



California Laws Protecting Native Plants

Some native plants are protected by California law. Important California laws for native plant protection are the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), the California Environmental Quality Act (CEQA), the Natural Community Conservation Planning Act (NCCPA), the California Desert Native Plants Act (CDNPA), and California Penal Code Section 384a.

[California Endangered Species Act \(/Conservation/CESA\)](#)

CESA was enacted in 1984 to parallel the federal Endangered Species Act and allows the Fish and Game Commission to designate species, including plants, as threatened or endangered. CESA makes it illegal to import, export, “take”, possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless permitted by CDFW. “Take” is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” There are 156 species, subspecies, and varieties of plants that are protected as [threatened or endangered under CESA \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline). Under CESA, CDFW may permit take or possession of threatened, endangered, or candidate species for [scientific, educational, or management purposes \(/Conservation/Plants/Permits\)](#), and may also permit take of these species that is [incidental to otherwise lawful activities \(/Conservation/CESA\)](#) if certain conditions are met. Some of the conditions for incidental take are that the take is minimized and fully mitigated, adequate funding is ensured for this mitigation, and that the activity will not jeopardize the continued existence of the species.

The Native Plant Program coordinates CDFW’s plant listing activities under CESA, prepares evaluation reports, and provides recommendations to the Fish and Game Commission. If you are considering petitioning the [Fish and Game Commission \(http://www.fgc.ca.gov/\)](http://www.fgc.ca.gov/) to list a plant species pursuant to CESA, please email [NativePlants@wildlife.ca.gov \(mailto:nativeplants@wildlife.ca.gov\)](mailto:NativePlants@wildlife.ca.gov).

Native Plant Protection Act

The NPPA was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. Please see [Fish and Game Code section 1900 et seq. \(http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=10.&lawCode=FGC\)](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=10.&lawCode=FGC) for more information.

California Environmental Quality Act

CEQA is a law that requires public agencies to analyze and publicly disclose the environmental impacts from projects they approve, and adopt feasible alternatives and mitigation measures to mitigate for the significant impacts they identify. During CEQA review, public agencies must evaluate and disclose impacts to the 220 plant species protected under CESA and the NPPA, and in most cases must mitigate all significant impacts to these species to a level of less than significance. In addition, during the CEQA process, public agencies must also address plant species that may not be listed under CESA or the NPPA, but that may nevertheless meet the definition of rare or endangered provided in CEQA. CDFW works in collaboration with the California Native Plant Society and with botanical experts throughout the state to maintain an [Inventory of Rare and Endangered Plants](http://www.rareplants.cnps.org/) (<http://www.rareplants.cnps.org/>), and the similar [Special Vascular Plants, Bryophytes, and Lichens List](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline) (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>). Species on these lists may meet the CEQA definition of rare or endangered. As the trustee agency for the wildlife of California, which includes plants, ecological communities and the habitat upon which they depend, CDFW advises public agencies during the CEQA process to help ensure that the actions they approve do not significantly impact such resources. CDFW often advises that impacts to plant species with a California Rare Plant Rank in the Inventory be disclosed by the lead agency during project review to ensure compliance with CEQA.

[Natural Community Conservation Planning Act \(/Conservation/Planning/NCCP\)](#)

The NCCPA allows for the development of broad-based ecosystem-level plans for the protection and perpetuation of biological diversity. The primary objective of Natural Community Conservation Plans prepared under the NCCPA is to conserve natural communities at the ecosystem level while accommodating compatible land use. Plants protected under an approved Natural Community Conservation Plan may be “taken” by activities covered under the plan, but also typically receive a large amount of conservation and protection.

[California Desert Native Plants Act \(/Conservation/Plants/CA-Desert-Plant-Act\)](#)

The purpose of the CDNPA is to protect certain species of California desert native plants from unlawful harvesting on both public and privately owned lands. The CDNPA only applies within the boundaries of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. Within these counties, the CDNPA prohibits the harvest, transport, sale, or possession of specific native desert plants unless a person has a valid permit or wood receipt, and the required tags and seals. The appropriate permits, tags and seals must be obtained from the sheriff or commissioner of the county where collecting will occur, and the county will charge a fee. More information on the CDNPA, including the species protected under the law, is available by reading the [provisions of the law \(/Conservation/Plants/CA-Desert-Plant-Act\)](#).

Landowner permission

Under [California Penal Code Section 384a](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=384a) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=384a), a person shall not willfully or negligently cut, destroy, mutilate, or remove plant material that is growing upon state or county highway rights-of-way. In addition, a person shall not willfully or negligently cut, destroy, mutilate, or remove plant material that is growing upon public land or upon land that is not his or hers without a written permit from the owner of the land, signed by the owner of the land or the owner’s authorized agent. In addition, removing or damaging plants from property that a person does not own without permission may constitute trespass and/or petty theft.

For more information on any of the topics above, please contact the Native Plant Program at nativeplants@wildlife.ca.gov (<mailto:nativeplants@wildlife.ca.gov>).

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Habitat Conservation Planning Branch (</Explore/Organization/HCPB>)

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[Is it illegal to pick our state flower? \(https://www.wildlife.ca.gov/Conservation/Plants/Poppy\)](https://www.wildlife.ca.gov/Conservation/Plants/Poppy)

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