

**§ 106-202.16. Criteria and procedures for placing plants on protected plant lists.**

(a) All native or resident plants which are on the current federal lists of endangered or threatened plants pursuant to the Endangered Species Act have the same status on the North Carolina Protected Plants lists.

(b) The Board, the Scientific Committee, or any resident of North Carolina may propose to the Department of Agriculture and Consumer Services that a plant be added to or removed from a protected plant list.

(c) If the Board, with the advice of the Scientific Committee, finds that there is any substance to the proposal, it shall publish notice of the proposal in a Department of Agriculture and Consumer Services news release.

(d) The Board shall collect relevant scientific and economic data, concerning any substantial proposal, necessary to determine:

- (1) Whether or not any other State or federal agency or private entity is taking steps to protect the plant under consideration;
- (2) The present or threatened destruction, modification or curtailment of its habitat;
- (3) Over-utilization for commercial, scientific, educational or recreational purposes;
- (4) Critical depletion from disease or predation;
- (5) The inadequacy of existing regulatory mechanisms; or
- (6) Other natural or man-made factors affecting its continued existence in North Carolina.

If the Board, with the advice of the Scientific Committee, finds that the plant should be added to or removed from a protected plant list the Board shall instigate rule-making procedures to add or remove the plant from the list.

(e), (f) Repealed by Session Laws 1987, c. 827, s. 31. (1979, c. 964, s. 1; 1987, c. 827, s. 31; 1997-261, s. 109.)