

## **Frequently Asked Questions:**

### *Executive Order No. 2023-002: Extending the Moratorium on New Oil and Gas and Mineral Leasing in Greater Chaco Area*

#### **Introduction**

On April 27, 2019, New Mexico Commissioner of Public Lands Stephanie Garcia Richard issued Executive Order No. 2019-002, placing a moratorium on new oil and gas and mineral leasing on state lands near Chaco Culture National Historical Park. On December 14, 2023, Commissioner Garcia Richard extended the order through December 31, 2043. Below are frequently asked questions about the executive order and its impact on state trust lands.

#### **1. What does the executive order do?**

The executive order extends Commissioner Garcia Richard's 2019 moratorium, or prohibition, on new oil, gas and mineral leasing on state lands within an approximately 10-mile buffer zone in the immediate area surrounding Chaco Culture National Historical Park. The restriction applies for a period of 20 years.

#### **2. How much land does the order protect?**

The ban applies to 72,776 acres of state land in the region.

#### **3. What is the Commissioner of Public Lands' authority to restrict oil and gas leasing?**

State law authorizes the Commissioner of Public Lands to withhold state trust lands from leasing activities if she determines it is in the best interest of the state trust to do so (*see* NMSA 1978 §§ 19-8-33 and 19-10-19; 19.2.100.31 NMAC)

#### **4. Does the moratorium apply to all lands in the region?**

No, the moratorium only applies to state lands. However, the U.S. Department of Interior has also extended a ban on new oil and gas leasing on federal lands within about 10 miles of Chaco for a period of 20 years.

#### **5. How do the state and federal minerals leasing restrictions compare?**

Both restrictions apply to new oil, gas and mineral development for a period 20 years. However, the federal boundary is slightly different in one area where BLM manages lands in the north where the State Land Office does not.

**6. Does the Commissioner of Public Lands have a responsibility to protect cultural properties?**

Yes. The lands the State Land Office manages today are the lands of Indigenous communities. According to state law, the State Land Office also has a legal responsibility to ensure that cultural properties on state trust lands are not inadvertently damaged or destroyed (*see* NMSA 1978 § 18-6A-5).

**7. Do cultural properties exist in the Greater Chaco region?**

Yes, the Greater Chaco region is home to many cultural properties, artifacts, and other resources treasured by New Mexico's Indigenous communities.

**8. How much of the state land in the area subject to the order have been surveyed for cultural properties?**

About 19% of state lands in the Greater Chaco region have been surveyed for cultural properties, meaning over 80% of these lands have still yet to be surveyed.

**9. What else is the State Land Office doing to protect cultural resources in the Greater Chaco region?**

In 2019, the Commissioner convened the Chaco Canyon Working Group and held meetings in impacted communities to advise the agency on appropriate uses of state lands in the area. The State Land Office also promulgated its first-ever Cultural Properties Protection rule in December 2022.

**10. When does the moratorium go into effect?**

The moratorium goes into effect immediately on the date of issuance, December 14, 2023.

**11. Does the moratorium have an end date?**

Yes, the moratorium will expire on December 31, 2043, unless extended by a future Commissioner of Public Lands.