



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF930]

Takes of Endangered and Threatened Species Incidental to Specified Activities;

Notice of Issuance for Incidental Take Permit No. 29887 to Texas Parks and

Wildlife Department

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that the Texas Parks and Wildlife Department (TPWD) has been issued an incidental take permit (ITP) for the incidental take of Endangered Species Act (ESA) listed sea turtles associated with the otherwise lawful fisheries-independent gill net survey activities within Texas bays and estuaries.

ADDRESSES: The ITP and other related documents are available on the NMFS Office of Protected Resources website at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/incidental-take-permits> under the section heading Related Documents for the ITP to the TPWD.

FOR FURTHER INFORMATION CONTACT: Kim Corcoran, Office of Protected Resources, NMFS, (301) 427-8453, kim.corcoran@noaa.gov.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the “taking” of a species listed as endangered or threatened. The ESA defines “take” to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides a mechanism for authorizing

incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are located at 50 CFR 222.307.

Species Covered in this Permit

The following species are included in this permit:

Endangered

Kemp's ridley (*Lepidochelys kempii*) and hawksbill (*Eretmochelys imbricata*) sea turtles.

Threatened

North Atlantic distinct population segments (DPS) of green (*Chelonia mydas*) and Northwest Atlantic Ocean DPS of loggerhead (*Caretta caretta*) sea turtles.

Background

On July 24, 2024, TPWD submitted an initial full draft application and Conservation Plan requesting take of ESA-listed species of sea turtles associated with their otherwise lawful fisheries-independent gill net surveys within Texas bays and estuaries as well as a small portion of Sabine Lake, LA. The Conservation Plan is designed to monitor, minimize, and mitigate the impacts of sea turtle entanglements incidental to these surveys to the maximum extent practicable. Following further discussion with NMFS, TPWD submitted revised draft applications and associated Conservation Plans on May 19, 2025, December 22, 2025, and February 13, 2026. NMFS deemed the application and Conservation Plan adequate and complete on February 26, 2026. On March 17, 2026, we published a notice of receipt (91 FR 12759) of TPWD's application and Conservation Plan from TPWD, which was made available for a 30-day public comment period. NMFS received 14 public comments on TPWD's ITP application and Conservation Plan. None were substantive, but most were in support of NMFS issuing an ITP to TPWD.

Total authorized take of sea turtle species for the 10-year ITP duration is based on historical data from TPWD's fisheries-independent gill net surveys. Incidental take of

green sea turtles is authorized as cumulative take over a 3-year rolling period across the full 10 year permit duration. Incidental take of loggerhead, hawksbill, and Kemp's ridley sea turtles is authorized across the 10-year ITP duration.

Table 1 – Total Authorized Incidental Take by Species and Condition Under Permit No. 29887.

Species	Maximum Authorized Take	
	Live	Dead
Green (North Atlantic DPS)	43*	31*
Loggerhead (Northwest Atlantic Ocean DPS)	3	1
Hawksbill	1	1
Kemp's ridley	13	3

*Take of green sea turtles is authorized on a 3-year rolling basis. The maximum number of green sea turtle takes authorized over the 10-year ITP (No. 29887) is 247.

NMFS has issued the requested ITP under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*) and the implementing regulations (50 CFR parts 222-226).

Conservation Plan

As part of their Conservation Plan, TPWD will implement measures to monitor, minimize, and mitigate take of ESA-listed sea turtle species incidental to fishery-independent gill net surveys. These measures include: constraining the sampling season to two 10-week seasons (fall and spring); identify hot spot grids (1-minute latitude by 1-minute latitude square grids where gill nets can be set and sampled in Texas bays and estuaries) to implement additional species protections such as the “last in/first out” strategy to reduce gill net soak times; identifying and removing sampling grid areas from future surveys after one endangered species entanglement occurs in that grid; implementing net configurations, such as reducing net slack, and marker buoy attachment to improve visibility for monitoring entanglements and reducing the potential for entanglements; observing before and during deployment periods for a total of 30 minutes;

following the Sea Turtle Stranding and Salvage Network protocols and appropriate release and resuscitation protocols upon discovery of an entangled sea turtle; conducting surveys on “best” available weather days for gill net deployment; and ensuring continuous net repair to eliminate holes larger than 6 inch (15.24 centimeter) stretched mesh.

TPWD provided NMFS with assurances that adequate funding exists to support its Conservation Plan, including funds to support mitigation activities (cold stunning recovery activities, shrimp fishery management and law enforcement, and habitat protection within Texas state bays and estuaries) throughout the duration of the permit. The Conservation Plan also includes outreach, education, and a debris removal program, funded through Texas state appropriations and supplemented by other sources such as Natural Resource Disaster Assessment and Sport Fish Restoration, as funded by U.S. Fish and Wildlife Service, with regular reporting requirements.

Please refer to TPWD's ITP application and Conservation Plan, which can be found at <https://www.fisheries.noaa.gov/action/incidental-take-permit-texas-parks-and-wildlife-department-tpwd> for detailed information.

Criteria for Issuing an Incidental Take Permit

Issuance criteria are described in ESA section 10(a)(2)(B) and associated implementing regulations (50 CFR 222.307(c)(2)). Under section 10(a)(2)(B) of the ESA, NMFS shall issue the requested ITP, if NMFS finds that the following criteria are met:

- (i) The taking will be incidental;
- (ii) The applicant will, to the maximum extent practicable, monitor, minimize, and mitigate the impacts of such taking;
- (iii) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;

(iv) The applicant has amended the Conservation Plan to include any measures (not originally proposed by the applicant) that the Assistant Administrator determines are necessary or appropriate; and

(v) There are adequate assurances that the Conservation Plan will be funded and implemented, including any measures required by the Assistant Administrator.

NMFS has determined that TPWD meets the criteria for the issuance of an ITP, and as such, NMFS has issued an ITP to TPWD for the incidental take of ESA-listed sea turtles associated with the otherwise lawful fisheries-independent gill net survey activities within Texas bays and estuaries. Unless modified, suspended, or revoked, the effective dates of the ITP are September 1, 2026 through August 31, 2036.

Dated: August 31, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources,

National Marine Fisheries Service.

[FR Doc. 2026-17983 Filed: 9/1/2026 8:45 am; Publication Date: 9/2/2026]