

RESOLUTION NO. 2016-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, IMPLEMENTING STAGE I FIRE RESTRICTIONS ON LANDS SOUTH OF HIGHWAY 160 EFFECTIVE AT 6:00 A.M. ON JULY 1, 2016 AND AUTHORIZING THE SHERIFF AND FIRE CHIEFS TO ALLOW EXCEPTIONS

WHEREAS, C.R.S. § 30-11-107(1)(e) provides that the Board of County Commissioners of La Plata County (the “Board”) is entrusted with the care of La Plata County property and the management of the business concerns of La Plata County in all cases where no other provisions are made by law; and

WHEREAS, C.R.S. § 30-15-401(1)(n.5) provides that the Board may adopt an ordinance banning open fires to a degree and in a manner deemed necessary to reduce the danger of wildland fires within those portions of the unincorporated areas of La Plata County where the danger of wildland fires is found to be high based on competent evidence; and

WHEREAS, pursuant to the aforementioned statute, the Board adopted Ordinance No. 1994-2A; and

WHEREAS, the aforementioned Ordinance added Section 34-1 in the La Plata County Code which provides that the Board may, by resolution, ban open fires within the unincorporated areas of La Plata County when the danger of wildland fires is found to be high; and

WHEREAS, the Board received competent evidence that there exists within the unincorporated areas of La Plata County a high danger of wildland fires; and

WHEREAS, the Board received a request from the La Plata County Sheriff (the “Sheriff”), acting as Fire Marshal, to impose Stage I Fire Restrictions in the unincorporated area of La Plata County and land owned by La Plata County, excluding those private lands in the Towns of Bayfield and Ignacio, the City of Durango, or any Federal or Tribal lands; and

WHEREAS, the Board received a request from the Chiefs of the Durango Fire Protection District, Upper Pine River Fire Protection District, Los Pinos Fire Protection District, and Fort Lewis Mesa Fire Protection District (the “Fire Chiefs”) to impose Stage I Fire Restrictions south of Highway 160 in the unincorporated area of La Plata County within those Fire Districts, excluding those private lands in the Towns of Bayfield and Ignacio, the City of Durango or any Federal or Tribal Lands; and

WHEREAS, the enactment of this Resolution is necessary for the preservation of public health, safety and welfare.

NOW, THEREFORE, BASED ON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC MEETING HELD THIS JUNE 28, 2016, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AS FOLLOWS:

1. These Stage I Fire Restrictions are necessary for the preservation of public health, safety, and welfare, and are required to reduce the danger of wildland fires by generally prohibiting open burning, burn barrels and agricultural burning south of Highway 160 in the unincorporated areas of La Plata County and upon all lands owned by La Plata County excluding those private lands in the Towns of Bayfield and Ignacio, the City of Durango, or any Federal or Tribal lands.

2. The following acts are prohibited south of Highway 160 in the unincorporated areas of La Plata County and upon all lands owned by La Plata County excluding those private lands in the Towns of Bayfield and Ignacio, the City of Durango, or any Federal or Tribal lands:

- (a) Building, maintaining, attending, or using a fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler, or open fire of any type in undeveloped areas, except that, as long as not left unattended and fully extinguished after use, the use of charcoal or gas barbecue grills at private residences or fires within a designated campground are not prohibited; and
- (b) Smoking, except within an enclosed vehicle or building, in a developed recreation site, or while stopped in an area that is at least 3 feet in diameter that is barren or cleared of all flammable vegetation; and
- (c) Using explosive material (i.e., fireworks, blasting caps, or any incendiary device which may result in the ignition of flammable material), except that local community fireworks displays approved by and under the control of the Fire Chief within whose jurisdiction the display will take place are not prohibited; and
- (d) Welding and/or operating an acetylene or similar torch with an open flame, except that, as long as a fire watch individual is on site and readily available with proper hand tools and either one 2 ½ gallon pressurized fire extinguisher, one 5 pound ABC extinguisher, or pressurized water supply, welding and/or operating an acetylene or similar torch with an open flame in a 20-foot radius safe zone free of vegetation is not prohibited (welding and cutting operations related to oil and gas production are addressed in 3(c) below); and
- (e) Operating or using any internal combustion engine, except that operating or using any internal combustion engine equipped with an approved, properly installed, and properly maintained spark-arresting device meeting either Department of Agriculture, Forest Service Standard 5100-1 or Society of Automotive Engineers recommended practice J335(b) and J350 (a) is not prohibited.

3. The following activities related to oil and gas production south of Highway 160 in the unincorporated areas of La Plata County and upon all lands owned by La Plata County excluding those private lands in the Towns of Bayfield and Ignacio, the City of Durango, or any Federal or Tribal lands are specifically not prohibited:

- (a) Flaring for production wells and production facilities shall be allowed as long as approved by the Fire Chief within whose jurisdiction the proposed flaring will take place, or, in the event that the proposed flaring is not within a Fire Chiefs' jurisdiction, by the La Plata County Director of the Office of Emergency Management (the "OEM

Director"). Further, operators shall notify the La Plata County Emergency Communications Center (970 385-2900) and the Ignacio Dispatch Center (970 563-4401 or 4402) in advance of any flaring; and

- (b) Installing drilling rigs shall be allowed as long as operators file a *Production Well Emergency Response Information Form* that accurately includes the location, duration, and contemplated activities with the OEM Director; and
- (c) Welding and/or operating an acetylene or similar torch with an open flame related to oil and gas production shall be allowed when conducted in a 20-foot radius safe zone free of vegetation and when complying with the requirements of the Colorado Oil and Gas Conservation Commission Rule 606A(o) regarding Fire Prevention and Production.

4. The Sheriff and/or the Fire Chiefs may, within their discretion, grant exceptions to the restrictions enumerated in paragraphs 2 and 3 above within their respective jurisdictions, if, in their professional opinions, such action is appropriate, safe and prudent. As soon as practical after granting an exception, the Sheriff or any Fire Chief shall notify the Board in writing of the nature, extent, and circumstances of the granted exception.

5. When the high danger wildland fire materially changes, the Sheriff and the Fire Chiefs may request in writing that the Board alter or rescind this Resolution.

6. The fire restrictions hereby proclaimed are effective at 6:00 a.m. on July 1, 2016.

DONE AND ADOPTED in Durango, Colorado this 28th day of June, 2016.

ATTEST:

Clerk to the Board

(SEAL)


BOARD OF COUNTY COMMISSIONERS
LA PLATA COUNTY, COLORADO


Bradford Blake, Chair


Julie Westendorff, Vice Chair


Gwen Lachelt, Commissioner