

February 8, 2021

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Dear Sir or Madam

I am the owner of High Country Landscapes and Nursery, LLC situated on property directly adjacent to the proposed concrete batch plant (CBP).

Prior to beginning this business, I received my Master's degree from Colorado State University in Ecology through the Warner College of Natural Resources and worked in rangeland ecology. My wife, a veterinarian, and I chose the Alto-Ruidoso area to raise our young children because of its pristine environment and beauty.

In 2013, I decided to deviate from my previous career path and pursue the American Dream of entrepreneurship, leading to the creation of my business. My mission was simple: to provide ecologically sensitive landscapes to the public in an area where its natural resources can be preserved. At the same time, maintaining the natural beauty of New Mexico and educating the public on the various flora and fauna in the area—as they relate to landscapes. It has always been my aspiration to create a self-sustaining nursery and provide its plant and tree materials to the community.

High Country Landscapes and Nursery now provides plants and trees to the local public and surrounding area, which in large part, we grow on site. We also retail landscape products and create designs that incorporate into finished landscapes for our customers.

Part of our master plan is to design and perform future public outreach programs geared for youth and the general public on site in our state-of-the-art teaching greenhouse: programs that will entail horticulture and general concepts in ecology as they apply to our ecological zone.

When I purchased my property in 2014, I was the only business operating within the initial 4 tracts of land being sold by Frank Reed. I had three sets of criteria the land had to meet—without exception—as I searched for the appropriate acreage to carry out my aspirations.

First, the property had to be close to or located on New Mexico Highway 48. Second, the property had to be flat; and third, the land had to be protected by local zoning or restrictions that would harbor certain protections to ensure the success in the future growth of my company. The property, purchased in 2014 and which is adjacent to the proposed CBP, met all of those requirements.

Like many, I was not notified through mail, flyer, or by phone call regarding a proposal for the construction of a CBP even though I stand to be the most affected by its operation. Instead, I found out through a concerned resident living in a subdivision located directly across the

highway after she happened to stop and examine an 8" x 11" sheet of paper posted obscurely 50 feet off the highway, through dense vegetation, and stapled onto a barbed wire fence.

This obvious disregard for transparency by Roper Construction was not the first attempt to the surrounding community to disguise his intentions for the property. The first came when he intentionally misled the seller and me about his plans for the property. Mr. Roper understood the land would not be sold to him if his intent was to operate an industrial business such as a CBP.

The second came shortly after that, before he closed on the property, when Mr. Roper tried to unilaterally change the language in the deed restrictions that would allow him protections in operating a CBP—as confirmed by an email chain between his title company and himself, and documented in a separate lawsuit filed against Mr. Roper by those under those original deed restrictions.

Since creating my business in 2013 and purchasing the land in 2014, I have finally been able to see my goals come to fruition after all the years of hard work, despite a recession in the beginning and a recent pandemic. My nursery opened to the public in the spring of 2020. In its short tenure, the business has become the largest tree nursery in Southeastern New Mexico and received accolades about its quality plant products.

However, in order to continue the nursery's success and future growth, I have to maintain and even improve current methods in providing the proper nutrition and watering. These treatments will be in direct harm from Mr. Roper's CBP.

My nursery relies on clean water. Well water, and even city water, is harmful to the germination process of seedlings and the vegetation of mature plants. Whole crops of plant materials have been lost due to high TDS concentration from both of those water sources in the past. Currently, this nursery's growth operation comes from clean water collected by catchment systems and stored in multiple large water tanks. Any amount of silica dust, or any dust of any nature, that could befall onto the catchment systems, through normal day-to-day operation of the CBP next door, will be detrimental to my business and all that I have worked so hard to create. Our catchments systems will not be the only element affected by the CBP.

Throughout the year, this nursery maintains an inventory of approximately 300 trees, encompassing over a third of the property. The nursery stands to lose those trees and any future inventory during the growing season by dust created by the proposed CBP.

In fact, one study (of which there are many) highlighting the effects of concrete dust on apple trees and various other plants showed that chronic exposure to cement dust “play multiple roles in stimulating abiotic stress responses in plants...” where, “dust deposition...can affect soils, photosynthesis, transpiration and respiration of plants” [Kamran Shah, et al, 2020]. Moreover, it has been shown that “cement dust is a hazardous pollutant that induces abiotic stress responses and has degradative effects on leaf health, pigment and biochemical metabolite levels, and anatomical features” [*Ibid*].

Adding further insult and detriment to my business will be the decreased public foot traffic into my nursery due to their understandable apprehension in breathing contaminated air directly while they shop.

If the New Mexico Environmental Department's (NMED) mission statement is "protecting and restoring the environment of the state of New Mexico to foster a healthy and prosperous New Mexico for present and future generations," it would be disturbing if NMED disregarded the greater good of the community's and environment's health, my business, and other businesses—all stakeholders who would be directly impacted by the CBP for an individual who deliberately ignored land restrictions and misled landowners and government entities.

I surely expect that this state agency will value the obvious environmental concerns—as profoundly expressed by this community and expert testimony in various scientific fields—and act accordingly, protecting the residents directly involved as the NMED mission statement charges.

Sincerely

Joshua C. Botkin

See [Chronic cement dust load induce novel damages in foliage and buds of *Malus domestica* | Scientific Reports \(nature.com\)](#)