

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE

ENVIRONMENTAL SERVICES DIVISION

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R3-3-102 | |
| Table 1 | Amend |
| R3-3-1101 | Amend |
| R3-3-1102 | Amend |
| R3-3-1103 | Amend |
| R3-3-1104 | Amend |
| R3-3-1105 | Amend |
| R3-3-1106 | Amend |
| R3-3-1107 | Amend |
| R3-3-1108 | Amend |
| R3-3-1109 | Amend |
| R3-3-1110 | Amend |
| R3-3-1111 | Repeal |
| Appendix A. | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
- Authorizing statute: A.R.S. §§ 3-107(A)(1), 41-1073
- Implementing statutes: A.R.S. §§ 3-903(B), 3-904(C), 3-905(C), 3-906(D), 3-908(E), 3-910(B), 3-911(C), 3-912, and 3-913
- 3. The effective date of the rules**
- Sixty days after the rules are filed in the office of the Secretary of State.
- 4. A list of all previous notices appearing in the Register addressing the final rules:**

Notice of Rulemaking Docket Opening: 13 A.A.R. 4045, November 16, 2007

Notice of Proposed Rulemaking: 13 A.A.R. 3970, November 16, 2007

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carlos Ramirez, Rules Analyst
Address: Arizona Department of Agriculture
1688 West Adams
Phoenix, Arizona 85007
Telephone Number: (602) 542-0962
Fax Number: (602) 542-5420
E-mail: cramirez@azda.gov

6. An explanation of the rules, including the agency's reasons for initiating the rules:

The rulemaking clarifies requirements under Native Plant provisions of the Environmental Services Division.

The rulemaking updates scientific names, definitions and makes the rules consistent with current practices. The legislature annually appropriates funding for this program from the Native Plant fund which is categorized as an "other" appropriated fund. Although the appropriation amount has not increased, the amount of money in this fund has dropped significantly to the point of having to make precision payments of expenses to coincide with when adequate deposits have been made. This rulemaking slightly increases the fees to address some of those costs.

In addition, the rulemaking simplifies and clarifies the permitting process. This allows for the movement of smaller plants which routinely would be bulldozed over, to save them from destruction. The time-frames associated with permitting have also been changed to be consistent between types of permits. In most cases these times have been made more reasonable to allow sufficient time for adequate processing.

Furthermore, non-commercial native plant permits have been defined, which should also help to conserve the number of native plants. A process has been introduced with this rulemaking for situations where a person may want to donate protected native plants.

The language has also been updated to conform to rulemaking format and style requirements of the Council, the Office of the Secretary of State, and the Administrative Procedure Act.

7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of and justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

A. *The Arizona Department of Agriculture.*

The Department will incur modest expenses related to training staff and educating the regulated community on the amendment.

B. *Political Subdivision.*

Other than the Department, no political subdivision is affected by this rulemaking.

C. *Businesses Directly Affected By the Rulemaking.*

The regulated community will incur a slight increase in fees. Additionally, native plant licensees will need to become aware of the recodification and subsequent movement of the related licensing time-frames from the Plant Services Division to the Environmental Services Division.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Nonsubstantive grammatical and content changes suggested by the Department's Assistant AG.

11. A summary of the comments made regarding the rule and the agency response to them:

The Department has not received any comments regarding the proposed rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Were the rules previously made as emergency rules?

No

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE

ENVIRONMENTAL SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

Section

R3-3-102. Licensing Time-frames

Table 1. Time-frames (Calendar Days)

ARTICLE 11. ARIZONA NATIVE PLANTS

Section

R3-3-1101. Definitions

R3-3-1102. Protected Native Plant Destruction by a Private Landowner

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

R3-3-1104. Protected Native Plant Permits; Tags; Seals; Fees

R3-3-1105. Scientific Permits; Noncommercial Salvage Permits

R3-3-1106. Protected Native Plant Surveys; Fee

R3-3-1107. Movement Permit; Tags, ~~Metal~~ Seals, and Cord Use

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants

R3-3-1109. Arizona Native Plant Law Education

R3-3-1110. Permit Denial, ~~Revocation, and Suspension~~

R3-3-1111. Confiscation of Plants, Plant Parts, Wood, Fiber, or Artifacts as Evidence

Appendix A. Protected Native Plants By ~~Categories~~ Category

ARTICLE 1. GENERAL PROVISIONS

R3-3-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
 - 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
 - 2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
 - 3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 - 1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
 - 2. The Department shall issue a written notice granting or denying a license within the substantive

review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant’s right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time- frame
Regulated Grower Permit	A.R.S. § 3-363	14	14	56	14	70
Seller Permit	A.R.S. § 3-363	14	14	56	14	70
Agricultural Aircraft Pilot License	A.R.S. § 3-363	14	14	56	14	70
Custom Applicator License	A.R.S. § 3-363	14	14	63	14	77
Application Equipment Tag	A.R.S. § 3-363	14	14	56	14	70
Agricultural Pest Control Advisor (PCA) License	A.R.S. § 3-363	14	14	63	14	77
Commercial Applicator Certification	A.R.S. § 3-363	14	14	63	14	77
Private Applicator Certification	A.R.S. § 3-363	14	14	63	14	77

Private Fumigation Certification	A.R.S. § 3-363	14	14	63	14	77
Experimental Use Permit	A.R.S. § 3-350.01	14	14	28	14	42
Pesticide Registration	A.R.S. § 3-351	14	14	-91	14	105
License to Manufacture or Distribute Commercial Feed	A.R.S. § 3-2609	14	14	42	14	56
Commercial Fertilizer License	A.R.S. § 3-272	14	14	42	14	56
Specialty Fertilizer Registration		14	14	56	14	70
Agricultural Safety Trainer Certification	A.R.S. § 3-3125	28	14	28	14	56
ARIZONA NATIVE PLANTS						
Notice of Intent Confirmation Notice of Intent	A.R.S. § 3-904	7 <u>14</u>	14	7 <u>14</u>	14	14 <u>28</u>
• Salvage Assessed Native Plant Permits	A.R.S. § 3-906	5 <u>14</u>	14	5 <u>14</u>	14	10 <u>28</u>
• Salvage Restricted Native Plant Permits		5 <u>14</u>	14	5 <u>14</u>	14	10 <u>28</u>
• Scientific Permits		14	14	14	14	28
Movement Permits	A.R.S. § 3-906	5 <u>14</u>	14	5 <u>14</u>	14	10 <u>28</u>

Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907	5-14	14	5-14	14	10-28
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ARTICLE 11. ARIZONA NATIVE PLANTS

R3-3-1101. Definitions

In addition to the definitions ~~provided~~ in A.R.S. § 3-901, the following terms apply to this Article:

“Agent” means a person authorized to manage, represent, and act for a landowner.

“Certificate of inspection for interstate shipments” means a certificate to transport protected native plants out of the state.

“Conservation” means prevention of exploitation, destruction, or neglect of native plants while helping to ensure continued public use.

~~2:~~ “Cord” means a specific type string or small rope issued by the Department for attaching tags and seals to protected native plants.

“Cord of wood” means a measurement of firewood equal to 128 cubic feet.

“Department” means the Arizona Department of Agriculture.

~~3:~~ “Destroy” means to cause the death of any protected native plant.

“Harvest restricted native plant permit” means a permit required to remove the by-products, fibers, or wood from a native plant listed in Appendix A, subsection (D).

4: “Landowner” means a person who holds title to a parcel of land.

“Noncommercial salvage permit” means a permit required for the noncommercial salvage of a highly safeguarded native plant.

~~5:~~ “Original growing site” means a place where a plant is growing wild and is rooted to the ground or any property owned by the same landowner where a protected native plant is relocated or transplanted without an original transportation permit.

~~6:~~ “Permittee” means any person who is issued a ~~valid~~ permit by the Department for removing and transporting protected native plants.

~~7. “Pincushion” means any coryphantha or mammillaria *Coryphantha* spp. or *Mammillaria* spp. cactus and for purposes of assessing tag fees in R3-3-1104(D)(E) includes any protected plant 8” inches in height or less.~~

8. “Protected native plant” means any living plant or plant part listed in Appendix A and growing wild in Arizona.

“Protected native plant tag” means a tag issued by the Department to identify the lawful removal of a protected native plant, other than a saguaro cactus, from its original growing site.

~~12. “White Saguaro tag” means a white tag issued by the Department to identify any a saguaro cactus being lawfully moved from its original growing site.~~

“Salvage assessed native plant permit” means a permit required to remove a native plant listed in Appendix A, subsection (C).

“Salvage restricted native plant permit” means a permit required to remove a native plant listed in Appendix A, subsection (B).

~~9. “Scientific collection permit” means a permit required to remove a native plant for a controlled experimental project of protected native plants conducted by a qualified individuals person.~~

10. “Securely affixed tie” means to fasten in a tight and secure manner to prevent the removal of tags, seals, or cord for reuse.

“Small Native Plant” means any protected plant eight inches in height or less.

~~11. “Survey” means the process by which a parcel of land is examined for the presence of protected native plants. a. A simple survey determines only whether protected native plants are present. b. A complete survey establishes the kind and number of each species present.~~

~~13. “Yellow tag” means a yellow tag issued by the Department to identify any protected native plant, except a saguaro cactus, being moved from its original growing site.~~

“Wood receipt” means a receipt issued by the Department to identify the lawful removal of a protected native plant harvested for fuel, being removed from its original growing site.

R3-3-1102. Protected Native Plant Destruction by a Private Landowner

A. ~~Department notification~~ Notice of intent

1. Before ~~any~~ a protected native plant is destroyed, the private landowner shall ~~submit~~ provide the following information to the Department on a ~~Notice of Intent~~ form obtained from the Department:
 - a. ~~The name~~ Name, address, and telephone number of the landowner;
 - b. ~~The name~~ Name, address, and telephone number of the landowner's agent, ~~if the landowner is not a resident of this state or is otherwise unavailable~~ applicable;
 - c. ~~The most recent tax parcel identification number or other tax assessment, or document indicating land ownership~~ Valid documentation indicating land ownership, including but not limited to a parcel identification number, tax assessment, or deed;
 - d. ~~A legal~~ Legal description, ~~assessor's parcel number~~, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
 - e. ~~The earliest~~ Earliest date of ~~the~~ plant destruction; and
 - f. ~~The landowner's intentions~~ Landowner's intent for the disposal or salvage of protected native plants on the private land.
 2. A landowner ~~who will~~ intending to destroy protected native plants ~~over~~ on an area of less than one acre may ~~orally~~ submit the information required in subsection (A)(1) to the Department verbally.
- B.** A landowner shall not destroy ~~any~~ a protected native ~~plants~~ plant until:
- ~~a~~ 1. The landowner receives a written confirmation notice is received from the Department, and
 2. ~~the time prescribed under A.R.S. § 3-904(A) (3) has elapsed.~~ Notice is given to the Department within the following minimum time periods:
 - a. Twenty days before the plants are destroyed over an area of less than one acre.
 - b. Thirty days before the plants are destroyed over an area of one acre or more but less than 40 acres.
 - c. Sixty days before the plants are destroyed over an area of forty acres or more.
- C.** ~~Any~~ The Department shall provide a salvage operator or other interested person ~~may obtain protected native plant destruction notice information by providing that~~ with a copy of a notice of intent submitted

under this Section upon receipt of the private landowner's ~~person's~~ name, address, and telephone number, and ~~payment of an annual non-refundable \$25.00~~ \$25 nonrefundable fee.

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

A. A state agency ~~intending to remove or destroy protected native plants~~ shall notify the Department, under A.R.S. § 3-905, and ~~may dispose of protected native plants using any of the following methods:~~ shall propose a method of disposal from the following list:

1. The plants may be sold at a public auction;
2. The plants may be relocated or transported to a different location on the same property or to another property owned by the state, without obtaining a permit;
- ~~3. The state agency may obtain permits for removal of the plants for revegetation projects;~~
- ~~4~~ 3. The plants may be donated to ~~scientific, educational, and charitable institutions;~~ nonprofit organizations as provided in A.R.S. § 3-916;
- ~~5~~ 4. The plants may be donated to ~~other~~ another state ~~agencies~~ agency or political ~~subdivisions~~ subdivision, without obtaining a permit; or
- ~~6~~ 5. The plants may be salvaged or harvested by ~~the~~ a member of the general public or a commercial ~~dealers.~~ dealer, if the person holds a permit as provided under A.R.S. §§ 3-906 or 3-907.

B. If the plants are highly safeguarded native plants, they shall first be made available to the holder of a scientific permit or a noncommercial salvage permit.

R3-3-1104. Protected Native Plant Permits; Tags; Seals; Fees

A. A person shall not collect, transport, possess, sell, offer for sale, dispose, or salvage protected native plants unless that person is 18 years of age or older and ~~holds a~~ possesses an appropriate permit.

B. ~~A permit~~ An applicant shall submit the following information to the Department on a form obtained from the Department, as, if applicable:

1. ~~The name~~ Name, business name, address, telephone number, ~~social security~~ Social Security number or tax identification number, and signature of the applicant;
2. ~~The name~~ Name and number of plants to be removed;
3. ~~The purpose~~ Purpose of the plant removal;

4. Whether the applicant has a conviction for a violation of a state or federal statute regarding the protection of native plants within the previous five years;
5. Except for salvage assessed native plants;
 - a. ~~The name,~~ Name, address, telephone number, and signature of the landowner;
 - b. ~~The location~~ Location of the permitted site and size of acreage;
 - c. ~~The destination~~ Destination address where the plants will be transplanted;
 - d. ~~The legal~~ Legal and physical description of the location of the original growing site; and
 - e. ~~The more recent tax parcel~~ Parcel identification number ~~available~~ for the permitted site; or other ~~tax assessment~~ documents ~~indicating~~ proving land ownership.

C. Permit fees.

1. ~~Any~~ A person removing and transporting protected native plants shall submit the following applicable fee to the Department with the permit application:
 - a. Salvage assessed native plant permit, annual use, ~~\$25.00~~ \$35;
 - b. Harvest restricted native plant permit, annual use, ~~\$25.00~~ \$35;
 - c. All other native plant permits, one-time use, ~~\$5.00~~ \$7;
 - d. Certificate of inspection for interstate shipments, \$15.
2. Exemptions. ~~The following protected~~ Protected native plants are exempt from fees if:
 - a. The protected native plants intended for personal use by a landowner are taken from one piece of land owned by the landowner to another piece of land also owned by the landowner, remain on the property of the landowner, and are not sold or offered for sale;
 - b. The protected native plants are collected for scientific purposes; or
 - c. A landowner donates the protected native plant to a scientific, educational, or charitable institution.

D. Tag and harvesting fees.

1. Any person obtaining a ~~white~~ saguaro tag or ~~yellow~~ other protected native plant tag or receipt shall submit the following applicable fee to the Department at the time ~~the~~ a tag is obtained:
 - a. Saguaro, ~~\$6.00~~ \$8 per plant;
 - b. Trees cut for firewood and listed in the harvest restricted category, ~~\$4.00~~ \$6 per cord of wood;

- c. ~~Pincushion~~, Small native plant, \$.50 per plant;
 - d. All Any other protected native ~~plants~~ plant referenced in A.R.S. § 3-903(B) and (C) and listed in Appendix A, ~~\$4.00~~ \$6 per plant.
2. ~~Harvested restricted native plants, of~~ The fee for harvesting *nolina* and/or *yucca* parts is \$4.00 \$6 per ton. Payment shall be made to the Department in the following manner:
- a. Unprocessed *nolina* or *yucca* fiber shall be weighed on a state-certified bonded scale; and
 - b. The harvester shall submit payment and weight certificates to the Department no later than the tenth day of the month following each harvest.
- E. Seal fees. A person obtaining a seal shall submit a \$.15 per plant fee to the Department at the time a seal is obtained.
- F. Salvage assessed native plant permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.

R3-3-1105. Scientific Permits; Noncommercial Salvage Permits

A. Scientific Permit

- 1. A person shall not collect any highly safeguarded or other protected native plants for a research projects project unless that person holds a scientific permit.
- ~~B 2. A permit~~ An applicant shall submit the following information to the Department: on a form obtained from the Department:
 - 1 ~~a. The name~~, Name, address, and telephone number of the company or research facility applying for the permit;
 - 2 ~~b. The name~~ Name, ~~and title~~ and experience of the person conducting the research project;
 - 3 ~~c. The purpose~~ Purpose and intent of the research project;
 - 4 ~~The results of the research, whether the results will be published, and the media used to publish the results;~~
 - 5 ~~d. The controls~~ Controls to be used;
 - 6 ~~e. The variables~~ Variables to be considered;
 - 7 ~~f. The length of time~~ Time-frame for the project will take;
 - 8 ~~g. The expected~~ Anticipated results and plans for publication;

- 9 h. Reports ~~The type of reports~~ and recordkeeping that will be used to monitor the project;
 - 10 i. Project funding source; ~~The type of funding that will be used;~~
 - 11 j. Funding ~~The funding~~ of the company or research facility;
 - 12 k. Written authorization from the landowner ~~The written approval~~ for collection of the plants ~~from the legal owner;~~
 - 13 l. Date ~~The date~~ of the application; ~~and~~
 - 14 m. Signed affirmation by the applicant ~~The signature of the person authorized on behalf of the company or research facility affirming~~ that the plants collected will not be sold or used for personal interests; and
 - n. Tax identification number, or if applicant is an individual, a Social Security number.
- C** 3. Scientific research permits ~~A scientific permit shall be issued if all of the applicant provides documentation that demonstrates the following are met:~~
- 1 a. The native plant removal site is restored to a natural appearance and the site restoration is approved by the site owner; A plan, pre-approved by the landowner, to restore the removal site to a natural appearance;
 - 2. b. The removal and movement of the native plants are shall be accomplished by a person equipped and experienced in native plant removal and transplantation;
 - 3. c. The native plants used in the project are shall remain accessible to the scientific community and state and local regulatory agencies- Department;
 - 4. d. The ecology of the project site is beneficial to the growth of the specific plants in the project if practical;
 - 5. e. Arrangements are made exist for a suitable permanent planting site for the surviving plants after the project's completion; and
 - 6. f. Security is provided at the project site to prevent the destruction or theft of native plants used in the research. Description of plant disposition and research hypothesis.
- D** 4. Scientific permits are ~~A scientific permit is valid for the calendar year in which they are it is~~ issued.

B. Noncommercial salvage permit:

1. Highly safeguarded native plants may only be collected for conservation by a person holding a noncommercial salvage permit.
2. An applicant shall submit the following information to the Department, on a form obtained from the Department:
 - a. Name, address, and telephone number of the applicant applying for the permit;
 - b. Proposed relocation site for the plants;
 - c. Written authorization from the landowner for collection of the plants;
 - d. Date of the application; and
 - e. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
3. A noncommercial salvage permit shall be issued if all of the following conditions are met through documentation provided to the Department:
 - a. The native plants used in the project shall be accessible to the Department after transplant;
and
 - b. The relocation site is beneficial to the growth of the specific plants in the project.
4. A noncommercial salvage permit is valid only for the transportation and the transplantation of the particular native plant.

R3-3-1106. Protected Native Plant ~~Surveys;~~ Survey Fee

- ~~A. Except for permits issued for salvage assessed native plants, any person harvesting protected native plants shall conduct a survey and provide a written report to the Director of the plant survey results before a permit is issued.~~
- ~~B. The landowner, permittee, or agent may conduct the survey or request that the survey be conducted by the Department.~~
 1. ~~If the landowner, permittee, or agent conducts the survey, the following information shall be completed on a survey form furnished by the Department:~~
 - a. ~~The name, address, telephone number, and signature of the landowner, permittee, or agent performing the survey;~~
 - b. ~~The date the survey is performed;~~

~~e. The survey results including the names and numbers of plants.~~

~~A. 2. Upon request, If the Department may conducts the conduct a native plant survey, the survey shall be completed within 20 working days. Upon completion, the Department shall notify the landowner, permittee, or agent individual who made the request of:~~

~~a 1. The date the survey was performed;~~

~~b 2. The amount of the survey fee payable to the Department;~~

~~c 3. The name of Department personnel performing the survey;~~

~~d 4. Upon payment, the The survey results including the names and numbers of protected native plants.~~

~~C B. The following fees for a Department conducted survey shall be paid A person who requests a native plant survey shall pay the survey fee to the Department within 30 days from the date of the notification. The survey fee shall be based on time and travel expenses, except that no fee shall be charged for a determination of whether protected species exist on the land.~~

~~1. Simple survey, no fee;~~

~~2. Complete survey, includes time and travel, as prescribed under A.R.S. §§ 38-611(B) and 38-623(C) and (D).~~

R3-3-1107. Movement Permit Permits; Tags, Metal Seals, and Cord Use

A. Any person moving a protected native plant, except a saguaro cactus, previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the plant is being moved shall provide the following information on the permit application:

1. The name, telephone number, and signature of the landowner;

2. The location of the plant;

3. The name, address, and telephone number of the receiver;

4. The name, address, and telephone number of the carrier;

5. The number, species, and description of the plant being removed;

6. The tax parcel identification number; and

7. The date of the application.

B. Any person moving a saguaro cactus over four feet tall previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the saguaro cactus is being moved shall provide the following information on the permit application, unless the applicant maintains a record of the original permit or verifies the Department has a record of a previous legal movement of the cactus by the applicant.

1. The name, telephone number, and signature of the landowner;
2. The address where the saguaro cactus is located;
3. The name, address, and telephone number of the receiver;
4. The name, address, and telephone number of the carrier;
5. The number, species, and description of the plant being removed;
6. The tax parcel identification number of the property where the saguaro cactus is being moved; and
7. The date of the application.

C. Movement of protected native plants obtained outside Arizona.

1. Any person moving a protected native plant obtained outside Arizona and transporting and planting it within the state shall declare the protected native plant at the agricultural inspection station nearest the port of entry. The Department shall place the protected native plant under “Warning Hold” to the nearest ~~district~~ permitting office.
2. If ~~no~~ an agricultural station is not in operation at the port of entry, the person shall declare the protected native plant at the nearest ~~district~~ permitting office during normal office hours.
3. After the plants have been declared, the ~~district~~ permitting office shall issue a Movement Permit and a ~~green~~ seal.

€ D. Any person moving protected native plants shall obtain, ~~at cost,~~ the following ~~metal~~ seals ~~or tags~~ from the Department and securely attach the appropriate seal to each protected native plant:

1. ~~Blue~~ Protected native plant seals identify protected native plants, except saguaro cacti, that will be moved from locations that are not the original growing sites.
2. ~~White~~ seals identify the protected saguaro cactus.
3. ~~Green~~ Imported seals identify all imported protected native plants.

- ~~4. Yellow seals identify all protected native plants, except imported protected native plants and the protected saguaro cactus.~~

D E. Tag, ~~metal~~ seal, and cord attachment.

- ~~1. A tag shall be attached~~ A permittee shall attach a tag to each protected native plant taken from its original growing site, using cord provided by the Department, before ~~being transported~~ transport. No other type of rope, string, twine, or wire is allowed.
- ~~2. The cord shall be securely affixed~~ tied around the plant, ~~and knotted with~~ the tag attached so that it cannot be removed without breaking the seal or cutting the cord.
- ~~3. The tag shall be placed directly over the knot in the cord and the ends pressed firmly together sealing the knot so that it cannot be removed for reuse.~~
- ~~3~~ 4. The ~~metal~~ protected native plant seal shall be placed directly over the knot and snapped firmly closed, sealing the knot.
- ~~5. The imported seal shall be attached directly to the plant.~~
- ~~4~~ 6. Upon loading the plant, every effort shall be made to ~~make~~ allow visibility of the tag ~~visible~~ during ~~transporting~~ transport.

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants

A. ~~Harvest restricted native plants.~~

- ~~1. Unprocessed *nolina* and *yucca* fiber shall be weighed at a state certified bonded scale;~~
- ~~2. The harvester shall submit payment and weigh certificates to the Department no later than the 10th day of the month following each harvest.~~

B. ~~Recordkeeping.~~

~~1. Salvage Assessed Native Plants.~~

- ~~a~~ 1. A permittee shall maintain a record of each protected native plant removed under an annual permit for two years from the date of each transaction and allow Department inspection of the records during normal business hours. The transaction record shall include the date salvage restricted protected native plants were removed; and the permit and tag numbers.
- ~~b~~ 2. ~~Before~~ Annually, by January 31, ~~the~~ a permittee shall submit to the Department a copy of each transaction record for the prior calendar year.

~~2~~ **B.** Harvest Restricted Native Plants. ~~No later than the 10th day of each month, a~~ A permittee shall submit to the Department by the tenth day of each month the transaction records for ~~transactions that took place~~ the previous month, or a written statement that no ~~transaction was~~ transactions were conducted for that month.

R3-3-1109. Arizona Native Plant Law Education

- ~~A.~~ Seminars ~~The Department may schedule seminars and training courses shall be scheduled~~ on an as-needed basis.
- B.** In addition to the following fees, charges for printed materials or pamphlets shall be assessed based upon ~~the document~~ printing and mailing costs:
1. ~~Any~~ A person attending a seminar or training course ~~in~~ on Arizona native plant law shall pay a nonrefundable fee of ~~\$5.00~~ \$10 to the Department before attending the class.
 2. ~~Any~~ A person convicted of violating ~~the~~ Arizona native plant ~~statutes or rules~~ laws and ordered by a court to attend a native plant ~~law~~ educational class shall pay a nonrefundable fee of ~~\$15.00~~ \$25 to the Department before attending the class. The Department shall provide written confirmation of satisfactory completion to a person ordered by a court to attend a class.
 3. ~~Schools, law enforcement agencies, and government entities are exempt from seminar and training course fees.~~
- ~~C.~~ ~~The Department shall provide written confirmation of satisfactory completion to any person ordered by a court to attend the class.~~

R3-3-1110. Permit Denial, Revocation, and Suspension

- ~~A.~~ In addition to the prohibited acts listed in ~~A.R.S. § 3-908(A)~~, the Director may deny, revoke, or suspend a permit for any of the following:
1. ~~A violation of 3 A.R.S. 7; 3 A.A.C. 3, Article 11; or any federal native plant law;~~
 2. ~~Misuse of a permit, tag, or metal seal;~~
 3. ~~Failure of an applicant or permittee to submit a complete and accurate permit application or a transaction report; and~~
 4. ~~Failure to allow the Department to inspect transaction records.~~

- ~~B.~~ Upon notice of denial of a permit, an ~~The applicant or permittee~~ may request, in writing, that the Department provide an administrative hearing under ~~41~~ A.R.S. Title 41, Chapter 6, Article 10, to appeal ~~any~~ the ~~denial, revocation, or suspension of a permit.~~

R3-3-1111. Confiscation of Plants, Plant Parts, Wood, Fiber, or Artifacts as Evidence

- A. Following any determination by a court or the Department that a native plant law has been violated, all protected native plants, plant parts, wood, fiber, or artifacts confiscated and held as evidence shall become the property of the state, unless the court or the Department orders otherwise.
- B. All confiscated evidence that becomes the property of the state shall be disposed of by the Department.

Appendix A.

Protected Native Plants By ~~Categories~~ Category

- A. ~~Highly Safeguarded Protected Native Plants. The following list includes those species of native plants and parts of plants, including the seeds and fruit, whose prospects for survival in Arizona are in jeopardy or which are in danger of extinction. Highly safeguarded native plants as prescribed in A.R.S. § 3-903(B)(1), for which removal is not allowed except as provided in R3-3-1105:~~

AGAVACEAE Agave Family (~~including Nolinaceae~~)

Agave arizonica Gentry & Weber–Arizona agave

Agave delamateri Hodgson & Slauson

Agave murpheyi Gibson–Hohokam agave

Agave parviflora Torr.–Santa Cruz striped agave, Small-flowered agave

Agave phillipsiana Hodgson

Agave schottii Engelm. var. *treleasei* (Toumey) Kearney & Peebles

APIACEAE Parsley Family. [= Umbelliferae]

Lilaeopsis schaffneriana (Schlecht.) Coult. & Rose ssp. *recurva* (A. W. Hill) Affolter–
Cienega false rush, Huachuca water umbel.

Syn.: *Lilaeopsis recurva* A. W. Hill

APOCYNACEAE Dogbane Family

Amsonia kearneyana Woods.–Kearney’s bluestar

Cycladenia humilis Benth. var. *jonesii* (Eastw.) Welsh & Atwood–Jones’ cycladenia

ASCLEPIADACEAE Milkweed Family

Asclepias welshii N. & P. Holmgren–Welsh’s milkweed

ASTERACEAE Sunflower Family [= Compositae]

Erigeron lemmonii Gray–Lemmon fleabane

Erigeron rhizomatus Cronquist–Zuni fleabane

Senecio franciscanus Greene–San Francisco Peaks groundsel

Senecio huachucanus Gray–Huachuca groundsel

BURSERACEAE Torch Wood Family

Bursera fagaroides (H.B.K.) Engler–Fragrant bursera

CACTACEAE Cactus Family

Carnegiea gigantea (Engelm.) Britt. & Rose– Saguaro: ‘Crested’ or ‘Fan-top’ form ~~only~~

Syn.: *Cereus giganteus* Engelm.

Coryphantha recurvata (Engelm.) Britt. & Rose– Golden-chested beehive cactus

Syn.: *Mammillaria recurvata* Engelm.

Coryphantha robbinsorum (W. H. Earle) A. Zimmerman–Cochise pincushion cactus,

Robbin’s cory cactus.

Syn.: *Cochiseia robbinsorum* W.H. Earle

Coryphantha scheeri (Kuntze) L. Benson var. *robustispina* (Schott) L. Benson–Scheer’s

strong-spined cory cactus.

Syn.: *Mammillaria robustispina* Schott

Echinocactus horizonthalonius Lemaire var. *nicholii* L. Benson–Nichol’s Turk’s head cactus

Echinocereus triglochidiatus Engelm. var. *arizonicus* (Rose ex Orcutt) L. Benson–Arizona hedgehog cactus

Echinomastus erectocentrus (Coult.) Britt. & Rose var. *acunensis* (W.T. Marshall) L. Benson–Acuna cactus

Syn.: *Neolloydia erectocentra* (Coult.) L. Benson var. *acunensis* (W. T. Marshall) L.

Benson

Pediocactus bradyi L. Benson–Brady’s pincushion cactus

Pediocactus paradinei B. W. Benson–Paradine plains cactus

Pediocactus peeblesianus (Croizat) L. Benson var. *fickeiseniae* L. Benson

Pediocactus peeblesianus (Croizat) L. Benson var. *peeblesianus* Peebles’ Navajo cactus, Navajo plains cactus

Syn.: *Navajoa peeblesiana* Croizat

Pediocactus sileri (Engelm.) L. Benson–Siler pincushion cactus

Syn.: *Utahia sileri* (Engelm.) Britt. & Rose

COCHLOSPERMACEAE Cochlospermum Family

Amoreuxia gonzalezii Sprague & Riley

CYPERACEAE Sedge Family

Carex specuicola J. T. Howell–Navajo sedge

FABACEAE Pea Family [=Leguminosae]

Astragalus cremnophylax Barneby var. *cremnophylax* Sentry milk vetch

Astragalus holmgreniorum Barneby–Holmgren milk-vetch

Dalea tentaculoides Gentry–Gentry indigo bush

LENNOACEAE Lennoa Family

Pholisma arenarium Nutt.–Scaly-stemmed sand plant

Pholisma sonora (Torr. ex Gray) Yatskievych– Sandfood, sandroot

Syn.: *Ammobroma sonora* Torr. ex Gray

LILIACEAE Lily Family

Allium gooddingii Ownbey–Goodding’s onion

ORCHIDACEAE Orchid Family

Cypripedium calceolus L. var. *pubescens* (Willd.) Correll–Yellow lady’s slipper

Hexalectris warnockii Ames & Correll–Texas purple spike

Spiranthes delitescens C. Sheviak

POACEAE Grass Family [=Gramineae]

Puccinellia parishii A.S. Hitchc.–Parish alkali grass

POLYGONACEAE Buckwheat Family

Rumex orthoneurus Rech. f.

PSILOTACEAE Psilotum Family

Psilotum nudum (L.) Beauv. Bush Moss, Whisk Fern

RANUNCULACEAE Buttercup Family

Cimicifuga arizonica Wats.–Arizona bugbane

Clematis hirsutissima Pursh var. *arizonica* (Heller) Erickson–Arizona leatherflower

ROSACEAE Rose Family

Purshia subintegra (Kearney) J. Hendrickson–Arizona cliffrose, Burro Creek cliffrose

Syn.: *Cowania subintegra* Kearney

SALICACEAE Willow Family

Salix arizonica Dorn–Arizona willow

SCROPHULARIACEAE Figwort Family

Penstemon discolor Keck–Variegated beardtongue

- B. ~~Salvage Restricted Protected Native Plants.~~ The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to damage by theft or vandalism. Salvage restricted native plants as prescribed in A.R.S. § 3-903(B)(2) that require a permit**

for removal. In addition to the plants listed under Agavaceae, Cactaceae, Liliaceae, and Orchidaceae, all other species in these families are salvage restricted protected native plants:

AGAVACEAE Agave Family (~~including Nolinaceae~~)

Agave chrysantha Peebles

Agave deserti Engelm. ssp. *simplex* Gentry—Desert agave

Agave mckelveyana Gentry

Agave palmeri Engelm.

Agave parryi Engelm. var. *couseii* (Engelm. ex Trel.) Kearney & Peebles

Agave parryi Engelm. var. *huachucensis* (Baker) Little ex L. Benson

Syn.: *Agave huachucensis* Baker

Agave parryi Engelm. var. *parryi*

Agave schottii Engelm. var. *schottii* – Shindigger

Agave toumeyana Trel. ssp. *bella* (Breitung) Gentry

Agave toumeyana Trel. ssp. *toumeyana*

Agave utahensis Engelm. spp. *kaibabensis* (McKelvey) Gentry

Syn.: *Agave kaibabensis* McKelvey

Agave utahensis Engelm. var. *utahensis*

~~*Dasyllirion wheeleri* Wats. Sotol, desert spoon~~

~~*Nolina bigelovii* (Torr.) Wats. Bigelow's nolina~~

~~*Nolina microcarpa* Wats. Beargrass, sacahuista~~

~~*Nolina parryi* Wats. Parry's nolina~~

~~*Nolina texana* Wats. var. *compacta* (Trel.) Johnst. Bunchgrass~~

Yucca angustissima Engelm. var. *angustissima*

Yucca angustissima Engelm. var. *kanabensis* (McKelvey) Reveal

Syn.: *Yucca kanabensis* McKelvey

Yucca arizonica McKelvey

Yucca baccata Torr. var. *baccata*–Banana yucca

Yucca baccata Torr. var. *vespertina* McKelvey

Yucca baileyi Woot. & Standl. var. *intermedia* (McKelvey) Reveal

Syn.: *Yucca navajoa* Webber

Yucca brevifolia Engelm. var. *brevifolia*–Joshua tree

Yucca brevifolia Engelm. var. *jaegeriana* McKelvey

Yucca elata Engelm. var. *elata*–Soaptree yucca, palmilla

Yucca elata Engelm. var. *utahensis* (McKelvey) Reveal

Syn.: *Yucca utahensis* McKelvey

Yucca elata Engelm. var. *verdiensis* (McKelvey) Reveal

Syn.: *Yucca verdiensis* McKelvey

Yucca harrimaniae Trel.

Yucca schidigera Roetzl.–Mohave yucca, Spanish dagger

Yucca schottii Engelm.–Hairy yucca

Yucca thornberi McKelvey

Yucca whipplei Torr. var. *whipplei*–Our Lord’s candle

Syn.: *Yucca newberryi* McKelvey

AMARYLLIDACEAE Amaryllis Family

Zephyranthes longifolia Hemsl.–Plains Rain Lily

ANACARDIACEAE Sumac Family

Rhus kearneyi Barkley–Kearney Sumac

ARECACEAE Palm Family [=Palmae]

Washingtonia filifera (Linden ex Andre) H. Wendl– California fan palm

ASTERACEAE Sunflower Family [=Compositae]

Cirsium parryi (Gray) Petrak ssp. *mogollonicum* Schaak

Cirsium virginensis Welsh–Virgin thistle

Erigeron kuschei Eastw.–Chiricahua fleabane

Erigeron piscaticus Nesom–Fish Creek fleabane

Flaveria macdougalii Theroux, Pinkava & Keil

Perityle ajoensis Todson–Ajo rock daisy

Perityle cochisensis (Niles) Powell–Chiricahua rock daisy

Senecio quaerens Greene–Gila groundsel

BURSERACEAE Torch-Wood Family

Bursera microphylla Gray–Elephant tree, torote

CACTACEAE Cactus Family

Carnegiea gigantea (Engelm.) Britt. & Rose–Saguaro

Syn.: *Cereus giganteus* Engelm.

Coryphantha missouriensis (Sweet) Britt. & Rose

Coryphantha missouriensis (Sweet) Britt. & Rose var. *marstonii* (Clover) L. Benson

Coryphantha scheeri (Kuntze) L. Benson var. *valida* (Engelm.) L. Benson

Coryphantha strobiliformis (Poselger) var. *orcuttii* (Rose) L. Benson

Coryphantha strobiliformis (Poselger) var. *strobiliformis*

Coryphantha vivipara (Nutt.) Britt. & Rose var. *alversonii* (Coult.) L. Benson

Coryphantha vivipara (Nutt.) Britt. & Rose var. *arizonica* (Engelm.) W. T. Marshall

Syn.: *Mammillaria arizonica* Engelm.

Coryphantha vivipara (Nutt.) Britt. & Rose var. *bisbeeana* (Orcutt) L. Benson

Coryphantha vivipara (Nutt.) Britt. & Rose var. *deserti* (Engelm.) W. T. Marshall

Syn.: *Mammillaria chlorantha* Engelm.

Coryphantha vivipara (Nutt.) Britt. & Rose var. *rosea* (Clokey) L. Benson

Echinocactus polycephalus Engelm. & Bigel. var. *polycephalus*

Echinocactus polycephalus Engelm. & Bigel. var. *xeranthemoides* Engelm. ex Coult.

Syn.: *Echinocactus xeranthemoides* Engelm. ex Coult.

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *acicularis* L. Benson

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *armatus* L. Benson

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *chrysocentrus* L. Benson

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *engelmannii*

Echinocereus engelmannii (Parry) Lemaire var. *variegatus* (Engelm.) Engelm. ex Rümpler

Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *fasciculatus*

Syn.: *Echinocereus fendleri* (Engelm.) Rümpler var. *fasciculatus* (Engelm. ex B. D. Jackson) N. P. Taylor, *Echinocereus fendleri* (Engelm.) Rümpler var. *robusta* L. Benson;
Mammillaria fasciculata Engelm.

Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *bonkeriae* (Thornber & Bonker) L. Benson.

Syn.: *Echinocereus boyce-thompsonii* Orcutt var. *bonkeriae* Peebles; *Echinocereus fendleri* (Engelm.) Rümpler var. *bonkeriae* (Thornber & Bonker) L. Benson

Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *boyce-thompsonii* (Orcutt) L. Benson

Syn.: *Echinocereus boyce-thompsonii* Orcutt

Echinocereus fendleri (Engelm.) Rümpler var. *boyce-thompsonii* (Orcutt) L. Benson

Echinocereus fendleri (Engelm.) Rümpler var. *fendleri*

Echinocereus fendleri (Engelm.) Rümpler var. *rectispinus* (Peebles) L. Benson

Echinocereus ledingii Peebles

Echinocereus nicholii (L. Benson) Parfitt.

Syn.: *Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *nicholii* L. Benson

Echinocereus pectinatus (Scheidw.) Engelm. var. *dasyacanthus* (Engelm.) N. P. Taylor

Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *neomexicanus* (Coult.) L. Benson

Echinocereus polyacanthus Engelm. (1848) var. *polyacanthus*

Echinocereus pseudopectinatus (N. P. Taylor) N. P. Taylor

Syn.: *Echinocereus bristolii* W. T. Marshall var. *pseudopectinatus* N. P. Taylor, *Echinocereus pectinatus* (Scheidw.) Engelm. var. *pectinatus sensu* Kearney and Peebles, Arizona Flora, and L. Benson, The Cacti of Arizona and The Cacti of the United States and Canada.

Echinocereus rigidissimus (Engelm.) Hort. F. A. Haage.

Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *rigidissimus* (Engelm.) Engelm. ex Rümpler– Rainbow cactus

Echinocereus triglochidiatus Engelm. var. *gonacanthus* (Engelm. & Bigel.) Boiss.

Echinocereus triglochidiatus Engelm. var. *melanacanthus* (Engelm.) L. Benson

Syn.: *Mammillaria aggregata* Engelm.

Echinocereus triglochidiatus Engelm. var. *mojavensis* (Engelm.) L. Benson

Echinocereus triglochidiatus Engelm. var. *neomexicanus* (Standl.) Standl. ex W. T. Marshall.

Syn.: *Echinocereus triglochidiatus* Engelm. var. *polyacanthus* (Engelm.

1859 non 1848) L. Benson

Echinocereus triglochidiatus Engelm. var. *triglochidiatus*

Echinomastus erectocentrus (Coult.) Britt. & Rose var. *erectocentrus*

Syn.: *Neolloydia erectocentra* (Coult.) L. Benson var. *erectocentra*

Echinomastus intertextus (Engelm.) Britt. & Rose Syn.: *Neolloydia intertexta* (Engelm.) L.

Benson

Echinomastus johnsonii (Parry) Baxter–Beehive cactus

Syn.: *Neolloydia johnsonii* (Parry) L. Benson

Epithelantha micromeris (Engelm.) Weber ex Britt. & Rose

Ferocactus cylindraceus (Engelm.) Orcutt var. *cylindraceus*–Barrel cactus

Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *acanthodes*

Ferocactus cylindraceus (Engelm.) Orcutt var. *eastwoodiae* (Engelm.) N. P. Taylor

Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *eastwoodiae* L.

Benson; *Ferocactus eastwoodiae* (L. Benson) L. Benson

Ferocactus cylindraceus (Engelm.) Orcutt. var. *lecontei* (Engelm.) H. Bravo

Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *leconti* (Engelm.) Lindsay;

Ferocactus lecontei (Engelm.) Britt. & Rose

Ferocactus emoryi (Engelm.) Orcutt–Barrel cactus

Syn.: *Ferocactus covillei* Britt. & Rose

Ferocactus wislizenii (Engelm.) Britt. & Rose–Barrel cactus

Lophocereus schottii (Engelm.) Britt. & Rose–Senita

Mammillaria grahamii Engelm. var. *grahamii*

Mammillaria grahamii Engelm. var. *oliviae* (Orcutt) L. Benson

Syn.: *Mammillaria oliviae* Orcutt

Mammillaria heyderi Mühlenpf. var. *heyderi*

Syn.: *Mammillaria gummifera* Engelm. var. *applanata* (Engelm.)

Benson

Mammillaria heyderi Mühlenpf. var. *macdougalii* (Rose) L. Benson

Syn.: *Mammillaria gummifera* Engelm. var. *macdougalii* (Rose) L.

Benson; *Mammillaria macdougalii* Rose

Mammillaria heyderi Mühlenpf. var. *meiacantha* (Engelm.) L. Benson

Syn.: *Mammillaria gummifera* Engelm. var. *meiacantha* (Engelm.) L.

Benson

Mammillaria lasiacantha Engelm.

Mammillaria mainiae K. Brand.

Mammillaria microcarpa Engelm.

Mammillaria tetrancistra Engelm.

Mammillaria thornberi Orcutt

Mammillaria viridiflora (Britt. & Rose) Bödeker.

Syn.: *Mammillaria orestra* L. Benson

Mammillaria wrightii Engelm. var. *wilcoxii* (Toumey ex K. Schumann) W. T. Marshall

Syn.: *Mammillaria wilcoxii* Toumey

Mammillaria wrightii Engelm. var. *wrightii*

Opuntia acanthocarpa Engelm. & Bigel. var. *acanthocarpa*–Buckhorn cholla

Opuntia acanthocarpa Engelm. & Bigel. var. *coloradensis* L. Benson

Opuntia acanthocarpa Engelm. & Bigel. var. *major* L. Benson

Syn.: *Opuntia acanthocarpa* Engelm. & Bigel var. *ramosa* Peebles

Opuntia acanthocarpa Engelm. & Bigel. var. *thornberi* (Thornber & Bonker) L. Benson

Syn.: *Opuntia thornberi* Thornber & Bonker

Opuntia arbuscula Engelm.–Pencil cholla

Opuntia basilaris Engelm. & Bigel. var. *aurea* (Baxter) W. T. Marshall–Yellow beavertail

Syn.: *Opuntia aurea* Baxter

Opuntia basilaris Engelm. & Bigel. var. *basilaris*– Beavertail cactus

Opuntia basilaris Engelm. & Bigel. var. *longiareolata* (Clover & Jotter) L. Benson

Opuntia basilaris Engelm. & Bigel. var. *treleasei* (Coult.) Toumey

Opuntia bigelovii Engelm.–Teddy-bear cholla

Opuntia campii ined.

Opuntia canada Griffiths (*O. phaeacantha* Engelm. var. *laevis* X *major* and *O. gilvescens* Griffiths).

Opuntia chlorotica Engelm. & Bigel.–Pancake prickly-pear

Opuntia clavata Engelm.–Club cholla

Opuntia curvospina Griffiths

Opuntia echinocarpa Engelm. & Bigel–Silver cholla

Opuntia emoryi Engelm.–Devil cholla

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *stanlyi*

Opuntia engelmannii Salm-Dyck ex Engelm. var. *engelmannii*–Engelmann’s prickly-pear

Syn.: *Opuntia phaeacantha* Engelm. var. *discata* (Griffiths) Benson &

Walkington

Opuntia engelmannii Salm-Dyck ex Engelm. var. *flavospina* (L.Benson) Parfitt & Pinkava

Syn.: *Opuntia phaeacantha* Engelm. var. *flavispina* L. Benson

Opuntia erinacea Engelm. & Bigel. var. *erinacea*–Mohave prickly-pear

Opuntia erinacea Engelm. & Bigel. var. *hystricina* (Engelm. & Bigel.) L. Benson

Syn.: *Opuntia hystricina* Engelm. & Bigel.

Opuntia erinacea Engelm. & Bigel. var. *ursina* (Weber) Parish–Grizzly bear prickly-pear

Syn.: *Opuntia ursina* Weber

Opuntia erinacea Engelm. & Bigel. var. *utahensis* (Engelm.) L. Benson

Syn.: *Opuntia rhodantha* Schum.

Opuntia fragilis Nutt. var. *brachyarthra* (Engelm. & Bigel.) Coult.

Opuntia fragilis Nutt. var. *fragilis*–Little prickly-pear

Opuntia fulgida Engelm. var. *fulgida*–Jumping chain-fruit cholla

Opuntia fulgida Engelm. var. *mammillata* (Schott) Coult.

Opuntia imbricata (Haw.) DC.–Tree cholla

Opuntia X kelvinensis V. & K. Grant pro sp.

Syn.: *Opuntia kelvinensis* V. & K. Grant

Opuntia kleiniae DC. var. *tetracantha* (Toumey) W. T. Marshall

Syn.: *Opuntia tetrancistra* Toumey

Opuntia kunzei Rose.

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *kunzei* (Rose) L.

Benson; *Opuntia kunzei* Rose var. *wrightiana* (E. M. Baxter) Peebles; *Opuntia wrightiana*

E. M. Baxter

Opuntia leptocaulis DC.—Desert Christmas cactus, Pencil cholla

Opuntia littoralis (Engelm.) Cockl. var. *vaseyi* (Coul.) Benson & Walkington

Opuntia macrocentra Engelm.—Purple prickly-pear

Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *macrocentra*

(Engelm.) L. Benson; *Opuntia violacea* Engelm. ex B. D. Jackson var.

violacea

Opuntia macrorhiza Engelm. var. *macrorhiza*—Plains prickly-pear

Syn.: *Opuntia plumbea* Rose

Opuntia macrorhiza Engelm. var. *pottsii* (Salm-Dyck) L. Benson

Opuntia martiniana (L. Benson) Parfitt

Syn.: *Opuntia littoralis* (Engelm.) Cockerell var. *martiniana* (L. Benson)

L. Benson; *Opuntia macrocentra* Engelm. var. *martiniana* L. Benson

Opuntia nicholii L. Benson—Navajo Bridge prickly-pear

Opuntia parishii Orcutt.

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *parishii* (Orcutt) L.

Benson

Opuntia phaeacantha Engelm. var. *laevis* (Coul.) L. Benson

Syn.: *Opuntia laevis* Coult.

Opuntia phaeacantha Engelm. var. *major* Engelm.

Opuntia phaeacantha Engelm. var. *phaeacantha*

Opuntia phaeacantha Engelm. var. *superbospina* (Griffiths) L. Benson

Opuntia polyacantha Haw. var. *juniperina* (Engelm.) L. Benson

Opuntia polyacantha Haw. var. *rufispina* (Engelm.) L. Benson

Opuntia polyacantha Haw. var. *trichophora* (Engelm. & Bigel.) L. Benson

Opuntia pulchella Engelm.—Sand cholla

Opuntia ramosissima Engelm.—Diamond cholla

Opuntia santa-rita (Griffiths & Hare) Rose—Santa Rita prickly-pear
 Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *santa-rita* (Griffiths & Hare) L. Benson

Opuntia spinosior (Engelm.) Toumey—Cane cholla

Opuntia versicolor Engelm.—Staghorn cholla

Opuntia vivipara Engelm

Opuntia whipplei Engelm. & Bigel. var. *multigeniculata* (Clokey) L. Benson

Opuntia whipplei Engelm. & Bigel. var. *whipplei*—Whipple cholla

Opuntia wigginsii L. Benson

Pediocactus papyracanthus (Engelm.) L. Benson Grama grass cactus
 Syn.: *Toumeyia papyracanthus* (Engelm.) Britt. & Rose

Pediocactus simpsonii (Engelm.) Britt & Rose var. *simpsonii*

Peniocereus greggii (Engelm.) Britt. & Rose var. *greggii*—Night-blooming cereus
 Syn.: *Cereus greggii* Engelm.

Peniocereus greggii (Engelm.) Britt & Rose var. *transmontanus*—Queen-of-the-Night

Peniocereus striatus (Brandege) Buxbaum.
 Syn.: *Neoevansia striata* (Brandege) Sanchez-Mejorada; *Cereus striatus* Brandege; *Wilcoxia diguetii* (Webber) Peebles

Sclerocactus parviflorus Clover & Jotter var. *intermedius* (Peebles) Woodruff & L. Benson
 Syn.: *Sclerocactus intermedius* Peebles

Sclerocactus parviflorus Clover & Jotter var. *parviflorus*
 Syn.: *Sclerocactus whipplei* (Engelm. & Bigel.) Britt. & Rose var. *roseus* (Clover) L. Benson

Sclerocactus pubispinus (Engelm.) L. Peebles

Sclerocactus spinosior (Engelm.) Woodruff & L. Benson

Syn.: *Sclerocactus pubispinus* (Engelm.) L. Benson var. *sileri* L. Benson

Sclerocactus whipplei (Engelm. & Bigel.) Britt. & Rose

Stenocereus thurberi (Engelm.) F. Buxbaum—Organ pipe cactus

Syn.: *Cereus thurberi* Engelm.; *Lemairocereus thurberi* (Engelm.) Britt. &
Rose

CAMPANULACEAE Bellflower Family

Lobelia cardinalis L. ssp. *graminea* (Lam.) McVaugh—Cardinal flower

Lobelia fenestralis Cav.—Leafy lobelia

Lobelia laxiflora H. B. K. var. *angustifolia* A. DC.

CAPPARACEAE Cappar Family [=Capparidaceae]

Cleome multicaulis DC.—Playa spiderflower

CHENOPODIACEAE Goosefoot Family

Atriplex hymenelytra (Torr.) Wats.

CRASSULACEAE Stonecrop Family

Dudleya arizonica (Nutt.) Britt. & Rose

Syn.: *Echeveria pulverulenta* Nutt. ssp. *arizonica* (Rose) Clokey

Dudleya saxosa (M.E. Jones) Britt. & Rose ssp. *collomiae* (Rose) Moran

Syn.: *Echeveria collomiae* (Rose) Kearney & Peebles

Graptopetalum bartramii Rose

Syn.: *Echeveria bartramii* (Rose) K. & P.

Graptopetalum bartramii Rose—Bartram's stonecrop, Bartram's live-forever

Syn.: *Echeveria bartramii* (Rose) Kearney & Peebles

Graptopetalum rusbyi (Greene) Rose

Syn.: *Echeveria rusbyi* (Greene) Nels. & Macbr.

Sedum cockerellii Britt.

Sedum griffithsii Rose

Sedum lanceolatum Torr.

Syn.: *Sedum stenopetalum* Pursh

Sedum rhodanthum Gray

Sedum stelliforme Wats.

CROSSOSOMATACEAE Crossosoma Family

Apacheria chiricahuensis C. T. Mason–Chiricahua rock flower

CUCURBITACEAE Gourd Family

Tumamoca macdougalii Rose–Tumamoc globeberry

EUPHORBIACEAE Spurge Family

Euphorbia plummerae Wats.–Woodland spurge

Sapium biloculare (Wats.) Pax–Mexican jumping-bean

FABACEAE Pea Family [=Leguminosae]

Astragalus corbrensis Gray var. *maguirei* Kearney

Astragalus cremnophylax Barneby var. *myriorrhaphis* Barneby–Cliff milk-vetch

Astragalus hypoxylus Wats.–Huachuca milk-vetch

Astragalus nutriosensis Sanderson–Nutrioso milk-vetch

Astragalus xiphoides (Barneby) Barneby–Gladiator milk-vetch

Cercis occidentalis Torr.–California redbud

Errazurizia rotundata (Woot.) Barneby

Syn.: *Parryella rotundata* Woot.

Lysiloma microphylla Benth. var. *thornberi* (Britt. & Rose) Isely–Feather bush

Syn.: *Lysiloma thornberi* Britt. & Rose

Phaseolus supinus Wiggins & Rollins

FOUQUIERIACEAE Ocotillo Family

Fouquieria splendens Engelm.–Ocotillo, coach-whip, monkey-tail

GENTIANACEAE Gentian Family

Gentianella wislizenii (Engelm.) J. Gillett

Syn.: *Gentiana wislizenii* Engelm.

LAMIACEAE Mint Family

Hedeoma diffusum Green–Flagstaff pennyroyal

Salvia dorrii ssp. *mearnsii*

Trichostema micranthum Gray

LILIACEAE Lily Family

Allium acuminatum Hook.

Allium bigelovii Wats.

Allium biseptum Wats. var. *palmeri* (Wats.) Cronq.

Syn.: *Allium palmeri* Wats.

Allium cernuum Roth. var. *neomexicanum* (Rydb.) Macbr.–Nodding onion

Allium cernuum Roth. var. *obtusum* Ckll.

Allium geyeri Wats. var. *geyeri*

Allium geyeri Wats. var. *tenerum* Jones

Allium kunthii Don

Allium macropetalum Rydb.

Allium nevadense Wats. var. *crisatum* (Wats.) Ownbey

Allium nevadense Wats. var. *nevadense*

Allium parishii Wats.

Allium plummerae Wats.

Allium rhizomatum Woot. & Standl. Incl.: *Allium glandulosum* Link & Otto *sensu* Kearney & Peebles

Androstephium breviflorum Wats.–Funnel-lily

Calochortus ambiguus (Jones) Ownbey

Calochortus aureus Wats.

Syn.: *Calochortus nuttallii* Torr. & Gray var. *aureus* (Wats.) Ownbey

Calochortus flexuosus Wats.—Straggling mariposa

Calochortus gunnisonii Wats.

Calochortus kennedyi Porter var. *kennedyi*—Desert mariposa

Calochortus kennedyi Porter var. *munzii* Jeps.

Dichelostemma pulchellum (Salisbi) Heller var. *pauciflorum* (Torr.) Hoover

Disporum trachycarpum (Wats.) Benth. & Hook. var. *subglabrum* Kelso

Disporum trachycarpum (Wats.) Benth. & Hook. var. *trachycarpum*

Echeandia flavescens (Schultes & Schultes) Cruden

Syn.: *Anthericum torreyi* Baker

Eremocrinum albomarginatum Jones

Fritillaria atropurpurea Nutt.

Hesperocallis undulata Gray—Ajo lily

Lilium parryi Wats.—Lemon lily

Lilium umbellatum Pursh

Maianthemum racemosum (L.) Link. ssp. *amplexicaule* (Nutt.) LaFrankie

Syn.: *Smilacina racemosa* (L.) Desf. var. *amplexicaulis* (Nutt.) Wats.

Maianthemum racemosum (L.) Link ssp. *racemosum*—False Solomon's seal

Syn.: *Smilacina racemosa* (L.) Desf. var. *racemosa*; *Smilacina racemosa*

(L.) Desf. var. *cylindrata* Fern.

Maianthemum stellatum (L.) Link

Syn.: *Smilacina stellata* (L.) Desf.—Starflower

Milla biflora Cav.—Mexican star

Nothoscordum texanum Jones

Polygonatum cobrense (Woot. & Standl.) Gates

Streptopus amplexifolius (L.) DC.–Twisted stalk

Triteleia lemmonae (Wats.) Greene

Triteleiopsis palmeri (Wats.) Hoover

Veratrum californicum Durand.–False hellebore

Zephyranthes longifolia Hemsl.–Plains rain lily

Zigadenus elegans Pursh–White camas, alkali-grass

Zigadenus paniculatus (Nutt.) Wats.–Sand-corn

Zigadenus virescens (H. B. K.) Macbr.

MALVACEAE Mallow Family

Abutilon parishii Wats.–Tucson Indian mallow

Abutilon thurberi Gray–Baboquivari Indian mallow

NOLINACEAE Nolina

Dasyilirion wheeleri Wats.–Sotol, desert spoon

Nolina bigelovii (Torr.)Wats.–Bigelow's nolina

Nolina microcarpa Wats.–Beargrass, sacahuista

Nolina parryi Wats.–Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.– Bunchgrass

ONAGRACEAE Evening Primrose Family

Camissonia exilis (Raven) Raven

ORCHIDACEAE Orchid Family

Calypso bulbosa (L.) Oakes var. *americana* (R. Br.) Luer

Coeloglossum viride (L.) Hartmann var. *virescens* (Muhl.) Luer

Syn.: *Habenaria viridis* (L.) R. Br. var. *bracteata* (Muhl.) Gray

Corallorhiza maculata Raf.–Spotted coral root

Corallorhiza striata Lindl.–Striped coral root

Corallorhiza wisteriana Conrad–Spring coral root

Epipactis gigantea Douglas ex Hook.–Giant helleborine

Goodyera oblongifolia Raf.

Goodyera repens (L.) R. Br.

Hexalectris spicata (Walt.) Barnhart–Crested coral root

Listera convallarioides (Swartz) Nutt.–Broad-leaved twayblade

Malaxis corymbosa (S. Wats.) Kuntze

Malaxis ehrenbergii (Reichb. f.) Kuntze

Malaxis macrostachya (Lexarza) Kuntze–Mountain malaxia

Syn.: *Malaxis soulei* L. O. Williams

Malaxis tenuis (S. Wats.) Ames

Platanthera hyperborea (L.) Lindley var. *gracilis* (Lindley) Luer

Syn.: *Habenaria sparsiflora* Wats. var. *laxiflora* (Rydb.) Correll

Platanthera hyperborea (L.) Lindley var. *hyperborea*–Northern green orchid

Syn.: *Habenaria hyperborea* (L.) R. Br.

Platanthera limosa Lindl.–Thurber’s bog orchid

Syn.: *Habenaria limosa* (Lindley) Hemsley

Platanthera sparsiflora (Wats.) Schlechter var. *ensifolia* (Rydb.) Luer

Platanthera sparsiflora (Wats.) var. *laxiflora* (Rydb.) Correll

Platanthera sparsiflora (Wats.) Schlechter var. *sparsiflora*–Sparsely-flowered bog orchid

Syn.: *Habenaria sparsiflora* Wats.

Platanthera stricta Lindl.–Slender bog orchid

Syn.: *Habenaria saccata* Greene; *Platanthera saccata* (Greene) Hulten

Platanthera viridis (L.) R. Br. var. *bracteata* (Muhl.) Gray–Long-bracted habenaria

Spiranthes michaucana (La Llave & Lex.) Hemsl.

Spiranthes parasitica A. Rich. & Gal.

Spiranthes romanzoffiana Cham.—Hooded ladies tresses

PAPAVERACEAE Poppy Family

Arctomecon californica Torr. & Frém.—Golden-bear poppy, Yellow-flowered desert poppy

PINACEAE Pine Family

Pinus aristata Engelm.—Bristlecone pine

POLYGONACEAE Buckwheat Family

Eriogonum apachense Reveal

Eriogonum capillare Small

Eriogonum mortonianum Reveal—Morton's buckwheat

Eriogonum ripleyi J. T. Howell—Ripley's wild buckwheat, Frazier's Well buckwheat

Eriogonum thompsonae Wats. var. *atwoodii* Reveal—Atwood's buckwheat

PORTULACACEAE Purslane Family

Talinum humile Greene—Pinos Altos flame flower

Talinum marginatum Greene

Talinum validulum Greene—Tusayan flame flower

PRIMULACEAE Primrose Family

Dodecatheon alpinum (Gray) Greene ssp. *majus* H. J. Thompson

Dodecatheon dentatum Hook. ssp. *ellisiae* (Standl.) H. J. Thompson

Dodecatheon pulchellum (Raf.) Merrill

Primula hunnewellii Fern.

Primula rusbyi Greene

Primula specuicola Rydb.

RANUNCULACEAE Buttercup Family

Aquilegia caerulea James ssp. *pinetorum* (Tidest.) Payson—Rocky Mountain Columbine

Aquilegia chrysantha Gray

Aquilegia desertorum (Jones) Ckll.—Desert columbine, Mogollon columbine

Aquilegia elegantula Greene

Aquilegia longissima Gray–Long Spur Columbine

Aquilegia micrantha Eastw.

Aquilegia triternata Payson

ROSACEAE Rose Family

Rosa stellata Woot.–ssp. *abyssa* A. Phillips Grand Canyon rose

Vauquelinia californica (Torr.) Sarg. ssp. *pauciflora* (Standl.) Hess & Henrickson–Few-flowered Arizona rosewood

SCROPHULARIACEAE Figwort Family

Castilleja mogollonica Pennell

Penstemon albomarginatus Jones

Penstemon bicolor (Brandeg.) Clokey & Keck ssp. *roseus* Clokey & Keck

Penstemon clutei A. Nels.

Penstemon distans N. Holmgren–Mt. Trumbull beardtongue

Penstemon linarioides spp. *maguirei*

SIMAROUBACEAE Simarouba Family

Castela emoryi (Gray) Moran & Felger–Crucifixion thorn

Syn.: *Holacantha emoryi* Gray

STERCULIACEAE Cacao Family

Fremontodendron californicum (Torr.) Coville– Flannel bush

- C. ~~Salvage Assessed Protected Native Plants. The following list includes those species of native plants that are not included in either the highly safeguarded or salvage restricted category but have a sufficient value if salvaged to support the cost of salvage.~~ Salvage assessed native plants as prescribed in A.R.S. § 3-903(B)(3) that require a permit for removal:

BIGNONIACEAE Bignonia Family

Chilopsis linearis (Cav.) Sweet var. *arcuata* Fosberg–Desert-willow

Chilopsis linearis (Cav.) Sweet var. *glutinosa* (Engelm.) Fosberg

FABACEAE Pea Family [=Leguminosae]

Cercidium floridum Benth.–Blue palo verde

Cercidium microphyllum (Torr.) Rose & Johnst.–Foothill palo verde

Olneya tesota Gray–Desert ironwood

Prosopis glandulosa Torr. var. *glandulosa*–Honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.

Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.–Western honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson

Prosopis pubescens Benth.–Screwbean mesquite

Prosopis velutina Woot.–Velvet mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.

Psoralea spinosa (Gray) Barneby–Smoke tree.

Syn.: *Dalea spinosa* Gray

- D. Harvest Restricted Protected Native Plants.** ~~The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to excessive harvesting or overcutting because of their intrinsic value.~~ Harvest restricted native plants as prescribed at A.R.S. § 3-903(B)(4) that require a permit to cut or remove the plants for their by-products, fibers, or wood:

AGAVACEAE Agave Family (including Nolinaceae)

Nolina bigelovii (Torr.) Wats.–Bigelow's nolina

Nolina microcarpa Wats.–Beargrass, sacahuista

Nolina parryi Wats.–Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.–

Bunchgrass

Yucca baccata Torr. var. *baccata*–Banana yucca

Yucca schidigera Roehl.–Mohave yucca, Spanish dagger

FABACEAE Pea Family [=Leguminosae]

Olneya tesota Gray–Desert ironwood

Prosopis glandulosa Torr. var. *glandulosa*–Honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.

Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.–Western honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson

Prosopis pubescens Benth.–Screwbean mesquite

Prosopis velutina Woot.–Velvet mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.