



State of New Mexico  
**County of Otero**

**RESOLUTION #05-23-11/99-50, DECLARING  
AN EMERGENCY IN OTERO COUNTY, NEW MEXICO  
DUE TO EXTREME DROUGHT, HIGH FIRE  
CONDITIONS, AND THE MAYHILL FIRE.**

**WHEREAS**, it is the responsibility and within the scope of authority, of the Board of County Commissioners of Otero County to those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County or its inhabitants, pursuant to the provisions of NMSA 1978 §4-37-1, NMSA 1978 § 4-36-11 (Senate Bill 1), and NMSA 1978 §60-2C-8.1; and

**WHEREAS**, historically, the Board of County Commissioners of Otero County have been periodically required to exercise those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County in the following instances; and

**WHEREAS**, on March 29, 2007 by Resolution No. 03-29-07/95-57, the Board of County Commissioners of Otero County declared a State of Emergency and Disaster in and around Sacramento Mountain Communities and Watersheds due to extreme fire hazards; and

**WHEREAS**, on August 7, 2006 by Resolution No. 08-07-06/95-05, the Board of County Commissioners of Otero County declared a Flood Emergency due to severe rains that fell during the period of August 1-6, 2006; and

**WHEREAS**, on June 23, 2006 by Resolution No. 06-23-06/94-90, the Board of County Commissioners of Otero County declared a Flood Emergency due to the flash flood that occurred on June 22, 2006; and

**WHEREAS**, on January 31, 2006 by Resolution No. 01-31-06/94-53, the Board of County Commissioners of Otero County declared a Drought Emergency due to lack of precipitation; and

**WHEREAS**, on or about May 6, 2011 the Sacramento Ranger District issued a letter closing the Lincoln National Forest due to the drought and extremely high fire risk, effective May 12, 2011 at 8:00 a.m.; and

**WHEREAS**, The U.S. Drought Monitor West issues for May 17, 2011 reflects that all of Otero County, New Mexico remains in Extreme or Exceptional Drought for the foreseeable future; and

**WHEREAS**, the Board of County Commissioners has been signatory to a Memorandum of Understanding with the U.S. Forest Service providing for immediate notice to the County of circumstances such as these; and

**WHEREAS**, Section 4, A. of Otero County Ordinance 93-04 states that requirements for coordinated resource project planning, the Otero County Comprehensive Land Use and Policy Plan specifically requires that a coordinated planning and review process be established for all federal actions and plans within Otero County; and

**WHEREAS**, NMSA 1978 § 4-36-11 (Senate Bill 1) requires Counties to inform, cooperate with, consult with and involve Federal agencies in their planning efforts; and

**WHEREAS**, Federal laws (e.g. the National Environmental Policy Act, etc.) and regulations contain reciprocal requirements concerning cooperation, consultation and coordination by Federal agencies with state and local governments; and

**NOW THEREFORE**, hereby be it resolved that the Board of County Commissioners of Otero County declares a state of emergency and disaster to exist in and around the communities and watersheds in the Sacramento Mountains including the Wildland Urban Interface areas identified as critical in the Otero County Community Wildfire Protection Plan; and

**BE IT FURTHER RESOLVED** that the Board of County Commissioners hereby formally requests that state and Federal officials take immediate action to eliminate hazardous conditions in and around the communities and watersheds in the Sacramento Mountains including the Wildland Urban Interface areas identified as critical in the Otero County Community Wildfire Protection Plan; and

**BE IT FURTHER RESOLVED** that the Board of County Commissioners hereby formally notifies State and Federal officials that pursuant to NMSA 1978 §4-36-11 C. it is empowered to, after consulting with the State Forester and the Regional United States Forester, taking surveys, holding those public hearings as may be necessary and developing a plan to mitigate the effects of the disaster, as a county in which a disaster has been declared pursuant to Subsection A of NMSA 1978 §4-36-11 may take such actions as are necessary to clear and thin undergrowth and to remove or log fire-damaged trees within the area of the disaster. Otero County may also enter into an agreement with a contractor, licensee or other agent to carry out the purposes of NMSA 1978 §4-36-11.

**BE IT FURTHER RESOLVED** that this Resolution be called immediately to the attention of the Secretary of Agriculture, New Mexico Congressional Delegation, Governor Susana Martinez, the New Mexico Legislature and the New Mexico Office of Emergency Preparedness, and

**BE IT FURTHER RESOLVED**, that the Governor of the State of New Mexico and the New Mexico Office of Emergency Preparedness are hereby called upon to declare a state of emergency and disaster in Otero County and national forests effected by severe the severe drought conditions, high fire danger and catastrophic losses caused by wild fires; and



**BE IT FURTHER RESOLVED**, that Forest Service personnel are hereby called upon to be immediately responsive to the communication, cooperation, consultation and coordination with, and provide immediate notification to Otero County of all their activities, programs, planning, NEPA processes; and

**BE IT FURTHER RESOLVED** that the Board of County Commissioner calls upon the U.S. Department of Agriculture, U.S. Congress, the New Mexico Legislature, and the New Mexico Governor's office to immediately provide emergency funding to accomplish tree thinning, dead tree removal and other ancillary fuels removal to protect affected areas from catastrophic wildfire; and

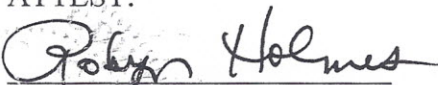
**BE IT FURTHER RESOLVED** that the Board of County Commissioner calls on State and Federal officials to immediately coordinate a meeting to address the issues raised by this resolution; and

**BE IT FURTHER RESOLVED** that the Board of County Commissioners calls upon the U.S. Department of Agriculture and the US Congress to conduct an investigation to determine why the requirements of county, state and federal ordinances, laws and regulations are not being routinely followed in relation to public safety, recreation, wildfire and economic issues on Otero County forest lands.

**PASSED, APPROVED AND ADOPTED** on the 23<sup>rd</sup> day of May, 2011.

BOARD OF COUNTY COMMISSIONERS  
OTERO COUNTY, NEW MEXICO

ATTEST:

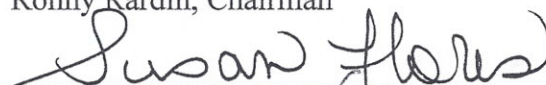


Robyn Holmes, County Clerk

(Seal)



Ronny Rardin, Chairman



Susan Flores, Vice-Chairperson



Tommie Herrell, Member