

Rich Harvey

From: James Morefield [jdmore@heritage.nv.gov]
Sent: Monday, May 05, 2008 12:00 PM
To: Rich Harvey
Subject: FW: Comments on Las Vegas buckwheat proposed regulation

> From: James Morefield [mailto:jdmore@heritage.nv.gov]
> Sent: 11 March 2008 19:19
> To: 'Rich Harvey'
> Cc: 'Pete Anderson'; 'Bob Ashworth'; 'Allen Biaggi'; 'Jennifer Newmark';
> 'Kay Scherer'
> Subject: Comments on Las Vegas buckwheat proposed regulation

>
> 11 March 2008

>
> Dear Mr. Harvey:

>
> The following are the comments of the Nevada Natural Heritage Program
> regarding the Division of Forestry's 22 January 2008 Notice of Intent
> to Act Upon a Regulation. Per NAC 527.200(5), The State Forester and
> the Division are not bound by the comments or recommendations of the
> Nevada Natural Heritage Program, which acts solely in an advisory
> capacity to the Division and the State Forester. The Nevada Natural
> Heritage Program is a non-regulatory agency whose mission is to gather
> and maintain the best available scientific information on native flora
> and fauna at risk of extinction or serious decline in Nevada. It is
> not within our mission or our expertise to make determinations or
> recommendations on the social or economic merits of any proposed
> regulation.

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> Based on our analysis of 24 September 2007 (Population Status of Las
> Vegas buckwheat, *Eriogonum corymbosum* var. *nilesii*, based on 2006-2007
> data), which incorporated the best available scientific information
> and which demonstrated that 70% of the known occupied habitat for Las
> Vegas buckwheat is or soon will be permanently lost, it remains our
> determination, per NAC 527.200(2), that the existence of this
> subspecies of native flora is endangered and its survival requires
> assistance because its habitat is threatened with destruction, drastic
> modification or curtailment. It therefore remains our science-based
> recommendation that Las Vegas buckwheat be placed on the list of fully
> protected species of native flora.

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> Per NAC 527.010(3), the International Code of Botanical Nomenclature
> governs matters of botanical nomenclature for purposes of NAC 527.
> The International Code of Botanical Nomenclature considers taxonomic
> varieties (such as Las Vegas buckwheat) to be equivalent to
> subspecies. In general botanical practice, varieties and subspecies
> are used for geographically and/or ecologically significant genetic
> variants that are not as fully distinct from one another as are full
> species. Based on the existing reports in the scientific literature
> documenting consistent morphologic and genetic differences between the
> southern Nevada populations and populations of *Eriogonum corymbosum* in
> other areas, and on the few scattered reports of plants with
> intermediate or uncertain characteristics in southern Utah and
> northern Arizona, we consider the taxonomic rank of variety to remain
> the most appropriate designation for Las Vegas buckwheat.

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> We also have one minor editorial comment: in the draft regulation, the
> word "buckwheat" should NOT be capitalized, in keeping with usual
> botanical practice that only proper names are capitalized when used in
> common names, and to be consistent with the common names of other
> native flora already listed in the regulation. Note that common names
> are NOT regulated in any way by the International Code of Botanical

