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EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Imminent Threat of Wildfires

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, Colorado Revised Statute § 24-32-2101 *et seq.*, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order making certain funds available from the Emergency Management Fund for wildfire preparation and suppression activities.

1. Background and Purpose

The State of Colorado must begin to prepare for the 2005 wildfire season. Despite mixed snow pack conditions this winter, Colorado continues to experience varying degrees of drought conditions throughout the state. The United States Department of Agriculture (the “USDA”) has again this year declared disaster status due to drought conditions in many rural Colorado counties. While we continue to hope for significant precipitation throughout the spring, we must take measures to ensure that the State of Colorado is prepared for another active wildfire season.

Colorado is home to some 22.6 million acres of forested lands—nearly two-thirds of which are federally owned. The USDA Forest Service, in coordination with other state and federal agencies, has determined that some 9 million forested acres in Colorado are so far overgrown and otherwise outside of their normal ecological condition that if a fire were to occur, the majority of the forests’ ecosystem components would be lost, including wildlife habitat components.

Colorado’s recent experiences with wildfires demonstrate that it is nearly impossible to contain a high-intensity wildfire in drought conditions. For this reason, in the past three years I have focused state resources on mitigating wildfire risks and building the capability to contain wildfires before they become uncontrollable. Accordingly, I have proactively utilized state disaster emergency funds to pre-position wildfire-fighting resources for fire season.

Recent history has proved this to be an extremely effective strategy. The Colorado State Forest Service reported that 94% of the 2004 non-federal land wildfires were controlled while occupying less than 10 acres. The 1% of fires that became uncontrollable burned 14,454 acres or 95% of the total acreage burnt in 2004. Similar suppression results were achieved the previous year. Consequently, mitigation and suppression activities have proven to be a successful tool for minimizing damage caused by wildfires.

Wildfires pose a substantial threat to Colorado citizens' lives and property, and have detrimental effects on wildlife habitat, air quality, and water quality. I am committed to taking decisive and forceful measures to mitigate these destructive consequences of wildfires. As envisioned by the Colorado Disaster Emergency Act (the "Act"), threats to the public safety of this magnitude confer upon the Governor unique powers and responsibilities. As Governor, I am responsible for meeting dangers to our state presented by disasters. C.R.S. § 24-32-2104(1). The Act defines disasters as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire" C.R.S. § 24-32-2103(1.5). The purpose of the Act is to reduce the vulnerability of injury to the people of Colorado and damage to property located within the state and provide for coordination of activities relating to disaster prevention, preparedness and response by the state. C.R.S. § 24-32-2102(1)(a) and (f).

In order to reduce the imminent threat of wildfires, extensive resources are necessary to increase the level of fire mitigation and suppression capability. In accordance with the Act, this Executive Order makes certain funds available for wildfire mitigation and preparedness activities. In order to permit contractual commitment of the funds for the 2005 wildfire season, all of the funds allocated by this Order and required for 2005 wildfire preparedness activities will be available immediately.

2. Directive

- a. I hereby declare that the imminent threat of wildfires constitutes a disaster, as defined by C.R.S. § 24-32-2103.
- b. Pursuant to C.R.S. § 24-32-2106, I order \$2,950,000 in disaster emergency funds be available until November 1, 2005.
- c. I order an additional \$350,000, which will be paid from federal funds received pursuant to Public Law 108-27, be made immediately available for funding the essential government services described herein and remain available through December 31, 2005.
- d. The disaster emergency funds and federal funds allocated by this order, totaling \$3,300,000, shall be used to implement the 2005 Initial Air Attack Plan that includes the contracting of Single Engine Air Tankers and call when needed helicopters specifically equipped to fight wildfires and also to provide for other preparedness and mitigation resources.

3. Duration

This Executive Order shall expire thirty (30) days from its date of signature unless extended by Executive Order.

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this _____
day of March, 2005.

Bill Owens
Governor