

From: [Lauren Bansbach](#)
To: [Mason, Wendy, EMNRD](#)
Subject: [EXTERNAL] Proposed Rulemaking 19.2.1 NMAC Endangered Plant Species List and Collection Permits Amendment
Date: Wednesday, November 10, 2021 8:59:24 AM
Attachments: [Proposed rulemaking_comment_Bansbach.docx](#)

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Hi Wendy,

My comments on today's hearing for the proposed rulemaking 19.2.1 are attached.

Thank you,

Lauren Bansbach

Dear Wendy Mason,

I strongly support the Proposed Rulemaking 19.2.1 NMAC Endangered Plant Species List and Collection Permits Amendment as it applies to all state-listed endangered plant species in New Mexico. I speak as a professional botanist and New Mexico resident. Apart from the consultation requirement of the federal Endangered Species Act (ESA) which only applies to listed species (not species undergoing the lengthy review process, such as *Aliciella formosa* and *Sclerocactus cloverae*), plants receive **no formal protections from any authority** in the state of New Mexico. While many of the state-listed endangered plants in New Mexico are also listed on the Bureau of Land Management Sensitive Species List, the BLM does not define ‘take’ (i.e. the removal and/or destruction of special status plants). The BLM 6840 Manual for Species Status Species Management – which is the primary authority for BLM to manage for the conservation of special status species – is worded such that for non-ESA listed species, the objective for BLM is: “To initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA.” This wording is relatively vague, as it applies broadly to all BLM offices in the United States and does not specifically authorize the BLM to regulate the destruction of plants as a result of projects that occur on BLM lands, such as development of new energy facilities (e.g. transmission lines, solar arrays, oil and gas wells, compressor stations, pipelines, etc.). Furthermore, the implementation of this BLM 6840 policy varies by Field and District Offices across the state and most BLM Field Offices do not have a permanent botanist on staff. Thus, it is clear that the proposed rule change at the state level would not be redundant with any BLM policy or practice except for the relatively few federally listed species under ESA that undergo consultation. Given the extensive declines documented in many plant species listed on the state endangered species list, the policies and rules as they stand are clearly not effective.

This proposed rule is in line with Goal #2 within the 2017 New Mexico Rare Plant Conservation Strategy which includes protecting rare species and their habitats. The unique botanical biodiversity of New Mexico is unparalleled and warrants protection and oversight. Our state is home to the fourth highest plant diversity in the country, including **109 endemic plant species**. Many of these endemics are state-listed as endangered due to on-going threats from human activities. These plants are intimately connected with the greater ecology they exist within, including untold relationships with soil biota, insects, animals, and people. The steady decline of species in conjunction with the ever-increasing pace of societal growth should not be idly witnessed. I commend the State Botanist, Daniela Roth, for her extensive work documenting the status of many of our rare plant species and I support these proposed amendments to the state endangered species act to afford strong, meaningful protections to the unique botanical diversity that we are collectively tasked with stewarding.

Sincerely,

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