

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
TO ESTABLISH A TEMPORARY CLOSURE OF OURAY COUNTY ROADS 2 AND 4**

**WHEREAS**, the Colorado Department of Natural Resources, acting by and through the Colorado Division of Wildlife and the Wildlife Commission (collectively "DOW") owns or manages approximately 4,700 acres of land in Ouray County known as the Billy Creek State Wildlife Area ("SWA"); and

**WHEREAS**, during the winter months, the SWA is managed as winter range for big game animals and as protected habitat for all wildlife; and

**WHEREAS**, DOW has in effect a seasonal closure of the SWA, closing the area to all public use from January 1 through April 30 of each year; and

**WHEREAS**, the referenced closure was enacted to minimize damage to adjacent private land from big game animals by restricting human activity within the SWA during the winter months; and

**WHEREAS**, CR 2 and CR 4 adjoin or intersect the SWA in certain areas and DOW has requested that Ouray County, in conjunction with the closure of the SWA by DOW, close CR 2 and CR 4 to public use during the seasonal closure period; and

**WHEREAS**, the Board of County Commissioners of Ouray County, Colorado ("Board") is empowered under C.R.S. §30-11-107(a) to "make such orders concerning the property belonging to the county as it deems expedient"; and

**WHEREAS**, the Board is empowered under C.R.S. §30-11-107(e) to provide for the management of the business and concerns of the County; and

**WHEREAS**, pursuant to C.R.S. §18-9-117 the Board is empowered to make such orders, rules and regulations for the administration, protection and maintenance of county-owned property as it deems appropriate, specifically related to the preservation of property or wildlife; and

**WHEREAS**, C.R.S. §29-20-104(1)(b) provides that "Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by... (b) protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species..."; and

**WHEREAS**, C.R.S §42-4-111(1)(v) allows local authorities to adopt temporary regulations as may be necessary to cover special conditions; and

**WHEREAS**, the Board, at a regularly noticed public meeting on November 26, 2007, addressed the possible closure of CR 2 and CR 4 in order to mitigate the interaction of big game and members of the public during the closure of the SWA by DOW; and

**WHEREAS**, the Board has received information from DOW that if CR 2 and CR 4 are not closed to the public during the seasonal closure of the SWA, it will cause foreseeable material danger to significant wildlife habitat; and

**WHEREAS**, the Board has received information that the closure of CR 2 and CR 4 from January 1 through April 30 of each year will allow the county to protect and maintain the county

roads as well as protect private property from damage which may be caused by big game within the SWA; and

**WHEREAS**, the Board believes that the temporary closure of CR 2 and CR 4 is necessary to protect the big game that claim the SWA as their natural habitat and the Board adopts this resolution pursuant to the authority granted by C.R.S. §18-9-117;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:**

1. CR 2 and CR 4 shall be closed to public use beginning on January 1 through April 30 of each year until further order of the Board.
2. "Public use" shall mean all use by members of the general public by any and all motorized or non-motorized means.
3. The closure of CR 2 and CR 4 shall be effected by the Ouray County Road and Bridge Superintendent or his designee by utilizing appropriate gates on such roads with DOW, law enforcement, emergency medical services and other appropriate agencies or entities being permitted access. Additionally, access to private property from CR 2 and CR 4 shall not be affected and such persons may be given access through such gates.
4. Appropriate signage shall be placed on CR 2 and CR 4 regarding the closure described herein.
5. The rules and regulations relating to the use of CR 2 and CR 4 during the period of January 1 to April 30 of each year, as described herein, may be enforced by any Colorado peace officer pursuant to the provisions of C.R.S. §18-9-117.
6. This Resolution shall supersede Resolution 2005-012 regarding the same subject matter.

APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2007.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
Don Batchelder, Chair

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Heidi M. Albritton, Vice Chair

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Michelle Nauer, Clerk and Recorder  
By: Linda Munson-Haley, Deputy Clerk of the Board

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K. Keith Meinert, Commissioner Member