



State of New Mexico Commissioner of Public Lands

Executive Order No. 2023-002

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

WHEREAS, the Commissioner of Public Lands (Commissioner) 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 state trust lands from leasing for oil and gas or other purposes when she determines that it is in the best interests of the state land trust to do so (*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 (Chaco) is a state, national and international treasure, and is one of only 25 UNESCO designated World Heritage Sites in the United States; and

WHEREAS, many Indigenous nations, tribes and pueblos consider the greater Chaco landscape to be sacred lands and have archaeological, historical and cultural connections to the region; and

WHEREAS, on April 27, 2019, Commissioner Stephanie Garcia Richard issued Executive Order 2019-002 to safeguard state trust lands within the Chaco landscape, which placed a moratorium until December 31, 2023 on new oil, gas and mineral leasing on approximately 72,776 acres of state trust lands surrounding Chaco; and

WHEREAS, in 2019 the Commissioner convened a Chaco Canyon Working Group, which included several meetings in the Chaco region to receive input from Indigenous communities regarding the management of these ancestral lands; and

WHEREAS, on June 7, 2023, U.S. Secretary of Interior Deb Haaland issued an order formally withdrawing approximately 336,404 acres of U.S. Bureau of Land

Management lands surrounding Chaco to protect the greater landscape from oil, gas and mining development for a period of 20 years; and

WHEREAS, extending the existing moratorium on state trust lands for an additional 20-year term will help provide for greater consistency in federal-state land management practices around Chaco while also enabling the State Land Office to explore other land uses that are more compatible with the protection and preservation of the landscape; and

WHEREAS, the State Land Office promulgated the Cultural Properties Protection Rule in December of 2022, and the moratorium extension will provide additional opportunities to increase the acreage inventoried for cultural resources within the Chaco landscape to further identify, document, and protect significant cultural properties; and

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, 2043, unless the Commissioner determines that the withdrawal shall be extended; 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 with valid existing rights within the area subject to the land use restriction.

SIGNED THIS __ DAY OF _____ 2023.

STEPHANIE GARCIA RICHARD
COMMISSIONER OF PUBLIC LANDS