

(II) THE STEPS THAT THE APPLICANT WILL TAKE TO MINIMIZE AND MITIGATE THE IMPACT;

(III) THE FUNDING THAT WILL BE AVAILABLE TO IMPLEMENT THE STEPS;

(IV) THE ALTERNATIVE ACTIONS TO THE INCIDENTAL TAKING THAT THE APPLICANT CONSIDERED AND THE REASONS THAT THE ALTERNATIVES WERE NOT USED; AND

(V) ANY OTHER MEASURES THAT THE SECRETARY REQUIRES AS BEING NECESSARY OR APPROPRIATE FOR THE PURPOSES OF THE PLAN; AND

(2) THE SECRETARY FINDS THAT:

(I) THE INCIDENTAL TAKING WILL NOT APPRECIABLY REDUCE THE LIKELIHOOD OF THE SURVIVAL OR RECOVERY OF THE DELMARVA FOX SQUIRREL IN THE WILD;

(II) THE APPLICANT WILL, TO THE EXTENT PRACTICABLE, MINIMIZE AND MITIGATE THE IMPACTS OF THE INCIDENTAL TAKING;

(III) ADEQUATE FUNDING FOR THE CONSERVATION PLAN IS AVAILABLE AND THE PLAN WILL BE IMPLEMENTED; AND

(IV) THE APPLICANT HAS OBTAINED THE REQUIRED FEDERAL AUTHORIZATION FOR THE INCIDENTAL TAKING OF THE DELMARVA FOX SQUIRREL.

(B) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT AND ENFORCE THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008.

Approved by the Governor, April 8, 2008.