

## Our Native Orchids and their Legal Protection

We sometimes witness people picking wild orchids or even digging them for garden purposes. We may see native orchids offered for sale and wonder if this is allowed. Sometimes native orchids are at risk locally because land is being cleared for roads, trails or development and we may wonder just what protection do our native orchids have? What if any measures can be taken to ensure their conservation?

### One federally protected orchid

Only one native orchid is nationally protected. The Small White Lady's slipper, *Cypripedium candidum* is protected under SARA, the Species at Risk Act.

[http://www.sararegistry.gc.ca/species/speciesDetails\\_e.cfm?sid=193/](http://www.sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=193/)

The Species at Risk Act, SARA, makes it an offence to:

- kill, harm, harass, capture or take an individual of a listed species that is extirpated, endangered or threatened;
- possess, collect, buy, sell or trade an individual of a listed species that is extirpated, endangered or threatened, or its part or derivative;
- damage or destroy the residence of one or more individuals of a listed endangered or threatened species or of a listed extirpated species if a recovery strategy has recommended its reintroduction.

Additionally, under the Wild Animal and Plant Protection Act, WAPPRITA, a permit is required to move the nationally protected *Cypripedium candidum* from province to province. International trade in all Canadian wild orchids is covered under CITES Appendix II. <http://www.cites.ca/>

All native orchids vary in their degree of being at risk according to where they grow. Each province has a list of species at risk which can include orchids. Federal and provincial/territorial lists are updated regularly.

Orchids growing on federal lands including lands owned by the federal government such as national parks, lands used by the Department of National Defence, reserve lands, and most of the land in the three territories, are subject to protection under federal statutes but formal legal protection for orchids varies within provinces and territories. For example, there are detailed regulations in Québec but no specific regulations in Ontario excepting for *Cypripedium candidum* which is nationally protected. Most orchids growing on public land have very limited if any protection.

### Some examples of orchids at risk

#### Québec, Plantes menacées/Threatened Species

<http://www.mddelcc.gouv.gc.ca/biodiversite/especes/>

*Aplectrum hyemale* (Puttyroot),

*Cypripedium passerinum* (Sparrow's Egg Lady's-slipper),

*Corallorhiza odontorhiza* var. *pringlei* (Late Coralroot)

#### Ontario, Endangered Species

<http://www.rom.on.ca/ontario/risk.php>

*Platanthera leucophaea* (Eastern Prairie Fringed Orchid),

*Isotria verticillata* (Large Whorled Pogonia),  
*Triphora trianthophora* (Nodding Pogonia),  
*Cypripedium candidum* (Small White Lady's-slipper)

### **British Columbia, Red-listed Species**

<http://www.env.gov.bc.ca/atrisk/red-blue.htm>

*Liparis loeselii* (Loesel's Liparis),  
*Platanthera dilatata* var. *albiflora* (Fragrant White Rein Orchid),  
*Malaxis brachypoda* (White Adder's Mouth)

### **Nova Scotia Endangered Species**

<http://novascotia.ca/natr/wildlife/biodiversity/species-list.asp>

*Cypripedium arietinum* (Ram's Head Lady's-slipper)

### **Manitoba Species at Risk**

<http://www.manitoba.ca/conservation/wildlife/sar/sarlist.html>

*Platanthera praeclara* (Western Prairie Fringed Orchid)  
*Cypripedium candidum* (Small White Lady's-slipper)  
*Spiranthes magnicamporum* (Great Plains Ladies'-Tresses)

Enforcement of regulations can only happen if there is solid proof that someone has been seen removing or otherwise interfering with orchids where such action is specifically prohibited. Photographic evidence and confirmatory witness statements attesting to the fact that a person committed the prohibited act at a specific place and time is needed to obtain conviction.

All orchids growing in parks, conservation areas, nature reserves (such as Nature Conservancy lands) are covered by a variety of regulations which prohibits interference with, picking or otherwise removing the material except with a permit issued by the governing body of that particular place.

Where no federal or provincial protection is provided, orchids growing outside of federal lands, reserves and conservation areas are unlikely to be protected against picking or disturbance. There may be local regulations including city bylaws governing the sale of wild collected plants including orchids but if not, it rests with hobbyists and societies to raise their concerns with local authorities. Learn to recognize native orchids by name so you can give a detailed account if ever called upon to do so.

Translocation (moving plants from one location to another to remove plants from risk) should only be done with expert assistance. Many orchids cannot be transplanted and some with only limited success.

### **What you can do?**

Learn which orchids are at risk in your province/territory and what protection is locally applicable.

Start a native orchid study group in your society.

Educate your fellow members and the public through displays at shows, malls and presentations to clubs and schools. Help people gain an understanding and appreciation our native orchids.

Promote trade in only artificially propagated native orchids.

Your observations on orchids at apparent risk may be helpful to local groups including field naturalists. Before starting a conservation activity, consult those knowledgeable with a species and its biology. If you wish to initiate conservation activities in a park, first consult with the park manager. Even the removal of seeds to artificially propagate a species for possible reintroduction must be done with the approval of park authorities.

Keep the COC and member societies informed of your projects and successes with an occasional report for the newsletter.

- Marilyn H. S. Light