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SENATE BILL NO. 575

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 29.1-563 and 29.1-568 of the Code of Virginia, relating to endangered and threatened species.

Patron—Ticer

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That §§ 29.1-563 and 29.1-568 of the Code of Virginia are amended and reenacted as follows:**

§ 29.1-563. Definitions.

For the purposes of this article:

"Conservation plan" means a document developed by the Department and approved by the Director that describes the Department's approach to managing and, if possible, recovering an endangered or threatened species of fish or wildlife in Virginia.

"Endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range.

"Experimental population" means any population of an endangered or threatened species of fish or wildlife, excluding those species appearing on the federal list, which is explicitly provided for in a conservation plan.

"Fish or wildlife" means any member of the animal kingdom, vertebrate or invertebrate, except for the class Insecta, and includes any part, products, egg, or the dead body or parts thereof.

"Incidental take" means any taking of an endangered or threatened species of fish or wildlife, excluding those species appearing on the federal list, that would otherwise be prohibited by this article or by regulation, if such taking is incidental to but not the purpose of an otherwise lawful activity.

"Person" means any individual, firm, corporation, association or partnership.

"Threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

§ 29.1-568. When Board may permit taking, etc., of endangered species or threatened species.

A. The Board may permit the taking, exportation, transportation or possession of any fish or wildlife which is listed by the provisions of this article, for zoological, educational, or scientific purposes and for propagation of such fish or wildlife in captivity for preservation purposes.

B. The Board may adopt regulations that:

1. Allow the taking, possession, exportation, transportation, or release of any experimental populations of a specific species, within the context of an approved conservation plan for the species; and

2. Allow incidental take upon determination that (i) the project or activities justifying such incidental take will enhance the long-term survival of the species or population and (ii) such taking shall be at a minimum.

C. Incidental take of experimental populations is exempted from the prohibitions and penalties authorized under this article or from regulations adopted by the Board.

INTRODUCED

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