From: Devin Kennemore
To: Roth, Daniela, EMNRD
Subject: [EXT] Comment on Proposed Amendments
Date: Wednesday, May 13, 2020 2:39:07 PM

Hi Daniela,

Excellent work on those amendments. Thanks for all that you do.

Just one comment. Regarding the proposed Permitting amendment, I don't understand the justification for 19.21.2.10 Section H. It seems to me that federal employees working on federal lands in the State of New Mexico should be subject to the laws of New Mexico just the same as everyone else. State laws apply on federal lands the same as any other lands. Furthermore, federal employees are no different than any other person in terms of their behavior toward the laws of our State.

I have no confidence that all Forest Service or BLM employees are going to necessarily act in good faith when it comes to collecting NM State Endangered plants on FS or BLM land. I have many relationships with FS and BLM people and I like and respect them well enough, but that isn't sufficient reason to exempt them. Many of them are less qualified to be collecting rare plants than I am and I'm not being granted an automatic permit. And neither are you by this amendment.

I understand that the exemption for tribes is a very sensitive issue, so maybe that exemption should remain.

Therefore, with the exception of the tribal exemption, I think you should strike the rest of this section.

If anyone is going to be allowed to collect NM State Endangered plants without a permit, it should be you and maybe a handful of other obviously qualified botanists like Bob Sivinski or Tim Lowery or Kelly Allred, namely, active published professional botanists who would be limited to collecting only when it is in support of specific research they are conducting for publication. And even then, they should still be required to follow all the same rules that a permittee would have to follow. That makes sense.

So, that is my only comment. I don't need a response. Also, my preference would be that you keep my name for this comment private, but if you cannot, that's fine. Thanks again for the work you do and thank you for the opportunity to comment on the amendments.

Best regards,

Devin

Devin Kennemore

From: NMRAREPLANTS-L <NMRAREPLANTS-L@LIST.UNM.EDU> on behalf of "Roth, Daniela, EMNRD" <Daniela.Roth@STATE.NM.US>
Reply-To: NMRAREPLANTS-L <NMRAREPLANTS-L@LIST.UNM.EDU>
Date: Wednesday, May 13, 2020 at 1:27 PM
To: "NMRAREPLANTS-L@LIST.UNM.EDU" <NMRAREPLANTS-L@LIST.UNM.EDU>
Subject: Re: [NMRAREPLANTS-L] Public Hearing - Postponed

[EXTERNAL]

Please note that the public meeting will now be held via WebEx on June 24, 2020, at 9:00 am. For instructions on how to join the meeting or phone in, please see the attached Notice.

Daniela

Botany Program Coordinator
EMNRD – Forestry Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-476-3347
http://www.emnrd.state.nm.us/SFD/

From: Roth, Daniela, EMNRD
Sent: Wednesday, March 18, 2020 12:59 PM
To: 'NMRAREPLANTS-L' <NMRAREPLANTS-L@LIST.UNM.EDU>
Subject: Public Hearing - Postponed

The State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), Forestry Division hereby gives notice of the postponement of the public hearing scheduled for March 30th, 2020, due to the closure of State office buildings until further notice. The hearing for the proposed amendment to 19.21.2 NMAC, Endangered Plant Species List and Collection Permits, is now scheduled for June 24th, at 9:00 AM, in Porter Hall, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, NM.

The full text of the proposed rule amendment will continue to be available from Daniela Roth at (505) 476-3347 or Daniela.Roth@state.nm.us, or can be viewed on the EMNRD, Forestry Division's website at http://www.emnrd.state.nm.us/SFD/Outreach/OutReachMain.html or at the Forestry Division's offices in Santa Fe, Chama, Cimarron, Las Vegas, Rio Rancho, Socorro, Capitan, and Silver City.

Those wishing to comment on the proposed rule amendment may make oral or written comments

or submit information at the hearing or may submit written comments by June 24, 2020 by 9 a.m. by mail or email. Please mail written comments to Daniela Roth, EMNRD, Forestry Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505 or submit comments by email to Daniela.Roth@state.nm.us.

Daniela Roth

Botany Program Coordinator
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