

Be careful not to break law with desert landscapes

State's Native Plant Law very stringent

By now you're beginning to think about different plants you wish to incorporate into your arid landscape. Don't look to the Arizona deserts for your supply of cacti, because it is illegal to dig up cacti and transplant them into your yard without permission of the landowner and permits from the Arizona State Department of Agriculture and Horticulture.

Arizona is one of the few western states (others are New Mexico, Texas and California) with the wisdom to write a Native Plant Law into their state statutes. The law has been on the books for nearly 60 years, but it was considerably updated in 1967. That year, and successive years, have seen amendments passed which were needed to close loopholes in the law.

The job of enforcing the law is held by the Arizona Commission of Agriculture and Horticulture. Their investigative officers along with any law enforcement person — local, state or federal — or charged with upholding our Native Plant Law.

I spoke with Larry Richards, Native Plant Law Specialist for the Arizona Department of Agriculture and Horticulture, regarding the law and proposed changes to the Native Plant Law which will be presented to the 38th Arizona Legislature.

The majority of the proposed changes will put more "teeth" into the law. Stiffer fines are being sought along with the clarification of some gray areas of the existing law.

The new law will require that

cacti and other succulents for sale or for transit have an orange spray paint mark near their bases.

Arizona Commission of Agriculture and Horticulture will issue the tags and also include a small circle of orange paint with a tracer chemical in it on the base of each plant. Cacti in transit or for sale then must have an orange spot made with paint containing exactly that tracer chemical element.

State and federal desert rangers will concentrate on the state's five most popular species — saguaro, ocotillo, barrel, cholla and hedgehog. They'll also be armed with kits to detect their tracer chemicals.

State penalties for cactus destruction or theft are up to \$500 and 30 days in jail for a first violation and up to \$1,000 per plant and six months in jail for each additional offense.

Federal penalties for cactus theft violations are up to three times the value of the plants involved.

Both agencies are contemplating "involved vehicle confiscation" measures in addition to fines and/or jail sentences.

Here's a condensed version of the existing law:

Section 3-901-B: The following protected native plants are prohibited from collection except under permit from the Commission of Agriculture and Horticulture for scientific or educational purposes and preservation purposes. *Washingtonia filifera* (native fan palm), *Lysiloma*

thornberi (ornamental lace-tree), *Bursera fagaroides* (elephant tree), *Cereus schottii* (senita cactus), *Cereus thurberi* (organ-pipe cactus), *Toumeyia papyracantha* (native paper-spine cactus), *Toumeyia peeblesiana* (Navajo cactus), *Neoevansia disquetii* (dahlia cactus), all *Pediocactus* species, all *Sclerocactus* species and *Agave arizonica*.

*** Section 3-901-C:** The protected native plants which can be removed from nature by a private individual or commercial nursery after obtaining a permit from the commission are:

Group 1: All species of the following families: Liliaceae (lily family), Amaryllidaceae (amaryllis family), Orchidaceae (orchid family), Crassulaceae (orpine family) and Cactaceae (cactus family).

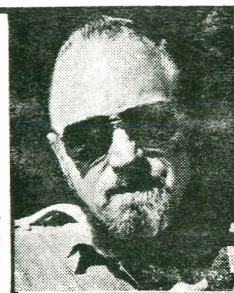
Group 2: All species of the following genera: *Aquilegia* (columbine), *Lobelia* (lobelia), *Dodecatheon* (shooting star), *Primula* (primrose), *Fouquieria* (ocotillo).

Group 3: The following species: *Atriplex hymenelytra* (desert holly), *Cercis occidentalis* (western redbud), *Dalea spinosa* (smoke tree), *Holacantha emoryi* (crucifixion thorn), *Fremontia californica* (flannel bush), *Pinus aristata* (bristlecone pine), *Rhus kearneyi* (kearney sumac), *Sapium biloculare* (Mexican jumping bean) and *Sebastiania pavoniana* (Mexican jumping bean).

Group 4: The following species of live or dead plants or parts thereof: *Prosopis juliflora*

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(common or honey mesquite), *Prosopis pubescens* (screwbean mesquite), *Cercidium microphyllum* (little-leaf palo verde), *Cercidium floridum* (blue palo verde), *Parkinsonia aculeata* (Jerusalem thorn, long-leaf palo verde) and *Olneya tesota* (ironwood tree).

Section 3-902-C and D: A person shall not take, transport or have in his possession any protected native plant taken from the original growing site in this state without having a valid permit from the commission. A person applying for the permit must have legal ownership of the plants or written permission of the landowner, or a permit from a government agency acting as manager of the land.

After the above has been satisfied, the Commission of Agriculture and Horticulture will issue permits, tags and seals for a fee as prescribed by the commission. The plants may then be removed and transported. Tag fees range from \$2 to \$10 each.

To obtain native plant tags or information call Cathy Wertz at 432-4345 or 354-5477.