

necessary, except that regulated taking as a method and procedure shall be limited to the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved.

(c) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.

(d) (1) "Endangered species" means any species whose continued existence as a viable component of the State's wildlife or plants is determined to be in jeopardy.

(2) "Endangered species" includes any species of wildlife or plant determined to be an "endangered species" pursuant to the Endangered Species Act.

(e) "Endangered Species Act" means the Endangered Species Act of 1973, 87 Stat. 884.

(f) "INCIDENTAL TAKING" MEANS THE TAKING OF LISTED SPECIES THAT IS INCIDENTAL TO, AND NOT THE PURPOSE OF, THE CARRYING OUT OF AN OTHERWISE LAWFUL ACTIVITY.

(G) "Nongame species" means any wildlife species not legally classified as game birds or mammals, threatened species, or an endangered species by statute or regulation of the State.

[(g)](H) "Optimum carrying capacity" means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the habitat to continue that function.

[(h)](I) (1) "Plant" means any member of the plant kingdom.

(2) "Plant" includes seeds, roots, and other parts of the plant.

[(i)](J) "Species" includes any subspecies of wildlife or plant and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

[(j)](K) "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

[(k)](L) "Threatened species" means any species of wildlife or plants which appears likely, within the foreseeable future, to become endangered including any species of wildlife or plant determined to be a "threatened species" pursuant to the Endangered Species Act.

10-2A-05.

(a) Except with respect to species of wildlife or plants determined to be endangered or threatened pursuant to the Endangered Species Act, the Secretary, upon the petition of an interested person, shall conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to § 10-2A-04(f) of this subtitle, if the Secretary publishes public notice that the person has presented substantial evidence which warrants a review.