



State of New Mexico Commissioner of Public Lands

Executive Order No. 2023-001

Moratorium on New Oil and Gas Leasing Within One Mile of Schools

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, state trust lands were granted by the federal government to the State of New Mexico primarily for the purpose of generating revenue to support public schools and other educational institutions; 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, it is the responsibility of the State Land Office and other agencies charged with overseeing aspects of oil and gas operations to help ensure that communities are free from pollution and harmful effects of such activities; and

WHEREAS, while New Mexico's methane rule (19.15.27 NMAC) is intended to reduce natural gas releases, emissions from oil and gas operations, including both authorized and unauthorized venting and flaring, still have an adverse impact on air quality; and

WHEREAS, New Mexico state law does not currently provide for minimum health buffer setbacks for the siting of oil and gas wells to protect the environment and public health, safety and general welfare; and

WHEREAS, a moratorium on new oil and gas leasing near schools and other educational institutions, including day care centers, pre-schools and sports facilities used by students, will provide an opportunity to engage the Governor and the state agencies under her purview, State Legislature and other interested stakeholders regarding potential legislative and administrative options, including oil and gas infrastructure setbacks, to strengthen public health protections surrounding schools, hospitals and residential areas;

NOW, THEREFORE, I, Stephanie Garcia Richard, Commissioner of Public Lands, do hereby order and direct that the state trust lands located within one mile of a school or other educational institution shall not be leased for new oil and gas purposes until further order, effective immediately; and

BE IT FURTHER ORDERED that the State Land Office Commercial Resources Division and Oil, Gas and Minerals Division shall identify all existing oil and gas mineral leases, business leases, and rights-of-way located within one mile of a school or other educational institution, and assess their compliance or non-compliance with applicable lease or easement terms, including the requirement to plug inactive wells, remediate spills, and adhere to relevant air quality standards; and

BE IT FURTHER ORDERED the State Land Office shall immediately initiate a review of other protective measures that may help ensure that operations on state trust lands are conducted consistent with public health and safety, and environmental protection, and shall engage the Department of Environment and the Department of Energy, Minerals and Natural Resources regarding air quality and environmental compliance protections as they relate to state trust lands; and

BE IT FURTHER ORDERED that nothing herein shall restrict the State Land Office from authorizing the placement of infrastructure or permitted uses for the purpose of ensuring that appropriate public health, safety or environmental standards are met.

SIGNED AT THE STATE LAND OFFICE
THIS 1 DAY OF June 2023.



STEPHANIE GARCIA RICHARD
COMMISSIONER OF PUBLIC LANDS

