

**400 KAR 3:030. Procedures for inclusion, removal, or change of status of plant species on the state endangered or threatened list.**

RELATES TO: KRS 146.485, 146.610

STATUTORY AUTHORITY: KRS 146.485, 146.610

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.610 authorizes the Office of Kentucky Nature Preserves to promulgate administrative regulations for the identification and designation of state threatened and endangered plant species. This administrative regulation establishes procedures for nomination and inclusion of plant species to these lists.

**Section 1. Candidate Nomination.**

- (1) Any person may nominate a candidate for inclusion, removal, or change of status on the state endangered or threatened list.
- (2) The nomination shall be in writing and submitted to the Director of the office, 300 Sower Boulevard, Frankfort, Kentucky 40601.
- (3) Prior to consideration for inclusion on a list, a candidate shall be established as occurring in the state by a voucher specimen deposited in a public herbarium or photographic documentation that has been confirmed by the office, and accompanied by:
  - (a) Written documentation as to the specific location of the collection site;
  - (b) Date of collection; and
  - (c) Description of the habitat and population size.
- (4) The office may consult with the Kentucky Academy of Science and other experts regarding the status of listed and candidate plant species.

**Section 2. Consideration of Candidate.**

- (1) If the requirements of Section 1 of this administrative regulation have been satisfied, the office shall, utilizing the factors established in KRS 146.610(2)(a) and the criteria established in 400 KAR 3:020, Section 1, consider the candidate for inclusion, removal, or change of status on the state endangered or threatened list.
  - (2) The office may conduct its own investigation as to the status of the candidate.
  - (3) The office:
    - (a) Shall place a candidate into a category:
      1. For which it is nominated; or
      2. Other than the one (1) for which it has been nominated; or
    - (b) May decline to place the candidate on any list.
  - (4) The office shall notify the person who nominated the candidate of the office's decision on the listing of the species.
- (28 Ky.R. 2123; 2334; eff. 5-16-2002; 45 Ky.R. 1785, 2607; eff. 4-5-2019; Crt eff. 3-25-2026.)