

Area of greatest concern for extreme fire weather conditions

A RESOLUTION DECLARING AN EMERGENCY DUE TO FIRE CONDITIONS

WHEREAS, on April 22, 2022 State of New Mexico State Forestry Division adopted Smoking, Firework, Campfire, and Open Fire restrictions and has placed the following restrictions on non-municipal, nonfederal, and non-tribal lands statewide. in Bernalillo, Catron, Chaves, Cibola, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, **LEA**, Lincoln, Luna, Mora, McKinley, Otero, Quay, Roosevelt, Sandoval, Santa Fe, San Miguel, Sierra, Socorro, Torrance, Valencia, and Union counties ; and

WHEREAS, Pursuant to 43 Code of Federal Regulations (CFR) 9212.2, because of high fire hazard conditions, the following acts are prohibited on Bureau of Land Management (BLM) administered land within the Pecos district in Chaves, DeBaca, Eddy, **LEA**, Lincoln, Guadalupe, Quay, and Roosevelt Counties within the State of New Mexico. This Prevention order is effective at 8:00 A.M. on April 28, 2022 until further notice, and;

WHEREAS, the Board of County Commissioners of Lea County have determined that Lea County has been severely affected by drought conditions which have resulted in a serious fire danger to range land, residential property, livestock and human life, and;

WHEREAS, the Board of County Commissioners of Lea County has further determined that, in order to protect the health, safety, and welfare of the citizens of Lea County; the board must take action to declare an emergency, and:

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County adopt the restrictions set forth in Exhibit "A" and "B" which is attached and is incorporated by reference as if fully set forth herein and is hereby approved.

BE IT FURTHER RESOLVED that this ban shall be effective for thirty days (30) and the Board of Commissioners may issue succeeding proclamations if conditions warrant



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, May 12, 2022

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Community Engagement Manager sstout@leacounty.net; Public Information Officer mrusell@leacounty.net and County Manager mgallagher@leacounty.net by: **Tuesday, May 3, 2022**

County Manager Approval required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 05/02/2022	SUBMITTED BY Name, Title, Dept: Lorenzo Velasquez Director Emergency Management
SUBJECT: DECLARING AN EMERGENCY DUE TO FIRE CONDITIONS	ATTACHMENT(S): 1
NO. OF ORIGINALS FOR SIGNATURE: 1	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER: 00	FISCAL BUDGET YEAR: 2021-2022

STRATEGIC PLAN Implementation of 5 Year Strategic Plan:
Section 3.5 Lea County shall be a safe community

SUMMARY:
US Drought Monitor currently shows Lea County in D3 Extreme Drought. Significant Wildland Fire Potential Outlook for Lea County shows Above Normal for months of April, May and June 2022.
Currently Lea County has received 117 grass fire calls resulting in nearly 31,000 acres burned with over 3000 firefighter hours of service. New Mexico State Forestry and Bureau of Land Management for areas in Lea county have issued fire restrictions.
Requesting Lea County Declare an Emergency Due to Fire Conditions and adopt state of New Mexico and Bureau of Land Management fire restrictions throughout Lea County.
Asking for emergency to remain in effect for 30 days and the board of county commissioners may issue succeeding proclamations if conditions warrant.

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked, how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____	See Additional Summary Attached <input type="checkbox"/>
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SUBMITTER'S RECOMMENDATION(S): Approval to Declare an Emergency due to fire conditions.	Submitter's Signature Department Director, Etc. Lorenzo Velasquez <small>Digitally signed by Lorenzo Velasquez Date: 2022.04.28 14:29:21 -0600</small>
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FINANCE REVIEW Fiscal Impact/Cost: There is no financial impact to Lea County with this agenda item.	Reviewed by Finance Director Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.05.04 16:25:14 -0600</small>
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LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
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COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda
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Item No. <u>0207</u>	RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN		
Approved: _____ Resolution No. <u>22-MAY-112R</u> Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____	Other: _____ Ordinance No. _____ Comments: _____	

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-MAY-112R

A RESOLUTION DECLARING AN EMERGENCY DUE TO FIRE CONDITIONS

WHEREAS, on April 22, 2022 State of New Mexico State Forestry Division adopted Smoking, Firework, Campfire, and Open Fire restrictions and has placed the following restrictions on non-municipal, nonfederal, and non-tribal lands statewide. in Bernalillo, Catron, Chaves, Cibola, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, **LEA**, Lincoln, Luna, Mora, McKinley, Otero, Quay, Roosevelt, Sandoval, Santa Fe, San Miguel, Sierra, Socorro, Torrance, Valencia, and Union counties; *and*

WHEREAS, Pursuant to 43 Code of Federal Regulations (CFR) 9212.2, because of high fire hazard conditions, the following acts are prohibited on Bureau of Land Management (BLM) administered land within the Pecos district in Chaves, DeBaca, Eddy, **LEA**, Lincoln, Guadalupe, Quay, and Roosevelt Counties within the State of New Mexico. This Prevention order is effective at 8:00 A.M. on April 28, 2022 until further notice; *and*

WHEREAS, the Board of County Commissioners of Lea County have determined that Lea County has been severely affected by drought conditions which have resulted in a serious fire danger to range land, residential property, livestock and human life; *and*

WHEREAS, the Board of County Commissioners of Lea County has further determined that in order to protect the health, safety, and welfare of the citizens of Lea County, the board must take action to declare an emergency.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the restrictions set forth in Exhibit "A" and "B" which is attached, is incorporated by reference as is fully set forth herein and is hereby approved.

BE IT FURTHER RESOLVED that this ban shall be effective for thirty days (30) and the Board of Commissioners may issue succeeding proclamations if conditions warrant.

PASSED, APPROVED AND ADOPTED on this 12th day of May, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: _____
Teri Davis, Deputy Clerk

John W. Caldwell, County Attorney

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Laura McCarthy
State Forester
Forestry Division



2022-01

**SMOKING, FIREWORK, CAMPFIRE, AND OPEN FIRE RESTRICTIONS
FOR NEW MEXICO**

Due to abnormally warm temperatures, low humidity, high winds, and the abundance of dry, fine fuels, fire danger throughout much of New Mexico is high. Fire incidents for all wildland fire agencies are increasing daily. Pursuant to NMSA, Section 68-2-16, and other sections of the Forest Conservation Act, NMSA 1978, Section 68-2-1 to 68-2-25, and 19.20.3 NMAC; Restrictions for Fire Prevention, the Energy, Minerals and Natural Resources Department, Forestry Division, State Forester, has placed the following restrictions on non-municipal, non-federal, and non-tribal lands statewide.

**SMOKING, FIREWORKS, CAMPFIRES, OPEN BURNING, AND OPEN FIRES ARE
PROHIBITED UNLESS THE FOLLOWING CONDITIONS ARE MET:**

Smoking is prohibited except in enclosed buildings, within vehicles equipped with ashtrays, and on paved or surfaced roads, developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.

Fireworks use is prohibited on lands covered wholly or in part in timber, brush, grass, grain, or other flammable vegetation. The State Forester is allowing exceptions to the ban on fireworks where they are a part of a public exhibit approved by the local fire department.

Campfires are prohibited unless the following exceptions are met. An exception is granted where cooking or heating devices use kerosene, white gas, or propane as a fuel in an improved camping area that is cleared of flammable vegetation for at least 30 feet or has a water source. New Mexico State Parks, State Game Commission lands managed by the Department of Game and Fish, and state trust lands managed by the State Land Office are included in this prohibition. For more information on your New Mexico State Parks, please visit <https://www.emnrd.nm.gov/spd/> or call 1-888-667-2757.

The State Forester is also allowing exceptions for charcoal grills and wood and coal stoves within yards associated with a residence or on the premises of a business.

Open burning, i.e., burning of cropland, fields, rangeland, debris burning, slash piles, prescribed burning, or weed burning, is prohibited. The State Forester grants an exception to open burning when all the following conditions are met:

1. the cropland is irrigated (This exception does not apply to non-irrigated croplands, fields, or rangelands.);
2. burning is done with adequate planning;
3. adequate personnel are present to monitor and control the burn to assure that it will not become an uncontrolled fire;
4. the burn area is secured from becoming uncontrolled at the end of daily operations; and
5. at the beginning of each day, before ignition, the person responsible for the burn notifies the local fire department responsible for fire protection and follows all local burning guidelines and 20.2.60.111 NMAC, Open Burning of Vegetative Material, related to state air quality.

Flaring of gas is prohibited. The State Forester is allowing for an exception to the prohibition on open fires for the flaring of natural gas when the following conditions are met:

1. Flaring is needed for safety purposes, emergencies, and/or malfunctions as defined by 19.15.27 NMAC and 19.15.28 NMAC.
2. Or when all the following conditions are met, flaring for purposes defined under 19.15.27.8(D) NMAC and 19.15.28.8(B) NMAC:
 - the day is not designated a “red flag day” as determined by the National Weather Service and the sustained wind does not exceed 25 miles per hour in the area; and
 - the local fire department and county dispatch are notified at least 24 hours in advance of anticipated flaring; if flaring is done by an automated system then the schedule of flaring shall be provided to the local fire department and county dispatch; and
 - at least one adult is on site with communications equipment adequate to reach county dispatch and the local fire department in the event of a fire; the individual should also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire; and
 - the area is mowed and maintained at a length not to exceed 4 inches and all other flammable products or debris shall be cleared in the area for a distance of one and one half times the height of the flare stack..
3. Flaring for purposes defined under 19.15.27.8(D) NMAC and 19.15.28.8(B) NMAC, if flaring is to take place at an unmanned facility, then the area around the flare stack is mowed and maintained at a length not to exceed 4 inches and all other non-facility related flammable products or debris shall be cleared in the area for a distance of three times the height of the stack.

Other exceptions may be requested.

The State Forester may allow additional exemptions upon receiving a written request and granting subsequent approval in writing. You may apply for exemptions other than those listed above for flaring or agricultural burning on the Forestry Division website at <https://www.emnrd.nm.gov/>. The exemptions provided above in this Fire Restrictions Order for flaring and agricultural burning do not require written approval so long as the conditions listed are met.

An exemption does not relieve a person from any civil or criminal liability associated with an uncontrolled fire, including costs associated with wildland fire suppression.

These restrictions become effective at 12:00 p.m. Friday, April 22, 2022 and will remain in effect until rescinded.

DONE THIS 22 DAY OF APRIL 2022



**Laura F. McCarthy, State Forester
Forestry Division**



**Sarah Cottrell Propst, Cabinet Secretary
Energy, Minerals and Natural Resources Department**



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Pecos District Office
2909 West Second Street
Roswell, New Mexico 88201
<https://www.blm.gov/new-mexico>

**FIRE PREVENTION ORDER #LLNMP02310-2022-003
FIRE RESTRICTIONS DUE TO HIGH FIRE DANGER
BUREAU OF LAND MANAGEMENT, PECOS DISTRICT OFFICE**

Pursuant to 43 Code of Federal Regulations (CFR) 9212.2, because of high fire hazard conditions, the following acts are prohibited on Bureau of Land Management (BLM) administered land within the Pecos District in Chaves, DeBaca, Eddy, Lea, Lincoln, Guadalupe, Quay, and Roosevelt Counties within the State of New Mexico. This Prevention order is effective at 8:00 A.M. on April 28, 2022 until further notice.

PROHIBITIONS:

1. Building, maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove. The use of petroleum-fueled stoves, lanterns or heating devices providing such devices meet the fire underwriter's specifications for safety is allowed.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.
3. Possessing, discharging, or using any kind of firework or other pyrotechnic or incendiary device.

Purpose:

To reduce the risk of human-caused wildfires during periods of high fire danger and severe fire weather conditions.


EXEMPTIONS:

The following persons are exempt from this order:

1. Persons with a permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.

This Order becomes effective at 0800, April 28, 2022, and will remain in effect until rescinded or until December 31, 2022, whichever occurs first.

Done at Roswell, New Mexico, this 26th day of April 2022


James Stovall
Pecos District Manager
BLM-NM-Pecos District

Violation of this prohibition is punishable by a fine of not more than \$1000.00 or imprisonment of not more than 12 months, or both.

Questions regarding this order should be addressed to the BLM Fire Management Officer, Nathan Curnutt, at (575) 627-0311 or the Roswell Field Office at (575) 627-0272.

INTERIOR REGION 7 · UPPER COLORADO BASIN
Colorado, New Mexico, Utah, Wyoming

Exhibit B