

TXCA-0772

Texas Parks & Wildlife Department
White-tailed Deer Advisory Committee

Final Report Resulting From HCR 256



Presented to:

The Honorable Kenneth Armbrister
Senator
Senate Committee on Natural Resources Chairman

The Honorable Harvey Hilderbran
State Representative
House Committee on State Cultural and Recreational Resources Chairman

The Honorable Joseph B.C. Fitzsimons
Chairman
Texas Parks and Wildlife Commission

Members
TPWD White-tailed Deer Advisory Committee

Prepared by Mitch Lockwood
1 December 2004

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Executive Summary

The Texas Parks and Wildlife Commission created the White-tailed Deer Advisory Committee (WTDAC) in March 2003 to provide a forum to discuss issues relevant to white-tailed deer in Texas and to solicit advice and guidance on all programs relevant to white-tailed deer and/or wildlife management in Texas. Former TPW Commission Chairman, Katharine Armstrong, defined the role of the Committee as an "advisory and sounding board" and the members as representatives/missionaries of their respective communities. She charged the group to present issues for deliberation, and gave assurances that feedback and input would be given serious consideration. Additionally, the 78th Texas Legislature passed House Concurrent Resolution 256 (HCR 256, Appendix A), which directs the Committee to study issues relevant to deer permits and deer management activities across the State.

This report is a compilation of various issues discussed during the 7 WTDAC meetings that have been conducted since March 2003. Most of the information in this report has been previously documented in quarterly reports, as directed by the 78th Texas Legislature. However, one meeting was conducted since the last (8/11/04) quarterly report; therefore, relevant excerpts from the September 21, 2004 WTDAC meeting notes are presented in the Appendices. Information presented in the Appendices represent discussions at the time the notes and reports were written, and do not necessarily reflect the current state of affairs.

The WTDAC's accomplishments are considerable. All directives and associated issues from HCR 256 have been addressed, and this Committee will continue to deliberate on issues as they arise.

WTDAC Charter

Objective: To identify issues, discuss alternatives and recommend options regarding white-tailed deer and wildlife management programs in Texas. Functions in an active role to assist TPWD in planning and goal setting, as well as serving as a sounding board for TPWD Commission and staff.

Authority: Advisory authority only, created on March 20, 2003 when the Department and the Texas Parks and Wildlife Department Commission authorized formation of the Committee. Members are appointed and serve at the pleasure of the TPW Commission Chairman. Additionally House Concurrent Resolution 256 of the 78th Legislature required quarterly meetings and reporting.

Directives: HCR 256 directed the WTDAC to:

1. Address how habitat relates to the ecological diversity of the state.

2. Study the role of the wildlife biologist in the development of management plans...
3. ...and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management.
4. Study current deer management permits to determine how to provide flexibility and economic incentives for private landowners in preserving wildlife habitat.

Department Contact: Clayton Wolf

Membership: Turnover in membership since the inception of the WTDAC has been minimal. Prior to the appointment of a Committee Chairman, Scott Boruff, TPWD Deputy Executive Director and then acting Wildlife Division Director, presided over the WTDAC. Since then, TPW Commission Chairman Joseph Fitzsimons appointed TPW Commission Chairman Emeritus, Lee M. Bass, to chair this Committee. Mr. Bass has led this Committee in each of 5 meetings since January 1, 2004. Participation of each meeting is documented in Appendix B.

WTDAC Accomplishments

HCR 256 Directives

1. Address how habitat relates to the ecological diversity of the state – Since habitat has been integral to all TPWD deer permit programs that require Wildlife Management Plans, it was recommended that the Committee first address the habitat issue. The following are key elements agreed upon by the Committee:
 - The WTDAC concurred that “Habitat is the Cornerstone” of deer-management programs.
 - “The White-tailed Deer Advisory Committee agrees that the ecological diversity of the state is directly dependent upon habitat, inclusive of plant communities, and habitat conditions.”
 - “The WTDAC recognizes that a suite of techniques is available for evaluating wildlife habitat, and browse surveys do not serve as an all-inclusive technique, but rather a technique for measuring herbivore impacts on the plant community.”

2. Study the role of the wildlife biologist in the development of management plans...

- “The WTDAC agrees that anyone may prepare a Wildlife Management Plan (WMP), but only a TPWD biologist or technician may approve a WMP.”
- If a WMP is not approved, an automatic (behind the scenes) review process begins (Appendix C).
- A formalized appeal process is available if a WMP is not approved (Appendix C).

3. ...and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management.

- “The WTDAC recognizes that population goals and management practices for individual properties can vary greatly. The WTDAC agrees that a landowner’s WMP can include practices such as supplemental feeding, food plots, unique population goals and genetic management as long as these goals and practices:
 - a. maintain and/or improve native plant communities, a critical component of habitat, and
 - b. take potential impacts on neighboring properties into consideration.”

4. Study current deer management permits to determine how to provide flexibility and economic incentives for private landowners in preserving wildlife habitat.

- “The WTDAC recognizes that various deer permits provide landowners with increased flexibility, and annual population data is necessary to establish and justify seasons and bag limits which may exceed those established by county or statewide regulations.”

Permit Regulation Changes

Managed Lands Deer Permit (MLDP) Provisions in TTT Regulations – The Committee refined recommendations relative to regulations that allow certain MLDP cooperators to remove or receive TTT deer without a site inspection. Final recommended changes that were adopted by the TPW Commission in April 2004 included:

- Allowing Level II cooperators this benefit provided the cooperator received MLDPs the year of the proposed release, and the cooperator furnished 3 years of population data and 2 years of harvest data.
- Allowing buck and doe deer to be moved under these provisions.
- Removing the limitation on the number of deer that could be removed from a release site prior to the release of TTT deer. The Committee agreed that such activity would be for genetic enhancement purposes and that a biologist could disapprove a plan that resulted in the harvest of these TTT deer the season after stocking.

Level II and III MLDP Season Length – The Committee proposed that the period of validity for Level II and III MLDPs run through the last day in February to be consistent with the ending date for Antlerless Deer and Spike Buck Control Permits (ADCP). This proposal was adopted by the TPW Commission in April 2004.

General TTT Provisions – To accommodate the proposed extension of the Level II and III MLDP season, the Committee recommended that all TTT have their antlers removed prior to shipment. Previously, a person could move deer without the antlers removed between February 10 and March 31, after the close all hunting seasons. Additionally, the Committee recognized that removing antlers from all bucks reduces the risk of injury to the deer and the trapping crew. This proposal was adopted by the TPW Commission in April 2004.

Eliminate “Double-tagging” – The Committee recommended numerous recommendations to reduce the bureaucracy of tagging a harvested deer. The recommendations, which were adopted by the TPW Commission in April 2004, included:

- Not requiring a person to place a license tag on any deer taken under authority of an MLD Permit, LAMPS permit, special drawn hunt permit on State Parks or WMAs, special drawn hunts on Department leased lands, or special USFS WMA Antlerless Deer Permits.
- Not requiring the license log to be completed for deer taken under authority of the same permits listed above.
- Removing any individual statewide or countywide bag limits for deer taken under authority of the permits listed above.

Issues Associated With Senate Bill 3

Master/Combo Permits – When Senate Bill 3 (SB3) was introduced, there was a master permit concept involved (i.e., \$1000 for a permit that allows for all activities offered by all other permits combined). The Committee discussed

whether any needs or desires for a master/combo permit still exist, and whether such a permit would achieve some stated objective (e.g., simplicity). TPWD recognizes the need for simplification, and is working towards that goal. Recently adopted regulations now provide a "combo permit" for the largest permit-user groups (MLDP=2,908 / ADCP=162). Since other permits are issued only to a few users, the Committee agreed that an additional master/combo permit would create more complexity. The WTDAC consensus was that a master permit is no longer needed, nor desired.

High Fences – "The WTDAC recognizes white-tailed deer as a public resource, and understands that a high fence is used only as a tool to effectively manage a population and habitat. The WTDAC supports the current TPWD philosophy that white-tailed deer rules and regulations are generally fence-type neutral, and except where covered by existing regulations and statutes, agrees that fence type should not be a factor in determining eligibility for programs that afford landowners enhanced management flexibility."

TTT Deer into DMP Pens – The WTDAC recommended changes to regulations and statutes to allow individuals to TTT deer directly into DMP pens. The Committee advised that the ranch, or pasture (if high fenced), constitute the release site, as opposed to the DMP pen. The DMP pen should function as a soft-release facility, provided the habitat in the area which those deer (ultimately) will be released will support the additional number of deer. The Committee recommended that "soft releases" occur only through DMP pens. Furthermore, the WTDAC recommended that TTT out of DMP facilities not be allowed (i.e., deer must be liberated on the same property as the DMP pen).

During this discussion, the WTDAC made other recommendations regarding DMP. This portion of the September 21, 2004 WTDAC meeting notes is located in Appendix D. The Department anticipates presenting a proposal to the TPW Commission in April 2004.

Recapture of Liberated Scientific Breeder Bucks – Part of SB3 would have allowed "the re-capture of scientific breeder deer released to the wild and their return to a scientific breeder facility at any time by landowners possessing scientific breeder permits and facilities." On September 21, 2004 the WTDAC recommended that liberated Scientific Breeder deer may not be recaptured and placed in a breeder facility.

Exempt TTT Permit and CWD Testing Requirement Between MLDP Permitted Properties – This is another concept that was proposed in SB3. On September 21, 2004 the WTDAC recommended that a TTT-permit be required any time deer are transported from one location to another (except for movements involving permitted research, Scientific Breeder deer, and DMP deer). The WTDAC also recommended that there be no exception for CWD testing, pending recommendations from the CWD "Task Force" which was described as a group

of veterinarians that Texas Wildlife Association (TWA) and Texas Deer Association (TDA) have convened to assist Texas Animal Health Commission (TAHC) and TPWD in developing CWD testing regulations for the future.

Surplus Deer Issues

Trap, Transport, and Process Position Statement (TTP) – The WTDAC endorses the Trap, Transport and Process Permit rules as implementing the provisions of Senate Bill 1582, providing affected communities and other entities additional alternatives for dealing with surplus deer, while also protecting wildlife and plant communities which are critical to all wildlife in Texas.

Trap, Transport and Hunt (TTH) - The Committee discussed the concept of trapping, transporting, and harvesting/hunting deer within the same season. The practice would involve trapping surplus deer from ranches and releasing them on high-fenced areas in close proximity to urban areas, where affordable hunts would be conducted. Some Committee members viewed TTH as an opportunity worth pursuing if it can be done in a scientifically acceptable manner, possibly in a research context. They also saw it as another opportunity to address suburban deer problems; however, the Committee agreed that suburban deer should not be targeted for TTH, because those deer would not provide a “legitimate hunting experience” since they are likely to gravitate towards people. The Committee agreed that there were many aspects that would have to be carefully thought out. Comments included:

- Must avoid the canned hunt perception
- Habitat protection must be a component
- The department should oversee vs. run the operation
- This must be a pilot program with an evaluation at the end of the trial period
- There must be a minimum size or escape cover component.
- Pricing should be affordable but cover the cost of the operation

After much discussion, Committee members found difficulty in assuming TTH would provide legitimate hunting experiences with assurance of fair chase, and without negative impacts on habitat. Committee members suggested that high harvest success would depend on stocking levels, which would result in excessive utilization of native vegetation on release sites.

“Inconsequential” Trap, Transport, and Transplant (IR-TTT) – This permit allows for the transplant of 1 deer / 200 acres without requiring an inspection (i.e., determining habitat availability) on the release site. Comments from a public hearing in March 2004 challenged the Department to take a closer look at the compatibility of IR-TTT with the TPWD Stocking Policy. Current IR-TTT

regulations allow for deer to be moved to a ranch that does not contain suitable habitat to support more deer. The WTDAC recognized that some deer have been stocked (with IR-TTT) at consequential levels, and realized the potential for an IR-TTT to have a negative impact on plant communities. A summary of previous WTDAC discussions regarding IR-TTT follows:

- The WTDAC recognizes habitat as the cornerstone of deer-management programs.
- The WTDAC recognizes inconsistencies between the TPWD Stocking Policy and IR-TTT.
- The WTDAC recommends site inspections for all TTT release sites.
- TPWD field staff is confident in their ability to conduct site inspections for all applications received by November 15th, and site inspections for applications submitted late will continue to occur as time allows. TPWD wildlife biologists and technicians continue to emphasize habitat enhancement and protection, and recognize that site inspections are critical to achieving this.

The consensus of the WTDAC was that permit programs should remain habitat-based, and site inspections are necessary to maintain this approach. The WTDAC recommended the repeal of IR-TTT, with no objections. The Department anticipates presenting a proposal to the TPW Commission in April 2004.

Chronic Wasting Disease

- Sampling Updates (Appendix E)
- Response Plan Review (Appendix F)
- Sampling Regulation Changes (Appendix G)
- The Future of CWD Sampling Requirements in Texas (Appendix H) – As a result of discussions revealed in Appendix H, a panel of veterinarians and others convened by TWA and TDA are formulating a set of recommendations for CWD monitoring requirements in the future. These recommendations will be presented to the WTDAC early in 2005.

Regulations Review and Feedback

TPWD Staff presented potential deer regulation proposals to the WTDAC and requested feedback. These proposals were developed by TPWD field and program staff in an effort to (1) simplify current regulations, (2) increase hunting

opportunity, and (3) manage natural resources more effectively in areas where data indicate a need for population reduction. Discussions pertaining to these presentations are presented in Appendix I.

Appendix A – HCR 256

H.C.R.

No. 256

HOUSE CONCURRENT RESOLUTION

WHEREAS, The Texas Legislature and the Parks and Wildlife Department have traditionally recognized the private landowner as the primary steward of our state's natural resources and have provided increased flexibility for wildlife management on private lands; and

WHEREAS, In order to preserve wildlife habitat or "wild land" use, the private landowner must receive economic benefit and continued flexibility in managing natural resources; and

WHEREAS, The traditional family farm or ranch in Texas is in danger of no longer being profitable, leading ultimately to the extinction and loss of our rural culture; and

WHEREAS, Deer, the most managed big game species in Texas, provide aesthetic and economic benefits to landowners on private property; and

WHEREAS, These private properties require strict control of deer herd numbers and demographics as a means to protect the resource from depletion and waste while allowing the landowner to achieve management goals; and

WHEREAS, The Parks and Wildlife Department has appointed the White-tailed Deer Advisory Committee to review current deer regulations and statutes and make recommendations to the department on appropriate actions; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby direct the White-tailed Deer Advisory Committee to address how habitat relates to the ecological diversity of the state and to study the role of the wildlife biologist in the development of management plans and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management; and, be it further

RESOLVED, That the 78th Legislature direct the White-tailed Deer Advisory Committee to study current deer management permits to determine how to provide flexibility and economic incentives for private landowners in preserving wildlife habitat; and, be it further

RESOLVED, That the 78th Legislature direct the White-tailed Deer Advisory Committee to meet with the members or staff of the Senate Committee on Natural Resources, the members or staff of the House Committee on State Cultural and Recreational Resources, and the staff of the Parks and Wildlife Department on a quarterly basis and to report findings from each meeting to the chairman of the Senate Committee on Natural Resources, the chairman of the House Committee on State Cultural and Recreational Resources, and the chairman of the Parks and Wildlife Commission; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the lieutenant governor, the speaker of

the house of representatives, the chairman of the Senate Natural Resources Committee, the chairman of the House State Cultural and Recreational Resources Committee, and the executive director of the Parks and Wildlife Department.

Kuempel

President of the Senate
House

Speaker of the

I certify that H.C.R. No. 256 was adopted by the House on May 28, 2003, by a non-record vote.

House

Chief Clerk of the

I certify that H.C.R. No. 256 was adopted by the Senate on May 31, 2003, by a viva-voce vote.

Senate

Secretary of the

APPROVED: _____

Date

Governor

Appendix B - Membership

6/03	9/03	Meeting					09/04	Attendance	Region/Affiliation
		1/04	2/04	4/04	6/04	6/04			
		X	X	X	X	X		Chairman	
								Lee Bass	TPW Commission Chairman Emeritus
								Members	
X	X		X	X	X	X		Forrest Armke	Edwards Plateau
	X	N/A	N/A	N/A	N/A	N/A		David Baggett	Pineywoods - Forestry Industry
X		X	X				X	Rene Barrientos	South Texas
			X	X	X	X		Jack Brittingham	Pineywoods/South Texas
X	X	X	X	X	X	X		Kirby Brown	Texas Wildlife Association
		N/A	N/A	N/A	N/A	N/A		Buddy Clark	
X	X	X	X		X			Charlie DeYoung	Texas A&M University Kingsville
X		X	X	X			X	Don Dietz	Pineywoods - Forestry Industry
X	X	X		X			X	Bart Gillan	Edwards Plateau
X	X	X	X	X	X	X		Rod Hawkins	Cross Timbers and Prairies
N/A	N/A	X	X	X	X			David Hayward	Texas Deer Association
X		X		X	X			Harry Jacobson	Post Oak Savannah
X	X	X	X	X	X			Jerry Johnston	Texas Trophy Hunters Association
X	X	X		X			X	Barbara Kana	Edwards Plateau
X	X		X	X	X		X	Jack King	SCOT ¹
X	X	X	X	X	X	X		Karl Kinsel	Texas Deer Association
X	X		X	X	X	X		Wallace Klussmann	Edwards Plateau
X	X		X				X	James Kroll	SFA School of Forestry
X	X	X		X	X	X		Robert Langford	Cross Timbers and Prairies
X	X	X	X	X				Gary Machen	South Texas
X	X	X	X		X			Robert Saunders	Texas Deer Association
X			X		X	X	X	Butch Thompson	South Texas - King Ranch
X	X	X	X	X	X	X		Tom Vandivier	Edwards Plateau
X	X	X		X	X	X		Larry Whigham	TOWMA ²
				X				Dan Friedkin	South Texas
								TPWD Members	
	X	X		X	X	X		Mike Berger	Wildlife Division Director
X	X	X		X			X	Scott Boruff	Deputy Executive Director
X	X	X	X					Ron George	Wildlife Division Deputy Director
X	X	X	X	X		X	X	Jimmy Rutledge	Technical Guidance Biologist
X	X	X	X	X	X	X	X	David Sinclair	Chief of Wildlife Enforcement
X	X	X	X	X	X	X	X	Clayton Wolf	Big Game Program Director
N/A	N/A	N/A	N/A	X	X	X		Mitch Lockwood	White-tailed Deer Program Leader

¹ Sportsmen's Conservationists Of Texas

² Texas Organization of Wildlife Management Associations

Others in attendance of this meeting included: Bob Cook (Executive Director - TPWD), Harold Stone (TPWD), Bob Carroll (TPWD), Mike Krueger (TPWD), Robert Macdonald (TPWD), Bryan Richards (TPWD), Jeannie Munoz (TPWD), Kristal Cain (TPWD), April Chronister (TPWD), David Croft (TPWD), Linda Campbell (TPWD), Steve Lightfoot (TPWD), Ken Waldrup (TAHC), Dan Baca (USDA-APHIS), David Brimager (TWA), Rep. Harvey Hilderbran, Rep. Edmund Kuempel, Steve Foster, Kerri Davidson, David Griffith, Todd Kercheval, Kelly Scharbauer, Mike Leggett (AAS), Matt Saunders, Horace Gore, Murphy Ray, John Jefferson, Tim Fulbright (CKWI), Hugo Berlanga, Nolan Blaschke, Scott Bugai, Joey Park, Bruce Sheppard, Ed Strayhorn, Neal Wilkins, Bob Wright

Appendix C - TPWD Review and Appeal Process for WMPs and MLDPs (excerpts from Quarterly Report on White-tailed Deer Management Issues 4/19/04 and 8/11/04)

The WTDAC recommended that TPWD adopt a policy for dealing with situations when a biologist is considering denying permits, or not approving a WMP. The Committee agreed upon the following process:

1. If a biologist or technician is considering denying permits or not approving a WMP, that employee must first consult with his supervisor.
2. If it is clear to the supervisor that the applicant clearly does not meet the data requirements, or has established a clear pattern of not cooperating, the supervisor may render a decision.
3. If the supervisor is uncertain of his decision, he shall consult with other members of the TPWD White-tailed Deer Committee before rendering a decision.
4. If the "applicant" is not satisfied with the decision, he may appeal this decision to an appeals panel for a final decision. The appeals panel shall consist of:
 - a. The Regional Director with jurisdiction
 - b. The White-tailed Deer Program Coordinator
 - c. The Big Game Program Director
 - d. The Wildlife Division Director
5. The White-tailed Deer Program Coordinator shall prepare an annual report of permit and WMP denials to be presented to the WTDAC for review and comment.

The WTDAC recommended deadlines for appeals and response to appeals. An appeal deadline is important because the case would still be fresh on the minds of all interested parties. Also, if an appeal has merit, the applicant should be able to receive permits as soon as possible. In an effort to be consistent with the 10-day deadline for response to TTT denial, the Committee agreed on a deadline of 10-working days for an applicant to file an appeal, and for TPWD to respond to the appeal. It was requested that TPWD maintains flexibility for extenuating circumstances (e.g., applicant is out of the country) that would prevent one from making an appeal within 10 working days of receiving denial notification.

The WTDAC agreed the notification of denial shall include a reason for denial. Also, the person appealing should be involved in the appeal process (i.e., attend the appeal hearing so he can present his case and answer questions).

Appendix D - TTT Deer into DMP Pens from Other Properties *(excerpt from White-tailed Deer Advisory Committee Meeting Notes 9/21/04)*

Ann Bright and Clayton Wolf presented background information and addressed specific regulations and statutes regarding this subject matter.

Senate Bill 3 included a provision allowing individuals who held a "Combination Deer Permit" to move deer between permitted properties. Additionally, this combination permit concept allowed for the capture and retention of wild deer for breeding purposes, as is allowed with the current Deer Management Permit (DMP). Representatives from TDA have re-stated that one of the intents of this was to allow for TTT deer captured on other properties to be moved directly into DMP pens. This is not currently allowed.

Under the General Provisions of DMP Regulations, §65.133 indicates that deer held under authority of a DMP shall not be commingled with animals held under other permits, except for Scientific Breeder bucks which may be used in DMP pens. Additionally, the statutes indicate that the Department may issue a DMP for the management of deer on acreage totally enclosed by a high fence that is capable of detaining those deer and not allowing the entry of other deer.

Therefore, an individual that is granted a DMP may trap wild deer under these provisions on the permitted property, and place trapped deer into DMP pens. However, one may not move TTT deer directly into these pens because: 1) the regulations do not currently allow for the commingling of deer under the authority of a DMP with deer under the authority of another permit (except as allowed with Scientific Breeder bucks), and 2) capture of animals authorized by a DMP only authorizes this for activities on the permitted property. Additionally, all TTT stockings must abide by the TPWD Stocking Policy. It is likely that most DMP pens would not meet the "adequate natural habitat" provision outlined in the Stocking Policy.

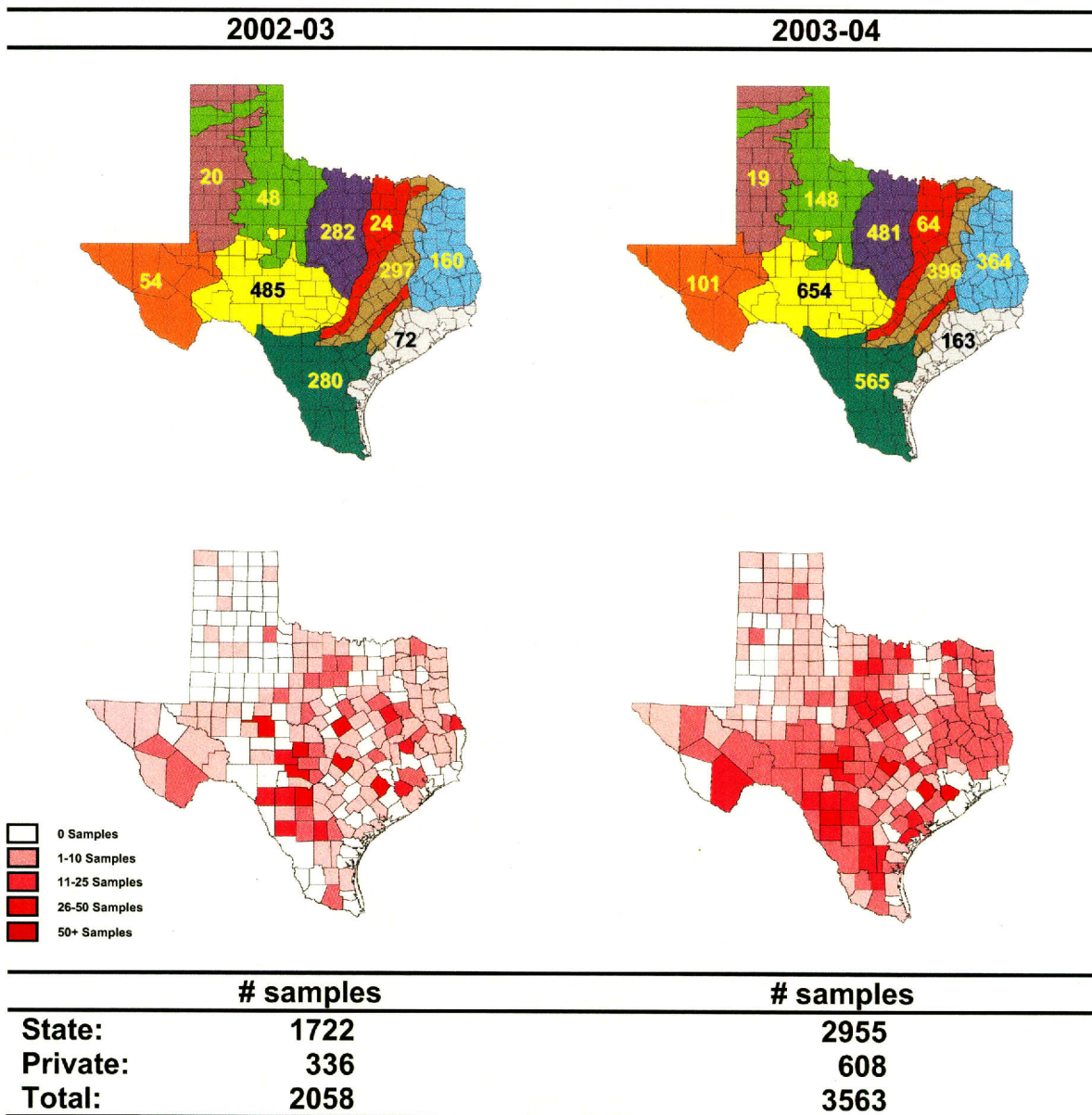
The WTDAC recommended changes to regulations and statutes to allow individuals to TTT deer directly into DMP pens. The Committee advised that the ranch, or pasture (if high fenced), constitute the release site, as opposed to the DMP pen. The DMP pen should function as a soft-release facility, provided the habitat in the area which those deer will be released will support the additional number of deer. The Committee recommended that "soft releases" occur only through DMP pens. Furthermore, the WTDAC recommended that TTT out of DMP facilities not be allowed (i.e., deer must be liberated on the same property as the DMP pen).

During this discussion, the WTDAC made other recommendations regarding DMP:

- All deer held under authority of a DMP shall be released on or prior to August 31st of every year. The WTDAC was advised that when the Texas Legislature authorized DMPs, it was for the “temporary” detention of wild deer for breeding purposes. The WTDAC recommended that Texas Parks and Wildlife Department (TPWD) no longer issue permits that allow individuals to hold deer for consecutive permit periods because it felt that doing so exceeded the intent of the statute. As a result, no Level II DMPs will be approved. TPWD will allow those who currently have such applications pending to amend their Deer Management Plan to conform to the new guidelines. *Note: This item does not need Commission action; however, the Wildlife Division will brief the Commission about the action in the future.*
- DMP permittees shall remove the fence (or implement other TPWD-approved procedures) for liberation through August 31st (last day of valid permit) or 60 days after release, whichever is later.
- Upon releasing deer from a DMP pen, all supplemental feed and water shall be removed from the DMP pen and remain absent through August 31st, or 60 days after release, whichever is later.
- If DMP deer are released prior to April 1, as per the Deer Management Plan, then TTT activities involving the transport of deer from that ranch must have been completed prior to releasing DMP deer.
- If fawns are born in a DMP pen, allow tagging of fawns prior to liberation for future identification.
- The WDTAC unanimously agreed that failure to follow the procedures described in this section, regarding the release of DMP deer by the end of the permitting period, would result in a 3-year forfeiture of a DMP.

Appendix E - Texas CWD Testing Update *(excerpt from Quarterly Report on White-tailed Deer Management Issues 8/11/04)*

TPWD personnel completed the second year of statewide chronic wasting disease (CWD) testing. Additionally, Texas Veterinary Medical Diagnostic Laboratories (TVMDL) provides TPWD with a summary of CWD testing results provided by non-Department sources. These results are reported in an anonymous format so as not to divulge confidential information associated with these non-Department samples. Mitch Lockwood provided a brief update on the number of samples collected over the two-year period, and the geographic distribution of TPWD samples.



While the number of samples collected for some ecological regions is adequate to meet the initial sampling goals, a large number of those samples were collected from few locations (i.e., not representative of the ecological region). Public hunting areas (i.e., State Parks and Wildlife Management Areas) produced most of the samples, especially during 2002-03. TPWD will continue statewide CWD monitoring efforts, in an effort to collect an adequate number of samples representative of each ecological region. CWD can occur at relatively low levels (2-3%) in the wild; therefore, a significant sample size is required before anyone can make valid statements regarding the occurrence of CWD in Texas.

Appendix F - CWD Response Plan (excerpt from Quarterly Report on White-tailed Deer Management Issues 8/11/04)

- Hunter/Landowner Notification
 - Rapid Response
 - Notify affected parties
 - Hunter
 - Immediate landowner
 - Adjacent landowners
 - Local officials, media
 - Provide best-available information regarding CWD
- Additional Surveillance
 - First positive provides limited information
 - With landowner cooperation, conduct additional surveillance to determine geographic extent and magnitude of the outbreak
 - Approximately 150 additional samples
 - Collect within 5 mile radius of "index"
 - Utilize hunter-killed deer if possible
- Management Actions
 - Due to the vast number of different situations where CWD could be discovered, TPWD cannot commit to any one management approach.
 - After thorough assessment and agreement with affected landowners, we may:
 - Monitor the situation
 - Reduce deer densities
 - Attempt to eliminate the disease

Eradication of a deer herd is an unlikely approach; however, the group of interested parties (e.g., landowners, local officials, etc.) involved in the decision-making process may opt to do so.

TPWD and TAHC have no intention to release names of landowner(s) and hunter(s) associated with a CWD-positive test result. The media will have access to coarse-resolution data, indicating county(ies) affected. Furthermore, TPWD and TAHC emphasized that they will not enter onto private property to collect deer for CWD sampling purposes or for management purposes to control the spread of CWD, without the landowners' consent and cooperation. Dr. Waldrup explained that TAHC will not seize deer from a penned-deer herd where a sample has tested positive. There is potential for depopulation and quarantine, but TAHC has no plans to force producers to kill every deer. Chairman Bass questioned the statutory authority of both agencies, and the strength/longevity of departmental policy. Clayton Wolf was advised to obtain clarification on statutory

authority of TPWD and TAHC relative to this topic (i.e., Can either agency enter private property to collect deer for CWD sampling or management purposes?), and to request Commission Declaration of the TPWD CWD Response Plan. Clayton's findings included the following:

TPWD and TAHC are authorized by statute to enter private land to collect CWD samples, without landowner consent.

Explanation:

TPWD: Under section 12.103(a) of the TPW Code, an authorized employee of TPWD "may enter on any land or water where wild game or fish are known to range or stray to conduct scientific investigations and research regarding wild game." In addition, "no action may be sustained against an employee of the department to prevent his entering on land or water when acting in his official capacity as described by this subsection."

Under section 12.013, an employee of TPWD "acting within the scope of the employee's authority may take, transport, release and manage any of the wildlife and fish in this state for investigation, propagation, distribution, education or scientific purposes." In addition, section 44.015 states that TPWD "or an authorized employee of the department may take, possess, hold, transport, or propagate and game animal of this state for public purposes."

Therefore, TPWD is statutorily authorized to enter private land and take CWD samples, without landowners' consent. However, it is also worth noting that section 12.103(b) imposes a number of restrictions on TPWD's use of information gathered from private land.

Although statute allows TPWD entry onto private land, TPWD has an official policy that clearly states employees will not enter private land without a landowner's consent.

TAHC: Under section 161.0147 of the Agriculture Code, a Texas Animal Health Commission "commissioner or a veterinarian or inspector employed by the commission may enter public or private property for the exercise of an authority or performance of a duty under this chapter." One such duty is testing. (See, e.g. Tex. Ag. Code §161.041(b); §161.054(a)) However, if a the TAHC representatives wishes to be accompanied by a peace officer on the visit, a search warrant is required. Tex. Ag. Code §161.047

If CWD is discovered in Texas, TPWD will methodically, accurately and completely assess the situation, and will disseminate honest, accurate information. CWD will not be treated as a crisis in Texas, and TPWD and TAHC will work cooperatively with the people of Texas to determine to best plan of action.

Appendix G - Proposals to Resolve CWD Testing Regulations Problems (excerpt from Quarterly Report on White-tailed Deer Management Issues 8/11/04)

Individuals are required to conduct CWD testing and submit these results to TPWD prior to being approved for any TTT activities. The regulation reads:

(a) Until this section is repealed, no permits to trap, transport, and transplant white-tailed deer or mule deer shall be issued by the department unless a sample of adult deer from the trap site equivalent to 10% of the number of deer to be transported has been tested and certified 100% negative for chronic wasting disease by the Texas Veterinary Medical Diagnostic Laboratories.

- (1) The sample size shall be no more than 40 or less than 10 animals.
- (2) The test results required by this section shall be presented to the Department prior to the transport of any deer.
- (3) All deer released shall be marked in one ear with a Department assigned identification number.

However, test results from TVMDL do not report findings as “negative” or “positive.” Test results are reported as “not detected” or “location.” “Not detected” indicates that the correct portion of the brain stem was submitted and the lab was able to locate the specific region for testing, and prions were not detected. “Not detected” has been used synonymously with “negative” for TPWD reporting purposes. However, this is not a true negative result in that CWD may be present in the animal, but not at detectable levels. To further compound matters, a test result of “location” indicates that the sample was tested, prions were not found, but the lab was unable to locate the specific region of the brain that is called for in this test.

The second issue is the testing time frame. It has been accepted that required testing of animals occurs within the season of the trapping operation. However, this time frame has never been identified. Conceivably, urban areas may wish to trap and move deer in October, and utilize road-kills for CWD sampling purposes. It is uncertain whether samples taken from deer road-killed in the late winter or early spring of the same year meet the intent of the testing program.

Problems exist in that TPWD CWD testing requirement language is not compatible with TVMDL test results. Technically, no one can satisfy testing requirements since IHC test results do not produce a negative result. In reality, those samples that are classified as “not detected” have been treated as meeting the negative requirement (i.e. prions were not detected). However, TVMDL also tests samples that are denoted by “location,” and prions are not detected in these samples either. Ultimately, the unscrupulous individual could submit a tissue sample that is not likely to have prions present, even in an infected animal, and

the test result would still be reported as "location." The recommendation is to alter TPWD CWD testing rule language to require that the minimum number of samples meet the criteria established for a "valid" sample as defined by USDA.

After much discussion regarding the needs of permittees* (e.g., period of time allowed for sample collections and testing), the WTDAC agreed on the following proposed regulation changes (which will be presented to the Commission during the August Commission meeting):

§65.102. Limitation of Applicability.

(a) Until this section is repealed, no permits to trap, transport, and transplant white-tailed deer or mule deer shall be issued by the department unless a sample of adult deer from the trap site equivalent to 10% of the number of deer to be transported has been tested [~~and certified 100% negative~~] for chronic wasting disease by the Texas Veterinary Medical Diagnostic Laboratory.

(1) The department will not authorize trapping activities unless the test result for each deer in the minimum required sample is 'not detected.'

(2) The department will not issue a permit for any activity involving a trap site from which a 'detected' result for chronic wasting disease has been obtained.

(3)[(4)] The sample size shall be no more than 40 or less than ten animals.

(4)[(2)] The test results required by this section shall be presented to the department prior to the transport of any deer.

(5)[(3)] All deer released shall be marked in one ear with a department-assigned identification number.

(6) A test result is not valid if the sample was collected or tested prior to October 1 of the previous permit year.

(7) Except as provided in paragraph (8) of this section, a test result shall not be used more than once to satisfy the requirements of this section.

(8) If a permittee traps, transports, and transplants fewer deer than are authorized in a given permit year, that permittee may trap, transport, and transplant the remaining deer the following year from the same trap site without having to provide new samples for testing; however, the person must apply for a new Triple T permit and must re-submit the test results from the previous year. If the application for a new Triple T permit specifies a number of deer greater than the remainder from the previous year, the requirements of paragraphs (1)-(4) of this subsection apply to the additional deer.

* Detailed information concerning these discussions can be found in the June 2, 2004 meeting notes.

Appendix H - The Future of CWD Sampling Requirements in Texas (excerpt from Quarterly Report on White-tailed Deer Management Issues 8/11/04)

During and after the CWD presentations, there was much discussion regarding the future of CWD testing requirements for TTT activities. Some expressed interest in defining a termination (to testing) date immediately, as a reward for those who have cooperated to date. Karl Kinsel presented a statement prepared by members of Texas Deer Association and Texas Wildlife Association, regarding future CWD testing requirements. In summary, those individuals stated:

- a) Adequate surveillance has been completed over a broad geographic distribution with no detection of CWD in the deer herds of Texas.
- b) All deer translocated within the state of Texas are marked in one ear with a Department-assigned identification number, thus making trace back possible.
- c) The quantity of sampling is not near as relevant as the quality of sampling.

While recognizing the need to test symptomatic deer, those individuals believe there is no further need for CWD testing of any white-tailed deer or mule deer to be translocated within Texas.

Dr. Waldrup questioned whether adequate surveillance over a broad geographic area has been completed. The sampling design (to detect the first case if there was a 2% prevalence of the disease in the population with 95% confidence) was based on impractical assumptions: (1) Deer are randomly distributed throughout the ecoregions and (2) the disease is randomly distributed throughout the population. USDA later required a design to detect 1% prevalence with 99% confidence, which tripled the required number of samples. He agreed that there will be a time when we can determine that adequate sampling has occurred and testing requirements can be relaxed; however, he contends that time has not yet arrived. Since CWD has a long incubation period, adequate sampling for a minimum of 3 years is required before considering relaxing sampling requirements.

There was some discussion on whether we could discontinue sampling in areas (e.g., counties) where adequate sampling has already occurred, and reallocate those resources to inadequately sampled areas. Some suggested that sampling/testing participation will improve if the State eliminates testing requirements for those areas where an adequate number of samples has been collected. Clayton Wolf explained that we will make these decisions after the third year of testing is complete, when all interested parties agree on a satisfactory level of risk (considering biological, political, and economic impacts). Dr. Waldrup agreed that, after analyzing data collected over a 3-year period, sampling intensity may be redistributed from areas where an adequate number

and distribution of samples have been collected to areas where sampling has been more neglected.

Dr. Waldrup recognized CWD as a far worse political disease than biological disease. Discontinuing sampling in Texas would have major political ramifications (e.g., loss of funding). From a federal perspective, CWD is not going away any time soon.

Scott Bugai (Texas Deer Association) requested the WTDAC to define an endpoint to CWD testing requirements for TTT and Scientific Breeder activities. Clayton Wolf said if asked to do so, he would have to rely on USDA requirements, which are more stringent than what is currently required for TTT and Scientific Breeder activities. He reminded the Committee that CWD testing is voluntary, and as a result, TVMDL has not received a good geographical distribution of samples; therefore, it may be erroneous to assume that an adequate number of samples has been collected for any ecological region. Dr. Waldrup noted there is less than 1% prevalence of CWD statewide in New Mexico; however, prevalence within White Sands Missile Range is about 25%. Chairman Bass said defining the acceptable level of risk is the responsibility of the Commission, not that of the WTDAC. If the Commission asks the WTDAC to make a recommendation (i.e., "endpoint"), Chairman Bass indicated he would request more data than what has been presented to date.

There were a few comments suggesting that CWD is not a devastating disease and has no human health risks. Dr. Baca responded to a question regarding why Texas should be so concerned (and expend considerable time and resources) about a disease without devastating impacts to humans and animals. He stated that CWD is a devastating disease in free-ranging cervids, with no treatment, and that it likely would have a devastating economic impact on the hunting industry, as it had in Wisconsin. Foot and Mouth Disease (FMD) does not affect humans either, but it is a tremendously devastating livestock disease. Dr. Baca stated that even if FMD was specific to cattle, an outbreak would cause us to take extreme measures (i.e., total depopulation) in large areas (unlike what has been suggested for CWD). Clayton Wolf said it may prove to be difficult to prevent negative ramifications resulting from public perception, simply because there still is much unknown about CWD, which may lead to speculation.

Committee members continued to question whether we should base testing requirements and management actions on public perception. Executive Director Cook stated that everyone involved has done a good job of education and testing compliance. In response to not having an endpoint, he admitted that the goal has changed, which is no fault of anyone. Rather, changes in sampling goals are simply a result of acquiring more knowledge of the disease. He stated that he is not in favor of mandatory CWD testing, and reminded the Committee that we must depend on TAHC for guidance.

Appendix I - Regulations Proposal Preview

2004-05

Four Doe-Day Proposal (*excerpt from White-tailed Deer Advisory Committee Meeting Notes 9/21/04*) – Clayton Wolf presented two deer regulation proposals that the TPW Commission authorized staff to publish. The first proposes to add 4 “doe-days” to 8 east Texas counties that currently allow antlerless deer harvest by permit only. The were comments indicating that 4 doe-days was insufficient in this area, and Jack Brittingham questioned whether the proposal could also include some doe-days during the Christmas holidays. Wolf explained that the TPW Commission had already authorized staff to publish this specific proposal. Chairman Bass recommended that Staff investigate if last minute changes to this proposal were appropriate.

During the April 20, 2004 WTDAC meeting, the Committee was informed that staff continue to analyze data for counties where either-sex harvest is not offered. Biological data as well as public sentiment will be considered before proposing additional doe days or either-sex harvest packages.

Simplify Youth Season Regulations (*excerpt from White-tailed Deer Advisory Committee Meeting Notes 9/21/04*) – This proposal would simplify the youth-only deer season regulations in that the bag limit for each individual county would be the same during the early and late seasons. This proposal would allow for the harvest of bucks during the late youth-only season. Additionally, it would allow for a late youth-only season in counties that currently have a late antlerless and spike or muzzleloader season during the same time frame. Youth would be allowed to harvest any legal buck during these seasons, while adults would be restricted to spike bucks. Antlerless harvest (without a permit) would be allowed for youth during the early and late seasons if there are any “doe-days” during the general season. Properties with MLD Permits or LAMPS permits would still be required to attach permits to deer taken during the youth only seasons.

Tagless Option (*excerpt from White-tailed Deer Advisory Committee Meeting Notes 9/21/04*) – Wildlife Division and Law Enforcement staff have been asked to investigate a tagless option. Having the ability to print hunting and fishing licenses from the internet would save TPWD millions of dollars, which potentially could be put back into wildlife and/or law enforcement positions. Furthermore, there’s potential for selling more licenses each year with the added convenience.

Many questioned the ability of staff to collect biological data for deer without tags. The general consensus was that each deer would need to have a piece of paper (printed from home) attached to it, providing much of the information that license tags and Wildlife Resource Documents currently provide. The WTDAC agreed that if there is an acceptable standard of law enforcement that can come with no

tags, the offsetting benefits (increased hunter numbers, simplification, revenue benefits, etc), outweigh the detriments.

Trailing Wounded Deer with Dogs Policy – David Sinclair

David Sinclair distributed a Law Enforcement policy endorsed by Executive Director Cook and Colonel Stinebaugh, regarding the trailing of wounded deer with dogs. The WTDAC reviewed and agreed with the policy.

10.140 LEGITIMATELY TRAILING A WOUNDED DEER

Purpose

Currently, there exists an age-old practice of trailing a wounded deer (with or without trailing dogs) and dispatching the deer for the purpose of reducing the deer to a hunter's possession. This practice is consistent with the statutory requirement that the person who kills or wounds a deer must make a reasonable effort to retrieve the deer (Texas Parks and Wildlife, "TPW," Code §62.011). The purpose of this policy is to clarify the legitimate practice of trailing and retrieving a wounded deer, and the additional statutes set out in the Background below. This policy will allow a legitimate hunter and game retrieval party or individual to comply with the retrieval and waste of game statute (TPW Code, §62.011).

Background

Texas Parks and Wildlife Code and Title 31, Texas Administrative Code (TAC) (Statewide Hunting and Fishing Proclamation):

- TPW Code, §42.018, Tag to be Attached to Deer (by person who kills deer)
- TPW Code, §62.004, Hunting at Night
- TPW Code, §62.005, Hunting with a Light
- TPW Code, §62.006, Hunting for Hire
- TPW Code, §62.011, Retrieval and Waste of Game
- Title 31, TAC, §65.3, Definition of Wounded Deer
- Title 31, TAC, §65.19, Hunting Deer with Dogs (trailing a wounded deer)

Definitions

1. Dispatch – means to kill by a humane method.
2. Wounded deer – means a deer that is showing signs of injury and/or is leaving a blood trail, when shot and wounded by a hunter.

Policy Statements

1. To "hunt" and to "retrieve" are separate and distinct acts. For purposes of the Law Enforcement Division, the "hunt" is over at the end of legal hunting hours when the game animal is either wounded or killed. It is practically impossible for a hunter to know in all cases if he/she is retrieving a wounded animal or a dead animal. This policy is consistent with the language of TPW Code, Sec. 62.011 which makes it clear that the duty to retrieve is triggered by the killing or wounding of the game animal regardless of the fact that legal hunting time may have expired. In order to avoid conflict between failure to retrieve a game animal or game bird and other general hunting statutes (hunting at night, hunting with a light, hunting for hire, and/or tagging a deer), and in order to provide consistent law enforcement statewide and to assist hunters and persons in complying with the retrieval and waste of game statute (TPW Code, §62.011), Texas game wardens will allow the practice of retrieving legitimately wounded game as outlined by the following Procedures/ Guidelines.
2. Game wardens in the Law Enforcement Division of the Texas Parks and Wildlife Department shall adhere to this Policy of the Law Enforcement Division.

Procedures/Guidelines

1. If the legitimate search for a wounded deer is conducted after lawful hunting hours, the individual or party planning to trail and retrieve the wounded deer should complete a "courtesy call" to the game warden prior to initiating the trailing-tracking-retrieval effort. This may be accomplished by contacting the TPWD Communications Centers in Austin (phone number 512-389-4848) or La Porte (phone number 281-842-8100), or any local or area law enforcement agency prior to trailing a wounded deer after lawful hunting hours.
2. To comply with §62.011, Retrieval and Waste of Game, wounded deer upon discovery shall be dispatched immediately by any humane means.
3. Preferably the hunter who wounded the deer dispatches the wounded deer when it is located. However, safety concerns for both the members of a trailing party and the trailing dogs, if used, shall be evaluated when making the decision as to who should dispatch the wounded deer.

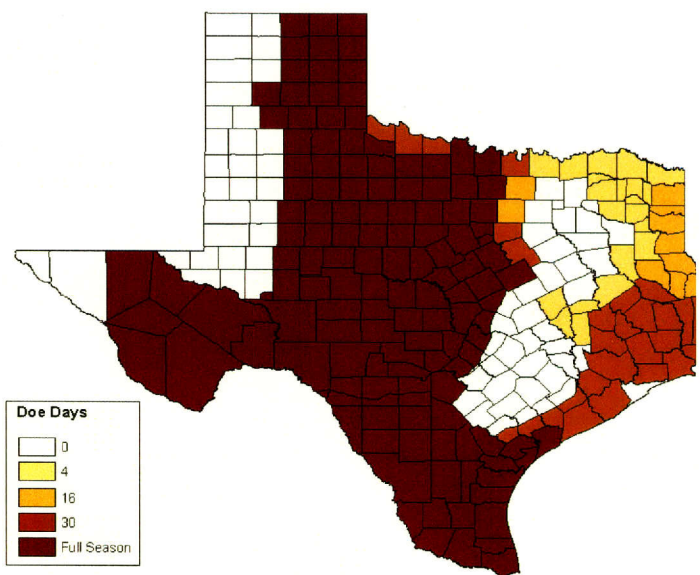
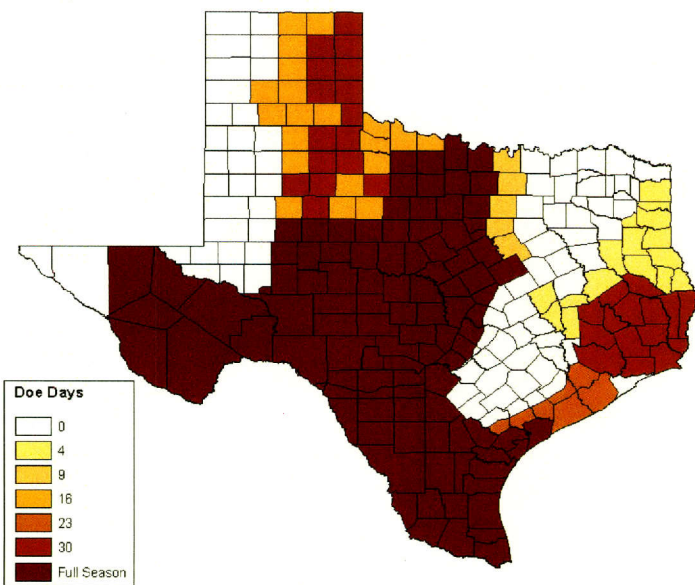
4. A person who charges a service fee for the use of a dog(s) as a method of legitimately recovering a wounded deer is not a person who is "hunting for hire", but rather is "retrieving" a wounded deer.
5. Preferably the permit holder or licensed hunter who wounded the deer should be present in the trailing party so tagging requirements can be met immediately after the wounded deer is located and dispatched. However, if the hunter who wounded the deer is too young, or physically unable to safely accompany the tracking party, or in the rare case where the hunter who wounded the deer has had to depart the property before the wounded deer is located, the landowner and/or his agent, such as the leader of the tracking party, are authorized to dispatch and recover the deer, and they shall promptly make every effort to see that the deer is legally tagged with the appropriate hunter's hunting license tag or permit and returned to the hunter who wounded the deer.
6. No more than two dogs may be used to trail a wounded deer, as per current regulations. Additionally, nothing in this policy allows for the use of dogs for the trailing of wounded deer in Texas counties where trailing a wounded deer with a dog is unlawful.
7. A wounded deer is defined in regulation as a deer leaving a trail of blood; however, not all wounded deer leave a blood trail; therefore, a deer that is showing obvious signs of injury from being shot may be considered a wounded deer.
8. No dog leash is required.
9. Nothing in this policy gives any person the authority to trespass for the purpose of retrieving a wounded deer on the land of another without the effective consent of the landowner.
10. Nothing in this policy is intended to allow any person to intentionally circumvent and violate any statute or regulation listed in the Background; therefore, if a game warden has reason to believe an intentional violation has occurred, then the game warden shall investigate on a case-by-case basis and enforce the applicable provisions of the law.

2005-2006 Regulations Proposal Preview (excerpt from *White-tailed Deer Advisory Committee Meeting Notes 9/21/04*)

Mitch Lockwood presented potential deer regulation proposals that the TPW Commission will be briefed on in November. These proposals were developed based on the TPW Chairman's charges, recommendations from the WTDAC,

and from TPWD field and program staff in an effort to (1) simplify current regulations, (2) increase hunting opportunity, and (3) manage natural resources more effectively in areas where data indicate a need for population reduction. The figure below on the left shows current deer regulations with respect to doe-hunting opportunities, and the figure on the right shows proposed regulations. The time frame during which does may be harvested during an open season varies from 0 days without permit, to full season. In an effort to meet the three objectives listed above, the Department is proposing to:

- Eliminate the 9-day and 23-day options for doe days, forcing the number of doe days for any area in the state with doe days to offer either 4, 16, or '30' doe days. Mitch Lockwood explained that '30' days is not accurate. This period represents the number of days from opening day of general season through the Sunday immediately following Thanksgiving. In some years this period is 23 days, and other years it is 30 days.
 - District 2 (High Plains) is proposing to remove doe-day limitations (16 days in 17 Counties and '30' days in 16 counties) and offer full-season either-sex hunting for 33 counties.
 - District 3 (Cross Timbers & Prairies; Blackland Prairies) is proposing to increase the number of doe days from:
 - 16 to '30' days in 3 counties
 - 9 to 16 days in 2 counties
 - 9 to '30' days in 3 counties
 - District 5 (northern Post Oak Savannah) is proposing to increase the number of doe days from 0 to 4 days in 13 counties.
 - District 6 (Pineywoods) is proposing to increase the number of doe days from 4 to 16 days in 8 counties.
 - District 7 (Oak Prairie) is proposing to increase the number of doe days from 23 to '30' days in 7 counties.



- Eliminate the East Zone –West Zone split that was created in 2001-02, and eliminate the aggregate buck-bag limit for all one-buck counties. Eliminating the aggregate buck-bag limitation simplifies harvest regulations for affected counties, by allowing hunters to harvest one buck from each of any three one-buck counties. Harvest data for counties along the Zone boundary indicate that buck harvest should not increase significantly as a result of this regulation proposal. Nonetheless, this regulation would increase the opportunity to hunt bucks in multiple one-buck counties.
- Eliminate the aggregate buck-bag limit for all two-buck counties. Eliminating the aggregate buck bag limitation simplifies harvest regulations and increases hunting opportunity within affected counties, by allowing hunters to harvest a third buck, as long as they do not exceed the bag limit for an individual county. Initial in-house discussions regarding this proposal revolved around the potential impact to doe harvest. There was a concern that allowing the “third buck tag” to be used on a buck would detract from doe harvest. Data within the Big Game Harvest Survey do not validate this concern. In fact, 0% of south Texas hunters (who may harvest three bucks in one county) harvest three bucks. While data do not indicate that buck harvest will increase significantly, this regulation would increase buck-hunting opportunity. Data do not indicate that doe harvest will be affected by this regulation, but the Department will closely monitor the situation to determine if this assumption is accurate.
- Redefine “Spike.” Hunters, wildlife management association members, and other landowners in the Oak-Prairie ecoregion have indicated a need for simplification of the antler-restriction regulation. One approach to address this request is to change one criterion (of a legal buck) from, “...at least one unbranched antler” to “...must be a spike.” The revised language will be easier for most hunters and landowners to comprehend, but redefining “spike” is necessary to prevent the protection of bucks with more than 2 points, but with one unbranched antler. Redefining “spike” as proposed will be consistent with the antler restriction package, which could be proposed in several other one-buck counties (with public acceptance) during the 2005-06 regulations cycle. Furthermore, redefining spike will provide slightly more hunting opportunity throughout the 55 counties offering a “late antlerless and spike season” and the numerous hunters utilizing Level II MLD Permits prior to the open of general season.

Mitch Lockwood suggested that this proposal will simplify current regulations, while increasing hunter opportunity. If antler restrictions spread, regulations will only be more complicated with two "spike buck" definitions. Those in the experimental antler-restriction area often refer to the buck with one unbranched antler as a "spike." Whether hunters think that a spike is a true 2-pointer, or if they know it's a buck with at least one

unbranched antler, they would still be legal with this regulation. Furthermore, under existing regulations, hunters have to determine that each antler does not have an additional point. Under the proposed definition, hunters must determine that only one antler doesn't have an additional point. The new definition gives the hunter a more forgiving definition and it gives landowners a little more flexibility in their selective harvest programs.

The WTDAC concurred that allowing for the harvest of deer with at least one unbranched antler in the situations listed above is worth considering; however, they commented that such deer should not be defined as "spikes" simply because doing so would require hunters to learn that the definition has become more liberal.

- Finally, District 7 is proposing to continue with the antler-restriction package in Austin, Colorado, Lavaca, Fayette, Lee, and Washington counties. The three-year "experiment" will conclude with the 2004-05 season, and the Department proposes to make this regulation "permanent" (i.e., no longer experimental) with 2 changes designed to simplify the regulation. **The proposed change reads, "A legal buck deer is defined as a deer having a hardened antler protruding through the skin and must be a spike buck or have an inside spread measurement between main beams of 13 inches or greater. Bag limit 2 bucks and 1 buck must be a spike."** These counties currently are "one-buck counties" and the Department is proposing the addition of a second buck, which must be a spike. **This proposal is contingent on the adoption of redefining "spike" as described above. Otherwise, the Department would have to modify this proposal to say "...must have at least one unbranched antler..."** This proposal does not include the third criterion of the experimental regulation, "...six points or more on one antler." The Department proposes to eliminate that criterion in an effort to simplify the regulation, since so few (1%) bucks brought to check stations were legal based on that criterion alone.

Internet Hunting

David Sinclair demonstrated a website that may be offering internet hunting this fall. The website address is <http://www.live-shot.com/>. The home page was not working at the time of preparing these meeting notes; however, a sublevel webpage that works is <http://www.live-shot.com/howitworks.html>.

There were discussions among very few members, with the false assumption that hunts were already being conducted, thereby requiring the need for immediate action. Subsequent investigations indicate that hunts have not been conducted and the proprietor will not offer them this next season. TPWD staff are considering this as part of the next regulations cycle.

Proof of Sex Documentation

There has been interest in allowing MLD Permits to serve as Proof of Sex documentation. An MLD Permit provides authorization to harvest a deer, but it does not indicate that the landowner verified the sex of that animal. Since there is already a means of disposing of a carcass on the ranch (i.e., Wildlife Resource Document), the Committee indicated that this issue was not one worth pursuing.

Texas Parks and Wildlife Department
PWD RP W7000-931 (12/04)

