

**Full text of Executive Order: Governor Bill Richardson:**

**EXECUTIVE ORDER 2009-047**

**ESTABLISHING NEW MEXICO AS A LEADER**

**IN ADDRESSING CLIMATE CHANGE**

**WHEREAS**, greenhouse gas emissions associated with human-caused climate change pose a serious threat to New Mexico's economy, public health, and environment;

**WHEREAS**, New Mexico is already experiencing the effects of human-caused climate change and further unchecked rises in greenhouse gas emissions are predicted to increase temperatures in New Mexico by 6 to 12 degrees Fahrenheit;

**WHEREAS**, such temperature increases will directly and negatively affect New Mexico's economy including the tourism, skiing, recreational fishing, agriculture, and forestry industries;

**WHEREAS**, greenhouse gases emitted as a result of human activities are defined under the New Mexico Air Quality Control Act as air contaminants;

**WHEREAS**, on June 9, 2005, Governor Richardson signed Executive Order 05-033. That Order established the New Mexico Climate Change Advisory Group ("Advisory Group"), the New Mexico Climate Change Action Council ("Council"), and mandated that the Advisory Group present to the Governor and Council significant greenhouse gas reduction targets for the State of New Mexico. The Executive Order proposed to reduce greenhouse gas emissions to year 2000 levels by the year 2012, 10 percent (10%) below 2000 levels by the year 2020, and 75 percent (75%) below 2000 levels by the year 2050;

**WHEREAS**, per that instruction and in consideration of that target, the Advisory Group forwarded to the Council and Governor sixty-nine (69) recommendations for reducing greenhouse gas emissions covering the sectors of energy supply; residential, commercial and industrial energy use; agriculture and forestry; and transportation and land use;

**WHEREAS**, on December 28, 2006, Governor Richardson signed Executive Order 06-69 which directed Executive Agencies to implement twenty (20) of the sixty-nine (69) Advisory Group recommendations;

**WHEREAS**, the Advisory Group included in its recommendations that New Mexico participate in a regional collaborative to investigate market-based mechanisms to limit and reduce greenhouse gas emissions in the West and across the Nation;

**WHEREAS**, the Governors of Arizona, California, New Mexico, Oregon, and Washington signed a Memorandum of Understanding in February 2007 establishing the Western Climate Initiative (“Initiative”) in order to address climate change in a regionally coordinated effort. Since that date, six (6) other States and Canadian provinces have joined the Initiative;

**WHEREAS**, Executive Order 2007-053, signed by Governor Richardson on November 16, 2007, set Executive Agency energy efficiency targets to achieve a 20% reduction below 2005 levels in energy usage in State buildings and transportation-related energy usage by 2015 and a statewide goal of a 20% reduction in energy usage from 2005 levels by 2020;

**WHEREAS**, Governor Richardson has issued guidance to Executive Agencies and State Employees on reducing unnecessary energy expenditures in a memorandum titled Good Governance: Tips for Conservation and Efficiency;

**WHEREAS**, the reduction of greenhouse gas emissions and increases in energy efficiency will save New Mexicans millions of dollars while significantly improving our State’s air quality and protecting our State’s valued scenic vistas;

**WHEREAS**, continuing to implement the Advisory Group’s progressive recommendations will promote a robust State economy, increase high-wage job creation, and ready the State for Federal or regional climate change programs;

**WHEREAS**, according to the Pew Center on the States’ report titled “The Clean Energy Economy: Repowering Jobs, Businesses and Investments Across America” (June 2009), New Mexico’s clean energy jobs grew more than 50% over the last decade;

**WHEREAS**, regional and State greenhouse gas reduction programs, such as those initiated during the Richardson Administration, will inform and complement future Federal program(s) being crafted by the Obama Administration and the United States Congress; and

**WHEREAS**, the State of New Mexico must continue to reduce greenhouse gas emissions and address the risks of climate change to assure the well-being of all New Mexicans.

**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 and direct the following:

**I. Consistency with Prior Executive Orders:** The Richardson Administration has executed prior Executive Orders which addressed issues of clean and renewable energy, reduction of greenhouse gas emissions, and other related matters. For purposes of continuity and consistency, the following modifications to these prior Executive Orders are made:

1. Executive Order No. 2004-019, “Declaring New Mexico the Clean Energy State” established the Clean Energy Development Council (“Council”) and Executive Order No. 2006-069, “New Mexico Climate Change Action” expanded the membership of the Council. The Council shall continue to implement the directives set forth in Executive Orders No. 2004-019 and No. 2006-069, including the production of an annual report to the Governor on the Council’s recommendations and activities, as well as new responsibilities as set forth in this Order;

2. The provisions in Executive Order No. 2005-049, “Requiring the Increased Use of Renewable Fuels in New Mexico State Government,” directing State agencies to obtain 15% of transportation fuels from renewable sources and assure that 75% of all vehicles purchased every year by State Agencies shall be capable of operating on alternative fuels are hereby abolished. All other provisions of Executive Order No. 2005-049 shall remain in effect and are supplemented with further direction and initiatives set forth in this Order and Executive Order No. 2007-053;

3. The provisions of Executive Order No. 2006-001, “State of New Mexico Energy Efficient Green Building Standards for State Buildings,” shall remain in effect and are supplemented with further direction and initiatives set forth in this Order;

4. Executive Order No. 2006-069, “New Mexico Climate Change Action,” established the Climate Change Action Implementation Team (“Team”). The Team shall continue to implement the directives set forth in Executive Order No. 2006-069, including the submission of an annual written report to the Council and the Governor summarizing the Team’s activities;

5. The provisions in Executive Order No. 2007-053, “Increasing Energy Efficiency in State Government by 2015 and Statewide by 2012 and 2020,” shall remain in effect and are supplemented with further direction and initiatives set forth in this Order.

**II. Implementation of Climate Change Actions.** The following actions and directives shall be implemented within the time frames indicated; however, these actions may be supplemented with additional directives from the Council or the Office of the Governor.

1. The New Mexico Environment Department (“NMED”) shall:

- a. In conjunction with the Governor's Office, continue to participate in the Western Climate Initiative to develop a regional greenhouse gas emission reduction program that addresses the unique characteristics of New Mexico;
- b. Work with the State's electrical utilities and stakeholders to develop recommendations for reducing greenhouse gas emissions from existing coal-fired power plants within the State's jurisdiction. Recommendations shall be reviewed by the Team and submitted to the Council and the Governor's Office no later than September 1, 2010;
- c. Consult with the Public Regulation Commission and interested stakeholders to develop recommendations for establishing an emission performance standard for new fossil-fueled generating facilities and new long-term power purchase agreements. Recommendations shall be reviewed by the Team and submitted to the Council and the Governor's Office no later than September 1, 2010;
- d. Work with the New Mexico Energy, Minerals and Natural Resources Department, Oil Conservation Division to assess greenhouse gas emissions associated with carbon dioxide mining in New Mexico and make recommendations for reducing these emissions as appropriate. NMED shall submit a report on its findings to the Team by June 1, 2010 and a final version to the Council and the Governor's Office no later than August 1, 2010;
- e. Consult with the New Mexico Department of Agriculture, the New Mexico Energy, Minerals and Natural Resources Department, State Forestry Division, and interested stakeholders to develop recommendations for offset protocols that are consistent with the Western Climate Initiative. NMED shall submit a report with findings and recommendations to the Team by June 1, 2010 and a final version to the Council and the Governor's Office no later than August 1, 2010;
- f. Work with stakeholders to evaluate mechanisms for quantifying and awarding greenhouse gas emission allowances for emission reductions that occur before mandatory State or Federal cap-and-trade programs require such reductions. Such allowances shall be consistent with the Western Climate Initiative. NMED shall submit a

report with findings and recommendations to the Team by June 1, 2010 and a final version to the Council and the Governor's Office no later than August 1, 2010;

- g. Work with stakeholders to develop a mandatory greenhouse gas reporting protocol that is consistent with the Western Climate Initiative for the oil and gas sector and which covers the majority of the greenhouse gas emissions from that sector in New Mexico. NMED shall submit a proposal to implement these protocols to the Environmental Improvement Board no later than September 1, 2010;
- h. Work with stakeholders to assess new strategies for upstream oil and gas greenhouse gas emission reductions. NMED shall submit proposals to implement these strategies to the Environmental Improvement Board as they are developed; but shall initiate rulemaking no later than December 1, 2010;
- i. In consultation with the Office of the State Engineer, convene a Resilience Advisory Group to develop a State Climate Change Resilience Plan. The Advisory Group shall present a report to the Governor's Office with recommendations for climate change resilience strategies to address predicted temperature increases from global warming. The Secretary of NMED shall appoint and oversee the Advisory Group. The Advisory Group shall finalize no later than December 1, 2010, its report with findings and recommendations, including recommendations to assist the State and its water users to meet the anticipated changes in water resources due to climate change impacts.

2. The General Services Department ("GSD") shall:

- a. GSD and the Lead by Example Coordinator, as created by Executive Order No. 2007-053, shall convene and serve as lead staff for a Building Energy Efficiency Workgroup ("Workgroup") to meet the State government building energy efficiency goals established in that same Executive Order. Workgroup membership shall consist of representatives from each Executive Agency that spends more than \$1 million annually on energy for government buildings. Cabinet Secretaries from these Agencies shall identify a dedicated energy efficiency expert within their Agency and assign that expert to implement energy efficiency improvements to the

Agency's operations. Each Agency represented on the Workgroup will establish by March 1, 2010 procedures and designate responsible staff for tracking ongoing electricity and natural gas usage each quarter. These energy usage tracking procedures shall be compatible with the State's ongoing energy tracking system and will be reviewed by the Team and submitted to the Council and the Governor's Office for review and approval no later than June 1, 2010.

- b. GSD and the Lead by Example Coordinator shall convene and serve as lead staff for the Fleet Improvement & Acquisition Team ("FIAT"). The FIAT shall develop detailed strategies to meet the State vehicle energy efficiency goals established in Executive Order No. 2007-053. Every Executive Agency that maintains its own vehicle fleet shall assign a member to serve on FIAT. FIAT will develop procedures for Agency heads to review and approve all vehicle purchases to assure that the average fuel economy of the State fleet improves with vehicle turnover. FIAT will review Agency vehicle fuel usage on a quarterly basis and report findings, including fuel usage trends, vehicle use policy options to the Team, the Council, Agency heads and the Governor's Office;
- c. GSD, the Lead by Example Coordinator and the designees serving on the Workgroup and FIAT shall create employee energy and fuel reduction policies consistent with the Governor's guidance that promote good governance without compromising Agency missions for submittal to the Team and the Council and adoption by Executive Agencies.

### **III. Agency Support**

All State agencies shall assist, as appropriate, in implementing this Order and fulfilling its purpose. The actions mandated as a result of this Executive Order shall be accomplished within the bounds of, and consistent with, the relevant Agency's statutory and regulatory authority.

### **IV. Lead Coordinator**

The Governor's Energy & Environmental Policy Advisor shall be the Lead Coordinator and in this capacity shall serve as the central point of contact for implementation of this Order, shall be authorized to obtain periodic progress reports from Agencies regarding their compliance

with this Order, and shall be authorized to give directives to Agencies to ensure implementation of this Order.

**V. Disclaimer**

Nothing in this Executive 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.

**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:**

**DONE AT THE EXECUTIVE OFFICE THIS**

**4<sup>TH</sup> DAY OF DECEMBER, 2009**

**MARY HERRERA**

**WITNESS MY HAND AND THE GREAT**

**SECRETARY OF STATE**

**SEAL OF THE STATE OF NEW MEXICO**

**BILL RICHARDSON**

**GOVERNOR OF NEW MEXICO**