

Texas Parks and Wildlife Department

Agency at a Glance

The Texas Parks and Wildlife Department (TPWD) is the State's lead agency in protecting Texas' fish and wildlife resources and providing outdoor recreation. The agency's main goals include:

- ◆ improving access to the outdoors;
- ◆ preserving, conserving, managing, operating, and promoting agency sites for recreational opportunities, biodiversity, and cultural heritage;
- ◆ assisting landowners in managing land for wildlife habitat;
- ◆ increasing participation and enhancing the quality of hunting, fishing, boating, and outdoor recreation; and
- ◆ maintaining or improving water quality and quantity to support the needs of fish, wildlife, and recreation.

*For additional information,
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Key Facts

- ◆ **Funding.** For 2008-2009, the Legislature appropriated \$664.8 million to TPWD – a biennial increase of \$232.3 million.
- ◆ **State Parks.** TPWD operates 93 state parks, natural areas, and historic sites with 586,000 acres, and 9.3 million visitors each year.
- ◆ **Licensing.** In fiscal year 2008, the Department sold 2.2 million non-commercial, hunting and fishing licenses generating \$80 million.
- ◆ **Wildlife.** TPWD oversees the harvest of publicly owned wildlife by setting hunting regulations based on scientific research. The agency operates 51 wildlife management areas, conducts public hunts, and provides technical assistance to more than 6,200 private landowners.
- ◆ **Fisheries Management.** In fiscal year 2008, TPWD operated eight fish hatcheries that produced 47.2 million fingerlings for stocking public waters – 191,000 miles of inland streams, 800 public lakes, and 4 million acres of bays, estuaries, and Gulf of Mexico waters.
- ◆ **Infrastructure.** Major projects currently in planning or construction include the permanent dry docking and repair of the Battleship TEXAS, construction of a new freshwater fish hatchery in Jasper, and 93 capital repairs or construction projects in state parks.
- ◆ **Law Enforcement.** In fiscal year 2008, Texas' 500 game wardens made 1.7 million contacts with hunters and anglers, and 723,000 water safety contacts; and completed 30 environmental investigations.

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Recommendations

1. Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit, and direct the Department to provide greater information to the public on the harm caused by releasing exotic species.
2. Require entities that receive TPWD's comments on proposed projects or permits to respond to TPWD on the disposition of those comments, and direct TPWD to track and use information on its comments to improve review processes.
3. Establish an Internal Affairs Office in statute, require the Office to report to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.
4. Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.
5. Direct TPWD and the proposed Texas Department of Motor Vehicles to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.
6. Instruct TPWD and the Texas Youth Commission to jointly seek representation by the Attorney General to pursue a modification of the Parrie Haynes Trust to designate TPWD as the state agency responsible for the Parrie Haynes Ranch and Trust.
7. Direct TPWD to cooperate with the Texas Department of Agriculture in pilot projects to get excess venison from landowners to food banks, schools, and prisons, and to study existing statutory and regulatory impediments preventing greater use of venison.
8. Continue TPWD for 12 years, and direct TPWD to evaluate and align its programs with the goals outlined in the Land and Water Resources Conservation and Recreation Plan.

Issue 1

Texas Parks and Wildlife Cannot Minimize Risk From Harmful Exotic Aquatic Plants Under Its Current Regulatory Approach.

Key Findings

- ◆ The Texas Parks and Wildlife Department regulates the importation, possession, sale, and introduction of harmful exotic aquatic plants into Texas waters.
- ◆ The importation of exotic aquatic plants poses unknown future risks to the Texas environment that cannot be prevented by TPWD's current efforts.
- ◆ Other states and other nations have implemented white list processes to allow only the importation of exotic species that are proven to not harm the environment.

The introduction of non-native species has dramatically altered Texas's environment. While many new species brought positive changes, some exotic species created extreme negative changes due to their ability to rapidly reproduce. Because Texas' semi-tropical, aquatic environment is especially prone to the negative effects of invasive plants which can crowd out native species, destroy habitats, deplete oxygen from water, and spread so rapidly as to render waterways unusable to boat traffic, the Legislature has granted the Texas Parks and Wildlife Department regulatory authority over harmful exotic fish, aquatic organisms, and plants. Under current law, all species not on the Department's list of prohibited species may be freely imported into Texas. Because new exotic plants can quickly invade rivers and lakes before the Department can research and add the species to the prohibited list and, once established in the state's rivers and lakes, aquatic invasive plants are expensive to eradicate or control, the current approach is not adequate to prevent future infestations of previously unknown plants.

Recommendations

Change in Statute

1.1 Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit.

This recommendation would establish a process where TPWD would evaluate the potential harm represented by the importation of previously unknown aquatic plants into Texas before those plants can be brought in and potentially cause harm by being released into the environment. Building upon TPWD's current authority over harmful aquatic species, the agency would establish a list of approved plants that are allowed to be imported and propagated in Texas. Exotic plant species not appearing on the approved list would require a permit before being imported and TPWD should use its current process in permitting individuals to possess species on the prohibited list for this purpose.

In compiling the list of approved aquatic plants, TPWD should use a risk assessment model to determine the potential harm of the species to the aquatic environment. The process should include peer review, published scientific research, findings from other regulatory agencies, and scientific analysis from third-party labs. Exotic plants that are determined to be already widespread in Texas and not causing economic, environmental, or health problems would be automatically placed on the approved list. TPWD would create a process by which persons may request that previously unknown plants be added to the approved list following the same risk assessment model as used in establishing the original

list. While final approval should rest with the Parks and Wildlife Commission, the Commission should delegate authority to the Executive Director to create a fast-track approval process to lessen the burdens upon affected industries.

Management Action

1.2 Direct the Department to provide greater information to the public on the harm caused by releasing exotic species.

To aid the voluntary compliance of the public with exotic species issues, TPWD should expand its educational efforts to inform the public about the harm that can be caused by accidental and small-scale intentional releases of aquatic species into the environment. Although these releases are prohibited by current law, they are difficult to police as the agency cannot patrol every stretch of water. An educational program that provides information on proper disposal of unwanted aquatic species, distributed through the agency's normal avenues of information dissemination as well as through pet and aquarium stores, could cost-effectively reduce an important route of introduction.

Issue 2

TPWD Cannot Fully Assess the Impact of Its Resource Protection Efforts.

Key Findings

- ◆ To protect the State's natural resources, TPWD reviews proposed projects and permits to determine the impact on fish and wildlife.
- ◆ The Department cannot fully assess the value or effectiveness of its resource protection function because entities are not required to respond to TPWD comments.

To protect the State's natural resources, the Texas Parks and Wildlife Department reviews proposed projects and regulatory permits, and provides comments and recommendations to the appropriate agency on the potential impact on fish and wildlife. However, because entities are not required to respond to TPWD comments, neither the Department nor the Legislature can fully determine the success, value, or effectiveness of this function.

Recommendations

Change in Statute

2.1 Require entities that receive comments on proposed projects or permits from TPWD to respond to TPWD on the disposition of those comments.

This recommendation would require entities that receive comments from TPWD through TPWD's statutory comment requirements on the impact of proposed projects or permits on fish and wildlife, to respond in writing to those comments. Responses would include information about the disposition of TPWD comments, any modifications to the proposed project or permit resulting from the comments, and any reasons why the entity disagreed with, or did not incorporate, the comments. The recommendation does not intend to make TPWD comments binding on the receiving entity, but instead simply requires the entities to notify TPWD of the disposition of its comments.

The recommendation would improve protection of the State's fish and wildlife and allow TPWD to better understand the success, value, and effectiveness of its resource review function. In addition, by knowing if a proposed permit or project did or did not incorporate the recommendations, TPWD would be aware of the actual impacts that result from the project, helping it to be more proactive in its fish and wildlife protection activities in the field.

Management Action

2.2 Direct TPWD to track the disposition of its comments and use that information to improve its review processes.

As TPWD begins to receive responses to all of its resource review comments, this recommendation would direct the Department to track comments submitted and responses received for each project it reviews. Further, TPWD should use this information to improve its resource review and comment process by analyzing which types of comments are successful and helpful to regulatory agencies and other entities, and which recommendations consistently prove to be too burdensome or cost-prohibitive to adopt.

Issue 3

TPWD's Internal Affairs Function Lacks Statutory Standing and an Adequate Connection to the Parks and Wildlife Commission.

Key Findings

- ◆ Although TPWD has a well-structured internal affairs process, it is not established in law or Commission rule and could be abolished or weakened by future directors.
- ◆ The Parks and Wildlife Commission does not have a direct connection to Internal Affairs, limiting its awareness of problems within the agency.
- ◆ Other state agencies have internal affairs functions that are established in statute.

Internal affairs offices serve to protect the public and the reputation of state agencies by investigating possible wrongdoings by personnel. The ability to conduct internal affairs investigations that are independent of the agency's supervisory chain of command is necessary to fully address potential malfeasance within an agency. Equally important is the ability of an agency's policymaking body to be aware of investigations and to take action to ensure that problem areas receive adequate attention. However, the Department's internal affairs function exists only in the agency's internal policies, is not insulated from agency management, and the Parks and Wildlife Commission does not have adequate interaction with the internal affairs office.

Recommendations

Change in Statute

3.1 Establish an Internal Affairs Office in statute with original jurisdiction over crimes committed on TPWD property, or related to the duties of TPWD employees.

This recommendation would ensure the continued effectiveness of TPWD's internal affairs process by establishing the Office in statute. The Office would have jurisdiction over all cases involving allegations of criminal conduct on TPWD property, by on-duty employees, or by its commissioned officers when performing off-duty work related to official duties. The Internal Affairs Office would have the authority to oversee and review these investigations, but would not be required to conduct each one.

3.2 Require the Internal Affairs Office to report information on trends and recently closed cases to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.

These recommendations would strengthen and clarify the connection between the Internal Affairs Office and the Commission by requiring the Internal Affairs Office to report information on trends and completed investigations. Receiving reports of completed investigations and trend information would improve the ability of the Commission to oversee the Department. As current practice, the Executive Director would continue to authorize investigations on a routine basis, but the Commission would also have authority to initiate investigations independent of the Executive Director. This authority would ensure the ability of the Commission to investigate the agency's executive management if necessary.

Issue 4

Improve Enforcement of Texas Game Laws by Joining the Interstate Wildlife Violator Compact.

Key Findings

- ◆ Enforcing wildlife laws against out-of-state violators is burdensome on game wardens.
- ◆ Texas hunters and anglers may face arrest for minor wildlife violations committed in other states.
- ◆ Other states have joined the Interstate Wildlife Violator Compact (IWVC) as a means of enforcing hunting and fishing laws on non-residents.

Texas is a popular destination for sportsmen from other states, but enforcing Texas hunting and fishing laws on these visitors requires extra time by game wardens. The extra effort is needed because, in many cases, game wardens arrest non-residents and transport them to appear before a magistrate for offenses that only require issuing a citation to a Texas resident. The arrest and processing of out-of-state sportsmen for minor violations is an inefficient use of game warden time.

Recommendation

Change in Statute

4.1 Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.

This recommendation would authorize TPWD to join the IWVC and gain the benefits of a multi-state approach to handling violations of fish and game laws. During the application process, TPWD would need to compare Texas wildlife laws to those of IWVC member states to determine which provisions Texas would ratify as being comparable. Texas would not need to change its wildlife laws to match those of IWVC states, but through rulemaking the Commission would have the flexibility to indicate which laws of other states would be recognized as violations for Texas licensees. This process would ensure that Texas sportsmen are not penalized in Texas for violations committed in other states that do not violate Texas game laws. All terms of Texas wildlife laws would still apply to non-resident hunters in Texas. Should terms of the Compact ever change in a way that would not be beneficial to Texas, the authority granted to TPWD to join the Compact would also allow for the agency to withdraw after giving 90 days notice.

Issue 5

Boat and Boat Trailer Titling and Registration Services Are Not Convenient to Citizens.

Key Findings

- ◆ Tax Assessor-Collectors in 182 counties do not issue boat registrations as required by law, while the Texas Parks and Wildlife Department does little to encourage participation.
- ◆ In many areas of the state, boat owners must go to two separate offices for registration and titling, one for boats, and another for boat trailers.

Citizens are often disquieted by inefficient and unnecessary bureaucracy in obtaining government services. The current approach in many Texas counties is for boat owners to title and register their boat at a TPWD office and then travel to another government office to title and register their boat trailer at a county tax assessor-collector office. While state law already requires counties to register boats, only 72 counties do so. TPWD has a responsibility to work with counties to bring them online with the boat registration and titling system, but its efforts to bring counties online have not been sufficient.

Recommendation

Management Action

5.1 Direct the Texas Parks and Wildlife Department and the proposed Texas Department of Motor Vehicles to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.

TPWD should significantly increase its efforts to bring counties online with the Department's Boat Registration and Information System (BRITS). This system is already available to all counties through

the Texas Department of Transportation's vehicle registration system. TPWD and the proposed Texas Department of Motor Vehicles should market the BRITS system to counties and provide training to county personnel. As more counties offer boat titling and registration services, residents will be able to register both their boats and trailers in one location, creating a seamless interaction with government.

Issue 6

The Department is Well Positioned to Use the Parrie Haynes Ranch to Help Texas' Youth.

Key Findings

- ◆ The Department leases the Parrie Haynes Ranch from the Texas Youth Commission for youth outreach and education.
- ◆ TPWD is well positioned to operate the Ranch in accordance with Parrie Haynes' wishes.
- ◆ By keeping the Parrie Haynes Ranch at TYC, Texas misses an opportunity to provide improved outdoor access to the state's youth.
- ◆ The Attorney General has the authority to protect the public interest in charitable gifts, including those given to the State.

In 1957, Parrie Haynes left her ranch in Bell County and assets to support the Ranch in trust to the State Orphan Home to benefit orphans. Currently, the Texas Youth Commission (TYC) holds the Parrie Haynes Ranch, and has leased it to the Texas Parks and Wildlife Department since 1993. TPWD and its partners have developed the property to provide outdoor access and education primarily to Texas' youth. Because TPWD only leases the Ranch, and does not hold the property, the Department is hesitant to continue putting resources into the property. By keeping the Ranch at TYC, Texas misses an opportunity to most effectively use the Ranch to accomplish Parrie Haynes' wishes in her will, as well as increase youth participation and appreciation of Texas' natural and cultural resources.

Recommendations

Change in Statute

6.1 Instruct TPWD and TYC to jointly seek representation by the Attorney General to pursue a modification of the Trust terms and purpose of the Parrie Haynes Trust that would designate TPWD as the state agency responsible for the Ranch and Trust.

This recommendation would express the Legislature's intent to delegate the responsibility of the Trust to TPWD and designate TPWD as the state agency responsible for the Ranch. If a court determines that TPWD is the appropriate entity to hold the Trust, then the agency's use of the property would increase outdoor access to Texas' youth, consistent with the will and with TPWD's broader goals.

Under this recommendation, TYC and TPWD should jointly seek representation by the Attorney General to bring a trust modification proceeding to properly transfer the control of the Parrie

Haynes Trust to TPWD, modify the terms of the trust, and expand the current purposes of the Trust to include benefiting disadvantaged youth and youth in general. Such a transfer would include all properties, investments, and rights associated with the Haynes Trust, as determined by the court. The recommendation would take the form of a time-limited, instructional provision in statute. Since the Ranch is held in trust, the Legislature cannot transfer the property outright; the State would need to get judicial approval of the transfer and a modification authorizing TPWD to use the Trust for purposes approved by the Court.

In doing so, it would be incumbent upon TPWD to show the Court that its use of the property is more closely aligned with the intended use of the property as outlined in the Haynes will than other potential uses of the property by the State. Although a court may modify the terms of the trust in the future, while still coming as close as possible to fulfilling the wishes of the Haynes will, this recommendation is based on the findings that TPWD's current activities on the Ranch are already more closely aligned with the intent of the will than other uses.

Management Action

6.2 Direct TPWD to increase its use of the Parrie Haynes Ranch to be as consistent as possible with the will's intent.

If a court were to modify the terms of the will and designate the responsibility of the Ranch to TPWD, this recommendation would direct TPWD to increase its efforts to develop and operate the Ranch for uses as closely aligned as possible with the direction of the Haynes will: to help orphans. While the Department's current use of the Ranch, is more consistent with the terms of the will than other uses of the property, TPWD has an opportunity to increase access to the Ranch to identified groups and individuals. Expanding TPWD's operations of the Ranch to provide services to Texas orphans in addition to the youth programs already in existence at the Ranch would ensure that Ranch operations are aligned as closely as possible to the Haynes will in the future.

To do this, TPWD should explore continued and new partnerships with private and non-profit organizations that help orphaned or disadvantaged children. In addition, TPWD should work with the Department of Family and Protective Services to identify other opportunities to serve orphans of the State. Through the implementation of this recommendation, TPWD should aim to increase access to the Ranch and Department programs to these types of groups, and continue to offer its use at minimal expense to those groups. However, without specific appropriations for the operation of the Ranch, the Department may still have to rent the facilities to private groups to cover the costs of operations. If this is the case, and if a court determines that this type of use is consistent with the Haynes will, TPWD should strive to limit rental use of the Ranch to the extent necessary to continue the operations of the Ranch, and provide as many opportunities as possible to targeted youth groups.

6.3 TPWD should include community representation on any advisory committee related to operation of the Parrie Haynes Ranch.

This recommendation directs TPWD to include community representation on any committee or board that relates to the Ranch. The recommendation would apply if TPWD simply continues to lease the Ranch, or if the Ranch were transferred to TPWD through a judicial judgment, as described above. The recommendation would ensure that the community, with its interest and local expertise, is included in any decisions made about the use of the Ranch.

Issue 7

Landowners in the Managed Lands Deer Permit Program Need Additional Outlets for the Venison They Harvest.

Key Findings

- ◆ TPWD works with private landowners in the Managed Lands Deer Permit program, to manage land to the benefit of wildlife habitat.
- ◆ Many landowners in the program would like to harvest more deer, but cannot use all of the venison.

Through the Managed Lands Deer Permit Program, TPWD assists private landowners in managing their land to improve wildlife habitat. The program allows landowners who have developed a formal management plan, with help from TPWD, to have more flexible deer hunting seasons and increased harvest opportunities. However, many landowners in the program would like to harvest more deer, but cannot use all of the venison and would like to donate it to organizations and institutions.

Recommendations

Management Action

- 7.1 Direct TPWD to cooperate with the Texas Department of Agriculture (TDA) to establish a pilot project to provide venison to the state's food bank system, explore a pilot project to provide venison to schools through TDA's child nutrition programs, and, with cooperation from the Texas Department of Criminal Justice, explore a pilot project to provide venison to the food services operations in prisons across the state.**

The Sunset Commission directed TDA to establish a pilot project to provide venison to food banks, and explore pilot projects to provide venison to schools and prisons. This recommendation directs TPWD to assist TDA in these efforts. These pilot projects could provide the opportunity for food banks, child nutrition programs, and prison food services operations to access a new source of protein and for landowners to have an additional outlet for the deer harvested from their lands.

- 7.2 Direct TPWD, with assistance from TDA, to study existing statutory and regulatory impediments preventing greater utilization of venison from Texas' white-tailed deer populations.**

This recommendation requires TPWD to study ways in which current laws and rules limit the ability of landowners from making greater use of venison from white-tailed deer on their land. The recommendation further directs TPWD to ensure that the assessment addresses the utilization of venison harvested under the various permits issued by TPWD, suggest changes to facilitate greater utilization of venison in Texas, and evaluate the potential costs and benefits of allowing venison to be sold in the private sector. TPWD is directed to report the preliminary results of the study to the Sunset Advisory Commission and the appropriate standing committees of the Legislature no later than April 1, 2009, and issue the final report no later than January 1, 2010. This study could identify ways to remove regulatory impediments and allow landowners greater flexibility in harvesting venison.

Issue 8

Texas Has a Continuing Need for the Texas Parks and Wildlife Department.

Key Findings

- ◆ The Texas Parks and Wildlife Department seeks to protect Texas' fish and wildlife resources and provide outdoor recreational opportunities and its efforts continue to be needed.
- ◆ No substantial benefit or savings would result from transferring the Department's functions to other agencies, or dividing TPWD into separate agencies.
- ◆ While TPWD has been successful in identifying natural resource conservation and recreation goals for the State, it could benefit from more clearly linking these overall goals with its specific programs.

The Texas Parks and Wildlife Department's mission is to manage and conserve the natural and cultural resources of Texas, and to provide hunting, fishing, and other outdoor recreation opportunities for the use and enjoyment of present and future generations. The Department's mission is important to Texans, has economic benefits to the State, and no significant benefit would derive from transferring TPWD's operations. In addition, the Legislature mandated a Land and Water Resources Conservation and Recreation Plan during the Department's previous Sunset review. However, the Department has not assessed how these broad goals should guide and align with the operations of its many diverse programs.

Recommendations

Change in Statute

8.1 Continue the Texas Parks and Wildlife Department for 12 years.

This recommendation would continue the Department as an independent agency for 12 years.

Management Action

8.2 Direct TPWD to evaluate and align its programs with the conservation and recreation goals outlined in the Land and Water Resources Conservation and Recreation Plan.

This recommendation would instruct TPWD to use the Plan to evaluate agency programs and initiatives against the Plan and align them with the Plan's broader goals and objectives. In doing so, the agency should consider how each program advances the goals and objectives set out in the Plan; how successful the program is in advancing those goals; and how the program could better advance the agency's overall goals as contained in the Plan. The recommendation aims to ensure that since TPWD has identified and developed overall strategies to advance conservation and recreation in Texas in the Plan, that it uses that work to ensure that particular programs are structured to accomplish the agency's global goals.

Fiscal Implication Summary

When fully implemented, some recommendations would result in a small cost to the State. The specific fiscal impacts of these recommendations are summarized below.

- ◆ **Issue 1** – TPWD will have a one-time cost of an estimated \$50,000 to hire a consultant to help the agency compile a list of aquatic plants that may be imported and possessed in Texas without a permit. The cost is an appropriate expenditure from the Game, Fish and Water Safety Account (Fund 009) as the reduction of harmful aquatic plants will serve to protect fish and wildlife, and improve boating access.
- ◆ **Issue 4** – TPWD will incur costs to participate in the Interstate Wildlife Violator Compact. The Department would incur costs to monitor and upload information into the Compact’s database. A half-time clerk would perform these functions. The base salary for this position is \$17,292 and with benefits, equipment, and other costs, the total first-year cost will be about \$30,107 and subsequent years will cost \$23,000.
- ◆ **Issue 5** – TPWD will experience a small loss of revenue from additional counties handling boat registration and titling. Counties retain 10 percent of the fees charged for each transaction as a commission for providing the service. The volume of such transactions could not be estimated for this report.

<i>Fiscal Year</i>	<i>Cost to the Game, Fish, and Water Safety Fund (Fund 009)</i>	<i>Change in FTEs From FY 2009</i>
2010	\$80,107	+5
2011	\$23,000	+5
2012	\$23,000	+5
2013	\$23,000	+5
2014	\$23,000	+5