



State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2008-004

IMPOSING A SIX MONTH MORATORIUM ON NEW OIL AND GAS DRILLING IN SANTA FE COUNTY AND THE GALISTEO BASIN

WHEREAS, the Galisteo Basin is a culturally rich and ecologically fragile ecosystem located in northern New Mexico, the preservation of which is of significant value to citizens of this State;

WHEREAS, the Richardson Administration is committed to ensuring the health, safety, and welfare of all New Mexicans and strives to protect the natural and ecological riches of the State while still supporting much needed economic development;

WHEREAS, the State of New Mexico has the obligation and the authority to balance the interests of private property and business owners while still protecting the assets of the State;

WHEREAS, the Galisteo Basin has been recognized by the United States Congress as a nationally significant archaeological resource and contains within it a number of areas protected under the auspices of the Galisteo Archaeological Sites Protection Act, Public Law 108-208 (2004). A comprehensive study of the archaeological assets of the Galisteo Basin has yet to be funded and a management plan for the area has yet to be developed by the Bush Administration;

WHEREAS, significant issues have arisen related to the impact that oil and gas drilling in the Galisteo Basin may have on archaeological and environmental assets. Moreover, concerns have been raised whether oil and gas drilling in the Basin may negatively affect local water supplies and sources of groundwater;

WHEREAS, the State of New Mexico and the public benefit from protecting and preserving significant archaeological and historic/cultural sites;

WHEREAS, pursuant to NMSA 1978 § 9-5A-2, the New Mexico Department of Energy, Minerals and Natural Resources is charged with administering laws related to energy, minerals, and natural resources in the State. Moreover, the Oil Conservation Division of that Department is statutorily charged with administering the laws and regulations relating to oil, gas, and geothermal resources pursuant to NMSA 1978, § 9-5A-4(E) and is given jurisdiction, authority, and control over all matters necessary to enforce effectively the provisions of the Oil and Gas Act, NMSA 1978, §§ 70-2-1 *et seq.*

WHEREAS, the New Mexico Department of Cultural Affairs is tasked with protecting New Mexico's cultural treasures. The Department is further charged with administering the New Mexico Cultural Property Act, codified at NMSA 1978, §§ 18-6-8, *et seq.*;

WHEREAS, the Office of the State Engineer, pursuant to NMSA 1978, § 72-2-1, is charged with the general supervision of waters in the state and of the measurement, appropriation, and distribution thereof;

WHEREAS, the New Mexico Indian Affairs Department is the coordinating agency for intergovernmental and interagency programs concerning tribal governments and the State. Moreover, per NMSA 1978, § 9-21-7, the Department "shall investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions. The department shall collaborate with other state departments or agencies that have an interest or stake in the subject being investigated, studied or considered;"

WHEREAS, pursuant to NMSA 1978, § 17-1-1, the Director of the New Mexico Department of Game and Fish is authorized "to provide an adequate and flexible system for the protection of the game and fish of New Mexico and for their use and development for public recreation and food supply, and to provide for their propagation, planting, protection, regulation and conservation to the extent necessary to provide and maintain an adequate supply of game and fish within the State of New Mexico;"

WHEREAS, the Secretary of the New Mexico Environment Department is charged with administering and enforcing laws relating to protecting the environment pursuant to NMSA 1978, §§ 9-7A-1 *et seq.*;

WHEREAS, on January 11, 2008, I announced my intention to impose a temporary moratorium on new oil and gas drilling and exploration activities in Santa Fe County and the Galisteo Basin;

WHEREAS, a temporary moratorium will provide an opportunity for government entities to receive and evaluate input from the public on State activity in this ecologically fragile area, a necessary and valuable part of the process of formulating public policy and government planning;

NOW THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the Laws of the State of New Mexico, do hereby order a six month moratorium on activities related to new oil and gas drilling in Santa Fe County and the Galisteo Basin, commencing immediately.

I FURTHER DIRECT that in order to give effect to this moratorium and to provide the necessary time for a fair and thorough evaluation of laws, regulations, and policies concerning the environmental, economic, cultural, and archaeological impact of drilling within Santa Fe County and the Galisteo Basin, the Oil Conservation Division of the New Mexico Energy, Minerals and Natural Resources Department shall temporarily suspend the processing and

granting of applications for permits to drill for oil and gas in Santa Fe County and Galisteo Basin.


I FURTHER DIRECT the New Mexico Energy, Minerals and Natural Resources Department, the New Mexico Department of Indian Affairs, the New Mexico Environment Department, the Office of the State Engineer, the New Mexico Department of Cultural Affairs, the New Mexico Department of Game and Fish, and all other executive agencies with relevant knowledge and expertise related to this issue to conduct a careful assessment of all existing laws, regulations, policies, and planning documents to ensure that the State of New Mexico has fully and appropriately exercised its police powers to ensure that no oil and gas drilling activity occurs in Santa Fe County and the Galisteo Basin that would be contrary to the interests of the State of New Mexico and its citizens.

I FURTHER DIRECT that all such executive agencies work collaboratively with other governmental entities, including affected tribal governments if necessary, pursuant to Executive Order 2005-003, Adoption of Statewide Tribal Consultation Policy on the Protection of Sacred Places and Repatriation, to ensure that any concerns regarding activities in the Galisteo Basin are addressed.

I FURTHER DIRECT that all executive agencies affected by this Executive Order report to my office and to the Secretary of the New Mexico Energy, Minerals, and Natural Resources Department no later than June 24, 2008. The review period here established for the executive agencies shall allow for a thoughtful and fair analysis of all applicable laws and regulations that may affect this fragile and culturally valuable area.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
24TH DAY OF JANUARY, 2008.

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO



BILL RICHARDSON
GOVERNOR

