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**FOR IMMEDIATE RELEASE:**

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## **Rare Plant Removal Rule Strengthened**

### **American Hart's-tongue fern added to state list of endangered species**

**Santa Fe** – A rule governing the removal of rare and endangered plants in the state has been amended to help curb the decline of rare plant populations.

The previous rule, listed in [Section 75-6-1 NMSA 1978](#), only prohibited “removal of endangered plants with the intent to possess, transport, export, sell, or offer for sale.” Now, the word “take” has been more clearly defined to be “destroy/remove/harm.”

This amended rule further authorizes the Energy Minerals and Natural Resources Department’s [Forestry Division](#) to prohibit the taking, possession, transportation, exportation from the state, processing, sale or offer for sale, or shipment of listed plants or plant materials, except for permitted scientific purposes or propagation and transplantation activities that enhance the survival of endangered species. In cases where removal of these species is unavoidable, the amendment has created an [“incidental take” permitting system](#).

The new rule went into effect on April 25, 2023, and applies to plants on state, federal and private lands in New Mexico. An exemption for tribal members who use rare plants for religious purposes or activities on tribal trust or restricted fee land or individual trust allotments remains in place.

“We always welcome the chance to provide increased protections to at-risk species,” said State Botanist Erika Rowe. “All plants and animals fit together like the pieces of a puzzle. If you start losing one or two pieces, the puzzle won't function like it used to.”



*The American Hart's-tongue fern, first discovered in New Mexico in 2020—and still only seen in one location within the state—was recently added to the state's list of endangered plant species.*

*Photograph by Ash Taylor, NM Forestry Division*

Monitoring of New Mexico's rare plants over the last thirty years has revealed that most populations are in steady decline. To this end, a new plant -- the American Hart's-tongue fern, or *Asplenium scolopendrium* var. *americanum* – has been added to the list of state endangered plant species.

The American Hart's-tongue fern was discovered at the El Malpais National Monument in 2020 and its identity was recently verified by various species specialists. The fern is federally listed as a threatened species but had not previously been found to occur in New Mexico. It is now known to occur at one site in the state, which contains 66 individual plants.

New Mexico is one of the most biologically diverse states in the U.S. and supports the fourth highest plant diversity in the country. A total of 4,204 plant taxa have been documented, including 46 species of native plants designated as state endangered. Fifteen of these are also listed as either federally endangered or threatened by the US Department of the Interior, Fish and Wildlife Service. More than 200 additional plant species are also considered to be of conservation concern, of which 109 are endemic – that is, they only occur in New Mexico and nowhere else in the world.

Protection of the American Hart's tongue fern, along with other state endangered species, becomes particularly important considering the effects of climate change. The persistence of

drought in the state is one of the primary reasons for the decline of several rare plants. Other disturbances to native habitats from oil and gas construction activities are further reasons to afford increased protections to these unique and rare pieces of our ecological puzzle.

More information about the new rule and the permitting process can be found at the [New Mexico Forestry Division website](#). Or contact Erika Rowe, State Botanist at [erika.rowe@emnrd.nm.gov](mailto:erika.rowe@emnrd.nm.gov).

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*The Energy, Minerals and Natural Resources Department provides resource protection and renewable energy resource development services to the public and other state agencies.*

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