

146.610 Duties of Office of Kentucky Nature Preserves -- Authority for administrative regulations -- Criteria for designation of plants as endangered or threatened -- Plant lists -- Quadrennial report.

- (1) The office may conduct investigations, with the permission of the landowner, on any species of plants indigenous to the Commonwealth necessary to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data, and to determine protective measures and requirements necessary for its survival.
- (2)
 - (a) Any plant species identified as endangered or threatened by the Endangered Species Act shall be automatically and immediately considered in a similar category under KRS 146.600 to 146.619. The office may promulgate administrative regulations, upon recommendation of the office, identifying any other species of plant within the state as an endangered or threatened species as a result of any one (1) of the following factors:
 1. The present or threatened destruction, modification, or curtailment of its habitat or range;
 2. Overutilization for commercial, recreational, scientific, educational, or private purposes;
 3. Disease, predation, or vandalism;
 4. The inadequacy of existing regulatory mechanisms affecting the continued existence within the state; or
 5. Other factors affecting its continued existence within the state.
 - (b) The cabinet may, upon recommendation of the office, promulgate administrative regulations setting forth criteria for identifying and designating species of plants native to Kentucky which are in danger of extirpation within the Commonwealth or threatened with becoming endangered in the Commonwealth. The cabinet may, upon recommendation of the office, promulgate administrative regulations that identify species that it determines to be endangered or threatened. These lists shall identify the common and scientific names of each species. The lists shall include all plant species native to Kentucky which are listed as endangered or threatened on the "United States List of Endangered and Threatened Plants" pursuant to the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. secs. 1531-1543, as amended. The lists may also include species listed in the appendices of the "Convention on International Trade in Endangered Species," signed March 3, 1973, as Ex. Doc. H, 93rd Congress, 1st Session. Further, the office may provide for public education purposes lists of plant species which may become threatened in the future through habitat loss, commercial exploitation, or other means, or which are presumed to be extirpated within the Commonwealth. All lists shall be updated at least every four (4) years.
- (3) Locational and population health information relating to endangered or threatened and other plant species shall be kept in the office's natural heritage database. Information to be considered when adopting, amending, or rescinding endangered

or threatened plant species lists as required in this section shall be recorded in the natural heritage database prior to use in determining the status of a plant species.

- (4) The office shall present to the Governor and the General Assembly a report on or before October 1 every four (4) years on the conditions and needs of the Commonwealth's endangered or threatened plant species.
- (5) In carrying out programs authorized by KRS 146.600 to 146.619, the office may enter into agreements or contracts with federal agencies, other states, agencies or political subdivisions of the Commonwealth, or with individuals or private organizations for administration and management of any program established under KRS 146.600 to 146.619 or utilized for the protection of endangered or threatened plant species.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 29, sec. 46, effective July 14, 2018. -- Created 1994 Ky. Acts ch. 164, sec. 3, effective July 15, 1994.