

From: [James McGrath](#)
To: [Mason, Wendy, EMNRD](#)
Subject: [EXTERNAL] Rule Change to the State Endangered NM Plant Law
Date: Tuesday, November 9, 2021 3:30:22 PM

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Dear Wendy:

I am a professional botanist that has worked for 15 years (2000-2015) conducting rare plant surveys in NM. Most of my work was in the oil and gas fields of NW NM. During those surveys I found the federally endangered Mancos milkvetch (*Astragalus humillimus*), the federally threatened Mesa Verde cactus (*Sclerocactus mesae-verdae*) and the state endangered Aztec gilia (*Aliciella formosa*). The fact is that the oil and gas activities in the San Juan Basin threaten the existence of these species. Construction of roads, well pads, pipelines, and compressor stations will not only destroy these rare plants, but also their habitat.

Therefore, it seems ludicrous that current protection of endangered plants involves only the regulation of the “removal of endangered plants with the intent to possess, transport, export, sell, or offer for sale.” The threat to these endangered plants has nothing to do with removal for sale or for growing the plants in someone’s yard. The real threat is simply the destruction of the plants by these activities as well as other similar activities such as road building, building new homes, wood cutting, etc. Therefore, the proposed rule change should be adopted. The new rule (according to a Federal lands manager in NM) would require a “permit for state approval prior to any action that will destroy / kill state-listed plants. “ Requiring a permit adds some additional bureaucracy, but it also provides substantial protection for NM’s state listed endangered plants.

The need for additional protection of New Mexico state endangered plants is particularly important in the light of climate change, the prolonged drought that persists here in NM, and the projected continuation of drought and increasingly high temperatures in NM. Recent studies by professional botanists employed by the State of New Mexico, the Federal Bureau of Land Management (BLM) and the Navajo Nation have shown a decline in populations of some of these endangered plants. For example, BLM botanists in 2019 reported that the Aztec gilia has declined by approximately 85% “both since early monitoring efforts by New Mexico state botanists in the 1990’s, and recent monitoring efforts by the BLM” (Bansbach et al. 2019). Significant decline in Mancos milkvetch populations have been reported by Roth (2020) and Talkington (2019). Roth (2020) reported drastic reductions in Mancos milkvetch populations on a BLM ACEC since the mid-1980s. Roth noted multiple disturbances in the ACEC that likely have contributed to the decline in Mancos milkvetch populations, ” including illegal wood cutting, active oil and gas development, activities associated with powerline and transmission tower maintenance, and invasive species. “ In short, the evidence for a change in the rule is very clear and well documented.

LITERATURE CITED

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Monitoring Report, December 2019. Navajo Natural Heritage Program,
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Thanks for allowing me to comment on the rule change.

Jim McGrath

Botanist

Conservation Committee

Native Plant Society of New Mexico – Albuquerque chapter