

<h2>Regulatory Analysis Form</h2> <p>(Completed by Promulgating Agency)</p> <p><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED</p> <p>MAY 17 2023</p> <p>Independent Regulatory Review Commission IRRC Number: 3353</p>	
(1) Agency Department of Conservation and Natural Resources			
(2) Agency Number: 7B Identification Number: 10			
(3) PA Code Cite: 17 Pa. Code Chapter 45			
(4) Short Title: Conservation of Pennsylvania Native Wild Plants			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Rebecca H. Bowen, Chief, Conservation Science and Ecological Resources, Bureau of Forestry, 717-787-3444, rebbowen@pa.gov, or contact RA-Ch45WildPlants@pa.gov Secondary Contact: Lisa Maiorana, Assistant Counsel, Office of Chief Counsel, 717-772-4171, lmaiorana@pa.gov			
(6) Type of Rulemaking (check applicable box):			
<input type="checkbox"/> Proposed Regulation <input checked="" type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation		<input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)			
<p>The purpose of the final regulation is to amend Chapter 45 of Title 17 of the Pennsylvania Code (relating to conservation of Pennsylvania native wild plants) (17 Pa. Code Chapter 45) by updating the following Pennsylvania native wild plant species classification lists, including updating certain scientific names, common names and reference sources: Pennsylvania Extirpated (§ 45.11), Pennsylvania Endangered (§ 45.12), Pennsylvania Threatened (§ 45.13), Pennsylvania Rare (§ 45.14) and Tentatively Undetermined (§ 45.21). The updates to the Pennsylvania wild plant species classification lists include the following: (1) adding plant species to a classification list that are currently unclassified, (2) reclassifying plant species already on a classification list to a new classification and (3) removing plant species from the classification lists altogether (declassifying them).</p>			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.			
<p>This rulemaking is authorized by the following statutes: Section 7 of the Wild Resource Conservation Act (WRCA) (32 P.S. § 5307); Section 305(a)(9) of the Conservation and Natural Resources Act (CNRA) (71 P.S. § 1340.305(a)(9)); and Section 313(g) of the CNRA (71 P.S. § 1340.313(g)).</p>			

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by any federal or state law or court order, or federal regulation. There are no relevant state or federal court decisions.

Instead, under section 5307(c) of the WRCA (32 P.S. § 5307(c)) and sections 305(a)(9) and 313(g) of the CNRA (71 P.S. § § 1340.305(a)(9) and 1340.313(g)), the Department of Conservation and Natural Resources (Department) is authorized to modify its Pennsylvania native wild plant regulations (17 Pa. Code Chapter 45), in this case to reflect significant changes due to environmental and economic factors. Additionally, new technology has enhanced the Department's ability to accurately research and classify the Commonwealth's native wild plant species. For these reasons, the Department amends the Chapter 45 Pennsylvania native wild plant regulations (17 Pa. Code Chapter 45).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to amend/update the Chapter 45 Pennsylvania native wild plant regulations (17 Pa. Code Chapter 45) to reflect significant changes due to environmental and economic factors, and the Department's ability, enhanced through new technology, to accurately research and classify these plant species. For these reasons, the current classification lists of Pennsylvania native wild plant species are inaccurate and out-of-date, which leaves this Commonwealth's native wild plant populations more vulnerable. The regulations were similarly updated in 2018 for several species. The Department continues to work through the list of species whose statuses require updating. The regulation will continue the Department's effort to update the classification status of plant species. The Department will continue to update the classification lists through additional regulations as needed to reflect changes to native wild plant conservation needs.

The legislature enacted the WRCA to enhance the protection of native wild plants and non-game animals in Pennsylvania. Under section 5307(a) of the WRCA (32 P.S. § 5307(a)) and sections 305(a)(9) and 313(g) of the CNRA (71 P.S. § § 1340.305(a)(9) and 1340.313(g)), the Department is required to conduct investigations on Pennsylvania native wild plants in order to ascertain information relating to population, distribution, habitat needs, limiting factors and other biological and ecological data. The Department then uses this data to classify native wild plants and determine how to best manage and protect them.

The Department has collected a plethora of data on native wild plant populations in Pennsylvania since 1988, and it has prepared a list of plant species across this Commonwealth that require classification, reclassification or declassification based on population size, distribution and habitat needs. The regulation updates the classifications of Pennsylvania's native wild plant species, according to its new data.

There is a compelling public interest in maintaining accurate and up-to-date classifications of Pennsylvania's native wild plants, which justifies the regulation. Section 5307 of the WRCA (32 P.S. § 5307) and sections 305(a)(9) and 313(g) of the CNRA (71 P.S. § § 1340.305(a)(9) and 1340.313(g)) require the Department to maintain an accurate list of Pennsylvania's native wild plants, classifying them based on rareness and their ability to sustain populations throughout this Commonwealth, thereby enhancing the protection of Pennsylvania's native wild plants. The regulation thus satisfies a legal duty to the citizens of Pennsylvania and helps to protect Pennsylvania's native wild plants by ensuring that the

Department and other conservation groups are targeting the appropriate plant species in their conservation efforts.

State, county and municipal conservation planning officials, conservation groups and other organizations concerned with the welfare of the environment will benefit from the regulation, because it more accurately represents the plant species in need of the most protection. The updated plant classifications will better inform the assessment of planning, development and conservation activities by these groups. For example, the Pennsylvania Department of Environmental Protection (DEP) issues approximately 16,000 environmental permits annually, and the DEP relies on the up-to-date classification status of plant species as part of making each of its permitting decisions.

Finally, millions of citizens throughout this Commonwealth will benefit from the regulation by having access to a more accurate representation of native wild plant species that need protection. Moreover, the regulation benefits the citizens of this Commonwealth by protecting this Commonwealth's natural resources, which is a constitutional right. (Pa.Const. Art. I, § 27).

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The regulation is not more stringent than federal standards, as it covers a smaller subject area than applicable federal standards, making any comparison incongruous.

At the federal level, the Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) is administered by the United States Fish and Wildlife Service (USFWS). Under the ESA, the USFWS reviews plant and animal populations and population distributions throughout the country. The USFWS lists and protects plant and animal species that are native to the United States, whereas the Department solely reviews and lists plants for protection that are native to Pennsylvania.

As a result, the USFWS may list native plants that are declining throughout the United States, but flourishing in, or otherwise not found in, Pennsylvania. Conversely, native plant species that are flourishing throughout the rest of the United States may have declining populations in Pennsylvania. Therefore, these species may be listed by the Department for state protection, but remain unlisted by the USFWS.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The regulation is comparable to native wild plant regulations in surrounding states (such as Maryland, New Jersey and Ohio), which also classify plants based on rarity.

The regulation will not affect Pennsylvania's ability to compete with other states, because Pennsylvania's plant classification process is similar to that of other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect any other Department regulations or regulations of other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department sought input on the regulation from the following groups:

Pennsylvania Biological Survey (PABS) -- a nonprofit organization formed in 1979 whose mission is "to increase the knowledge of and foster the perpetuation of the natural biological diversity of the Commonwealth of Pennsylvania."

Vascular Plant Technical Committee (VPTC) -- a steering committee of PABS that focuses specifically on vascular plants. The VPTC votes on recommendations about native wild plant species, then provides recommendations to the Department for further consideration. The VPTC is a sub-group within PABS.

Rare Plant Forum (RPF) -- a discussion group within PABS that is open to the public. Many members of the VPTC also attend the RPF, but it is a venue to share information for any citizen in this Commonwealth who has an interest in plants. Members of the RPF present scientific findings on plant species and population trends, which the VPTC then reviews and considers. The RPF is also a sub-group within PABS.

Pennsylvania Department of Environmental Protection (DEP)

Pennsylvania Fish and Boat Commission (PFBC)

Pennsylvania Game Commission (PGC)

Conservation and Natural Resources Advisory Council (CNRAC) -- a Department advisory committee made up of members appointed by the Governor and legislature.

Ecosystem Management Advisory Committee (EMAC) -- a Department advisory committee made up of forestry, biology, industry and research professionals.

Natural Gas Advisory Committee (NGAC)

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The Department cannot accurately determine the types and number of persons, businesses, small businesses and organizations that will be affected by the regulation. However, any effect the regulation may have on those entities will be through their use of the Pennsylvania Natural Diversity Inventory (PNDI). Overall, the Department anticipates these effects, including financial, to be neutral or reduced, because more species are being removed from classification than being added.

PNDI is a database that incorporates the Department's native wild plant classifications, as well as native rare wildlife classifications from the PGC, PFBC and USFWS. The overwhelming majority of PNDI

users utilize PNDI to screen their land use projects for impacts to threatened and endangered species as part of the DEP's permit application process. (The DEP issues approximately 16,000 environmental permits annually). For example, if a real estate developer wants a DEP permit to conduct a new land use project in this Commonwealth, it must screen the details of its project through PNDI to determine whether its project might impact any threatened or endangered species and what mitigation it needs to do to address these potential impacts.

Any potential effects of the regulation would be limited to PNDI users who conduct PNDI searches in areas with plants newly classified or declassified by the regulation. For example, *Oxydendrum arboreum* (L.) DC, commonly known as "Sourwood," is a plant located in western Pennsylvania and currently classified as "Tentatively Undetermined." The regulation declassifies Sourwood and removes it from the Department's regulated list of native wild plants. Therefore, upon final-form publication of the regulation in the Pennsylvania Bulletin, land developers and other PNDI users conducting PNDI searches in western Pennsylvania will no longer need to address impacts to Sourwood to receive a DEP permit. The opposite is true of *Corallorhiza wisteriana* Conrad, commonly known as "Spring Coral-Root", which the regulation reclassifies from "Tentatively Undetermined" to "Pennsylvania Endangered".

Despite the above examples, there are simply too many variables and considerations involved for the Department to accurately identify the types and number of persons, businesses, small businesses and organizations that might be affected by the regulation. In addition, the regulation will take effect evenly across this Commonwealth: there are no targeted regions or areas of this Commonwealth which are more affected than others. The numbers of classified, reclassified or declassified species varies evenly throughout this Commonwealth. The Department cannot predict who will run a PNDI search or where an entity might run its PNDI search. Even assuming the Department could make these predictions, it would then have to consider the projects in question.

Projects differ based on a myriad of variables: size, type, specific location of ground impact, presence of classified plants, specific classified plants in question, duration of project, etc. Each of these variables, either individually or in concert with one or more of the other variables, could determine whether a project impacts a particular plant species. For example, an entity may screen a project through PNDI with an area that is larger than the actual area of ground impact. The larger area might impact a plant species classified by the regulation, meaning that the regulation would affect the project and entity in question. However, the actual area of impact might not affect any classified plant species, meaning that the regulation would not affect the project and entity in question. Though, if the regulation specifically declassified a species in the project area, the regulation would affect the project and entity in question by reducing its regulatory burden. The Department has determined that on average, it requests mitigation for plant species on less than 1% of all PNDI projects run.

These are the types of speculative considerations that make it impracticable for the Department to accurately determine the types and number of persons, businesses, small businesses and organizations that will be affected by the regulation. The Department would like to specifically note, however, that the regulation will **declassify more plants than it classifies**.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

No persons, groups or entities, including small businesses, will be required to comply with the regulation. The regulation simply updates Pennsylvania's classified lists of native wild plants, updates the scientific and common names of certain native wild plants and updates the reference source of the nomenclature that the Department uses for native wild plant species taxonomy.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Financial/Economic Impact

There will be no financial or economic impact on individuals, small businesses, businesses and labor communities or other public and private organizations as a result of the regulation. As stated in the response to (15), any potential effect of the regulation would be limited to PNDI users who are already subject to a financial impact when engaging PNDI to obtain a DEP permit. Overall, the Department anticipates these effects to be cost neutral or result in a cost reduction, because more species are being removed from classification than being added.

Social Impact

The regulation will have a positive social impact on public and private organizations that are interested in protecting this Commonwealth's natural resources (e.g., environmental consultants, non-profits, conservation agencies, etc.).

Expected Benefits

The regulation will make it easier for public and private organizations to care for the environment, by providing a more accurate and current list of the plants in need of the most protection.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As stated in the response to (10), the regulation will benefit state, county and municipal planning officials, environmental regulatory agencies, landowners, conservation districts, conservation groups and other stakeholders concerned with the welfare of the natural environment, because it more accurately identifies the plants in Pennsylvania in need of protections. The regulation also benefits the citizens of Pennsylvania by protecting this Commonwealth's public natural resources, which is a constitutional right (Pa.Const. Art. I, § 27). Further, because there are no direct costs or adverse effects that will result from the regulation, its benefits outweigh any potential costs.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no regulated community associated with the regulation, as it regulates the Commonwealth's management of native wild plants.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no direct costs or savings to local governments associated with the regulation. It simply updates the classifications of Pennsylvania's native wild plants; it does not prescribe or prohibit local

governments from taking any specific actions. To the extent that local governments are indirectly affected by this rulemaking when screening land use projects through PNDI for the purpose of obtaining a DEP permit, the regulation has no direct effect on the costs to local government to obtain a DEP permit. Overall, the Department anticipates these effects to be cost neutral or result in a cost reduction, because more species are being removed from classification than being added.

(See response to (15) for more background on the DEP PNDI permitting process.)

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no direct costs or savings to state government associated with implementing the regulation. The purpose of the regulation is to update Pennsylvania's native wild plant classifications. The Department will be implementing the regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There will be no additional legal, accounting or consulting procedures, reporting or other paperwork required for implementation of the regulation.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

No forms are required for implementation of the regulation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						

Local Government						
State Government						
Total Savings	none	none	none	none	none	none
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	none	none	none	none	none	none
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	none	none	none	none	none	none

(23a) Provide the past three year expenditure history for programs affected by the regulation.

*There is no designated funding source for the Wild Plant Program; instead several employees in the Department's Bureau of Forestry allocate a portion of their time to working in the program. The Department estimated the portion of time that its employees allocated to the Wild Plant Program and calculated the commensurate portion of their salaries. The Department also contracts with the Pennsylvania Natural Heritage Program (PNHP) for Wild Plant Program services. The Department estimated the portion of time contracted PNHP botanists, data managers and environmental reviewers perform services for the Wild Plant Program, commensurate with salaries. These figures are listed below.

Program	FY -3 2019-2020	FY -2 2020-2021	FY -1 2021-2022	Current FY 2022-2023
Ecological Services Section Wild Plant Program	\$124,000	\$131,000	\$142,000	\$290,000
Department Contract Cost for Natural Heritage Program Services for Wild Plant Program (data management, collection, botanical work, environmental review)	\$603,000	\$625,000	\$648,000	\$672,000

<p>(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:</p> <ul style="list-style-type: none"> (a) An identification and estimate of the number of small businesses subject to the regulation. (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record. (c) A statement of probable effect on impacted small businesses. (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. <p>The regulation will not have an adverse impact on small businesses. See also the response to (15).</p>				
<p>(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.</p> <p>The Department has not identified any affected groups or persons that might have particular needs relevant to the regulation.</p>				
<p>(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.</p> <p>Because, under section 5307(c) of the WRCA (32 P.S. § 5307(c)) and sections 305(a)(9) and 313(g) of the CNRA (71 P.S. § § 1340.305(a)(9) and 1340.313(g)), the Department is required to issue regulations necessary to manage Pennsylvania native wild plants and authorized to modify them to reflect the changing environment, no alternative regulatory provisions were considered.</p>				
<p>(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:</p> <ul style="list-style-type: none"> a) The establishment of less stringent compliance or reporting requirements for small businesses; b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; c) The consolidation or simplification of compliance or reporting requirements for small businesses; d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and e) The exemption of small businesses from all or any part of the requirements contained in the regulation. <p>The regulation will not have an adverse impact on small businesses. See also the response to (15).</p>				
<p>(28) If data is the basis for this regulation, please provide a description of the data, explain <u>in detail</u> how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a</p>				

searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

For detailed descriptions of the individual species, limiting factors, and other biological and ecological data used to classify the plants, please see the Department's Native Wild Plant Species Accounts (2022) on the Department's Rare, Threatened and Endangered Plants website (click on "2022 Plant Species Accounts" or copy and paste this URL:

<http://elibrary.dcnr.pa.gov/GetDocument?docId=3709763&DocName=Native%20Wild%20Plant%20Species%20Accounts%202021.pdf>).

The Department used the following data to make decisions about plant classifications: numbers of populations known in Pennsylvania; number of individual species within populations; the plant's range; threats such as pests, invasive species and habitat loss; decrease or increase in population numbers and taxonomic information. (Note, this list is not exhaustive). Additionally, each year the VPTC makes classification recommendations for native wild plants, based on the research and expertise of the professional botanists that make up the committee.

To make classification decisions, the Department uses an important category of data referred to as "State ranks." In Pennsylvania, each plant species receives a state rank from the PNHP. The PNHP assigns these ranks based on a methodology created by Nature Serve, an international network of natural heritage programs. The purpose of Nature Serve's methodology is to bring consistency to the biodiversity conservation efforts of individuals and organizations throughout the Western Hemisphere. The methodology is used across North, Central and South America. By using this standard tool, the Department ensures its evaluation methods are, at a minimum, equivalent to that of other states and countries in the Western Hemisphere and that its classification decisions are based on sound science.

The Department has assimilated and reviewed the VPTC's recommendations and other plant location, population and taxonomic data. The Department has classified the native wild plants in the regulation based on the definitions contained in 17 Pa. Code § 45.2.

(29) Include a schedule for review of the regulation including:

- | | |
|---|---------------------|
| A. The length of the public comment period: | N/A |
| B. The date or dates on which any public meetings or hearings will be held: | N/A |
| C. The expected date of delivery of the final-form regulation: | Winter 2023 |
| D. The expected effective date of the final-form regulation: | Date of publication |
| E. The expected date by which compliance with the final-form regulation will be required: | Date of publication |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | N/A |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department continues to meet with the VPTC bi-annually and maintains relationships with interested groups and botanical experts to stay abreast of new developments and advances regarding plant populations, trends and taxonomic changes for native plant species across Pennsylvania. The Department plans to frequently update its native wild plant classification lists to ensure and maintain the accuracy of plant classifications. These updates may be necessary every few years.

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

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Independent Regulatory
Review Commission

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<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>Department of Conservation and Natural Resources</p> <p>(AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. 7B-10</p> <p>DATE OF ADOPTION: <u>01/31/2023</u></p> <p><i>Cindy Adams Dunn</i></p> <p>BY: _____ CINDY ADAMS DUNN</p> <p>TITLE: SECRETARY</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p><i>[Signature]</i></p> <p>BY: _____</p> <p><u>March 21, 2023</u> DATE OF APPROVAL</p> <p>Deputy General Counsel (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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FINAL-FORM RULEMAKING

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

17 PA. CODE CHAPTER 45

CONSERVATION OF PENNSYLVANIA NATIVE WILD PLANTS

Title 17— CONSERVATION AND NATURAL RESOURCES
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 45]

Conservation of Pennsylvania Native Wild Plants

The Department of Conservation and Natural Resources (Department), under the authority of section 5307(c) of the Wild Resource Conservation Act (WRCA) (32 P.S. § 5307(c)) and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (CNRA) (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)), amends Chapter 45 (relating to conservation of Pennsylvania native wild plants) as set forth in Annex A.

Purpose

The purpose of this final-form rulemaking is to amend Chapter 45 by updating Pennsylvania native wild plant species classification lists, including certain scientific names, common names and reference sources. (32 P.S. § 5307(c) and 71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Discussion

The WRCA (32 P.S. §§ 5301—5314), inter alia, established a procedure for protection of wild flora/plants in this Commonwealth, including imposing powers and duties on the Department of Environmental Resources to investigate, classify and provide for the conservation of Pennsylvania wild plant populations.

The CNRA (71 P.S. §§ 1340.101—1340.1103), which, inter alia, created the Department (71 P.S. § 1340.301) and renamed the Department of Environmental Resources as the

Department of Environmental Protection (71 P.S. § 1340.501), provided that the Department shall exercise the powers and duties conferred upon the Department of Environmental Resources by the WRCA (71 P.S. § 1340.305(a)(9)), including issuing and modifying regulations (71 P.S. § 1340.313(g)).

The Department amends the conservation of Pennsylvania native wild plants regulations to update the following Pennsylvania native wild plant species classification lists, including updating certain scientific names, common names and reference sources: Pennsylvania Extirpated (§ 45.11), Pennsylvania Endangered (§ 45.12), Pennsylvania Threatened (§ 45.13), Pennsylvania Rare (§ 45.14) and Tentatively Undetermined (§ 45.21). The updates to the Pennsylvania native wild plant species classification lists include the following: (1) adding plant species to a classification list that are currently unclassified, (2) reclassifying plant species already on a classification list to a new classification and (3) removing plant species from the classification lists altogether (declassifying them).

This final-form rulemaking includes a total of 82 substantive changes to the conservation of Pennsylvania native wild plant regulation species classification lists as follows: (1) 24 currently unclassified native wild plant species will be newly classified, (2) 28 currently classified native wild plant species will be reclassified, including 3 species whose scientific names are changing/being updated (technically these are shown as the “old” name being unclassified and the “new” name being classified) and (3) 30 currently classified native wild plant species will be unclassified.

The amendments to the Pennsylvania native wild plant species classification lists include updates to the scientific names for three native wild plant species and the common name for one native wild plant species. As botanical taxonomists make new discoveries about species, the

Department's standard reference, Ann Fowler Rhoads and Timothy A. Block, *The Plants of Pennsylvania: An Illustrated Manual Second Edition* (2007), Philadelphia, Pennsylvania: University of Pennsylvania Press (*The Plants of Pennsylvania*), may not include the most up-to-date nomenclature. In this final-form rulemaking, when the new name is not found in the standard reference, the alternate source is provided in parentheses.

Process of classifying native wild plants in this Commonwealth

Native wild plant species are those plant species that existed in this Commonwealth prior to European settlement. There are approximately 2,800 native wild plant species that currently exist or formerly existed in this Commonwealth. The Department classifies approximately 1/5 of these species because they are a conservation concern. The other 4/5 of these species are considered secure and thus not classified.

The Department begins the process of classifying native wild plants by collecting and analyzing data on native wild plant species in this Commonwealth. The Department uses the following data to make its classification decisions: numbers of populations known in this Commonwealth; number of individuals within populations; the plant's range (within the United States and within this Commonwealth); threats such as pests, invasive species and habitat loss; decrease or increase in population numbers; and taxonomic information. (Note, this list is not exhaustive.) The Department analyzes this data to determine the population, distribution, habitat needs, limiting factors and other biological and ecological information about each plant species.

To make classification decisions, the Department uses data referred to as "State ranks." In this Commonwealth, each plant species receives a State rank from the Pennsylvania Natural Heritage Program (Program). The Program assigns these ranks based on a methodology created by NatureServe, an international network of natural heritage programs. The purpose of

NatureServe's methodology is to bring consistency to the biodiversity conservation efforts of individuals and organizations throughout the Western Hemisphere. This methodology is used across North America, Central America and South America. By using this standard tool, the Department ensures its evaluation methods are, at a minimum, equivalent to those of other states and countries in the western hemisphere and that its classification decisions are based on sound science.

Throughout this process, the Department also receives data, information and recommendations from the Pennsylvania Biological Survey's Vascular Plant Technical Committee (Committee). The Committee is composed of professional botanists working throughout this Commonwealth in academic, consulting, governmental and conservation organizations. Each year, the Committee makes classification recommendations for native wild plants based on the research and expertise of its professional botanists.

The Department assimilates and reviews all data and recommendations it collects and receives and determines the appropriate classifications for each native wild plant species under the definitions in Chapter 45. This review process occurs continuously, as botanists are continually learning more about native wild plant species populations and threats. The Department will continue to update its classification lists as needed to reflect changes to native wild plant conservation needs.

Native wild plant classifications

How plants are classified determines the "management measures necessary for their continued ability to sustain themselves successfully." (32 P.S. § 5307 (a)). Native wild plant species that are at risk of extinction in this Commonwealth need greater protection than those

less susceptible to that risk. Chapter 45 designates the level of risk facing Pennsylvania's native wild plant species by classifying them as follows:

Pennsylvania Extirpated (§ 45.11)—A classification of plant species believed to be extinct in this Commonwealth. If a plant species classified as Pennsylvania Extirpated is later found to exist in this Commonwealth, it will automatically be considered classified as Pennsylvania Endangered.

Pennsylvania Endangered (§ 45.12)—A classification of plant species that are in danger of extinction throughout most or all of their natural range in this Commonwealth, if critical habitat is not maintained or if the species is greatly exploited by man. This classification also includes populations of plant species that have been classified as Pennsylvania Extirpated, but are subsequently found to exist in this Commonwealth.

Pennsylvania Threatened (§ 45.13)—A classification of plant species that may become endangered throughout most or all of their natural range in this Commonwealth, if critical habitat is not maintained to prevent their further decline, or if the species is greatly exploited by man.

Pennsylvania Rare (§ 45.14)—A classification of plant species that are uncommon in this Commonwealth because they have low population numbers, or are only found in restricted geographic areas.

Pennsylvania Vulnerable (§ 45.15)—A classification of plant species that are in danger of population decline in this Commonwealth because of their beauty, economic value, use as a cultivar or other factors which indicate that persons may seek to remove these species from their native habitats.

Special Concern Population (§ 45.20)—A classification of plant species that the Department has determined to be a unique occurrence deserving protection. Among the factors

used to classify a plant species as a Special Concern Population are the existence of unusual geographic locations, unisexual populations or extraordinarily diverse plant populations.

Tentatively Undetermined (§ 45.21)—A classification of plant species that are in danger of population decline, but do not meet the criteria for any other classification due to taxonomic uncertainties, limited historical records or insufficient data.

Updating species nomenclature

This final-form rulemaking updates the scientific and common names of certain native wild plant species in order to conform to the Department's taxonomic source material. The Department's reference source for the nomenclature used to identify species taxonomy in Chapter 45 is *The Plants of Pennsylvania*. When the species name is not found there, the reference source will be provided in parentheses. Additionally, this final-form rulemaking corrects minor grammatical errors and misspellings of species names.

Pennsylvania Natural Diversity Inventory

The amendments will be incorporated into the Pennsylvania Natural Diversity Inventory (PNDI). PNDI is a database that maintains the Department's list of native wild plant classifications, as well as native rare wildlife classifications from the Game Commission, the Fish and Boat Commission and the United States Fish and Wildlife Service. PNDI provides the most current, reliable and objective scientific information about ecological resources in this Commonwealth and it is used to help inform environmental decisions in this Commonwealth. Most notably, the Department of Environmental Protection (DEP) uses PNDI to inform its environmental permitting decisions.

The overwhelming majority of PNDI users use PNDI as part of the process of obtaining a DEP permit. DEP requires permit applicants to screen their land use projects through PNDI for

potential impacts to threatened or endangered species in order to receive a DEP permit.

Threatened and endangered plant species are thereby protected by DEP's permitting process.

Although this final-form rulemaking will result in updates to the plant data in PNDI, it will not affect DEP's permitting process. The process of obtaining a DEP permit is beyond the scope of this final-form rulemaking; instead, PNDI's connection to this final-form rulemaking is limited to its use of the plant data that will result from the amendments made by this final-form rulemaking. No person, business, small business or organization will be required to invest in any additional administrative procedures as a direct result of this final-form rulemaking.

Finally, because this final-form rulemaking removes more species from classifications than it adds, there may be fewer classified plant species for prospective DEP permit applicants to account for when applying for a DEP permit. Depending on the project type, location and classified plant species in question, prospective DEP permit applicants may see no change in the amount of mitigation required to address impacts to threatened and endangered species in fulfilling permit requirements.

The proposed rulemaking was published at 52 Pa.B. 5476 (August 27, 2022). The public comment period closed on September 26, 2022. The Department received no public comments or comments from the Independent Regulatory Review Commission (IRRC). On October 26, 2022, IRRC advised the Department that IRRC has reviewed the proposed regulation and has no objections, comments or recommendations regarding the same. It also advised that if the Department delivers the final-form regulation without revisions, and the Committees do not take any action, the final-form regulation will be deemed approved.

Summary of this Final-form Rulemaking

Section 45.11 is amended to update the Pennsylvania Extirpated native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Extirpated native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Acalypha deamii</i> (Weath.) Ahles	Two-Seeded Copperleaf
<i>Cuscuta coryli</i> Engelm.	Hazel Dodder
<i>Cyperus retrorsus</i> Chapm.	Retrorse Flatsedge
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Utricularia subulata</i> L.	Slender Bladderwort

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Extirpated native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine
<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry

Section 45.12 is amended to update the Pennsylvania Endangered native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Endangered native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aletris farinosa</i> L.	Colic-Root
<i>Arnoglossum reniforme</i> (Hook.) H. E. Robins.	Great Indian Plantain
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Astragalus canadensis</i> L.	Canadian Milk-Vetch
<i>Bidens bidentoides</i> (Nutt.) Britton	Swamp Beggar-Ticks
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge

<i>Carex roanensis</i> F. J. Herm (Source: Flora of Southeastern United States, Weakley 2020)	Roan Mountain Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Sterile Sedge
<i>Corallorhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Cypripedium reginae</i> Walter	Showy Lady's-Slipper
<i>Fraxinus quadrangulata</i> Michx. (Source: Flora of Southeastern United States, Weakley 2020)	Blue Ash
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop
<i>Hierochloa hirta</i> (Schrank) Borbás (Source: Flora of Southeastern United States, Weakley 2020)	Common Northern Sweet Grass
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
<i>Lysimachia hybrida</i> Michx.	Lance-Leaved Loosestrife
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Marshallia pulchra</i> W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of Southeastern United States, Weakley 2020)	Beautiful Barbara's Buttons
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow
<i>Spiraea corymbosa</i> Rafinesque (Source: Flora of Southeastern United States, Weakley 2020)	Dwarf Spiraea
<i>Trifolium stoloniferum</i> Eaton (Source: Flora of the Southeastern United States, Weakley 2020)	Running Buffalo Clover
<i>Viola glaberrima</i> (Ging.) House (Source: Flora of Southeastern United States, Weakley 2020)	Wedge-Leaved violet

The following Pennsylvania native wild plant species are deleted from the Pennsylvania

Endangered native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex collinsii</i> Nutt.	Collins' Sedge
<i>Carex gravida</i> Bailey	Heavy Sedge
<i>Cyperus acuminatus</i> Torr. & Hook.	Short-Pointed Flatsedge
<i>Cyperus retrorsus</i> Chapm.	Retrorse Flatsedge
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil
<i>Diarrhena obovata</i> (Gleason) Brandenburg	Obovate Beakgrain
<i>Glyceria borealis</i> (Nash) Batch.	Small-Floating Mannagrass
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Juncus longii</i> Fern.	Long's Rush
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-flowered Marshallia

<i>Passiflora lutea</i> L.	Passion-Flower
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue
<i>Vitis novae-angliae</i> Fernald	New England Grape

Section 45.13 is amended to update the Pennsylvania Threatened native wild plants classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Threatened native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Ageratina aromatica</i> (L.) Spach	Small White-Snakeroot
<i>Arabis patens</i> Sull.	Spreading Rockcress
<i>Asclepias verticillata</i> L.	Whorled Milkweed
<i>Bromus kalmii</i> A. Gray	Kalm's Brome
<i>Carex collinsii</i> Nutt.	Collins' Sedge
<i>Carex longii</i> Mack.	Long's Sedge
<i>Castilleja coccinea</i> (L.) Spreng.	Eastern Paintbrush
<i>Galium latifolium</i> Michx.	Purple Bedstraw
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed-Orchid
<i>Ranunculus ambigens</i> S. Watson	Water-Plantain Spearwort
<i>Solidago roanensis</i> Porter	Mountain Goldenrod
<i>Stellaria borealis</i> Bigelow	Northern Stitchwort
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Threatened native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Actaea podocarpa</i> DC	American Bugbane
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Bidens bidentoides</i> (Nutt.) Britt.	Swamp Beggar-Ticks
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Atlantic Sedge
<i>Cypripedium reginae</i> Walter	Showy Lady's-Slipper
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow

Spiraea betulifolia Pallas var. *corymbosa* (Raf.)
Maxim. Dwarf Spiraea

Section 45.14 is amended to update the Pennsylvania Rare native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Rare native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Actaea podocarpa</i> DC	Mountain Bugbane
<i>Andropogon gyrans</i> Ashe	Elliott's Beardgrass
<i>Asplenium pinnatifidum</i> Nutt.	Lobed Spleenwort
<i>Bartonia paniculata</i> ssp. <i>paniculata</i> (Michx.) Muhl.	Screw-Stem
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Erythronium albidum</i> Nutt.	White Trout-Lily
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush
<i>Lorinseria areolata</i> (Linnaeus) C. Presl. (Source: Flora of the Southeastern United States, Weakley 2020)	Netted Chain Fern

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Rare native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot
<i>Baccharis halimifolia</i> L.	Eastern Baccharis
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush
<i>Solidago roanensis</i> Porter	Tennessee Golden-Rod
<i>Tipularia discolor</i> (Pursh) Nutt.	Crane-fly Orchid

Section 45.21 is amended to update the Pennsylvania Tentatively Undetermined native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Tentatively Undetermined native wild plant species classification list:

Scientific Name

Adiantum pedatum L. ssp. *caulderi* Cody

Aletris farinosa L.

Ambrosia psilostachya DC.

Carex buxbaumii Wahlenb.

Carex longii Mack.

Carex lupuliformis Sartwell

Carex mesochorea Mack.

Castilleja coccinea (L.) Spreng.

Corallorrhiza wisteriana Conrad

Cuscuta corylii Engelm.

Cyperus odoratus L.

Elatine minima (Nutt.) Fisch. & C. A. Mey

Elymus virginicus L. var. *submuticus* Hook.

Gratiola aurea Muhl. ex Pursh

Juncus biflorus Elliott

Lythrum alatum Pursh

Oxydendrum arboreum (L.) DC.

Platanthera ciliaris (L.) Lindl.

Rorippa palustris (L.) Besser

var. *palustris* (Gleason, H. A. and Cronquist, A., *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition)

Salix petiolaris Sm.

Salvia reflexa Hornem.

Viola tripartita Elliott

Common Name

Northern Maidenhair Fern

Colic-Root

Naked-Spiked Ambrosia

Brown Sedge

Long's Sedge

False Hop Sedge

Midland Sedge

Scarlet Indian Paintbrush

Spring Coral-Root

Hazel Dodder

Rusty Flatsedge

Small Waterwort

Wild Rye

Golden Hedge-Hyssop

Grass-Leaved Rush

Winged Loosestrife

Sourwood

Yellow Fringed Orchid

Yellow Cress

Meadow Willow

Lance-Leaved Sage

Three-parted Violet

Summaries of the changes to the lists of classified plants, including very brief descriptions and reasons for the changes, follow. Additional detailed information on reasons for the changes can be found in the Department's Native Wild Plant Species Accounts (2022) on the Department's Rare, Threatened and Endangered Plants web site (click on "2022 Plant Species Accounts" or copy and paste the following URL:

<http://elibrary.dcnr.pa.gov/GetDocument?docId=3709763&DocName=Native%20Wild%20Plant%20Species%20Accounts%202021.pdf>).

Newly Classified Plant Species

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Acalypha deamii</i> (Weath.) Ahles	Two-Seeded Copperleaf	N	PX	moist woods or riparian woods; flowers and fruits late summer-fall	Only one population was known and not observed since 1900s (0 populations)
<i>Ageratina aromatica</i> (L.) Spach	Small-Leaved White-Snakeroot	N	PT	dry wood, poor soils, sandy open areas, serpentine soils; blooms August-October	population decline, specialized habitat (7 populations)
<i>Andropogon gyrans</i> Ashe	Elliott's Beardgrass	N	PR	dry or moist fields, open woods; blooms September-October	limited, geographic distribution, threats to existing populations (32 populations)
<i>Arabis patens</i> Sull.	Spreading Rockcress	N	PT	moist, rocky woods; flowers April-July	Globally vulnerable, population declines, sensitive habitat (10 populations)
<i>Arnoglossum reniforme</i> (Hook.) H. E. Robins.	Great Indian Plantain	N	PE	wet woods and floodplains, seepage woodlands; flowers June-September	population decline, extreme rarity (1 population)
<i>Asclepias verticillata</i> L.	Whorled Milkweed	N	PT	dry rocky, sandy soils or barrens; flowers July-August	population declines, sensitive and limited habitat (10 populations)
<i>Asplenium pinnatifidum</i> Nutt.	Lobed Spleenwort	N	PR	crevices of dry, lightly shaded cliffs of non-calcareous rocks	population declines, habitat fragmentation (27)

					populations)
<i>Astragalus canadensis</i> L.	Canadian Milk-vetch	N	PE	limestone soils and open rocky or shale- rich areas and barrens; flowers late June-early August	population declines, invasive species; limestone habitats tend to be at risk (7 populations)
<i>Bartonia paniculata</i> <i>ssp. paniculata</i> (Michx.) Muhl.	Screw-Stem	N	PR	bogs and edges of peaty wetlands; flowers August-October	small number of individuals in populations, limited to boggy open wetlands; but tolerates some disturbed habitat (63 populations)
<i>Bromus kalmii</i> A. Gray	Kalm's Brome	N	PT	rocky wooded slopes and dry to moist, woods; flowers June- July	population decline; succession, invasive plants and habitat loss (12 populations)
<i>Carex roanensis</i> F. J. Herm (Source: Flora of the Southeastern United States, Weakley 2020)	Roan Mountain Sedge	N	PE	rich, moist woods, often dominated by beech trees; fruits in early summer	globally-rare species, very few and small populations, recently found in Pennsylvania (4 populations)
<i>Erythronium albidum</i> Nutt.	White Trout-Lily	N	PR	rich wooded slopes and floodplains on calcareous soil; flowers late April	population declines, small population sizes, geographically limited; threatened by invasive plants and habitat loss (48 populations)

<i>Fraxinus quadrangulata</i> Michx. (Source: Flora of the Southeastern United States, Weakley 2020)	Blue Ash	N	PE	moist to dry calcareous woodlands and forests	extreme rarity; threatened by forest pest emerald ash borer (1 population)
<i>Galium latifolium</i> Michx.	Purple Bedstraw	N	PT	woods, rocky slopes and roadsides; flowers June-July	populations have few individuals making it more vulnerable to disturbance (23 populations)
<i>Hierochloa hirta</i> (Schrank) Borbás (Source: Flora of the Southeastern United States, Weakley 2020)	Common Northern Sweet Grass	N	PE	fens, wet meadows, pastures and marsh edges; flowers April-August	extreme rarity, habitat threatened by invasive species, and fen and wetland impacts (4 populations)
<i>Lorinseria areolata</i> (Linnaeus) C. Presl. (Source: Flora of the Southeastern United States, Weakley 2020)	Netted Chain Fern	N	PR	moist or wet woods and acidic bogs	found in low numbers in Pennsylvania, in a restricted geographic distribution, limited by habitat (37 populations)
<i>Lysimachia hybrida</i> Michx.	Lance-Leaved Loosestrife	N	PE	swamps, wet meadows, fens and pond margins; flowers June-August	small populations, habitat loss and impacts to temporary ponds (5 populations)
<i>Marshallia pulchra</i> W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of the Southeastern United States, Weakley 2020)	Beautiful Barbara's Buttons	N	PE	high-energy river scour habitat; flowers mid-June - mid-July	all populations of <i>Marshallia grandiflora</i> were redetermined to be <i>Marshallia pulchra</i> ,

					extremely limited habitat (16 populations)
<i>Ranunculus ambigens</i> S. Watson	Water-Plantain Spearwort	N	PT	low wet ground, swamps, and muddy ditches; flowers May through August	population declines, small populations; threatened by deer pressure, changes in hydrology and invasive plants (10 populations)
<i>Spiraea corymbosa</i> Rafinesque (Source: Flora of the Southeastern United States, Weakley 2020)	Dwarf Spiraea	N	PE	rocky, wooded slopes; flowers June	population decline due to loss of habitat; name change from <i>Spiraea betulifolia</i> Pallas var. <i>corymbosa</i> (Raf.) Maxim. to <i>Spiraea corymbosa</i> Raf. (4 populations)
<i>Stellaria borealis</i> Bigelow	Northern Stitchwort	N	PT	slopes with springs, sphagnous swamps and stream banks; flowers May-August	population decline due to habitat loss, contracting habitat range (20 populations)
<i>Trifolium stoloniferum</i> Eaton (Source: Flora of the Southeastern United States, Weakley 2020)	Running Buffalo Clover	N	PE	Dry upland woodlands and prairies in Pennsylvania southwest; flowers	Federally-listed species recently discovered in Pennsylvania, very few populations and globally rare plant (5 populations)

<i>Utricularia subulata</i> L.	Slender Bladderwort	N	PX	open wet, mucky or sandy soil; flowers June-August	known only from one herbarium specimen from 1900s, but surveys have not relocated it (0 populations)
<i>Viola glaberrima</i> (Gingins) H. House (Source: Flora of the Southeastern United States, Weakley 2020)	Wedge- Leaved Violet	N	PE	rich, moist forests on lower slopes and bottomlands; flowers late April-May	extremely rare; populations of <i>Viola glaberrima</i> were previously attributed to <i>Viola tripartita</i> (2 populations)

Key: N: Currently Unclassified; PX: § 45.11 Pennsylvania Extirpated; PE: § 45.12 Pennsylvania Endangered; PT: § 45.13 Pennsylvania Threatened; PR: § 45.14 Pennsylvania Rare; PV: § 45.15 Pennsylvania Vulnerable; TU: § 45.21 Tentatively Undetermined

Currently Classified Plants Reclassified

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Actaea podocarpa</i> DC	Mountain Bugbane	PT	PR	rich, wet woody slopes and coves; flowers in August	more populations than previously thought, but still uncommon and geographically limited (50 populations)
<i>Aletris farinosa</i> L.	Colic-Root	TU	PE	moist clearings in southeastern Pennsylvania; flowers May-July	multiple threats to habitat, population decline, very few sites remaining with small population sizes (3 populations)
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort	PT	PE	crevices of dry, shaded acidic rock outcrops	population declines, habitat loss or degradation

					(6 populations)
<i>Bidens bidentoides</i> (Nutt.) Britton	Swamp Beggar- Ticks	PT	PE	muddy tidal areas; flowers September- October	globally uncommon, limited to special habitat, population decline (9 populations)
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth	PT	PE	moist woods; flowers April-May	extremely rare, habitat subject to conversion and invasive species (4 populations)
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge	TU	PR	calcareous wet areas including grasslands, meadows, swales, and wet woods; fruits in summer	relatively few populations and found in a restricted geographic range, habitat fragmentation (22 populations)
<i>Carex collinsii</i> Nutt.	Collins' Sedge	PE	PT	acidic swamps and boggy woods; fruits in summer	more populations than previously thought, but still limited by habitat availability (18 populations)
<i>Carex longii</i> Mack.	Long's Sedge	TU	PT	wet, sandy soils in swamps, thickets and meadows; fruits in summer	population declines, invasion, herbivory, habitat loss (15 populations)
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge	TU	PE	vernal pools and other wet areas on calcareous substrates; fruits in summer	population declines, invasive plants, succession, impact to wetlands (11 populations)

<i>Carex paupercula</i> Michx.	Bog Sedge	PT	PR	sphagnum bogs and boggy woods; fruits in summer	more populations than previously thought but still restricted by geographic range (45 populations)
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge	PT	PE	calcareous marshes and stream banks; fruits in summer	globally-uncommon species, very few populations, range constricted, specialized habitat (6 populations)
<i>Carex sterilis</i> Willd.	Sterile Sedge	PT	PE	calcareous swamps and fens; fruits in summer	steep population decline, small population sizes. Changing common name from Atlantic Sedge to Sterile Sedge (8 populations)
<i>Castilleja coccinea</i> (L.) Spreng.	Eastern Paintbrush	TU	PT	parasitic on the roots of other plants; moist meadows, on limestone and diabase; flowers April-June	population declines, limited by limestone or diabase soils (15 populations)
<i>Corallorhiza wisteriana</i> Conrad	Spring Coral-Root	TU	PE	rocky, wooded slopes on limestone and diabase; flowers April-June	population decline, small population sizes, orchid species vulnerable to collection (5 populations)
<i>Cuscuta coryli</i> Engelm.	Hazel Dodder	TU	PX	dry rocky woods, clearings and hillsides where it is parasitic on various shrubs and herbs; flowers June-Sept. fruits July-October	last observed in 1950s, field surveys failed to relocate. Also correcting minor spelling mistake (changing to

					"coryli") (0 populations)
<i>Cyperus retrorsus</i> Chapm.	Retorse Flatsedge	PE	PX	dry, open, sandy areas and ballast; flowers and fruits mid-summer to early fall	not observed in 50 years after surveys; habitat destroyed (0 populations)
<i>Cypripedium</i> <i>reginae</i> Walter	Showy Lady's- Slipper	PT	PE	fens and swamps; flowers May-June	population decline; threatened by impacts to wetland habitat, deer herbivory and poaching (7 populations)
<i>Gaylussacia</i> <i>brachycera</i> (Michx.) A. Gray	Box Huckleberry	PT	PE	well-drained open woods; flowers May, fruits August	globally-rare, slow growing and low germination rates, extreme rarity (3 populations)
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge- Hyssop	TU	PE	moist or wet soils along streams or ponds; flowers July- August	population declines, extreme rarity (3 populations)
<i>Gymnopogon</i> <i>ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad- Leaved Beardgrass	PE	PX	serpentine barrens; flowers July-early October	one historic location was known, now destroyed, not observed elsewhere (0 populations)
<i>Hypericum</i> <i>gymnanthum</i> Engelm. & A. Gray	Clasping- Leaved St. John's-Wort	PX	PE	muddy, wet areas; flowers July- September	globally uncommon species; thought to be extirpated but rediscovered (1 population)

<i>Juncus biflorus</i> Elliott	Grass- Leaved Rush	TU	PR	moist, open woods, boggy fields, gravel pits and ditches; flowers and fruits in summer	uncommon, with geographic limitations; populations have small numbers of individuals that are more vulnerable to disturbance (39 populations)
<i>Lythrum alatum</i> Pursh	Winged Loosestrife	TU	PE	swamps, wet meadows, marshy shores, and ditches; flowers early July- September	severe population declines, wetland habitat is threatened by degradation and invasive plants, extremely rare (1 population)
<i>Passiflora lutea</i> L.	Passion- Flower	PE	PT	moist stream bank thickets; flowers July	more populations recently observed, still uncommon statewide and small populations (20 populations)
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed- Orchid	TU	PT	bogs, moist meadows and woods; flowers July-August	population declines, small variable populations; requires wetland soil but can tolerate some disturbance (32 populations)
<i>Salix candida</i> Flüggé ex Willd.	Hoary Willow	PT	PE	wet meadows and fens on calcareous soils	extreme rarity; limited by habitat, population decline (2 populations)
<i>Solidago roanensis</i> Porter	Mountain Goldenrod	PR	PT	rocky banks, roadsides, woods and	Population decline, range

				edges; flowers August-September	constricted (10 populations)
<i>Thalictrum coriaceum</i> (Britton) Small	Thick- Leaved Meadow- Rue	PE	PT	rich, rocky woods, thickets and moist alluvium; blooms late May-June	more populations discovered, but still uncommon, limited by habitat availability (21 populations)

Key: PX: § 45.11 Pennsylvania Extirpated; PE: § 45.12 Pennsylvania Endangered; PT: § 45.13 Pennsylvania Threatened; PR: § 45.14 Pennsylvania Rare; PV: § 45.15 Pennsylvania Vulnerable; TU: § 45.21 Tentatively Undetermined

Classified Plant Species Declassified

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern	TU	DC	rich, deciduous woodland; incorrectly thought to inhabit serpentine barrens	not found in Pennsylvania (0 populations)
<i>Ambrosia psilostachya</i> DC.	Naked- Spiked Ambrosia	TU	DC	sandy shores or meadows; blooms August-October	not native to Pennsylvania
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot	PR	DC	moist, rich, wooded slopes and bottomlands; blooms May-August	more common than previously thought, may not be limited by habitat (at least 64 populations)
<i>Baccharis halimifolia</i> L.	Eastern Baccharis	PR	DC	native open sandy areas, marshes and beaches but adventive along roadsides where de- icing salt is used; flowers August- October	expanding habitat, utilizes roadsides influenced by de-icing salts, highly mobile species (abundant)

<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge	PX	DC	wet soils and meadows, streambanks and openings in streamside woods, particularly on calcareous soils; fruits in July	not found in Pennsylvania (0 populations)
<i>Carex gravida</i> Bailey	Heavy Sedge	PE	DC	prairies and other open areas usually on calcareous soils; fruits in summer	not found in Pennsylvania (0 populations)
<i>Carex mesochorea</i> Mack.	Midland Sedge	TU	DC	dry, open woods, fields, and roadsides; fruits in summer	more populations of this species have been found; common and not a conservation concern (abundant)
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary	PR	DC	woods and scrubby areas near streams; flowers late April-May	more populations than thought, large numbers of individuals in populations; secure and not a conservation concern (at least 50 populations)
<i>Cyperus acuminatus</i> Torr. & Hook.	Short- Pointed Flatsedge	PE	DC	wet, sandy, disturbed ground; flowers and fruits mid-summer to early fall	not native to Pennsylvania
<i>Cyperus odoratus</i> L.	Rusty Flatsedge	TU	DC	moist meadows, wet sandy or gravelly flats, and riverbanks; flowers and fruits mid-summer to early fall	grows in disturbed habitat, expanding its range; more common than previously

					thought and not a conservation concern (abundant)
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil	PE	DC	dry sandy woods; flowers August-September	hybrid of two common species, not a conservation concern
<i>Diarrhena obovata</i> (Gleason) Brandenburg	Obovate Beakgrain	PE	DC	rich woods	more common than previously thought with large populations, expanding range, not limited by habitat (abundant)
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass	PT	DC	sandy, moist soils; flowers July-early October	able to use disturbed areas, not limited by habitat, not in decline (abundant)
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass	PX	DC	waste grounds and ballast; flowers August-October	not native to Pennsylvania
<i>Elatine minima</i> (Nutt.) Fisch. & C. A. Mey	Small Waterwort	TU	DC	shorelines of ponds, lakes and impoundments; flowers July-August	more frequent and widespread than had previously been thought; not limited by habitat (abundant)
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush	PR	DC	bogs and wetlands with sandy-peaty soil; flower/fruits mid to late summer	more widespread and frequent than previously thought (at

					least 40 populations)
<i>Elymus virginicus</i> L. var. <i>submuticus</i> Hook.	Wild Rye	TU	DC	moist soils of open forests, thickets, grasslands, ditches, and disturbed ground; flowers June-August	not native to Pennsylvania
<i>Glyceria borealis</i> (Nash) Batch.	Small-Floating Mannagrass	PE	DC	shallow lakes and streams; flowers in July	more common than previously thought, not limited by habitat quality (at least 19 populations)
<i>Juncus longii</i> Fern.	Long's Rush	PE	DC	habitat attributed to this species was early successional seepages with exposed soils, but not found in Pennsylvania	not found in Pennsylvania; specimens of this species found to be another species (0 populations)
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-Flowered Marshallia	PE	DC	habitat uncertain but possibly borders of swamps; flowers June-August in North Carolina	not found in Pennsylvania; all populations of <i>Marshallia grandiflora</i> were redetermined to be <i>Marshallia pulchra</i> (0 populations)
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine	PX	DC	habitat previously attributed to this species was moist woods, thickets, river banks, ditches and fence rows; flowers June and July.	not native and does not occur in Pennsylvania (0 populations)

<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry	PX	DC	habitat previously attributed to this species was swamps and moist, low ground on the coastal plain; flowers April or May	does not occur in Pennsylvania (0 populations)
<i>Oxydendrum arboreum</i> (L.) DC	Sourwood	TU	DC	dry woods and along slopes; blooms in August	more common than previously thought, able to utilize disturbed habitat, expanding range (at least 31 populations)
<i>Rorippa palustris</i> (L.) Besser var. <i>palustris</i> (Gleason, H. A. and A Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Yellow Cress	TU	DC	wet shores and low open ground; flowers May-September	common and not in need of conservation (abundant)
<i>Salix petiolaris</i> Sm.	Meadow Willow	TU	DC	meadows and swales; flowers just before leaves emerge	more common than previously thought (at least 32 populations)
<i>Salvia reflexa</i> Homem.	Lance- Leaved Sage	TU	DC	stream banks, old fields, roadsides, cinders, and quarry waste; flowers June- September	not native to Pennsylvania
<i>Spiraea betulifolia</i> Pallas var. <i>corymbosa</i> (Raf.) Maxim.	Dwarf Spiraea	PT	DC	rocky, wooded slopes; flowers June	name changed to <i>Spiraea corymbosa</i> Rafinesque
<i>Tipularia discolor</i> (Pursh) Nutt.	Cranefly Orchid	PR	DC	deciduous forests and stream banks in	more common than

				Pennsylvania southeast; flowers July-August	previously thought (at least 83 populations)
<i>Viola tripartita</i> Elliot	Three-Parted Violet	TU	DC	moist slopes and bottomland especially over calcareous substrate in southern Pennsylvania; flowers late March-May	not found in Pennsylvania, populations previously attributed to this species are <i>Viola glaberrima</i> (0 populations)
<i>Vitis novae-angliae</i> Fernald	New England Grape	PE	DC	in moist mountain woods, ravines, and roadside thickets; flowers May; fruits August through November	found to be a sterile hybrid of two common species, and is a hybrid without conservation value (abundant)

Key: DC: Declassified; PX: § 45.11 Pennsylvania Extirpated; PE: § 45.12 Pennsylvania Endangered; PT: § 45.13 Pennsylvania Threatened; PR: § 45.14 Pennsylvania Rare; PV: § 45.15 Pennsylvania Vulnerable; TU: § 45.21 Tentatively Undetermined

Plant Species Name Changes/Updates

The names of the following native wild plant species are changed/updated:

Spiraea betulifolia Pallas var. *corymbosa* (Raf.) Maxim. is deleted from Pennsylvania Threatened (§ 45.13) classification and *Spiraea corymbosa* Rafinesque (Source: Flora of Southeastern United States, Weakley 2020) is added to Pennsylvania Endangered (§ 45.12) classification. *Spiraea corymbosa* is the accepted taxonomy for this species and the appropriate classification is Pennsylvania Endangered.

Marshallia grandiflora Beadle & F. E. Boynton is deleted from Pennsylvania Endangered (§ 45.12) classification and *Marshallia pulchra* W. M. Knapp, D. B. Poind. &

Weakley (Source: Flora of Southeastern United States, Weakley 2020) is added to Pennsylvania Endangered (§ 45.12) classification. The correct name for this species is *Marshallia pulchra* and the correct classification is Pennsylvania Endangered.

Viola tripartita Elliot is deleted from Tentatively Undetermined (§ 45.21) classification and *Viola glaberrima* (Ging.) House (Source: Flora of Southeastern United States, Weakley 2020) is added to Pennsylvania Endangered (§ 45.12) classification. The correct name for these plants is *Viola glaberrima* and the correct classification is Pennsylvania Endangered.

The common name of *Carex sterilis* Willd. is changed from Atlantic sedge to Sterile Sedge. Both names are accepted common names. However, the Department prefers Sterile Sedge, as it is a more descriptive name.

Fiscal Impact

Commonwealth. This final-form rulemaking will not have a fiscal impact on this Commonwealth.

Political subdivisions. This final-form rulemaking will not have a fiscal impact on political subdivisions.

Public. This final-form rulemaking will not have a fiscal impact on the public.

Benefits, Costs and Compliance

Benefits. This final-form rulemaking will benefit State, county and municipal conservation planning officials, environmental regulatory agencies, landowners, conservation districts, conservation groups and other organizations concerned with the welfare of the environment, because it more accurately represents the native wild plants in this Commonwealth in need of the most protection. This final-form rulemaking also benefits the citizens of this

Commonwealth by protecting this Commonwealth's natural resources, which is a constitutional right. See Pa.Const. Art. I, § 27.

Keeping up-to-date classifications of native wild plants ensures that the Department and other public and private conservation organizations are targeting the appropriate species in their conservation efforts. This will help maintain a healthy biodiversity of ecological systems in this Commonwealth.

Costs and compliance. This final-form rulemaking will not impose additional compliance costs.

Paperwork requirements. There are no additional paperwork requirements associated with this final-form rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 17, 2022, the Department submitted a copy of the proposed rulemaking, published at 52 Pa.B. 5476, on August 27, 2022 to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. The Department received no public comments or comments from IRRC.

Under section 5.1 (j.2) of the Regulatory Review Act (71 P. S. § 745.5a (j.2)), on _____, 202_, this final-form rulemaking was deemed approved by the House and Senate Committees. As the Department delivered the final-form regulation without revisions, and the Committees did not take any action, the final-form regulation was deemed approved by IRRC. Under section 5.1 (e) of the Regulatory Review Act, IRRC met on _____, 202_, and approved the final-form rulemaking.

Effective Date

The regulation will become effective upon final publication in the *Pennsylvania Bulletin*.

Contact Person

For an explanation of this final-form rulemaking, contact Rebecca H. Bowen, Chief, Conservation Science and Ecological Resources Division, Bureau of Forestry, Department of Conservation and Natural Resources, P.O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-3444), rebbowen@pa.gov or contact RA-Ch45WildPlants@pa.gov.

Findings

The Department finds that:

(1) Public notice of intention to adopt the regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) At least a 30-day public comment period was provided as required by law and no public comments were submitted.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 5476.

(4) This final-form rulemaking is necessary and appropriate for the administration and enforcement of the authorizing acts identified in this preamble.

Order

The Department, acting under the authorizing statutes, orders that:

(1) The regulations of the Department, 17 Pa. Code, Chapter 45 (§§ 45.11, 45.12, 45.13, 45.14 and 45.21) are amended as set forth in Annex A.

(2) The Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(3) The Department shall submit this order and Annex A to the IRRC and the House and Senate Committees as required by law.

(4) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(5) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

CINDY ADAMS DUNN,

Secretary

(Editor's Note: See __ Pa.B. ____ (_____, 202_) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7B-10 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart D. RESOURCE CONSERVATION

CHAPTER 45. CONSERVATION OF PENNSYLVANIA NATIVE WILD PLANTS

Subchapter B. CLASSIFIED PLANTS

§ 45.11. Pennsylvania Extirpated.

Plant species classified as Pennsylvania Extirpated are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<u><i>Acalypha deamii</i> (Weath.) Ahles</u>	<u>Two-Seeded Copperleaf</u>
<i>Aeschynomene virginica</i> (L.) Britton, Stearns & Poggenb.	Sensitive Joint-Vetch
<i>Agalinis decemloba</i> (Greene) Pennell	Blue Ridge False Foxglove
<i>Agrostis altissima</i> (Walter) Tuck.	Tall Bentgrass
<i>Arctostaphylos uva-ursi</i> (L.) Spreng.	Bearberry Manzanita
<i>Asclepias rubra</i> L.	Red Milkweed
<i>Astragalus neglectus</i> (Torr. & A. Gray) Sheldon	Cooper's Milk-Vetch
<i>Berberis canadensis</i> P. Mill.	American Barberry
<i>Buchnera americana</i> L.	Bluehearts
<i>Carex adusta</i> Boott	Crowded Sedge
[<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge]
<i>Carex backii</i> Boott	Rocky Mountain Sedge
<i>Carex barrattii</i> Schwein. & Torr.	Barratt's Sedge
<i>Carex chordorrhiza</i> L.f.	Creeping Sedge
<i>Carex foenea</i> Willd.	Fernald's Hay Sedge
<i>Carex hyalinolepis</i> Steud.	Shoreline Sedge
<i>Carex nigra</i> (L.) Reichard	Black Sedge
<i>Carex sartwellii</i> Dewey	Sartwell's Sedge

Chamaecyparis thyoides (L.) Britton, Stearns & Poggenb.

Commelina erecta L.

Commelina virginica L.

Coreopsis rosea Nutt.

Crassula aquatica (L.) Schönland

Crotonopsis elliptica Willd.

Cuscuta coryli Engelm.

Cynoglossum boreale Fernald

Cyperus polystachyos Rottb.

Cyperus retrorsus Chapm.

Cypridium candidum Muhl. ex Willd.

Desmodium sessilifolium (Torr.) Torr. and A.

Gray

Dichantheium leibergii (Vasey) Freckmann

Dichantheium spretum (Schult.) Freckmann

Diphasiastrum sabinifolium (Willd.) Holub.

[Distichlis spicata (L.) Greene

Draba reptans (Lam.) Fernald

Echinacea laevigata (C. L. Boynton & Beadle) S.

F. Blake

Elatine americana (Pursh) Arn.

Eleocharis tricostata Torr.

Eleocharis tuberculosa (Michx.) Roem. & Schult.

Elodea schweinitzii (Planch) Casp.

Eriocaulon decangulare L.

Eriocaulon parkeri B. L. Rob.

Eryngium aquaticum L.

Eupatorium album L. var *album*

Eupatorium leucolepis (DC) Torr. & A. Gray

Euphorbia obtusata Pursh

Fimbristylis puberula (Michx.) Vahl

Galactia regularis (L.) Britton, Stearns &

Poggenb.

Galactia volubilis (L.) Britton

Gentiana catesbaei Walter

Gentianopsis virgata (Raf.) Holub

Gymnopogon ambiguus (Michx.) Britton,

Stearns & Poggenb.

Helianthus angustifolius L.

Hordeum pusillum Nutt. Á Löve

Hottonia inflata Elliott

Hydrocotyle umbellata L.

Atlantic White-Cedar

Slender Dayflower

Virginia Dayflower

Pink Tickseed

Water-Pigmyweed

Elliptical Rushfoil

Hazel Dodder

Northern Hound's Tongue

Many-Spiked Flatsedge

Retrorsed Flatsedge

Small White Lady's-Slipper

Sessile-Leaved Tick Trefoil

Leiberg's Panic Grass

Eaton's Witchgrass

Fir Clubmoss

Sea-Shore Salt-Grass]

Carolina Whitlow-Grass

Smooth Purple Coneflower

Long-Stem Waterwort

Three-Ribbed Spike-Rush

Long-Tubercled Spike-Rush

Schweinitz's Waterweed

Ten-Angle Pipewort

Parker's Pipewort

Marsh Eryngo

White Thoroughwort

White-Bracted Thoroughwort

Blunt-Leaved Spurge

Hairy Fimbry

Eastern Milk-Pea

Downy Milk-Pea

Elliott's Gentian

Narrow-Leaved Fringed Gentian

Broad-Leaved Beardgrass

Swamp Sunflower

Little-Barley

American Featherfoil

Many-Flowered Pennywort

Hypericum adpressum Raf. ex Barton

Hypericum crux-andreae (L.) Crantz

Hypericum denticulatum Walter

[*Hypericum gymnanthum* Engelm. & A. Gray

Ilex glabra (L.) A. Gray

Itea virginica L.

Juncus greenii Oakes & Tuck.

Koeleria macrantha (Ledeb.) Schultes

Leiophyllum buxifolium (Berg.) Elliott

Lespedeza stuevei Nutt.

Limosella australis R. Br.

Lobelia nuttallii Roem. & Schult.

Ludwigia sphaerocarpa Elliott

Lysimachia quadriflora Sims

[*Matelea carolinensis* (Jacq.) Woods.

Micranthemum micranthemoides (Nutt.) Wettst.

Muhlenbergia capillaris (Lam.) Trin.

[*Myrica heterophylla* Raf.

Onosmodium virginianum (L.) A. DC.

Ophioglossum vulgatum L.

var. *pycnostichum* Fernald

Phoradendron leucarpum (Raf.) Reveal & M. C. Johnst.

Phyllanthus caroliniensis Walt.

Platanthera cristata (Michx.) Lindl.

Platanthera leucophaea (Nutt.) Lindl.

Polygala lutea L.

Populus heterophylla L.

Potamogeton alpinus Balbis

Potamogeton praelongus Wulfen

Prenanthes racemosa Michx.

Proserpinaca pectinata Lam.

Ranunculus hederaceus L.

Rhododendron calendulaceum (Michx.) Torr.

Rhynchospora fusca (L.) Aiton f.

Rhynchospora gracilentia A. Gray

Ruellia caroliniensis (Walter ex J. F. Gmel.)

Steud.

Sabatia campanulata (L.) Torr.

Sabatia stellaris Pursh

Saccharum giganteum (Walter) Pers.

Sagittaria filiformis J. G. Sm.

Creeping St. John's-Wort

St. Peter's-Wort

Coppery St. John's-Wort

Clasping-Leaved St. John's-Wort]

Inkberry

Virginia-Willow

Greene's Rush

Junegrass

Sand-Myrtle

Tall Bush-Clover

Awl-Shaped Mudwort

Nuttall's Lobelia

Spherical-Fruited Seedbox

Four-Flowered Loosestrife

Carolina Milkvine]

Nuttall's Mud-Flower

Short Muhly

Evergreen Bayberry]

Virginia False Gromwell

Adders Tongue

Christmas Mistletoe

Carolina Leaf-Flower

Crested Yellow Orchid

Prairie White-Fringed Orchid

Yellow Milkwort

Swamp Cottonwood

Northern Pondweed

White-Stem Pondweed

Glaucous Rattlesnake-Root

Comb-Leaved Mermaid-Weed

Long-Stalked Crowfoot

Flame Azalea

Brown Beak-Rush

Beak-Rush

Carolina Petunia

Slender Marsh-Pink

Sea Pink

Sugarcane-Plumegrass

Water Arrow-Head

<i>Schoenoplectus heterochaetus</i> Chase (Sojak)	Slender Bulrush
<i>Scutellaria serrata</i> Andr.	Showy Skullcap
<i>Sisyrinchium fuscatum</i> E. P. Bicknell	Sand Blue-Eyed Grass
<i>Smilax pseudochina</i> L.	Long-Stalked Greenbrier
<i>Sparganium natans</i> L.	Small Bur-Reed
<i>Spiraea virginiana</i> Britton	Virginia Spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Ladies'-Tresses
<i>Trifolium reflexum</i> L.	Buffalo Clover
<i>Triglochin palustris</i> L.	Marsh Arrowgrass
<i>Utricularia fibrosa</i> Walt.	Fibrous Bladderwort
<i>Utricularia resupinata</i> B. D. Greene ex Bigelow	Northeastern Bladderwort
<u>Utricularia subulata</u> L.	<u>Slender Bladderwort</u>

§ 45.12. Pennsylvania Endangered.

Plant species classified as Pennsylvania Endangered are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum reclinatum</i> A. Gray	White Monkshood
<i>Acorus americanus</i> (Raf.) Raf.	Sweet Flag
<i>Agalinis auriculata</i> (Michx.) S. F. Blake	Eared False Foxglove
<i>Agalinis paupercula</i> (A. Gray) Britton	Small-Flowered False Foxglove
<u>Aletris farinosa</u> L.	<u>Colic-Root</u>
<i>Alisma triviale</i> Pursh	Broad-Leaved Water-Plantain
<i>Alnus viridis</i> (Vill.) DC	Mountain Alder
<i>Amelanchier bartramiana</i> (Tausch) M. Roem.	Oblong-Fruited Serviceberry
<i>Ammania coccinea</i> Rottb.	Scarlet Ammannia
<i>Anemone cylindrica</i> A. Gray	Long-Headed Anemone
<i>Arabis missouriensis</i> Greene	Missouri Rockcress
<i>Arethusa bulbosa</i> L.	Dragon's-Mouth
<i>Arnica acaulis</i> (Walter) Britton, Stearns & Poggenb.	Leopard's-Bane
<u>Arnoglossum reniforme</u> (Hook.) H. E. Robins.	<u>Great Indian Plantain</u>
<i>Artemisia campestris</i> L. ssp. <i>caudata</i> (Michx.) Hall & Clements.	Beach Wormwood
<i>Asclepias variegata</i> L.	White Milkweed
<u>Asplenium bradleyi</u> D. C. Eaton	<u>Bradley's Spleenwort</u>
<i>Asplenium resiliens</i> Kunze	Black-Stemmed Spleenwort
<u>Astragalus canadensis</u> L.	<u>Canadian Milk-vetch</u>
<i>Bidens beckii</i> (Torr. ex Spreng.) Greene	Beck's Water-Marigold
<u>Bidens bidentoides</u> (Nutt.) Britton	<u>Swamp Beggar-Ticks</u>
<i>Boltonia asteroides</i> (L.) L'Hér.	Aster-Like Boltonia

Camassia scilloides (Raf.) Cory

Cardamine pratensis L. var. *palustris* Wimm. & Grab. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)

Carex atherodes Spreng.

Carex aurea Nutt.

Carex bebbii (Bailey) Fern.

Carex bicknellii Britton

Carex bullata Willd.

Carex careyana Dewey

[*Carex collinsii* Nutt.

Carex crinita Lam. var. *brevicrinis* Fernald

Carex eburnea Boott

Carex formosa Dewey

Carex garberi Fernald

Carex geyeri Boott

[*Carex gravida* Bailey

Carex lupuliformis Sartwell

Carex mitchelliana M. A. Curtis

Carex pauciflora Lightf.

Carex polymorpha Muhl.

Carex pseudocyperus L.

Carex retrorsa Schwein.

Carex roanensis F.J. Herm (Source: Flora of Southeastern United States, Weakley 2020)

Carex schweinitzii Schwein.

Carex sterilis Willd.

Carex typhina Michx.

Carex viridula Michx.

Cerastium velutinum Raf. var. *villossissimum* (Pennell) J. K. Morton

Chasmanthium laxum (L.) H. O. Yates

Chenopodium foggii Wahl

Chrysogonum virginianum L.

Cirsium horridulum Michx.

Cladium mariscoides (Muhl.) Torr.

Clematis viorna L.

Clethra acuminata Michx.

Clitoria mariana L.

Coeloglossum viride (L.) Hartm.

Wild Hyacinth

Cuckooflower

Awned Sedge

Golden-Fruited Sedge

Bebb's Sedge

Bicknell's Sedge

Bull Sedge

Carey's Sedge

Collins' Sedge]

Short-Hair Sedge

Ebony Sedge

Handsome Sedge

Elk Sedge

Geyer's Sedge

Heavy Sedge]

False Hop Sedge

Mitchell's Sedge

Few-Flowered Sedge

Variable Sedge

Cyperus-Like Sedge

Backward Sedge

Roan Mountain Sedge

Schweinitz's Sedge

Sterile Sedge

Cat-Tail Sedge

Green Sedge

Octoraro Creek Chickweed

Slender Wild-Oats

Fogg's Goosefoot

Green-and-Gold

Horrible Thistle

Twig-Rush

Leather-Flower

Mountain Pepperbush

Butterfly Pea

Long-Bracted Green Orchis

Conioselinum chinense (L.) Britton, Stearns & Poggenb.

Corallorhiza wisteriana Conrad

Cryptogramma stelleri (Gmel.) Prantl

Cymophyllus fraserianus (Ker Gawl.) Kartesz & Gandhi

[*Cyperus acuminatus* Torr. & Hook.

Cyperus diandrus Torr.

Cyperus houghtonii Torr.

Cyperus refractus Engelm.

[*Cyperus retrorsus* Chapm.

Cypripedium parviflorum Salisb. var. *makasin*
(Source: Flora of North America)

Cypripedium parviflorum Salisb. var.
parviflorum (Source: Flora of North America)

Cypripedium reginae Walter

Delphinium exaltatum Aiton

[*Desmodium humifusum* (Muhl.) Beck

Diarrhena obovata (Gleason) Bradenburg

Dicentra eximia (Ker Gwal.) Torr.

Dichantheium scoparium (Lam.) Gould

Dichantheium xanthophysum (A. Gray)

Freckmann

Dodecatheon meadia L.

Dryopteris campyloptera (Kunze) Clarkson

Echinochloa walteri (Pursh) A. Heller

Eleocharis caribaea (Rottb.) S. F. Blake

Eleocharis compressa Sull.

Eleocharis elliptica Kunth

Eleocharis obtusa (Willd.) Schult. var. *peasei*
Svenson

Eleocharis parvula (Roem. & Schult.) Link ex
Buffon & Fingerh.

Eleocharis pauciflora (Lightf.) Link var.
fernaldii Swenson

Eleocharis quadrangulata (Michx.) Roem. &
Schult.

Eleocharis rostellata (Torr.) Torr.

Eleocharis tenuis (Willd.) Schult. var.
verrucosa (Svenson) Svenson

Equisetum scirpoides Michx. (Source: Flora of
North America)

Equisetum variegatum Schleich.

Hemlock-Parsley

Spring Coral-Root

Slender Rockbrake

Fraser's Sedge

Short-Pointed Flatsedge]

Umbrella Sedge

Houghton's Flatsedge

Reflexed Flatsedge

Retrorse Flatsedge]

Northern Small Yellow Lady's-Slipper

Southern Small Yellow Lady's-Slipper

Show Lady's-Slipper

Tall Larkspur

Trailing Tick-Trefoil

Obovate Beakgrain]

Wild Bleeding-Heart

Velvety Panic Grass

Slender Panic Grass

Shooting-Star

Mountain Wood Fern

Walter's Barnyard-Grass

Capitate Spike-Rush

Flat-Stemmed Spike-Rush

Slender Spike-Rush

Wright's Spike-Rush

Dwarf Spike-Rush

Few-Flowered Spike-Rush

Four-Angled Spike-Rush

Beaked Spike-Rush

Slender Spike-Rush

Dwarf Scouring-Rush

Variegated Scouring-Rush

Eriophorum gracile Koch ex Roth
Eriophorum tenellum Nutt.
Euphorbia ipecacuanhae L.
Euphorbia purpurea (Raf.) Fernald
Eurybia spectabilis (Aiton) Nesom
Festuca paradoxa Desv.
Fraxinus profunda (Bush) Bush
Fraxinus quadrangulata Michx. (Source: Flora of Southeastern United States, Weakley 2020)
Galium labradoricum Wiegand
Gaylussacia brachycera (Michx.) A. Gray
Gaylussacia dumosa (Andr.) Torr. & A. Gray
Geranium bicknellii Britton
[Glyceria borealis (Nash) Batch.
Glyceria obtusa (Muhl.) Trin.
Goodyera tessellata Lodd.
[Gymnopogon ambiguus (Michx.) Britton, Stearns & Poggenb.
Gratiola aurea Muhl. ex Pursh
Helianthemum bicknellii Fernald
Heteranthera multiflora (Griseb.) Horn.
Hieracium traillii Greene
Hierochloe hirta (Schrank) Borbás (Source: Flora of Southeastern United States, Weakley 2020)
Hierochloe odorata (L.) Beauv.
Huperzia porophila (F. E. Lloyd & Underw.) Holub
Hydrophyllum macrophyllum Nutt.
Hypericum gymnanthum Engelm. & A. Gray
Iodanthus pinnatifidus (Michx.) Steud.
Iris cristata Sol. ex Aiton
Iris prismatica Pursh
Iris verna L.
Isotria medeoloides (Pursh) Raf.
Juncus brachycarpus Engelm.
Juncus dichotomus Elliott
[Juncus longii Fern.
Juncus militaris Bigelow
Juncus scirpoides Lam.
Lespedeza angustifolia (Pursh) Elliott
Ligusticum canadense (L.) Britton

Slender Cotton-Grass
 Rough Cotton-Grass
 Wild Ipecac
 Glade Spurge
 Showy Aster
 Cluster Fescue
 Pumpkin Ash

Blue Ash

Bog Bedstraw
Box Huckleberry
 Dwarf Huckleberry
 Cranesbill
Small-Floating Mannagrass]
 Blunt Manna-Grass
 Checkered Rattlesnake-Plantain

Broad-Leaved Beardgrass]

Golden Hedge-Hyssop
 Bicknell's Hoary Rockrose
 Multi-Flowered Mud-Plantain
 Maryland Hawkweed

Common Northern Sweet Grass

Vanilla Sweet-Grass

 Sandstone-Loving Firmoss
 Large-Leaved Water-Leaf
Clasping-Leaved St. John's-Wort
 Purple-Rocket
 Dwarf Crested Iris
 Slender Blue Flag
 Dwarf Iris
 Small-Whorled Pogonia
 Short-Fruited Rush
 Forked Rush
Long's Rush]
 Bayonet Rush
 Scirpus-Like Rush
 Narrow-Leaved Bush-Clover
 Nondo Lovage

Linum intercursum E. P. Bicknell
Linum sulcatum Riddell
Lipocarpa micrantha (Vahl) G. C. Tucker
Listera australis Lindl.
Listera cordata (L.) R. Br.
Listera smallii Wiegand
Lithospermum caroliniense (J. F. Gmel.)
 MacMill.
Lithospermum latifolium Michx.
Lobelia kalmii L.
Lobelia puberula Michx.
Lonicera oblongifolia (Goldie) Hook.
Lonicera villosa (Michx.) Roem. & Schult.
Ludwigia decurrens Walter
Ludwigia polycarpa Short & Peter
Lycopodiella alopecuroides (L.) Cranfill
Lycopodiella margueritae J. G. Bruce, W. H.
 Wagner & Beitel
Lycopus rubellus Moench.
Lyonia mariana (L.) D. Don
Lysimachia hybrida Michx.
Lythrum alatum Pursh
Malaxis bayardii Fernald
 [*Marshallia grandiflora* Beadle & F. E.
 Boynton
Marshallia pulchra W. M. Knapp, D. B.
 Poind. & Weakley (Source: Flora of
 Southeastern United States, Weakley 2020)
Matelea obliqua (Jacq.) Woodson
Mitella nuda L.
Monarda punctata L.
Montia chamissoi (Ledeb. ex Spreng.) Greene
Muhlenbergia uniflora (Muhl.) Fern.
Myriophyllum farwellii Morong
Myriophyllum sibiricum Komarov
Myriophyllum verticillatum L.
Najas marina L.
Oclemena nemoralis (Aiton) E. Greene
Onosmodium molle Michx. var. *hispidissimum*
 (Mack.) Cronquist
Ophioglossum engelmannii Prantl
Packeria antennariifolia (Britton) W. A. Weber
 Á & Löve
 Sandplain Wild Flax
 Grooved Yellow Flax
 Common Hemicarpha
 Southern Twayblade
 Heartleaf Twayblade
 Kidney-Leaved Twayblade
 Hispid Gromwell
 American Gromwell
 Brook Lobelia
 Downy Lobelia
 Swamp Fly-Honeysuckle
 Mountain Fly-Honeysuckle
 Upright Primrose-Willow
 False Loosestrife Seedbox
 Foxtail Bog Clubmoss
 Marguerite's Clubmoss
 Taper-Leaved Bugle-Weed
 Staggerbush
Lance-Leaved Loosestrife
Winged Loosestrife
 Adder's-Mouth
 Large-flowered Marshallia]

Beautiful Barbara's Buttons

Oblique Milkvine
 Naked Bishop's-Cap
 Spotted Bee-Balm
 Chamisso's Miner's-Lettuce
 Fall Dropseed Muhly
 Farwell's Water-Milfoil
 Northern Water-Milfoil
 Whorled Water-Milfoil
 Holly-Leaved Naiad
 Leafy Bog Aster
 False Gromwell
 Limestone Adder's-Tongue
 Cat's-Paw Ragwort

<i>Panicum amarum</i> Elliott var. <i>amarulum</i> (A. Hitchc. & Chase) P. G. Palmer	Beachgrass
<i>Parnassia glauca</i> Raf.	Grass-of-Parnassus
[<i>Passiflora lutea</i> L.]	Passion-Flower]
<i>Paxistima canbyi</i> A. Gray	Canby's Mountain-Lover
<i>Persicaria careyi</i> (Olney) Greene	Carey's Smartweed
<i>Persicaria setacea</i> (Baldwin) Small	Swamp Smartweed
<i>Phlox ovata</i> L.	Mountain Phlox
<i>Phlox subulata</i> L. ssp. <i>brittonii</i> (Small) Wherry	Moss Pink
<i>Piptatherum pungens</i> (Torr. ex Spreng.) Dorn	Slender Mountain Ricegrass
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: Flora of North America)	Northern Green Orchid
<i>Platanthera dilatata</i> (Pursh) Lindl. ex Beck	Tall White Bog-Orchid
<i>Platanthera huronensis</i> (Nutt.) Lindl.	Huron Green Orchid
<i>Poa autumnalis</i> Muhl. ex Elliott	Autumn Bluegrass
<i>Polemonium van-bruntiae</i> Britton	Jacob's-Ladder
<i>Polygala cruciata</i> L.	Cross-Leaved Milkwort
<i>Polygala curtissii</i> A. Gray	Curtis' Milkwort
<i>Polygala incarnata</i> L.	Pink Milkwort
<i>Polystichum braunii</i> (Spenn.) Fee	Braun's Holly Fern
<i>Populus balsamifera</i> L.	Balsam Poplar
<i>Potamogeton friesii</i> Rupr.	Fries' Pondweed
<i>Potamogeton gramineus</i> L.	Grassy Pondweed
<i>Potamogeton hillii</i> Morong	Hill's Pondweed
<i>Potamogeton obtusifolius</i> Mert. & Koch	Blunt-Leaved Pondweed
<i>Potamogeton pulcher</i> Tuck.	Spotted Pondweed
<i>Potamogeton strictifolius</i> A. Benn.	Narrow-Leaved Pondweed
<i>Potamogeton tennesseensis</i> Fernald	Tennessee Pondweed
<i>Potamogeton vaseyi</i> J. W. Robbins	Vasey's Pondweed
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil
<i>Potentilla paradoxa</i> Nutt.	Bushy Cinquefoil
<i>Potentilla tridentata</i> Aiton	Three-Toothed Cinquefoil
<i>Prunus maritima</i> Marshall	Beach Plum
<i>Prunus nigra</i> Ait.	Canada Plum
<i>Ptilimnium capillaceum</i> (Michx.) Raf.	Mock Bishop-Weed
<i>Pycnanthemum torrei</i> Benth.	Torrey's Mountain-Mint
<i>Quercus falcata</i> Michx.	Southern Red Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Quercus shumardii</i> Buckley	Shumard Oak
<i>Ranunculus fascicularis</i> Muhl. ex J. M. Bigelow	Tufted Buttercup
<i>Ratibida pinnata</i> (Vent.) Barnhart	Gray-Headed Prairie Coneflower
<i>Rhamnus lanceolata</i> Pursh	Lanceolate Buckthorn

Rhexia mariana L.
Rhododendron atlanticum (Ashe) Rehder
Rhynchospora capillacea Torr.
Ribes missouriense Nutt. ex Torr. & A. Gray
Rubus cuneifolius Pursh
Ruellia humilis Nutt.
Sagittaria calycina Engelm.
Salix candida Flügge ex Willd.
Scheuchzeria palustris L.
Schoenoplectus acutus (Muhl. ex Bigel.) Löve
 & Löve
Schoenoplectus smithii (A. Gray) Sojak
Schoenoplectus torreyi (Olney) Palla
Scirpus ancistrochaetus Schuyler
Scleria minor (Britton) Stone
Scleria muhlenbergii Steud.
Scleria verticillata Muhl. ex Willd.
Sedum rosea (L.) Scop.
Sericocarpus linifolius (L.) Britton, Stearns &
 Poggenb.
Shepherdia canadensis (L.) Nutt.
Sida hermaphrodita (L.) Rusby
Sisyrinchium atlanticum E. P. Bicknell
Solidago arguta Aiton var. *harrisii* (E. S.
 Steele) Cronquist
Solidago curtissii Torr. & A. Gray
Solidago erecta Banks ex Pursh
Solidago simplex Kunth ssp. *randii* (Porter)
 Ringius var. *racemosa* (Greene) Ringius
Sorbus decora (Sarg.) Schneid.
Sparganium androcladum (Engelm.) Morong
Spiraea corymbosa Rafinesque (Source: *Flora*
of Southeastern United States, Weakley
2020)
Spiranthes casei Catling & Cruise
Spiranthes ovalis Lindl.
Spiranthes romanzoffiana Cham.
Spiranthes vernalis Engelm. & A. Gray
Sporobolus clandestinus (Biehler) A. Hitchc.
Sporobolus cryptandrus (Torr.) A. Gray
Sporobolus heterolepis (A. Gray) A. Gray
Stachys nuttallii Shuttlew. ex Benth.
Swertia caroliniensis (Walter) Kuntze
 Maryland Meadow-Beauty
 Dwarf Azalea
 Capillary Beak-Rush
 Missouri Gooseberry
 Sand Blackberry
 Fringed-Leaved Petunia
 Long-Lobed Arrowhead
Hoary Willow
 Pod-Grass
 Hard-Stemmed Bulrush
 Smith's Bulrush
 Torrey's Bulrush
 Northeastern Bulrush
 Small Nut-Rush
 Reticulated Nut-Rush
 Whorled Nut-Rush
 Roseroot Stonecrop
 Narrow-Leaved White-Topped Aster
 Canada Buffalo-Berry
 Virginia Mallow
 Eastern Blue-Eyed-Grass
 Harris' Goldenrod
 Curtis' Goldenrod
 Slender Goldenrod
 Sticky Goldenrod
 Showy Mountain-Ash
 Branching Bur-Reed
Dwarf Spiraea
 Case's Ladies'-Tresses
 October Ladies'-Tresses
 Hooded Ladies'-Tresses
 Spring Ladies'-Tresses
 Rough Dropseed
 Sand Dropseed
 Prairie Dropseed
 Nuttall's Hedge-Nettle
 American Columbo

Symphyotrichum boreale (Torr. & Gray) Á
 Löve & D. Löve
Taenidia montana (Mack.) Cronquist
[*Thalictrum coriaceum* (Britton) Small
Trichostema setaceum Houtt.
***Trifolium stoloniferum* Eaton (Source: Flora
 of the Southeastern United States, Weakley
 2020)**
Trifolium virginicum Small
Triphora trianthophora (Swartz) Rydb.
Triplasis purpurea (Walter) Chapm.
Trollius laxus Salisb.
Veronia glauca (L.) Willd.
Viburnum nudum L.
Viola brittoniana Pollard
[*Vitis novae-angliae* Fernald
***Viola glaberrima* (Ging.) House (Source:
 Flora of Southeastern United States,
 Weakley 2020)**
Vitis rupestris Scheele
Zigadenus glaucus (Nutt.) Nutt.

Northern Bog Aster
 Mountain Pimpernel
Thick-Leaved Meadow-Rue]
 Narrow-Leaved Blue-Curls

Running Buffalo Clover
 Kate's-Mountain Clover
 Nodding Pogonia
 Purple Sandgrass
 Spreading Globe-Flower
 Tawny Ironweed
 Possum Haw Viburnum
 Coast Violet
New England Grape]

Wedge-leaved violet
 Sand Grape
 White Camas

§ 45.13. Pennsylvania Threatened.

Plant species classified as Pennsylvania Threatened are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum uncinatum</i> L.	Blue Monkshood
[<i>Actaea podocarpa</i> DC	American Bugbane]
<u><i>Ageratina aromatica</i> (L.) Spach</u>	<u>Small White-Snakeroot</u>
<i>Ammophila breviligulata</i> Fernald	American Beachgrass
<u><i>Arabis patens</i> Sull.</u>	<u>Spreading Rockcress</u>
<i>Arceuthobium pusillum</i> Peck	Dwarf Mistletoe
<i>Aristida purpurascens</i> Poir.	Arrow-Feather Three-Awned Grass
[<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort]
<u><i>Asclepias verticillata</i> L.</u>	<u>Whorled milkweed</u>
<i>Baptisia australis</i> (L.) R. Br.	Blue False Indigo
[<i>Bidens bidentoides</i> (Nutt.) Britt.	Swamp Beggar-Ticks]
<i>Bouteloua curtipendula</i> (Michx.) Torr.	Tall Gramma
[<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth]
<u><i>Bromus kalmii</i> A. Gray</u>	<u>Kalm's Brome</u>
<i>Carex alata</i> Torr.	Broad-Winged Sedge
<i>Carex aquatilis</i> Wahlenb.	Water Sedge
<u><i>Carex collinsii</i> Nutt.</u>	<u>Collins' Sedge</u>

Carex cryptolepis Mack.
Carex diandra Schrank
Carex flava L.
Carex longii Mack.
Carex oligosperma Michx.
[Carex paupercula Michx.
Carex prairea Dewey
[Carex schweinitzii Schwein.
Carex sterilis Willd.
Carex tetanica Schkuhr
Carex wiegandii Mack.
Castilleja coccinea (L.) Spreng.
Chamaesyce polygonifolia (L.) Small
Chrysopsis mariana (L.) Elliott
[Cypripedium reginae Walter
Digitaria cognatum (Schultes) Pilger
Dodecatheon amethystinum (Fassett) Fassett
Eleocharis intermedia (Muhl.) Schult.
Eleocharis robbinsii Oakes
Ellisia nyctelea L.
Erigenia bulbosa (Michx.) Nutt.
Eriophorum viridicarinatum (Engelm.) Fernald
Euthamia caroliniana (L.) Greene ex Porter & Britton
Fimbristylis annua (All.) Roem. & Schult.
[Gaylussacia brachycera (Michx.) A. Gray
Galium latifolium Michx.
Hypericum densiflorum Pursh
Hypericum majus (A. Gray) Britton
Ilex opaca Aiton
Juncus alpinoarticulatus Chaix in Vill.
 ssp. *nodulosus* (Wahlenb.) Hämet-Ahti.
Juncus arcticus Willd. var. *littoralis* (Engelm.) Boivin.
Juncus brachycephalus (Engelm.) L. Buch.
Juncus torreyi Coville
Lathyrus japonicus Willd.
Lathyrus ochroleucus Hook.
Linnaea borealis L.
Lobelia dortmanna L.
Lycopodiella appressa (Chapm.) Cranfill
Magnolia tripetala (L.) L.
Magnolia virginiana L.

Northeastern Sedge
 Lesser Panicked Sedge
 Yellow Sedge
Long's Sedge
 Few-Seeded Sedge
Bog Sedge]
 Prairie Sedge
Schweinitz's Sedge
Atlantic Sedge]
 Wood's Sedge
 Wiegand's Sedge
Eastern Paintbrush
 Seaside Spurge
 Maryland Golden-Aster
Showy Lady's-Slipper
Fall Witch-Grass]
 Jeweled Shooting-Star
 Matted Spike-Rush
 Robbins' Spike-Rush
 Ellisia
 Harbinger-of-Spring
 Thin-Leaved Cottongrass

 Grass-Leaved Goldenrod
 Annual Fimbry
Box Huckleberry]
Purple Bedstraw
 Bushy St. John's-Wort
 Canadian St. John's-Wort
 American Holly

 Richardson's Rush

 Baltic Rush
 Small-Headed Rush
 Torrey's Rush
 Beach Pea
 Wild Pea
 Twinflower
 Water Lobelia
 Appressed Bog Clubmoss
 Umbrella Magnolia
 Sweetbay Magnolia

Melica nitens Nutt.
Minuartia glabra (Michx.) Mattf.
Myrica gale L.
Myriophyllum tenellum Bigelow
Najas gracillima (A. Braun) Magnus
Nymphoides cordata (Elliott) Fernald
Oenothera argillicola Mack.
Panicum tuckermanii Fernald
Passiflora lutea L.
Phemeranthus teretifolius (Pursh) Raf.
Platanthera ciliaris (L.) Lindl.
Platanthera peramoena (A. Gray) A. Gray
Poa paludigena Fernald & Wiegand
Potamogeton confervoides Reichenb.
Potamogeton richardsonii (Benn.) Rydb.
Ptelea trifoliata L.
Ranunculus ambigens S. Watson
Ranunculus longirostris Godron
Ribes triste Pallas
Ruellia strepens L.
 [*Salix candida* Flügge ex Willd.
Salix serissima (Bailey) Fernald
Scirpus pedicellatus Fernald
Scleria pauciflora Muhl. ex Willd.
Solidago roanensis Porter
Solidago uliginosa Nutt.
 [*Spiraea betulifolia* Pallas
 var. *corymbosa* (Raf.) Maxim.
Stellaria borealis Bigelow
Streptopus amplexifolius (L.) DC
Symphyotrichum depauperatum (Fernald)
 Nesom
Symphyotrichum novi-belgii (L.) Nesom
 var. *novi-belgii*
Thalictrum coriaceum (Britton) Small
Utricularia intermedia Hayne
Viola appalachiensis L. K. Henry
Vittaria appalachiana Farrar & Mickel

Three-Flowered Melic Grass
 Appalachian Sandwort
 Sweet-gale
 Slender Water-Milfoil
 Bushy Naiad
 Floating-Heart
 Shale-Barren Evening-Primrose
 Tuckerman's Panic-Grass
Passion-Flower
 Round-Leaved Fameflower
Yellow Fringed Orchid
 Purple Fringeless Orchid
 Bog Bluegrass
 Tuckerman's Pondweed
 Red-Head Pondweed
 Hoptree
Water-Plantain Spearwort
 Eastern White Water-Crowfoot
 Wild Red Currant
 Limestone Petunia
 Hoary Willow]
 Autumn Willow
 Stalked Bulrush
 Few-Flowered Nutrush
Mountain Goldenrod
 Bog Goldenrod

 Dwarf Spiraea]
Northern Stitchwort
 Twisted-Stalk

 Serpentine Aster

 New York Aster
Thick-Leaved Meadow-Rue
 Flat-Leaved Bladderwort
 Appalachian Blue Violet
 Appalachian Grass-Fern

§ 45.14. Pennsylvania Rare.

Plant species classified as Pennsylvania Rare are as follows:

Scientific Name

Actaea podocarpa DC
Amaranthus cannabinus (L.) Sauer
Andromeda polifolia L.
[*Aplectrum hyemale* (Muhl. ex Willd.) Nutt.
Baccharis halimifolia L.
Andropogon gyrans Ashe
Asplenium pinnatifidum Nutt.
Bartonia paniculata ssp. paniculata (Michx.)
Muhl.
Cakile edentula (Bigelow) Hook.
Carex buxbaumii Wahlenb.
Carex disperma Dewey
Carex lasiocarpa Ehrh.
[*Collinsia verna* Nutt.
Carex paupercula Michx.
Cyperus engelmannii Steud.
Cyperus schweinitzii Torr.
Dichanthelium commonsianum (Ashe)
Freckmann var. *euchlamydeum* (Shinners) Pohl
[*Eleocharis olivacea* Torr.
Epilobium strictum Muhl.
Erythronium albidum Nutt.
Gaultheria hispidula (L.) Muhl. ex Bigelow
Juncus biflorus Elliott
Juncus filiformis L.
Ledum groenlandicum Oeder
Lorinseria areolata (Linnaeus) C. Presl.
(Source: Flora of the Southeastern United
States, Weakley 2020)
Lupinus perennis L.
Lygodium palmatum (Bernh.) Sw.
Menziesia pilosa (Michx.) Juss.
Opuntia humifusa (Raf.) Raf.
Orontium aquaticum L.
Packerana anonyma (A. W. Wood) W. A. Weber
& Á Löve
Potamogeton robbinsii Oakes
Potamogeton zosteriformis Fernald
Potentilla anserina L.
Prunus pumila L. var. *pumila*
Pyricularia pubera Michx.

Common Name

Mountain Bughane
Water-Hemp Ragweed
Bog-Rosemary
Puttyroot
Eastern Baccharis]
Elliott's Beardgrass
Lobed Spleenwort
Screw-Stem
American Sea-Rocket
Brown Sedge
Soft-Leaved Sedge
Many-Fruited Sedge
Spring Blue-Eyed Mary]
Bog Sedge
Engelmann's Flatsedge
Schweinitz's Flatsedge

Cloaked Panic Grass
Capitate Spike-Rush]
Downy Willow-Herb
White Trout-Lily
Creeping Snowberry
Grass-Leaved Rush
Thread Rush
Common Labrador-Tea

Netted Chain Fern
Blue Lupine
Hartford Fern
Minniebush
Eastern Prickly-Pear Cactus
Golden Club

Appalachian Groundsel
Flat-Leaved Pondweed
Flat-Stemmed Pondweed
Silverweed
Sand Cherry
Buffalo-Nut

<i>Ranunculus micranthus</i> (Gray) Nutt. ex Torr. & Gray	Small-Flowered Crowfoot
<i>Rotala ramosior</i> (L.) Koehne	Toothcup
<i>Sagittaria subulata</i> (L.) L. Buch.	Subulate Arrowhead
<i>Schizachyrium scoparium</i> (Michx.) Nash var. <i>littorale</i> (Nash) Gould	Seaside Bluestem
<i>Schoenoplectus fluviatilis</i> (Torr.) Strong	River Bulrush
<i>Sedum telephioides</i> Michx.	Allegheny Stonecrop
[<i>Solidago roanensis</i> Porter	Tennessee Golden-Rod
<i>Tipularia discolor</i> (Pursh) Nutt.	Cranefly Orchid]
<i>Trillium nivale</i> Riddell	Snow Trillium
<i>Wolffiella gladiata</i> (Hegelm.) Hegelm.	Bog-mat
<i>Xyris montana</i> Ries.	Yellow Eyed Grass
<i>Zizania aquatica</i> L.	Indian Wild Rice

§ 45.21. Tentatively Undetermined.

Plant species classified as Tentatively Undetermined are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
[<i>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern]
<i>Agalinis obtusifolia</i> Raf.	False-Foxglove
[<i>Aletris farinosa</i> L.	Colic-Root
<i>Ambrosia psilostachya</i> DC.	Naked-Spiked Ambrosia]
<i>Amelanchier humilis</i> Wiegand	Low Serviceberry
<i>Amelanchier obovalis</i> (Michx.) Ashe	Coastal Juneberry
<i>Amelanchier sanguinea</i> (Pursh) DC.	Roundleaf Juneberry
<i>Andropogon glomeratus</i> (Walter) Britton, Stearns & Poggenb.	Bushy Bluestem
<i>Antennaria solitaria</i> Rydb.	Single-Headed Pussy-Toes
<i>Arabis hirsuta</i> (L.) Scop.	Western Hairy Rock-Cress
<i>Aristida dichotoma</i> Michx. var. <i>curtissii</i> A. Gray	Poverty Grass
<i>Aristida longespica</i> Poir. var. <i>geniculata</i> (Raf.) Fernald	Long-Spike Three-Awned Grass
<i>Aristolochia macrophylla</i> Lam.	Pipevine
[<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge]
<i>Carex crawfordii</i> Fernald	Crawford's Sedge
<i>Carex haydenii</i> Dewey	Cloud Sedge
<i>Carex limosa</i> L.	Mud Sedge
[<i>Carex longii</i> Mack.	Long's Sedge
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge]

Carex meadii Dewey
[Carex mesochorea Mack.
Castilleja coccinea (L.) Spreng.
Chasmanthium latifolium (Michx.) H. O. Yates
Chenopodium capitatum (L.) Asch.
[Corallorrhiza wisteriana Conrad
Crataegus brainerdii Sarg.
Crataegus mollis (Torr. & A. Gray) Scheele
Cuscuta cephalanthi Engelm.
[Cuscuta corylii Engelm.
Cuscuta polygonorum Engelm.
[Cyperus odoratus L.
Cyperus tenuifolius (Steud.) Dandy
Cystopteris laurentiana (Weath.) Blasdell
Desmodium glabellum (Michx.) Kuntze
Desmodium nuttallii (Schindl.) Schub.
Dichantheium annulum (Ashe) LeBlond
Dichantheium boreale (Nash) Freckmann
Dichantheium commonsianum (Ashe)
 Freckmann
Dichantheium lucidum (Ashe) LeBlond
Dichantheium villosissimum (Nash)
 Freckmann
Dichantheium yadkinense (Ashe) Mohlenbr.
Dracocephalum parviflorum Nutt.
[Elatine minima (Nutt.) Fisch. & C. A. Mey
Elymus virginicus L. var. *submuticus* Hook.
Epilobium palustre L.
Eupatorium rotundifolium L.
Filipendula rubra (Hill) B. L. Rob.
Gentiana alba Muhl. ex Nutt.
Gentiana saponaria L.
Gentiana villosa L.
Glyceria acutiflora Torr.
[Gratiola aurea Muhl. ex Pursh
Gymnocarpium appalachianum K. M. Pryer &
 Haufler
Houstonia purpurea L. var. *purpurea*
Hypericum drummondii (Grev. & Hook) Torr.
 & A. Gray
[Juncus biflorus Elliott
Lathyrus palustris L.
Lemna turionifera Landolt
 Mead's Sedge
Midland Sedge
Scarlet Indian Paintbrush]
 Wild-Oats
 Strawberry Goosefoot
Spring Coral-Root]
 Brainerd's Hawthorne
 Downy Hawthorne
 Buttonbush Dodder
Hazel Dodder]
 Smartweed Dodder
Rusty Flatsedge]
 Thin-Leaved Flatsedge
 Laurentian Bladder-Fern
 Tall Tick-Trefoil
 Nuttall's Tick-Trefoil
 Annulus Panic Grass
 Northern Panic Grass

 Cloaked Panic Grass
 Shining Panic Grass

 Long-Haired Panic Grass
 Yadkin River Panic Grass
 American Dragonhead
Small Waterwort
Wild Rye]
 Marsh Willow-Herb
 Round-Leaved Thoroughwort
 Queen-of-the-Prairie
 Yellow Gentian
 Soapwort Gentian
 Striped Gentian
 Sharp-Flowered Manna-Grass
Golden Hedge-Hyssop]

 Appalachian Oak Fern
 Purple Bluets

 Nits-and-Lice
Grass-Leaved Rush]
 Vetchling
 Winter Duckweed

Leucothoe racemosa (L.) A. Gray
Liatris scariosa (L.) Willd.
Lonicera hirsuta Eaton
Luzula bulbosa (A. W. Wood) Rydb.
[Lythrum alatum Pursh
Malaxis monophyllos (L.) Swartz
var. *brachypoda* (A. Gray) F. Morris & E. A. Eames
Meehania cordata (Nutt.) Britton
Muhlenbergia cuspidata (Torr.) Rydb.
Nuphar microphylla (Pers.) Fernald
Oenothera pilosella Raf.
[Oxydendrum arboreum (L.) DC.
Oxypolis rigidior (L.) Raf.
Packera plattensis (Nutt.) W. A. Weber & Á Löve
Panicum flexile (Gatt.) Scribn.
Panicum longifolium Torr.
Paronychia fastigiata (Raf.) Fernald
var. *nuttallii* (Small) Fernald
Parthenium intergrifolium L.
Paspalum floridanum (Michx.)
var. *glabratum* Engelm. ex Vasey
Paspalum laeve (Michx.) var. *pilosum* Scribn.
Paspalum setaceum Michx.
Phlox pilosa L.
Phyla lanceolata (Michx.) Greene
Physalis virginiana Mill.
[Platanthera ciliaris (L.) Lindl.
Platanthera hookeri (Torr. ex Gray) Lindl.
Pluchea odorata (L.) Cass.
Poa languida A. Hitchc.
Podostemum ceratophyllum Michx.
Polygala polygama Walter
Polygonella articulata (L.) Meisn.
Polygonum amphibium L.
var. *stipulaceum* (Coleman) Fern.
Polygonum ramosissimum Michx.
Potamogeton filiformis Pers.
var. *borealis* (Raf.) St. John
Potamogeton oakesianus J. W. Robbins
Potamogeton perfoliatus L.

Swamp Dog-Hobble
Northern Blazing-Star
Hairy Honeysuckle
Wood-Rush
Winged Loosestrife]

White Adder's-Mouth
Heart-Leafed Meehania
Sharp-Pointed Muhly
Small Yellow Pond-Lily
Evening-Primrose
Sourwood]
Stiff Cowbane

Prairie Ragwort
Wiry Witchgrass
Long-Leaved Panic Grass

Whitlow Wort
American Fever-Few

Florida Beadgrass
Field Beadgrass
Slender Beadgrass
Downy Phlox
Lance Fog-Fruit
Virginia Ground-Cherry
Yellow Fringed Orchid]
Hooker's Orchid
Shrubby Camphor-Weed
Drooping Bluegrass
Riverweed
Racemed Milkwort
Eastern Jointweed

Stipuled Water-Smartweed
Bushy Knotweed

Slender Pondweed
Oakes' Pondweed
Clasping-Stemmed Pondweed

Pycnanthemum verticillatum (Michx.) Pers.
 var. *pilosum* (Nutt.) Cooperr.
Ranunculus aquatilis L. var. *diffusus* With.
Ranunculus flammula L.
Rhamnus alnifolia L' Hér
Rhynchospora recognita (Gale) Kral
Ribes lacustre (Pers.) Poir.
[*Rorippa palustris* (L.) Besser
var. *palustris* (Gleason, H. A. and A
Cronquist, *Manual of Vascular Plants of*
Northeastern United States and Adjacent
***Canada*, 1991, Second Edition)
Rosa virginiana P. Mill.
Rubus setosus Bigelow
Rumex hastatulus Baldwin ex Elliott
[*Salix petiolaris* Sm.
***Salvia reflexa* Hornem.**
Samolus parviflorus Raf.
Saxifraga micranthidifolia (Haw.) Steud.
Scleria triglomerata Michx.
Scutellaria saxatilis Riddell
Senna marilandica (L.) Link
Sisyrinchium albidum Raf.
Solidago rigida L.
Spiranthes tuberosa Raf.
Stachys hyssopifolia Michx.
Stylosanthes biflora (L.) Britton, Stearns &
 Poggenb.
Symphyotrichum dumosum (L.) Nesom
Symphyotrichum ericoides (L.) Nesom
Taxus canadensis Marsh.
Trillium flexipes Raf.
Triosteum angustifolium L.
Tripsacum dactyloides (L.) L.
Uvularia pudica Michx.
Viburnum trilobum Marshall
Viola renifolia A. Gray
[*Viola tripartita* Elliott
Vitis cinerea (Englem. in A. Gray) Englem. ex
 Millardet var. *baileyana* (Munson) Comeaux
Wolffia borealis (Engelm.) Landolt
 Hairy Mountain-Mint
 White Water-Crowfoot
 Lesser Spearwort
 Alder-Leaved Buckthorn
 Small Globe Beak-Rush
 Swamp Currant
Yellow Cress]
 Virginia Rose
 Small Bristleberry
 Heart Sorrell
Meadow Willow
Lance-Leaved Sage]
 Pineland Pimpernel
 Lettuce Saxifrage
 Whip Nut-Rush
 Rock Skullcap
 Wild Senna
 Blue-Eyed-Grass
 Hard-Leaved Goldenrod
 Slender Ladies'-Tresses
 Hyssop Hedge-Nettle
 Pencil-Flower
 Bushy Aster
 White Heath Aster
 American Yew
 Declined Trillium
 Horse Gentian
 Eastern Gammagrass
 Mountain Bellwort
 Highbush-Cranberry
 Kidney-Leaved Violet
Three-parted Violet]
 Possum-Grape
 Dotted Dotted Watermeal**



pennsylvania

DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

OFFICE OF CHIEF COUNSEL

May 17, 2023

The Honorable George D. Bedwick
Chairman, Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Regulation #7B-10 (IRRC #3353)
Department of Conservation and Natural Resources
Conservation of Pennsylvania Native Wild Plants

Dear Chairman Bedwick:

Pursuant to Section 5.1(a) of the Regulatory Review Act, enclosed please find a final-form rulemaking package consisting of a Face Sheet, Preamble, Annex A and Regulatory Analysis Form.

The final-form rulemaking amends Chapter 45 of Title 17 of the Pennsylvania Code (relating to Conservation of Pennsylvania Native Wild Plants) (17 Pa. Code Chapter 45) by updating Pennsylvania native wild plant species classification lists, including certain scientific names, common names and reference sources.

Please contact me with any questions by email at hmaiorana@pa.gov or telephone at (717)783-0139.

Sincerely,

Lisa Maiorana
Assistant Counsel

Delivered Electronically by email with Attachments

cc: Honorable Cindy Adams Dunn, Secretary, DCNR
Honorable John Norbeck, Deputy Secretary for Parks and Forestry, DCNR
Honorable Gene Yaw, Majority Chairman, Senate Environmental Resources and Energy Committee
Honorable Carolyn T. Comitta, Minority Chairperson, Senate Environmental Resources and Energy Committee
Honorable Greg Vitali, Majority Chairman, House Environmental Resources and Energy Committee
Honorable Martin T. Causer, Minority Chairman, House Environmental Resources and Energy Committee
Addie Abelson, Deputy General Counsel, Office of General Counsel
Audrey F. Miner, Chief Counsel, Office of Chief Counsel, DCNR
Rebecca Bowen, Ecological Services Manager, Bureau of Forestry, DCNR
Greg Podniesinski, Chief Natural Heritage Section, Bureau of Forestry, DCNR

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Shani Shenk

From: Franzese, Evan B. <EFranzese@pahouse.net>
Sent: Wednesday, May 17, 2023 12:38 PM
To: Maiorana, Lisa; Shupe, Hayley
Subject: RE: Rep. Vitali - Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants -Amending 17 Pa. Code Chapter 45

Receipt confirmed. Thank you!

Evan Franzese-Peterson

Executive Director | House Environmental Resources & Energy Committee (D)
Representative Greg Vitali
Pennsylvania House of Representatives
P: 717-787-7647
F: 717-780-4780

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Independent Regulatory
Review Commission

From: Maiorana, Lisa <Imaiorana@pa.gov>
Sent: Wednesday, May 17, 2023 10:11 AM
To: Shupe, Hayley <HShupe@pahouse.net>; Franzese, Evan B. <EFranzese@pahouse.net>
Cc: Dunn, Cindy Adams <cindydunn@pa.gov>; Norbeck, John <jnorbeck@pa.gov>; ntroutman@pasen.gov; Emily.Eyster@pasenate.com; MMusgrav@pahousegop.com; irrc@irrc.state.pa.us; Abelson, Addie <adabelson@pa.gov>; Miner, Audrey F <aminer@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Bowen, Rebecca <rebbowen@pa.gov>; Podniesinski, Gregory <gpodniesin@pa.gov>; Goodwin, Michelle <migoodwin@pa.gov>
Subject: Rep. Vitali - Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants -Amending 17 Pa. Code Chapter 45
Importance: High

Hello Hayley and Evan,

With regard to the above-referenced final rulemaking/regulations, attached for delivery to Representative Greg Vitali, Majority Chair, Environmental Resources and Energy Committee, please find a merged PDF of the final rulemaking package consisting of the Cover Letter, Face Sheet, Preamble, Annex A and Regulatory Analysis Form.

Please send me a “confirmation of receipt” email as soon as you receive this email – on this final rulemaking package delivery date.

Thank you,
Lisa

Lisa Maiorana | Assistant Counsel
Department of Conservation and Natural Resources
Governor's Office of General Counsel
Commonwealth of Pennsylvania
Rachel Carson State Office Building, 7th Floor
400 Market St. | Harrisburg, PA 17105
Phone: 717.783.0139 | Fax: 717.705.2830
Imaiorana@pa.gov
www.dcnr.state.pa.us

Shani Shenk

From: Michele Musgrave <Mmusgrav@pahousegop.com>
Sent: Wednesday, May 17, 2023 10:19 AM
To: Maiorana, Lisa
Subject: RE: Rep. Causer -Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants -Amending 17 Pa. Code Chapter 45

I am confirming I have received the final regulations. Thanks!

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MAY 17 2023

Michele Musgrave
Administrative Assistant II
Representative Martin Causer
67th Legislative District
Room 47 East Wing
PO Box 202067
Harrisburg, PA 17120-2067
717-787-5075

Independent Regulatory
Review Commission

From: Maiorana, Lisa <lmaiorana@pa.gov>
Sent: Wednesday, May 17, 2023 10:13 AM
To: Martin Causer <Mcauser@pahousegop.com>; Michele Musgrave <Mmusgrav@pahousegop.com>
Cc: Dunn, Cindy Adams <cindydunn@pa.gov>; Norbeck, John <jnorbeck@pa.gov>; ntroutman@pasen.gov; Emily.Eyster@pasenate.com; HShupe@pahouse.net; efranzese@pahouse.net; irrc@irrc.state.pa.us; Abelson, Addie <adabelson@pa.gov>; Miner, Audrey F <aminer@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Bowen, Rebecca <rebbowen@pa.gov>; Podniesinski, Gregory <gpodniesin@pa.gov>; Goodwin, Michelle <migoodwin@pa.gov>
Subject: Rep. Causer -Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants - Amending 17 Pa. Code Chapter 45
Importance: High

Hello Michele,

With regard to the above-referenced final rulemaking/regulations, attached for delivery to Representative Martin T. Causer, Minority Chair, Environmental Resources and Energy Committee, please find a merged PDF of the final rulemaking package consisting of the Cover Letter, Face Sheet, Preamble, Annex A and Regulatory Analysis Form.

Please send me a "confirmation of receipt" email as soon as you receive this email – on this final rulemaking package delivery date.

Thank you,
Lisa

Lisa Maiorana | Assistant Counsel
Department of Conservation and Natural Resources
Governor's Office of General Counsel
Commonwealth of Pennsylvania
Rachel Carson State Office Building, 7th Floor

Shani Shenk

From: Troutman, Nick <ntroutman@pasen.gov>
Sent: Wednesday, May 17, 2023 11:27 AM
To: Maiorana, Lisa
Subject: Re: Sen. Yaw - Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants -Amending 17 Pa. Code Chapter 45

Received by Senator Yaw

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From: Maiorana, Lisa <Imaiorana@pa.gov>
Sent: Wednesday, May 17, 2023 10:08:24 AM
To: Troutman, Nick <ntroutman@pasen.gov>
Cc: Dunn, Cindy Adams <cindydunn@pa.gov>; Norbeck, John <jnorbeck@pa.gov>; Emily.Eyster@pasenate.com <Emily.Eyster@pasenate.com>; HShupe@pahouse.net <HShupe@pahouse.net>; efranzese@pahouse.net <efranzese@pahouse.net>; MMusgrav@pahousegop.com <MMusgrav@pahousegop.com>; irrc@irrc.state.pa.us <irrc@irrc.state.pa.us>; Abelson, Addie <adabelson@pa.gov>; Miner, Audrey F <aminers@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Bowen, Rebecca <rebbowen@pa.gov>; Podniesinski, Gregory <gpodniesin@pa.gov>; Goodwin, Michelle <migoodwin@pa.gov>
Subject: Sen. Yaw - Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants -Amending 17 Pa. Code Chapter 45

Independent Regulatory
Review Commission

© CAUTION : External Email ©

Hello Nick,

With regard to the above-referenced final rulemaking/regulations, attached for delivery to Senator Gene Yaw, Majority Chair, Environmental Resources and Energy Committee, please find a merged PDF of the final rulemaking package consisting of the Cover Letter, Face Sheet, Preamble, Annex A and Regulatory Analysis Form.

Please send me a "confirmation of receipt" email as soon as you receive this email – on this final rulemaking package delivery date.

Thank you,
Lisa

Lisa Maiorana | Assistant Counsel
Department of Conservation and Natural Resources
Governor's Office of General Counsel
Commonwealth of Pennsylvania
Rachel Carson State Office Building, 7th Floor
400 Market St. | Harrisburg, PA 17105
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ATTORNEY WORK PRODUCT

Shani Shenk

From: Eyster, Emily <Emily.Eyster@pasenate.com>
Sent: Wednesday, May 17, 2023 12:34 PM
To: Maiorana, Lisa
Cc: Dunn, Cindy Adams; Norbeck, John; Troutman, Nick; Shupe, Hayley; Franzese, Evan B.; Michele Musgrave; IRRRC; Abelson, Addie; Miner, Audrey F; Rizzi, Alicia (GC); Bowen, Rebecca; Podniesinski, Gregory; Goodwin, Michelle
Subject: Re: Sen. Comitta - Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants -Amending 17 Pa. Code Chapter 45

Received. Thank you!!

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MAY 17 2023

Emily Eyster
Legislative Director, Office of Senator Carolyn T. Comitta
Executive Director, Senate Environmental Resources and Energy Committee
Cell: (717) 756-4702
Phone: (717) 787-5709
www.pasenatorcomitta.com

Independent Regulatory
Review Commission

From: Maiorana, Lisa <lmaiorana@pa.gov>
Sent: Wednesday, May 17, 2023 9:09:49 AM
To: Eyster, Emily <Emily.Eyster@pasenate.com>
Cc: Dunn, Cindy Adams <cindydunn@pa.gov>; Norbeck, John <jnorbeck@pa.gov>; ntroutman@pasen.gov <ntroutman@pasen.gov>; HShupe@pahouse.net <HShupe@pahouse.net>; efranzese@pahouse.net <efranzese@pahouse.net>; MMusgrav@pahousegop.com <MMusgrav@pahousegop.com>; irrc@irrc.state.pa.us <irrc@irrc.state.pa.us>; Abelson, Addie <adabelson@pa.gov>; Miner, Audrey F <aminers@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Bowen, Rebecca <rebbowen@pa.gov>; Podniesinski, Gregory <gpodniesin@pa.gov>; Goodwin, Michelle <migoodwin@pa.gov>
Subject: Sen. Comitta - Regulation #7B-10 - Final Regulations - Conservation of Pennsylvania Native Wild Plants - Amending 17 Pa. Code Chapter 45

■ EXTERNAL EMAIL ■

Hello Emily,

With regard to the above-referenced final rulemaking/regulations, attached for delivery to Senator Carolyn T. Comitta, Minority Chair, Environmental Resources and Energy Committee, please find a merged PDF of the final rulemaking package consisting of the Cover Letter, Face Sheet, Preamble, Annex A and Regulatory Analysis Form.

Please send me a "confirmation of receipt" email as soon as you receive this email – on this final rulemaking package delivery date.

Thank you,
Lisa

Lisa Maiorana | Assistant Counsel
Department of Conservation and Natural Resources
Governor's Office of General Counsel
Commonwealth of Pennsylvania
Rachel Carson State Office Building, 7th Floor
400 Market St. | Harrisburg, PA 17105
Phone: 717.783.0139 | Fax: 717.705.2830
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