

From: [Bob Sivinski](#)
To: [Mason, Wendy, EMNRD](#)
Subject: [EXTERNAL] 19.21.2 NMAC Amendments, Endangered Plant Species List and Collection Permits
Date: Monday, November 8, 2021 1:55:30 PM

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My name is Robert Sivinski. I am a professional field botanist and resident of Santa Fe, New Mexico. I was employed by the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) as a botanist for the Forestry Division from 1989 to 2011 and am very familiar with the NM Endangered Plant Species Act, Rule 19.21.2 NMAC, and the endangered plants listed therein. My comments here are in support of the proposed amendments to 19.21.2 NMAC.

American Hart's-tongue fern, *Asplenium scolopendrium* var. *americanum* should, and must, be added to the list of NM endangered plant species. It's federal status as a threatened species requires that it also be listed as endangered under the NM Endangered Plant Species Act. Failure to do so could jeopardize New Mexico's "Full Authorities" agreement with the US Fish and Wildlife Service, which provides federal funding to NM for research and recovery of endangered plants through Section 6 of the federal Endangered Species Act. This endangered fern is exceedingly rare in NM and should have whatever conservation attention NM can give it to encourage appropriate protections and policies on the federal land habitat where it occurs.

I also support the expanded definition on "Taking" of endangered plants to include "harm, kill, destroy" in the actions that require a permit by the State Forester. This will increase conservation planning and forethought for habitat disturbing projects that may impact endangered plants in NM. The proposed permit for incidental take will incur some additional processing efforts by the Forestry Division and I encourage EMNRD to provide whatever funding or personnel is necessary to accomplish these permitting tasks.

Sincerely, Robert Sivinski