A RESOLUTION
DESIGNATING CERTAIN SANTA FE COUNTY TRAILS AS TEMPORARILY CLOSED AREAS

WHEREAS, Santa Fe County Ordinance 2001-01, Rules and Regulations for County Parks, Trails and Open Space Areas governs the public use of county parks, trails, and open space areas (Ordinance 2001-01); and

WHEREAS, pursuant to Section 17 of Ordinance 2001-01, the Growth Management Department (Department) may “from time to time determine that closures of open space areas to the public and/or to certain animals are necessary or desirable to protect wildlife, vegetation, or for public safety concerns.”; and

WHEREAS, pursuant to Section 17 of Ordinance 2001-01, the Board of County Commissioners (Board) “may designate an area as closed temporarily, indefinitely or permanently.”; and

WHEREAS, Governor Lujan Grisham has issued Executive Orders for Mora County, Valencia County, and Colfax County, declaring an emergency due to the vast areas of those Counties experiencing wildfires; and

WHEREAS, Santa Fe County (County) is experiencing extreme weather conditions, including strong winds and low humidity, causing dangerous fire conditions; and

WHEREAS, as of May 18, 2022, New Mexico is experiencing over 39 active fires; and

WHEREAS, on May 18, 2022, the County Fire Department changed the fire danger to Extreme across the County; and

WHEREAS, currently, the Hermits Peak Fire and Calf Canyon Fire are active within the Santa Fe National Forest and have burned over 311,971 acres; and

WHEREAS, effective May 19, 2022, the United States Department of Agriculture (USDA), which manages the Santa Fe National Forest has implemented Order No. 10-511, prohibiting public access to the Santa Fe National Forest within Rio Arriba County, Los Alamos County, Sandoval County, Santa Fe County, San Miguel County and Mora County due to the public health and safety risk the fire danger imposes; and
WHEREAS, on May 18, 2022, the Santa Fe County Fire Chief recommended the closing of specific trail systems which access Santa Fe National Forest to help with protecting wildlife, vegetation, and to ensure public safety; and

WHEREAS, imposing the closure of specific Santa Fe County trails will create regulations that are consistent with the Santa Fe National Forest Order making compliance easier for the public; and

WHEREAS, immediate measures to mitigate public entry into Santa Fe National Forest are necessary for public safety of those within the County and to help protect our forests and wildlands; and

WHEREAS, the trails set forth on Exhibit A attached hereto and made a part hereof by reference, are adjacent to and in many instances provide access to the Santa Fe National Forest; and

WHEREAS, on May 20, 2022, the Director of the Department and Land Use Administrator, Penny Ellis-Green, (Director) issued a Determination and Administrative Order of the Director of the Growth Management Department and The Land Use Administrator Closing Certain Santa Fe County Trails (Determination and Administrative Order), attached hereto as Exhibit B, which temporarily closed the trails set forth on Exhibit A due to the extreme fire danger causing public safety concerns and to protect wildlife and vegetation; and

WHEREAS, the Board concurs with Director’s Determination and Administrative Order, and wishes to designate the trails set forth on Exhibit A as temporarily closed areas; and

WHEREAS, a violation of an order issued by the Department or a designation of a closed area by the BCC closing County trails constitutes a violation of Ordinance 2001-01 as set forth in Section 18 of that ordinance and such violation is subject to enforcement pursuant to Sections 19 and 20 of that ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Board, based on the foregoing, as follows:

1. There currently exists within the unincorporated portions of Santa Fe County extreme or severe drought conditions, warm temperatures, low humidity, and high winds, creating extreme fire conditions causing an immediate and significant threat to the life, safety, health and welfare of residents of Santa Fe County, and to public and private property located within the County.

2. The designation of the trails identified on Exhibit A as temporarily closed areas is necessary or desirable to protect wildlife, vegetation, or for public safety concerns.

3. The trails set forth on Exhibit A are designated as temporarily closed areas pursuant to Section 17(a) of Ordinance No. 2001-01. It shall be unlawful for any unauthorized
person to enter such temporarily closed areas and violations shall be enforced in accordance with Sections, 18, 19, and 20 of Ordinance 2001-01.

4. To the extent that closure notices have not already been posted pursuant to the Director's Determination and Administrative Order, County staff shall post notice that the trails set forth on Exhibit A have been designated as temporarily closed areas as soon as practicable.

5. This Resolution supersedes the Director's Determination and Administrative Order.

6. This Resolution shall be effective immediately from the date below. This Resolution shall remain in effect until the Santa Fe National Forest land, road, and trail closures set forth in United States Department of Agriculture Order No. 10-511 are no longer in effect or the Board rescinds this Resolution, whichever occurs first.

PASSED, APPROVED, AND ADOPTED ON THIS 31st DAY OF MAY, 2022.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna T. Hamilton, Chair

ATTESTATION:

Katharine E. Clark
Santa Fe County Clerk

Approved as to form:

Rachel A. Brown
Interim Santa Fe County Attorney
**This map has been provided for general reference, and has not yet been approved by the Board of County Commissioners of Santa Fe County.**
EXHIBIT B

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3

Santa Fe County

Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

DETERMINATION AND ADMINISTRATIVE ORDER OF THE DIRECTOR OF THE GROWTH MANAGEMENT DEPARTMENT AND THE LAND USE ADMINISTRATOR CLOSING CERTAIN SANTA FE COUNTY TRAILS

WHEREAS, Santa Fe County Ordinance 2001-01, Rules and Regulations for County Parks, Trails and Open Space Areas governs the public use of county parks, trails, and open space areas (Ordinance 2001-01); and

WHEREAS, pursuant to Section 17 of Ordinance 2001-01, the Growth Management Department (Department) may “from time to time determine that closures of open space areas to the public and/or to certain animals are necessary or desirable to protect wildlife, vegetation, or for public safety concerns.”; and

WHEREAS, Governor Lujan Grisham has issued Executive Orders for Mora County, Valencia County, and Colfax County, declaring an emergency due to the vast areas of those Counties experiencing wildfires; and

WHEREAS, Santa Fe County (County) is experiencing extreme weather conditions, including strong winds and low humidity, causing dangerous fire conditions; and

WHEREAS, as of May 18, 2022, New Mexico is experiencing over 39 active fires; and

WHEREAS, on May 18, 2022, the Santa Fe County Fire Department changed the fire danger to Extreme across Santa Fe County; and

WHEREAS, currently, the Hermits Peak Fire and Calf Canyon Fire are active within the Santa Fe National Forest and have burned over 301,971 acres; and

WHEREAS, effective May 19, 2022, the United States Department of Agriculture, which manages the Santa Fe National Forest has implemented Order No. 10-51, prohibiting public access to the Santa Fe National Forest within Rio Arriba County, Los Alamos County, Sandoval County, Santa Fe County, San Miguel County and Mora County due to the public health and safety risk the fire danger imposes; and
WHEREAS, on May 18, 2022, the Santa Fe County Fire Chief recommended the closing of specific trail systems which access Santa Fe National Forest to help with protecting wildlife, vegetation, and to ensure public safety; and

WHEREAS, imposing the closure of specific Santa Fe County trails will create regulations that are consistent with the Santa Fe National Forest Order making compliance easier for the public; and

WHEREAS, immediate measures to mitigate public entry into Santa Fe National Forest are necessary for public safety of those within the County and to help protect our forests and wildlands; and

WHEREAS, the trails set forth on Exhibit A attached hereto and made a part hereof by reference, are adjacent to and in many instances provide access to the Santa Fe National Forest; and

WHEREAS, a violation of an order issued by the Department closing County trails constitutes a violation of Ordinance 2001-01 as set forth in Section 18 of that ordinance and such violation is subject to enforcement pursuant to Sections 19 and 20 of that ordinance.

NOW, THEREFORE, I, Penny-Ellis Green, Director of the Department and Land Use Administrator, in accordance with the authority vested in me by Section 17 of Ordinance 2001-01, HEREBY FIND, based on the foregoing, that closure to the public of the trails set forth in Exhibit A is necessary or desirable to protect wildlife, vegetation, or for public safety concerns.

IT IS HEREBY ORDERED, that effective immediately, the trails identified on Exhibit A are temporarily closed to the public, due to the extreme fire danger causing public safety concerns and to protect wildlife and vegetation.

IT IS FURTHER ORDERED, that violations of this order shall be enforced in accordance with Sections 18, 19, and 20 of Ordinance 2001-01.

THIS ORDER shall remain in full force and effect until this order is superseded by an action of the Board of County Commissioners of Santa Fe County Commissioners of Santa Fe County pursuant to the authority vested in that board pursuant to Ordinance 2001-1, Section 17, to designate an area as closed temporarily, indefinitely or permanently, or until I take further action to amend or revoke this order.

IT IS SO ORDERED.

Dated: 5/18/2022

Penny Ellis-Green
Growth Management Director and Land Use Administrator
Exhibit A

Trails Closed Temporarily:

- Arroyo de la Piedra Open Space
- Little Tesuque Creek Open Space
- Rio En Medio Open Space
- Talaya Hill Open Space