



State of New Mexico

Office of the Governor

Bill Richardson
Governor

CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION EXECUTIVE ORDER - 05-033

WHEREAS, scientific consensus is that the global climate is warming at rates that could cause significant temperature increases and weather pattern disruptions across the globe;

WHEREAS, the Intergovernmental Panel on Climate Change and the National Academy of Sciences have confirmed these global warming trends;

WHEREAS, atmospheric carbon dioxide levels are at the highest in more than 500,000 years and are projected to reach their highest level in four million years by mid-century;

WHEREAS, much of this sudden and sharp increase in atmospheric greenhouse gas levels is directly attributable to human activity, such as the combustion of fossil fuels and release of methane and other greenhouse gases;

WHEREAS, the trends could result in global surface temperature differences of approximately five to nine degrees Fahrenheit by mid-century, threatening the economy, quality of life, and environment that our generation will provide for future generations including children who are growing up in New Mexico today;

WHEREAS, the southwestern United States will likely suffer significant impacts from such temperature changes, such as decreased annual precipitation, faster evaporation of surface water supplies, and increased runoff at the end of winter when snowpack will melt faster;

WHEREAS, business leaders in the United States and around the world, representing corporate energy developers, utilities, insurance companies, and others, recognize the need to address the risk of global warming and reduce greenhouse gas emissions in a predictable, enforceable fashion;

WHEREAS, internationally and in the United States, the federal government has failed to address the issue of global warming in a fashion that will protect future generations from a variety of impacts such as rising sea levels, drought, weather disturbances and other threats;

WHEREAS, preparing to reduce greenhouse gas emissions provides New Mexico the opportunity to assume a leadership role in the new emerging clean energy economy and enjoy the economic development and high wage job creation associated with it;

WHEREAS, the State of New Mexico is committed to joining regionally and nationally with other states in assuming a leadership role in addressing the risks of climate change;

WHEREAS, in Executive Order 2004-019, I declared New Mexico the Clean Energy State;

WHEREAS, the New Mexico Legislature has adopted a number of clean energy initiatives encouraging energy conservation and efficiency, the development of renewable energy, and strengthening clean energy industries;

WHEREAS, in 2004 New Mexico joined in the unanimous adoption by the Western Governors' Association of my proposal with California Governor Arnold Schwarzenegger to establish goals for energy efficiency in the Western states (20% improvement by the year 2020) and for clean energy development in the Western states (30,000 megawatts of clean energy by 2015);

WHEREAS, New Mexico's leadership in the development of state and regional climate change action plans will insure that New Mexico businesses are in the best position to benefit from future national climate change actions and that national policies will take into consideration the concerns of this state; and

WHEREAS, New Mexico will be the first "energy state" (energy revenues making up a substantial part of the state's revenues) to take on the issue of climate change.

NOW, THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby **ORDER** and **DIRECT**:

1. The creation of the Climate Change Action Council which shall be advisory in nature and shall be chaired by the Secretary of the Environment and comprising the following state officials or their designees: State Engineer; the Director of Game and Fish; and the Secretaries of Agriculture; Economic Development; Energy, Minerals, and Natural Resources; General Services; Health; Indian Affairs; and Transportation; and the Governor's Advisor on Energy and Environment. The Climate Change Action Council shall review and provide recommendations to the Governor's Office regarding climate change policy.
2. The creation of the New Mexico Climate Change Advisory Group consisting of diverse New Mexicans who may be affected by climate change. The Advisory Group shall present proposals to the Council to reduce New Mexico's total greenhouse gas emissions to 2000 levels by the year 2012, 10% below 2000 levels by 2020 and 75% by 2050. The Advisory Group's proposals shall include consideration of costs and benefits. Because New Mexico cannot resolve this global issue unilaterally, the Advisory Group shall investigate and report on regional and national initiatives, particularly in association with nearby states, that will help create meaningful regional and national policy to address climate change. The Secretary of the New Mexico Environment Department shall

appoint and oversee the Advisory Group. The Advisory Group shall finalize a report to the Climate Change Action Council with findings and recommendations, including an inventory of existing and planned actions that contribute to greenhouse gas emissions reductions, no later than December 1, 2006.

3. The New Mexico Environment Department to convene a technical state agency working group including the designated representatives of the State Engineer; of the Director of the Department of Game and Fish; and of the Secretaries of Agriculture; Economic Development; Energy, Minerals, and Natural Resources; General Services Department; Health; Indian Affairs; and Transportation. The working group shall report to the Climate Change Action Council on potential impacts of global warming on New Mexico by December 31, 2005 and shall provide support to the Climate Change Advisory Group and the Climate Change Action Council.
4. The Office of the State Engineer to work with other state agencies, with local and federal agencies, and with the State's research institutions to prepare an analysis of the impact of climate change on the State's water supply and ability to manage its water resources. A report summarizing findings shall be completed no later than July 2006.
5. The New Mexico Environment Department to convene a science advisory panel consisting of state and regional scientists who are recognized for their expertise on climate change to serve as a resource to the Action Council and the Advisory Group.
6. The New Mexico Environment Department to develop a New Mexico greenhouse gas emissions inventory and forecast and create a staff position dedicated to global warming and climate change issues in New Mexico.
7. The New Mexico Environment Department to produce an annual report assessing progress toward achieving greenhouse gas emission reductions. This report shall be presented to the Governor by July 1 of each year, starting in 2007.
8. The General Services Department to develop recommendations to reduce greenhouse gas emissions in all aspects of New Mexico state government capital projects, including public education, transportation and daily operations. The General Services Department will further propose changes to procurement policies for new state vehicles to have hybrid electric engines and/or utilize alternative fuels. The General Services Department shall work with other state agencies to implement its duties under this Order.
9. All state agencies to assist as appropriate in implementing this Order and achieving its purposes. The actions mandated as a result of this Executive Order shall be accomplished within the bounds of, and consistent with, the relevant agency's existing statutory and regulatory authority.
10. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or any Action Plan developed pursuant to this Order; nor is this Order intended to diminish 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.

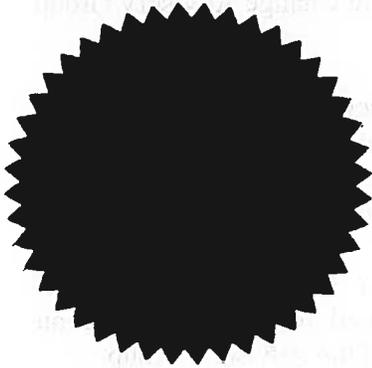
ATTEST.



REBECCA VIGIL-GIRON
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
9TH DAY OF JUNE, 2005

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



BILL RICHARDSON
GOVERNOR



State of New Mexico
Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2006-69

NEW MEXICO CLIMATE CHANGE ACTION

WHEREAS, the federal government has failed to take sufficient action to address global climate change through initiatives to reduce greenhouse gas emissions in the United States;

WHEREAS, Executive Order No. 2004-019 declared the State of New Mexico to be the "Clean Energy State" and established the Clean Energy Development Council;

WHEREAS, the State of New Mexico is committed to joining regionally and nationally with other states in assuming a leadership role in addressing the risks of climate change;

WHEREAS, Executive Order 05-033 set greenhouse gas reduction targets for the State of New Mexico at 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, Executive Order 05-033 established the Climate Change Action Council, and the New Mexico Climate Change Advisory Group which has met over the past year and a half to deliberate on New Mexico's potential greenhouse gas emissions reductions to meet these emission reduction targets;

WHEREAS, the New Mexico Climate Change Advisory Group has forwarded sixty-nine (69) recommendations covering the sectors of energy supply; residential, commercial and industrial energy use; agriculture and forestry; and transportation and land use to the Climate Change Action Council and the Governor of the State of New Mexico;

WHEREAS, the New Mexico Climate Change Advisory Group included in its recommendations the development of a registry for reporting greenhouse gas emissions that will ensure that businesses in New Mexico may enjoy any benefits, credits, or "baseline protections" that may be available under national programs and plans;

WHEREAS, the impact of implementing these recommendations is expected to result in net savings of \$2 billion to our state's economy while reducing the equivalent of 267 million metric tons of carbon dioxide through the year 2020;

WHEREAS, this reduction in greenhouse gas emissions would go beyond the reduction goals set forth for the state in Executive Order 05-033;

WHEREAS, Executive Order 05-056 directed all cabinet-level departments, boards, and commissions involved in environmental quality and public health matters to implement Environmental Justice programs and policies, and established an Environmental Justice Task Force;

WHEREAS, Executive Order 06-01 directed all Executive Branch state agencies to adopt the U.S. Green Building Council's LEED™ rating system for certain new construction and renovation projects, as well as established the Public Schools Clean Energy Task Force.

WHEREAS, the State of New Mexico, in implementing these progressive recommendations, will continue its national leadership role in addressing the immediate risk of climate change to the world's economy, environment and human health and join other states and countries by acting immediately to reduce greenhouse gas emissions while ensuring a robust state economy and high-wage job creation; and

WHEREAS, the reduction of greenhouse gases and increases in energy efficiency will save New Mexicans millions of dollars while significantly improving our state air quality and protecting our state's valued scenic vistas.

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: This Administration has passed prior Executive Orders that have addressed issues of clean and renewable energy, reduction of greenhouse gas emissions, and related matters. For purposes of continuity and consistency, the following modifications to these prior Executive Orders shall apply:

1. Executive Order No. 04-19, entitled "Declaring New Mexico the 'Clean Energy State,'" established the Clean Energy Development Council. The membership to that Council is the Secretaries of Energy, Minerals, and Natural Resources Department, Environment Department, Economic Development Department, the Department of Transportation, the Department of Agriculture, the General Services Department, and the State Engineer, with staff support from the Office of the Governor. The membership to this Council shall remain the same except for the addition of the following new members: the Regulation and Licensing Department, the Tax and Revenue Department, the Department of Finance and Administration, and the Governor's Advisor on Energy and Environment shall serve in the Governor's staff position. The Clean Energy Development Council shall continue to implement the directives set forth in Executive

Order No. 04-19, including an annual report to the Governor on its recommendations and activities, as well as assume new responsibilities as set forth in this Order.

2. Executive Order No. 05-33 entitled "Climate Change and Greenhouse Gas Reduction." The Climate Change Action Council, the Climate Change Advisory Group, and the technical state agency working group established under Executive Order No. 05-33 are hereby abolished. Other provisions of this Order remain in effect or are modified as indicated below.

3. Executive Order No. 05-49 entitled "Requiring the Increased Use of Renewable Fuels in New Mexico State Government." The provisions in Executive Order No. 05-49 shall remain in effect and are supplemented with further direction and initiatives set forth in this Order.

4. Executive Order No. 06-01 entitled "State of New Mexico Energy Efficient Green Building Standards for State Buildings." The provisions in Executive Order No. 06-01 shall remain in effect and are supplemented with further direction and initiatives set forth in this Order.

II. Establishment of a Climate Change Action Implementation Team

1. Creation. There is hereby established the Climate Change Action Implementation Team ("Team").

2. Purpose. The purpose of this Team shall be to serve as a staff-level group that shall be responsible for ensuring that the directives in this Executive Order are implemented. The Team shall be under the direction of the Clean Energy Development Council, as created by Executive Order No. 2004-019, regarding the implementation of this Executive Order, including directives regarding the Climate Change Advisory Group's recommendations, as well as directives regarding any other authorized initiatives. The Team shall ensure that all applicable state agencies are implementing climate change action in accordance with these directives, and shall also be responsible for providing periodic updates and reports to the Clean Energy Development Council and the Governor, as set forth in further detail below.

3. Advisory nature. The Team shall be advisory in nature and shall not make any final policymaking decisions.

4. Membership. The Governor shall appoint members of the Team who shall be comprised of staff representatives from the following agencies:

- a. Department of Environment,
- b. Department of Transportation,
- c. Energy Minerals and Natural Resources Department,
- d. Regulations and Licensing Department,
- e. Department of Finance and Administration,

- f. Department of Taxation and Revenue,
- g. General Services Department,
- h. Department of Agriculture,
- i. Economic Development Department,
- j. Office of the State Engineer; and
- k. Office of the Governor.

5. Consultation. The Team shall consult with representatives of the Public Regulation Commission. The Team shall also consult with other governmental entities, including state agencies and local governments, as needed to implement this Order.

6. Leadership. The Department of Environment shall serve as the lead agency with the staff representative serving as the Chairperson of the Team. The Department of Environment shall provide administrative support and staffing for the Team.

7. Duties:

a. The Team shall serve as the primary point of contact in each of their respective agencies regarding the implementation of this Order.

b. The Team shall be responsible for ensuring that each applicable agency is implementing this Order in accordance with its terms and conditions, including the achievement of the targeted goals and levels in a timely and adequate fashion.

c. The Team shall quantify anticipated greenhouse gas emission reductions that are expected to result from implementation of the climate change actions that arise from the Advisory Group's recommendations and any other authorized initiatives.

d. The Team shall submit a written progress report to the Clean Energy Development Council and the Governor summarizing the implementation of this Order, including any Climate Change Advisory Group's recommendations or other authorized initiatives, by July 1 of each year, beginning in 2007.

e. The Team is strongly encouraged to provide more frequent reporting and updates as is deemed necessary in addition to the annual report.

f. The Team shall meet no less than four (4) times per year. The Team shall also be required to present to the Clean Energy Development Council, upon request.

g. The Team shall carry out this Order as part of their official duties and shall receive per diem and travel reimbursement to the extent permitted under law or policy.

III. Implementation of Climate Change Actions. The following actions shall be implemented under the time frames indicated; however, these actions may be supplemented with additional directives from the Clean Energy Development Council.

1. Department of Environment ("NMED"): NMED shall implement and abide by the following directives, subject to the prior approval and direction of the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. Executive Order No. 05-033. This prior Executive Order contained various directives that specifically applied to NMED that are hereby modified or superseded by this Executive Order as follows:

i. This Executive Order hereby supersedes paragraph 3 of EO No. 05-33.

ii. This Executive Order hereby supersedes paragraph 5 of EO No. 05-33;

iii. Paragraph 6 in EO No. 05-33 shall remain in effect, but is further revised to require NMED to develop a greenhouse gas emissions inventory and forecast every four years, starting in 2008.

iv. Paragraph 7 in EO No. 05-33 shall remain in effect.

b. NMED shall submit to the Environmental Improvement Board ("EIB") a proposal to implement a state clean car standard consistent with clean car standards adopted by other states no later than January 1, 2008. This initiative shall supplement the existing initiatives under Executive Order 05-049.

c. NMED shall submit to the EIB a proposal to adopt a greenhouse gas emissions registry and reporting mechanism, after consultation with affected stakeholders, no later than January 1, 2008.

d. NMED shall conduct a study of voluntary and mandatory mechanisms for reducing greenhouse gas emissions from oil and gas processes by January 1, 2008 and shall submit such study to the Team, the Clean Energy Development Council, and the Governor by said date. Proposed mechanisms shall reduce methane emissions in oil and gas operations by 20% by 2020 and carbon dioxide emission from fuel combustion.

e. NMED shall work with other state agencies in analyzing financial incentives for clean vehicles, in a manner that supplements the initiatives in Executive Order 05-049. NMED shall submit a report summarizing its findings, including implementation strategies, to the Team, the Clean Energy Development Council, and the Governor by July 1, 2007.

f. NMED shall submit to the EIB a proposal to develop regulations and guidance for truck stop electrification for anti-idling capability by July 1, 2008.

g. NMED shall develop a State Climate Public Education and Outreach program by December 1, 2007, shall submit the plan to the Team, the Clean Energy Development Council, and Governor, and once proper authorization is received, commence implementation of this plan by July 1, 2008.

h. NMED, under the direction of the Governor's Energy & Environmental Policy Advisor, shall work with other states and the federal government, as appropriate, to evaluate the effectiveness and feasibility of a mandatory market-based emission reduction program with a regional or national scope.

2. The Department of Energy, Minerals and Natural Resources ("EMNRD"): EMNRD shall implement and abide by the following directives, subject to the prior approval and direction of the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. EMNRD shall convene a stakeholder group no later than March 31, 2007 to determine opportunities and barriers for reducing carbon dioxide emissions in oil and gas operations and power production. The group shall explore requirements needed to capture, transport, and geologically sequester significant amounts of anthropogenic carbon dioxide in the state, including but not limited to geologic surveys, infrastructure, and ownership of liabilities. The group may use the results of research conducted at New Mexico research institutions and others in the field of carbon dioxide sequestration in their considerations. In addition, EMNRD shall coordinate with the stakeholder group to develop and propose rules regarding carbon dioxide emission reduction and storage. EMNRD shall provide a report with findings and proposed rules to the Team, Clean Energy Development Council, and Governor no later than December 1, 2007.

b. EMNRD shall work with the appropriate governmental entities to implement demand side management programs for electricity, natural gas and other fuels; to adopt state appliance standards; to establish financial incentives for distributed and centralized renewable energy; and to create incentives and barrier reductions for combined heat and power. EMNRD shall submit a written report outlining these initiatives no later than December 31, 2007, to the Team, Clean Energy Development Council, and the Governor, and shall strive to implement said initiatives commencing January 1, 2008.

c. EMNRD shall work with stakeholders to create or participate with other states in a Regional Market Transformation Alliance. This Alliance shall pursue regional efforts by non-utility organizations to encourage greater uptake by consumers of cost-effective energy conservation practices on a voluntary basis. EMNRD shall finalize a report summarizing the work of the Alliance and submit it to the Team, Clean Energy Development Council, and the Governor each year during its participation.

3. General Services Department ("GSD"): GSD shall implement and abide by the following directives, subject to the prior approval and direction of the the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. Prior Executive Orders:

i. Executive Order 05-33: The duties of GSD in said Executive Order in paragraph 8 are hereby superseded by this Executive Order.

b. GSD shall establish state policies for green power purchasing, modify state procurement processes for state building performance standards, ensure low greenhouse gas emissions from state vehicles, and require mandatory recycling in state building leases and purchases by July 1, 2007. These initiatives shall supplement the existing initiatives under Executive Order 05-049 and Executive Order 06-01. GSD shall report annually to the Team, Clean Energy Development Council, and the Governor regarding implementation of these measures and the quantity of greenhouse gas emissions avoided or reduced.

c. GSD, in concert with Department of Transportation ("DOT"), shall develop and implement policies for procuring and operating the state fleet, consistent with Executive Order 2005-049, no later than July 1, 2007. Prior to implementation, GSD shall submit the proposed policies to the Team, the Clean Energy Development Council and Governor for review and approval.

4. Regulation and Licensing Department ("RLD"): RLD shall implement and abide by the following directives, subject to the prior approval and direction of the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. RLD shall consult with interested stakeholders to develop low greenhouse gas emitting building codes. After submitting the proposed codes to the Team, the Clean Energy Development Council, and Governor, RLD shall submit the proposed codes to the Construction Industries Commission ("CIC") no later than January 1, 2008. These new codes shall include provisions for solar hot water systems for new buildings with substantial water heat demand. These new codes shall also be adopted consistent with the directives in Executive Order No. 06-01 regarding the updating and adoption of building codes to achieve energy efficiency.

b. RLD shall consult with interested stakeholders to develop regulations for new commercial refrigeration. After submitting the proposed regulations to the Team, the Clean Energy Development Council, and Governor, RLD shall submit the proposed regulations to the CIC.

c. RLD shall develop a project plan for an education and outreach program to inform and train building professionals on new building code requirements by July 1, 2008, and begin implementation of this plan by January 1, 2009. Similar initiatives in Executive Order No. 06-01 shall remain in effect.

5. Department of Taxation and Revenue ("TRD"): TRD shall implement and abide by the following directives, subject to the prior approval and direction of the the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. TRD shall develop financial incentives to reduce greenhouse gas emissions, as appropriate, in collaboration with other appropriate state entities.

6. Department of Finance and Administration ("DFA"): DFA shall implement and abide by the following directives, subject to the prior approval and direction of the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. DFA, in concert with DOT, shall develop a plan by July 1, 2007 to work with local governments to implement greenhouse gas emissions reduction programs throughout the state, shall submit the plan to the Team, the Clean Energy Development Council, and Governor, and shall begin implementation of this plan by January 1, 2008.

7. The Department of Agriculture ("Dept of Ag"): Dept of Ag shall implement and abide by the following directives, subject to the prior approval and direction of the Clean Energy Development Council and in accordance with the duties of the Team as set forth above.

a. Dept of Ag shall work with stakeholders to develop and promote manure energy utilization strategies that shall cover 15% of the state-wide dairy cattle by 2012 and 35% by 2020. These strategies shall reduce greenhouse emissions by offsetting fossil fuel consumption, as well as by direct reduction of methane emissions.

b. Dept of Ag shall work with stakeholders to develop specific implementation mechanisms that promote the utilization of 25% of agricultural by-products for electricity or steam generation by 2012 and 50% by 2020.

c. Dept of Ag shall enhance its efforts to increase the amount of acreage in conservation tillage and no-till production and to work with the appropriate state agencies to promote programs that support consumption of local grown food and "buy local" efforts.

IV. Agency Support

1. 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.

V. Lead Coordinator

1. 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.

VI. 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.

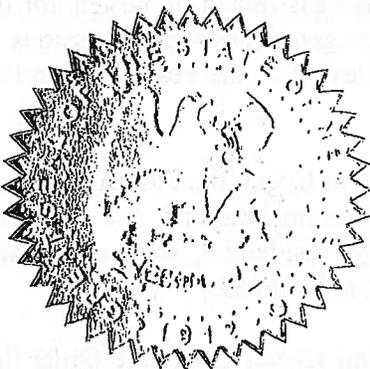
THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

ATTEST:


REBECCA VIGIL-GIRON
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
28TH DAY OF DECEMBER, 2006

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




BILL RICHARDSON
GOVERNOR



State of New Mexico
Office of the Governor

Bill Richardson
Governor

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

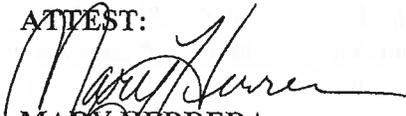
The Governor's Energy & Environmental Policy Advisor shall be the Lead Coordinator and in this capacity shall serve as the central point of contact for implementation of this Order, shall be authorized to obtain periodic progress reports from Agencies regarding their compliance with this Order, and shall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

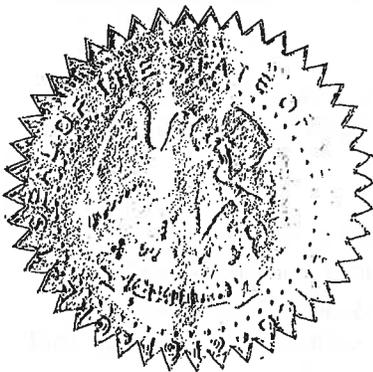
ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
4TH DAY OF DECEMBER, 2009

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


BILL RICHARDSON
GOVERNOR OF NEW MEXICO





Christine O. Gregoire



Theodore R. Kulongoski



Arnold Schwarzenegger



Janet Napolitano



Bill Richardson

WESTERN REGIONAL CLIMATE ACTION INITIATIVE

WHEREAS, western states are experiencing the effects of a hotter, drier climate, including prolonged droughts, excessive heat waves, reduced snow packs, increased snowmelts, decreased spring runoffs, altered precipitation patterns, more severe forest and rangeland fires, widespread forest diseases, and other serious impacts; and

WHEREAS, scientific consensus has developed that increasing emissions of human-caused greenhouse gases (GHGs), including carbon dioxide, methane and other GHGs, that are released into the atmosphere are affecting the Earth's climate; and

WHEREAS, the Western Governors Association (WGA) has declared that climate change could have severe economic and environmental impacts on the Western States in coming decades; and

WHEREAS, the WGA also has declared that action is needed to reduce GHG emissions and that many of these actions can have significant economic and environmental benefits for the Western States, including increased energy efficiency, increased renewable energy generation, improved air quality, cost savings, job growth, increased state revenues, and reduced water pollution; and

WHEREAS, we support the development of national, regional, tribal, state and local programs to reduce GHG emissions; and

WHEREAS, we support national, regional, tribal, state and local level policies on global climate change that are consistent with efforts to develop cost-effective alternative energy sources and more efficient use of energy; and

WHEREAS, we recognize the need for collaboration among states to develop climate change policies that provide consistent approaches to recognize and give credit for actions to reduce GHG emissions; and

WHEREAS, we have already adopted or committed to adopt clean tailpipe standards for passenger vehicles that will result in major reductions in GHG emissions and other pollutants; and

WHEREAS, we support market-based policies to reduce GHG emissions in the most cost-effective manner; and

WHEREAS, we have set goals to significantly reduce GHG emissions from our respective states; and

WHEREAS, we welcome expanding the partners to this initiative to other states, tribes, Canadian provinces and Mexican states and offer monitoring status to any state, tribe or province interested in observing the initiative;

NOW, THEREFORE, we, the undersigned Governors, jointly establish the Western Regional Climate Action Initiative and agree to collaborate in identifying, evaluating and implementing ways to reduce GHG emissions in our states collectively and to achieve related co-benefits. This collaboration shall include, but is not limited to:

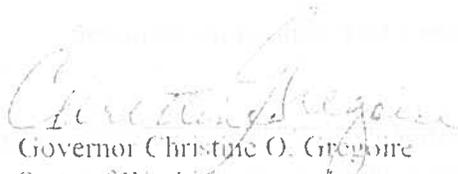
- Setting an overall regional goal, within six months of the effective date of this initiative, to reduce emissions from our states collectively, consistent with state-by-state goals;
- Developing, within eighteen months of the effective date of this agreement, a design for a regional market-based multi-sector mechanism, such as a load-based cap and trade program, to achieve the regional GHG reduction goal; and
- Participating in a multi-state GHG registry to enable tracking, management, and crediting for entities that reduce GHG emissions, consistent with state GHG reporting mechanisms and requirements.

In addition, we commit to continue our independent and collaborative efforts to reduce GHG emissions through:

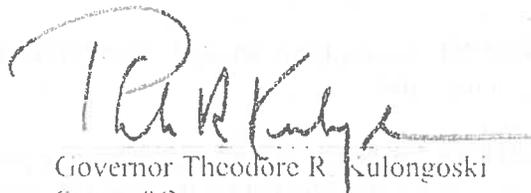
- Promoting the development and use of clean and renewable energy within the region;
- Increasing the efficiency of energy use within our jurisdictions;
- Advocating regional and national climate policies that reflect the needs and interests of western states, tribes and provinces; and
- Identifying measures in our states, tribes and provinces to adapt to the impacts of climate change.

We will direct our staffs and the appropriate state agencies to meet as soon as is practicable to develop a work plan to move forward with this initiative.

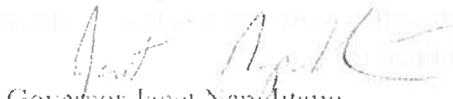
DONE, in five (5) duplicate originals, this 26th day of February, 2007, in Washington, D.C.



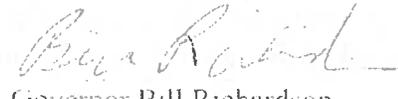
Governor Christine O. Gregoire
State of Washington



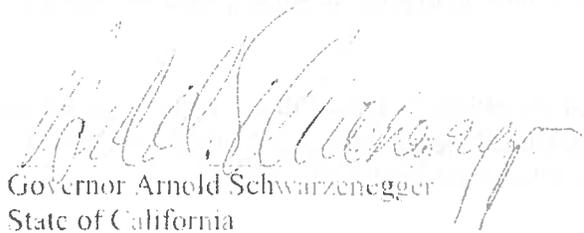
Governor Theodore R. Kulongoski
State of Oregon



Governor Janet Napolitano
State of Arizona



Governor Bill Richardson
State of New Mexico



Governor Arnold Schwarzenegger
State of California