
CACTUS and SUCCULENT SOCIETY of NEW MEXICO

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COLLECTING WILD PLANTS – RESIST THE TEMPTATION

There is nothing like walking and hiking in natural areas, the back country or wilderness areas. One can usually see a plethora of plants, many of which you may have never seen before. In spring in particular their flowers are beautiful. Their foliage and growth pattern may be particularly attractive. You might think of a place in your yard where the plant would be perfect. You would do well to think again.

Anyone with a little gardening knowledge knows that plants collected in the wild rarely survive. The place you found that plant is exactly where it is supposed to live. It has developed special characteristics — a special root structure, a symbiotic relationship with the other plants around it and/or with pollinators in the area, or climate and other environmental adaptations — that allow it to live where it does.

Even if the plant is surviving in the most harsh of conditions, it is fragile. It is highly unlikely you will be able to duplicate what that plant needs in your yard. So the plant simply dies, even if you manage to get it home alive. Spontaneous, casual plant collecting is almost always doomed. It is also usually totally uninformed.

Usually you will not have the proper tools to remove the plant successfully. How will you transport it back to your base camp or car? Do you have proper containers and potting medium with you? Will you assure its death by transporting it in a backpack, or carrying it for hours in your hand or putting it in your pocket? How will you get it home and when? If it manages to survive after all of that, when will you plant it? The next day, in a day or two?

One of the most egregious offenses is removing a wild plant because you don't know what it is and would like to find out. NEVER under any circumstances remove a plant that you cannot positively identify. That is why there are field identification guides & keys and cameras. Take a picture for identification purposes, take lots of pictures, but do NOT take the plant.

Those are some of the common sense reasons for not removing native plant materials. If they are not enough, there are all the legal reasons.

Laws and regulations governing removal of plant material from public and private land are many and varied. There are federal, state, county, and city laws and regulations; separate laws that apply to lands held by Native Americans (reservation land); and laws that apply to privately held land. Here is a general summary of what they provide.

- **All land belongs to someone.** It will either be under public or private ownership and those ownership rights are protected by law.
- **There are specific laws and regulations governing removal of plant material.**
- **Permission and/or permits generally are required** for even the most casual removal of any plant material anywhere. Both are obtained from whoever owns/manages the land.
- **Removal for commercial purposes is more strictly regulated** to include when harvesting plant material from private property in some states.
- **Wilderness areas tend to be more strictly controlled** than other public lands.

- **Removal of endangered or rare plant species is usually prohibited on public lands and usually on private property as well.** At minimum it will be strictly controlled.
- **Penalties for removing plant material in violation of laws and regulations** can include prosecution for criminal trespass, vandalism and theft, and confiscation of the stolen plant material. Offenders can be fined or imprisoned. They can also be sued.
- **Ignorance of the law is not considered an excuse.** It is your obligation to know what you may do where.

PRIVATELY HELD LAND

You MUST have the landowner's permission to even set foot on their land, much less remove plant materials. This includes when a landowner is kind enough to allow the public to pass through their property to access natural phenomena. When a landowner grants that kind of access, you do not have free rein to do whatever you want. Your access is limited to whatever permission the landowner has granted, which typically just allows pass-through. Removing plant materials is rarely, if ever, allowed.

In many states, removing native plant material on private land requires a permit. When the plant materials involved are endangered or rare, you may be precluded from removing them from private land as well.

Many landowners are cooperatively working with federal and state agencies under special laws that provide incentives for restoring and preserving natural plant and species habitat. Many also cooperatively work with private conservation organizations. Removing plant materials disrupts and/or ruins their activities, obviates the considerable effort and expense they have put forth participating in these programs, and ruins experimental studies.

Private landowners may give permission to remove plant materials from their property within the scope of applicable laws. In most cases that permission must be in writing. Even if that is not the case, you would be wise to obtain written permission for your own protection.

PUBLIC LAND

There are numerous federal, state, county and city agencies that administer public lands. They include but are not limited to: national and state park services; national and state forest services; national and state Bureau of Land Management agencies; national and state fish and wildlife management agencies; city parks & open space management agencies; and agricultural agencies. Restrictions can occur on public land controlled by other, unexpected agencies due to the discovery of a rare or endangered species.

- The best source of information is the agency that is responsible for administering the land where you will be.
- The administering agency can tell you what can be removed, the areas where you may remove the plant material, the quantity you are allowed to remove and identify restricted areas.
- Generally only a few plants (usually less than three or five) may be removed (if any at all) for personal use.
- Generally you will need a permit.
- Permits can be free, but typically start at \$20.00 on Federal lands with similar fee structures applying on state, county or city owned lands.
- Generally you cannot remove any plant materials from National Parks.
- Public lands managed by Bureau of Land Management agencies often have less restrictive regulations.

Even where plant materials may be removed, there will usually be protected, restricted, or otherwise limited access areas whose purpose is to help a plant species recover or to protect it for some other reason.

Still want that wildflower, cactus or succulent for your yard? There are many mail order houses as well as nurseries that specialize in native plants. These plants are typically grown from legally harvested seeds and/or cuttings. The harvesting techniques are designed to leave the wild plant population unharmed. They may also sell plants that have been legally harvested and that are tagged and labeled by a state's agriculture department. They are harvested in limited, specific quantities that are designed to leave a viable native population in place. The number of native plant providers is growing in all areas of the country.

Check with your state's native plant society (almost all states have one), or your local cactus and succulent society. Many of them conduct rescue operations that remove native plants from construction and other areas where they are doomed. Usually this is done under state guidance and with harvesting permits issued by the state. The rescued plants are often sold or given away by the plant society.

Local botanic gardens are becoming a new source for native plants. Many are growing them for planting in their public gardens and sell their excess production.

It is important to note that the purpose of all of these laws and regulations is not to put a bureaucratic engine in the way of citizens wanting to use public lands or on how private landowners can manage their lands.

The purpose is to preserve and protect the plants for future generations; to protect and assure the continued existence of wildlife that depends on the wild plants for food and the predators that depend on them for food; and to assure the existence of fragile ecosystems that, if unbalanced, will cause the loss of an environment that allows everything from butterflies to bats to humans to exist in a physically beautiful, functional place.

LEAVE NO TRACE doesn't just mean pack out your trash. It also means leave behind what lives there and makes the land useful, beautiful and attractive to all of us. You wouldn't try to bring home wild birds, chipmunks, or a bear cub. Neither should you try to bring home the native flora on which they depend for their very lives.

Here are some web sites that offer information on native, endangered, and rare native plants. Just about every state has a web site on this topic. Many public lands also offer plant lists on line or at their visitor centers.

<http://nmrareplants.unm.edu/rarelist.php> - Photos of rare and endangered New Mexico plants
<http://polyploid.net/swplants/index.html> - Photos of New Mexico Flora
<https://www.wildflower.org/> - Huge collection of photos of wildflowers and natives
<http://www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html> - New Mexico endangered plants – New Mexico State Forestry website - lists plants by county
https://en.wikipedia.org/wiki/List_of_endangered_plants_in_North_America
<https://plants.usda.gov/java/threat> - US Department of Agriculture endangered plant web site, national in scope with listings for each state
<https://uswildflowers.com/stateref.php?State=NM>
<https://www.blm.gov/programs/natural-resources> - Lots of info on native plants by states – primarily the western U.S. - click on Native Plant Communities