

**From:** [Melanie Gisler](#)  
**To:** [Mason, Wendy, EMNRD](#)  
**Cc:** [Tom Kaye](#)  
**Subject:** [EXTERNAL] IAE Comment Letter to State Rule Change Proposal  
**Date:** Wednesday, November 10, 2021 7:41:32 AM  
**Attachments:** [IAE Letter State Endangered Plant Rule Change proposal 11.10.21.pdf](#)

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Dear Wendy,  
Please find the attached letter from the Institute for Applied Ecology supporting the proposed NM state rule change for endangered plants.  
Thank you,  
Melanie

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*The Institute for Applied Ecology is a nonprofit organization dedicated to conserving native species and habitats through restoration, research, and education. [www.appliedeco.org](http://www.appliedeco.org)*

November 9, 2021

Ms. Wendy Mason  
EMNRD Forestry Division  
1220 S St. Francis Dr.  
Santa Fe, NM 87505

Dear Ms. Mason:

On behalf of the Institute for Applied Ecology we are writing to state our support for the Rule Change to the NM State Endangered Plant Law to strengthen the law and give native and endangered plants similar protections afforded to animals. Below are a few reasons why we find this rule change important, reasonable, and good for New Mexico.

- **New Mexico is a biodiversity hotspot.** The state of New Mexico ranks 4th highest in biological diversity (NatureServe, *U.S. Biodiversity Ranks of 50 States*, 2002). New Mexico not only hosts over 3,000 unique pollinator species that depend on plants, it's also home to more than 235 plant species listed as "rare," with 109 species endemic to the state of New Mexico.
- **Plants are fundamental to healthy ecosystems.** Given that plants are the base of food chain, the loss of plant diversity ultimately results in the loss of animals that depend upon those plants. Plants provide a myriad of ecosystem functions and services ranging from improved soil health to the very oxygen we breathe. Plants should receive the same level of protection conferred to animals in New Mexico, as proposed in the rule change. Considering that plants are not mobile and are unable to readily move out of harm's way, they have an added level of vulnerability compared to animals. NM laws need to protect the ecosystems where rare plants occur to be effective.
- **Stronger state-level protection for plants has been achieved in other states.** The ability for a state to strengthen its law and increase protection for endangered plants is not new. The California Endangered Species Act, established in 1984, makes it illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing. Fifteen states include plants in their state Endangered Species Act, but New Mexico is not one of them. On NM State Lands, Endangered plants are currently only protected from collection and sale, not from destruction, harm, or killing. To prevent extinctions, our laws need to mandate plant protection from damage or eradication in situ, not just from removal. 70% of Federally listed plant species occur on nonfederal lands in NM, and State law is the only protection for rare plants on these lands.

We would be happy to provide any supporting material as requested. Thank you for your efforts to conserve our state's precious biological diversity.

Sincerely,



Tom Kaye, Executive Director



Melanie Gisler, Southwest Branch Director