

LOCAL DISASTER EMERGENCY DECLARATION

WHEREAS, the Colorado Division of Reclamation, Mining & Safety (the “State”) has been monitoring active underground coal fires within Boulder County, including one located on Marshall Mesa near a trailhead and another located on private property (the “Lewis Site”), since the Marshall Fire in December 2021;

WHEREAS, the State has recently determined that numerous hazards associated with underground coal fires are present at the Lewis Site including ground subsidence, ground surface instability, toxic gas emissions, and the potential of wildfire ignition;

WHEREAS, the State has observed indications of increased subsurface fire activity at the Lewis Site, including increased surface subsidence, surface fracturing and cracking, higher surface temperatures (>120°F), increased venting and gas emissions, and dying and stressed vegetation;

WHEREAS, in the spring of 2023 the State recorded subsurface temperatures of up to 145°F at the Lewis Site;

WHEREAS, due to above average rainfall received along the Front Range this year, the Lewis Site has experienced increased ground movement in an actively venting area adjacent to a water supply ditch, producing increased subsidence and widening and opening of new tension cracks;

WHEREAS, the State has not observed similar increases of subsurface fire activity or such hazards at Marshall Mesa;

WHEREAS, increased subsurface activity at the Lewis Site threatens the structural integrity of the adjacent water supply ditch;

WHEREAS, in correspondence dated June 26, 2023 and July 24, 2023, the State informed Boulder County of the Lewis Site conditions and potential for wildfire and flooding absent excavation and mitigation of the underground fire located at the Lewis Site (the “Lewis Mine Fire”);

WHEREAS, the Lewis Mine Fire should be excavated and mitigated when the water supply ditch is not transporting water for irrigation purposes;

WHEREAS, due to wildfire and flooding risks, the State believes that mitigation efforts at the Lewis Site should begin as soon as possible, but not later than October 1, 2023;

WHEREAS, timely and effective mitigation of the Lewis Mine Fire is necessary to abate the increased risk of wildfires and flooding presented at the Lewis Site; and

WHEREAS, there is an imminent threat that Boulder County may suffer from widespread or severe damage, injury, or loss of property resulting from wildfire and flooding risks from the Lewis Mine Fire; and

WHEREAS, pursuing permitting approval through ordinary applicable processes may interfere with the ability to begin mitigation of the Lewis Mine Fire by October 1, 2023.

NOW THEREFORE BE IT RESOLVED, there is hereby declared a local disaster emergency pursuant to § 24-33.5-709, C.R.S., as amended.

DATED at Boulder County, Colorado this _____ day of August 2023, at _____ a/p.m.

Claire Levy, Chair
Boulder County Board of County Commissioners
Boulder County, Colorado