

Do I Need a Plant Permit from the State of California?

California Department of Fish and Wildlife – Native Plant Program

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INTRODUCTION

With different agencies involved, it can be difficult to determine if you need a permit for activities that affect native plants in California. Authorization from the State of California for scientific, educational or conservation activities involving native plants is typically only required if the work involves state-listed rare, threatened, endangered or candidate species, or the work is on lands owned or managed by the State. Work on federally owned lands is also regulated by the appropriate federal agencies. The California Desert Native Plants Act regulates harvest of certain native plants in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties, and permits are issued by the county, not the State of California.

The California Department of Fish and Wildlife encourages research and conservation of native plants, particularly those listed by the California Fish and Game Commission ("state-listed plants"). **California Department of Fish and Wildlife's Native Plant Program wants to make it easy to obtain authorizations for projects that benefit native plants.**

DO YOU WANT TO WORK ON DEPARTMENT OF FISH & WILDLIFE LANDS?

The California Department of Fish and Wildlife is responsible for more than 1,000,000 acres of habitat, managed through more than 700 properties. These properties comprise habitats from every major ecosystem in the state.

Projects on California Department of Fish and Wildlife lands require written authorization, regardless of whether they involve state-listed plants or not. Environmental research may be conducted on California Department of Fish and Wildlife lands with written permission. For more information and to request a letter of authorization, contact the appropriate California Department of Fish and Wildlife regional office with a written request (<https://www.wildlife.ca.gov/Regions>). The California Department of Fish and Wildlife's Native Plant Program can help you initiate contact with the appropriate contact person.



Baldwin Lake Ecological Reserve

Boggs Lake Ecological Reserve

WILL THE PROJECT TAKE PLACE ON LANDS OWNED OR MANAGED BY OTHER STATE OR FEDERAL AGENCIES?

Land Managed by State Agencies: Scientific research and other projects taking place on lands administered by state agencies may also require authorization. The California Department of Parks and Recreation manages more land than any other state agency in California. More information on scientific research and collecting on State Park system lands is available online at https://www.parks.ca.gov/?page_id=21557. The California State Lands Commission, California Department of Water Resources, and California Department of Forestry and Fire Protection also manage sizeable natural areas in California, and should be contacted to plan projects on the lands they manage.

Land Managed by Federal Agencies: Federal agencies such as the U.S. Forest Service, U.S. Bureau of Land Management, U.S. National Park Service, U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation manage more than 40 percent of California's land area. Projects on federal lands usually need to be authorized by the controlling federal agency. The federal Endangered Species Act prohibits incidental take of federally listed plants in areas under federal jurisdiction (i.e. federal land) and if destruction of federally-listed plants is in violation of a state law or regulation. Projects on federal lands involving federally-listed plants require federal Endangered Species Act authorization from the U.S. Fish and Wildlife Service.

DOES THE WORK OR PROJECT INVOLVE A STATE-LISTED PLANT?

If your work or project involves the possibility of killing or possessing a state-listed rare, threatened, endangered or candidate species, or any part or product thereof (see the red box to the right), you will typically need a California Endangered Species Act/Native Plant Protection Act permit from the California Department of Fish and Wildlife. A California Endangered Species Act/Native Plant Protection Act permit is not required if the work or project would only result in the take or possession of native species that are not state-listed, such as common plants or plants that only have a California Rare Plant Rank (e.g. 1B, 2B, 3, and 4).

DO YOU SURVEY FOR PLANTS OR MAKE SCIENTIFIC PLANT COLLECTIONS?

Plant Voucher Collection Permits authorize botanists to take state-listed plant species during field work and possess them for identification purposes or to be put in an herbarium. If there is any possibility that you could encounter and collect a state-listed plant you should apply for a **Plant Voucher Collection Permit** to ensure that your activities are authorized under the California Endangered Species Act. Fill out the one-page application (available online), e-mail it to nativeplants@wildlife.ca.gov, mail it to 1416 9th Street, 12th Floor, Sacramento, CA 95814, or give it to one of the contact people on this poster. **Plant Voucher Collection Permits** are valid for three years and authorize botanists to collect a limited number of state-listed plants under the following circumstances:

- To verify the identity of a plant;
- To document a new occurrence of a state-listed plant unknown previously to the botanical community, including, but not limited to the California Department of Fish and Wildlife and California Natural Diversity Database;
- To voucher a specimen from a population or occurrence from which no specimens exist in an herbarium;
- To voucher a specimen from a population or occurrence from which all existing voucher specimens lack the key characteristics necessary for identification; or
- To voucher a specimen from a population or occurrence from which no vouchers have been collected within the past ten years.

The California Endangered Species Act Prohibition

Fish and Game Code Section 2080 states that no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Fish and Game Commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in [the California Endangered Species Act], the Native Plant Protection Act, or the California Desert Native Plants Act.

What is the purpose of the project?

Scientific, Educational or Management Permits are issued by the California Department of Fish and Wildlife's Native Plant Program for scientific, educational or management projects, including species conservation, and are generally straightforward to obtain. **Scientific, Educational or Management Permits** are typically issued for the following types of activities:

- Research
- Propagation
- Recovery Actions
- Seed Banking
- Reintroduction
- Operations of Herbaria and Botanic Gardens

To apply for a **Scientific, Educational or Management Permit**, submit a written proposal to nativeplants@wildlife.ca.gov or one of the contacts on this poster. A sample proposal form is available at <https://www.wildlife.ca.gov/Conservation/Plants/Permits>, but proposals may be submitted in any form that provides sufficient information for the Native Plant Program to understand and evaluate the impacts of the project.

Other Purposes. If the project will result in take of state-listed plants that is incidental to otherwise lawful activities that are not for scientific, educational or management purposes, then an **Incidental Take Permit** under Section 2081(b) of the Fish and Game Code or take authorization via a **Natural Community Conservation Plan** or a **Safe Harbor Agreement** may be warranted. Activities that may warrant incidental take authorization include:

- Development projects
- Water or energy projects,
- Public Utility projects
- Transportation projects

For more information on authorization to take plants for purposes that are not scientific, educational, or management-related, please contact the appropriate California Department of Fish and Wildlife regional office (see map). The Native Plant Program in Sacramento can help you initiate contacts.



Amsinckia grandiflora, endangered

Monitoring endangered *Orcuttia viscida*

Eryngium constancei, endangered

Scientific collection of plant specimens

WILL THE PROJECT TAKE PLACE IN THE DESERT?

Harvest of certain native plants is regulated by the California Desert Native Plants Act in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties (see map to the right). A harvest permit is required for collecting more than five plants of:

- Agavaceae
- Cactaceae
- Fouquieriaceae
- *Prosopis* spp. (mesquites)
- *Parkinsonia* spp. (palos verdes)
- *Senegalia greggii* (catclaw)
- *Atriplex hymenelytra* (desert-holly)
- *Psoralea argophylla* (smoke tree)
- *Olneya tesota* (desert ironwood)

Harvest of *Bursera microphylla* (elephant tree), *Carnegiea gigantea* (saguaro cactus), *Ferocactus* spp. (barrel cactus), *Castela emoryi* (crucifixion thorn), *Dudleya saxosa* (Panamint dudleya), *Pinus longaeva* (bristlecone pine), and *Washingtonia filifera* (fan palm) is prohibited except with a scientific or educational permit. California Desert Native Plants Act permits are issued by the sheriff or agricultural commissioner of the county where the harvest will take place.



Harvest of Cactaceae is regulated by the California Desert Native Plants Act

