



State of New Mexico Commissioner of Public Lands

## Executive Order No. 2019-002

### Moratorium on New Oil and Gas and Mineral Leasing in Greater Chaco Area

**WHEREAS**, the Commissioner of Public Lands has broad constitutional authority and statutory jurisdiction over the direction, control, care and disposition of state trust lands, in accordance with the acts of Congress relating thereto and such regulations as may be provided by law (*see* NM Const., art. XIII, Sec. 2 and NMSA 1978, § 19-1-1); and

**WHEREAS**, the Commissioner is authorized to withhold any tracts of state trust lands from leasing for oil and gas or other purposes if in her opinion the best interests of the state land trust will be served by so doing (*see* NMSA 1978 §§ 19-8-33 and 19-10-19; 19.2.100.31 NMAC); and

**WHEREAS**, the Commissioner and the State Land Office have a duty to exercise due caution to ensure that cultural properties on state trust lands are not inadvertently damaged or destroyed (*see* NMSA 1978 § 18-6A-5); and

**WHEREAS**, the Chaco Culture National Historical Park is a state, national and international treasure; and

**WHEREAS**, the Chaco Culture National Historical Park was designated a World Heritage Site by UNESCO in 1987 and is one of only 23 World Heritage Sites in the United States; and

**WHEREAS**, the Chaco Culture National Historical Park attracts tourists from around the world; and

**WHEREAS**, Chacoan roads and Great Houses are important archaeological resources, but also significant cultural resources to the Native American nations, tribes and pueblos of New Mexico; and

**WHEREAS**, many Native American nations, tribes and pueblos of New Mexico have an archaeological, historical and cultural connection to the Chaco Culture National Historical Park, and consider the national historical park and other areas within the greater Chaco landscape to be sacred sites; and



**WHEREAS**, the protection of Chaco Culture National Historical Park and other sites is essential to safeguard archaeological and cultural resources of the tribes, nations and pueblos, the State of New Mexico and the United States; and

**WHEREAS**, a moratorium on new oil and gas or mineral leasing in the greater Chaco landscape will enable the State Land Office to explore other land uses that are more consistent with the protection and preservation of the landscape; and

**WHEREAS**, a moratorium will provide an opportunity to engage Native American nations, tribes and pueblos of New Mexico as well as other interested stakeholders regarding the management of state trust lands within the greater Chaco region; and

**WHEREAS**, a moratorium will provide an opportunity to consult with the New Mexico Congressional Delegation and United States Bureau of Land Management about proposed federal legislation concerning leasing restrictions and overall landscape management practices in the region;

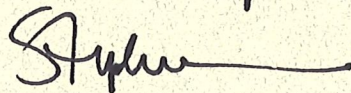
**NOW, THEREFORE**, I, Stephanie Garcia Richard, Commissioner of Public Lands, do hereby order and direct that the state trust lands described in Appendix A shall be withheld from new leasing for oil and gas or mineral purposes until December 31, 2023; and

**BE IT FURTHER ORDERED** that the withdrawal from leasing ordered herein shall be recorded in the State Land Office oil and gas and minerals tract books by means of a land use restriction;

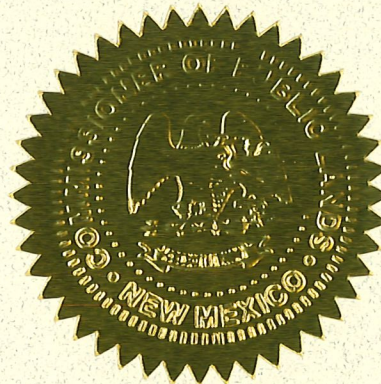
**BE IT FURTHER ORDERED** that nothing herein shall restrict the State Land Office from issuing permits, rights of way or business leases related to existing oil, gas or mineral leases within the area subject to the land use restriction; and

**BE IT FURTHER ORDERED** the State Land Office will convene a Chaco Working Group to make recommendations to the Commissioner of Public Lands regarding land management practices in the greater Chaco region as they relate to state trust lands.

SIGNED THIS 27 DAY OF April 2019.



STEPHANIE GARCIA RICHARD  
COMMISSIONER OF PUBLIC LANDS





**STATE OF NEW MEXICO COMMISSIONER OF PUBLIC LANDS**  
**NEGATIVE MINERAL EASEMENT ON FUTURE DEVELOPMENT**  
**LAND USE RESTRICTION OR CONDITION**  
LURC No. 01-19

This Land Use Restriction or Condition (“LURC”) is executed by the Commissioner of Public Lands for the State of New Mexico (the “Commissioner”), Trustee for the State of New Mexico (the “State”) under the Act of June 20, 1910, 36 stat. 557, ch. 310 (the “Enabling Act”), and is effective as of the date of the Commissioner’s signature.

**1. Purpose.** Pursuant to Executive Order 2019-002, the Commissioner has issued a moratorium on new oil, gas and mineral leasing on lands under her authority (“State Trust Lands”) within the Chaco Canyon landscape to safeguard archaeological and cultural resources of the tribes, nations and pueblos, the State of New Mexico and the United States.

**2. Mineral Rights.** The Commissioner, as manager of the trust established by the Enabling Act, and specifically of mineral rights on State Trust Lands, is executing this LURC on behalf of the State, which retains ownership of and has reserved the rights to, all minerals of whatsoever kind, including oil and gas, in these lands, and to it, or persons authorized by it, the right to prospect for, mine, produce and remove the same, and perform any and all acts necessary in connection therewith, upon compliance with the conditions and subject to the limitations of the laws of the State of New Mexico.

**3. Property.** The Property covered by this LURC (the “Property”) is approximately 72,776 subsurface acres as described in the Exhibit A (a table identifying the relevant State Trust Lands, with an accompanying map).

**4. Term.** This LURC shall be effective as of the date of the Commissioner’s signature and shall terminate December 31, 2023.

**5. Restriction on Future Use; Right to Develop Mineral Rights from Other Land.**

**a. Restriction on Use.** The Commissioner shall not execute new leases on the Property for the purpose of conducting activities with respect to exercising mineral rights. For the term of this LURC, the Commissioner shall not issue any new mineral leases to exercise the right to engage in or permit exploration for, mining, exploitation or extraction of minerals of whatsoever kind on or under the Property, including but not limited to oil and natural gas, geothermal resources, helium, carbon dioxide, coal and lignite, uranium, saline, brine, copper, iron, lead, talc, barite, gold and silver, precious and semi-precious stones, caliche, building stones, shale, clay, sand, gravel and rock for crushing. Nothing in this LURC shall limit the rights, privileges, and obligations contained in leases that came into effect prior to the execution of this LURC.

**b. Right to Develop Mineral Rights from Other Land.** This LURC shall not be construed as a waiver of the right of the State to explore for, develop, mine, or produce the



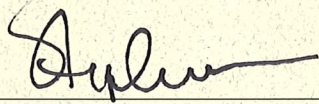
mineral rights, including without limitation, oil and gas with wells drilled on the surface of land other than the Property, including, but not limited to, directional wells bottomed beneath or drilled through any part (other than the surface) of the Property, or by pooling its oil, gas and other mineral interests with lands adjoining the Property in accordance with the laws and regulations of the State, so long as no activity takes place between the surface and a depth of five hundred feet (500').

c. **Reservations.** The Commissioner reserves the right to grant rights-of-way, easements, permits, or business leases over, upon, or across the Property for uses related to existing oil, gas or mineral leases within the area subject to this LURC. Reserved uses related to existing oil, gas or mineral leases include, but are not limited to, pipelines and ingress and egress across the Property that may be necessary for mineral development or production authorized through existing leases.

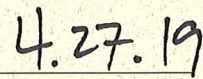
6. **No Waiver, Release, or Relinquishment of Rights.** Nothing herein shall be construed as waiving, releasing or relinquishing any right, title or interest of the State of New Mexico in and to any rights with respect to the Property, including mineral rights in and under, and that may be produced from, the Property.

**IN WITNESS WHEREOF**, the Commissioner has executed this Land Use Restriction or Condition effective as of the date of her signature below.

**STATE OF NEW MEXICO COMMISSIONER OF PUBLIC LANDS**



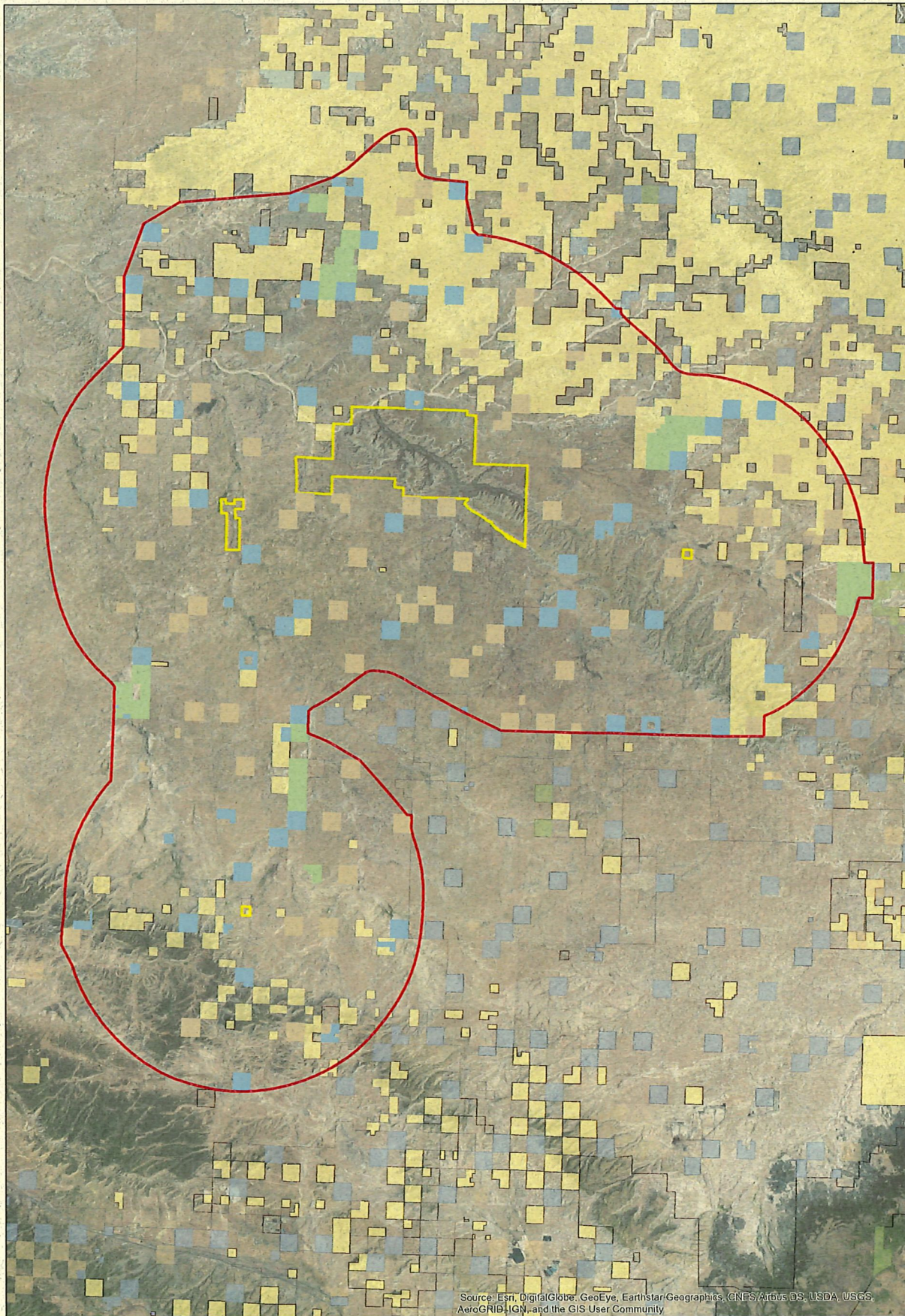
Stephanie Garcia Richard  
Commissioner of Public Lands



Date







Stephanie Garcia Richard  
Commissioner of Public Lands  
505-827-5761  
www.nmstatelands.org

### LURC No. 01-19, Exhibit A

**Area of Land Use Restriction or Condition (LURC), Governing New Mineral Leasing in the Vicinity of the Chaco Culture National Historical Park**

State Land Office (SLO) Surface and Subsurface	SLO Subsurface	BLM
Chaco Culture National Historical Park Boundary	SLO Surface	LURC



04 April 2019



Map created by David C. Eck  
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The New Mexico State Land Office assumes no responsibility or liability for, or in connection with, the accuracy, reliability or use of the information provided here, in State Land Office data layers or any other data layer.



Chaco LURC: Exhibit A

TWN	Range	Sec	TWN	Range	Sec	TWN	Range	Sec	TWN	Range	Sec	TWN	Range	Sec
0150N	0120W	16	0190N	0100W	2	0200N	0110W		0220N	0100W	36	0220N	0100W	36
0160N	0110W	2	0190N	0100W	10	0200N	0120W		0220N	0110W	2	0220N	0110W	2
0160N	0110W	32	0190N	0100W	16	0200N	0120W		0220N	0120W	16	0220N	0110W	16
0160N	0120W	16	0190N	0100W	28	0200N	0120W		0220N	0110W	32	0220N	0110W	36
0160N	0120W	36	0190N	0100W	36	0200N	0120W		0220N	0120W	36	0220N	0120W	2
0160N	0130W	16	0190N	0110W	2	0200N	0130W		0220N	0120W	2	0220N	0120W	16
0160N	0130W	36	0190N	0110W	16	0200N	0130W		0220N	0120W	16	0220N	0120W	36
0160N	0140W	2	0190N	0120W	2	0200N	0130W		0220N	0130W	32	0220N	0130W	16
0170N	0110W	16	0190N	0120W	16	0200N	0130W		0220N	0130W	36	0220N	0130W	32
0170N	0110W	18	0190N	0120W	32	0210N	0070W		0220N	0130W	16	0220N	0130W	36
0170N	0110W	32	0190N	0120W	36	0210N	0070W		0230N	0100W	32	0230N	0100W	16
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0180N	0110W	32	0200N	0060W	19	0210N	0080W		0230N	0110W	17	0230N	0110W	31
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0190N	0070W	16	0200N	0090W	36	0220N	0130W				16			
0190N	0070W	16	0200N	0100W	16	0220N	0130W				32			
0190N	0080W	16	0200N	0100W	30	0220N	0130W				36			
0190N	0080W	16	0200N	0100W	32	0220N	0070W				32			
0190N	0090W	16	0200N	0100W	36	0220N	0080W				36			
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0190N	0090W	16	0200N	0110W	16	0220N	0090W				16			
0190N	0090W	16	0200N	0110W	26	0220N	0090W				36			
0190N	0090W	16	0200N	0110W	32	0220N	0100W				16			