

Protection of State-Listed Species  
Texas Parks and Wildlife Department Guidelines

**Protection of State-Listed Species**

State law prohibits any take (incidental or otherwise) of state-listed species. State-listed species may only be handled by persons possessing a **Scientific Collecting Permit** or a **Letter of Authorization** issued to relocate a species.

- **Section 68.002 of the Texas Parks and Wildlife (TPW) Code** states that species of fish or wildlife indigenous to Texas are endangered if listed on the United States List of Endangered Native Fish and Wildlife or the list of fish or wildlife threatened with statewide extinction as filed by the director of Texas Park and Wildlife Department. Species listed as Endangered or Threatened by the Endangered Species Act are protected by both Federal and State Law. The State of Texas also lists and protects additional species considered to be threatened with extinction within Texas.
- **Animals** - Laws and regulations pertaining to state-listed endangered or threatened animal species are contained in **Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code** and **Sections 65.171 - 65.176 of Title 31 of the Texas Administrative Code (TAC)**. State-listed animals may be found at **31 TAC §65.175 & 176**.
- **Plants** - Laws and regulations pertaining to endangered or threatened plant species are contained in **Chapter 88 of the TPW Code** and **Sections 69.01 - 69.9 of the TAC**. State-listed plants may be found at **31 TAC §69.8(a) & (b)**.

**Prohibitions on Take of State Listed Species**

**Section 68.015 of the TPW Code** states that no person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, endangered fish or wildlife.

**Section 65.171 of the Texas Administrative Code** states that except as otherwise provided in this subchapter or **Parks and Wildlife Code, Chapters 67 or 68**, no person may take, possess, propagate, transport, export, sell or offer for sale, or ship any species of fish or wildlife listed by the department as endangered or threatened.

"Take" is defined in **Section 1.101(5) of the Texas Parks and Wildlife Code** as:

*"Take," except as otherwise provided by this code, means collect, hook, hunt, net, shoot, or snare, by any means or device, and includes an attempt to take or to pursue in order to take.*

**Penalties**

The penalties for take of state-listed species (**TPW Code, Chapter 67 or 68**) are:

- 1<sup>ST</sup> Offense = Class C Misdemeanor:  
\$25-\$500 fine
- One or more prior convictions = Class B Misdemeanor  
\$200-\$2,000 fine and/or up to 180 days in jail.
- Two or more prior convictions = Class A Misdemeanor  
\$500-\$4,000 fine and/or up to 1 year in jail.

Restitution values apply and vary by species. Specific values and a list of species may be obtained from the TPWD Wildlife Habitat Assessment Program.