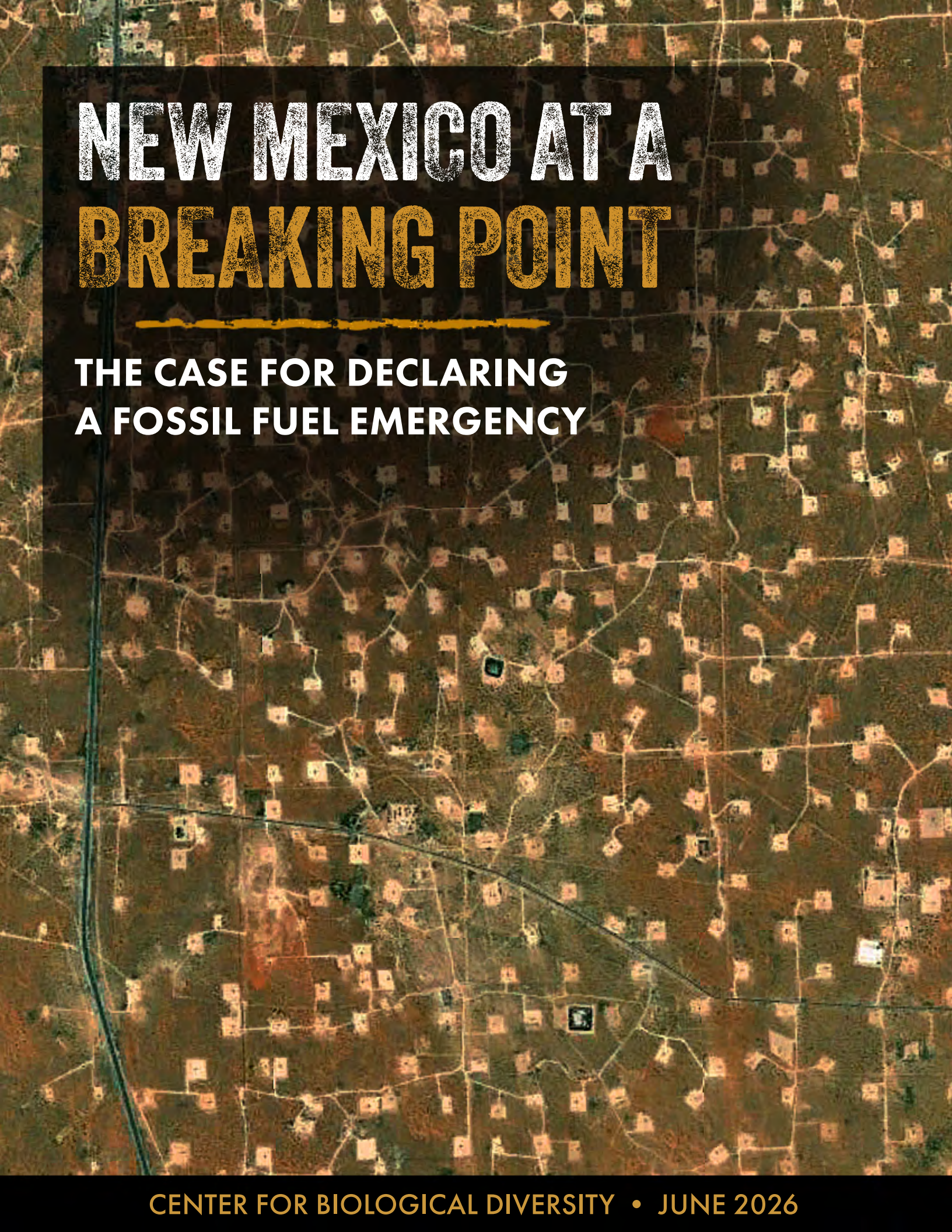
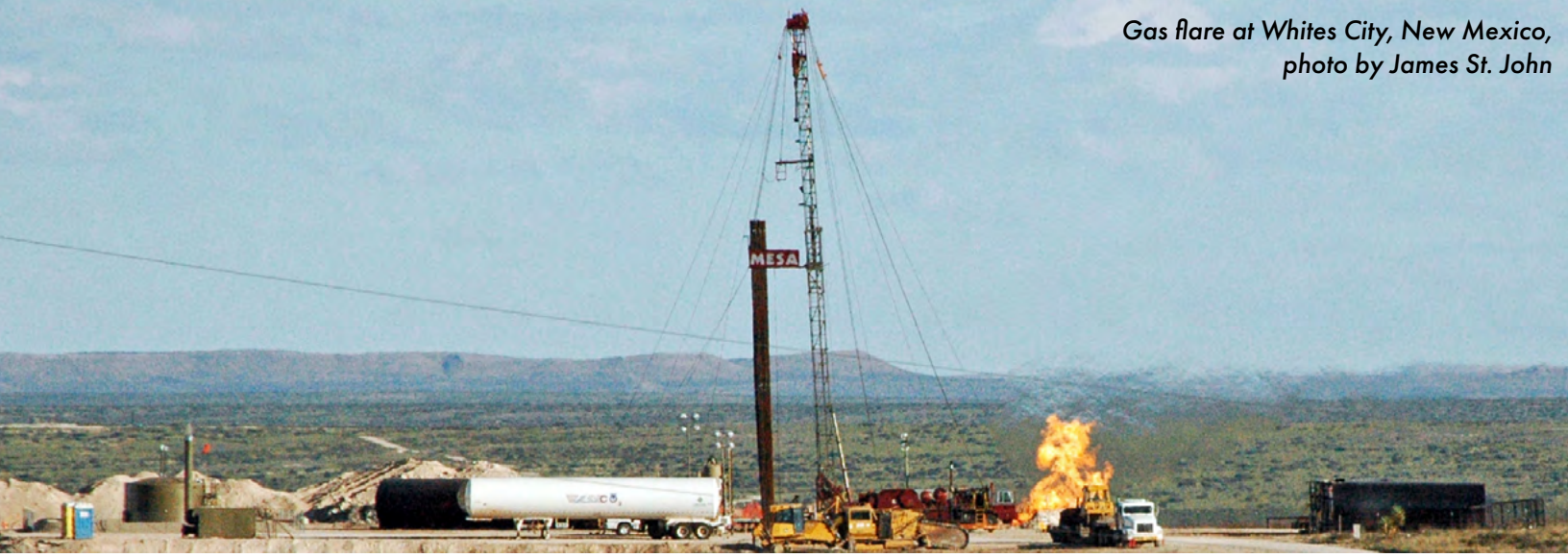


NEW MEXICO AT A BREAKING POINT

THE CASE FOR DECLARING A FOSSIL FUEL EMERGENCY

CENTER FOR BIOLOGICAL DIVERSITY • JUNE 2026



Gas flare at Whites City, New Mexico, photo by James St. John

EXECUTIVE SUMMARY

During her eight years in office, New Mexico's governor has presided over an explosion in fossil fuel extraction. Today the state is the country's second-largest oil producer and third-largest gas producer, with the United States remaining the world's largest oil and gas producing country of all time. This extraction boom has delivered windfall profits to a handful of oil and gas corporations while leaving New Mexicans to pay the price — from pollution to health risks and escalating climate damage — even as many still struggle to afford basic necessities like food, housing and healthcare. Meanwhile the state budget has grown dangerously dependent on volatile fossil fuel revenues and New Mexicans are on the hook for billions of dollars in cleanup costs. The oil and gas boom has pushed New Mexico to a breaking point.

This report explores the steep price the state's residents have paid for this extraction explosion and examines how the governor could use her legal powers to protect the state moving forward.

Under New Mexican law, the governor may declare a statewide emergency "in the event of any man-made or natural disaster causing or threatening widespread physical or economic harm that is beyond local control and requiring the resources of the state."[1]

The pervasive health, environmental and economic damage wrought by massive fossil fuel extraction and pollution is just that: a manmade disaster that causes and threatens physical and economic harm and demands state intervention. By declaring a fossil fuel emergency, the governor can take necessary and decisive steps to protect the health and future of all New Mexicans.

Five key facts support the case for declaring a fossil fuel emergency:

1. FOSSIL FUEL EXTRACTION WORSENS THE CLIMATE CRISIS

New Mexico's Permian Basin is the world's largest global carbon bomb — containing more climate-pollution potential than anywhere else on Earth — and the state is detonating it. To limit climate catastrophe, fossil fuel extraction everywhere must decline immediately. Instead, New Mexico's leaders are doubling down, expanding drilling and promoting false solutions like "clean oil and gas" and carbon capture and sequestration — all to prolong the state's fossil fuel boom.

2. FOSSIL FUEL EXTRACTION THREATENS NEW MEXICO'S LAND, AIR AND SCARCE WATER RESOURCES

Across New Mexico 70,000 extraction sites are driving record-high methane emissions and rampant air pollution. The state's land and precious fresh water have been contaminated by oil and fracking chemicals, waste spills, and the underground injection of toxic fluids. At the same time, the industry's intensive water use, combined with worsening aridification from the fossil fuel-driven climate crisis, is placing even greater strain on the state's already scarce water supplies.

3. FOSSIL FUEL EXTRACTION HARMS NEW MEXICANS' HEALTH

People who live near fossil fuel extraction sites are forced to breathe toxic air pollution, increasing the risk of serious illness and premature death — even as the fossil fuel-driven climate crisis further harms the health of all New Mexicans by increasing the frequency and severity of extreme heat, droughts and wildfires.

4. FOSSIL FUEL EXTRACTION LEAVES NEW MEXICANS VULNERABLE TO GLOBAL MARKET TURMOIL

Despite a massive surge in fossil fuel production and pollution in New Mexico, oil and gas prices continue to be shaped by the global market. This leaves the state's economy at the mercy of volatile boom and bust cycles. As state lawmakers have transformed New Mexico into a petrostate, public revenue suffers when fossil fuel prices fall. And as the recent conflict with Iran demonstrates, New Mexican consumers suffer when fossil fuel prices — particularly gasoline — skyrocket.

5. FOSSIL FUEL EXTRACTION CARRIES STEEP ECONOMIC COSTS

Even as industry profits balloon, extraction has failed to deliver economic prosperity to New Mexicans. On the contrary: It has left the people of New Mexico on the hook for billions of dollars in cleanup costs and inflicted serious economic harm, damaging property and threatening livelihoods in industries like tourism and agriculture.

Massive flare at a well site in southeastern New Mexico, photo by WildEarth Guardians

Processing complex in the western Permian Basin of New Mexico, photo by Bruce Gordon, SkyTruth/EcoFlight

INTRODUCTION

For years increasing fossil fuel extraction and pollution have generated severe environmental, health and economic harms for New Mexicans. Now state leadership must act. The governor has the legal power and a clear duty to declare a fossil fuel emergency.

By declaring a fossil fuel emergency, New Mexico's governor can shepherd resources to respond to the crisis at hand, protecting the state's health and environment from fossil fuel pollution, holding polluters accountable, and building a renewable, equitable future.

POLLUTION'S PRICE: HOW THE OIL INDUSTRY HARMS NEW MEXICO

1. FOSSIL FUEL EXTRACTION WORSENS THE CLIMATE CRISIS

NEW MEXICO IS DETONATING THE WORLD'S LARGEST CARBON BOMB

The world's scientists have been clear: Oil and gas extraction must decline immediately and rapidly to limit climate catastrophe.[2] Yet New Mexico is moving in the opposite direction. Over the past decade (2016-2025), the state has seen a five-and-a-half-fold increase in oil extraction and threefold increase in gas extraction.[3] As a result ***New Mexico is now the second-largest oil-producing and third-largest gas-producing U.S. state,***[4] driven largely by aggressive permitting of fracking in the state's Permian region.

New Mexico's Permian Basin holds enough oil and gas to produce over 29 billion tons of carbon emissions — more than any other carbon bomb in the world identified by scientists.[5] In 2025 alone, fossil fuels produced in New Mexico generated more than half a billion metric tons of carbon dioxide emissions

when combusted.[6] That is comparable to the annual emissions of entire countries like Germany and Canada[7] and does not even include the substantial pollution emitted during the extraction process. If fully extracted and combusted, the Permian's enormous emissions would consume approximately 16% of the remaining global carbon budget for limiting global heating to 1.5°C[8] — an outcome that would be disastrous for the climate and the planet.

The extraction process also releases vast amounts of greenhouse gases — primarily methane — into the atmosphere. Methane is a climate super-pollutant, more than 80 times more powerful than carbon dioxide at heating the planet over a 20-year period. It is emitted through routine venting and flaring by fossil fuel operators, as well as through infrastructure leaks.[9] In New Mexico's Permian Basin, methane emissions from oil and gas production ranged between 700,000 and 900,000 metric tons per year between 2019 and 2023.[10] That is equivalent to the emissions of approximately 5.2 million gasoline-powered cars every year.[11] This doesn't include the enormous methane emissions from oil and gas production in the state's San Juan Basin, an additional national hotspot of methane leakage.[12]

In 2021, New Mexico passed regulations to prohibit methane venting and flaring while allowing emergency exceptions. However, these regulations rely on self-reporting by oil and gas operators and in practice are rarely enforced.[13] At the same time, continued growth in drilling has driven the total amount of methane vented and flared by New Mexico's fossil fuel companies even higher.[14]

The oil and gas sector now accounts for nearly half of New Mexico's greenhouse gas emissions — much more than any other sector, including agriculture, transportation and electricity generation.[15] New Mexico's own projections anticipate only a small decrease in oil and gas sector emissions by 2030, and no further decrease in emissions between 2030 and 2050. Without government intervention the oil and gas sector is poised to become responsible for more than half of the state's greenhouse gas emissions by 2050.[16]

FALSE SOLUTIONS DELAY URGENTLY NEEDED CHANGE

Though often shrouded in misleading labels, "clean oil," "clean gas," hydrogen and carbon capture and sequestration (CCS) are false solutions that prolong dependence on the fossil fuel industry. Instead of moving New Mexico away from this harmful and costly reliance on fossil fuels, the current administration is promoting a massive buildout of false solutions infrastructure.

The fossil fuel industry promotes the misleading narrative that it produces "clean gas" for export. But science tells a different story.[17] Exporting gas from New Mexico worsens climate, health, and environmental harms both locally and globally.[18] In fact, gas fracked in New Mexico and shipped to overseas liquified natural gas (LNG) terminals is more polluting than gas burned locally. That's because liquifying gas and transporting it by tanker are energy-intensive processes that leak methane.[19]

Hydrogen is similarly framed as a climate solution, even though 95% of it is made from methane.[20] Its production also uses vast quantities of water, and it is extremely dangerous to transport by pipeline. When burned hydrogen emits harmful smog-causing nitrogen oxide.

CCS is also flawed. At scale, CCS has not delivered meaningful reductions in greenhouse gas emissions.[21] Most existing CCS projects built at hydrogen and traditional coal- and gas-fired power plants have failed to deliver promised emissions reductions,[22] allowing significant amounts of carbon dioxide emissions to continue to spew into the atmosphere.[23] Even when carbon dioxide is captured and stored, it is often then sold to fossil fuel industry actors for use in future fossil fuel extraction efforts.[24] The state cannot rely on CCS technology to reduce greenhouse gas emissions from fossil fuel extraction.

Ultimately, oil and gas are not clean, and hydrogen and CCS exacerbate, rather than combat, the fossil fuel emergency.

Toxic liquid waste pool at Andrews Place, New Mexico, photo by WildEarth Guardians

2. FOSSIL FUEL EXTRACTION THREATENS NEW MEXICO'S LAND, AIR AND SCARCE WATER RESOURCES

The oil and gas industry has a long history of extracting fossil fuels — and profits — while leaving behind a costly, toxic mess for others to clean up.[25] The industry's record in New Mexico is no exception. As oil and gas extraction increases, so do the harms to the state's land, air and water resources.

HARMS TO LAND AND AIR

Polluting Oil and Gas Wells

Every stage of oil and gas extraction releases toxic substances into the air, land and water. ***Across New Mexico approximately 70,000 extraction sites risk releasing super-polluting methane and a wide array of toxic air pollutants,*** including volatile organic compounds (VOCs) and nitrogen oxide (NOx). These pollutants contribute to ground-level ozone and are linked to increased rates of respiratory disease, birth defects, cancer and premature death, among other health harms.[26]

In 2024, 60% of oil and gas facilities inspected in New Mexico's Permian were found to be emitting VOCs above permitted levels.[27] Fossil fuel giants Chevron and ExxonMobil have been some of the biggest offenders. Between October 2024 and September 2025, Chevron emitted 1.8 million pounds of harmful air pollutants beyond its permit limit and Exxon emitted over half a million pounds beyond its permit limit, violating state air-quality regulations.[28]

Old, inactive oil and gas infrastructure presents further harms. At least 4,000 wells that no longer produce oil or gas but remain unplugged and unremediated puncture New Mexico's lands, threatening the air, water, and soil with toxic pollutants. Unplugged wells can leak methane and harmful VOCs into the air and groundwater supplies used

for drinking and irrigation. Pollutants from unplugged oil and gas wells are a public health and safety risk and can harm wildlife and ecosystems.[29] Many oil and gas companies do not promptly plug and remediate their inactive wells and may even leave them to be cleaned up on taxpayers' dime.[30]

New Mexico also has 38,000 "stripper" wells that produce under 10 barrels of oil per day.[31] Low-producing wells are an outsized source of methane pollution compared to their production and can also emit toxic chemicals.[32]

Damaging Toxic Liquid Waste Disposal

Runaway fossil fuel extraction has produced skyrocketing quantities of toxic liquid waste, which the industry has renamed "produced water." In reality this hazardous byproduct of drilling typically contains fracking chemicals, carcinogens, heavy metals, radioactive materials and forever chemicals.[33]

In 2025 alone New Mexico's oil and gas extraction generated approximately 115 billion gallons of toxic liquid waste.[34] This means that tens of thousands of wastewater storage and disposal pits now litter the state,[35] emitting toxic pollutants into the air[36] and posing risks to wildlife.[37]

Oil and gas operators also inject large amounts of waste deep underground for storage and disposal. By 2024 New Mexico had 867 of these injection wells.[38] These wells pose serious safety risks: They are prone to explosion[39] and have been linked to an increase in the frequency of earthquakes in New Mexico's Permian region.[40]

In an attempt to offload this mess onto New Mexicans, industry actors are pushing the sale and reuse of this toxic waste for agricultural and industrial use, as well as for river restoration, despite unsettled science regarding the substance's safety.[41]

Proliferation of Heavy Truck Traffic

The fossil fuel industry generates heavy truck traffic through many of New Mexico's rural communities, destroying roads, contributing to health-harming air pollution, and increasing truck-related accidents and fatalities around the Permian Basin.[42]

Waste fluid pit in the western Permian Basin, New Mexico, photo by Bruce Gordon, SkyTruth/EcoFlight

Biodiversity Loss

Fossil fuel extraction is driving widespread harm to New Mexico's ecosystems and wildlife. Construction, around-the-clock noise and light pollution, and toxic emissions and spills destroy and degrade habitats and kill animals and plants.

In the Permian Basin, lesser prairie chickens depend on intact desert habitat for survival. The fossil fuel industry's takeover of the region has degraded critical habitat and interrupted mating and nesting behaviors. With more than 90% of lesser prairie chicken habitat already lost, continued fossil fuel extraction poses a serious threat to the species' survival.[43]

Many other imperiled plants and animals face similar pressures, including the dunes sagebrush lizard,[44] Peñasco least chipmunk,[45] Pecos pupfish,[46] Allred's flax flower, and gypsum wild buckwheat.[47]

The fossil fuel-driven climate crisis contributes to escalating extinction risk for multiple animal and plant species. As New Mexico has become hotter and drier, many species have been forced to shift their habitat, when they breed, and when they migrate, leading to population decline.[48]

Many endemic species, that live only in New Mexico and are often limited to small habitats, are particularly at risk. These species include Sacramento Mountains checkerspot butterflies and Jemez Mountains salamanders. ***If fossil fuel extraction continues unchecked, climate change is projected to cause widespread extinction over the next 50 years.***[49]

Photos (top to bottom): Peñasco least chipmunk by Jim Stuart/New Mexico Department of Game and Fish, dunes sagebrush lizard by Ryan Hagerty/ USFWS, Allred's flax flower by Fernando Rodriguez

Leaking oil tank, photo by New Mexico State Land Office

Climate change also poses risks to New Mexico's plants. Rising temperature allow insects to survive year-round and expand into new areas. Bark beetles, for example, have already infested 200,000 acres in New Mexico.[50] This infestation — combined with severe heat and drought — caused a massive die-off of piñon pines, New Mexico's state tree, in the early 2000s. Mortality among mature piñons in the middle Rio Grande Basin exceeded 90%. The U.S. Forest Service projects that piñons could disappear from much of their current range by 2030, threatening to disrupt New Mexico's entire forest ecosystem.[51]

Several climate models project the threshold for drought to kill all New Mexican trees will be met before 2050. Similar projections detail that in eastern and northwestern New Mexico, the loss of vegetation that holds sand dunes in place will result in sand migration covering roads and homes, resulting in a return to "dust bowl" conditions.[52]

HARMS TO SCARCE WATER RESOURCES

Rampant Crude Oil and Toxic Liquid Waste Spills

Between 2019 and 2024, the fossil fuel industry reported more than 8,800 spills, releasing 3.6 million gallons of crude oil and 25.3 million gallons of toxic liquid waste across New Mexico's lands and waterways.[53, 54] These spills were determined to have directly contaminated waterways 67 times and groundwater 22 times. More than one-third of the spilled liquid — approximately 1.3 million gallons of crude oil and 10.3 million gallons of toxic liquid waste — was never recovered.[55]

In 2025 alone oil and gas operators reported another 1,470 liquid spills that dumped an additional 9.4 million gallons of oil and toxic waste. Once again, roughly one-third of this fluid was never recovered.[56]

Extensive Water Use

New Mexico's fossil fuel extraction threatens the state's fresh water supplies through its heavy freshwater usage. Most drilling occurs in areas already experiencing "high" or "extremely high" water stress.[57] Fracking consumes billions of gallons of freshwater and demands more water each year.[58]

The Permian is one of the most water-intensive fracking areas in the country. One study found that between 2011 and 2016, fracking operators in the area increased their water use by 770%, consuming over 11 million gallons of water for every well fracked.[59]

Aridification Due to Climate Change

For the past two decades, New Mexico has experienced the most severe regional megadrought of the past 1,200 years.[60] This water crisis has been so prolonged and severe that scientists say it is no longer a "drought" (which is temporary) but now constitutes a state of aridification — the gradual shift from a wetter to a drier climate.[61]

New Mexico relies primarily on snowpack for its water supply. Rising temperatures are reducing snowfall, accelerating evaporation, and causing earlier snowmelt, all of which drastically reduce snowpack levels.[62] In the headwaters of the Rio Grande, reduced snowpack has already decreased water levels by more than 20%. Over the next 50 years, flow volume in all of the state's major rivers (the San Juan, Chama, Rio Grande, Pecos and Gila) is projected to decline between 16% and 28%.[63] ***Overall climate change is projected to reduce New Mexico's water supplies by a staggering 25% by 2070.***[64]

Increasing aridification has already reduced key agricultural and drinking-water supplies.[65] In 2013 the Elephant Butte Reservoir dropped to its lowest level in 40 years, reaching just 3% of its storage capacity, down from being nearly full in 1994.[66] Today it stands at just 30% of its normal capacity.[67] In 2014 the San Juan-Chama Drinking Water Project — designed to provide water for Albuquerque, Santa Fe, and other communities in the Rio Grande watershed — ran dry for the first time in its 40-year history.[68] From 2014 to 2024, a full annual allocation was only available from the Project in three years (2017, 2019 and 2023).[69]

Aridification is also likely to increase the salinity and contaminant concentrations in existing surface waters, reducing their suitability for human consumption. Declining supply and escalating treatment requirements will likely raise municipal water costs.[70]

Ultimately water scarcity does not just affect water quantity and quality but also the state's ecosystems, food production, energy systems, infrastructure, human health, economy, and the cultural and spiritual lifeways of New Mexico's Indigenous communities.[71]

Dry bed of Rio Grande in Albuquerque, photo by New Point Press/iStock

3. FOSSIL FUEL EXTRACTION HARMS NEW MEXICANS' HEALTH

Fracking generates a wide range of health-harming pollutants, including carcinogens, hormone disruptors, and ozone-forming chemicals,[72] threatening the health of those who live, work, attend school, recreate, and practice their religion near fossil fuel operations.[73] Fossil fuel extraction also jeopardizes the physical and mental health of all New Mexicans by exacerbating the climate crisis.[74]

POLLUTION-DRIVEN HEALTH HARMS

Air Toxics

Living near oil and gas wells increases the risk of premature death and serious health harms for people of all ages. These include higher rates of childhood asthma, reproductive harms (such as preterm birth, impaired fetal growth and high blood pressure during pregnancy), mental health disorders, migraines, cancer, and premature death.[75]

The risk of these health harms rises as proximity to wells increases, and as well density and extraction volumes increase. Numerous studies have found evidence of adverse health effects within 1 kilometer (0.6 miles) of fracking and other oil and gas extraction sites, with some studies showing evidence of harm at distances of up to 10 miles.[76] Toxic emissions are often odorless and colorless making them difficult to detect without specialized equipment. As a result, leaks often go unreported, leaving nearby communities unaware of exposure.[77]

Fossil fuel extraction presents an acute health threat to more than 140,000 New Mexicans — including more than 27,000 children and 71,000 people of color — who live within half a mile of oil and gas extraction sites.[78] Additionally, 34,000 New Mexican children attend school within a mile of oil and gas extraction sites, placing their health and safety at risk even in the classroom.[79]

In 2016 alone the state's oil and gas extraction caused an estimated 101 premature deaths and 10,400 asthma exacerbations.[80] These harms are almost certainly much higher today, as oil extraction has increased more than fivefold and gas extraction threefold since that year.[81]

Dangerous Ozone Levels

Oil and gas extraction has significantly increased ozone levels in New Mexico's Eddy and Lea counties, the state's largest oil and gas extraction hubs.[82] Ozone levels in these counties have violated federal health standards since 2021, putting residents at risk.[83] The American Lung Association describes breathing ozone as a sunburn to the lungs. Both short- and long-term exposure to ozone can cause a variety of health problems, including nosebleeds, aggravated asthma, and other respiratory diseases.[84]

Smog over a New Mexico oilfield, photo by Charlie Barrett, Oilfield Witness

CLIMATE CHANGE-DRIVEN HEALTH HARMS

Heat-Related Death and Illness

New Mexico is one of the fastest warming U.S. states. Average temperatures have increased 3.6°F since 1970,[85] and are expected to rise by another 5 to 7°F over the next 50 years.[86] Extreme heat is dangerous to the human body and can cause or contribute to illness or death.[87]

From 2010 to 2022, emergency department visits due to heat-related illness nearly doubled in New Mexico.[88] Deaths from heat stress have also increased significantly over the past decade.[89] Currently the state averages about 19 days over 100°F each year.[90] These days, considered dangerous to human health, could more than double in many areas of the state by midcentury.[91] Young children, the elderly, and low-income people — particularly those without electricity, which includes about 40% of residents of the Navajo Nation — are most at risk.[92]

Poor Air Quality and Respiratory Disease

Rising temperatures also raise the levels of ozone and other pollutants in the air, leading to increased deaths from cardiovascular and respiratory disease.[93] Additionally, smoke from wildfires — more frequent and severe due to the climate crisis — worsens air quality and increases medical visits for respiratory and heart problems.[94]

Mental Health Challenges

Extreme climate-related events like wildfires or floods can worsen mental health and may contribute to post-traumatic stress disorder and are associated with an increased risk of suicide, particularly among young people. This is exacerbated by the overall anxiety young people feel due to the worsening trajectory of the climate crisis and fears that their leaders are not working to combat this emergency.[95] This is especially concerning in New Mexico, where youth suicide rates are already among the highest in the nation.[96]

Oil and gas infrastructure in the Greater Chaco Region, photo by WildEarth Guardians

DISPROPORTIONATE HARMS TO INDIGENOUS COMMUNITIES

While environmental pollution and climate devastation represent a threat to the health of all New Mexicans, the danger is existential for New Mexico's Indigenous communities. Rampant fracking has already degraded large portions of the Greater Chaco Landscape, a place of profound cultural and spiritual significance to Indigenous peoples in New Mexico and beyond.[97]

Rising temperatures and increasing drought are also likely to decrease the availability of certain fish, game and wild plants that the Navajo, Pueblo and other Indigenous communities have relied on for generations. Because spiritual and cultural identities of such communities are deeply tied to the ecological systems of their ancestral lands, disruptions to these natural systems can be as destabilizing as displacement to a new region.[98]

DISPROPORTIONATE HARMS TO VULNERABLE NEIGHBORS

New Mexico's unchecked oil and gas extraction also harms its neighbors in the Gulf South and Mexico. Most of the fossil fuel produced in New Mexico is used to manufacture plastics in the U.S. or is exported for use abroad.[99] This has driven a rapid expansion of export terminals, pipelines and plastics extraction petrochemical facilities in already overburdened and ecologically sensitive communities in Texas, Louisiana [100] and Mexico.[101] New Mexico's extraction is thus also driving existential health and safety threats to communities — mostly low-income communities of color — on the frontlines of proliferating fossil fuel infrastructure in the Gulf South, Mexico and beyond.

4. FOSSIL FUEL EXTRACTION LEAVES NEW MEXICANS VULNERABLE TO GLOBAL MARKET TURMOIL

New Mexico's massive increase in fossil fuel production has not insulated the state from volatile global oil and gas markets. Instead, the state's dependency on fossil fuels leaves New Mexicans vulnerable to the oil industry's relentless volatility. A large share of New Mexico's budget is currently derived from oil and gas leasing revenues, so falling oil prices risk budgetary crisis. Conversely, oil price spikes hurt consumers who still depend on gasoline and other fossil fuel products.

NEW MEXICO'S FUNDAMENTAL INSTABILITY AS A PETROSTATE

New Mexico's overdependence on volatile fossil fuel revenue results in economic vulnerability. ***Over the past decade, revenue from the oil and gas industry has grown from about 15% of New Mexico's General Fund revenue to about 35%.***[102] Essential public services are increasingly dependent on oil and gas, including over a third of public school funding.[103]

This revenue stream is volatile and plagued by significant uncertainty. By the state's own calculation, a $1 change in the price of oil has a $59.8 million impact on state revenue, and numerous factors may lead to a drop in oil prices, exposing New Mexico to budgetary crisis.[104] Wars, financial market swings, and natural disasters are only a few of the unpredictable, but increasingly frequent, drivers of oil prices. The state's own projections show a dramatic decline in oil and gas revenue as the global economy transitions away from fossil fuels to embrace a renewable-powered future, leading to global decreases in the demand for, and subsequently the price of, fossil fuels.[105]

As fossil fuel prices decline, so will New Mexico's financial stability and capacity to provide essential services to its residents.[106] As petrostates like Venezuela, Sudan and the Congo demonstrate, pinning an economy on a volatile global commodity, rather than properly investing in economic diversification, ultimately yields only one outcome: disaster.[107]

FOSSIL FUEL DEPENDENCY HURTS NEW MEXICAN CONSUMERS

While New Mexico drills more and more oil, this oil is not consumed by New Mexicans or even by Americans. This is largely due to a mismatch between the type of crude oil extracted from the Permian Basin and the type of crude oil that most domestic refineries are equipped to process. As most domestic refineries process heavier crude oil most

efficiently, New Mexico's lighter crude oil is typically exported abroad for refining. As a result, the U.S. must import the majority of the oil it consumes, and no amount of fracking in New Mexico will insulate New Mexican consumers from the volatile global oil market.[108]

The recent conflict between the United States and Iran has put this vulnerability in focus. As of late April 2026 — two months after the outset of the conflict — oil prices had surged to a four-year high of $120 per barrel.[109] This has driven the average price of gasoline in New Mexico to over $4 per gallon.[110] As long as New Mexico is dependent on fossil fuels — instead of embracing energy independence through renewables and electric-based transportation — its consumers will remain vulnerable to unpredictable global price hikes.

5. FOSSIL FUEL EXTRACTION CARRIES STEEP ECONOMIC COSTS

Contrary to industry claims of bringing economic prosperity to New Mexicans, fossil fuel extraction has brought billions of dollars in costs and failed to change New Mexico's status as one of the poorest states in the nation.

THE FOSSIL FUEL ECONOMY LEAVES NEW MEXICANS JILTED

New Mexicans face continued economic hardship, while oil and gas companies rake in record profits. In 2023, 15 of the largest oil and gas companies operating in the United States made over $173 billion in profits.[111] In New Mexico alone, oil and gas companies rake in an estimated $2 billion in profits each month.[112]

Despite these extraordinary earnings, the state's tax rate on oil and gas extraction — about 8.5%[113] — is lower than the tax rates levied on the majority of New Mexican families.[114]

While the fossil fuel executives and shareholders thrive, New Mexicans struggle to afford food, housing and healthcare. In 2024 the median income for a four-person household was the second lowest in the country, at just $89,519, compared to the national average of $119,940.[115] About 40% of working New Mexican families qualify as low-income, meaning they earn less than 200% of the federal poverty level. Over 16% of the state's population live at or below the federal poverty line, with 12% living in "extreme poverty."[116] This makes New Mexico the second poorest state in the nation, behind Louisiana.[117]

A shocking 1 in 4 children in New Mexico live at or below the federal poverty level — the highest rate in the country — and 13% live in "extreme poverty."[118] More than 1 in 5 households relies on food assistance.[119] In addition, 42% of home renters are burdened by rental payments, while only 13.5% of renters can afford to buy a median priced home in the state.[120] An estimated two-thirds of New Mexicans struggle to afford healthcare services.[121]

Despite industry claims that oil and gas revenues support New Mexico's schools, the state consistently ranks last in the nation in education and overall child well-being.[122] It also ranks last in the nation for eighth grade reading and math achievement levels[123] and on-time high-school graduations.[124]

New Mexico's poor economic and educational performance demonstrates the disconnect between massive industry profits and any meaningful benefits to the population. At the same time, pollution and climate damage left behind by the industry generate billions of dollars in costs to New Mexicans.

CLEANING UP THE INDUSTRY'S MESS COSTS BILLIONS

Oil and gas operators are legally responsible for plugging their inactive wells and remediating surrounding lands. Yet many oil and gas operators desert — or "orphan" — their inactive wells without meeting these obligations, and the cost of well cleanup is shifted onto taxpayers.[125] ***Over time the cost of cleaning up New Mexico's oil and gas wells could exceed $8 billion.[126]***

NEW MEXICO CANNOT AFFORD THE FOSSIL FUEL CLIMATE CRISIS

The New Mexico Environment Department predicts that between now and 2050, the harms of climate change — including infrastructure damage, air pollution, extreme weather, heath effects and more — could cost the state $294

billion.[127] Climate damage calculations tend to be optimistic, so this is likely a significant underestimate of the costs facing the state.[128]

New Mexico cannot afford these staggering costs.

New Mexican Families Face the Heavy Costs of Climate Disasters

The fossil fuel-driven climate crisis has severe economic consequences for all New Mexicans, with low-income and marginalized communities bearing the greatest burden. Between 1980 and 2024, the state recorded 38 climate-related disasters that each caused more than $1 billion in damages. These included 18 droughts, 12 wildfires, seven severe storms and one tropical cyclone.[129]

Climate disasters are not only becoming more frequent — nearly two-thirds of these events have occurred since 2020 — but also more destructive and expensive. Nearly half of the total economic costs since 1980 have occurred since 2020, and the five-year average cost of climate disaster has doubled from $400 million in 2015 to $800 million in 2024. Climate-change-intensified disasters have already cost New Mexicans between $5 and $10 billion in property damage, business interruptions, agricultural losses and more.[130]

Climate risks are escalating. About 13.5% of all housing units in New Mexico are at "high and extreme risk" from wildfire,[131] while more than 17% of residential properties are vulnerable to flooding.[132] With increased frequency of climate disasters making it more expensive or impossible to acquire homeowners' insurance, future fires and floods could bring financial ruin to many New Mexicans.[133]

Climate Change Is a Threat Multiplier

The fossil fuel-driven climate crisis is a threat multiplier that intensifies existing economic burdens, including those related to healthcare and energy.[134] In 2020 alone the average New Mexican household incurred an estimated $3,430 in climate change-related expenses.[135]

These costs — equivalent to about 6% of New Mexico's median household income — stem from higher healthcare costs tied to asthma and other conditions exacerbated by climate change, many of which are also linked to fossil fuel pollution. They are also the result of higher energy bills driven by extreme heat.[136]

By 2040 annual climate-related costs for the average New Mexican household are projected to exceed $5,400. By 2080 they could reach $12,000 per year.[137]

Doagy Fire in New Mexico, photo by Avi Farber/BLM

Disaster Preparedness and Recovery Are Expensive

In addition to raising costs for households, increasingly frequent and severe wildfires, droughts and storms place significant financial strain on state government. These threats include damage to infrastructure, increased demand for public services, lost revenue from property taxes, and rising demand for disaster preparedness and response programs.[138]

The financial strain is both immediate and long term. The state must invest in resilient infrastructure and preparedness systems while also covering urgent expenses during extreme weather events.[139] As climate harms intensify, these costs will continue to rise, placing growing pressure on New Mexico's public sector.[140]

Between 2010 and 2024, disaster-related government spending in New Mexico totaled $15.5 billion. Of this almost $15 billion came from the state's Federal Fund, highlighting the significant role the federal government played in assisting New Mexico with disaster preparedness and response operations. However, as federal support declines, a greater share of these costs will fall to the state. This shift will place increasing pressure on the New Mexico's General Fund, which has already contributed approximately $593 million toward disaster operations, with annual costs growing by 32% on average since 2010.[141]

Harms to Tourism

The fossil fuel-driven climate crisis is already damaging key sectors of New Mexico's economy, including tourism.[142] Tourism supports over 130,000 private and public sector jobs in the state.[143] In 2022 the industry generated $11.2 billion in economic activity, including $8.3 billion in visitor spending on restaurants and hotels, outdoor recreation and related activities.[144]

As fossil fuel pollution and the climate crisis further degrade the environment, reduce biodiversity, and intensify extreme heat — reducing the number of days visitors can safely recreate outdoors — threats to the tourism industry will grow.[145]

For instance, warmer winters are already shortening New Mexico's ski season and forcing ski resorts to spend more on snowmaking equipment and operations. Additionally, warmer freshwater and increased ash runoff from forest

Fly fisherman on the Rio Grande in northern New Mexico, photo by Don/Adobe Stock

fires threaten Gila trout habitats, which are expected to shrink by 70% over the next 70 years. Gila trout are one of several important species attracting 84,000 out-of-state fly fishers who collectively spend $100 million each year in New Mexico. Furthermore, many birds who have historically wintered in the state, such as mountain chickadees and pygmy nuthatches, are changing their migratory patterns, threatening New Mexico as a bird-watching destination.[146]

These risk to New Mexico's tourism industry will continue to grow as the climate crisis worsens.

Harms to Agriculture

Increasing heat and aridification will also have disastrous consequences for New Mexico's agricultural sector. Agriculture and ranching play a vital role in the state's economy, supporting more than 250,000 jobs and generating over $11 billion in wages[147] — approximately 150% more than total wages from the oil and gas industry.[148]

New Mexico's agricultural communities are already at risk. Shrunken snowpack and earlier snowmelt lower stream flows during hotter months when demand is highest. Rising temperatures decrease soil moisture while increasing the amount of water needed by plants and animals. Even as demand for fresh water grows, water availability has dropped, leaving farmers and ranchers with less than 10% of their typical irrigation water in recent years.[149]

Ranchers are struggling to maintain their herds, and farmers have become increasingly dependent on groundwater for their pecans, chiles and other crops. This has meant higher costs for less and lower-quality water, particularly in the southern part of the state.[150]

Higher temperatures also increase stress on plants, making them more vulnerable to agricultural pests and diseases. And as biodiversity diminishes, the ecosystem services provided by wildlife (including pollination, natural pest control, seed dispersal and nutrient cycling) will be disrupted, further undermining agricultural productivity.[151]

In 2020 alone New Mexico's agricultural sector faced at least $73 million in losses due to scarce water supplies, crop disease and increased parasite populations.[152] As with tourism, the economic losses incurred by the state's agricultural industry will grow in severity as the climate crisis worsens.

Wider Private Sector Harms

The fossil fuel-driven climate crisis will impose costs across the entirety of New Mexico's private sector. These may include supply chain disruptions, labor shortages and reduced productivity, and higher insurance premiums as climate-related risks intensify.[153]

Pistaochio farm in Tularosa, New Mexico, photo by USDA

HOW THE GOVERNOR CAN DECLARE A FOSSIL FUEL EMERGENCY

New Mexico's explosive oil and gas extraction and the resulting health, environmental and economic crises are not inevitable. They are the direct result of deliberate policy choices made by state leadership. New Mexico's governor must change course and stop perpetuating the fossil fuel emergency — there is still time to prevent the worst harms of fossil fuel development.

Under New Mexico's All Hazard Emergency Management Act, the governor may exercise control over state resources "in the event of any man-made or natural disaster causing or threatening widespread physical or economic harm that is beyond local control and requiring the resources of the state."[154]

This authority enables the governor to engage in comprehensive planning, issue orders, procure supplies and equipment, provide resources and services, and collaborate with other states to address the emergency.[155]

New Mexico's governor must protect New Mexican's health and environment from fossil fuel pollution, hold polluters accountable and build a renewable, equitable future for all New Mexicans. Declaring a fossil fuel emergency will further empower the state to take necessary and decisive action, including the following:

1. **Protect New Mexicans' health and environment from fossil fuel pollution.** As New Mexico enters the final phase of oil and gas extraction, the state must minimize harm to people, land and water.
   - ***Establish science-based health buffer zones:*** Require at least one mile between existing oil and gas facilities and schools, homes, healthcare facilities, workplaces and other locations that people frequent.
   - ***Prohibit the sale and reuse of toxic liquid waste and demand full chemical disclosure:*** Scientists are only beginning to understand the toxicity of produced water. Its long-term effects on our people, land and water may not be realized for years — or even generations — to come. By that time the damage will be irreversible.
   - ***Petition the EPA to list New Mexico's Eddy and Lea counties as a Nonattainment Areas for ozone:*** The Permian region is already in violation of national health-based standards for ozone. Officially declaring these counties as Nonattainment Areas will impose additional oversight on oil and gas operators and help improve air quality for residents.
   - ***Pause fracking in areas where air is out of compliance with federal standards:*** New Mexico should not permit any new sources of air pollution until the state's oil and gas-extracting regions come back into compliance with federal health-based standards for ozone.
   - ***Analyze health and environmental harms of all new fossil fuel development:*** Reject development when harms to human health and the environment outweigh potential benefit.
   - ***Prohibit new development on culturally important land:*** These areas are invaluable to Indigenous peoples and must be permanently safeguarded from fossil fuel development.

2. **Hold polluters accountable.** Ongoing extraction and leaking orphaned wells continue to threaten public health and the environment — even when new development has stopped. New Mexico must strengthen enforcement and update laws to prevent further harms and ensure industry cleans up the damage it has caused.
   - ***Increase enforcement against industry actors who violate the law:*** State agencies have the power to penalize oil and gas operators who illegally pollute New Mexico's land, air and water. They must use it.
   - ***Require industry to clean up unplugged wells and other abandoned oil and gas infrastructure:*** As fossil fuel extraction is phased out, oil and gas transportation, storage, and refining infrastructure will continue to pose serious threats land, water and air Companies must be required to properly decommission and remediate all sites, including unplugged and abandoned wells.
   - ***Establish a superfund to pay for climate change mitigation and adaption efforts:*** Following the lead of states like Vermont and New York, New Mexico can calculate the major oil and gas companies' share of historic global emissions — and the resulting climate damage. The largest polluters must be required to pay their fair share to fund mitigation and adaptation efforts, ensuing New Mexicans are not left bearing the cost.

3. **Build a renewable, equitable future.** New Mexico's abundant renewable resources can deliver reliable energy, economic stability, and more — and better — jobs than oil and gas, without making the state hotter, drier and dirtier.
   - ***Reject false solutions:*** So-called "clean gas," "clean oil," hydrogen and CCS are not legitimate climate solutions. They are distractions that must be rejected to avoid prolonging the fossil fuel era.
   - ***Prohibit development of new gas-fueled power plants:*** Power plants that run on fossil fuels represent the past, not the future. Instead of propping up a dirty and dying industry, New Mexico must invest in clean, renewable energy.
   - ***Create appealing conditions for investment in the state's renewable energy grid:*** Require 60% or even more renewable electricity generation by 2030 and promote growth in residential, commercial and community solar and energy efficiency projects.
   - ***Center Indigenous and frontline leadership:*** Traditional Ecological Knowledge and Indigenous Knowledge Systems have a central role to play in mitigating the climate crisis in New Mexico and globally. Frontline communities and workers whose livelihoods have depended on the fossil fuel industry must be meaningfully engaged in shaping decisions about economic diversification and a just transition.

Gila Lower Box Canyon, photo by Mike Howard/BLM

ENDNOTES

[1] NMSA § 12-10-4(A) (2025).
[2] *See e.g.*, *AR6 Synthesis Report: Climate Change 2023*, Intergovernmental Panel on Climate Change, Contribution of Working Groups I, II and III at 19-20 (2023), https://www.ipcc.ch/report/sixth-assessment-report-cycle/ ("CO_2 emissions from existing fossil fuel infrastructure (without abatement) would exceed the remaining carbon budget for 1.5°C"; "Projected CO_2 emissions over the lifetime of existing and planned fossil fuel infrastructure are about equal to the remaining carbon budget for limiting warming to 2°C with 83% confidence."); *Net Zero By 2050: A Roadmap for the Global Energy Sector,* Intl. Energy Agency (Oct. 2021), https://www.iea.org/reports/net-zero-by-2050; *Net Zero Roadmap: A Global Pathway to Keep the 1.5°C Goal in Reach*, Intl. Energy Agency (2023), https://www.iea.org/reports/net-zero-roadmap-a-global-pathway-to-keep-the-15-0c-goal-in-reach; *The Production Gap*, Stockholm Environment Institute, IISD, Climate Analytics (2025), http://extractiongap.org/; Dan Tong et al., *Committed Emissions from Existing Energy Infrastructure Jeopardize 1.5°C Climate Target*, 572 Nature 373 (2019), https://www.nature.com/articles/s41586-019-1364-3; Kelly Trout et al., *Existing Fossil Fuel Extraction Would Warm the World Beyond 1.5°C*, 17 Envtl. Research Letters 064010 (2022), https://iopscience.iop.org/article/10.1088/1748-9326/ac6228#references.
[3] *See Statewide Natural Gas and Oil Production Summary Per Month*, OCD Statistics, N.M. Energy, Minerals, and Natural Resources Dept., (downloaded Apr. 28, 2026), https://wwwapps.emnrd.nm.gov/ocd/ocdpermitting/Reporting/Production/ProductionInjectionSummaryReport.aspx.
[4] *New Mexico*, U.S. Energy Info. Admin., https://www.eia.gov/states/NM/rankings (last visited May 4, 2026).
[5] *See Carbon Bombs Data Set*, Carbonbombs.org, https://www.carbonbombs.org/ (downloaded May 4, 2026).
[6] Production data obtained from: *Crude Oil Production*, U.S. Energy Info. Admin., https://www.eia.gov/dnav/pet/pet_crd_crpdn_adc_mbbl_a.htm (last visited Apr. 30, 2026); *Natural Gas Gross Withdrawals and Production*, U.S. Energy Info. Admin., https://www.eia.gov/dnav/ng/ng_prod_sum_a_EPG0_FPD_mmcf_a.htm (last visited Apr. 30, 2026); Emissions calculated using U.S. Envtl. Prot. Agency combustion emissions factor, obtained at: *Greenhouse Gases Equivalencies Calculator - Calculations and References*, U.S. Envtl. Prot. Agency, https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references (last updated (Mar. 30, 2026).
[7] *See Carbon Emissions*, Global Carbon Atlas, https://globalcarbonatlas.org/emissions/carbon-emissions/ (last visited Apr. 30, 2026) (Canada produces approximately 533 million tons of carbon emissions annually; Germany produces approximately 533 million tons of carbon emissions annually).
[8] The Permian Delaware Tight sub-basin has a potential to emit 29.7 billion tons of carbon emissions which is 16% of remaining global carbon budget for 1.5°C of 135 billion tons CO_2 as of May 2026. *See Carbon Bombs Data Set, supra* note 5; *That's How Fast the Carbon Clock is Ticking*, Potsdam Inst. for Climate Impact Research, https://www.pik-potsdam.de/en/institute/departments/climate-economics-and-policy/carbon-clock/remaining-carbon-budget (last visited May 5, 2026).
[9] *See Methane Emissions from U.S. Oil and Gas Operations Cost the Nation $10 Billion per Year*, Stanford Report (Mar. 13, 2024), https://news.stanford.edu/stories/2024/03/methane-emissions-major-u-s-oil-gas-operations-higher-government-predictions#.
[10] Daniel Varon et al., *Seasonality and Declining Intensity of Methane Emissions from the Permian and Nearby U.S. Oil and Gas Basins*, 60 Envtl. Sci. Tech. 425 at Figure S2(a) (2026), https://doi.org/10.1021/acs.est.5c08745,
[11] Equivalency arrived at using *Greenhouse Gas Equivalencies Calculator*, U.S. Envtl. Prot. Agency, https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator#results (last visited Apr. 29, 2026).
[12] Gabrielle Pétron et al., *Investigating Large Methane Enhancements in the U.S. San Juan Basin*, 8 Elem. Sci. Anth. (2020), https://doi.org/10.1525/elementa.038; Mark Omara, et al., *Constructing a Measurement-based Spatially Explicit Inventory of U.S. Oil and Gas Methane Emissions (2021)*, 16 Earth Syst. Sci. Data 3973 at Figure 7, 8 (2024), https://doi.org/10.5194/essd-16-3973-2024.
[13] Lauren Cohen et al., Widespread Revisions of Self-reported Emissions by Major U.S. Corporations. Nat. Clim. Chang. 16, 33–36 (2026). https://doi.org/10.1038/s41558-025-02494-9
[14] N.M. state data from 2014 to the present show no decrease in flaring since 2021, and an increase in venting since

2021. *See C-115 Flaring and Venting*, N.M. Energy, Minerals and Natural Resources Dept., https://www.emnrd.nm.gov/ocd/ocd-data/statistics/. Additionally, while methane intensity may have decreased, overall emissions of methane continue to increase. Varon et al., *supra* note 10 at Figure S2(a).

[15] *Climate Action Plan: State of N.M.*, N.M. Env't Dept. and N.M. Energy Mineral and Natural Resources Dept. at 17-18 (Dec. 2025), https://cloud.env.nm.gov/resources/_translator.php/ZjYyZjgzMGM3ZDMwYmMwYmUzYzZlMTNjY18yMTU4ODI~.pdf.

[16] *Id.* at 24.

[17] *See* Benjamin Storrow, *Coal Is Bad for the Env't. Is Liquified Natural Gas Any Better?*, Sci. Am. (Feb. 6, 2024), https://www.scientificamerican.com/article/coal-is-bad-for-the-environment-is-liquified-natural-gas-any-better/.

[18] *See Energy, Economic, and Envtl. Assessment of U.S. LNG Exports,* U.S. Dept. of Energy (Dec. 2024), https://www.energy.gov/sites/default/files/2024-12/LNGUpdate_SummaryReport_Dec2024_12pm.pdf; Dharna Noor, *All Operational U.S. Liquefied Natural Gas Terminals Have Violated Pollution Limits, Says Report,* The Guardian (Oct. 29, 2025, 11:46 ET), https://www.theguardian.com/us-news/2025/oct/29/liquefied-natural-gas-terminal-pollution-limits; *Failing the "Climate Test": LNG Projects Awaiting Final Investment Decision Do Not Stand Up to U.S. Govt. Analysis*, Greenpeace, Oil Change Intl., Earthworks (July 2025), https://www.greenpeace.org/static/planet4-usa-stateless/2025/07/e22bd025-failing-the-climate-test_final.pdf.

[19] Phil McKenna and Peter Aldhous, *The Hidden Climate Costs of Exporting U.S. Liquefied Natural Gas*, Inside Climate News (Apr. 15, 2025), https://insideclimatenews.org/news/16042025/liquefied-natural-gas-exports-greenhouse-gas-emissions/; Robert Howarth, *The Greenhouse Gas Footprint of Liquefied Gas (LNG) Exported from the U.S.*, 12 Energy Sci. Eng. 4843 (2024), https://doi.org/10.1002/ese3.1934.

[20] *Hydrogen Production: Overview and Issues for Congress,* Congressional Research Service (Oct. 3, 2024), https://www.congress.gov/crs-product/R48196.

[21] *See* Muhammad Hammad Rasool and Syed Abdul Moiz Hashmi, *Carbon Capture and Storage: An Evidence-based Review of its Limitations and Missed Promises,* 11 Petroleum Research 176 (2026), https://doi.org/10.1016/j.ptlrs.2025.09.005.

[22] *See* Mitchell Beer, *10 of 13 'Flagship' CCS Projects Failed to Deliver, IEEFA Analysis Concludes* (Sept. 1, 2022), https://www.theenergymix.com/10-of-13-flagship-ccs-projects-missed-their-targets-ieefa-analysis-concludes/; *Carbon Capture and Storage*, Inst. For Energy Economics and Financial Analysis, https://ieefa.org/ccs (last visited May 5, 2026).

[23] *See* Robert Howarth and Mark Jacobson, *How Green is Blue Hydrogen?*, 9 Energy Sci. Eng. 1676 (2021), https://doi.org/10.1002/ese3.956; Blaine Friedlander, *Touted as Clean, 'Blue' Hydrogen may be Worse than Gas or Coal,* Cornell Chronicle (Aug. 12, 2021), https://news.cornell.edu/stories/2021/08/touted-clean-blue-hydrogen-may-be-worse-gas-or-coal.

[24] *See* Beer, *supra* note 22.

[25] *See e.g.*, Mark Olalde, *The American Oil Industry's Playbook Illustrated: How Drillers Offload Costly Cleanup Onto the Public*, ProPublica (Dec. 30, 2024), https://www.propublica.org/article/oil-orphan-wells-cleanup-playbook-siana-tom-ragsdale; Robert Schewerk and Greg Rogers, *Billion Dollar Orphans: Why Millions of Oil and Gas Wells Could Become Wards of the State*, Carbon Tracker (Oct. 1, 2020), https://carbontracker.org/reports/billion-dollar-orphans/.

[26] *See* James Williams et al., *Methane Emissions from Abandoned Oil and Gas Wells in Canada and the U.S.*, 55 Envtl. Sci. Tech. 563 (2021), https://doi.org/10.1021/acs.est.0c04265; Mary Kang et al., *Envtl. Risks and Opportunities of Orphaned Oil and Gas Wells in the U.S.*, 18 Envtl. Research Letters 074012 (2023), https://iopscience.iop.org/article/10.1088/1748-9326/acdae7; Dominic DiGiulio et al., *Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania*, 8 ACS Omega 19443 (2023), https://doi.org/10.1021/acsomega.3c00676.

[27] *EPA and the NMED find potential air quality violations at 60% of Permian Basin Oil and Gas Facilities Inspected,* N.M. Env't Dept. (July 3, 2024), https://www.env.nm.gov/wp-content/uploads/2024/07/2024-07-03-COMMS-EPA-and-the-NMED-find-potential-air-quality-violations-at-60-of-Permian-Basin-oil-and-gas-facilities-inspect.pdf.

[28] Data queried from *Excess Emissions Report,* N.M. Env't Dept. (Oct. 2025), https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2025/10/Excess-Emission-Report-10.01.24-10.01.25.xlsx. *See also* 20.2.7.109 NMAC ("[A]n excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action.")

[29] *See Policy Spotlight: Orphaned Wells*, N.M. Legis. Finance Committee at 4-5 (June 24, 2025), https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/LFC%20Policy%20Spotlight%20-%20Orphaned%20Wells%20-%20Final.pdf; Joshua Woda et al., A Geospatial Analysis of Water-quality Threats from Orphan Wells in Principal and Secondary Aquifers of the U.S." 976 *Sci. Total Env't* 179246 (2025), https://doi.org/10.1016/j.scitotenv.2025.179246; Williams, *supra* at note 26.

[30] Mark Olalde, et al., *The Rising Cost of the Oil Industry's Slow Death*, Capital & Main (Feb. 22, 2024), https://capitalandmain.com/the-rising-cost-of-the-oil-industrys-slow-death.

[31] *See Policy Spotlight: Orphaned Wells, supra* note 29 at 20.

[32] *See* Amy Townsend-Small et al. *High Rates of Hydrogen Sulfide Emissions Measured from Marginal Oil Wells Near Austin and San Antonio, Texas*, 6 Envtl. Research Comms. 091007 (2024), https://iopscience.iop.org/article/10.1088/2515-7620/ad75f0.

[33] Liza Gross and Dylan Baddour, *What Is Produced Water?*, Inside Climate News (May 23, 2023), https://insideclimatenews.org/news/23052023/produced-water-climate-101/; Elise Elliott et al. *A Systematic Evaluation of Chemicals in Hydraulic-fracturing Fluids and Wastewater for Reproductive and Developmental Toxicity*, 27 J. Exposure Sci. Envtl. Epidemiology 90 (2016), https://doi.org/10.1038/jes.2015.81.

[34] Data queried from *Natural Gas and Oil Extraction*, N.M. Oil Conservation Division, N.M. Energy, Minerals and Natural Resources Dept., https://wwwapps.emnrd.nm.gov/ocd/ocdpermitting/Reporting/Extraction/ExpandedExtractionInjectionSummaryReport.aspx (downloaded May 4, 2026).

[35] Data queried from *Pit Search*, N.M. Oil Conservation Division, N.M. Energy, Minerals and Natural Resources Dept., https://wwwapps.emnrd.nm.gov/OCD/OCDPermitting/Data/Pits/Pits.aspx# (last visited May 4, 2026).

[36] *See Produced-Water VOC, HAP Emissions Concern Rocky Mountain Regulators*, Oil & Gas Journal (July 6, 2009), https://www.ogj.com/drilling-extraction/extraction-operations/article/17221371/produced-water-voc-hap-emissions-concern-rocky-mountain-regulators; *Contaminated Pathways, Waste Pits and Tanks*, Earthworks, https://earthworks.org/issues/contaminated-pathways/ (last visited May 5, 2026).

[37] Pedro Ramirex, Jr., *Wildlife Mortality Risk in Oil Field Waste Pits*, U.S. Fish and Wildlife Service (Dec. 2000), https://downloads.regulations.gov/FWS-R8-ES-2018-0116-0012/attachment_50.pdf.

[38] Data queried from *UIC Injection Well Inventory*, U.S. Envtl. Prot. Agency, https://www.epa.gov/uic/uic-injection-well-inventory (last visited April 30, 2026).

[39] Dylan Baddour and Carlos Nogueras Ramos, *Study Links Permian Blowouts With Wastewater Injection*, Inside Climate News (Aug. 7, 2024), https://insideclimatenews.org/news/07082024/permian-basin-oil-well-blowouts-linked-with-wastewater-injection/.

[40] *Seismicity Response Protocol*, N.M. Energy, Minerals and Natural Resources Dept. (July 11, 2024), https://www.emnrd.nm.gov/ocd/wp-content/uploads/sites/6/County-Line-Cancel-Notice-final.pdf.

[41] *See Produced Water Use Shows Promise in N.M.*, Independent Petroleum Assoc. N.M. (Feb. 2, 2026), https://ipanm.org/2026/02/02/produced-water-reuse-shows-promise-in-new-mexico/; Carrie Klein, *N.M. Bans Release of Treated Oil and Gas Wastewater*, Inside Climate News (June 4, 2025), https://insideclimatenews.org/news/04062025/new-mexico-bans-release-of-treated-oil-gas-wastewater/.

[42] April Reese, *New Mexico's Oil Boom Has Made Rural Roads Deadly*, High Country News (July 2, 2019), https://www.hcn.org/articles/energy-and-industry-new-mexicos-oil-boom-has-made-rural-roads-deadly-permian-basin/; *Heavy-duty and Medium-duty Truck Pollution*, PSE Healthy Energy (Feb. 2021), https://www.psehealthyenergy.org/wp-content/uploads/2023/04/NM-Heavy-Duty-and-Medium-Duty-Truck-Pollution.pdf.

[43] Charlie Barrett, *The Uncertain Future of the Lesser Prairie Chicken in the N.M. Permian Basin*, Oilfield Witness (Apr. 29, 2025), https://oilfieldwitness.org/the-uncertain-future-of-the-lesser-prairie-chicken-in-the-new-mexico-permian-basin/.

[44] Alejandra Martinez and Carlos Nogueras Ramos, *Texas Lizard Added to Endangered Species List Over the Oil and Gas Industry's Objection*, Texas Tribune (May 22, 2024, 5:00 CT), https://www.texastribune.org/2024/05/22/texas-dunes-sagebrush-lizard-endagered-list-permian-basin-oil/.
[45] Alaina Mencinger, *Chipmunk from Southeastern N.M. Declared Endangered*, Santa Fe New Mexican (Dec. 28, 2024), https://www.santafenewmexican.com/news/local_news/chipmunk-from-southeastern-new-mexico-declared-endangered/article_4669217a-c481-11ef-8854-739bea89c418.html.
[46] *Pecos Pupfish Proposed for Endangered Species Act Protection*, Center for Biological Diversity (Nov. 21, 2024), https://biologicaldiversity.org/w/news/press-releases/pecos-pupfish-proposed-for-endangered-species-act-protection-2024-11-21/.
[47] *Endangered Species Protection Sought for N.M. Flower Threatened by Fossil Fuel Industry*, Center for Biological Diversity (Dec. 4, 2025), https://biologicaldiversity.org/w/news/press-releases/endangered-species-protection-sought-for-new-mexico-flower-threatened-by-fossil-fuel-industry-2025-12-04/; Cally Carswell, *Threatened Plants on State Lands Have Few Protections*, High Country News (Nov. 27, 2017), https://www.hcn.org/issues/49-20/public-lands-do-threatened-plants-have-enough-visibility-on-state-lands/.
[48] See Carolyn Enquist and Dave Gori, *Implications of Recent Climate Change on Conservation Priorities in N.M.*, The Nature Conservancy, Wildlife Conservation Society (Apr. 2008), https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/Enquist_Gori_2008.pdf; *How Climate Change Will Affect Birds in N.M.*, Audubon, https://www.audubon.org/climate/survivalbydegrees/state/us/nm (last visited May 5, 2026).
[49] John Wiens and Joseph Zelinka, *How Many Species Will Earth Lose to Climate Change? 30 Global Change Biology* e17125 (2024), https://doi.org/10.1111/gcb.17125.
[50] *What Climate Change Means for N.M.*, U.S. Envtl. Prot. Agency at 2 (Aug. 2016), https://www.epa.gov/sites/default/files/2016-09/documents/climate-change-nm.pdf.
[51] *Confronting Climate Change in N.M.*, Union of Concerned Scientists at 5 (Apr. 2016), https://www.ucsusa.org/sites/default/files/attach/2016/04/Climate-Change-New-Mexico-fact-sheet.pdf.
[52] *Climate Change in N.M.*, 350 N.M., https://350newmexico.org/confronting-climate-change-in-new-mexico/ (last visited May 5, 2026).
[53] Data queried from *Spill Search*, N.M. Oil Conservation Division, N.M. Energy, Minerals and Natural Resources Dept., https://wwwapps.emnrd.nm.gov/OCD/OCDPermitting/Data/Spills/Spills.aspx (last visited May 4, 2026).
[54] Naima Khan et al., *Volatile-Organic Molecular Characterization of Shale-oil Produced Water from the Permian Basin*, 148 Chemosphere 126 (2016), https://doi.org/10.1016/j.chemosphere.2015.12.116 (detailing the toxicity of "produced water").
[55] See note 53, *supra*.
[56] *Id.*
[57] Jenny Rowland Shea, *Oil and Gas Development Is Creating a Problem for the Arid West*, Center for American Progress (Nov. 12, 2019), https://www.americanprogress.org/article/oil-gas-development-creating-problem-arid-west/.
[58] See *How Much Water Does U.S. Fracking Really Use?*, Duke Today (Sept. 15. 2015), https://today.duke.edu/2015/09/frackfoot; Andrew Kondash et al., *The Intensification of the Water Footprint of Hydraulic Fracturing*, 4 Sci. Adv. Eaar5982 (2018), https://www.science.org/doi/10.1126/sciadv.aar5982; Hiroko Tabuchi and Blacki Migliozzi, *'Monster Fracks' Are Getting Far Bigger. And Far Thirstier.*, N.Y. Times (Sept. 25, 2023), https://www.nytimes.com/interactive/2023/09/25/climate/fracking-oil-gas-wells-water.html.
[59] Kondash, *supra*.
[60] *Climate Change in N.M.*, *supra* at note 52; A. Park Williams et al., *Rapid Intensification of the Emerging Southwestern North American Megadrought in 2020-2021*, 12 Nat. Clim. Chang. 232 (2022), https://doi.org/10.1038/s41558-022-01290-z.
[61] *Aridification*, Mirriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/aridification (last visited May 6, 2026).
[62] *Confronting Climate Change in N.M.*, *supra* note 51 at 4.

[63] Nelia Dunbar et al., *Bulletin 164—Climate Change in N.M. Over the Net 50 Years: Impacts on Water Resources*, N.M. Bureau of Geology and Mineral Resources at ix (2022), https://geoinfo.nmt.edu/publications/monographs/bulletins/downloads/164/B-164_web.pdf
[64] *50-Year Water Action Plan*, Office of the Gov. Michelle Lujan Grisham at 3 (2024), https://www.nm.gov/wp-content/uploads/2024/01/New-Mexico-50-Year-WaterAction-Plan.pdf.
[65] *Confronting Climate Change in N.M.*, *supra* note 51 at 3.
[66] *Climate Change in N.M.*, *supra* note 52.
[67] *Elephant Butte Reservoir: Reservoir Report*, Snoflo, https://snoflo.org/reservoir/new-mexico/elephant-butte-reservoir (last updated May 6, 2026).
[68] *Confronting Climate Change in N.M.*, *supra* note 51 at 3.
[69] *San Juan-Chama Project*, N.M. Water Education at 1 (May 2024), https://newmexicowatereducation.org/wp-content/uploads/2024/08/2024_WaterEdInfoSheet_SanJuanChama_ForWeb.pdf
[70] *See Potential Effects of Climate Change on N.M.*, Agency Technical Working Group, State of N.M. at 15, 35, 37 (Dec. 30, 2005), https://www.esf.edu/glrc/library/documents/NewMexicoPotentialEffectsofClimateChange_2005.pdf.
[71] *Summary of Climate Change Projections for N.M.*, N.M. Energy, Mineral and Natural Resources Dept., Adaptation Intl., CLIMAS at 18 (June 2023), https://www.env.nm.gov/wp-content/uploads/sites/39/2024/09/New-Mexico-Climate-Projection-Summary-6_30_23_EMNRD-Edits.pdf.
[72] Diane Garcia-Gonzalez et al., *Hazardous Air Pollutants Associated with Upstream Oil and Natural Gas Development: A Critical Synthesis of Current Peer-reviewed Literature*, 40 Ann. Rev. Pub. Health 283 (2019), https://doi.org/10.1146/annurev-publhealth-040218-043715.
[73] *See The Science Behind the Need for Health Buffer Zones*, Center for Biological Diversity (Nov. 2, 2024), https://www.biologicaldiversity.org/programs/climate_law_institute/pdfs/24-11-25-The-Science-Behind-the-Need-for-Health-Buffers-from-Oil-and-Gas.pdf.
[74] *See e.g.*, Marina Romanello et al., *2022 Report of the Lancet Countdown on Health and Climate Change: Health at the Mercy of Fossil Fuels*, 400 The Lancet 1619 (2022), https://www.thelancet.com/article/S0140-6736(22)01540-9/fulltext; Mary Hayden et al., *Chp. 15: Human Health, Fifth National Climate Change Assessment*, U.S. Global Change Research Program (2023), https://doi.org/10.7930/NCA5.2023.CH15.
[75] *See e.g.*, Seth Shonkoff et al., *Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making*, PSE Healthy Energy and U. of C.A., Berkeley (2024), https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf; Shaye Wolf et al., *Scientists' Warning on Fossil Fuels*, 5 Oxford Open Climate Change kgaf011 (2025), https://doi.org/10.1093/oxfclm/kgaf011.
[76] *See The Science Behind the Need for Health Buffer Zones*, *supra* note 73.
[77] *See Methane Risk Map*, PSE Healthy Energy, https://mrm.psehealthyenergy.org/ (last visited May 6, 2026).
[78] Data queried from *N.M.*, Oil & Gas Threat Map, https://oilandgasthreatmap.com/threat-map/new-mexico/ (last visited May 6, 2026).
[79] Figures based on a 2023 analysis of school enrollment data from the N.M. Public Ed. Dept. and well and location data from the N.M. Oil Conservation Division. These numbers have likely increased as the number of wells in N.M. continues to grow. *See STARS*, N.M. Public Ed. Dept. (Feb. 2023), https://webnew.ped.state.nm.us/bureaus/information-technology/stars/; *OCD Statistics*, N.M. Oil Conservation Division, N.M. Energy Minerals and Natural Resources Dept. (2023), https://www.emnrd.nm.gov/ocd/ocd-data/statistics/.
[80] Jonathan Buonocore et al, Air Pollution and Health Impacts of Oil & Gas Extraction in the U.S., 1 Envtl. Res. 021006 (2023), https://doi.org/10.1088/2752-5309/acc886.
[81] Data queried from *New Mexico Crude Oil and Petroleum Products Data*, U.S. Energy Info. Admin, https://www.eia.gov/states/nm/data/dashboard/crude-oil-petroleum (last visited Apr. 15, 2026) and *New Mexico Natural Gas Data*, U.S. Energy Info. Admin., https://www.eia.gov/states/nm/data/dashboard/natural-gas (last visited Apr. 15, 2026).
[82] *See* Meredith Franklin et al., *Assessing Source Contributions to Air Quality and Noise in Unconventional Oil Shale Plays*, Health Effects Institute 46, 48 (Dec. 2025), https://pmc.ncbi.nlm.nih.gov/articles/PMC13006887/; *Two*

Counties in N.M. Account for 29% of Permian Basin Crude Oil Production, U.S. Energy Info. Admin. (July 6, 2023), https://www.eia.gov/todayinenergy/detail.php?id=57020.

[83] *See Ozone*, N.M. Env't Dept., https://www.env.nm.gov/air-quality/my-air-quality/ (last visited May 6, 2026); https://www.eia.gov/todayinenergy/detail.php?id=57020.

[84] *Ozone*, American Lung Assoc., https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/ozone (last updated June 9, 2025).

[85] *Earth Day: Fastest-Warming U.S. Cities and States*, Climate Central (Apr. 16, 2025), https://www.climatecentral.org/climate-matters/earth-day-fastest-warming-us-cities-and-states.

[86] *Climate Change in N.M.*, *supra* note 52.

[87] *See Potential Effects of Climate Change on N.M.*, *supra* note 70 at 31-32.

[88] *Extreme Health and Public Health*, Water and Natural Resources Committee, N.M. Env't Dept. (July 22, 2024), https://www.nmlegis.gov/handouts/WNR%20072224%20Item%205%20NMED%20Extreme%20Heat%20and%20Public%20Health.pdf.

[89] Brian Woods et al., *Climate Change and Heat-Related Morbidity in N.M. in 2030*, N.M. Epidemiology (July 17, 2020), https://www.nmhealth.org/data/view/report/2406/.

[90] *State Climate Summaries 2022: N.M.*, Natl. Centers for Envtl. Info., Natl. Oceanic and Atmospheric Admin., https://statesummaries.ncics.org/chapter/nm/ (last visited May 6, 2025);

[91] *See The 6th Natl. Risk Assessment: Hazardous Heat*, First Street at 82-83 (Aug. 15, 2022), https://hubspot.firststreet.org/hubfs/National%20Risk%20Assessment%20Reports/Hazardous%20Heat%20-%206th%20National%20Risk%20Assessment%20-%20Aug%202022.pdf?_hsenc=p2ANqtz--pPIY322w80Ru0kWXPYDIxRBWMLfLII3BRguDXlGl1yiyFDYUI0wZhhjNhVPslaPoqhMA83RAzLLrfiTTOXhoJrWv6UtAu74-AUeDwXG7ZVOEBmF4&_hsmi=375829519.

[92] *What Climate Change Means for N.M.*, *supra* note 50.

[93] *Protecting Health from Climate Change*, World Health Org. at 1 (Mar. 2016), https://www.who.int/docs/default-source/wpro---documents/hae---regional-forum-(2016)/climatechange-factsheet-rfhe.pdf?sfvrsn=75d570fd_2.

[94] *Climate Change in N.M.*, *supra* note 52.

[95] Divya Shiv, *Addressing Climate Change to Improve Children's Health in N.M.*, N.M. Voices for Children at 3 (July 2023), https://www.nmvoices.org/wp-content/uploads/2023/07/Climate-Change-and-Childrens-Health-Report_web.pdf.

[96] *Youth (Ages 10-17) Suicide Rates by State*, Office of Juvenile Justice and Deliquency Prevention, https://ojjdp.ojp.gov/statistical-briefing-book/victims/faqs/qa02704 (last visited May 6, 2026).

[97] *See Protecting the Greater Chaco Landscape: Threats from Oil and Gas*, Archaeology Southwest, https://www.archaeologysouthwest.org/projects/oil-development-and-the-chaco-cultural-landscape/ (last updates Apr. 1, 2026); Julia Goldberg, *Native Activists Protest More Oil and Gas Drilling in the Greater Chaco Landscape*, Source NM (Nov. 5, 2025, 15:03 MT), https://sourcenm.com/2025/11/05/native-activists-protest-more-oil-and-gas-drilling-in-the-greater-chaco-landscape/.

[98] *See Potential Effects of Climate Change on N.M.*, *supra* note 70 at 38.

[99] *See Chp. 3: Flooding Global Markets*, Permian Climate Bomb, https://www.permianclimatebomb.org/chapter-3 (last visited May 6, 2025); *Chp. 4: Petro-Chemicals*, Permian Climate Bomb, https://www.permianclimatebomb.org/chapter-4 (last visited May 6, 2025).

[100] *Id.*

[101] *See* Alexa Robles-Gil, *Mexican Whale Researchers Sound the Alarm on An Energy Megaproject*, Science (Mar. 25, 2025, 17:00 ET), https://www.science.org/content/article/mexican-whale-researchers-sound-alarm-energy-megaproject; Julián Trejo Bax et al., *Mexico's Push for U.S. Natural Gas Sparks Community Opposition and Threatens Its Climate Pledges*, AP (Feb. 2, 2026, 9:08 ET), https://apnews.com/article/mexico-natural-gas-lng-pipeline-climate-change-8ebcbdb1e54c37c1ca8092d078cae25e.

[102] Tom Sanzillo and Suzanne Mattei, *N.M.'s Risky Reliance on Oil Revenue Must Change*, Inst. for Energy Economics and Financial Analysis at 1 (Oct. 2020), https://ieefa.org/wp-content/uploads/2020/10/New-

Mexicos-Risky-Reliance-on-Oil-Revenue_October-2020.pdf; Jennifer Faubion, *Oil and Gas Revenue to the State of N.M.*, Presented to the N.M. Legis. Finance Comm. at 12 (June 11, 2024), https://www.nmlegis.gov/Handouts/ALFC%20061124%20Item%204%20Oil%20and%20Gas%20Revenue%20to%20the%20State%20of%20NM.pdf.

[103] *State and Local Revenue from the Oil and Gas Industry in N.M.: FY 2023 Update*, N.M. Tax Research Inst. at 23 (2023), https://cdn.ymaws.com/www.nmtri.org/resource/resmgr/studies_and_reports/FY_23_Final_Report.pdf; *Oil and Natural Gas Revenue*, N.M. Legis. Finance Comm. (Aug. 2023), https://www.nmlegis.gov/Entity/LFC/Documents/Finance_Facts/finance%20facts%20oil%20and%20gas%20revenue.pdf.

[104] Faubion, *supra* note 102 at 5.

[105] *Long-Term Revenue Outlook*, Presented to the N.M. Legis. Finance Comm. at 15-17 (Sept. 17, 2024), https://www.nmlegis.gov/handouts/ALFC%20091724%20Item%202%20Joint%20Presentation%20Long-Term%20Outlook%20_Sept_17_9.13.2024.pdf.

[106] See Sanzillo and Mattei, *supra* note 102.

[107] See Guy Prince, *PetroStates of Decline: Oil and Gas Producers Face Growing Fiscal Risks as the Energy Transition Unfolds*, Carbon Tracker (Dec. 1, 2023), https://carbontracker.org/reports/petrostates-of-decline/.

[108] See Ella Nilsen, *Why Record-High Gas Prices Won't Be Solved by Drilling More Oil in the U.S.*, CNN (Mar. 10, 2022), https://www.cnn.com/2022/03/10/politics/record-gas-prices-wont-be-solved-by-drilling-more-oil-climate.

[109] Joe Renninson and Gregory Schmidt, *Stocks End April on a High, Even as Oil Prices Touch New Peak*, N.Y. Times (Apr. 30, 2026), https://www.nytimes.com/2026/04/30/business/oil-gas-price-iran.html.

[110] *Fuel Prices*, AAA, https://gasprices.aaa.com/?state=NM (last visited Apr. 30, 2026).

[111] Zanagee Artis, *Big Oil Made Billions Amid the Hottest Year on Record*, NRDC (Feb. 29, 2024), https://www.nrdc.org/bio/zanagee-artis/big-oil-made-billions-amidst-hottest-year-record.

[112] Ian Dexter Palmer, *Oil-Rising Permian Spurs Revenue and Climate Dilemma for N.M.*, Forbes (June 17, 2024, 15:35 ET), https://www.forbes.com/sites/ianpalmer/2024/06/17/oil-rising-permian-spurs-revenue-and-climate-dilemma-for-new-mexico/.

[113] Faubion, *supra* note 102 at 9.

[114] *N.M.'s State and Local Tax System: Who Pays?*, N.M. Voices for Children (Aug. 2022), https://www.nmvoices.org/wp-content/uploads/2023/02/WhoPays-2022-update-text.pdf.

[115] *Median Household Income by State 2026*, World Population Review, https://worldpopulationreview.com/state-rankings/median-household-income-by-state (last visited May 7, 2026).

[116] *N.M.*, Spotlight on Poverty & Opportunity, https://spotlightonpoverty.org/states/new-mexico/ (last visited May 7, 2026).

[117] *Population in Poverty in the U.S.*, The Annie E. Casey Foundation, https://datacenter.aecf.org/data/tables/52-population-in-poverty?loc=1&loct=1#ranking/2/any/true/2545/any/340 (last visited May 5, 2026).

[118] *Children in Poverty in the U.S.*, The Annie E. Casey Foundation, https://datacenter.aecf.org/data/tables/43-children-in-poverty?loc=1&loct=1#ranking/2/any/true/2545/any/322 (last visited May 7, 2026); *Children in Extreme Poverty in the U.S.*, The Annie E. Casey Foundation, https://datacenter.aecf.org/data/tables/45-children-in-extreme-poverty?loc=1&loct=1#ranking/2/any/true/2545/any/326 (last visited May 7, 2026).

[119] *How Many People Receive SNAP Benefits in N.M. Every Month?*, USAFacts, https://usafacts.org/answers/how-many-people-receive-snap-benefits-in-the-us-every-month/state/new-mexico/ (last visited May 6, 2026).

[120] Justin Carmona and Julie Halbig, *2023 N.M. Affordable Housing Needs Assessment*, N.M. Mortgage Finance Authority at 8, 11 (July 7, 2023), https://www.nmlegis.gov/handouts/MFA%20070723%20Item%205%20Item%20Five%20A--Housing%20Needs%20Assessment.pdf; *Natalie Robbins*, 'A Pipe Dream': New Report Paints Bleak Picture for New Mexicans Looking to Buy Homes, Abq. J. (Aug. 3, 2025, 8:00 MT), https://www.abqjournal.com/business/article_b01ee805-dea2-479f-b491-e9e238cc00f1.html.

[121] *Survey Shows New Mexicans Continue to Struggle to Afford Healthcare*, N.M. Together for Healthcare (Dec. 15, 2021), https://nmtogether4health.org/media-press/survey-shows-new-mexicans-continue-to-struggle-to-afford-healthcare/.

[122] *2024 Kids Count Data Book*, The Annie E. Casey Foundation at 21, 27, https://assets.aecf.org/m/resourcedoc/aecf-2024kidscountdatabook-2024.pdf (downloaded May 6, 2026).

[123] *Eighth Grade Math Achievement Levels in the U.S.*, The Annie E. Casey Foundation, https://datacenter.aecf.org/data/tables/5119-eighth-grade-math-achievement-levels?loc=1&loct=1#detailed/2/2-53/false/1096,1095,1729,871,573,36,867,38,18,16/1185,1186,1187,1188/11575 (last visited May 7, 2026); *Eighth Grade Reading Achievement Levels in the U.S.*, The Annie E. Casey Foundation, https://datacenter.aecf.org/data/tables/5117-eighth-grade-reading-achievement-levels?loc=1&loct=1#ranking/2/any/true/1096/1185/11573 (last visited May 7, 2026).

[124] *High School Students Not Graduating on Time in the U.S.*, The Annie E. Casey Foundation, https://datacenter.aecf.org/data/tables/9536-high-school-students-not-graduating-on-time?loc=1&loct=1#ranking/2/any/true/2105/any/18709 (last visited May 7, 2026).

[125] Mark Olalde, *The American Oil Industry's Playbook Illustrated: How Drillers Offload Costly Cleanup onto the Public*, ProPublica (Dec. 30, 2024, 5:00 MT), https://www.propublica.org/article/oil-orphan-wells-cleanup-playbook-siana-tom-ragsdale.

[126] *An Analysis of the Adequacy of Financial Assurance Requirements for Oil and Gas Infrastructure Located on State Trust and Private Lands in N.M.*, The Center for Applied Research at 1 (Apr. 30, 2021), https://www.nmstatelands.org/wp-content/uploads/2021/05/NM-Assurance-Assessment-May-FINAL.pdf.

[127] James Kenney, Secretary, N.M. Env't Dept., Comments at Senate Conservation Committee (Feb. 3, 2026, 8:54 MT), https://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20260303/-1/78342.

[128] *See* Tom Crowfoot, *Underpriced Climate Risks Threaten Global Economy, and Other Climate and Nature News*, World Economic Forum (Feb. 10, 2026), https://www.weforum.org/stories/2026/02/underpriced-climate-risks-threaten-global-economy-climate-nature-news/.

[129] *N.M. Summary*, Natl. Centers for Envtl. Info., Natl. Oceanic and Atmospheric Admin. https://www.ncei.noaa.gov/access/billions/state-summary/NM (last visited May 8, 2026).

[130] *Id.*

[131] Michael Benanav, *Redlined and Reeling*, Searchlight N.M. (May 18, 2022), https://searchlightnm.org/redlined-and-reeling/; percentage calculated based on housing unit data from *QuickFacts N.M.*, *U.S. Census Bureau*, https://www.census.gov/quickfacts/fact/table/NM/INC110223 (last visited May 8, 2026).

[132] *Summary of Climate Change Projections for N.M.*, *supra* note 71 at 20.

[133] *See* Benanav, *supra* note 131.

[134] *See Climate Change*, World Health Org. (Oct. 12, 2023), https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health.

[135] Ernie Niemi, *An Overview of Potential Economic Costs to N.M. of a Business-As-Usual Approach to Climate Change*, Climate Leadership Initiative, ECONorthwest at IV (Feb. 17, 2009), https://scholarsbank.uoregon.edu/server/api/core/bitstreams/b8f8c8d4-1512-4f94-b6bd-00dc7a6d1319/content; median income percentage calculated using data from *Median Household Income by State 2026*, *supra* note 115.

[136] Niemi, *supra.*

[137] *Id.*

[138] *See Andrew Rosen, Measuring the Impact of Climate Change on State and Local Govts.' Fiscal Health*, Brookings (Aug. 1, 2025), https://www.brookings.edu/articles/measuring-the-impact-of-climate-change-on-state-and-local-governments-fiscal-health/.

[139] *See Summary of Climate Change Projections for N.M.*, *supra* note 71

[140] *See Rosen, supra* note 138.

[141] Data queried from *N.M. Sunshine Portal*, N.M.gov., https://ssp.nm.gov/ (last visited May 8, 2026).

[142] *See Potential Effects of Climate Change on N.M.*, *supra* note 70 at 29.

[143] *Tourism Economy Indicators*, N.M. Tourism Dept., https://www.newmexico.org/industry/resources/tourism-economy-indicators/ (last visited May 8, 2026).

[144] *N.M. Sets Economic Impact Record for Tourism in 2022*, N.M. Tourism Dept. (Oct. 17, 2023), https://www.newmexico.org/industry/news/post/new-mexico-sets-economic-impact-record-for-tourism-in-2022/.

[145] *See Potential Effects of Climate Change on N.M.*, *supra* note 70 at 29.

[146] Robert Repetto, *N.M.'s Rising Economic Risks from Climate Change*, Dēmos at 4, https://www.demos.org/sites/default/files/publications/UpdatedNMFullReport.pdf (downloaded May 8, 2026).
[147] Jason New, *Agriculture's Impact to N.M. Economy, Opportunities for Investment*, N.M. Dept. of Ag. at 7 (Aug. 18, 2023), https://www.nmlegis.gov/handouts/IPOC%20081823%20Item%203%20NMDA--Agriculture's%20Impact%20to%20NM%20Economy%20and%20Opportunities%20for%20Investment.pdf.
[148] Total wages from oil and gas activity in 2024 was approximately $6.9 billion, estimated by multiplying direct employment by the oil and gas industry (78,600) by the average yearly wage ($87,731). Average yearly wage based on *2024 Annual Avg. Table*, Bureau of Labor Statistics, https://www.bls.gov/sae/tables/annual-average/home.htm (last updated Apr. 22, 2026); N.M. direct employment figure based on *Nonfarm Employment Industry Growth & Detail*, Economic Development N.M., https://www.edd.newmexico.gov/news-and-information/workforce-profile/employment-industry/ (last visited May 12, 2026).
[149] *Climate Change in N.M.*, *supra* note 52.
[150] *Confronting Climate Change in N.M.*, *supra* 51 at 4.
[151] *Id.*
[152] Repetto, *supra* note 146 at 4.
[153] Nesrin Ahmed Abbas Abuzied, *Economic Impacts of Extreme Climate Events: Policies and Practices, 57* Envtl. Dev. 101350 (2025), https://doi.org/10.1016/j.envdev.2025.101350.
[154] NMSA § 12-10-4(A) (2025).
[155] *Id.* § 12-10-4(B).

Filmore Canyon, Organ Mountains in Las Cruces, New Mexico, photo by Lisa Phillips/BLM