

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2012-008

EXECUTIVE ORDER

Reaffirming the Declaration of Disaster Emergency Due to the Lower North Fork Fire in Jefferson County and Making Additional Funds Available for Fire Response and Recovery

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Colorado Constitution, article IV, section 13 and relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100, *et seq.*, I, Governor John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order reaffirming my earlier declaration of a state of disaster emergency due to the wildfire in Jefferson County, Colorado, and making additional resources available for the response and recovery efforts necessitated by the fire.

I. Background and Purpose

On March 26, 2012 it was brought to the attention of the administration that a fire was threatening homes and property southwest of Denver in forested mountain terrain south of Aspen Park, Colorado. The wildfire was being driven by high winds causing spot fires to occur in front of the main fire. Direction of spread was generally to the north northeast. Local and state resources on scene took immediate aggressive suppression action. At approximately 1745 hours a request for a Federal Emergency Management Assistance (FEMA) Fire Management Assistance Grant was submitted. FEMA notified the state at 2100 hours that the Lower North Fork Fire was accepted as a qualifying fire.

At approximately 2100 hours the Colorado State Forest Service received a request from the Jefferson County Sheriff to assume charge of the Lower North Fork Fire in accord with the Emergency Fire Fund Agreement. The State accepted the Lower North Fork Fire as an Emergency Fire Fund designated fire and verbally notified the Jefferson County Sheriff at 2215 hours.

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 Lower North Fork Fire's proximity to numerous homes and property posed imminent danger to life and property and, therefore, constituted a disaster for

the purposes of the Act. On March 27, 2012, Lieutenant Governor Joseph A. Garcia activated the National Guard and the State Emergency Operations Plan to assist in fighting the fire. See Executive Order D 2012-005. On March 28, 2012, Lieutenant Governor Joseph A. Garcia suspended prescribed or controlled fire pending review of protocols. See Executive Order D 2012-006. On March 30, 2012, I issued Executive Order D 2012-007 providing \$3.5 million in funding for fire suppression. The response and now the recovery efforts necessitated by the fire continue and require additional funding and expansion of the purpose of the Executive Order to encompass the ongoing recovery efforts.

II. Declaration and Directives

- A. I hereby declare that the Lower North Fork Fire continues to constitute a disaster emergency for purposes of C.R.S. § 24-32-2103.
- B. In addition to the funds encumbered pursuant to Executive Order D 2012-007 for the purpose of fighting the Lower North Fork Fire, I order the encumbrance of an additional \$365,000 from the Disaster Emergency Fund to pay for the response (\$169,000 for Urban Search and Rescue Team if not reimbursed by other funding sources and \$1,000 for the 2-1-1 information line) and recovery (\$195,000) effort related to this disaster. These funds may be used to pay for resources as requested for reimbursement by Jefferson 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 Director of the Colorado Division of Emergency Management is hereby authorized and directed to determine proper and necessary extraordinary costs, as envisioned in the Disaster Emergency Act, to be reimbursed by the funds authorized herein and to allocate the funding to the appropriate agencies. These funds shall remain available for this purpose for eighteen months from the date of this Executive Order and any unexpended funds shall remain in the Disaster Emergency Fund.
- C. In addition to the directive in paragraph II(D) of Executive Order D 2012-007 to apply for federal funds, 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.

- D. 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 Jefferson 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 Jefferson County.
- E. I authorize the Department of Local Affairs to grant funding to Jefferson County for rental assistance, security and utility deposits to qualified individuals displaced by the Lower North Fork Fire. Pursuant to C.R.S. § 24-32-2104(7), I authorize the Department of Local Affairs and the Department of Personnel and Administration, at their discretion, to suspend in whole or in-part state purchasing and contracting laws and regulations in order to facilitate making temporary housing available on an expedited basis to those displaced by the Lower North Fork Fire.
- F. The Department of Local Affairs is hereby authorized and directed to use appropriated funds and grant money that may be available from other sources to assist in the repair and reconstruction of publicly owned facilities and infrastructure.

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(B) above shall remain available for the described purposes for eighteen months from the date of this Executive Order and in all other respects Executive Order D 2012-007 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this nineteenth day of
April, 2012.

A handwritten signature in blue ink, reading "John W. Hickenlooper".

John W. Hickenlooper
Governor