

EXECUTIVE ORDER 2021-052

PROTECTING NEW MEXICO'S LANDS, WATERSHEDS, WILDLIFE, AND NATURAL HERITAGE

New Mexicans rely on the State's lands and watersheds to support our economy, sustain traditional ways of life, provide our drinking water, ensure food security, preserve biodiversity, and provide recreation opportunities that promote the health and wellbeing of all who call New Mexico home. Loss of these natural resources threatens each of these values. Therefore, the protection and restoration of the state's natural environment is of interest to all New Mexicans.

WHEREAS, access to nature and open spaces benefits the health and livelihoods of all New Mexicans;

WHEREAS, local water utilities and acequia irrigators rely on natural resource protections in source water areas to maintain critical infrastructure and deliver safe, reliable, clean, and affordable drinking and agricultural water to communities;¹

WHEREAS, climate change and the loss and degradation of natural resources caused by increasing temperatures threaten those values and the traditional ways of life in all communities, with disproportionate negative impacts on Indigenous communities, acequias, other communities of color, and surface water irrigated agriculture resulting in loss of precious cultural and historical landscapes and values;

¹ Water Research Foundation, *Asset Management Framework for Forested and Natural Assets*, Project Number 4727 (2020).

WHEREAS, to help keep average global temperature increases below 1.5 degree Celsius of warming,² scientists recommend formally protecting thirty percent (30%) of the world’s lands, freshwater, and oceans by 2030 with an additional twenty percent (20%) designated as climate stabilization areas;³

WHEREAS, the United Nations has determined that worldwide wildlife populations are declining at an unprecedented rate, with more than one million species threatened with extinction,^{4,5}

WHEREAS, in New Mexico, the loss of natural habitat and biodiversity catalyzed by increasing temperature and drought will outpace nature’s regenerative abilities, and current levels of protection and conservation will not change this trend;⁶

WHEREAS, the New Mexico Legislature has identified the need to protect wildlife migration in the Wildlife Corridors Act of 2019;

² The most recent report from the Intergovernmental Panel on Climate Change (“IPCC”) reiterated the importance of keeping global warming temperature increases below 1.5 to 2.0 degrees Celsius and stressed the need for immediate action on many fronts to meet that goal. *See IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press. In Press, available at <https://www.ipcc.ch/report/ar6/wg1/> (last accessed August 12, 2021).

³ E. Dinerstien et.al., *A Global Deal for Nature: Guiding principles, milestones, and targets*, Science Advances Vol. 5, no.4, April 19, 2019, available at <https://advances.sciencemag.org/content/5/4/eaaw2869> (last accessed August 12, 2021).

⁴ E. S. Brondizio, et.al., *Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.*, IPBES (2019), (available at <https://ipbes.net/global-assessment> (last accessed August 12, 2021).

⁵ *See* NMSA 1978, §§ 17-9-1 to -4, (2019).

⁶ Matt Lee-Ashley, et.al., *The Green Squeeze*, Center for American Progress Energy and Environment, Oct. 22, 2019, available at <https://www.americanprogress.org/issues/green/reports/2019/10/22/476220/the-green-squeeze/> (last accessed August 12, 2021).

WHEREAS, as of 2017, fifteen percent (15%) of the land area in New Mexico (11.7 million acres) had been modified by human development;⁷

WHEREAS, the continuation of historic uses of lands and waters by communities across New Mexico are also threatened by increased drought and wildfire risks;

WHEREAS, the National Integrated Drought Information System determined that New Mexico has experienced severe drought for 17 of the last 20 years and has seen decreasing runoff and lower water levels in its waterways, with the most intense period of drought since 2000 occurring during the week of December 1, 2020;

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WHEREAS, New Mexico's upland forests, many of which are federally owned and managed, generate most the State's surface water supplies and are threatened annually by catastrophic wildfires;

WHEREAS, protecting and restoring forests, wetlands, and natural working lands will be necessary to achieve the goals I committed New Mexico to in Executive Order 2019-003 addressing climate change and energy waste prevention;⁹

WHEREAS, the goals in this Order are also consistent with the federal government's recently announced vision for protecting and preserving our nation's lands, waters, and wildlife (the "America the Beautiful Initiative");

WHEREAS, the America the Beautiful Initiative recognizes the critical need to prioritize the fight against the climate crisis and that conservation is not just measured in "biological terms,

⁷ *Id.*

⁸ National Integrated Drought Information System, *Drought in New Mexico*, <https://www.drought.gov/drought/states/new-mexico>, (last visited Aug. 12, 2021).

⁹ Governor Michelle Lujan Grisham, *Executive Order 2019-003* (Jan. 29, 2019), https://www.governor.state.nm.us/wp-content/uploads/2019/01/EO_2019-003.pdf.

but also by its capacity to purify drinking water, cool the air for a nearby neighborhood, to provide a safe outdoor escape for a community that is park-deprived, to help America prepare for and respond to the impacts of climate change, or unlock access for outdoor recreation, hunting, angling, and beyond;”¹⁰

WHEREAS, the America the Beautiful Initiative also reflects the critical role that local leadership, fully respecting Tribal sovereignty, and working lands¹¹ will play in achieving the Initiative’s objectives;

WHEREAS, agricultural production through farming and ranching represents historic, current, and future land use and embodies cultural traditions that are at risk due to drought, development, climate impacts, and reduced water availability;

WHEREAS, agriculture from working lands provides access to food, fiber, and economic opportunities for New Mexicans in traditional, Indigenous, and contemporary communities, and is an important part of the fabric of New Mexico;

WHEREAS, voluntary practices implemented by land managers, including private landowners and leaseholders, on working lands (both private and public) provide opportunities to support broader restoration activities, improve watershed health, create resilience in rural and urban communities, add value to the food chain and food security, and contribute to the state’s outdoor recreation and eco-tourism economy;

¹⁰ *Conserving and Restoring America the Beautiful (2021): A Preliminary Report to the National Climate Task Force*, at 12, <https://www.doi.gov/sites/doi.gov/files/report-conserving-and-restoring-america-the-beautiful-2021.pdf> (last visited Aug. 12, 2021).

¹¹ The phrase “working lands” is intended to capture the full sweep of agricultural, animal husbandry, and silvicultural practices that make up the unique fabric of this State, including acequias, community ditch organizations, Pueblo farmlands, conservancy districts, irrigation districts, forests, ranchlands, and other similarly situated uses.

WHEREAS, conserved landscapes make valuable contributions to the outdoor recreation economy in our state, and in 2019 the New Mexico Legislature created the Division of Outdoor Recreation and the Outdoor Equity Fund within the Economic Development Department to nurture the outdoor industry in New Mexico and create opportunities for equitable and sustainable outdoor recreation;

WHEREAS, the New Mexico Outdoor Recreation Division has determined that the state's outdoor economy supports \$1.2 billion in income, over 33,000 jobs, and attracts 15.2 million visitors a year to our state;¹² and

WHEREAS, New Mexico has significant amounts of undeveloped state, federal, and private lands – twenty nine percent (29%) of which are already managed by a federal or state agency – and has the ability and desire to make great strides in conserving and responsibly managing these areas for the benefit of future generations of New Mexicans.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, **ORDER** and **DIRECT** as follows:

1. The State of New Mexico sets the goal of having at least 30 percent (30%) of all lands in New Mexico conserved by 2030, with an additional twenty percent (20%) designated as climate stabilization areas.
2. The Secretaries (or designees) of the Energy, Minerals and Natural Resources Department, Environment Department, Department of Agriculture, Office of the State Engineer, Indian Affairs Department, and the Directors (or designees) of the Department of

¹² New Mexico Economic Development Department and Headwater Economics, *Outdoor Recreation and New Mexico's Economy*, 2020, Feb. 25, 2020, https://headwaterseconomics.org/wp-content/uploads/20HE-NM-Outdoor-Rec-Report_web.pdf (last visited Aug. 12, 2021).

Game and Fish and the Outdoor Recreation Division (collectively the “30 by 30 Committee”), shall review and utilize existing authorities, funding, and programs within their respective Departments or Offices to support and implement programs designed to conserve, protect, and enhance lands and natural environments across the State in furtherance of the foregoing goal.

3. These Department-level efforts should be:

a. Focused on utilizing existing programs across all land types broadly – federal, state, Tribal, local/regional, and private – consistent with applicable law and program objectives;

b. Coordinated with other state agencies where appropriate to leverage state programs, funding and efforts;

c. Coordinated as much as possible with federal agencies that manage lands and natural resources across New Mexico, including through direct engagement on natural resource management plans, transportation and energy development projects, and any other initiatives that impact land and water conservation, including wildlife migration, or that otherwise advance the priorities identified in this Order; and

d. Coordinated with external stakeholders to the maximum extent practicable or otherwise required by law.

4. Every quarter, the 30 by 30 Committee shall convene to assess progress toward the goals set by this Order. At these meetings, the 30 by 30 Committee shall ensure the collective efforts undertaken pursuant to this order:

- a. Are based on the best available science and take an appropriately broad view of conservation that reflects the importance of traditional resource protection efforts, increased access and recreation, and the contributions from working lands;
- b. Demonstrate a commitment to equity, including a respect for and consideration of Tribal sovereignty and self-determination;
- c. Enhance biodiversity and/or capacity to sequester carbon and other greenhouse gas emissions;
- d. Prevent degradation of surface and ground water quality across watersheds that provide drinking water, water for cultural purposes, and ensure resilient local economies, including those based on agriculture, fishing and outdoor recreation;
- e. Preserve landscapes with the potential to increase water yields or infiltration, wildlife habitat and promote healthy soils and watersheds;
- f. Support migratory wildlife habitat and ensure movement across the landscape;
- g. Expand access to protected lands and watersheds for underserved communities and those disproportionately impacted by the climate crisis;
- h. Place immediate emphasis on leveraging lands that are already managed by a federal or state agency to bolster their climate resilience, support biodiverse ecosystems, and/or sequester carbon and other greenhouse gas emissions;
- i. Identify and make recommendations for federal legislative and policy changes to establish or enhance federal protections and designations on federal lands, efforts which should be coordinated with the New Mexico Congressional Delegation and the relevant federal land management agencies;

j. Identify and make recommendations for state legislative and policy changes to enhance the tools and programs available for state level conservation and outdoor recreation efforts; and

k. Are accurately reflected, consistent with applicable laws, in the “American Conservation and Stewardship Atlas,” or such similar database, being setup in response to Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, as part of the American the Beautiful Initiative.

5. The 30 by 30 Committee shall invite the New Mexico Commissioner of Public Lands (or designee) to join the quarterly meetings.

6. The 30 by 30 Committee shall provide annual reports to the Governor on the collective efforts undertaken pursuant to this Order every July, including any recommendations for state or federal level legislative or policy changes needed to support or promote the goals set by this Order.

I FURTHER ORDER and DIRECT as follows:

1. Nothing in this Order is intended to create a private right of action to enforce any provision of this Order or to mandate the undertaking of any particular action pursuant to this Order, nor is this Order intended to diminish or expand any existing legal rights or remedies.

2. This Order supersedes any previous orders, proclamations, or directives to the extent they are in conflict.

3. This Order shall take effect immediately and shall remain in effect until renewed, modified, or rescinded.

ATTEST:

DONE AT THE EXECUTIVE OFFICE
THIS 25TH DAY OF AUGUST 2021

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

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

MICHELLE LUJAN GRISHAM
GOVERNOR