

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

Subchap.	Sec.
<b>A. GENERAL PROVISIONS</b> .....	<b>45.1</b>
<b>B. CLASSIFIED PLANTS</b> .....	<b>45.11</b>
<b>C. UNLAWFUL CONDUCT</b> .....	<b>45.31</b>
<b>D. WILD PLANT MANAGEMENT PERMITS</b> .....	<b>45.41</b>
<b>E. VULNERABLE PLANTS</b> .....	<b>45.61</b>
<b>F. PRIVATE WILD PLANT SANCTUARIES</b> .....	<b>45.81</b>
<b>G. PENALTIES</b> .....	<b>45.91</b>

**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 7 Pa. Code § 128.102 (relating to protected designated areas); and 17 Pa. Code § 11.211 (relating to natural resources).

**Subchapter A. GENERAL PROVISIONS**

Sec.	
45.1.	Scope.
45.2.	Definitions.
45.3.	Classified plant taxonomy.

**§ 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.

*Unlisted*—Plant species which are native to this Commonwealth, presently capable of sustaining their populations successfully, not in need of protection currently and currently not included in classifications under this chapter.

*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.

**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. Immediately preceding text appears at serial pages (145367) to (145368) and (123445).

**§ 45.3. Classified plant taxonomy.**

Nomenclature used to identify species taxonomy contained within Subchapter B is according to Kartesz, J. T. and Rosemarie Kartesz, 1980 *A Synonymized Checklist of the Flora of the U. S., Canada, and Greenland*, unless a different taxonomic source is indicated immediately following the scientific name.

**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.

**§ 45.11. Pennsylvania Extirpated.**

Plant species classified as Pennsylvania Extirpated are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aeschynomene virginica</i> (L.) BSP.	Sensitive Joint-Vetch
<i>Agalinis decemloba</i> (Greene) Pennell	Blue-Ridge False-Foxglove
<i>Agrostis altissima</i> (Walt.) Tuckerman	Tall Bentgrass
<i>Arctostaphylos uva-ursi</i> (L.) Spreng.	Bearberry Manzanita
<i>Asclepias rubra</i> L.	Red Milkweed
<i>Astragalus neglectus</i> (Torr. & Gray) Sheldon	Cooper's Milk-Vetch
<i>Atriplex littoralis</i> L.	Seaside Orach
<i>Berberis canadensis</i> P. Mill.	American Barberry
<i>Buchnera americana</i> L.	Blue Hearts
<i>Carex adusta</i> Boott	Crowded Sedge
<i>Carex aenea</i> Fern.	Fernald's Hay Sedge
<i>Carex alopecoidea</i> Tuckerman	Foxtail 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> Ehrh. ex L.f.	Creeping Sedge
<i>Carex hyalinolepis</i> Steud.	Shore-Line Sedge
<i>Carex nigra</i> (L.) Reichard	Black Sedge
<i>Carex sartwellii</i> Dewey	Sartwell's Sedge
<i>Chamaecyparis thyoides</i> (L.) BSP.	Atlantic White Cedar
<i>Commelina erecta</i> L.	Slender Day-Flower
<i>Commelina virginica</i> L.	Virginia Day-Flower
<i>Coreopsis rosea</i> Nutt.	Pink Tickseed
<i>Crassula aquatica</i> (L.) Schoenl.	Water Pigmy-Weed
<i>Crotonopsis elliptica</i> Willd.	Elliptical Rushfoil
<i>Cynoglossum boreale</i> Fern.	Northern Hound's Tongue
<i>Cyperus polystachyos</i> Rottb.	Many-Spiked Flatsedge
<i>Cyripedium candidum</i> Muhl. ex Willd.	Small White Lady's-Slipper
<i>Desmodium sessilifolium</i> (Torr.) Torr. & Gray	Sessile-Leaved Tick Trefoil
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass
<i>Draba reptans</i> (Lam.) Fern.	Carolina Whitlow-Grass
<i>Echinacea laevigata</i> (C. L. Boynt. & Beadle) Blake	Smooth Coneflower
<i>Elatine americana</i> (Pursh) Arn.	Long-Stemmed Water-Wort
<i>Eleocharis tricostata</i> Torr.	Three-Ribbed Spike-Rush
<i>Eleocharis tuberculosa</i> (Michx.) Roemer & Schultes	Long-Tuberclad Spike-Rush
<i>Elodea schweinitzii</i> (Planch.) Caspary	Schweinitz's Waterweed
<i>Erianthus giganteus</i> (Walt.) Muhl.	Sugar Cane Plumegrass
<i>Eriocaulon decangulare</i> L.	Ten-Angled Pipewort
<i>Eriocaulon parkeri</i> B. L. Robins.	Parker's Pipewort
<i>Eryngium aquaticum</i> L.	Marsh Eryngo
<i>Eupatorium album</i> L.	White Thoroughwort
<i>Eupatorium leucolepis</i> (DC.) Torr & Gray	White-Bracted Thoroughwort
<i>Euphorbia obtusata</i> Pursh	Blunt-Leaved Spurge
<i>Fimbristylis puberula</i> (Michx.) Vahl	Hairy Fimbry
<i>Galactia regularis</i> (L.) BSP.	Eastern Milk-Pea
<i>Galactia volubilis</i> (L.) Britt.	Downey Milk-Pea
<i>Gentiana catesbaei</i> Walt.	Elliott's Gentian
<i>Gentianopsis procera</i> (Holm) Ma.	Lesser Fringed-Gentian
<i>Helianthum angustifolius</i> L.	Swamp Sunflower

<i>Scientific Name</i>	<i>Common Name</i>
<i>Hordeum pusillum</i> Nutt.	Little Barley
<i>Hottonia inflata</i> Ell.	American Featherfoil
<i>Hydrocotyle umbellata</i> L.	Many-Flowered Pennywort
<i>Hypericum adpressum</i> Bart.	Creeping St. John's-Wort
<i>Hypericum denticuiatum</i> Walt.	Coppery St. John's-Wort
<i>Hypericum gymnanthum</i> Engelm. & Gray	Clasping-Leaved St. John's-Wort
<i>Hypericum stans</i> (Michx.) P. Adams & Robson	St. Peter's-Wort
<i>Ilex glabra</i> (L.) Gray	Ink-Berry
<i>Itea virginica</i> L.	Virginia Willow
<i>Juncus greenei</i> Oakes & Tuckerman	Greene's Rush
<i>Koeleria cristata</i> (L.) Pers.	Junegrass
<i>Leiophyllum buxifolium</i> (Berg.) Ell.	Sand-Myrtle
<i>Lemna obscura</i> (Austin) Daubs	Little Water Duckweed
<i>Lespedeza stuevei</i> Nutt.	Tall Bush Clover
<i>Limosella australis</i> R.Br.	Awl-Shaped Mudwort
<i>Lobelia nuttallii</i> Roemer & Schultes	Nuttall's Lobelia
<i>Ludwigia sphaerocarpa</i> Ell.	Spherical-Fruited Seedbox
<i>Lycopodium sabinifolium</i> Willd.	Fir Clubmoss
<i>Lycopodium selago</i> L.	Mountain Clubmoss
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine
<i>Micranthemum micranthemoides</i> (Nutt.) Wettst.	Nuttall's Mud-Flower
<i>Muhlenbergia capillaris</i> (Lam.) Trin.	Short Muhly
<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry
<i>Onosmodium virginianum</i> (L.) A. DC.	Virginia False-Gromwell
<i>Ophioglossum vulgatum</i> L. var. <i>pycnostichum</i> Fern.	Adders Tongue
<i>Panicum leibergii</i> (Vasey) Scribn. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, (Second Edition)	Leiberg's Panic-grass
<i>Panicum spretum</i> Schultes (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Spurred Panic-Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Phoradendron serotinum</i> (Raf.) M. C. Johnston	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>Potamogeton praelongus</i> Wulfen	White-Stemmed 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.) Ait.f.	Brown Beaked-Rush
<i>Rhynchospora gracilentia</i> Gray	Beaked-Rush
<i>Ruellia caroliniensis</i> (Gmel.) Steud.	Carolina Petunia
<i>Sabatia campanulata</i> (L.) Torr.	Slender Marsh Pink
<i>Sabatia stellaris</i> Pursh	Sea Pink
<i>Sagittaria stagnorum</i> Small	Water Arrow-Head
<i>Scirpus heterochaetus</i> Chase	Slender Bullrush
<i>Scutellaria serrata</i> Andr.	Showy Skullcap
<i>Sisyrinchium arenicola</i> Bickn.	Sand Blue-Eyed Grass
<i>Smilax pseudo-china</i> L.	Long-Stalked Greenbrier
<i>Sparganium minimum</i> (Hartm.) Fries	Small Bur-Reed
<i>Spiraea virginiana</i> Britt.	Virginia Spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Ladies'-Tresses
<i>Trifolium reflexum</i> L.	Buffalo Clover
<i>Triglochin palustre</i> L.	Marsh Arrowgrass
<i>Utricularia fibrosa</i> Walt.	Fibrous Bladderwort
<i>Utricularia inflata</i> Walt.	Floating Bladderwort
<i>Utricularia resupinata</i> B. D. Greene	Northeastern Bladderwort
<i>Vitis rupestris</i> Scheele	Sand Grape

#### Source

The provisions of this § 45.11 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 (123446) to (123449).

### § 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> Gray	White Monkshood
<i>Acorus americanus</i> (Raf.) Raf.	Sweet Flag
<i>Agalinus paupercula</i> (Gray) Britt.	Small-Flowered False-Foxglove
<i>Alisma plantago-aquatica</i> L. var. <i>americana</i> Schultes & Schultes	Broad-Leaved Water-Plantain
<i>Alnus viridis</i> (Chaix) DC.	Mountain Alder
<i>Alopecurus carolinianus</i> Walt.	Tufted Foxtail
<i>Amelanchier bartramiana</i> (Tausch) M. Roemer	Oblong-Fruited Serviceberry
<i>Ammania coccinea</i> Rottb.	Scarlet Ammannia
<i>Anemone cylindrica</i> Gray	Long-Fruited Anemone
<i>Arabis missouriensis</i> Greene	Missouri Rock-Cress
<i>Arethusa bulbosa</i> L.	Swamp-Pink
<i>Arnica acaulis</i> (Walt.) BSP.	Leopard's-Bane
<i>Artemisia campestris</i> L. ssp. <i>caudata</i> (Michx.) Hall & Clements	Beach Wormwood
<i>Asplenium resiliens</i> Kunze	Black-Stemmed Spleenwort
<i>Aster borealis</i> (Torr. & Gray) Prov.	Rush Aster
<i>Aster nemoralis</i> Ait.	Bog-Aster
<i>Aster solidagineus</i> Michx.	Narrow-Leaved White-Topped Aster
<i>Aster spectabilis</i> Ait.	Low Showy Aster
<i>Boltonia asteroides</i> (L.) L'Her.	Aster-Like Boltonia
<i>Cardamine pratensis</i> L. var. <i>palustris</i> Wimm. & Grab. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 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> Britt.	Bicknell's Sedge
<i>Carex bullata</i> Schkuhr	Bull Sedge
<i>Carex careyana</i> Dewey	Carey's Sedge
<i>Carex collinsii</i> Nutt.	Collin's Sedge

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex crinita</i> Lam. var. <i>brevicrinis</i> Fern. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Short Hair Sedge
<i>Carex eburnea</i> Boott	Ebony Sedge
<i>Carex formosa</i> Dewey	Handsome Sedge
<i>Carex garberi</i> Fern.	Elk Sedge
<i>Carex geyeri</i> Boott	Geyer's Sedge
<i>Carex gravida</i> Bailey	Heavy 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 typhina</i> Michx.	Cat-Tail Sedge
<i>Carex viridula</i> Michx.	Green Sedge
<i>Cerastium arvense</i> (L.) var. <i>villosissimum</i> Pennell	Mouse-Ear Chickweed
<i>Chasmanthium laxum</i> (L.) Yates	Slender Sea-Oats
<i>Chenopodium foggii</i> H. A. 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.	Vase-Vine Leather-Flower
<i>Clethra acuminata</i> Michx.	Mountain Pepper-Bush
<i>Clitoria mariana</i> L.	Butterfly-Pea
<i>Conioselinum chinense</i> (L.) BSP.	Hemlock-Parsley
<i>Cryptogramma stelleri</i> (Gmel) Prantl	Slender Rock-Brake
<i>Cymophyllus fraseri</i> (Andr.) Mackenzie	Fraser's Sedge
<i>Cynanchum laeve</i> (Michx.) Pers.	Smooth Swallow-Wort
<i>Cyperus acuminatus</i> Torr. & Hook.	Short-Pointed Flatsedge
<i>Cyperus diandrus</i> Torr.	Umbrella Flatsedge
<i>Cyperus houghtonii</i> Torr.	Houghton's Flatsedge
<i>Cyperus refractus</i> Engelm. ex Steud.	Reflexed Flatsedge
<i>Cyperus retrorsus</i> Chapman	Retrorse Flatsedge
<i>Cyripedium parviflorum</i> Salisb.	Small Yellow Lady's-Slipper
<i>Delphinium exaltatum</i> Ait.	Tall Larkspur
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil

<i>Scientific Name</i>	<i>Common Name</i>
<i>Diarrhena obovata</i> (Gleason) Bradenburg (Morris Arboretum, 1992 Pennsylvania Flora Database)	American Beakgrain
<i>Dicentra eximia</i> (Ker-Gwal.) Torr.	Wild Bleeding-Hearts
<i>Dodecatheon meadia</i> L.	Common Shooting-Star
<i>Dryopteris campyloptera</i> (Kunze) Clarkson	Mountain Wood Fern
<i>Echinochloa walteri</i> (Pursh) Heller	Walter's Barnyard-Grass
<i>Eleocharis caribaea</i> (Rottb.) Blake	Capitate Spike-Rush
<i>Eleocharis compressa</i> Sullivant (Gleason, H. A. and A Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Flat-Stemmed Spike-Rush
<i>Eleocharis elliptica</i> Kunth	Slender Spike-Rush
<i>Eleocharis obtusa</i> (Willd.) Schultes var. <i>peasei</i> Svenson (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	Wright's Spike-Rush
<i>Eleocharis parvula</i> (Roemer & Schultes) Link ex Buff. & Fingerh.	Little-Spike Spike-Rush
<i>Eleocharis pauciflora</i> (Lightf.) Link var. <i>fernaldii</i> Svens. (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	Few-Flowered Spike-Rush
<i>Eleocharis quadrangulata</i> (Michx.) Roemer & Schultes	Four-Angled Spike-Rush
<i>Eleocharis rostellata</i> Torr.	Beaked Spike-Rush
<i>Eleocharis tenuis</i> (Willd.) Schultes var. <i>verrucosa</i> (Svenson) Svenson (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Slender Spike-Rush
<i>Elephantopus carolinianus</i> Raeusch.	Elephant's-Foot
<i>Epilobium strictum</i> Muhl.	Downey Willow-Herb
<i>Equisetum variegatum</i> Schleich. ex Weber & C. Mohr	Variiegated Horsetail

<i>Scientific Name</i>	<i>Common Name</i>
<i>Eriophorum gracile</i> W.D.J. Koch	Slender Cottongrass
<i>Eriophorum tenellum</i> Nutt.	Rough Cottongrass
<i>Euphorbia ipecacuanhae</i> L.	Wild Ipecac
<i>Euphorbia purpurea</i> (Raf.) Fern.	Glade Spurge
<i>Festuca paradoxa</i> Desv.	Cluster Fescue
<i>Frasera caroliniensis</i> Walt.	American Columbo
<i>Galium labradoricum</i> (Wieg.) Wieg.	Labrador Marsh Bedstraw
<i>Gaylussacia dumosa</i> (Andr.) Torr. & Gray	Dwarf Huckleberry
<i>Geranium bicknellii</i> Britt.	Cranesbill
<i>Glyceria borealis</i> (Nash) Batchelder	Small-Floating Manna-Grass
<i>Glyceria obtusa</i> (Muhl.) Trin.	Blunt Manna-Grass
<i>Gymnopogon ambiguus</i> (Michx.) BSP.	Broad-Leaved Beardgrass
<i>Helianthemum bicknellii</i> Fern.	Bicknell's Hoary Rockrose
<i>Hemicarpha micrantha</i> (Vahl) Britt.	Common Hemicarpha
<i>Heteranthera multiflora</i> (Griseb) Horn. (Gleason, H. A. and A Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Multi-Flowered Mud-Plantain
<i>Hieracium traillii</i> Greene	Maryland Hawkweed
<i>Hierochloa odorata</i> (L.) Beauv.	Vanilla Sweet-Grass
<i>Hydrophyllum macrophyllum</i> Nutt.	Large-Leaved Water-Leaf
<i>Iodanthus pinnatifidus</i> (Michx.) Steud.	Purple Rocket
<i>Iris cristata</i> Soland.	Crested Dwarf Iris
<i>Iris prismatica</i> Pursh	Slender Blue Iris
<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> Ell.	Forked Rush
<i>Juncus longii</i> Fern.	Long's Rush
<i>Juncus militaris</i> Bigelow	Bayonet Rush
<i>Juncus scirpoides</i> Lam.	Scirpus-Like Rush
<i>Lespedeza angustifolia</i> (Pursh) Ell.	Narrowleaf Bushclover
<i>Ligusticum canadense</i> (L.) Britt.	Nondo Lovage
<i>Linum intercursum</i> Bickn.	Sandplain Wild Flax
<i>Linum sulcatum</i> Riddell	Grooved-Yellow Flax
<i>Listera australis</i> Lindl.	Southern Twayblade
<i>Listera cordata</i> (L.) R.Br.	Heart-Leaved Twayblade

<i>Scientific Name</i>	<i>Common Name</i>
<i>Listera smallii</i> Wieg.	Kidney-Leaved Twayblade
<i>Lithospermum caroliniense</i> (J. F. Gmel.) MacM.	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.) Roemer & Schultes	Mountain Fly Honeysuckle
<i>Ludwigia decurrens</i> Walt.	Upright Primrose-Willow
<i>Ludwigia polycarpa</i> Short & Peter	False Loosestrife Seedbox
<i>Lycopodium alopecuroides</i> L.	Foxtail Clubmoss
<i>Lycopodium porophyllum</i> Lloyd & Underwood	Rock Clubmoss
<i>Lycopus rubellus</i> Moench	Taper-Leaved Bugle-Weed
<i>Lyonia mariana</i> (L.) D. Don	Stagger-Bush
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-Flowered Marshallia
<i>Matelea obliqua</i> (Jacq.) Woods.	Oblique Milkvine
<i>Megalodonta beckii</i> (Torr. ex Spreng.) Greene	Beck's Water-Marigold
<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 exalbescens</i> Fern.	Northern Water-Milfoil
<i>Myriophyllum farwellii</i> Morong	Farwell's Water-Milfoil
<i>Myriophyllum heterophyllum</i> Michx.	Broad-Leaved Water-Milfoil
<i>Myriophyllum verticillatum</i> L.	Whorled Water-Milfoil
<i>Najas marina</i> L.	Holly-Leaved Naiad
<i>Nelumbo lutea</i> (Willd.) Pers.	American Lotus
<i>Onosmodium hispidissimum</i> Mackenzie	False Gromwell
<i>Ophioglossum engelmannii</i> Prantl	Limestone Adder's Tongue
<i>Oryzopsis pungens</i> (Torr. ex Spreng.) A. S. Hitchc.	Slender Mountain-Ricegrass
<i>Panicum amarum</i> Ell. var. <i>amarulum</i> (A. S. Hitchc. & Chase) P. G. Palmer (Morris Arboretum, 1992, Pennsylvania Flora Database)	Southern Sea-Beach Panic-Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Panicum scoparium</i> (Lam.) Gould (Morris Arboretum, 1992, Pennsylvania Flora Database)	Velvety Panic-Grass
<i>Panicum xanthophysum</i> (Gray) Freckmann (Morris Arboretum, 1992, Pennsylvania Flora Database)	Slender Panic-Grass
<i>Parnassia glauca</i> Raf.	Carolina Grass-of-Parnassus
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Paxistima canbyi</i> A. Gray	Canby's Mountain-Lover
<i>Phlox ovata</i> L.	Mountain Phlox
<i>Phlox subulata</i> L. ssp. <i>brittonii</i> (Small) Wherry	Moss Pink
<i>Platanthera dilatata</i> (Pursh) Lindl. ex Beck	Leafy White Orchid
<i>Platanthera hyperborea</i> (L.) Lindl.	Leafy Northern Green Orchid
<i>Poa autumnalis</i> Muhl. ex Ell.	Autumn Bluegrass
<i>Polemonium vanbruntiae</i> Britt.	Jacob's-Ladder
<i>Polygala cruciata</i> L.	Cross-Leaved Milkwort
<i>Polygala curtissii</i> Gray	Curtis' Milkwort
<i>Polygala incarnata</i> L.	Pink Milkwort
<i>Polygonum careyi</i> Olney	Carey's Smartweed
<i>Polygonum setaceum</i> Baldw. ex Ell. var. <i>interjectum</i> Fern.	Swamp Smartweed
<i>Polystichum braunii</i> (Spenner) 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> Tuckerman	Spotted Pondweed
<i>Potamogeton strictifolius</i> Benn.	Narrow-Leaved Pondweed
<i>Potamogeton tennesseensis</i> Fern.	Tennessee Pondweed
<i>Potamogeton vaseyi</i> J. W. Robbins	Vasey's Pondweed
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil
<i>Potentilla paradoxa</i> Nutt. ex Torr. & Gray	Bushy Cinquefoil
<i>Potentilla tridentata</i> (Soland) Ait.	Three-Toothed Cinquefoil
<i>Prenanthes crepidinea</i> Michx.	Crepis Rattlesnake-Root
<i>Prunus maritima</i> Marsh.	Beach Plum
<i>Prunus nigra</i> Ait.	Canada Plum

<i>Scientific Name</i>	<i>Common Name</i>
<i>Ptilimnium capillaceum</i> (Michx.) Raf.	Mock Bishop-Weed
<i>Pycnanthemum pycnanthemoides</i> (Leavenw.) Fern.	Southern Mountain-Mint
<i>Pycnanthemum torrei</i> Benth.	Torrey's Mountain-Mint
<i>Quercus falcata</i> Michx.	Spanish Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Quercus shumardii</i> Buckl.	Shumard's Oak
<i>Ranunculus fascicularis</i> Muhl. ex Bigelow	Tufted Buttercup
<i>Rhamnus lanceolata</i> Pursh	Lanceolate Buckthorn
<i>Rhexia mariana</i> L.	Maryland Meadow-Beauty
<i>Rhododendron atlanticum</i> (Ashe) Rehd.	Dwarf Azalea
<i>Rhynchospora capillacea</i> Torr.	Capillary Beaked-Rush
<i>Ribes missouriense</i> Nutt. ex Torr. & Gray	Missouri Gooseberry
<i>Ruellia humilis</i> Nutt.	Fringed-Leaved Petunia
<i>Sagittaria calycina</i> Engelm. var. <i>spongiosa</i> Engelm.	Long-Lobed Arrow-Head
<i>Scheuchzeria palustris</i> L.	Pod-Grass
<i>Scirpus acutus</i> Muhl. ex Bigelow	Hard-Stemmed Bullrush
<i>Scirpus ancistrochaetus</i> Schuyler	Northeastern Bullrush
<i>Scirpus smithii</i> Gray	Smith's Bullrush
<i>Scirpus torreyi</i> Olney	Torrey's Bullrush
<i>Scleria minor</i> (Britt.) W. Stone	Minor Nutrush
<i>Scleria reticularis</i> Michx.	Reticulated Nutrush
<i>Scleria verticillata</i> Muhl. ex Willd.	Whorled Nutrush
<i>Sedum rosea</i> (L.) Scop.	Roseroot Stonecrop
<i>Senecio antennariifolius</i> Britt.	Cat's-Paw Ragwort
<i>Shepherdia canadensis</i> (L.) Nutt.	Canada Buffalo-Berry
<i>Sida hermaphrodita</i> (L.) Rusby	Sida
<i>Sisyrinchium atlanticum</i> Bickn.	Eastern Blue-Eyed Grass
<i>Solidago arguta</i> Ait. var. <i>harrissii</i> (Steele) Cronq.	Harris' Goldenrod
<i>Solidago curtissii</i> Torr. & Gray	Curtis' Goldenrod
<i>Solidago erecta</i> Pursh	Slender Goldenrod
<i>Solidago spathulata</i> DC. ssp. <i>randii</i> var. <i>racemosa</i> (Greene) Gleason	Sticky Goldenrod
<i>Sorbus decora</i> (Sarg.) Schneid.	Showy Mountain-Ash
<i>Sparganium androcladum</i> (Engelm.) Morong	Branching Bur-Reed

<i>Scientific Name</i>	<i>Common Name</i>
<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. & Gray	Spring Ladies'-Tresses
<i>Sporobolus clandestinus</i> (Biehler) A. S. Hitchc.	Rough Dropseed
<i>Sporobolus cryptandrus</i> (Torr.) Gray	Sand Dropseed
<i>Sporobolus heterolepis</i> (Gray) Gray	Prairie Dropseed
<i>Stachys nuttallii</i> Shuttlw. ex Benth.	Nuttall's Hedge-Nettle
<i>Taenidia montana</i> (Mackenzie) Cronq. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Mountain Pimpernel
<i>Thalictrum coriaceum</i> (Britt.) Small	Thick-Leaved Meadow-Rue
<i>Tomanthera auriculata</i> (Michx.) Raf.	Eared False-Foxglove
<i>Trichostema setaceum</i> Houtt.	Blue-Curls
<i>Trifolium virginicum</i> Small	Kate's Mountain Clover
<i>Triphora trianthophora</i> (Sw.) Rydb.	Nodding Pogonia
<i>Triplasis purpurea</i> (Walt.) Chapman	Purple Sandgrass
<i>Trollius laxus</i> Salisb. ssp. <i>laxus</i>	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 pedatifida</i> G. Don	Prairie Violet
<i>Vitis novae-angliae</i> Fern.	New England Grape

**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. Immediately preceding text appears at serial pages (123449) to (123452).

**§ 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>Ammophila breviligulata</i> Fern.	American Beachgrass
<i>Arceuthobium pusillum</i> M. E. Peck	Dwarf Mistletoe
<i>Aristida purpurascens</i> Poir.	Arrow-Feather Three-Awned Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Asplenium bradleyi</i> D. C. Eat.	Bradley's Spleenwort
<i>Aster depauperatus</i> (Porter) Fern.	Serpentine Aster
<i>Aster novi-belgii</i> L.	Long-Leaved Aster
<i>Bidens bidentoides</i> (Nutt.) Britt.	Swamp Beggar-Ticks
<i>Bouteloua curtipendula</i> (Michx.) Torr.	Tall Gramma
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex alata</i> Torr.	Broad-Winged Sedge
<i>Carex aquatilis</i> Wahlenb.	Water Sedge
<i>Carex cryptolepis</i> Mackenzie	Northeastern Sedge
<i>Carex diandra</i> Schrank	Lesser Panicked Sedge
<i>Carex flava</i> L.	Yellow Sedge
<i>Carex oligosperma</i> Michx.	Few-Seeded Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Carex prairea</i> Dewey	Prairie Sedge
<i>Carex schweinitzii</i> Dewey ex Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Atlantic Sedge
<i>Carex tetanica</i> Schkuhr	Wood's Sedge
<i>Carex wiegandii</i> Mackenzie	Wiegand's Sedge
<i>Chamaesyce polygonifolia</i> (L.) Small	Small Sea-Side Spurge
<i>Chrysopsis mariana</i> (L.) Ell.	Maryland Golden-Aster
<i>Cimicifuga americana</i> Michx.	Mountain Bugbane
<i>Cypripedium reginae</i> Walt.	Showy Lady's-Slipper
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass
<i>Dodecatheon amethystinum</i> (Fassett) Fassett	Jeweled Shooting-Star
<i>Eleocharis intermedia</i> Schultes	Matted Spike-Rush
<i>Eleocharis robbinsii</i> Oakes	Robbins' Spike-Rush
<i>Ellisia nyctelea</i> L.	Ellisia
<i>Eriogenia bulbosa</i> (Michx.) Nutt.	Harbinger-of-Spring
<i>Eriophorum viridicarinatum</i> (Engelm.) Fern.	Thin-Leaved Cottongrass
<i>Euthamia tenuifolia</i> (Pursh) Greene	Grass-Leaved Goldenrod
<i>Fimbristylis annua</i> (All.) Roemer & Schultes	Annual Fimbry
<i>Gaylussacia brachycera</i> (Michx.) Gray	Box Huckleberry
<i>Hypericum densiflorum</i> Pursh	Bushy St. John's-Wort
<i>Hypericum majus</i> (Gray) Britt.	Larger Canadian St. John's-Wort
<i>Ilex opaca</i> Ait.	American Holly
<i>Juncus alpinus</i> Vill.	Richardson's Rush
<i>Juncus balticus</i> Willd.	Baltic Rush

<i>Scientific Name</i>	<i>Common Name</i>
<i>Juncus brachycephalus</i> (Engelm.) Buch.	Small-Headed Rush
<i>Juncus torreyi</i> Coville	Torrey's Rush
<i>Lathyrus japonicus</i> Willd.	Beach Peavine
<i>Lathyrus ochroleucus</i> Hook.	Wild Pea
<i>Linnaea borealis</i> L.	Twinflower
<i>Lobelia dortmanna</i> L.	Water Lobelia
<i>Lycopodium appressum</i> (Chapman) Lloyd & Underwood	Southern Bog Clubmoss
<i>Magnolia tripetala</i> (L.) L.	Umbrella Magnolia
<i>Magnolia virginiana</i> L.	Sweet Bay Magnolia
<i>Melica nitens</i> (Scribn.) Nutt. ex Piper	Three-Flowered Melic Grass
<i>Minuartia glabra</i> (Michx.) Mattf.	Appalachian Sandwort
<i>Myrica gale</i> L.	Sweet Bayberry
<i>Myriophyllum tenellum</i> Bigelow	Slender Water-Milfoil
<i>Najas gracillima</i> (A. Braun) Magnus	Bushy Naiad
<i>Nymphoides cordata</i> (Ell.) Fern.	Floating-Heart
<i>Oenothera argillicola</i> Mackenzie	Shale-Barren Evening-Primrose
<i>Panicum tuckermanii</i> Fern. (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	Tuckerman's Panic-Grass
<i>Poa paludigena</i> Fern. & Wieg.	Bog Bluegrass
<i>Polygonum robustius</i> (Small) Fern.	Robust Smartweed
<i>Potamogeton confervoides</i> Reichenb.	Tuckerman's Pondweed
<i>Potamogeton richardsonii</i> (Benn.) Rydb.	Red-Head Pondweed
<i>Potentilla anserina</i> L.	Silverweed
<i>Ptelea trifoliata</i> L.	Common Hop-Tree
<i>Ranunculus longirostre</i> Godr.	Eastern White Water-Crowfoot
<i>Ribes triste</i> Pallas	Red Currant
<i>Ruellia strepens</i> L.	Limestone Petunia
<i>Salix candida</i> Flugge ex Willd.	Hoary Willow
<i>Salix serissima</i> (Bailey) Fern.	Autumn Willow
<i>Scirpus pedicellatus</i> Fern.	Stalked Bullrush
<i>Scleria pauciflora</i> Muhl. ex Willd.	Few-Flowered Nutrush
<i>Spiraea betulifolia</i> Pallas ssp. <i>corymbosa</i> (Raf.) Taylor & MacBryde	Dwarf Spiraea
<i>Streptopus amplexifolius</i> (L.) DC.	White Twisted-Stalk
<i>Talinum teretifolium</i> Pursh	Round-Leaved Fame-Flower
<i>Utricularia intermedia</i> Hayne.	Flat-Leaved Bladderwort
<i>Utricularia minor</i> L.	Lesser Bladderwort
<i>Viola appalachensis</i> Henry	Appalachian Blue Violet

<i>Scientific Name</i>	<i>Common Name</i>
<i>Vittaria appalachiana</i> Farrar & Mickel (Morris Arboretum, 1992, Pennsylvania Flora Database)	Appalachian Grass-Fern

**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. Immediately preceding text appears at serial page (123453).

**§ 45.14. Pennsylvania Rare.**

Plant species classified as Pennsylvania Rare are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Amaranthus cannabinus</i> (L.) Sauer	Waterhemp Ragweed
<i>Andromeda polifolia</i> L.	Bog-Rosemary
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot
<i>Baccharis halimifolia</i> L.	Eastern Baccharis
<i>Cakile edentula</i> (Bigel.) Hook.	American Sea-Rocket
<i>Carex disperma</i> Dewey	Soft-Leaved Sedge
<i>Carex lasiocarpa</i> Ehrh.	Slender Sedge
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary
<i>Cyperus engelmannii</i> Steud.	Engelmann's Flatsedge
<i>Cyperus schweinitzii</i> Torr.	Schweinitz's Flatsedge
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush
<i>Gaultheria hispidula</i> (L.) Muhl. ex Bigelow	Creeping Snowberry
<i>Juncus filiformis</i> L.	Thread Rush
<i>Juncus gymnocarpus</i> Coville	Coville's Rush
<i>Ledum groenlandicum</i> Oeder	Common Labrador-Tea
<i>Lupinus perennis</i> L.	Lupine
<i>Lygodium palmatum</i> (Bernh.) Sw.	Hartford Fern
<i>Malaxis bayardii</i> Fern. (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	Bayard's Malaxis
<i>Menziesia pilosa</i> (Michx.) Juss.	Minniebush
<i>Opuntia humifusa</i> (Raf.) Raf.	Prickly-Pear Cactus
<i>Orontium aquaticum</i> L.	Golden Club

<i>Scientific Name</i>	<i>Common Name</i>
<i>Panicum commonsianum</i> Ashe var. <i>euchlamydeum</i> (Skinner) Pohl (Morris Arboretum, 1992, Pennsylvania Flora Database)	Cloaked Panic-Grass
<i>Potamogeton robbinsii</i> Oakes	Flat-Leaved Pondweed
<i>Potamogeton zosteriformis</i> Fern.	Flat-Stemmed Pondweed
<i>Prunus pumila</i> L.	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	Tooth-Cup
<i>Sagittaria subulata</i> (L.) Buch.	Subulata Arrow-Head
<i>Schizachyrium scoparium</i> (Michx.) Nash var. <i>littorale</i> (Nash) Gould	Seaside Bluestem
<i>Scirpus fluviatilis</i> (Torr.) Gray	River Bullrush
<i>Sedum telephioides</i> Michx.	Allegheny Stonecrop
<i>Senecio anonymus</i> Wood	Plain Ragwort
<i>Solidago roanensis</i> Porter	Tennessee Golden-Rod
<i>Tipularia discolor</i> (Pursh) Nutt.	Crane-fly Orchid
<i>Trautvetteria caroliniensis</i> (Walt.) Vail	Carolina Tassel-Rue
<i>Trillium nivale</i> Riddell	Snow Trillium
<i>Utricularia purpurea</i> Walt.	Purple Bladderwort
<i>Wolffiella gladiata</i> (Hegelm.) Hegelm.	Bog-mat
<i>Xyris montana</i> Ries.	Yellow Eyed Grass
<i>Zizania aquatica</i> L.	Indian Wild Rice

#### 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. Immediately preceding text appears at serial pages (123454) to (123456).

#### § 45.15. Pennsylvania Vulnerable.

Plant species classified as Pennsylvania Vulnerable are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Cypripedium pubescens</i> Willd.	Yellow Lady's-Slipper
<i>Hydrastis canadensis</i> L.	Golden-Seal
<i>Panax quinquefolius</i> L.	Ginseng

**§ 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>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern
<i>Agalinis obtusifolia</i> Raf.	False-Foxglove
<i>Aletris farinosa</i> L.	Colic-Root
<i>Ambrosia psilostachya</i> DC.	Naked-Spiked Ambrosia
<i>Amelanchier humilis</i> Wieg.	Low Serviceberry

<i>Scientific Name</i>	<i>Common Name</i>
<i>Amelanchier obovalis</i> (Michx.) Ashe	Coastal Juneberry
<i>Amelanchier sanguinea</i> (Pursh) DC.	Roundleaf Serviceberry
<i>Andropogon glomeratus</i> (Walt.) BSP.	Bushy Bluestem
<i>Antennaria solitaria</i> Rydb.	Single-Headed Pussy-Toes
<i>Arabis hirsuta</i> (L.) Scop.	Western Hairy Rock-Cress
<i>Aristida curtissii</i> (Gray) Nash	Poverty Grass
<i>Aristida longespica</i> Poir. var. <i>geniculata</i> (Raf.) Fern.	Long-Spike Three-Awned Grass
<i>Aristolochia macrophylla</i> Lam.	Pipevine
<i>Asclepias variegata</i> L.	White Milkweed
<i>Aster dumosus</i> L.	Bushy Aster
<i>Aster ericoides</i> L.	White Heath Aster
<i>Aster firmus</i> Nees	Firm Aster
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex crawfordii</i> Fern.	Crawford's Sedge
<i>Carex haydenii</i> Dewey	Cloud Sedge
<i>Carex limosa</i> L.	Mud Sedge
<i>Carex longii</i> Mackenzie	Long's Sedge
<i>Carex lupuliformis</i> Sartwell ex Dewey	False Hop Sedge
<i>Carex meadii</i> Dewey	Mead's Sedge
<i>Carex mesochorea</i> Mackenzie	Midland Sedge
<i>Cassia marilandica</i> L.	Wild Senna
<i>Castilleja coccinea</i> (L.) Spreng.	Scarlet Indian Paintbrush
<i>Chasmanthium latifolium</i> (Michx.) Yates	Wild Oat
<i>Chenopodium capitatum</i> (L.) Aschers.	Strawberry Goosefoot
<i>Coeloglossum viride</i> (L.) Hartman	Long-Bracted Green Orchid
<i>Corallorrhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Crataegus brainerdii</i> Sarg.	Brainerd's Hawthorne
<i>Crataegus mollis</i> (Torr. & Gray) Scheele	Downy Hawthorne
<i>Cuscuta cephalanthi</i> Engelm.	Button-Bush Dodder
<i>Cuscuta corylii</i> Engelm.	Hazel Dodder
<i>Cuscuta polygonorum</i> Engelm.	Smartweed Dodder
<i>Cyperus odoratus</i> L.	Rusty Flatsedge
<i>Cyperus tenuifolius</i> (Steud.) Dandy	Thin-Leaved Flatsedge
<i>Cystopteris laurentiana</i> (Weatherby) Blasdell	Laurentian Bladder-Fern
<i>Desmodium glabellum</i> (Michx.) DC.	Tall Tick-Trefoil
<i>Desmodium nuttallii</i> (Schindl.) Schub.	Nuttall's Tick-Trefoil
<i>Dracocephalum parviflorum</i> Nutt.	American Dragonhead
<i>Elatine minima</i> (Nutt.) Fisch. & Mey	Small Water-Wort

<i>Scientific Name</i>	<i>Common Name</i>
<i>Elodea canadensis</i> L. C. Rich.	Broad Waterweed (Male Plants)
<i>Elymus virginicus</i> L. var. <i>submuticus</i> Hook.	Wild Rye
<i>Epilobium palustre</i> L.	Marsh Willow-Herb
<i>Eupatorium rotundifolium</i> L.	Round-Leaved Thoroughwort
<i>Filipendula rubra</i> (Hill) B. L. Robins.	Queen-of-the-Prairie
<i>Gentiana alba</i> Muhl.	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>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain
<i>Gratiola aurea</i> Pursh	Golden Hedge-Hyssop
<i>Gymnocarpium appalachianum</i> Pryer & Windham (Morris Arboretum, 1992, Pennsylvania Flora Database)	Appalachian Oak Fern
<i>Hedyotis purpurea</i> (L.) Torr. & Gray	Purple Bluet
<i>Hypericum drummondii</i> (Grev. & Hook) Torr. & Gray	Nits-and-Lice
<i>Juncus biflorus</i> Elliott (Gleason, H. A. and A. Cronquist., Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Grass-Leaved Rush
<i>Lathyrus palustris</i> L.	Vetchling
<i>Lemna turionifera</i> Landolt (Morris Arboretum, 1992, Pennsylvania Flora Database)	Winter Duckweed
<i>Leucothoe racemosa</i> (L.) Gray	Swamp Dog-Hobble
<i>Liatris scariosa</i> (L.) Willd. var. <i>novae-</i> <i>angliae</i> Lunell	New England Gay-Feather
<i>Liatris scariosa</i> (L.) Willd. var. <i>nieuwlandii</i> Lunell	Nieuwland's Gay-Feather
<i>Lonicera hirsuta</i> Eat.	Hairy Honeysuckle
<i>Luzula bulbosa</i> (Wood) Rydb.	Common Wood-Rush
<i>Lysimachia quadriflora</i> Sims.	Four-Flowered Loosestrife
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Malaxis brachypoda</i> (Gray) Fern.	White Adder's Mouth
<i>Meehania cordata</i> (Nutt.) Britt.	Heartleaf Meehania
<i>Muhlenbergia cuspidata</i> (Nutt.) Rydb.	Sharp-Pointed Muhly

<i>Scientific Name</i>	<i>Common Name</i>
<i>Nuphar lutea</i> (L.) Sibthorp & Sm. ssp. pumilum (Timm) E.O. Beal	Yellow Cowlily
<i>Oenothera pilosella</i> Raf.	Evening-Primrose
<i>Oxydendrum arboreum</i> (L.) DC.	Sourwood
<i>Oxypolis rigidior</i> (L.) Raf.	Stiff Cowbane
<i>Panicum annulum</i> Ashe (Morris Arboretum, 1992, Pennsylvania Flora Database)	Annulus Panic-Grass
<i>Panicum bicknellii</i> Nash (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	Bicknell's Panic-Grass
<i>Panicum boreale</i> Nash (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Northern Witchgrass
<i>Panicum commonsianum</i> Ashe var. <i>commonsianum</i> (Morris Arboretum, 1992, Pennsylvania Flora Database)	Commons' Panic-Grass
<i>Panicum flexile</i> (Gattinger) Scribn. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Wiry Witchgrass
<i>Panicum longifolium</i> Torr. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Long-Leaf Panic-Grass
<i>Panicum longiligulatum</i> Nash (Morris Arboretum, 1992, Pennsylvania Flora Database)	Long-Ligule Panic-Grass
<i>Panicum lucidum</i> Ashe (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	Shining Panic-Grass
<i>Panicum recognitum</i> Fern. (Morris Arboretum, 1992, Pennsylvania Flora Database)	Fernald's Panic-Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Panicum villosissimum</i> Nash (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Long-Haired Panic-Grass
<i>Panicum yadkinense</i> Ashe (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Yadkin River Panic-Grass
<i>Paronychia fastigiata</i> (Raf.) Fern. var. <i>nuttallii</i> (Small) Fern.	Whitlow Wort
<i>Paronychia fastigiata</i> (Raf.) Fern. var. <i>paleacea</i> Fern.	Chaffy 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> P. Mill.	Virginia Ground-Cherry
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed Orchid
<i>Platanthera hookeri</i> (Torr. ex Gray) Lindl.	Hooker's Orchid
<i>Platanthera peramoena</i> (Gray) Gray	Purple-Fringeless Orchid
<i>Pluchea odorata</i> (L.) Cass.	Shrubby Camphor-Weed
<i>Poa languida</i> A. S. Hitchc.	Drooping Bluegrass
<i>Podostemum ceratophyllum</i> Michx.	Riverweed
<i>Polygala polygama</i> Walt.	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.	Slender Pondweed
<i>Potamogeton illinoensis</i> Morong	Illinois Pondweed
<i>Potamogeton oakesianus</i> J. W. Robbins	Oakes' Pondweed
<i>Potamogeton perfoliatus</i> L.	Clasping-Stemmed Pondweed
<i>Pycnanthemum pilosum</i> Nutt.	Hairy Mountain-Mint

<i>Scientific Name</i>	<i>Common Name</i>
<i>Ranunculus flammula</i> L.	Lesser Spearwort
<i>Ranunculus trichophyllus</i> Chaix (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Northeastern White Water-Crowfoot
<i>Ratibida pinnata</i> (Vent.) Barnh.	Gray-Headed Prairie Coneflower
<i>Rhamnus alnifolia</i> L'Her	Alder-Leaved Buckthorn
<i>Rhynchospora globularis</i> (Chapman) Small	Small Globe Beak-Rush
<i>Ribes lacustre</i> (Pers.) Poir.	Swamp Currant
<i>Rorippa palustris</i> (L.) Besser var. <i>palustris</i> (Gleason, H. A. and A Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Yellow Cress
<i>Rosa virginiana</i> P. Mill.	Virginia Rose
<i>Rubus cuneifolius</i> Pursh	Sand Blackberry
<i>Rubus setosus</i> Bigelow	Small Bristleberry
<i>Rumex hastatulus</i> Baldw. ex Ell.	Heart-Winged Sorrell
<i>Salix petiolaris</i> Sm.	Meadow Willow
<i>Salvia reflexa</i> Hornem.	Lance-Leaved Sage
<i>Samolus parviflorus</i> Raf. (Fernald, M. L., Gray's Manual of Botany, 1970, Eighth edition)	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>Senecio plattensis</i> Nutt.	Prairie Ragwort
<i>Sisyrinchium albidum</i> Raf.	Blue-Eyed Grass
<i>Solidago purshii</i> Porter	Pursh's Goldenrod
<i>Solidago rigida</i> L.	Hard-Leaved Goldenrod
<i>Spiranthes tuberosa</i> Raf.	Little Ladies'-Tresses
<i>Spirodela punctata</i> (Mey.) C. H. Thompson	Eastern Water-Flaxseed
<i>Stachys hyssopifolia</i> Michx.	Hyssop Hedge-Nettle
<i>Stylosanthes biflora</i> (L.) BSP.	Pencil-Flower
<i>Taxus canadensis</i> Marsh.	American Yew

<i>Scientific Name</i>	<i>Common Name</i>
<i>Tradescantia ohioensis</i> Raf.	Ohio Spiderwort
<i>Trillium flexipes</i> Raf.	Declined Trillium
<i>Triosteum angustifolium</i> L.	Yellow-Leaved Tinker's-Weed
<i>Tripsacum dactyloides</i> (L.) L.	Eastern Gamma-Grass
<i>Uvularia puberula</i> Michx.	Mountain Bellwort
<i>Veronica catenata</i> Pennell	Pennell's Speedwell
<i>Viburnum trilobum</i> Marsh.	Highbush Cranberry
<i>Viola nephrophylla</i> Greene	Northern Bog Violet
<i>Viola renifolia</i> Gray	Kidney-Leaved White Violet
<i>Viola tripartita</i> Ell.	Three-parted Violet
<i>Vitis cinerea</i> var. <i>baileyana</i> Munson	Possum-Grape
<i>Wolffia borealis</i> (Engelm.) Landolt (Morris Arboretum, 1992, Atlas of the Flora of Pennsylvania)	Dotted Water-Meal
<i>Zanichellia palustris</i> L.	Horned Pondweed

#### 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. Immediately preceding text appears at serial pages (123456) to (123460).

### 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 classi-

fied 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 August 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 seeds 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 August 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.

**§ 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).

[Next page is 47-1.]