

D 2010-014

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Reservoir Road Fire in Larimer County

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100, *et seq.*, I, Brandon Shaffer, President of the Colorado Senate and Acting Governor of the State of Colorado pursuant to Article IV, Sections 13(5) and (7) of the Colorado Constitution, hereby issue this Executive Order declaring a state of disaster emergency due to the wildfire in Larimer County, Colorado.

I. Background and Purpose

On the morning of Sunday, September 12, 2010, a wildfire broke out near Flatiron Reservoir in Larimer County, Colorado (“Reservoir Road Fire”). By early Sunday afternoon, this fire had grown to over 200 acres and one home was destroyed with more than fifty additional homes and other structures under immediate threat from the fire. In addition, gusty winds and dry weather threatened to exacerbate the fire, which had grown to approximately 600 acres by nightfall. Because of the fire’s proximity to state and federal lands, the city of Loveland, and residences near the fire, an aggressive response is essential. Multiple agencies, including the Colorado State Forest Service, the U.S. Forest Service and local emergency teams, have responded to the wildfire by deploying a variety of resources.

Additionally, the U.S. Department of Homeland Security’s Federal Emergency Management Agency (“FEMA”) has authorized the use of federal funds to help with firefighting costs. FEMA’s authorization makes federal funding available to reimburse seventy-five percent of the state’s eligible firefighting costs under an approved grant for responding to and controlling designated fires.

The Governor is responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act of 1992, defines a disaster as “the occurrence or imminent threat of widespread or severe damages, 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 Reservoir Road Fire’s proximity to state and federal lands, the city of Loveland, and residences and other structures near the fire, the Reservoir Fire poses an imminent danger to life and property and, therefore,

constitute a disaster for the purposes of the Act. In response to this disaster, on September 12, 2010, Governor Ritter verbally declared a disaster emergency.

II. Declaration and Directives

- A. All verbal orders issued by Governor Ritter and me regarding this disaster emergency, including Governor Ritter's disaster emergency declaration on September 12, 2010, are hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.
- B. I acknowledge and reaffirm Governor Ritter's verbal order of September 12, 2010, declaring that the Reservoir Fire constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103.
- C. I acknowledge and reaffirm Governor Ritter's verbal order of September 12, 2010, activating the State Emergency Operations Plan ("Plan"). All State departments and agencies shall take whatever actions may be required and requested by the Director of the Division of Emergency Management or the Colorado State Forest Service, including provision of appropriate staff and equipment as necessary.
- D. Pursuant to C.R.S. § 24-32-2106, I find that the funds in the Disaster Emergency Fund are insufficient; therefore, pursuant to section 1(2)(a) and (b) of the 2010 Long Bill (H.B. 10-1376), I order that \$2,900,000 be transferred from the Major Medical Insurance Fund to the Disaster Emergency Fund. I further order the encumbrance of up to \$3,000,000 from the Disaster Emergency Fund to pay for the response and recovery efforts related to this disaster. These funds shall be used primarily to pay for resources to fight the Reservoir Road Fire. These funds may also be used to pay for resources as requested by Larimer County or appropriate state agencies and as approved by the Director of the Division of Emergency Management to assist with government costs incurred during the current disaster emergency by government entities, including costs incurred by non-profit organizations on behalf of government entities. The Colorado State Forester is hereby authorized and directed to allocate the funding to the appropriate resources. These funds shall remain available for this purpose for one year from the date of this Executive Order.
- E. The Director of the Colorado Division of Emergency Management and the Colorado State Forest Service are authorized and directed to coordinate application to the federal government for funds available for reimbursement and to coordinate application for any other funds available related to this disaster emergency. In addition, the Director of the

Colorado Division of Emergency Management is hereby authorized and directed to coordinate application for any federal assistance or low-interest loans that may be available to assist the affected communities and residents with responding to and recovering from the disaster, including but not limited to Stafford Act grants, Small Business Administration loans, Community Development Block Grants, and Community Service Block Grants.

- F. Pursuant to C.R.S. § 24-32-2104(7), I hereby authorize the Department of Human Services, at its discretion, to expend Temporary Assistance to Needy Families (TANF) funds in excess of the funds allocated to Larimer County in order to assist those impacted by the disaster, and I authorize the use of Department of Human Services appropriated funds to help provide emergency housing to those displaced by the disaster. I also authorize the Department of Human Services, at its discretion and where necessary, to waive any identification requirements that may impede the rapid delivery of assistance under the TANF program to disaster victims in Larimer County.

III. Duration

This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order, except that the funds described in paragraph II(D) above shall remain available for the described purposes for one year from the date of this Executive Order.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this thirteenth day of
September, 2010.

Brandon Shaffer
President of the Colorado Senate, pursuant
to his authority as Acting Governor