State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2004-005

STATE AGENCIES ACT TO CONSERVE AND PROTECT RESOURCES OF OTERO MESA

WHEREAS, the Chihuahuan Desert is among the globally significant ecoregions identified by the World Wildlife Fund as an area deserving protection so that we pass a whole and healthy earth onto future generations; and

WHEREAS, the remnant desert grasslands of the Otero Mesa and Nutt areas of Otero and Sierra Counties are valuable as unfragmented examples of the Chihuahuan Desert; and

WHEREAS, New Mexico ranchers, wilderness and conservation advocates, plant and animal conservation societies, and outdoor enthusiasts of all kinds value the unique characteristics of this desert and grasslands; and

WHEREAS, the region has relatively low probability of producing economically recoverable quantities of oil and gas; and

WHEREAS, recognition of the ecological significance of this area has grown significantly in recent years; and

WHEREAS, the region has valuable underground water resources that should be protected from contamination; and

WHEREAS, significant oil and gas exploration and development activities could upset the condition of these lands, including through the introduction of non-native species;

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 direct all appropriate and relevant state agencies including the Energy, Minerals and Natural Resources Department, the Environment Department, the Game and Fish Department, the State Engineer's Office, the Agriculture Department, and the State Historic Preservation Office to provide support for the utmost protection of these grasslands as a matter of state policy; and furthermore, hereby order the following:

1) All appropriate and relevant state agencies listed above shall officially relay their concerns about development of this area to federal agencies, including the Bureau of Land Management in the United State Department of the Interior; and

2) All appropriate and relevant state agencies listed above shall participate in the development of a management alternative to be presented to the Interior Department no later than March 2004; and

3) The State Engineer shall weigh the factors set forth under Section 72-12-3 when reviewing any application for a groundwater permit associated with any oil and gas drilling operation located at Otero Mesa, namely whether the granting of the permit will impair existing water rights, will be contrary to conservation of water within the state, or will be detrimental to the public welfare of the state; and

4) The Oil Conservation Division in the Energy, Minerals and Natural Resources Department shall adopt a moratorium prohibiting the use of pits at Otero Mesa. In addition, the Oil Conservation Division shall immediately propose rules to prohibit pits associated with any oil and gas drilling at Otero Mesa. The moratorium shall stay in effect until there is a final decision on the proposed regulations to protect the groundwater resources of Otero Mesa and the public health and environment; and

5) The Oil Conservation Division in the Energy, Minerals and Natural Resources Department shall prepare and propose regulations to implement produced water re-injection standards and controls to assure full protection of the groundwater resources of Otero Mesa; and

6) The Energy, Minerals, and Natural Resources Department shall confer and coordinate with the State Land Office to develop protection policies for state trust lands within the Otero Mesa region; and

7) The State Forestry Division of the Energy, Minerals and Natural Resources Department and the Game and Fish Department shall implement special protections for the flora and fauna of the Otero Mesa region in accordance with law; and

8) The above-listed agencies shall work with any applicable state boards and commissions to implement these directives in accordance with law.

THIS EXECUTIVE 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 the Governor rescinds it.

ATTEST:

Rebecca Vigil-Giron

REBECCA VIGIL-GIRON
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 31st DAY OF January, 2004

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

Bill Richardson

BILL RICHARDSON
GOVERNOR