

Commercial Use of Native Hawaiian Plants

Laws and Requirements for the Propagation and Sale of Threatened and Endangered Hawaiian Plant Species

Introduction

The Endangered Species Act (ESA) was passed by the U.S. Congress in 1973 to help prevent the extinction of rare species. More than one-fourth of Hawai'i's native plants are listed as threatened (T, likely to become endangered) or endangered (E, in danger of extinction). Native plants are those whose ancestors arrived on the Hawaiian



Sesbania tomentosa

Islands millions of years ago by wind, waves, or wings. Most are endemic, and evolved in Hawai'i's isolated ecosystem into species found nowhere else in the world.

With hundreds of plants on the Threatened & Endangered (T&E) list, Hawai'i is referred to as the "endangered species capital of the world." These guidelines are intended to help

members of the general public to obtain the necessary permits for regulated activities dealing with T&E plants in Hawai'i.

Endangered Species Act Overview

When Congress passed the ESA, "the purpose was to protect and recover imperiled species and the ecosystem upon which they depend." The U.S. Fish and Wildlife Service (FWS) has primary responsibility for plants and freshwater organisms.

- Find here an [ESA fact sheet](https://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf) (fws.gov/endangered/esa-library/pdf/ESA_basics.pdf).
- Here is a current list of [T&E plants of Hawai'i](https://www.fws.gov/endangered/?ref=topbar) (fws.gov/endangered/?ref=topbar).

The FWS works in conjunction with the State of Hawai'i's Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) to administer [Permit Guidelines](https://dlnr.hawaii.gov/ecosystems/rare-plants/permits) (dlnr.hawaii.gov/ecosystems/rare-plants/permits) that allow activities involving rare, threatened, or endangered plants.

Why Use Native T&E Plants?

Endemic (found only in Hawai'i) and indigenous (also native elsewhere) plants have aesthetic, cultural, and recreational values that are integral to what makes Hawai'i Hawai'i.

These plants are adapted to Hawai'i's environment. Once established in a suitable habitat, with the proper climate and soils, they will require less water, fertilizer, and maintenance than non-native plants.

The diversity of native plant species available offers many

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potential uses for local landscapes or interiorscapes. Propagating native Hawaiian plants contributes to the preservation of T&E plants by relieving collection pressure on wild plants and preserving native habitats. Choosing native over non-native plants will help prevent the introduction of harmful alien pests and diseases that may be on imported plants.

• Here is [list of ornamental plants considered invasive in Hawai'i](https://plantpono.org/high-risk-plants) (plantpono.org/high-risk-plants).

Laws and Requirements for Commercial Use of T&E Plants

Regulations governing commercial use of Hawai'i's T&E plants are administered by the State of Hawai'i's Department of Land & Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW), under Hawai'i Administrative Rules, Title 13, DLNR Subtitle 5, Forestry and Wildlife, Part 1, Forestry, Chapter 107: [Threatened and Endangered Plants](#) (13-107-6): "Commercial Use Plant Species" (files.hawaii.gov/dlnr/dofaw/rules/Chap107s.pdf).

Permit Guidelines, State of Hawai'i, DLNR, Division of Forestry and Wildlife

Sale of Permitted T&E Plant Species From Cultivated Stock

A [Rare Plant Permit](#) (dlnr.hawaii.gov/ecosystems/rare-plants/permits) is required for commercial use of T&E plants. The permit may be obtained by filling out the "Application For Commercial Use of Hawaiian Threatened and Endangered Plant Species" from the State of Hawai'i DLNR, Division of Forestry and Wildlife.

• Find more information on [permit guidelines](#) (dlnr.hawaii.gov/dofaw/permits) here.

All commercial T&E plants sold must have a commercial use tag (Figure 1) and should be tagged with the scientific name and source of origin. The permit holder is required to keep records of species name, date, and number of propagules or plants sold, given away, or donated. The permit

Table 1. List of species currently in the commercial trade (as of April 2020)

Scientific Name	Hawaiian Name	Status
<i>Abutilon eremitopetalum</i>		E
<i>Abutilon menziesii</i>	Ko'olua'ula	E
<i>Achyranthes splendens</i> var. <i>rotundata</i>	'Ahinahina	E
<i>Bonamia menziesii</i>		E
<i>Brighamia insignis</i>	'Olulu, Ālula	E
<i>Brighamia rockii</i>	Hāhā, Pua 'ala	E
<i>Cenchrus agrimonoides</i>	Kāmanomano	E
<i>Colubrina oppositifolia</i>	Kauila	E
<i>Cyperus trachysanthos</i>	Ka'a, Pu'uka'a	E
<i>Delissea rhytidosperra</i>	'Oha	E
<i>Gardenia brighamii</i>	Nānū, Nā'ū	E
<i>Hibiscadelphus distans</i>	Kauai haukuahiwi	E
<i>Hibiscadelphus hualalaiensis</i>	Hualalai haukuahiwi	E
<i>Hibiscus arnottianus</i>	Koki'oke'oke'o,	E
	Aloalo, hau hele	
<i>Hibiscus brackenridgei</i> subsp. <i>brackenridgei</i>	Aloalo, Ma'ohau hele	E
<i>Hibiscus brackenridgei</i> subsp. <i>mokuleianus</i>	Aloalo, Ma'ohau hele	E
<i>Hibiscus clayi</i>	Koki'o'ula'ula	E
<i>Hibiscus waimeae</i> subsp. <i>hannerae</i>	Aloalo, Koki'oke'oke'o	E
<i>Kokia drynarioides</i>	Hau hele 'ula	E
<i>Marsilea villosa</i>	'Thilā'au, 'Thi'ihī	E
<i>Mezoneuron kavaense</i>	Uhiuhi	E
<i>Polyscias racemosum</i>	Pōkūlakalaka	E
<i>Nototrichium humile</i>	Kulu'i	E
<i>Pritchardia affinis</i>	Loulou, Hāwane	E
<i>Pritchardia remota</i>	Hāwane, Loulu	E
<i>Schiede akaalae</i>		E
<i>Sesbania tomentosa</i>	'Ohai	E
<i>Solanum sandwicense</i>	'Aiakeakua, popolo	E
<i>Tetramolopium filiforme</i>		E
<i>Vigna o-wahuensis</i>		E

E = Endangered, T = Threatened

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I am an endangered species grown from cultivated stock. This label allows you to grow me in your garden. Do not plant me or my offspring outside your garden

Figure 1. An example of a commercial use tag for T&E plants

holder shall allow authorized DOFAW representatives to inspect plants, permits, books, and/or records. The list of T&E plants permitted for commercial trade (Table 1) can be obtained from the Hawai'i DLNR, DOFAW.

Only permitted T&E plant species from cultivated stock can be used commercially. The list of permitted plant species can be found on the application. Applications for permits and tags (at cost) can be obtained from DOFAW.

Important: Do not plant a cultivated T&E plant "back into the wild." Keeping cultivated plants in the garden will help preserve wild plant genetics and protect wild plants from introduced pests or disease.

Non-Cultivated Plants

A permit is required for research, survey, monitoring, collection, possession, propagation, outplanting, or transfer of non-cultivated rare and T&E plants. [Register here](#) (inforps-dp.hawaii.gov/DLNRInvPermitting/#/login) for one.

All permit applications should be submitted to DOFAW 90 days prior to the expected start of field work to allow for processing.

- Additional permits, such as access permits, may also be required from DOFAW or other DLNR Divisions.
- A copy of the signed permit must be carried with the permit holder(s) at all times while in the field.

Summary

- A permit is required for commercial use of T&E plants, and all plants must have a commercial-use tag.
- The list of T&E plants permitted for commercial trade can be obtained from the Hawai'i DLNR, DOFAW.
- Only permitted T&E plant species from cultivated stock can be used commercially.
- Applications for permits and tags (at cost) can be obtained from DOFAW.
- A permit is required for research, collection, possession, propagation, and transfer of non-cultivated rare and T&E plants.



Abutilon menziesii

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