

# STATE OF COLORADO

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## EXECUTIVE CHAMBERS

136 State Capitol  
Denver, CO 80203 - 1792  
Phone (303) 866-2471



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Bill Owens  
Governor

## D 013 06

### EXECUTIVE ORDER

#### Open Burning and Fireworks Ban on State Lands

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, Article IV, Section 5 of the Colorado Constitution and Colorado Revised Statute § 23-30-308, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order directing state agencies to prohibit open burning and fireworks on state lands.

1. Background & Need.

Unseasonably high temperatures and dry conditions have resulted in high fire danger throughout Colorado. Most recently, the National Weather Service issued a Red Flag warning for most of western Colorado and the entire Front Range. Already this year, Colorado has experienced several fires. Wildfires have already burned over 80,000 acres this year, twice the acreage that was reported burned in all of 2005. These instances attest to the continuing threat to life, health and property posed by wildfires on public and private lands.

The State of Colorado has been actively preparing for the 2006 wildfire season. On April 19, 2006, I signed Executive Order D 008 06, in which I ordered \$2,000,000 in disaster emergency funds be made immediately available to prepare for the wildfire season. This Executive Order allowed for the implementation of the 2006 Initial Air Attack Plan that included the contracting of Single Engine Air Tankers, and helicopters specifically equipped to fight wildfires. The order also funded the staffing of wildland interface fire engines and employment of wildfire hand crews.

My office worked to craft legislation to create dedicated funding for wildfire preparedness. On May 18, 2006, I signed Senate Bill 96 into law. Senate Bill 96 creates the Wildfire Preparedness Fund, with an annual appropriation providing a constant funding source to help mitigate wildfire dangers. Furthermore, Senate Bill 96 allows Colorado to enter in the Great Plains Interstate Compact, which includes South Dakota,

North Dakota, Wyoming and Colorado. This Compact provides reciprocal aid and resources to fight wild fires among the compacting states and any adjoining state of a current member state.

On June 20, 2006, I sent a letter to all County Commissioners urging local governments to examine existing fire-prevention measures and to work together to impose consistent fireworks restrictions that are appropriate for the fire danger that is present in each region of Colorado.

Colorado has additional resources available to assist in case of a wildfire. The Colorado National Guard has four helicopters that are equipped to assist with wildfire suppression. In addition, there are several federal aviation resources available to assist the State.

There are currently thirteen federal airtankers and nine helicopters prepared to assist Colorado in case of a wildfire. Additionally, several helicopters are available from other states through the Emergency Management Assistance Compact to assist Colorado in wildfire suppression, if necessary.

Colorado is also part of the Cooperative Fire Management Agreement, which is an agreement between the Colorado State Forest Service, the USDA Forest Service, the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs. This agreement identifies the legal authorities that allow all signatories to cooperate in Fire Management and sets the parameters for cooperating in fire management, fire suppression, prescribed fire, etc. The agreement also sets the guidelines and format for Annual Operating Plans between the counties, state, and federal agencies.

Given the conditions of extreme fire danger in certain parts of the state, additional measures are warranted to respond to the current threat of wildfires and restrict human activities that have the potential of igniting a wildfire on our state lands. In response, this Executive Order: (1) bans open burning on state lands; (2) bans the use of fireworks on state lands; and (3) directs Military Affairs to have all available resources prepared for immediate activation.

2. Directive.

A. I hereby order each agency to ban open burning and all fireworks on state lands under each agency's jurisdiction or control.

B. For purposes of this order, "open burning" is defined as any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, fireworks and any other activity that poses a significant risk of starting a fire on state lands.

C. For purposes of this order, "open burning" does not include:

- i. Fires contained within liquid-fueled or gas-fueled stoves;
- ii. Fireplaces within buildings; and

- iii. Permanent fire structures on developed or improved picnic grounds or campsites; and
- iv. Prescribed or controlled burning for agricultural or irrigation purposes if approved in writing by the director of the administrative agency overseeing the state land at issue.

D. I hereby order the National Guard to prepare all available aircraft equipped to fight wildfires to be prepared for immediate activation.

3. Duration.

This Executive Order shall expire thirty (30) days from the date of its execution unless extended by Executive Order.



GIVEN under my hand and the  
Executive Seal of the State of Colorado  
this 21<sup>st</sup> day of June 2006.

*Bill Owens.*

Bill Owens  
Governor