United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Southern Ute Agency
P.O. Box 315
Ignacio, Colorado 81137

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 (ie. 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 606A. FIRE PREVENTION AND PROTECTION

a. Gasoline-fueled engines shall be shut down during fueling operations if the fuel tank is an integral part of the engine.

b. Handling, connecting and transfer operations involving liquefied petroleum gas (LPG) shall conform to the requirements of the State Oil Inspector.

c. Flammable liquids storage areas within any building or shed shall:

(1) Be adequately vented to the outside air;

(2) Have two (2) unobstructed exits leading from the building in different directions if the building is in excess of five hundred (500) square feet.

(3) Be maintained with due regard to fire potential with respect to housekeeping and materials storage;

(4) Be identified as a hazard and appropriate warning signs posted;

d. Flammable liquids shall not be stored within fifty (50) feet of the wellbore, except for the fuel in the tanks of operating equipment or supply for injection pumps. Where terrain and location configuration do not permit maintaining this distance, equivalent safety measures should be taken.

e. Liquefied petroleum gas (LPG) tanks larger than two hundred fifty (250) gallons and used for heating purposes, shall be placed as far as practical from and parallel to the adjacent side of the rig or wellbore as terrain and location configuration permit. Installation shall be consistent with provisions of NFPA 58, "Standards for the Storage and Handling of Liquid Petroleum Gases".

f. 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, "No Smoking" or "Open Flame". Matches and all smoking equipment may not be carried into "No Smoking" areas.

g. No source of ignition shall be permitted in an area where smoking has been prohibited unless it is first determined to be safe to do so by the supervisor in charge or the designated representative.

h. Open fires, transformers, or other sources of ignition shall be permitted only in designated areas located at a safe distance from the wellhead or flammable liquid storage areas.

i. Only approved heaters for Class I Division 2 areas, as designated by API RB 500B, shall be permitted on or near the rig floor. The safety features of these heaters shall not be altered.

j. Combustible materials such as oily rags and waste shall be stored in covered metal containers.

k. Material used for cleaning shall have a flash point of not less than one hundred degrees Fahrenheit (100°F). For limited special purposes, a lower flash point cleaner may be used when it is specifically required and should be handled with extreme care.

l. Firefighting equipment shall not be tampered with and shall not be removed for other than 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 must be properly drained or properly protected from freezing.

m. An adequate amount of fire extinguishers and other firefighting equipment shall be suitably located, readily accessible, and plainly labeled as to their type and method of operation. All field

vehicles conducting normal routine maintenance will carry a fire extinguisher not less than 20 lbs capacity, or some combination of extinguishers that meets or exceeds this capacity. Fire protection equipment shall be periodically inspected and maintained in good operating condition at all times.
o. Firefighting equipment shall be readily available near all welding operations. During welding, a combination of fire extinguishers with a combined capacity of 40 lbs shall be immediately accessible to workers. When welding, cutting or other hot work is 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.
p. 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.
q. Personnel shall be familiarized with the location of fire control equipment such as drilling fluid guns, water hoses and fire extinguishers and trained in the use of such equipment. They shall also be familiar with the procedure for requesting emergency assistance as terrain and location configuration permit. Installation shall be consistent with provisions of NFPA 58, "Standards for the Storage and Handling of Liquefied Petroleum Gases".

OTHER HEALTH SAFETY, WELFARE RULES REGARDING FIRE PROTECTION.
Rule 317 L: **Flaring of gas during drilling and notice to local emergency dispatch**. Any gas escaping from the well during drilling operations shall be, so far as practicable, conducted to a safe distance from the well site and burned. The operator shall notify the local emergency dispatch as provided by the local governmental designee of any such flaring. Such notice shall be given prior to the flaring if the flaring can be reasonable anticipated, and in all other cases as soon as possible but in no event more than two (2) hours after the flaring occurs. (R&R 20, 316 L?)

Rule 317A, 8: **Control of fire hazards**. Any material not in use that might constitute a fire hazard shall be removed a minimum of twenty-five (25) feet from the wellhead, tanks and separator. Any electrical equipment installations inside the bermed area shall comply with API RP 500 classifications and comply with the current national electrical code as adopted by the State of Colorado.

Rule 317A, 10: **Removal of surface trash**. All surface trash, debris, scrap or discarded material connected with the operations of the property shall be removed from the premises or disposed of in a legal manner.

Rule 317A, 14: **Access roads.** If a wellsite falls within a high density area at the time of construction, all leasehold roads shall be constructed to accommodate local emergency vehicle access requirements, and shall be maintained in a reasonable condition.

Rule 317F, 10: The number of public roads to be used in accessing the rig along with all necessary emergency numbers shall be posted in a conspicuous place on the drilling rig.

Rule 317G: **Statewide equipment, weeds, waste, and trash requirements**. All locations, including wells and surface production facilities, shall be kept free of the following: equipment, vehicles, and supplies not necessary for use on that lease; weeds; rubbish, and other waste material. The burning or burial of such material on the premises may be subject to other applicable laws. In addition, material may be burned or buried on the premises only with the prior written consent of the surface owner.

R & R 90: F, **Weed control**. During drilling, production, and reclamation operations, all disturbed areas shall be kept reasonably free of noxious weeds and undesirable species as practicable.

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 (ie. 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. Operators must inform the local emergency dispatch of the location and duration (start date/end date/work hours) of active work sites involving drilling, completion, workovers, and flowline installation, maintenance and repair.
4. 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 606A.f.) Additionally, smoking is prohibited EXCEPT: within an enclosed vehicle or building [43 CFR9212.2(a)]
5. 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 ten feet on all sides of the equipment. The operator shall have a fire extinguisher and shovel readily available at the site.
6. Each vehicle shall be equipped with a portable fire extinguisher (COGCC Rule 606A.p.).
7. Personnel shall be familiarized with the location of fire control equipment and trained in the use of such equipment (COGCC Rule 606A.q.).
8. Fire protection equipment shall be periodically inspected and maintained in good operating condition at all times (COGCC Rule 606A.n.).
9. 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. Flaring is discouraged. Flaring, if necessary, requires notification to the central emergency dispatch in the county in which flaring activities will be occurring. Flaring, other than emergency flaring, will require prior clearance from the field manager of the BLM/FS/BIA and notice to the COGCC field inspector. This notice is for the appropriate notified personnel to conduct a site visit to assist field crews with safe zone identification and to review fire preparedness and evacuation procedures. The operator shall notify the central dispatch of La Plata County at 970 385-2900 or Archuleta County at 970264-2131 and the county governmental designee, Steve Clay at 970-382-6267. Such notice shall be given prior to the flaring if the flaring can be reasonably anticipated, and in all other cases as soon as possible but in no event more than two (2) hours after the flaring occurs (COGCC Rule 317.l.). All flaring operations shall be continuously monitored by personnel onsite.

2. 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

(COGCC Rule 606A.l. and m.) 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 (COGCC Rule 606A.l. and m.) 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 (COGCC Rule 606A.o.).
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 (ie. 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.

This resolution was duly adopted on the 26th 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