



# NEW MEXICO FARM & LIVESTOCK BUREAU

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November 8, 2021

Wendy Mason  
EMNRD, Forestry Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

Re: 19.21.2 NMAC, Endangered Plant Species List and Collection Permits

New Mexico Farm and Livestock Bureau is New Mexico's largest and oldest agriculture organization, representing members involved in all aspects of agriculture from dairy, livestock, fruits, and vegetables. Our mission is to promote and protect agriculture in the great State of New Mexico. We are charged with the important task of representing our members' interests when it comes to impeding regulations. We respectfully submit the following comments and recommendations on behalf of our 19,000 members.

## **Agriculture practice**

We appreciate the agriculture practice definition and exemption provided through the taking definition. Many of our members are ranchers and may need to provide weed treatments to the range which they graze as a form of management. We recommend the following change to the definition of taking to allow for the spraying of herbicides to the rangeland.

[E.] I. "Taking" means [the removal, with the intent to] to remove, harm, kill, destroy, possess, transport, export, sell, or offer for sale any of the plants, or parts thereof, listed in 19.21.2.9 NMAC, from the places in the state of New Mexico where they naturally grow. Taking does not include the unintentional removal, harm, killing or destruction of endangered plants resulting from agricultural practices such as grazing, ditch clearing or burning, planting, applying herbicides ~~to cultivated fields~~, harvesting, mowing of hay fields or pastures, burning pastures or fields, or cultivating, plowing or disking fields.

## **Incidental take permits**

19.21.2.11 indicates that the state forester may issue incidental take permits, however there is no mention of a timeframe or deadline as to when the permit would be approved or denied. In order to keep projects moving and on schedule, we request that a timeframe for permit applications be established and included in the rule.

## **Actions exempt from permit requirements**

We would like to see an exemption included in 19.21.2.12 stating, "Permits will not be required when cost share funding for projects is provided through NM State forestry." We believe that if the cost share is provided via state forestry there is no need to obtain a permit as state forestry

will have direct access to the administration of the funding and how the project is accomplished.

We thank you for the opportunity to provide our recommendations on the development of the endangered plant rule.

Respectfully,

A handwritten signature in black ink, appearing to be 'Tiffany Rivera', written in a cursive style.

Tiffany Rivera  
Director of Government Affairs