

No Rare Plant Law, No Statuses

- **Alabama**
- **Delaware**

“Taking” Issue

26

CONNECTICUT GEOL. AND NAT. HIST. SURVEY.

[Bull.

SCHIZAEACEAE. CURLY GRASS FAMILY.

LYGODIUM Sw. Climbing Fern.

Lygodium palmatum (Bernh.) Sw. (branching like the outspread fingers of a hand).

Creeping Fern. Hartford Fern. Climbing Fern.

Rich woods and thickets, in moist, usually sandy soil. Not reported from western Connecticut; rare in eastern districts: Griswold (Harger & Graves), Lyme (Dr. E. J. Thompson). Local at many stations in the central part of the state. Aug.—Sept.

The following Act was passed by the Legislature and became a law on July 8, 1869: “Any person who shall wilfully and maliciously sever or take from the land of another any of the species of plant known as *Lygodium palmatum* or Creeping Fern growing and being thereon, shall be punished by a fine not exceeding Seven Dollars or imprisonment in county jail not exceeding thirty days or by such fine and imprisonment both at the discretion of the court.” The penalty for this offense was later increased. Prior to 1869 this fern was extensively collected and pressed for decorative purposes.

“Taking” Issue

NY State Law

"It is a violation for any person, anywhere in the state to pick, pluck, sever, remove, damage by the application of herbicides or defoliants, or carry away, without the consent of the owner, any protected plant. Each protected plant so picked, plucked, severed, removed, damaged or carried away shall constitute a separate violation."

“Taking” Issue

Why aren't endangered plants protected from taking on private lands?

Endangered plants on private lands can be taken without penalty (unless a State law prohibits such taking), but this is not the case for endangered animals that are protected from taking on both public and private lands. Why the difference?

Federal and State wildlife laws in the United States have their origins in old English common law where the King and Parliament owned the wild animals and prescribed the ways that ordinary citizens could harvest them on all lands, public or private. Conversely, plants were considered to be a part of the land on which they grew, and thus plants on private lands were treated as the owner's private property. This ownership difference has been carried forward in the different ways that plants and animals are protected in the Endangered Species Act.

Sources

Forest Service:

https://www.fs.fed.us/wildflowers/Rare_Plants/conservation/lawsandregulations.shtml

George, S., W.J. Snape, III and M. Senatore. 1998. State Endangered Species Acts: Past, Present and Future. Defenders of Wildlife. Washington, DC.

Nativity Assignments

- **Human factor**
- **Place**
- **Time**
- **Evolutionary history**

Native definitions

PLANTS: “naturally occurring at the time of Columbus. Introduced plants arrived later, invariably with human assistance, from some other part of the world.”

Native definitions

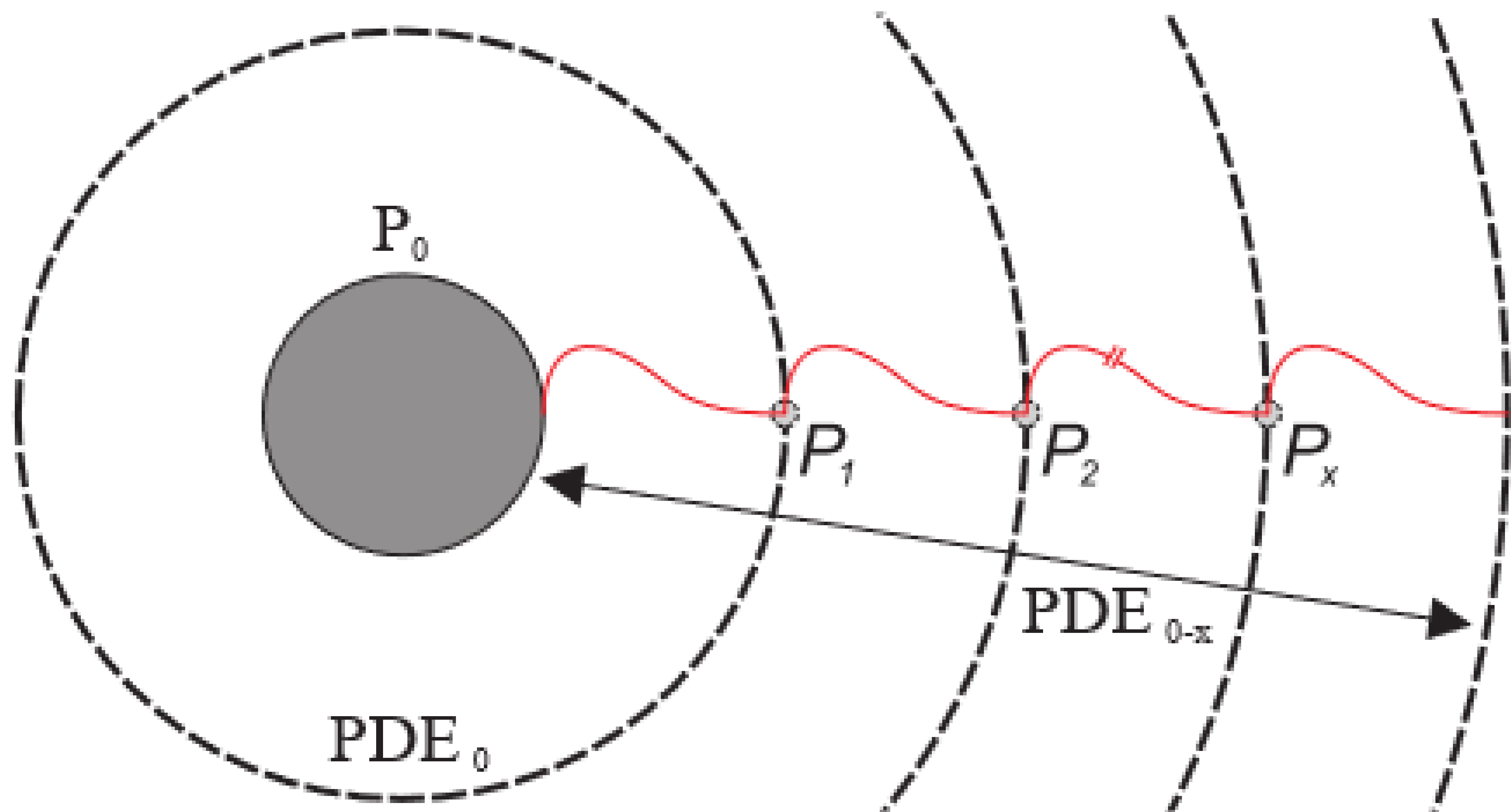
Native plant: “those that have evolved and adapted to a specific location and have remained genetically unaltered by humans.”

Wasowski, A. 1998. Provenance, defining our terms. The American Gardener 77:6.

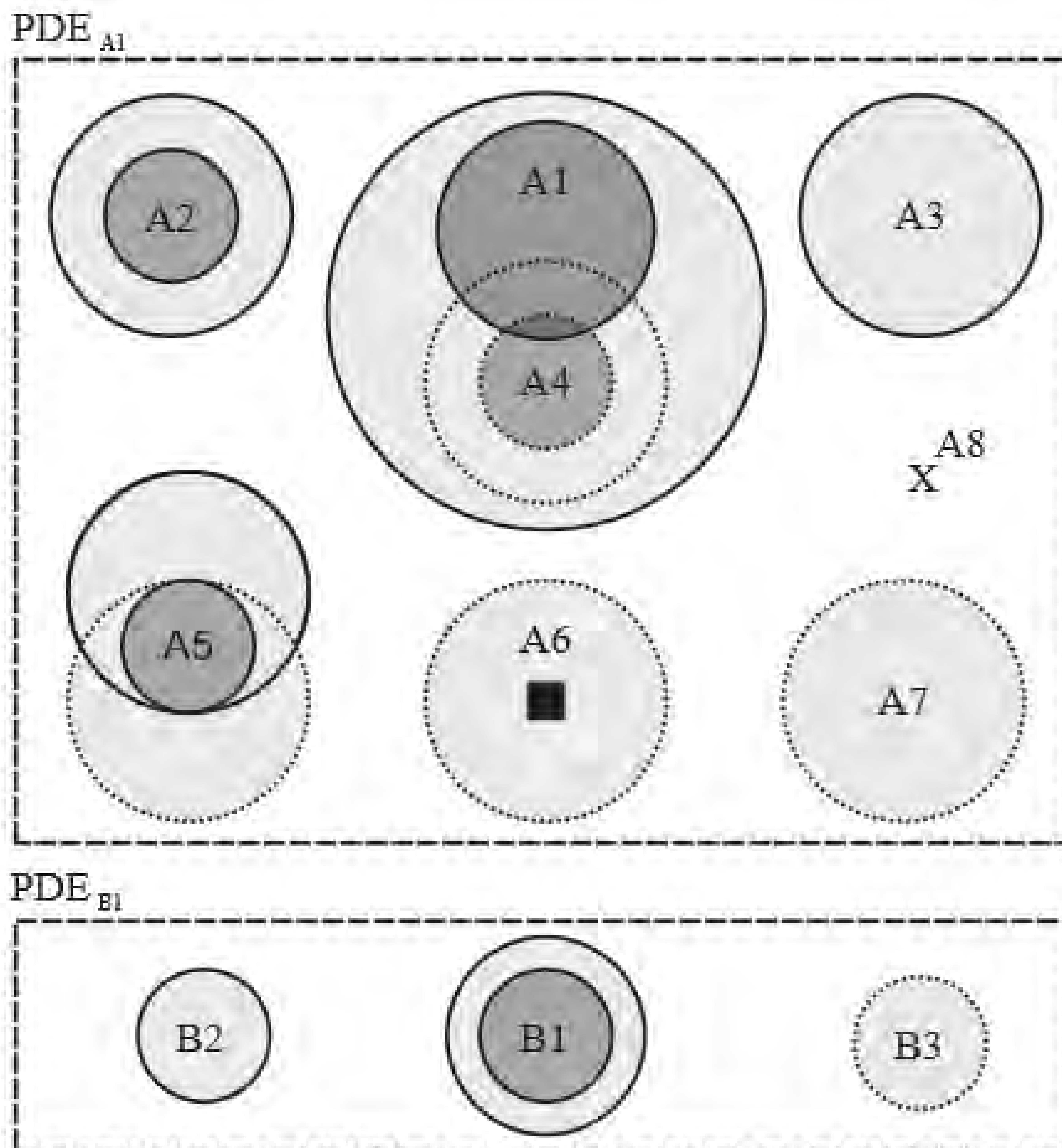
Weber, B.L. and Scott, J.K. Rapid global change: implications for defining natives and aliens. Global Ecol. and Biogeogr. 21: 305-311.

Projected Dispersal Envelope (PDE): region where a species is or could be native irrespective of human involvement. Populations outside of the region are non-native.

**Weber, B.L. and Scott, J.K. Rapid global change:
implications for defining natives and aliens.
Global Ecol. and Biogeogr. 21: 306, Fig. 1.**

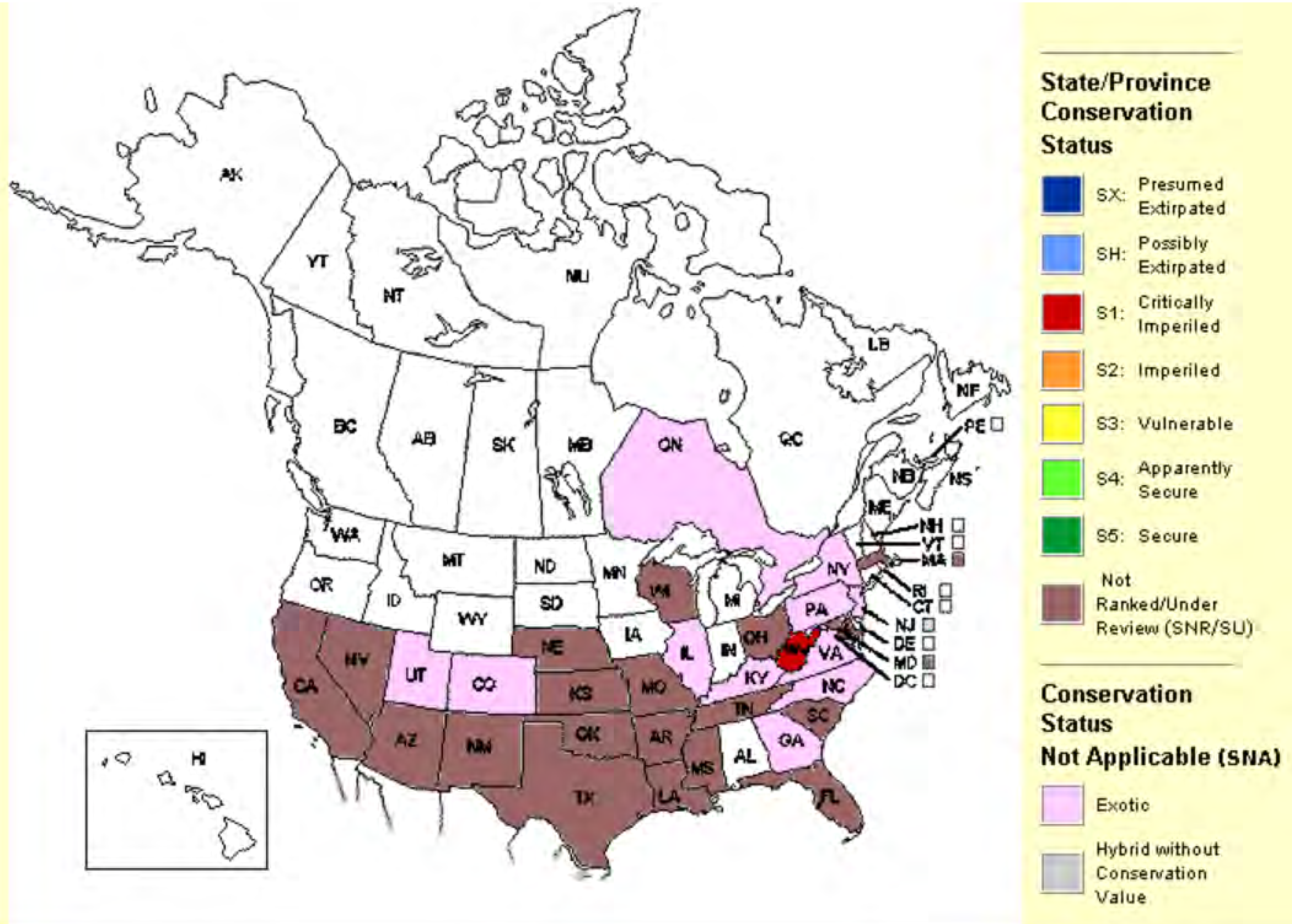


**Weber, B.L. and Scott, J.K. Rapid global change:
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Global Ecol. and Biogeogr. 21: 306, Fig. 1.**



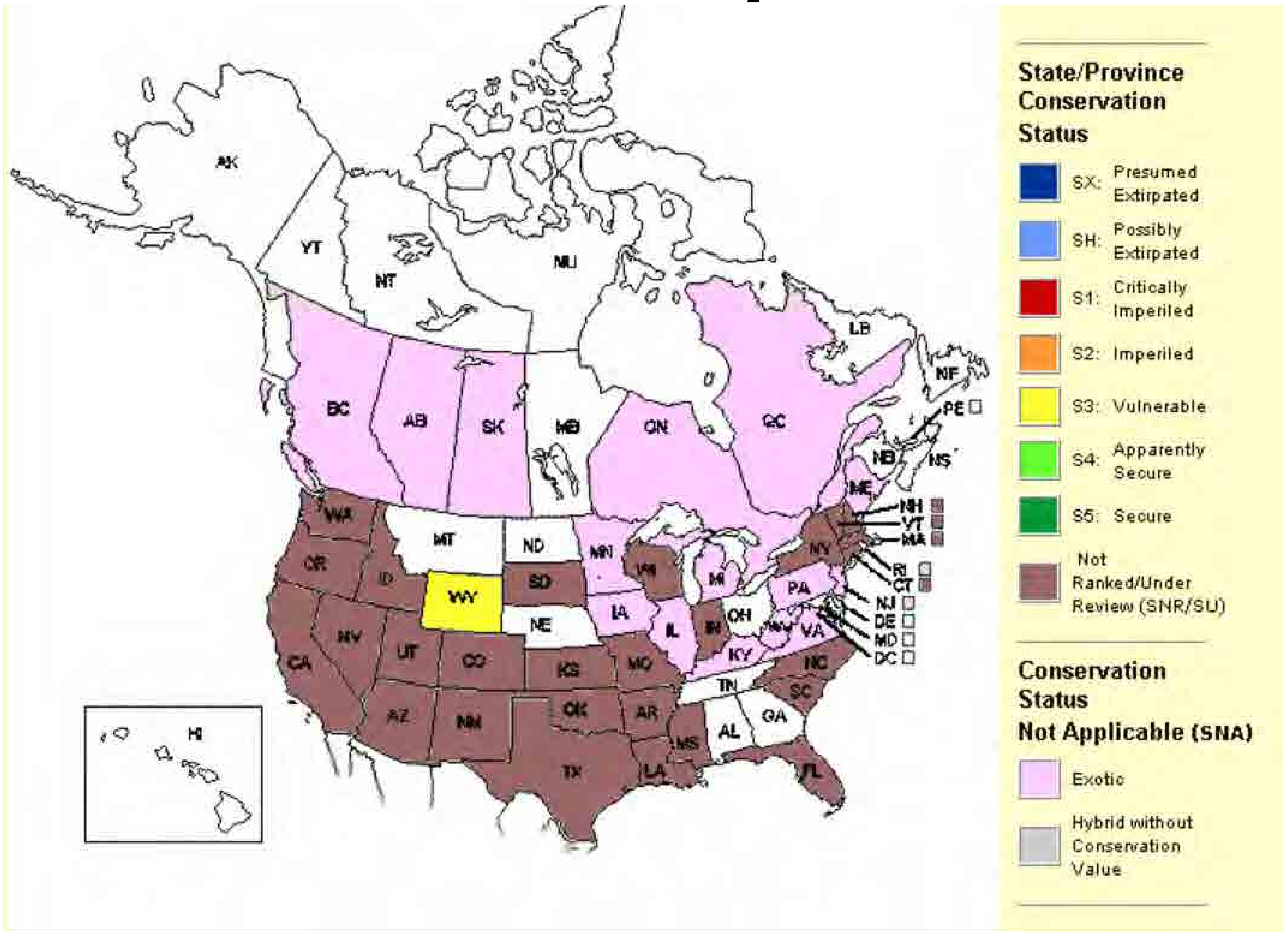
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Amaranthus palmeri



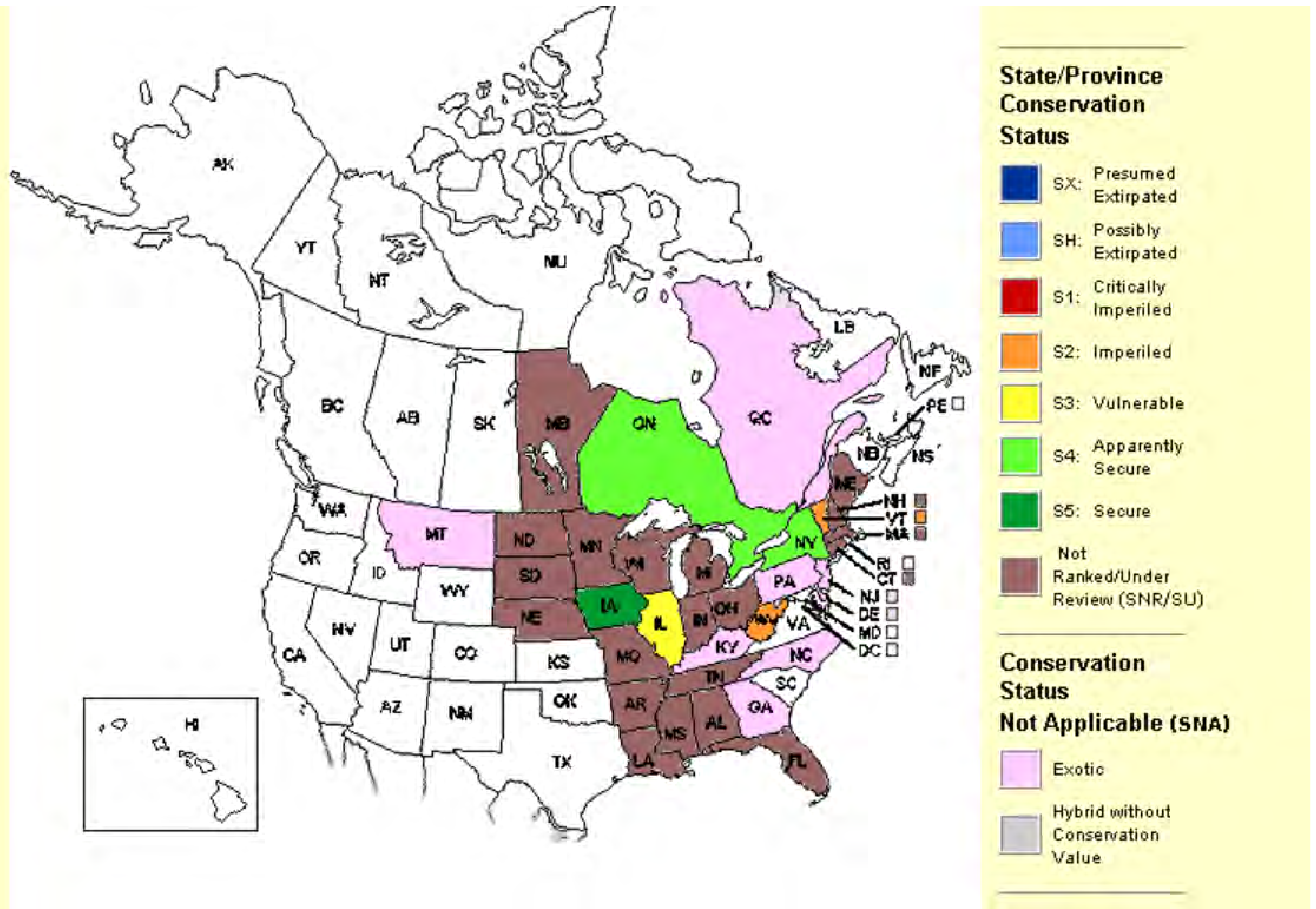
NatureServe

Amaranthus powellii



NatureServe

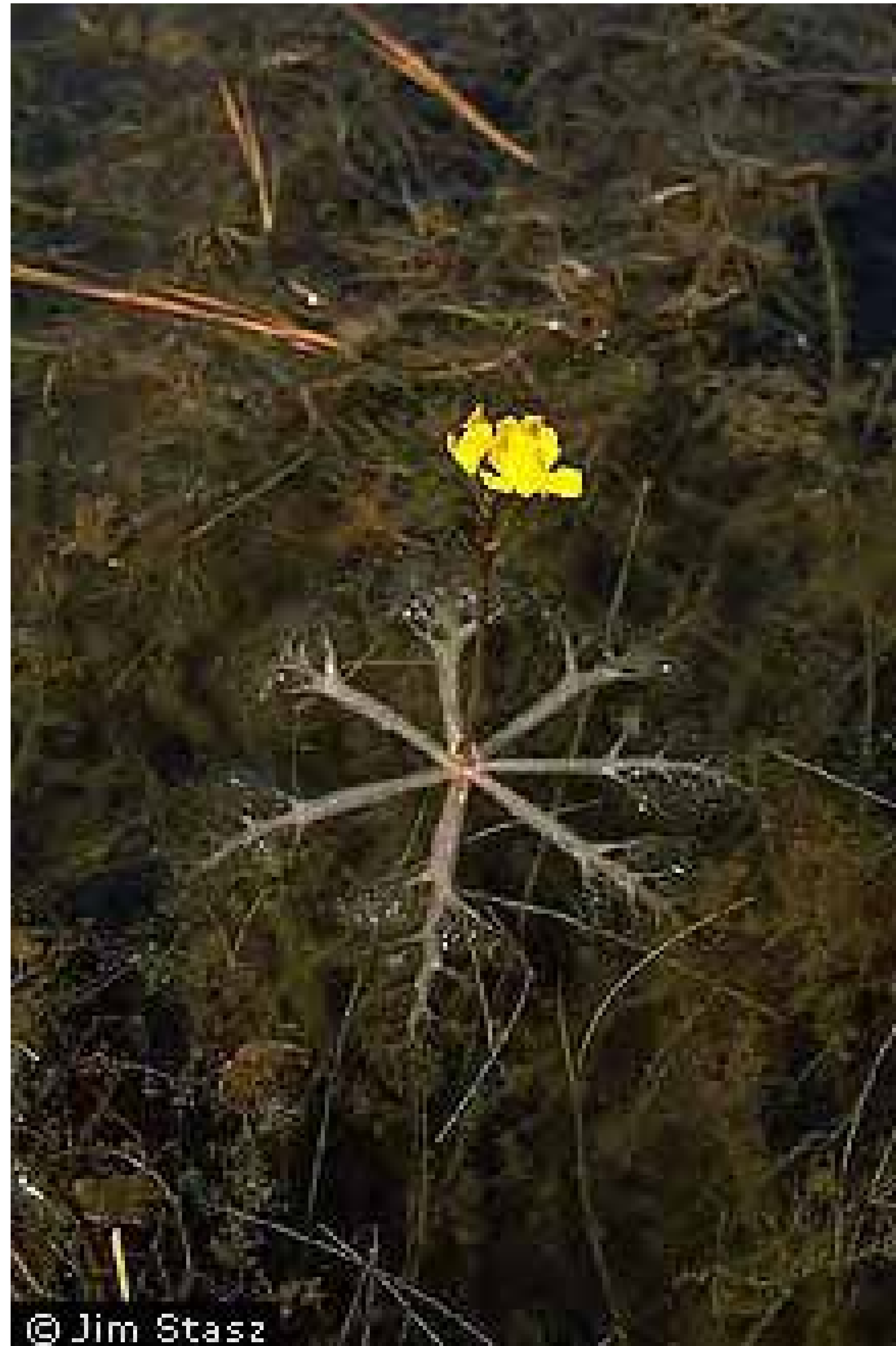
Amaranthus tuberculatus



Nelumbo lutea

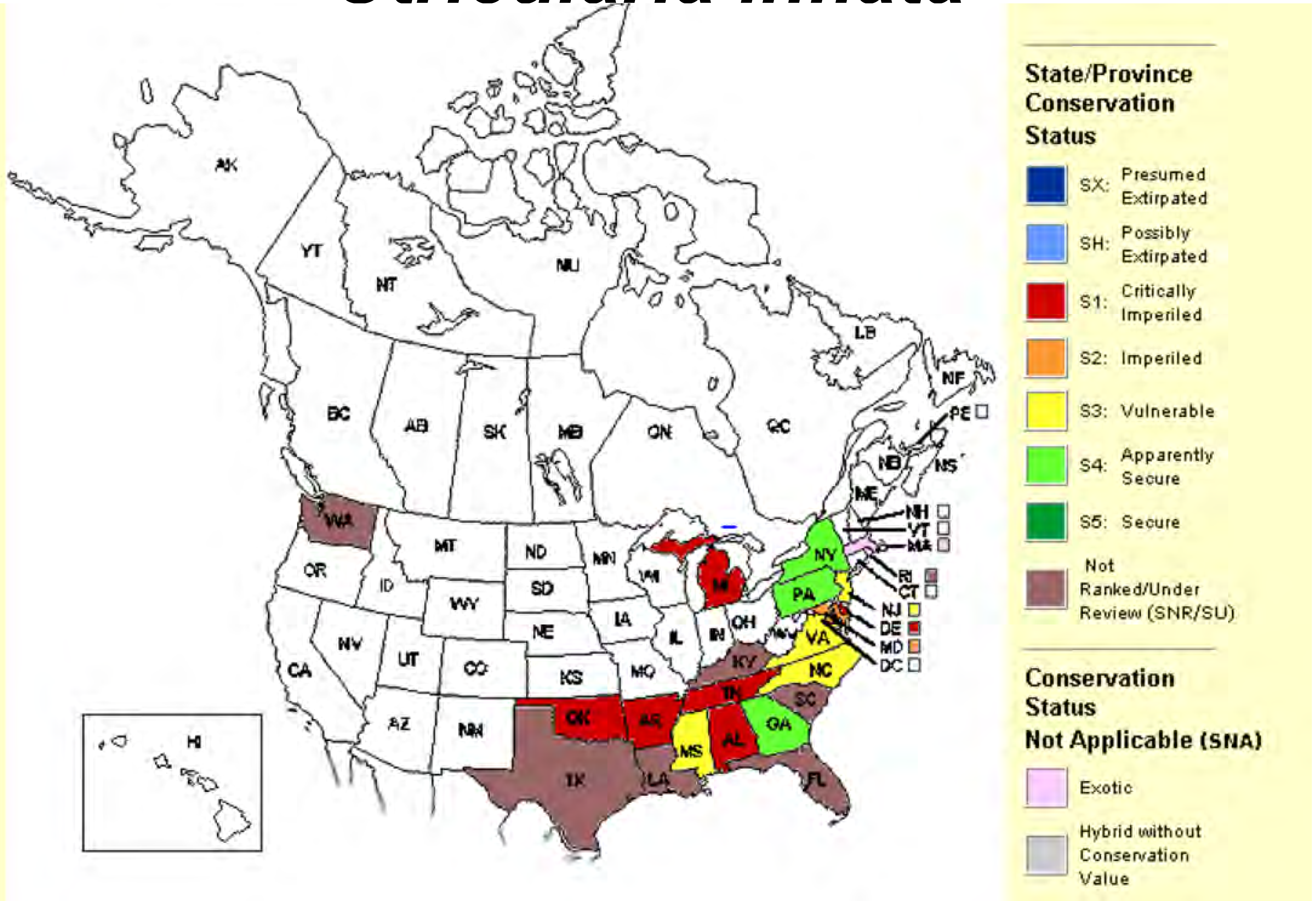


Utricularia inflata



NatureServe

Utricularia inflata

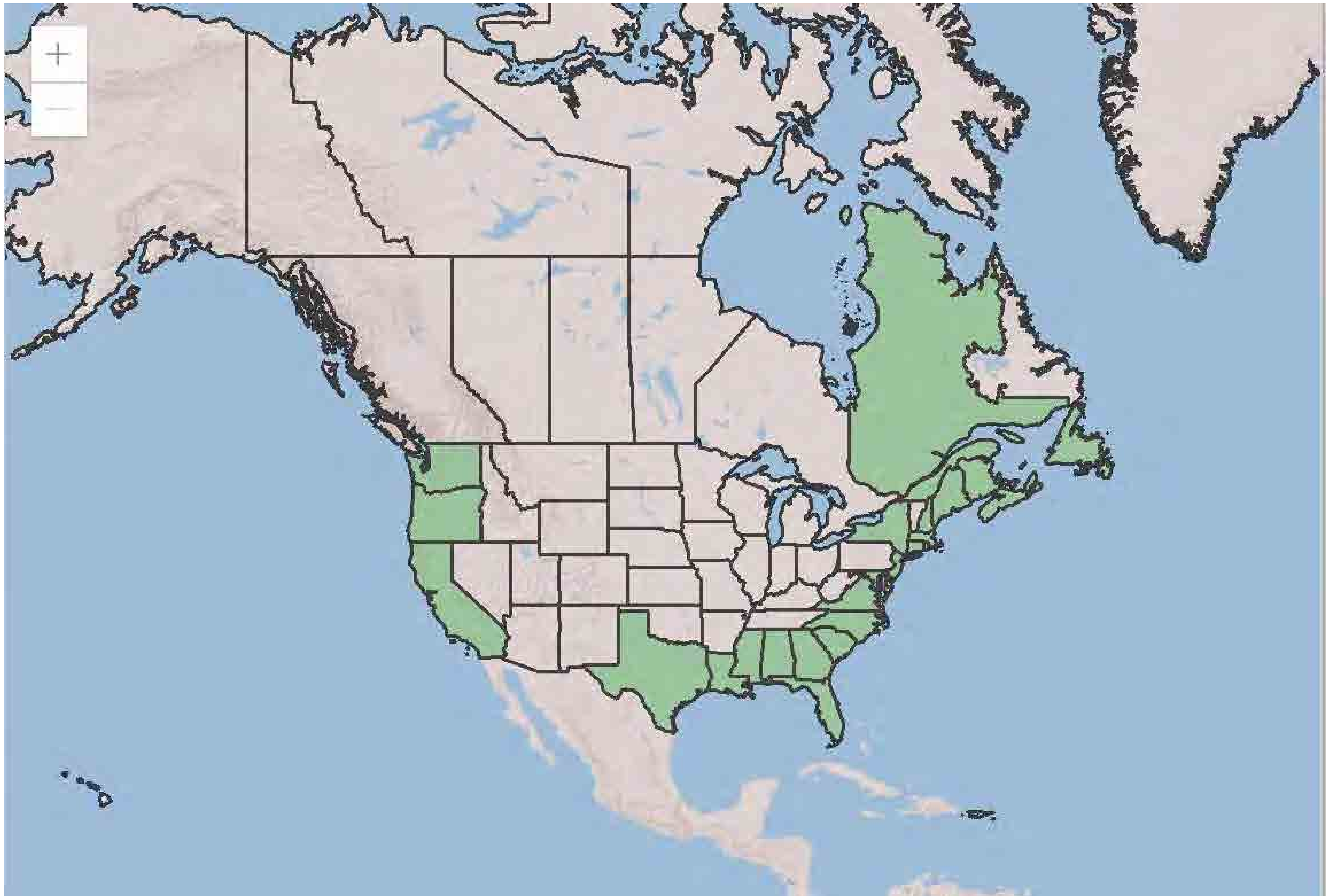


Spartina alterniflora



USDA PLANTS

Spartina alterniflora

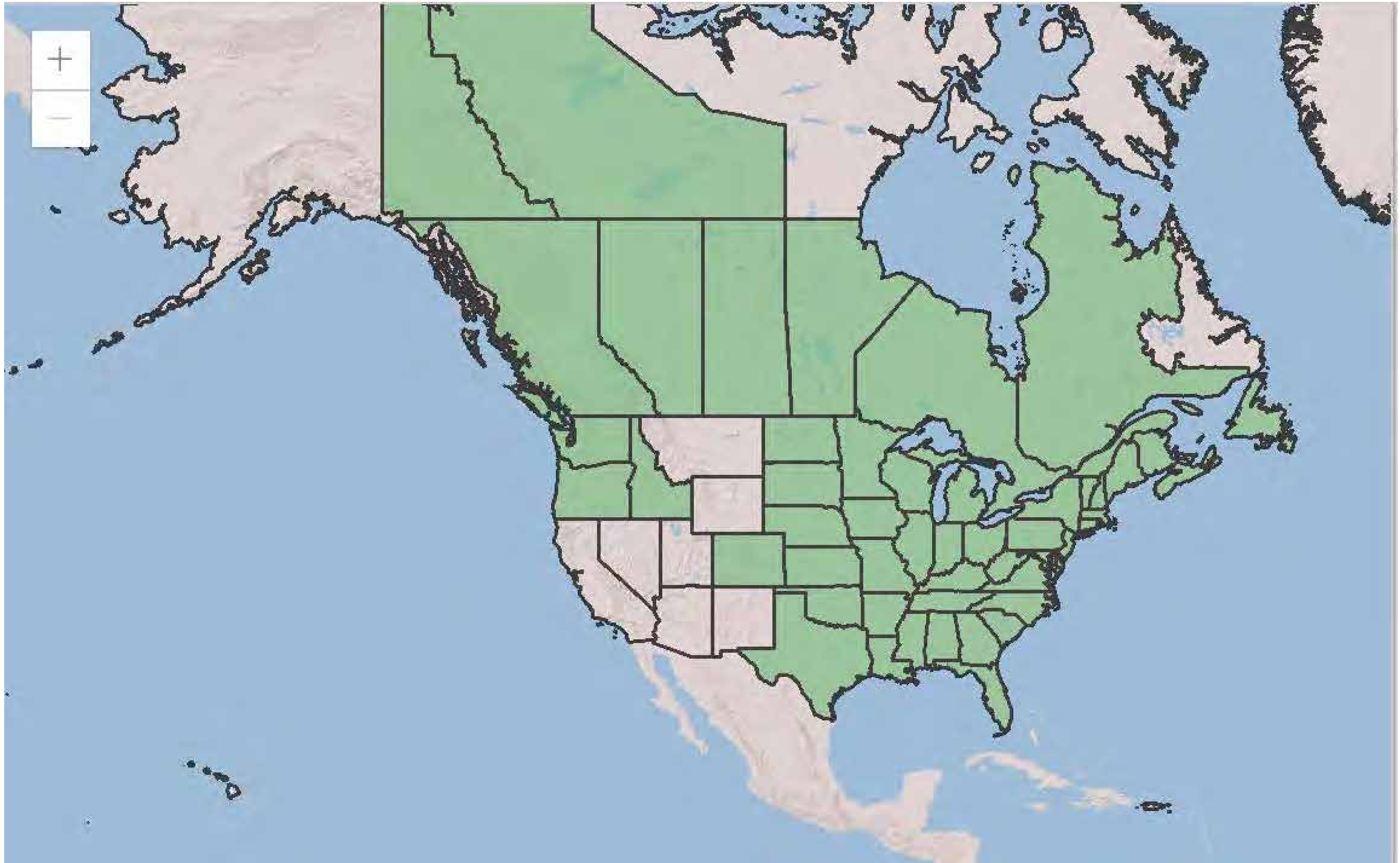


Impatiens capensis



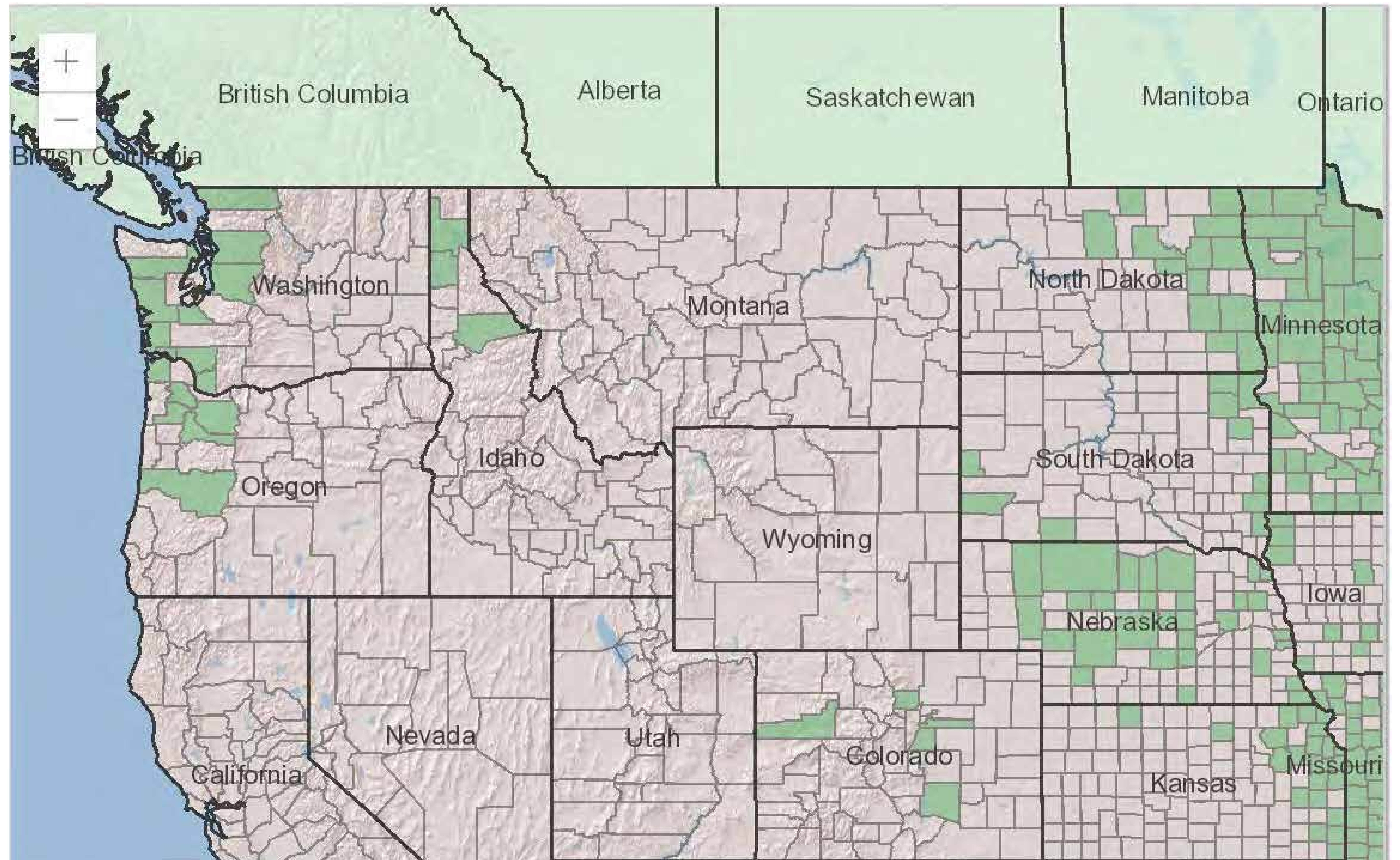
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Impatiens capensis



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Impatiens capensis



Potential Global Case Studies

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GX. Presumed Extinct. Not located despite intensive searches and virtually no likelihood of rediscovery.

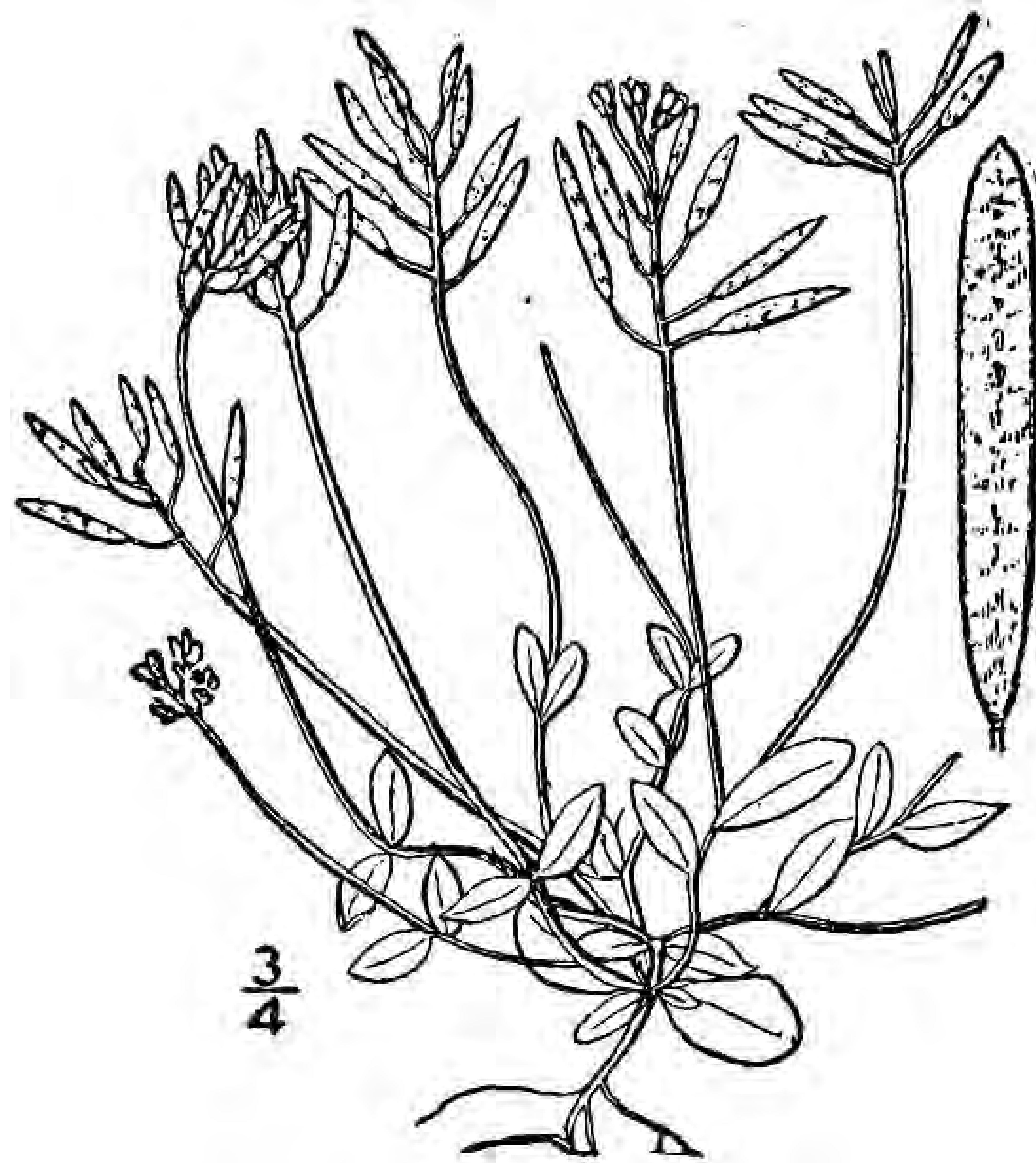
GH. Possibly Extinct. Known from only historical occurrences but still some hope of rediscovery.

G1. Critically Imperiled. At very high risk of extinction or elimination.

G2. Imperiled. At high risk of extinction or elimination

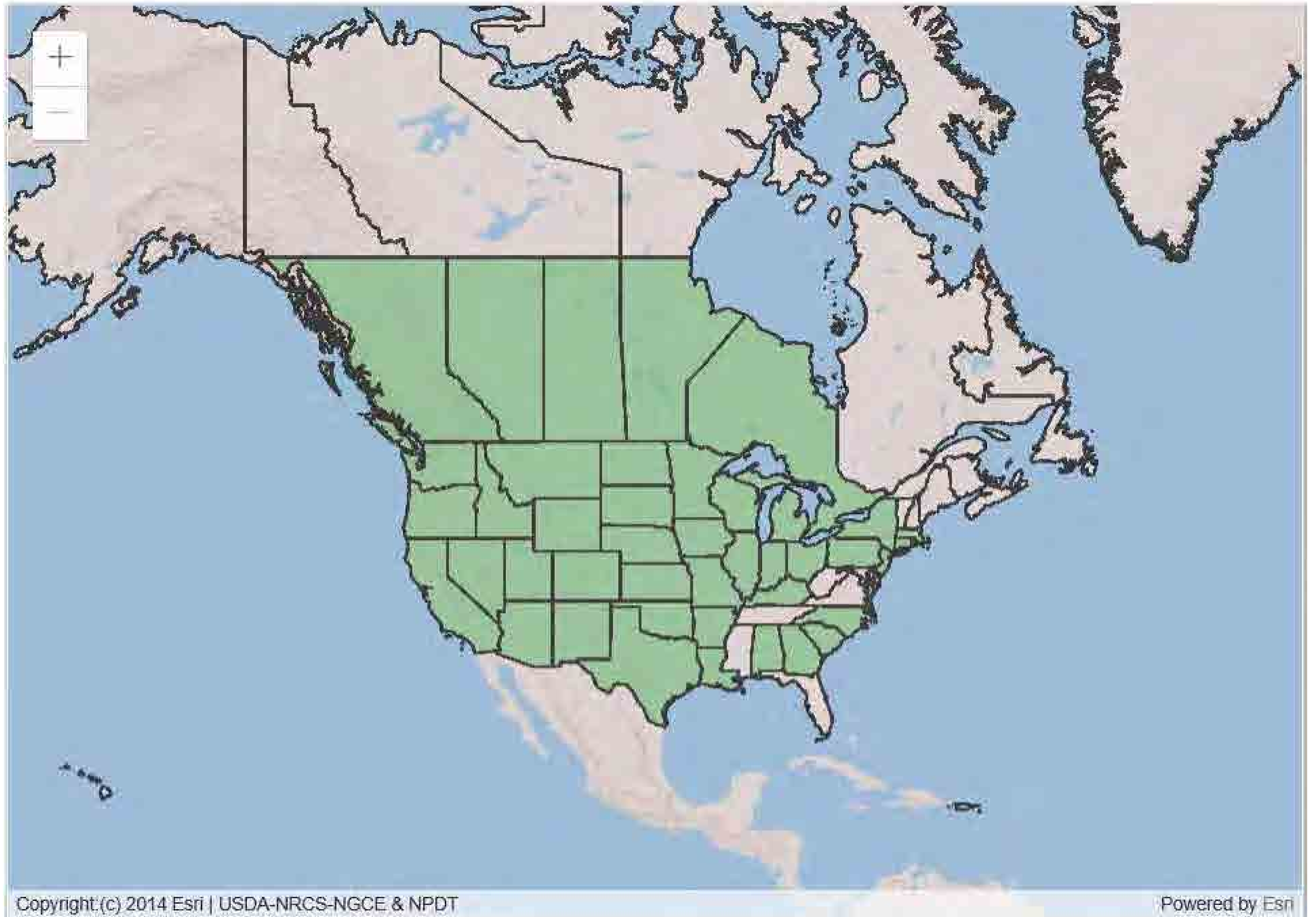
G3. Vulnerable. At moderate risk of extinction or elimination.

Draba reptans

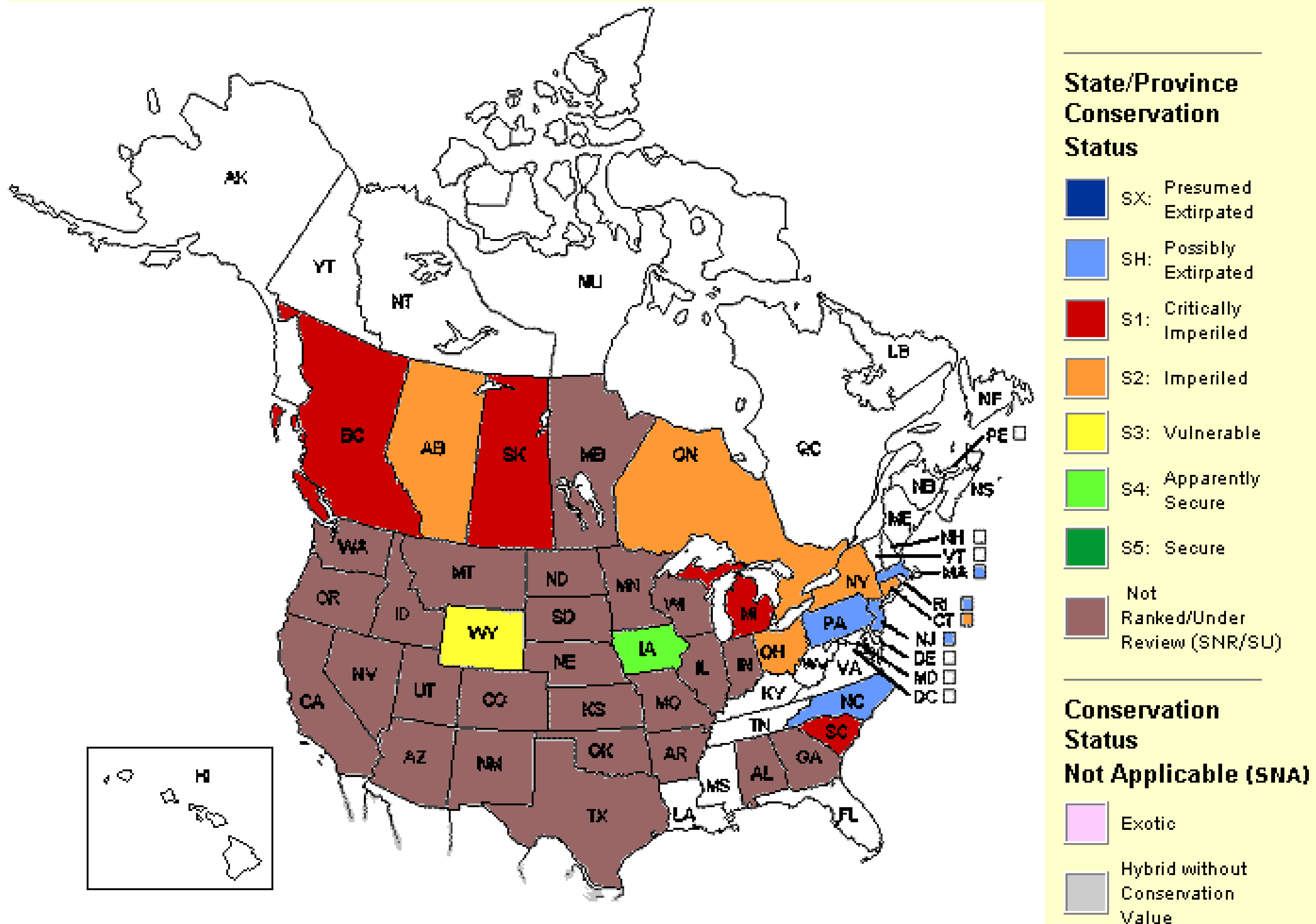


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Draba reptans

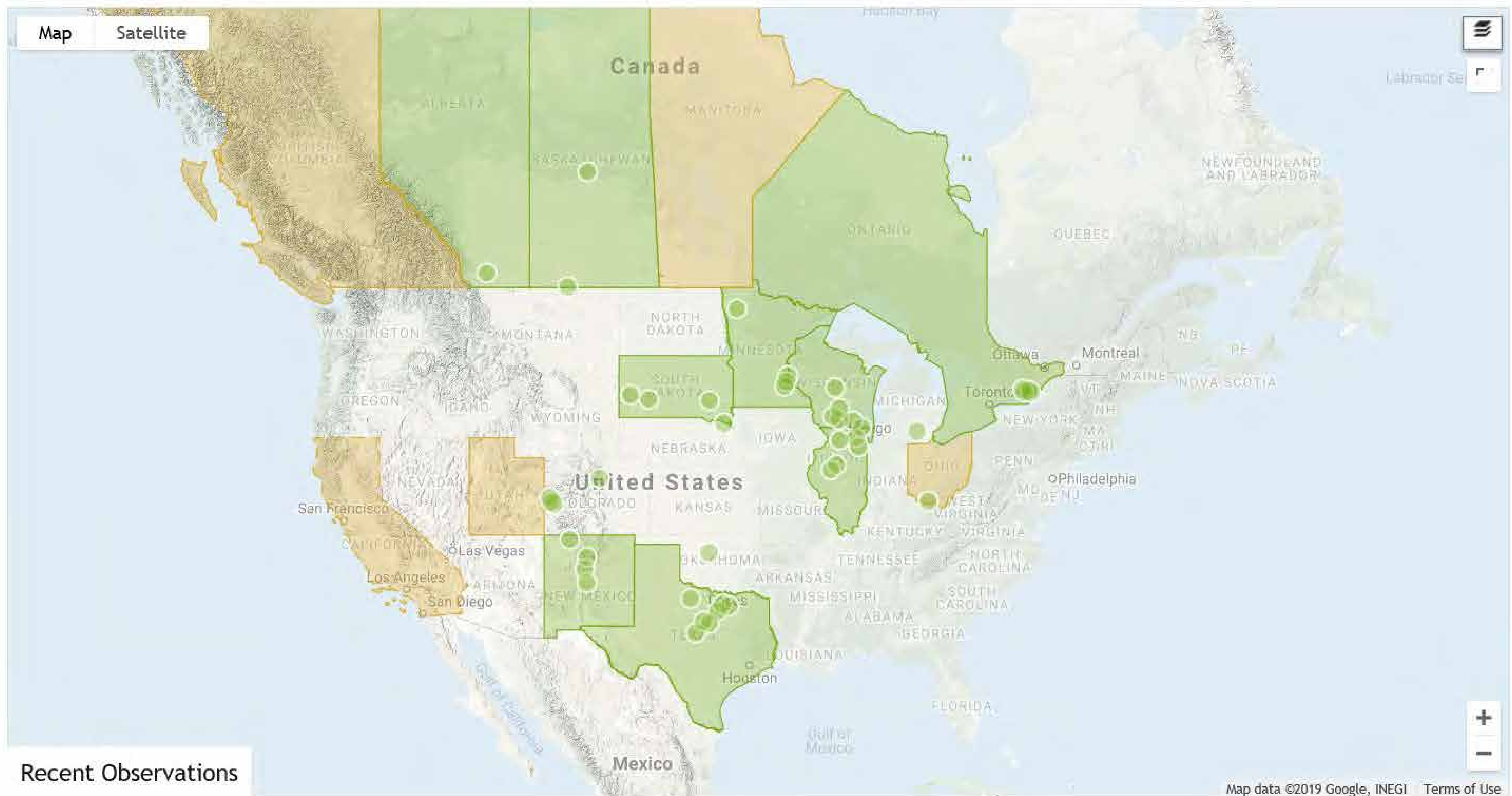


NatureServe *Draba reptans*



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Draba reptans

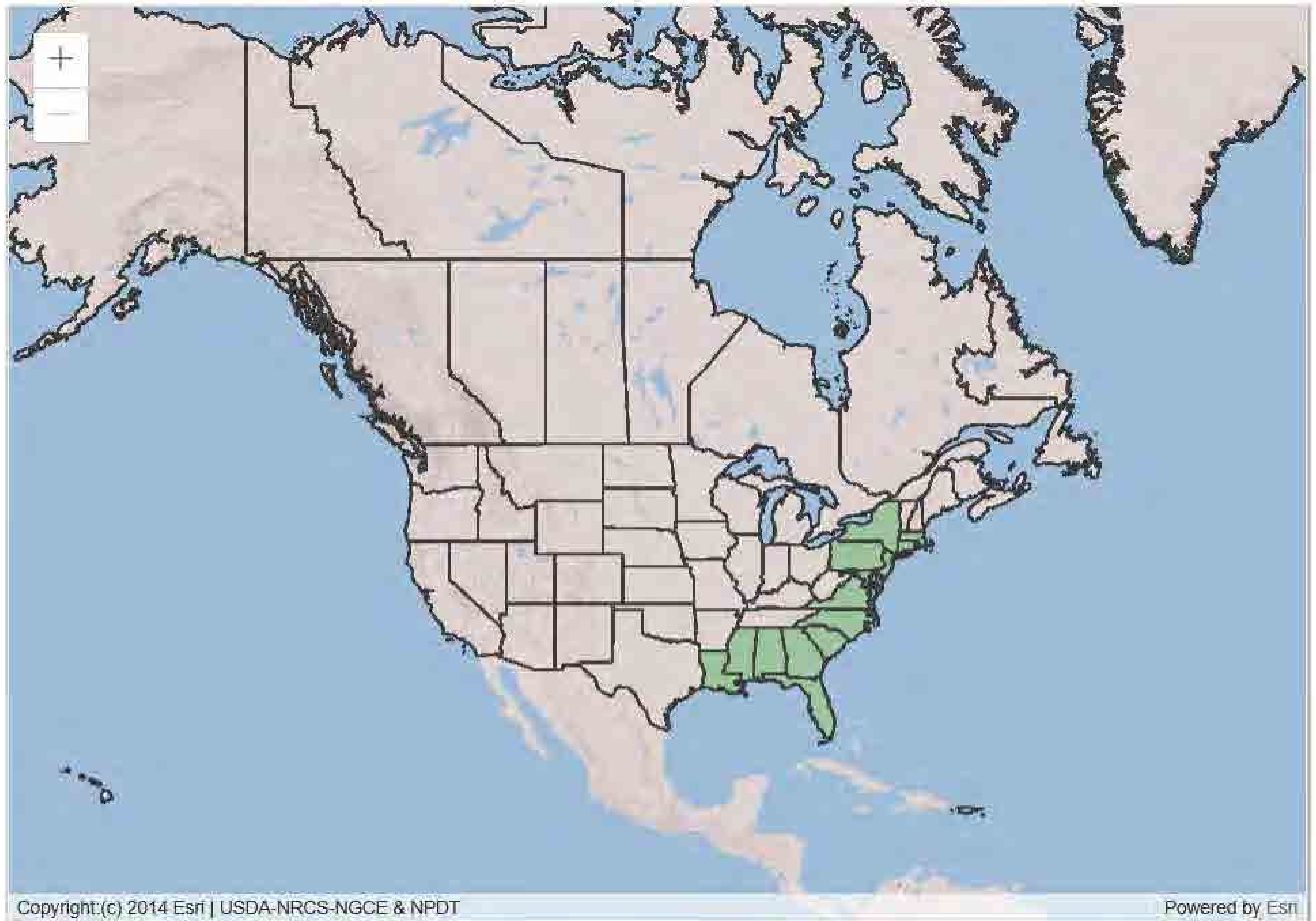


Lithospermum virginianum



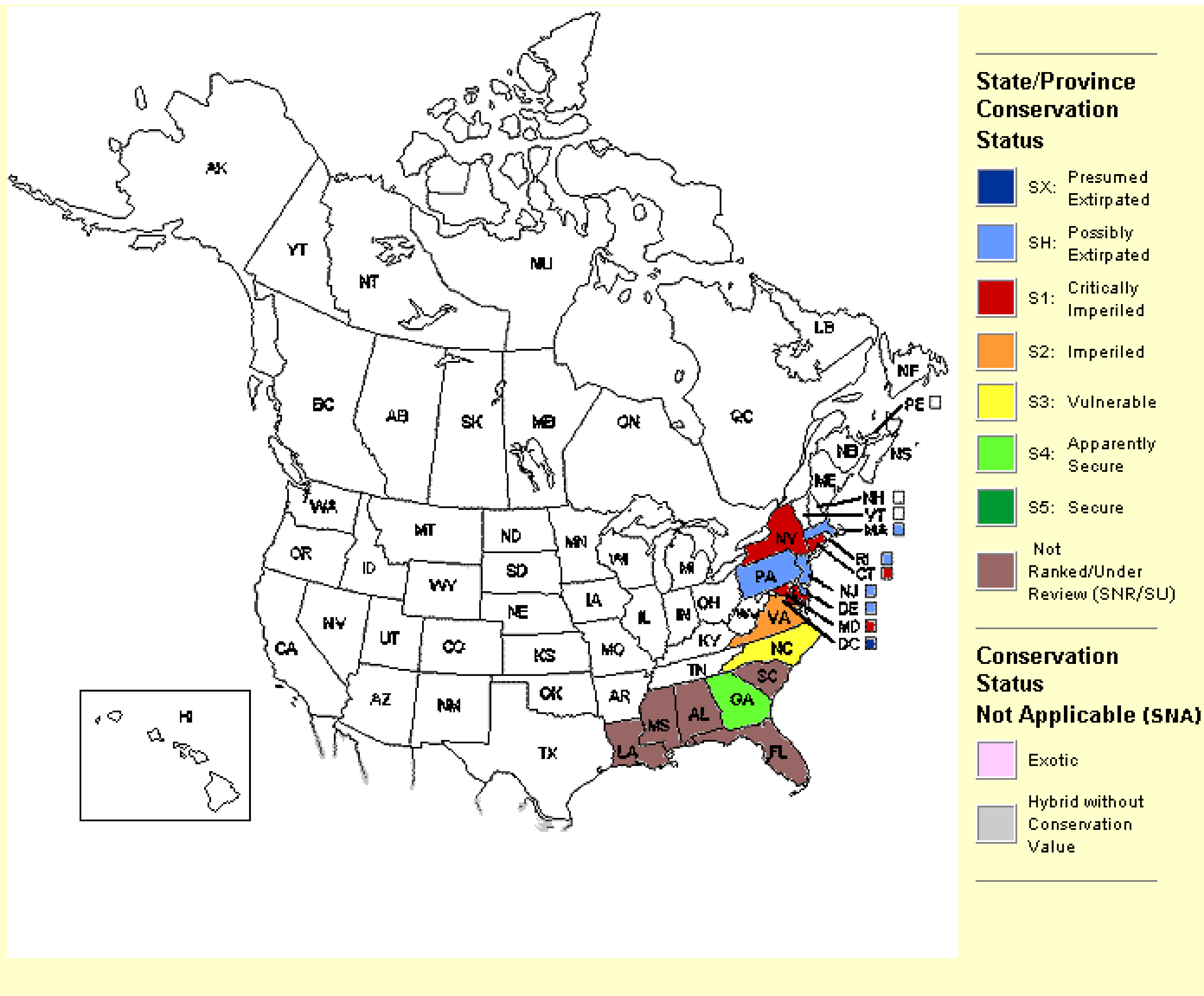
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Lithospermum virginianum



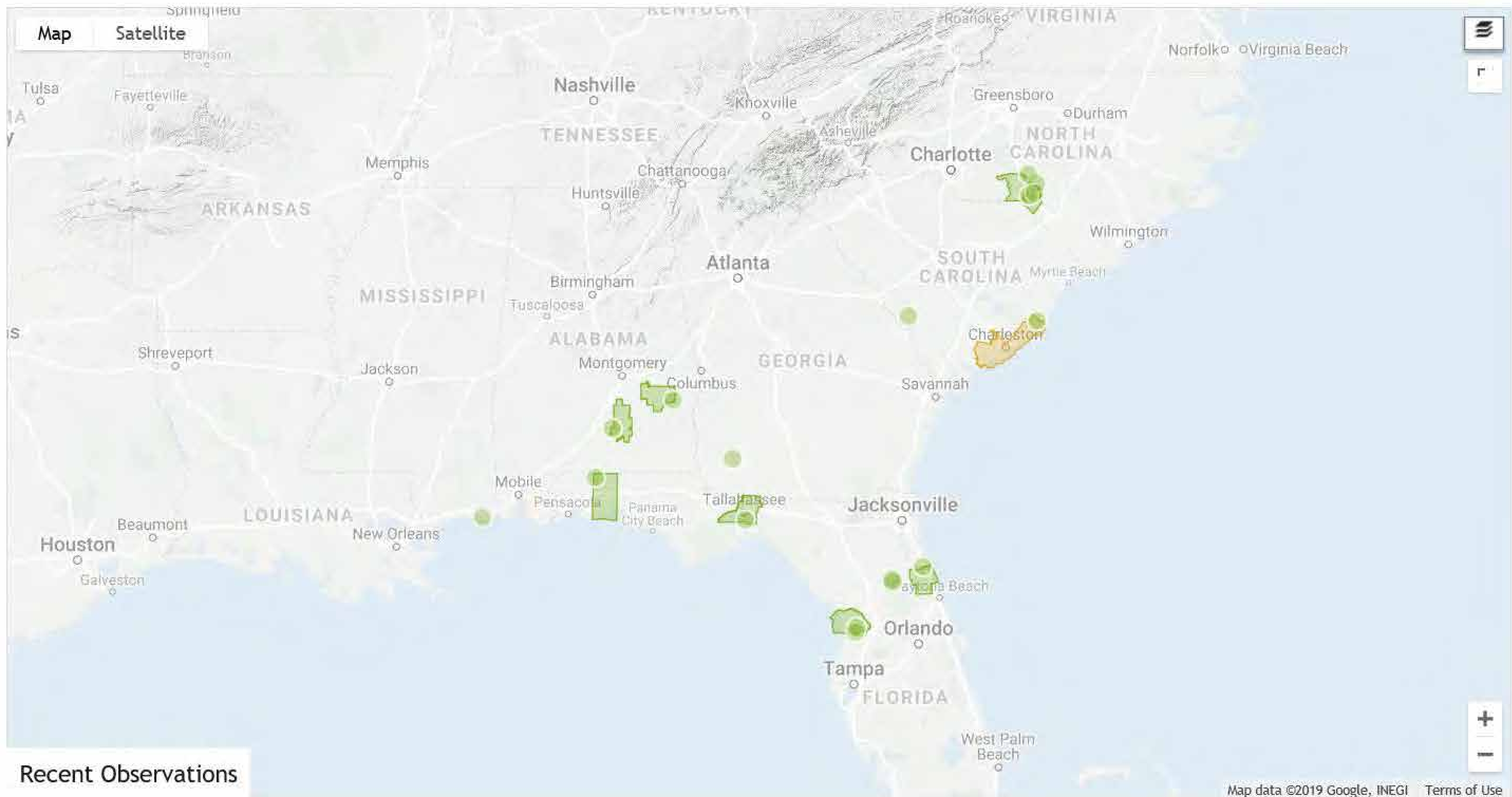
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Lithospermum virginianum

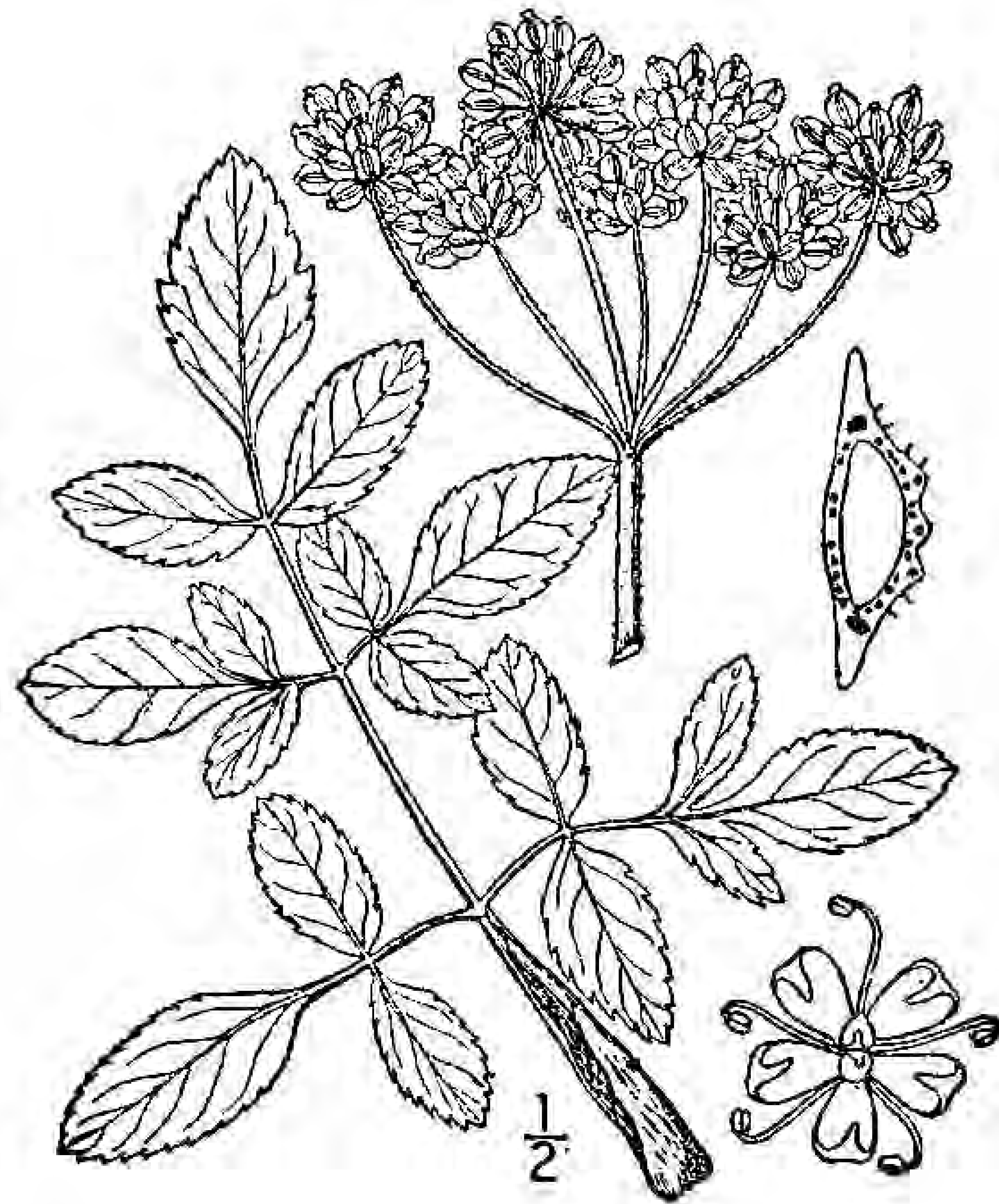


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Lithospermum virginianum



Angelica venenosa

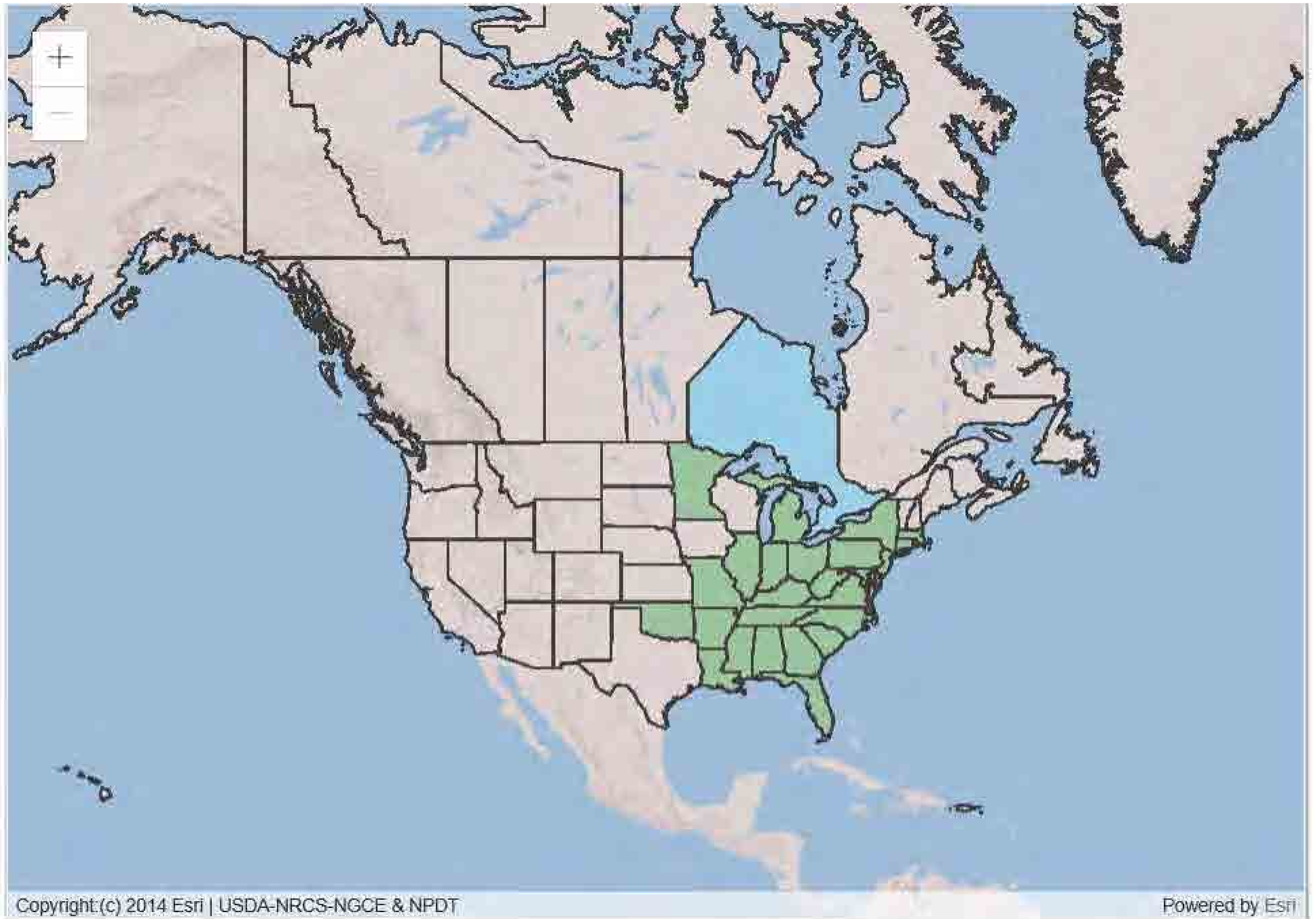






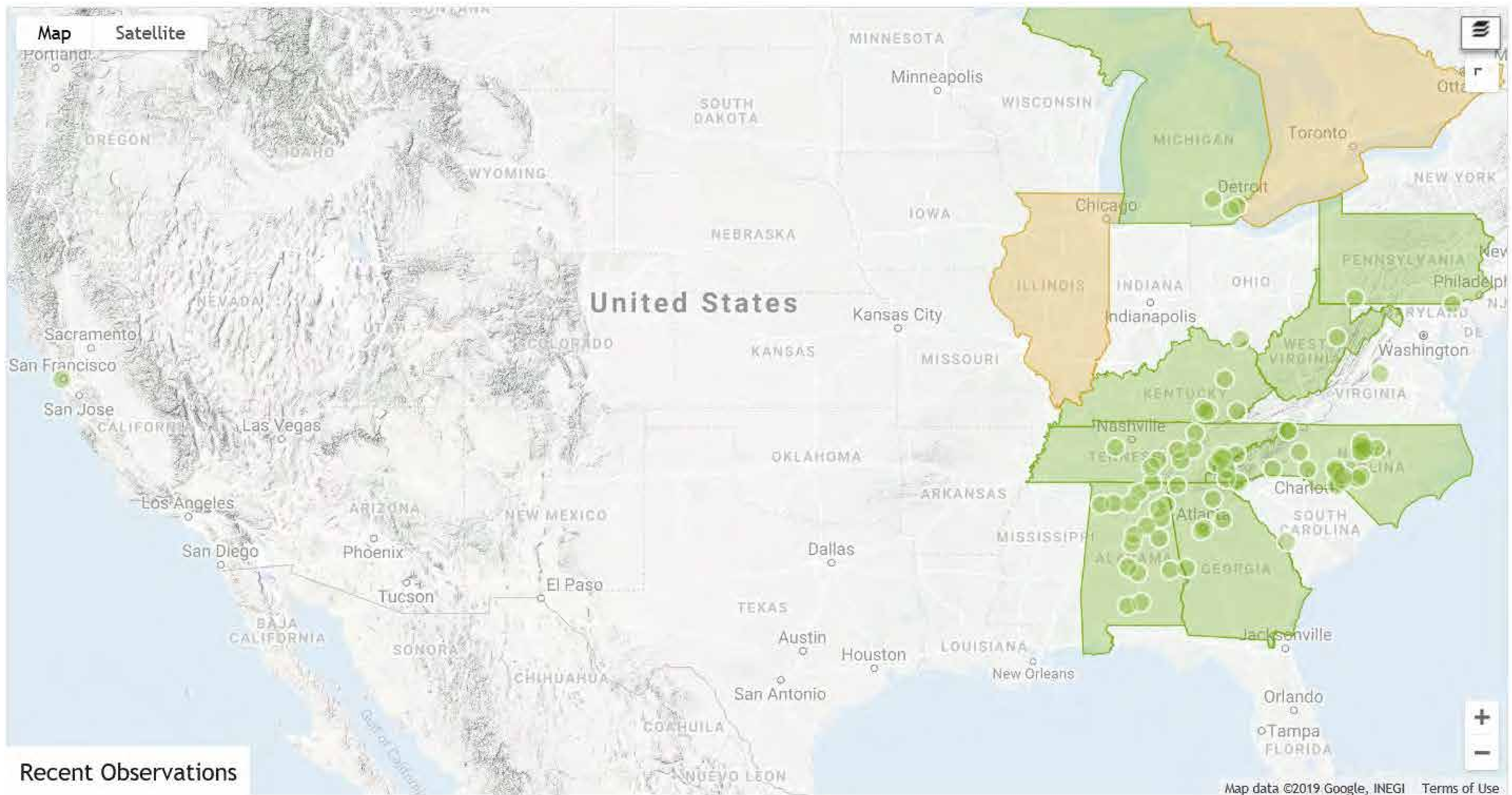
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Sparganium androcladum

