

# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Southern Ute Agency

P.O. Box 315

Ignacio, Colorado 81137-0315

## SOUTHERN UTE AGENCY FIRE RESTRICTIONS

### STAGE I

#### **General Public:**

##### **Prohibited acts:**

1. OPEN BURNING. Burning of trash and/or yard waste is prohibited.
2. AGRICULTURAL BURNING. Burning of crop land, fields, rangeland, debris burning, slash piles, prescribed burning and weed burning are prohibited.
3. CAMP FIRES. Building, maintaining or using a warming fire or campfire outside of officially designated or developed camp sites is prohibited. The fire restrictions do not include charcoal fires (in suitable containers) for barbeques or fires for sweat ceremonies, however, such fires are not to be left unattended and are to be fully extinguished after use.
4. FIREWORKS. Possession, discharging or use of any type or fireworks is prohibited.

### STAGE I

#### **Commercial Operators (logging, thinning, firewood gathering, etc.):**

1. All Prohibited Acts included for the General Public.
2. Gasoline-fueled engines shall be shut down during fueling operations if the fuel tank is an integral part of the engine.
3. Firefighting equipment shall be readily available near all operations. During operations, a fire extinguisher with a capacity of at least 20 lbs shall be immediately accessible to workers. When operations are performed in locations where other than a minor fire might develop, a person shall be designated as a fire watch. The area surrounding the work shall be inspected at least one (1) hour after the hot work is completed.
4. Portable fire extinguishers shall be tagged showing the date of last inspection, maintenance or recharge. Inspection and maintenance procedures shall comply with the latest edition of the National Fire Protection Association's publication NFPA 10.

**STAGE I**  
**Industrial - Oil & Gas Operations:**

**The Southern Ute Agency:** Acknowledges and commends La Plata County and Archuleta County, Colorado oil & gas operators for their attention to the current fire dangers in areas of oil & gas activity, their cooperation with local emergency response entities, their initiative in preventing fires, and their efforts to protect on-site personnel, as well as the public health, safety and welfare. The following directives are intended to emphasize existing statewide rules and provide guidance at this time of fire danger.

**RULE 610. FIRE PREVENTION AND PROTECTION**

- a. Gasoline-fueled engines will be shut down during fueling operations.
- b. Operators will comply with all Division of Oil and Public Safety regulations during handling, connecting, and transfer operations involving liquefied petroleum gas (“LPG”), 7 C.C.R. § 1101-15, et seq. Only the version of the Division of Oil and Public Safety’s LPG Regulations, 7 C.C.R. § 1101-15, et seq. in effect as of January 15, 2021 apply to this Rule; later versions do not apply. All materials incorporated by reference in this Rule are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203. In addition, these materials are from the Division of Oil and Public Safety, 633 17th St., Suite 500, Denver, CO 80202, and are available online at <https://www.colorado.gov/pacific/ops/RegulationsStatutes>.
- c. Flammable liquids storage areas within any building or shed will:
  - (1) Be adequately vented to the outside air;
  - (2) Have 2 unobstructed exits leading from the building in different directions if the building is in excess of 500 square feet;
  - (3) Be maintained with due regard to fire potential with respect to housekeeping and materials storage; and
  - (4) Be identified as a hazard and appropriate warning signs posted.
- d. Flammable liquids will not be stored within 50 feet of the wellbore, except for the fuel in the tanks of operating equipment or supply for injection pumps.
- e. LPG Tanks larger than 250 gallons and used for heating purposes will be placed as far as practicable from and parallel to the adjacent side of the rig or wellbore as terrain and location configuration permit. Installation will be consistent with provisions of NFPA Code 58, Liquid Petroleum Gas Code (2020 edition). Only the 2020 edition of NFPA Code 58 applies to this Rule; later amendments do not apply. All materials incorporated by reference in this Rule are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203. In addition, these materials are available from the NFPA, 1 Batterymarch Park, Quincy, MA, 02169-7471.
- f. Smoking is prohibited within 150 feet of the wellbore, on any drilling or workover site, at an Oil and Gas Location with a producing Well or a Well that is undergoing Hydraulic Fracturing Treatment or Flowback, or in the vicinity of operations which constitute a fire hazard. Such locations will be conspicuously posted with a sign, “No Smoking or Open Flame.”
- g. No matches, smoking equipment, or source of ignition will be carried into “No Smoking or Open Flame” areas.

- h. Open fires, transformers, or other sources of ignition will be permitted only in designated areas located at a safe distance from the wellhead or flammable liquid storage areas or areas with potential for ignition of gas or vapors.
- i. Only approved heaters for Class I Division 2 areas, as designated by API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division I and Division 2, 3rd Edition (including January 2014 errata), will be permitted on an Oil and Gas Location or near Oil and Gas Facilities. The safety features of these heaters will not be altered. Only the 3rd edition, including January 2014 errata, of API RP 500 applies to this Rule; later editions do not apply. All materials incorporated by reference in this Rule are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203. In addition, these materials are available from API, 1220 L Street, NW, Washington, DC 20005-4070.
- j. Combustible materials such as oily rags and waste will be stored in covered metal Containers.
- k. Control of Fire Hazards. Any material not in use that might constitute a fire hazard will be removed a minimum of 25 feet from the wellhead(s), Tanks, and separator(s). Any electrical equipment installations inside the secondary containment areas will comply with API RP 500 classifications and comply with the current national electrical code as adopted by the State of Colorado. Only the 3rd edition (including January 2014 errata) of API RP 500 applies to this Rule; later amendments do not apply. API RP 500 and Colorado's current national electrical code are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203. In addition, these materials are available from API, 1220 L Street NW, Washington, DC 20005-4070, and from the Department of Regulatory Agencies, Colorado Electrical Board at 1560 Broadway, Suite 110, Denver, CO 80202.
- l. Material used for cleaning will have a flash point of not less than 100 degrees Fahrenheit. For limited special purposes, a lower flash point cleaner may be used when it is specifically required and will be handled with extreme care.
- m. Firefighting equipment will not be tampered with and will not be removed other than for fire protection and firefighting purposes and services. A firefighting water system may be used for wash down and other utility purposes so long as its firefighting capability is not compromised. After use, water systems will be properly drained or properly protected from freezing.
- n. An adequate amount of fire extinguishers and other firefighting equipment will be suitably located, readily accessible, and plainly labeled as to their type and method of operation.
- o. Fire protection equipment will be periodically inspected, and maintained in good operating condition at all times.
- p. Firefighting equipment will be readily available near all welding operations. When welding, cutting, or other hot work is performed a person will be designated as a fire watch. The area surrounding the work will be inspected at least 1 hour after the hot work is completed.
- q. Portable fire extinguishers will be tagged showing the date of last inspection, maintenance, or recharge. Inspection and maintenance procedures will comply with NFPA Code 10, Standards for Portable Fire Extinguishers (2018). Only the 2018 Edition of NFPA Code 10 applies to this Rule; later amendments do not apply. All materials incorporated by reference in this Rule are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO

80203. In addition, these materials are available from NFPA, 1 Batterymarch Park, Quincy, MA, 02169.

r. All employees, contractors, and subcontractors will be shown the location of fire control equipment including, but not limited to Fluid guns, water hoses, and fire extinguishers, and trained in the use of such equipment. They will also be familiar with the procedure for requesting emergency assistance as terrain and location configuration permit.

### **RULE 903. VENTING OR FLARING NATURAL GAS**

Venting and Flaring of natural gas represent waste of an important energy resource and pose safety and environmental risks. Venting and Flaring, except as specifically allowed in this Rule 903, are prohibited.

a. Notice to Local Governments and Emergency Responders.

(1) Prior Notice. As soon as practicable prior to, but no later than two hours before, any planned Flaring of natural gas allowed pursuant to this Rule 903, Operators will provide verbal, written, or electronic notice to the Relevant and Proximate Local Governments and to the local emergency response authorities.

(2) Subsequent Notice. In the event of Flaring due to an Upset Condition, Operators will provide verbal, or electronic notice as soon as possible, but no later than 12 hours, to the Relevant and Proximate Local Governments and to the local emergency response authorities.

(3) Waiver. Relevant and Proximate Local Governments and local emergency response authorities may waive their right to notice under this Rule 903.a at any time, pursuant to Rule 302.f.(1).A.

(4) Recordkeeping. Operators will maintain records of notice provided pursuant to this Rule 903.a, and provide the records to the Director upon request.

## **STAGE II General Public:**

### **Prohibited acts:**

1. **OPEN BURNING.** Burning of trash and/or yard waste is prohibited.
2. **AGRICULTURAL BURNING.** Burning of crop land, fields, rangeland, debris burning, slash piles, prescribed burning and weed burning are prohibited.
3. **CAMP FIRES.** Building, maintaining or using a warming fire or campfire outside of officially designated or developed camp sites is prohibited. Charcoal broilers and wood and coal stoves used outside of dwellings are classified as campfires and prohibited. Fires for ceremonial sweats are allowed upon notification of the local fire authority and/or BIA Fire office and approval from them.
4. **FIREWORKS.** Possession, discharging or use of any type or fireworks is prohibited.
5. **SMOKING.** Smoking is restricted to designated areas, within structures or within vehicles equipped with ashtrays.

6. OPERATING EQUIPMENT. Operating or using any internal combustion engine (chainsaws, generators, etc) without a spark arresting device properly installed, maintained and in effective working order.

## **STAGE II**

### **Commercial Operators (logging, thinning, firewood gathering, etc.):**

1. All Prohibited Acts included for Stage I.
2. All field personnel shall carry local emergency dispatch phone numbers with them at all times. All fires must be reported to local emergency dispatch immediately.
3. "Hoot-Owl" is in effect. Operating or using any internal combustion engine between the hours of 1:00 PM to 8:00 PM local time is prohibited.
4. Motorized vehicle travel off developed roads is prohibited during the same "Hoot-Owl" period.
5. A patrol is required for a period of two hours after cessation of activities. The patrol is responsible for watching for emerging fires, reporting fires and initiating initial suppression.

## **STAGE II**

### **Industrial - Oil & Gas Operations:**

**The Southern Ute Agency** acknowledges and commends La Plata County and Archuleta County, Colorado oil & gas operators for their attention to the current fire dangers in areas of oil & gas activity, their cooperation with local emergency response entities, their initiative in preventing fires, and their efforts to protect on-site personnel, as well as the public health, safety and welfare. The following directives are intended to emphasize existing statewide rules and provide guidance at this time of fire danger.

#### **A. All Oil and Gas Operations:**

1. All field personnel shall carry local emergency dispatch phone numbers with them at all times. All fires must be reported to local emergency dispatch immediately.
2. Vehicles shall be parked on well locations or other areas devoid of vegetation.
3. Smoking shall be prohibited at or in the vicinity of operations that constitute a fire hazard, and such locations shall be conspicuously posted with a sign, reading "No Smoking" or "Open Flame". Matches and all smoking equipment may not be carried into "No Smoking" areas (COGCC Rule 610) Additionally, smoking is prohibited EXCEPT: within an enclosed vehicle or building [43 CFR9212.2(a)]
4. Welding, pipefitting, metal grinding, or operating an acetylene or other torch with open flame shall be restricted to areas that are barren or cleared of all flammable materials at least 20 feet on all sides of the equipment. The operator shall have a fire extinguisher and shovel readily available at the site.
5. Each vehicle shall be equipped with a portable fire extinguisher (COGCC Rule 610).

6. Personnel shall be familiarized with the location of fire control equipment and trained in the use of such equipment (COGCC Rule 610).
7. Fire protection equipment shall be periodically inspected and maintained in good operating condition at all times (COGCC Rule 610).
8. Operators shall establish emergency evacuation procedures. Safe zones shall be identified in the event access roads are impassable. When heavy equipment is not in use, it shall be located so that it does not block access roads.

**B. For Drilling, Testing, Completions, and Workovers:**

1. Venting and Flaring, except as specifically allowed in this Rule 903, are prohibited. If emergency flaring is necessary, notification to the Fire Management Office of the BIA at (970) 563-4571 is required prior to flaring.
  3. Water sources dedicated to fire suppression shall be required. These water sources must be dedicated to the site, and must be present on-site during the entire duration of the operation.
  4. Mobile water sources must be capable of delivering 80 barrels of water and capable of producing water under pressure, or stationary water sources (frac tanks) must be capable of delivering at a minimum of 80 barrels of water with a 300 foot hose and capable of producing water under pressure.
3. Operators shall review fire prevention and emergency response procedures with field personnel daily.

**C. For Flowline Installation, Maintenance, and Repair:**

1. Water sources must be available during welding operations. These water sources must be dedicated to the jobsite and must be present on-site during the entire operation. Mobile water sources must be capable of delivering 80 barrels of water and capable of producing water under pressure, or stationary water sources (frac tanks) must be capable of delivering at a minimum of 80 barrels of water with a 300 foot hose and capable of producing water under pressure.
2. Firefighting equipment shall be readily available near all welding operations. When welding, cutting or other hot work is performed in locations where a minor fire might develop, a person shall be designated as a fire watch. The area surrounding the work shall be inspected at least one (1) hour after the hot work is completed.
3. Immediately prior to welding, the work area shall be thoroughly wetted down. The wetted area shall be at least 10 feet diameter around the welding activity.

Operators are responsible for monitoring the progress of wildfires in their areas of operation and taking appropriate actions to minimize risk to their personnel, as well as to operations and the public, health, safety, and welfare. Operators shall consider shutting-in wells if access to those wells is threatened by fire-related road closures.

**STAGE III  
General Public:**

**Prohibited acts:**

- 1.OPEN BURNING. Burning of trash and/or yard waste is prohibited.
- 2.AGRICULTURAL BURNING. Burning of crop land, fields, rangeland, debris burning, slash piles, prescribed burning and weed burning are prohibited.
- 3.CAMP FIRES. Building, maintaining or using a warming fire or campfire outside of officially designated or developed camp sites is prohibited. Charcoal broilers and wood and coal stoves used outside of dwellings are classified as campfires and prohibited. Fires for ceremonial sweats are prohibited.
- 4.FIREWORKS. Possession, discharging or use of any type or fireworks is prohibited.
- 5.SMOKING. Smoking is restricted to designated areas, within structures or within vehicles equipped with ashtrays.
- 6.OPERATING EQUIPMENT. Operating or using any internal combustion engine (chainsaws, generators, etc.) is prohibited.
- 7.Consider Reservation closure to non-essential personnel.

**STAGE III  
Commercial Operators (logging, thinning, firewood gathering, etc.):**

- 1.All Prohibited Acts included for the Stages I & II.
- 2.Consider Reservation closure to non-essential personnel.

**STAGE III  
Industrial - Oil & Gas Operations:**

1. All Prohibited Acts included for Stages I & II.
2. Consider Reservation closure to non-essential personnel.

**This directive applies to all lands within The Southern Ute Reservation.**

ANYONE VIOLATING THE PROVISIONS OF THIS FIRE BAN MAY BE SUBJECT TO PROSECUTION OUTLINED IN THE SOUTHERN UTE INDIAN CRIMINAL CODE TITLE 5-1-104(3)(B) "RECKLESS BURNING" AND/OR USC TITLE 18, SEC 1855, "TIMBER SET AFIRE" AND/OR SEC. 1856, "FIRES LEFT UNATTENDED AND UNEXTINGUISHED".

Violation	Penalties Imprisonment	Maximum Fine
Title 5-1-104 (3) (b) So. Ute Indian Criminal Code	60 days	\$250.00
USC Title 18 Sec 1855	5 years	\$25,000.00

**The following are exempt from this order:**

1. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
2. Persons with a permit authorized by the Superintendent specifically authorizing the otherwise prohibited act or omission.

To report fires contact:

**DURANGO ZONE DISPATCH (970) 385-1324**

For more info or to report Fire Restriction Violations contact:

**BIA FIRE MANAGEMENT (970) 563-4571 OR SOUTHERN UTE POLICE DEPARTMENT (970) 563-4401**



RESOLUTION NO. 2012-119

RESOLUTION  
OF THE  
SOUTHERN UTE INDIAN TRIBAL COUNCIL  
June 26, 2012

**WHEREAS**, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, and August 27, 1991, to act for the Southern Ute Indian Tribe; and

**WHEREAS**, under Article VII, section 1(e) of the Tribe's Constitution, the Tribal Council may enact ordinances and codes to protect the peace, safety, property, health and general welfare of the members of the Southern Ute Indian Tribe; and

**WHEREAS**, under Article VII, section 1(n) of the Tribe's Constitution, the Tribal Council is empowered to protect and preserve the property, wildlife, and natural resources of the Tribe; and

**WHEREAS**, as a means to protect the property, health, general welfare, and natural resources of the Southern Ute Indian Tribe, the Southern Ute Agency of the Bureau of Indian Affairs from time to time issues fire restrictions that prohibit certain acts by the general public and commercial entities; and

**WHEREAS**, the Tribe has adopted a Wildlife Conservation Code that includes the following provision:

§ 13-3-147 Omnibus Provision. It shall be unlawful to commit any act *declared to be unlawful by a regulation of the Tribal Council* or to violate the provision of proclamations or wildlife regulations. (Emphasis added); and

**WHEREAS**, the Tribal Council wishes to clarify that fire restrictions issued by the Southern Ute Agency are enforceable by all tribal law enforcement agencies as regulations of the Tribal Council and that violation of such regulations is unlawful and may subject anyone committing such a violation to punishment through the Tribal Court.

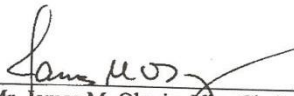
**NOW, THEREFORE BE IT RESOLVED**, that the Southern Ute Indian Tribal Council declares that fire restrictions issued by the Southern Ute Agency are regulations of the Tribal Council, violations of which are unlawful and may be punishable in accordance with the Tribe's Wildlife Conservation Code.

**BE IT FURTHER RESOLVED**, that, upon the lifting of such fire restrictions by the Southern Ute Agency, the terms of this resolution will no longer apply.

**BE IT FURTHER RESOLVED**, that the Chairman of the Southern Ute Indian Tribal Council is hereby delegated the authority to execute all documents necessary to carry out the

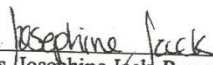
purpose of this resolution.  
**RESOLUTION NO. 2012-119**  
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**June 26, 2012**

This resolution was duly adopted on the 26<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Mr. James M. Olguin, Vice Chairman  
Southern Ute Indian Tribal Council

**CERTIFICATION**

This is to certify that there were ( 6 ) of the regularly elected Southern Ute Indian Tribal Council members present at the above meeting, at which ( 5 ) voted for, and ( 0 ) against, it being a quorum and the above resolution was passed, the Chairman not being permitted to vote in this instance due to a Constitutional provision

  
\_\_\_\_\_  
Ms. Josephine Jack, Recording Secretary  
Southern Ute Indian Tribal Council