

**CHAPTER 45. CONSERVATION OF PENNSYLVANIA
NATIVE WILD PLANTS**

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Authority

The provisions of this Chapter 45 issued under the act of June 23, 1982 (P. L. 597, No. 170) (32 P.S. §§ 5301—5314), unless otherwise noted.

Source

The provisions of this Chapter 45 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; renumbered from 25 Pa. Code Chapter 82, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707, unless otherwise noted. Immediately preceding text appears at serial pages (180623) to (180624), (183027) to (183028) and (180627) to (180659).

Cross References

This chapter cited in 17 Pa. Code § 11.211 (relating to natural resources); and 17 Pa. Code § 21.115 (relating to natural resources).

Subchapter A. GENERAL PROVISIONS

Sec.	
45.1.	Scope.
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§ 45.1. Scope.

This chapter establishes a plant classification system, creates permit and license procedures and regulates other activities related to this Commonwealth's native wild plant management. This chapter applies to vulnerable plants, to naturally occurring wild plants native to this Commonwealth and to activities and persons associated with them.

§ 45.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Wild Resource Conservation Act (32 P. S. §§ 5301—5314).

Export—The transfer of plants, or parts thereof, across state lines for profit.

Ginseng—The plant species identified as *Panax quinquefolius* L.

Naturally occurring—Plant species whose natural range occurs in this Commonwealth.

Pennsylvania Endangered—A classification of plant species which are in danger of extinction throughout most or all of their natural range within this

Commonwealth, if critical habitat is not maintained or if the species is greatly exploited by man. This classification also includes populations of plant species that have been classified as Pennsylvania Extirpated, but which subsequently are found to exist in this Commonwealth.

Pennsylvania Extirpated—A classification of plant species believed by the Department to be extinct within this Commonwealth. The plants may or may not exist outside this Commonwealth. If plant species classified as Pennsylvania Extirpated are found to exist, the species automatically will be considered to be classified as Pennsylvania Endangered.

Pennsylvania Rare—A classification of plant species which are uncommon within this Commonwealth because they may be found in restricted geographic areas or in low numbers throughout this Commonwealth.

Pennsylvania Threatened—A classification of plant species which may become endangered throughout most or all of their natural range within this Commonwealth, if critical habitat is not maintained to prevent their further decline in this Commonwealth, or if the species is greatly exploited by man.

Pennsylvania Vulnerable—A classification of plant species which are in danger of population decline within this Commonwealth because of their beauty, economic value, use as a cultivar or other factors which indicate that persons may seek to remove these species from their native habitats.

Special Concern Population—A classification that is composed of colonies, groups or single individuals of a plant species that the Department has determined to be a unique occurrence deserving protection. Among the factors that may be used to classify a plant population within this category are the existence of unusual geographic locations, unisexual populations or extraordinarily diverse plant populations.

Tentatively Undetermined—A classification of plant species which are believed to be in danger of population decline, but which cannot presently be included within another classification due to taxonomic uncertainties, limited evidence within historical records or insufficient data.

Wild plants—Naturally occurring native flora, except those commonly considered an agricultural commodity, including green and nongreen species or subspecies, variety or a part, product, seed or progeny thereof.

Authority

The provisions of this § 45.2 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.2 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7757. Immediately preceding text appears at serial pages (378083) to (378084) and (217121).

§ 45.3. Classified plant taxonomy.

Nomenclature used to identify species taxonomy in Subchapter B (relating to classified plants) is according to Rhoads, A. F. and Block, T. A. (2007), *The Plants of Pennsylvania An Illustrated Manual Second Edition*, Philadelphia, Pennsylvania: University of Pennsylvania Press., unless a different taxonomic source is indicated immediately following the scientific name.

Authority

The provisions of this § 45.3 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.3 amended December 21, 2018, effective December 21, 2018, 48 Pa.B. 7757. Immediately preceding text appears at serial page (217121).

Subchapter B. CLASSIFIED PLANTS

Sec.	
45.11.	Pennsylvania Extirpated.
45.12.	Pennsylvania Endangered.
45.13.	Pennsylvania Threatened.
45.14.	Pennsylvania Rare.
45.15.	Pennsylvania Vulnerable.
45.16.	[Reserved].
45.17.	[Reserved].
45.18.	[Reserved].
45.19.	[Reserved].
45.20.	Special Concern Population.
45.21.	Tentatively Undetermined.

Cross References

This subchapter cited in 17 Pa. Code § 45.3 (relating to classified plant taxonomy).

§ 45.11. Pennsylvania Extirpated.

Plant species classified as Pennsylvania Extirpated are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Acalypha deamii</i> (Weath.) Ahles	Two-Seeded Copperleaf
<i>Aeschynomene virginica</i> (L.) Britton, Stearns & Poggenb.	Sensitive Joint-Vetch
<i>Agalinis decemloba</i> (Greene) Pennell	Blue Ridge False Foxglove
<i>Agrostis altissima</i> (Walter) Tuck.	Tall Bentgrass
<i>Arctostaphylos uva-ursi</i> (L.) Spreng.	Bearberry Manzanita
<i>Asclepias rubra</i> L.	Red Milkweed
<i>Astragalus neglectus</i> (Torr. & A. Gray) Sheldon	Cooper's Milk-Vetch
<i>Berberis canadensis</i> P. Mill.	American Barberry
<i>Buchnera americana</i> L.	Bluehearts
<i>Carex adusta</i> Boott	Crowded Sedge
<i>Carex backii</i> Boott	Rocky Mountain Sedge

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex barrattii</i> Schwein. & Torr.	Barratt's Sedge
<i>Carex chordorrhiza</i> L.f.	Creeping Sedge
<i>Carex foenea</i> Willd.	Fernald's Hay Sedge
<i>Carex hyalinolepis</i> Steud.	Shoreline Sedge
<i>Carex nigra</i> (L.) Reichard	Black Sedge
<i>Carex sartwellii</i> Dewey	Sartwell's Sedge
<i>Chamaecyparis thyoides</i> (L.) Britton, Stearns & Poggenb.	Atlantic White-Cedar
<i>Commelina erecta</i> L.	Slender Dayflower
<i>Commelina virginica</i> L.	Virginia Dayflower
<i>Coreopsis rosea</i> Nutt.	Pink Tickseed
<i>Crassula aquatica</i> (L.) Schönland	Water-Pigmyweed
<i>Crotonopsis elliptica</i> Willd.	Elliptical Rushfoil
<i>Cuscuta coryli</i> Engelm.	Hazel Dodder
<i>Cynoglossum boreale</i> Fernald	Northern Hound's Tongue
<i>Cyperus polystachyos</i> Rottb.	Many-Spiked Flatsedge
<i>Cyperus retrorsus</i> Chapm.	Retorse Flatsedge
<i>Cypripedium candidum</i> Muhl. ex Willd.	Small White Lady's-Slipper
<i>Desmodium sessilifolium</i> (Torr.) Torr. and A. Gray	Sessile-Leaved Tick Trefoil
<i>Dichanthelium leibergii</i> (Vasey) Freckmann	Leiberg's Panic Grass
<i>Dichanthelium spretum</i> (Schult.) Freckmann	Eaton's Witchgrass
<i>Diphasiastrum sabinifolium</i> (Willd.) Holub.	Fir Clubmoss
<i>Draba reptans</i> (Lam.) Fernald	Carolina Whitlow-Grass
<i>Echinacea laevigata</i> (C. L. Boynton & Beadle) S. F. Blake	Smooth Purple Coneflower
<i>Elatine americana</i> (Pursh) Arn.	Long-Stem Waterwort
<i>Eleocharis tricostata</i> Torr.	Three-Ribbed Spike-Rush
<i>Eleocharis tuberculosa</i> (Michx.) Roem. & Schult.	Long-Tuberclad Spike-Rush
<i>Elodea schweinitzii</i> (Planch) Casp.	Schweinitz's Waterweed
<i>Eriocaulon decangulare</i> L.	Ten-Angle Pipewort
<i>Eriocaulon parkeri</i> B. L. Rob.	Parker's Pipewort
<i>Eryngium aquaticum</i> L.	Marsh Eryngo
<i>Eupatorium album</i> L. var <i>album</i>	White Thoroughwort
<i>Eupatorium leucolepis</i> (DC) Torr. & A. Gray	White-Bracted Thoroughwort

<i>Scientific Name</i>	<i>Common Name</i>
<i>Euphorbia obtusata</i> Pursh	Blunt-Leaved Spurge
<i>Fimbristylis puberula</i> (Michx.) Vahl	Hairy Fimbry
<i>Galactia regularis</i> (L.) Britton, Stearns & Poggenb.	Eastern Milk-Pea
<i>Galactia volubilis</i> (L.) Britton	Downy Milk-Pea
<i>Gentiana catesbaei</i> Walter	Elliott's Gentian
<i>Gentianopsis virgata</i> (Raf.) Holub	Narrow-Leaved Fringed Gentian
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Helianthus angustifolius</i> L.	Swamp Sunflower
<i>Hordeum pusillum</i> Nutt. Á Löve	Little-Barley
<i>Hottonia inflata</i> Elliott	American Featherfoil
<i>Hydrocotyle umbellata</i> L.	Many-Flowered Pennywort
<i>Hypericum adpressum</i> Raf. ex Barton	Creeping St. John's-Wort
<i>Hypericum crux-andreae</i> (L.) Crantz	St. Peter's-Wort
<i>Hypericum denticulatum</i> Walter	Coppery St. John's-Wort
<i>Ilex glabra</i> (L.) A. Gray	Inkberry
<i>Itea virginica</i> L.	Virginia-Willow
<i>Juncus greenii</i> Oakes & Tuck.	Greene's Rush
<i>Koeleria macrantha</i> (Ledeb.) Schultes	Junegrass
<i>Leiophyllum buxifolium</i> (Berg.) Elliott	Sand-Myrtle
<i>Lespedeza stuevei</i> Nutt.	Tall Bush-Clover
<i>Limosella australis</i> R. Br.	Awl-Shaped Mudwort
<i>Lobelia nuttallii</i> Roem. & Schult.	Nuttall's Lobelia
<i>Ludwigia sphaerocarpa</i> Elliott	Spherical-Fruited Seedbox
<i>Lysimachia quadriflora</i> Sims	Four-Flowered Loosestrife
<i>Micranthemum micranthemoides</i> (Nutt.) Wettst.	Nuttall's Mud-Flower
<i>Muhlenbergia capillaris</i> (Lam.) Trin.	Short Muhly
<i>Onosmodium virginianum</i> (L.) A. DC.	Virginia False Gromwell
<i>Ophioglossum vulgatum</i> L. var. <i>pycnostichum</i> Fernald	Adders Tongue
<i>Phoradendron leucarpum</i> (Raf.) Reveal & M. C. Johnst.	Christmas Mistletoe
<i>Phyllanthus caroliniensis</i> Walt.	Carolina Leaf-Flower
<i>Platanthera cristata</i> (Michx.) Lindl.	Crested Yellow Orchid
<i>Platanthera leucophaea</i> (Nutt.) Lindl.	Prairie White-Fringed Orchid
<i>Polygala lutea</i> L.	Yellow Milkwort
<i>Populus heterophylla</i> L.	Swamp Cottonwood
<i>Potamogeton alpinus</i> Balbis	Northern Pondweed

<i>Scientific Name</i>	<i>Common Name</i>
<i>Potamogeton praelongus</i> Wulfen	White-Stem Pondweed
<i>Prenanthes racemosa</i> Michx.	Glaucous Rattlesnake-Root
<i>Proserpinaca pectinata</i> Lam.	Comb-Leaved Mermaid-Weed
<i>Ranunculus hederaceus</i> L.	Long-Stalked Crowfoot
<i>Rhododendron calendulaceum</i> (Michx.) Torr.	Flame Azalea
<i>Rhynchospora fusca</i> (L.) Aiton f.	Brown Beak-Rush
<i>Rhynchospora gracilentia</i> A. Gray	Beak-Rush
<i>Ruellia caroliniensis</i> (Walter ex J. F. Gmel.) Steud.	Carolina Petunia
<i>Sabatia campanulata</i> (L.) Torr.	Slender Marsh-Pink
<i>Sabatia stellaris</i> Pursh	Sea Pink
<i>Saccharum giganteum</i> (Walter) Pers.	Sugarcane-Plumegrass
<i>Sagittaria filiformis</i> J. G. Sm.	Water Arrow-Head
<i>Schoenoplectus heterochaetus</i> Chase (Sojak)	Slender Bulrush
<i>Scutellaria serrata</i> Andr.	Showy Skullcap
<i>Sisyrinchium fuscatum</i> E. P. Bicknell	Sand Blue-Eyed Grass
<i>Smilax pseudochina</i> L.	Long-Stalked Greenbrier
<i>Sparganium natans</i> L.	Small Bur-Reed
<i>Spiraea virginiana</i> Britton	Virginia Spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Ladies' -Tresses
<i>Trifolium reflexum</i> L.	Buffalo Clover
<i>Triglochin palustris</i> L.	Marsh Arrowgrass
<i>Utricularia fibrosa</i> Walt.	Fibrous Bladderwort
<i>Utricularia resupinata</i> B. D. Greene ex Bigelow	Northeastern Bladderwort
<i>Utricularia subulata</i> L.	Slender Bladderwort

Authority

The provisions of this § 45.11 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

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§ 45.12. Pennsylvania Endangered.

Plant species classified as Pennsylvania Endangered are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum reclinatum</i> A. Gray	White Monkshood

<i>Scientific Name</i>	<i>Common Name</i>
<i>Acorus americanus</i> (Raf.) Raf.	Sweet Flag
<i>Agalinis auriculata</i> (Michx.) S. F. Blake	Eared False Foxglove
<i>Agalinis paupercula</i> (A. Gray) Britton	Small-Flowered False Foxglove
<i>Aletris farinosa</i> L.	Colic-Root
<i>Alisma triviale</i> Pursh	Broad-Leaved Water-Plantain
<i>Alnus viridis</i> (Vill.) DC	Mountain Alder
<i>Amelanchier bartramiana</i> (Tausch) M. Roem.	Oblong-Fruited Serviceberry
<i>Ammania coccinea</i> Rottb.	Scarlet Ammannia
<i>Anemone cylindrica</i> A. Gray	Long-Headed Anemone
<i>Arabis missouriensis</i> Greene	Missouri Rockcress
<i>Arethusa bulbosa</i> L.	Dragon's-Mouth
<i>Arnica acaulis</i> (Walter) Britton, Stearns & Poggenb.	Leopard's-Bane
<i>Arnoglossum reniforme</i> (Hook.) H. E. Robins.	Great Indian Plantain
<i>Artemisia campestris</i> L. ssp. <i>caudata</i> (Michx.) Hall & Clements.	Beach Wormwood
<i>Asclepias variegata</i> L.	White Milkweed
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Asplenium resiliens</i> Kunze	Black-Stemmed Spleenwort
<i>Astragalus canadensis</i> L.	Canadian Milk-Vetch
<i>Bidens beckii</i> (Torr. ex Spreng.) Greene	Beck's Water-Marigold
<i>Bidens bidentoides</i> (Nutt.) Britton	Swamp Beggar-Ticks
<i>Boltonia asteroides</i> (L.) L'Hér.	Aster-Like Boltonia
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Cardamine pratensis</i> L. var. <i>palustris</i> Wimm. & Grab. (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Cuckooflower
<i>Carex atherodes</i> Spreng.	Awned Sedge
<i>Carex aurea</i> Nutt.	Golden-Fruited Sedge
<i>Carex bebbii</i> (Bailey) Fern.	Bebb's Sedge
<i>Carex bicknellii</i> Britton	Bicknell's Sedge
<i>Carex bullata</i> Willd.	Bull Sedge
<i>Carex careyana</i> Dewey	Carey's Sedge

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex crinita</i> Lam. var. <i>brevicrinis</i> Fernald	Short-Hair Sedge
<i>Carex eburnea</i> Boott	Ebony Sedge
<i>Carex formosa</i> Dewey	Handsome Sedge
<i>Carex garberi</i> Fernald	Elk Sedge
<i>Carex geyeri</i> Boott	Geyer's Sedge
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge
<i>Carex mitchelliana</i> M. A. Curtis	Mitchell's Sedge
<i>Carex pauciflora</i> Lightf.	Few-Flowered Sedge
<i>Carex polymorpha</i> Muhl.	Variable Sedge
<i>Carex pseudocyperus</i> L.	Cyperus-Like Sedge
<i>Carex retrorsa</i> Schwein.	Backward Sedge
<i>Carex roanensis</i> F. J. Herm (Source: Flora of the Southeastern United States, Weakley 2020)	Roan Mountain Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Sterile Sedge
<i>Carex typhina</i> Michx.	Cat-Tail Sedge
<i>Carex viridula</i> Michx.	Green Sedge
<i>Cerastium velutinum</i> Raf. var. <i>villosissimum</i> (Pennell) J. K. Morton	Octoraro Creek Chickweed
<i>Chasmanthium laxum</i> (L.) H. O. Yates	Slender Wild-Oats
<i>Chenopodium foggii</i> Wahl	Fogg's Goosefoot
<i>Chrysogonum virginianum</i> L.	Green-and-Gold
<i>Cirsium horridulum</i> Michx.	Horrible Thistle
<i>Cladium mariscoides</i> (Muhl.) Torr.	Twig-Rush
<i>Clematis viorna</i> L.	Leather-Flower
<i>Clethra acuminata</i> Michx.	Mountain Pepperbush
<i>Clitoria mariana</i> L.	Butterfly Pea
<i>Coeloglossum viride</i> (L.) Hartm.	Long-Bracted Green Orchis
<i>Conioselinum chinense</i> (L.) Britton, Stearns & Poggenb.	Hemlock-Parsley
<i>Corallorhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Cryptogramma stelleri</i> (Gmel.) Prantl	Slender Rockbrake
<i>Cymophyllus fraserianus</i> (Ker Gawl.) Kartesz & Gandhi	Fraser's Sedge
<i>Cyperus diandrus</i> Torr.	Umbrella Sedge
<i>Cyperus houghtonii</i> Torr.	Houghton's Flatsedge
<i>Cyperus refractus</i> Engelm.	Reflexed Flatsedge

<i>Scientific Name</i>	<i>Common Name</i>
<i>Cypripedium parviflorum</i> Salisb. var. <i>makasin</i> (Source: Flora of North America)	Northern Small Yellow Lady's-Slipper
<i>Cypripedium parviflorum</i> Salisb. var. <i>parviflorum</i> (Source: Flora of North America)	Southern Small Yellow Lady's-Slipper
<i>Cypripedium reginae</i> Walter	Show Lady's-Slipper
<i>Delphinium exaltatum</i> Aiton	Tall Larkspur
<i>Dicentra eximia</i> (Ker Gwal.) Torr.	Wild Bleeding-Heart
<i>Dichanthelium scoparium</i> (Lam.) Gould	Velvety Panic Grass
<i>Dichanthelium xanthophysum</i> (A. Gray) Freckmann	Slender Panic Grass
<i>Dodecatheon meadia</i> L.	Shooting-Star
<i>Dryopteris campyloptera</i> (Kunze) Clarkson	Mountain Wood Fern
<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter's Barnyard-Grass
<i>Eleocharis caribaea</i> (Rottb.) S. F. Blake	Capitate Spike-Rush
<i>Eleocharis compressa</i> Sull.	Flat-Stemmed Spike-Rush
<i>Eleocharis elliptica</i> Kunth	Slender Spike-Rush
<i>Eleocharis obtusa</i> (Willd.) Schult. var. <i>peasei</i> Svenson	Wright's Spike-Rush
<i>Eleocharis parvula</i> (Roem. & Schult.) Link ex Buffon & Fingerh.	Dwarf Spike-Rush
<i>Eleocharis pauciflora</i> (Lightf.) Link var. <i>fernaldii</i> Swenson	Few-Flowered Spike-Rush
<i>Eleocharis quadrangulata</i> (Michx.) Roem. & Schult.	Four-Angled Spike-Rush
<i>Eleocharis rostellata</i> (Torr.) Torr.	Beaked Spike-Rush
<i>Eleocharis tenuis</i> (Willd.) Schult. var. <i>verrucosa</i> (Svenson) Svenson	Slender Spike-Rush
<i>Equisetum scirpoides</i> Michx. (Source: Flora of North America)	Dwarf Scouring-Rush
<i>Equisetum variegatum</i> Schleich.	Variiegated Scouring-Rush
<i>Eriophorum gracile</i> Koch ex Roth	Slender Cotton-Grass
<i>Eriophorum tenellum</i> Nutt.	Rough Cotton-Grass
<i>Euphorbia ipecacuanhae</i> L.	Wild Ipecac
<i>Euphorbia purpurea</i> (Raf.) Fernald	Glade Spurge
<i>Eurybia spectabilis</i> (Aiton) Nesom	Showy Aster
<i>Festuca paradoxa</i> Desv.	Cluster Fescue

<i>Scientific Name</i>	<i>Common Name</i>
<i>Fraxinus profunda</i> (Bush) Bush	Pumpkin Ash
<i>Fraxinus quadrangulata</i> Michx. (Source: Flora of the Southeastern United States, Weakley 2020)	Blue Ash
<i>Galium labradoricum</i> Wiegand	Bog Bedstraw
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Gaylussacia dumosa</i> (Andr.) Torr. & A. Gray	Dwarf Huckleberry
<i>Geranium bicknellii</i> Britton	Cranesbill
<i>Glyceria obtusa</i> (Muhl.) Trin.	Blunt Manna-Grass
<i>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop
<i>Helianthemum bicknellii</i> Fernald	Bicknell's Hoary Rockrose
<i>Heteranthera multiflora</i> (Griseb.) Horn.	Multi-Flowered Mud-Plantain
<i>Hieracium traillii</i> Greene	Maryland Hawkweed
<i>Hierochloa hirta</i> (Schränk) Borbás (Source: Flora of the Southeastern United States, Weakley 2020)	Common Northern Sweet Grass
<i>Hierochloa odorata</i> (L.) Beauv.	Vanilla Sweet-Grass
<i>Huperzia porophila</i> (F. E. Lloyd & Underw.) Holub	Sandstone-Loving Firmoss
<i>Hydrophyllum macrophyllum</i> Nutt.	Large-Leaved Water-Leaf
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
<i>Iodanthus pinnatifidus</i> (Michx.) Steud.	Purple-Rocket
<i>Iris cristata</i> Sol. ex Aiton	Dwarf Crested Iris
<i>Iris prismatica</i> Pursh	Slender Blue Flag
<i>Iris verna</i> L.	Dwarf Iris
<i>Isotria medeoloides</i> (Pursh) Raf.	Small-Whorled Pogonia
<i>Juncus brachycarpus</i> Engelm.	Short-Fruited Rush
<i>Juncus dichotomus</i> Elliott	Forked Rush
<i>Juncus militaris</i> Bigelow	Bayonet Rush
<i>Juncus scirpoides</i> Lam.	Scirpus-Like Rush
<i>Lespedeza angustifolia</i> (Pursh) Elliott	Narrow-Leaved Bush-Clover
<i>Ligusticum canadense</i> (L.) Britton	Nondo Lovage
<i>Linum intercursum</i> E. P. Bicknell	Sandplain Wild Flax
<i>Linum sulcatum</i> Riddell	Grooved Yellow Flax
<i>Lipocarpha micrantha</i> (Vahl) G. C. Tucker	Common Hemicarpha

<i>Scientific Name</i>	<i>Common Name</i>
<i>Listera australis</i> Lindl.	Southern Twayblade
<i>Listera cordata</i> (L.) R. Br.	Heartleaf Twayblade
<i>Listera smallii</i> Wiegand	Kidney-Leaved Twayblade
<i>Lithospermum caroliniense</i> (J. F. Gmel.) MacMill.	Hispid Gromwell
<i>Lithospermum latifolium</i> Michx.	American Gromwell
<i>Lobelia kalmii</i> L.	Brook Lobelia
<i>Lobelia puberula</i> Michx.	Downy Lobelia
<i>Lonicera oblongifolia</i> (Goldie) Hook.	Swamp Fly-Honeysuckle
<i>Lonicera villosa</i> (Michx.) Roem. & Schult.	Mountain Fly-Honeysuckle
<i>Ludwigia decurrens</i> Walter	Upright Primrose-Willow
<i>Ludwigia polycarpa</i> Short & Peter	False Loosestrife Seedbox
<i>Lycopodiella alopecuroides</i> (L.) Cranfill	Foxtail Bog Clubmoss
<i>Lycopodiella margueritae</i> J. G. Bruce, W. H. Wagner & Beitel	Marguerite's Clubmoss
<i>Lycopus rubellus</i> Moench.	Taper-Leaved Bugle-Weed
<i>Lyonia mariana</i> (L.) D. Don	Staggerbush
<i>Lysimachia hybrida</i> Michx.	Lance-Leaved Loosestrife
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Malaxis bayardii</i> Fernald	Adder's-Mouth
<i>Marshallia pulchra</i> W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of Southeastern United States, Weakley 2020)	Beautiful Barbara's Buttons
<i>Matelea obliqua</i> (Jacq.) Woodson	Oblique Milkvine
<i>Mitella nuda</i> L.	Naked Bishop's-Cap
<i>Monarda punctata</i> L.	Spotted Bee-Balm
<i>Montia chamissoi</i> (Ledeb. ex Spreng.) Greene	Chamisso's Miner's-Lettuce
<i>Muhlenbergia uniflora</i> (Muhl.) Fern.	Fall Dropseed Muhly
<i>Myriophyllum farwellii</i> Morong	Farwell's Water-Milfoil
<i>Myriophyllum sibiricum</i> Komarov	Northern Water-Milfoil
<i>Myriophyllum verticillatum</i> L.	Whorled Water-Milfoil
<i>Najas marina</i> L.	Holly-Leaved Naiad
<i>Oclemena nemoralis</i> (Aiton) E. Greene	Leafy Bog Aster
<i>Onosmodium molle</i> Michx. var. <i>hispidissimum</i> (Mack.) Cronquist	False Gromwell
<i>Ophioglossum engelmannii</i> Prantl	Limestone Adder's-Tongue

<i>Scientific Name</i>	<i>Common Name</i>
<i>Packera antennariifolia</i> (Britton) W. A. Weber Á & Löve	Cat's-Paw Ragwort
<i>Panicum amarum</i> Elliott var. <i>amarulum</i> (A. Hitchc. & Chase) P. G. Palmer	Beachgrass
<i>Parnassia glauca</i> Raf.	Grass-of-Parnassus
<i>Paxistima canbyi</i> A. Gray	Canby's Mountain-Lover
<i>Persicaria careyi</i> (Olney) Greene	Carey's Smartweed
<i>Persicaria setacea</i> (Baldwin) Small	Swamp Smartweed
<i>Phlox ovata</i> L.	Mountain Phlox
<i>Phlox subulata</i> L. ssp. <i>brittonii</i> (Small) Wherry	Moss Pink
<i>Piptatherum pungens</i> (Torr. ex Spreng.) Dorn	Slender Mountain Ricegrass
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: Flora of North America)	Northern Green Orchid
<i>Platanthera dilatata</i> (Pursh) Lindl. ex Beck	Tall White Bog-Orchid
<i>Platanthera huronensis</i> (Nutt.) Lindl.	Huron Green Orchid
<i>Poa autumnalis</i> Muhl. ex Elliott	Autumn Bluegrass
<i>Polemonium van-bruntiae</i> Britton	Jacob's-Ladder
<i>Polygala cruciata</i> L.	Cross-Leaved Milkwort
<i>Polygala curtissii</i> A. Gray	Curtis' Milkwort
<i>Polygala incarnata</i> L.	Pink Milkwort
<i>Polystichum braunii</i> (Spenn.) Fee	Braun's Holly Fern
<i>Populus balsamifera</i> L.	Balsam Poplar
<i>Potamogeton friesii</i> Rupr.	Fries' Pondweed
<i>Potamogeton gramineus</i> L.	Grassy Pondweed
<i>Potamogeton hillii</i> Morong	Hill's Pondweed
<i>Potamogeton obtusifolius</i> Mert. & Koch	Blunt-Leaved Pondweed
<i>Potamogeton pulcher</i> Tuck.	Spotted Pondweed
<i>Potamogeton strictifolius</i> A. Benn.	Narrow-Leaved Pondweed
<i>Potamogeton tennesseensis</i> Fernald	Tennessee Pondweed
<i>Potamogeton vaseyi</i> J. W. Robbins	Vasey's Pondweed
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil
<i>Potentilla paradoxa</i> Nutt.	Bushy Cinquefoil
<i>Potentilla tridentata</i> Aiton	Three-Toothed Cinquefoil
<i>Prunus maritima</i> Marshall	Beach Plum
<i>Prunus nigra</i> Ait.	Canada Plum
<i>Ptilimnium capillaceum</i> (Michx.) Raf.	Mock Bishop-Weed

<i>Scientific Name</i>	<i>Common Name</i>
<i>Pycnanthemum torrei</i> Benth.	Torrey's Mountain-Mint
<i>Quercus falcata</i> Michx.	Southern Red Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Quercus shumardii</i> Buckley	Shumard Oak
<i>Ranunculus fascicularis</i> Muhl. ex J. M. Bigelow	Tufted Buttercup
<i>Ratibida pinnata</i> (Vent.) Barnhart	Gray-Headed Prairie Coneflower
<i>Rhamnus lanceolata</i> Pursh	Lanceolate Buckthorn
<i>Rhexia mariana</i> L.	Maryland Meadow-Beauty
<i>Rhododendron atlanticum</i> (Ashe) Rehder	Dwarf Azalea
<i>Rhynchospora capillacea</i> Torr.	Capillary Beak-Rush
<i>Ribes missouriense</i> Nutt. ex Torr. & A. Gray	Missouri Gooseberry
<i>Rubus cuneifolius</i> Pursh	Sand Blackberry
<i>Ruellia humilis</i> Nutt.	Fringed-Leaved Petunia
<i>Sagittaria calycina</i> Engelm.	Long-Lobed Arrowhead
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow
<i>Scheuchzeria palustris</i> L.	Pod-Grass
<i>Schoenoplectus acutus</i> (Muhl. ex Bigel.) Löve & Löve	Hard-Stemmed Bulrush
<i>Schoenoplectus smithii</i> (A. Gray) Sojak	Smith's Bulrush
<i>Schoenoplectus torreyi</i> (Olney) Palla	Torrey's Bulrush
<i>Scirpus ancistrochaetus</i> Schuyler	Northeastern Bulrush
<i>Scleria minor</i> (Britton) Stone	Small Nut-Rush
<i>Scleria muhlenbergii</i> Steud.	Reticulated Nut-Rush
<i>Scleria verticillata</i> Muhl. ex Willd.	Whorled Nut-Rush
<i>Sedum rosea</i> (L.) Scop.	Roseroot Stonecrop
<i>Sericocarpus linifolius</i> (L.) Britton, Stearns & Poggenb.	Narrow-Leaved White-Topped Aster
<i>Shepherdia canadensis</i> (L.) Nutt.	Canada Buffalo-Berry
<i>Sida hermaphrodita</i> (L.) Rusby	Virginia Mallow
<i>Sisyrinchium atlanticum</i> E. P. Bicknell	Eastern Blue-Eyed-Grass
<i>Solidago arguta</i> Aiton var. <i>harrisii</i> (E. S. Steele) Cronquist	Harris' Goldenrod
<i>Solidago curtissii</i> Torr. & A. Gray	Curtis' Goldenrod
<i>Solidago erecta</i> Banks ex Pursh	Slender Goldenrod
<i>Solidago simplex</i> Kunth ssp. <i>randii</i> (Porter) Ringius var. <i>racemosa</i> (Greene) Ringius	Sticky Goldenrod

<i>Scientific Name</i>	<i>Common Name</i>
<i>Sorbus decora</i> (Sarg.) Schneid.	Showy Mountain-Ash
<i>Sparganium androcladum</i> (Engelm.) Morong	Branching Bur-Reed
<i>Spiraea corymbosa</i> Rafinesque (Source: Flora of the Southeastern United States, Weakley 2020)	Dwarf Spiraea
<i>Spiranthes casei</i> Catling & Cruise	Case's Ladies'-Tresses
<i>Spiranthes ovalis</i> Lindl.	October Ladies'-Tresses
<i>Spiranthes romanzoffiana</i> Cham.	Hooded Ladies'-Tresses
<i>Spiranthes vernalis</i> Engelm. & A. Gray	Spring Ladies'-Tresses
<i>Sporobolus clandestinus</i> (Biehler) A. Hitchc.	Rough Dropseed
<i>Sporobolus cryptandrus</i> (Torr.) A. Gray	Sand Dropseed
<i>Sporobolus heterolepis</i> (A. Gray) A. Gray	Prairie Dropseed
<i>Stachys nuttallii</i> Shuttlew. ex Benth.	Nuttall's Hedge-Nettle
<i>Swertia caroliniensis</i> (Walter) Kuntze	American Columbo
<i>Symphyotrichum boreale</i> (Torr. & Gray) Å Löve & D. Löve	Northern Bog Aster
<i>Taenidia montana</i> (Mack.) Cronquist	Mountain Pimpernel
<i>Trichostema setaceum</i> Houtt.	Narrow-Leaved Blue-Curls
<i>Trifolium stoloniferum</i> Eaton (Source: Flora of the Southeastern United States, Weakley 2020)	Running Buffalo Clover
<i>Trifolium virginicum</i> Small	Kate's-Mountain Clover
<i>Triphora trianthophora</i> (Swartz) Rydb.	Nodding Pogonia
<i>Triplasis purpurea</i> (Walter) Chapm.	Purple Sandgrass
<i>Trollius laxus</i> Salisb.	Spreading Globe-Flower
<i>Veronia glauca</i> (L.) Willd.	Tawny Ironweed
<i>Viburnum nudum</i> L.	Poosum Haw Viburnum
<i>Viola brittoniana</i> Pollard	Coast Violet
<i>Viola glaberrima</i> (Ging.) House (Source: Flora of the Southeastern United States, Weakley 2020)	Wedge-Leaved Violet
<i>Vitis rupestris</i> Scheele	Sand Grape
<i>Zigadenus glaucus</i> (Nutt.) Nutt.	White Camas

Authority

The provisions of this § 45.12 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.12 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7757; amended September 22, 2023, effective September 23, 2023, 53 Pa.B. 5892. Immediately preceding text appears at serial pages (394741) to (394748).

Cross References

This section cited in 7 Pa. Code § 128.102 (relating to protected designated areas).

§ 45.13. Pennsylvania Threatened.

Plant species classified as Pennsylvania Threatened are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum uncinatum</i> L.	Blue Monkshood
<i>Ageratina aromatica</i> (L.) Spach	Small White-Snakeroot
<i>Ammophila breviligulata</i> Fernald	American Beachgrass
<i>Arabis patens</i> Sull.	Spreading Rockcress
<i>Arceuthobium pusillum</i> Peck	Dwarf Mistletoe
<i>Aristida purpurascens</i> Poir.	Arrow-Feather Three-Awned Grass
<i>Asclepias verticillata</i> L.	Whorled Milkweed
<i>Baptisia australis</i> (L.) R. Br.	Blue False Indigo
<i>Bouteloua curtipendula</i> (Michx.) Torr.	Tall Gramma
<i>Bromus kalmii</i> A. Gray	Kalm's Brome
<i>Carex alata</i> Torr.	Broad-Winged Sedge
<i>Carex aquatilis</i> Wahlenb.	Water Sedge
<i>Carex collinsii</i> Nutt.	Collins' Sedge
<i>Carex cryptolepis</i> Mack.	Northeastern Sedge
<i>Carex diandra</i> Schrank	Lesser Panicked Sedge
<i>Carex flava</i> L.	Yellow Sedge
<i>Carex longii</i> Mack.	Long's Sedge
<i>Carex oligosperma</i> Michx.	Few-Seeded Sedge
<i>Carex prairea</i> Dewey	Prairie Sedge
<i>Carex tetanica</i> Schkuhr	Wood's Sedge
<i>Carex wiegandii</i> Mack.	Wiegand's Sedge
<i>Castilleja coccinea</i> (L.) Spreng.	Eastern Paintbrush
<i>Chamaesyce polygonifolia</i> (L.) Small	Seaside Spurge
<i>Chrysopsis mariana</i> (L.) Elliott	Maryland Golden-Aster
<i>Dodecatheon amethystinum</i> (Fassett) Fassett	Jeweled Shooting-Star
<i>Eleocharis intermedia</i> (Muhl.) Schult.	Matted Spike-Rush
<i>Eleocharis robbinsii</i> Oakes	Robbins' Spike-Rush
<i>Ellisia nyctelea</i> L.	Ellisia
<i>Erigenia bulbosa</i> (Michx.) Nutt.	Harbinger-of-Spring
<i>Eriophorum viridicarinatum</i> (Engelm.) Fernald	Thin-Leaved Cottongrass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Euthamia caroliniana</i> (L.) Greene ex Porter & Britton	Grass-Leaved Goldenrod
<i>Fimbristylis annua</i> (All.) Roem. & Schult.	Annual Fimbry
<i>Galium latifolium</i> Michx.	Purple Bedstraw
<i>Hypericum densiflorum</i> Pursh	Bushy St. John's-Wort
<i>Hypericum majus</i> (A. Gray) Britton	Canadian St. John's-Wort
<i>Ilex opaca</i> Aiton	American Holly
<i>Juncus alpinoarticulatus</i> Chaix in Vill. ssp. <i>nodulosus</i> (Wahlenb.) Hämet-Ahti.	Richardson's Rush
<i>Juncus arcticus</i> Willd. var. <i>littoralis</i> (Engelm.) Boivin.	Baltic Rush
<i>Juncus brachycephalus</i> (Engelm.) L. Buch.	Small-Headed Rush
<i>Juncus torreyi</i> Coville	Torrey's Rush
<i>Lathyrus japonicus</i> Willd.	Beach Pea
<i>Lathyrus ochroleucus</i> Hook.	Wild Pea
<i>Linnaea borealis</i> L.	Twinflower
<i>Lobelia dortmanna</i> L.	Water Lobelia
<i>Lycopodiella appressa</i> (Chapm.) Cranfill	Appressed Bog Clubmoss
<i>Magnolia tripetala</i> (L.) L.	Umbrella Magnolia
<i>Magnolia virginiana</i> L.	Sweetbay Magnolia
<i>Melica nitens</i> Nutt.	Three-Flowered Melic Grass
<i>Minuartia glabra</i> (Michx.) Mattf.	Appalachian Sandwort
<i>Myrica gale</i> L.	Sweet-gale
<i>Myriophyllum tenellum</i> Bigelow	Slender Water-Milfoil
<i>Najas gracillima</i> (A. Braun) Magnus	Bushy Naiad
<i>Nymphoides cordata</i> (Elliott) Fernald	Floating-Heart
<i>Oenothera argillicola</i> Mack.	Shale-Barren Evening-Primrose
<i>Panicum tuckermanii</i> Fernald	Tuckerman's Panic-Grass
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Phemeranthus teretifolius</i> (Pursh) Raf.	Round-Leaved Fameflower
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed Orchid
<i>Platanthera peramoena</i> (A. Gray) A. Gray	Purple Fringeless Orchid
<i>Poa paludigena</i> Fernald & Wiegand	Bog Bluegrass
<i>Potamogeton confervoides</i> Reichenb.	Tuckerman's Pondweed
<i>Potamogeton richardsonii</i> (Benn.) Rydb.	Red-Head Pondweed

<i>Scientific Name</i>	<i>Common Name</i>
<i>Ptelea trifoliata</i> L.	Hoptree
<i>Ranunculus ambigens</i> S. Watson	Water-Plantain Spearwort
<i>Ranunculus longirostris</i> Godron	Eastern White Water-Crowfoot
<i>Ribes triste</i> Pallas	Wild Red Currant
<i>Ruellia strepens</i> L.	Limestone Petunia
<i>Salix serissima</i> (Bailey) Fernald	Autumn Willow
<i>Scirpus pedicellatus</i> Fernald	Stalked Bulrush
<i>Scleria pauciflora</i> Muhl. ex Willd.	Few-Flowered Nutrush
<i>Solidago roanensis</i> Porter	Mountain Goldenrod
<i>Solidago uliginosa</i> Nutt.	Bog Goldenrod
<i>Stellaria borealis</i> Bigelow	Northern Stitchwort
<i>Streptopus amplexifolius</i> (L.) DC	Twisted-Stalk
<i>Symphyotrichum depauperatum</i> (Fernald) Nesom	Serpentine Aster
<i>Symphyotrichum novi-belgii</i> (L.) Nesom var. <i>novi-belgii</i>	New York Aster
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue
<i>Utricularia intermedia</i> Hayne	Flat-Leaved Bladderwort
<i>Viola appalachiensis</i> L. K. Henry	Appalachian Blue Violet
<i>Vittaria appalachiana</i> Farrar & Mickel	Appalachian Grass-Fern

Authority

The provisions of this § 45.13 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.13 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7757; amended September 22, 2023, effective September 23, 2023, 53 Pa.B. 5892. Immediately preceding text appears at serial pages (394748) to (394751).

Cross References

This section cited in 7 Pa. Code § 128.102 (relating to protected designated areas).

§ 45.14. Pennsylvania Rare.

Plant species classified as Pennsylvania Rare are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Actaea podocarpa</i> DC	Mountain Bugbane
<i>Amaranthus cannabinus</i> (L.) Sauer	Water-Hemp Ragweed
<i>Andromeda polifolia</i> L.	Bog-Rosemary
<i>Andropogon gyrans</i> Ashe	Elliott's Beardgrass
<i>Asplenium pinnatifidum</i> Nutt.	Lobed Spleenwort
<i>Bartonia paniculata</i> ssp. <i>paniculata</i> (Michx.) Muhl.	Screw-Stem

<i>Scientific Name</i>	<i>Common Name</i>
<i>Cakile edentula</i> (Bigelow) Hook.	American Sea-Rocket
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex disperma</i> Dewey	Soft-Leaved Sedge
<i>Carex lasiocarpa</i> Ehrh.	Many-Fruited Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Cyperus engelmannii</i> Steud.	Engelmann's Flatsedge
<i>Cyperus schweinitzii</i> Torr.	Schweinitz's Flatsedge
<i>Dichanthelium commonsianum</i> (Ashe) Freckmann var. <i>euchlamydeum</i> (Shinners) Pohl	Cloaked Panic Grass
<i>Epilobium strictum</i> Muhl.	Downy Willow-Herb
<i>Erythronium albidum</i> Nutt.	White Trout-Lily
<i>Gaultheria hispidula</i> (L.) Muhl. ex Bigelow	Creeping Snowberry
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush
<i>Juncus filiformis</i> L.	Thread Rush
<i>Ledum groenlandicum</i> Oeder	Common Labrador-Tea
<i>Lorinseria areolata</i> (Linnaeus) C. Presl. (Source: Flora of the Southeastern United States, Weakley 2020)	Netted Chain Fern
<i>Lupinus perennis</i> L.	Blue Lupine
<i>Lygodium palmatum</i> (Bernh.) Sw.	Hartford Fern
<i>Menziesia pilosa</i> (Michx.) Juss.	Minniebush
<i>Opuntia humifusa</i> (Raf.) Raf.	Eastern Prickly-Pear Cactus
<i>Orontium aquaticum</i> L.	Golden Club
<i>Packera anonyma</i> (A. W. Wood) W. A. Weber & Á Löve	Appalachian Groundsel
<i>Potamogeton robbinsii</i> Oakes	Flat-Leaved Pondweed
<i>Potamogeton zosteriformis</i> Fernald	Flat-Stemmed Pondweed
<i>Potentilla anserina</i> L.	Silverweed
<i>Prunus pumila</i> L. var. <i>pumila</i>	Sand Cherry
<i>Pyrularia pubera</i> Michx.	Buffalo-Nut
<i>Ranunculus micranthus</i> (Gray) Nutt. ex Torr. & Gray	Small-Flowered Crowfoot
<i>Rotala ramosior</i> (L.) Koehne	Toothcup
<i>Sagittaria subulata</i> (L.) L. Buch.	Subulate Arrowhead
<i>Schizachyrium scoparium</i> (Michx.) Nash var. <i>littorale</i> (Nash) Gould	Seaside Bluestem
<i>Schoenoplectus fluviatilis</i> (Torr.) Strong	River Bulrush
<i>Sedum telephoides</i> Michx.	Allegheny Stonecrop

<i>Scientific Name</i>	<i>Common Name</i>
<i>Trillium nivale</i> Riddell	Snow Trillium
<i>Wolffiella gladiata</i> (Hegelm.) Hegelm.	Bog-Mat
<i>Xyris montana</i> Ries.	Yellow Eyed Grass
<i>Zizania aquatica</i> L.	Indian Wild Rice

Authority

The provisions of this § 45.14 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.14 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7757; amended September 22, 2023, effective September 23, 2023, 53 Pa.B. 5892. Immediately preceding text appears at serial pages (394751) to (394752).

§ 45.15. Pennsylvania Vulnerable.

Plant species classified as Pennsylvania Vulnerable are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Cypripedium parviflorum</i> Salisb. var. <i>pubescens</i> (Willd.) Correll	Large Yellow Lady's-Slipper
<i>Hydrastis canadensis</i> L.	Goldenseal
<i>Panax quinquefolius</i> L.	Ginseng

Authority

The provisions of this § 45.15 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.15 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7757. Immediately preceding text appears at serial page (353992).

§ 45.16. [Reserved].**Source**

The provisions of this § 45.16 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; reserved June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial page (123456).

§ 45.17. [Reserved].**Source**

The provisions of this § 45.17 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; reserved June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial page (123456).

§ 45.18. [Reserved].**Source**

The provisions of this § 45.18 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; reserved June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial page (123456).

§ 45.19. [Reserved].**Source**

The provisions of this § 45.19 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; reserved June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial page (123456).

§ 45.20. Special Concern Population.

As of January 1, 1988, no plant species have been listed solely within the classification of Special Concern Population.

Source

The provisions of this § 45.20 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027.

§ 45.21. Tentatively Undetermined.

Plant species classified as Tentatively Undetermined are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Agalinis obtusifolia</i> Raf.	False-Foxglove
<i>Amelanchier humilis</i> Wiegand	Low Serviceberry
<i>Amelanchier obovalis</i> (Michx.) Ashe	Coastal Juneberry
<i>Amelanchier sanguinea</i> (Pursh) DC.	Roundleaf Juneberry
<i>Andropogon glomeratus</i> (Walter) Britton, Stearns & Poggenb.	Bushy Bluestem
<i>Antennaria solitaria</i> Rydb.	Single-Headed Pussy-Toes
<i>Arabis hirsuta</i> (L.) Scop.	Western Hairy Rock-Cress
<i>Aristida dichotoma</i> Michx. var. <i>curtissii</i> A. Gray	Poverty Grass
<i>Aristida longespica</i> Poir. var. <i>geniculata</i> (Raf.) Fernald	Long-Spike Three-Awned Grass
<i>Aristolochia macrophylla</i> Lam.	Pipevine
<i>Carex crawfordii</i> Fernald	Crawford's Sedge
<i>Carex haydenii</i> Dewey	Cloud Sedge
<i>Carex limosa</i> L.	Mud Sedge
<i>Carex meadii</i> Dewey	Mead's Sedge
<i>Chasmanthium latifolium</i> (Michx.) H. O. Yates	Wild-Oats
<i>Chenopodium capitatum</i> (L.) Asch.	Strawberry Goosefoot
<i>Crataegus brainerdii</i> Sarg.	Brainerd's Hawthorne
<i>Crataegus mollis</i> (Torr. & A. Gray) Scheele	Downy Hawthorne
<i>Cuscuta cephalanthi</i> Engelm.	Buttonbush Dodder
<i>Cuscuta polygonorum</i> Engelm.	Smartweed Dodder
<i>Cyperus tenuifolius</i> (Steud.) Dandy	Thin-Leaved Flatsedge
<i>Cystopteris laurentiana</i> (Weath.) Blasdell	Laurentian Bladder-Fern

<i>Scientific Name</i>	<i>Common Name</i>
<i>Desmodium glabellum</i> (Michx.) Kuntze	Tall Tick-Trefoil
<i>Desmodium nuttallii</i> (Schindl.) Schub.	Nuttall's Tick-Trefoil
<i>Dichanthelium annulum</i> (Ashe) LeBlond	Annulus Panic Grass
<i>Dichanthelium boreale</i> (Nash) Freckmann	Northern Panic Grass
<i>Dichanthelium commonsianum</i> (Ashe) Freckmann	Cloaked Panic Grass
<i>Dichanthelium lucidum</i> (Ashe) LeBlond	Shining Panic Grass
<i>Dichanthelium villosissimum</i> (Nash) Freckmann	Long-Haired Panic Grass
<i>Dichanthelium yadkinense</i> (Ashe) Mohlenbr.	Yadkin River Panic Grass
<i>Dracocephalum parviflorum</i> Nutt.	American Dragonhead
<i>Epilobium palustre</i> L.	Marsh Willow-Herb
<i>Eupatorium rotundifolium</i> L.	Round-Leaved Thoroughwort
<i>Filipendula rubra</i> (Hill) B. L. Rob.	Queen-of-the-Prairie
<i>Gentiana alba</i> Muhl. ex Nutt.	Yellow Gentian
<i>Gentiana saponaria</i> L.	Soapwort Gentian
<i>Gentiana villosa</i> L.	Striped Gentian
<i>Glyceria acutiflora</i> Torr.	Sharp-Flowered Manna-Grass
<i>Gymnocarpium appalachianum</i> K. M. Pryer & Haufler	Appalachian Oak Fern
<i>Houstonia purpurea</i> L. var. <i>purpurea</i>	Purple Bluets
<i>Hypericum drummondii</i> (Grev. & Hook) Torr. & A. Gray	Nits-and-Lice
<i>Lathyrus palustris</i> L.	Vetchling
<i>Lemna turionifera</i> Landolt	Winter Duckweed
<i>Leucothoe racemosa</i> (L.) A. Gray	Swamp Dog-Hobble
<i>Liatris scariosa</i> (L.) Willd.	Northern Blazing-Star
<i>Lonicera hirsuta</i> Eaton	Hairy Honeysuckle
<i>Luzula bulbosa</i> (A. W. Wood) Rydb.	Wood-Rush
<i>Malaxis monophyllos</i> (L.) Swartz var. <i>brachypoda</i> (A. Gray) F. Morris & E. A. Eames	White Adder's-Mouth
<i>Meehanian cordata</i> (Nutt.) Britton	Heart-Leafed Meehanian
<i>Muhlenbergia cuspidata</i> (Torr.) Rydb.	Sharp-Pointed Muhly
<i>Nuphar microphylla</i> (Pers.) Fernald	Small Yellow Pond-Lily
<i>Oenothera pilosella</i> Raf.	Evening-Primrose
<i>Oxypolis rigidior</i> (L.) Raf.	Stiff Cowbane

<i>Scientific Name</i>	<i>Common Name</i>
<i>Packera plattensis</i> (Nutt.) W. A. Weber & Á Löve	Prairie Ragwort
<i>Panicum flexile</i> (Gatt.) Scribn.	Wiry Witchgrass
<i>Panicum longifolium</i> Torr.	Long-Leaved Panic Grass
<i>Paronychia fastigiata</i> (Raf.) Fernald var. <i>nuttallii</i> (Small) Fernald	Whitlow Wort
<i>Parthenium intergrifolium</i> L.	American Fever-Few
<i>Paspalum floridanum</i> (Michx.) var. <i>glabratum</i> Engelm. ex Vasey	Florida Beadgrass
<i>Paspalum laeve</i> (Michx.) var. <i>pilosum</i> Scribn.	Field Beadgrass
<i>Paspalum setaceum</i> Michx.	Slender Beadgrass
<i>Phlox pilosa</i> L.	Downy Phlox
<i>Phyla lanceolata</i> (Michx.) Greene	Lance Fog-Fruit
<i>Physalis virginiana</i> Mill.	Virginia Ground-Cherry
<i>Platanthera hookeri</i> (Torr. ex Gray) Lindl.	Hooker's Orchid
<i>Pluchea odorata</i> (L.) Cass.	Shrubby Camphor-Weed
<i>Poa languida</i> A. Hitchc.	Drooping Bluegrass
<i>Podostemum ceratophyllum</i> Michx.	Riverweed
<i>Polygala polygama</i> Walter	Racemed Milkwort
<i>Polygonella articulata</i> (L.) Meisn.	Eastern Jointweed
<i>Polygonum amphibium</i> L. var. <i>stipulaceum</i> (Coleman) Fern.	Stipuled Water-Smartweed
<i>Polygonum ramosissimum</i> Michx.	Bushy Knotweed
<i>Potamogeton filiformis</i> Pers. var. <i>borealis</i> (Raf.) St. John	Slender Pondweed
<i>Potamogeton oakesianus</i> J. W. Robbins	Oakes' Pondweed
<i>Potamogeton perfoliatus</i> L.	Clasping-Stemmed Pondweed
<i>Pycnanthemum verticillatum</i> (Michx.) Pers. var. <i>pilosum</i> (Nutt.) Cooperr.	Hairy Mountain-Mint
<i>Ranunculus aquatilis</i> L. var. <i>diffusus</i> With.	White Water-Crowfoot
<i>Ranunculus flammula</i> L.	Lesser Spearwort
<i>Rhamnus alnifolia</i> L' Hér	Alder-Leaved Buckthorn
<i>Rhynchospora recognita</i> (Gale) Kral	Small Globe Beak-Rush
<i>Ribes lacustre</i> (Pers.) Poir.	Swamp Currant
<i>Rosa virginiana</i> P. Mill.	Virginia Rose
<i>Rubus setosus</i> Bigelow	Small Bristleberry
<i>Rumex hastatulus</i> Baldwin ex Elliott	Heart Sorrell

<i>Scientific Name</i>	<i>Common Name</i>
<i>Samolus parviflorus</i> Raf.	Pineland Pimpernel
<i>Saxifraga micranthidifolia</i> (Haw.) Steud.	Lettuce Saxifrage
<i>Scleria triglomerata</i> Michx.	Whip Nut-Rush
<i>Scutellaria saxatilis</i> Riddell	Rock Skullcap
<i>Senna marilandica</i> (L.) Link	Wild Senna
<i>Sisyrinchium albidum</i> Raf.	Blue-Eyed-Grass
<i>Solidago rigida</i> L.	Hard-Leaved Goldenrod
<i>Spiranthes tuberosa</i> Raf.	Slender Ladies'-Tresses
<i>Stachys hyssopifolia</i> Michx.	Hyssop Hedge-Nettle
<i>Stylosanthes biflora</i> (L.) Britton, Stearns & Poggenb.	Pencil-Flower
<i>Symphyotrichum dumosum</i> (L.) Nesom	Bushy Aster
<i>Symphyotrichum ericoides</i> (L.) Nesom	White Heath Aster
<i>Taxus canadensis</i> Marsh.	American Yew
<i>Trillium flexipes</i> Raf.	Declined Trillium
<i>Triosteum angustifolium</i> L.	Horse Gentian
<i>Tripsacum dactyloides</i> (L.) L.	Eastern Gammagrass
<i>Uvularia pudica</i> Michx.	Mountain Bellwort
<i>Viburnum trilobum</i> Marshall	Highbush-Cranberry
<i>Viola renifolia</i> A. Gray	Kidney-Leaved Violet
<i>Vitis cinerea</i> (Englem. in A. Gray) Englem. ex Millardet var. <i>baileyana</i> (Munson) Comeaux	Possum-Grape
<i>Wolffia borealis</i> (Engelm.) Landolt	Dotted Dotted Watermeal

Authority

The provisions of this § 45.21 amended under section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Source

The provisions of this § 45.21 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7757; amended September 22, 2023, effective September 23, 2023, 53 Pa.B. 5892. Immediately preceding text appears at serial pages (394753) to (394758).

Subchapter C. UNLAWFUL CONDUCT

Sec.

- 45.31. General restrictions regarding threatened or endangered species.
- 45.32. Plants in State Parks and State Forest lands.
- 45.33. General restrictions regarding vulnerable plants.
- 45.34. Restrictions regarding private wild plant sanctuaries.
- 45.35. Compliance with regulations.

§ 45.31. General restrictions regarding threatened or endangered species.

(a) A person, other than the landowner, a person having a bona fide property interest in the affected land or Bureau of Forestry personnel in the performance of their official duties, may not disturb, pick, take, possess, destroy, mutilate, remove, collect or transplant plants classified as Pennsylvania Endangered or Pennsylvania Threatened, except as otherwise provided in this chapter.

(b) A person may not transport with the intent to sell, sell or export plants classified as Pennsylvania Endangered or Pennsylvania Threatened.

§ 45.32. Plants in State Parks and State Forest lands.

A person may not disturb, pick or take wild plants from State Parks and State Forest lands, except as provided by this chapter, and Chapters 11, 21 and 23 (relating to general provisions; general provisions; and State Forest Picnic areas).

§ 45.33. General restrictions regarding vulnerable plants.

(a) A person, other than the landowner, a person having a bona fide interest in the affected land or Bureau of Forestry personnel in the performance of their official duties, may not disturb, pick, take or possess plants classified as Pennsylvania Vulnerable, except as otherwise provided in this chapter.

(b) A person may not buy, trade or barter plants classified as Pennsylvania Vulnerable, or parts thereof, with the intent to sell them within this Commonwealth, or export them from this Commonwealth, except as otherwise provided in this chapter.

§ 45.34. Restrictions regarding private wild plant sanctuaries.

A person, other than the landowner or a person having a bona fide property interest in the affected land, may not willfully adversely alter or destroy the local ecosystem of a private wild plant sanctuary.

§ 45.35. Compliance with regulations.

Violation of this chapter is punishable as provided in the act and § 45.91 (relating to penalties).

Subchapter D. WILD PLANT MANAGEMENT PERMITS

Sec.	
45.41.	General requirements for a permit.
45.42.	Permit activities.
45.43.	Compliance with permit.
45.44.	Permit application contents.
45.45.	Permit fee; expiration of permit.
45.46.	Criteria for approval of a wild plant management permit.
45.47.	Conditions of permit.
45.48.	Reporting of new information.
45.49.	Transfer of permit prohibited.
45.50.	Revocation.

§ 45.41. General requirements for a permit.

(a) A person, other than the landowner, a person having a bona fide property interest in the affected land or Bureau of Forestry personnel in the performance of their official duties, may not remove, collect or transplant wild plants classified as Pennsylvania Endangered or Pennsylvania Threatened, unless the person has first applied for and obtained a wild plant management permit in writing from the Department.

(b) It is lawful to continue to possess Pennsylvania Endangered and Pennsylvania Threatened plant species that the holder has verified to the Department as being collected prior to January 1, 1988.

§ 45.42. Permit activities.

(a) The Department may issue permits to remove, collect or transplant wild plants classified as Pennsylvania Endangered or Pennsylvania Threatened, for the following activities:

(1) To conduct botanical and taxonomic studies.

(2) To transplant Pennsylvania Endangered or Pennsylvania Threatened wild plants from land areas threatened by future land development, surface mining, agricultural encroachment or other activities into public or private wild plant sanctuaries, to help assure their perpetuation as members of ecosystems.

(3) To transplant Pennsylvania Endangered or Pennsylvania Threatened wild plants into designated public and private wild plant sanctuaries to enhance their numbers or to restore their natural range.

(b) The holder of a valid wild plant management permit is permitted to disturb, pick, take and possess wild plants classified as Pennsylvania Endangered or Pennsylvania Threatened, if the activities are necessary to perform the activity for which the wild plant management permit is issued.

§ 45.43. Compliance with permit.

A holder of a wild plant management permit shall act in compliance with the terms and conditions of the permit, the requirements of the act and this chapter and other applicable State law.

§ 45.44. Permit application contents.

(a) An application for a wild plant management permit under this subchapter shall be submitted to the Department in writing, upon forms to be provided by the Department.

(b) An application for a permit shall be accompanied by information such as maps, plans, specifications and other data as the Department may require in order to determine compliance with the standards, requirements and purposes of this chapter.

(c) Information set forth in the application shall be current, presented clearly and concisely and supported by appropriate references to technical or other written material made available to the Department.

(d) An application for a wild plant management permit shall contain the following information:

(1) The name, address and phone number of the applicant.

(2) A description of the activity for which the permit is sought.

(3) The plant species to be affected by the activity.

(4) The geographic locations of the activity.

(5) A statement that landowner consent will be obtained prior to the permitted activity.

(6) Documentation of the applicant's botanical knowledge, experience and credentials.

(7) Wild plant management permit history, including the identification numbers of previous wild plant management permits that have been issued to the applicant.

(8) Other information the Department may require.

(e) An application for a permit shall be signed and verified by the applicant with a statement that the information contained in the application is true and correct to the best of the applicant's knowledge, information and belief.

Source

The provisions of this § 45.44 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial page (123463).

§ 45.45. Permit fee; expiration of permit.

(a) An application for a wild plant management permit shall be accompanied by a check for \$5 payable to the "Commonwealth of Pennsylvania."

(b) A wild plant management permit remains valid for 1 year following the date of permit issuance.

§ 45.46. Criteria for approval of a wild plant management permit.

An application for a wild plant management permit will not be approved unless the application affirmatively demonstrates, and the Department, in writing, finds the following:

(1) Potential threats exist to harm the wild plant population's ability to perpetuate itself, and the habitat into which the plants will be transplanted is suitable or there is a justifiable need for collection of the wild plants for taxonomic and botanical studies.

(2) The applicant's botanical knowledge and experience are sufficient to enable the applicant to carry out the activity applied for on the application.

(3) The application is accurate and complete and the requirements of the act and this subchapter have been satisfied.

(4) There is no history of past or continuing violations or conduct which indicate the applicant's lack of ability or intention to comply with the act or this chapter.

(5) The proposed activity will not affect the continued existence of, or destroy or adversely modify, the critical habitat of wild plants classified as Pennsylvania Endangered or Pennsylvania Threatened.

(6) The proposed activity will perpetuate wild plants as members of ecosystems, enhance the numbers of the wild plants, restore the range of the wild plants or add to scientific knowledge.

(7) The assessment of the probable cumulative impacts of the activity indicate that the approval of the activity will be in the best interests of wild plant management.

§ 45.47. Conditions of permit.

(a) The permittee shall carry the wild plant management permit during the removal, collection or transplanting of wild plants, and shall present the permit for inspection upon request by a person authorized to enforce the act.

(b) The permittee shall report the results of the activity to the Department. The reports shall include the following:

(1) The method of specimen identification or transplanting procedure.

(2) The results of the activity.

(3) The problems encountered with the activity.

(4) The wild plant management permit number.

(5) The record of all Pennsylvania Endangered and Pennsylvania Threatened plant species collected or observed including their identity, location and date of collection.

(6) The complete label information for all resulting herbarium specimens including the location where specimens have been deposited.

(7) The written permission of the landowner on forms provided by the Department.

(c) The permittee shall submit a report of the results of transplanting activity to the Department, by October 31 next following the calendar year in which the transplanting was effected.

(d) The permittee shall submit a report of removal and collection activities performed for taxonomic studies to the Department by the end of the calendar year for which the permit was issued.

Source

The provisions of this § 45.47 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial pages (123464) to (123465).

§ 45.48. Reporting of new information.

The permittee shall notify the Department of changes in facts or information stated in the application. Based upon the notice, the Department may require a new permit or take other appropriate action.

§ 45.49. Transfer of permit prohibited.

A wild plant management permit is nontransferable.

§ 45.50. Revocation.

(a) The Department may revoke a wild plant management permit for good cause. Good cause includes, but is not limited to, the following factors:

- (1) Failure to comply with this chapter or the act.
- (2) Failure to comply with a term or condition of the permit.
- (3) Changes in the circumstances described in the application for the permit which indicate that the activity no longer is in the best interests of wild plant management.

(b) A person whose permit has been revoked for the reasons listed in subsection (a)(1) and (2) is not eligible to apply for, and may not obtain, another wild plant management permit for a period of 2 years from the date of revocation.

Subchapter E. VULNERABLE PLANTS

Sec.	
45.61.	Commercial license requirements.
45.62.	Contents of commercial license application.
45.63.	Criteria for license approval.
45.64.	Commercial license fee and expiration.
45.65.	Transaction records.
45.66.	Inspection and review.
45.67.	Transfer of license prohibited.
45.68.	Revocation.
45.69.	Vulnerable plant harvest seasons and conditions.
45.70.	Pennsylvania ginseng certification.
45.71.	Transfer of certificate prohibited.
45.72.	Possession of unsold ginseng.

§ 45.61. Commercial license requirements.

A person may not buy, trade or barter Pennsylvania Vulnerable plants, or parts thereof, with the intent to sell them within this Commonwealth, or export these plants or parts from this Commonwealth, without first applying for and obtaining a commercial license in writing from the Department. A person may take or possess these plants if the activities are necessary to perform the licensed activity.

§ 45.62. Contents of commercial license application.

(a) An application for a license under this subchapter shall be submitted to the Department in writing, upon forms provided by the Department.

(b) An application for a commercial license shall be accompanied by information or data as the Department may require to determine compliance with the standards, requirements and purposes of the act and this chapter.

(c) Information set forth in the application shall be current and presented clearly and concisely.

(d) An application to obtain a commercial license shall contain the following information:

(1) The name, address and phone number of the applicant.

(2) The activity sought to be licensed.

(3) A brief and complete description of the applicant's business as it relates to dealing in Pennsylvania Vulnerable plants.

(4) The address where books or records describing commercial transactions of Pennsylvania Vulnerable plants will be kept.

(5) The name, address and telephone number of the person authorized to make records or inventories of Pennsylvania Vulnerable plants available for examination by the Department.

(6) If the application is in the name of a business, the form of the business—for example, corporation, firm, partnership—and the name and address of each partner, officer, director and shareholder who owns 10% or more of the shares in the business.

(7) The common and scientific names of the Pennsylvania Vulnerable plant species for which a commercial license is sought.

(8) The commercial license history, including the identification numbers of previous commercial licenses that have been issued by the Department to the applicant.

(9) Other information the Department may require.

(e) An application shall be dated and signed by the applicant. Business applications shall be signed by a partner or officer, who shall set forth his title.

(f) An application for a commercial license shall be verified by the applicant with a statement that the information in the application is true and correct to the best of the applicant's knowledge, information and belief.

§ 45.63. Criteria for license approval.

An application for a commercial license will not be approved unless the application affirmatively demonstrates and the Department finds, in writing, the following:

(1) The application is accurate and complete and the requirements of the act and this chapter have been satisfied.

(2) There is no history of past or continuing violations or conduct which indicate the applicant's lack of ability or intention to comply with the act or this chapter.

§ 45.64. Commercial license fee and expiration.

(a) An application for a commercial license will be accompanied by a check payable to the "Commonwealth of Pennsylvania" in the amount of \$50.

(b) A commercial license expires on June 30 of the year next following the year of its issuance.

§ 45.65. Transaction records.

(a) The holder of a commercial license issued under this subchapter shall maintain transaction records. The transaction records shall include the following information regarding Pennsylvania Vulnerable plant activities:

- (1) The names and addresses of persons from whom the licensee purchased or otherwise acquired the Pennsylvania Vulnerable plants, and the dates of purchase or acquisition.
- (2) The names and addresses of persons to whom Pennsylvania Vulnerable plants were deposited, traded, sold, transferred, bartered, exported or otherwise disposed of, and the dates upon which these activities occurred.
- (3) The scientific and common names of the plants.
- (4) The county of origin of the plants.
- (5) A description of the form of the plants—for example, whole plant, root, seeds, green or dry.
- (6) The year of harvest of the plants.
- (7) The weight, destination and date of export for each shipment of the plants that are exported.
- (8) A statement of whether the plants are wild or cultivated.
- (9) The weight in pounds and ounces and estimated number of the plants per transaction. For the purposes of evaluating the number of ginseng plants per transaction, the estimated number of ginseng plants will be determined by taking a sample from each transaction of the number of ginseng roots in 1 pound.
- (10) Other information the Department may require.

(b) The holder of a commercial license shall keep transaction records required to be maintained by this subchapter for 5 years after the occurrence of the transactions to which the records relate. The records shall be made available to the Department upon request.

(c) The holder of a commercial license to deal in ginseng shall submit a dealer quarterly report relating to transaction records, on forms provided by the Department within 15 days of the end of each quarter of the calendar year. This dealer report shall be submitted to the Department and shall contain the following information for the quarter:

- (1) The date of the report.
- (2) The quarter in which transactions occurred.
- (3) The name, address and phone number of the licensee.
- (4) The license number and date issued.
- (5) The weight in pounds and ounces of wild ginseng purchased or otherwise acquired from harvesters, by county of harvest, and a statement of whether the roots were green or dried.

- (6) The average price per pound paid for wild ginseng.
 - (7) The weight in pounds and ounces of cultivated ginseng purchased or otherwise acquired from growers, by county of harvest, and a statement of whether the roots were green or dried.
 - (8) The average price per pound for cultivated ginseng.
 - (9) The weight in pounds and ounces of ginseng purchased or otherwise acquired from other licensees, and a statement of whether the purchased or acquired ginseng was wild or cultivated and if roots were green or dried.
 - (10) The number of pounds and ounces of wild ginseng and of cultivated ginseng in the licensee's possession on the reporting date.
 - (11) The weight in pounds and ounces of ginseng sold, traded or bartered, whether the ginseng was wild or cultivated and if roots were dried or green.
 - (12) The identification number of State certificates used to ship ginseng from this Commonwealth.
 - (13) Other information the Department may require.
- (d) The holder of a commercial license to buy and sell ginseng shall submit an annual dealer report for the prior calendar year. The annual dealer report shall be completed on forms supplied by the Department and shall contain the information required in subsection (c) compiled for the previous calendar year. The report shall be submitted annually for the prior calendar year to the Department within 15 days of the beginning of the calendar year.

Source

The provisions of this § 45.65 adopted December 4, 1987, effective January 1, 1988, 17 Pa.B. 5027; amended June 18, 1993, effective June 19, 1993, 23 Pa.B. 2816. Immediately preceding text appears at serial pages (123467) to (123468).

§ 45.66. Inspection and review.

The licensee shall make available for inspection by the Department transaction records and Pennsylvania Vulnerable plant materials to be sold, traded, bartered or exported and that are on the premises. The records shall be made available for copying by the Department.

§ 45.67. Transfer of license prohibited.

A commercial license is nontransferable.

§ 45.68. Revocation.

- (a) The Department may revoke a commercial license it has issued, for good cause. Good cause includes, but is not limited to, the following factors:
 - (1) Failure to comply with this chapter or the act.
 - (2) Failure to comply with a term or condition of the license.
- (b) A person whose commercial license has been revoked is not eligible to apply for, and may not obtain, another commercial license for a period of 2 years from the date of revocation.

§ 45.69. Vulnerable plant harvest seasons and conditions.

(a) A person may not harvest ginseng except in compliance with applicable law, this chapter and the following restrictions:

(1) A person may harvest ginseng plants only from September 1 through November 30.

(2) Only mature ginseng plants with at least three leaves of five leaflets each may be harvested and only when the berries are red.

(3) Persons harvesting ginseng plants shall plant the seeds from the plants in the immediate vicinity of the collection site.

(b) A person may not possess harvested, green ginseng roots between April 1 and September 1 of a calendar year.

(c) A person may not harvest Pennsylvania Vulnerable plants other than ginseng except in compliance with applicable law, this chapter and the following restrictions:

(1) A person may harvest the plants only if they are mature and the current year's seeds have matured.

(2) A person harvesting the plants shall plant the seeds from the plants in the immediate vicinity of the collection site.

(3) A person may not harvest the plants in a way that will harm the species' ability to perpetuate itself successfully.

(d) The permitted harvesting of Pennsylvania Vulnerable plants includes picking, taking, digging, disturbing and possessing the plants if the activities are necessary to legally harvest the plants. Possession of legally taken Pennsylvania Vulnerable plants is permitted.

Authority

The provisions of this § 45.69 amended under section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and sections 305 and 313 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.305 and 1340.313).

Source

The provisions of this § 45.69 amended July 19, 2013, effective July 20, 2013, 43 Pa.B. 4077. Immediately preceding text appears at serial page (217152).

§ 45.70. Pennsylvania ginseng certification.

(a) A person may not export Pennsylvania ginseng from this Commonwealth without first obtaining a commercial license and a Pennsylvania ginseng certificate.

(b) A Pennsylvania ginseng certificate shall be required for each export shipment of Pennsylvania ginseng.

(c) To be certified, the state of origin for wild ginseng or cultivated ginseng shall be Pennsylvania.

(d) A Pennsylvania ginseng certificate will not be issued unless the licensee presents the shipment to the Department at a designated facility and presents the following information on a Pennsylvania ginseng certificate application form, available from the Department:

(1) The licensee's name and commercial license number.

(2) The date of the application.

- (3) The name and address of buyer and export destination.
- (4) A statement of whether the ginseng is wild or cultivated.
- (5) A statement of whether the ginseng is green or dry.
- (6) The year of harvest of ginseng being certified.
- (7) The state of origin.
- (8) The weight in pounds and ounces written numerically and in full and verified by a weigh slip from a Commonwealth certified weigh station or scale.
- (9) The shipment number.
- (10) Other information the Department may require.

(e) The Pennsylvania ginseng certificate application shall be verified by the licensee with a statement that the information contained in the form is true and correct to the best of the licensee's knowledge, information and belief, and that the ginseng was legally taken under this chapter and applicable law.

(f) The Department may countersign the application and issue a Pennsylvania ginseng certificate if the Department is satisfied that the information in the application is complete, and if the Department finds that a representative sample supports the information in the application.

§ 45.71. Transfer of certificate prohibited.

A Pennsylvania ginseng certificate is nontransferable.

§ 45.72. Possession of unsold ginseng.

(a) A licensee who has ginseng unsold on March 31 of the year after harvest is required to obtain a weigh slip for the unsold ginseng from a Commonwealth certified weigh station or scale and submit a copy of that slip to the Department by May 1.

(b) A licensee may not obtain a Pennsylvania ginseng certificate to export unsold ginseng in the licensee's possession in excess of the amount shown on the weigh slip.

Subchapter F. PRIVATE WILD PLANT SANCTUARIES

- Sec.
- 45.81. Establishment.
- 45.82. Purpose.
- 45.83. Application.
- 45.84. Criteria for issuance of designation.
- 45.85. Responsibilities.
- 45.86. Withdrawal of designation.
- 45.87. Revocation.
- 45.88. Private wild plant sanctuary restrictions.
- 45.89. Transfer of private wild plant sanctuary designation prohibited.

§ 45.81. Establishment.

The Department may designate sites as private wild plant sanctuaries upon request.

§ 45.82. Purpose.

This subchapter provides protection for this Commonwealth's native wild plants and their habitat.

§ 45.83. Application.

(a) An application for private wild plant sanctuary designation shall be concurred in by all parties with an interest in the land and submitted to the Department by the landowner on forms provided by the Department. The forms shall contain a space for the signatures of all parties with an interest in the land, indicating their approval for private wild plant sanctuary designation.

(b) An application for private wild plant sanctuary designation shall contain the following information:

- (1) The name, address and phone number of applicant.
- (2) The location of the area to be designated, including a copy of a U.S.G.S. 7½ minute quadrangle or part thereof with the location plotted thereon.
- (3) The size of the area.
- (4) A description of the area including:
 - (i) Classified plant species existing on the site.
 - (ii) Habitat description.
- (5) Other current and planned uses of the area.
- (6) Other information the Department may require.

(c) An application for private wild plant sanctuary designation shall be verified by the applicant with a statement that the information contained in the application is true and correct to the best of the applicant's knowledge, information and belief.

§ 45.84. Criteria for issuance of designation.

A designation of private wild plant sanctuary will not be made unless the applicant demonstrates and the Department finds the following:

- (1) The proposed private wild plant sanctuary will benefit and provide protection for native wild plants and their habitats.
- (2) The area proposed for private wild plant sanctuary designation is relatively undisturbed.
- (3) The area contains an occurrence of a classified native wild plant species, is a habitat suitable for a classified native wild plant species, or is deemed

by the Department to be a unique habitat or plant community; or if designated, the area would significantly enhance efforts to protect classified native wild plants.

§ 45.85. Responsibilities.

(a) The landowner of a designated private wild plant sanctuary shall utilize the designated lands and waters in a manner consistent with the purposes of sanctuary designation.

(b) The landowner shall notify the Department, in writing, of the following:

- (1) An intent to sell or transfer ownership of the land on which the designated private wild plant sanctuary is located.
- (2) Threats to the designated private wild plant sanctuary or the classified native wild plants within.
- (3) Significant habitat changes within the designated private wild plant sanctuary.
- (4) A proposed change in land use of the designated area.

§ 45.86. Withdrawal of designation.

Designation as a private wild plant sanctuary may be withdrawn at the request of the landowner.

§ 45.87. Revocation.

The Department may revoke designation of a private wild plant sanctuary for good cause. Good cause includes, but is not limited to, the following factors:

- (1) Degradation of the private wild plant sanctuary site.
- (2) Failure to comply with a term or condition of the private wild plant sanctuary designation.
- (3) Failure to comply with the act or this chapter.
- (4) Failure to utilize the lands in a manner deemed by the Department to be consistent with the purposes of private wild plant sanctuary designation.

§ 45.88. Private wild plant sanctuary restrictions.

A person, other than the landowner or a person having a bona fide property interest in the affected land, may not willfully adversely alter or destroy the local ecosystem of a private wild plant sanctuary.

§ 45.89. Transfer of private wild plant sanctuary designation prohibited.

Private wild plant sanctuary designations are nontransferable.

Subchapter G. PENALTIES

Sec.
45.91. Penalties.

§ 45.91. Penalties.

Penalties for unlawful conduct are established by the act as follows:

(1) A person who violates a provision of the act relating to commercial licensing, or regulations issued thereunder, shall be sentenced to pay a fine of not more than \$200, or have the license revoked, or both.

(2) A person found to be illegally in possession of a wild plant species or part thereof protected by this chapter, or a person who willfully destroys or mutilates an endangered plant species protected by this chapter, shall be sentenced to pay a fine of up to \$100 for each plant taken or destroyed.

(3) A person who violates other provisions of the act or this chapter shall, for violation, be sentenced to pay a fine of not more than \$100.

Cross References

This section cited in 17 Pa. Code § 45.35 (relating to compliance with regulations).

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