

and plants which are determined to be “threatened” or “endangered” elsewhere pursuant to the Endangered Species Act of 1973, 87 Stat. 884, by prohibiting the taking, possession, transportation, exportation, processing, sale, offer for sale, or shipment within [this] THE State of endangered species and by carefully regulating these activities with regard to the threatened species.

(B) Exceptions to [these] THE prohibitions, IN SUBSECTION (A) OF THIS SECTION, for the purpose of enhancing the conservation of these species, may be permitted as set forth in this subtitle.

10-2A-03.

(a) The Secretary shall conduct investigations of nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine conservation measures necessary for their continued ability to sustain themselves successfully. On the basis of these determinations the Secretary shall issue proposed [rules and] regulations not later than July 1, 1977 and develop conservation programs designed to insure the continued ability of nongame wildlife deemed in need of conservation to perpetuate themselves successfully. The Secretary shall conduct ongoing investigations of nongame wildlife.

(b) The Secretary, by [rules and] regulations, shall adopt limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment necessary to conserve nongame wildlife.

(c) (1) Except as provided in [rules and] regulations adopted by the Secretary, [no person may] A PERSON MAY NOT take, possess, transport, export, process, sell, offer for sale, or ship nongame wildlife deemed by the Secretary to be in need of conservation pursuant to this section[.].

(2) [nor may any] A common or contract carrier MAY NOT knowingly transport or receive for shipment nongame wildlife deemed by the Secretary to be in need of conservation pursuant to this section.

10-2A-04.

(b) In addition to the species deemed to be endangered or threatened pursuant to the Endangered Species Act, the Secretary, by [rule or] regulation, shall determine whether any species of wildlife or plant normally occurring within the State is an endangered or threatened species due to any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, educational, or other purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or