

(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) EXCEPT AS PROVIDED IN RULES AND REGULATIONS ADOPTED BY THE SECRETARY, NO PERSON MAY 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, NOR MAY ANY COMMON OR CONTRACT CARRIER KNOWINGLY TRANSPORT OR RECEIVE FOR SHIPMENT NONGAME WILDLIFE DEEMED BY THE SECRETARY TO BE IN NEED OF CONSERVATION PURSUANT TO THIS SECTION.

10-2A04.

(A) ANY SPECIES OF WILDLIFE OR PLANT DETERMINED TO BE ENDANGERED SPECIES PURSUANT TO THE ENDANGERED SPECIES ACT SHALL BE DEEMED TO BE AN ENDANGERED SPECIES UNDER THE PROVISIONS OF THIS SUBTITLE AND ANY SPECIES OF WILDLIFE OR PLANT DETERMINED TO BE A THREATENED SPECIES PURSUANT TO THE ENDANGERED SPECIES ACT SHALL BE DEEMED TO BE A THREATENED SPECIES UNDER THE PROVISIONS OF THIS SUBTITLE. THE SECRETARY MAY DETERMINE, IN ACCORDANCE WITH THIS SECTION, THAT ANY THREATENED SPECIES IS AN ENDANGERED SPECIES THROUGHOUT ALL OR ANY PORTION OF THE RANGE OF THE SPECIES WITHIN THE STATE.

(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;