

02 NCAC 48F .0407 PROTECTED PLANT PERMITS; CERTIFICATE OF ORIGIN

(a) Protected Plant Permits. Protected Plant Permits are required for the following activities involving plants or plant parts of any species found on the protected plant list:

- (1) collection or removal from the wild (including for scientific or rescue purposes);
- (2) propagation or offering of plants or plant parts for sale;
- (3) planting, introducing, or reintroducing protected plants or plant parts into non-garden environments.

(b) Protected plant permits may be requested from the North Carolina Department of Agriculture, Plant Industry Division.

(c) All permitted activities must be in compliance with all other state or federal laws.

(d) Exempt Activities. Protected Plant Permits are not required for the following activities:

- (1) purchase of protected plant species from nurseries or dealers who hold necessary permits;
- (2) activities allowed under other existing state laws and regulations;
- (3) collection or removal of plants from one's own land;
- (4) propagation or sale of plants covered by a current certificate of origin.

(e) Certificate of Origin. A Certificate of Origin shall be issued upon request to anyone selling or distributing any protected plant species legally acquired in-state or from out-of-state. A Certificate of Origin shall be issued only once, and shall be renewed each year at the time of the nursery inspection, as long as the holder of the certificate is maintaining the same stock of plants and as long as the conditions on the Certificate of Origin are being maintained. A new Certificate must be issued at the time of inspection if new plant stock is acquired. A Certificate may also be issued for protected plants that were originally collected from one's own land and are being propagated for sale. The Certificate shall include:

- (1) The signature of the nurseryman;
- (2) The following statement: "I hereby certify that the NC listed species in my possession are nursery propagated and not wild collected in NC, unless by permit, for sale, barter, or trade;"
- (3) The name and address of the nursery;
- (4) A list of protected species for sale and source(s) of plant material for each species.

(f) Protected Plant Permit Fees. Approved permit requests to collect plants or plant parts from the wild will be assessed fees for each collection event if such collection is anticipated or is likely to have the potential to generate income. A fifty dollar (\$50.00) fee will be applied per species, or two hundred dollars (\$200.00) for each collection if Department staff make the collection on behalf of the permittee.

(g) Information Requirements for Protected Plant Permit Applications. All applicants must provide the following information:

- (1) applicant's full name, mailing address, telephone number(s);
- (2) if the applicant is an individual, the date of birth and any institutional affiliation related to the requested permit activity;
- (3) if the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the president or principle officer and full names and addresses of any representatives who will serve as agents during the project;
- (4) the scientific name of the species and the number of plants to be covered by the permit;
- (5) the reason for the application and a description of the work to be carried out, including the proposed method of obtaining the species;
- (6) location where the requested activity is to take place and the location where the plants or plant parts will be held;
- (7) any additional justification and supporting documentation requested by North Carolina Department of Agriculture, Plant Industry Division representatives;
- (8) proposed start and ending date of permit.

*History Note: Authority G.S. 106-202.15;
Eff. April 8, 1981;
Amended Eff. December 1, 2010; May 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*