military identification card; and

(4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

(b) In order to meet the requirements of subsection (a)(2)(B) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or military spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter.

(c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

(d) A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

(e) A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state. If the service member or military spouse relied upon subsection (a)(2)(B) of this section to obtain authorization to practice, the authority shall extend only until the third

anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

(f) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

(g) Subsection (a)(2)(A) of this section does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

(h) Notwithstanding subsection (e) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon subsection (a)(2)(B) of this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Behavioral Health Executive Council

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For further information, please call: (512) 305-7706

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE

SUBCHAPTER B. DISEASE DETECTION AND RESPONSE

The Texas Parks and Wildlife Commission in a duly noticed meeting on August 24, 2023, adopted amendments to 31 TAC §§65.81, 65.82, and 65.99, concerning Disease Detection and Response. The amendments to §65.81 and §65.82 are adopted with changes to the proposed text as published in the July 21, 2023, issue of the *Texas Register* (48 TexReg 3975). These will be republished. The amendment to §65.99 is adopted without changes to the proposed text and will not be republished.

The change to §65.81, concerning Containment Zones; Restrictions, reduces the extent of the containment zone (CZ) proposed in Hunt County. Historically, when chronic wasting disease (CWD) has been detected in a deer breeding facility but not on any associated release sites, the department has considered the property on which the breeding facility is located to be a de

facto CZ because it is immediately subject to a quarantine and a herd plan issued by the Texas Animal Health Commission (TAHC) and is surrounded by a fence capable of retaining deer at all times. When CWD is detected in a free-ranging deer, the department has typically imposed a containment zone with a five-mile radius around the location of the free-ranging positive. When breeder deer are released, they are no longer breeder deer and are free-ranging because they are no longer in captivity within a deer breeding facility. However, the department considers high-fenced release sites with free-ranging positive deer to be different, for epidemiological purposes, from low-fenced locations where CWD is detected in free-ranging deer. Because the free-range positive deer in Hunt County were detected on release sites associated with the breeding facility where CWD was originally discovered, the department is confident that a two-mile CZ radius is sufficient because the likely source of the infected animals is known.

The change to §65.82, concerning Surveillance Zones; Restrictions, alters paragraph (1)(P) to replace colons with semicolons because colons have inadvertently been used as delimiters between coordinate pairs where semicolons should have been used. The change is nonsubstantive.

The amendments will function collectively to refine surveillance efforts as part of the agency's effort to manage CWD.

CWD is a fatal neurodegenerative disorder that affects some cervid species, including white-tailed deer, mule deer, elk, red deer, sika, and their hybrids (referred to collectively as susceptible species). It is classified as a TSE (transmissible spongiform encephalopathy), a family of diseases that includes scrapie (found in sheep), bovine spongiform encephalopathy (BSE, found in cattle and commonly known as "Mad Cow Disease"), and variant Creutzfeldt-Jakob Disease (vCJD) in humans.

Much remains unknown about CWD, although robust efforts to increase knowledge are underway in many states and countries. The peculiarities of its transmission (how it is passed from animal to animal), infection rate (the frequency of occurrence through time or other comparative standard), incubation period (the time from exposure to clinical manifestation), and potential for transmission to other species are still being investigated. Currently, there is scientific evidence to suggest that CWD has zoonotic potential; however, no confirmed cases of CWD have been found in humans. Consequently, both the Centers for Disease Control and Prevention and the World Health Organization strongly recommend testing animals taken in areas where CWD exists, and if positive, recommend not consuming the meat. What is known is that CWD is invariably fatal to certain species of cervids and is transmitted both directly (through animal-to-animal contact) and indirectly (through environmental contamination). If CWD is not contained and controlled, the implications of the disease for Texas and its multi-billion-dollar ranching, hunting, wildlife management, and real estate economies could be significant.

The department has engaged in several rulemakings over the years to address the threat posed by CWD, including rules to designate a system of zones in areas where CWD has been confirmed or could reasonably be expected. The purpose of those CWD zones is to determine the geographic extent and prevalence of the disease while containing it by limiting the unnatural movement of live CWD-susceptible species as well as the movement of carcass parts.

The department's response to the emergence of CWD in captive and free-ranging populations is guided

by the department's CWD Management Plan (Plan) <https://tpwd.texas.gov/huntwild/wild/diseases/cwd/plan.phtml>. Developed in 2012 in consultation with the Texas Animal Health Commission (TAHC), other governmental entities and conservation organizations, and various advisory groups consisting of landowners, hunters, deer managers, veterinarians, and epidemiologists, the Plan sets forth the department's CWD management strategies and informs regulatory responses to the detection of the disease in captive and free-ranging cervid populations in the state of Texas. The Plan is intended to be dynamic; in fact, it must be so in order to accommodate the growing understanding of the etiology, pathology, and epidemiology of the disease and the potential management pathways that emerge as it becomes better understood through time. The Plan proceeds from the premise that disease surveillance and active management of CWD once it is detected are absolutely critical to containing it on the landscape. Accordingly, the first step in the department's response to CWD detections is the timely establishment of management zones around locations where detection occurs. One type of management zone is the CZ, defined by rule as "a department-defined geographic area in this state within which CWD has been detected or the department has determined, using the best available science and data, CWD detection is probable." Within a CZ, the movement of live deer is subject to restrictions and the presentation of harvested deer at a department check station is required. In addition, deer carcass movement restrictions set forth in §65.88 of Subchapter B, Division 1 apply. In addition to CZs, current rules provide for surveillance zones (SZs), defined by rule as "a department-defined geographic area in this state within which the department has determined, using the best available science and data, that the presence of CWD could reasonably be expected." Within a SZ, the movement of live deer is subject to restrictions and the presentation of harvested deer at a department check station is required. In addition, deer carcass movement restrictions set forth in §65.88 of Subchapter B, Division 1 apply.

The Texas Parks and Wildlife Commission recently directed staff to develop guidelines for a standard operating procedure (SOP) with respect to the establishment and duration of the various management zones. In cases where CWD is discovered in a deer breeding facility but not on associated release sites, the department will not establish a SZ if the following can be verified: 1) the disease was detected early (i.e., it has not been in the facility long); 2) the transmission mechanism and pathway are known; 3) the facility was promptly depopulated following detection; and 4) there is no evidence that free-ranging deer populations have been compromised. If any of these criteria is not satisfied, a SZ will be established to consist of all properties that are wholly or partially located within two miles of the property where the positive breeding facility is located. However, in situations where CWD is detected in a free-ranging deer, the department has little choice but to formally impose a CZ in response. The SOP dictates that a CZ consist of all properties wholly or partially located within five miles of the property (or properties) where a low-fenced, free-ranging case of CWD was detected, and for CWD detections occurring on high-fenced release sites, all properties wholly or partially located within two miles of the property (or properties).

As noted previously in this preamble, the department has been engaged in a long-term effort to stem the spread of CWD; however, by 2021 it was apparent that more robust measures were warranted because CWD was still being detected in additional

deer breeding facilities, as well as on release sites associated with deer breeding facilities. The commission adopted those rules, which require higher rates of testing, ante-mortem (live-animal) testing of breeder deer prior to release, and enhanced recordkeeping and reporting measures, in December of 2021 (46 TexReg 8724). This year is the first full year of the applicability of those measures.

The amendment to §65.81, concerning Containment Zones; Restrictions, establishes new CZ 7 in Hunt and Kaufmann counties in response to recent detections of CWD in deer on release sites associated with a CWD-positive deer breeding facility. That facility is already within SZ 7, which was created in response to the initial detection of CWD on that premise. On March 17, 2023, the department received confirmation that CWD was present on a release site associated with the CWD-positive deer breeding facility for which SZ 7 was created. Two additional positives have been detected on an associated release site in Kaufman County (a 4.5-year-old male and a 5.5 year-old male) that is epidemiologically linked to the CWD-positive breeding facility in Hunt County. The amendment also establishes that the geographic areas described by the rule represent a radius surrounding each property where CWD has been detected, and that the zone includes all properties wholly or partially within those areas. The proposed amendment is intended to replace an emergency rule adopted on May 26, 2023 (48 TexReg 3009), which took effect immediately.

In addition, the amendment establishes new CZ 8 in Bexar County. On May 25, 2023, the department received confirmation that a free-ranging deer (a 6.5-year-old female) killed pursuant to a TTP (Trap, Transfer, and Process) permit in Bexar County had tested positive for CWD.

The amendment to §65.82, concerning Surveillance Zones; Restrictions, establishes new SZ 18 in Bexar County, new SZ 19 in Sutton County, new SZ 20 in Zavala County, new SZ 21 in Frio County, and new SZ 22 in Brooks County, all in response to the continued detection of CWD in deer breeding facilities. On May 3, 2023, the department received confirmation that a 3-year-old buck deer in a deer breeding facility in Sutton County had tested positive for CWD. In accordance with the department's CWD Management Plan and SOP, the department is establishing a SZ in a two-mile radius around the property where the Sutton County positive was detected. The proposed SZ in Bexar County is in response to the confirmation of CWD in Bexar County described earlier in this preamble in the discussion of the establishment of a CZ in Bexar County. On March 10, 2023, CWD was confirmed in three 2-year-old males within a deer breeding facility in Zavala County, and on April 5, 2023, CWD was confirmed in a 3-year-old male within a deer breeding facility in Frio County. On June 28, 2023, CWD was detected in a 2-year old female deer in Frio County and on July 7, 2023, CWD was detected in a 5-year-old female deer in a deer breeding facility in Brooks County. In keeping with the department's CWD Management Plan and the SOP, a SZ with a two-mile radius around each of those locations is established by the amendment.

The amendment also clarifies that the geographic areas described by the rule represent the radius around the property where CWD was detected, and that the zone includes all properties wholly or partially within those areas.

Finally, the amendment corrects typographical errors in the published delineations for SZ 11, which was established in a previous rulemaking (48 TeReg 2048). As published, some of the coordinate pairs describing the SZ lacked the negative sign in-

dicating that the locations being described are in the western hemisphere.

The amendment to §65.99, concerning Breeding Facilities Epidemiologically Connected to Deer Infected with CWD, adds new subsection (j) to require the euthanization of breeder deer within seven days of notification of confirmation of a positive ante-mortem CWD test result, the submission of post-mortem tissue samples (accompanied by both ears and required ear tags) of such deer within one day of euthanization, and daily facility inspections (with any mortalities to be immediately reported to the department, and the collection and submission of post-mortem tissue samples from test-eligible mortalities within one business day of collection). The amendment also retitles the section to reflect its applicability to deer breeding facilities in which CWD has been detected. From an epidemiological perspective, it is important to definitively assess the progress of disease in an individual animal as quickly as possible in order to determine the temporal parameters of disease transmission in the population. Immediate euthanization and post-mortem testing of all animals that test positive via ante-mortem testing gives the department and the regulated community the best chance of ensuring that disease transmission is mitigated as soon as possible in a breeding facility. Similarly, the requirement for daily inspections and immediate reporting and testing of mortalities is necessary to gain additional understanding of disease status within a positive facility. The rule also requires the submission of both ears and the required identification tags in order for the department to definitively establish the unique identity of the deer in question for future epidemiological investigation. Under current rule, a facility for which a positive test result is returned is automatically designated "not movement qualified" (NMQ) and is prohibited from transferring deer in or out of the facility; therefore, the amendment repeats that requirement simply for clarity and emphasis.

The department received 248 comments opposing adoption of all or part of the rules as proposed. Of those comments, 47 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated that there is no reason to "pile on more burdensome regulations" unless it can be proven that "these deer" died from CWD. The commenter continued by stating "With the low prevalence rate and the lack of clinical symptoms shown in these animals, I find it hard to continue to spend tax payers [sic] money on current regulations and additional regulations." The department disagrees with the comment and responds that the continued documented, definitive test results proving that CWD is present in certain captive deer populations necessitate the promulgation of additional regulations to control and if possible prevent the spread of the disease to additional captive and free-ranging populations. The department further responds that because CWD is invariably fatal, because deer infected with CWD are four times more likely to die from other causes (comorbidities including pneumonia and epizootic hemorrhagic disease (EHD), predation, hunter harvest, automobile collision, etc.), and because an infected animal sheds infectious prions for years before succumbing to the disease, waiting until a breeder deer dies from CWD would actually be the worst way to address the issue, since during the time between infection and mortality, an infected animal could possibly be transferred to multiple facilities, spreading the disease at each stop, up to and including release, where free-ranging deer could be infected and potentially spread the disease at landscape scale in those pop-

ulations. The department also responds that a low prevalence rate and the absence of clinical symptoms are not critical indices upon which to base disease detection response strategies *per se*, as once the disease is present, the threat of transmission to additional individuals and facilities is actual, and, as the empirical evidence in Texas demonstrates, will in fact occur. Finally, the department responds that the department's regulatory response to CWD occurs at very little cost to the public, none of which is a result of taxation at the state level. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that the current rules are working to control the disease and that more rules will only hinder small businesses that contribute \$1.7 billion to the Texas economy. The department disagrees with the comment and responds that the continued spread of CWD to additional deer breeding facilities and release sites directly refutes the assertion that CWD is under control, either due to agency regulations or otherwise. The department also responds that the rules are intended to preserve, not hinder, the profitability of deer breeding operations, and that the unchecked, continued spread of CWD will exert a far greater negative economic impact on hunting and hunting-related economies, which includes business models based on breeding and selling deer, than the cost of containing the disease and preventing its continued spread. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules make no sense because the department does not require CWD testing on low-fence properties, which would prove that CWD is already widespread and "unrelated to fence dimensions." The commenter went on to state that there is no way to contain or eradicate CWD "by over regulation" and that such thinking is idiotic. The commenter continued, stating that "TTT was regulated however you still did it and cwd was located in Bexar County" and that the entire herd should have been depopulated, which proves that the department imposes different rules "that fit your low fence owning friends [sic] agendas." The commenter also stated that the department is ruining people's lives and that cervids "do not live long enough for them to die from cwd". The department disagrees with the comment and responds that there is mandatory testing of all deer harvested by hunters in CZs and SZs (regardless of fence height), and despite non-scientific opinion to the contrary, mandatory testing of all hunter-harvested free-range deer populations is unnecessary at the current time because the department's continuing long-term surveillance effort utilizing hunter-harvested deer, road-kill, and naturally occurring mortality is sufficient to provide statistical confidence that CWD is not widespread in free-ranging populations across the state. The department once again cautions against drawing conclusions on the assumption that free-ranging populations and captive populations share the same epidemiological realities. They don't. Free-ranging populations and captive populations represent two interconnected, yet substantially different epidemiological universes that should not be confused; therefore, the issue is not "high fence versus low fence" but rather, the greater disease transmission risks that exist in the comparatively higher animal densities in deer breeding facilities and attendant live animal movement versus the lower disease transmission risks that exist in free-ranging animals with comparatively lower animal densities and attendant live animal movement. The department also responds that the positive CWD test result in Bexar County did not occur in a deer trapped under a Trap, Transport, and Transplant (Triple T) permit, but a deer trapped under a Trap, Transport, and Process

(TTP) permit, which is a terminal permit - all deer trapped under a TTP permit must be killed at the trap site or transferred within 20 hours to a processing facility. The department suspended the issuance of Triple T permits by rule in 2021 (46 TexReg 8724). In the case of the positive deer in the Bexar County TTP event, the herd in question is not comparable to most deer herds in the state, as it is an urban herd within a large metropolitan area, which makes complete depopulation impractical; however, in no way is the department's response to the CWD positive in Bexar County being driven by anyone's friends or the dimensions of fences. The department also responds that the assertion that cervids do not live long enough to die from CWD is patently false, as cervids have been observed and documented dying of CWD in Texas and elsewhere. No changes were made as a result of the comment.

One commenter opposed adoption and stated that CWD is not being spread exclusively by deer breeders and the department regulations "single out" deer breeders. The commenter also stated that no one at the department is a deer breeder and therefore are affected by the rules, that the Texas Supreme Court has ruled that breeder deer are private property and the department therefore has no authority to regulate them, and that no member of the Parks and Wildlife Commission has been confirmed by the Texas Senate. The department disagrees with the comments and responds that the department's efforts to contain and manage CWD are not confined to deer breeders but address all facets of disease surveillance and response. For instance, the establishment of CZs and SZs, which mandate check station requirements for hunter-harvested deer, and carcass movement restrictions that apply to all hunter-harvested deer, are measures that address disease management with respect to free-ranging deer. However, the department's efforts also must thoroughly address the ramifications presented by activities involving the human-induced movement of live deer, which has facilitated the rapid dissemination of CWD throughout the state since 2012, the vast majority of which is done by deer breeders. The department further responds that the department has a statutory duty to manage deer breeding activities in the state and there is no requirement for the dispensation of that duty to be contingent upon any commissioner or department employee being a member of the regulated community, in this case, to be the holder of a deer breeders permit. The department also disagrees that the Texas Supreme Court has ruled either that breeder deer are private property or that the department has no authority to regulate deer breeding and responds that white-tailed deer under any and all circumstances are the property of the people of the state and that there can be no question that Parks and Wildlife Code, Chapter 43, Subchapter L, delegates the authority for the regulation of deer breeding to the department. Finally, the department disagrees with the implication that official actions of the commission are in any way compromised by the confirmation status of any present, sitting commissioner, all of whom serve lawfully in accordance with the provisions of Article IV of the Texas Constitution, which provides for the confirmation or rejection by the Texas Senate of gubernatorial appointments. No changes were made as a result of the comment.

One commenter opposed adoption and stated that depopulating deer breeding facilities eliminates the ability "to observe and study for transmission." The commenter stated that the department is bankrupting families and businesses on a whim for a disease which is actually scapies [sic], which has been around for hundreds of years." The commenter also stated that the department's CWD management efforts are a waste of taxpayer's

money. The department disagrees with the comment and responds that depopulation actions (the euthanization of all deer within a breeding facility) are undertaken only when CWD is confirmed in a deer breeding facility (and are usually voluntary), because it is the most effective method to minimize to the greatest extent possible the further spread of CWD from the positive facility, and that deer breeders with positive deer breeding facilities are offered the opportunity to participate in scientific research. The department also responds that although the financial impacts resulting from the discovery of CWD in a deer breeding facility can, regrettably, be severe, this is an inherent risk of accepting deer from other deer breeding facilities, and the department urges all deer breeders to exercise care and due diligence regarding transfer activities. The department also responds that scrapie and CWD are not the same thing; however, they are both prion diseases classified as TSEs, are invariably fatal, and are managed in the same way. The department also responds that the length of time that humans have known about scrapie is irrelevant to the management of CWD. Finally, the department responds that the cost of the effort to contain and manage CWD, as noted in the response to a previous comment, is not funded by state taxes. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules will hurt small businesses. The department agrees that the rules as adopted, and as explained in the preamble of the proposed rules, can result in adverse financial effects on deer breeders with deer that test positive for CWD; however, the department has endeavored to minimize such expenses without compromising the goal of the rules, which is to protect captive and free-ranging populations of white-tailed and mule deer from the threat of CWD. The department also notes that most deer breeders, at the time of this rulemaking, do not appear to have CWD in their facilities. No changes were made as a result of the comment.

One commenter opposed adoption and stated that CWD isn't killing deer, department "already has the data," and that "politics should be eliminated." The department disagrees with the comment and responds it is a fixed scientific fact that CWD is a fatal disease of susceptible cervid species. The primary purpose of the rules as adopted is to detect and contain CWD; thus, the rules are not intended to collect scientific data (although such data is valuable), and that despite the persistent assertions to the contrary, there is absolutely no political factor driving the department's actions to protect captive and free-ranging white-tailed and mule deer populations from the threat of CWD. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is no real science behind "these draconian policies put on deer breeders." The department disagrees with the comment and responds that the rules as adopted are necessary, are demonstrably based on the best available science concerning CWD management, and are developed in consultation with numerous veterinarians, wildlife biologists and disease specialists, epidemiologists, geneticists, and other members of the scientific community. No changes were made as a result of the comment.

One commenter opposed adoption and stated that deer breeding should be prohibited and all captive populations should be destroyed. The department disagrees with the comment and responds that under Parks and Wildlife Code, Chapter 43, Subchapter L, the department is required to issue a deer breeders permit to any qualified person, and further establishes the privileges of permittees who hold breeder deer. The commission has

no authority to modify or eliminate those statutory provisions. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules are "an attempt for more control over deer breeders and will likely result in some deer breeders being put out of business." The commenter stated that although the department has stated that ante-mortem testing is not accurate, the rules require breeders to euthanize their deer based on ante-mortem test results. The commenter also stated that the department is avoiding taking financial responsibility for the impact of the rules by stating that there is no way to determine the exact value of lost sales to deer breeders as a result of the rules. The commenter further stated that the rules "do nothing to determine what CWD is or how it is spread or should be controlled or treated and are instead intended to increase control over deer breeders without doing anything about the problem." The department disagrees with the commenter and responds that there is no reason for the department to seek greater control over deer breeders, as the Texas Legislature has designated the department as the sole regulatory authority in the state with respect to deer breeding and has delegated rulemaking authority to the department to regulate the possession of deer held under a deer breeders permit. The department recognizes that ante-mortem testing is less sensitive than post-mortem testing, but responds that positive detections from ante-mortem testing have to-date been confirmed by the National Veterinary Services Laboratories (NVSL). Further, while ante-mortem testing can miss earlier stages of infection with CWD, ante-mortem testing has played a vital role in the continued discovery of CWD in deer breeding facilities and has expedited disease management within those facilities to help prevent the additional spread of CWD. Additionally, ante-mortem testing assists in the determining the disease status for epidemiologically-linked herds that do not have all trace animals available for testing, allowing cleared facilities to return to normal operation. Conversely, the faster the agency can definitively determine that CWD is present in a breeding facility, the quicker the spread of CWD from that facility can be stopped. The department also notes that ante-mortem testing was accepted by the department at the request of the regulated community many years ago, before the techniques were widely accepted elsewhere as an approved testing methodology. The department disagrees that it is "avoiding taking responsibility" for the impact of the rules and responds that the department is not required to accept any financial responsibility, only to provide an analysis of the rules' adverse economic impacts to small and micro-businesses. It is a true statement that the department has no way to definitively determine the impact of the rules on sales prices of breeder deer, although there is anecdotal and public information to suggest that breeder deer prices vary from several hundred dollars for certain deer to many thousands of dollars for other deer, depending on whether the deer are male or female, to be release for hunting or to be retained primarily for breeding purposes. Finally, the department disagrees that the rules are intended to discover what CWD is, how it is spread, or how it should be controlled or treated. The purpose of the rules, as repeatedly stated by the department in multiple rulemakings, legislative testimony, and public available information, is to detect and contain CWD in order to prevent further spread of the disease. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is insufficient evidence that CWD is a new phenomenon and that it has probably been present but undetected for many years because the department was fixated on testing in breeding facili-

ties. The department disagrees with the comment and responds that CWD was first identified in 1967 and was unknown prior to that time; thus, while it is impossible to definitively state that CWD did or did not exist prior to 1967, it can be said that CWD was unknown before that time. Regardless of whether CWD is a new or old phenomenon, CWD is still a fatal disease in susceptible cervid species that must be responsibly managed. The department further responds that the department has conducted a robust statewide surveillance effort on free-ranging deer populations since 2012, which has failed to identify a generalized distribution of CWD across the state; consequently, the department's substantial surveillance efforts do not support the notion that there is currently an undetected, high prevalence of CWD throughout Texas. No changes were made as a result of the comment.

One commenter opposed adoption and stated that deer breeding facilities are a major component of increased CWD transmission and rules that do not address that fact do nothing but highlight the department's malfeasance and are nothing but additional burdens on the hunters. The department disagrees with the comment and responds that although deer breeding facilities appear to be responsible for most CWD detections in Texas to date, CWD can and has been detected in free-ranging populations of white-tailed and mule deer; therefore, the department's regulatory response to manage the disease involves measures affecting both free-ranging and captive populations. The department also responds that it disagrees with any suggestion that the department has engaged in any sort of misconduct or malfeasance with respect to fighting CWD and notes that from the day CWD was first detected in Texas the department has spared no effort to effectively discharge its statutory duty to protect and conserve native deer populations. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the department's small and micro-business analysis was inadequate because it failed to account for variations in breeder deer values resulting from the pedigrees of individual deer. The commenter also stated that the department's analysis should include an independent appraisal of the financial impact to every deer breeder, and that the rules do not address the five-year window employed by the department when conducting disease trace-back investigations. The department disagrees with the comment and responds that the small and micro-business impact contained in the proposed rulemaking is compliant with the applicable requirements of Government Code, Chapter 2006, is not intended to accomplish any other purpose, nor purports to. As stated previously, the department does not require deer breeders to report financial data (such as purchase and sale prices), and therefore utilizes publicly available and anecdotal information to develop an estimate of the value of breeder deer, which, as stated, can range from several hundred to many thousands of dollars, which the department believes is an accurate statement. The department also responds that an independent appraisal of the financial impact of department rules on each deer breeder is not required under the Administrative Procedure Act and in any case, such an undertaking would be time-consuming and prohibitively expensive, unless undertaken at the expense of the regulated community. Finally, the rules do not address the five-year traceback window because the trace-back window is not germane to the subject of the rulemaking. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is too much inbreeding. The department neither agrees nor disagrees

with the comment and responds that the rules as proposed do not contemplate the regulation of deer breeders' practices with respect to consanguinity. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules will cause deer breeders to lose their investment "to advance genetics in the whitetail species." The commenter also stated that the department does not "know how broad the issue is in the wildlife across the state," and that disease management efforts for exotic species are not effective. The commenter also stated that "there is too much unknown to issue restrictions and mass depopulations." The department disagrees with the comment and responds that the rules as adopted alter reporting and testing timelines and do not affect any deer breeder's investment goals with respect to activities intended to influence the genetic composition of lawfully possessed breeder deer. The department also disagrees that the distribution of CWD across the state, in and of itself, is relevant in the context of the intent of the rules, which is to respond to the continued detection of CWD in deer breeding facilities by enhancing reporting and testing requirements in deer breeding facilities where CWD is discovered. In any case, the department's robust statewide surveillance effort on free-ranging deer populations since 2012, has not identified a generalized distribution of CWD across the state. The department also notes that the department's statutory authority to manage CWD is restricted to indigenous susceptible species and does not include exotic species. Finally, the department disagrees that the rules as proposed contemplated, implicated, or affected the measures available to the department when CWD is detected in a deer breeding facility, and particularly in cases of permittees who refuse to cooperate with the department in disease mitigation measures. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the five-mile radius around CZs is insufficient. The department disagrees with the comment and responds when CZs are established in response to the free-range positive deer detected on release sites associated with a breeding facility where CWD was discovered, the department is confident that a two-mile CZ radius is sufficient because the likely source of the infected animals is known. No changes were made as a result of the comment.

One commenter opposed adoption and stated that because the majority of CWD discoveries have been in deer breeding facilities and release sites associated with deer breeding facilities, the transportation of breeder deer for release should be prohibited. The department agrees that human-induced movement of deer across distances that deer would not range or wander under natural conditions is a significant component of the alarming spread of CWD, and that cessation of such movement would provide instant and beneficial results in terms of preventing the spread of CWD to new locations; however, the department also continues to believe that it is still possible, working with the regulated community to develop and implement effective surveillance measures, to contain the disease. In addition, the indefinite suspension of privileges granted to all deer breeder permit holders by statute could be problematic. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules impose "aggressive depopulation" and constitute "the first steps toward herd depopulation throughout Texas." The commenter stated that if the rules are adopted without "addressing unnecessary boundaries and requiring the recertification of post-mortem

sample takers," controversy will be created, leading to the overcrowding of court dockets and burdens on law enforcement organizations. The department disagrees that the rules as adopted require depopulation of any deer breeding facility. The rules require the euthanasia of and submission of tissue samples from individual breeder deer that test positive for CWD via an ante-mortem test, but do not require any captive herd to be euthanized. The department also responds that the rules apply to and are intended to apply *only* to individual deer breeding facilities where CWD is confirmed; the rules *do not* affect deer breeding facilities where CWD is not confirmed. The department infers that "addressing unnecessary boundaries" is intended to question the need for, size of, and/or regulations affecting CWD management zones, and disagrees, responding that the rapid spread of CWD clearly justifies precautionary measures to mitigate potential additional transmission. For this reason, the department creates, using the best available science and with the intention of minimizing adverse effects to landowners and hunters, CWD management zones. With respect to certification standards for persons who extract tissue samples for post-mortem CWD testing, the department disagrees that current standards are problematic and that in any case, those standards are not created and cannot unilaterally be changed by the department. Finally, the department disagrees that the rules will cause or contribute to crowding of court dockets anywhere in the state, as the department typically files fewer than 300 cases a year for violations involving deer breeders, the overwhelming majority of which do not go to trial. No changes were made as a result of the comment.

One commenter opposed adoption and stated that more regulations and barriers to hunters are not needed and that only deer breeders should be subjected to CWD containment rules. The department disagrees with the comment and responds that the rules as adopted, despite creating minor inconveniences for hunters, are necessary to contain the spread of CWD from areas where it is known to exist or could reasonably be expected to exist, and that restricting CWD management measures to deer breeders would be counter-productive, as it would not address the potential threat of CWD being spread by carcass parts. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the five-mile radius of the CZ in Hunt County is excessive. The department agrees with the comment and responds that to the extent that the site where CWD discovered in free-ranging deer is a high-fenced release site associated with a deer breeding facility, it is epidemiologically feasible to reduce the radius of the CZ in Hunt County to two miles. Changes have been made accordingly.

One commenter opposed adoption and stated that the rules are overreaching. The department disagrees with the comment and responds that the rules are necessary to protect the state's free-ranging and captive deer populations from the threat of CWD. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that it is imperative for rules establishing SZs and CZs be accompanied by an expiration date. The commenters stated that the commission specifically directed for this to occur. The commenters also stated that the maps of the CWD management zones shown to the public are misleading because they do not include all affected properties. The commenter further stated "[T]he economic impact paragraph, within this proposal, completely undermines all future landowners this rule will effect [sic] as detections continue." The department disagrees with the comment and re-

sponds that the commission directed staff to develop a methodology for determining when CWD management zones could be dissolved, but did not direct staff to do so by rule. As a result, at the May 2023, commission meeting staff presented a clear and precise description of the criteria and conditions under which CWD zones would be dissolved. The department also disagrees with the assertion that maps used to provide visual depictions of zones are misleading. In determining the boundaries of CWD management zones, the department considers only the science of disease surveillance and detection, which as a matter of course involves a radius projecting from an index site, which describes a circle within which the presumed likelihood of disease detection is higher than that elsewhere beyond that circle. As a practical matter, it would be confusing for all concerned if the rules did not account for the fact that the circle describing the area of concern crosses property lines; therefore, the rules describe the circle of heightened probability of detection and state that all properties wholly or partially within the that circle are considered to be within the zone. In this way there is no confusion about who must comply with special CWD containment measures. This approach also has the virtue of precluding confusion and complaints resulting from an irregularly shaped zone that follows property lines. Finally, with respect to the department's analysis of economic impacts, the department disagrees that the economic analyses in the proposed rules are required to address anything other than the direct impacts of the rules on small and microbusinesses, rural communities, and persons required to comply, which the notice of proposed rulemaking addressed as required by the Administrative Procedure Act. The department also responds that any impacts to future landowners are purely a matter of conjecture and have far less to do with the rules than with the presence or absence of CWD on any given property. No changes were made as a result of the comments.

One commenter opposed adoption and stated that CWD regulations are "out of control and a blatant money grab." The department disagrees with the comment and responds that the department promulgates only those rules it finds necessary and prudent to respond to the threat of CWD and that administration and enforcement of the rules does not involve any financial benefit to the department. No changes were made as a result of the comment.

Fourteen commenters opposed adoption and stated that the rules do not allow deer breeders located within a CZ and free of CWD to remain in business. The commenters stated that a proposal to allow deer breeders located in a CZ and designated Movement Qualified (legally allowed to transfer breeder deer to other breeders and release sites) to "stay in business through the use of ante-mortem testing" was drafted by staff. The department disagrees that the rules as adopted force any deer breeder out of business, although deer breeders located within a CZ are prohibited from transferring deer outside the CZ. The department is aware of one deer breeder affected by the designation of the CZ in the rules as adopted, and that deer breeder has transferred deer to a release site within the CZ, which will still be permitted. The department also responds that staff drafted a proposed provision to allow deer breeders located within a CZ to transfer breeder deer outside the CZ following ante-mortem testing (provided the breeder is designated MQ); however, the commission declined to include the provision in the proposal and it was never published for public comment. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the department should be spending more time and money on research to

better understand CWD and that the department's decisions are "reactionary and not based on science." The commenter further stated that the department's primary motivation is federal money and that publicizing CWD discourages hunting. The department disagrees with the comment and responds that the department is engaged in a number of research activities to better understand CWD, and that the entirety of the department's regulatory response to CWD is solidly grounded in the best available science and is by definition a reaction to finding CWD. The department also responds that there is no financial or budgetary incentive or benefit with respect to the federal government that accrues to the department as a result of its efforts to control CWD, and that any hesitancy of persons to hunt in an area where CWD exists is a result of CWD and not the department's public outreach efforts. The department further notes that failure to educate the public about CWD would be a breach of the public trust. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the proposed CWD management zones are being inaccurately described, landowners are not being notified of being within the zone, the zone is too large to accomplish the department's goals, the lack of discussion of economic impacts, and the absence of expiration dates for zones. The department disagrees with the comment and responds that, as described previously in another response to comment, the area of a zone is determined by science and includes properties partially within the zone in order to reduce confusion and enhance compliance and enforcement, that the department in fact notifies every landowner it can identify and contact, that the direct economic impacts to affected persons have been discussed and addressed as required by the Administrative Procedure Act, and as also discussed in a previous response to comment, the department has articulated the conditions and criteria under which zone designations will be terminated. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules requiring trace deer at release sites to be removed and tested within 60 days of notification by the department is irrational and serves no public interest in the absence of contact-tracing or further testing and will result in the death of thousands of healthy deer, the loss of an enormous investment by landowners in their deer herd, and the loss of hunting income from the deer and their offspring. The commenter further stated that to find and kill trace deer on a large ranch within 60 days is unreasonable. The department disagrees with the comment and responds that the rules as adopted are rational (because they are based on the best available science) and do serve a public purpose (to protect native wildlife and the economies that depend on them). The commenter contends that the rules are imposed in the absence of contact-tracing or further testing. The department disagrees and responds that a trace deer is a deer that has been identified, by contact-tracing, as being epidemiologically connected to a positive deer. Contact-tracing is initiated as a result of the detection of CWD. Therefore, when the department notifies a release site owner of trace status, it is because contact-tracing has revealed an epidemiological link between the release site and a location where CWD has been discovered or may be present but not yet detected. The department responds that the purpose of removing trace deer is to test them for CWD as part of an epidemiological investigation. The department also responds that the rules apply only to release sites that are epidemiologically connected to CWD-positive deer, not to all locations where breeder deer have been released and that landowners should be aware of the inherent risk in obtaining deer from deer breeders,

not because of the effect of department rules, but as a result of introducing a deadly communicable disease to free-ranging populations. The department also notes, first, that the rules as adopted do not affect landowners who do not obtain deer from deer breeders, second, that emergency rules currently in effect prohibit the removal of permanent identification, which should significantly facilitate the identification of trace deer at release sites, and last, that the department is able to authorize the removal of trace deer at any time of the year, and not just during hunting seasons.

One commenter opposed adoption and stated that the rules are unnecessary if CWD hasn't been found in deer that were never in a deer breeding facility. The department disagrees with the comment and responds that CWD can be transmitted from breeder deer to free-ranging deer and that is precisely why surveillance measures are necessary. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules do not contain expiration provisions for CWD management zones. The department disagrees with the comment and responds that, as discussed in previous responses to comments, the department has articulated the conditions and criteria under which zone designations will be terminated and need not do so by rule. No changes were made as a result of the comment.

One commenter opposed adoption and stated that shutting down all deer breeders is a knee-jerk reaction and, that many people rely on these facilities to sustain a living. The department disagrees that the rules have the effect of shutting down all deer breeders. No changes were made as a result of the comment.

One commenter opposed adoption and stated that CZs should consist of the property where CWD is discovered and all properties that border the positive property. The commenter stated the two-mile radius established by the department for a CZ does not take into account physical barriers such as high fences. The commenter further stated opposition to the inclusion of the entirety of a property in a zone if any portion of the property falls within a zone and the lack of expiration dates for zones. The commenter further stated that the "economic impact study" does not take into account all the extra time and manpower it will take for landowners within an SZ to "collect samples, keep records and waivers, cape deer, cape heads, and quarter all deer harvested on the property before they leave." The department disagrees with the comment and responds that, as described previously in another response to comment, the area of a zone is determined by the best available science and includes properties partially within the zone in order to reduce confusion and enhance compliance and enforcement. The department also responds that high fences, rivers, roadways and other seemingly impervious barriers are actually not, and, as previously discussed, the department has articulated the conditions and criteria under which zone designations will be terminated, which need not be specified by rule. The department also notes that the rules as adopted apply only to deer breeders and persons who harvest deer within CWD management zones and do not impose any requirements on a landowner who is not subject to the rules as a result of also being a deer breeder. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules lack measures to allow movement of live breeder deer from within a CZ under a custom testing plan. The commenter also stated that statewide carcass disposal restrictions eliminate the need for SZs and that although the commission directed staff to pro-

vide a mechanism for determining when SZs are to be determined, the proposed rules contained no such provision. The department disagrees with the comment and responds that the commission in May of 2023 declined to consider a proposal to allow live breeder deer to be moved from within CZs. The department believes that such an authorization would present an unacceptable risk of transmitting CWD, since a CZ is an area where the department expects CWD to be present. Currently, there are no statewide carcass disposal rules in effect, only carcass movement restrictions pertaining to CWD zones in Texas and carcasses entering Texas from other states and countries where CWD has been discovered. Although the comment regarding statewide carcass disposal is not germane to rules adopted by the commission, the department disagrees that statewide carcass disposal restrictions eliminate the need for SZs, as SZs are created in response to CWD detections and in addition to carcass movement restrictions, impose check station requirements and limit human-induced live animal movement. Finally, the department disagrees that the department has not addressed the commission directive to provide parameters under which SZs can be terminated. At the May, 2023, commission meeting, staff clearly outlined the circumstances, conditions, and criteria that would have to be satisfied for an SZ to be terminated, and such standards need not be adopted by rule to be employed. No changes were made as a result of the comment.

The department received 228 comments supporting adoption of the rules as proposed.

The Texas Conservation Alliance, Nature Conservancy of Texas, Texas Chapter of the Wildlife Society, Texas Wildlife Association, and the Texas Foundation for Conservation commented in favor of adoption of the proposed rules.

The Texas Deer Association commented in opposition to adoption of the proposed rules.

DIVISION 1. CHRONIC WASTING DISEASE (CWD)

31 TAC §65.81, §65.82

The amendments are adopted under the authority of Parks and Wildlife Code, Chapter 43, Subchapter C, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation; Subchapter E, which requires the commission to adopt rules for the trapping, transporting, and transplanting of game animals and game birds, urban white-tailed deer removal, and trapping and transporting surplus white-tailed deer; Subchapter L, which authorizes the commission to make regulations governing the possession, transfer, purchase, sale, of breeder deer held under the authority of the subchapter; Subchapters R and R-1, which authorize the commission to establish the conditions of a deer management permit for white-tailed and mule deer, respectively; and §61.021, which provides that no person may possess a game animal at any time or in any place except as permitted under a proclamation of the commission.

§65.81. Containment Zones; Restrictions.

The areas described in paragraph (1) of this section are CZs and the provisions of this subchapter applicable to CZs apply on all properties lying wholly or partially within the described areas.

- (1) Containment Zones.

(A) Containment Zone 1: That portion of the state within the boundaries of a line beginning in Culberson County where U.S. Highway (U.S.) 62-180 enters from the State of New Mexico; thence southwest along U.S. 62-180 to F.M. 1111 in Hudspeth County; thence south on F.M. 1111 to I.H. 10 thence west along I.H. 10 to S.H. 20; thence northwest along S.H. 20 to Farm-to Market Road (F.M.) 1088; thence south along F.M. 1088 to the Rio Grande; thence northwest along the Rio Grande to the Texas-New Mexico border.

(B) Containment Zone 2: That portion of the state within the boundaries of a line beginning where I.H. 40 enters from the State of New Mexico in Deaf Smith County; thence east along I.H. 40 to U.S. 385 in Oldham County; thence north along U.S. 385 to Hartley in Hartley County; thence east along U.S. 87 to County Rd. 47; thence north along C.R. 47 to F.M. 281; thence west along F.M. 281 to U.S. 385; thence north along U.S. 385 to the Oklahoma state line.

(C) Containment Zone 3 is that portion of the state lying within the area designated as Containment Zone 3 as depicted in the following figure, more specifically described by the following latitude-longitude coordinate pairs: -99.37150859160, 29.63847446060; -99.37149088670, 29.63846662930; -99.37140891920, 29.63866345050; -99.37060541260, 29.63883435770; -99.36899250760, 29.63899824440; -99.36737228030, 29.63930489330; -99.36655962200, 29.63944762460; -99.36574537420, 29.63958327440; -99.36492961890, 29.63971182950; -99.36411243690, 29.63983327680; -99.36329390830, 29.63994760490; -99.36247411610, 29.64005480240; -99.36165314010, 29.64015485800; -99.36083106340, 29.64024776200; -99.36000796690, 29.64033350600; -99.35918393260, 29.64048347690; -99.35835904140, 29.64054768950; -99.35753337730, 29.64065453800; -99.35670702030, 29.640660471180; -99.35588005420, 29.64069716300; -99.35422462000, 29.64073258190; -99.35339631770, 29.640778179120; -99.35173895150, 29.64079557700; -99.35091005250, 29.64080214650; -99.34925223720, 29.64080150020; -99.34842348390, 29.64077856180; -99.34759494500, 29.64075627050; -99.34676670140, 29.64072676970; -99.34593883500, 29.64069005880; -99.34511142980, 29.64064614450; -99.34428456550, 29.64059502920; -99.34345832730, 29.64053671860; -99.34263279480, 29.64047121870; -99.34180805210, 29.64039853620; -99.34098417980, 29.64031867790; -99.34016125900, 29.64023165140; -99.33933937340, 29.64013746530; -99.33851860400, 29.64003613010; -99.33769903240, 29.63992765510; -99.33688073860, 29.63981205080; -99.33606380640, 29.63968932950; -99.33524831450, 29.63955950320; -99.33443434580, 29.63942258420; -99.33362197990, 29.63927858650; -99.33281129880, 29.63912752410; -99.33200238210, 29.63896941200; -99.33119531060, 29.63880426680; -99.33039016400, 29.63863210440; -99.32958702310, 29.63845294160; -99.32878596750, 29.63826679580; -99.32798707590, 29.63807368670; -99.32719042800, 29.63787363270; -99.32639610340, 29.63766665410; -99.32560418090, 29.63745277140; -99.32481473900, 29.63723200480; -99.32402785630, 29.63700437840; -99.32324361150, 29.63676991250; -99.32246208110, 29.63652863190; -99.32168334370, 29.63628056060; -99.32090747690, 29.63602572160; -99.32013455720, 29.63576414270; -99.31936466110, 29.63549584760;

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29.64582617500;	-99.41572542010,	29.64589076790;			

(D) Containment Zone 4: That portion of the state lying within the boundaries of a line beginning in Val Verde County at the International Bridge and proceeding northeast along Spur 239 to U.S. 90; thence north along U.S. 90 to the intersection of U.S. 277/377, thence north along U.S. 277/377 to the U.S. 277/377 bridge at Lake Amistad (29.496183°, -100.913355°), thence west along the southern shoreline of Lake Amistad to International boundary at Lake Amistad dam, thence south along the Rio Grande River to the International Bridge on Spur 239.

(E) Containment Zone 5: That portion of the state within the boundaries of a line beginning at the intersection of County Road (C.R.) 3600 and E. Division St. in Slaton in Lubbock County; thence west along E Division St. to S. New Mexico St.; thence northwest along S. New Mexico St. to Railroad Ave.; thence northwest along Railroad Ave. to Industrial Dr.; thence northwest along Industrial Dr. to U.S. Highway (U.S.) 84; thence northwest along U.S. 84 to State Highway (S.H.) Spur 331; thence northwest along S.H. 331 to S.H. Loop 289; thence north along S.H. Loop 289 to Farm to Market (F.M.) 40; thence east along FM 40 to C.R. 3650; thence south along C.R. 3650 to C.R. 6840; thence east along C.R. 6840 to C.R. 3700; thence south along C.R. 3700 to C.R. 3600; thence south along C.R. 3600 to E. Division St.

(F) Containment Zone 6. Containment Zone 6 is that portion of the state lying within the area designated as Containment Zone 6 as depicted in the following figure, more specifically described by the following latitude-longitude coordinate

pairs: -99.64149620530, 30.33874131980;	-99.64368509530, 30.33901321630;	-99.64149516520, 30.42230298220;	30.42229851800;	-99.63885349220, 30.42230575200;
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-99.67419784160, 30.35859625790;	-99.67320399680, 30.35807240520;	-99.59174942070, 30.40422677810;	-99.59450509380, 30.40422677810;	-99.59285223420, 30.40062221490;
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-99.66497058320, 30.41520979110;	-99.67747200500, 30.40708122550;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;
-99.65986879620, 30.41849723880;	-99.67747200500, 30.40708122550;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;
-99.65405786830, 30.42081472460;	-99.67747200500, 30.40708122550;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;
-99.64776123680, 30.42207311640;	-99.67747200500, 30.40708122550;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;	-99.64368509530, 30.33874131980;

(G) Containment Zone 7 is that portion of Hunt and Kaufman counties lying within the area described by the following coordinate pairs: -96.21307574700, 32.88628523600; -96.20878832410, 32.88691496930; -96.20833517450, 32.88708616840; -96.20608501420, 32.88708316420; -96.20319512210, 32.88705825720; -96.20316014840, 32.88706426980; -96.20167339110, 32.88753691790; -96.19943743730, 32.88765822990; -96.19718725170, 32.88765822990; -96.19268278300, 32.88727593810; -96.19044780670, 32.88727593810;

32.88690158560;	-96.18606022490,	32.88640600670;	32.80000788580;	-96.24874563300,	32.80181017000;
-96.18392642380,	32.88579132530;	-96.18184487020,	-96.24932611190,	32.80364844750;	-96.24976300680,
32.88506017580;	-96.17982448400,	32.88421569150;	32.80551484840;	-96.25005443860,	32.80740138180;
-96.17787392220,	32.88326149160;	-96.17600154190,	-96.25019915060,	32.80929997010;	-96.25019710670,
32.88220166520;	-96.17421536430,	32.88104075390;	32.81077493690;	-96.25033341330,	32.81086347520;
-96.17252304040,	32.87978373220;	-96.17216880890,	-96.25202553530,	32.81211954980;	-96.25361679750,
32.87949869970;	-96.16088264560,	32.87028576710;	32.81346637030;	-96.25434916400,	32.81414956490;
-96.15964590550,	32.86922294100;	-96.15816291830,	-96.25658430220,	32.81630215040;	-96.25733559200,
32.86779010970;	-96.15679419540,	32.86627847710;	32.81705074460;	-96.25870518730,	32.81856137630;
-96.15554559540,	32.86469451970;	-96.15442246160,	-96.25995491930,	32.82014439890;	-96.26107940040,
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-96.15257125330,	32.85957793100;	-96.15185109410,	-96.26293388660,	32.82525868270;	-96.26365593870,
32.85777518650;	-96.15127219790,	32.85593654350;	32.82706085490;	-96.26423686800,	32.82889903580;
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-96.15040938100,	32.84838207630;	-96.15056144540,	-96.26510871160,	32.83645284750;	-96.26495899170,
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32.84089648850;	-96.15239458100,	32.83965568000;	32.84210260210;	-96.26363497270,	32.84393973470;
-96.15262105530,	32.83909623580;	-96.15348772680,	-96.26290828630,	32.84574059800;	-96.26204359500,
32.83734006850;	-96.15448856310,	32.83563550410;	32.84749747830;	-96.26104459530,	32.84920284990;
-96.15561927300,	32.83398983910;	-96.15687501030,	-96.25991555960,	32.85084940720;	-96.25866131800,
32.83241011730;	-96.15825039420,	32.83090310000;	32.85243009640;	-96.25728723810,	32.85393814540;
-96.15874685070,	32.83040588310;	-96.16087123890,	-96.25579920150,	32.85536709310;	-96.25420357910,
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-96.16334362920,	32.82588075510;	-96.16336281750,	-96.25387224930,	32.85696875910;	-96.25278879320,
32.82586107510;	-96.16485179760,	32.82443314930;	32.85796450120;	-96.25253226630,	32.85819768140;
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32.82183882760;	-96.16993522000,	32.82068353380;	32.86079406070;	-96.24745011980,	32.86195040690;
-96.17078716570,	32.82020483890;	-96.17022483350,	-96.24722653740,	32.86207676050;	-96.24715724780,
32.81879731790;	-96.16964581720,	32.81695870860;	32.86224835750;	-96.24629210730,	32.86400511450;
-96.16921046950,	32.81509205500;	-96.16892064640,	-96.24529264320,	32.86571034710;	-96.24416313010,
32.81320535170;	-96.16877758010,	32.81130667900;	32.86735675050;	-96.24290840010,	32.86893727140;
-96.16878187460,	32.80940416750;	-96.16893350220,	-96.24153382280,	32.87044513860;	-96.24004528200,
32.80750596430;	-96.16923180490,	32.80562019700;	32.87187389160;	-96.23844915070,	32.87321740870;
-96.16967549660,	32.80375494010;	-96.17026266910,	-96.23767496680,	32.87380943400;	-96.23616188620,
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-96.17524166610,	32.79343089250;	-96.17661618000,	-96.22922725170,	32.87942891390;	-96.22755311520,
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-96.17935192570,	32.78943090880;	-96.18603823560,	-96.22365500140,	32.88247551090;	-96.22316024590,
32.78401084400;	-96.18638627220,	32.78373259670;	32.88273922280;	-96.22120604280,	32.88368808800;
-96.18808218640,	32.78248064910;	-96.18987135660,	-96.21918243730,	32.88452704720;	-96.21709810020,
32.78132505330;	-96.19174612370,	32.78027075420;	32.88525250510;	-96.21496196330,	32.88586135270;
-96.19369846330,	32.77932226330;	-96.19572001950,	-96.21307574700,	32.88628523600.	
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32.77666040860;	-96.20432174080,	32.77629221470;			
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32.77592537020;	-96.21105458400,	32.77592828910;			
-96.21330161840,	32.77605559620;	-96.21553399640,			
32.77630674690;	-96.21774216720,	32.77668066660;			
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32.77778989520;	-96.22412771980,	32.77852045830;			
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32.78031786600;	-96.22996603670,	32.78137701980;			
-96.23175100170,	32.78253724800;	-96.23344236100,			
32.78379358580;	-96.23476599830,	32.78490204770;			
-96.24067862670,	32.79012861100;	-96.24094553140,			
32.79036720730;	-96.24242855880,	32.79179917510;			
-96.24379757570,	32.79330998750;	-96.24504671750,			
32.79489317850;	-96.24617063160,	32.79654197190;			
-96.24716450080,	32.79824931040;	-96.24802406360,			

(H) Containment Zone 8. Containment Zone 8 is that portion of Bexar County within the boundaries of a line beginning at the intersection of Bitters Road and U.S. Highway 281 in Bexar County; thence north along U.S. 281 to State Highway (SH) North Loop 1604 ; thence west along SH North Loop 1604 to Blanco Road; thence south along Blanco Road to Bitters Road; thence east to U.S. Highway 281.

(I) Existing CZs may be modified and additional CZs may be designated as necessary by the executive director as provided in §65.84 of this title (relating to Powers and Duties of the Executive Director).

(2) Restrictions.

(A) Except as provided in this section or §65.87 of this title (relating to Exception), no person within a CZ shall conduct, authorize or cause any activity involving the movement of a susceptible species under a permit issued pursuant to Parks and Wildlife Code, Chapter 43, Subchapter C, E, L, R, or R-1. Such prohibited activity,

includes, but is not limited to transportation, introduction, removal, authorizing the transportation, introduction or removal of, or causing the transportation, introduction or removal of a live susceptible species into, out of, or within a CZ.

(B) If any portion of a deer breeding facility or release site is within a CZ, the entirety of the deer breeding facility or release site is in the CZ.

(C) If the department receives an application for a deer breeder permit for a new facility that is to be located within an area designated as a CZ, the department will issue the permit but will not authorize the possession of susceptible species within the facility so long as the CZ designation exists.

(D) Deer that escape from a deer breeding facility within a CZ may not be recaptured unless specifically authorized under a herd plan.

(E) A deer breeding facility that is located in a CZ and designated by the department as MQ under the provisions of Division 2 of this subchapter may:

(i) receive deer from any facility in the state that is authorized to transfer deer; and

(ii) release or transfer breeder deer within the CZ.

(F) Except as authorized by §65.83 of this title (relating to Special Provisions) breeder deer may not be transferred to or from a deer breeding facility that is:

(i) located within a CZ; and

(ii) subject to the provisions of §65.99 of this title (relating to Breeding Facilities Epidemiologically Connected to Deer Infected with CWD).

(G) Breeder deer released within a CZ must be tested as provided in this subparagraph. If breeder deer are released during a "hunting year" (as defined in §65.90 of this title (relating to Definitions)), harvest at the release site must be equal to or greater than the number of breeder deer released at that site before the last day of the hunting year, otherwise the harvest and reporting requirements of this subparagraph must be met before the last day of the hunting year immediately following the release.

(H) The owner of a release site located within a CZ shall comply with the requirements of §65.93 of this title (relating to Harvest Log).

(I) A person who fails to comply with the requirements of subparagraph (G) of this paragraph commits an offense as provided in Parks and Wildlife Code, §43.367 and §65.89 of this division, and the department shall not authorize the additional release of breeder deer to that release site.

§65.82. *Surveillance Zones; Restrictions.*

The areas described in paragraph (1) of this section are SZs and the provisions of this subchapter applicable to SZs apply on all properties lying wholly or partially within the described areas.

(1) Surveillance Zones.

(A) Surveillance Zone 1: That portion of the state lying within a line beginning where U.S. 285 enters from the State of New Mexico in Reeves County; thence southeast along U.S. 285 to R.M. 652; thence west along R.M. 652 to Rustler Springs Rd./FM 3541 in Culberson County; thence south along Rustler Springs Rd./F.M. 3541 to F.M. 2185; thence south along F.M. 2185 to Nevel Road; thence west along Nevel Road to County Road 501; thence south along County

Road 501 to Weatherby Road; thence south along Weatherby Road to F.M. 2185; thence southwest along to F.M. 2185 to S.H. 54; thence south on S.H. 54 to U.S. 90; thence south along U.S. 90 to the Culberson County line; thence southwest along the Culberson County line to the Rio Grande River in Hudspeth County; thence north along the Rio Grande to F.M. 1088; thence northeast along F.M. 1088 to S.H. 20; thence southeast along S.H. 20 to I.H. 10; thence southeast along I.H. 10 to F.M. 1111; thence north on F.M. 1111 to U.S. 62/180; thence east and north along U.S. 62/180 to the New Mexico state line in Culberson County.

(B) Surveillance Zone 2. That portion of the state lying within a line beginning at the New Mexico state line where U.S. 60 enters Texas; thence northeast along U.S. 60 to U.S. 87 in Randall County; thence south along U.S. 87 to S.H. 217 in Canyon; thence east along S.H. 217 to F.M. 1541; thence north along F.M. 1541 to Loop 335; thence east and north along Loop 335 to S.H. 136; thence northwest along S.H. 136 to N. Lakeside Dr.; thence north along N. Lakeside Dr. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to Denton St.; thence north along Denton St. to E. Cherry; thence west along E. Cherry to N. Eastern St.; thence south along N. Eastern St. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to U.S. 87; thence north along U.S. 87 to the City of Dumas; thence along the city limits of Dumas to U.S. 287 in Moore County; thence north along U.S. 287 to the Oklahoma state line.

(C) Surveillance Zone 3. That portion of the state not within the CZ described in §65.81(1)(C) of this title (relating to Containment Zones; Restrictions) lying within a line beginning at the intersection of F.M. 1250 and U.S. Highway 90 in Hondo in Medina County; thence west along U.S. Highway 90 to the Sabal River in Uvalde County; thence north along the Sabal River to F.M. 187; thence north along F.M. 187 to F.M. 470 in Bandera County; thence east along F.M. 470 to Tarpley in Bandera County; thence south along F.M. 462 to 18th Street in Hondo; thence east along 18th Street to State Highway 173; thence south along State Highway 173 to U.S. Highway 90; thence west along U.S. Highway 90 to Avenue E (F.M. 462); thence south along Avenue E (F.M. 462) to F.M. 1250; thence west along F.M. 1250 to U.S. Highway 90.

(D) Surveillance Zone 4: That portion of the state lying within a line beginning in Val Verde County at the confluence of Sycamore Creek and the Rio Grande River (29.242341°, -100.793906°); thence northeast along Sycamore Creek to U.S. 277; thence northwest on U.S. 277 to Loop 79; thence north along Loop 79 to the Union Pacific Railroad; thence east along the Union Pacific Railroad to Liberty Drive (north entrance to Laughlin Air Force Base); thence north along Liberty Drive to U.S. 90; thence west along U.S. 90 to Loop 79; thence north along Loop 79 to the American Electric Power (AEP) Ft. Lancaster-to-Hamilton Road 138kV transmission line (29.415542°, -100.847993°); thence north along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to a point where the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line turns northwest (29.528552°, -100.871618°); thence northwest along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to the AEP Ft. Lancaster-to-Hamilton Road maintenance road (29.569259°, -100.984758°); thence along the AEP Ft. Lancaster-to-Hamilton Road maintenance road to Spur 406; thence northwest along Spur 406 to U.S. 90; thence south along U.S. 90 to Box Canyon Drive; thence west along Box Canyon Drive to Bluebonnet Drive; thence southwest along Bluebonnet Drive to Lake Drive; thence south along Lake Drive to Lake Amistad (29.513298°, -101.172454°), thence southeast along the International Boundary to the International Boundary at the Lake Amistad dam; thence southeast along the Rio Grande River to the confluence of Sycamore Creek (29.242341°, -100.793906°).

(E) Surveillance Zone 5: That portion of the state lying within the boundaries of a line beginning on U.S. 83 at the Kerr/Kimble County line; thence north along U.S. 83 to I.H. 10; thence northwest along I.H. 10 to South State Loop 481; thence west along South State Loop 481 to the city limit of Junction in Kimble County; thence following the Junction city limit so as to circumscribe the city of Junction before intersecting with F.M. 2169; thence east along F.M. 2169 to County Road (C.R.) 410; thence east along C.R. 410 to C.R. 412; thence south along C.R. 412 to C.R. 470; thence east along C.R. 470 to C.R. 420; thence south along C.R. 420 to F.M. 479; thence east along F.M. 479 to C.R. 443; thence south along C.R. 443 to U.S. 290; thence west along U.S. 290 to I.H. 10; thence southeast along I.H. 10 to the Kerr/Kimble County line; thence west along the Kerr/Kimble County line to U.S. 83.

(F) Surveillance Zone 6: That portion of the state within the boundaries of a line beginning at the intersection of State Highway (S.H.) 207 and Farm to Market (F.M.) 211 in Garza County; thence west along F.M. 211 to U.S. Highway (U.S.) 87 in Lynn County; thence north along U.S. 87 to F.M. 41 in Lubbock County; thence west along F.M. 41 to F.M. 179; thence north along F.M. 179 to F.M. 2641; thence east along F.M. 2641 to U.S. 62/82; thence east along U.S. 62/82 to S.H. 207 in Crosby County; thence south along S.H. 207 to F.M. 211 in Garza County.

(G) Surveillance Zone 7: That portion of the state lying within the boundaries of a line beginning at the intersection of S.H. 205 and U.S. Hwy. 80 in Kaufman County; thence east along U.S. 80 to North 4th Street in Wills Point in Van Zandt County; thence north along North 4th Street to F.M. 751; thence north along F.M. 751 to the south shoreline of Lake Tawakoni in Hunt County; thence west and north along the Lake Tawakoni shoreline to the confluence of Caddo Creek; thence northwest along Caddo Creek to West Caddo Creek; thence northwest along West Caddo Creek to I.H. 30; thence southwest along I.H. 30 to F.M. 548 in Rockwall County; thence southeast along F.M. 548 to S.H. 205 in Kaufman County; thence southeast along S.H. 205 to US Hwy. 80.

(H) Surveillance Zone 8. SZ 8 is that portion of Duval County lying within the area described by the following latitude-longitude coordinate pairs: -98.27174932070, 27.95642982020; -98.27388849940, 27.95652170740; -98.27812373230, 27.95673759350; -98.28020166610, 27.95753714120; -98.28423375210, 27.95811738240; -98.28617065090, 27.95962639760; -98.28984475060, 27.96054871560; -98.29156622620, 27.96270925800; -98.29424069340, 27.96393823800; -98.30642858790, 27.97549504130; -98.30836946820, 27.97735119370; -98.30970296670, 27.97883952330; -98.31202734290, 27.98040208240; -98.31300826060, 27.98372284990; -98.31458654760, 27.98546684490; -98.31517714670, 27.98908476310; -98.31594858710, 27.99094319850; -98.31612610990, 27.99471927320; -98.31606092310, 27.99662074460; -98.31581847640, 28.00040987900; -98.31491902360, 28.00228131520; -98.31426585420, 28.00593788410; -98.31256656960, 28.00770735470; -98.31152771970, 28.01109080170; -98.310269028330, 28.0130909380710; -98.30770916090, 28.01567052860; -98.27601633780, 27.95707655480; -98.28224124840, 27.95881479580; -98.28804365580, 27.96157780350; -98.29320071330, 27.96481101760; -98.30692921880, 27.97735119370; -98.31092400210, 27.98203218360; -98.31386255010, 27.98725670330; -98.31563181130, 27.99282405280; -98.31616361140, 27.9931616361140; -98.299852032470, 27.9958343130; -98.31543730170, 28.00412661810; -98.31348058400, 28.00942745010; -98.31036847870, 28.01421904230; -98.30652296870, 27.95642982020; -98.27174932070, 27.95642982020.

28.01677477150; -98.29476413900, 28.02715939820; -98.29446157480, 28.02742312300; -98.29119732650, -98.29287488890; -98.28943607290, 28.02988528270; -98.28372721490, -98.28759867300; -98.28209992850, 28.03096902640; -98.28357658150, 28.03281863930; -98.28212906620, -98.28216192700; -98.28209992850, 28.03409614390; -98.28025876110, -98.28209629310; -98.27835296060, 28.03509401150; -98.27436947480, -98.27638705720; -98.27230885930, 28.03736424880; -98.26595781780, 28.03788784910; -98.26809399880, -98.27021404140; -98.26167369230, 28.03857112010; -98.25954410930, 28.03872786210; -98.25535549920, -98.26381465380; -98.25331442320, 28.03866820320; -98.25331442320, -98.25743503190; -98.24938330930, 28.03765176380; -98.24750835300, -98.25132055070; -98.24398417140, 28.03556089930; -98.24234915950, -98.24570636160; -98.24234915950, 28.03247603080; -98.23083475970, -98.24113442760; -98.23050872200, 28.02104737240; -98.21934417220, 28.02075285160; -98.22651595000, -98.22773612680; -98.22651595000, 28.01629151040; -98.22443392620, -98.22541364430; -98.22358098620, 28.01296921000; -98.22358098620, -98.22285847120; -98.22181649430, 28.00760561600; -98.22181649430, -98.22150148010; -98.22129010010, -98.22132576720; -98.22129010010, 28.0006882730; -98.22163888140, -98.22139462340; -98.22202182030, 27.99627995700; -98.22319656450, -98.22254179260; -98.22398332570, 27.99075315070; -98.22709906180, 27.98898427370; -98.22709906180, -98.22593876580; -98.22709906180, 27.98400359850; -98.22709906180, -98.222975996750; -98.23106012000, 27.97982198190; -98.23106012000, -98.24845806380; -98.25004429250, 27.96333954100; -98.25348165010, -98.25172121430; -98.25531806430, 27.96215649990; -98.25531806430, 27.96009472380; -98.25922481070, -98.25918709720; -98.26120315840, 27.95846733190; -98.26120315840, -98.26326215380; -98.26535527320, 27.95782552820; -98.26747356090, 27.95689942250; -98.26747356090, 27.95661908260; -98.27174932070, 27.95642982020.

(I) Surveillance Zone 9. SZ 9 is that portion of Gillespie County lying within the area described by the following latitude-longitude coordinate pairs: -99.17353593810, 30.39743442450; -99.17375688290, 30.39743648560; -99.18452955870, 30.39764152210; -99.18650306740, 30.39764152210; -99.18868707390, 30.39784203650; -99.19085128910, 30.39861174960; -99.19298645340, 30.39861174960; -99.19912713940, 30.39917766510; -99.19713325040, 30.39917766510; -99.19912713940, 30.40065946870; -99.20105656550, 30.40156903680; -99.20291327150, 30.40156903680; -99.20468931010, 30.40370605310; -99.20637707890, 30.40492435720; -99.20796935200, 30.40492435720; -99.20893862350, 30.40712458840; -99.20895081010, 30.40713624540; -99.21010719770, 30.40713624540; -99.21010719770, 30.40753808480.

-99.21210135430, 30.40924552080; -99.21766438250, 30.41260030250; -99.22243529740, 30.41679026140; -99.22480835100, 30.41908146200; -99.22986607570, 30.42300910870; -99.23347804140, 30.42634143400; -99.23593618490, 30.43032414290; -99.23861104520, 30.43567560700; -99.24006153660, 30.44130898650; -99.24031522990, 30.44837008950; -99.23991143100, 30.45377900510; -99.23837249220, 30.45922521070; -99.23561412610, 30.46423639880; -99.23174218850, 30.46861990940; -99.22690540570, 30.47220718960; -99.22128967060, 30.47486028580; -99.21511089570, 30.47647715950; -99.21067632870, 30.47678656200; -99.21064811580, 30.47693085820; -99.21044461600, 30.47802870800; -99.20558507580, 30.48096772130; -99.19918067420, 30.48266109800; -99.19454350000, 30.48463122570; -99.18811953420, 30.48551900460; -99.18153637020, 30.48529028750; -99.17504722140, 30.48395387180; -99.16890167570, 30.48156116010; -99.16383762300, 30.47759395960; -99.15703384190, 30.47509362850; -99.15343468090, 30.47116317790; -99.14929684530, 30.46650186960; -99.14788832480, 30.46607258170; -99.14534587130, 30.46195024290;	30.40833614830; -99.21588805010, 30.41138216910; -99.22094502920, 30.41531014690; -99.22474340580, 30.41796172760; -99.22827324780, 30.42161056390; -99.23273841830, 30.42537038200; -99.23478898920, 30.42863897130; -99.23785131870, 30.43385000730; -99.23971853280, 30.43941309750; -99.24031868570, 30.44347512650; -99.24014183540, 30.45190278830; -99.23902486900, 30.45744807400; -99.23666346750, 30.46262665880; -99.23314821010, 30.46723945750; -99.22861408870, 30.47110910870; -99.22323533540, 30.47408680570; -99.21721872840, 30.47605802930; -99.21079563440, 30.47678656200; -99.21064811580, 30.47693085820; -99.20677396330, 30.47958005360; -99.20228690650, 30.48241824050; -99.19660637810, 30.48409187060; -99.19029096560, 30.48534632510; -99.18373283570, 30.48549092560; -99.17718423650, 30.48452011010; -99.17089704850, 30.48247121970; -99.16511307110, 30.47975512380; -99.16032575160, 30.47530577870; -99.15502735320, 30.47256263720; -99.15056328030, 30.46812628830; -99.14790445390, 30.46609361990; -99.14672695110, 30.46350628560; -99.14293356470,	-99.21403105790, 30.41026231130; -99.21935245120, 30.41391149870; -99.22381687330, 30.41792590210; -99.22658493020, 30.42029947810; -99.23135659370, 30.42448912760; -99.23426138900, 30.42701533530; -99.23695842220, 30.43206363690; -99.23923434200, 30.43753262050; -99.24026187630, 30.44321216980; -99.24022535810, 30.45000946140; -99.23953857940, 30.45563007650; -99.23758423530, 30.46095387400; -99.23444070000, 30.46577619740; -99.23022865440, 30.46991163820; -99.22510992410, 30.47320117520; -99.21928126630, 30.47551830030; -99.21296680130, 30.47677389450; -99.21066064460, 30.47679653780; -99.20864883670, 30.47902245240; -99.20247846250, 30.48105261060; -99.19861514510, 30.48343422190; -99.19243535100, 30.48504997540; -99.18593036330, 30.48556727370; -99.17935038070, 30.48496621930; -99.17294849400, 30.48326993120; -99.16697092580, 30.48054365280; -99.16050915070, 30.47747402290; -99.15671572630, 30.47387466140; -99.15194452980, 30.46968228000; -99.14815064510, 30.46611914430; -99.14786511870, 30.46498723950; -99.14407960270, 30.46032577810;	-99.14191266110, 30.45689968290; -99.13964163080, 30.45142925030; -99.13861988230, 30.44603637950; -99.13856040750, 30.44354532120; -99.13864757930, 30.43787930220; -99.13887258090, 30.42670615000; -99.13996435970, 30.42250973950; -99.14092566160, 30.41696565550; -99.14329133930, 30.41178912120; -99.14680919670, 30.40717899290; -99.15134394780, 30.40331234110; -99.15672131320, 30.40033766070; -99.16273471980, 30.39836917910; -99.16915322740, 30.39748248000; and -99.17353593810, 30.39743442450.	30.45863985060; -99.14026316860, 30.45328664480; -99.13881823260, 30.44765245290; -99.13855946250, 30.44380220330; -99.13859897620, 30.43800444810; -99.13878668950, 30.42859929050; -99.13947963620, 30.42308994480; -99.14041023510, 30.41878314930; -99.14236931130, 30.41346114070; -99.14551604940, 30.40864131110; -99.14972939930, 30.40450879450; -99.15484740360, 30.40122230270; -99.16067342780, 30.39890804060; -99.16698370960, 30.39765487080;	-99.14102125860, 30.45511272950; -99.13915929960, 30.44954850150; -99.13856414440, 30.44408935820; -99.13856402530, 30.44172302860; -99.13864952570, 30.43027345620; -99.13910492460, 30.42483023090; -99.14003555800, 30.42063381830; -99.14157962280, 30.41518911770; -99.14434175290, 30.41018021600; -99.14821565470, 30.40579951960; -99.15305238720, 30.40221527910; -99.15866609560, 30.39956513830; -99.16484115140, 30.39795085930; -99.17134042280,
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(J) Surveillance Zone 10. SZ 10 is that portion of Limestone County lying within the area described by the following latitude-longitude coordinate pairs:

-96.65881805040, 31.73430086730; -96.66104090900, 31.73466418940; -96.66324985920, 31.73503074110; -96.66758833200, 31.73612579150; -96.66969929240, 31.73684960490; -96.67375953710, 31.73863433690; -96.67569144660, 31.73968761930; -96.67931753350, 31.74209349980; -96.68048820800, 31.74343580330; -96.68462217160, 31.74547369050; -96.68462217160, 31.75847900380; -96.69729893530, 31.76095532870; -96.69854199940, 31.76260105080; -96.70065270400, 31.76606227520; -96.70151129640, 31.76786296150; -96.70281656340, 31.77156597240; -96.70325763400, 31.77345244330; -96.70371370070, 31.77725496460; -96.70370717380, 31.77725496460; -96.70329008530, 31.77915473260; -96.70286173960, 31.78291064030; -96.70158109530, 31.78475069440; -96.69729893530, 31.78831563060; -96.69864567720, 31.79326216650; -96.69741285170, 31.79477561120; -96.69459649460, 31.79756007230; -96.68958909370, 31.79982157300; -96.68773935940, 31.80104408660; -96.68017875870, 31.80576803130; -96.67857966770, 31.80661450840; -96.67452621960, 31.80796426980; -96.66808086110, 31.80846176940;	-96.65881805040, 31.73442055060; -96.66543545060, 31.73551863760; -96.67175929910, 31.73768698100; -96.67754675920, 31.74084232030; -96.68257553940, 31.74486348640; -96.69651116210, 31.75937567640; -96.69966152170, 31.76430579870; -96.70223361620, 31.76970014900; -96.70355493140, 31.77535148450; -96.70357447540, 31.78104265300; -96.70229126460, 31.78655493390; -96.69975439640, 31.79167644570; -96.69606119560, 31.79621029550; -96.69135349960, 31.79998215730; -96.68741118830, 31.80498497550; -96.67658323740, 31.80734763520; -96.67026590250, 31.80883800190;
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-96.66587166950, 31.80922074180; -96.65919415410, 31.80886223310; -96.65264172870, 31.80740003290; -96.64646641510, 31.80489038020; -96.64090569260, 31.80142979580; -96.63617334660, 31.79753453160; -96.63511132560, 31.79668870300; -96.62982203250, 31.79322765480; -96.62509056930, 31.78894883010; -96.62219922950, 31.78308965490; -96.61764443320, 31.77838253570; -96.61548519690, 31.77287768670; -96.61459986770, 31.76718837570; -96.61502224360, 31.76153325270; -96.61673586220, 31.75612961660; -96.61967466820, 31.75118506780; -96.62372558250, 31.74688953930; -96.62873286980, 31.74340801060; -96.64027391640, 31.73775591030; -96.64572041930, 31.73556108310; -96.65216117680, 31.73443488260; -96.65881805040,	31.80909135460; -96.66141877320, 31.80910593500; -96.65479620720, 31.80800745030; -96.64846788960, 31.80583815100; -96.64267719970, 31.80268146970; -96.63764678780, 31.79865880470; -96.63512907170, 31.79751246930; -96.63159325040, 31.79447947590; -96.62656371510, 31.79045639480; -96.62248781220, 31.78696681040; -96.61863431950, 31.78013955960; -96.61606650000, 31.77474380640; -96.61475031560, 31.76909186490; -96.61473613210, 31.76340096120; -96.61602426190, 31.75788978150; -96.61856498750, 31.75277006970; -96.62226050510, 31.74823849730; -96.62696870810, 31.74446911720; -96.63111303750, 31.73843371330; -96.64366469470, 31.73617729780; -96.64997776830, 31.73468800780; -96.65659079340,	-96.66364779630, 31.80922560890; -96.65698347370, 31.80849554770; -96.65052927190, 31.80667589860; -96.64453342460, 31.80383664790; -96.63922649130, 31.80008698950; -96.63514113870, 31.79752070170; -96.63344919050, 31.79563480890; -96.62814312390, 31.79188470960; -96.62372999360, 31.78736847480; -96.61946413820, 31.78184492480; -96.61678727190, 31.77658137960; -96.61504584440, 31.77099101280; -96.61459513600, 31.76528869640; -96.61545223660, 31.75969356750; -96.61758398340, 31.75442060760; -96.62090826930, 31.74967238560; -96.62529722690, 31.74563128450; -96.63058215960, 31.74313020830; -96.64166940590, 31.73690995180; -96.64782778280, 31.73506394410; -96.65436866660,	-99.61782652640, 29.35035577580; -99.61555516190, 29.34489376500; -99.61494624750, 29.34259114510; -99.61436197100, 29.33689178380; -99.61487321080, 29.33362019190; -99.61556121170, 29.32926106910; -99.61732421150, 29.32649127370; -99.61904740670, 29.32295977640; -99.62056993200, 29.32012634080; -99.62471448910, 29.31675242370; -99.62536140450, 29.31568933250; -99.62843574650, 29.31106589070; -99.63289867970, 29.30718209080; -99.63819890080, 29.30418708460; -99.64413279780, 29.30219587850; -99.65047248120, 29.30128492740; -99.65487587710, 29.30124789310; -99.66326739090, 29.30182382290; -99.66959791860, 29.30349528360; -99.67551517240, 29.30619783800; -99.67954559440, 29.30761798010; -99.68080891950, 29.30864381890; -99.68672676130, 29.31134587030; -99.69200415500, 29.31497530720; -99.69643836310, 29.31939275110; -99.69985896580, 29.32442854090; -99.70213441260, 29.32988923730; -99.70316258900, 29.33885327800; -99.70366928260, 29.34284991320; -99.70306776070, 29.35078287580; -99.70315061320, 29.35549443210; -99.70207313650, 29.36104381850;	29.35209215220; -99.61617856340, 29.34674885720; -99.61503820540, 29.34432910810; -99.61442547730, 29.33879385100; -99.61466105070, 29.33380912050; -99.61506063110, 29.33108049280; -99.61697106210, 29.32676913270; -99.617691697400, 29.32379784010; -99.61999500570, 29.32166962830; -99.62322450720, 29.31727447850; -99.62534908130, 29.31671616190; -99.62716487010, 29.31253310120; -99.63130880370, 29.30838464850; -99.63635111800, 29.30507880900; -99.64209808410, 29.30274252910; -99.64832897350, 29.30146551530; -99.65480452090, 29.30122887060; -99.66110711120, 29.30150809000; -99.66752189610, 29.30281954970; -99.67360312630, 29.30518804900; -99.67911726860, 29.30760570470; -99.67958463450, 29.30796826400; -99.68481450940, 29.31033624270; -99.69032929430, 29.31367037590; -99.69506524350, 29.31784263020; -99.69884037040, 29.32269276880; -99.70150952680, 29.32803449350; -99.70296999200, 29.33347053880; -99.70360402460, 29.34094778790; -99.70337367010, 29.34634027440; -99.70322752220, 29.35360077700; -99.70257218990, 29.35922393950; -99.70066598480,	-99.61693676500, 29.34857213070; -99.61506922320, 29.34475276260; -99.61463086570, 29.34069635380; -99.61444061050, 29.33499829680; -99.61491150300, 29.33293256890; -99.61619893460, 29.32748208660; -99.61746690720, 29.32547330120; -99.61962570840, 29.32244439010; -99.62184101280, 29.31865919810; -99.62532991110, 29.31673657650; -99.62601184830, 29.31407645020; -99.62981903270, 29.30968109780; -99.63458185310, 29.30607857030; -99.64011729290, 29.30340721240; -99.64621272750, 29.30176959930; -99.65263407970, 29.30122860820; -99.65900846590, 29.30131575240; -99.66540870640, 29.30226160050; -99.67162789070, 29.30428591090; -99.67735584590, 29.30731095730; -99.67956313490, 29.30762363200; -99.68283907760, 29.30943427250; -99.68856764940, 29.31245883550; -99.69358506110, 29.31636804540; -99.69769853840, 29.32101177380; -99.70074995830, 29.32621166020; -99.70262193270, 29.33176795100; -99.70358951980, 29.33904533040; -99.70359239080, 29.34474356080; -99.70321386810, 29.35169864370; -99.70293185960, 29.35737149930; -99.70143682890, 29.36282334130;
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(K) Surveillance Zone 11. SZ 11 is that portion of Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.65125892840, 29.37997244440; -99.64901351840, 29.37941401480; -99.64642007180, 29.37926298170; -99.64444354350, 29.37779577780; -99.64068870050, 29.37689314240; -99.63892647290, 29.37476913010; -99.6355685560, 29.37355685560; -99.63418993490, 29.37085772200; -99.63155722420, 29.36938242860; -99.63041596490, 29.36621196710; -99.62890579820, 29.36453038250; -99.62806121330, 29.36305789800; -99.62480553320, 29.36184548510; -99.62429303370, 29.36007754550; -99.62381874180, 29.35985950010; -99.62273207700, 29.35860163960; -99.6212622890, 29.35712622890; -99.61895913350, 29.35595556520; -99.61862150420, 29.35360972870;

-99.69976389890, 29.36623103210; -99.69631147760, 29.37085665520; -99.69184845020, 29.37474283200; -99.68654631520, 29.37774011850; -99.68060890300, 29.37973324070; -99.67426453180, 29.38064553800; -99.66982079290, 29.38068663350; -99.65912069230, 29.38076767780; -99.65264385560, 29.37997244440.	29.36455488500; -99.69758197780, 29.36938868150; -99.69343856370, 29.37353947830; -99.68839492950, 29.37684766210; -99.68264494370, 29.37918600620; -99.67640969900, 29.38046457390; -99.66992899700, 29.38070171930; -99.65998003010, 29.38083583350; -99.65478687690, 29.38025930250;	and	-99.69873442870, 29.36784460200; -99.69492836580, 29.37224223310; -99.69016483510, 29.37584713740; -99.68462691200, 29.37852068160; -99.67852751480, 29.38016003970; -99.67210120720, 29.38070215650; -99.66706723200, 29.38082841100; -99.65694891120, 29.38057522580; -99.65125892840, 29.35865599960; -99.77654795040, 29.35808571740; -99.77208135310, 29.35752567680; -99.76742352200, 29.35585910680; -99.76150088920, 29.35316049340; -99.75621890060, 29.35068405070; -99.75578417860, 29.34976222060; -99.75171611030, 29.34559196180; -99.74793743590, 29.34074314620; -99.74526534270, 29.33540220140; -99.74380237120, 29.32977444280; -99.74360454380, 29.32407617420; -99.74448227720, 29.32000902450; -99.74564085140, 29.31554334500; -99.74833937880, 29.31052099920; -99.75214058830, 29.30681596510; -99.75294286840, 29.30597555990; -99.75645093470, 29.30182269650; -99.76148825540, 29.29851161350; -99.76723138150, 29.29616945840; -99.77345973130, 29.29488616370; -99.77993413720,	-99.77870973050, 29.35839957190; -99.77229013500, 29.35759382560; -99.76950128130, 29.35653331420; -99.76341473700, 29.35416907480; -99.75789524790, 29.35083779270; -99.75590513520, 29.35050683250; -99.75319761790, 29.34706596280; -99.74908037830, 29.34242376670; -99.74602583040, 29.33722482790; -99.74415123500, 29.33166901430; -99.74352844740, 29.32596987690; -99.74418118380, 29.32121228410; -99.74500563660, 29.31732310920; -99.74731130490, 29.31213499550; -99.75075920470, 29.30750877390; -99.75290419310, 29.30672668630; -99.75496305260, 29.30312071770; -99.75972053550, 29.29951320330; -99.76525173210, 29.29683615670; -99.77134418030, 29.29519237180; -99.77776391730, 29.29470343340;	29.35858993800; -99.77440502380, 29.35764971960; -99.77161614530, 29.35708963240; -99.76539177170, 29.35506989950; -99.75965842840, 29.35204847750; -99.75602127760, 29.35059296970; -99.75477991510, 29.34845803730; -99.75034173590, 29.34404235000; -99.74691779940, 29.33900768850; -99.74463958670, 29.33354761580; -99.74359448130, 29.32787201480; -99.74382243630, 29.32219901500; -99.74475467770, 29.31914317660; -99.74641050820, 29.31381150270; -99.74949032280, 29.30897642190; -99.75285889630, 29.30677371780; -99.75358175440, 29.30450698290; -99.75803902900, 29.30061847410; -99.76333462190, 29.29761799010; -99.76926509830, 29.29562074760; -99.77560269990, 29.29470343340;
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(L) Surveillance Zone 12. SZ 12 is that portion of

Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.77993413720, 29.29464496260;
-99.77999034560, 29.29464510230;
-99.78570768690, 29.29465668420;
-99.78786806550, 29.29491272730;
-99.79212324670, 29.29522634520;
-99.79419984340, 29.29621793300;
-99.79820666000, 29.29689166050;
-99.80011973380, 29.29858058260;
-99.80372431010, 29.29958855110;
-99.80540038360, 29.30190995680;
-99.80846425390, 29.30321346090;
-99.80983893070, 29.30607820520;
-99.81224435170, 29.30762718570;
-99.81326478910, 29.31092524480;
-99.81491926470, 29.31266020720;
-99.81554620640, 29.31626489670;
-99.81619440440, 29.31811919260;
-99.81620949950, 29.31895453670;
-99.81624122360, 29.31903087490;
-99.81673088120, 29.32091292640;
-99.81729043030, 29.32279131760;
-99.81735790960, 29.32658814880;
-99.81706679240, 29.32849033120;
-99.81670942610, 29.33226153590;
-99.81557868360, 29.33411440730;
-99.81481013500, 29.33771504250;
-99.81288309310, 29.33944738320;
-99.81173284150, 29.34273903720;
-99.80908346550, 29.34428424870;
-99.80850269810, 29.34629485420;
-99.80678761820, 29.34630490290;
-99.80657185830, 29.34814076870;
-99.80655435420, 29.34814121170;
-99.80597612830, 29.34869270430;
-99.80510057730, 29.34927473890;
-99.80509532990, 29.34952733970;
-99.8017550490, 29.35017550490;
-99.80110549990, 29.35267895590;
-99.79749021490, 29.35378480570;
-99.79557227110, 29.35568107880;
-99.79155683370, 29.35646337560;
-99.78947654670, 29.35767954000;
-99.78521537310, 29.35810819530;
-99.78305274890, 29.35859747360;

(M) Surveillance Zone 13. SZ 13 is that portion of

Zavala County lying within the area described by the following latitude-longitude coordinate pairs: -99.51049107440, 28.95090385000;
-99.51265315760, 28.95097450990;
-99.516935630, 28.951693848750;
-99.51904339970, 28.95192774590;
-99.52313272620, 28.952313272620;
-99.52509964250, 28.95395887460;
-99.52883593070, 28.95587490060;
-99.53058931150, 28.95698990850;
-99.53382905030, 28.95951007910;
-99.53530153730, 28.96090445770;
-99.53792024330, 28.96393199150;
-99.53905524430, 28.96555218970;
-99.54095224290, 28.96897080560;
-99.54170610720, 28.97075459030;
-99.54280840750, 28.97443296620;
-99.54315210890, 28.97631180980;
-99.54341747360, 28.97994913900;
-99.54343981590, 28.99442460320;
-99.54344055730, 28.99490528710;
-99.54344055730, 28.99490532000;

29.00913749330;	-99.54346227850,	29.00929697630;	28.95100290820;	-99.51005235880,	28.95090470190;	and
-99.54338251590,	29.01119871480;	-99.54316142200,	-99.51049107440,	28.95090385000.		
29.01309179740;	-99.54279993550,	29.01496811680;				
-99.54229959650,	29.01681963700;	-99.54166254020,				
29.01863842790;	-99.54089148760,	29.02041669900;				
-99.53998973420,	29.02214683280;	-99.53896113620,				
29.02382141780;	-99.53781009360,	29.02543328000,				
-99.53654153170,	29.02697551360;	-99.53516088010,				
29.02844151090;	-99.53367404930,	29.02982499060;				
-99.53208740580,	29.03112002460;	-99.53040774440,				
29.03232106340;	-99.52864225940,	29.03342296040;				
-99.52679851360,	29.03442099340;	-99.52488440590,				
29.03531088530;	-99.52290813750,	29.03608882220,				
-99.52087817660,	29.03675147010;	-99.51880322220,				
29.03729598890;	-99.51669216630,	29.03772004480;				
-99.51455405640,	29.03802182020;	-99.51239805620,				
29.03820002170;	-99.51072236680,	29.03825261230;				
-99.50919518970,	29.03826649830;	-99.50904828420,				
29.03826754640;	-99.50752105150,	29.03827545390;				
-99.50737410440,	29.03827592700;	-99.50594924450,				
29.03827772570;	-99.49566969890,	29.03834613070;				
-99.49566961900,	29.03834613120;	-99.49473223360,				
29.03835232920;	-99.49296109140,	29.03836402210;				
-99.49267466830,	29.03836599620;	-99.49226342180,				
29.03836658380;	-99.49009940990,	29.03829557020;				
-99.48794532360,	29.03810029240;	-99.48581039530,				
29.03778158750;	-99.48370377490,	29.03734082160;				
-99.48163449060,	29.03677988360;	-99.47961141030,				
29.03610117790;	-99.47764320340,	29.03530761330;				
-99.47573830340,	29.03440259080;	-99.47390487190,				
29.03338989820;	-99.47215076360,	29.03227414790;				
-99.47048349240,	29.03105984880;	-99.46891019950,				
29.02975229550;	-99.46743762220,	29.02835709100;				
-99.46607206590,	29.02688021350;	-99.46481937630,				
29.02532799110;	-99.46368491490,	29.02370707410;				
-99.46267353590,	29.02204407000;	-99.46178956550,				
29.02028719840;	-99.46103678340,	29.01850289030;				
-99.46041840690,	29.01667912560;	-99.45993707700,				
29.01482371620;	-99.45959484740,	29.01294460890;				
-99.45939317560,	29.01104985160;	-99.45933255420,				
29.00924911650;	-99.45935507090,	28.99505803090;				
-99.45935583340,	28.99457733840;	-99.45937664990,				
28.98145463430;	-99.45937701260,	28.98135307940;				
-99.45945839300,	28.97945142360;	-99.45968103930,				
28.97755852100;	-99.46004398980,	28.97568247670;				
-99.46054568250,	28.97383132270;	-99.46118396180,				
28.97201298440;	-99.46195608750,	28.97023524600;				
-99.46285874710,	28.96850571740;	-99.46388807000,				
28.96683180190;	-99.46503964370,	28.96522066420;				
-99.46630853350,	28.96367920000;	-99.46768930330,				
28.96221400650;	-99.46917603890,	28.96083135410;				
-99.47076237320,	28.95953715970;	-99.47244151420,				
28.95833696140;	-99.47420627300,	28.95723589490;				
-99.47604909550,	28.95623867160;	-99.47701631460,				
28.95577153470;	-99.47709898860,	28.95573317030;				
-99.47717746480,	28.95568850370;	-99.47874479960,				
28.95484972680;	-99.48065774630,	28.95396057300;				
-99.48263268430,	28.95318333200;	-99.48466116220,				
28.95252132910;	-99.48673449980,	28.95197739660;				
-99.48884382600,	28.95155386170;	-99.49098011560,				
28.95125253620;	-99.49313422850,	28.95107470940;				
-99.49485788860,	28.95102194360;	-99.49502543280,				
28.95102065940;	-99.49502565540,	28.95102065770;				
-99.49734003590,	28.95100290910;	-99.49734015720,				

(N) Surveillance Zone 14. SZ 14 is that portion of Gonzales County lying within the area described by the following latitude-longitude coordinate pairs: -97.34738886370, 29.67430305070; -97.34956514000, 29.67441090950; -97.35172868790, 29.67499772410; -97.35387025060, 29.67499772410; -97.35598066570, 29.67547416940; -97.35805090330, 29.67678295250; -97.36007210500, 29.67678295250; -97.36203562200, 29.67760969090; -97.36344026450, 29.68054764910; -97.36785199430, 29.68054764910; -97.36833935710, 29.68333935710; -97.37441330130, 29.68333935710; -97.37623673470, 29.68485356730; -97.37797816230, 29.68599871170; -97.37963012940, 29.68599871170; -97.38118556330, 29.68857461580; -97.38263780340, 29.68999435240; -97.38398063020, 29.68999435240; -97.38520829140, 29.69306704200; -97.38631552700, 29.69470684450; -97.38729759140, 29.69470684450; -97.38815027430, 29.69815830180; -97.38886991860, 29.69995518270; -97.38945343610, 29.69995518270; -97.38989832080, 29.70365282110; -97.39026233020, 29.70553774820; -97.39036514230, 29.70933950030; -97.39038506360, 29.70933950030; -97.39026233020, 29.71124004620; -97.38999745930, 29.71124004620; -97.38959157700, 29.71499981830; -97.38904641350, 29.71684294230; -97.38836429570, 29.71684294230; -97.38754813810, 29.72041622810; -97.38660142920, 29.72213108370; -97.38595242280, 29.72213108370; -97.38220355930, 29.72884796740; -97.38177930530, 29.72947308130; -97.38058405070, 29.72947308130; -97.37927199520, 29.73258597850; -97.37784875500, 29.73402843720; -97.37632042320, 29.73402843720; -97.37538655020, 29.73665449830; -97.37469354430, 29.73665449830; -97.37297508580, 29.737117240840; -97.36929323460, 29.73986508800; -97.36734561530, 29.74072224340; -97.36533789550, 29.74072224340; -97.36327867850, 29.74209427340; -97.36117678870, 29.74260326760; -97.35904123400, 29.74260326760; -97.35470584520, 29.743297516690; -97.35395662340, 29.74339751660; -97.35391959260, 29.74341740220; -97.35391959260, 29.74342561530; -97.35356363310, 29.74342561530; -97.35142802800, 29.74389052030; -97.34926791980, 29.74415553740; -97.34709256670, 29.74415553740; -97.34292666220, 29.74420534870; -97.34491129220, 29.74420534870; -97.34273344530, 29.74361814360; -97.33842531620, 29.74361814360; -97.33631349820, 29.74314139630; -97.33424195660, 29.74314139630; -97.33221956880, 29.74183182020; -97.33025500110, 29.74100460400; -97.32817197670, 29.74100460400; -97.32492046280, 29.73821149370; -97.32328126040, 29.73821149370; -97.32153955710, 29.73612060890; -97.31988750120, 29.73487771260; -97.31833216850, 29.73487771260; -97.31688021910, 29.73212266760; -97.31553786970, 29.73062232410; -97.31431086630, 29.72904855710; -97.31320446000, 29.72740810920; -97.31222338460, 29.72570800840; -97.31137183620, 29.72570800840; -97.31065345530, 29.72215820450; -97.31007131160, 29.72032370730; -97.30962789070, 29.72032370730; -97.30932508360, 29.71657477650; -97.30916417900, 29.71467639890; -97.30914585750, 29.71467639890; -97.30927018910, 29.71087243300; -97.30953663310, 29.70898313350; -97.30994404040,

29.70711309150;	-97.31049065840,	29.70527031350;	29.74254510330;	-97.33221956880,	29.74183182020;
-97.31117413930,	29.70346268880;	-97.31199154940,	-97.33025500110,	29.74100460400;	-97.32835667130,
29.70169795550;	-97.31217595120,	29.70135934680;	29.74006700000;	-97.32817197670,	29.73996795620;
-97.31222357740,	29.70078121370;	-97.31248993580,	-97.32492046280,	29.73821149370;	-97.32328126040,
29.69889191370;	-97.31289724330,	29.69702186780;	29.73726652240,	-97.32153955710,	29.73612060890;
-97.31344374800,	29.69517908270;	-97.31412710220,	-97.31988750120,	29.73487771260;	-97.31833216850,
29.69337144740;	-97.31494437290,	29.69160670040,	29.73354315930,	-97.31688021910,	29.73212266760;
-97.31589205450,	29.68989239580;	-97.31696608360,	-97.31553786970,	29.73062232410;	-97.31431086630,
29.68823587180;	-97.31816185660,	29.68664421850;	29.72904855710;	-97.31320446000,	29.72740810920;
-97.31947424980,	29.68512424820;	-97.32089764100,	-97.31222338460,	29.72570800840;	-97.31137183620,
29.68368246600;	-97.32242593380,	29.68232504200;	29.72395553780;	-97.31065345530,	29.72215820450;
-97.32405258360,	29.68105778520;	-97.32577062580,	-97.31007131160,	29.72032370730;	-97.30962789070,
29.67988611850;	-97.32757270550,	29.67881505540;	29.71845990380;	-97.30932508360,	29.71657477650;
-97.32945110910,	29.67784917880;	-97.33139779700,	-97.30916419900,	29.71467639890;	-97.31054585750,
29.67699262150;	-97.33340443820,	29.67624904830;	29.71277290060;	-97.30927018910,	29.71087243300;
-97.33546244590,	29.67562164070;	-97.33756301380,	-97.30953663310,	29.70898313350;	-97.30994404040,
29.67511308290;	-97.33969715420,	29.67472555070;	29.70711309150;	-97.31049065840,	29.70527031350;
-97.34185573630,	29.67446070210;	-97.34402952450,	-97.31117413930,	29.70346268880;	-97.31199154940,
29.67431967010;	-97.34541017760,	29.67429468660;	29.70169795550;	-97.3127595120,	29.70135934680;
-97.34658982240,	29.67429468660;	-97.34738886370,	-97.31222357740,	29.70078121370;	-97.31248993580,
29.67430305070;	-97.34738886370,	29.67430305070;	29.69889191370;	-97.31289724330,	29.69702186780;
-97.34956514000,	29.67441090950;	-97.35172868790,	-97.31344374800,	29.69517908270;	-97.31412710220,
29.67464279800;	-97.35387025060,	29.67499772410;	29.69337144740;	-97.31494437290,	29.69160670040;
-97.35598066570,	29.67547416940;	-97.35805090330,	-97.31589205450,	29.68989239580;	-97.31696608360,
29.67607009540;	-97.36007210500,	29.676782095250;	29.68823587180;	-97.31816185660,	29.68664421850;
-97.36203562200,	29.67760969090;	-97.36344026450,	-97.31947424980,	29.68512424820;	-97.32089764100,
29.67828952150;	-97.36785199430,	29.68054764910;	29.68368246600;	-97.32242593380,	29.68232504200;
-97.37349566950,	29.68333935710;	-97.37441330130,	-97.32405258360,	29.68105778520;	-97.32577062580,
29.68381029960;	-97.37623673470,	29.68485356730;	29.67988611850;	-97.32757270550,	29.67881505540;
-97.37797816230,	29.68599871170;	-97.37963012940,	-97.32945110910,	29.67784917880;	-97.33139779700,
29.68724083300;	-97.38118556330,	29.68857461580;	29.67699262150;	-97.33340443820,	29.67624904830;
-97.38263780340,	29.68999435240;	-97.38398063020,	-97.33546244590,	29.67562164070;	-97.33756301380,
29.69149396710;	-97.38520829140,	29.69306704200;	29.67511308290;	-97.33969715420,	29.67472555070;
-97.38631552700,	29.69470684450;	-97.38729759140,	-97.34185573630,	29.67446070210;	-97.34402952450,
29.69640635590;	-97.38815027430,	29.69815830180;	29.67431967010;	-97.34541017760,	29.67429468660;
-97.38886991860,	29.69995518270;	-97.38945343610;	-97.34658982240,	29.67429468660;	and -97.34738886370,
29.70178930650;	-97.38989832080,	29.70365282110;	29.67430305070.		
-97.39020266000,	29.70553774820;	-97.39036514230,			
29.70743601730;	-97.39038506360,	29.70933950030;			
-97.39026233020,	29.71124004620;	-97.38999745930,			
29.71312951620;	-97.38959157700,	29.71499981830;			
-97.38904641350,	29.71684294230;	-97.38836429570,			
29.71865099380;	-97.38754813810,	29.72041622810;			
-97.38660142920,	29.72213108370;	-97.38595242280,			
29.72316308890;	-97.38220355930,	29.72884796740;			
-97.38177930530,	29.72947308130;	-97.38058405070,			
29.73106535480;	-97.37927199520,	29.73258597850;			
-97.37784875500,	29.73402843720;	-97.37632042320,			
29.73538655020;	-97.37469354430,	29.73665449830;			
-97.37297508580,	29.73782684800;	-97.37117240840,			
29.73889857550;	-97.36929323460,	29.73986508800;			
-97.36734561530,	29.74072224340;	-97.36533789550,			
29.74146636830;	-97.36327867850,	29.74209427340;			
-97.36117678870,	29.74260326760;	-97.35904123400;			
29.74299116940;	-97.35688116690,	29.74325631620;			
-97.35470584520,	29.74339757160;	-97.35399482360,			
29.74341672900;	-97.35395662340,	29.74341740220;			
-97.35391959260,	29.74342561530;	-97.35356363310,			
29.74350274660;	-97.35142802800,	29.74389052030;			
-97.34926791980,	29.74415553740;	-97.34709256670,			
29.74429666220;	-97.34491129220,	29.74431328970;			
-97.34273344530,	29.74420534870;	-97.34056836010,			
29.74397330180;	-97.33842531620,	29.74361814360;			
-97.33631349820,	29.74314139630;	-97.33424195660,			

(O) Surveillance Zone 15. SZ 15 is that portion of Hamilton County lying within the area described by the following latitude-longitude coordinate pairs:-98.29832003980, 31.45683100770; -98.30053821980, 31.45692253220; -98.30274467610, 31.45747704170; 31.45713818440; -98.30492996880, 31.45747704170; -98.30708474830, 31.45793765430; -98.30919979520, 31.45890238740; 31.45851805150; -98.31038657960, 31.45890238740; -98.31669362400, 31.46106097640; -98.31757314480, 31.46218621200; 31.46137429580; -98.31958188490, 31.46218621200; -98.32152441100, 31.46310897320; -98.32339240950, 31.46310897320; -98.32517788510, 31.46527078000; -98.32687319450, 31.46650057530; -98.32847107970, 31.46923165910; 31.46782275430; -98.32996469850, 31.46923165910; -98.33134765430, 31.47072126000; -98.33261402310, 31.47391673150; 31.47228518200; -98.33375837890, 31.47391673150; -98.33477581750, 31.47560892520; -98.33566197690, 31.47914604320; 31.47735451990; -98.33641305640, 31.47914604320; -98.33665925550, 31.47982827930; -98.33754324230, 31.48238870550; -98.33827257370, 31.48389250930; -98.33842953420, 31.48417632520; -98.33930781770, 31.48769889290; 31.48590739450; -98.34005903390, 31.48769889290; -98.34067193630, 31.48952865460; -98.34114389300, 31.49327150360; 31.49138884620; -98.34147287490, 31.49327150360; -98.34160904900, 31.49463708250; -98.34170157760, 31.49719937850; 31.49532212280; -98.34188349310, 31.49719937850; -98.34192289780, 31.49910272210; -98.34181693100, 31.50289566260; 31.50100419770; -98.34156603790,

-98.34117128430, 31.50661623610; -98.33914371920, 31.51192273140; -98.33591793200, 31.51671969180; -98.33161776530, 31.52082268480; -98.32640843370, 31.52407393790; -98.32082827200, 31.52752824970; -98.31286111820, 31.52881293140; -98.30635490640, 31.52965569210; -98.29969807570, 31.52938158670; -98.29314667580, 31.52800115810; -98.28774691130, 31.52514180700; -98.28116090930, 31.52351677690; -98.27569722330, 31.52129630560; -98.27272702750, 31.51872393490; -98.26794004490, 31.51450121010; -98.26414793460, 31.50961178110; -98.26149634400, 31.50539419920; -98.26067048630, 31.50187219680; -98.26016347140, 31.49996785120; -98.25948771030, 31.49843651180; -98.25919780050, 31.49668975590; -98.25891856200, 31.49227169770; -98.25924095380, 31.48660586630; -98.26085383060, 31.48117533010; -98.26369500620, 31.47618872550; -98.26679534130, 31.47403170990; -98.26759061030, 31.47098385370; -98.27119215720, 31.46640082660; -98.27581557080, 31.46256778850; -98.28128316800, 31.45963194470; -98.28738491320, 31.45770603260; -98.29388647760, 31.45686400240; and	31.50476901650; -98.33995753360, 31.51020077060; -98.33711958970, 31.51518918890; -98.33316111930, 31.51954248720; -98.32823417660, 31.52309327520; -98.32252812310, 31.52558836290; -98.31495277810, 31.52828819900; -98.30855295060, 31.52949814630; -98.30191796040, 31.52959728710; -98.29530301480, 31.52858180830; -98.28896254810, 31.52682831360; -98.28322840220, 31.52432927850; -98.27720782970, 31.52177212490; -98.27451294920, 31.51995442490; -98.26943352290, 31.51599147340; -98.26529158280, 31.51130451620; -98.26224624910, 31.50607376110; -98.26103720500, 31.50362150500; -98.26019757910, 31.50163099480; -98.25959479380, 31.49858334420; -98.25934393530, 31.49681330150; -98.25908513530, 31.49417506840; -98.25898844640, 31.48847897680; -98.26017565520, 31.48294620920; -98.26261728780, 31.47778934150; -98.26621934470, 31.47405293180; -98.26682929990, 31.47264847450; -98.26987039700, 31.46785333050; -98.27417112320, 31.46375238870; -98.27937922070, 31.46050314930; -98.28529459750, 31.45823038810; -98.29169006320, 31.45702137520;	-98.34063435240, 31.50842940960; -98.33819638750, 31.51358791540; -98.33459655670, 31.51817286660; -98.32997310320, 31.52200797380; -98.32450369570, 31.52494575960; -98.31529088300, 31.52764487610; -98.31072479060, 31.52921682410; -98.30414007870, 31.52968878630; -98.29748993910, 31.52904260950; -98.29103016340, 31.52730314750; -98.28364524440, 31.52502741460; -98.27915118130, 31.52259339180; -98.27487098790, 31.52108725890; -98.27103146470, 31.51740106160; -98.26655742540, 31.51293665660; -98.26313137410, 31.50786570290; -98.26125158690, 31.504772707340; -98.26022400310, 31.50175088800; -98.25975004400, 31.49917801640; -98.25946171780, 31.49775949680; -98.25918143380, 31.49594870230; -98.25888082590, 31.49037028660; -98.25963725850, 31.48475897480; -98.26166887360, 31.47945391800; -98.26489740930, 31.47465892070; -98.26681607220, 31.47400646050; -98.26866816410, 31.46938318870; -98.27262778230, 31.46503189320; -98.27755408420, 31.46148316170; -98.28325777710, 31.45887327570; -98.28951978000, 31.45730245280; -98.29609962590, 31.45683100770.	(P) Surveillance Zone 16. SZ 16 is that portion of Washington County lying within the area described by the following latitude-longitude coordinate pairs:	-96.38037260510, 30.18191727260; -96.38126142310, 30.18217619090; -96.38615843640, 30.18328854540; -96.39237484600, 30.18547048840; -96.39677557990, 30.18705681000; -96.40040012450, 30.19023151300; -96.40504332360, 30.19451853250; -96.40869221050, 30.19945687630; -96.41120647440, 30.20485685250; -96.41248933450, 30.21051100340; -96.41249128340, 30.21620206880; -96.41121202080, 30.22042153380; -96.41026138110, 30.22413336690; -96.40735823510, 30.22907318760; -96.40336124960, 30.23336189210; -96.39842396800, 30.23683456960; -96.39273615650, 30.23935767140; -96.38665406210, 30.24050872300; -96.38400651130, 30.24114560010; -96.37943402890, 30.24149469100; -96.37286547920, 30.24112139200; -96.36642329560, 30.23964469410; -96.36035525580, 30.23712139540; -96.35489471070, 30.23364854370; -96.35025159190, 30.22935969440; -96.34660433170, 30.22441976380; -96.34409300610, 30.22026010760; -96.34307079300, 30.21573732990; -96.34221584080, 30.21004624990; -96.34264750500, 30.20439212950; -96.34434897380, 30.19899222770;	-96.37818600590, 30.18204179120; -96.38183665460, 30.18242462620; -96.38827512360, 30.18390033310; -96.39434033840, 30.18642213800; -96.39737630640, 30.18781788400; -96.40204803700, 30.19157739740; -96.40637787030, 30.19610119620; -96.40966208600, 30.20121552930; -96.41177436110, 30.20672393420; -96.41263334350, 30.21241477560; -96.41220580560, 30.21806937060; -96.41101164340, 30.22057139600; -96.40942300250, 30.22584103440; -96.40614067850, 30.23058382600; -96.40181127600, 30.23461741630; -96.39660114190, 30.23778669750; -96.39071055710, 30.23996978450; -96.38629454620, 30.24053684440; -96.38196210040, 30.24135890920; -96.37724607410, 30.24149463060; -96.37069161440, 30.24074981350; -96.36434713430, 30.23891588970; -96.35845664370, 30.23606339620; -96.35324664800, 30.23230203860; -96.34891742260, 30.22777646210; -96.34563530760, 30.22266067780; -96.34389250760, 30.21884607860; -96.34264385410, 30.21384976040; -96.34221658270, 30.20814659660; -96.34307582360, 30.20255339060; -96.34518833940, 30.19728504830;
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-96.34725466570, 30.19405399940; -96.35125277970, 30.18976713200; -96.35618961250, 30.18629626920; -96.36187547380, 30.18377469850; -96.36809197190, 30.18229924380; -96.37460038870, 30.18191180110; -96.37818600590,	30.19563662030; -96.34980737900, 30.19111296190; -96.35445074300, 30.18735362180; -96.35990993970, 30.18450297110; -96.36597526150, 30.18267047270; -96.37241378070, 30.18192648840; -96.37683307230, 30.18191727260.	-96.34847276860, 30.19254395910; -96.35280278010, 30.18851222870; -96.35801194480, 30.18534469510; -96.36390013580, 30.18316299340; -96.37024121010, 30.18205089490; -96.37543874540, 30.18190253200; and	-99.44320943980, 29.10354755920; -99.44050047300, 29.10856193160; -99.43669228400, 29.11295058280; -99.43193115070, 29.11654476010; -99.42640005730, 29.11920624220; -99.42031166020, 29.12083266630; -99.41390009990, 29.12136147470; -99.40741197850, 29.12108400340; -99.40251013140, 29.12020893200; -99.39692726580, 29.11951498450; -99.39208582570, 29.11878495860; -99.39030879050, 29.11844583150; -99.38415189480, 29.11676055630; -99.37825320000, 29.11404484310; -99.37299738280, 29.11040313980; -99.36858649000, 29.10597549460; -99.36519001260, 29.10093215840; -99.36293837570, 29.09546702720; -99.36191794140, 29.08994922900; -99.36185467960, 29.07578925090; -99.36181412440, 29.07395394560; -99.35996290590, 29.05151383450; -99.35447317470, 29.04816615360; -99.34976394830, 29.04398236110; -99.34601621140, 29.03912333880; -99.34337391420, 29.03377590650; -99.34193845200, 29.02814562890; -99.34159159730, 29.01448359810; -99.34190016700, 29.00881352730; -99.34341031690, 29.00336799740; -99.34612161900, 28.99835621990; -99.34992973660, 28.99397070990;	29.10176981960; -99.44153164780, 29.10695090510; -99.43807560240, 29.11156821080; -99.43361346610, 29.11544420020; -99.42831670420, 29.11842982040; -99.42238894130, 29.12041024530; -99.41605812460, 29.12130930250; -99.40956774260, 29.12109241020; -99.40258843590, 29.12049289310; -99.39720636010, 29.11983524550; -99.39268286130, 29.11891917020; -99.39045903820, 29.11874683620; -99.38622233660, 29.11744085500; -99.38015877260, 29.11505890390; -99.37466481900, 29.11171196250; -99.36995169740, 29.10752874790; -99.36620054230, 29.10267011960; -99.36355543540, 29.09732288220; -99.36211787960, 29.09169259290; -99.36185979240, 29.08021473100; -99.36179620430, 29.07448936090; -99.36175088250, 29.05242064490; -99.35622623990, 29.04938202090; -99.35123509490, 29.04546052690; -99.34714890980, 29.04080696470; -99.34412466880, 29.03560026380; -99.34227846760, 29.03004059000; -99.34168122720, 29.01485148010; -99.34167515240, 29.01068926250; -99.34276961840, 29.00514504220; -99.34508991910, 28.99996630610; -99.34854672320, 28.99535199330; -99.35300709280,	-99.44243592570, 29.10527705730; -99.43934681240, 29.11010323470; -99.43520277930, 29.11424442740; -99.43016303870, 29.11754139050; -99.42442131010, 29.11986732830; -99.41819836900, 29.12113278080; -99.41173354390, 29.12128907380; -99.40734269290, 29.12050255500; -99.40022873300, 29.11986780900; -99.39479084050, 29.11907267790; -99.39061688830, 29.11876559300; -99.38833026020, 29.11800341720; -99.38212781660, 29.11596543670; -99.37641926310, 29.11292760000; -99.37142409650, 29.10900674050; -99.36733431850, 29.10435363570; -99.36430705180, 29.09914719730; -99.36245850800, 29.09358758100; -99.36185899190, 29.08759977730; -99.36179776570, 29.07529295510; -99.36183449240, 29.05314344710; -99.35805876720, 29.05049951080; -99.35280708100, 29.04685711910; -99.34839994020, 29.04242895520; -99.34500669170, 29.03738529000; -99.34275763650, 29.03192003230; -99.34173903770, 29.02661114840; -99.34159144090, 29.01258198750; -99.34226551310, 29.00696281270; -99.34418485810, 29.00163928550; -99.34727553530, 28.99681591830; -99.35141865190, 28.99267797910;
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(Q) Surveillance Zone 17. SZ 17 is that portion of Frio County lying within the area described by the following latitude-longitude coordinate pairs: -99.36629569600, 28.98651965640; -99.36840629430, 28.98609813390; -99.37269881140, 28.98562308160; -99.37457900900, 28.98557124320; -99.39799461810, 28.98551013930; -99.40015738770, 28.98558273420; -99.40444364680, 28.98609962140; -99.40565241680, 28.98635346730; -99.41178777770, 28.98633916050; -99.41395057600, 28.98641151840; -99.41823694490, 28.98692793590; -99.42034217650, 28.98736978610; -99.42443173500, 28.98861132590; -99.42639856270, 28.98940570370; -99.43013426680, 28.99132469590; -99.43188715450, 28.99244109950; -99.43512551540, 28.99496385740; -99.43659712350, 28.99635941630; -99.43921371050, 28.99938905900; -99.44034748040, 29.00101017660; -99.44224170010, 29.00443034180; -99.44299402840, 29.00621474970; -99.44409299640, 29.00989405570; -99.44443491580, 29.01177320230; -99.44450033510, 29.01225994290; -99.44451689260, 29.01232305610; -99.44510123690, 29.01710165360; -99.44530263880, 29.01937485230; -99.44536280650, 29.01952934800; -99.44505808980, 29.02323295270; -99.44475641780, 29.02488125950; -99.44476616610, 29.03179688030; -99.44468445450, 29.03369857700; -99.44418253550, 29.03703079390; -99.44426315140, 29.03734169010; -99.44480661260, 29.04111566980; -99.44486682400, 29.04277115730; -99.44487857900, 29.04574805500; -99.44490723130, 29.05326855560; -99.44508224310, 29.07245061810; -99.44506121900, 29.07293976660; -99.44507752830, 29.08488228240; -99.44507803550, 29.08504920050; -99.44507605350, 29.09204195900; -99.44499429730, 29.09394371200; -99.44475814030, 29.09593795000; -99.44471522370, 29.09622413730; -99.44384888400, 29.09995145360;

-99.35468825800, 28.99147933290; -99.35645495010, 30.51949435570; -100.49198622700, 30.52110660970;
 28.99037990030; -99.35829960680, 28.98938438550; -100.49303148500, 30.52278162490; -100.49394799900,
 -99.36021433260, 28.98849704820; -99.36219093310, 30.52451223180; -100.49473183900, 30.52629102250;
 28.98772168490; -99.36422094970, 28.98706161290; and -100.49537964100, 30.52811038240; -100.49588862500,
 -99.36629569600, 28.98651965640. -100.49625660300, 30.53183951430; -100.49634171900,
 -100.49633886400, 30.53240339680; -100.49635288800, 30.53244371130;
 30.53242463760; -100.49645111000, 30.53261281470; -100.49736778000,
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 -100.49879969700, 30.53794151170; -100.49930879900,
 30.53979363930; -100.49967688300, 30.54167062170;
 -100.49989414400, 30.54346534740; -100.49989542400,
 30.54348042090; -100.49990473300, 30.54349320810;
 -100.50049997100, 30.54434266150; -100.50154563100,
 30.54601760880; -100.50246252100, 30.54774815650;
 -100.50324670900, 30.54952689680; -100.50389483000,
 30.55134621530; -100.50440410300, 30.55319832370;
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 30.59420991440; -100.41110919100, 30.59408980140;
 -100.40959885400, 30.59270509820; -100.40819648000,

(R) Surveillance Zone 18. Surveillance Zone 18 is that portion of Bexar County within the boundaries of a line beginning at the intersection of Northwest Military Highway (FM 1535) and Interstate Highway (IH) Loop 410 in Bexar County; thence east along IH-Loop 410 to Wetmore Road; thence north along Wetmore Road to Bulverde Road; thence north along Bulverde Road to Evans Road; thence west along Evans Road to Stone Oak Parkway; thence west and south along Stone Oak Parkway to Huebner Road; thence west along Huebner Road to Northwest Military Highway; thence south along Northwest Military Highway (FM 1535) to IH-Loop 410.

(S) Surveillance Zone 19. Surveillance Zone 19 is that portion of Sutton County lying within the area described by the following latitude/longitude pairs: -100.38319766000, 30.44241372940;
 -100.38330542300, 30.44241355570; -100.42117692500, 30.44239956000;
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30.44241372940.

(T) Surveillance Zone 20. Surveillance Zone 20 is that portion of Zavala County lying within the area described by the following latitude/longitude pairs: -99.52095361740, 28.97441019490; -99.52311623060, 28.97448067590; -99.52526897870, 28.97499337100; -99.52740265120, 28.97499337100; -99.52950811930, 28.97543339180; -99.53157637450, 28.97667137530; -99.53359856710, 28.97667137530; -99.53556604390, 28.97746404140; -99.53747038530, 28.97937977980; -99.53930344110, 28.97937977980; -99.54079805130, 28.98031997940; -99.54275023520, 28.98479624760; -99.54079805130, 28.98479624760; -99.54750957250, 28.98479624760; -99.54785821340, 28.98503676640; -99.54985879760, 28.98503676640; -99.55117763500, 28.98740872890; -99.55275134850, 28.98871522560; -99.55422454890, 28.99158529700; -99.5559092700, 28.99158529700; -99.55684463020, 28.99313658910; -99.55798028710, 28.99643851830; -99.55899303100, 28.99643851830; -99.55987852050, 28.99817502260; -99.5603295830, 28.99817502260; -99.56125310750, 29.00178197670; -99.5613303930, 29.0024439980; -99.56133273200, 29.00205268890; -99.56134113470, 29.00205699800; -99.56316032010, 29.00306084540; -99.56491494500, 29.00417540170; -99.56658293370, 29.00538843320; -99.56815714520, 29.00669474920; -99.56963083870, 29.00956449910; -99.57099770330, 29.00956449910; -99.57225188400, 29.01111565180; -99.57338800760, 29.01111565180; -99.57440120520, 29.01441734800; -99.57528713360, 29.01615375970; -99.57604199350, 29.01615375970; -99.57666254630, 29.01976057820; -99.57714612760, 29.02161554480; -99.57749065930, 29.02349433950; -99.57769465810, 29.02729116930; -99.57772470190, 29.02847435840; -99.57699091100, 29.04294971910; -99.57694433240, 29.04366831230; -99.57672381830, 29.04743793060; -99.57636285890, 29.04743793060; -99.57586299210, 29.04928961410; -99.57522635090, 29.05288710960; -99.57445565480, 29.05461751170; -99.57252583440, 29.05461751170; -99.57137496390, 29.05790459290; -99.57010651080, 29.05872590420; -99.56723905460, 29.06229747690; -99.56691357850, 29.06229747690; -99.56565232830, 29.06359295460; -99.56397252060, 29.06359295460; -99.56220682630, 29.06589684590; -99.56036280920, 29.06689538650; -99.55844836940, 29.06689538650; -99.55647170940, 29.06856427920; -99.55444129910, 29.06856427920; -99.55232601820, 29.06922747890; -99.55025422470, 29.07019718500; -99.54811550470, 29.07019718500; -99.54793349060, 29.07049953530; -99.54379349060, 29.07073275620; -99.54368347780, 29.07073219700; -99.54367904450, 29.07073219700; -99.54367063640, 29.07073211210; -99.54160516640, 29.07071811880; -99.54160514960, 29.07071811880; -99.52332601820, 29.07059281150; -99.52135033460, 29.07059281150; -99.5200480320, 29.07057910890; -99.51799445770, 29.07050011140; -99.51583960170, 29.07030530790; -99.51370387460, 29.07030530790; -99.51159642960, 29.06954676480; -99.50952629870, 29.06954676480; -99.50830800830, 29.06898627650; -99.50750235340, 29.06898627650; -99.506362747560, 29.06751486720; -99.506362747560, 29.06661025240; -99.50003813640, 29.06448257060; -99.49836996440, 29.06326862160; -99.49679577500, 29.06326862160; -99.4932230960, 29.06056649560; -99.49395587710, 29.05908989710; -99.49270232710, 29.05908989710;

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27.13981666780;	-98.26627186270,	27.13919216490;		
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27.13855607030;	-98.26783677100,	27.13850433430;		
-98.26809786590,	27.13839484540;	-98.26859139800,		
27.13819236990;	-98.26885450170,	27.13808680220;		
-98.26935182210,	27.13789170920;	-98.26961686170,		
27.13779009250;	-98.27045143240,	27.13748232940;		

(W) Existing SZs may be modified and additional SZs may be designated as necessary by the executive director as provided in §65.84 of this title (relating to Powers and Duties of the Executive Director).

(2) Restrictions.

(A) Except as provided in §65.87 of this title (relating to Exception) and subparagraph (B) of this paragraph, no person within a SZ may conduct, authorize or cause any activity involving the movement of a susceptible species, into, out of, or within a SZ under a permit issued pursuant to Parks and Wildlife Code, Chapter 43, Subchapter C, E, L, R, or R-1. Such prohibited activity includes, but is not limited to transportation, introduction, removal, authorizing the transportation, introduction or removal, or causing the transportation, introduction or removal of a live susceptible species into, out of, or within a SZ.

(B) Breeder Deer.

(i) Except as provided in Division 2 of this subchapter, a breeding facility that is within a SZ may:

(I) transfer to or receive breeder deer from any other deer breeding facility in this state that is authorized to transfer deer; and

(II) transfer breeder deer in this state for purposes of liberation, including to release sites within the SZ.

(ii) Deer that escape from a breeding facility within a SZ may not be recaptured unless specifically authorized under a herd plan.

(C) Breeder deer from a deer breeding facility located outside a SZ may be released within a SZ if authorized by Division 2 of this subchapter.

(D) Except as authorized by §65.83 of this title (relating to Special Provisions) breeder deer may not be transferred to or from a deer breeding facility that is:

(i) located within a SZ; and

(ii) subject to the provisions of §65.99 of this title (relating to Breeding Facilities Epidemiologically Connected to Deer Infected with CWD).

(E) Permits to Transplant Game Animals and Game Birds (Triple T permit). The department may authorize the release of susceptible species in a SZ under the provisions of a Triple T permit issued by the department under the authority of Parks and Wildlife Code, Chapter 43, Subchapter E and the provisions of Subchapter C of this chapter, but the department will not authorize the trapping of deer within a SZ for purposes of a Triple T permit.

(F) Deer Management Permit (DMP). The department may issue a DMP for a facility in a SZ; however, any breeder deer introduced to a DMP facility in a SZ must be released to the property

for which the DMP is issued and may not be transferred anywhere for any purpose.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 30, 2023.

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Todd S. George

Assistant General Counsel

Texas Parks and Wildlife Department

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Proposal publication date: July 21, 2023

For further information, please call: (512) 389-4775



DIVISION 2. CHRONIC WASTING DISEASE - COMPREHENSIVE RULES

31 TAC §65.99

The amendment is adopted under the authority of Parks and Wildlife Code, Chapter 43, Subchapter C, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation; Subchapter E, which requires the commission to adopt rules for the trapping, transporting, and transplanting of game animals and game birds, urban white-tailed deer removal, and trapping and transporting surplus white-tailed deer; Subchapter L, which authorizes the commission to make regulations governing the possession, transfer, purchase, sale, of breeder deer held under the authority of the subchapter; Subchapters R and R-1, which authorize the commission to establish the conditions of a deer management permit for white-tailed and mule deer, respectively; and §61.021, which provides that no person may possess a game animal at any time or in any place except as permitted under a proclamation of the commission.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.36

The Texas Commission on Law Enforcement (Commission) adopts the new 37 Texas Administrative Code Chapter 211, §211.36, concerning Advisory Committee Operations and Procedures, with changes to the proposed text as published in the July 7, 2023, issue of the *Texas Register* (48 TexReg 3637). The rule will not be republished.

This new rule conforms with Texas Occupations Code § 1701.165.

No comments were received regarding adoption of this new rule.

The new rule is adopted under Texas Occupations Code § 1701.151, General Powers of the Commission; Rulemaking Authority and § 1701.165, Advisory Committees.

No other code, article, or statute is affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on September 1, 2023.

TRD-202303218

John Beauchamp

Interim Executive Director

Texas Commission on Law Enforcement

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For further information, please call: (512) 936-7700

