



D 2020 168

EXECUTIVE ORDER

Declaring that Conditions of Extreme Fire Hazard Exist and Ordering Temporary Fire Restrictions in the State of Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and C.R.S. § 24-33.5-1225, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring that conditions of extreme fire hazard exist and ordering temporary fire restrictions in the State of Colorado to reduce the risk of new fires.

I. Background and Purpose

High temperatures and dry conditions have resulted in high fire danger and extreme fire behavior throughout much of Colorado. The entire state is experiencing abnormally dry or drought conditions, and approximately sixty percent of the State is in severe or extreme drought conditions as classified by the United States Drought Monitor. On June 22, 2020, I activated the State's Drought Mitigation and Response Plan, which formalized a cabinet-level Drought Task Force as well as an Agricultural Impact Task Force to assess and track impacts of the drought and increase coordination across our local, State, and federal partners. Already this year, 797 wildfires have burned over 184,766 acres across the State. These conditions attest to the continuing threat to life, health, and property posed by wildfires on Colorado's public and private lands. Fire restrictions are currently in place in 46 counties.

As of August 18, 2020, the Pine Gulch Fire in Mesa and Garfield Counties has burned over 93,000 acres, making it the third largest fire in Colorado history. The Grizzly Creek Fire in Garfield County has burned over 29,000 acres, forced the closure of Interstate 70, and is threatening critical infrastructure. Grizzly Creek is the number one priority fire in the nation as of August 18, 2020. The Williams Fork Fire in Grand County has burned over 6,500 acres and the Cameron Peak Fire in Larimer County has burned over 14,000 acres. Over 470 homes have been evacuated across the State as a result of the Pine Gulch, Grizzly Creek, Williams Fork, and Cameron Peak Fires.

Given these facts, conditions of extreme fire hazard exist across the State. The State's top priorities are protecting life, property, and protecting and reopening Interstate 70. This Executive Order temporarily restricts fires in the State of Colorado, with limited exceptions, to reduce the risk of new fires and protect health and safety.

II. Declarations and Directives

- A. Conditions of extreme fire hazard exist in Colorado.
- B. I order temporary fire restrictions in all counties in the State of Colorado in accordance with this Executive Order, for the duration of this Executive Order.
- C. For purposes of this Executive Order, fire restrictions include the following:
 - i. Any outdoor fire except as specifically allowed by Section II.D. of this Executive Order, including but not limited to campfires, warming fires, and charcoal grill fires;
 - ii. Fireworks;
 - iii. Explosives;
 - iv. Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least six (6) feet in diameter that is barren or cleared of all flammable material;
 - v. Operating a chainsaw without a United States Department of Agriculture or Society of Automotive Engineers approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher kept with the operator, and one (1) round point shovel with an overall length of at least thirty-five (35) inches readily available for use;
 - vi. Welding or operating acetylene or other torch with open flame except in cleared areas of at least ten (10) feet in diameter and in possession of a chemical pressurized fire extinguisher;
 - vii. The use of tracer ammunition or any ammunition with an incendiary component, and the use of novel explosive shooting targets with Tannerite or other similar substances, that would explode and create heat or fire upon impact; and
 - viii. Any other activity that poses a significant risk of starting a fire.
- D. The fire restrictions in this Executive Order do not include fires in:
 - i. Liquid-fueled or gas-fueled stoves;

- ii. Fireplaces contained within buildings;
 - iii. Charcoal grills at private residences;
 - iv. Constructed, permanent fire pits or fire grates within developed camp and picnic grounds or recreation sites;
 - v. Portable stoves, lanterns using gas, jellied petroleum, pressurized liquid fuel, or a fully enclosed (shepherd type) stove with a one-quarter (0.25) inch spark arrester type screen; and
 - vi. Fires in connection with prescribed or controlled burns for agricultural or irrigation purposes along ditches located within and completely surrounded by irrigated farmlands where such burning is necessary for crop survival and where specific written approval has been granted by the sheriff of the county where the prescribed burn will occur.
- E. Pursuant to C.R.S. § 24-33.5-1223, county sheriffs shall enforce this Executive Order and all State forest fire laws.
- F. This Executive Order does not supersede more comprehensive or inclusive fire or open burning restrictions that have been or may be established by Colorado counties, municipalities, or other political subdivisions of the State. Where permitted by law, including by Executive Order, counties, municipalities, or other political subdivisions of the State may ban any or all of the fire exemptions listed in Section II.D. of this Executive Order when local officials determine that a more restrictive ban is appropriate and warranted given fire danger and other conditions in their localities.
- G. Any exemption to the fire restrictions set forth in this Executive Order must be granted by a county sheriff, or by the administering federal agency if on federal lands, and only if the proposed burn is deemed by the county sheriff or administering federal agency to be safe and subject to mitigation. Should a fire result from an exemption to this Executive Order granted by a county sheriff or the administering federal agency, the State of Colorado may, and likely would, deny access to State funds to pay for the costs of such fire.
- H. With the exception of Section II.C.vii. of this Executive Order, the fire restrictions in this Executive Order do not apply to the legal use of firearms, including hunting or use at a shooting range. People engaged in the legal use of firearms are advised to follow all State and local laws and take every possible precaution to avoid actions that could spark a fire. Individuals using firearms should take extreme precaution in backdrop selection of areas with flammable solids or debris that could ignite during the activity. Target shooters who start wildfires may be responsible for the suppression costs of the fire.

III. Duration

This Executive Order shall be effective at 9:00 AM on August 20, 2020, and shall remain in effect for thirty (30) days, unless extended further by Executive Order.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
nineteenth day of August,
2020.

A handwritten signature in blue ink, which reads 'Jared Polis'. The signature is written in a cursive, flowing style.

Jared Polis
Governor