

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2011-033

EXECUTIVE ORDER

Amending the Declaration of Disaster Emergency Due to the Reservoir Fire in Larimer County and Extending Authorization of Availability of Funds

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.*, and specifically C.R.S. § 24-32-2505, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order extending an earlier declaration of a state of disaster emergency due to the wildfire in Larimer County, Colorado and extending availability of funds.

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 was essential. Multiple agencies, including the Colorado State Forest Service, the U.S. Forest Service and local emergency teams, responded to the wildfire by deploying a variety of resources.

Additionally, the U.S. Department of Homeland Security's Federal Emergency Management Agency ("FEMA") 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, posed an imminent danger to life and property and, therefore, constituted a disaster for the purposes of the Act. In response to this disaster, on September 12, 2010, Governor Ritter verbally declared a disaster emergency. This was affirmed in Executive Order D 2010-014, signed on September 13, 2010 by Mr. Brandon Shaffer, President of the Colorado Senate, pursuant to his authority as Acting Governor at that time.

Executive Order D 2010-014 provided that pursuant to C.R.S. § 24-32-2106, the funds in the Disaster Emergency Fund were insufficient; therefore, pursuant to section 1(2)(a) and (b) of the 2010 Long Bill (H.B. 10-1376), ordered that \$2,900,000 be transferred from the Major Medical Insurance Fund to the Disaster Emergency Fund. Further, this Executive Order encumbered up to \$3,000,000 from the Disaster Emergency Fund to pay for the response and recovery efforts related to this disaster. These funds were to remain available for this purpose for one year from the date of Executive Order D 2010-014 (i.e. September 12, 2011).

On September 6, 2011, the Colorado State Forest Service received from FEMA an extension until November 12, 2011 to submit final claims for this fire. Therefore, it is necessary to extend the funding from the Disaster Emergency Fund until March 31, 2012 to allow the Colorado State Forest Service, following submission of final claims to FEMA, to submit claims to the Colorado Division of Emergency Management and the Colorado Division of Emergency Management and the Colorado Department of Local Affairs to pay these claims.

II. Declaration and Directives

In addition to the declarations and directives contained in Executive Order D 2010-014, I declare and direct, as follows:

- A. I hereby declare and reaffirm Governor Ritter's verbal Executive Order and Executive Order D 2010-014 that the Reservoir Fire continues to constitute a disaster emergency for purposes of C.R.S. § 24-32-2103.
- B. I extend the previous Executive Order for the continued encumbrance of a total of \$3,000,000 in the Disaster Emergency Fund to pay for the response and recovery operations of this fire. The Director of the Colorado Division of Emergency Management continues to be authorized and directed to allocate the funding to the appropriate state and local agencies as may be appropriate and permitted by law. These funds shall remain available for this purpose through March 31, 2012, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

This Executive Order shall expire thirty days from the date of signature, unless extended further by Executive Order. The funds made available pursuant to paragraph II (D) of Executive Order D 2010-014 shall remain available until March 31, 2012, and in all other respects, Executive Order D 2010-014 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this sixteenth day of
December, 2011

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper". The signature is fluid and stylized, with a large initial "J" and a long, sweeping underline.

John W. Hickenlooper
Governor