

nor a federal collecting permit exempts permit holders from state trespass laws. Individuals may be fined between \$300 - \$1,000, imprisonment for up to 120 days, or both for violating New Mexico's Endangered Plant Species Act. Plant collectors, dealers, and growers are regulated under the Plant Protection Act, which is implemented and enforced by the New Mexico Department of Agriculture (NMDA).

**In Arizona.** The state of Arizona has explicit laws concerning the destruction, removal, and trade of plants native to and protected by the state. Those laws apply to state-managed and privately owned lands. Salvaging and transporting protected native plants from private land is legal, provided that the necessary harvest permits, plant tags, or seals are obtained in advance from the Department of Agriculture. See <http://www.azda.gov/ESD/nativeplants.htm>

**On Federal Lands.** Cactus collection in the **Lincoln National Forest** is regulated by the United States Forest Service, which issues harvest permits for scientific research only. The public on occasion *may* collect wild succulents, cacti included, without permits for personal use from a designated area in which USFS officials have determined that no rare species occur.

**White Sands Missile Range.** All requests to collect wild plants must be submitted to and approved by the Environmental Stewardship Division at White Sands Missile Range.

**Fort Bliss.** All rare or threatened plants, including cacti, and sites harboring such species are protected from public and military activities under an endangered species management program at Fort Bliss.

White Sands Missile Range and Fort Bliss have restricted public access and there are high penalties for trespassing at either installation.

**In Mexico.** The harvesting and exporting of wild plants, including ocotillo, from federal and communal lands in Mexico is restricted and requires a permit from the Mexican government. Mexico has strict rules on harvesting native plants and cacti. Attempts to bring illegally harvested plants or plants collected without required documentation across the Mexico/US border can result in very severe penalties.

### Sources

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Robbins, C.S., ed. 2003. *Prickly Trade: Trade and Conservation of Chihuahuan Desert Cacti*, by Christopher S. Robbins and Rolando Tenoch Barcenas Luna. TRAFFIC North America. Washington DC World Wildlife Fund.

*Big Bend Gardeners Guide, "Collecting/Harvesting Plants from the Wild"*, by Dallas Baxter the Big Bend Chapter of the Native Plant Society of Texas

National Geographic News [www.nationalgeographic.com](http://www.nationalgeographic.com)

The TRAFFIC Report

The Christian Science Monitor- -- [csmonitor.com](http://csmonitor.com)

Texas Parks and Wildlife Department

The Chihuahuan Desert Institute, Fort Davis, TX

### Resources

El Paso County Master Gardeners, [elpasomg@ag.tamu.edu](mailto:elpasomg@ag.tamu.edu)

El Paso Cactus and Rock Club, [prsbeste@att.net](mailto:prsbeste@att.net)

Native Plant Soc. of New Mexico, El Paso Chapter, [jmakepeace@elp.rr.com](mailto:jmakepeace@elp.rr.com)

To volunteer for a cactus rescue mission, contact Peter Beste, El Paso Cactus & Rock Club, [prsbeste@att.net](mailto:prsbeste@att.net)

To view cacti in bloom in El Paso, by month, see



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GARDENING IN THE DESERT SOUTHWEST PUBLICATION SERIES

## Ethics of Native Plant Acquisition



Strawberry Cactus (*Echinocereus stramineus*) a threatened species in the Franklin Mountains



## The Chihuahuan Desert

The Chihuahuan Desert is home to almost a quarter of the 1,500 cactus species known to science. A whole range of desert dwellers – from hummingbirds to mountain lions – rely on desert plants for food or shelter. A booming demand for xeriscaping to reduce landscape water consumption has increased demand for native plants. **Unethical harvesting can severely deplete wild populations, endanger rare flowering species of native plants, disrupt ecosystems and deprive wildlife of their natural habitat.**

Cacti are slow-growing plants, sometimes taking between 10 to 30 years to produce a landscape sized specimen. Unethical (and frequently illegal) harvesters who supply native plant nurseries will completely denude a native cacti habitat to obtain specimens for sale. Homeowners who harvest cacti from native habitats further increase this pressure. As a consequence, many of these plants have become endangered.



### How can I ETHICALLY find cacti and other native plants for my garden?

Learn about native and adapted xeric plants, and then select the appropriate plants for your site and the region. Cacti have differing cold-hardiness and sun requirements. Some cacti can actually sunburn. Some cacti and native plants will not survive the harvesting process. Educating yourself on the plants growth requirements is essential to successful incorporation of these plants into your landscape. The El Paso County Master Gardeners, the Native Plant Society of New Mexico (active in El Paso), and the El Paso Cactus and Rock Club are excellent resources to provide information on native plants and cacti.

**Growing From Seed.** Cacti can be grown from seed or offshoots, using a sandy, well-draining potting mix. The seeds can be harvested from cacti in their native habitat without damaging the plant by removing the cacti fruit and allowing the seeds to dry prior to planting. Seeds can also be purchased from specialized nurseries and the Internet. However, cacti are very slow growing and it will take years to produce a viable landscape plant.

**Ethical Plant Procurement.** Numerous nurseries and plant vendors specialize in native plants and cacti. Some purchase their plants from unethical harvesters. Ethical plant vendors grow their specimens from seed or only purchase plants grown from seed. They may also participate in sanctioned plant rescues (See cactus rescues below). Prior to purchase of native plants and cacti, ensure that your supplier (nursery, landscape contractor, etc.) is an ethical provider.

**Cactus Rescues.** The Master Gardeners, the Master Naturalists, the Native Plant Society, and the Cactus Club have formed a collaborative effort to rescue cacti and native plants that will be destroyed because of land development or other man-made interventions. Developers contact us prior to bulldozing land to harvest and replant the specimens. We also assist homeowners by thinning overgrown home cacti gardens or removing plants that will be damaged by new landscape efforts. Rescued plants are replanted in state parks, public gardens, roadside rest areas and offered to homeowners. Anyone who volunteers to participate in a rescue gets first choice of the rescued plants. This is an excellent source of mature native plants. The sponsoring organization obtains the necessary permits and approvals, ensuring that all relevant legal and good conservation requirements are met.

### What if I just want to go out to the desert and get my own plants?



First, know the laws about plant harvesting. Secondly, a good rule of thumb is that if the population at a given site contains less than one hundred of the same specimen, it should be left undisturbed (*Native Plant Society of Texas' Collections Policy*). And finally, if you are thinking that all you have to do is dig a hole and drop that yucca, or barrel or ocotillo into the ground the injured root system may not support the plant and your garden soil may not be suitable for it. Your plant may die under poor harvesting and planting conditions.

**What are the laws regarding plant harvesting?** The laws vary widely by country, state, and federal facilities. A different set of laws and/or requirements exist for harvesting from private property. Remember, taking anything from private property without permission is considered vandalism and may be stealing! These laws are continuously updated and penalties can be very severe.

**In Texas.** According to state law, individuals collecting cacti on private property in Texas must have prior written authorization from the landowner. Remember, taking anything from private property without permission, in the least, is considered vandalism and, at the most, stealing! Texas Parks and Wildlife Department regulates the harvest on private and public land of native plants that are **listed as threatened or endangered** under state and federal law by issuing permits. Endangered species may not be collected without the permission of the landowner. For a listing of these plants go to: <http://www.tpwd.state.tx.us/huntwild/wild/species/endang/plants/index/phtml>.

**In New Mexico.** The state of New Mexico is highly regulated with various state agencies involved - regulations require individuals to obtain harvest permits for native plants from its Department of Agriculture. The Bureau of Land Management also sells harvest permits for specific species, for noncommercial purposes only.

Federal collecting permits for species listed as endangered or threatened must be obtained from the U.S. Fish and Wildlife Service. Neither a state